

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 139 Session of 2019

INTRODUCED BY QUINN, STEPHENS, SOLOMON, SCHLOSSBERG, BERNSTINE, BARRAR, D. MILLER, FREEMAN, SIMS, HILL-EVANS AND CONKLIN, FEBRUARY 1, 2019

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY, FEBRUARY 1, 2019

AN ACT

1 Amending Title 27 (Environmental Resources) of the Pennsylvania
 2 Consolidated Statutes, in environmental stewardship and
 3 watershed protection, further providing for legislative
 4 findings and for agencies and establishing duties for the
 5 Department of Community and Economic Development, the
 6 Pennsylvania Fish and Boat Commission, the Pennsylvania Game
 7 Commission and the Pennsylvania Historical and Museum
 8 Commission.

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

11 Section 1. This act shall be known and may be cited as the
 12 Growing Greener III Act.

13 Section 2. Sections 6102 and 6105 of Title 27 of the
 14 Pennsylvania Consolidated Statutes are amended to read:

15 § 6102. Legislative findings.

16 The General Assembly hereby determines, declares and finds as
 17 follows:

18 [(1) Ninety-six percent of the water-quality-impaired
 19 watersheds in this Commonwealth are polluted because of
 20 nonpoint sources of pollution such as past mining activities,

1 urban and agricultural runoff, atmospheric deposition, on-lot
2 sewage systems and earthmoving.

3 (2) The Commonwealth continues to have unmet needs in
4 the area of water and sewer infrastructure. New and improved
5 water sources, treatment and distribution systems are
6 necessary for public drinking water supplies.

7 (3) The Commonwealth owns approximately 2.4 million
8 acres of State park and State forest lands and many of these
9 lands suffer from past environmental problems, including
10 unreclaimed mines, acid mine drainage and abandoned oil and
11 gas wells.

12 (4) Open space, greenways, recreational trails, river
13 corridors, fish and wildlife habitats, parks and recreation
14 areas and scenic environments protect the environment,
15 conserve natural resources and add value to communities.

16 (5) State programs and State funding should provide
17 maximum flexibility for elected county and municipal
18 governmental officials to identify, prioritize and address
19 local environmental concerns, including odor abatement
20 problems at sewage treatment plants.]

21 (1) As stated in section 27 of Article I of the
22 Constitution of Pennsylvania:

23 The people have a right to clean air, pure water, and to
24 the preservation of the natural, scenic, historic and
25 esthetic values of the environment. Pennsylvania's public
26 natural resources are the common property of all the
27 people, including generations yet to come. As trustee of
28 these resources, the Commonwealth shall conserve and
29 maintain them for the benefit of all the people.

30 (2) The Commonwealth has an obligation to provide

1 greater investments to conserve land and water resources,
2 restore damaged waterways and land, and create prosperous and
3 sustainable communities.

4 (3) Clean water is vital:

5 (i) to the continued economic growth of this
6 Commonwealth;

7 (ii) to support tourism, agriculture, industry,
8 power generation and recreation;

9 (iii) for drinking water supplies; and

10 (iv) to protect public health and aquatic life.

11 (4) This Commonwealth has over 26,000 miles of polluted
12 streams and rivers that do not meet Federal and State water
13 quality standards to protect aquatic life and provide
14 swimmable rivers and drinkable water supplies.

15 (5) Nonpoint sources of pollution, including past mining
16 activities, urban and agricultural runoff, atmospheric
17 deposition, on-lot sewage systems and earthmoving continue to
18 have a significant negative impact on this Commonwealth's
19 environment.

20 (6) This Commonwealth continues to have unmet needs in
21 the area of water and sewer infrastructure. New and improved
22 water sources, treatment and distribution systems are
23 necessary for public drinking water supplies.

24 (7) As noted in the Commonwealth's award-winning 2014-
25 2019 Pennsylvania Statewide Comprehensive Outdoor Recreation
26 Plan, our 5,600 local parks and recreation areas are the most
27 frequently visited recreational asset in this Commonwealth,
28 but most face the challenges of limited funding, aging
29 infrastructure, deferred maintenance and limited capacity to
30 carry out programs and services.

1 (8) The Commonwealth owns approximately 2.4 million
2 acres of State park and State forest lands and many of these
3 lands suffer from past environmental problems, including
4 unreclaimed mines, acid mine drainage and abandoned oil and
5 gas wells. Our State park system is also burdened by a
6 tremendous backlog in infrastructure and deferred maintenance
7 needs, including dams, roads, bridges, water and wastewater
8 treatment facilities, buildings and boat launches.

9 (9) Abandoned mines scar 189,000 acres in 44 counties
10 and are the cause of more than 5,300 miles of biologically
11 dead streams.

12 (10) More than 2,000 working farms remain on county
13 waiting lists to be preserved for continued agricultural use.

14 (11) Open space, greenways, recreational trails, river
15 corridors, fish and wildlife habitats, parks and recreation
16 areas and scenic environments protect the environment,
17 conserve natural resources and add economic and quality of
18 life value to communities.

19 (12) Investments in urban parks, trails, greenways,
20 riverfronts, green infrastructure and other natural assets
21 are increasingly understood to be advantageous to local
22 economies, attracting and retaining residents and providing
23 opportunities to creatively address significant challenges,
24 including storm water and flooding.

25 (13) State programs and State funding should provide
26 maximum flexibility for elected county and municipal
27 government officials to identify, prioritize and address
28 local environmental concerns.

29 § 6105. Agencies.

30 (a) The Department of Conservation and Natural Resources.--

1 (1) The Department of Conservation and Natural Resources
2 shall utilize money it receives from the fund for the
3 following purposes:

4 (i) To rehabilitate, repair and develop State park
5 and State forest lands and facilities and the acquisition
6 of [interior] lands [within] for State parks and State
7 forests.

8 (ii) To provide grants to a county or other
9 municipality, council of governments, conservation
10 districts and authorized organizations for the purpose of
11 planning, education, acquisition, development,
12 rehabilitation and repair of greenways, recreational
13 trails, including connections between trails, open space,
14 natural areas, river corridors and access to riverfronts,
15 watersheds, community [and heritage] parks and recreation
16 facilities; community conservation and beautification
17 projects; forest conservation[;], including conservation
18 of forested riparian buffers; heritage areas and other
19 conservation and recreation purposes. Grants under this
20 paragraph may not be used by an authorized organization
21 for land acquisition unless the authorized organization
22 obtains the approval of all counties in which the land is
23 situated. Grant moneys may also be used for the
24 acquisition of farmland for the purposes set forth in
25 this paragraph.

26 (iii) To provide grants to a county or other
27 municipality and authorized organizations for the purpose
28 of research, planning, inventories and technical
29 assistance intended to protect and conserve the
30 biological diversity of this Commonwealth.

1 (iv) To provide funding to the Wild Resource
2 Conservation Fund for the purposes and programs provided
3 in section 6108(b) (relating to Wild Resource
4 Conservation Fund and duties of Department of
5 Conservation and Natural Resources).

6 (v) To provide funding for the Heritage Area Program
7 established under Article XVI-J of the act of April 9,
8 1929 (P.L.343, No.176), known as The Fiscal Code.

9 (2) The Department of Conservation and Natural Resources
10 may require matching funds as a condition of the award of a
11 grant under this subsection.

12 (b) The Department of Environmental Protection.--

13 (1) The Department of Environmental Protection shall
14 utilize money it receives from the fund for the following
15 purposes:

16 (i) To implement acid mine drainage abatement and
17 cleanup efforts, abandoned mine land cleanup efforts and
18 plug abandoned and orphan oil and gas wells.

19 (ii) To provide funding for technical assistance and
20 financial incentives to facilitate reining.

21 (iii) To provide grants to a county or other
22 municipality, council of governments, county conservation
23 districts, watershed organizations and other authorized
24 organizations for acid mine drainage abatement, mine
25 cleanup efforts and well plugging.

26 (iv) To provide grants and technical assistance to a
27 county or other municipality, council of governments,
28 county conservation districts, watershed organizations
29 and other authorized organizations to plan and implement
30 local watershed-based conservation efforts.

1 (v) To improve water-quality-impaired watersheds,
2 including those polluted by past mining activities,
3 agricultural and urban runoff, atmospheric deposition,
4 on-lot sewage systems and earthmoving activities.

5 (vii) For watershed protection.

6 (viii) For grants to characterize, remediate or
7 eliminate environmental hazards at abandoned industrial
8 properties.

9 (ix) For nonstructural floodplain management and
10 mitigation measures to minimize flood damage, reclaim and
11 restore the quality of floodplains, remove obstacles and
12 improve the natural functions of stream channels.

13 (x) For grants to municipalities and municipal
14 authorities to design and build projects and implement
15 best management practices, with an emphasis on green
16 infrastructure, in order to implement Municipal Separate
17 Storm Sewer System (MS4) plans or that count toward the
18 reductions identified in the Pennsylvania Integrated
19 Water Quality Monitoring and Assessment Report, implement
20 Total Maximum Daily Load Plans or the Chesapeake Bay
21 Total Maximum Daily Load requirements.

22 (xi) To establish, with the cooperation and approval
23 of the authority, a water quality trading market that
24 includes credits for reductions in nutrient, sediment and
25 storm water pollution.

26 (2) County conservation districts may further distribute
27 grants received under this section to watershed organizations
28 and other authorized organizations to assist in the
29 implementation of this chapter.

30 (3) The Department of Environmental Protection may

1 require matching funds as a condition of the award of a grant
2 under this subsection.

3 (4) For the period commencing with the effective date of
4 this chapter and ending June 30, 2004, the Department of
5 Environmental Protection may utilize up to 10% of the money
6 allocated annually to it under section 6104(d) (relating to
7 fund) to provide grants for safe drinking water projects and
8 wastewater treatment projects. Grants under this paragraph
9 shall be made for the same purposes and shall be subject to
10 the same limitations as grants authorized in former section
11 6110 (relating to environmental infrastructure grants to
12 water and wastewater treatment facilities).

13 (c) Department of Agriculture.--Funds allocated to the
14 Department of Agriculture under this chapter shall be [deposited
15 in the] used for the following purposes:

16 (1) For counties to preserve farmland through the
17 Agricultural Conservation Easement Purchase Fund [and are]
18 subject to the provisions of the act of June 30, 1981
19 (P.L.128, No.43), known as the Agricultural Area Security
20 Law.

21 (2) For grants to authorized organizations to preserve
22 farmland through the purchase of agricultural conservation
23 easements.

24 (3) For disbursement to the State Conservation
25 Commission for the cost of tax credits for eligible
26 agricultural operations that meet the requirements of the
27 Resource Enhancement and Protection Tax Credit under Article
28 XVII-E of the act of March 4, 1971 (P.L.6, No.2), known as
29 the Tax Reform Code of 1971.

30 (4) To provide funding and technical assistance, in

1 cooperation with the State Conservation Commission, to assist
2 the owners of farms and other properties in improving the
3 quality of the soil, water and air through the installation
4 and maintenance of best management practices.

5 (5) To encourage new farmers and enhance their access to
6 farmland and capital through a low-interest loan program
7 administered by the Department of Agriculture.

8 (d) The authority.--The authority shall utilize money it
9 receives from the fund to provide financial assistance in the
10 form of grants and matching grants for storm water, water and
11 sewer infrastructure projects, including construction or
12 rehabilitation of collection and conveyance systems. The
13 authority shall develop criteria to be used to award grants
14 under this subsection. The criteria and proposed changes thereto
15 shall be submitted to the Environmental Resources and Energy
16 Committee of the Senate and the Environmental Resources and
17 Energy Committee of the House of Representatives for review and
18 comment. The committees shall have 60 days to submit comments to
19 the authority. Criteria shall be reviewed by the authority and
20 the committees at least once every three years.

21 (d.1) Department of Community and Economic Development.--The
22 Department of Community and Economic Development shall utilize
23 money it receives from the fund for the following purposes:

24 (1) For grants to support community planning efforts.

25 (2) For grants to support the greening of urban
26 communities, including, but not limited to, bicycle and
27 pedestrian trails, greenways, downtown parks, community
28 gardens, retrofits of significant community buildings,
29 streetscape improvements and renewable energy projects. The
30 grants shall have a demonstrable environmental or

1 conservation benefit. The Department of Community and
2 Economic Development shall consult with the Department of
3 Environmental Protection and the Department of Conservation
4 and Natural Resources on the recommendations of projects to
5 be funded.

6 (d.2) Pennsylvania Fish and Boat Commission.--Funds
7 allocated to the Pennsylvania Fish and Boat Commission under
8 this chapter shall be used for the following purposes:

9 (1) Improvements to public access areas owned by the
10 commission or grants to municipalities or organizations for
11 the purpose of improving public access to the waters of this
12 Commonwealth.

13 (2) Maintenance and rehabilitation of dams located at
14 lakes owned by the commission, including the installation of
15 habitat enhancements and improved public access while lakes
16 are drawn down for dam repairs.

17 (3) Upgrades and improvements to State fish hatcheries
18 to maintain and improve water quality.

19 (4) Grants to organizations that participate in the
20 Cooperative Nursery Program.

21 (5) Projects to improve fish habitat, including, but not
22 limited to, instream fish habitat, riparian buffers, fish
23 passages and the removal of small dams.

24 (d.3) Pennsylvania Game Commission.--Funds allocated to the
25 Pennsylvania Game Commission under this chapter shall be used
26 for the following purposes:

27 (1) To rehabilitate water control structures on State
28 game lands in order to improve wetland habitat and water
29 quality.

30 (2) For improvements to facilities on State game lands,

1 including, but not limited to, enhanced access for persons
2 with disabilities and older persons and the construction of
3 two wildlife conservation education centers.

4 (d.4) The Pennsylvania Historical and Museum Commission.--

5 Funds allocated to the Pennsylvania Historical and Museum
6 Commission under this chapter shall be used for a historic
7 preservation project grant program for the planning and
8 development of publicly accessible historic resources listed in
9 or eligible for listing in the National Register of Historic
10 Places.

11 (e) Administrative expense limitation.--The departments,
12 commissions and the authority may not expend more than 2.5% of
13 the moneys received from the fund on administrative expenses.
14 The Department of Environmental Protection may not expend more
15 than an aggregate of 2.5% of the moneys received from the fund
16 and the moneys directed to the Hazardous Sites Cleanup Fund
17 pursuant to section 6104(d) (4) and (5) on administrative
18 expenses. Grant recipients that receive moneys from the fund for
19 the purposes set forth in this section may not expend more than
20 5% of the moneys received from the fund on administrative
21 expenses.

22 (f) Expenditure limitation.--No moneys made available
23 through the fund shall be used for any purpose which, directly
24 or indirectly, precludes access to or use of any forested land
25 for the practice of sustainable forestry and commercial
26 production of timber or other forest products. This subsection
27 shall not apply to funds used [by the Department of Conservation
28 and Natural Resources, counties or municipalities] for the
29 purchase or improvement of park land to be used for public
30 recreation.

1 (g) Regulations.--The departments, commissions and the
2 authority may promulgate regulations necessary to carry out the
3 purposes of this chapter.

4 Section 3. This act shall take effect in 60 days.