
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1517 Session of
2019

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SAYLOR, SNYDER, STRUZZI, WEBSTER AND IRVIN, MAY 29, 2019

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
MAY 29, 2019

AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated
2 Statutes, in soil and conservation, providing for
3 Conservation Excellence Grant Program; and making an
4 editorial change.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. The heading of Part V of Title 3 of the
8 Pennsylvania Consolidated Statutes is amended to read:

9 PART V

10 SOIL AND CONSERVATION

11 [(Reserved)]

12 Section 2. Part V of Title 3 is amended by adding a chapter
13 to read:

14 CHAPTER 31

15 CONSERVATION EXCELLENCE GRANT PROGRAM

16 Sec.

17 3101. Definitions.

1 3102. Establishment.

2 3103. Administration of program.

3 3104. Application guidelines.

4 3105. Grants, loans and tax credits.

5 3106. Project certification.

6 3107. Criteria for evaluation of applications.

7 3108. Application, review and authorization by commission.

8 § 3101. Definitions.

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

12 "Best management practice." A practice or combination of
13 practices determined by the State Conservation Commission or
14 United States Department of Agriculture Natural Resources and
15 Conservation Service to be effective and practical, considering
16 technological, economic and institutional factors, to manage
17 nutrients and sediment to protect surface water and groundwater.

18 "Commission." The State Conservation Commission established
19 under section 4 of the act of May 15, 1945 (P.L.547, No.217),
20 known as the Conservation District Law.

21 "Program." The Conservation Excellence Grant Program
22 established under section 3102 (relating to establishment).

23 "USDA-NRCS." The United States Department of Agriculture
24 Natural Resources and Conservation Service.

25 § 3102. Establishment.

26 The Conservation Excellence Grant Program is established
27 within the commission.

28 § 3103. Administration of program.

29 The commission shall administer the program for the purpose
30 of providing technical and financial assistance to farmers and

1 landowners for the implementation of best management practice
2 projects in high-priority locations within this Commonwealth
3 through a combination of grants, loans and tax credits as
4 authorized under section 4(7) of the act of May 15, 1945
5 (P.L.547, No.217), known as the Conservation District Law.
6 § 3104. Application guidelines.

7 The commission shall establish guidelines for the approval of
8 applications for eligible projects under the program.

9 § 3105. Grants, loans and tax credits.

10 (a) Awards.--The commission may award grants, loans or tax
11 credits to applicants for eligible projects that the commission
12 determines will further the purpose of the program.

13 (b) Grants.--Grants shall be awarded to the extent funding
14 is made available by the General Assembly.

15 (c) Loans.--Loans under this section may be awarded through
16 the Agriculture-Linked Investment Program or any other loan
17 program approved by the commission.

18 (d) Tax credits.--Tax credits under this section may be
19 awarded through the Resource Enhancement and Protection Tax
20 Credit Program under Article XVII-E of the act of March 4, 1971
21 (P.L.6, No.2), known as the Tax Reform Code of 1971.

22 § 3106. Project certification.

23 The commission shall ensure that a project satisfies the
24 requirements of the program in accordance with the following:

25 (1) Except as provided under paragraph (2), if a
26 project's best management practice requires review and
27 certification by a registered professional engineer under the
28 applicable laws or regulations of this Commonwealth, the best
29 management practice shall be certified by a registered
30 professional engineer.

1 (2) Any other project shall be certified by a technical
2 service provider, staff from a conservation district or the
3 USDA-NRCS or any other person who has appropriate training
4 and expertise and is approved by the commission.

5 § 3107. Criteria for evaluation of applications.

6 In approving applications for eligible projects under the
7 program, the commission shall give priority to applications
8 based upon the following criteria and this order:

9 (1) Priority locations as follows:

10 (i) Counties designated by DEP as Tier 1 Chesapeake
11 Bay counties.

12 (ii) Counties designated by DEP as Tier 2 and 3
13 Chesapeake Bay counties.

14 (iii) All other counties.

15 (2) Priority practices as follows:

16 (i) Livestock exclusion fencing.

17 (ii) Stream-side buffers.

18 (iii) Streambank restoration.

19 (iv) Barnyard and feedlot runoff abatement.

20 (v) Stream crossings.

21 (vi) Off-stream watering.

22 (vii) Manure storage facilities.

23 (viii) Nutrient management plans and manure
24 management plans.

25 (ix) Agricultural erosion and sedimentation plans.

26 (x) Any other priority practices approved by the
27 commission.

28 (3) The level and extent of planning and technical
29 assistance, including inventory and evaluation, design work,
30 permits and similar types of assistance, already completed to

1 allow for accurate estimates of project costs and for
2 completion of the project in a timely fashion.

3 (4) The extent to which an applicant is willing to
4 accept a reasonable mix of grants, loans and tax credits or
5 to supply nongovernmental matching funds for the project.

6 (5) Any other criteria as adopted by the commission.
7 § 3108. Application, review and authorization by commission.

8 (a) Application process.--A person must apply to the
9 commission for a grant, loan or tax credit for an eligible
10 project under the program with an application created by the
11 commission. The application must include all of the following
12 information:

13 (1) The location of the project.

14 (2) The type of the project.

15 (3) The status of the project.

16 (4) The type and combination of funding requested under
17 the program.

18 (5) The total cost of the project.

19 (6) Any other information as required by the commission.

20 (b) Review.--The commission shall review applications based
21 upon the criteria established under section 3107 (relating to
22 criteria for evaluation of applications) on a first-come, first-
23 served basis. Within 60 days of receipt of an application, the
24 commission shall notify the applicant of all of the following:

25 (1) Whether the project is approved for funding under
26 the program.

27 (2) The total amount of money approved for the project.

28 (3) The amount of each type of funding approved for the
29 project.

30 (c) Notice of completion.--Upon completion of a project

1 funded under this program, the person who received approval for
2 the project shall notify the commission of the completion of the
3 project. The notice under this subsection shall include the
4 required certification under section 3106 (relating to project
5 certification).

6 (d) Inspection.--Projects funded under this program may be
7 subject to inspection by the commission or the commission's
8 designated agent.

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