

**WASTE TIRE RECYCLING ACT/SMALL BUSINESS AND HOUSEHOLD POLLUTION
PREVENTION PROGRAM ACT**

Act of Dec. 19, 1996, P.L. 1478, No. 190

Cl. 27

AN ACT

Relating to the recycling and reuse of waste tires; providing for the proper disposal of waste tires and the cleanup of stockpiled tires; authorizing investment tax credits for utilizing waste tires; providing remediation grants for the cleanup of tire piles and for pollution prevention programs for small business and households; establishing the Small Business and Household Pollution Prevention Program and management standards for small business hazardous waste; providing for a household hazardous waste program and for grant programs; making appropriations; and making repeals.

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

CHAPTER 1
WASTE TIRE RECYCLING

Section 101. Short title of chapter.

This chapter shall be known and may be cited as the Waste Tire Recycling Act.

Section 102. Legislative findings.

The General Assembly finds and declares as follows:

(1) An estimated 36,000,000 waste tires are stockpiled in Pennsylvania.

(2) Waste tires and stockpiled tires continue to be an environmental threat to this Commonwealth.

(3) Approximately 12,000,000 waste tires are generated in Pennsylvania each year.

(4) Stockpiled tires create environmental hazards such as tire fires and heavy mosquito infestations.

(5) Landfilled whole tires and tire piles use valuable and productive land space.

(6) Financial incentives need to be created to help stimulate waste tire markets.

Section 103. Purpose.

It is the purpose of this act:

(1) To ensure that whole used and waste tires are collected and put to beneficial use or properly disposed.

(2) To provide for the abatement of whole used and waste tire dumps and their associated threats to public health and welfare.

(3) To encourage qualified investments by private companies to rehabilitate, expand or improve manufacturing processes, facilities, buildings and land to promote the use and recycling of waste tires.

(4) To reuse the current supply of waste tires generated each year in this Commonwealth.

Section 104. Definitions.

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

"Commonwealth agency." The Commonwealth and its departments, boards, commissions and agencies, Commonwealth-owned universities and the State Public School Building Authority and any other authority now in existence or hereafter created or organized by the Commonwealth.

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

"Disposal." The dumping, spilling or placing of whole used or waste tires into or on the land or water in a manner that the tires or a constituent of the tires enters the environment.

"Energy recovery." The use of whole or processed waste tires to supplement the combustion of fossil fuels or the combustion of whole or processed waste tires in a resource recovery facility. (Def. added July 10, 2002, P.L.781, No.111)

"Landfill." A facility using land for disposing of solid waste.

"Person." Any individual, partnership, corporation, association, institution, cooperative enterprise, municipal

authority, Federal Government or agency, State institution and agency, including, but not limited to, the Department of General Services and the State Public School Building Authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. In any provisions of this act prescribing a fine, imprisonment or penalty or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

"Priority site." Any site designated by the Department of Environmental Protection to contain more than 10,000 stockpiled tires.

"Recycled tire product." Rubber material derived from waste tires produced at a permitted waste tire recycling facility and intended for beneficial use. (Def. added Feb. 14, 2006, P.L.23, No.7)

"Recycling." The systematic collection, sorting, cleaning and returning of waste tires to commerce for use as commodities.

"Waste reduction, reuse or recycling equipment." Machinery, equipment or facility modification designed to process or convert waste tires into a beneficial product or productive use.

"Waste tire." A tire that will no longer be used for the purpose for which it was originally intended. The term includes a tire that has been discarded by any owner or user even though the tire may have some remaining useful life. A tire becomes a waste tire when it is discarded by any owner or user. (Def. amended Feb. 14, 2006, P.L.23, No.7)

"Waste tire hauler." Any person that transports whole used or waste tires in this Commonwealth for business-related purposes. This term does not include persons who haul their own waste tires in the course of routine tire replacement. (Def. added July 10, 2002, P.L.781, No.111)

"Waste tire recycling facility." A facility whose purpose is the systemic collection, sorting, storage, recapping or cleaning of waste tires to return them to commerce for use as commodities. The term includes a facility that may use waste reduction, reuse or recycling equipment to process or convert waste tires into a beneficial product or productive use. (Def. added Feb. 14, 2006, P.L.23, No.7)

Section 105. Powers and duties of department.

The department shall have the power and its duty shall be to:

(1) Administer the whole used or waste tire management program pursuant to the provisions of this act.

(2) Consult with the Department of Revenue concerning matters of tax credit disbursements.

(3) Cooperate with local units of government and appropriate private businesses in carrying out the duties of this act.

(4) Regulate the disposal of waste tires.

Section 106. Disposal of whole waste tires.

(a) Landfill disposal prohibited.--No person shall knowingly mix any whole used or waste tires with solid waste for disposal in a landfill. Owners or operators of landfills shall not accept whole used or waste tires for disposal. Nothing in this section shall be construed:

(1) to prohibit the disposal at landfills of occasional whole used or waste tires unknowingly and inadvertently mixed with solid waste; or

(2) to preclude the department from such disposal if it determines that such disposal is necessary.

((a) amended July 10, 2002, P.L.781, No.111)

(b) Exceptions.--Landfills may accept whole tires when:

(1) the landfill provides for shredding, chopping or splitting of whole used or waste tires prior to disposal, except that such shredding, chopping or splitting shall not be required when it is not feasible due to the condition of the waste tires;

(2) the landfill uses the whole used or waste tires for alternative uses, which may include onsite uses such as lining of roadways with waste tires, use in landfill construction as liner protection, alternative daily landfill cover, use in a landfill leachate collection system or as otherwise provided for by regulation; or

(3) the landfill makes available the whole used or waste tires to an appropriate facility for reuse, recycling or use as an alternative fuel source.

(c) Written management plan.--Landfills that accept whole used or waste tires shall prepare and implement a written plan that addresses the management of waste tires. The plan shall, at a minimum, consist of the following:

(1) Procedures for notifying transporters of solid waste to the landfill of the existence and purpose of the waste tire management program.

(2) Procedures for distributing information regarding alternative management methods for waste tires or processed tires.

(d) Notice to department.--Landfills that transfer whole used or waste tires to an appropriate facility for reuse, recycling or processing or as an alternative fuel source shall submit an annual report to the department. Notification shall include information regarding the following:

(1) The name and address of the facility owner and operator to which waste tires are transferred.

(2) The name, address and location of the facility.

(3) The type of operation using the whole used or waste tires.

(4) The dates of shipments or transfers.

(5) The number of whole used and waste tires or the volume or weight of processed tires transferred.

(e) Permit.--No person shall construct, alter, operate or utilize a waste tire recycling facility without a processing permit from the department as required by the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, or in violation of the regulations promulgated thereunder that relate to the storage of waste tires. ((e) added Feb. 14, 2006, P.L.23, No.7)

Section 106.1. Authorization program.

(a) Duty of department.--The department shall establish an authorization program for waste tire haulers.

(b) Authorization number to be issued.--The department shall issue an authorization number for each waste tire hauler.

(c) Renewal required.--Authorization expiration and renewal shall be determined by the department.

(d) Authorization fee.--Each waste tire hauler shall pay an annual authorization fee of \$50. All fees received by the department pursuant to this subsection shall be deposited into the Used Tire Pile Remediation Restricted Account established in section 110 and shall be used by the department for the implementation and management of the authorization program. The department shall evaluate and modify the authorization fee in an amount to cover the actual costs of the department in implementing and managing the authorization program. The

department shall publish any such modification as a notice in the Pennsylvania Bulletin.

(e) Authorization required.--It shall be unlawful for a waste tire hauler to transport waste tires without obtaining authorization from the department under this section.

(f) Nontransferability.--An authorization for a waste tire hauler shall not be transferable.

(g) Powers and duties of Environmental Quality Board.--The Environmental Quality Board shall have the power and duty to adopt such regulations of the department as it deems necessary and appropriate to accomplish the purposes and to carry out the provisions of this act, including regulations that:

(1) Encourage the processing of waste tires and beneficial use of waste tires and recycled tire products when the department determines that the processing and use does not harm or present a threat of harm to the health, safety or welfare of the people or environment of this Commonwealth.

(2) Allow the department to determine that waste tires, after processing or when beneficially used, no longer constitute a waste.

(3) Encourage the beneficial use of recycled tire products.

((g) amended Feb. 14, 2006, P.L.23, No.7)

Section 106.2. Documentation and recordkeeping.

(a) Duty of waste tire haulers.--Each waste tire hauler shall maintain records of waste tires transported. The record shall be on a form approved by the department.

(b) Nature of records to be maintained.--Recordkeeping requirements shall be determined by the department and shall include at least the following:

(1) The number of waste tires transported.

(2) The waste tire hauler authorization number.

(3) The location where the waste tires were disposed of or transported to.

(c) Records retention.--All records shall be retained by the waste tire hauler for a period of five years. The records shall be made available to the department upon request.

(106.2 added July 10, 2002, P.L.781, No.111)

Section 106.3. Waste tire registry.

(a) Establishment.--The department shall establish and maintain a registry of authorized waste tire haulers in this Commonwealth. The registry shall include the information required for issuance of an authorization under this section and any other relevant information as the department deems necessary and appropriate. The information in the registry shall be a matter of public record and shall be made readily available to the public.

(b) Toll-free number.--The department shall establish and maintain a toll-free number which any person in this Commonwealth may call to request information contained in the registry established under subsection (a). Any person suspecting a violation of this act may also call this toll-free number to report a suspected violation to the department.

(c) Duty to use authorized hauler.--No person may provide whole used or waste tires to a waste tire hauler that does not have a valid authorization as provided under this act. No person may accept whole used or waste tires from a waste tire hauler that does not have a valid authorization as provided under this act. Failure to comply with this provision shall result in a civil penalty assessment as provided under section 108.1. ((c) amended Feb. 14, 2006, P.L.23, No.7)

Section 106.4. Revocation.

The department may suspend, revoke or deny any authorization issued under this act for a specified length of time to be determined by the department for:

(1) Failure to maintain a complete and accurate record of waste tires transported.

(2) Alteration of recordkeeping documents.

(3) Failure to comply with any rule or regulation established by the department under this act or the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act.

(106.4 added July 10, 2002, P.L.781, No.111)

Section 107. Priority enforcement list.

(a) Development of list of waste tire sites.--Within 90 days of the effective date of this act, the department shall identify and develop a Statewide list of waste tire sites with more than 10,000 waste tires known or estimated to be stockpiled. The department shall rank the waste tire sites according to their potential for creating environmental health and safety hazards and designate these sites as priority sites to those facilities requesting tax investment credits under section 109.

(b) Maintenance of updated list.--The department shall review and update the priority enforcement list every two years.

(c) Municipal notification.--For the purposes of section 112, the department shall notify in writing the counties and municipalities of the waste tire sites selected to be listed on the priority enforcement list that are located within their borders.

(d) Additional waste tire sites to be listed.--Within one year from the effective date of this subsection, each municipality shall report to the department the existence and location of waste tire sites within its jurisdiction that contain more than 1,500 but less than 10,000 waste tires known or estimated to be stockpiled. Upon receipt of this information, the department shall develop and maintain a Statewide list of waste tire sites containing the amount of waste tires specified in this subsection.

(107 amended July 10, 2002, P.L.781, No.111)

Section 108. Criminal penalties. (Hdg. amended July 10, 2002, P.L.781, No.111)

(a) Penalty for first violation.--For the first violation, a person commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$100 and not more than \$1,000 per violation or be subject to imprisonment for not more than 30 days, or both.

(b) Additional penalty for subsequent violations.--For the second and any subsequent violations, a person commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of not less than \$1,000 and not more than \$5,000 per violation or be subject to imprisonment for not more than 90 days, or both.

Section 108.1. Civil penalties.

(a) Authority to issue.--

(1) In addition to proceeding under any other remedy available at law or in equity for a violation of any provision of this act, any rule or regulation of the department or order of the department or any term or condition of any permit issued by the department, the department may assess a civil penalty upon a person for such violation. Such a penalty may be assessed whether or not the violation was willful or negligent.

(2) In determining the amount of the penalty, the department shall consider the willfulness of the violation, damage to air, water, land or other natural resources of the Commonwealth or their uses, cost of restoration and abatement, savings resulting to the person in consequence of such violation and other relevant factors.

(b) Notice and appeal.--

(1) When the department assesses a civil penalty, it shall inform the person or municipality of the proposed amount of said penalty.

(2) The person charged with the penalty shall then have 30 days to pay the penalty in full or, if the person wishes to contest either the amount of the penalty or the fact of the violation, the person shall within such 30-day period file an appeal of such action with the Environmental Hearing Board.

(3) Failure to appeal within 30 days shall result in a waiver of all legal rights to contest the violation or the amount of the penalty.

(c) Amount.--The maximum civil penalty which may be assessed pursuant to this section is \$25,000 per offense. Each violation for each separate day and each violation of any provision of this act, any rule or regulation under this act, any order of the department or any term or condition of a permit shall constitute a separate and distinct offense under this section.

(d) Deposit of penalties collected.--All penalties collected under this section and section 108 shall be deposited into the Used Tire Pile Remediation Restricted Account established in section 110.

(108.1 added July 10, 2002, P.L.781, No.111)

Section 109. Investment tax credits for equipment for reducing, reusing or recycling whole used or waste tires. (109 repealed July 10, 2002, P.L.781, No.111)

Section 110. Funds.

(a) Establishment of restricted account.--There is hereby established in the General Fund a restricted account to be known as the Used Tire Pile Remediation Restricted Account. This account shall receive up to \$1,000,000, transferred upon approval of the Governor, on an annual basis for a period not to exceed five consecutive years from the Recycling Fund created by section 706 of the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act.

(b) Appropriation of fund.--Moneys in the account are hereby appropriated upon approval of the Governor to the department for the purposes of this act. No more than 5% of the money in the account may be used for the development and implementation of public education and technical assistance programs concerning the management of used tires.

(c) Transfer of unexpended funds.--((c) repealed July, 10, 2002, P.L.781, No.111)

Section 111. Remediation grants.

(a) Authorization.--The department shall award grants for the remediation of waste tire piles existing on or before the effective date of this act upon receipt of a proposal submitted by a person or municipality.

(b) Priority.--The department will announce the sites for which each proposal may be accepted. The department shall select these sites based on the environmental danger posed by the sites as determined by the department.

(c) Prerequisites.--

(1) Persons or municipalities submitting proposals to the department to remediate sites shall do so on a form provided by the department. The proposal at a minimum shall contain:

(i) A description of the person or municipality experienced in tire pile remediation.

(ii) Markets or uses for the remediated tires.

(iii) Schedule for the remediation of tires.

(iv) Proposed cost of the used tire pile remediation.

(2) Proposals shall include any additional information the department deems necessary. The department shall establish guidelines for awarding grants. These guidelines may be updated by the department as needed.

(3) The department shall establish a grant ceiling for each proposed tire pile to be remediated based on the number of tires contained in the pile and estimated processing costs. Proposals must request an amount that may not exceed the ceiling established by the department. The department will give priority to those proposals indicating the removal of tires for reuse, recycling or energy recovery, in that order. The department shall award a grant for the proposal requesting the fewest funds for any given site unless it determines, in its sole discretion, that a greater potential for environmental degradation would be remediated by a proposal for another site.

(4) Grant recipients shall apply funds received from the department under this section only to those purposes and activities authorized by contract with the department or otherwise approved by the department.

(d) Required grants.--The department shall not award a grant under this section to any person or municipality which has contributed in any manner to the creation of a waste tire pile.

(e) Limitation.--Grants under this section shall not be used for the purchase of equipment.

(f) Lapse of grant.--A grant offering under this chapter shall lapse automatically if funds for the grant are not encumbered within one year of the offering. The department may, in its sole discretion, reoffer the grant, offer the grant for the remediation of that site to another entity which submitted a proposal or announce the solicitation for new proposals for that site.

(g) Lapse of encumbered funds.--Grant funds that have been encumbered shall lapse automatically to the Used Tire Pile Remediation Restricted Account if the funds are not expended by the grantee within two years after they have been encumbered. The department may, upon written request from the grantee, extend the two-year period for an additional period not to exceed three months.

(h) Availability of funds.--All obligations of the Commonwealth under this section are contingent upon the availability of funds under section 110. Section 111.1. Remediation liens.

(a) Effect of remediation activity.--The amount of a grant issued under section 111 for remediation that is attributable to or expended on a specific site where the grant recipient conducts remediation activity and the benefits accruing to the land on which the site is located shall be chargeable against the land and shall mitigate or offset any claim in or any action brought by any owner of any interest in the land for any damages by virtue of the remediation activity. This subsection shall

not be construed to establish a new right of action or eliminate any existing immunity.

((b) Statement to be filed with prothonotary.--(Deleted by amendment).

(b.1) Escrow.--After the completion of remediation activity by a grant recipient on a site, the department shall itemize the amount of grant moneys expended on remediation of the site and inform any person or municipality that has contributed in any manner to the creation of the waste tire pile or that owns the site of the amount of grant moneys that have been expended. The person or municipality charged with the amount shall then have 30 days to pay the amount in full or, if the person or municipality wishes to contest the amount, its contribution to the waste tire pile or its ownership of the site, either to forward the amount to the department for placement in an escrow account with the State Treasurer or with a bank in this Commonwealth or to post an appeal bond in the amount. The bond must be executed by a surety licensed to do business in this Commonwealth or contain collateral and must be satisfactory to the department. If, through administrative or judicial review of the amount, it is determined that the person or municipality did not contribute to the creation of the waste tire pile or did not own the site or that the amount shall be reduced, the department shall, within 30 days, remit the appropriate amount to the person or municipality. Failure to forward the money or the appeal bond to the department within 30 days shall result in a waiver of all legal rights to contest the contribution of the person or municipality to the creation of the waste tire pile, the ownership of the site or the amount charged against the person or municipality.

((c) Amount of lien.--(Deleted by amendment).

(c.1) Lien.--If the person or municipality liable to pay the amount of grant moneys expended on remediation of a site neglects or refuses to pay the same after demand, the amount, together with interest, shall be a judgment in favor of the Commonwealth upon the property of such person or municipality, but only after the same has been entered and docketed of record by the prothonotary where such property is situated. The Commonwealth may, at any time, transmit to the prothonotaries of the respective counties certified copies of all such judgments, and it shall be the duty of each prothonotary to enter and docket the same of record in the prothonotary's office, and to index the same as judgments are indexed, without requiring the payment of costs as a condition precedent to the entry thereof. Any lien on real estate shall have priority second only to the lien of real estate taxes imposed on the land.

((d) Rights of landowners.--(Deleted by amendment).

(d.1) Limitation on action.--Notwithstanding any other provision of law to the contrary, actions for the recovery of grant moneys expended under this section may be commenced at any time within a period of 20 years from the date it is discovered that the person or municipality contributed, in any manner, to the creation of the waste tire pile.

((e) Rights of appeal.--(Deleted by amendment).

(e.1) Deposit of amounts collected.--All grant moneys collected under this section shall be deposited into the fund or account from which the grant was issued.

((f) Entry and enforcement of lien.--(Deleted by amendment).

((g) Construction.--(Deleted by amendment).

(111.1 amended Feb. 14, 2006, P.L.23, No.7)
Section 112. Report to General Assembly.

The department shall submit a report to the General Assembly concerning the implementation of this act and the reduction of stockpiled waste tires not later than three years after the implementation of this act.

Section 113. Commonwealth recycling and use of waste tires.

(a) Use of waste tires by Commonwealth agencies.--By July 30, 2004, the Department of Conservation and Natural Resources, the Department of Corrections, the Department of Education, the Department of Environmental Protection, the Department of General Services, the Department of Transportation, the State System of Higher Education and the State-related universities shall, to the maximum extent practicable and feasible, give due consideration to the use of waste tires in all appropriate construction and engineering activities which are paid with public funds.

(b) Reports.--By July 30, 2004, the Department of Environmental Protection shall submit a report to the Environmental Resources and Energy Committee of the Senate and the Environmental Resources and Energy Committee of the House of Representatives concerning the implementation of this section. The report shall include a description of what actions the agencies have taken in the previous two years to implement this section.

(113 amended July 10, 2002, P.L.781, No.111)

Section 114. Waste tire collection programs.

(a) General rule.--An individual, local government, business, corporation or other organization shall operate waste tire collection programs only in accordance with requirements established by the department.

(b) Department approval.--No person, local government, business, corporation or other organization shall establish a program for the collection of whole used or waste tires without approval from the department.

(c) Qualifications.--No individual, local government, business, corporation or other organization may be selected to operate a waste tire collection program unless the ability to properly collect, transport and process waste tires is demonstrated to the satisfaction of the department.

(d) Program recordkeeping.--Each approved program shall maintain records regarding the collection, transportation and processing of whole used or waste tires. Recordkeeping requirements shall be determined by the department and shall include at least the following:

(1) The number of whole used or waste tires collected.

(2) The number of tires transported.

(3) The waste tire hauler authorization number.

(e) Availability of records.--All records shall be made available to the department upon request.

(114 added July 10, 2002, P.L.781, No.111)

Section 115. Grants for waste tire collection programs.

(a) General rule.--The department may provide grants to individuals, local governments, businesses, corporations or other organizations for reimbursement of eligible costs for waste tire collection programs approved by the department.

(b) Grant disbursement.--The department shall establish a grant ceiling for each proposed collection program based on the number of tires to be collected and the estimated processing costs.

(c) Restrictions.--Grants awarded under this section shall be subject to the following:

(1) Grant recipients shall apply the funds received from the department only to those purposes and activities

authorized by the department or otherwise approved by the department.

(2) The department may not award the grants to any individual, local government, business, corporation or other organization that has contributed in any manner to the creation of a waste tire pile.

(3) Any additional restrictions which the Environmental Quality Board, by regulation, may designate so long as the restriction is promulgated in regulation.

(d) Funding limitation.--Commencing with the fiscal year beginning July 1, 2002, and continuing through the fiscal year beginning July 1, 2006, the department may not expend more than \$250,000 each fiscal year from the Recycling Fund created by section 706 of the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, for awarding grants under this section.

(115 added July 10, 2002, P.L.781, No.111)

Section 116. Construction.

The definition of "waste tire recycling facility" in section 104 and the provisions of section 106(e) shall be construed in pari materia with the permitting requirements of the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act.

(116 added Feb. 14, 2006, P.L.23, No.7)

CHAPTER 2 SMALL BUSINESS AND HOUSEHOLD POLLUTION PREVENTION PROGRAM

Section 201. Short title of chapter.

This chapter shall be known and may be cited as the Small Business and Household Pollution Prevention Program Act.

Section 202. Legislative findings.

The General Assembly finds and declares as follows:

(1) It is the goal of the Commonwealth to achieve a goal of zero discharge of pollutants into our air, water and land through voluntary pollution prevention measures, recognizing this goal may not be completely achievable by some.

(2) Education, demonstration project and technical assistance programs on pollution prevention are essential to help small- and medium-sized businesses achieve the zero-discharge goal and help the public conserve resources, reduce the volume and toxicity of wastes and recycle or reclaim wastes.

(3) Hazardous and other wastes generated by small businesses and households may present dangers to the public health and the environment if managed improperly. These dangers can be greatly reduced by pollution prevention techniques, including source reduction, energy conservation, waste minimization, reduction in the toxicity of wastes generated, beneficial use, reuse, recycling and reclamation.

(4) Traditional "end-of-pipe" pollution control techniques often result in the transfer of pollutants from one environmental medium to another. Pollution prevention and source reduction techniques reduce pollution forming in the first place and lessen transfers between air, water and land.

Section 203. Definitions.

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

"Collection contractor." A person registered and approved by the Department of Environmental Protection and retained by a sponsor to operate a waste collection event for eligible entities under this chapter.

"Collection event." An event or program that includes collection and management of solid wastes from eligible entities under this chapter. The term includes one-day waste collection programs and waste collection programs that are designed for continuous or ongoing operation throughout a designated period of time.

"Department." The Department of Environmental Protection of the Commonwealth and its authorized representatives.

"Eligible entity." A household, political subdivision or a small business.

"Household hazardous waste." A waste which would be chemically or physically classified as a hazardous waste but is excluded from regulation as a hazardous waste pursuant to the regulations of the Department of Environmental Protection because it is generated by a household.

"Household Hazardous Waste Funding Act." The act of December 27, 1994 (P.L.1346, No.155), known as the Household Hazardous Waste Funding Act.

"Pollution prevention assessment." An evaluation designed to identify opportunities to eliminate and reduce pollution or reuse waste materials.

"Program." The Small Business and Household Pollution Prevention Program.

"Small business." A business entity that is defined as a small quantity generator or a conditionally exempt small quantity generator under the regulations of the Department of Environmental Protection.

"Solid Waste Management Act." The act of July 7, 1980 (P.L.380, No.97).

"Sponsor." A municipality, corporation, public utility, trade association, not-for-profit corporation, not-for-profit association or other person sponsoring a collection event or Small Business and Household Pollution Prevention Program for eligible entities under this chapter.

"Universal waste." Hazardous wastes that are managed as universal waste as defined by the hazardous waste regulations of the Department of Environmental Protection. Section 204. Small Business and Household Pollution Prevention Program.

(a) Establishment.--The department shall establish the Small Business and Household Pollution Prevention Program for educating and providing assistance to small businesses and the general public in pollution prevention and the proper management of solid and hazardous wastes generated in households and small businesses.

(b) Educational materials.--The department shall develop educational materials for the operation of the program in consultation with small businesses, trade associations, educational institutions and appropriate advisory committees.

(c) Program concerns.--The program shall include education, training and technical assistance concerning:

(1) Source reduction and methods for conducting pollution prevention assessments to eliminate or reduce the volume or toxicity of solid wastes generated.

(2) Natural resource and energy conservation.

(3) Opportunities to reduce environmental contamination from air emissions and water effluents.

(4) Opportunities to beneficially use, reuse, recycle or reclaim solid waste materials.

(5) Opportunities to collect and manage universal wastes received from small business and the general public.

(6) Opportunities to develop and apply environmental improvement technologies and methods.

(7) Information on compliance with applicable environmental protection laws, including compliance with solid waste management requirements.

(d) Technical assistance.--The department shall provide educational materials and technical assistance to sponsors and collection contractors for the operation of the programs and collection events to encourage and promote all aspects of pollution prevention.

(e) Technical assistance for implementation.--The department shall provide technical assistance to sponsors and collection contractors to implement the purposes of this chapter and to facilitate the program and the proper collection, treatment, recycling or disposal of hazardous wastes generated by eligible entities.

(f) Site visit.--At the request of a small business, the department may offer a pollution prevention site visit at the place of business and may provide assistance on compliance with the environmental protection laws administered by the department and guidance issued by the department on pollution prevention.

(g) Appropriations.--Moneys are hereby appropriated upon approval of the Governor to the department for the purposes of administering this chapter from the Recycling Fund created by section 706 of the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, and the Hazardous Sites Cleanup Fund established under section 901 of the act of October 18, 1988 (P.L.756, No.108), known as the Hazardous Sites Cleanup Act. The combined total of appropriations from these two funds for the program shall not exceed \$2,000,000 annually. No more than 3% of the funds appropriated may be expended by the department for the administration of the program.

(h) Private contract authorization.--The department may cooperate with and may contract for services from private and other entities and is authorized to make grants to private, governmental and other entities to implement this section.

(i) Definition.--For purposes of this section, the term "small business" shall mean a business with 100 or fewer employees or a political subdivision.

Section 205. Small business hazardous waste collection program.

(a) General rule.--A sponsor may establish a collection program for the collection and management of solid wastes generated by eligible entities through collection events. Each sponsor must register the program with the department and receive approval of the department prior to commencing operation.

(b) Sites.--Collection events may be conducted on sites selected by the sponsor. Such sites may be on public or private property, including, but not limited to, property owned, leased or controlled by the Commonwealth, its agencies or its political subdivisions. Written permission to use the site for the conduct of the event shall be obtained from the owner prior to the event.

(c) Liability.--An owner who, without charge, permits any property to be used as a site for a collection event shall not be liable for any damage, harm or injury to any person or property which results from the use of the property as a site

for a collection event. A sponsor of a collection event shall not be liable for any damage, harm or injury to any person or property which results from the operation of a collection event.

(d) Limitation of type.--The sponsor may limit the types of solid wastes or materials to be collected at a collection event in accordance with guidance issued by the department and further limitations determined at the discretion of the sponsor. A small business entity may bring up to but not more than 1,000 kilograms of hazardous waste to a collection event or collection events in any calendar month for waste recycling, treatment or disposal arranged by the collection contractor.

(e) Fees.--The sponsor may establish and assess reasonable fees from eligible entities for services provided in connection with a collection event.

(f) Registration and approval.--The sponsor may select a collection contractor to operate the collection event or may operate the collection event as the collection contractor. Each sponsor or collection contractor which operates a collection event must first be registered and approved by the department to operate collection events. The department shall issue guidance for registration requirements for the operation of collection events.

(g) Qualifications.--No collection contractor may be selected to operate a collection event unless the contractor can demonstrate to the satisfaction of the department its ability to collect, package, transport and dispose of solid waste collected under this program consistent with the requirements of the Solid Waste Management Act, the environmental protection laws of this Commonwealth, the regulations of the department and guidelines or regulations under this act.

(h) Ineligibility.--A collection contractor shall not be eligible to operate a collection event if the department finds that such person has shown a lack of ability or a lack of intent to comply with the Solid Waste Management Act or other environmental protection laws of this Commonwealth, other states or the United States.

(i) Generator.--A collection contractor shall be deemed to be the generator of hazardous waste collected at the event which is sent for treatment, storage or disposal at a permitted hazardous waste management facility.

(j) Pollution prevention.--The collection contractor shall practice and encourage pollution prevention and shall recycle or reclaim collected solid wastes to the greatest extent practicable.

(k) Documentation.--In conducting a collection event under this act, the collection contractor shall manage wastes and other materials received at a collection event in compliance with the environmental protection acts of this Commonwealth and the regulations and guidance issued thereunder. The sponsor and the collection contractor shall provide documentation and records of an event as requested by the department.

(l) Optional participation.--This section shall not be interpreted as requiring a small business to participate in a small business hazardous waste collection program or as prohibiting a small business from disposing of its hazardous waste under other applicable provisions established under the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act.

Section 206. Household hazardous waste collection program.

(a) Collection events.--A sponsor may establish a collection event for the purpose of collecting and managing solid waste

generated by households that pose a risk to the public health, safety or the environment if managed as part of the municipal waste stream. A collection event designed for household hazardous waste shall meet the standards and requirements of section 205. A sponsor may operate a collection event exclusively for household hazardous waste, exclusively for small business waste or for specified wastes from eligible entities.

(b) Hazardous waste.--A collection event that includes collection of household hazardous waste shall provide educational materials that emphasize home safety, fire prevention and pollution prevention in the home, including source reduction through the use of alternative less toxic products, recycling and proper disposal methods for waste materials that cannot be recycled. Waste materials collected from households shall be appropriately reused or recycled to the greatest extent practicable. The department shall issue guidance on proper management of household hazardous waste.

(c) Household prescription drug and pharmaceutical waste.--

(1) Programs and events conducted by the following facilities or entities are exempt from registering with the department prior to commencing operations as required under section 205(a):

(i) Federal, State or local law enforcement.

(ii) Hospitals, assisted living facilities, home health care agencies, long-term care nursing facilities, hospice, domiciliary care homes and other similar health care facilities as defined in section 802.1 of the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

(iii) Pharmacies licensed by the Commonwealth.

(iv) Resource recovery facilities as defined in section 103 of the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, that collect expired or unwanted prescription drugs or over-the-counter pharmaceutical products.

(v) Facilities or entities similar to those listed in subparagraph (i), (ii), (iii) or (iv) that the department, at its sole discretion, excludes.

(2) The exclusion in 40 CFR 261.4(b)(1) (relating to exclusions) shall apply to unused, expired or unwanted prescription drugs and over-the-counter pharmaceutical products generated by households if the wastes are collected as part of a registered collection event or a program or event listed in paragraph (1), separately managed and destroyed in a manner that renders the drugs and pharmaceutical products nonretrievable through incineration.

(3) Expired or unwanted prescription drugs and over-the-counter pharmaceutical products generated by households and collected as part of a registered collection event or a program or event listed in paragraph (1) may be destroyed through industrial furnaces, resource recovery facilities or any other facility that renders the drugs and pharmaceutical products nonretrievable to prevent diversion of the wastes for illicit purpose and protect this Commonwealth's water, public health and safety.

(4) Industrial furnaces, resource recovery facilities and other facilities that render the expired or unwanted prescription drugs and over-the-counter pharmaceutical products nonretrievable must be compliant with the Clean Air Act (69 Stat. 1, 42 U.S.C. § 7401 et seq.) and the act of

January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act.

(5) Other than resource recovery facilities, facilities operating under the specific provisions of this section are not required to obtain a permit under the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act.

((c) added Nov. 2, 2016, P.L.978, No.123)

Section 207. Management of small business hazardous waste.

(a) Regulations.--The Environmental Quality Board may promulgate regulations as needed to implement this chapter.

(b) Municipal and residual waste landfills.--The department shall not approve applications for permit modifications for municipal or residual waste landfills that propose to accept and dispose of any hazardous waste.

Section 208. Grants for small business and household pollution prevention programs.

(a) General rule.--The department is authorized to provide grants to counties under section 901 of the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, to reimburse a county for eligible costs for education programs on pollution prevention or for providing other technical assistance to small business for the purpose of this chapter.

(b) Education programs.--The grant to any county under this section may reimburse the county for up to 80% of the approved cost of education programs on pollution prevention or for providing technical assistance to small business for the purposes of this chapter.

(c) Restrictions.--Grants paid under this subsection shall be subject to the restrictions of the Municipal Waste Planning, Recycling and Waste Reduction Act, including sections 706, 901 and 905 of that act, and the applicable regulations of the department.

(d) Eligible costs.--Eligible costs under this section may include costs incurred by a county by contract with another sponsor or other person selected by the county to operate the program under this chapter. The department shall issue guidance for counties in the operation of the program and for eligibility requirements for grants administered under this subsection.

Section 209. Grants for collection events.

(a) Restricted revenue account.--The department is authorized to administer specifically appropriated funds deposited within the restricted revenue account created under section 4(b) of the Household Hazardous Waste Funding Act within the Recycling Fund established under section 706 of the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act. No more than 3% of the funds transferred into the restricted revenue account under section 4(b) of the Household Hazardous Waste Funding Act may be expended by the department for the administration of these programs.

(b) Grant eligibility.--Grants approved under this section may be paid to a registered sponsor of a collection event, including sponsors other than municipalities. The department is authorized to reimburse sponsors for eligible costs incurred after the effective date of this chapter for the operation of collection events for eligible entities under this chapter.

(c) Matching requirement.--The funds administered by the department under this section may be expended by the department only to the extent that the grant amount has been matched, at least dollar for dollar in value, by the grant applicant.

Sponsors of a collection event are hereby authorized to receive all or part of the required matching funds from manufacturers or other persons.

(d) Other limitations.--No more than \$100,000 per fiscal year may be expended by the department for collection events in any one county.

CHAPTER 3 MISCELLANEOUS PROVISIONS

Section 301. Repeals.

(a) Absolute repeals.--The following acts and parts of acts are repealed:

Section 1512 of the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act.

Section 3(e) and 5 of the act of December 27, 1994 (P.L.1346, No.155), known as the Household Hazardous Waste Funding Act.

(b) Inconsistent.--Standards for management of household hazardous waste under the Household Hazardous Waste Funding Act and the regulations of the department under 25 Pa. Code Ch. 272 are repealed insofar as they are inconsistent with the provisions of this act and regulations of the department issued under this act.

Section 302. Effective date.

This act shall take effect immediately.