

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2277 Session of
2002

INTRODUCED BY LEVDANSKY, STEIL, SURRA, BARD, GEORGE, CREIGHTON,
FREEMAN, CLARK, WANSACZ, FLEAGLE, G. WRIGHT, ROSS, CURRY,
DAILEY, STEELMAN, HENNESSEY, MELIO, LEH, VITALI, HUTCHINSON,
BELFANTI, L. I. COHEN, JAMES, CAPPELLI, MANN, PETRARCA,
SAINATO, SAYLOR, JOSEPHS, PISTELLA, MCGEEHAN, STERN, MUNDY,
HORSEY, VANCE, TIGUE, WALKO, E. Z. TAYLOR, SHANER, SEMMEL AND
M. COHEN, JANUARY 14, 2002

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
JANUARY 14, 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 providing for legislative
16 findings, declaration of policy and goals, for definitions
17 and for facilities operation and recycling relating to leaf
18 waste.

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

21 Section 1. Section 102 of the act of July 28, 1988 (P.L.556,
22 No.101), known as the Municipal Waste Planning, Recycling and
23 Waste Reduction Act, is amended to read:

1 Section 102. Legislative findings; declaration of policy and
2 goals.

3 (a) Legislative findings.--The Legislature hereby
4 determines, declares and finds that:

5 (1) Improper municipal waste practices create public
6 health hazards, environmental pollution and economic loss,
7 and cause irreparable harm to the public health, safety and
8 welfare.

9 (2) Parts of this Commonwealth have inadequate and
10 rapidly diminishing processing and disposal capacity for
11 municipal waste.

12 (3) Virtually every county in this Commonwealth will
13 have to replace existing municipal waste processing and
14 disposal facilities over the next decade.

15 (4) Needed additional municipal waste processing and
16 disposal facilities have not been developed in a timely
17 manner because of diffused responsibility for municipal waste
18 planning, processing and disposal among numerous and
19 overlapping units of local government.

20 (5) It is necessary to give counties the primary
21 responsibility to plan for the processing and disposal of
22 municipal waste generated within their boundaries to insure
23 the timely development of needed processing and disposal
24 facilities.

25 (6) Proper and adequate processing and disposal of
26 municipal waste generated within a county requires the
27 generating county to give first choice to new processing and
28 disposal sites located within that county.

29 (7) It is appropriate to provide those living near
30 municipal waste processing and disposal facilities with

1 additional guarantees of the proper operation of such
2 facilities and to provide incentives for municipalities to
3 host such facilities.

4 (8) Waste reduction and recycling are preferable to the
5 processing or disposal of municipal waste.

6 (9) Prompt payment and efficient collection of the
7 recycling fee created by this act are essential to the
8 administration of the recycling grants provided by this act.

9 (10) Authorizing counties to control the flow of
10 municipal waste is necessary, among other reasons, to
11 guarantee the long-term economic viability of resource
12 recovery facilities and municipal waste landfills, to ensure
13 that such facilities and landfills can be financed, to
14 moderate the cost of such facilities and landfills over the
15 long term, to protect existing capacity, and to assist in the
16 development of markets for recyclable materials by
17 guaranteeing a steady flow of such materials.

18 (11) Public agencies in the Commonwealth purchase
19 significant quantities of products or materials annually.

20 (12) By purchasing products or materials made from
21 recycled materials, public agencies in the Commonwealth can
22 help stimulate the market for such materials and thereby
23 foster recycling, and can also educate the public concerning
24 the utility and availability of such materials.

25 (13) Removing certain materials from the municipal
26 waste-stream will decrease the flow of solid waste to
27 municipal waste landfills, aid in the conservation and
28 recovery of valuable resources, conserve energy in the
29 manufacturing process, increase the supply of reusable
30 materials for the Commonwealth's industries, and will also

1 reduce substantially the required capacity of proposed
2 resource recovery facilities and contribute to their overall
3 combustion efficiency, thereby resulting in significant cost
4 savings in the planning, construction and operation of these
5 facilities.

6 (14) It is in the public interest to promote the source
7 separation of marketable materials on a Statewide basis so
8 that reusable materials may be returned to the economic
9 mainstream in the form of raw materials or products rather
10 than be disposed of or processed at the Commonwealth's
11 overburdened municipal waste processing or disposal
12 facilities.

13 (15) The recycling of marketable materials by
14 municipalities in the Commonwealth and Commonwealth agencies,
15 and the development of public and private sector recycling
16 activities on an orderly and incremental basis, will further
17 demonstrate the Commonwealth's long-term commitment to an
18 effective and coherent solid waste management strategy.

19 (16) Operators of municipal waste landfills and resource
20 recovery facilities should give first priority to the
21 disposal or processing of municipal waste generated within
22 the host county because, among other reasons, the host county
23 is most directly affected by operations at the facility and
24 local processing or disposal of municipal waste saves energy
25 and transportation costs.

26 (17) The Commonwealth recognizes that both municipal
27 waste landfills and resource recovery facilities will be
28 needed as part of an integrated strategy to provide for the
29 processing and disposal of the Commonwealth's municipal
30 waste.

1 (18) This act is enacted under the authority of
2 Amendment X of the Constitution of the United States of
3 America, under which the police power to protect the health,
4 safety and welfare of the citizens is reserved to the states.

5 (19) The Commonwealth is responsible for the protection
6 of the health, safety and welfare of its citizens concerning
7 solid waste management.

8 (20) All aspects of solid waste management, particularly
9 the disposition of solid waste, pose a critical threat to the
10 health, safety and welfare of the citizens of this
11 Commonwealth.

12 (21) Uncontrolled increases in the daily volumes of
13 solid waste received at municipal waste landfills have
14 significantly decreased their remaining lifetimes, disrupting
15 the municipal waste planning process and the ability of
16 municipalities relying on the landfills to continue using
17 them. These increases have threatened to significantly and
18 adversely affect public health and safety when municipalities
19 find they can no longer use the facilities. Uncontrolled
20 increases in daily waste volumes can also cause increased
21 noise, odors, truck traffic and other significant adverse
22 effects on the environment as well as on public health and
23 safety.

24 (22) By purchasing, processing and marketing obsolete
25 and other materials which would otherwise have been managed
26 as municipal or residual waste, the Commonwealth's existing
27 for-profit scrap processing and recycling industry has been
28 and remains essential to the efficient and effective
29 management of solid waste.

30 (23) In carrying out their powers and duties under this

act, counties and other municipalities should:

(i) Ensure that the ability of the scrap processing and recycling industry to continue purchasing, processing and marketing recoverable materials is not thereby impaired.

(ii) Utilize to the fullest extent practicable all available facilities and expertise within the scrap processing and recycling industry for processing and marketing recyclable materials from municipal waste.

(24) Vehicle batteries are particularly difficult to dispose of and potentially harmful if improperly disposed of, and it is necessary to control disposal and promote recycling of such batteries.

(25) Communities and homeowners have made substantial efforts to compost yard wastes, creating significant alternatives to disposal, so that preventing the disposal or processing of yard waste, will not represent an undue burden on homeowners or communities and will preserve landfill and processing capacity. In many communities, yard waste amounts to over 15% of the waste stream.

(b) Purpose.--It is the purpose of this act to:

(1) Establish and maintain a cooperative State and local program of planning and technical and financial assistance for comprehensive municipal waste management.

(2) Encourage the development of waste reduction and recycling as a means of managing municipal waste, conserving resources and supplying energy through planning, grants and other incentives.

(3) Protect the public health, safety and welfare from the short- and long-term dangers of transportation,

1 processing, treatment, storage and disposal of municipal
2 waste.

3 (4) Provide a flexible and effective means to implement
4 and enforce the provisions of this act.

5 (5) Utilize, wherever feasible, the capabilities of
6 private enterprise in accomplishing the desired objectives of
7 an effective, comprehensive solid waste management plan.

8 (6) Establish a recycling fee for municipal waste
9 landfills and resource recovery facilities to provide grants
10 for recycling, planning and related purposes.

11 (7) Establish a host municipality benefit fee for
12 municipal waste landfills and resource recovery facilities
13 that are permitted on or after the effective date of this act
14 and to provide benefits to host municipalities for the
15 presence of such facilities.

16 (8) Establish a site-specific postclosure fee for
17 currently operating and future permitted municipal waste
18 landfills for remedial measures and emergency actions that
19 are necessary to prevent or abate adverse effects upon the
20 environment after the closure of such landfills.

21 (9) Establish trust funds for municipally operated
22 landfills to ensure that there are sufficient funds available
23 for completing the final closure of such landfills under the
24 Solid Waste Management Act.

25 (10) Shift the primary responsibility for developing and
26 implementing municipal waste management plans from
27 municipalities to counties.

28 (11) Require all public agencies of the Commonwealth to
29 aid and promote the development of recycling through their
30 procurement policies for the general welfare and economy of

1 the Commonwealth.

2 (12) Require certain municipalities to implement
3 recycling programs to return valuable materials to productive
4 use, to conserve energy and to protect capacity at municipal
5 waste processing or disposal facilities.

6 (13) Implement Article 1, section 27 of the Constitution
7 of Pennsylvania.

8 (14) Strengthen the department's existing authority to
9 regulate daily waste volumes that may be received at a
10 municipal waste landfill to protect against the unexpected or
11 unplanned loss of facilities and to ensure that the
12 facilities operate in a manner that protects the environment
13 as well as public health and safety.

14 (15) To protect landfill capacity and resource recovery
15 processing capacity and prevent the degradation of the
16 environment by prohibiting the disposal or processing of
17 certain materials which can and should be effectively
18 recycled and reused.

19 (c) Declaration of goals.--The General Assembly therefore
20 declares the following goals:

21 (1) At least 25% of all municipal waste and source-
22 separated recyclable materials generated in this Commonwealth
23 on and after January 1, 1997, should be recycled.

24 (1.1) At least 35% of all municipal waste and source
25 separated recyclable materials generated in this Commonwealth
26 shall be recycled by January 1, 2002.

27 (2) The weight or volume of municipal waste generated
28 per capita in this Commonwealth on January 1, 2002, should,
29 to the greatest extent practicable, be less than the weight
30 or volume of municipal waste generated per capita on the

effective date of this act.

(2.1) The weight or volume of municipal waste generated per capita in this Commonwealth on January 1, 2002 shall be 10% less than the weight or volume of municipal waste generated per capita on January 1, 1992.

(2.2) The weight or volume of municipal waste disposed per capita in this Commonwealth on January 1, 2002 shall be 10% less than the weight or volume of municipal waste disposed in this Commonwealth per capita on January 1, 2000.

(3) Each person living or working in this Commonwealth shall be taught the economic, environmental and energy value of recycling and waste reduction and shall be encouraged through a variety of means to participate in such activities.

(4) The Commonwealth should, to the greatest extent practicable, procure and use products and materials with recycled content and procure and use materials that are recyclable.

Section 2. The definition of "leaf waste" in section 103 of the act is amended to read:

Section 103. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Leaf waste." Leaves, garden residues, shrubbery and tree trimmings, and similar material, [but not] including grass clippings.

* * *

Section 3. Section 1502 of the act is amended to read:

Section 1502. Facilities operation and recycling.

1 (a) Leaf waste.--[Two years after the effective date of this
2 act, no] No municipal waste landfill may accept for disposal and
3 no resource recovery facility may accept for processing, other
4 than composting, [truckloads composed primarily] loads of leaf
5 waste.

6 (b) Drop-off centers.--

7 (1) [Two years after the effective date of this act, no]
8 No person may operate a municipal waste landfill, resource
9 recovery facility or transfer station unless the operator has
10 established at least one drop-off center for the collection
11 and sale of at least three recyclable materials. The three
12 materials shall be chosen from the following: clear glass,
13 colored glass, aluminum, steel and bimetallic cans, high
14 grade office paper, newsprint, corrugated paper and plastics.
15 The center must be located at the facility or in a place that
16 is easily accessible to persons generating municipal waste
17 that is processed or disposed at the facility. Each drop-off
18 center must contain bins or containers where recyclable
19 materials may be placed and temporarily stored. If the
20 operation of the drop-off center requires attendants, the
21 center shall be open at least eight hours per week, including
22 four hours during evenings or weekends.

23 (2) Each operator shall, at least 30 days prior to the
24 initiation of the drop-off center program and at least once
25 every six months thereafter, provide public notice of the
26 availability of the drop-off center. The operator shall place
27 an advertisement in a newspaper circulating in the
28 municipality or provide notice in another manner approved by
29 the department.

30 (c) Removal of recyclable materials.--[Two years after the

1 effective date of this act, no] No person may operate a resource
2 recovery facility unless the operator has developed a program
3 for the removal to the greatest extent practicable of recyclable
4 materials, such as plastics, high grade office paper, aluminum,
5 clear glass and newspaper from the waste to be incinerated.

6 (d) Removal of hazardous materials.--[Two years after the
7 effective date of this act, no] No person may operate a resource
8 recovery facility unless the operator has developed a program
9 for the removal to the greatest extent practicable of hazardous
10 materials, such as plastics, corrosive materials, batteries,
11 pressurized cans and household hazardous materials from the
12 waste to be incinerated.

13 (e) Definition.--For purposes of this section, "load" means
14 a shipment of municipal waste for disposal at a municipal waste
15 landfill or for processing at a resource recovery facility,
16 regardless of the mode of transportation used.

17 Section 4. This act shall take effect in 60 days.