

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 206 Session of 2011

INTRODUCED BY SCAVELLO, CALTAGIRONE, CARROLL, EVERETT, GEIST,
GEORGE, GROVE, HARKINS, HARRIS, HENNESSEY, M.K. KELLER,
KORTZ, LONGIETTI, MAJOR, MILLARD, MILLER, MOUL, PYLE,
REICHLEY, K. SMITH AND WAGNER, JANUARY 25, 2011

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
JANUARY 25, 2011

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 * * *

1 (g) Recycling and waste management fee.--

2 (1) A county or its designated agent may impose a
3 recycling and waste management fee on municipal solid waste
4 generated within its borders or outside this Commonwealth, or
5 both, and received at resource recovery facilities or
6 municipal waste landfills.

7 (2) (i) The fee shall not exceed \$4 per ton.

8 (ii) For municipal solid waste that is generated
9 within the borders of a county imposing the fee,
10 regardless of whether the municipal solid waste is
11 received in that county, the fee shall be collected by
12 the operator of the resource recovery facility or
13 municipal waste landfill that receives the municipal
14 solid waste and shall be paid to the county in which the
15 municipal solid waste was generated or the agent of the
16 county on a quarterly basis or as otherwise negotiated
17 between the county and the owner.

18 (iii) For municipal solid waste that is generated
19 outside this Commonwealth and that is received at a
20 resource recovery facility or municipal waste landfill in
21 a county imposing the fee, the fee shall be collected by
22 the operator of the resource recovery facility or
23 municipal waste landfill and paid to the county on a
24 quarterly basis or as otherwise negotiated between the
25 county and the owner.

26 (3) The transporter or transfer station that is charged
27 a fee pursuant to this subsection may pass through and obtain
28 the fee from the generator of such waste as a surcharge on
29 any fee schedule established pursuant to law, ordinance,
30 resolution or contract for solid waste collection, transfer,

1 transport and delivery.

2 (4) Funds generated by the fee imposed under this
3 subsection shall be deposited in a dedicated account or fund
4 of the county to be used exclusively for recycling and waste
5 management activities, services, staff or plan
6 implementation. These activities may include:

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

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

11 (iii) Collections for special materials.

12 (iv) Household hazardous waste or universal waste
13 programs.

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

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

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

20 (5) The county solid waste advisory committee, as
21 described in section 503(a), or its designee, shall review a
22 spending plan for the funds collected under this subsection,
23 make suggestions and propose any changes it believes
24 appropriate.

25 (6) Counties or their agents may enter into agreements
26 with municipalities, councils of governments or other
27 appropriate agencies to provide these services.

28 (7) This subsection shall not be construed to preclude:

29 (i) Counties or their designated agent from
30 negotiating other fees to support programs described in

1 paragraph (4).

2 (ii) Municipalities or their agents from charging
3 user fees for services incident to their self-
4 administered or contracted recycling programs.

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