

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 151

PRINTER'S NO. 125

AMOUNT

\$1,158,000 Revenue Reduction Annually

FUND

Clean Air Fund

DATE INTRODUCED

January 12, 2011

PRIME SPONSOR

Senator Pileggi

HISTORY OF BILL

Referred to ENVIRONMENTAL RESOURCES AND ENERGY, Jan. 12, 2011

Reported as committed, Feb. 14, 2011

First consideration, Feb. 14, 2011

Re-referred to APPROPRIATIONS, March 1, 2011

Re-reported as committed, May 9, 2011

DESCRIPTION AND PURPOSE OF BILL

Senate Bill 151 amends the Air Pollution Control Act to require 25% of any fines or civil penalties imposed and collected under the Act to be paid to the municipality in which the incident occurred. The bill also authorizes the Department of Environmental Protection (DEP) to award an amount greater than 25% to the municipality.

The bill establishes criteria which must be met for the return of 25% of the fines and penalties collected by DEP under the Air Pollution Control Act. The return of 25% of the fines and penalties to the municipalities is only applicable 1) for fines or penalties equal to or greater than \$50,000; 2) when the balance in the Clean Air Fund into which these fines and penalties are deposited, is greater than \$1,850,000 in the previous year from when the reimbursement would occur; 3) when the Department approves the municipalities' environmental projects which would be funded by the reimbursement; and 4) when the federal Environmental Protection Agency (EPA) is not party to the prosecution of the violation. The bill also defines an eligible environmental project as one that eliminates or reduces air pollution, provides funding for parks, recreation projects, trails or open spaces.

The bill would be effective in 60 days.

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FISCAL IMPACT:

Fines and penalties imposed under the Act are deposited into the Clean Air Fund. The Department of Environmental Protection indicates that for calendar years 2009 and 2010, the amount of fines and penalties over \$50,000 average \$4.63 million annually. Based on the calculated average annual deposit, the return of 25% of the fines and penalties to the municipalities would equal approximately \$1.158 million. The Department does not anticipate any increased costs to implement the provisions in the bill.