

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2424 Session of
1990

INTRODUCED BY BATTISTO, BROUJOS, FARGO, COY, SCHULER,
D. R. WRIGHT, NAILOR, KASUNIC, STISH, BELFANTI, SEMMEL,
CARLSON, VAN HORNE, TIGUE, ANGSTADT, STABACK, SAURMAN,
S. H. SMITH, G. SNYDER, FOX, MERRY, HERMAN, SERAFINI, MORRIS,
CLYMER, NOYE, JOHNSON, PESCI, BUNT, TANGRETTI, BARLEY, MELIO,
NAHILL, McCALL, DALEY, BILLOW AND ADOLPH, APRIL 2, 1990

REFERRED TO COMMITTEE ON CONSERVATION, APRIL 2, 1990

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," providing for the sale of
16 recyclable and recycled materials by municipalities.

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

19 Section 1. Section 1501(e) of the act of July 28, 1988
20 (P.L.556, No.101), known as the Municipal Waste Planning,
21 Recycling and Waste Reduction Act, is amended to read:

22 Section 1501. Municipal implementation of recycling programs.

23 * * *

1 (e) Implementation.--

2 (1) Except as provided in paragraph (2), a municipality
3 shall implement its responsibilities for collection,
4 transportation, processing and marketing materials under this
5 section in one or both of the following ways:

6 (i) Collect, transport, process or market materials
7 as required by this section.

8 (ii) Enter into contracts with other persons for the
9 collection, transportation, processing or marketing of
10 materials as required by this section. A person who
11 enters into a contract under this subsection shall be
12 responsible with the municipality for implementation of
13 this section.

14 (2) A municipality shall not be subject to requirements
15 otherwise imposed by law for the sale of personal property
16 owned by the municipality when selling recyclable material or
17 material separated, collected, recovered or created by
18 recycling.

19 [(2)] (3) Nothing in this section requires a
20 municipality to collect, transport, process and market
21 materials or to contract for the collection, transportation,
22 processing and marketing of materials from establishments or
23 activities where all of the following are met:

24 (i) The municipality is not collecting and
25 transporting municipal waste from such establishment or
26 activity.

27 (ii) The municipality has not contracted for the
28 collection and transportation of municipal waste from
29 such establishment or activity.

30 (iii) The municipality has adopted an ordinance as

1 required by this section, and the establishment or
2 activity is in compliance with the provisions of this
3 section.

4 * * *

5 Section 2. This act shall take effect immediately.