
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1768 Session of
2009

INTRODUCED BY WANSACZ, GOODMAN, EACHUS, CONKLIN, WILLIAMS,
MUNDY, SIPTROTH, CARROLL AND PASHINSKI, JUNE 24, 2009

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
JUNE 24, 2009

AN ACT

1 Amending the act of July 28, 1988 (P.L.556, No.101), entitled
2 "An act providing for planning for the processing and
3 disposal of municipal waste; requiring counties to submit
4 plans for municipal waste management systems within their
5 boundaries; authorizing grants to counties and municipalities
6 for planning, resource recovery and recycling; imposing and
7 collecting fees; establishing certain rights for host
8 municipalities; requiring municipalities to implement
9 recycling programs; requiring Commonwealth agencies to
10 procure recycled materials; imposing duties; granting powers
11 to counties and municipalities; authorizing the Environmental
12 Quality Board to adopt regulations; authorizing the
13 Department of Environmental Resources to implement this act;
14 providing remedies; prescribing penalties; establishing a
15 fund; and making repeals," further defining "host
16 municipality"; and further providing for site limitations.

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 Section 1. The definition of "host municipality" in section
20 103 of the act of July 28, 1988 (P.L.556, No.101), known as the
21 Municipal Waste Planning, Recycling and Waste Reduction Act, is
22 amended to read:

23 Section 103. Definitions.

24 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 * * *

4 "Host municipality." [The municipality other than the county
5 within which a municipal waste landfill or resource recovery
6 facility is located or is proposed to be located.] A
7 municipality other than a county that meets one of the following
8 criteria:

9 (1) a municipality in which a commercial solid waste
10 landfill or resource recovery facility or any portion of a
11 permit area is located or proposed to be located; or

12 (2) a municipality located within one mile of the
13 footprint of a permit area of a proposed new facility or the
14 expansion of operations of a commercial solid waste landfill
15 or resource recovery facility.

16 * * *

17 Section 2. Section 511(a) of the act is amended to read:
18 Section 511. Site limitation.

19 (a) General rule.--The department shall not issue a permit
20 for, nor allow the operation of, a new municipal waste landfill,
21 a new commercial residual waste treatment facility or a new
22 resource recovery facility within 300 yards of a building which
23 is owned by a school district or a parochial school and used for
24 instructional purposes, parks or playgrounds existing prior to
25 the date the department has received an administratively
26 complete application for a permit for such facilities. A new
27 municipal waste or residual waste landfill may not be permitted
28 to operate within 2,500 feet of a municipal reservoir. This
29 subsection shall not affect any modification, extension,
30 addition or renewal of existing permitted facilities.

1 * * *

2 Section 3. This act shall take effect in 60 days.