

PA ST 32 P.S. § 5101
Chapter 102. Land and Water Conservation and Reclamation

Purdon's Pennsylvania Statutes and Consolidated Statutes [Currentness](#)

Title 32 P.S. Forests, Waters and State Parks

Part IV. Conservation and Land Development

▶ Chapter 102. Land and Water Conservation and Reclamation ([Refs & Annos](#))

[§ 5101. Short title](#)

This act shall be known and may be cited as "The Land and Water Conservation and Reclamation Act."

[§ 5102. Findings and declarations of policy](#)

It is hereby determined and declared as a matter of legislative finding that:

(1) Fundamental to the health and welfare of the people of Pennsylvania are the land and water resources of the State.

(2) The rapid growth of Pennsylvania's urban and suburban population requires the development of park, recreation and open space lands so that these public lands may be immediately open, available and used by the citizens of Pennsylvania.

(3) The prevention, control and elimination of stream pollution from mine drainage; the prevention, control and elimination of air pollution from burning coal refuse banks; the restoration of abandoned strip mine areas; the control and extinguishment of surface and underground fires in abandoned mines, and the alleviation and prevention of subsidence above abandoned mine operations are urgent matters requiring action by the Commonwealth of Pennsylvania not only for conservation purposes but for the protection of the health and welfare of citizens of the Commonwealth, especially those living in or adjacent to affected areas.

(4) The Commonwealth of Pennsylvania must act to develop and to assist local governments to develop lands that have been acquired for recreation, conservation and historical use so that the public may have access and enjoyment of these facilities at the earliest possible time.

(5) Financial assistance to political subdivisions and municipal authorities of the Commonwealth of Pennsylvania for the construction, reconstruction and improvement of sewage treatment plants and facilities is necessary to protect the public health and to accelerate the restoration and protect the quality of the waters of the Commonwealth.

(6) The Commonwealth of Pennsylvania should utilize available Federal programs in order to augment the funds made available under the provisions of this act.

[§ 5103. Definitions](#)

As used in this act:

(1) "**Recreation and historical purposes**" means any use of land for public park, fishing, hunting, boating, open space purposes or scenic sights or preservation of historical significance, or for any related public outdoor recreation or historical purpose.

(2) "**Conservation and reclamation purposes**" means any use of land for water supply, flood control, water quality control development, soil erosion control, reforestation, wildlife reserves or any other uses that will maintain, improve or develop the natural environment of soil, water, air, minerals or wildlife of this Commonwealth so as to assure their optimum use.

(3) **“Development”** means any construction, improvement, utility and road relocation, alteration or renovation required for and compatible with the physical development, improvement of land or water resources.

(4) **“Administrative expenses”** means any expenditures of funds to accomplish the purposes of this act, including but not limited to expenditures of the Commonwealth agencies for their studies, planning, development, appraisal, investigation, engineering, legal and construction costs.

(5) **“Land”** means real property, including improvements thereof or thereon, rights of way, water, riparian and other rights, easements, privileges, and any other physical property or rights or interests of any kind or description relating to or connected with real property.

(6) **“Political subdivision”** means any county, city, borough, town or township or any official agency created by the foregoing units of government under the laws of the Commonwealth: Provided, That any of the actions of such official agency taken under the authority of this act shall be first approved by the participating local governing bodies in such agency.

(7) **“Studies”** means the collection, analysis and presentation of information, alternatives and recommendations in order that the Commonwealth or political subdivisions may singly or jointly determine a course of action to meet the purposes of this act.

(8) **“Open space benefits”** means the benefits to the citizens of the Commonwealth which result from the promotion or restriction of the use of selected open space lands, including but not limited, to the protection and conservation of existing and planned parks, recreation and conservation lands, the promotion of sound, cohesive and efficient land development by providing open spaces between communities; the protection and conservation of natural or scenic resources, including but not limited to streams, flood plains, steep slopes, marshes, soils and beaches; and the protection and conservation of farm land, forests and land, water resources and watersheds and historic, geologic and botanic sites.

(9) **“Open space lands”** means land used for purposes not inconsistent with the achievement of open space benefits.

[§ 5104. Authorization of incurrence of indebtedness by Constitutional Amendment](#)

(a) An amendment to Article IX of the Constitution of Pennsylvania was adopted by the people of the Commonwealth of Pennsylvania on May 16, 1967, which reads as follows:

“Section 25. In addition to the purposes stated in article nine, section four of this Constitution, the Commonwealth may be authorized by law to create a debt and issue bonds in the amount of five hundred million dollars (\$500,000,000) for a Land and Water Conservation and Reclamation Fund to be used for the conservation and reclamation of land and water resources of the Commonwealth, including the elimination of acid mine drainage, sewage, and other pollution from the streams of the Commonwealth, the provision of State financial assistance to political subdivisions and municipal authorities of the Commonwealth of Pennsylvania for the construction, reconstruction and improvement of sewage treatment plants, the restoration of abandoned strip-mined areas, the control and extinguishment of surface and underground mine fires, the alleviation and prevention of subsidence resulting from mining operations, and the acquisition of additional lands and the reclamation and development of park and recreational lands acquired pursuant to the authority of article nine, section twenty-four of this Constitution, subject to such conditions and liabilities as the General Assembly may prescribe.”

(b) Pursuant to the permission granted by the constitutional amendment hereinabove set forth, the Governor, Auditor General and State Treasurer are hereby authorized and directed to borrow, from time to time, on the credit of the Commonwealth and subject to the conditions and limitations of this act, money not exceeding in the aggregate the sum of five hundred million dollars (\$500,000,000), as may be found necessary to carry out the purposes of the aforesaid amendment, and statutes passed

in conformity therewith.

§ 5105. Temporary financing authorization

(a) Pending the issuance of bonds of the Commonwealth as hereinafter authorized, the Governor, Auditor General and State Treasurer (hereinafter called the "issuing officials") are hereby authorized in accordance with the provisions hereof and on the credit of the Commonwealth to make temporary borrowings of such moneys as may from time to time be necessary to carry out the purposes of the aforesaid amendment and of this act. In order to provide for and in connection with such temporary borrowings the issuing officials are hereby authorized in the name and on behalf of the Commonwealth to enter into any loan or credit agreement or agreements or other agreements with any banks or trust companies or other lending institutions or persons in the United States having power to enter into the same, which agreements may contain such provisions, not inconsistent with the provisions of this act, as may be customary in such instruments and as may be authorized by the issuing officials.

(b) All temporary borrowings made under the authority of this section shall be evidenced by notes of the Commonwealth, which shall be issued from time to time for such amounts not exceeding in the aggregate the sum of five hundred million dollars (\$500,000,000), in such form and in such denominations, and subject to such terms and conditions of issue, prepayment or redemption and maturity, not later than December 31, 1977, rate or rates of interest, not exceeding six percent per annum, and time of payment of interest, as the issuing officials shall direct. All notes issued under the authority of this section shall bear the facsimile signatures of the issuing officials and a facsimile of the Great Seal of the Commonwealth of Pennsylvania, and shall be countersigned by two duly authorized officers of a duly authorized loan and transfer agent of the Commonwealth.

(c) All such notes shall be funded and retired not later than December 31, 1977, by the issuance and sale of bonds of the Commonwealth as hereinafter authorized, to the extent that payment of such notes has not otherwise been made or provided for.

(d) The proceeds of all such temporary borrowings shall be paid to the State Treasurer to be held and disposed of in accordance with the provisions of section 9 of this act. [FN1]

[FN1] [32 P.S. § 5109](#).

§ 5106. Bonds; issue of bonds and notes; maturity; interest, etc.

(a) As evidence of indebtedness herein authorized, bonds of the Commonwealth shall be issued in accordance with the provisions hereof at any time, or from time to time, to fund and retire notes issued pursuant to section 5 of this act [FN1] (hereinafter referred to as "funding bonds") or to provide moneys necessary to carry out the purposes of the aforesaid amendment, or both.

(b) Funding bonds shall be issued from time to time for such total amounts as may be required to fund and retire notes issued pursuant to the provisions of section 5 of this act, as the issuing officials shall direct. Notes authorized by the provisions of section 5 of this act, and bonds, other than funding bonds and refunding bonds, shall be issued, from time to time, and in such total amounts as the participating departments shall, with the approval of the Governor, determine.

(c) When bonds are issued from time to time, the bonds of each issue shall constitute a separate series to be designated by the issuing officials or may be combined for sale as one series with other general obligation bonds of the Commonwealth. Each series of bonds shall bear such rate or rates of interest that the aggregate amount of interest payable over the life of such series, less the premium, if any, received, or plus the discount allowed, if any, upon the sale thereof, shall not exceed an amount equal to six per cent per annum computed over the life of such series as may be determined by the issuing officials. Such bonds shall be issued in such denominations and in such form or forms, whether coupon or registered as to both principal and interest, and with or without such provisions for interchangeability, as the issuing officials may determine. In case interest coupons are attached, they

shall contain the facsimile signatures of the State Treasurer and Auditor General.

(d) Except as specified in the foregoing provisions of this section 6, [FN2] the terms and conditions of issue, redemption and maturity, and time of payment of interest shall be as the issuing officials shall direct: Provided, That no bonds of any series shall mature later than thirty years from the date of issuance. The issuing officials are hereby authorized to carry out the provisions of this act relating to the issuance of bonds and shall determine all matters in connection therewith subject to the provisions hereof.

(e) All bonds issued under the authority of this act shall bear the facsimile signatures of the issuing officials and a facsimile of the Great Seal of the Commonwealth of Pennsylvania, and shall be countersigned by two duly authorized officers of a duly authorized loan and transfer agent of the Commonwealth.

(f) All bonds issued under the authority of this act shall recite that they are issued for one of the purposes set forth in subsection (a) of section 6 of this act and that they are issued in pursuance of this act. In any action or proceeding involving the validity or enforceability of such bonds, such recital shall be conclusive as to their purpose and authorization.

[FN1] [32 P.S. § 5105](#).

[FN2] This section.

INTEREST RATES

<Act 1970, July 14, P.L. 485, No. 165, § 1, as amended ([72 P.S. § 4051](#)), provides that the limits heretofore imposed by this section upon the rates of interest and interest costs permitted to be paid upon bonds, obligations and indebtedness issued by the Commonwealth or its agencies or instrumentalities or authorities, and by local political subdivisions or their agencies or authorities, are hereby removed for such bonds, obligations or indebtedness so issued.>

[§ 5107. Limitation on amount; direct obligations, exemption from taxation, means of payment](#)

(a) Anything contained in this act to the contrary notwithstanding, the aggregate principal amount of notes and bonds, exclusive of funding bonds and refunding bonds, which may be issued pursuant to the provisions of this act shall not exceed five hundred million dollars (\$500,000,000).

(b) All notes and bonds issued in accordance with the provisions of this act shall be direct obligations of the Commonwealth of Pennsylvania, and the faith and credit of the Commonwealth are hereby pledged for the payment of the interest thereon as the same shall become due and the payment of the principal thereof at maturity. All notes and bonds issued under the provisions of this act shall be exempt from taxation for State and local purposes. The principal of and interest on such notes and bonds shall be payable in lawful money of the United States of America.

[§ 5108. Sale of bonds](#)

(a) Whenever bonds are issued, they shall be offered for sale at not less than ninety-eight per cent of the principal amount thereof and accrued interest and shall be sold by the issuing officials to the highest and best bidder or bidders after due public advertisement on such terms and conditions and upon such open competitive bidding as the issuing officials shall direct. The manner and times of advertising shall be prescribed by the issuing officials.

(b) Any portion of any bond issue so offered and not sold or subscribed for may be disposed of by private sale by the issuing officials in such manner and at such prices, not less than ninety-eight per cent of the principal amount thereof and accrued interest, as the Governor shall direct. No commission

shall be allowed or paid for the sale of any bonds issued under the authority of this act.

(c) Until permanent bonds can be prepared, the issuing officials may in their discretion issue in lieu of such permanent bonds, temporary bonds in such form and with such privileges as to registration and exchange for permanent bonds as may be determined by the issuing officials.

§ 5109. Disposition and use of proceeds

(a) The proceeds of all temporary borrowings made pursuant to the provisions of section 5 of this act, [FN1] and the proceeds from the sale of bonds, other than funding bonds, issued pursuant to the provisions of section 6 of this act, [FN2] shall be paid to the State Treasurer and be held by him in a separate fund and be deposited in such depositories as may be selected by him to the credit of such fund, which fund shall be known as the "Land and Water Development Fund" (hereinafter referred to as the "Development Fund").

(b) The moneys in the Development Fund are hereby specifically dedicated to meeting the cost of development of lands for conservation and reclamation purposes, and for recreation and historical purposes and the Commonwealth's administrative expenses thereof as herein authorized and defined and shall not be expended except in accordance with the terms of this act.

(c) Pending their application to the purposes provided in this act, moneys in the Development Fund may be invested and reinvested as are other funds in the custody of the State Treasurer in the manner provided by law. All earnings received from the investment or deposit of such funds shall be paid into the State Treasury and become a part of a sinking fund which shall be known as the "Land and Water Development Sinking Fund," to be devoted to and to be used exclusively for the payment of interest accruing on bonds and notes issued under the authority of this act and the redemption of such bonds at maturity.

[FN1] [32 P.S. § 5105](#).

[FN2] [32 P.S. § 5106](#).

§ 5110. Land and water development sinking fund: investments, redemption of bonds

(a) All bonds issued under the authority of this act shall be redeemed at maturity and all interest due from time to time after July 1, 1967, on such bonds and on all notes issued under the authority of this act shall be paid by the Board of Finance and Revenue of the Commonwealth from the Land and Water Development Sinking Fund. The General Assembly beginning with the fiscal year commencing July 1, 1967, shall appropriate annually the moneys necessary to pay the aforesaid interest on said bonds and notes and the principal of said bonds at maturity. All moneys so appropriated shall be paid into the Land and Water Development Sinking Fund by the State Treasurer. All of such moneys not necessary to pay accruing interest shall be invested by the Board of Finance and Revenue in such securities as are provided by law for the investment of the sinking funds of the Commonwealth.

(b) The investment of such moneys and the accumulations thereon in the Land and Water Development Sinking Fund shall be devoted to and be used exclusively for the payment of the interest accruing on such bonds and notes and for the redemption of such bonds at maturity. The Board of Finance and Revenue is authorized at any time to use any of such funds for the purchase and retirement of all or any part of the bonds issued under the authority of this act. In the event that all or any part of said bonds shall be purchased by the Commonwealth, they shall be cancelled and returned to the State Treasurer, as cancelled and paid bonds and thereafter all payments of interest thereon shall cease and the cancelled bonds and coupons shall be destroyed within two years after cancellation in the presence of the issuing officials. A certificate evidencing the destruction, satisfactory to the duly authorized loan and transfer agent of the Commonwealth, shall be furnished to it. All cancelled bonds and coupons shall be so mutilated as to make the cancelled bonds and coupons nonnegotiable.

§ 5111. Reimbursement of land and water development fund for interest on notes

To the extent that interest on notes issued pursuant to the authority of this act shall have been paid out of the Development Fund, the General Assembly shall in the fiscal year commencing July 1, 1967 appropriate the moneys necessary to reimburse the Development Fund for the amount of such interest. All moneys so appropriated shall be paid into the Development Fund by the State Treasurer.

§ 5112. Refunding bonds

The issuing officials are hereby authorized to provide, by resolution, for the issuance of refunding bonds for the purpose of refunding any bonds issued under the provisions of this act and then outstanding, either by voluntary exchange with the holders of such outstanding bonds, or to provide funds to redeem and retire such outstanding bond with accrued interest and any premium payable thereon, at maturity or at any call date. The issuance of such refunding bonds, the maturities and other details thereof, the rights of the holders thereof, and the duties of the issuing officials in respect to the same shall be governed by the foregoing provisions of this act insofar as the same may be applicable. Refunding bonds may be issued by the issuing officials to refund bonds originally issued or to refund bonds previously issued for refunding purposes. The proceeds of the sale of any refunding bonds shall be paid to the State Treasurer and applied to the payment of the principal of, and the accrued interest and premium, if any, on the bonds for the refunding of which such refunding bonds shall have been issued. Notwithstanding the foregoing provisions of this section 12, [FN1] no refunding bonds shall be issued unless the principal amount thereof plus the interest cost thereon to maturity, as determined by the issuing officials in accordance with accepted financial practice, shall be less than the sum of the principal amount of the bonds to be refunded, plus the interest cost thereon to maturity determined as aforesaid.

[FN1] This section.

§ 5113. Reporting requirements

The State Treasurer shall determine and report to the Budget Secretary by January first of each year the amount of money necessary for the payment of interest on the bonds and notes and of the principal of bonds, if any, for the following fiscal year and the times and amounts of such payments.

§ 5114. Registration of bonds

The Auditor General shall prepare the necessary registry books to be kept in the office of the duly authorized loan and transfer agent of the Commonwealth for the registration of any bonds, at the request of the owner thereof, according to the terms and conditions of issue directed by the issuing officials under subsection (d) of section 6 hereof. [FN1] All bonds which are issued without interest coupons attached shall be registered in the registry books kept by the duly authorized loan and transfer agent of the Commonwealth.

[FN1] [32 P.S. § 5106](#).

§ 5115. Voting requirements

Whenever in this act any action is to be taken or decision made by the issuing officials, and the three officers shall not be able to agree unanimously, the action or decision of the Governor and either the Auditor General or State Treasurer shall be binding and final.

§ 5116. Allotment of moneys

(a) The moneys received by the Commonwealth from the issuance and sale of bonds and notes pursuant to this act when appropriated by the General Assembly from the development fund shall be allotted for the following specific purposes:

(1) To the Department of Environmental Resources the sum of two hundred million dollars (\$200,000,000) for the elimination of land and water scars created by past mining practices, one hundred twenty million dollars (\$120,000,000) of which shall be used for the prevention, control and elimination of stream pollution from mine drainage, the restoration of abandoned strip mine areas, or the elimination or control of abandoned mine conditions detrimental to public health and safety, twenty million dollars (\$20,000,000) of which shall be used for the prevention, control and elimination of air pollution from abandoned burning coal refuse banks provided such land and bank material is publicly owned, and sixty million dollars (\$60,000,000) of which shall be used for the prevention of surface subsidence and elimination of subsidence hazards above abandoned mine operations, for the sealing of abandoned deep mines, for the control and extinguishment of surface and underground fires from abandoned mines and for administration expenses attendant thereto.

If the Secretary of Environmental Resources makes a finding of fact that: (i) a mine fire, refuse bank fire, stream pollution resulting from mine drainage or subsidence resulting from mining is at a stage where in the public interest immediate action should be taken; and (ii) the owners of the property upon which entry must be made to combat the mine fire, refuse bank fire, stream pollution resulting from mine drainage or subsidence resulting from mining are not known, are not readily available or will not give permission for the Secretary of Environmental Resources, political subdivisions of the Commonwealth or municipalities, their agents, employes or contractors to enter upon such premises.

Then, upon giving notice by mail to the owners if known or if not known by posting notice upon the premises and advertising once in a newspaper of general circulation in the municipality in which the land lies, the Secretary of Environmental Resources, political subdivisions of the Commonwealth or municipalities, their agents, employes or contractors, shall have the right to enter upon the premises and any other land in order to have access to the premises to combat the mine fire, refuse bank fire, stream pollution resulting from mine drainage or subsidence resulting from mining and to do all things necessary or expedient to do so. Such entry shall not be construed as an act of condemnation of property or of trespass thereon. The moneys expended for such work and the benefits accruing to any such premises so entered upon shall be chargeable against such land and shall mitigate or offset any claim in or any action brought by any owner of any interest in such premises for any alleged damages by virtue of such entry. Provided however, that this provision is not intended to create new rights of action or eliminate existing immunities.

The Secretary of the Department of Environment Resources, political subdivisions of the Commonwealth or municipalities, their agents, employes or contractors, shall have the right to enter upon any lands for the purpose of conducting a study or exploratory work to determine if stream pollution from mine drainage, air pollution from abandoned burning coal refuse banks, subsurface subsidence or surface and underground fires exists and to determine the feasibility of correcting such conditions. Such entry shall not be construed as an act of condemnation of property or of trespass thereon.

Within six months after the completion of any of the work to abate non-emergency pollution conditions from past mining practices herein contemplated on any privately owned property, the Secretary of Environmental Resources shall itemize the moneys so expended and may file a statement thereof in the office of the prothonotary of the county in which the land lies together with a notarized appraisal by an independent appraiser of the value of the land before and after the abatement of the pollution conditions herein contemplated, if the moneys so expended shall result in a significant increase in property value. Such statement shall constitute a lien upon the said land as of the date of the expenditure of the moneys and shall have priority as a lien second only to the lien of real estate taxes imposed upon said land. The lien shall not exceed the amount determined by the appraisal to be the increase in the market value of the land as a result of the abatement of the pollution immediately after the Department of Environmental Resources has completed its work, and the lien shall extend only to that portion of the premises directly involved in the work of the Department of Environmental Resources under this act. The landowner may proceed as provided by the "Eminent Domain Code"

[FN1] to petition for a board of view within sixty days of the filing of the lien, to determine the increase in the market value of that portion of the premises directly involved in the work herein contemplated as a result of the abatement of the pollution conditions. The amount reported by the board of viewers to be the increase in value of the premises shall constitute the amount of the lien and shall be recorded with the statement herein provided. Any party aggrieved by the decision of the viewers may appeal as provided in the "Eminent Domain Code."

The lien provided herein shall be entered in the judgment index and shall be given the effect of a judgment against the said land. The lien shall be enforced by the direct issuance of a writ of execution without prosecution to judgment of a writ of scire facias in the manner provided by law for the enforcement, collection and revival of municipal liens.

The Department of Environmental Resources is authorized to expend funds, as appropriated in this section for the emergency abatement of a mine fire, refuse bank fire, stream pollution resulting from mine drainage or subsidence resulting from mining whenever created if the Secretary of Environmental Resources makes a finding of fact that: (i) an emergency exists constituting an extreme danger to the public; and (ii) no other person or agency will act to combat the condition. The department, political subdivisions of the Commonwealth or municipalities, their agents, employees or contractors shall have the right to enter upon the premises where the emergency exists and any other land to have access to the premises to combat the mine fire, refuse bank fire, stream pollution resulting from mine drainage or subsidence resulting from mining and to do all things necessary or expedient to do so. Such entry shall not be construed as an act of condemnation of property or of trespass thereon. The moneys expended for such work and the benefits accruing to any such premises so entered upon shall be chargeable against such land and refuse piles located thereon and shall mitigate or offset any claim in or any action brought by any owner of any interest in such premises for any alleged damages by virtue of such entry: Provided, however, That this provision is not intended to create new rights of action or eliminate existing immunities.

All moneys expended under this act for the emergency abatement of mine fires, refuse bank fires, stream pollution from mine drainage or subsidence may be recovered in full from the landowner, or any other person if they were liable under law for abating the conditions resulting in the emergency. The moneys expended for the emergency abatement of these conditions is hereby declared to constitute a debt which may be recovered in any action at law to compel payment of debts. If the landowner of the premises, or any other person is not liable under any law to abate the aforesaid emergency conditions then, within either six months after the completion of any of the work herein contemplated or within six months after a final court determination of the absence of liability, the Secretary of Environmental Resources may file a lien upon the terms and conditions provided herein.

(I) The Department of Environmental Resources shall have the power and authority, if not granted it otherwise, to engage in the work aforesaid and to do all things necessary and expedient to effect such programs. The Department of Environmental Resources shall have the power and authority to enter into co-operative abatement projects under this act with the United States of America and its agencies and other states and their agencies. In addition to any other remedies provided for in this act, the Attorney General, at the request of the department, may initiate, in the Commonwealth Court or the court of common pleas of the county in which the land lies, an action in equity for an injunction to restrain any interference with the exercise of the rights of entry provided herein or the conduct of any project contemplated herein.

(II) The Department of Environmental Resources shall have the power and authority to construct and operate a plant or plants for the control and treatment of water pollution resulting from mine drainage. The extent of this control and treatment may be dependent upon the ultimate use of the water: Provided, That the above provisions of this paragraph shall not be deemed in any way to repeal or supersede any portion of the act of June 22, 1937 (P.L. 1987, No. 394), [FN2] as amended, known as "The Clean Streams Law," and no control or treatment hereunder shall be in any way less than that required under the act of June 22, 1937 (P.L. 1987, No. 394), as amended, known as "The Clean Streams Law." The construction of a plant or plants may include major interceptors and other facilities appurtenant to the plant. In the operation of such plant or plants the Department of Environmental Resources shall have the power to permit coal mine operators or owners to discharge their mine drainage to such plant or plants and the Secretary of Environmental Resources shall have the

authority to charge coal mine operators or owners for the treatment of such mine drainage. The charge to the coal mine operators or owners for the treatment of such mine drainage shall be based upon their proportional share of the capital and operating cost and the quantity and quality of the pollutant. Further, the Secretary of Environmental Resources shall have the authority to sell any by-product or products resulting from the operation of such plants. Any such moneys so received shall be placed in the General Fund and are hereby appropriated to the Department of Environmental Resources.

(III) The Secretary of Environmental Resources shall have the power and authority to establish rules and regulations and establish rates to implement the foregoing paragraph. Such rules and regulations may provide for the escrowing of payments made prior to the construction or operation of the plant or plants.

(2) To the Department of Health the sum of one hundred million dollars (\$100,000,000) for State aid to political subdivisions and municipal authorities for the construction, reconstruction and improvement of municipal sewage treatment plants.

(I) The Secretary of Health is authorized to make grants to political subdivisions and municipal authorities for the construction, reconstruction and improvement of municipal sewage treatment plants. Such grants shall be made pursuant to rules and regulations adopted by the Sanitary Water Board.

(II) The Sanitary Water Board is hereby empowered to adopt such rules and regulations as are necessary to implement the awarding of construction grants to political subdivisions and municipal authorities. Such rules and regulations shall include, but are not limited to (i) requirements pertaining to applications for the grants; (ii) the determination of eligible projects; (iii) the determination of the costs upon which the grant awards shall be based; (Costs may include engineering, financial, legal and administrative expenses necessary for the construction, reconstruction and improvement of a sewage treatment plant. This may include major interceptors and other facilities appurtenant to the plant.) (iv) a priority system for the awarding of grants; (The board may consider, in addition to water pollution control needs, such financial needs as are deemed relevant including per capita cost.) (v) determination of the amount of the grant. (The board may consider the availability of Federal grants in determining the eligible project costs.)

(III) The Department of Health shall administer the construction grant program.

(3) To the Department of Forests and Waters, Fish and Game Commissions and Historical and Museum Commissions, the sum of one hundred twenty-five million dollars (\$125,000,000) for the cost of planning, related administrative expenses and development of public outdoor recreation areas including lands acquired with Project 70 funds. Projects to be planned and developed shall be submitted to the State Planning Board for its review and recommendations prior to final approval by the Governor. Upon receipt of stipulated approvals, the department or commission concerned shall proceed in the manner provided by applicable provisions of law which may govern the planning and development of State lands. Whenever lands to be planned and developed as public outdoor recreation areas have landmarks, sites or structures of historical significance on them, the Historical and Museum Commission shall be consulted relative to the need for, and the appropriate development of, said historical features. The department or commission concerned shall have the power to promulgate such rules and regulations as may be necessary to effectuate the development program undertaken. The allocation of one hundred twenty-five million dollars (\$125,000,000) shall be apportioned among the aforesaid department and commissions by the Governor.

(4) To the Department of Community Affairs, the sum of seventy-five million dollars (\$75,000,000) for State grants-in-aid to political subdivisions to pay up to fifty percent of the cost (i) of development of county and municipal park and recreation lands including lands acquired under the act of June 22, 1964 (P.L. 131), known as the "Project 70 Land Acquisition and Borrowing Act," [FN3] to be used for county and municipal park and recreation purposes; (ii) to acquire and develop additional county and municipal park, recreation, and open space lands in those regions where the statewide outdoor recreation plan indicates a need for those lands; and (iii) for studies conducted to determine park and recreational needs and the location of facilities.

(b) The manner of grants-in-aid and of development, acquisition and studies by political subdivisions shall be as follows:

(I) A request for State grants-in-aid shall be made by the governing body of a political subdivision or subdivisions to the Department of Community Affairs.

(II) The Department of Community Affairs, after receipt, review and approval of a completed application shall forward such application to the State Planning Board for review and determination of its compliance with the statewide outdoor recreation plan.

(III) The State Planning Board will present the application with recommendations to the Governor for final approval.

(IV) Such development projects shall be submitted to the Department of Community Affairs by the political subdivision in an application which contains information as may be required by the Department of Community Affairs. Upon approval of such project application, the park and recreational facility shall be constructed by the political subdivision according to standards and provisions required or set by State laws and in accordance with the contracts, bidding procedures and manner established, approved and/or accepted by the Department of Community Affairs or other designated agencies of the Commonwealth and in accordance with the construction, site and financial plans and specifications required, reviewed and approved by the Department of Community Affairs or other agencies of the Commonwealth or private consulting firm retained for the purpose of project review.

(V) Such land acquisition projects shall be submitted to the Department of Community Affairs by the political subdivision in an application which contains maps, appraisals, and other information as may be required by the Department of Community Affairs. Such lands shall be acquired by purchase agreement or by eminent domain proceedings in the manner provided by applicable provisions of law which may govern land acquisition for such purposes by such political subdivisions.

The political subdivision shall have the power to acquire rights in real property, which include but are not limited to fee simple, easements, remainder, future interest, lease, license, restriction, or covenant of any sort, contractual interest or rights concerning the use of or power to transfer property, in order to protect and preserve open space benefits.

The Commonwealth's share of the cost of such development, land acquisition and study projects shall be paid by the State Treasurer on the audit and warrant of the Auditor General on the requisition of the Secretary of the Department of Community Affairs.

The Department of Community Affairs shall be empowered to promulgate rules and regulations, undertake studies and employ personnel and consultants and provide grants to political subdivisions to undertake studies as necessary in order to properly administer this act and to determine the recreation and park needs of political subdivisions and the advisability of granting State aid.

(c) The expenditure of moneys appropriated pursuant to the provisions of this section shall not exceed twenty percent of any particular appropriation or allocation during the period from the effective date of this act until June 30, 1969, nor shall any expenditures exceed twenty percent of any particular appropriation or allocation during any two year period subsequent to June 30, 1969.

[FN1] [26 P.S. § 1-101 et seq.](#)

[FN2] [35 P.S. § 691.1 et seq.](#)

[FN3] [72 P.S. § 3946.1 et seq.](#)

[§ 5117. Joint departmental projects](#)

The respective departments and commissions may cooperate and expend funds jointly on land and water reclamation projects where the objectives of such projects can be better achieved, where economics may be obtained by such cooperation and joint action or in other instances where joint action is determined to be in the public interest.

§ 5118. Administrative expenses

Departments and commissions incurring administrative expenses in accomplishing the purposes of this act may charge such administrative expenses against their specific allotment set forth in section 16. [FN1]

[FN1] [32 P.S. § 5116.](#)

§ 5119. Federal programs

(a) The departments and commissions set forth herein may utilize any available Federal program to augment the funds made available to such department or commission under the provisions of this act.

(b) Within the General Fund there is hereby created a restricted revenue account to be known as the Pennsylvania Abandoned Mine Reclamation Account which shall consist of all grants from the Federal Government to the Commonwealth of Pennsylvania pursuant to Title IV of [Public Law 95-87](#), the "Surface Mining Control and Reclamation Act of 1977." [FN1] Funds deposited in this account shall be used for the purposes of clause (1) of subsection (a) of section 16, act of January 19, 1968 (1967 P.L. 996, No. 443), known as "The Land and Water Conservation and Reclamation Act," [FN2] and for such other purposes of abandoned mine reclamation as may be authorized by law, subject to such conditions as may be imposed on such grants by the Federal Government. All Federal grants and other revenues or receipts incidental to this program are hereby appropriated to the Department of Environmental Resources and shall require annual executive authorization by the Governor. All such funds shall be a supplement to and shall augment the allotment of moneys made available under clause (1) of subsection (a) of section 16, for the elimination of land and water scars created by past mining practices.

[FN1] [30 U.S.C.A. § 1201 et seq.](#)

[FN2] [32 P.S. § 5116.](#)

§ 5120. Appropriations

(a) The sum of forty million dollars (\$40,000,000), or as much thereof as may be necessary, is hereby appropriated for two fiscal years beginning July 1, 1967, to the Department of Mines and Mineral Industries for the purposes specified in clause (1) of section 16 of this act. [FN1]

(b) The sum of twenty million dollars (\$20,000,000), or as much thereof as may be necessary, is hereby appropriated for two fiscal years beginning July 1, 1967, to the Department of Environmental Resources and the additional sum of forty million dollars (\$40,000,000), or as much thereof as may be necessary, is hereby appropriated for two fiscal years beginning July 1, 1971, to the Department of Environmental Resources for the purposes specified in clause (2) of subsection (a) of section 16 of this act, including related planning. Expenditures from such appropriation shall not be subject to the limitation set forth in subsection (c) of section 16 of this act. The balance of the foregoing appropriation which remains unexpended, unencumbered or uncommitted after June 30, 1973, shall not lapse but shall remain to the credit of the Department of Environmental Resources until expended in accordance with the provisions of this appropriation.

(c) The sum of twenty-five million dollars (\$25,000,000), or as much thereof as may be necessary is

hereby appropriated for two fiscal years beginning July 1, 1967, to the Department of Forests and Waters, Fish and Game Commissions and Historical and Museum Commissions for the purposes specified in clause (3) of section 16 of this act.

(d) The sum of fifteen million dollars (\$15,000,000), or as much thereof as may be necessary, is hereby appropriated for two fiscal years beginning July 1, 1967, to the Department of Community Affairs for the purposes specified in clause (4) of section 16 of this act.

(e) All moneys lapsed under clause (1) of subsection (a) of section 16 are hereby appropriated for four fiscal years beginning July 1, 1979, to the Department of Environmental Resources for the purposes specified in clause (1) of subsection (a) of section 16. Expenditures from such appropriation shall not be subject to the limitation set forth in subsection (c) of section 16. The balance of the foregoing appropriation together with such other appropriations made for the purpose of clause (1) of subsection (a) of section 16 which remains unexpended, unencumbered or uncommitted after June 30, 1983, shall not lapse but shall remain to the credit of the Department of Environmental Resources until expended in accordance with the provisions of this appropriation.

(f) All moneys lapsed under clause (3) of subsection (a) of section 16 are hereby appropriated for four fiscal years beginning July 1, 1979, to the Department of Environmental Resources, Fish and Game Commissions and Historical and Museum Commission for the purposes specified in clause (3) of subsection (a) of section 16. Expenditures from such appropriation shall not be subject to the limitation set forth in subsection (c) of section 16. The balance of the foregoing appropriation which remains unexpended, unencumbered or uncommitted after June 30, 1983, shall lapse.

(g) All moneys lapsed under clause (4) of subsection (a) of section 16 are hereby appropriated for four fiscal years beginning July 1, 1979, to the Department of Community Affairs for the purposes specified in clause (4) of subsection (a) of section 16. Expenditures from such appropriation shall not be subject to the limitation set forth in subsection (c) of section 16. The balance of the foregoing appropriation, together with such other appropriations made for the purpose of clause (4) of subsection (a) of section 16, which remains unexpended, unencumbered, or uncommitted after June 30, 1983, shall not lapse but shall remain to the credit of the Department of Community Affairs until expended in accordance with the provisions of this appropriation.

[FN1] [32 P.S. § 5116](#).

§ 5121. Severability

If any provisions of this act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the act and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Current through Reg. Sess. Act 2008-80 and 2007-2008 Sp. Sess. No. 1 Act 2

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