

**RECYCLING TECHNICAL ASSISTANCE  
PROJECT #583**

**West Mead Township, Crawford County, PA**

**Meeting the Eligibility Criteria for  
Act 101, Section 902 Grant Funding  
as a Nonmandated Municipality  
West Mead Township, Crawford County**

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**Sponsored by the Pennsylvania Department of Environmental Protection  
through the  
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## **PROJECT CONSULTANT**

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**Nestor Resources, Inc.**

## **PURPOSE OF THE PROJECT**

West Mead Township is one of the largest municipalities in Crawford County. The Township exceeds the minimum population requirements of 5,000 people to be designated as a municipality mandated to provide waste & recycling services under Act 101. However, it falls just short of the statutory population density criteria of 300 persons per square mile. Consequently, the Township is not mandated by law to recycle and therefore does not have the programs and enforcement mechanisms in place to comply with Act 101, Act 140 or the eligibility requirements for many PADEP grants.

Currently, the Township desires to enhance the leaf waste management services the municipality could provide to its residents. To accomplish this, West Mead must purchase additional equipment, which up to 90 percent of the purchase price may be reimbursable under the Act 101, Section 902 grant program. Township officials requested technical assistance to evaluate the municipality's current ordinances and policies and for recommendations that would amend the Township's current laws and to establish the necessary programs to meet the minimum requirements to apply for grant funding.

## **APPROACH AND METHODOLOGY**

Nestor Resources, Inc. interacted with the West Mead Township Secretary/Treasurer to obtain background information on the Township. The exchanges focused on the Township's current interest in providing leaf waste management services. Additionally, in light of its potential future designation as a mandated municipality, other related services, including curbside collection for waste and recyclables were discussed.

Nestor Resources, Inc. conducted research to confirm the criteria that PADEP considers in its review of Act 101, Section 902 grant applications from nonmandated municipalities. This included discussions with both PADEP Regional Recycling Coordinators and also representatives from the Harrisburg Central Office, Bureau of Waste Management, Division of Waste Minimization and Planning. A review of previous years' grant applications and the apparent ratings system was also performed.

Finally, the consultant reviewed the Township's existing ordinances, which may contain the types of controls over waste management practices, including open burning, that are necessary for a municipality to be eligible for funding.

## **KEY FACTORS**

For the Township to make an informed decision on its equipment purchase and its eligibility for grant reimbursement, a number of factors must be considered.

## **CURRENT POPULATION AND PROJECTIONS**

According to the US Census Bureau, in 2010 West Mead Township had a population of 5,258 people, up from the 5,227 population documented in the official 2000 US Census. Subsequent estimates by the Census Bureau's American Community Survey indicate that the Township's population is decreasing slightly with an estimated population in 2013 of 5,209. Because the population does not show a significant deviation from 2000 to 2010 or from 2010 to 2013, it is probably safe to assume that West Mead would remain within the population requirements for Act 101 mandated municipalities into the near future.

Because population density is the determining factor for Act 101 mandated municipalities within this population range (5,000 to 10,000) another indicator of a municipality's potential to comply with the

law is shifts in housing development. In 2010, West Mead Township had 2,259 occupied dwellings. 82% of these were single-family detached dwellings with nearly 30% of the homes built before 1939 and up to 95% built before 2000. On the other hand more than 30% of the householders had moved into their homes after 2000. While there has been slight growth in new construction, older structures are simply repopulated as their original owners depart. Without the rapid growth of residential planned developments, these statistics would indicate that West Mead may not meet the population density requirements anytime in the immediate future and thus, will remain free from any Act 101 imposed mandates.

### **Budgetary Concerns**

The affordability of any equipment purchases based on the municipality's current available resources is of foremost concern. It is important to note that the Act 101, Section 902 grants are awarded on a competitive basis. Therefore, even when a municipality meets the general eligibility criteria, there is no guarantee that its request will be successfully awarded the funding. This is particularly true for nonmandated municipalities. Because Act 101 specifies where recycling and leaf waste collection and processing must occur, it is only natural that those applications take a higher priority than for those when these actions are voluntary. Funding can be awarded retroactively; however, municipalities are cautioned that making purchases based on the hopes of retroactive reimbursement is solely at the risk of the municipality.

### **LOCAL ORDINANCES**

West Mead Township does not currently have a municipal solid waste ordinance of any kind. Therefore, there are currently no requirements for the collection of waste, source separated recyclables, or leaf waste from residences or commercial establishments.

The Township does have a burning ordinance. It prohibits the burning of municipal solid waste, including construction and demolition waste, as well as recyclables, but clearly allows leaf waste to be combusted.

Issues such as accumulation of waste and illegal dumping are addressed to some extent in the Township's Zoning Ordinance. Excerpts from the only part of the Zoning Ordinance, which specifically apply to waste management, are shown below.

#### **West Mead Township Zoning Ordinance**

##### **Section 623 Dumping, Depositing and/or Storage Of Solid Waste**

**623.1** Open dumping or depositing of solid waste on the surface of the ground, into the ground, or into the waters of the Township, (established or perpetuating a dump) without having obtained a permit as under the regulations established in Section 629 of this ordinance shall not be permitted in any zoning district; providing, however, this requirement shall not prohibit:

- a. The use of solid wastes in normal farming operations.
- b. The depositing by individuals of solid waste resulting from their own residential activities on to the surface of the ground or into the ground owned or leased by them when such wastes are managed with proper soil cover and/or compaction and do not thereby constitute a dump as defined in this ordinance nor create a public nuisance or adversely affect the public health.

**623.2** The storage of solid waste shall be practiced so as to prevent the attraction, harborage, or breeding of insects or rodents and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness, and public nuisances.

Upon review of the Zoning Ordinance, Nestor Resources offers that the Township may want to reconsider the wording of Section 623.1 (b). The language in the ordinance allowing the burial of solid waste on a parcel whether owned or leased by the occupant does not appear to be in keeping with the provisions of Act 97, the Solid Waste Management Act.

It is possible that the Township means to refer to waste generated in agricultural operations, which is generally provided with more generous handling and management allowances. However, even those exemptions do not allow individuals to simply bury or burn solid waste on property which is not permitted as a disposal facility by PADEP.

Following are excerpts from Act 97, which the Township should discuss with its legal counsel. In addition, the Township should review a fact sheet from the Penn State Cooperative Extensions, *Farm Dumps: Problems and Solutions*, by James W. Garthe, Instructor, Agricultural, and Biological Engineering and Jennifer L. Shufman, Research Technician, which outlines proper farm waste management.

## **Act 97, the Solid Waste Management Act**

### **SECTION 610. Unlawful conduct**

It shall be unlawful for any person or municipality to:

- (1) Dump or deposit, or permit the dumping or depositing, of any solid waste onto the surface of the ground or underground or into the waters of the Commonwealth, by any means, unless a permit for the dumping of such solid wastes has been obtained from the department; provided, the Environmental Quality Board may by regulation exempt **certain activities associated with normal farming operations** as defined by this act from such permit requirements.
- (2) Construct, alter, operate, or utilize a solid waste storage, treatment, processing or disposal facility without a permit from the department as required by this act or in violation of the rules or regulations adopted under this act, or orders of the department, or in violation of any term or condition of any permit issued by the department.
- (3) Burn solid wastes without a permit from the department.

### **Definitions**

**"Solid waste."** Any waste, including but not limited to, municipal, **residual** or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials.

**"Residual waste."** Garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, mining and **agricultural operations** . . . .

**"Normal farming operations."** The customary and generally accepted activities, practices and procedures that farms adopt, use, or engage in year after year in the production and preparation for market of poultry, livestock, and their products; and in the production, harvesting and preparation for market of agricultural, agronomic, horticultural, silvicultural and aquicultural crops and commodities; . . . .

It includes the storage and utilization of agricultural and food process wastes for animal feed, and includes the agricultural utilization of septic tank cleanings and sewage sludges which are generated off-site. It includes the management, collection, storage, transportation, use or disposal of manure, other agricultural waste and food processing waste on land where such materials will improve the condition of the soil, the growth of crops, or in the restoration of the land for the same purposes.

**"Agricultural waste."** Poultry; and livestock manure, or residual materials in liquid or solid form generated in the production and marketing of poultry, livestock, fur bearing animals, and their products, provided that such agricultural waste is not hazardous. The term includes the residual materials generated in producing, harvesting, and marketing of all agronomic, horticultural, and silvicultural crops or commodities grown on what are usually recognized and accepted as farms, forests, or other agricultural lands.

### AVAILABLE SERVICES

The Township does not provide residential waste and recycling collection services with its own personnel, nor does it conduct a competitive bidding process to enter into an agreement with a collection service provider. Residents in West Mead Township contract for waste and recycling collection with the service provider of their choice. Commercial businesses and institutions also contract directly for waste collection services. The decision to have a waste and recycling collection service provider though, is strictly voluntary. Consequently, as in many other Crawford County communities with a similar lack of contracts or ordinances, some residents and business owners opt to have no collection service at all. In such conditions the risk of illegal dumping and/or theft of service (the inappropriate or unapproved use of another's dumpster to dispose of one's waste) is high.

Currently, some but not all haulers offer recycling as part of their curbside waste collection services. However, all are capable of providing the service as each does so in other areas. In areas adjacent to the City of Meadville, residents that live on a jointly shared street may opt into the City of Meadville's collection contract. In doing so they are provided with more services than is available under a subscription service and at less cost.

The Crawford County Solid Waste Authority sponsors a drop-off recycling collection site in West Mead Township. This service is a carry-over from a program initiated by West Mead Volunteer Fire Department decades ago. The West Mead site is one the largest in the Authority's network of collection points. The site is frequented by local residents, as well as those from other municipalities. In addition, business owners from West Mead and the City of Meadville, to avoid contracting for recycling collection, deliver large quantities of cardboard to the site. Consequently, the West Mead site is one of the most expensive to service.

The Authority receives funding from the Crawford County Board of Commissioners to operate the drop-off recycling collection program. The Authority was notified in recent discussions with the County Commissioners and the County Administrator that the County cannot continue to fund the program at its current level. Therefore, there are no future guarantees that the West Mead site will continue to be available.

Minimal leaf waste management services exist. These are made available by the Township. Officials hope to expand the brush management capabilities of the Township.

## **GRANT ELIGIBILITY**

The primary purpose of this project was to determine if the Township could become eligible to apply for an Act 101 Section 902 grant for leaf waste processing equipment. Therefore, the consultant spent considerable effort researching those requirements. As with many regulatory matters, a number of similar but conflicting interpretations can occur when the language is not precise and clear. To avoid any glitches or disappointments caused by misinformation, Nestor Resources decided to seek outside opinions as well as relying on its own experience with the grant process.

Nestor Resources has a long standing working relationship with many current and former PADEP Regional Recycling Coordinators and also representatives from the Harrisburg Central Office, Bureau of Waste Management, Division of Waste Minimization and Planning. The combined opinions from those veteran sources along with a review of the grant applications and instructions issued for previous grant rounds formed the consultant's conclusions.

The previous year's grant applications are not fully clear on what is expected from nonmandated applicants. However, for the questions and supporting documentation, since there are no distinctions made between mandated and nonmandated municipalities on the application itself, one could conclude that both must meet the same criteria. This assumption was consistently confirmed by PADEP personnel who have ranked and recommended applications for past funding. Essentially, grant applicants are expected to comply with the provisions of Act 101 as amended by Act 140. The following section outlines how West Mead Township could meet those criteria.

## **APPLICABLE STATE LAWS AND REQUIREMENTS**

Under the provisions of Act 101, the Municipal Waste Planning, Recycling, and Waste Reduction Act, municipalities with a population in excess of 10,000 or with a population of between 5,000 to 10,000 and with a population density of 300 people per square mile are required to implement a mandatory curbside collection program for municipal waste, recycling and leaf waste. Commercial businesses are also required to recycle in these mandated communities. Act 101 was amended by Act 140, which further defined the responsibilities of the mandated municipalities.

## **ACTION PLAN TO MEET ACT 101 AND ACT 140 REQUIREMENTS**

Nestor Resources has outlined a suggested course of action for West Mead Township to meet these criteria, and thus become eligible for grant funding. It describes how the Township meets or does not meet each specific mandate in the laws, regulations, and technical guidelines. It also offers actions for the Township to meet any of the regulatory requirements for which it currently falls short. Following is an outline of that review.

### **Mandates for Municipal Waste and Recyclables**

**To comply a municipality must demonstrate that it:  
Requires, through ordinance, that all residents have waste and recycling service.**

Nestor Resources, Inc. has provided to West Mead Township a draft ordinance which requires all residents to contract directly with the hauler of their choice for curbside waste and recycling collection services. To accomplish this, the ordinance requires all haulers that operate in the Township to include recycling as a bundled fee with the waste collection services provided to their customers

It also grants the Township with the authority to utilize Township personnel, or enter into a competitively bid contract for these services, given proper public notification.

**Has an implemented residential recycling program and facilitates a commercial recycling program or participates in a similar county or multi-municipal program.**

The draft ordinance provided by Nestor Resources, Inc. requires that both residents and businesses separate certain materials for recycling.

**Has a residential and business recycling education program.**

To meet this requirement, the Township could provide recycling education in a newsletter, provided that it is mailed to West Mead homes and business twice per year. In addition, the Township could improve the recycling page on its web site to serve as a permanent source of information for both residents and commercial businesses.

**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.**

The Zoning Ordinance of West Mead Township provides for the protection of public health and safety, in which proper storage and collection of waste and recyclables play important roles. An enforcement program along with penalties for violators of the Ordinance are included.

**Has provisions, participates in a county or multi-municipal program, or facilitates a private sector program for the recycling of special materials.**

West Mead Township supports and promotes the efforts of the Crawford County Solid Waste Authority. The Authority sponsors periodic Household Hazardous Waste collection events in



conjunction with Environmental Coordination Services & Recycling (ECS&R). The collection facility is located just outside Cochranon. In addition, the County has conducted or helped municipalities to coordinate periodic collection events for tires, pharmaceuticals, and electronic waste. On its own, West Mead also offers clean-up days during which a number of bulky waste items and e-waste are accepted.

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

West Mead Township could help the Crawford County Solid Waste Authority to initiate an active affiliation of Keep Pennsylvania Beautiful, which conducts cleanups of illegal dumpsites, provides educational materials and special collection events.

**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.**

Ms. Jill Dunlap, Township Secretary, could assume the duties of Recycling Coordinator for West Mead Township

**Mandates for Leaf Waste Management**

**Leaf waste consists of more than just leaves.** It includes leaves, garden residues, shrubbery and tree trimmings, and other similar materials. Mandated municipalities desiring to establish leaf waste collection programs must follow the regulations established under Act 101.

**To comply a municipality must demonstrate that it:**

- **Has an ordinance that requires that leaf waste be separated from municipal waste and targeted for collection from residences and commercial, municipal and institutional establishments; AND**
  - **Establishes a scheduled day, at least once per month, when leaf waste is collected from residences; OR**
  - **Establishes 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 Pa. DEP 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.**

- **AND Ensures that commercial, institutional, and municipal establishments generating leaf waste have collection service.**

West Mead Township currently does not have a full-fledged leaf waste management program. However, the Township is prepared to initiate a leaf waste collection & drop-off program should it acquire funding for the equipment to facilitate the operation.

The Township could designate a spot on the grounds of the Township's Municipal Offices or other Township owned and supervised parcel. Leaf waste could be contained in a bunker and chipped and shredded for use in the Township's parks. The Township desires to submit an application for an Act 101, Section 902 Grant to purchase a chipper shredder for this purpose.

West Mead Township has a lower population density than mandated municipalities. Therefore, providing for leaf waste collection on every roadway of the Township may be neither productive nor an environmentally sustainable practice. Based on a number of Western Pennsylvania communities which have operated leaf-vacuuming systems, using bags or containers for scheduled collections has proven to be less costly. Some communities actually contract with a waste hauler for this specific service for four weeks per year. Others utilize public employees to perform the collections.

As an alternative to a leaf vacuuming system, the Township could launch a leaf waste curbside collection program that is similar to other mandated communities that have large pockets of rural areas. The Township could sell leaf waste composting bags to residents, who must register their address with the Township at the time of purchase. All registered locations will be collected on a date specified by the Township. This program could be implemented each spring and fall. The bag system makes it easier to manage brush and other materials at the curb which would be difficult using a vacuuming system.

### **Summary Remarks**

The residents of West Mead Township have a long-standing tradition of supporting recycling. The longevity of the Crawford County Solid Waste Authority's drop-off recycling collection program is uncertain. Because West Mead does not have an organized municipal waste, recycling and leaf waste collection program, it misses out on a number of monetary benefits provided through Act 101. In addition, its residents pay more for voluntary subscription services than do those who live in areas where competitive bidding for exclusive rights to service the local municipality occurs.

West Mead Township does not currently meet the Act 101 criteria to be designated as a mandated municipality and provide waste, recycling and leaf waste programs. However, at this point, it is only a minor technicality that prevents it from qualifying. In all other aspects, the Township has a similar demographic profile as those where residents expect the community as a whole to participate in a curbside municipal waste, recycling and leaf waste collection program.

Curbside recycling could easily be made available throughout the Township via ordinance. Cost reductions for all waste management services would occur if the Township shifted to a single hauler contract for municipal waste, recycling, and potentially leaf waste collection. In addition, by managing its own program, the Township would qualify for not only Act 101 Section 902 Development and Implementation Grants, but also Act 101, Section 904 Performance Grants.

The report offers West Mead Township officials a road map to ensure that local residents continue to have access to all of the desired services. Whether today or in the near future, local officials should give serious consideration to initiating these changes to improve the quality of life in West Mead Township.