

No. 1994-155

AN ACT

SB 560

Providing for household hazardous waste collection programs; further providing for the Recycling Fund; making a fund transfer; providing for a grant program; and making an appropriation.

The General Assembly finds as follows:

(1) Household hazardous wastes in the municipal waste stream present real and significant dangers to the public health and the environment.

(2) These dangers can be greatly reduced by removing these household hazardous wastes from the waste stream before disposal and managing them separately.

(3) Manufacturers of products that contribute to or later become household hazardous waste should help fund efforts to remove these wastes from the municipal waste stream for proper management.

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

Section 1. Short title.

This act shall be known and may be cited as the Household Hazardous Waste Funding Act.

Section 2. 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:

“Department.” The Department of Environmental Resources of the Commonwealth and its authorized representatives.

“Municipal Waste Planning, Recycling and Waste Reduction Act.” The act of July 28, 1988 (P.L.556, No.101).

“Municipality.” A county, city, borough, incorporated town, township or home rule municipality.

“Person.” Any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, Federal Government or agency, State institution or agency, including, but not limited to, the Department of General Services and the State Public School Building Authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. In any provisions of this act prescribing a fine, imprisonment or penalty or any combination of the foregoing, the term shall include the officers and directors of any corporation or other legal entity having officers and directors.

“Solid Waste Management Act.” The act of July 7, 1980 (P.L.380, No.97).

Section 3. Household hazardous waste collection programs.

(a) General rule.—Private individuals, municipalities, businesses or corporations are authorized to operate household hazardous waste collection programs in accordance with this act.

(b) Registration and department approval.—No person shall establish a program for the collection and management of household hazardous wastes until the program has been registered with and approved by the department. Every approved program shall also maintain and submit records to the department as required under the guidelines or regulations promulgated under section 1512(d) of the Municipal Waste Planning, Recycling and Waste Reduction Act.

(c) Qualifications.—No person may be selected to operate a collection program or site unless the person can demonstrate to the satisfaction of the department his ability to collect, package, transport and dispose of hazardous waste collected under this program, consistent with the requirements of Articles IV, V and VI of the Solid Waste Management Act and regulations promulgated thereunder and guidelines or regulations under this act.

(d) Ineligibility.—A person shall not be eligible to operate a collection program or collection site if the department finds that the person has shown a lack of ability or a lack of intent to comply with the Solid Waste Management Act or other environmental laws of this Commonwealth, other states or the United States.

(e) Requirements of Solid Waste Management Act.—In addition to the requirements of this act, the person operating a collection program shall be deemed to be a generator of hazardous waste under the Solid Waste Management Act and subject to the requirements and penalties provided in Articles IV, V and VI of that act.

(f) Other requirements.—Persons operating household hazardous waste collection programs shall be subject to all the same requirements as municipalities under section 1512 of the Municipal Waste Planning, Recycling and Waste Reduction Act and all regulations and guidelines promulgated thereunder, except that persons other than municipalities shall not be eligible for grants under section 1512(b) of the Municipal Waste Planning, Recycling and Waste Reduction Act or this act.

Section 4. Transfer of funds.

(a) General rule.—The sum of \$3,000,000 is hereby transferred from the Solid Waste - Resource Recovery Development Fund created by section 9 of the act of July 20, 1974 (P.L.572, No.198), known as the Pennsylvania Solid Waste - Resource Recovery Development Act, to the Recycling Fund created by section 706 of the Municipal Waste Planning, Recycling and Waste Reduction Act for the purposes of implementing this act.

(b) Account in Recycling Fund.—There is hereby created a restricted revenue account in the Recycling Fund into which these funds and any other

funds appropriated by the General Assembly for these purposes shall be deposited, and the funds are hereby appropriated to the department on a continuing basis to be expended for the purposes authorized in section 5.

Section 5. Use of funds.

(a) **Grant eligibility.**—The funds transferred under section 4 may be used only for grants by the department to municipalities that are registered and approved for the establishment and operation of household hazardous waste collection programs under the Right-Way-to-Throw-Away Program in section 1512 of the Municipal Waste Planning, Recycling and Waste Reduction Act. No more than 3% of these funds may be expended by the department for the administration of these programs. The department is authorized to reimburse municipalities for costs incurred after the effective date of this act for the operation of household hazardous waste collection programs.

(b) **Matching requirement.**—The funds transferred under section 4 may be expended by the department only to the extent that it has been matched, at least dollar for dollar in value, by the grant applicant. Municipalities are hereby authorized to receive all or part of the required matching funds from persons who manufacture products that contribute to or become household hazardous wastes.

(c) **Other limitations.**—

(1) No more than \$100,000 per fiscal year may be expended by the department for programs in any one county.

(2) Grants under this section shall be subject to the grant limitations set forth in section 905 of the Municipal Waste Planning, Recycling and Waste Reduction Act.

Section 6. Effective date.

This act shall take effect in 60 days.

APPROVED—The 27th day of December, A.D. 1994.

ROBERT P. CASEY