

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1494 Session of  
2005

INTRODUCED BY STERN, LEH, CRAHALLA, McILHATTAN, HUTCHINSON,  
ARMSTRONG, ROHRER, CALTAGIRONE, PHILLIPS, R. MILLER, SATHER,  
GABIG, HARRIS, HERSHEY, BOYD, YOUNGBLOOD, DENLINGER, BASTIAN,  
CREIGHTON, HENNESSEY, S. MILLER, KAUFFMAN, PICKETT, RAPP AND  
GEIST, MAY 2, 2005

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
MAY 2, 2005

AN ACT

1 Amending the act of January 8, 1960 (1959 P.L.2119, No.787),  
2 entitled, as amended, "An act to provide for the better  
3 protection of the health, general welfare and property of the  
4 people of the Commonwealth by the control, abatement,  
5 reduction and prevention of the pollution of the air by  
6 smokes, dusts, fumes, gases, odors, mists, vapors, pollens  
7 and similar matter, or any combination thereof; imposing  
8 certain powers and duties on the Department of Environmental  
9 Resources, the Environmental Quality Board and the  
10 Environmental Hearing Board; establishing procedures for the  
11 protection of health and public safety during emergency  
12 conditions; creating a stationary air contamination source  
13 permit system; providing additional remedies for abating air  
14 pollution; reserving powers to local political subdivisions,  
15 and defining the relationship between this act and the  
16 ordinances, resolutions and regulations of counties, cities,  
17 boroughs, towns and townships; imposing penalties for  
18 violation of this act; and providing for the power to enjoin  
19 violations of this act; and conferring upon persons aggrieved  
20 certain rights and remedies," further prohibiting certain  
21 agricultural regulations.

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

24 Section 1. Section 4.1 of the act of January 8, 1960 (1959  
25 P.L.2119, No.787), known as the Air Pollution Control Act,

1 amended December 18, 1996 (P.L.1150, No.174), is amended to  
2 read:

3 Section 4.1. Agricultural Regulations Prohibited.--(a)

4 Except as may be required by the Clean Air Act or the  
5 regulations promulgated under the Clean Air Act, this act shall  
6 not apply to the production of agricultural commodities and the  
7 Environmental Quality Board shall not have the power nor the  
8 authority to adopt rules and regulations relating to air  
9 contaminants and air pollution arising from the production of  
10 agricultural commodities.

11 (b) As used in this section, the term "production of  
12 agricultural commodities" shall include, but is not limited to:

13 (1) The commercial propagation, production, harvesting or  
14 drying on the premises of the farm operation or the disposal of  
15 residual materials resulting from the commercial propagation,  
16 production, harvesting or drying on the premises of the farm  
17 operation of the following:

18 (i) Field crops, including corn, wheat, oats, rye, barley,  
19 hay, potatoes and dry beans.

20 (ii) Fruits, including apples, peaches, grapes, cherries and  
21 berries.

22 (iii) Vegetables, including tomatoes, snap beans, cabbage,  
23 carrots, beets, onions, mushrooms, sweet corn and green peas.

24 (iv) Horticultural specialties, including nursery stock,  
25 ornamental shrubs, ornamental trees and flowers.

26 (v) Livestock and livestock products, including cattle,  
27 sheep, hogs, goats, horses, poultry, furbearing animals, milk,  
28 eggs and furs.

29 (vi) Timber, wood and other wood products derived from  
30 trees.

(vii) Aquatic plants and animals and their by-products.

(1.1) The drying at any location of any agricultural commodity identified under clause (1), provided that the drying is performed within thirty (30) days of the date the agricultural commodity is harvested.

(2) The processing of agricultural commodities propagated, produced, harvested or dried under clause (1) or the disposal of residual materials resulting from such processing.

(3) The commercial production, processing or storage of compost, except for compost including, all or in part, biosolids originating at a municipal sewage treatment facility, to be predominantly used in the commercial propagation or production of any agricultural commodity identified under clause (1), regardless of whether the compost is being produced, processed or stored on a different premises than the premises in which the compost is being used.

(4) The use of any material whose production, processing or storage is exempt from this act under clause (3) in the commercial propagation or production of any agricultural commodity identified under clause (1), or any odor or malodor or fugitive air emission resulting from the production, processing or storage of any material so exempted.

(c) The exemptions applied under subsection (b)(2) shall only apply to any agricultural [commodities] commodity propagated, produced, harvested or dried on the premises of the farm operation.

Section 2. This act shall take effect in 60 days.