

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO.

House Bill 1768

PRINTER'S NO.

2725

AMOUNTFY 2009-10 (\$1,250,000)
FY 2009-10 \$1,250,000**FUND**Recycling Fund
Used Tire Pile Remediation Account**DATE INTRODUCED**

June 24, 2009

PRIME SPONSOR

Representative Wansacz

HISTORY OF BILL

Referred to ENVIRONMENTAL RESOURCES & ENERGY, June 24, 2009
Reported as committed, July 7, 2009
First consideration, July 7, 2009
Re-committed to RULES, July 7, 2009
Re-reported to committed, July 8, 2009
Re-committed to APPROPRIATIONS, July 8, 2009
Re-reported as committed, Aug. 19, 2009
(Remarks see House Journal Page), Aug. 19, 2009
Second consideration, with amendments, Sept. 16, 2009
(Remarks see House Journal Page), Sept. 16, 2009
Third consideration and final passage, Sept. 17, 2009 (120-76)
(Remarks see House Journal Page), Sept. 17, 2009

IN THE SENATE

Referred to ENVIRONMENTAL RESOURCES & ENERGY, Sept. 21, 2009
Reported as amended, Sept. 30, 2009
First consideration, Sept. 30, 2009
Second consideration, Oct. 1, 2009
Re-referred to APPROPRIATIONS, Oct. 1, 2009
Re-reported as committed, Oct. 9, 2009

DESCRIPTION AND PURPOSE OF BILL

House Bill 1768 amends the Municipal Waste Planning, Recycling and Waste Reduction Act. An "adjacent municipality" is defined to include a municipality, other than a county, which is located within one mile of the footprint of a proposed new or expanded municipal waste landfill

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or resource recovery facility, and has chosen to be considered an adjacent municipality. The bill requires the Department of Environmental Protection (DEP) to extend its training program for host inspectors to adjacent municipality inspectors. The bill authorizes the adjacent municipality to conduct an independent evaluation of a permit application within 60 days of DEP's receipt of the permit application. The bill also authorizes the adjacent municipality to conduct joint inspections with the host municipalities. The adjacent municipality may also negotiate a benefit fee with the landfill operator.

The bill extends authorization of the \$2.00 recycling fee from January 1, 2012 to January 1, 2020. The bill also provides for the transfer of \$1.25 million annually, for FY 2009-2010 through FY 2012-2013, from the Recycling Fund to the Used Tire Pile Remediation restricted account, which was established by the Waste Tire Recycling Act, Act 190 of 1996.

The funding provided by the transfer from the Recycling Fund to the Used Tire Pile Remediation restricted account shall be used for 1) the remediation of waste tire piles on the priority enforcement list maintained by the Department of Environmental Protection (DEP); 2) the remediation of waste tire piles on the list maintained by DEP of additional waste tire sites; 3) for remediation grants and activities which DEP determines will assist in the remediation of waste tires.

The bill requires DEP to file annual reports with the environmental and appropriations committees in the House and Senate on the use of the funds in the restricted account and the remediation status of the used tire piles. The last report will be submitted on later than December 31, 2014. The DEP is also required to post these reports on their website.

The bill is effective 60 days following being signed into law.

FISCAL IMPACT:

DEP has stated that they may incur slightly increased costs for training adjacent municipality inspectors but such additional costs will not be significant. As with the current training of the host municipal inspectors, these nominal increased costs would be funded from the Recycling Fund.

The bill extends the sunset provision for the recycling fee from January 1, 2012 to January 1, 2020. The fee currently generates about \$41

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million in annual revenue which is deposited into the Recycling Fund. Beginning in FY 2009-2010 and each fiscal year through FY 2012-2013, a transfer of \$1.25 million will be made from the Recycling Fund to the Used Tire Pile Remediation restricted account.

Therefore, the bill provides revenue to the Recycling Fund of approximately \$41 million per year, through January 1, 2020. The bill causes the Recycling Fund to experience a \$1.25 million decrease in its available balance by transferring that amount each year, from FY 2009-2010 through FY 2012-2013, to the Used Tire Pile Remediation restricted account in the General Fund. The Used Tire Pile Remediation restricted account will experience a \$1.25 million increase in its available balance in each of those years.