

CHAPTER 111. STORMWATER MANAGEMENT—GRANTS AND REIMBURSEMENT

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Authority

The provisions of this Chapter 111 issued under section 17 of the Stormwater Management Act (32 P. S. § 680.17), unless otherwise noted.

Source

The provisions of this Chapter 111 adopted October 4, 1985, effective October 5, 1985, 15 Pa.B. 3508, unless otherwise noted.

Subchapter A. GENERAL PROVISIONS

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§ 111.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act—The Stormwater Management Act (32 P. S. §§ 680.1—680.17).

Department—The Department of Environmental Resources of the Commonwealth.

Designated watershed—A watershed delineated by the Department and approved by the Environmental Quality Board for which counties are required to develop a watershed stormwater management plan.

Municipality—A city, borough, town or township, or a county or other governmental unit when acting as an agent thereof, or a combination thereof acting jointly.

Scope of study—A detailed statement which establishes procedures to be used to prepare the detailed watershed stormwater plan, including a description of work, time schedule, level of effort, cost estimates and narratives related to preparation of plan elements required by section 5 of the act (32 P. S. § 680.5) and consistent with Chapter 3 of the Stormwater Management Guidelines.

Stormwater Management Guidelines—A Department publication prepared under section 14 of the act (32 P. S. § 680.14) which provides guidance to

counties, watershed plan advisory committees, municipalities, the professions and the general public in the preparation of watershed stormwater plans.

Watershed stormwater plan—A plan for stormwater management developed and adopted by a county under section 5 of the act (32 P. S. § 680.5) and the Stormwater Management Guidelines.

§ 111.2. Scope.

This chapter governs the award of grants to:

- (1) Counties to assist or reimburse them for costs in preparing or revising watershed stormwater plans.
- (2) Municipalities for reimbursement of allowable costs incurred after May 24, 1984, for the preparation, administration, enforcement, implementation and revisions of ordinances and regulations as required by the official watershed stormwater management plans and the act.

§ 111.3. Amount of grant.

- (a) Except as provided in subsection (b), the amount of grant award shall equal 75% of the allowable costs.
- (b) Grants awarded under this chapter shall be limited so that the total of State and Federal grants to the municipality or county does not exceed 75% of the allowable costs. Where the total of other State and Federal grants exceeds 75% of the allowable costs, no grants shall be made and no costs reimbursed under this chapter. Nothing in this chapter shall prohibit municipalities or counties from accepting grants or payments from other State or Federal sources exceeding 75% of allowable costs.

§ 111.4. Allowable costs—general.

- (a) Allowable costs are reasonable expenses actually incurred in the preparation and completion of scopes of study and watershed stormwater plans and plan revisions or reasonable expenses incurred in complying with the act and Stormwater Management Guidelines. Allowable costs include, but are not limited to, costs of data collection and analysis; surveys and inventories; planning and engineering analyses; administration, enforcement and implementation; and ordinance preparation and review.
- (b) The Department may award grants for allowable costs incurred after the effective date of the act and before approval of Stormwater Management Guidelines and model ordinances by the General Assembly. The effective date of the amended act to be used by municipalities and counties for costs of administration, enforcement, implementation, and official plan revisions is May 24, 1984. The effective date of the act to be used by counties for costs of preparation of stormwater management plans is October 4, 1978. The county or municipality shall submit justification that this work is an integral and necessary part of the watershed stormwater plan. Proof of actual expenses incurred shall be required.

**Subchapter B. GRANTS TO COUNTIES FOR PREPARATION AND
REVISION OF WATERSHED STORMWATER PLANS**

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§ 111.11. Priority of watersheds.

(a) Subject to section 17(c) of the act (32 P. S. § 680.17(c)), the Department may establish a system of prioritizing designated watersheds for preparation of watershed stormwater plans which shall consider, but not be limited to, the following factors:

- (1) County endorsement of need, including expressed willingness to undertake stormwater planning.
- (2) Existing and potential stormwater and flood damage problems associated with current and future development.
- (3) Number of stormwater management complaints.

(b) The Department may enter into grant agreements with counties based on the priority of designated watersheds established under this section.

§ 111.12. Agreements.

(a) The Department will enter into grant agreements with counties for the preparation and revision of watershed stormwater plans. Grant agreements shall reflect the availability of funds in each fiscal year.

(b) Agreements shall specify that the county prepare the watershed stormwater plan or revision in at least two phases. Phase I includes the preparation and submission by the county of a scope of study under § 111.14 (relating to Phase I—scope of study) for review and approval by the Department. After the approval of Phase I, the Department will have the discretion to authorize the county to prepare Phase II, consisting of a detailed watershed stormwater plan or revision and other phases that may be required, based on the level of effort and cost approved in the scope of study.

(c) The authorization to proceed with, and the scheduled completion of, each phase shall be governed by the grant agreement.

§ 111.13. Application.

(a) Application for a grant shall be made to the Department by submitting a letter of intent and a proposal for preparing a watershed stormwater plan or revision for the designated watersheds.

(b) The Department will negotiate with, and provide guidance to, the county in the development of the final proposal. The final proposal shall include, as a minimum, descriptions of work and costs required to complete Phase I of the grant agreement.

(c) Where two or more counties have been required to prepare or revise a joint watershed stormwater plan by the Department under section 7 of the act (32 P. S. § 680.7), the Department may require the submission of a joint proposal and execution of a joint grant agreement.

§ 111.14. Phase I—scope of study.

(a) A scope of study shall include, but not be limited to, the following:

(1) A description of tasks required under section 5 of the act (32 P. S. § 680.5), consistent with the Stormwater Management Guidelines.

(2) A schedule for completion of the tasks in the preparation of the detailed watershed stormwater plan or revision.

(3) A description of the level of effort, including personnel requirements, required to complete the tasks within each time period.

(4) A cost estimate for each task.

(5) A narrative of services to be provided by consultants, if any, and a justification for the use of consulting services, including the names of the individuals within the consulting firm providing the services and their qualifications.

(6) A listing of outside funding sources and the amounts of the funds.

(b) The scope of study shall also:

(1) Establish plan products that will meet the objectives of the act.

(2) Provide consistency in planning efforts between counties.

(3) Eliminate duplication of effort in utilizing outside consulting services.

Cross References

This section cited in 25 Pa. Code § 111.12 (relating to agreements).

§ 111.15. Review and approval of the scope of study.

(a) The scope of study shall be submitted to the Department for review and approval consistent with the requirements of the grant agreement.

(b) The Department will approve the scope of study if it is in compliance with the act, this chapter, and the Stormwater Management Guidelines.

(c) The scope of study will be used by the Department in establishing the allowable costs for the preparation of subsequent phases of the detailed watershed stormwater plans or revisions thereof.

§ 111.16. Grant payments.

Payments to counties shall be made on a periodic basis as specified in the grant agreement.

Subchapter C. REIMBURSEMENT FOR MUNICIPALITIES

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§ 111.21. Eligibility.

Municipalities located in designated watersheds for which watershed storm-water plans have been prepared and adopted by counties and approved by the Department shall be eligible annually for reimbursement for expenses incurred in the adoption or revision of ordinances or regulations and other actual administrative, enforcement and implementation costs incurred in complying with the act and this subchapter.

§ 111.22. Application.

- (a) Application forms and related information concerning reimbursements may be obtained from the Department.
- (b) Reimbursement requests for the preceding calendar year shall be submitted by March 31.
- (c) Applications for reimbursements shall include the following information:
- (1) An itemized statement of the following:
 - (i) The total expenses incurred by the municipality in performing duties in compliance with the act.
 - (ii) The total amount of fees collected by the municipality as part of its stormwater review or regulation activities in performing its duties under the act.
 - (iii) The difference between expenses incurred and income relating to stormwater activities received by the municipality.
 - (iv) The amount of reimbursement being requested.
 - (2) A certification as to the accuracy of the information being submitted by the chief executive officer of the municipality and the individual who prepared the statement.
- (d) Municipalities shall keep accurate records and accounts of all allowable costs incurred for a period of 3 years following the submission of an application to the Department for reimbursement and shall provide access to the records and accounts to the Department and the Auditor General, upon request, for monitoring and auditing purposes.

§ 111.23. Allowable costs.

Allowable costs include:

(1) Costs for the preparation and enactment of ordinances and regulations as are necessary to regulate development within the municipality consistent with the applicable watershed stormwater management plans and the act, including:

(i) Costs of technical and legal services necessary to prepare and enact regulations, ordinances, administrative forms, maps and similar materials required by the act.

(ii) Costs of technical and legal services for required public hearings.

(2) Costs for administrative, enforcement and implementation activities, including:

(i) Costs for review of the stormwater management component of development plans.

(ii) Fees for special technical consultation concerning complex or unusual stormwater management issues.

(iii) Costs of monitoring and inspection activities.

(iv) Mileage expenses incurred.

(3) Costs incurred by municipalities for participation in a watershed plan advisory committee and other costs incurred when a municipality is acting under contract to the county for preparation, revision and adoption of watershed stormwater plans which shall be reimbursed by counties from grants awarded to counties under this chapter.

§ 111.24. Ineligible costs.

The Department will not reimburse municipalities for:

(1) Legal fees resulting from appeals or suits against the Commonwealth.

(2) Allowances for the purchase of clothing.

(3) The printing or reproduction of regulations, forms or maps.

(4) Costs which are offset by permit or review fees imposed by a municipality.

(5) Costs incidental to routine municipal operations.

(6) Costs for activities or expenses which are not solely required by the act and the watershed stormwater management plan.

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