

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 345 Session of
1995

INTRODUCED BY GEORGE, COY, TRELLO, OLASZ, THOMAS, FAIRCHILD,
PESCI, TIGUE, PRESTON, BATTISTO, FICHTER AND LAUGHLIN,
JANUARY 26, 1995

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
JANUARY 26, 1995

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 management of residual waste and for
19 transportation of residual waste.

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

22 Section 1. Sections 301 and 303(b) of the act of July 7,
23 1980 (P.L.380, No.97), known as the Solid Waste Management Act,
24 are amended to read:

25 Section 301. Management of residual waste.

1 (a) No person or municipality shall store, transport,
2 process, or dispose of residual waste within this Commonwealth
3 unless such storage, or transportation, is consistent with or
4 such processing or disposal is authorized by the rules and
5 regulations of the department and no person or municipality
6 shall own or operate a residual waste processing or disposal
7 facility unless such person or municipality has first obtained a
8 permit for such facility from the department.

9 (b) A municipality may hire local inspectors to monitor any
10 facility in which residual waste is processed, disposed or
11 stored, including any facility in which sludge from a waste
12 water treatment facility is applied to the land within its
13 borders.

14 (c) The department shall establish and conduct a training
15 program to certify host municipality inspectors for residual
16 waste facilities according to the following guidelines:

17 (1) This program shall be available to no more than two
18 persons who have been designated in writing by the host
19 municipality. The department shall hold training programs at
20 least twice a year. The department shall certify host
21 municipality inspectors upon completion of the training
22 program and satisfactory performance in an examination
23 administered by the department.

24 (2) Certified local residual waste inspectors are
25 authorized to enter property, inspect only those records
26 required by the department, take samples and conduct
27 inspections in accordance with department regulations as
28 applicable to department inspectors. However, certified
29 municipal inspectors may not issue orders except as provided
30 in this subsection. A certified local residual waste

inspector may order the operator of a facility to cease any operation or activity at the facility which constitutes an immediate threat to public health and safety and which represents a violation of this act, the regulations promulgated under this act, any order issued under this act or the terms or conditions of a permit issued under this act. The order shall expire within two hours unless the inspector notifies the department and the governing body of the host municipality. The department may, after conducting an inspection, supersede the inspector's order by issuing an order of its own which vacates or modifies the terms of the inspector's order. If the department does not supersede the order, the order shall expire after 24 hours unless otherwise extended, continued or modified by a court as specified in Article VI.

(3) The department is authorized to pay for the host inspection training program.

(4) The department may decertify host municipality inspectors under regulations promulgated by the Environmental Quality Board.

(d) A municipality, by ordinance, shall set and collect necessary fees from the owners or operators of residual waste facilities sufficient to pay for the employment of host municipality inspectors as authorized by subsection (c).

Section 303. Transportation of residual waste.

* * *

(b) It shall be unlawful for any person or municipality who transports residual waste to fail to:

(1) use such methods, equipment and facilities as are necessary to transport residual waste in a manner which shall

1 not adversely affect or endanger the environment or the
2 public health, welfare and safety; [and]

3 (2) take immediate steps to contain and clean up spills
4 or accidental discharges of such waste, and notify the
5 department, pursuant to department regulations, of all spills
6 or accidental discharges which occur on public highways or
7 public areas or which may enter the waters of the
8 Commonwealth as defined by the act of June 22, 1937
9 (P.L.1987, No.394), known as "The Clean Streams Law," or any
10 other spill which is governed by any notification
11 requirements of the department[.]; and

12 (3) carry a transportation record in the vehicle used to
13 transport the waste, specifying times, places, destinations,
14 generators and type of waste and volume of waste transported.
15 Three copies of this record shall be retained. One shall be
16 kept in the cab of the vehicle, one shall be kept by the
17 residual waste facility and one shall be sent to the
18 department.

19 Section 2. This act shall take effect July 1, 1995.