

PENNSYLVANIA GENERAL ASSEMBLY

**JOINT LEGISLATIVE AIR AND WATER POLLUTION
CONTROL AND CONSERVATION COMMITTEE**

1995 ANNUAL REPORT

February, 1996

To: All Members of the General Assembly

From: Representative David G. Argall, Chairman
Senator Raphael J. Musto, Vice Chairman
Richard G. Fox, Executive Secretary

Subject: 1995 Annual Report

Date: February 1996

During the past year, Pennsylvania has achieved remarkable success in continuing to build on the environmental achievements of the past. The evolution of environmental awareness is moving steadily forward in Pennsylvania and the public's perception and understanding of environmental issues is more acute than ever. Pennsylvania's positive attitude toward the environment is reflective of the progressive changes we strive to make possible as we move into the 21st century. As a Commonwealth, we are healthier and more prosperous because of the high priority we place on a clean and diverse environment.

Environmental legislation and policy can have an immediate impact on the environment. Since its creation in 1967, the Joint Legislative Air and Water Pollution Control and Conservation Committee (Committee) has had a significant influence on the development of environmental legislation and policy in Pennsylvania. In 1995, the Committee continued work on forest resources management issues, focused greater attention on the problem of waste tires in Pennsylvania, addressed the state's recycling law, and conducted public hearings on Pennsylvania's state parks, and the enforcement of litter laws.

The Committee's efforts have received wide support from the Legislature and the public. The Committee has an ambitious agenda for the coming year and it looks forward to working with the General Assembly on the important environmental issues facing Pennsylvania.

THE JOINT LEGISLATIVE AIR AND WATER POLLUTION CONTROL AND CONSERVATION COMMITTEE

In 1967, legislation (Act 448, P.L. 1022) was enacted creating the Joint Legislative Air and Water Pollution Control and Conservation Committee. The Committee consists of 18 members of the General Assembly. Nine members are appointed by the President Pro Tempore of the Senate, five from the Majority Party and four from the Minority Party. The Speaker of the House of Representatives also appoints nine members, five from the Majority Party and four from the Minority Party.

The Committee's powers and duties according to Act 448 include:

- ◆ Conducting continuing studies of air and water pollution laws and recommending needed changes to the General Assembly.
- ◆ Conducting continuing studies of the enforcement of air and water pollution laws, and in conjunction with such studies to make necessary trips to various sections of the Commonwealth to hold public hearings.
- ◆ Conducting continuing studies of mining practices, mining laws, and reclamation of mined lands.
- ◆ Holding public hearings and receiving comments regarding any or all of the above subjects of study.

Since its creation, the Committee has been instrumental in the development of Pennsylvania's environmental laws and policies. For example, Committee hearings and research assisted in the development of the following laws: the "Pennsylvania Infrastructure and Investment Authority Act", the "Small Water Systems Assistance Act", the "Oil and Gas Act", and the "Keystone Recreation, Park, and Conservation Fund Act."

The Committee staff is available at all times to assist members of the General Assembly with environmental and conservation issues. The Committee's files and library are extensive. Also, the staff has access to information from the Department of Environmental Protection and the Department of Conservation and Natural Resources, other state and federal agencies, private industry, and trade associations.

MANAGING WASTE TIRES

Pennsylvania generates more than 12 million waste tires each year and there are more than 36 million waste tires stockpiled throughout the state. Stockpiled tires endanger human health and safety by creating fire hazards and causing mosquito and vector infestations. Waste tire fires in Pennsylvania have often burned for weeks at a time; covering communities with thick, black smoke and threatening water supplies.

While the recycling of other types of wastes has been addressed, tires appeared to be missing from the recycling chain. The Committee began 1995 with a series of meetings with government agencies and stakeholders concerning the problem of waste tire management in Pennsylvania. Committee members and staff also toured waste tire recycling and processing facilities and conducted field investigations into the proper management of waste tires.

The Committee researched the successes and failures of waste tire programs in other states and considered various options for developing a waste tire management program for Pennsylvania. California, Georgia, Illinois, Indiana, Maryland, and Ohio are a few of the states that have enacted waste tire management laws. These states have regulated the disposal of waste tires, encouraged waste tire recycling, and reduced the number of stockpiled tires. Pennsylvania lacks many of the standards that other states have already adopted.

The Committee's bipartisan efforts resulted in the development of legislation to reduce or eliminate stockpiled tires in Pennsylvania while enhancing the markets for waste tires. The legislation (House Bill 1929, Printer's Number 2822) accomplishes this by:

- ◆ **restricting the disposal of waste tires in landfills;**
- ◆ **establishing a priority listing of stockpiled tires within the Commonwealth;**
- ◆ **creating an investment tax credit program for facilities that reuse or recycle waste tires;**
- ◆ **creating a grant program for the cleanup of scrap tire piles; and,**
- ◆ **encouraging the recycling of waste tires by state agencies.**

On December 12, 1995 the bill was amended and passed by the House of Representatives by a vote of 200 to 0. On January 2, 1996 the bill was referred to the Senate Environmental Resources and Energy Committee for consideration.

Copies of House Bill 1929 and information concerning waste tire management and recycling in Pennsylvania may be obtained by calling the Committee office at (717) 787-7570.

LEGISLATIVE TASK FORCE ON FOREST RESOURCES MANAGEMENT

One of Pennsylvania's greatest natural resources is its forests. There are nearly 17 million acres of forest land in the Commonwealth. Currently, more than 70 percent of the forest land in Pennsylvania is privately owned and managed. The Bureau of Forestry manages about 2.1 million acres of forest land. The forest products industry is the fourth largest in the state (\$5 billion per year) and employs more than 100,000 people. The potential growth of the forest products industry makes the management of this resource vital to the economic and environmental health of Pennsylvania.

The connection between the economy and the environment plays an important role in shaping land and water resources management and protection policies. Economic prosperity often depends on environmental integrity. Prudent environmental standards can help create the healthiest environments for economic growth. Government, business, industry, and environmental interests need to form partnerships to successfully protect Pennsylvania's natural resources and foster beneficial economic growth.

With the passage of House Resolution 263 in 1994, the Committee formed a partnership with government, business, industry, the academic community, and environmental groups to study forestry issues in Pennsylvania. House Resolution 263 created a forestry task force consisting of four members of the General Assembly and an 18-member advisory committee.

To date, the task force and advisory committee have addressed the issues of forest renewal and the management of privately-owned forest land. The task force and advisory committee are working on a list of recommendations concerning these issues to help ensure a healthy forest.

In 1996 the task force and advisory committee are scheduled to address the following issues: forest land management, timber management on state forest land, biodiversity, and old-growth forests.

Additional information concerning the Forestry Task Force may be obtained by calling the Committee office at (717) 787-7570.

COMMITTEE PUBLIC HEARINGS

The Recycling of White Goods and the Enforcement of Litter Laws

In 1994, the Pennsylvania State Police took about 1,200 enforcement actions for littering within the Commonwealth. Littering, as defined by state law, is “depositing waste on highways or other property.” Not only does litter undermine the natural beauty of the state, but it costs taxpayers millions of dollars each year to pick it up and it can become a health and safety hazard.

The Committee held a public hearing on Pennsylvania’s litter laws and the recycling of major household appliances (white goods) on April 20, 1995. The purpose of the hearing was to determine the effectiveness of existing litter laws and to discuss the recycling of white goods. The Committee heard testimony from the Pennsylvania State Police, the Special Court Judges Association of Pennsylvania, the Pennsylvania Department of Environmental Protection (department), and several representatives of the scrap recycling industry. According to testimony, Pennsylvania’s litter laws are adequately addressed from a law enforcement perspective, and the fines and penalties for littering appear to be fair. However, littering cases are difficult to prove in court and financial judgments are often not levied. As a deterrent to littering, it was suggested that performing community service would be a more appropriate penalty.

White goods have been part of a dramatic surge in recycling efforts during the past decade. The national recycling rate for major appliances has increased from four percent in 1985 to 70 percent in 1995. Testimony suggested that the recycling of white goods is primarily handled through the private sector. Major appliances are often recycled through exchange programs when new appliances are purchased. For those appliances that are not exchanged, most scrap haulers will process, recycle, or dispose of white goods. The department encourages the recycling of white goods and offers lists of recyclers, scrap dealers, and salvage yards that process such materials.

Act 101 of 1988

Since the passage of Pennsylvania’s “Municipal Waste Planning, Recycling and Waste Reduction Act” (Act 101 of 1988), the Commonwealth has managed to build one of the nation’s most successful recycling programs. The success can be attributed to the partnerships formed between state and local governments, the waste industry, and the people of Pennsylvania. Currently in Pennsylvania, more than 8.5 million people and over 750 communities participate in mandatory or voluntary recycling programs. In 1994, Pennsylvania recycled 19 percent of its total waste stream. The state’s mandatory recycling goal is 25 percent by 1998.

Because Pennsylvania's recycling program continues to be a work in progress, the Committee held public hearings on May 4, 1995 and October 3, 1995. The purpose of the hearings was to review the state's recycling efforts, assess the recycling infrastructure and markets, and obtain suggestions for program improvement. The Committee heard testimony from township, city, and county officials, waste industry representatives, recycling officials, and environmental organizations. According to testimony, a major concern is the reauthorization of the recycling fees established in Act 101 that will sunset in 1998. The \$2 per ton fee on municipal waste disposal has been an integral part of Act 101 because it supports grants for local recycling programs.

The testimony also suggested that Act 101 needs to support more waste reduction and minimization strategies, such as composting, and the act should address special wastes such as tires. Efforts are continuing to improve Pennsylvania's approach to municipal waste management and recycling. Ultimately, some changes and adjustments to Act 101 will be needed to maintain recycling successes.

Pennsylvania State Parks

Pennsylvania is the caretaker of a park system that includes 114 state parks and covers more than 280,000 acres. Today, Pennsylvania ranks third in the nation with the number of parks in our state park system. Over the years, funding shortages have created a backlog of maintenance needs estimated at \$170 million. In response to this funding shortfall, the General Assembly passed the "Keystone Recreation, Park and Conservation Fund Act", (Act 50 of 1993) to provide funding for state parks. In 1993, the voters of Pennsylvania overwhelmingly approved a public referendum incurring the indebtedness by the Commonwealth in the amount of \$50 million to provide improvements to state parks and other recreational facilities.

On May 31, 1995, the Committee held a public hearing to review state park issues and to develop recommendations to better maintain our park system. The Committee heard testimony from government agencies and recreation and environmental organizations. The consensus of all participants in the public hearing was that state parks need more money. While the Keystone Recreation, Park and Conservation Fund Act provides funding for state parks, the percentage devoted to state parks is rather limited in the face of many other demands for the same funds. Aside from the bond money, it was suggested that a dedicated source of funding be provided for park management and acquisition. This dedicated funding could come from a general fund appropriation, charging entrance fees to state parks, or the sale of state park license plates, conservation stamps, and artwork.

Transcripts of the hearings are available upon request. Please contact the Committee office.

ENTRANCE FEES FOR STATE PARKS

Throughout the United States, park systems are plagued by funding shortfalls. Budgeting for state park operations and maintenance can be difficult. Since the early 1900's, the National Park Service has been collecting entrance fees to many national parks. Many states supplement their park funding through the use of park entrance fees. Currently 39 states have entrance fees at certain state parks.

In response to Committee hearings on state parks and the interest in obtaining additional funds for state parks, the Committee staff released a research monograph titled, "*Entrance Fees: A Supplemental Resource For State Parks*", in April 1995. The monograph examines park entrance fees in other states and discusses the advantages and disadvantages of initiating entrance fees in Pennsylvania's parks.

A copy of the monograph may be obtained by calling the Committee office.

COMMITTEE MEETINGS

During 1995, the Committee scheduled briefings and meetings that involved government agencies, community leaders, representatives of business and industry, and environmental groups. Guest speakers were also invited to speak to the General Assembly, staff, and the public on important environmental issues.

March 6, 1995 - Pursuant to the provisions of Act 448 of 1967, the President Pro Tempore of the Senate called for a reorganization meeting of the Committee. During the meeting Representative David G. Argall was elected Chairman of the Committee and Senator Raphael J. Musto was elected Vice Chairman.

March 23, 1995 - A meeting was held with the Pennsylvania Department of Environmental Resources to discuss the Governor's plans to reorganize the agency into the Department of Environmental Protection and the Department of Conservation and Natural Resources. Mr. David Hess, Executive Deputy Secretary for Policy and Communications discussed the state's "Municipal Waste Planning, Recycling and Waste Reduction Act." Mr. Hess also discussed the state's "Hazardous Sites Cleanup Act", watershed planning and management, the federal Clean Water Act, the Chesapeake Bay program, and several ways in which the Committee could work with the new agencies on environmental issues.

March 23, 1995 - Representatives of the Sierra Club, the Chesapeake Bay Foundation, the League of Women Voters, and other environmental groups participated in a roundtable discussion with Committee members and staff on the environmental initiatives these organizations would like to see addressed by the Legislature. Topics for discussion included water quality and nonpoint source water pollution; land use and growth management; Pennsylvania's vehicle emission inspection program; and funding for Pennsylvania's state parks.

March 28, 1995 - The Committee held a roundtable discussion with industry leaders to address environmental issues facing Pennsylvania. Discussion topics included the Committee's work on forest renewal; stationary and mobile air pollution sources and the use of air emission credits; recycling; the Committee's legislative efforts concerning water resources management; and regulatory reform and compliance. The environmental audit privilege and the sharing of information with regulatory agencies was also discussed at the meeting.

March 29, 1995 - The Committee members and staff met with the Department of Environmental Resources to discuss the issue of scrap tire management in Pennsylvania. Discussions included the failure of prior legislative initiatives and the need for successful scrap tire management legislation in Pennsylvania. This meeting was the first in a series of discussions that resulted in scrap tire management legislation.

April 20, 1995 - The Committee held a public hearing on the recycling of white goods and the enforcement of litter laws.

May 4, 1995 - The Committee held a public hearing on Pennsylvania's "Municipal Waste Planning, Recycling and Waste Reduction Act."

May 31, 1995 - The Committee held a public hearing on Pennsylvania's state parks in Jim Thorpe, Pennsylvania.

June 1, 1995 - The Committee met with Carbon County officials for an overview of the Delaware and Lehigh Canal Heritage Park Corridor and Pennsylvania's Heritage Parks Program.

July 26, 1995 - The Forestry Task Force and advisory committee held their first meeting in Wellsboro, Pennsylvania to begin discussions on the issue of forest renewal.

August 15, 1995 - In anticipation of legislative action concerning scrap tire management, the Committee scheduled a fact-finding meeting and tour of a recycling facility and a tire derived fuel operation. This included a tour of a cement kiln that has incorporated a

“tires for fuel” program and a tour of a recycling facility that collects aluminum cans, plastic, and glass bottles from community recycling programs and recycles between 60,000 and 75,000 tons of glass per year.

September 11-12, 1995 - Committee members visited Washington, D.C. to meet with members of Pennsylvania’s Congressional delegation on federal environmental laws and their effect on Pennsylvania. The meeting was an opportunity to discuss changes being considered to the Safe Drinking Water Act, the Clean Water Act, and the federal Superfund program. The visit included a meeting with the National Environmental Policy Institute to discuss the Institute’s report, “Reinventing the Vehicle for Environmental Management.” Committee members also met with the National Taxpayers Union and Friends of the Earth to discuss their cooperative efforts that resulted in the “Green Scissors Report.”

September 20, 1995 - The Committee sponsored a talk by Mr. Gordon K. Durnil, author of the book, “The Making of a Conservative Environmentalist.” Mr. Durnil spoke to members of the General Assembly and the public about his perspective on government’s role in environmental protection. Mr. Durnil is a recognized expert on resolving environmental disputes and subscribes to the philosophy that conflict between economic growth and environmental protection is unnecessary.

October 3, 1995 - The Committee held its second hearing Pennsylvania’s “Municipal Waste Planning, Recycling and Waste Reduction Act.”

October 4, 1995 - The Forestry Task Force and advisory committee met in Harrisburg to hear presentations on forest renewal and to discuss recommendations.

October 19, 1995 - The Committee held a meeting with local government agencies, waste industry officials, and the recycling community to discuss mandated community trash collection. The purpose of the meeting was to explore ways to encourage county and local governments to require uniform trash collection.

October 30, 1995 - Former Pennsylvania Congressman Don Ritter was invited to speak to the General Assembly on environmental regulation at the state and federal level. Mr. Ritter is Chairman of the National Environmental Policy Institute. The Institute has issued a number of reports on environmental risk assessment and the economic analysis of environmental policies.

December 7-8, 1995 - The Forestry Task Force and advisory committee met in Kane, Pennsylvania to tour forest renewal research plots and to discuss the management of privately-owned forest land.

Minutes from the Committee meetings are available from the Committee office.

ENVIRONMENTAL SYNOPSIS

The **Environmental Synopsis** is a monthly newsletter, written by the Committee staff, that covers state, national, and international environmental issues. A sampling of newsletter articles in 1995 include: the cost of wetland restoration projects; the use of tree buffers to protect watershed areas; winter road salt and its effect on the environment; cleanup efforts in coastal areas; and a review of Canadian forest policy. The **Environmental Synopsis** is distributed to all members and staff of the General Assembly and to more than 400 other locations including business and industry, environmental organizations, government agencies, colleges and universities, and individual homes.

Anyone wanting to receive the **Environmental Synopsis** can contact the Committee office or use PENFAX, the PenCycle Information System operated by the Pennsylvania Resources Council. With PENFAX, the newsletter can be obtained through your fax machine by dialing (610)-353-5696 on your fax machine telephone and selecting document #6002.

COMMITTEE REPORTS

The following Committee reports are available upon request:

- Pennsylvania State Parks, 1989.
- Watershed Protection and Senate Bill 1012 of the Session of 1989, 1990.
- The Use and Regulation of Roadside Springs in Pennsylvania, 1990.
- Research Monograph: Endangered Funds For Species of Special Concern: A Review Of Pennsylvania's Wild Resource Conservation Act, May 1990.
- Research Monograph: Urban Storm Water Management, May 1991.
- Septage Management and Disposal in Pennsylvania, July 1991.
- A Review of PENNVEST - The Pennsylvania Infrastructure Investment Authority Program, 1991.
- Water Resources Management in Pennsylvania, 1992.
- Annual Report, 1992.
- Research Monograph: The Recycling and Regulation of Used Oil, February 1992.
- The Use of Geothermal Heating and Cooling Systems in Pennsylvania, 1992.
- Research Monograph: Using Employer Trip Reduction Programs to Improve Air Quality, December 1992.
- Annual Report, 1993.
- Special Report on the 1993 Water Resources Management Conference, 1993.
- Research Monograph: Recycling Residential Graywater for Other Uses, August 1993.
- Report on the hearings held on Forest Resources Management, 1994.
- Annual Report, 1994.
- Research Monograph: An Assessment of Unit Pricing for Municipal Solid Waste, September 1994.
- Annual Report, 1995.
- Research Monograph: Entrance Fees: A Supplemental Resource for State Parks, April 1995.