

August 14, 2008



Mr. Ronald J. Heintzelman
Recycling Coordinator
North Whitehall Township
3256 Levans Road
Coplay, PA 18037

Subject: SWANA Technical Assistance Project – Final Report

Dear Mr. Heintzelman:

This letter report summarizes the research R. W. Beck has conducted on behalf of the Township regarding mandatory trash collection and hauler registration. This project has been completed as part of the Recycling Technical Assistance program sponsored by the Pennsylvania Department of Environmental Protection (DEP) and the Solid Waste Association of North America (SWANA).

The report is divided into the following sections, which correspond with the Scope of Work:

- Executive Summary;
- Mandatory Trash Collection;
- Hauler Registration; and
- Findings and Recommendations.

Executive Summary

Many communities in Pennsylvania have enacted mandatory trash collection ordinances. While it is not necessary for a municipality to have a single contracted hauler or municipal collection service to ensure that trash collection is mandatory, it clearly simplifies the monitoring of the ordinance.

R. W. Beck identified the ordinances of several communities with mandatory collection, and provided examples of appropriate terms from these identified ordinances. Because the Town of Bloomsburg and Berwick Borough have subscription service, the Township might consider the nuances of their ordinances (which are very similar to each other) when developing the Township's ordinance language. The Township should ensure that the wording of the ordinance effectively prohibits the following activities:

- Littering;
- Scavenging;
- Theft of service; and
- Accumulation of garbage on a property to the point that it becomes a public nuisance or health hazard.

Mr. Ronald Heintzelman
North Whitehall Township
August 14, 2008
Page 2 of 35

Other specific considerations the Township should make when developing their mandatory trash collection ordinance language and code enforcement efforts are also identified in the report.

R. W. Beck also identified several counties and municipalities that have hauler registration programs in place, and provided pertinent details regarding their programs. R. W. Beck also identified specific issues that the Township should consider if they decide to implement a hauler registration/permit program, which are described in the report.

It is important for the Township to understand that writing and passing an ordinance are only part of ensuring compliance – education and enforcement are also critical. Therefore, the Township needs to ensure that they would be willing to dedicate resources to enforcing the ordinances if they were developed and passed. The Township should also consider whether strengthening their solid waste ordinance could potentially achieve their desired outcomes. R. W. Beck provides the information in this report based on solid waste experience and research, and not from the point of view of legal professionals. Therefore, R. W. Beck recommends that any ordinance language being considered by the Township be reviewed by the Township's solicitor.

Introduction

North Whitehall Township, in Lehigh County, is interested in potentially applying for Act 101, Section 902 and/or Section 904 grants. DEP's application information for Section 902 grants indicates that "Projects involving municipalities lacking a mandatory trash collection program or projects seeking support for a residential recycling program where a corresponding commercial recycling program does not exist will not be considered for funding." Similarly, Act 140 requires mandated and non-mandated municipalities (excluding counties) applying for Section 904 grants of greater than \$10,000 to have mandatory trash collection ordinances in place. Therefore, North Whitehall Township would like to obtain sample ordinance language and identify key provisions in various ordinances implemented by other municipalities in Pennsylvania which require residents to have trash collection.

Also, North Whitehall Township would like to know what other municipalities are doing to permit or register haulers, particularly since the passage of Act 90, as they believe that permitting or licensing the haulers will help them obtain recycling data, and will also help them gain a better understanding of which haulers are operating in their Township.

Mandatory Trash Collection

Introduction

Mandatory trash collection is sometimes instituted in communities where the municipality does not have organized trash collection – either in the form of a contracted hauler, franchise agreement, or municipal trash collection. It can also be instituted in

communities where trash collection is organized, in order to ensure that all residents participate. In communities where trash collection is paid for through the tax base, mandatory participation in the trash collection program is more straightforward (and less contested) as all property owners (or all residential property owners) are paying for the program and consequently have a strong incentive to participate in it. In some instances residents can petition for a waiver, for example if they can prove that the property is unoccupied. Mandatory trash collection means that residents must contract with a hauler, for a fee, to provide trash collection services or, alternatively, must participate in the municipally provided service. The main reason communities mandate trash collection is to ensure that trash is being managed responsibly -- not managed through illegal dumping or open burning. Another motive is to discourage residents from "piggybacking" on their neighbors, employees, or relatives' trash collection services (which is typically referred to as "theft of service"). Those against mandatory trash collection often argue that they do not generate any trash, or generate such a small amount that they could not obtain cost-effective collection service.

Communities with Mandatory Trash Collection

Several communities in Pennsylvania have implemented mandatory trash collection.

Examples of such communities include:

- Mechanicsburg Borough,
- Town of Bloomsburg,
- Berwick Borough,
- Warwick Township,
- Spring Township,
- City of Reading, and
- City of Lancaster.

Details regarding these ordinances are provided below.

Mechanicsburg Borough

Mechanicsburg Borough, located in Cumberland County, has a contract with PennWaste, Inc. to provide trash and recyclables collection to the residents of the Borough. They have had a contracted hauler for several years (Waste Management was the Borough's previous hauler), and previously had municipal collection. The Borough administers billing for residential and small business establishments served by the contract. The Borough has an ordinance that stipulates that all residents must participate in the contracted hauler program. The ordinance is located at the following internet site:

<http://www.mechanicsburgborough.org/codifiedordinance/pdf/files/2388-020.pdf>. The most pertinent sections include:

Section 20-108 (Required Use of Contractor Services) reads:

1. The Borough Council, after public advertisement of competitive bids, shall designate one person as the contractor. The contractor shall have the exclusive

- right and obligation to collect and haul all solid waste and recyclable materials from all residential establishments in the Borough. Commercial, institutional, and municipal establishments may contract with collectors other than the contract.
2. All residential establishments shall participate individually in the contract with the contractor as provided in Paragraph 1 of this Section.
 3. It shall be unlawful for any owner or occupant of a residential establishment to dispose of residential solid waste and recyclable materials except by the methods prescribed by this part.

Further, a later Section of Mechanicsburg's ordinance (Section 20-113, Dumping or Transporting into Borough) states that:

No person shall dump, deposit or otherwise dispose of solid waste, recyclables, garbage, ashes, rubbish, or refuse of any kind or nature within the jurisdictional limits of the Borough. No person shall transport or bring any garbage, rubbish, trash, refuse, other solid waste or recyclables into the Borough for the purpose of disposal and/or collection.

The Town of Bloomsburg

In the Town of Bloomsburg, located in Columbia County, residents hire their own trash haulers (e.g., trash collection is by individual subscription). The Town of Bloomsburg has a mandatory trash collection ordinance in place (It can be found at <http://www.e-codes.generalcode.com>).

The Town of Bloomsburg's ordinance allows for the possibility of residents to haul their own waste to a disposal site. However, it provides language that is aimed to ensure that trash is removed on a regular basis, so as not to become a nuisance. The Town's Solid Waste Ordinance, Chapter 20, Section 20-105, stipulates that:

1. All owners of property within the Town of Bloomsburg shall provide for the regular preparation, collection and removal of all municipal waste generated at such properties in one of the approved manners set forth herein.
2. If a person or establishment (being so authorized by the terms hereof) collects and removes their own municipal waste, they shall do so at intervals short enough to prevent accumulations of refuse or garbage that may be unsafe, unsightly or potentially harmful to the public health. Any municipal waste so removed shall be disposed of only in the manner required by S. 20-122, below.
3. Every owner or occupant of residential property an every other person who, or establishment which, does not collect and remove their own municipal waste, as aforesaid, shall contract with a Private Hauler for the regular, scheduled collection and removal of the municipal waste at least once each week, except where conditions beyond the control of the Private Hauler prevent it.

4. No person other than a Private Hauler shall collect or remove municipal waste from any other person's property. All agreements for collection, transportation and disposition of municipal waste shall be by private contract between the owner or occupant of the property where the waste is generated and the Private Hauler who is to collect such waste.
5. Private Haulers shall collect municipal waste and recyclables from properties within the Town limits only between the hours of 5 a.m. and 5 p.m. on any given day.
6. Nothing herein shall limit the right of the Town to implement public collection of municipal waste or residential recyclables either by entering into contracts or by engaging in any collection practice permitted by law.
7. Nothing in this Section shall modify the requirements in this Chapter pertaining to separation and disposal of recyclables. Nothing in this Section shall impair the ability of the Town to provide a system of placement for removal and public collection of leaf waste, or for Town residents to utilize such system of public collection of leaf waste, anything herein contained to the contrary notwithstanding.

An earlier part of the Chapter, Section 20-103 (Dumping/Litter) states that:

“Nothing contained herein shall be deemed to prohibit any person from hauling municipal waste on an irregular and unscheduled basis to any facility permitted by the Commonwealth of Pennsylvania, Department of Environmental Protection and listed as a designated facility in the Columbia County Solid Waste Plan, provided that such hauling shall be in addition to, and not in place of, the regular removal of municipal waste as required in Section 20-105, below.

Further, Section 20-109 (Property owners to furnish name and address of collector) contains the following stipulations:

1. All owners of residential property within the Town of Bloomsburg shall furnish to the Town, on a form to be provided therefore, the name and address of the private hauler servicing the property in question.
2. The landlord of every multifamily housing property shall furnish such information as is required of other residential properties, plus all other information which is requested by the Town on a form to be provided therefore, in the manner required by Section 20-115, below.
3. Every commercial, municipal and institutional establishment and community activity shall furnish information to the Town in the manner required by Section 20-116, below.

While the Town retains the right to have all residents report their hauler to the Town on a regular basis, the Town actually relies heavily on enforcement officers to identify issues with improper trash collection. The Town of Bloomsburg has many college residents living off campus who tend to forget to hire a hauler, or do not contact their hauler on a

Mr. Ronald Heintzelman
North Whitehall Township
August 14, 2008
Page 6 of 35

timely basis to re-start service at the start of a new semester. The enforcement officers educate the students and other residents about the need to hire haulers, and the Town has not needed all residents to report who their hauler is since the ordinance was adopted. Before Act 90 was passed the Town licensed haulers, and as part of the licensing program, haulers provided the Town with customer lists. However, after Act 90 was passed, they left licensing to the County. The Town does, however, permit dumpsters through their police department.

Berwick Borough

Berwick Borough, located in Columbia County, is a community in which residents hire their own haulers (subscription service). The Borough adopted a solid waste management ordinance (Ordinance 2006-02), Section 5 of which is entitled "Required Collection and Hours of Collection." The ordinance language is almost identical to that of the Town of Bloomsburg's solid waste and recycling ordinance, above, with the exception that the hours of collection in Berwick Borough are 5:00 a.m. to 7:00 p.m. The Borough's ordinance is not available online.

Warwick Township

Warwick Township, located in Lancaster County, has five permitted haulers that serve the Township, therefore residents are free to select and hire their own hauler. Haulers must provide recycling services as well as collection of refuse. The Township's Solid Waste Ordinance, Chapter 260, includes Section 260-18 (Collection and disposal of waste and recyclables) is available at the following web site:

<http://www.warwick-bucks.org/about/about1.htm>

It states that:

"Each Person who owns or occupies a Residential Unit, Multifamily Unit or Nonresidential Unit within the Township shall ensure that Regulated Municipal Waste and Designated Recyclable Materials generated at such Residential Unit, Multifamily Unit or Nonresidential Unit are collected and disposed of in accordance with this article, the Township's Policies and Procedures, and the LCSWMA Rules and Regulations.

Section 260-19 (Responsibilities of owners and occupants of residential units) states that "Each Person who owns or occupies a Residential Unit shall provide proper collection and disposal of Regulated municipal Waste and Designated Recyclable Materials generated at such Residential Units by either themselves delivering such materials to a Facility or utilizing a Permitted Collector to collect and deliver such materials to a Facility.

Section 260-20 (Responsibilities of owners and occupants of nonresidential and multifamily units) stipulates that:

Each person who owns or occupies a Nonresidential Unit or Multifamily Unit shall provide proper collection and disposal of Regulated Municipal Waste and Designated

Recyclable Materials by either themselves delivering such materials to a Facility or utilizing a Permitted Collector to collect and deliver such materials to a Facility. Each Person who owns a Multifamily Unit or Nonresidential Unit shall:

- 1) Provide Recycling Containers at easily accessible locations for Source Separation of Designated Recyclable Materials;
- 2) Provide written instructions to all Persons occupying each Multifamily Unit and Nonresidential Unit to ensure that all Designated Recyclable Materials are Source Separated; and
- 3) Provide collection and delivery to a Facility of Source Separated Designated Recyclable Materials at a frequency of not less than once per month.

Reporting requirements are covered in Section 260-22 (On-Site Collection), which stipulates, in part, that:

“Each Permitted Collector shall complete monthly LCSWMA manifests, as required, reporting the amount of Regulated municipal waste and Designated Recyclable Materials collected in the Township. Each Permitted Collector shall submit copies of LCSWMA manifests to the Township, upon request.”

Spring Township

Spring Township, in Centre County, has mandatory trash collection ordinance. Chapter 20 (Solid Waste), Section C (Service Fees and Billing) Subsection 121 (Duties of Property Owners and Occupants) states that:

“It shall be the duty and responsibility of every owner of property and every person occupying a dwelling unit, premises or place of business within the Township where municipal solid waste is produced and is accumulated, to pay a service fee for the collection and disposal of this waste, except as otherwise provided by this Part, to a licensed hauler. A licensed hauler may discontinue service for nonpayment of service fees by a resident, commercial, industrial or institutional establishment. To discontinue residential service, the customer shall be in arrears a minimum of 90 days and shall have received during this period a minimum of two written notices from the licensed hauler regarding the amount due and procedures for payment. To discontinue commercial service, the customer shall be in arrears a minimum of 45 days and shall have received during this period a minimum of two written notices for payment. The second notice shall be sent by certified mail. At the time of the discontinuance of service, the customer shall be considered in violation of this Part. Discontinuance of service due to nonpayment of service fees shall not relieve the resident or establishment from abiding by all of the requirements of this Part. The Township, or licensed hauler, may impose an administrative fee to reinstate customers whose service is disconnected. The hauler is to advise the Township of the said delinquent parties and advise all other haulers of the Township, and the hauler will implement legal action for said cost of services. Expenses and fines are listed in Act 101.”

Mr. Ronald Heintzelman
North Whitehall Township
August 14, 2008
Page 8 of 35

City of Reading

The City of Reading, located in Berks County, has a contracted hauler that collects trash and recyclables for residents living in dwelling units with four units or less. The program, however, is optional, and currently about 50 percent of property owners/managers have joined the City program since its inception in early 2008. Participation in the curbside recycling program is mandatory, however, as Reading is an Act 101-mandated City, and not all of the trash haulers serving the City provide recycling services. The City of Reading's Solid Waste Ordinance, Chapter 20, is available at the following web site:

<http://www.readingpa.gov/documents/Chapter%2020%20Solid%20Waste.pdf>.

Part 1, Section C, Subsection 2 of Chapter 20 states that:

“It shall be the sole responsibility of the owner/operator of all commercial industrial, institutional and residential properties not listed in subsection .1 above to contract with a licensed hauler, at their own expense, for the storage, collection and disposal of all municipal waste from their properties. Such storage, collection and disposal shall be carried out in such a manner as to avoid the creation of a public nuisance. Rear alley collection shall be required where possible, unless being serviced under existing contract. Only a licensed hauler shall collect, transport or dispose of municipal waste from within the City of Reading.”

A representative of the City indicates that the City has been working to develop a database of trash hauler information from existing sources, including the housing permit program application (required of all rental properties, and which provides information about the trash hauler), and customer lists that the contracted hauler and some of the other haulers provide. Residences not accounted for receive a post card on which they must indicate who their hauler is. If residents do not respond to the post card, or indicate with an unacceptable response (e.g., that they self-haul or deliver the waste to their place of business, etc.) the City will send them a certified letter indicating that in 30 days, unless they make other arrangements, they will be on the City's trash collection program. In Reading, the City bills for trash collection on a quarterly basis, and for recycling on an annual basis.

A City representative indicates that not having a mandatory single-hauler program (which did not pass by voter referendum) complicates the process, necessitating much more paperwork than a single-hauler program would.

City of Lancaster

The City of Lancaster, in Lancaster County, organized residential trash and recyclables collection, awarding a bid to a single hauler for collection of waste and recycling from residences with four units or less, in October 2006. The City allowed residents to honor existing contracts with other haulers, some of which are for five to ten years in length.

The City has many rental units, some of which have historically not managed their trash properly, particularly during times of turnover, often leaving piles of garbage in basements, etc., upon their departure. Therefore, the City has made an effort to ensure that all residents have arrangements for proper waste management. The City's solid waste ordinance, Chapter 258 is available at the following web site:

<http://www.e-codes.generalcode.com>.

Section 35 of Chapter 258 (On-Site Collection and Disposal) states that:

“Each Person who owns or occupies a Residential Unit, Multifamily Unit or Nonresidential Unit within the Municipality shall ensure that Regulated Municipal Waste and Designated Recyclable Material generate at such Residential Unit, Multifamily Unit or Nonresidential Unit are collected and disposed of in accordance with this article, the Municipality's Policies and Procedures, and LCSWMA Rules and Regulations.”

Further, Section 258-36 (Residential Units) states that:

“Collection services for municipal Contract Waste, and for Designated Contract Recyclable Materials, shall be provided to Residential units by the Contractor at a frequency of not less than once per week. Each person who owns or occupies a Residential Unit shall prepare Designated Contract Recyclable Materials and Municipal Contract Waste for collection in accordance with the Municipality's Policies and Procedures. With respect to Regulated Municipal Waste, which is not Municipal Contract Waste, and Designated Contract Recyclable Materials, persons who own or occupy Residential Units shall elect to provide proper on-site collection and disposal by either: a) themselves delivering such materials to a Facility; or b) utilizing a permitted Collector to collect and deliver such materials to a Facility.

Section 258-37 (Multifamily Units and Nonresidential Units) provides for the same provisions above, for multifamily and nonresidential units, as well as indicating that those who own a Multifamily Unit or Nonresidential Unit that does not receive services under the Municipal Contract shall:

- 1) Provide Recycling Containers at easily accessible locations for Source Separation of Designated Recyclable Materials;
- 2) Provide written instructions to all Persons occupying each Multifamily Unit and Nonresidential Unit to ensure that all designated Recyclable Materials are Source Separated; and
- 3) Provide collection and delivery of Source-Separated Designated Recyclable Materials at a frequency of not less than once per month.

Section 258-45 (Existing contracts) provides the language allowing residents to continue to do business with their contracted hauler until the contract runs out. It states:

- A. Nothing in this article shall be construed to impair the obligations of any Existing Contract.
- B. No renewal or modification of any Existing Contract, and no new contract for the storage, on-site collection, processing or disposal of Regulated Municipal Waste of Designated Recyclable Materials, shall be entered into after the effective date of this article unless such renewal or modification or new contract shall conform to the requirements of this article and the Municipality's Policies and Procedures.
- C. No contract which is entered into, renewed, extended, modified or assigned after the effective date of this Section 258-45 shall provide for on-site collection services to be performed after the Commencement Date for Contract Waste of Designated Recyclable Materials generated at Residential Units. This provision shall not apply to the Contract between the Municipality and the Contractor. With respect to any contract which violates this Section 258-45C, such contract shall be deemed void and the hauler that is a party to such contract:
 - 1) Shall reimburse to the applicable Residential Units any funds which have been paid for such on-site collection services and
 - 2) Shall not collect or attempt to collect any funds for such on-site collection services.

Section 258-40 (Approved Haulers) Subsection D re-states the ability of generators to self-haul materials, stating "Notwithstanding the provisions of Section 258-40 A. and B. above, any Person who occupies a Residential Unit may deliver to a Facility the Regulated Municipal Waste and Designated Recyclable Materials which were generated at such Person's residence."

Those violating the solid waste ordinance or the Municipality's Policies and Procedures can be, upon conviction, sentenced to pay a fine of up to \$600 and costs of prosecution, or to undergo imprisonment for not more than 30 days.

Hauler Registration/Licensing Programs

State Program

PA Act 90 was signed into law on June 29, 2002. Per Chapter 62, Waste Transportation Safety, all municipal and residual waste haulers using waste disposal and processing facilities in Pennsylvania must obtain written authorization to use those facilities from the Department of Environmental Protection, unless their vehicles weigh less than the threshold of 17,000 pounds (gross vehicle weight, or GVW) for motor carrier vehicles or

less than 10,000 pounds GVW for trailers. Motor carrier vehicles that are not regularly used to transport municipal or residual waste are exempt – therefore dedicated recycling vehicles are exempt from Act 90. Vehicles without a valid Waste Hauler Authorization sticker may not use Pennsylvania waste disposal and processing facilities. Accepting waste at processing or disposal facilities in Pennsylvania from an unauthorized waste hauler is a violation of Act 90, which is punishable of a \$2,000 fine. A transporter who violates the provisions, if convicted, face fines of \$5,000 to \$10,000 for the first offense, and \$10,000 to \$25,000 for subsequent offenses. The court may also order the operating privilege of the transporter to be suspended for a period of up to one year.

The Waste Transportation Safety Program was established to protect the public health, safety, and welfare as well as the environment. The Act provides the Department of Environmental Protection with the authority to prohibit a waste processing or disposal facility from accepting municipal or residual waste from a waste transportation vehicle without a proper sticker issued by the Department. To apply for authorization, applicants must complete a form prescribed by the Department, and pay a fee of \$100 per truck or in the case of a combination vehicle, \$50 per truck tractor and \$50 per waste trailer. The applicant must also submit a copy of the official base State registration, evidence of the current official certificate of inspection, and a current certificate of insurance. All fees, fines and penalties collected under the provisions of Chapter 62 are to be placed in a restricted account known as the Waste Transportation Safety Account. Funds are used to administer and enforce the Waste Transportation Safety Program, including the inspection of waste transportation vehicles and reimbursing the Pennsylvania State Police and the Department of Transportation for their costs in administering and enforcing the Act. Transporters who violate the provisions of Chapter 62 can be fined \$5,000 to \$10,000, and the court may order the operating privilege of the transporter to be suspended for a period of up to a year. Transporters can also potentially face civil penalties of up to \$10,000.

When Act 90 was passed, the legality of county and local jurisdictions licensing haulers was questioned. Several municipalities ceased their licensing/permitting programs, deferring to the County programs. Many counties and some municipalities continued some sort of registration or permitting program, but ceased charging the haulers a fee. Only one program in PA (Centre County COG) is known to be charging a licensing fee to haulers that are covered under Act 90.

The benefit of registering haulers at a local level is that it gives municipalities a stronger enforcement tool in the instance that haulers do not operate per their local ordinance. Many municipalities and counties interviewed for this report indicate that, while the state conducts programs to ensure that haulers are obeying state laws, they realize that state enforcement officers can not be in all places at all times. Local governments, therefore, believe that they need the authority to ensure that haulers are following state and local laws. Further, as with many other types of businesses, local governments want information about haulers serving their community, to minimize risk and ensure public safety and health. In addition, several counties and municipalities indicate that they need tools to ensure that haulers provide them with proper recycling data, to be in compliance

with Act 101. Some communities, however, such as Berwick Borough, who ceased licensing haulers when Act 90 was implemented, primarily rely on the major businesses in the Borough to supply recycling data. The Borough indicates that many large businesses conduct recycling activities through means other than haulers (such as having brokers collect baled cardboard directly, or backhauling cardboard to a distribution center for processing and marketing), so it is necessary to contact the businesses, not just the haulers, for recycling data.

Local Registration/Permitting Programs

Though some counties and municipalities call their programs “licensing” programs, because they do not charge a fee, they are also often referred to as “registration” or “permitting” programs. R. W. Beck identified communities that were found to have such programs in place, and examined their ordinances, registration forms, and other available documentation to understand the provisions of their registration program. The communities identified and selected for inclusion in this report include:

- Monroe County;
- Cumberland County;
- Columbia County;
- Milford Township;
- Warwick Township; and
- The City of Lancaster.

Monroe County

Monroe County established a hauler licensing program for trash haulers well before Act 90 was implemented. When Act 90 was implemented, however, they ceased collecting a licensing fee from vehicles over 10,000 pounds (as the state was collecting that fee), however haulers were still required to obtain a license from the County. The County continues to obtain an annual fee for haulers with vehicles under 10,000 pounds.

Recently the County also implemented a program to register roll-off containers, as there is a significant amount of construction and rehabilitation taking place in the County, and the Solid Waste Authority felt that they needed a better understanding of the amount of waste being generated. The main provisions of the County’s hauler licensing program apply to any person collecting or transporting a total of one ton or more of regulated waste in any consecutive seven-day period, and include:

- Vehicles and containers must have lettering no less than six inches in height on the side indicating:
 - The name of the licensee;
 - The telephone number of licensee’s business;
 - Type of waste being transported therein (if the vehicles and containers are designed specifically for the transport of waste)

- Vehicles must be in compliance with all state, federal, county, and municipal laws, including
 - PA Waste Management Act of July 7, 1980, as amended (P.L. 380, No. 97, PA Stat. Title 35, Section 50L 8.101)
 - The Municipal Waste Planning, Recycling, and Waste Reduction Act of July 28, 1988 (P.L. 556, No. 101)
 - Regulations for the Collection and Transportation of Waste (Title 25, PA Code, Chapter 285, Subchapter B)
 - The Waste Transportation Safety Act (Act 90) of June 29, 2002; and
 - Any federal, state, county, and/or municipal laws, ordinances, or regulations governing storage, collection, and/or transportation of municipal waste that may apply.
- Vehicles must be operated and maintained so as to prevent the creation of a nuisance or hazard to public health, safety, and welfare.
- Vehicles and containers must be secured and enclosed to prevent litter and leakage.
- Dumpsters and roll-off containers must be emptied when they become full to avoid a public nuisance.
- The following documentation must be obtained/maintained:
 - Automobile liability insurance as required by PA law;
 - Commercial liability insurance in the amount of at least \$100,000;
 - Workers' compensation insurance as required by PA law;
 - A valid certificate of insurance; and
 - A valid motor vehicle operator's license.
- Must transport regulated waste collected in Monroe County to a Monroe County contracted disposal facility, and pay all costs and fees charged for this disposal in a timely fashion.

Upon application for the license, the licensee must present the following:

- A completed regulated waste hauling application;
- The required fee; and
- A certificate of insurance.

All licenses for regulated waste collection/transport licenses (other than septage haulers) are valid from January 1 through December 31. Licensees must affix the license stickers prominently on the left front door of the vehicle's tractor body. Stickers are non-transferable.

Licensees are responsible for notification/reporting the following to the Authority:

- If the licensee changes its name.
- Changes in the number, size, identity, and/or condition of any vehicle, container, and/or equipment covered by the license;
- Maintain current records of waste collection and disposal and retain records for at least five years. Records are subject to inspection by the Authority, and the Authority may request the licensee to complete a report on a form submitted by the Authority.

Violations of any licensing provision can result in a civil penalty of up to \$1,000.00 for each offense, with each violation for each separate day.

Licenses can be revoked, suspended, or denied for the following causes:

- The licensee has previously had a waste hauler's license revoked or suspended, in Monroe County or elsewhere;
- The licensee has been convicted of violating or is violating any municipal ordinance, Monroe County ordinance, or any of the applicable state laws, including any DEP regulations protecting the environment and solid waste;
- The applicant has any unsatisfied final judgments filed or entered against him resulting from claims or lawsuits filed against him by an individual or an entity arising out of business as a hauler.

Fees for the licenses are \$25 per vehicle per year (for vehicles under 17,000 pounds) and \$10 per container per year, or \$25 per container for five years. More information about Monroe County's hauler licensing program is available at the following web site:

<http://www.reachrecycling.org/monroe-county-municipal-waste-management-licensing.php>.

Cumberland County

Cumberland County requires waste haulers collecting waste in the County to register with the County on a calendar year basis (January 1 through December 31). Haulers register as either a commercial, residential, sludge, septage, C&D or I/C waste hauler. As part of the application process, the hauler must provide:

- Vehicle identification for each self-contained vehicle, as well as each transportable container (e.g., roll-off or trailer, etc.) including year/make and model, vehicle license number, vehicle body type, gal/cy and GVWR, and material type collected;
- Certificate of insurance (Auto and Workers Comp, as applicable);
- Additional transportable container information (container or trailer #, container type, material collected, gal/cubic yards and gross vehicle weight);
- Business contact information and other pertinent information;
- PA Waste Transportation Safety Act License Number (with a copy of the state certificate);

- Whether the company has ever been convicted of civil or criminal offenses concerning solid waste transporting, processing or disposal in Cumberland County;
- Information pertaining to all valid contracts with municipalities and companies generating MSW in Cumberland County;
- Annual average weight of MSW collected in Cumberland County (by residential and C/I);
- Locations where MSW collected in the County is currently disposed; and
- Whether the hauler collects recyclables in Cumberland County, and the types of entities served (residential/commercial).

Cumberland County is still in the process of updating their regulations. A County representative indicates that reporting requirements will be part of the registration requirements, and that roll-off containers will also be included. The application for haulers can be found at the following web site is provided as an example of such a form in Appendix A of this report.

Columbia County

Columbia County had a hauler licensing program in place when Act 90 was passed. Initially the County was told that counties with licensing programs in place before Act 90 were passed could continue to have licensing program, but the courts were indicating that both counties and the state could not license haulers (due to double jeopardy). Therefore the County transitioned their licensing program into a registration program. A representative of the County suggests that one manner for municipalities to gain an understanding and level of comfort with who is collecting garbage and recyclables within their boundaries is to make it mandatory, by ordinance, for haulers to take part in a countywide registration program.

In Columbia County waste haulers, septage haulers, and recyclable haulers must all register on an annual basis. In addition, transportable containers, including roll-off containers, trailers, and removable tanks (for septic sludge) must be registered. There are no fees charged.

Milford Township

Milford Township, located in Bucks County, has a hauler licensing program, however there is no fee charged to haulers, and minimal paper work involved, according to a Township representative. Also, haulers do not receive a sticker for their vehicles, as they do in all other jurisdictions interviewed for this report. Instead, haulers are provided with a full-page certificate.

The Township passed Ordinance No. 149 on August 21, 2007. This ordinance is available at the following web site:

<http://www.milfordtownship.org/pdfs/Ord%20084-Waste%20Haulers.pdf>

Per this ordinance, all collectors or waste haulers operating within the Township of Milford must comply with minimum standards and regulations, including compliance with the applicable requirements of Act 90, Act 07, Act 101, and DEP regulations adopted pursuant to Act 97 and Act 101, including Title 25 PA Code chapter 285, Subchapter B, regulations for the collection and transportation of municipal waste. In addition, all collection vehicles must:

- Be operated and maintained in a manner that will prevent creation of a nuisance or hazard to public health, safety and welfare;
- If conveying putrescible municipal waste, shall be watertight and suitably enclosed to prevent leakage, roadside littering, attraction of vectors and the creation of odors and other nuisances;
- If conveying non-putrescible municipal waste and/or source-separated recyclable materials, shall be capable of being enclosed or covered to prevent litter and other nuisances;
- Bear signs identifying the name and business address of the person or municipality that owns the vehicle and the specific type of material transported by the vehicle. Lettering shall be at least six inches in height, as required by Act 101;
- Be subject to inspection by the Township of Milford or its authorized agents at any reasonable hour without prior notification.

In addition, the Township has vehicle registration requirements, in that:

- All haulers that collect or remove any municipal waste from within the Township of Milford must have written authorization from PA DEP in accordance with the provisions of Act 90 and provide a copy of such written authorization to the Township of Milford;
- All collectors or waste haulers doing business within the Township shall submit a registration form to the Township of Milford which shall include a copy of their state issued written authorization, and a copy of their Municipal and Residual Waste Transporter Authorization Application (DEP form 2500-PM-BWM0015) along with any of the following information that may be deemed appropriate by the municipality:
 - A list of collection vehicles covered under the written authorization including, as a minimum, the following information for each vehicle: identification number, date and location of most recent inspection, and hauling capacity;
 - The type of municipal waste to be collected and transported; and
 - Certificates of insurance evidencing that the waste hauler or collector has valid liability, automobile and workmen's compensation insurance in the minimum amounts established and required by separate resolution of the governing body of the Municipality.

- If they are hauling or collecting source-separated recyclable materials in the municipality, identify the materials being hauled or collected and provide the following information for each vehicle: identification information, date and location of most recent vehicle inspection, and hauling capacity of the vehicle.

The ordinance states that any person who fails to satisfy the minimum standards and requirements of the Ordinance or is in violation of the provisions may not lawfully collect municipal waste or source-separated material in the Township of Milford. The Ordinance also has the following reporting requirements on collectors and waste haulers:

- Haulers and collectors operating in the Township of Milford must participate in the Bucks County Municipal Recycling Documentation program;
- Haulers and Collectors operating in the Township of Milford shall prepare and submit an annual report to the municipality on the official Collectors and Haulers Recyclables Documentation Reporting Form. The Form shall be submitted by January 31 of each year and include all of the required information pertaining to the preceding calendar year.

In turn, the municipality combines all annual reports into a single report, and submits it to the County by February 28 of the year following the reporting period. (A Township representative indicates that a private firm now performs this function for the Township).

The penalties of violating the Ordinance, upon conviction thereof, are a fine of up to \$1,000 plus costs and, in default of payment, to a term of imprisonment not to exceed 30 days. Each day that a violation continues or each Section of the Ordinance found to have been violated constitutes a separate offense.

Warwick Township

Warwick Township, located in Lancaster County, has four haulers that are permitted to collect garbage and recyclables in the Township. The Township's hauler ordinance is provided at the following web site:

<http://www.warwick-bucks.org/about/about1.htm>

One condition for their Township-issued permit is that the hauler be licensed by Lancaster County. Chapter 260, Section 25 indicates that:

All persons who desire to collect on-site, store, process or dispose of Regulated Municipal Waste or Designated Recyclable Materials within the Township shall obtain a Collection Permit from the Township prior to performance of any such activities.

Applicants for a Collection Permit to operate as a Permitted Collector within the Township must demonstrate that:

- A valid license has been issued by LCSWMA to the applicant;
- The applicant's operation is in conformity with the rules and regulations of the DEP, LSWMA, and all Township ordinances and the Township's Policies and Procedures;

- Regulated Municipal Waste and Designated Recyclable Materials are suitably enclosed or covered so as to prevent roadside littering, attraction of vectors, or the creation of other nuisances;
- All disposal of Regulated Municipal Waste other than Designated Recyclable Materials shall be at a Facility;
- All Designated Recyclable Materials shall be recycled and shall not be disposed of as Regulated Municipal Waste.
- Insurance shall be obtained for the applicant's proposed operation in the Township. A certificate of insurance demonstrating limits as follows:
 - Required Vehicle Liability Insurance – the minimum required under State Law;
 - General Liability:
 - Bodily injury, \$250,000 per occurrence; and
 - Property damage, \$250,000 per occurrence.
 - Worker's Compensation – as required by law.
- All equipment to be used has been properly licensed and inspected, and all operators have valid operator's licenses for the class of vehicle operated.

Collection Permits may be suspended or revoked by the Township at any time for just cause. "Just Cause" shall include, but not be limited to, where the Permitted Collector:

- Fails to maintain a valid license issued by LCSWMA;
- Violates any of the provisions of this article or the Township's Policies and Procedures;
- Improperly disposes of Designated Recyclable Materials or Regulated Municipal Waste;
- Scavenges;
- Fails to perform in good faith all the covenants of any agreement entered into with any customers.

The City of Lancaster

The City of Lancaster has a program in place whereby trash haulers must register their collection vehicles with the City. In Lancaster, residents are served by a contracted hauler for both refuse and recycling. Typically garbage haulers use the same vehicle to collect recyclables, or do not provide recycling services.

The provisions of Section VIII (Permitted Collector Application and Issuance of Permits) of the City's Solid Waste Rules and Regulations stipulate that:

- No person other than a Permitted Collector shall collect or transport Regulated Municipal Waste or Designated Recyclable Materials;
- In order for a person to be a Permitted Collector, they must possess all permits and licenses required by the Lancaster County Solid Waste Municipal Authority for the collection, storage or disposal of Solid Waste and Recyclable Materials.

In addition, they must:

- Submit an application on or before December 1 of each year for the next calendar year;
- Submit insurance information set forth on the permit application;
- Submit proof of licensing by the Lancaster County Solid Waste Municipal Authority for the upcoming year;
- Submit a new or updated list of all Residential Units, Multi-Family Units and Non-Residential Units being served. The list must be addressed alphabetically by street name, include a designation (residential, non-residential, or multi-family) and the designated service day. Haulers serving more than 750 units must submit in an electronic format acceptable to the municipality.

The Permit provisions require that:

- Permitted Collectors must comply with the City's Waste Management Policies and Procedures, all Ordinances of the City of Lancaster and all other applicable laws, including rules and regulations of the Lancaster County Solid Waste Municipal Authority;
- Permitted Collectors must ensure that all books and records relating to Refuse Containers, vehicles or equipment reports, reports, manifests or other requirements are subject to inspection by the City or its authorized agents at any reasonable hour without prior notice;
- Permitted Collectors shall perform their duties with as little noise as possible, shall replace Refuse Containers and Recycling Containers from where they were picked up, shall abide by all state and local traffic laws, and shall conduct themselves in a mannerly fashion.
- Permitted Collectors must update the list of units served (submitted with their permit application) within two days of any person discontinuing service or such service being discontinued by the Collector, and the last day of the month in which any unit addition occurs.
- Permitted Collectors must submit a Manifest to the City of Lancaster and to the LCSMA by the 15th of each month for all recyclable materials. Manifests indicate the type of material, the hauler name and the facility to which the materials were delivered. Collectors may receive a citation if they do not submit by the 15th.

The City's Solid Waste Ordinance, Section 258-40, provides additional stipulation for approved haulers – particularly as they pertain to proper management of collected materials. Further, Section 258-41 (Refuse Hauling Equipment) provides requirements for equipment, in that:

- A. Collection and transportation equipment shall be designed and constructed so as to be leakproof, easily loaded, readily emptied and easily cleanable.
- B. Solid Waste shall be suitably enclosed or covered so as to prevent roadside littering, attraction of vectors or creation of other nuisances.
- C. All vehicles used for the collection or disposal of Refuse shall have enclosed bodies or shall have the body covered with a waterproof tarpaulin or canvas cover without rips or holes.
- D. All vehicles used for the collection or disposal of Refuse shall have watertight, metal or metal-lined bodies of easily cleanable construction, shall not leak or discharge any liquid, shall be cleaned at sufficient frequency to prevent nuisance or insect breeding, and shall be maintained in good repair.
- E. Each vehicle, roll off, dumpster, bulk container or similar Refuse Container used by a hauler for collection of Solid Waste shall have permanently painted or affixed to both sides in lettering no less than six inches in height and clearly legible the name of the hauler, the local (toll-free) telephone number of the hauler, and the type of materials contained within.
- F. Each vehicle must be kept in a clean and sanitary condition, be in good operating condition, comply with applicable law, as determined by annual and other inspections by the City for issuance of a licensed hauler permit or otherwise required under the waste management policies and procedures.

Lancaster used to license haulers, requiring them to pay \$5.00 per unit they served per year to the City. The City now has a contracted hauler, York Waste, collecting trash from residences with four units or less however, as described above, the City is allowing residents to serve out their pre-existing contracts with haulers. The registration process allows the City to have an understanding of who is operating within their borders, assurance that they are properly insured, etc., and a sense of who they need to contact for residential recycling data.

The City's hauler permit application is provided as an example of such a form as Appendix B of this report.

Table 1
 Summary of Local Hauler Licensing/Registration Programs Identified

	Monroe County	Cumberland County	Columbia County	Milford Township	Warwick Township	City of Lancaster
Permit Period	Annual	Annual	Annual	Annual	Three Years	Annual
Registration Fees	\$25 per vehicle per year for those not licensed under state program. \$10 per roll-off container per year	None	None	None	None	None
Types of Haulers that Must Register	All waste and recyclables haulers (including septage and C&D) as well as those that provide roll-off services	All waste and recyclables haulers as well as roll-off containers	All waste and recyclables haulers (including septage) and portable containers.	All waste and recyclables haulers	All waste and recyclables haulers	All waste and recyclable haulers

	Monroe County	Cumberland County	Columbia County	Milford Township	Warwick Township	City of Lancaster
Data Reporting Requirements	None, but must retain transport, tip data for at least five years, and County has access to such data.	For recyclables quarterly reports	<ul style="list-style-type: none"> ▪ Recyclers must provide quarterly recycling reports 	<ul style="list-style-type: none"> ▪ Must participate in County municipal recycling documentation program; ▪ Recyclers must submit report to Municipality by January 31 	Monthly manifests and reports supplied to the Lancaster County Solid Waste Management Authority	Monthly reporting requirements for recyclables and trash

	Monroe County	Cumberland County	Columbia County	Milford Township	Warwick Township	City of Lancaster
Other Requirements	<ul style="list-style-type: none"> ▪ Insurance requirements ▪ Containers must be emptied when full ▪ Vehicles must be clean, etc., ▪ Vehicles must have company name, phone number and type of waste on side of truck/container ▪ Must deliver waste to county-contracted disposal facility 	<ul style="list-style-type: none"> ▪ Insurance requirements ▪ Must show state certificate if licensed by state ▪ Attest that will follow all solid waste laws regulations 	<ul style="list-style-type: none"> ▪ Insurance requirements ▪ Information regarding contracts in County ▪ Where waste disposed/delivered 	<ul style="list-style-type: none"> ▪ Insurance requirements ▪ Vehicles must be clean, in good repair, no leaks ▪ Vehicles must have company name, phone number, and type of waste on side 	<ul style="list-style-type: none"> ▪ Insurance requirements ▪ Must have LCSWMA license ▪ Must follow all rules of DEP, LCSWMA, and Township ▪ All Designated Recyclables must be recycled, not disposed 	<ul style="list-style-type: none"> ▪ Insurance requirements ▪ Haulers must provide updated customer list within two days of a customer ceasing service or by end of month if customers added. ▪ All books and records relating to refuse containers, vehicles, manifests, etc., are subject to City inspection. ▪ Vehicles must be licensed by the LCSWMA.

	Monroe County	Cumberland County	Columbia County	Milford Township	Warwick Township	City of Lancaster
Fees/Fines for Not Registering or Violations	\$1,000 per violation per day.	Warning, then a fine can be imposed. Sliding scale for various infractions.	Warning, then a fine can be imposed. Regulations currently being revised.	\$1,000 per violation per day Unlawful to collect MSW or recyclables in Township, if in violation.	None stated, but if permit revoked or suspended, could not legally provide service in Township.	Can suspend ability to haul and issue summons.

Non-Permit Option – Town of Bloomsburg

It is interesting to note that the Town of Bloomsburg, while not requiring haulers to register or license (haulers, however, are licensed by Columbia County), places certain requirements on haulers through their solid waste ordinance. Section 20-122 (Responsibilities of private haulers collecting within the town) stipulates that:

1. Haulers shall conduct themselves in accordance with their current license or permit, as provided by the State, and to service each of their customers in accordance with each customer's recycling plan (where applicable).
2. All private haulers shall offer customers recyclables collection;
3. Private haulers shall have the window sticker issued (per Title 27) displayed on the vehicle for which it was issued;
4. Private haulers shall have place on the doors or each side of the body of each vehicle, in letters at least 6 inches in height and printed clearly, the following:
 - a. The name of the hauler
 - b. The telephone number of the hauler's office or headquarters; and
 - c. The type of waste being transported therein.
5. Private haulers shall be responsible for maintaining each collection vehicle in good operating condition. Vehicles must be kept clean and painted so as to present a favorable appearance. The Town reserves the right to inspect all vehicles collecting municipal waste and/or recyclables within the Town;
6. Private haulers are responsible for the manner in which their employees perform work;
7. Private haulers shall comply with the limitations on hours of collection (5:00 a.m. – 5:00 p.m.);
8. Private haulers shall pay all costs charged for the use of any disposal facilities he utilizes;
9. Private haulers shall empty bulk containers when they become full; and
10. Upon the request of the Town, a private hauler shall provide the Town with hauler's records, including customer lists, collection records, weight slips and receipts from landfills, transfer stations and recycling centers (as applicable).

A separate provision in Section 20-128 stipulates that all private haulers must make available the removal of white goods. Section 20-126 states that it is unlawful for a hauler to accept unlawfully disposed recyclables. If a hauler discovers or has reason to believe the trash contains recyclables, the hauler is to affix a tag or sticker to the container (the tag/sticker is provided by the Town), retain a duplicate for his records and deliver a triplicate to the designated office of the Town within 48 hours. It is unlawful for residents to terminate services of a private hauler due to the fact that the hauler is in

compliance with Section 20-126 the solid waste ordinance. Likewise, it is unlawful for another private hauler to accept as a new customer, and individual who has terminated the services of a private hauler for compliance with the provisions of Section 20-126.

Therefore, while the Town of Bloomsburg does not have a full licensing/permitting program in place for their haulers, their Town Ordinance provides for many of the same provisions that a licensing/registration program often does, however, some believe that a hauler permitting program might be more effective in promoting compliance with the rules and regulations placed on haulers.

Findings and Recommendations

Mandatory Trash Collection Ordinances

Many communities in Pennsylvania have enacted mandatory trash collection ordinances. While it is not necessary for a municipality to have a single contracted hauler or municipal collection service to ensure that trash collection is mandatory, it clearly simplifies the monitoring of the ordinance. Furthermore, collection efficiencies can be improved, and for this reason plus use of a competitive procurement process, collection costs per household are likely to be lower.

Because the Town of Bloomsburg and Berwick Borough have subscription service, the Township might consider the nuances of their ordinances (which are very similar to each other) when developing their ordinance language. The Township should ensure that the wording of the ordinance effectively prohibits the following activities:

- Littering;
- Scavenging;
- Collection of discarded Designated Recyclables for disposal;
- Theft of service; and
- Accumulation of garbage on a property to the point that it becomes a public nuisance or health hazard.

Regarding whether self-hauling will specifically be allowed, R. W. Beck supports the practice of self-hauling when appropriate, but also believes that a collection fee should be charged to all eligible service recipients to encourage use of organized collection as opposed to illegal dumping or theft of service.

Other specific items the Township should consider when developing their mandatory trash collection ordinance language and code enforcement efforts include:

- Whether there will be language that specifically states that only state-licensed haulers shall serve their residents (e.g., would this impact haulers below the Act 90 weight limit?);
- What the minimum frequency of collection shall be (or whether the Township will simply state that trash on site can not become unsightly, or a public nuisance or health hazard);
- How the Township will monitor and enforce the ordinance, including any reporting requirements;
- Whether hours of permitted collection should be included in this ordinance (it is suggested that such hours be included in the Township's solid waste ordinance);
- What the penalty for accumulation of excessive amounts of trash on site shall be; and
- Provisions for handling vacant properties.

The Township should also ensure that their ordinance provides them with the power to hire a hauler to remediate a nuisance, disaster, emergency or health hazard situation and charge the property owner with the cost of the service. In some locations in the United States such charges are placed on the property tax bill and a lien can be placed on the property in the case of non-payment. Note that some ordinances stipulate that trash collection is the responsibility of both the owner of the property and the resident of the property, which may give the Township more leeway when enforcing the ordinance. The Township should consider including language stipulating that nothing in the ordinance language prohibits the Township from implementing a contracted hauler program. R. W. Beck supports contracting for collection as a means to improve collection efficiency and encourage competitive pricing. In addition, The Township should make expectations regarding multi-family houses very clear. The City of Lancaster, for example, includes a provision that owners of multi-family housing units are to have recycling containers conveniently located near trash containers. It also describes the owners' obligation to provide information about the recycling program. The Township could also take the opportunity to include any source-separation language into this portion of their solid waste ordinance, if they would like to make changes to the ordinance. If, however, they are satisfied with the existing ordinance, there is no need to do so.

Hauler Registration/Permit Programs

R. W. Beck identified several counties and municipalities that have hauler registration programs in place. Some counties (such as Centre County) are known to have hauler registration programs that are in place that are geared toward ensuring that vehicles using their transfer station or landfill are properly inspected and insured, and all accounting information is up-to-date. The hauler registration and licensing programs described within this report, however, aim to provide counties and municipalities with information

and assurance regarding haulers serving residents and businesses within their geographic boundaries. The municipalities and counties see this as important for several reasons, such as for insurance, liability, health and nuisance issues, and to simplify data collection. Specific issues that the Township should consider if they decide to implement a hauler registration/permit program include:

- Whether they would include all waste and recycling haulers;
- Whether they would include others such as septage haulers and smaller waste collection vehicles;
- Whether they would include roll-off containers;
- Whether certain vehicle types (such as pickup trucks) would not be allowed to transport waste;
- Whether they would include insurance requirements, and if so, at what rates (some types of insurance requirements are dictated by state law, though a municipality may be able to impose a more stringent requirement);
- Whether waste would be directed to a particular disposal facility through the hauler registration process;
- Whether terms regarding the separation of recyclables would be included as part of the program;
- The duration of the permit (most are one year);
- What reporting requirements they would impose, and the frequency of such reports, including:
 - Recycling reports
 - Customer lists
 - MSW manifests
- What container/vehicle guidelines would be included, such as:
 - Requirement/placement of a sticker as proof of inclusion in the program (most programs have such a sticker);
 - Labeling;
 - Leakproof/free of holes;
 - Cleaned regularly;
 - Containers must be emptied when they become full (if roll-offs are included);
 - Covered (e.g., if pickup trucks are allowed to transport waste. In some communities they are not)

Mr. Ronald Heintzelman
North Whitehall Township
August 14, 2008
Page 29 of 35

- What penalties would be imposed for non-compliance (higher penalties may reduce violations and the need for enforcement);
- Whether hauler records would be subject to inspection by the Township or its agents;
- Whether hauler containers and vehicles would be subject to inspection by the Township;
- Who would enforce the program.

R. W. Beck also recommends that if the Township adopts a hauler registration program, that they do not charge haulers to participate in the program. Charging haulers would likely be questioned from a legal standpoint.

R. W. Beck also recommends that if reporting requirements are placed on haulers that they be of minimal burden to the haulers, while still providing the Township with the data they require.

Lastly, the Township should consider whether strengthening their solid waste ordinance could potentially provide them with improved reporting and other desired solid waste management outcomes.

R. W. Beck provides the information in this report based on solid waste experience and research, and not from the point of view of legal professionals. Therefore, R. W. Beck recommends that any ordinance language being considered by the Township be reviewed by the Township's solicitor.

We appreciate the opportunity to assist North Whitehall Township with this technical assistance project. If there are any questions, please do not hesitate to contact me at 508-935-1807 or sbush@rwbeck.com.

Sincerely,

R. W. BECK, INC.

A handwritten signature in cursive script, appearing to read "Susan Bush".

Susan Bush
Environmental Consultant

COUNTY OF CUMBERLAND
APPLICATION FOR
MUNICIPAL WASTE HAULER REGISTRATION

I hereby submit for a Municipal Solid Waste Hauler Registration for the period January 1, 2008 through December 31, 2008 as a _____ (Commercial, Residential, Sludge, Septage, C/D and I/C) Waste Hauler.

APPLICATION REQUIREMENTS

NOTE: This application will not be processed unless all the following required information is provided. Allow 30 days for processing.

➤ **Vehicle Identification:**

For each Self-Contained Vehicle (i.e. front and rear load trash truck, dump truck, pick-up truck, box truck, septic tank-truck, etc.).
For each Transportable Container (i.e. roll-off container, or trailer).

- Certificate of insurance, Auto and Workers Comp (if applicable)
- Self Contained Vehicle information as requested in Attachment A.
- Transportable Container information as requested in Attachment B.

1. Name of Applicant (Individual or Company): _____

Business Address: _____

Telephone Number: _____ Fax Number: _____

Contact Persons: _____

2. Type of Business (check):
() Sole Proprietorship () Partnership () Corporation

3. Date business was established: _____

4. Number of years in the waste hauling business: _____

5. Federal Taxpayer Identification Number or if individual, Social Security Number:

6. PA Waste Transportation Safety Act License Number: (Enclose a copy of State Certificate)

Appendix A

7. Indicate if any partnership or corporation, other than applicant, has any interest, direct or indirect, in the license applied for, or in the business conducted under such license. If applicable, state names, addresses, and interest of the partnerships, corporations, and principals involved. () Not Applicable

Provide details, if applicable: _____

8. Indicate if your company has ever been convicted of civil or criminal offenses concerning solid waste transporting, processing or disposal in Cumberland County. _____ yes _____ No If yes, provide details on separate sheet.
9. Indicate general area serviced by marking attached map. (Attachment C)
10. Please provide the following information pertaining to all valid contracts your company has with municipalities or other companies generating municipal waste in Cumberland County.

<u>Name of Co. / Municipality</u>	<u>Date of Contract</u>	<u>Length of Contract</u>	<u>Amount of Annual Waste collected in Tons/Gallons as applicable</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(Add additional pages if necessary)

(If requested, information on commercial contracts will be maintained as confidential.)

11. Annual average weight of Municipal Waste collected in Cumberland County: Residential Tons/Gallons per year _____ Commercial/Institutional Tons/Gallons per year _____
12. Indicate the location(s) where municipal waste is currently being disposed:

<u>Types of Waste</u>	<u>Identification of Disposal Facility Utilized</u>
(residential, commercial, C/D	(specific landfills, incinerators, transfer stations and for septic - sewage - sludge name of facility/property and permit #)
_____	_____
_____	_____
_____	_____

13. Do you collect Recyclables in Cumberland County? () yes () No
- If yes, what services do you offer? Commercial () Institutional () Residential ()

CITY OF LANCASTER APPLICATION AND PERMIT

REGULATED MUNICIPAL WASTE AND RECYCLABLE MATERIALS
 PERMITTED COLLECTOR PERMIT
 VALID JANUARY 1 TO DECEMBER 31ST, 2008

THIS SHALL SERVE AS A PERMIT TO OPERATE AS A PERMITTED COLLECTOR WITHIN THE CITY OF LANCASTER once signed by the Manager of Solid Waste and Recycling of the City of Lancaster, Pennsylvania (hereinafter referred to as "City") to

_____, a business located at
(Collector Name)

Contact Person: _____ Business Phone: _____

Email: _____ Cell Phone: _____

Phone coverage provided by: _____ Fax: _____

_____ Vehicle Information: Collector shall provide, on a form provided by the City, the make, model and size (both gross max. weight and cubic yard capacity), the vehicle registration number and LCSWMA license number, license plate number, and an updated photograph of each vehicle to be used for the collection and/or hauling of Regulated Municipal Waste and/or Recyclable Materials throughout the City. ***"Permitted Collector" stickers will only be issued for vehicles that provide residential collection. All refuse collection vehicles used in the City must comply with City Ordinance §258.41 Refuse hauling equipment. [Adopted 6-11-2002 by Ord. No. 6-2002]***

_____ Residential Customer Information: Collector shall provide a list of residential customers to the City in accordance with the Waste Management Policies and Procedures Section VIII B. The list must include the following information*:

Customer name	Street number	Street name	Number of units	Day service is provided.
John Smith	123	E High St	1	Monday

*Addresses not accounted for on provided customer lists will be billed and collected by the City's refuse and recycling program effective 1/1/08. Please make sure your lists are accurate and complete, no additions or revisions will be accepted after submission for review.

_____ Proof of Insurance: The Collector shall obtain prior to permitting and shall continuously maintain through the duration of this permit period:

- Commercial General Liability in the minimum of amount of \$100,000/\$300,000
- Automobile Liability in the minimum amount of \$350,000
- Worker's Compensation as per State Limits of \$100,000/\$500,000
- Employers' Liability as per State Limits in the amount of \$100,000

Failure to continuously maintain the above limits during the entire Permit period shall be cause for the immediate revocation of this Permit. Collector shall deliver to the City an Accord Certificate of Insurance, which shall name the City as Certificate Holder, and as an Additional Insured. It is at the discretion of the City to accept or not accept any other documentation that is not presented on Accord form.

Appendix B

_____ Copy of ACT 90 registration letter if applicable. (See Attached Example).

This Permit is Non-transferable: Any previously un-permitted Collector seeking to conduct business in the City of Lancaster shall apply to the City for his/her independent permit.

The undersigned hereby applies for calendar year 2008 and certifies that: (a) the information provided in this Application is true and correct; (b) the undersigned is familiar with and will comply with the Permit terms and conditions, the Ordinances of the City of Lancaster, the Waste Management Policies and Procedures of the City of Lancaster, and all federal, state and local laws, rules and regulations, including regulations of the Lancaster County Solid Waste Management Authority; (c) the undersigned will pay all fines and accept all penalties as set forth in the Ordinances of the City of Lancaster and the City of Lancaster Waste Management Policies and Procedures and Regulations of the Lancaster Board of Health; (d) the undersigned will notify the Manager of Solid Waste and Recycling if any of the information provided in this Application is no longer complete or correct. The undersigned further certifies that the vehicle information, certificates of insurance, and customer lists attached hereto are true and correct.

The undersigned understands that this Application is an official government record and that falsification of this Application is a criminal offense under the Pennsylvania Crimes Code.

Collector

By: _____
Proprietor, Partner Or authorized officer

The Collector is authorized to operate as a Permitted Collector within the City of Lancaster for the period of January 1st, 2008 to December 31st, 2008, subject to the terms and conditions of, and compliance with the Ordinances of the City of Lancaster and the City of Lancaster Waste Management Policies and Procedures promulgated thereunder from time to time and all applicable City, state, federal and local ordinances, laws, rules and regulations, all of which are incorporated herein.

Permit Issue: _____, 200_

City of Lancaster

By: _____
Manger of Solid Waste & Recycling