

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1678 Session of  
1995

INTRODUCED BY MIHALICH, MAY 24, 1995

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
MAY 24, 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 providing for action on permits and licenses.

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

21 Section 1. Section 503 of the act of July 7, 1980 (P.L.380,  
22 No.97), known as the Solid Waste Management Act, is amended to  
23 read:

24 Section 503. Granting, denying, renewing, modifying, revoking  
25 and suspending permits and licenses.

1 (a) Upon approval of the application, the department shall  
2 issue a permit for the operation of a solid waste storage,  
3 treatment, processing or disposal facility or area or a license  
4 for the transportation of hazardous wastes, as set forth in the  
5 application and further conditioned by the department.

6 (b) No permit shall be issued unless and until all  
7 applicable bonds have been posted with the department.

8 (c) In carrying out the provisions of this act, the  
9 department may deny, suspend, modify, or revoke any permit or  
10 license if it finds that the applicant, permittee or licensee  
11 has failed or continues to fail to comply with any provision of  
12 this act, the act of June 22, 1937 (P.L.1987, No.394), known as  
13 "The Clean Streams Law," the act of January 8, 1960 (1959  
14 P.L.2119, No.787), known as the "Air Pollution Control Act," and  
15 the act of November 26, 1978 (P.L.1375, No.325), known as the  
16 "Dam Safety and Encroachments Act," or any other state or  
17 Federal statute relating to environmental protection or to the  
18 protection of the public health, safety and welfare; or any rule  
19 or regulation of the department; or any order of the department;  
20 or any condition of any permit or license issued by the  
21 department; or if the department finds that the applicant,  
22 permittee or licensee has shown a lack of ability or intention  
23 to comply with any provision of this act or any of the acts  
24 referred to in this subsection or any rule or regulation of the  
25 department or order of the department, or any condition of any  
26 permit or license issued by the department as indicated by past  
27 or continuing violations. In the case of a corporate applicant,  
28 permittee or licensee, the department may deny the issuance of a  
29 license or permit if it finds that a principal of the  
30 corporation was a principal of another corporation which

1 committed past violations of this act.

2 (d) Any person or municipality which has engaged in unlawful  
3 conduct as defined in this act, or whose partner, associate,  
4 officer, parent corporation, subsidiary corporation, contractor,  
5 subcontractor or agent has engaged in such unlawful conduct,  
6 shall be denied any permit or license required by this act  
7 unless the permit or license application demonstrates to the  
8 satisfaction of the department that the unlawful conduct has  
9 been corrected or unless, if a consent decree has been issued by  
10 a court, the court, after review, determines that there has been  
11 full compliance with the decree. Independent contractors and  
12 agents who are to operate under any permit shall be subject to  
13 the provisions of this act. Such independent contractors, agents  
14 and the permittee shall be jointly and severally liable, without  
15 regard to fault, for violations of this act which occur during  
16 the contractor's or agent's involvement in the course of  
17 operations.

18 (e) Any permit or license granted by the department, as  
19 provided in this act, shall be revocable or subject to  
20 modification or suspension at any time the department determines  
21 that the solid waste storage, treatment, processing or disposal  
22 facility or area or transportation of solid waste:

23 (1) is, or has been, conducted in violation of this act  
24 or the rules, regulations, adopted pursuant to the act;

25 (2) is creating a public nuisance;

26 (3) is creating a potential hazard to the public health,  
27 safety and welfare;

28 (4) adversely affects the environment;

29 (5) is being operated in violation of any terms or  
30 conditions of the permit; or

1           (6) was operated pursuant to a permit or license that  
2 was not granted in accordance with law.  
3 Section 2. This act shall take effect in 60 days.