

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 800 Session of 1999

INTRODUCED BY WHITE, MUSTO, BRIGHTBILL, CONTI, GERLACH, MADIGAN, KUKOVICH AND BOSCOLA, APRIL 27, 1999

SENATOR WHITE, ENVIRONMENTAL RESOURCES AND ENERGY, AS AMENDED, OCTOBER 19, 1999

AN ACT

1 Providing for watershed protection and environmental
2 stewardship; establishing the Environmental Stewardship Fund;
3 conferring powers and duties on the Department of
4 Conservation and Natural Resources, the Department of
5 Environmental Protection and the Pennsylvania Infrastructure
6 Investment Authority; imposing a recycling fee; making an
7 appropriation; and making repeals.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Short title.

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11 This act shall be known and may be cited as the Watershed
12 Protection and Environmental Stewardship Act.

13 Section 2. Legislative findings.

14 The General Assembly hereby determines, declares and finds as
15 follows:

16 (1) Ninety six percent of the water quality impaired
17 watersheds in this Commonwealth are polluted because of
18 nonpoint sources of pollution such as past mining activities,
19 urban and agricultural runoff, atmospheric deposition, on lot
20 sewage systems and earthmoving and timber harvesting

1 activities.

2 ~~(2) The Commonwealth continues to have unmet needs in~~
3 ~~the area of water and sewer infrastructure. New and improved~~
4 ~~water sources, treatment and distribution systems are~~
5 ~~necessary for public drinking water supplies.~~

6 ~~(3) The Commonwealth owns approximately 2.4 million~~
7 ~~acres of State park and State forest lands and many of these~~
8 ~~lands suffer from past environmental problems including~~
9 ~~unreclaimed mines, acid mine drainage and abandoned oil and~~
10 ~~gas wells.~~

11 ~~(4) Open space, greenways, trails, river corridors, fish~~
12 ~~and wildlife habitats, parks and recreation areas and scenic~~
13 ~~environments protect the environment, conserve natural~~
14 ~~resources and add value to communities.~~

15 ~~(5) State programs and State funding should provide~~
16 ~~maximum flexibility for elected county and municipal~~
17 ~~government officials to identify, prioritize and address~~
18 ~~local environmental concerns.~~

19 ~~(6) Land use solutions must be voluntary and driven by~~
20 ~~local initiative.~~

21 ~~(7) Respecting the Commonwealth's tradition of local~~
22 ~~government, the 21st Century Environment Commission organized~~
23 ~~by the Governor urges strengthening the ability and authority~~
24 ~~of community officials to plan their growth.~~

25 ~~(8) Legislation is necessary to provide incentives to~~
26 ~~local governments to implement sound land use practices to~~
27 ~~further encourage the preservation of open space, clean and~~
28 ~~protect watersheds, improve recreational opportunities,~~
29 ~~protect natural areas and habitats and address existing~~
30 ~~environmental problems.~~

1 ~~Section 3. Definitions.~~

2 ~~The following words and phrases when used in this act shall~~
3 ~~have the meanings given to them in this section unless the~~
4 ~~context clearly indicates otherwise:~~

5 ~~"Acquisition." The purchase, or lease with an option to~~
6 ~~purchase, of land, easements or buildings for public parks,~~
7 ~~conservation, historical or recreation uses.~~

8 ~~"Authority." The Pennsylvania Infrastructure Investment~~
9 ~~Authority.~~

10 ~~"Authorized organization." An entity involved in research,~~
11 ~~restoration, rehabilitation, planning, acquisition, development,~~
12 ~~education or other activities, which furthers the protection,~~
13 ~~enhancement, conservation, preservation or enjoyment of this~~
14 ~~Commonwealth's environmental, conservation, recreation or~~
15 ~~similar resources. The organization must be a tax exempt~~
16 ~~institution under section 501(c)(3) of the Internal Revenue Code~~
17 ~~of 1986 (Public Law 99-154, 26 U.S.C. § 501(c)(3)) and~~
18 ~~registered with the Bureau of Charitable Organizations or an~~
19 ~~educational institution involved in these authorized activities.~~

20 ~~"Departments." The Department of Conservation and Natural~~
21 ~~Resources and the Department of Environmental Protection of the~~
22 ~~Commonwealth.~~

23 ~~"Development." New construction, improvement, alteration or~~
24 ~~renovation required for and compatible with the physical~~
25 ~~development or improvement of land or buildings.~~

26 ~~"Environmental department." The Department of Environmental~~
27 ~~Protection of the Commonwealth.~~

28 ~~"Fund." The Environmental Stewardship Fund established in~~
29 ~~section 4.~~

30 ~~"Planning." The preparation of park, recreation and open~~

1 ~~space plans, river corridor and watershed plans, master site~~
2 ~~development plans, feasibility studies, natural areas studies~~
3 ~~and inventories, greenways and trail plans, maintenance~~
4 ~~management plans, conservation plans, zoning plans, land use~~
5 ~~plans, environmental management plans and research or education~~
6 ~~documents, useful in assisting municipalities, Commonwealth~~
7 ~~agencies, conservation districts, watershed organizations and~~
8 ~~authorized organizations in developing a strategy for~~
9 ~~environmental improvement, natural resource management, park and~~
10 ~~recreation development and land conservation.~~

11 ~~"Rehabilitation and repair."— Restoration or renovation of~~
12 ~~facilities or conditions of existing public conservation and~~
13 ~~recreation resources. The term excludes routine maintenance.~~

14 ~~"Sound land use practices."— Practices that are generally~~
15 ~~consistent with the inventory of land use practices published by~~
16 ~~the Governor's Center for Local Government Services in the~~
17 ~~Department of Community and Economic Development. The inventory~~
18 ~~of practices should promote regional cooperation, seek to~~
19 ~~minimize the impact on the environment, open space and farmland~~
20 ~~and encourage development in previously developed areas or in~~
21 ~~locally designated growth areas.~~

22 ~~"Technical assistance."— Provision of financial grants and~~
23 ~~professional services. The term includes, publications,~~
24 ~~research, video tapes, workshops, meetings, phone consultation~~
25 ~~and written and electronic communication.~~

26 ~~"Watershed organization."— An entity recognized by either or~~
27 ~~both of the Department of Conservation and Natural Resources and~~
28 ~~the Department of Environmental Protection and established by~~
29 ~~volunteer community members to promote local watershed~~
30 ~~conservation efforts in an identified watershed.~~

1 ~~Section 4.— Fund.~~

2 ~~(a) Establishment.— There is established a special fund in~~
3 ~~the State Treasury, to be known as the Environmental Stewardship~~
4 ~~Fund, which shall be administered by the Department of~~
5 ~~Environmental Protection.~~

6 ~~(b) Sources.—~~

7 ~~(1) Money appropriated by the General Assembly, interest~~
8 ~~earned by the fund, penalties, and money received from the~~
9 ~~Federal Government or other sources shall be deposited in the~~
10 ~~fund. The General Assembly may appropriate up to \$55,000,000~~
11 ~~annually from the General Fund.~~

12 ~~(2) For a period of five years from the effective date~~
13 ~~of this act, the fund may receive money, upon approval of the~~
14 ~~Governor, from the Recycling Fund and the Hazardous Sites~~
15 ~~Cleanup Fund. The combined total of appropriations from these~~
16 ~~two funds for the program shall not exceed \$30,000,000~~
17 ~~annually.~~

18 ~~(c) Appropriation.— The money in the fund is hereby~~
19 ~~appropriated, upon approval of the Governor, to the departments~~
20 ~~and the authority for the purpose of implementing the provisions~~
21 ~~of this act.~~

22 ~~(d) Allocation.— It is the intent of the General Assembly~~
23 ~~that the money appropriated in subsection (c) be allocated~~
24 ~~annually as follows: 34% to the Department of Conservation and~~
25 ~~Natural Resources; 41% to the Department of Environmental~~
26 ~~Protection and 25% to the authority.~~

27 ~~Section 5.— Agencies.~~

28 ~~(a) The Department of Conservation and Natural Resources.—~~
29 ~~The Department of Conservation and Natural Resources shall~~
30 ~~utilize money it receives from the fund for the following~~

1 purposes:

2 ~~(1) Rehabilitation, repair and development of State park~~
3 ~~and State forest lands and facilities and the acquisition of~~
4 ~~interior holdings and other land which the Department of~~
5 ~~Conservation and Natural Resources determines will protect or~~
6 ~~enhance State parks and State forests.~~

7 ~~(2) Grants to municipalities, conservation districts and~~
8 ~~authorized organizations for the purpose of planning,~~
9 ~~education, acquisition, development, rehabilitation and~~
10 ~~repair of greenways, trails, open space, natural areas, river~~
11 ~~corridors, watersheds, community parks and recreation~~
12 ~~facilities; community conservation and beautification~~
13 ~~projects; forest conservation; and other conservation~~
14 ~~purposes. Grant moneys may also be used for the acquisition~~
15 ~~of farmland for the above stated purposes. Priority in the~~
16 ~~consideration of grant awards and other incentives shall be~~
17 ~~given to projects which support sound land use practices.~~

18 ~~(3) Grants to municipalities and authorized~~
19 ~~organizations for purposes of research, planning, inventories~~
20 ~~and technical assistance, intended to protect and conserve~~
21 ~~the biological diversity of this Commonwealth.~~

22 ~~(b) The Department of Environmental Protection.—~~

23 ~~(1) The Department of Environmental Protection shall~~
24 ~~utilize money it receives from the fund for the following~~
25 ~~purposes:~~

26 ~~(i) To implement acid mine drainage abatement and~~
27 ~~cleanup efforts and plug abandoned and orphan oil and gas~~
28 ~~wells.~~

29 ~~(ii) To provide funding for technical assistance and~~
30 ~~financial incentives to facilitate reining.~~

1 ~~(iii) To provide grants to municipalities, county~~
2 ~~conservation districts, watershed organizations and other~~
3 ~~authorized organizations for acid mine drainage~~
4 ~~abatement, mine cleanup efforts and well plugging.~~

5 ~~(iv) To provide grants and technical assistance to~~
6 ~~municipalities, county conservation districts, watershed~~
7 ~~organizations and other authorized organizations to plan~~
8 ~~and implement local watershed based conservation efforts,~~
9 ~~giving priority and other incentives to projects that~~
10 ~~support sound land use practices.~~

11 ~~(v) To improve water quality impaired watersheds,~~
12 ~~including those polluted by past mining activities,~~
13 ~~agricultural and urban runoff, atmospheric deposition,~~
14 ~~on lot sewage systems, and earth moving and timber~~
15 ~~harvesting activities. Priority and other incentives~~
16 ~~shall be given to projects which support sound land use~~
17 ~~practices.~~

18 ~~(2) County conservation districts are authorized to~~
19 ~~further distribute grants from the Department of~~
20 ~~Environmental Protection to watershed organizations and other~~
21 ~~authorized organizations to assist in the implementation of~~
22 ~~this act.~~

23 ~~(c) The authority. The authority shall utilize its~~
24 ~~allocation from the fund for the following purposes:~~

25 ~~(1) To provide financial assistance, including, but not~~
26 ~~limited to, grants, matching grants and low interest loans~~
27 ~~for nonpoint sources, with incentives to promote sound land~~
28 ~~use practices.~~

29 ~~(2) To provide financial assistance, including, but not~~
30 ~~limited to, grants, matching grants and low interest loans~~

1 ~~for water, storm water and sewer infrastructure projects and~~
2 ~~other incentives to promote sound land use practices for~~
3 ~~water, sewer and storm water projects in economically~~
4 ~~disadvantaged communities.~~

5 ~~(d) Regulations. The departments and the authority may~~
6 ~~promulgate such regulations necessary to carry out the purposes~~
7 ~~of this act.~~

8 ~~Section 6. Property and equipment restrictions.~~

9 ~~(a) Prohibiting. Recipients of grants under this act may~~
10 ~~not dispose of or convert property or equipment acquired with~~
11 ~~grant funds for purposes other than the purposes approved in the~~
12 ~~project applications without the prior written approval of the~~
13 ~~agency which provided the grant.~~

14 ~~(b) Remedy. If disposition or conversion in violation of~~
15 ~~subsection (a) occurs, the agency may:~~

16 ~~(1) Require the recipient to refund all grants for the~~
17 ~~particular project, including 10% annual interest, compounded~~
18 ~~four times annually, from the date the original grant was~~
19 ~~received until it is repaid.~~

20 ~~(2) Require acquisition by the recipient of equivalent~~
21 ~~replacement land, as determined by the agency.~~

22 ~~(3) Take possession of the property or equipment funded~~
23 ~~by the agency.~~

24 ~~Section 7. Pollution prevention.~~

25 ~~The sum of \$2,000,000 is hereby appropriated to the~~
26 ~~Department of Environmental Protection from the Hazardous Sites~~
27 ~~Cleanup Fund established for the purposes of expanding the Small~~
28 ~~Business and Household Pollution Prevention Program to provide~~
29 ~~on-site assessments and recommendations for pollution prevention~~
30 ~~and energy efficiency techniques for the fiscal year July 1,~~

1 ~~1999, through June 30, 2000. The General Assembly may~~
2 ~~appropriate up to \$2,000,000 in additional funds from the~~
3 ~~Hazardous Sites Cleanup Fund for this purpose in fiscal year~~
4 ~~2000-2001.~~

5 ~~Section 8.— Federal programs.~~

6 ~~Agencies may utilize available Federal funds to augment funds~~
7 ~~available under this act.~~

8 ~~Section 9.— Wild Resource Conservation Fund; duties of~~

9 ~~Department of Conservation and Natural Resources.~~

10 ~~(a) Appropriation.— The moneys contained in the Wild~~
11 ~~Resource Conservation Fund are hereby appropriated, upon~~
12 ~~approval of the Governor, to the Department of Conservation and~~
13 ~~Natural Resources for the purposes of carrying out the~~
14 ~~provisions of subsection (b), section 5(a)(3) and the act of~~
15 ~~June 23, 1982 (P.L.597, No.170), known as the Wild Resource~~
16 ~~Conservation Act.~~

17 ~~(b) Projects and programs.— The Wild Resource Conservation~~
18 ~~Board, after reviewing the recommendations of interested persons~~
19 ~~and consulting with the professional staffs of the agencies~~
20 ~~represented on the board, may approve projects or programs~~
21 ~~deemed necessary to preserve and enhance wild resources, for~~
22 ~~which the Department of Conservation and Natural Resources may~~
23 ~~allocate moneys from the Wild Resource Conservation Fund.~~

24 ~~(c) Sale of stamps and decals.— The Department of~~
25 ~~Conservation and Natural Resources shall have the right to issue~~
26 ~~for sale to the public stamps, decals or other items of personal~~
27 ~~property intended to signify the interest of the purchaser in~~
28 ~~contributing to programs established by the department under~~
29 ~~this section, the net proceeds of which shall be deposited in~~
30 ~~the Wild Resource Conservation Fund.~~

1 ~~(d) Activities of other agencies. The authority granted~~
2 ~~pursuant to subsection (c) shall not affect or interfere with~~
3 ~~similar authority vested by law in any agency represented on the~~
4 ~~board to sell items of personal property which promote the~~
5 ~~independent programs of those respective agencies. Said agencies~~
6 ~~shall likewise have the right to issue for sale items of~~
7 ~~personal property intended to signify the interest of the~~
8 ~~purchaser in contributing to programs established by the~~
9 ~~department, the net proceeds of which shall be deposited in the~~
10 ~~fund.~~

11 ~~Section 10. Repeals.~~

12 ~~(a) Municipal recycling grants. Section 1937 A(b) of the~~
13 ~~act of April 9, 1929 (P.L.177, No.175), known as The~~
14 ~~Administrative Code of 1929, is repealed.~~

15 ~~(b) Sewage construction payments to municipalities. The act~~
16 ~~of August 20, 1953 (P.L.1217, No.339), entitled "An act~~
17 ~~providing for payments by the Commonwealth to municipalities~~
18 ~~which have expended money to acquire and construct sewage~~
19 ~~treatment plants in accordance with the Clean Streams Program~~
20 ~~and the act, approved the twenty second day of June, one~~
21 ~~thousand nine hundred thirty seven (Pamphlet Laws 1987), and~~
22 ~~making an appropriation," is repealed.~~

23 ~~(c) Site specific postclosure fund. Sections 1108(b) and~~
24 ~~(c) of the act of July 28, 1988 (P.L.556, No.101), known as the~~
25 ~~Municipal Waste Planning, Recycling and Waste Reduction Act, are~~
26 ~~repealed. A county which established a landfill closure account~~
27 ~~may spend the money in that account to develop, implement plans~~
28 ~~that promote sound land use practices, fund county conservation~~
29 ~~districts, protect farmland or to accomplish any other purpose~~
30 ~~authorized by this act. An expenditure for farmland preservation~~

1 ~~must comply with the act of June 30, 1981 (P.L.128, No.43),~~
2 ~~known as the Agricultural Area Security Law.~~

3 ~~(d) Wild Resource Conservation. Section 5305(d),~~
4 ~~5306(b)(3), (4), (5) and (6), (c), (d), (e), (f) and (g) of the~~
5 ~~act of June 23, 1982 (P.L.597, No.170), known as the Wild~~
6 ~~Resource Conservation Act, are repealed.~~

7 ~~(e) General. All other acts and parts of acts are repealed~~
8 ~~insofar as they are inconsistent with this act.~~

9 ~~Section 11. Extension of fees.~~

10 ~~No fee shall be imposed under section 701 of the act of July~~
11 ~~28, 1988 (P.L.556, No.101), known as the Municipal Waste~~
12 ~~Planning, Recycling and Waste Reduction Act, on or after October~~
13 ~~15, 2004.~~

14 ~~Section 12. Effective date.~~

15 ~~This act shall take effect July 1, 1999, or immediately,~~
16 ~~whichever is later.~~

17 SECTION 1. SHORT TITLE.

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18 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE WATERSHED
19 PROTECTION AND ENVIRONMENTAL STEWARDSHIP ACT.

20 SECTION 2. LEGISLATIVE FINDINGS.

21 THE GENERAL ASSEMBLY HEREBY DETERMINES, DECLARES AND FINDS AS
22 FOLLOWS:

23 (1) NINETY-SIX PERCENT OF THE WATER-QUALITY-IMPAIRED
24 WATERSHEDS IN THIS COMMONWEALTH ARE POLLUTED BECAUSE OF
25 NONPOINT SOURCES OF POLLUTION SUCH AS PAST MINING ACTIVITIES,
26 URBAN AND AGRICULTURAL RUNOFF, ATMOSPHERIC DEPOSITION, ON-LOT
27 SEWAGE SYSTEMS AND EARTHMOVING.

28 (2) THE COMMONWEALTH CONTINUES TO HAVE UNMET NEEDS IN
29 THE AREA OF WATER AND SEWER INFRASTRUCTURE. NEW AND IMPROVED
30 WATER SOURCES, TREATMENT AND DISTRIBUTION SYSTEMS ARE

1 NECESSARY FOR PUBLIC DRINKING WATER SUPPLIES.

2 (3) THE COMMONWEALTH OWNS APPROXIMATELY 2.4 MILLION
3 ACRES OF STATE PARK AND STATE FOREST LANDS AND MANY OF THESE
4 LANDS SUFFER FROM PAST ENVIRONMENTAL PROBLEMS INCLUDING
5 UNRECLAIMED MINES, ACID MINE DRAINAGE AND ABANDONED OIL AND
6 GAS WELLS.

7 (4) OPEN SPACE, GREENWAYS, TRAILS, RIVER CORRIDORS, FISH
8 AND WILDLIFE HABITATS, PARKS AND RECREATION AREAS AND SCENIC
9 ENVIRONMENTS PROTECT THE ENVIRONMENT, CONSERVE NATURAL
10 RESOURCES AND ADD VALUE TO COMMUNITIES.

11 (5) STATE PROGRAMS AND STATE FUNDING SHOULD PROVIDE
12 MAXIMUM FLEXIBILITY FOR ELECTED COUNTY AND MUNICIPAL
13 GOVERNMENTAL OFFICIALS TO IDENTIFY, PRIORITIZE AND ADDRESS
14 LOCAL ENVIRONMENTAL CONCERNS.

15 SECTION 3. DEFINITIONS.

16 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
17 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
18 CONTEXT CLEARLY INDICATES OTHERWISE:

19 "ACQUISITION." THE PURCHASE, OR LEASE WITH AN OPTION TO
20 PURCHASE, OF LAND, EASEMENTS OR BUILDINGS FOR PUBLIC PARKS,
21 CONSERVATION, HISTORICAL OR RECREATION USES.

22 "AUTHORITY." THE PENNSYLVANIA INFRASTRUCTURE INVESTMENT
23 AUTHORITY.

24 "AUTHORIZED ORGANIZATION." AN ENTITY INVOLVED IN RESEARCH,
25 RESTORATION, REHABILITATION, PLANNING, ACQUISITION, DEVELOPMENT,
26 EDUCATION OR OTHER ACTIVITIES, WHICH FURTHERS THE PROTECTION,
27 ENHANCEMENT, CONSERVATION, PRESERVATION OR ENJOYMENT OF THIS
28 COMMONWEALTH'S ENVIRONMENTAL, CONSERVATION, RECREATION OR
29 SIMILAR RESOURCES. THE ORGANIZATION MUST BE A TAX-EXEMPT
30 INSTITUTION UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE

1 OF 1986 (PUBLIC LAW 99-154, 26 U.S.C. § 501(C)(3)) AND
2 REGISTERED WITH THE BUREAU OF CHARITABLE ORGANIZATIONS OR AN
3 EDUCATIONAL INSTITUTION INVOLVED IN THESE AUTHORIZED ACTIVITIES
4 OR A MUNICIPAL AUTHORITY.

5 "DEPARTMENTS." THE DEPARTMENT OF CONSERVATION AND NATURAL
6 RESOURCES AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION OF THE
7 COMMONWEALTH.

8 "DEVELOPMENT." NEW CONSTRUCTION, IMPROVEMENT, ALTERATION OR
9 RENOVATION REQUIRED FOR AND COMPATIBLE WITH THE PHYSICAL
10 DEVELOPMENT OR IMPROVEMENT OF LAND OR BUILDINGS.

11 "FUND." THE ENVIRONMENTAL STEWARDSHIP FUND ESTABLISHED IN
12 SECTION 4.

13 "PLANNING." THE PREPARATION OF PARK, RECREATION AND OPEN
14 SPACE PLANS, RIVER CORRIDOR AND WATERSHED PLANS, MASTER SITE
15 DEVELOPMENT PLANS, FEASIBILITY STUDIES, NATURAL AREAS STUDIES
16 AND INVENTORIES, GREENWAYS AND TRAIL PLANS, MAINTENANCE
17 MANAGEMENT PLANS, CONSERVATION PLANS, ZONING PLANS, LAND USE
18 PLANS, ENVIRONMENTAL MANAGEMENT PLANS AND RESEARCH OR EDUCATION
19 DOCUMENTS, USEFUL IN ASSISTING MUNICIPALITIES, COMMONWEALTH
20 AGENCIES, CONSERVATION DISTRICTS, WATERSHED ORGANIZATIONS AND
21 AUTHORIZED ORGANIZATIONS TO ADDRESS ENVIRONMENTAL IMPROVEMENT,
22 NATURAL RESOURCE MANAGEMENT, PARK AND RECREATION DEVELOPMENT AND
23 LAND CONSERVATION.

24 "REHABILITATION AND REPAIR." RESTORATION OR RENOVATION OF
25 FACILITIES OR CONDITIONS OF EXISTING PUBLIC CONSERVATION AND
26 RECREATION RESOURCES. THE TERM EXCLUDES ROUTINE MAINTENANCE.

27 "TECHNICAL ASSISTANCE." PROVISION OF FINANCIAL GRANTS AND
28 PROFESSIONAL SERVICES. THE TERM INCLUDES, PUBLICATIONS,
29 RESEARCH, VIDEO TAPES, WORKSHOPS, MEETINGS, PHONE CONSULTATION
30 AND WRITTEN AND ELECTRONIC COMMUNICATION.

1 "WATERSHED ORGANIZATION." AN ENTITY RECOGNIZED BY EITHER OR
2 BOTH THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES AND
3 THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND ESTABLISHED TO
4 PROMOTE LOCAL WATERSHED CONSERVATION EFFORTS IN AN IDENTIFIED
5 WATERSHED.

6 SECTION 4. FUND.

7 (A) ESTABLISHMENT.--THERE IS ESTABLISHED A SPECIAL FUND IN
8 THE STATE TREASURY, TO BE KNOWN AS THE ENVIRONMENTAL STEWARDSHIP
9 FUND, WHICH SHALL BE ADMINISTERED BY THE DEPARTMENT OF
10 ENVIRONMENTAL PROTECTION.

11 (B) SOURCES.--

12 (1) MONEY APPROPRIATED BY THE GENERAL ASSEMBLY, INTEREST
13 EARNED BY THE FUND, PENALTIES, MONEY RECEIVED FROM THE
14 FEDERAL GOVERNMENT OR OTHER SOURCES, MONEY RECEIVED FROM THE
15 FEE ESTABLISHED UNDER SECTION 13(B) AND THE MONTHLY TRANSFER
16 OF A PORTION OF STATE REALTY TRANSFER TAX REVENUE AUTHORIZED
17 BY SECTION 14 SHALL BE DEPOSITED IN THE FUND.

18 (2) FOR A PERIOD OF FIVE YEARS FROM THE EFFECTIVE DATE
19 OF THIS ACT, THE FUND MAY RECEIVE MONEY, UPON APPROVAL OF THE
20 GOVERNOR, FROM THE RECYCLING FUND AND THE HAZARDOUS SITES
21 CLEANUP FUND. THE COMBINED TOTAL OF APPROPRIATIONS FROM THESE
22 TWO FUNDS FOR THE PROGRAM SHALL NOT EXCEED \$30,000,000
23 ANNUALLY.

24 (C) APPROPRIATION.--THE MONEY IN THE FUND IS HEREBY
25 APPROPRIATED, UPON APPROVAL OF THE GOVERNOR, TO THE DEPARTMENTS
26 AND THE AUTHORITY FOR THE PURPOSE OF IMPLEMENTING THE PROVISIONS
27 OF THIS ACT.

28 (D) ALLOCATION.--IT IS THE INTENT OF THE GENERAL ASSEMBLY
29 THAT THE MONEY APPROPRIATED IN SUBSECTION (C) BE ALLOCATED
30 ANNUALLY AS FOLLOWS: 35% TO THE DEPARTMENT OF CONSERVATION AND

1 NATURAL RESOURCES; 40% TO THE DEPARTMENT OF ENVIRONMENTAL
2 PROTECTION AND 25% TO THE AUTHORITY.

3 (E) LEGISLATIVE OVERSIGHT.--AN ANNUAL EXPENDITURE PLAN FOR
4 THE FUND SHALL BE SUBMITTED BY THE GOVERNOR TO THE GENERAL
5 ASSEMBLY AS PART OF THE GOVERNOR'S ANNUAL BUDGET SUBMISSION. THE
6 EXPENDITURE PLAN SHALL BE OPEN FOR REVIEW AND COMMENT BY THE
7 MEMBERS OF THE GENERAL ASSEMBLY AND SHALL INCLUDE A DETAILED
8 LISTING OF THE TYPES OF PROGRAMS FOR THE ACTUAL YEAR, CURRENT
9 YEAR AND PROPOSED BUDGET YEAR.

10 SECTION 5. AGENCIES.

11 (A) THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES.--

12 (1) THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
13 SHALL UTILIZE MONEY IT RECEIVES FROM THE FUND FOR THE
14 FOLLOWING PURPOSES:

15 (I) TO REHABILITATE, REPAIR AND DEVELOP STATE PARK
16 AND STATE FOREST LANDS AND FACILITIES AND THE ACQUISITION
17 OF INTERIOR HOLDINGS AND OTHER LAND WHICH THE DEPARTMENT
18 OF CONSERVATION AND NATURAL RESOURCES DETERMINES WILL
19 PROTECT OR ENHANCE STATE PARKS AND STATE FORESTS.

20 (II) TO PROVIDE GRANTS TO A COUNTY OR OTHER
21 MUNICIPALITY, CONSERVATION DISTRICTS AND AUTHORIZED
22 ORGANIZATIONS FOR THE PURPOSE OF PLANNING, EDUCATION,
23 ACQUISITION, DEVELOPMENT, REHABILITATION AND REPAIR OF
24 GREENWAYS, TRAILS, OPEN SPACE, NATURAL AREAS, RIVER
25 CORRIDORS, WATERSHEDS, COMMUNITY AND HERITAGE PARKS AND
26 RECREATION FACILITIES; COMMUNITY CONSERVATION AND
27 BEAUTIFICATION PROJECTS; FOREST CONSERVATION; AND OTHER
28 CONSERVATION PURPOSES. GRANT MONEYS MAY ALSO BE USED FOR
29 THE DIRECT ACQUISITION OF FARMLAND FOR THE PURPOSES SET
30 FORTH IN THIS PARAGRAPH OR PAYMENT OF DEBT SERVICE BY A

1 COUNTY ON OBLIGATIONS ISSUED TO FUND FARMLAND ACQUISITION
2 IN ACCORDANCE WITH THE PURPOSES SET FORTH IN THIS ACT.

3 (III) TO PROVIDE GRANTS TO A COUNTY OR OTHER
4 MUNICIPALITY AND AUTHORIZED ORGANIZATIONS FOR THE PURPOSE
5 OF RESEARCH, PLANNING, INVENTORIES AND TECHNICAL
6 ASSISTANCE, INTENDED TO PROTECT AND CONSERVE THE
7 BIOLOGICAL DIVERSITY OF THIS COMMONWEALTH.

8 (2) THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
9 MAY REQUIRE MATCHING FUNDS AS A CONDITION OF THE AWARD OF A
10 GRANT UNDER THIS SUBSECTION.

11 (B) THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.--

12 (1) THE DEPARTMENT OF ENVIRONMENTAL PROTECTION SHALL
13 UTILIZE MONEY IT RECEIVES FROM THE FUND FOR THE FOLLOWING
14 PURPOSES:

15 (I) TO IMPLEMENT ACID MINE DRAINAGE ABATEMENT AND
16 CLEANUP EFFORTS AND PLUG ABANDONED AND ORPHAN OIL AND GAS
17 WELLS.

18 (II) TO PROVIDE FUNDING FOR TECHNICAL ASSISTANCE AND
19 FINANCIAL INCENTIVES TO FACILITATE REMINING.

20 (III) TO PROVIDE GRANTS TO A COUNTY OR OTHER
21 MUNICIPALITY, COUNTY CONSERVATION DISTRICTS, WATERSHED
22 ORGANIZATIONS AND OTHER AUTHORIZED ORGANIZATIONS FOR ACID
23 MINE DRAINAGE ABATEMENT, MINE CLEANUP EFFORTS AND WELL
24 PLUGGING.

25 (IV) TO PROVIDE GRANTS AND TECHNICAL ASSISTANCE TO A
26 COUNTY OR OTHER MUNICIPALITY, COUNTY CONSERVATION
27 DISTRICTS, WATERSHED ORGANIZATIONS AND OTHER AUTHORIZED
28 ORGANIZATIONS TO PLAN AND IMPLEMENT LOCAL WATERSHED-BASED
29 CONSERVATION EFFORTS.

30 (V) TO IMPROVE WATER-QUALITY-IMPAIRED WATERSHEDS,

1 INCLUDING THOSE POLLUTED BY PAST MINING ACTIVITIES,
2 AGRICULTURAL AND URBAN RUNOFF, ATMOSPHERIC DEPOSITION,
3 ON-LOT SEWAGE SYSTEMS, AND EARTH MOVING ACTIVITIES.

4 (VI) TO PROVIDE GRANTS FOR SAFE DRINKING WATER
5 PROJECTS AND WASTEWATER TREATMENT PROJECTS AS PROVIDED
6 FOR IN SECTION 11.

7 (2) COUNTY CONSERVATION DISTRICTS MAY FURTHER DISTRIBUTE
8 GRANTS RECEIVED UNDER THIS SECTION TO WATERSHED ORGANIZATIONS
9 AND OTHER AUTHORIZED ORGANIZATIONS TO ASSIST IN THE
10 IMPLEMENTATION OF THIS ACT.

11 (3) THE DEPARTMENT OF ENVIRONMENTAL PROTECTION MAY
12 REQUIRE MATCHING FUNDS AS A CONDITION OF THE AWARD OF A GRANT
13 UNDER THIS SUBSECTION.

14 (4) FOR A PERIOD OF FIVE YEARS FROM THE EFFECTIVE DATE
15 OF THIS ACT, THE DEPARTMENT OF ENVIRONMENTAL PROTECTION MAY
16 UTILIZE UP TO 10% OF THE MONEY ALLOCATED ANNUALLY TO IT UNDER
17 SECTION 4(D) TO PROVIDE GRANTS FOR SAFE DRINKING WATER
18 PROJECTS AND WASTEWATER TREATMENT PROJECTS. GRANTS UNDER THIS
19 PARAGRAPH SHALL BE MADE FOR THE SAME PURPOSES AND SHALL BE
20 SUBJECT TO THE SAME LIMITATIONS AS GRANTS AUTHORIZED IN
21 SECTION 11.

22 (C) THE AUTHORITY.--THE AUTHORITY SHALL UTILIZE MONEY IT
23 RECEIVES FROM THE FUND TO PROVIDE FINANCIAL ASSISTANCE, IN THE
24 FORM OF GRANTS AND MATCHING GRANTS FOR WATER AND SEWER
25 INFRASTRUCTURE PROJECTS.

26 (D) ADMINISTRATIVE EXPENSE LIMITATION.--THE DEPARTMENTS,
27 AUTHORITY AND GRANT RECIPIENTS THAT RECEIVE MONEYS FROM THE FUND
28 FOR THE PURPOSES SET FORTH IN THIS SECTION MAY NOT EXPEND MORE
29 THAN 5% OF THE MONEYS ON ADMINISTRATIVE EXPENSES.

30 (E) EXPENDITURE LIMITATION.--NO MONEYS MADE AVAILABLE

1 THROUGH THE FUND SHALL BE USED FOR ANY PURPOSE WHICH, DIRECTLY
2 OR INDIRECTLY, PRECLUDES ACCESS TO OR USE OF ANY FORESTED LAND
3 FOR THE PRACTICE OF SUSTAINABLE FORESTRY AND COMMERCIAL
4 PRODUCTION OF TIMBER OR OTHER FOREST PRODUCTS.

5 (F) REGULATIONS.--THE DEPARTMENTS AND THE AUTHORITY MAY
6 PROMULGATE REGULATIONS NECESSARY TO CARRY OUT THE PURPOSES OF
7 THIS ACT.

8 SECTION 6. PROPERTY AND EQUIPMENT RESTRICTIONS.

9 (A) PROHIBITION.--RECIPIENTS OF GRANTS UNDER THIS ACT MAY
10 NOT DISPOSE OF OR CONVERT PROPERTY OR EQUIPMENT ACQUIRED WITH A
11 GRANT FOR PURPOSES OTHER THAN THE PURPOSES APPROVED IN THE
12 PROJECT APPLICATION WITHOUT THE PRIOR WRITTEN APPROVAL OF THE
13 AGENCY AWARDING THE GRANT.

14 (B) REMEDY.--IF A VIOLATION OF SUBSECTION (A) OCCURS, THE
15 AGENCY MAY:

16 (1) REQUIRE THE RECIPIENT TO REFUND ALL GRANTS RELATED
17 TO THE PROJECT, INCLUDING 10% ANNUAL INTEREST, COMPOUNDED
18 FOUR TIMES ANNUALLY, FROM THE DATE THE ORIGINAL GRANT WAS
19 RECEIVED UNTIL THE GRANT IS REPAID.

20 (2) REQUIRE ACQUISITION BY THE RECIPIENT OF EQUIVALENT
21 REPLACEMENT PROPERTY, AS DETERMINED BY THE AGENCY.

22 (3) TAKE POSSESSION OF THE PROPERTY OR EQUIPMENT FUNDED
23 BY THE AGENCY.

24 SECTION 7. FEDERAL PROGRAMS.

25 AGENCIES MAY UTILIZE AVAILABLE FEDERAL FUNDS TO AUGMENT FUNDS
26 AVAILABLE UNDER THIS ACT.

27 SECTION 8. WILD RESOURCE CONSERVATION FUND; DUTIES OF
28 DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES.

29 (A) APPROPRIATION.--THE MONEYS CONTAINED IN THE WILD
30 RESOURCE CONSERVATION FUND ARE HEREBY APPROPRIATED, UPON

1 APPROVAL OF THE GOVERNOR, TO THE DEPARTMENT OF CONSERVATION AND
2 NATURAL RESOURCES FOR THE PURPOSES OF CARRYING OUT SUBSECTION
3 (B), SECTION 5(A), AND THE ACT OF JUNE 23, 1982 (P.L.597,
4 NO.170), KNOWN AS THE WILD RESOURCE CONSERVATION ACT.

5 (B) PROJECTS AND PROGRAMS.--

6 (1) THE WILD RESOURCE CONSERVATION BOARD MAY APPROVE
7 PROJECTS OR PROGRAMS FOR FUNDING AS NECESSARY TO PRESERVE AND
8 ENHANCE WILD RESOURCES. GRANTS FOR APPROVED PROJECTS SHALL BE
9 MADE BY THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
10 FROM THE WILD RESOURCE CONSERVATION FUND. THE DEPARTMENT
11 SHALL NOT ALLOCATE MONEY FROM THE WILD RESOURCE CONSERVATION
12 FUND UNDER THIS PARAGRAPH IF THE ALLOCATION WOULD EXCEED THE
13 MONEY AVAILABLE IN THE WILD RESOURCE CONSERVATION FUND. THE
14 WILD RESOURCE CONSERVATION BOARD SHALL CONSIDER THE
15 RECOMMENDATIONS OF INTERESTED PERSONS AND REPRESENTATIVES OF
16 AGENCIES SERVING ON THE BOARD WHEN APPROVING PROJECTS UNDER
17 THIS PARAGRAPH.

18 (2) IN ADDITION TO THE GRANTS UNDER PARAGRAPH (1), THE
19 WILD RESOURCE CONSERVATION BOARD MAY RECOMMEND PROJECTS OR
20 PROGRAMS THAT PROMOTE THE PRESERVATION AND ENHANCEMENT OF
21 WILD RESOURCES TO THE DEPARTMENT OF CONSERVATION AND NATURAL
22 RESOURCES FOR FUNDING FROM THE ENVIRONMENTAL STEWARDSHIP FUND
23 UNDER SECTION 5(A).

24 (C) SALE OF MERCHANDISE AND VOLUNTARY CONTRIBUTIONS.--THE
25 WILD RESOURCE CONSERVATION BOARD, WITH THE APPROVAL OF THE
26 DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES, SHALL HAVE THE
27 RIGHT TO ISSUE FOR SALE TO THE PUBLIC STAMPS, DECALS OR OTHER
28 ITEMS OF PERSONAL PROPERTY INTENDED TO SIGNIFY THE INTEREST OF
29 THE PURCHASER IN CONTRIBUTING TO PROGRAMS ESTABLISHED BY THE
30 BOARD UNDER THIS SECTION. ANY CONTRIBUTIONS RECEIVED AND THE NET

1 PROCEEDS FROM THE SALE OF MERCHANDISE SHALL BE DEPOSITED IN THE
2 WILD RESOURCE CONSERVATION FUND.

3 (D) ADVISORY COMMITTEE.--THE WILD RESOURCE CONSERVATION
4 BOARD MAY ESTABLISH AN ADVISORY COMMITTEE TO ADVISE THE BOARD
5 AND THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
6 REGARDING THE MANAGEMENT OF THE BOARD AND THE APPROVAL OF
7 PROJECTS TO PROMOTE THE PRESERVATION AND ENHANCEMENT OF WILD
8 RESOURCES. MEMBERS OF THE COMMITTEE SHALL BE CHOSEN FROM THE
9 GENERAL PUBLIC AND SHALL SERVE AT THE PLEASURE OF THE BOARD. THE
10 MEMBERS OF THE ADVISORY COMMITTEE:

11 (1) SHALL BE CHOSEN FROM THE PUBLIC AND SHALL SERVE AT
12 THE PLEASURE OF THE BOARD.

13 (2) SHALL MEET TO ADVISE THE BOARD AND THE DEPARTMENT OF
14 CONSERVATION AND NATURAL RESOURCES.

15 (3) SHALL MAKE RECOMMENDATIONS REGARDING WILD RESOURCE
16 MANAGEMENT OBJECTIVES OF THE BOARD AND PROJECTS THAT WILL
17 PROMOTE THE PRESERVATION AND ENHANCEMENT OF WILD RESOURCES.

18 (E) ACTIVITIES OF OTHER AGENCIES.--THE AUTHORITY GRANTED
19 PURSUANT TO SUBSECTION (C) SHALL NOT AFFECT OR INTERFERE WITH
20 SIMILAR AUTHORITY VESTED BY LAW IN ANY AGENCY REPRESENTED ON THE
21 BOARD TO SELL ITEMS OF PERSONAL PROPERTY WHICH PROMOTE THE
22 INDEPENDENT PROGRAMS OF THOSE RESPECTIVE AGENCIES. SAID AGENCIES
23 SHALL LIKEWISE HAVE THE RIGHT TO ISSUE FOR SALE ITEMS OF
24 PERSONAL PROPERTY INTENDED TO SIGNIFY THE INTEREST OF THE
25 PURCHASER IN CONTRIBUTING TO PROGRAMS ESTABLISHED BY THE
26 DEPARTMENT, THE NET PROCEEDS OF WHICH SHALL BE DEPOSITED IN THE
27 WILD RESOURCE CONSERVATION FUND.

28 SECTION 9. SEWAGE CONSTRUCTION PAYMENTS TO MUNICIPALITIES.

29 (A) CERTAIN PAYMENTS PERMITTED.--A COUNTY OR OTHER
30 MUNICIPALITY, MUNICIPAL AUTHORITY OR SCHOOL DISTRICT RECEIVING

1 PAYMENTS ON THE EFFECTIVE DATE OF THIS ACT PURSUANT TO THE ACT
2 OF AUGUST 20, 1953 (P.L.1217, NO.339), ENTITLED "AN ACT
3 PROVIDING FOR PAYMENTS BY THE COMMONWEALTH TO MUNICIPALITIES
4 WHICH HAVE EXPENDED MONEY TO ACQUIRE AND CONSTRUCT SEWAGE
5 TREATMENT PLANTS IN ACCORDANCE WITH THE CLEAN STREAMS PROGRAM
6 AND THE ACT, APPROVED THE TWENTY-SECOND DAY OF JUNE, ONE
7 THOUSAND NINE HUNDRED THIRTY-SEVEN (PAMPHLET LAWS 1987), AND
8 MAKING AN APPROPRIATION," MAY CONTINUE TO RECEIVE SUCH PAYMENTS
9 FOR THE CONSTRUCTION OR REPAIR OF SEWAGE TREATMENT PLANTS.

10 (B) CERTAIN PAYMENTS PROHIBITED.--NO MUNICIPALITY, MUNICIPAL
11 AUTHORITY OR SCHOOL DISTRICT WHICH IS NOT PRESENTLY RECEIVING
12 PAYMENTS PURSUANT TO THE ACT OF AUGUST 20, 1953 (P.L.1217,
13 NO.339) MAY APPLY FOR AND RECEIVE PAYMENTS UNDER THAT ACT. NO
14 NEW OR ADDITIONAL COSTS OF EQUIPMENT OR ACQUISITION OF SEWAGE
15 TREATMENT PLANTS FOR WHICH CONSTRUCTION HAS NOT COMMENCED PRIOR
16 TO THE EFFECTIVE DATE OF THIS ACT MAY BE INCLUDED IN A REQUEST
17 FOR PAYMENT BY ANY MUNICIPALITY, MUNICIPAL AUTHORITY OR SCHOOL
18 DISTRICT. FOR PURPOSES OF THIS SECTION, CONSTRUCTION SHALL BE
19 DEEMED TO HAVE COMMENCED:

20 (1) WHEN THE APPLICANT HAS APPLIED FOR OR RECEIVED A
21 PERMIT PURSUANT TO THE ACT OF JUNE 22, 1937 (P.L.1987,
22 NO.394), KNOWN AS THE CLEAN STREAMS LAW, FOR CONSTRUCTION OR
23 MODIFICATION OF THE SEWAGE TREATMENT PLANT.

24 (2) WHEN THE APPLICANT HAS APPLIED FOR OR RECEIVED
25 CONSTRUCTION FINANCING OR HAS DEDICATED CAPITAL FUNDS FOR AN
26 IDENTIFIED PROJECT AND THE APPROPRIATE CONSTRUCTION PERMIT
27 UNDER THE CLEAN STREAMS LAW HAS BEEN APPLIED FOR OR RECEIVED
28 BY DECEMBER 31, 2000.

29 (3) WHEN A CONSTRUCTION PERMIT UNDER THE CLEAN STREAMS
30 LAW IS NOT REQUIRED, A SIGNED CONTRACT OR PURCHASE ORDER FOR

1 AN ELIGIBLE ACQUISITION OR CONSTRUCTION EXPENSE HAS BEEN
2 VALIDLY EXECUTED.

3 SECTION 10. EFFECT OF REPEAL ON SEWAGE CONSTRUCTION PAYMENTS TO
4 MUNICIPALITIES.

5 (A) PAYMENTS OUTSTANDING.--THE REPEAL OF THE ACT OF AUGUST
6 20, 1953 (P.L.1217, NO.339), ENTITLED "AN ACT PROVIDING FOR
7 PAYMENTS BY THE COMMONWEALTH TO MUNICIPALITIES WHICH HAVE
8 EXPENDED MONEY TO ACQUIRE AND CONSTRUCT SEWAGE TREATMENT PLANTS
9 IN ACCORDANCE WITH THE CLEAN STREAMS PROGRAM AND THE ACT,
10 APPROVED THE TWENTY-SECOND DAY OF JUNE, ONE THOUSAND NINE
11 HUNDRED THIRTY-SEVEN (PAMPHLET LAWS 1987), AND MAKING AN
12 APPROPRIATION," UNDER SECTION 17(A) SHALL NOT AFFECT PAYMENTS BY
13 THE COMMONWEALTH, OR ANY PORTION THEREOF, THAT REMAIN
14 OUTSTANDING FOR THE COST OF ACQUISITION OR CONSTRUCTION OF A
15 SEWAGE TREATMENT PLANT BEING FUNDED UNDER THAT ACT.

16 (B) EQUIPMENT AND PLANTS REPLACED, ETC.--AS EQUIPMENT AND
17 PLANTS CONTINUING TO BE FUNDED UNDER THE ACT OF AUGUST 20, 1953
18 (P.L.1217, NO.339) ARE REPLACED, TAKEN OUT OF SERVICE OR
19 ABANDONED, PAYMENT FOR THE EQUIPMENT AND PLANTS SHALL BE
20 DISCONTINUED.

21 SECTION 11. ENVIRONMENTAL INFRASTRUCTURE GRANTS TO WATER AND
22 WASTEWATER TREATMENT FACILITIES.

23 (A) SEPARATE ACCOUNT.--SAVINGS REALIZED IN SECTION 9 SHALL
24 BE PLACED IN AN ACCOUNT WITHIN THE FUND, SEPARATE FROM THE
25 ALLOCATIONS IN SECTION 4(D), AND ADMINISTERED BY THE DEPARTMENT
26 OF ENVIRONMENTAL PROTECTION FOR ENVIRONMENTAL INFRASTRUCTURE
27 GRANTS TO A COUNTY OR OTHER MUNICIPALITY, MUNICIPAL AUTHORITIES
28 AND SCHOOL DISTRICTS FOR WATER AND WASTEWATER TREATMENT
29 FACILITIES THAT:

30 (1) IMPLEMENT NEW OR INNOVATIVE TECHNOLOGIES IN THEIR

1 OPERATIONS;

2 (2) IMPLEMENT POLLUTION PREVENTION TECHNIQUES IN THEIR
3 OPERATIONS; OR

4 (3) UNDERTAKE TREATMENT PROCESS MODERNIZATION OR OTHER
5 CAPITAL IMPROVEMENTS.

6 (B) LIMITATION.--FUNDING UNDER THIS SECTION SHALL BE LIMITED
7 TO CAPITAL IMPROVEMENTS TO THE PHYSICAL OPERATION OF THE
8 TREATMENT FACILITY AND NOT FOR ADMINISTRATIVE PURPOSES OR FOR
9 MACHINERY OR EQUIPMENT PERIPHERALLY RELATED TO THE OPERATION.

10 (C) FUNDING AVAILABILITY.--FUNDING SHALL BE AVAILABLE TO ALL
11 COUNTIES OR OTHER MUNICIPALITIES, MUNICIPAL AUTHORITIES AND
12 SCHOOL DISTRICTS ON THE BASIS OF COST OF THE ENVIRONMENTAL OR
13 PUBLIC HEALTH IMPROVEMENT AND NOT BASED ON DEMOGRAPHICS, PER
14 CAPITA INCOME OR OTHER UNIT OF MEASURE NOT TIED TO THE COST OF
15 THE ENVIRONMENTAL IMPROVEMENT.

16 (D) CALCULATION OF FUND MONEYS.--THE ACCOUNT SHALL BE A
17 CUMULATIVE ACCOUNT SET ANNUALLY AT THE SAVINGS AMOUNT CALCULATED
18 BY SUBTRACTING THE AMOUNT OF ANNUAL PAYMENTS FUNDED UNDER
19 SECTION 10 FROM THE AMOUNT OF PAYMENTS CAPPED UNDER SECTION 9.
20 SECTION 12. PROTECTION OF RECYCLING FUND.

21 (A) MARKET DEVELOPMENT FUNDING.--THE DEPARTMENT OF
22 ENVIRONMENTAL PROTECTION, ON AN ANNUAL BASIS, SHALL PROVIDE
23 SUFFICIENT MONEYS FOR MARKET DEVELOPMENT FROM THE RECYCLING FUND
24 TO PROMOTE THE LONG-TERM SUSTAINABILITY OF RECYCLING AND TO
25 PROMOTE THE CONTINUED GROWTH OF THE RECYCLING RATE. FOR PURPOSES
26 OF THIS SUBSECTION, MARKET DEVELOPMENT SHALL MEAN A SET OF
27 GOVERNMENT POLICIES AND PROGRAMS THAT PROMOTE THE REMOVAL OF
28 MARKETPLACE BARRIERS TO RECYCLING AND THAT PROMOTE A PRODUCTIVE
29 END USE FOR RECYCLABLES COLLECTED FROM RESIDENTS AND BUSINESSES.

30 (B) REVIEW OF EXPENDITURES.--PRIOR TO SUBMITTING ITS ANNUAL

1 RECYCLING FUND SPENDING PLAN TO THE GENERAL ASSEMBLY, THE
2 DEPARTMENT OF ENVIRONMENTAL PROTECTION SHALL SUBMIT DETAILS OF
3 ITS PROPOSED EXPENDITURES UNDER THE ACT OF JULY 28, 1988
4 (P.L.556, NO.101), KNOWN AS THE MUNICIPAL WASTE PLANNING,
5 RECYCLING AND WASTE REDUCTION ACT, INCLUDING ADDITIONAL
6 EXPENDITURES FOR MARKET DEVELOPMENT, FOR REVIEW AND COMMENT TO
7 THE RECYCLING FUND ADVISORY COMMITTEE. AT THE SAME TIME, THE
8 DEPARTMENT SHALL SUBMIT DETAILS OF ITS ACTUAL EXPENDITURES UNDER
9 THE MUNICIPAL WASTE PLANNING, RECYCLING AND WASTE REDUCTION ACT
10 FOR THE PRIOR FISCAL YEAR, INCLUDING ACTUAL EXPENDITURES FOR
11 MARKET DEVELOPMENT, FOR REVIEW AND COMMENT TO THE COMMITTEE. THE
12 INFORMATION ON ACTUAL EXPENDITURES PROVIDED TO THE COMMITTEE
13 SHALL INCLUDE A COMPLETE LIST OF ELIGIBLE GRANT APPLICATIONS
14 RECEIVED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION PURSUANT
15 TO SECTIONS 901 AND 902 OF THE MUNICIPAL WASTE PLANNING,
16 RECYCLING AND WASTE REDUCTION ACT IN THE PRIOR FISCAL YEAR. THE
17 LIST SHALL INCLUDE:

18 (1) THE NAME OF THE APPLICANT.

19 (2) THE AMOUNT OF FUNDING REQUESTED.

20 (3) THE AMOUNT OF FUNDING OFFERED BY THE DEPARTMENT OF
21 ENVIRONMENTAL PROTECTION.

22 (4) AN EXPLANATION OF ANY DIFFERENCE BETWEEN THE AMOUNT
23 REQUESTED BY THE APPLICANT AND THE AMOUNT OFFERED BY THE
24 DEPARTMENT OF ENVIRONMENTAL PROTECTION.

25 (C) MINIMUM LEVEL OF FUNDING.--FOR A PERIOD OF FIVE YEARS
26 FROM THE EFFECTIVE DATE OF THIS ACT, MONEYS EXPENDED FOR
27 PROGRAMS AUTHORIZED IN THE MUNICIPAL WASTE PLANNING, RECYCLING
28 AND WASTE REDUCTION ACT SHALL NOT FALL BELOW LEVELS EXPENDED IN
29 FISCAL YEAR 1998-1999.

30 (D) INFORMATION TO APPLICANT.--WHEN THE DEPARTMENT OF

1 ENVIRONMENTAL PROTECTION DENIES AN APPLICATION FOR A GRANT, OR
2 APPROVES AN APPLICATION FOR LESS THAN THE AMOUNT REQUESTED BY
3 THE APPLICANT, THE DEPARTMENT SHALL PROVIDE THE APPLICANT WITH A
4 WRITTEN STATEMENT INDICATING THE REASON FOR THE DENIAL OR
5 REDUCTION IN FUNDING AMOUNT. WHERE AN OTHERWISE ELIGIBLE GRANT
6 APPLICATION MEETS THE CRITERIA OF THE DEPARTMENT OF
7 ENVIRONMENTAL PROTECTION FOR FUNDING BUT CANNOT BE FUNDED BY THE
8 DEPARTMENT DURING THE CURRENT FISCAL YEAR, THE DEPARTMENT SHALL
9 PROVIDE A WRITTEN STATEMENT TO THE APPLICANT EXPLAINING HOW THE
10 DEPARTMENT PLANS TO FUND THE APPLICATION.

11 SECTION 13. EXTENSION OF FEES.

12 (A) RECYCLING FEE.--NO FEE SHALL BE IMPOSED UNDER SECTION
13 701 OF THE ACT OF JULY 28, 1988 (P.L.556, NO.101), KNOWN AS THE
14 MUNICIPAL WASTE PLANNING, RECYCLING AND WASTE REDUCTION ACT, ON
15 OR AFTER OCTOBER 15, 2004.

16 (B) FEE ESTABLISHED.--EACH OPERATOR OF A MUNICIPAL WASTE
17 LANDFILL SHALL PAY, IN THE SAME MANNER PRESCRIBED IN SECTION 701
18 OF THE MUNICIPAL WASTE PLANNING, RECYCLING AND WASTE REDUCTION
19 ACT, AN AMOUNT EQUAL TO 25¢ PER TON OF WEIGHTED WASTE OR 25¢ PER
20 THREE CUBIC YARDS OF VOLUME MEASURED WASTE FOR ALL SOLID WASTE
21 RECEIVED AT THE LANDFILL. THESE FEES SHALL BE PAID TO THE STATE
22 TREASURY AND DEPOSITED INTO THE FUND.

23 SECTION 14. ALLOCATION OF STATE REALTY TRANSFER TAX REVENUES.

24 BEGINNING JANUARY 31, 2000, AND AT THE END OF EACH MONTH
25 THEREAFTER THROUGH DECEMBER 31, 2004, THE STATE TREASURER SHALL
26 TRANSFER TO THE ENVIRONMENTAL STEWARDSHIP FUND 30% OF THE
27 PREVIOUS MONTH'S REVENUES FROM THE TAX IMPOSED UNDER SECTION
28 1102-C OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE
29 TAX REFORM CODE OF 1971. UPON THE ENACTMENT OF AN INCREASE OF
30 THE TAX IMPOSED UNDER SECTION 1102-C OF THE TAX REFORM CODE OF

1 1971, THE AMOUNT TRANSFERRED EACH MONTH PURSUANT TO THIS SECTION
2 SHALL NOT EXCEED THE AMOUNT WHICH WOULD HAVE BEEN COLLECTED HAD
3 THE TAX INCREASE NOT BEEN ENACTED.

4 SECTION 15. EFFECT OF REPEAL OF SITE-SPECIFIC POSTCLOSURE FUND
5 PROVISIONS.

6 (A) GENERAL RULE.--PRIOR TO CERTIFICATION OF FINAL CLOSURE
7 AND RELEASE BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION OF THE
8 LANDFILL BOND UNDER THE ACT OF JULY 7, 1980 (P.L.380, NO.97),
9 KNOWN AS THE SOLID WASTE MANAGEMENT ACT, AND THE REGULATIONS
10 PROMULGATED THERETO, THE TRUSTEE MAY RELEASE MONEYS FROM THE
11 TRUST TO THE COUNTY WHICH ESTABLISHED THE TRUST UPON WRITTEN
12 REQUEST FROM THE COUNTY TO THE TRUSTEE IN ORDER FOR THE COUNTY
13 TO SPEND THE MONEY TO FUND COUNTY CONSERVATION DISTRICTS,
14 PROTECT FARMLAND OR TO ACCOMPLISH ANY OTHER PURPOSE AUTHORIZED
15 BY THIS ACT. PAYMENT OF DEBT SERVICE BY A COUNTY ON OBLIGATIONS
16 ISSUED TO FUND SUCH PURPOSES SHALL BE DEEMED TO BE PAID FOR A
17 PERMITTED PURPOSE. EXPENDITURE FOR FARMLAND PRESERVATION MUST
18 COMPLY WITH THE ACT OF JUNE 30, 1981 (P.L.128, NO.43), KNOWN AS
19 THE AGRICULTURAL AREA SECURITY LAW.

20 (B) LIMITATIONS.--MONEYS IN A SITE-SPECIFIC POSTCLOSURE
21 TRUST THAT HAVE NOT BEEN RELEASED TO THE COUNTY PRIOR TO
22 CERTIFICATION OF FINAL CLOSURE AND RELEASE OF THE LANDFILL BOND
23 MAY BE USED ONLY FOR REMEDIAL MEASURES AND EMERGENCY ACTIONS
24 THAT ARE NECESSARY TO PREVENT OR ABATE ADVERSE EFFECTS UPON THE
25 ENVIRONMENT AFTER CLOSURE OF THE LANDFILL. THE COUNTY MAY
26 WITHDRAW ACTUAL COSTS INCURRED IN ESTABLISHING AND ADMINISTERING
27 THE TRUST IN AN AMOUNT NOT TO EXCEED 0.5% OF THE MONEYS
28 DEPOSITED IN THE TRUST. THE TRUSTEE MAY RELEASE MONEYS FOR
29 REMEDIAL MEASURES AND EMERGENCY ACTIONS ONLY UPON WRITTEN
30 REQUEST OF THE OPERATOR OF A LANDFILL AND UPON PRIOR WRITTEN

1 APPROVAL BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION. SUCH
2 REQUEST SHALL INCLUDE THE PROPOSED AMOUNT AND PURPOSE OF THE
3 WITHDRAWAL AND A COPY OF THE DEPARTMENT OF ENVIRONMENTAL
4 PROTECTION'S WRITTEN APPROVAL OF THE EXPENDITURE. A COPY OF THE
5 REQUEST SHALL BE PROVIDED TO THE COUNTY AND THE HOST
6 MUNICIPALITY. A COPY OF ANY WITHDRAWAL DOCUMENT PREPARED BY THE
7 TRUSTEE SHALL BE PROVIDED TO THE DEPARTMENT OF ENVIRONMENTAL
8 PROTECTION, THE COUNTY AND THE HOST MUNICIPALITY. NO WITHDRAWAL
9 FROM THIS TRUST FOR REMEDIAL MEASURES AND EMERGENCY ACTIONS MAY
10 BE MADE UNTIL AFTER THE DEPARTMENT OF ENVIRONMENTAL PROTECTION
11 HAS CERTIFIED CLOSURE OF THE LANDFILL. MONEYS REMAINING IN A
12 TRUST SUBSEQUENT TO CERTIFICATION OF FINAL CLOSURE OF THE
13 LANDFILL AND RELEASE OF THE LANDFILL'S BOND SHALL BE GIVEN TO
14 THE COUNTY THAT ESTABLISHED THE TRUST FOR USE IN A MANNER
15 CONSISTENT WITH THIS ACT.

16 SECTION 16. POLLUTION PREVENTION APPROPRIATION.

17 THE SUM OF \$2,000,000 IS HEREBY APPROPRIATED, UPON APPROVAL
18 OF THE GOVERNOR, TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION
19 FROM THE HAZARDOUS SITES CLEANUP FUND FOR THE FISCAL YEAR JULY
20 1, 1999, TO JUNE 30, 2000, FOR THE PURPOSES OF EXPANDING THE
21 SMALL BUSINESS AND HOUSEHOLD POLLUTION PREVENTION PROGRAM TO
22 PROVIDE ONSITE ASSESSMENTS AND RECOMMENDATIONS FOR POLLUTION
23 PREVENTION AND ENERGY EFFICIENCY TECHNIQUES FOR FISCAL YEAR
24 1999-2000. THE GENERAL ASSEMBLY MAY APPROPRIATE UP TO \$2,000,000
25 IN ADDITIONAL FUNDS FROM THE HAZARDOUS SITES CLEANUP FUND FOR
26 THE FISCAL YEAR JULY 1, 2000, TO JUNE 30, 2001, FOR THIS
27 PURPOSE.

28 SECTION 17. REPEALS.

29 (A) ABSOLUTE.--THE FOLLOWING ACTS AND PARTS OF ACTS ARE
30 REPEALED:

1 SECTION 1936-A(B) OF THE ACT OF APRIL 9, 1929 (P.L.177,
2 NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929.

3 ACT OF AUGUST 20, 1953 (P.L.1217, NO.339), ENTITLED "AN ACT
4 PROVIDING FOR PAYMENTS BY THE COMMONWEALTH TO MUNICIPALITIES
5 WHICH HAVE EXPENDED MONEY TO ACQUIRE AND CONSTRUCT SEWAGE
6 TREATMENT PLANTS IN ACCORDANCE WITH THE CLEAN STREAMS PROGRAM
7 AND THE ACT, APPROVED THE TWENTY-SECOND DAY OF JUNE, ONE
8 THOUSAND NINE HUNDRED THIRTY-SEVEN (PAMPHLET LAWS 1987), AND
9 MAKING AN APPROPRIATION."

10 SECTION 1108(B), (C), (F) AND (I) OF THE ACT OF JULY 28, 1988
11 (P.L.556, NO.101), KNOWN AS THE MUNICIPAL WASTE PLANNING,
12 RECYCLING AND WASTE REDUCTION ACT.

13 SECTIONS 5(D) AND 6(B)(3), (4), (5) AND (6), (C), (D), (E),
14 (F) AND (G) AND 13 OF THE ACT OF JUNE 23, 1982 (P.L.597,
15 NO.170), KNOWN AS THE WILD RESOURCE CONSERVATION ACT.

16 (B) INCONSISTENT.--ALL OTHER ACTS AND PARTS OF ACTS ARE
17 REPEALED INsofar AS THEY ARE INCONSISTENT WITH THIS ACT.

18 SECTION 18. EFFECTIVE DATE.

19 THIS ACT SHALL TAKE EFFECT DECEMBER 31, 1999, OR IMMEDIATELY,
20 WHICHEVER IS LATER.