

**Commonwealth of Pennsylvania**  
**Department of Environmental Protection**  
**Bureau of Air Quality**

**Act 57-2011 Clean Air Fund Disbursements**

**Overview of Act 57-2011**

The Department of Environmental Protection (DEP) is authorized under the Pennsylvania Air Pollution Control Act (APCA or Act), to assess a fine or civil penalty for violations of the APCA, regulations adopted under the Act or violations of any plan approval, operating permit or order issued by DEP. The fines and penalties collected by DEP are deposited in a special fund, known as the “Clean Air Fund.”

Each year the owners and operators of air pollution sources pay fines or civil penalties into the Clean Air Fund for violations that occurred at their facilities. DEP has used monies paid into this fund for activities that contribute to the elimination of air pollution. These activities include, but are not limited to, the purchase and operation of air monitoring equipment and laboratory equipment and analyses, enforcement of air pollution control regulations, personnel training, and public projects that abate air pollution.

Senate Bill 151 (Act 57-2011) was signed into law on July 7, 2011, and became effective on September 5, 2011. Act 57 amends Section 9.2 (relating to the disposition of fees, fines and civil penalties) of the APCA to require DEP to return under certain conditions 25% of an air pollution fine or civil penalty collected, which is at least \$50,000, to the municipality in which the violation occurred. The municipality may assign its claim to funding to the county in which the violation occurred. The monies must be used for projects that eliminate or reduce air pollution or for parks, recreation projects, trails or open space.

**Implementation of Act 57-2011**

As required by Act 57-2011, DEP must notify the municipality in which the violation occurred within five business days of the imposition of a fine or civil penalty. DEP must also notify the municipality of the imposition of a fine or penalty within five business days after the expiration of the right to file an appeal or after all appeals of the fine or civil penalty are exhausted. DEP will also provide a copy of the notices to the county where the violating facility is located. Pursuant to Section 9.2(a.1)(3) of the APCA, within 180 days of DEP’s notification to the municipality, the municipality shall submit a project proposal to DEP for review and approval. Following approval of the project, 25% of a fine or civil penalty collected by DEP will be returned to the municipality; DEP may award additional money from the fine or penalty for the project. The municipality may assign its claim to funding to the county in which the violation occurred within 180 days of receiving notice from DEP. The county may then submit a project proposal to DEP for review and approval within 45 days of the expiration of the 180-day period. If a municipality does not submit a project proposal within the 180-day period or the municipality provides notification of its intent not to file a project proposal during the 180-day period, the county may submit a project proposal to DEP for review and approval within 45 days of the expiration of the 180-day period.

As provided under Section 9.2(a.1)(6) of the APCA, if the U.S. Environmental Protection Agency and DEP jointly prosecute violations of the Clean Air Act, APCA and regulations adopted under the acts, the fines or civil penalties are not subject to the Act 57-2011 requirements.

**Project Proposals**

Section 9.2(a.1)(6) of the APCA requires project proposals to be submitted to DEP within the time schedules discussed above. It should include the form below and be attached to the project description, and the signed and dated certification page. The project description, which should be submitted on a separate sheet under the appropriate project type, should be in narrative form and include all pertinent information as outlined for the specific project type. Supporting documentation, where relevant, can be submitted at the applicant's discretion or upon DEP's. Please attach additional pages as necessary.

**Review and Approval of Project Proposals**

DEP will work with the municipality/county to ensure that applications contain the information necessary for DEP to evaluate and approve the proposal. Requests for civil penalty disbursements should include a reference to the Clean Air Fund, the name and location of the violating facility and the date of receipt of both the notice of the imposition of fines or penalties and the notice of the expiration of the appeal period. Additionally, DEP reserves the right to use any information regarding Clean Air Funded Projects for publication on our website or other promotional materials.



b. County: \_\_\_\_\_

9. Project (est.) Start Date: \_\_\_\_\_ Project (est.) Completion Date: \_\_\_\_\_

10. Project Description Summary:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

***Certification and Signature***

The undersigned hereby certifies, as an authorized official for the municipality or county, if the claim is assigned, that the statements and information contained in this form are true, accurate and complete to the best of my knowledge.

\_\_\_\_\_  
Official Name (Please PRINT Name)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Official Signature

\_\_\_\_\_  
Title

## **Examples of Eligible Air Pollution Reduction Projects**

Act 57-2011 requires that 25% of the fine or civil penalty of at least \$50,000 collected by DEP shall be returned to the municipality where the violation occurred to be used for projects that eliminate or reduce air pollution or for parks, recreation projects, trails or open space.

Please provide a detailed project description, including but not limited to, the timeline for the project, cost estimates, how it will reduce emissions and estimates of the potential emission reduction. Some examples of air pollution reduction projects:

- Building HVAC systems and upgrades or other energy conservation measures at municipal/county owned facilities (boilers, chillers, water heaters, windows, white roofing, insulation, lighting, solar projects, variable frequency drive motors)
- Replacement of diesel fired engines with natural gas/electric engines
- Installation of solar panels or wind turbines on municipal/county buildings or property
- Replacement of vehicles with hybrid/electric/CNG vehicles
- Diesel retrofits for municipal/county owned vehicles
- Installation of efficient emission controls and measures at publicly owned treatment plants (POTWs)
- Implementation of pollution prevention measures
- Installation of gas-fired boilers and furnaces
- Asbestos remediation projects
- Conversion of wood-burning stoves in the municipality
- Air pollution education outreach projects
- Lead-based paint remediation projects
- Free transit rides on air quality action days

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## **Examples of Eligible Park Projects**

Please describe the project, in detail, including but not limited to, the timeline for the project, cost estimates and location of the project. There may be overlap with projects that can also be considered open space, trails or recreation projects. If this is the case, please provide as much detail as possible considering the information requested for the additional project types. Examples of park projects may include the following:

- Purchase of land for community parks
- Planting of trees in existing parks
- Renovating an existing park
- Installation of air quality educational signage in existing parks
- Park expansion projects

## **Examples of Eligible Recreation Projects**

Please describe the project, in detail, including but not limited to, the timeline for the project and cost estimates. There may be overlap with projects that can also be considered open space, trails or park projects. If this is the case, please provide as much detail as possible considering the information requested for the additional project types. Examples of recreation projects may include the following:

- Sport camps in the municipality including Environmental Justice Communities
- Summer camps with an environmental theme
- Costs associated with hosting community races (jogging, biking)
- Installation of athletic or playground equipment

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## **Examples of Eligible Trail Projects**

Please describe the project, in detail, including but not limited to, the timeline for the project, cost estimates, and the location of the project. There may be overlap with projects that can also be considered open space, parks or recreation projects. If this is the case, please provide as much detail as possible considering the information requested for the additional project types. Examples of trail projects may include the following:

- Installation of bike lanes on municipal/county roadways
- Installation of multi-use trails to encourage alternative transportation to schools, community centers, etc.
- Educational signage on existing trails
- Expansion/ renovation costs of existing trails

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## **Examples of Eligible Open Space Project**

Please describe the project, in detail, including but not limited to, intended use of property, site characteristics, real estate appraisal report by a state certified appraiser, tax parcel map highlighting subject parcel. There may be overlap with projects that can also be considered parks, trails or recreation projects. If this is the case, please provide as much detail as possible considering the information requested for the additional project types. Some examples of open space projects:

- Acquiring land for outdoor parks and recreation
- Acquire land or easements for natural resource and farmland preservation
- Acquire public access easements for trails
- Acquire land or easements to preserve scenic vistas
- Improvement of existing open space