
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 612 Session of
2023

INTRODUCED BY COLLETT, KEARNEY, HUGHES, HAYWOOD, COMITTA,
FONTANA, KANE, SANTARSIERO, FARRY, PENNYCUICK, COSTA,
SCHWANK, CAPPELLETTI AND DILLON, SEPTEMBER 7, 2023

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY,
SEPTEMBER 7, 2023

AN ACT

1 Amending the act of October 18, 1988 (P.L.756, No.108), entitled
2 "An act providing for the cleanup of hazardous waste sites;
3 providing further powers and duties of the Department of
4 Environmental Resources and the Environmental Quality Board;
5 providing for response and investigations for liability and
6 cost recovery; establishing the Hazardous Sites Cleanup Fund;
7 providing for certain fees and for enforcement, remedies and
8 penalties; and repealing certain provisions relating to the
9 rate of the capital stock franchise tax," in preliminary
10 provisions, further providing for definitions.

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

13 Section 1. The definition of "hazardous substance" in
14 section 103 of the act of October 18, 1988 (P.L.756, No.108),
15 known as the Hazardous Sites Cleanup Act, is amended to read:

16 Section 103. Definitions.

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

20 * * *

21 "Hazardous substance."

1 (1) Any element, compound or material which is:

2 (i) Designated as a hazardous waste under the act of
3 July 7, 1980 (P.L.380, No.97), known as the Solid Waste
4 Management Act, and the regulations promulgated thereto.

5 (ii) Defined or designated as a hazardous substance
6 pursuant to the Federal Superfund Act.

7 (iii) Contaminated with a hazardous substance to the
8 degree that its release or threatened release poses a
9 substantial threat to the public health and safety or the
10 environment as determined by the department.

11 (iv) Determined to be substantially harmful to
12 public health and safety or the environment based on a
13 standardized and uniformly applied department testing
14 procedure and listed in regulations proposed by the
15 department and promulgated by the Environmental Quality
16 Board.

17 (1.1) A chemical substance not included under paragraph
18 (1) that is:

19 (i) perfluorooctanoic acid (PFOA);

20 (ii) perfluorooctanesulfonic acid (PFOS);

21 (iii) perfluorohexanesulfonic acid (PFHxS);

22 (iv) perfluorononanoic acid (PFNA);

23 (v) determined by the department to be the
24 equivalent of a compound under paragraph (1); or

25 (vi) designated by executive order of the Governor
26 as a chemical substance or chemical compound that poses a
27 threat to public health and safety or the environment.

28 (2) The term does not include petroleum or petroleum
29 products, including crude oil or any fraction thereof, which
30 are not otherwise specifically listed or designated as a

1 hazardous substance under paragraph (1); natural gas, natural
2 gas liquids, liquified natural gas or synthetic gas usable
3 for fuel or mixtures of natural gas and synthetic gas usable
4 for fuel; or an element, substance, compound or mixture from
5 a coal mining operation under the jurisdiction of the
6 department or from a site eligible for funding under Title IV
7 of the Surface Mining Control and Reclamation Act of 1977
8 (Public Law 95-87, 30 U.S.C. § 1201 et seq.). The term shall
9 also not include the following wastes generated primarily
10 from the combustion of coal or other fossil fuels for the
11 production of electricity: slag waste; flue gas emission
12 control waste; and fly ash waste and bottom ash waste which
13 is disposed of or beneficially used in accordance with the
14 Solid Waste Management Act and the regulations promulgated
15 thereto or which has been disposed of under a valid permit
16 issued pursuant to any other environmental statute.

17 * * *

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