

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

**SENATE BILL****No. 513** Session of  
2015INTRODUCED BY MCGARRIGLE, PILEGGI, YUDICHAK, WOZNIAK, HUTCHINSON  
AND WAGNER, FEBRUARY 19, 2015AS REPORTED FROM COMMITTEE ON ENVIRONMENTAL RESOURCES AND  
ENERGY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 29, 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 residual  
18 waste, further providing for transportation of residual  
19 waste; and abrogating a regulation.

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

22 ~~Section 1. Section 303 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 subsections to read:~~  
25 ~~Section 303. Transportation of residual waste.~~

1       \* \* \*

2       ~~(c) The department may not prohibit the vehicular~~  
3 ~~transportation of leachate discharged from a collection and~~  
4 ~~handling system of a landfill to an offsite facility for the~~  
5 ~~treatment of the leachate.~~

6       ~~(d) Definition. As used in this section, the term~~  
7 ~~"Leachate" means as defined in 25 Pa. Code § 271.1 (relating to~~  
8 ~~definitions).~~

9       ~~Section 2. The regulations of the Department of~~  
10 ~~Environmental Protection in 25 Pa. Code § 273.273(a), (b)(1),~~  
11 ~~(2) and (3) and (e) (relating to leachate transportation) are~~  
12 ~~abrogated.~~

13       ~~Section 3. This act shall take effect in 60 days.~~

14       SECTION 1. SECTION 303 OF THE ACT OF JULY 7, 1980 (P.L.380, <--  
15 NO.97), KNOWN AS THE SOLID WASTE MANAGEMENT ACT, IS AMENDED BY  
16 ADDING SUBSECTIONS TO READ:

17       SECTION 303. TRANSPORTATION OF RESIDUAL WASTE.

18       \* \* \*

19       (C) THE DEPARTMENT MAY NOT PROHIBIT OR PENALIZE THE  
20 VEHICULAR TRANSPORTATION OF LEACHATE DISCHARGED FROM A  
21 COLLECTION AND HANDLING SYSTEM OF A LANDFILL TO AN OFFSITE  
22 FACILITY FOR THE TREATMENT OF THE LEACHATE, PROVIDED THAT:

23       (1) TRUCKING OF LEACHATE MAY BE CONDUCTED USING VEHICLES  
24 WITH ENCLOSED TANKS IF THEY ARE OPERATED IN COMPLIANCE WITH  
25 ALL APPLICABLE REGULATIONS PROMULGATED BY THE FEDERAL MOTOR  
26 CARRIER SAFETY ADMINISTRATION REGULATIONS UNDER 49 CFR  
27 (RELATING TO TRANSPORTATION).

28       (2) IF THE DAILY NUMBER OF TANKER VEHICLES TRANSPORTING  
29 LEACHATE WILL BE GREATER THAN 10% OF THE TOTAL NUMBER OF  
30 VEHICLES DELIVERING WASTE AND MATERIALS TO THE SITE AS

1 EVALUATED IN THE MOST RECENT TRAFFIC STUDY FOR THE FACILITY,  
2 A NEW TRAFFIC IMPACT ANALYSIS SHALL BE CONDUCTED AND REVIEWED  
3 PURSUANT TO APPLICABLE REGULATIONS OF THE DEPARTMENT OF  
4 TRANSPORTATION. THE FACILITY MAY BE REQUIRED TO SUBMIT AN  
5 UPDATED ENVIRONMENTAL ASSESSMENT THAT INCLUDES THE NEW  
6 TRAFFIC IMPACT ANALYSIS TO THE DEPARTMENT FOR ITS  
7 CONSIDERATION IN ACCORDANCE WITH 25 PA. CODE §§ 271.126  
8 (RELATING TO REQUIREMENT FOR ENVIRONMENTAL ASSESSMENT) AND  
9 271.127 (RELATING TO ENVIRONMENTAL ASSESSMENT).

10 (3) TO THE EXTENT AN EXISTING PERMITTED LANDFILL, OR  
11 EXPANSION THEREOF, PROPOSES TO USE LEACHATE TRANSPORTATION AS  
12 A BASIC TREATMENT METHOD FOR SOME OR ALL OF THE DAILY VOLUME  
13 OF LEACHATE CALCULATED PURSUANT TO 25 PA. CODE § 273.162(A)  
14 (1) (RELATING TO LEACHATE TREATMENT PLAN), THE FACILITY  
15 CLOSURE AND POST CLOSURE FINANCIAL ASSURANCE SHALL BE  
16 RECALCULATED AND INCREASED, IF REQUIRED, TO COVER THE COSTS  
17 ASSOCIATED WITH THAT VOLUME AND DURATION OF THE PROPOSED  
18 LEACHATE TRANSPORTATION. NO FINANCIAL ASSURANCE MODIFICATION  
19 SHALL BE REQUIRED FOR THE USE OF TRANSPORTATION FOR  
20 MANAGEMENT OF LEACHATE VOLUMES RELATED TO EXCESS RAINFALL,  
21 OPEN CELL CONDITIONS, SYSTEM INTERRUPTIONS OR EMERGENCIES.

22 (D) AS USED IN THIS SECTION, THE TERM "LEACHATE" MEANS AS  
23 DEFINED IN 25 PA. CODE § 271.1 (RELATING TO DEFINITIONS).

24 SECTION 2. THE REGULATIONS OF THE DEPARTMENT OF  
25 ENVIRONMENTAL PROTECTION IN 25 PA. CODE §§ 273.163(B) AND  
26 273.273(A), (B) (1), (2) AND (3) AND (E) ARE ABROGATED.

27 SECTION 3. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.