

PA Environment Digest

An Update on Environmental Issues In Pennsylvania

Edited By David E. Hess, Holston & Crisci

July 5, 2004

General Assembly Passes Budget After Marathon Weekend Session

After working nearly all weekend, the Senate, House and Governor's Office agreed to a final 2004-05 budget which contains no new taxes or fees.

The budget does not contain the environmental spending and waste fee proposals by Gov. Rendell, but a commitment was made to consider environmental funding in fiscal year 2005-06.

NOTE: With all the last minute activity in the Senate and House, we will update this report if needed now that both the chambers are recessed for the summer.

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On the Hill

Governor's Environmental Funding Proposals to be Considered Later

The 2004-05 budget does not include Gov. Rendell's environmental spending and fee proposals, however, a commitment was made to study ways to implement some of these programs as part of the fiscal year 2005-06 budget.

"We still have the original menu of Growing Greener programs in place. That has not changed. There is also a strong interest in moving forward in some of the additional proposals, particularly the open space preservation components, as well," Sen. Robert Thompson (R-Chester), Majority Chairman Senate Appropriations Committee, said.

"Part of this is a procedural matter. It makes more sense to take a referendum to the voters in the spring and see if there is a willingness on the part of the public to incur the debt before we put the money in the budget. I am hopeful that we will see legislative action in this area later this year."

Gov. Rendell's original Growing Greener II proposal would have asked voters to approve an \$800 million bond issue and expand other programs paid for with a mix of new fees on waste produced by homeowners and businesses totaling over \$151 million a year. The Governor also proposed additional funding for the Hazardous Sites Cleanup Fund, Recycling Fund and to finance green tax holidays for energy efficient appliances and green energy purchases by state agencies.

An amendment was offered by Rep. Boyd (R-Lancaster) in the House to earmark one percent of the revenue from slots for farmland preservation, but the amendment was defeated by a vote of 97 to 105. No other environmental spending amendments were offered in the House or Senate.

The budget does include \$10 million to start the pay back of \$100 million borrowed from the Underground Storage Tank Indemnification Fund in 2002 rather than the \$2.5 million the Governor proposed.

The General Assembly also restored Rendell Administration cuts in two other areas-- \$350,000 was included in the State System of Higher Education budget for the Pennsylvania Center for Environmental Education, \$300,000 was included in DEP's budget to restore funding to the Pennsylvania Senior Environment Corps and an undisclosed amount to establish a statewide toll-free citizen compliant hotline.

Overall, DEP's budget is about \$2.8 million higher than in 2003-04 and includes a \$7.5 million Safe Water line item for miscellaneous water and sewer projects, \$6.8 million for scrap tire cleanup grants, \$450,000 more for county conservation districts, \$507,000 more for the Susquehanna River Basin Commission, \$250,000 more for the Delaware River Basin Commission, \$250,000 for mushroom nutrient management, and it combines funding from the old Office of Pollution Prevention and Compliance Assistance into the general Environmental Protection line item as DEP proposed earlier in the year.

The Department of Conservation and Natural Resources saw a \$2 million increase in its budget, however, there was a \$4 million decrease in the Heritage Parks Program, a \$4 million increase in State Park Operations, a \$1 million increase for recreation trails and a \$707,000 increase in State Forest Operations.

NewsClip: [DEP Works to Enhance Environmental Education](#)

Pollution Reduction, Environmental Education Moved By House

Senate legislation on environmental education and creating an Office of Energy and Pollution Reduction in DEP were moved in and out of the House Appropriations this week--

[Senate Bill 1040](#) (MJWhite-R-Venango) restores funding to [PA Center for Environmental Education](#) that was cut by the Rendell Administration this year was;

[Senate Bill 1042](#) (Erickson-R-Delaware) creates a permanent Office of Energy and Pollution Reduction in DEP to help individuals, small businesses and local governments install equipment and processes that reduce energy use and pollution, creates an annual Rachel Carson Environmental Excellence Award and requires DEP to create an environmental compliance report card;

Last Piece of Economic Stimulus Package Considered, But Not Finalized

[Senate Bill 1102](#) (Gordner-R-Columbia), which would implement the \$250 million bond issue approved by voters in the Spring for sewer and water project funding, was amended to look like [House Bill 2690](#) (Weber-R-Montgomery) and approved by the House and returned to the Senate. Time ran out before final action could be taken to send this last piece of the Governor's economic stimulus package to his desk.

Quick Updates

Manure Hauler Certification Now Law: [House Bill 1809](#) (Egolf-R-Perry) creating a commercial manure hauler and broker certification program in the Department of Agriculture was signed into law by Gov. Rendell this week. The legislation is designed to help make sure manure is applied to land in Pennsylvania in compliance with nutrient management program requirements, especially manure coming in from other states.

Guaranteed Energy Savings Contracts: [House Bill 1996](#) (Adolph-R-Delaware), which establishes new procedures and reporting requirements for cooperative purchasing expands and makes more specific the measures government agencies can include in guaranteed energy savings contracts, was given final approval and sent to the Governor for his action.

Vehicle Emissions Inspection: The House voted 140 to 60 to table an amendment made by Rep. Casorio (D-Westmoreland) to [House Bill 2636](#) that would have suspended the vehicle emissions inspection program. There were also several other attempts to amend other legislation in a similar fashion, but were variously withdrawn or declared unconstitutional.

Waste Tire Bill: [House Bill 2289](#) (Yudichak-D-Luzerne), which amends the Waste Tire Recycling Act to require a waste tire recycling facility to have a waste processing permit from DEP, was passed by the House this week and sent to the Senate for consideration.

Energy Efficiency Standards: [House Bill 2035](#) (McIlhenney-R-Bucks) which sets energy efficiency standards for certain appliances was moved in and out of House Appropriations this week and on to the House floor.

State Forest Naming: [Senate Bill 1160](#) (Gordner-R-Columbia) naming the Wyoming State Forest in Columbia and Northumberland counties after former Senator Ed Helfrick was passed by the Senate and is now in the House.

In Other News

PA Sustainable Energy Board, Regional Funds Hold Annual Meeting

This week the four regional Sustainable Energy Development Funds and the Pennsylvania Sustainable Energy Board met for their annual meeting to review progress on alternative and clean energy investments over the last year.

The Board also heard from [DEP Secretary Kathleen McGinty](#) who made a presentation on the economic opportunities and environmental benefits of clean energy sources.

The four regional funds include the PECO Energy Sustainable Development Fund, the PPL Sustainable Energy Fund of Central Eastern PA, the Met-Ed/Penelec Sustainable Energy Fund and the West Penn Power Sustainable Energy Fund.

The funds were created as a result of the electric companies' restructuring plans and are designed to promote the development of sustainable and renewable energy programs and clean-air technologies on both a regional and statewide basis. To date, the funds have provided approximately \$20 million in loans and \$1.8 million in grants for more than 100 projects, about half of the over \$40 million the funds are set to receive.

The [Pennsylvania Sustainable Energy Board](#) was created in 2003 by order of the PUC to help promote communication among the four regional Boards and state agencies and establish voluntary uniform business practices.

The Statewide Board includes representatives from the Commission; the Department of Environmental Protection; the Department of Community and Economic Development; the Office of Consumer Advocate; the Pennsylvania Environmental Council; and each regional board.

To get a flavor for what kind of innovative projects these regional funds support, the Statewide Board prepared an [annual report on their activities](#). You can also go to each of the Sustainable Energy Funds for more specific information on their activities:

[Met Ed Sustainable Energy Fund](#)

[Pennsylvania Electric \(Penelec\) Sustainable Energy Fund](#)

[Sustainable Development Fund](#)

[Pennsylvania Power and Light \(PPL\) Sustainable Energy Fund](#)

[West Penn Power Sustainable Energy Fund \(WPPSEF\)](#)

Reminder: Applications for funding under the [DEP's Energy Harvest Program](#) to support alternative and clean energy projects are due July 25. You can apply almost anytime for funding to the regional sustainable energy funds.

NewsClip: [West Virginia Lawmakers Ask for Study of Wind Power](#)

First BioDiesel Refueling Facility Opens, Wenger Feeds Testing Fuel

The first biodiesel refueling facility in Pennsylvania opened its doors in Manheim, Lancaster County this week. The Elm Wo-Go fueling station, owned by Worley and Obetz Inc., is the first in the state to offer biodiesel B5 (5 percent soybean oil and 95 percent diesel) to the public.

One of its first commercial customers will be Wenger Feeds which is testing the fuel in their vehicles. [Watch Video NewsClip.](#)

In April of this year, Wenger's Feed Mill, Inc. became the first feed manufacturer in the United States to achieve ISO 9001:2000, ISO 14001, and OHSAS 18001 certifications in the design, manufacture, and delivery of feeds at their Pennsylvania mills.

Worley and Obetz, Inc. is a member of the Pennsylvania Petroleum Retailers Association. [Full story.](#)

EPA Sets Nonattainment Areas for Fine Particulate Pollution, DEP Responds

This week the U.S. Environmental Protection Agency [designated areas across the country](#) that do not meet the federal small particulate (PM 2.5) standards.

These tiny particles - approximately 1/30th the size of a human hair - have been scientifically linked to serious human health problems including premature death from heart and lung disease; aggravation of heart and lung diseases; chronic bronchitis and asthma; increased hospital admissions and doctor and emergency room visits; and absences from work and school.

EPA designed 22 counties in Pennsylvania: Allegheny, Armstrong, Beaver Berks, Bucks, Butler, Cambria, Chester, Cumberland, Dauphin, Delaware, Greene, Indiana, Lancaster, Lawrence, Lebanon, Mercer, Montgomery, Philadelphia, Washington, Westmoreland and York.

The Department of Environmental Protection had recommended all but six of the counties-- Armstrong, Butler, Greene, Indiana, Lawrence and Mercer.

[DEP Secretary Kathleen McGinty called](#) the designations a "...sleight of hand (that) could put Pennsylvania at a disadvantage in terms of public health and economic competitiveness."

Pennsylvania has 120 days to respond to EPA's proposed designations. Final designations will be announced in November. EPA will propose an implementation rule for the new air quality standards this fall. A final rulemaking is not expected until spring 2005.

This designation is part of an EPA [clean air strategy](#) that includes recent rules to reduce pollution from nonroad diesel engines, and the proposed rule to reduce pollution from power plants in the eastern U.S.

NewsClip: [State Must Submit Plan for Reducing Soot By 2008](#)
[EPA Threatens Sanctions](#)
[EPA Seeks Air Pollution Control Steps from States](#)
[EPA Says 22 Counties Have Unhealthy Air](#)

EPA Proposes to Change New Source Review Regulation

EPA has granted a request to [reconsider several aspects of the equipment replacement provision](#) (ERP), which were adopted as part of regulatory changes to the New Source Review (NSR) Clean Air Act permitting program.

In response to petitions to reconsider portions of the ERP, EPA is soliciting additional public comment on the following three issues: 1) the basis for determining that the ERP was allowable under the Clean Air Act; 2) the basis for selecting the cost threshold (20 percent of the replacement cost of the process unit) that was used in the final rule to determine if a replacement was routine; and 3) a simplified procedure for incorporating a Federal Implementation Plan into state plans to accommodate changes to the NSR rules.

In a separate action, EPA is updating the Code of Federal Regulations and restoring the Routine Maintenance Repair and Replacement (RMRR) exclusion that was in effect prior to the adoption of ERP in order to reflect an appeals court stay of the final ERP rule. On December 24, 2003, the U.S. Court of Appeals for the District of Columbia Circuit stayed implementation of the ERP based upon a challenge by environmental groups, public interest groups and several states. The stay was granted until the rule could be thoroughly reviewed by the court. The regulatory update is administrative in nature and will require no change in implementation of the RMRR, which is currently in effect.

EPA sought extensive public input throughout the NSR reform process. The reconsideration and stay present an opportunity to continue to work with stakeholders on the rule. Granting reconsideration opens a 60-day public comment period and will provide another opportunity for the public to participate in this effort.

[DEP Challenges EPA Plan to Regulate Mercury](#)

[EPA Mercury Reduction Proposals Penalizes Pennsylvania Coal](#)

[Another Unjustified Slap at Pennsylvania's Economy By the Administration](#)

Pennsylvania's Nesting Bald Eagle Population Increases

Preliminary census work completed by the Pennsylvania Game Commission documents at least 75 known bald eagle nests in the Commonwealth. That compares with preliminary count of 68 in 2003; 63 in 2002; 55 in 2001; and 48 in 2000.

As recently as three decades ago, bald eagle nesting was limited to a couple of nests in the Pymatuning region of Crawford County.

DDT - as pesticide that was widely used until it was banned in 1972 - nearly wiped out bald eagles, as well as ospreys, peregrine falcons and other bird species, in the 1950s and '60s. Reintroduction efforts involving the U.S. Fish & Wildlife Service, Canadian provinces and state fish and wildlife agencies, including the Game Commission, spurred the bald eagle's recovery after DDT was banned.

[Today, the bald eagle](#) is listed nationally as a threatened species and in Pennsylvania as an endangered species.

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New eagle nests have been found in Armstrong, Berks, Centre, Erie, Lycoming and McKean counties. Other counties where eagles have established known nests include: Bradford, Butler, Cameron, Carbon, Chester, Dauphin, Forest, Huntingdon, Lancaster, Mercer, Monroe, Northumberland, Perry, Pike, Tioga, Venango, Warren, Wayne, Westmoreland and York.

Today, the Chesapeake Bay has more than 600 nesting pairs; the lower 48, more than 6,000 nesting pairs.

NewsClip: [A Come Back Worth Celebrating](#)

Another Successful Rivers Conservation Fly Fishing Youth Camp Completed

Thirty-one students from across Pennsylvania as well as Maine, Maryland, New Jersey and Ohio completed the tenth annual six-day Rivers Conservation and Fly Fishing Youth Camp this week in Boiling Springs.

The camp is sponsored by the Pennsylvania Council of Trout Unlimited and hosted by the Cumberland Valley Chapter. The camp is designed to educate tomorrow's leaders about the importance of cold water conservation. The applicants must submit a written essay on why they want to attend the camp in addition to a reference from a science teacher or a guidance counselor. The selection process is rigorous and only thirty-two students can be selected each year.

This year Kurt Pawluck of Pittsburgh was awarded the first J. Leon Chandler Memorial Award. This award is given in memory of Mr. Chandler, a former Vice President of Cortland Line Company and Chairman of the Board of Trout Unlimited, who passed away this past spring. Leon, as he was known to the staff and students, was a great supporter of the camp. The award is given to a student who best typifies Leon's ideals.

Applications for the 2005 camp will be accepted starting November 1, 2004. For more information you may contact klimkos@epix.net or visit the camp web site at www.riverscamp.com.

NewsClip: [DEP Participates in Fishing Camp](#)

EPA Has New Web Tool for Brownfields Information

EPA introduced two new interactive Brownfields web tools that will give the public unprecedented access to interrelated information about local Brownfields properties. The tools allow residents to locate Brownfields in their area and provide access to new detailed information about the individual Brownfields grants.

[EnviroMapper](#), combines interactive maps and aerial photography to locate and display those Brownfields properties that have received EPA grants. The public can locate properties by a variety of means, such as zip code, city, county, tribe, state or congressional district.

[Envirofacts](#), provides other detailed information on properties, such as property profiles, grant profiles, performance reports and contact information. Users can also search parts of Envirofacts directly by providing certain key details such as a grant name or number.

Now's the Time to Place Ads in Fishing Regulation Summary Book

What do the one million plus licensed anglers in Pennsylvania do before their first cast of the season? They pick up a copy of the Summary of Fishing Regulations & Laws from the Pennsylvania Fish and Boat Commission.

Ad sales will offset at least \$50,000 of the cost of publishing 1.3 million 2005 Summaries. Businesses who want to reach those anglers should act now to submit advertising copy for the 2005 [Summary Book](#). Interested advertisers should contact Outdoor Group, Inc. at 1-800-564-6818 for rate and placement information.

Taking Positive Action



[Environmental Advisory Council Network](#)

*Helping local officials to make sound
environmental decisions*

Rebecca Flora Recognized as “Cultural Force” in Pittsburgh

Rebecca Flora, Executive Director of Pittsburgh Green Building Alliance, was recognized as one of Pittsburgh’s [“Top 50 Cultural Forces”](#) in the region by the Pittsburgh Post-Gazette in June.

Flora’s leadership at [Pittsburgh’s Green Building Alliance](#) since 1997 helped make Pittsburgh an international leader in adopting green building techniques, including the largest green building in the United States. That leadership and her energy resulted in Pittsburgh hosting the international U.S. Green Building Council conference in 2004 that attracted over 5,000 people.

Congrats to Rebecca for her leadership!

[DEP Recognizes Centre County for Recycling Efforts](#)

Watershed NewsClips

[Thousands of Acres Set Aside in Luzerne](#)

[Wildlands Conservancy Recognizes Friends of the Lehigh](#)

[McIlvaine Run Relocated with Growing Greener Funds](#)

[Susquehanna Sojourn Makes River Come Alive Tunkhannock](#)

[Bushkill Creates Nature Zone, First In State](#)

[Sojourners Arrive in Pittston After 91-Mile Canoe Trip](#)

[Welcome to Fish Camp](#)

[Area Kids Learn About Acid Mine Drainage](#)

[Brady’s Lake Project On Track](#)

Regulations

[Six-Month Regulatory Agenda for Executive Agencies – July 3, 2004](#)

[Pennsylvania Bulletin – July 3, 2004](#)

[Comment Deadlines Open](#)

[For copies of Proposed Regulations](#)

[Status of Regulations and Six-Month Regulatory Calendar](#)

Technical Guidance & Permits

Final Guidance entitled, “Experimental On-lot Wastewater Technology Verification Program” was [announced this week](#). This guidance has not yet been posted on DEP’s website although the notice said it did not change from the [draft guidance](#).

[For copies of Draft Technical Guidance](#) [For copies of Final Technical Guidance](#)

Calendar of Upcoming Events

July 8 – The [Critical Water Planning Area Subcommittee](#) of the State Water Plan Statewide Water Resources Committee will discuss the development of criteria/guidelines for designation.

Sept. 29-30 – [3 Rivers Wet Weather Annual Sewer Conference](#), Pittsburgh

[DEP Calendar of Events](#) [Watershed Events](#)

Helpful Web Links

[Daily NewsClips](#) [Weekly DEP Update](#) [GreenTreks Network](#) [Watershed Weekly](#)

[DEP Press Releases](#) [DEP Advisory Committee Meetings & Agendas](#)

Contributions Invited

Send your stories about new and changing state government programs and services to **PA Environment Digest** to: DHess@HolstonCrisci.com .

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