

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE RESOLUTION

No. 300 Session of  
1990

INTRODUCED BY REBER, GEORGE, HASAY, SAURMAN, REINARD,  
S. H. SMITH, JAROLIN, LEVDANSKY, ARGALL, CLYMER, MARSICO,  
DIETTERICK, WOZNIAK, NAHILL, BOWLEY, MAINE, FREEMAN, MURPHY,  
BILLOW, STISH, YANDRISEVITS, SCHEETZ, PHILLIPS, J. H. CLARK,  
FOX AND BUNT, APRIL 4, 1990

REFERRED TO COMMITTEE ON RULES, APRIL 4, 1990

## A RESOLUTION

1 Directing the House Conservation Committee to investigate the  
2 overall operation of the Department of Environmental  
3 Resources in relation to its ability to administer and  
4 enforce the statutory responsibilities currently entrusted to  
5 its care and to make recommendations to the House of  
6 Representatives concerning the future responsibilities for  
7 the administration and enforcement of the environmental  
8 protection statutes of this Commonwealth.

9 WHEREAS, The Department of Environmental Resources, formerly  
10 the Department of Forests and Waters and the Department of Mines  
11 and Mineral Industries, was created by Act No. 275 of 1970; and

12 WHEREAS, The department has the responsibility to administer  
13 and regulate programs in a variety of subject areas which are  
14 constantly expanding, in and of themselves; and

15 WHEREAS, The implementation of the Municipal Waste Planning,  
16 Recycling and Waste Reduction Act has imposed upon the  
17 department extensive responsibilities on a Statewide basis for  
18 proper administration of the act and for the alleviation of the  
19 solid waste problem in this Commonwealth; and

1 WHEREAS, The implementation of the Hazardous Sites Cleanup  
2 Act has required the department to develop additional staffing  
3 provisions for hazardous material investigation and for cleanup,  
4 including associated technical staff; and

5 WHEREAS, The implementation of the Storage Tank and Spill  
6 Prevention Act has required the department to not only assume  
7 the responsibilities, administration and enforcement of Federal  
8 and State storage tank legislation, but also the responsibility  
9 for the registration, testing and regulation of thousands of  
10 aboveground storage tanks; and

11 WHEREAS, The department must establish new and expanded  
12 programs for the regulation of the disposal of solid waste under  
13 the Municipal Waste Management Regulations, effective April 9,  
14 1988, which include the repermitting of all municipal waste  
15 disposal facilities by April 9, 1990; and

16 WHEREAS, In addition to the administrative responsibilities  
17 thrust upon the department in the past two years, the department  
18 has continuing responsibility for the regulation and enforcement  
19 of a multitude of other environmental matters concerning air  
20 quality, water quality, air emissions, on-lot septic systems,  
21 wetlands, dams, sewage treatment plants, community water  
22 systems, nuclear power, gas, oil, coal, mine subsidence, land  
23 reclamation, minerals, quarries, blasting, radon, X-rays, State  
24 parks, State forests, timber harvesting, campgrounds, etc.,  
25 affecting the lives of each of the citizens of this  
26 Commonwealth; and

27 WHEREAS, In addition to the new legislative and regulatory  
28 mandates, the department also has the continuing responsibility  
29 for administering and enforcing the provisions of many major  
30 environmental statutes, including:

1           Pennsylvania Sewage Facilities Act  
2           The Clean Streams Law  
3           Dam Safety and Encroachments Act  
4           Low-Level Radioactive Waste Disposal Act  
5           Infectious and Chemotherapeutic Waste Law  
6           Plumbing System Lead Ban and Notification Act  
7           Oil and Gas Act  
8           Oil and Gas Conservation Law  
9           Noncoal Surface Mining Conservation and Reclamation Act  
10          Air Pollution Control Act  
11          Radiation Protection Act  
12          Conservation District Law  
13          Surface Mining Conservation and Reclamation Act  
14          Pennsylvania Used Oil Recycling Act  
15          Pennsylvania Solid Waste - Resource  
16                Recovery Development Act  
17          Pennsylvania Safe Drinking Water Act  
18          Solid Waste Management Act  
19          Pennsylvania Anthracite Coal Mine Act  
20          Pennsylvania Bituminous Coal Mine Act  
21          Storm Water Management Act  
22          Water Well Drillers License Act  
23          The Bituminous Mine Subsidence and Land Conservation Act  
24          Flood Plain Management Act  
25          The Land and Water Conservation and Reclamation Act  
26          The Pennsylvania Conservation Corps Act  
27          Coal and Gas Resource Coordination Act;

28   and

29       WHEREAS, In recognition of the increased responsibilities  
30   since its inception in 1970, and its expansion by over 550

1 positions in the past several years, and State funding increases  
2 of over one-third in the same time; and

3 WHEREAS, With the increased responsibilities imposed upon the  
4 department as a result of new legislation and of the increased  
5 regulatory responsibilities of the department under the many  
6 present legislative mandates, there is concern by industry,  
7 government officials and consumers as well as to whether the  
8 department can effectively address these many concerns;  
9 therefore be it

10 RESOLVED, That the House Conservation Committee examine the  
11 effectiveness of the Department of Environmental Resources to  
12 properly and efficiently carry out the duties and  
13 responsibilities currently delegated to it; and be it further

14 RESOLVED, That the committee investigate the organization and  
15 operation of the department, including consideration of  
16 alternate organizational structures, and the transfer of some  
17 program responsibilities to other agencies of State or local  
18 government; and be it further

19 RESOLVED, That the committee may hold hearings, take  
20 testimony and make its investigations at such places as it deems  
21 necessary in this Commonwealth. The chairman of the committee  
22 shall have power to administer oaths and affirmations to  
23 witnesses appearing before the committee; and be it further

24 RESOLVED, That the committee shall report to the House of  
25 Representatives on its activities, findings and recommendations  
26 by November 30, 1990.