

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 531 Session of 2011

INTRODUCED BY RAFFERTY, TARTAGLIONE, BROWNE, FONTANA, YUDICHAK
AND BOSCOLA, FEBRUARY 14, 2011

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, FEBRUARY 14,
2011

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 criminal penalties.

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

21 Section 1. Section 606(f), (g) and (j) of the act of July 7,
22 1980 (P.L.380, No.97), known as the Solid Waste Management Act,
23 are amended and the section is amended by adding a subsection to
24 read:

25 Section 606. Criminal penalties.

1 * * *

2 (f) Any person who stores, transports, treats, or disposes
3 of hazardous waste within the Commonwealth in violation of
4 section 401, or in violation of any order of the department
5 shall be guilty of a felony of the second degree and, upon
6 conviction, shall be sentenced to pay a fine of not less than
7 [\$2,500] \$7,500 but not more than \$100,000 per day for each
8 violation or to imprisonment for not less than two years but not
9 more than ten years, or both.

10 (g) Any person who intentionally, knowingly or recklessly
11 stores, transports, treats, or disposes of hazardous waste
12 within the Commonwealth in violation of any provision of this
13 act, and whose acts or omissions cause pollution, a public
14 nuisance or bodily injury to any person, shall be guilty of a
15 felony of the first degree, and upon conviction, shall be
16 sentenced to pay a fine of not less than [\$10,000] \$20,000 but
17 not more than \$500,000 per day for each violation or to a term
18 of imprisonment of not less than two years, but not more than 20
19 years, or both.

20 (g.1) (1) Any person or municipality that intentionally,
21 knowingly or recklessly processes or disposes of solid waste
22 within the Commonwealth in violation of this act, or in
23 violation of any rule or regulation of the department, any
24 order of the department, or any term or condition of any
25 permit:

26 (i) In the amount of 100 cubic yards or more but
27 less than 500 cubic yards shall be guilty of a
28 misdemeanor of the first degree and, upon conviction,
29 shall be sentenced to pay a fine of not less than \$2,500
30 but not more than \$25,000 per day for each violation or

1 to imprisonment for a period not more than five years, or
2 both.

3 (ii) In the amount of 500 cubic yards or more shall
4 be guilty of a felony of the third degree and, upon
5 conviction, shall be sentenced to pay a fine of not less
6 than \$5,000 but not more than \$50,000 per day for each
7 violation or to imprisonment for not more than seven
8 years, or both.

9 (2) The quantity of waste involved in an offense under
10 this subsection shall be determined by the trier of fact. The
11 quantity of solid waste involved in offenses committed
12 pursuant to one scheme or course of conduct, whether at one
13 or several locations, may be aggregated in determining the
14 grading of the offense under paragraph (1).

15 * * *

16 (j) With respect to the offenses specified in subsections
17 (a), (b), (c), (d), (e), (f) [and], (g) and (g.1), it is the
18 legislative purpose to impose liability on corporations.

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