

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 274 Session of 2023

INTRODUCED BY YAW, MARTIN AND STEFANO, JANUARY 31, 2023

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, JANUARY 31, 2023

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
 27 shall consult with the Citizens Advisory Council established

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

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

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

27 (c) (1) The Air Quality Technical Advisory Committee is
28 established in the department. The purpose of the committee is
29 to provide technical advice on department policies, guidance and
30 regulations necessary to implement this act or the Clean Air

1 Act.

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

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

6 (i) Six (6) members shall be appointed by the Governor.

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

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

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

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

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

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

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

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

29 (v) Of the initial members appointed by the Minority Leader
30 of the House of Representatives, one (1) member shall serve an

1 initial term of two (2) years.

2 (6) The chairperson of the committee shall be elected from
3 among and by a majority vote of the members of the committee.

4 The term of the chairperson shall be for two (2) years. An
5 individual may serve no more than two (2) consecutive terms as
6 chairperson.

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

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