

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1386 Session of
2012

INTRODUCED BY VOGEL, SOLOBAY, SCARNATI, PILEGGI, COSTA, ALLOWAY,
ARGALL, BAKER, BLAKE, BOSCOLA, BREWSTER, DINNIMAN,
EICHELBERGER, ERICKSON, FARNESE, FERLO, FOLMER, FONTANA,
HUGHES, KASUNIC, KITCHEN, LEACH, MENSCH, SCHWANK, ORIE,
PIPPY, RAFFERTY, ROBBINS, SMUCKER, STACK, VANCE, WARD,
WASHINGTON, WAUGH, D. WHITE, WILLIAMS, WOZNIAK, YAW AND
YUDICHAK, JANUARY 26, 2012

AS REPORTED FROM COMMITTEE ON ENVIRONMENTAL RESOURCES AND
ENERGY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 6, 2012

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," further providing for
21 ~~Environmental Quality Board~~ THE DEPARTMENT OF ENVIRONMENTAL
22 PROTECTION; and repealing control of volatile organic
23 compounds from gasoline-dispensing facilities.



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

1 ~~Section 1. Section 5(a) of the act of January 8, 1960 (1959~~
2 ~~P.L.2119, No.787), known as the Air Pollution Control Act, is~~
3 ~~amended by adding a paragraph to read:~~

4 ~~Section 5. Environmental Quality Board. (a) The board~~
5 ~~shall have the power and its duty shall be to~~

6 * * *

7 ~~(14) Repeal 25 Pa. Code Ch. 126 Subch. C (relating to~~
8 ~~gasoline volatility requirements).~~

9 * * *

10 SECTION 1. SECTION 4 HEADING OF THE ACT OF JANUARY 8, 1960
11 (1959 P.L.2119, NO.787), KNOWN AS THE AIR POLLUTION CONTROL ACT,
12 AMENDED JULY 9, 1992 (P.L.460, NO.95), IS AMENDED AND THE
13 SECTION IS AMENDED BY ADDING CLAUSES TO READ:

14 SECTION 4. POWERS AND DUTIES OF THE DEPARTMENT OF
15 ENVIRONMENTAL [RESOURCES] PROTECTION.--THE DEPARTMENT SHALL HAVE
16 POWER AND ITS DUTY SHALL BE TO--

17 * * *

18 (18.1) WITHIN SIXTY (60) DAYS OF THE EFFECTIVE DATE OF THIS
19 CLAUSE, INITIATE A REVIEW AND REEVALUATION OF THE STATE
20 IMPLEMENTATION PLAN. THE REVIEW SHALL INCLUDE ALTERNATIVE
21 MECHANISMS TO 25 PA. CODE CH. 126 SUBCH. C (RELATING TO GASOLINE
22 VOLATILITY REQUIREMENTS) WHICH WILL ENSURE COMPLIANCE WITH THIS
23 ACT. THE FOLLOWING SHALL APPLY TO THE REVIEW:

24 (I) THE DEPARTMENT SHALL CONDUCT MEETINGS TO CONSULT WITH
25 IMPACTED ORGANIZATIONS OR ENTITIES, INCLUDING GASOLINE REFINING
26 AND DISTRIBUTION COMPANIES, GASOLINE RETAILERS, PIPELINE OWNERS,
27 IMPACTED BUSINESSES, PUBLIC UTILITIES, LOCAL GOVERNMENTS AND
28 OTHER INTERESTED ENTITIES.

29 (II) WITHIN THREE (3) MONTHS OF THE EFFECTIVE DATE OF THIS
30 CLAUSE, THE DEPARTMENT SHALL PROVIDE UPDATES TO THE CHAIR AND

1 MINORITY CHAIR OF THE ENVIRONMENTAL RESOURCES AND ENERGY
2 COMMITTEE OF THE SENATE AND THE CHAIR AND MINORITY CHAIR OF THE
3 ENVIRONMENTAL RESOURCES AND ENERGY COMMITTEE OF THE HOUSE OF
4 REPRESENTATIVES. THE DEPARTMENT SHALL, ON A REGULAR BASIS,
5 PROVIDE UPDATES TO THE COMMITTEES.

6 (18.2) IF A SUPPLY DISRUPTION OCCURS, THE GOVERNOR SHALL
7 SUBMIT A REQUEST TO THE ENVIRONMENTAL PROTECTION AGENCY TO WAIVE
8 THE REQUIREMENTS. AS USED IN THIS CLAUSE, A "SUPPLY DISRUPTION
9 OCCURS" WHEN EITHER OF THE FOLLOWING SUBCLAUSES APPLY:

10 (I) THE DEPARTMENT LEARNS OF A SUPPLY DISRUPTION OF GASOLINE
11 WHICH WOULD COMPLY WITH 25 PA. CODE CH. 126 SUBCH. C IN
12 ALLEGHENY, ARMSTRONG, BEAVER, BUTLER, FAYETTE, WASHINGTON OR
13 WESTMORELAND COUNTY; AND THE SUPPLY DISRUPTION UNDER THIS
14 SUBCLAUSE WOULD REASONABLY QUALIFY FOR A WAIVER OF THE LOW REID
15 VAPOR PRESSURE REQUIREMENTS OF 25 PA. CODE CH. 126 SUBCH. C IN
16 ACCORDANCE WITH SECTION 211(C)(4)(C)(II) AND (III) OF THE CLEAN
17 AIR ACT (42 U.S.C. § 7545(C)(4)(C)(II) AND (III)).

18 (II) FIVE PER CENTUM (5%) OF ALL EXISTING GASOLINE RETAILERS
19 IN ALLEGHENY, ARMSTRONG, BEAVER, BUTLER, FAYETTE, WASHINGTON AND
20 WESTMORELAND COUNTIES ARE UNABLE TO OBTAIN AN ADEQUATE SUPPLY OF
21 LOW REID VAPOR PRESSURE GASOLINE WHICH COMPLIES WITH THE LOW
22 REID VAPOR PRESSURE REQUIREMENTS OF 25 PA. CODE CH. 126 SUBCH.
23 C.

24 * * *

25 Section 2. Section 6.7 of the act, added July 9, 1992
26 (P.L.460, No.95) and repealed in part November 26, 1997
27 (P.L.530, No.57), is repealed:

28 [Section 6.7. Control of Volatile Organic Compounds from
29 Gasoline-Dispensing Facilities.--

30 (h) The department shall implement the functional testing

1 and certification requirements specified in EPA's Stage II
2 enforcement and technical guidance documents developed under
3 section 182 of the Clean Air Act to meet the Clean Air Act
4 requirements for areas classified as moderate, serious, severe
5 or extreme ozone nonattainment.]

6 Section 3. This act shall take effect immediately.