

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 26

Session of
2003

INTRODUCED BY ALLEN, ARGALL, GOODMAN, GEORGE, BUXTON, CAWLEY,
DeLUCA, EACHUS, FAIRCHILD, GORDNER, HARHART, HERMAN,
KIRKLAND, LAUGHLIN, LEH, McILHATTAN, FEESE, THOMAS, SATHER
AND MANDERINO, JANUARY 29, 2003

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
JANUARY 29, 2003

AN ACT

1 Requiring host municipality agreements for certain municipal and
2 residual waste facilities; and establishing a moratorium.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Solid Waste
7 Moratorium Act.

8 Section 2. Definitions.

9 (a) General rule.--Unless specifically defined in this
10 section, the terms in this act have the same meaning as provided
11 in the act of July 7, 1980 (P.L.380, No.97), known as the Solid
12 Waste Management Act, or the act of July 28, 1988 (P.L.556,
13 No.101), known as the Municipal Waste Planning, Recycling and
14 Waste Reduction Act, or regulations of the Department of
15 Environmental Protection promulgated thereunder.

16 (b) Definitions.--As used in this act, the following words

1 and phrases shall have the meanings given to them in this
2 subsection:

3 "Commercial solid waste landfill." A landfill permitted or
4 proposed for permitting under the act of July 7, 1980 (P.L.380,
5 No.97), known as the Solid Waste Management Act, for the
6 disposal of municipal waste, residual waste or mixed municipal
7 and residual waste, including mixed municipal or residual waste
8 and construction and demolition debris. The term does not
9 include a landfill used for the exclusive disposal of
10 construction and demolition waste or debris or a captive
11 residual waste facility.

12 "Department." The Department of Environmental Protection of
13 the Commonwealth and its authorized representatives.

14 "Expansion modification." An application for permit
15 modification filed by an owner or operator of a commercial solid
16 waste landfill or resource recovery facility which requests an
17 expansion, either laterally or vertically, of a permit area.

18 "Host municipality." A municipality other than the county
19 within which a commercial solid waste landfill or resource
20 recovery facility or any portion of a permit area is located or
21 is proposed to be located.

22 "Host municipality agreement." A written, legally binding
23 document or documents executed by authorized officials of each
24 host municipality and an owner or operator of a commercial solid
25 waste landfill or resource recovery facility.

26 "Municipal Waste Planning, Recycling and Waste Reduction
27 Act." The act of July 28, 1988 (P.L.556, No.101), known as the
28 Municipal Waste Planning, Recycling and Waste Reduction Act.

29 "Pennsylvania Municipalities Planning Code." The act of July
30 31, 1968 (P.L.805, No.247), known as the Pennsylvania

1 Municipalities Planning Code.

2 "Permit." A permit issued pursuant to the act of July 7,
3 1980 (P.L.380, No.97), known as the Solid Waste Management Act.

4 "Secretary." The Secretary of Environmental Protection of
5 the Commonwealth.

6 "Solid Waste Management Act." The act of July 7, 1980
7 (P.L.380, No.97), known as the Solid Waste Management Act.

8 "Volume modification." An application for permit
9 modification filed by an owner or operator of a commercial solid
10 waste landfill or resource recovery facility which requests an
11 increased in average or maximum daily waste volume.

12 Section 3. Construction of act.

13 (a) Liberal construction.--This act shall be liberally
14 construed so as best to achieve and effectuate the goals and
15 purposes of this act.

16 (b) Pari materia.--This act shall be construed in pari
17 materia with the Solid Waste Management Act, the Municipal Waste
18 Planning, Recycling and Waste Reduction Act and sections 1935-A
19 and 1936-A of the act of April 9, 1929 (P.L.177, No.175), known
20 as The Administrative Code of 1929.

21 Section 4. Moratorium.

22 (a) General rule.--For a period of three years from the
23 effective date of this section, and subject to continuation of
24 such period under subsection (b):

25 (1) The department may not accept an application for a
26 permit modification nor issue a permit or permit modification
27 under the Solid Waste Management Act for the construction,
28 expansion or operation of a facility.

29 (2) The department may not accept for review nor issue a
30 permit modification that would result in an increase in

1 average daily volume or maximum daily volume at a facility.

2 (b) Annual review of Statewide landfill capacity and
3 usage.--Ninety days before the first and the second anniversary
4 of the imposition of the moratorium period set forth in
5 subsection (a), the secretary shall review Statewide landfill
6 capacity and usage. If the secretary determines that unused
7 Statewide landfill capacity continues to be equal or more than
8 six years of unused landfill capacity remains, then the
9 moratorium shall continue to the original ending date of the
10 moratorium and the secretary shall publish notice of such
11 continuation as a notice in the Pennsylvania Bulletin.

12 (c) Construction.--Unless specifically defined in this act,
13 the terms in this section have the same meaning as provided in
14 the Solid Waste Management Act or the Municipal Waste Planning,
15 Recycling and Waste Reduction Act or regulations of the
16 department promulgated thereunder.

17 Section 5. Effective date.

18 This act shall take effect in 180 days.