

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1768 Session of 2009

INTRODUCED BY WANSACZ, GOODMAN, EACHUS, CONKLIN, WILLIAMS, MUNDY, SIPTROTH, CARROLL AND PASHINSKI, JUNE 24, 2009

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, SEPTEMBER 16, 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 defining "host
16 municipality"; and further providing for site limitations
17 PROVIDING FOR DEFINITIONS; AND FURTHER PROVIDING FOR POWERS
18 AND DUTIES OF MUNICIPALITIES OTHER THAN COUNTIES, FOR SITE
19 LIMITATION, FOR RECORDS, FOR INFORMATION PROVIDED TO HOST
20 MUNICIPALITIES, FOR JOINT INSPECTIONS WITH HOST
21 MUNICIPALITIES, FOR CLAIMS RESULTING FROM POLLUTION
22 OCCURRENCES, FOR INDEPENDENT EVALUATION OF PERMIT
23 APPLICATIONS, FOR HOST MUNICIPALITY BENEFIT FEE AND FOR
24 RECORDS.

25 The General Assembly of the Commonwealth of Pennsylvania
26 hereby enacts as follows:

27 Section 1. The definition of "host municipality" in section
28 103 of the act of July 28, 1988 (P.L.556, No.101), known as the



1 ~~Municipal Waste Planning, Recycling and Waste Reduction Act, is~~  
2 ~~amended to read:~~

3 SECTION 1. SECTION 103 OF THE ACT OF JULY 28, 1988 (P.L.556, ←  
4 NO.101), KNOWN AS THE MUNICIPAL WASTE PLANNING, RECYCLING AND  
5 WASTE REDUCTION ACT, IS AMENDED BY ADDING A DEFINITION TO READ:  
6 Section 103. Definitions.

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

10 \* \* \*

11 ~~"Host municipality." [The municipality other than the county ←~~  
12 ~~within which a municipal waste landfill or resource recovery~~  
13 ~~facility is located or is proposed to be located.] A~~  
14 ~~municipality other than a county that meets one of the following~~  
15 ~~criteria:~~

16 ~~(1) a municipality in which a commercial solid waste~~  
17 ~~landfill or resource recovery facility or any portion of a~~  
18 ~~permit area is located or proposed to be located; or~~

19 ~~(2) a municipality located within one mile of the~~  
20 ~~footprint of a permit area of a proposed new facility or the~~  
21 ~~expansion of operations of a commercial solid waste landfill~~  
22 ~~or resource recovery facility.~~

23 "ADJACENT MUNICIPALITY." A MUNICIPALITY OTHER THAN A COUNTY ←  
24 THAT:

25 (1) IS LOCATED WITHIN ONE MILE OF THE FOOTPRINT OF A  
26 PERMIT AREA OF A PROPOSED NEW MUNICIPAL WASTE LANDFILL OR  
27 RESOURCE RECOVERY FACILITY, OR OF A PROPOSED EXPANSION OF A  
28 MUNICIPAL WASTE LANDFILL OR RESOURCE RECOVERY FACILITY; AND

29 (2) HAS NOTIFIED THE DEPARTMENT IN WRITING OF ITS  
30 INTENTION TO BE CONSIDERED AN ADJACENT MUNICIPALITY UNDER

1 THIS ACT.

2 \* \* \*

3 Section 2. ~~Section 511(a) of the act is~~ SECTIONS 304(B), ←  
4 511(A), 704 AND 1101 OF THE ACT ARE amended to read:

5 SECTION 304. POWERS AND DUTIES OF MUNICIPALITIES OTHER THAN ←  
6 COUNTIES.

7 \* \* \*

8 (B) ORDINANCES.--

9 (1) IN CARRYING OUT ITS DUTIES UNDER THIS SECTION, A  
10 MUNICIPALITY OTHER THAN A COUNTY MAY ADOPT RESOLUTIONS,  
11 ORDINANCES, REGULATIONS AND STANDARDS FOR THE RECYCLING,  
12 TRANSPORTATION, STORAGE AND COLLECTION OF MUNICIPAL WASTES OR  
13 SOURCE-SEPARATED RECYCLABLE MATERIALS, WHICH SHALL NOT BE  
14 LESS STRINGENT THAN, AND NOT IN VIOLATION OF OR INCONSISTENT  
15 WITH, THE PROVISIONS AND PURPOSES OF THE SOLID WASTE  
16 MANAGEMENT ACT, THIS ACT AND THE REGULATIONS PROMULGATED  
17 PURSUANT THERETO.

18 (2) THE HOST MUNICIPALITY SHALL HAVE THE AUTHORITY TO  
19 ADOPT REASONABLE ORDINANCES CONCERNING THE HOURS AND DAYS  
20 DURING WHICH VEHICLES MAY DELIVER WASTE TO THE FACILITY AND  
21 THE ROUTING OF TRAFFIC ON PUBLIC ROADS TO THE FACILITY. AN  
22 ADJACENT MUNICIPALITY SHALL HAVE THE AUTHORITY TO ADOPT  
23 REASONABLE ORDINANCES CONCERNING THE HOURS AND DAYS DURING  
24 WHICH VEHICLES DELIVERING WASTE TO THE FACILITY MAY TRAVEL ON  
25 PUBLIC ROADS WITHIN THE ADJACENT MUNICIPALITY AND CONCERNING  
26 THE ROUTING OF TRAFFIC WITHIN THE ADJACENT MUNICIPALITY. SUCH  
27 ORDINANCES MAY BE IN ADDITION TO, BUT NOT LESS STRINGENT  
28 THAN, NOT INCONSISTENT WITH AND NOT IN VIOLATION OF, ANY  
29 PROVISION OF THE SOLID WASTE MANAGEMENT ACT, ANY REGULATION  
30 PROMULGATED PURSUANT TO THAT ACT, ANY ORDER ISSUED UNDER THAT

1 ACT, OR ANY PERMIT ISSUED PURSUANT TO THAT ACT. SUCH  
2 ORDINANCES FOUND TO BE INCONSISTENT AND NOT IN SUBSTANTIAL  
3 CONFORMITY WITH THIS PARAGRAPH SHALL BE SUPERSEDED. APPEALS  
4 UNDER THIS PARAGRAPH MAY BE BROUGHT BEFORE A COURT OF  
5 COMPETENT JURISDICTION.

6 \* \* \*

7 Section 511. Site limitation.

8 (a) General rule.--The department shall not issue a permit  
9 for, nor allow the operation of, a new municipal waste landfill,  
10 a new commercial residual waste treatment facility or a new  
11 resource recovery facility within 300 yards of a building which  
12 is owned by a school district or a parochial school and used for  
13 instructional purposes, parks or playgrounds existing prior to  
14 the date the department has received an administratively  
15 complete application for a permit for such facilities. A new  
16 municipal waste ~~or~~, residual waste OR CONSTRUCTION AND ←  
17 DEMOLITION WASTE landfill may not be permitted to operate within  
18 2,500 feet of a municipal reservoir ONE MILE OF A RESERVOIR THAT ←  
19 SERVES AS A WATER SOURCE FOR A COMMUNITY WATER SYSTEM, AS  
20 DEFINED IN SECTION 3 OF THE ACT OF MAY 1, 1984 (P.L.206, NO.43),  
21 KNOWN AS THE PENNSYLVANIA SAFE DRINKING WATER ACT. This  
22 subsection shall not affect any modification, extension,  
23 addition or renewal of existing permitted facilities.

24 \* \* \*

25 SECTION 704. RECORDS. ←

26 EACH OPERATOR SHALL KEEP DAILY RECORDS OF ALL DELIVERIES OF  
27 SOLID WASTE TO THE FACILITY AS REQUIRED BY THE DEPARTMENT,  
28 INCLUDING, BUT NOT LIMITED TO, THE NAME AND ADDRESS OF THE  
29 HAULER, THE SOURCE OF THE WASTE, THE KIND OF WASTE RECEIVED AND  
30 THE WEIGHT OR VOLUME OF THE WASTE. A COPY OF THESE RECORDS SHALL

1 BE MAINTAINED AT THE SITE BY THE OPERATOR FOR NO LESS THAN FIVE  
2 YEARS AND SHALL BE MADE AVAILABLE TO THE DEPARTMENT [AND] THE  
3 HOST MUNICIPALITY AND ANY ADJACENT MUNICIPALITY FOR INSPECTION,  
4 UPON REQUEST.

5 SECTION 1101. INFORMATION PROVIDED TO HOST MUNICIPALITIES AND  
6 ADJACENT MUNICIPALITIES.

7 (A) DEPARTMENTAL INFORMATION.--THE DEPARTMENT WILL PROVIDE  
8 ALL OF THE FOLLOWING INFORMATION TO THE GOVERNING BODY OF HOST  
9 MUNICIPALITIES AND ADJACENT MUNICIPALITIES FOR MUNICIPAL WASTE  
10 LANDFILLS AND RESOURCE RECOVERY FACILITIES:

11 (1) COPIES OF EACH DEPARTMENT INSPECTION REPORT FOR SUCH  
12 FACILITIES UNDER THE SOLID WASTE MANAGEMENT ACT, THE ACT OF  
13 JUNE 22, 1937 (P.L.1987, NO.394), KNOWN AS THE CLEAN STREAMS  
14 LAW, THE ACT OF JANUARY 8, 1960 (1959 P.L.2119, NO.787),  
15 KNOWN AS THE AIR POLLUTION CONTROL ACT, AND THE ACT OF  
16 NOVEMBER 26, 1978 (P.L.1375, NO.325), KNOWN AS THE DAM SAFETY  
17 AND ENCROACHMENTS ACT, WITHIN FIVE WORKING DAYS AFTER THE  
18 PREPARATION OF SUCH REPORTS.

19 (2) PROMPT NOTIFICATION OF ALL DEPARTMENT ENFORCEMENT OR  
20 EMERGENCY ACTIONS FOR SUCH FACILITIES, INCLUDING, BUT NOT  
21 LIMITED TO, ABATEMENT ORDERS, CESSATION ORDERS, PROPOSED AND  
22 FINAL CIVIL PENALTY ASSESSMENTS, AND NOTICES OF VIOLATION.

23 (3) COPIES OF ALL AIR AND WATER QUALITY MONITORING DATA  
24 COLLECTED BY THE DEPARTMENT AT SUCH FACILITIES, WITHIN FIVE  
25 WORKING DAYS AFTER COMPLETE LABORATORY ANALYSIS OF SUCH DATA  
26 BECOMES AVAILABLE TO THE DEPARTMENT.

27 (B) OPERATOR INFORMATION.--EVERY OPERATOR OF A MUNICIPAL  
28 WASTE LANDFILL OR RESOURCE RECOVERY FACILITY SHALL PROVIDE TO  
29 THE HOST MUNICIPALITY AND ADJACENT MUNICIPALITIES COPIES OF ALL  
30 AIR AND WATER QUALITY MONITORING DATA, AS REQUIRED BY THE

1 DEPARTMENT FOR THE FACILITY, CONDUCTED BY OR ON BEHALF OF THE  
2 OPERATOR, WITHIN FIVE DAYS AFTER SUCH DATA BECOMES AVAILABLE TO  
3 THE OPERATOR.

4 (C) PUBLIC INFORMATION.--ALL INFORMATION PROVIDED TO THE  
5 HOST MUNICIPALITY AND ADJACENT MUNICIPALITIES UNDER THIS SECTION  
6 SHALL BE MADE AVAILABLE TO THE PUBLIC FOR REVIEW UPON REQUEST.

7 (D) INFORMATION TO COUNTY.--IF THE HOST MUNICIPALITY OWNS OR  
8 OPERATES THE MUNICIPAL WASTE LANDFILL OR RESOURCE RECOVERY  
9 FACILITY, OR PROPOSES TO OWN OR OPERATE SUCH LANDFILL OR  
10 FACILITY, THE INFORMATION REQUIRED BY THIS SECTION SHALL BE  
11 PROVIDED TO THE COUNTY WITHIN WHICH THE LANDFILL OR FACILITY IS  
12 LOCATED OR PROPOSED TO BE LOCATED AND TO ADJACENT MUNICIPALITIES  
13 INSTEAD OF THE HOST MUNICIPALITY.

14 (E) SIGN ON VEHICLE.--A VEHICLE OR CONVEYANCE USED FOR THE  
15 TRANSPORTING OF SOLID WASTE SHALL BEAR THE NAME AND BUSINESS  
16 ADDRESS OF THE PERSON OR MUNICIPALITY WHICH OWNS THE VEHICLE OR  
17 CONVEYANCE AND THE SPECIFIC TYPE OF SOLID WASTE TRANSPORTED BY  
18 THE VEHICLE OR CONVEYANCE. ALL SIGNS SHALL HAVE LETTERING WHICH  
19 IS AT LEAST SIX INCHES IN HEIGHT.

20 SECTION 3. SECTION 1102 OF THE ACT, REPEALED IN PART JULY  
21 11, 1996 (P.L.619, NO.105), IS AMENDED TO READ:

22 SECTION 1102. JOINT INSPECTIONS WITH HOST MUNICIPALITIES AND  
23 ADJACENT MUNICIPALITIES.

24 (A) TRAINING OF INSPECTORS.--

25 (1) THE DEPARTMENT SHALL ESTABLISH AND CONDUCT A  
26 TRAINING PROGRAM TO CERTIFY HOST MUNICIPALITY AND ADJACENT  
27 MUNICIPALITY INSPECTORS FOR MUNICIPAL WASTE LANDFILLS AND  
28 RESOURCE RECOVERY FACILITIES. THIS PROGRAM WILL BE AVAILABLE  
29 TO NO MORE THAN TWO PERSONS WHO HAVE BEEN DESIGNATED IN  
30 WRITING BY THE HOST MUNICIPALITY OR ADJACENT MUNICIPALITY.

1 THE DEPARTMENT SHALL [HOLD] OFFER TRAINING PROGRAMS AT LEAST  
2 TWICE A YEAR. THE DEPARTMENT SHALL CERTIFY HOST MUNICIPALITY  
3 AND ADJACENT MUNICIPALITY INSPECTORS UPON COMPLETION OF THE  
4 TRAINING PROGRAM AND SATISFACTORY PERFORMANCE IN AN  
5 EXAMINATION ADMINISTERED BY THE DEPARTMENT.

6 (2) CERTIFIED HOST MUNICIPAL INSPECTORS AND ADJACENT  
7 MUNICIPAL INSPECTORS ARE AUTHORIZED TO ENTER PROPERTY,  
8 INSPECT ONLY THOSE RECORDS REQUIRED BY THE DEPARTMENT, TAKE  
9 SAMPLES AND CONDUCT INSPECTIONS IN ACCORDANCE WITH DEPARTMENT  
10 REGULATIONS AS APPLICABLE TO DEPARTMENT INSPECTORS. HOWEVER,  
11 CERTIFIED HOST MUNICIPAL INSPECTORS AND ADJACENT MUNICIPAL  
12 INSPECTORS MAY NOT ISSUE ORDERS EXCEPT AS PROVIDED IN THIS  
13 SUBSECTION. A CERTIFIED HOST MUNICIPAL INSPECTOR OR ADJACENT  
14 MUNICIPAL INSPECTOR MAY ORDER THE OPERATOR OF A FACILITY TO  
15 CEASE ANY OPERATION OR ACTIVITY AT THE FACILITY WHICH  
16 CONSTITUTES AN IMMEDIATE THREAT TO PUBLIC HEALTH AND SAFETY  
17 AND WHICH REPRESENTS A VIOLATION OF THE SOLID WASTE  
18 MANAGEMENT ACT, THE REGULATIONS PROMULGATED UNDER THAT ACT,  
19 ANY ORDER ISSUED UNDER THAT ACT OR THE TERMS OR CONDITIONS OF  
20 A PERMIT ISSUED UNDER THAT ACT. THE ORDER SHALL EXPIRE WITHIN  
21 TWO HOURS UNLESS THE INSPECTOR NOTIFIES THE DEPARTMENT AND  
22 THE GOVERNING BODY OF THE HOST MUNICIPALITY AND ADJACENT  
23 MUNICIPALITY. THE DEPARTMENT MAY, AFTER CONDUCTING AN  
24 INSPECTION, SUPERSEDE THE INSPECTOR'S ORDER BY ISSUING AN  
25 ORDER OF ITS OWN WHICH VACATES OR MODIFIES THE TERMS OF THE  
26 INSPECTOR'S ORDER. IF THE DEPARTMENT DOES NOT SUPERSEDE THE  
27 ORDER, THE ORDER SHALL EXPIRE AFTER 24 HOURS UNLESS OTHERWISE  
28 EXTENDED, CONTINUED OR MODIFIED BY A COURT PURSUANT TO  
29 SECTION 1703(B).

30 (4) THE DEPARTMENT MAY DECERTIFY HOST MUNICIPALITY OR

1 ADJACENT MUNICIPALITY INSPECTORS PURSUANT TO REGULATIONS  
2 PROMULGATED BY THE ENVIRONMENTAL QUALITY BOARD.

3 (B) DEPARTMENTAL INFORMATION.--

4 (1) WHENEVER ANY HOST MUNICIPALITY OR ADJACENT  
5 MUNICIPALITY PRESENTS INFORMATION TO THE DEPARTMENT WHICH  
6 GIVES THE DEPARTMENT REASON TO BELIEVE THAT ANY MUNICIPAL  
7 WASTE LANDFILL OR RESOURCE RECOVERY FACILITY IS IN VIOLATION  
8 OF ANY REQUIREMENT OF THE ACT OF JUNE 22, 1937 (P.L.1987,  
9 NO.394), KNOWN AS THE CLEAN STREAMS LAW, THE ACT OF JANUARY  
10 8, 1960 (1959 P.L.2119, NO.787), KNOWN AS THE AIR POLLUTION  
11 CONTROL ACT, THE ACT OF NOVEMBER 26, 1978 (P.L.1375, NO.325),  
12 KNOWN AS THE DAM SAFETY AND ENCROACHMENTS ACT, THE SOLID  
13 WASTE MANAGEMENT ACT, ANY REGULATION PROMULGATED PURSUANT  
14 THERETO, ANY ORDER ISSUED PURSUANT THERETO OR THE CONDITION  
15 OF ANY PERMIT ISSUED PURSUANT THERETO, THE DEPARTMENT WILL  
16 PROMPTLY CONDUCT AN INSPECTION OF SUCH FACILITY.

17 (2) THE DEPARTMENT WILL NOTIFY THE HOST MUNICIPALITY AND  
18 ADJACENT MUNICIPALITY OF THIS INSPECTION AND WILL ALLOW A  
19 CERTIFIED MUNICIPAL INSPECTOR FROM THE HOST MUNICIPALITY AND  
20 ADJACENT MUNICIPALITY TO ACCOMPANY THE INSPECTOR DURING THE  
21 INSPECTION.

22 (3) IF THERE IS NOT SUFFICIENT INFORMATION TO GIVE THE  
23 DEPARTMENT REASONS TO BELIEVE THAT THERE IS A VIOLATION, THE  
24 DEPARTMENT WILL PROVIDE A WRITTEN EXPLANATION TO THE HOST  
25 MUNICIPALITY AND ADJACENT MUNICIPALITY OF ITS DECISION NOT TO  
26 CONDUCT AN INSPECTION WITHIN 30 DAYS OF THE REQUEST FOR  
27 INSPECTION.

28 (4) UPON WRITTEN REQUEST OF A HOST MUNICIPALITY OR  
29 ADJACENT MUNICIPALITY TO THE DEPARTMENT, THE DEPARTMENT WILL  
30 ALLOW A CERTIFIED INSPECTOR OF SUCH MUNICIPALITY TO ACCOMPANY



1 DEPARTMENT INSPECTORS ON ROUTINE INSPECTIONS OF MUNICIPAL  
2 WASTE LANDFILLS AND RESOURCE RECOVERY FACILITIES.

3 (C) COUNTY INVOLVEMENT.--IF THE HOST MUNICIPALITY OWNS OR  
4 OPERATES THE MUNICIPAL WASTE LANDFILL OR RESOURCE RECOVERY  
5 FACILITY, THE TRAINING AND INSPECTION REQUIREMENTS OF THIS  
6 SECTION SHALL BE AVAILABLE TO THE COUNTY WITHIN WHICH THE  
7 LANDFILL OR FACILITY IS LOCATED AND TO ADJACENT MUNICIPALITIES  
8 INSTEAD OF THE HOST MUNICIPALITY.

9 SECTION 4. SECTIONS 1107(C) AND 1110 OF THE ACT ARE AMENDED  
10 TO READ:

11 SECTION 1107. CLAIMS RESULTING FROM POLLUTION OCCURRENCES.

12 \* \* \*

13 (C) LIABILITY LIMITED.--A HOST MUNICIPALITY [OR], ADJACENT  
14 MUNICIPALITY, COUNTY OR MUNICIPALITY WITHIN THE PLANNING AREA  
15 MAY NOT BE HELD LIABLE FOR BODILY INJURY OR PROPERTY DAMAGE  
16 RESULTING FROM POLLUTION OCCURRENCES SOLELY BY REASONS OF  
17 PARTICIPATION IN THE PREPARATION OR ADOPTION OF A COUNTY OR  
18 MUNICIPAL SOLID WASTE PLAN. NOTHING HEREIN SHALL BE CONSTRUED TO  
19 PREVENT ANY HOST MUNICIPALITY, ADJACENT MUNICIPALITY, COUNTY OR  
20 MUNICIPALITY WITHIN THE PLANNING AREA FROM OBTAINING OR GIVING  
21 SUCH INDEMNITIES AS MAY BE APPROPRIATE IN CONNECTION WITH THE  
22 OWNERSHIP, OPERATION OR CONTROL OF A MUNICIPAL SOLID WASTE  
23 FACILITY.

24 \* \* \*

25 SECTION 1110. INDEPENDENT EVALUATION OF PERMIT APPLICATIONS.

26 AT THE REQUEST OF A HOST MUNICIPALITY OR ADJACENT  
27 MUNICIPALITY, THE DEPARTMENT MAY REIMBURSE A HOST MUNICIPALITY  
28 OR ADJACENT MUNICIPALITY FOR COSTS INCURRED FOR AN INDEPENDENT  
29 PERMIT APPLICATION REVIEW, BY A PROFESSIONAL ENGINEER WHO IS  
30 LICENSED IN THIS COMMONWEALTH AND WHO HAS PREVIOUS EXPERIENCE IN

1 PREPARING SUCH PERMIT APPLICATIONS, OF AN APPLICATION UNDER THE  
2 SOLID WASTE MANAGEMENT ACT, FOR A NEW MUNICIPAL WASTE LANDFILL  
3 OR RESOURCE RECOVERY FACILITY OR THAT WOULD RESULT IN ADDITIONAL  
4 CAPACITY FOR A MUNICIPAL WASTE LANDFILL OR RESOURCE RECOVERY  
5 FACILITY. REIMBURSEMENT SHALL NOT EXCEED \$10,000 PER COMPLETE  
6 APPLICATION.

7 SECTION 5. CHAPTER 13 HEADING OF THE ACT IS AMENDED TO READ:

8 CHAPTER 13  
9 [HOST MUNICIPALITY] BENEFIT FEE

10 SECTION 6. SECTIONS 1301 AND 1304 OF THE ACT ARE AMENDED TO  
11 READ:

12 SECTION 1301. [HOST MUNICIPALITY BENEFIT] BENEFIT FEE.

13 (A) IMPOSITION.--THERE IS IMPOSED A HOST MUNICIPALITY  
14 BENEFIT FEE UPON THE OPERATOR OF EACH MUNICIPAL WASTE LANDFILL  
15 OR RESOURCE RECOVERY FACILITY THAT HAS A VALID PERMIT ON THE  
16 EFFECTIVE DATE OF THIS ACT OR RECEIVES A NEW PERMIT OR PERMIT  
17 THAT RESULTS IN ADDITIONAL CAPACITY FROM THE DEPARTMENT UNDER  
18 THE SOLID WASTE MANAGEMENT ACT AFTER THE EFFECTIVE DATE OF THIS  
19 ACT. THE FEE SHALL BE PAID TO THE HOST MUNICIPALITY. IF THE HOST  
20 MUNICIPALITY OWNS OR OPERATES THE LANDFILL OR FACILITY, THE FEE  
21 SHALL NOT BE IMPOSED FOR WASTE GENERATED WITHIN SUCH  
22 MUNICIPALITY. IF THE LANDFILL OR FACILITY IS LOCATED WITHIN MORE  
23 THAN ONE HOST MUNICIPALITY, THE FEE SHALL BE APPORTIONED AMONG  
24 THEM ACCORDING TO THE PERCENTAGE OF THE PERMITTED AREA LOCATED  
25 IN EACH MUNICIPALITY.

26 (B) AMOUNT.--THE FEE IS \$1 PER TON OF WEIGHED SOLID WASTE OR  
27 \$1 PER THREE CUBIC YARDS OF VOLUME-MEASURED SOLID WASTE FOR ALL  
28 SOLID WASTE RECEIVED AT A LANDFILL OR FACILITY. ANY AMOUNTS PAID  
29 BY AN OPERATOR TO A HOST MUNICIPALITY PURSUANT TO A PREEXISTING  
30 AGREEMENT SHALL SERVE AS A CREDIT AGAINST THE FEE AMOUNT IMPOSED

1 BY THIS SECTION.

2 (C) MUNICIPAL OPTIONS.--NOTHING IN THIS SECTION OR SECTION  
3 1302 SHALL PREVENT A HOST MUNICIPALITY FROM RECEIVING A HIGHER  
4 FEE OR RECEIVING THE FEE IN A DIFFERENT FORM OR AT DIFFERENT  
5 TIMES THAN PROVIDED IN THIS SECTION AND SECTION 1302, IF THE  
6 HOST MUNICIPALITY AND THE OPERATOR OF THE MUNICIPAL WASTE  
7 LANDFILL OR RESOURCE RECOVERY FACILITY AGREE IN WRITING.

8 (D) SUPERSEDE.--THE FEE IMPOSED BY THIS SECTION SHALL  
9 PREEMPT AND SUPERSEDE ANY TAX IMPOSED ON EACH MUNICIPAL WASTE  
10 LANDFILL OR RESOURCE RECOVERY FACILITY UNDER THE ACT OF DECEMBER  
11 31, 1965 (P.L.1257, NO.511), KNOWN AS THE LOCAL TAX ENABLING  
12 ACT, WHICH IS IN EXCESS OF THE AMOUNT IMPOSED ON OR BEFORE  
13 DECEMBER 31, 1987.

14 (E) COUNTY OPTIONS.--NOTHING IN THIS ACT SHALL PREVENT A  
15 HOST COUNTY FROM NEGOTIATING A FEE OR FEE IN A DIFFERENT FORM,  
16 IF THE HOST COUNTY AND THE OPERATOR OF THE MUNICIPAL WASTE  
17 LANDFILL OR RESOURCE RECOVERY AGREE IN WRITING. ANY COUNTY WHICH  
18 HAS NEGOTIATED A FEE AS OF THE EFFECTIVE DATE OF THIS ACT MAY  
19 REQUIRE THAT THE FEE BE CONTINUED.

20 (F) ADJACENT MUNICIPALITY OPTIONS.--NOTHING IN THIS ACT MAY  
21 PREVENT AN ADJACENT MUNICIPALITY FROM NEGOTIATING A FEE OR FEE  
22 IN A DIFFERENT FORM IF THE ADJACENT MUNICIPALITY AND THE  
23 OPERATOR OF THE MUNICIPAL WASTE LANDFILL OR RESOURCE RECOVERY  
24 FACILITY AGREE IN WRITING. ANY ADJACENT MUNICIPALITY WHICH HAS  
25 NEGOTIATED A FEE AS OF THE EFFECTIVE DATE OF THIS ACT MAY  
26 REQUIRE THAT THE FEE BE CONTINUED.

27 SECTION 1304. RECORDS.

28 EACH OPERATOR THAT IS REQUIRED TO PAY THE HOST MUNICIPALITY  
29 BENEFIT FEE SHALL KEEP DAILY RECORDS OF ALL DELIVERIES OF SOLID  
30 WASTE TO THE LANDFILL OR FACILITY, AS REQUIRED BY THE HOST

1 MUNICIPALITY, INCLUDING, BUT NOT LIMITED TO, THE NAME AND  
2 ADDRESS OF THE HAULER, THE SOURCE OF THE WASTE, THE KIND OF  
3 WASTE RECEIVED AND THE WEIGHT OR VOLUME OF THE WASTE. SUCH  
4 RECORDS SHALL BE MAINTAINED IN PENNSYLVANIA BY THE OPERATOR FOR  
5 NO LESS THAN FIVE YEARS AND SHALL BE MADE AVAILABLE TO THE HOST  
6 MUNICIPALITY AND ADJACENT MUNICIPALITIES FOR INSPECTION UPON  
7 REQUEST.

8 Section 3 7. This act shall take effect in 60 days.

