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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE RESOLUTION

No. 168 Session of  
2017

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INTRODUCED BY LANGERHOLC, JULY 14, 2017

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REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, JULY 14, 2017

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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 from the emissions testing program and report findings and  
5 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  
20 increased the authority and responsibility of the Federal

1 Government by authorizing new regulatory programs, increasing  
2 enforcement authority and expanding research programs; and

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

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

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

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

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

28 WHEREAS, In 2002 and 2003, lawsuits were initiated by two  
29 environmental groups challenging the limited implementation of  
30 the SIP, ultimately leading to the Commonwealth's full

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

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

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

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

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

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

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

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

1       RESOLVED, That the Joint State Government Commission, working  
2 with the advisory committee, conduct a thorough and  
3 comprehensive analysis of issues relating to the potential  
4 impact to the Commonwealth of removing Cambria County from the  
5 emissions testing program; and be it further

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

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