

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1539 Session of
1992

INTRODUCED BY HELFRICK, MADIGAN, RHOADES, SHAFFER, PETERSON AND
WENGER, FEBRUARY 4, 1992

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, FEBRUARY 4, 1992

AN ACT

1 Providing for siting, criteria and limitations for commercial
2 hazardous waste incinerators and impact assessments.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Commercial
7 Hazardous Waste Facility Siting Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Captive facility." A captive facility as defined and
13 permitted under the act of July 7, 1980 (P.L.380, No.97), known
14 as the Solid Waste Management Act. Captive facilities can include
15 facilities owned by the generator which accepts offsite waste
16 that is the result of an intracompany transfer of waste from
17 another facility owned by the generator.

1 "Commercial hazardous waste incinerator." A facility which
2 accepts hazardous waste for incineration which is not a captive
3 facility. The term shall not include a boiler or industrial
4 furnace facility as defined in 40 CFR section 260.10 (relating
5 to criteria for identifying the characteristics of hazardous
6 waste).

7 "Contaminated soil incinerator." An enclosed device using
8 controlled flame combustion, the primary purpose of which is to
9 thermally break down and purify soil contaminated with petroleum
10 products.

11 "Department." The Department of Environmental Resources of
12 the Commonwealth.

13 "Facility operator." The owner or operator of a commercial
14 hazardous waste incinerator or a person proposing a commercial
15 hazardous waste incinerator.

16 "Facility site." All contiguous land owned or under the
17 control of an owner or operator of a hazardous waste incinerator
18 facility operator and identified in a permit or permit
19 application.

20 Section 3. Impact assessment.

21 The applicant for a commercial hazardous waste incinerator
22 permit shall conduct a risk assessment which analyzes the impact
23 the proposed incinerator may have on food or agricultural
24 products meant for human or animal consumption which are grown
25 or processed within a 15-mile radius of the proposed site. In
26 addition, the applicant shall conduct a risk assessment which
27 analyzes the accumulative impact the proposed incinerator may
28 have on food chain plants and animals surrounding the proposed
29 site.

30 Section 4. Prisons.

1 The department may not issue a permit for the siting of a
2 commercial hazardous waste incinerator under the act of July 7,
3 1980 (P.L.380, No.97), known as the Solid Waste Management Act,
4 if the proposed facility site is located within one mile of a
5 prison or other facility where individuals are held on an
6 involuntary basis.

7 Section 5. Siting criteria.

8 The department shall not issue a permit to a fixed site
9 contaminated soil incinerator which does not meet all the siting
10 criteria established under 25 Pa. Code Chapter 269 (relating to
11 siting) for hazardous waste facilities.

12 Section 6. Effective date.

13 This act shall take effect immediately.