

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 484 Session of
1993

INTRODUCED BY GEORGE, DeWEESE, HANNA, FEE, MELIO, FAIRCHILD,
LUCYK, FREEMAN, COLAIZZO, STISH, BATTISTO, LAUGHLIN, PRESTON,
CORRIGAN, SURRA, WOZNIAK AND KING, MARCH 15, 1993

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, FEBRUARY 1, 1994

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 management of residual waste, ~~for disposal,~~ <—
19 ~~processing and storage of residual waste~~ and for
20 transportation of residual waste.

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

23 Section 1. Sections 301, ~~302(a)~~ and 303(b) of the act of <—
24 July 7, 1980 (P.L.380, No.97), known as the Solid Waste
25 Management Act, are amended to read:

26 Section 301. Management of residual waste.

1 (a) No person or municipality shall store, transport,
2 process, or dispose of residual waste within this Commonwealth
3 unless such storage, or transportation, is consistent with or
4 such processing or disposal is authorized by the rules and
5 regulations of the department and no person or municipality
6 shall own or operate a residual waste processing or disposal
7 facility unless such person or municipality has first obtained a
8 permit for such facility from the department.

9 (b) A municipality may hire local inspectors to monitor any
10 facility in which residual waste is processed, disposed or
11 stored, including any facility in which sludge from a waste
12 water treatment facility is applied to the land within its
13 borders.

14 (c) The department shall establish and conduct a training
15 program to certify host municipality inspectors for residual
16 waste ~~landfills~~ FACILITIES according to the following
17 guidelines: <—

18 (1) This program shall be available to no more than two
19 persons who have been designated in writing by the host
20 municipality. The department shall hold training programs at
21 least twice a year. The department shall certify host
22 municipality inspectors upon completion of the training
23 program and satisfactory performance in an examination
24 administered by the department.

25 (2) Certified local residual waste inspectors are
26 authorized to enter property, inspect only those records
27 required by the department, take samples and conduct
28 inspections in accordance with department regulations as
29 applicable to department inspectors. However, certified
30 municipal inspectors may not issue orders except as provided

1 in this subsection. A certified local residual waste
2 inspector may order the operator of a facility to cease any
3 operation or activity at the facility which constitutes an
4 immediate threat to public health and safety and which
5 represents a violation of this act, the regulations
6 promulgated under this act, any order issued under this act
7 or the terms or conditions of a permit issued under this act.
8 The order shall expire within two hours unless the inspector
9 notifies the department and the governing body of the host
10 municipality. The department may, after conducting an
11 inspection, supersede the inspector's order by issuing an
12 order of its own which vacates or modifies the terms of the
13 inspector's orders. If the department does not supersede the
14 order, the order shall expire after 24 hours unless otherwise
15 extended, continued or modified by a court as specified in
16 Article VI.

17 (3) The department is authorized to pay for the host
18 inspection training program.

19 ~~(4) The municipal inspector shall be paid by the person~~ <—
20 ~~or municipality storing, processing or disposing of the~~
21 ~~residual waste.~~

22 ~~(5)~~ (4) The department may decertify host municipality
23 inspectors under regulations promulgated by the Environmental
24 Quality Board.

25 (d) A municipality, by ordinance, shall set and collect
26 necessary fees from the person or municipality storing or <—
27 ~~disposing of the residual waste. OWNERS OR OPERATORS OF RESIDUAL~~ <—
28 WASTE FACILITIES SUFFICIENT TO PAY FOR THE EMPLOYMENT OF HOST
29 MUNICIPALITY INSPECTORS AS AUTHORIZED BY SUBSECTION (C).

30 ~~Section 302. Disposal, processing and storage of residual~~ <—

1 waste.

2 ~~(a) (1) It shall be unlawful for any person or municipality~~
3 ~~to dispose, process, store, or permit the disposal,~~
4 ~~processing or storage of any residual waste in a manner which~~
5 ~~is contrary to the rules and regulations of the department or~~
6 ~~to any permit or to the terms or conditions of any permit or~~
7 ~~any order issued by the department.~~

8 ~~(2) It shall be unlawful for any person or municipality~~
9 ~~to use sewage sludge for coal mine reclamation.~~

10 * * *

11 Section 303. Transportation of residual waste.

12 * * *

13 (b) It shall be unlawful for any person or municipality who
14 transports residual waste to fail to:

15 (1) use such methods, equipment and facilities as are
16 necessary to transport residual waste in a manner which shall
17 not adversely affect or endanger the environment or the
18 public health, welfare and safety; [and]

19 (2) take immediate steps to contain and clean up spills
20 or accidental discharges of such waste, and notify the
21 department, pursuant to department regulations, of all spills
22 or accidental discharges which occur on public highways or
23 public areas or which may enter the waters of the
24 Commonwealth as defined by the act of June 22, 1937
25 (P.L.1987, No.394), known as "The Clean Streams Law," or any
26 other spill which is governed by any notification
27 requirements of the department[.]; and

28 (3) carry a manifest TRANSPORTATION RECORD IN THE <—
29 VEHICLE USED TO TRANSPORT THE WASTE specifying times, places,
30 destinations, GENERATORS and type of waste and capacity. <—

1 VOLUME OF WASTE TRANSPORTED. THREE COPIES OF THIS RECORD <—
2 SHALL BE RETAINED. ONE SHALL BE KEPT IN THE CAB OF THE
3 VEHICLE, ONE SHALL BE KEPT BY THE RESIDUAL WASTE FACILITY AND
4 ONE SHALL BE SENT TO THE DEPARTMENT.

5 Section 2. This act shall take effect ~~in 60 days~~ JULY 1, <—
6 1994.