
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

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INTRODUCED BY STEIL, FREEMAN, BELFANTI, BRENNAN, CALTAGIRONE,
CUTLER, DALLY, FRANKEL, GEORGE, GINGRICH, GOODMAN, GRUCELA,
HENNESSEY, KOTIK, MELIO, R. MILLER, MILNE, MURT, MUSTIO,
MYERS, NAILOR, O'NEILL, PETRONE, REICHLEY, RUBLEY, SAYLOR,
SCAVELLO, SIPTROTH, STERN AND YOUNGBLOOD, FEBRUARY 26, 2008

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
FEBRUARY 26, 2008

AN ACT

1 Updating and expanding the storm water planning requirements to
2 be undertaken by counties; authorizing counties to regulate
3 storm water within a watershed-based planning area;
4 authorizing the formation of water resources management
5 authorities; enabling counties, municipalities and water
6 resources management authorities to develop integrated water
7 resources management plans; imposing duties and conferring
8 powers on the Department of Environmental Protection, the
9 Environmental Quality Board, counties, municipalities and
10 water resources management authorities; providing for
11 financing and for waiver of use for certain grant loan funds;
12 and making related repeals.

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15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 CHAPTER 1

18 GENERAL PROVISIONS

19 Section 101. Short title.

20 This act shall be known and may be cited as the Integrated
21 Water Resources Restoration, Protection and Management Act.

22 Section 102. Legislative findings.

23 The General Assembly finds that:

24 (1) Inadequate management of storm water runoff and the
25 insufficient planning, coordination and integration of
26 regulatory programs associated with water resources
27 management activities causes increased flood flows and
28 velocities, contributes to accelerated erosion and
29 sedimentation, overtaxes the carrying capacity of streams and
30 storm sewers, greatly increases the cost of public facilities

1 to carry and control storm water and wastewater, undermines
2 flood plain management and flood control efforts in
3 downstream communities, reduces groundwater recharge,
4 diminishes the quality and quantity of water supplies and
5 threatens the environment, public health, safety and
6 property.

7 (2) The act of October 4, 1978 (P.L.864, No.167), known
8 as the Storm Water Management Act, is not sufficiently
9 comprehensive to address the needs of this Commonwealth.
10 While the act provides a basis for storm water management
11 planning by counties on a watershed basis, additional
12 provisions are needed in addition to the Storm Water
13 Management Act requirements to provide integrated and
14 thorough planning and management of water resources in
15 watershed-based planning areas and to address current and
16 past water resources management problems, as well as
17 prospective and ongoing development.

18 (3) A comprehensive, integrated approach to water
19 resources management, building on the protections established
20 under the act of June 22, 1937 (P.L.1987, No.394), known as
21 The Clean Streams Law, including reasonable regulation of
22 development and activities causing adverse impacts to waters
23 of this Commonwealth, is fundamental to public health, safety
24 and welfare and protection of the citizens of this
25 Commonwealth, their resources and the environment.

26 (4) Adequate management of this Commonwealth's water
27 resources requires additional legal mechanisms for
28 coordination and integration of water resources management
29 planning among State agencies and county and municipal
30 governments.

1 (5) Dedicated funding is needed to develop and implement
2 integrated water resources management plans to protect,
3 maintain, reclaim and restore this Commonwealth's water
4 resources and the environment and to protect public health,
5 safety and property.

6 Section 103. Purpose.

7 The purpose of this act is to:

8 (1) Provide for more comprehensive storm water planning
9 and management, building on the framework found in the act of
10 October 4, 1978 (P.L.864, No.167), known as the Storm Water
11 Management Act, and implementing the act of June 22, 1937
12 (P.L.1987, No.394), known as The Clean Streams Law, to
13 authorize planning for and remediation of storm water-
14 associated problems and integrating related water resources
15 management programs.

16 (2) Restore, reclaim, protect and maintain the water
17 quality, quantity and natural hydrologic regime; regulate
18 and, where appropriate, restrict development in the floodways
19 and floodplains of this Commonwealth's rivers and streams;
20 preserve the carrying capacity of watercourses; and protect,
21 maintain, reclaim and restore surface waters and groundwaters
22 of this Commonwealth.

23 (3) Protect the natural resources, environmental rights
24 and values secured by the Constitution of Pennsylvania.

25 (4) Authorize counties to undertake and enforce
26 comprehensive, ecologically sustainable and consistent water
27 resources management planning; consolidate and coordinate
28 governmental resources; and establish a dedicated, stable and
29 tailored funding source. If a county does not elect to
30 undertake such integrated water resources planning or

1 management, municipalities or water resources management
2 authorities are authorized to undertake these activities.

3 (5) Encourage the regional implementation of integrated
4 water resources management plans within watershed-based
5 planning areas to preserve and protect areas from the adverse
6 effects of fragmented planning related to water resources
7 protection, water infrastructure, wet weather and wastewater
8 management, storm water runoff and subsurface drainage.

9 (6) Authorize the creation of water resources management
10 authorities to enable counties and municipalities to
11 regulate, manage, operate and maintain activities, facilities
12 and development that may affect storm water runoff or water
13 resources within watershed-based planning areas; regulate,
14 implement and manage comprehensive storm water management
15 plans or integrated water resources management plans within
16 watershed-based planning areas; and undertake the planning
17 related thereto under this act when appropriate.

18 (7) Encourage water resources management authorities to
19 utilize a comprehensive integrated water resources approach
20 for water resources protection, maintenance and improvement,
21 including quantity and quality, and other environmental
22 benefits.

23 (8) Authorize dedicated funding to develop and implement
24 updated, expanded and comprehensive storm water planning and
25 management, as well as to develop and implement integrated
26 water resources management plans to protect, maintain,
27 reclaim and restore this Commonwealth's water resources and
28 to protect public health, safety, property and the
29 environment.

30 Section 104. Definitions.

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

4 "Best management practices." Activities, facilities,
5 measures or procedures used to protect, maintain, reclaim and
6 restore the quantity and quality of waters and uses within this
7 Commonwealth.

8 "Bonds." The notes, bonds and other evidence of indebtedness
9 or obligations which are authorized to be issued under section
10 501.

11 "Clean Streams Law." The act of June 22, 1937 (P.L.1987,
12 No.394), known as The Clean Streams Law.

13 "Comprehensive storm water management plan." Storm water
14 management plans developed in accordance with act of October 4,
15 1978 (P.L.864, No.167), known as the Storm Water Management Act,
16 and the requirements of this act.

17 "Critical water planning area." An area identified under 27
18 Pa.C.S. § 3112(a)(6) or (d)(1) (relating to plan contents).

19 "Department." The Department of Environmental Protection of
20 the Commonwealth.

21 "Infrastructure." Structural elements, structural and
22 nonstructural management practices and operating procedures that
23 support drinking water, wastewater, storm water, floodplain and
24 other water resources management activities.

25 "Integrated water resources management." Implementation of
26 multiple statutory and regulatory planning obligations related
27 to the water resources of this Commonwealth.

28 "Integrated water resources management plan." A plan
29 containing all of the elements prescribed under the act of
30 October 4, 1978 (P.L.864, No.167), known as the Storm Water

1 Management Act, and the additional requirements of Chapters 3
2 and 4 which includes proposals for regulating activities and
3 development that may affect water resources and wastewater
4 management within the planning area.

5 "Land development." The subdivision of land, or the
6 improvement of one or more lots, tracts or parcels of land for
7 any purpose.

8 "Municipalities Planning Code." The act of July 31, 1968
9 (P.L.805, No.247), known as the Pennsylvania Municipalities
10 Planning Code.

11 "Municipality." A city, borough, town, township or another
12 governmental unit when acting as an agent thereof or any
13 combination of these acting jointly.

14 "Recharge." The process by which water is absorbed and is
15 added to the zone of saturation of a groundwater aquifer. The
16 term includes the quantity of water that is added to the zone of
17 saturation.

18 "Remedial plan." A plan containing all of the elements
19 prescribed under section 301 which includes requirements for
20 assessment and remediation of storm water-related problems.

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

23 "Storm water best management practice" or "Storm water BMP."
24 Activities, facilities, measures or procedures used to protect,
25 maintain, reclaim and restore the quantity and quality of waters
26 and uses within this Commonwealth. The term includes plans under
27 the act of October 4, 1978 (P.L.864, No.167), known as the Storm
28 Water Management Act, or other plans, treatment requirements,
29 operating procedures and practices to manage and control the
30 rate, volume and water quality of storm water runoff.

1 "Storm Water Management Act." The act of October 4, 1978
2 (P.L.864, No.167), known as the Storm Water Management Act.

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

7 "Submitting agency." A county, counties, multiple
8 municipalities or a water resources management authority which
9 elects to develop and submit an integrated water resources
10 management plan, in accordance with the requirements of section
11 401(a), to the Department of Environmental Protection for
12 approval under this act.

13 "Subsurface drainage." Drainage runoff which occurs below
14 the surface of the ground resulting from precipitation or snow
15 or ice melt.

16 "Water resources management authority." A body politic and
17 corporate created under the former act of May 2, 1945 (P.L.382,
18 No.164), known as the Municipality Authorities Act of 1945, 53
19 Pa.C.S. Ch. 56 (relating to municipal authorities) or section
20 501 for the purpose of planning, constructing, operating,
21 maintaining, managing and regulating storm water or integrated
22 water resources management structures, practices and activities.

23 "Water resources management planning." Planning based on
24 watershed areas to protect, maintain, reclaim and restore the
25 quality and quantity of surface water and groundwater and the
26 physical, chemical and biological characteristics of bodies of
27 water from the effects of past and future activities and
28 development while assuring sustainable supplies of clean water
29 to meet current and future needs and minimizing the impact of
30 storm water on public health, safety, property and the

1 environment.

2 "Watershed." The entire region or area drained by a river or
3 other body of water, whether natural or artificial.

4 "Watershed-based planning area." A planning area approved by
5 the Department of Environmental Protection and based on
6 watershed boundaries, as well as political boundaries or
7 geographic considerations, that is the focus of a comprehensive
8 storm water management plan or integrated water resources plan.

9 CHAPTER 2

10 POWERS AND DUTIES

11 Section 201. Powers and duties of counties.

12 (a) Comprehensive storm water management plan.--A county
13 shall have the power and duty to prepare and implement a
14 comprehensive storm water management plan in accordance with
15 section 301. In addition to any existing powers consistent with
16 the requirements of section 401(a), the county may elect to
17 develop or implement an integrated water resources management
18 plan in accordance with Chapter 4.

19 (b) Review and comment.--A county shall have the power and
20 duty to review and comment on the location, design and
21 construction within the watershed-based planning area of
22 facilities owned or financed, in whole or in part, by funds from
23 this Commonwealth, including storm water facilities, water
24 obstructions, flood control projects, highways and
25 transportation facilities and facilities for the provision of
26 public utility service, to assure their consistency with the
27 plans developed pursuant to this act. The county shall review
28 and take action on such submissions concurrent with the review
29 period as provided in Article V of the Municipalities Planning
30 Code.

1 (c) Inspection.--In accordance with plans developed under
2 this act, a county shall also have the power and duty to inspect
3 water resources-related facilities, provide for routine
4 operation and maintenance of water resources management
5 facilities and construct water resources management facilities.

6 (d) Public comment.--A county shall have the power and duty
7 to provide for public comment on all proposed publicly financed
8 water resources capital projects undertaken pursuant to the
9 remedial plan requirements in Chapter 3.

10 (e) Compliance.--Nothing that a county does under this act
11 shall relieve any person engaged in activities or in the
12 alteration or development of land of the responsibility to
13 comply with the requirements of storm water ordinances of
14 municipalities, an approved integrated water resources
15 management plan and the requirements of the Storm Water
16 Management Act, as well as all of the legal requirements of the
17 other programs for which planning will be integrated in an
18 integrated water resources management plan.

19 Section 202. Powers and duties of department and Environmental
20 Quality Board.

21 (a) Department.--The department shall have the power and
22 duty to:

23 (1) Coordinate the management of water resources in this
24 Commonwealth, including the authority to develop guidelines,
25 processes and certification programs for consulting and
26 engineering services.

27 (2) Develop processes and procedures for resolving
28 disputes associated with integrated water resources
29 management planning among county and municipal planning
30 bodies and government agencies concerning plan development or

1 implementation.

2 (3) Develop guidelines and policies to implement the
3 purposes of this act, including specific comprehensive storm
4 water management plan or integrated water resources
5 management plan scope and content requirements, model
6 integrated water resources management plans and model
7 ordinances. The department may prepare and issue such
8 guidelines as may be appropriate to assist in the
9 implementation of this act.

10 (4) Charge fees associated with the review of integrated
11 water resources management plans.

12 (5) Approve, disapprove or conditionally approve
13 comprehensive storm water management plans and integrated
14 water resources management plans.

15 (6) Undertake enforcement as necessary and appropriate
16 and in accordance with this act.

17 (7) Take any other action required to carry out the
18 purposes and policies of this act.

19 (8) Upon request of a county or municipality, provide
20 technical assistance appropriate to accomplish the purposes
21 of this act.

22 (b) Other laws.--Nothing in this act shall be construed to
23 abrogate the authority of the department under any of the
24 environmental laws administered by the department.

25 (c) Board.--The Environmental Quality Board shall adopt
26 rules and regulations of the department as are necessary and
27 appropriate to carry out the purposes of this act.

28 Section 203. Powers and duties of municipalities.

29 (a) Implementation of plans.--A municipality or multiple
30 municipalities shall have the power and duty to implement

1 comprehensive storm water management plans and any applicable
2 integrated water resources management plan.

3 (b) Plan.--Consistent with the requirements of section
4 401(a), multiple municipalities may elect to develop an
5 integrated water resources management plan in accordance with
6 Chapter 4.

7 (c) Land development and activities.--Municipalities shall
8 regulate land development and activities consistent with the
9 most recent applicable approved comprehensive storm water
10 management plan or integrated water resources management plan
11 and shall adopt ordinances to implement these plans.

12 (d) Enforcement.--Nothing in this act shall prohibit a
13 municipality or county from enforcing any zoning, subdivision or
14 land development ordinance which the municipality or county has
15 adopted that is not in conflict with plans developed under this
16 act.

17 Section 204. Powers and duties of water resources management
18 authorities.

19 (a) Plan.--Water resources management authorities shall have
20 the power and duty to implement and administer comprehensive
21 storm water management plans when so designated and to implement
22 and administer integrated water resources management plans when
23 so designated.

24 (b) Integrated plan.--Consistent with the requirements of
25 section 401(a), water resources management authorities may elect
26 to develop an integrated water resources management plan in
27 accordance with Chapter 4.

28 (c) Powers and duties.--Water resources management
29 authorities shall have the power and duty to set rates and
30 assess and collect fees to carry out the purposes of this act.

1 (d) Annual report.--Water resources management authorities
2 shall provide an annual report of actions and activities to the
3 department.

4 CHAPTER 3

5 COMPREHENSIVE STORM WATER MANAGEMENT PLANNING

6 Section 301. Comprehensive storm water planning and management
7 requirements.

8 (a) Watershed boundaries.--Comprehensive storm water
9 management plans shall be based on the watershed boundaries
10 described in plans developed in accordance with the Storm Water
11 Management Act, unless an alternate watershed-based planning
12 area is approved by the department for good cause shown.

13 (b) Plans and updates.--Within five years of the effective
14 date of this section, counties shall prepare or update the plans
15 developed in accordance with the Storm Water Management Act and,
16 at a minimum, shall also prepare a remedial plan, which together
17 shall constitute the comprehensive storm water management plan.
18 At a minimum, the remedial plan shall include the following:

19 (1) Identification and assessment of existing problems
20 associated with storm water runoff and subsurface drainage
21 and the conditions that cause or contribute to the problems.

22 (2) Proposed solutions to or remediation of existing
23 problems which take into account peak rates of storm water
24 runoff, the volume and velocity of storm water runoff and the
25 quality of the storm water runoff necessary to prevent
26 pollution and to protect, maintain, reclaim and restore
27 waters of this Commonwealth, including:

28 (i) A remediation and retrofit priorities list.

29 (ii) An implementation plan and prioritized schedule
30 for the remedial plan.

1 (iii) A design of a rate structure for fees and
2 assessments to implement the remedial plan.

3 (iv) A designation of the entity responsible for
4 implementation of the plan and operation and maintenance
5 of remedial infrastructure: the county, municipalities or
6 a water resources management authority.

7 (3) Inventory of significant existing storm water
8 management facilities in the watershed, their engineering
9 design features, their ownership and maintenance
10 responsibility and an assessment of their functional
11 effectiveness.

12 (4) A program for public information, participation and
13 education.

14 (5) Provision for comprehensive storm water management
15 plan review and update at a minimum of every five years.

16 (6) Demonstration of or steps to achieve general
17 consistency with:

18 (i) The applicable comprehensive plans of the
19 municipality and county enacted under the Municipalities
20 Planning Code.

21 (ii) Other existing applicable Federal, State,
22 interstate, regional and county environmental and land
23 use plans.

24 (iii) Existing applicable watershed storm water
25 plans, including minimum standards required by the Storm
26 Water Management Act.

27 (c) Exception.--Except as provided under this act, the
28 requirements and procedures in sections 6, 7, 8, 9, 10, 11 and
29 12 of the Storm Water Management Act shall be followed in
30 developing the comprehensive storm water management plan under

1 this section. These provisions apply to development and
2 implementation of the applicable plan and implementing ordinance
3 and regulation revisions required by this section.

4 Section 302. Review and approval or disapproval by department.

5 The department may approve or disapprove comprehensive storm
6 water management plans in whole or in part or with conditions
7 that the department determines are reasonable and appropriate.

8 Section 303. Implementation of comprehensive storm water
9 management plans.

10 (a) Ordinances.--Within six months following adoption and
11 approval of a comprehensive storm water management plan, each
12 municipality shall adopt or amend such ordinances and
13 regulations, including zoning, subdivision and development,
14 building code and erosion and sedimentation ordinances,
15 necessary to regulate development and activities and to control
16 storm water within the municipality in a manner consistent with
17 the applicable comprehensive storm water management plan,
18 including the remedial plan to address existing problems, and
19 the provisions of the Storm Water Management Act and this act.

20 (b) Remedial plan.--Following adoption and approval of
21 comprehensive storm water management plans, the responsible
22 entity shall implement the remedial plan.

23 (c) Infrastructure implementation.--Unless otherwise
24 specified in a department-approved and department-adopted
25 comprehensive storm water management plan, infrastructure
26 improvements under the comprehensive storm water management plan
27 may be implemented through any of the following:

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

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

9 (3) If two-thirds of the municipalities, representing at
10 least 51% of the population within the watershed, through
11 adoption of resolutions of their governing bodies, request
12 that the county or counties in the watershed assume
13 responsibility for implementation of the plan, then the
14 county or counties shall assume responsibility for all
15 municipalities.

16 (d) Responsible entity.--Where the responsible entity fails
17 to timely implement the remedial plan associated with approved
18 and adopted comprehensive storm water management plans, the
19 county shall implement the remedial plan.

20 (e) Development of model ordinances.--Within three years of
21 the effective date of this section, the department shall develop
22 a set of model subdivision and land development ordinances,
23 including a specific model comprehensive storm water management
24 ordinance, that can be used as a guide by municipalities to
25 adopt regulations designed to implement the applicable
26 comprehensive storm water management plan.

27 (f) Waiver provisions.--The implementing ordinances and
28 regulations shall not contain a waiver provision except for
29 those waivers included in the model ordinance in the adopted and
30 approved comprehensive storm water management plan.

1 (g) Decisions.--The department, other Commonwealth
2 departments and agencies and county and municipal governments
3 and agencies shall consider and shall make decisions with
4 respect to issuance of permits, approvals or grants that are
5 generally consistent with comprehensive storm water management
6 plans prepared, adopted and approved under this act.

7 (h) Review and issuance procedures.--The department shall
8 develop procedures to coordinate the review and issuance of all
9 department permits, approvals or grants that cover construction,
10 operation and maintenance of all current and future facilities
11 that are necessary to implement the comprehensive storm water
12 management plans, including the designation of a single point of
13 contact for all department permits or approvals for the
14 facilities.

15 Section 304. Failure to submit comprehensive storm water
16 management plan.

17 (a) Actions.--Any person may institute an action in mandamus
18 to compel a county to prepare, adopt and submit a comprehensive
19 storm water management plan in accordance with the Storm Water
20 Management Act and this act.

21 (b) Administrative remedies.--The department may utilize
22 administrative remedies, including administrative orders, or may
23 institute an action in mandamus to compel a county to prepare,
24 adopt and submit a comprehensive storm water management plan in
25 accordance with the Storm Water Management Act and this act.

26 (c) Reimbursement.--When action by the department or any
27 other entity is required to compel a county to prepare, adopt
28 and submit a plan, the department shall not provide grants or
29 reimbursements to the county for the cost of the plan.

30 (d) Costs and fees.--The costs, attorney fees,

1 administrative fees and other expenses associated with
2 proceedings under this section shall be recoverable from the
3 violator.

4 Section 305. Failure of municipalities to adopt ordinances and
5 implement plans.

6 (a) Procedure following approval.--Following adoption and
7 approval of a comprehensive storm water management plan:

8 (1) Any person may institute an action in mandamus to
9 compel a municipality to adopt implementing ordinances and to
10 implement a comprehensive storm water management plan and
11 ordinances in accordance with the Storm Water Management Act
12 and this act.

13 (2) The county or the department may utilize
14 administrative remedies, including administrative orders, or
15 may institute an action in mandamus to compel a municipality
16 to adopt ordinances or to implement a comprehensive storm
17 water management plan in accordance with the Storm Water
18 Management Act and this act.

19 (3) When action by the county, the department or any
20 person is required to compel a municipality to adopt
21 ordinances or to implement a comprehensive storm water
22 management plan, the department shall not provide grants or
23 reimbursements to the municipality for the associated costs.

24 (b) Costs and fees.--The costs, attorney fees,
25 administrative fees and other expenses associated with
26 proceedings under this section shall be recoverable from the
27 violator.

28 CHAPTER 4

29 INTEGRATED WATER RESOURCES MANAGEMENT

30 PLANNING AND PROCEDURE

1 Section 401. Water resources management coordination and
2 integration.

3 (a) Submitting agency.--A county or multiple counties may
4 elect to develop integrated water resources management plans. If
5 a county or counties have not provided notice to the department
6 of the intention to develop an integrated water resources
7 management plan, then multiple municipalities or water resources
8 management authorities located in such counties may elect to
9 develop integrated water resources management plans in
10 accordance with this act, beginning one year from the effective
11 date of this act.

12 (b) Plans.--Integrated water resources management plans may
13 be developed for individual or multiple watersheds, or upon
14 department-approved watershed-based planning areas, designated
15 in accordance with, but not limited to, the following
16 considerations:

17 (1) Existence of critical water planning areas.

18 (2) Waters listed pursuant to 33 U.S.C. § 1313(d)
19 (relating to water quality standards and implementation
20 plans).

21 (3) Flooding history.

22 (4) Special protection watersheds.

23 (5) Current or projected population density.

24 (6) Current or projected rate of development.

25 (7) Percent of impervious cover.

26 (c) Minimum requirements.--Integrated water resources
27 management plans shall, at a minimum, be consistent with this
28 act and the following statutes:

29 (1) The Federal Water Pollution Control Act (62 Stat.
30 1155, 33 U.S.C. § 1251 et seq.).

1 (2) The Safe Drinking Water Act (Public Law 93-523, 21
2 U.S.C. § 349 and 42 U.S.C. §§ 201 and 300f et seq.).

3 (3) The Clean Streams Law.

4 (4) The act of May 1, 1984 (P.L.206, No.43), known as
5 the Pennsylvania Safe Drinking Water Act.

6 (5) The Storm Water Management Act.

7 (6) The act of October 4, 1978 (P.L.851, No.166), known
8 as the Flood Plain Management Act.

9 (7) The act of January 24, 1966 (1965 P.L.1535, No.537),
10 known as the Pennsylvania Sewage Facilities Act.

11 (8) The act of November 26, 1978 (P.L.1375, No.325),
12 known as the Dam Safety and Encroachments Act.

13 (9) The Water Resources Development Act of 1986 (Public
14 Law 99-662, 33 U.S.C. § 2213(j)).

15 (10) The act of June 24, 1939 (P.L.842, No.365),
16 referred to as the Water Rights Law.

17 (11) The act of May 15, 1945 (P.L.547, No.217), known as
18 the Conservation District Law.

19 (12) The Municipalities Planning Code.

20 (13) The Municipality Authorities Act.

21 (14) The provisions of 3 Pa.C.S. Ch. 5 (relating to
22 nutrient management and odor management).

23 (15) Any other applicable Federal or State law as
24 determined by the department.

25 (d) Entities.--Entities which elect to undertake integrated
26 water resources management planning shall do so in accordance
27 with this act.

28 (e) Compliance.--If an entity elects to undertake integrated
29 water resources management planning and the plan is approved by
30 the department in accordance with this act, the entity is deemed

1 to have satisfied the procedural and substantive planning
2 requirements of the acts listed in subsection (c) that impose
3 planning requirements.

4 Section 402. Integrated water resources management planning
5 process.

6 (a) Boundaries.--Integrated water resource management plans
7 shall be based upon the boundaries described in plans developed
8 in accordance with the Storm Water Management Act, unless an
9 alternate watershed-based planning area is approved by the
10 department for good cause shown.

11 (b) Development.--Public participation in the development of
12 the integrated water resources management plan shall be provided
13 as follows:

14 (1) An integrated water resources management plan
15 advisory committee, composed of one representative appointed
16 by the governing body of each municipality in the planning
17 area watershed, the county and any county conservation
18 district in the planning area watershed, any compact basin
19 commission in the planning area watershed and other agencies
20 and groups, as are necessary and proper, shall be established
21 to advise the submitting agency throughout the process.

22 (2) Prior to adoption, the plan shall be reviewed by the
23 official planning agency and governing body of each
24 municipality and county and by each regional planning agency
25 in the watershed for general consistency with other plans and
26 programs affecting the watershed. All such reviews and the
27 submitting agency's responses shall be submitted to the
28 department with the plan at the time a review of the plan is
29 requested from the department.

30 (3) Prior to adoption or amendment of the plan,

1 reasonable public notice shall be given at least 14 days
2 prior to the hearing, and a public hearing shall be held
3 within the watershed-based planning area.

4 (c) Adoption.--Adoption or amendment by the submitting
5 agency of the integrated water resources management plan shall
6 be by resolution of the governing body or bodies of the agency
7 or agencies identified in subsection (b), which have authorized
8 development of the plan.

9 (d) Approval by department.--The following shall apply:

10 (1) Prior to adoption or substantive amendment, the
11 submitting agency shall submit the integrated water resources
12 management plan to the department for review. The department
13 shall approve or conditionally approve the plan if it
14 determines that it is generally consistent with the
15 following:

16 (i) Section 401(c).

17 (ii) All current approved watershed restoration and
18 protection plans that have been developed in the planning
19 area.

20 (iii) All current approved total maximum daily loads
21 (TMDLs) for waters of the planning area.

22 (iv) All current source water protection plans that
23 have been adopted in the planning area.

24 (v) All current rivers conservation plans in the
25 watershed-based planning area that have been approved by
26 the Department of Conservation and Natural Resources.

27 (vi) All current critical area resource plans that
28 have been approved by the department.

29 (vii) All current applicable water resources plans
30 adopted by a river basin commission.

1 (2) Unless the department approves, conditionally
2 approves or disapproves the integrated water resources
3 management plan within 120 days of receipt, the plan will be
4 deemed acceptable as submitted.

5 (3) If the department determines that the proposed
6 integrated water resources management plan will not meet the
7 requirements of this act, the department will disapprove the
8 plan in writing.

9 (4) The integrated water resources management planning
10 area, either based upon the boundaries described in plans
11 developed in accordance with the Storm Water Management Act
12 or an alternate watershed-based planning area approved by the
13 department, shall be considered a reasonable geographic area
14 in a multimunicipal comprehensive plan prepared pursuant to
15 Article XI of the Municipalities Planning Code as long as the
16 county or multiple municipalities follow the procedures in
17 Article XI of the Municipalities Planning Code.

18 Section 403. Integrated water resources management plan
19 requirements.

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

21 (1) The submitting agency may develop an integrated
22 water resources management plan as described in this section.
23 If all counties or municipalities in the watershed do not
24 agree to develop the plan, the plan shall use standards at
25 the boundaries of the nonparticipating county or
26 municipalities that are consistent with the integrated water
27 resources management plan.

28 (2) Federal lands shall be included in the integrated
29 water resources management plan in consultation with the
30 United States Department of the Interior.

1 (3) State lands shall be included in the integrated
2 water resources management plan in consultation with the
3 appropriate State agency.

4 (4) The integrated water resources management plan shall
5 be generally consistent with comprehensive plans of counties
6 and municipalities enacted under the Municipalities Planning
7 Code.

8 (5) A comprehensive plan of a county or a municipality
9 enacted under the Municipalities Planning Code, subsequent to
10 adoption of this act, shall be generally consistent with the
11 integrated water resources management plan approved under
12 this act that applies to the county or municipality.

13 (6) An integrated water resources management plan
14 adopted on a multimunicipal basis pursuant to this act shall
15 constitute the water planning required pursuant to section
16 301(a)(4) of the Municipalities Planning Code and shall be
17 considered a plan for the reliable supply of water pursuant
18 to section 301(b) of the Municipalities Planning Code if it
19 is a component of a multimunicipal comprehensive plan
20 prepared pursuant to Article XI of the Municipalities
21 Planning Code, as long as the county or multiple
22 municipalities follow the procedures in Article XI of the
23 Municipalities Planning Code.

24 (b) Plan content.--The integrated water resources management
25 plan, at a minimum, shall:

26 (1) Coordinate the planning provisions in and
27 demonstrate consistency with Federal and State statutes and
28 programs identified in section 401(a).

29 (2) Delineate the approved watershed planning area
30 boundary.

1 (3) Inventory all existing and planned water and
2 wastewater treatment systems and service areas and all
3 significant water resources management facilities within the
4 watershed, their ownership and the parties responsible for
5 their operation and maintenance and provide an assessment of
6 the functional effectiveness of such systems and facilities.

7 (4) Estimate current and future water demands.

8 (5) Identify all local conservation areas such as
9 protected riparian corridors, conservation easements,
10 wellhead and source water protection areas, preserved
11 farmland, greenways, publicly owned land and other areas that
12 have land-use restrictions based on natural conditions.

13 (6) Identify all environmentally sensitive features of
14 the watershed, such as wetlands, habitat for rare and
15 endangered plant and animal species, special protection
16 waters and karst geology.

17 (7) Identify and consider all current storm water
18 management and watershed protection and restoration plans
19 that have been prepared by citizen groups, nonprofit
20 organizations, conservation districts, county and municipal
21 governments and Federal, State, interstate or regional
22 agencies.

23 (8) Identify and describe all existing regionally
24 significant water quality problems and water resources
25 management problems within the watershed, including those
26 caused by domestic or industrial wastewater, nonpoint sources
27 of pollution, water availability and storm water and
28 floodplain management problems.

29 (9) Project future land-use changes over a ten-year
30 period based on population estimates, anticipated

1 development, planning and zoning requirements, economic
2 considerations and public infrastructure.

3 (10) Identify and evaluate alternatives for future water
4 demands, including water supply and wastewater demands.

5 (11) Identify, evaluate and prioritize structural,
6 nonstructural and institutional strategies to address
7 existing water quality and water resources management
8 problems and anticipated land-use changes based on future
9 growth projections. The analysis must include, but not be
10 limited to, the following considerations:

11 (i) Low-impact development techniques.

12 (ii) A common storm water flow standard.

13 (iii) A storm water infiltration standard for
14 groundwater recharge based on water balance.

15 (iv) Floodplain and floodway development
16 restrictions and restoration.

17 (v) Riparian corridor protection.

18 (12) Identify the entity responsible for operating and
19 maintaining water quality protection and water resources
20 management facilities, such as wastewater treatment plants
21 and community or individual storm water control facilities.

22 (13) Identify and evaluate potential water conservation
23 and reuse measures.

24 (14) Identify and evaluate source water protection
25 alternatives.

26 (15) Identify financing alternatives, including rate
27 structures for fees and assessments to implement the plan.

28 (16) Present selected financing methods and priorities.

29 (17) Present a prioritized schedule and process for plan
30 implementation.

1 (18) Establish a program for public participation,
2 information and education.

3 (19) Provide for plan reviews and updates on a minimum
4 five-year cycle.

5 (20) Provide model ordinances for plan implementation.

6 (c) Additional issues.--The integrated water resources
7 management plans may also address additional issues, including
8 the following:

9 (1) Preventing increased flood stages in streams.

10 (2) Controlling the quantity, peak and volume,
11 direction, rate and velocity of storm water runoff and
12 subsurface drainage and the quality thereof consistent with
13 State water quality standards.

14 (3) Improving groundwater recharge.

15 (4) Maximizing the opportunities for integration of
16 water resources management and protection under the existing
17 laws and regulations.

18 (5) Create water resources management corridors.

19 (6) Support ecologically sustainable water management,
20 sustainable water supplies, water conservation, surface and
21 groundwater management, development of resource strategies,
22 providing for long-term infrastructure investment strategies,
23 evaluating environmental impacts and options and evaluating
24 economic impacts and options.

25 Section 404. Implementation of integrated water resources
26 management plans.

27 (a) Requirements.--Within 180 days of the department's
28 approval of an integrated water resources management plan, each
29 county and municipality within the area subject to the plan
30 shall:

1 (1) Adopt or amend ordinances and regulations, including
2 zoning, subdivision and development, building code, erosion
3 and sedimentation and storm water ordinances, as are
4 necessary to regulate development and local activities in a
5 manner consistent with the applicable approved plan and the
6 provisions of this act.

7 (2) Implement ordinances and regulations, including
8 zoning, subdivision and development, building code, erosion
9 and sedimentation and storm water ordinances, as are
10 necessary to regulate development and local activities in a
11 manner consistent with the applicable approved plan and the
12 provisions of this act.

13 (b) Infrastructure implementation.--Infrastructure
14 improvements under an integrated water resources management plan
15 may be implemented through any of the following:

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

19 (2) One or more municipalities in the watershed may
20 request that the county or counties in the watershed assume
21 responsibility for implementation of the plan. The county or
22 counties may assume responsibility for implementation of the
23 plan and operational authority for the water resources
24 management facilities provided for in the plan, but only for
25 municipalities that agree to allow the county or counties to
26 assume implementation responsibilities.

27 (3) If two-thirds of the municipalities, representing at
28 least 51% of the population within the watershed, through
29 adoption of resolutions of their governing bodies, request
30 that the county or counties in the watershed assume

1 responsibility for implementation of the plan, then the
2 county or counties shall assume responsibility for all
3 municipalities.

4 (c) Development of model ordinances.--Within 180 days of the
5 effective date of this section, the department will develop a
6 set of model subdivision and land development ordinances,
7 including a specific model integrated water resources management
8 ordinance, that can be used as a guide by local governments to
9 adopt regulations designed to implement their integrated water
10 resources management plan.

11 (d) Waiver.--The implementing ordinances and regulations
12 shall not contain a waiver provision except for those waivers
13 included in the model ordinance in the adopted and approved
14 integrated water resources management plan.

15 (e) Permits, approvals or grants.--The department, other
16 Commonwealth departments and agencies and county and municipal
17 governments and agencies shall consider and shall make decisions
18 with respect to issuance of permits, approvals or grants that
19 are generally consistent with integrated water resources
20 management plans adopted under this act.

21 (f) Review and issuance procedures.--The department shall
22 develop procedures to coordinate the review and issuance of all
23 department permits, approvals or grants that cover construction,
24 operation and maintenance of all current and future facilities
25 that are necessary to implement the integrated water resources
26 management plans, including the designation of a single point of
27 contact for all department permits or approvals for such
28 facilities.

29 (g) County implementation.--Where the responsible entity
30 fails to timely implement the approved and adopted integrated

1 water resources management plan, the county shall implement the
2 approved integrated water resources management plan.

3 Section 405. Water resources management corridors.

4 (a) Additional limitations.--Integrated water resources
5 management plans may designate water resources management
6 corridors to provide additional limitations on activities and
7 development for protection of waters of this Commonwealth, and
8 in the interest of public health and safety, those designated as
9 special protection under the department's rules and regulations,
10 critical riparian areas, wetlands, critical habitat areas and
11 floodplain management areas.

12 (b) Protection of corridors.--The submitting agency shall
13 ensure that designated water resources management corridors are
14 protected through acquisition, easements, trusts or other
15 appropriate legal instruments that guarantee forested buffering,
16 building setbacks and reasonable and appropriate public access.

17 (c) Adjacent watersheds.--Development of integrated water
18 resources management plans established for adjacent watersheds,
19 which contain water resources management corridors, shall be
20 coordinated by submitting agencies to ensure consistency between
21 designated water resources management corridors.

22 Section 406. Failure of municipalities to adopt implementing
23 ordinances.

24 (a) Procedures.--Following adoption and approval of an
25 integrated water resources management plan:

26 (1) Any person may institute an action in mandamus to
27 compel a municipality to adopt implementing ordinances and to
28 implement an integrated water resources management plan and
29 ordinances in accordance with this act.

30 (2) The county or department may utilize administrative

1 remedies, including administrative orders, or may institute
2 an action in mandamus to compel a municipality to adopt
3 ordinances or to implement an integrated water resources
4 management plan in accordance with this act.

5 (3) When action by the county or department or any
6 person is required to compel a municipality to adopt
7 ordinances or to implement an integrated water resources
8 management plan, the department shall not provide grants or
9 reimbursements to the municipality for the associated costs.

10 (b) Costs and fees.--The costs, attorney fees and
11 administrative fees and other expenses associated with
12 proceedings under this section shall be recoverable from the
13 violator.

14 CHAPTER 5

15 WATER RESOURCES MANAGEMENT AUTHORITIES

16 Section 501. Water resources management authorities.

17 (a) Authorities.--A county or multiple counties may elect to
18 create a water resources management authority to undertake
19 powers and duties as may be delegated by the incorporating
20 municipality pursuant to this act. If a county or counties have
21 not provided notice to the department of the intention to create
22 a water resources management authority, multiple municipalities
23 located in a county or counties may create a water resources
24 management authority in accordance with this act, beginning one
25 year from the effective date of this section.

26 (b) Creation of water resources management authorities.--A
27 county or multiple counties or multiple municipalities which
28 have assumed or plan to assume responsibility for the
29 development, implementation and administration of comprehensive
30 storm water management plans or an integrated water resources

1 management plan shall have the right to incorporate as a water
2 resources management authority pursuant to 53 Pa.C.S. Ch. 56
3 (relating to municipal authorities) for the purposes set forth
4 under 53 Pa.C.S. § 5607 (relating to purposes and powers)
5 relating to projects of the kind and character set forth below:

6 (1) Comprehensive storm water planning, collection,
7 treatment, remedial plan implementation and infrastructure
8 management and parts thereof, including regulation, operation
9 and maintenance, repair, replacement, reconstruction and
10 expansion pursuant to the Storm Water Management Act and this
11 act.

12 (2) Integrated water resources management in accordance
13 with plans adopted and approved under this act.

14 (c) Transfer of authority and obligation to operate and
15 maintain water resources management best management practices to
16 water authorities.--Transfer of authority shall be conducted as
17 follows:

18 (1) The authority and obligation to operate and maintain
19 water resources management best management practices,
20 including comprehensive storm water management or integrated
21 water resources management best management practices on
22 private lands, may be transferred to the county or water
23 resources management authority at their discretion. Whether
24 transferred or not, the operation and maintenance shall be
25 consistent with the design standards, criteria, schedules and
26 other requirements established under the comprehensive storm
27 water management or integrated water resources management
28 plans.

29 (2) All transferred obligations shall be subject to an
30 easement for maintenance and inspection access.

1 Section 502. Additional powers and duties of water resources
2 management authorities.

3 (a) Exceptions.--Except as provided by this act, the
4 requirement and procedures in 53 Pa.C.S. § 5607 (relating to
5 purposes and powers) shall be followed in developing the rates
6 and fees and the process for assessing and collecting such fees.

7 (b) Fee authorization.--In addition to the authority
8 provided in 53 Pa.C.S. § 5607, the water resources management
9 authority may levy a fee on property owners, users or consumers
10 of the services provided by the authority to pay for all costs
11 associated with planning, implementation, administration and
12 enforcement under the Storm Water Management Act or this act,
13 and including the authority to:

14 (1) Fix, alter, charge and collect fees in the area
15 served by the county and the associated planning area, as
16 determined exclusively by the county, in order to carry out
17 the powers and duties authorized under this act, including
18 preparation of integrated water resources management plans
19 and their implementation and the acquisition or construction
20 of storm water or water resources management facilities in
21 the watershed or watershed-based planning area. The fee may
22 be based, in whole or in part, as a user or service fee,
23 special assessment fee, impact fee, bonding or other fee for
24 services which reflect the implementation of the
25 comprehensive storm water management plan or integrated water
26 resources management plan.

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

30 (3) Borrow money, make and issue negotiable notes,

1 bonds, refunding bonds and other evidences of indebtedness or
2 bonds of the agency which may not have a maturity date longer
3 than 40 years from the date of issue.

4 (4) Secure payment of the bonds or any part thereof by
5 pledge or deed of trust of all or any of its revenues and
6 receipts and make agreements with the purchasers or holders
7 of bonds or with others in connection with any bonds, whether
8 issued or to be issued.

9 (5) Use any available Federal or State funds, and any
10 other funds, and set up accounts as necessary to implement
11 the provisions of this act.

12 (6) Include in the rate or fee structure costs
13 associated with planning, design, construction and operation
14 of capital facilities, including the development of
15 maintenance schedules.

16 (7) Receive impact fees or participation costs and
17 maintenance bonds or other contributions related to provision
18 of water resources management services.

19 (c) Reimbursement of implementation and maintenance costs.--

20 The following shall apply to reimbursement:

21 (1) A county or municipality shall be reimbursed by the
22 water resources management authority for reasonable costs
23 that support the comprehensive storm water management plan or
24 integrated water resources plan implementation,
25 administration and maintenance under subsection (b)(1) and
26 (2).

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

29 (3) The water resources management authority shall have
30 the right to audit the county's or municipalities' costs of

1 implementation and maintenance for which reimbursement is
2 sought.

3 (4) Nothing in this section shall be construed to limit
4 or impair application of this act to any county, municipality
5 or person, or to relieve any county, municipality or person
6 of duties required under this act, including preparation and
7 implementation of plans.

8 (d) Design criteria and standards.--The comprehensive storm
9 water management plan or integrated water resources management
10 plan shall identify the design criteria or performance standard
11 for any storm water management practice implemented under this
12 section, and the county shall have no responsibility to
13 reimburse the cost of any practice not meeting the design
14 criteria or performance standard.

15 (e) Maintenance of storm water practices or integrated water
16 resources management facilities.--Continuing maintenance of
17 storm water or water resources management practice shall be the
18 responsibility of the water resources management authority
19 implementing the practice under subsection (b)(1) and (2) unless
20 there is specific agreement otherwise between the authority and
21 the implementing party.

22 (f) Objections.--Any resident, owner of real property or
23 person in the plan area questioning the rate or fees fixed by
24 the county, including extensions of service thereof, shall first
25 raise such objections with the county or the water resources
26 management authority, as the case may be. After exhausting their
27 administrative remedies, persons may bring suit against the
28 water resources management authority or county in the court of
29 common pleas of the county in which the principal office of the
30 water resources management authority is located.

1 CHAPTER 6

2 RIGHTS, REMEDIES, FUNDING AND ENFORCEMENT

3 Section 601. Duty of persons engaged in development of land.

4 Any landowner and any person engaged in any activity,
5 alteration or development of land which may affect water
6 resources or storm water runoff characteristics shall:

7 (1) Manage rate, volume, velocity and quality of runoff
8 so as to prevent pollution to waters of this Commonwealth as
9 defined in The Clean Streams Law.

10 (2) Implement such measures consistent with the
11 provisions of the comprehensive storm water management plan
12 or integrated water resources plan, or both if applicable, as
13 are reasonably necessary to protect, maintain, reclaim and
14 restore waters of this Commonwealth and to prevent injury to
15 health, safety or other property.

16 Section 602. Funding and imposing fees on tax-exempt property.

17 (a) General rule.--Except as provided under subsection (b),
18 real property that is exempt from the payment of real estate tax
19 shall be subject to the fees and charges imposed in accordance
20 with this act.

21 (b) Exempt property.--The following property shall be exempt
22 from the fees imposed by this act:

23 (1) Property owned by a political subdivision, county or
24 municipality.

25 (2) Property owned by an authority.

26 Section 603. Entry upon land for surveys and examinations.

27 (a) Representatives.--Designated representatives of the
28 Commonwealth or a county, municipality or authority, upon
29 serving a reasonable notice and with the authorization of the
30 landowner or occupier, may enter upon lands in the plan area to

1 make surveys and examinations to accomplish the planning
2 purposes of this act.

3 (b) Inspections.--The department is authorized to make
4 inspections, conduct tests or sampling or examine books, papers
5 and records pertinent to any matter under investigation pursuant
6 to this act as it deems necessary to determine compliance with
7 this act, and, for this purpose, the duly authorized agents and
8 employees of the department are authorized at all reasonable
9 times to enter and examine any property, facility, operation or
10 activity.

11 (c) Agents and employees.--The owner, operator or other
12 person in charge of property, facility, operation or activity,
13 upon presentation of proper identification and purpose for
14 inspection by the agents or employees of the department, shall
15 give agents and employees free and unrestricted entry and
16 access, and, upon refusal to grant entry or access, the agent or
17 employee may obtain a search warrant or other suitable order
18 authorizing entry and inspection. It shall be sufficient
19 probable cause to issue a search warrant authorizing examination
20 and inspection if there is probable cause to believe that the
21 object of the investigation is subject to regulation under this
22 act and access, examination or inspection is necessary to
23 enforce the provisions of this act.

24 Section 604. Preservation of existing rights and remedies.

25 The taking of any action under the provisions of this act
26 shall not be construed as estopping the Commonwealth or any
27 county, municipality or aggrieved person from proceeding in
28 courts of law or equity to abate nuisances under existing law or
29 to restrain, at law or in equity, a violation of this act.

30 Section 605. Civil remedies.

1 (a) Public nuisance.--Any activity conducted in violation of
2 the provisions of this act or of any comprehensive storm water
3 management plan or integrated water resources management plan or
4 regulations or ordinances adopted under this act is hereby
5 declared a public nuisance.

6 (b) Actions.--Suits to restrain, prevent or abate violations
7 of this act or of any comprehensive storm water management plan
8 or integrated water resources management plan regulations or
9 ordinances adopted under this act may be instituted in equity or
10 at law by the department, any affected county or municipality or
11 any aggrieved person in any court of competent jurisdiction.
12 Except in cases of emergency where, in the opinion of the court,
13 the circumstances of the case require immediate abatement of the
14 unlawful conduct, the court may, in its decree, fix a reasonable
15 time during which the person responsible for the unlawful
16 conduct shall correct or abate the conduct. Damages and the
17 expense, including administrative costs and legal fees, of such
18 proceedings shall be recoverable from the violator in a manner
19 as may now or hereafter be provided by law.

20 (c) Any person injured by conduct which violates the
21 provisions of this act may, in addition to any other remedy
22 provided under this act, recover damages caused by a violation
23 from the landowner or other responsible person.

24 Section 606. Administrative procedure and judicial review.

25 (a) Appeal of action of department.--Any person aggrieved by
26 any action of the department under this act shall have the right
27 within 30 days of receipt of notice of such action to appeal to
28 the Environmental Hearing Board.

29 (b) Appeal of action of political subdivision.--Any person
30 aggrieved by any action of a county, municipality or water

1 resources management authority under this act shall have a right
2 to appeal in accordance with 2 Pa.C.S. Chs. 5 (relating to
3 practice and procedure) and 7 (relating to judicial review).

4 Section 607. Integrated Water Resources Management Account.

5 All fees collected by the department under this act shall be
6 paid into the State Treasury into a special restricted receipt
7 account in the General Fund, known as the Integrated Water
8 Resources Management Account, which shall be administered by the
9 department to implement the purposes of this act and which funds
10 are hereby appropriated to the Department of Environmental
11 Protection for such purposes.

12 Section 608. Grants and reimbursements.

13 (a) Grants.--The department may administer grants to
14 counties and water resources management authorities to assist or
15 reimburse the counties for allowable costs in preparing
16 comprehensive storm water management plans and integrated water
17 resources management plans under this act. Grants and
18 reimbursements shall be made from, and to the extent of, funds
19 appropriated by the General Assembly for such purposes and shall
20 be made in accordance with rules and regulations promulgated by
21 the Environmental Quality Board no later than two years from the
22 effective date of this section.

23 (b) Limitation.--The grants shall not exceed 75% of the
24 allowable costs for the preparation of a comprehensive storm
25 water management plan or integrated water resources management
26 plan under this act, by any county or authority.

27 (c) State grants.--For purposes of this section, State
28 grants shall be in addition to grants for similar purposes made
29 to any county or authority by the Federal Government, provided
30 that the grants authorized by this section shall be limited such

1 that the total of all Federal and State grants does not exceed
2 75% of the allowable costs incurred by the county or water
3 resources management authority.

4 (d) Applicability.--Nothing in this section shall be
5 construed to impair or limit application of this act to any
6 municipality, county, water resources management authority or
7 person or to relieve any municipality, county, water resources
8 management authority or person of duties imposed under this act.

9 (e) Report by department.--If, in any fiscal year,
10 appropriations are insufficient to cover the costs or grants and
11 reimbursement to all municipalities, counties and water
12 resources management authorities eligible for grants and
13 reimbursements in that fiscal year, the department shall report
14 that fact to the General Assembly and shall request
15 appropriation of funds necessary to provide the grants and
16 reimbursements authorized under this section. If a deficiency
17 appropriation is not enacted, any municipality, county or water
18 resources management authority which has not received the full
19 amount of the grant or reimbursement for which it is eligible
20 under this section shall be, as a first priority, reimbursed
21 from appropriations made in the next successive fiscal year.

22 (f) Reimbursement of expenses.--Municipalities located in
23 watershed-based planning areas for which storm water management
24 or integrated water resources plans have been prepared and
25 adopted by counties and approved by the department shall be
26 eligible annually for reimbursement for net expenses incurred in
27 the adoption or revision of ordinances or regulations and other
28 actual administrative, enforcement and implementation costs
29 incurred in complying with this act and the applicable approved
30 plan.

1 Section 609. Waiver of use of grant and loan funds.

2 A municipality, county or authority receiving grants or loans
3 from the Commonwealth or its agencies for the construction or
4 repair of any storm water BMP or flood control projects where
5 the Commonwealth's funds are restricted from paying for the
6 acquisition of property, a right-of-way or property removal or
7 demolition necessary for the completion of a project may receive
8 a waiver to spend up to 5% of the grant or loan for these
9 activities upon the approval of the appropriate Commonwealth
10 agency.

11 CHAPTER 7

12 MISCELLANEOUS PROVISIONS

13 Section 701. Repeals.

14 (a) Intent.--The General Assembly declares that the repeal
15 under subsection (b) is necessary to effectuate the addition of
16 this act.

17 (b) Provision.--Sections 9(b) and 14(b) of the act of
18 October 4, 1978 (P.L.864, No.167), known as the Storm Water
19 Management Act, are repealed.

20 (c) General.--All other acts and parts of acts are repealed
21 insofar as they are inconsistent with this act.

22 Section 702. Effective date.

23 This act shall take effect in 60 days.