
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1467 Session of
2017

INTRODUCED BY HANNA, D. COSTA, STURLA, O'BRIEN AND McCARTER,
MAY 31, 2017

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
MAY 31, 2017

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, for
7 surcharge and for adjustments; in Oil and Gas Lease Fund,
8 further providing 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

1 and which facility is operated to provide for the processing or
2 disposal solely of the generator's residual waste.

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

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

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

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

25 * * *

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

1 treatment facility or air pollution control facility, if it is
2 not hazardous. The term does not include:

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

6 (2) treatment sludges from coal mine drainage treatment
7 plants, disposal of which is being carried on, under and in
8 compliance with a valid permit issued under the act of June
9 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law.

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

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

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

18 * * *

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

20 § 6112. Extension of fees.

21 (b) Fee established.--

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

1 (2) The fee established by this subsection shall be paid
2 to the State Treasury and deposited into the fund and shall
3 not be subject to the provisions of section 701(d) of the act
4 of July 28, 1988 (P.L.556, No.101), known as the Municipal
5 Waste Planning, Recycling and Waste Reduction Act.

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

9 Section 3. The heading of Chapter 63 of Title 27 is amended
10 to read:

11 CHAPTER 63

12 DISPOSAL [FEE] FEES

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

15 § 6301. Disposal [fee] fees for municipal waste landfills[.],
16 construction/demolition waste landfills, residual
17 waste landfills and municipal waste incinerators.

18 (a) Imposition.--

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

1 (2) In addition to the fee assessed in paragraph (1),
2 each operator of a construction/demolition waste, residual
3 waste landfill or municipal waste incinerator shall pay, in
4 the same manner prescribed in Chapter 7 of the Municipal
5 Waste Planning, Recycling and Waste Reduction Act, a fee of
6 \$2 per ton for all construction/demolition, residual waste
7 and solid waste disposed of at the construction/demolition
8 waste landfill, residual waste landfill or municipal waste
9 incinerator.

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

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

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

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

26 (2) Solid waste from a hazardous waste treatment
27 facility that is converted into nonhazardous waste and
28 disposed of at a municipal waste landfill.

29 (3) Waste disposed of at a captive residual waste
30 facility.

1 (c) Operator.--For purposes of imposition of the disposal
2 fee under this section, the term "operator" shall be defined
3 consistent with the definition of "operator" in the Municipal
4 Waste Planning, Recycling and Waste Reduction Act and shall
5 include municipalities or municipal authorities that operate
6 disposal facilities.

7 § 6302. Deposit of disposal [fee.] fees.

8 The disposal fees imposed under section 6301 (relating to
9 disposal fees for municipal waste landfills,
10 construction/demolition waste landfills, residual waste
11 landfills and municipal waste incinerators) shall be deposited
12 as follows:

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

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

21 (ii) Any fees collected thereafter shall be
22 deposited in the General Fund.

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

26 § 6303. Surcharge.

27 (a) Owners and operators.--The owner or operator of a
28 municipal waste, construction/demolition waste, residual waste
29 landfill or municipal waste incinerator which collects and
30 remits the [fee] fees established pursuant to section 6301

1 (relating to disposal [fee] fees for municipal waste landfills,
2 construction/demolition waste landfills, residual waste
3 landfills and municipal waste incinerators) may pass through and
4 collect the [fee] fees from any person who delivered the waste
5 to the municipal waste, construction/demolition waste, residual
6 waste landfill or municipal waste incinerator as a surcharge in
7 accordance with section 705 of the Municipal Waste Planning,
8 Recycling and Waste Reduction Act on any fee schedule
9 established pursuant to law, ordinance, resolution or contract
10 for solid waste, construction/demolition waste or residual waste
11 disposal operations at the municipal waste,
12 construction/demolition waste, residual waste landfill or
13 municipal waste incinerator.

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

23 § 6306. Adjustments.

24 When the Governor's proposed budget for the upcoming fiscal
25 year, as submitted pursuant to section 12 of Article VIII of the
26 Constitution of Pennsylvania, contains a revision to the revenue
27 estimate for the current year of at least 3% less than the
28 official revenue estimate for the current year, the funds
29 deposited pursuant to section 6302(2) (relating to deposit of
30 disposal [fee] fees) may be adjusted by transferring or

1 redirecting up to 25% of these deposits to the General Fund.

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

3 § 2505. Funds.

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

8 (b) Allocations.--Money in the Oil and Gas Lease Fund shall
9 be allocated on an annual basis as follows:

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

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

14 (ii) For 2014 and each year thereafter,
15 \$35,000,000.] (Reserved).

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

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

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

21 Section 6. This act shall take effect immediately.