TO: All Members of the General Assembly

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

SUBJECT: 1997 Annual Report

DATE: February, 1998

The beginning of each year marks a time of renewed enthusiasm and a fresh start for the General Assembly. Environmental legislation enacted during a previous year become programs of the future, and the creation of original ideas and novel approaches to solving problems become the next generation of tools needed to achieve our desired environmental goals. A new year can bring with it a more sophisticated level of understanding and a desire to meet new environmental challenges. It is with this understanding that we try to develop flexible approaches to program implementation and look for new opportunities to prevent pollution, increase recycling and reduce waste, create new markets, and help Pennsylvania compete in a global economy.

For years Pennsylvania sustained its share of environmental damage due to a century of unregulated commercial, agricultural, and industrial activity. It is clear today that we have changed the way we deal with the environment. The environment is better protected now than it was even a decade ago. We have laws in place to regulate air emissions, water quality and waste disposal, and the Commonwealth’s recycling program is one of the foremost in the country. It has been a remarkable demonstration of Pennsylvania’s environmental capacity. While substantial progress has been made, a vast opportunity for improvement still remains.

Since its creation in 1967, the Joint Legislative Air and Water Pollution Control and Conservation Committee has served as an umbrella under which groups with differing approaches could work toward finding solutions to specific environmental problems. During the past 30 years, the committee has worked on coal mining and reclamation issues, water resources management, and the use of Pennsylvania’s state parks. Currently, the committee is studying the problems associated with land use activities and urban sprawl; looking at road bonding with regard to the timber industry; and reviewing Pennsylvania’s heritage park program. The committee members and staff take great pride in past accomplishments and look forward to serving the General Assembly and the citizens of the Commonwealth.
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.
COMMITTEE PROJECTS

Energy

The idea of cogeneration, a concept that dates back nearly two centuries, is to produce both heat and electricity from a single energy source. Heat, in the form of steam, and electric power are produced from a heating system fueled by natural gas, oil, or a nontraditional fuel such as coal waste. There are 15 cogeneration or independent power producers in Pennsylvania that use coal waste as a fuel source to generate steam and electricity for sale to utilities. These facilities consume more than 6 million tons of coal waste each year. These waste coal projects represent approximately 45 percent of the independent power production capacity in Pennsylvania. Last year, according to the U.S. Department of Energy, one-tenth of the electricity in the United States was produced by cogeneration.

In the past two years, 10 states, including Pennsylvania, have passed legislation allowing consumers to choose their electric provider. This fundamental change follows fast behind new federal regulations that encourage competition among utilities for sale of electricity to one another. All but two states that passed restructuring legislation had electricity prices above the national average of 8.39 cents per kilowatt hour. The average price of residential electricity in Pennsylvania in 1996 was approximately 9.7 cents per kilowatt hour. Restructuring is an attempt to reduce consumer electric rates between 10 and 20 percent over the next few years.

Wholesale pricing of electricity, however, is a new challenge for independent power producers. Electric utilities are looking for the most economical means of power production and distribution, and long-term, fixed-priced contracts with cogeneration facilities are being renegotiated or purchased. Meeting these contractual commitments can compete directly with the goal of keeping electricity costs to a minimum. With the deregulation and restructuring of the electric utility industry in Pennsylvania, the obvious question is, “Can independent power producers survive?” To answer this question, the committee scheduled several meetings to discuss the future of independent power production in the Commonwealth and also held a public hearing to investigate the environmental and economic contributions these facilities were making. The committee issued a report to the General Assembly in March 1997 with the following recommendations for consideration:

- 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.

A copy of the committee’s report, “Pennsylvania’s Environment and the Future of Independent Power Producers”, is available from the committee office at 717-787-7570.

Forestry

For more than a century, Pennsylvania’s forests have supplied the Commonwealth with the natural resources necessary to create a system of recreational, cultural, and historical opportunities and the raw materials required to develop a substantial forest products industry, the fourth largest industry in Pennsylvania. There are over 17 million acres of forestland in Pennsylvania that need to be managed. The growth and sustainability of Pennsylvania’s forests is vital to the Commonwealth and heavily influenced by factors such as regeneration, harvesting, woodlot management, and biodiversity. All of these can be enhanced through proper forest management.

Recognizing the importance of this resource for maintaining a healthy environment and economy, the General Assembly adopted House Resolution 263, Printer’s Number 4110, in November 1994. This resolution directed the Joint Legislative Air and Water Pollution Control and Conservation Committee to study the issues concerning forest management and created a legislative forestry task force and an 18-member advisory committee to assist in the research. The task force held informational briefings, participated in educational field trips, and talked with forestry experts about the renewal and management of Pennsylvania’s forests. Having thoroughly studied the issues outlined in House Resolution 263, the task force completed its charge and issued a report in March 1997.

The report contains background information on forestry issues and offers recommendations on deer management, management of privately-owned forest-
land, timber harvesting on state-owned forestland, continued long-term forestry research, and maintaining biodiversity and old-growth forests.

The success of this effort led the General Assembly to adopt Senate Resolution 29, Printer’s Number 720, in 1997. This resolution again establishes a legislative forestry task force and advisory committee, and directs the committee to research additional issues facing Pennsylvania’s forests and the forest products industry. These issues include road bonding requirements for the timber industry, the effects of acid rain on Pennsylvania’s forests, licensing and certification of foresters, the progress of the Sustainable Forestry Initiative, and forestry research needs in the Commonwealth. Upon completion of the research, the findings and recommendations of the task force will issued in a report to the General Assembly.

**Land Use and Sprawl**

As Pennsylvania approaches the 21st century, more land is being developed for suburban residences and businesses than ever before. For the past 40 years, Pennsylvanians left urban areas to live and work in the suburbs. Now they are leaving these older suburbs for sprawling developments in the countryside. The physical signs of this uncontrolled sprawl are evident throughout the Commonwealth with vacant storefronts, abandoned industrial buildings, lost open space, and traffic congestion that begins miles from any urban center. This unparalleled growth is not only threatening our land resources, but also the management of our natural resources.

The committee convened a legislative task force on land use and sprawl on January 27, 1997 to discuss proposed land use legislation for Pennsylvania. A roundtable discussion on land use and growth management was held in the Lehigh Valley in April where committee members discussed proposed land use legislation with the local officials.

In July, committee members were able to tour the Kentlands development in Gaithersburg, Maryland. The Kentlands is a 352-acre development designed and planned to function like a small town. This development has become one of the best-known examples of neo-traditional planning in the country and features open spaces, traditional architecture, and strict development guidelines. The Kentlands is illustrated in Tom Hylton’s book, “Save Our Land, Save Our Towns.”

The committee also sponsored a presentation on a new publication, “Growing Greener: Putting Conservation into Local Codes”, which outlines tools that communities can use to protect open space, natural areas, and recreational lands. The publication is the result of a partnership between the Pennsylvania Depart-
The presentation included a review of how municipalities can create and preserve natural areas amid suburban sprawl.

From the suggestions and comments received, it is clear that an effort must be made to help established communities upgrade and rebuild infrastructure, direct employment and business to older urban and suburban areas, and make a greater effort to preserve farmlands and greenbelts. Tackling the problem of sprawl requires efforts at every level of government and changes in policies at the state and local level. Pennsylvania has the opportunity to rebuild healthy, thriving, safe communities in the Commonwealth. Perhaps Tom Hylton said it best, “Of all the fifty states and the nations of the world, we in Pennsylvania have a unique heritage. Pennsylvania is a testament to the tremendous power of idealism.”

The committee plans to continue its discussions and work on land use and growth management issues in 1998.

Heritage Parks

When Pennsylvania created its first heritage park in 1989, it was with the idea of combining the use of raw materials and technological advancement, with a work ethic that made the Keystone State an industrial powerhouse in the 19th and 20th centuries. The development of the heritage park program traces the history of coal mining, lumbering, steel manufacturing, oil drilling, and canal navigation in Pennsylvania and has now become a major component of the state’s tourism industry. Heritage parks commemorate the industrial history and scenic and recreational resources that are unique to a particular region of Pennsylvania. Heritage parks encourage economic growth in the Commonwealth and provide a greater diversity of leisure-time options. They promote stewardship awareness and an appreciation for the natural, historic and cultural resources of the region. Currently there are eight heritage parks in Pennsylvania and three more are under consideration (see map on next page). The parks are in various stages of development and are designed to include a growing demand for weekend vacation destinations.

Representatives of several heritage park corridors and the president of the Pennsylvania Heritage Park Association met with the committee members and staff to examine the funding mechanisms for heritage parks and to review the role
heritage parks play in protecting the state’s cultural and natural resources. The heritage parks program relies on public-private partnerships and funding to promote heritage areas. The state appropriation for the heritage park program is approximately $2 million a year. Federal funds are also used for the program and matched dollar for dollar by local groups.

In order to realize new opportunities for heritage parks, continue partnerships, and develop new partnerships, it will be absolutely necessary to maintain and expand the program. Tax dollars alone cannot address all the needs of the program. Local businesses, local governments, and community organizations that share the benefits of improved recreation, education, and tourism opportunities that heritage parks bring to a region must continue to support the program.

The Department of Conservation and Natural Resources is proposing new options for maximizing the tremendous potential of individual heritage parks throughout the Commonwealth. The committee is also continuing its work on heritage parks with a series of public hearings scheduled in 1998.

Recycling

Recycling celebrates its 10th anniversary this year in Pennsylvania. Since the passage of the “Municipal Waste Planning, Recycling and Waste Reduction Act”, Act 101 of 1988, an industry has emerged that has successfully diverted millions of tons of waste from the waste stream. All 67 counties in Pennsylvania have developed municipal waste management plans to assure disposal capacity for the next 10 years. Pennsylvania reached the 25 percent recycling goal established in Act 101, and the General Assembly reauthorized the $2 per ton recycling fee which has provided millions of dollars in direct support for local recycling programs. The grants awarded from the Recycling Fund have made it possible for municipalities and counties to implement new programs and expand and improve existing recycling and waste reduction programs.

Pennsylvanians have embraced the concept of recycling and helped the Commonwealth’s program become a model for other states to follow. Over nine million people in the state participate in recycling programs in 1,345 communities. With regard to this environmental milestone, the committee thought it appropriate to question the citizens of Pennsylvania about recycling issues. In cooperation with Mansfield University of Pennsylvania, the committee generated a series of recycling questions to be included in the University’s annual Public Mind Survey. The Public Mind Survey is a telephone poll of randomly selected Pennsylvania adults that focuses on issues facing the Legislature. Approximately 2,400 people were interviewed for this survey and the respondents were proportionally
represented in terms of geographic regions, sex, and political party preferences within the Commonwealth.

The rather strong message delivered from the survey was that recycling is a positive activity that is highly visible and very popular with the citizens of Pennsylvania. Following are some of the survey’s questions and findings:

**Do you believe that recycling is very important, somewhat important, or not too important?**

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Do you think that recycling:
(Percent of respondents answering “Yes”.)

Do you favor or oppose Pennsylvania passing new laws requiring homeowners to do more recycling?

Please tell me if the following items are recycled in your home.
(Percent of respondents answering “yes”.)

Waste Tires

A little more than a year has passed since Governor Ridge signed Act 190 of 1996, the “Waste Tire Recycling Act.” The committee members and staff worked with the Governor’s Office, the General Assembly, the Department of Environmental Protection (DEP), and the tire industry to develop a program that would eliminate the waste tire problem in Pennsylvania and help create markets for recycled tires. The act provides $1 million per year to remediate priority waste tire piles in Pennsylvania and authorizes the use of tax credits for capital investments in equipment and structures for the processing of waste tires.

When the committee began to address the waste tire problem, an estimated 36 million tires were stockpiled throughout the Commonwealth. Through Act 190, and a combination of administrative and DEP initiatives, substantial progress has been made in addressing stockpiled tires. (ENTER THE AMOUNTS OF GRANTS AWARDED HERE- info being faxed from DEP) Approximately 45 percent of the 36 million waste tires have been removed from known stockpiles, leaving approximately 20 million tires to be remediated in the next few years.
Over the last five years, the markets for waste tires have improved in Pennsylvania and throughout the United States, however, the challenge for new market development still remains. The three major uses of waste tires in Pennsylvania are tire-derived fuel, civil engineering applications, and recycled rubber products. The reuse and recycling of waste tires is critical to the success of the waste tire program.

In December 1997, the committee scheduled a meeting with officials from DEP, the Pennsylvania Department of Transportation, (PennDOT) and the Department of Conservation and Natural Resources (DCNR) to discuss the progress of the waste tire program since Act 190.

PennDOT acknowledged that Pennsylvania trails other states in the use of waste tires. Other states, such as California and Texas, are reportedly the leaders in utilizing tires for rubberized asphalt in roadways. Studies have shown that recycled tires mixed with asphalt results in a more flexible and durable road surface that de-ices faster and helps produce a quiet automobile ride. PennDOT assured the committee that goals would be established for the use of waste tires in engineering applications.

Other state agencies, such as DCNR, are currently using waste tires in state parks for recreational, engineering, and roadway applications. The DCNR also offered to work with PennDOT to use state park roads for rubberized asphalt demonstration projects.

In the year since Act 190 was enacted and DEP’s waste tire program began, the positive environmental and health and safety benefits of scrap tire cleanup are already being noticed. Clearly, this is becoming a win-win situation for the Commonwealth. The committee will continue to monitor the progress of the program over the next several years.

**Committee Meetings**

**January 27, 1997** - The committee organized a land use and sprawl task force to discuss past legislative initiatives on this issue and outline future legislative goals.

**February 12, 1997** - The committee sponsored a briefing in Harrisburg on environmental justice with staff from the National Conference of State Legislatures. Joint committee members and staff exchanged information on current state and federal efforts to address environmental justice concerns and identify options for initiating environmental justice programs.
March 4-5, 1997 - Members and staff of the committee travelled to Washington, D.C. to meet with Pennsylvania’s Congressional Delegation, the National Environmental Policy Institute, staff of the Governor’s Washington office, and the environmental research organization, “Resources for the Future.” Discussions were held on transportation issues, federal air quality standards, the Endangered Species Act reauthorization, Superfund reform, and interstate transportation of waste.

March 18, 1997 - Mr. Lawrence Houstoun, Jr., an urban development consultant with the National Council for Urban and Economic Development and former Assistant Secretary for the U.S. Department of Housing and Urban Development spoke to committee members in Harrisburg about urban revitalization in Pennsylvania and the elements needed to revitalize distressed communities.

April 7, 1997 - Pursuant to the provisions of Act 448 of 1967 creating the Joint Legislative Air and Water Pollution Control and Conservation Committee, Senate President Pro Tempore Robert C. Jubelirer called for an organizational meeting of the Joint Committee. Representative David Argall was elected chairman and Senator Raphael Musto was elected vice-chairman. The members also unanimously endorsed the continuation of the $2 per ton recycling fee on municipal solid waste disposed of in Pennsylvania.

April 9, 1997 - The committee sponsored a discussion on energy efficiency and economic development with Mr. Steve Nadal, acting Director of the American Council for an Energy-Efficient Economy. Mr. Nadal, an authority on energy issues, discussed how investment in energy-efficient technology can lead to job creation and lower energy costs.

April 14, 1997 - Committee members and staff joined Lieutenant Governor Mark Schweiker, state and local officials, environmental organizations and waste industry representatives in highlighting the success of Pennsylvania’s recycling program during a press conference held in the rotunda of the Capitol East Wing. The press conference was an opportunity for the committee to release the results of the Mansfield University of Pennsylvania survey that showed the majority of Pennsylvanians currently participate in recycling and support extending the program.

April 22-23, 1997 - the Monroe County Municipal Waste Management Authority met with committee members and staff to review flow control, recycling, and municipal waste planning issues. This meeting was followed by a roundtable discussion with local officials, township supervisors, and planning commissioners from Lehigh County to discuss regional land use and growth management. The next
A meeting in Jim Thorpe provided an opportunity for committee members and staff to examine the future activities of the state heritage parks program.

**June 2, 1997** - The committee sponsored a presentation on Pennsylvania’s heritage parks program. The Pennsylvania State Heritage Park Association reviewed the role that heritage parks play in protecting the Commonwealth’s cultural and natural resources.

**June 13, 1997** - The committee’s forestry task force met with timber industry officials and experts from Pennsylvania State University in University Park, Pennsylvania to discuss the effects of acid deposition on soils, surface waters, and forests in Pennsylvania.

**July 18, 1997** - The developer of the Kentlands, a planned community in Gaithersburg, Maryland, met with the committee to discuss land use and planning issues. Officials from the Maryland Department of Planning also presented information on the state’s “Smart Growth and Neighborhood Conservation” program.

**July 30-31, 1997** - Committee members met at Hawk Mountain Sanctuary to review raptor research projects. The following day, state and local officials gathered in Hamburg, Berks County, to talk with the committee about infrastructure programs.

**August 20, 1997** - The forestry task force members held an organizational meeting to plan the activities of the task force and advisory committee.

**October 8, 1997** - The forestry task force and advisory committee met to discuss the issues outlined in Senate Resolution 29, Printer’s Number 720. The advisory committee requested that the Department of Transportation present information to the task force regarding the issue of road bonding.

**October 14-15, 1997** - The committee traveled to Sullivan and Tioga counties with Senator Roger Madigan and members of the Senate Environmental Resources and Energy Committee to tour successful mine reclamation projects and to observe the newest techniques for restoring stream water quality destroyed by acid mine drainage.

**October 21, 1997** - John Oliver, Secretary of the Department of Conservation and Natural Resources and Randall Arendt, Vice President of Conservation Planning for the Natural Lands Trust met with the committee to review development patterns that municipalities can use to protect and create natural areas, greenways, and recreational lands.
October 24, 1997 - The Chesapeake Bay Foundation sponsored a tour of the Chesapeake Bay aboard one of their environmental education vessels. Members conducted water analysis, looked at oyster beds, and discussed air and water quality issues that affect the bay region.

October 27, 1997 - A committee meeting was held in Harrisburg to review committee projects on forest resources management, land use, waste tire recycling, and the American Heritage Rivers Program.

November 25, 1997 - Mr. Earnest Morrison gave a compelling presentation on the life of J. Horace McFarland. Horace McFarland was a successful printer, publisher, horticulturist, and leading spokesman for the creation of the national park bureau. Mr. Morrison is the author of the book “J. Horace McFarland: A Thorn for Beauty”.

December 10, 1997 - The forestry task force and advisory committee met with officials from the Department of Transportation to discuss road bonding issues and how it affects the timber industry.

December 15, 1997 - The committee met with the departments of Conservation and Natural Resources, Environmental Protection, and Transportation to get a status report on the implementation of the “Waste Tire Recycling Act” (Act 190 of 1996).

Committee Newsletter

The committee’s monthly newsletter, the Environmental Synopsis, features articles about many different environmental issues that affect Pennsylvania and areas throughout the United States. This year the newsletter included articles on a variety of topics including endangered and threatened rivers in the United States, managing greenhouse gas emissions, acid mine drainage policies, wetlands restoration, restructuring of the electric industry, Superfund reform, and alternative fueled vehicles. The Environmental Synopsis has a circulation of over 750 and is distributed to environmental organizations, government agencies, businesses and industry, colleges and universities, and all members of the General Assembly.

To receive the Environmental Synopsis, please contact the committee office at 717-787-7570. Back issues are available upon request.
**FUTURE PROJECTS**

During the coming year, the committee plans to continue working on the issue of land use and sprawl in Pennsylvania. The committee will work with other legislators and interest groups on educational efforts and legislation. Early in 1998, the committee will hold meetings on the future of the anthracite industry in Pennsylvania. The committee has also scheduled public hearings and meetings to review heritage parks and look for ways to expand the current program. Also, on a monthly basis, the committee will continue to invite experts to Harrisburg to speak on pertinent environmental issues and Pennsylvania’s environmental heritage.
COMMITTEE REPORTS

The following list of Committee reports are available:

The Use and Regulation of Roadside Springs in Pennsylvania, 1990.


