

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1173 Session of 2020

INTRODUCED BY YAW, LANGERHOLC, PITTMAN, J. WARD, BAKER AND STEFANO, MAY 28, 2020

SENATOR YAW, ENVIRONMENTAL RESOURCES AND ENERGY, AS AMENDED, SEPTEMBER 3, 2020

AN ACT

1 Amending the act of January 8, 1960 (1959 P.L.2119, No.787),
2 entitled "An act to provide for the better protection of the
3 health, general welfare and property of the people of the
4 Commonwealth by the control, abatement, reduction and
5 prevention of the pollution of the air by smokes, dusts,
6 fumes, gases, odors, mists, vapors, pollens and similar
7 matter, or any combination thereof; imposing certain powers
8 and duties on the Department of Environmental Resources, the
9 Environmental Quality Board and the Environmental Hearing
10 Board; establishing procedures for the protection of health
11 and public safety during emergency conditions; creating a
12 stationary air contamination source permit system; providing
13 additional remedies for abating air pollution; reserving
14 powers to local political subdivisions, and defining the
15 relationship between this act and the ordinances, resolutions
16 and regulations of counties, cities, boroughs, towns and
17 townships; imposing penalties for violation of this act; and
18 providing for the power to enjoin violations of this act; and
19 conferring upon persons aggrieved certain rights and
20 remedies," further providing for advice to department.

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

23 Section 1. Section 7.6 of the act of January 8, 1960 (1959
24 P.L.2119, No.787), known as the Air Pollution Control Act, is
25 amended to read:

26 Section 7.6. Advice to Department.--(a) The department

1 shall consult with the Citizens Advisory Council established  
2 under section 448 of the act of April 9, 1929 (P.L.177, No.175),  
3 known as "The Administrative Code of 1929," as appropriate, in  
4 the consideration of State implementation plans and regulations  
5 developed by the department and needed for the implementation of  
6 the Clean Air Act. Nothing in this section shall limit the  
7 council's ability to consider, study and review department  
8 policies and other activities related to the Clean Air Act  
9 implementation as provided under section 1922-A of "The  
10 Administrative Code of 1929." This section shall not apply to  
11 State implementation plans or portions thereof comprised of  
12 permit, emission offset or reasonably available control  
13 technology requirements for individual sources; consent orders  
14 and agreements; or regulations. The requirements of this section  
15 shall not apply to State implementation plans submitted by a  
16 local air pollution control agency.

17 [(b) (1) The Secretary of Environmental Resources, within  
18 thirty (30) days after the effective date of this act, shall  
19 designate an air technical advisory committee. The committee  
20 shall include at least eleven (11) members with technical  
21 backgrounds in the control of air pollution from stationary or  
22 mobile sources.]

23 (2) The committee, at the request of the department, may be  
24 utilized to provide technical advice on department policies,  
25 guidance and regulations needed to implement the Clean Air Act.  
26 The committee may also request to review a department policy,  
27 guidance or regulation needed to implement the Clean Air Act.]

28 (c) (1) The Air Quality Technical Advisory Committee is  
29 established in the department. The purpose of the committee is  
30 to provide technical advice on department policies, guidance and

1 regulations necessary to implement this act or the Clean Air  
2 Act.

3 (2) The committee shall be composed of members who must be  
4 residents of this Commonwealth with technical backgrounds in the  
5 control of air pollution from stationary or mobile sources.

6 (3) The members shall be appointed as follows:

7 (i) ~~Five (5)~~ SIX (6) members shall be appointed by the <--  
8 Governor.

9 (ii) Four (4) members shall be appointed by the Majority  
10 Leader of the Senate and two (2) members shall be appointed by  
11 the Minority Leader of the Senate.

12 (iii) Four (4) members shall be appointed by the Majority  
13 Leader of the House of Representatives and two (2) members shall  
14 be appointed by the Minority Leader of the House of  
15 Representatives.

16 (4) Members of the committee shall be appointed within  
17 thirty (30) days of the effective date of this subsection.

18 (5) A member shall be appointed for a term of four (4)  
19 years, except:

20 (i) Of the initial members appointed by the Governor, three  
21 (3) members shall serve initial terms of two (2) years.

22 (ii) Of the initial members appointed by the Majority Leader  
23 of the Senate, two (2) members shall serve initial terms of two  
24 (2) years.

25 (iii) Of the initial members appointed by the Minority  
26 Leader of the Senate, one (1) member shall serve an initial term  
27 of two (2) years.

28 (iv) Of the initial members appointed by the Majority Leader  
29 of the House of Representatives, two (2) members shall serve  
30 initial terms of two (2) years.

1 (v) Of the initial members appointed by the Minority Leader  
2 of the House of Representatives, one (1) member shall serve an  
3 initial term of two (2) years.

4 (6) The chairperson of the committee shall be elected from  
5 among and by a majority vote of the members of the committee.  
6 The term of the chairperson shall be for two (2) years. An  
7 individual may serve no more than two (2) consecutive terms as  
8 chairperson.

9 (7) Members of the committee shall serve without  
10 compensation but may be reimbursed from funds appropriated for  
11 such purposes as necessary and reasonable travel and other  
12 expenses incurred during the performance of their duties.

13 Section 2. This act shall take effect in 60 days.