

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 1302** Session of
2021

INTRODUCED BY MAKO AND FREEMAN, APRIL 29, 2021

AS REPORTED FROM COMMITTEE ON ENVIRONMENTAL RESOURCES AND
ENERGY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 15, 2021

AN ACT

1 Amending the act of July 7, 1980 (P.L.380, No.97), entitled, as
2 amended, "An act providing for the planning and regulation of
3 solid waste storage, collection, transportation, processing,
4 treatment, and disposal; requiring municipalities to submit
5 plans for municipal waste management systems in their
6 jurisdictions; authorizing grants to municipalities;
7 providing regulation of the management of municipal, residual
8 and hazardous waste; requiring permits for operating
9 hazardous waste and solid waste storage, processing,
10 treatment, and disposal facilities; and licenses for
11 transportation of hazardous waste; imposing duties on persons
12 and municipalities; granting powers to municipalities;
13 authorizing the Environmental Quality Board and the
14 Department of Environmental Protection to adopt rules,
15 regulations, standards and procedures; granting powers to and
16 imposing duties upon county health departments; providing
17 remedies; prescribing penalties; and establishing a fund," in
18 general provisions, further providing for powers and duties
19 of the department.

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

22 Section 1. Section 104(17) and (18) 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 paragraphs to
25 read:

26 Section 104. Powers and duties of the department.

1 The department in consultation with the Department of Health
2 regarding matters of public health significance shall have the
3 power and its duty shall be to:

4 * * *

5 (17) administer funds collected by the United States
6 Government and granted to Pennsylvania for the purpose of
7 closing, maintaining or monitoring abandoned or closed
8 hazardous waste storage, treatment or disposal sites and for
9 the purpose of action to abate or prevent pollution at such
10 sites. If Congress has not authorized the collection of such
11 funds within one year after the effective date of this act,
12 or if the department finds that the funding program
13 authorized is inadequate, the department shall transmit to
14 the General Assembly within 15 months after the effective
15 date of this act a proposal for the establishment of a fund
16 in Pennsylvania comprised of surcharges collected from users
17 of hazardous waste storage, treatment and disposal facilities
18 excluding captive facilities in the Commonwealth. Such fund
19 shall be proposed for the purpose of closing, maintaining or
20 monitoring hazardous waste storage, treatment or disposal
21 sites excluding captive facilities which have been abandoned
22 or which have been closed for at least 20 years, and for the
23 purpose of taking action to abate or prevent pollution at
24 such closed or abandoned sites; [and]

25 (18) encourage the beneficial use or processing of
26 municipal waste or residual waste when the department
27 determines that such use does not harm or present a threat of
28 harm to the health, safety or welfare of the people or
29 environment of this Commonwealth. The department shall
30 establish waste regulations to effectuate the beneficial use

1 of municipal and residual waste, including regulations for
2 the issuance of general permits for any category of
3 beneficial use or processing of municipal waste or residual
4 waste on a regional or Statewide basis in accordance with the
5 regulations adopted by the Environmental Quality Board. The
6 department may or may not require insurance under section
7 502(e) or bonds under section 505(a) for any general permit
8 or class of general permits promulgated under this paragraph.
9 Except with the written approval of the department, no waste
10 may be stored for longer than one year. Residual wastes being
11 stored shall be monitored for changes in physical and
12 chemical properties, including leachability, pursuant to
13 applicable regulations, by the person or municipality
14 beneficially using or processing such waste. The department
15 may require the submission of periodic analyses or other
16 information to insure that the quality of residual waste to
17 be beneficially used or processed does not change. A
18 municipality or person beneficially using or processing the
19 residual waste shall immediately notify the department, upon
20 forms provided by department, of any change in the physical
21 or chemical properties of the residual waste, including
22 leachability; and the department shall conduct an
23 investigation and order necessary corrective action. Upon
24 receipt of a signed, written complaint of any person whose
25 health, safety or welfare may be adversely affected by a
26 physical or chemical change in the properties of residual
27 waste to be beneficially used or processed, including
28 leachability, the department shall determine the validity of
29 the complaint and take appropriate action[.];

30 (19) where the department receives a notice of

1 noncompliance issued by the United States Environmental
2 Protection Agency for a violation of the Toxic Substances
3 Control Act (Public Law 94-469, 15 U.S.C. § 2601 et seq.),
4 WITHIN 14 CALENDAR DAYS OF RECEIPT, forward the notice to the <--
5 municipality where the violation has occurred; and

6 (20) provide a copy of all notices of violation issued
7 under the authority of this act to the municipality where the
8 recipient facility or site is located. A municipality may
9 request at any time not to receive copies of notices of
10 violation or noncompliance referenced in this paragraph and
11 paragraph (19). The request must be in writing from an
12 authorized municipal representative to the regional waste
13 program manager in the appropriate regional office of the
14 department.

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