
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 769 Session of
1999

INTRODUCED BY SURRA, GEORGE, BELARDI, PESCI, S. H. SMITH,
FAIRCHILD, STEELMAN, WALKO, WOJNAROSKI, HALUSKA, MANDERINO,
CAWLEY, BELFANTI, McCALL, GRUCELA, MELIO, M. COHEN, FREEMAN,
KIRKLAND, COSTA, LAUGHLIN, SHANER, TRELLO, CURRY, PRESTON,
RUFFING, TANGRETTI, COLAFELLA, SOLOBAY, DALEY, PETRARCA,
RAMOS, SCRIMENTI, MUNDY, YOUNGBLOOD, YUDICHAK, HARHAI AND
ROONEY, MARCH 9, 1999

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
MARCH 9, 1999

AN ACT

1 Imposing requirements for host municipality agreements relating
2 to certain facilities and landfills; and providing for a
3 public input process.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Host
8 Municipality Agreement Act.

9 Section 2. Declaration of policy.

10 In recognition of host municipality agreements that are
11 secured after the Department of Environmental Protection has
12 approved a permit application for a new or expansion of existing
13 commercial residual waste treatment facility, resource recovery
14 facility, municipal waste landfill, construction/demolition
15 landfill or transfer station, which prevents local

1 municipalities from having any real input or control over the
2 siting process and may have adverse effects on the air, water
3 and overall environment of those municipalities, the General
4 Assembly, pursuant to section 27 of Article I of the
5 Constitution of Pennsylvania, considers it to be a matter of
6 sound public policy to require an applicant, as related to this
7 act, to secure a host municipality agreement prior to department
8 application review.

9 Section 3. Definitions.

10 (a) General rule.--The following words and phrases when used
11 in this act shall have the meanings given to them in this
12 section unless the context clearly indicates otherwise:

13 "Department." The Department of Environmental Protection of
14 the Commonwealth and its authorized representatives.

15 "Host municipality agreement." A written, legally binding
16 document or documents executed by duly authorized officials of a
17 host municipality and the owner or operator of an existing or
18 proposed municipal waste landfill, resource recovery facility,
19 commercial residual waste treatment facility,
20 construction/demolition landfill or transfer station.

21 (b) Other laws.--Except as provided in this section, the
22 terms in this act shall have the same meaning as provided in the
23 act of July 28, 1988 (P.L.556, No.101), known as the Municipal
24 Waste Planning, Recycling and Waste Reduction Act, the act of
25 July 7, 1980 (P.L.380, No.97), known as the Solid Waste
26 Management Act, and regulations of the department promulgated
27 thereunder.

28 Section 4. Host municipality agreement.

29 (a) Required provisions.--A permit application for a new or
30 expansion of an existing commercial residual waste treatment

1 facility, resource recovery facility, municipal waste landfill,
2 construction/demolition landfill or transfer station may only be
3 accepted as administratively complete under section 512 of the
4 act of July 28, 1988 (P.L.556, No.101), known as the Municipal
5 Waste Planning, Recycling and Waste Reduction Act, if it
6 includes written evidence that the applicant has secured a
7 location agreement with the host municipality that:

8 (1) Lists the parties involved in the negotiating
9 process, including duly authorized officials of host
10 municipality and the owner and operator of existing or
11 proposed facility.

12 (2) Contains the nature of the proposed facility or the
13 expansion of the existing facility.

14 (3) Lists the site of the proposed facility or the
15 expansion of the existing facility.

16 (4) Identifies the means by which agreement was reached.

17 (5) Lists measures agreed upon to address nuisances,
18 such as, but not limited to, traffic problems, litter, odors,
19 noise or dust.

20 (6) Provides proof of public notice requirements as
21 listed in subsection (c).

22 (b) Public input process.--A host municipality shall
23 implement a public input process that shall consist of no less
24 than two town hall meetings prior to securing a host
25 municipality agreement and that meets the public notice
26 requirements listed in subsection (c).

27 (c) Public notice.--

28 (1) A host municipality shall advertise a notice
29 describing the public input process that will assist in
30 developing the host municipality agreement prior to securing

1 that agreement. The notice shall be published no less than
2 four times during the two weeks prior to each town hall
3 meeting in a newspaper of general circulation in the area
4 where the expanded facility or proposed facility will be
5 located.

6 (2) At a minimum the notice shall contain the following:

7 (i) The nature of the proposed facility or the
8 expansion of the facility.

9 (ii) The site of the proposed facility or the
10 expansion of the existing facility.

11 (iii) The potential generators of waste.

12 (iv) The life expectancy of the proposed facility or
13 the expansion of the existing facility.

14 (v) The location and time of the town hall meeting.

15 Section 5. Regulations.

16 The department may promulgate such rules and regulations as
17 necessary to implement and enforce this act.

18 Section 6. Effective date.

19 This act shall take effect immediately.