
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 934 Session of
2007

INTRODUCED BY SCAVELLO, BROOKS, BELFANTI, BRENNAN, CREIGHTON,
EVERETT, FAIRCHILD, GEORGE, GINGRICH, GOODMAN, HARHART,
HARRIS, HENNESSEY, HORNAMAN, M. KELLER, KILLION, KIRKLAND,
LONGIETTI, MILLARD, PYLE, SIPTROTH, SURRA, THOMAS, YOUNGBLOOD
AND REICHLEY, MARCH 29, 2007

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
MARCH 29, 2007

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 and disposed of at resource
5 recovery facilities or municipal waste landfills designated
6 in the county's municipal waste management plan as provided
7 for in Chapter 5.

8 (2) (i) The fee shall not exceed \$4 per ton for the
9 first five years in which it is imposed.

10 (ii) After the first five-year period, the limit on
11 the fee under subparagraph (i) shall be increased every
12 five years to account for inflation by taking the average
13 of the five prior years' increase, if any, in the
14 Consumer Price Index for All Urban Consumers (CPI-U)
15 categorized further as Philadelphia All Items as
16 officially reported by the Department of Labor, Bureau of
17 Labor Statistics.

18 (iii) The fee shall be collected by the disposal
19 facilities and paid to the counties or their agent on a
20 quarterly basis or as otherwise negotiated.

21 (3) The transporter or transfer station that is charged
22 a fee pursuant to this subsection may pass through and obtain
23 the fee from the generator of such waste as a surcharge on
24 any fee schedule established pursuant to law, ordinance,
25 resolution or contract for solid waste collection, transfer,
26 transport and delivery.

27 (4) Funds generated by the fee imposed under this
28 subsection shall be deposited in a dedicated account or fund
29 to be used exclusively for recycling and waste management
30 activities, services, staff or plan implementation. These

1 activities may include:

2 (i) Recycling and composting collection, processing,
3 research or program planning.

4 (ii) Related alternative energy, waste and recycling
5 activities.

6 (iii) Collections for special materials.

7 (iv) Household hazardous waste or universal waste
8 programs.

9 (v) Illegal dump and litter remediation and
10 prevention activities.

11 (vi) Public education and promotion associated with
12 and enforcement of waste and recycling programs.

13 (vii) Staff and overhead costs associated with
14 administration and implementation of these programs.

15 (5) The county solid waste authority or county solid
16 waste advisory committee, as described in section 503(a), or
17 its designee, shall review a spending plan for the funds
18 collected under this subsection, make suggestions and propose
19 any changes it believes appropriate.

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

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

24 (i) Counties or their designated agent from
25 negotiating other fees to support programs described in
26 paragraph (4).

27 (ii) Municipalities or their agents from charging
28 user fees for services incident to their self-
29 administered and/or contracted recycling programs.

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