
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2382 Session of
1980

INTRODUCED BY LETTERMAN, LIVENGOD, BITTLE AND FEE,
MARCH 18, 1980

REFERRED TO COMMITTEE ON CONSERVATION, MARCH 18, 1980

AN ACT

1 Providing for the establishment of a recycling incentive to
2 encourage counties to develop and implement recycling plans;
3 providing for a restricted departmental fund; imposing a fee
4 for waste disposal; imposing duties on permitted landfill
5 operators and providing penalties.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the "Recycling
10 Incentives Act."

11 Section 2. Legislative finding; declaration of policy.

12 It is hereby determined and declared as a matter of
13 legislative finding that, most municipal solid waste is merely
14 misplaced valuable natural resources and that the disposal of
15 these resources in the land depletes public natural resources,
16 wastes potential energy, causes pollution and economic loss. It
17 is the purpose of this act to:

18 (1) protect and enhance the constitutional rights as
19 provided by section 27 of Article I of the Constitution of

1 the Commonwealth of Pennsylvania which grants the people of
2 Pennsylvania the right to a clean environment and to adequate
3 natural resources;

4 (2) establish a State grant program for source reduction
5 at the county level and assess fees for solid waste disposal
6 at landfill sites to provide funding therefor;

7 (3) utilize, whenever feasible and desirable, the
8 capabilities of private enterprise, and the capabilities of
9 volunteer public citizens in accomplishing the desired
10 objectives of effective solid waste management;

11 (4) promote the application of low-energy recycling
12 systems which preserve and enhance the quality of the
13 environment;

14 (5) promote and assist in the development and
15 strengthening of markets for recycled resources including
16 energy resources by providing grants to counties; and

17 (6) promote and assist county and local recreational
18 programs as incentives to citizens to encourage recycling.

19 Section 3. Definitions.

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

23 "Board." The Environmental Quality Board.

24 "Department." The Department of Environmental Resources of
25 the Commonwealth of Pennsylvania.

26 "Person." An individual, partnership, corporation,
27 association, institution, cooperative enterprise or other legal
28 entity.

29 "Recycled resources." The reclaimed materials separated at
30 the source which can be reused, transformed into new products or

1 converted into useful energy.

2 "Recycling." The source separation, transportation, storage
3 and handling for sale as recycled resources.

4 "Solid waste." Any waste, including but not limited to
5 municipal, residential, commercial or institutional waste,
6 including solid, semisolid or contained gaseous material.

7 "Source separation." The systematic isolation of potential
8 solid waste into designated components for the purpose of reuse.

9 Section 4. Imposition of disposal fee.

10 (a) Every person who shall dispose of solid waste by the
11 deposition, dumping or placing of such solid waste in or on any
12 landfill permitted by the department pursuant to the act of July
13 31, 1968 (P.L.788, No.241), known as the "Pennsylvania Solid
14 Waste Management Act," shall pay a disposal fee of 50¢ per ton
15 for such solid waste so disposed of.

16 (b) Disposal fees shall be levied by landfill operators in
17 one-half ton increments, but shall not be levied when the total
18 weight of the solid waste being disposed of is less than one-
19 half ton.

20 (c) Disposal fees shall be paid to the operator of the
21 landfill receiving such solid waste.

22 (d) The weight of all solid waste being disposed of at
23 landfills shall be certified by a weighmaster licensed by the
24 Bureau of Standard Weights and Measures of the Pennsylvania
25 Department of Agriculture, using weigh scales certified by said
26 agency, on forms prescribed by the Department of Agriculture.

27 Section 5. Duty of landfill operators.

28 (a) The operator of a permitted landfill shall levy and
29 collect disposal fees authorized by section 4 on all solid waste
30 disposed of at such landfill.

(b) The operator of a permitted landfill shall maintain accurate records of the total tonnage of solid waste being disposed of at such landfill and of the disposal fees levied and collected thereon, in a manner and using forms prescribed by the department.

(c) The operator of a permitted landfill shall remit all disposal fees so collected to the department in a manner and at intervals prescribed by the department.

Section 6. Resource Incentives Fund.

(a) To encourage the development in the State of recycling centers to recover secondary resources and energy from solid waste to prevent the unnecessary waste and depletion of our vital natural resources, a special fund shall be created and shall be known as the Recycling Incentives Fund. The Recycling Incentives Fund shall be administered by the department for source reduction incentive grants to recycling centers approved as a part of the official appropriate county solid waste management plan as provided in the act of July 31, 1968 (P.L.788, No.241), known as the "Pennsylvania Solid Waste Management Act."

(b) All fines, disposal fees and penalties collected under the provisions of this act shall be paid into the treasury of the Commonwealth in a special fund known as the Recycling Incentives Fund which shall be administered by the department for incentives grants to counties for approved recycling centers.

(c) Eligible recycling centers for incentives grants shall be designated by the department and shall be included as a part of the official appropriate solid waste management plans.

(d) Application for grants shall be in writing on a form

1 prepared, prescribed and furnished by the department and shall
2 set forth such information and be accompanied by such data as
3 the department may require.

4 (e) Pursuant to the rules and regulations adopted by the
5 board and to the determination of the amount of funds available
6 in the Recycling Incentives Fund, the department shall determine
7 and provide incentives grants to eligible recycling centers.

8 (f) The department may at any time withdraw its
9 administrative costs from the Recycling Incentives Fund for the
10 purpose of carrying out the provisions of this act.

11 Section 7. Powers and duties of the counties.

12 (a) Each county shall be responsible for the solid waste
13 management system as it relates to source separation programs
14 within its boundaries and shall be responsible for implementing
15 the approved plan as it relates to the recycling systems
16 provided by this act.

17 (b) In carrying out its responsibilities, a county may adopt
18 standards and procedures for source separation which shall be in
19 conformity with the rules, regulations, standards and procedures
20 adopted by the department for recycling pursuant to this act.

21 Counties may contract with any person, public or private
22 organization, business, municipality, county, authority or any
23 combination thereof engaging or desiring to engage in recycling
24 to carry out the goals and responsibilities as related to this
25 act.

26 Section 8. Grants authorized; appropriation.

27 (a) The department is authorized to assist counties by
28 providing grants to pay the cost of preparing amendments to
29 official sewage waste management plans for recycling systems in
30 accordance with the requirements of this act and rules,

1 regulations, standards thereto and for carrying out related
2 studies, surveys, investigations, inquiries and market analysis.

3 (b) The department is authorized to grant funds to counties
4 for the purpose of constructing, improving or modifying systems
5 and equipment and for administration of recycling programs.

6 Section 9. Powers and duties of the department.

7 The department shall have the power and its duty shall be to:

8 (1) Provide technical assistance to counties to
9 coordinate plans for recycling systems as provided by this
10 act including revisions of such plans.

11 (2) Administer the Statewide recycling program pursuant
12 to the provisions of this act.

13 (3) Cooperate with appropriate Federal, State,
14 interstate and local units of government and with appropriate
15 private organizations in carrying out its duties under this
16 act.

17 (4) Adopt such rules, regulations, standards and
18 procedures as provided by the act of April 9, 1929 (P.L.177,
19 No.175), known as "The Administrative Code of 1929," as may
20 be necessary to protect environmental resources of the
21 Commonwealth, protect public health, prevent public
22 nuisances, promote recycling and to enable the department to
23 carry out the provisions of this act.

24 (5) Administer the Recycling Incentive Fund pursuant to
25 the provisions of this act.

26 Section 10. County Recreation Fund.

27 (a) Revenues collected by the sale of recycled resources
28 collected by recycling centers pursuant to this act shall be
29 placed in a restricted account to be administered by the county.

30 (b) Revenues received shall be used to pay the operating

1 costs of the centers.

2 (c) Excess funds generated by the recycling program in each
3 county shall be used for recreational projects within the
4 county. Eligible project scopes shall include acquiring lands
5 for recreation, maintaining and improving existing lands and
6 facilities, and for other bonafide recreational expenses
7 including salaries, equipment, supplies, administration and
8 other related legitimate recreational expenses.

9 (d) The county may grant funds to local political
10 subdivisions within the county for approved recreational
11 projects. Eligible project scopes shall include acquiring lands
12 for recreation, maintaining and improving existing lands and
13 facilities and for other bonafide recreational expenses
14 including salaries, equipment, supplies, administration and
15 other legitimate recreational expenses.

16 Section 11. Penalties.

17 (a) Any person who violates the disposal fee provisions of
18 this act shall, upon conviction thereof in a summary proceeding,
19 be sentenced to pay a fine of \$25 for each ton of solid waste
20 for which a disposal fee was not collected or for which a
21 disposal fee was collected and not remitted to the department.
22 Such fines shall not exceed \$10,000 together with cost of
23 prosecution.

24 (b) Any person who violates any other provision of this act
25 shall, for each violation, be sentenced to pay a fine of not
26 more than \$100.

27 (c) All fines and penalties imposed under the provisions of
28 this section shall be paid into the Recycling Incentives Fund as
29 provided by this act.

30 Section 12. Summary proceedings.

1 All summary proceedings under the provisions of this act may
2 be brought before any district justice of the county where the
3 offense occurred, or in the county where the public is affected
4 and to that end, jurisdiction is hereby conferred upon said
5 district justices subject to appeal by either party in the
6 manner provided by law. In the case of any appeal from such
7 conviction carried out in the manner provided for by law, it
8 shall be the duty of the district attorney to represent the
9 interests of the Commonwealth.

10 Section 13. Effective date.

11 This act shall take effect in 60 days.