

Commercial Recycling Improvements

Butler Township
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SCS ENGINEERS

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- Appendix A – Municipal Recycling Requirements from Act 101
- Appendix B – Example Recycling Ordinance
- Appendix C – Example Recycling Lease Agreement for Multi-Family Properties

1 PROJECT DESCRIPTION

Butler Township (Township) has a long history of encouraging and supporting recycling. The Township is a Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) mandated recycling community. In 1990, the Township implemented a mandatory recycling ordinance that requires residents and owners and occupants of commercial, institutional, and municipal establishments to recycle.

The Township requested recycling technical assistance to identify opportunities to facilitate greater compliance with the Township's requirement for recycling in the commercial sector. This includes reviewing the Township's existing recycling ordinance for clarity and making recommendations for how the Township can encourage more recycling by businesses and institutions.

2 SUMMARY OF WORK

The following summarizes the tasks and activities completed for this project.

Task 1 – Data Collection and Site Visit

SCS requested technical and operational information/data on the Township's commercial recycling program. This information was received and reviewed prior to completing a site visit and field observations. The site visit and field observations occurred over a one-day period in early 2020 and included meeting with Township Staff and touring Township Commercial Zones to understand obstacles to commercial recycling. Throughout the site visit, SCS staff asked questions and received clarifying information on operational practices and conditions in order to fully understand the existing commercial recycling program.

Task 2 – Review Recycling Ordinance

SCS obtained the Township's current recycling and solid waste ordinances and reviewed its contents and provisions. The following considerations guided the review of the Township's ordinances:

- Compliance with Act 101 recycling requirements;
- Specific focus areas/topics of interest to the Township (i.e. commercial recycling);
- Provisions in other local government recycling ordinances that may be beneficial to the Township.

SCS will provide recommendations to the Township on how the recycling ordinance can be made stronger and clearer to encourage greater compliance. Overall recommendations will be provided along with specific requirements geared towards commercial, institutional, and municipal establishments.

Task 3 – Identify Opportunities to Encourage Commercial Recycling

Based on visual observations of the Township's commercial zones and proven practices that local governments use to promote recycling, SCS will recommend programs and strategies that may encourage recycling in the commercial sector. In considering additional initiatives, SCS will be sensitive to the Township having limited financial and staff resources available to dedicate to commercial sector recycling. As part of this task, SCS will develop commercial educational materials to inform business owners of recycling guidelines. Resources may include a letter to mail, text for the Township's website, and graphically appealing postcards/flyers using resources from the Recycling Partnership (www.recyclingpartnership.org). Drafts of these educational materials will be included in

the project's final report.

Task 4 – Final Report

The final report will include the observations, considerations, and recommendations made as part of Tasks 1 – 3, discussed above. The initial report will be prepared as draft for Township and PADEP comments and edits. Upon receipt of feedback from the Township and PADEP, the report will be finalized. The final report will be electronically transmitted to both the Township and PADEP.

3 CURRENT PROGRAM

In 2019, The Township executed a new eight-year contract with Waste Management, Inc. (WM) to be the sole provider of recycling services in the Township. The services WM provides under this contract include the weekly curbside collection of recyclable materials from residential properties with one or two units in the Township. Each household unit is issued a 96-gallon recycling cart for the placement of recyclable materials. Owners or occupants of commercial properties (including multi-family properties with three or more units) must separate recyclable materials and arrange for the materials to be collected.

The Township's recycling ordinance requires all commercial, institutional, and municipal establishments to recycle high-grade office paper, aluminum, and corrugated paper. The Township may designate additional materials for recycling as necessary. Businesses must arrange with a hauler for the collection of recyclable materials; however, businesses may recycle required materials via another outlet provided they can document to the Township that the materials are being recycled. Commercial, institutional, and municipal establishments are required to submit an annual report to the Township documenting the quantity of materials diverted for recycling during the previous year.

The Township requests recycling technical assistance to reduce barriers and facilitate greater compliance with the Township's recycling mandate for the commercial sector. This includes reviewing the existing recycling ordinance for clarity and making recommendations for how the Township can encourage more recycling by businesses and institutions. Figure 1 is a photo summary of the Franklin Park Bureau's recycling program. **Appendix A** contains a summary of the municipal recycling requirements for Act 101.

Figure 1. Recycling Operations in Butler Township



Commercial Property in Butler Township



Commercial Recycling Collection Area



Baled Cardboard Outside Commercial Establishment



Trash and Recycling Collection Area

4 FINDINGS

ORDINANCES

Butler Township established a mandatory recycling ordinance in 1990 that requires residents and commercial properties to recycle. The Butler Township Recycling Ordinance is included in Article 1 of the Township’s Solid Waste Ordinance. Article II of the solid waste ordinance includes requirements for collection and disposal. These ordinances have not been subject to a significant update or modification in a number of years. This section provides recommended updates to the current recycling and collection and disposal articles of the solid waste ordinance. As with any proposed updates or changes to Township ordinances, the Township’s solicitor should review and approve modifications prior to review and vote by Township’s Commissioners.

Table 1. Recycling Ordinance Proposed Modifications

Article 1. Recycling		
Reference	Current Ordinance	Recommended Update
231-2. Definitions	Defined terms	<p>It is recommended that the Township use definitions that are the same or similar to those in the Municipal Waste Management Chapter of the Pennsylvania Code¹; for example:</p> <ul style="list-style-type: none"> • Commercial establishments – Remove multi-family residences from definition as it is defined separately; • Newspapers – Update to either include or exclude advertisements/inserts; current definition is contradictory;

¹ The Pennsylvania Code, Chapter 271. Municipal Waste Management – General Provisions, www.pacode.com

Article 1. Recycling		
Reference	Current Ordinance	Recommended Update
		<ul style="list-style-type: none"> Waste – Current definition references the Department of Environmental Resources and should reference the Department of Environmental Protection.
231-3 Establishment of program; grant of power	Sustained public education program	Requirements for a separate education program should be listed as a separate bullet as it pertains to all recycling activities, not just leaf waste as currently written (Section 231-3 (B)).
231-5 Separation and collection	Multi-family recycling	In section A.1. (b), require landlords to provide <i>sufficient recycling capacity</i> at buildings.
231-5 Separation and collection	Multi-family recycling	In sections A.2 and C, specify date by which annual reports must be submitted to the Township (i.e. January 31).
231-9 Recycling of materials	Requirement for materials to be recycled	<p>The following updates are suggested:</p> <ol style="list-style-type: none"> 1) Recycling Facility should be defined; the Township may wish to adopt the State’s definition of recycling facility; 2) It is suggested that collectors notifying the Township for the need to dispose of source-separated recyclable materials in a landfill and/or incinerator be approved by the Township in order to dispose of materials.

Table 2. Collection and Disposal Ordinance Proposed Modifications

Article II. Collection and Disposal		
Reference	Current Ordinance	Recommended Update
231-14 Definitions	Defined terms	<p>Review definitions for consistency with Article 1. Recycling; for example, Article II includes a definition for “hauler” when Article 1 includes a definition of “collector”;</p> <p>Article II includes a definition of “yard waste” whereas Article 1 defines leaf waste consistent with state requirements;</p> <p>Additionally, Article II includes definitions for garbage, rubbish, refuse, and solid waste when these terms are often used to describe the same materials; suggest consolidating definitions under one term to describe/define waste, possible using the term “solid waste.”</p>
231-15 Prohibited activities	Burning of materials	Act 101 requires that the Township’s recycling ordinance prohibit the burning of separated

Article II. Collection and Disposal		
Reference	Current Ordinance	Recommended Update
		recyclable materials and leaf waste; the exception designated in (B) of the Township's current ordinance does not conform to the state requirements and may impact compliance with Act 101 and reduce recycling grant funds available to the Township; this exception should be removed.
+231-15 Prohibited activities	Unlawful hauling and transport	<p>Throughout the ordinance there are references to "licensed" and "permitted" haulers; however, no description or details of how a hauler is licensed is included;</p> <p>SCS suggests the Township implement a hauler "registration" program to maintain some control over who is collecting waste and recyclable materials from commercial properties in the Township; as part of the registration program, and as a condition to maintain registration, the Township should require haulers to submit reports on the quantity of recyclable materials collected from each customer; this reporting would be helpful for tracking compliance with the Township's recycling ordinance and should increase the amount of money the Township receives through performance grants.</p>
231-16 Standards for storage of solid waste	Proper storage and preparation requirements	<p>Some preparation guidelines, including container requirements, pertain to recyclable materials and leaf waste, so it is suggested this section be renamed "standards for solid waste and recycling;" alternatively, SCS finds it helpful to include all recycling requirements, including storage and preparation needs, in the recycling ordinance; the solid waste ordinance could be restructured so all recycling-related activities are included in the recycling article; Appendix B includes an example recycling ordinance;</p> <p>Additional preparation guidelines might include that cardboard boxes be flattened and that bundled yard waste be limited to 50 pounds or less.</p>
231-16 Standards for storage of solid waste	Burning of yard waste	SCS understands that burning of yard waste in the Township is a sensitive issue; State requirements prohibit mandated Act 101 recycling communities from allowing the burning of recyclable materials, including yard waste; to comply with state recycling requirements the Township's ordinance cannot

Article II. Collection and Disposal		
Reference	Current Ordinance	Recommended Update
		allow burning and it is suggested that Section G be modified to prohibit yard waste burning.
231-17 Standards and regulations of collection	Multi-family solid waste collection	Section I indicates multi-family properties with three or fewer units must work with the Township's designated collector; however, previous references to multi-family properties indicate that properties with two or fewer units must use the Township's designated collector; the Township should clarify the multi-family property unit limit that is serviced by the Township's designated collector.

RECYCLING OPERATIONS

This section describes opportunities and activities the Township may implement to increase and facilitate recycling at commercial establishments and at multi-family properties.

Data Collection

The Township needs to understand the extent to which commercial and multi-family properties comply with the recycling ordinance. An important way to understand compliance is by requiring haulers to report to the Township the quantities of recyclable materials collected from each commercial and/or multi-family property on an annual basis. The Township's current recycling code specifies that haulers servicing multi-family properties must provide recyclable material quantities collected to the property owner where the materials originated. Property owners in turn must report the material quantities to the Township.

Obtaining annual recyclable material quantities collected from each commercial and multi-family property will help the Township understand what properties comply with the recycling ordinance. SCS suggests that the Township establish an annual hauler registration program whereby entities wishing to collect solid waste in the Township register details of their company, customers, and operational practices with the Township. Part of the registration program should confirm that waste haulers servicing Township businesses also provide recycling collection services. Another part of the registration program, which can also be used as a condition of having their registration renewed on an annual basis, is to require registered haulers to provide annual quantities of recyclable materials collected from each business and multi-family property they service.

Requiring haulers to provide business-specific recyclable material quantity reports should ease the administrative burden of contacting and managing reports submitted by potentially hundreds of individual businesses. However, the Township will need a system of cross-referencing business recycling reports to the actual list of businesses operating in the Township in order to identify businesses that do not appear to be participating in the recycling program. Businesses without recycling reports should be contacted to understand how and if they recycle. Those businesses that don't recycle should be informed of the mandated recycling requirements in the Township.

Recycling Technical Assistance

Recycling at businesses is often more challenging than in the residential sector. Obstacles such as multiple generation points, space constraints, and employee turnover can create a difficult

environment for implementing and sustaining a recycling program. Business owners can be overwhelmed at just the thought of beginning a program.

One powerful and effective, but sometimes time-consuming, way to help businesses recycle is by providing on-site consultation and recycling technical assistance to help business set up a new or evaluate an existing recycling program. Recycling technical assistance provides an opportunity for tailored one-on-one assistance to businesses where the Township can encourage recycling, address specific challenges, and work with business owners to find an acceptable solution. Should the Township implement a hauler registration program (discussed above), the Township may consider requiring that haulers support a business recycling technical assistance program as a condition to their registration with the Township. The Butler County recycling coordinator may be able to provide assistance in support of such a program. Recycling technical assistance can take on many forms depending on the level of effort put into it. Below are two examples of local governments that offer such assistance.

Clinton County Solid Waste Authority, PA

Pennsylvania's Clinton County Solid Waste Authority provides free waste audit services to businesses that are interested in assistance to implement or expand recycling at their property. Information about Clinton County's commercial recycling program can be found at www.waynetwplandfill.com/index.php?p=commercial-recycling.

Montgomery County, MD

Montgomery County, Maryland groups businesses into different categories (i.e. office buildings, restaurants, shopping malls, etc.) and conducts waste audits of select businesses in each category. The waste characterization profile developed for each business category is used to promote opportunities for recycling at all businesses in that group. The County also conducts recycling technical assistance to individual businesses to help them implement and expand current recycling programs. More information on Montgomery County's business recycling program can be found at <http://www.montgomerycountymd.gov/sws/sort/>.

Education and Enforcement

Public education and outreach are central to the success of recycling programs, including commercial and multi-family recycling. It is also required by Act 101 to occur at least two times each calendar year (six months apart). The Township should consider increasing the frequency of commercial recycling education and partner with haulers to provide pertinent and relevant information. SCS believes that implementing a targeted education and enforcement program as well as an ongoing sustained education program will reinforce and encourage increased recycling in the commercial sector.

Sustained Education

Obtaining information on recycling in Butler Township should be simple and straightforward. In this age of continual information and knowledge sharing, business owners expect to quickly and easily access information on recycling. Having a sustained public education and outreach program is also an important component of compliance with Act 101.

The Township can take steps to increase the visibility of recycling information that is posted on their website, particularly for commercial recycling. SCS recommends that the Township establish a commercial recycling webpage that is part of the Township's website that provides details and instructions for commercial recycling. Although each hauler providing commercial recycling services

will have their own requirements and procedures for recycling properly, the Township can provide general guidance on recycling at businesses as part of their website, including:

- Recycling is mandatory;
- Reference to the Township's recycling ordinance;
- Aluminum, high-grade office paper, corrugated paper, and leaf waste must be recycled at MINIMUM;
- Recyclable materials should be clean and dry;
- Contact your hauler with recycling questions (and include hauler contact information).

These simple but key messages for commercial recycling can be used in other media (i.e. print announcements, letters, social media, etc.) used to promote recycling and commercial properties.

Targeted Education

SCS recommends that the Township implement a targeted commercial recycling public education and outreach program to businesses that do not appear to be participating in the Township's recycling program. The list of businesses not participating in the recycling program cannot be developed until the Township obtains more complete information on recycling quantities diverted from disposal. Obtaining this information can be through a hauler registration program that requires haulers to report recyclable materials quantities collected by business on an annual basis. Businesses that are not included in hauler recycling reports and appear to not recycle should be contacted with recycling information and instructions to contact the Township to confirm whether or not they participate in the recycling program.

Businesses that indicate a recycling program exists should be required to provide additional information on their program so the Township can monitor their participation. Businesses that confirm they do not recycle should be requested to arrange for collection service with a hauler. This contact with businesses will emphasize the importance of recycling and follows a collaborative approach to expand commercial recycling and to encourage compliance. Additional follow-up with businesses may be required if no response is received to the Township's request for recycling program information and participation.

Enforcement

If business owners ignore or do not act on Township requests to provide recycling information it may be necessary to implement enforcement actions against the business and/or commercial property owner. Enforcement is an important and necessary part of compliance with recycling requirements when education does not work or change behavior. After two or three attempts to reach businesses with no response, a Township code enforcement officer should follow-up and visit the businesses to inspect the property for recycling program participation. Should an onsite visit not result in compliance with the Township's recycling ordinance, it may be necessary to cite and fine the business for noncompliance based on the penalties codified by the Township.

SCS notes that tracking recycling compliance with businesses can become time-consuming and may be difficult to do with existing staff and/or financial resources. The process described in this section could take place in phases with the Township focusing on one area or region at a time. For example, the Township could establish a goal of tracking business compliance with recycling requirements over a five-year period.

Business Recycling Cooperatives

Establishing business recycling cooperatives may provide another opportunity for increased recycling in the commercial sector. A cooperative is a group of businesses located in the same geographic area that separate the same materials for recycling. These materials are placed in centrally located containers that are shared by a number of businesses. The materials are collected by the same hauler. During field observations, SCS toured a number of commercial properties where potential might exist to implement business recycling cooperatives based on multiple businesses located in the same commercial complex. The following section describes the benefits and challenges of recycling cooperatives and discusses how such a program might be implemented in Butler Township.

Benefits

Implementing a recycling cooperative could make sense for the following reasons:

- **Streamlined Collection** – Multiple haulers provide trash and recycling collection services in the Township. These haulers collect materials on different schedules and at different times. Also, because multiple haulers exist, dumpsters often clutter tight loading or access points in the rear of these complexes as each business is serviced by a different entity. A recycling cooperative would potentially reduce the number of haulers and dumpsters needed at each commercial complex.
- **Core Commercial Areas** – Cooperatives work best when there is a high concentration of businesses located in a relatively small geographic area. On an individual business level, the quantity of recyclable materials generated may not be significant; however, collectively the quantity of recyclable materials these businesses generate can be significant and provide opportunities for increased diversion. Experimenting with a recycling cooperative at one of the Township's commercial areas provides a great opportunity to explore the feasibility of such a system in the Township.
- **Space Constraints** – One obstacle to increasing recycling in commercial areas is limited space. There is limited space behind businesses for placement of trash and recycling containers. Implementing a cooperative where multiple businesses share a recycling container should reduce the need for individual businesses to find or make space for a separate recycling container.
- **Hauler Efficiency** – Cooperatives can make collection of recyclables more efficient for the hauler. Instead of a hauler needing to collect materials from several containers in different locations, consolidation of the materials in one dumpster or cart reduces the number of stops needed to collect materials.
- **Cost Savings** – Another benefit of business recycling cooperatives is that the cost for recycling collection services is shared among all businesses that use a container. This has the potential to reduce recyclable material collection costs on an individual business level.
- **Act 101 Compliance** – Act 101 states that all commercial, municipal, and institutional establishments must separate and store materials for recycling collection. The law provides local governments with flexibility with how to implement a program. Establishing recycling cooperatives that provide businesses with affordable opportunities to recycle will help facilitate greater compliance with the law.

Challenges

While there are many good reasons for establishing business recycling cooperatives there are also a number of challenges that need to be overcome, including:

- **Convenience** – Although an effective business recycling cooperative program will aim to place recycling containers in locations that are close to businesses being serviced, employees of such businesses will likely have to walk further to deposit recyclable materials in the containers. This may contribute to recyclable materials being disposed of in trash containers if they are more convenient.
- **Illegal Dumping** – Recycling containers that may be perceived as not “belonging” to any one business could become dumping grounds for non-recyclable materials. In some cases, containers for recycling cooperatives can be secured with only those businesses provided access (i.e. key or combination) to the container. Business owners can also be vigilant to monitor recycling containers, and unauthorized or illegal dumping observed should be reported to Township police.
- **Customer Billing** – Representatives from businesses, the Township, and the applicable hauler will need to discuss options for the billing of services and how to allocate costs so that such a program does not put undue pressure on any one party.
- **Promotion** – Business recycling cooperatives are most successful if there is a champion to continue to promote and encourage participation in the program. With employees stretched thin and multiple competing priorities, it may be difficult to find someone or a group of individuals to champion and promote the existence of the program. These programs work best when there are champions in the local government and in the business community.

Implementation

In order to facilitate the success of cooperatives in the Township, there needs to be a champion to promote the program as discussed above. SCS recommends that the Township convene a meeting with representatives from the business community (particularly businesses that already recycle), the Township, the Chamber of Commerce, haulers, community organizations or non-profits, and anyone else in the community that champions recycling to talk through what a theoretical business recycling cooperative would look like. Obstacles and concerns of each stakeholder should be noted and based on the feedback received, the Township or another recycling champion should develop an outline for how the program could work. The Township will need to ask for a formal commitment from the groups represented at the meeting to support the initiation and development of a business recycling cooperative by forming a formal advisory committee.

The advisory committee would meet regularly to discuss obstacles and concerns of all parties participating in the cooperative and find acceptable solutions. As these details are worked out, the committee would be responsible for designing the cooperative to “fit” the commercial property and/or corridor where it will be implemented. This includes making decisions on collection frequency, container size, placement of containers, fee structure, and surveying the greater business community to gauge their level of participation. The Township should oversee this process to ensure such a program conforms to the requirements of Act 101.

Encourage Glass Recycling

The Township recently launched a drop-off glass recycling program to capture glass bottles and jars that are not accepted as part of the Township's curbside recycling program. Glass containers may be accepted as part of hauler commercial recycling programs. However, if glass is not accepted for recycling, businesses can be encouraged to utilize the glass recycling hopper that is set-up at the Township administrative building. Glass recycling is particularly important for bars and restaurants that generate significant quantities of glass bottles and because of the weight of glass can significantly increase recyclable material tonnage. The drop-off site for glass containers can also compliment commercial recycling programs that accept glass as the source-separated drop-off program is likely to result in cleaner glass materials that may have a higher value.

Multi-Family Establishments

Maintaining and promoting recycling at multi-family housing complexes poses significant challenges for recycling professionals. A number of obstacles stand in the way of implementing an effective recycling program at these properties, including space constraints and the transient nature of residents. Act 101 requires recycling at multi-family properties that include:

- Established collection system;
- Suitable containers for collecting and sorting materials;
- Easily accessible locations for containers;
- Written instructions to occupants concerning the availability and use of the collection system.

Despite these requirements, Act 101 specifies that owners and landlords of multi-family properties that comply with these measures are not held liable for noncompliance by occupants of these buildings. The following strategies may be implemented by the Township to encourage and facilitate recycling in the multi-family generating sector.

Lease Agreements

To help facilitate recycling in the multi-family sector, some municipalities have incorporated recycling information into lease agreements. For example, when a new tenant signs a lease agreement, they must indicate that the owner/landlord has provided information on the recycling program. This strategy can be effective to facilitate the dissemination of recycling information to all new tenants of a building.

Additionally, some multi-family residential complexes even provide tenants a recycling bin for their unit and require the resident pay a deposit to maintain the recycling container. Deposits are returned to the resident when they move-out and the recycling container is deemed to still be in serviceable condition.

The City of San Diego, California requires new residents of multi-family buildings to indicate they have been provided recycling information. Their sample lease agreement is provided in **Appendix C**.

Provide Educational Information

It is important that the Township take an active role in providing recycling information to owners/landlords of multi-family buildings for distribution to residents. Recycling information should be provided at a minimum of two times per year or whenever there is a change to a property's recycling program. The Township may explore working with haulers to provide this information, particularly if a tracking system can be identified. It could eventually be incorporated into a hauler

registration program, but the Township needs to take the lead role in providing this information as the Township is ultimately responsible by Act 101 for maintaining an education and outreach program.

Technical Assistance

Similar to the recycling technical assistance summarized above for commercial properties, the Township could offer recycling technical assistance to owners/landlords of multi-family properties. Technical assistance would be tailored to the specific needs and concerns of each building owner/landlord. The technical assistance would include an onsite visit to visually inspect the recycling areas in and around each building and observe signs and information posted explaining how to use it.

Additionally, since multi-family properties are largely serviced by private haulers, representatives from the applicable hauling company could be invited to participate in the onsite visit and field observations. Participating in recycling technical assistance activities could be part of the requirements the Township establishes to register haulers collecting solid waste and recyclable materials.

In order to minimize the effort needed for multi-family property technical assistance, Township staff can provide recommendations and ideas onsite during the visit for how recycling can be implemented and/or modified at the property. No formal report or write-up would be needed.

Partnership with Butler County Community College

The Township should pursue partnering with Butler County Community College (BC3) to explore setting up an internship program for a student(s) to provide support for solid waste management and recycling activities. For example, the Township does not have dedicated staff to promote recycling to residents, businesses, and multi-family property owners. A partnership with BC3 to establish an internship program whereby students can support the Township's recycling efforts makes sense for the following reasons:

- **Local Resource** – The college's main campus is in Butler and students and administrators would have a vested interest in preserving resources in the community;
- **Capabilities** – Public education is key to promoting and encouraging recycling among businesses. Students are creative and proficient at using social media and other outlets and the Township may be able to utilize those skill sets to promote recycling. BC3 has a communication program that may include students that could help with promoting recycling.
- **Longevity** – Improving and expanding recycling in the Township is a long-term initiative and will not happen overnight. An internship program has the potential to be long term as new students need internships and the Township continually needs dedicated help to encourage recycling.
- **Staff Availability** – Township staff are limited in the amount of time and attention they can devote to the detailed aspects of the recycling program. Recruiting students at BC3 can fill the staffing void needed to truly promote and expand recycling in the Township.
- **Reduced Costs** – The Township is not in a financial position to invest significant sums of money to promote and facilitate recycling. Student support provides an opportunity to recruit

individuals to assist with recycling program activities at minimal cost. The Township could provide a small stipend, but the real-world experience should be valuable for most students.

5 CONCLUSION

Overall, the Township has established a program that provides important recycling services to commercial and multi-family establishments as well as residents in the Township. Field observations indicate that most commercial areas in the Township have some type of a recycling program in place, although the degree to which it is used is unknown. Increasing recycling at commercial and multi-family properties is challenging and requires dedicated resources to improve the program's effectiveness. The following recommendations are provided to boost commercial and multi-family recycling in the Township.

- **Update Recycling and Solid Waste Ordinances** – It is recommended that the Township update their recycling and solid waste ordinance. An updated recycling ordinance is a key requirement of Act 101 and codifies the requirements for recycling in the Township. Should the Township opt to establish a hauler registration program, the solid waste and recycling ordinance would list the requirements haulers must comply with in order to legally collect solid waste or recyclable materials in the Township.
- **Collect Data/Track Compliance** – SCS suggests that the Township implement a program whereby compliance with recycling program guidelines are tracked on a business-by-business level. A key component of this program could be to establish a hauler registration program that requires haulers to provide to the Township the quantity of recyclable materials collected from each business on an annual basis. The list of businesses that recycle based on hauler reports can be compared to Township records for all businesses to identify those that do not appear to be recycling. Follow-up with those businesses provides an opportunity to provide education and opportunities for increased recycling.
- **Education and Enforcement** – The success of the Township's commercial and multi-family recycling program relies on a targeted and sustained education program as well as enforcement when necessary. The Township can do more to provide recycling information, including dedicating a webpage on the Township's website to commercial and multi-family recycling. Education and outreach will not achieve compliance on its own. It must be accompanied with a robust and fair enforcement program, backed by the Township's recycling ordinance, where citations and fines may be levied when education does not result in compliance.
- **Technical Assistance** – Onsite technical assistance is one of the most effective solutions for improving recycling in the commercial and multi-family sectors. The recycling program at each property must be tailored to the specific building's layout and use/operations. Oftentimes owners and/or landlords of commercial and multi-family properties are unsure how to start or even maintain a recycling program. Expert technical assistance from Township staff can help overcome hurdles and help establish or refine a recycling program that diverts more materials.
- **Business Recycling Cooperatives** – Business recycling cooperatives can be an effective way to promote and coordinate recycling activities among businesses in close proximity that may be able to lower costs and provide for a more efficient collection system. Significant coordination and agreement between the Township, business owners, and hauling companies is required in order for these programs to work. Field observations in the

Township indicated there may be opportunities to implement a business recycling cooperative as there are a number of commercial areas with multiple businesses within a small area.

- **Partnership with Butler County Community College** – Many of the recommendations provided in this report require staff resources to complete. The Township’s existing solid waste staff are not in a position to implement these initiatives without extra help. One opportunity for the Township is to establish an internship program with BC3 whereby one or more students are hired to help expand or promote recycling at commercial and/or multi-family properties. Such a program with BC3 would allow the Township to have dedicated support for recycling activities.



Appendix A
Municipal Recycling Requirements of Act 101

Summary of Act 101 Mandatory 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).

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 leave 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 leave 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 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 is 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.

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 is in compliance 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.



Appendix B
Example Recycling Ordinance

Example Recycling Ordinance

Recycling Requirements

Title.

This article shall be known and may be cited as the "XX."

Program established.

There is hereby established a program for the mandatory source separation and collection of recyclable materials in XX. No person shall collect, remove, treat, transport, or dispose of recyclable materials and leaf waste in XX 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 XX 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.

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 XX or conducted within XX 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.

Example Recycling Ordinance

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 XX, 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.

Example Recycling Ordinance

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 XX 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 XX 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."

Example Recycling Ordinance

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 XX 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 XX 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 XX 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 XX. 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 XX 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.

Example Recycling Ordinance

- 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 XX 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 XX reserves the right to require additional recycling containers if the XX 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 XX 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 XX 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

Example Recycling Ordinance

a form supplied by the XX 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 XX reserves the right to require additional recycling containers if the XX 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 XX 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 XX 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 XX 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, cardboard, high grade office paper, and leaf waste. Arrangements for the source-

Example Recycling Ordinance

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 XX 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 XX 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 XX 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 XX 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 XX 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 XX 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 XX and shall be submitted annually, 30 days after the close of each calendar year.

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

- 1) It shall be unlawful for any person to commingle 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

Example Recycling Ordinance

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 commingle 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 XX accepts select covered devices for recycling at the XX 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 XX 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 XX.
- 3) Littering/illegal dumping – It is unlawful for any person in the XX to dump or deposit recyclable materials, leaf waste, municipal waste, or any other refuse on any private or public property or grounds in the XX.
- 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 XX are prohibited from storing, processing, or disposing of recyclable material on a property except at a facility or in 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

Example Recycling Ordinance

violation of any rule, regulation or resolution promulgated by the XX 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 XX shall be made in compliance with the regulations to be adopted by the XX of XX to carry out the intent and purpose of this article. Such rules and regulations shall be approved by resolution of the XX 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 XX.

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, XX 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 XX pursuant to this article.
- 3) 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 XX from exercising any other remedy provided by this article or otherwise provided at law or equity.

Construal.

Example Recycling Ordinance

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
Example Lease Agreement for Multi-Family Properties

Sample Lease Agreement*

Below is customizable sample language addressing the building's recycling program, indoor bin deposit and move in/out requirements to include in your lease agreements. Note: Before including this sample language in your building's lease agreement, customize the items in BOLD.

ADDITIONAL TERMS OF LEASE

Garbage & Recycling Collection: 1. (BUILDING NAME) has an active recycling program that all tenants are strongly encouraged to participate in. Recycling protects the environment, helps keep our building clean and attractive, and reduces our disposal costs.

2. Recycling (DUMPSTERS/CARTS) are located next to or near the garbage containers. Only recyclable materials may be placed into the recycling containers. A list of recyclable materials is made available to each tenant upon move-in and can also be found on each recycling (DUMPSTER/CART). Additional lists are available from the manager. To find out where to recycle or properly dispose of just about anything, you can contact the County of San Diego's Recycling & Household Hazardous Waste Hotline at 1-877-R-1EARTH (1-877-713-2784) or online at www.wastefreesd.org.

3. SECURITY DEPOSIT: As part of (BUILDING NAME)'s Recycling Program, an indoor recycling container will be provided to tenants upon move-in. A deposit of \$(10.00) will be charged for use of this container and will be credited back to the tenant's security deposit if the container is returned upon move out.

4. MOVE-IN AND MOVE-OUT: When moving in or out, the tenant must: a. Place all recyclable materials in the recycling containers. Large cardboard boxes must be broken down, flattened and placed next to the recycling containers. b. Take all bulky items (mattresses, couches, TV's, etc.) to a local reuse store or to the landfill or transfer station for recycling. Information about proper disposal locations is available from the building manager. Also, to find out where to recycle or properly dispose of just about anything, you can contact the County of San Diego's Recycling & Household Hazardous Waste Hotline at 1-877-R-1-EARTH (1-877-713-2784) or online at www.wastefreesd.org. If these items are left in the garbage and recycling enclosure area, a \$(25.00) fee for each item left will be deducted from the security deposit. c. Properly dispose of unwanted electronics and household hazardous waste (paint, batteries, cleaning supplies, car batteries, fluorescent lights, etc.) at the local Household Hazardous Waste (HHW) Collection Facility. Detailed information is available from the building manager or the County hotline. These items MAY NOT be placed into or next to the garbage or recycling containers. If these items are left in the garbage and recycling enclosure area, a \$(25.00) fee for each item left will be deducted from the security deposit.

NEW RESIDENT: Please initial and sign where indicated:

I have been given educational materials that explain what materials must be sorted from my garbage and recycled____(initial)

I have been shown the building's recycling & garbage area _____(initial)