
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 455 Session of
2015

INTRODUCED BY RAFFERTY, FONTANA, BROWNE, VULAKOVICH,
TARTAGLIONE, YUDICHAK, SCHWANK, HUGHES, COSTA AND BOSCOLA,
FEBRUARY 12, 2015

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY,
FEBRUARY 12, 2015

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," in
18 enforcement and remedies, further providing for criminal
19 penalties.

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

22 Section 1. Section 606(f), (g) and (j) 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 subsection to
25 read:

1 Section 606. Criminal penalties.

2 * * *

3 (f) Any person who stores, transports, treats, or disposes
4 of hazardous waste within the Commonwealth in violation of
5 section 401, or in violation of any order of the department
6 shall be guilty of a felony of the second degree and, upon
7 conviction, shall be sentenced to pay a fine of not less than
8 [\$2,500] \$7,500 but not more than \$100,000 per day for each
9 violation or to imprisonment for not less than two years but not
10 more than ten years, or both.

11 (g) Any person who intentionally, knowingly or recklessly
12 stores, transports, treats, or disposes of hazardous waste
13 within the Commonwealth in violation of any provision of this
14 act, and whose acts or omissions cause pollution, a public
15 nuisance or bodily injury to any person, shall be guilty of a
16 felony of the first degree, and upon conviction, shall be
17 sentenced to pay a fine of not less than [\$10,000] \$20,000 but
18 not more than \$500,000 per day for each violation or to a term
19 of imprisonment of not less than two years, but not more than 20
20 years, or both.

21 (g.1) (1) Any person or municipality that intentionally,
22 knowingly or recklessly processes or disposes of solid waste
23 within the Commonwealth in violation of this act, or in
24 violation of any rule or regulation of the department, any
25 order of the department, or any term or condition of any
26 permit:

27 (i) In the amount of 100 cubic yards or more but
28 less than 500 cubic yards shall be guilty of a
29 misdemeanor of the first degree and, upon conviction,
30 shall be sentenced to pay a fine of not less than \$2,500

1 but not more than \$25,000 per day for each violation or
2 to imprisonment for a period not more than five years, or
3 both.

4 (ii) In the amount of 500 cubic yards or more shall
5 be guilty of a felony of the third degree and, upon
6 conviction, shall be sentenced to pay a fine of not less
7 than \$5,000 but not more than \$50,000 per day for each
8 violation or to imprisonment for not more than seven
9 years, or both.

10 (2) The quantity of waste involved in an offense under
11 this subsection shall be determined by the trier of fact. The
12 quantity of solid waste involved in offenses committed
13 pursuant to one scheme or course of conduct, whether at one
14 or several locations, may be aggregated in determining the
15 grading of the offense under paragraph (1).

16 * * *

17 (j) With respect to the offenses specified in subsections
18 (a), (b), (c), (d), (e), (f) [and], (g) and (g.1), it is the
19 legislative purpose to impose liability on corporations.

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