

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1341 Session of
1999

INTRODUCED BY MELIO, WALKO, BELFANTI, LEVDANSKY, FREEMAN,
SOLOBAY, CLARK, TANGRETTI, CASORIO, PETRARCA, PESCI, DALEY,
LUCYK, WASHINGTON, LAUGHLIN, GRUCELA, SURRA, GIGLIOTTI,
M. COHEN, TRELLO, STEELMAN AND YOUNGBLOOD, APRIL 20, 1999

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
APRIL 20, 1999

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," providing for surcharges for
16 certain out-of-State waste; and making editorial changes.

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

19 Section 1. The title of the act of July 28, 1988 (P.L.556,
20 No.101), known as the Municipal Waste Planning, Recycling and
21 Waste Reduction Act, is amended to read:

22 AN ACT

23 Providing for planning for the processing and disposal of

municipal waste; requiring counties to submit plans for municipal waste management systems within their boundaries; authorizing grants to counties and municipalities for planning, resource recovery and recycling; imposing and collecting fees; establishing certain rights for host municipalities; requiring municipalities to implement recycling programs; requiring Commonwealth agencies to procure recycled materials; imposing duties; granting powers to counties and municipalities; authorizing the Environmental Quality Board to adopt regulations; authorizing the Department of Environmental [Resources] Protection to implement this act; providing remedies; prescribing penalties; establishing a fund; and making repeals."

Section 2. The definitions of "department" and "secretary" in section 3 of the act are amended to read:

Section 103. Definitions.

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

* * *

"Department." The Department of Environmental [Resources]
Protection of the Commonwealth and its authorized
representatives.

* * *

"Secretary." The Secretary of Environmental [Resources]
Protection of the Commonwealth.

* * *

Section 3. The act is amended by adding a chapter to read:

CHAPTER 8

OUT-OF-STATE WASTE

1 Section 801. Surcharge limitations.

2 All municipalities within this Commonwealth may enact a
3 surcharge on incoming municipal waste in accordance with the
4 following:

5 (1) No fee may be levied against the municipal waste
6 generated in a state which has a per capita municipal waste
7 disposal and incineration capacity greater than or equal to
8 the per capita capacity in this Commonwealth.

9 (2) A fee of \$10 per ton shall be levied against the
10 municipal waste generated in a state which has a per capita
11 municipal waste disposal and incineration capacity greater
12 than or equal to 75%, but less than the per capita capacity
13 in this Commonwealth.

14 (3) A fee of \$15 per ton shall be levied against the
15 municipal waste generated in a state which has a per capita
16 municipal waste and incineration capacity greater than or
17 equal to 50%, but less than 75% of the per capita capacity in
18 this Commonwealth.

19 (4) A fee of \$20 per ton shall be levied against the
20 municipal waste generated in a state which has a per capita
21 municipal waste and incineration capacity greater than or
22 equal to 25%, but less than 50% of the per capita capacity in
23 this Commonwealth.

24 (5) A fee of \$25 per ton shall be levied against the
25 municipal waste generated in a state which has a per capita
26 municipal waste and incineration capacity less than 25% of
27 the per capita capacity in this Commonwealth.

28 Section 802. Fee increases.

29 If the municipal waste capacity fee for municipal waste
30 generated in any state remains at the same level or increases in

two consecutive calendar years, the fee under section 801 shall be doubled. The fee shall remain doubled until the municipal waste generated in that state qualifies for a lower fee under section 801.

Section 803. Fee decrease.

The fee levied against the municipal waste generated in any state shall be changed immediately to reflect any changes made in the municipal waste disposal capacity or incineration ability of the state if the change warrants a reduction in fees according to the standards established in section 801.

Section 804. Fee collection.

The owner of the municipal landfill or incinerator shall be responsible for the collection of the fee and shall remit the fee upon collection to the appropriate county authorities of the county in which the landfill is located.

Section 805. Fee use.

(a) County use.---The county shall retain 75% of the revenue generated by this fee and shall use moneys from the fees for the implementation of environmental projects, the improvement of roads, for environmental educational purposes or for any other purpose approved by the department.

(b) Host municipality use.--The county shall distribute 25% of the revenue generated by this fee to the host municipality containing the landfill which shall use the money for the implementation of environmental projects, the improvement of roads, for environmental educational purposes or for any other purpose approved by the department.

Section 806. Determinations and enforcement.

(a) Determination.--The department shall determine the per capita municipal waste disposal and incineration capacity of any

1 state disposing waste in this Commonwealth.

2 (b) Enforcement.--The department shall promulgate and
3 enforce regulations to carry out this act.

4 Section 4. This act shall take effect in one year.