

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1250 Session of 2010

INTRODUCED BY PILEGGI, M. WHITE, MUSTO, RAFFERTY, COSTA,  
ERICKSON, EARLL, BROWNE, TARTAGLIONE, YAW, TOMLINSON, WOZNIAK  
AND FARNESE, FEBRUARY 26, 2010

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, FEBRUARY 26,  
2010

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 providing for  
21 disposition of fees, fines and civil penalties.

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

24 Section 1. Section 9.2 of the act of January 8, 1960 (1959  
25 P.L.2119, No.787), known as the Air Pollution Control Act,  
26 amended July 9, 1992 (P.L.460, No.95), is amended to read:

1       Section 9.2.   Disposition of Fees, Fines and Civil  
2 Penalties.--(a)   [All] Except as provided under subsection  
3 (a.1), all fines, civil penalties and fees collected under this  
4 act shall be paid into the Treasury of the Commonwealth in a  
5 special fund known as the Clean Air Fund, hereby established,  
6 which, along with interest earned, shall be administered by the  
7 department for use in the elimination of air pollution. The  
8 department may establish such separate accounts as may be  
9 necessary or appropriate to implement the requirements of this  
10 act and the Clean Air Act. The board shall adopt rules and  
11 regulations for the management and use of the money in the fund.

12       (a.1) Notwithstanding subsection (a), when an incident  
13 results in the imposition of a fine or civil penalty, twenty-  
14 five per centum (25%) of the fine or civil penalty collected  
15 shall be returned by the department to the municipality in which  
16 the violation occurred to be used solely for environmental  
17 projects. If the costs or damages exceed twenty-five per centum  
18 (25%) of the fine or penalty, the department may award  
19 additional money from the fine or civil penalty to the  
20 municipality.

21       (a.2) When the department proposes to assess a civil penalty  
22 for a violation of this act, the department shall notify the  
23 municipality in which the violation occurred within forty-eight  
24 (48) hours of the assessment.

25       (b)   The Clean Air Fund may be supplemented by appropriations  
26 from the General Assembly, the Federal, State or local  
27 government or any private source.

28       (c)   The Clean Air Fund shall not be subject to 42 Pa.C.S.  
29 Ch. 37 Subch. C (relating to judicial computer system).

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