



West Brandywine Township Recycling Ordinance Project #611

Prepared for:

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SCS Engineers is a waste management, environmental engineering, consulting, and construction firm. Nothing herein shall be considered or interpreted to be the provision of legal services or advice.

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1 STATEMENT OF PROBLEM

West Brandywine Township (Township) is a Pennsylvania Act 101 mandated small community for recycling. The Township is located in Chester County and the U.S. Census Bureau estimated the Township's population to be 7,444 in 2016. The Township's solid waste and recycling program serves 2,353 households.

The Township's solid waste and recycling ordinance is outdated and is due for a review and update. Technical assistance was requested to remove outdated language and develop new language that better reflects the current landscape with respect to waste and recyclable materials management.

2 SUMMARY OF WORK PERFORMED

This section summarizes the anticipated tasks and outcomes to carry out this project.

Task 1 – Review Current Recycling Ordinance

SCS obtained the Township’s current solid waste and recycling ordinance and reviewed it with the following considerations in mind:

- 1) Compliance with Act 101 requirements;
- 2) Incorporation of specific suggestions and requests from the Township;
- 3) SCS’s familiarity with other local Pennsylvania recycling ordinances and important provisions to include.

Task 2 – Site Visit

After completing an initial review of the ordinance, SCS traveled to West Brandywine Township to meet with the Township Manager and Recycling Coordinator. The purpose of the meeting was to identify the goals in updating the ordinance, review the ordinance in detail, and discuss potential modifications and updates.

Task 3 – Make Recommendations for Improving Ordinance

The results of this task comprise the content of this report. **Appendix C** provides a revised draft recycling ordinance for the Township’s consideration that includes potential modifications. Note that it is important for the Township’s solicitor to review and approve changes to the ordinance before it is sent to the Township’s Board of Supervisors for approval.

Task 4 – Draft Violation Letters

Enforcement of recycling requirements is an important aspect of program success. SCS developed first and second notice of violation letters for the Township to use as an enforcement tool to encourage compliance with the recycling ordinance. Sample letters are included in **Appendix D**.

Task 5 – Final Report

The final task for this project was to develop this report that contains the results of our research, suggested ordinance modifications, and development of a revised draft recycling ordinance for the Township’s consideration.

3 RESULTS

CURRENT PROGRAM

West Brandywine Township is mandated to recycle by the Pennsylvania Municipal Waste Planning Recycling and Waste Reduction Act of 1988 (Act 101). The Township contracts with Charles Blosenski as the exclusive hauler for the collection of residential trash and recycling. Collection of trash and recyclable materials occurs each week on Thursday.

Trash

Residents are required to supply their own containers or bags for the curbside collection of solid waste. The current program limits residents to 100 gallons of solid waste per week. In addition, residents may set out one bulky item, not to exceed 70 pounds, for collection each week. The Township has special requirements and instructions for preparing select bulky items for collection and those are outlined on their website.

Recycling

Recycling is mandatory for all residents in the Township. The Township purchased and distributed 96-gallon recycling carts to all households in the Township in the spring of 2016. A Pennsylvania Section 902 Recycling Program Implementation and Development Grant was used to pay for the carts and residents were not charged a fee. Recyclable materials are collected single stream by the Township’s contracted hauler. The Township uses a Chester County processing and marketing contract with a materials recovery facility in King of Prussia to bring the materials to market. **Table 1** lists the materials accepted in the Township’s curbside recycling program.

The Township has also established a drop-off convenience center for paper and cardboard recycling at the Township Municipal Garage. The facility is open 24-hours a day/seven days a week as another convenient opportunity for residents to recycle paper and cardboard. Separate mixed paper and corrugated cardboard trailers are located at this site and residents are required to place paper materials in the appropriate trailer.

Table 1. Materials Accepted for Single Stream Recycling

Single Stream Recycling	
Glass Bottles and Jars	Newspaper
Steel Food and Beverage Containers/Aerosol cans	Magazines/Catalogs/ Phonebooks/Brochures
Plastic Containers #1-#7	Corrugated Cardboard
Aluminum Cans/Containers/Foil	Mail/Junk Mail
Polycoated/Aseptic Food and Beverage Cartons	Paper Bags
Books	Miscellaneous Home/Office Paper

The quantity of materials diverted for recycling has increased since the Township provided 96-gallon carts to each residential household. Prior to the new recycling carts, the Township’s single stream recycling program was diverting between 480 and 530 tons of materials each year. In 2017, the first full year since the new carts were put to use, nearly 700 tons of recyclable materials were diverted from disposal. **Table 2** presents the residential waste and recyclable material tonnages collected in the Township for the last four years. The Township’s calculated recycling rate is also presented in the table.

Table 2. Residential Waste and Recyclable Material Tonnages

Year	Waste (tons)	Curbside Recycling (tons)	Drop-Off Recycling (tons)	Recycling Rate
2014	2,327	494	85	19.9%
2015	2,394	530	110	21.1%
2016	2,332	600	101	23.1%
2017	2,207	695	87	26.2%
TOTAL	9,260	2,318	383	

Leaf Waste

The Township’s curbside leaf waste collection program includes both containerized and non-containerized options. Homes located on major roadways in the Township are provided with curbside collection of bagged leaf waste. Leaf waste from these residents must be contained in biodegradable bags. This facilitates a quicker collection of leaf waste on roadways that tend to be busier and prone to speeding traffic. Residents of homes located on residential streets may rake leaves to the curb where they are collected via the Township’s vacuum collection vehicle. Additionally, the Township has established a convenience center for residents to drop-off yard waste on the first Saturday of the month at the West Brandywine Township Maintenance Facility.

ORDINANCE LANGUAGE

A current and clear recycling ordinance is important for encouraging and facilitating recycling in the Township. This section provides an overview of the current Township ordinance along with suggestions for improving it.

Hauler Registration with Township

Chapter 62 of PA Act 90 requires municipal and residual waste haulers using waste disposal and processing facilities in Pennsylvania to have a valid waste transporter authorization. Implementation of PA Act 90 is largely understood to replace local government efforts to license waste haulers. For residential solid waste and recycling services that the Township contracts for collection, the Township could consider requiring haulers to provide evidence they have a valid waste transporter authorization from the State as a condition to bid¹. Haulers selected by the

¹ PA Act 90 only requires waste collection vehicles to have a valid waste transporter authorization. This requirement does not apply to vehicles that are only used to collect recyclable materials.

Township for contract to collect waste and recyclable materials from residential dwellings would be required to register with the Township as a condition to contract award. To exercise some control over haulers collecting waste from commercial properties and other properties not serviced by the Township’s contracted solid waste and recycling program, SCS recommends the recycling ordinance reference “registered” haulers as a criterion for establishing limitations on who is allowed to collect waste materials.

The establishment of a “registration” program for haulers would require those wishing to collect waste or recyclable materials in the Township to provide contact information, equipment details, insurance certificates, as well as comply with Township reporting requirements. For vehicles that are only used to collect waste, the Township could require documentation of a valid waste transporter authorization. To a degree, requiring hauler registration with the Township protects the public and facilitates information sharing on waste and recyclable material collection quantities that can be useful for the Township in making waste and recycling program planning decisions. **Appendix A** provides some sample language that could be incorporated into the revised recycling ordinance if the Township decides to establish a registration program for haulers.

Designated Recyclables

The Township’s current recycling ordinance provides the list of materials that are required for recycling by residents; occupants of commercial, industrial, institutional, and municipal establishments; and at community activities.

The list of recyclable materials for each waste generating sector is very similar. There are only two differences between the lists:

- 1) **Aerosol Cans** - are required for recycling by dwelling units and private mobile home parks and not by commercial, industrial, institutional, and municipal establishments and at community activities, and
- 2) **High-Grade Office Paper** - is required for recycling only by commercial, industrial, institutional, and municipal establishments and at community activities.

In order to encourage recycling and make the requirements as simple as possible, SCS recommends these lists be consolidated into one. One list of materials required for recycling by residents, occupants of businesses, and at other facilities will provide for a consistent recycling program that will minimize confusion for people who frequent different facilities in the Township. The differences among the recyclable material lists in the current ordinance are minor. The Township should explore the option of having aerosol cans and high-grade office paper included as required recyclable materials for all waste generating sectors in the Township. This is particularly important for high-grade office paper as Act 101 mandates the recycling of that material from commercial, industrial, institutional, and municipal establishments.

The Township’s current approach to defining specific materials in the Township Code rather than in the recycling ordinance itself requires an additional step for individuals to understand how each material is defined. It is important to review the definitions of recyclable materials

provided in the Township Code, Chapter 1, Section III Terminology, and update definitions to reflect the changing waste stream. For example, the Township’s recycling ordinance requires the recycling of plastics coded #1 to #5 and #7. However, Township Code does not define plastics beyond “plastic bottles” designated as a #1 or #2. This discrepancy and others lead to confusion as to what materials can and should be recycled in the Township. **Appendix B** provides some updated and new material definitions that the Township may incorporate into their code to clarify what materials qualify as recyclable. Before the Township updates their recycling ordinance and code with a consolidated list of recyclable materials and corresponding definitions, it is important to verify with the collector and/or processor(s) that accepts the recyclable materials generated in the Township what materials are acceptable.

Leaf Waste

As an Act 101 mandated recycling community, the Township is required to establish a program that collects leaf waste from residential, commercial, institutional, and municipal establishments. The Township’s current ordinance includes requirements for residential dwelling units; commercial, industrial, institutional, and municipal establishments; and private mobile home parks. SCS recommends that the ordinance language be amended to include the Township’s drop-off program for leaf waste that residents have access to on the first Saturday of each month and at other times as designated by the Township. This program is important for helping the Township remain in compliance with Act 101. **Appendix C** includes the Act 101 requirements for leaf waste separation and collection

Separation, Preparation, Placement, and Collection of Recyclable Materials

The following specific recommendations for each waste generating sector aim to provide clarity on the requirements and specifications for recycling in the Township. The Township’s existing ordinance uses the term “dwelling unit” to refer to single-family, multi-family, and other residential establishments. Although this term is defined in the Township Code, it is confusing. If terms in the Township Code must be used in the recycling ordinance, SCS recommends the use of the more specific dwelling unit descriptors as defined in the Code (i.e. single-family, single-family attached, multiple-family, etc.) to describe the recycling requirements for different residential establishments. The draft recycling ordinance in **Appendix D** uses these specific descriptor terms that refer to the appropriate dwelling unit category.

Single-Family Residential Establishments

SCS recommends the following information be included in the revised recycling ordinance:

- **Recycling Container** - SCS recommends referring to the “township issued recycling container” to avoid the need to explain the different conditions or requirements for using various sized recycling containers that have been issued to residents directly in the ordinance.

- **Preparation of Recyclable Materials** – The Township should provide some guidance to residents on how to prepare recyclables. The actual requirements for recyclable material preparation should be confirmed with the collector and processor of the materials:
 - **Single-Stream** – All designated recyclable materials shall be commingled in the township issued recycling container;
 - **No Bags** – Recyclable materials should not be bagged, rather they should be placed in the township issued recycling container loose;
 - **Lids** – Lids on the township issued recycling cart should be completely closed to prevent materials from being scattered or blown around the community;
 - **Designated Containers for Trash and Recyclable Materials** – Recyclable materials must only be placed in the township issued recycling container and must not be placed in containers designated for solid waste; similarly, no materials designated as solid waste shall be placed in the township issued recycling container;
 - **Placement of Containers** – Residents are responsible for placing their township issued recycling container at the curb or designated area approved by the Township on the dates and times designated by the Township. Containers are not to be put in a location that obstructs roads, streets, or sidewalks, or impedes a clear vision for motorists traveling on adjacent streets or at intersections.

Multi-Family Residential Establishments

The Township’s current recycling ordinance does not directly address the requirement that multi-family establishments provide recycling services to residents. SCS recommends that a separate section to the ordinance include information on the requirements for owners and managers of multi-family properties in the Township. Information included in this section of the ordinance should address the following:

- **Definition** - Explanation of multi-family establishment using terms that align with the Township Code (i.e. Dwelling, Apartment; Dwelling, Multiple-Family);
- **Recycling Service** – Requirement that all building owners, landlords, or agents of owners and landlords arrange for recycling service with a state-authorized hauler and provide confirmation of recycling service to the Township upon request if they are not serviced by the Township sponsored single stream recycling program;
- **Establishment of Collection System** – The collection system must include the following:
 - Suitable containers for collecting recyclable materials;
 - Easily assessable locations for tenants or occupants to access the containers;

- Written instructions on the availability and use of the collection system;
- **Collection Frequency** – Provision stating that collection of recyclable materials must occur at regular intervals to prevent overflow of materials;
- **Reporting Requirements** – Requirements for multi-family property owners, landlords, or agents of owners or landlords to report to the Township the name of the hauler and the types and quantities of materials collected annually if not serviced by the Township sponsored single stream recycling program.

Mobile Home Parks

Information governing recycling at mobile home parks should include the following:

- **Definition** – Identification of what residential establishments are covered by mobile home parks that is consistent with Township Code;
- **Recycling Service** – Requirement that all owners or occupants of mobile home parks arrange for recycling service with a state-authorized hauler and provide confirmation of recycling service to the Township upon request if they are not serviced by the Township sponsored single stream recycling program;
- **Establishment of Collection System** – The collection system must include the following:
 - Suitable containers for collecting recyclable materials;
 - Easily assessable locations for owners or occupants to access the containers;
 - Written instructions on the availability and use of the collection system;
- **Collection Frequency** – Provision stating that collection of recyclable materials must occur at regular intervals to prevent overflow of materials;
- **Reporting Requirements** – Requirements for owners or occupants of mobile home parks to report to the Township the name of the hauler and the types and quantities of materials collected annually if not serviced by the Township sponsored single stream recycling program.

Commercial, Industrial, Institutional, and Municipal Establishments

SCS recommends the following information be addressed in the revised recycling ordinance that pertains to commercial, industrial, institutional, and municipal establishments:

- **Recycling Service** – Requirement that all entities arrange recycling service with a hauler and provide confirmation of recycling service to the Township upon request;
- **Establishment of Collection System** – The collection system must include the following:

- Suitable containers for collecting recyclable materials;
- Easily assessable locations for the containers;
- Written instructions on the availability and use of the collection system;
- **Collection Frequency** – Provision stating that collection of recyclable materials must occur at regular intervals to prevent overflow of materials;
- **Reporting Requirements** – Requirements for entities to report to the Township the name of the hauler and the types and quantities of materials collected annually.

Community Activities

The Township’s current ordinance includes the requirements for recycling at community activities with requirements for commercial, industrial, institutional, and municipal establishments. SCS recommends recycling at community activities be required under a separate section, despite the requirements being similar. A community activity recycling section should include the following provisions:

- **Definition** – Define what constitutes a community activity (as described in the Township Code);
- **Establishment of Collection System** – Organizers of community activities must arrange for the source-separation of recyclable materials, the storage of the materials, and the collection of the materials by a hauler;
- **Reporting Requirements** – Requirements for event organizers to report to the Township the name of the hauler and the types and quantities of materials collected for each event.

New Sections

Special Waste

Special waste that includes hazardous materials, electronics, batteries and appliances pose significant environmental and public health hazards if not managed properly. The Township’s current recycling ordinance does not address these wastes nor prohibit their disposal with municipal solid waste. The draft recycling ordinance in **Appendix D** contains language for the Township to consider in addressing the proper management and disposal of these materials. Proposed language references the Township’s electronics drop-off location at the Township municipal building.

Unlawful Activities

It is recommended that the Township establish a section in the ordinance that lists unlawful activities that must be observed by all persons in the Township. The Township’s existing ordinance already includes important provisions to comply with Act 101 and prevent nuisance activities. Unlawful activities that may be included in this section include:

- Collection by unauthorized persons;
- Burning of recyclable materials and leaf waste
- Illegal dumping/littering;
- Overfilling containers;
- Creating a public nuisance.
- Storing/stockpiling materials; and
- Hindering the waste management activities.

Hauler Prohibitions

These requirements are designed to maintain integrity in the Township recycling program while encouraging compliance with Act 101 and facilitating a safe community. Most of these activities were understood to be prohibited under the current recycling ordinance, but by directly stating these requirements, it will provide the Township with a greater ability to enforce and penalize haulers for breaking these rules. The Township may wish to modify these suggested requirements to the specific needs and desires of township residents, haulers, and governing officials.

Enforcement

Enforcement of the recycling requirements outlined in the ordinance is important for compliance with Act 101 and provides the Township the leverage it needs to safeguard a successful recycling program. This section identifies who has the authority to enforce the provisions of the ordinance. It also clarifies that inspecting curbside containers of solid waste and recyclable materials is an acceptable way to screen for compliance. Enforcement provides the means to leverage fines and penalties for violations as specified in the ordinance.

EDUCATION

Public education and outreach are required by Act 101 to occur at least two times each calendar year (six months apart). Updating the Township’s recycling ordinance provides an excellent opportunity to initiate educational activities to remind residents; occupants of commercial, industrial, institutional, and municipal establishments; and even waste haulers of the Township’s recycling program and their required participation.

The proposed revised recycling ordinance contains a number of program details and requirements that were not specified in the previous ordinance. Some of these provisions may be new to haulers collecting solid waste and recyclable materials while others may have been understood but not directly required as part of the ordinance. Prior to the effective date of the

revised recycling ordinance taking effect, the Township should launch a targeted public education and outreach campaign to make everyone aware of the revised ordinance.

Education should be targeted to the different waste generating sectors and haulers that have responsibilities for recyclable material collection. All educational materials should mention the Township’s revised recycling ordinance and provide information on how to access it. New requirements established by the revised ordinance as well as key compliance mechanisms should also be included. Below are some key points for the Township to educate its stakeholders with respect to recycling:

- **Residents** – Reminder of single stream recycling using the township issued recycling carts; recyclable materials should not be bagged; code enforcement officer may inspect recycling cart for compliance.
- **Owners/Landlords of Multi-Family Properties, Including Mobile Home Parks** – Reminder to set-up a collection system with appropriate containers that includes written instructions to occupants/tenants on the use and availability of the program; reporting requirements; contract with a hauler to collect recyclable materials.
- **Owners/Landlords of Commercial, Institutional, and Municipal Establishments** - Reminder to set-up a collection system with appropriate containers that includes written instructions to occupants/tenants on the use and availability of the program; reporting requirements; contract with a hauler to collect recyclable materials.
- **Commercial Haulers** – Summary of the recycling rules and details on how the hauler can bring non-compliance issues to the attention of the Township for further investigation; reporting requirements; what recycling services must be offered and what materials are required to be recycled; if the Township decides to move forward with a registration program for haulers, specific information on that process must be shared early and often.

The type of media the Township uses to educate each of the entities above may be different. For example, a simple, eye-catching postcard mailer sent to all residents of single-family households will provide the necessary information. However, a more detailed letter outlining the new and revised provisions of the recycling ordinance may be more appropriate for haulers and owners of commercial or multi-family unit properties. The Township should continue to use other media, such as their website, newsletters, and social media to promote and educate residents on recycling.

DRAFT VIOLATION LETTERS

Enforcement of the Township’s recycling ordinance is a requirement of Act 101. Thus, it is important that the Township have an enforcement program that provides for fines and penalties.

The draft recycling ordinance provides for an initial opportunity for recycling program violations to be corrected over a 10 day period by issuing a warning. The ordinance provides for the

issuing of fines should violations be observed after the 10-day period. The ordinance also contains a provision that allows the Township's contracted waste and recyclable material hauler to reject (not collect) waste with recyclable materials or recyclable material carts with solid waste. **Appendix E** contains sample enforcement letters for the Township to use and modify when necessary. It is important to note that these draft letters do not provide legal guidance for the Township. The violation letters the Township issues to enforce the program should be reviewed and approved by the solicitor.

4 RECOMMENDATIONS

Section 3 – Results of this report provides recommendations for the Township to update their recycling ordinance to facilitate compliance and divert more recyclable materials from all waste generating sources. The Township’s solicitor must review all changes or modifications proposed to the existing ordinance to ensure compliance with applicable laws and regulations prior to voting by the Township’s Board of Supervisors. The draft recycling ordinance does not constitute legal advice. The draft language is presented to propose a structure for the revised recycling ordinance and is for discussion and review by the Township and Solicitor.

5 CONCLUSION

West Brandywine Township should revise their existing recycling ordinance to comply with Pennsylvania Act 101 to best serve the Township's residents and owners/occupants of commercial, industrial, institutional, and municipal establishments. Township officials in conjunction with their Solicitor or legal counsel should decide what modifications should be made.

Appendix A
Example Hauler Registration Ordinance Language

Example Hauler Registration Ordinance Language

Hauler registration required.

It shall be unlawful for any person to collect, remove and/or transport municipal waste or recyclable materials within West Brandywine Township without first registering with the Board of Supervisors of West Brandywine Township. Exceptions are made for persons who directly deliver (self-haul) their municipal waste and/or recyclable materials.

Hauler registration and approval requirements.

All persons wishing to collect, remove, and/or transport municipal waste and/or recyclable materials within the Township must register and receive approval from the Board of Supervisors to begin collection. Approved haulers may collect, remove or transport municipal waste and/or recyclable materials within the Township for a period of one year from the date of registration approval, only so long as the hauler is in full compliance with the requirements of this article, and any regulations enacted pursuant thereto. Haulers must renew their registration with the Township no later than January 31 of each calendar year. Any hauler whose registration is received and approved by the Township's Board of Supervisors shall have the privilege of collecting, removing and transporting municipal waste and/or recyclable materials picked up within the boundaries of West Brandywine Township. Hauler registrations and approvals are not transferable.

At the time of registration, the hauler shall provide the following information on a form prepared by the Township:

- 1) The name of the hauler, name of a contact person, business address, telephone number, email address, and twenty-four hour emergency telephone number to receive calls from persons in the Township who are serviced by the hauler.
 - 2) The make, model, year, and registration number of each truck or vehicle used in West Brandywine Township to collect, remove, and/or transport municipal waste or recyclable materials.
 - 3) A certificate of the hauler's workmen's compensation insurance, as required by law.
 - 4) A certificate of insurance coverage providing complete third-party public liability for both bodily injury and property damage, owner's and hauler's protective insurance and automobile insurance with respect to personal injuries and property damage. Such insurance shall be in amounts that shall be from time to time set forth by the Board of Supervisors by regulations adopted hereunder. Each and every policy of insurance herein mentioned which is required pursuant to the terms of this article shall carry with it an endorsement to the effect that the insurance carrier will convey to West Brandywine Township, by certified mail, written notice of any modifications, alterations or cancellation of any such policy or policies or the terms thereof. The above-mentioned written notice shall be mailed to West Brandywine Township at least 10 days prior to the effective date of any such modification, alteration or cancellation.
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- 5) Haulers shall provide the Township with its current rate schedule, its intended areas of operation in the Township, by streets, the terms of service and the scheduled days of collection in different areas of the Township.
 - 6) The state-permitted disposal sites where municipal waste will be taken for disposal.
 - 7) The processing and/or marketing facilities where the recyclable materials will be taken.
 - 8) Documentation that the hauler complies with the Chester County Waste Management Plan and Waste Flow Control Ordinance.
 - 9) Such other information as the Township, in furtherance of this article, shall deem appropriate and necessary.
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Appendix B
Sample Recyclable Material Definitions

Sample Recyclable Material Definitions

Aerosol

Containers comprised of aluminum, tin, steel, or a combination thereof, which contained aerosol substances.

Cans

Containers comprised of aluminum, tin, steel, or a combination thereof, which contained non-aerosol substances

Cartons

Plastic or wax coated containers such as gable top milk and juice cartons, take-out food containers, broth and tea containers, and juice drink boxes

Catalogs

Printed materials soliciting products for sale to the reader

Corrugated Paper

Structural paper material with an inner core shaped in rigid parallel furrows and ridges.

Glass Containers

Bottles and jars made of clear or colored glass. Expressly excluded are non-container glass, mirrors, automobile glass, dishware, plate glass, crystal, light bulbs and porcelain and ceramic products

High-Grade Office Paper

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

Leaf Waste

Leaves, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clippings

Magazines

Glossy, shiny, and other coated paper materials, usually bound, for reading and entertainment

Mixed Paper

Other recyclable paper such as envelopes, paperboard/chipboard, junk and unwanted mail, construction paper, receipts, wrapping paper, brochures, Kraft paper, and other recyclable paper, excludes corrugated paper, high-grade office paper, magazines, catalogs, and newspapers

Newspaper

Paper of the type commonly referred to as "newsprint" and distributed at fixed intervals; having printed thereon news and opinions and containing advertisements and matters of public interest.

Plastic Containers

Food and beverage plastic containers with an SPI Code Numbers 1, 2, 3, 4, 5, and 7 only.

Expressly excluded are containers that held chemicals or other household hazardous waste and plastic film and shopping bags

Appendix C
PA 101 Leaf Waste Requirements

Pennsylvania 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 do not comply 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 Pa. DEP-approved composting facilities.
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Appendix D
Draft Recycling Ordinance

Article II. Recycling

Short title.

This article shall be known as the "West Brandywine Township Recycling Ordinance."

Purpose.

The purpose of this article is to provide for the health, safety and welfare of the residents of West Brandywine Township by regulating the collection of recyclable materials, reduce the amount of solid waste disposed in the Township, and by implementing a recycling program pursuant to the requirement of the Pennsylvania Municipal Waste Planning Recycling and Waste Reduction Act (Act 101) established by the Pennsylvania General Assembly, 1988 and amendments thereto.

Definitions.

When not specifically defined within this Article, definitions of terms can be found in the Code of the Township of West Brandywine, Chapter 1, General Provisions, Article III, and Terminology. Where any definition is found to be inconsistent with other sections of the Township Code the text within the Article shall prevail.

Establishment of regulations.

1. The Township Council shall have the authority to adopt, modify, and amend recycling regulations from time to time by resolution, including, without limitation, regulations regarding what materials must be separated for recycling, preparation of recyclable materials, and/or the placement or collection methods for recyclable materials.
2. Regulations adopted by the Township Council shall be published in a newspaper of general circulation in the Township and posted on the Township's website.
3. Violations of any such regulations shall be deemed a violation of this article and subject to the same penalties hereunder.

Establishment of program.

The Township of West Brandywine hereby establishes a program for the mandatory separation and collection of recyclable materials from solid waste by all persons within the Township. Collection of the recyclable materials shall be made periodically by the Township or hauler registered with the Township.

The following materials must be recycled by all persons in the Township:

- Newspaper
- High-grade office paper
- Corrugated paper
- Cartons

- Plastic containers
- Glass containers
- Metal
- Aluminum cans
- Bi-metal cans
- Steel cans
- Leaf Waste

Leaf waste.

1. It is prohibited and will be deemed a violation hereof for any person in the Township to put or cause to put leaf waste with municipal solid waste. Leaf waste shall be separated from municipal solid waste generated on every property.
2. Nothing herein shall prevent any person from utilizing leaf waste for compost, mulch, or other agriculture, horticulture, or landscaping purposes on the property where the leaf waste is generated.
3. Owners or occupants of single-family residential dwellings shall separate leaf waste from other municipal solid waste and store the materials until collection. No leaf waste shall be comingled with other municipal solid waste collected by the Township or its agents, servants, or contractors. The Township will collect leaf waste curbside on designated days in compostable bags or loose via leaf vacuum as set forth by the Township.
4. Owners or occupants of multiple-family residential dwellings shall separate leaf waste from other municipal solid waste and store the materials until collection. No leaf waste shall be comingled with other municipal solid waste collected by the Township or its agents, servants, or contractors. Owners or occupants of multiple-family dwellings not served by the Township’s municipal solid waste collection program shall arrange with a registered hauler for the separate collection, processing, and disposal of leaf waste at a composting site licensed by the State.
5. Owners or occupants of commercial, industrial, institutional, and municipal establishments shall separate leaf waste from other municipal solid waste and store the materials until collection. No leaf waste shall be comingled with other municipal solid waste collected by the Township or registered haulers. Owners or occupants of commercial, industrial, institutional, and municipal establishments shall arrange with a registered hauler for the separate collection, processing, and disposal of leaf waste at a composting site licensed by the State.
6. Persons in the Township have the option of self-hauling leaf waste to the West Brandywine Township Maintenance Facility the first Saturday of each month or on other dates and times as designated by the Township.

Separation, preparation, placement, and collection of recyclable materials.

Single-family residential establishments

1. Single-family residential establishments includes residential dwelling units as defined by single-family, single-family attached, two-family attached (twin), and two-family semidetached (duplex) in the Township Code.
2. Except as otherwise provided herein, all persons owning or occupying single-family residential establishments as defined herein shall separate all recyclable materials generated in their residential establishment from municipal solid waste. Recyclable materials shall be put in the township issued recycling container and the container shall be placed curbside or in another designated location for collection by the Township or its agents, servants, or contractors.
3. Collections of recyclable materials shall be made in accordance with the schedule of areas and dates to be publically advertised by the Township.
4. Requirements for collection.
 - a. All recyclable materials as designated in this article must be placed in the township issued recycling container for single stream collection.
 - b. Recyclable materials placed in the township issued recycling container shall not be contained in plastic bags.
 - c. Lids attached to the township issued recycling container must be kept completely closed to prevent recyclable materials from being blown about or littered on Township streets or on private property.
 - d. No persons shall place recyclable materials in containers used for the collection of municipal solid waste and no municipal solid waste shall be placed in township issued recycling containers.
 - e. Township issued recycling containers shall be placed at the curbside or other location as designated by the Township for collection. Under no circumstances shall a township issued recycling container be placed on the paved portion of a roadway or sidewalk or otherwise obstruct the flow or vision of motorists or pedestrians traveling on adjacent roads, streets, or sidewalks.

Multi-family residential establishments.

1. Multi-family residential establishments include residential dwelling units as defined by dwelling, multiple-family of the Township Code.
 2. The owners and occupants of multi-family residential establishments must establish a system for source separation, collection, transportation, and recycling of the recyclable materials designated in this article. Arrangements for the collection of recyclable materials shall be the responsibility of the owner of the property in which the recyclable
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materials were generated and/or the person contractually obligated to the owner to arrange for collection and disposal of solid waste and recyclable materials.

3. Owners, landlords, or agents of owners or landlords of multi-family residential establishments must establish a collection system for recyclable materials. The system must include an appropriate number of recycling containers at easily accessible locations to accommodate the amount of recyclable materials generated at the property. It must also include written instructions to the tenants or occupants of multi-family residential establishments to inform them of the requirement to recycle and the use and availability of the collection program.
4. Owners, landlords, or agents of owners or landlords of multi-family establishments must contract with a registered hauler for the collection of recyclable materials if their building is not serviced by the Township sponsored single stream recycling program.
5. No persons shall place recyclable materials in containers used for the collection of solid waste and no solid waste shall be placed in containers designed for the collection of recyclable materials.
6. Recyclable material collection frequency shall be set by the owner, landlord, or agent of an owner or landlord of a multi-family residential establishment and the contracted registered hauler. Collection frequency must occur at least bi-weekly or more frequently as to prevent containers from being overfilled with recyclable materials that may cause materials to be blown about or littered on Township streets and private property.
7. The owner, landlord, or agent of an owner or landlord of multi-family residential establishments must provide a written report to the Township that lists the contracted state-authorized hauler collecting recyclable materials from the property, the total quantity of each recyclable material collected, and the name and affiliation of the person submitting the report. Reports are to be submitted annually to the Township no later than February 1 that provides the requested information from the previous calendar year.

Mobile home parks.

1. Mobile home parks includes residential dwelling units placed on a parcel of land as designated in the Township Code.
 2. The owners and occupants of mobile home parks must establish a system for source separation, collection, transportation, and recycling of the recyclable materials designated in this article. Arrangements for the collection of recyclable materials shall be the responsibility of the owner of the property in which the recyclable materials were generated and/or the person contractually obligated to the owner to arrange for collection and disposal of solid waste and recyclable materials.
 3. Owners of mobile home parks must establish a collection system that includes an appropriate number of recycling containers at easily accessible locations to accommodate the amount of recyclable materials generated at the property. Owners must provide
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written instructions to the tenants or occupants of mobile home parks to inform them of the requirement to recycle and the use and availability of the collection program.

4. Owners of mobile home parks must contract with a registered hauler for the collection of recyclable materials.
5. No persons shall place recyclable materials in containers used for the collection of municipal solid waste and no municipal solid waste shall be placed in containers designed for the collection of recyclable materials.
6. Recyclable material collection frequency shall be set by the owner of a mobile home park and the contracted registered hauler. Collection frequency must occur at least bi-weekly or more frequently as to prevent containers from being overfilled with recyclable materials that may cause materials to be blown about or littered on Township streets and private property.
7. The owner of a mobile home park must provide a written report to the Township that lists the contracted registered hauler collecting recyclable materials from the property, the total quantity of each recyclable material collected, and the name and affiliation of the person submitting the report. Reports are to be submitted annually to the Township no later than February 1 providing the requested information from the previous calendar year.

Commercial, industrial, institutional and municipal establishments

1. Commercial, industrial, institutional, and municipal establishments required to recycle under this provision are described in the Township Code.
 2. The owners or occupants of commercial, industrial, institutional, and municipal establishments must establish a system for source separation, collection, transportation, and recycling of the recyclable materials designated in this article. Arrangements for the collection of recyclable materials shall be the responsibility of the owner of the property in which the recyclable materials were generated and/or the person contractually obligated to the owner to arrange for collection of recyclable materials.
 3. Owners or occupants of commercial, industrial, institutional, and municipal establishments must establish a collection system that includes an appropriate number of recycling containers at easily accessible locations to accommodate the amount of recyclable materials generated at the property. Owners or occupants must provide written instructions to the tenants, customers, employees, or other individuals to inform them of the requirement to recycle and the use and availability of the collection program.
 4. Owners or occupants of commercial, industrial, institutional, and municipal establishments must contract with a registered hauler for the collection of recyclable materials.
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5. No persons shall place recyclable materials in containers used for the collection of municipal solid waste and no municipal solid waste shall be placed in containers designed for the collection of recyclable materials.
6. Recyclable material collection frequency shall be set by the owner or occupant of a commercial, industrial, institutional, or municipal establishment and the contracted registered hauler. Collection frequency must occur at least bi-weekly or more frequently as to prevent containers from being overfilled with recyclable materials that may cause materials to be blown about or littered on Township streets and private property.
7. The owner or occupant of a commercial, industrial, institutional, or municipal establishment must provide a written report to the Township that lists the registered hauler collecting recyclable materials from the property, the total quantity of each recyclable material collected, and the name and affiliation of the person submitting the report. Reports are to be submitted annually to the Township no later than February 1 providing the requested information from the previous calendar year.

Community activities

1. Community activities required to recycle under this provision are described in the Township Code.
2. The organizers or sponsors of community activities must establish a system for source separation, collection, transportation, and recycling of the recyclable materials designated in this article. Arrangements for the source-separation and collection of recyclable materials shall be the responsibility of the organizers or sponsors.
3. Organizers or sponsors of community activities must establish a collection system that includes an appropriate number of recycling containers at easily accessible locations to accommodate the amount of recyclable materials generated. Organizers and sponsors must provide signage and/or labels to indicate what recyclable materials are to be source-separated.
4. Organizers or sponsors must contract with a registered hauler for the collection of recyclable materials.
5. Organizers or sponsors of a community activity must provide a written report to the Township that lists the registered hauler collecting recyclable materials from community activities, the total quantity of each recyclable material collected, and the name and affiliation of the person submitting the report. Reports are to be submitted annually to the Township no later than February 1 providing the requested information from the previous calendar year. A separate report must be submitted for each unique community event in the Township.

Ownership of recyclables.

From the time of placement of recyclable materials at the curb or other designated area for collection by the Township or registered hauler, pursuant to this article and any rules and regulations adopted hereunder, the recyclable materials, as designated in this article, shall become the property of the Township or the registered collector.

Hazardous waste, batteries, and electronic waste.

1. It shall be unlawful for any person to place hazardous or residual waste, as defined in Act 101, in municipal solid waste or to discard or otherwise dispose of hazardous or residual waste except by disposition in compliance with applicable state and federal laws and regulations. For specific material recycling and disposal requirements, refer to the Chester County Solid Waste Authority or Pennsylvania Department of Environmental Protection guidelines.
2. It shall be unlawful for any person to place a used lead acid battery in municipal solid waste or to discard or otherwise dispose of a lead acid battery except by delivery to an automotive battery retailer or wholesaler, to a secondary smelter permitted by the U.S. Environmental Protection Agency, or to a collection or recycling facility authorized under the laws of Pennsylvania.
3. In accordance with Act 108, no person may dispose of a Covered Device or any of its components with their municipal solid waste. This type of waste requires special collection and disposal arrangements. Covered Devices that may be brought to the Township Building for recycling, include:
 - Laptop and desktop computers
 - Printers and ink/toner cartridges
 - Flat screen monitors
 - Cell phones
 - DVD/VCRs
4. Information on how to recycle Covered Devices not accepted at the Township Building may be obtained by the Chester County Solid Waste Authority or Pennsylvania Department of Environmental Protection.
5. Large and small appliances containing Freon may not be combined with municipal solid waste. These appliances contain chlorofluorocarbons and Freon that must be removed by a certified professional, and these should be taken to a Freon-certified handler. Freon-containing appliances may include refrigerators, freezers, air conditioning units, dehumidifiers, and water coolers.

Unlawful activities.

It shall be unlawful and a violation of this article for any person in the Township carry out the following activities.

1. Collection by unauthorized persons - From the time of recyclable materials placement at the curb or other designated location, it shall be a violation of this article for any person unauthorized by the Township, to collect or pick up recyclable materials. Any and each collection in violation hereof from one or more locations shall constitute a separate and distinct offense punishable as hereafter provided.
2. Burning of recyclable materials - The burning of municipal solid waste, recyclable materials, and leaf waste shall be prohibited at all times in the Township. This shall include construction and demolition debris as defined in Chapter 1, Article III of the Township Code municipal waste as defined by Act 101 of 1998, and recyclable materials that include leaf waste. Nothing contained herein shall prohibit a farmer from carrying out the normal and customary activities of his farming operations as provided for under the Pennsylvania Right-to-Farm Act, 3 P.S. § 951 et seq., as amended by Act No. 1998-58, provided that such activities are conducted in accordance with all applicable laws, rules and regulations.
3. Littering/illegal dumping – It is unlawful for any person in the Township to dump or deposit municipal solid waste, recyclable materials, leaf waste, or any other refuse on any private or public property or grounds in the Township.
4. Overfilling containers – Containers of municipal solid waste, recyclable materials, leaf waste, or any other refuse must not be overfilled to provide for or allow materials to become displaced by natural or manufactured elements.
5. Storing/stockpiling materials – It is prohibited for any person in the Township to store, process, or dispose of any regulated municipal solid waste or recyclable materials except at a facility or in preparation for the collection by the Township or registered hauler as provided herein. Notwithstanding the forgoing, leaf waste may be composted onsite.
6. Prevention of duties – It is unlawful for any person in the Township to hinder, prevent, or obstruct the Township or registered haulers from carrying out their duties as outlined in this article or in its enforcement.

Hauler prohibitions.

It shall be unlawful and a violation of this article for any registered hauler operating in the Township to:

1. Collect or transport any municipal solid waste, recyclable materials, or leaf waste from any person failing to source-separate recyclable materials as required herein.
 2. Comingle source-separated recyclable materials or leaf waste collected with municipal solid waste.
 3. Fail to provide for the proper management of any municipal solid waste, recyclable materials, and leaf waste collected or transported in the Township.
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4. Collect or transport any municipal solid waste, recyclable materials, or leaf waste in a manner that causes or allows said materials to fall upon Township streets or roads or on private property.
5. Fail to place collection containers in their designated locations off public roadways and sidewalks after collection of materials.
6. Not comply with the annual reporting requirements as required in this article by the Township.

Refusal to collect municipal solid waste and recyclable materials.

The Township or registered haulers providing municipal solid waste and recyclable material collection services in the Township may refuse to collect municipal solid waste from any person that has clearly failed to source-separate recyclable materials designated under this article. Furthermore, the Township or registered hauler providing recyclable material collection services in the Township may refuse to collect recyclable materials that are contaminated with non-recyclable materials or municipal solid waste.

Enforcement.

Township code enforcement officials, police officers, and other appointed Township officials are hereby individually and severally empowered to enforce the provisions of this article. An inspection may consist of sorting through containers of municipal solid waste and opening bags of municipal solid waste to detect the presence of recyclable materials, or inspecting containers of recyclable materials to detect the presence of municipal solid waste.

Violation and penalties.

Any person who violates or fails to comply with any provision of this article or the rules and regulations adopted pursuant hereto, shall be punishable by the following:

1. First offense shall be a written warning;
2. Second offense shall be punishable by fines not to exceed \$100, respectively, plus costs of prosecution.
3. All subsequent offenses shall, upon conviction in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense. Penalties shall be as specified herein Chapter 1, specifically, General Provisions, Article II. Penalties, section 1-16A and 1-16B.

Amendment procedure.

This article or any part thereof may be amended from time to time in accordance with the procedures as established by law.

Effective date.

This Amended article shall become effective on the _____.

Appendix E
Sample Violation Letters

EXAMPLE NOTICE OF VIOLATION – FIRST NOTIFICATION

West Brandywine Letterhead

[Date]

[Name]

[Address]

[City, State, Zip]

RE: NOTICE OF RECYCLING PROGRAM VIOLATION

Dear [Name]:

All residents and businesses, including multi-family dwellings and apartments, in West Brandywine Township are required by Ordinance #__ to separate recyclable materials and leaf waste from municipal solid waste. The following materials must be separated and recycled by residents and businesses in the Township:

- Plastic containers
- Corrugated cardboard
- Miscellaneous paper
- Cartons/drink boxes
- Metal cans
- Newspapers
- High-grade office paper
- Leaf waste
- Glass bottles and jars
- Junk mail
- Magazines

The Township’s Code Enforcement Officer visited your residence or business on _____ and found you to be in violation of Ordinance # ___ due to _____

The Township issued a 96-gallon recycling cart to all residents for the placement of recyclable materials. The cart is collected curbside weekly by the Township’s contracted hauler, Charles Blosenski. Businesses must contract with a Township registered hauler for the collection of separated recyclables. The burning of recyclables and leaf waste is prohibited.

A copy of the Township’s recycling ordinance is attached. Please note the applicable fines, fees, and penalties. Each day that a person is in violation of the ordinance constitutes a separate offense. Please remedy the aforementioned problem(s) within 10 business days. This notice serves as your first offense warning. Subsequent violations of the Township’s recycling ordinance will result in fines and/or penalties.

We appreciate your cooperation with and participation in the Township’s mandatory recycling and leaf collection program. If you have questions please contact the Township at **[phone number]** or **[email address]**.

Sincerely,
West Brandywine Township Code Enforcement Officer

EXAMPLE NOTICE OF VIOLATION – SECOND NOTIFICATION

West Brandywine Township Letterhead

[Date]

[Name]

[Address]

[City, State, Zip]

RE: SECOND NOTICE OF RECYCLING PROGRAM VIOLATION

Dear (Name):

All residents and businesses, including multi-family dwellings and apartments, in the West Brandywine Township are required by Ordinance # ___ to separate recyclables and leaf waste from the municipal waste stream. In follow-up to the recycling program violations observed at your property and detailed in the Township’s letter dated _____, the Township’s Code Enforcement Officer visited your residence or business again on _____ and found repeated violations of Ordinance # ___ due to _____

By way of this notification, the Township hereby fines _____ \$100 dollars for failure to comply with the Township’s mandatory recycling program as provided in Section ___ of Ordinance # _____. Note that each day that a person is in violation of the ordinance constitutes a separate offense. The Township requests immediate compliance with Ordinance # _____ to prevent further violations and penalties. Remittance of the required fine may be done by mail at _____, in person at the Township Municipal Building at 198 Lafayette Road, or online at www.wbrandywine.org.

If you wish to appeal the fine, please contact the Township and arrangements will be made for a court date.

We expect compliance for the Township’s mandatory recycling laws by all persons in the Township to protect the environment and public health of our community. If you have questions please contact the Borough at **[phone number]** or **[email address]**.

Sincerely,

West Brandywine Township Code Enforcement Officer