

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 282 Session of  
1995

INTRODUCED BY GEORGE, SURRA, JAROLIN, TRELLO, McCALL, WOZNIAK,  
BATTISTO, PESCI, D. R. WRIGHT, MANDERINO AND LAUGHLIN,  
JANUARY 25, 1995

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
JANUARY 25, 1995

AN ACT

1 Amending the act of February 9, 1988 (P.L.31, No.12), entitled  
2 "An act providing for low-level radioactive waste disposal;  
3 further providing for powers and duties of the Department of  
4 Environmental Resources and the Environmental Quality Board;  
5 providing for the siting of low-level radioactive waste  
6 disposal facilities and for the licensing of operators  
7 thereof; establishing certain funds and accounts for the  
8 benefit of host municipalities and the general public;  
9 establishing the Low-Level Waste Advisory Committee and  
10 providing for its powers and duties; providing for membership  
11 on the Appalachian States Low-Level Radioactive Waste  
12 Commission; requiring certain financial assurances; providing  
13 enforcement procedures; providing penalties; making repeals;  
14 and making appropriations," further providing for the  
15 definition of "low-level waste," for the powers and duties of  
16 the Department of Environmental Resources, for facility  
17 design and operational management regulations and for site  
18 selection.

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

21 Section 1. The definition of "low-level waste" in section  
22 103 of the act of February 9, 1988 (P.L.31, No.12), known as the  
23 Low-Level Radioactive Waste Disposal Act, is amended to read:

24 Section 103. Definitions.

25 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 \* \* \*

4 "Low-level waste." Radioactive waste that:

5 (1) is not high-level radioactive waste, spent nuclear  
6 fuel, or by-product material as defined in section 11(e)(2)  
7 of the Atomic Energy Act of 1954 (68 Stat. 922, 42 U.S.C. §  
8 2014(e)(2)), waste generated as a result of atomic energy  
9 defense activities of the Federal Government, and waste for  
10 which the Federal Government is responsible under section  
11 3(b)(1) of the Low-Level Radioactive Waste Policy Amendments  
12 Act of 1985; and

13 (2) is classified by the Federal Government as low-level  
14 waste, consistent with the Low-Level Radioactive Waste Policy  
15 Amendments Act of 1985; [or]

16 (3) contains naturally occurring or accelerator-produced  
17 radioactive material, which is not excluded by paragraph (1)  
18 or (2); or

19 (4) is not waste that is referred to as Class C waste.

20 \* \* \*

21 Section 2. Section 301(6) of the act is repealed.

22 Section 3. Section 305 of the act is amended to read:

23 Section 305. Facility design and operational management  
24 regulations.

25 The department shall establish by regulation minimum  
26 engineering design and operational management criteria for the  
27 regional facility. These criteria shall be in addition to those  
28 required by regulations adopted under the Atomic Energy Act of  
29 1954. Shallow land burial, as defined in this act, is  
30 prohibited. An above-land grade facility is required [unless

1 other designs provide significant improvement in recoverability,  
2 monitoring, public health and environmental protection]. The  
3 facility shall have the goal of a zero release capacity. The  
4 criteria shall include, but not be limited to, provisions for  
5 enhanced containment, recoverability, long-term passive  
6 isolation, minimization of risks from water intrusion,  
7 protection from inadvertent intruders, monitoring and special  
8 requirements for various classes of wastes [which shall include,  
9 but not be limited to, provisions for the segregation and  
10 recoverability of Class C waste]. The Environmental Quality  
11 Board shall hold at least one public information meeting and at  
12 least one public hearing on the regulations, and shall solicit  
13 and take into consideration written public comments, prior to  
14 final adoption. There shall be 30 days' public notice before the  
15 hearings. Notice shall, at a minimum, be provided in the  
16 Pennsylvania Bulletin and in newspapers of general circulation  
17 in each county.

18 Section 4. Section 307(g) of the act is repealed.

19 Section 5. This act shall take effect immediately.