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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 800**      Session of  
1999

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

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AS AMENDED ON THIRD CONSIDERATION, NOVEMBER 16, 1999

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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

1 sewage systems and earthmoving.

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, RECREATIONAL trails, river ←—  
12 corridors, fish and wildlife habitats, parks and recreation  
13 areas and scenic environments protect the environment,  
14 conserve natural resources and add value to communities.

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

20 Section 3. Definitions.

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

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

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

29 "Authorized organization." An entity involved in research,  
30 restoration, rehabilitation, planning, acquisition, development,

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

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

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

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

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

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

1 recreation development and land conservation.

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

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

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

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

17 Section 4. Fund.

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

22 (b) Sources.--

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

29 (2) For a period of five years from the effective date  
30 of this act, the fund may receive money, upon approval of the

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

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

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

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

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

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

23 (E) LEGISLATIVE OVERSIGHT.--

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

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

12 Section 5. Agencies.

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

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

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

29       (ii) To provide grants to a county or other  
30    municipality, conservation districts and authorized

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

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

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

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

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

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

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

30 (iii) To provide grants to a county or other

1           municipality, county conservation districts, watershed  
2           organizations and other authorized organizations for acid  
3           mine drainage abatement, mine cleanup efforts and well  
4           plugging.

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

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

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

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

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

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



1 section 11.

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

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

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

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

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

27 Section 6. Property and equipment restrictions.

28 (a) Prohibition.--Recipients of grants under this act may  
29 not dispose of or convert property or equipment acquired with a  
30 grant for purposes other than the purposes approved in the

1 project application without the prior written approval of the  
2 agency awarding the grant.

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

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

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

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

13 Section 7. Federal programs.

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

16 Section 8. Wild Resource Conservation Fund; duties of  
17 Department of Conservation and Natural Resources.

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

24 (b) Projects and programs.--

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

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

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

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

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

30 ~~(1) Shall be chosen from the public and shall serve at~~

1 ~~the pleasure of the board.~~

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

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

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

17 Section 9. Sewage construction payments to municipalities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (b) Limitation.--Funding under this section shall be limited  
2 to capital improvements to the physical operation of the  
3 treatment facility and not for administrative purposes or for  
4 machinery or equipment peripherally related to the operation.

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

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

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

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

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

13 (1) The name of the applicant.

14 (2) The amount of funding requested.

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

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

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

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



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

6 Section 13. Extension of fees.

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

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

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

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

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

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

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

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

11 (C) APPLICABILITY.--THIS SECTION SHALL NOT APPLY TO ANY      ←  
12 COUNTY OF THE THIRD CLASS HAVING A POPULATION UNDER THE 1990  
13 FEDERAL DECENNIAL CENSUS OF GREATER THAN 225,000 BUT LESS THAN  
14 242,500.

15 Section 16. Pollution prevention appropriation.

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

27 Section 17. Repeals.

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

30 Section 1936-A(b) of the act of April 9, 1929 (P.L.177,

1 No.175), known as The Administrative Code of 1929.

2 Act 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."

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

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

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

17 Section 18. Effective date.

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