

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2454 Session of
2018

INTRODUCED BY FRITZ, PICKETT, MILLARD, CUTLER, HELM, SAYLOR,
WARD, B. MILLER, WHEELAND AND MOUL, JUNE 4, 2018

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
JUNE 4, 2018

AN ACT

1 Amending the act of April 9, 1929 (P.L.343, No.176), entitled,
2 as amended, "An act relating to the finances of the State
3 government; providing for cancer control, prevention and
4 research, for ambulatory surgical center data collection and
5 for the Joint Underwriting Association, providing for the
6 settlement, assessment, collection, and lien of taxes, bonus,
7 and all other accounts due the Commonwealth, the collection
8 and recovery of fees and other money or property due or
9 belonging to the Commonwealth, or any agency thereof,
10 including escheated property and the proceeds of its sale,
11 the custody and disbursement or other disposition of funds
12 and securities belonging to or in the possession of the
13 Commonwealth, and the settlement of claims against the
14 Commonwealth, the resettlement of accounts and appeals to the
15 courts, refunds of moneys erroneously paid to the
16 Commonwealth, auditing the accounts of the Commonwealth and
17 all agencies thereof, of all public officers collecting
18 moneys payable to the Commonwealth, or any agency thereof,
19 and all receipts of appropriations from the Commonwealth,
20 authorizing the Commonwealth to issue tax anticipation notes
21 to defray current expenses, implementing the provisions of
22 section 7(a) of Article VIII of the Constitution of
23 Pennsylvania authorizing and restricting the incurring of
24 certain debt and imposing penalties; affecting every
25 department, board, commission, and officer of the State
26 government, every political subdivision of the State, and
27 certain officers of such subdivisions, every person,
28 association, and corporation required to pay, assess, or
29 collect taxes, or to make returns or reports under the laws
30 imposing taxes for State purposes, or to pay license fees or
31 other moneys to the Commonwealth, or any agency thereof,
32 every State depository and every debtor or creditor of the
33 Commonwealth," in additional special funds, providing for

1 restricted accounts for Department of Environmental
2 Protection; and making related repeals.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. The heading of Article XVII-A.1 of the act of
6 April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, is
7 amended to read:

8 ARTICLE XVII-A.1
9 ADDITIONAL SPECIAL FUNDS
10 AND RESTRICTED ACCOUNTS

11 Section 2. Article XVII-A.1 of the act is amended by adding
12 a subarticle to read:

13
14 SUBARTICLE G
15 RESTRICTED ACCOUNTS FOR
16 DEPARTMENT OF ENVIRONMENTAL PROTECTION

17 Section 1761-A.1. Safe Drinking Water Account.

18 (a) Continuation.--The Safe Drinking Water Account is
19 continued as a restricted account in the General Fund.

20 (b) Deposits.--The following shall be deposited into the
21 restricted account:

22 (1) All fines, fees and penalties collected under the
23 act of May 1, 1984 (P.L.206, No.43), known as the
24 Pennsylvania Safe Drinking Water Act.

25 (2) All fines, fees and penalties collected under the
26 act of July 6, 1989 (P.L.207, No.33), known as the Plumbing
27 System Lead Ban and Notification Act.

28 (3) Any other deposits, appropriations or transfers to
29 the account.

30 (c) Uses.--Money in the restricted account may only be used
31 for the following purposes:

1 (1) For use in protecting the public from the hazards of
2 unsafe drinking water under the Pennsylvania Safe Drinking
3 Water Act.

4 (2) For the purposes provided under the Plumbing System
5 Lead Ban and Notification Act.

6 (3) To implement the provisions of the act of March 16,
7 1992 (P.L.10, No.5), known as the Small Water Systems
8 Assistance Act.

9 (d) Annual appropriation.--Money in the restricted account
10 shall only be expended upon appropriation by law to the
11 Department of Environmental Protection in an appropriation bill
12 encompassing only appropriations to the department.

13 Section 1762-A.1. Radiation Protection Fund.

14 (a) Continuation.--The Radiation Protection Fund is
15 continued as a restricted account in the General Fund.

16 (b) Deposits.--The following shall be deposited into the
17 restricted account:

18 (1) Fees and penalties received under sections 401 and
19 402(b.1)(1), (2), (3) and (4) of the act of July 10, 1984
20 (P.L.688, No.147), known as the Radiation Protection Act.

21 (2) Costs recovered under section 402(b.2) of the
22 Radiation Protection Act.

23 (3) Fees under section 8 of the act of July 9, 1987
24 (P.L.238, No.43), known as the Radon Certification Act.

25 (c) Uses.--Money in the restricted account may only be used
26 as appropriated annually by the General Assembly to the
27 Department of Environmental Protection for the purpose of
28 carrying out its powers and duties under the Radiation
29 Protection Act.

30 (d) Annual appropriation.--Money in the restricted account

1 shall only be expended upon appropriation by law to the
2 Department of Environmental Protection in an appropriation bill
3 encompassing only appropriations to the department.

4 Section 1763-A.1. Clean Water Fund.

5 (a) Continuation.--The Clean Water Fund is continued as a
6 restricted account in the General Fund.

7 (b) Deposits.--The following shall be deposited into the
8 restricted account:

9 (1) All fines collected under penal provisions of the
10 act of June 22, 1937 (P.L.1987, No.394), known as The Clean
11 Streams Law.

12 (2) All civil penalties collected under section 605 of
13 The Clean Streams Law.

14 (3) All permit fees under The Clean Streams Law, except
15 those imposed under sections 202, 203 and 207 of that act.

16 (4) All bond forfeitures and costs recovered under
17 section 315 of The Clean Streams Law.

18 (5) All fines and penalties collected under the
19 provisions of the act of May 28, 1992 (P.L.249, No.41), known
20 as the Sewage System Cleaner Control Act.

21 (6) Amounts paid into the restricted account under
22 section 18(a)(3) of the act of May 31, 1945 (P.L.1198,
23 No.418), known as the Surface Mining Conservation and
24 Reclamation Act.

25 (c) Uses.--Money in the restricted account may only be used
26 as appropriated annually by the General Assembly to the
27 Department of Environmental Protection for the following
28 purposes:

29 (1) For the elimination of pollution under The Clean
30 Streams Law.

1 (2) For the purposes of 27 Pa.C.S. Chapter 31 (relating
2 to water resources planning).

3 (d) Annual appropriation.--Money in the restricted account
4 shall only be expended upon appropriation by law to the
5 Department of Environmental Protection in an appropriation bill
6 encompassing only appropriations to the department.
7 Section 1764-A.1. Solid Waste Abatement Fund.

8 (a) Continuation.--The Solid Waste Abatement Fund is
9 continued as a restricted account in the General Fund.

10 (b) Deposits.--The following shall be deposited into the
11 restricted account:

12 (1) All fines, penalties and bond forfeitures collected
13 under the provisions of the act of July 7, 1980 (P.L.380,
14 No.97), known as the Solid Waste Management Act.

15 (2) Any amount transferred under section 706(d) of the
16 act of July 28, 1988 (P.L.556, No.101), known as the
17 Municipal Waste Planning, Recycling and Waste Reduction Act.

18 (3) Fines deposited under section 1709(b) of the
19 Municipal Waste Planning, Recycling and Waste Reduction Act.

20 (4) Proceeds deposited under section 1715(a) of the
21 Municipal Waste Planning, Recycling and Waste Reduction Act.

22 (5) Any other deposits, appropriations or transfers to
23 the restricted account.

24 (c) Uses.--Money in the restricted account may only be used
25 for the elimination of present or potential hazards to human
26 health or to the environment from the improper treatment,
27 transportation, storage, processing or disposal of solid wastes
28 and for the enforcement of the Solid Waste Management Act.

29 (d) Annual appropriation.--Money in the restricted account
30 shall only be expended upon appropriation by law to the

1 Department of Environmental Protection in an appropriation bill
2 encompassing only appropriations to the department.

3 Section 1765-A.1. Oil and Gas Regulation Restricted Account.

4 (a) Establishment.--The Oil and Gas Regulation Restricted
5 Account is established as a restricted account in the General
6 Fund.

7 (b) Deposits.--The following shall be deposited into the
8 restricted account:

9 (1) Fines, civil penalties and permit and registration
10 fees collected under 58 Pa.C.S. Ch. 32 (relating to
11 development).

12 (2) Any unexpended balance in the Orphan Well Plugging
13 Fund established under 58 Pa.C.S. § 3271(c) (relating to well
14 plugging funds) as of the effective date of this section.

15 (3) Any other deposits, appropriations or transfers to
16 the restricted account.

17 (c) Uses.--Money in the restricted account may only be used
18 to carry out the purposes of 58 Pa.C.S. Ch 32.

19 (d) Annual appropriation.--Money in the restricted account
20 shall only be expended upon appropriation by law to the
21 Department of Environmental Protection in an appropriation bill
22 encompassing only appropriations to the department.

23 Section 1766-A.1. Abandoned Well Plugging Fund.

24 (a) Establishment.--The Abandoned Well Plugging Fund is
25 continued as a restricted revenue account in the General Fund.

26 (b) Deposits.--The following shall be deposited into the
27 restricted revenue account:

28 (1) The \$50 surcharge under 58 Pa.C.S. § 3271(b)
29 (relating to well plugging funds).

30 (2) Any other deposits, appropriations or transfers to

1 the restricted revenue account.

2 (c) Uses.--Money in the restricted revenue account may only
3 be used to plug abandoned wells threatening the health and
4 safety of persons or property or causing pollution of waters of
5 this Commonwealth.

6 (d) Annual appropriation.--Money in the restricted revenue
7 account shall only be expended upon appropriation by law to the
8 Department of Environmental Protection in an appropriation bill
9 encompassing only appropriations to the department.

10 Section 1767-A.1. Orphaned Well Plugging Fund.

11 (a) Establishment.--The Orphaned Well Plugging Fund is
12 continued as a restricted revenue account in the General Fund.

13 (b) Deposits.--The following shall be deposited into the
14 restricted revenue account:

15 (1) The \$100 surcharges on wells to be drilled for oil
16 production and the \$200 surcharge for wells to be drilled for
17 gas production under 58 Pa.C.S. § 3271(c) (relating to well
18 plugging funds)

19 (2) Any other deposits, appropriations or transfers to
20 the restricted revenue account.

21 (c) Uses.--Money in the restricted revenue account may only
22 be used to plug orphan wells threatening the health and safety
23 of persons or property or causing pollution of waters of this
24 Commonwealth.

25 (d) Annual appropriation.--Money in the restricted revenue
26 account shall only be expended upon appropriation by law to the
27 Department of Environmental Protection in an appropriation bill
28 encompassing only appropriations to the department.

29 Section 1768-A.1. Industrial Land Recycling Fund.

30 (a) Continuation.--The Industrial Land Recycling Fund is

1 continued as a restricted account in the General Fund.

2 (b) Deposits.--The following shall be deposited into the
3 restricted account:

4 (1) Any fines and penalties assessed under the act of
5 May 19, 1995 (P.L.4, No.2), known as the Land Recycling and
6 Environmental Remediation Standards Act.

7 (2) Any fee authorized under 27 Pa.C.S. § 6515 (relating
8 to Environmental Quality Board)

9 (3) Any other deposits, contributions, appropriations or
10 transfers to the restricted account.

11 (c) Uses.--Money in the restricted account may only be used
12 for the purpose of implementing the Land Recycling and
13 Environmental Remediation Standards Act.

14 (d) Annual appropriation.--Money in the restricted account
15 shall only be expended upon appropriation by law to the
16 Department of Environmental Protection in an appropriation bill
17 encompassing only appropriations to the department.

18 (e) Annual report.--The Department of Environmental
19 Protection shall, on October 1 of each year, report to the
20 General Assembly on the expenditures and commitments made from
21 the Industrial Land Recycling Fund.

22 Section 1769-A.1. Waste Transportation Safety Account.

23 (a) Continuation.--The Waste Transportation Safety Account
24 is continued as a restricted account in the General Fund.

25 (b) Deposits.--The following shall be deposited into the
26 restricted account.

27 (1) All fees, fines and penalties collected under the
28 provisions of 27 Pa.C.S. Ch. 62 (relating to waste
29 transportation safety).

30 (2) All penalties and assessments deposited under 27

1 Pa.C.S. § 6206(b) (relating to responsibilities of municipal
2 or residual waste processing or disposal facilities).

3 (3) All fines and penalties deposited under 27 Pa.C.S. §
4 6207(c) (relating to enforcement).

5 (4) All fines and penalties deposited under 27 Pa.C.S. §
6 6208(f) and (g) (relating to penalties).

7 (5) Any other deposits, contributions, appropriations or
8 transfers to the restricted account.

9 (c) Uses.--Money in the restricted account may only be used
10 for the administration and enforcement of the Waste
11 Transportation Safety Program under 27 Pa.C.S. Ch. 62, including
12 the inspection of waste transportation vehicles and reimbursing
13 the Pennsylvania State Police and the Department of
14 Transportation for their costs in administering and enforcing
15 the provisions of 27 Pa.C.S. Ch. 62.

16 (d) Annual appropriation.--Money in the restricted account
17 shall only be expended upon appropriation by law to the
18 Department of Environmental Protection in an appropriation bill
19 encompassing only appropriations to the department.

20 Section 1770-A.1. Electronic Materials Recycling Account.

21 (a) Continuation.--The Electronic Materials Recycling
22 Account is continued as a restricted account in the General
23 Fund.

24 (b) Deposits.--The following shall be deposited into the
25 restricted account:

26 (1) All proceeds resulting from manufacturers'
27 registration fees, renewal fees, penalties and judicial
28 actions under the act of November 23, 2010 (P.L.1083,
29 No.108), known as the Covered Device Recycling Act.

30 (2) Any other deposits, contributions, appropriations or

1 transfers to the restricted account.

2 (c) Uses.--Money in the restricted account may only be used
3 to carry out the duties imposed on the Department of
4 Environmental Protection under the Covered Device Recycling Act.

5 (d) Annual appropriation.--Money in the restricted account
6 shall only be expended upon appropriation by law to the
7 Department of Environmental Protection in an appropriation bill
8 encompassing only appropriations to the department.

9 Section 3. Repeals are as follows:

10 (1) The General Assembly finds that the repeals under
11 paragraphs (2), (3) and (4) are necessary to effectuate the
12 addition of section 1761-A.1 of the act.

13 (2) Section 14 of the act of May 1, 1984 (P.L.206,
14 No.43), known as the Pennsylvania Safe Drinking Water Act, is
15 repealed.

16 (3) Section 15 of the act of July 6, 1989 (P.L.207,
17 No.33), known as the Plumbing System Lead Ban and
18 Notification Act, is repealed.

19 (4) Section 15 of the act of March 16, 1992 (P.L.10,
20 No.5), known as the Small Water Systems Assistance Act, is
21 repealed to the extent it is inconsistent with section 1761-
22 A.1 of the act.

23 (5) The General Assembly finds that the repeal under
24 paragraph (6) is necessary to effectuate the addition of
25 section 1762-A.1 of the act.

26 (6) Section 403(a) of the act of July 10, 1984 (P.L.688,
27 No.147), known as the Radiation Protection Act, is repealed.

28 (7) The General Assembly finds that the repeals under
29 paragraphs (8) and (9) are necessary to effectuate the
30 addition of section 1763-A.1 of the act.

1 (8) The provisions of 27 Pa.C.S. § 3131(e) are repealed.

2 (9) Section 13 of the act of May 28, 1992 (P.L.249,
3 No.41), known as the Sewage System Cleaner Control Act, is
4 repealed.

5 (10) The General Assembly declares that the repeal under
6 paragraph (11) is necessary to effectuate the addition of
7 section 1764-A.1 of the act.

8 (11) Section 701 of the act of July 7, 1980 (P.L.380,
9 No.97), known as the Solid Waste Management Act, is repealed.

10 (12) The General Assembly declares that the repeal under
11 paragraph (13) is necessary to effectuate the addition of
12 section 1765-A.1 of the act.

13 (13) The provisions of 58 Pa.C.S. § 3271(a) are
14 repealed.

15 (14) The General Assembly declares that the repeal under
16 paragraph (15) is necessary to effectuate the addition of
17 section 1766-A.1 of the act.

18 (15) The second sentence of 58 Pa.C.S. § 3271(b) is
19 repealed.

20 (16) The General Assembly declares that the repeal under
21 paragraph (17) is necessary to effectuate the addition of
22 section 1767-A.1 of the act.

23 (17) The first and third sentences of 58 Pa.C.S. §
24 3271(c)(1) and paragraphs (2) and (3) are repealed.

25 (18) The General Assembly declares that the repeal under
26 paragraph (19) is necessary to effectuate the addition of
27 section 1768-A.1 of the act.

28 (19) Section 701 of the act of May 19, 1995 (P.L.4,
29 No.2), known as the Land Recycling and Environmental
30 Remediation Standards Act, is repealed.

1 (20) The General Assembly declares that the repeal under
2 paragraph (21) is necessary to effectuate the addition of
3 section 1769-A.1 of the act.

4 (21) The provisions of 27 Pa.C.S. § 6204(1) are
5 repealed.

6 (22) The General Assembly declares that the repeal under
7 paragraph (23) is necessary to effectuate the addition of
8 section 1770-A.1 of the act.

9 (23) Section 510 of the act of November 23, 2010
10 (P.L.1083, No.108), known as the Covered Device Recycling
11 Act, is repealed.

12 Section 4. This act shall take effect July 1, 2018, or
13 immediately, whichever is later.