

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

# HOUSE BILL

No. 1435 Session of  
2003

---

INTRODUCED BY LEVDANSKY, STEIL, FREEMAN, BARRAR, BEBKO-JONES,  
CAPPPELLI, CAWLEY, CREIGHTON, DAILEY, DeWEESE, GILLESPIE,  
GORDNER, GRUCELA, HENNESSEY, HESS, HORSEY, JOSEPHS, KIRKLAND,  
LAUGHLIN, LEDERER, LEH, LESCOVITZ, MANDERINO, MANN, McGEEHAN,  
McNAUGHTON, MELIO, MUNDY, O'NEILL, RUFFING, B. SMITH,  
SOLOBAY, STURLA, TANGRETTI, E. Z. TAYLOR, THOMAS, TIGUE,  
WALKO, WANSACZ, WASHINGTON, WOJNAROSKI AND YOUNGBLOOD,  
MAY 12, 2003

---

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
MAY 12, 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," further providing for legislative  
16 findings, declaration of policy and goals, for definitions  
17 and for facilities operation and recycling relating to leaf  
18 waste.

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

21 Section 1. Section 102 of the act of July 28, 1988 (P.L.556,  
22 No.101), known as the Municipal Waste Planning, Recycling and

1 Waste Reduction Act, is amended to read:

2 Section 102. Legislative findings; declaration of policy and  
3 goals.

4 (a) Legislative findings.--The Legislature hereby  
5 determines, declares and finds that:

6 (1) Improper municipal waste practices create public  
7 health hazards, environmental pollution and economic loss,  
8 and cause irreparable harm to the public health, safety and  
9 welfare.

10 (2) Parts of this Commonwealth have inadequate and  
11 rapidly diminishing processing and disposal capacity for  
12 municipal waste.

13 (3) Virtually every county in this Commonwealth will  
14 have to replace existing municipal waste processing and  
15 disposal facilities over the next decade.

16 (4) Needed additional municipal waste processing and  
17 disposal facilities have not been developed in a timely  
18 manner because of diffused responsibility for municipal waste  
19 planning, processing and disposal among numerous and  
20 overlapping units of local government.

21 (5) It is necessary to give counties the primary  
22 responsibility to plan for the processing and disposal of  
23 municipal waste generated within their boundaries to insure  
24 the timely development of needed processing and disposal  
25 facilities.

26 (6) Proper and adequate processing and disposal of  
27 municipal waste generated within a county requires the  
28 generating county to give first choice to new processing and  
29 disposal sites located within that county.

30 (7) It is appropriate to provide those living near

1 municipal waste processing and disposal facilities with  
2 additional guarantees of the proper operation of such  
3 facilities and to provide incentives for municipalities to  
4 host such facilities.

5 (8) Waste reduction and recycling are preferable to the  
6 processing or disposal of municipal waste.

7 (9) Prompt payment and efficient collection of the  
8 recycling fee created by this act are essential to the  
9 administration of the recycling grants provided by this act.

10 (10) Authorizing counties to control the flow of  
11 municipal waste is necessary, among other reasons, to  
12 guarantee the long-term economic viability of resource  
13 recovery facilities and municipal waste landfills, to ensure  
14 that such facilities and landfills can be financed, to  
15 moderate the cost of such facilities and landfills over the  
16 long term, to protect existing capacity, and to assist in the  
17 development of markets for recyclable materials by  
18 guaranteeing a steady flow of such materials.

19 (11) Public agencies in the Commonwealth purchase  
20 significant quantities of products or materials annually.

21 (12) By purchasing products or materials made from  
22 recycled materials, public agencies in the Commonwealth can  
23 help stimulate the market for such materials and thereby  
24 foster recycling, and can also educate the public concerning  
25 the utility and availability of such materials.

26 (13) Removing certain materials from the municipal  
27 waste-stream will decrease the flow of solid waste to  
28 municipal waste landfills, aid in the conservation and  
29 recovery of valuable resources, conserve energy in the  
30 manufacturing process, increase the supply of reusable

1 materials for the Commonwealth's industries, and will also  
2 reduce substantially the required capacity of proposed  
3 resource recovery facilities and contribute to their overall  
4 combustion efficiency, thereby resulting in significant cost  
5 savings in the planning, construction and operation of these  
6 facilities.

7 (14) It is in the public interest to promote the source  
8 separation of marketable materials on a Statewide basis so  
9 that reusable materials may be returned to the economic  
10 mainstream in the form of raw materials or products rather  
11 than be disposed of or processed at the Commonwealth's  
12 overburdened municipal waste processing or disposal  
13 facilities.

14 (15) The recycling of marketable materials by  
15 municipalities in the Commonwealth and Commonwealth agencies,  
16 and the development of public and private sector recycling  
17 activities on an orderly and incremental basis, will further  
18 demonstrate the Commonwealth's long-term commitment to an  
19 effective and coherent solid waste management strategy.

20 (16) Operators of municipal waste landfills and resource  
21 recovery facilities should give first priority to the  
22 disposal or processing of municipal waste generated within  
23 the host county because, among other reasons, the host county  
24 is most directly affected by operations at the facility and  
25 local processing or disposal of municipal waste saves energy  
26 and transportation costs.

27 (17) The Commonwealth recognizes that both municipal  
28 waste landfills and resource recovery facilities will be  
29 needed as part of an integrated strategy to provide for the  
30 processing and disposal of the Commonwealth's municipal

1 waste.

2       (18) This act is enacted under the authority of  
3 Amendment X of the Constitution of the United States of  
4 America, under which the police power to protect the health,  
5 safety and welfare of the citizens is reserved to the states.

6       (19) The Commonwealth is responsible for the protection  
7 of the health, safety and welfare of its citizens concerning  
8 solid waste management.

9       (20) All aspects of solid waste management, particularly  
10 the disposition of solid waste, pose a critical threat to the  
11 health, safety and welfare of the citizens of this  
12 Commonwealth.

13       (21) Uncontrolled increases in the daily volumes of  
14 solid waste received at municipal waste landfills have  
15 significantly decreased their remaining lifetimes, disrupting  
16 the municipal waste planning process and the ability of  
17 municipalities relying on the landfills to continue using  
18 them. These increases have threatened to significantly and  
19 adversely affect public health and safety when municipalities  
20 find they can no longer use the facilities. Uncontrolled  
21 increases in daily waste volumes can also cause increased  
22 noise, odors, truck traffic and other significant adverse  
23 effects on the environment as well as on public health and  
24 safety.

25       (22) By purchasing, processing and marketing obsolete  
26 and other materials which would otherwise have been managed  
27 as municipal or residual waste, the Commonwealth's existing  
28 for-profit scrap processing and recycling industry has been  
29 and remains essential to the efficient and effective  
30 management of solid waste.

1                   (23) In carrying out their powers and duties under this  
2 act, counties and other municipalities should:

3                   (i) Ensure that the ability of the scrap processing  
4 and recycling industry to continue purchasing, processing  
5 and marketing recoverable materials is not thereby  
6 impaired.

7                   (ii) Utilize to the fullest extent practicable all  
8 available facilities and expertise within the scrap  
9 processing and recycling industry for processing and  
10 marketing recyclable materials from municipal waste.

11                  (24) Vehicle batteries are particularly difficult to  
12 dispose of and potentially harmful if improperly disposed of,  
13 and it is necessary to control disposal and promote recycling  
14 of such batteries.

15                  (25) Communities and homeowners have made substantial  
16 efforts to compost yard wastes, creating significant  
17 alternatives to disposal, so that preventing the disposal or  
18 processing of yard waste will not represent an undue burden  
19 on homeowners or communities and will preserve landfill and  
20 processing capacity. In many communities, yard waste amounts  
21 to over 15% of the waste stream.

22                  (b) Purpose.--It is the purpose of this act to:

23                  (1) Establish and maintain a cooperative State and local  
24 program of planning and technical and financial assistance  
25 for comprehensive municipal waste management.

26                  (2) Encourage the development of waste reduction and  
27 recycling as a means of managing municipal waste, conserving  
28 resources and supplying energy through planning, grants and  
29 other incentives.

30                  (3) Protect the public health, safety and welfare from

1       the short- and long-term dangers of transportation,  
2       processing, treatment, storage and disposal of municipal  
3       waste.

4                 (4) Provide a flexible and effective means to implement  
5       and enforce the provisions of this act.

6                 (5) Utilize, wherever feasible, the capabilities of  
7       private enterprise in accomplishing the desired objectives of  
8       an effective, comprehensive solid waste management plan.

9                 (6) Establish a recycling fee for municipal waste  
10      landfills and resource recovery facilities to provide grants  
11      for recycling, planning and related purposes.

12                 (7) Establish a host municipality benefit fee for  
13      municipal waste landfills and resource recovery facilities  
14      that are permitted on or after the effective date of this act  
15      and to provide benefits to host municipalities for the  
16      presence of such facilities.

17                 (8) Establish a site-specific postclosure fee for  
18      currently operating and future permitted municipal waste  
19      landfills for remedial measures and emergency actions that  
20      are necessary to prevent or abate adverse effects upon the  
21      environment after the closure of such landfills.

22                 (9) Establish trust funds for municipally operated  
23      landfills to ensure that there are sufficient funds available  
24      for completing the final closure of such landfills under the  
25      Solid Waste Management Act.

26                 (10) Shift the primary responsibility for developing and  
27      implementing municipal waste management plans from  
28      municipalities to counties.

29                 (11) Require all public agencies of the Commonwealth to  
30      aid and promote the development of recycling through their

1 procurement policies for the general welfare and economy of  
2 the Commonwealth.

3 (12) Require certain municipalities to implement  
4 recycling programs to return valuable materials to productive  
5 use, to conserve energy and to protect capacity at municipal  
6 waste processing or disposal facilities.

7 (13) Implement Article 1, section 27 of the Constitution  
8 of Pennsylvania.

9 (14) Strengthen the department's existing authority to  
10 regulate daily waste volumes that may be received at a  
11 municipal waste landfill to protect against the unexpected or  
12 unplanned loss of facilities and to ensure that the  
13 facilities operate in a manner that protects the environment  
14 as well as public health and safety.

15 (15) To protect landfill capacity and resource recovery  
16 processing capacity and prevent the degradation of the  
17 environment by prohibiting the disposal or processing of  
18 certain materials which can and should be effectively  
19 recycled and reused.

20 (c) Declaration of goals.--The General Assembly therefore  
21 declares the following goals:

22 (1) At least 25% of all municipal waste and source-  
23 separated recyclable materials generated in this Commonwealth  
24 on and after January 1, 1997, should be recycled.

25 (1.1) At least 35% of all municipal waste and source  
26 separated recyclable materials generated in this Commonwealth  
27 shall be recycled by January 1, 2004.

28 (2) The weight or volume of municipal waste generated  
29 per capita in this Commonwealth on January 1, 2002, should,  
30 to the greatest extent practicable, be less than the weight

1 or volume of municipal waste generated per capita on the  
2 effective date of this act.

3       (2.1) The weight or volume of municipal waste generated  
4       per capita in this Commonwealth on January 1, 2004, shall be  
5       10% less than the weight or volume of municipal waste  
6       generated per capita on January 1, 1992.

7       (2.2) The weight or volume of municipal waste disposed  
8       per capita in this Commonwealth on January 1, 2004, shall be  
9       10% less than the weight or volume of municipal waste  
10      disposed in this Commonwealth per capita on January 1, 2002.

11           (3) Each person living or working in this Commonwealth  
12 shall be taught the economic, environmental and energy value  
13 of recycling and waste reduction and shall be encouraged  
14 through a variety of means to participate in such activities.

15           (4) The Commonwealth should, to the greatest extent  
16 practicable, procure and use products and materials with  
17 recycled content and procure and use materials that are  
18 recyclable.

19       Section 2. The definition of "leaf waste" in section 103 of  
20 the act is amended to read:

21       Section 103. Definitions.

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

25       \* \* \*

26       "Leaf waste." Leaves, garden residues, shrubbery and tree  
27 trimmings, and similar material, [but not] including grass  
28 clippings.

29       \* \* \*

30       Section 3. Section 1502 of the act is amended to read:

1   Section 1502. Facilities operation and recycling.

2       (a) Leaf waste.--[Two years after the effective date of this  
3   act, no] No municipal waste landfill may accept for disposal and  
4   no resource recovery facility may accept for processing, other  
5   than composting, [truckloads composed primarily] loads of leaf  
6   waste.

7       (b) Drop-off centers.--

8           (1) [Two years after the effective date of this act, no]  
9   No person may operate a municipal waste landfill, resource  
10   recovery facility or transfer station unless the operator has  
11   established at least one drop-off center for the collection  
12   and sale of at least three recyclable materials. The three  
13   materials shall be chosen from the following: clear glass,  
14   colored glass, aluminum, steel and bimetallic cans, high  
15   grade office paper, newsprint, corrugated paper and plastics.  
16   The center must be located at the facility or in a place that  
17   is easily accessible to persons generating municipal waste  
18   that is processed or disposed at the facility. Each drop-off  
19   center must contain bins or containers where recyclable  
20   materials may be placed and temporarily stored. If the  
21   operation of the drop-off center requires attendants, the  
22   center shall be open at least eight hours per week, including  
23   four hours during evenings or weekends.

24           (2) Each operator shall, at least 30 days prior to the  
25   initiation of the drop-off center program and at least once  
26   every six months thereafter, provide public notice of the  
27   availability of the drop-off center. The operator shall place  
28   an advertisement in a newspaper circulating in the  
29   municipality or provide notice in another manner approved by  
30   the department.

1       (c) Removal of recyclable materials.--[Two years after the  
2 effective date of this act, no] No person may operate a resource  
3 recovery facility unless the operator has developed a program  
4 for the removal to the greatest extent practicable of recyclable  
5 materials, such as plastics, high grade office paper, aluminum,  
6 clear glass and newspaper from the waste to be incinerated.

7       (d) Removal of hazardous materials.--[Two years after the  
8 effective date of this act, no] No person may operate a resource  
9 recovery facility unless the operator has developed a program  
10 for the removal to the greatest extent practicable of hazardous  
11 materials, such as plastics, corrosive materials, batteries,  
12 pressurized cans and household hazardous materials from the  
13 waste to be incinerated.

14       (e) Definition.--For purposes of this section, "load" means  
15       a shipment of municipal waste for disposal at a municipal waste  
16       landfill or for processing at a resource recovery facility,  
17       regardless of the mode of transportation used.

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