

## No. 2013-16

## AN ACT

## SB 196

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

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

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

Section 3. Definitions.

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

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

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

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

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

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

(4) for the best management practices to address **[point or nonpoint source]** pollution **[associated with storm water runoff or any other]**, *including* innovative techniques *developed to comply with the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law, or identified in the county-prepared watershed plans pursuant to the act of October 4, 1978 (P.L.864, No.167), known as the Storm Water Management Act, or as identified in Pennsylvania's Nonpoint Source Management Program Update, as required under section 319(b) of the*

*Federal Water Pollution Control Act (62 Stat. 1155, 33 U.S.C. § 1329(b)).*

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

\* \* \*

Section 2. Section 10(b.1), (d) and (j) of the act, amended or added December 16, 1992 (P.L.1137, No.149), are amended and the section is amended by adding a subsection to read:  
Section 10. Financial assistance.

\* \* \*

(b.1) Storm water projects.—

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

(2) **[A storm water project] Subject to paragraph (4), a storm water project designed to manage storm water runoff shall be eligible for funding if any of the following are applicable:**

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

**(i) a storm water project within a watershed which includes land in more than one county and for which the department has required that a joint plan for the entire watershed be submitted by the affected counties shall be ineligible for financial assistance under this act only if the county in which the project is located is found to have failed to cooperate in the development of the joint plan; and**

**(ii) a storm water] or as required by the National Pollutant Discharge Elimination System (NPDES) storm water permitting requirements;**

**(ii) the project is specifically designed to maintain and/or improve existing water quality and to comply with the [National Pollutant Discharge Elimination System (NPDES)] act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law, or storm water permitting requirements [shall be eligible for financial support under this act.**

**This paragraph shall not apply to a); or**

**(iii) the project is located in a municipality which has enacted a storm water management ordinance that requires land owners and any person engaged in the alteration or development of land to implement measures to ensure that the maximum rate, volume and quality of storm water runoff is no greater after the development than prior to development activities [or to manage the quantity, velocity and direction of resulting storm water runoff in a manner which otherwise adequately protects the health and property of residents from possible injury] as required by the Storm Water Management Act or The Clean Streams Law.**

**[(3) A storm water project located within a municipality which is not implementing ordinances pursuant to a county-prepared and department-approved watershed plan shall be ineligible.]**

**(4) A storm water project to be undertaken by an entity other than a municipality shall comply with all of the following:**

**(i) the project shall be in compliance with ordinances, policies and plans adopted by the municipality where the project is located; and**

**(ii) the project shall be approved by other impacted municipalities as required by the board.**

**(b.2) Nonpoint source management program projects.—A project that is consistent with Pennsylvania's Nonpoint Source Management Program Update, as required under section 319(b) of the Federal Water Pollution Control Act (62 Stat. 1155, 33 U.S.C. § 1329(b)), that has a water quality benefit as determined by the department, shall be eligible for funding.**

\* \* \*

**(d) Small projects.—**

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

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

**(i) has no natural watercourse within its boundaries;**

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

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

\* \* \*

**(j) Continuing education of operators.—No agreement with individuals or entities shall be valid in the absence of an agreement by the individuals or entities seeking assistance under this act to assure that the system operators are participating or will participate in continuing education programs developed by the [Department of Environmental Resources] department. If the board determines that the system operator of a system receiving assistance is not participating in continuing education programs, the board shall take all steps necessary to cease all financial assistance and recover all prior payments, including, but not limited to, the immediate repayment of any outstanding loans and interest and any grants. The provisions of this subsection shall not apply to cases where financial assistance is provided for storm water projects.**

\* \* \*

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

Section 13. Annual report.

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

Section 4. This act shall take effect immediately.

APPROVED—The 19th day of June, A.D. 2013

TOM CORBETT