
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 15 Session of
2021

INTRODUCED BY COMITTA, SAVAL, STREET, SANTARSIERO, CAPPELLETTI,
HUGHES, HAYWOOD, FONTANA, KEARNEY, COLLETT, MUTH AND COSTA,
JULY 26, 2021

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, JULY 26, 2021

AN ACT

1 Amending the act of January 8, 1960 (1959 P.L.2119, No.787),
2 entitled "An act to provide for the better protection of the
3 health, general welfare and property of the people of the
4 Commonwealth by the control, abatement, reduction and
5 prevention of the pollution of the air by smokes, dusts,
6 fumes, gases, odors, mists, vapors, pollens and similar
7 matter, or any combination thereof; imposing certain powers
8 and duties on the Department of Environmental Resources, the
9 Environmental Quality Board and the Environmental Hearing
10 Board; establishing procedures for the protection of health
11 and public safety during emergency conditions; creating a
12 stationary air contamination source permit system; providing
13 additional remedies for abating air pollution; reserving
14 powers to local political subdivisions, and defining the
15 relationship between this act and the ordinances, resolutions
16 and regulations of counties, cities, boroughs, towns and
17 townships; imposing penalties for violation of this act; and
18 providing for the power to enjoin violations of this act; and
19 conferring upon persons aggrieved certain rights and
20 remedies," further providing for definitions, for fees and
21 for disposition of fees, fines and civil penalties,
22 providing for disposition of auction proceeds from CO2 Budget
23 Trading Program, for clean air fund accounts, for the Energy
24 Communities Trust Fund and for Environmental Justice
25 Communities Trust Fund.

26 The General Assembly of the Commonwealth of Pennsylvania
27 hereby enacts as follows:

28 Section 1. Section 3 of the act of January 8, 1960 (1959
29 P.L.2119, No.787), known as the Air Pollution Control Act, is

1 amended by adding definitions to read:

2 Section 3. Definitions.--The following words and phrases,
3 when used in this act, unless the context clearly indicates
4 otherwise, shall have the meaning ascribed to them in this
5 section:

6 * * *

7 "CO2 Budget Trading Program." The regulatory program
8 established under 25 Pa. Code (relating to Environmental
9 Protection).

10 * * *

11 "Environmental justice community." A census block group in
12 which minorities represent at least thirty per centum (30%) of
13 the population or in which at least twenty per centum (20%) of
14 the residents are at or below the Federal poverty level
15 according to the most recent decennial census by the United
16 States Census Bureau.

17 * * *

18 Section 2. Sections 6.3(k) and (l) and 9.2(a) of the act are
19 amended to read:

20 Section 6.3. Fees.--* * *

21 (k) [No] Except as provided under section 9.4, no
22 administrative action shall prevent the deposit of the fees
23 established pursuant to this section in the Clean Air Fund
24 established in section 9.2 during the fiscal year in which they
25 are collected. The fees shall only be used for the purposes
26 authorized in this section and [section 9.2] sections 9.2 and
27 9.4 and shall not be transferred or diverted to any other
28 purpose by administrative action.

29 (l) [Any] Except as provided under section 9.4, fees,
30 penalties and interest owed the Commonwealth for delinquent

1 payment collected under this section shall be deposited in the
2 Clean Air Fund.

3 * * *

4 Section 9.2. Disposition of Fees, Fines and Civil
5 Penalties.--(a) Except as provided under subsection (a.1) and
6 section 9.4, all fines, civil penalties and fees collected under
7 this act shall be paid into the Treasury of the Commonwealth in
8 a special fund known as the Clean Air Fund, hereby established,
9 which, along with interest earned, shall be administered by the
10 department for use in the elimination of air pollution. The
11 department may establish such separate accounts as may be
12 necessary or appropriate to implement the requirements of this
13 act and the Clean Air Act. The board shall adopt rules and
14 regulations for the management and use of the money in the fund.

15 * * *

16 Section 3. The act is amended by adding sections to read:

17 Section 9.4. Disposition of Auction Proceeds from CO2 Budget
18 Trading Program.

19 (a) Revenue from the sale of CO2 allowances under the CO2
20 Budget Trading Program shall be allocated as follows:

21 (1) Thirty-seven and a half per centum (37.5%) of revenue
22 shall be deposited into the Energy Communities Trust Fund
23 established under section 9.6, one-third of which shall be used
24 to support projects in environmental justice communities.

25 (2) Twelve and a half per centum (12.5%) of revenue shall be
26 deposited into the Environmental Justice Communities Trust Fund
27 established under section 9.7.

28 (3) Forty-six per centum (46%) of the revenue shall be
29 deposited in the Clean Air Fund established under section 9.2(a)
30 in the following separate accounts:

1 (i) Fifty-six per centum (56%) of revenue shall be deposited
2 into the Greenhouse Gas Abatement, Energy Efficiency, Clean and
3 Renewable Energy Investments Account established under section
4 9.5.

5 (ii) Forty-four per centum (44%) of revenue shall be
6 deposited into the Commercial and Industrial Energy Efficiency
7 Account established under section 9.5.

8 (4) Four per centum (4%) of revenue shall be deposited in
9 the Clean Air Fund established under section 9.2(a) to
10 administer this section and sections 9.5, 9.6 and 9.7 and for
11 the purposes in section 9.2(a).

12 (b) Revenue from the sale of CO2 allowances may not be
13 disbursed except as provided under this section.

14 Section 9.5. Clean Air Fund Accounts.

15 (a) The Greenhouse Gas Abatement, Energy Efficiency, Clean
16 and Renewable Energy Investments Account is established in the
17 General Fund. Money deposited into the Greenhouse Gas Abatement,
18 Energy Efficiency, Clean and Renewable Energy Investments
19 Account may be used for grant programs to support projects that
20 eliminate air pollution, including, but not limited to projects
21 for:

22 (1) cost-effective carbon capture utilization and storage;

23 (2) abandoned oil and gas well plugging;

24 (3) energy efficiency;

25 (4) mass transit and electric vehicle transportation;

26 (4) agricultural conservation;

27 (5) forest stewardship;

28 (6) clean and renewable energy investments, including, but
29 not limited to, biomass, geothermal, hydropower, energy storage
30 and solar and wind technologies; and

1 (7) other projects that contribute to the reduction or
2 elimination of greenhouse gas pollution.

3 (b) The Commercial and Industrial Energy Efficiency Account
4 is established in the General Fund. Money deposited into the
5 Commercial and Industrial Energy Efficiency Account may be used
6 for grant programs to support projects that eliminate air
7 pollution, including, but not limited to, projects for:

8 (1) process electrification;

9 (2) fuel switching;

10 (3) combined heat and power;

11 (4) demand response and reduction;

12 (5) energy efficiency;

13 (6) cost-effective carbon capture utilization and storage;

14 and

15 (7) other projects that contribute to the reduction or
16 elimination of greenhouse gas pollution.

17 (d) For money awarded under subsections (b) and (c), a
18 minimum of one-third shall be used to support projects that
19 provide a direct benefit in environmental justice communities.

20 Section 9.6. The Energy Communities Trust Fund.

21 (a) The Energy Communities Trust Fund is established as a
22 special non-lapsing fund in the State Treasury for energy
23 community projects. All interest earned from the investment or
24 deposit of money accumulated in the Energy Communities Trust
25 Fund shall be deposited in the fund for the same use. All money
26 deposited into the Energy Communities Trust Fund shall be held
27 in trust, shall not be considered general revenue of the
28 Commonwealth, shall be used only to effectuate the purposes of
29 this section, as determined by the Energy Communities Trust Fund
30 Board, and shall be subject to audit by the Auditor General.

1 (b) Money deposited into the Energy Communities Trust Fund
2 may be used for grant programs to support energy community
3 projects, including projects that support workers and
4 communities affected by the closure of fossil-fuel-fired power
5 plants and other energy facilities, including, but not limited
6 to, the following:

7 (1) programs for workforce development and worker training;

8 (2) supplemental unemployment compensation for displaced
9 energy workers;

10 (3) funding to school districts or municipalities due to the
11 economic impact or loss in tax revenue from the closure of an
12 energy facility after the effective date of this section;

13 (4) economic development projects; and

14 (5) environmental cleanup projects, including projects to
15 benefit water quality and air quality.

16 (c) (1) The Energy Communities Trust Fund Board is
17 established and shall administer money in the Energy Communities
18 Trust Fund established for the purposes specified under this
19 section.

20 (2) The Energy Communities Trust Fund Board shall consist of
21 the following members:

22 (i) The Governor or a designee, who must be designated in
23 writing prior to service.

24 (ii) The Secretary of Community and Economic Development or
25 a designee, who must be an employee of the Department of
26 Community and Economic Development and designated in writing
27 prior to service.

28 (iii) The Secretary of Environmental Protection or a
29 designee, who must be an employee of the department and
30 designated in writing prior to service.

1 (iv) The Secretary of Labor and Industry or a designee, who
2 must be an employee of the Department of Labor and Industry and
3 designated in writing prior to service.

4 (v) One member appointed by the President pro tempore of the
5 Senate.

6 (vi) One member appointed by the Minority Leader of the
7 Senate.

8 (vii) One member appointed by the Speaker of the House of
9 Representatives.

10 (viii) One member appointed by the Minority Leader of the
11 House of Representatives.

12 (ix) Five members appointed by the Governor as follows:

13 (A) Four members must be chosen from a list of candidates
14 nominated by the President of the Pennsylvania AFL-CIO, one of
15 whom shall be designated as chair.

16 (B) One member must be the executive director or a member of
17 the State Workforce Development Board.

18 (C) Initially, three members shall be appointed for terms of
19 two years and two members shall be appointed for terms of four
20 years. The terms of successors shall be four years each, except
21 that any person appointed to fill a vacancy shall serve only for
22 the unexpired term. Every member's term shall extend until the
23 member's successor is appointed and qualified. An appointed
24 member of the Energy Communities Trust Fund Board shall be
25 eligible for reappointment.

26 (3) The board shall hold its first meeting within ninety
27 (90) days of the effective date of this paragraph.

28 (4) The members of the Energy Communities Trust Fund Board
29 may not be compensated for service as members, but shall be
30 entitled to reimbursement for all necessary expenses incurred in

1 connection with the performance of their duties as members.
2 Reimbursements shall be allocated from money available from the
3 trust fund established under this section.

4 (5) The Energy Communities Trust Fund Board shall provide
5 for the holding of regular and special meetings at least
6 biannually at the call of the chair. Seven members attending
7 shall constitute a quorum for the transaction of any business
8 and a majority of the members present shall be required to adopt
9 any action.

10 (6) (i) The Energy Communities Trust Fund Board has the
11 power and duty, including, but not limited to:

12 (A) Adopt bylaws.

13 (B) Make, execute and deliver contracts and grant
14 agreements.

15 (C) Develop, within one year of its establishment and
16 biennially thereafter, a State plan for the availability and
17 distribution of money from the trust fund established under this
18 section. The Energy Communities Trust Fund Board shall make the
19 State plan available on its publicly accessible Internet
20 website.

21 (D) Administer and award Energy Communities Trust Fund
22 grants to eligible energy community projects and monitor the
23 expenditure of money in the trust fund established under this
24 section.

25 (E) Perform other operational activities necessary or
26 appropriate to further the purpose of this section.

27 (F) Submit an annual report to the General Assembly
28 detailing grant programs, activities and outcomes.

29 (ii) Administrative support for the Energy Communities Trust
30 Fund Board shall be provided by the Department of Labor and

1 Industry.

2 (7) The following acts shall apply to the Energy Communities
3 Trust Fund Board:

4 (i) The act of February 14, 2008 (P.L.6, No.3), known as the
5 Right-to-Know Law.

6 (ii) The act of July 19, 1957 (P.L.1017, No.451), known as
7 the State Adverse Interest Act.

8 (iii) The provisions of 65 Pa.C.S. Chs. 7 (relating to open
9 meetings) and 11 (relating to ethics standards and financial
10 disclosure).

11 Section 9.7. Environmental Justice Communities Trust Fund.

12 (a) The Environmental Justice Communities Trust Fund is
13 established as a special non-lapsing fund in the State Treasury
14 for environmental justice projects. All interest earned from the
15 investment or deposit of money accumulated in the Environmental
16 Justice Communities Trust Fund shall be deposited in the fund
17 for the same use. All money deposited into the fund shall be
18 held in trust, shall not be considered general revenue of the
19 Commonwealth and shall be used only to effectuate the purposes
20 of this section as determined by the Energy Communities Trust
21 Fund Board and shall be subject to audit by the Auditor General.

22 (b) The Environmental Justice Communities Trust Fund may be
23 used for projects within environmental justice communities,
24 including, but not limited to, any of the following:

25 (1) environmental cleanup projects, including projects to
26 benefit water quality and air quality;

27 (2) recreation;

28 (3) economic development projects;

29 (4) transportation projects;

30 (5) environmental education;

1 (6) environmental health;
2 (7) electricity bill assistance to low-income residential
3 customers;
4 (8) programs for workforce development and worker training;
5 and
6 (9) other projects that support environmental justice
7 communities.

8 (c) (1) The Environmental Justice Communities Trust Fund
9 Board is established and shall administer money in the trust
10 fund established under this section for the purposes specified
11 under this section.

12 (2) The Environmental Justice Communities Trust Fund Board
13 shall consist of the following members:

14 (i) The Governor or a designee, who must be designated in
15 writing prior to service.

16 (ii) The Secretary of Community and Economic Development or
17 a designee, who must be an employee of the Department of
18 Community and Economic Development and designated in writing
19 prior to service.

20 (iii) The Secretary of Environmental Protection or a
21 designee, who must be an employee of the department and
22 designated in writing prior to service.

23 (iv) The Secretary of Health or a designee, who must be an
24 employee of the Department of Health and designated in writing
25 prior to service.

26 (v) The Secretary of Conservation and Natural Resources or a
27 designee, who must be an employee of the Department of
28 Conservation and Natural Resources and designated in writing
29 prior to service.

30 (vi) One member appointed by the President pro tempore of

1 the Senate.

2 (vii) One member appointed by the Minority Leader of the
3 Senate.

4 (viii) One member appointed by the Speaker of the House of
5 Representatives.

6 (ix) One member appointed by the Minority Leader of the
7 House of Representatives.

8 (x) Six public members appointed by the Governor from a list
9 of candidates nominated by the department's Environmental
10 Justice Advisory Board representing environmental justice
11 communities in each of the department-designated regions of the
12 Commonwealth, one of whom shall be designated as chair.
13 Initially, two members shall be appointed for terms of four
14 years, two members shall be appointed for terms of three years
15 and two members shall be appointed for terms of two years. The
16 terms of all of successors shall be four years each, except that
17 a person appointed to fill a vacancy shall serve only for the
18 unexpired term. Every member's term shall extend until the
19 member's successor is appointed and qualified. An appointed
20 member of the Environmental Justice Communities Trust Fund Board
21 shall be eligible for reappointment.

22 (3) The board shall hold its first meeting within ninety
23 (90) days of the effective date of this section.

24 (4) The members of the Environmental Justice Communities
25 Trust Fund Board may not be compensated for service as members,
26 but shall be entitled to reimbursement for all necessary
27 expenses incurred in connection with the performance of their
28 duties as members. Reimbursements shall be allocated from money
29 available from the trust fund established under this section.

30 (5) The Environmental Justice Communities Trust Fund Board

1 shall provide for the holding of regular and special meetings at
2 least annually at the call of the chair. Eight members attending
3 shall constitute a quorum for the transaction of any business
4 and a majority of the members present shall be required to adopt
5 any action.

6 (6) (i) The Environmental Justice Communities Trust Fund
7 Board has the power and duty, including, but not limited to:

8 (A) Adopt bylaws.

9 (B) Make, execute and deliver contracts and grant
10 agreements.

11 (C) Develop, within one year of its establishment and
12 biennially thereafter, a plan for the availability and
13 distribution of money from the trust fund established under this
14 section. The Energy Communities Trust Fund Board shall make the
15 plan available on its publicly accessible Internet website.

16 (D) Provide for the coordination and exchange of information
17 on the establishment and maintenance of programs.

18 (E) Administer and award grants for projects within
19 environmental justice communities and monitor the expenditure of
20 money in the trust fund established under this section.

21 (F) Prepare and submit by May 1 each year an annual report
22 to the General Assembly, including recommendations for
23 legislative action if needed and appropriate.

24 (G) Perform other operational activities necessary or
25 appropriate to further the purpose of this section.

26 (ii) Administrative support for the Environmental Justice
27 Communities Trust Board shall be provided by the department.

28 (7) The following acts shall apply to the Environmental
29 Justice Communities Trust Fund Board:

30 (i) The act of February 14, 2008 (P.L.6, No.3), known as the

1 Right-to-Know Law.

2 (ii) The act of July 19, 1957 (P.L.1017, No.451), known as
3 the State Adverse Interest Act.

4 (iii) The provisions of 65 Pa.C.S. Chs. 7 (relating to open
5 meetings) and 11 (relating to ethics standards and financial
6 disclosure).

7 Section 4. This act shall take effect in 60 days.