

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1436 Session of
1991

INTRODUCED BY BARLEY, VROON, TIGUE, LEE, SCHULER, NOYE, HERSHEY,
BELFANTI AND CIVERA, MAY 15, 1991

REFERRED TO COMMITTEE ON CONSERVATION, MAY 15, 1991

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 host
16 municipality benefit fees.

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

19 Section 1. Section 1301 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 1301. Host municipality benefit fee.

23 (a) Imposition.--There is imposed a host municipality
24 benefit fee upon the operator of each municipal waste landfill

1 or resource recovery facility that has a valid permit on the
2 effective date of this act or receives a new permit or permit
3 that results in additional capacity from the department under
4 the Solid Waste Management Act after the effective date of this
5 act. The fee shall be paid to the host municipality. If the host
6 municipality owns or operates the landfill or facility, the fee
7 shall not be imposed for waste generated within such
8 municipality. If the landfill or facility is located within more
9 than one host municipality, the fee shall be apportioned among
10 them according to the percentage of the permitted area located
11 in each municipality.

12 (b) Amount.--The fee is \$1 per ton of weighed solid waste or
13 \$1 per three cubic yards of volume-measured solid waste for all
14 solid waste received at a landfill or facility. Any amounts paid
15 by an operator to a host municipality pursuant to a preexisting
16 agreement shall serve as a credit against the fee amount imposed
17 by this section.

18 (c) Municipal options.--Nothing in this section or section
19 1302 shall prevent a host municipality from receiving a higher
20 fee or receiving the fee in a different form or at different
21 times than provided in this section and section 1302, if the
22 host municipality and the operator of the municipal waste
23 landfill or resource recovery facility agree in writing.

24 (d) [Supersede.--The fee imposed by this section shall
25 preempt and supersede any tax imposed on each municipal waste
26 landfill or resource recovery facility under the act of December
27 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling
28 Act, which is in excess of the amount imposed on or before
29 December 31, 1987.

30 (e)] County options.--Nothing in this act shall prevent a

1 host county from negotiating a fee or fee in a different form,
2 if the host county and the operator of the municipal waste
3 landfill or resource recovery agree in writing. Any county which
4 has negotiated a fee as of the effective date of this act may
5 require that the fee be continued.

6 (e) Optional municipality benefit fee.--A host municipality
7 may impose a benefit fee upon the operator of a commercial
8 residual waste landfill of up to \$1 per ton of weighted solid
9 waste or \$1 per three cubic yards of volume-measured solid waste
10 for all solid waste received at a commercial residual waste
11 landfill in accordance with the provisions of this section.

12 (f) Exception.--Subsection (e) of this section shall not
13 apply to waste generated by and disposed of by the operator in a
14 commercial residual waste landfill owned by the operator.

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