
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2223 Session of
2015

INTRODUCED BY HANNA, McNEILL AND O'BRIEN, JUNE 28, 2016

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
JUNE 28, 2016

AN ACT

1 Amending Titles 27 (Environmental Resources) and 58 (Oil and
2 Gas) of the Pennsylvania Consolidated Statutes, in
3 environmental stewardship and watershed protection, further
4 providing for definitions and for extension of fees; in
5 disposal fee, further providing for disposal fee for
6 municipal waste landfills, for deposit of disposal fee and
7 for surcharge; in Oil and Gas Lease Fund, further providing
8 for funds; and making editorial changes.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Section 6103 of Title 27 of the Pennsylvania
12 Consolidated Statutes is amended by adding definitions to read:
13 § 6103. Definitions.

14 The following words and phrases when used in this chapter
15 shall have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 * * *

18 "Captive residual waste facility." A residual waste
19 processing or disposal facility that is located upon lands owned
20 by the person or municipality that generated the residual waste
21 and which facility is operated to provide for the processing or

1 disposal solely of the generator's residual waste.

2 "Construction/demolition waste." Solid waste resulting from
3 the construction or demolition of buildings and other
4 structures, including, but not limited to, wood, plaster,
5 metals, asphaltic substances, bricks, block and unsegregated
6 concrete. The term does not include, if separated from other
7 waste and used as clean fill:

8 (1) uncontaminated soil, rock, stone, gravel, brick and
9 block, concrete and used asphalt; or

10 (2) waste from land clearing, grubbing and excavation,
11 including trees, brush, stumps and vegetative material.

12 "Construction/demolition waste landfill." A facility using
13 land exclusively for the disposal of construction/demolition
14 waste. The term includes land affected during the lifetime of
15 the operations, including, but not limited to, areas where
16 disposal activities actually occur, support facilities, borrow
17 areas, offices, equipment sheds, air and water pollution control
18 and treatment systems, access roads, associated onsite or
19 contiguous collection, transportation and storage facilities,
20 closure and postclosure care and maintenance activities and
21 other activities in which the natural land surface has been
22 disturbed as a result of or incidental to the operation of the
23 facility.

24 * * *

25 "Residual waste." Garbage, refuse, other discarded material
26 or other waste, including solid, liquid, semisolid or contained
27 gaseous materials resulting from industrial, mining and
28 agricultural operations and sludge from an industrial, mining or
29 agricultural water supply treatment facility, wastewater
30 treatment facility or air pollution control facility, if it is

1 not hazardous. The term does not include:

2 (1) coal refuse as defined in the act of September 24,
3 1968 (P.L.1040, No.318), known as the Coal Refuse Disposal
4 Control Act; or

5 (2) treatment sludges from coal mine drainage treatment
6 plants, disposal of which is being carried on, under and in
7 compliance with a valid permit issued under the act of June
8 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law.

9 "Residual waste landfill." A facility for disposing of
10 residual waste. The term does not include:

11 (1) a residual waste disposal impoundment or a facility
12 for the land application of residual waste; or

13 (2) a facility at which municipal waste, other than
14 industrial lunchroom or office waste generated by the
15 operator, construction/demolition waste generated by the
16 operator or certain special handling waste is disposed.

17 * * *

18 Section 2. Section 6112(b) of Title 27 is amended to read:

19 § 6112. Extension of fees.

20 (b) Fee established.--

21 (1) Each operator of a municipal waste landfill,
22 construction/demolition waste landfill and residual waste
23 landfill shall pay, in the same manner prescribed in section
24 701 of the Municipal Waste Planning, Recycling and Waste
25 Reduction Act, an amount equal to 25¢ per ton of weighted
26 waste or 25¢ per three cubic yards of volume-measured waste
27 for all solid waste, construction/demolition waste and
28 residual waste received at the landfill.

29 (2) The fee established by this subsection shall be paid
30 to the State Treasury and deposited into the fund and shall

1 not be subject to the provisions of section 701(d) of the act
2 of July 28, 1988 (P.L.556, No.101), known as the Municipal
3 Waste Planning, Recycling and Waste Reduction Act.

4 (3) The fee established by this subsection shall not
5 apply to waste disposed of at a captive residual waste
6 facility.

7 Section 3. The heading of Chapter 63 of Title 27 is amended
8 to read:

9 CHAPTER 63

10 DISPOSAL [FEE] FEES

11 Section 4. Sections 6301, 6302, 6303 and 6306 of Title 27
12 are amended to read:

13 § 6301. Disposal [fee] fees for municipal waste landfills[.],
14 construction/demolition waste landfills and residual
15 waste landfills.

16 (a) Imposition.--

17 (1) Except as otherwise provided in subsection (b), each
18 operator of a municipal waste landfill,
19 construction/demolition waste landfill or residual waste
20 landfill shall pay, in the same manner prescribed in Chapter
21 7 of the act of July 28, 1988 (P.L.556, No.101), known as the
22 Municipal Waste Planning, Recycling and Waste Reduction Act,
23 a disposal fee of [\$4] \$5.75 per ton for all solid waste,
24 construction/demolition waste and residual waste disposed of
25 at the municipal waste landfill, construction/demolition
26 waste landfill or residual waste landfill.

27 (2) In addition to the fee assessed in paragraph (1),
28 each operator of a construction/demolition waste or residual
29 waste landfill shall pay, in the same manner prescribed in
30 Chapter 7 of the act of July 28, 1988 (P.L.556, No.101),

1 known as the Municipal Waste Planning, Recycling and Waste
2 Reduction Act, a fee of \$2 per ton for all
3 construction/demolition and residual waste disposed of at the
4 construction/demolition waste landfill or residual waste
5 landfill.

6 (3) The [fee] fees established in this section shall
7 apply to process residue and nonprocessable waste from a
8 resource recovery facility that is disposed of at the
9 municipal waste landfill, construction/demolition waste
10 landfill or residual waste landfill and is in addition to the
11 fee established in section 701 of the Municipal Waste
12 Planning, Recycling and Waste Reduction Act.

13 (4) The [fee] fees established by this subsection shall
14 not be subject to the provisions of section 701(d) of the
15 Municipal Waste Planning, Recycling and Waste Reduction Act.

16 (b) Exceptions.--The [fee] fees established under [this
17 section] subsection (a) shall not apply to the following:

18 (1) Process residue and nonprocessable waste that is
19 permitted for beneficial use or for use as alternate daily
20 cover at a municipal waste landfill.

21 (2) Solid waste from a hazardous waste treatment
22 facility that is converted into nonhazardous waste and
23 disposed of at a municipal waste landfill.

24 (3) Waste disposed of at a captive residual waste
25 facility.

26 (c) Operator.--For purposes of imposition of the disposal
27 fee under this section, the term "operator" shall be defined
28 consistent with the definition of "operator" in the Municipal
29 Waste Planning, Recycling and Waste Reduction Act and shall
30 include municipalities or municipal authorities that operate

1 disposal facilities.

2 § 6302. Deposit of disposal [fee.] fees.

3 The disposal fees imposed under section 6301 (relating to
4 disposal fees for municipal waste landfills,
5 construction/demolition waste landfills and residual waste
6 landfills) shall be deposited as follows:

7 (1) For the fiscal year 2002-2003, [fees received by the
8 department pursuant to section 6301 (relating to disposal fee
9 for municipal waste landfills)] the fee shall be paid into
10 the State Treasury as follows:

11 (i) The first \$50,000,000 in fees collected shall be
12 deposited into the Environmental Stewardship Fund
13 established in Chapter 61 (relating to environmental
14 stewardship and watershed protection).

15 (ii) Any fees collected thereafter shall be
16 deposited in the General Fund.

17 (2) For the fiscal year 2003-2004 and beyond, all fees
18 collected shall be deposited into the Environmental
19 Stewardship Fund established in Chapter 61.

20 § 6303. Surcharge.

21 (a) Owners and operators.--The owner or operator of a
22 municipal waste, construction/demolition waste or residual waste
23 landfill which collects and remits the [fee] fees established
24 pursuant to section 6301 (relating to disposal [fee] fees for
25 municipal waste landfills, construction/demolition waste
26 landfills and residual waste landfills) may pass through and
27 collect the [fee] fees from any person who delivered the waste
28 to the municipal waste, construction/demolition waste or
29 residual waste landfill as a surcharge in accordance with
30 section 705 of the Municipal Waste Planning, Recycling and Waste

1 Reduction Act on any fee schedule established pursuant to law,
2 ordinance, resolution or contract for solid waste,
3 construction/demolition waste or residual waste disposal
4 operations at the municipal waste, construction/demolition waste
5 or residual waste landfill.

6 (b) Transporters and transfer stations.--The transporter or
7 transfer station that is charged a fee or surcharge pursuant to
8 section 6302 (relating to deposit of disposal [fee] fees) or
9 subsection (a) may pass through and obtain the fee from the
10 generator of such waste as a surcharge in accordance with
11 section 705 of the Municipal Waste Planning, Recycling and Waste
12 Reduction Act on any fee schedule established pursuant to law,
13 ordinance, resolution or contract for solid waste collection,
14 transfer, transport and delivery.

15 § 6306. Adjustments.

16 When the Governor's proposed budget for the upcoming fiscal
17 year, as submitted pursuant to section 12 of Article VIII of the
18 Constitution of Pennsylvania, contains a revision to the revenue
19 estimate for the current year of at least 3% less than the
20 official revenue estimate for the current year, the funds
21 deposited pursuant to section 6302(2) (relating to deposit of
22 disposal [fee] fees) may be adjusted by transferring or
23 redirecting up to 25% of these deposits to the General Fund.

24 Section 5. Section 2505 of Title 58 is amended to read:

25 § 2505. Funds.

26 (a) Priority.--Funds appropriated from the Oil and Gas Lease
27 Fund to the department under the act of April 9, 1929 (P.L.343,
28 No.176), known as The Fiscal Code, or other appropriation act
29 shall be distributed prior to allocations under subsection (b).

30 (b) Allocations.--Money in the Oil and Gas Lease Fund shall

1 be allocated on an annual basis as follows:

2 (1) [The following amounts shall be transferred from the
3 Oil and Gas Lease Fund to the Marcellus Legacy Fund for
4 distribution to the Environmental Stewardship Fund:

5 (i) For 2013, \$20,000,000.

6 (ii) For 2014 and each year thereafter,
7 \$35,000,000.] (Reserved).

8 (2) The following amounts shall be transferred from the
9 Oil and Gas Lease Fund to the Marcellus Legacy Fund for
10 distribution to the Hazardous Sites Cleanup Fund:

11 (i) For 2015, \$5,000,000.

12 (ii) For 2016 and each year thereafter, \$15,000,000.

13 Section 6. Effective date.

14 This act shall take effect immediately.