
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2643 Session of
2018

INTRODUCED BY MURT, MILLARD, STEPHENS AND J. McNEILL,
SEPTEMBER 14, 2018

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
SEPTEMBER 14, 2018

AN ACT

1 Amending the act of October 18, 1988 (P.L.756, No.108), entitled
2 "An act providing for the cleanup of hazardous waste sites;
3 providing further powers and duties of the Department of
4 Environmental Resources and the Environmental Quality Board;
5 providing for response and investigations for liability and
6 cost recovery; establishing the Hazardous Sites Cleanup Fund;
7 providing for certain fees and for enforcement, remedies and
8 penalties; and repealing certain provisions relating to the
9 rate of the capital stock franchise tax," in preliminary
10 provisions, further providing for definitions.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. The definition of "hazardous substance" in
14 section 103 of the act of October 18, 1988 (P.L.756, No.108),
15 known as the Hazardous Sites Cleanup Act, is amended to read:
16 Section 103. Definitions.

17 The following words and phrases when used in this act shall
18 have the meanings given to them in this section unless the
19 context clearly indicates otherwise:

20 * * *

21 "Hazardous substance."

1 (1) Any element, compound or material which is:

2 (i) Designated as a hazardous waste under the act of
3 July 7, 1980 (P.L.380, No.97), known as the Solid Waste
4 Management Act, and the regulations promulgated thereto.

5 (ii) Defined or designated as a hazardous substance
6 pursuant to the Federal Superfund Act.

7 (iii) Contaminated with a hazardous substance to the
8 degree that its release or threatened release poses a
9 substantial threat to the public health and safety or the
10 environment as determined by the department.

11 (iv) Determined to be substantially harmful to
12 public health and safety or the environment based on a
13 standardized and uniformly applied department testing
14 procedure and listed in regulations proposed by the
15 department and promulgated by the Environmental Quality
16 Board.

17 (v) At the health advisory levels for
18 perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic
19 acid (PFOS) published by the Environmental Protection
20 Agency.

21 (2) The term does not include petroleum or petroleum
22 products, including crude oil or any fraction thereof, which
23 are not otherwise specifically listed or designated as a
24 hazardous substance under paragraph (1); natural gas, natural
25 gas liquids, liquified natural gas or synthetic gas usable
26 for fuel or mixtures of natural gas and synthetic gas usable
27 for fuel; or an element, substance, compound or mixture from
28 a coal mining operation under the jurisdiction of the
29 department or from a site eligible for funding under Title IV
30 of the Surface Mining Control and Reclamation Act of 1977

1 (Public Law 95-87, 30 U.S.C. § 1201 et seq.). The term shall
2 also not include the following wastes generated primarily
3 from the combustion of coal or other fossil fuels for the
4 production of electricity: slag waste; flue gas emission
5 control waste; and fly ash waste and bottom ash waste which
6 is disposed of or beneficially used in accordance with the
7 Solid Waste Management Act and the regulations promulgated
8 thereto or which has been disposed of under a valid permit
9 issued pursuant to any other environmental statute.

10 * * *

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