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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 109 Session of  
2025

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INTRODUCED BY VITALI, RABB, KENYATTA, ISAACSON, FREEMAN,  
HOHENSTEIN, HILL-EVANS, KHAN, PROBST, SANCHEZ, SAMUELSON AND  
HOWARD, JANUARY 14, 2025

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REFERRED TO COMMITTEE ON ENVIRONMENTAL AND NATURAL RESOURCE  
PROTECTION, JANUARY 14, 2025

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AN ACT

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

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 ENVIRONMENTAL JUSTICE AREAS

10 Sec.

11 4301. Legislative findings and purpose.

12 4302. Definitions.

13 4303. Designation of environmental justice areas.

14 4304. Permit process.

15 4305. Regulations and publication.

16 § 4301. Legislative findings and purpose.

17 The General Assembly finds and declares that:

1       (1) Low-income, low-wealth communities and communities  
2 of color have historically borne and currently bear a  
3 disproportionate share of environmental degradation.

4       (2) The Department of Environmental Protection is the  
5 agency charged with administering the laws and regulations in  
6 this Commonwealth to prevent and remedy environmental  
7 degradation and is one of the agencies charged with  
8 conserving, maintaining and restoring this Commonwealth's  
9 public natural resources.

10       (3) Section 27 of Article I of the Constitution of  
11 Pennsylvania recognizes that all the people of this  
12 Commonwealth have inalienable environmental rights and that  
13 the Commonwealth is the trustee of this Commonwealth's public  
14 natural resources.

15       (4) All individuals in this Commonwealth should be able  
16 to live in and enjoy a clean and healthy environment that  
17 includes outdoor spaces, access to clean energy resources,  
18 access to public lands and public natural resources.

19       (5) The elimination and restoration of disproportionate  
20 environmental degradation is recognized as being directly  
21 related to the economic vitality of this Commonwealth.

22 § 4302. Definitions.

23       The following words and phrases when used in this chapter  
24 shall have the meanings given to them in this section unless the  
25 context clearly indicates otherwise:

26       "Cumulative environmental impacts." The totality of existing  
27 and imminent environmental impacts and pollution in a defined  
28 geographic area, to land, waters of this Commonwealth or ambient  
29 air, and regardless of whether the pollution has been authorized  
30 under the laws of this Commonwealth.

1 "Department." The Department of Environmental Protection of  
2 the Commonwealth.

3 "Environmental justice area." A geographic area  
4 characterized by increased pollution burden and vulnerable  
5 populations based on demographic, economic, health and  
6 environmental data.

7 "Facility." The site of a department-regulated activity that  
8 may lead to significant public concern due to potential impacts  
9 on human health and the environment. The term includes sites  
10 that involve the following:

11 (1) National Pollutant Discharge Elimination System  
12 permits at industrial wastewater facilities that discharge at  
13 or above 50,000 gallons per day.

14 (2) Air permits for any new major source of hazardous  
15 air pollutants or criteria pollutants.

16 (3) Air permits for any major modification of a major  
17 source that are subject to Prevention of Significant  
18 Deterioration or Nonattainment New Source Review.

19 (4) Waste permits involving a combined monthly volume in  
20 excess of 25 tons, or any major modification of waste  
21 permits, including changes that result in an increase in  
22 capacity or a facility expansion, for landfills, commercial  
23 hazardous waste treatment facilities, storage or disposal  
24 facilities and other disposal facilities, including a  
25 landfill that accepts ash, construction or demolition debris,  
26 medical waste or solid waste, transfer stations, recycling  
27 centers, commercial incinerators and other waste processing  
28 facilities.

29 (5) Mining permits for bituminous and anthracite  
30 underground mines, bituminous and anthracite surface mines,

1 large industrial mineral surface and underground mines, coal  
2 refuse disposal, coal refuse reprocessing, large coal  
3 preparation facility or any revision of permits under this  
4 paragraph that involve additional acreage for mineral removal  
5 or use of biosolids for reclamation.

6 (6) An individual permit for a land application of  
7 biosolids.

8 (7) Concentrated animal feeding operations that are new  
9 or expanded operations of greater than 1,000 animal  
10 equivalent units, concentrated animal operation of greater  
11 than 300 animal equivalent units in a special protection  
12 watershed or a concentrated animal operation with direct  
13 discharge to surface waters.

14 (8) An electric generating facility with a capacity of  
15 more than 10 megawatts.

16 (9) A sewage treatment plant with a capacity of more  
17 than 50,000,000 gallons per day.

18 (10) Underground injection control wells associated with  
19 oil and gas development.

20 (11) Other facilities as designated by the Environmental  
21 Quality Board through regulations under this chapter.

22 "Permit." A permit, approval of coverage under a general  
23 permit, registration or other authorization issued by the  
24 department establishing the regulatory and management  
25 requirements for a regulated activity as authorized by Federal  
26 or State law.

27 § 4303. Designation of environmental justice areas.

28 (a) Method.--The methods to identify an environmental  
29 justice area shall be determined and regularly reviewed by the  
30 department.

1 (b) Designation.--No later than 120 days after the effective  
2 date of this section, the department shall designate and make  
3 publicly available environmental justice areas in this  
4 Commonwealth. The department shall update environmental justice  
5 area designations every three years.

6 § 4304. Permit process.

7 (a) Department action on permit applications for facilities  
8 in environmental justice areas.--Beginning 180 days after the  
9 effective date of this section, prior to the department taking  
10 an action on an application for a new facility or for the  
11 expansion of an existing facility, located in whole or in part  
12 in an environmental justice area:

13 (1) The permit applicant shall prepare and submit with  
14 the application for facility permit or other authorization, a  
15 cumulative environmental impact report assessing the  
16 environmental impact of the proposed new facility or  
17 expansion of an existing facility, together with the  
18 cumulative impacts on the environmental justice area, and the  
19 adverse environmental effects that cannot be avoided or  
20 mitigated should the permit be granted.

21 (2) Unless a public hearing is otherwise required by the  
22 environmental laws and regulations for the permit or  
23 authorization, the following shall apply:

24 (i) The department shall organize and conduct a  
25 public hearing in a location as convenient as possible to  
26 all interested parties and publish public notices of the  
27 hearing in at least two newspapers circulating within the  
28 environmental justice area and on the department's  
29 publicly accessible Internet website not less than 21  
30 days prior to the hearing.

1           (ii) At least 14 days prior to the date set for the  
2 hearing, a copy of the public notice shall be sent to the  
3 clerk of the municipality in which the environmental  
4 justice area is located.

5           (iii) At a public hearing, the permit applicant  
6 shall provide clear, accurate and complete information  
7 about the proposed new facility or expansion of an  
8 existing facility and the potential environmental and  
9 health impacts of the new or expanded facility. The  
10 hearing shall provide an opportunity for meaningful  
11 public participation by residents of the environmental  
12 justice area.

13           (iv) Following the public hearing, the department  
14 shall consider the testimony presented and evaluate  
15 revisions or conditions to the permit that may be  
16 necessary to reduce the adverse impact to the public  
17 health or the environment in the environmental justice  
18 area.

19       (b) Decision by department.--The department may not issue a  
20 decision on the permit application until at least 60 days after  
21 a public hearing.

22       (c) Additional requirements.--The department may require  
23 additional conditions or mitigation measures or may deny a  
24 permit application in an environmental justice area based on the  
25 cumulative environmental impacts.

26       (d) Publication.--The applicant shall provide copies of  
27 applications for a permit for a facility located in whole or in  
28 part in an environmental justice area to the clerk of the  
29 municipality in which the environmental justice area is located,  
30 who may recommend to the department conditions upon, revisions

1 to or disapproval of the permit only if specific cause is  
2 identified. If the department overrides a municipal  
3 recommendation, the department shall be required to transmit  
4 notice of the department's justification for overriding the  
5 municipality's recommendations to the Legislative Reference  
6 Bureau for publication in the next available issue of the  
7 Pennsylvania Bulletin. If the department does not receive  
8 comments within 60 days of receipt of the applications from the  
9 permit applicant by the clerk of the municipality, the  
10 municipality shall be deemed to have waived the municipality's  
11 right to review.

12 (e) Construction.--The provisions of this section shall be  
13 in addition to all requirements under any applicable  
14 environmental law.

15 § 4305. Regulations and publication.

16 (a) Promulgation.--The department and Environmental Quality  
17 Board shall adopt and promulgate rules and regulations to  
18 implement this chapter.

19 (b) Publication of permits.--In addition to publication  
20 requirements under law and regulation, the department shall  
21 publish all permits granted under this chapter, along with any  
22 guidance documents, on its publicly accessible Internet website.

23 Section 2. This act shall take effect immediately.