

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2454 Session of  
1990

INTRODUCED BY G. SNYDER, HERMAN, NOYE, BARLEY, TANGRETTI,  
PHILLIPS, LASHINGER, MORRIS, HOWLETT, BILLOW, HASAY, KASUNIC,  
CIVERA, CAWLEY, JADLOWIEC, HERSHEY, McHALE, REBER, HAGARTY,  
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CARLSON, FLEAGLE, E. Z. TAYLOR, FREEMAN, BLACK, CLYMER,  
SCHULER, ADOLPH, ARGALL, HECKLER, WOGAN, FLICK, NAHILL,  
DEMPSEY, PITTS, REINARD AND BURNS, APRIL 17, 1990

REFERRED TO COMMITTEE ON CONSERVATION, APRIL 17, 1990

AN ACT

1 Amending the act of July 13, 1988 (P.L.525, No.93), entitled "An  
2 act requiring the development of the Pennsylvania Infectious  
3 and Chemotherapeutic Wastes Plan prior to the issuance of  
4 permits for infectious and chemotherapeutic wastes  
5 incinerators and disposal facilities; and providing  
6 penalties," providing for plan implementation.

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

9 Section 1. The act of July 13, 1988 (P.L.525, No.93),  
10 referred to as the Infectious and Chemotherapeutic Waste Law, is  
11 amended by adding sections to read:

12 Section 1.1. Definitions.

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

1 "Commercial facility for the incineration of infectious or  
2 chemotherapeutic wastes." Any incinerator which combusts  
3 infectious or chemotherapeutic waste which is not generated at  
4 the incinerator site, except for the following:

5 (1) Any incinerator which combusts infectious or  
6 chemotherapeutic waste generated primarily at the incinerator  
7 site. For purposes of this definition, the term "primarily"  
8 means greater than 50% of the waste incinerated.

9 (2) Any incinerator which combusts infectious or  
10 chemotherapeutic waste which was generated at a facility  
11 which is wholly-owned by the owner of the incinerator. This  
12 exception only applies if all of the waste generated offsite  
13 was generated at a wholly-owned facility.

14 "Determination of need." A determination by the Department  
15 of Environmental Resources that a proposed facility is needed to  
16 address a critical capacity shortfall within the region of this  
17 Commonwealth in which the proposed facility is to be located.  
18 Section 3.1. Plan implementation.

19 (a) Initial review.--Following adoption of the plan, the  
20 Department of Environmental Resources shall concentrate its  
21 efforts on the development of a facility for the incineration of  
22 infectious or chemotherapeutic wastes in the area of this  
23 Commonwealth that, according to the plan, shows the greatest  
24 shortfall of capacity, and shall initially accept applications  
25 for any commercial facility for the incineration of infectious  
26 or chemotherapeutic wastes only from that area. Within six  
27 months following the issuance of a permit for a facility in that  
28 area, the Department of Environmental Resources shall revise the  
29 plan to indicate the impact that that facility has had on the  
30 overall capacity shortfall within this Commonwealth, which

1 revised plan shall be submitted to the Environmental Quality  
2 Board for review.

3 (b) Determination of need.--Following the adoption of the  
4 revised plan by the Environmental Quality Board, but prior to  
5 accepting any applications for additional commercial facilities  
6 for the incineration of infectious or chemotherapeutic wastes,  
7 the Department of Environmental Resources shall require  
8 potential applicants to receive a Determination of Need  
9 certificate from the Department of Environmental Resources. No  
10 such certificate shall be issued unless it is in conformance  
11 with specific criteria and procedures to be developed and  
12 adopted by the Environmental Quality Board and published in the  
13 Pennsylvania Bulletin.

14 (c) Amendment of plan.--Any plan adopted by the  
15 Environmental Quality Board and in effect on the effective date  
16 of this act shall be deemed to be amended to be consistent with  
17 the provisions of this act, and the Department of Environmental  
18 Resources shall not issue any permits that are inconsistent with  
19 the provisions of any such plan as amended by this act. In  
20 addition, the Environmental Quality Board shall, within 60 days  
21 of the effective date of this act, amend any such plan to be  
22 consistent with the provisions of this act.

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