

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2147 Session of 2024

INTRODUCED BY FLEMING, MADSEN, SANCHEZ, FREEMAN, DONAHUE, MALAGARI, HILL-EVANS, SHUSTERMAN, GREEN, KIM, DALEY, STURLA, BOROWSKI, SCOTT AND PISCIOTTANO, MARCH 25, 2024

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 22, 2024

AN ACT

1 Amending ~~Title~~ TITLES 27 (ENVIRONMENTAL RESOURCES) AND 53 <--
2 (Municipalities Generally) of the Pennsylvania Consolidated
3 Statutes, PROVIDING FOR STORM WATER MANAGEMENT; AND, in <--
4 municipal authorities, further providing for definitions and
5 for purposes and powers.

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

8 ~~Section 1. Section 5602 of Title 53 of the Pennsylvania~~ <--
9 ~~Consolidated Statutes is amended by adding a definition to read:~~

10 SECTION 1. TITLE 27 OF THE PENNSYLVANIA CONSOLIDATED <--
11 STATUTES IS AMENDED BY ADDING A CHAPTER TO READ:

CHAPTER 33

STORM WATER MANAGEMENT

SEC.

3301. LEGISLATIVE FINDINGS.

3302. DEFINITIONS.

3303. STORM WATER MANAGEMENT FEE.

§ 3301. LEGISLATIVE FINDINGS.

1 THE GENERAL ASSEMBLY FINDS THAT:

2 (1) INADEQUATE MANAGEMENT OF ACCELERATED RUNOFF OF STORM
3 WATER RESULTING FROM DEVELOPMENT THROUGHOUT A WATERSHED:

4 (I) INCREASES FLOOD FLOWS AND VELOCITIES;

5 (II) CONTRIBUTES TO EROSION AND SEDIMENTATION;

6 (III) OVERTAXES THE CARRYING CAPACITY OF STREAMS AND
7 STORM SEWERS;

8 (IV) GREATLY INCREASES THE COST OF PUBLIC FACILITIES
9 TO CARRY AND CONTROL STORM WATER;

10 (V) UNDERMINES FLOOD PLAIN MANAGEMENT AND FLOOD
11 CONTROL EFFORTS IN DOWNSTREAM COMMUNITIES;

12 (VI) REDUCES GROUNDWATER RECHARGE; AND

13 (VII) THREATENS PUBLIC HEALTH AND SAFETY.

14 (2) A COMPREHENSIVE PROGRAM OF STORM WATER MANAGEMENT,
15 INCLUDING REASONABLE REGULATION OF DEVELOPMENT AND ACTIVITIES
16 CAUSING ACCELERATED RUNOFF, IS FUNDAMENTAL TO THE PUBLIC
17 HEALTH, SAFETY AND WELFARE AND THE PROTECTION OF THE PEOPLE
18 OF THIS COMMONWEALTH, THEIR RESOURCES AND THE ENVIRONMENT.

19 (3) LOCAL ADMINISTRATION AND MANAGEMENT OF STORM WATER
20 IS CONSISTENT WITH THE COMMONWEALTH'S DUTY AS TRUSTEE OF
21 NATURAL RESOURCES AND THE PEOPLE'S CONSTITUTIONAL RIGHT TO
22 THE PRESERVATION OF NATURAL, ECONOMIC, SCENIC, AESTHETIC,
23 RECREATIONAL AND HISTORIC VALUES OF THE ENVIRONMENT.

24 (4) MUNICIPALITIES AND OTHER LOCAL GOVERNMENT ENTITIES
25 CANNOT ADEQUATELY PLAN, REGULATE AND MITIGATE THE IMPACTS OF
26 STORM WATER WITHOUT THE COORDINATION AND CONTRIBUTIONS OF THE
27 COMMONWEALTH AND ITS INSTRUMENTALITIES TO ADDRESS THE IMPACTS
28 OF IMPERVIOUS SURFACES ON PUBLIC PROPERTY.

29 § 3302. DEFINITIONS.

30 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER

1 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
2 CONTEXT CLEARLY INDICATES OTHERWISE:

3 "IMPERVIOUS SURFACE." AN AREA, MATERIAL, STRUCTURE, SURFACE
4 OR IMPROVEMENT THAT DOES NOT ALLOW OR THAT REDUCES OR PREVENTS
5 INFILTRATION OF WATER INTO SOIL. THE TERM INCLUDES:

6 (1) COMPACTED DIRT, GRAVEL, CONCRETE OR ASPHALT; AND

7 (2) A ROADWAY, SIDEWALK, PARKING LOT, DRIVEWAY, PATIO,
8 ROOF, GARAGE OR STORAGE SHED.

9 "STORM WATER." DRAINAGE RUNOFF FROM THE SURFACE OF LAND
10 RESULTING FROM PRECIPITATION OR SNOW OR ICE MELT.

11 § 3303. STORM WATER MANAGEMENT FEE.

12 IF A MUNICIPAL CORPORATION OR MUNICIPAL AUTHORITY PERFORMS
13 STORM WATER PLANNING, MANAGEMENT AND IMPLEMENTATION AND CHARGES
14 OR IMPOSES A REASONABLE FEE TO OWNERS OF PROPERTY:

15 (1) THE FEES MAY BE CHARGED OR IMPOSED ON THE
16 COMMONWEALTH, OR A DEPARTMENT, BOARD, COMMISSION OR
17 INSTRUMENTALITY OF THE COMMONWEALTH, FOR PROPERTY OWNED BY
18 THE COMMONWEALTH OR THE DEPARTMENT, BOARD, COMMISSION OR
19 INSTRUMENTALITY OF THE COMMONWEALTH.

20 (2) AN ENTITY OTHERWISE EXEMPT FROM TAXATION MAY NOT BE
21 EXCUSED FROM PAYMENT OF THE FEE SOLELY ON THE BASIS OF THE
22 TAX-EXEMPT STATUS OF THE ENTITY.

23 SECTION 2. SECTION 5602 OF TITLE 53 IS AMENDED BY ADDING A
24 DEFINITION TO READ:

25 § 5602. Definitions.

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

29 * * *

30 "Impervious surface." As follows:

1 (1) An area, material, structure, surface or improvement
2 that does not allow or that reduces or prevents infiltration
3 of water into soil.

4 (2) The term includes:

5 (i) Compacted dirt, gravel, concrete or asphalt.

6 (ii) A roadway, sidewalk, parking lot, driveway,
7 patio, roof, garage or storage shed.

8 * * *

9 Section 2 3. Section 5607(d) (34) of Title 53 is amended to <--
10 read:

11 § 5607. Purposes and powers.

12 * * *

13 (d) Powers.--Every authority may exercise all powers
14 necessary or convenient for the carrying out of the purposes set
15 forth in this section, including, but without limiting the
16 generality of the foregoing, the following rights and powers:

17 * * *

18 (34) In the case of an authority that performs storm
19 water planning, management and implementation, to charge or
20 impose reasonable and uniform rates [may be based in whole or
21 in part on property characteristics, which may include
22 installation and maintenance of best management practices
23 approved and inspected by the authority.] to owners of
24 property that benefit from the services. The following apply:

25 (i) The rates may be based in whole or in part on
26 property characteristics, which may include the measure
27 of a property's impervious surface as determined by the
28 authority or the installation and maintenance of best
29 management practices approved and inspected by the
30 authority.

1 (ii) All properties containing an impervious surface
2 are presumed to benefit from an authority's storm water
3 planning, management and implementation.

4 (iii) The rates may be charged by one or a
5 combination of the following methods:

6 (A) On all properties located in the service
7 area of the authority.

8 (B) On all properties that are served by or
9 benefit from a specific storm water project or plan.

10 (C) By establishing a storm water management
11 district and charging the rate on the owners of all
12 properties within the district.

13 ~~(iv) The rates may be charged or imposed on the~~ <--
14 ~~Commonwealth or a department, board, commission or~~
15 ~~instrumentality of the Commonwealth for property owned by~~
16 ~~the Commonwealth or the department, board, commission or~~
17 ~~instrumentality of the Commonwealth.~~

18 ~~(v) An entity otherwise exempt from taxation shall~~
19 ~~not be excused from payment of the rates solely on the~~
20 ~~basis of the tax exempt status of the entity.~~

21 * * *

22 Section 3 4. This act shall take effect immediately. <--