THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL No. 28 Session of 2023

INTRODUCED BY MUTH, HAYWOOD, FONTANA, HUGHES, SCHWANK AND CAPPELLETTI, JANUARY 18, 2023

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, JANUARY 18, 2023

AN ACT

1 Amending the act of July 7, 1980 (P.L.380, No.97), entitled "An act providing for the planning and regulation of solid waste storage, collection, transportation, processing, treatment, and disposal; requiring municipalities to submit plans for municipal waste management systems in their jurisdictions; authorizing grants to municipalities; providing regulation of the management of municipal, residual and hazardous waste; requiring permits for operating hazardous waste and solid waste storage, processing, treatment, and disposal facilities; and licenses for transportation of hazardous waste; imposing duties on persons and municipalities; granting powers to municipalities; authorizing the Environmental Quality Board and the Department of Environmental Protection to adopt rules, regulations, standards and procedures; granting powers to and imposing duties upon county health departments; providing remedies; prescribing penalties; and establishing a fund," in general provisions, further providing for definitions; in applications and permits, further providing for permit and license application requirements; and making a repeal.

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

22 Section 1. The definitions of "drill cuttings" and "hazardous waste" in section 103 of the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, are amended to read:

27 Section 103. Definitions.
The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Drill cuttings." Rock cuttings and related mineral residues created during the drilling of wells pursuant to the act of December 19, 1984 (P.L.1140, No.223), known as the "Oil and Gas Act," 58 Pa.C.S. (relating to oil and gas) provided such materials are disposed of at the well site and pursuant to section 206 of the "Oil and Gas Act." 58 Pa.C.S. § 3216 (relating to well site restoration).

"Hazardous waste." Any garbage, refuse, sludge from an industrial or other waste water treatment plant, sludge from a water supply treatment plant, or air pollution control facility drilling fluids, produced waters and other wastes associated with the exploration, development or production of crude oil, natural gas or geothermal energy and other discarded material including solid, liquid, semisolid or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, or agricultural operations, and from community activities, or any combination of the above, (but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under § 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880) or source, special nuclear, or by-product material as defined by the U.S. Atomic Energy Act of 1954, as amended (68 Stat. 923)), which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:
(1) cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or

(2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

The term "hazardous waste" shall not include coal refuse as defined in the act of September 24, 1968 (P.L.1040, No.318), known as the "Coal Refuse Disposal Control Act." "Hazardous waste" shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued pursuant to the act of June 22, 1937 (P.L.1987, No.394), known as "The Clean Streams Law."

* * *

Section 2. Section 502(d) of the act is amended to read:

Section 502. Permit and license application requirements.

* * *

(d) The application for a permit shall set forth the manner in which the operator plans to comply with the requirements of the act of June 22, 1937 (P.L.1987, No.394), known as "The Clean Streams Law," the act of May 31, 1945 (P.L.1198, No.418), known as the "Surface Mining Conservation and Reclamation Act," the act of January 8, 1960 (1959 P.L.2119, No.787), known as the "Air Pollution Control Act," and the act of November 26, 1978 (P.L.1375, No.325), known as the "Dam Safety and Encroachments Act," as applicable. No approval shall be granted unless the plan provides for compliance with the statutes hereinabove enumerated, and failure to comply with the statutes hereinabove enumerated during construction and operation or thereafter shall...
render the operator liable to the sanctions and penalties
provided in this act for violations of this act and to the
sanctions and penalties provided in the statutes hereinabove
enumerated for violations of such statutes. Such failure to
comply shall be cause for revocation of any approval or permit
issued by the department to the operator. Compliance with the
provisions of this subsection and with the provisions of this
act and the provisions of the statutes hereinabove enumerated
shall not relieve the operator of the responsibility for
complying with the provisions of all other applicable statutes,
including, but not limited to the act of [July 17, 1961
(P.L.659, No.339), known as the "Pennsylvania Bituminous Coal
Mine Act,"] July 7, 2008 (P.L.654, No.55), known as the
"Bituminous Coal Mine Safety Act," the act of November 10, 1965
(P.L.721, No.346), known as the "Pennsylvania Anthracite Coal
Mine Act," and the act of July 9, 1976 (P.L.931, No.178),
entitled "An act providing emergency medical personnel;
employment of emergency medical personnel and emergency
communications in coal mines."

* * *

Section 3. The provisions of 58 Pa.C.S. § 3273.1 are
repealed insofar as they are inconsistent with the amendment of
the definition of "hazardous waste" in section 103 of the act.

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