

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 169 Session of
1997

INTRODUCED BY CAWLEY AND SERAFINI, FEBRUARY 3, 1997

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
FEBRUARY 3, 1997

AN ACT

1 Amending the act of July 28, 1988 (P.L.556, No.101), entitled
2 "An act providing for planning for the processing and
3 disposal of municipal waste; requiring counties to submit
4 plans for municipal waste management systems within their
5 boundaries; authorizing grants to counties and municipalities
6 for planning, resource recovery and recycling; imposing and
7 collecting fees; establishing certain rights for host
8 municipalities; requiring municipalities to implement
9 recycling programs; requiring Commonwealth agencies to
10 procure recycled materials; imposing duties; granting powers
11 to counties and municipalities; authorizing the Environmental
12 Quality Board to adopt regulations; authorizing the
13 Department of Environmental Resources to implement this act;
14 providing remedies; prescribing penalties; establishing a
15 fund; and making repeals," providing for fees in counties of
16 the third class with cities of the second class A.

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

19 Section 1. Section 1301 of the act of July 28, 1988
20 (P.L.556, No.101), known as the Municipal Waste Planning,
21 Recycling and Waste Reduction Act, is amended to read:

22 Section 1301. Host municipality benefit fee.

23 (a) Imposition.--There is imposed a host municipality
24 benefit fee upon the operator of each municipal waste landfill

1 or resource recovery facility that has a valid permit on the
2 effective date of this act or receives a new permit or permit
3 that results in additional capacity from the department under
4 the Solid Waste Management Act after the effective date of this
5 act. The fee shall be paid to the host municipality. If the host
6 municipality owns or operates the landfill or facility, the fee
7 shall not be imposed for waste generated within such
8 municipality. If the landfill or facility is located within more
9 than one host municipality, the fee shall be apportioned among
10 them according to the percentage of the permitted area located
11 in each municipality.

12 (b) Amount.--

13 (1) The fee is \$1 per ton of weighed solid waste or \$1
14 per three cubic yards of volume-measured solid waste for all
15 solid waste received at a landfill or facility. Any amounts paid
16 by an operator to a host municipality pursuant to a preexisting
17 agreement shall serve as a credit against the fee amount imposed
18 by this section.

19 (2) In counties of the third class with a city of the
20 second class A therein, an additional fee of \$2.50 per ton of
21 weighed solid waste or \$2.50 per three cubic yards of volume
22 measured solid waste for all solid waste received may be
23 imposed for the benefit and use of the county.

24 (c) Municipal options.--Nothing in this section or section
25 1302 shall prevent a host municipality from receiving a higher
26 fee or receiving the fee in a different form or at different
27 times than provided in this section and section 1302, if the
28 host municipality and the operator of the municipal waste
29 landfill or resource recovery facility agree in writing.

30 (d) Supersede.--The fee imposed by this section shall

1 preempt and supersede any tax imposed on each municipal waste
2 landfill or resource recovery facility under the act of December
3 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling
4 Act, which is in excess of the amount imposed on or before
5 December 31, 1987.

6 (e) County options.--Nothing in this act shall prevent a
7 host county from negotiating a fee or fee in a different form,
8 if the host county and the operator of the municipal waste
9 landfill or resource recovery agree in writing. Any county which
10 has negotiated a fee as of the effective date of this act may
11 require that the fee be continued.

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