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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1866 Session of  
2013

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INTRODUCED BY KNOWLES, EMRICK, GOODMAN, TOEPEL, BOBACK, HESS,  
MURT, FABRIZIO AND KORTZ, DECEMBER 9, 2013

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REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
DECEMBER 9, 2013

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

- 11 (1) the entity that applied the biosolid material;
- 12 (2) the owner of the land; or
- 13 (3) the transporter of the biosolid material.

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

#### 18 Section 4. Municipal veto.

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

#### 25 Section 5. Existing permits.

26 Any permit issued by the department on or after January 1,  
27 2014, that authorizes the deposit, disposal or land application  
28 of biosolid material is hereby declared null and void.

#### 29 Section 6. Effective date.

30 This act shall take effect in 60 days.