

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

AS AMENDED ON THIRD CONSIDERATION, NOVEMBER 16, 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; PROVIDING FOR ←
7 USE OF SITE-SPECIFIC POSTCLOSURE FUNDS; making an
8 appropriation; and making repeals.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 Section 1. Short title.

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

14 Section 2. Legislative findings.

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

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

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

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

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

14 (5) State programs and State funding should provide
15 maximum flexibility for elected county and municipal
16 governmental officials to identify, prioritize and address
17 local environmental concerns INCLUDING ODOR ABATEMENT <—
18 PROBLEMS AT SEWAGE TREATMENT PLANTS.

19 Section 3. Definitions.

20 The following words and phrases when used in this act shall
21 have the meanings given to them in this section unless the
22 context clearly indicates otherwise:

23 "Acquisition." The purchase, or lease with an option to
24 purchase, of land, easements or buildings for public parks,
25 conservation, historical or recreation uses.

26 "Authority." The Pennsylvania Infrastructure Investment
27 Authority.

28 "Authorized organization." An entity involved in research,
29 restoration, rehabilitation, planning, acquisition, development,
30 education or other activities, which furthers the protection,

1 enhancement, conservation, preservation or enjoyment of this
2 Commonwealth's environmental, conservation, recreation or
3 similar resources. The organization must be a tax-exempt
4 institution under section 501(c)(3) of the Internal Revenue Code
5 of 1986 (Public Law 99-154, 26 U.S.C. § 501(c)(3)) and
6 registered with the Bureau of Charitable Organizations or an
7 educational institution involved in these authorized activities
8 or a municipal authority.

9 "Departments." The Department of AGRICULTURE, THE DEPARTMENT ←
10 OF Conservation and Natural Resources and the Department of
11 Environmental Protection of the Commonwealth.

12 "Development." New construction, improvement, alteration or
13 renovation required for and compatible with the physical
14 development or improvement of land or buildings.

15 "Fund." The Environmental Stewardship Fund established in
16 section 4.

17 "INTERIOR LAND." LAND THAT HAS AT LEAST 65% OF ITS BOUNDARY ←
18 LINES IMMEDIATELY BORDERED BY EITHER STATE FOREST OR STATE PARK
19 LANDS.

20 "Planning." The preparation of park, recreation and open
21 space plans, river corridor and watershed plans, master site
22 development plans, feasibility studies, natural areas studies
23 and inventories, greenways and RECREATIONAL trail plans, ←
24 maintenance management plans, conservation plans, zoning plans,
25 land use plans, environmental management plans and research or
26 education documents, useful in assisting municipalities,
27 Commonwealth agencies, conservation districts, watershed
28 organizations and authorized organizations to address
29 environmental improvement, natural resource management, park and
30 recreation development and land conservation.

1 "RECREATIONAL TRAIL." A THOROUGHFARE OR TRACK ACROSS WATER,
2 LAND OR SNOW USED FOR MOTORIZED AND/OR NONMOTORIZED RECREATIONAL
3 PURPOSES.

4 "Rehabilitation and repair." Restoration or renovation of
5 facilities or conditions of existing public conservation and
6 recreation resources. The term excludes routine maintenance.

7 "Technical assistance." Provision of financial grants and
8 professional services. The term includes, publications,
9 research, video tapes, workshops, meetings, phone consultation
10 and written and electronic communication.

11 "Watershed organization." An entity recognized by either or
12 both the Department of Conservation and Natural Resources and
13 the Department of Environmental Protection and established to
14 promote local watershed conservation efforts in an identified
15 watershed.

16 Section 4. Fund.

17 (a) Establishment.--There is established a special fund in
18 the State Treasury, to be known as the Environmental Stewardship
19 Fund, which shall be administered by the Department of
20 Environmental Protection.

21 (b) Sources.--

22 (1) Money appropriated by the General Assembly, interest
23 earned by the fund, penalties, money received from the
24 Federal Government or other sources, money received from the
25 fee established under section 13(b) and the monthly transfer
26 of a portion of State realty transfer tax revenue authorized
27 by section 14 shall be deposited in the fund.

28 (2) For a period of five years from the effective date
29 of this act, the fund may receive money, upon approval of the
30 Governor, from the Recycling Fund and the Hazardous Sites

1 Cleanup Fund. The combined total of appropriations from these
2 two funds for the program shall not exceed \$30,000,000
3 annually.

4 (c) Appropriation.--The money in the fund is hereby
5 appropriated, upon approval of the Governor, to the departments
6 and the authority for the purpose of implementing the provisions
7 of this act.

8 (d) Allocation.--It is the intent of the General Assembly
9 that the money appropriated in subsection (c) be allocated
10 annually as follows: ~~35% to the Department of Conservation and~~ <—
11 ~~Natural Resources; 40% to the Department of Environmental~~
12 ~~Protection and 25% to the authority.~~

13 ~~(e) Legislative oversight. An annual expenditure plan for~~

14 (1) FOR FISCAL YEAR 1999-2000, 28.4% TO THE DEPARTMENT <—
15 OF CONSERVATION AND NATURAL RESOURCES; 43.7% TO THE
16 DEPARTMENT OF ENVIRONMENTAL PROTECTION; AND 27.9% TO THE
17 AUTHORITY.

18 (2) FOR FISCAL YEARS 2000-2001 THROUGH 2003-2004, 24.1%
19 TO THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES;
20 37.4% TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION; 14.8% TO
21 THE DEPARTMENT OF AGRICULTURE; AND 23.7% TO THE AUTHORITY.

22 (E) LEGISLATIVE OVERSIGHT.--

23 (1) AN ANNUAL EXPENDITURE PLAN FOR the fund shall be
24 submitted by the Governor to the General Assembly as part of
25 the Governor's annual budget submission. The expenditure plan
26 shall be open for review and comment by the members of the
27 General Assembly and shall include a detailed listing of the
28 types of programs for the actual year, current year and
29 proposed budget year.

30 (2) THE SECRETARY OF THE BUDGET, IN CONJUNCTION WITH THE <—

1 SECRETARY OF ENVIRONMENTAL PROTECTION, SHALL PROVIDE
2 QUARTERLY FINANCIAL STATEMENTS SHOWING THE STATUS OF THE
3 RECYCLING FUND, THE HAZARDOUS SITES CLEANUP FUND AND THE
4 ENVIRONMENTAL STEWARDSHIP FUND TO THE CHAIRMAN AND MINORITY
5 CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE SENATE AND
6 THE CHAIRMAN AND MINORITY CHAIRMAN OF THE APPROPRIATIONS
7 COMMITTEE OF THE HOUSE OF REPRESENTATIVES. SUCH STATEMENTS
8 SHALL BE PROVIDED WITHIN 30 DAYS OF THE CLOSE OF EACH QUARTER
9 OF THE FISCAL YEAR AND SHALL COMMENCE WITH THE QUARTER ENDING
10 MARCH 31, 2000.

11 Section 5. Agencies.

12 (a) The Department of Conservation and Natural Resources.--

13 (1) The Department of Conservation and Natural Resources
14 shall utilize money it receives from the fund for the
15 following purposes:

16 (i) To rehabilitate, repair and develop State park
17 and State forest lands and facilities and the acquisition
18 ~~of interior holdings and other land which the Department~~ <—
19 ~~of Conservation and Natural Resources determines will~~
20 ~~protect or enhance State parks and State forests.~~ OF <—
21 LANDS CONTIGUOUS TO STATE PARKS AND STATE FORESTS AND
22 INTERIOR LAND WHICH THE DEPARTMENT OF CONSERVATION AND
23 NATURAL RESOURCES DETERMINES WILL PROTECT OR ENHANCE
24 STATE PARKS OR STATE FORESTS. NO MONEYS FROM THE FUND MAY
25 BE USED FOR THE PURCHASE OF NONINTERIOR LANDS UNLESS THE
26 PURCHASER OBTAINS THE APPROVAL OF ALL COUNTIES IN WHICH
27 THE LAND TO BE PURCHASED IS SITUATED.

28 (ii) To provide grants to a county or other
29 municipality, conservation districts and authorized
30 organizations for the purpose of planning, education,

1 acquisition, development, rehabilitation and repair of
2 greenways, RECREATIONAL trails, open space, natural ←
3 areas, river corridors, watersheds, community and
4 heritage parks and recreation facilities; community
5 conservation and beautification projects; forest
6 conservation; and other conservation purposes. Grant
7 moneys may also be used for the ~~direct~~ acquisition of ←
8 farmland for the purposes set forth in this paragraph. ←
9 ~~payment of debt service by a county on obligations issued~~
10 ~~to fund farmland acquisition in accordance with the~~
11 ~~purposes set forth in this act.~~

12 (iii) To provide grants to a county or other
13 municipality and authorized organizations for the purpose
14 of research, planning, inventories and technical
15 assistance, intended to protect and conserve the
16 biological diversity of this Commonwealth.

17 (2) The Department of Conservation and Natural Resources
18 may require matching funds as a condition of the award of a
19 grant under this subsection.

20 (b) The Department of Environmental Protection.--

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

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

27 (ii) To provide funding for technical assistance and
28 financial incentives to facilitate remining.

29 (iii) To provide grants to a county or other
30 municipality, county conservation districts, watershed

1 organizations and other authorized organizations for acid
2 mine drainage abatement, mine cleanup efforts and well
3 plugging.

4 (iv) To provide grants and technical assistance to a
5 county or other municipality, county conservation
6 districts, watershed organizations and other authorized
7 organizations to plan and implement local watershed-based
8 conservation efforts.

9 (v) To improve water-quality-impaired watersheds,
10 including those polluted by past mining activities,
11 agricultural and urban runoff, atmospheric deposition,
12 on-lot sewage systems, and earth moving activities.

13 (vi) To provide grants for safe drinking water
14 projects and wastewater treatment projects as provided
15 for in section 11.

16 (2) County conservation districts may further distribute
17 grants received under this section to watershed organizations
18 and other authorized organizations to assist in the
19 implementation of this act.

20 (3) The Department of Environmental Protection may
21 require matching funds as a condition of the award of a grant
22 under this subsection.

23 (4) For a period of five years from the effective date
24 of this act, the Department of Environmental Protection may
25 utilize up to 10% of the money allocated annually to it under
26 section 4(d) to provide grants for safe drinking water
27 projects and wastewater treatment projects. Grants under this
28 paragraph shall be made for the same purposes and shall be
29 subject to the same limitations as grants authorized in
30 section 11.

1 (C) DEPARTMENT OF AGRICULTURE.--FUNDS ALLOCATED TO THE <—
2 DEPARTMENT OF AGRICULTURE UNDER THIS ACT SHALL BE DEPOSITED IN
3 THE AGRICULTURAL CONSERVATION EASEMENT PURCHASE FUND AND ARE
4 SUBJECT TO THE PROVISIONS OF THE ACT OF JUNE 30, 1981 (P.L.128,
5 NO.43), KNOWN AS THE AGRICULTURAL AREA SECURITY LAW.

6 ~~(e)~~ (D) The authority.--The authority shall utilize money it <—
7 receives from the fund to provide financial assistance, in the
8 form of grants and matching grants for STORM WATER, water and <—
9 sewer infrastructure projects.

10 ~~(d)~~ (E) Administrative expense limitation.--The departments, <—
11 authority and grant recipients that receive moneys from the fund
12 for the purposes set forth in this section may not expend more
13 than ~~5%~~ 2% of the moneys on administrative expenses. <—

14 ~~(e)~~ (F) Expenditure limitation.--No moneys made available <—
15 through the fund shall be used for any purpose which, directly
16 or indirectly, precludes access to or use of any forested land
17 for the practice of sustainable forestry and commercial
18 production of timber or other forest products. THIS SUBSECTION <—
19 SHALL NOT APPLY TO FUNDS USED BY COUNTIES OR MUNICIPALITIES FOR
20 THE PURCHASE OR IMPROVEMENT OF PARKLAND TO BE USED FOR PUBLIC
21 RECREATION OR TO FUNDS USED BY THE DEPARTMENT OF CONSERVATION
22 AND NATURAL RESOURCES PURSUANT TO SUBSECTION (A)(1)(I).

23 ~~(f)~~ (G) Regulations.--The departments and the authority may <—
24 promulgate regulations necessary to carry out the purposes of
25 this act.

26 Section 6. Property and equipment restrictions.

27 (a) Prohibition.--Recipients of grants under this act may
28 not dispose of or convert property or equipment acquired with a
29 grant for purposes other than the purposes approved in the
30 project application without the prior written approval of the

1 agency awarding the grant.

2 (b) Remedy.--If a violation of subsection (a) occurs, the
3 agency may:

4 (1) Require the recipient to refund all grants related
5 to the project, including 10% annual interest, compounded
6 four times annually, from the date the original grant was
7 received until the grant is repaid.

8 (2) Require acquisition by the recipient of equivalent
9 replacement property, as determined by the agency.

10 (3) Take possession of the property or equipment funded
11 by the agency.

12 Section 7. Federal programs.

13 Agencies may utilize available Federal funds to augment funds
14 available under this act.

15 Section 8. Wild Resource Conservation Fund; duties of

16 Department of Conservation and Natural Resources.

17 (a) Appropriation.--The moneys contained in the Wild
18 Resource Conservation Fund are hereby appropriated, upon
19 approval of the Governor, to the Department of Conservation and
20 Natural Resources for the purposes of carrying out subsection
21 (b), section 5(a), and the act of June 23, 1982 (P.L.597,
22 No.170), known as the Wild Resource Conservation Act.

23 (b) Projects and programs.--

24 (1) The Wild Resource Conservation Board may approve
25 projects or programs for funding as necessary to preserve and
26 enhance wild resources. Grants for approved projects shall be
27 made by the Department of Conservation and Natural Resources
28 from the Wild Resource Conservation Fund. The department
29 shall not allocate money from the Wild Resource Conservation
30 Fund under this paragraph if the allocation would exceed the

1 money available in the Wild Resource Conservation Fund. The
2 Wild Resource Conservation Board shall consider the
3 recommendations of interested persons and representatives of
4 agencies serving on the board when approving projects under
5 this paragraph.

6 (2) In addition to the grants under paragraph (1), the
7 Wild Resource Conservation Board may recommend projects or
8 programs that promote the preservation and enhancement of
9 wild resources to the Department of Conservation and Natural
10 Resources for funding from the Environmental Stewardship Fund
11 under section 5(a).

12 (c) Sale of merchandise and voluntary contributions.--The
13 Wild Resource Conservation Board, with the approval of the
14 Department of Conservation and Natural Resources, shall have the
15 right to issue for sale to the public stamps, decals or other
16 items of personal property intended to signify the interest of
17 the purchaser in contributing to programs established by the
18 board under this section. Any contributions received and the net
19 proceeds from the sale of merchandise shall be deposited in the
20 Wild Resource Conservation Fund.

21 (d) Advisory committee.--The Wild Resource Conservation
22 Board may establish an advisory committee to advise the board
23 and the Department of Conservation and Natural Resources
24 regarding the WILD RESOURCE management OBJECTIVES of the board <—
25 and the approval of projects to promote the preservation and
26 enhancement of wild resources. Members of the committee shall be
27 chosen from the general public and shall serve at the pleasure
28 of the board. ~~The members of the advisory committee:~~ <—

29 ~~(1) Shall be chosen from the public and shall serve at~~
30 ~~the pleasure of the board.~~

1 ~~(2) Shall meet to advise the board and the Department of~~
2 ~~Conservation and Natural Resources.~~

3 ~~(3) Shall make recommendations regarding wild resource~~
4 ~~management objectives of the board and projects that will~~
5 ~~promote the preservation and enhancement of wild resources.~~

6 (e) Activities of other agencies.--The authority granted
7 pursuant to subsection (c) shall not affect or interfere with
8 similar authority vested by law in any agency represented on the
9 board to sell items of personal property which promote the
10 independent programs of those respective agencies. Said agencies
11 shall likewise have the right to issue for sale items of
12 personal property intended to signify the interest of the
13 purchaser in contributing to programs established by the
14 department, the net proceeds of which shall be deposited in the
15 Wild Resource Conservation Fund.

16 Section 9. Sewage construction payments to municipalities.

17 (a) Certain payments permitted.--A county or other
18 municipality, municipal authority or school district receiving
19 payments on the effective date of this act pursuant to the act
20 of August 20, 1953 (P.L.1217, No.339), entitled "An act
21 providing for payments by the Commonwealth to municipalities
22 which have expended money to acquire and construct sewage
23 treatment plants in accordance with the Clean Streams Program
24 and the act, approved the twenty-second day of June, one
25 thousand nine hundred thirty-seven (Pamphlet Laws 1987), and
26 making an appropriation," may continue to receive such payments
27 for the construction or repair of sewage treatment plants, <—
28 PROVIDED THAT THEIR SEWAGE TREATMENT PLANT OPERATIONS IMPLEMENT
29 ODOR ABATEMENT PROGRAMS AS NECESSARY.

30 (b) Certain payments prohibited.--No municipality, municipal

1 authority or school district which is not presently receiving
2 payments pursuant to the act of August 20, 1953 (P.L.1217,
3 No.339) may apply for and receive payments under that act. No
4 new or additional costs of equipment or acquisition of sewage
5 treatment plants for which construction has not commenced prior
6 to the effective date of this act may be included in a request
7 for payment by any municipality, municipal authority or school
8 district. For purposes of this section, construction shall be
9 deemed to have commenced:

10 (1) ~~When~~ WHEN the applicant has applied for or received <—
11 a permit pursuant to the act of June 22, 1937 (P.L.1987,
12 No.394), known as The Clean Streams Law, for construction or
13 modification of the sewage treatment plant;

14 (2) ~~When~~ WHEN the applicant has applied for or received <—
15 construction financing or has dedicated capital funds for an
16 identified project and the appropriate construction permit
17 under The Clean Streams Law has been applied for or received
18 by December 31, 2000; OR <—

19 (3) ~~When~~ WHEN a construction permit under The Clean <—
20 Streams Law is not required, a signed contract or purchase
21 order for an eligible acquisition or construction expense has
22 been validly executed.

23 Section 10. Effect of repeal on sewage construction payments to
24 municipalities.

25 (a) Payments outstanding.--The repeal of the act of August
26 20, 1953 (P.L.1217, No.339), entitled "An act providing for
27 payments by the Commonwealth to municipalities which have
28 expended money to acquire and construct sewage treatment plants
29 in accordance with the Clean Streams Program and the act,
30 approved the twenty-second day of June, one thousand nine

1 hundred thirty-seven (Pamphlet Laws 1987), and making an
2 appropriation," under section ~~17(a)~~ 16(A) shall not affect ←
3 payments by the Commonwealth, or any portion thereof, that
4 remain outstanding for the cost of acquisition or construction
5 of a sewage treatment plant being funded under that act, ←
6 PROVIDED THAT THEIR SEWAGE TREATMENT PLANT OPERATIONS IMPLEMENT
7 ODOR ABATEMENT PROGRAMS AS NECESSARY.

8 (b) Equipment and plants replaced, etc.--As equipment and
9 plants continuing to be funded under the act of August 20, 1953
10 (P.L.1217, No.339) are replaced, taken out of service or
11 abandoned, payment for the equipment and plants shall be
12 discontinued.

13 Section 11. Environmental infrastructure grants to water and
14 wastewater treatment facilities.

15 (a) Separate account.--Savings realized in section 9 shall
16 be placed in an account within the fund, separate from the
17 allocations in section 4(d), and administered by the Department
18 of Environmental Protection for environmental infrastructure
19 grants to a county or other municipality, municipal authorities
20 and school districts for water and wastewater treatment
21 facilities that:

22 (1) ~~implement~~ INSTALL OR IMPLEMENT new or innovative ←
23 technologies in their operations;

24 (2) implement pollution prevention techniques in their
25 operations; ~~or~~ ←

26 (3) undertake treatment process modernization or other
27 capital improvements; OR ←

28 (4) IMPLEMENT ODOR ABATEMENT PROGRAMS IN THEIR
29 OPERATIONS.

30 (b) Limitation.--Funding under this section shall be limited

1 to capital improvements to the physical operation of the
2 treatment facility and not for administrative purposes or for
3 machinery or equipment peripherally related to the operation.

4 (c) Funding availability.--Funding shall be available to all
5 counties or other municipalities, municipal authorities and
6 school districts on the basis of cost of the environmental or
7 public health improvement and not based on demographics, per
8 capita income or other unit of measure not tied to the cost of
9 the environmental improvement.

10 (d) Calculation of fund moneys.--The account shall be a
11 cumulative account set annually at the savings amount calculated
12 by subtracting the amount of annual payments funded under
13 section 10 from the amount of payments capped under section 9.
14 Section 12. Protection of Recycling Fund.

15 (a) Market development funding.--The Department of
16 Environmental Protection, on an annual basis, shall provide
17 sufficient moneys for market development from the Recycling Fund
18 to promote the long-term sustainability of recycling and to
19 promote the continued growth of the recycling rate. For purposes
20 of this subsection, market development shall mean a set of
21 government policies and programs that promote the removal of
22 marketplace barriers to recycling and that promote a productive
23 end use for recyclables collected from residents and businesses.

24 (b) Review of expenditures.--Prior to submitting its annual
25 Recycling Fund spending plan to the General Assembly, the
26 Department of Environmental Protection shall submit details of
27 its proposed expenditures under the act of July 28, 1988
28 (P.L.556, No.101), known as the Municipal Waste Planning,
29 Recycling and Waste Reduction Act, including additional
30 expenditures for market development, for review and comment to

1 the Recycling Fund Advisory Committee. At the same time, the
2 department shall submit details of its actual expenditures under
3 the Municipal Waste Planning, Recycling and Waste Reduction Act
4 for the prior fiscal year, including actual expenditures for
5 market development, for review and comment to the committee. The
6 information on actual expenditures provided to the committee
7 shall include a complete list of eligible grant applications
8 received by the Department of Environmental Protection pursuant
9 to sections 901 and 902 of the Municipal Waste Planning,
10 Recycling and Waste Reduction Act in the prior fiscal year. The
11 list shall include:

12 (1) The name of the applicant.

13 (2) The amount of funding requested.

14 (3) The amount of funding offered by the Department of
15 Environmental Protection.

16 (4) An explanation of any difference between the amount
17 requested by the applicant and the amount offered by the
18 Department of Environmental Protection.

19 (c) Minimum level of funding.--For a period of five years
20 from the effective date of this act, moneys expended for
21 programs authorized in the Municipal Waste Planning, Recycling
22 and Waste Reduction Act shall not fall below levels expended in
23 fiscal year ~~1998-1999~~ 1999-2000. ←

24 (d) Information to applicant.--When the Department of
25 Environmental Protection denies an application for a grant, or
26 approves an application for less than the amount requested by
27 the applicant, the department shall provide the applicant with a
28 written statement indicating the reason for the denial or
29 reduction in funding amount. Where an otherwise eligible grant
30 application meets the criteria of the Department of

1 Environmental Protection for funding but cannot be funded by the
2 department during the current fiscal year, the department shall
3 provide a written statement to the applicant explaining how the
4 department plans to fund the application.

5 Section 13. Extension of fees.

6 (a) Recycling fee.--No fee shall be imposed under section
7 701 of the act of July 28, 1988 (P.L.556, No.101), known as the
8 Municipal Waste Planning, Recycling and Waste Reduction Act, on
9 or after October 15, 2004.

10 (b) Fee established.--Each operator of a municipal waste
11 landfill shall pay, in the same manner prescribed in section 701
12 of the Municipal Waste Planning, Recycling and Waste Reduction
13 Act, an amount equal to 25¢ per ton of weighted waste or 25¢ per
14 three cubic yards of volume measured waste for all solid waste
15 received at the landfill. These fees shall be paid to the State
16 Treasury and deposited into the fund.

17 Section 14. Allocation of State realty transfer tax revenues.

18 Beginning January 31, 2000, and at the end of each month
19 thereafter through December 31, 2004, the State Treasurer shall
20 transfer to the Environmental Stewardship Fund ~~30%~~ 33% of the <—
21 previous month's revenues from the tax imposed under section
22 1102-C of the act of March 4, 1971 (P.L.6, No.2), known as the
23 Tax Reform Code of 1971. Upon the enactment of an increase of
24 the tax imposed under section 1102-C of the Tax Reform Code of
25 1971, the amount transferred each month pursuant to this section
26 shall not exceed the amount which would have been collected had
27 the tax increase not been enacted.

28 Section 15. Effect of repeal of site-specific postclosure fund
29 provisions.

30 (a) General rule.--Prior to certification of final closure

1 and release by the Department of Environmental Protection of the
2 landfill bond under the act of July 7, 1980 (P.L.380, No.97),
3 known as the Solid Waste Management Act, and the regulations
4 promulgated thereto, the trustee may release moneys from the
5 trust to the county which established the trust upon written
6 request from the county to the trustee in order for the county
7 to spend the money to fund county conservation districts,
8 protect farmland or to accomplish any other purpose authorized
9 by this act. Payment of debt service by a county on obligations
10 issued to fund such purposes shall be deemed to be paid for a
11 permitted purpose. Expenditure for farmland preservation must
12 comply with the act of June 30, 1981 (P.L.128, No.43), known as
13 the Agricultural Area Security Law.

14 (b) Limitations.--Moneys in a site-specific postclosure
15 trust that have not been released to the county prior to
16 certification of final closure and release of the landfill bond
17 may be used only for remedial measures and emergency actions
18 that are necessary to prevent or abate adverse effects upon the
19 environment after closure of the landfill. The county may
20 withdraw actual costs incurred in establishing and administering
21 the trust in an amount not to exceed 0.5% of the moneys
22 deposited in the trust. The trustee may release moneys for
23 remedial measures and emergency actions only upon written
24 request of the operator of a landfill and upon prior written
25 approval by the Department of Environmental Protection. Such
26 request shall include the proposed amount and purpose of the
27 withdrawal and a copy of the Department of Environmental
28 Protection's written approval of the expenditure. A copy of the
29 request shall be provided to the county and the host
30 municipality. A copy of any withdrawal document prepared by the

1 trustee shall be provided to the Department of Environmental
2 Protection, the county and the host municipality. No withdrawal
3 from this trust for remedial measures and emergency actions may
4 be made until after the Department of Environmental Protection
5 has certified closure of the landfill. Moneys remaining in a
6 trust subsequent to certification of final closure of the
7 landfill and release of the landfill's bond shall be given to
8 the county that established the trust for use in a manner
9 consistent with this act.

10 (C) APPLICABILITY.--THIS SECTION SHALL NOT APPLY TO ANY COUNTY OF THE THIRD CLASS HAVING A POPULATION UNDER THE 1990
11 COUNTY OF THE THIRD CLASS HAVING A POPULATION UNDER THE 1990
12 FEDERAL DECENNIAL CENSUS OF GREATER THAN 225,000 BUT LESS THAN
13 242,500. <—

14 Section 16. Pollution prevention appropriation.

15 The sum of \$2,000,000 is hereby appropriated, upon approval
16 of the Governor, to the Department of Environmental Protection
17 from the Hazardous Sites Cleanup Fund for the fiscal year July
18 1, 1999, to June 30, 2000, for the purposes of expanding the
19 Small Business and Household Pollution Prevention Program to
20 provide onsite assessments and recommendations for pollution
21 prevention and energy efficiency techniques for fiscal year
22 1999-2000. The General Assembly may appropriate up to \$2,000,000
23 in additional funds from the Hazardous Sites Cleanup Fund for
24 the fiscal year July 1, 2000, to June 30, 2001, for this
25 purpose.

26 Section 17. Repeals.

27 (a) Absolute.--The following acts and parts of acts are
28 repealed:

29 Section 1936-A(b) of the act of April 9, 1929 (P.L.177,
30 No.175), known as The Administrative Code of 1929.

1 Act of August 20, 1953 (P.L.1217, No.339), entitled "An act
2 providing for payments by the Commonwealth to municipalities
3 which have expended money to acquire and construct sewage
4 treatment plants in accordance with the Clean Streams Program
5 and the act, approved the twenty-second day of June, one
6 thousand nine hundred thirty-seven (Pamphlet Laws 1987), and
7 making an appropriation."

8 Section 1108(b), (c), (f) and (i) of the act of July 28, 1988
9 (P.L.556, No.101), known as the Municipal Waste Planning,
10 Recycling and Waste Reduction Act.

11 Sections 5(d) and 6(b)(3), (4), (5) and (6), (c), (d), (e),
12 (f) and (g) ~~and 13~~ of the act of June 23, 1982 (P.L.597, ←
13 No.170), known as the Wild Resource Conservation Act.

14 (b) Inconsistent.--All other acts and parts of acts are
15 repealed insofar as they are inconsistent with this act.

16 Section 18. Effective date.

17 This act shall take effect December 31, 1999, or immediately,
18 whichever is later.