
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1995

Session of
1987

INTRODUCED BY BURD, LIVENGOD, MERRY, MORRIS, FARGO, VROON,
VAN HORNE, DISTLER, SIRIANNI, NOYE, DAWIDA, TRELLO, HERSHEY,
BATTISTO, DOMBROWSKI, E. Z. TAYLOR, GAMBLE, BELARDI, McVERRY,
SEMMELE, CARLSON, LANGTRY, BOOK, BOYES, KENNEDY, FARMER,
ROBBINS, GEIST, FISCHER AND BROUJOS, NOVEMBER 23, 1987

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, NOVEMBER 29, 1988

AN ACT

1 Amending the act of July 7, 1980 (P.L.380, No.97), entitled "An
2 act providing for the planning and regulation of solid waste
3 storage, collection, transportation, processing, treatment,
4 and disposal; requiring municipalities to submit plans for
5 municipal waste management systems in their jurisdictions;
6 authorizing grants to municipalities; providing regulation of
7 the management of municipal, residual and hazardous waste;
8 requiring permits for operating hazardous waste and solid
9 waste storage, processing, treatment, and disposal
10 facilities; and licenses for transportation of hazardous
11 waste; imposing duties on persons and municipalities;
12 granting powers to municipalities; authorizing the
13 Environmental Quality Board and the Department of
14 Environmental Resources to adopt rules, regulations,
15 standards and procedures; granting powers to and imposing
16 duties upon county health departments; providing remedies;
17 prescribing penalties; and establishing a fund," further
18 providing for powers and duties of the department; and
19 providing for the beneficial use or reclamation of municipal
20 and residual waste.

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

23 Section 1. The definition of "processing" in section 103 of
24 the act of July 7, 1980 (P.L.380, No.97), known as the Solid
25 Waste Management Act, is amended and the section is amended by

1 adding definitions to read:

2 Section 103. Definitions.

3 The following words and phrases when used in this act shall
4 have, unless the context clearly indicates otherwise, the
5 meanings given to them in this section:

6 * * *

7 "Beneficial use." The use of any nonhazardous waste for
8 other than its original purpose or the process that generated
9 it, and where such use does not harm or present a threat of harm
10 to the health and welfare of the people and environment of the
11 Commonwealth.

12 * * *

13 "Processing." Any technology used for the purpose of
14 reducing the volume or bulk of municipal or residual waste or
15 any technology used to convert part or all of such waste
16 materials for [off-site reuse] beneficial use or reclamation.
17 Processing facilities include but are not limited to transfer
18 facilities, composting facilities, and resource recovery
19 facilities.

20 "Reclamation." The recycling or processing of a nonhazardous
21 waste to return it to a form suitable for use in its original
22 purpose or reuse in the process that generated it.

23 * * *

24 Section 2. Section 104(16) and (17) of the act are amended
25 and the section is amended by adding a paragraph to read:

26 Section 104. Powers and duties of the department.

27 The department in consultation with the Department of Health
28 regarding matters of public health significance shall have the
29 power and its duty shall be to:

30 * * *

1 (16) require the payment of such annual inspection fees
2 and perform such inspections of hazardous waste treatment and
3 disposal facilities as are provided for in the Environmental
4 Quality Board guidelines adopted pursuant to section 105(e).
5 This provision shall not be construed to limit or restrict
6 the department's inspection powers as elsewhere set forth in
7 this act; [and]

8 (17) administer funds collected by the United States
9 Government and granted to Pennsylvania for the purpose of
10 closing, maintaining or monitoring abandoned or closed
11 hazardous waste storage, treatment or disposal sites and for
12 the purpose of action to abate or prevent pollution at such
13 sites. If Congress has not authorized the collection of such
14 funds within one year after the effective date of this act,
15 or if the department finds that the funding program
16 authorized is inadequate, the department shall transmit to
17 the General Assembly within 15 months after the effective
18 date of this act a proposal for the establishment of a fund
19 in Pennsylvania comprised of surcharges collected from users
20 of hazardous waste storage, treatment and disposal facilities
21 excluding captive facilities in the Commonwealth. Such fund
22 shall be proposed for the purpose of closing, maintaining or
23 monitoring hazardous waste storage, treatment or disposal
24 sites excluding captive facilities which have been abandoned
25 or which have been closed for at least 20 years, and for the
26 purpose of taking action to abate or prevent pollution at
27 such closed or abandoned sites[.] ; and

28 (18) encourage the beneficial use or reclamation of
29 municipal and residual waste, when such materials and
30 compounds are determined by the department to be nonhazardous

1 in nature, and such use does not harm or present a threat of
2 harm to the health and welfare of the people and environment
3 of the Commonwealth. The department may establish rules and
4 regulations to effectuate the beneficial use or reclamation
5 of such municipal and residual wastes, including the issuance
6 of general permits for any category of beneficial use or
7 reclamation of municipal or residual waste, on a regional or
8 Statewide basis, in accordance with rules adopted by the
9 Environmental Quality Board.

10 Section 3. Section 201(a) of the act is amended and the
11 section is amended by adding ~~a subsection~~ SUBSECTIONS to read: <—

12 Section 201. Submission of plans; permits.

13 (a) No person or municipality shall store, collect,
14 transport, process, beneficially use or reclaim, or dispose of
15 municipal waste within this Commonwealth unless such storage,
16 collection, transportation, processing, beneficial use or
17 reclamation or disposal is authorized by the rules and
18 regulations of the department and no person or municipality
19 shall own or operate a municipal waste processing or disposal
20 facility unless such person or municipality has first obtained a
21 permit for such facility from the department.

22 (a.1) (1) Beneficial use or reclamation of municipal waste
23 shall include, but not be limited to, the following:

24 (i) The uses which are the subject of Federal
25 Procurement Guidelines issued by the Environmental
26 Protection Agency under section 6002 of the Solid Waste
27 Disposal Act (Public Law 89-272, 42 U.S.C. § 6962).

28 (ii) The extraction or recovery and application of
29 materials and compounds contained within municipal waste,
30 when such materials and compounds are determined by the

1 department to be nonhazardous in nature, prior to such
2 use.

3 (2) The department may establish siting criteria,
4 design, operating and certification standards of wastes from
5 specific generators for the beneficial use or reclamation of
6 municipal waste. The department may require a person or
7 municipality that beneficially uses or reclaims municipal
8 waste to notify the department prior to such use. Generators
9 of certified municipal waste shall notify the department in
10 the event changes occur with regard to the origin of the
11 municipal waste or physical and chemical properties of the
12 waste, including leachability. Recertification shall be
13 required, in the event of any such changes.

14 (A.2) NOTWITHSTANDING SECTION 511(A) OF THE ACT OF JULY 28, <—
15 1988 (P.L.556, NO.101), KNOWN AS THE MUNICIPAL WASTE PLANNING,
16 RECYCLING AND WASTE REDUCTION ACT, THE DEPARTMENT MAY ISSUE A
17 PERMIT TO A PROPOSED MUNICIPAL WASTE FACILITY WHICH ON OR BEFORE
18 SEPTEMBER 26, 1988, SUBMITTED A SOLID WASTE PERMIT APPLICATION
19 TO THE DEPARTMENT AND SIGNED AN ELECTRIC POWER CONTRACT WITH A
20 PUBLIC UTILITY WHICH CONTRACT WAS APPROVED BY THE PENNSYLVANIA
21 PUBLIC UTILITY COMMISSION.

22 * * *

23 Section 4. Section 302 of the act is amended to read:

24 Section 302. Disposal, processing [and], storage and beneficial
25 use or reclamation of residual waste.

26 (a) It shall be unlawful for any person or municipality to
27 dispose, process, store, beneficially use or reclaim, or permit
28 the disposal, processing, beneficial use or reclamation or
29 storage of any residual waste in a manner which is contrary to
30 the rules and regulations of the department or to any permit or

1 to the terms or conditions of any permit or any order issued by
2 the department.

3 (b) It shall be unlawful for any person or municipality who
4 stores, processes, beneficially uses or reclaims, or disposes of
5 residual waste to fail to:

6 (1) Use such methods and facilities as are necessary to
7 control leachate, runoff, discharges and emissions from
8 residual waste in accordance with department regulations.

9 (2) Use such methods and facilities as are necessary to
10 prevent the harmful or hazardous mixing of wastes.

11 (3) Design, construct, operate and maintain facilities
12 and areas in a manner which shall not adversely effect or
13 endanger public health, safety and welfare or the environment
14 or cause a public nuisance.

15 (c) (1) Beneficial use or reclamation of residual waste
16 shall include, but not be limited to the following:

17 (i) The uses which are the subject of the Federal
18 Procurement Guidelines issued by the Environmental
19 Protection Agency under section 6002 of the Solid Waste
20 Disposal Act (Public Law 89-272, 42 U.S.C. § 6962).

21 (ii) The extraction or recovery and application of
22 materials and compounds contained within residual waste,
23 when such materials and compounds are determined by the
24 department to be nonhazardous in nature, prior to such
25 use.

26 (2) The department may establish siting criteria,
27 design, operating and certification standards of wastes from
28 specific generators for the beneficial use or reclamation of
29 residual waste. The department may require a person or
30 municipality that beneficially uses or reclaims residual

1 waste to notify the department prior to such use. Generators
2 of certified residual waste shall notify the department in
3 the event changes occur with regard to the facility from
4 which the residual waste is originating, combustion and
5 operating characteristics of the facility, or physical and
6 chemical properties of the residual waste, including
7 leachability. Recertification shall be required in the event
8 of such changes.

9 Section 5. Section 502 of the act is amended by adding a
10 subsection to read:

11 Section 502. Permit and license application requirements.

12 * * *

13 (h) The department may or may not require bonds under
14 section 505(a) or insurance under subsection (e) for any general
15 permit or class of general permit promulgated under section
16 104(18).

17 Section 6. This act shall take effect in 60 days.