

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1017 Session of
2011

INTRODUCED BY KNOWLES, GOODMAN, CREIGHTON, BOBACK, GEIST, KORTZ
AND SCHRODER, MARCH 15, 2011

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
MARCH 15, 2011

AN ACT

1 Providing for municipal regulation of the deposit, disposal or
2 land application of biosolid material; and requiring a public
3 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 Biosolid
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 biosolid
14 material is intended to be deposited, disposed of or applied to
15 land or that would be directly affected by the deposition,
16 disposal of or application to land of biosolids material in the
17 municipality.

18 "Biosolid material." Liquid or solid sludges and other

1 residues from a municipal sewage collection and treatment
2 system; and liquid or solid sludges and other residues from
3 septic and holding tank pumpings from commercial, institutional
4 or residential establishments. The term includes materials
5 derived from sewage sludge. The term does not include ash
6 generated during the firing of sewage sludge in a sewage sludge
7 incinerator, grit and screenings generated during preliminary
8 treatment of sewage sludge at a municipal sewage collection and
9 treatment system or grit, screenings and nonorganic objects from
10 septic and holding tank pumpings.

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

13 "Deposit, disposal or land application site." The physical
14 location where biosolid material is intended to be deposited,
15 disposed or applied in an affected municipality.

16 "Permit." A document issued by the Department of
17 Environmental Protection that grants a person, party,
18 corporation or governmental entity the authorization to deposit,
19 dispose or apply biosolid material or any composition containing
20 biosolid material in a municipality.

21 "Permit application." A request or petition to the
22 Department of Environmental Protection seeking authorization by
23 a person, party, corporation or governmental entity to deposit,
24 dispose or apply biosolid material or any composition containing
25 biosolid material in a municipality.

26 Section 3. Biosolid material ordinances.

27 (a) General rule.--Subject to the provisions of subsections

28 (b) and (c), a municipality may adopt and enforce ordinances
29 regulating the deposit, testing, disposal or land application of
30 biosolid material.

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

7 (c) Biosolid testing.--A municipality may adopt an ordinance
8 or resolution authorizing the municipality to conduct tests of
9 land for the deposits of the biosolid material, for the biosolid
10 material itself, or both. The expense of the tests must be paid
11 by:

12 (1) the entity that applied the biosolid material;

13 (2) the owner of the land; or

14 (3) the transporter of the biosolid material.

15 Upon written complaint of any person, the department may enter
16 upon any land in this Commonwealth and conduct tests of the land
17 for the application of biosolid material without prior notice to
18 the owner of the land.

19 Section 4. Municipal veto.

20 In addition to the requirements of the act of July 7, 1980
21 (P.L.380, No.97), known as the Solid Waste Management Act, a
22 municipality may veto, provided that the provisions of section 5
23 are satisfied, a permit application approved by the department
24 for the deposit, disposal or land application of biosolid
25 material.

26 Section 5. Existing permits.

27 Any permit issued by the department between January 1, 2010,
28 and the effective date of this section that authorizes the
29 deposit, disposal or land application of biosolid material is
30 hereby declared null and void.

1 Section 6. Effective date.

2 This act shall take effect in 60 days.