

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 533 Session of  
2003

INTRODUCED BY YUDICHAK, GEORGE, KELLER, CAPPELLI, BELARDI,  
CAWLEY, CRUZ, DALLY, FAIRCHILD, GOODMAN, HARHAI, HENNESSEY,  
HERSHEY, HUTCHINSON, LEWIS, MCGEEHAN, MUNDY, ROONEY, STABACK,  
THOMAS, WASHINGTON, HORSEY, BROWNE, CREIGHTON, CURRY,  
DeWEESE, FRANKEL, GRUCELA, HASAY, HERMAN, HESS, KOTIK, MANN,  
MELIO, READSHAW, SOLOBAY, TANGRETTI, TIGUE AND YOUNGBLOOD,  
FEBRUARY 26, 2003

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
FEBRUARY 26, 2003

AN ACT

1 Amending the act of December 19, 1996 (P.L.1478, No.190),  
2 entitled "An act relating to the recycling and reuse of waste  
3 tires; providing for the proper disposal of waste tires and  
4 the cleanup of stockpiled tires; authorizing investment tax  
5 credits for utilizing waste tires; providing remediation  
6 grants for the cleanup of tire piles and for pollution  
7 prevention programs for small business and households;  
8 establishing the Small Business and Household Pollution  
9 Prevention Program and management standards for small  
10 business hazardous waste; providing for a household hazardous  
11 waste program and for grant programs; making appropriations;  
12 and making repeals," defining "waste tire recycling  
13 facility"; and prohibiting waste tire recycling facilities in  
14 certain locations.

15 The General Assembly of the Commonwealth of Pennsylvania  
16 hereby enacts as follows:

17 Section 1. Section 104 of the act of December 19, 1996  
18 (P.L.1478, No.190), entitled "An act relating to the recycling  
19 and reuse of waste tires; providing for the proper disposal of  
20 waste tires and the cleanup of stockpiled tires; authorizing  
21 investment tax credits for utilizing waste tires; providing

1 remediation grants for the cleanup of tire piles and for  
2 pollution prevention programs for small business and households;  
3 establishing the Small Business and Household Pollution  
4 Prevention Program and management standards for small business  
5 hazardous waste; providing for a household hazardous waste  
6 program and for grant programs; making appropriations; and  
7 making repeals," is amended by adding a definition to read:  
8 Section 104. Definitions.

9 The following words and phrases when used in this chapter  
10 shall have the meanings given to them in this section unless the  
11 context clearly indicates otherwise:

12 \* \* \*

13 "Waste tire recycling facility." A facility whose purpose is  
14 the systematic collection, sorting, storage, recapping or  
15 cleaning of waste tires to commerce for use as commodities. The  
16 term includes a facility that may use waste tire reduction,  
17 reuse or recycling equipment and machinery designed to process  
18 or convert waste tires into a beneficial product or productive  
19 use.

20 Section 2. The act is amended by adding a section to read:  
21 Section 106.5. Prohibiting waste tire recycling facilities in  
22 certain locations.

23 (a) General rule.--Notwithstanding any other provision of  
24 law to the contrary, a waste tire recycling facility shall not  
25 be established or operated within 500 feet of an existing  
26 school, public playground, public park, residential housing  
27 area, child-care facility, nursing home facility, church,  
28 meetinghouse or other actual place of regularly stated religious  
29 worship established prior to the proposed waste tire recycling  
30 facility.

1     (b) Applicability.--The provisions of this section shall  
2 apply whether or not an occupancy permit or certificate of use  
3 has been issued to the owner or operator of a waste tire  
4 recycling facility for a location that is within 500 feet of an  
5 existing school, public playground, public park, residential  
6 housing area, child-care facility, nursing home facility,  
7 church, meetinghouse or other actual place of regularly stated  
8 religious worship established prior to the proposed waste tire  
9 recycling facility.

10    (c) Municipality approval procedure.--

11       (1) Notwithstanding subsection (b) a waste tire  
12 recycling facility may be established and operated closer  
13 than 500 feet to an existing school, public playground,  
14 public park, residential housing area, child-care facility,  
15 nursing home facility, church, meetinghouse or other actual  
16 place of regularly stated religious worship established prior  
17 to the proposed waste tire recycling facility if, by majority  
18 vote, the governing body for the municipality in which the  
19 proposed waste tire recycling facility is to be located votes  
20 in favor of the issuance of an occupancy permit or  
21 certificate of use for the facility at such a location.

22       (2) At least 14 days prior to the governing body of a  
23 municipality voting on whether to approve the issuance of an  
24 occupancy permit or certificate of use for a waste tire  
25 recycling facility at a location that is closer than 500 feet  
26 to a school, public playground, public park, residential  
27 housing area, child-care facility, nursing home facility,  
28 church, meetinghouse or other actual place of regularly  
29 stated religious worship established prior to the proposed  
30 waste tire recycling facility, one or more public hearings

1 regarding the proposed waste tire recycling facility location  
2 must be held within the municipality following public notice.

3 (3) All owners of real property located within 500 feet  
4 of the proposed location shall be provided written notice of  
5 the public hearing at least 30 days prior to the public  
6 hearing occurring.

7 Section 3. This act shall take effect immediately.