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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1496 Session of  
2002

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INTRODUCED BY GREENLEAF AND STACK, JUNE 28, 2002

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REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, JUNE 28, 2002

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AN ACT

1 Providing for the imposition and collection of a fee for  
2 disposal of municipal waste; authorizing the Department of  
3 Community and Economic Development to utilize fees collected  
4 for the Delaware River Channel Deepening Project; and  
5 establishing the Delaware River Channel Deepening Project  
6 Fund.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Short title.

10 This act shall be known and may be cited as the Delaware  
11 River Channel Deepening Project Act.

12 Section 2. Declaration of policy.

13 The General Assembly finds and declares as follows:

14 (1) Since the inception of the Commonwealth, the  
15 Delaware River has been a vital artery of commerce and trade.

16 (2) It is the longstanding policy of the Commonwealth to  
17 encourage waterborne commerce and to support the development  
18 and competitiveness of the Port of Philadelphia.

19 (3) It is essential that the Delaware River navigation  
20 channel be deepened to 45 feet in order to accommodate larger

1 steamship vessels and future growth.

2 (4) The Federal Government, acting through the Congress  
3 of the United States and the Army Corps of Engineers, has  
4 authorized a public works project that will deepen the  
5 navigation channel of the Delaware River to 45 feet.

6 (5) The Delaware River Channel Deepening Project is  
7 enthusiastically supported by every organization and labor  
8 union whose livelihood depends on a healthy and vibrant  
9 seaport.

### 10 Section 3. Definitions.

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

14 "Delaware River Channel Deepening Project." The public works  
15 project authorized by the Federal Government which is designed  
16 to deepen the navigation channel of the Delaware River to 45  
17 feet.

18 "Department." The Department of Community and Economic  
19 Development of the Commonwealth.

20 "Disposal." The deposition, injection, dumping, spilling,  
21 leaking or placing of solid waste into or on the land or water  
22 in a manner that the solid waste or a constituent of the solid  
23 waste enters the environment, is emitted into the air or is  
24 discharged to the waters of this Commonwealth.

25 "Fund." The Delaware River Channel Deepening Project Fund.

26 "Municipal waste." Any garbage, refuse, industrial lunchroom  
27 or office waste and other material, including solid, liquid,  
28 semisolid or contained gaseous material, resulting from  
29 operation of residential, municipal, commercial or institutional  
30 establishments and from community activities and any sludge not

1 meeting the definition of "residual waste" or "hazardous waste"  
2 in the act of July 7, 1980 (P.L.380, No.97), known as the Solid  
3 Waste Management Act, from a municipal, commercial or  
4 institutional water supply treatment plant, wastewater treatment  
5 plant or air pollution control facility. The term does not  
6 include source-separated recyclable materials.

7 "Municipal waste landfill." Any facility that is designed,  
8 operated or maintained for the disposal of municipal waste,  
9 whether or not the facility possesses a permit from the  
10 Department of Environmental Resources under the act of July 7,  
11 1980 (P.L.380, No.97), known as the Solid Waste Management Act.  
12 The term shall not include any facility that is used exclusively  
13 for disposal of construction/demolition waste or sludge from  
14 sewage treatment plants or water supply treatment plants.

15 "Operator." A person engaged in solid waste processing or  
16 disposal. Where more than one person is so engaged in a single  
17 operation, all persons shall be deemed jointly and severally  
18 responsible for compliance with the provisions of this act.

19 "Person." Any individual, partnership, corporation,  
20 association, institution, cooperative enterprise, municipality  
21 or municipal authority, the Federal Government or any agency,  
22 State institution or agency, including, but not limited to, the  
23 Department of General Services and the State Public School  
24 Building Authority, or any other legal entity whatsoever which  
25 is recognized by law as the subject of rights and duties.

26 "Processing." Any technology used for the purpose of  
27 reducing the volume or bulk of municipal waste or any technology  
28 used to convert part or all of any municipal waste for offsite  
29 reuse. Processing facilities include, but are not limited to,  
30 transfer facilities, composting facilities and resource recovery

1 facilities.

2 "Resource recovery facility." A processing facility that  
3 provides for the extraction and utilization of materials or  
4 energy from municipal waste that is generated offsite,  
5 including, but not limited to, a facility that mechanically  
6 extracts materials from municipal waste, a combustion facility  
7 that converts the organic fraction of municipal waste to usable  
8 energy and any chemical and biological process that converts  
9 municipal waste into a fuel product. The term includes any  
10 facility for the combustion of municipal waste that is generated  
11 offsite, whether or not the facility is operated to recover  
12 energy. The term does not include:

13 (1) Any composting facility.

14 (2) Methane gas extraction from a municipal waste  
15 landfill.

16 (3) Any separation and collection center, drop-off point  
17 or collection center for recycling or any source separation  
18 or collection center for composting leaf waste.

19 (4) Any facility, including all units in the facility,  
20 with a total processing capacity of less than 50 tons per  
21 day.

22 "Solid waste." Solid waste as defined in the act of July 7,  
23 1980 (P.L.380, No.97), known as the Solid Waste Management Act.  
24 Section 4. Delaware River channel deepening fee.

25 (a) Fee.--

26 (1) Except as provided in paragraph (2), each operator  
27 of a municipal waste landfill shall pay, in the same manner  
28 prescribed in Chapter 7 of the act of July 28, 1988 (P.L.556,  
29 No.101), known as the Municipal Waste Planning, Recycling and  
30 Waste Reduction Act, a disposal fee of 50¢ per ton for all

1 solid waste disposed of at the municipal waste landfill.

2 (2) The fee established under paragraph (1) shall be  
3 paid to the department.

4 (b) Fund established.--All fees received by the department  
5 pursuant to subsection (a) shall be transmitted to the State  
6 Treasurer for deposit in a special fund to be known as the  
7 Delaware River Channel Deepening Project Fund, which is hereby  
8 established.

9 (c) Appropriation.--All moneys deposited in the fund are  
10 hereby appropriated and allocated to the department for the sole  
11 purpose of funding programs related to the disposal, handling or  
12 beneficial reuse of dredge material from the Delaware River  
13 Channel Deepening Project. The revenue raised from the fee  
14 authorized under subsection (a) may be used to help retire any  
15 indebtedness incurred from a bond issue for programs related to  
16 the disposal, handling or beneficial reuse of dredge material  
17 from the project. The department shall annually submit to the  
18 Governor for approval estimates of amounts to be expended under  
19 this act.

20 (d) Applicability.--The fee established under this section  
21 shall apply to all process residue and nonprocessable waste from  
22 a resource recovery facility that is disposed of at municipal  
23 waste landfills, except for process residue and nonprocessable  
24 waste that is permitted for beneficial use or authorized for use  
25 as alternate daily cover at municipal waste landfills.

26 (e) Sewage sludge.--The fee established under this section  
27 shall not apply to sewage sludge disposed of at municipal waste  
28 landfills by sewage treatment plants.

29 (f) Collection.--The operator and any person who collects or  
30 transports solid waste subject to the fee established under this

1 section may collect the fee as a surcharge in accordance with  
2 section 705 of the Municipal Waste Planning, Recycling and Waste  
3 Reduction Act.

4 (g) Separate fee.--The fee established under this section is  
5 in addition to the fee prescribed in section 701 of the  
6 Municipal Waste Planning, Recycling and Waste Reduction Act.

7 (h) Sunset.--

8 (1) The fee authorized under subsection (a) shall  
9 continue to be collected until the Secretary of Community and  
10 Economic Development certifies that all outstanding  
11 indebtedness incurred from the bond issue for programs  
12 related to the disposal, handling or beneficial reuse of  
13 dredge material from the Delaware River Channel Deepening  
14 Project has been retired, or until June 30, 2025, whichever  
15 occurs first, notwithstanding any other provision of law to  
16 the contrary.

17 (2) The secretary shall cause any certification under  
18 paragraph (1) to be published in the Pennsylvania Bulletin.

19 Section 5. Effective date.

20 This act shall take effect in 60 days.