

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 934 Session of  
2007

INTRODUCED BY SCAVELLO, BROOKS, BELFANTI, BRENNAN, CREIGHTON,  
EVERETT, FAIRCHILD, GEORGE, GINGRICH, GOODMAN, HARHART,  
HARRIS, HENNESSEY, HORNAMAN, M. KELLER, KILLION, KIRKLAND,  
LONGIETTI, MILLARD, PYLE, SIPTROTH, SURRA, THOMAS, YOUNGBLOOD  
AND REICHLEY, MARCH 29, 2007

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
MARCH 29, 2007

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 powers and  
16 duties of counties.

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

19 Section 1. Section 303 of the act of July 28, 1988 (P.L.556,  
20 No.101), known as the Municipal Waste Planning, Recycling and  
21 Waste Reduction Act, is amended by adding a subsection to read:  
22 Section 303. Powers and duties of counties.

23 \* \* \*

1     (g) Recycling and waste management fee.--

2         (1) A county or its designated agent may impose a  
3     recycling and waste management fee on municipal solid waste  
4     generated within its borders and disposed of at resource  
5     recovery facilities or municipal waste landfills designated  
6     in the county's municipal waste management plan as provided  
7     for in Chapter 5.

8         (2) (i) The fee shall not exceed \$4 per ton for the  
9     first five years in which it is imposed.

10        (ii) After the first five-year period, the limit on  
11     the fee under subparagraph (i) shall be increased every  
12     five years to account for inflation by taking the average  
13     of the five prior years' increase, if any, in the  
14     Consumer Price Index for All Urban Consumers (CPI-U)  
15     categorized further as Philadelphia All Items as  
16     officially reported by the Department of Labor, Bureau of  
17     Labor Statistics.

18        (iii) The fee shall be collected by the disposal  
19     facilities and paid to the counties or their agent on a  
20     quarterly basis or as otherwise negotiated.

21        (3) The transporter or transfer station that is charged  
22     a fee pursuant to this subsection may pass through and obtain  
23     the fee from the generator of such waste as a surcharge on  
24     any fee schedule established pursuant to law, ordinance,  
25     resolution or contract for solid waste collection, transfer,  
26     transport and delivery.

27        (4) Funds generated by the fee imposed under this  
28     subsection shall be deposited in a dedicated account or fund  
29     to be used exclusively for recycling and waste management  
30     activities, services, staff or plan implementation. These

1 activities may include:

2 (i) Recycling and composting collection, processing,  
3 research or program planning.

4 (ii) Related alternative energy, waste and recycling  
5 activities.

6 (iii) Collections for special materials.

7 (iv) Household hazardous waste or universal waste  
8 programs.

9 (v) Illegal dump and litter remediation and  
10 prevention activities.

11 (vi) Public education and promotion associated with  
12 and enforcement of waste and recycling programs.

13 (vii) Staff and overhead costs associated with  
14 administration and implementation of these programs.

15 (5) The county solid waste authority or county solid  
16 waste advisory committee, as described in section 503(a), or  
17 its designee, shall review a spending plan for the funds  
18 collected under this subsection, make suggestions and propose  
19 any changes it believes appropriate.

20 (6) Counties or their agents may enter into agreements  
21 with municipalities, councils of governments or other  
22 appropriate agencies to provide these services.

23 (7) This subsection shall not be construed to preclude:

24 (i) Counties or their designated agent from  
25 negotiating other fees to support programs described in  
26 paragraph (4).

27 (ii) Municipalities or their agents from charging  
28 user fees for services incident to their self-  
29 administered and/or contracted recycling programs.

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