

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 101 Session of
1993

INTRODUCED BY STAIRS, HERSHEY, ARMSTRONG AND CLARK,
JANUARY 27, 1993

REFERRED TO COMMITTEE ON RULES, JANUARY 27, 1993

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," providing
18 for payments to certain livestock producers in relation to
19 the ingestion of beverage containers.

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

22 Section 1. Section 103 of the act of July 7, 1980 (P.L.380,
23 No.97), known as the Solid Waste Management Act, is amended by
24 adding a definition to read:

25 Section 103. Definitions.

26 The following words and phrases when used in this act shall

1 have, unless the context clearly indicates otherwise, the
2 meanings given to them in this section:

3 * * *

4 "Agricultural livestock producer." Any individual,
5 partnership, corporation or other entity actively engaged in the
6 raising of bovine, ovine, caprine, or porcine animals for food
7 use and equine animals for their work or recreational use. Any
8 agricultural livestock producer must own or operate a farm of
9 not less than ten acres or have anticipated annual gross cash
10 receipts for agricultural livestock or livestock products of not
11 less than \$2,000.

12 * * *

13 Section 2. Section 701 of the act is amended to read:

14 Section 701. Solid Waste Abatement Fund.

15 (a) All fines, penalties and bond forfeitures collected
16 under the provisions of this act shall be paid into the Treasury
17 of the Commonwealth into a special fund to be known as the
18 "Solid Waste Abatement Fund" hereby established. The Solid Waste
19 Abatement Fund shall be administered by the department for
20 abatement or elimination of present or potential hazards to
21 human health or to the environment from the improper treatment,
22 transportation, storage, processing, or disposal of solid
23 wastes, for the indemnification of agricultural livestock
24 producers pursuant to subsection (d), and for the enforcement of
25 this act.

26 (b) All such moneys placed in the Solid Waste Abatement Fund
27 under the provisions of this section are hereby made available
28 immediately, and are hereby specifically appropriated to the
29 department for the purposes specified in this section.

30 (c) Estimates of the amounts to be expended under this act

1 shall be submitted to the Governor for his approval or
2 disapproval.

3 (d) Agricultural livestock producers shall be entitled to
4 receive indemnification for livestock which has died as a result
5 of ingesting any part of a beverage container, subject to all of
6 the following:

7 (1) That a licensed veterinarian within this
8 Commonwealth shall certify and attest to the animal's
9 ingestion of the beverage container as a major contributing
10 cause of the animal's death.

11 (2) That any request for indemnification shall occur
12 within 15 days of the date of the animal's death.

13 (3) That any indemnification shall not exceed 67% of the
14 animal's appraised fair market value at the time of the
15 animal's death or indemnification limits established under
16 the authority of the act of June 22, 1931 (P.L.682, No.249),
17 referred to as the Diseased Animal Condemnation Law.

18 (4) That no agricultural livestock producer shall
19 receive more than \$10,000 annually as indemnification under
20 this subsection.

21 (5) That all requests for indemnification shall be made
22 on the form and in the manner as the department may by
23 regulation prescribe.

24 Section 3. This act shall take effect immediately.