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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2010 Session of  
2004

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INTRODUCED BY SURRA, LEVDANSKY, VEON, STABACK, DeWEESE, HORSEY,  
LaGROTTA AND ROONEY, MAY 12, 2004

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REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
MAY 12, 2004

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AN ACT

1 Amending Title 27 (Environmental Resources) of the Pennsylvania  
2 Consolidated Statutes, establishing a disposal fee for  
3 municipal waste landfills and for residual waste and  
4 construction and demolition waste processing and disposal  
5 fees; further providing for the deposit of and surcharge for  
6 various fees and for allocations from the Environmental  
7 Stewardship Fund; establishing a Toxics Release Inventory fee  
8 for deposit in the Hazardous Sites Cleanup Fund; and making  
9 repeals.

10 The General Assembly of the Commonwealth of Pennsylvania  
11 hereby enacts as follows:

12 Section 1. Section 6103 of Title 27 of the Pennsylvania  
13 Consolidated Statutes is amended by adding definitions to read:

14 § 6103. Definitions.

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

18 "Account." The Environmental Revitalization Account  
19 established within the Environmental Stewardship Fund under  
20 section 6104.1(a) (relating to restricted account).

21 \* \* \*

1 "Growing greener bond referendum." A referendum authorizing  
2 the Commonwealth to incur indebtedness of up to \$800,000,000 for  
3 environmental, conservation and community revitalization  
4 initiatives.

5 \* \* \*

6 Section 2. Section 6104(d) of Title 27 is amended to read:  
7 § 6104. Fund.

8 \* \* \*

9 (d) Allocation.--[It is the intent of the General Assembly  
10 that the] The money appropriated in subsection (c) shall be  
11 allocated annually as follows:

12 (1) For fiscal year 1999-2000, 28.4% to the Department  
13 of Conservation and Natural Resources, 43.7% to the  
14 Department of Environmental Protection and 27.9% to the  
15 authority.

16 (2) For fiscal years 2000-2001 [through 2003-2004] and  
17 each year thereafter, 24.1% to the Department of Conservation  
18 and Natural Resources, 37.4% to the Department of  
19 Environmental Protection, 14.8% to the Department of  
20 Agriculture and 23.7% to the authority.

21 [(3) For fiscal year 2004-2005 and each year thereafter,  
22 moneys in the fund shall be allocated in accordance with  
23 paragraph (1).]

24 \* \* \*

25 Section 3. Title 27 is amended by adding a section to read:  
26 § 6104.1. Restricted account.

27 (a) Account established.--There is hereby established within  
28 the fund a restricted account to be known as the Environmental  
29 Revitalization Account. This restricted account shall receive  
30 all moneys collected under sections 6302(3)(ii) or (iii)

1 (relating to deposit of disposal fee) and 6307(f) (relating to  
2 residual waste and construction and demolition waste processing  
3 and disposal fees).

4 (b) Use of moneys in account.--Moneys in the account are  
5 hereby appropriated upon approval of the Governor as follows:

6 (1) To the State Treasurer for payment of any debt  
7 service on bonds issued pursuant to the approval of the  
8 electorate of the growing greener referendum bond. The full  
9 amount of the debt service on such bonds in any fiscal year  
10 shall be provided before moneys in the account may be  
11 provided for other uses.

12 (2) To the General Fund for reimbursement for the tax  
13 exclusion in section 204(65) of the act of March 4, 1971  
14 (P.L.6, No.2), known as the Tax Reform Code of 1971, for  
15 certain energy-efficient appliances.

16 (3) To the Department of General Services for the cost  
17 of increasing the percentage of electricity derived from  
18 renewable sources purchased by the Department of General  
19 Services from 10% to 20% of the total amount of electricity  
20 purchased.

21 (4) To the Department of Community and Economic  
22 Development for historic preservation tax credit grants  
23 pursuant to legislation enacted for this purpose.

24 (5) To a fund dedicated to recycling, if one exists, up  
25 to \$25,000,000 annually if the growing greener bond  
26 referendum is approved by the electorate. If the referendum  
27 is not approved by the electorate, the transfer may be up to  
28 \$8,000,000 annually.

29 (6) To the Department of Community and Economic  
30 Development for the Center for Local Government Services up

1 to \$7,500,000 annually.

2 (7) To the Hazardous Sites Cleanup Fund for distribution  
3 as provided in section 6104 (relating to fund) any balance  
4 determined by the Secretary of the Budget to be remaining in  
5 the account at the end of a fiscal year and available for  
6 transfer.

7 Section 4. Section 6105(e) of Title 27 is amended to read:

8 § 6105. Agencies.

9 \* \* \*

10 (e) Administrative expense limitation.--The departments,  
11 authority and grant recipients that receive moneys from the fund  
12 for the purposes set forth in this section may not expend more  
13 than [2%] 3% of the moneys on administrative expenses.

14 \* \* \*

15 Section 5. Section 6110 of Title 27 is repealed.

16 Section 6. Sections 6301 and 6302 of Title 27 are amended to  
17 read:

18 § 6301. Disposal fee for municipal waste landfills.

19 (a) Imposition.--Except as otherwise provided in subsection  
20 (b) and pursuant to the schedule for imposition set forth in  
21 subsection (d), each operator of a municipal waste landfill  
22 shall pay, in the same manner prescribed in Chapter 7 of the act  
23 of July 27, 1988 (P.L.556, No.101), known as the Municipal Waste  
24 Planning, Recycling and Waste Reduction Act, a disposal fee of  
25 [\$4] \$9 per ton for all solid waste disposed of at the municipal  
26 waste landfill. The fee established in this section shall apply  
27 to process residue and nonprocessible waste from a resource  
28 recovery facility that is disposed of at the municipal waste  
29 landfill and is in addition to the fee established in section  
30 701 of the Municipal Waste Planning, Recycling and Waste

1 Reduction Act.

2 (b) Exceptions.--The fee established under this section  
3 shall not apply to the following:

4 (1) Process residue and nonprocessable waste from a  
5 resource recovery facility that is permitted and used for  
6 beneficial use or [for use] permitted and used as alternate  
7 daily cover at a municipal waste landfill.

8 (2) Solid waste from a hazardous waste treatment  
9 facility that is converted into nonhazardous waste and  
10 disposed of at a municipal waste landfill.

11 (c) Operator.--For purposes of imposition of the disposal  
12 fee under this section, the term "operator" shall be defined  
13 consistent with the definition of "operator" in the Municipal  
14 Waste Planning, Recycling and Waste Reduction Act and shall  
15 include municipalities or municipal authorities that operate  
16 disposal facilities.

17 (d) Schedule for imposition.--The disposal fee established  
18 by subsection (a) shall be imposed pursuant to the following  
19 schedule:

20 (1) The initial \$4 represents the fee in effect prior to  
21 the effective date of this section and shall continue in  
22 effect without interruption.

23 (2) Imposition of the next \$2.50 shall occur and be  
24 effective July 1, 2004.

25 (3) Imposition of the remaining \$2.50 shall occur if and  
26 only if the electorate approves the growing greener bond  
27 referendum. In that event, the imposition of this portion of  
28 the fee shall occur on the date that the Secretary of the  
29 Commonwealth certifies the results of the referendum, but  
30 shall be effective retroactively to November 3, 2004.

1 § 6302. Deposit of disposal fee.

2 (1) For the fiscal year 2002-2003, fees received by the  
3 department pursuant to section 6301 (relating to disposal fee  
4 for municipal waste landfills) shall be paid into the State  
5 Treasury as follows:

6 (i) The first \$50,000,000 in fees collected shall be  
7 deposited into the Environmental Stewardship Fund  
8 established in Chapter 61 (relating to environmental  
9 stewardship and watershed protection).

10 (ii) Any fees collected thereafter shall be  
11 deposited in the General Fund.

12 (2) For the fiscal year 2003-2004 [and beyond], all fees  
13 collected shall be deposited into the Environmental  
14 Stewardship Fund established in Chapter 61 established in  
15 Chapter 61.

16 (3) For the fiscal year 2004-2005 and each year  
17 thereafter, the disposal fee collected under section 6301(a)  
18 shall, subject to the effective dates of the imposition of  
19 the increase to the fee described in section 6301(d), be  
20 deposited as follows:

21 (i) The initial \$5 per ton shall be deposited into  
22 the fund.

23 (ii) The remaining \$4 per ton shall be deposited  
24 into the account.

25 (iii) If the growing greener bond referendum is not  
26 approved by the electorate, the initial \$5 per ton shall  
27 be deposited into the fund and the remaining \$1.50 per  
28 ton shall be deposited into the account.

29 Section 7. Section 6304 of Title 27 is repealed.

30 Section 8. Title 27 is amended by adding sections to read:

1 § 6307. Residual waste and construction and demolition waste  
2 processing and disposal fees.

3 (a) Landfill.--Each operator of a residual waste  
4 incinerator, each operator of a residual waste landfill and each  
5 operator of a residual waste impoundment shall pay, in the  
6 manner prescribed by the Department of Environmental Protection  
7 that is similar to the manner set forth in Chapter 7 of the act  
8 of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste  
9 Planning, Recycling and Waste Reduction Act, a processing fee of  
10 \$4 per ton for all solid waste processed at a residual waste  
11 incinerator, all solid waste disposed at a residual waste  
12 landfill or all solid waste disposed at a residual waste  
13 impoundment, respectively. This fee shall be paid for all solid  
14 waste processed at captive and noncaptive residual waste  
15 incinerators, and disposed at residual waste landfills and  
16 residual waste impoundments.

17 (b) Incinerator.--Each operator of a municipal waste  
18 incinerator that processes residual waste shall pay, in the  
19 manner prescribed by the department that is similar to the  
20 manner set forth in Chapter 7 of the Municipal Waste Planning,  
21 Recycling and Waste Reduction Act, a processing fee of \$4 per  
22 ton for all residual waste processed at the municipal waste  
23 incinerator.

24 (c) Other residual waste facility.--Each operator of a  
25 residual waste processing facility other than a residual waste  
26 incinerator or a residual waste composting facility shall pay,  
27 in the manner prescribed by the department that is similar to  
28 the manner set forth in Chapter 7 of the Municipal Waste  
29 Planning, Recycling and Waste Reduction Act, a processing fee of  
30 \$2 per ton for all solid waste processed at a residual waste

1 processing facility. This fee shall be paid for all residual  
2 waste processed at a captive and noncaptive residual waste  
3 processing facility except that the fee shall not be applied to  
4 that portion of the waste that the department determines is  
5 wastewater.

6 (d) Construction and demolition.--Each operator of a  
7 construction and demolition waste landfill shall pay, in the  
8 manner prescribed by the department that is similar to the  
9 manner set forth in Chapter 7 of the Municipal Waste Planning,  
10 Recycling and Waste Reduction Act, a disposal fee of \$2 per ton  
11 for all solid waste disposed at a construction and demolition  
12 waste landfill.

13 (e) Operator.--For purposes of imposition of the processing  
14 and disposal fees under this section, the term "operator" shall  
15 be defined consistent with the definition of "operator" in the  
16 Municipal Waste Planning, Recycling and Waste Reduction Act, and  
17 shall include municipalities or municipal authorities that  
18 operate processing or disposal facilities.

19 (f) Deposit of fees.--For the fiscal year 2004-2005 and each  
20 year thereafter, all fees collected under this section shall be  
21 deposited into the account.

22 (g) Cap provisions.--The residual waste disposal and  
23 processing fees established by this section are subject to the  
24 annual cap provisions set forth in section 6308(c) (relating to  
25 toxic reduction inventory fees). The fees established by  
26 subsections (a) and (c) are not applicable to residual wastes  
27 that are processed and beneficially used under a beneficial use  
28 general permit or a beneficial use permit-by-rule. The fees  
29 established by subsection (d) are not applicable to construction  
30 and demolition wastes that are processed and beneficially used



1 under a beneficial use general permit and a beneficial use  
2 permit-by-rule.

3 § 6308. Toxic Reduction Inventory fees.

4 (a) Usage of terms.--For purposes of this section, the term  
5 TRI shall refer to the program established by section 313 of the  
6 Emergency Planning and Community Right-To-Know Act of 1986  
7 (Title III of Public Law 99-499, 42 U.S.C. § 11001 et seq.) or  
8 the Superfund Amendments and Reauthorization Act of 1986 (Public  
9 Law 99-499, 100 Stat. 1613). The term TRI fee shall refer to the  
10 fee assessed under this section.

11 (b) Basic fees.--Beginning with the requirement to report  
12 activities that occurred during calendar year 2003, on or before  
13 July 1, 2004, and continuing each year thereafter, the owner or  
14 operator of a facility subject to the reporting requirements of  
15 section 313 of the Emergency Planning and Community Right-To-  
16 Know Act of 1986 shall pay a fee of 15¢ per pound for the  
17 reported release and waste management of specifically listed  
18 chemicals that the owner or operator is required to report under  
19 section 313 of that act to the Department of Labor and Industry.  
20 The fee does not apply to reported transfers offsite for further  
21 waste management in the following categories:

22 (1) Transfers offsite for recycling.

23 (2) Transfers offsite for energy recovery.

24 (3) Transfer offsite for treatment.

25 (4) Transfers to publicly owned treatment works except  
26 transfers of metal and metal category compounds.

27 (c) General limitation.--Subject to the requirements of  
28 subsection (d), an owner's or operator's annual TRI fees under  
29 this section may not be more than \$2,000,000 per year for all of  
30 the owner's or operator's facilities in this Commonwealth.

1       (d) Specific limitation.--An owner's or operator's annual  
2 TRI fees under this section and the fees for residual waste  
3 disposal and processing established by section 6307 (relating to  
4 residual waste and construction and demolition waste processing  
5 and disposal fees) may not be more than \$5,000,000 for all of  
6 the owner's or operator's facilities in this Commonwealth. The  
7 fees established by this section shall be given priority for  
8 payment when the combined amount of fees from this section and  
9 section 6307 is more than the \$5,000,000 limitation in this  
10 subsection.

11       (e) Deposit of fees.--The fees established under this  
12 section shall be deposited in the Hazardous Sites Cleanup Fund  
13 established in the act of October 18, 1988 (P.L.756, No.108),  
14 known as the Hazardous Sites Cleanup Act. The fees shall be  
15 expended consistent with the requirements of section 902 of that  
16 act.

17       (f) Additional fees.--The fees established by this section  
18 are in addition to the fees established in section 207 of the  
19 act of December 7, 1990 (P.L.639, No.165), known as the  
20 Hazardous Material Emergency Planning and Response Act, and the  
21 owner or operator of a facility subject to the fees established  
22 by this section shall pay the fees established in this section  
23 to the Department of Labor and Industry at the same time it pays  
24 the toxic chemical release form fee established by section  
25 207(e) of that act.

26 § 6309. Collection and enforcement of fees.

27       The fees established in sections 6301 (relating to disposal  
28 fee for municipal waste landfills), 6307 (relating to residual  
29 waste and construction and demolition waste processing and  
30 disposal fees) and 6308 (relating to Toxic Reduction Inventory

1 fees) shall be collected and enforced in the manner prescribed  
2 by section 703 of the act of July 28, 1988 (P.L.556, No.101),  
3 known as the Municipal Waste Planning, Recycling and Waste  
4 Reduction Act, for the collection and enforcement of recycling  
5 fees.

6 Section 9. (a) The following acts and parts of acts are  
7 repealed:

8 Act of December 30, 2002 (P.L.2081, No.233), entitled "An act  
9 providing for a deposit into the Agricultural Conservation  
10 Easement Purchase Fund."

11 (b) All other acts and parts of acts are repealed insofar as  
12 they are inconsistent with 27 Pa.C.S. Pt. V.

13 Section 10. This act shall take effect immediately.