

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 342 Session of 2019

INTRODUCED BY CRUZ, YOUNGBLOOD, BURGOS, McCLINTON, HILL-EVANS, MURT AND BULLOCK, FEBRUARY 1, 2019

AS REPORTED FROM COMMITTEE ON URBAN AFFAIRS, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 14, 2019

AN ACT

1 Amending the act of December 1, 2004 (P.L.1766, No.227),
2 entitled "An act authorizing cities of the first class that
3 have adopted a home rule charter to enforce ordinances, rules
4 and regulations prohibiting dumping or disposal of waste,
5 trash or debris," further providing for enforcement of trash
6 laws.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 1 of the act of December 1, 2004
10 (P.L.1766, No.227), entitled "An act authorizing cities of the
11 first class that have adopted a home rule charter to enforce
12 ordinances, rules and regulations prohibiting dumping or
13 disposal of waste, trash or debris," is amended to read:

14 Section 1. Enforcement of trash laws.

15 (a) General rule.--Notwithstanding any contrary provision of
16 law set forth in the act of April 21, 1949 (P.L.665, No.155),
17 known as the First Class City Home Rule Act, a city of the first
18 class that has adopted a home rule charter pursuant to that act
19 may enforce ordinances, rules and regulations relating to:

1 (1) short dumping by the imposition of a fine or penalty
2 of not more than \$5,000 and by the forfeiture of any
3 property, including any vehicle, used to violate that act,
4 regardless of the value of the property[.]; and

5 (2) disposal of waste tires by the imposition of a fine
6 or penalty of \$5,000 NO MORE THAN \$500 per tire. <--

7 (b) Suspension of operating privileges.--A city of the first
8 class that imposes a fine or penalty against a person under
9 subsection [(a)] (a)(1) shall notify the Department of
10 Transportation. On receipt of such notification, the Department
11 of Transportation shall suspend the operating privileges of the
12 person granted under 75 Pa.C.S. (relating to vehicles) for a
13 period of six months.

14 [(c) Definitions.--As used in this section, "short dumping"
15 means activity by which an owner or operator, or an agent of
16 either, of a trash, garbage or debris collection vehicle,
17 including private automobiles and small trucks, or any other
18 type of vehicles used to collect or transport trash, garbage or
19 debris knowingly causes to be deposited or deposits the
20 vehicle's load or any part thereof on any road, street, highway,
21 alley or railroad right-of-way or on the land of another or into
22 the waters of this Commonwealth.]

23 ~~(b.1) Documentation and recordkeeping. A city of the first <--~~
24 ~~class may require documentation and recordkeeping by business~~
25 ~~entities that provide whole used or waste tires to a waste tire~~
26 ~~hauler or that accepts whole used or waste tires from a waste~~
27 ~~tire hauler to ensure proper disposal of waste tires. The~~
28 ~~documentation and recordkeeping shall be retained for a minimum~~
29 ~~of five years. The following apply:~~

30 ~~(1) The documentation and recordkeeping shall include~~

1 ~~the number of waste tires received in exchange for tires~~
2 ~~sold.~~

3 ~~(2) If the person is using a waste tire hauler, the~~
4 ~~documentation and recordkeeping requirements shall be the~~
5 ~~same as the requirements under section 106.2 of the act of~~
6 ~~December 19, 1996 (P.L.1478, No.190), entitled "An act~~
7 ~~relating to the recycling and reuse of waste tires; providing~~
8 ~~for the proper disposal of waste tires and the cleanup of~~
9 ~~stockpiled tires; authorizing investment tax credits for~~
10 ~~utilizing waste tires; providing remediation grants for the~~
11 ~~cleanup of tire piles and for pollution prevention programs~~
12 ~~for small business and households; establishing the Small~~
13 ~~Business and Household Pollution Prevention Program and~~
14 ~~management standards for small business hazardous waste;~~
15 ~~providing for a household hazardous waste program and for~~
16 ~~grant programs; making appropriations; and making repeals."~~

17 ~~(3) If the person or business transports waste tires for~~
18 ~~disposal without the use of a waste tire hauler, the~~
19 ~~documentation and recordkeeping shall include the number of~~
20 ~~waste tires transported and the location where the waste~~
21 ~~tires were transported and disposed.~~

22 ~~(b.2)~~

23 (B.1) RECORDS TO BE RETAINED BY BUSINESSES THAT DISPOSE OF <--
24 WASTE TIRES.--A BUSINESS ENTITY IN A CITY OF THE FIRST CLASS
25 THAT ACCEPTS USED TIRES FOR DISPOSAL SHALL MAINTAIN A LIST OF
26 HOW MANY TIRES THE BUSINESS ENTITY ACCEPTED AND RETAIN PROOF OF
27 DISPOSAL IN THE FORM OF A RECEIPT FROM AN AUTHORIZED WASTE TIRE
28 RECYCLING FACILITY, AS EVIDENCE OF PROPER DISPOSAL OF ANY TIRES
29 ACCEPTED BY THE BUSINESS ENTITY. THE BUSINESS ENTITY SHALL
30 MAINTAIN ALL RECORDS FOR A MINIMUM OF 5 YEARS AND MAKE THE

1 RECORDS AVAILABLE TO THE CITY AT THE CITY'S REQUEST. THE
2 BUSINESS ENTITY SHALL RETAIN THE RECORDS ELECTRONICALLY.

3 (B.2) RECORD REVIEW.--A CITY OF THE FIRST CLASS MAY REVIEW
4 THE RECORDS OF A BUSINESS ENTITY THAT ACCEPTS WASTE TIRES FOR
5 DISPOSAL. THE CITY MAY REQUEST THAT THE BUSINESS ENTITY SUBMIT A
6 COPY OF THE BUSINESS ENTITY'S RECORDS ELECTRONICALLY OR PROVIDE
7 THE CITY WITH A HARD COPY OF THE RECORDS AS PROOF THAT THE
8 BUSINESS ENTITY COMPLIED WITH THIS ACT THROUGH THE PROPER
9 DISPOSAL OF ALL WASTE TIRES RECEIVED BY THE BUSINESS ENTITY.

10 (B.3) APPEAL.--A BUSINESS ENTITY FINED BY A CITY OF THE
11 FIRST CLASS UNDER THIS SECTION SHALL HAVE THE RIGHT TO APPEAL A
12 FINE LEVIED BY THE CITY TO THE COURT OF COMMON PLEAS.

13 (B.4) Waste tire enforcement.--A city of the first class
14 that imposes a fine or penalty under subsection (a) (2) shall
15 utilize the money collected to:

16 (1) encourage recycling;

17 (2) expand waste tire disposal programs within a city of
18 the first class in accordance with the Waste Tire Recycling
19 Act; and

20 (3) enforce compliance with this act.

21 (c) Definitions.--As used in this section, the following
22 words and phrases shall have the meanings given to them in this
23 subsection unless the context clearly indicates otherwise:

24 "Disposal." The dumping, spilling or placing of whole used
25 or waste tires into or on the land or water in a manner that the
26 tires or a constituent of the tires enters the environment.

27 "Short dumping." Activity by which an owner or operator, or
28 an agent thereof, of a trash, garbage or debris collection
29 vehicle, including private automobiles and small trucks or any
30 other type of vehicle used to collect or transport trash,

1 garbage or debris, knowingly causes to be deposited or deposits
2 the vehicle's load or any part thereof on any road, street,
3 highway, alley or railroad right-of-way, on the land of another
4 or into the waters of this Commonwealth.

5 "Waste tire." A tire that is no longer used for the purpose
6 for which it was originally intended. The term includes a tire
7 that has been discarded by an owner or user, AND IS NOT RESOLD <--
8 FOR USE OR RECYCLED, though the tire may have some remaining
9 useful life. A tire becomes a waste tire when it is discarded by
10 an owner or user AND IS NOT RESOLD FOR USE OR RECYCLED. <--

11 "WASTE TIRE RECYCLING FACILITY." AS DEFINED IN SECTION 104 <--
12 OF THE ACT OF DECEMBER 19, 1996 (P.L.1478, NO.190), ENTITLED "AN
13 ACT RELATING TO THE RECYCLING AND REUSE OF WASTE TIRES;
14 PROVIDING FOR THE PROPER DISPOSAL OF WASTE TIRES AND THE CLEANUP
15 OF STOCKPILED TIRES; AUTHORIZING INVESTMENT TAX CREDITS FOR
16 UTILIZING WASTE TIRES; PROVIDING REMEDIATION GRANTS FOR THE
17 CLEANUP OF TIRE PILES AND FOR POLLUTION PREVENTION PROGRAMS FOR
18 SMALL BUSINESS AND HOUSEHOLDS; ESTABLISHING THE SMALL BUSINESS
19 AND HOUSEHOLD POLLUTION PREVENTION PROGRAM AND MANAGEMENT
20 STANDARDS FOR SMALL BUSINESS HAZARDOUS WASTE; PROVIDING FOR A
21 HOUSEHOLD HAZARDOUS WASTE PROGRAM AND FOR GRANT PROGRAMS; MAKING
22 APPROPRIATIONS; AND MAKING REPEALS."

23 Section 2. This act shall take effect in 120 days.