
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 187 Session of
1995

INTRODUCED BY LLOYD, LAUGHLIN, STABACK, PESCI, TRELLO, SURRA,
LUCYK, HALUSKA, SAYLOR, BELARDI AND PETRONE, JANUARY 23, 1995

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
JANUARY 23, 1995

AN ACT

1 Providing for a moratorium on the issuance of permits for solid
2 waste disposal facilities; and further providing for residual
3 waste management plans.

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

6 Section 1. Definitions.

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

10 "Department." The Department of Environmental Resources of
11 the Commonwealth.

12 "Management." The entire process or any part thereof, of
13 storage, collection, transportation, processing, treatment and
14 disposal of residual waste by any person engaging in such
15 process.

16 "Municipal waste." As defined in the act of July 7, 1980
17 (P.L.380, No.97), known as the Solid Waste Management Act, any
18 garbage, refuse, industrial lunchroom or office waste and other

1 material, including solid, liquid, semisolid or contained
2 gaseous material resulting from operation of residential,
3 municipal, commercial or institutional establishments and from
4 community activities and any sludge not meeting the definition
5 of residual or hazardous waste hereunder from a municipal,
6 commercial or institutional water supply treatment plant,
7 wastewater treatment plant or air pollution control facility.

8 "Residual waste." As defined in the act of July 7, 1980
9 (P.L.380, No.97), known as the Solid Waste Management Act, any
10 garbage, refuse, other discarded material or other waste,
11 including solid, liquid, semisolid or contained gaseous
12 materials resulting from industrial, mining and agricultural
13 operations and any sludge from an industrial, mining or
14 agricultural water supply treatment facility, wastewater
15 treatment facility or air pollution control facility, provided
16 that it is not hazardous. The term shall not include coal refuse
17 as defined in the act of September 24, 1968 (P.L.1040, No.318),
18 known as the Coal Refuse Disposal Control Act. The term shall
19 not include treatment sludges from coal mine drainage treatment
20 plants, disposal of which is being carried under and in
21 compliance with a valid permit issued under the act of June 22,
22 1937 (P.L.1987, No.394), known as The Clean Streams Law.

23 "Solid waste." As defined in the act of July 7, 1980
24 (P.L.380, No.97), known as the Solid Waste Management Act, any
25 waste, including, but not limited to, municipal, residual or
26 hazardous wastes, including solid, liquid, semisolid or
27 contained gaseous materials. The term does not include coal ash
28 or drill cuttings.

29 "Solid waste disposal facility." A landfill or an
30 incinerator used or capable of being used for the disposal of

1 municipal, residual or hazardous waste or any combination
2 thereof.

3 Section 2. Moratorium on permitting solid waste disposal
4 facilities.

5 (a) Moratorium.--Notwithstanding any other provision of law,
6 the Department of Environmental Resources shall immediately
7 cease reviewing applications and cease issuing permits for the
8 construction or operation of solid waste disposal facilities
9 under the act of July 7, 1980 (P.L.380, No.97), known as the
10 Solid Waste Management Act, for a period which shall begin on
11 the effective date of this act and end on December 31, 1995.

12 (b) Exception.--During the period of moratorium, the
13 department shall have the authority to issue or reissue any
14 required permit or permits for the operation of any facility for
15 the disposal of municipal or residual waste, provided that the
16 facility for which the permit is issued or reissued was in
17 existence and had been in operation on or before the effective
18 date of this act or that the facility would be used only for the
19 disposal of residual waste generated by the owner of the
20 disposal facility.

21 Section 3. Residual waste management plans.

22 (a) Duties of department.--During the period of moratorium,
23 the department shall adopt and promulgate rules and regulations
24 for the development and implementation of residual waste
25 management plans which shall provide for the proper and adequate
26 transportation, collection, storage and disposal of residual
27 waste generated or present in this Commonwealth.

28 (b) Content of plans.--Residual waste management plans shall
29 include, but not be limited to, the following:

30 (1) A description and explanation of the origin, content

1 and weight or volume of residual waste currently generated in
2 a jurisdiction, and, whenever possible, the origin, content
3 and weight or volume of residual waste that will be generated
4 within the jurisdiction during the next ten years.

5 (2) An identification and description of the processing
6 facilities where residual waste is currently being disposed
7 or processed and the remaining available capacity of the
8 facilities and the capacity which could be made available
9 through the reasonable expansion of the facilities.

10 (3) An estimate of the processing or disposal capacity
11 needed for the residual waste which will be generated within
12 this Commonwealth during the next ten years. The assessment
13 shall describe any primary variables which may affect the
14 estimate and the extent to which the variables may reasonably
15 be expected to affect the estimate.

16 (4) An identification of the general location of each
17 residual waste processing or disposal facility and the site
18 of any proposed facility.

19 (5) An identification of the entity which will be
20 responsible for implementing the plan.

21 (6) Provisions for public participation in the
22 implementation of the plan.

23 (7) Any other information the department may require.

24 (c) Guidelines and regulations.--The Secretary of
25 Environmental Resources shall have the power and authority to
26 promulgate, adopt and use guidelines to implement the provisions
27 of this act. Such guidelines shall be published in the
28 Pennsylvania Bulletin. The guidelines shall not be subject to
29 review pursuant to section 205 of the act of July 31, 1968
30 (P.L.769, No.240), referred to as the Commonwealth Documents

1 Law, sections 204(b) and 301(10) of the act of October 15, 1980
2 (P.L.950, No.164), known as the Commonwealth Attorneys Act or
3 the act of June 25, 1982 (P.L.633, No.181), known as the
4 Regulatory Review Act, and shall be effective for a period of
5 not more than two years from the effective date of this act.
6 After the expiration of the two-year period, the guidelines
7 shall expire and shall be replaced by regulations which shall
8 have been promulgated, adopted and published as provided by law.
9 Section 4. Effective date.
10 This act shall take effect immediately.