

No. 1990-109

AN ACT

HB 1911

Amending the act of July 7, 1980 (P.L.380, No.97), entitled "An act providing for the planning and regulation of solid waste storage, collection, transportation, processing, treatment, and disposal; requiring municipalities to submit plans for municipal waste management systems in their jurisdictions; authorizing grants to municipalities; providing regulation of the management of municipal, residual and hazardous waste; requiring permits for operating hazardous waste and solid waste storage, processing, treatment, and disposal facilities; and licenses for transportation of hazardous waste; imposing duties on persons and municipalities; granting powers to municipalities; authorizing the Environmental Quality Board and the Department of Environmental Resources to adopt rules, regulations, standards and procedures; granting powers to and imposing duties upon county health departments; providing remedies; prescribing penalties; and establishing a fund," further providing for certain permits; providing that no bond shall be required as a condition for issuance of a permit or license to a municipality or a municipal authority; and extending the deadline for filing for a permit for disposal of municipal wastes.

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

Section 1. The definitions of "agricultural waste," "normal farming operations" and "processing" in section 103 of the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, are amended and the section is amended by adding definitions to read:

Section 103. Definitions.

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

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"Agricultural waste." Poultry and livestock manure, or residual materials in liquid or solid form generated in the production and marketing of poultry, livestock, fur bearing animals, and their products, provided that such agricultural waste is not hazardous. The term includes the residual materials generated in producing, harvesting, and marketing of all agronomic, horticultural, *aquacultural* and silvicultural crops or commodities grown on what are usually recognized and accepted as farms, forests, or other agricultural lands. *The term also includes materials in liquid or solid form generated in the production and marketing of fish or fish hatcheries.*

"Aquaculture." *The practice of raising plants or animals, such as fish or shellfish, in manmade or natural bodies of water.*

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"Facility." *All land, structures and other appurtenances or improvements where municipal or residual waste disposal or processing is permitted or takes place, or where hazardous waste is treated, stored or disposed.*

* * *

“Normal farming operations.” The customary and generally accepted activities, practices and procedures that farms adopt, use, or engage in year after year in the production and preparation for market of poultry, livestock, and their products; and in the production, harvesting and preparation for market of agricultural, agronomic, horticultural, silvicultural and **[aquicultural]** *aquacultural* crops and commodities; provided that such operations are conducted in compliance with applicable laws, and provided that the use or disposal of these materials will not pollute the air, water, or other natural resources of the Commonwealth. It includes the storage and utilization of agricultural and food process wastes, *screenings and sludges* for animal feed, and includes the agricultural utilization of septic tank cleanings and sewage sludges which are generated off-site. It includes the management, collection, storage, transportation, use or disposal of manure, other agricultural waste and food processing waste, *screenings and sludges* on land where such materials will improve the condition of the soil, the growth of crops, or in the restoration of the land for the same purposes.

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“Processing.” **[Any]**

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

(i) *Any method or technology used for the purpose of reducing the volume or bulk of municipal or residual waste or any method or technology used to convert part or all of such waste materials for off-site reuse.*

(ii) **[Processing facilities include but are not limited to transfer]** *Transfer facilities, composting facilities, and resource recovery facilities.*

(2) *The term does not include a collection or processing center that is only for source-separated recyclable materials, including clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper and plastics.*

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“Transfer facility.” *A facility which receives and processes or temporarily stores municipal or residual waste at a location other than the generation site, and which facilitates the transportation or transfer of municipal or residual waste to a processing or disposal facility. The term includes a facility that uses a method or technology to convert part or all of such waste materials for offsite reuse. The term does not include a collection or processing center that is only for source-separated recyclable materials, including clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper and plastics.*

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Section 2. Section 505 of the act is amended by adding a subsection to read:

Section 505. Bonds.

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(f) *Notwithstanding any other provisions of this act, when an application for the land application of sewage sludge is made by a municipality or a*

municipal authority, the filing of a bond with the department shall not be required as a condition for issuance of a permit to the municipality or municipal authority for the application of the sewage sludge for land reclamation or agricultural utilization purposes.

Section 3. Notwithstanding any other law or regulation to the contrary, a county or municipality which as of April 9, 1990, has a permit issued prior to April 9, 1988, for a currently existing municipal waste landfill lined with materials that are no more permeable than 1×10 (to the minus 5 exponent) cm/sec., and by April 9, 1990, has an administratively complete application covering the construction of new facilities, including municipal waste transfer facilities, under review by the Department of Environmental Resources, can accept municipal waste for disposal in the existing landfill until the new site or municipal waste transfer facility is permitted and complete, or September 30, 1991, whichever occurs first, unless the county or municipality receives a final denial of its permit. The new site shall comply with 25 Pa. Code Chs. 271 (relating to municipal waste management - general provisions) and 273 (relating to municipal waste landfills).

Section 4. This act shall take effect immediately.

APPROVED—The 11th day of July, A. D. 1990.

ROBERT P. CASEY