
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1374 Session of
2015

INTRODUCED BY KILLION, ALLOWAY, McILHINNEY, ARGALL, BLAKE,
BOSCOLA, McGARRIGLE, MENSCH, SCHWANK, TEPLITZ, VULAKOVICH,
YUDICHAK AND GORDNER, SEPTEMBER 28, 2016

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY,
SEPTEMBER 28, 2016

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. Sections 6102 and 6105 of Title 27 of the
12 Pennsylvania Consolidated Statutes are amended to read:

13 § 6102. Legislative findings.

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

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

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

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

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

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

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

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

28 (2) The Commonwealth has an obligation to provide
29 greater investments to conserve land and water resources,
30 restore damaged waterways and land, and create prosperous and

1 sustainable communities.

2 (3) Clean water is vital:

3 (i) to the continued economic growth of this

4 Commonwealth;

5 (ii) to support tourism, agriculture, industry,

6 power generation and recreation;

7 (iii) for drinking water supplies; and

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

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

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

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

22 (7) As noted in the Commonwealth's award-winning 2014-
23 2019 Pennsylvania Statewide Comprehensive Outdoor Recreation
24 Plan, our 5,600 local parks and recreation areas are the most
25 frequently visited recreational asset in this Commonwealth,
26 but most face the challenges of limited funding, aging
27 infrastructure, deferred maintenance and limited capacity to
28 carry out programs and services.

29 (8) The Commonwealth owns approximately 2.4 million
30 acres of State park and State forest lands and many of these

1 lands suffer from past environmental problems, including
2 unreclaimed mines, acid mine drainage and abandoned oil and
3 gas wells. Our State park system is also burdened by a
4 tremendous backlog in infrastructure and deferred maintenance
5 needs, such as dams, roads, bridges, water and wastewater
6 treatment facilities, buildings and boat launches.

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

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

12 (11) 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 economic and quality of
16 life value to communities.

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

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

27 § 6105. Agencies.

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

29 (1) The Department of Conservation and Natural Resources
30 shall utilize money it receives from the fund for the

1 following purposes:

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

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

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

29 (iv) To provide funding to the Wild Resource
30 Conservation Fund for the purposes and programs set forth

1 in section 6108(b) (relating to Wild Resource
2 Conservation Fund and duties of Department of
3 Conservation and Natural Resources).

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

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

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

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

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

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

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

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

30 (v) To improve water-quality-impaired watersheds,

1 including those polluted by past mining activities,
2 agricultural and urban runoff, atmospheric deposition,
3 on-lot sewage systems and earthmoving activities.

4 (vii) For watershed protection.

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

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

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

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

25 (xii) For grants to the Pennsylvania Energy Harvest
26 Program.

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

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

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

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

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

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

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

29 (4) To provide funding and technical assistance, in
30 cooperation with the State Conservation Commission, to assist

1 the owners of farms and other properties in improving the
2 quality of the soil, water and air through the installation
3 and maintenance of best management practices.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (2) For improvements to facilities on State game lands,
30 including, but not limited to, enhanced access for persons

1 with disabilities and older persons and the construction of
2 two wildlife conservation education centers.

3 (d.4) The Pennsylvania Historical and Museum Commission.--
4 Funds allocated to the Pennsylvania Historical and Museum
5 Commission under this chapter shall be used for an historic
6 preservation project grant program for the planning and
7 development of publicly accessible historic resources listed in
8 or eligible for listing in the National Register of Historic
9 Places.

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

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

30 (g) Regulations.--The departments, commissions and the

1 authority may promulgate regulations necessary to carry out the
2 purposes of this chapter.

3 Section 2. This act shall be known and may be cited as the
4 Growing Greener III Act.

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