

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 183 Session of 2013

INTRODUCED BY QUINN, DAVIS, D. COSTA, O'NEILL, TRUITT, FABRIZIO, FLECK, HESS, CUTLER, KILLION, SIMMONS, MUNDY, WATSON, MILLARD, MILNE, ROSS AND MURT, JANUARY 22, 2013

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY, JANUARY 22, 2013

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
 24 read:

1 Section 103. Definitions.

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

5 * * *

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

11 * * *

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

19 * * *

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

22 Section 1501. Municipal implementation of recycling programs.

23 * * *

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

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

28 (i) Persons to separate at least three materials
29 deemed appropriate by the municipality from other
30 municipal waste generated at their homes, apartments and

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

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

29 (iii) Persons to separate high grade office paper,
30 aluminum, corrugated paper and leaf waste, fluorescent

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

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

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

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

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

29 * * *

30 Section 1502. Facilities operation and recycling.

1 * * *

2 (b) Drop-off centers.--

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

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

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

1 materials, such as plastics, high grade office paper,
2 aluminum, clear glass [and], newspaper and fluorescent lamps or
3 tubes from the waste to be incinerated.

4 * * *

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