
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1195 Session of
2015

INTRODUCED BY WHITE, VOGEL, ARGALL, EICHELBERGER, SCARNATI, YAW,
WAGNER, HUTCHINSON, STEFANO, BARTOLOTTA, VULAKOVICH, WARD,
AUMENT, WOZNIAK, GORDNER, BREWSTER, RESCHENTHALER, ALLOWAY,
BLAKE, BROWNE, SCAVELLO, WILEY, YUDICHAK, CORMAN AND BROOKS,
APRIL 8, 2016

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, APRIL 8, 2016

AN ACT

1 Amending the act of October 22, 2014 (P.L.2873, No.175),
2 entitled "An act requiring the Department of Environmental
3 Protection to receive approval from the General Assembly for
4 a State plan to regulate carbon dioxide emissions for
5 existing stationary sources prior to submitting the State
6 plan to the United States Environmental Protection Agency for
7 approval," further providing for submission of State plan.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 4 of the act of October 22, 2014
11 (P.L.2873, No.175), known as the Pennsylvania Greenhouse Gas
12 Regulation Implementation Act, is amended to read:

13 Section 4. Submission of the State plan.

14 (a) Submission for approval to the General Assembly.--No
15 less than [100] 180 calendar days prior to the department
16 submitting the State plan to the EPA for approval, the
17 department shall transmit the plan to the General Assembly for
18 approval.

19 (b) Consideration by General Assembly.--Upon transmission

1 under subsection (a), the State plan shall be:

2 (1) proposed as a resolution in each chamber;

3 (2) placed on the calendar of each chamber for the next
4 legislative day following transmission; and

5 (3) considered by each chamber within 20 legislative
6 days after [transmission] placement under paragraph (2).

7 (c) Approval.--If each chamber of the General Assembly
8 adopts the resolution under subsection (b), the department may
9 submit the State plan to the EPA for consideration.

10 (d) Disapproval.--If either chamber of the General Assembly
11 disapproves the resolution under subsection (b), the department
12 may not submit the State plan to the EPA for consideration. The
13 department shall do all of the following:

14 (1) Determine the reasons for disapproval and modify the
15 State plan.

16 (2) Cause the State plan to be resubmitted to the
17 General Assembly utilizing the process delineated under
18 subsection (b) within 60 calendar days of the disapproval.

19 (3) If necessary, request an extension of time from the
20 EPA by submitting an initial State plan by [June 30, 2016]
21 the initial State plan submission deadline under 40 CFR
22 60.5760 (relating to What are the timing requirements for
23 submitting my plan?), that meets the minimum requirements for
24 an initial State plan, as specified in the plan guidelines
25 published by the EPA. The department shall transmit the
26 following message with its submittal under this paragraph:

27 Be advised that the State plan submitted by the
28 Pennsylvania Department of Environmental Protection has
29 not yet met the requirements of the Pennsylvania
30 Greenhouse Gas Regulation Implementation Act requiring

1 affirmative approval of the General Assembly. It is the
2 intention of the Commonwealth of Pennsylvania to submit a
3 State plan which conforms to this rulemaking. Under
4 section 111(d) of the Clean Air Act, states must be given
5 an opportunity to meet Federal environmental standards
6 set forth by the Environmental Protection Agency. The
7 Commonwealth of Pennsylvania hereby invokes the authority
8 provided to it under section 111(d) of the Clean Air Act,
9 and, in accordance with the Pennsylvania Greenhouse Gas
10 Implementation Act, will be making a further filing with
11 the agency.

12 (e) Default approval.--If no vote is taken by either chamber
13 of the General Assembly to approve or disapprove the resolution
14 under subsection (b) [before the June 15, 2016, deadline] at
15 least 14 calendar days prior to the final State plan submission
16 deadline under 40 CFR 60.5760, the State plan shall be deemed
17 approved and shall be submitted to the EPA immediately.

18 (f) Default approval after time to cure.--If either chamber
19 of the General Assembly fails to approve a resubmitted plan
20 under subsection (d)(2), within 60 calendar days of the
21 [extension] final State plan submission extension deadline under
22 40 CFR 60.5760, the resubmitted plan shall be deemed approved.

23 Section 2. This act shall take effect immediately.