
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 705 Session of
2017

INTRODUCED BY KILLION, ALLOWAY, McILHINNEY, ARGALL, BAKER,
BARTOLOTTA, BLAKE, BOSCOLA, BREWSTER, COSTA, DINNIMAN,
FONTANA, GORDNER, GREENLEAF, HAYWOOD, LANGERHOLC, McGARRIGLE,
MENSCH, RAFFERTY, RESCHENTHALER, SABATINA, SCHWANK, STEFANO,
VULAKOVICH, WARD, WHITE AND YUDICHAK, MAY 24, 2017

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, MAY 24, 2017

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 the Environmental Stewardship Fund, for
5 agencies and for Commonwealth indebtedness and establishing
6 duties for the Department of Community and Economic
7 Development, the Pennsylvania Fish and Boat Commission, the
8 Pennsylvania Game Commission and the Pennsylvania Historical
9 and Museum Commission.

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

12 Section 1. Section 6102 of Title 27 of the Pennsylvania
13 Consolidated Statutes is amended to read:

14 § 6102. Legislative findings.

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

17 [(1) Ninety-six percent of the water-quality-impaired
18 watersheds in this Commonwealth are polluted because of
19 nonpoint sources of pollution such as past mining activities,
20 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 has over 19,000 miles of streams
11 and rivers that do not meet Federal and State water quality
12 standards to protect aquatic life and provide swimmable
13 rivers and drinkable water supplies.

14 (5) Nonpoint sources of pollution continue to have a
15 negative impact on this Commonwealth's environment.

16 (6) This Commonwealth continues to have water and sewer
17 infrastructure needs. New and improved water sources,
18 treatment and distribution systems are necessary for public
19 drinking water supplies.

20 (7) As noted in the Commonwealth's award-winning 2014-
21 2019 Pennsylvania Statewide Comprehensive Outdoor Recreation
22 Plan, our 5,600 local parks and recreation areas are the most
23 frequently visited recreational assets in this Commonwealth,
24 and most need additional funding to address aging
25 infrastructure, deferred maintenance and capacity to carry
26 out programs and services.

27 (8) The Commonwealth owns approximately 2.5 million
28 acres of State park and State forest lands. Our State park
29 system has estimated many of these parks have environmental
30 projects and infrastructure and deferred maintenance needs,

1 such as dams, roads, bridges, water and wastewater treatment
2 facilities, buildings and boat launches.

3 (9) Conservation of public and private forest lands is a
4 cost-effective method for protecting water quality. Forest
5 lands function as a reserve of clean water for this
6 Commonwealth, including municipalities that rely on public
7 water supplies drawn from water resources on public and
8 private forested properties. Forest lands act as groundwater
9 recharge areas, protect surface water quality, reduce soil
10 erosion, enhance fish and wildlife habitats and provide
11 opportunities for fishing, boating, hunting and trapping.

12 (10) Abandoned mines remain across 189,000 acres in 43
13 counties and are the cause of more than 5,500 miles of
14 biologically compromised streams.

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

17 (12) Open space, greenways, recreational trails, river
18 corridors, fish and wildlife habitats, parks and recreation
19 areas and scenic areas protect the environment, conserve
20 natural resources and add quality of life value that attracts
21 jobs, are essential to Pennsylvania's outdoor recreation and
22 tourism industries and improve public health.

23 (13) Investments in urban parks, trails, greenways,
24 riverfronts, green infrastructure and other natural assets
25 are increasingly understood to be advantageous to local
26 economies, attracting and retaining residents and providing
27 opportunities to creatively address significant challenges
28 such as storm water and flooding.

29 (14) State programs and State funding should provide
30 opportunity and flexibility for elected county and municipal

1 government officials and authorized organizations to
2 identify, prioritize and address local environmental
3 concerns.

4 Section 2. Section 6104(d)(6) of Title 27 is amended and the
5 subsection is amended by adding a paragraph to read:

6 § 6104. Fund.

7 * * *

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

10 * * *

11 (6) For fiscal [year 2007-2008 and each year thereafter]
12 years 2007-2008, 2008-2009, 2009-2010, 2010-2011, 2011-2012,
13 2012-2013, 2013-2014, 2014-2015, 2015-2016 and 2016-2017,
14 moneys in the fund shall be allocated in accordance with
15 paragraph (2).

16 (7) For fiscal year 2017-2018 and each year thereafter,
17 moneys in the fund shall be allocated as follows:

18 (i) Twenty-eight and nine-tenths percent to the
19 Department of Conservation and Natural Resources, which
20 shall use the allocation as follows:

21 (A) At least 50% for grants for projects of
22 which the recipient is a county or other
23 municipality, council of governments, conservation
24 district or authorized organization.

25 (B) At least 10% for land trust projects.

26 (C) At least 4.5% for the Heritage Areas
27 Program.

28 (D) For fiscal years 2017-2018, 2018-2019, 2019-
29 2020, 2020-2021, 2021-2022 and 2022-2023, at least
30 30% for projects and programs located within the

1 watershed of the Susquehanna River and its
2 tributaries.

3 (ii) Thirty-eight and two-tenths percent to the
4 Department of Environmental Protection, which, for fiscal
5 years 2017-2018, 2018-2019, 2019-2020, 2020-2021, 2021-
6 2022 and 2022-2023, shall use at least 40% of its funds
7 for projects and programs within the watershed of the
8 Susquehanna River and its tributaries.

9 (iii) Nineteen and seven-tenths percent to the
10 Department of Agriculture, which shall use the allocation
11 as follows:

12 (A) At least 12% for grants to authorized
13 organizations to preserve farmland.

14 (B) For fiscal years 2017-2018, 2018-2019, 2019-
15 2020, 2020-2021, 2021-2022 and 2022-2023, at least
16 40% for projects and programs located within the
17 watershed of the Susquehanna River and its
18 tributaries.

19 (iv) Four and six-tenths percent to the authority,
20 which, for fiscal years 2017-2018, 2018-2019, 2019-2020,
21 2020-2021, 2021-2022 and 2022-2023, shall use at least
22 40% of its funds for projects and programs located within
23 the watershed of the Susquehanna River and its
24 tributaries.

25 (v) Three and six-tenths percent to the Department
26 of Community and Economic Development.

27 (vi) Two and six-tenths percent to the Pennsylvania
28 Fish and Boat Commission.

29 (vii) One and three-tenths percent to the
30 Pennsylvania Game Commission.

1 (viii) One and one-tenth percent to the Pennsylvania
2 Historical and Museum Commission.

3 * * *

4 Section 3. Sections 6105 and 6115(d)(4) of Title 27 are
5 amended to read:

6 § 6105. Agencies.

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

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

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

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

1 acquisition of farmland for the purposes set forth in
2 this paragraph.

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

8 (iv) To support forest conservation easements,
9 including funding for a working forest conservation
10 easement initiative to preserve the availability of
11 privately owned forest land for sustainable, commercial
12 timbering and other forest-dependent economic uses.

13 (v) To provide funding to the Wild Resource
14 Conservation Fund for the conservation of nongame
15 wildlife and native wild flora and their habitats, to
16 conduct and support research to preserve this
17 Commonwealth's biodiversity and to educate the public on
18 the value of conserving these species and their habitats.

19 (vi) To provide funding for the Heritage Areas
20 Program established under Article XVI-J of the act of
21 April 9, 1929 (P.L.343, No.176), known as The Fiscal
22 Code.

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

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

27 (1) The Department of Environmental Protection shall
28 utilize money it receives from the fund for the following
29 purposes:

30 (i) To implement acid mine drainage abatement and

1 cleanup efforts and abandoned mine land cleanup efforts
2 and plug abandoned and orphan oil and gas wells.

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

5 (iii) To provide grants to a county or other
6 municipality, council of governments, county conservation
7 districts, watershed organizations and other authorized
8 organizations for acid mine drainage abatement and
9 cleanup, mine and mine land cleanup efforts and well
10 plugging.

11 (iv) To provide grants and technical assistance to a
12 county or other municipality, council of governments,
13 county conservation districts, watershed organizations
14 and other authorized organizations to plan and implement
15 local watershed-based conservation efforts.

16 (v) To improve water-quality-impaired watersheds,
17 including those polluted by past mining activities,
18 agricultural and urban runoff, atmospheric deposition,
19 on-lot sewage systems and earthmoving activities.

20 (vii) For watershed protection.

21 (viii) For the reduction of nonpoint source
22 pollution and protection of local drinking water supplies
23 through grants to watershed organizations and other
24 authorized organizations, the creation of forested and
25 other vegetative stream buffers and watershed restoration
26 efforts, including, but not limited to, reducing runoff
27 from agriculture, construction, waste disposal and
28 abandoned mine and mine land sites.

29 (ix) For grants to characterize, remediate or
30 eliminate environmental hazards at abandoned industrial

1 properties or brownfields and to promote economic
2 development by facilitating the return of these
3 properties to productive use.

4 (x) For nonstructural floodplain management and
5 mitigation measures to minimize flood damage, reclaim and
6 restore the quality of floodplains, remove obstacles and
7 improve the natural functions of stream channels.

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

17 (xii) For the Pennsylvania Energy Harvest Program
18 for the purpose of providing grants to farms and small
19 businesses for renewable energy systems, including, but
20 not limited to, those using solar, wind and methane
21 digester technologies.

22 (xiii) For funding to participating county
23 conservation districts to assist the owners of farms and
24 other properties in protecting local water quality and
25 improving the soil, water and air through the
26 installation and maintenance of best maintenance
27 practices.

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

1 implementation of this chapter.

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

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

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

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

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

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

1 Reform Code of 1971.

2 (4) To provide funding and technical assistance, in
3 cooperation with the State Conservation Commission, to assist
4 the owners of farms and other properties in protecting local
5 water quality and in improving the quality of the soil, water
6 and air through the installation and maintenance of best
7 management practices. Fifty percent of the funding
8 distributed under this paragraph shall be provided to
9 participating county conservation districts.

10 (5) To encourage new farmers and assure the viability of
11 preserved farms by creating financial incentives and
12 enhancing access to farmland and capital through a low-
13 interest loan program administered by the Department of
14 Agriculture.

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

28 (d.1) Department of Community and Economic Development.--

29 (1) The Department of Community and Economic Development
30 shall utilize money it receives from the fund for the

1 following purposes:

2 (i) For grants to fund grassroots community and
3 regional planning efforts that support wise land use
4 decisions by balancing development needs with
5 conservation, recreation and preservation needs.

6 (ii) For grants to support the greening of urban
7 communities, including, but not limited to, bicycle and
8 pedestrian trails, greenways, downtown parks, community
9 gardens, retrofits of significant community buildings for
10 energy efficiency and reuse, streetscape improvements and
11 renewable energy projects. The grants shall have a
12 demonstrable environmental or conservation benefit. The
13 Department of Community and Economic Development shall
14 consult with the Department of Environmental Protection
15 and the Department of Conservation and Natural Resources
16 on recommendations of projects to be funded.

17 (iii) For the Elm Street Program created by the act
18 of February 9, 2004 (P.L.61, No.7), known as the Elm
19 Street Program Act.

20 (iv) For the Main Street Program created by the act
21 of April 23, 2002 (P.L.298, No.39), known as the Main
22 Street Act.

23 (2) The Department of Community and Economic Development
24 may require matching funds as a condition of the award of a
25 grant under this subsection.

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

29 (1) For improvements to public access areas owned by the
30 commission or grants to municipalities or organizations for

1 the purpose of improving public access to the waters of this
2 Commonwealth.

3 (2) For maintenance and rehabilitation of dams located
4 at lakes owned by the commission, including the installation
5 of habitat enhancements and improved public access.

6 (3) For upgrades and improvements to State fish
7 hatcheries to maintain and improve water quality and reduce
8 operating costs.

9 (4) For grants to organizations that participate in the
10 Cooperative Nursery Program.

11 (5) For projects to improve fish and aquatic habitat,
12 including, but not limited to, instream fish habitat,
13 riparian buffers, fish passages and the removal of small
14 dams.

15 (d.3) Pennsylvania Game Commission.--Funds allocated to the
16 Pennsylvania Game Commission under this chapter shall be used
17 for the following purposes:

18 (1) To rehabilitate water control structures on State
19 game lands in order to improve wetland habitat for water fowl
20 and other wildlife and to improve water quality.

21 (2) For improvements to facilities on State game lands,
22 including, but not limited to, improved road access, enhanced
23 access for persons with disabilities and older persons and
24 the construction of two wildlife conservation education
25 centers.

26 (d.4) Pennsylvania Historical and Museum Commission.--Funds
27 allocated to the Pennsylvania Historical and Museum Commission
28 under this chapter shall be used for a historic preservation
29 project grant program for the planning and development of
30 publicly accessible historic resources listed in or eligible for

1 listing in the National Register of Historic Places. The grants
2 shall support projects that identify, preserve, promote and
3 protect historic and archaeological resources of this
4 Commonwealth for both the benefit of the public and the
5 revitalization of communities.

6 (e) Administrative expense limitation.--The departments,
7 commissions and the authority may not expend more than [2.5%] 5%
8 of the moneys received from the fund on administrative expenses.
9 The Department of Environmental Protection may not expend more
10 than an aggregate of 2.5% of the moneys received from the fund
11 and the moneys directed to the Hazardous Sites Cleanup Fund
12 pursuant to section 6104(d) (4) and (5) on administrative
13 expenses. Grant recipients that receive moneys from the fund for
14 the purposes set forth in this section may not expend more than
15 [5%] 7.5% of the moneys received from the fund on administrative
16 expenses.

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

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

29 § 6115. Commonwealth indebtedness.

30 * * *

1 (d) Debt retirement.--

2 * * *

3 (4) The Secretary of the Budget, upon approval by the
4 Governor, shall utilize up to \$60,000,000 of the moneys in
5 the fund on an annual basis for payment of principle and
6 interest for debt service on bonds issued pursuant to this
7 section and any other debt incurred by the Commonwealth for
8 projects eligible for funding under this chapter. The
9 authority of the Secretary of the Budget under this paragraph
10 shall expire June 30, 2018.

11 * * *

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

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