

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 151 Session of 2011

INTRODUCED BY PILEGGI, ERICKSON, TARTAGLIONE, SCARNATI, BROWNE,
 YAW, RAFFERTY, D. WHITE, ALLOWAY, M. WHITE, FARNESE,
 BRUBAKER, WASHINGTON, MENSCH AND EARLL, JANUARY 12, 2011

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, JANUARY 12, 2011

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:

27 Section 9.2. Disposition of Fees, Fines and Civil

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

11 (a.1) The following shall apply:

12 (1) If an incident results in the imposition of a fine or
13 civil penalty of at least fifty thousand dollars (\$50,000),
14 twenty-five per centum (25%) of the fine or civil penalty
15 collected shall be returned by the department to the
16 municipality in which the violation occurred to be used for
17 projects that eliminate or reduce air pollution or for parks,
18 recreation projects, trails or open space.

19 (2) The department shall notify the municipality in which
20 the violation occurred of the imposition of the fine or civil
21 penalty under subsection (a) within five (5) business days after
22 the expiration of the right to file an appeal of the fine or
23 civil penalty or after all appeals of the fine or civil penalty
24 have been exhausted.

25 (3) Within one hundred and eighty (180) days of the
26 department's notification of the municipality under clause (2),
27 the municipality shall submit a project proposal to the
28 department for review and approval.

29 (4) Upon approval of the project, the department shall
30 release twenty-five per centum (25%) of the fine or civil

1 penalty collected to the municipality. If the cost of the
2 project exceeds twenty-five per centum (25%) of the fine or
3 civil penalty, the department may award additional money from
4 the fine or civil penalty to the municipality.

5 (5) If all fines and civil penalties deposited into the
6 Clean Air Fund are less than one million, eight hundred fifty
7 thousand dollars (\$1,850,000) for the previous fiscal year,
8 clause (1) shall not apply for the current fiscal year.

9 (6) If the United States Environmental Protection Agency and
10 the department jointly prosecute a violation of the Clean Air
11 Act, this act or regulation adopted under this act, the fines
12 and penalties collected shall not be subject to this subsection
13 and subsection (a.2).

14 (a.2) Within five (5) business days of imposition of a fine
15 or civil penalty under this act, the department shall notify the
16 municipality in which the violation occurred of the violation.

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

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

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