

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1896 Session of  
1975

INTRODUCED BY O'BRIEN, GOODMAN, WRIGHT AND CESSAR,  
NOVEMBER 17, 1975

REFERRED TO COMMITTEE ON MINES AND ENERGY MANAGEMENT,  
NOVEMBER 18, 1975

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 for the amendment of  
21 the stationary air contamination source permit system, the  
22 suspension of the prohibitions against emission of sulfur  
23 oxide and the creation of a Legislative Study Committee.

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

26 Section 1. Section 2, act of January 8, 1960 (1959 P.L.2119,  
27 No.787), known as the "Air Pollution Control Act," amended June  
28 12, 1968 (P.L.163, No.92), is amended to read:

1       Section 2. [Declaration of Policy.--It is hereby declared to  
2 be the policy of the Commonwealth of Pennsylvania to protect the  
3 air resources of the Commonwealth to the degree necessary for  
4 the (i) protection of public health, safety and well-being of  
5 its citizens; (ii) prevention of injury to plant and animal life  
6 and to property; (iii) protection of the comfort and convenience  
7 of the public and the protection of the recreational resources  
8 of the Commonwealth; and (iv) development, attraction and  
9 expansion of industry, commerce and agriculture.] Findings and  
10 Declaration of Policy.--(a) It is hereby determined by the  
11 General Assembly of Pennsylvania and declared as a matter of  
12 legislative finding that:

13       (1) The Commonwealth contains sufficient coal reserves to  
14 attain a large measure of energy self-sufficiency.

15       (2) The Commonwealth's energy policy requires that  
16 Pennsylvania coal be produced and utilized to the fullest extent  
17 possible.

18       (3) The availability of plentiful supplies of low-cost  
19 energy is vital to the general health and economic welfare to  
20 the citizens of this Commonwealth.

21       (4) Severe shortages of oil and natural gas have developed  
22 and are expected to continue, making future availability and  
23 cost uncertain. Restrictions on the use of Pennsylvania coal  
24 will create additional unemployment in this Commonwealth,  
25 contribute to present inflationary trends and prevent the  
26 attainment of a stable economy.

27       (5) Present restrictions on the use of Pennsylvania coal  
28 interfere with the orderly development of Pennsylvania's coal  
29 resources and discourages development of new mines.

30       (6) Federal Congress and the Federal Administration are

1 unable to agree upon an energy policy which will assure a  
2 continued supply of dependable low-cost energy to this  
3 Commonwealth.

4 (7) Significant quantities of Pennsylvania coal cannot be  
5 burned as fuel in Pennsylvania because of sulfur oxide  
6 limitations imposed by the Pennsylvania Implementation Plan.

7 (8) The lack of environmentally sound, commercially proven  
8 technology to remove sulfur from fuels or sulfur oxides from  
9 combustion gases prevents the full use of Pennsylvania coal as a  
10 source of energy in certain locations of this Commonwealth.  
11 Additional time is required to develop the necessary technology.

12 (9) A substantial question exists as to whether or not the  
13 Pennsylvania Implementation Plan is overly restrictive in view  
14 of the limited information upon which it was based.

15 (b) The General Assembly of Pennsylvania therefore declares  
16 it to be the policy of this Commonwealth to promote the  
17 expansion of coal production by the orderly development of  
18 Pennsylvania's coal resources. The removal of restrictions on  
19 such expansion and development is directly related to the  
20 general welfare of the people of this Commonwealth.

21 Section 2. Section 6.1 of the act added October 26, 1972  
22 (P.L.989, No.245), is amended by adding a subsection to read:

23 Section 6.1. Permits.--\* \* \*

24 (g) If the department shall fail to act upon any application  
25 for approval or for grant of a permit under this section within  
26 thirty (30) days of the filing of any such application, the  
27 approval or permit applied for shall be deemed to have been  
28 granted by the department.

29 Section 3. The act is amended by adding sections to read:

30 Section 14.1. Suspension of Sulfur Oxide Emission

1 Limitations.--(a) The prohibitions against the emission into the  
2 outdoor atmosphere of sulfur oxides from any combustion source,  
3 contained in regulations of the Department of Environmental  
4 Resources at 25 Pennsylvania Code, Chapter 123, are suspended  
5 for a period of five (5) years, effective immediately.

6 (b) During the period that the prohibitions against the  
7 emission of sulfur oxides are suspended hereunder, any fuel may  
8 be burned in combustion units in the Commonwealth of  
9 Pennsylvania so long as primary National Ambient Air Quality  
10 Standards with respect to sulfur oxides, promulgated by The  
11 Administrator of the United States Environmental Protection  
12 Agency pursuant to the provisions of the Federal Clean Air Act,  
13 as amended by Pub.L. 91-604, 84 Stat. 1676, and the rules and  
14 regulations promulgated thereunder, are attained and maintained.

15 (c) If it shall be determined that primary National Ambient  
16 Air Quality Standards with respect to sulfur oxides are not  
17 being attained and maintained, no person shall burn coal in a  
18 combustion unit which results in the emission of more than the  
19 equivalent of five (5) pounds of sulfur oxide per million B.t.u.  
20 heat input except as provided hereinafter.

21 (d) In the Allegheny County, the Beaver Valley, the  
22 Monongahela Valley and the Southeast Pennsylvania Air Basins (as  
23 defined in regulations of the Department of Environmental  
24 Resources at 25 Pennsylvania Code, Chapter 121), no person shall  
25 burn coal in combustion units which results in the emission of  
26 more than the equivalent of three and one-half (3-1/2) pounds  
27 sulfur oxide per million B.t.u. heat input.

28 Section 14.2. Legislative Study Committee.--(a) There shall  
29 be appointed a Legislative Interim Study Committee to evaluate  
30 all factors relative to sulfur oxide control and regulation in

1 the Commonwealth including but not limited to:

2 (1) the scientific and technological basis for such  
3 regulations;

4 (2) fuel availability;

5 (3) status of control technology;

6 (4) cost of compliance; and

7 (5) impact of regulations upon the environment, economy and  
8 employment in this Commonwealth.

9 (b) The Legislative Study Committee shall report its  
10 findings annually to the General Assembly together with any  
11 recommendations for further legislation.