

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1209 Session of  
2007

INTRODUCED BY MCILVAINE SMITH, SEIP, SCAVELLO, CALTAGIRONE,  
CARROLL, EVERETT, FLECK, FREEMAN, GEORGE, GRUCELA, HALUSKA,  
HARKINS, HERSHEY, JOSEPHS, KOTIK, KULA, LEACH, MAHONEY,  
MCILHATTAN, MOUL, M. O'BRIEN, RAPP, SURRA, WANSACZ,  
YOUNGBLOOD, YUDICHAK, MOYER, FAIRCHILD, M. KELLER, LONGIETTI,  
THOMAS, FABRIZIO AND CREIGHTON, JUNE 18, 2007

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
JUNE 18, 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 and for recycling fees.

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.

1     (g) Administrative fees.--A county that is implementing a  
2     recycling program or a municipal authority established by a  
3     county to implement a recycling program may charge a reasonable  
4     fee for the administrative costs of the recycling program.

5     Section 2. Section 701 of the act, amended November 9, 2006  
6     (P.L.1347, No.140), is amended to read:

7     Section 701. Recycling fee for municipal waste landfills and  
8                     resource recovery facilities.

9     (a) Imposition.--There is imposed a recycling fee of \$2 per  
10    ton for all solid waste processed at resource recovery  
11    facilities and for all solid waste except process residue and  
12    nonprocessable waste from a resource recovery facility that is  
13    disposed of at municipal waste landfills. Such fee shall be paid  
14    by the operator of each municipal waste landfill and resource  
15    recovery facility.

16    (b) Alternative calculation.--The fee for operators of  
17    municipal waste landfills and resource recovery facilities that  
18    do not weigh solid waste when it is received shall be calculated  
19    as if three cubic yards were equal to one ton of solid waste.

20    (c) Waste weight requirement.--On and after April 9, 1990,  
21    each operator of a municipal waste landfill and resource  
22    recovery facility that has received 30,000 or more cubic yards  
23    of solid waste in the previous calendar year shall weigh all  
24    solid waste when it is received. The scale used to weigh solid  
25    waste shall conform to the requirements of the act of December  
26    1, 1965 (P.L.988, No.368), known as the Weights and Measures Act  
27    of 1965, and the regulations promulgated pursuant thereto. The  
28    operator of the scale shall be a licensed public weighmaster  
29    under the act of April 28, 1961 (P.L.135, No.64), known as the  
30    Public Weighmaster's Act, and the regulations promulgated

1 pursuant thereto.

2 [(d) Sunset for fee.--No fee shall be imposed under this  
3 section on and after January 1, 2012.]

4 Section 3. This act shall take effect in 60 days.