

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 775 Session of
1993

INTRODUCED BY SCHULER, FAIRCHILD, HENNESSEY, DEMPSEY, PESCI,
MICOZZIE, PHILLIPS, HERSHEY, KING, BELFANTI, KASUNIC, CLARK
AND LAUGHLIN, MARCH 22, 1993

REFERRED TO COMMITTEE ON CONSERVATION, MARCH 22, 1993

AN ACT

1 Amending the act of July 7, 1980 (P.L.380, No.97), entitled "An
2 act providing for the planning and regulation of solid waste
3 storage, collection, transportation, processing, treatment,
4 and disposal; requiring municipalities to submit plans for
5 municipal waste management systems in their jurisdictions;
6 authorizing grants to municipalities; providing regulation of
7 the management of municipal, residual and hazardous waste;
8 requiring permits for operating hazardous waste and solid
9 waste storage, processing, treatment, and disposal
10 facilities; and licenses for transportation of hazardous
11 waste; imposing duties on persons and municipalities;
12 granting powers to municipalities; authorizing the
13 Environmental Quality Board and the Department of
14 Environmental Resources to adopt rules, regulations,
15 standards and procedures; granting powers to and imposing
16 duties upon county health departments; providing remedies;
17 prescribing penalties; and establishing a fund," further
18 providing for certain facility siting and for approval by
19 governing body.

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

22 Section 1. The act of July 7, 1980 (P.L.380, No.97), known
23 as the Solid Waste Management Act, is amended by adding a
24 section to read:

25 Section 104.1. Facility siting.

26 (a) The department shall, within two years of the effective

date of this section, adopt regulations for the siting of municipal, residual and hazardous waste treatment, processing or disposal facilities, which criteria shall include, but not be limited to, specific restrictions and limitations on the siting of a municipal, residual or hazardous waste facility:

(1) Within a five-mile radius of any existing or proposed municipal, residual or hazardous waste facility.

(2) Within a two-mile radius of any public facility or building which is owned by a school district or a private or parochial school.

(3) Within a two-mile radius of any airport, community park, hospital, church, retail center or nursing home.

(4) Within a two-mile radius of any prison or facility in which individuals are involuntarily incarcerated.

(b) Such regulations shall consider and address the environmental, economic and societal impacts of the siting of facilities as described in subsection (a)(1), (2), (3) and (4).

Section 2. Section 504 of the act is amended to read:

Section 504. Approval by governing body.

(a) Applications for a permit shall be reviewed by the appropriate county, county planning agency or county health department where they exist and the host municipality, and they may recommend to the department conditions upon, revisions to, or disapproval of the permit only if specific cause is identified. In such case the department shall be required to publish in the Pennsylvania Bulletin its justification for overriding the county's recommendations. If the department does not receive comments within 60 days, the county shall be deemed to have waived its right to review.

(b) At the request of a county within which a facility is to

1 be located, the department may reimburse the county for costs
2 incurred for an independent permit application review including
3 a review of the environmental, health, economic and social
4 impacts at the facility, by a professional engineer who is
5 licensed in this Commonwealth and who has previous experience in
6 preparing such permit applications, of an application under this
7 act, for a new municipal waste landfill or resource recovery
8 facility or that would result in additional capacity for a
9 municipal waste landfill or resource recovery facility.
10 Reimbursement shall not exceed \$10,000 per complete application.

11 Section 3. This act shall take effect immediately.