

No. 187

AN ACT

HB 153

Amending the act of July 31, 1968 (Act No. 241), entitled "An act providing for the planning and regulation of solid waste storage, collection, transportation, processing and disposal systems; requiring municipalities to submit plans for solid waste management systems in their jurisdiction; authorizing grants to municipalities; requiring permits for operating processing or disposal systems; imposing duties on and granting powers to municipalities; authorizing the Department of Health to adopt rules, regulations, standards and procedures; creating an advisory committee; providing remedies, prescribing penalties, and making an appropriation," specifically providing for the regulation of the disposal of solid waste in mines and the transportation of solid waste for said purpose; further providing for applications and permits and for powers and duties of municipalities and changing the effective date.

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

Section 1. Section 2, act of July 31, 1968 (Act No. 241), known as the "Pennsylvania Solid Waste Management Act," is amended by adding, at the end thereof, a new paragraph to read:

Section 2. Legislative Finding; Declaration of Policy.—

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With respect to the disposal of solid waste in mines, and the transportation of solid waste for such purpose, it is further determined and declared that since such waste may be a potential source of pollution of the water table, methane gas or mine fires, and since the effects of decomposition of solid waste underground in mines are not fully understood or known at present, and since the processing, transportation or disposal may adversely effect the environment of the area, and may constitute a serious danger to health, safety and the public welfare, this act shall be so construed as to prohibit the disposal of solid waste in mines and the transportation thereof for that purpose unless and until the Department of Health and the Department of Mines and Mineral Industries shall have determined and prescribed the specific conditions under which the processing, disposal and such transportation may be accomplished without adverse effect upon the health, environment and economic development of the area involved, and shall have determined in each individual case that said conditions have been fully met. To that end, the provisions of this act and of lawful rules and regulations promulgated pursuant thereto shall be strictly construed.

Section 2. Subsection (d) of section 5 of the act is amended by adding at the end thereof a new clause to read:

Section 5. Submission of Plans.—

* * *

(d) Every plan shall:

* * *

(7) Comply with the act of April 6, 1956 (P. L. 1436) when mines are involved.

* * *

Section 3. Subsections (a), (e) and (f) of section 7 of the act are amended to read:

Section 7. Applications and Permits.—(a) It shall be unlawful for any person, municipality, county or authority to use or continue to use their land or the land of any other person, municipality, county or authority as a solid waste processing or disposal area of a solid waste management system ***or transport solid wastes to a mine*** without first obtaining a permit from the department: Provided, however, ***That no permit will be required by municipalities, counties or authorities transporting their municipal wastes to a landfill operating under permit when such landfill is a part of their solid waste management plan which has been approved by the department: And, provided further, That*** this section shall not apply to farmers and they shall not be required to obtain a permit for normal farming operations: And provided further, ***That*** this section shall not apply to the storage of by-products which are utilized in the processing or manufacturing of other products.

* * *

(e) Any permit granted by the department, as provided in this act, shall be revocable or subject to suspension at any time the department shall determine that the solid waste processing or disposal facility or area ***(i)*** is, or has been conducted in violation of this act or the rules, regulations, or standards adopted pursuant to the act, or ***(ii)*** is creating a public nuisance, or ***(iii)*** is creating a health hazard, or ***(iv)*** adversely affects the environment or economic development of the area.

(f) In any case where a permit is required by this section for the disposal of solid wastes produced by a public utility or a municipally owned facility producing **[a public utility service] electricity or other types of power intended for use by the public**, the department shall not refuse an application, or revoke or suspend a permit previously granted, unless it first obtains from Pennsylvania Public Utility Commission a certification that such refusal, revocation, or suspension will not adversely affect utility service to the public.

* * *

Section 4. The act is amended by adding after section 7 a new section to read:

Section 7.1. Additional Requirements Affecting Disposal in Mines and Transportation of Solid Waste for Such Purpose.—(a) In addition to the foregoing requirements, before granting any permit for the

disposal of solid wastes in mines or for the transportation thereof for said purpose, the department shall, as applicable:

(1) Require the restoration of the landscape, including the planting of trees and shrubbery.

(2) Except in the case of a municipality, county or authority which is directly performing the operations, require the posting of a bond sufficient to assure the financial responsibility of the operator, including the restoration of the area.

(3) Notify the county commissioners of each county affected of the proposed plan.

(4) Transmit a copy of the proposed plan to the Secretary of Commerce.

(b) The county commissioners of any county affected by a plan to permit the disposal of solid waste in a mine may request the department to hold a public hearing in the county on the questions of (i) the plan's effect on the water and air pollution and on environment, landscape and health of the people in the county, and (ii) its effect on the economic development of the county.

(c) The Department of Commerce, upon receipt of a plan to dispose of solid waste in a mine, shall determine if the plan will adversely affect the economic development efforts of the area in which the disposal is to take place.

(d) If the department finds, after holding hearings requested by the county commissioners and upon receiving the findings of the Department of Commerce, that the proposed disposal of solid wastes in mines will adversely affect the restoration of the landscape and the environment, or will pollute the water or air, the application for a permit shall be denied.

(e) No permit for the transportation of solid waste intended for disposal in mines shall be granted unless the applicant shall satisfy the department that such transportation can and will be accomplished without adverse effect upon or danger to health, safety, the environment or the economy of the area of destination, or of any area in Pennsylvania through which such transportation is intended to occur.

(f) This section shall not apply to the disposal of fly or other coal ash in abandoned underground mines or to the transportation of such ash for that purpose.

(g) No permit for dumping or depositing of any solid wastes into any mine shall be issued without the approval of the board of county commissioners of the county in which such mine is located.

Section 5. Section 9 of the act is amended by adding, at the end of clause (5), three new clauses to read:

Section 9. Prohibited Acts.—It shall be unlawful for any person, municipality, county, or authority to:

* * *

(6) *Transport or permit the transportation of any solid waste intended for disposal in mines without having obtained a permit as required by this act, or contrary to the rules, regulations, standards or orders of the department, or in such manner as to adversely effect or endanger the health, safety, environment or economy of the area of destination or of any area in Pennsylvania through which such transportation occurs.*

(7) *Dump or deposit or permit the dumping or depositing of any solid wastes into any mines of the Commonwealth without having obtained a permit as required by this act, or contrary to the rules, regulations, standards or orders of the department, or in such manner as to adversely effect or endanger the health, safety, environment or economy of the area.*

(8) *Transport or permit the transportation of solid waste into the Commonwealth for disposal in a mine located therein, or dump or deposit or permit the dumping or depositing into any mines of the Commonwealth, any solid waste so transported.*

* * *

Section 6. Subsection (a) of section 10 and section 17 of the act are amended to read:

Section 10. Powers and Duties of Municipalities.—(a) Each municipality with a population density of three hundred or more inhabitants per square mile shall be responsible for the collection, transportation, processing and disposal of solid wastes within its boundaries *and shall be responsible for implementing their approved plan as it relates to the storage, collection, transportation, and disposal of their solid wastes.*

* * *

Section 17. Effective Date.—[Section 4 shall take effect immediately. Section 5 and subsection (a) of section 12 shall take effect January 1, 1969. The remainder of the act shall take effect January 1, 1970.] *This act shall take effect immediately.*

Section 7. So much of the act as is amended hereby and this amendatory act shall take effect immediately.

APPROVED—The 12th day of January, A. D. 1970.

RAYMOND P. SHAFER

The foregoing is a true and correct copy of Act of the General Assembly No. 187.


Secretary of the Commonwealth.