



HOUSE COMMITTEE ON APPROPRIATIONS

2009-10 Legislative Session

FISCAL NOTE

HOUSE BILL: 1768

PRINTER'S NO: 2280

PRIME SPONSOR: Wansacz

FISCAL IMPACT SUMMARY	FY 2009/10	FY 2010/11
Expenditure Increase/(Decrease):		
Recycling Fund	See Analysis	See Analysis

OVERVIEW:

House Bill 1768 amends the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101 of 1988) by redefining the term "host municipality" as a municipality other than a county that meets one of the following criteria:

1. a municipality in which a commercial solid waste landfill or resource recovery facility or any portion of a permit area is located or proposed to be located; or
2. a municipality located within one mile of the footprint of a permit area of a proposed new facility or the expansion of operations of a commercial solid waste landfill or resource recovery facility.

The bill also prohibits the Department of Environmental Protection (DEP) from permitting a new municipal waste or residual waste landfill to operate within 2,500 feet of a municipal reservoir.

This act shall take effect in 60 days.

ANALYSIS:

Under the Municipal Waste Planning, Recycling and Waste Reduction Act, a "host municipality" is defined as "the municipality other than the county within which a municipal waste landfill or resource recovery facility is located or is proposed to be located." "Host municipality" as defined in House Bill 1768 would create additional host municipalities; however, DEP is unable to determine the number of additional host municipalities at this time. According to DEP, there are currently 60 host municipalities in the Commonwealth of Pennsylvania.

Under Act 101, host municipalities are provided a number of benefits including:

- the authority to adopt reasonable ordinances concerning the hours and days during which vehicles may deliver waste to the facility and the routing of traffic on public roads to the facility;
- daily records of all solid waste deliveries shall be made available to the host municipality;
- DEP shall provide inspection reports, prompt notification of all DEP enforcement or emergency actions, and copies of all air and water quality monitoring data collected by DEP to host municipalities;
- a host municipality shall not be held liable for claims resulting from pollution occurrences solely by reason of participation in the preparation or adoption of a county or municipal solid waste plan;

- DEP may reimburse a host municipality up to \$10,000 for costs incurred in having a professional engineer conduct an independent permit application review for a new municipal waste landfill or expansion;
- a permit condition shall be developed that involves the host municipality and protection of capacity for the host municipality;
- facility operators shall pay the host municipality \$1 per ton, but a higher fee may be negotiated and agreed to in writing - the host fee is currently apportioned based on the percentage of the permitted area located in each municipality;
- a host municipality can require daily records for all solid waste delivered.

These benefits would also be extended to any additional host municipalities created as a result of this legislation.

Newly designated host municipalities could be eligible for a portion of the host municipality fee currently apportioned.

DEP estimates that there could be costs associated with this bill due to an increased number of copies for training materials, inspection reports, notification of enforcement or emergency actions, and air and water quality monitoring data collected by DEP. The department has indicated these costs can be absorbed within current resources.

Under the abovementioned host municipality benefits, DEP may reimburse a host municipality up to \$10,000 for costs incurred in having a professional engineer conduct an independent permit application review for a new municipal waste landfill or expansion. According to DEP, this is done once or twice a year. Depending on the number of newly designated host municipalities created under this act and the number potentially eligible for reimbursement, this legislation could have costs to the Commonwealth. However, it is not possible to determine the number of host municipalities that would be eligible for the reimbursement. Also, the reimbursement is not mandatory; it is done at the discretion of DEP.

Any increased costs to landfill operators or waste haulers could be passed onto consumers.

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General Note and Disclaimer: *This Fiscal Note was prepared pursuant to House Rule 19(a), and the elements considered and reported above are required by Section 5 of the rule. Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*