

THE GENERAL ASSEMBLY OF PENNSYLVANIA

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INTRODUCED BY GEORGE, COY, LAUGHLIN, STEELMAN, MICHLOVIC,
TRELLO, PESCI, STABACK, FAIRCHILD, THOMAS AND CLARK,
JANUARY 26, 1995

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
JANUARY 26, 1995

AN ACT

1 Providing for hazardous and residual waste minimization;
2 establishing the Office of Waste Minimization within the
3 Department of Environmental Resources and providing for its
4 powers and duties, the Small Business Technical and Financial
5 Assistance Program and the Office of Small Business
6 Ombudsman; providing for a program for research, development
7 and implementation of methods to reduce the output of
8 hazardous and residual waste at the source; and establishing
9 the Waste Minimization Advisory Board within the Department
10 of Environmental Resources.

11 The General Assembly finds as follows:

12 (1) It is environmentally, technically and economically
13 beneficial to eliminate the sources of waste before cleanup
14 problems are created. These methods include:

15 (i) Source reduction.

16 (ii) Recycling, use and reclamation.

17 (iii) Waste treatment.

18 (iv) Disposal as a last resort and only after waste
19 stabilization.

20 (2) The waste minimization approach provides a positive
21 framework for industry, State and local governments, the

1 research community and citizens groups to work cooperatively
2 in addressing the problems of toxic and hazardous substances
3 by emphasizing the prevention of accumulated wastes through
4 the modification of production processes and the use of less
5 hazardous inputs to these processes and by promoting the use
6 of technologies that recycle, recover or reclaim waste.

7 (3) A strong technical assistance program is essential
8 for the success of waste minimization. Through this program
9 wherein government works cooperatively with industry, a data
10 base can be generated to analyze where problems exist and
11 what kinds of technical assistance are needed.

12 (4) Research, education and technical assistance are
13 essential to a successful waste minimization program. These
14 serve as mechanisms for identifying and developing technical
15 solutions to waste problems, for increasing awareness of both
16 problems and solutions on the part of generators and for
17 transferring knowledge of solutions from those who have it to
18 those who do not.

19 (5) Waste minimization technologies must be based on
20 reliable information concerning volumes and types of wastes,
21 chemical composition, production processes, management
22 practices and environmental and health effects of the
23 substances.

24 (6) A waste minimization program must operate in
25 conjunction with existing agencies and institutions in
26 carrying out activities. It must provide service and
27 assistance through research, education and technical
28 assistance and must serve the general public as well as the
29 industrial community, particularly those members of the
30 industrial sector whose resources and size do not permit

extensive and independent waste minimization programs.

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

CHAPTER 1

PRELIMINARY PROVISIONS

Section 101. Short title.

This act shall be known and may be cited as the Hazardous
Waste Minimization Act.

Section 102. Definitions.

The following words and phrases when used in this act shall
have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Board." The Waste Minimization Advisory Board.

3 "Department." The Department of Environmental Resources of
4 the Commonwealth.

5 "Generator." A generator of hazardous waste.

6 "Hazardous waste." As defined in the act of July 7, 1980
7 (P.L.380, No.97), known as the Solid Waste Management Act, and
8 regulations adopted thereunder.

9 "Office." The Office of Waste Minimization.

10 "Program." The Small Business Technical and Financial
11 Assistance Program.

12 "Secretary." The Secretary of Environmental Resources of the
13 Commonwealth.

14 "Small business." A small business as defined in the Small
15 Business Act (Public Law 85-536, 15 U.S.C. § 631 et seq.).

16 "Solid waste minimization." The reduction of hazardous,
17 residual or municipal waste generation using source reduction,
18 recycling and use or reclamation techniques.

19 "Source reduction." The reduction or elimination of waste
20 generation at the source by methods, including, but not limited
21 to, process modification, feedstock substitutions, various
22 housekeeping and management practices, improved efficiency of
23 machinery, recycling within a process or any action that reduces
24 the amount of waste leaving a process.

25 "Waste exchange." A service that transfers information
26 between waste generators and potential users.

27 CHAPTER 3

28 WASTE MINIMIZATION

29 Section 301. Office of Waste Minimization.

30 (a) Establishment.--The department shall establish an Office

1 of Waste Minimization for the purpose of coordinating a program
2 for minimization of hazardous and residual wastes, as described
3 in this act. This program shall include, but not be limited to,
4 technical assistance, research, information dissemination and
5 development of policy and regulations.

6 (b) Staff.--The secretary shall appoint a waste minimization
7 expert as executive director who in turn may appoint such
8 technical staff and supporting staff as necessary to carry on
9 the day-to-day functions of the office.

10 Section 302. Small Business Technical and Financial Assistance
11 Program.

12 (a) Establishment.--The office shall establish the Small
13 Business Technical and Financial Assistance Program to identify
14 and to apply methods of hazardous waste minimization. The
15 program through the Office of Small Business Ombudsman shall
16 emphasize assistance to small businesses that have inadequate
17 technical and financial resources for obtaining information,
18 assessing hazardous waste reduction methods and applying these
19 techniques.

20 (b) Program elements.--The program shall consist of, but not
21 be limited to, the following:

22 (1) Encouraging private or public consultants to conduct
23 onsite visits to collect detailed process and waste streams
24 information and to consult with plant personnel on current
25 management practices. In this regard the office shall:

26 (i) Analyze information and identify a series of
27 waste minimization options.

28 (ii) Prepare a detailed report of these options and
29 include literature, contacts, case studies, vendor
30 information, management options and an assessment of

1 reduction potential.

2 (iii) Conduct a follow-up analysis of waste
3 minimization program.

4 (2) The preparation of presentations on waste
5 minimization to trade associations, professional
6 organizations, citizens groups, universities and industrial
7 workshops. Presentations shall include, but not be limited
8 to, background information on waste minimization programs,
9 how to apply programs and how to get assistance in
10 implementing waste minimization techniques.

11 (3) The preparation of facility or waste-stream-specific
12 waste reduction reports for industries and communities. This
13 information shall be used to identify cost-effective waste
14 minimization options. A short report detailing these options
15 shall be provided, along with references, case studies and
16 contacts.

17 (4) The development of educational programs for
18 businesses, communities, school teachers and citizens.
19 Educational programs shall include, but not be limited to,
20 onsite demonstrations and workshops in waste minimization for
21 solvents, waste oil, hospital and medical laboratory waste,
22 food processing waste and household hazardous waste.

23 (5) An effective public information program describing
24 and encouraging effective waste minimization efforts. This
25 program shall include success cases in this Commonwealth,
26 annotated references to articles, research or technical
27 assistance and announcements of workshops and training. These
28 programs and other information shall provide a network of
29 communication among industries, trade associations, public
30 interest groups, universities and government agencies.

1 (c) Consultation with other agencies, etc.--The office may
2 consult and cooperate with other public agencies, professional
3 groups and individuals who are concerned with waste
4 minimization.

5 Section 303. Small Business Ombudsman.

6 (a) Establishment.--There is hereby established the Office
7 of Small Business Ombudsman within the Department of Commerce
8 for the purpose of serving as the primary point of contact for
9 small business on issues relating to compliance with this act.

10 (b) Functions.--The Office of Small Business Ombudsman shall
11 perform all of the following functions to the extent they are
12 consistent with the guidelines developed by the department:

13 (1) Solicit input from small businesses regarding
14 compliance with this act and interact with organizations
15 representing small businesses, including Small Business
16 Development Centers, the Small Business Administration,
17 industry and trade associations and other entities.

18 (2) Provide guidance and recommendations to the
19 department on the development of the program.

20 (3) Make recommendations to the department regarding the
21 content and operation of the program.

22 (4) Collect and distribute information and materials on
23 the requirements of this act.

24 (5) Report to the office on problems and difficulties
25 experienced by small businesses in complying with this act.

26 (6) Serve on the board established in section 307.

27 (7) Conduct independent evaluations of all aspects of
28 the program.

29 (8) Review and provide comments and recommendations to
30 the department regarding the development and implementation

1 of regulations that impact small businesses.

2 (9) Arrange for and assist in the preparation of
3 guidance documents by the office to ensure that the language
4 is readily understandable by the layperson.

5 (10) Assist small businesses in locating sources of
6 funding for compliance with the requirements of this act.

7 (c) Annual report.--The Office of Small Business Ombudsman
8 shall report annually to the Governor and the General Assembly
9 on the effectiveness of the program and other issues relating to
10 the impact of waste minimization on small businesses in this
11 Commonwealth.

12 (d) Economic impact report.--For each proposed rulemaking
13 significantly affecting small businesses, the Office of Small
14 Business Ombudsman shall prepare a report which contains a
15 detailed analysis of the economic impact of such proposed
16 rulemaking on small businesses. The economic impact report shall
17 be completed no later than 90 days from the date that the board
18 approves the proposed rulemaking and shall be submitted to the
19 board for consideration prior to approval of the final
20 rulemaking package, provided the report is available within the
21 time period prescribed by this section. The department shall
22 provide the Small Business Ombudsman with a reasonable
23 opportunity to revise the report to reflect any proposed
24 substantial change in the rulemaking which affects the initial
25 report.

26 (e) Contents of report.--The report shall include, but not
27 be limited to:

28 (1) An analysis of the economic impact of the selected
29 control strategies on small business.

30 (2) Data on comparable regulatory programs or plans

1 administered by other states.

2 (3) An assessment of the economic impact of alternative
3 control strategies.

4 (4) All other information that the Office of Small
5 Business Ombudsman considers necessary for the board's
6 review.

7 Section 304. Financial assistance.

8 (a) In general.--The office shall establish a program for
9 grants and low-interest loans for the purpose of encouraging the
10 development and use of minimization technology.

11 (b) Procedure.--

12 (1) An applicant for a grant or loan pursuant to this
13 section shall submit a proposal to the office. In awarding
14 grants and in making loans, the office shall consider the
15 extent of any financial and technical support otherwise
16 available to the applicant from other sources. The office may
17 adopt additional criteria for awarding grants or making loans
18 consistent with the purpose of this section.

19 (2) The office may award grants or make loans for the
20 following purposes, or for any other purpose which the office
21 may deem appropriate:

22 (i) Loans to waste generators to provide financial
23 assistance in the development and implementation of waste
24 minimization plans, including the assistance of waste
25 minimization consulting services.

26 (ii) Grants to trade associations, business
27 organizations and educational institutions to establish
28 free or low-cost technical assistance programs to
29 supplement the waste minimization activities of the
30 office conducted under this act.

1 (3) Any one grant shall not exceed \$50,000.

2 Section 305. Information.

3 In cooperation with the research community, including, but
4 not limited to, the university system, the office shall develop
5 an information data base with access to literature services and
6 case studies on waste minimization techniques for specific
7 industries or waste streams. This information shall be made
8 available through customized computer literature searches. This
9 data base shall address, but not be limited to, the following
10 topics:

11 (1) Techniques to reduce the generation of wastes.

12 (2) The discharge of water and air pollutants and the
13 use of toxic chemicals.

14 (3) Target waste streams and industries specific to this
15 Commonwealth.

16 (4) The economic and technical feasibility of waste
17 reduction techniques.

18 (5) The reduction of the volumes of this Commonwealth's
19 major hazardous and toxic water and air waste streams.

20 (6) The development of innovative approaches to
21 environmental management.

22 Section 306. Northeast Industrial Waste Exchange.

23 The office shall support the Northeast Industrial Waste
24 Exchange by:

25 (1) Sharing waste minimization program information with
26 the waste exchange.

27 (2) Providing regular financial support in return for
28 display of Pennsylvania program information in the waste
29 exchange's quarterly listing catalog.

30 (3) Providing additional funding to subsidize listings

1 with the waste exchange for Pennsylvania generators and
2 recycling facilities.

3 (4) Paying direct costs for the waste exchange to
4 provide waste exchange training and information programs.

5 (5) Distributing information promoting the waste
6 exchange.

7 Section 307. Waste Minimization Advisory Board.

8 (a) Establishment.--There is hereby established an advisory
9 board within the department to be known as the Waste
10 Minimization Advisory Board.

11 (b) Composition.--The board shall be composed of 23 members,
12 17 of whom shall represent local government, and environmental,
13 health, engineering, business, academic and public interest
14 groups. Of the six remaining members:

15 (1) One member shall be appointed by the President pro
16 tempore of the Senate.

17 (2) One member shall be appointed by the Minority Leader
18 of the Senate.

19 (3) One member shall be appointed by the Speaker of the
20 House of Representatives.

21 (4) One member shall be appointed by the Minority Leader
22 of the House of Representatives.

23 (5) One member shall be the Small Business Ombudsman.

24 (6) The executive director of the Office of Waste
25 Minimization shall serve as a nonvoting member of the board.

26 (c) Purpose.--The board shall advise the office and the
27 department on issues and decisions regarding waste minimization
28 as well as comment on and make recommendations regarding agency
29 actions and priorities where appropriate. The board shall serve
30 as a business, government and public partnership framework to

1 provide the opportunity for open communication, transfer of
2 information and creative approaches to explore waste
3 minimization.

4 (d) Chairman.--The board shall annually elect a member to
5 serve as chairman.

6 (e) Policies and procedures.--The committee shall establish
7 policies and procedures for the conduct of business which shall
8 include a policy regarding potential conflicts of interest of
9 members.

10 (f) Meetings.--Meetings shall be held at least quarterly.

11 (g) Expenses, etc.--Members shall serve without salary or
12 compensation except for reimbursement by the department for
13 reasonable and necessary expenses incurred in connection with
14 their duties as approved by the secretary. The department shall
15 also provide necessary administrative support services, budget
16 and staff to the committee for the carrying out of its
17 responsibilities under this section.

18 Section 308. Waste minimization plans and audits.

19 All generators of waste shall be responsible for conducting a
20 waste minimization audit and preparing and implementing a waste
21 minimization plan in accordance with regulations and guidelines
22 to be developed by the department.

23 CHAPTER 9

24 MISCELLANEOUS PROVISIONS

25 Section 901. Rules and regulations.

26 The office shall, in the manner provided by law, promulgate
27 the rules and regulations necessary to carry out this act.

28 Section 902. Annual report.

29 The office shall annually submit a report to the General
30 Assembly on its activities. This report shall be made available

1 to the public.

2 Section 903. Repeals.

3 All acts and parts of acts are repealed insofar as they are
4 inconsistent with this act.

5 Section 904. Effective date.

6 This act shall take effect in six months.