

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1123 Session of
2007

INTRODUCED BY WANSACZ, GEORGE, GOODMAN, GIBBONS, WALKO, GERGELY,
GRUCELA, KORTZ, KOTIK, MURT, WHEATLEY AND SOLOBAY,
APRIL 23, 2007

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
APRIL 23, 2007

AN ACT

1 Amending the act of July 28, 1988 (P.L.556, No.101), entitled
2 "An act providing for planning for the processing and
3 disposal of municipal waste; requiring counties to submit
4 plans for municipal waste management systems within their
5 boundaries; authorizing grants to counties and municipalities
6 for planning, resource recovery and recycling; imposing and
7 collecting fees; establishing certain rights for host
8 municipalities; requiring municipalities to implement
9 recycling programs; requiring Commonwealth agencies to
10 procure recycled materials; imposing duties; granting powers
11 to counties and municipalities; authorizing the Environmental
12 Quality Board to adopt regulations; authorizing the
13 Department of Environmental Resources to implement this act;
14 providing remedies; prescribing penalties; establishing a
15 fund; and making repeals," defining "affected municipality";
16 providing for siting near cemetery; and making editorial
17 changes.

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

20 Section 1. The title of the act of July 28, 1988 (P.L.556,
21 No.101), known as the Municipal Waste Planning, Recycling and
22 Waste Reduction Act, is amended to read:

23 AN ACT

24 Providing for planning for the processing and disposal of

1 municipal waste; requiring counties to submit plans for
2 municipal waste management systems within their boundaries;
3 authorizing grants to counties and municipalities for
4 planning, resource recovery and recycling; imposing and
5 collecting fees; establishing certain rights for host
6 municipalities; requiring municipalities to implement
7 recycling programs; requiring Commonwealth agencies to
8 procure recycled materials; imposing duties; granting powers
9 to counties and municipalities; authorizing the Environmental
10 Quality Board to adopt regulations; authorizing the
11 Department of Environmental [Resources] Protection to
12 implement this act; providing remedies; prescribing
13 penalties; establishing a fund; and making repeals.

14 Section 2. The definitions of "department" and "secretary"
15 in section 103 of the act are amended and the section is amended
16 by adding a definition to read:

17 Section 103. Definitions.

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

21 * * *

22 "Cemetery." A place for the disposal or burial of deceased
23 human beings, by cremation or in a grave, mausoleum, vault,
24 columbarium or other receptacle, but the term does not include a
25 private family cemetery.

26 * * *

27 "Department." The Department of Environmental [Resources]
28 Protection of the Commonwealth and its authorized
29 representatives.

30 * * *

1 "Secretary." The Secretary of Environmental [Resources]
2 Protection of the Commonwealth.

3 * * *

4 Section 3. The act is amended by adding a section to read:
5 Section 514. Proximity to cemeteries.

6 (a) New construction.--On and after the effective date of
7 this section, the department may not issue a permit for any new
8 waste disposal facility located within one-half mile of the
9 footprint of a cemetery.

10 (b) Modifications.--Any modification, extension, addition or
11 renewal of existing permitted facilities may not bring the
12 existing permitted facility closer than one-half mile of the
13 footprint of a cemetery.

14 Section 4. Sections 1510(f) and 1901 of the act are amended
15 to read:

16 Section 1510. Lead acid batteries.

17 * * *

18 (f) Enforcement.--The [Department of Environmental
19 Resources] department shall enforce this section.

20 Section 1901. Report to General Assembly.

21 The [Secretary of Environmental Resources] secretary shall
22 prepare a report to the General Assembly concerning the
23 implementation of this act and the success of county and
24 municipal recycling programs. This report shall be transmitted
25 to the General Assembly no later than April 1, 1991, and shall
26 be revised, and modified if necessary, at least once every three
27 years thereafter.

28 Section 5. This act shall take effect in 60 days.