

## 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, HALUSKA, MUNDY, BROWN AND  
GRUCELA, JUNE 22, 2010

SENATOR M. WHITE, ENVIRONMENTAL RESOURCES AND ENERGY, IN SENATE,  
AS AMENDED, SEPTEMBER 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 AND FOR ANNUAL  
13 REPORT. ←

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

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

1 Section 3. Definitions.

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

5 \* \* \*

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

8 \* \* \*

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

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

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

18 (3) for the control of POINT SOURCE POLLUTION ASSOCIATED ←  
19 WITH storm water, which may include, but need not be limited  
20 to, the transport, storage and the infiltration of storm  
21 water; or

22 (4) for the best management practices to address [point  
23 or] nonpoint source pollution [associated with storm water  
24 runoff or any other innovative techniques identified in the  
25 county-prepared watershed plans pursuant to the act of  
26 October 4, 1978 (P.L.864, No.167), known as the Storm Water  
27 Management Act] as identified in Pennsylvania's Nonpoint  
28 Source Management Program Update, as required under section  
29 319(b) of the Federal Water Pollution Control Act (62 Stat.  
30 1155, 33 U.S.C. § 1251 et seq.).

1 "Secretary." The Secretary of Environmental [Resources]  
2 Protection of the Commonwealth.

3 \* \* \*

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

8 \* \* \*

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

12 Section 10. Financial assistance.

13 \* \* \*

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

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

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

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

1 have failed to cooperate in the development of the joint  
2 plan; and];

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

9 This paragraph shall not apply to a]; or

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

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

26 (3) Projects designed to manage storm water that are not  
27 considered urban runoff shall be considered a nonpoint source  
28 project and must be consistent with Pennsylvania's Nonpoint  
29 Source Management Program Update as required under section  
30 319(b) of the Federal Water Pollution Control Act (62 Stat.

1 1155, 33 U.S.C. § 1251 et seq.).

2 \* \* \*

3 (d) Small projects.--

4 \* \* \*

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

12 (i) has no natural watercourse within its  
13 boundaries;

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

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

21 \* \* \*

22 (j) Continuing education of operators.--No agreement with  
23 individuals or entities shall be valid in the absence of an  
24 agreement by the individuals or entities seeking assistance  
25 under this act to assure that the system operators are  
26 participating or will participate in continuing education  
27 programs developed by the [Department of Environmental  
28 Resources] department. If the board determines that the system  
29 operator of a system receiving assistance is not participating  
30 in continuing education programs, the board shall take all steps

1 necessary to cease all financial assistance and recover all  
2 prior payments, including, but not limited to, the immediate  
3 repayment of any outstanding loans and interest and any grants.  
4 The provisions of this subsection shall not apply to cases where  
5 financial assistance is provided for storm water projects.

6 \* \* \*

7 SECTION 3. SECTION 13 OF THE ACT IS AMENDED TO READ: 

8 SECTION 13. ANNUAL REPORT.

9 THE BOARD SHALL PROVIDE THE GOVERNOR AND THE GENERAL ASSEMBLY  
10 WITH AN ANNUAL REPORT DETAILING ALL PROJECTS FUNDED UNDER  
11 SECTION 10. EACH ANNUAL REPORT SHALL BE PUBLISHED AND MAINTAINED  
12 ON THE AUTHORITY'S PUBLICLY ACCESSIBLE INTERNET WEBSITE AND MAY  
13 BE SUBMITTED TO THE GOVERNOR AND GENERAL ASSEMBLY BY E-MAIL.

14 Section ~~3~~ 4. This act shall take effect immediately. 