

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1209 Session of
2007

INTRODUCED BY McILVAINE SMITH, SEIP, SCAVELLO, CALTAGIRONE,
CARROLL, EVERETT, FLECK, FREEMAN, GEORGE, GRUCELA, HALUSKA,
HARKINS, HERSHEY, JOSEPHS, KOTIK, KULA, LEACH, MAHONEY,
McILHATTAN, MOUL, M. O'BRIEN, RAPP, SURRA, WANSACZ,
YOUNGBLOOD, YUDICHAK, MOYER, FAIRCHILD, M. KELLER, LONGIETTI,
THOMAS, FABRIZIO AND CREIGHTON, JUNE 18, 2007

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
JUNE 18, 2007

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 providing for powers and
16 duties of counties and for recycling fees.

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

19 Section 1. Section 303 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 by adding a subsection to read:
22 Section 303. Powers and duties of counties.

1 (g) Administrative fees.--A county that is implementing a
2 recycling program or a municipal authority established by a
3 county to implement a recycling program may charge a reasonable
4 fee for the administrative costs of the recycling program.

5 Section 2. Section 701 of the act, amended November 9, 2006
6 (P.L.1347, No.140), is amended to read:

7 Section 701. Recycling fee for municipal waste landfills and
8 resource recovery facilities.

9 (a) Imposition.--There is imposed a recycling fee of \$2 per
10 ton for all solid waste processed at resource recovery
11 facilities and for all solid waste except process residue and
12 nonprocessable waste from a resource recovery facility that is
13 disposed of at municipal waste landfills. Such fee shall be paid
14 by the operator of each municipal waste landfill and resource
15 recovery facility.

16 (b) Alternative calculation.--The fee for operators of
17 municipal waste landfills and resource recovery facilities that
18 do not weigh solid waste when it is received shall be calculated
19 as if three cubic yards were equal to one ton of solid waste.

20 (c) Waste weight requirement.--On and after April 9, 1990,
21 each operator of a municipal waste landfill and resource
22 recovery facility that has received 30,000 or more cubic yards
23 of solid waste in the previous calendar year shall weigh all
24 solid waste when it is received. The scale used to weigh solid
25 waste shall conform to the requirements of the act of December
26 1, 1965 (P.L.988, No.368), known as the Weights and Measures Act
27 of 1965, and the regulations promulgated pursuant thereto. The
28 operator of the scale shall be a licensed public weighmaster
29 under the act of April 28, 1961 (P.L.135, No.64), known as the
30 Public Weighmaster's Act, and the regulations promulgated

1 pursuant thereto.

2 [(d) Sunset for fee.--No fee shall be imposed under this
3 section on and after January 1, 2012.]

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