

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 958 Session of  
1995

INTRODUCED BY CAWLEY AND TIGUE, MARCH 1, 1995

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
MARCH 1, 1995

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," providing  
18 for costs of litigation.

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

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

24 Section 618. Cost of litigation.

25 The court, in issuing any final order in any action brought

1 pursuant to this act, may award costs of litigation, including  
2 attorney fees and expert witness fees, to any party, whenever  
3 the court determines such award is appropriate. The court may,  
4 if a temporary restraining order or preliminary injunction is  
5 sought, require the filing of a bond or equivalent security in  
6 accord with the Rules of Civil Procedure.

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