

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 412 Session of
2003

INTRODUCED BY DALLY, BELARDI, CAPPELLI, CAWLEY, CREIGHTON, CRUZ,
DALEY, FREEMAN, GRUCELA, HARHAI, HENNESSEY, HORSEY, KIRKLAND,
LAUGHLIN, LEWIS, McILHATTAN, MYERS, ROSS, SCAVELLO, SOLOBAY,
THOMAS, WANSACZ AND YOUNGBLOOD, FEBRUARY 24, 2003

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
FEBRUARY 24, 2003

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," providing for an annual economic
16 benefit for certain municipalities; and making editorial
17 changes.

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

20 Section 1. The title of the act of July 28, 1988 (P.L.556,
21 No.101), known as the Municipal Waste Planning, Recycling and
22 Waste Reduction Act, is amended to read:

23 AN ACT

24 Providing for planning for the processing and disposal of

1 municipal waste; requiring counties to submit plans for
2 municipal waste management systems within their boundaries;
3 authorizing grants to counties and municipalities for
4 planning, resource recovery and recycling; imposing and
5 collecting fees; establishing certain rights for host
6 municipalities; requiring municipalities to implement
7 recycling programs; requiring Commonwealth agencies to
8 procure recycled materials; imposing duties; granting powers
9 to counties and municipalities; authorizing the Environmental
10 Quality Board to adopt regulations; authorizing the
11 Department of Environmental [Resources] Protection to
12 implement this act; providing remedies; prescribing
13 penalties; establishing a fund; and making repeals.

14 Section 2. The definitions of "department" and "secretary"
15 in section 103 of the act are amended to read:

16 Section 103. Definitions.

17 The following words and phrases when used in this act shall
18 have the meanings given to them in this section unless the
19 context clearly indicates otherwise:

20 * * *

21 "Department." The Department of Environmental [Resources]
22 Protection of the Commonwealth and its authorized
23 representatives.

24 * * *

25 "Secretary." The Secretary of Environmental [Resources]
26 Protection of the Commonwealth.

27 * * *

28 Section 3. Section 1510(f) of the act is amended to read:
29 Section 1510. Lead acid batteries.

30 * * *

1 (f) Enforcement.--The Department of Environmental

2 [Resources] Protection shall enforce this section.

3 Section 4. The act is amended by adding a section to read:

4 Section 1716. Annual economic benefit for impacted

5 municipalities.

6 (a) General rule.--Any impacted municipality shall be

7 entitled to an annual economic benefit to be agreed upon by the

8 governing body of the impacted municipality and the person

9 holding the franchise for the municipal waste processing and

10 disposal facility or the contracting unit, or both, as the case

11 may be. The governing body of the impacted municipality and the

12 person holding the franchise for the facility or the contracting

13 unit, or both, as the case may be, shall consider the level of

14 truck traffic in the impacted municipality, the proximity of the

15 facility to inhabited areas of the impacted municipality and the

16 type of land use in the impacted municipality surrounding the

17 facility in negotiating the annual economic benefit.

18 (b) Determination by secretary for failed negotiations.--If

19 the governing body of the impacted municipality and the person

20 holding the franchise for the municipal waste processing and

21 disposal facility or the contracting unit, or both, as the case

22 may be, fail to agree upon an annual economic benefit as

23 provided in subsection (a), any party to the failed negotiations

24 may request the department to determine an appropriate benefit,

25 in which case the secretary shall make that determination and

26 the terms and conditions of any annual economic benefit so

27 determined shall remain subject to the continuing jurisdiction

28 of the department. In making the determination of the annual

29 economic benefit, the secretary shall consider the level of

30 truck traffic in the impacted municipality, the proximity of the

1 facility to inhabited areas of the impacted municipality and the
2 type of land use in the impacted municipality surrounding the
3 facility.

4 (c) Multiple impacted municipalities.--If more than one
5 impacted municipality is entitled to receive an annual economic
6 benefit as provided in subsection (a), the person holding the
7 franchise for the municipal waste processing and disposal
8 facility shall provide each impacted municipality with the
9 annual statement of tonnage accepted at the facility and shall
10 pay to the chief fiscal officer of each impacted municipality
11 the amount due as provided in subsection (a).

12 (d) As used in this section, "impacted municipality" shall
13 mean a municipality that borders another municipality wherein a
14 municipal waste processing and disposal facility is located or a
15 municipality whose municipal boundary is within two miles of and
16 located along an approach route to the facility.

17 Section 5. Section 1901 of the act is amended to read:
18 Section 1901. Report to General Assembly.

19 The Secretary of Environmental [Resources] Protection shall
20 prepare a report to the General Assembly concerning the
21 implementation of this act and the success of county and
22 municipal recycling programs. This report shall be transmitted
23 to the General Assembly no later than April 1, 1991, and shall
24 be revised, and modified if necessary, at least once every three
25 years thereafter.

26 Section 6. This act shall take effect in 60 days.