

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2304 Session of 2010

INTRODUCED BY CAUSER, HUTCHINSON, S. H. SMITH, TURZAI,
BENNINGHOFF, BOYD, CREIGHTON, CUTLER, FAIRCHILD, FLECK,
GABLER, GEIST, GINGRICH, GODSHALL, HALUSKA, HARRIS,
HENNESSEY, HESS, M. KELLER, MAJOR, METCALFE, MILLARD, MILLER,
MOUL, OBERLANDER, PICKETT, PYLE, RAPP, REED, REESE, REICHLEY,
ROAE, ROHRER, SIPTROTH, SONNEY, STERN, STEVENSON, SWANGER AND
TALLMAN, MARCH 9, 2010

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
MARCH 9, 2010

AN ACT

1 Prohibiting the Department of Environmental Protection and the
2 Environmental Quality Board from promulgating rules and
3 regulations under certain acts.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Rules and regulations prohibited.

7 (a) General rule.--Notwithstanding any other provision of
8 law to the contrary, neither the Department of Environmental
9 Protection nor the Environmental Quality Board may promulgate
10 rules or regulations under the following acts:

11 (1) The act of June 22, 1937 (P.L.1987, No.394), known
12 as The Clean Streams Law.

13 (2) The act of May 31, 1945 (P.L.1198, No.418), known as
14 the Surface Mining Conservation and Reclamation Act.

15 (3) The act of January 8, 1960 (1959 P.L.2119, No.787),

1 known as the Air Pollution Control Act.

2 (4) The act of July 7, 1980 (P.L.380, No.97), known as
3 the Solid Waste Management Act.

4 (5) The act of December 19, 1984 (P.L.1140, No.223),
5 known as the Oil and Gas Act.

6 (b) Nonapplicability.--The prohibition in subsection (a)
7 shall not apply to a rule or regulation required to comply with
8 a court order or Federal law.

9 Section 2. Procedure for necessary amendments.

10 (a) Notification of necessary amendment.--In those instances
11 where the Department of Environmental Protection or the
12 Environmental Quality Board finds it necessary to amend an
13 existing rule or regulation promulgated under any of the acts
14 identified in section 1, the Department of Environmental
15 Protection or the Environmental Quality Board shall submit
16 written notification to the chairman and minority chairman of
17 the Environmental Resources and Energy Committee of the Senate
18 and the chairman and minority chairman of the Environmental
19 Resources and Energy Committee of the House of Representatives.
20 This notification shall include a description of the amendment,
21 the rationale for the amendment and a timetable, if applicable,
22 for implementation of the amendment.

23 (b) Legislative approval required.--

24 (1) Each committee that receives a notification under
25 subsection (a) shall, within 90 days of receipt of the
26 notification, consider the proposed amendment.

27 (2) In the event that one of the committees approves the
28 amendment, the chairman of that committee shall introduce a
29 concurrent resolution in that house to approve the amendment.

30 (3) If the concurrent resolution is not approved by both

1 houses, the amendment sought by the Department of
2 Environmental Protection or Environmental Quality Board shall
3 not have the force and effect of law.

4 (c) Applicability of Regulatory Review Act.--A rule or
5 regulation approved by concurrent resolution under this section
6 shall not be subject to the act of June 25, 1982 (P.L.633,
7 No.181), known as the Regulatory Review Act.

8 Section 3. Inconsistent repeals.

9 The following acts and parts of acts are repealed insofar as
10 they are inconsistent with this act:

11 (1) The act of June 22, 1937 (P.L.1987, No.394), known
12 as The Clean Streams Law.

13 (2) The act of May 31, 1945 (P.L.1198, No.418), known as
14 the Surface Mining Conservation and Reclamation Act.

15 (3) The act of January 8, 1960 (1959 P.L.2119, No.787),
16 known as the Air Pollution Control Act.

17 (4) The act of July 7, 1980 (P.L.380, No.97), known as
18 the Solid Waste Management Act.

19 (5) The act of December 19, 1984 (P.L.1140, No.223),
20 known as the Oil and Gas Act.

21 Section 4. Effective date.

22 This act shall take effect in 60 days.