

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1795

Session of
1983

INTRODUCED BY GEORGE, IRVIS, MANDERINO, SALOOM, GALLAGHER,
MORRIS, RYBAK, J. L. WRIGHT, PRATT, AFFLERBACH, KUKOVICH,
STEIGHNER, BATTISTO, LINTON, LLOYD, MAYERNIK, PISTELLA,
ANGSTADT, MICHLOVIC, KOWALYSHYN, REINARD, DEAL, ITKIN, FEE,
FRYER, WOZNIAK, JAROLIN, TRELLO AND DeLUCA, DECEMBER 7, 1983

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MARCH 13, 1984

AN ACT

1 Prohibiting the Department of Environmental Resources from
2 issuing any permit pertaining to mining, water quality, air
3 quality, solid waste and other areas unless an onsite
4 inspection is first conducted.

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

7 Section 1. Onsite inspections required.

8 (A) GENERAL RULE.--The Department of Environmental Resources <—
9 shall not issue any permit relating to mining, water quality,
10 air quality, solid waste or any other area which has a
11 significant DETRIMENTAL environmental impact unless it first <—
12 conducts an onsite inspection. No type of interim or temporary
13 permit shall be issued if that project had been started without
14 the permission or knowledge of the Department of Environmental
15 Resources.

16 (B) EXCEPTION FOR NORMAL AGRICULTURAL OPERATIONS.--THE <—
17 PROVISIONS OF THIS ACT SHALL NOT APPLY TO A NORMAL AGRICULTURAL

1 OPERATION. AS USED IN THIS ACT, NORMAL AGRICULTURAL OPERATION
2 MEANS THE CUSTOMARY AND GENERALLY ACCEPTED ACTIVITIES, PRACTICES
3 AND PROCEDURES THAT FARMERS ADOPT, USE OR ENGAGE IN YEAR AFTER
4 YEAR IN THE PRODUCTION AND PREPARATION FOR MARKET OF POULTRY,
5 LIVESTOCK AND THEIR PRODUCTS AND IN THE PRODUCTION AND
6 HARVESTING OF AGRICULTURAL, AGRONOMIC, HORTICULTURAL,
7 SILVICULTURAL AND ACQUICULTURAL CROPS AND COMMODITIES AND IS:

8 (1) NOT LESS THAN TEN CONTIGUOUS ACRES IN AREA; OR

9 (2) LESS THAN TEN CONTIGUOUS ACRES IN AREA BUT HAS AN
10 ANTICIPATED YEARLY GROSS INCOME OF AT LEAST \$10,000.

11 Section 2. Prohibited activity.

12 ~~NO~~ EXCEPT AS TO A NORMAL AGRICULTURAL OPERATION, NO person <—
13 shall conduct any activity affecting mining, water quality, air
14 quality, solid waste or any other area which has a significant
15 DETRIMENTAL environmental impact unless the person has a permit <—
16 or interim permit issued by the Department of Environmental
17 Resources.

18 SECTION 3. APPLICABILITY OF ACT. <—

19 THIS ACT SHALL APPLY TO ALL PERMITS THE DEPARTMENT OF
20 ENVIRONMENTAL RESOURCES IS AUTHORIZED TO ISSUE UNDER CURRENT
21 LAW.

22 Section ~~3~~ 4. Effective date. <—

23 This act shall take effect immediately.