

**RECYCLING TECHNICAL ASSISTANCE
PROJECT #501
MIDDLE SMITHFIELD TOWNSHIP
MONROE COUNTY, PENNSYLVANIA**



**ACT 101 RECYCLING PROGRAM DEVELOPMENT
JANUARY 2013**

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

Environmental Resources Associates

*120 CREEK CABIN LANE
East Stroudsburg, PA 18302
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CONSULTANTS IN ENVIRONMENTAL RESOURCE MANAGEMENT

1.0 Statement of Problem

Middle Smithfield Township (Township) is located in Monroe County, Pennsylvania. The 2000 decennial census recorded a population of 11,495 persons residing in the Township. Given that its population exceeded 10,000 persons, it was required/mandated to establish and implement a source separation and collection program for recyclables compliant with the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101). In an attempt to meet the requirement of Act 101, the Township adopted a Solid Waste and Recycling Ordinance NO.130 establishing a mandatory recycling program based on a private subscription approach for collection.

The Pennsylvania Department of Environmental Protection (PADEP) recently determined that the Township was in violation of Act 101 and Title 25 for its failure to adequately establish, implement and enforce its mandatory recycling program compliant with Act 101 and with Act 140 requirements, summarized in Appendix A. The Township subsequently (May 26, 2011) entered into a Consent Order and Agreement (CO&A) with PADEP.

Corrective actions required under the CO&A are summarized below.

☒ Ordinance revisions requiring:

- Any authorized hauler picking up municipal waste from residential homes, apartments and other residential establishments within the Township shall also provide recyclable collection services, with a single collection fee for both services so provided.
- Persons to separate at least three materials deemed appropriate by the Township from other municipal waste generated at their homes, apartments and other residential establishments and store such materials until collection, consistent with Section 1501(c)(1)(i) of Act 101.
- Persons to separate leaf waste from other 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, consistent with Section 1501(c)(1)(ii) of Act 101
- Persons to separate high grade office paper, corrugated paper and leaf waste and other materials deemed appropriate by the Township generated at commercial, municipal or institutional establishments and from community activities and to store the materials until collection, consistent with Section 1501(c)(1)(iii) of Act 101.
- Each resident of the Township shall obtain a municipal waste and recyclable materials collection service.
- Provides fines, penalties, or both for non-compliance with the ordinance.

☑ Documentation of program implementation elements:

- A scheduled day, at least once per month, during which separated recyclables and leaf waste are to be placed at the curbside or similar location for collection.
- A system, including trucks and related equipment that collect recyclable materials, including leaf waste, from the curbside or similar location at least once per month from each residence or other person generating municipal waste in the Township.
- A comprehensive and sustained public information and education program concerning recycling program features and requirements. At least once every six months, the Township shall 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 Township and incentives and penalties.
- Provisions to ensure compliance with the ordinance, including incentives and penalties. An enforcement program is required by which the Township periodically monitors participation, receives complaints and issues warnings for required participants.
- Provisions for the recycling of collected materials.
- Sponsors a program, facilitates a program or supports an organization to address illegal dumping and/or littering programs.
- Has a person or entity designated as the recycling coordinator who is responsible for recycling data collection and reporting recycling program performance.

The Township's Board of Supervisors is dedicated to the goal of meeting its obligations under the CO&A to upgrade its mandatory recycling program and achieve full compliance with Act 101 and Act 140.

2.0 Project Scope of Work

Recycling Technical Assistance was requested to conduct an extensive review and evaluation of the existing mandatory recycling program and to provide recommendations for program enhancements and improvements necessary to achieve compliance.

- ☑ Environmental Resources Associates (ERA) met with Township representatives to review proposed technical assistance scope of work, refine parameters for the planned work efforts, and to gather relevant data and information.

As part of this task, a review and evaluation of historical and current waste, recyclables and leaf waste collection practices was conducted. This effort also included a review of pertinent ordinances, public information and education materials and the CO&A. Based on the review, ERA determined the following items must be addressed to meet full compliance under the CO&A:

- ✚ The Township revised its existing Ordinance with the adoption of a new Solid Waste and Recycling Ordinance NO.178 (September 13, 2011). Although Ordinance NO.178 addresses the majority of the CO&A, additional revisions and/or modifications are needed for clarity and to insure full compliance.
 - ✚ A comprehensive and sustained public information and education program concerning recycling program features and requirements should be developed and implemented.
 - ✚ Systems for collection and proper disposition of leaf waste should be developed and implemented.
- ☑ To assist the Township in addressing the outstanding compliance issues ERA:
- ✚ Provided suggested language for substantial revisions, modifications and clarifications to the recycling ordinance.
 - ✚ Identified essential components required for the development of a comprehensive and sustained recycling education campaign, included in Appendix A.
 - ✚ Identified components and outlined potential options and alternatives for establishment and implementation of a leaf and yard waste collection, drop-off and composting program.
 - ✚ Participated in a meeting with the Township Supervisors and Recycling Coordinator to present the above noted work items and gain input and direction.
- ☑ Based on input and guidance provided during the above noted meeting with the Township, ERA:
- ✚ Incorporated suggested revisions, modifications and clarifications into the current Solid Waste and Recycling Ordinance. Met with the Township Supervisors to review and discuss the draft document and gain concurrence.
 - ✚ Participated in a meeting with the Monroe County Municipal Waste Management Authority's (Authority) Executive Director and Solicitor to review the draft document. The primary objective of the review was to assure consistency with the County's Solid Waste and Recycling Ordinance and enforcement programs.

- Based on the input and direction provided by Township and Authority officials a Draft Solid Waste and Recycling Ordinance was prepared. ERA provided a copy of the Draft to the Township's Solicitor and participated in teleconferences to review and discuss same. Consequently the Solicitor prepared a Final Draft Solid Waste and Recycling Ordinance, for the Township's consideration and approval.
 - Participated in a meeting with Property Owners Associations (POA's) to present/discuss their responsibilities and obligations under the planned updated mandatory recycling program. ERA reviewed their existing municipal waste and recycling collection programs, and provided guidance for program establishment and/or modification.
 - Prepared model recycling education/notification materials including; public education and information brochures and notices, a recycling report form, compliance letter and notice of violation, included in Appendix A.
 - Participated in conference calls with PADEP Northeast Region personnel (Mr. William Tomayko, Waste Management Program Manager and Ms. Rachel Miller, Compliance Specialist). These discussions were held to review the work efforts to date relative to achieving compliance with the terms and conditions of the CO&A.
- Mr. Tomayko and Ms. Miller provided their concurrence with the Township's efforts to date, offered their continued cooperation and encouraged the timely completion and implementation of the planned recycling program.
- Coordinated and participated in meetings with the Township and three newly mandated municipalities located within close proximity (Smithfield and Pocono Townships, Monroe County and Lehman Township, Pike County). The purpose of the meetings was to explore the potential benefits of inter-municipal cooperation relative to the development and implementation of mandatory recycling, leaf collection and composting programs.
 - Prepared a draft project report detailing findings and recommendations and discussed same with the Township. Based on comments and input provided by the Township a final report was prepared and submitted to PADEP.

3.0 Solutions

The fundamental solutions to the Township's compliance issues reside in the Supervisor's commitment to fully cooperate with PADEP and expeditiously address the recycling program's deficiencies. Identification, assessment of options and implementation of solutions has been a work in progress throughout the project.

3.1 Accomplishments

☑ Over the course of the project the Township has made great strides in establishing and implementing a comprehensive solid waste and recycling program compliant with the requirements of the CO&A. Accomplishments include:

- Adopted a new Solid Waste and Recycling Ordinance #186 (July, 27 2012) compliant with the requirements of the CO&A, included in Appendix B.
- Designated the Township's Zoning Officer as its Recycling Coordinator responsible for recycling data collection and reporting, recycling program performance, monitoring and enforcement.
- Initiated implementation of a comprehensive public education and information program/campaign. This effort included:
 - ✓ Distribution (via the Township newsletter) of a public education information notice, detailing program requirements and burning prohibitions.
 - ✓ Posting the Solid Waste and Recycling Ordinance, recycling and leaf waste collection and drop-off information on the Township website.
 - ✓ Distribution (via the Township website and a block advertisement in the newspaper) of a public notice for leaf collection.
 - ✓ Providing a copy of the Solid Waste and Recycling Ordinance with all zoning permit applications.
 - ✓ Requiring that all authorized collectors provide recycling notifications to each customer, compliant with Act 101. This requirement is considered necessary given that collection methods (commingled or single stream) and the types of recyclables collected vary based on the selected authorized collector.
- Developed and implemented a curbside recycling program and a curbside leaf waste collection and drop-off program.
- Established a tiered Pay As You Throw (PAYT) program for waste collection, based on set cost for minimum collection and an additional cost per unit (30 gallon container).
- Applied for a Municipal Recycling Program Grant under Section 902 of Act 101, to assist in implementing and sustaining its comprehensive solid waste and recycling program.
- Identified potential sites for the development of a multi-municipal leaf and yard waste compost and drop-off facility. The Township will serve as lead agency for the planned facility working cooperatively with two contiguous newly mandated municipalities (Smithfield Township, Monroe County and Lehman Township, Pike County) to evaluate, permit and establish the multi-municipal facility.

- Prepared a request for Recycling Technical Assistance to aid in evaluating potential sites and permitting a multi-municipal leaf and yard waste compost and drop-off facility.
- Established a program addressing illegal dumping and littering. Additionally, the Township also participates in the Monroe County Municipal Waste Management Authority's special waste recycling and litter control programs.
- Developed a drop-off program for Christmas tree recycling. Trees will be accepted during the entire month of January at the municipal building.

4.0 Conclusions and Recommendations

The Township has addressed all of the requirements specified in the CO&A. However, the Township must continue to actively implement its recycling program in order to achieve its goal of full and sustained compliance.

The following recommendations are provided to assist the Township in achieving its goal.

☑ ERA recommends that the Township:

- Develop and employ a cataloged electronic data, records and file management system. An electronic system will greatly aid in:
 - ✓ Relevant document storage and retrieval.
 - ✓ Tracking program management, monitoring, enforcement and finances.
 - ✓ Disseminating information and data to program stakeholders.
- Continue to improve and expand its recycling public information and education program. Detailed recommendations for program enhancements are included in Appendix A. Priority items include:
 - ✓ Develop planned upgrades to its website.
 - ✓ Prepare a Commercial, Municipal and Institutional listing/directory.
 - ✓ Distribute of a notification letter and recycling report form to all commercial, institutional and municipal establishments, document destruction companies and authorized collectors summarizing their responsibilities, obligations and report requirements.
- Request that authorized collectors servicing the Township provide copies of public education notices and warning notices, for the Township's review and approval. Review the items for consistency with Act 101 and Township requirements.
- Continue to work cooperatively with PADEP, the Monroe County Recycling Coordinator and program stakeholders including: authorized collectors, the commercial sector and property owners associations relative to ongoing implementation of program enhancements.

Appendix A. Public Information and Education

Fall Leaf Collection Program Schedule - 2012 Year

The Fall leaf pickup program in Middle Smithfield Township will occur between
October 29, 2012 and November 16, 2012.

Please rake leaves to the side of the street – but not onto the traveled roadway!

**Week of October 29:
Including the TOWNSHIP ROADS ONLY:
Wooddale Area and Coolbaugh Drive**

**Week of November 5:
Including the TOWNSHIP ROADS ONLY:
Route 402 and Oak Grove, Hidden Lake and Timothy Lake**

**Week of November 12:
Including the TOWNSHIP ROADS ONLY:
Lower Lakeview Drive and Sellersville Drive**

RESIDENTS PLEASE NOTE THE FOLLOWING:

**ONLY LEAVES ARE PICKED UP- PLEASE, NO STICKS, LIMBS, STUMPS, GRASS
CLIPPINGS OR ANY OTHER YARD WASTES**

**THIS IS A TENTATIVE SCHEDULE WHICH IS SUBJECT TO CHANGE WITHOUT
NOTICE DEPENDING ON WEATHER, VOLUME OF LEAVES, AND ANY OTHER
EMERGENCY THAT MAY ARISE.**

**UNDER TOWNSHIP ORDINANCE, ALL “OPEN BURNING” OF LEAVES IS
PROHIBITED.**

**DO NOT PLACE YOUR GARBAGE OR RECYCLABLES WITH OR INTO THE
LEAVES!**

Please note that the curbside leaf pickups are set to end on Friday, November 16, 2012. Do not place out more leaves after that date! Any leaves you have remaining may be bagged and disposed of at the Middle Smithfield Township temporary leaf collection area, by appointment. The Township DPW crew has to “move on” to other maintenance duties and cannot guarantee that leaves placed out after November 16, 2012 will be picked up. This is especially the case if we get an early snow and leaves get mixed in with snow that is plowed off the streets.

Week of October 29**Wooddale Area Rte**

Adams Dr
Auburn Way
Barren Rd
Big Bear Dr
Big Buck Ln
Brook Hollow Rd
Brushy Mountain Rd
Charley Dr
Clear Spring Ct
Clearview Ct
Colonial Dr
Creek Run
Dancing Ridge Rd
Dawn Ln
Denise Ln
Dry Pond Dr
East Ridge Ln
Fig Ct
Fish Ct
Forest Run

Georganna Dr
Havenwood Dr
High Meadow Dr
Hikers Dr
Honeysuckle Dr
Howard Dr
Jennifer Ln
Kassidy Ct
Knob Hill Cir
Knoll Dr
Ledgewood Ct
Lee Rd
Lucy Ln
Mackenzie Dr
Macy Way
Magnolia Dr
Main Rd
Maplewood Dr
Melvin Ln
Mountain Laurel Dr

Overlook Ln
Paper Ln
Pine Hill Rd
Reservoir Ridge Rd
Reservoir Rd
Rue De John
Stonewall Ct
Sugar Works Dr
Sunhaven Ct
Surf Cir
Thornberry Ct
Timbercrest Ln
Travis Dr
Watershed Way
Waverly Dr
Westridge Ct
Whipporwill Ln
Wooddale Rd
Woodland Rd
Woodland Trl
Yellow Leaf Ct

Coolbaugh Rd Rte

Azalea Way
Besecker Dr
Buckhorn Dr
Cold Springs Rd
Coolbaugh Rd
Crown Point Ct
Crown Point Dr
Deer Track Dr
Deer Track Ln
Flagstone Ln
Laurel Ridge Rd
Shady Hill Rd
Skyview Ln
Stony Brook Dr
Summit Dr
Sumner Dr
Sycamore Ln
Tego Lake Rd
Walnut Dr

Week Of November 5**Route 402**

Big Ridge Dr
Buroojy Ct
Chateau Dr
Courtright Ln
Gravel Ridge Rd
Marjorie Ct
Sellersville Dr
Timber Mountain Dr
Tom X Rd

Columbia Blvd
Corral Ct
Custard Dr
Dogwood Ct
Foxmoor Dr
Huffman Hill Rd
Mt. Nebo Rd
Municipal Dr
Newtown Run Dr
Oak Grove Rd
Pardees Loop
Russell Ridge Rd
Scenery Ct
Sterling Ct
White Birch Ln

Hidden Lake/Timothy Lake Rte

Charlotte Way
Frutchey Dr
Hidden Lake Dr
Hollow Rd
Hidden Lake Dr
Holy Cross Rd
McCole Rd
Prairie Ln
Primrose Ln
River Rd
Timothy Lake Rd
Winona Falls Rd

Oak Grove Dr Rte

Arbutus Ln
Bowie Ln
Calvary Ct

Week Of November 12**Lower Lakeview Dr/Sellersville Dr**

Lower Lakeview Dr
Pleasant Ridge Rd
Sellersville Dr (above Tom X)
Stony Ledge Dr
Turkey Ridge Rd
Upper Lakeview Dr

MIDDLE SMITHFIELD TOWNSHIP

Curb-side Leaf Collection

Schedule will occur between

October 29 thru November 16, 2012
only on State, County and Township Roads.

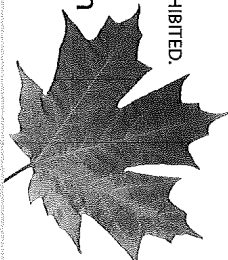
PLACE LEAVES ALONG ROAD SHOULDER ONLY.

NO GRASS CLIPPINGS. THE BURNING OF LEAVES IS PROHIBITED.

Visit our website for more details at

Middlesmithfieldtownship.com

MST Ordinance #186





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

Middle Smithfield Township is mandated by Act 101 to remind residents and commercial, municipal and institutional establishments about the requirements of our recycling programs. The following outlines recycling and proper recycling procedures:

Recycling Requirements:

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

All recyclables removed by authorized regulated waste haulers are to be kept separate from municipal waste and taken to a recycling facility. Recyclables should be kept separate from and disposed of separately from municipal waste consistent with the following provisions and the hauler's guidelines:

1. Owners and occupants of all residential properties must keep separate from other waste, but may commingle (mix), the following recyclables: glass containers, plastic #1 and #2 containers, aluminium, steel, bimetallic cans and tied or bagged newsprint. These items can be commingled (mixed), though separate from general household trash items.
2. Owners and occupants of all commercial, municipal and institutional establishments and properties and sponsors or organizers of community activities shall keep separate the following recyclables: glass containers, aluminium, steel and bimetallic cans, corrugated paper and high grade office paper.

Recyclables shall not be mixed with municipal waste or leaf waste for collection, removal or disposal.

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

Do Your Part and Recycle "It's the Law"



2193 Milford Rd
East Stroudsburg, Pa 18301
www.strausernature.com
Contractor Reg # PA018930

(570)424-9434
info@strausernature.com

BURNING IS PROHIBITED IN MIDDLE SMITHFIELD TOWNSHIP

The burning of recyclables, paper, leaves, tree branches, trash, etc, is **PROHIBITED** under Ordinance #178 & Ordinance #165. **STAY TUNED** for more info regarding our composting and recycling program!



Draft Recycling Report



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

Waste Collector/Company/Sponsor: _____
NAME AND ADDRESS

Phone: _____

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

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

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

Date

Signature

Company/Organization

Please return form to:
Recycling Coordinator,
Middle Smithfield Township
147 Municipal Drive
East Stroudsburg, PA 18302

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

Thank you for your cooperation
MIDDLE SMITHFIELD TOWNSHIP



MIDDLE SMITHFIELD TOWNSHIP RECYCLING

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

Middle Smithfield Township is an Act 101 mandated community under the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101).

Act 101 Requires:

*That all commercial, institutional and municipal establishments located in Pennsylvania's mandated municipalities to recycle high-grade office paper, corrugated paper, aluminum and leaf waste. In addition, establishments must recycle other materials included in MIDDLE SMITHFIELD TOWNSHIP Recycling Ordinance which requires that: **Persons shall separate high-grade office paper, clear glass containers, aluminum, steel and bimetallic cans, plastic containers, newsprint, corrugated paper and leaf waste.** As a mandated municipality, businesses and institutions with facilities located within **MIDDLE SMITHFIELD TOWNSHIP** must implement recycling programs **(IT IS THE LAW)**.*

All residential, commercial, institutional and municipal entities, and multifamily residential complexes located in Middle Smithfield Township must ensure that designated materials are recycled. As noted above both Pennsylvania's Act 101 and Middle Smithfield Township's Recycling Ordinance (**pertinent sections attached**) mandate that residential properties, commercial and residential establishments separate designated recyclable materials from municipal waste to be recycled. Residential properties must contract with an authorized collector to collect and deliver this material to a recycling facility.

Commercial establishments must self-haul the material or they must contract with a authorized collector to collect and deliver this material to a recycling facility.

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

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

The following materials must be separated for recycling:

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

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

Leaf wastes must also be separated for collection for the purpose of composting:

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

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

Our records indicate that you are currently not in compliance with the reporting requirements, please be advised that the Township is committed to ensuring compliance with Act 101, and, to that end, takes enforcement of this Ordinance very seriously.

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

Please return forms to:
Recycling Coordinator,
147 Municipal Drive
East Stroudsburg, PA 18302

Should you believe that you have received this notice in error or have any questions regarding recycling in Middle Smithfield Township or reporting procedures, please feel free to contact me at (570)-223-8920.

Sincerely,

Recycling Coordinator

Recommended Recycling Education /Outreach and Enforcement Components

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

The Township's educational materials should extol the merits and the importance of participation and program accomplishments, in an enthusiastic and interesting manner. 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 is required under the CO&A to meet the requirements of Title 25. Section 272.423 to establish and implement a comprehensive and sustained education program and an effective enforcement program.

Title 25 Subchapter E. Municipal Recycling Program

Public Information and Education Section 272.423

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

The Township is also required under the CO&A to meet the requirements of Act 140 which further emphasizes the importance of establishing and implementing a comprehensive and sustained education program and an effective enforcement program.

Act 140 Impacts on Act 101 Recycling Performance Grants

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

- Requires, through ordinance, that all residents have waste and recycling service.
- Has an implemented residential recycling program and facilitates a commercial recycling program or participates in a similar county or multi-municipal program.
- Has a residential and business recycling education program.
- Has a program of enforcement that periodically monitors participation, receives complaints and issues warnings for required participants and provides fines, penalties, or both, in its recycling ordinance.
- Has provisions, participates in a county or multi-municipal program or facilitates a private sector program for the recycling of special materials.
- Sponsors a program, facilitates a program or supports an organization to address illegal dumping and/or littering problems.
- Has a person or entity designated as recycling coordinator who is responsible for recycling data collection and reporting recycling program performance in the municipality or municipalities.

General Recycling Education/Outreach Program Components

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

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

- ☑ Place an eye-catching advertisement in a paper of general circulation providing details of the recycling program, its merits and requirements (at a minimum of twice per year). Requirements for and benefits of reporting the types and amounts of recyclables should also be noted.
- ☑ Post a *Public Notice* at the municipal building where public notices are regularly posted.
- ☑ Prepare an instructional flier/ brochure, one that is eye catching and to the point: (i.e.: who, what, where, when and why). The brochure may be distributed at the recycling/compost facilities or sent with tax bills or other information to save on mailings. Additional brochures (and posters) may be placed in public buildings and local businesses.

- ✓ Develop/improve the recycling information on web site: PADEP allows one of the two annual required public recycling education/ information notifications to be posted on a municipal web site.

Items recommended for inclusion in a web site:

- ✓ Detailed requirements of the recycling program.
 - ✓ Recycling is positive for the community, business, the economy, the environment. Recycling is mandatory and the Township will take appropriate enforcement actions for non-compliance.
 - ✓ Why each household/ commercial enterprise regardless of size is important to the success of the recycling program.
 - ✓ List of designated materials to be recycled.
 - ✓ Requirements of and guidelines for establishing recycling programs at Multi-Family Dwellings, Property Owners Associations and CMI recycling programs.
 - ✓ Sources of available recycling and waste reduction information.
- ✓ Prepare and distribute news releases and public service announcements to the local media. Provide program details, importance of the program e.g.: waste stream reduction, saving on disposal fees, saving/reuse of valuable resource, reduction of dependence on disposal facilities and, of course, it is the law.
 - ✓ Include recycling requirements with official announcements periodically mailed to residential taxpayers.
 - ✓ Encourage and assist schools to provide for recycling/composting education programs.
 - ✓ Development of a slogan (s) e.g.: “Send Your Leaves to a Mulch Better Place; Recycle Today for a Better Tomorrow; “Business Recycling Today for a Greener Tomorrow”, “Its Good Business to Recycle” or “Join the Green Team Recycle”. Slogans help with program identity and purpose.
 - ✓ Prepare and distribute news releases and public service announcements to the local media. Emphasis to be placed on the importance of the program e.g.: waste stream reduction, saving on disposal fees, saving/reuse of valuable resource, reduction of dependence on disposal facilities.
 - ✓ Develop incentive programs for participation rewarding residents and commercial entities for participation, profile selected participants in the Township’s newsletter or in press releases, present a certificate or plaque to long term participants or exemplary recycling programs at a public meeting or public function and post an article on the Township web site.

NOTE: The recycling ordinance requires authorized collectors to provide clients education/information relative to recycling program requirements and designated collection day, approved by the Township (and compliant with Act 101). The information is to be provided on a semiannual basis, once every six months, and provide copies of same to the Township. The Township is responsible to insure the authorized collectors are compliant with this requirement.

Property Owners Association

Property Owners Associations account for a substantial portion of the Township's population and need to be notified of their obligation to develop and implement a recycling program, consistent with the Township ordinance and Act 101. In addition to the above noted components for developing an education/outreach program, the following items are suggested to inform POA's of their obligations.

Items suggested for inclusion:

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

Commercial, Municipal and Institutional Recycling

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

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

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

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

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

Based on the recycling reports submitted to the Township by CMI establishments and recycling reports and recent customer lists provided by authorized collectors,

a second list of establishments can be prepared. This list will highlight those establishments that are participants in the recycling program.

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

Next a comprehensive and sustained outreach/education campaign needs to be developed and implemented by the Township. Information included in the campaign must be concise, direct and easily understood, addressing all aspects of the CMI recycling program. Explaining "why" the program is required is extremely important. "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 CMI establishment should be made aware of the fact that recycling is mandatory, it is the law, and the Township will take enforcement action, if required. Once "why" is established, "who, what, where, when and the how to" of the program must also be clearly and succinctly conveyed.

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

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

- ☑ Provide decals of the recycling logo to participating businesses "Green Team Member 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.
- ☑ Conduct a workshop (this could be a multi-municipal effort) for the commercial sector and authorized collectors of recyclables. The workshop can review program roles and requirements. Present information to assist in development of recycling programs for various types of business. Request DEP assist the Township in developing the workshop and to provide promotional and/or educational materials.
- ☑ Send reminders to CMI establishments that are not participating in the recycling program. Note that compliance is mandatory in a friendly, but firm manner. A second letter, if required, should be forceful and perhaps include a notice of violation or citation. The Township could consider offering violators a specified period of time to comply with their recycling requirements, prior to taking enforcement action.

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

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

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

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

Note: It is important to reiterate that the Township’s enforcement program needs to be aggressively implemented to insure compliance by residents and CMI establishments and to be compliant with Act 101 and appropriate regulations.

Appendix B. Solid Waste and Recycling Ordinance #186

Chapter 155. SOLID WASTE AND RECYCLING

CHAPTER 155. SOLID WASTE AND RECYCLING

- § 155-1. Intent.
- § 155-2. Purpose.
- § 155-3. Definitions.
- § 155-4. Dumping; litter.
- § 155-5. Open burning.
- § 155-6. Mandatory separation of recyclables.
- § 155-7. Mandatory source separation of leaf waste.
- § 155-8. Residential recycling.
- § 155-9. Commercial, municipal, institutional, and community activities.
- § 155-10. Authorized collectors' recycling reports.
- § 155-11. Collection by unauthorized person.
- § 155-12. Presumption of ownership.
- § 155-13. Preparation and storage of municipal waste and recyclables.
- § 155-14. Contract with authorized collector; collection schedule.
- § 155-15. Transportation of municipal waste.
- § 155-16. Public litter baskets.
- § 155-17. Authorization of collectors.
- § 155-18. Collector as an independent contractor.
- § 155-19. Billing procedures.
- § 155-20. Disposal.
- § 155-21. Authorized collectors to provide recyclable removal service for certain types of properties.
- § 155-22. Designation of recycling facility.
- § 155-23. Acceptance of recyclables commingled with waste prohibited.
- § 155-24. Unlawful termination of collection services.
- § 155-25. Missed collections.
- § 155-26. Complaints.
- § 155-27. Community-oriented charitable activities.
- § 155-28. Violations and penalties.
- § 155-29. Construction; word usage.

[HISTORY: Adopted by the Board of Supervisors of the Township of Middle Smithfield 7-27-2012 by Ord. No. 186. Amendments noted where applicable.]

GENERAL REFERENCES

Littering — See Ch. 132.

§ 155-1. Intent.

- A. All domestic, commercial, institutional and industrial recyclables accumulated upon any property within Middle Smithfield Township shall be collected and removed at curbside, roadside or similar location on the premises by an authorized collector. Waste shall be disposed of in accordance with the Solid Waste Management Act, 35 P.S. § 6018.101 et seq.
- B. This chapter shall provide a mandatory recycling program and govern all aspects of the collection, storage, transportation, processing and disposal of municipal solid waste in Middle Smithfield Township. It contains

regulations applicable to collectors of municipal waste, collectors of recyclables, individuals, commercial, municipal and institutional establishments, and community activities.

§ 155-2. Purpose.

The purpose of this chapter is to establish a program for the mandatory source separation and separate collection of designated recyclable materials, to include leaf waste, from residences and properties receiving municipal waste collection service from or on behalf of the Township of Middle Smithfield for recycling 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 therefor; and to fix penalties for violation of this chapter.

§ 155-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

AGENT

One who performs an act for his immediate family or for another person gratuitously (without any form of monetary or material compensation therefor).

ALUMINUM CANS

Empty all-aluminum beverage and food containers.

AUTHORITY

The Monroe County Municipal Waste Management Authority, or other municipal authority incorporated by the county and organized and existing under the Pennsylvania Municipalities Authorities Act, as amended, 53 Pa.C.S.A. § 5601 et seq., for the purpose of regulating the collection and/or disposal of solid waste and recyclables in the county.

AUTHORIZED COLLECTOR

A collector of municipal wastes and recyclables, including leaf materials, licensed and approved by the Monroe County Municipal Waste Management Authority (MCMWMA), or any such succeeding governmental entity have authority to regulate the collection and/or disposal of municipal and recyclables in the county generally, or Middle Smithfield Township specifically.

BIMETALLIC CANS

Empty food or beverage containers consisting of both steel and aluminum.

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, television sets, and other large household items.

COMMERCIAL

Of or pertaining to any wholesale, retail, industrial, manufacturing, transportation, or financial or professional service or office enterprise, business or establishment.

COMMINGLE OR COMMINGLED RECYCLABLES

Recyclables mingled or blended together, placed in the same container.

COMMUNITY ACTIVITY

Events sponsored in whole or in part by a 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.

COMPOSTING

The process of the biological decomposition of organic solid waste being biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product.

CORRUGATED PAPER

Structural paper material with an inner core shaped in rigid parallel furrows and ridges, of the type normally used to make packing cartons and boxes.

CURBSIDE

That location at the edge of any lot, parcel or piece of land adjacent to a public right-of-way or roadway, and which location is most accessible and/or convenient to any authorized collector for the purpose of collecting municipal waste and/or recyclables.

DEPARTMENT

The Pennsylvania Department of Environmental Protection.

DISPOSAL

The incineration, deposition, injection, dumping, spilling, leaking or placing of municipal waste into or on the land or water in a manner such that the municipal waste or a constituent thereof enters the environment, is emitted into the air, or is discharged to the waters of the Commonwealth of Pennsylvania.

DOMESTIC

Recyclable materials generated by persons in residential establishments, including residential subdivisions and residential developments.

GARBAGE

All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

GLASS CONTAINERS

All empty food and beverage jars or bottles, the product being transparent or translucent (clear, green or brown). Expressly excluded are noncontainer glass, window or plate glass, light bulbs, blue glass and porcelain and ceramic products.

HIGH-GRADE PAPER

Bond, copier, letterhead or mimeograph paper typically sold as "white ledger" paper, and computer paper.

INSTITUTIONAL

Of or pertaining to any establishment engaged in service to persons, including but not limited to hospitals, nursing homes, schools, universities, churches, and social or fraternal societies and organizations.

LANDLORD

The owner of residential property or such owner's authorized agent.

LEAF WASTE

Leaf waste from trees, bushes and other plants, garden residue, shrubbery and tree trimmings and similar materials, but not including grass clippings.

LICENSED COLLECTOR

See "authorized collector."

MAGAZINES

Printed matter, also known as "periodicals," containing miscellaneous written pieces published at fixed or varying intervals, printed on glossy or chemically coated paper. Expressly excluded are newspapers and all other paper products of any nature whatsoever.

MULTIFAMILY DWELLING

A type of residential property either under single ownership or organized as a condominium or cooperative form of housing, which contains four or more dwelling units.

MUNICIPAL

Of or pertaining to any office or other property under the control of any branch or arm of the federal government of the United States of America, the Commonwealth of Pennsylvania, or any political subdivision of the Commonwealth of Pennsylvania, including but not limited to Middle Smithfield Township, any counties, cities, boroughs, townships, and municipal authorities.

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, 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 waste 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 the Commonwealth of Pennsylvania Solid Waste Management Act. *Editor's Note: See 35 P.S. § 6018.101 et seq.* The term does not include source-separated recyclable materials or leaf waste.

MUNICIPAL WASTE LANDFILL

Any facility that is designed, operated, used and/or maintained for the disposal of municipal waste. The term shall not include any facility that is used exclusively for disposal of construction/demolition waste or sludge from sewage treatment plants or water supply treatment plants.

NEWSPAPER

See "newsprint."

NEWSPRINT

Paper of the type commonly referred to as "newspaper" and distributed at fixed or stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertising inserts, magazines, glossy or other chemically coated paper, office paper, and any other paper products of any nature.

PERSON

Any 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 chapter 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.

PLAN

The Monroe County Municipal Waste Management Plan, as now or hereinafter amended.

PLASTIC CONTAINERS

Empty plastic food and beverage containers, the specific types of which are:

- A. PET (e.g., soft drink bottles).
- B. HDPE (e.g., milk and water jugs, detergent and shampoo bottles).
- C. Other such plastic as may be designated by resolution of the Middle Smithfield Township Supervisors.

PROPERTY OWNERS' ASSOCIATION

A business or association of homeowners within a community whose principal purpose is to ensure the provision of and maintenance of community facilities and services for the common benefit of the residents of the association, including arranging for solid waste and recycling services.

RECYCLABLES

Materials designated as "recyclable" in this chapter, or required by the terms of this chapter (or any amendment hereto) to be kept separate from municipal waste and recycled. The term includes leaf waste.

RECYCLING FACILITY

A facility employing a technology and/or a process that separates or classifies municipal waste and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for or a supplement to virgin raw materials. The term "recycling facility" shall not mean transfer stations or landfills for solid waste nor composting facilities or resource recovery facilities. The term does not include:

- A. Any composting facility.
- B. Methane gas extraction from a municipal waste landfill.
- C. Any separation and collection center, drop-off point or collection center for recycling, or any source-separation or collection center for composting leaf waste.

RESIDENTIAL

Of or pertaining to any dwelling unit used as a place of human habitation and which is not a commercial, municipal, institutional or community activity. Home occupations incidental to the residential use within a building are considered residential.

RUBBISH

Solid waste exclusive of garbage (e.g., nonrecyclable glass, metal, paper or plastic) and noncompostable plant material, wood or nonputrescible solid waste.

STEEL CANS

Empty food or beverage containers made of steel, tin-coated steel or other ferrous metal food or beverage containers.

STORAGE

The containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal of such municipal waste. It shall be presumed that the containment of any municipal waste in excess of one year constitutes disposal. This presumption may be overcome only by clear and convincing evidence to the contrary.

TOWNSHIP

Middle Smithfield Township, Monroe County, Pennsylvania.

TRANSFER STATION

A facility which receives and processes or temporarily stores municipal or residual waste at a location other than the generation site and which facilitates the transportation or transfer of municipal or residual waste to a processing or disposal facility. The term includes a facility that uses a method or technology to convert part or all of such waste materials for off-site reuse. The term does not include a collection or processing center that is only for source-separated recyclable materials, including clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper and plastic; nor does the term include the centrally designated location of a development where agents of the lot owners have gathered the waste from the development for collection by authorized collectors.

TRANSPORTATION

The removal from any site or location of any municipal waste or recyclable materials at any time after generation thereof.

WASTE

A material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed of. The term does not include source-separated recyclable materials, leaves, or material approved by the Commonwealth of Pennsylvania, Department of Environmental Protection for beneficial use.

§ 155-4. Dumping; litter.

- A. It shall be unlawful for any person to store, dump, discard or deposit, or to permit the storage, dumping, discarding or depositing of, any municipal waste or recyclables upon the surface of the ground or underground within the Township, except in proper containers for purposes of storage or collection, and except where the waste or recyclables are of such size or shape as not to permit their being placed in such containers. It shall be unlawful for any person to dump or deposit any municipal waste or recyclables or leaf waste in any stream, body of water or on any public right-of-way within the Township.
- B. Every owner of property or occupant thereof responsible for the property's day-to-day operation or maintenance shall pick up and discard in any

appropriate receptacle any municipal waste, recyclables or other debris and place same at the curbside location or on the sidewalk or gutter in front of or adjacent to his/her property. All owners or operators of commercial, institutional and municipal establishments in the Township shall take all reasonable precautions to prevent the deposit and accumulation of debris on their premises.

- C. Nothing contained herein shall prohibit a duly constituted property owners' association or corporation from assembling municipal waste or recyclables at a central, accessible location, provided such activities are conducted and confined within the boundaries of that real estate development or subdivision, as defined herein, lawfully recorded and recognized as such.
- D. Nothing contained herein shall prohibit a farmer from carrying out the normal activities of his farming operation, including composting and spreading of manure or other farm-produced agricultural waste, provided such activities are conducted in accordance with all applicable laws, rules and regulations.
- E. Bulk containers shall not be permitted to overflow or to have waste strewn or left about them on the ground. A violation of this provision shall be deemed a violation of this chapter by the person on whose property the bulk container is located, if it is located on private property.
- F. No waste or recyclables shall be allowed to accumulate on the ground or be disposed of on highways, Township roads, vacant lots or other property, nor be thrown in any stream or other body of water.

§ 155-5. Open burning.

- A. No person shall ignite, cause, feed, permit or maintain any open fire for the destruction of solid waste recyclables or leaf waste designated in this chapter on any property under his or her control, except as hereinafter provided.
- B. Exceptions to open-burning prohibition:
 - (1) A fire set to prevent or abate a fire hazard, when written approval is provided by the Department of Environmental Protection's Regional Air Quality Program office and set by or under the supervision of a public officer.
 - (2) A fire set for the purpose of burning, clearing and grubbing waste. If within an air basin, an air curtain destructor must be used and must be approved by the Department of Environmental Protection's Regional Air Quality Program office.
 - (3) Nothing contained herein shall prohibit a farmer from carrying out the normal activities of his farming operations, provided such activities are conducted in accordance with all applicable laws, rules and regulations.

- (4) A fire set solely for cooking food, outdoor campfires and small bonfires for ceremonies or recreation are allowed provided they do not cause a nuisance.
- (5) No open burning shall occur during any fire ban emergency declared pursuant to this provision.
- (6) Persons responsible for any large fires are encouraged to contact the Monroe County Control Center and provide the time and location of the fire.

§ 155-6. Mandatory separation of recyclables.

- A. Persons shall separate clear, green and brown glass containers; aluminum; steel and bimetallic cans; plastic containers; and newsprint from other municipal waste generated at their homes, apartments and other residential establishments and shall store such materials until collection.
 - (1) As noted herein below in § **155-7**, leaf waste shall be kept separate from other municipal waste.
 - (2) Nothing in this chapter or regulation shall be deemed to impair the ownership of separated materials by the person who generated them unless and until such materials are placed at curbside or similar location for collection.
- B. Persons shall separate leaf waste from other 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. An owner, landlord or agent of an owner or landlord of multifamily rental housing with four or more units or the residents of multifamily residential properties acting by and through a duly constituted property owners' association may comply with this section by establishing a collection system for recyclable materials at each property, as noted herein below in § **155-8**. Nothing herein shall require any person to gather leaf waste or prevent any person from utilizing leaf waste for compost, mulch, or other agricultural purposes.
- C. Persons shall separate high-grade office paper, clear glass containers, aluminum, steel and bimetallic cans, plastic containers, newsprint, corrugated paper and leaf waste generated at commercial, municipal or institutional establishments and from community activities and shall store the material until collection.
- D. Persons occupying commercial, institutional and municipal establishments within Township borders shall be exempt from the requirements of this chapter or regulation if those persons have otherwise provided for the recycling of materials they are required by this section to recycle. To be eligible for an exemption under this subsection, a commercial or institutional solid waste generator must annually provide written documentation to the municipality of the total number of tons recycled.

§ 155-7. Mandatory source separation of leaf waste.

Unless otherwise provided for composting, all persons who gather leaf waste shall keep leaf waste, from trees, bushes and other plants, garden residue, shrubbery and tree trimmings but not including grass clippings, separate from all other forms of municipal waste and separate from recyclables. Such leaf waste shall be set out for collection at the times and in a manner to be designated by the Township and shall be collected and delivered by the Township to a leaf composting facility. The leaf waste collection schedule shall be advertised by the Township two weeks prior to the fall and spring collections.

§ 155-8. Residential recycling.

- A. For residential properties, all recyclables which are required to be kept separate from municipal waste and shall be placed at curbside or some appropriate location on the premises designated by the authorized collector to be collected at times designated by the authorized collector or agent. The preparation for collection of recyclable materials shall be made in accordance with the instructions provided by the authorized collector and which are consistent with the terms of this chapter. The frequency of such collection shall be not less than once per calendar month during a week of each month designated by the Township on designated day or days approved by the Township Recycling Coordinator, after consultation with the applicable authorized collector. Each authorized collector shall identify to the Township Recycling Coordinator the day or days, during the designated week, each month that the authorized collector desires to make collection of recyclables. Once days are approved by the Recycling Coordinator, each authorized collector shall inform his customers of the designated day the customer is to place the customers separated recyclable materials at the curbside, or similar location on the premises, for collection. No change in the authorized collector's schedule shall be made without the prior approval of the Township Recycling Coordinator.
- B. An owner, landlord or agent of an owner or landlord of multifamily residential housing properties with four or more units or the residents of multifamily or single residential properties acting by and through a duly constituted property owners' association who may contract with an authorized collector and aggregate/gather (in acceptable containers) together municipal waste or recycling at collection points, shall establish a collection system for recyclable materials at each property and pickup by an authorized collector.
 - (1) The collection system must include suitable containers for collection and sorting materials, easily accessible locations for the containers, and written instructions to the occupants or residents concerning the use and availability of the collection system.
 - (2) Owners, landlords, agents of an owner or property owners' associations shall complete a form to be designated "Recycling Report," to be provided by the Township. Each such quarterly 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. Such owners, landlords, agents and homeowners' associations may comply with the reporting requirements hereunder by requiring their municipal waste collector to provide said documentation and certification directly to the Township.

- (3) Owners, landlords and agents of owners or landlords who comply with the aforementioned requirements shall not be liable for the noncompliance of occupants of their building.

§ 155-9. Commercial, municipal, institutional, and community activities.

A. All recyclables which are required to be kept separate from municipal waste in commercial, municipal and institutional establishments and community activities shall either be delivered directly to a recycling center or shall be picked up by an authorized collector separately from municipal waste in a prearranged manner. Commercial, municipal and institutional establishments and community activities shall establish a collection system for recyclable materials at each property and pickup by an authorized collector. Commercial, municipal and institutional establishments and community activities shall not place recyclables within or near the public right-of-way for curbside collection, such curbside collection being intended solely for the placement of recyclables generated in residential properties other than multifamily housing properties.

B. Commercial, municipal and institutional establishments .

- (1) The collection system must include suitable containers for collection and sorting materials, easily accessible locations for the containers, and written instructions to the occupants or residents concerning the use and availability of the collection system.
- (2) Commercial, municipal and institutional establishments shall complete a quarterly recycling report form to be designated "Recycling Report," to be provided by the Township, together with copies of all weigh slips, indicating the weight and types of all recyclables collected. Each such quarterly 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. Such commercial, municipal and institutional establishments may comply with the reporting requirements hereunder by requiring their authorized collector to provide said documentation and certification directly to the Township.

C. Community activities.

- (1) Community activities shall have provisions for recycling containers to, at a minimum, collect commingled (aluminum, glass and plastic) beverage containers. The sponsor of the event shall be responsible for providing the containers and collection and transport by an authorized collector for these events.

- (2) The sponsor shall provide and shall complete a form to be designated "Recycling Report," to be provided by the Township together with copies of all weigh slips, indicating the weight and types of all recyclables collected and the place of disposition of materials recycled. Reports shall be provided within 30 days of the event. 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. Community activity recycling shall be reported independently of normal routine weekly pickups at the location.

§ 155-10. Authorized collectors' recycling reports.

- A. Quarterly recycling reports. All collectors shall submit to the Township a quarterly recycling report form to be designated "Recycling Report," together with copies of all weigh slips, indicating the weight and types of all recyclables collected within the Township. Each such quarterly 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.

§ 155-11. Collection by unauthorized person.

From the time of placement of residentially generated recyclable items for collection in accordance with the terms of this chapter, the items shall be and become the property of the authorized collector. It shall be a violation of this chapter for any unauthorized person to collect or pick up or cause to be collected or picked up any such items. Any and each such collection in violation hereof from one or more locations shall constitute a separate and distinct offense punishable as hereinafter provided.

§ 155-12. Presumption of ownership.

The presence of any articles containing a person's name among municipal waste and recyclables shall create a rebuttable presumption, for purposes of this chapter, that said municipal waste or recyclables are, or were, the property of the person whose name is found therein.

§ 155-13. Preparation and storage of municipal waste and recyclables.

Any person accumulating or storing municipal waste or recyclables on private or public property within the Township, including recyclables assembled within a property owners' association, for any purpose whatsoever shall place the same, or cause the same to be placed, in a closed or covered sanitary container, in accordance with the following standards:

- A. Containers used for the storage of municipal waste shall be of plastic or metal construction, equipped with lids, and waterproof. All such containers shall be approved by the Township.
- B. No person, except the occupants of the property on which a waste container is placed, an authorized collector, the Township Zoning Officer or

such other person as the Township may designate, and/or a duly authorized agent or representative of a property owners' association or corporation recognized as such by the Township, shall remove the lids of the container and/or remove the contents thereof.

- C. All recyclables will be placed in the above mentioned containers. Prior to such placement. All containers shall be rinsed and cleaned prior to placement in the recycling container for curbside pickup.

§ 155-14. Contract with authorized collector; collection schedule.

- A. Mandatory municipal waste collection services. Every owner or occupant of residential homes, apartments, and other residential establishments shall contract with an individual, entity or firm that is an authorized collector to have all municipal waste, generated on the premises by any of the occupants, removed and deposited at a permitted facility on a weekly basis or more often, unless the home, apartment or other residential building is unoccupied. Each contract must be in writing and contain the name and address of the owner or occupant of the property and the name and address of the responsible authorized collector.

- B. Scheduled collection days for municipal waste. Authorized collectors shall schedule collection days, at least once per week, during which municipal waste is to be placed at the curbside, or similar location on the premises, for collection.

- C. Authorized collectors shall be responsible to distribute recycling information outlining program details to each customer twice annually, once every six months, compliant with the requirements of the Township and Act 101.

Editor's Note: See 53 P.S. § 4000.101et seq. A copy of said information shall be provided to the Township at the time of distribution.

- D. Authorized collectors contracted for residential municipal waste collection shall offer a variable rate pricing, a base price for specified number of thirty-gallon containers of municipal waste. Collection of municipal waste in excess of the base amount shall be priced on specified incremental volumes or per thirty-gallon container.

- E. Proof of contract required. Whenever requested by the Township, the owner or occupant of any residential establishment shall present proof, adequate in the judgment of the Township, that the owner or occupant of said residential establishment has a current contract with an authorized collector to dispose of municipal waste generated on the premises on a weekly basis or more often. The owner or occupant of the premises shall have 72 hours to provide proof to the Township that the owner or occupant has a current contract with an authorized collector to provide sufficient service to satisfy the terms and conditions of this chapter.

- F. Duties of collectors. Any authorized collector picking up municipal waste in the Township shall be required to advise the Township in writing, within 72 hours after request from the Township, as to whether an owner or occupant has a current contract for municipal waste disposal from his/her premises.

Further, all authorized collectors shall cooperate with the Township in providing information in the event that an action is taken to enforce the terms and conditions of this chapter.

- G. If persons or establishments, being so authorized by the terms hereof, collect and remove their own municipal waste and/or recyclables, they shall do so at a minimum of once weekly for municipal waste and at least once per month for source-separated recyclables and leaf waste, or more often as necessary, in order to prevent odors, vectors or accumulations of refuse or garbage that are unsafe, unsightly or potentially harmful to the public health. Any municipal waste so removed shall be disposed of in accordance with the requirements of this chapter.
- H. No person other than an authorized collector shall collect or remove municipal waste or recyclables from any other person's property, unless otherwise provided for herein. All agreements for collection, transportation and disposition of municipal waste and/or recyclables shall be by private contract between the owner and/or occupant of the property where the material is generated or on their behalf by a properly authorized property owners' association and the collector who is authorized to collect the same.
- I. Nothing herein shall limit the right of the Township to implement public collection of solid waste and/or recyclables either by entering into contracts or by engaging in any collection practice permitted by law.
- J. Nothing in this section shall modify the requirements in this chapter pertaining to the separation and collection of recyclables.

§ 155-15. Transportation of municipal waste.

- A. All authorized collectors shall prevent or remedy any spillage or leakage from vehicles or containers used in the transport of municipal waste as well as recyclables.
- B. All authorized collectors of municipal waste and source-separated recyclables shall collect and remove municipal waste as well as source-separated recyclables in motor-driven vehicles having enclosed, leak-proof bodies with covers made of such materials as to prevent the contents from escaping.
- C. The transfer of waste or source-separated recyclables from one collection vehicle to another may not take place in the Township, except on private property in those areas of the Township designated for such by the Township, if any. No such transfer may take place on any public right-of-way, and no such transfer operation may block traffic, create litter or in any other manner constitute a nuisance, create a health hazard or violate any other ordinance of the Township, provision of statutory law or the Monroe County Municipal Waste Management Authority's rules and regulations.

§ 155-16. Public litter baskets.

The Township is hereby authorized to collect municipal waste and/or recyclables to include leaf waste from Township property, to provide public litter baskets in the Township, and to dispose of such waste in either a receptacle of an authorized collector or at designated disposal sites.

§ 155-17. Authorization of collectors.

- A. It shall be unlawful for any person, except for litter control and/or roadside cleanup personnel and others duly authorized, to collect and to transport waste of any nature or recyclables within or from the Township. Authorization to collect, transport and dispose of municipal waste and/or recyclables for persons other than oneself or persons for whom one is acting as an agent shall be licensed and approved by the Monroe County Municipal Waste Management Authority.
- B. All authorized collectors shall have an affirmative duty to follow and conduct themselves in accordance with their current license or permit and to service each of their customers in accordance with their current license or permit and the requirements of the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, as amended, 53 P.S. § 4000.101 et seq.; the Solid Waste Management Act of 1980, as amended, 35 P.S. § 6018.101 et seq.; and the Waste Transportation Safety Act of 2002, as amended, 27 Pa.C.S.A. § 6201 et seq.

§ 155-18. Collector as an independent contractor.

Any person granted a license or permit, pursuant to the terms of this chapter, shall not in any manner be construed as an agent, servant or employee of Middle Smithfield Township, but shall, at all times, be considered and remain an independent contractor. Likewise, no property owners' association or corporation which assembles municipal waste or recyclables within a development shall be construed as an agent, servant or employee of Middle Smithfield Township.

§ 155-19. Billing procedures.

All authorized collectors shall establish rates to be charged for the removal of municipal waste and source-separated recyclables; no person or entity shall be permitted to opt out of either municipal waste collection or source-separated recyclable collection. The rate charged must be for both services. All authorized collectors shall enter into individual or separate contracts with each household or occupant of the premises, without liability to or upon Middle Smithfield Township.

§ 155-20. Disposal.

Each authorized collector shall dispose of municipal waste as well as source-separated recyclables and leaf waste at a licensed and approved disposal and/or recycling facility as approved by the MCMWMA.

§ 155-21. Authorized collectors to provide recyclable removal service for certain types of properties.

Every authorized collector shall be required to provide, in addition to municipal waste removal, to its residential, multifamily, commercial, municipal and institutional customers, the service of removing recyclables. Any such recyclables so removed by authorized collectors shall be kept separate from municipal waste and shall be taken to a recycling or compost facility for the purpose of recycling as provided herein.

§ 155-22. Designation of recycling facility.

The Township reserves the right, by resolution, to direct recyclables to a designated facility.

§ 155-23. Acceptance of recyclables commingled with waste prohibited.

No authorized collector shall accept, pick up or remove any bag or other container of municipal waste which the collector knows, or has reason to believe, contains recyclables, combined with municipal waste, placed at curbside or otherwise placed for pickup. The collector shall affix a violation notice to the container containing the recyclables.

§ 155-24. Unlawful termination of collection services.

No person shall terminate the services of an authorized collector because of said collector's compliance with the rules and regulations of this chapter.

§ 155-25. Missed collections.

In the event that any authorized collector misses a collection, the authorized collector shall collect from the missed location within 24 hours of notification from the missed person, provided that the person has abided by the terms of the contract with the authorized collector.

§ 155-26. Complaints.

- A. All complaints regarding the collection of municipal waste and/or recyclables shall initially be reported to the authorized collector. Any complaint that the authorized collector fails to resolve shall be reported, in writing, to the Township.
- B. The Township Board of Supervisors shall have the right to investigate all complaints and to determine the validity of any complaints received from any person as to the failure of an authorized collector's failure to act in accordance with this chapter.

§ 155-27. Community-oriented charitable activities.

Nothing contained herein shall impair or prohibit any recognized civic, fraternal, charitable or benevolent organization, association or society from undertaking or sponsoring voluntary programs or projects involving the collection of recyclables

from the public. Any such collection activity can only occur prior to the recyclable materials being placed at curbside or similar location for collection by an authorized collector. Prior to initiating such activity, the organization shall obtain authorization from the Township.

§ 155-28. Violations and penalties.

- A. Any person, as defined herein, who violates any provision of this chapter shall, upon conviction thereof in an action brought before a Magisterial District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of not less than \$300 nor more than \$1,000, plus costs and reasonable attorneys' fees, and, in default of payment of said fine, costs and attorneys' fees, to a term of imprisonment not to exceed 90 days.
- B. Each day that a violation of this chapter continues, or each section of this chapter which shall be found to have been violated, shall constitute a separate offense.
- C. For the purposes of this chapter, the doing of an act or thing prohibited by any provision of this chapter or the failure to do any act or thing to which any provision of this chapter creates an affirmative duty shall constitute a violation of this chapter, punishable as herein stated.
- D. Middle Smithfield Township shall designate an individual or entity responsible for enforcement of this chapter.

§ 155-29. Construction; word usage.

- A. The various headings used throughout this chapter are intended only as an aid in its organization, in order to facilitate ease of reading, and are not to be considered a substantive part of this chapter.
- B. In this chapter, unless the context clearly indicates otherwise, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and neuter.