

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2591 Session of 2010

INTRODUCED BY GEORGE, BARBIN, BELFANTI, CALTAGIRONE, CARROLL, DALEY, DERMODY, GOODMAN, HARHAI, JOSEPHS, KILLION, MAHONEY, MURPHY, READSHAW, ROSS, SIPTROTH, SOLOBAY, STURLA, WAGNER, WHITE, YOUNGBLOOD, YUDICHAK AND HALUSKA, JUNE 22, 2010

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY, JUNE 22, 2010

AN ACT

1 Amending the act of March 1, 1988 (P.L.82, No.16), entitled "An
2 act providing for the establishment, implementation and
3 administration of the Pennsylvania Infrastructure Investment
4 Authority; imposing powers and duties on a board of trustees;
5 transferring the rights, powers, duties and obligations of
6 the Water Facilities Loan Board to the Pennsylvania
7 Infrastructure Investment Authority; providing for the
8 issuance of notes and bonds; providing for financial
9 assistance and for a comprehensive water facilities plan;
10 authorizing a referendum to incur indebtedness; making an
11 appropriation; and making repeals," further providing for
12 definitions and for financial assistance.

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

15 Section 1. The definitions of "department," "project" and
16 "secretary" in section 3 of the act of March 1, 1988 (P.L.82,
17 No.16), known as the Pennsylvania Infrastructure Investment
18 Authority Act, amended July 14, 2005 (P.L.299, No.51), are
19 amended and the section is amended by adding a definition to
20 read:

21 Section 3. 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 * * *

5 "Department." The Department of Environmental [Resources]
6 Protection of the Commonwealth.

7 * * *

8 "Project." The eligible costs associated with the
9 acquisition, construction, improvement, expansion, extension,
10 repair, rehabilitation or security measures of all or part of
11 any facility or system, whether publicly or[, in the case of
12 paragraph (1) or (2),] privately owned:

13 (1) for the collection, treatment or disposal of
14 wastewater, including industrial waste;

15 (2) for the supply, treatment, storage or distribution
16 of drinking water;

17 (3) for the control of storm water, which may include,
18 but need not be limited to, the transport, storage and the
19 infiltration of storm water; or

20 (4) for the best management practices to address [point
21 or] nonpoint source pollution [associated with storm water
22 runoff or any other innovative techniques identified in the
23 county-prepared watershed plans pursuant to the act of
24 October 4, 1978 (P.L.864, No.167), known as the Storm Water
25 Management Act] as identified in Pennsylvania's Nonpoint
26 Source Management Program Update, as required under section
27 319(b) of the Federal Water Pollution Control Act (62 Stat.
28 1155, 33 U.S.C. § 1251 et seq.).

29 "Secretary." The Secretary of Environmental [Resources]
30 Protection of the Commonwealth.

1 * * *

2 "Urban runoff." Storm water from areas defined as developed
3 in a county comprehensive plan prepared in accordance with the
4 act of July 31, 1968 (P.L.805, No.247), known as the
5 Pennsylvania Municipalities Planning Code.

6 * * *

7 Section 2. Section 10(b.1), (d)(2) and (j) of the act,
8 amended or added December 16, 1992 (P.L.1137, No.149), are
9 amended to read:

10 Section 10. Financial assistance.

11 * * *

12 (b.1) Storm water projects.--

13 (1) [In the case of storm water projects, only a
14 governmental unit may qualify for financial assistance under
15 this act.] A storm water project designed to manage urban
16 runoff shall be eligible for funding if:

17 [(2) A storm water project] (i) it is located
18 within a watershed for which a county has [not] adopted a
19 watershed storm water management plan and ordinances
20 required to implement the plan, as required by the Storm
21 Water Management Act[, shall be ineligible for financial
22 assistance under this act, except that:

23 (i) a storm water project within a watershed which
24 includes land in more than one county and for which the
25 department has required that a joint plan for the entire
26 watershed be submitted by the affected counties shall be
27 ineligible for financial assistance under this act only
28 if the county in which the project is located is found to
29 have failed to cooperate in the development of the joint
30 plan; and];

1 (ii) [a storm water] the project is specifically
2 designed to maintain and/or improve existing water
3 quality and to comply with the National Pollutant
4 Discharge Elimination System (NPDES) storm water
5 permitting requirements [shall be eligible for financial
6 support under this act.

7 This paragraph shall not apply to a]; or

8 (iii) the project is located in a municipality which
9 has enacted a storm water management ordinance that
10 requires land owners and any person engaged in the
11 alteration or development of land to implement measures
12 to ensure that the maximum rate of storm water runoff is
13 no greater after the development than prior to
14 development activities [or] and to manage the quantity,
15 velocity and direction of resulting storm water runoff in
16 a manner which otherwise adequately protects the health
17 and property of residents from possible injury as
18 required by the Storm Water Management Act.

19 [(3)] (2) A storm water project designed to manage urban
20 runoff located within a municipality which is not
21 implementing ordinances pursuant to a county-prepared and
22 department-approved watershed plan developed under the Storm
23 Water Management Act shall be ineligible.

24 (3) Projects designed to manage storm water that are not
25 considered urban runoff shall be considered a nonpoint source
26 project and must be consistent with Pennsylvania's Nonpoint
27 Source Management Program Update as required under section
28 319(b) of the Federal Water Pollution Control Act (62 Stat.
29 1155, 33 U.S.C. § 1251 et seq.).

30 * * *

(d) Small projects.--

* * *

(2) The board shall establish a program to financially assist storm water projects [by] for municipalities with a population of 12,000 people or less. In addition to other factors which the board in its discretion may consider in assigning priorities under this program, preference shall be given [where] in the [municipality undertaking] community where the project is located:

(i) has no natural watercourse within its boundaries;

(ii) relies on methods of storm water control which do not comply with Federal or State rules, regulations or standards; or

(iii) has been found to be subject to karst sinkhole development or other geologic condition which poses a danger to person or property and which may be aggravated by uncontrolled storm water flows.

* * *

(j) Continuing education of operators.--No agreement with individuals or entities shall be valid in the absence of an agreement by the individuals or entities seeking assistance under this act to assure that the system operators are participating or will participate in continuing education programs developed by the [Department of Environmental Resources] department. If the board determines that the system operator of a system receiving assistance is not participating in continuing education programs, the board shall take all steps necessary to cease all financial assistance and recover all prior payments, including, but not limited to, the immediate

1 repayment of any outstanding loans and interest and any grants.
2 The provisions of this subsection shall not apply to cases where
3 financial assistance is provided for storm water projects.

4 * * *

5 Section 3. This act shall take effect immediately.