
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1902

Session of
2005

INTRODUCED BY RUBLEY, CRAHALLA, GINGRICH, ADOLPH, ARMSTRONG,
BAKER, BOYD, CALTAGIRONE, CAPPELLI, CAWLEY, DENLINGER,
GOODMAN, HARRIS, HERSHEY, HESS, LaGROTTA, LEACH, LEVDANSKY,
MILLARD, NAILOR, ROSS, SCAVELLO, SIPTROTH, STEIL, STERN,
E. Z. TAYLOR, TIGUE, VITALI, WRIGHT, YOUNGBLOOD, ZUG, HARPER,
PAYNE, QUIGLEY, GEORGE, FREEMAN AND SHAPIRO, JULY 28, 2005

SENATOR M. WHITE, ENVIRONMENTAL RESOURCES AND ENERGY, IN SENATE,
AS AMENDED, SEPTEMBER 27, 2006

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 sunset for
16 recycling fee and for performance grants for municipal
17 recycling programs.

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

20 Section 1. Section 701(d) of the act of July 28, 1988
21 (P.L.556, No.101), known as the Municipal Waste Planning,
22 Recycling and Waste Reduction Act, amended December 9, 2002

1 (P.L.1404, No.175), is amended to read:

2 Section 701. Recycling fee for municipal waste landfills and
3 resource recovery facilities.

4 * * *

5 †(d) Sunset for fee.--No fee shall be imposed under this <—
6 section on and after January 1, ~~2009.~~ [2009] 2012. <—

7 Section 2. Section 904(a) and (d) of the act are amended and
8 the section is amended by adding a subsection to read:

9 Section 904. Performance grants for municipal recycling
10 programs.

11 (a) Authorization.--The department shall award annual
12 performance grants for municipal recycling programs, upon
13 application from a municipality. The application shall be made
14 on a form prepared and furnished by the department. The
15 application shall contain such information as the department
16 deems necessary to carry out the provisions and purposes of this
17 act[.] including, but not limited to, information pertaining to
18 details of the applicants' recycling and composting programs.

19 * * *

20 (d) Prerequisites.--The department shall not award any grant
21 under this section unless [the application is complete and
22 accurate, and the materials were actually marketed. The
23 department shall not award any grant under this section for the
24 operation of a leaf waste composting facility.] it is
25 demonstrated to the department's satisfaction that:

26 (1) The application is complete and accurate.

27 (2) The materials were actually marketed.

28 (3) The materials have not been produced by a leaf or
29 other organics composting facility.

30 (4) Mandated curbside municipalities and other

1 municipalities, except for counties, receiving more than
2 \$10,000 in funding under this section have met the following
3 performance requirements:

4 (i) Requires, through ordinance, that all residents
5 have waste and recycling service.

6 (ii) Has an implemented residential recycling
7 program and facilitates a commercial recycling program or
8 participates in a similar county or multimunicipal
9 program.

10 (iii) Has a residential and business recycling
11 education program.

12 (iv) Has a program of enforcement that periodically
13 monitors participation, receives complaints and issues
14 warnings for required participants and provides fines,
15 penalties, or both, in its recycling ordinance.

16 (v) Has provisions, participates in a county or
17 multimunicipal program or facilitates a private sector
18 program for the recycling of special materials.

19 (vi) Sponsors a program, facilitates a program or
20 supports an organization to address illegal dumping
21 and/or littering problems.

22 (vii) Has a person or entity designated as recycling
23 coordinator who is responsible for recycling data
24 collection and reporting recycling program performance in
25 the municipality or municipalities.

26 (5) If the requirements of paragraph (4) are not
27 satisfied by the municipality, then the grant funds awarded
28 under this section shall be expended by the municipality only
29 to satisfy the requirements of paragraph (4).

30 (6) If the requirements of paragraph (4) are satisfied

1 by the municipality, then the grant funds awarded under this
2 section may be expended by the municipality on any expense as
3 determined in the discretion of the municipality.

4 (e) Compliance.--The department may require budget documents
5 or other expenditure records and may deny funding through this
6 section if an applicant cannot demonstrate that funds have been
7 expended on eligible activities.

8 Section 3. This act shall take effect in 60 days.