
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2331 Session of
2022

INTRODUCED BY GLEIM, HAMM, ZIMMERMAN, KEEFER, PICKETT, FEE,
RYAN, MILLARD, SCHLEGEL CULVER, JAMES, JOZWIAK AND ROWE,
FEBRUARY 9, 2022

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
FEBRUARY 9, 2022

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 powers and duties of the Department of
8 Environmental Resources; and making editorial changes.

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

11 Section 1. The title of the act of October 4, 1978 (P.L.864,
12 No.167), known as the Storm Water Management Act, is amended to
13 read:

14 AN ACT

15 Providing for the regulation of land and water use for flood
16 control and storm water management purposes, imposing duties
17 and conferring powers on the Department of Environmental
18 [Resources] Protection, municipalities and counties,
19 providing for enforcement, and making appropriations.

20 Section 2. The definition of "department" in section 4 of

1 the act is amended to read:

2 Section 4. Definitions.

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

6 "Department." The Department of Environmental [Resources]
7 Protection of the Commonwealth of Pennsylvania.

8 * * *

9 Section 3. Section 9(a) introductory paragraph of the act is
10 amended to read:

11 Section 9. Review and approval by the department.

12 (a) The department shall, in consultation with the
13 Department of Community [Affairs] and Economic Development,
14 review all watershed storm water plans and revisions or
15 amendments thereto. It shall approve the plan if it determines:

16 * * *

17 Section 4. Section 14 heading and (a) introductory
18 paragraph, (2) and (4) of the act are amended and the subsection
19 is amended by adding a paragraph to read:

20 Section 14. Powers and duties of the Department of
21 Environmental [Resources] Protection.

22 (a) The Department of Environmental [Resources] Protection
23 shall have the power and its duty shall be to:

24 * * *

25 (2) Provide in cooperation with the Department of
26 Community [Affairs] and Economic Development technical
27 assistance to counties and municipalities in implementing
28 this act.

29 * * *

30 (4) Review, in cooperation with the Department of

1 Community [Affairs] and Economic Development, and approve all
2 watershed plans and revisions thereto.

3 * * *

4 (10.1) On an annual basis, conduct active water quality
5 testing of all waterways identified as in need of a watershed
6 storm water plan in accordance with 40 CFR Pt. 136 (relating
7 to guidelines establishing test procedures for the analysis
8 of pollutants). The following shall apply:

9 (i) If the department does not have the physical or
10 financial resources to conduct the water quality testing
11 under this paragraph, the department shall rely on the
12 following to calculate the water quality standards
13 pertaining to a watershed storm water plan:

14 (A) Water quality testing from the county
15 conservation district, the Pennsylvania Fish and Boat
16 Commission, the Department of Conservation and
17 Natural Resources, the Pennsylvania Game Commission
18 or an institution of higher education that receives
19 State funding.

20 (B) If the water quality testing under clause
21 (A) is not submitted by the municipality, a water
22 quality testing model may be used.

23 (ii) If the water quality testing under this
24 paragraph indicates that a waterway is in compliance with
25 the Federal Water Pollution Control Act (62 Stat. 1155,
26 33 U.S.C. § 1251 et seq.) and the water quality standards
27 established by the department, the department shall grant
28 a National Pollutant Discharge Elimination System permit
29 waiver for storm water discharge for a small municipal
30 separate storm sewer system.

1 * * *

2 Section 5. Section 17(a) introductory paragraph and (c) of
3 the act are amended to read:

4 Section 17. Grants and reimbursements to municipalities and
5 counties.

6 (a) The Department of Environmental [Resources] Protection
7 is authorized to administer grants to municipalities and
8 counties to assist or reimburse them for costs in preparing
9 official storm water management plans and actual administrative
10 and enforcement and implementation costs and revisions to
11 official plans for storm water management required by this act.
12 Grants and reimbursements shall be made from and to the extent
13 of funds appropriated by the General Assembly for such purposes,
14 and shall be made in accordance to rules and regulations adopted
15 by the Environmental Quality Board.

16 * * *

17 (c) If, in any fiscal year, appropriations are insufficient
18 to cover the costs or grants and reimbursement to all
19 municipalities and counties eligible for such grants and
20 reimbursements in that fiscal year, the Department of
21 Environmental [Resources] Protection shall report such fact to
22 the General Assembly and shall request appropriation of funds
23 necessary to provide the grants authorized in this section. If
24 such a deficiency appropriation is not enacted, any municipality
25 or county which has not received the full amount of the grant
26 for which it is eligible under this section shall be as a first
27 priority reimbursed from appropriations made in the next
28 successive fiscal year.

29 Section 6. This act shall take effect in 60 days.