
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 751 Session of
2011

INTRODUCED BY GABLER, BAKER, BARRAR, BENNINGHOFF, BROOKS,
CAUSER, CLYMER, D. COSTA, DENLINGER, EVERETT, FLECK, GEIST,
GILLEN, GINGRICH, GODSHALL, HEFFLEY, HELM, HESS, HORNAMAN,
KAVULICH, KILLION, KNOWLES, LONGIETTI, MARSHALL, METZGAR,
MOUL, MURT, PICKETT, QUIGLEY, QUINN, RAPP, READSHAW, ROAE,
STEVENSON, SWANGER AND WATSON, FEBRUARY 17, 2011

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
FEBRUARY 17, 2011

AN ACT

1 Amending the act of October 4, 1978 (P.L.864, No.167), entitled
2 "An act providing for the regulation of land and water use
3 for flood control and storm water management purposes,
4 imposing duties and conferring powers on the Department of
5 Environmental Resources, municipalities and counties,
6 providing for enforcement, and making appropriations,"
7 further providing for failure of municipalities to adopt
8 implementing ordinances.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Section 12(c) of the act of October 4, 1978
12 (P.L.864, No.167), known as the Storm Water Management Act, is
13 amended and the section is amended by adding a subsection to
14 read:

15 Section 12. Failure of municipalities to adopt implementing
16 ordinances.

17 * * *

18 [(c) If within 180 days of receipt of the notice of

1 violation, the municipality has failed to comply with such
2 requirement or regulation, as determined by the department, the
3 department shall notify the State Treasurer to withhold payment
4 of all funds payable to the municipality from the General Fund.
5 Provided, that prior to any withholding of funds, the department
6 shall give both notice to the municipality of its intention to
7 notify the State Treasurer to withhold payment of funds and the
8 right to appeal the decision of the department within the 180-
9 day period following notification. The hearing shall be
10 conducted before the Environmental Hearing Board in accordance
11 with the provisions of the act of April 9, 1929 (P.L.177,
12 No.175), known as "The Administrative Code of 1929," and
13 Chapters 5 and 7 of Title 2 (Administrative Law and Procedure),
14 of the Pennsylvania Consolidated Statutes. If an appeal is filed
15 within the 180-day period, funds shall not be withheld from the
16 municipality until the appeal is decided.]

17 * * *

18 (e) Any municipality aggrieved by an action of the
19 department shall have the right within 60 days of receipt of
20 notice of such action to appeal such action to the Environmental
21 Hearing Board pursuant to section 1921-A of "The Administrative
22 Code of 1929," and the provisions of Chapters 5 and 7 of Title 2
23 of the Pennsylvania Consolidated Statutes.

24 Section 2. This act shall take effect in 60 days.