

No. 2002-175

AN ACT

HB 2190

Amending the act of July 28, 1988 (P.L.556, No.101), entitled "An act providing for planning for the processing and disposal of municipal waste; requiring counties to submit plans for municipal waste management systems within their boundaries; authorizing grants to counties and municipalities for planning, resource recovery and recycling; imposing and collecting fees; establishing certain rights for host municipalities; requiring municipalities to implement recycling programs; requiring Commonwealth agencies to procure recycled materials; imposing duties; granting powers to counties and municipalities; authorizing the Environmental Quality Board to adopt regulations; authorizing the Department of Environmental Resources to implement this act; providing remedies; prescribing penalties; establishing a fund; and making repeals," further defining "municipality"; further providing for the recycling fee sunset provisions, for Recycling Fund and for awarding of grants; providing for the development of a recycling program plan; and making a repeal.

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

Section 1. The definition of "municipality" in section 103 of the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, is amended to read:

Section 103. Definitions.

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

* * *

"Municipality." A county, city, borough, incorporated town, township or home rule municipality. *For the purposes of sections 902 and 904 only, the term shall include a council of governments, consortium or other similar entities established by two or more municipalities under 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation).*

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Section 2. Sections 701(d), 706(d) and 905(c) of the act are amended to read:

Section 701. Recycling fee for municipal waste landfills and resource recovery facilities.

* * *

(d) Sunset for fee.—No fee shall be imposed under this section on and after [the first day of the 11th year following the effective date of this act] **January 1, 2009**.

Section 706. Recycling Fund.

* * *

(d) Transfer.—On the first day of the [16th] **27th** year after the fee imposed by section 701 becomes effective, all moneys in the Recycling Fund

that are not obligated shall be transferred to the Solid Waste Abatement Fund and expended in the same manner as other moneys in the Solid Waste Abatement Fund. On the first day of the [19th] 30th year after the fee imposed by section 701 becomes effective, all moneys in the Recycling Fund that are not expended shall be transferred to the Solid Waste Abatement Fund and expended in the same manner as other moneys in the Solid Waste Abatement Fund.

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Section 905. General limitations.

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(c) Other limitations on grants.—The department may not award any grant under this chapter to any county or municipality that has failed to comply with the conditions set forth in previously awarded grants under this chapter, the requirements of this chapter and any regulations promulgated pursuant thereto, *provided that the department shall not prohibit the award of any grant to a county or municipality that has adopted an ordinance allowing the limited burning of yard waste.*

* * *

Section 3. The act is amended by adding a section to read:

Section 1513. Development of recycling program plan.

The department shall develop a plan to assist municipalities in making recycling programs under this act financially self-sufficient and shall submit the proposed plan to the General Assembly within one year from the effective date of this section. The plan shall:

(1) Include a market development program to be funded by the Recycling Fund.

(2) Specifically address the extent to which municipal recycling programs under this act can be sustained by restructuring the allocation of available recycling grants provided by Chapter 9.

(3) Include recommendations to county recycling coordinators designed to encourage market development.

(4) Identify the specific means, including recommendations for legislative changes, that the department intends to use to assist municipalities in making their recycling programs under this act self-sufficient.

Section 4. The provisions of 27 Pa.C.S. § 6112(a) are repealed.

Section 5. This act shall take effect immediately.

APPROVED—The 9th day of December, A.D. 2002.

MARK S. SCHWEIKER