
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 33

Session of
2003

INTRODUCED BY MUSTO, COSTA, LAVALLE, WAGNER, LOGAN, KITCHEN,
LEMMOND, BOSCOLA, KUKOVICH, O'PAKE, RAFFERTY, TARTAGLIONE AND
STOUT, JANUARY 21, 2003

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, JANUARY 21, 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
22 remediation grants for the cleanup of tire piles and for
23 pollution prevention programs for small business and households;

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

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

10 * * *

11 "Waste tire recycling facility." A facility whose purpose is
12 the systematic collection, sorting, storage or cleaning of waste
13 tires and that may use waste tire reduction, reuse or recycling
14 equipment and machinery designed to process or convert waste
15 tires into a beneficial product or productive use.

16 Section 2. The act is amended by adding a section to read:
17 Section 106.5. Prohibiting waste tire recycling facilities in
18 certain locations.

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

26 (b) Applicability.--The provisions of this section shall
27 apply whether or not an occupancy permit or certificate of use
28 has been issued to the owner or operator of a waste tire
29 recycling facility for a location that is within 500 feet of an
30 existing school, public playground, public park, residential

1 housing area, child-care facility, church, meetinghouse or other
2 actual place of regularly stated religious worship established
3 prior to the proposed waste tire recycling facility.

4 (c) Municipality approval procedure.--

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

16 (2) At least 14 days prior to the governing body of a
17 municipality voting on whether to approve the issuance of an
18 occupancy permit or certificate of use for a waste tire
19 recycling facility at a location that is closer than 500 feet
20 to a school, public playground, public park, residential
21 housing area, child-care facility, church, meetinghouse or
22 other actual place of regularly stated religious worship
23 established prior to the proposed waste tire recycling
24 facility, one or more public hearings regarding the proposed
25 waste tire recycling facility location must be held within
26 the municipality following public notice.

27 (3) All owners of real property located within 500 feet
28 of the proposed location shall be provided written notice of
29 the public hearings at least 30 days prior to the public
30 hearings occurring.

1 Section 3. This act shall take effect immediately.