

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1479 Session of
1985

INTRODUCED BY McCLATCHY, JUNE 24, 1985

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JUNE 24, 1985

AN ACT

1 Amending the act of July 7, 1980 (P.L.380, No.97), entitled "An
2 act providing for the planning and regulation of solid waste
3 storage, collection, transportation, processing, treatment,
4 and disposal; requiring municipalities to submit plans for
5 municipal waste management systems in their jurisdictions;
6 authorizing grants to municipalities; providing regulation of
7 the management of municipal, residual and hazardous waste;
8 requiring permits for operating hazardous waste and solid
9 waste storage, processing, treatment, and disposal
10 facilities; and licenses for transportation of hazardous
11 waste; imposing duties on persons and municipalities;
12 granting powers to municipalities; authorizing the
13 Environmental Quality Board and the Department of
14 Environmental Resources to adopt rules, regulations,
15 standards and procedures; granting powers to and imposing
16 duties upon county health departments; providing remedies;
17 prescribing penalties; and establishing a fund," further
18 providing for the powers of county officials in counties of
19 the second class A and for the powers of municipalities
20 within counties of the second class A.

21 The General Assembly of the Commonwealth of Pennsylvania
22 hereby enacts as follows:

23 Section 1. The act of July 7, 1980 (P.L.380, No.97), known
24 as the Solid Waste Management Act, is amended by adding a
25 section to read:

26 Section 204. Counties of the second class A.

1 (a) (1) Counties of the second class A shall have the power
2 to regulate all processing and disposal facilities for
3 municipal waste within their boundaries, but may only accept
4 waste generated outside of the county by contract. A county
5 of the second class A cannot process and dispose of an amount
6 of municipal waste generated outside the county in a calendar
7 year greater than 20% of the average waste volume processed
8 and disposed of by the county in the final six months of the
9 prior calendar year.

10 (2) Counties of the second class A shall have the power
11 to construct and operate or cause to be constructed and
12 operated municipal waste processing and disposal facilities
13 as part of a comprehensive solid waste management plan
14 approved by the department. Counties of the second class A
15 shall have the power to charge and receive fees for the
16 services performed at these facilities. The fees shall be
17 uniform and shall relate directly with the cost of
18 performance of the services and not include a recovery of
19 costs associated with the closing of other sites or prior
20 agreements. No municipal waste processing facility or
21 transfer facility shall be constructed within a five-mile
22 radius of any other municipal waste processing facility,
23 waste disposal facility or transfer facility. This five-mile
24 limitation shall not apply to municipal waste processing,
25 disposal or transfer facilities in existence prior to the
26 effective date of this section, nor to industrial sites or
27 farms engaged in internal cogeneration.

28 (b) (1) Municipalities, as defined under section 103, shall
29 comply with the standards required for municipalities under
30 section 202(b) of this act. Municipalities may require, by

1 ordinance, that a comprehensive recycling program be
2 initiated, which can be in conjunction with other
3 municipalities, and that all municipal waste generated within
4 their jurisdiction be delivered for processing and disposal
5 at municipal waste processing and disposal facilities other
6 than those constructed by or operated by counties of the
7 second class A.

8 (2) Any ordinances, regulations and standards so adopted
9 by a municipality shall be made a part of the municipality's
10 comprehensive recycling program and must be submitted within
11 six months of the effective date of this section to the
12 county in accordance with section 201(b). If such ordinances,
13 regulations and standards provide a municipal waste
14 processing and disposal plan separate from the waste
15 processing and disposal plan provided by a county of the
16 second class A in which the municipality is located, the
17 municipality shall assume the duties and responsibilities
18 stated in section 202(a).

19 (3) If a municipality in a county of the second class A
20 does not adopt a comprehensive recycling plan pursuant to
21 paragraph (2) separate from the county's municipal waste
22 processing and disposal plan within six months of the
23 effective date of this section, it will be assumed the
24 municipality will be a participating and contributing member
25 in the county municipal waste processing and disposal plan.

26 (c) The governing bodies of counties of the second class A
27 or municipalities within those counties may contract with any
28 other person or municipality to carry out their responsibility
29 to construct and operate municipal solid waste processing and
30 disposal facilities.

1 (d) Counties of the second class A and, when they exist,
2 county health departments of these counties may elect to
3 administer and enforce any of the provisions of this section
4 together in accordance with the established policies,
5 procedures, guidelines, standards and rules and regulations of
6 the department. Where this program activity exceeds the minimum
7 program requirements adopted by the Advisory Health Board under
8 the provisions of the act of August 24, 1951 (P.L.1304, No.315),
9 known as the "Local Health Administration Law," the program
10 activity may be funded through contractual agreements with the
11 department. County health departments may seek funds from the
12 department from funds authorized and appropriated for this
13 purpose by the General Assembly. Notwithstanding the grant of
14 powers in this section, in any case where administration and
15 enforcement of this act by counties of the second class A or by
16 a county health department of those counties conflicts with
17 administration and enforcement by the department, administration
18 and enforcement by the department shall take precedence over
19 administration and enforcement by the county or by the county
20 health department.

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