

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1539 Session of
1992INTRODUCED BY HELFRICK, MADIGAN, RHOADES, SHAFFER, PETERSON AND
WENGER, FEBRUARY 4, 1992

AS AMENDED ON THIRD CONSIDERATION, MARCH 23, 1992

AN ACT

1 Providing for siting, criteria and limitations for commercial
2 hazardous waste incinerators ~~and~~, FOR impact assessments AND <—
3 FOR GRANTS BY FACILITY OPERATORS FOR HOST COMMUNITY REVIEW OF
4 PERMIT APPLICATIONS.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Commercial
9 Hazardous Waste Facility Siting Act.

10 Section 2. Definitions.

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

14 "Captive facility." A captive facility as defined and
15 permitted under the act of July 7, 1980 (P.L.380, No.97), known
16 as the Solid Waste Management Act. Captive facilities can
17 include facilities owned by the generator which accepts offsite
18 waste that is the result of an intracompany transfer of waste

1 from another facility owned by the generator.

2 "Commercial hazardous waste incinerator." A facility which
3 accepts hazardous waste for incineration which is not a captive
4 facility. The term shall not include a boiler or industrial
5 furnace facility as defined in 40 CFR section 260.10 (relating
6 to criteria for identifying the characteristics of hazardous
7 waste).

8 "Contaminated soil incinerator." An enclosed device using
9 controlled flame combustion, the primary purpose of which is to
10 thermally break down and purify soil contaminated with petroleum
11 products.

12 "Department." The Department of Environmental Resources of
13 the Commonwealth.

14 "Facility operator." The owner or operator of a commercial
15 hazardous waste incinerator or a person proposing a commercial
16 hazardous waste incinerator.

17 "Facility site." All contiguous land owned or under the
18 control of an owner or operator of a hazardous waste incinerator
19 facility operator and identified in a permit or permit
20 application.

21 Section 3. Impact assessment.

22 The applicant for a commercial hazardous waste incinerator
23 permit shall conduct a risk assessment which analyzes the impact
24 the proposed incinerator may have on food or agricultural
25 products meant for human or animal consumption which are grown
26 or processed within a 15-mile radius of the proposed site. In
27 addition, the applicant shall conduct a risk assessment which
28 analyzes the accumulative impact the proposed incinerator may
29 have on food chain plants and animals surrounding the proposed
30 site. THE ENVIRONMENTAL QUALITY BOARD MAY PROMULGATE ANY

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1 REGULATIONS NEEDED TO IMPLEMENT THIS SECTION.

2 Section 4. ~~Prisons~~ SITE LIMITATIONS. <—

3 (A) PRISONS.--The department may not issue a permit for the <—
4 siting of a commercial hazardous waste incinerator under the act
5 of July 7, 1980 (P.L.380, No.97), known as the Solid Waste
6 Management Act, if the proposed facility site is located within
7 one mile of a prison or other facility where individuals are
8 held on an involuntary basis.

9 (B) SCHOOLS.--THE DEPARTMENT MAY NOT ISSUE A PERMIT FOR THE <—
10 SITING OF A COMMERCIAL HAZARDOUS WASTE INCINERATOR UNDER THE
11 SOLID WASTE MANAGEMENT ACT, IF THE PROPOSED FACILITY SITE IS
12 LOCATED WITHIN FIVE MILES OF A SCHOOL.

13 Section 5. ~~Siting criteria~~ SOIL INCINERATORS. <—

14 The department shall not issue a permit to a fixed site
15 contaminated soil incinerator which does not meet all the siting
16 criteria established under 25 Pa. Code Chapter 269 (relating to
17 siting) for hazardous waste facilities.

18 SECTION 6. HOST COMMUNITY REVIEW. <—

19 (A) EVALUATION GRANT.--THE OPERATOR OF A COMMERCIAL
20 HAZARDOUS WASTE INCINERATOR THAT INTENDS TO APPLY FOR A PERMIT
21 UNDER THE ACT OF JULY 7, 1980 (P.L.380, NO.97), KNOWN AS THE
22 SOLID WASTE MANAGEMENT ACT, SHALL MAKE AVAILABLE TO THE
23 GOVERNING BODY OF THE HOST MUNICIPALITY AND THE HOST COUNTY OF
24 ANY POTENTIAL SITES FOR THE FACILITY A GRANT OF AT LEAST
25 \$125,000 EACH FOR THE PURPOSE OF REIMBURSING THE GOVERNING
26 BODIES FOR THE COST FOR PROVIDING COMMENTS ON A PROPOSED
27 FACILITY PLAN AND A PROFESSIONAL TECHNICAL REVIEW OF THE PERMIT
28 APPLICATION AND FOR EACH 12-MONTH PERIOD AFTER THE ANNOUNCEMENT
29 OF ANY PROPOSED FACILITY SITES. THIS PROVISION SHALL NOT
30 PROHIBIT THE GOVERNING BODIES AND THE FACILITY OPERATOR FROM

1 AGREEING TO PROVIDE MORE FUNDS FOR THESE PURPOSES.

2 (B) EXPENDITURES UNDER GRANT.--THE COUNTY AND HOST
3 MUNICIPALITY MAY EXPEND THE GRANT ON LEGAL, ENGINEERING AND
4 ENVIRONMENTAL CONSULTING SERVICES NECESSARY FOR PROVIDING
5 COMMENTS ON A PROPOSED FACILITY PLAN AND TO CONDUCT A TECHNICAL
6 REVIEW OF THE PERMIT APPLICATION. THE COUNTY AND HOST
7 MUNICIPALITY SHALL SUBMIT A DETAILED ACCOUNTING FOR EXPENDITURES
8 MADE UNDER THE GRANT TO THE DEPARTMENT AND THE FACILITY
9 OPERATOR. THE FACILITY OPERATOR SHALL NOT HAVE THE AUTHORITY TO
10 DISAPPROVE EXPENDITURES MADE UNDER THE GRANT AS LONG AS THE
11 FUNDS ARE EXPENDED FOR ELIGIBLE COSTS.

12 (C) RETURN OF UNUSED FUNDS.--ANY FUNDS NOT EXPENDED BY THE
13 HOST COUNTY OR HOST MUNICIPALITY WITHIN THE 12-MONTH PERIOD
14 SHALL BE RETURNED TO THE FACILITY OPERATOR.

15 (D) APPLICATION OF SECTION.--THE PROVISIONS OF THIS SECTION
16 SHALL APPLY TO FACILITY OPERATORS WHICH ANNOUNCED POTENTIAL
17 FACILITY SITES AFTER JANUARY 1, 1990. GRANT FUNDS FOR ANY 12-
18 MONTH PERIOD BEGINNING IN 1990 SHALL BE AVAILABLE TO THE HOST
19 COUNTY AND HOST MUNICIPALITY THROUGH JULY 1, 1992.

20 Section 6 7. Effective date.

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21 This act shall take effect immediately.