

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2740 Session of
2008

INTRODUCED BY QUINN, BOYD, BEYER, WATSON, BISHOP, CARROLL,
CIVERA, DePASQUALE, FLECK, FRANKEL, GALLOWAY, GEIST,
GILLESPIE, GINGRICH, HARKINS, HARPER, HENNESSEY, KOTIK,
McGEEHAN, R. MILLER, MOYER, MUNDY, M. O'BRIEN, O'NEILL,
PETRONE, PHILLIPS, ROCK, ROSS, SAYLOR, SIPTROTH, STERN, WALKO
AND J. WHITE, SEPTEMBER 18, 2008

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
SEPTEMBER 18, 2008

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 definitions,
16 for municipal implementation of recycling programs and for
17 facilities operation and recycling.

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

20 Section 1. The definition of "recycling" in section 103 of
21 the act of July 28, 1988 (P.L.556, No.101), known as the
22 Municipal Waste Planning, Recycling and Waste Reduction Act, is
23 amended and the section is amended by adding a definition to

1 read:

2 Section 103. Definitions.

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

6 * * *

7 "Fluorescent lamp or tube." A gas-discharge lamp, regardless
8 of size or shape, that uses electricity to excite mercury vapor
9 producing a short-wave ultraviolet light that then causes a
10 phosphor to fluoresce, producing visible light. The term
11 includes compact fluorescent lighting.

12 * * *

13 "Recycling." The collection, separation, recovery and sale
14 or reuse of metals, glass, paper, leaf waste, plastics,
15 fluorescent lamps or tubes and other materials which would
16 otherwise be disposed or processed as municipal waste or the
17 mechanized separation and treatment of municipal waste (other
18 than through combustion) and creation and recovery of reuseable
19 materials other than a fuel for the operation of energy.

20 * * *

21 Section 2. Sections 1501(c) and 1502(b) and (c) of the act
22 are amended to read:

23 Section 1501. Municipal implementation of recycling programs.

24 * * *

25 (c) Contents.--The source-separation and collection program
26 shall include, at a minimum, the following elements:

27 (1) An ordinance or regulation adopted by the governing
28 body of the municipality, requiring all of the following:

29 (i) Persons to separate at least three materials
30 deemed appropriate by the municipality from other

1 municipal waste generated at their homes, apartments and
2 other residential establishments and to store such
3 materials until collection. The three materials shall be
4 chosen from the following: clear glass, colored glass,
5 aluminum, steel and bimetallic cans, high-grade office
6 paper, newsprint, corrugated paper [and], plastics and
7 fluorescent lamps or tubes. Nothing in the ordinance or
8 regulation shall be deemed to impair the ownership of
9 separated materials by the person who generated them
10 unless and until such materials are placed at curbside or
11 similar location for collection by the municipality or
12 its agents.

13 (ii) Persons to separate leaf waste from other
14 municipal waste generated at their homes, apartments and
15 other residential establishments until collection unless
16 those persons have otherwise provided for the composting
17 of leaf waste. The governing body of a municipality shall
18 allow an owner, landlord or agent of an owner or landlord
19 of multifamily rental housing properties with four or
20 more units to comply with its responsibilities under this
21 section by establishing a collection system for
22 recyclable materials at each property. The collection
23 system must include suitable containers for collecting
24 and sorting materials, easily accessible locations for
25 the containers and written instructions to the occupants
26 concerning the use and availability of the collection
27 system. Owners, landlords and agents of owners or
28 landlords who comply with this act shall not be liable
29 for the noncompliance of occupants of their buildings.

30 (iii) Persons to separate high grade office paper,

aluminum, corrugated paper and leaf waste, fluorescent lamps or tubes and other materials deemed appropriate by the municipality generated at commercial, municipal or institutional establishments and from community activities and to store the material until collection. The governing body of a municipality shall exempt persons occupying commercial, institutional and municipal establishments within its municipal boundaries from the requirements of the ordinance or regulation if those persons have otherwise provided for the recycling of materials they are required by this section to recycle. To be eligible for an exemption under this subparagraph, a commercial or institutional solid waste generator must annually provide written documentation to the municipality of the total number of tons recycled.

* * *

Section 1502. Facilities operation and recycling.

* * *

(b) Drop-off centers.--

(1) Two years after the effective date of this act, no person may operate a municipal waste landfill, resource recovery facility or transfer station unless the operator has established at least one drop-off center for the collection and sale of at least three recyclable materials. The three materials shall be chosen from the following: clear glass, colored glass, aluminum, steel and bimetallic cans, high grade office paper, newsprint, corrugated paper [and] plastics and fluorescent lamps or tubes. The center must be located at the facility or in a place that is easily accessible to persons generating municipal waste that is

1 processed or disposed at the facility. Each drop-off center
2 must contain bins or containers where recyclable materials
3 may be placed and temporarily stored. If the operation of the
4 drop-off center requires attendants, the center shall be open
5 at least eight hours per week, including four hours during
6 evenings or weekends.

7 (2) Each operator shall, at least 30 days prior to the
8 initiation of the drop-off center program and at least once
9 every six months thereafter, provide public notice of the
10 availability of the drop-off center. The operator shall place
11 an advertisement in a newspaper circulating in the
12 municipality or provide notice in another manner approved by
13 the department.

14 (c) Removal of recyclable materials.--Two years after the
15 effective date of this act, no person may operate a resource
16 recovery facility unless the operator has developed a program
17 for the removal to the greatest extent practicable of recyclable
18 materials, such as plastics, high grade office paper, aluminum,
19 clear glass [and], newspaper and fluorescent lamps or tubes from
20 the waste to be incinerated.

21 * * *

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