

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. 168 Session of 2017

INTRODUCED BY LANGERHOLC, VOGEL AND BROOKS, JULY 14, 2017

SENATOR YAW, ENVIRONMENTAL RESOURCES AND ENERGY, AS AMENDED, OCTOBER 17, 2017

A RESOLUTION

1 Directing the Joint State Government Commission to establish an
2 advisory committee to conduct a thorough and comprehensive
3 analysis of the potential impact of removing ~~Cambria County~~ <--
4 CERTAIN COUNTIES from the emissions testing program and <--
5 report findings and recommendations to the Senate.

6 WHEREAS, The Clean Air Act of 1963 was the first Federal
7 legislation regarding air pollution control, authorizing
8 research into techniques for monitoring and controlling air
9 pollution; and

10 WHEREAS, The Clean Air Act of 1970 authorized the development
11 of comprehensive Federal and state regulations to limit
12 emissions from both stationary and mobile sources, including the
13 establishment of National Ambient Air Quality Standards (NAAQS)
14 and requirements for State Implementation Plans (SIPs) to
15 achieve the NAAQS; and

16 WHEREAS, The Clean Air Act of 1970 also increased enforcement
17 authority and authorized requirements for control of motor
18 vehicle emissions; and

19 WHEREAS, The Clean Air Act Amendments of 1990 substantially

1 increased the authority and responsibility of the Federal
2 Government by authorizing new regulatory programs, increasing
3 enforcement authority and expanding research programs; and

4 WHEREAS, To ensure compliance with Federal standards, the
5 Environmental Protection Agency (EPA) required states to submit
6 for approval an SIP that included regulations the Commonwealth
7 would use to clean up polluted areas; and

8 WHEREAS, The SIP that Pennsylvania submitted to the EPA
9 targeted vehicle emissions standards for 25 of Pennsylvania's 67
10 counties, including the most heavily polluted areas, mostly
11 urbanized areas and areas with heavy amounts of industrial
12 activity; and

13 WHEREAS, In 1997, the Commonwealth implemented the first
14 phase of the enhanced auto emissions testing program in nine
15 counties in the Philadelphia and Pittsburgh regions, with plans
16 to expand the emissions testing program to the remaining 16
17 counties over time; and

18 WHEREAS, In 1999, the planned expansion of the emissions
19 testing program to the Lehigh Valley and South Central regions
20 was delayed due to, in part, a lack of opportunity for
21 stakeholder groups to guide the improvement plan for those
22 regions; and

23 WHEREAS, The expansion of the emissions testing program to
24 the Lehigh Valley and South Central regions was again delayed to
25 allow the Pennsylvania Department of Transportation and the
26 Department of Environmental Protection time to evaluate the
27 impact of new technology on the emissions inspection program;
28 and

29 WHEREAS, In 2002 and 2003, lawsuits were initiated by two
30 environmental groups challenging the limited implementation of

1 the SIP, ultimately leading to the Commonwealth's full
2 implementation of the vehicle emissions testing program by
3 bringing the remaining 16 counties identified in the SIP into
4 compliance with the vehicle emissions testing program, and
5 resulting in the inclusion of most of the counties which require
6 this testing today, specifically regions designated as
7 nonattainment areas for ozone levels by the EPA; and

8 WHEREAS, The nonattainment classification requires areas
9 failing to meet the NAAQS for ground-level ozone to adhere to
10 the SIP and to attain and maintain the standard; and

11 ~~WHEREAS, Cambria County was designated as a marginal~~
12 ~~nonattainment area after November 1991; and~~

<--

13 ~~WHEREAS, Cambria County was redesignated as a maintenance~~
14 ~~area based on the 1997 ozone standards, meaning Cambria County~~
15 ~~was successfully working toward attainment; and~~

16 ~~WHEREAS, Cambria County was redesignated as an attainment~~
17 ~~area based on 2008 ozone standards and is no longer listed as a~~
18 ~~nonattainment or maintenance area; and~~

19 WHEREAS, In order to change which counties are required to
20 participate in the emissions testing program, the Department of
21 Environmental Protection is required to submit a revised SIP to
22 the EPA for approval; and

23 WHEREAS, The EPA approved Pennsylvania's fully implemented
24 SIP in 2005; therefore be it

25 RESOLVED, That the Joint State Government Commission
26 establish an advisory committee, consisting of representatives
27 of the Department of Transportation and the Department of
28 Environmental Protection and others who possess knowledge of the
29 vehicle emission inspection program and the SIP to facilitate
30 the work of the Joint State Government Commission; and be it

1 further

2 RESOLVED, That the Joint State Government Commission, working
3 with the advisory committee, conduct a thorough and
4 comprehensive analysis of issues relating to the potential
5 impact to the Commonwealth of removing ~~Cambria County~~ EACH <--
6 PARTICIPATING COUNTY OF THE THIRD, FOURTH AND FIFTH CLASS,
7 INDIVIDUALLY AND COLLECTIVELY, from the emissions testing
8 program; and be it further

9 RESOLVED, That the final report include recommendations to
10 make up for the loss of environmental credits associated with
11 the approved SIP, the cost in actual dollars, historically and
12 projected, to each of the respective departments, and any other
13 potential financial aspect to the Commonwealth; and be it
14 further

15 RESOLVED, That the Joint State Government Commission report
16 findings and recommendations to the Senate no later than one
17 year from the adoption of this resolution.