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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 772 Session of  
2007

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INTRODUCED BY HERSHEY, ADOLPH, ARGALL, BARRAR, BASTIAN,  
BENNINGHOFF, BEYER, BOYD, CALTAGIRONE, CAPPELLI, DALEY,  
DENLINGER, FABRIZIO, FAIRCHILD, FREEMAN, GINGRICH, GOODMAN,  
GRUCELA, HENNESSEY, HESS, HORNAMAN, HUTCHINSON, MARSICO,  
MOUL, PHILLIPS, ROHRER, RUBLEY, SIPTROTH, STERN, VEREB AND  
WALKO, MARCH 19, 2007

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REFERRED TO COMMITTEE ON APPROPRIATIONS, MARCH 19, 2007

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AN ACT

1 Establishing an energy efficiency and pollution reduction  
2 initiative within the Department of Environmental Protection  
3 and the Keystone Energy and Environmental Excellence Award;  
4 and making an interfund transfer and transfer to restricted  
5 account for the Small Business Advantage Grant Program.

6 The General Assembly of the Commonwealth of Pennsylvania

7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the Energy  
10 Efficiency and Pollution Reduction Act.

11 Section 2. Declaration of policy.

12 The General Assembly finds and declares as follows:

13 (1) Clean, advanced indigenous energy resources and the  
14 programs and policies which encourage them enhance  
15 Pennsylvania's energy independence, create jobs and economic  
16 development opportunities and can improve Pennsylvania's  
17 environment.

1           (2) It is the goal of the Commonwealth to achieve zero  
2 discharge of pollutants into our air, water and land through  
3 pollution reduction and prevention.

4           (3) Traditional end-of-pipe pollution control techniques  
5 fail to provide permanent pollution reductions and often  
6 result in the transfer of pollutants from one environmental  
7 medium to another.

8           (4) Reducing pollution and waste at its source is the  
9 only way to achieve continued and sustainable improvements in  
10 the environment.

11          (5) Pollution reduction and energy efficiency programs  
12 not only improve and restore the environment, but the cost  
13 savings that many times result from these practices and new  
14 technologies help make businesses more competitive, save jobs  
15 and create new economic opportunity in this Commonwealth.

16          (6) Education programs are the key to informing  
17 individuals and businesses about the best practices available  
18 that will reduce and prevent pollution and conserve energy  
19 and our natural resources.

20          (7) Providing public recognition of individuals,  
21 businesses, farmers and others for taking action beyond the  
22 minimum environmental standards provides examples of success  
23 that will inspire others to reduce and prevent pollution.

#### 24 Section 3. Definitions.

25          The following words and phrases when used in this act shall  
26 have the meanings given to them in this section unless the  
27 context clearly indicates otherwise:

28          "Department." The Department of Environmental Protection of  
29 the Commonwealth.

#### 30 Section 4. Energy efficiency and pollution reduction.

1 (a) Establishment of program.--There is hereby established  
2 in the department a program to be directed toward the reduction  
3 and prevention of pollution, promotion of energy efficiency and  
4 facilitation of the development and use of clean energy sources.

5 (b) Components.--The program shall include the following  
6 elements:

7 (1) Developing and promoting methods and technologies  
8 for reducing or eliminating pollution affecting the air, land  
9 and water at its source.

10 (2) Developing a Statewide public education program that  
11 includes, but is not limited to, educational materials in a  
12 variety of media and the conduct of training programs and  
13 workshops, both in person and online, for businesses,  
14 nonprofit organizations, agriculture and the public on  
15 techniques and methods for reducing and eliminating pollution  
16 and reducing energy use.

17 (3) Providing technical assistance to businesses,  
18 nonprofit organizations, agriculture and the public on how to  
19 comply with environmental statutes and regulations.

20 (4) Promoting the beneficial use, reuse and reclamation  
21 of wastes by business and industry.

22 (5) Developing and promoting the best practices in the  
23 reduction and elimination of pollution and in energy  
24 efficiency to achieve sustainable businesses and communities.

25 (6) Promoting adoption of comprehensive energy and  
26 environmental management systems by businesses, local  
27 governments and other organizations.

28 (7) Establishing an audit program to assist businesses  
29 and local governments in developing strategies for reducing  
30 pollution, energy use and waste at its source.

1           (8) Providing energy efficiency and pollution prevention  
2 information and resources to regulated businesses during a  
3 regular compliance inspection or at least once per year using  
4 other outreach methods.

5           (9) Providing information on clean fuels and renewable  
6 energy sources.

7           (10) Providing information and technical assistance on  
8 green or high performance buildings and the energy and  
9 environmental technologies associated with these buildings.

10       (c) Technical assistance program.--

11           (1) The programs established by the act of January 8,  
12 1960 (1959 P.L.2119, No.787), known as the Air Pollution  
13 Control Act, and the Clean Air Act (69 Stat. 322, 42 U.S.C. §  
14 7401 et seq.) shall include compliance with all Pennsylvania  
15 environmental laws.

16           (2) The department shall maintain a catalog of private  
17 pollution reduction and prevention and energy efficiency  
18 service providers, including environmental auditors and  
19 assessors, and make that catalog available to individuals and  
20 businesses in an up-to-date form.

21           (3) The department shall develop partnerships with small  
22 business development centers, Team PA, the Ben Franklin  
23 Technology Centers, PENNTAP, and industrial resource centers  
24 to promote energy efficiency and pollution reduction  
25 activities.

26       (d) Financial assistance.--

27           (1) (i) The department shall establish and administer a  
28 grant program or programs to assist businesses in  
29 preparing and implementing strategies for reducing  
30 pollution, energy use and waste at its source in

1 accordance with the act of December 19, 1996 (P.L.1478,  
2 No.190), entitled "An act relating to the recycling and  
3 reuse of waste tires; providing for the proper disposal  
4 of waste tires and the cleanup of stockpiled tires;  
5 authorizing investment tax credits for utilizing waste  
6 tires; providing remediation grants for the cleanup of  
7 tire piles and for pollution prevention programs for  
8 small business and households; establishing the Small  
9 Business and Household Pollution Prevention Program and  
10 management standards for small business hazardous waste;  
11 providing for a household hazardous waste program and for  
12 grant programs; making appropriations; and making  
13 repeals," or other appropriate funding source.

14 (ii) A grant recipient shall report to the  
15 department on the measures adopted and the permanent  
16 reductions achieved.

17 (2) The department shall coordinate with the Department  
18 of Community and Economic Development on the administration  
19 of the Pollution Prevention Assistance Account identified  
20 under 12 Pa.C.S. § 2304 (relating to fund and accounts).

21 (e) Green technology clearinghouse.--The department shall  
22 provide an electronic database that provides assistance and  
23 information about research, development, funding, partnerships  
24 and specific technologies associated with energy efficiency and  
25 pollution prevention.

26 Section 5. Keystone Energy and Environmental Excellence Award.

27 (a) Establishment.--The Keystone Energy and Environmental  
28 Excellence Award is established and shall be presented to those  
29 individuals, businesses, local officials and nonprofit and other  
30 organizations that exemplify the highest commitment to restoring

1 and protecting the environment or that have shown innovation in  
2 conserving energy or in the development of clean energy or  
3 energy-efficient technologies in this Commonwealth.

4 (b) Categories.--The award shall recognize excellence in  
5 land use, clean energy technology development and energy  
6 efficiency and other appropriate areas of energy and  
7 environmental achievement.

#### 8 Section 6. Interfund transfer.

9 (a) Authorization.--The sum of \$200,000 shall be transferred  
10 annually from the Oil and Gas Lease Fund to the General Fund for  
11 expenditure by the department as provided under this act.

12 (b) Use of transferred funds.--The department shall utilize  
13 the funds transferred under this act for the development and  
14 conduct of the activities in section 4.

#### 15 Section 7. Transfer to Small Business Advantage Grant Program.

16 On or before September 1 each year, the State Treasurer shall  
17 transfer \$2,000,000 from the General Fund to a restricted  
18 receipt account to be used exclusively for the Small Business  
19 Advantage Grant Program administered by the Department of  
20 Environmental Protection. The restricted receipt account shall  
21 be used by the department solely to provide matching grants to  
22 eligible small businesses to install energy efficiency or  
23 pollution prevention equipment under the program.

#### 24 Section 8. Report.

25 The department shall annually make a report to the  
26 Environmental Resources and Energy Committee of the Senate and  
27 the Environmental Resources and Energy Committee of the House of  
28 Representatives on the activities undertaken pursuant to this  
29 act, including, but not limited to:

30 (1) The amount and type of educational material produced

1 and distributed.

2 (2) The number and type of training programs provided  
3 both in person and online.

4 (3) The type and amount of technical assistance  
5 provided.

6 (4) The amount and type of energy efficiency and  
7 pollution prevention information provided directly to the  
8 regulated community during onsite compliance inspections or  
9 through other means.

10 (5) The amount and types of grants provided under the  
11 Small Business Advantage Grant Program.

12 Section 9. Effective date.

13 This act shall take effect in 60 days.