

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 887 Session of 2009

INTRODUCED BY COSTA, MUSTO, GORDNER, McILHINNEY, HUGHES,
TARTAGLIONE, VANCE, LEACH, FONTANA, FARNESE, STOUT AND
BOSCOLA, MAY 27, 2009

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, MAY 27, 2009

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.

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.

23 * * *

24 (g) Fees.--A county may impose a recycling and waste

management fee on municipal solid waste generated within its borders and disposed of at resource recovery facilities or municipal waste landfills designated in the county's municipal waste management plan as provided for in Chapter 5.

(1) The fee:

(i) Shall not initially exceed \$4 per ton.

(ii) Limit imposed in subparagraph (i) may be increased every five years to account for inflation by taking the average of the five prior years' increases, if any, in the Consumer Price Index for All Urban Consumers (CPI-U) categorized further as Philadelphia All Items as officially reported by the Department of Labor, Bureau of Labor Statistics.

(iii) Shall be collected by the operator and paid to the county or its agent on a quarterly basis or as otherwise negotiated on a form approved by the county.

(2) The operator that is charged a fee pursuant to this subsection may pass through and obtain the fee from the generator of such waste as a surcharge on any fee schedule established pursuant to law, ordinance, resolution or contract for solid waste collection, transfer, transport and delivery.

(3) (i) If an operator fails to make a timely payment of a fee imposed by a county, the county may require interest and any additional penalty as authorized under section 703. The county or its designee shall collect interest or additional penalties under the requirements of section 703.

(ii) The interest or additional penalties imposed shall not be recoverable by an operator as described in

paragraph (2).

(4) Funds generated by this fee shall be deposited in a dedicated account or fund to be used exclusively for recycling and waste management activities, services, staff or plan implementation. These activities may include:

(i) Recycling and composting collection, processing, research or program planning.

(ii) Related alternative energy, waste and recycling activities.

(iii) Collections for special materials.

(iv) Household hazardous waste or Universal Waste programs.

(v) Illegal dump and litter remediation and prevention activities.

(vi) Public education and promotion associated with and enforcement of waste and recycling programs.

(vii) Staff and overhead costs associated with administration and implementation of these programs.

(5) The county solid waste authority or county solid waste advisory committee, as described in section 503(a), or its designee shall review a spending plan for these funds, make suggestions and propose any changes it believes appropriate.

(6) A county or its agents may enter into agreements with municipalities, councils of governments or other appropriate agencies to provide these services.

(7) These provisions shall not preclude a county or its designated agent from negotiating other fees to support programs described in paragraph (4).

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