

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 173 Session of
1997

INTRODUCED BY HOLL, JANUARY 21, 1997

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, JANUARY 21, 1997

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," providing
18 for citizen suits to enforce the act.

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

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

24 Section 607.1. Citizen suits.

25 (a) Any aggrieved person who owns or leases property on

1 which any solid waste has been unlawfully dumped may file a
2 civil action against any person to prevent or abate a violation
3 of this act or of any order, regulation, standard or approval
4 issued under this act.

5 (b) The courts of common pleas shall have jurisdiction over
6 any action authorized under this section. No action may be
7 commenced under this section prior to 60 days after the
8 plaintiff has given notice to the department and to the alleged
9 violation of this act nor may such action be commenced when the
10 department has commenced and is diligently prosecuting a civil
11 or criminal action in a court to require compliance with this
12 act or any order, regulation, standard or approval issued under
13 this act. In any such civil action commenced by the department,
14 any person may intervene as a plaintiff as a matter of right.
15 The court may grant any equitable relief and may impose a civil
16 penalty under section 605. A court of competent jurisdiction, in
17 issuing any final order in any action brought pursuant to this
18 section, may award costs of litigation, including reasonable
19 attorney and expert witness fees, to any party, whenever the
20 court determines such award is appropriate.

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