

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 961 Session of 2009

INTRODUCED BY BUXTON, MANN, BRENNAN, CALTAGIRONE, D. COSTA, DeLUCA, EVERETT, FAIRCHILD, FRANKEL, GEORGE, GIBBONS, GRELL, HALUSKA, HARRIS, HENNESSEY, HESS, HOUGHTON, JOSEPHS, M. KELLER, KORTZ, KULA, LONGIETTI, MANDERINO, MELIO, MILNE, MUNDY, M. O'BRIEN, O'NEILL, PETRI, READSHAW, ROSS, SCAVELLO, SIPTROTH, K. SMITH, STABACK, SWANGER, TRUE, VITALI, VULAKOVICH, WATSON, WHEATLEY AND YUDICHAK, MARCH 17, 2009

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY, MARCH 17, 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 the sunset  
16 date for fees.

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

19 Section 1. Section 701(d) of the act of July 28, 1988  
20 (P.L.556, No.101), known as the Municipal Waste Planning,  
21 Recycling and Waste Reduction Act, amended November 9, 2006  
22 (P.L.1347, No.140), is amended to read:

1 Section 701. Recycling fee for municipal waste landfills and  
2 resource recovery facilities.

3 (a) Imposition.--There is imposed a recycling fee of \$2 per  
4 ton for all solid waste processed at resource recovery  
5 facilities and for all solid waste except process residue and  
6 nonprocessable waste from a resource recovery facility that is  
7 disposed of at municipal waste landfills. Such fee shall be paid  
8 by the operator of each municipal waste landfill and resource  
9 recovery facility.

10 (b) Alternative calculation.--The fee for operators of  
11 municipal waste landfills and resource recovery facilities that  
12 do not weigh solid waste when it is received shall be calculated  
13 as if three cubic yards were equal to one ton of solid waste.

14 (c) Waste weight requirement.--On and after April 9, 1990,  
15 each operator of a municipal waste landfill and resource  
16 recovery facility that has received 30,000 or more cubic yards  
17 of solid waste in the previous calendar year shall weigh all  
18 solid waste when it is received. The scale used to weigh solid  
19 waste shall conform to the requirements of the act of December  
20 1, 1965 (P.L.988, No.368), known as the Weights and Measures Act  
21 of 1965, and the regulations promulgated pursuant thereto. The  
22 operator of the scale shall be a licensed public weighmaster  
23 under the act of April 28, 1961 (P.L.135, No.64), known as the  
24 Public Weighmaster's Act, and the regulations promulgated  
25 pursuant thereto.

26 (d) Sunset for fee.--No fee shall be imposed under this  
27 section on and after [January 1, 2012] December 31, 2015.

28 Section 2. This act shall take effect in 60 days.