
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1808 Session of
2019

INTRODUCED BY MACKENZIE, CALTAGIRONE, CIRESI, JAMES, KEEFER,
MILLARD, MIZGORSKI, MOUL, NEILSON, ROTHMAN, SAYLOR, THOMAS
AND ZIMMERMAN, SEPTEMBER 16, 2019

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
SEPTEMBER 16, 2019

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," in general
18 provisions, further providing for definitions; and making
19 editorial changes.

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

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

25 AN ACT

26 Providing for the planning and regulation of solid waste

1 storage, collection, transportation, processing, treatment,
2 and disposal; requiring municipalities to submit plans for
3 municipal waste management systems in their jurisdictions;
4 authorizing grants to municipalities; providing regulation of
5 the management of municipal, residual and hazardous waste;
6 requiring permits for operating hazardous waste and solid
7 waste storage, processing, treatment, and disposal
8 facilities; and licenses for transportation of hazardous
9 waste; imposing duties on persons and municipalities;
10 granting powers to municipalities; authorizing the
11 Environmental Quality Board and the Department of
12 Environmental [Resources] Protection to adopt rules,
13 regulations, standards and procedures; granting powers to and
14 imposing duties upon county health departments; providing
15 remedies; prescribing penalties; and establishing a fund.

16 Section 2. The definitions of "department," "municipal
17 waste," "processing," "residual waste," "secretary," "solid
18 waste" and "treatment" in section 103 of the act, amended
19 February 15, 2018 (P.L.19, No.7), are amended and the section is
20 amended by adding definitions to read:

21 Section 103. Definitions.

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

25 * * *

26 "Department." The Department of Environmental [Resources]
27 Protection of the Commonwealth of Pennsylvania and its
28 authorized representatives.

29 * * *

30 "Gasification." A manufacturing process through which

1 recoverable feedstocks or post-use polymers are heated and
2 converted into a fuel-gas mixture in an oxygen-deficient
3 atmosphere and the mixture is converted into valuable raw,
4 intermediate and final products, including, but not limited to,
5 plastic, monomers, chemicals, waxes, lubricants, chemical
6 feedstocks, crude oil, diesel, gasoline, diesel and gasoline
7 blendstocks, home heating oil and other fuels, including ethanol
8 and transportation fuel. Gasification shall not be considered
9 processing, incineration or treatment.

10 "Gasification facility." A manufacturing facility that
11 receives, separates, stores and converts post-use polymers and
12 recoverable feedstocks using gasification. A gasification
13 facility shall not be considered to be a municipal waste
14 disposal or processing facility, a processing facility, an
15 incinerator or a resource recovery facility.

16 * * *

17 "Municipal waste." Any garbage, refuse, industrial lunchroom
18 or office waste and other material including solid, liquid,
19 semisolid or contained gaseous material resulting from operation
20 of residential, municipal, commercial or institutional
21 establishments and from community activities and any sludge not
22 meeting the definition of residual or hazardous waste hereunder
23 from a municipal, commercial or institutional water supply
24 treatment plant, waste water treatment plant, or air pollution
25 control facility. The term does not include post-use polymers or
26 recoverable feedstocks where these materials are converted
27 through pyrolysis or gasification.

28 * * *

29 "Post-use polymers." Plastic polymers that derive from any
30 household, industrial, municipal, community, commercial or other

1 source of operations or activities which might otherwise become
2 a waste if not converted into valuable raw, intermediate and
3 final products, including, but not limited to, plastic,
4 monomers, chemicals, waxes, lubricants, chemical feedstocks,
5 crude oil, diesel, gasoline, diesel and gasoline blendstocks,
6 home heating oil and other fuels, including ethanol and
7 transportation fuel. Post-use polymers may contain incidental
8 contaminants or impurities such as paper labels or metal rings.
9 Post-use polymers are not mixed with solid waste, municipal
10 waste, residual waste, medical waste, hazardous waste, e-waste,
11 tires or construction demolition debris. Post-use polymers shall
12 not be considered solid wastes, residual wastes or municipal
13 wastes.

14 "Processing."

15 (1) The term includes any of the following:

16 (i) Any method or technology used for the purpose of
17 reducing the volume or bulk of municipal or residual
18 waste or any method or technology used to convert part or
19 all of such waste materials for off-site reuse.

20 (ii) Transfer facilities, composting facilities, and
21 resource recovery facilities.

22 (2) The term does not include [a] any of the following:

23 (i) A collection or processing center that is only
24 for source-separated recyclable materials, including
25 clear glass, colored glass, aluminum, steel and
26 bimetallic cans, high-grade office paper, newsprint,
27 corrugated paper and plastics.

28 (ii) Pyrolysis or gasification processes that
29 utilize post-use polymers or recoverable feedstocks.

30 "Pyrolysis." A manufacturing process through which post-use

1 polymers are heated in the absence of oxygen until melted and
2 thermally decomposed and then cooled, condensed and converted
3 into valuable raw, intermediate and final products, including,
4 but not limited to, plastic, monomers, chemicals, waxes,
5 lubricants, chemical feedstocks, crude oil, diesel, gasoline,
6 diesel and gasoline blendstocks, home heating oil and other
7 fuels, including ethanol and transportation fuel. Pyrolysis
8 shall not be considered processing, incineration or treatment.

9 "Pyrolysis facility." A manufacturing facility that
10 receives, separates, stores and converts post-use polymers using
11 pyrolysis. A pyrolysis facility shall not be considered to be a
12 municipal waste disposal or processing facility, a processing
13 facility, an incinerator or a resource recovery facility.

14 "Recoverable feedstocks." One or more of the following
15 materials, derived from recoverable waste, that has been
16 processed so that it may be used as feedstock in a gasification
17 facility:

18 (1) Post-use polymers.

19 (2) Materials, including, but not limited to, municipal
20 solid waste that contains post-use polymers, and other post-
21 industrial waste containing post-use polymers, that have been
22 processed into a fuel or feedstock for which the
23 Environmental Protection Agency has made a nonwaste
24 determination under 40 CFR 241.3(c) (relating to standards
25 and procedures for identification of non-hazardous secondary
26 materials that are solid wastes when used as fuels or
27 ingredients in combustion units) or otherwise determined are
28 not waste or for which the department has made a nonwaste
29 determination.

30 "Residual waste."

1 (1) The term includes any of the following:

2 (i) Any garbage, refuse, other discarded material or
3 other waste including solid, liquid, semisolid, or
4 contained gaseous materials resulting from industrial,
5 mining and agricultural operations.

6 (ii) Any sludge from an industrial, mining or
7 agricultural water supply treatment facility, waste water
8 treatment facility or air pollution control facility,
9 provided that it is not hazardous.

10 (2) The term does not include:

11 (i) Coal refuse as defined in the "Coal Refuse
12 Disposal Control Act."

13 (ii) Treatment sludges from coal mine drainage
14 treatment plants, disposal of which is being carried on
15 pursuant to and in compliance with a valid permit issued
16 pursuant to "The Clean Streams Law."

17 (iii) Current generation blast furnace, iron and
18 steel slag if:

19 (A) used onsite as a waste processing liming
20 agent in acid neutralization or onsite in place of
21 aggregate or sold and distributed in the stream of
22 commerce for consumption, use or further processing
23 into another desired commodity; and

24 (B) managed as an item of commercial value in
25 accordance with industry practices to ensure
26 commercial value.

27 (iv) Post-use polymers or recoverable feedstocks
28 when these materials are converted through pyrolysis or
29 gasification.

30 "Secretary." The Secretary of the Department of

1 Environmental [Resources] Protection of the Commonwealth of
2 Pennsylvania.

3 "Solid waste." Any waste, including but not limited to,
4 municipal, residual or hazardous wastes, including solid,
5 liquid, semisolid or contained gaseous materials. The term does
6 not include [coal] any of the following:

7 (1) Coal ash [or drill].

8 (2) Drill cuttings.

9 (3) Post-use polymers or recoverable feedstocks when
10 these materials are converted through pyrolysis or
11 gasification.

12 * * *

13 "Treatment." Any method, technique, or process, including
14 neutralization, designed to change the physical, chemical, or
15 biological character or composition of any waste so as to
16 neutralize such waste or so as to render such waste
17 nonhazardous, safer for transport, suitable for recovery,
18 suitable for storage, or reduced in volume. Such term includes
19 any activity or processing designed to change the physical form
20 or chemical composition of waste so as to render it neutral or
21 nonhazardous. The term does not include the conversion of post-
22 use polymers or recoverable feedstocks through pyrolysis or
23 gasification.

24 Section 3. Sections 105(c), 106(b), 402, 507(a) introductory
25 paragraph and 602(d) of the act are amended to read:

26 Section 105. Powers and duties of the Environmental Quality
27 Board.

28 * * *

29 (c) The Environmental Quality Board shall have the power and
30 its duty shall be to adopt rules and regulations and standards

1 to provide for the coordination of administration and
2 enforcement of this act between the Department of Environmental
3 [Resources] Protection and county health departments where they
4 exist.

5 * * *

6 Section 106. Powers and duties of county health departments;
7 limitation.

8 * * *

9 (b) Notwithstanding the grant of powers in subsection (a),
10 in any case where administration and enforcement of this act by
11 a county health department shall conflict with administration
12 and enforcement by the Department of Environmental [Resources]
13 Protection, administration and enforcement by the Department of
14 Environmental [Resources] Protection shall take precedence over
15 administration and enforcement by a county health department.

16 Section 402. Listing of hazardous waste.

17 The Environmental Quality Board shall establish rules and
18 regulations identifying the characteristics of hazardous wastes
19 and listing particular hazardous wastes which shall be subject
20 to the provisions of this act. The list promulgated shall in no
21 event prevent the department from regulating other wastes,
22 which, although not listed, the department has determined to be
23 hazardous; the Department of Environmental [Resources]
24 Protection may regulate such hazardous wastes when the
25 department has determined such waste poses a substantial present
26 or potential hazard to the human health or the environment by
27 any means including, but not limited to, issuance of orders and
28 the imposition of terms and conditions of permits. The board
29 shall identify the characteristics of hazardous wastes and list
30 particular hazardous wastes within 30 days after the effective

1 date of this section, which initial list shall not be subject to
2 section 107 of this act but shall be promulgated in accordance
3 with section 204(3) [(relating to omission of notice of proposed
4 rule making)] of the act of July 31, 1968 (P.L.769, No.240),
5 referred to as the Commonwealth Documents Law.

6 Section 507. Siting of hazardous waste treatment and disposal
7 facilities.

8 (a) The Department of Environmental [Resources] Protection
9 shall have the power and authority to develop, prepare and
10 modify the Pennsylvania Hazardous Waste Facilities Plan. The
11 plan shall include:

12 * * *

13 Section 602. Enforcement orders.

14 * * *

15 (d) The Department of Environmental [Resources] Protection
16 shall have the power to order, orally or in writing, any person
17 or municipality to immediately suspend or modify hazardous waste
18 treatment or disposal activities when he determines that
19 continued operation will jeopardize public health, safety or
20 welfare. Said order shall be effective upon issuance and may
21 only be superseded by further department action or, after an
22 appeal has been perfected, by the Environmental Hearing Board
23 after notice and hearing. Furthermore, said order may require
24 remedial actions to be taken in order to prevent harm to public
25 health, safety or welfare. Within two business days after the
26 issuance of such oral order, the department shall issue a
27 written order reciting and modifying, where appropriate, the
28 terms and conditions contained in the oral order.

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