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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1026 Session of 1999

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INTRODUCED BY DALLY, GEIST, M. COHEN, HENNESSEY, GRUCELA AND  
YOUNGBLOOD, MARCH 22, 1999

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REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
MARCH 22, 1999

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AN ACT

1 Regulating stockpiled tree stump and tree debris storage  
2 management; and providing for powers and duties of the  
3 Department of Environmental Protection.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Waste Tree  
8 Stump Storage Management Act.

9 Section 2. Legislative findings.

10 The General Assembly finds and declares as follows:

11 (1) Stockpiled tree stumps and tree debris, in large  
12 piles, continue to be an environmental threat to this  
13 Commonwealth.

14 (2) Stockpiled tree stumps and tree debris create  
15 environmental and public health and safety hazards such as  
16 tree stump dump fires and vector infestations.

17 (3) No Statewide standards exist for the management of  
18 stockpiled tree stumps and tree debris that protect the

environment from potential fire hazards and from other public health and safety hazards.

### Section 3. Purpose.

It is the purpose of this act:

(1) To ensure that stockpiled tree stumps and tree debris are collected and disposed of in a manner that reduces the potential for large fires and reduces the potential for vector problems and other related nuisances.

(2) To provide specific preventive practices for the management of stockpiled tree stumps and tree debris.

### Section 4. Definitions.

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

"Department." The Department of Environmental Protection of the Commonwealth.

"Disposal." The dumping, spilling, stockpiling or placing of tree stumps or tree debris into or on the land or water in a manner that the tree stumps or tree debris enter the environment.

"Person." Any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, Federal Government or agency, State institution and agency, including, but not limited to, the Department of General Services and the State Public School Building Authority or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. In any provisions of this act prescribing a fine, imprisonment or penalty or any combination of the foregoing, the term shall include the officers and directors of any corporation or other legal entity having

1 officers and directors.

2 "Recycling." The systematic collection, sorting and mulching  
3 or composting of tree stumps or tree debris for use as  
4 commodities.

5 "Tree debris." Tree leaves, tree branches and tree trimmings  
6 thereof and similar material, but not including grass clippings.

7 "Tree stumps." The main trunk portion of a tree with or  
8 without the tree roots.

9 Section 5. Powers and duties of department.

10 The department shall have the power and its duty shall be to:

11 (1) Administer the tree stump and tree debris storage  
12 management program pursuant to the provisions of this act.

13 (2) Cooperate with local units of government and  
14 appropriate private businesses in carrying out the duties of  
15 this act.

16 (3) Regulate the disposal of stockpiled tree stumps and  
17 tree debris.

18 (4) Develop a closure plan for storage sites.

19 Section 6. Disposal and storage management of stockpiled tree  
20 stumps and tree debris.

21 (a) Site security and fire department access.--

22 (1) The perimeter of a stockpiled tree stump and tree  
23 debris facility shall have a chain-link fence at least ten  
24 feet high with intruder controls on the top in accordance  
25 with applicable local laws. Clearly visible signs with  
26 business hours and department regulations and local laws  
27 shall be posted near the facility entrance.

28 (2) Each stockpiled tree stump and tree debris facility  
29 shall be provided with emergency vehicle access routes, such  
30 that no portion of the stockpile is more than 450 feet from

1 an access road or fire break. Access routes, or fire breaks,  
2 through the piles shall have a clear width of at least 60  
3 feet.

4 (3) There shall be gates protecting each access point  
5 that can be locked when a stockpiled tree stump and tree  
6 debris facility is closed. All gates shall have a 20-foot  
7 open width and remain unobstructed at all times. The gates  
8 shall have rapid entry design compatible with fire department  
9 requirements. Electric gates shall have default capabilities  
10 to the unlocked position.

11 (4) All roads and accesses shall be designed to support  
12 loads imposed by fire fighting equipment. All bridges and  
13 structures, including drainage structures on access roads,  
14 shall be capable of carrying a minimum design load of HS-20  
15 consistent with ASFTO to "Standard Specifications for Highway  
16 Bridges." Access routes shall be surfaced with material  
17 designed to permit accessibility under all climatic  
18 conditions.

19 (5) All emergency vehicle accesses shall have  
20 unobstructed vertical clearance of 14 feet, or as needed for  
21 passage of large fire fighting apparatus. A minimum turning  
22 radius of 45 feet shall be provided for emergency vehicles  
23 access. All dead-end access in excess of 150 feet long shall  
24 be provided with a turn-around area.

25 (6) Accesses shall be well-maintained and remain  
26 accessible to the fire department at all times.

27 (b) Storage and disposal site design requirements.--

28 (1) Stockpiled tree stumps and tree debris storage sites  
29 shall be limited to 20 feet in height with a maximum  
30 perimeter of 250 feet long and 50 feet wide. The edges of the

1 stockpile shall be at least 60 feet from the perimeter fence,  
2 and that area shall be clear of debris or vegetation. All  
3 interior fire breaks shall be at least 65 feet wide.

4 (2) Stockpiled tree stumps and tree debris shall not be  
5 stored on wetlands, flood plains, ravines, canyons or on  
6 steeply graded surfaces.

7 (c) Storage site safety requirements.--

8 (1) No open-air burning shall be allowed within 500 feet  
9 of the storage site, in accordance with applicable local  
10 laws, and no welding or other heat generating devices allowed  
11 within 200 feet of the stockpile.

12 (2) Smoking and the lighting of flames in or around the  
13 piles shall be prohibited at the storage site. Lightning rods  
14 conforming to State and local codes shall be placed on the  
15 site, but away from the piles.

16 (3) The owner of a storage site shall coordinate with  
17 local fire and police departments so they can respond quickly  
18 to an emergency.

19 (4) If there is an stream, lake or other body of water  
20 located in the vicinity of the storage area, fire department  
21 drafting connection shall be provided in accordance with the  
22 fire department's response plan.

23 (5) All water supply systems shall be approved by the  
24 responsible local authority.

25 (6) Each fuel-fired vehicle operating at the storage  
26 site shall be equipped with at least one 2A, 10B c-rated or  
27 higher portable fire extinguisher.

28 (7) Storm water collection basins shall be installed at  
29 appropriate locations on the storage site in accordance with  
30 State and local laws recognizing that individual storage

1 sites shall require special considerations.

2 (d) Written management plan.--Storage sites that accept tree  
3 stumps and tree debris shall prepare and implement a written  
4 plan to the department and local government that addresses the  
5 management of tree stumps and tree debris. The plan shall, at a  
6 minimum, consist of the following:

7 (1) A description of the manner in which the storage  
8 site owner will meet the provisions of this act.

9 (2) The projected size of storage site shall be  
10 described in the number or projected piles based on the  
11 design requirements for piles as stated in this act and any  
12 regulations promulgated by the department under this act.

13 (3) Any storage site existing prior to the effective  
14 date of this act shall submit a written plan, within 120 days  
15 of the effective date of this act, describing how the storage  
16 site will reach compliance with all provisions of this act  
17 within two years of the effective date of this act.

18 (4) Notice to the department and local government, by  
19 the property owner, of the owner's intention to develop a  
20 storage site at least six months prior to the scheduled  
21 opening of a facility of stockpiled tree stumps and tree  
22 debris.

23 (5) Notice to department and local government, by the  
24 property owner of an existing storage site, of the owner's  
25 intention to develop a storage management plan or of  
26 intention to develop and implement a closure plan in  
27 accordance with the rules and regulations promulgated by the  
28 department within 90 days of the effective date of this act.

29 (e) Closure plans.--The department shall develop the  
30 requirements for all closure plans through its regulations.

1 Section 7. Priority enforcement list.

2 (a) Development of stockpiled tree stumps and tree debris  
3 storage sites.--Within 180 days of the effective date of this  
4 act, the department shall identify and develop a Statewide list  
5 of stockpiled tree stumps and tree debris storage sites with  
6 piles equal to or larger than the pile design requirements  
7 stated in section 6. The department shall rank the storage sites  
8 according to their potential for creating environmental health  
9 and safety hazards and designate these sites as priority sites  
10 in obtaining compliance with the provisions of this act and the  
11 rules and regulations of the department.

12 (b) Review and update.--The department shall review and  
13 update the priority enforcement list every two years.

14 (c) Notification to counties and municipalities.--For  
15 purposes of section 9, the department shall notify in writing  
16 the counties and municipalities of storage sites selected to be  
17 listed on the priority enforcement list that are located within  
18 their borders.

19 Section 8. Penalties.

20 (a) General rule.--A person who violates this act commits a  
21 summary offense and shall, upon conviction, be sentenced to pay  
22 a fine of not less than \$100 and not more than \$1,000 per  
23 violation or be subject to imprisonment for not more than 30  
24 days, or both.

25 (b) Additional penalty for subsequent violations.--For the  
26 second and any subsequent violations, the person commits a  
27 misdemeanor of the third degree and shall, upon conviction, be  
28 sentenced to pay a fine of not less than \$1,000 and not more  
29 than \$5,000 per violation or be subject to imprisonment for not  
30 more than 90 days, or both.

1 Section 9. Report to General Assembly.

2 The department shall submit a report to the General Assembly  
3 concerning the implementation of this act and the compliance  
4 status of the identified storage sites in this Commonwealth.

5 Section 10. Effective date.

6 This act shall take effect immediately.