

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 256 Session of 2019

INTRODUCED BY DINNIMAN, STEFANO, SCHWANK, KEARNEY, HUTCHINSON AND COSTA, FEBRUARY 7, 2019

SENATOR YAW, ENVIRONMENTAL RESOURCES AND ENERGY, AS AMENDED, JUNE 25, 2019

AN ACT

1 Amending the act of July 28, 1988 (P.L.556, No.101), entitled
2 "An act providing for planning for the processing and
3 disposal of municipal waste; requiring counties to submit
4 plans for municipal waste management systems within their
5 boundaries; authorizing grants to counties and municipalities
6 for planning, resource recovery and recycling; imposing and
7 collecting fees; establishing certain rights for host
8 municipalities; requiring municipalities to implement
9 recycling programs; requiring Commonwealth agencies to
10 procure recycled materials; imposing duties; granting powers
11 to counties and municipalities; authorizing the Environmental
12 Quality Board to adopt regulations; authorizing the
13 Department of Environmental Resources to implement this act;
14 providing remedies; prescribing penalties; establishing a
15 fund; and making repeals," in recycling and waste reduction,
16 further providing for Commonwealth recycling and waste
17 reduction.

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

20 Section 1. Section 1503 of the act of July 28, 1988
21 (P.L.556, No.101), known as the Municipal Waste Planning,
22 Recycling and Waste Reduction Act, is amended to read:

23 Section 1503. Commonwealth recycling and waste reduction.

24 (a) Recycling.--[Within two years after the effective date
25 of this act, each] Each Commonwealth agency, in coordination

1 with the Department of General Services, shall establish and  
2 implement a source-separation and collection program for  
3 recyclable materials produced as a result of agency operations,  
4 including, at a minimum, aluminum, high grade office paper and  
5 corrugated paper. The source-separation and collection program  
6 shall include, at a minimum, procedures for collecting and  
7 storing recyclable materials, bins or containers for storing  
8 materials, and contractual or other arrangements with buyers.

9 (b) Waste reduction.--[Within two years after the effective  
10 date of this act, each] Each Commonwealth agency, in  
11 coordination with the Department of General Services, shall  
12 establish and implement a waste reduction program for materials  
13 used in the course of agency operations. The program shall be  
14 designed and implemented to achieve the maximum feasible  
15 reduction of waste generated as a result of agency operations.

16 (c) Use of composted materials.--[All] Subject to the  
17 provisions of subsection (d), all Commonwealth agencies  
18 responsible for the maintenance of public lands in this  
19 Commonwealth shall, to the maximum extent practicable and  
20 feasible, give due consideration and preference to the use of  
21 compost materials, including mushroom substrate, in all land  
22 maintenance activities which are to be paid with public funds.

23 (d) Use of compost and compost products in projects.--

24 (1) Notwithstanding any other provision of law to the  
25 contrary, compost and compost products shall be utilized as  
26 recycled materials in projects as a best management practice  
27 for:

28 (i) Erosion and sediment control.

29 (ii) Postconstruction storm water management.

30 (2) The department shall:

1           (i) On or before June 30, 2019 2021, establish  
2 appropriate specifications for the use of compost and  
3 compost products as a best management practice in  
4 projects for:

5           (A) Erosion and sediment control under 25 Pa.  
6 Code Ch. 102 (relating to erosion and sediment  
7 control).

8           (B) Postconstruction storm water management  
9 under 25 Pa. Code Ch. 102.

10          (ii) In establishing the specification under  
11 subparagraph (i):

12           (A) Consult with other appropriate State  
13 agencies on the use of and specifications for compost  
14 and compost products for projects in other states.

15           (B) Identify compost and compost products to add  
16 to any existing specifications, which shall include  
17 the following:

18           (I) Compost blankets for soil stabilization  
19 mats and other types of compost erosion control  
20 blankets.

21           (II) Compost socks for slope interruption,  
22 inlet protection and sediment control.

23           (III) Compost in a biofiltration soil mix.

24           (IV) Compost in biofiltration swales.

25           (C) Develop recommendations for maximizing the  
26 use of compost as a recycled material in projects,  
27 including new specifications that should be developed  
28 and any necessary legislative or regulatory changes.

29          (iii) Update the specifications established under  
30 this paragraph as necessary.

1           (iv) Post the specifications established under this  
2           paragraph on the department's publicly accessible  
3           Internet website.

4           (3) By no later than June 30, 2022, the department shall  
5           prepare and submit a report to the General Assembly that  
6           includes the following:

7           (i) A description of the specifications established  
8           for compost and compost products used in projects.

9           (ii) Recommendations to maximize the use of compost  
10           and compost products as recycled materials in projects.

11           (iii) A description of the department's conclusions  
12           under paragraph (2)(ii).

13           (iv) Any other information that the department deems  
14           necessary or relevant.

15           (4) For the purposes of this subsection, the following  
16           words and phrases shall have the meanings given to them in  
17           this paragraph unless the context clearly indicates  
18           otherwise:

19           "Best management practice." A specialized practice  
20           designed to control erosion and sediment control and  
21           postconstruction storm water runoff.

22           "Compost." Includes spent mushroom substrate.

23           "Compost product." An item that is manufactured from  
24           compost, including the following:

25           ~~(1)~~ (I) Compost berms. <--

26           ~~(2)~~ (II) Compost filter socks. <--

27           ~~(3)~~ (III) Compost blankets. <--

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

30           "Infrastructure construction." The construction or

1 rehabilitation of the following:

2 ~~(1)~~ (I) Drainage systems. <--

3 ~~(2)~~ (II) Energy facilities that generate and <--  
4 distribute power.

5 ~~(3)~~ (III) Sewer systems, including, but not limited <--  
6 to, the construction or repair of sewage collection lines  
7 and sewage treatment facilities.

8 ~~(4)~~ (IV) Transportation facilities directly <--  
9 affecting the site of the proposed private investment,  
10 including:

11 ~~(i)~~ (A) Roads providing access to the site. <--

12 ~~(ii)~~ (B) Parking facilities. <--

13 ~~(iii)~~ (C) Sidewalks. <--

14 ~~(iv)~~ (D) Bridges. <--

15 ~~(v)~~ (E) Rails, including, but not limited to, <--  
16 the construction or rehabilitation of rail switches  
17 and signals, rail crossings and intermodal  
18 facilities.

19 ~~(vi)~~ (F) Ports, including, but not limited to, <--  
20 docking facilities, bulkheads and intermodal  
21 facilities, but not warehouses.

22 ~~(vii)~~ (G) Waterways, including, but not limited <--  
23 to, channel realignment, dredging and the  
24 construction or rehabilitation of locks.

25 ~~(viii)~~ (H) Airports, including, but not limited <--  
26 to, the construction or rehabilitation of runways,  
27 but not airport buildings.

28 ~~(ix)~~ (I) Pipelines and related facilities, <--  
29 including compressor stations and pipeline valve  
30 systems, for the transportation of natural gas and

1 its derivatives and any other product transported  
2 through pipelines, but not vehicles associated with  
3 the operation of the pipelines or related facilities.

4 ~~(x)~~ (J) Facilities for the transmission of <--  
5 information, including, but not limited to, fiber-  
6 optic telecommunication lines.

7 ~~(xi)~~ (K) Water supply facilities, including, but <--  
8 not limited to, water lines and water storage,  
9 treatment and distribution facilities.

10 ~~(xii)~~ (L) Well pads, wellheads and related <--  
11 facilities for the extraction, production or storage  
12 of natural gas and oil.

13 "Project." A project for infrastructure construction in  
14 this Commonwealth that utilizes measures for the following:

15 ~~(1)~~ (I) erosion and sediment control; or <--

16 ~~(2)~~ (II) postconstruction storm water management. <--

17 "Specification." A standard for compost or compost  
18 product used in a project, including application instructions  
19 and compost characteristics.

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