

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 346 Session of
1995

INTRODUCED BY GEORGE, TRELLO, LAUGHLIN, COY, OLASZ, THOMAS,
STABACK, PESCI, TIGUE, PRESTON AND BATTISTO, JANUARY 26, 1995

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
JANUARY 26, 1995

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 defining "person"; further providing for management of
19 residual waste; and providing for municipal residual waste
20 facilities.

21 The General Assembly of the Commonwealth of Pennsylvania
22 hereby enacts as follows:

23 Section 1. The definition of "person" in section 103 of the
24 act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste
25 Management Act, is amended to read:

26 Section 103. Definitions.

1 The following words and phrases when used in this act shall
2 have, unless the context clearly indicates otherwise, the
3 meanings given to them in this section:

4 * * *

5 "Person." Any individual, partnership, corporation,
6 association, institution, cooperative enterprise, [municipal
7 authority,] Federal Government or agency, State institution and
8 agency (including, but not limited to, the Department of General
9 Services and the State Public School Building Authority), or any
10 other legal entity whatsoever which is recognized by law as the
11 subject of rights and duties. In any provisions of this act
12 prescribing a fine, imprisonment or penalty, or any combination
13 of the foregoing, the term "person" shall include the officers
14 and directors of any corporation or other legal entity having
15 officers and directors. The term shall not include a municipal
16 authority.

17 * * *

18 Section 2. Sections 301, 302 and 303 of the act are amended
19 to read:

20 Section 301. Management of residual waste.

21 No person [or municipality] shall store, transport, process,
22 or dispose of residual waste within this Commonwealth unless
23 such storage, or transportation, is consistent with or such
24 processing or disposal is authorized by the rules and
25 regulations of the department and no person [or municipality]
26 shall own or operate a residual waste processing or disposal
27 facility unless such person [or municipality] has first obtained
28 a permit for such facility from the department.

29 Section 302. Disposal, processing and storage of residual
30 waste.

(a) It shall be unlawful for any person [or municipality] to dispose, process, store, or permit the disposal, processing or storage of any residual waste in a manner which is contrary to the rules and regulations of the department or to any permit or to the terms or conditions of any permit or any order issued by the department.

(b) It shall be unlawful for any person [or municipality] who stores, processes, or disposes of residual waste to fail to:

(1) Use such methods and facilities as are necessary to control leachate, runoff, discharges and emissions from residual waste in accordance with department regulations.

(2) Use such methods and facilities as are necessary to prevent the harmful or hazardous mixing of wastes.

(3) Design, construct, operate and maintain facilities and areas in a manner which shall not adversely effect or endanger public health, safety and welfare or the environment or cause a public nuisance.

Section 303. Transportation of residual waste.

(a) It shall be unlawful for any person [or municipality] to transport or permit the transportation of residual waste:

(1) to any processing or disposal facility within the Commonwealth unless such facility holds a permit issued by the department to accept such waste; or

(2) in a manner which is contrary to the rules and regulations of the department or any permit or the conditions of any permit or any order issued by the department.

(b) It shall be unlawful for any person [or municipality] who transports residual waste to fail to:

(1) use such methods, equipment and facilities as are necessary to transport residual waste in a manner which shall

1 not adversely affect or endanger the environment or the
2 public health, welfare and safety; and

3 (2) take immediate steps to contain and clean up spills
4 or accidental discharges of such waste, and notify the
5 department, pursuant to department regulations, of all spills
6 or accidental discharges which occur on public highways or
7 public areas or which may enter the waters of the
8 Commonwealth as defined by the act of June 22, 1937
9 (P.L.1987, No.394), known as "The Clean Streams Law," or any
10 other spill which is governed by any notification
11 requirements of the department.

12 Section 3. The act is amended by adding a section to read:

13 Section 304. Municipal residual waste facilities.

14 (a) A municipality may adopt an ordinance allowing the
15 municipality to construct, own and operate a residual waste
16 facility. A municipality-owned residual waste facility may be
17 owned by more than one municipality. The residual waste facility
18 may be operated by an operator designated by the municipality or
19 municipalities which own the facility. A departmental permit is
20 not required for operation of the facility.

21 (b) The municipality may control the types and amounts of
22 residual waste which are accepted at the municipal site and may
23 set the fee schedule for residual wastes which are accepted.

24 (c) The municipality shall:

25 (1) use such methods and facilities as are necessary to
26 control leachate, runoff, discharges and emissions from
27 residual waste;

28 (2) use such methods and facilities as are necessary to
29 prevent the harmful or hazardous mixing of wastes;

30 (3) design, construct, operate and maintain facilities

1 and areas in a manner which shall not adversely affect or
2 endanger public health, safety and welfare or the environment
3 or cause a public nuisance;

4 (4) use such methods, equipment and facilities as are
5 necessary to transport residual waste in a manner which shall
6 not adversely affect or endanger the environment or the
7 public health, welfare and safety; and

8 (5) take immediate steps to contain and clean up spills
9 or accidental discharges of such waste, and notify the
10 department, pursuant to department regulations, of all spills
11 or accidental discharges which occur on public highways or
12 public areas or which may enter the waters of the
13 Commonwealth as defined by the act of June 22, 1937
14 (P.L.1987, No.394), known as "The Clean Streams Law," or any
15 other spill which is governed by any notification
16 requirements of the department.

17 Section 4. This act shall take effect in 60 days.