
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
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 Protection 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; in
19 applications and permits, further providing for permit and
20 license application requirements; and making a repeal.

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

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

27 Section 103. Definitions.

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

4 * * *

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

12 * * *

13 "Hazardous waste." Any garbage, refuse, sludge from an
14 industrial or other waste water treatment plant, sludge from a
15 water supply treatment plant, or air pollution control facility,
16 drilling fluids, produced waters and other wastes associated
17 with the exploration, development or production of crude oil,
18 natural gas or geothermal energy and other discarded material
19 including solid, liquid, semisolid or contained gaseous material
20 resulting from municipal, commercial, industrial, institutional,
21 mining, or agricultural operations, and from community
22 activities, or any combination of the above, (but does not
23 include solid or dissolved material in domestic sewage, or solid
24 or dissolved materials in irrigation return flows or industrial
25 discharges which are point sources subject to permits under §
26 402 of the Federal Water Pollution Control Act, as amended (86
27 Stat. 880) or source, special nuclear, or by-product material as
28 defined by the U.S. Atomic Energy Act of 1954, as amended (68
29 Stat. 923)), which because of its quantity, concentration, or
30 physical, chemical, or infectious characteristics may:

1 (1) cause or significantly contribute to an increase in
2 mortality or an increase in morbidity in either an individual
3 or the total population; or

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

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

15 * * *

16 Section 2. Section 502(d) of the act is amended to read:
17 Section 502. Permit and license application requirements.

18 * * *

19 (d) The application for a permit shall set forth the manner
20 in which the operator plans to comply with the requirements of
21 the act of June 22, 1937 (P.L.1987, No.394), known as "The Clean
22 Streams Law," the act of May 31, 1945 (P.L.1198, No.418), known
23 as the "Surface Mining Conservation and Reclamation Act," the
24 act of January 8, 1960 (1959 P.L.2119, No.787), known as the
25 "Air Pollution Control Act," and the act of November 26, 1978
26 (P.L.1375, No.325), known as the "Dam Safety and Encroachments
27 Act," as applicable. No approval shall be granted unless the
28 plan provides for compliance with the statutes hereinabove
29 enumerated, and failure to comply with the statutes hereinabove
30 enumerated during construction and operation or thereafter shall

1 render the operator liable to the sanctions and penalties
2 provided in this act for violations of this act and to the
3 sanctions and penalties provided in the statutes hereinabove
4 enumerated for violations of such statutes. Such failure to
5 comply shall be cause for revocation of any approval or permit
6 issued by the department to the operator. Compliance with the
7 provisions of this subsection and with the provisions of this
8 act and the provisions of the statutes hereinabove enumerated
9 shall not relieve the operator of the responsibility for
10 complying with the provisions of all other applicable statutes,
11 including, but not limited to the act of [July 17, 1961
12 (P.L.659, No.339), known as the "Pennsylvania Bituminous Coal
13 Mine Act,"] July 7, 2008 (P.L.654, No.55), known as the
14 "Bituminous Coal Mine Safety Act," the act of November 10, 1965
15 (P.L.721, No.346), known as the "Pennsylvania Anthracite Coal
16 Mine Act," and the act of July 9, 1976 (P.L.931, No.178),
17 entitled "An act providing emergency medical personnel;
18 employment of emergency medical personnel and emergency
19 communications in coal mines."

20 * * *

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

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