

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 196 Session of 2013

INTRODUCED BY D. WHITE, ALLOWAY, MENSCH, ARGALL, VULAKOVICH, GORDNER, VANCE, YAW, ERICKSON, BAKER, BREWSTER, SCHWANK, WAUGH AND SCARNATI, JANUARY 18, 2013

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, JANUARY 17, 2013

AN ACT

1 Amending the act of March 1, 1988 (P.L.82, No.16), entitled "An  
 2 act providing for the establishment, implementation and  
 3 administration of the Pennsylvania Infrastructure Investment  
 4 Authority; imposing powers and duties on a board of trustees;  
 5 transferring the rights, powers, duties and obligations of  
 6 the Water Facilities Loan Board to the Pennsylvania  
 7 Infrastructure Investment Authority; providing for the  
 8 issuance of notes and bonds; providing for financial  
 9 assistance and for a comprehensive water facilities plan;  
 10 authorizing a referendum to incur indebtedness; making an  
 11 appropriation; and making repeals," further providing for  
 12 definitions, for financial assistance and for annual report.

13 The General Assembly of the Commonwealth of Pennsylvania  
 14 hereby enacts as follows:

15 Section 1. The definitions of "department," "project" and  
 16 "secretary" in section 3 of the act of March 1, 1988 (P.L.82,  
 17 No.16), known as the Pennsylvania Infrastructure Investment  
 18 Authority Act, amended July 14, 2005 (P.L.299, No.51), are  
 19 amended and the section is amended by adding a definition to  
 20 read:

21 Section 3. Definitions.

22 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 \* \* \*

4 "Department." The Department of Environmental [Resources]  
5 Protection of the Commonwealth.

6 \* \* \*

7 "Project." The eligible costs associated with the  
8 acquisition, construction, improvement, expansion, extension,  
9 repair, rehabilitation or security measures of all or part of  
10 any facility or system, whether publicly or[, in the case of  
11 paragraph (1) or (2),] privately owned:

12 (1) for the collection, treatment or disposal of  
13 wastewater, including industrial waste;

14 (2) for the supply, treatment, storage or distribution  
15 of drinking water;

16 (3) for the control of point source pollution associated  
17 with storm water, which may include, but need not be limited  
18 to, the transport, storage and the infiltration of storm  
19 water; or

20 (4) for the best management practices to address [point  
21 or] nonpoint source pollution [associated with storm water  
22 runoff or any other innovative techniques identified in the  
23 county-prepared watershed plans pursuant to the act of  
24 October 4, 1978 (P.L.864, No.167), known as the Storm Water  
25 Management Act] as identified in Pennsylvania's Nonpoint  
26 Source Management Program Update, as required under section  
27 319(b) of the Federal Water Pollution Control Act (62 Stat.  
28 1155, 33 U.S.C. § 1329(b)).

29 "Secretary." The Secretary of Environmental [Resources]  
30 Protection of the Commonwealth.

1 \* \* \*

2 "Urban runoff." Storm water from areas defined as developed  
3 in a county comprehensive plan prepared in accordance with the  
4 act of July 31, 1968 (P.L.805, No.247), known as the  
5 Pennsylvania Municipalities Planning Code.

6 \* \* \*

7 Section 2. Section 10(b.1), (d) and (j) of the act, amended  
8 or added December 16, 1992 (P.L.1137, No.149), are amended to  
9 read:

10 Section 10. Financial assistance.

11 \* \* \*

12 (b.1) Storm water projects.--

13 (1) [In the case of storm water projects, only a  
14 governmental unit may qualify for financial assistance under  
15 this act.

16 (2) A storm water project] A storm water project  
17 designed to manage urban runoff shall be eligible for funding  
18 if:

19 (i) it is located within a watershed for which a  
20 county has [not] adopted a watershed storm water  
21 management plan and ordinances required to implement the  
22 plan, as required by the Storm Water Management Act[,  
23 shall be ineligible for financial assistance under this  
24 act, except that:

25 (i) a storm water project within a watershed which  
26 includes land in more than one county and for which the  
27 department has required that a joint plan for the entire  
28 watershed be submitted by the affected counties shall be  
29 ineligible for financial assistance under this act only  
30 if the county in which the project is located is found to

1 have failed to cooperate in the development of the joint  
2 plan; and

3 (ii) a storm water];

4 (ii) the project is specifically designed to  
5 maintain and/or improve existing water quality and to  
6 comply with the National Pollutant Discharge Elimination  
7 System (NPDES) storm water permitting requirements [shall  
8 be eligible for financial support under this act.

9 This paragraph shall not apply to a); or

10 (iii) the project is located in a municipality which  
11 has enacted a storm water management ordinance that  
12 requires land owners and any person engaged in the  
13 alteration or development of land to implement measures  
14 to ensure that the maximum rate of storm water runoff is  
15 no greater after the development than prior to  
16 development activities [or] and to manage the quantity,  
17 velocity and direction of resulting storm water runoff in  
18 a manner which otherwise adequately protects the health  
19 and property of residents from possible injury as  
20 required by the Storm Water Management Act.

21 [(3)] (2) A storm water project designed to manage urban  
22 runoff located within a municipality which is not  
23 implementing ordinances pursuant to a county-prepared and  
24 department-approved watershed plan developed pursuant to the  
25 Storm Water Management Act shall be ineligible.

26 (3) A project designed to manage storm water that is not  
27 considered urban runoff shall be considered a nonpoint source  
28 project and must be consistent with Pennsylvania's Nonpoint  
29 Source Management Program Update as required under section  
30 319(b) of the Federal Water Pollution Control Act (62 Stat.

1 1155, 33 U.S.C. § 1329(b)).

2 \* \* \*

3 (d) Small projects.--

4 (1) The board shall establish a program of assistance to  
5 water supply and sewage disposal systems serving communities  
6 with a population of 12,000 people or less or systems having  
7 hookups of 1,000 or less.

8 (2) The board shall establish a program to financially  
9 assist storm water projects [by] for municipalities with a  
10 population of 12,000 people or less. In addition to other  
11 factors which the board in its discretion may consider in  
12 assigning priorities under this program, preference shall be  
13 given where the [municipality undertaking] community in which  
14 the project is located:

15 (i) has no natural watercourse within its  
16 boundaries;

17 (ii) relies on methods of storm water control which  
18 do not comply with Federal or State rules, regulations or  
19 standards; or

20 (iii) has been found to be subject to karst sinkhole  
21 development or other geologic condition which poses a  
22 danger to person or property and which may be aggravated  
23 by uncontrolled storm water flows.

24 \* \* \*

25 (j) Continuing education of operators.--No agreement with  
26 individuals or entities shall be valid in the absence of an  
27 agreement by the individuals or entities seeking assistance  
28 under this act to assure that the system operators are  
29 participating or will participate in continuing education  
30 programs developed by the [Department of Environmental

1 Resources] department. If the board determines that the system  
2 operator of a system receiving assistance is not participating  
3 in continuing education programs, the board shall take all steps  
4 necessary to cease all financial assistance and recover all  
5 prior payments, including, but not limited to, the immediate  
6 repayment of any outstanding loans and interest and any grants.  
7 The provisions of this subsection shall not apply to cases where  
8 financial assistance is provided for storm water projects.

9 \* \* \*

10 Section 3. Section 13 of the act is amended to read:

11 Section 13. Annual report.

12 The board shall provide the Governor and the General Assembly  
13 with an annual report detailing all projects funded under  
14 section 10. Each annual report shall be published and maintained  
15 on the authority's publicly accessible Internet website and may  
16 be submitted to the Governor and General Assembly by electronic  
17 mail.

18 Section 4. This act shall take effect immediately.