

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 2360** Session of  
1974

INTRODUCED BY MESSRS. W. W. WILT, KENNEDY, LAUDADIO, D. S. HAYES  
AND NOYE, MAY 28, 1974

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 26, 1974

AN ACT

1 ~~Establishing the Pennsylvania Solid Waste Resource Recovery~~ <—  
2 ~~Development Authority.~~

1 ESTABLISHING THE PENNSYLVANIA SOLID WASTE - RESOURCE RECOVERY <—  
2 DEVELOPMENT FUND, AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL  
3 RECOURCES TO ADMINISTER THE FUND AND CARRY OUT THE PURPOSES  
4 OF THE ACT, TO ADOPT RULES, REGULATIONS, AND PROCEDURES;  
5 IMPOSING DUTIES ON LOAN APPLICANTS AND RECIPIENTS; IMPOSING  
6 POWERS AND DUTIES ON THE ENVIRONMENTAL HEARING BOARD AND THE  
7 ENVIRONMENTAL QUALITY BOARD; PROVIDING REMEDIES; PRESCRIBING  
8 PENALTIES; AND MAKING AN APPROPRIATION.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 ~~Section 1. Short Title. This act shall be known as may be~~ <—  
12 ~~cited as the "Pennsylvania Solid Waste Resource Recovery~~  
13 ~~Development Act."~~

14 ~~Section 2. Legislative Purpose. The purposes of this act~~  
15 ~~are:~~

16 ~~(1) To promote the construction, and application of solid~~  
17 ~~waste management and resource recovery systems which preserve~~  
18 ~~and enhance the quality of air, water, and land resources.~~

19 ~~(2) To provide financial assistance to local governments and~~

1 ~~development agencies in the planning and development of resource~~  
2 ~~recovery and solid waste disposal programs.~~

3 ~~Section 3. Definitions. As used in this act:~~

4 ~~"Authority" means the public body corporate and politic~~  
5 ~~created by this act.~~

6 ~~"Board" means the governing body of the authority.~~

7 ~~"Construction," with respect to any development project means~~  
8 ~~(i) the erection or building of new structures and acquisition~~  
9 ~~of lands or interests therein, or the acquisition, replacement,~~  
10 ~~expansion, remodeling, alteration, modernization, or extension~~  
11 ~~of existing structures, and (ii) the acquisition and~~  
12 ~~installation of initial equipment of, or required in connection~~  
13 ~~with, new or newly acquired structures or the expanded,~~  
14 ~~remodeled, altered, modernized or extended part of existing~~  
15 ~~structures (including trucks and other motor vehicles, and~~  
16 ~~tractors, cranes, and other machinery) necessary for the proper~~  
17 ~~utilization and operation of the facility after completion of~~  
18 ~~the project; and includes preliminary planning to determine the~~  
19 ~~economic and engineering feasibility and the public health and~~  
20 ~~safety aspects of the project, the engineering, architectural,~~  
21 ~~legal, fiscal, and economic investigations and studies, and any~~  
22 ~~surveys, designs, plans, working drawings, specifications, and~~  
23 ~~other action necessary for the carrying out of the project, and~~  
24 ~~(iii) the inspection and supervision of the process of carrying~~  
25 ~~out the project to completion.~~

26 ~~"County" means any county of this Commonwealth.~~

27 ~~"Development agency" means a municipality, county or a group~~  
28 ~~thereof, a nonprofit corporation or a foundation or association~~  
29 ~~organized and existing under the laws of this Commonwealth,~~  
30 ~~regardless of the particular name, to whose members or~~

1 ~~shareholders no profit shall enure and which shall have as a~~  
2 ~~purpose the promotion, encouragement, construction, development~~  
3 ~~and expansion of new or existing solid waste or resource~~  
4 ~~recovery systems.~~

5 ~~"Development project" means the construction of a solid waste~~  
6 ~~disposal system or a resource recovery system.~~

7 ~~"Federal agency" means and includes the United States of~~  
8 ~~America, the President of the United States of America, and any~~  
9 ~~department of, or corporation, agency or instrumentality~~  
10 ~~heretofore or hereafter created, designated or established by~~  
11 ~~the United States of America.~~

12 ~~"Government" means the State and Federal Governments, or any~~  
13 ~~political subdivision, agency or instrumentality, corporate or~~  
14 ~~otherwise, or either of them.~~

15 ~~"Municipality" means any city, borough, town or township of~~  
16 ~~the Commonwealth of Pennsylvania.~~

17 ~~"Recovered resources" means materials or energy recovered~~  
18 ~~from solid wastes.~~

19 ~~"Resource recovery system" means a solid waste management~~  
20 ~~system which provides for collection, separation, recycling, and~~  
21 ~~recovery of solid wastes, including disposal of nonrecoverable~~  
22 ~~waste residues.~~

23 ~~"Responsible buyer" means any person, partnership, or~~  
24 ~~corporation deemed by the authority, after investigation, to be~~  
25 ~~financially responsible to assume all obligations prescribed by~~  
26 ~~the authority in the acquisition and operation of a development~~  
27 ~~project.~~

28 ~~"Responsible tenant" means any person, partnership, or~~  
29 ~~corporation deemed by the authority, after investigation, to be~~  
30 ~~financially responsible to assume all rental and all other~~

1 ~~obligations prescribed by the authority in the leasing and~~  
2 ~~operation of a development project.~~

3 ~~"Solid waste" means garbage, refuse, and other discarded~~  
4 ~~solid materials, including solid waste materials resulting from~~  
5 ~~industrial, commercial, and agricultural operations, and from~~  
6 ~~community activities, but does not include solids or dissolved~~  
7 ~~material in domestic sewage or other significant pollutants in~~  
8 ~~water resources, such as silt, dissolved or suspended solids in~~  
9 ~~industrial waste water effluents, dissolved materials in~~  
10 ~~irrigation return flows or other common water pollutants.~~

11 ~~"Solid waste disposal system" means a solid waste management~~  
12 ~~system that provides for the collection, storage, treatment,~~  
13 ~~utilization, processing, or final disposal of solid waste.~~

14 ~~"Solid Waste — Resource Recovery Development Fund" means the~~  
15 ~~account created by this act and shall be referred to herein as~~  
16 ~~the fund.~~

17 ~~Section 4. The Pennsylvania Solid Waste — Resource Recovery~~  
18 ~~Development Authority. There is hereby created a body corporate~~  
19 ~~and politic, constituting a public corporation and government~~  
20 ~~instrumentality by the name of "The Pennsylvania Solid Waste —~~  
21 ~~Resource Recovery Development Authority," herein referred to as~~  
22 ~~the authority, the board of members of which shall be composed~~  
23 ~~of the following: The Secretary of Environmental Resources, who~~  
24 ~~will serve as chairman, the Secretary of Health, the Secretary~~  
25 ~~of Community Affairs and Secretary of Banking and their~~  
26 ~~respective successors in office and seven additional members who~~  
27 ~~shall be appointed by the Governor with the advice and consent~~  
28 ~~of the Senate who shall consist of (i) a consumer of recovered~~  
29 ~~ferrous scrap products from the solid waste recovery plant; (ii)~~  
30 ~~a consumer of nonferrous scrap metal or paper products from the~~

1 ~~solid waste recovery plant; (iii) a representative of a~~  
2 ~~recognized Statewide conservation group; (iv) the Dean of the~~  
3 ~~School of Mineral Science at Pennsylvania State University; (v)~~  
4 ~~a professional engineer specializing in the construction of~~  
5 ~~solid waste treatment plants; (vi) a ferrous scrap metal~~  
6 ~~processor; and (vii) a nonferrous metal or paper scrap~~  
7 ~~processor. The members of the authority initially appointed by~~  
8 ~~the Governor shall continue in office for terms of one to seven~~  
9 ~~years, respectively, from the date of their appointment and~~  
10 ~~until their respective successors shall be duly appointed and~~  
11 ~~qualified, the term of each appointed member to be designated by~~  
12 ~~the Governor at the time of his appointment; but their~~  
13 ~~successors shall each be appointed for a term of seven years,~~  
14 ~~except that any person appointed to fill a vacancy shall serve~~  
15 ~~only for the unexpired term, and any appointed member of the~~  
16 ~~authority shall be eligible for reappointment. Said members of~~  
17 ~~the authority shall be entitled to no compensation for their~~  
18 ~~services as members, but shall be entitled to reimbursement for~~  
19 ~~all necessary expenses incurred in connection with the~~  
20 ~~performance of their duties as members.~~

21 ~~Section 5. Powers of the Authority; General. (a) The~~  
22 ~~authority, as a public corporation and governmental~~  
23 ~~instrumentality exercising public powers of the Commonwealth, is~~  
24 ~~hereby granted and shall have and may exercise all powers~~  
25 ~~necessary or appropriate to carry out and effectuate the~~  
26 ~~purposes of this act, including the following powers, in~~  
27 ~~addition to others herein granted:~~

28 ~~(1) To cooperate with solid waste resource recovery~~  
29 ~~development agencies in their efforts to promote the expansion~~  
30 ~~of solid waste and resource recovery systems.~~

1       ~~(2) To issue subpoenas requiring the attendance of witnesses~~  
2       ~~and the production of books and papers pertinent to any hearing~~  
3       ~~before such authority, or before one or more members of the~~  
4       ~~authority appointed by it to conduct such hearing.~~

5       ~~(3) To apply to any court, having territorial jurisdiction~~  
6       ~~of the offense, to have punished for contempt any witness who~~  
7       ~~refuses to obey a subpoena, or who refuses to be sworn or~~  
8       ~~affirmed or to testify, or who is guilty of any contempt after~~  
9       ~~summons to appear.~~

10       ~~(4) To authorize any member or members of such authority to~~  
11       ~~conduct hearings and to administer oaths, take affidavit and~~  
12       ~~issue subpoenas.~~

13       ~~(5) To make, upon proper application of solid waste~~  
14       ~~resource recovery agencies, loans to such development agencies~~  
15       ~~of moneys held in the Solid Waste Resource Recovery~~  
16       ~~Development Fund for development projects and to provide for the~~  
17       ~~repayment and redeposit of such allocations and loans in the~~  
18       ~~manner hereinafter provided.~~

19       ~~(6) To have existence for a term of fifty years.~~

20       ~~(7) To sue and be sue, implead and be impleaded, complain~~  
21       ~~and defend in all courts.~~

22       ~~(8) To adopt, use and alter at will a corporate seal.~~

23       ~~(9) To make bylaws for the management and regulation of its~~  
24       ~~affairs.~~

25       ~~(10) To appoint officers, agents, employees and servants;~~  
26       ~~and to prescribe their duties and to fix their compensation,~~  
27       ~~within the limitations provided by law.~~

28       ~~(11) To make contracts of every name and nature and to~~  
29       ~~execute all instruments necessary or convenient for the carrying~~  
30       ~~on of its business.~~

1       ~~(12) Without limitation of the foregoing, accept grants~~  
2 ~~from, and to enter into contracts or other transactions with any~~  
3 ~~Federal agency.~~

4       ~~(13) To take title by foreclosure to any development project~~  
5 ~~where such acquisition is necessary to protect any loan~~  
6 ~~previously made therefor by the authority and to pay all costs~~  
7 ~~arising out of such foreclosure and acquisition from moneys held~~  
8 ~~in the fund and to sell, transfer and convey any such~~  
9 ~~development project to any responsible buyer; in the event such~~  
10 ~~sale, transfer and conveyance cannot be effected with reasonable~~  
11 ~~promptness, the authority may, in order to minimize financial~~  
12 ~~losses and sustain employment, lease such development project to~~  
13 ~~a responsible tenant or tenants; the authority shall not lease~~  
14 ~~development projects except under the conditions and for the~~  
15 ~~purposes cited in this section.~~

16       ~~(14) To purchase first mortgages and to make payments on~~  
17 ~~first mortgages on any development project where such purchase~~  
18 ~~or payment is necessary to protect any loan previously made~~  
19 ~~therefor by the authority, and to sell, transfer, convey and~~  
20 ~~assign any such first mortgage. Moneys so used by the authority~~  
21 ~~in the purchase of any first mortgages, or any payments thereon,~~  
22 ~~shall be withdrawn from the fund, and any moneys derived from~~  
23 ~~the sale of any first mortgages shall be deposited by the~~  
24 ~~authority in the fund.~~

25       ~~(b) The authority shall have no power at any time to borrow~~  
26 ~~money or in any manner to pledge the credit or taxing power of~~  
27 ~~the Commonwealth or any of its municipalities or political~~  
28 ~~subdivisions, nor shall any of its obligations be deemed to be~~  
29 ~~obligations of the Commonwealth or any of its political~~  
30 ~~subdivisions.~~

1        ~~Section 6. Powers of the Authority; Loans to Development~~  
2 ~~Agencies. When it has been determined by the authority upon~~  
3 ~~application of a Solid Waste or Resource Recovery Development~~  
4 ~~Agency and hearing thereon in the manner hereinafter provided,~~  
5 ~~that the establishment of a particular development project of~~  
6 ~~such development agency has accomplished or will accomplish the~~  
7 ~~public purposes of this act, the authority may contract to loan~~  
8 ~~such development agency an amount not in excess of the~~  
9 ~~percentage of the cost of such development project, as~~  
10 ~~established or to be established as hereinafter set forth:~~

11        ~~If the development project is exclusively a solid waste~~  
12 ~~disposal system, the authority may contract to loan the~~  
13 ~~development agency forty per cent of the cost of such system if~~  
14 ~~it has determined that the agency holds funds or property in the~~  
15 ~~amount or value of five per cent or more of the cost of the~~  
16 ~~development project, which funds or property shall be applied to~~  
17 ~~the establishment of such project.~~

18        ~~If the development project includes a resource recovery~~  
19 ~~system, the authority may contract to loan the development~~  
20 ~~agency fifty per cent of the cost of such system if it has~~  
21 ~~determined that the agency holds funds or property in the amount~~  
22 ~~or value of five per cent or more of the cost of the development~~  
23 ~~project, which funds or property shall be applied to the~~  
24 ~~establishment of such project.~~

25        ~~Any such loan of the authority shall be for such period of~~  
26 ~~time and shall bear interest at such rate as shall be determined~~  
27 ~~by the authority and shall be secured by bond or note of the~~  
28 ~~development agency and by mortgage on the development project~~  
29 ~~for which such loan was made, such mortgage to be second and~~  
30 ~~subordinate only to the mortgage securing the first lien~~



1 ~~obligation issued to secure the commitment of funds from the~~  
2 ~~aforsaid independent and responsible sources and used in the~~  
3 ~~financing of the development project.~~

4 ~~Moneys so loaned by the authority to development agencies~~  
5 ~~shall be withdrawn from the Solid Waste — Resource Recovery~~  
6 ~~Development Fund and paid over to the development agency in such~~  
7 ~~manner as shall be provided and prescribed by the rules and~~  
8 ~~regulations of the authority.~~

9 ~~All payments of interest on said loans and the principal~~  
10 ~~thereof shall be deposited by the authority in the fund.~~

11 ~~Loans by the authority to a development agency for a~~  
12 ~~development project shall be made only in the manner and to the~~  
13 ~~extent as in this section 6 provided, except, however, in those~~  
14 ~~instances wherein an agency of the Federal Government~~  
15 ~~participates in the financing of a development project by loan,~~  
16 ~~grant or otherwise of Federal funds. When any Federal agency~~  
17 ~~does so participate the authority may adjust the required ratios~~  
18 ~~of financial participation by the development agency, the source~~  
19 ~~of independent funds and the authority in such manner as to~~  
20 ~~insure the maximum benefit available to the development agency,~~  
21 ~~the authority, or both, by the participation of the Federal~~  
22 ~~agency.~~

23 ~~Where any Federal agency participating in the financing of a~~  
24 ~~development project is not permitted to take as security for~~  
25 ~~such participation a mortgage the lien of which is junior to the~~  
26 ~~mortgage of the authority, the authority shall in such instances~~  
27 ~~be authorized to take as security for its loan to the~~  
28 ~~development agency a mortgage junior in lien to that of the~~  
29 ~~Federal agency.~~

30 ~~Section 7. — Loan Application Requirements. — Prior to the~~

1 ~~loaning of any funds to an development agency for a development~~  
2 ~~project, the authority shall receive from such development~~  
3 ~~agency a loan application in form adopted by the authority,~~  
4 ~~which shall contain, such information as the authority may~~  
5 ~~require by rule or regulation.~~

6 ~~Section 8. Appropriation; Development Fund. The sum of~~  
7 ~~twenty five million dollars (\$25,000,000) is hereby specifically~~  
8 ~~appropriated to the authority for the purposes set forth in this~~  
9 ~~act.~~

10 ~~There is hereby created a special account in the Treasury of~~  
11 ~~the Commonwealth to be known as the Solid Waste Resource~~  
12 ~~Recovery Development Fund to which shall be accredited the above~~  
13 ~~provided appropriation and any subsequent appropriations made by~~  
14 ~~the Legislature to the authority, as well as such other deposits~~  
15 ~~as in this section provided.~~

16 ~~As often as may be necessary, the authority shall requisition~~  
17 ~~from the fund such amounts as may be necessary to provide~~  
18 ~~adequate funds for the payment of the administration of the~~  
19 ~~purpose of this act.~~

20 ~~The authority shall also requisition, from time to time, from~~  
21 ~~the fund such amounts as shall be allocated and appropriated by~~  
22 ~~the authority for loans to development agencies for development~~  
23 ~~projects. When and as the amounts so allocated and appropriated~~  
24 ~~by the authority as loans to development agencies are repaid to~~  
25 ~~the authority pursuant to the terms of the mortgages and other~~  
26 ~~agreements made and entered into by the authority, the authority~~  
27 ~~shall pay such amounts into the fund, it being the intent of~~  
28 ~~this act that the fund shall operate as a revolving fund whereby~~  
29 ~~all appropriations and payments made thereto may be applied and~~  
30 ~~reapplied to the purposes of this act.~~

1       ~~At any time that the authority shall determine that funds~~  
2 ~~held for the credit of the fund are in excess of the amount~~  
3 ~~needed by the authority to carry out the purposes of this act,~~  
4 ~~the authority shall take such action as shall be required to~~  
5 ~~release such excess from the fund and transfer the same to the~~  
6 ~~General Fund of the State Treasury.~~

7       ~~Section 9. Governing Body. The powers of the authority~~  
8 ~~shall be exercised by a governing body consisting of the members~~  
9 ~~of the authority acting as a board. Within ninety days after~~  
10 ~~this act shall become effective, the board shall meet and~~  
11 ~~organize. The Secretary of Environmental Resources and his~~  
12 ~~successor in office shall be the chairman and chief executive~~  
13 ~~officer and the board shall elect a secretary and treasurer from~~  
14 ~~their number. At the first meeting in each year thereafter, They~~  
15 ~~shall elect from their number a secretary and treasurer.~~

16       ~~A majority of the members shall constitute a quorum of the~~  
17 ~~board for the purpose of organizing the authority and conducting~~  
18 ~~the business thereof, and, except in the instance of loan~~  
19 ~~applications, all action may be taken by a vote of a majority of~~  
20 ~~the members present, unless in any case the by laws shall~~  
21 ~~require a larger number; approval or rejection of loan~~  
22 ~~applications shall be by a majority vote of the full membership~~  
23 ~~of the board: Provided, however That no loan may be granted for~~  
24 ~~a project that does not conform to the requirements of the Solid~~  
25 ~~Waste Management Act.~~

26       ~~The board shall have full authority to manage the properties~~  
27 ~~and business of the authority, and to prescribe, amend and~~  
28 ~~repeal by laws, rules and regulations governing the manner in~~  
29 ~~which the business of the authority may be conducted, and the~~  
30 ~~powers granted to it may be exercised and embodied.~~

1       ~~The Department of Environmental Resources shall provide staff~~  
2 ~~services to the authority for its administration of the act,~~  
3 ~~including liaison between the authority and development agencies~~  
4 ~~and related organizations, and between the authority and other~~  
5 ~~agencies of the Commonwealth whose facilities and services may~~  
6 ~~be useful to the authority in its work.~~

7       ~~The authority is authorized to make reimbursement to any~~  
8 ~~agency of the Commonwealth for such special expenses as may be~~  
9 ~~incurred in the provision of any services or the use of any~~  
10 ~~facilities required by the authority.~~

11       ~~In addition, the authority may employ an executive director,~~  
12 ~~appoint, subject to the Administrative Code, its own counsel and~~  
13 ~~legal staff, and, as required for special studies and surveys,~~  
14 ~~retain such temporary engineering, finance and other consultants~~  
15 ~~and technicians as it may require.~~

16       ~~Section 10. Money of the Authority. All moneys of the~~  
17 ~~authority from whatever source derived shall be paid to the~~  
18 ~~treasurer of the authority. Said moneys shall be deposited in~~  
19 ~~the first instance by the treasurer in one or more banks or~~  
20 ~~trust companies, in one or more special accounts, and each of~~  
21 ~~such special accounts shall be continuously secured by a pledge~~  
22 ~~of direct obligations of the United States of America or of the~~  
23 ~~Commonwealth, having an aggregate market value, exclusive of~~  
24 ~~accrued interest, at all times at least equal to the balance on~~  
25 ~~deposit in such account. Such securities shall either be~~  
26 ~~deposited with the treasurer or be held by a trustee or agent~~  
27 ~~satisfactory to the authority. All banks and trust companies are~~  
28 ~~authorized to give such security for such deposits. The moneys~~  
29 ~~in said accounts shall be paid out on the warrant or other order~~  
30 ~~of the treasurer of the authority, or of such other person or~~

1 ~~persons as the authority may authorize to execute such warrants~~  
2 ~~or orders.~~

3 ~~Section 11. Interest in Contracts or Agreements. No member~~  
4 ~~of the authority or officer or employe thereof shall either~~  
5 ~~directly or indirectly be a party to or be in any manner~~  
6 ~~interested in any contract or agreement with the authority for~~  
7 ~~any matter, cause or thing whatsoever by reason whereof any~~  
8 ~~liability or indebtedness shall in any way be created against~~  
9 ~~such authority. If any contract or agreement shall be made in~~  
10 ~~violation of the provisions of this section the same shall be~~  
11 ~~null and void and no action shall be maintained thereon against~~  
12 ~~such authority.~~

13 ~~Section 12. Limitation of Powers. The Commonwealth does~~  
14 ~~hereby pledge to and agree with the United States and any other~~  
15 ~~Federal agency that in the event that any Federal agency shall~~  
16 ~~construct or loan or contribute any funds for the construction,~~  
17 ~~extension, improvement or enlargement of any development~~  
18 ~~project, or any portion thereof, the Commonwealth will not alter~~  
19 ~~or limit the rights and powers of the authority in any manner~~  
20 ~~which would be inconsistent with the due performance of any~~  
21 ~~agreements between the authority and any such Federal agency,~~  
22 ~~and the authority shall continue to have and may exercise all~~  
23 ~~powers herein granted, so long as the same shall be necessary or~~  
24 ~~desirable for the carrying out of the purposes of this act.~~

25 ~~Section 13. Examination and Audit of Authority Affairs. The~~  
26 ~~accounts and books of the authority, including its receipts,~~  
27 ~~disbursements, contracts, mortgages, investments and other~~  
28 ~~matters relating to its finances, operation and affairs shall be~~  
29 ~~examined and audited from time to time by the Auditor General as~~  
30 ~~provided in the Administrative Code.~~

1       ~~Section 14. This act shall take effect July 1, 1974.~~

2       SECTION 1. SHORT TITLE.--THIS ACT SHALL BE KNOWN AND MAY BE       <—  
3       CITED AS THE "PENNSYLVANIA SOLID WASTE - RESOURCE RECOVERY  
4       DEVELOPMENT ACT."

5       SECTION 2. LEGISLATIVE PURPOSE.--THE PURPOSES OF THIS ACT  
6       ARE:

7       (1) TO PROMOTE THE CONSTRUCTION, AND THE APPLICATION OF  
8       SOLID WASTE DISPOSAL/PROCESSING AND RESOURCE RECOVERY SYSTEMS  
9       WHICH PRESERVE AND ENHANCE THE QUALITY OF AIR, WATER, AND LAND  
10      RESOURCES.

11      (2) TO PROVIDE FINANCIAL ASSISTANCE TO MUNICIPALITIES, AND  
12      DEVELOPMENT AGENCIES IN THE PLANNING AND DEVELOPMENT OF RESOURCE  
13      RECOVERY AND SOLID WASTE DISPOSAL/PROCESSING PROGRAMS.

14      SECTION 3. DEFINITIONS.--AS USED IN THIS ACT:

15      "CONSTRUCTION," WITH RESPECT TO ANY DEVELOPMENT PROJECT MEANS

16      (I) THE ERECTION OR BUILDING OF NEW STRUCTURES, OR THE  
17      ACQUISITION, REPLACEMENT, EXPANSION, REMODELING, ALTERATION,  
18      MODERNIZATION, OR EXTENSION OF EXISTING STRUCTURES, BUT SHALL  
19      NOT INCLUDE LAND COSTS OR INTERESTS THEREIN, AND (II) THE  
20      ACQUISITION AND INSTALLATION OF INITIAL EQUIPMENT OF, OR  
21      REQUIRED IN CONNECTION WITH, NEW OR NEWLY ACQUIRED STRUCTURES OR  
22      THE EXPANDED, REMODELED, ALTERED, MODERNIZED OR EXTENDED PART OF  
23      EXISTING STRUCTURES (EXCLUDING TRUCKS AND OTHER MOTOR VEHICLES  
24      USED IN COLLECTION OF SOLID WASTE FROM RESIDENCES, COMMERCIAL  
25      ESTABLISHMENTS, INDUSTRIES AND OTHER SOURCES OF GENERATION, BUT  
26      INCLUDING TRACTORS, CRANES, TRUCKS, TRANSFER AND OTHER MACHINERY  
27      NECESSARY FOR THE PROPER UTILIZATION AND OPERATION OF THE  
28      FACILITY AFTER COMPLETION OF THE PROJECT); AND INCLUDES  
29      ENGINEERING DESIGN STUDIES, DRAWINGS, AND SPECIFICATIONS AND  
30      (III) THE INSPECTION AND SUPERVISION OF THE PROCESS OF CARRYING

1 OUT THE PROJECT TO COMPLETION.

2 "COUNTY" MEANS ANY COUNTY OF THIS COMMONWEALTH.

3 "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL RESOURCES  
4 OF THE COMMONWEALTH OF PENNSYLVANIA AND ITS AUTHORIZED  
5 REPRESENTATIVE.

6 "DEVELOPMENT AGENCY" MEANS A MUNICIPALITY, OR A GROUP  
7 THEREOF, A NONPROFIT CORPORATION, OR A FOUNDATION OR ASSOCIATION  
8 ORGANIZED AND EXISTING UNDER THE LAWS OF THIS COMMONWEALTH,  
9 REGARDLESS OF THE PARTICULAR NAME, TO WHOSE MEMBERS OR  
10 SHAREHOLDERS NO PROFIT SHALL ENURE AND WHICH SHALL HAVE AS A  
11 PURPOSE THE PROMOTION, ENCOURAGEMENT, CONSTRUCTION, DEVELOPMENT  
12 AND EXPANSION OF NEW OR EXISTING SOLID WASTE DISPOSAL/PROCESSING  
13 OR RESOURCE RECOVERY SYSTEMS.

14 "DEVELOPMENT PROJECT" MEANS THE CONSTRUCTION OF A SOLID WASTE  
15 DISPOSAL/PROCESSING SYSTEM OR A RESOURCE RECOVERY SYSTEM.

16 "FEDERAL AGENCY" MEANS AND INCLUDES THE UNITED STATES OF  
17 AMERICA, THE PRESIDENT OF THE UNITED STATES OF AMERICA, AND ANY  
18 DEPARTMENT OF, OR CORPORATION, AGENCY OR INSTRUMENTALITY  
19 HERETOFORE OR HEREAFTER CREATED, DESIGNATED OR ESTABLISHED BY  
20 THE UNITED STATES OF AMERICA.

21 "MUNICIPALITY" MEANS ANY COUNTY, CITY, BOROUGH, TOWN OR  
22 TOWNSHIP OF THE COMMONWEALTH OF PENNSYLVANIA.

23 "PERSON" MEANS ANY INDIVIDUAL, PARTNERSHIP, CORPORATION,  
24 ASSOCIATION, OR OTHER LEGAL ENTITY WHATSOEVER WHICH IS  
25 RECOGNIZED BY LAW AS THE SUBJECT OF RIGHTS AND DUTIES.

26 "RECOVERED RESOURCES" MEANS MATERIALS OR ENERGY RECOVERED  
27 FROM SOLID WASTES.

28 "RESOURCE RECOVERY SYSTEM" MEANS A SYSTEM WHICH PROVIDES FOR  
29 THE EXTRACTION AND UTILIZATION OF MATERIALS AND VALUES FROM  
30 SOLID WASTE INCLUDING THE SEPARATION, RECYCLING, AND RECOVERY OF

1 ALL SOLID WASTE FOR WHICH MARKETS HAVE BEEN OBTAINED PRIOR TO  
2 CONSTRUCTION BUT NOT LESS THAN FIFTY PERCENT (50%) BY DRY  
3 WEIGHT, OF THE TOTAL SOLID WASTE THROUGHPUT OF THE SYSTEM, AND  
4 INCLUDING THE DISPOSAL OF NONMARKETABLE WASTE RESIDUES.

5 "RESPONSIBLE BUYER" MEANS ANY PERSON, PARTNERSHIP, OR  
6 CORPORATION DEEMED BY THE DEPARTMENT AFTER INVESTIGATION, TO BE  
7 FINANCIALLY RESPONSIBLE TO ASSUME ALL OBLIGATIONS PRESCRIBED BY  
8 THE DEPARTMENT IN THE ACQUISITION AND OPERATION OF A DEVELOPMENT  
9 PROJECT.

10 "RESPONSIBLE TENANT" MEANS ANY PERSON, PARTNERSHIP, OR  
11 CORPORATION DEEMED BY THE DEPARTMENT, AFTER INVESTIGATION, TO BE  
12 FINANCIALLY RESPONSIBLE TO ASSUME ALL OBLIGATIONS PRESCRIBED BY  
13 THE DEPARTMENT IN THE ACQUISITION AND OPERATION OF A DEVELOPMENT  
14 PROJECT.

15 "SEWAGE" MEANS ANY SUBSTANCE THAT CONTAINS ANY OF THE WASTE  
16 PRODUCTS OR EXCREMENTITIOUS OR OTHER DISCHARGE FROM THE BODIES  
17 OF HUMAN BEINGS OR ANIMALS.

18 "SOLID WASTE" MEANS GARBAGE, REFUSE, AND OTHER DISCARDED  
19 MATERIALS INCLUDING; BUT NOT LIMITED TO, SOLID AND LIQUID WASTE  
20 MATERIALS RESULTING FROM INDUSTRIAL, COMMERCIAL, AGRICULTURAL,  
21 AND RESIDENTIAL ACTIVITIES, BUT SHALL NOT INCLUDE UNTREATED  
22 SEWAGE.

23 "SOLID WASTE DISPOSAL/PROCESSING SYSTEM" MEANS A SYSTEM THAT  
24 PROVIDES FOR THE TREATMENT, PROCESSING, OR FINAL DISPOSAL OF  
25 SOLID WASTE AS PART OF AN OFFICIAL SOLID WASTE MANAGEMENT PLAN.

26 SECTION 4. POWERS AND DUTIES OF THE DEPARTMENT.--THE  
27 DEPARTMENT IS HEREBY AUTHORIZED TO SERVE AS THE ADMINISTRATOR OF  
28 THE PENNSYLVANIA SOLID WASTE - RESOURCE RECOVERY DEVELOPMENT  
29 FUND AND SHALL HAVE AND MAY EXERCISE ALL POWERS NECESSARY OR  
30 APPROPRIATE TO CARRY OUT AND EFFECTUATE THE PURPOSES OF THIS



1 ACT, INCLUDING THE FOLLOWING POWERS, IN ADDITION TO OTHERS  
2 HEREIN GRANTED:

3 (1) TO MAKE, UPON PROPER APPLICATION OF SOLID WASTE -  
4 RESOURCE RECOVERY AGENCIES, LOANS TO SUCH DEVELOPMENT AGENCIES  
5 OF MONEYS HELD IN THE SOLID WASTE - RESOURCE RECOVERY  
6 DEVELOPMENT FUND FOR DEVELOPMENT PROJECTS AND TO PROVIDE FOR THE  
7 REPAYMENT AND REDEPOSIT OF SUCH ALLOCATIONS AND LOANS IN THE  
8 MANNER HEREINAFTER PROVIDED.

9 (2) TO COOPERATE WITH SOLID WASTE - RESOURCE RECOVERY  
10 DEVELOPMENT AGENCIES IN THEIR EFFORTS TO PROMOTE THE EXPANSION  
11 OF SOLID WASTE PROCESSING/DISPOSAL AND RESOURCE RECOVERY  
12 SYSTEMS.

13 (3) TO EMPLOY SUCH PERSONS AS NECESSARY TO CARRY OUT THE  
14 PROVISIONS OF THIS ACT AND TO PRESCRIBE THEIR DUTIES.

15 (4) TO MAKE CONTRACTS OF EVERY NAME AND NATURE AND TO  
16 EXECUTE ALL INSTRUMENTS NECESSARY OR CONVENIENT FOR THE CARRYING  
17 ON OF ITS BUSINESS, AND TO AVAIL ITSELF OF ALL RIGHTS AND  
18 REMEDIES, BOTH AT LAW AND IN EQUITY, ARISING OUT OF SUCH  
19 CONTRACTS.

20 (5) WITHOUT LIMITATION OF THE FOREGOING, ACCEPT GRANTS FROM,  
21 AND TO ENTER INTO CONTRACTS OR OTHER TRANSACTIONS WITH ANY  
22 FEDERAL AGENCY.

23 (6) TO TAKE TITLE BY FORECLOSURE TO ANY DEVELOPMENT PROJECT  
24 WHERE SUCH ACQUISITION IS NECESSARY TO PROTECT ANY LOAN  
25 PREVIOUSLY MADE THEREFORE BY THE DEPARTMENT AND TO PAY ALL COSTS  
26 ARISING OUT OF SUCH FORECLOSURE AND ACQUISITION FROM MONEYS HELD  
27 IN THE FUND AND TO SELL, TRANSFER AND CONVEY ANY SUCH  
28 DEVELOPMENT PROJECT TO ANY RESPONSIBLE BUYER; IN THE EVENT SUCH  
29 SALE, TRANSFER AND CONVEYANCE CANNOT BE EFFECTED WITH REASONABLE  
30 PROMPTNESS, THE DEPARTMENT MAY, IN ORDER TO MINIMIZE FINANCIAL

1 LOSSES AND SUSTAIN EMPLOYMENT, LEASE SUCH DEVELOPMENT PROJECT TO  
2 A RESPONSIBLE TENANT OR TENANTS; THE DEPARTMENT SHALL NOT LEASE  
3 DEVELOPMENT PROJECTS EXCEPT UNDER THE CONDITIONS AND FOR THE  
4 PURPOSE CITED IN THIS SECTION.

5 (7) TO PURCHASE FIRST MORTGAGES AND TO MAKE PAYMENTS ON  
6 FIRST MORTGAGES ON ANY DEVELOPMENT PROJECT WHERE SUCH PURCHASE  
7 OR PAYMENT IS NECESSARY TO PROTECT ANY LOAN PREVIOUSLY MADE  
8 THEREFORE BY THE DEPARTMENT, AND TO SELL, TRANSFER, CONVEY AND  
9 ASSIGN ANY SUCH FIRST MORTGAGE. MONEYS SO USED BY THE DEPARTMENT  
10 IN THE PURCHASE OF ANY FIRST MORTGAGES, OR ANY PAYMENTS THEREON,  
11 SHALL BE WITHDRAWN FROM THE FUND, AND ANY MONEYS DERIVED FROM  
12 THE SALE OF ANY FIRST MORTGAGES SHALL BE DEPOSITED BY THE  
13 DEPARTMENT IN THE FUND.

14 (8) TO AUDIT, INSPECT, AND REVIEW ALL BOOKS, RECORDS, AND  
15 REPORTS MAINTAINED BY RECIPIENTS OF LOANS MADE PURSUANT TO THIS  
16 ACT.

17 (9) TO SUBMIT AN ANNUAL REPORT TO THE JOINT LEGISLATIVE AIR  
18 AND WATER POLLUTION CONTROL AND CONSERVATION COMMITTEE  
19 SUMMARIZING THE STATUS, ACTIVITIES, AND ACCOMPLISHMENTS OF THE  
20 DEPARTMENT IN ADMINISTERING THIS ACT.

21 (10) TO CONSULT WITH TECHNICAL ADVISORS PROPERLY QUALIFIED  
22 BY EDUCATION OR EXPERIENCE IN FINANCIAL ADMINISTRATION, SOLID  
23 WASTE MANAGEMENT, RESOURCE RECOVERY SYSTEMS DESIGN AND  
24 CONSTRUCTION, MARKET ANALYSES, OR ANY OTHER FIELD OF ENDEAVOR  
25 WHICH IS PERTINENT TO THE EFFECTUATION OF THE PURPOSES OF THIS  
26 ACT.

27 (11) TO ISSUE ENFORCEMENT ORDERS TO LOAN RECIPIENTS WHOSE  
28 BOOKS, RECORDS, OR REPORTS HAVE NOT BEEN MAINTAINED IN THE  
29 MANNER REQUIRED BY THE DEPARTMENT.

30 (12) TO INSTITUTE LEGAL PROCEEDINGS IN A COURT OF COMPETENT

1 JURISDICTION FOR THE ENFORCEMENT OF ANY ORDER OF THE DEPARTMENT  
2 UNDER THIS ACT FOR WHICH THERE HAS BEEN NO TIMELY APPEAL OR  
3 WHICH HAS BEEN SUSTAINED ON APPEAL, OR FOR THE RECOVERY OF  
4 PENALTIES OR DAMAGES UNDER THIS ACT.

5 (13) TO INSTITUTE ACTIONS AT LAW AGAINST ANY PERSON TO  
6 RECOVER ANY FUNDS SPENT BY SAID PERSON FOR ANY PURPOSE NOT  
7 AUTHORIZED BY THE DEPARTMENT UNDER THIS ACT, OR UNDER THE RULES,  
8 REGULATIONS, AND AGREEMENTS ADOPTED OR MADE THEREUNDER.

9 (14) TO INSTITUTE PROSECUTIONS UNDER THIS ACT.

10 (15) TO DO ALL THINGS NECESSARY OR CONVENIENT TO CARRY OUT  
11 THE POWERS GRANTED BY THIS ACT.

12 SECTION 5. POWERS AND DUTIES OF THE ENVIRONMENTAL HEARING  
13 BOARD.--THE ENVIRONMENTAL HEARING BOARD SHALL HAVE THE POWER AND  
14 ITS DUTIES SHALL BE TO HEAR AND DETERMINE ALL APPEALS FROM  
15 ACTIONS OF THE DEPARTMENT TAKEN IN ACCORDANCE WITH THE  
16 PROVISIONS OF THIS ACT. ANY AND ALL ACTIONS TAKEN BY THE  
17 ENVIRONMENTAL HEARING BOARD WITH REFERENCE TO ANY SUCH APPEAL  
18 SHALL BE IN THE FORM OF AN ADJUDICATION, AND ALL SUCH ACTIONS  
19 SHALL BE SUBJECT TO THE PROVISIONS OF THE ACT OF JUNE 4, 1945  
20 (P.L.1388, NO.442), KNOWN AS THE "ADMINISTRATIVE AGENCY LAW."

21 SECTION 6. POWERS AND DUTIES OF THE ENVIRONMENTAL QUALITY  
22 BOARD.--(A) THE ENVIRONMENTAL QUALITY BOARD SHALL HAVE THE POWER  
23 AND ITS DUTIES SHALL BE TO ADOPT RULES AND REGULATIONS TO  
24 ACCOMPLISH THE PURPOSES OF THIS ACT, INCLUDING BUT NOT LIMITED  
25 TO THE SETTING OF A UNIFORM INTEREST RATE TO BE APPLIED TO LOANS  
26 ADMINISTERED UNDER THIS ACT. SUCH INTEREST RATE SHALL BE  
27 REVIEWED ANNUALLY ON THE ANNIVERSARY OF THE EFFECTIVE DATE OF  
28 THIS ACT, AND IN NO CASE SHALL THE RATE OF INTEREST BE SET AT  
29 LESS THAN THE INTEREST RATE PAID BY THE COMMONWEALTH ON THE LAST  
30 GENERAL OBLIGATION BONDS ISSUED PRIOR TO THE DATE OF SUCH

1 REVIEW.

2 (B) SUCH RULES AND REGULATIONS SHALL BE ADOPTED PURSUANT TO  
3 THE PROVISIONS OF THE ACT OF JULY 31, 1968 (P.L.769, NO.240),  
4 KNOWN AS THE "COMMONWEALTH DOCUMENTS LAW," UPON SUCH NOTICE AND  
5 AFTER SUCH PUBLIC HEARINGS AS THE ENVIRONMENTAL QUALITY BOARD  
6 DEEMS APPROPRIATE.

7 SECTION 7. LOANS TO DEVELOPMENT AGENCIES.--WHEN IT HAS BEEN  
8 DETERMINED BY THE DEPARTMENT UPON APPLICATION OF A SOLID WASTE  
9 OR RESOURCE RECOVERY DEVELOPMENT AGENCY AND HEARING THEREON IN  
10 THE MANNER HEREINAFTER PROVIDED, THAT THE ESTABLISHMENT OF A  
11 PARTICULAR DEVELOPMENT PROJECT OF SUCH DEVELOPMENT AGENCY HAS  
12 ACCOMPLISHED OR WILL ACCOMPLISH THE PURPOSES OF THIS ACT, THE  
13 DEPARTMENT MAY CONTRACT TO LOAN SUCH DEVELOPMENT AGENCY AN  
14 AMOUNT NOT IN EXCESS OF THE PERCENTAGE OF THE COST OF SUCH  
15 DEVELOPMENT PROJECT, AS ESTABLISHED OR TO BE ESTABLISHED AS  
16 HEREINAFTER SET FORTH.

17 THE DEPARTMENT MAY CONTRACT TO LOAN THE DEVELOPMENT AGENCY  
18 UP TO FIFTY PERCENT (50%) OF THE COST OF A SOLID WASTE  
19 DISPOSAL/PROCESSING SYSTEM OR A RESOURCE RECOVERY SYSTEM IF IT  
20 HAS DETERMINED THAT THE AGENCY HOLDS FUNDS OR PROPERTY IN THE  
21 AMOUNT OF VALUE OF FIVE PERCENT (5%) OR MORE OF THE COST OF THE  
22 DEVELOPMENT PROJECT, WHICH FUNDS OR PROPERTY SHALL BE APPLIED TO  
23 THE ESTABLISHMENT OF SUCH PROJECT: PROVIDED, THAT DEVELOPMENT  
24 AGENCIES APPLYING FOR LOANS FOR SOLID WASTE DISPOSAL/PROCESSING  
25 SYSTEMS SHALL DEMONSTRATE TO THE DEPARTMENT THROUGH ENGINEERING,  
26 ECONOMIC, AND OTHER APPROPRIATE STUDIES THAT SOLID WASTE  
27 GENERATION AND RECOVERED MATERIALS MARKET COMMITMENTS ARE  
28 INSUFFICIENT OR UNAVAILABLE TO SUPPORT A RESOURCE RECOVERY  
29 SYSTEM: AND FURTHER PROVIDED, THAT (1) LOANS FOR NEW SOLID WASTE  
30 DISPOSAL/PROCESSING SYSTEMS SHALL BE MADE ONLY TO MUNICIPALITIES

1 WHICH ARE OR ARE IN COUNTIES OF THE SEVENTH AND EIGHTH CLASS AND  
2 WHERE SAID SYSTEMS SHALL SERVE A MINIMUM POPULATION OF TEN  
3 THOUSAND PERSONS, EXCEPT IN THOSE CASES OF SEVENTH AND EIGHTH  
4 CLASS COUNTIES WHERE THE TOTAL POPULATION IS LESS THAN TEN  
5 THOUSAND PERSONS AND IN THOSE CASES SAID SYSTEMS SHALL SERVE THE  
6 TOTAL POPULACE OF THOSE COUNTIES; (2) LOANS FOR EXISTING SOLID  
7 WASTE DISPOSAL/PROCESSING SYSTEMS SHALL BE MADE ONLY TO  
8 MUNICIPALITIES WHICH ARE OR ARE IN COUNTIES OF THE FIFTH THROUGH  
9 EIGHTH CLASSES: PROVIDED, HOWEVER, THAT AFTER JULY 1, 1975 NO  
10 MORE THAN FIFTY PERCENT (50%) OF THE AVAILABLE FUND CAN BE USED  
11 IN ANY ONE YEAR FOR SOLID WASTE DISPOSAL/PROCESSING SYSTEMS.

12 IN REVIEWING APPLICATIONS FOR LOANS, THE DEPARTMENT SHALL  
13 CONSIDER THE AMOUNTS OF POLLUTING SUBSTANCES TREATED AND/OR  
14 ELIMINATED, THE OVERALL ENVIRONMENTAL BENEFITS TO BE ACCRUED AS  
15 A RESULT OF THE PROJECTS, THE AMOUNT OF POPULATION SERVED, AND  
16 THE EXTENT OF RESOURCE RECOVERY TO BE INCLUDED, AND PROVIDED  
17 FURTHER THAT NO LOAN SHALL BE GRANTED FOR A PROJECT WHICH DOES  
18 NOT CONFORM TO THE REQUIREMENTS OF THE ACT OF JULY 31, 1968  
19 (P.L.788, NO.241), KNOWN AS THE "PENNSYLVANIA SOLID WASTE  
20 MANAGEMENT ACT," OR A PROJECT WHICH WOULD JEOPARDIZE THE  
21 ECONOMIC STABILITY OF EXISTING SOLID WASTE DISPOSAL/PROCESSING  
22 OR RESOURCE RECOVERY SYSTEMS ALREADY APPROVED BY THE DEPARTMENT  
23 AS PART OF OFFICIALLY ADOPTED SOLID WASTE MANAGEMENT PLANS, AND  
24 PROVIDED NO LOAN SHALL BE MADE TO ANY MUNICIPALITY WHICH IS NOT  
25 A PART OF A DEPARTMENT APPROVED SOLID WASTE MANAGEMENT PLAN.

26 ANY SUCH LOAN OF THE DEPARTMENT SHALL BE FOR TEN YEARS AND  
27 SHALL BEAR INTEREST AT SUCH RATE AS SHALL BE DETERMINED BY THE  
28 ENVIRONMENTAL QUALITY BOARD AND SHALL BE SECURED BY BOND OR NOTE  
29 OF THE DEVELOPMENT AGENCY AND BY MORTGAGE ON THE DEVELOPMENT  
30 PROJECT FOR WHICH SUCH LOAN WAS MADE, SUCH MORTGAGE TO BE SECOND

1 AND SUBORDINATE ONLY TO THE MORTGAGE SECURING THE FIRST LIEN  
2 OBLIGATION ISSUED TO SECURE THE COMMITMENT OF FUNDS FROM  
3 INDEPENDENT AND RESPONSIBLE SOURCES AND USED IN THE FINANCING OF  
4 THE DEVELOPMENT PROJECT.

5 MONEYS SO LOANED BY THE DEPARTMENT TO DEVELOPMENT AGENCIES  
6 SHALL BE WITHDRAWN FROM THE SOLID WASTE - RESOURCE RECOVERY  
7 DEVELOPMENT FUND AND PAID OVER TO THE DEVELOPMENT AGENCY IN SUCH  
8 MANNER AS SHALL BE PROVIDED AND PRESCRIBED BY THE RULES AND  
9 REGULATIONS OF THE DEPARTMENT.

10 ALL PAYMENTS OF INTEREST ON SAID LOANS AND THE PRINCIPAL  
11 THEREOF SHALL BE DEPOSITED BY THE DEPARTMENT IN THE FUND.

12 LOANS BY THE DEPARTMENT TO A DEVELOPMENT AGENCY FOR A  
13 DEVELOPMENT PROJECT SHALL BE MADE ONLY IN THE MANNER AND TO THE  
14 EXTENT AS IN THIS SECTION PROVIDED EXCEPT, HOWEVER, IN THOSE  
15 INSTANCES WHEREIN AN AGENCY OF THE FEDERAL GOVERNMENT  
16 PARTICIPATES IN THE FINANCING OF A DEVELOPMENT PROJECT BY LOAN,  
17 GRANT OR OTHERWISE OF FEDERAL FUNDS. WHEN ANY FEDERAL AGENCY  
18 DOES SO PARTICIPATE THE DEPARTMENT MAY ADJUST THE SEQUENCE  
19 RATIOS OF FINANCIAL PARTICIPATION BY THE DEVELOPMENT AGENCY, THE  
20 SOURCE OF INDEPENDENT FUNDS AND THE DEPARTMENT IN SUCH MANNER AS  
21 TO INSURE THE MAXIMUM BENEFIT AVAILABLE TO THE DEVELOPMENT  
22 AGENCY, THE DEPARTMENT, OR BOTH, BY THE PARTICIPATION OF THE  
23 FEDERAL AGENCY.

24 WHERE ANY FEDERAL AGENCY PARTICIPATING IN THE FINANCING OF A  
25 DEVELOPMENT PROJECT IS NOT PERMITTED TO TAKE AS SECURITY FOR  
26 SUCH PARTICIPATION A MORTGAGE THE LIEN OF WHICH IS JUNIOR TO THE  
27 MORTGAGE OF THE DEPARTMENT, THE DEPARTMENT SHALL IN SUCH  
28 INSTANCES BE AUTHORIZED TO TAKE AS SECURITY FOR ITS LOAN TO THE  
29 DEVELOPMENT AGENCY A MORTGAGE JUNIOR IN LIEN TO THAT OF THE  
30 FEDERAL AGENCY.

1 SECTION 8. REQUIREMENTS OF LOAN APPLICANTS AND RECIPIENTS.--

2 (A) PRIOR TO THE LOANING OF ANY FUNDS TO A DEVELOPMENT AGENCY  
3 FOR A DEVELOPMENT PROJECT, SUCH AGENCY SHALL SUBMIT TO THE  
4 DEPARTMENT A LOAN APPLICATION IN A FORM REQUIRED BY THE  
5 DEPARTMENT AND CONTAINING SUCH INFORMATION AS THE DEPARTMENT MAY  
6 REQUIRE.

7 (B) LOAN RECIPIENTS SHALL MAINTAIN ACCURATE FISCAL AND  
8 ACCOUNTING RECORDS OF ALL EXPENDITURES INCURRED AND FUNDS  
9 RECEIVED IN CARRYING OUT A DEVELOPMENT PROJECT PURSUANT TO THE  
10 PROVISIONS OF THIS ACT.

11 (C) LOAN RECIPIENTS SHALL APPLY MONEYS RECEIVED FROM THE  
12 DEPARTMENT UNDER THIS ACT ONLY TO THOSE PURPOSES AND ACTIVITIES  
13 AUTHORIZED BY LOAN CONTRACT OR OTHERWISE APPROVED BY THE  
14 DEPARTMENT.

15 SECTION 9. APPROPRIATION; DEVELOPMENT FUND.--THE SUM OF  
16 TWENTY MILLION DOLLARS (\$20,000,000) IS HEREBY SPECIFICALLY  
17 APPROPRIATED TO THE DEPARTMENT FOR THE PURPOSES SET FORTH IN  
18 THIS ACT, AND IT IS AUTHORIZED THAT TWENTY MILLION DOLLARS  
19 (\$20,000,000) MAY BE APPROPRIATED IN EACH OF THE NEXT FOUR  
20 SUCCEEDING YEARS.

21 THERE IS HEREBY CREATED A SPECIAL ACCOUNT IN THE TREASURY OF  
22 THE COMMONWEALTH TO BE KNOWN AS THE "SOLID WASTE - RESOURCE  
23 RECOVERY DEVELOPMENT FUND" TO WHICH SHALL BE ACCREDITED THE  
24 ABOVE PROVIDED APPROPRIATION AND ANY SUBSEQUENT APPROPRIATIONS  
25 MADE BY THE LEGISLATURE TO THE DEPARTMENT, AS WELL AS SUCH OTHER  
26 DEPOSITS AS PROVIDED IN THIS SECTION.

27 THE DEPARTMENT SHALL ALSO REQUISITION, FROM TIME TO TIME,  
28 FROM THE FUND SUCH AMOUNTS AS SHALL BE ALLOCATED AND  
29 APPROPRIATED BY THE DEPARTMENT FOR LOANS TO DEVELOPMENT AGENCIES  
30 FOR DEVELOPMENT PROJECTS. WHEN AND AS THE AMOUNTS SO ALLOCATED

1 AND APPROPRIATED BY THE DEPARTMENT AS LOANS TO DEVELOPMENT  
2 AGENCIES ARE REPAID TO THE DEPARTMENT PURSUANT TO THE TERMS OF  
3 THE MORTGAGES AND OTHER AGREEMENTS MADE AND ENTERED INTO BY THE  
4 DEPARTMENT, THE DEPARTMENT SHALL PAY SUCH AMOUNTS INTO THE FUND,  
5 IT BEING THE INTENT OF THIS ACT THAT THE FUND SHALL OPERATE AS A  
6 REVOLVING FUND WHEREBY ALL APPROPRIATIONS AND PAYMENTS MADE  
7 THERETO MAY BE APPLIED AND REAPPLIED TO THE PURPOSES OF THIS  
8 ACT.

9 AT ANY TIME THAT THE DEPARTMENT SHALL DETERMINE THAT MONEYS  
10 HELD FOR THE CREDIT OF THE FUND ARE IN EXCESS OF THE AMOUNT  
11 NEEDED BY THE DEPARTMENT IN ANY ONE FISCAL YEAR, SUCH MONEYS  
12 SHALL BE RETAINED IN THE FUND AND CARRIED OVER INTO THE  
13 SUCCEEDING FISCAL YEAR TO CARRY OUT THE PURPOSES OF THIS ACT.

14 SECTION 10. MONEY OF THE DEPARTMENT.--ALL INTEREST AND  
15 PRINCIPAL REPAID BY THE LOAN RECIPIENTS SHALL BE PAID TO THE  
16 STATE TREASURER FOR DEPOSIT IN THE FUND. SAID MONEYS SHALL BE  
17 DEPOSITED IN THE FIRST INSTANCE (BY THE STATE TREASURER) IN ONE  
18 OR MORE BANKS OR TRUST COMPANIES, IN ONE OR MORE SPECIAL  
19 ACCOUNTS, AND EACH OF SUCH SPECIAL ACCOUNTS SHALL BE  
20 CONTINUOUSLY SECURED BY A PLEDGE OR DIRECT OBLIGATIONS OF THE  
21 UNITED STATES OF AMERICA OR OF THE COMMONWEALTH, HAVING AN  
22 AGGREGATE MARKET VALUE, EXCLUSIVE OF ACCRUED INTEREST, AT ALL  
23 TIMES AT LEAST EQUAL TO THE BALANCE ON DEPOSIT IN SUCH ACCOUNTS.  
24 SUCH SECURITIES SHALL EITHER BE DEPOSITED WITH THE DEPARTMENT OR  
25 BE HELD BY A TRUSTEE OR AGENT SATISFACTORY TO THE DEPARTMENT.  
26 ALL BANKS AND TRUST COMPANIES ARE AUTHORIZED TO GIVE SUCH  
27 SECURITY FOR SUCH DEPOSITS. THE MONEYS IN SAID ACCOUNT SHALL BE  
28 PAID OUT ON THE WARRANT OR OTHER ORDER OF THE SECRETARY OF THE  
29 DEPARTMENT, OR OF SUCH OTHER PERSON OR PERSONS AS THE DEPARTMENT  
30 MAY AUTHORIZE TO EXECUTE SUCH WARRANTS OR ORDERS.



1 SECTION 11. INTEREST IN CONTRACTS OR AGREEMENTS.--NO  
2 EMPLOYEE OF THE DEPARTMENT SHALL EITHER DIRECTLY OR INDIRECTLY  
3 BE A PARTY TO OR BE IN ANY MANNER INTERESTED IN ANY CONTRACT OR  
4 AGREEMENT WITH THE DEPARTMENT FOR ANY MATTER, CAUSE OR THING  
5 WHATSOEVER BY REASON WHEREOF ANY LIABILITY OR INDEBTEDNESS SHALL  
6 BE IN ANY WAY CREATED AGAINST THE DEPARTMENT. IF ANY CONTRACT OR  
7 AGREEMENT SHALL BE MADE IN VIOLATION OF THE PROVISIONS OF THIS  
8 SECTION, THE SAME SHALL BE NULL AND VOID, AND NO ACTION SHALL BE  
9 MAINTAINED THEREON AGAINST THE DEPARTMENT.

10 SECTION 12. LIMITATION OF POWERS.--THE COMMONWEALTH DOES  
11 HEREBY PLEDGE TO AND AGREE WITH THE UNITED STATES AND ANY OTHER  
12 FEDERAL AGENCY THAT IN THE EVENT THAT ANY FEDERAL AGENCY SHALL  
13 CONSTRUCT OR LOAN OR CONTRIBUTE ANY FUNDS FOR THE CONSTRUCTION,  
14 EXTENSION, IMPROVEMENT OR ENLARGEMENT OF ANY DEVELOPMENT  
15 PROJECT, OR ANY PORTION THEREOF, THE COMMONWEALTH WILL NOT ALTER  
16 OR LIMIT THE RIGHTS AND POWERS OF THE DEPARTMENT IN ANY MANNER  
17 WHICH WOULD BE INCONSISTENT WITH THE DUE PERFORMANCE OF ANY  
18 AGREEMENTS BETWEEN THE DEPARTMENT AND SUCH FEDERAL AGENCY, AND  
19 THE DEPARTMENT SHALL CONTINUE TO HAVE AND MAY EXERCISE ALL  
20 POWERS HEREIN GRANTED, SO LONG AS THE SAME SHALL BE NECESSARY OR  
21 DESIRABLE FOR THE CARRYING OUT OF THE PURPOSES OF THIS ACT.

22 SECTION 13. FINES AND PENALTIES.--(A) ANY PERSON WHO  
23 ATTEMPTS TO OR OBTAINS FINANCIAL AID FOR A PROJECT HEREUNDER BY  
24 FALSE OR MISLEADING INFORMATION OR WHO SHALL BY FRAUD ATTEMPT TO  
25 OBTAIN MONEYS OR SHALL FRAUDULENTLY ATTEMPT TO OR DOES PREVENT  
26 THE COLLECTION OF MONEYS DUE TO THE DEPARTMENT SHALL, FOR EACH  
27 OFFENSE, BE GUILTY OF A MISDEMEANOR, AND UPON CONVICTION  
28 THEREOF, SHALL BE SENTENCED TO PAY A FINE NOT EXCEEDING TWO  
29 THOUSAND FIVE HUNDRED DOLLARS (\$2,500) OR UNDERGO IMPRISONMENT  
30 NOT EXCEEDING ONE YEAR, OR BOTH.

1 (B) ANY PERSON WHO ATTEMPTS TO OR DOES APPLY FUNDS RECEIVED  
2 FROM THE DEPARTMENT UNDER THIS ACT TO ANY PURPOSE OR ACTIVITY  
3 OTHER THAN THOSE PURPOSES AND ACTIVITIES APPROVED BY THE  
4 DEPARTMENT, SHALL, UPON CONVICTION THEREOF IN A SUMMARY  
5 PROCEEDING, BE SENTENCED TO PAY A FINE OF NOT MORE THAN THREE  
6 HUNDRED DOLLARS (\$300) AND, IN DEFAULT OF THE PAYMENT OF SUCH  
7 FINE AND COSTS, SHALL UNDERGO IMPRISONMENT FOR NOT MORE THAN  
8 THIRTY DAYS.

9 (C) ALL FINES AND PENALTIES IMPOSED UNDER THE PROVISIONS OF  
10 THIS SECTION SHALL BE PAID INTO THE "SOLID WASTE - RESOURCE  
11 RECOVERY DEVELOPMENT FUND."

12 SECTION 14. SEVERABILITY CLAUSE.--THE PROVISIONS OF THIS ACT  
13 ARE SEVERABLE AND IF ANY PROVISION OR PART THEREOF SHALL BE HELD  
14 INVALID OR UNCONSTITUTIONAL OR INAPPLICABLE TO ANY PERSON OR  
15 CIRCUMSTANCES, SUCH INVALIDITY, UNCONSTITUTIONALITY OR  
16 INAPPLICABILITY SHALL NOT AFFECT OR IMPAIR THE REMAINING  
17 PROVISIONS OF THE ACT.

18 SECTION 15. APPROPRIATION; ADMINISTRATIVE EXPENSES.--THE SUM  
19 OF ONE HUNDRED THOUSAND DOLLARS (\$100,000) IS HEREBY  
20 APPROPRIATED TO PAY ALL EXPENSES INCURRED IN THE ADMINISTRATION  
21 OF THIS ACT.