

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 863 Session of 2011

INTRODUCED BY COSTA, HUGHES AND TARTAGLIONE, MARCH 22, 2011

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, MARCH 22, 2011

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 powers and
 16 duties of counties.

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

19 Section 1. Section 303 of the act of July 28, 1988 (P.L.556,
 20 No.101), known as the Municipal Waste Planning, Recycling and
 21 Waste Reduction Act, is amended by adding a subsection to read:
 22 Section 303. Powers and duties of counties.

23 * * *

24 (g) Fees.--A county may impose a recycling and waste
 25 management fee on municipal solid waste generated within its

borders and disposed of at resource recovery facilities or
municipal waste landfills designated in the county's municipal
waste management plan as provided for in Chapter 5.

(1) The fee:

(i) Shall not initially exceed \$4 per ton.

(ii) Limit imposed in subparagraph (i) may be
increased every five years to account for inflation by
taking the average of the five prior years' increases, if
any, in the Consumer Price Index for All Urban Consumers
(CPI-U) categorized further as Philadelphia All Items as
officially reported by the Department of Labor, Bureau of
Labor Statistics.

(iii) Shall be collected by the operator and paid to
the county or its agent on a quarterly basis or as
otherwise negotiated on a form approved by the county.

(2) The operator that is charged a fee pursuant to this
subsection may pass through and obtain the fee from the
generator of such waste as a surcharge on any fee schedule
established pursuant to law, ordinance, resolution or
contract for solid waste collection, transfer, transport and
delivery.

(3) (i) If an operator fails to make a timely payment
of a fee imposed by a county, the county may require
interest and any additional penalty as authorized under
section 703. The county or its designee shall collect
interest or additional penalties under the requirements
of section 703.

(ii) The interest or additional penalties imposed
shall not be recoverable by an operator as described in
paragraph (2).

1 (4) Funds generated by this fee shall be deposited in a
2 dedicated account or fund to be used exclusively for
3 recycling and waste management activities, services, staff or
4 plan implementation. These activities may include:

5 (i) Recycling and composting collection, processing,
6 research or program planning.

7 (ii) Related alternative energy, waste and recycling
8 activities.

9 (iii) Collections for special materials.

10 (iv) Household hazardous waste or Universal Waste
11 programs.

12 (v) Illegal dump and litter remediation and
13 prevention activities.

14 (vi) Public education and promotion associated with
15 and enforcement of waste and recycling programs.

16 (vii) Staff and overhead costs associated with
17 administration and implementation of these programs.

18 (5) The county solid waste authority or county solid
19 waste advisory committee, as described in section 503(a), or
20 its designee shall review a spending plan for these funds,
21 make suggestions and propose any changes it believes
22 appropriate.

23 (6) A county or its agents may enter into agreements
24 with municipalities, councils of governments or other
25 appropriate agencies to provide these services.

26 (7) These provisions shall not preclude a county or its
27 designated agent from negotiating other fees to support
28 programs described in paragraph (4).

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