

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 136 Session of
1997

INTRODUCED BY GODSHALL, BOSCOLA, HALUSKA, ITKIN, BARD,
YOUNGBLOOD, CLYMER AND BELFANTI, JANUARY 29, 1997

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
JANUARY 29, 1997

AN ACT

1 Amending the act of October 18, 1988 (P.L.756, No.108), entitled
2 "An act providing for the cleanup of hazardous waste sites;
3 providing further powers and duties of the Department of
4 Environmental Resources and the Environmental Quality Board;
5 providing for response and investigations for liability and
6 cost recovery; establishing the Hazardous Sites Cleanup Fund;
7 providing for certain fees and for enforcement, remedies and
8 penalties; and repealing certain provisions relating to the
9 rate of the capital stock franchise tax," further providing
10 for host municipality incentives and guarantees.

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

13 Section 1. Section 304(b) of the act of October 18, 1988
14 (P.L.756, No.108), known as the Hazardous Sites Cleanup Act, is
15 amended by adding a paragraph to read:

16 Section 304. Host municipality incentives and guarantees.

17 * * *

18 (b) Inspection of facilities.--

19 (1) The department shall establish and conduct a
20 training program to certify host municipality inspectors for
21 commercial hazardous waste storage, treatment or disposal

1 facilities. No more than two persons from each host
2 municipality shall be eligible for the program. Each host
3 municipality shall inform the department, in writing, of the
4 persons it has designated to participate in the training
5 program. The department shall hold training sessions at least
6 twice a year. The department shall certify host municipality
7 inspectors upon completion of the training program and
8 satisfactory performance in an examination administered by
9 the department.

10 (2) Certified municipal inspectors shall be authorized
11 to enter property, inspect records, take samples and conduct
12 inspections. Certified municipal inspectors may not issue
13 orders. Upon the completion of an inspection, certified
14 municipal inspectors shall transmit all findings from the
15 inspection to the department. The department shall notify
16 certified municipal inspectors of regular inspections of
17 permitted facilities within their jurisdiction and shall
18 provide opportunity for the inspectors to accompany
19 department inspectors on inspections.

20 (3.1) The department shall reimburse the host
21 municipalities for 50% of the approved cost of employing
22 certified host municipality inspectors for a period not to
23 exceed ten years.

24 (4) The department shall promptly inspect a facility
25 when a host municipality presents information to the
26 department which gives the department reason to believe that
27 a commercial hazardous waste storage, treatment or disposal
28 facility is in violation of any requirement of The Clean
29 Streams Law, the Air Pollution Control Act, the Dam Safety
30 and Encroachments Act, the Solid Waste Management Act or this

1 act; a regulation promulgated under these statutes; or the
2 condition of a permit issued under these statutes.

3 (i) The department shall notify the host
4 municipality of this inspection and shall permit a
5 certified municipal inspector from the host municipality
6 to accompany the department inspector during the
7 inspection.

8 (ii) When the department determines that there is
9 not sufficient information to give the department reason
10 to believe that a violation is occurring or has occurred,
11 the department shall provide a written explanation to the
12 host municipality of its decision not to conduct an
13 inspection within 30 days of the request for inspection.

14 (iii) Host municipalities may appeal the
15 department's decision not to conduct a requested
16 inspection to the Environmental Hearing Board. When the
17 Environmental Hearing Board determines that failure to
18 perform a requested inspection may be detrimental to
19 public health and safety, it shall order the department
20 to perform the requested inspection.

21 * * *

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