

PENNSYLVANIA GENERAL ASSEMBLY

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

1998 ANNUAL REPORT

February, 1999

TO: All Members of the General Assembly

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

SUBJECT: 1998 Annual Report

DATE: February, 1999

One of the most important challenges for those of us serving in state government is trying to address the needs and concerns of the more than 12 million people in the Commonwealth. Conflict between issues sometimes arises, and is often most difficult when trying to balance the economic well-being of our citizenry with the protection of our environment. Everyone wants clean air and water and the development of sound strategies for statewide economic gain. However, it is balancing economic development with environmental protection that often proves to be a challenge. We have learned from past experience that economic development and environmental protection need to be accomplished in a manner that protects and restores the quality of the natural environment, improves the economic quality of life for all of us, and broadens the prospects for future generations.

Today the economic and environmental advantages of using materials and energy efficiently are obvious - cleaner air and water, less waste, refined manufacturing processes, and improved products. These advantages help Pennsylvania compete in a global market. With that in mind, we can approach the turn of the century with the wisdom of past accomplishments and the advancement of new technologies in our attempt to find the balance between economics and the environment.

In 1998, the Joint Legislative Air and Water Pollution Control and Conservation Committee celebrated its 30th anniversary. Throughout its history, the Joint Committee has worked toward achieving a balance between environmental integrity and economic health, and establishing new goals for both of these on behalf of the Commonwealth of Pennsylvania. Last year we looked at the problem of urban sprawl; the challenges faced by Pennsylvania's Heritage Parks; investigated forestry issues; and addressed coal use within the Commonwealth. As Chairman and Vice Chairman of the Joint Committee, we intend to continue the Committee's dedication to helping build a strong economy in Pennsylvania and a healthy environment throughout this 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.

LAND USE

Urban Sprawl

As today's urban and suburban areas expand, new residential subdivisions and industrial developments seem to appear everywhere. More subdivisions mean more homes and streets, and less agricultural, wooded, and open areas. New industrial developments often mean increased infrastructure and traffic. Patterns of development, or sprawl, effect local governments, residents, farmers, developers, and wildlife habitat. Sprawl can be defined as consumptive development that spreads residential housing, employment centers and commercial outlets over broad geographic areas that encourages dependence on the automobile and isolates older, urban communities. National and statewide trends have shown that sprawl can raise infrastructure costs, threaten environmental resources, and consume substantial amounts of land.

In Pennsylvania, sprawl has been blamed for the decline in traditional neighborhood businesses and the loss of over 400,000 acres of farmland to development in the past 40 years. To address this disturbing trend, the Joint Committee toured several residential developments and midtown business districts that have implemented creative land use planning, and worked with statewide organizations to develop alternatives to inefficient patterns of land use.

As a result, House Bill 969, the proposed "Downtown Location Law" was introduced to encourage state agencies to locate facilities in downtown areas. This would encourage state agencies to be the leaders in fighting urban sprawl and revitalizing traditional central and neighborhood business districts within the Commonwealth. The proposed legislation would require the Pennsylvania Department of General Services to establish regulations to encourage state agencies to locate in downtown areas. If enacted, the regulations would:

- ◆ **Give primary consideration to the restoration and reuse of existing downtown buildings;**
- ◆ **Include provisions to deny requests from state agencies to locate outside a downtown area unless no reasonable alternative exists;**
- ◆ **Give consideration to local economies and the availability of suitable space; and**
- ◆ **Coordinate office locations with organizations committed to community development, downtown revitalization, and historic preservation.**

Cities, boroughs, and villages in Pennsylvania are important assets for the Commonwealth. This year, the committee toured historic Brookville, Pennsylvania, the Eagleview Development in Chester County, and the Midtown Market district in Harrisburg to learn about the development of community partnerships and urban revitalization.

For more information on House Bill 969, and related information concerning urban sprawl, please contact the committee office.

PUBLIC MIND SURVEY

Downtown Revitalization

In an effort to measure public sentiment about the issues and ideas involving downtown revitalization, the Joint Committee commissioned a series of poll questions from the Public Mind Survey of Mansfield University. The Public Mind Survey is an annual statewide telephone survey of randomly selected adults. The survey focuses on issues facing the Legislature.

The 1998 survey was conducted between February 15 and March 7 and involved interviews with approximately 3,016 Pennsylvanians. The respondents are proportionally represented in terms of geographic location, gender, and political affiliation.

The results of the 1998 survey show Pennsylvanians in strong support of initiatives to strengthen and improve communities. Particularly, they favor more funding for shade trees, sidewalk improvements, bicycle and walking paths, and the location of state offices in downtown areas. (See table below.)

Please tell me if you favor or oppose the following ideas:

	FAVOR	OPPOSE	DON'T KNOW
Provide state funding for communities to plant more shade trees	68%	27%	5%
Create more bicycle and walking paths	81%	15%	4%
Require state office buildings to be located in or near the center of communities	70%	20%	10%
Have tougher penalties for property owners who fail to maintain their property	71%	23%	6%
Provide state funding to local communities for sidewalk improvements	68%	26%	6%

Survey results and additional information concerning downtown revitalization may be obtained by contacting the Joint Committee office.

RECREATION AND TOURISM

Heritage Parks

During the past decade, Pennsylvania's Heritage Parks Program has experienced substantial growth. The first heritage park was designated in 1991 and eight more have been designated since that time. By 2000, there may be three more designations. Heritage parks are large geographic regions that develop around an industrial theme such as iron and steel, coal, lumber, transportation, oil, and agriculture. These regional themes are then combined with the natural, cultural, historic, recreational, and scenic resources of the Commonwealth.

Nearly 73 percent of the counties in Pennsylvania have a portion of a heritage park within their borders. The parks all vary in size, purpose, and geographic scope, and provide an opportunity for conservationists, planners, historians, and the tourism industry to contribute to community revitalization and economic growth. The Heritage Parks Program is directly or indirectly responsible for over \$129 million in heritage tourism and economic development activity in Pennsylvania.

The remarkable growth of the Heritage Parks Program raised several issues regarding the funding and management of the program. Since the Heritage Parks Program was started in 1989, the appropriation of funds has not kept pace with the growth of the program. The Joint Committee held three public hearings to address the need for additional funding for the Heritage Parks Program and to try and identify ways to increase the profile of heritage parks. The hearings were held on:

February 17, 1998 - Hamburg, Pennsylvania
March 3, 1998 - Titusville, Pennsylvania
March 17, 1998 - Harrisburg, Pennsylvania

The committee also looked at the role the private sector can play in the development of the heritage parks. At the conclusion of these hearings, the Joint Committee issued a report to the General Assembly with the following recommendations:

- ◆ **In an effort to strengthen the Heritage Parks Program, the Department of Conservation and Natural Resources, to the extent possible, should provide additional funding, administrative assistance, and technical support to the program and the individual heritage parks and their projects.**
- ◆ **Increase the role of interagency participation, assistance, and funding, and explore options for helping heritage park managers administer their individual programs.**
- ◆ **Projects identified in a heritage park's management action plan should be given a high priority.**
- ◆ **The annual grant amount for heritage park managers should be increased.**

- ◆ **The state appropriation for the Heritage Parks Program should be increased from \$2.75 million to \$5 million annually.**

Increased funding and support would give heritage parks greater visibility and allow the parks to expand their programs and operate more efficiently and effectively.

For a copy of the Committee's report, "*Pennsylvania's Heritage Parks Program*", please contact the Joint Committee office.

ENERGY

Anthracite Use and Coal Mine Reclamation

Almost all of the nation's anthracite or "hard coal" is found in eastern Pennsylvania. Historically, anthracite coal was an important resource for the industrialization of the United States and has been a reliable energy resource. Pennsylvania is the fourth leading coal-producing state in the country and reached its highest production rates at the beginning of this century with more than 100 million tons extracted.

The use of coal throughout the country is heavily influenced by many factors: the quantity and quality of coal, production and transportation, environmental regulation, price, competing markets, and research and development. But after decades of sharp declines in use and production due to oil, gas, and an evolving electric market, the anthracite industry has experienced new growth since 1990.

However, a century of coal mining in Pennsylvania has also left its mark on the environment. Pennsylvania has more than 250,000 acres of abandoned mines. Abandoned sites not only detract from Pennsylvania's landscape, but cause water pollution in the form of acid mine drainage. Acid mine drainage is the single largest water pollutant in the Commonwealth and is responsible for creating water quality problems in more than 2,500 miles of Pennsylvania streams.

For Pennsylvania anthracite to compete in a global market, several factors need to be considered. The Joint Committee held a series of public hearings to discuss the future of the coal industry, eastern Pennsylvania's anthracite region, and the use of coal in state-owned facilities. The hearings were held on:

February 18 & 19, 1998 - Tamaqua, Pennsylvania
April 29, 1998 - Harrisburg, Pennsylvania

The result of those hearings included the following suggestions:

- ◆ **Create an anthracite marketing program to promote the use of Pennsylvania coal.**
- ◆ **Increase efforts to draw funds from the federal Abandoned Mine Reclamation Trust Fund.**

- ◆ **Develop a “Blackfields” program for abandoned mine land, similar to the Land Recycling “Brownfields” Program, that provides incentives for reusing abandoned industrial sites.**
- ◆ **Enforce the law (Act 28 of 1990, P.L. 115) that requires state institutions to use Pennsylvania coal.**
- ◆ **Enact a “Good Samaritan Law” to protect volunteer organizations who do reclamation work from liability.**
- ◆ **Educate the public about abandoned mines.**

Copies of the public hearing transcripts and additional information concerning coal mining issues may be obtained from the committee office.

FORESTRY

Legislative Forestry Task Force

Pursuant to Senate Resolution 29, Printer’s Number 720, adopted June 16, 1997, the Joint Committee was directed to study the issues concerning the renewal and management of the Commonwealth’s forests and create a task force. The task force consists of four members of the General Assembly and an 18-member advisory committee. The task force met on the following dates:

January 12, 1998 - State College, Pennsylvania
March 30, 1998 - Harrisburg, Pennsylvania
May 7 & 8, 1998 - Warren, Pennsylvania
June 9, 1998 - Harrisburg, Pennsylvania
July 30 & 31, 1998 - Johnstown, Pennsylvania
September 14 - 16, 1998 - State College, Pennsylvania

The task force was asked to investigate the requirements of municipal road bonding for the timber industry; the progress of the Sustainable Forestry Initiative; licensing and certification of foresters; and the effect that acid deposition has on Pennsylvania’s forests. The task force issued a report in January 1999 with the following recommendations:

Recommendation #1

The Forestry Task Force and advisory committee agreed that legislation was needed to address the issue of road bonding and recommended that Pennsylvania’s Motor Vehicle Code be amended to:

- ◆ **require enforcement of current bonding requirements of the Pennsylvania Department of Transportation by state and local governments;**
- ◆ **include technical language to ensure sound engineering standards and practices are used to determine if local roads need to be posted;**
- ◆ **escrow liquid fuel taxes for local governments that fail to comply with the bonding requirements in the Motor Vehicle Code; and**
- ◆ **hold local governments responsible for court costs if they fail to comply with bonding requirements.**

Recommendation #2

The General Assembly should continue to support the Sustainable Forestry Initiative and recognize the substantial progress that has been made with voluntary logger training programs, landowner education, and public outreach programs.

Recommendation #3

Due to a lack of consensus on the issue of licensing and registration of foresters in Pennsylvania, the task force and advisory committee recommends that the forest products industry continue further discussion on the subject. Without industry-wide agreement on the issue, legislative action on the subject is unlikely.

Recommendation #4

The Forestry Task Force and advisory committee supports continued research on the issue of forest decline in Pennsylvania, with particular emphasis on the effects of acidic deposition on forest health.

COMMITTEE ACTIVITIES

January 27, 1998 - The committee invited Mr. Edgar B. Brannon, Director of the Grey Towers National Historic Landmark in Milford, Pennsylvania to discuss the life of Gifford Pinchot and his role in shaping Pennsylvania's environmental heritage. Gifford Pinchot was the Governor of Pennsylvania in 1922 and 1933. He was the first American citizen trained in forestry and the founder of the U.S. Forest Service.

February 17, 1998 - In keeping with the Joint Committee's work on land use and growth management issues, the committee sponsored a presentation by Mr. David Thun regarding the "Growing Together" program in Berks County. Mr. Thun is a member of "Growing Together", a broad-based community organization that looks at land use issues in Berks County.

February 24, 1998 - The use of waste tires in landfill construction projects has increased significantly in recent years. The committee sponsored a tour of the U.S.A. Waste landfill in Westmoreland County to discuss a pilot project involving the use of waste tire chips for a landfill liner and leachate collection system.

March 4, 1998 - The committee toured historic Brookville in Jefferson County to view the city's accomplished efforts in historic preservation and downtown revitalization.

March 9, 1998 - The Joint Committee, in cooperation with the Pennsylvania Planning Association and 10,000 friends of Pennsylvania, sponsored a presentation on the "Growing Smart" program. The program is an initiative aimed at helping states develop new tools and approaches to manage growth and change. Mr. Stuart Meck, the principal investigator for the "Growing Smart" project, discussed the program and reviewed growth management legislation in other states.

March 31, 1998 - The committee invited Mr. John Rich, President of the Reading Anthracite Company and Waste Management and Processors, Inc. to explain the proposed coal liquefaction project in Schuylkill County. The proposed project would use an estimated 2,500 tons of waste coal each day to produce 5,000 barrels of clean diesel fuel.

April 1, 1998 - The committee sponsored a tour of the Kocher Coal operations in Schuylkill County. The coal company is reclaiming abandoned mine lands and turning them into productive farmlands.

April 21, 1998 - To heighten awareness of the revitalization accomplishments of downtown communities and neighborhoods, the Joint Committee, along with the Pennsylvania Downtown Center and Harrisburg's Midtown Market District, coordinated a legislative forum concerning the area's revitalization efforts.

May 17, 1998 - The committee sponsored a panel discussion at the *National Town Meeting on Main Street* annual conference held in Pittsburgh, Pennsylvania. The topic was "*The Challenge of Sprawl.*"

June 2, 1998 - Dr. Toby Carlson, professor of Meteorology at the Pennsylvania State University, spoke to the members of the Joint Committee and the General assembly concerning his research on the effects that land use has on local weather conditions.

June 21-26, 1998 - The committee cosponsored a workshop based on the concepts outlined in the book, "*Save Our Land, Save Our Towns*", by Thomas Hylton. The week-long workshop was designed for educating teachers on land use issues and community revitalization.

June 25, 1998 - As a continuation of the committee's involvement in land use and recycling issues, the committee hosted a tour of the Eagleview development and Tyreplex tire recycling facility in Chester County. Eagleview is an example of a mixed use, neo-traditional, high density housing development with substantial open space. Tyreplex is a tire recycling facility that processes scrap tires into a rubber-based asphalt modifier and a variety of molded and extruded products.

August 3, 1998 - A roundtable discussion was held on community and economic development, growth management, land use, and regional coordination.

September 4, 1998 - The committee toured the U.S. Generating Company's cogeneration plant in Northampton County. The facility is a 110-megawatt plant that is fueled with anthracite coal waste.

September 21, 1998 - The committee sponsored a tour of the city of Carbondale and the Lackawanna Heritage Valley to observe the city's efforts to promote heritage tourism and downtown revitalization.

September 29, 1998 - The committee hosted Ms. Dixie Swenson, Executive Director of the Schuylkill River Greenway Association, for a presentation on the Schuylkill River Heritage Corridor.

COMMITTEE NEWSLETTER

Environmental Synopsis

The **Environmental Synopsis**, the committee's monthly newsletter, features articles about environmental issues affecting Pennsylvania, the United States, and the world. The newsletter has a circulation of over 750 and is distributed to all members of the General Assembly, a variety of governmental agencies, businesses and industry, colleges and universities, and environmental organizations. This past year the newsletter featured articles concerning brownfields development, drinking water protection, wind energy, air emission testing, and the Endangered Species Act.

To receive the **Environmental Synopsis**, please contact the committee office at 717-787-7570.

FUTURE PROJECTS

In 1999, the Joint Committee plans to continue work on several important issues including forest management in Pennsylvania, land use and sprawl, and the revitalization of downtown areas.

Under the direction of the Joint Committee, the Legislative Forestry Task Force will again investigate forestry issues, specifically third party certification of Pennsylvania's forests and forest products, educational outreach programs, a forest inventory, and prioritizing the long-term forestry research needs for the Commonwealth.

Pursuant to House Resolution 376 of 1998, the Joint Committee will study the problem of infiltration of unwanted water into sewer systems. The committee will also continue to invite experts to Harrisburg to speak on Pennsylvania's conservation heritage and the environmental issues facing the Commonwealth.

COMMITTEE REPORTS

The following 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.
- ◆ 1996 Annual Report, 1997.
- ◆ Forestry Issues For Pennsylvania: Report of the Forestry Task Force Pursuant to House Resolution 263, March, 1997.
- ◆ Pennsylvania's Environment and the Future of Independent Power Producers, March, 1997.
- ◆ 1997 Annual Report, 1998.
- ◆ Pennsylvania's Heritage Parks Program, March, 1998.
- ◆ Report of the Forestry Task Force Pursuant to Senate Resolution 29, January, 1999.