

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1398 Session of
2002

INTRODUCED BY LAVALLE, KUKOVICH, KITCHEN, COSTA, BOSCOLA,
O'PAKE, LOGAN, ORIE AND BELL, APRIL 17, 2002

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, APRIL 17, 2002

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," requiring
18 the department to make certain findings with regard to
19 applications for specific facilities.

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

22 Section 1. Section 503(c) of the act of July 7, 1980
23 (P.L.380, No.97), known as the Solid Waste Management Act, is
24 amended to read:

25 Section 503. Granting, denying, renewing, modifying, revoking
26 and suspending permits and licenses.

1 * * *

2 (c) In carrying out the provisions of this act, the
3 department may deny, suspend, modify, or revoke any permit or
4 license if it finds that:

5 (1) the applicant, permittee or licensee has failed or
6 continues to fail to comply with:

7 (i) any provision of this act,

8 (ii) any provision of any of the following acts:

9 (A) the act of June 22, 1937 (P.L.1987, No.394),
10 known as "The Clean Streams Law,"

11 (B) the act of January 8, 1960 (1959 P.L.2119,
12 No.787), known as the "Air Pollution Control Act,"
13 and

14 (C) the act of November 26, 1978 (P.L.1375,
15 No.325), known as the "Dam Safety and Encroachments
16 Act," [or]

17 (iii) any other state or Federal statute relating to
18 environmental protection or to the protection of the
19 public health, safety and welfare; [or]

20 (iv) any rule or regulation of the department; [or]

21 (v) any order of the department; [or]

22 (vi) any condition of any permit or license issued
23 by the department; or

24 (2) [if the department finds that] the applicant,
25 permittee or licensee has shown a lack of ability or
26 intention to comply with any provision of this act or any of
27 the acts referred to in this subsection or any rule or
28 regulation of the department or order of the department, or
29 any condition of any permit or license issued by the
30 department as indicated by past or continuing violations. The

1 department shall find that an applicant has shown a lack of
2 ability or intention to comply with the provisions of this
3 act with regard to an application for a specific facility on
4 a specific site when that applicant has filed at least two
5 permit applications for a specific facility on a specific
6 site that were denied or not administratively complete within
7 one year of the final departmental request for information
8 from the applicant.

9 In the case of a corporate applicant, permittee or licensee, the
10 department may deny the issuance of a license or permit if it
11 finds that a principal of the corporation was a principal of
12 another corporation which committed past violations of this act.

13 * * *

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