

Veto No. 21

HB 1880

November 26, 1978

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 1880, Printer's No. 3934, entitled, "An act amending the act of June 22, 1937 (P.L.1987, No.394), entitled, as amended, 'The Clean Streams Law,' requiring the board to take into consideration the risk of raw sewerage on the surface ground when establishing policy and priorities, limiting the authority of the Department of Environmental Resources and courts in requiring construction of sewerage facilities by municipalities, and prohibiting certain rules and regulations of the Environmental Quality Board which impose greater limitations than the minimal Federal requirements," for the following reasons.

In section 2 of the bill, the proposal is advanced that the Environmental Quality Board should not adopt rules or regulations which impose "greater limitations than which is required to meet minimal Federal requirements, unless such rule or regulation is subsequently approved by the General Assembly."

The type of limitation on Executive Branch rule-making power contained in this bill represents an unconstitutional infringement on the Administration's responsibility to faithfully execute the laws of the Commonwealth.

The specific issue which prompted the drafting of the bill relates to proposed Department of Environmental Resources revisions to the State Implementation Plan for air quality and proposed changes to the State's water quality standards.

I appreciate industry's concerns about these matters. They go to the heart of the question of industrial growth in Pennsylvania, which has been of the highest concerns of my Administration. However, the precedent of improper legislative interference in the affairs of the Executive Branch inherent in this bill prevents me from dealing with this important issue on its merits.

In my view, DER must be sensitive to the particular needs and problems of a prominent industrial state like ours. It must find solutions to environmental problems that are consistent with the fundamental goal of an economically vital Commonwealth.

In the past, we have successfully balanced the often competing interests of environmental activism and responsible industrial expansion. It has been my responsibility to review substantive DER and EQB matters with all responsible elements of the community to resolve critical areas of dispute.

The General Assembly continues to have the prerogative and responsibility to take appropriate legislative action when the need arises. However, such legislation must be drafted in ways consistent with the

constitutionally defined powers of the respective branches of government.
For these reasons, the bill is not approved.

MILTON J. SHAPP