

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 606 Session of  
2003

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YOUNGBLOOD, YUDICHAK, TANGRETTI, FREEMAN, BELFANTI AND  
HARPER, MARCH 3, 2003

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF  
REPRESENTATIVES, AS AMENDED, NOVEMBER 17, 2003

## AN ACT

1 Enabling counties and municipalities to develop ~~watershed-based~~ <—  
2 COMPREHENSIVE WATERSHED storm water plans and to regulate <—  
3 storm water within designated watershed boundaries; imposing  
4 duties and conferring powers on the Department of  
5 Environmental Protection, on the Environmental Quality Board,  
6 on counties and on municipalities; providing for financing;  
7 and making an appropriation.

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12 The General Assembly of the Commonwealth of Pennsylvania  
13 hereby enacts as follows:

14 Section 1. Short title.

15 This act shall be known and may be cited as the Comprehensive  
16 Watershed Storm Water Act.

17 Section 2. Legislative findings.

18 The General Assembly finds that:

19 (1) There are several adverse consequences of  
20 uncontrolled runoff of storm water and subsurface drainage,  
21 including increased flood stages in streams, reduced  
22 groundwater recharge, erosion and sedimentation problems and  
23 decreased stream quality.

24 (2) ~~Watershed based comprehensive~~ COMPREHENSIVE <—  
25 WATERSHED storm water management planning and implementation  
26 are critical to protect the public health and safety of the  
27 people of this Commonwealth.

28 (3) There is a need for dedicated funding to develop and  
29 implement comprehensive watershed storm water plans and to  
30 construct storm water facilities to manage and control

existing and future storm water runoff and subsurface  
drainage.

(4) The act of October 4, 1978 (P.L.864, No.167), known  
as the Storm Water Management Act, is not sufficiently  
comprehensive to address the needs of this Commonwealth.  
While the act provides a basis for storm water management,  
additional legislation is needed to provide thorough  
management.

### Section 3. Purpose.

The purpose of this act is to:

(1) Enable counties and municipalities to develop  
comprehensive ~~watershed-based~~ WATERSHED storm water plans for  
the following purposes: <—

(i) Preventing increased flood stages in streams.

(ii) Controlling the quantity, QUALITY, direction  
and velocity of storm water runoff and subsurface  
drainage. <—

(iii) Improving groundwater recharge.

(iv) Reducing erosion and sedimentation.

(2) Encourage the regional implementation of  
comprehensive watershed storm water ~~management~~ plans within  
designated watershed boundaries to preserve and protect areas  
adversely affected by storm water runoff and subsurface  
drainage. <—

### Section 4. Definitions.

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

"Agency." A county, ~~municipal~~ MUNICIPALITY or regional  
organization authorized pursuant to section 5 or 6 to develop, <—

1 implement or comment on a comprehensive watershed storm water  
2 plan.

3 "Bonds." The notes, bonds and other evidence of indebtedness  
4 or obligations which are authorized to be issued pursuant to  
5 section 7.

6 "Commercial property." Any property developed for  
7 manufacturing; processing of raw materials or products;  
8 nonmanufacturing purposes, including stores, office buildings,  
9 shopping centers, industrial parks, trucking terminals or  
10 railroads; institutional purposes, including schools, churches,  
11 hospitals or other services; or property developed as a ~~primary~~ <—  
12 ~~or residential property developed as~~ three or more residential  
13 units.

14 "Comprehensive watershed storm water ~~plan.~~" PLAN" OR "PLAN." <—  
15 A plan containing all of the elements prescribed under the act  
16 of October 4, 1978 (P.L.864, No.167), known as the Storm Water  
17 Management Act, plus elements outlined in section ~~5(e)~~ 5(B), for <—  
18 the specific purpose of managing all storm water flows within  
19 the watershed.

20 "County." A body politic and corporate, created pursuant to  
21 the act of August 9, 1955 (P.L.323, No.130), known as The County  
22 Code.

23 "Department." The Department of Environmental Protection of  
24 the Commonwealth.

25 "Flow standard." The measured quantity, quality, velocity  
26 and direction of storm water.

27 "INFILTRATION." THE FLOW OR MOVEMENT OF SURFACE WATER INTO <—  
28 OR THROUGH THE SOIL, WHERE IT IS ABSORBED BY PLANT ROOTS,  
29 EVAPORATED INTO THE ATMOSPHERE OR PERCOLATES DOWNWARD TO  
30 RECHARGE GROUNDWATER.

1 "Municipality." A city, borough, town, a township or another  
2 governmental unit when acting as an agent thereof or any  
3 combination of these acting jointly.

4 "NPDES." National Pollutant Discharge Elimination System.

5 "RECHARGE." THE PROCESS BY WHICH WATER IS ABSORBED AND IS  
6 ADDED TO THE ZONE OF SATURATION OF A GROUNDWATER AQUIFER. ALSO,  
7 THE QUANTITY OF WATER THAT IS ADDED TO THE ZONE OF SATURATION.

<—

8 "Regional storm water facility." A storm water facility  
9 which is located in, is financed by or serves more than one  
10 municipality in a watershed.

11 "Residential property." Any property developed as a primary  
12 or secondary residence for occupation by two or less families.

13 "Storm water." Drainage runoff from the surface of the land  
14 resulting from precipitation or snow or ice melt.

15 "Storm water facility." A natural feature or man made  
16 facility that collects, detains, retains, conveys, treats or  
17 allows infiltration of storm water or subsurface drainage.

18 "Subsurface drainage." Drainage runoff which occurs below  
19 the surface of the ground resulting from precipitation, snow or  
20 ice melt occurring naturally or by alteration or development of  
21 land.

22 "Watershed." The entire region or area drained by a river or  
23 other body of water, whether natural or artificial, as  
24 designated pursuant to the act of October 4, 1978 (P.L.864,  
25 No.167), known as the Storm Water Management Act.

26 "Watershed storm water plan." A plan for storm water  
27 management prepared for a watershed and adopted by a county in  
28 accordance with act of October 4, 1978 (P.L.864, No.167), known  
29 as the Storm Water Management Act.

30 Section 5. Comprehensive watershed storm water plans.

(a) Local authorization to counties.--The following shall apply:

(1) The county or counties located in a watershed, acting jointly or through a joint agency, may develop a comprehensive ~~storm water management~~ WATERSHED STORM WATER plan as described in subsection (c). If all counties in the watershed do not agree to develop the plan, the plan shall assume flow standards at the boundaries of the nonparticipating county or counties which are consistent with the comprehensive watershed storm water plan.

(2) Federal lands shall be included in the comprehensive ~~storm water management~~ WATERSHED STORM WATER plan with the consent of the United States Department of the Interior.

(3) State lands shall be included in the comprehensive ~~storm water management~~ WATERSHED STORM WATER plan with the consent of the ~~Department of Conservation and Natural Resources~~. APPROPRIATE STATE AGENCY.

(4) The comprehensive ~~storm water management~~ WATERSHED STORM WATER plan shall be generally consistent with ~~county and municipal comprehensive plans~~ COMPREHENSIVE PLANS OF COUNTIES AND MUNICIPALITIES enacted under the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code.

~~(5) A municipal comprehensive plan enacted after adoption of a comprehensive storm water management plan shall be generally consistent with the comprehensive storm water management plan.~~

(5) A COMPREHENSIVE PLAN OF A COUNTY OR A MUNICIPALITY ENACTED UNDER THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE SUBSEQUENT TO ADOPTION OF THIS ACT SHALL BE GENERALLY

1       CONSISTENT WITH THE COMPREHENSIVE WATERSHED STORM WATER PLAN  
2       ENACTED UNDER THIS ACT THAT APPLIES TO THE COUNTY OR  
3       MUNICIPALITY.

4       (b) Plan content.--The comprehensive watershed storm water  
5 plan shall consist of, but is not limited to:

6           (1) Identification of existing storm water and  
7 subsurface drainage problems in the watershed.

8           (2) Identification of existing storm water facilities in  
9 the watershed, their engineering design features, their  
10 ownership and maintenance responsibility.

11          (3) A ~~design~~ FLOW standard common to all storm water       <—  
12 facilities within the watershed.

13          (4) Designation of locations, sizes and types of storm  
14 water facilities for construction to correct existing and  
15 prevent future storm water and subsurface drainage problems.  
16 Any designation of locations for facilities must be generally  
17 consistent with ~~municipal and county comprehensive plans~~. THE       <—  
18 COMPREHENSIVE PLANS OF THE MUNICIPALITY AND COUNTY ENACTED  
19 UNDER THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE.

20          (5) A priority listing for construction of each storm  
21 water facility included in the plan.

22          (6) Identification of financing alternatives for storm  
23 water facilities.

24          (7) A program for public information, participation and  
25 education.

26          (8) Provision for plan update or review at a minimum of  
27 every five years.

28          (9) Demonstration of general consistency with other  
29 existing Federal, State, interstate, regional, county and  
30 ~~municipal~~ MUNICIPALITY environmental and land use plans.       <—

1 (10) Demonstrate consistency with existing watershed  
2 storm water plans, including minimum standards required by  
3 the act of October 4, 1978 (P.L.864, No.167), known as the  
4 Storm Water Management Act.

5 (11) Design of a rate structure for fees and assessments  
6 to implement the plan.

7 (12) A description of the mechanism and time frame by  
8 which the plan will be implemented.

9 (13) A storm water infiltration standard for groundwater  
10 recharge based on soil type as developed by appropriate  
11 agencies.

12 (14) Identification of other watershed storm water plans  
13 which impact the planned watershed.

14 (c) Development.--Public participation in the development of  
15 the comprehensive watershed storm water plan shall be provided  
16 as follows:

17 (1) A comprehensive watershed storm water plan advisory  
18 committee, composed of one representative appointed by the  
19 governing body of each municipality in the plan, county and  
20 county soil and water conservation district in the watershed  
21 AND OTHER AGENCIES AND GROUPS, AS DEEMED NECESSARY BY THE <—  
22 AGENCY, which shall be established to advise the agency  
23 throughout the process.

24 (2) Prior to adoption, the ~~comprehensive watershed storm~~ <—  
25 ~~water~~ plan shall be reviewed by the official planning agency  
26 and governing body of each municipality and county and by  
27 each regional planning agency in the watershed, for general  
28 consistency with other plans and programs affecting the  
29 watershed. All such reviews and the agency's responses shall  
30 be submitted to the department with the plan, at the time an <—

~~approval~~ A REVIEW of the plan is requested from the  
department.

(3) Prior to adoption or amendment of the plan,  
reasonable public notice shall be given and a public hearing  
shall be held within the watershed.

(d) Adoption.--Adoption or amendment of the COMPREHENSIVE  
WATERSHED STORM WATER plan shall be by resolution of the  
governing body or bodies of the agency or agencies identified in  
subsection (a), which have authorized development of the plan.

(e) Recommendation by department.--The following shall  
apply:

(1) Prior to adoption or substantive amendment, a  
comprehensive watershed storm water plan shall be submitted  
to the department for review. The department shall recommend  
~~approval~~ ADOPTION of the plan if it determines that it is  
consistent with the practice and intent of the following:

(i) ~~Municipal~~ MUNICIPALITY flood plain management  
plans.

(ii) State programs which regulate dams,  
encroachments, water obstructions, erosion and  
sedimentation.

(iii) Federal and State flood control and water  
quality programs.

(iv) Other watershed storm water plans which impact  
the planned watershed.

(v) The policies and purposes of this act and the  
Storm Water Management Act.

(2) Unless the department recommends ~~approval~~,  
~~disapproval or conditional approval~~ ADOPTION, NONADOPTION OR  
CONDITIONAL ADOPTION of the plan within three months of

receipt, it will be deemed ~~approved~~. ACCEPTABLE AS SUBMITTED. <—

~~(f) Appeals. Any person aggrieved by a final decision of  
the department approving or disapproving a storm water  
management plan or any amendment to it may appeal the decision  
to the Environmental Hearing Board in accordance with the  
provisions of the act of July 13, 1988 (P.L.530, No.94), known  
as the Environmental Hearing Board Act.~~ <—

Section 6. Implementation of comprehensive watershed storm  
water management plan. <—

(a) Revision of ordinances.--~~All municipalities shall revise  
their~~ A MUNICIPALITY SHALL REVISE ITS ordinances and regulations  
to conform with the requirements of the comprehensive storm  
~~water plan.~~ WATERSHED STORM WATER PLAN APPLICABLE TO THE  
MUNICIPALITY. <—

(b) Infrastructure implementation.--Infrastructure  
improvements under a ~~department approved~~ comprehensive watershed  
storm water plan may be implemented through any of the  
following: <—

(1) Each municipality will carry out the plan within its  
boundaries, either individually or by agreement with another  
municipality, county or a joint agency.

(2) One or more municipalities in the watershed may  
request that the county or counties in the watershed assume  
responsibility for implementation of the plan. The county or  
counties may assume responsibility for implementation of the  
plan and operational authority for the storm water facilities  
as provided for in the plan, but only for municipalities  
which agree to allow the county or counties to assume  
implementation responsibilities.

(3) If two-thirds of the municipalities, representing at

1 least 51% of the population within the watershed, through  
2 adoption of resolutions of their governing bodies, request  
3 that the county or counties in the watershed assume  
4 responsibility for implementation of the plan, then the  
5 county or counties shall assume such responsibility.

6 (c) Exercise of local authority.--A county or counties or  
7 municipalities which have assumed responsibility for  
8 implementation of the COMPREHENSIVE WATERSHED STORM WATER plan <—  
9 shall have the right to exercise authority by any of the  
10 following methods:

11 (1) By creating an operational unit under the authority  
12 of the county or municipalities or by assigning such  
13 responsibility to an existing operational unit.

14 (2) By contracting with any private or public, profit or  
15 not-for-profit organization, corporation or other legal  
16 entity to perform such responsibilities in accordance with  
17 the plan.

18 (d) Powers.--Municipalities exercising the authority to  
19 implement the COMPREHENSIVE WATERSHED STORM WATER plan under <—  
20 subsection (b)(1) may exercise the following powers:

21 (1) Deny any landowner in a municipality use of the  
22 storm water facilities constructed pursuant to the plan  
23 unless the landowner complies with the ~~municipal~~ ordinances <—  
24 adopted under this act BY THE MUNICIPALITY. <—

25 (2) Install necessary storm water facilities on private  
26 property if the landowner does not comply with the ~~municipal~~ <—  
27 ordinances adopted under this act BY THE MUNICIPALITY <—  
28 requiring installation of storm water facilities for  
29 activities on the landowner's property, and assess costs  
30 against such landowner, which costs shall be recoverable in

the same manner as assessments under section 7.

(e) Ceding of authority.--Ceding of authority shall be conducted as follows:

(1) Storm water facilities on private lands may be ceded to the agency at the agency's discretion. Whether ceded or not, the facilities shall be required to meet the design standards required under the comprehensive ~~storm-water~~ ~~management~~ WATERSHED STORM WATER plan.

(2) All ceded facilities shall be subject to an easement for maintenance and inspection access.

(f) Fee authorization.--The county may levy an annual storm water fee on real property to pay for all costs associated with implementation under this section as defined in section 7. The annual storm water fee may be countywide or may be implemented in phases which reflect the implementation of the comprehensive WATERSHED storm water plan.

(g) Reimbursement of implementation and maintenance costs.--The following shall apply to reimbursement:

(1) A municipality shall be reimbursed by the county for its identified costs of infrastructure implementation and maintenance under subsection (b)(1) and (2).

(2) Reimbursement shall not include costs related to sanitary sewage facilities.

(3) The municipality may delay implementation of the COMPREHENSIVE WATERSHED STORM WATER plan until the county provides for reimbursement to the municipality for costs covered under this subsection.

(4) The county shall have the right to audit the municipalities' costs of implementation.

(h) Design criteria and standards.--The comprehensive

1 watershed storm water plan shall dictate the engineering design  
2 and standard for any storm water facility implemented under this  
3 section and the county shall have no responsibility to reimburse  
4 the cost of any facility not meeting the design criteria.

5 (i) Maintenance of storm water facilities.--Continuing  
6 maintenance of storm water facilities shall be the  
7 responsibility of the party implementing the facility under  
8 subsection (b)(1) and (2) unless there is specific agreement  
9 otherwise between the agency and the implementing party.

10 Section 7. Powers and duties of county.

11 (a) Plan development and implementation.--In addition to any  
12 existing powers, the county responsible for development or  
13 implementation of the comprehensive watershed storm water plan  
14 shall have the power and duty to:

15 (1) Fix, alter, charge and collect fees and assessments  
16 in the area served by the county and the associated watershed  
17 at reasonable and uniform rates as determined exclusively by  
18 the county in order to carry out the powers and duties  
19 authorized under this act, including preparation of  
20 comprehensive watershed storm water plans and their  
21 implementation and the acquisition or construction of storm  
22 water facilities in the watershed. The fees established under  
23 this paragraph:

24 (i) Shall be assessed on real property in the  
25 watershed as follows:

26 (A) The fee may be a flat fee or may be based on  
27 the value of the real property.

28 (B) Commercial and industrial property may be  
29 assessed through a flat fee based upon impervious  
30 surface coverage.

1 (C) A commercial property capable of managing  
2 storm water through privately constructed and  
3 operated storm water facilities, either on premises  
4 to the design standard for a maximum draw down time  
5 of 48 hours or through an NPDES-permitted outfall  
6 directly to a water body that does not require  
7 construction of additional public storm water  
8 facilities, shall not be charged the fee. A  
9 commercial facility capable of managing a portion of  
10 its storm water either on premises to the design  
11 standard for a maximum draw down time of 48 hours, or  
12 through an NPDES-permitted outfall directly to a  
13 water body that does not require construction of  
14 additional public storm water facilities shall be  
15 charged only its proportional share of the fee, based  
16 on the area of the facility not addressed by the  
17 onsite storm water facilities meeting the design  
18 standard of section 5(b)(3). A commercial facility  
19 subject to the fee may instead construct and operate  
20 additional onsite storm water facilities meeting the  
21 design standard of section 5(b)(3), thereby exempting  
22 that property from all or a proportional share of the  
23 storm water use fee.

24 (ii) Shall be added to the annual real estate tax  
25 authorized and collected under, as appropriate, the act  
26 of August 5, 1932 (Sp.Sess., P.L.45, No.45), referred to  
27 as the Sterling Act, the act of July 28, 1953 (P.L.723,  
28 No.230), known as the Second Class County Code or the act  
29 of August 9, 1955 (P.L.323, No.130), known as The County  
30 Code.

(iii) Shall not exceed the cost of preparation or implementation of the ~~comprehensive watershed storm water~~ plan, which may include administrative, operating and maintenance expenses and the payment of principal and interest on its obligations. <—

(2) Make expenditures necessary to prepare and implement the ~~comprehensive watershed storm water~~ plan. <—

(3) Deposit the revenues collected under this section in a dedicated receipts account to be used for the exclusive purpose of development and/or implementation of a ~~comprehensive watershed storm water plan~~. THE PLAN. <—

(4) Collect delinquent fees in accordance with the act of May 16, 1923 (P.L.207, No.153), referred to as the Municipal Claim and Tax Lien Law.

(5) Levy and collect benefit assessments upon the properties within the watershed for the purpose of acquiring or constructing regional storm water facilities, which properties, in its judgment, are especially benefited thereby whether they abut such facilities or not, according to such rule as the agency adopts, subject to the right of appeal. These assessments may include a proportionate share of the cost of any part of the regional storm water facility, including the cost of preliminary studies and surveys, detailed working plans and specifications, acquisition of necessary land or property or an interest therein, damage awards, construction costs, interest charges during construction, legal or other fees or any other expense incidental to the completion of the work. In assessing benefits and apportioning the amount to be raised among the properties benefited, the agency may give consideration to

1 the area, to assessed real estate value, to present or  
2 permitted use of the benefited properties and to any other  
3 relevant factors. Revenue from the assessment of benefits  
4 shall be used solely for the costs listed in this paragraph.  
5 No assessment shall be made against any property in excess of  
6 the special benefit to accrue to such property.

7 (6) Borrow money, make and issue negotiable notes,  
8 bonds, refunding bonds, and other evidences of indebtedness  
9 or bonds of the agency, the bonds to have a maturity date not  
10 longer than 40 years from the date of issue.

11 (7) Secure payment of the bonds or any part thereof by  
12 pledge or deed of trust of all or any of its revenues and  
13 receipts, and to make such agreements with the purchasers or  
14 holders of such bonds or with others in connection with any  
15 such bonds, whether issued or to be issued.

16 (8) Borrow money and issue such notes, bonds and other  
17 indebtedness and obligations jointly with any adjoining  
18 state, as the agency shall deem advisable and, in general, to  
19 provide for the security for the bonds and the rights of the  
20 holders thereof and in respect to any storm water facility  
21 constructed and operated under agreement with any such  
22 agency. Any agency may enter into any deed of trust,  
23 indenture or other agreement with any bank or trust company  
24 or other person or persons in the United States having power  
25 to enter into the same, including any Federal agency, as  
26 security of such bonds and may assign and pledge all or any  
27 of the revenue of receipts of the agency thereunder. Such  
28 deed of trust, indenture or agreement may contain such  
29 provisions as may be customary in such instruments or as the  
30 agency may authorize, including, but not limited to, the

1 following:

2 (i) The construction, improvement, operation,  
3 maintenance and repair of any storm water facility and  
4 the duties of the agency with reference thereto.

5 (ii) The application of funds and the safeguarding  
6 of funds on hand or on deposit.

7 (iii) The rights and remedies of the trustee and the  
8 holder of the bonds, which may include restrictions upon  
9 the individual right of action of such bondholders.

10 (iv) The terms and provisions of the bonds or the  
11 resolutions authorizing the issuance of the same.

12 (9) Use any available Federal or State funds, and any  
13 other funds, and set up accounts as are necessary to  
14 implement the provisions of this act.

15 (10) Develop design details for the storm water  
16 facilities to be implemented in accordance with the approved  
17 ~~comprehensive watershed storm water~~ plan. <—

18 (11) Plan for capital facilities, including the  
19 development of maintenance schedules.

20 (12) Review and comment on the location, design and  
21 construction within the watershed of facilities, owned or  
22 financed, in whole or in part, by funds from the  
23 Commonwealth, including storm water facilities, obstruction,  
24 flood control projects, highways and transportation  
25 facilities, and facilities for the provision of public  
26 utility service, to assure their consistency with the  
27 ~~comprehensive watershed storm water~~ plan. The county shall <—

28 review and take action on such submissions concurrent with  
29 the review period as provided in ARTICLE V OF the act of July <—

30 31, 1968 (P.L.805, No.247), known as the Pennsylvania

1 Municipalities Planning Code.

2 (13) Inspect storm water facilities for adherence to  
3 plans and construction and maintenance standards.

4 (14) Provide for routine maintenance.

5 (15) Construct regional storm water facilities.

6 (16) Cooperate with emergency response and relief  
7 agencies.

8 (17) Provide for public comment on any project involving  
9 the construction of capital facilities.

10 (b) Other requirements.--The powers and duties under this  
11 section in no way relieve persons engaged in the alteration or  
12 development of land of the responsibility to comply with the  
13 requirements of ~~municipal storm water ordinances~~ STORM WATER  
14 ORDINANCES OF MUNICIPALITIES, the approved comprehensive  
15 watershed storm water plan and the requirements of the act of  
16 October 4, 1978 (P.L.864, No.167), known as the Storm Water  
17 Management Act.

18 (c) Objections.--Any resident, owner of real property or  
19 person in the watershed questioning the rate fixed by the county  
20 or the adequacy, safety and reasonableness of the agency's  
21 services, including extensions of service thereof, shall first  
22 raise such objections with the county or the agency, as the case  
23 may be. After exhausting their administrative remedies, such  
24 persons may bring suit against the agency in the court of common  
25 pleas of the county in which the principal office of the agency  
26 is located.

27 Section 8. Duties of municipalities in regulating development  
28 of land.

29 (a) Regulation.--A municipality shall regulate development  
30 activities consistent with any applicable approved comprehensive

1 watershed storm water plan.

2 (b) Enforcement.--Nothing in this act shall prohibit a  
3 municipality or county from enforcing any zoning, subdivision or  
4 land development ordinance which the municipality or county has  
5 adopted.

6 Section 9. Entry upon land for surveys and examinations.

7 Designated representatives of the agency, upon serving a  
8 reasonable notice, may enter upon lands in the watershed to make  
9 surveys and examinations to accomplish the necessary purposes of  
10 the agency or to have access to storm water facilities.

11 Section 10. Powers and duties of department and Environmental  
12 Quality Board.

13 (a) Technical assistance.--Upon request of a county or  
14 municipality, the department shall provide technical assistance  
15 as required for the purposes of this act. The department may  
16 prepare and issue such advisory guidelines as may be appropriate  
17 to assist in the implementation of this act.

18 (b) Department authority.--Nothing in this act shall be  
19 construed to abrogate the authority of the department under any  
20 of the environmental laws administered by the department.

21 (c) Environmental Quality Board.--The Environmental Quality  
22 Board shall adopt such rules and regulations of the department  
23 as are necessary and appropriate to carry out the purposes of  
24 this act.

25 Section 11. Permits.

26 The department, the Environmental Quality Board and other  
27 Commonwealth departments and agencies and county and municipal  
28 governments and agencies shall make decisions with respect to  
29 issuance of permits that are generally consistent with

30 comprehensive ~~storm water management plans~~. WATERSHED STORM

<—

1 WATER PLANS ENACTED UNDER THIS ACT.

2 Section 12. Preservation of existing rights and remedies.

3 The taking of any action under the provisions of this act  
4 shall not be construed as estopping the Commonwealth or any  
5 county, municipality or aggrieved person from proceeding in  
6 courts of law or equity to abate nuisances under existing law or  
7 to restrain, at law or in equity, a violation of this act.

8 Section 13. Grants.

9 (a) Purpose.--The department may administer grants to  
10 municipalities and counties and to assist or reimburse them for  
11 costs in preparing comprehensive watershed storm water plans  
12 under this act. Grants and reimbursements shall be made from and  
13 to the extent of funds appropriated by the General Assembly for  
14 such purposes and shall be made in accordance with rules and  
15 regulations promulgated by the Environmental Quality Board.

16 (b) Amount.--A grant shall not exceed 75% of the allowable  
17 costs for the preparation of a comprehensive watershed storm  
18 water plan by any municipality or county. The grant shall be in  
19 addition to grants for similar purposes made to any municipality  
20 or county by the Federal Government.

21 Section 14. Appropriation.

22 There is hereby appropriated \$1,000,000 for the fiscal year  
23 following enactment of this act to the Department of  
24 Environmental Protection for the administrative and general  
25 expenses necessary in implementing this act. This shall be a  
26 continuing appropriation and shall not lapse.

27 Section 15. Applicability.

28 This act shall not apply to counties of the first class.

29 Section 16. Effective date.

30 This act shall take effect in 60 days.