

ENVIRONMENTAL RESOURCES (27 PA.C.S.) - AMEND AGRICULTURAL ADVISORY BOARD
ESTABLISHMENT, POWERS AND REVIEW AND WATER RESOURCES PLANNING,
ADMINISTRATION AND ENFORCEMENT

Act of Dec. 16, 2002, P.L. 1776, No. 220

Cl. 27

Session of 2002

No. 2002-220

HB 2302

AN ACT

Amending Title 27 (Environmental Resources) of the Pennsylvania Consolidated Statutes, codifying the act of May 20, 1993 (P.L.38, No.11), entitled "An act establishing the Agricultural Advisory Board in the Department of Environmental Resources and prescribing its powers; and providing for review by the board of certain proposed rules and regulations," further providing for establishment of the Agricultural Advisory Board; providing for water resources planning, administration and enforcement; making a repeal; and making editorial changes.

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

Section 1. Part I of Title 27 of the Pennsylvania Consolidated Statutes is amended by adding a chapter to read:

CHAPTER 7

AGRICULTURAL ADVISORY BOARD

Sec.

- 701. Definitions.
- 702. Establishment of board.
- 703. Powers of board.
- 704. Review of regulations.

§ 701. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Agriculture." Normal farming practices or innovative techniques used in the production and preparation for market of any crop or commodity included within the definition of "crops, livestock and livestock products" in section 3 of the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law.

"Board." The Agricultural Advisory Board established in section 702 (relating to establishment of board).

"Department." The Department of Environmental Protection of the Commonwealth.

"Normal farming practices." The customary and generally accepted activities, practices and procedures that farmers adopt, use or engage in year after year in the production and preparation for market of any crop or commodity included within the definition of "crops, livestock and livestock products" in section 3 of the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law.

"Secretary." The Secretary of Environmental Protection of the Commonwealth.

"Sustainable agriculture." An integrated system of plant and

animal production practices as defined by the Food, Agriculture, Conservation and Trade Act of 1990 (Public Law 101-624, 104 Stat. 3616).

§ 702. Establishment of board.

(a) Creation.--There is hereby established in the department the Agricultural Advisory Board.

(b) Members.--The following persons shall comprise the board:

(1) Representatives of the Pennsylvania Farm Bureau, the Pennsylvania State Grange, PennAg Industries Association and the Pennsylvania Farmers Union. Each of these organizations shall annually name one person to represent it under this paragraph.

(2) A dairy producer, a livestock producer, a poultry producer, a grain producer, a fruit producer, a vegetable producer, a representative of the ornamental horticultural industry, a producer engaged in sustainable agriculture, a representative from the agricultural chemical manufacturers industry and a representative from the agribusiness industry. The Governor shall appoint these representatives to sit for a three-year term. Representatives appointed under this paragraph must receive a majority of their gross income from the activity which they represent.

(3) Representatives of the Pennsylvania Association of Conservation District Directors and The Pennsylvania State University. Each of these organizations shall annually name one person to represent it under this paragraph.

(4) Representatives of the Federal Farm Service Agency and the Federal Natural Resources Conservation Service. Each of these organizations shall annually name one person to represent it under this paragraph ex officio.

(5) Representatives of the Department of Agriculture and the department. Each department shall name a deputy secretary to represent it under this paragraph ex officio. If a named deputy secretary is unable to serve on the board, the deputy secretary must be replaced by another deputy secretary or by the secretary of that same department.

(6) The chairman and the minority chairman of the Agriculture and Rural Affairs Committee of the Senate or their designees and the chairman and the minority chairman of the Agriculture and Rural Affairs Committee of the House of Representatives or their designees to represent the General Assembly.

(c) Chairman.--The board shall annually elect a board chairman from among those members designated or appointed under subsection (b) (1) and (2). No member shall serve as chairman for more than two consecutive years.

(d) Staff.--The department shall furnish the board with administrative support.

§ 703. Powers of board.

(a) General rule.--The board shall have the following powers:

(1) Provide advice and expertise to the secretary regarding the nature of agriculture in this Commonwealth.

(2) Assist the secretary and provide written comments on new departmental policy that will impact upon agriculture in this Commonwealth.

(3) Assist the secretary and provide comment on regulatory proposals pursuant to section 704 (relating to review of regulations).

(4) Provide comment to the secretary regarding existing departmental policy and regulations affecting agriculture in this Commonwealth.

(b) Exempt regulations.--Regulations subject to review by the seasonal farm labor committee under the act of June 23, 1978 (P.L.537, No.93), known as the Seasonal Farm Labor Act, are exempt from review under subsection (a).

§ 704. Review of regulations.

(a) Notice to board.--The department shall notify the board of the development of any regulatory proposal which would regulate agriculture as early as possible but not less than 120 days prior to the date the Environmental Quality Board meets to initially consider any proposed rulemaking resulting from the regulatory proposal.

(b) Meeting and consultation with board.--At the request of the board, if the request is made within 30 days from the date of receipt of the notice required by subsection (a), the department shall meet and consult with the board in the formulation of any such regulatory proposal, and thereafter the board may provide the department with written comments thereon.

(c) Inclusion of comments with proposed rulemaking.--The department shall include any written comments of the board, received prior to the department's submission of a proposed rulemaking package to the Environmental Quality Board, as part of its submission to the Environmental Quality Board.

(d) Exceptions.--The requirements of this section shall not apply to regulations with mandatory statutory deadlines, to regulations required to be adopted by court order, to emergency regulations, to final regulations adopted pursuant to section 204 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, or where interim regulations are otherwise authorized by statute. The department shall advise the board as soon as possible of the development of regulations identified in this subsection which would regulate agriculture.

Section 2. Part III of Title 27 is amended by adding a chapter to read:

CHAPTER 31
WATER RESOURCES PLANNING

Subchapter

- A. General Provisions
- B. Water Resources Planning
- C. Administration and Enforcement

SUBCHAPTER A
GENERAL PROVISIONS

Sec.

- 3101. Scope.
- 3102. Definitions.
- 3103. Intergovernmental cooperation and coordination.
- 3104. Administrative agreements with other agencies.

§ 3101. Scope.

This chapter deals with water resources planning.

§ 3102. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Basin." The watershed of one of the following major rivers or hydrologic systems: the Delaware River, the Great Lakes, the Ohio River, the Potomac River and the Susquehanna River.

"Clean Streams Law." The act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law.