
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, JULY 11, 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 RESOURCES 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.~~ OR A MUNICIPAL AUTHORITY.

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.~~ SOLID WASTE MATERIALS RESULTING FROM INDUSTRIAL, <—
23 COMMERCIAL, AND AGRICULTURAL OPERATIONS, AND FROM COMMUNITY
24 ACTIVITIES, BUT DOES NOT INCLUDE SOLIDS OR DISSOLVED MATERIAL IN
25 DOMESTIC SEWAGE OR OTHER SIGNIFICANT POLLUTANTS IN WATER
26 RESOURCES, SUCH AS SILT, DISSOLVED OR SUSPENDED SOLIDS IN
27 INDUSTRIAL WASTE WATER EFFLUENTS, DISSOLVED MATERIALS IN
28 IRRIGATION RETURN FLOWS OR OTHER COMMON WATER POLLUTANTS.

29 "SOLID WASTE DISPOSAL/PROCESSING SYSTEM" MEANS A SYSTEM THAT
30 PROVIDES FOR THE TREATMENT, PROCESSING, OR FINAL DISPOSAL OF

1 SOLID WASTE AS PART OF AN OFFICIAL SOLID WASTE MANAGEMENT PLAN.

2 SECTION 4. POWERS AND DUTIES OF THE DEPARTMENT.--THE
3 DEPARTMENT IS HEREBY AUTHORIZED TO SERVE AS THE ADMINISTRATOR OF
4 THE PENNSYLVANIA SOLID WASTE - RESOURCE RECOVERY DEVELOPMENT
5 FUND AND SHALL HAVE AND MAY EXERCISE ALL POWERS NECESSARY OR
6 APPROPRIATE TO CARRY OUT AND EFFECTUATE THE PURPOSES OF THIS
7 ACT, INCLUDING THE FOLLOWING POWERS, IN ADDITION TO OTHERS
8 HEREIN GRANTED:

9 (1) TO MAKE, UPON PROPER APPLICATION OF SOLID WASTE -
10 RESOURCE RECOVERY AGENCIES, LOANS TO SUCH DEVELOPMENT AGENCIES
11 OF MONEYS HELD IN THE SOLID WASTE - RESOURCE RECOVERY
12 DEVELOPMENT FUND FOR DEVELOPMENT PROJECTS AND TO PROVIDE FOR THE
13 REPAYMENT AND REDEPOSIT OF SUCH ALLOCATIONS AND LOANS IN THE
14 MANNER HEREINAFTER PROVIDED.

15 (2) TO COOPERATE WITH SOLID WASTE - RESOURCE RECOVERY
16 DEVELOPMENT AGENCIES IN THEIR EFFORTS TO PROMOTE THE EXPANSION
17 OF SOLID WASTE PROCESSING/DISPOSAL AND RESOURCE RECOVERY
18 SYSTEMS.

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

21 (4) TO MAKE CONTRACTS OF EVERY NAME AND NATURE AND TO
22 EXECUTE ALL INSTRUMENTS NECESSARY OR CONVENIENT FOR THE CARRYING
23 ON OF ITS BUSINESS, AND TO AVAIL ITSELF OF ALL RIGHTS AND
24 REMEDIES, BOTH AT LAW AND IN EQUITY, ARISING OUT OF SUCH
25 CONTRACTS.

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

29 (6) TO TAKE TITLE BY FORECLOSURE TO ANY DEVELOPMENT PROJECT
30 WHERE SUCH ACQUISITION IS NECESSARY TO PROTECT ANY LOAN

1 PREVIOUSLY MADE THEREFORE BY THE DEPARTMENT AND TO PAY ALL COSTS
2 ARISING OUT OF SUCH FORECLOSURE AND ACQUISITION FROM MONEYS HELD
3 IN THE FUND AND TO SELL, TRANSFER AND CONVEY ANY SUCH
4 DEVELOPMENT PROJECT TO ANY RESPONSIBLE BUYER; IN THE EVENT SUCH
5 SALE, TRANSFER AND CONVEYANCE CANNOT BE EFFECTED WITH REASONABLE
6 PROMPTNESS, THE DEPARTMENT MAY, IN ORDER TO MINIMIZE FINANCIAL
7 LOSSES AND SUSTAIN EMPLOYMENT, LEASE SUCH DEVELOPMENT PROJECT TO
8 A RESPONSIBLE TENANT OR TENANTS; THE DEPARTMENT SHALL NOT LEASE
9 DEVELOPMENT PROJECTS EXCEPT UNDER THE CONDITIONS AND FOR THE
10 PURPOSE CITED IN THIS SECTION.

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

20 (8) TO AUDIT, INSPECT, AND REVIEW ALL BOOKS, RECORDS, AND
21 REPORTS MAINTAINED BY RECIPIENTS OF LOANS MADE PURSUANT TO THIS
22 ACT.

23 (9) TO SUBMIT AN ANNUAL REPORT TO THE JOINT LEGISLATIVE AIR
24 AND WATER POLLUTION CONTROL AND CONSERVATION COMMITTEE
25 SUMMARIZING THE STATUS, ACTIVITIES, AND ACCOMPLISHMENTS OF THE
26 DEPARTMENT IN ADMINISTERING THIS ACT.

27 (10) TO CONSULT WITH TECHNICAL ADVISORS PROPERLY QUALIFIED
28 BY EDUCATION OR EXPERIENCE IN FINANCIAL ADMINISTRATION, SOLID
29 WASTE MANAGEMENT, RESOURCE RECOVERY SYSTEMS DESIGN AND
30 CONSTRUCTION, MARKET ANALYSES, OR ANY OTHER FIELD OF ENDEAVOR

1 WHICH IS PERTINENT TO THE EFFECTUATION OF THE PURPOSES OF THIS
2 ACT.

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

6 (12) TO INSTITUTE LEGAL PROCEEDINGS IN A COURT OF COMPETENT
7 JURISDICTION FOR THE ENFORCEMENT OF ANY ORDER OF THE DEPARTMENT
8 UNDER THIS ACT FOR WHICH THERE HAS BEEN NO TIMELY APPEAL OR
9 WHICH HAS BEEN SUSTAINED ON APPEAL, OR FOR THE RECOVERY OF
10 PENALTIES OR DAMAGES UNDER THIS ACT.

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

15 (14) TO INSTITUTE PROSECUTIONS UNDER THIS ACT.

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

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

27 SECTION 6. POWERS AND DUTIES OF THE ENVIRONMENTAL QUALITY
28 BOARD.--(A) THE ENVIRONMENTAL QUALITY BOARD SHALL HAVE THE POWER
29 AND ITS DUTIES SHALL BE TO ADOPT RULES AND REGULATIONS TO
30 ACCOMPLISH THE PURPOSES OF THIS ACT, INCLUDING BUT NOT LIMITED

1 TO THE SETTING OF A UNIFORM INTEREST RATE TO BE APPLIED TO LOANS
2 ADMINISTERED UNDER THIS ACT. SUCH INTEREST RATE SHALL BE
3 REVIEWED ANNUALLY ON THE ANNIVERSARY OF THE EFFECTIVE DATE OF
4 THIS ACT, AND IN NO CASE SHALL THE RATE OF INTEREST BE SET AT
5 LESS THAN THE INTEREST RATE PAID BY THE COMMONWEALTH ON THE LAST
6 GENERAL OBLIGATION BONDS ISSUED PRIOR TO THE DATE OF SUCH
7 REVIEW.

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

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

23 THE DEPARTMENT MAY CONTRACT TO LOAN THE DEVELOPMENT AGENCY
24 UP TO FIFTY PERCENT (50%) OF THE COST OF A SOLID WASTE
25 DISPOSAL/PROCESSING SYSTEM OR A RESOURCE RECOVERY SYSTEM IF IT
26 HAS DETERMINED THAT THE AGENCY HOLDS FUNDS OR PROPERTY IN THE
27 AMOUNT OF VALUE OF FIVE PERCENT (5%) OR MORE OF THE COST OF THE
28 DEVELOPMENT PROJECT, WHICH FUNDS OR PROPERTY SHALL BE APPLIED TO
29 THE ESTABLISHMENT OF SUCH PROJECT: PROVIDED, THAT DEVELOPMENT
30 AGENCIES APPLYING FOR LOANS FOR SOLID WASTE DISPOSAL/PROCESSING

1 SYSTEMS SHALL DEMONSTRATE TO THE DEPARTMENT THROUGH ENGINEERING,
2 ECONOMIC, AND OTHER APPROPRIATE STUDIES THAT SOLID WASTE
3 GENERATION AND RECOVERED MATERIALS MARKET COMMITMENTS ARE
4 INSUFFICIENT OR UNAVAILABLE TO SUPPORT A RESOURCE RECOVERY
5 SYSTEM: AND FURTHER PROVIDED, THAT (1) LOANS FOR NEW SOLID WASTE
6 DISPOSAL/PROCESSING SYSTEMS SHALL BE MADE ONLY TO MUNICIPALITIES
7 WHICH ARE OR ARE IN COUNTIES OF THE SEVENTH AND EIGHTH CLASS AND
8 WHERE SAID SYSTEMS SHALL SERVE A MINIMUM POPULATION OF TEN
9 THOUSAND PERSONS, EXCEPT IN THOSE CASES OF SEVENTH AND EIGHTH
10 CLASS COUNTIES WHERE THE TOTAL POPULATION IS LESS THAN TEN
11 THOUSAND PERSONS AND IN THOSE CASES SAID SYSTEMS SHALL SERVE THE
12 TOTAL POPULACE OF THOSE COUNTIES; (2) LOANS FOR EXISTING SOLID
13 WASTE DISPOSAL/PROCESSING SYSTEMS SHALL BE MADE ONLY TO
14 MUNICIPALITIES WHICH ARE OR ARE IN COUNTIES OF THE FIFTH THROUGH
15 EIGHTH CLASSES: PROVIDED, HOWEVER, THAT AFTER JULY 1, 1975 NO
16 MORE THAN FIFTY PERCENT (50%) OF THE AVAILABLE FUND CAN BE USED
17 IN ANY ONE YEAR FOR SOLID WASTE DISPOSAL/PROCESSING SYSTEMS.

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

1 A PART OF A DEPARTMENT APPROVED SOLID WASTE MANAGEMENT PLAN.

2 ANY SUCH LOAN OF THE DEPARTMENT SHALL BE FOR TEN YEARS AND
3 SHALL BEAR INTEREST AT SUCH RATE AS SHALL BE DETERMINED BY THE
4 ENVIRONMENTAL QUALITY BOARD AND SHALL BE SECURED BY BOND OR NOTE
5 OF THE DEVELOPMENT AGENCY AND BY MORTGAGE ON THE DEVELOPMENT
6 PROJECT FOR WHICH SUCH LOAN WAS MADE, SUCH MORTGAGE TO BE SECOND
7 AND SUBORDINATE ONLY TO THE MORTGAGE SECURING THE FIRST LIEN
8 OBLIGATION ISSUED TO SECURE THE COMMITMENT OF FUNDS FROM
9 INDEPENDENT AND RESPONSIBLE SOURCES AND USED IN THE FINANCING OF
10 THE DEVELOPMENT PROJECT.

11 MONEYS SO LOANED BY THE DEPARTMENT TO DEVELOPMENT AGENCIES
12 SHALL BE WITHDRAWN FROM THE SOLID WASTE - RESOURCE RECOVERY
13 DEVELOPMENT FUND AND PAID OVER TO THE DEVELOPMENT AGENCY IN SUCH
14 MANNER AS SHALL BE PROVIDED AND PRESCRIBED BY THE RULES AND
15 REGULATIONS OF THE DEPARTMENT.

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

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

30 WHERE ANY FEDERAL AGENCY PARTICIPATING IN THE FINANCING OF A

1 DEVELOPMENT PROJECT IS NOT PERMITTED TO TAKE AS SECURITY FOR
2 SUCH PARTICIPATION A MORTGAGE THE LIEN OF WHICH IS JUNIOR TO THE
3 MORTGAGE OF THE DEPARTMENT, THE DEPARTMENT SHALL IN SUCH
4 INSTANCES BE AUTHORIZED TO TAKE AS SECURITY FOR ITS LOAN TO THE
5 DEVELOPMENT AGENCY A MORTGAGE JUNIOR IN LIEN TO THAT OF THE
6 FEDERAL AGENCY.

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

8 (A) PRIOR TO THE LOANING OF ANY FUNDS TO A DEVELOPMENT AGENCY
9 FOR A DEVELOPMENT PROJECT, SUCH AGENCY SHALL SUBMIT TO THE
10 DEPARTMENT A LOAN APPLICATION IN A FORM REQUIRED BY THE
11 DEPARTMENT AND CONTAINING SUCH INFORMATION AS THE DEPARTMENT MAY
12 REQUIRE.

13 (B) LOAN RECIPIENTS SHALL MAINTAIN ACCURATE FISCAL AND
14 ACCOUNTING RECORDS OF ALL EXPENDITURES INCURRED AND FUNDS
15 RECEIVED IN CARRYING OUT A DEVELOPMENT PROJECT PURSUANT TO THE
16 PROVISIONS OF THIS ACT.

17 (C) LOAN RECIPIENTS SHALL APPLY MONEYS RECEIVED FROM THE
18 DEPARTMENT UNDER THIS ACT ONLY TO THOSE PURPOSES AND ACTIVITIES
19 AUTHORIZED BY LOAN CONTRACT OR OTHERWISE APPROVED BY THE
20 DEPARTMENT.

21 SECTION 9. APPROPRIATION; DEVELOPMENT FUND.--THE SUM OF
22 TWENTY MILLION DOLLARS (\$20,000,000) IS HEREBY SPECIFICALLY
23 APPROPRIATED TO THE DEPARTMENT FOR THE PURPOSES SET FORTH IN
24 THIS ACT, ~~AND IT IS AUTHORIZED THAT TWENTY MILLION DOLLARS~~ <—
25 ~~(\$20,000,000) MAY BE APPROPRIATED IN EACH OF THE NEXT FOUR~~
26 ~~SUCCEEDING YEARS.~~ FOR THE FISCAL YEAR 1974-1975.

27 THERE IS HEREBY CREATED A SPECIAL ACCOUNT IN THE TREASURY OF
28 THE COMMONWEALTH TO BE KNOWN AS THE "SOLID WASTE - RESOURCE
29 RECOVERY DEVELOPMENT FUND" TO WHICH SHALL BE ACCREDITED THE
30 ABOVE PROVIDED APPROPRIATION AND ANY SUBSEQUENT APPROPRIATIONS

1 MADE BY THE LEGISLATURE TO THE DEPARTMENT, AS WELL AS SUCH OTHER
2 DEPOSITS AS PROVIDED IN THIS SECTION.

3 THE DEPARTMENT SHALL ALSO REQUISITION, FROM TIME TO TIME,
4 FROM THE FUND SUCH AMOUNTS AS SHALL BE ALLOCATED AND
5 APPROPRIATED BY THE DEPARTMENT FOR LOANS TO DEVELOPMENT AGENCIES
6 FOR DEVELOPMENT PROJECTS. WHEN AND AS THE AMOUNTS SO ALLOCATED
7 AND APPROPRIATED BY THE DEPARTMENT AS LOANS TO DEVELOPMENT
8 AGENCIES ARE REPAYED TO THE DEPARTMENT PURSUANT TO THE TERMS OF
9 THE MORTGAGES AND OTHER AGREEMENTS MADE AND ENTERED INTO BY THE
10 DEPARTMENT, THE DEPARTMENT SHALL PAY SUCH AMOUNTS INTO THE FUND,
11 IT BEING THE INTENT OF THIS ACT THAT THE FUND SHALL OPERATE AS A
12 REVOLVING FUND WHEREBY ALL APPROPRIATIONS AND PAYMENTS MADE
13 THERETO MAY BE APPLIED AND REAPPLIED TO THE PURPOSES OF THIS
14 ACT.

15 AT ANY TIME THAT THE DEPARTMENT SHALL DETERMINE THAT MONEYS
16 HELD FOR THE CREDIT OF THE FUND ARE IN EXCESS OF THE AMOUNT
17 NEEDED BY THE DEPARTMENT IN ANY ONE FISCAL YEAR, SUCH MONEYS
18 SHALL BE RETAINED IN THE FUND AND CARRIED OVER INTO THE
19 SUCCEEDING FISCAL YEAR TO CARRY OUT THE PURPOSES OF THIS ACT.

20 SECTION 10. MONEY OF THE DEPARTMENT.--ALL INTEREST AND
21 PRINCIPAL REPAYED BY THE LOAN RECIPIENTS SHALL BE PAID TO THE
22 STATE TREASURER FOR DEPOSIT IN THE FUND. SAID MONEYS SHALL BE
23 DEPOSITED IN THE FIRST INSTANCE (BY THE STATE TREASURER) IN ONE
24 OR MORE BANKS OR TRUST COMPANIES, IN ONE OR MORE SPECIAL
25 ACCOUNTS, AND EACH OF SUCH SPECIAL ACCOUNTS SHALL BE
26 CONTINUOUSLY SECURED BY A PLEDGE OR DIRECT OBLIGATIONS OF THE
27 UNITED STATES OF AMERICA OR OF THE COMMONWEALTH, HAVING AN
28 AGGREGATE MARKET VALUE, EXCLUSIVE OF ACCRUED INTEREST, AT ALL
29 TIMES AT LEAST EQUAL TO THE BALANCE ON DEPOSIT IN SUCH ACCOUNTS.
30 SUCH SECURITIES SHALL EITHER BE DEPOSITED WITH THE DEPARTMENT OR

1 BE HELD BY A TRUSTEE OR AGENT SATISFACTORY TO THE DEPARTMENT.
2 ALL BANKS AND TRUST COMPANIES ARE AUTHORIZED TO GIVE SUCH
3 SECURITY FOR SUCH DEPOSITS. THE MONEYS IN SAID ACCOUNT SHALL BE
4 PAID OUT ON THE WARRANT OR OTHER ORDER OF THE SECRETARY OF THE
5 DEPARTMENT, OR OF SUCH OTHER PERSON OR PERSONS AS THE DEPARTMENT
6 MAY AUTHORIZE TO EXECUTE SUCH WARRANTS OR ORDERS.

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

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

28 SECTION 13. FINES AND PENALTIES.--(A) ANY PERSON WHO
29 ATTEMPTS TO OR OBTAINS FINANCIAL AID FOR A PROJECT HEREUNDER BY
30 FALSE OR MISLEADING INFORMATION OR WHO SHALL BY FRAUD ATTEMPT TO

1 OBTAIN MONEYS OR SHALL FRAUDULENTLY ATTEMPT TO OR DOES PREVENT
2 THE COLLECTION OF MONEYS DUE TO THE DEPARTMENT SHALL, FOR EACH
3 OFFENSE, BE GUILTY OF A MISDEMEANOR, AND UPON CONVICTION
4 THEREOF, SHALL BE SENTENCED TO PAY A FINE NOT EXCEEDING TWO
5 THOUSAND FIVE HUNDRED DOLLARS (\$2,500) OR UNDERGO IMPRISONMENT
6 NOT EXCEEDING ONE YEAR, OR BOTH.

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

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

18 SECTION 14. SEVERABILITY CLAUSE.--THE PROVISIONS OF THIS ACT
19 ARE SEVERABLE AND IF ANY PROVISION OR PART THEREOF SHALL BE HELD
20 INVALID OR UNCONSTITUTIONAL OR INAPPLICABLE TO ANY PERSON OR
21 CIRCUMSTANCES, SUCH INVALIDITY, UNCONSTITUTIONALITY OR
22 INAPPLICABILITY SHALL NOT AFFECT OR IMPAIR THE REMAINING
23 PROVISIONS OF THE ACT.

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

28 SECTION 16. THIS ACT SHALL TAKE EFFECT NOVEMBER 1, 1974.