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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 525 Session of  
2021

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INTRODUCED BY GORDNER, MENSCH, ARGALL, HUGHES, VOGEL, YUDICHAK,  
SCAVELLO, BAKER, STEFANO, J. WARD AND SANTARSIERO,  
JUNE 17, 2021

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REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, JUNE 17, 2021

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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, for fund and for agencies.

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

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

9 Section 2. Sections 6102, 6104(b) and (d) and 6105 of Title  
10 27 of the Pennsylvania Consolidated Statutes are amended to  
11 read:

12 § 6102. Legislative findings.

13 The General Assembly hereby determines, declares and finds as  
14 follows:

15 [(1) Ninety-six percent of the water-quality-impaired  
16 watersheds in this Commonwealth are polluted because of  
17 nonpoint sources of pollution such as past mining activities,  
18 urban and agricultural runoff, atmospheric deposition, on-lot

1 sewage systems and earthmoving.

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

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

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

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

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

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

29 (2) The Commonwealth has an obligation to provide  
30 greater investments to conserve land and water resources,

1 restore damaged waterways and land, and create prosperous and  
2 sustainable communities.

3 (3) Clean water is vital:

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

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

8 (iii) for drinking water supplies; and

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

10 (4) This Commonwealth continues to have water and sewer  
11 infrastructure needs. New and improved water sources,  
12 treatment and distribution systems are necessary for public  
13 drinking water supplies.

14 (5) As noted in the Commonwealth's award-winning 2014-  
15 2019 Pennsylvania Statewide Comprehensive Outdoor Recreation  
16 Plan, our 5,600 local parks and recreation areas are the most  
17 frequently visited recreational asset in this Commonwealth,  
18 but most need additional funding to address aging  
19 infrastructure, deferred maintenance and limited capacity to  
20 carry out programs and services.

21 (6) The Commonwealth owns approximately 2.5 million  
22 acres of State park and State forest lands. Our State park  
23 system has estimated that many of these parks have  
24 environmental projects and infrastructure and deferred  
25 maintenance needs, such as dams, roads, bridges, water and  
26 wastewater treatment facilities, buildings and boat launches.

27 (7) Conservation of public and private forest lands is a  
28 cost-effective method for protecting water quality. Forest  
29 lands function as a reserve of clean water for this  
30 Commonwealth, including municipalities that rely on public

1 water supplies drawn from water resources on public and  
2 private forested properties. Forest lands act as groundwater  
3 recharge areas, protect surface water quality, reduce soil  
4 erosion, enhance fish and wildlife habitats and provide  
5 opportunities for fishing, boating, hunting and trapping.

6 (8) Abandoned mines remain across 189,000 acres in 43  
7 counties and cause issues in the streams into which they  
8 discharge.

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

11 (10) Open space, greenways, recreational trails, river  
12 corridors, fish and wildlife habitats, parks and recreation  
13 areas and scenic environments protect the environment,  
14 conserve natural resources and add quality-of-life value that  
15 attracts jobs, is essential to Pennsylvania outdoor  
16 recreation and tourism industries and improves public health.

17 (11) State programs and State funding should provide  
18 opportunity and flexibility for elected county and municipal  
19 government officials and authorized organizations to  
20 identify, prioritize and address local environmental  
21 concerns.

22 § 6104. Fund.

23 \* \* \*

24 (b) Sources.--

25 (1) Money appropriated by the General Assembly, interest  
26 earned by the fund, penalties, money received from the  
27 Federal Government or other sources and money received from  
28 the fee established under section 6112(b) (relating to  
29 extension of fees) shall be deposited in the fund. Moneys  
30 appropriated by the General Assembly to the fund shall be

1 transferred on a quarterly basis in increments of at least  
2 20%.

3 (2) For fiscal years 1999-2000 through 2003-2004, the  
4 fund may receive money, upon approval of the Governor, from  
5 the Recycling Fund and the Hazardous Sites Cleanup Fund. The  
6 combined total of appropriations from these two funds for the  
7 program shall not exceed \$30,000,000 annually.

8 (3) It is the intent of the General Assembly that  
9 \$100,000,000 per fiscal year be appropriated from the General  
10 Fund for fiscal years 2000-2001 through 2003-2004 to the  
11 fund. The Governor's annual budget submission for fiscal  
12 years 2000-2001 through 2003-2004 shall include the sum of  
13 \$100,000,000 per fiscal year for allocation in accordance  
14 with this section.

15 (4) For fiscal year 2021-2022, the fund shall be  
16 appropriated \$500,000,000 from money received by the  
17 Commonwealth from the Federal Government under the American  
18 Rescue Plan Act of 2021 (Public Law 117-2, 135 Stat. 4).

19 \* \* \*

20 (d) Allocation.--The money appropriated in subsection (c)  
21 shall be allocated annually as follows:

22 (1) For fiscal year 1999-2000, 28.4% to the Department  
23 of Conservation and Natural Resources, 43.7% to the  
24 Department of Environmental Protection and 27.9% to the  
25 authority.

26 (2) For fiscal years 2000-2001 through 2003-2004, 24.1%  
27 to the Department of Conservation and Natural Resources,  
28 37.4% to the Department of Environmental Protection, 14.8% to  
29 the Department of Agriculture and 23.7% to the authority.

30 (3) For fiscal year 2004-2005, moneys in the fund shall

1 be allocated in accordance with paragraph (1).

2 (4) For fiscal year 2005-2006, up to \$20,000,000 of the  
3 moneys in the fund shall be deposited into the Hazardous  
4 Sites Cleanup Fund and the remaining moneys shall be  
5 allocated in accordance with paragraph (2).

6 (5) For fiscal year 2006-2007, up to \$30,000,000 of the  
7 moneys in the fund shall be deposited into the Hazardous  
8 Sites Cleanup Fund and the remaining moneys shall be  
9 allocated in accordance with paragraph (2).

10 (6) For fiscal [year 2007-2008 and each year  
11 thereafter,] years 2017-2018 through 2020-2021, moneys in the  
12 fund shall be allocated in accordance with paragraph (2).

13 (7) For fiscal year 2021-2022 and each year thereafter,  
14 moneys in the fund shall be allocated as follows:

15 (i) Forty-five percent to the Department of  
16 Conservation and Natural Resources, which shall use the  
17 allocation as follows:

18 (A) Twenty percent for grants for projects of  
19 which the recipient is a county or other  
20 municipality, council of governments, conservation  
21 district or authorized organization.

22 (B) Five percent for land trust projects.

23 (c) Twenty percent for projects and programs  
24 located within the watershed of the Susquehanna River  
25 and its tributaries.

26 (ii) Forty percent to the Department of  
27 Environmental Protection, which shall use at least 40% of  
28 its funds for projects and programs within the watershed  
29 of the Susquehanna River and its tributaries.

30 (iii) Fifteen percent to the Department of

1 Agriculture, which shall use the allocation as follows:

2 (A) At least 30% for grants to authorized  
3 organizations to preserve farmland.

4 (B) At least 50% for projects and programs  
5 located within the watershed of the Susquehanna River  
6 and its tributaries.

7 \* \* \*

8 § 6105. Agencies.

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

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

13 (i) To rehabilitate, repair and develop State park  
14 and State forest lands and facilities and the acquisition  
15 of [interior] lands [within] for State parks and State  
16 forests.

17 (ii) To provide grants to a county or other  
18 municipality, council of governments, conservation  
19 districts and authorized organizations for the purpose of  
20 planning, education, acquisition, development,  
21 rehabilitation and repair of greenways, recreational  
22 trails, including connections between trails, open space,  
23 natural areas, river corridors and access to riverfronts,  
24 watersheds, community [and heritage] parks and recreation  
25 facilities; community conservation and beautification  
26 projects; forest conservation[;], including conservation  
27 of forested riparian buffers; heritage areas and other  
28 conservation and recreation purposes. Grants under this  
29 paragraph may not be used by an authorized organization  
30 for land acquisition unless the authorized organization

1 obtains the approval of all counties in which the land is  
2 situated. Grant moneys may also be used for the  
3 acquisition of farmland for the purposes set forth in  
4 this paragraph.

5 (iii) To provide grants to a county or other  
6 municipality and authorized organizations for the purpose  
7 of research, planning, inventories and technical  
8 assistance intended to protect and conserve the  
9 biological diversity of this Commonwealth.

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

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

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

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

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

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

28 (iv) To provide grants and technical assistance to a  
29 county or other municipality, council of governments,  
30 county conservation districts, watershed organizations



1 and other authorized organizations to plan and implement  
2 local watershed-based conservation efforts.

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

7 (vii) For watershed protection.

8 (viii) For the reduction of nonpoint source  
9 pollution and protection of local drinking water supplies  
10 through grants to watershed organizations and other  
11 authorized organizations, the creation of forested and  
12 other vegetative stream buffers and watershed restoration  
13 efforts, including reducing runoff from agriculture,  
14 construction, waste disposal and abandoned mine and mine  
15 land sites.

16 (ix) For grants to characterize, remediate or  
17 eliminate environmental hazards at abandoned industrial  
18 properties or brownfields and to promote economic  
19 development by facilitating the return of these  
20 properties to productive use.

21 (x) For nonstructural floodplain management and  
22 mitigation measures to minimize flood damage, reclaim and  
23 restore the quality of floodplains, remove obstacles and  
24 improve the natural functions of stream channels.

25 (xi) For grants to municipalities and municipal  
26 authorities to design and build projects and implement  
27 best management practices, with an emphasis on green  
28 infrastructure, in order to implement Municipal Separate  
29 Storm Sewer System (MS4) plans or that count toward the  
30 reductions identified in the Pennsylvania Integrated

1 Water Quality Monitoring and Assessment Report, implement  
2 Total Maximum Daily Load Plans or the Chesapeake Bay  
3 Total Maximum Daily Load requirements.

4 (xii) For funding to participating county  
5 conservation districts to assist the owners of farms and  
6 other properties in protecting local water quality and  
7 improving the soil, water and air through the  
8 installation and maintenance of best maintenance  
9 practices.

10 (xiii) For grant purposes enumerated in section  
11 902(a) of the act of October 18, 1988 (P.L.756, No.108),  
12 known as the Hazardous Sites Cleanup Act, not to exceed  
13 more than 10% of the funds distributed under section  
14 6104(d) (7) (ii).

15 (2) County conservation districts may further distribute  
16 grants received under this section to watershed organizations  
17 and other authorized organizations to assist in the  
18 implementation of this chapter.

19 (3) The Department of Environmental Protection may  
20 require matching funds as a condition of the award of a grant  
21 under this subsection.

22 (4) For the period commencing with the effective date of  
23 this chapter and ending June 30, 2004, the Department of  
24 Environmental Protection may utilize up to 10% of the money  
25 allocated annually to it under section 6104(d) (relating to  
26 fund) to provide grants for safe drinking water projects and  
27 wastewater treatment projects. Grants under this paragraph  
28 shall be made for the same purposes and shall be subject to  
29 the same limitations as grants authorized in former section  
30 6110 (relating to environmental infrastructure grants to

1 water and wastewater treatment facilities).

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

5 (1) For counties to preserve farmland through the  
6 Agricultural Conservation Easement Purchase Fund [and are]  
7 subject to the provisions of the act of June 30, 1981  
8 (P.L.128, No.43), known as the Agricultural Area Security  
9 Law.

10 (2) For grants to authorized organizations to preserve  
11 farmland through the acquisition of conservation easements  
12 conforming with section 170(h) of the Internal Revenue Code  
13 of 1986 (Public Law 99-514 26 U.S.C. § 170(h)).

14 (3) For projects and programs under section 6104(d)(7)  
15 (iii)(B).

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

29 (e) Administrative expense limitation.--The departments,  
30 commissions and the authority may not expend more than 2.5% of

1 the moneys received from the fund on administrative expenses.  
2 The Department of Environmental Protection may not expend more  
3 than an aggregate of 2.5% of the moneys received from the fund  
4 and the moneys directed to the Hazardous Sites Cleanup Fund  
5 pursuant to section 6104(d) (4) and (5) on administrative  
6 expenses. Grant recipients that receive moneys from the fund for  
7 the purposes set forth in this section may not expend more than  
8 5% of the moneys received from the fund on administrative  
9 expenses.

10 (f) Expenditure limitation.--No moneys made available  
11 through the fund shall be used for any purpose which, directly  
12 or indirectly, precludes access to or use of any forested land  
13 for the practice of sustainable forestry and commercial  
14 production of timber or other forest products. This subsection  
15 shall not apply to funds used [by the Department of Conservation  
16 and Natural Resources, counties or municipalities] for the  
17 purchase or improvement of park land to be used for public  
18 recreation.

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

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