

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1219 Session of  
2022

INTRODUCED BY MASTRIANO, HUTCHINSON, SCAVELLO, PHILLIPS-HILL,  
J. WARD, PITTMAN AND STEFANO, MAY 5, 2022

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, MAY 5, 2022

AN ACT

1 Amending Titles 27 (Environmental Resources) and 58 (Oil and  
2 Gas) of the Pennsylvania Consolidated Statutes, in  
3 administrative provisions, providing for definitions, for  
4 coal-powered plants, for regulations, for natural gas and  
5 coal permit database, for natural gas and coal permit review  
6 procedure and for withdrawal from Regional Greenhouse Gas  
7 Initiative; in development relating to oil and gas, further  
8 providing for well permits and providing for leases in State  
9 parks and forests; and making an editorial change.

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

12 Section 1. Part II heading of Title 27 of the Pennsylvania  
13 Consolidated Statutes is amended to read:

14 PART II

15 ADMINISTRATIVE PROVISIONS

16 [(Reserved)]

17 Section 2. Title 27 is amended by adding a chapter  
18 immediately after Part II heading to read:

19 CHAPTER 21

20 PENNSYLVANIA ENERGY INDEPENDENCE

21 Sec.

1 2101. Definitions.

2 2102. Coal-powered plants.

3 2103. Regulations.

4 2104. Natural gas and coal permit database.

5 2105. Natural gas and coal permit review procedure.

6 2106. Withdrawal from Regional Greenhouse Gas Initiative.

7 § 2101. Definitions.

8 The following words and phrases when used in this chapter  
9 shall have the meanings given to them in this section unless the  
10 context clearly indicates otherwise:

11 "Coal-powered plant." Any facility that burns coal to make  
12 steam in order to generate electricity.

13 "Department." The Department of Environmental Protection of  
14 the Commonwealth.

15 § 2102. Coal-powered plants.

16 (a) Findings.--The General Assembly finds and declares as  
17 follows:

18 (1) The Tenth Amendment to the Constitution of the  
19 United States guarantees to the states and their people all  
20 powers not granted to the Federal Government elsewhere in the  
21 Constitution and reserves to the State and the people of  
22 Pennsylvania certain powers as they were understood at the  
23 time that Pennsylvania was admitted into Statehood in 1787.

24 (2) The guaranty of those powers is a matter of contract  
25 between the State and the people of Pennsylvania and the  
26 United States as of the time that the compact with the United  
27 States was agreed upon and adopted by Pennsylvania and the  
28 United States in 1787.

29 (3) The Ninth Amendment to the Constitution of the  
30 United States guarantees to the people rights not granted in

1 the Constitution of the United States and reserves to the  
2 people of Pennsylvania certain rights as they were understood  
3 at the time that Pennsylvania was admitted into Statehood in  
4 1787.

5 (4) The guaranty of those rights is a matter of contract  
6 between the State and people of Pennsylvania and the United  
7 States as of the time that the compact with the United States  
8 was agreed upon and adopted by Pennsylvania and the United  
9 States in 1787.

10 (5) The regulation of intrastate commerce, including the  
11 natural environment as affected by intrastate business, is  
12 vested in the states under the Ninth and Tenth Amendments to  
13 the Constitution of the United States and is specifically  
14 retained by the Commonwealth of Pennsylvania.

15 (6) The regulation of the transportation and disposal of  
16 hazardous waste, of the release of emissions, substances and  
17 pollutants into the air in this Commonwealth, of the release  
18 of pollutants into bodies of water in this Commonwealth, of  
19 public water supplies in this Commonwealth, of wastewater  
20 systems in this Commonwealth and the regulation of  
21 production, exploration, drilling, development, operation,  
22 transportation, processing and energy generation of coal,  
23 coal products and materials or substances used in the  
24 production, exploration, drilling, development, operation,  
25 transportation, processing and energy generation of coal that  
26 originate and remain inside this Commonwealth and have not  
27 been proven and adjudicated by Federal court systems or this  
28 Commonwealth's court systems to specifically be causing, or  
29 to have caused, quantifiable harm to any person, business or  
30 place beyond the borders of Pennsylvania shall be intrastate

1 commerce and shall not be subject to Federal law or  
2 regulation under the authority of the United States Congress  
3 to regulate interstate commerce.

4 (b) Exemption.--A coal-powered plant in this Commonwealth  
5 shall be exempt from the rules and regulations of the  
6 Environmental Protection Agency, to include:

7 (1) The 2015 final rule and any future supplemental  
8 rules to the Stream Electric Power Generating Effluent  
9 Guidelines and Standards.

10 (2) The Cross-State Air Pollution Rule.

11 (c) Authority of department.--The department shall have the  
12 exclusive power and duty to regulate natural gas and coal that  
13 is extracted and used in this Commonwealth.

14 § 2103. Regulations.

15 (a) Authorization.--The department shall issue a report to  
16 the General Assembly, within six months of the effective date of  
17 this section, that identifies all current rules and regulations  
18 affecting the natural gas and coal industries and the respective  
19 economic impact of the rules and regulations.

20 (b) Approval.--In addition to the procedure required by the  
21 act of June 25, 1982 (P.L.633, No.181), known as the Regulatory  
22 Review Act, a regulation promulgated after the effective date of  
23 this section that in any way affects the natural gas and coal  
24 industries must be approved by a majority vote in the General  
25 Assembly and approved by the Governor.

26 § 2104. Natural gas and coal permit database.

27 The department shall establish and maintain, on the  
28 department's publicly accessible Internet website, a database of  
29 natural gas and coal permit applications and permits. The  
30 database shall include:

1           (1) Information about natural gas and coal permits that  
2 the department has granted.

3           (2) A tracking system for persons that have applied for  
4 natural gas or coal permits to check on the status of the  
5 applications.

6           (3) If the department rejects an application for a  
7 natural gas or coal permit, the legal authority for the  
8 rejection.

9 § 2105. Natural gas and coal permit review procedure.

10          (a) Third-party contractor.--The department may enter into a  
11 contract with a third party for the review of applications  
12 submitted for natural gas or coal permits.

13          (b) Time period for review.--The department shall conclude  
14 review of a completed application for a natural gas or coal  
15 permit within 45 days of receipt. If the department fails to  
16 render a decision within the 45-day period, the application  
17 shall be deemed approved if the administratively complete  
18 application is accompanied by an affidavit executed under  
19 penalty of perjury by a professional engineer, landscape  
20 architect, geologist or land surveyor licensed by the  
21 Commonwealth affirming that:

22           (1) the contents of the application are true and correct  
23 to the best of the individual's knowledge, information and  
24 belief; and

25           (2) the requirements for issuance of the individual  
26 permit or for coverage or authorization to proceed under the  
27 general plan approval or general permit stated in all  
28 applicable environmental laws have been satisfied.

29 § 2106. Withdrawal from Regional Greenhouse Gas Initiative.

30          The Commonwealth withdraws its entry into the Regional

1 Greenhouse Gas Initiative.

2 Section 3. Section 3211(d) of Title 58 is amended and the  
3 section is amended by adding a subsection to read:

4 § 3211. Well permits.

5 \* \* \*

6 (d) Permit fee.--Each application for a well permit shall be  
7 accompanied by a permit fee, established by the Environmental  
8 Quality Board, which bears a reasonable relationship to the cost  
9 of administering this chapter[.], provided that the fee may not  
10 exceed:

11 (1) The amount of \$4,200 for a vertical unconventional  
12 well.

13 (2) The amount of \$5,000 for a nonvertical  
14 unconventional well.

15 \* \* \*

16 (n) Future modifications.--Any future modification to the  
17 vertical or nonvertical unconventional well permit fee must be  
18 approved by an act of the General Assembly.

19 Section 4. Title 58 is amended by adding a section to read:  
20 § 3228. Leases in State parks and forests.

21 (a) General rule.--Notwithstanding any other provision of  
22 law to the contrary, the Governor may not impose, through  
23 executive order or other action, a moratorium on the  
24 Commonwealth from entering into leases for natural gas and oil  
25 development in State parks and forests.

26 (b) Existing moratorium.--Executive Order 2015-03 issued by  
27 the Governor on January 29, 2015, published at 45 Pa.B. 766  
28 (February 14, 2015), is void and shall have no force or effect  
29 in law.

30 Section 5. This act shall take effect as follows:

- 1           (1) The addition of 27 Pa.C.S. § 2106 shall take effect  
2 immediately.
- 3           (2) This section shall take effect immediately.
- 4           (3) The remainder of this act shall take effect in 60  
5 days.