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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1929 Session of  
1995

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INTRODUCED BY ARGALL, PETRONE, BATTISTO, CARONE, HARHART,  
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ALLEN, GAMBLE, EGOLF, STEELMAN, CIVERA, PISTELLA, SERAFINI  
AND MCGEEHAN, JUNE 29, 1995

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SENATOR BRIGHTBILL, ENVIRONMENTAL RESOURCES AND ENERGY, IN  
SENATE, AS AMENDED, JUNE 11, 1996

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AN ACT

1 Relating to the recycling and reuse of waste tires; providing  
2 for the proper disposal of waste tires and the cleanup of  
3 stockpiled tires; authorizing investment tax credits for  
4 utilizing waste tires; providing remediation grants for the  
5 cleanup of tire piles; ~~and providing for demonstration road~~ <—  
6 ~~projects.~~ AND FOR POLLUTION PREVENTION PROGRAMS FOR SMALL <—  
7 BUSINESS AND HOUSEHOLDS; ESTABLISHING THE SMALL BUSINESS AND  
8 HOUSEHOLD POLLUTION PREVENTION PROGRAM AND MANAGEMENT  
9 STANDARDS FOR SMALL BUSINESS HAZARDOUS WASTE; PROVIDING FOR A  
10 HOUSEHOLD HAZARDOUS WASTE PROGRAM AND FOR GRANT PROGRAMS;  
11 MAKING APPROPRIATIONS; AND MAKING REPEALS.

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12 CHAPTER 1. WASTE TIRE RECYCLING

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17 The General Assembly of the Commonwealth of Pennsylvania  
 18 hereby enacts as follows:

19 CHAPTER 1 ←  
 20 WASTE TIRE RECYCLING

21 ~~Section 1. Short title.~~ ←

22 SECTION 101. SHORT TITLE OF CHAPTER. ←

23 This ~~act~~ CHAPTER shall be known and may be cited as the Waste ←  
 24 Tire Recycling Act.

25 Section ~~2~~ 102. Legislative findings. ←

26 The General Assembly finds and declares as follows:

27 (1) An estimated 36,000,000 waste tires are stockpiled  
 28 in Pennsylvania.

29 (2) Waste tires and stockpiled tires continue to be an  
 30 environmental threat to this Commonwealth.

1 (3) Approximately 12,000,000 waste tires are generated  
2 in Pennsylvania each year.

3 (4) Stockpiled tires create environmental hazards such  
4 as tire fires and heavy mosquito infestations.

5 (5) Landfilled whole tires and tire piles use valuable  
6 and productive land space.

7 (6) Financial incentives need to be created to help  
8 stimulate waste tire markets.

9 Section 3 103. Purpose. <—

10 It is the purpose of this act:

11 (1) To ensure that whole used and waste tires are  
12 collected and put to beneficial use or properly disposed.

13 (2) To provide for the abatement of whole used and waste  
14 tire dumps and their associated threats to public health and  
15 welfare.

16 (3) To encourage qualified investments by private  
17 companies to rehabilitate, expand or improve manufacturing  
18 processes, facilities, buildings and land to promote the use  
19 and recycling of waste tires.

20 (4) To reuse the current supply of waste tires generated  
21 each year in this Commonwealth.

22 Section 4 104. Definitions. <—

23 The following words and phrases when used in this ~~act~~ CHAPTER <—  
24 shall have the meanings given to them in this section unless the  
25 context clearly indicates otherwise:

26 "Commonwealth agency." The Commonwealth and its departments,  
27 boards, commissions and agencies, Commonwealth-owned  
28 universities and the State Public School Building Authority and  
29 any other authority now in existence or hereafter created or  
30 organized by the Commonwealth.

1 "Department." The Department of Environmental Protection of  
2 the Commonwealth.

3 "Disposal." The dumping, spilling or placing of whole used  
4 or waste tires into or on the land or water in a manner that the  
5 tires or a constituent of the tires enters the environment.

6 "Landfill." A facility using land for disposing of solid  
7 waste.

8 "Person." Any individual, partnership, corporation,  
9 association, institution, cooperative enterprise, municipal  
10 authority, Federal Government or agency, State institution and  
11 agency, including, but not limited to, the Department of General  
12 Services and the State Public School Building Authority, or any  
13 other legal entity whatsoever which is recognized by law as the  
14 subject of rights and duties. In any provisions of this act  
15 prescribing a fine, imprisonment or penalty, or any combination  
16 of the foregoing, the term "person" shall include the officers  
17 and directors of any corporation or other legal entity having  
18 officers and directors.

19 "Priority site." Any site designated by the Department of  
20 Environmental Protection to contain more than 10,000 stockpiled  
21 tires.

22 "Recycling." The systematic collection, sorting, cleaning  
23 and returning of waste tires to commerce for use as commodities.

24 "Waste reduction, reuse or recycling equipment." Machinery,  
25 equipment or facility modification designed to process or  
26 convert waste tires into a beneficial product or productive use.

27 "Waste tire." A tire that will no longer be used for the  
28 purpose for which it was originally intended.

29 Section 5 105. Powers and duties of department. <—

30 The department shall have the power and its duty shall be to:

1 (1) Administer the whole used or waste tire management  
2 program pursuant to the provisions of this act.

3 (2) Consult with the Department of Revenue concerning  
4 matters of tax credit disbursements.

5 (3) Cooperate with local units of government and  
6 appropriate private businesses in carrying out the duties of  
7 this act.

8 (4) Regulate the disposal of waste tires.

9 Section 6 106. Disposal of whole waste tires. ←

10 (a) Landfill disposal prohibited.--No person shall knowingly  
11 mix any whole used or waste tires with solid waste for disposal.  
12 Owners or operators of landfills shall not accept whole used or  
13 waste tires for disposal. Nothing in this section shall prohibit  
14 the disposal at landfills of occasional whole used or waste  
15 tires unknowingly and inadvertently mixed with solid waste.

16 (b) Exceptions.--Landfills may accept whole tires when:

17 (1) the landfill provides for shredding, chopping or  
18 splitting of whole used or waste tires prior to disposal, ←  
19 EXCEPT THAT SUCH SHREDDING, CHOPPING OR SPLITTING SHALL NOT  
20 BE REQUIRED WHEN IT IS NOT FEASIBLE DUE TO THE CONDITION OF  
21 THE WASTE TIRES;

22 (2) the landfill uses the whole used or waste tires for  
23 alternative uses, which may include onsite uses such as  
24 lining of roadways with waste tires, use in landfill  
25 construction as liner protection, alternative daily landfill  
26 cover, use in a landfill leachate collection system or as  
27 otherwise provided for by regulation; or

28 (3) the landfill makes available the whole used or waste  
29 tires to an appropriate facility for reuse, recycling or use  
30 as an alternative fuel source.

1       ~~(c) Municipal waste landfills. Municipal waste landfills~~       ←  
2       ~~shall be prohibited from accepting whole used or waste tires or~~  
3       ~~tires that have been shredded, chopped or split except to~~  
4       ~~implement the provisions of subsection (b)(2) and (3).~~

5       ~~(d) Municipal and residual waste landfills. The department~~  
6       ~~shall not approve applications for permit modifications for~~  
7       ~~municipal or residual waste landfills that propose to accept and~~  
8       ~~dispose of any hazardous waste.~~

9       ~~(e)~~ (C) Written management plan.--Landfills that accept       ←  
10       whole used or waste tires shall prepare and implement a written  
11       plan that addresses the management of waste tires. The plan  
12       shall, at a minimum, consist of the following:

13               (1) Procedures for notifying transporters of solid waste  
14               to the landfill of the existence and purpose of the waste  
15               tire management program.

16               (2) Procedures for distributing information regarding  
17               alternative management methods for waste tires or processed  
18               tires.

19       ~~(f)~~ (D) Notice to department.--Landfills that transfer whole       ←  
20       used or waste tires to an appropriate facility for reuse,  
21       recycling or processing or as an alternative fuel source shall  
22       submit an annual report to the department. Notification shall  
23       include information regarding the following:

24               (1) The name and address of the facility owner and  
25               operator to which waste tires are transferred.

26               (2) The name, address and location of the facility.

27               (3) The type of operation using the whole used or waste  
28               tires.

29               (4) The dates of shipments or transfers.

30               (5) The number of whole used and waste tires or the

1 volume or weight of processed tires transferred.

2 Section 7 107. Priority enforcement list. <—

3 (a) Development of list of waste tire sites.--Within 90 days  
4 of the effective date of this act, the department shall identify  
5 and develop a Statewide list of waste tire sites with more than  
6 10,000 waste tires known or estimated to be stockpiled. The  
7 department shall rank the waste tire sites according to their  
8 potential for creating environmental health and safety hazards  
9 and designate these sites as priority sites to those facilities  
10 requesting tax investment credits under section 9 109. <—

11 (b) Maintenance of updated list.--The department shall  
12 review and update the priority enforcement list every two years.

13 (c) Municipal notification.--For the purposes of section 12,  
14 the department shall notify in writing the counties and  
15 municipalities of the waste tire sites selected to be listed on  
16 the priority enforcement list that are located within their  
17 borders.

18 Section 8 108. Penalties. <—

19 (a) Penalty for first violation.--For the first violation, a  
20 person commits a summary offense and shall, upon conviction, be  
21 sentenced to pay a fine of not less than \$100 and not more than  
22 \$1,000 per violation, or be subject to imprisonment for not more  
23 than 30 days, or both.

24 (b) Additional penalty for subsequent violations.--For the  
25 second and any subsequent violations, a person commits a  
26 misdemeanor of the third degree and shall, upon conviction, be  
27 sentenced to pay a fine of not less than \$1,000 and not more  
28 than \$5,000 per violation, or be subject to imprisonment for not  
29 more than 90 days, or both.

30 Section 9 109. Investment tax credits for equipment for <—



1                   reducing, reusing or recycling whole used or  
2                   waste tires.

3           (a) Equipment purchase, retrofitting or expansion of  
4 facilities tax credit.--Beginning with tax years beginning on or  
5 after January 1, 1996 1997, every taxpayer engaged in the       <—  
6 business of reducing, reusing or recycling whole used or waste  
7 tires that purchases waste reduction, reuse or recycling  
8 equipment or retrofits existing facilities for the purpose of  
9 reducing the number of whole used or waste tires or reusing or  
10 recycling whole used or waste tires or makes a qualified  
11 investment to rehabilitate, expand or improve buildings for the  
12 purpose of reducing, reusing or recycling whole used or waste  
13 tires for which an end market exists shall receive an investment  
14 tax credit equal to 30% of the cost of the waste reduction,  
15 reuse or recycling equipment or infrastructure investments. The  
16 credit may be claimed against any tax due under Article III, IV  
17 or VI of the act of March 4, 1971 (P.L.6, No.2), known as the  
18 Tax Reform Code of 1971, for the tax year during which the cost  
19 was incurred.

20       ~~(b) New business tax credit. Beginning with tax years       <—~~  
21 ~~beginning on or after January 1, 1996, every new business~~  
22 ~~created for the purpose of reducing, reusing or recycling whole~~  
23 ~~used or waste tires which purchases waste reduction, reuse or~~  
24 ~~recycling equipment or makes qualified infrastructure~~  
25 ~~investments for the purposes of waste tire reduction, reuse or~~  
26 ~~recycling for which an end market exists shall receive an~~  
27 ~~investment tax credit equal to 5% of the cost of the waste~~  
28 ~~reduction, reuse or recycling equipment or infrastructure~~  
29 ~~investments. The credit may be claimed against any tax due under~~  
30 ~~Article III, IV or VI of the Tax Reform Code of 1971 for the tax~~

1 ~~year during which the cost was incurred.~~

2 ~~(e)~~ (B) Certification from department required.--To claim <—  
3 credit under this section, a taxpayer must obtain certification  
4 from the department certifying to the Department of Revenue all  
5 of the following:

6 (1) The taxpayer is engaged in the business of reducing,  
7 reusing or recycling whole used or waste tires.

8 (2) The equipment purchased or infrastructure investment  
9 is for the purpose of whole used or waste tire reduction,  
10 reuse or recycling.

11 (3) The taxpayer engaged in the business of whole used  
12 or waste tire reduction, reuse or recycling must demonstrate  
13 that at least 10% of the whole used or waste tires processed  
14 each year were collected from priority tire sites as  
15 identified by the department.

16 (4) THE AMOUNT OF TAX CREDIT AVAILABLE TO THE TAXPAYER. <—

17 ~~(d)~~ (C) Continuing tax credits.--For the years following the <—  
18 first year a taxpayer or business receives an investment tax  
19 credit under subsection (a) ~~or (b)~~, an investment tax credit of <—  
20 10% of the cost of the waste reduction, reuse or recycling  
21 equipment or infrastructure investments shall be allowed for  
22 each year in which a taxpayer engaged in the business of whole  
23 used or waste tire reduction, reuse or recycling demonstrates at  
24 least 25% of the waste tires processed were collected from  
25 priority tire sites as designated by the department.

26 ~~(e)~~ (D) Limitation.--The dollar amount made available <—  
27 through the Department of Revenue in each calendar year for tax  
28 credits shall not exceed \$2,000,000.

29 ~~(f)~~ (E) Determination of distribution.--If the requests for <—  
30 tax investment credits under subsection (a) ~~or (b)~~ exceeds <—

1 \$2,000,000 during any calendar year, the department shall  
2 determine which taxpayers engaged in the business of whole used  
3 or waste tire reduction, reuse or recycling shall receive the  
4 investment tax credits.

5 ~~(g)~~ (F) Sunset.--The investment tax credits under subsection <—  
6 (a) ~~or (b)~~ shall expire within three years of the effective date <—  
7 of this act. NO INVESTMENT TAX CREDIT UNDER THIS ACT MAY BE <—  
8 CLAIMED AFTER JANUARY 1, 2000.

9 ~~(h)~~ (G) Computation to exclude certain costs.--The cost of <—  
10 feasibility studies or equipment used to service the waste  
11 reduction, reuse or recycling equipment shall not be used to  
12 compute tax credits.

13 Section ~~10~~ 110. Funds. <—

14 (a) Establishment of restricted account.--There is hereby  
15 established in the General Fund a restricted account to be known  
16 as the Used Tire Pile Remediation Restricted Account. This  
17 account shall receive up to \$1,000,000, transferred upon  
18 approval of the Governor, on an annual basis for a period not to  
19 exceed five consecutive years from the ~~Hazardous Sites Cleanup~~ <—  
20 ~~Fund established under section 901 of the act of October 18,~~  
21 ~~1988 (P.L.756, No.108), known as the Hazardous Sites Cleanup~~  
22 ~~Act.~~ RECYCLING FUND CREATED BY SECTION 706 OF THE ACT OF JULY <—  
23 28, 1988 (P.L.556, NO.101), KNOWN AS THE MUNICIPAL WASTE  
24 PLANNING, RECYCLING AND WASTE REDUCTION ACT.

25 (b) Appropriation of fund.--Moneys in the account are hereby  
26 appropriated upon approval of the Governor to the department for  
27 the purposes of this act. No more than 5% of the money in the  
28 account may be used for the development and implementation of  
29 public education and technical assistance programs concerning  
30 the management of used tires.

1 (c) Transfer of unexpended funds.--Any unexpended funds  
2 remaining in the account ten years after its establishment shall  
3 be transferred to the Solid Waste Abatement Fund.

4 Section ~~11~~ 111. Remediation grants. ←

5 (a) Authorization.--The department shall award grants for  
6 the remediation of waste tire piles existing on or before the  
7 effective date of this act upon receipt of a proposal submitted  
8 by a person or municipality.

9 (b) Priority.--The department will announce the sites for  
10 which each proposal may be accepted. The department shall select  
11 these sites based on the environmental danger posed by the sites  
12 as determined by the department.

13 (c) Prerequisites.--

14 (1) Persons or municipalities submitting proposals to  
15 the department to remediate sites shall do so on a form  
16 provided by the department. The proposal at a minimum shall  
17 contain:

18 (i) A description of the person or municipality  
19 experienced in tire pile remediation.

20 (ii) Markets or uses for the remediated tires.

21 (iii) Schedule for the remediation of tires.

22 (iv) Proposed cost of the used tire pile  
23 remediation.

24 (2) Proposals shall include any additional information  
25 the department deems necessary. The department shall  
26 establish guidelines for awarding grants. These guidelines  
27 may be updated by the department as needed.

28 (3) The department shall establish a grant ceiling for  
29 each proposed tire pile to be remediated based on the number  
30 of tires contained in the pile and estimated processing

1 costs. Proposals must request an amount that may not exceed  
2 the ceiling established by the department. The department  
3 will give priority to those proposals indicating the removal  
4 of tires for reuse, recycling or energy recovery in that  
5 order. The department shall award a grant for the proposal  
6 requesting the fewest funds for any given site unless it  
7 determines, in its sole discretion, that a greater potential  
8 for environmental degradation would be remediated by a  
9 proposal for another site.

10 (4) Grant recipients shall apply funds received from the  
11 department under this section only to those purposes and  
12 activities authorized by contract with the department or  
13 otherwise approved by the department.

14 (d) Required grants.--The department shall not award a grant  
15 under this section to any person or municipality which has  
16 contributed in any manner to the creation of a waste tire pile.

17 (e) Limitation.--Grants under this section shall not be used  
18 for the purchase of equipment.

19 (f) Lapse of grant.--A grant offering under this chapter  
20 shall lapse automatically if funds for the grant are not  
21 encumbered within one year of the offering. The department may,  
22 in its sole discretion, reoffer the grant, offer the grant for  
23 the remediation of that site to another entity which submitted a  
24 proposal, or announce the solicitation for new proposals for  
25 that site.

26 (g) Lapse of encumbered funds.--Grant funds that have been  
27 encumbered shall lapse automatically to the ~~Waste Tire Pile~~ <—  
28 ~~Remediation Fund~~ USED TIRE PILE REMEDIATION RESTRICTED ACCOUNT <—  
29 if the funds are not expended by the grantee within two years  
30 after they have been encumbered. The department may, upon

1 written request from the grantee, extend the two-year period for  
2 an additional period not to exceed three months.

3 (h) Availability of funds.--All obligations of the  
4 Commonwealth under this section are contingent upon the  
5 availability of funds under section ~~10~~ 110. <—

6 Section ~~12~~ 112. Report to General Assembly. <—

7 The department shall submit a report to the General Assembly  
8 concerning the implementation of this act, ~~the success of the~~ <—  
9 ~~waste tire registration and recordkeeping system~~ and the  
10 reduction of stockpiled waste tires not later than three years  
11 after the implementation of this act.

12 Section ~~13~~ 113. Commonwealth recycling and use of waste tires. <—

13 (a) Use of waste tires by Commonwealth agencies.--Within two  
14 years after the effective date of this act, the Department of  
15 Conservation and Natural Resources, the Department of  
16 Environmental Protection and the Department of Transportation  
17 shall, to the maximum extent practicable and feasible, give due  
18 consideration ~~and preference~~ to the use of waste tires in all <—  
19 APPROPRIATE construction and engineering activities which are <—  
20 paid with public funds.

21 (b) Reports.--Within three years after the effective date of  
22 this act, the Department of Conservation and Natural Resources,  
23 the Department of Environmental Protection and the Department of  
24 Transportation shall submit a report to the Environmental  
25 Resources and Energy Committee of the Senate and the  
26 Environmental Resources and Energy Committee of the House of  
27 Representatives concerning the implementation of this section.  
28 The report shall include a description of what actions the  
29 agencies have taken in the previous two years to implement this  
30 section.

1 Section ~~14~~ 114. Demonstration projects. <—

2 Within one year of the effective date of this act the  
3 Secretary of Transportation shall establish not less than six  
4 demonstration projects which use asphalt modified with product  
5 derived from waste tires for road repair and construction. The  
6 projects shall test the performance of the modified asphalt  
7 under various climates and use conditions. These projects shall  
8 be in addition to any other projects previously established.

9 Additionally, the Secretary of Transportation shall give due  
10 consideration ~~and preference for~~ TO the use of waste tires in <—  
11 transportation-related civil engineering applications throughout  
12 this Commonwealth. The Secretary of Transportation shall report  
13 annually to the General Assembly study results of each  
14 demonstration project and on the usage of waste tires in  
15 transportation-related civil engineering applications.

16 ~~Section 15. Effective date.~~ <—

17 ~~This act shall take effect immediately.~~

18 CHAPTER 2 <—

19 SMALL BUSINESS AND HOUSEHOLD

20 POLLUTION PREVENTION PROGRAM

21 SECTION 201. SHORT TITLE OF CHAPTER.

22 THIS CHAPTER SHALL BE KNOWN AND MAY BE CITED AS THE SMALL  
23 BUSINESS AND HOUSEHOLD POLLUTION PREVENTION PROGRAM ACT.

24 SECTION 202. LEGISLATIVE FINDINGS.

25 THE GENERAL ASSEMBLY FINDS AND DECLARES AS FOLLOWS:

26 (1) IT IS THE GOAL OF THE COMMONWEALTH TO ACHIEVE A GOAL  
27 OF ZERO DISCHARGE OF POLLUTANTS INTO OUR AIR, WATER AND LAND.  
28 THIS GOAL WILL NOT BE ACHIEVED WITH TRADITIONAL METHODS OF  
29 REGULATING POLLUTANTS AFTER THEY ARE GENERATED.

30 (2) EDUCATION, DEMONSTRATION PROJECT AND TECHNICAL

1 ASSISTANCE PROGRAMS ON POLLUTION PREVENTION ARE ESSENTIAL TO  
2 HELP SMALL AND MEDIUM SIZED BUSINESSES ACHIEVE THE ZERO  
3 DISCHARGE GOAL AND HELP THE PUBLIC CONSERVE RESOURCES, REDUCE  
4 THE VOLUME AND TOXICITY OF WASTES, AND RECYCLE OR RECLAIM  
5 WASTES.

6 (3) HAZARDOUS AND OTHER WASTES GENERATED BY SMALL  
7 BUSINESSES AND HOUSEHOLDS MAY PRESENT DANGERS TO THE PUBLIC  
8 HEALTH AND THE ENVIRONMENT IF MANAGED IMPROPERLY. THESE  
9 DANGERS CAN BE GREATLY REDUCED BY POLLUTION PREVENTION  
10 TECHNIQUES, INCLUDING SOURCE REDUCTION, ENERGY CONSERVATION,  
11 WASTE MINIMIZATION, REDUCTION IN THE TOXICITY OF WASTES  
12 GENERATED, BENEFICIAL USE, REUSE, RECYCLING AND RECLAMATION.

13 (4) TRADITIONAL "END-OF-PIPE" POLLUTION CONTROL  
14 TECHNIQUES OFTEN RESULT IN THE TRANSFER OF POLLUTANTS FROM  
15 ONE ENVIRONMENTAL MEDIUM TO ANOTHER. POLLUTION PREVENTION AND  
16 SOURCE REDUCTION TECHNIQUES REDUCE POLLUTION FORMING IN THE  
17 FIRST PLACE AND LESSEN TRANSFERS BETWEEN AIR, WATER AND LAND.  
18 SECTION 203. DEFINITIONS.

19 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER  
20 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
21 CONTEXT CLEARLY INDICATES OTHERWISE:

22 "COLLECTION CONTRACTOR." A PERSON REGISTERED AND APPROVED BY  
23 THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RETAINED BY A  
24 SPONSOR TO OPERATE A WASTE COLLECTION EVENT FOR ELIGIBLE  
25 ENTITIES UNDER THIS CHAPTER.

26 "COLLECTION EVENT." AN EVENT OR PROGRAM THAT INCLUDES  
27 COLLECTION AND MANAGEMENT OF SOLID WASTES FROM ELIGIBLE ENTITIES  
28 UNDER THIS CHAPTER. THE TERM INCLUDES ONE-DAY WASTE COLLECTION  
29 PROGRAMS AND WASTE COLLECTION PROGRAMS THAT ARE DESIGNED FOR  
30 CONTINUOUS OR ONGOING OPERATION THROUGHOUT A DESIGNATED PERIOD



1 OF TIME.

2 "DEPARTMENT." THE DEPARTMENT OF ENVIRONMENTAL PROTECTION OF  
3 THE COMMONWEALTH AND ITS AUTHORIZED REPRESENTATIVES.

4 "ELIGIBLE ENTITY." A HOUSEHOLD, POLITICAL SUBDIVISION OR A  
5 SMALL BUSINESS.

6 "HOUSEHOLD HAZARDOUS WASTE." A WASTE WHICH WOULD BE  
7 CHEMICALLY OR PHYSICALLY CLASSIFIED AS A HAZARDOUS WASTE BUT IS  
8 EXCLUDED FROM REGULATION AS A HAZARDOUS WASTE PURSUANT TO THE  
9 REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION  
10 BECAUSE IT IS GENERATED BY A HOUSEHOLD.

11 "HOUSEHOLD HAZARDOUS WASTE FUNDING ACT." THE ACT OF DECEMBER  
12 27, 1994 (P.L.1346, NO.155), KNOWN AS THE HOUSEHOLD HAZARDOUS  
13 WASTE FUNDING ACT.

14 "POLLUTION PREVENTION ASSESSMENT." AN EVALUATION DESIGNED TO  
15 IDENTIFY OPPORTUNITIES TO ELIMINATE AND REDUCE POLLUTION OR  
16 REUSE WASTE MATERIALS.

17 "PROGRAM." THE SMALL BUSINESS AND HOUSEHOLD POLLUTION  
18 PREVENTION PROGRAM.

19 "SMALL BUSINESS." A BUSINESS ENTITY THAT IS DEFINED AS A  
20 SMALL QUANTITY GENERATOR OR A CONDITIONALLY EXEMPT SMALL  
21 QUANTITY GENERATOR UNDER THE REGULATIONS OF THE DEPARTMENT OF  
22 ENVIRONMENTAL PROTECTION.

23 "SOLID WASTE MANAGEMENT ACT." THE ACT OF JULY 7, 1980  
24 (P.L.380, NO.97).

25 "SPONSOR." A MUNICIPALITY, CORPORATION, PUBLIC UTILITY,  
26 TRADE ASSOCIATION, NOT-FOR-PROFIT CORPORATION, NOT-FOR-PROFIT  
27 ASSOCIATION OR OTHER PERSON SPONSORING A COLLECTION EVENT OR  
28 SMALL BUSINESS AND HOUSEHOLD POLLUTION PREVENTION PROGRAM FOR  
29 ELIGIBLE ENTITIES UNDER THIS CHAPTER.

30 "UNIVERSAL WASTE." HAZARDOUS WASTES THAT ARE MANAGED AS

1 UNIVERSAL WASTE AS DEFINED BY THE HAZARDOUS WASTE REGULATIONS OF  
2 THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.  
3 SECTION 204. SMALL BUSINESS AND HOUSEHOLD POLLUTION PREVENTION  
4 PROGRAM.

5 (A) ESTABLISHMENT.--THE DEPARTMENT SHALL ESTABLISH THE SMALL  
6 BUSINESS AND HOUSEHOLD POLLUTION PREVENTION PROGRAM FOR  
7 EDUCATING AND PROVIDING ASSISTANCE TO SMALL BUSINESSES AND THE  
8 GENERAL PUBLIC IN POLLUTION PREVENTION AND THE PROPER MANAGEMENT  
9 OF SOLID AND HAZARDOUS WASTES GENERATED IN HOUSEHOLDS AND SMALL  
10 BUSINESSES.

11 (B) EDUCATIONAL MATERIALS.--THE DEPARTMENT SHALL DEVELOP  
12 EDUCATIONAL MATERIALS FOR THE OPERATION OF THE PROGRAM IN  
13 CONSULTATION WITH SMALL BUSINESSES, TRADE ASSOCIATIONS,  
14 EDUCATIONAL INSTITUTIONS AND APPROPRIATE ADVISORY COMMITTEES.

15 (C) PROGRAM CONCERNS.--THE PROGRAM SHALL INCLUDE EDUCATION,  
16 TRAINING AND TECHNICAL ASSISTANCE CONCERNING:

17 (1) SOURCE REDUCTION AND METHODS FOR CONDUCTING  
18 POLLUTION PREVENTION ASSESSMENTS TO ELIMINATE OR REDUCE THE  
19 VOLUME OR TOXICITY OF SOLID WASTES GENERATED.

20 (2) NATURAL RESOURCE AND ENERGY CONSERVATION.

21 (3) OPPORTUNITIES TO REDUCE ENVIRONMENTAL CONTAMINATION  
22 FROM AIR EMISSIONS AND WATER EFFLUENTS.

23 (4) OPPORTUNITIES TO BENEFICIALLY USE, REUSE, RECYCLE OR  
24 RECLAIM SOLID WASTE MATERIALS.

25 (5) OPPORTUNITIES TO COLLECT AND MANAGE UNIVERSAL WASTES  
26 RECEIVED FROM SMALL BUSINESS AND THE GENERAL PUBLIC.

27 (6) OPPORTUNITIES TO DEVELOP AND APPLY ENVIRONMENTAL  
28 IMPROVEMENT TECHNOLOGIES AND METHODS.

29 (7) INFORMATION ON COMPLIANCE WITH APPLICABLE  
30 ENVIRONMENTAL PROTECTION LAWS, INCLUDING COMPLIANCE WITH

1 SOLID WASTE MANAGEMENT REQUIREMENTS.

2 (D) TECHNICAL ASSISTANCE.--THE DEPARTMENT SHALL PROVIDE  
3 EDUCATIONAL MATERIALS AND TECHNICAL ASSISTANCE TO SPONSORS AND  
4 COLLECTION CONTRACTORS FOR THE OPERATION OF THE PROGRAMS AND  
5 COLLECTION EVENTS TO ENCOURAGE AND PROMOTE ALL ASPECTS OF  
6 POLLUTION PREVENTION.

7 (E) TECHNICAL ASSISTANCE FOR IMPLEMENTATION.--THE DEPARTMENT  
8 SHALL PROVIDE TECHNICAL ASSISTANCE TO SPONSORS AND COLLECTION  
9 CONTRACTORS TO IMPLEMENT THE PURPOSES OF THIS CHAPTER AND TO  
10 FACILITATE THE PROGRAM AND THE PROPER COLLECTION, TREATMENT,  
11 RECYCLING OR DISPOSAL OF HAZARDOUS WASTES GENERATED BY ELIGIBLE  
12 ENTITIES.

13 (F) SITE VISIT.--AT THE REQUEST OF A SMALL BUSINESS, THE  
14 DEPARTMENT MAY OFFER A POLLUTION PREVENTION SITE VISIT AT THE  
15 PLACE OF BUSINESS AND MAY PROVIDE ASSISTANCE ON COMPLIANCE WITH  
16 THE ENVIRONMENTAL PROTECTION LAWS ADMINISTERED BY THE DEPARTMENT  
17 AND GUIDANCE ISSUED BY THE DEPARTMENT ON POLLUTION PREVENTION.

18 (G) APPROPRIATIONS.--MONEYS ARE HEREBY APPROPRIATED UPON  
19 APPROVAL OF THE GOVERNOR TO THE DEPARTMENT FOR THE PURPOSES OF  
20 ADMINISTERING THIS CHAPTER FROM THE RECYCLING FUND CREATED BY  
21 SECTION 706 OF THE ACT OF JULY 28, 1988 (P.L.556, NO.101) KNOWN  
22 AS THE MUNICIPAL WASTE PLANNING, RECYCLING AND WASTE REDUCTION  
23 ACT, AND THE HAZARDOUS SITES CLEANUP FUND ESTABLISHED UNDER  
24 SECTION 901 OF THE ACT OF OCTOBER 18, 1988 (P.L.756, NO.108),  
25 KNOWN AS THE HAZARDOUS SITES CLEANUP ACT. THE COMBINED TOTAL OF  
26 APPROPRIATIONS FROM THESE TWO FUNDS FOR THE PROGRAM SHALL NOT  
27 EXCEED \$2,000,000 ANNUALLY. NO MORE THAN 3% OF THE FUNDS  
28 APPROPRIATED MAY BE EXPENDED BY THE DEPARTMENT FOR THE  
29 ADMINISTRATION OF THE PROGRAM.

30 (H) PRIVATE CONTRACT AUTHORIZATION.--THE DEPARTMENT MAY

1 COOPERATE WITH AND MAY CONTRACT FOR SERVICES FROM PRIVATE AND  
2 OTHER ENTITIES AND IS AUTHORIZED TO MAKE GRANTS TO PRIVATE,  
3 GOVERNMENTAL AND OTHER ENTITIES TO IMPLEMENT THIS SECTION.

4 (I) DEFINITION.--FOR PURPOSES OF THIS SECTION, THE TERM  
5 "SMALL BUSINESS" SHALL MEAN A BUSINESS WITH 100 OR FEWER  
6 EMPLOYEES OR A POLITICAL SUBDIVISION.

7 SECTION 205. SMALL BUSINESS HAZARDOUS WASTE COLLECTION PROGRAM.

8 (A) GENERAL RULE.--A SPONSOR MAY ESTABLISH A COLLECTION  
9 PROGRAM FOR THE COLLECTION AND MANAGEMENT OF SOLID WASTES  
10 GENERATED BY ELIGIBLE ENTITIES THROUGH COLLECTION EVENTS. EACH  
11 SPONSOR MUST REGISTER THE PROGRAM WITH THE DEPARTMENT AND  
12 RECEIVE APPROVAL OF THE DEPARTMENT PRIOR TO COMMENCING  
13 OPERATION.

14 (B) SITES.--COLLECTION EVENTS MAY BE CONDUCTED ON SITES  
15 SELECTED BY THE SPONSOR. SUCH SITES MAY BE ON PUBLIC OR PRIVATE  
16 PROPERTY, INCLUDING, BUT NOT LIMITED TO, PROPERTY OWNED, LEASED  
17 OR CONTROLLED BY THE COMMONWEALTH, ITS AGENCIES OR ITS POLITICAL  
18 SUBDIVISIONS. WRITTEN PERMISSION TO USE THE SITE FOR THE CONDUCT  
19 OF THE EVENT SHALL BE OBTAINED FROM THE OWNER PRIOR TO THE  
20 EVENT.

21 (C) LIABILITY.--AN OWNER WHO, WITHOUT CHARGE, PERMITS ANY  
22 PROPERTY TO BE USED AS A SITE FOR A COLLECTION EVENT SHALL NOT  
23 BE LIABLE FOR ANY DAMAGE, HARM OR INJURY TO ANY PERSON OR  
24 PROPERTY WHICH RESULTS FROM THE USE OF THE PROPERTY AS A SITE  
25 FOR A COLLECTION EVENT. A SPONSOR OF A COLLECTION EVENT SHALL  
26 NOT BE LIABLE FOR ANY DAMAGE, HARM OR INJURY TO ANY PERSON OR  
27 PROPERTY WHICH RESULTS FROM THE OPERATION OF A COLLECTION EVENT.

28 (D) LIMITATION OF TYPE.--THE SPONSOR MAY LIMIT THE TYPES OF  
29 SOLID WASTES OR MATERIALS TO BE COLLECTED AT A COLLECTION EVENT  
30 IN ACCORDANCE WITH GUIDANCE ISSUED BY THE DEPARTMENT AND FURTHER

1 LIMITATIONS DETERMINED AT THE DISCRETION OF THE SPONSOR. A SMALL  
2 BUSINESS ENTITY MAY BRING UP TO BUT NOT MORE THAN 1000 KILOGRAMS  
3 OF HAZARDOUS WASTE TO A COLLECTION EVENT OR COLLECTION EVENTS IN  
4 ANY CALENDAR MONTH FOR WASTE RECYCLING, TREATMENT OR DISPOSAL  
5 ARRANGED BY THE COLLECTION CONTRACTOR.

6 (E) FEES.--THE SPONSOR MAY ESTABLISH AND ASSESS REASONABLE  
7 FEES FROM ELIGIBLE ENTITIES FOR SERVICES PROVIDED IN CONNECTION  
8 WITH A COLLECTION EVENT.

9 (F) REGISTRATION AND APPROVAL.--THE SPONSOR MAY SELECT A  
10 COLLECTION CONTRACTOR TO OPERATE THE COLLECTION EVENT OR MAY  
11 OPERATE THE COLLECTION EVENT AS THE COLLECTION CONTRACTOR. EACH  
12 SPONSOR OR COLLECTION CONTRACTOR WHICH OPERATES A COLLECTION  
13 EVENT MUST FIRST BE REGISTERED AND APPROVED BY THE DEPARTMENT TO  
14 OPERATE COLLECTION EVENTS. THE DEPARTMENT SHALL ISSUE GUIDANCE  
15 FOR REGISTRATION REQUIREMENTS FOR THE OPERATION OF COLLECTION  
16 EVENTS.

17 (G) QUALIFICATIONS.--NO COLLECTION CONTRACTOR MAY BE  
18 SELECTED TO OPERATE A COLLECTION EVENT UNLESS THE CONTRACTOR CAN  
19 DEMONSTRATE TO THE SATISFACTION OF THE DEPARTMENT ITS ABILITY TO  
20 COLLECT, PACKAGE, TRANSPORT AND DISPOSE OF SOLID WASTE COLLECTED  
21 UNDER THIS PROGRAM CONSISTENT WITH THE REQUIREMENTS OF THE SOLID  
22 WASTE MANAGEMENT ACT, THE ENVIRONMENTAL PROTECTION LAWS OF THIS  
23 COMMONWEALTH, THE REGULATIONS OF THE DEPARTMENT AND GUIDELINES  
24 OR REGULATIONS UNDER THIS ACT.

25 (H) INELIGIBILITY.--A COLLECTION CONTRACTOR SHALL NOT BE  
26 ELIGIBLE TO OPERATE A COLLECTION EVENT IF THE DEPARTMENT FINDS  
27 THAT SUCH PERSON HAS SHOWN A LACK OF ABILITY OR A LACK OF INTENT  
28 TO COMPLY WITH THE SOLID WASTE MANAGEMENT ACT OR OTHER  
29 ENVIRONMENTAL PROTECTION LAWS OF THIS COMMONWEALTH, OTHER STATES  
30 OR THE UNITED STATES.

1 (I) GENERATOR.--A COLLECTION CONTRACTOR SHALL BE DEEMED TO  
2 BE THE GENERATOR OF HAZARDOUS WASTE COLLECTED AT THE EVENT WHICH  
3 IS SENT FOR TREATMENT, STORAGE OR DISPOSAL AT A PERMITTED  
4 HAZARDOUS WASTE MANAGEMENT FACILITY.

5 (J) POLLUTION PREVENTION.--THE COLLECTION CONTRACTOR SHALL  
6 PRACTICE AND ENCOURAGE POLLUTION PREVENTION AND SHALL RECYCLE OR  
7 RECLAIM COLLECTED SOLID WASTES TO THE GREATEST EXTENT  
8 PRACTICABLE.

9 (K) DOCUMENTATION.--IN CONDUCTING A COLLECTION EVENT UNDER  
10 THIS ACT, THE COLLECTION CONTRACTOR SHALL MANAGE WASTES AND  
11 OTHER MATERIALS RECEIVED AT A COLLECTION EVENT IN COMPLIANCE  
12 WITH THE ENVIRONMENTAL PROTECTION ACTS OF THIS COMMONWEALTH AND  
13 THE REGULATIONS AND GUIDANCE ISSUED THEREUNDER. THE SPONSOR AND  
14 THE COLLECTION CONTRACTOR SHALL PROVIDE DOCUMENTATION AND  
15 RECORDS OF AN EVENT AS REQUESTED BY THE DEPARTMENT.

16 SECTION 206. HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM.

17 (A) COLLECTION EVENTS.--A SPONSOR MAY ESTABLISH A COLLECTION  
18 EVENT FOR THE PURPOSE OF COLLECTING AND MANAGING SOLID WASTE  
19 GENERATED BY HOUSEHOLDS THAT POSE A RISK TO THE PUBLIC HEALTH,  
20 SAFETY OR THE ENVIRONMENT IF MANAGED AS PART OF THE MUNICIPAL  
21 WASTE STREAM. A COLLECTION EVENT DESIGNED FOR HOUSEHOLD  
22 HAZARDOUS WASTE SHALL MEET THE STANDARDS AND REQUIREMENTS OF  
23 SECTION 205. A SPONSOR MAY OPERATE A COLLECTION EVENT  
24 EXCLUSIVELY FOR HOUSEHOLD HAZARDOUS WASTE, EXCLUSIVELY FOR SMALL  
25 BUSINESS WASTE OR FOR SPECIFIED WASTES FROM ELIGIBLE ENTITIES.

26 (B) HAZARDOUS WASTE.--A COLLECTION EVENT THAT INCLUDES  
27 COLLECTION OF HOUSEHOLD HAZARDOUS WASTE SHALL PROVIDE  
28 EDUCATIONAL MATERIALS THAT EMPHASIZE HOME SAFETY, FIRE  
29 PREVENTION AND POLLUTION PREVENTION IN THE HOME, INCLUDING  
30 SOURCE REDUCTION THROUGH THE USE OF ALTERNATIVE LESS TOXIC

1 PRODUCTS, RECYCLING AND PROPER DISPOSAL METHODS FOR WASTE  
2 MATERIALS THAT CANNOT BE RECYCLED. WASTE MATERIALS COLLECTED  
3 FROM HOUSEHOLDS SHALL BE APPROPRIATELY REUSED OR RECYCLED TO THE  
4 GREATEST EXTENT PRACTICABLE. THE DEPARTMENT SHALL ISSUE GUIDANCE  
5 ON PROPER MANAGEMENT OF HOUSEHOLD HAZARDOUS WASTE.

6 SECTION 207. MANAGEMENT OF SMALL BUSINESS HAZARDOUS WASTE.

7 (A) REGULATIONS.--THE ENVIRONMENTAL QUALITY BOARD MAY  
8 PROMULGATE REGULATIONS AS NEEDED TO IMPLEMENT THIS CHAPTER.

9 (B) MUNICIPAL AND RESIDUAL WASTE LANDFILLS.--THE DEPARTMENT  
10 SHALL NOT APPROVE APPLICATIONS FOR PERMIT MODIFICATIONS FOR  
11 MUNICIPAL OR RESIDUAL WASTE LANDFILLS THAT PROPOSE TO ACCEPT AND  
12 DISPOSE OF ANY HAZARDOUS WASTE.

13 SECTION 208. GRANTS FOR SMALL BUSINESS AND HOUSEHOLD POLLUTION  
14 PREVENTION PROGRAMS.

15 (A) GENERAL RULE.--THE DEPARTMENT IS AUTHORIZED TO PROVIDE  
16 GRANTS TO COUNTIES UNDER SECTION 901 OF THE ACT OF JULY 28, 1988  
17 (P.L.556, NO.101), KNOWN AS THE MUNICIPAL WASTE PLANNING,  
18 RECYCLING AND WASTE REDUCTION ACT, TO REIMBURSE A COUNTY FOR  
19 ELIGIBLE COSTS FOR EDUCATION PROGRAMS ON POLLUTION PREVENTION OR  
20 FOR PROVIDING OTHER TECHNICAL ASSISTANCE TO SMALL BUSINESS FOR  
21 THE PURPOSE OF THIS CHAPTER.

22 (B) EDUCATION PROGRAMS.--THE GRANT TO ANY COUNTY UNDER THIS  
23 SECTION MAY REIMBURSE THE COUNTY FOR UP TO 80% OF THE APPROVED  
24 COST OF EDUCATION PROGRAMS ON POLLUTION PREVENTION OR FOR  
25 PROVIDING TECHNICAL ASSISTANCE TO SMALL BUSINESS FOR THE  
26 PURPOSES OF THIS CHAPTER.

27 (C) RESTRICTIONS.--GRANTS PAID UNDER THIS SUBSECTION SHALL  
28 BE SUBJECT TO THE RESTRICTIONS OF THE MUNICIPAL WASTE PLANNING,  
29 RECYCLING AND WASTE REDUCTION ACT, INCLUDING SECTIONS 706, 901  
30 AND 905 OF THAT ACT, AND THE APPLICABLE REGULATIONS OF THE

1 DEPARTMENT.

2 (D) ELIGIBLE COSTS.--ELIGIBLE COSTS UNDER THIS SECTION MAY  
3 INCLUDE COSTS INCURRED BY A COUNTY BY CONTRACT WITH ANOTHER  
4 SPONSOR OR OTHER PERSON SELECTED BY THE COUNTY TO OPERATE THE  
5 PROGRAM UNDER THIS CHAPTER. THE DEPARTMENT SHALL ISSUE GUIDANCE  
6 FOR COUNTIES IN THE OPERATION OF THE PROGRAM AND FOR ELIGIBILITY  
7 REQUIREMENTS FOR GRANTS ADMINISTERED UNDER THIS SUBSECTION.

8 SECTION 209. GRANTS FOR COLLECTION EVENTS.

9 (A) RESTRICTED REVENUE ACCOUNT.--THE DEPARTMENT IS  
10 AUTHORIZED TO ADMINISTER SPECIFICALLY APPROPRIATED FUNDS  
11 DEPOSITED WITHIN THE RESTRICTED REVENUE ACCOUNT CREATED UNDER  
12 SECTION 4(B) OF THE HOUSEHOLD HAZARDOUS WASTE FUNDING ACT WITHIN  
13 THE RECYCLING FUND ESTABLISHED UNDER SECTION 706 OF THE ACT OF  
14 JULY 28, 1988 (P.L.556, NO.101), KNOWN AS THE MUNICIPAL WASTE  
15 PLANNING, RECYCLING AND WASTE REDUCTION ACT. NO MORE THAN 3% OF  
16 THE FUNDS TRANSFERRED INTO THE RESTRICTED REVENUE ACCOUNT UNDER  
17 SECTION 4(B) OF THE HOUSEHOLD HAZARDOUS WASTE FUNDING ACT MAY BE  
18 EXPENDED BY THE DEPARTMENT FOR THE ADMINISTRATION OF THESE  
19 PROGRAMS.

20 (B) GRANT ELIGIBILITY.--GRANTS APPROVED UNDER THIS SECTION  
21 MAY BE PAID TO A REGISTERED SPONSOR OF A COLLECTION EVENT,  
22 INCLUDING SPONSORS OTHER THAN MUNICIPALITIES. THE DEPARTMENT IS  
23 AUTHORIZED TO REIMBURSE SPONSORS FOR ELIGIBLE COSTS INCURRED  
24 AFTER THE EFFECTIVE DATE OF THIS CHAPTER FOR THE OPERATION OF  
25 COLLECTION EVENTS FOR ELIGIBLE ENTITIES UNDER THIS CHAPTER.

26 (C) MATCHING REQUIREMENT.--THE FUNDS ADMINISTERED BY THE  
27 DEPARTMENT UNDER THIS SECTION MAY BE EXPENDED BY THE DEPARTMENT  
28 ONLY TO THE EXTENT THAT THE GRANT AMOUNT HAS BEEN MATCHED, AT  
29 LEAST DOLLAR FOR DOLLAR IN VALUE, BY THE GRANT APPLICANT.  
30 SPONSORS OF A COLLECTION EVENT ARE HEREBY AUTHORIZED TO RECEIVE



1 ALL OR PART OF THE REQUIRED MATCHING FUNDS FROM MANUFACTURERS OR  
2 OTHER PERSONS.

3 (D) OTHER LIMITATIONS.--NO MORE THAN \$100,000 PER FISCAL  
4 YEAR MAY BE EXPENDED BY THE DEPARTMENT FOR COLLECTION EVENTS IN  
5 ANY ONE COUNTY.

6 CHAPTER 3

7 MISCELLANEOUS PROVISIONS

8 SECTION 301. REPEALS.

9 (A) ABSOLUTE REPEALS.--THE FOLLOWING ACTS AND PARTS OF ACTS  
10 ARE REPEALED:

11 SECTION 1512 OF THE ACT OF JULY 28, 1988 (P.L.556, NO.101),  
12 KNOWN AS THE MUNICIPAL WASTE PLANNING, RECYCLING AND WASTE  
13 REDUCTION ACT.

14 SECTION 3(E) AND 5 OF THE ACT OF DECEMBER 27, 1994 (P.L.1346,  
15 NO.155), KNOWN AS THE HOUSEHOLD HAZARDOUS WASTE FUNDING ACT.

16 (B) INCONSISTENT.--STANDARDS FOR MANAGEMENT OF HOUSEHOLD  
17 HAZARDOUS WASTE UNDER THE HOUSEHOLD HAZARDOUS WASTE FUNDING ACT  
18 AND THE REGULATIONS OF THE DEPARTMENT UNDER 25 PA. CODE CH. 272  
19 ARE REPEALED INsofar AS THEY ARE INCONSISTENT WITH THE  
20 PROVISIONS OF THIS ACT AND REGULATIONS OF THE DEPARTMENT ISSUED  
21 UNDER THIS ACT.

22 SECTION 302. EFFECTIVE DATE.

23 THIS ACT SHALL TAKE EFFECT IMMEDIATELY.