

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 721

Session of
1977

INTRODUCED BY SCHEAFFER, PITTS, DAVIES, KLINGAMAN, LEVI, PYLES,
E. Z. TAYLOR, FREIND, MADIGAN, SALVATORE, HELFRICK, ZEARFOSS,
STAIRS, ARMSTRONG, RYAN, ZORD, SPENCER, LEHR, MACKOWSKI,
HASKELL, DORR, ANDERSON, PARKER, McCLATCHY, O'CONNELL,
MANMILLER, SIRIANNI, MOEHLMANN, HONAMAN, VROON, E. H. SMITH,
BURD AND BRANDT, MARCH 28, 1977

REFERRED TO COMMITTEE ON CONSERVATION, MARCH 28, 1977

AN ACT

1 Amending the act of January 8, 1960 (1959, P.L.2119, No.787),
2 entitled, as amended, "An act to provide for the better
3 protection of the health, general welfare and property of the
4 people of the Commonwealth by the control, abatement,
5 reduction and prevention of the pollution of the air by
6 smokes, dusts, fumes, gases, odors, mists, vapors, pollens
7 and similar matter, or any combination thereof; imposing
8 certain powers and duties on the Department of Environmental
9 Resources, the Environmental Quality Board and the
10 Environmental Hearing Board; establishing procedures for the
11 protection of health and public safety during emergency
12 conditions; creating a stationary air contamination source
13 permit system; providing additional remedies for abating air
14 pollution; reserving powers to local political subdivisions,
15 and defining the relationship between this act and the
16 ordinances, resolutions and regulations of counties, cities,
17 boroughs, towns and townships; imposing penalties for
18 violation of this act; and providing for the power to enjoin
19 violations of this act; and conferring upon persons aggrieved
20 certain rights and remedies," providing that board
21 regulations shall not be more stringent than Federal
22 regulations.

23 The General Assembly of the Commonwealth of Pennsylvania
24 hereby enacts as follows:

25 Section 1. Clause (1) of section 5, act of January 8, 1960
26 (1959, P.L.2119, No.787), known as the "Air Pollution Control

1 Act," amended October 26, 1972 (P.L.989, No.245), is amended and
2 the section is amended by adding a clause to read:

3 Section 5. Environmental Quality Board.--The board shall
4 have the power and its duty shall be to--

5 (1) Adopt rules and regulations, for the prevention,
6 control, reduction and abatement of air pollution, applicable
7 throughout the Commonwealth or to such parts or regions or
8 subregions thereof specifically designated in such regulation
9 which shall be applicable to all air contamination sources
10 regardless of whether such source is required to be under permit
11 by this act. Such rules and regulations may establish maximum
12 allowable emission rates of air contaminants from such sources,
13 prohibit or regulate the combustion of certain fuels, prohibit
14 or regulate open burning, prohibit or regulate any process or
15 source or class of processes or sources, require the
16 installation of specified control devices or equipment, or
17 designate the control efficiency of air pollution control
18 devices or equipment required in specific processes or sources
19 or classes of processes or sources. Such rules and regulations
20 shall be subject to the limitations of clause (7). Such rules
21 and regulations shall be adopted pursuant to the provisions of
22 the act of July 31, 1968 (P.L.769, No.240), known as the
23 "Commonwealth Documents Law," upon such notice and after such
24 public hearings as the board deems appropriate. In exercising
25 its authority to adopt rules and regulations, the board may, and
26 to the extent deemed desirable by it shall, consult with a
27 council of technical advisers, properly qualified by education
28 or experience in air pollution matters, appointed by the board
29 and to serve at the pleasure of the board, to consist of such
30 number of advisers as the board may appoint, but such technical

1 advisers shall receive no compensation, other than their actual
2 and necessary expenses, for their services to the board.

3 * * *

4 (7) The board shall not impose more stringent restrictions
5 on any air contaminants than any applicable Federal standard or
6 regulation for air contaminants.

7 Section 2. This act shall take effect immediately.