

UNIFORM INTERSTATE AIR POLLUTION AGREEMENTS ACT
Act of Feb. 17, 1972, P.L. 64, No. 20
AN ACT

CL. 35

Providing for interstate air pollution agreements.

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

Section 1. Declaration of Policy.--It is the policy of this State to cooperate with other states sharing airsheds with this State. It is recognized that the quality of regional air masses is affected by sources of air contamination anywhere within an airshed, and that interstate concentrations of population, industry, motor vehicles, and other factors make coordination of air pollution control activities on a regional basis highly desirable. In order to promote this coordination, it is the policy of this State to administer its air pollution control programs with due regard for the quality of air masses moving between or among this State and one or more other states. It is further the policy of this State to provide for the development of recommendations concerning standards of air quality and their implementation applicable in interstate airsheds or regions through activities carried on under interstate administrative agreements, and for this State to give full consideration to these recommendations.

Section 2. Short Title.--This act shall be known and may be cited as the "Uniform Interstate Air Pollution Agreements Act."

Section 3. Agreements Authorized.--(a) The Department of Environmental Resources of the Commonwealth of Pennsylvania may make one or more administrative agreements for cooperation and coordination of efforts to control air pollution with State and local authorities of other states affected by airsheds or regional air masses lying partly within another state or states, or moving between or among this State and another state or states. In addition to the Department of Environmental Resources, Regional Air Pollution Control Associations, counties, cities, boroughs, unincorporated towns and townships having responsibilities relating to air quality may be parties to, or otherwise participate in, the administrative agreements authorized hereby.

(b) Administrative agreements made pursuant to this act may contain or provide for any one or more of the following:

(1) The development and revision of plans for the complementary and coordinated administration of air pollution control programs by each of the participating governments or agencies on an airshed or regional basis.

(2) Consultation concerning technical and other problems relating to the maintenance and improvement of air quality in the area covered by the agreement.

(3) Employment of staff as may be necessary to facilitate the proper functioning of the agreement, and the performance by the staff of functions designed to assist the participants in

the agreement in interstate or regional aspects of air pollution control and related activities.

(4) Establishment and maintenance of an office to facilitate the administration of this agreement.

(5) The contributions and formulae for distribution of support by the participating governments and agencies to the financial support of activities under the agreement.

(6) The securing of technical and other contract services.

(7) The development of recommendations concerning standards of air quality and their implementation.

(8) Any other necessary and incidental matters.

Section 4. Interjurisdictional Air Contamination.--

Prevailing wind currents or other factors which disperse air contaminants discharged within one jurisdiction to other jurisdictions within or without this State shall not affect State or local authorities taking action to monitor, reduce or abate such contamination. This action shall be taken in accordance with the laws of the jurisdiction where the discharge occurs.

Section 5. Limitations.--(a) No agreement made pursuant to this act shall provide for, or permit the exercise of, regulatory powers or functions by any person or agencies other than the separately constituted officials and agencies charged with the administration of the several air pollution control programs of the participating states, local governments, or State or local agencies. All regulatory activities shall be carried on by the duly constituted agencies and officers of the separate jurisdictions and the laws administered shall be only those of the separate jurisdictions.

(b) No funds shall be expended to administer an agreement made pursuant to this act prior to their having been made available by appropriation or other allocation from the participating governments or agencies, or otherwise made available by grant or gift.

(c) No instrumentality established or maintained pursuant to an agreement shall pledge the credit of this State or any of its subdivisions.

Section 6. Confidential Information.--Agencies and officers of this State and its political subdivisions may disclose information to persons employed or otherwise acting pursuant to an agreement made under this act. Any disclosure shall be subject to the same requirements of confidentiality as are imposed by law on the disclosing agencies or officers. Laws relating to trade secrets and other information required to be kept confidential shall be fully applicable to all employees and other persons with respect to any information obtained in this State or from sources in this State.

Section 7. Effective Date.--This act shall take effect immediately.