

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2315 Session of  
1998

INTRODUCED BY DALLY, GRUPPO, FEESE, MELIO, MARKOSEK, WOJNAROSKI,  
SURRA, B. SMITH, YOUNGBLOOD, CORPORA, BOSCOLA, ROSS,  
E. Z. TAYLOR, HENNESSEY, RAMOS AND LEVDANSKY, MARCH 11, 1998

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
MARCH 11, 1998

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 an annual economic  
16 benefit for certain municipalities; and making editorial  
17 changes.

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

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

AN ACT

24 Providing for planning for the processing and disposal of

1       municipal waste; requiring counties to submit plans for  
2       municipal waste management systems within their boundaries;  
3       authorizing grants to counties and municipalities for  
4       planning, resource recovery and recycling; imposing and  
5       collecting fees; establishing certain rights for host  
6       municipalities; requiring municipalities to implement  
7       recycling programs; requiring Commonwealth agencies to  
8       procure recycled materials; imposing duties; granting powers  
9       to counties and municipalities; authorizing the Environmental  
10      Quality Board to adopt regulations; authorizing the  
11      Department of Environmental [Resources] Protection to  
12      implement this act; providing remedies; prescribing  
13      penalties; establishing a fund; and making repeals.

14      Section 2. The definitions of "department" and "secretary"  
15      in section 103 of the act are amended to read:

16      Section 103. Definitions.

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

20      \* \* \*

21      "Department." The Department of Environmental [Resources]  
22      Protection of the Commonwealth and its authorized  
23      representatives.

24      \* \* \*

25      "Secretary." The Secretary of Environmental [Resources]  
26      Protection of the Commonwealth.

27      \* \* \*

28      Section 3. Section 1510(f) of the act is amended to read:  
29      Section 1510. Lead acid batteries.

30      \* \* \*

(f) Enforcement.--The Department of Environmental  
[Resources] Protection shall enforce this section.

Section 4. The act is amended by adding a section to read:

Section 1716. Annual economic benefit for impacted  
municipalities.

(a) General rule.--Any impacted municipality shall be  
entitled to an annual economic benefit to be agreed upon by the  
governing body of the impacted municipality and the person  
holding the franchise for the municipal waste processing and  
disposal facility or the contracting unit, or both, as the case  
may be. The governing body of the impacted municipality and the  
person holding the franchise for the facility or the contracting  
unit, or both, as the case may be, shall consider the level of  
truck traffic in the impacted municipality, the proximity of the  
facility to inhabited areas of the impacted municipality and the  
type of land use in the impacted municipality surrounding the  
facility in negotiating the annual economic benefit.

(b) Determination by secretary for failed negotiations.--If  
the governing body of the impacted municipality and the person  
holding the franchise for the municipal waste processing and  
disposal facility or the contracting unit, or both, as the case  
may be, fail to agree upon an annual economic benefit as  
provided in subsection (a), any party to the failed negotiations  
may request the department to determine an appropriate benefit,  
in which case the secretary shall make that determination and  
the terms and conditions of any annual economic benefit so  
determined shall remain subject to the continuing jurisdiction  
of the department. In making the determination of the annual  
economic benefit, the secretary shall consider the level of  
truck traffic in the impacted municipality, the proximity of the

1 facility to inhabited areas of the impacted municipality and the  
2 type of land use in the impacted municipality surrounding the  
3 facility.

4 (c) Multiple impacted municipalities.--If more than one  
5 impacted municipality is entitled to receive an annual economic  
6 benefit as provided in subsection (a), the person holding the  
7 franchise for the municipal waste processing and disposal  
8 facility shall provide each impacted municipality with the  
9 annual statement of tonnage accepted at the facility and shall  
10 pay to the chief fiscal officer of each impacted municipality  
11 the amount due as provided in subsection (a).

12 (d) As used in this section, "impacted municipality" shall  
13 mean a municipality that borders another municipality wherein a  
14 municipal waste processing and disposal facility is located or a  
15 municipality whose municipal boundary is within two miles of and  
16 located along an approach route to the facility.

17 Section 5. Section 1901 of the act is amended to read:  
18 Section 1901. Report to General Assembly.

19 The Secretary of Environmental [Resources] Protection shall  
20 prepare a report to the General Assembly concerning the  
21 implementation of this act and the success of county and  
22 municipal recycling programs. This report shall be transmitted  
23 to the General Assembly no later than April 1, 1991, and shall  
24 be revised, and modified if necessary, at least once every three  
25 years thereafter.

26 Section 6. This act shall take effect in 60 days.