

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 878

Session of
1983

INTRODUCED BY OLIVER, CARN, TRUMAN, RIEGER, BARBER, FATTAH,
LINTON, WARGO, DeWEESE, EVANS, DUFFY, WIGGINS, PIEVSKY,
DOMBROWSKI AND D. R. WRIGHT, APRIL 27, 1983

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 27, 1983

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 permits and licenses required; and further
19 providing for permit and license application requirements.

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

22 Section 1. Sections 501 and 502(b), (c) and (g) of the act
23 of July 7, 1980 (P.L.380, No.97), known as the Solid Waste
24 Management Act, are amended to read:

25 Section 501. Permits and licenses required; transition scheme;
26 reporting requirements.

1 (a) It shall be unlawful for any person or municipality to
2 use, or continue to use, their land or the land of any other
3 person or municipality as a solid waste processing, storage,
4 treatment or disposal area without first obtaining a permit from
5 the department as required by this act[: Provided, however, That
6 this section shall not apply to the short-term storage of by-
7 products which are utilized in the processing or manufacturing
8 of other products, to the extent that such by-products are not
9 hazardous, and do not create a public nuisance or adversely
10 affect the air, water and other natural resources of the
11 Commonwealth: And provided further, however, That the provisions
12 of this section shall not apply to agricultural waste produced
13 in the course of normal farming operations nor the use of food
14 processing wastes in the course of normal farming operations
15 provided that such wastes are not classified by the board as
16 hazardous].

17 (b) It shall be unlawful for any person or municipality to
18 transport [hazardous] waste within the Commonwealth unless such
19 person or municipality has first obtained a license from the
20 department to conduct such transportation activities.

21 (c) [Not later than 90 days after promulgation or revision
22 of regulations under section 402 identifying by its
23 characteristics or listing any substance as hazardous waste,
24 any] Any person or municipality generating or transporting
25 [such substance] waste, or owning or operating a facility for
26 treatment, storage, or disposal of such substance shall file
27 with the department a notification stating the location and
28 general description of such activity and the identified or
29 listed [hazardous] wastes handled by such person or
30 municipality. Not more than one such notification shall be

1 required to be filed with respect to the same substance. No
2 identified or listed [hazardous] waste may be transported,
3 treated, processed, stored or disposed of unless notification
4 has been given as required under this subsection.

5 Section 502. Permit and license application requirements.

6 * * *

7 (b) The application for a permit to operate a [hazardous]
8 waste storage, treatment or disposal facility shall also be
9 accompanied by a form, prepared and furnished by the department,
10 containing the written consent of the landowner to entry upon
11 any land to be affected by the proposed facility by the
12 Commonwealth and by any of its authorized agents prior to and
13 during operation of the facility and for 20 years after closure
14 of the facility, for the purpose of inspection and for the
15 purpose of any such pollution abatement or pollution prevention
16 activities as the department deems necessary. Such forms shall
17 be deemed to be recordable documents and prior to the initiation
18 of operations under the permit, such forms shall be recorded and
19 entered into the deed book (d.b.v.) indexing system at the
20 office of the recorder of deeds in the counties in which the
21 area to be affected under the permit is situated.

22 (c) All records, reports, or information contained in the
23 [hazardous] waste storage, treatment or disposal facility permit
24 application submitted to the department under this section shall
25 be available to the public; except that the department shall
26 consider a record, report or information or particular portion
27 thereof, confidential in the administration of this act if the
28 applicant can show cause that the records, reports or
29 information, or a particular portion thereof (but not emission
30 or discharge data or information concerning solid waste which is

1 potentially toxic in the environment), if made public, would
2 divulge production or sales figures or methods, processes or
3 production unique to such applicant or would otherwise tend to
4 affect adversely the competitive position of such applicant by
5 revealing trade secrets. Nothing herein shall be construed to
6 prevent disclosure of such report, record or information to the
7 Federal Government or other State agencies as may be necessary
8 for purposes of administration of any Federal or State law.

9 * * *

10 (g) The department, upon receipt of an application for a
11 permit, shall give written notice to each and every municipality
12 in which the proposed [hazardous] waste facility will be
13 located.

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