

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1797 Session of 2019

INTRODUCED BY KIM, FRANKEL, BRIGGS, ZABEL, SCHLOSSBERG, ULLMAN, KINSEY, BULLOCK, McCARTER, HILL-EVANS, SHUSTERMAN, SCHWEYER, McCLINTON, FREEMAN, NEILSON, MADDEN, CALTAGIRONE, WILLIAMS, GALLOWAY, SCHMITT, ISAACSON, STURLA, ROZZI, FIEDLER, HOHENSTEIN, SANCHEZ, D. MILLER, COMMITTA, DELLOSO, T. DAVIS, SOLOMON AND KRUEGER, SEPTEMBER 12, 2019

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, SEPTEMBER 12, 2019

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," in powers and duties, further
 16 providing for powers and 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 * * *

1 (g) Fees.--

2 (1) A county may impose a recycling and waste management
3 fee on municipal solid waste generated within its borders and
4 disposed of at resource recovery facilities or municipal
5 waste landfills designated in the county's municipal waste
6 management plan as provided for in Chapter 5.

7 (2) The fee:

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

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

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

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

24 (4) If an operator fails to make a timely payment of a
25 fee imposed by a county, the county may require interest and
26 any additional penalty as authorized under section 703. The
27 county or its designee shall collect interest or additional
28 penalties under the requirements of section 703. The interest
29 or additional penalties imposed may not be recoverable by the
30 operator.

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

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

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

10 (iii) Collections for special materials.

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

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

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

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

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

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

27 (8) These provisions may not preclude a county or its
28 designated agent from negotiating other fees to support
29 programs described in paragraph (5).

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