

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1069 Session of  
2009

INTRODUCED BY SCAVELLO, MCILVAINE SMITH, GEORGE, PEIFER,  
SIPTROTH, BELFANTI, BEYER, BRENNAN, BROOKS, FABRIZIO,  
FAIRCHILD, FRANKEL, FREEMAN, GEIST, GIBBONS, HARHART, HARRIS,  
HELM, HENNESSEY, HOUGHTON, M. KELLER, KORTZ, LONGIETTI,  
MAHONEY, MAJOR, MILLARD, MILLER, MOUL, MURT, PASHINSKI, PYLE,  
THOMAS, WAGNER, WANSACZ AND YOUNGBLOOD, MARCH 24, 2009

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
MARCH 24, 2009

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.

1 \* \* \*

2 (g) Recycling and waste management fee.--

3 (1) A county or its designated agent may impose a  
4 recycling and waste management fee on municipal solid waste  
5 generated within its borders and received at resource  
6 recovery facilities or municipal waste landfills.

7 (2) (i) The fee shall not exceed \$4 per ton.

8 (ii) The fee shall be collected by the disposal  
9 facilities and paid to the counties or their agent on a  
10 quarterly basis or as otherwise negotiated.

11 (3) The transporter or transfer station that is charged  
12 a fee pursuant to this subsection may pass through and obtain  
13 the fee from the generator of such waste as a surcharge on  
14 any fee schedule established pursuant to law, ordinance,  
15 resolution or contract for solid waste collection, transfer,  
16 transport and delivery.

17 (4) Funds generated by the fee imposed under this  
18 subsection shall be deposited in a dedicated account or fund  
19 to be used exclusively for recycling and waste management  
20 activities, services, staff or plan implementation. These  
21 activities may include:

22 (i) Recycling and composting collection, processing,  
23 marketing, research or program planning.

24 (ii) Related alternative energy, waste and recycling  
25 activities.

26 (iii) Collections for special materials.

27 (iv) Household hazardous waste or universal waste  
28 programs.

29 (v) Illegal dump and litter remediation and  
30 prevention activities.

1           (vi) Public education and promotion associated with  
2           and enforcement of waste and recycling programs.

3           (vii) Staff and overhead costs associated with  
4           administration and implementation of these programs.

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

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

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

14               (i) Counties or their designated agent from  
15               negotiating other fees to support programs described in  
16               paragraph (4).

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

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