



Upper Uwchlan Township
Chester County, PA



Collection Program Assessment

Environmental Resources Associates

706 MONROE STREET
STROUDSBURG, PENNSYLVANIA 18360

CONSULTANTS IN ENVIRONMENTAL RESOURCE MANAGEMENT

ERA



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SWANA/PADEP Technical Assistance Program

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1.0 Executive Summary

Upper Uwchlan Township (Township) is an Act 101 mandated municipality located in Berks County.

A contracted private hauler provides curbside collection services for municipal waste, designated recyclables, leaf and yard waste and Christmas trees, as per the following schedule.

- ☑ Twice per week for residential municipal waste.
- ☑ One time per week for recyclables.
- ☑ One time per month (one) bulk item.
- ☑ One spring and two fall leaf and yard waste pick-ups.
- ☑ Two Christmas tree pick-ups, scheduled during January.

The leaf waste collection program is not augmented by the designation of a drop-off collection site for leaf and yard waste.

The Township requested technical assistance through the Recycling Technical Assistance Program. Environmental Resources Associates (ERA) was selected to provide consulting services to assist the Township in assessing the strengths and weaknesses of its current collection system and identify areas for improvement (if any). Additionally, ERA was requested to review the Township's Waste Collection and Recycling Ordinance No.91-4 (Ordinance) and its current program practices for consistency with Act 101 and current regulations.

The suggestions and recommendations presented in this report and summarized below are intended to assist the Township to improve its existing municipal waste and recycling system and help insure its compliance with the requirements of Act 101 and current regulations.

ERA recommends that the Township:

- ☑ Assess the potential for implementation of a unit based residential waste collection. A unit based or PAYT system will provide residents a financial incentive to recycle more resulting in greater capture rates for recyclables and reduced volumes of residential waste.
- ☑ Either provide monthly curbside collections or a drop-off facility available to residents (at a minimum of one time per month) for leaf and yard waste to meet the requirements of Act 101.
- ☑ Consider alternative options for collection and disposition of grass clippings and tree trimmings (see Section 4.2). At a minimum the Township should educate the public to the value of these resources and provide suggested alternatives to disposal.

- ☑ Develop and implement a comprehensive and sustained recycling education/outreach campaign compliant with Act 101 requirements.
- ☑ Work closely with its solicitor to review, revise and update its Ordinance to strengthen and update their recycling program and to bring it into compliance with Act 101 requirements.
- ☑ Develop and implement a program that improves compliance monitoring procedures and provides for efficient and effective enforcement policies and procedures for its waste management and recycling system. This effort will require the designation of an entity or designated personnel responsible for monitoring and enforcement actions.
- ☑ Establish a task force or recycling advisory committee comprised of residents, stakeholders and pertinent staff members to review and consider the alternatives and recommendations presented in this report. The designated body could assist the Township with restructuring, implementing and monitoring its waste management and recycling program.
- ☑ Submit an application for funding assistance under Section 902 of Act 101 (if available) for eligible program costs including those associated with the preparation/revision of the Township's Ordinance and other eligible cost associated with program development and procurement of collection services.

2.0 Background

The Township has a total area of 11.6 square miles, a population of 6,850 persons and 2,132 households (2000 census). The Township is rather densely populated at 637.2 persons per square mile (see Base Map, Attachment A).

Upper Uwchlan Township provides for residential curbside collection services for municipal waste, recyclables, leaf and yard waste and Christmas trees via contracted services with a private hauler. The contract does not include any collection services for Commercial, Municipal or Institutional (CIM) establishments.

The Township entered into a three year comprehensive residential collection contract (contract) in August of 2005 with a private contractor, A.J. Blosenski Trash and Recycling Services. The contract included two (2) one (1) year evergreen options. The Township exercised its first option for contract renewal in August of 2008 and may, at its discretion, exercise its remaining one year option.

The Township requested technical assistance in assessing the strengths and weakness of its current collection system and to identify areas for improvement (if any). Additionally, the Township requested a review of its Ordinance and current waste management and recycling program practices for consistency with Act 101 and current regulations.

3.0 Current Residential Collection System Overview

The private contractor (contractor) provides collection services to all single family households (containing up to four (4) dwelling units) for residential municipal waste, designated recyclables, leaf and yard waste and Christmas trees. The contract provides for the following scheduled residential curbside collection services;

- ☑ Twice per week for residential municipal waste.
- ☑ One time per week for recyclables.
- ☑ One time per month (one item per household) bulk item.
- ☑ One spring and two fall leaf and yard waste pick-ups.
- ☑ Two Christmas tree pick-ups, scheduled during January.

The collection contract specifies that the Township designate and contract directly with entities for the proper disposition of residential waste and recyclables collected by the private contractor. The Township is responsible to pay any fees and collect any revenues associated with the materials collected and delivered to the designated entities. Proper disposition of bulky waste items collected are exclusively the responsibility of the contractor.

The total annual costs per household for the above noted collection services are \$315.00 and are billed annually by the Township's tax collection agency.

3.1 Municipal Waste Collection

Residential waste collection services are provided twice weekly to all households single or multi-family structure having up to, and including, four (4) dwelling units.

The Townships Ordinance stipulates that a maximum of four (4) thirty-two (32) gallon containers may be set out per collection. However the collection contract stipulates that *"The Contractor shall collect all municipal waste and recyclables placed at curbside from all dwelling units, as herein defined, in the Municipality on days specified."* The contractor was contacted to determine the amount of waste that was acceptable per dwelling unit per collection. ERA was informed by the contractor that up to ten (10) thirty-two (32) gallon containers may be set out per household per collection.

The Township is divided into two collection zones. Zone 1 is provided waste collection services on Mondays and Thursdays, Zone 2 on Tuesdays and Fridays.

The collection contractor also provides collection services for disposal of grass and branches from tree trimmings on regular waste collection days. Grass clippings must be bagged (up to five (5) bags per collection) and tree trimmings bundled (up to three feet (3') in length). These items are treated as residential waste by the contractor and disposed of as such.

Residential waste is collected by the contractor and delivered to Chester County Solid Waste Authority's (CCSWA) Lanchester Landfill. Tipping fees for municipal waste delivered to Lanchester Landfill are recorded and billed directly to the Township. The current per ton tip fee is \$58.00 per ton however; the Township receives a tip fee discount of \$3.00 per ton for directing its municipal waste to the CCSWA Lanchester Landfill.

3.2 Bulky Item Collection

Bulk item collection service (e.g. furniture, appliances, and various large items) is available to each household once a month. Appliances containing Freon are accepted and the contractor is responsible for the proper removal of the Freon.

The contractor is required by the contract to assume title of all acceptable bulky items and to the extent possible recycle items collected. The collection contractor must report the weight of the bulky items collected to the Township and their disposition (recycled or disposed).

Residents are responsible to call the Township to confirm that bulky items intended for collection are acceptable and to remove doors from all appliances. Each household is limited to one bulky item per household per month.

3.3 Recycling Collection

Collection of designated recyclables is provided once each week coincident with residential municipal waste collection. Recyclables are scheduled for collection each Monday in Zone 1 and Tuesday in Zone 2.

The Township's designated residential recyclables include the following.

- ☑ **Glass** - clear, brown and green.
- ☑ **Cans** - aluminum, steel and bi-metallic.
- ☑ **Plastic** - HDPE and PET
- ☑ **Newspapers**
- ☑ **Mixed Paper** - phone books, magazines, junk mail, and home, school or office paper.
- ☑ **Corrugated Cardboard**

The Township provides dual stream collection of recyclables. Each household is provided a fourteen (14) gallon rectangular bin for commingled recyclables (glass, metal and plastics containers). Newspaper, mixed paper and corrugated (no larger than 30" X30") are required to be bundled with string and placed on top of or along side the recycling bin.

The Township's Recycling Ordinance and collection contract stipulate that, *"The Township will, maintain title to the residential recyclables collected and enter into a*

contract with a separate entity (not the contractor) to provide a location where the recyclables will be delivered”.

The Township is one of many municipalities that have entered into an agreement (see Attachment, B) with the Chester County Solid Waste Authority and are currently enjoying the benefits economy of scale afforded by the cooperative program (e.g. stable market outlets and fair market value for recyclable commodities delivered).

Recyclables collected by the contractor are delivered to the Allied Waste Recyclery located at 372 South Henderson Road, King of Prussia.

The County contracts with Allied Waste Recyclery for processing and marketing of recyclables and affords the opportunity to the County’s municipalities to participate in a cooperative recyclables processing and marketing program.

Table 1 exhibits the amount of recyclables collected and the revenues received for same by the Township.

Table 1
Recyclables Collected and Revenues Received

Year	0CC/Paper Tons Per/Month	Revenue Per/Month	Commingled Tons Per/ Month	Revenue Per/Month	Total Tons Per/Month	Total Revenue Per/Month
2007						
Jan	95.30	\$1,906.00	75.40	\$2,245.40	170.7	\$4,151.40
Feb	68.23	\$1,364.60	49.21	\$1,465.49	117.44	\$2,830.09
Mar	77.98	\$1,559.60	47.43	\$1,412.47	125.41	\$2,972.07
Apr	87.44	\$1,748.80	50.47	\$2,038.99	137.91	\$3,787.79
May	65.39	\$1,307.80	47.81	\$1,931.53	113.2	\$3,239.33
Jun	82.84	\$1,656.80	52.92	\$2,137.97	135.76	\$3,794.77
Jul	91.82	\$1,836.40	66.02	\$3,249.49	157.84	\$5,085.89
Aug	78.25	\$1,565.00	55.90	\$2,751.41	134.15	\$4,316.41
Sep	72.39	\$1,447.80	43.09	\$2,120.91	115.48	\$3,568.71
Oct	95.17	\$1,903.40	59.34	\$3,092.79	154.51	\$4,996.19
Nov	93.63	\$1,872.60	52.68	\$2,745.68	146.31	\$4,618.28
Dec	100.97	\$2,019.40	63.08	\$3,287.73	164.05	\$5,307.13
Total	1009.41	\$20,188.20	663.35	\$28,479.86	1,672.76	\$48,668.06

3.4 Leaf and Yard Waste

Leaf and Yard waste is collected curbside on one Saturday during the spring and two Saturdays during the fall. Residents are required to purchase paper biodegradable leaf and yard waste collection bags. The bags are thirty (30) gallon

capacity and sold at the Township building in bundles of five (5) at a price of \$2.50 per bundle. No limit is set on number of bags per household per collection.

In addition to the above noted items Christmas trees are also collected curbside on two Saturdays scheduled during January. Leaves, yard waste and Christmas trees are delivered to the CCSWA compost facility.

The Township program does not provide a drop-off facility for leaf and yard waste.

3.5 Recycling Education /Outreach Program

The Township's current residential recycling education/outreach program provides recycling information in several modes. The Township disseminates recycling education/outreach information via fact sheets and brochures available at the municipal building, newsletters mailed quarterly to residents and on its web site (to include copies of recent newsletters). The information provided primarily includes listings of materials that will and will not be accepted, required preparation of acceptable materials and collection schedules.

3.6 Recycling Program Enforcement

The Township requires in its Ordinance that all licensed haulers provide warning notices for improperly prepared items (Section 13. (E)(4)) - *Issue warning notices of violations on forms provided by the Township to persons served failing to comply with the procedures for the separation, storage and collection of recyclable materials and leaf waste, and provide a copy of such warning to the Township.* and prohibits them from collecting materials improperly prepared (Section 13. (G)(1)) – Collection or transport any materials or leaf waste from any person failing to source separate said materials in violation of this Ordinance and regulations hereunder.

Penalties for violation of the ordinance are also included under the ordinance “- *Penalties – (Section15. (B)) Any person who violates any provision of this Ordinance or the regulations adopted hereunder, or any person who engages in unlawful conduct as defined in this Ordinance, shall upon conviction thereof in a summary proceeding before a District Justice, be sentenced to pay a fine of not more than \$1,000.00 and not less than \$50.00. Each continuing day of violation of this Ordinance shall constitutes a separate offense punishable by a like fine or penalty.* “

The residential collection contractor is also required under contract to provide violation notices for improperly prepared recyclables, *“The Contractor shall be required to collect all properly prepared recyclables, but shall not be required to collect materials not properly prepared or recyclables not placed in recycling containers. Recycling containers not containing properly prepared recyclables*

shall be tagged by the Contractor, with tags (Violation Notice) supplied by the Municipality for Contractor’s use, “and to report same to the Township “Contractor shall keep the following records for collections: - Number of stops where improperly prepared recyclables were not collected and tags were issued and estimated amount of rejected recyclables (one bucket, half bucket, etc.) “.

The Township’s Ordinance does not designate an entity or personnel specifically responsible for following through with enforcement actions or address procedures for same.

4.0 Residential Collection System Assessments

The following sections summarize the strengths and weaknesses of the various components of the integrated residential collection system.

4.1 Overview of Integrated Residential Collection System Benefits

The Township’s single source integrated collection system for residential collection services for municipal waste, designated recyclables, leaf and yard waste and Christmas trees provides a number of benefits.

- ☑ The use of one contractor minimizes traffic and associated environmental, road repair and safety problems caused by duplication of efforts by several haulers, as is common under private subscription programs.
- ☑ Single source contracting simplifies program administration and affords the opportunity for efficient and effective enforcement activities.
- ☑ Provides improved collection efficiency, as opposed to systems using several haulers to provide similar services.
- ☑ Provides a variety of convenient and uniform collection services at a lower comparable cost to subscription collection.
- ☑ Consistency in recycling and waste collection practices generally simplifies and increases public comprehension of program requirements.
- ☑ The comprehensive and convenient collection system aids in reducing illegal dumping.

4.2 Municipal Waste Collection and Disposal

Contracting separately for collection and transport of residential waste to a designated disposal facility and for ultimate disposal at the designated facility (CCSWA Lanchester Landfill) allows the Township to enjoy the full benefit of avoided disposal costs. Additionally the Township receives a \$3.00 per ton tip fee discount from the CCSWA for designating Lanchester Landfill for disposal of its residential waste. An estimated \$14,915.85 was saved by the Township during 2007 as a result of their tip fee discount.

Providing waste collection services for up to ten (10) thirty-two (32) gallon containers of waste per household per collection seems excessive and provides the wrong or at best a confusing message to residents, it indicates that recycling is proportionally of lesser importance. Considering that the Township provides one fourteen (14) gallon container per household for recyclables and collects recyclables once a week while waste is collected twice weekly and each household is allowed ten (10) thirty-two (32) gallon containers per week. It is recommended that the Township, at a minimum, limit the amount of containers per household to four (4) as specified in the Ordinance, or less. Limiting the amount of containers per household will provide an additional incentive to recycle.

To further reduce waste and increase participation in the recycling program a financial incentive for residents can also be instituted via a unit based or Pay-As - You-Throw (PAYT) should be considered. PAYT is a common term used to describe a unit based waste collection system. Each household is charged by a specified volume per container or limited to a number of volume specified containers of waste per set out and charged on a per container basis for any additional containers. No limit or fee is assessed for recyclables.

A unit based system provides residents a financial incentive to recycle more resulting in greater capture rates for recyclables and reduced volumes of waste. This situation will translate into higher revenues from marketing of recyclables; increased funding received under Section 904 of Act 101 and reduced disposal costs.

Additionally providing collection services for grass and tree trimmings on regular residential waste collection days is a convenient service for residents. However, treating these items as residential waste rather than resources is not in the best interest of the Township. The Township could potentially reduce its waste stream and resulting disposal costs by educating the public to the value of these resources and provide alternatives to disposal of these items.

It is suggested that the Township consider the following alternative options with regard to the disposition of grass and tree trimmings.

- ☑ Meet with the Township's collection contractor to discuss the potential for segregating these items or providing a separate collection for the purpose of delivering them to a compost facility.
- ☑ Meet with the CCSWA and the county recycling coordinator to explore the possibility of processing grass and/or tree trimmings at the CCSWA compost facility or an alternative site within the region.
- ☑ Initiate and actively promote a "Grasscycling" education program encouraging residents to leave the clippings on the lawn or use as mulch or to add to home compost piles. A "Guide To Home Composting" is available on the DEP web site (keyword: home composting www.dep.state.pa.us).
- ☑ Provide a drop-off site open to the public to accept grass, tree trimmings and leaf and yard waste (as detailed in Section 4.5).
- ☑ These trimmings could be processed (chipped or ground) to generate mulch for use by the Township and/or residents or sold to landscapers.
- ☑ Consider including separate collections for grass and tree trimmings, for the purpose of delivering them to a compost facility, in future contract renewal negotiations and/or collection bids.

4.3 Bulky Item Collection

Providing bulk item collection service offers residents a convenient and efficient mode of disposing of furniture, appliances, and other acceptable large items. Requiring the contractor to be responsible for the proper removal of the Freon simplifies the resident's role and helps insure the proper disposition of these items.

Requiring the contractor to assume title of all acceptable bulky items for the purpose of recycling (to the extent practical) and to report the disposition and weight of the items collected to the Township benefits the Contractor and the Township. The contractor benefits from the sale of the recyclable items and the Township benefits from the reduction in disposal cost for items recycled and the potential avoidance of illegal dumping.

4.4 Recycling Collection

Currently the Township provides each household a fourteen (14) gallon bin for commingled recyclables (glass, metal and plastics containers). Newspaper, mixed paper and corrugated (no larger than 30" X30") are required to be bundled with string and placed on top of or along side the recycling bin.

A windshield/drive-by survey was conducted to estimate household recyclables setout rates. Two sets of 100 households were included in the survey. The setout rate for the first set was 82 of 100 households or 82%; set number two was 77%, yielding an average setout rate of 79.5%. The percentage of setouts is not necessarily indicative of a curbside collection program's true participation rate.

The snapshot provided by the limited survey indicates that the Township's program is enjoying a relatively good rate of participation. Use of a unit based system limiting the amount of waste per household per setout would undoubtedly increase the volume of recyclables collected and the Township would enjoy the resulting benefits, as discussed in Section 4.2.

Maintaining title for collected residential recyclables and participation in the County's cooperative processing and marketing program is an excellent approach to marketing its recyclables. The cooperative program provides the benefits economy of scale (e.g. stable market outlets and fair market value for recyclable commodities delivered). The Township's income derived from sale of recyclables (\$48,668.06 for 2007) can assist in guaranteeing program sustainability by offsetting program costs.

Additionally based on information provided by the Township and its contractor, the Township saved an estimated \$92,001.80 in avoided cost of disposal as a result of the diversion of recyclables.

4.5 Leaf and Yard Waste Collection

The current leaf and yard waste collection program provides collection services to its residents three times annually, one spring and two fall collections. The program is not compliant with Act 101. The Township must either provide collection services once per month or provide a drop-off facility for leaf and yard waste 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 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.*
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.*

The Township will need to determine a course of action for leaf waste collection that brings it into compliance with Act 101 requirements and best meet its needs. The Township should consider the inclusion of grass clippings and tree trimmings as discussed in Section 4.2 as part of its due diligence in assessing which course of action, providing monthly collections or a drop-off facility, best meets its needs.

To assist the Township in its assessment the following parameters for the development of a drop-off site/program for leaf and yard waste are provided for its consideration.

A drop-off site should to the extent practical:

- Be centrally located, and ingress and egress for site does not impact traffic flow.

- ☑ Provide easy access and have ample areas for off-loading materials and parking. Access is extremely important and should not be overlooked when siting and designing a drop-off site. For example, if roll-off containers are used for collection of leaf and/or yard wastes an ample area for truck maneuverability is required. Ease of access to the site is essential.
- ☑ Be manned during the times it is open to residents and all incoming materials inspected prior to acceptance, for quality assurance. If the site cannot be staffed, security cameras, an electronic key card type security gate or other security should be implemented to prevent misuse and vandalism.
- ☑ Clearly post rules and regulations governing use of the site, material accepted and preparation, scheduled operations and also make printed copies available to residents.
- ☑ Be available to residents on a regularly scheduled basis, at convenient times and preferably open on weekends, if only on a limited basis.
- ☑ Employ a method for identifying residents.

The Township has several options with regards to the development and/or operation of a leaf and yard waste drop-off program. The Township can develop and operate the site or via a cooperative agreement with another municipality or municipalities develop and operate a site or secure the ability to use an existing municipal site. Also, the Township could secure the services of a private contractor to provide full or selective services or consider a public private partnership to meet the municipality's needs.

Described below are options available to the Township to implement a drop-off collection program for leaf and yard waste.

Municipal Operation

Municipal operation of a leaf and yard waste drop-off program generally requires securing and developing a drop-off site, purchasing or leasing equipment, operations personnel, securing capacity for and transport of materials to a facility capable of processing the volume and types of leaf and yard waste collected, an education/outreach program and program administration.

Inter-municipal Agreement

An inter-municipal 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. Inter-municipal agreements often are a practical vehicle to aid municipalities to efficiently and cost effectively accomplish common goals.

There are a variety of reasons that municipalities might enter into an agreement for the cooperative development and operation of a drop-off site for leaf and yard waste or to offer capacity at an existing drop-off to another municipality. However, as with most cooperative projects the benefits of economy of scale is usually the prime factor.

In order for this option to be practical the drop-off site must be located in a convenient location in close proximity to the populations to be served.

Contracted Operation

Under this option a municipality procures the required services of a qualified private contractor. The selected contractor could provide full service, e.g., provide

a drop-off facility and all of the support equipment and services described under municipal operations. Alternatively, the contractor could provide only selected services. Few municipalities opt for private contractors to operate and maintain a site due to cost.

Public/Private Partnership

Many municipalities favor a public/private partnership arrangement. Usually under a public/private arrangement the municipality provides the drop-off site, conducts the education/outreach program and may provide roll-off containers for collection of leaf and yard waste. The private contractor provides operations personnel for the drop-off site and is also responsible for transport the full containers to a compost facility. A charge is usually assessed by the contractor per container removal (pull) and/or per mile basis. Collection containers are often leased from the contractor.

Additionally as with all recycling programs a comprehensive and sustained public education/outreach campaign must be implemented. Education/outreach efforts may include but, not be limited to, newsletters, web-sites, public notices, brochures and pamphlets providing specific and detailed information relative to the leaf and yard waste collections at the drop-off site.

4.6 Recycling Education /Outreach And Enforcement Programs

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 residential recycling education/outreach efforts via, the Township's web site, newsletters and brochures provide instruction on preparation of recyclables and these reminders undoubtedly assist in maintaining participation rates. However, the aspect that participation in the recycling program is mandatory under Act 101 and the Township's Ordinance is not presented in any of the educational materials, nor is their any mention of potential enforcement actions for noncompliance

The Township's educational materials should extol the merits and the importance of participation and program accomplishments, in an enthusiastic and interesting manner. 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.***

The Township requires under its Ordinance and its residential collection contract that a collector issue warning notices of violation for persons failing to comply with the procedures for the separation, storage and collection of recyclable materials and leaf waste, and provide a copy of the warning to the Township. The Ordinance also provides for penalties in the form of fines ranging from a minimum of not less than \$50.00 and not more that \$1000.00, if convicted under summary proceedings before a District Justice. However, as noted in Section 3.6 the Township's Ordinance does not designate an entity or personnel specifically responsible for following through with enforcement actions or provide procedures for same.

A functional and effective enforcement program needs to be developed and implemented by the Township to insure compliance by residents and CIM establishments and to be compliant with Act 101 and appropriate regulations.

The current recycling education/outreach program only addresses residential recycling. In order to 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 addressing the for Commercial, Institutional and Municipal, (CIM) establishments as discussed below. Many of the suggested program parameters described in the following section may also be applied to the residential sector.

5.0 Commercial, Institutional and Municipal Recycling

There are no provisions for CIM collection services included in the Township's collection contract. CIM establishments are required to recycle high-grade office paper, aluminum, corrugated paper and leaf waste under Act 101 and the Township's Ordinance.

Although the Township does have a number of CIM establishments participating in the recycling program (98-tons of designated recyclables were reported during 2007) it does not have a structured recycling education program in place to address program requirements and CIM establishment's obligations or an active enforcement program for non compliance.

The following describes the parameters involved in the establishment of an effective recycling education program for CIM establishments, compliant with the requirements of Act 101.

The Township is required under Title 25. Section 272.423 (a copy of pertinent sections of Title 25. is included in Attachment, C) to establish and implement a comprehensive and sustained education program and an effective enforcement program.

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 further emphasizes the importance of establishing and implementing a comprehensive and sustained education program and an effective enforcement program for CIM establishments.

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.***

If the municipality has not met the above performance requirements, the grant funds awarded shall be expended by the municipality only to meet the performance requirements. If the municipality has met the performance requirements, the grant funds awarded may be expended by the municipality on any expense as determined in the discretion of the municipality. The Department may require budget documents or other expenditure records and may deny funding through this Section if an applicant cannot demonstrate that funds have been expended on eligible activities.

Provided below is guidance and direction for establishing and implementing a comprehensive and sustained recycling education/outreach program.

It should be recognized that it is challenging from both the functional and political standpoint to develop and operate a CIM recycling program for numerous and diverse commercial entities. It is almost impossible to do so without a comprehensive and sustained outreach/education. 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 CIM recycling program requirements to its intended participants. To get the message to the targeted participants, one must first identify them. A list identifying CIM establishments is a good start. The most readily available listing of CIM establishments is usually the municipal tax roles.

To assist in developing a comprehensive listing a review of private hauler'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 CIM 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 CIM establishments and recycling reports and recent customer lists provided by private haulers, 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 the Township's recycling program cannot be considered as completely accurate. Some CIM establishments are small computer based or home businesses that generate similar types and amounts recyclables as a single household and may be included in residential collection, under the Township's contract.

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 CIM recycling program. Explaining "why" the program is required is extremely important. "Why" is 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 CIM 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 how to of the program must also be clearly and succinctly conveyed.

The Township needs to continually inform and educate its CIM 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 CIM establishments and that there are penalties for non-compliance will get the attention of even those who are reluctant to participate.

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 that are intended to gain the interest and increase enthusiasm and participation by CIM establishments. These components can also be easily adapted to address the residential sector.

- ☑ 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.
- ☑ 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 resource, reduction of dependence on disposal facilities and, of course, it is the law.
- ☑ Develop a slogan e.g.: “Business Recycling Today for a Greener Tomorrow”, “Its Good Business to Recycle” or “Join the Green Team Recycle”. Slogans help with program identity and purpose. Develop a logo representing the commercial recycling program that will be readily identifiable.
- ☑ Provide decals of the recycling logo to participating businesses “Green Team Member WE RECYCLE”. 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.
- ☑ Develop incentive programs for participation that is” rewarding commercial entities that participate. 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 at a public meeting or public function and post an article on the Township web site.
- ☑ Conduct a workshop (this could be a multi-municipal effort) for the commercial sector and private 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 (see Attachment A). Request DEP assist the Township in developing the workshop and to provide promotional and/or educational materials.

- ✓ Prepare an instructional brochure, one that is eye-catching and to the point: (i.e.: who, what, where, when, why and how to). The brochure could be distributed by volunteers or sent with a Township newsletter, utility or tax bills to save on mailing costs. Post the brochure and other pertinent on the Township's web site.

Items suggested for inclusion in a brochure/web site:

- ✓ Detailed requirements of the program.
 - ✓ Recycling is positive for the community, business, the economy, the environment and it is the law.
 - ✓ Why each commercial enterprise regardless of size is important to the success of the recycling program.
 - ✓ List of designated materials to be recycled.
 - ✓ Guidelines for establishing a CIM recycling programs.
 - ✓ Sources of available information to assist in developing a recycling program, specific to the needs of particular types of commercial establishments (offices, restaurants, retail stores, etc).
- ✓ Send reminders to CIM 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 force-full and perhaps include a notice of violation or citation. The Township could consider offering violators a specified period of time to comply with the Township's 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 CIM establishments. Engage the local Chamber of Commerce or Rotary Club in awards program if practical.
 - ✓ Distribute an education packet detailing the Township's mandatory recycling program to each CIM establishment. The opportune time to do this is when they are seeking the Township's required 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 Township's 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 CIM establishment is then added to the Township's commercial sector recycling list.

Work with the County Recycling Coordinator to educate CIM establishments. Additionally to help increase CIM 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 CIM establishments and are oriented to public service.

CIM recycling fact sheets and promotional material that can be easily tailored to the Township's specific needs are available on the DEP web site (www.dep.state.pa.us) and the Professional Recyclers of Pennsylvania (www.proprecycles.org) also provide a wealth of information regarding CIM recycling.

It is important to reiterate that an effective enforcement program needs to be developed and implemented by the Township to insure compliance by residents and CIM establishments and to be compliant with Act 101 and appropriate regulations.

6.0 Recycling Ordinance Review

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

ERA reviewed the Township's Municipal Waste and Recycling Ordinance, No: 91-4 of 1991. The Ordinance addresses the elements of the Township's municipal waste and recycling programs and its collection contract. Based on the review of the Ordinance the Township needs to update and revise its current Ordinance in order to comply with Act 101 requirements and DEP guidelines.

Based on its review of the Ordinance ERA offers the following for the Township's consideration, to improve the documents clarity and aid in insuring compliance with Act 101. The Township will require the council and assistance of its solicitor to make appropriate revisions to the Ordinance.

A sample draft municipal waste and recycling ordinance was provided to the Township to assist in addressing its need to update and revise its Ordinance. The

sample ordinance is a compilation of ordinances prepared by ERA for various municipal recycling programs with the assistance of a number of municipal solicitors. The Township should work closely with its solicitor to review its Ordinance to meet its specific needs and the requirements of Act 101.

Pertinent sections of Title 25 Pennsylvania Code for the establishment and operation of a recycling program for a mandated municipality are included in Attachment, C for the Township's reference and consideration.

The following observations were made and conclusions were reached during the work effort:

- ☑ **The following or similar sections be considered to clearly and succinctly define program establishment, intent and purpose**

ESTABLISHMENT AND INTENT.

1. This Part hereby establishes a program for collection, storage, transportation, processing and disposal of municipal waste and for the mandatory source separation and separate curbside collection and recycling of designated recyclables; providing for the regulation of private haulers; disposition of designated recyclables and leaf waste recycling with municipal waste; prohibiting the burning of designated recyclables and leaf waste; empowering the Township to adopt reasonable regulations/policies and procedures thereof and fixing penalties for violation of this Part.

2. All domestic, commercial, institutional and industrial recyclables accumulated upon any property within Upper Echlin Township shall be collected and removed by a private hauler who shall be permitted by the State of Pennsylvania. Waste shall be disposed of under the direction of the Township and in accordance with the Solid Waste Management Act and the Chester County Municipal Waste Plan.

3. This Ordinance shall provide mandatory participation in the recycling program in accordance with the requirements of Act 101 of 1988 and govern all aspects of the collection, storage, transportation, processing and disposal of municipal solid waste in Upper Echlin Township. It contains regulations that are applicable to collectors of municipal waste and/or recyclables, individuals, developments and commercial, municipal and institutional establishments, and community activities.

PURPOSE.

An Ordinance to establish a program for the mandatory source-separation, separate collection and recycling of designated recyclable materials, and composting of leaf waste, from residences and properties receiving municipal waste collection service from or on behalf of the Township of Upper Uwchlan for

recycling and composting purposes; to prohibit the disposal of designated recyclable materials into the conventional municipal waste disposal system; to empower the Township to promulgate and adopt reasonable rules and regulations therefore, and to fix penalties for violation of this Ordinance.

Section 2. Definitions –Consider adding the following definitions and for improved clarity and aid in insuring compliance with act 101.

BULK ITEMS – any large durable goods such as refrigerators, washing machines, window air conditioners, hot water heaters, dishwashers and any other major home appliances in addition to other large bulk items such as dressers, beds, mattresses, sofas, televisions sets and other large household items.

COLLECTOR – a Private Hauler (as defined herein), or a person who, being so authorized by the terms of this Ordinance, who removes municipal waste or recyclables from his own premises, as owner of the building or commercial, municipal or institutional establishment or community activity conducted therein, or as an agent of another persons.

COMMUNITY ACTIVITY – events sponsored in whole or in part by a mandated municipality, or conducted within a municipality and sponsored privately, which include, but are not limited to, fairs, bazaars, socials, picnics and organized sporting events that will be attended by 200 or more individuals per day.

DESIGNATED RECYCLABLES – those recyclable materials specified by the Township for collection under its mandatory recycling program.

MUNICIPAL WASTE – any garbage, refuse, industrial, lunchroom or office waste and other materials, including solid, liquid, semisolid or contained gaseous material, resulting from operation of residential, municipal or commercial or institutional establishments, or from community activities and which are not classified as residual or hazardous waste, except farm produced manure, other agricultural waste and food processing with used on land where such materials will improve the condition of the soil, the growth of crops or the restoration of the land for the same purposes, and any sludge not meeting the definition of "residual or hazardous waste," as defined in Commonwealth of Pennsylvania Solid Waste Management Act. The term does not include source-separated recyclable materials or leaf waste.

PERSON – any agent, individual, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, federal government or agency, state institution or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. In any provisions of this Part prescribing a fine, imprisonment or penalty, or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

RIVATE HAULER – a person licensed by the State of Pennsylvania as per the amended Title 25 (Environmental Resources), Waste Transportation Safety Program, of the Pennsylvania Consolidated Statutes, to collect haul transport

municipal waste and recyclables. All such haulers shall comply with the provisions of Title 27, as well as all Federal, State, County and local laws and regulations.

RECYCLABLES – materials designated as recyclable in this Ordinance, or required by the terms of this Ordinance (or any amendment hereto) to be kept separate from municipal waste and recycled. The term includes leaf waste (as defined herein).

- ☑ **The requirements for separation of designated recyclables and leaf waste is contained in several different sections of the Ordinance and is somewhat confusing. References are included in Sections 2, 3, 4 and 5, as noted below. Designation is unclear for residential recyclables and not consistent with the existing recycling program,**

Section 2. Definitions - Includes the following definition for SEPARATIO/SOURCE SEPARATED RECYCLABLE MATERIAL

SEPARATION/SOURCE SEPARATED RECYCLABLE MATERIAL: Materials that are separated from municipal waste at the point of origin for the purposes of recycling. The term is limited to clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper, PET, and HDPE plastics. Upper Uwchlan Township requires; at a minimum the following materials to be source separated for purposes of recycling; newspaper, clear glass, colored glass and aluminum.

Section 3. Separation Program Established

There is hereby established a program for the mandatory source-separation and collection of recyclable materials and leaf waste within Upper Uwchlan Township, Chester County, Pennsylvania. No person shall store, collect, transport, or dispose of designated recyclable materials or leaf waste within Upper Uwchlan Township except in accordance with this Ordinance. The use of a municipal waste collector will not relieve any person from compliance with this ordinance.

Section 4. Recycling

(A) Recyclable Materials – shall be separated from all municipal waste generated within Upper Uwchlan Township. When placed at the curb for collection in accordance with the provisions of this Ordinance, recyclable materials shall be placed in separate, reusable containers which clearly identify the contents as recyclables, or otherwise in accordance with the rules and regulations adopted hereunder.

(B) Leaf Waste – All leaf waste shall be separated from all municipal waste generated within Upper Uwchlan Township. When placed at the curb for collection

in accordance with the provisions of this Ordinance, leaf waste shall be placed in paper biodegradable bags, or otherwise in accordance with the rules and regulations.

(C) Residential Collection – The collection of recyclable materials from all residences within the Township shall be made by the municipal waste contractor at a minimum of once per week. The municipal waste contractor in accordance with the rules and regulations adopted hereunder shall collect leaf waste from such residences.

(D) Multi-Family Rental Residential Properties – An owner, landlord or agent of an owner or landlord of the multi-family rental housing properties or Homeowners Association with five (5) or more units, must comply with their responsibilities under this Ordinance by establishing a collection system for recyclable materials at each property and pick up a licensed municipal waste collector. The collection system must include easily accessible locations for the containers, and written instructions to the occupants for residents concerning the use and availability of the collection system. In addition, such owners, landlords, and agents shall annually provide written documentation and certification to the Township of the total number of tons of materials and the types of materials recycled number of tons of materials and the types of materials recycled. Such owners, landlords, and agents must comply with the reporting requirements hereunder by requiring their municipal waste collector to provide said documentation and certification directly to the Township. Owners, landlords and agents of owners or landlords who comply with this Ordinance under this subsection shall not be liable for the noncompliance of occupants of their buildings.

Section 5

All persons occupying commercial, institutional and municipal establishments within Upper Uwchlan Township shall separate high-grade office paper, aluminum, corrugated paper, leaf waste, and such other recyclable materials as may be changed from time to time by Resolution of the Board of Supervisors of Upper Uwchlan Township, generated at such establishments and from community activities, store the materials until collection by a licensed municipal waste collector, and annually provide written documentation and certification by Upper Uwchlan Township of a total number of tons of materials, and the types of materials recycled. Such persons may comply with the reporting requirements hereunder by requiring their municipal waste collector to provide said documentation and certification directly to the Township.

- ☑ **Suggest the Township consider the following or a similar section to describe mandatory separation of designated recyclables for clarity and compliance with Act 101. Note the exemption for CMI establishments, as required under Act 101.**

MANDATORY SOURCE SEPARATION OF RECYCLABLES.

1. Recyclables and leaf waste shall be kept separate from municipal waste, for the purpose of recycling and composting respectively, to the extent required by the following provisions:

A. Owners and occupants of all residential properties shall keep separate the following designated recyclables: clear glass containers, brown glass containers, green glass containers, aluminum, steel and bimetallic cans, tin cans, plastics #1 and plastics #2, mixer paper, newspapers and corrugated cardboard. Leaf waste is required to be separated for the purpose of composting.

B. Owners and occupants of all commercial, municipal and institutional establishments and properties and organizers of community activities shall keep separate the following recyclables: Corrugated cardboard, mixed paper and high-grade office paper. Leaf waste shall also be kept separate for the purpose of composting **Owner and occupants of commercial, institutional and municipal establishments may seek an exemption to the requirements of this Chapter (as specified under Act 101, Section (c) (1) (iii)) if the owners and occupants have otherwise provided for recycling of the materials they are required by this Part to recycle. To be eligible for an exemption a commercial, municipal or institutional solid waste generator must annually provide written documentation to the Township of the total number of tons recycled.**

C. Additionally, the Township may subsequently enumerate additional recyclables that will be required to be separated from municipal waste and collected in accordance with this Part, provided a 60 day notification is provided to private haulers and residents.

D. Corrugated and paper shall be placed in easy-to-manage bundles not to exceed (50) fifty-pounds and kept dry. Glass containers and aluminum cans shall be emptied and cleaned. Aluminum cans and glass containers may be mixed together and placed in containers initially provided by the Township. High-grade office paper shall be placed in boxes not to exceed (50) fifty-pounds. Recyclables shall not be placed in the same garbage can or other container as or otherwise mixed with, municipal waste for collection, removal or disposal. Recyclables shall not be placed in plastic bags or other disposable bags or containers made of polyethylene or other similar base.

E. Recyclables may be set out for collection in a manner different from the requirements in paragraph B (above) if the authorized private hauler that is approved by the Township designates an alternative manner.

- ☑ **The Township considers including a requirement for development and submission, a recycling plan for CMI establishments and a similar requirement for multi-family dwelling units. Submission of a recycling plan assists in monitoring and compliance efforts particularly if quarterly reporting is required.**

RECYCLING PLAN AND REPORTS FOR COMMERCIAL, MUNICIPAL AND INSTITUTIONAL ESTABLISHMENTS AND COMMUNITY ACTIVITIES.

1. Every commercial, municipal and institutional establishment and community activity sponsor or organizer shall annually complete a form to be designated "Recycling Plan for Commercial, Municipal and Institutional Establishments and Community Activities," to be provided by the Township, on which the establishment or sponsor shall set forth its planned method for removal of recyclables.

A. On the recycling plan, each establishment shall set forth its name, the address of the premises to which the plan pertains, the name and address of the building owner, the name and address of the Private Hauler who regularly services the establishment, the method of municipal waste disposal utilized by the establishment if no Private Hauler is used, and, in such case, where the waste is disposed of.

B. The recycling plan shall further set forth the name and business address of the employee or other person responsible for arranging disposal or removal of municipal waste and recyclables within the establishment, the method by which recyclables will be removed by the establishment, who will remove the recyclables, and the destination of the recyclables.

C. The operator of the business or other establishment occupying the premises, whether or not such person is the owner of the building, shall be responsible for filing the recycling plan. For community activities, the sponsor or organizer shall be responsible for filing the recycling plan.

D. The recycling plan required hereby must be submitted annually to the Township at its designated office, and shall be acted upon and either approved or disapproved by the Township's designated official within 60 days of proper filing thereof. If no action is taken within 60 days, then the plan shall be deemed approved. Any person required by this Part to complete and submit a recycling plan and obtain approval thereof, and who fails to do so, shall be guilty of a violation of this Part.

E. If, during any calendar year, the identity of the commercial, municipal, or institutional establishment or community activity sponsor, the method of removing recyclables, or the identity of the Private Hauler regularly servicing the property shall change, then the establishment or sponsor shall, at the time of such change(s), submit a revised recycling plan for the balance of the calendar year, accurately setting forth the change(s).

2. Each commercial, municipal and institutional establishment and community activity sponsor or organizer shall complete a form to be designated "Recycling Report," to be provided by the Township, which shall indicate where the property's recyclables were delivered or picked up by whom. Such report shall provide information on the type and amount of each material recycled.

3. The recycling report and all weigh slips obtained from the facility or facilities to which the recyclables are delivered or taken shall be submitted quarterly to the Township. For purposes of submitting such weigh slips and recycling reports quarterly to the Township, the private hauler who removed the recyclables from the property may be the agent for the commercial, municipal and institutional establishment and community activity sponsor or organizer and shall be responsible for completing and submitting such to the Township. Each such quarterly recycling report shall be submitted on or before the last day of the first month of each quarter for the preceding quarter. Quarters shall run on a calendar year basis thus: January through March; April through June; July through September; and October through December.

- Include appropriate sections in the Ordinance that will provide improved monitoring and effective enforcement, and designation of an entity or individual responsible for these aspects program. Incorporate a concise and expeditious procedure for assessing penalties, e.g. a simple citation process.**
- The Township re-considers its current program for of licensing private haulers. Given the apparent prohibition of municipal licensing programs under Act 90 (July 2002) which provides that no county or municipality may implement a municipal waste or residual waste transportation, authorization, licensing program after the effective date of the Act. Additionally recent court decisions have reinforced that counties and municipalities may not implement a licensing program. Removing the requirement for a private hauler to obtain a license and pay a fee for same does not hinder the ability of the Township to impose on them reasonable requirements and regulations under the Ordinance including registration for health and safety purposes.**

7.0 Recommendations

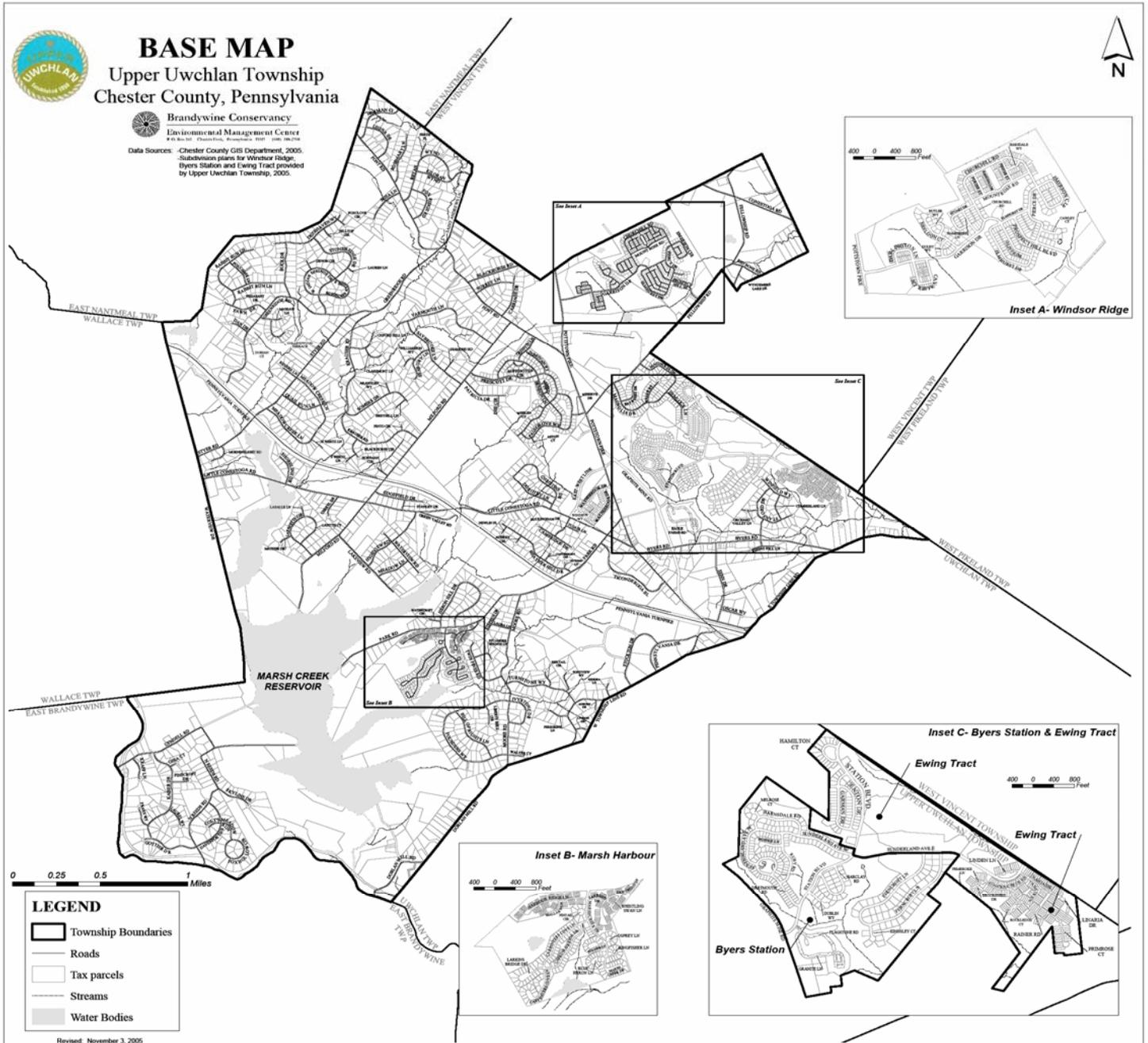
ERA offers the following recommendations based on the information gained and considered during this analysis and its experience gained in providing similar services to Pennsylvania municipalities. The suggestions and recommendations presented in this report and summarized below are intended to assist the Township to improve its existing municipal waste and recycling system and help insure its compliance with the requirements of Act 101 and current regulations.

ERA recommends that the Township:

- ☑ Assess the potential for implementation of unit based residential waste collection. A unit based or PAYT system will provide residents a financial incentive to recycle resulting in greater capture rates for recyclables and reduced volumes of waste. This situation will translate into higher revenues from marketing recyclables; increased funding received under Section 904 of Act 101 and reduced disposal costs.
- ☑ Either provides monthly curbside collections or a drop-off facility available to residents (at a minimum of one time per month) for leaf and yard waste to meet the requirements of Act 101.
- ☑ Consider alternative options for collection and disposition of grass clippings and tree trimmings (see Section 4.2). At a minimum the Township should educate the public to the value of these resources and provide suggested alternatives to disposal.
- ☑ Develop and implement a comprehensive and sustained education/outreach campaign compliant with Act 101 requirements. The importance of comprehensive and sustained education and outreach efforts cannot be over emphasized. A direct correlation can be made between the level of sustained public education/outreach efforts and the level of a program's success for both the public and private sectors. Act 101 requires that all persons occupying residential, commercial, institutional and municipal establishments be notified of the recycling program features and requirements at least every six months.
- ☑ Work closely with its solicitor to review, revise and update its Ordinance to strengthen and update their recycling program and to bring it into compliance with Act 101 requirements.
- ☑ Develop and implement a program that improves compliance monitoring procedures and provides for efficient and effective enforcement policies and procedures for its waste management and recycling system. This effort will require the designation of an entity or designated personnel responsible for monitoring and enforcement actions.

- ❑ Establish a task force or recycling advisory committee comprised of residents, stakeholders and pertinent staff members to review and consider the alternatives and recommendations presented in this report. The designated body could assist the Township with restructuring, implementing and monitoring its waste management and recycling program.
- ❑ Submit an application for funding assistance under Section 902 of Act 101 (if available) for eligible program costs including those associated with the preparation/revision of the Township's Ordinance and other eligible cost associated with program development and procurement of collection services.

Attachment A



Attachment B

INTERMUNICIPAL AGREEMENT BETWEEN THE COUNTY OF CHESTER AND PARTICIPATING MUNICIPALITIES TO PROVIDE PROCESSING AND MARKETING SERVICES FOR RECYCLABLE MATERIALS GENERATED BY MUNICIPAL RECYCLING PROGRAMS

WHEREAS, Act 180 of July 12, 1972, 53 P.S. § 481 et seq., authorizes municipalities including counties to enter into joint cooperation agreements with other municipalities in the exercise or performance of their respective governmental functions, powers or responsibilities; and,

WHEREAS, in carrying out their powers and duties under Act 101 of July 28, 1988, known as the Municipal Waste Planning, Recycling and Waste Reduction Act, counties are to utilize to the fullest extent practicable all available facilities and expertise within the scrap processing and recycling industries for processing and marketing of recyclable material from municipal waste: and,

WHEREAS, it is the intent of the County pursuant to receipt of qualified responses to County's Request for Bids and subsequent Bid Award to enter into an agreement with an individual ("Contractor") of a privately owned and/or operated processing facility ("Designated Facility") to process and market recyclable material generated by municipalities participating in this agreement; and,

WHEREAS, it is understood by the parties hereto that should implementation of the provisions of this agreement not be forthcoming, the participating municipalities shall have responsibility for the processing and marketing of recyclable materials generated in each participating municipality,

NOW, THEREFORE, in consideration of the promises and mutual covenants and agreement herein set forth and of the undertakings of each party to the other and intending to be legally bound, the parties, County of Chester, hereinafter "County" and

_____, hereinafter "Participating Municipality", do hereby promise and agree as follows:

1. The County of Chester shall provide processing and marketing services for all recyclable materials generated by residential recycling collection programs within the Participating Municipality. Nothing to the contrary withstanding, however, said services provided by County and Contractor¹ for a Designated Facility to process and market recyclable materials generated by the municipalities participating in the Agreement.

2. The Participating Municipality agrees therefore, to deliver or to contract to have delivered all source separated recyclable materials generated by residential recycling collection programs to said Designated Facility, and to no other facility, during the entire term of this Agreement. The type and condition of the materials, including the option for commingling of the materials, must conform to the terms of the County/Contractor Agreement.
3. The Participating Municipality will be paid or invoiced directly by the contractor for any and all such materials accepted at the Designated Facility pursuant to the terms of the County/Contractor Agreement. Said payment or invoice shall be based on fixed per ton prices for each material accepted at the Designated Facility pursuant to the terms of the County/Contractor Agreement

¹ County/Contractor Agreement, a copy of which shall be supplied to each participating Municipality upon execution of same.

4. The Participating Municipality shall be paid or invoiced by Contractor for recyclable materials delivered to the Designated Facility by the end of the next month and will be provided monthly itemized receipts for any and all materials.
5. Each participating Municipality agrees to annually report, as required by Act 101, § 304(f), to the Chester County Recycling Coordinator the quantity of any and all recyclable materials delivered to the Designated Facility under this agreement as verified by weight receipts received from the Contractor.
6. The Participating Municipality and the County represent and warrant to one another that:
 - a. Each has all requisite power and authority to enter into this Agreement, to engage in the transactions contemplated herein and to perform its obligations hereunder in accordance of the terms of this Agreement.
 - b. The execution, deliver and performance of this Agreement has been duly authorized by all necessary action and that the undersigned officers of County and each Participating Municipality have been empowered by all necessary action to execute and deliver this Agreement on the party's behalf.

- c. This Agreement constitutes a valid obligation legally binding upon County and each Participating Municipality and enforceable against them in accordance with the Agreement's terms in the matter in which valid contractual obligations are enforced generally.

7. **TERM OF AGREEMENT**

The term of this Agreement shall commence upon the date upon which the County of Chester and Contractor, Owner or Operator of the Designated Facility execute their Agreement ("effective date") and unless terminated for cause shall be up to three (3) years from said effective date to be renewed annually.

8. **RENEWAL**

Upon the expiration of the original term of this contract, this contract shall automatically be renewed for a similar term up to three (3) years from said effective date to be renewed annually unless terminated by either party according to the termination provisions contained herein.

9. **TERMINATION**

Nothing to the contrary withstanding, either party may terminate this Agreement for the following causes:

- a. the Designated Facility ceases to be operational;
- b. the Designated Facility becomes unable to accept recyclable materials for a period of 1 year;
- c. the Contractor, as identified in the County/Contractor Agreement, for whatsoever reason, does not perform his duties under said Agreement for a period in excess of three months.

Nothing to the contrary withstanding, however, after the expiration of the initial contract term up to three (3) years from said effective date to be renewed annually, either party may terminate said subsequent contract by giving at least ninety (90) days written notice, return receipt requested to the other party, prior to said expiration date. In such case, the contract will terminate on said expiration date.

10. **INSURANCE**

Each Participating Municipality who is a Collector under this Agreement hereby agrees to carry motor vehicle, Workers Compensation and general liability insurance coverage in sufficient amounts to hold the County of Chester harmless from any and all activity hereunder by the Participating Municipality.

11. **INDEMNIFICATION**

The Participating Municipality shall protect, indemnify and hold harmless the County of Chester, its agents and employees, from and against any and all liabilities, actions, damages, claims, demands, judgments, losses, expenses, and/or suits, including payments of attorneys fees, arising from and/or as a result of the action, and/or as a result of failure to act, of the Participating Municipality, its agents and employees in connection with this Agreement.

12. **NOTICES**

All notices required herein to either party shall be in writing by registered mail with return receipt requested, addressed as follows:

COUNTY OF CHESTER:

County Recycling Coordinator
Chester County Solid Waste Authority
7224 Division Highway
Narvon, PA 17555

PARTICIPATING MUNICIPALITY:

13. **AMENDMENTS**

This writing represents the entire Agreement of the parties and any modifications or amendments hereto shall be in writing and duly executed by said parties.

Attest:

Chester County Commissioners:

Title

Date

Attest:

Participating Municipality:

Title

Title

Date

Attachment C

Presented below are pertinent sections of Title 25 Pennsylvania Code (emphasis added) for the establishment and operation of a recycling program for a mandated municipality.

Title 25, Pennsylvania Code

Program Elements Section 272.421

The source separation program shall include, at a minimum, the following elements:

1. An **ordinance or regulation** adopted by the governing body of the municipality, in accordance with Section 272.422 (relating to municipal ordinance).
2. A **scheduled day** during which separated materials are to be placed for collection at the curbside. Collection shall be at least once per month for materials other than leaf waste. Collation for leaf waste shall be scheduled as appropriate. If no curb exists, separated materials shall be placed at a location similar to the curb where they may be collected easily.
3. A **system**, including trucks and related equipment, that collects recyclable materials from the curbside or similar location at least once per month from each residence or other person generating municipal waste in the municipality.
4. A public information and **education program**, in accordance with 272.423 (relating to public information and education).
5. Provisions for the **recycling of** collected materials.

Municipal Ordinance Section 272.422

(a) The ordinance or regulation adopted by the governing body of the municipality shall contain the following requirements:

1. **Persons shall separate at least three materials from municipal waste generated at their homes, apartments, and other residential establishments, and shall store the materials until collection. The three materials shall be designated in the ordinance, and shall be chosen from the following:**

- **Clear glass**
- **Colored glass**
- **Aluminum**
- **Steel and bimetallic cans**
- **High-grade office paper**
- **Newsprint**
- **Corrugated paper**
- **Plastics**

2. Persons **shall separate leaf waste** from municipal waste generated at their homes, apartments and other residential establishments until collection, unless those persons have otherwise provided for the composting of leaf waste.
3. Persons shall separate high-grade office paper, aluminum, corrugated paper and **leaf waste generated at commercial, municipal or institutional establishments and from community activities**, and store the materials until collection. The ordinance may designate additional materials for recycling.

(b) The ordinance shall allow an owner, landlord, or agent of an owner or landlord of multifamily rental housing properties with four or more units to comply with its responsibilities under this subchapter by establishing a collection system for recyclable materials at each property. The collection system shall include suitable containers for collecting and sorting materials, easily accessible locations for the containers and written instructions to the occupants concerning the use and availability of the collection system. Owners, landlords, and agents of owners and landlords who comply with the ordinance under this subsection are not liable for the noncompliance of occupants of their buildings.

(c) The ordinance shall exempt persons occupying commercial, institutional and municipal establishments within its municipal boundaries from the ordinance if the following requirements are met:

1. *The persons have otherwise provided for the recycling of materials that they are required by this subchapter and the ordinance to recycle.*
2. *The persons annually provide written documentation to the municipality of the amount of municipal waste generated as well as the type and weight of materials that were recycled in the previous calendar year.*

(d) Nothing in the ordinance or regulation may impair the ownership of separated materials by the persons who generated them until separated materials are placed at curbside or similar location for collection by the municipality or its agents.

Subchapter E. Municipal Recycling Program

Public Information and Education Section 272.423

(d) 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. 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.

(e) 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.

Program Implementation Section 272.424

(a) Except as provided in subsection (b), a municipality shall implement its responsibilities for collection, transportation, processing and marketing materials under this subchapter in one or more of the following ways:

(1) Collect, transport, process or market materials as required by this subchapter.

(2) Enter into contracts with other persons or license other persons for the collection, transporting, processing or marketing of materials as required by this subchapter. A person who enters into a contract or is licensed under this subsection shall be responsible with the municipality for the implementation of this section.

(b) Nothing in this subchapter requires a municipality to collect, transport, process and market materials or to contract for the collection, transportation, processing and marketing of materials from an establishment or activity if the following are met:

- (1) The municipality is not collecting and transporting municipal waste from the establishment or activity.
- (2) The municipality has not contracted for the collection and transportation of municipal waste from the establishment or activity.
- (3) The municipality has adopted an ordinance as required by this subchapter and the establishment or activity is in compliance with this subchapter.

Preference Section 272.425

In implementing its recycling program, a municipality shall accord consideration for the collection, marketing, and disposition of recyclable material to persons engaged in the business of recycling on September 26, 1988, whether or not the persons were operating for profit.