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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**  
**No. 621**      Session of  
2007

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INTRODUCED BY EACHUS, GOODMAN, SURRA, THOMAS, BELFANTI, JAMES,  
KIRKLAND, GEORGE, WALKO, ARGALL AND REICHLEY, MARCH 6, 2007

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REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
MARCH 6, 2007

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AN ACT

1 Providing for municipal regulation of the deposit, disposal or  
2 land application of water dredge material; and requiring a  
3 public referendum under certain circumstances.

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 Water Dredge  
8 Material Municipal Regulation Act.

9 Section 2. Definitions.

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

13 "Affected municipality." A municipality in which water  
14 dredge material is intended to be deposited, disposed of or  
15 applied to land or that would be directly affected by the  
16 deposition, disposal of or application to land of water dredge  
17 material in the municipality.

18 "Composition." A mixture or combination of materials

1 containing water dredge material.

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

4 "Deposit, disposal or land application site." The physical  
5 location where water dredge material is intended to be  
6 deposited, disposed or applied in an affected municipality.

7 "Permit." A document issued by the Department of  
8 Environmental Protection that grants a person, party,  
9 corporation or governmental entity the authorization to deposit,  
10 dispose or apply water dredge material or any composition  
11 containing water dredge material in a municipality.

12 "Permit application." A request or petition to the  
13 Department of Environmental Protection seeking authorization by  
14 a person, party, corporation or governmental entity to deposit,  
15 dispose or apply water dredge material or any composition  
16 containing water dredge material in a municipality.

17 "Water dredge material." Material dredged or excavated from  
18 freshwater, brackish or marine waters for the direct or indirect  
19 purpose of establishing or increasing water depth or increasing  
20 the surface or cross-sectional area of a waterway or material  
21 dredged or excavated from freshwater, brackish or marine waters  
22 for the purpose of removing material pursuant to Federal or  
23 State hazardous waste cleanup procedures and that includes  
24 sediment, soil, mud, shells, gravel or other aggregate. The term  
25 does not include waste removed or dredged from an impoundment  
26 that has received solid waste as that term is defined under the  
27 act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste  
28 Management Act.

29 Section 3. Water dredge material ordinances.

30 (a) General rule.--Subject to the provisions of subsection

1 (b), a municipality may adopt and enforce ordinances regulating  
2 the deposit, disposal or land application of water dredge  
3 material.

4 (b) Relationship to other law.--A municipal ordinance  
5 regulating the deposit, disposal or land application of water  
6 dredge material must be at least as stringent as the  
7 requirements of the act of July 7, 1980 (P.L.380, No.97), known  
8 as the Solid Waste Management Act, and the regulations  
9 promulgated under that act.

10 Section 4. Municipal veto.

11 In addition to the requirements of the act of July 7, 1980  
12 (P.L.380, No.97), known as the Solid Waste Management Act, a  
13 municipality may veto, provided that the provisions of section 5  
14 are satisfied, a permit application approved by the department  
15 for the deposit, disposal or land application of water dredge  
16 material consisting of more than 10,000 cubic yards, where the  
17 place of origin of the water dredge material is beyond the 25-  
18 mile radius from the physical center of the deposit, disposal or  
19 land application site.

20 Section 5. Procedure.

21 (a) Referendum.--The county commissioners shall place a  
22 referendum question on the next general election ballot, with  
23 more than 60 days' prior notice, for any affected municipality.  
24 The referendum question shall ask the electorate if the permit  
25 application for the deposition, disposal or land application of  
26 water dredge material should be approved.

27 (b) Public hearing.--

28 (1) At least 30 days prior to the election, the  
29 governing body of an affected municipality must cooperate in  
30 sponsoring at least one public hearing on a weekday between

1 the hours of 6 p.m. and 11 p.m. eastern standard time on the  
2 issue of the pending permit application for the deposition,  
3 disposal and land application of water dredge material.

4 (2) The governing body of the affected municipality  
5 shall notify the governing body of all adjacent  
6 municipalities with notice of the public hearing and shall  
7 publish notice of the meeting in a newspaper of general  
8 circulation within the affected municipality.

9 (3) The governing body of the affected municipality  
10 shall afford nonresidents the same opportunity to participate  
11 in the public hearing as residents of the affected  
12 municipality.

13 (4) The department shall present testimony at the  
14 hearing and justify its approval of the permit application.

15 (c) Effect of referendum.--

16 (1) If the majority of the electorate voting on the  
17 referendum required by subsection (b) vote to approve the  
18 permit application, the permit shall be deemed approved and  
19 water dredge material may be deposited, disposed of or  
20 applied to land within the boundaries of the affected  
21 municipality in accordance with the permit.

22 (2) If the majority of the electorate voting on the  
23 referendum required by subsection (b) vote to disapprove the  
24 permit, the deposit, disposal or land application of water  
25 dredge material shall not be disposed of or applied to land  
26 within the boundaries of the affected municipality.

27 Section 6. Existing permits.

28 Any permit issued by the department between November 1, 2003,  
29 and the effective date of this act that authorizes the deposit,  
30 disposal or land application of water dredge material is hereby

- 1 declared null and void.
- 2 Section 7. Effective date.
- 3 This act shall take effect immediately.