



## **Tredyffrin Township Recycling Ordinance Update Project #617**

Prepared for:  
**Tredyffrin Township**

1100 DuPortail Road  
Berwyn, PA 19312  
(610) 408-3602

Sponsored by:  
**Pennsylvania Department of Environmental Protection**

400 Market Street  
Harrisburg, Pennsylvania 17101  
(717) 787-8685  
[www.depweb.state.pa.us](http://www.depweb.state.pa.us)

Prepared by:  
**SCS ENGINEERS**  
11260 Roger Bacon Drive  
Suite 300  
Reston, Virginia  
(703) 471-6150

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[www.scsengineers.com](http://www.scsengineers.com)

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## 1 STATEMENT OF PROBLEM

Tredyffrin Township (Township) is mandated to conduct a curbside recycling program by the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101). The Township consists of 12,223 households and the population was 29,332 as of the 2010 U.S. Census.

The Township's ordinances for recycling and solid waste collection were last updated in 1990. Technical assistance was requested to remove outdated language and develop new language that better reflects the current landscape with respect to waste and recyclable materials management. Particular topics to expand upon in the revised ordinances include the list of required recyclable materials; the recycling requirements for commercial, institutional, and municipal establishments as well as multi-family residential establishments, and recycling at community events. In addition, a significant update to the Township's collection ordinance included revising the Township's hauler "licensing" program to a "registration" program that does not require haulers to remit a fee to the Township.

## 2 SUMMARY OF WORK PERFORMED

This section summarizes the tasks completed for this project.

### **Task 1 – Obtained and Reviewed Current Recycling and Collection Ordinances**

SCS obtained the Township’s current recycling and collection ordinances, including all amendments, and reviewed the content and provisions of each article. The following considerations guided SCS’s review of the Township’s ordinances:

- Compliance with Act 101 recycling requirements;
- Specific focus areas/topics of interest to the Township;
- Useful provisions included in other local government recycling ordinances.

### **Task 2 – Site Visit**

After completing a review of the Township’s ordinances, a representative of SCS Engineers met with staff at the Township to review findings and discuss potential updates and improvements to the ordinances. This visit also served as an opportunity to collect additional information on the Township’s recycling program and clarify objectives and requirements for the revised ordinances.

### **Task 3 – Recommendations for Improving Recycling and Collection Ordinances**

SCS provided guidance to the Township on the content to include in a revised recycling ordinance. Specific requirements for recycling were established at residential (single-family and multi-family), commercial, institutional, and municipal establishments, as well as at community activities.

### **Task 4 – Final Report**

This report contains the results of our research and suggested ordinance modifications. Appendices to this report include a summary of the Act 101 recycling requirements and the revised drafts of the Township’s recycling and collection ordinances.

### 3 RESULTS

#### CURRENT PROGRAM

Collection of trash and recyclable materials in Tredyffrin Township is privatized. The Township uses an open-subscription service whereby residents and commercial property owners contract with a private hauler directly for trash, recycling, and yard waste collection services. A list of haulers servicing the Township is posted on the Township’s website. These haulers also report waste and recyclable material tonnage collected to the Township on a regular basis.

The Township established a mandatory recycling ordinance in 1990. The Township’s website provides information on recycling requirements for residents and owners/occupants of commercial properties. Details on what materials must be recycled and how those materials should be prepared for collection is listed on the Township’s website. Residents are required to recycle newspaper, aluminum, glass, and leaves. Commercial properties are required to recycle corrugated paper, aluminum, high-grade office paper, and leaves. The Township notes that haulers servicing residential or commercial properties may accept more materials.

The Township encourages residents to compost yard waste on their own property. For those residents that cannot or choose not to manage yard waste on their property, they may contract with a hauler serving the Township for curbside yard waste collection services. The Township operates the Mill Road Leaf Site that is open during the spring and fall to accept leaves and other yard debris.

The Township provides other solid waste services to residents, including:

- **Regional Household Waste Collection Events** – The Township participates in regional Southeastern Pennsylvania household hazardous waste events. Residents can bring automotive products, home maintenance chemicals, and lawn and pest control products to these events when they are held.
- **Electronics Recycling** – The Township Building is a designated collection site for residents to bring cell phones and inkjet or toner cartridges for recycling.

The Township recognizes that having a current and expanded recycling ordinance is the foundation for improving recycling in the Township. The remainder of the information presented in this section summarizes recommendations for updating the Township’s recycling and collect ordinances.

#### RECYCLING ORDINANCE

A current and clear recycling ordinance is important for encouraging and facilitating recycling in the Township. This section provides an overview of the Township’s current ordinance along with suggestions for improving it. The Township’s recycling ordinance must be consistent with Act 101. **Appendix A** is a summary of the Act 101 recycling requirements for mandated

communities. **Appendix B** contains the revised version of the recycling ordinance that incorporates the recommendations summarized in this section of the report.

## Definitions

The terms used in the recycling ordinance should be clearly defined. The current ordinance contains some outdated as well as missing definitions. The list of definitions in the current ordinance was reviewed, and when possible or appropriate, SCS recommends using definitions that are the same or similar to the definitions in the Municipal Waste Management Chapter of the Pennsylvania Code<sup>1</sup> to facilitate consistency among Township and state requirements.

The definitions of several terms were modified and modernized to reflect the current condition of the recycling industry. SCS expanded the list of definitions in the ordinance to include specific descriptions of waste generators and recyclable materials:

- **Generating Sectors** – The existing as well as the revised recycling ordinance contains different recycling requirements for various material generating sectors. Using the definitions in the Pennsylvania Code<sup>1</sup>, SCS included definitions of commercial, institutional, and municipal establishments, as well as definitions for single-family and multi-family establishments. Defining each establishment is important to clarify what entities and facilities must adhere to specific recycling requirements.
- **Recyclable Materials** – The revised recycling ordinance includes definitions of specific materials designated for recycling, including aluminum, bi-metal containers, cardboard, glass, magazine, mixed paper, newspaper, office paper, and plastic. These definitions are important for communicating to residents and business owners what specifically can be recycled.

## Recyclable Materials

The Township should strive to establish a recycling program that is consistent across all material generating sectors, particularly for the materials designated as recyclable. If residents and businesses have different requirements for recycling, the inconsistent program will create confusion among residents and patrons of businesses (who are often the same) that may result in reduced participation and/or increased contamination. The recycling industry is particularly sensitive to the latter concern of contamination because of depressed recycling markets and reduced demand for recyclable materials in China.

SCS recommends that the Township establish a core list of materials that must be recycled across all material generating sectors. Instituting such a list may be challenging for local governments that have an open-subscription program such as Tredyffrin Township. The presence of multiple haulers that have different methods for collecting and processing materials may affect what items are accepted for recycling. The first step to overcoming this barrier is for the Township to engage with haulers on what materials they accept for recycling. The Township could set the list of core materials required for recycling by everyone based on a common list of materials that are accepted for recycling by all haulers. This core list must also be consistent

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<sup>1</sup> The Pennsylvania Code, Chapter 271. Municipal Waste Management – General Provisions, [www.pacode.com](http://www.pacode.com)

with the requirements of Act 101. Act 101 provides the Township with flexibility of designating select recyclable materials for residents (residents must recycle at least three materials from a list). However, Act 101 provides more specific direction for what must be recycled at commercial, institutional, and municipal establishments and at community activities. Based on the materials required for recycling by Act 101, a core list of recyclable materials for everyone in the Township must include, at minimum, aluminum, corrugated paper, and high-grade office paper (as well as leaf waste). Other common recyclable materials, such as plastics, newspaper, and mixed paper, should also be considered for recycling by everyone in the Township.

### **Collection Service**

SCS recommends including two new sections in the recycling ordinance pertaining to the collection and transportation of recyclable materials.

#### **Requirement for Collection Service**

Act 140 of 2006 amended Act 101 to establish requirements for Section 904 Recycling Performance Grants. The requirements of this act must be met by mandated curbside recycling municipalities receiving Recycling Performance Grant Funding. If a local government fails to meet these requirements, they risk losing the opportunity to receive Recycling Performance Grant Funding. One of the requirements of the Act 140 amendment is that the Township’s ordinance require residents to have waste and recycling collection service (see **Appendix A**).

#### **Self-Haul Allowance**

SCS recommends including a provision that gives residents and business owners the opportunity to self-haul their recyclable materials to an authorized recycling facility. The language of this provision states that residents or business owners wishing to self-haul recyclable materials must receive prior approval from the Township in order to self-haul materials. Anyone approved to self-haul recyclable materials from their home or business is required to annually report to the Township the quantity of materials self-hauled and the facility that received the materials.

### **Residential Recycling**

The residential recycling section in the Township’s existing ordinance was divided to differentiate the provisions and requirements for recycling at single-family residential establishments and multi-family residential establishments. Requirements for recycling at both single-family and multi-family residential establishments include:

- Source separation of recyclable materials from municipal waste;
- Use of recycling containers (defined in the draft ordinance, **Appendix B**) for recyclable material storage and collection;
- Arrangements for collection of recyclable materials by an authorized collector;
- Establish the collection frequency of recyclable materials, to occur no less than once per week.

### Single-Family Residential Establishments

The recycling requirements for single-family residential establishments include provisions for the preparation of recyclable materials, placement of recycling containers for collection, and limits on when recycling containers can be placed at the curb for collection and when they must be removed from the street.

### Multi-Family Residential Establishments

The requirements for recycling at multi-family residential establishments are similar to single-family residential establishments with two notable exceptions:

- **Establishment of Collection System** – Owners or property managers of multi-family residential establishments must set-up a collection system for recyclable materials. The system must include an appropriate number of recycling containers placed in easily accessible locations to accommodate the amount of recyclable materials generated at each property. The system must also include written instructions to the residents of the property to inform them of the requirement to recycle and the use and availability of the collection program.
- **Reporting Requirements** – Owners or property managers are required to provide a written report to the Township that lists the authorized collector collecting recyclable materials, the name and address of the property that recyclable materials are collected, the total quantity of each recyclable material collected, and the name and affiliation of the person submitting the report.

### Commercial, Institutional, and Municipal Establishment Recycling

The section of the Township’s existing recycling ordinance that includes requirements for commercial, institutional, and municipal recycling was expanded to include additional details. This includes requiring owners or property managers to set up a recycling program that includes an appropriate number of recycling containers placed in easily accessible locations to accommodate the amount of recyclable materials generated at each property. In addition, owners or property managers must provide instructions to the tenants or occupants of a commercial, institutional, or municipal establishment to inform them of the requirement to recycle and the use and availability of the collection program.

The Township’s original ordinance conforms to the minimum requirements of Act 101 by requiring the recycling of high-grade office paper, aluminum, corrugated paper, and leaf waste. The revised ordinance references the recycling of “recyclable materials” that is defined much broader than the minimum requirements of Act 101. If the Township is unable to establish a consistent, broader list of recyclable materials for all material generating sectors, keeping the minimum requirements from Act 101 is necessary.

### Community Activities

Recycling requirements for community activities in Act 101 are different from commercial, institutional, and municipal establishments. SCS developed a separate section in the ordinance



outlining the requirements for recycling at community activities. The proposed requirements conform to Act 101 and including the following:

- Arranging for the source-separation of recyclable materials, including aluminum, plastic, glass, cardboard, high grade office paper, and leaf waste (the Township should consider requiring the recycling of “core” recyclable materials generated at community activities if such a list can be established);
- Developing a collection system that includes an appropriate number of recyclable materials collection containers with labels/signs for what materials are accepted for recycling;
- Contracting with a hauler for the collection of recyclable materials;
- Reporting the quantity of recyclable materials recovered, name of the hauler collecting materials, and the name of the community activity to the Township.

Event organizers and sponsors are responsible for meeting the requirements for recycling at community activities. One way the Township could facilitate compliance with these requirements is by requesting event organizers and sponsors submit a “recycling plan” when they apply for a permit to host such an activity in the Township.

### **Leaf Waste**

Requiring the diversion and composting of leaf waste is an important component of the Township’s recycling ordinance. For this reason, SCS believes the Township’s ordinance should have a separate section outlining the requirements for the recycling of leaf waste. Leaf waste as defined in the Township’s ordinance as, “*leaves, garden residues, shrubbery, and tree trimmings, and similar material, but not including grass clippings,*” is consistent with the Pennsylvania Code<sup>2</sup>.

Act 101 requires the source separation and collection of leaf waste. The requirements include that leaf waste be collected curbside at least once per month or that leaf waste be collected curbside two times per year (once in the spring and once in the fall) and that the Township establish a drop-off program where residents can deposit leaf waste at least once per month. The designated leaf waste drop off site may be located in a neighboring municipality or at a private facility provided there is an agreement in place for the Borough to use the facility. It is the Borough’s responsibility to inform residents and owners or occupants of commercial, institutional, and municipal establishments of the location for leaf waste drop-off.

The revised draft recycling ordinance (**Appendix B**) includes requirements for residents and business owners to separate leaf waste and arrange for the collection of the materials by an authorized collector on less than once per month. The draft recycling ordinance also contains a requirement that owners or landlords of multi-family residential, commercial, institutional, and municipal establishments report the quantities of leaf waste diverted to the Township on an

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<sup>2</sup> The Pennsylvania Code, Chapter 271. Municipal Waste Management – General Provisions, [www.pacode.com](http://www.pacode.com)

annual basis. Residents and business owners are permitted to use leaf waste on their properties for composting, landscaping, or horticultural purposes.

**Hazardous Waste, Lead Acid Batteries, and Electronic Waste**

The Township’s existing ordinance does not include guidance or requirements for the management of hazardous waste, lead acid batteries, and electronic waste. A new section was added to the ordinance to address these materials and keep them separated from municipal waste. Recommended provisions require the separation of each of these material types from municipal waste, and their disposal at designated facilities authorized or approved by the state or other federal regulatory authorities. The ordinance also includes a provision that appliances or other materials containing Freon must be processed so that the Freon is removed prior to disposal or recycling. This section will need to be tailored further to accommodate the Township’s participation in regional hazardous waste collection events.

**Prohibitions**

This section was revised to include activities that are prohibited by all persons in the Township. The information included is an expansion of Section 168-23 of the Township’s current ordinance and consolidates prohibited activities included throughout the ordinance. Some of these provisions are important for compliance with Act 101, such as prohibiting the burning of recyclable materials and leaf waste and littering/illegal dumping. Other provisions have been identified by other local governments in Pennsylvania as important for managing recyclable materials to reduce nuisance activities. These include limits on storing or stockpiling recyclable materials on properties, overfilling containers, and the unauthorized collection of recyclable materials.

## COLLECTION ORDINANCE

SCS obtained the Township’s current ordinance governing the collection of solid waste. This ordinance, HR-155 of 1990, was reviewed and updated based on the current conditions for municipal waste collection, and expanded to include the collection of recyclable materials.

**Appendix C** contains a draft of the revised collection ordinance for the Township’s consideration. This section summarizes the major updates and recommendations SCS suggests the Township consider in order to strengthen the Township’s current collection requirements.

### Authorized Collector

Throughout the revised recycling and collection ordinances, SCS uses the term “authorized collector” to refer to haulers allowed to collect municipal waste, recyclable materials, and leaf waste in the Township. An authorized collector is defined as:

*Person registered and authorized by Tredyffrin Township to collect, remove, transport, and dispose of municipal waste, recyclable materials, and/or leaf waste for owners or occupants of single-family residential establishments, multi-family residential establishments, commercial establishments, institutional establishments, and municipal establishments in Tredyffrin Township.*

Persons or companies wishing to become an authorized collector in the Township must go through a registration and approval process to legally collect materials in the Township (described in detail in the next section). The Township established a similar “licensing” program in the past although the Township is not actively licensing haulers operating within their jurisdiction. A key difference between the recommended new registration program and the existing licensing program is that the Township would not collect a fee for the registration program.

### Registration and Approval of Collectors

In order to exercise some control over haulers operating in the Township, SCS recommends that the Township implement a “registration” program for haulers that “authorizes” them to collect municipal waste, recyclable materials, and leaf waste. Such a program provides the Township with many benefits, including:

- 1) Tracking haulers and their customers;
- 2) Identifying what days haulers will collect municipal waste and recyclable materials;
- 3) Protecting the Township from damages and/or claims from hauler negligence;
- 4) Obtaining waste and recyclable material collection tonnage data to benchmark and measure the Township’s progress in diverting recyclable materials and leaf waste;
- 5) Laying the groundwork for implementing a franchised hauling system.

Individuals or companies wishing to collect municipal waste, recyclable materials, and leaf waste in the Township must register and receive approval from the Township Manager prior to operating in the Township. The program requires annual registration and approval that must be completed by January 31 of each year. Landscapers and others that provide yard services to residents and transport leaf waste off the property for disposal are required to register as an authorized collector in the Township. Exceptions to the registration and approval program are made for residents and others who self-haul their materials. The draft collection ordinance specifies the following information must be submitted as part of the registration program in order to be approved as an authorized collector:

- 1) The business name, contact person name, business address, telephone number, email address, and twenty-four hour emergency telephone number to receive calls from persons in the Township receiving collection service.
- 2) The make, model, year, and registration number of each truck or vehicle used to collect, remove, and/or transport municipal waste, recyclable materials, and/or leaf waste in Tredyffrin Township.
- 3) A certificate of the person'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 person'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 Township 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 Tredyffrin 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 Tredyffrin Township at least 10 days prior to the effective date of any such modification, alteration or cancellation.
- 5) Current rate schedule, intended areas of operation in the Township, by street, the terms of service, and the scheduled days of collection in different areas of the Township.
- 6) The name of the disposal facility, in compliance with the Chester County Waste Management Plan and Waste Flow Control Ordinance, where municipal waste will be taken for disposal.
- 7) The processing and/or marketing facilities where the recyclable materials will be taken.
- 8) The state-permitted composting site where leaf waste will be taken for composting.
- 9) Annual quantities of municipal waste, recyclable materials, and leaf waste collected from single-family residential establishments in the Township if the person collected municipal

waste, recyclable materials, and/or leaf waste in the Township at any point in the preceding year. Recyclable material quantities must be reported by material type.

- 10) Such other information as the Township, in furtherance of this article, shall deem appropriate and necessary.

The Township may wish to require the submittal of additional information as necessary to exercise control over haulers operating in the Township.

The draft ordinance also includes a section that outlines the conditions haulers must adhere to in order to maintain their authorized collector status. These include requirements for providing separate collection services for municipal waste, recyclable materials, and leaf waste; establishing material preparation guidelines and communicating those requirements to their customers; identifying customers who are not complying with the Township’s recycling ordinance; and maintaining clean, safe, and reliable collection equipment. The ordinance identifies the reasons for which the Township may suspend or revoke a hauler approval for non-compliance with the requirements of the program.

**Prohibitions**

The list of prohibitions in the Township’s existing collection ordinance facilitates the recycling of materials and reduces nuisance activities associated with the collection of materials. In addition to the limits already established, SCS added additional prohibitions for the Township to consider, including:

- Commence the collection of municipal waste, recyclable materials, and leaf waste for any property in the Township prior to 6:00 a.m. or after 8:00 p.m.
- Fail to replace containers with their lids or covers in place at the location of collection in an orderly manner and off roads, streets, and/or sidewalks.

### **Contracting Collection Services**

If the Township is interested in establishing a franchised collection system at some point in the future, SCS recommends the revised collection ordinance include a contracting collection services clause. Such a clause allows the Township to enter into contracts with haulers for the exclusive collection of municipal waste, recyclable materials, and/or leaf waste in one or more parts of the Township. Actual language included in the draft ordinance is as follows:

*The Township or its designated agent may enter into one or more agreements at any time with authorized collectors for the collection of municipal waste, recyclable materials, and/or leaf waste from residential, commercial, institutional, and/or municipal establishments. Procuring collection services by an authorized collector shall be completed using a public bid process that will permit authorized collector(s) to exclusively collect all or part of the municipal waste, recyclable materials, and/or leaf waste generated in the Township.*

### **EDUCATION**

Public education and outreach are central to the success of the Township’s recycling program. It is also required by Act 101 to occur at least two times each calendar year at six-month intervals. Updating the Township’s recycling ordinance provides an opportunity to refresh and expand educational activities that promote recycling. The Township is ultimately responsible for recycling education; however, the Township may explore requiring haulers to provide some educational materials to their customers.

The draft recycling and collection ordinances contain a number of program details and requirements that were not specified in the existing ordinances. The Township will need to communicate these program updates, changes, and clarifications to everyone in the Township, including residents, business owners, community event organizers and haulers. Educational activities should occur prior to the revised recycling and collection ordinances taking effect and regularly once they have been approved and implemented.

The type of media the Township uses to educate waste generating groups should be varied. A simple, eye-catching postcard that is sent to all single-family households can provide important recycling information. 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 residential establishments. Print educational material should be visually attractive, concise, and convey simple messages. It is also important that these materials direct residents or business owners to other sources (i.e. website) for additional information.

## 4 RECOMMENDATIONS

**Section 3** summarizes recommended ordinance revisions for the Township to consider for increasing participation in recycling and diverting more materials from disposal. **Appendix B** includes a draft of the updated recycling ordinance and **Appendix C** includes a revised collection ordinance.

The Township's solicitor should review all changes or modifications proposed to the existing ordinances to confirm compliance with applicable laws and regulations prior to approval by the Township Board of Supervisors. Additionally, the Township should consider developing and/or expanding their public education and outreach program to inform residents, business owners, and haulers of the changes and updates to the Township's recycling and collection requirements. Implementing revised recycling and collection ordinances provides an important opportunity to initiate a targeted education program.

## 5 CONCLUSION

Tredyffrin Township should revise their existing recycling and collection ordinances in a way that best serves the Township's residents and the owners/occupants of commercial, institutional, and municipal establishments. Township officials and staff, in conjunction with their Solicitor or legal counsel, should decide what modifications should be made. The Borough should implement a public education and outreach program that targets specific waste generating sectors. Even though various haulers provide waste and recyclable material collection services to residents and businesses, the Township has an important role to establish a recycling program that complies with Act 101. Implementing a revised recycling ordinance is an important step for complying with Act 101 and facilitating increased recycling by all generating sectors in the Township.



Appendix A  
Summary of Act 101 Requirements for Mandated Recycling Communities

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## Summary of Act 101 Municipal Recycling Requirements

### Overview

Chapter 15, Section 1501 of the Pennsylvania Municipal Waste Planning Recycling and Waste Reduction Act (Act 101), outlines the requirements for large municipalities to recycle. Municipalities, other than counties, with a population of 10,000 or more people or with a population of more than 5,000 but less than 10,000 people, and a population density of more than 300 people per square mile, are mandated to recycle.

### Recycling Ordinance

An Act 101 mandated local government must adopt an ordinance that requires recycling. The ordinance shall require the following:

- 1) Recycling at single-family homes and apartments; commercial, municipal, and institutional establishments; and at community activities.
- 2) A scheduled day, at least once per month, when separated recyclable materials are to be placed at the curb or similar location for collection.
- 3) A collection system, including trucks and related equipment, to pick-up separated recyclable materials from the curb or similar location at least once per month from homes and businesses in the municipality. The municipality shall explain how the system will operate, the dates of collection, the responsibilities of persons within the municipality and incentives and penalties.
- 4) Provisions to ensure compliance with the ordinance, including incentives and penalties.
- 5) Provisions for the recycling of collected materials.

### Residential Recycling

Residents must separate for recycling at least three materials deemed appropriate by the municipality from municipal waste generated at their homes, apartments, or other residential establishments. Separated materials must be stored at the property until collection. The three materials must be selected from the following:

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

Leaf waste must also be separated from municipal waste generated at residential properties and stored for collection, unless residents have already provided for the composting of the materials (i.e. backyard composting).

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Owners or landlords of multi-family rental properties with four or more units must establish a recycling collection system at each property. The collection system must include suitable containers for collecting and sorting materials, easily accessible locations for the containers and written instructions to the occupants concerning the use and availability of the collection system. Owners or landlords that comply with these requirements shall not be liable for noncompliance by occupants of their buildings.

### **Commercial, Municipal, and Institutional Recycling**

Occupants of commercial, municipal, and institutional establishments are required separate and store for recycling of the following materials at a minimum:

- High-grade office paper
- Aluminum;
- Corrugated paper;
- Leaf waste.

Occupants of commercial, municipal, and institutional establishments may be exempt from the requirements of this law if those persons have otherwise provided for the recycling of materials they are required to recycle. To be eligible for an exemption, the commercial, municipal, or institutional generator must provide written documentation to the municipality annually.

### **Community Activity Recycling**

Organizers of community events must provide for the separation, storage, and collection of high-grade office paper, aluminum, corrugated paper, and leaf waste at the events. Community activities required to recycle include events sponsored in whole or in part by a municipality or held within a municipality and sponsored privately. Events include fairs, bazaars, picnics, or sporting events that will be attended by more than 200 or more people each day of the event.

### **Leaf Waste Diversion**

Municipalities mandated to recycle under Act 101 must require residential and commercial establishments to separate and store leaf waste for collection. Leaf waste includes leaves, shrubbery, tree trimmings, and similar materials, excluding grass clippings. These materials must be collected at least monthly. In order to comply with Act 101, mandated municipalities must at a minimum:

- 1) Implement an ordinance that requires leaf waste to be separated from municipal waste for recycling at residential and commercial, municipal, and institutional establishments, AND
  - 2) Establish a scheduled day, at least once per month, when leaf waste is collected curbside or similar location, OR
  - 3) Establish a scheduled day, no less than two times per year and preferably in the spring and fall, when leaf waste is collected curbside or similar location from residential and commercial establishments, AND facilitate a drop-off location or other collection alternative approved by the Pennsylvania Department of Environmental Protection that allows persons to drop-off leaf waste for composting at least once per month. A leaf waste drop off site can be in a neighboring municipality or at a private establishment provided there is an agreement in place to utilize the
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site, and residents and occupants of commercial establishments are informed of the drop-off location at least every six months.

Municipalities are encouraged to manage source separated Christmas trees as leaf waste for processing at DEP approved composting facilities.

### **Public Education and Outreach**

Municipalities subject to the requirements of Act 101 must implement a comprehensive and sustained public education program. This program is to provide residents and owners/tenants/occupants of commercial, municipal, and institutional establishments with information on recycling program features and requirements. The educational program includes two features:

- **Initial Education** – At least 30-days prior to the start of a recycling program notify all persons occupying residential, commercial, municipal, and institutional establishments of the recycling requirements as contained in the ordinance.
- **Sustained Education** – Every six months the municipality must inform and remind all persons occupying residential, commercial, municipal, and institutional establishments of the recycling requirements.

Numerous forms of educating the public are acceptable and include:

- Newspaper advertisement circulating in the municipality;
- Public notice posted where such notices are customarily posted;
- Notices in other official notifications (i.e. utility bills);
- Website;
- Newsletter;

A combination of forms are acceptable and at least one form must be in print annually.

### **Implementation**

Municipalities may implement their responsibilities for the collection, transportation, processing, and marketing of recyclable materials in one or a combination of the following ways:

- 1) Collect, transport, process, and market recyclable materials themselves;
  - 2) Enter into a contract(s) with other entities for the collection, transportation, processing, or marketing of recyclable materials. If contracting for recycling services, the entity being contracted is responsible to the municipality for implementing of recycling activities.
  - 3) Contract with a landfill or material recovery facility, in lieu of a curbside recycling program, that guarantees by contract that at least 25 percent of the waste received is recycled. The technology utilized in this program must have prior approval from DEP.
  - 4) Utilize a recycling facility that demonstrates that the materials separated, collected, recovered, or created by the facility can be marketed as readily as materials collected through a curbside recycling program. In addition, the mechanical separation technology used by the facility has been demonstrated to be effective for the life of the facility.
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**Exceptions**

The municipality is not required to collect, transport, process, or market recyclable materials or contract for these services if all of the following conditions are met:

- 1) The municipality is not collecting and transporting municipal waste from such establishment or activity.
- 2) The municipality has not contracted for the collection and transportation of municipal waste from such establishment or activity.
- 3) The municipality has adopted an ordinance as required, and the establishment or activity complies with the provisions of the ordinance.

**Act 140****Requirements for Section 904 Recycling Performance Grants****Overview**

Act 101 was amended in 2006 by Act 140 to establishment requirements for the use of Section 904 Recycling Performance Grants.

**Requirements:**

Municipalities mandated to recycle under Act 101 and receive more than \$10,000 in funding from recycling performance grants must meet the following requirements:

- 1) Requires, through ordinance, that all residents have waste and recycling service.
- 2) Has an implemented residential recycling program and facilitates a commercial recycling program or participates in a similar county or multi-municipal program.
- 3) Has a residential and business recycling education program.
- 4) 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.
- 5) Has provisions, participates in a county or multi-municipal program or facilitates a private sector program for the recycling of special materials.
- 6) Sponsors a program, facilitates a program or supports an organization to address illegal dumping and/or littering problems.
- 7) Has a person or entity designated as recycling coordinator who is responsible for recycling data collection and reporting recycling program performance in the municipal or municipalities.

If these requirements are not satisfied by the municipality, then the grant funds awarded under this section must be expended by the municipality only to satisfy these requirements. If all these requirements are satisfied, then the grant funds awarded may be used for any expense as selected by the municipality.

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Appendix B  
Revised Recycling Requirements Ordinance

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**Tredyffrin Township Recycling Ordinance – Revised Draft  
PA DEP Recycling Technical Assistance**

**Chapter 168. Solid Waste  
Article III. Recycling Requirements**

**Title.**

This article shall be known and may be cited as the "Tredyffrin Township Recycling Ordinance."

**Program established.**

There is hereby established a program for the mandatory source separation and collection of recyclable materials in Tredyffrin Township, Chester County, Pennsylvania. No person shall collect, remove, treat, transport, or dispose of recyclable materials and leaf waste in Tredffrin Township except in accordance with this article. The use of a registered and approved authorized collector will not relieve any person from compliance with this article.

**Definitions.**

As used in this article, the following terms shall have the following meanings:

**Act 101**

The statewide recycling requirement in Pennsylvania known as the Municipal Waste Planning Recycling and Waste Reduction Act of 1988.

**Aluminum**

Empty beverage and food containers, trays and plates comprised of 100 percent aluminum.

**Authorized Collector**

Person registered and authorized by Tredyffrin Township to collect, remove, transport, and dispose of municipal waste, recyclable materials, and/or leaf waste for owners or occupants of single-family residential establishments, multi-family residential establishments, commercial establishments, institutional establishments, and municipal establishments in Tredyffrin Township.

**Bi-Metal Containers**

Empty food or beverage container made of steel with a thin plating of tin over the steel.

**Cardboard**

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

**Commercial Establishment**

A building or buildings used or designed for use for commercial purposes, including wholesale, retail, industrial, manufacturing, transportation, financial or professional services, offices, businesses, or other commercial activities.

**Community Activity**

Events sponsored in whole or in part by Tredyffrin Township or conducted within Tredyffrin Township 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.

# **Tredyffrin Township Recycling Ordinance – Revised Draft**

## **PA DEP Recycling Technical Assistance**

### **Dwelling Unit**

One or more rooms in a residential establishment in which rooms have fixed cooking facilities arranged for occupancy by one or more people in each room.

### **Glass**

Empty bottles, jars, and food and beverage containers made of clear, blue, green, brown, or amber glass, excluding plate glass, window glass, automotive glass, porcelain, ceramic products, and glass ornaments.

### **Institutional Establishment**

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

### **Leaf Waste**

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

### **Magazine**

A periodical publication containing a collection of articles, stories, photographs, illustrations, and other features usually bound with a paper cover and printed in one or more colors on glossy or chemically coated paper, excluding newsprint and all other paper or fiber materials.

### **Mixed Paper**

Recyclable paper materials including paperboard/boxboard, junk mail, and other designated recyclable paper. Excludes cardboard containers, magazines, office paper, and newsprint.

### **Multi-Family Residential Establishment**

A building or buildings under single or multiple ownership and designed as a residence for four or more families living independently of each other and doing their own separate cooking therein, including apartments townhomes, or condominiums.

### **Municipal Establishment**

Of or pertaining to any office or other property under the control of any branch or arm of the Federal Government of the United State of America, the Commonwealth of Pennsylvania, or any political subdivision of the Commonwealth of Pennsylvania including, but not limited to, the Township of Tredyffrin, any counties, cities, townships, and municipal authorities.

### **Municipal Waste**

Any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or gaseous material, resulting from the operations of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residential or hazardous waste in the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, as amended, 35 P.S. § 6018.101 et seq., from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include source-separated recyclable materials or leaf waste.



# **Tredyffrin Township Recycling Ordinance – Revised Draft**

## **PA DEP Recycling Technical Assistance**

### **Newspaper**

Paper distributed at fixed or stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest.

### **Office Paper**

Any white printed or unprinted sheets of ledger, bond, writing, or other papers, including letter-writing stationary, note paper, computer paper, envelopes, and other general purpose paper, including shredded paper.

### **Person**

Any individual, partnership, association, corporation, institution, cooperative enterprise, trust, municipal authority, federal government or agency, commonwealth institution or agency or any other legal entity whatsoever which is recognized by law as a subject of rights and duties. In any provision of this article 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 any other legal entity having officers and directors.

### **Plastic**

Empty and clean plastic containers that contained food, beverage, cleaning, laundry, and other household products. Includes only rigid containers marked with a recycling symbol and a single number (i.e. 1, 2, 3, 4, 5, 6, or 7). Examples include soda and water bottles, milk and water jugs, laundry soap containers, produce and other food containers, and soap bottles. Excludes expanded polystyrene containers.

### **Recyclable Materials**

Those materials specified by Tredyffrin Township for collection in accordance with this article and recycling regulations that may be promulgated from time to time for separation, collection, processing, and recovery as part of a recycling program. These materials may include aluminum, bi-metal containers, cardboard, glass, leaf waste, magazines, mixed paper, newspaper, high grade office paper, and plastic.

### **Recycling**

The separation, collection, processing, and recovery and sale or reuse of recyclable materials, which could otherwise be disposed of or processed as municipal waste.

### **Recycling Container**

A container designated by the property owner or resident for the storage of recyclable materials. A recycling container may be provided by the property owner, resident or tenant, or the authorized collector. A container must be durable, watertight, and be at least 30-gallons in size with a label indicating the container is for recyclable materials.

### **Resident**

Any person that owns, leases or occupies a property located in Tredyffrin Township used as a residence.

### **Single-Family Residential Establishment**

Of or pertaining to any occupied dwelling unit for human habitation, except multi-family residential establishment with four or more units. Home occupations incidental to the residential use within a dwelling unit are considered a "residential establishment."

# **Tredyffrin Township Recycling Ordinance – Revised Draft**

## **PA DEP Recycling Technical Assistance**

### **Source-Separation**

The separation of recyclable materials from municipal waste at the points of origin for the purpose of recycling.

### **Requirement for collection service.**

All persons in the Township must contract with an authorized collector for the separate curbside or similar location collection of recyclable materials and leaf waste.

### **Self-haul allowance.**

Persons may self-haul recyclable materials and leaf waste to a state-authorized recycling facility in lieu of contracting for curbside recyclable material and leaf waste collection services. Persons opting to self-haul materials must receive prior approval from the Township to self-haul, retain receipts and/or weigh tickets that document the quantity of recyclable materials and leaf waste disposed, and submit annual reports to the Township documenting their name, address, quantities of each material self-hauled, name and address of facility where materials were self-hauled, and other information as required by the Township. Reports must be submitted within 30 days of the end of each calendar year for the previous year.

### **Single-Family Residential Establishment.**

- 1) Except as otherwise provided herein, all persons owning or occupying single-family residential establishments shall separate all recyclable materials from municipal waste. Recyclable materials shall be placed in recycling containers and the recycling containers placed curbside or in another designated location for collection by an authorized collector.
- 2) Separate collection of recyclable materials shall be arranged with an authorized collector by the owner or occupants of each single-family residential establishment. Owners or occupants of each single-family residential establishment and the authorized collector shall establish a collection frequency that shall occur no less than once per week.
- 3) The owner or occupant of the single-family residential establishment must obtain information from their authorized collector on how recyclable materials should be prepared for collection.
- 4) Requirements for collection.
  - a. All recyclable materials must be placed in a recycling container separate from municipal waste. Recycling containers may be provided by the authorized collector, property owner, or resident.
  - b. Recyclable materials must be prepared to prevent the materials from being blown about or littered on Township streets or on private property. This may include placement of recyclable materials in recycling containers with latching lids.
  - c. No persons shall place recyclable materials in containers used for the collection of municipal waste and no municipal waste shall be placed in recycling containers.

## **Tredyffrin Township Recycling Ordinance – Revised Draft**

### **PA DEP Recycling Technical Assistance**

- d. Containers shall be placed at the curbside or another location as designated by an authorized collector for collection. Under no circumstances shall containers 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.
  - e. No container shall be placed at the curb or in the front yard on any lot before 6:00 P.M. on the night prior to the scheduled collection.
  - f. Recyclable materials must be clean and dry and prepared according to the requirements of the Township or authorized collector.
- 5) Nothing herein shall be deemed to impair the ownership of recyclable materials by the person who generated them unless and until such materials are placed at the curb or similar location for collection by the authorized collector.

### **Multi-family residential establishments.**

- 1) Owners, landlords, or agents of owners or landlords of a multi-family residential establishment must establish a system for source-separation, collection, transportation, and recycling of the recyclable materials generated at multi-family residential establishments. The system must include an appropriate number of labeled recycling containers at easily accessible locations to accommodate the amount of recyclable materials generated at each multi-family residential establishment. The system must also include written instructions to the residents of multi-family residential establishments to inform them of the requirement to recycle and the use and availability of the collection program. The Township reserves the right to require additional recycling containers if the Township deems there is insufficient recycling containers to serve residents.
- 2) Owners, landlords, or agents of owners or landlords of multi-family residential establishments must contract with an authorized collector for the separate collection of recyclable materials.
- 3) No persons shall place recyclable materials in containers used for the collection of municipal waste and no municipal waste shall be placed in containers designated for the collection of recyclable materials.
- 4) 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 authorized collector, but shall occur no less than once a week. More frequent collection recyclable materials may be necessary to prevent recycling containers from being overfilled and cause materials to be blown about or littered on Township streets and private property.
- 5) 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 authorized collector collecting recyclable materials, the name and address of the property that recyclable materials are collected, the total quantity of each recyclable material collected, and the name and affiliation of the person submitting the report. Reports are to

## **Tredyffrin Township Recycling Ordinance – Revised Draft PA DEP Recycling Technical Assistance**

be completed on a form supplied by the Township and shall be submitted annually, 30 days after the close of each calendar year.

- 6) Owners, landlords, or agent of an owner or landlord who comply with the ordinance shall not be liable for the non-compliance of residents.

### **Commercial, institutional, and municipal establishments.**

- 1) Owners, landlords, or agents of owners or landlords of a commercial, institutional, or municipal establishment must establish a system for source-separation, collection, transportation, and recycling of recyclable materials generated at each building. The system must include an appropriate number of labeled recycling containers at easily accessible locations to accommodate the amount of recyclable materials generated at each building. It must also include written instructions to the tenants or occupants of commercial, institutional, and municipal establishments to inform them of the requirement to recycle and the use and availability of the collection program. The Township reserves the right to require additional recycling containers if the Township deems there is insufficient containers to serve occupants or tenants.
- 2) Owners, landlords, or agents of owners or landlords of a commercial, institutional, and municipal establishments must contract with an authorized collector for the separate collection of recyclable materials.
- 3) No persons shall place recyclable materials in containers used for the collection of municipal waste and no municipal waste shall be placed in containers designated for the collection of recyclable materials.
- 4) Recyclable material collection frequency shall be set by the owner, landlord, or agent of an owner or landlord of a commercial, institutional, or municipal establishment and the authorized collector, but shall occur no less than once a week. More frequent collection of recyclable materials may be necessary to prevent recycling containers from being overfilled and cause materials to be blown about or littered on Township streets and private property.
- 5) The owner, landlord, or agent of an owner or landlord of a commercial, institutional, or municipal establishment must provide a written report to the Township that lists the authorized collector collecting recyclable materials, the name and address of the property that recyclable materials are collected, the total quantity of each recyclable material collected, and the name and affiliation of the person submitting the report. Reports are to be completed on a form supplied by the Township and shall be submitted annually, 30 days after the close of each calendar year.

### **Community activities**

- 1) The organizers or sponsors of a community activity must establish a system for source-separation, collection, transportation, and recycling of aluminum, plastic, glass,

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cardboard, high grade office paper, and leaf waste. Arrangements for the source-separation and collection of these materials shall be the responsibility of the organizers or sponsors.

- 2) The organizers or sponsors of a community activity 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. Community activity organizers and sponsors must provide signage and/or labels on recycling containers to indicate what recyclable materials are to be source-separated by event participants.
- 3) Organizers or sponsors must contract with an authorized collector for the collection of recyclable materials.
- 4) Organizers or sponsors of a community activity must provide a written report to the Township that lists the name of the community activity, the authorized collector collecting recyclable materials, the total quantity of each recyclable material collected, and the name and affiliation of the person submitting the report. Reports are to be submitted to the Township no later than 30 days upon the conclusion of the event.

### **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 waste. Leaf waste shall be source-separated from municipal waste and recyclable materials generated on any property in the Township and stored in recycling containers until collection.
- 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) All persons in the Township shall arrange to have leaf waste collected curbside or similar location by an authorized collector separate from municipal waste and recyclable materials at a frequency of no less than once per month.
- 4) The owner, landlord, or agent of an owner or landlord of a multi-family residential, commercial, institutional, or municipal establishment must provide a written report to the Township that lists the authorized collector collecting leaf waste, the name and address of the property that leaf waste is collected, the total quantity of leaf waste collected, the name of the facility authorized by the State to receive collected leaf waste, and the name and affiliation of the person submitting the report. Reports are to be completed on a form supplied by the Township and shall be submitted annually, 30 days after the close of each calendar year.

### **Household hazardous waste, electronic waste, and lead-acid batteries**

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- 1) It shall be unlawful for any person to comingle hazardous or residual waste, as defined in Act 101, with municipal waste, recyclable materials, and/or leaf 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 comingle a lead acid battery with municipal waste, recyclable materials, and/or leaf 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 municipal waste. This type of waste requires special collection and disposal arrangements. Information on how to recycle Covered Devices may be obtained by the Chester County Solid Waste Authority or Pennsylvania Department of Environmental Protection. The Township accepts select covered devices for recycling at the Township Building during normal operating hours.
- 4) Large and small appliances containing Freon may not be combined with municipal 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.

### **Prohibitions.**

- 1) Collection by unauthorized persons - From the time of recyclable material 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 and leaf waste - The burning of recyclable materials and leaf waste shall be prohibited at all times in the Township.
- 3) Littering/illegal dumping – It is unlawful for any person in the Township to dump or deposit recyclable materials, leaf waste, municipal waste, or any other refuse on any private or public property or grounds in the Township.
- 4) Overfilling containers – Containers of recyclable materials, leaf waste, municipal 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 – All persons in the Township are prohibited from storing, processing, or disposing of recyclable material on a property except at a facility or in

## **Tredyffrin Township Recycling Ordinance – Revised Draft PA DEP Recycling Technical Assistance**

preparation for the collection by an authorized collector as provided herein. Notwithstanding the forgoing, leaf waste may be composted onsite.

- 6) Public nuisance - It shall be unlawful and a public nuisance for any person to violate, cause or assist in a violation of any provision of this article or violate, cause or assist in the violation of any rule, regulation or resolution promulgated by the Township Board of Supervisors pursuant to this article.

### **Impairment of ownership.**

Nothing in this article or any regulation promulgated pursuant hereto shall be deemed to impair the ownership of recyclable materials and leaf waste by the persons who generated them unless and until separated materials are placed at curbside or similar location for collection by an authorized collector.

### **Ownership of recyclable materials.**

Nothing in this article or any regulation promulgated pursuant hereto shall be deemed to impair the ownership of recyclable materials by the persons who generated them unless and until separated materials are placed at curbside or similar location and collected by an authorized collector.

### **Rules and regulations.**

The collection of municipal waste and recyclable materials by municipal waste collectors and the preparation and collection of municipal waste and recyclable materials by property owners and residents of the township shall be made in compliance with the regulations to be adopted by the Board of Supervisors of Tredyffrin Township to carry out the intent and purpose of this article. Such rules and regulations shall be approved by resolution of the Board of Supervisors and, when so approved, shall have the same force and effect as the provisions of this article. Said rules and regulations may be amended, modified or repealed by resolution of the Board of Supervisors.

### **Enforcement and penalties.**

- 1) Penalties. Any person who violates any provision of this article or of the regulations adopted hereunder or any person who engages in unlawful conduct as defined in this article shall, upon conviction thereof in a summary proceeding before a District Justice, be sentenced to pay a fine of not more than \$1,000 and not less than \$50 or to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.
- 2) Injunction. In addition to any other remedy provided in this article, Tredyffrin Township may institute a suit in equity where unlawful conduct or a public nuisance exists as defined in this article for an injunction to restrain a violation of this article or any rules, regulations or resolution promulgated or issued by the Board of Supervisors pursuant to this article. Concurrent remedies. The penalties and remedies prescribed by this article shall be deemed concurrent. The existence or exercise of any remedy shall not prevent the township from exercising any other remedy provided by this article or otherwise provided at law or equity.

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**Construal.**

The terms and provisions of this ordinance are to be liberally construed to best achieve and effectuate the goals and purposes hereof. This article shall be construed in pari materia with the Pennsylvania Code of Regulations, Storage, Collection, and Transportation of Municipal Waste and Act 101, and the rules and regulations adopted thereunder.



Appendix C  
Revised Municipal Waste and Recyclable Material Collection Requirements  
Ordinance

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**Tredyffrin Township Recycling Ordinance – Revised Draft  
PA DEP Recycling Technical Assistance**

**MUNICIPAL WASTE AND RECYCLABLE MATERIAL COLLECTION  
REQUIREMENTS**

**Title**

This article shall be known and may be cited as the “Tredyffrin Township Municipal Waste and Recyclable Material Collection Ordinance.”

**Definitions**

**Act 101**

The statewide recycling requirement in Pennsylvania known as the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988.

**Authorized Collector**

Person registered and authorized by Tredyffrin Township to collect, remove, transport, and dispose of municipal waste, recyclable materials, and/or leaf waste for owners or occupants of single-family residential establishments, multi-family residential establishments, commercial establishments, institutional establishments, and municipal establishments in Tredyffrin Township.

**Chester County Waste Management Plan**

The Chester County Act 101, Municipal Waste Management Plan, adopted by the Chester County Board of Commissioners on September 25, 1990, and approved by the Pennsylvania Department of Environmental Resources, and which may be amended from time to time.

**Commercial Establishment**

A building or buildings used or designed for use for commercial purposes, including wholesale, retail, industrial, manufacturing, transportation, financial or professional services, offices, businesses, or other commercial activities.

**Disposal Facility**

A State-permitted facility which processes or acts upon municipal waste, recyclable materials, and/or leaf waste so as to dispose of the material, such as a composting facility, an incinerator, a resource recovery plant, a recycling processing facility, a waste-to-energy facility, or a sanitary landfill.

**Institutional Establishment**

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

**Leaf Waste**

Leaves, garden residues, tree limbs and similar materials, but not including grass clippings.

# **Tredyffrin Township Recycling Ordinance – Revised Draft**

## **PA DEP Recycling Technical Assistance**

**Municipal Establishment** - Of or pertaining to any office or other property under the control of any branch or arm of the Federal Government of the United State of America, the Commonwealth of Pennsylvania, or any political subdivision of the Commonwealth of Pennsylvania including, but not limited to, the Township of Tredyffrin, any counties, cities, townships, and municipal authorities.

### **Municipal Waste**

Any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or gaseous material resulting from the operations of residential, municipal, commercial or institutional establishments and from community activities, and any sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act of July 7, 1980, P.L. 380, No. 97, as amended, 35 P.S. § 6018.101 et seq., from a municipal, commercial, or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.

### **Municipal Waste Container**

A container designated by the property owner or resident for the storage of municipal waste. A container may be provided by the property owner, resident or tenant, or the authorized collector collecting municipal waste. A container must be durable, watertight, and be at least 30-gallons in size.

### **Person**

Any individual, partnership, association, corporation, institution, cooperative enterprise, trust, municipal authority, federal government or agency, commonwealth institution or agency or any other legal entity whatsoever which is recognized by law as a subject of rights and duties. In any provision of this article 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 any other legal entity having officers and directors.

### **Recyclable Materials**

Those materials specified by Tredyffrin Township for collection in accordance with this article and recycling regulations that may be promulgated from time to time for separation, collection, processing, and recovery as part of a recycling program. These materials may include aluminum containers, bi-metal containers, cardboard, glass, leaf waste, magazines, mixed paper, newspaper, office paper, and plastic.

### **Recycling Container**

A container designated by the property owner or resident for the storage of recyclable materials. A recycling container may be provided by the property owner, resident or tenant, or the authorized collector collecting recyclable materials. A container must be durable, watertight, and be at least 30-gallons in size with a label indicating the container is for recyclable materials.

### **Resident**

Any person which owns, leases or occupies a property located in Tredyffrin Township used as a residence.

### **Source-Separation**

The separation of recyclable materials from municipal waste at the points of origin for the purpose of recycling.

# **Tredyffrin Township Recycling Ordinance – Revised Draft**

## **PA DEP Recycling Technical Assistance**

### **Township**

The governmental jurisdiction and legal entity of Tredyffrin Township, Chester County, Pennsylvania.

### **Waste Flow Control Ordinance**

An ordinance by the Chester County Board of Commissioners pursuant to Chester County Act 101, Municipal Waste Management Plan, which provides inter alia for regulation of the flow of any municipal waste generated within the County.

### **Collector registration required.**

It shall be unlawful for any person to collect, remove and/or transport municipal waste, recyclable materials, and/or leaf waste within Tredyffrin Township without first registering with the Tredyffrin Township Manager. This includes contractors, companies, organizations, or other entities that perform landscaping or other yard services to persons in the Township and transport leaf waste off the property where it was generated. Exceptions are made for residents who directly deliver (self-haul) their municipal waste, recyclable materials and/or leaf waste to a disposal facility.

### **Collector registration and approval requirements.**

All persons wishing to collect, remove, and/or transport municipal waste, recyclable materials, and/or leaf waste within the Township must annually register and receive authorization from the Tredyffrin Township Manager to provide collection, removal, and transportation services to residential, commercial, institutional, and municipal establishments. Authorized collectors may collect, remove, or transport municipal waste, recyclable materials, and/or leaf waste within the Township for one year from the date of authorization or until January 31<sup>st</sup> of the next calendar year, whichever is earlier. Authorized collector must remain in full compliance with the requirements of this article, and any regulations enacted pursuant thereto during the authorized collection period. Authorized collectors must renew their registration with the Township annually no later than January 31 of each year in order to continue collecting, removing, and/or transporting municipal waste, recyclable materials, and/or leaf waste in the Township for the subsequent year. Any person whose registration is received and approved by the Tredyffrin Township Manager shall have the privilege of collecting, removing, and/or transporting municipal waste, recyclable materials, and/or leaf waste within the boundaries of Tredyffrin Township. Collector authorizations are not transferable.

At the time of registration to become an authorized collector, the person shall provide the following information on a form prepared by the Township.

- 1) The business name, contact person name, business address, telephone number, email address, and twenty-four hour emergency telephone number to receive calls from persons in the Township receiving collection service.
- 2) The make, model, year, and registration number of each truck or vehicle used to collect, remove, and/or transport municipal waste, recyclable materials, and/or leaf waste in Tredyffrin Township.

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- 3) A certificate of the person'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 person'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 Township 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 Tredyffrin 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 Tredyffrin Township at least 10 days prior to the effective date of any such modification, alteration or cancellation.
- 5) Current rate schedule, intended areas of operation in the Township, by street, the terms of service, and the scheduled days of collection in different areas of the Township.
- 6) The name of the disposal facility, in compliance with the Chester County Waste Management Plan and Waste Flow Control Ordinance, where municipal waste will be taken for disposal.
- 7) The processing and/or marketing facilities where the recyclable materials will be taken.
- 8) The state-permitted composting site where leaf waste will be taken for composting.
- 9) Annual quantities of municipal waste, recyclable materials, and leaf waste collected from single-family residential establishments in the Township if the person collected municipal waste, recyclable materials, and/or leaf waste in the Township at any point in the preceding year. Recyclable material quantities must be reported by material type.
- 10) Such other information as the Township, in furtherance of this article, shall deem appropriate and necessary.

Upon receipt and review of this information, the Township will issue an authorization letter to persons who have satisfied all the requirements of the Township's registration program. This authorization letter will establish the person as an authorized collector.

### **Conditions of registration approval.**

As a condition to the approval of an authorized collector's registration, the authorized collector shall comply with the following:

- 1) Services Required - Provide separate collection, removal, and transportation services for municipal waste, recyclable materials, and leaf waste from persons in the Township with whom the authorized collector provides services at frequencies specified in the Tredyffrin Township Recycling Ordinance.

## **Tredyffrin Township Recycling Ordinance – Revised Draft PA DEP Recycling Technical Assistance**

- 2) Collection equipment and transportation vehicles. The collection equipment and transportation vehicles used for the collection, removal, and transportation of municipal waste shall be of the closed metal body type with an automatic compactor unit. Other type vehicles may be used only for the collection of recyclable materials and leaf waste. The recyclable materials and leaf waste collected shall be enclosed or covered so as to prevent roadside littering, attraction of vermin, or creation of other nuisances. The equipment and vehicles shall be at all times in good and proper mechanical condition and in compliance with the minimum safety and sanitary regulations and statutes of the Commonwealth of Pennsylvania. All such vehicles shall be specifically designed to prevent leakage of any liquids or fluids.
- 3) Establish Preparation Procedures. Authorized collectors must establish procedures for the separation, storage, and collection of municipal waste, recyclable materials, and leaf waste. The Township and persons serviced must be given adequate notification of these instructions.
- 4) Notification of Violations. Authorized collectors shall notify persons they service if violations to this article and the Tredyffrin Township Recycling Ordinance are observed. Notifications shall be on a form provided by the Township. Authorized collector shall provide the Township with a list of the addresses or names of customers receiving a notification at the end of each collection day.
- 5) Authorization to provide services. At all times while in the process of collecting, removing, and/or transporting municipal waste, recyclable materials, and/or leaf waste in the Township, a copy of the current, unexpired authorized collector's authorization letter issued by the Township shall be available in each collection vehicle. The driver of the vehicle shall produce the document on request by a Township Code Enforcement Officer or his/her designee or to any police officer of the Township.

### **Refusal to grant registration approval; suspension; revocation.**

- 1) The Tredyffrin Township Manager shall have the right to refuse to approve or authorize a registration to any authorized collector or person or to revoke or suspend previously approved authorizations or refuse to renew the same if said person or authorized collector submits incomplete or false information to the Township or fails to comply with the Township's collector registration requirements, any provision of this ordinance or any regulation adopted hereunder, Act 101, the Chester County Waste Management Plan or Waste Flow Control Ordinance, or any other applicable federal, state, or local regulations.
- 2) Refusal to grant registration authorization or suspension or revocation of an authorized collector's registration shall be made in writing by the Tredyffrin Township Manager. The written notification shall indicate the reason for the refusal, suspension, or revocation of the registration.

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### **Prohibited acts.**

It shall be unlawful and a violation of this article, and grounds for the suspension or revocation of an authorization, for any authorized collector to:

- 1) Collect or transport municipal waste from persons failing to source-separate recyclable materials and leaf waste from municipal waste.
- 2) Commingle or mix source-separated recyclable materials or leaf waste collected in the Township with municipal waste.
- 3) Fail to provide for the proper disposal of any municipal waste, recyclable materials, or leaf waste collected or transported within the Township at a disposal facility.
- 4) Commence the collection of municipal waste, recyclable materials, and leaf waste for any property in the Township prior to 6:00 a.m. or after 8:00 p.m.
- 5) Load or operate any vehicle within the Township or transport municipal waste, recyclable materials, and/or leaf waste within the Township in such a manner as to allow municipal waste, recyclable materials, and/or leaf waste to fall upon public roads or upon land abutting the public roads in the Township.
- 6) Fail to replace the containers with their lids or covers in place at the location of collection in an orderly manner and off roads, streets, and/or sidewalks.
- 7) Otherwise create a public nuisance.

### **Rules for collection.**

The collection of municipal waste, recyclable materials, and/or leaf waste by authorized collector shall be made in compliance with this ordinance or any other regulations adopted by the Board of Supervisors of Tredyffrin Township to carry out the intent and purpose of this ordinance. Such rules and regulations shall be approved by resolution of the Board of Supervisors and, when so approved, shall have the same force and effect as the provisions of this Ordinance. Said rules and regulations may be amended, modified or repealed by resolution of the Board of Supervisors.

### **Contracting collection services**

The Township or its designated agent may enter into one or more agreements at any time with authorized collectors for the collection of municipal waste, recyclable materials, and/or leaf waste from residential, commercial, institutional, and/or municipal establishments. Procuring collection services by an authorized collector shall be completed using a public bid process that will permit authorized collector(s) to exclusively collect all or part of the municipal waste, recyclable materials, and/or leaf waste generated in the Township.

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**Violations and penalties.**

- 1) Penalties. Any person who violates any provision of this ordinance or of the regulations adopted hereunder or any person who engages in unlawful conduct as defined in this ordinance, shall, upon conviction thereof in a summary proceeding before a district justice, be sentenced to pay a fine of not more than \$1,000 and not less than \$50. Each continuing day of any violation of this article or unlawful conduct as defined in this article shall constitute a separate offense punishable by a like fine or penalty.
- 2) Injunction. In addition to any other remedy provided in this ordinance, Tredyffrin Township may institute a suit in equity where unlawful conduct or a public nuisance exists as defined in this ordinance for an injunction to restrain a violation of this ordinance or any rules, regulations or resolution promulgated or issued by the Board of Supervisors pursuant to this ordinance.
- 3) Concurrent remedies. The penalties and remedies prescribed by this ordinance shall be deemed concurrent. The existence or exercise of any remedy shall not prevent the Township from exercising any other remedy provided by this ordinance or otherwise provided at law or equity.

**Construal.**

The terms and provisions of this ordinance are to be liberally construed to best achieve and effectuate the goals and purposes hereof. This article shall be construed in pari materia with the Pennsylvania Code of Regulations, Storage, Collection, and Transportation of Municipal Waste and Act 101, and the rules and regulations adopted thereunder.

**Severability.**

If any part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining parts of this ordinance which shall continue to be fully operative as if the unconstitutional, illegal or invalid part had not been enacted.

**Repealer.**

Any and all provisions of any other ordinance which are inconsistent with the provisions of this ordinance are hereby repealed.

This ordinance shall be effective thirty-one (31) days from the date of enactment hereof.

Enacted and ordained this \_\_\_\_\_ day of \_\_\_\_\_, 2018 by the Board of Supervisors of Tredyffrin Township.