

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 486 Session of
1993

INTRODUCED BY GEORGE, DeWEESE, FEE, FAIRCHILD, MELIO, BUXTON,
PESCI, LUCYK, COLAIZZO, STISH, BATTISTO, LAUGHLIN, PRESTON,
TRELLO, SAURMAN, SURRA, GODSHALL, MIHALICH, VAN HORNE AND
STEELMAN, MARCH 15, 1993

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
APRIL 19, 1994

AN ACT

1 Amending the act of July 13, 1988 (P.L.530, No.94), entitled "An
2 act establishing the Environmental Hearing Board as an
3 independent, quasi-judicial agency; providing for the
4 membership and staff, the powers and duties, the seats and
5 the existing members of the board; transferring certain
6 funds; and making repeals," ~~granting jurisdiction to the~~ <—
7 ~~Commonwealth Court.~~ FURTHER PROVIDING FOR ADJUDICATION OF THE <—
8 BOARD.

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

11 Section 1. Section 4 of the act of July 13, 1988 (P.L.530,
12 No.94), known as the Environmental Hearing Board Act, is amended
13 by adding a ~~subsection~~ SUBSECTIONS to read: <—

14 Section 4. Jurisdiction.

15 * * *

16 (i) Commonwealth Court. If the board fails to <—
17 ADJUDICATION.--THE ENVIRONMENTAL HEARING BOARD SHALL issue an <—
18 adjudication within 18 months of the close of the record and the
19 filing of posthearing briefs by the parties, the Commonwealth <—

1 ~~Court shall assume jurisdiction, hold hearings and issue~~
2 ~~adjudications except in those instances where the proceedings~~
3 ~~involve the issuance of a permit for the construction or~~
4 ~~expansion of a facility regulated under the act of July 7, 1980~~
5 ~~(P.L.380, No.97), known as the Solid Waste Management Act, the~~
6 ~~act of July 28, 1988 (P.L.556, No.101), known as the Municipal~~
7 ~~Waste Planning, Recycling and Waste Reduction Act, or the act of~~
8 ~~October 18, 1988 (P.L.756, No.108), known as the Hazardous Sites~~
9 ~~Cleanup Act, the board shall render a decision within 12 months~~
10 ~~after the close of the record and the filing of posthearing~~
11 ~~briefs.~~

12 (J) REPORT.--WHENEVER THE BOARD FAILS TO MEET THE <—
13 REQUIREMENTS OF SUBSECTION (I), THE BOARD SHALL ISSUE A DETAILED
14 REPORT SETTING FORTH THE REASONS FOR THE BOARD'S FAILURE TO
15 COMPLY WITH SUBSECTION (I). THIS REPORT SHALL BE MADE IN WRITING
16 TO THE CHAIRMAN OF THE ENVIRONMENTAL RESOURCES AND ENERGY
17 COMMITTEE OF THE SENATE AND THE CHAIRMAN OF THE CONSERVATION
18 COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

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