



Senate Environmental Resources and Energy Committee

Senator Mary Jo White
Chairman

Patrick Henderson, Executive Director

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January 18, 2006

Walter N. Heine, Chair
Citizens Advisory Council
P.O. Box 8459
Harrisburg, PA 17105-8459

Dear Mr. Heine:

I am writing to bring you and your colleagues on the Citizens Advisory Council (CAC) up to date on recent and upcoming activities of the Senate Environmental Resources and Energy Committee. Many of these issues have been considered by the CAC over the past year, and I anticipate will continue to be the topic of discussion in coming months.

Clean Vehicles Program

Under federal law, states must choose to utilize either the federal vehicle emission standards, or those promulgated by the state of California. No hybrid standard that would establish a third model of a particular vehicle is permitted. The Department of Environmental Protection (DEP) has maintained that Pennsylvania both adopted and endorsed the California standard in 1998, to be effective with model year 2006. Several legislators, including Senator Madigan and I, strongly disagree with this assertion. We also disagree with the supposed benefits of the California standard over what are without question stringent new federal standards adopted by the Clinton Administration. Additionally, our research demonstrates that DEP has stated most areas of the Commonwealth can come into compliance with federal ambient air quality standards by utilizing the federal Tier II vehicle emission standards.

A joint hearing of the Senate Environmental Resources and Energy and Transportation Committees was held on December 13, 2005. DEP continues to move forward with a regulation that would officially establish California's standards as our own. Senator Madigan and I have introduced Senate Bill 1025, which would maintain the federal Tier II standards in Pennsylvania and prohibit DEP from adopting the California standard.

Mercury Emission Reductions from Power Plants

The CAC has been actively following this issue and participating in DEP's mercury workgroup. By this November, Pennsylvania must take steps to adopt the federal mercury reduction rule or craft a more stringent state-specific standard. DEP has already indicated its desire to draft a more stringent rule, which will also prohibit utilization of the cap-and-trade mechanism permitted by the U.S. Environmental Protection Agency (EPA). Given the nature of

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mercury deposition – a pollutant primarily emitted from Asia – as well as the significant reductions now required by the federal mercury rule of nearly 86% in Pennsylvania, Senator Musto, Representative Adolph and I opposed the crafting of a state-specific standard when this issue came before the Environmental Quality Board (EQB). DEP has already determined that it will forge ahead with its own standard. Given this direction, as well as the requirement that Pennsylvania must take affirmative action by this fall relative to the federal mercury reduction rule, I anticipate committee action on this issue in the coming months, to include public hearings and possible legislation.

Chesapeake Bay Tributary Strategy

Significant concerns have been raised in the General Assembly over the Chesapeake Bay Tributary Strategy. The strategy was adopted by DEP without formal legislative oversight. While the Commonwealth has a responsibility to take steps to improve the Bay, questions remain over whether DEP's approach is cost-efficient or will impose unreasonable burdens on sewage treatment plants, agricultural operations, homeowners and economic development opportunities. A joint hearing of the Senate Environmental Resources and Energy and Agriculture and Rural Affairs Committee was held on September 20, 2005. The Senate will soon consider Senate Resolution 207, which urges DEP to place a nine month moratorium on all actions related to the strategy. The House of Representatives recently passed a similar resolution.

Mine Safety

The Committee will hold a public hearing on January 31st regarding proposed mine safety legislation. Senator Kasunic has introduced Senate Bill 949 on behalf of DEP. Senate Bill 949 contains recommendations arising from the Quecreek Mine rescue investigations. DEP Secretary McGinty, former Secretary Dave Hess, the United Mine Workers of America and the Pennsylvania Coal Association will all testify at the hearing.

Reauthorization of Abandoned Mine Reclamation Fund

On January 24th, the Committee will consider House Resolution 382. This resolution urges Congress to re-authorize the fees which fund the Abandoned Mine Reclamation Fund. These fees currently expire on June 30, 2006. Congress has approved several short-term extensions over the past year.

Pennsylvania Center for Environmental Education

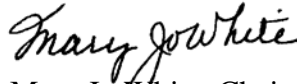
I have sponsored Senate Bill 410, which would establish the Pennsylvania Center for Environmental Education (PCEE) in statute. Additionally, I was successful in restoring \$350,000 in funding proposed to be cut from DEP's budget. Senate Bill 410 has passed the Senate unanimously and awaits final consideration by the House of Representatives. With the renewed funding, Slippery Rock University, which hosts PCEE, has rejuvenated the Center. After a nationwide search, Kathleen Cowles Paul was named the new director of PCEE. A new office location has been secured as well to provide more visibility for the Center.

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This is a brief overview of some of the issues under review by the Senate Environmental Resources and Energy Committee. Hopefully this information is helpful as you consider these issues and advise DEP. To stay current on legislative matters, and to view public hearing testimony and transcripts, I invite you to visit the Committee's new website, which can be accessed at www.SenatorMJWhite.com/environmental.html.

Thank you for your valuable service to the citizens of Pennsylvania.

Sincerely,

A handwritten signature in black ink that reads "Mary Jo White". The signature is written in a cursive style with a large, prominent "M" and "W".

Mary Jo White, Chairman
Senate Environmental Resources
& Energy Committee

cc: Citizens Advisory Council Members
Sue Wilson, CAC Executive Director