

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1195 Session of 2015

INTRODUCED BY WHITE, VOGEL, ARGALL, EICHELBERGER, SCARNATI, YAW, WAGNER, HUTCHINSON, STEFANO, BARTOLOTTA, VULAKOVICH, WARD, AUMENT, WOZNIAK, GORDNER, BREWSTER, RESCHENTHALER, ALLOWAY, BLAKE, BROWNE, SCAVELLO, YUDICHAK, CORMAN AND BROOKS, APRIL 8, 2016

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 14, 2016

AN ACT

1 Amending the act of October 22, 2014 (P.L.2873, No.175),
2 entitled "An act requiring the Department of Environmental
3 Protection to receive approval from the General Assembly for
4 a State plan to regulate carbon dioxide emissions for
5 existing stationary sources prior to submitting the State
6 plan to the United States Environmental Protection Agency for
7 approval," further providing for DEFINITIONS AND FOR <--
8 submission of State plan.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Section 2 of the act of October 22, 2014
12 (P.L.2873, No.175), known as the Pennsylvania Greenhouse Gas
13 Regulation Implementation Act, is amended by adding a definition
14 to read:

15 Section 2. Definitions.

16 The following words and phrases when used in this act shall
17 have the meanings given to them in this section unless the
18 context clearly indicates otherwise:

1 * * *

2 "Standing committee." The Environmental Resources and Energy
3 Committee of the Senate or the Environmental Resources and
4 Energy Committee of the House of Representatives.

5 * * *

6 Section 2. Section 4 of the act is amended to read:

7 Section 4. Submission of the State plan.

8 (a) Submission for approval to the General Assembly.--No
9 less than 100 calendar days prior to the department submitting
10 the State plan to the EPA for approval, the department shall
11 transmit the plan to the General Assembly for approval.

12 (b) Consideration by General Assembly.--Upon transmission
13 under subsection (a), the State plan shall be:

14 (1) proposed as a resolution in each chamber;

15 (2) [placed on the calendar of each chamber for]
16 referred to the standing committee in each chamber the next
17 legislative day following transmission; [and]

18 (2.1) considered by the standing committee within 10
19 legislative days of referral under paragraph (2) at which
20 time the standing committee shall recommend the General
21 Assembly approve or disapprove the State plan; and

22 (3) considered by each chamber within 20 legislative
23 days after [transmission.] consideration of the standing
24 committee under paragraph (2.1).

25 (b.1) Extension request.--If necessary to meet the
26 requirements under subsection (b), the department shall request
27 an extension of time from the EPA by submitting an initial State
28 plan by the initial State plan submission deadline under 40 CFR
29 60.5760 (relating to What are the timing requirements for
30 submitting my plan?) that meets the minimum requirements for an

1 initial State plan, as specified in the plan guidelines
2 published by the EPA. The department shall transmit the
3 following message with its submittal under this paragraph:

4 Be advised that the State plan submitted by the
5 Pennsylvania Department of Environmental Protection has
6 not yet met the requirements of the Pennsylvania
7 Greenhouse Gas Regulation Implementation Act requiring
8 affirmative approval of the General Assembly. It is the
9 intention of the Commonwealth of Pennsylvania to submit a
10 State plan which conforms to this rulemaking. Under
11 section 111(d) of the Clean Air Act, states must be given
12 an opportunity to meet Federal environmental standards
13 set forth by the Environmental Protection Agency. The
14 Commonwealth of Pennsylvania hereby invokes the authority
15 provided to it under section 111(d) of the Clean Air Act,
16 and, in accordance with the Pennsylvania Greenhouse Gas
17 Implementation Act, will be making a further filing with
18 the agency.

19 (c) Approval.--If each chamber of the General Assembly
20 adopts the resolution under subsection (b), the department may
21 submit the State plan to the EPA for consideration.

22 (d) Disapproval.--If either chamber of the General Assembly
23 disapproves the resolution under subsection (b), the department
24 may not submit the State plan to the EPA for consideration. The
25 department shall do all of the following:

26 (1) [Determine] Review and consider the reasons for
27 disapproval and modify the State plan.

28 (2) Cause A NEW VERSION OF the State plan to be <--
29 resubmitted to the General Assembly utilizing the process
30 delineated under subsection (b) within 60 calendar days [of]

1 after the [disapproval.] close of the comment period under
2 paragraph (2.1).

3 (2.1) Open a public comment period for no less than 180
4 calendar days on the modified State plan during which the
5 department shall conduct at least four public hearings in
6 geographically dispersed locations in this Commonwealth.

7 (3) If necessary, request an extension of time from the
8 EPA by submitting an initial State plan by [June 30, 2016]
9 the initial State plan submission deadline under 40 CFR
10 60.5760, that meets the minimum requirements for an initial
11 State plan, as specified in the plan guidelines published by
12 the EPA. The department shall transmit the following message
13 with its submittal under this paragraph:

14 Be advised that the State plan submitted by the
15 Pennsylvania Department of Environmental Protection has
16 not yet met the requirements of the Pennsylvania
17 Greenhouse Gas Regulation Implementation Act requiring
18 affirmative approval of the General Assembly. It is the
19 intention of the Commonwealth of Pennsylvania to submit a
20 State plan which conforms to this rulemaking. Under
21 section 111(d) of the Clean Air Act, states must be given
22 an opportunity to meet Federal environmental standards
23 set forth by the Environmental Protection Agency. The
24 Commonwealth of Pennsylvania hereby invokes the authority
25 provided to it under section 111(d) of the Clean Air Act,
26 and, in accordance with the Pennsylvania Greenhouse Gas
27 Implementation Act, will be making a further filing with
28 the agency.

29 (e) Default approval.--If no vote is taken by either
30 standing committee or chamber of the General Assembly to approve

1 or disapprove the resolution under subsection (b) [before the
2 June 15, 2016, deadline] FOR THE STATE PLAN SUBMITTED UNDER <--
3 SUBSECTION (A) at least 14 calendar days prior to the final
4 State plan submission deadline under 40 CFR 60.5760, the State
5 plan shall be deemed approved and shall be submitted to the EPA
6 immediately.

7 (f) Default approval after time to cure.--If either chamber
8 of the General Assembly fails to approve THE RESOLUTION UNDER <--
9 SUBSECTION (B) FOR a resubmitted STATE plan under subsection (d) <--
10 (2) [,] or within 60 calendar days of the [extension] final State
11 plan submission extension deadline under 40 CFR 60.5760,
12 whichever is sooner, the resubmitted STATE plan shall be deemed <--
13 approved.

14 (g) Timing relative to Federal litigation.--The department
15 shall not submit a final State plan to the EPA for approval <--
16 until after expiration of the stay issued on February 9, 2016,
17 by the Supreme Court of the United States in West Virginia, Et
18 Al. v. EPA, Docket No. 15A773, challenging the carbon pollution
19 emission guidelines for existing stationary sources under 40 CFR
20 Pt. 60 Subpt. UUUU (relating to emission guidelines for
21 greenhouse gas emissions and compliance times for electric
22 utility generating units).

23 Section 3. This act shall take effect immediately.