

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 597 Session of 2023

INTRODUCED BY KIM, MADDEN, SIEGEL, KINSEY, SANCHEZ, HILL-EVANS, SAPPEY, D. WILLIAMS, FREEMAN, GALLOWAY, GREEN, BOROWSKI, BOYD AND ISAACSON, MARCH 21, 2023

AS REPORTED FROM COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 19, 2024

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 * * *

24 (g) Fees.--

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

6 (2) The fee:

7 (i) May not initially exceed \$4 per ton. This limit
8 may be increased every five years to account for
9 inflation by taking the average of the five prior years'
10 increases, if any, in the Consumer Price Index for All
11 Urban Consumers (CPI-U) categorized further as
12 Philadelphia All Items as officially reported by the
13 United States Department of Labor, Bureau of Labor
14 Statistics.

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

18 (III) MAY BE IMPOSED IN ADDITION TO ANY OTHER FEE <--
19 PROVIDED FOR UNDER THIS ACT.

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

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

1 operator.

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

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

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

11 (iii) Collections for special materials.

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

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

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

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

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

25 (7) AT THE END OF EACH FISCAL YEAR, THE COUNTY OR ITS <--
26 AGENTS SHALL PROVIDE A REPORT TO THE DEPARTMENT AND THE
27 COUNTY SOLID WASTE AUTHORITY OR COUNTY SOLID WASTE ADVISORY
28 COMMITTEE DETAILING:

29 (I) HOW THE FUNDS WERE ALLOCATED.

30 (II) THE IMPACT OF THE ACTIVITY OR ACTIVITIES THAT

1 THE FUNDS SUPPORTED.

2 ~~(7)~~ (8) A county or its agents may enter into agreements <--
3 with municipalities, councils of governments or other
4 appropriate agencies to provide these services.

5 ~~(8)~~ (9) The provisions of this subsection may not <--
6 preclude a county or its designated agent from negotiating
7 other fees to support programs described in paragraph (5).

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