

No. 1986-168

## AN ACT

HB 2274

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," adding definitions; further providing for the definition of "solid waste"; further providing for powers and duties of the department and of the Environmental Quality Board; and providing for certain handling of coal ash.

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

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

\* \* \*

**"Coal ash."** *Fly ash, bottom ash or boiler slag resulting from the combustion of coal, that is or has been beneficially used, reused or reclaimed for a commercial, industrial or governmental purpose. The term includes such materials that are stored, processed, transported or sold for beneficial use, reuse or reclamation.*

\* \* \*

**"Drill cuttings."** *Rock cuttings and related mineral residues created during the drilling of wells pursuant to the act of December 19, 1984 (P.L.1140, No.223), known as the "Oil and Gas Act," provided such materials are disposed of at the well site and pursuant to section 206 of the "Oil and Gas Act."*

\* \* \*

**"Solid waste."** *Any waste, including but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials. The term does not include coal ash or drill cuttings.*

\* \* \*

Section 2. Sections 104(1) and 105(a) of the act are amended to read:  
Section 104. Powers and duties of the department.

The department in consultation with the Department of Health regarding matters of public health significance shall have the power and its duty shall be to:

- (1) administer the solid waste management program, *including resource recovery and utilization*, pursuant to the provisions of this act;

\* \* \*

Section 105. Powers and duties of the Environmental Quality Board.

(a) The Environmental Quality Board shall have the power and its duty shall be to adopt the rules **[and regulations]**, *regulations, criteria and standards* of the department to accomplish the purposes and to carry out the provisions of this act, including but not limited to the establishment of rules and regulations relating to the protection of safety, health, welfare and property of the public and the air, water and other natural resources of the Commonwealth.

\* \* \*

Section 3. The act is amended by adding a section to read:

**Section 508. Coal combustion ash and boiler slag.**

*(a) Beneficial use, reuse or reclamation of coal ash shall include, but not be limited to, the following if they comply with subsections (b), (c) and (d):*

*(1) The uses which are the subject of Federal Procurement Guidelines issued by the Environmental Protection Agency under section 6002 of the Solid Waste Disposal Act (Public Law 89-272, 42 U.S.C. § 6962).*

*(2) The extraction or recovery of materials and compounds contained within coal ash.*

*(3) Those uses in which the physical or chemical characteristics are altered prior to use or during placement.*

*(4) The use of bottom ash as an anti-skid material.*

*(5) The use as a raw material for another product.*

*(6) The use for mine subsidence, mine fire control and mine sealing.*

*(7) The use as structural fill, soil substitutes or soil additives.*

*(b) The department may, in its discretion, establish siting criteria and design and operating standards governing the storage of coal ash prior to beneficial use, reuse or reclamation.*

*(c) The department may, in its discretion, establish siting criteria and design and operating standards governing the use of coal ash as structural fill, soil substitutes and soil additives. A person using coal ash for such purposes shall notify the department prior to such use.*

*(d) The department may, in its discretion, certify coal ash that is used as structural fill, soil substitutes and soil additives.*

*(1) Certification shall issue after the department has considered the following data:*

*(i) The facility from which the coal ash is originating.*

*(ii) The combustion and operating characteristics of the facility.*

*(iii) The physical and chemical properties of the coal ash, including leachability.*

*(2) Generators of certified coal ash shall notify the department whenever the data referred to in paragraph (1) are or have been significantly altered. At such time, recertification will be required.*

Section 4. This act shall take effect in 60 days.

APPROVED—The 12th day of December, A. D. 1986.

DICK THORNBURGH