

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 738 Session of 2015

INTRODUCED BY HANNA, SANKEY, McNEILL, THOMAS, D. COSTA, COHEN
AND DeLUCA, MARCH 6, 2015

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
MARCH 6, 2015

AN ACT

1 Amending the act of July 7, 1980 (P.L.380, No.97), entitled "An
2 act providing for the planning and regulation of solid waste
3 storage, collection, transportation, processing, treatment,
4 and disposal; requiring municipalities to submit plans for
5 municipal waste management systems in their jurisdictions;
6 authorizing grants to municipalities; providing regulation of
7 the management of municipal, residual and hazardous waste;
8 requiring permits for operating hazardous waste and solid
9 waste storage, processing, treatment, and disposal
10 facilities; and licenses for transportation of hazardous
11 waste; imposing duties on persons and municipalities;
12 granting powers to municipalities; authorizing the
13 Environmental Quality Board and the Department of
14 Environmental Resources to adopt rules, regulations,
15 standards and procedures; granting powers to and imposing
16 duties upon county health departments; providing remedies;
17 prescribing penalties; and establishing a fund," in
18 applications and permits, providing for public comment; and
19 providing for prohibitions.

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

22 Section 1. The act of July 7, 1980 (P.L.380, No.97), known
23 as the Solid Waste Management Act, is amended by adding a
24 section to read:

25 Section 502.1. Public comment.

26 (a) Notwithstanding any other provision of law, the

1 department shall conduct at least one public hearing for the
2 purpose of receiving information at least 180 days prior to the
3 application of sewage sludge under a land reclamation permit for
4 the surface land application of sewage sludge.

5 (b) At least 30 days prior to conducting a hearing under
6 subsection (a), the department must publish notice of the
7 hearing in a newspaper of general circulation in the affected
8 area.

9 (c) When a public hearing is held, a person may testify
10 within the time provided or submit written comments, or both.
11 The department must consider testimony relevant to the
12 requirements of this act, the environmental protection acts and
13 25 Pa. Code (relating to environmental protection).

14 (d) After a hearing under subsection (c), the department
15 must prepare a summary of the written and oral comments
16 submitted at the hearing, the department's responses to the
17 comments and the reasons for the responses. The department must
18 provide copies of the summary to each person who submitted
19 comments and to other persons who request a copy.

20 (e) For the purposes of this section, the term
21 "environmental protection acts" shall include the following:

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

24 (2) The act of May 31, 1945 (P.L.1198, No.418), known as
25 the "Surface Mining Conservation and Reclamation Act."

26 (3) The act of January 8, 1960 (1959 P.L.2119, No.787),
27 known as the "Air Pollution Control Act."

28 (4) The act of November 26, 1978 (P.L.1375, No.325),
29 known as the "Dam Safety and Encroachments Act."

30 (5) The act of December 19, 1984 (P.L.1093, No.219),

1 known as the "Noncoal Surface Mining Conservation and
2 Reclamation Act."

3 (6) The act of February 9, 1988 (P.L.31, No.12), known
4 as the "Low-Level Radioactive Waste Disposal Act."

5 (7) The act of July 13, 1988 (P.L.525, No.93), referred
6 to as the Infectious and Chemotherapeutic Waste Law.

7 (8) The act of July 28, 1988 (P.L.556, No.101), known as
8 the "Municipal Waste Planning, Recycling and Waste Reduction
9 Act."

10 (9) The act of October 18, 1988 (P.L.756, No.108), known
11 as the "Hazardous Sites Cleanup Act."

12 (10) The act of May 19, 1995 (P.L.4, No.2), known as the
13 "Land Recycling and Environmental Remediation Standards Act."

14 (11) Other Federal or State statutes relating to
15 environmental protection or the protection of public health.

16 Section 2. The act is amended by adding an article to read:

17 ARTICLE V-A

18 PROHIBITIONS

19 Section 501-A. Sewage sludge.

20 Notwithstanding any other provision of law, the application
21 of sewage sludge in a source water protection area under a land
22 reclamation permit for the surface land application of sewage
23 sludge is prohibited.

24 Section 3. All regulations and parts of regulations which
25 are inconsistent with the addition of section 502.1 and Article
26 V-A of the act are abrogated.

27 Section 4. This act shall take effect in 60 days.