



States' Biofuels Statutes

STATE OF PENNSYLVANIA

This project was undertaken in partnership with the USDA Office of the Chief Economist, The Office of Energy Policy and New Uses. For information on the full project, visit [States' Biofuels Statutory Citations](#).

Current through the 2014 Legislative Session of the Pennsylvania State Legislature.

§ 4005. Environmental quality board

(a) The board shall have the power and its duty shall be to--

(1) Adopt rules and regulations, for the prevention, control, reduction and abatement of air pollution, applicable throughout the Commonwealth or to such parts or regions or subregions thereof specifically designated in such regulation which shall be applicable to all air contamination sources regardless of whether such source is required to be under permit by this act. Such rules and regulations may establish maximum allowable emission rates of air contaminants from such sources, prohibit or regulate the combustion of certain fuels, prohibit or regulate open burning, prohibit or regulate any process or source or class of processes or sources, require the installation of specified control devices or equipment, or designate the control efficiency of air pollution control devices or equipment required in specific processes or sources or classes of processes or sources. Such rules and regulations shall be adopted pursuant to the provisions of the act of July 31, 1968 (P.L.769), known as the "Commonwealth Documents Law,"¹ upon such notice and after such public hearings as the board deems appropriate. In exercising its authority to adopt rules and regulations, the board may, and to the extent deemed desirable by it shall, consult with a council of technical advisers, properly qualified by education or experience in air pollution matters, appointed by the board and to serve at the pleasure of the board, to consist of such number of advisers as the board may appoint, but such technical advisers shall receive no compensation, other than their actual and necessary expenses, for their services to the board.

(2) Establish and publish maximum quantities of air contaminants that may be permitted under various conditions at the point of use from any air contaminant source in various areas of the Commonwealth so as to control air pollution.

(3) By rule or regulation, classify air contaminant sources, according to levels and types of emissions and other characteristics which relate to air pollution. Classifications made pursuant to this subsection shall apply to the entire Commonwealth or any part thereof. Any person who owns or operates an air contaminant source of any class to which the rules and regulations of the board under this subsection apply, shall make reports containing information as may be required by the board concerning location, size and height of air contaminant outlets, processes employed, fuels used and the nature and time periods or duration of emissions, and such other information as is relevant to air pollution and available or reasonably capable of being assembled.

- (4) Recommend to the Secretary of Transportation performance or specification standards, or both, for emission control systems and devices on motor vehicles.
- (5) Adopt rules and regulations for the protection of public health and safety for periods when the accumulation of air contaminants in any area is attaining or has attained levels which, if sustained or exceeded, could lead to an acute threat to the health of the public. Such rules and regulations shall contain appropriate procedures to protect public health and safety during such periods.
- (6) Adopt rules and regulations for the approval and the rescission and suspension of approval of local air pollution control agencies.
- (7) Adopt rules and regulations designed to reduce emissions from motor vehicles, including centrally clean-fueled fleets, clean alternative fuels, oxygenated fuels, reformulated fuels, vehicle miles of travel, transportation control measures and other transportation control strategies. Such rules and regulations shall be developed in consultation with the Department of Transportation. The board shall not adopt regulations mandating the sale or use of any set of specifications for motor fuel prescribed by the State of California under 42 U.S.C. § 7545(c)(4)(B) unless the set of specifications is required under the Clean Air Act or the regulations promulgated thereunder.
- (8) Adopt rules and regulations to implement the provisions of the Clean Air Act. The rules and regulations adopted to implement the provisions of the Clean Air Act shall be consistent with the requirements of the Clean Air Act and the regulations adopted thereunder.
- (9) Adopt rules and regulations to exempt sources or categories of sources of minor significance from the provisions of section 6.1.2
- (10) Adopt rules and regulations establishing provisions to allow changes within a permitted facility or one operating pursuant to clause (3) of subsection (b) of section 6.1 without requiring a permit revision if the changes are not modifications under any provision of 42 U.S.C. Ch. 85 Subch. I (relating to programs and activities) and the changes do not exceed the emissions allowable under the permit whether expressed therein as a rate of emissions or in terms of total emissions, provided that the facility provides the department and the administrator with written notification in advance of the proposed changes which shall be a minimum of seven (7) days, unless the board provides in its regulations a different time frame for emergencies.
- (11) In its discretion, by regulation require revisions to permits for major sources to incorporate applicable standards and regulations promulgated pursuant to the Clean Air Act and adopted by the board after the issuance of such permit as required by section 502(b)(9) of the Clean Air Act.³
- (12) In its discretion, by regulation adopt rules containing reasonable procedures consistent with the need for expeditious action by the department on plan approvals and operating permit applications to make available to the public any plan approval or operating permit application, compliance plan, plan approval, operating permit and monitoring or compliance report as required by section 502(b)(8) of the Clean Air Act.⁴
- (13) Adopt by regulation alternative volatile organic compound emission limitations for aerospace

coatings and solvents, including extreme performance coatings, which are required to be used by the United States Department of Defense, the United States Department of Transportation and the National Aeronautic and Space Administration or to meet military and aerospace specifications, provided such alternative limitations are authorized by the Clean Air Act.

(b) In adopting regulations containing transportation control measures, the board shall not have the authority to adopt any regulation limiting or expanding any municipalities' authority under the Municipal Planning Code to regulate land development, subdivision approval, zoning revision, building permit or any other development activity unless specifically required by the Clean Air Act.

Credits 1960, Jan. 8, P.L. (1959) 2119, § 5. Amended 1968, June 12, P.L. 163, No. 92, § 5. Affected 1968, July 31, P.L. 769, No. 240, art. VI, § 609(19). Amended 1970, July 23, P.L. 606, No. 201, § 2; 1972, Oct. 26, P.L. 989, No. 245, § 4, imd. effective; 1992, July 9, P.L. 460, No. 95, § 6, imd. effective.