

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2384 Session of 2024

INTRODUCED BY VITALI, HILL-EVANS, RABB, HOHENSTEIN, KHAN, SAPPEY, FREEMAN, WEBSTER, STEELE, OTTEN, D. WILLIAMS, CEPEDA-FREYTIZ, HOWARD, PROBST AND DALEY, JUNE 5, 2024

AS REPORTED FROM COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 11, 2024

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 Protection 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; and, in
19 residual waste, providing for prohibition on road spreading
20 and land application of oil and gas wastewater.

21 The General Assembly of the Commonwealth of Pennsylvania

22 hereby enacts as follows:

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

26 Section 103. Definitions.

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

4 \* \* \*

5 "Residual waste."

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

7 (i) Any garbage, refuse, other discarded material or  
8 other waste including solid, liquid, semisolid, or  
9 contained gaseous materials resulting from industrial,  
10 mining and agricultural operations.

11 (ii) Any sludge from an industrial, mining or  
12 agricultural water supply treatment facility, waste water  
13 treatment facility or air pollution control facility,  
14 provided that it is not hazardous.

15 (iii) Oil-related and gas-related wastewater,  
16 tophole water, production water of any type, brine or  
17 wastewater sludge from conventional or unconventional oil  
18 and gas wells.

19 (2) The term does not include:

20 (i) Coal refuse as defined in the "Coal Refuse  
21 Disposal Control Act."

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

26 (iii) Current generation blast furnace, iron and  
27 steel slag if:

28 (A) used onsite as a waste processing liming  
29 agent in acid neutralization or onsite in place of  
30 aggregate or sold and distributed in the stream of

1 commerce for consumption, use or further processing  
2 into another desired commodity; and

3 (B) managed as an item of commercial value in  
4 accordance with industry practices to ensure  
5 commercial value.

6 \* \* \*

7 Section 2. The act is amended by adding a section to read:

8 Section 304. Prohibition on road spreading and land application  
9 of oil and gas wastewater.

10 (a) It shall be unlawful for a person or municipality to  
11 dispose, process, beneficially use or reuse oil-related and gas-  
12 related wastewater, tophole water, production water of any type,  
13 brine or wastewater sludge from conventional or unconventional  
14 oil and gas wells:

15 (1) by application, dumping or spreading on any dirt,  
16 gravel or paved road for any purpose; or

17 (2) by land application, except for the land application  
18 of tophole water at a well site as specified under 25 Pa.  
19 Code § 78.60 (relating to discharge requirements) or 78a.60  
20 (relating to discharge requirements).

21 (b) It shall be unlawful for a vehicle used to transport  
22 oil-related and gas-related wastewater, tophole water,  
23 production water of any type, brine or wastewater sludge to be  
24 equipped with a mechanism that could be used to dispose,  
25 process, beneficially use or reuse the oil-related and gas-  
26 related wastewater, tophole water, production water of any type,  
27 brine or wastewater sludge from conventional or unconventional  
28 oil and gas wells in a manner prohibited by subsection ~~(b)~~ (A). <--

29 (c) Oil-related and gas-related wastewater, tophole water,  
30 production water of any type, brine or wastewater sludge from

1 conventional or unconventional oil and gas wells proposed to be  
2 used or being used for dust suppression, road deicing or road  
3 bed stabilization shall not be considered a coproduct under the  
4 regulations promulgated by the department.

5 Section 3. This act shall take effect in 60 days.