



# Environmental & Natural Resource Protection

## Committee

State Representative Greg Vitali  
Democratic Chairman

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### MEMORANDUM

DATE: 6/2/2026  
TO: House Environmental and Natural Resource Protection Committee Members  
FROM: Representative Greg Vitali, Majority Chairman  
House Environmental and Natural Resource Protection Committee  
RE: Environmental and Natural Resource Protection Committee Voting Meeting –  
Monday, June 8<sup>th</sup>, 2026

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The House Environmental and Natural Resource Protection Committee will hold a voting meeting on **Monday, June 8th, 2026, at 11:00am in B31 Main Capital Building.**

The purpose of this voting meeting will be to consider the following legislation and any other business that may come before the committee.

- [HB 84; PN 38 \(Vitali\)](#) – Prohibits the road spreading of oil and gas wastewater.
- [HB 426; PN 401 \(Pielli\)](#) – Requires Commonwealth agencies to prioritize native species for landscaping.
- [HB 1567; PN 1867 \(Mullins\)](#) – Provides for community benefits agreements for power plants.

Any other business before the committee

Please contact Hayley Shupe at 717-787-7647 or [hshupe@pahouse.net](mailto:hshupe@pahouse.net) with any questions. If you are unable to attend this meeting, please submit an Official Vote by Designation Form prior to the start of the meeting.

Thank you,

GV/hs



**House Environmental and Natural Resource Protection Committee**

***Meeting Agenda***

Monday, April 8th, 2026

11:00am – 12:00pm

B31 Main Capital Building

Call to Order

Roll Call

**HB 84; PN 38 (Vitali)** – Prohibits the road spreading of oil and gas wastewater.

**HB 426; PN 401 (Pielli)** – Requires Commonwealth agencies to prioritize native species for landscaping.

**HB 1567; PN 1867 (Mullins)** – Provides for community benefits agreements for power plants.

Any other business before the committee

Adjournment

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 84 Session of 2025

INTRODUCED BY VITALI, HILL-EVANS, PIELLI, HOWARD, HOHENSTEIN, SAPPEY, RABB, GUENST, KHAN, HADDOCK, KENYATTA, FREEMAN, OTTEN AND WEBSTER, JANUARY 10, 2025

REFERRED TO COMMITTEE ON ENVIRONMENTAL AND NATURAL RESOURCE PROTECTION, JANUARY 10, 2025

AN ACT

1 Amending the act of July 7, 1980 (P.L.380, No.97), entitled "An  
 2 act providing for the planning and regulation of solid waste  
 3 storage, collection, transportation, processing, treatment,  
 4 and disposal; requiring municipalities to submit plans for  
 5 municipal waste management systems in their jurisdictions;  
 6 authorizing grants to municipalities; providing regulation of  
 7 the management of municipal, residual and hazardous waste;  
 8 requiring permits for operating hazardous waste and solid  
 9 waste storage, processing, treatment, and disposal  
 10 facilities; and licenses for transportation of hazardous  
 11 waste; imposing duties on persons and municipalities;  
 12 granting powers to municipalities; authorizing the  
 13 Environmental Quality Board and the Department of  
 14 Environmental Protection to adopt rules, regulations,  
 15 standards and procedures; granting powers to and imposing  
 16 duties upon county health departments; providing remedies;  
 17 prescribing penalties; and establishing a fund," in general  
 18 provisions, further providing for definitions; and, in  
 19 residual waste, providing for prohibition on road spreading  
 20 and land application of oil and gas wastewater.

21 The General Assembly of the Commonwealth of Pennsylvania  
 22 hereby enacts as follows:

23 Section 1. The definition of "residual waste" in section 103  
 24 of the act of July 7, 1980 (P.L.380, No.97), known as the Solid  
 25 Waste Management Act, is amended to read:

26 Section 103. Definitions.

1 The following words and phrases when used in this act shall  
2 have, unless the context clearly indicates otherwise, the  
3 meanings given to them in this section:

4 \* \* \*

5 "Residual waste."

6 (1) The term includes any of the following:

7 (i) Any garbage, refuse, other discarded material or  
8 other waste including solid, liquid, semisolid, or  
9 contained gaseous materials resulting from industrial,  
10 mining and agricultural operations.

11 (ii) Any sludge from an industrial, mining or  
12 agricultural water supply treatment facility, waste water  
13 treatment facility or air pollution control facility,  
14 provided that it is not hazardous.

15 (iii) Oil-related and gas-related wastewater,  
16 tophole water, production water of any type, brine or  
17 wastewater sludge from conventional or unconventional oil  
18 and gas wells.

19 (2) The term does not include:

20 (i) Coal refuse as defined in the "Coal Refuse  
21 Disposal Control Act."

22 (ii) Treatment sludges from coal mine drainage  
23 treatment plants, disposal of which is being carried on  
24 pursuant to and in compliance with a valid permit issued  
25 pursuant to "The Clean Streams Law."

26 (iii) Current generation blast furnace, iron and  
27 steel slag if:

28 (A) used onsite as a waste processing liming  
29 agent in acid neutralization or onsite in place of  
30 aggregate or sold and distributed in the stream of

1 commerce for consumption, use or further processing  
2 into another desired commodity; and

3 (B) managed as an item of commercial value in  
4 accordance with industry practices to ensure  
5 commercial value.

6 \* \* \*

7 Section 2. The act is amended by adding a section to read:

8 Section 304. Prohibition on road spreading and land application  
9 of oil and gas wastewater.

10 (a) It shall be unlawful for a person or municipality to  
11 dispose, process, beneficially use or reuse oil-related and gas-  
12 related wastewater, tophole water, production water of any type,  
13 brine or wastewater sludge from conventional or unconventional  
14 oil and gas wells:

15 (1) by application, dumping or spreading on any dirt,  
16 gravel or paved road for any purpose; or

17 (2) by land application, except for the land application  
18 of tophole water at a well site as specified under 25 Pa.  
19 Code § 78.60 (relating to discharge requirements) or 78a.60  
20 (relating to discharge requirements).

21 (b) It shall be unlawful for a vehicle used to transport  
22 oil-related and gas-related wastewater, tophole water,  
23 production water of any type, brine or wastewater sludge to be  
24 equipped with a mechanism that allows the road spreading of oil-  
25 related and gas-related wastewater, tophole water, production  
26 water of any type, brine or wastewater sludge from conventional  
27 or unconventional oil and gas wells in a manner prohibited by  
28 subsection (a).

29 (c) Oil-related and gas-related wastewater, tophole water,  
30 production water of any type, brine or wastewater sludge from

1 conventional or unconventional oil and gas wells proposed to be  
2 used or being used for dust suppression, road deicing or road  
3 bed stabilization shall not be considered a coproduct under the  
4 regulations promulgated by the department.

5 Section 3. This act shall take effect in 60 days.

# HOUSE OF REPRESENTATIVES

## DEMOCRATIC COMMITTEE BILL ANALYSIS

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<b>Bill No:</b>	HB0084 PN0038	<b>Prepared By:</b>	Andrew McMenamin (717) 783-4043,6941
<b>Committee:</b>	Environmental & Natural Resource Protection	<b>Executive Director:</b>	Evan Franzese
<b>Sponsor:</b>	Vitali, Greg		
<b>Date:</b>	1/14/2025		

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### **A. Brief Concept**

Prohibits the road spreading and land application of oil and gas wastewater.

### **C. Analysis of the Bill**

HB 84 amends the Solid Waste Management Act (Act 97 of 1980) to prohibit the road spreading and land application of oil and gas wastewater. This bill does the following:

- Prohibits individuals and municipalities from road spreading or land application of wastewater from both conventional and unconventional oil and gas wells.
- Prohibits vehicles used to transport oil and gas wastewater from being equipped with spreader mechanisms.
- Establishes that oil and gas wastewater used for dust suppression, road deicing or roadbed stabilization shall not be considered a coproduct under DEP regulations.

### **Definition**

Updates the definition of *residual waste* to include "oil-related and gas-related wastewater, topsoil water, production water of any type, brine or wastewater sludge from conventional or unconventional oil and gas wells."

### **Effective Date:**

60 days.

### **G. Relevant Existing Laws**

The road spreading of brine from unconventional wells for dust suppression, road stabilization, pre-wetting, anti-icing or de-icing is currently prohibited by regulation under Title 25 (Environmental Protection), sections 78a 70 and 70a of the PA Code. There is nothing in statute prohibiting this practice, however.

In 2018, DEP halted plan approvals for wastewater spreading on roads from conventional oil and gas development in response to a complaint filed with the Environmental Hearing Board.

### **E. Prior Session** (Previous Bill Numbers & House/Senate Votes)

HB 84 was previously introduced as HB 2384 during the 2023-2024 Legislative Session. HB 2384 was reported out of the House Environmental Resources & Energy Committee as amended on a party line vote (14-11) on June 11, 2024, but received no further consideration.

This document is a summary of proposed legislation and is prepared only as general information for use by the Democratic Members and Staff of the Pennsylvania House of Representatives. The document does not represent the legislative intent of the Pennsylvania House of Representatives and may not be utilized as such.

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 426 Session of  
2025

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INTRODUCED BY PIELLI, SANCHEZ, GIRAL, WEBSTER, HILL-EVANS,  
VITALI, CIRESI, HOHENSTEIN, FREEMAN, SAMUELSON, OTTEN,  
ISAACSON, GREEN, SCHLOSSBERG, MADDEN, BRENNAN, HOWARD,  
KENYATTA, PROBST, STEELE, RABB AND CONKLIN, JANUARY 31, 2025

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REFERRED TO COMMITTEE ON ENVIRONMENTAL AND NATURAL RESOURCE  
PROTECTION, JANUARY 31, 2025

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AN ACT

1 Providing for duties of Commonwealth agencies regarding native  
2 plants and for duties of Department of Conservation and  
3 Natural Resources regarding pollinator habitats and native  
4 plants.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Native  
9 Habitats at Commonwealth Facilities Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall  
12 have the meanings given to them in this section unless the  
13 context clearly indicates otherwise:

14 "Commonwealth agency." Any of the following:

15 (1) Any office, department, authority, board, multistate  
16 agency or commission of the executive branch, independent  
17 agency or State-affiliated entity. The term includes:

- 1 (i) The Governor's Office.
- 2 (ii) The Office of Attorney General.
- 3 (iii) The Department of the Auditor General.
- 4 (iv) The Treasury Department.
- 5 (v) An organization established by the Constitution
- 6 of Pennsylvania, a statute or an executive order which
- 7 performs or is intended to perform an essential
- 8 governmental function.

9 (2) The term does not include a judicial or legislative  
10 agency.

11 "Commonwealth project." A construction or maintenance  
12 activity that is conducted by a Commonwealth agency or at a  
13 Commonwealth facility that involves landscape planting  
14 improvements.

15 "Department." The Department of Conservation and Natural  
16 Resources of the Commonwealth.

17 "Independent agency." Any board, commission or other agency  
18 or officer of the Commonwealth that is not subject to the policy  
19 supervision and control of the Governor. The term does not  
20 include a legislative or judicial agency.

21 "Judicial agency." A court of the Commonwealth or any other  
22 entity or office of the unified judicial system.

23 "Legislative agency." Any of the following:

- 24 (1) The Senate.
- 25 (2) The House of Representatives.
- 26 (3) The Capitol Preservation Committee.
- 27 (4) The Center for Rural Pennsylvania.
- 28 (5) The Joint Legislative Air and Water Pollution
- 29 Control and Conservation Committee.
- 30 (6) The Joint State Government Commission.

- 1 (7) The Legislative Budget and Finance Committee.
- 2 (8) The Legislative Data Processing Committee.
- 3 (9) The Independent Regulatory Review Commission.
- 4 (10) The Legislative Reference Bureau.
- 5 (11) The Local Government Commission.
- 6 (12) The Pennsylvania Commission on Sentencing.
- 7 (13) The Legislative Reapportionment Commission.
- 8 (14) The Legislative Office for Research Liaison.
- 9 (15) The Legislative Audit Advisory Commission.

10 "Pollinator meadow." An area of native vegetation consisting  
11 of more than 50% native wildflowers that meets all of the  
12 following requirements:

13 (1) The vegetation has the floral resources present  
14 throughout the growing season and host plants for the larvae  
15 of monarch butterflies and other native pollinators to  
16 provide for the entire life cycle of monarch butterflies and  
17 other native pollinators.

18 (2) The vegetation was established from seed mixes  
19 comprised of at least 0.5% native milkweed seed.

20 (3) The vegetation is protected from insecticide  
21 exposure.

22 "State-affiliated entity." A Commonwealth authority or  
23 Commonwealth entity. The term includes the Pennsylvania Higher  
24 Education Assistance Agency and any entity established thereby,  
25 the Pennsylvania Gaming Control Board, the Pennsylvania Game  
26 Commission, the Pennsylvania Fish and Boat Commission, the  
27 Pennsylvania Housing Finance Agency, the Pennsylvania Municipal  
28 Retirement Board, the State System of Higher Education, a  
29 community college, the Pennsylvania Turnpike Commission, the  
30 Pennsylvania Public Utility Commission, the Pennsylvania

1 Infrastructure Investment Authority, the State Public School  
2 Building Authority, the Pennsylvania Interscholastic Athletic  
3 Association and the Pennsylvania Higher Educational Facilities  
4 Authority. The term does not include a State-related  
5 institution.

6 "State-related institution." Any of the following:

7 (1) Temple University.

8 (2) The University of Pittsburgh.

9 (3) The Pennsylvania State University.

10 (4) Lincoln University.

11 Section 3. Duties of Commonwealth agencies regarding native  
12 plants.

13 (a) Native plants.--A Commonwealth agency shall have the  
14 following duties when conducting a Commonwealth project at a  
15 Commonwealth facility:

16 (1) Prioritize, as feasible with respect to schedule and  
17 product supply, the use of native plants untreated with  
18 systemic insecticides over non-native plants when developing  
19 green spaces or during landscape planting.

20 (2) Consider the benefits of using native plants  
21 untreated with systemic insecticides at the Commonwealth  
22 project, including habitat creation, supporting native  
23 pollinators, providing food and shelter to insect and  
24 wildlife populations, decreasing soil erosion and landscape  
25 water usage, increasing sediment control, controlling storm  
26 water runoff and decreasing maintenance needs.

27 (b) Turfgrass and lawns.--A Commonwealth agency shall  
28 consider the planting of native plants untreated with systemic  
29 insecticides or creating pollinator meadows on appropriate areas  
30 of existing or planned turfgrass and lawns, particularly unused

1 areas when growing turfgrass or lawns at a Commonwealth  
2 facility.

3 (c) Updates.--A Commonwealth agency that maintains  
4 Commonwealth facility design standards that are specific to the  
5 Commonwealth agency or has landscape and maintenance development  
6 standards on or after the effective date of this subsection  
7 shall update the standards to reflect prioritizing native  
8 plants.

9 Section 4. Duties of department regarding pollinator habitats  
10 and native plants untreated with systemic  
11 insecticides.

12 (a) Pollinator habitats.--The department shall maintain  
13 existing pollinator meadows or pollinator gardens on or after  
14 the effective date of this subsection or establish new  
15 pollinator meadows or pollinator gardens at resource management  
16 centers and State Park offices where space is available to serve  
17 as pollinator habitat and demonstration areas for the public.

18 (b) Native plants.--The department shall have the following  
19 duties:

20 (1) Maintain and distribute to Commonwealth agencies  
21 guidance on the use and maintenance of native plants in  
22 Commonwealth projects.

23 (2) Draft a native pollinator conservation plan and  
24 revise the plan every five years. The department shall make  
25 the native pollinator conservation plan available to  
26 Commonwealth agencies and the public. The department shall  
27 promulgate regulations specifying which native plants are  
28 covered under this act and include the following information  
29 in the native pollinator conservation plan:

30 (i) The current status of native pollinators.

1           (ii) The main risks to native pollinators.

2           (iii) The best practices to mitigate the risks to  
3 native pollinators.

4           (iv) The current efforts of the department to  
5 conserve and protect native pollinators and their  
6 habitats.

7 Section 5. Effective date.

8       This act shall take effect as follows:

9           (1) Section 4 shall take effect in 18 months.

10          (2) The remainder of this act shall take effect  
11 immediately.

# HOUSE OF REPRESENTATIVES

## DEMOCRATIC COMMITTEE BILL ANALYSIS

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<b>Bill No:</b>	HB0426 PN0401	<b>Prepared By:</b>	Andrew McMenamin (717) 783-4043,6941
<b>Committee:</b>	Environmental & Natural Resource Protection	<b>Executive Director:</b>	Evan Franzese
<b>Sponsor:</b>	Pielli, Christopher		
<b>Date:</b>	1/31/2025		

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### **A. Brief Concept**

Requires state agencies to prioritize native plant species for landscaping.

### **C. Analysis of the Bill**

HB 426 establishes the Native Habitats at Commonwealth Facilities Act which provides guidance for establishing and maintaining native pollinator habitats on projects by Commonwealth agencies.

#### **Powers and Duties**

Requires Commonwealth agencies to do the following:

- Prioritize, as feasible with respect to schedule and product supply, using native plants untreated with systemic insecticides when developing green spaces or during landscape planting.
- Consider the benefits of using native plants on Commonwealth projects.
- Consider planting native plants or creating pollinator meadows where appropriate on existing or planned turfgrass and lawns.
- If applicable, update landscape and maintenance development standards to reflect the prioritization of native plants.

Requires the Department of Conservation and Natural Resources (DCNR) to:

- Maintain existing pollinator meadows or gardens.
- Establish new pollinator meadows or gardens at resource management centers and State Park offices where space is available.
- Maintain and distribute native plant guidance to Commonwealth agencies.

#### **Native Pollinator Conservation Plan**

Requires DCNR to draft a native pollinator conservation plan and revise the plan every five years, to be made available to other Commonwealth agencies and the public. The report would be required to include the following information:

- The current status of native pollinators.
- The main risks to native pollinators.
- Best practices to mitigate risks to native pollinators.
- Current department efforts to conserve and protect native pollinators and their habitats.

Requires DCNR to promulgate regulations specifying which native plants are covered under this act.

#### **Definitions**

*Commonwealth agency* is defined as any office, department, authority, board, multistate agency or commission of the executive branch, independent agency or State-affiliated entity.

The term includes:

- The Governor's Office.
- The Office of Attorney General.
- The Department of the Auditor General.
- The Treasury Department.
- An organization established by the Constitution of Pennsylvania, a statute or an executive order which performs or is intended to perform an essential governmental function.

*Commonwealth project* is defined as a construction or maintenance activity that is conducted by a Commonwealth agency or at a Commonwealth facility that involves landscape planting improvements.

*Pollinator meadow* means "an area of native vegetation consisting of more than 50% native wildflowers that meets all of the following requirements:

- The vegetation has the floral resources present throughout the growing season and host plants for the larvae of monarch butterflies and other native pollinators to provide for the entire life cycle of monarch butterflies and other native pollinators.
- The vegetation was established from seed mixes comprised of at least 0.5% native milkweed seed.
- The vegetation is protected from insecticide exposure.

*State-affiliated entity* means "a Commonwealth authority or Commonwealth entity. The term includes the Pennsylvania Higher Education Assistance Agency and any entity established thereby, the Pennsylvania Gaming Control Board, the Pennsylvania Game Commission, the Pennsylvania Fish and Boat Commission, the Pennsylvania Housing Finance Agency, the Pennsylvania Municipal Retirement Board, the State System of Higher Education, a community college, the Pennsylvania Turnpike Commission, the Pennsylvania Public Utility Commission, the Pennsylvania Infrastructure Investment Authority, the State Public School Building Authority, the Pennsylvania Interscholastic Athletic Association and the Pennsylvania Higher Educational Facilities Authority. The term does not include a State-related institution (PSU/Pitt/ Temple/ Lincoln)."

**Effective Date:**

18 months for section 4. Immediately for the remainder of the act.

**G. Relevant Existing Laws**

N/A

**E. Prior Session (Previous Bill Numbers & House/Senate Votes)**

This bill was introduced last session as HB 2470 and was referred to the House Agriculture Committee, but received no further consideration.

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1567 Session of  
2025

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INTRODUCED BY MULLINS, DONAHUE, HILL-EVANS, PROKOPIAK AND  
CEPEDA-FREYTIZ, JUNE 5, 2025

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REFERRED TO COMMITTEE ON ENVIRONMENTAL AND NATURAL RESOURCE  
PROTECTION, JUNE 9, 2025

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AN ACT

1 Providing for power plant host community benefit agreements  
2 between municipalities and owners of certain electric  
3 generating facilities, for power plant host community impact  
4 fees paid by affected facilities and fee uses; establishing  
5 public participation requirements; and providing for  
6 administrative fees and for duties of the Department of  
7 Environmental Protection.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Short title.

11 This act shall be known and may be cited as the Power Plant  
12 Host Community Benefit Agreement and Fee Act.

13 Section 2. Definitions.

14 The following words and phrases when used in this act shall  
15 have the meanings given to them in this section unless the  
16 context clearly indicates otherwise:

17 "Affected facility." An electric generating facility with a  
18 capacity of at least 10 megawatts. The term shall not include  
19 the portion of an electric generating facility that uses  
20 alternative energy sources.

1 "Alternative energy sources." Energy derived from:

2 (1) Solar photovoltaic and solar thermal energy.

3 (2) Wind power.

4 (3) Low-impact hydropower.

5 (4) Geothermal energy.

6 (5) Biologically derived methane gas.

7 (6) Fuel cells.

8 (7) Biomass energy.

9 (8) Coal mine methane.

10 "Department." The Department of Environmental Protection of  
11 the Commonwealth.

12 "Governing body." A board of county commissioners, city  
13 council, borough or incorporated town council, commissioners of  
14 a township of the first class, supervisors of a township of the  
15 second class, board of school directors of a school district or  
16 their successor forms of government.

17 Section 3. Plan approvals and permits.

18 The department shall not grant to the owner of an affected  
19 facility a final plan approval or final operating permit  
20 required under section 6.1 of the act of January 8, 1960 (1959  
21 P.L.2119, No.787), known as the Air Pollution Control Act, for a  
22 stationary air contamination source that is an electric  
23 generating facility with a capacity of at least 10 megawatts  
24 unless the owner of the affected facility is in full compliance  
25 with section 4.

26 Section 4. Power plant host community benefit agreements.

27 (a) Consultation required.--The owner of an affected  
28 facility and the governing body of the municipality, the county  
29 and the school district in which the affected facility is  
30 proposed to be located, expanded or subject to the renewal of an

1 existing permit shall enter into discussions to evaluate the  
2 need for and potential terms of a power plant host community  
3 benefit agreement.

4 (b) Public hearing.--Prior to negotiating the final terms of  
5 a power plant host community benefit agreement, an affected  
6 facility and the municipality, county and school district in  
7 which the affected facility is located shall, in compliance with  
8 section 8, provide a public opportunity for residents of the  
9 municipality, county and school district to be heard regarding  
10 the need for and potential terms of a power plant host community  
11 benefit agreement.

12 (c) Notice of agreement.--If the owner of an affected  
13 facility and the municipality in which the affected facility is  
14 located enter into a power plant host community benefit  
15 agreement, a signed and notarized copy of the agreement shall be  
16 transmitted to the department. The department shall transmit the  
17 agreement to the Legislative Reference Bureau for publication in  
18 the next available issue of the Pennsylvania Bulletin.

19 (d) Agreement not reached.--If a municipality has approved  
20 all necessary zoning and building permits for an affected  
21 facility and the owner of the affected facility and the  
22 municipality in which the affected facility is located fails to  
23 enter into a power plant host community benefit agreement, the  
24 following shall apply:

25 (1) The owner of the affected facility and the  
26 municipality shall notify the department of the failure to  
27 enter into the agreement.

28 (2) The owner of the affected facility remains subject  
29 to the provisions of this act, including payment of the  
30 required power plant host community impact fees under section

1 5.

2 (e) Municipal permits not approved.--If a municipality has  
3 not approved all necessary zoning and building permits for an  
4 affected facility, the provisions of subsection (d) do not  
5 apply.

6 (f) Construction.--Nothing in this act shall be construed to  
7 limit the authority of a municipality in which the affected  
8 facility is located to withhold approval of any applicable  
9 zoning, building or other local permits or approvals required to  
10 construct or operate the affected facility in the absence of a  
11 power plant host community benefit agreement.

12 Section 5. Power plant host community impact fees.

13 (a) Fees.--The owner of an affected facility that begins  
14 operation under a new or expanded permit after the effective  
15 date of this act shall, at a minimum, pay the amount of up-front  
16 and annual power plant host community impact fees specified in  
17 this section in order to operate in this Commonwealth. Nothing  
18 in this act shall preclude an affected facility and  
19 municipality, county and school district from entering into an  
20 agreement that establishes up-front and annual fees in greater  
21 amounts and provides for other financial and nonfinancial terms  
22 and considerations.

23 (b) Minimum standards for power plant host community impact  
24 fees.--

25 (1) The owner of each affected facility shall make an  
26 up-front payment of \$1,000 per megawatt of electric  
27 generating capacity to the municipality in which the affected  
28 facility is located. The payment shall be made prior to the  
29 generation of any electricity to be supplied to an electric  
30 transmission and distribution system. The municipality shall

1 use the funds in accordance with section 6.

2 (2) The owner of each affected facility shall make an  
3 up-front payment of \$200 per megawatt of electric generating  
4 capacity to the county in which the affected facility is  
5 located. The payment shall be made prior to the generation of  
6 any electricity to be supplied to an electric transmission  
7 and distribution system. Subject to section 6, the county  
8 shall use the money to set up an air quality monitoring  
9 program and a water quality monitoring program for the area  
10 in the vicinity of the affected facility in conjunction with  
11 the municipality and in consultation with the department.

12 (3) The owner of each affected facility shall make an  
13 annual payment of \$700 per megawatt of electric generating  
14 capacity to the municipality in which the affected facility  
15 is located. The payment shall be made by December 31 of the  
16 first year in which the generation of electricity commences  
17 under the terms of a new or expanded permit. For each  
18 succeeding year, the annual payment shall be increased by an  
19 additional 2% or the percentage increase, if any, in the  
20 Consumer Price Index for All Urban Consumers (CPI-U) as  
21 calculated and published by the United States Department of  
22 Labor for the most recent 12-month period for which figures  
23 have been officially reported, whichever is greater. The  
24 municipality shall use the funds in accordance with section  
25 6.

26 (4) The owner of each affected facility shall make an  
27 annual payment of \$500 per megawatt of electric generating  
28 capacity to the school district in which the affected  
29 facility is located. The payment shall be made by December 31  
30 of the first year in which the generation of electricity

1 commences under the terms of a new or expanded permit. For  
2 each succeeding year, the annual payment shall be increased  
3 by an additional 2% or the percentage increase, if any, in  
4 the Consumer Price Index for All Urban Consumers (CPI-U) as  
5 calculated and published by the United States Department of  
6 Labor for the most recent 12-month period for which figures  
7 have been officially reported, whichever is greater. The  
8 school district shall use the funds in accordance with  
9 section 6.

10 (5) The owner of each affected facility shall make an  
11 annual payment of \$500 per megawatt of electric generating  
12 capacity to the county in which the affected facility is  
13 located. The payment shall be made by December 31 of the  
14 first year in which the generation of electricity commences  
15 under the terms of a new or expanded permit. For each  
16 succeeding year, the annual payment shall be increased by an  
17 additional 2% or the percentage increase, if any, in the  
18 Consumer Price Index for All Urban Consumers (CPI-U) as  
19 calculated and published by the United States Department of  
20 Labor for the most recent 12-month period for which figures  
21 have been officially reported, whichever is greater. The  
22 county shall use the funds in accordance with section 6.

23 Section 6. Uses of power plant host community impact fees.

24 (a) Counties and municipalities.--A municipality or county  
25 that receives funds under section 5 shall use the funds only for  
26 the following purposes associated with hosting a power plant  
27 facility within the municipality or county as follows:

28 (1) Construction, reconstruction, maintenance and repair  
29 of roadways, bridges and public infrastructure.

30 (2) Water, storm water and sewer systems, including

1 construction, reconstruction, maintenance and repair, and the  
2 use of green infrastructure to diminish and control storm  
3 water.

4 (3) Emergency preparedness and public safety, including  
5 law enforcement and fire services, hazardous material  
6 response, 911 service, equipment acquisition and other  
7 services. At least 10% of the up-front funds received shall  
8 be used for the purposes under this paragraph.

9 (4) Environmental programs, including trails, parks and  
10 recreation, open space, flood plain management, conservation  
11 districts and agricultural preservation.

12 (5) Preservation and reclamation of surface and  
13 subsurface waters and water supplies. At least 10% of the up-  
14 front and annual funds received shall be used for the  
15 purposes under this paragraph.

16 (6) Tax reductions, including homestead exclusions.

17 (7) Projects to increase the availability of safe and  
18 affordable housing to residents.

19 (8) Records management, geographic information systems  
20 and information technology.

21 (9) The delivery of social services.

22 (10) Judicial services.

23 (11) For deposit into the municipality's or county's  
24 capital reserve fund if the funds are used solely for a  
25 purpose set forth in this subsection.

26 (12) Programs and projects to provide energy assistance  
27 to low-income households.

28 (13) Energy conservation programs.

29 (14) Air and water quality monitoring. At least 10% of  
30 the up-front and annual funds received shall be used for the

1 purposes under this paragraph.

2 (15) Local or regional planning initiatives under the  
3 act of July 31, 1968 (P.L.805, No.247), known as the  
4 Pennsylvania Municipalities Planning Code.

5 (b) School districts.--A school district that receives funds  
6 under section 5 shall use the funds received for general  
7 operating expenses to offset expected reductions in property tax  
8 revenue associated with hosting a power plant facility within  
9 the school district. The school district may also use its funds  
10 for the construction or maintenance of parks, trails or other  
11 recreational facilities that may be located on school district  
12 property or elsewhere in the county hosting the affected  
13 facility and for student participation in air and water quality  
14 monitoring.

15 (c) Multiple counties.--Payment of up-front and annual power  
16 plant host community impact funds to a municipality or school  
17 district which is situate in two or more counties shall be  
18 allocated based on the ratio which the population of the  
19 municipality or school district within each county bears to the  
20 total population of the municipality or school district as last  
21 officially certified.

22 Section 7. Administrative fees.

23 The owner of an affected facility that begins operation under  
24 a new or expanded permit after the effective date of this  
25 section shall pay an annual administrative fee of \$300 per  
26 megawatt of electric generating capacity to the department. The  
27 first payment shall be made within one month of the commencement  
28 of generating electricity under the terms of a new or expanded  
29 permit. Payments for the following year and each successive year  
30 shall be made by June 30. The department shall use the

1 administrative fee to cover its expenses in administering this  
2 act and for developing air and water quality monitoring programs  
3 in consultation with the municipality and county hosting the  
4 affected facility.

5 Section 8. Power plant host community public participation  
6 requirements.

7 (a) Requirements for owners of affected facilities.--An  
8 owner of an affected facility seeking a final plan approval or  
9 final permit approval from the department as described in  
10 section 3 shall submit a public participation plan to the  
11 department on a form prescribed by the department. The  
12 department shall either approve the plan or request changes in  
13 the plan.

14 (b) Contents of public participation plan.--The public  
15 participation plan shall provide for the following:

16 (1) The opportunity for residents of the municipality,  
17 county and school district in which the affected facility is  
18 located to participate in the process by which the department  
19 approves a plan or permit, including the opportunity to ask  
20 questions in a public meeting or forum.

21 (2) Identification of proposed dates for at least one  
22 public meeting or forum.

23 (3) The means by which the public meeting or forum shall  
24 be advertised and publicized.

25 (c) Requirements for host municipalities, counties and  
26 school districts.--

27 (1) The municipality, county and school district in  
28 which the affected facility is proposed to be located,  
29 expanded or subject to the renewal of an existing permit,  
30 shall each hold at least one separate public meeting or forum

1 to evaluate the need for and potential terms of a power plant  
2 host community benefit agreement. The public meeting or forum  
3 shall provide members of the public the opportunity to ask  
4 questions.

5 (2) The municipality, county and school district holding  
6 the public meeting or forum shall advertise the meeting in  
7 public newspapers and online and take reasonable steps to  
8 publicize and make residents of the municipality, county and  
9 school district aware of the meeting.

10 Section 9. Effective date.

11 This act shall take effect in 60 days.

# HOUSE OF REPRESENTATIVES

## DEMOCRATIC COMMITTEE BILL ANALYSIS

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<b>Bill No:</b>	HB1567 PN1867	<b>Prepared By:</b>	Andrew McMenamin (717) 783-4043,6941
<b>Committee:</b>	Environmental & Natural Resource Protection	<b>Executive Director:</b>	Evan Franzese
<b>Sponsor:</b>	Mullins, Kyle		
<b>Date:</b>	6/11/2025		

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### **A. Brief Concept**

Supports communities impacted by power plant development by requiring the consideration of community benefit agreements (CBAs) and creating an impact fee.

### **C. Analysis of the Bill**

HB 1567 creates the Power Plant Host Community Benefit Agreement and Fee Act, which would require power plant operators to consider a community benefit agreement (CBA) and pay an impact fee.

#### **Permit Requirement**

Prohibits the Department of Environmental Protection (DEP) from issuing final plan approval, final operating permit or permit renewal under the Air Pollution Control Act to a power plant with a generating capacity of at least 10 MW, unless the owner of the affected facility is in compliance with the provisions of section 4 of the act, related to power plant host CBAs below.

#### **Power Plant Host Community Benefit Agreements**

Requires the owner of an affected facility to enter into discussions with the governing bodies of the host municipality, county, and school district to evaluate the need for and potential terms of a CBA.

Requires a public hearing on the need for and potential terms of a CBA prior to negotiating the final terms of the agreement.

Requires DEP to be notified about the terms of the CBA or failure to reach an agreement on a CBA.

- DEP would be required to submit the CBA for publication in the PA Bulletin.
- If a municipality has approved all necessary zoning and building permits for an affected facility and an agreement is not reached, the facility would still be subject to the impact fee and other provisions of the act.

#### **Impact Fees**

Requires the owner of an affected facility to pay an impact fee, assessed up-front and then annually, in order to operate in PA.

- The parties of the community benefits agreement may agree to impact fees greater than the minimum to provide for other financial and nonfinancial terms and conditions.
- If the host municipality or school district is located in two or more counties, funds would be allocated based on the ratio of the population located in each county.

Provides for impact fees as follows:

- Prior to the generation of any electricity, an up-front payment of \$1,000 per MW to the municipality.

- Prior to the generation of any electricity, an up-front payment of \$200 per MW to the county.
- Annual payment of \$700 per MW to the municipality.
- Annual payment of \$500 per MW to the school district.
- Annual payment of \$500 per MW to the county.
- Annual payments to the municipality, school district and county would increase by either 2% or indexed to inflation, whichever is greater.
- Annual administrative fee of \$300 per MW to DEP.

Requires municipalities and counties to use impact fees for the following purposes:

- Construction, reconstruction, maintenance and repair of roads, bridges, and public infrastructure.
- Construction, reconstruction, maintenance and repair of water, storm water, and sewer systems.
- Emergency preparedness and public safety.
  - At least 10 percent of the up-front funds received shall be used for this purpose.
- Environmental programs.
- Preservation and reclamation of surface and subsurface waters and water supplies.
  - At least 10 percent of the up-front and annual funds received shall be used for this purpose.
- Tax reductions, including homestead exemptions.
- Projects to increase the availability of safe and affordable housing to residents.
- Records management, geographic information systems, and information technology.
- The delivery of social services.
- Judicial services.
- Programs and projects to provide energy assistance to low-income households.
- Energy conservation programs.
- Air and water quality monitoring.
  - At least 10 percent of the up-front and annual funds received shall be used for this purpose.
- Local or regional planning initiatives.

Requires school districts to use impact fees for the following purposes:

- General operating expenses to offset expected property tax reductions associated with hosting a power plant.
- Construction or maintenance of parks, trails, or other recreational facilities.
- Student participation in air and water quality monitoring.

Requires DEP to use the administrative fee for the following purposes:

- Covering expenses related to administering the act.
- Developing air and water quality monitoring programs in consultation with the host municipality and county.

## **Public Participation Plans**

Requires the owner of an affected facility to submit a public participation plan to DEP for approval on a form prescribed by DEP. The plan shall include:

- The opportunity for residents to participate in DEP's plan or permit approval process, including the opportunity to ask questions in a public meeting or forum.
- Identification of proposed dates for at least one public meeting or forum.
- The means by which the public meeting or forum shall be advertised and publicized.

Requires the host municipality, county and school district each to advertise and hold at least one separate public meeting or forum to evaluate the need for and potential terms of a CBA, including the opportunity for the public to ask questions.

## **Definitions**

*Affected facility* refers to an electric generating facility with a capacity of at least 10 megawatts (MW). The term would not include the portion of an electric generating facility that uses the following alternative energy sources:

- Solar photovoltaic and solar thermal energy.
- Wind power.
- Low-impact hydropower.
- Geothermal energy.
- Biologically derived methane gas.
- Fuel cells.
- Biomass energy.
- Coal mine methane.

*Governing body* means "a board of county commissioners, city council, borough or incorporated town council, commissioners of a township of the first class, supervisors of a township of the second class, board of school directors of a school district or their successor forms of government."

**Effective Date:**

60 days.

**G. Relevant Existing Laws**

Section 6.1 of the Air Pollution Control Act requires a DEP permit to operate any stationary air contamination source. The department is required to provide public notice and the right to comment on all permits prior to issuance or denial and may hold public hearings concerning any permit.

**E. Prior Session (Previous Bill Numbers & House/Senate Votes)**

HB 1567 was previously introduced as HB 1740 during the 2021-2022 Legislative Session.

HB 1740 was referred to the House Environmental Resources and Energy Committee on July 30, 2021, but received no further consideration.

This document is a summary of proposed legislation and is prepared only as general information for use by the Democratic Members and Staff of the Pennsylvania House of Representatives. The document does not represent the legislative intent of the Pennsylvania House of Representatives and may not be utilized as such.