
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2275

Session of
2003

INTRODUCED BY ARGALL, McCALL, ALLEN, GOODMAN, ARMSTRONG, BAKER, BOYD, BROWNE, BUNT, CAPPELLI, COLEMAN, CRAHALLA, DALEY, DALLY, DENLINGER, DIGIROLAMO, J. EVANS, FLEAGLE, FORCIER, FREEMAN, GOOD, HABAY, HARHART, HARRIS, HERMAN, HICKERNELL, HORSEY, LEVDANSKY, LEWIS, MAHER, MAITLAND, MUNDY, MUSTIO, NICKOL, O'NEILL, REED, SCHRODER, STERN, T. STEVENSON, TANGRETTI, THOMAS, TURZAI, WALKO, WANSACZ, YOUNGBLOOD AND ZUG, DECEMBER 17, 2003

REFERRED TO COMMITTEE ON INTERGOVERNMENTAL AFFAIRS,
DECEMBER 17, 2003

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

1 deposition, disposal of or application to land of water dredge
2 material in the municipality.

3 "Composition." A mixture or combination of materials
4 containing water dredge material.

5 "Department." The Department of Environmental Protection of
6 the Commonwealth.

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

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

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

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

1 Management Act.

2 Section 3. Water dredge material ordinances.

3 (a) General rule.--Subject to the provisions of subsection
4 (b), a municipality may adopt and enforce ordinances regulating
5 the deposit, disposal or land application of water dredge
6 material.

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

13 Section 4. Municipal veto.

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

23 Section 5. Procedure.

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

30 (b) Public hearing.--

1 (1) At least 30 days prior to the election, the
2 governing body of an affected municipality must cooperate in
3 sponsoring at least one public hearing on a weekday between
4 the hours of 6 p.m. and 11 p.m. eastern standard time on the
5 issue of the pending permit application for the deposition,
6 disposal and land application of water dredge material.

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

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

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

18 (c) Effect of referendum.--

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

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

30 Section 6. Existing permits.

1 Any permit issued by the department between November 1, 2003,
2 and the effective date of this act that authorizes the deposit,
3 disposal or land application of water dredge material is hereby
4 declared null and void.

5 Section 7. Effective date.

6 This act shall take effect immediately.