

CREATING THE DEPARTMENT OF ENVIRONMENTAL RESOURCES

Act of Dec. 3, 1970, P.L. 834, No. 275

Cl. 27

AN ACT

Amending the act of April 9, 1929 (P.L.177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," creating the Department of Environmental Resources and defining its functions, powers and duties, transferring certain boards and commissions to such department, abolishing the Sanitary Water Board, the Air Pollution Commission and certain other boards and commissions; placing the Navigation Commission for the Delaware River and its navigable tributaries in the Department of Transportation; transferring the functions of the Geographic Board to the Pennsylvania Historical and Museum Commission placing the Valley Forge Park Commission and the Washington Crossing Park Commission in the Pennsylvania Historical and Museum Commission and repealing inconsistent acts.

**Compiler's Note:** The Department of Environmental Resources, created in this act, was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

**Compiler's Note:** Act 275 of 1970 created the Department of Environmental Resources, abolished the Department of Forests and Waters and the Department of Mines and Mineral Industries and certain other agencies and transferred various functions of abolished and certain existing agencies.

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

Section 28. There shall be established in the Department of Environmental Resources a unit responsible for the enforcement of all laws within the jurisdiction of the department. The head of such unit shall be a deputy secretary who shall report directly to the Secretary of Environmental Resources. The unit shall have its own staff of investigatory, administrative and technical advisory personnel at both regional and State offices. Special legal counsel will be provided to the unit with the cooperation of the Attorney General.

**Compiler's Note:** The act of Dec. 3, 1970, P.L.834, No.275 contained the following additional section 28 relating to the powers and duties of the Department of Environmental Resources. Section 28 was repealed by the act of Oct. 15, 1980, P.L.950, No.164 to the extent of and inconsistency with such act:

Section 28. There shall be established in the Department of Environmental Resources a unit responsible for the enforcement of all laws within the jurisdiction of the department. The head of such unit shall be a deputy secretary who shall report directly to the Secretary of Environmental Resources. The unit shall have its own staff of investigatory, administrative and technical advisory personnel at both regional and State offices. Special legal counsel will be provided to the unit with the cooperation of the Attorney General.

**Compiler's Note:** The Department of Environmental Resources, referred to in section 28, was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Section 29. The Secretary of Environmental Resources shall receive an annual salary, payable in equal semi-monthly installments, of twenty-five thousand dollars (\$25,000).

Section 30. (a) The following departments, boards and commissions are hereby abolished and their functions transferred to the Department of Environmental Resources:

Department of Forests and Waters,  
Water and Power Resources Board,  
State Forest Commission,  
State Flood Control Commission,  
Pennsylvania State Park and Harbor Commission of Erie,  
Anthracite Mine Inspectors' Examining Board,  
Mine Inspectors' Examining Board for the Bituminous Coal Mines of Pennsylvania,  
Oil and Gas Inspectors' Examining Board,  
Oil and Gas Conservation Commission,  
Land Reclamation Board,  
Land Restoration Board,  
Sanitary Water Board,  
Air Pollution Commission.

(b) ((b) repealed July 9, 1976, P.L.980, No.197)

(c) The following board is abolished and its functions transferred to the Department of Commerce:

Coal Research Board.

(d) The following board is abolished and its functions transferred to the Pennsylvania Historical and Museum Commission:

Geographic Board.

(e) The following board and commission are transferred to the Department of Environmental Resources:

State Board for Certification of Sewage Treatment and Waterworks Operators,  
State Soil and Water Conservation Commission.

(f) The following are transferred to the Department of Environmental Resources:

All bureaus, divisions and government units in the Department of Mines and Mineral Industries except those concerned with the functions enumerated in clauses (c), (d) and (e) of section 2501-B of the act to which this is an amendment.

All bureaus, divisions and government units in the Department of Health concerned with the functions enumerated in clauses

(6) through (23) inclusive of section 1901-A of the act to which this is an amendment.

All bureaus, divisions and government units in the Department of Labor and Industry concerned with the functions enumerated in clause (24) of section 1901-A of the act to which this is an amendment.

The Topographic and Geologic Survey Bureau in the State Planning Board.

(g) The following are transferred to the Department of Commerce:

All bureaus, divisions and government units in the Department of Mines and Mineral Industries responsible for the functions enumerated in section 2503-B of the act to which this is an amendment.

**Compiler's Note:** The Department of Commerce, referred to in this section, was renamed the Department of Community and Economic Development by Act 58 of 1996.

**Compiler's Note:** The Department of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Section 31. (a) All personnel, allocations, appropriations, equipment, files, records, contracts, agreements, obligations, and other materials which are used, employed or expended in connection with the powers, duties or functions transferred by this act to the Department of Environmental Resources are hereby transferred to the Department of Environmental Resources with the same force and effect as if the appropriations had been made to and said items had been the property of the Department of Environmental Resources in the first instance and as if said contracts, agreements and obligations had been incurred or entered into by said Department of Environmental Resources.

(b) All personnel, allocations, appropriations, equipment, files, records, contracts, agreements, obligations, and other material which are used, employed or expended in connection with the powers, duties or functions transferred by this act to the Department of Transportation are hereby transferred to the Department of Transportation with the same force and effect as if the appropriations had been made to and said items had been the property of the Department of Transportation in the first instance and as if said contracts, agreements and obligations had been incurred or entered into by said Department of Transportation.

(c) All personnel, allocations, appropriations, equipment, files, records, contracts, agreements, obligations, and other material which are used, employed or expended in connection with the powers, duties or functions transferred by this act to the Department of Commerce are hereby transferred to the Department of Commerce with the same force and effect as if the appropriations had been made to and said items had been the property of the Department of Commerce in the first instance and as if said contracts, agreements and obligations had been incurred or entered into by said Department of Commerce.

(d) All personnel, allocations, appropriations, equipment, files, records, contracts, agreements, obligations, and other material which are used, employed or expended in connection with the powers, duties or functions transferred by this act to the Pennsylvania Historical and Museum Commission are hereby transferred to the Pennsylvania Historical and Museum Commission with the same force and effect as if the appropriations had

been made to and said items had been the property of the Pennsylvania Historical and Museum Commission in the first instance and as if said contracts, agreements and obligations had been incurred or entered into by said Pennsylvania Historical and Museum Commission.

(e) The personnel, appropriations, equipment and other items and material transferred by this section shall include an appropriate portion of the general administrative, overhead and supporting personnel, appropriations, equipment and other material of the agency and shall also include, where applicable, Federal grants and funds and other benefits from any Federal program.

(f) All personnel transferred pursuant to this act shall retain any civil service employment status assigned to said personnel.

**Compiler's Note:** The Department of Commerce, referred to in subsec. (c), was renamed the Department of Community and Economic Development by Act 58 of 1996.

**Compiler's Note:** The Department of Environmental Resources, referred to in subsec. (a), was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Section 32. All positions in the Department of Environmental Resources shall be deemed to be included in the list of positions set forth in clause (d) of section 3 of the act of August 5, 1941 (P.L.752), known as the "Civil Service Act," and the provisions and benefits of that act shall be applicable to the employes of, and positions in, the department.

**Compiler's Note:** The Department of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Section 33. (a) Whenever the Secretary of Forests and Waters or the Secretary of Mines and Mineral Industries shall be entitled by law to serve on a board, commission or other body, the Secretary of Environmental Resources shall serve in his place as if the Secretary of Environmental Resources had been designated to serve in the first instance.

(b) The Secretary of Environmental Resources shall serve in lieu of the Secretary of Health on the Ohio River Valley Water Sanitation Commission, created by the act of April 2, 1945 (P.L.103), entitled "An act approving, ratifying and enacting into law the Ohio River Valley Sanitation Compact, for the prevention, abatement and control of pollution of the rivers, streams and waters in the Ohio River drainage basin, and making the State of Pennsylvania a party thereto; creating the 'Ohio River Valley Water Sanitation Commission,' providing for the members of such commission from the State of Pennsylvania; and providing for the carrying out of said compact after the conclusion of hostilities of the present war," and shall serve in lieu of a representative of the Sanitary Water Board on the Interstate Commission on the Potomac River Basin, created by the act of May 29, 1945 (P.L.1134), entitled "An act to create a commission to act jointly with commissions appointed for like purpose by the States of West Virginia and Maryland, the Commonwealth of Virginia and the District of Columbia, which, together with three members to be appointed by the President of the United States, shall constitute the Interstate

Commission on the Potomac River Basin, with power to cooperate in the abatement of the existing pollution, and in the control of future pollution of the waters of the drainage basin of the Potomac River within the States of Maryland and West Virginia, the Commonwealth of Virginia and the District of Columbia; to authorize the Governor of the State to execute on behalf of this State a compact with representatives of other states for the purpose of forming the above-mentioned commission; and creating a Potomac Valley Conservancy District; providing for the appointment of the Pennsylvania members of said commission for the Commonwealth of Pennsylvania, and their terms of office; and providing an appropriation."

Section 34. All orders, permits, regulations, decisions and other actions of any department, board or commission abolished by this act or of any agency whose functions have been transferred by this act shall remain in full force and effect until modified, repealed, suspended, superseded or otherwise changed by appropriate action of the agency assuming the applicable powers and duties pursuant to this act.

Section 35. (a) All powers granted by this act to the Environmental Quality Board shall be exercised by the Department of Environmental Resources until the Governor has issued his proclamation stating that the Environmental Quality Board is organized and ready to perform the powers, duties and responsibilities granted to it by this act.

(b) All powers granted by this act to the Environmental Hearing Board shall be exercised by the Department of Environmental Resources until the Governor has issued his proclamation stating that the Environmental Hearing Board is organized and ready to perform the powers, duties and responsibilities granted to it by this act.

**Compiler's Note:** The Department of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.