

**SOLID WASTE MANAGEMENT ACT - TRANSPORTATION OF RESIDUAL WASTE
AND ABROGATING A REGULATION**

Act of Oct. 7, 2015, P.L. 182, No. 45

Cl. 35

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No. 2015-45

SB 513

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 residual waste, further providing for transportation of residual waste; and abrogating a regulation.

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

Section 1. Section 303 of the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, is amended by adding subsections to read:

Section 303. Transportation of residual waste.

* * *

(c) The department may not prohibit or penalize the vehicular transportation of leachate discharged from a collection and handling system of a landfill to an offsite facility for the treatment of the leachate, provided that:

(1) Trucking of leachate may be conducted using vehicles with enclosed tanks if they are operated in compliance with all applicable regulations promulgated by the Federal Motor Carrier Safety Administration regulations under 49 CFR (relating to transportation).

(2) If the daily number of tanker vehicles transporting leachate will be greater than 10% of the total number of vehicles delivering waste and materials to the site as evaluated in the most recent traffic study for the facility, a new traffic impact analysis shall be conducted and reviewed pursuant to applicable regulations of the Department of Transportation. The facility may be required to submit an updated environmental assessment that includes the new traffic impact analysis to the department for its consideration in accordance with 25 Pa. Code §§ 271.126 (relating to requirement for environmental assessment) and 271.127 (relating to environmental assessment).

(3) To the extent an existing permitted landfill, or expansion thereof, proposes to use leachate transportation

as a basic treatment method for some or all of the daily volume of leachate calculated pursuant to 25 Pa. Code § 273.162(a)(1) (relating to leachate treatment plan), the facility closure and postclosure financial assurance shall be recalculated and increased, if required, to cover the costs associated with that volume and duration of the proposed leachate transportation. No financial assurance modification shall be required for the use of transportation for management of leachate volumes related to excess rainfall, open-cell conditions, system interruptions or emergencies.

(d) As used in this section, the term "leachate" shall have the same meaning as defined in 25 Pa. Code § 271.1 (relating to definitions).

Section 2. The regulations of the Department of Environmental Protection in 25 Pa. Code §§ 273.163(b) and 273.273(a), (b)(1), (2) and (3) and (e) are abrogated.

Section 3. This act shall take effect in 60 days.

APPROVED--The 7th day of October, A.D. 2015.

TOM WOLF