

PENNSYLVANIA GENERAL ASSEMBLY

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

1999 ANNUAL REPORT

February, 2000

TO: All Members of the General Assembly
FROM: Representative David G. Argall, Chairman
Senator Raphael J. Musto, Vice Chairman
SUBJECT: Annual Report
DATE: February, 2000

As Pennsylvania enters a new century, it provides us with a unique opportunity to review our environmental accomplishments and ask ourselves how our successors would evaluate us. Looking back today from the perspective of the 21st century, it is clear that we have learned and accomplished a great deal since we began building the foundation for Pennsylvania's system of environmental stewardship. The air we breathe, the water we drink, and the land we live on are all cleaner than they once were. We have taken great strides within the Commonwealth to combine environmental protection with the wise use of our natural resources. This evolution of environmental awareness and protection in Pennsylvania has moved progressively forward for decades and our perception and understanding of environmental issues is stronger now than ever.

We have witnessed remarkable changes in Pennsylvania. Our rich environmental history and the foresight of our predecessors has helped us fine-tune our approach to environmental protection, the conservation of our natural resources, and economic development. The Commonwealth's people, organizations, and events have carved a path for future generations and demonstrated their infinite value in assuring the protection and wise use of the environment. Today, we continually face the challenge of building on past environmental accomplishments and balancing an environmental climate that now encourages business and industry to partner with government.

During 1999, the Joint Legislative Air and Water Pollution Control and Conservation Committee's efforts were focused on several environmental challenges facing Pennsylvania today: land use, forestry, waste tire abatement, and the infiltration of groundwater into sanitary sewer systems. In 2000, we will continue our commitment to environmental progress, capitalize on our strengths in forming partnerships, conduct research and outreach, and build on the committee's reputation as an objective body concerned with the restoration, conservation, and wise use of Pennsylvania's natural resources.

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 and Downtown Revitalization

State legislatures across the country have been considering and adopting reforms to planning and zoning enabling acts for several years. Perhaps it is the realization that the original acts, based upon the 1928 Standard City Planning Enabling Act, drafted by the United States Department of Commerce, now fail to address the complexities of today's development pressures. Or maybe it is the reality that people are fleeing the cities at an alarming rate, leaving behind abandoned residential, commercial and industrial properties.

Sprawl, the low-density development that spreads out from the edges of cities and towns has emerged as a primary threat to the future health of many states. Sprawl is a relatively new phenomenon. For the last 50 years, federal and state policies have actually encouraged sprawling development. Today, many states and the federal government are taking stock of the impact the policies have had on economic vitality, environmental quality, and the health and welfare of their citizens.

As a step toward curbing the effects of sprawl in Pennsylvania, House Bill 728, Printer's Number 2743, the "Downtown Location Law" was introduced to encourage state agencies to locate facilities in downtown areas. State agencies of the Commonwealth own 2,800 buildings and lease an additional 1,200 buildings. These range from 700 liquor stores to regional offices of the Department of Environmental Protection that house several hundred workers. The locations of these offices change periodically when leases expire or larger office spaces are needed.

House Bill 728 requires the Pennsylvania Department of General Services to establish guidelines to encourage state agencies to locate all new offices facilities in downtown areas. The guidelines include consideration of the following:

- 1. General requirements of the agency.**
- 2. Servicing clientele needs.**
- 3. Local economic considerations.**
- 4. Availability of suitable space in downtown areas.**
- 5. Competitiveness in the marketplace.**
- 6. Cost to the Commonwealth.**

The bill also requires that a state agency consider locating an office facility in a downtown area prior to entering into a lease of real estate for office purposes. In addition, a state agency shall consider the rehabilitation and/or reuse of existing downtown structures or consider new construction on available land within a downtown area prior to constructing a new facility.

This proposed legislation would benefit communities by making services provided by State offices more accessible to populations in need, and provide accessible job opportunities. The presence of a work force brings new purchasing power to communities that support other area businesses. This activity, in turn, makes urban neighborhoods more attractive to other housing and economic development activities.

For more information on House Bill 728 and related information concerning urban sprawl, please contact the committee office.

GROUNDWATER

Inflow and Infiltration into Sewer Systems

As many of Pennsylvania's sewer systems begin to show signs of deterioration caused by aging, inadequate design, poor construction, location and high levels of rainfall, managing the collection and treatment of wastewater can be a significant challenge for many communities throughout the Commonwealth. Deterioration of these systems allows excess stormwater and groundwater to enter sewer systems causing them to exceed their capacities and preventing them from safely collecting and transporting wastewater to a treatment facility.

Pursuant to House Resolution 376, Printer's Number 3182, the Joint Committee was directed to study the issues concerning the problems associated with hydraulically overloaded municipal sewage treatment systems and issue a report to the General Assembly. The committee held two public hearings on the following dates:

March 30, 1999;
June 3, 1999.

A report issued by the committee in October 1999 discusses the infiltration of extraneous water into sewer systems, reviews the testimony presented at the public hearings, and offers recommendations to the General Assembly for consideration. The report found that the infiltration of large volumes of water into sanitary sewer systems from cracked pipes and broken connections forces municipal governments to absorb excessive costs and creates unnecessary environmental problems. A major cause of these hydraulic overloads in many systems is associated with deteriorated private residential and commercial service lateral line connections to public systems. There is an extensive inflow infiltration problem associated with the wastewater treatment facilities in Pennsylvania. A 1996 Clean Water Needs Survey conducted by the Pennsylvania Department of Environmental Protection estimates the costs of reducing the amount of extraneous water being treated at wastewater facilities to be approximately \$15 million.

Inflow is unwanted and excessive stormwater that directly enters the sewer system. This inflow can come from roof drains that flow directly into sewers, commercial and industrial discharges, and catch basins of street gutters.

Infiltration is the unwanted groundwater and stormwater that indirectly enters a sanitary sewer system through foundation drains, defective joints, uncovered street manholes, broken or cracked pipes, or faulty sewer line connections.

Due to the pervasive inflow and infiltration problem in Pennsylvania, the report recommends the creation of a special task force to develop a comprehensive state policy to address the infiltration and inflow problems in Pennsylvania. The report recommends that the task force:

- 1. Examine the inspection criteria and requirements for wastewater systems and lateral line connections to public systems.**
- 2. Review municipal specifications for wastewater systems to determine the potential for standardizing construction and installation requirements for wastewater systems.**
- 3. Encourage the support of local infiltration management programs that inform the public about the health risks and economic costs associated with infiltration.**
- 4. Explore the possibility of securing dedicated funding, including user fees from the Pennsylvania Infrastructure Investment Authority (PENNVEST) program for correcting infiltration problems.**
- 5. Investigate the possibility of expanding PENNVEST to include available funding for the repair and rehabilitation of laterals on private property.**

A copy of the committee's "*Report on the Infiltration of Water into Sewage Treatment Systems*", may be obtained by contacting the committee office.

PUBLIC MIND SURVEY

Attitudes on Local and Global Environmental Issues

Since 1997, the Joint Committee has commissioned a series of poll questions from the Public Mind Survey of Mansfield University to look at how Pennsylvania residents view their environment. The Public Mind Survey is an annual statewide telephone survey of randomly selected adults that focuses on issues facing the legislature. This year, the survey included topics ranging from global warming to traffic congestion.

The 1999 survey results are based on 2,547 completed telephone calls to adult Pennsylvania residents interviewed between February 14, 1999 and March 5, 1999. The respondents are proportionally represented in terms of geographic location, gender, and political affiliation.

The results of the 1999 survey show that Pennsylvanians, for the second consecutive year, consider traffic congestion to be the worst environmental problem in their communities. Given a choice between traffic congestion, litter, water pollution, air pollution, and noise, 37 percent of the respondents identified traffic congestion as the worst environmental problem, followed by litter, water pollution, air pollution and noise (See Table 1 on following page).

The survey suggests that Pennsylvania residents still prefer that their local governments control growth and development issues in their communities. Survey respondents (60 percent) strongly favored local governments exercising authority over planning issues rather than a county or regional agency (See Table 2 on following page). There was also strong public support for legislative initiatives encouraging state agencies to locate office facilities in downtown areas (See Table 3 on following page).

The Public Mind Survey also found strong public support for more state spending on a number of environmental issues. Respondents favored more state spending in the following areas:

- **preserving historic sites – 83 percent;**
- **preserving farmland – 78 percent;**
- **protecting endangered plants and animals – 76 percent;**
- **protecting wetlands – 71 percent; and**
- **cleaning up abandoned mine lands – 60 percent.**

When asked, “*Do you believe global warming is occurring?*”, 42 percent of Pennsylvania adults thought global warming is occurring and 37 percent of those respondents said the major cause was auto emissions. Twenty-five percent of the respondents suggested that factories were responsible for global warming, followed by power plants (17 percent) and aerosol sprays (8 percent). Regardless of the source of the global warming, Pennsylvanians indicated that they are willing to help reduce the release of gases that contribute to the problem. According to the survey, 72 percent of the respondents said that they would be willing to pay \$3 more a month in their electric utility bill if the electricity came from a source that did not contribute to global warming.

Additional information concerning the 1999 Public Mind Survey may be obtained by contacting the committee office.

FORESTRY

Legislative Forestry Task Force

Pursuant to House Resolution 13, Printer’s Number 2113, adopted June 16, 1999, the Joint Committee was directed to study the issues concerning the renewal and management of Pennsylvania’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 has been asked to conduct a comprehensive study of the following:

- 1. Third party certification of Pennsylvania’s forest and forest products.**
- 2. Long-term forestry research needs of the Commonwealth.**
- 3. Educational programs in sustainable forestry for private landowners and municipalities.**
- 4. Regular and comprehensive assessments of Pennsylvania’s forests to assist in the management, development and marketing of this Commonwealth’s timber resources.**

Upon completion, the task force will issue a report with recommendations to the General Assembly.

For more information concerning the Legislative Forestry Task Force, please contact the committee office.

RECYCLING

Waste Tires

Since the passage of Pennsylvania's "Waste Tire Recycling Act" (Act 190 of 1996), the primary focus has been the remediation of existing waste tire piles and the expansion and development of existing markets for scrap tires and crumb rubber products in the Commonwealth. Substantial progress has been made in addressing the scrap tire problem since the passage of Act 190. Approximately 53 percent of the 36 million waste tires have been removed from known stockpiles, leaving about 17 million tires to be remediated. More than half of those 17 million tires are contained in just four large piles. The goal of Act 190 is to eliminate the remaining waste tire stockpiles by the early part of this century and to help develop markets to recycle the additional waste tires that are generated annually.

To that end, many states are successfully promoting and using crumb rubber from waste tires in roadway construction and engineering projects. Such uses can increase the marketability and value of waste tires. Section 13 of Act 190 calls on state agencies to consider the use of waste tires in appropriate construction and engineering projects.

In an effort to expand the markets for waste tires in Pennsylvania, the Joint Committee held a public hearing on October 22, 1999 to discuss the possibilities of using crumb rubber industry technology within state agencies. There are numerous facilities that lend themselves to the use of waste tires in general and crumb rubber in particular. A key question was asked by the committee, "*Is the use of waste tires, specifically the combination of crumb rubber modifier and hot mix asphalt, a technologically viable and cost-effective option for use as highway surfaces?*". The Joint Committee heard from the Pennsylvania Department of Environmental Protection (DEP), the Pennsylvania Department of Transportation (PennDOT) and a tire recycling facility.

Testimony suggested that PennDOT has pursued and evaluated proposed uses of scrap tires in highway applications over the past 20 years. However, the answer to the question of whether crumb rubber modifier technology is viable and cost-effective is not readily apparent. Combining tire rubber with various types of asphalt has been demonstrated in recent years with some promising results. Unfortunately, the technology for using ground rubber seems to be relatively undeveloped and the results of using rubber modified asphalt have often been erratic.

States located in hot, dry climates have extensive experience with rubber modified asphalt mixtures. Overall, they have had few failures and are generally satisfied with the performance of pavements containing crumb rubber modifier. However, state agencies in northern states where wet and cold weather is more prevalent have indicated that there are no major improvements in performance over conventional pavements. In fact, many crumb rubber pavements and test sections have performed worse than conventional pavements or control sections.

Testimony suggested that the greatest deterrent to the use of crumb rubber modifier in highway construction is the high initial cost and the lack of consistent performance that seems to be associated with climate as well as many other va-

riables. Under these circumstances, further study and investigation of the use of rubber modified asphalt mixtures is warranted.

For more information concerning waste tires or for copies of the public hearing testimony, please contact the committee office.

COMMITTEE ACTIVITIES

March 30, 1999 – Pursuant to House Resolution 376 of 1998, the Joint Committee held a public hearing on the inflow and infiltration of water into municipal sewer systems.

April 13, 1999 – The committee held a press conference to announce the results of the Mansfield University Public Mind Survey in which Pennsylvania residents were asked their opinions concerning certain environmental issues.

April 19, 1999 – The committee hosted a program on the Pennsylvania Fish and Boat Commission's Water Trail Program. Mr. Tom Ford, program coordinator for the Fish and Boat Commission discussed how communities can designate water trails along river corridors.

May 26, 1999 – The University Area Joint Authority in State College, Pennsylvania hosted a committee tour of its \$ 20 million beneficial water reuse project that, when completed, will allow the advanced treatment of wastewater.

June 8, 1999 – Ms. Ellen Stroud, Scholar in Residence at the Pennsylvania Historical and Museum Commission gave a presentation before the committee on urban watershed protection and reforestation in Pennsylvania.

June 14, 1999 – The committee held a press conference on endangered historic sites in Pennsylvania and the United States.

July 8, 1999 – July 9, 1999 – The committee toured areas of western Pennsylvania, specifically Point State Park to observe the use of recycled waste tires as “turf dressing” in high traffic areas, and the Youghiogheny River to discuss land conservation efforts and the protection of the river corridor.

July 16, 1999 – The committee toured sites in Bucks County, Pennsylvania to observe land management practices.

July 26, 1999 – Automotive and scrap recyclers testified before the committee concerning illegal junkyards in Pennsylvania.

August 16, 1999 – As a follow-up to the committee's public hearing on the regulation of junkyards, a roundtable discussion was held with state and local officials to review testimony and determine any necessary action.

September 1, 1999 – The committee sponsored a “Downtown Issues Forum” to discuss H.B. 728, Printers Number 2743, the proposed “Downtown Location Law”.

September 14, 1999 – Members of the committee met in York County, Pennsylvania, to discuss the issue of sediment build-up behind the dams on the lower reaches of the Susquehanna River.

September 29, 1999 – Pennsylvania Department of Transportation Secretary Brad Mallory spoke to committee members about transportation issues in Pennsylvania.

October 13, 1999 – The Legislative Forestry Task Force met in Kane, Pennsylvania to discuss the issue of forest certification for Pennsylvania hardwoods.

October 21, 1999 – The committee held a public hearing to discuss the use of crumb rubber in highway construction projects with the Pennsylvania Department of Environmental Protection and the Pennsylvania Department of Transportation.

November 8, 1999 – Ms. Phyllis Myers, a nationally recognized expert on conservation issues, provided committee members with information relating to the results of referenda on parks, land use, growth, and other conservation issues.

November 12, 1999 – The committee held a meeting to discuss tree stump disposal and fires in Pennsylvania.

COMMITTEE NEWSLETTER

Environmental Synopsis

The committee's monthly newsletter, the **Environmental Synopsis**, examines a variety of state, national and worldwide environmental topics such as air and water quality, global warming, greenways and trails and urban sprawl. The **Environmental Synopsis** has a circulation of over 700 and is distributed to all members of the General Assembly, as well as 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.

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.
- ◆ 1998 Annual Report, 1999
- ◆ Report on the Infiltration of Water into Sewage Treatment Systems Pursuant to House Resolution 376 of 1998, October, 1999