

Pennsylvania

State Laws

The Solid Waste Management Act (Act 97) prohibits the burning of waste without a permit from the Department (35 P.S. Section 6018.610(3)). Waste is defined as any waste, including but not limited to municipal, residual, or hazardous waste. The Department does not issue permits for open burning operations; open burning therefore is banned under the Solid Waste Management Act.

Furthermore, the Municipal Waste regulations promulgated under Act 97 (25 Pa. Code §271.2(b)(3) and (4)) state that leaf waste, grass clippings, trees, brush, stumps, and vegetative material (i.e., yard waste) will be managed as municipal waste. Therefore, burning of these materials is banned under Act 97.

Municipalities with populations over 5,000 and more than 300 people per square mile are required to have a residential waste recycling program under the Recycling Act of 1988 (Act 101). In these municipalities, residents cannot burn the types of materials that the recycling program accepts. All such municipalities are required to separate leaf waste from other waste for composting either at the individual residence or by the city.

Act 140 of 2006 amended Act 101 so that municipalities other than counties with mandated curbside waste collection service receiving more than \$10,000 in recycling performance grants from the Department must enact local ordinances requiring waste collection and recycling service. Compliance with these ordinances must be monitored through a local

enforcement program. These requirements help to facilitate municipality involvement in ensuring burning is not occurring at a local level.

Local Bans

In addition, many local governments in Pennsylvania have supplemented the state law with their own burn bans of varying strictness.

Education

More discussion of the health and environmental issues is probably necessary to get public cooperation to fully implement a ban here. In many rural areas of Pennsylvania there is strong resistance to any suggestion of stopping open burning. Most of the local bans include exemptions for farmers, and non-farmers living in rural areas also want the exemptions because they have large properties with large quantities of yard waste.

Successfully curtailing open burning in Pennsylvania will require public information campaigns to educate people of the health risks associated with burning.

PROP (the Professional Recyclers of Pennsylvania) has a website that highlights the health issues and provides links to EPA information on alternatives such as recycling and waste management infrastructure setup for towns.

More Local Involvement

Pennsylvania's Department of Environmental Protection prohibits the burning of solid waste (including yard waste) under the Solid Waste Management Act and the Municipal Waste regulations.

Acts 101 and 140 further reinforce this by mandating municipalities of a certain population density to have mandatory curbside waste collection and establish a residential recycling program, under which recyclable materials cannot be burned. Depending on how much grant funding is provided to these mandated communities, local ordinances must be enacted to further enforce waste and recyclables collection.

The Department would like to see all municipalities enact local ordinances to prohibit burning. It would also encourage non-mandated municipalities to take more responsibility in assisting and educating residents on how to better manage their waste materials without burning and to encourage recycling.

For More Information Contact:

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