

No. 2006-140

AN ACT

HB 1902

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 providing for sunset for recycling fee and for performance grants for municipal recycling programs.

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

Section 1. Section 701(d) of the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, amended December 9, 2002 (P.L.1404, No.175), is amended to read:

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

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(d) Sunset for fee.—No fee shall be imposed under this section on and after January 1, **[2009] 2012**.

Section 2. Section 904(a) and (d) of the act are amended and the section is amended by adding a subsection to read:

Section 904. Performance grants for municipal recycling programs.

(a) Authorization.—The department shall award annual performance grants for municipal recycling programs, upon application from a municipality. The application shall be made on a form prepared and furnished by the department. The application shall contain such information as the department deems necessary to carry out the provisions and purposes of this act[.], **including, but not limited to, information pertaining to details of the applicant's recycling and composting programs.**

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(d) Prerequisites.—The department shall not award any grant under this section unless **[the application is complete and accurate, and the materials were actually marketed. The department shall not award any grant under this section for the operation of a leaf waste composting facility.] it is demonstrated to the department's satisfaction that:**

- (1) The application is complete and accurate.**
- (2) The materials were actually marketed.**

(3) The materials have not been produced by a leaf or other organics composting facility.

(4) Mandated curbside municipalities and other municipalities, except for counties, receiving more than \$10,000 in funding under this section have met the following performance requirements:

(i) Requires, through ordinance, that all residents have waste and recycling service.

(ii) Has an implemented residential recycling program and facilitates a commercial recycling program or participates in a similar county or multimunicipal program.

(iii) Has a residential and business recycling education program.

(iv) Has a program of enforcement that periodically monitors participation, receives complaints and issues warnings for required participants and provides fines, penalties, or both, in its recycling ordinance.

(v) Has provisions, participates in a county or multimunicipal program or facilitates a private sector program for the recycling of special materials.

(vi) Sponsors a program, facilitates a program or supports an organization to address illegal dumping and/or littering problems.

(vii) Has a person or entity designated as recycling coordinator who is responsible for recycling data collection and reporting recycling program performance in the municipality or municipalities.

(5) If the requirements of paragraph (4) are not satisfied by the municipality, then the grant funds awarded under this section shall be expended by the municipality only to satisfy the requirements of paragraph (4).

(6) If the requirements of paragraph (4) are satisfied by the municipality, then the grant funds awarded under this section may be expended by the municipality on any expense as determined in the discretion of the municipality.

(e) Compliance.—The department may require budget documents or other expenditure records and may deny funding through this section if an applicant cannot demonstrate that funds have been expended on eligible activities.

Section 3. This act shall take effect in 60 days.

APPROVED—The 9th day of November, A.D. 2006.

EDWARD G. RENDELL