

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 806 Session of 2009

INTRODUCED BY QUINN, BOYD, BISHOP, CREIGHTON, CRUZ, DePASQUALE, FLECK, FRANKEL, GEIST, GIBBONS, GINGRICH, HENNESSEY, HESS, LONGIETTI, MANN, MELIO, MICOZZIE, MILLER, MUNDY, MURT, D. O'BRIEN, O'NEILL, READSHAW, ROSS, SIPTROTH, STERN, STURLA, SWANGER, VULAKOVICH, WALKO AND YOUNGBLOOD, MARCH 9, 2009

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY, MARCH 9, 2009

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 definitions,  
16 for municipal implementation of recycling programs and for  
17 facilities operation and recycling.

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

20 Section 1. The definition of "recycling" in section 103 of  
21 the act of July 28, 1988 (P.L.556, No.101), known as the  
22 Municipal Waste Planning, Recycling and Waste Reduction Act, is  
23 amended and the section is amended by adding a definition to

1 read:

2 Section 103. Definitions.

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

6 \* \* \*

7 "Fluorescent lamp or tube." A gas-discharge lamp, regardless  
8 of size or shape, that uses electricity to excite mercury vapor  
9 producing a short-wave ultraviolet light that then causes a  
10 phosphor to fluoresce, producing visible light. The term  
11 includes compact fluorescent lighting.

12 \* \* \*

13 "Recycling." The collection, separation, recovery and sale  
14 or reuse of metals, glass, paper, leaf waste, plastics,  
15 fluorescent lamps or tubes and other materials which would  
16 otherwise be disposed or processed as municipal waste or the  
17 mechanized separation and treatment of municipal waste (other  
18 than through combustion) and creation and recovery of reuseable  
19 materials other than a fuel for the operation of energy.

20 \* \* \*

21 Section 2. Sections 1501(c) and 1502(b) and (c) of the act  
22 are amended to read:

23 Section 1501. Municipal implementation of recycling programs.

24 \* \* \*

25 (c) Contents.--The source-separation and collection program  
26 shall include, at a minimum, the following elements:

27 (1) An ordinance or regulation adopted by the governing  
28 body of the municipality, requiring all of the following:

29 (i) Persons to separate at least three materials  
30 deemed appropriate by the municipality from other

1       municipal waste generated at their homes, apartments and  
2       other residential establishments and to store such  
3       materials until collection. The three materials shall be  
4       chosen from the following: clear glass, colored glass,  
5       aluminum, steel and bimetallic cans, high-grade office  
6       paper, newsprint, corrugated paper [and] plastics and  
7       fluorescent lamps or tubes. Nothing in the ordinance or  
8       regulation shall be deemed to impair the ownership of  
9       separated materials by the person who generated them  
10      unless and until such materials are placed at curbside or  
11      similar location for collection by the municipality or  
12      its agents.

13           (ii) Persons to separate leaf waste from other  
14      municipal waste generated at their homes, apartments and  
15      other residential establishments until collection unless  
16      those persons have otherwise provided for the composting  
17      of leaf waste. The governing body of a municipality shall  
18      allow an owner, landlord or agent of an owner or landlord  
19      of multifamily rental housing properties with four or  
20      more units to comply with its responsibilities under this  
21      section by establishing a collection system for  
22      recyclable materials at each property. The collection  
23      system must include suitable containers for collecting  
24      and sorting materials, easily accessible locations for  
25      the containers and written instructions to the occupants  
26      concerning the use and availability of the collection  
27      system. Owners, landlords and agents of owners or  
28      landlords who comply with this act shall not be liable  
29      for the noncompliance of occupants of their buildings.

30           (iii) Persons to separate high grade office paper,

1 aluminum, corrugated paper and leaf waste, fluorescent  
2 lamps or tubes and other materials deemed appropriate by  
3 the municipality generated at commercial, municipal or  
4 institutional establishments and from community  
5 activities and to store the material until collection.  
6 The governing body of a municipality shall exempt persons  
7 occupying commercial, institutional and municipal  
8 establishments within its municipal boundaries from the  
9 requirements of the ordinance or regulation if those  
10 persons have otherwise provided for the recycling of  
11 materials they are required by this section to recycle.  
12 To be eligible for an exemption under this subparagraph,  
13 a commercial or institutional solid waste generator must  
14 annually provide written documentation to the  
15 municipality of the total number of tons recycled.

16 (2) A scheduled day, at least once per month, during  
17 which separated materials are to be placed at the curbside or  
18 a similar location for collection.

19 (3) A system, including trucks and related equipment,  
20 that collects recyclable materials from the curbside or  
21 similar locations at least once per month from each residence  
22 or other person generating municipal waste in the county or  
23 municipality. The municipality, other than a county, shall  
24 explain how the system will operate, the dates of collection,  
25 the responsibilities of persons within the municipality and  
26 incentives and penalties.

27 (4) Provisions to ensure compliance with the ordinance,  
28 including incentives and penalties.

29 (5) Provisions for the recycling of collected materials.

30 \* \* \*

1 Section 1502. Facilities operation and recycling.

2 \* \* \*

3 (b) Drop-off centers.--

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

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

28 (c) Removal of recyclable materials.--Two years after the  
29 effective date of this act, no person may operate a resource  
30 recovery facility unless the operator has developed a program

1 for the removal to the greatest extent practicable of recyclable  
2 materials, such as plastics, high grade office paper,  
3 aluminum, clear glass [and], newspaper and fluorescent lamps or  
4 tubes from the waste to be incinerated.

5 \* \* \*

6 Section 3. This act shall take effect in 60 days.