
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 652 Session of
2023

INTRODUCED BY BULLOCK, KENYATTA, RABB, GUENST, PROBST, HILL-
EVANS, SANCHEZ, PARKER, MADDEN, BURGOS, STURLA, SHUSTERMAN,
KIM, KINKEAD, BENHAM, PISCIOTTANO, INNAMORATO, VITALI,
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KINSEY, FIEDLER, CONKLIN, CEPEDA-FREYTIZ, KHAN, HOWARD,
BRIGGS, OTTEN, FRANKEL AND SALISBURY, MARCH 21, 2023

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
MARCH 21, 2023

AN ACT

1 Amending Title 27 (Environmental Resources) of the Pennsylvania
2 Consolidated Statutes, providing for issuance of permits in
3 burdened communities.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 27 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 43

9 ISSUANCE OF PERMITS IN BURDENED COMMUNITIES

10 Sec.

11 4301. Definitions.

12 4302. Designation of burdened communities.

13 4303. Permit process.

14 4304. Regulations and publication.

15 § 4301. Definitions.

16 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Burdened community." A census tract, as delineated in the
4 most recent Federal decennial census, that is ranked in the
5 bottom 33% of census tracts in this Commonwealth for median
6 annual household income.

7 "Cumulative impacts." An exposure, public health or
8 environmental risk or other effect occurring in a specific
9 geographical area, including from any environmental pollution
10 emitted or released routinely, accidentally or otherwise, from
11 any source, and assessed based on the combined past, present and
12 reasonably foreseeable emissions and discharges affecting the
13 geographical area.

14 "Department." The Department of Environmental Protection of
15 the Commonwealth.

16 "Facility." Any of the following:

17 (1) an electric generating facility with a capacity of
18 more than 10 megawatts;

19 (2) a resource recovery facility or incinerator;

20 (3) a sludge combustor or incinerator;

21 (4) a sewage treatment plant with a capacity of more
22 than 50,000,000 gallons per day;

23 (5) a transfer station, recycling center or other solid
24 waste facility with a combined monthly volume in excess of 25
25 tons;

26 (6) a landfill, including, but not limited to, a
27 landfill that accepts ash, construction or demolition debris
28 or solid waste;

29 (7) a medical waste incinerator; or

30 (8) a major source of air pollution as defined in 42

1 U.S.C. § 7412 (relating to hazardous air pollutants).

2 "Permit." A permit, registration or license issued by the
3 department establishing the regulatory and management
4 requirements for an ongoing regulated activity as authorized by
5 Federal or State law.

6 § 4302. Designation of burdened communities.

7 (a) List of burdened communities.--No later than 120 days
8 after the effective date of this section, the department, in
9 consultation with the Secretary of the Commonwealth, shall adopt
10 a list of burdened communities in this Commonwealth. The
11 department shall update the list of burdened communities
12 periodically as new data on median annual household income
13 becomes available and after each Federal decennial census is
14 officially reported as required by Federal law.

15 (b) Representative of burdened community.--No later than 60
16 days after a burdened community is designated under subsection
17 (a), the governing body of a municipality in which a burdened
18 community is located, in consultation with appropriate community
19 groups, shall designate a representative of the burdened
20 community.

21 § 4303. Permit process.

22 (a) Granting of permits.--Beginning 180 days after the
23 effective date of this section, the department may not grant a
24 permit for a new facility or for the expansion of an existing
25 facility located in whole or in part in a burdened community
26 unless the permit applicant first:

27 (1) Prepares a report assessing the environmental impact
28 of the proposed new facility or expansion of an existing
29 facility, including cumulative impacts on the burdened
30 community, adverse environmental effects that cannot be

1 avoided should the permit be granted and the public health
2 impact on the burdened community.

3 (2) Transmits the report required to be prepared under
4 paragraph (1) at least 30 days prior to the public hearing
5 required under paragraph (3) to the department, the governing
6 body and the clerk of the municipality in which the burdened
7 community is located and the designated representative of the
8 burdened community. The report shall be made available to the
9 public at least 30 days prior to the public hearing required
10 under paragraph (3).

11 (3) Organizes and conducts a public hearing in a
12 location as convenient as possible to all interested parties.
13 The permit applicant shall publish public notices of the
14 hearing in at least two newspapers circulating within the
15 burdened community not less than 21 days prior to the
16 hearing. At least 14 days prior to the date set for the
17 hearing, a copy of the public notice shall be sent to the
18 department, the governing body and the clerk of the
19 municipality in which the burdened community is located and
20 the designated representative of the burdened community.

21 (b) Public hearing.--At a public hearing, the permit
22 applicant shall provide clear, accurate and complete information
23 about the proposed new facility or expansion of an existing
24 facility and the potential environmental and health impacts of
25 the new or expanded facility. The hearing shall provide an
26 opportunity for meaningful public participation by residents of
27 the burdened community. Following the public hearing, the
28 department shall consider the testimony presented and evaluate
29 revisions or conditions to the permit that may be necessary to
30 reduce the adverse impact to the public health or the

1 environment in the burdened community.

2 (c) Decision by department.--The department may not issue a
3 decision on the permit application until at least 60 days after
4 a public hearing. Notwithstanding the provisions of any other
5 law, the department may deny a permit application in a burdened
6 community upon a finding that the approval of the permit would,
7 together with the cumulative impacts posed by the existing
8 conditions, including conditions resulting from permitted
9 activities, constitute an unreasonable risk to the health of the
10 residents and the environment of the burdened community. The
11 following shall apply:

12 (1) The department, when evaluating an application for a
13 permit under this section, shall assess the community support
14 for the proposed new facility or expansion of an existing
15 facility as demonstrated through the public hearing conducted
16 under subsection (b), letters of support for or opposition to
17 the proposed new or expanded facility and any ordinance or
18 resolution adopted by the governing body of the municipality
19 in which the burdened community is located. The department
20 shall consider community support or the lack of community
21 support in the department's decision to grant or deny a
22 permit.

23 (2) If a permit applicant is applying for more than one
24 permit for a proposed new facility or expansion of an
25 existing facility, the permit applicant shall only be
26 required to comply with the provisions of this section once,
27 unless the department, in its discretion, determines that
28 more than one public hearing is necessary due to the
29 complexity of the proposed new or expanded facility. Nothing
30 in this section shall be construed to limit the authority of

1 the department to hold or require additional public hearings
2 as may be required by any other law.

3 § 4304. Regulations and publication.

4 (a) Promulgation.--The department shall promulgate rules and
5 regulations to implement the provisions of this chapter.

6 (b) Publication of permits.--The department shall publish
7 all permits granted under this chapter, along with any guidance
8 documents, on its publicly accessible Internet website.

9 Section 2. This act shall take effect immediately.