
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1042 Session of
2004

INTRODUCED BY ERICKSON, M. WHITE, PILEGGI, BRIGHTBILL, CONTI,
LEMMOND, O'PAKE, PIPPY, MUSTO, RAFFERTY, ORIE, MOWERY,
CORMAN, GORDNER, BOSCOLA, C. WILLIAMS, WOZNIAK, WONDERLING
AND KASUNIC, APRIL 13, 2004

AS REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 29, 2004

AN ACT

1 Establishing the Pennsylvania Energy and Pollution Reduction
2 Program; establishing the Office of Energy and Pollution
3 Reduction within the Department of Environmental Protection;
4 providing an Environmental Compliance Report Card; AND <—
5 establishing the Rachel Carson Environmental Excellence
6 Award. ~~and making an appropriation.~~ <—

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Short title.

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

12 Section 2. Declaration of policy.

13 The General Assembly finds and declares as follows:

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

1 environment.

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

5 (3) Traditional end-of-pipe pollution control techniques
6 fail to provide permanent pollution reductions and often
7 result in the transfer of pollutants from one environmental
8 medium to another. Reducing pollution and waste at its source
9 is the only way to achieve continued and sustainable
10 improvements in the environment.

11 (4) 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 (5) Education programs are the key to letting
17 individuals and businesses know the best practices available
18 that will reduce and prevent pollution and conserve energy
19 and our natural resources.

20 (6) Helping individuals, businesses and farmers comply
21 with Federal and State environmental statutes and regulations
22 helps to reduce and eliminate pollution that may otherwise
23 occur if violations are left uncorrected.

24 (7) Reporting on the number and kinds of environmental
25 violations that occur will help in the design of education or
26 other programs needed to prevent future violations and result
27 in better managed environmental programs.

28 (8) Providing public recognition of individuals,
29 businesses, farmers and others for going beyond the minimum
30 environmental standards provides examples of success that

1 will inspire others to reduce and prevent pollution.

2 Section 3. Definitions.

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

6 "Business." A business entity which has 100 or fewer
7 employees.

8 "Department." The Department of Environmental Protection of
9 the Commonwealth.

10 "Office." The Office of Energy and Pollution Reduction in
11 the Department of Environmental Protection.

12 Section 4. Office of Energy and Pollution Reduction.

13 (a) Establishment.--There is hereby established in the
14 department an Office of Energy and Pollution Reduction headed by
15 a deputy secretary which shall be responsible for developing and
16 coordinating the implementation of programs to reduce and
17 prevent pollution, promote energy efficiency and facilitate the
18 development and use of green sources of energy.

19 (b) Duties.--The duties of the office shall include the
20 following:

21 (1) Developing and promoting methods and technologies
22 for reducing pollution affecting the air, land and water at
23 its source.

24 (2) Developing educational materials in a variety of
25 media and implementing training programs and workshops, both
26 in person and online, for businesses and the public on
27 techniques and methods for reducing and preventing pollution
28 and promoting energy efficiency.

29 (3) Providing technical assistance to businesses and the
30 public on how to comply with environmental statutes and

1 regulations.

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

4 (5) Developing and promoting the best practices in the
5 reduction and prevention of pollution and in energy
6 efficiency to achieve sustainable businesses and communities.

7 (6) Promoting the adopting of comprehensive
8 environmental management systems by businesses, local
9 governments and other organizations.

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

13 (8) Serving as the coordinating office for State energy
14 programs related to the United States Department of Energy
15 and promoting the expansion of green and renewable sources of
16 energy, reducing overall energy use and promoting the
17 development of domestic energy sources.

18 (9) Administering the Alternative Fuels Incentive Grant
19 Program provided for by 75 Pa.C.S. Ch. 72 (relating to
20 alternative fuels).

21 (c) Technical assistance program.--

22 (1) The programs established by the act of January 8,
23 1960 (P.L.2119, No.787), known as the Air Pollution Control
24 Act, and the Clean Air Act (69 Stat. 322, 42 U.S.C. § 7401 et
25 seq.) shall be expanded to include compliance with all
26 Pennsylvania environmental laws.

27 (2) The department shall maintain a catalog of private
28 pollution reduction and prevention and energy efficiency
29 service providers, including environmental auditors and
30 assessors, and make that catalog available to individuals and

1 businesses in an up-to-date form.

2 (d) Financial assistance.--

3 (1) The office shall establish and administer a grant
4 program or programs to assist businesses in preparing and
5 implementing strategies for reducing pollution, energy use
6 and waste at its source in accordance with the act of
7 December 19, 1996 (P.L.1478, No.190), entitled "An act
8 relating to the recycling and reuse of waste tires; providing
9 for the proper disposal of waste tires and the cleanup of
10 stockpiled tires; authorizing investment tax credits for
11 utilizing waste tires; providing remediation grants for the
12 cleanup of tire piles and for pollution prevention programs
13 for small business and households; establishing the Small
14 Business and Household Pollution Prevention Program and
15 management standards for small business hazardous waste;
16 providing for a household hazardous waste program and for
17 grant programs; making appropriations; and making repeals,"
18 or other appropriate funding source. A grant recipient shall
19 report to the department on the measures adopted and the
20 permanent reductions achieved.

21 (2) The office shall coordinate with the Department of
22 Community and Economic Development on the administration of
23 the Pollution Prevention Assistance Accounts provided for by
24 12 Pa.C.S. Ch. 23 (relating to small business first).

25 (e) Environmental Compliance Report Card.--

26 (1) The department shall provide an Environmental
27 Compliance Report Card to the General Assembly and the public
28 annually on compliance by companies, individuals and local
29 governments with department regulations in each of its major
30 program areas. The report shall identify the top five types

1 of violations in each major program and outline the steps the
2 agency will take to reduce those violations in the future
3 through education, enforcement or other actions.

4 (2) The Environmental Compliance Report Card shall cover
5 each calendar year and shall be submitted at the time the
6 department submits its annual budget request.

7 Section 5. Rachel Carson Environmental Excellence Award.

8 (a) Establishment.--There is hereby established a Rachel
9 Carson Environmental Excellence Award to be presented to those
10 individuals, businesses, local officials and nonprofit and other
11 organizations that exemplify the highest commitment to restoring
12 and protecting the environment in this Commonwealth.

13 (b) Categories.--The award shall recognize excellence in
14 resource protection, watershed stewardship, education and
15 outreach, land use and energy efficiency and other appropriate
16 areas of environmental achievement.

17 ~~Section 6. Appropriation.~~ <—

18 ~~The sum of \$3,200,000 is hereby appropriated to the~~
19 ~~Department of Environmental Protection for the purposes outlined~~
20 ~~in this act for the Office of Energy and Pollution Reduction.~~

21 Section 7 6. Effective date. <—

22 This act shall take effect July 1, 2004, or immediately,
23 whichever is later.