



General Assembly of the Commonwealth of Pennsylvania

Joint State Government Commission

Room 108 Finance Building, 613 North Street

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Report Summary in response to Senate Resolution 385 of 2015

Staff Study on Environmental Laws of Pennsylvania

Senate Resolution 385 of 2015 (Printer's No. 2092) was adopted October 18, 2016, directing the Joint State Government Commission to conduct "a study to analyze and identify which environmental laws and regulations of this Commonwealth have more stringent standards than Federal law requires..." This report is due 18 months from the adoption of the resolution, or April 18, 2018.

Most of Pennsylvania's environmental law statutes adhere to the federal regulations and are generally no more stringent than their federal counterparts. Where additional regulation has been made, it is generally justified as a compelling and articulable Pennsylvania interest and addresses definable public health, safety or environmental risks. The area of greatest deviation involves differences between the federal Clean Water Act and the Clean Streams Law. Other more stringent regulations are found in the areas of safe drinking water, the handling of hazardous materials, and mineral extraction. In some instances, Pennsylvania regulations build upon and supplement federal law; in others, Pennsylvania has acted in areas not regulated by the federal government.

The preeminent federal laws and regulations addressing environmental protection and pollution control involve the Clean Air Act and the Clean Water Act. Separate chapters have been dedicated to these topics. Later chapters address specific areas of environmental laws affecting air, water and land pollution, such as natural resource conservation and development, waste management, and disposal of hazardous materials.

This study addresses regulations as they existed at the end of 2017/beginning of 2018. They should be relied upon with caution. On January 24, 2017, the Trump Administration imposed a freeze on implementation of any new or pending federal regulations until they could be reviewed by the administration. A number of federal regulations have been impacted by this freeze, and its consequences are discussed in further detail in this report where relevant. Additionally, federal and state constitutional challenges of some regulations are on-going, and many of the cases that have pronounced an interpretation of a particular law or regulation are under appeal and counter-appeal. Further, interpretations of Pennsylvania's Environmental Rights Amendment (ERA) could result in regulations found to be in compliance with federal law and other Pennsylvania executive and legislative actions, but nonetheless violate the ERA. In such cases, Pennsylvania regulations may be required to be more stringent than federal law in order to be constitutionally sound. There is no guarantee that any of these regulations will exist in the form reviewed here in the future.

The full report is available on our website, <http://jsg.legis.state.pa.us/>