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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 707 Session of  
1995

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INTRODUCED BY HANNA, LUCYK, KUKOVICH, TRELLO, D. R. WRIGHT,  
M. COHEN, GORDNER, FAIRCHILD, MELIO, LAUGHLIN, DALEY, CURRY,  
HORSEY, SURRA, YOUNGBLOOD, CAWLEY, STERN, BELARDI, STEELMAN  
AND RICHARDSON, FEBRUARY 13, 1995

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REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
FEBRUARY 13, 1995

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AN ACT

1 Placing a moratorium on the construction of contaminated waste  
2 incinerators; and establishing a commission to study the  
3 effects of contaminated waste incinerators on the public  
4 health, environment and the economy of this Commonwealth.

5 The General Assembly finds and declares as follows:

6 (1) That incineration is a waste-processing method that  
7 should only be utilized when there are no other alternatives  
8 for the disposal of hazardous waste.

9 (2) That the current underground storage tank closure  
10 requirements and a moving trend toward industrial site  
11 remediation activity will result in greater amounts of  
12 contaminated soil and material needing proper disposal  
13 methods.

14 (3) That the Commonwealth and its agents should examine  
15 and consider other methods of hazardous waste disposal such  
16 as, but not limited to, bio-remediation or land farming,  
17 before granting future incinerator permits.

1           (4) That the possible effects of hazardous waste  
2     incineration on public health, the environment and the  
3     economy have not been adequately addressed and no conclusive  
4     and convincing evidence has been set forth.

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 Hazardous  
9     Waste Incinerator Moratorium 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       "Commission." The Commission on Hazardous Waste Incinerators  
15    established in section 4.

16       "Department." The Department of Environmental Resources of  
17    the Commonwealth.

18       "Hazardous waste." As defined in section 103 of the act of  
19    July 7, 1980 (P.L.380, No.97), known as the Solid Waste  
20    Management Act.

21       "Hazardous waste incinerator." An enclosed device using  
22    controlled flame combustion, the primary purpose of which is to  
23    thermally break down and purify hazardous waste.

24       "Secretary." The Secretary of Environmental Resources of the  
25    Commonwealth.

26    Section 3. Moratorium on construction of hazardous waste  
27                   incinerators.

28       The department is directed to cease immediately the review  
29    and issuance of permits for newly proposed hazardous waste  
30    incinerators for a period of 18 months.

1 Section 4. Commission on Hazardous Waste Incinerators.

2 (a) Establishment.--There is hereby created a 13-member  
3 Commission on Hazardous Waste Incinerators for the purpose of  
4 assisting the department in providing technical and scientific  
5 advice as needed to implement the provisions of this act.

6 (b) Membership.--Five members shall be appointed by the  
7 secretary and two members each by the President pro tempore of  
8 the Senate, the Minority Leader of the Senate, the Speaker of  
9 the House of Representatives and the Minority Leader of the  
10 House of Representatives. Members shall have background in and  
11 be practicing in engineering, statistics, chemistry, toxicology  
12 or other related scientific education or have experience that  
13 relates to problems and issues applicable to the use of  
14 hazardous waste incinerators. The board membership shall include  
15 representatives of local government, the public, the regulated  
16 community and the academic field.

17 (c) Terms.--The members of the commission shall serve three-  
18 year terms.

19 (d) Expenses.--Members of the board shall be reimbursed for  
20 their travel expenses and any other reasonable expenses incurred  
21 in the performance of their duties as members of the commission.

22 (e) Support.--The department shall provide the appropriate  
23 administrative and technical support needed by the commission in  
24 order to accomplish its purpose, including support for surveys  
25 or technical studies that the commission may consider necessary  
26 to undertake. The department shall publish a notice of meeting  
27 dates, times and locations and an agenda for the meeting no less  
28 than 14 days prior to the meeting. These notices shall be  
29 published in a manner as required by the act of July 3, 1986  
30 (P.L.388, No.84), known as the Sunshine Act.

1 Section 5. Powers and duties.

2 The powers and duties of the commission are as follows:

3 (1) To study and evaluate the present methods of  
4 hazardous waste incineration and possible alternatives.

5 (2) To study and evaluate the effects, if any, of  
6 hazardous waste incineration on human health, the environment  
7 and the economy.

8 (3) To study and evaluate current safety standards and  
9 propose additional standards if necessary.

10 (4) To report its findings and recommendations to the  
11 Governor, the General Assembly and the department in such a  
12 time frame so as to coincide with the end of the moratorium  
13 on the issuance of permits by the department.

14 Section 6. Effective date.

15 This act shall take effect in 60 days.