

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, YUDICHAK, HORNAMAN, HARPER,
YOUNGBLOOD, FREEMAN AND BRIGGS, MARCH 17, 2009

SENATOR CORMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, APRIL 19, 2010

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~~ IN RECYCLING FEE, FURTHER PROVIDING FOR
17 RECYCLING FEE FOR MUNICIPAL WASTE LANDFILLS AND RESOURCE
18 RECOVERY FACILITIES.



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

21 Section 1. Section 701(d) of the act of July 28, 1988
22 (P.L.556, No.101), known as the Municipal Waste Planning,

1 Recycling and Waste Reduction Act, amended November 9, 2006

2 (P.L.1347, No.140), is amended to read:

3 Section 701. Recycling fee for municipal waste landfills and
4 resource recovery facilities.

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

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

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

28 (d) Sunset for fee.--No fee shall be imposed under this
29 section on and after ~~{January 1, 2012}~~ December 31, 2015. ←

30 ~~Section 2. This act shall take effect in 60 days. JANUARY 1,~~ ←

1 [2012] 2020.

2 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

3 SECTION 707. USED TIRE PILE REMEDIATION.

4 (A) FUNDING TRANSFERS.--BEGINNING IN FISCAL YEAR 2009-2010,
5 THROUGH AND INCLUDING FISCAL YEAR 2012-2013, \$1,250,000 SHALL BE
6 TRANSFERRED ANNUALLY FROM THE RECYCLING FUND CREATED UNDER
7 SECTION 706 TO THE USED TIRE PILE REMEDIATION RESTRICTED ACCOUNT
8 ESTABLISHED UNDER SECTION 110 OF THE ACT OF DECEMBER 19, 1996
9 (P.L.1478, NO.190), ENTITLED "AN ACT RELATING TO THE RECYCLING
10 AND REUSE OF WASTE TIRES; PROVIDING FOR THE PROPER DISPOSAL OF
11 WASTE TIRES AND THE CLEANUP OF STOCKPILED TIRES; AUTHORIZING
12 INVESTMENT TAX CREDITS FOR UTILIZING WASTE TIRES; PROVIDING
13 REMEDATION GRANTS FOR THE CLEANUP OF TIRE PILES AND FOR
14 POLLUTION PREVENTION PROGRAMS FOR SMALL BUSINESS AND HOUSEHOLDS;
15 ESTABLISHING THE SMALL BUSINESS AND HOUSEHOLD POLLUTION
16 PREVENTION PROGRAM AND MANAGEMENT STANDARDS FOR SMALL BUSINESS
17 HAZARDOUS WASTE; PROVIDING FOR A HOUSEHOLD HAZARDOUS WASTE
18 PROGRAM AND FOR GRANT PROGRAMS; MAKING APPROPRIATIONS; AND
19 MAKING REPEALS."

20 (B) USE OF FUNDING.--FOR FISCAL YEAR 2009-2010 THROUGH
21 FISCAL YEAR 2012-2013 MONEYS IN THE ACCOUNT SHALL BE USED FOR
22 THE FOLLOWING PURPOSES:

23 (1) THE REMEDIATION OF WASTE TIRE PILES ON THE PRIORITY
24 ENFORCEMENT LIST MAINTAINED BY THE DEPARTMENT PURSUANT TO
25 SECTION 107(A) AND (B) OF THE ACT OF DECEMBER 19, 1996
26 (P.L.1478, NO.190).

27 (2) THE REMEDIATION OF WASTE TIRE PILES ON THE LIST OF
28 ADDITIONAL WASTE TIRE SITES MAINTAINED BY THE DEPARTMENT
29 PURSUANT TO SECTION 107(D) OF THE ACT OF DECEMBER 19, 1996
30 (P.L.1478, NO.190).

1 (3) FOR THE AWARD OF GRANTS PURSUANT TO SECTION 111 OF
2 THE ACT OF DECEMBER 19, 1996 (P.L.1478, NO.190) FOR
3 REMEDICATION OF WASTE TIRE PILES AS PROVIDED IN THIS
4 SUBSECTION OR FOR ACTIVITIES AUTHORIZED UNDER THAT SECTION
5 WHICH THE DEPARTMENT DETERMINES WILL ASSIST WITH THE
6 REMEDICATION OF WASTE TIRE PILES AS PROVIDED IN THIS
7 SUBSECTION.

8 (C) ANNUAL REPORT BY DEPARTMENT.--NO LATER THAN DECEMBER 31,
9 2010, AND NO LATER THAN EACH DECEMBER 31 THEREAFTER, THE
10 DEPARTMENT SHALL PROVIDE A REPORT TO THE ENVIRONMENTAL RESOURCES
11 AND ENERGY COMMITTEE OF THE SENATE, THE APPROPRIATIONS COMMITTEE
12 OF THE SENATE, THE ENVIRONMENTAL RESOURCES AND ENERGY COMMITTEE
13 OF THE HOUSE OF REPRESENTATIVES AND THE APPROPRIATIONS COMMITTEE
14 OF THE HOUSE OF REPRESENTATIVES ON THE USED TIRE PILE
15 REMEDICATION RESTRICTED ACCOUNT AND THE REMEDIATION OF USED TIRE
16 PILES. THE LAST REPORT TO BE SUBMITTED BY THE DEPARTMENT
17 PURSUANT TO THIS SUBSECTION SHALL BE SUBMITTED NO LATER THAN
18 DECEMBER 31, 2014. WITHIN SEVEN DAYS FOLLOWING SUBMISSION OF
19 EACH REPORT TO THE SENATE AND HOUSE COMMITTEES, THE DEPARTMENT
20 SHALL POST THE REPORT ON THE DEPARTMENT'S PUBLICLY ACCESSIBLE
21 INTERNET WEBSITE. THE REPORT SHALL INCLUDE:

22 (1) THE CURRENT BALANCE OF THE ACCOUNT AND THE PROJECTED
23 BALANCE OF THE ACCOUNT AT THE END OF THE FISCAL YEAR FOR
24 WHICH THE DEPARTMENT'S BUDGET IS BEING SUBMITTED.

25 (2) A LISTING OF WASTE TIRE PILES REMEDIATED OR TO BE
26 REMEDIED PURSUANT TO SUBSECTION (B) DURING THE PRIOR FISCAL
27 YEAR AND CUMULATIVELY SINCE THE EFFECTIVE DATE OF THIS
28 SUBSECTION.

29 (3) THOSE WASTE TIRE PILES WHICH THE DEPARTMENT EXPECTS
30 TO REMEDIATE PURSUANT TO SUBSECTION (B) DURING THE FISCAL

1 YEAR FOR WHICH ITS BUDGET IS BEING SUBMITTED AND THE
2 PROJECTED COST FOR REMEDIATION OF THOSE WASTE TIRE PILES.

3 (4) THOSE WASTE TIRE PILES WHICH WILL REMAIN TO BE
4 REMEDiated PURSUANT TO SUBSECTION (B) AND THE PROJECTED COST
5 FOR REMEDIATION OF THOSE WASTE TIRE PILES.

6 SECTION 3. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.