

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 147 Session of
1993

INTRODUCED BY CESSAR, PETRARCA, McCALL, SATHER, PHILLIPS,
MARKOSEK, REBER, FICHTER, FLEAGLE, L. I. COHEN, PESCI, MELIO,
FEE, HESS, NAILOR, CLARK, LAUB, GODSHALL, MIHALICH, STERN,
D. W. SNYDER, VAN HORNE, DEMPSEY, ROONEY, FARGO, DeLUCA,
GIGLIOTTI, KENNEY, STABACK, PRESTON, TANGRETTI, E. Z. TAYLOR,
HERSHEY, PETTIT, STAIRS, HENNESSEY, STEIL, HASAY, KING, VEON,
OLASZ, GLADECK, GEIST, TRELLO, MILLER, SAYLOR, MARSICO,
STEIGHNER, LEH AND BROWN, JUNE 22, 1993

SENATOR MUSTO, ENVIRONMENTAL RESOURCES AND ENERGY, IN SENATE, AS
AMENDED, DECEMBER 7, 1993

A CONCURRENT RESOLUTION

1 Requesting the Commonwealth's representative on the Northeast
2 Ozone Transport Commission to not endorse a petition in favor
3 of certain program mandates and providing for notice to the
4 Commonwealth of any actions by NOTC which may affect the
5 Commonwealth.

6 WHEREAS, The General Assembly adopted legislation (Act 166 of
7 1992) to establish a Low-Emissions Vehicle Commission (LEVC) to
8 study the environmental and economic impact of this Commonwealth
9 adopting a low-emission vehicle (LEV) or "California" car
10 program as part of Pennsylvania's implementation strategy to
11 fulfill obligations mandated under the Federal Clean Air Act
12 amendments of 1990 (CAA); and

13 ~~WHEREAS, The LEVC has begun its work and plans to make a~~
14 ~~report of its findings to the Governor and General Assembly by~~
15 ~~August 13, 1993, as required by Act 166; and~~

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1 WHEREAS, THE LEVC RECOMMENDED IN JULY 1993 THAT NO LOW-
2 EMISSION VEHICLE PROGRAM BE ADOPTED IN PENNSYLVANIA BEFORE
3 JANUARY 1, 1995, BASED ON ITS FINDING THAT THE COST-
4 EFFECTIVENESS AND EMISSIONS REDUCTION POTENTIAL OF THE PROGRAM
5 CANNOT BE DEMONSTRATED WITH THE INFORMATION CURRENTLY AVAILABLE;
6 AND

7 WHEREAS, THE DEPARTMENT OF ENVIRONMENTAL RESOURCES HAS SAID
8 THAT ALL AREAS OUTSIDE THE FIVE-COUNTY PHILADELPHIA REGION ARE
9 IN COMPLIANCE WITH THE FEDERAL OZONE POLLUTION STANDARD; AND

10 WHEREAS, Pennsylvania is a member of the Northeast Ozone
11 Transport Commission (NOTC) along with 11 other states and the
12 District of Columbia which is established under the CAA to
13 assess ozone problems, evaluate control methods and develop
14 strategies for implementation; and

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15 ~~WHEREAS, The NOTC established an Ad Hoc Subcommittee in May~~
16 ~~1993 to develop an official petition to the Environmental~~
17 ~~Protection Agency (EPA) to ask EPA to develop rulemaking that~~
18 ~~would require all NOTC region states to adopt a LEV "California"~~
19 ~~standards automobile, and the committee is expected to present~~
20 ~~its draft petition by October 1993; and~~

21 ~~WHEREAS, State specific technical analysis is necessary to~~
22 ~~determine which strategies will provide the most cost effective~~
23 ~~reductions in ozone; and~~

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24 WHEREAS, ON OCTOBER 19, 1993, THE NOTC, IN RESPONSE TO A
25 PETITION FILED BY MAINE, MASSACHUSETTS AND MARYLAND, DIRECTED
26 THAT A PROPOSED PETITION TO THE ENVIRONMENTAL PROTECTION AGENCY
27 (EPA) BE DEVELOPED ASKING THAT A LOW-EMISSION VEHICLE PROGRAM BE
28 ADOPTED THROUGHOUT THE ENTIRE NOTC REGION ON WHICH THE NOTC IS
29 EXPECTED TO TAKE ACTION AT ITS FEBRUARY MEETING; AND

30 WHEREAS, IN OCTOBER 1993, THE AMERICAN AUTOMOBILE

1 MANUFACTURERS ASSOCIATION PROPOSED AN ALTERNATIVE TO A REGIONAL
2 CALIFORNIA LOW-EMISSION VEHICLE PROGRAM WHICH CALLS FOR THE
3 DEVELOPMENT OF A VEHICLE TO BE OFFERED FOR SALE IN STATES OTHER
4 THAN CALIFORNIA AND THAT MEETS A FEDERALLY ESTABLISHED LOW-
5 EMISSION VEHICLE STANDARD WITHOUT USING SEVERELY REFORMULATED
6 CALIFORNIA FUELS; AND

7 WHEREAS, THE PROPOSAL BY THE AMERICAN AUTOMOBILE
8 MANUFACTURERS ASSOCIATION WOULD NOT ONLY HAVE DIRECT AIR QUALITY
9 BENEFITS IN THE NORTHEAST BUT ALSO BENEFIT REGIONAL AIR QUALITY
10 BY IMPROVING THE QUALITY OF AIR TRANSPORTED INTO THE NORTHEAST
11 FROM ADJACENT STATES; AND

12 WHEREAS, ON NOVEMBER 16, 1993, THE EASTERN REGIONAL
13 CONFERENCE OF THE COUNCIL OF STATE GOVERNMENTS SPONSORED A
14 MEETING BETWEEN THE NOTC AND LEGISLATORS FROM THE NOTC MEMBER
15 STATES AT WHICH THE NOTC AGREED TO REVIEW ALTERNATIVES TO THE
16 LOW-EMISSION VEHICLE PROGRAM SUGGESTED BY LEGISLATORS; AND

17 WHEREAS, STATE-SPECIFIC TECHNICAL ANALYSIS IS NECESSARY TO
18 DETERMINE WHICH STRATEGIES WILL PROVIDE THE MOST COST-EFFECTIVE
19 REDUCTIONS IN REGIONAL OZONE POLLUTION TAKING INTO ACCOUNT THE
20 FACTORS LISTED IN 75 PA.C.S. § 4709(B) (RELATING TO LOW-
21 EMISSIONS VEHICLE COMMISSION) FOR A REGIONAL LOW-EMISSION
22 VEHICLE PROGRAM; AND

23 WHEREAS, Elected and appointed officials must be sensitive to
24 not only the needs of the environment, but to the economic and
25 social needs of the citizens; therefore be it

26 RESOLVED (the Senate concurring), That the General Assembly
27 of the Commonwealth of Pennsylvania requests the Commonwealth's
28 representative to the NOTC not endorse a petition to the
29 ~~Environmental Protection Agency to mandate regional air~~
30 ~~pollution or ozone reduction programs such as LEV program; and~~

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1 ~~be it further~~

2 ~~RESOLVED, That the Commonwealth's NOTC representative shall~~
3 ~~advise the chairman and the minority chairman of the~~
4 ~~Transportation Committee of the Senate and the chairman and the~~
5 ~~minority chairman of the Transportation Committee of the House~~
6 ~~of Representatives of any proposed regional regulatory controls~~
7 ~~being considered by the NOTC and provide that notice of these~~
8 ~~proposed regulations be published in the Pennsylvania Bulletin~~
9 ~~along with a 45 day opportunity for public comment.~~

10 ENVIRONMENTAL PROTECTION AGENCY TO MANDATE A REGIONAL LOW-
11 EMISSION VEHICLE PROGRAM; AND BE IT FURTHER

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12 RESOLVED, THAT THE NOTC TAKE STEPS TO SERIOUSLY CONSIDER THE
13 ALTERNATIVE TO A REGIONAL LOW-EMISSION VEHICLE PROGRAM PROPOSED
14 BY THE AMERICAN AUTOMOBILE MANUFACTURERS ASSOCIATION TO MAKE
15 VEHICLES WHICH MEET A FEDERAL LOW-EMISSION VEHICLE STANDARD
16 BECAUSE OF THE POTENTIAL TO DIRECTLY BENEFIT AIR QUALITY IN THE
17 NORTHEAST AND THE ENTIRE UNITED STATES; AND BE IT FURTHER

18 RESOLVED, THAT THE GENERAL ASSEMBLY REQUEST THE
19 COMMONWEALTH'S REPRESENTATIVES TO THE NOTC NOT ENDORSE ANY
20 STATIONARY SOURCE OR MOBILE SOURCE CONTROL MEASURE WHICH IS
21 PROPOSED BY THE NOTC AS AN ALTERNATIVE TO MANDATING A REGIONAL
22 LOW-EMISSION VEHICLE PROGRAM AND WHICH IS DETERMINED TO BE LESS
23 COST-EFFECTIVE THAN A REGIONAL LOW-EMISSION VEHICLE PROGRAM; AND
24 BE IT FURTHER

25 RESOLVED, THAT THE COMMONWEALTH'S NOTC REPRESENTATIVES SHALL
26 SPECIFICALLY ADVISE THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
27 TRANSPORTATION COMMITTEE OF THE SENATE AND THE CHAIRMAN AND
28 MINORITY CHAIRMAN OF THE TRANSPORTATION COMMITTEE OF THE HOUSE
29 OF REPRESENTATIVES, THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
30 ENVIRONMENTAL RESOURCES AND ENERGY COMMITTEE OF THE SENATE AND

1 THE CHAIRMAN AND MINORITY CHAIRMAN OF THE CONSERVATION COMMITTEE
2 OF THE HOUSE OF REPRESENTATIVES OF THE ACTIONS TAKEN WITH REGARD
3 TO THE LOW-EMISSION VEHICLE PROGRAM PETITION AND COMPLY WITH
4 SECTION 7.4 OF THE ACT OF JANUARY 8, 1960 (1959 P.L.2119,
5 NO.787), KNOWN AS THE AIR POLLUTION CONTROL ACT, BY HOLDING A
6 PUBLIC HEARING IN PENNSYLVANIA ON ANY PROPOSED PETITION BY THE
7 NOTC TO ADOPT A LOW-EMISSION VEHICLE PROGRAM OR ANY PROPOSED
8 REGIONAL REGULATORY CONTROL BEING CONSIDERED BY THE NOTC IN THE
9 FUTURE.