

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2424 Session of
1986

INTRODUCED BY SCHEETZ, LLOYD, J. L. WRIGHT, HERSHEY, GODSHALL,
ARTY, HOWLETT, LASHINGER, CIVERA, DISTLER, STAIRS, TRELLO,
TELEK, SHOWERS, SEMMEL AND WOZNIAK, APRIL 28, 1986

REFERRED TO COMMITTEE ON CONSERVATION, APRIL 28, 1986

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 licensing, permitting and other requirements
19 for the land disposal of sewage sludge.

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

22 Section 1. Section 104(16) and (17) of the act of July 7,
23 1980 (P.L.380, No.97), known as the Solid Waste Management Act,
24 are amended and the section is amended by adding a paragraph to
25 read:

26 Section 104. Powers and duties of the department.

1 The department in consultation with the Department of Health
2 regarding matters of public health significance shall have the
3 power and its duty shall be to:

4 * * *

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

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

1 closed or abandoned sites[.]; and

2 (18) enter into agreements with any interested county,
3 or any board, commission or committee established by the
4 county, to assist the department in monitoring the land
5 application of sewage sludge within the county.

6 Section 2. The act is amended by adding a section to read:

7 Section 204. Land application of sewage sludge.

8 (a) The department may enter into cooperative agreements
9 with any interested county, or any board, commission or
10 committee established by the county, that desires to assist the
11 department in monitoring the land application of sewage sludge
12 within its jurisdiction. Monitoring activity under the
13 agreements would include site inspection and the taking of
14 samples of sludge, soil, water and vegetation for testing. The
15 county shall demonstrate to the department's satisfaction that
16 the county has the technical competence necessary to meet the
17 monitoring responsibilities under the agreement. The department
18 shall provide such assistance, and require compliance with such
19 procedures, as it deems appropriate to assure that all sampling
20 and testing is standardized and uniform. No authority to enforce
21 the provisions of this act or any rules or regulations
22 promulgated hereunder shall be delegated by the department under
23 any agreement.

24 (b) The department shall maintain a Statewide inventory of
25 lands upon which sewage sludge had been applied pursuant to
26 permits issued under section 501. For each land application
27 site, the inventory shall include all data submitted with the
28 permit application and any subsequent data obtained by or
29 submitted to the department relating thereto.

30 (c) Any person who intends to apply sewage sludge to any

1 land pursuant to a permit issued under section 501 shall first
2 file with the recorder of deeds in the county in which the land
3 is located a notice of record, including a certification signed
4 and acknowledged by the landowner, and indexed in the name of
5 the owner, indicating that the soil on the land is to be amended
6 with sewage sludge, the permit number under which such activity
7 will occur, and any other information deemed appropriate by the
8 department sufficient to provide adequate notice thereof to a
9 subsequent owner or interested person.

10 Section 3. Section 501 of the act is amended by adding a
11 subsection to read:

12 Section 501. Permits and licenses required; transition scheme;
13 reporting requirements.

14 * * *

15 (d) It shall be unlawful for any person or municipality to
16 apply sewage sludge to land, if this activity would require a
17 permit pursuant to this act, or to commercially transport sludge
18 for treatment or disposal, without having first obtained a
19 license from the department to conduct the activities.

20 Section 4. Section 503(a) of the act is amended to read:

21 Section 503. Granting, denying, renewing, modifying, revoking
22 and suspending permits and licenses.

23 (a) Upon approval of the application, the department shall
24 issue a permit for the operation of a solid waste storage,
25 treatment, processing or disposal facility or area or a license
26 for the transportation of hazardous wastes or a sewage sludge
27 license, as set forth in the application and further conditioned
28 by the department.

29 * * *

30 Section 5. Section 505 of the act is amended by adding a

1 subsection to read:

2 Section 505. Bonds.

3 * * *

4 (f) Prior to the issuance of any sewage sludge license, the
5 applicant for a license shall file with the department a bond on
6 a form to be prescribed and furnished by the department, payable
7 to the Commonwealth and conditioned upon compliance by the
8 licensee with every requirement of this act, rule and regulation
9 of the department, order of the department and term and
10 condition of the license. The amount of the bond required shall
11 be in an amount determined by the secretary. The licensee may
12 elect to deposit cash or automatically renewable irrevocable
13 letters of credit which are terminable only upon 90 days'
14 written notice to the operator and the department, or negotiable
15 bonds of the Federal Government or of the Commonwealth, the
16 Pennsylvania Turnpike Commission, the General State Authority,
17 the State Public School Building Authority or any municipality
18 within this Commonwealth. The cash amount of the deposit,
19 irrevocable letters of credit, or market value of the securities
20 shall be equal at least to the sum of the bond. The secretary
21 shall, upon receipt of any such deposit of cash or negotiable
22 bonds, immediately place the same with the State Treasurer,
23 whose duty it shall be to receive and hold the same in the name
24 of the Commonwealth, in trust, for the purposes for which the
25 deposit is made. The State Treasurer shall at all times be
26 responsible for the custody and safekeeping of the deposits. The
27 licensee making the deposit shall be entitled, from time to
28 time, to demand and receive from the State Treasurer, on the
29 written order of the secretary, the whole or any portion of any
30 collateral so deposited, upon depositing with him, in lieu

1 thereof, other collateral of the classes herein specified having
2 a market value at least equal to the sum of the bond, and to
3 demand, receive and recover the interest and income from the
4 negotiable bonds as the same becomes due and payable. When
5 negotiable bonds, deposited as aforesaid, mature or are called,
6 the State Treasurer, at the request of the licensee, shall
7 convert the negotiable bonds into other negotiable bonds of the
8 classes herein specified as may be designated by the licensee.
9 Where notice of intent to terminate a letter of credit is given,
10 the department, after 30 days' written notice to the licensee
11 and in the absence of a replacement of the letter of credit by
12 the licensee within the 30-day period, along with other
13 acceptable bond guarantees provided herein, shall draw upon and
14 convert the letter of credit into cash and hold it as a
15 collateral bond guarantee. Liability under the bond shall be for
16 the duration of the license and for a period of one year after
17 the expiration of the license.

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