
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1041 Session of
2015

INTRODUCED BY SCHWANK, BROWNE, FONTANA, RAFFERTY, YUDICHAK,
WILLIAMS, COSTA, TOMLINSON, SABATINA, ALLOWAY, HUGHES,
HAYWOOD AND WAGNER, OCTOBER 21, 2015

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, OCTOBER 21, 2015

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," in recycling and waste reduction,
16 further providing for municipal implementation of recycling
17 programs; and, in enforcement and remedies, further providing
18 for affirmative defense.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 Section 1. Sections 1501(e) and 1712(c) of the act of July
22 28, 1988 (P.L.556, No.101), known as the Municipal Waste
23 Planning, Recycling and Waste Reduction Act, are amended by
24 adding paragraphs to read:

25 Section 1501. Municipal implementation of recycling programs.

1 * * *

2 (e) Implementation.--

3 * * *

4 (1.1) A municipality other than a county may impose and
5 collect a fee or similar charge to support a municipal
6 recycling program provided for under this section.

7 * * *

8 Section 1712. Affirmative defense.

9 * * *

10 (c) Construction.--Nothing in this section shall be
11 construed or understood:

12 * * *

13 (4) To preclude an affirmative defense due to the
14 recycling fee authorized under section 1501(e)(1.1) or any
15 other law.

16 * * *

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