

PA Environment Digest

An Update on Environmental Issues In Pennsylvania

Edited By David E. Hess, Holston & Crisci

June 21, 2004

The General Assembly is scheduled to be in session again the week of June 21 and the following week. It appears things are coming together on slots, property tax relief and the budget generally. The Growing Greener III initiative (explained below) as a whole isn't getting much traction, but pieces are.

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On the Hill

Senate Moves 3 Bill Environmental Package, Plus Fireworks Bill

Legislation on environmental education, the PA Senior Environment Corps, creating an Office of Energy and Pollution Reduction at DEP and regulating fireworks all came out of the Senate Appropriations Committee this week.

[Senate Bill 1040](#) (MJWhite-R-Venango) restoring funding to PA Center for Environmental Education was amended to add DCNR and non-state agency representatives to the governing board appointed by the State System of Higher Education, clarify the Department of Education has responsibility for formal environmental education in the state (K thru 12) and sets a sunset date of 2011.

[Senate Bill 1042](#) (Erickson-R-Delaware) creating an Office of Energy and Pollution Reduction at DEP was amended to help businesses with 100 or fewer employees not 150 and eliminates the requirement to create a Pollution Reduction Index to keep track of pollution reduced through the programs established under the bill.

[Senate Bill 1041](#) (Pippy-R-Allegheny) restoring funding to PA Senior Environment Corps was approved without changes.

[Senate Bill 856](#) (Madigan-R-Bradford) regulating fireworks was approved without changes.

The bills are now in position for final action by the full Senate

Senate/House Move Sewer-Water Project Funding Bills

Both the Senate and House took action on legislation outlining how to spend the \$250 million approved by voters for water and sewer projects. In both chambers there is a debate over whether to limit the funding to economic development projects as the Rendell Administration has proposed or to open funding to all projects.

The Senate passed [Senate Bill 1102](#) (Gordner-R-Columbia) after amending the bill to have the new Commonwealth Financing Authority created to implement the Governor's economic stimulus package run this program as well, rather than the Department of Community and Economic Development. The bill now moves to the House.

The House Environmental Resources and Energy Committee approved [House Bill 2690](#) (Weber-R-Montgomery) after amending the bill to include tighter provisions requiring projects to comply with local comprehensive plans and allowing projects that rehabilitate and upgrade existing water and sewage systems. A final vote on this bill is expected in the full House this week.

There was lots of discussion about not limiting the bill to just economic development projects and future amendments are expected on the issue of preventing sprawl from Republican and Democratic members.

In addition to these actions, general discussions between the four Caucuses and the Governor's Office continue to arrive at a compromise bill on implementing the bond issue as these potential vehicles move.

NewsClip: [Lawmakers Look at Allocating Funds for Water, Sewer Bond](#)

Alternative Fuels Incentive Bills Positioned for House Consideration

The [Senate Bill 255](#) (Tomlinson-R-Bucks) and [House Bill 121](#) (Bard-R-Montgomery) making changes to the Alternative Fuels Incentive Program (AFIG) are now in position for a final House vote this week.

The next opportunity to apply for [AFIG Grants](#) will be in July.

House Committee OKs Energy Savings, Waste Tire Legislation

House Environmental Resources & Energy Committee amended and approved three other bills this week, but withdrew [House Bill 2619](#) (Dailey-D-Washington) from consideration which would require water well driller certification.

[House Bill 2035](#) (McIlhenney-R-Bucks) which sets energy efficiency standards for certain appliances was amended to include additional appliances to conform to the proposals made by Gov. Rendell as part of his Growing Greener III initiative.

[House Bill 2370](#) (McIlhenney-R-Bucks) eliminates sales tax on certain energy efficient appliances for two years was amended to also bring it more in line with Gov. Rendell's green tax holiday proposal.

Rep. McIlhenney indicated further changes to both bills would be forthcoming as discussions with the Administration progress on these issues.

[House Bill 2289](#) (Yudichak-D-Luzerne) which changes the Waste Tire Recycling Act to require a waste tire recycling facility to have a waste processing permit from DEP was reported out without amendment.

Growing Greener III on Several Fronts, Park Fees Mentioned

There were activities on several fronts on Gov. Rendell's Growing Greener III spending initiative, but they go in different directions.

The Senate Environmental Resources and Energy Committee held a hearing on Gov. Rendell's environmental funding proposal featuring testimony by [DEP Secretary Kathleen McGinty](#) and DCNR Secretary Michael DiBernardinis.

Committee chair Senator Mary Jo White (R-Venango) opened the hearing with a statement reminding the Secretaries that what Gov. Rendell proposed was really Growing Greener III. The original Growing Greener Program was passed in 1999 and extended to a \$1.24 billion program in 2002. She noted there was \$700 million yet to spend in the current program.

"The Governor is not only asking us to put this on the ballot, he's asking us to impose fees and we have to take a look at the economic impact of that," said Sen. White.

Acknowledging there were more funds to spend, both Secretaries said the question is really whether there is enough funding given Pennsylvania's needs and then they both outlined what the new spending levels would buy in terms of environmental benefits.

Sen. White also noted there was duplication between the Governor's environmental proposals and the recently passed economic stimulus package, particularly in the area of brownfield cleanup.

The draft guidelines for the Business in Our Sites Program released this week by the Commonwealth Financing Authority did confirm that duplication.

Sen. Wozniak (D-Cambria) noted the debate over Growing Greener was a little like the old saying, “Everyone wants to get into Heaven, but nobody wants to die.” Everyone agrees with the goals, but no one wants to pay for it.

In response to a question from Sen. Wozniak about the potential for imposing fees at State parks, Secretary DiBernadinis said there is broad discussion of where DCNR can generate more revenue in their system and fees are on the table.

Rendell Administration officials continued their efforts to raise awareness of the Growing Greener III proposals around the state this week and several [environmental groups announced their general support](#) for additional environmental spending.

Many groups were like the Pennsylvania Resources Council which sent a letter to House and Senate members supporting the spending, but either staying silent on how to pay for the proposed bond issue or, in the case of PRC, expressing concerns.

“We (PRC) strongly support the Governor’s proposed Growing Greener program and accelerated approach to address the lengthy list of remaining environmental liabilities. However, PRC has serious concerns with the Governor’s proposal to fund the bond indebtedness by imposing additional new taxes on Pennsylvania businesses through increased fees on their wastes.”

House Majority Leader Rep. Sam Smith (R-Jefferson) said on Friday, “I think it’s fair to say that we are willing to expand the program – but only from existing resources. Raising fees, taxes or borrowing is not under consideration. Growing Greener is a good program and it’s responsible to ‘pay as you go.’”

Meanwhile on Tuesday there will be a rally of Growing Greener III supporters in the Capitol Rotunda at noon.

NewsClips: [At State Parks, Beauty May Have Its Price](#)
[We Can’t Afford Growing Greener II](#)

Quick Updates

Manure Hauler Certification: [House Bill 1809](#) (Egolf-R-Perry) creating a commercial manure hauler and broker certification program in the Department of Agriculture was approved by the Senate this week after being amended. The legislation is designed to help make sure manure is applied to land in Pennsylvania in compliance with nutrient management program requirements, especially manure coming in from other states. The bill must now be approved by the House before it goes to the Governor.

Transit Funding: Sen. Greenleaf (R-Montgomery) and Rep. John Taylor (R-Montgomery) introduced legislation this week -- [Senate Bill 1162](#) – to help provide dedicated, predictable funding for mass transit. The bills would lift a \$75 million cap and dedicate an additional 3.2184% of the existing sales tax to transit, generating approximately \$282 million in the fiscal year beginning July 1, 2004. The legislation is endorsed by the [saveTransit Coalition](#).

Fish License Increase: The Pennsylvania Federation of Sportsmen’s Clubs this week announced its support for [House Bill 2155](#) (B.Smith-R-York) which proposes increases

in fees for fishing licenses, trout/salmon stamps, and boat registrations, and encouraged the legislature to pass the bill.

In Other News

DEP Posts Application for Small Business Advantage Program

The Department of Environmental Protection this week posted the [application package for the Small Business Advantage Program](#) which provides up to 50 percent matching grants, up to a maximum of \$7,500, to enable a small business to adopt or acquire energy efficient or pollution prevention equipment or processes.

The Department will begin accepting applications for this program on July 1.

Storage Tank Indemnification Board Warns Governor of Possible Fee Increases

The Underground Storage Tank Indemnification Board this week sent a letter to Gov. Rendell expressing their concern about repayment the \$100 million loan taken from the fund in 2002 to help balance the budget.

The Governor proposed a payment of only \$2.5 million instead of the \$10 million promised in a Governor's Budget Office memorandum of understanding.

The Board said a new actuarial study predicts the reduction in the repayment schedule means the Fund will run out of cash to pay claims some time in 2007-08.

"The Board will have to consider a fee increase at the September Board meeting to help offset this \$7.5 million revenue reduction, which could result in a substantial fee increase as early as January 1, 2005.

"The Board may be forced to reduce or forego future special funding allocations to the Department of Environmental Protection (DEP) that are used to address water and ground contamination issues throughout the Commonwealth."

Four River Conservation Plans Finished, Added to DCNR Registry

This week the Department of Conservation and Natural Resources announced the approval and listing of four river segments on the [Pennsylvania Rivers Conservation Registry](#) --

[Lower West Branch Susquehanna River Conservation Plan](#) is placing a segment of the Susquehanna River and all tributaries covered in the Plan in Clinton, Lycoming, Northumberland and Union Counties;

[North Branch of the Susquehanna River Conservation Plan](#) is placing segments of the Susquehanna River and all tributaries covered in the Plan in Bradford, Lackawanna, Luzerne, Susquehanna and Wyoming Counties;

[River Conservation Plan for the Cowanshannock Creek Watershed](#) is placing the Cowanshannock Creek, the watershed and all tributaries covered in the Plan in Armstrong and Indiana Counties; and

[Three Rivers Conservation Plan](#) is placing segments of the Allegheny, Monongahela and Ohio Rivers and all tributaries covered in the Plan in Allegheny County.

Deer Management Assistance Program Applications Deadline July 1

Eligible landowners interested in enrolling in the Pennsylvania Game Commission's Deer Management Assistance Program (DMAP), which is designed to help landowners manage deer on their properties, have until July 1 to submit an application for the 2004-2005 hunting seasons to the Bureau of Wildlife Management in Harrisburg.

So far, the agency has received 78 applications requesting 5,280 coupons.

Those lands eligible for DMAP are: publicly-owned lands; private property where no fee is charged to hunt; and private land hunting clubs established prior to Jan. 1, 2000, that own 1,000 or more contiguous acres.

Coupons for DMAP antlerless deer harvest permits may be issued to landowners at a rate of one coupon for every five acres in agricultural operations or one coupon for every 50 acres for all other lands. Management plans will be required only when an applicant requests more than the standard rate for issuance of DMAP harvest permits. Landowners will receive one coupon for each DMAP permit allocated for their property.

For more information: [Click Here](#).

Save the Dates! Recycling, National Women's Forum, Watershed Conference

July 27-29 the Professional Recyclers of PA will hold their 14th Annual Conference with the theme "[Evolution, Innovation and Opportunity](#)" in Wilkes-Barre.

Sept. 30-Oct. 2 [Statewide Watershed Conference](#) in Fogelsville, near Allentown.

October 20 & 21 the Society of Women Environmental Professionals will hold their National Forum in Princeton, New Jersey. The theme of the conference is "[Building for the Future – Energizing to Foster a Better Environment.](#)"

Adding Supply Chain Value Through Environmental Excellence

The Global Environmental Management Initiative (GEMI) released the latest in a series of new tools showing how environmental, health and safety (EHS) excellence can enhance the business performance of companies.

"Forging New Links -- Enhancing Supply Chain Value Through Environmental Excellence" describes a broad range of opportunities for EHS professionals, in collaboration with other functions within their companies, to enhance supply chain performance. It is intended for both EHS and supply chain management professionals as well as business executives.

Both the report and the new tool are available at GEMI's [associated web site](#)

For more information about GEMI and a free copy of this tool please visit [GEMI's website](#).

EPA Awards Brownfields Grants in 42 States, PA Gets Its Share

In Pennsylvania, grants were awarded for projects in: [Bucks County](#), [Central City Philadelphia](#), [to the City of Philadelphia](#), the [Johnstown Redevelopment Authority](#), [Urban](#)

[Redevelopment Authority of Pittsburgh, West-to-West Coalition, Inc., Monongahela River Valley, PA and York County.](#)
[Additional NewsClip](#)

EPA Tracks Environmental Progress in 12 Key Industry Sectors

A new EPA report establishes a performance benchmark for tracking future environmental progress in 12 key industrial and service sectors, including construction, forest products, and iron and steel manufacturing.

The 2004 Sector Strategies Performance Report provides a snapshot of environmental trend data for each group. Drawing from publicly available data sources, the report presents a demographic profile of each sector, plus performance information in such fields as energy conservation, water and air quality, and waste management.

This report marks the first time EPA has assembled available data in this format. The Agency believes this will help the public better understand the environmental progress that is being made in a given sector. The report will also serve as a starting point for identifying the knowledge gaps that need to be filled to improve performance measurement in the future.

These 12 groups participate in EPA's multi-media Sector Strategies Program, established in 2003, which seeks to: (1) measure performance; (2) seek collaborative ways to promote the use of environmental management systems; and (3) addresses regulatory barriers that can hinder performance improvements. Go to the [2004 Sector Strategies Performance Report](#).

EPA Adjusts Conformity Regulations to Meet New Air Quality Standards

Taking Positive Action



New Public TV Series on Natural Heroes Coming to a Station Near You

Students Begin Unique Water Sampling Project in Erie

PA National Guard Wins National Environmental Award

Chairman of the Ned Smith Center Campaign Offers \$100,000 Challenge

C. Ted Lick, Chairman of the [Ned Smith Center for Nature and Art's](#) Educational Building Campaign has offered to match dollar-for-dollar all gifts up to a total of \$100,000 raised between now and August 31, 2004, for the Building Campaign.

“Ted Lick’s generous and inspired offer will greatly help the Center reach its goal and we encourage everyone to give to this special challenge,” commented Dr. Noel Falk, Vice Chair for the Educational Building Campaign.

As of June 9, the Building Campaign has reached 74% of the \$3.1 million goal with current pledges totaling \$2.3 million. The Center’s goal is to complete the campaign by its grand opening date of Saturday, October 9, 2004.

The Ned Smith Center for Nature and Art will hold its [11th Annual Nature and Arts Festival](#) starting on Friday evening, July 30, from 7:30 p.m. to 10 p.m. and Saturday, July 31 from 9 a.m. to 4 p.m. at MYO Park, along the banks of the Susquehanna River. MYO Park is a new location for the festival.

New Book Chronicles History of Trout Unlimited and Environmental

A new book on the history of Trout Unlimited in Pennsylvania and the impact its members had on improving the Commonwealth’s environment is now available.

From 1959 to the present day Trout Unlimited promoted legislation, policies and projects that improved water quality in Pennsylvania that in turn improved fishing and our quality of life.

Copies of the book are available by filling out and mailing this [book order form](#).

Watershed NewsClips

[Rivers Getting Cleaner After 15 Years’ Work Volunteers Say](#)

[Volunteers Labor at Endless River Cleanup](#)

[Sliver of Nature – Brush Creek Watershed Association](#)

[Philadelphia to Buy Boats to Scoop Trash from Delaware, Tacony Creek](#)

[Century Old Siloam Dam on Conococheague Creek in Chambersburg to Come Down](#)

[ISG Agrees to \\$19 million AMD Trust Fund](#)

[State Planning for Local Watershed Advances – Ohio River Basin](#)

[Fish Show How Much Improved Rivers Are](#)

[New PA Policy Will Reduce Pollution From Farms](#)

[410 Miles of Lancaster Streams Called Degraded, Impaired](#)

[Codus Creek Gets federal grant](#)

[Report: Tree lost costs millions in stormwater retention value](#)

[Local Officials Keeping Eye on Neshaminy Creek](#)

[Bassmaster Classic to be held in Pittsburgh in 2005](#)

[Shannopion Mine Water Story Significant News](#)

[Hereford Manor Lakes Watershed Group received a \\$17,500 state grant](#)

Regulations

[Final – Federal Long Term 1 Enhanced Surface Water Treatment Rule](#) to improve the control of microbial pathogens in drinking water, including the protozoan *Cryptosporidium*, was published in the June 19 Bulletin. It was approved as final by the Environmental Quality Board in February.

The [Independent Regulatory Review Commission](#) will meet June 24 to consider the Department of Agriculture’s Final Regulation on the Application of Soil and Groundwater Contaminated with Agricultural Chemicals to Agricultural Lands (Reg # 2-116 IRRC #2267).

Environmental Quality Board Meeting – June 15

The EQB approved all the items on its [agenda for June 15](#) and agreed to cancel its meeting in July. The next scheduled meeting is August 17 which at this time includes three potential agenda items:

Proposed - Environmental Laboratory Accreditation: implements the 2002 legislation requiring environmental laboratories to be accredited. [Background information](#).

Final - Small NO_x, Stationary Internal Combustion Engines and Cement Kilns: Background information available on the [Air Quality Technical Advisory Committee webpage](#).

Final - Triennial Review of Water Quality Regulations: amendments to Chapter 93 to correct errors, update stream listings, and amend the dissolved oxygen criteria in some lakes. EPA regulations require the triennial review of states' water quality standards regulations. [Text of Proposed Rule](#).

[Pennsylvania Bulletin – June 19, 2004](#)

[Comment Deadlines Open](#)

[For copies of Proposed Regulations](#)

[Status of Regulations and Six-Month Regulatory Calendar](#)

Technical Guidance Open for Comment

- Nothing new this week.

[For copies of Draft Technical Guidance](#) [For copies of Final Technical Guidance](#)

Calendar of Upcoming Events

- **June 22** – Senate Environmental Resources & Energy Committee meeting on [Senate Bill 1160](#) (naming State Forest). 9:15. 461 Main Capitol.
- **June 23** – Senate Environmental Resources & Energy Committee public hearing on renewable portfolio standards. 1:00 8E-A East Wing Capitol.

[DEP Calendar of Events](#) [Watershed Events](#)

Helpful Web Links

[Daily NewsClips](#) [Weekly DEP Update](#) [GreenTreks Network](#) [Watershed Weekly](#)

[DEP Press Releases](#) [DEP Advisory Committee Meetings & Agendas](#)

Contributions Invited

Send your stories about new and changing state government programs and services to **PA Environment Digest** to: DHess@HolstonCrisci.com .

PA Environment Digest is edited by David E. Hess, former Secretary Pennsylvania Department of Environmental Protection, and is published as a service to the clients of Holston & Crisci and the public. Holston & Crisci is a Harrisburg-based government affairs firm whose clients include Fortune 500 companies and non-profit organizations. For more information on Holston & Crisci call 717-234-1716.

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