
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 405 Session of
2017

INTRODUCED BY HUGHES, BLAKE, LEACH, FONTANA, TARTAGLIONE,
HAYWOOD, YUDICHAK, BREWSTER, COSTA, BROWNE AND BOSCOLA,
MARCH 24, 2017

REFERRED TO COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT,
MARCH 24, 2017

AN ACT

1 Establishing the Lead Remediation and Abatement Superfund.

2 The General Assembly of the Commonwealth of Pennsylvania

3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Lead
6 Remediation and Abatement Act.

7 Section 2. Definitions.

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

11 "Authority." The Commonwealth Financing Authority.

12 "Eligible entity." Any of the following, for which tests
13 have shown elevated lead contamination levels:

14 (1) A school district.

15 (2) A charter school.

16 (3) A child day care center that is licensed by the

1 Department of Human Services under Article X of the act of
2 June 13, 1967 (P.L.31, No.21), known as the Human Services
3 Code.

4 (4) A public housing authority.

5 (5) A municipality.

6 (6) An owner of a hazardous site.

7 "Lead remediation or abatement." The term includes, but is
8 not limited to, the following:

9 (1) Replacing lead or copper lead-solder pipes.

10 (2) Removing lead paint.

11 (3) Painting over lead paint.

12 (4) Burying lead-positive soil.

13 (5) Removing lead-positive soil.

14 (6) Any other method that the Department of
15 Environmental Protection determines is generally accepted as
16 a method to remediate or abate lead.

17 "Superfund." The Lead Remediation and Abatement Superfund
18 established under section 5.

19 Section 3. Bonds.

20 (a) Limit.--The authority may incur indebtedness under this
21 section in an amount up to \$500,000,000 plus the payment of
22 reasonable costs and expenses related to the issuance of
23 indebtedness in accordance with 64 Pa.C.S. Ch. 15 (relating to
24 Commonwealth Financing Authority) for not more than 30 years.

25 (b) Use.--Proceeds of bonds issued under this section shall
26 be used for the purposes of this act.

27 (c) Final maturity.--Bonds may not have a final maturity in
28 excess of 30 years from the date of issuance.

29 (d) Deposit of bond proceeds.--Funds received from the
30 issuance of bonds shall be deposited into the superfund.

1 Section 4. Debt service.

2 Payments on the principal of bond funds received by the
3 authority shall be paid from the general revenues of the
4 Commonwealth collected under Article II of the act of March 4,
5 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

6 Section 5. Lead Remediation and Abatement Superfund.

7 (a) Establishment.--The Lead Remediation and Abatement
8 Superfund is established as a restricted account within the
9 State Treasury.

10 (b) Additional funding.--The fund may:

11 (1) Accept Federal funds granted by an act of Congress
12 or by executive order for any of the purposes of this act.

13 (2) Accept an appropriation from the Commonwealth.

14 (3) Accept a gift donation or bequest for any purpose of
15 this act.

16 Section 6. Applications, review and use of funds.

17 (a) Use.--Money in the superfund shall be awarded by the
18 authority to an eligible entity for the remediation or abatement
19 of lead in public buildings or at hazardous sites.

20 (b) Application.--The authority shall develop an application
21 process.

22 (c) Contents of application.--The authority shall determine
23 the application requirements. The application shall require the
24 eligible entity to submit estimates of the cost to remediate or
25 abate lead.

26 (d) Review and approval.--The authority shall accept
27 applications for funding from eligible entities. The authority
28 shall review the purpose for which the eligible entity plans to
29 use the funding and determine whether or not the purpose is in
30 the public interest or reduces the risk to children of exposure

1 to lead. If the authority determines an eligible entity does not
2 meet the requirements for funding, the authority shall not
3 approve funding for the eligible entity. An eligible entity who
4 is denied funding by the authority may reapply.

5 (e) Use of funds.--Funds may be used by an eligible entity
6 to remediate or abate lead in any of the following:

7 (1) A school building.

8 (2) A day care.

9 (3) A public housing building or unit.

10 (4) A building or structure owned by a municipality that
11 is open to the public and where children may be located.

12 (5) A private home, if the municipality has a program
13 designed to assist residents with lead remediation or
14 abatement. Funding may not be given by the authority directly
15 to a private homeowner.

16 (6) A hazardous site.

17 (7) Any other building or structure the authority deems
18 in the public interest or reduces the risk to children of
19 exposure to lead.

20 Section 7. Awards.

21 (a) Grant awards.--If an application submitted to the
22 authority under section 6 is approved, the authority shall award
23 a grant to the eligible entity. Grants shall be awarded on a
24 first-come, first-served basis.

25 (b) Limitation.--The following limitations shall apply:

26 (1) The authority may not award grants in excess of the
27 amount available in the superfund.

28 (2) The authority may not award a grant in excess of the
29 amount detailed in an eligible entity's application for
30 funding.

1 (3) The authority may not award one eligible entity more
2 than 10% of the amount available in the superfund.

3 (4) An eligible entity may not use more than 2% of the
4 funding the eligible entity receives under this act for
5 administrative costs.

6 (c) Reporting.--An eligible entity that receives funding
7 shall provide a full accounting of the use of the funds to the
8 authority within 90 days of completion of the lead remediation
9 or abatement. The authority may specify information required to
10 fulfill the full accounting requirements under this subsection.
11 If an eligible entity fails to provide a full accounting, the
12 eligible entity shall not be eligible for additional funding
13 until the required full accounting is completed.

14 Section 8. Effective date.

15 This act shall take effect July 1, 2017, or immediately,
16 whichever is later.