
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 893 Session of
1993

INTRODUCED BY CAWLEY, MARCH 24, 1993

REFERRED TO COMMITTEE ON CONSERVATION, MARCH 24, 1993

AN ACT

1 Placing a moratorium on the issuance of permits for certain
2 waste incinerators; and restricting the location of waste
3 treatment and disposal facilities.

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

6 Section 1. Findings.

7 The General Assembly, conscious of the public health concerns
8 relating to air pollution and other deleterious effects of
9 various types of waste incinerators, finds that the public
10 health, safety and welfare will be served by placing a
11 moratorium on issuing permits for the construction and operation
12 of facilities proposed to be used for the incineration of waste.

13 Section 2. Moratorium.

14 (a) Prohibition.--On and after the effective date of this
15 act, except for facilities located within municipalities which
16 have ended the moratorium under subsection (b), the Department
17 of Environmental Resources shall not issue the required permits
18 under the act of January 8, 1960 (1959 P.L.2119, No.787), known

1 as the Air Pollution Control Act, or the act of July 7, 1980
2 (P.L.380, No.97), known as the Solid Waste Management Act, for
3 the construction or operation of any facilities proposed to be
4 used as mass burn incinerators and/or municipal waste combustors
5 for the incineration of wastes.

6 (b) End of moratorium.--

7 (1) The prohibition contained herein shall remain in
8 effect until two years from the effective date of this act;
9 however, subject to paragraph (2), the governing body of a
10 municipality other than a county may end the moratorium as it
11 pertains to that municipality by resolution after finding
12 that, as proposed:

13 (i) The facility shall be sited in accordance with
14 Department of Environmental Resources standards and
15 regulations and with municipal ordinances.

16 (ii) The facility shall be operated in accordance
17 with department standards and regulations and with
18 municipal ordinances.

19 (iii) The public health and safety of the
20 municipality and the environment shall not be endangered
21 by the siting or operation of the facility.

22 (2) After a municipality passes a resolution to end the
23 moratorium as provided in paragraph (1), if the capacity of a
24 proposed facility exceeds the municipality's disposal needs
25 by more than 150%, the question of the moratorium shall be
26 placed on the ballot in the form of a referendum at the next
27 primary, municipal or general election immediately following
28 the passage of the resolution. The moratorium shall be ended
29 only by an affirmative vote of a majority of the
30 municipality's residents voting on the referendum. The

1 referendum shall be held in accordance with the act of June
2 3, 1937 (P.L.1333, No.320), known as the Pennsylvania
3 Election Code.

4 (c) Permits.--Nothing in this section shall be construed to
5 mean that an action by a municipality which ends the moratorium
6 as provided in subsection (b) exempts any owner or operator of a
7 facility to be sited in that municipality from obtaining all
8 permits required under the Air Pollution Control Act and the
9 Solid Waste Management Act, or any other act.

10 Section 3. Limitation on location of waste treatment and
11 disposal facilities.

12 The Department of Environmental Resources shall not issue a
13 permit for, nor allow the operation of, a new municipal-waste
14 landfill, new residual-waste treatment or new disposal facility
15 within 1,000 yards of a building which is owned by a public
16 school district. This shall not affect any modification,
17 extension, addition or renewals of existing permitted
18 facilities.

19 Section 4. Exceptions.

20 This act shall not apply to:

21 (1) Incineration facilities which on the effective date
22 of this act have received permits.

23 (2) Incineration facilities proposed to be utilized by
24 municipalities or authorities and which on the effective date
25 of this act have entered into contracts for the construction
26 of such facilities or completed an escrow or permanent bond
27 financing.

28 (3) Incineration facilities proposed to be utilized by
29 more than one municipality, which municipalities have
30 executed inter-municipal pacts and have expended public funds

- 1 in regard thereto prior to the effective date of this act.
- 2 Section 5. Effective date.
- 3 This act shall take effect immediately.