

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2547 Session of
1992

INTRODUCED BY NYCE, FREEMAN, RITTER, GRUPPO, STAIRS, LEH,
ARGALL, ULIANA, ALLEN, SEMMEL, BLACK, TIGUE, FAIRCHILD AND
BATTISTO, MARCH 25, 1992

REFERRED TO COMMITTEE ON CONSERVATION, MARCH 25, 1992

AN ACT

1 Amending the act of October 18, 1988 (P.L.756, No.108), entitled
2 "An act providing for the cleanup of hazardous waste sites;
3 providing further powers and duties of the Department of
4 Environmental Resources and the Environmental Quality Board;
5 providing for response and investigations for liability and
6 cost recovery; establishing the Hazardous Sites Cleanup Fund;
7 providing for certain fees and for enforcement, remedies and
8 penalties; and repealing certain provisions relating to the
9 rate of the capital stock franchise tax," further providing
10 for host municipality benefit fees.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Section 306 of the act of October 18, 1988
14 (P.L.756, No.108), known as the Hazardous Sites Cleanup Act, is
15 amended to read:

16 Section 306. Host municipality benefit [fee] fees.

17 (a) Imposition.--

18 (1) There shall be imposed a host municipality benefit
19 fee upon the operator of each commercial hazardous waste
20 treatment or disposal facility that has a valid permit on the
21 effective date of this act or receives a new permit or permit

1 that results in additional capacity from the department under
2 the Solid Waste Management Act after the effective date of
3 this act. The fee shall be paid to the host municipality. If
4 the facility is located within more than one host
5 municipality, the fee shall be apportioned among them
6 according to the percentage of the permitted area located in
7 each municipality.

8 (2) There shall be imposed a host municipality benefit
9 fee upon the owner or operator of each facility which
10 utilizes hazardous waste, in any form, as a combustion fuel
11 for commercial or noncommercial purposes, regardless of
12 whether such use is for the purpose of disposal, treatment,
13 processing or recycling. This paragraph shall not apply to
14 any of the following:

15 (i) Captive facilities.

16 (ii) Facilities subject to paragraph (1).

17 (b) Amount.--The fee shall be \$1 per ton of weighed
18 hazardous waste [or], \$1 per three cubic yards of volume-
19 measured hazardous waste or \$1 per 606 gallons of liquid-
20 measured hazardous waste for all hazardous waste received at a
21 facility. Any amounts paid by an operator to a host municipality
22 pursuant to a preexisting agreement shall serve as a credit
23 against the fee amount imposed by this section.

24 (c) Municipal options.--Nothing in this section or section
25 307 shall prevent a host municipality from receiving a higher
26 fee or receiving the fee in a different form or at different
27 times than provided in this section and section 307, if the host
28 municipality and the operator of the commercial hazardous waste
29 treatment or disposal facility agree in writing.

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