

No. 1995-68

AN ACT

HB 490

Amending the act of January 8, 1960 (1959 P.L.2119, No.787), entitled, as amended, "An act to provide for the better protection of the health, general welfare and property of the people of the Commonwealth by the control, abatement, reduction and prevention of the pollution of the air by smokes, dusts, fumes, gases, odors, mists, vapors, pollens and similar matter, or any combination thereof; imposing certain powers and duties on the Department of Environmental Resources, the Environmental Quality Board and the Environmental Hearing Board; establishing procedures for the protection of health and public safety during emergency conditions; creating a stationary air contamination source permit system; providing additional remedies for abating air pollution; reserving powers to local political subdivisions, and defining the relationship between this act and the ordinances, resolutions and regulations of counties, cities, boroughs, towns and townships; imposing penalties for violation of this act; and providing for the power to enjoin violations of this act; and conferring upon persons aggrieved certain rights and remedies," exempting certain portions of highways in second class townships from dust control measures.

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

Section 1. Section 12 of the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act, is amended by adding a subsection to read:

Section 12. Powers Reserved to Political Subdivisions.—\* \* \*

*(b.1) Provisions of this act pertaining to dust control measures shall not apply to portions of highways in townships of the second class where no businesses or residences are located.*

\* \* \*

Section 2. This act shall take effect immediately.

APPROVED—The 28th day of November, A.D. 1995.

THOMAS J. RIDGE