

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 484 Session of
1993

INTRODUCED BY GEORGE, DeWEESE, HANNA, FEE, MELIO, FAIRCHILD,
LUCYK, FREEMAN, COLAIZZO, STISH, BATTISTO, LAUGHLIN, PRESTON,
TRELLO, CORRIGAN, SURRA, PISTELLA, WOZNIAK AND KING,
MARCH 15, 1993

REFERRED TO COMMITTEE ON CONSERVATION, MARCH 15, 1993

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 Resources 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," further
18 providing for management of residual waste, for disposal,
19 processing and storage of residual waste and for
20 transportation of residual waste.

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

23 Section 1. Sections 301, 302(a) and 303(b) of the act of
24 July 7, 1980 (P.L.380, No.97), known as the Solid Waste
25 Management Act, are amended to read:

26 Section 301. Management of residual waste.

1 (a) No person or municipality shall store, transport,
2 process, or dispose of residual waste within this Commonwealth
3 unless such storage, or transportation, is consistent with or
4 such processing or disposal is authorized by the rules and
5 regulations of the department and no person or municipality
6 shall own or operate a residual waste processing or disposal
7 facility unless such person or municipality has first obtained a
8 permit for such facility from the department.

9 (b) A municipality may hire local inspectors to monitor any
10 facility in which residual waste is processed, disposed or
11 stored, including any facility in which sludge from a waste
12 water treatment facility is applied to the land within its
13 borders.

14 (c) The department shall establish and conduct a training
15 program to certify host municipality inspectors for residual
16 waste landfills according to the following guidelines:

17 (1) This program shall be available to no more than two
18 persons who have been designated in writing by the host
19 municipality. The department shall hold training programs at
20 least twice a year. The department shall certify host
21 municipality inspectors upon completion of the training
22 program and satisfactory performance in an examination
23 administered by the department.

24 (2) Certified local residual waste inspectors are
25 authorized to enter property, inspect only those records
26 required by the department, take samples and conduct
27 inspections in accordance with department regulations as
28 applicable to department inspectors. However, certified
29 municipal inspectors may not issue orders except as provided
30 in this subsection. A certified local residual waste

1 inspector may order the operator of a facility to cease any
2 operation or activity at the facility which constitutes an
3 immediate threat to public health and safety and which
4 represents a violation of this act, the regulations
5 promulgated under this act, any order issued under this act
6 or the terms or conditions of a permit issued under this act.
7 The order shall expire within two hours unless the inspector
8 notifies the department and the governing body of the host
9 municipality. The department may, after conducting an
10 inspection, supersede the inspector's order by issuing an
11 order of its own which vacates or modifies the terms of the
12 inspector's orders. If the department does not supersede the
13 order, the order shall expire after 24 hours unless otherwise
14 extended, continued or modified by a court as specified in
15 Article VI.

16 (3) The department is authorized to pay for the host
17 inspection training program.

18 (4) The municipal inspector shall be paid by the person
19 or municipality storing, processing or disposing of the
20 residual waste.

21 (5) The department may decertify host municipality
22 inspectors under regulations promulgated by the Environmental
23 Quality Board.

24 (d) A municipality, by ordinance, shall set and collect
25 necessary fees from the person or municipality storing or
26 disposing of the residual waste.

27 Section 302. Disposal, processing and storage of residual
28 waste.

29 (a) (1) It shall be unlawful for any person or municipality
30 to dispose, process, store, or permit the disposal,

1 processing or storage of any residual waste in a manner which
2 is contrary to the rules and regulations of the department or
3 to any permit or to the terms or conditions of any permit or
4 any order issued by the department.

5 (2) It shall be unlawful for any person or municipality
6 to use sewage sludge for coal mine reclamation.

7 * * *

8 Section 303. Transportation of residual waste.

9 * * *

10 (b) It shall be unlawful for any person or municipality who
11 transports residual waste to fail to:

12 (1) use such methods, equipment and facilities as are
13 necessary to transport residual waste in a manner which shall
14 not adversely affect or endanger the environment or the
15 public health, welfare and safety; [and]

16 (2) take immediate steps to contain and clean up spills
17 or accidental discharges of such waste, and notify the
18 department, pursuant to department regulations, of all spills
19 or accidental discharges which occur on public highways or
20 public areas or which may enter the waters of the
21 Commonwealth as defined by the act of June 22, 1937
22 (P.L.1987, No.394), known as "The Clean Streams Law," or any
23 other spill which is governed by any notification
24 requirements of the department[.]; and

25 (3) carry a manifest specifying times, places,
26 destinations and type of waste and capacity.

27 Section 2. This act shall take effect in 60 days.