

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1243 Session of
2018

INTRODUCED BY SCAVELLO, SEPTEMBER 10, 2018

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY,
SEPTEMBER 10, 2018

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 biosolid 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 that grants a
17 person, party, corporation or governmental entity the
18 authorization to deposit, dispose or apply biosolid material or
19 any composition containing biosolid material in a municipality.

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

25 Section 3. Biosolid material ordinances.

26 (a) General rule.--Subject to the provisions of subsections
27 (b) and (c), a municipality may adopt and enforce ordinances
28 regulating the deposit, testing, disposal or land application of
29 biosolid material.

30 (b) Relationship to other law.--A municipal ordinance

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

6 (c) Biosolid testing.--

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

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

13 (ii) the owner of the land; or

14 (iii) the transporter of the biosolid material.

15 (2) Upon written complaint of any person, the department
16 may enter upon any land in this Commonwealth and conduct
17 tests of the land for the application of biosolid material
18 without prior notice to 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 on or after January 1,
28 2015, that authorizes the deposit, disposal or land application
29 of biosolid material shall be declared null and void.

30 Section 6. Effective date.

1 This act shall take effect in 60 days.