

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2190 Session of
2001

INTRODUCED BY RUBLEY, M. WRIGHT, ADOLPH, ARGALL, BARD, BASTIAN, BUNT, CALTAGIRONE, CAPPELLI, CAWLEY, CLYMER, CORRIGAN, DAILEY, DeWEESE, FAIRCHILD, FICHTER, FRANKEL, GEORGE, GORDNER, GRUCELA, HENNESSEY, HERMAN, HERSHEY, HORSEY, KELLER, LEVDANSKY, LEWIS, MANN, McCALL, McILHINNEY, MELIO, MUNDY, NAILOR, PALLONE, ROSS, SANTONI, SATHER, SAYLOR, SCHRODER, B. SMITH, STABACK, STEELMAN, STEIL, STERN, SURRA, TANGRETTI, TIGUE, TRELLO, VANCE, VITALI, WATSON, WOJNAROSKI, G. WRIGHT, YOUNGBLOOD, SHANER, CREIGHTON, FREEMAN, TRICH, THOMAS, CURRY, E. Z. TAYLOR AND BELARDI, NOVEMBER 26, 2001

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 10, 2002

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," further DEFINING "HOST <—
16 MUNICIPALITY"; FURTHER providing for the recycling fee sunset
17 provisions AND FOR THE HOST MUNICIPALITY BENEFIT FEE; and <—
18 making a repeal.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 ~~Section 1. Section 701(d) of the act of July 28, 1988~~ <—

1 ~~(P.L.556, No.101), known as the Municipal Waste Planning,~~
2 ~~Recycling and Waste Reduction Act, is reenacted and amended to~~
3 ~~read:~~

4 SECTION 1. THE DEFINITION OF "HOST MUNICIPALITY" IN SECTION <—
5 103 OF THE ACT OF JULY 28, 1988 (P.L.556, NO.101), KNOWN AS THE
6 MUNICIPAL WASTE PLANNING, RECYCLING AND WASTE REDUCTION ACT, IS
7 AMENDED TO READ:

8 SECTION 103. DEFINITIONS.

9 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
10 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
11 CONTEXT CLEARLY INDICATES OTHERWISE:

12 * * *

13 "HOST MUNICIPALITY." THE MUNICIPALITY [OTHER THAN THE
14 COUNTY] WITHIN WHICH A MUNICIPAL WASTE LANDFILL OR RESOURCE
15 RECOVERY FACILITY IS LOCATED OR IS PROPOSED TO BE LOCATED.

16 * * *

17 SECTION 2. SECTIONS 701(D) AND 1301(E) OF THE ACT ARE
18 AMENDED TO READ:

19 Section 701. Recycling fee for municipal waste landfills and
20 resource recovery facilities.

21 * * *

22 [(d) Sunset for fee.--No fee shall be imposed under this
23 section on and after the first day of the 11th year following
24 the effective date of this act.]

25 SECTION 1301. HOST MUNICIPALITY BENEFIT FEE. <—

26 * * *

27 (E) COUNTY OPTIONS.--[NOTHING IN THIS ACT SHALL PREVENT A
28 HOST COUNTY FROM NEGOTIATING A FEE OR FEE IN A DIFFERENT FORM,
29 IF THE HOST COUNTY AND THE OPERATOR OF THE MUNICIPAL WASTE
30 LANDFILL OR RESOURCE RECOVERY AGREE IN WRITING.] ANY COUNTY

1 WHICH HAS NEGOTIATED A FEE AS OF THE EFFECTIVE DATE OF THIS ACT
2 MAY REQUIRE THAT THE FEE BE CONTINUED.

3 Section ~~2~~ 3. The provisions of 27 Pa.C.S. § 6112(a) are <—
4 repealed.

5 Section ~~3~~ 4. This act shall take effect immediately. <—