

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 309 Session of  
2009

INTRODUCED BY BROWNE, ORIE, BOSCOLA, RAFFERTY, WASHINGTON,  
FERLO, O'PAKE AND COSTA, FEBRUARY 20, 2009

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, FEBRUARY 20,  
2009

AN ACT

1 Restricting the location of waste disposal facilities near  
2 schools.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Waste  
7 Disposal Facility Proximity to Schools Act.

8 Section 2. Legislative findings.

9 The General Assembly, conscious of the public health concerns  
10 relating to air pollution and other deleterious effects of  
11 various types of waste disposal, finds that the public health,  
12 safety and welfare of school students will be served by placing  
13 restrictions on issuing permits for the construction and  
14 operation of waste disposal facilities in close proximity to  
15 school buildings.

16 Section 3. Definitions.

17 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 "School entity." A school district, joint school district,  
4 intermediate unit, area vocational-technical school or charter  
5 school within this Commonwealth.

6 "Waste disposal facility." Any waste incinerator, waste  
7 treatment facility, solid waste landfill or other operation  
8 disposing of waste which is required to be permitted by the  
9 Department of Environmental Protection under the act of January  
10 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution  
11 Control Act, or the act of July 7, 1980 (P.L.380, No.97), known  
12 as the Solid Waste Management Act.

13 Section 4. Prohibition of waste disposal facility near schools.

14 (a) New construction.--On and after the effective date of  
15 this section, the Department of Environmental Protection may not  
16 issue a permit for any new waste disposal facility within 1,000  
17 yards of a building which is owned or operated by a school  
18 entity or a nonpublic or private school.

19 (b) Modifications.--Any modification, extension, addition or  
20 renewal of existing permitted facilities may not bring the  
21 existing permitted facility closer to a building owned or  
22 operated by a school entity or a nonpublic or private school.

23 Section 5. Exceptions.

24 This act shall not apply to:

25 (1) Waste disposal facilities which received permits  
26 before the effective date of this section.

27 (2) Waste disposal facilities proposed to be utilized by  
28 municipalities or authorities and which before the effective  
29 date of this section have entered into contracts for the  
30 construction of such facilities or completed an escrow or

1 permanent bond financing.

2 (3) Waste disposal facilities proposed to be utilized by  
3 more than one municipality, for which municipalities have  
4 executed intermunicipal pacts and have expended public funds  
5 prior to the effective date of this section.

6 Section 10. Effective date.

7 This act shall take effect immediately.