THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 476  Session of 2019

INTRODUCED BY MAKO, HAHN AND FREEMAN, FEBRUARY 12, 2019

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY, FEBRUARY 12, 2019

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 powers and duties of the department.

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

Section 1. Section 104(17) and (18) of the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, are amended and the section is amended by adding paragraphs to read:

Section 104. Powers and duties of the department.
The department in consultation with the Department of Health regarding matters of public health significance shall have the power and its duty shall be to:

* * *

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

(18) encourage the beneficial use or processing of municipal waste or residual waste when the department determines that such use does not harm or present a threat of harm to the health, safety or welfare of the people or environment of this Commonwealth. The department shall establish waste regulations to effectuate the beneficial use
of municipal and residual waste, including regulations for
the issuance of general permits for any category of
beneficial use or processing of municipal waste or residual
waste on a regional or Statewide basis in accordance with the
regulations adopted by the Environmental Quality Board. The
department may or may not require insurance under section
502(e) or bonds under section 505(a) for any general permit
or class of general permits promulgated under this paragraph.
Except with the written approval of the department, no waste
may be stored for longer than one year. Residual wastes being
stored shall be monitored for changes in physical and
chemical properties, including leachability, pursuant to
applicable regulations, by the person or municipality
beneficially using or processing such waste. The department
may require the submission of periodic analyses or other
information to insure that the quality of residual waste to
be beneficially used or processed does not change. A
municipality or person beneficially using or processing the
residual waste shall immediately notify the department, upon
forms provided by department, of any change in the physical
or chemical properties of the residual waste, including
leachability; and the department shall conduct an
investigation and order necessary corrective action. Upon
receipt of a signed, written complaint of any person whose
health, safety or welfare may be adversely affected by a
physical or chemical change in the properties of residual
waste to be beneficially used or processed, including
leachability, the department shall determine the validity of
the complaint and take appropriate action.[]:

(19) forward a notice of noncompliance issued by the
Environmental Protection Agency for a violation of the Toxic Substances Control Act (Public Law 94-469, 15 U.S.C. § 2601 et seq.) to the municipality where the violation has occurred; and

(20) send a notice of noncompliance for a violation under this act to the municipality where the violation has occurred.

Section 2. This act shall take effect in 60 days.