

**RECYCLING TECHNICAL ASSISTANCE PROJECT
#511
SMITHFIELD TOWNSHIP
MONROE COUNTY, PENNSYLVANIA**



**MULTI-MUNICIPAL APPROACH
TO
ACT 101 RECYCLING PROGRAM
IMPLEMENTATION**

MARCH 2013

*Sponsored by the Pennsylvania Department of Environmental
Protection through the Pennsylvania State Association of
Township Supervisors.*

Project Completed By:

Environmental Resources Associates



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ERA

CONSULTANTS IN ENVIRONMENTAL RESOURCE MANAGEMENT

1.0 Statement of Problem

Smithfield Township (Township) is located in Monroe County, Pennsylvania. On April 5, 2012 the Township was notified by the Pennsylvania Department of Environmental Protection (PADEP) of their obligations to implement a mandatory curbside recycling program, in compliance with the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101). The Act 101 requirement is based on a municipality's population or population density. The Township exceeded the Act 101 Section 1501(b) thresholds of 5,000 people and a population density of 300 per square mile. The Township's population per the 2010 U.S. Census was 7,357 and, with a land area of 23.2 square miles, the population density was 317. Therefore, the Township is mandated to implement a curbside recycling program.

The Township has long required mandatory recycling under its Solid Waste and Recycling Ordinance No.128 of 1994. The existing recycling program is based on a private subscription approach for collection of municipal waste and recyclables.

The Township requested and was granted Recycling Technical Assistance to conduct an evaluation of its existing recycling program elements and to aid in developing and implementing a mandatory recycling program, consistent with the requirements of Act 101. Assistance was also requested to identify and assess the potential for multi-municipal cooperation, with two nearby municipalities which had requested and were granted comparable Recycling Technical Assistance. Environmental Resources Associates (ERA) was assigned to provide the requisite consulting services for mandatory recycling program implementation.

Note: PADEP notified the Township on September 10, 2012 that, as a result of the passage of Act 83 of 2012 amending Act 101, it was no longer mandated by law to implement a recycling program. The amendment excludes persons residing in federal and state facilities from being counted towards a municipality's population for the purpose of determining compliance with the requirements of Act 101.

The residential student population of the Township, as recorded by the U.S. Census Bureau for 2010, was 528, attributable to the East Stroudsburg University dormitories located in the Township. Under the amendment to Act 101, the effective population density is diminished from 317 to 294.4, below the 300 person per square mile threshold. Therefore, the Township no longer meets the population thresholds and is no longer considered mandated by law to implement a curbside recycling program.

The Township determined that it was in the best interest of the municipality to continue with the project.

2.0 Background

A primary component of the project was to identify and assess potential opportunities for and benefits of multi-municipal cooperation, relative to implementing a mandatory recycling program with two nearby municipalities (Pocono Township, Monroe County and Lehman Township, Pike County). Smithfield, Pocono and Lehman Townships all requested and were granted comparable Recycling Technical Assistance for the implementation of a mandatory recycling program. During the course of the project, a fourth municipality, Middle Smithfield Township located in Monroe County, also expressed interest in participating in a multi-municipal program.

The noted municipalities currently share both similar and unique challenges to recycling program implementation.

2.1 Mandate to Implement a Recycling Program

Smithfield, Pocono, Middle Smithfield and Lehman Townships are located in the Pocono Mountains. Smithfield, Pocono and Middle Smithfield Townships are located in Monroe County and Lehman Township in adjacent Pike County. On April 5, 2012 the PADEP notified Smithfield, Pocono and Lehman Townships that, based on the 2010 Census data, their population or population density exceeded the thresholds of Act 101 and required the implementation of a mandatory recycling program.

Lehman and Pocono exceeded the population thresholds under Act 101 Section 1501(a) of 10,000 people and Smithfield was notified that it exceeded Section 1501(b) thresholds of 5,000 people and a population density of 300 per square mile. As noted in Section 1, passage of Act 83 negated the population density threshold exceedance. However, as previously noted, the Township opted to proceed with the project.

Middle Smithfield Township, located between Smithfield and Lehman Townships, was recently required by PADEP to upgrade their existing mandatory recycling program to adequately address the requirements of Act 101 and Act 140.

2.2 Growth and Residential and Commercial Sector Diversity

Monroe and Pike counties are situated along Pennsylvania's northeastern border with New Jersey, and they are within commuting distance to New Jersey and New York metropolitan areas. Over the past few decades, these counties have experienced substantial population gains as a result of high migration rates from these areas. These counties rank as the fastest growing counties in Pennsylvania and the entire northeast United States.

The 2010 U.S. Census shows that between 2000 and 2010 the population of Monroe County increased by 22.5 percent and by 23.9 percent in Pike County. Lehman Township population increased by 42 percent from 2000 to 2010, more than any municipality in these Poconos counties.

The recent accelerated suburban growth and associated expansion and/or development of commercial and institutional establishments are not the only common challenges the municipalities' face relative to structuring and implementing a compliant mandatory recycling program. Being located in the popular vacation region of the Pocono Mountains, they also share other common and distinctive challenges to implementing a compliant recycling program. The municipalities all contain resorts, campgrounds, parks and various other tourist attractions. Additionally, they all contain several private residential, vacation homes, condominiums and retirement communities, ranging in size from 20 to more than 1,000 households. This situation is further complicated in that several of these communities span municipal borders.

Note: Assistance was provided by ERA on an individual and collective basis to the involved municipalities.

3.0 Project Scope of Work

The Township requested Recycling Technical Assistance to review current recycling program elements and to assist in implementing a mandatory recycling program, compliant with the requirements of Act 101. As noted above, assistance was also requested to identify and assess the potential for multi-municipal cooperation with the nearby municipalities of Pocono and Lehman Townships.

☑ ERA met with Township supervisors to review the proposed technical assistance scope of work, refine parameters for the planned work efforts and gather relevant data and information.

As part of this task, a compliance review and assessment was conducted of historical and current waste and recyclables collection practices. This effort also included a review of pertinent ordinances, public information and educational materials. Based on ERA's review, the Township's existing recycling program is not compliant with the requirements of Act 101. Areas of non-compliance are summarized below:

➤ The recycling ordinance is truly the backbone of any mandatory recycling program; it establishes the program and empowers the municipality to enforce it. The ordinance must clearly and concisely define the program parameters and the responsibilities and obligations of all involved parties (e.g.; municipality, residents, commercial, municipal and institutional establishments and private haulers).

The Township's existing Solid Waste and Recycling Ordinance #128 of 1994 has not been substantially revised since its adoption. The Ordinance addresses many of the requirements of Act 101. However, several additions, revisions and/or modifications are required to improve clarity and consistency and to comply with the requirements of Act 101 and, in particular, the subsequent requirements of Act 140 of 2006, relative to Act 101 Section 904 Recycling Performance Grant funding.

➤ The existing recycling program does not include a comprehensive and sustained public information and education program concerning recycling program features and requirements.

➤ The existing recycling program does not include a system for collection of leaf waste.

➤ The existing recycling program fundamentally lacks an enforcement program that periodically monitors participation, receives complaints and issues warnings for required participants.

☑ Subsequently, ERA met with the Township to present its findings and to discuss options for a cooperative effort with other nearby municipalities currently coping with similar recycling program establishment and implementation obligations. ERA suggested that meeting to discuss municipal cooperation be arranged with Pocono and Lehman Townships and that Middle Smithfield Township also be invited, due to its similar obligation to implement a recycling program and its proximity to the currently interested municipalities.

Shared comparable circumstances include, but are not limited to:

➤ All municipalities lack:

- ✓ A recycling ordinance compliant with the requirements of Act 101 and Act 140.
- ✓ A comprehensive and sustained public information and education program concerning recycling program features and requirements.

- ✓ A leaf waste collection and processing system.
- Waste and recyclables collection system provided via private subscription.
- Face common distinctive regional challenges which need to be confronted relative to residential and commercial entities including: private (gated) residential, vacation home, time share and retirement communities, resorts, campgrounds and various other tourist attractions.
- Private haulers provide collection services for waste and recyclables across municipal borders.

Following a discussion of the above noted items, the Township determined that a timely opportunity may exist for addressing individual and collective needs of the municipalities via a cooperative effort. ERA was requested to coordinate a meeting with interested municipalities, to be hosted by the Township.

☑ ERA met individually with each of the three neighboring municipalities (Middle Smithfield, Pocono and Lehman Townships) to review their shared comparable circumstances and determine their interest in meeting with other interested municipalities to explore the potential benefits of a cooperative approach to their obligations for implementing a mandatory recycling program.

All municipalities exhibited interest in meeting.

☑ ERA coordinated, prepared for and participated in a meeting/work session with the interested municipalities to discuss the options for and benefits of a cooperative effort. Items addressed at the work session meeting included:

- **Recycling Program Elements and Ordinance**
 - ✓ Cooperative program approach.
 - ✓ Uniform standards, relative to program parameters, regulations monitoring, and enforcement.
- **Recycling Education /Outreach**
 - ✓ Education/outreach program components.
 - ✓ Target sectors.
- **Leaf and Yard Waste Programs**
 - ✓ Curbside collection, drop-off and material processing options.
 - ✓ PADEP compost site criteria and guidelines.
 - ✓ Inter-municipal cooperation options.
 - ✓ Program financing (Act 101 Section 902 grant funding opportunity).

The consensus of the municipalities was to pursue (to the extent practical) a cooperative/multi-municipal approach to develop and implement a recycling program compliant with the requirements of Act 101 and Act 140. Specific areas of mutual interest included:

- ✓ Implementing a standardized recycling program (development of a model ordinance for adoption by the individual municipalities).

- ✓ Developing individual leaf collection and drop-off programs.
- ✓ Establishing and operating a centrally located multi-municipal compost facility.
- ✓ Apply for Act 101 Section 902 funding assistance for development of a multi-municipal compost facility.

☑ To assist the Township in addressing the outstanding recycling program implementation issues, ERA:

- Prepared a sample solid waste and recycling ordinance, based on suggested recycling ordinance additions, revisions and modifications provided by ERA to Middle Smithfield Township (under the Recycling Technical Assistance program) and guidance provided at the work session. The sample ordinance was developed to aid (serve as a template) the Township and interested municipalities in implementing comparable recycling programs.
- Prepared guidance and recommendations for development of a comprehensive recycling public education and information program, sample educational materials, notices and a recycling report form. This information is included in Appendix A.
- Assisted the Township in the preparation of an Act 101 Section 902 grant application to assist in recycling program implementation and development of a multi-municipal compost facility.
- Participated in a public meeting with the interested municipalities to discuss a centrally located candidate leaf waste compost facility site identified in Middle Smithfield Township. ERA summarized the requirements for establishment and operation of a leaf waste compost facility, as specified in the PADEP “Guidelines for Yard Waste Composting Facilities”. Additionally, guidance was provided relative to developing an Intermunicipal Agreement for facility operations. Details are included in Appendix B.
- Prepared a draft project report detailing its findings and recommendations and discussed same with the Township. Based on comments and input provided by the Township, a final report was prepared and submitted to the PADEP.

3.0 Solutions

☑ The Township’s participation in a cooperative approach to implementing a mandatory recycling program would provide the following benefits:

- Improve program continuity so that the mandatory recycling program parameters, regulations, public education, and enforcement will not change to any great extent across the borders of participating municipalities. Standardization will aid in ease of program implementation by imposing similar or identical requirements for private haulers and commercial establishments doing business in more than one of the participating municipalities.
- Avoid duplication of efforts and afford the related benefits of economy of scale to all participating municipalities and assist with program sustainability, particularly in the development and operation of a compost facility.

- Enhance the probability for receipt of Act 101 Section 902 grant funding.

4.0 Conclusion and Recommendations

Based on the assessments and evaluation presented in this report, ERA offers the following conclusions and recommendations.

4.1 Conclusion

A cooperative effort presents an opportunity for the Township and other participating municipalities to develop positive synergy, resulting in mutual benefits and the best opportunities for efficient and economical recycling program implementation and development of a leaf waste compost facility.

4.1 Recommendations

☑ ERA recommends that the Township:

- Adopt a solid waste and recycling ordinance, based (to the extent practical) on the sample ordinance, developed through the course of the project.
- Continue to work cooperatively with the interested municipalities to develop a multi-municipal compost facility.
- Require that all authorized collectors provide recycling notifications to each customer, compliant with Act 101. This requirement is considered necessary given that collection methods (commingled or single stream) and the types of recyclables collected vary, based on the selected authorized collector.
- Involve and seek input from program stakeholders, including: residents, property owner's associations, authorized collectors and the commercial sector during the continued development and implementation of the planned recycling program.
- Implement an enforcement program that periodically monitors participation, receives complaints and issues warnings for required participants.
- Designate a recycling coordinator responsible for recycling data collection and reporting, recycling program performance and monitoring and/or enforcement.
- Develop and implement a curbside leaf waste collection and drop-off program.
- Implement a comprehensive public education and information program/campaign.
- Develop and employ a cataloged electronic data, records and file management system. An electronic system will greatly aid in:
 - ✓ Relevant document storage and retrieval.
 - ✓ Tracking program management, monitoring, enforcement and finances.
 - ✓ Disseminating information and data to program stakeholders.

Appendix A - Public Information and Education Guidance and Samples

Recommended Recycling Education /Outreach and Enforcement Components

A comprehensive and sustained recycling education/outreach program is the most effective way of gaining recycling program participation initially and over the long run. This is true for any recycling program and is of particular importance for mandatory programs.

The Township's educational materials should extol the merits and the importance of participation and program accomplishments, in an enthusiastic and interesting manner. The educational materials should emphasize the importance of the program e.g., waste stream reduction, saving on disposal fees, saving/reuse of valuable resources, reduction of dependence on disposal facilities and, of course, *it is the law*.

Title 25 Subchapter E. Municipal Recycling Program

Public Information and Education Section 272.423

- (a) *A municipality subject to this subchapter shall establish a comprehensive and sustained public information and education program concerning recycling program features and requirements. As part of this program, a municipality shall, at least 30 days prior to the initiation of the recycling program and at least once every 6 months thereafter, notify persons occupying residential, commercial, institutional and municipal premises within its boundaries of the requirements of the ordinance.*
- (b) *This notice shall include an explanation of how the system will operate, the dates of collection, and responsibilities of persons within the municipality and incentives and penalties.*
- (c) *The governing body of a municipality may place an advertisement in a newspaper circulating in the municipality, post a notice in a public place where public notices are customarily posted; including a notice with other official notifications periodically mailed to residential taxpayers, or utilize a combination of the foregoing.*

Act 140 Impacts on Act 101 Recycling Performance Grants

Act 101 mandated curbside municipalities and other municipalities, except for counties, receiving more than \$10,000 in Act 101 Section 904 Recycling Performance Grant funding must meet the following performance requirements:

- Requires, through ordinance, that all residents have waste and recycling service.
- Has an implemented residential recycling program and facilitates a commercial recycling program or participates in a similar county or multi-municipal program.
- Has a residential and business recycling education program.
- 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.
- Has provisions, participates in a county or multi-municipal program or facilitates a private sector program for the recycling of special materials.

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

General Recycling Education/Outreach Program Components

A comprehensive and sustained education/outreach campaign will help insure recycling program participation initially and over the long run. The following are suggested components for developing an education/outreach program compliant with Act 101, that are intended to gain interest, increase enthusiasm and participation and help assure compliance by residents and Commercial, Municipal and Institutional (CMI) establishments.

Provided below is guidance and direction for establishing and implementing a comprehensive and sustained public information and education program.

- Place an eye-catching advertisement in a paper of general circulation providing details of the recycling program, its merits and requirements (at a minimum of twice per year). Requirements for and benefits of reporting the types and amounts of recyclables should also be noted.
- Post a *Public Notice* at the municipal building where public notices are regularly posted.
- Prepare an instructional flier/ brochure, one that is eye catching and to the point: (i.e.: who, what, where, when and why). The brochure may be distributed at the recycling/compost facilities or sent with tax bills or other information to save on mailings. Additional brochures (and posters) may be placed in public buildings and local businesses.
- Develop/improve the recycling information on a web site. PADEP allows one of the two annual required public recycling education/ information notifications to be posted on a municipal web site. Items recommended for inclusion in a web site:
 - ✓ Recycling is positive for the community, business, the economy and the environment. Recycling is mandatory and the Township will take appropriate enforcement actions for non-compliance.
 - ✓ Why each household/ commercial enterprise regardless of size is important to the success of the recycling program.
 - ✓ List of designated materials to be recycled.
 - ✓ Requirements of and guidelines for establishing recycling programs at Multi-Family Dwellings, Property Owners Associations and CMI recycling programs.
 - ✓ Sources of available recycling and waste reduction information.
- Prepare and distribute news releases and public service announcements to the local media. Provide program details, importance of the program, e.g. waste stream reduction, saving on disposal fees, saving/reuse of valuable resources, reduction of dependence on disposal facilities and, it is the law.

- Include recycling requirements with official announcements periodically mailed to residential taxpayers.
- Encourage and assist schools to provide for recycling/composting education programs.
- Development of a slogan (s) e.g.: “Send Your Leaves to a Mulch Better Place; Recycle Today for a Better Tomorrow; “Business Recycling Today for a Greener Tomorrow”, “It’s Good Business to Recycle” or “Join the Green Team Recycle”. Slogans help with program identity and purpose.
- Prepare and distribute news releases and public service announcements to the local media. Emphasis should be placed on the importance of the program including, waste stream reduction, saving on disposal fees, saving/reuse of valuable resource, reduction of dependence on disposal facilities.
- Develop incentive programs for participation rewarding residents and commercial entities for participation. Profile selected participants in the Township’s newsletter or in press releases, present a certificate or plaque to long term participants or exemplary recycling programs.

Property Owners Association

In addition to the above noted components for developing an education/outreach program, the following items are suggested, at a minimum, to inform Property Owners Associations (POA’s) of their obligations.

- ✓ Direct mailings to POA’s detailing requirements for establishing a recycling program (including pertinent sections of the Recycling Ordinance and a Township contact person).
- ✓ Provide guidance in program development, if required.

Commercial, Municipal and Institutional Recycling

In order to fully meet the requirements of Act 101 and appropriate regulations, the Township must develop and implement an education program that provides incentives and/or rewards for participation and an effective enforcement program for noncompliance, specifically addressing establishments, as discussed below.

It should be recognized that it is challenging from both the functional and political standpoint to develop and operate a CMI recycling program for numerous and diverse commercial entities. It is almost impossible to do so without a comprehensive and sustained outreach/education program. A truly comprehensive and sustained outreach/education program can greatly diminish the need for enforcement.

Getting the message to the intended participants of their obligation to recycle is a critical step in developing the recycling program. Education is paramount to a recycling program’s success. The key words for a successful outreach/education campaign are comprehensive and sustained.

The Township needs to effectively disseminate information detailing its recycling program requirements to its intended participants. To get the message to the targeted participants, one must first identify them. A list identifying CMI establishments is a good start. The most readily available listing of CMI establishments is usually the municipal tax roles.

To assist in developing a comprehensive listing a review of authorized collector's customer lists and various residential, government, business and industry telephone directories and data bases can be conducted. Based on the data information collected, a preliminary listing of CMI establishments can be compiled. Township tax and boundary maps can be used in conjunction with visits to the Township's primary commercial districts to assist in confirming, updating and editing the list.

Based on the recycling reports submitted to the Township by CMI establishments and recycling reports and recent customer lists provided by authorized collectors, a second list of establishments can be prepared. This list will highlight those establishments that are participants in the recycling program.

Unfortunately the list identifying participants in a Township's recycling program cannot be considered as completely accurate. Some CMI establishments are small computer based or home businesses and may be included in residential collection.

Next, a comprehensive and sustained outreach/education campaign needs to be developed and implemented by the Township. Information included in the campaign must be concise, direct and easily understood, addressing all aspects of the CMI recycling program. Explaining "why" the program is required is extremely important. A recycling education program must detail the requirements for and benefits of participation. The information to be conveyed must be crafted in a manner that generates interest and develops enthusiasm among the targeted participants. However, not everyone will be enthused by the many local or even global benefits derived from commercial recycling. This is one reason that each CMI establishment should be made aware of the fact that recycling is mandatory, it is the law, and the Township will take enforcement action, if required. Once "why" is established, "who, what, where, when and the how to" of the program must also be clearly and succinctly conveyed.

The Township needs to continually inform and educate its CMI establishments regarding the mandatory recycling program. The benefits of and requirements for recycling must be repeated/reinforced on a regular basis: at a minimum of every 6 months (as required by Act 101). This effort will help to maintain interest and enthusiasm. The fact that participation is required by **all** CMI establishments and that there are penalties for non-compliance will get the attention of even those who are reluctant to participate.

The following are suggested components for developing an education/outreach program that are specifically geared to CMI establishments.

- Provide decals of the recycling logo to participating businesses "Green Team Member". The decal will act as a constant reminder. Display of the logo will show their commitment to recycling and add peer pressure to non-participants.
- Conduct a workshop (this could be a multi-municipal effort) for the commercial sector and authorized collectors of recyclables. The workshop can review program roles and requirements. Present information to assist in development of

recycling programs for various types of business. Request DEP assist the Township in developing the workshop and in providing promotional and/or educational materials.

- Send reminders to CMI establishments that are not participating in the recycling program. Note that compliance is mandatory in a friendly, but firm manner. A second letter, if required, should be forceful and perhaps include a notice of violation or citation. The Township could consider offering violators a specified period of time to comply with their recycling requirements, prior to taking enforcement action.

One message must be conveyed, “The Township will take enforcement action, if required”. Realizing that violators will be prosecuted provides motivation to even the most reluctant to comply with the recycling program requirements.

- Negative publicity is not a desirable way to educate but it is effective. Consider publicizing the names of the establishments that are non-compliant with recycling requirements.
- Consider establishing an awards program to recognize exemplary recycling efforts by CMI establishments. Engage the local Chamber of Commerce or Rotary Club in awards programs if practical.
- Distribute an education packet detailing the Township’s mandatory recycling program to each CMI establishment. The opportune time to do this is when they are seeking a Township occupancy permit. Include a copy of the commercial recycling requirements, a quarterly recycling report form and a survey form requesting a description of the type of commercial enterprise and the variety of recyclables it will generate. The survey form should be user friendly and require only a few minutes to complete. A certification that they will participate in the recycling program can be included as part of the survey form. The survey should be submitted prior to or at the time of issuance of the occupancy permit. Each new CMI establishment is then added to the commercial sector recycling list.

Work with the County Recycling Coordinator to educate CMI establishments. Additionally, to help increase CMI establishment’s awareness of their recycling obligations, the Township can solicit assistance from local business associations, Chamber of Commerce, the Rotary Club, Kiwanis Club or other similar organizations. These groups can assist in recycling education efforts and/or recognition programs. These groups know your CMI establishments and are oriented to public service.

CMI recycling fact sheets and promotional material are available on the PADEP web site (www.dep.state.pa.us) and the Professional Recyclers of Pennsylvania (PROP) (www.proprecycles.org) also provide a wealth of information regarding CMI recycling.

Leaf and Yard Waste Collection

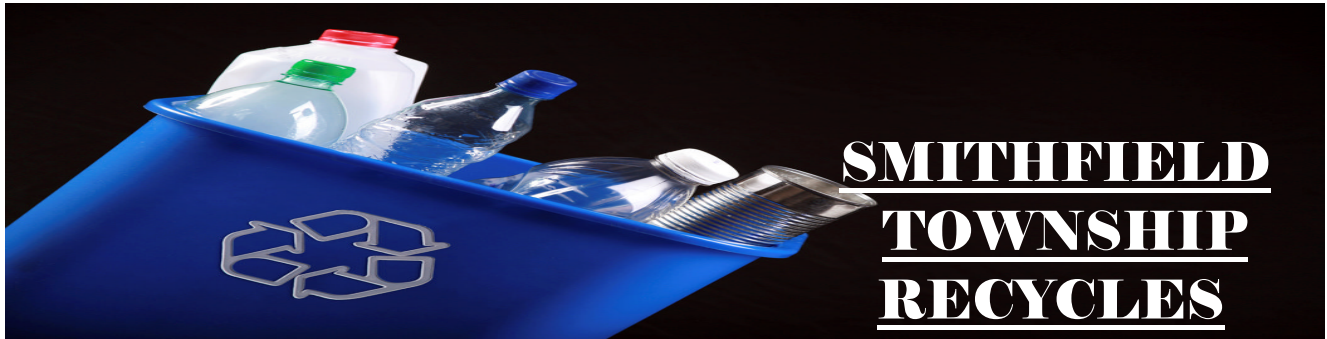
The Township must either provide collection services once per month or provide for collection not less than twice per year. The Township must also facilitate a drop-off location or other collection alternative that allows persons in the municipality to deposit leaf waste at least once per month as required under Act 101 and described in the following DEP guidance.

PENNSYLVANIA'S ACT 101 LEAF WASTE COLLECTION REQUIREMENTS

Act 101, Section 1501 (c) (1) (ii) and (iii), requires persons in mandated municipalities to separate leaf waste from other municipal waste generated at residential, commercial, municipal and institutional establishments. **“Leaf waste” is defined in the Act and its regulations as “leaves, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clippings.”** Source separated leaf waste, as with other recyclable material, is to be collected at least once per month as set forth in Act 101 Section 1501(c) (2) and (3) and processed at PA, DEP-approved composting facilities.

Act 101 mandated municipalities with programs that collect leaves only in the fall are not in compliance with the Act. Mandated municipalities desiring to establish leaf waste collection programs in compliance with Act 101 must, as a minimum:

- 1. Require by ordinance that leaf waste consisting of leaves, garden residues, shrubbery and tree trimmings, and other similar material are targeted for collection from residences and commercial, municipal and institutional establishments: and**
- 2. Establish a scheduled day, at least once per month, when leaf waste is collected from residences; or**
- 3. Establish a scheduled day, not less than twice per year and preferably in the spring and fall, when leaf waste is collected from residences, and facilitate a drop-off location or other collection alternative approved by PADEP that allows persons in the municipality to deposit leaf waste for the purposes of composting or mulching at least once per month. The leaf waste drop-off location may be located in a neighboring municipality or at a private sector establishment provided that an agreement is in place to utilize that location and the municipality keeps residents and commercial, municipal and institutional establishments informed of the option at least once every six months.**
- 4. Ensure that commercial, institutional and municipal establishments generating leaf waste have collection service.**
- 5. Municipalities are encouraged to manage source separated Christmas Trees as leaf waste for processing at a PA DEP-approved composting facility.**



Smithfield Township encourages residents to reduce the amount of trash that is generated and collected at curbside and to purchase items that are recycled. The Township's Solid Waste and Recycling Ordinance, requires all residents to use the services of an authorized collector for waste collection. Recycling in Smithfield Township **is mandatory**.

Recycling Requirements

Recycling is mandatory in the Township. Every authorized collector of residential waste is also required to provide recycling services to its residential customers by removing recyclables from their properties at the curb side (within the public right-of-way). In addition, every authorized waste collector is also required to provide to its commercial, municipal, institutional and multifamily housing property customers recycling service.

All recyclables removed by authorized collectors are to be kept separate from municipal waste and delivered to a recycling facility. Recyclables shall be kept separate from municipal waste consistent with the following provisions and the authorized collector's guidelines:

(1) Owners and occupants of all residential properties must keep separate from other waste, but may commingle (mix), the following recyclables: glass containers, plastic containers (#1 and #2), aluminium, steel, bimetallic cans and newsprint.

(2) Owners and occupants of all commercial, municipal and institutional establishments and properties and sponsors or organizers of community activities shall keep separate the following recyclables: glass containers, aluminium, steel and bimetallic cans, plastic containers (#1 and #2), corrugated paper and high grade officer paper and newspapers.

This is a **mandatory recycling program; you are required by Township Ordinance to separate the materials described above for special collection. **Recyclables (Including leaf waste) shall not be mixed with municipal waste for collection.****

Do Your Part and Recycle

"It's the Law"

Sample Notice and Recycling Report Form



Notice: Commercial, Institutional and Municipal Establishments, Document Destruction Companies and Private Collectors.

Recycling in Smithfield Township is mandatory.

Ordinance # --- Requires:

*That all commercial, institutional and municipal establishments located in Smithfield Township shall separate **high-grade office paper, clear glass containers, aluminum, steel and bimetallic cans, plastic containers, newsprint, corrugated paper and leaf waste.** Businesses and institutions with facilities located within **Smithfield Township** must implement recycling programs (**IT IS THE LAW**).*







All residential, commercial, institutional and municipal entities, and multifamily residential complexes located in Smithfield Township must ensure that designated materials are recycled. As noted above Smithfield Township's Recycling Ordinance (**pertinent sections attached**) requires that commercial and residential establishments separate designated recyclable materials from municipal waste.

Commercial establishments must either self-haul the designated recyclables to a recycling facility, or they must contract with an authorized collector to collect and deliver them to a recycling facility.

Use of a document destruction company or an authorized collector fulfills this requirement, provided the contractor can demonstrate that the material is recycled. Authorized collectors and document destruction companies must report quarterly to the Township the amount of material which they collected from clients and recycled. Additionally, authorized collectors and document destruction companies must supply customer lists to the Township to verify service. Attached are copies of Quarterly Recycling Report Forms.

To fulfill the reporting requirements, a copy of the weigh tickets or certification from the facility to which the materials were delivered must be included with the report form. The reports must be sent to the Township.

The following materials must be separated for recycling:

-  Clear and colored glass containers
-  Aluminum and tin cans
-  Corrugated Cardboard
-  Mixed and high grade office paper
-  Plastic Containers
-  Newspaper

The following materials must be separated for composting:

 **Leaf waste (including leaves, brush, and trimmings).**

Please note that commercial establishments, private collectors and documented destruction companies that do not comply with the Recycling Ordinance can be fined not less than \$300.00 and not more than \$1,000.00 per day, for lack of compliance with certain provisions. The Township reserves the right periodically to inspect commercial and multi-family residential establishments and the contents of waste/recycling containers to confirm compliance with the Solid Waste and Recycling Ordinance.

Please return forms to:
Recycling Coordinator,
1155 Red Fox Road
East Stroudsburg, PA 18301

Should you believe that you have received this notice in error or have any questions regarding recycling in Smithfield Township or reporting procedures, please feel free to contact me at (570)-223-5082.

Sincerely,

Recycling Coordinator

NOTE: The accompanying noted sections of the Smithfield Township Solid Waste and Recycling Ordinance (adopted 201-) is meant for information purposes only and does not constitute the full text of the Ordinance. A complete copy of the Smithfield Township Solid Waste and Recycling Ordinance is available for review at the Smithfield Township Municipal Office.

NOTE: The following to be added to above notice if an entity is not complying, as initial notice.

Our records indicate that you are currently not in compliance with the reporting requirements, please be advised that Smithfield Township is committed to ensuring compliance, and, to that end, takes enforcement of it's Recycling Ordinance very seriously.

Please complete Quarterly Recycling reports for all quarters of 201_ and submit them to the Township by _____ 201_ in order to avoid enforcement action.



**SMITHFIELD TOWNSHIP
RECYCLING TONNAGE CLAIM SUMMARY**
Quarter Ending - _____ 2012

Waste Collector/Company/Sponsor: _____
 Phone: _____

NAME AND ADDRESS

Indicate the weight (tons) of **Residential** and/or **Commercial Recyclables** that you collected within Smithfield Township, Monroe County, PA and marketed or delivered to a processing center/material recovery facility during this reporting period.

<u>RECYCLABLES (tons)</u>	<u>RESIDENTIAL</u>	<u>COMMERCIAL</u>
_____ Commingled	_____	_____
_____ Single Stream	_____	_____
_____ Newsprint	_____	_____
_____ Cardboard	_____	_____
_____ High Grade Paper	_____	_____
_____ Mixed Office	_____	_____
_____ Glass Containers	_____	_____
_____ Other _____	_____	_____
_____ Other _____	_____	_____
_____ Other _____	_____	_____
<u>TOTAL</u>	<input type="text"/>	<input type="text"/>

I _____ certify that these recyclable tonnages are correct to the best of my knowledge and were collected within Smithfield Township of Monroe County, PA.

Date

Signature

Company/Organization

Please return form to:
 Recycling Coordinator,
 Smithfield Township
 1155 Red Fox Road
 East Stroudsburg 18301

IMPORTANT NOTE: *This report is required by Act 101 and The Smithfield Township Recycling Ordinance. The report is due within 15 business days at the end of each 3-month quarter period. Please include all weight receipts from markets and/or processing centers when submitting this report.*

Thank you for your cooperation
SMITHFIELD TOWNSHIP

Sample Recycling Logo/Brand



Sample Recycling Tri-Fold Brochure

Copy available by contacting Smithfield Township.

Appendix B – Intermunicipal Agreement Guidance and Sample

☑ **Intermunicipal Agreement**

An intermunicipal agreement (as authorized under Act 180) allows municipalities including counties to enter into cooperative agreements with other municipalities in the performance of their respective functions, powers or responsibilities.

The municipalities have determined that an intermunicipal agreement is a practical mechanism to equitably address the operation of a multi-municipal compost facility.

It is essential that the intermunicipal agreement:

↳ Is crafted with great care, all functional and financial aspects of the program must be considered.

↳ Clearly identify and succinctly define the roles, responsibilities and obligations of each participant (both current and future).

A draft intermunicipal agreement is provided below. The draft document identifies the primary responsibilities and obligations for participation in multi-municipal compost facility.

The draft document should be considered a work in progress. The draft document is intended as frame works for the interested municipalities to build upon during the remaining decision making process and the negotiation of final terms and conditions.

The Township and Borough will require the assistance of their solicitors in the review of the draft and the preparation and execution of the final agreement.

Sample Intermunicipal Agreement

INTERMUNICIPAL AGREEMENT

THIS AGREEMENT made this _____ of _____, 201 -, by and between the Township of _____, a municipal corporation organized under the laws of Pennsylvania with its municipal offices located in the County of Monroe/Pike, Commonwealth of Pennsylvania, and the_____.

WHEREAS, the Township of _____ and the _____ recognize that the growth and development within the county in general, and the Township of _____ in particular, have increased the need for municipal services to their residents; and

WHEREAS, each Municipality has also recognized that establishment of an intermunicipal compost facility would provide efficient and economic services beneficial for its residents; and

WHEREAS, the Municipalities have recognized that the development of separate compost facilities to perform similar or identical tasks within each Municipality could result in the duplication of effort to the detriment of the residents of the Municipalities; and

WHEREAS, the Municipalities recognize that the coordination of services would enable each Municipality to minimize the costs of the operation and administration of a compost facility and

WHEREAS, the Act of July 12, 1972, P.L. 762, as amended, 53 P.S. § 2301, et seq., also known as the Intergovernmental Cooperation Act, permits Municipalities to enter into agreements to cooperate in the performance of their respective functions, powers or responsibilities; and

WHEREAS, the Township of _____ has developed and operates a intermunicipal compost facility to provide for economic and efficient leaf and yard waste processing and composting services to the Municipalities.

NOW, THEREFORE, with the foregoing background incorporated herein by reference and made a part hereof, and in consideration of the mutual promises and obligations set forth herein, and intending to be legally bound hereby, the parties agree as follows:

1. Compost Facility. The Township of _____ has established and operates a facility for the economic and efficient processing and composting of leaf

and yard waste and shall provide processing and composting services in accordance with the provisions of this Agreement. Such facility shall be known as the “_____ Township Compost Facility” and shall be operated in accordance with the provisions of this Agreement.

2. Operational Requirements.

A. _____ Township Compost Facility shall accept the following materials at the compost facility: leaves, shrubbery, brush and tree trimmings, to a maximum length of _____ (--) feet and a maximum diameter of _____ (--) inches, and Christmas trees. Materials must be delivered in bulk and to the extent practical segregated.

B. _____ Township Compost Facility will not accept plastic bags, metal, tree stumps, construction debris or municipal waste or rubbish of any kind.

C. _____ Township Compost Facility will only accept organic materials as specified above and reserves the right to reject any unacceptable materials or materials containing contaminants.

3. Establishment of Program Committee. [Committee will provide a vehicle for communication with and input by participating municipalities, regarding facility operations, services and associated cost. This section]

A. Membership. The Committee shall be composed of one (1) Member of the governing body of each participating Municipality, appointed for a one (1) year term by the governing body at its first meeting in January of each calendar year. The initial members of the Program Committee shall be appointed by the governing bodies within thirty (30) days from the execution of this Agreement. Each governing body may, if it so desires, appoint an alternate member to the Committee.

B. Meetings. The Committee shall meet at times to be selected by the members of the Program Committee

C. Voting. All actions by the Program Committee shall be taken by a majority of the members of the Program Committee. In the event that there is a tie upon a particular Item, any Municipality may request that the issue be mediated.

4. Responsibility of Compost Program Committee. The following activities are the responsibility of the Program Committee:

A. Coordinate and review public education/outreach materials.

B. Review annual budget and negotiate costs/fees established for use of the compost facility.

C. Resolution of any problems between municipalities.

[Other]

5. Responsibility of Municipalities. The following activities are the individual responsibility of each participating Municipality:

A. Drafting and enacting an ordinance that ratifies the Municipality's participation in the Composting Facility/Program and the entering of the Agreement in accordance with the requirement of the Intergovernmental Cooperation Act.

B. Program Cost Sharing. Each Municipality shall participate in an appropriate share of the cost of the compost facility including [identify any capital expenditures for facility development or equipment that will be allocated to municipalities]. Each Municipality shall pay

_____ Township costs/fees for services provided, as specified in **Exhibit A (Terms and Conditions)**.

Note: Exhibit A. Terms and Conditions should include but not be limited to items listed below.

- Details regarding bases of service costs/fees (volume of material delivered, per capita or per household fee) and the time table for receipt of payment.
- Any allocated costs associated with the planning, design, development or capital expenditures for the compost facility (incurred for project development and/or required expansion) should be clearly identified, along with a formula and time frame for payment . Allocated costs should address both current and future participants, if applicable.
- Operating hours.

C. Grants. Each Municipality shall take every reasonable step to obtain from federal, state and other agencies such grants and aid as may be from time to time available. If grants may be obtained for the purchase of processing equipment for dedicated use at the compost facility the Township shall coordinate the application and shall take title to any such equipment.

6. Duration of Agreement. The term of this Agreement shall be for a period of ___ () year commencing with the date of execution hereof by the Township of _____ (Township) and _____. This Agreement shall be automatically renewed for an additional term of ___ () year at the conclusion of the initial term and each renewal term thereafter unless, at least ninety (90) days prior to the beginning of the renewal term, the Municipality which does not desire to renew the Agreement gives written notice of such refusal to renew the Agreement to the Township in writing.

7. Participation of Other Municipalities. Additional Municipalities may become a party to this Agreement upon the consent of the Program Committee at the time such a request is made. A Municipality which desires to become a party to this Agreement shall make application to the Program Committee and shall in writing agree to accept all terms and conditions of this Agreement. Failure to act upon an application to become a

party to this Agreement within sixty (60) days of receipt of such application shall be considered to be a denial of consent to become a party to this Agreement.

8. Amendment. This Agreement may be amended only by written instrument signed by Participating Municipalities.

9. Interpretation. This Agreement shall be interpreted in accordance with the laws of the Commonwealth of Pennsylvania.

10. Severability. The provisions of this Agreement are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Agreement. It is hereby declared to be the intent of the governing bodies of each Participating Municipality that this Agreement would have been entered into if such illegal, invalid or unconstitutional section, sentence, clause, part or provisions had not been included herein.

11. Enactment of Ordinance. The governing body of each Municipality agrees to enact an ordinance within ninety (90) days from the date hereof pursuant to and in accordance with the Pennsylvania Intergovernmental Cooperation Act for the purpose of authorizing and effectuating this Agreement.

12. Construction. When the tense so requires, word of any gender used in this Agreement shall be held to include any other gender, and words in the singular number shall be held to include the plural, and vice versa.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written.

Township of _____
Commonwealth of Pennsylvania

Township of _____
Commonwealth of Pennsylvania

By: _____

By: _____

Township of _____
Commonwealth of Pennsylvania

Township of _____
Commonwealth of Pennsylvania

By: _____

By: _____