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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 597 Session of  
2023

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

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REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
MARCH 21, 2023

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

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

30       (5) Funds generated by a fee under this subsection shall

1 be deposited in a dedicated account or fund to be used  
2 exclusively for recycling and waste management activities,  
3 services, staff or plan implementation. The activities may  
4 include:

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

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

9 (iii) Collections for special materials.

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

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

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

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

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

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

26 (8) The provisions of this subsection may not preclude a  
27 county or its designated agent from negotiating other fees to  
28 support programs described in paragraph (5).

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