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TO: All Senators

FROM: Senator John C. Rafferty, Jr.

DATE: November 22, 2010

SUBJECT: Co-sponsorship – Solid Waste Management Act, Landfill Leg. (#9)



Senate of Pennsylvania

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AND CRIME PREVENTION ADVISORY COMMITTEE

STATE TRANSPORTATION COMMISSION

I will be re-introducing legislation, SB547, that will strengthen enforcement efforts at landfills and penalize operators who repeatedly violate those standards. The bills will amend the Solid Waste Management Act of 1980. This legislation would amend current law to tighten standards and impose new penalties on landfill operators who fail to meet them. These include:

- Requires any permit applicant to certify that the operator has no outstanding violations of Act, and has complied with any enforcement orders. DEP shall not accept any application until it verifies the certification required.
- Authorizes DEP to impose a penalty of up to \$50,000 per violation upon an operator that demonstrates a pattern of multiple violations of §610. (Current maximum civil penalty is \$25,000). Additionally, it prohibits DEP from waiving such penalty fines, even if operator corrects violation.
- If DEP finds that the storage, collection, transportation, processing, treatment, beneficial use or disposal of solid waste is causing pollution of the air, water, land or other natural resources of the Commonwealth or is creating a public nuisance, the DEP shall order the operator or municipality to alter its activities in a manner that will prevent pollution and public nuisances. (currently DEP has authority but is not required to do so)
- Ensures DEP may still permit violator to engage in a local community environmental project in lieu of paying fine directly to DEP. However the full fine must still be paid.

If you would like to co-sponsor this legislation, please contact Sean Moll of my office at smoll@pasen.gov or 787-1398 .