

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 456      Session of  
1997

---

INTRODUCED BY DeLUCA, REBER, SHANER, VAN HORNE, MAITLAND, OLASZ,  
YOUNGBLOOD, TRELLO, BELFANTI AND THOMAS, FEBRUARY 11, 1997

---

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
FEBRUARY 11, 1997

---

AN ACT

1 Requiring public hearings before the imposition of fines and  
2 penalties upon municipalities and municipal authorities by  
3 the Department of Environmental Protection.

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 Municipal  
8 Penalty Notification 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 "Department." The Department of Environmental Protection of  
14 the Commonwealth.

15 Section 3. Limitations.

16 (a) General rule.--The Department of Environmental  
17 Protection shall not impose a fine or penalty upon any  
18 municipality or municipal authority within this Commonwealth in

1 excess of \$5,000 for any one or more violations of any one or  
2 more environmental statutes or regulations at a facility owned  
3 or operated by a municipality or municipal authority without  
4 first conducting a public hearing within the boundaries of the  
5 municipality or the service area of the municipal authority.

6 (b) Public hearing requirements.--Pursuant to the  
7 requirement of subsection (a), the department shall conduct a  
8 public hearing relating to the proposed fines or penalties in  
9 accordance with the act of July 3, 1986 (P.L.388, No.84), known  
10 as the Sunshine Act. The department shall conduct the public  
11 hearing in a manner which maximizes public notification and  
12 participation, including, but not limited to, scheduling the  
13 hearing after normal business hours and at places convenient to  
14 the affected residents.

15 Section 4. Applicability.

16 The provisions of this act shall apply to the Pennsylvania  
17 Fish and Boat Commission insofar as it applies to enforcement  
18 activities arising from pollution or contamination of the  
19 streams and waterways of this Commonwealth.

20 Section 5. Effective date.

21 This act shall take effect immediately.