

SOLID WASTE MANAGEMENT ACT - DEFINITIONS AND EDITORIAL CHANGES

Act of Nov. 25, 2020, P.L. 1233, No. 127

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Session of 2020

No. 2020-127

HB 1808

AN ACT

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 Resources 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; and making editorial changes.

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

Section 1. The title of the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, is amended to read:

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 [Resources] **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.

Section 2. The definitions of "department," "municipal waste," "processing," "secretary," "solid waste" and "treatment" in section 103 of the act are amended and the section is amended by adding definitions to read:

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:

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"Advanced recycling." A manufacturing process for the conversion of post-use polymers through processes, including pyrolysis, gasification, depolymerization, catalytic cracking, reforming, hydrogenation and other similar technologies, into any of the following:

- (1) Basic hydrocarbon raw materials, feedstocks, chemicals, liquid fuels, waxes and lubricants.
- (2) Other products, including, but not limited to, monomers, oligomers, plastics, crude oil, naphtha, liquid transportation fuels and other basic hydrocarbons.

"Advanced recycling facility." A manufacturing facility that receives post-use polymers and separates, stores and converts the post-use polymers using advanced recycling. The term does not include a resource recovery facility, processing facility, municipal waste processing or disposal facility or any other facility that receives unsorted municipal waste for the purpose of separating out post-use polymers for use in advanced recycling.

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"Department." The Department of Environmental [Resources] **Protection** of the Commonwealth of Pennsylvania and its authorized representatives.

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"Municipal waste." Any garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste hereunder from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant, or air pollution control facility. **The term does not include post-use polymers that are converted through advanced recycling .**

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"Post-use polymers." Post-use plastic derived from any residential, municipal or commercial source that would not otherwise be recycled, including source-separated recyclable plastics from a materials recycling facility, that is not mixed with solid waste, municipal waste, residual waste, regulated medical and chemotherapeutic waste, hazardous waste, electronic waste, waste tires or construction or demolition waste and may contain incidental contaminants or impurities, such as paper labels or metal rings. For the purpose of this act, post-use polymers that are converted using advanced recycling shall not be considered solid waste, municipal waste or residual waste.

"Processing."

(1) The term includes any of the following:

(i) Any method or technology used for the purpose of reducing the volume or bulk of municipal or residual waste or any method or technology used to convert part or all of such waste materials for off-site reuse.

(ii) Transfer facilities, composting facilities, and resource recovery facilities.

(2) The term does not include [a] **any of the following:**

(i) A collection or processing center that is only for source-separated recyclable materials, including clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper and plastics.

(ii) The conversion of post-use polymers through advanced recycling in which the manufacturing activities, handling of the post-use polymers at an advanced

recycling facility and the products and by-products of the advanced recycling conversion comply with all applicable Environmental Protection Agency and department rules and regulations.

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"Secretary." The Secretary of the Department of Environmental [Resources] **Protection** of the Commonwealth of Pennsylvania.

"Solid waste." Any waste, including but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials. The term does not include [coal] **any of the following:**

(1) **Coal** ash [or drill].

(2) **Drill** cuttings.

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"Treatment." Any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any waste so as to neutralize such waste or so as to render such waste nonhazardous, safer for transport, suitable for recovery, suitable for storage, or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of waste so as to render it neutral or nonhazardous. **The term does not include the conversion of post-use polymers through advanced recycling in which the manufacturing activities, handling of the post-use polymers at an advanced recycling facility and the products and by-products of the advanced recycling conversion comply with all applicable Environmental Protection Agency and department rules and regulations.**

Section 3. Sections 105(c), 106(b), 402, 507(a) introductory paragraph and 602(d) of the act are amended to read:

Section 105. Powers and duties of the Environmental Quality Board.

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(c) The Environmental Quality Board shall have the power and its duty shall be to adopt rules and regulations and standards to provide for the coordination of administration and enforcement of this act between the Department of Environmental [Resources] **Protection** and county health departments where they exist.

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Section 106. Powers and duties of county health departments; limitation.

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(b) Notwithstanding the grant of powers in subsection (a), in any case where administration and enforcement of this act by a county health department shall conflict with administration and enforcement by the Department of Environmental [Resources] **Protection**, administration and enforcement by the Department of Environmental [Resources] **Protection** shall take precedence over administration and enforcement by a county health department.

Section 402. Listing of hazardous waste.

The Environmental Quality Board shall establish rules and regulations identifying the characteristics of hazardous wastes and listing particular hazardous wastes which shall be subject to the provisions of this act. The list promulgated shall in no event prevent the department from regulating other wastes, which, although not listed, the department has determined to be hazardous; the Department of Environmental [Resources] **Protection** may regulate such hazardous wastes when the

department has determined such waste poses a substantial present or potential hazard to the human health or the environment by any means including, but not limited to, issuance of orders and the imposition of terms and conditions of permits. The board shall identify the characteristics of hazardous wastes and list particular hazardous wastes within 30 days after the effective date of this section, which initial list shall not be subject to section 107 of this act but shall be promulgated in accordance with section 204(3) [(relating to omission of notice of proposed rule making)] of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law. Section 507. Siting of hazardous waste treatment and disposal facilities.

(a) The Department of Environmental [Resources] **Protection** shall have the power and authority to develop, prepare and modify the Pennsylvania Hazardous Waste Facilities Plan. The plan shall include:

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Section 602. Enforcement orders.

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(d) The Department of Environmental [Resources] **Protection** shall have the power to order, orally or in writing, any person or municipality to immediately suspend or modify hazardous waste treatment or disposal activities when he determines that continued operation will jeopardize public health, safety or welfare. Said order shall be effective upon issuance and may only be superseded by further department action or, after an appeal has been perfected, by the Environmental Hearing Board after notice and hearing. Furthermore, said order may require remedial actions to be taken in order to prevent harm to public health, safety or welfare. Within two business days after the issuance of such oral order, the department shall issue a written order reciting and modifying, where appropriate, the terms and conditions contained in the oral order.

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

APPROVED--The 25th day of November, A.D. 2020.

TOM WOLF