

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 322

Session of
1987

INTRODUCED BY SIRIANNI, MORRIS, GEORGE, HAYES, HALUSKA,
GODSHALL, E. Z. TAYLOR, J. L. WRIGHT, DORR, NOYE, VROON,
CARLSON, BALDWIN, FOX, REBER, HASAY, DeVERTER, MANMILLER,
MERRY, NAHILL, TRELLO, RUDY, HERMAN, JAROLIN, CORRIGAN,
SCHULER, FLICK, SEMMEL, BUNT, LLOYD, FISCHER, PETRARCA AND
WOZNIAK, FEBRUARY 23, 1987

REFERRED TO COMMITTEE ON CONSERVATION, FEBRUARY 23, 1987

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 the licensing of operators of solid waste
19 processing, storage, treatment or disposal areas.

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

22 Section 1. Section 103 of the act of July 7, 1980 (P.L.380,
23 No.97), known as the Solid Waste Management Act, is amended by
24 adding a definition to read:

1 Section 103. Definitions.

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

5 * * *

6 "Operator." The person who is responsible for the day-to-day
7 functions of any solid waste processing, storage, treatment or
8 disposal facility and who has control and direction over other
9 employees, users, contractors of any nature or other agents. The
10 term includes an owner who actually operates a solid waste
11 facility, an independent contractor or any operating contractor,
12 agent or employee of an owner.

13 * * *

14 Section 2. Section 501 of the act is amended by adding a
15 subsection to read:

16 Section 501. Permits and licenses required; transition scheme;
17 reporting requirements.

18 * * *

19 (a.1) (1) It shall be unlawful for any person or
20 municipality to operate any solid waste processing, storage,
21 treatment or disposal facility without first employing an
22 operator licensed by the department for the operation of the
23 solid waste facility. The employment of a licensed operator
24 shall be a precondition for the obtaining or renewal of a
25 permit.

26 (2) The department shall, no later than July 1, 1987,
27 develop, implement and administer a written examination for
28 applicants for licenses for solid waste facility operators.
29 The written examination shall at least test the knowledge of
30 the applicant in the following areas:

1 (i) The management and operation of the solid waste
2 facility for which a license is required.

3 (ii) The applicable laws and regulations of the
4 Federal Government and the department relating to solid
5 waste facilities.

6 (iii) The various alternative measures for handling
7 emergency occurrences.

8 (iv) The identification of hazardous waste.

9 (v) Such other areas as the department shall deem
10 appropriate.

11 (3) The provisions of this subsection shall exempt the
12 same activities exempted under subsection (a).

13 Section 3. This act shall apply to all applications for
14 permits or renewals of permits received on or after September 1,
15 1987.

16 Section 4. This act shall take effect immediately.