
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1747 Session of
2001

INTRODUCED BY DALLY, ARGALL, GEIST, PHILLIPS, LEWIS,
CALTAGIRONE, ALLEN, HARHAI, THOMAS, FREEMAN, GRUCELA AND
HORSEY, JUNE 13, 2001

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
JUNE 13, 2001

AN ACT

1 Regulating stockpiled tree stump and tree debris storage
2 management; and providing for powers and duties of the
3 Department of Environmental Protection.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Waste Tree
8 Stump Storage Management Act.

9 Section 2. Legislative findings.

10 The General Assembly finds and declares as follows:

11 (1) Stockpiled tree stumps and tree debris, in large
12 piles, continue to be an environmental threat to this
13 Commonwealth.

14 (2) Stockpiled tree stumps and tree debris create
15 environmental and public health and safety hazards such as
16 tree stump dump fires and vector infestations.

17 (3) No Statewide standards exist for the management of

1 stockpiled tree stumps and tree debris that protect the
2 environment from potential fire hazards and from other public
3 health and safety hazards.

4 Section 3. Purpose.

5 It is the purpose of this act:

6 (1) To ensure that stockpiled tree stumps and tree
7 debris are collected and disposed of in a manner that reduces
8 the potential for large fires and reduces the potential for
9 vector problems and other related nuisances.

10 (2) To provide specific preventive practices for the
11 management of stockpiled tree stumps and tree debris.

12 Section 4. Definitions.

13 The following words and phrases when used in this act shall
14 have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 "Department." The Department of Environmental Protection of
17 the Commonwealth.

18 "Disposal." The dumping, spilling, stockpiling or placing of
19 tree stumps or tree debris into or on the land or water in a
20 manner that the tree stumps or tree debris enter the
21 environment.

22 "Person." An individual, partnership, corporation,
23 association, institution, cooperative enterprise, municipal
24 authority, Federal Government or agency, State institution and
25 agency, including, but not limited to, the Department of General
26 Services and the State Public School Building Authority or any
27 other legal entity whatsoever which is recognized by law as the
28 subject of rights and duties. In any provisions of this act
29 prescribing a fine, imprisonment or penalty or any combination
30 thereof, the term shall include the officers and directors of a

1 corporation or other legal entity having officers and directors.

2 "Recycling." The systematic collection, sorting and mulching
3 or composting of tree stumps or tree debris for use as
4 commodities.

5 "Stockpile." A pile of tree debris or tree stumps.

6 "Storage site." A site where tree debris or tree stumps are
7 stored.

8 "Tree debris." Tree leaves, tree branches and tree trimmings
9 thereof and similar material, but not including grass clippings.

10 "Tree stumps." The main trunk portion of a tree with or
11 without the tree roots.

12 Section 5. Powers and duties of department.

13 The department shall have the power and its duty shall be to:

14 (1) Administer the tree stump and tree debris storage
15 management program pursuant to the provisions of this act.

16 (2) Cooperate with local units of government and
17 appropriate private businesses in carrying out the duties of
18 this act.

19 (3) Regulate the disposal of tree stumps and tree
20 debris.

21 (4) Develop a closure plan for storage sites.

22 Section 6. Disposal and storage management.

23 (a) Storage site security and fire department access.--

24 (1) The perimeter of a storage site shall have a chain-
25 link fence at least ten feet high with intruder controls on
26 the top in accordance with applicable local laws. Clearly
27 visible signs with business hours and department regulations
28 and local laws shall be posted near the storage site
29 entrance.

30 (2) Each storage site shall be provided with emergency

1 vehicle access routes, such that no portion of a stockpile is
2 more than 450 feet from an access road or fire break. Access
3 routes, or fire breaks, through stockpiles shall have a clear
4 width of at least 60 feet.

5 (3) Gates shall protect each access point that can be
6 locked when a storage site is closed. All gates shall have a
7 20-foot open width and remain unobstructed at all times. The
8 gates shall have rapid entry design compatible with fire
9 department requirements. Electric gates shall have default
10 capabilities to the unlocked position.

11 (4) All roads and accesses shall be designed to support
12 loads imposed by fire fighting equipment. All bridges and
13 structures, including drainage structures on access roads,
14 shall be capable of carrying a minimum design load of HS-20
15 consistent with ASFTO to "Standard Specifications for Highway
16 Bridges." Access routes shall be surfaced with material
17 designed to permit accessibility under all climatic
18 conditions.

19 (5) All emergency vehicle accesses shall have
20 unobstructed vertical clearance of 14 feet, or as needed for
21 passage of large fire fighting apparatus. A minimum turning
22 radius of 45 feet shall be provided for emergency vehicles
23 access. All dead-end access in excess of 150 feet long shall
24 be provided with a turn-around area.

25 (6) Accesses shall be well-maintained and remain
26 accessible to the fire department at all times.

27 (b) Storage site design requirements.--

28 (1) A storage site shall be limited to 20 feet in height
29 with a maximum perimeter of 250 feet long and 50 feet wide.
30 The edges of a stockpile shall be at least 60 feet from the

1 perimeter fence, and that area shall be clear of debris or
2 vegetation. All interior fire breaks shall be at least 65
3 feet wide.

4 (2) No stockpiled tree stumps and tree debris shall be
5 stored on wetlands, flood plains, ravines, canyons or on
6 steeply graded surfaces.

7 (c) Storage site safety requirements.--

8 (1) No open-air burning shall be allowed within 500 feet
9 of a storage site, in accordance with applicable local laws,
10 and no welding or other heat generating devices shall be
11 allowed within 200 feet of a stockpile.

12 (2) Smoking and the lighting of flames in or around
13 stockpiles shall be prohibited at the storage site. Lightning
14 rods conforming to State and local codes shall be placed on
15 the storage site, but away from stockpiles.

16 (3) The owner of a storage site shall coordinate with
17 local fire and police departments so they can respond quickly
18 to an emergency.

19 (4) If there is an stream, lake or other body of water
20 located in the vicinity of the storage area, fire department
21 drafting connection shall be provided in accordance with the
22 fire department's response plan.

23 (5) All water supply systems shall be approved by the
24 responsible local authority.

25 (6) Each fuel-fired vehicle operating at the storage
26 site shall be equipped with at least one 2A, 10B c-rated or
27 higher portable fire extinguisher.

28 (7) Storm water collection basins shall be installed at
29 appropriate locations on the storage site in accordance with
30 State and local laws recognizing that individual storage

1 sites shall require special considerations.

2 (d) Written management plan.--A storage site that accepts
3 tree stumps and tree debris shall prepare and implement a
4 written plan to the department and local government that
5 addresses the management of tree stumps and tree debris. The
6 plan shall, at a minimum, consist of the following:

7 (1) A description of the manner in which the owner of
8 the storage site will meet the provisions of this act.

9 (2) The projected size of the storage site shall be
10 described in the number or projected piles based on the
11 design requirements for stockpiles as set forth in this act
12 and any regulations promulgated by the department under this
13 act.

14 (3) Notice to the department and local government, by
15 the property owner, of the owner's intention to develop a
16 storage site at least six months prior to the scheduled
17 opening of the storage site.

18 (4) Notice to department and local government, by the
19 property owner of an existing storage site, of the owner's
20 intention to develop a storage management plan or of
21 intention to develop and implement a closure plan in
22 accordance with the rules and regulations promulgated by the
23 department within 90 days of the effective date of this act.

24 (e) Time for submission of plan.--A storage site existing
25 prior to the effective date of this act shall submit a written
26 plan, within 120 days of the effective date of this act,
27 describing how the storage site will reach compliance with all
28 provisions of this act within two years of the effective date of
29 this act.

30 (f) Closure plans.--The department shall develop the

1 requirements for all closure plans through its regulations.

2 Section 7. Priority enforcement list.

3 (a) Development of storage sites.--Within 180 days of the
4 effective date of this act, the department shall identify and
5 develop a Statewide list of storage sites with stockpiles equal
6 to or larger than the design requirements set forth in section
7 6. The department shall rank the storage sites according to
8 their potential for creating environmental health and safety
9 hazards and designate these sites as priority sites in obtaining
10 compliance with the provisions of this act and the rules and
11 regulations of the department.

12 (b) Review and update.--The department shall review and
13 update the priority enforcement list every two years.

14 (c) Notification to counties and municipalities.--For
15 purposes of section 9, the department shall notify in writing
16 the counties and municipalities of storage sites selected to be
17 listed on the priority enforcement list that are located within
18 their borders.

19 Section 8. Penalties.

20 (a) General rule.--A person who violates this act commits a
21 summary offense and shall, upon conviction, be sentenced to pay
22 a fine of not less than \$100 and not more than \$1,000 per
23 violation or be subject to imprisonment for not more than 30
24 days, or both.

25 (b) Additional penalty for subsequent violations.--For a
26 second and any subsequent violation, the person commits a
27 misdemeanor of the third degree and shall, upon conviction, be
28 sentenced to pay a fine of not less than \$1,000 and not more
29 than \$5,000 per violation or be subject to imprisonment for not
30 more than 90 days, or both.

1 Section 9. Applicability.

2 This act shall not apply to the right-of-way clearing or
3 maintenance activities of a public utility subject to the
4 jurisdiction of the Pennsylvania Public Utility Commission or of
5 any electric cooperative corporation or municipal utility
6 operation.

7 Section 10. Report to General Assembly.

8 The department shall submit a report to the General Assembly
9 concerning the implementation of this act and the compliance
10 status of the identified storage sites in this Commonwealth.

11 Section 11. Exclusion.

12 This act shall not apply to the storage, stockpiling or
13 disposal of tree stumps or tree debris performed by a person
14 engaged in the commercial production of "crops, livestock and
15 livestock products" as defined in the section 3 of the act of
16 June 30, 1981 (P.L.128, No.43), known as the Agricultural Area
17 Security Law, provided that the tree stump or tree debris is the
18 residual of trees or vegetation that had grown on a premises
19 that the person owned or operated.

20 Section 12. Effective date.

21 This act shall take effect immediately.