

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 587 Session of
2025

INTRODUCED BY FRIEL, GLEIM, TAKAC, BURGOS, LABS, KHAN, GIRAL,
VENKAT, VITALI, STAMBAUGH, KENYATTA, PIELLI, CUTLER, SANCHEZ,
CEPEDA-FREYTIZ, MALAGARI, HILL-EVANS, OTTEN, ZIMMERMAN,
WEBSTER AND GREEN, FEBRUARY 12, 2025

AS REPORTED FROM COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 23, 2025

AN ACT

~~1 Establishing the hauler or broker of food processing residuals <--
2 certification program; providing for the transportation of
3 food processing residuals; imposing duties on the Department
4 of Agriculture and the State Conservation Commission; and
5 imposing penalties.~~

~~6 AMENDING TITLE 3 (AGRICULTURE) OF THE PENNSYLVANIA CONSOLIDATED <--
7 STATUTES, PROVIDING FOR COMMERCIAL HAULERS AND BROKERS OF
8 ANIMAL AND FOOD PROCESSING RESIDUALS; AND IMPOSING PENALTIES.~~

~~9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:~~

~~11 Section 1. Short title. <--~~

~~12 This act shall be known and may be cited as the Hauler or
13 Broker of Food Processing Residuals Certification Act.~~

~~14 Section 2. Definitions.~~

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

~~18 "Broker of food processing residuals." A person who, for a
19 fee or other remuneration, provides coordination for transport~~

~~or application of food processing residuals from a property owned or controlled by another or to a property owned or controlled by another.~~

~~"Certified hauler or broker of food processing residuals." A person who is certified under this act as a hauler or broker of food processing residuals.~~

~~"Commission." The State Conservation Commission established under the act of May 15, 1945 (P.L.547, No.217), known as the Conservation District Law.~~

~~"Department." The Department of Agriculture of the Commonwealth.~~

~~"Food processing residuals." The term shall have the same meaning as the term "food processing waste" under section 103 of the Solid Waste Management Act.~~

~~"Food processing residuals data sheet." A written document that meets the requirements established by the commission, in consultation with the department, and specifies the quantity, content, characterization, origin, age, prior possessors and processing of food processing residuals, dates and parties to any prior transfers of possession, intended site for storage prior to land application, if applicable, and intended site of land application in the course of normal farming operation.~~

~~"Hauler of food processing residuals." A person who, for a fee or other remuneration, provides transport or application for transport or application of food processing residuals from a property owned or controlled by another or to a property owned or controlled by another.~~

~~"Land application system." A written, site specific plan that incorporates best management practices for the use, storage and application of food processing residuals.~~

1 ~~"Secretary." The Secretary of Agriculture of the~~
2 ~~Commonwealth.~~

3 ~~"Solid Waste Management Act." The act of July 7, 1980~~
4 ~~(P.L.380, No.97), known as the Solid Waste Management Act.~~
5 ~~Section 3. Hauler or broker of food processing residuals~~
6 ~~certification program.~~

7 ~~(a) Establishment. The department shall establish, within~~
8 ~~18 months of the effective date of this subsection, in~~
9 ~~consultation with the commission, a hauler or broker of food~~
10 ~~processing residuals certification program for the purpose of~~
11 ~~certifying persons as certified haulers or brokers of food~~
12 ~~processing residuals. The certification shall be in effect for~~
13 ~~three years and eligible for renewal if the certified hauler or~~
14 ~~broker of food processing residuals has completed six credits of~~
15 ~~continuing education as approved by the department. The~~
16 ~~department shall by regulation establish additional conditions~~
17 ~~and fees for certification as the department deems appropriate.~~

18 ~~(b) Training. For purposes of the hauler or broker of food~~
19 ~~processing residuals certification program, the department shall~~
20 ~~develop, in consultation with the commission, training and~~
21 ~~educational requirements, testing and other criteria as the~~
22 ~~department deems necessary for certification under this act.~~

23 ~~Training shall at a minimum address the following topics:~~

24 ~~(1) The best management practices with respect to~~
25 ~~transport, storage and application of food processing~~
26 ~~residuals.~~

27 ~~(2) Information necessary for identifying, understanding~~
28 ~~and following a land application system with emphasis on best~~
29 ~~practices for proper application and timing for application~~
30 ~~of food processing residuals.~~

~~(3) Recordkeeping by certified haulers or brokers of food processing residuals necessary to meet all regulatory requirements of this act and the Solid Waste Management Act.~~

~~(4) Procedures necessary for the development, preparation and maintenance of accurate food processing residuals data sheets.~~

~~(c) Approval of training. The department shall have the authority to approve, for the purposes of training and education, programs developed by educational institutions or entities that meet the requirements of this section.~~

~~(d) Food processing residuals data sheet. The commission, in coordination with the department, shall develop a food processing residuals data sheet. The food processing residuals data sheet shall include, at a minimum:~~

~~(1) The quantity, content, characterization, origin, age, prior possessors and processing of the food processing residuals, including testing as required by the land application system.~~

~~(2) The dates and parties to any prior transfers of possession of the food processing residuals.~~

~~(3) The intended site for land application or any other destination, within or outside of this Commonwealth, where the food processing residuals will be utilized or disposed.~~

~~(4) Any other required information necessary to identify, track and determine appropriate food processing residuals data sheet handling, storage and application rates.~~

~~Section 4. Requirements for hauler or broker of food processing residuals.~~

~~(a) Prohibition. Subject to the hauler or broker of food processing residuals certification program established under~~

~~section 3(a), a hauler or broker of food processing residuals may not transport or land apply in this Commonwealth, regardless of where the food processing residuals are generated, unless the hauler or broker has:~~

~~(1) Successfully completed a hauler or broker of food processing residuals certification program approved by the department.~~

~~(2) Received the appropriate certification by the department.~~

~~(3) Maintained certification under the requirements of the hauler or broker of food processing residuals certification program.~~

~~(b) Land applying of food processing residuals. A hauler or broker of food processing residuals shall, when land applying food processing residuals, do so only in accordance with the land application system.~~

~~(c) Food processing residuals data sheet. Prior to accepting food processing residuals for transport or application, a hauler or broker of food processing residuals shall ensure that a complete food processing residuals data sheet has been transmitted to the commission.~~

~~(d) Recordkeeping. All records required under this section shall be maintained for three years and made available upon request to the department.~~

~~Section 5. Transport and transfer requirement.~~

~~Food processing residuals shall be hauled, brokered or transferred only by a certified hauler or broker of food processing residuals and:~~

~~(1) At each and every transfer of possession within this Commonwealth of food processing residuals, provide a food~~

~~processing residuals data sheet to all transferees, including
all persons receiving food processing residuals for land
application or for further transfer to others for land
application.~~

~~(2) Maintain the food processing residuals data sheet
for a period of three years.~~

~~(3) Meet any additional requirements under the act of
June 22, 1937 (P.L.1987, No.394), known as The Clean Streams
Law, the Solid Waste Management Act and any other applicable
law.~~

~~Section 6. Unlawful conduct.~~

~~It shall be unlawful to fail to comply with or to cause or
assist in the violation of this act, a regulation promulgated
under this act or an order issued under this act.~~

~~Section 7. Administrative penalties.~~

~~(a) Penalties.—~~

~~(1) In addition to proceeding under any other remedy
available at law or in equity for a violation of this act,
the department may assess an administrative penalty of not
more than \$1,000 for the first day of each violation and \$500
for each additional day of continuing violation. The factors
for consideration in determining the amount of the penalty
are:~~

~~(i) The seriousness of the violation.~~

~~(ii) The willfulness of the violation.~~

~~(iii) Previous violations.~~

~~(2) A person may appeal a penalty under this section to
the secretary as follows:~~

~~(i) The appeal must be filed within 30 days of the
date of the penalty assessment.~~

~~(ii) The secretary shall issue a decision on the appeal within 30 days of the filing of an appeal.~~

~~(3) This subsection is subject to 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and 7 Subch. A (relating to judicial review of Commonwealth agency action).~~

~~(b) Collection. In cases of inability to collect the administrative penalty or failure of a person to pay all or a portion of the penalty, the department may refer the matter to the Office of General Counsel, which shall institute an action in the appropriate court to recover the penalty. A penalty assessed shall operate as a lien on the property of the person against whom the penalty has been assessed.~~

~~Section 8. Civil remedies.~~

~~(a) Law. The Office of General Counsel may institute an action at law in a court of competent jurisdiction to recover damages for a violation of this act, a regulation promulgated under this act or an order issued under this act.~~

~~(b) Equity. The Office of General Counsel may institute an action in equity in a court of competent jurisdiction to restrain a violation of this act, a regulation promulgated under this act or an order issued under this act. In a proceeding under this subsection:~~

~~(1) The Commonwealth shall not be required to furnish bond.~~

~~(2) The court shall issue a preliminary injunction if it finds that the defendant is engaging in unlawful conduct as proscribed by this act or is engaged in conduct which is causing immediate and irreparable harm to the public.~~

~~(3) Equitable relief may be issued in addition to~~

1 ~~damages under subsection (a).~~

2 ~~(c) Abatement. The court may fix a reasonable time during~~
3 ~~which the person responsible for a violation may make provision~~
4 ~~for the abatement of the violation.~~

5 ~~(d) Injunction. In cases where the circumstances require it~~
6 ~~or the public health is endangered, the court may issue a~~
7 ~~preliminary injunction, special injunction or temporary~~
8 ~~restraining order.~~

9 ~~Section 9. Enforcement order and revocation or suspension of~~
10 ~~certification.~~

11 ~~(a) Orders and revocation or suspension. The department~~
12 ~~may:~~

13 ~~(1) Issue orders necessary for the enforcement of this~~
14 ~~act. An order issued under this subsection shall take effect~~
15 ~~upon notice unless the order specifies otherwise.~~

16 ~~(2) Suspend or revoke a certification granted under this~~
17 ~~act if the department finds that the hauler or broker of food~~
18 ~~processing residuals has failed or continues to fail to~~
19 ~~comply with this act, the certification criteria, the~~
20 ~~regulations promulgated under this act or an order of the~~
21 ~~department under this act.~~

22 ~~(b) Procedure. A person may appeal an action under this~~
23 ~~section to the secretary as follows:~~

24 ~~(1) The appeal must be filed within 30 days of the date~~
25 ~~of the order, revocation or suspension.~~

26 ~~(2) The secretary shall issue a decision on the appeal~~
27 ~~within 30 days of the filing of an appeal.~~

28 ~~(3) This subsection is subject to 2 Pa.C.S. Chs. 5~~
29 ~~Subch. A (relating to practice and procedure of Commonwealth~~
30 ~~agencies) and 7 Subch. A (relating to judicial review of~~

~~Commonwealth agency action).~~

~~Section 10. Powers reserved under existing laws.~~

~~Nothing in this act shall limit the powers conferred upon the department, the commission, the Department of Environmental Protection or a county conservation district under laws other than this act, including the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law, the Solid Waste Management Act or the act of June 28, 2004 (P.L.454, No.49), known as the Commercial Manure Hauler and Broker Certification Act.~~

~~Section 11. Preemption of local ordinances.~~

~~This act is of Statewide concern and shall occupy the whole field of regulation regarding the certification and regulation of haulers or brokers of food processing residuals and the transportation of food processing residuals to the exclusion of all local regulations. Except as otherwise specifically provided in this act, an ordinance or regulation of a political subdivision may not prohibit or attempt to regulate the certification or operations or transportation of haulers or brokers of food processing residuals.~~

~~Section 12. Limitation of liability.~~

~~If a person operating as a hauler or broker of food processing residuals is properly certified under this act and has complied with this act in the transportation, utilization, land application and activities related to the management of food processing residuals, certification and compliance shall be given appropriate consideration as a mitigating factor in an action arising from the management or utilization of food processing residuals transported or land applied by the hauler or broker.~~

1 ~~Section 13. Effective date.~~

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

3 SECTION 1. TITLE 3 OF THE PENNSYLVANIA CONSOLIDATED STATUTES <--
4 IS AMENDED BY ADDING A CHAPTER TO READ:

5 CHAPTER 13

6 COMMERCIAL HAULERS AND BROKERS OF
7 ANIMAL AND FOOD PROCESSING RESIDUALS
8 SEC.

9 1301. DEFINITIONS.

10 1302. AFPR COMMERCIAL HAULER AND BROKER CERTIFICATION PROGRAM.

11 1303. REQUIREMENTS FOR COMMERCIAL HAULERS AND COMMERCIAL
12 BROKERS OF AFPRS.

13 1304. UNLAWFUL CONDUCT.

14 1305. ADMINISTRATIVE PENALTIES.

15 1306. CIVIL REMEDIES.

16 1307. ENFORCEMENT ORDERS, SUSPENSION OR REVOCATION OF
17 CERTIFICATION.

18 1308. POWERS RESERVED UNDER EXISTING LAWS.

19 1309. PREEMPTION OF LOCAL ORDINANCES.

20 1310. MITIGATION.

21 § 1301. DEFINITIONS.

22 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
23 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
24 CONTEXT CLEARLY INDICATES OTHERWISE:

25 "AFPR" OR "AFPRS." ANIMAL PROCESSING RESIDUALS AND FOOD
26 PROCESSING RESIDUALS.

27 "AGRICULTURAL OPERATION" OR "OPERATION." THE MANAGEMENT AND
28 USE OF FARMING RESOURCES FOR THE PRODUCTION OF CROPS, LIVESTOCK
29 OR POULTRY.

30 "AGRICULTURAL OPERATOR." A PERSON THAT HAS MANAGEMENT

1 CONTROL OF AN AGRICULTURAL OPERATION.

2 "ANIMAL PROCESSING RESIDUALS." RESIDUAL MATERIALS IN LIQUID
3 OR SOLID FORM GENERATED IN THE SLAUGHTERING, PROCESSING OR
4 CONVERTING OF POULTRY, LIVESTOCK, FISH, SEAFOOD, MILK, MEAT OR
5 EGGS INTO HUMAN FOOD OR ANIMAL FEED.

6 "BOARD." THE AGRICULTURAL ADVISORY BOARD ESTABLISHED UNDER
7 27 PA.C.S. § 702 (RELATING TO ESTABLISHMENT OF BOARD).

8 "COMMERCIAL BROKER." A PERSON THAT ASSUMES TEMPORARY CONTROL
9 OR OWNERSHIP OF ANIMAL PROCESSING RESIDUALS OR FOOD PROCESSING
10 RESIDUALS AND DIRECTLY OR INDIRECTLY ARRANGES FOR TRANSPORT TO
11 AND UTILIZATION AT A RECEIVING OPERATION OR OTHER LOCATION.

12 "COMMERCIAL HAULER." A PERSON THAT TRANSPORTS OR LAND-
13 APPLIES ANIMAL PROCESSING RESIDUALS OR FOOD PROCESSING RESIDUALS
14 AS A CONTRACT AGENT FOR AN AGRICULTURAL OPERATOR OR COMMERCIAL
15 BROKER UNDER THE DIRECTION OF THE OPERATOR OR BROKER.

16 "COMMISSION." THE STATE CONSERVATION COMMISSION ESTABLISHED
17 UNDER SECTION 4 OF THE ACT OF MAY 15, 1945 (P.L.547, NO.217),
18 KNOWN AS THE CONSERVATION DISTRICT LAW.

19 "FOOD PROCESSING RESIDUALS." RESIDUAL MATERIALS GENERATED IN
20 THE PROCESSING, CONVERTING OR MANUFACTURING OF FRUITS,
21 VEGETABLES, CROPS AND OTHER COMMODITIES INTO HUMAN FOOD OR
22 ANIMAL FEED.

23 "RECEIVING OPERATION." A PERSON THAT RECEIVES AND UTILIZES
24 OR PROCESSES ANIMAL PROCESSING RESIDUALS OR FOOD PROCESSING
25 RESIDUALS NOT PRODUCED UNDER THE MANAGEMENT CONTROL OF THAT
26 PERSON.

27 "SOLID WASTE MANAGEMENT ACT." THE ACT OF JULY 7, 1980
28 (P.L.380, NO.97), KNOWN AS THE SOLID WASTE MANAGEMENT ACT.
29 § 1302. AFPR COMMERCIAL HAULER AND BROKER CERTIFICATION
30 PROGRAM.

1 (A) DUTIES OF DEPARTMENT.--

2 (1) THE DEPARTMENT SHALL ESTABLISH, IN CONSULTATION WITH
3 THE COMMISSION AND THE BOARD, AN AFPR COMMERCIAL HAULER AND
4 BROKER CERTIFICATION PROGRAM FOR THE PURPOSE OF CERTIFYING
5 PERSONS TO STORE, TRANSFER, TRANSPORT OR LAND-APPLY AFPRS.

6 (2) THE DEPARTMENT SHALL, BY REGULATION, ESTABLISH
7 TERMS, CONDITIONS AND FEES FOR CERTIFICATION AS THE
8 DEPARTMENT DEEMS APPROPRIATE.

9 (3) THE DEPARTMENT SHALL DEVELOP, IN CONSULTATION WITH
10 THE COMMISSION AND THE BOARD, TRAINING, EDUCATIONAL
11 REQUIREMENTS, TESTING AND OTHER CRITERIA AS THE DEPARTMENT
12 DEEMS NECESSARY FOR CERTIFICATION. THE TRAINING SHALL
13 ADDRESS, AT A MINIMUM, THE FOLLOWING TOPICS:

14 (I) LAWS, REGULATIONS AND ORDERS REGARDING AFPR USE,
15 STORAGE, TRANSFER, TRANSPORT AND LAND APPLICATION.

16 (II) BEST MANAGEMENT PRACTICES WITH RESPECT TO AFPR
17 STORAGE, HAULING AND LAND APPLICATION, TRANSPORT SAFETY
18 PROCEDURES, CALIBRATION OF APPLICATION RATES FOR VARIOUS
19 TYPES OF APPLICATION EQUIPMENT, SETBACKS FROM WATER
20 SOURCES AND PROPERTY LINES, AFPR RUNOFF CONCERNS AND
21 INCORPORATION TECHNIQUES.

22 (III) RECORDKEEPING OBLIGATIONS BY COMMERCIAL
23 HAULERS OR COMMERCIAL BROKERS NECESSARY TO COMPLY WITH
24 THIS CHAPTER AND THE SOLID WASTE MANAGEMENT ACT.

25 (B) TRAINING PROGRAM APPROVAL.--THE DEPARTMENT MAY APPROVE
26 TRAINING AND EDUCATION PROGRAMS DEVELOPED BY EDUCATIONAL
27 INSTITUTIONS OR ENTITIES WITHIN THIS COMMONWEALTH THAT SATISFY
28 THE REQUIREMENTS OF THIS SECTION.

29 § 1303. REQUIREMENTS FOR COMMERCIAL HAULERS AND COMMERCIAL
30 BROKERS OF AFPRS.

1 (A) CERTIFICATION REQUIREMENT.--A COMMERCIAL HAULER OR
2 COMMERCIAL BROKER MAY NOT STORE, TRANSFER, TRANSPORT OR LAND-
3 APPLY ANIMAL PROCESSING RESIDUALS OR FOOD PROCESSING RESIDUALS
4 IN THIS COMMONWEALTH, REGARDLESS OF WHERE THE ANIMAL PROCESSING
5 RESIDUALS OR FOOD PROCESSING RESIDUALS ARE GENERATED, UNLESS THE
6 COMMERCIAL HAULER OR COMMERCIAL BROKER MEETS ALL OF THE
7 FOLLOWING REQUIREMENTS:

8 (1) HAS SUCCESSFULLY COMPLETED THE CERTIFICATION PROGRAM
9 UNDER SECTION 1302 (RELATING TO AFPR COMMERCIAL HAULER AND
10 BROKER CERTIFICATION PROGRAM).

11 (2) HAS BEEN ISSUED CERTIFICATION BY THE DEPARTMENT.

12 (3) MAINTAINS CERTIFICATION IN ACCORDANCE WITH THE
13 CERTIFICATION PROGRAM'S REQUIREMENTS.

14 (B) LAND APPLICATION OF AFPRS.--A COMMERCIAL HAULER OR
15 COMMERCIAL BROKER SHALL LAND-APPLY AFPRS IN ACCORDANCE WITH THIS
16 CHAPTER AND THE SOLID WASTE MANAGEMENT ACT.

17 (C) STORAGE, TRANSFER AND TRANSPORT OF AFPRS.--A COMMERCIAL
18 HAULER OR COMMERCIAL BROKER SHALL STORE, TRANSFER AND TRANSPORT
19 AFPRS IN ACCORDANCE WITH THIS CHAPTER AND THE SOLID WASTE
20 MANAGEMENT ACT.

21 (D) RECORDS.--COMMERCIAL HAULERS OR COMMERCIAL BROKERS SHALL
22 MAINTAIN RECORDS IN ACCORDANCE WITH THIS CHAPTER AND THE SOLID
23 WASTE MANAGEMENT ACT OF ALL AFPRS THAT THE COMMERCIAL HAULERS OR
24 COMMERCIAL BROKERS STORE, BROKER, TRANSPORT OR LAND-APPLY.
25 RECORDS SHALL BE RETAINED FOR THREE YEARS AND SHALL BE MADE
26 AVAILABLE UPON REQUEST OF THE DEPARTMENT.

27 § 1304. UNLAWFUL CONDUCT.

28 IT SHALL BE UNLAWFUL TO VIOLATE, CAUSE OR ASSIST IN THE
29 VIOLATION OF ANY OF THE FOLLOWING:

30 (1) A PROVISION OF THIS CHAPTER.

1 (2) A REGULATION PROMULGATED UNDER THIS CHAPTER.

2 (3) AN ORDER ISSUED UNDER THIS CHAPTER.

3 (4) A PROVISION OF THE SOLID WASTE MANAGEMENT ACT
4 APPLICABLE TO THE ACTIVITIES OF COMMERCIAL HAULERS OR
5 COMMERCIAL BROKERS. ENFORCEMENT OF VIOLATIONS UNDER THIS
6 PARAGRAPH SHALL BE CONDUCTED BY THE DEPARTMENT OF
7 ENVIRONMENTAL PROTECTION.

8 § 1305. ADMINISTRATIVE PENALTIES.

9 (A) PENALTIES.--

10 (1) IN ADDITION TO PROCEEDING UNDER ANY OTHER REMEDY
11 AVAILABLE AT LAW OR IN EQUITY FOR A VIOLATION OF THIS
12 CHAPTER, THE DEPARTMENT MAY ASSESS AN ADMINISTRATIVE PENALTY
13 OF UP TO \$1,000 FOR THE FIRST DAY OF A VIOLATION OF THIS
14 CHAPTER AND \$500 FOR EACH DAY THE VIOLATION CONTINUES. IN
15 DETERMINING THE PENALTY AMOUNT, THE DEPARTMENT SHALL CONSIDER
16 THE FOLLOWING FACTORS:

17 (I) THE SERIOUSNESS OF THE VIOLATION.

18 (II) THE POTENTIAL HARM TO THE PUBLIC.

19 (III) THE POTENTIAL EFFECT ON THE ENVIRONMENT.

20 (IV) THE WILLFULNESS OF THE VIOLATION.

21 (V) ANY HISTORY OF PRIOR VIOLATIONS.

22 (VI) THE ECONOMIC BENEFIT DERIVED BY THE VIOLATOR
23 FOR NONCOMPLIANCE WITH THIS CHAPTER.

24 (2) IF THE DEPARTMENT FINDS THAT THE VIOLATION DOES NOT
25 CAUSE HARM TO HUMAN HEALTH OR AN ADVERSE EFFECT ON THE
26 ENVIRONMENT, THE DEPARTMENT MAY ISSUE A WARNING IN LIEU OF A
27 PENALTY IF THE VIOLATOR, UPON NOTICE, TAKES IMMEDIATE ACTION
28 TO CORRECT THE VIOLATION AND COMPLY WITH THIS CHAPTER.

29 (3) A PERSON MAY APPEAL A PENALTY TO THE SECRETARY
30 WITHIN 30 DAYS OF THE DATE OF THE PENALTY ASSESSMENT. THE

1 SECRETARY SHALL ISSUE A DECISION ON THE APPEAL WITHIN 30 DAYS
2 OF THE APPEAL. IF NO DECISION IS ISSUED BY THE SECRETARY
3 WITHIN THE TIME PERIOD SPECIFIED UNDER THIS PARAGRAPH, THE
4 ASSESSMENT OF THE PENALTY SHALL BE DEEMED WITHDRAWN. APPEALS
5 SHALL BE GOVERNED BY 2 PA.C.S. CHS. 5 SUBCH. A (RELATING TO
6 PRACTICE AND PROCEDURE OF COMMONWEALTH AGENCIES) AND 7 SUBCH.
7 A (RELATING TO JUDICIAL REVIEW OF LOCAL AGENCY ACTION).

8 (B) COLLECTION.--IN THE CASE OF AN INABILITY TO COLLECT
9 THE PENALTY UNDER SUBSECTION (A) OR FAILURE OF A PERSON TO PAY
10 ALL OR A PORTION OF THE PENALTY, THE DEPARTMENT MAY REFER THE
11 MATTER TO THE OFFICE OF GENERAL COUNSEL OR THE OFFICE OF
12 ATTORNEY GENERAL, WHICH MAY INSTITUTE AN ACTION IN A COURT OF
13 COMPETENT JURISDICTION TO RECOVER THE PENALTY. A PENALTY
14 ASSESSED ON A PERSON FOR A VIOLATION OF THIS CHAPTER SHALL
15 OPERATE AS A LIEN ON THE PROPERTY OF THE PERSON.

16 § 1306. CIVIL REMEDIES.

17 (A) ACTION AT LAW.--THE OFFICE OF GENERAL COUNSEL MAY
18 INSTITUTE AN ACTION AT LAW IN A COURT OF COMPETENT JURISDICTION
19 TO RECOVER DAMAGES FOR A VIOLATION OF THIS CHAPTER, A REGULATION
20 PROMULGATED UNDER THIS CHAPTER OR AN ORDER ISSUED UNDER THIS
21 CHAPTER.

22 (B) ACTION IN EQUITY.--THE OFFICE OF GENERAL COUNSEL MAY
23 INSTITUTE AN ACTION IN EQUITY IN A COURT OF COMPETENT
24 JURISDICTION TO RESTRAIN A VIOLATION OF THIS CHAPTER, A
25 REGULATION PROMULGATED UNDER THIS CHAPTER OR AN ORDER ISSUED
26 UNDER THIS CHAPTER. IN A PROCEEDING UNDER THIS SUBSECTION, THE
27 FOLLOWING SHALL APPLY:

28 (1) THE COURT MAY FIX A REASONABLE TIME DURING WHICH THE
29 DEFENDANT MAY MAKE PROVISION FOR THE ABATEMENT OF THE
30 VIOLATION.

1 (2) THE COURT MAY ISSUE A PRELIMINARY OR SPECIAL
2 INJUNCTION OR TEMPORARY RESTRAINING ORDER WHERE CIRCUMSTANCES
3 WARRANT OR PUBLIC HEALTH IS ENDANGERED.

4 (3) THE COURT SHALL ISSUE A PRELIMINARY INJUNCTION UPON
5 FINDING THAT THE DEFENDANT IS ENGAGING IN UNLAWFUL CONDUCT
6 PROHIBITED UNDER THIS CHAPTER OR IS CAUSING IMMEDIATE OR
7 IRREPARABLE HARM TO THE PUBLIC.

8 (4) THE COMMONWEALTH SHALL NOT BE REQUIRED TO FURNISH
9 BOND.

10 (5) THE COURT MAY GRANT EQUITABLE RELIEF IN ADDITION TO
11 DAMAGES UNDER SUBSECTION (A).

12 § 1307. ENFORCEMENT ORDERS, SUSPENSION OR REVOCATION OF
13 CERTIFICATION.

14 (A) ORDERS.--THE DEPARTMENT MAY ISSUE ORDERS NECESSARY TO
15 ENFORCE THIS CHAPTER. ORDERS SHALL TAKE EFFECT UPON NOTICE
16 UNLESS OTHERWISE SPECIFIED.

17 (B) SUSPENSION OR REVOCATION.--THE DEPARTMENT MAY SUSPEND OR
18 REVOKE CERTIFICATION OF A COMMERCIAL HAULER OR COMMERCIAL BROKER
19 UPON FINDING THAT THE COMMERCIAL HAULER OR COMMERCIAL BROKER HAS
20 FAILED TO COMPLY OR CONTINUES NONCOMPLIANCE WITH ANY OF THE
21 FOLLOWING:

22 (1) A PROVISION OF THIS CHAPTER.

23 (2) CERTIFICATION CRITERIA OR REQUIREMENTS.

24 (3) A REGULATION PROMULGATED UNDER THIS CHAPTER.

25 (4) AN ORDER ISSUED UNDER THIS CHAPTER.

26 (5) A PROVISION OF THE SOLID WASTE MANAGEMENT ACT
27 APPLICABLE TO THE ACTIVITIES CONDUCTED BY THE COMMERCIAL
28 HAULER OR COMMERCIAL BROKER.

29 (C) APPEALS.--A PERSON MAY APPEAL AN ORDER, SUSPENSION OR
30 REVOCATION UNDER THIS SECTION TO THE SECRETARY WITHIN 30 DAYS OF

1 THE DATE OF THE ORDER, SUSPENSION OR REVOCATION. THE SECRETARY
2 SHALL ISSUE A DECISION ON THE APPEAL WITHIN 30 DAYS OF THE
3 APPEAL. IF NO DECISION IS ISSUED BY THE SECRETARY WITHIN THE
4 TIME PERIOD SPECIFIED UNDER THIS PARAGRAPH, THE ORDER,
5 SUSPENSION OR REVOCATION SHALL BE DEEMED WITHDRAWN. APPEALS
6 SHALL BE GOVERNED BY 2 PA.C.S. CHS. 5 SUBCH. A (RELATING TO
7 PRACTICE AND PROCEDURE OF COMMONWEALTH AGENCIES) AND 7 SUBCH. A
8 (RELATING TO JUDICIAL REVIEW OF LOCAL AGENCY ACTION).
9 § 1308. POWERS RESERVED UNDER EXISTING LAWS.

10 (A) RESERVATION.--NOTHING IN THIS CHAPTER SHALL BE CONSTRUED
11 TO LIMIT THE POWERS OF THE DEPARTMENT, THE COMMISSION OR THE
12 DEPARTMENT OF ENVIRONMENTAL PROTECTION UNDER OTHER STATE LAWS,
13 INCLUDING THE ACT OF JUNE 22, 1937 (P.L.1987, NO.394), KNOWN AS
14 THE CLEAN STREAMS LAW, THE SOLID WASTE MANAGEMENT ACT AND COMMON
15 LAW.

16 (B) JUDICIAL JURISDICTION.--A COURT EXERCISING EQUITABLE
17 JURISDICTION IN ACCORDANCE WITH SECTION 1306(B) (RELATING TO
18 CIVIL REMEDIES) SHALL NOT BE DEPRIVED OF JURISDICTION EVEN
19 THOUGH A NUISANCE OR CONDITION DETRIMENTAL TO PUBLIC HEALTH IS
20 SUBJECT TO REGULATION OR OTHER ACTION BY THE DEPARTMENT UNDER
21 THIS CHAPTER.

22 § 1309. PREEMPTION OF LOCAL ORDINANCES.

23 THIS CHAPTER IS OF STATEWIDE CONCERN, OCCUPIES THE WHOLE
24 FIELD OF REGULATION REGARDING THE CERTIFICATION OF AND THE
25 REQUIREMENTS UNDER SECTION 1303 (RELATING TO REQUIREMENTS FOR
26 COMMERCIAL HAULERS AND COMMERCIAL BROKERS OF AFPRS) FOR
27 COMMERCIAL HAULERS AND COMMERCIAL BROKERS AND PREEMPTS ALL LOCAL
28 ORDINANCES AND REGULATIONS GOVERNING THE CERTIFICATION OR
29 REGULATION OF COMMERCIAL HAULERS AND COMMERCIAL BROKERS OF
30 AFPRS.

1 § 1310. MITIGATION.

2 A COMMERCIAL HAULER OR COMMERCIAL BROKER THAT IS PROPERLY
3 CERTIFIED UNDER THIS CHAPTER AND IN COMPLIANCE WITH ALL
4 APPLICABLE PROVISIONS OF THIS CHAPTER, REGULATIONS PROMULGATED
5 UNDER THIS CHAPTER, ORDERS ISSUED UNDER THIS CHAPTER AND THE
6 SOLID WASTE MANAGEMENT ACT SHALL BE AFFORDED APPROPRIATE
7 CONSIDERATION AS A MITIGATING FACTOR IN ANY ACTION ARISING FROM
8 THE STORAGE, TRANSFER, TRANSPORT OR LAND APPLICATION OF AFPRS BY
9 THE COMMERCIAL HAULER OR COMMERCIAL BROKER.

10 SECTION 2. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

11 (1) THE ADDITION OF 3 PA.C.S. § 1302(A) SHALL TAKE
12 EFFECT IN 18 MONTHS.

13 (2) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

14 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
15 DAYS.