

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 398 Session of 2015

INTRODUCED BY KILLION, JAMES, GALLOWAY, BAKER, DUNBAR, FABRIZIO, MUSTIO, CORBIN, BARRAR, WATSON, GABLER, ADOLPH, SANTORA, MARSHALL, BARBIN AND DONATUCCI, FEBRUARY 9, 2015

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 2, 2015

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 Resources 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 residual
18 waste, further providing for transportation of residual
19 waste; and abrogating a regulation.

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

22 Section 1. Section 303 of the act of July 7, 1980 (P.L.380,
23 No.97), known as the Solid Waste Management Act, is amended by
24 adding subsections to read:

25 Section 303. Transportation of residual waste.

1 \* \* \*

2 (c) The department may not prohibit OR PENALIZE the <--  
3 vehicular transportation of leachate discharged from a  
4 collection and handling system of a landfill to an offsite  
5 facility for the treatment of the leachate, PROVIDED THAT: <--

6 (1) TRUCKING OF LEACHATE MAY BE CONDUCTED USING VEHICLES  
7 WITH ENCLOSED TANKS IF THEY ARE OPERATED IN COMPLIANCE WITH  
8 ALL APPLICABLE REGULATIONS PROMULGATED BY THE FEDERAL MOTOR  
9 CARRIER SAFETY ADMINISTRATION REGULATIONS UNDER 49 CFR  
10 (RELATING TO TRANSPORTATION).

11 (2) IF THE DAILY NUMBER OF TANKER VEHICLES TRANSPORTING  
12 LEACHATE WILL BE GREATER THAN 10% OF THE TOTAL NUMBER OF  
13 VEHICLES DELIVERING WASTE AND MATERIALS TO THE SITE AS  
14 EVALUATED IN THE MOST RECENT TRAFFIC STUDY FOR THE FACILITY,  
15 A NEW TRAFFIC IMPACT ANALYSIS SHALL BE CONDUCTED AND REVIEWED  
16 PURSUANT TO APPLICABLE REGULATIONS OF THE DEPARTMENT OF  
17 TRANSPORTATION. THE FACILITY MAY BE REQUIRED TO SUBMIT AN  
18 UPDATED ENVIRONMENTAL ASSESSMENT THAT INCLUDES THE NEW  
19 TRAFFIC IMPACT ANALYSIS TO THE DEPARTMENT FOR ITS  
20 CONSIDERATION IN ACCORDANCE WITH 25 PA. CODE §§ 271.126  
21 (RELATING TO REQUIREMENT FOR ENVIRONMENTAL ASSESSMENT) AND  
22 271.127 (RELATING TO ENVIRONMENTAL ASSESSMENT).

23 (3) TO THE EXTENT AN EXISTING PERMITTED LANDFILL, OR  
24 EXPANSION THEREOF, PROPOSES TO USE LEACHATE TRANSPORTATION AS  
25 A BASIC TREATMENT METHOD FOR SOME OR ALL OF THE DAILY VOLUME  
26 OF LEACHATE CALCULATED PURSUANT TO 25 PA. CODE § 273.162(A)  
27 (1) (RELATING TO LEACHATE TREATMENT PLAN), THE FACILITY  
28 CLOSURE AND POST CLOSURE FINANCIAL ASSURANCE SHALL BE  
29 RECALCULATED AND INCREASED, IF REQUIRED, TO COVER THE COSTS  
30 ASSOCIATED WITH THAT VOLUME AND DURATION OF THE PROPOSED

1 LEACHATE TRANSPORTATION. NO FINANCIAL ASSURANCE MODIFICATION  
2 SHALL BE REQUIRED FOR THE USE OF TRANSPORTATION FOR  
3 MANAGEMENT OF LEACHATE VOLUMES RELATED TO EXCESS RAINFALL,  
4 OPEN CELL CONDITIONS, SYSTEM INTERRUPTIONS OR EMERGENCIES.

5 (d) Definition.—As used in this section, the term <--  
6 "leachate" means as defined in 25 Pa. Code § 271.1 (relating to  
7 definitions).

8 Section 2. The regulations of the Department of  
9 Environmental Protection in 25 Pa. Code ~~§~~ §§ 273.163(B) <--  
10 (RELATING TO MODIFICATION OF LEACHATE TREATMENT PLAN) AND  
11 273.273(a), (b) (1), (2) and (3) and (e) (relating to leachate  
12 transportation) are abrogated.

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