

Act 57

Amending the Pennsylvania Air Pollution Control Act

History and Requirements

What is Act 57?

Act 57 of 2011 was signed by Governor Tom Corbett on July 7, 2011. The act amends Section 9.2 of the Pennsylvania Air Pollution Control Act, 35 P.S. §4009.2, to require the Department of Environmental Protection (DEP) to return 25 percent of certain air pollution fines and penalties to the municipality in which the violation occurred. Act 57 became effective on September 5, 2011.

What does Act 57 require?

Act 57 requires DEP to return to the municipality in which the violation occurred 25 percent of a fine or civil penalty collected of at least \$50,000 to be used for projects that eliminate or reduce air pollution or for parks, recreation projects, trails or open space.

Act 57 requires DEP to notify the municipality in which the violation occurred within five business days of the imposition of the fine or penalty. Act 57 requires DEP to send a second notification to the municipality within five business days after the expiration of the right to file an appeal of the fine or civil penalty or after all appeals of the fine or civil penalty have been exhausted.

What are the municipality's responsibilities?

The municipality must submit a project proposal to DEP for review and approval within 180 days of DEP's second notification letter.

During the 180-day period, the municipality may assign its claim to funding to the county in which the violation occurred. If this happens, the county may submit a project proposal to DEP within 45 days of the expiration of the 180-day period or 225 days after DEP's second notification letter to the municipality.

What if the municipality does not take any action?

If the municipality does not submit a project proposal within the 180-day period or it provides notification of its intent not to file a project proposal, the county in which the violation occurred may submit a project proposal to DEP for approval within 45 days of the expiration of the 180-day period.

What projects will the DEP approve?

Act 57 requires that the funds be used to eliminate or reduce air pollution or for parks, recreation projects, trails or open space. Projects that will reduce energy use and air pollution are highly recommended and include but are not limited to:

- Building HVAC Systems and upgrades
- Boilers
- Chillers
- Water heaters
- Windows
- White roofing
- Insulation
- Energy efficient lighting projects
- Solar projects
- Motor replacements with variable frequency drives

More information on possible projects can be found at -

https://www.dep.pa.gov/Business/Energy/OfficeofPollutionPrevention/Energy_Efficiency_and_Conservation/Government_and_Schools/Pages/default.aspx

What exceptions are contained in Act 57?

Act 57 specifies that the fines and penalties collected shall not be subject to the requirements of the Act when the U. S. Environmental Protection Agency and DEP jointly prosecute a violation of the Clean Air Act, Pennsylvania Air Pollution Control Act, or regulations adopted under those acts.

In addition, the provisions of Act 57 shall not apply if the total of all fines and civil penalties deposited into the Clean Air Fund are less than \$1,850,000 in the previous fiscal year.

Where can a copy of Act 57 be obtained?

A copy of Senate Bill 151, which was signed into law as Act 57, can be found at:

[Bill Information - Senate Bill 151; Regular Session 2011-2012 - PA General Assembly \(state.pa.us\)](http://www.state.pa.us/bill/2011-2012/regular/sb_101-150/sb_151.html)

The provisions of Act 57 have been incorporated in the Pennsylvania Air Pollution Control Act, Section 9.2 which can be found at:

[Act of Jan. 8, \(1960\) 1959,P.L. 2119, No. 787 Cl. 35 - AIR POLLUTION CONTROL ACT \(state.pa.us\)](http://www.state.pa.us/govdocs/1959-1969/1959_P.L.2119_No.787_Cl.35-AIR_POLLUTION_CONTROL_ACT.html)