

No. 2016-123

AN ACT

HB 1737

Amending the act of December 19, 1996 (P.L.1478, No.190), entitled "An act relating to the recycling and reuse of waste tires; providing for the proper disposal of waste tires and the cleanup of stockpiled tires; authorizing investment tax credits for utilizing waste tires; providing remediation grants for the cleanup of tire piles and for pollution prevention programs for small business and households; establishing the Small Business and Household Pollution Prevention Program and management standards for small business hazardous waste; providing for a household hazardous waste program and for grant programs; making appropriations; and making repeals," further providing for household hazardous waste collection program.

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

Section 1. Section 206 of the act of December 19, 1996 (P.L.1478, No.190), entitled, "An act relating to the recycling and reuse of waste tires; providing for the proper disposal of waste tires and the cleanup of stockpiled tires; authorizing investment tax credits for utilizing waste tires; providing remediation grants for the cleanup of tire piles and for pollution prevention programs for small business and households; establishing the Small Business and Household Pollution Prevention Program and management standards for small business hazardous waste; providing for a household hazardous waste program and for grant programs; making appropriations; and making repeals," is amended by adding a subsection to read:

Section 206. Household hazardous waste collection program.

* * *

(c) Household prescription drug and pharmaceutical waste.—

(1) Programs and events conducted by the following facilities or entities are exempt from registering with the department prior to commencing operations as required under section 205(a):

(i) Federal, State or local law enforcement.

(ii) Hospitals, assisted living facilities, home health care agencies, long-term care nursing facilities, hospice, domiciliary care homes and other similar health care facilities as defined in section 802.1 of the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

(iii) Pharmacies licensed by the Commonwealth.

(iv) Resource recovery facilities as defined in section 103 of the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, that collect expired or unwanted prescription drugs or over-the-counter pharmaceutical products.

(v) Facilities or entities similar to those listed in subparagraph (i), (ii), (iii) or (iv) that the department, at its sole discretion, excludes.

(2) The exclusion in 40 CFR 261.4(b)(1) (relating to exclusions) shall apply to unused, expired or unwanted prescription drugs and over-the-counter pharmaceutical products generated by households if the wastes are collected as part of a registered collection event or a program or event listed in paragraph (1), separately managed and destroyed in a manner that renders the drugs and pharmaceutical products nonretrievable through incineration.

(3) Expired or unwanted prescription drugs and over-the-counter pharmaceutical products generated by households and collected as part of a registered collection event or a program or event listed in paragraph (1) may be destroyed through industrial furnaces, resource recovery facilities or any other facility that renders the drugs and pharmaceutical products nonretrievable to prevent diversion of the wastes for illicit purpose and protect this Commonwealth's water, public health and safety.

(4) Industrial furnaces, resource recovery facilities and other facilities that render the expired or unwanted prescription drugs and over-the-counter pharmaceutical products nonretrievable must be compliant with the Clean Air Act (69 Stat. 1, 42 U.S.C. § 7401 et seq.) and the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act.

(5) Other than resource recovery facilities, facilities operating under the specific provisions of this section are not required to obtain a permit under the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act.

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

APPROVED—The 2nd day of November, A.D. 2016

TOM WOLF