
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1622 Session of
1989

INTRODUCED BY DISTLER, REBER, J. L. WRIGHT, MORRIS AND
S. H. SMITH, JUNE 5, 1989

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JUNE 5, 1989

AN ACT

1 Requiring counties to adopt programs to assure the availability
2 of municipal waste treatment and disposal facilities.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Definitions.

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

9 "Department." The Department of Environmental Resources of
10 the Commonwealth.

11 "Municipal waste." Any garbage, refuse, industrial lunchroom
12 or office waste and other material, including solid, liquid,
13 semisolid or contained gaseous material, resulting from the
14 operation of residential, municipal, commercial or institutional
15 establishments and from community activities and any sludge not
16 meeting the definition of residual or hazardous waste in the act
17 of July 7, 1980 (P.L.380, No.97), known as the Solid Waste

1 Management Act, from a municipal, commercial or institutional
2 water supply treatment plant, waste water treatment plant or air
3 pollution control facility. The term does not include source-
4 separated recyclable materials.

5 "Source-separated recyclable materials." Materials that are
6 separated from municipal waste at the point of origin for the
7 purpose of recycling.

8 Section 2. Future availability of municipal waste treatment and
9 disposal facilities.

10 (a) Capacity.--On or before January 1, 1992, each county
11 shall have a program, acceptable by the department, to assure
12 the availability within the county of treatment or disposal
13 facilities which:

14 (1) have sufficient capacity to properly dispose of all
15 the municipal waste reasonably expected to be generated
16 within the county for the period of the next ten years;

17 (2) have sufficient capacity to properly dispose of all
18 ash residue reasonably expected to be produced by or from all
19 incinerators and resource recovery facilities located within
20 the county for a period of the next 20 years;

21 (3) are acceptable to the department; and

22 (4) are in or will be in compliance with all applicable
23 statutes, laws and regulations relating to waste disposal.

24 (b) Availability.--For the purpose of this act, "assured
25 availability" means that the county shall, by an authority or
26 otherwise, own and operate a disposal facility or facilities
27 with sufficient capacity reserved to the county to satisfy the
28 provisions of this act or shall have a binding commitment with
29 one or more private or public entities for the exclusive or
30 nonexclusive right to the use of a disposal facility or

1 facilities with sufficient capacity reserved to the county to
2 satisfy the provisions of this act. If facilities do not exist
3 with sufficient capacity to comply with the provisions of this
4 act, the county shall have binding commitments to provide such
5 future assured availability.

6 (c) Intergovernmental agreements.--A county shall be
7 considered to have complied with the provisions of this act if
8 it has entered into an intergovernmental agreement with one or
9 more other counties for the purpose of complying with the
10 requirements of this act. Any such intergovernmental agreement
11 shall contain provisions that assure that all counties which are
12 parties to the agreement have each met the provisions of this
13 act.

14 (d) Noncounty capacity.--Notwithstanding any other provision
15 of this act, no county shall enter into any binding commitment
16 for the use of more than 10% of the actual or future estimated
17 permitted capacity of any public or private facility outside the
18 boundaries of the county without the express approval of the
19 county of situs of the facility, which approval shall not be
20 unreasonably withheld if the county of situs has met the
21 requirements of this act.

22 (e) Compliance.--Any county which fails to comply with the
23 provisions of this act shall not be eligible to receive any
24 funds authorized for under the act of July 20, 1974 (P.L.572,
25 No.198), known as the Pennsylvania Solid Waste - Resource
26 Recovery Development Act, or under the act of July 28, 1988
27 (P.L.556, No.101), known as the Municipal Waste Planning,
28 Recycling and Waste Reduction Act. Any municipality which is
29 located within a county which fails to comply with the
30 provisions of this act shall not be eligible for any funds

1 authorized under the Municipal Waste Planning, Recycling and
2 Waste Reduction Act, except as provided in sections 902, 903 and
3 904 of that act as relates to recycling, or under the
4 Pennsylvania Solid Waste - Resource Recovery Development Act.

5 Section 3. Effective date.

6 This act shall take effect immediately.