

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

**HOUSE BILL****No. 938**      Session of  
2017

---

INTRODUCED BY EVANKOVICH, MUSTIO, MILLARD, PETRARCA, A. HARRIS,  
JAMES, RYAN, SANKEY, MATZIE, SIMMONS, CUTLER, MCGINNIS,  
KNOWLES, WARD, ZIMMERMAN, KAUFFMAN, CAUSER, BERNSTINE,  
GABLER, REESE, LONGIETTI, ORTITAY, WARNER, DOWLING, HEFFLEY,  
KORTZ AND D. MILLER, MARCH 23, 2017

---

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
APRIL 26, 2017

---

## 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 general  
18 provisions, further providing for definitions.

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

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

1 Section 103. Definitions.

2 The following words and phrases when used in this act shall  
3 have, unless the context clearly indicates otherwise, the  
4 meanings given to them in this section:

5 \* \* \*

6 "Current generation blast furnace, iron and steel slag."  
7 Existing and future iron and steel slag that has been generated  
8 at an operating steel mill and has not been:

9 (1) Produced prior to January 1, 2007.

10 (2) Commingled with residual waste or hazardous waste.

11 \* \* \*

12 "Residual waste."

13 (1) The term includes any of the following:

14 (i) Any garbage, refuse, other discarded material or  
15 other waste including solid, liquid, semisolid, or  
16 contained gaseous materials resulting from industrial,  
17 mining and agricultural operations [and any].

18 (ii) Any sludge from an industrial, mining or  
19 agricultural water supply treatment facility, waste water  
20 treatment facility or air pollution control facility,  
21 provided that it is not hazardous.

22 (2) The term ["residual waste" shall] does not include  
23 [coal]:

24 (i) Coal refuse as defined in the "Coal Refuse  
25 Disposal Control Act." ["Residual waste" shall not  
26 include treatment]

27 (ii) Treatment sludges from coal mine drainage  
28 treatment plants, disposal of which is being carried on  
29 pursuant to and in compliance with a valid permit issued  
30 pursuant to "The Clean Streams Law."

1           (iii) Current generation blast furnace, iron and  
2 steel slag if:

3           (A) used onsite as a waste processing liming  
4 agent in acid neutralization or onsite in place of  
5 aggregate or sold and distributed in the stream of  
6 commerce for consumption, use or further processing  
7 into another desired commodity; and

8           (B) managed as an item of commercial value in  
9 accordance with industry practices to ensure  
10 commercial value.

11       \* \* \*

12       SECTION 2. NOTHING IN THIS ACT SHALL BE CONSTRUED TO AFFECT <--  
13 THE DUTY OR POWER OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION  
14 OVER A NATURAL RESOURCE OR RESIDUAL WASTE IN THIS COMMONWEALTH.

15       Section 2 3. This act shall take effect in 60 days. <--