

**PENNSYLVANIA GENERAL ASSEMBLY**

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

**1996 ANNUAL REPORT**

**February, 1997**

**TO: All Members of the General Assembly**

**FROM: Representative David G. Argall, Chairman  
Senator Raphael J. Musto, Vice Chairman**

**SUBJECT: 1996 Annual Report**

**DATE: February, 1997**

It is becoming increasingly important for governmental agencies to develop policies and programs that enhance and maintain functions of a healthy environment while simultaneously carrying out compatible economic activities. As we approach the end of the century, greater concern and attention is being focused on unique programs designed to contribute to the well being of Pennsylvania's natural resources and the sustained benefits they provide. The concept of resource stewardship - caring for the land and serving people - has the potential to guide the uses of our living resources beyond 2000 without damaging the prospects for future uses. As the Joint Legislative Air and Water Pollution Control and Conservation Committee enters its 30th year of serving the Pennsylvania General Assembly and the people of the Commonwealth, it seems appropriate to review our current initiatives and take a look at plans for the future.

Historically, the Committee has taken positive action toward achieving its goals by conducting state-wide public hearings, investigating environmental issues, and making recommendations to the General Assembly. In the past, the Committee has issued special reports and research monographs on watershed protection, geothermal heating and cooling systems in Pennsylvania, using employer trip reduction programs to improve air quality, and unit pricing for municipal solid waste. Most recently, the Committee developed legislation dealing with the recycling and reuse of waste tires and the cleanup of stockpiled tires within the Commonwealth; offered recommendations concerning the restructuring of the electric utility industry; presented strategies for the management of Pennsylvania's forest resources; and conducted a forum on land use issues and urban sprawl.

The challenge for the future is to continue to create innovative ideas and explore new perspectives when dealing with sensitive environmental issues. As we strive to meet these challenges, the Committee members and staff look forward to working with the General Assembly, environmental organizations, industry representatives, and the public to effectively serve the citizens of the Commonwealth.

## **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. 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.

## **“THE WASTE TIRE RECYCLING ACT”**

For decades, stockpiled tires have created problems throughout Pennsylvania. These stockpiles have marred the landscape and caused many environmental, health, and safety hazards. In March 1996, a major tire fire in Philadelphia made national headlines and destroyed sections of Interstate 95. In September 1996, another tire fire raged over three acres in Juniata County. Firefighters and equipment from seven counties were needed to control this fire.

Only recently have waste tires been viewed as a resource for industrial and commercial uses rather than a difficult disposal item in the waste stream. Markets are being created and new uses for waste tires are continually being tested. Nationally, these markets consume more than 60 percent of the 253 million scrap tires generated annually. This year in Pennsylvania, more tires have been recycled than purchased for vehicle use and market development is responsible for a **22 percent reduction in the number of tires in large stockpiles.**

The 1995-1996 legislative session ended on a positive note for the Joint Legislative Air and Water Pollution Control and Conservation Committee (Committee). The Committee was instrumental in the passage of Act 190 of 1996, the ***“Waste Tire Recycling Act.”*** This act restricts the disposal of waste tires in landfills and creates incentives for the recycling and reuse of waste tires in Pennsylvania. The new law provides \$1 million a year for five years for the cleanup of stockpiled tires and it sets aside \$2 million a year for three years for investment tax credits for companies that purchase equipment for the processing and use of waste tires. The law requires the Pennsylvania Department of Environmental Protection (DEP) to develop a list of tire piles that contain more than 10,000 tires. In addition, the departments of Conservation and Natural Resources, Environmental Protection, and Transportation are required to give consideration to the use of waste tires in appropriate construction and engineering activities.

The new law also creates the ***“Small Business and Household Pollution Prevention Program Act.”*** The act authorizes the DEP to establish education and technical assistance programs on pollution prevention and hazardous waste management for business with less than 100 employees.

Copies of Act 190 of 1996 or information concerning the recycling and reuse of waste tires may be obtained by calling the Committee office at 717-787-7570.

## **LEGISLATIVE FORESTRY TASK FORCE**

Woodlands and forests can be managed for a variety of reasons: timber harvesting, wildlife habitat, species diversity, recreation, and soil and water conservation. The wise management and use of all forest resources - the concept of forest stewardship - will ensure the health and productivity of Pennsylvania's woodlands beyond the next century.

House Resolution 263 of 1994 directed the Joint Legislative Air and Water Pollution Control and Conservation Committee to study the issues surrounding the management of Pennsylvania's forests and establish a legislative forestry task force (task force) and an 18-member advisory committee. The charge of the Committee, the task force, and advisory committee over the past two years has been to study the issues of forest regeneration, biodiversity and old-growth forests, and the management of forestlands. The goal of the task force and advisory committee is to make recommendations to the General Assembly on these issues and to integrate the recommendations with current and proposed forest management policies.

A copy of the task force's report, "*Forestry Issues for Pennsylvania: Report of the Forestry Task Force Pursuant to House Resolution 263*", will be available in 1997 and may be obtained from the Committee office when it is published.

## **COMMITTEE PUBLIC HEARINGS**

### ***Electric Generation and Independent Power Producers***

On April 17, 1996, the Committee held a public hearing in Pottsville to assess the status of independent power producers in Pennsylvania that use waste coal as a fuel. With the restructuring of the electric utility industry, independent power producers face an uncertain future. The hearing considered the energy, economic, and environmental issues surrounding this segment of the power industry.

There are 15 independent power producers in Pennsylvania that use waste coal as fuel and generate electricity for sale to utilities. By using waste coal, these facilities reclaim abandoned mine sites, implement erosion and sedimentation control measures, and remediate water quality problems. Facilities that remediate abandoned mine sites save the Commonwealth an estimated \$6 million a year reclamation costs. Due to the environmental and economic benefits these independent power producers provide to the Commonwealth, the Committee prepared a report for the General Assembly with the following recommendations:

- ◆ **the General Assembly needs to recognize the environmental and economic benefits provided by waste coal-fired production facilities during the restructuring of the electric utility industry;**
- ◆ **the benefits need to be considered when comparisons are made to the cost of purchasing power from independent power producers;**
- ◆ **the General Assembly should consider whether the Commonwealth is prepared to continue the existing environmental improvements these facilities provide in the event these facilities cannot remain competitive during the restructuring of the utility industry;**
- ◆ **the Committee encourages the Pennsylvania Department of Environmental Protection to continue to utilize the ash produced from these facilities to reclaim abandoned mine sites; and**
- ◆ **the Committee supports an amendment to the federal Surface Mining Conservation and Reclamation Act to include a reduction in reclamation fees where coal refuse banks are being reclaimed.**

With the passage of Act 138 of 1996, the “*Electricity Generation Customer Choice and Competition Act*”, the restructuring of the electric utility industry will begin in Pennsylvania. This act will encourage competition between electric utilities and will allow customers to choose their electric suppliers. The effective date of the act is January 1, 1997.

For a copy of the hearing testimony and report on independent power producers, please contact the Committee office at 717-787-7570.

### ***Pennsylvania State Parks***

The diversity of Pennsylvania’s state parks reflects the evolution the park system has made since the first state park was established in Pennsylvania in 1893. The preservation of historical and natural resources combined with public’s growing demand for open space and expanded recreational opportunities has provided the citizens of the Commonwealth with one of the most unique park systems in the United States. Only two states, California and Alaska, have set aside more land for state parks.

Attendance at Pennsylvania’s state parks continues to increase. In 1995, more than 38.1 million people used state park and recreational facilities. Between 1994 and 1995, attendance increased by five percent. The Bureau of State Parks attributes this trend to the continued demand for overnight facilities and the development of cabins in state parks.

Since 1989, the Committee has been working on ways to ensure that the park system continues to provide quality recreational, environmental, and educational opportunities for all users. On June 28, 1996, the Committee held a public hearing concerning a development proposal for Nescopeck State Park in Luzerne County. The purpose of the hearing was to review and receive comments on a three-phase development plan that incorporates the construction of an environmental education center, hiking and cross country ski trails, interpretive trails, picnic areas, and overnight camping facilities and cabins in the 3,000 acre state park.

The Committee heard testimony from 17 groups, organizations and individuals, including the Department of Conservation and Natural Resources. The department advocates limited development for Nescopeck State Park relying on low-density day use facilities that focus on environmental interpretation and the natural attributes of the stream valley. The department's plan calls for the protection of the park's natural resources.

Testimony during the hearing questioned the need for development within the park and raised concerns about the encroachment on environmentally sensitive areas; the establishment of overnight camping facilities; and the increase in the number of visitors such development would bring to the park. As a result of the hearing, a committee of local officials, business organizations, and environmental groups was formed to review and discuss the department's plans for the park.

### ***Environmental Laws and Highway Construction***

Pennsylvania's state highway system consists of 44,000 miles of roadway and carries more truck traffic than any other state on the Eastern Seaboard. Annual truck travel in Pennsylvania averages 2.7 billion miles. As federal and state agencies increase their control over wetlands, wildlife habitat, and cultural and historical resources, highway construction and maintenance projects are becoming more difficult and costly to complete. Studies have shown that environmental reviews for highway projects have increased the costs and time involved for completing the projects.

On August 26, 1996, the Committee held a public hearing in Reading to examine the purpose of environmental assessments and the role that various local, state, and federal agencies play in the review process. Testimony was presented by the Pennsylvania Department of Transportation, environmental organizations, planning officials, and engineering consultants.

Between 700 and 800 highway construction projects are developed by the Pennsylvania Department of Transportation each year. Projects are classified according to their environmental impact and often require environmental assessments or environmental impact statements that must be approved by the Federal Highway Administration. Projects requiring assessments or impact statements must identify the environmental features of the project area, determine the environmental impact, and discuss alternatives and mitigation measures. This may include identifying wetlands, historical and archaeological sites, residential communities, hazardous waste sites, public recreation areas, and productive agricultural areas. Environmental assessments or environmental impact statements can cost **between \$200,000 and \$8,000,000 and take between one and five years to complete.**

To reduce the time and cost involved for completing highway projects, testimony suggested:

- ◆ **developing a more comprehensive statewide mapping and inventory system to identify environmental features;**
- ◆ **investigating the use of satellite imagery instead of aerial photography for use in the planning and preliminary design of highway projects;**
- ◆ **exploring the possibility of establishing partnerships with other state and federal agencies for data collection to reduce time-consuming project-by-project analysis; and,**
- ◆ **encouraging lawmakers to avoid passing new environmental laws and regulations that add duplicative or conflicting requirements for project completion.**

### ***Recycling and Solid Waste***

It has been nearly a decade since Pennsylvania's "***Municipal Waste Planning, Recycling and Waste Reduction Act***" (Act 101 of 1988) was enacted, and during that time, Pennsylvania has made remarkable progress toward reaching its 25 percent recycling goal. In many areas of the state the recycling rate has reached well beyond that goal. Recycling markets throughout the country have experienced record highs and lows. With the possible exception of steel, markets for recyclables, such as paper and plastics, have experienced a sharp decrease over the past year.

Recently questions have been raised about the environmental, economic, and legal justification for continuing recycling programs. On September 10, 1996, the Committee held a public hearing in Harrisburg to assess Pennsylvania's recycling

program and to determine whether changes to the program are necessary. This was the Committee's third hearing on the issue during the 1995-1996 legislative session.

According to the testimony, Pennsylvania's recycling program is basically sound, however, several changes may be necessary. First, it was recommended to legislatively reauthorize and extend the recycling fee of \$2 per ton of waste disposed of in Pennsylvania's municipal waste landfills and resource recovery facilities. Second, the approval and revision process for county waste plans needs to be simplified and the list of materials for inclusion in the state's recycling program should be expanded. Third, a maximum funding level for each county planning grant should be established and improvements to the performance grant program should be accomplished by requiring recipients to document how these grants are used. Finally, funding should be available for educational programs on recycling and waste reduction.

Transcripts for each public hearing is available upon request. Please contact the Committee office at 717-787-7570.

### **COMMITTEE MEETINGS AND ACTIVITIES**

***January 29, 1996*** - The committee met to discuss the release of the 1995 Annual Report. Other topics of discussion included proposed legislation on litter prevention and reduction that resulted from committee hearings; a contract with Mansfield University to conduct a statewide survey concerning the public's priorities on environmental issues; Earth Day activities; Pennsylvania's Heritage Parks Program; and the retail wheeling of electricity.

***February 12, 1996*** - Mr. Thomas Hylton, author of "Save Our Land, Save Our Towns: A Plan for Pennsylvania", met with members of the General Assembly to discuss land use and growth conflicts in Pennsylvania. In 1993 Mr. Hylton won a fellowship from the Society of Professional Journalists to study state land use planning issues. His book is a result of his fellowship research. Mr. Hylton discussed strategies to restore community-based neighborhoods, a statewide land use plan to guide future development, and he also expressed his belief that many social, economic, and environmental problems could be alleviated by building genuine communities.

***March 11, 1996*** - Members of the Forestry Task Force met with officials of the Pennsylvania Game Commission to discuss the Commission's deer management

program. Donald Madl, Executive Director of the Pennsylvania Game Commission, said that the Commission has been trying to manage deer on a county unit and now it is considering a regional management unit. The Commission feels that the county units will not be able to handle the problems of the future.

**March 18, 1996** - Mr. Alan Barak, a Senior Attorney with the Mid-Atlantic Energy Project, met with members of the General Assembly to discuss the issues surrounding the deregulation of Pennsylvania's electric utility industry. His discussion also included the financial, legal, and environmental issues involved with deregulation.

**March 28, 1996** - Members of the Forestry Task Force and Advisory Committee met in State College to discuss programs to assist private landowners with forestry management. Topics of discussion included, the Sustainable Forestry Initiative, the Forest Stewardship Program, and Pennsylvania's "Clean and Green" Program.

**April 17-18, 1996** - The Committee held a public hearing in Pottsville to address the current status of independent power producers and the environmental benefits they provide. The Committee also toured two cogeneration facilities and mine reclamation sites.

**May 13, 1996** - The Committee sponsored a meeting on Pennsylvania's State Heritage Park Program. The meeting between heritage park managers and legislators discussed the benefits of heritage parks. Currently, eight areas in Pennsylvania have been designated as heritage parks. Two additional parks are in the proposal stage.

**June 3, 1996** - Pennsylvania Congressman James Greenwood met with members of the General Assembly to discuss the interstate transportation of waste. One issue discussed was the closing of New York City's Fresh Kills landfill. When the landfill is closed, New York plans to export 13,000 tons of waste a day to Pennsylvania and other states. Currently, Pennsylvania receives waste from 21 states and Puerto Rico. New York and New Jersey export the most waste to Pennsylvania. Congressman Greenwood suggested that members of the Pennsylvania General Assembly meet with New York officials to discuss this issue.

**June 20, 1996** - The Forestry Task Force and Advisory Committee met in Harrisburg to discuss timber harvesting on state-owned forest land and Pennsylvania's urban and community forestry program.

**June 28, 1996** - The Committee held a hearing concerning the Department of Conservation and Natural Resources' development proposal for Nescopeck State

Park. The proposal is a three-phase development plan that encompasses an environmental education center and day-use and overnight facilities.

**July 1, 1996** - Members and staff of the Committee, along with officials from the Department of Environmental Protection traveled to Albany, New York to discuss interstate waste shipments with members of the New York State Legislature. The meeting was prompted by the increasing amount of waste shipped into Pennsylvania from New York and the announcement that New York was closing one of its largest landfills. The Committee members urged quick passage of federal legislation that would give Pennsylvania, and other states, the ability to limit waste imports.

**July 11, 1996** - The Committee toured a proposed greenway site along the Chartiers Creek in Allegheny County. Committee members and staff worked with state agencies, environmental organizations, and local officials on preserving a portion of the Chartiers Creek as a greenway. The greenway designation has been endorsed by local governments in the area and the city of Pittsburgh and plans for a feasibility study are underway.

**July 12, 1996** - To keep up-to-date on the latest in waste tire recycling, the Committee toured the Rochez Brothers Rubber Recovery operation in Braddock. This facility recycles whole waste tires into crumb rubber for floor mats, carpet backing, and playground surfaces. The company is producing 18 million pounds of crumb rubber a year from 1.3 million scrap tires.

**August 26, 1996** - The Committee held a public hearing on environmental laws and highway construction in Reading. State and federal transportation agencies, environmental organizations, and local residents presented testimony on how the environmental review process affects highway projects.

**August 27, 1996** - Committee members met with recycling officials from Philadelphia to discuss the waste tire issue and the devastating tire fire that occurred in the city in March 1996. The meeting concerned problems that urban areas face with illegally stockpiled tires, efforts to mitigate urban stockpiled tires, and the passage of House Bill 1929 (the proposed "Waste Tire Recycling Act"). Committee members visited the site of the tire fire that occurred under I-95 and discussed the effect of the fire on the neighborhood with area residents.

**September 9, 1996** - The Committee sponsored a "Land Use Issues Forum" in Harrisburg to discuss the economic, social, and environmental problems associated with urban sprawl. The forum identified a number of land use issues that required legislative attention.

**September 10, 1996** - The Committee held a public hearing on Act 101 of 1988, (the Municipal Waste Planning, Recycling and Waste Reduction Act). This was the Committee's third hearing on the legislation. The purpose of the hearing was to hear testimony on markets for recovered materials, the "Municipal Waste Stakeholders Report to the Department of Environmental Protection", and county recycling rates.

**October 15, 1996** - Joint meeting of the Forestry Task Force and Advisory Committee, and the Forestry Issues Working Group to discuss biological diversity and old-growth forest issues. Topics included biological diversity within Pennsylvania's forests; agency responsibilities for biological diversity; the fragmentation of forest land; and the location of old-growth forests throughout the Commonwealth.

### **COMMITTEE NEWSLETTER**

Each month the Committee publishes the ***Environmental Synopsis***, a newsletter that examines a variety of environmental topics such as wetland mitigation banking, innovative treatment technologies for Superfund sites, financing rural water and sewer projects, implementation of sustainable forestry practices, and managing urban sprawl. The ***Environmental Synopsis*** has a circulation of over 700 and is distributed to all members of the General Assembly, government agencies, businesses and industry, environmental organizations, and colleges and universities.

If you wish to receive the ***Environmental Synopsis***, please contact the Committee office at 717-787-7570. Back issues are available upon request.

### **FUTURE PROJECTS**

Accelerating population growth and increasing development pressures on vacant land adjacent to established communities has stimulated efforts to control urban sprawl. Sprawl has contributed to extensive residential and commercial development of prime rural and agricultural areas in Pennsylvania. During the previous legislative session, the Committee sponsored a Land Use Issues Forum where the harmful effects of sprawl were discussed. Building on the success of the Forum, the Committee plans to continue its investigation of this issue, create a task force to examine the problem of unplanned sprawl within the Commonwealth, and develop ways to encourage community-minded planning.

## **COMMITTEE REPORTS**

The following list of Committee reports are available:

- ◆ Comprehensive Review of the Water Pollution Enforcement Program, 1970.
- ◆ Comprehensive Review of the Municipal Solid Waste Management, 1975.
- ◆ Integrated Flood Management: A Pennsylvania Perspective, 1981.
- ◆ Public Utility Commission Regulation of Water Supply Systems, 1982.
- ◆ Research Monograph: Safe Drinking Water Act, April 1983.
- ◆ Coal Reclamation Report: Part I. Remining Previously Affected Areas, 1984.
- ◆ Coal Reclamation Report: Part II. General Reclamation Program, 1984.
- ◆ Low-Level Radioactive Waste Disposal: A Special Briefing on the Proposed Appalachian Compact, 1985.
- ◆ Research Monograph: Pennsylvania Hazardous Waste Treatment and Disposal Facility Siting Criteria, Sept./Oct. 1985.
- ◆ House Resolution No. 6, Land Application of Sewage Sludge: Part I: Administrative Issues, 1986.
- ◆ House Resolution No. 6, Land Application of Sewage Sludge: Part II: Technical Criteria, 1986.
- ◆ Research Monograph: Protecting Water Quality With Well Construction And Location Standards, May/June 1986.
- ◆ Research Monograph: Resource Recovery: An Examination Of Current Technologies, Environmental Factors, And State Air Emission Standards, October 1986.
- ◆ Pennsylvania's Water and Sewerage Infrastructure Needs, 1987.
- ◆ Research Monograph: The Safe Drinking Water Amendments of 1986, February/March 1987.
- ◆ Research Monograph: The State Role In The New Federal Superfund Program, May/June 1987.
- ◆ A Review of the Pennsylvania Oil and Gas Act, Act 223 of 1984, as amended, 1988.
- ◆ 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.
- ◆ 1991 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.
- ◆ 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.
- ◆ 1993 Annual Report, 1994.
- ◆ Research Monograph: An Assessment of Unit Pricing for Municipal Solid Waste, September 1994.
- ◆ 1994 Annual Report, 1995.
- ◆ Research Monograph: Entrance Fees: A Supplemental Resource for State Parks, April 1995.
- ◆ 1995 Annual Report, 1996.