

No. 2019-39

AN ACT

SB 634

Amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, in soil and conservation, providing for Conservation Excellence Grant Program; and making an editorial change.

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

Section 1. The heading of Part V of Title 3 of the Pennsylvania Consolidated Statutes is amended to read:

PART V
SOIL AND CONSERVATION
[(Reserved)]

Section 2. Part V of Title 3 is amended by adding a chapter to read:

CHAPTER 31
CONSERVATION EXCELLENCE GRANT PROGRAM

Sec.

3101. Definitions.

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§ 3101. Definitions.

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

"Agricultural operation." The management and use of farming resources for the production of crops, livestock or poultry.

"Best management practice." A practice or combination of practices determined by the State Conservation Commission or United States Department of Agriculture Natural Resources and Conservation Service to be effective and practical, considering technological, economic and institutional factors, to manage nutrients and sediment to protect surface water and groundwater.

"Commission." The State Conservation Commission established under section 4 of the act of May 15, 1945 (P.L.547, No.217), known as the Conservation District Law.

"Program." The Conservation Excellence Grant Program established under section 3102 (relating to establishment).

"USDA-NRCS." The United States Department of Agriculture Natural Resources and Conservation Service.

§ 3102. Establishment.

The Conservation Excellence Grant Program is established within the commission.

§ 3103. Administration of program.

The commission shall administer the program for the purpose of providing technical and financial assistance for the implementation of best management practice projects on agricultural operations in high-priority locations within this Commonwealth through grants, loans and tax credits, or a combination of all three, as authorized under section 4(7) of the act of May 15, 1945 (P.L.547, No.217), known as the Conservation District Law.

§ 3104. Application guidelines.

The commission shall establish guidelines for the approval of applications for eligible projects under the program.

§ 3105. Grants, loans and tax credits.

(a) Awards.—The commission may award grants or loans or request that the Department of Revenue issue tax credits to applicants for eligible projects, including costs incurred to satisfy the certification requirements of section 3106 (relating to project certification), that the commission determines will further the purpose of the program.

(b) Grants.—Grants shall be awarded to the extent funding is made available by the General Assembly.

(c) Loans.—Loans under this section may be awarded through the Agriculture-Linked Investment Program or any other loan program approved by the commission.

(d) Tax credits.—Tax credits under this section may be awarded through the Resource Enhancement and Protection Tax Credit Program under Article XVII-E of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

§ 3106. Project certification.

The commission shall ensure that a project satisfies the requirements of the program in accordance with the following:

(1) Except as provided under paragraph (2), if a project's best management practice requires review and certification by a registered professional engineer under the applicable laws or regulations of this Commonwealth, the best management practice shall be certified by a registered professional engineer.

(2) Any other project shall be certified by a technical service provider, staff from a conservation district or the USDA-NRCS or any other person who has appropriate training and expertise and is approved by the commission.

§ 3107. Criteria for evaluation of applications.

In approving applications for eligible projects under the program, the commission shall give priority to complete applications based upon the following criteria:

- (1) *Priority locations as follows and in this order:*
 - (i) *Counties designated by the Department of Environmental Protection as Tier 1 Chesapeake Bay counties.*
 - (ii) *Counties designated by the Department of Environmental Protection as Tier 2 and 3 Chesapeake Bay counties.*
 - (iii) *All other counties.*
- (2) *Priority practices as follows:*
 - (i) *Livestock exclusion fencing.*
 - (ii) *Stream-side buffers.*
 - (iii) *Streambank restoration.*
 - (iv) *Barnyard and feedlot runoff abatement.*
 - (v) *Stream crossings.*
 - (vi) *Off-stream watering.*
 - (vii) *Manure storage facilities.*
 - (viii) *Nutrient management plans and manure management plans.*
 - (ix) *Conservation plans or agricultural erosion and sedimentation plans.*
 - (x) *Cover crops.*
 - (xi) *Any other priority practices approved by the commission.*
- (3) *The level and extent of planning and technical assistance, such as inventory and evaluation, design work, permits and similar types of assistance, already completed to allow for accurate estimates of project costs and for completion of the project in a timely fashion.*
- (4) *The extent to which an applicant is willing to accept a reasonable mix of grants, loans and tax credits or to supply nongovernmental matching funds for the project.*
- (5) *Any other criteria as adopted by the commission.*

§ 3108. Application, review and authorization by commission.

(a) Application process.—A person must apply to the commission for a grant, loan or tax credit for an eligible project under the program with an application created by the commission. The application must include all of the following information:

- (1) *The location of the project.*
- (2) *The type of project.*
- (3) *The status of the project.*
- (4) *The type and combination of funding requested under the program.*
- (5) *The total cost of the project.*
- (6) *Any other information as required by the commission.*

(b) Review.—The commission shall review complete applications based upon the criteria established under section 3107 (relating to criteria for evaluation of applications) on an ongoing basis and in the order received. Within 60 days of receipt of a complete application, the commission shall notify the applicant of all of the following:

(1) Whether the project is approved for funding under the program.

(2) The total amount of funds approved for the project.

(3) The amount of each type of funding approved for the project.

(c) Notice of completion.—Upon completion of a project funded under this program, the person who received approval for the project shall notify the commission of the completion of the project. The notice under this subsection shall include the required certification under section 3106 (relating to project certification).

(d) Inspection.—Projects funded under this program may be subject to inspection by the commission or the commission's designated agent.

§ 3109. Assistance from county conservation districts.

The commission may, as it deems appropriate, delegate certain duties and responsibilities under this chapter to county conservation districts that are willing to enter into an agreement to carry out these duties and responsibilities.

§ 3110. Distribution of funds.

The commission may advance funds to conservation districts for the purposes authorized by this chapter.

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

APPROVED—The 1st day of July, A.D. 2019

TOM WOLF