

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 2190 Session of  
2001

INTRODUCED BY RUBLEY, M. WRIGHT, ADOLPH, ARGALL, BARD, BASTIAN, BUNT, CALTAGIRONE, CAPPELLI, CAWLEY, CLYMER, CORRIGAN, DAILEY, DeWEESE, FAIRCHILD, FICHTER, FRANKEL, GEORGE, GORDNER, GRUCELA, HENNESSEY, HERMAN, HERSHEY, HORSEY, KELLER, LEVDANSKY, LEWIS, MANN, McCALL, McILHINNEY, MELIO, MUNDY, NAILOR, PALLONE, ROSS, SANTONI, SATHER, SAYLOR, SCHRODER, B. SMITH, STABACK, STEELMAN, STEIL, STERN, SURRA, TANGRETTI, TIGUE, TRELLO, VANCE, VITALI, WATSON, WOJNAROSKI, G. WRIGHT, YOUNGBLOOD, SHANER, CREIGHTON, FREEMAN, TRICH, THOMAS, CURRY, E. Z. TAYLOR AND BELARDI, NOVEMBER 26, 2001

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JUNE 12, 2002

## 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 defining "host  
16 municipality"; further providing for the recycling fee sunset  
17 provisions, FOR AWARDING OF GRANTS and for the host  
18 municipality benefit fee; and making a repeal. <—

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

21 ~~Section 1. The definition of "host municipality" in section~~ <—

1 ~~103 of the act of July 28, 1988 (P.L.556, No.101), known as the~~  
2 ~~Municipal Waste Planning, Recycling and Waste Reduction Act, is~~  
3 ~~amended to read:~~

4 ~~Section 103. Definitions.~~

5 ~~The following words and phrases when used in this act shall~~  
6 ~~have the meanings given to them in this section unless the~~  
7 ~~context clearly indicates otherwise:~~

8 ~~\* \* \*~~

9 ~~"Host municipality." The municipality [other than the~~  
10 ~~county] within which a municipal waste landfill or resource~~  
11 ~~recovery facility is located or is proposed to be located.~~

12 ~~\* \* \*~~

13 ~~Section 2. Sections 701(d) and 1301(e) of the act are~~  
14 ~~amended to read:~~

15 SECTION 1. SECTIONS 701(D), 905(C) AND 1301(B) OF THE ACT OF <—  
16 JULY 28, 1988 (P.L.556, NO.101), KNOWN AS THE MUNICIPAL WASTE  
17 PLANNING, RECYCLING AND WASTE REDUCTION ACT, ARE AMENDED TO  
18 READ:

19 Section 701. Recycling fee for municipal waste landfills and  
20 resource recovery facilities.

21 \* \* \*

22 [(d) Sunset for fee.--No fee shall be imposed under this  
23 section on and after the first day of the 11th year following  
24 the effective date of this act.]

25 SECTION 905. GENERAL LIMITATIONS. <—

26 \* \* \*

27 (C) OTHER LIMITATIONS ON GRANTS.--THE DEPARTMENT MAY NOT  
28 AWARD ANY GRANT UNDER THIS CHAPTER TO ANY COUNTY OR MUNICIPALITY  
29 THAT HAS FAILED TO COMPLY WITH THE CONDITIONS SET FORTH IN  
30 PREVIOUSLY AWARDED GRANTS UNDER THIS CHAPTER, THE REQUIREMENTS

1 OF THIS CHAPTER AND ANY REGULATIONS PROMULGATED PURSUANT THERETO  
2 PROVIDED THAT THE DEPARTMENT SHALL NOT PROHIBIT THE AWARD OF ANY  
3 GRANT TO A COUNTY OR MUNICIPALITY THAT HAS ADOPTED AN ORDINANCE  
4 ALLOWING THE LIMITED BURNING OF YARD WASTE.

5 \* \* \*

6 Section 1301. Host municipality benefit fee.

7 \* \* \*

8 (B) AMOUNT.--THE FEE IS [\$1] \$2 PER TON OF WEIGHED SOLID <—  
9 WASTE OR \$1 PER THREE CUBIC YARDS OF VOLUME-MEASURED SOLID WASTE  
10 FOR ALL SOLID WASTE RECEIVED AT A LANDFILL OR FACILITY. ANY  
11 AMOUNTS PAID BY AN OPERATOR TO A HOST MUNICIPALITY PURSUANT TO A  
12 PREEXISTING AGREEMENT SHALL SERVE AS A CREDIT AGAINST THE FEE  
13 AMOUNT IMPOSED BY THIS SECTION.

14 \* \* \*

15 ~~(c) County options. [Nothing in this act shall prevent a~~ <—  
16 ~~host county from negotiating a fee or fee in a different form,~~  
17 ~~if the host county and the operator of the municipal waste~~  
18 ~~landfill or resource recovery agree in writing.] Any county~~  
19 ~~which has negotiated a fee as of the effective date of this act~~  
20 ~~may require that the fee be continued.~~

21 Section 3 2. The provisions of 27 Pa.C.S. § 6112(a) are <—  
22 repealed.

23 Section 4 3. This act shall take effect immediately. <—