

Recycling Ordinance Update and Program Review

Borough of Coplay
98 S. 4th Street
Coplay, PA 18037



SCS ENGINEERS

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11260 Roger Bacon Drive
Reston, VA 20190
703-471-6150

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ACKNOWLEDGEMENT

This study and report were completed under the Pennsylvania Department of Environmental Protection's (DEP) Recycling Technical Assistance Program. SCS Engineers acknowledges the support of DEP to complete this study.

1 PROJECT DESCRIPTION

The Borough of Coplay is located in Lehigh County approximately six miles northwest of Allentown. The U.S. Census Bureau estimates the Borough's population to be 3,219 in 2019. The Borough is not a Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) mandated recycling community. The Borough provides curbside trash, recycling, and yard waste collection services to about 1,350 households each week.

Technical assistance was requested to review and update the Borough's existing recycling ordinance. Additionally, the project included observing recycling collection operations to identify opportunities for improving efficiency and how to encourage more recycling.

2 SUMMARY OF WORK

This section summarizes the tasks and findings from this project.

Task 1 – Data Collection and Site Visit

The project team prepared a data request to obtain documents and information on the Borough's solid waste and recycling program. Data requested included quantities of recyclable materials collected, program participation levels, and material contamination rates. SCS staff completed a site visit to the Borough of Coplay to discuss the scope of the project, gather information, interview staff, and observe recycling collection operations.

Task 2 – Operational Improvements

Based on staff interviews and collection observations, SCS identified options for improving the Borough's recycling program that may result in increased recycling, improved efficiency, and reduced material contamination.

Task 3 – Ordinance Recommendations

SCS reviewed the Borough's existing recycling ordinance and provided guidance on how the ordinance could be improved. SCS addressed requirements for the residential (single-family and multi-family), commercial, institutional, municipal and special event generating sectors as well as specific materials required for recycling by each sector. Recommendations were in conformance with Act 101 recycling requirements. A draft revised recycling ordinance is included in **Appendix B**.

Task 4 – Final Report

SCS developed this report to provide the results of this study and a draft revised recycling ordinance. It is recommended that the revised recycling ordinance be reviewed by the Borough's solicitor prior to approval by the Board of Supervisors.

3 CURRENT PROGRAM

The Borough provides curbside trash, recycling, and yard waste collection services to about 1,350 households each week. The Borough is divided so that half of the households receive solid waste collection services each Monday and the other half of households receive solid waste collection on Tuesday. The Borough does not provide residents with solid waste collection containers. Residents must supply their own and containers must be no larger than 35-gallons. The Borough follows a strict requirement that all solid waste collection containers be serviceable with no broken handles in order to enhance the safety of collectors. Solid waste containers must be placed curbside no later than 7:00 a.m. on the collection day. The Borough limits the amount of solid waste collected from each household per week to no more than four bags or containers. Also, the Borough does not collect construction debris from home remodeling projects; residents are required to contract with a private

company for collection services and obtain a dumpster permit for managing and collecting construction debris on-property. Solid waste is collected curbside by Borough crews consisting of one driver and two collectors (three staff per crew).

Recyclable materials are collected weekly by Borough staff each Thursday. The Borough provides 20-gallon recycling containers for residents to place materials for collection. The Borough also collects recyclable materials from select businesses and commercial properties that have arranged with the Borough for this service.

Recyclable materials are collected single-stream using a collection crew consisting of one driver and two collectors. Borough staff collecting recyclable materials carefully screen materials curbside as it is collected. Staff manually separate items not accepted for recycling and leave them at the curb in the container. Containers that have excessive amounts of contamination are not collected. Recyclable materials are transported to the Waste Management Materials Recovery Facility located in Northampton approximately two miles from the Borough’s municipal office. Inspection of recent scale tickets shows that recycling contamination is low, consistently recorded at 10 percent or lower. **Table 1** summarizes the materials accepted for recycling in the Borough of Coplay’s curbside recycling program. All materials must be clean and dry.

Table 1. Materials Accepted for Recycling in Borough of Coplay

Material	Description
Metal Cans/Containers	- Aluminum, steel, and tin food and beverage cans/containers
Paper	- Corrugated cardboard (flattened), office paper, junk mail, newspapers, paperboard/chipboard, magazines/soft cover books
Plastic	- Rigid plastics containers (#1-#7)
Glass	- Glass food and beverage containers

The Borough also provides weekly curbside yard waste collection services to residents each Friday. Yard waste is manually collected by Borough staff and residents must provide their own collection containers. The Borough prohibits the use of paper or plastic bags to contain yard waste.

On average over the last 14 years, the Borough collects the following amounts of materials annually:

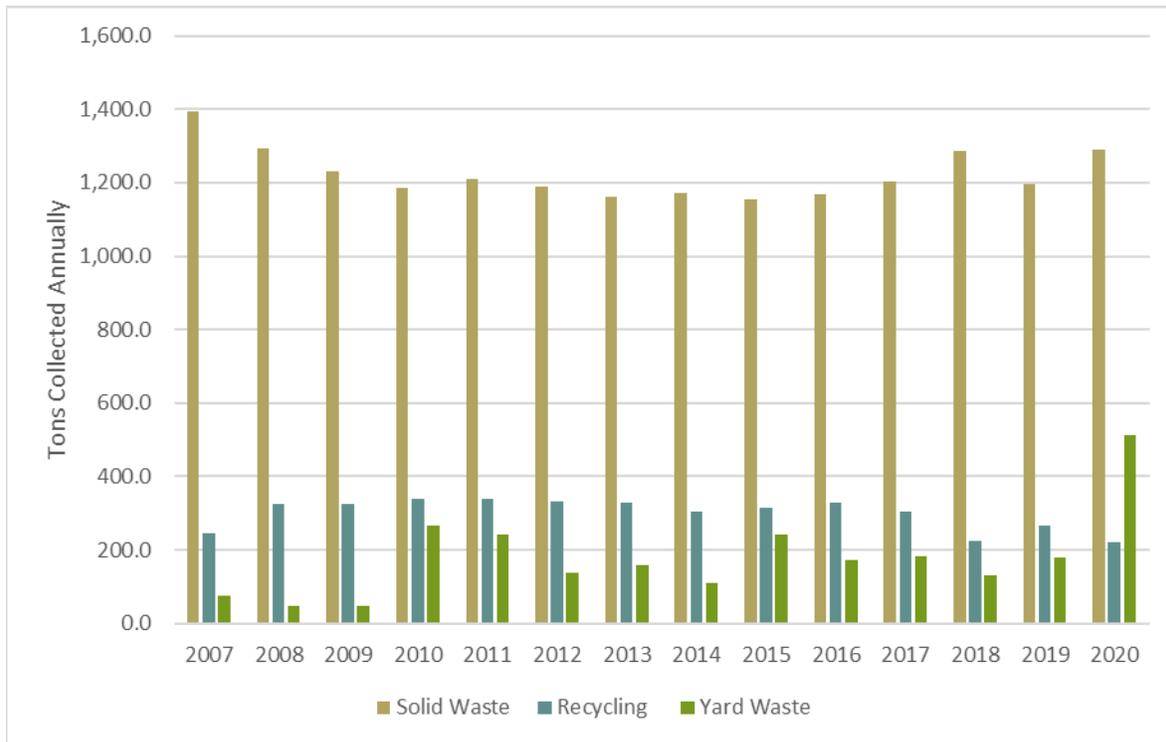
- 1,200 tons of solid waste;
- 300 tons of recyclable materials;
- 180 tons of yard waste.

Figure 1 tracks the amount of solid waste, recyclable materials, and yard waste collected by Borough staff each year since 2007.

The Borough’s website provides information on the recycling requirements for residents and owners/occupants of commercial properties, including specifications on what materials must be

recycled and how those materials should be prepared for collection. **Appendix A** includes a summary of Act 101 municipal recycling requirements.

Figure 1. Materials Collected Annually in the Borough of Coplay



4 FINDINGS

This section includes a draft proposed Borough recycling ordinance and the recommendations for improving collection operations review based on field observations.

RECYCLING ORDINANCE

The proposed revised recycling ordinance includes requirements for several entities and individuals. SCS proposes that the revised recycling ordinance include at least two sections that detail the requirements and responsibilities for:

- 1) Residents and owners/occupants of commercial, institutional, and municipal establishments and,
- 2) Requirements and responsibilities of haulers operating in the Borough.

Specific requirements for single-family and multi-family residential properties; commercial, institutional, and industrial establishments; and community activities are specified and conform to the requirements of Act 101. The complete proposed draft recycling ordinance is included in **Appendix B**. Note that the Borough's solicitor should review the draft recycling ordinance prior to approval and implementation by the Board of Supervisors.

Although the Borough of Coplay is not an Act 101 mandated recycling community, SCS recommends that the Borough adopt a recycling ordinance that conforms to the requirements of Act 101. Doing so will make it easier for the Borough to comply with Act 101 requirements should the community become mandated in the future. Additionally, meeting the requirements of Act 101 may increase opportunities for the Borough to be considered for PADEP grant funding.

Requirements for Residents and Commercial Properties

Table 2 summarizes the proposed recycling requirements for residents and owners/occupants of commercial, institutional, and municipal establishments.

Table 2. Recycling Requirements for Residents and Business Owners

Reference (revised ordinance)	Update/Requirement
Title	Borough of Coplay Recycling Ordinance
Program Established	Establishes a mandatory recycling program in the Borough; it is recommended this section is included at the beginning of the ordinance.
Definitions	Suggest expanding the list of definitions to include recycling activities and materials, and revising existing definitions to be more descriptive and comprehensive; recommend definitions conform to state definitions as feasible/appropriate.
Requirement for Collection Service	Requires all persons to participate in the Borough supported recycling program (if eligible) or contract with an authorized collector for collection of recyclable materials and leaf waste.

Reference (revised ordinance)	Update/Requirement
Single-Family Residential Establishments	<p>Requires the following recycling activities:</p> <ul style="list-style-type: none"> • Separate recyclable materials from municipal waste and place materials in a designated recycling container; • At a minimum recycle the following materials: <ul style="list-style-type: none"> - Aluminum cans - Bi-metal containers - Corrugated paper - Glass containers (Clear, green, and brown) - High grade office paper - Mixed paper - Newsprint - Plastic containers - Leaf/yard waste • Participate in the Borough sponsored recycling program where materials are collected weekly; • Prepare recyclable materials in a way that prevents litter; • Place recycling containers curbside in a location that does not block roads or sidewalks no earlier than 7:00 p.m. the night before collection and no later than 7:00 a.m. on collection day.

Reference (revised ordinance)	Update/Requirement
Multi-Family Residential Establishments	<p>Requires the following recycling activities by owners, landlords or agents of multi-family properties :</p> <ul style="list-style-type: none"> • Set up a recycling system that includes: <ul style="list-style-type: none"> - Labeled containers for placement of recyclable materials separate from municipal waste; - Written instructions to tenants on the availability of the program and proper preparation of materials; • At a minimum recycle the following materials: <ul style="list-style-type: none"> - Aluminum cans - Bi-metal containers - Corrugated paper - Glass containers (Clear, green, and brown) - High grade office paper - Mixed paper - Newsprint - Plastic containers - Leaf /yard waste • Arrange with an authorized collector for the separate collection, transportation, and recycling of materials; • Arrange collection of recyclable materials no less than one time per week; • Annually report to the Borough the name of the authorized collector, building/complex address, and quantity of each material collected from the property. • Owners, landlords or agents of multi-family properties who comply with these requirements are not liable for non-compliance of residents.

Reference (revised ordinance)	Update/Requirement
Commercial, institutional, and municipal establishments	<p>Requires the following recycling activities by owners, landlords or agents of commercial, institutional, and municipal establishments:</p> <ul style="list-style-type: none"> • Set up a recycling system at each building that includes: <ul style="list-style-type: none"> - Labeled containers for placement of recyclable materials separate from municipal waste; - Written instructions to tenants or occupants on the availability of the program and proper preparation of materials; • At a minimum recycle the following materials: <ul style="list-style-type: none"> - Aluminum cans - Corrugated paper - High grade office paper - Leaf waste • Arrange with an authorized collector for the separate collection, transportation, and recycling of recyclable materials; • Arrange collection of materials no less than once per week; • Annually report to the Borough the name of the authorized collector, building/complex name and address, and quantity of each material collected from the property on a form provided by the Borough.

Reference (revised ordinance)	Update/Requirement
Community activities	<p>Requires the following recycling activities by organizers or sponsors of community activities:</p> <ul style="list-style-type: none"> • Set up a recycling system at a community activity that includes: <ul style="list-style-type: none"> - Labeled containers for designated source separated recyclable materials; - Instructions on recycling containers that indicate what materials must be placed in the containers; • At a minimum recycle the following materials: <ul style="list-style-type: none"> - Aluminum cans - Corrugated paper - Glass containers (Clear, green, and brown) - High grade office paper - Plastic containers - Leaf /yard waste • Arrange with an authorized collector for the separate collection, transportation, and recycling of materials; • Annually report to the Borough the community activity name, name of the authorized collector, and quantity of each material collected at the community activity on a form provided by the Borough.
Leaf waste	<ul style="list-style-type: none"> • Requires separation of leaf waste from municipal waste and recyclable materials by all persons in the Borough. • Collection of leaf waste by the Borough (if eligible) or authorized collector must occur no less than once per month. • Report material quantities collected, name of the composting facility leaf waste is transported too, authorized collector name, and name and address of the property were leaf waste was collected to the Borough by owners, landlords, or agents of owners or landlords for multi-family residential, commercial, institutional, and municipal establishments.
Household hazardous waste, electronic waste, and lead-acid batteries	<ul style="list-style-type: none"> • Prohibits the mixing of hazardous waste (as defined in Act 101), lead-acid batteries, covered devices, and Freon containing appliances with municipal waste, recyclable materials, and/or leaf/yard waste; • Designates these materials must be managed and disposed of in accordance with guidelines provided by PADEP, or other agencies as applicable.

Reference (revised ordinance)	Update/Requirement
Prohibitions	<p>Prohibited activities include:</p> <ul style="list-style-type: none"> - Collection of recyclable materials by unauthorized collectors (see collector registration and approval requirements, Table 2); - Burning of recyclable materials or leaf/yard waste; - Dumping recyclable materials, municipal waste, or leaf waste on any public or private grounds in the Borough other than a designated facility; - Overfilling containers that cause material to be displaced or littered; - Storing or stockpiling materials on a property other than at a designated facility or for collection by an authorized collector; - Creating a public nuisance by not complying with the provisions of ordinance.
Ownership of recyclable materials	<p>This recycling ordinance does not impair the ownership of recyclable materials and leaf waste to the person who generated the materials until it is placed curbside for collection by an authorized collector.</p>
Rules and regulations	<p>The Board of Supervisors may adopt rules and regulations to carry out the intent and purpose of this ordinance.</p>
Enforcement and penalties	<p>The following enforcement and penalty provisions are provided:</p> <ul style="list-style-type: none"> • The penalty for violation and conviction of a violation of this ordinance shall be a fine of not more than \$1,000 and not less than \$50; • Borough may institute a suit in equity where unlawful conduct or a public nuisance exists to restrain the violation(s); • Penalties and remedies in this ordinance shall be deemed concurrent and shall not prevent the Borough from exercising any other remedy in this ordinance or law.
Construal	<p>Terms and provisions of the ordinance are to be liberally construed and construed in pari materia with the Pennsylvania Code of Regulations, Storage, Collection, and Transportation of Municipal Waste and Act 101, and rules and regulations adopted thereunder.</p>

Requirements for Collectors

Table 3 summarizes the proposed process for the Borough to authorize collectors to operate in the Borough of Coplay along with the requirements for collection operations. The complete proposed draft recycling ordinance is included in **Appendix B**.

Table 3. Requirements for Authorized Collectors

Reference (revised ordinance)	Update/Requirement
Title	Borough of Coplay Collection Ordinance
Definitions	Includes revised and updated definitions, including an updated definition for authorized collector.
Collector registration required	Specifies that an entity wishing to collect municipal waste, recyclable materials, or leaf waste must register with the Borough Manager in order to lawfully collect materials.
Collector registration and approval requirements	<p>The requirements for an entity to become an authorized collector include providing the following information to the Borough annually:</p> <ul style="list-style-type: none"> • Business name and contact information, including 24-hour emergency contact information; • Make, model, and year of each collection vehicle used to collect materials; • Workmen’s compensation and liability insurance certificates; • Current rate schedules, intended areas of operation, and operating schedule; • Names of the facilities where municipal waste, recyclable materials, and leaf waste are transported; • Quarterly reports on the quantity of each material collected from each generating sector in the Borough; • Additional information as required by the Borough. <p>Upon receipt and review of the above information to confirm it meets the requirements of this ordinance, the Borough will issue an authorization letter to establish an entity as an authorized collector; authorizations must be renewed each January.</p>

Reference (revised ordinance)	Update/Requirement
Conditions of registration approval	<p>The following conditions are proposed as conditions of approval of an authorized collector registration:</p> <ul style="list-style-type: none"> • Provide separate curbside or onsite collection services for municipal waste, recyclable materials, and leaf waste; • Collection vehicles must be closed-body or tarped and be maintained in good and proper mechanical condition in compliance with state safety and sanitary requirements; vehicles must be designed to prevent leakage of liquids and fluids; • Establish material preparation procedures and communicate those procedures to their customers; • Notify customers if noncompliance with any provision of this ordinance is observed on a form provided by the Borough; provide the Borough with customer names and addresses where noncompliance is observed; • Maintain a copy of Borough collector authorization in each vehicle being operated in the Borough.
Refusal to grant registration approval; suspension; revocation	<p>The Borough may refuse authorization or suspend existing authorizations for submittal of incomplete or false information or noncompliance with authorization conditions or any other applicable federal, state, or local ordinance or policy.</p> <p>Refusal to grant registration or revocation of an existing registration will be made in writing and include the reason(s) for the suspension or revocation.</p>

Reference (revised ordinance)	Update/Requirement
Prohibited acts	<p>The following activities are unlawful and grounds for suspension or revocation of an authorized collector's registration:</p> <ul style="list-style-type: none"> - Collecting municipal waste from persons failing to source separate recyclable material; - Commingling or mixing source separated recyclable materials or leaf waste with municipal waste; - Failing to properly dispose of municipal waste, recyclable materials, or leaf waste as provided for in this ordinance or any other applicable federal, state, or local requirement; - Collecting materials from persons prior to 7:00 a.m. or after 7:00 p.m. - Loading or transporting any material in a way that results in materials being littered on public roads or private property; - Placing collection containers in a location or manner other than the designated collection location; - Creating a public nuisance.
Rules for collection	<p>Collection of municipal waste, recyclable materials, or leaf waste by authorized collectors must be made in compliance with this ordinance and any other applicable federal, state, or local requirements or resolutions.</p>
Contracting collection services	<p>Allows the Borough to enter into one or more agreements with an authorized collector(s) for the collection of municipal waste, recyclable materials, or leaf waste via a public bid process.</p>

Reference (revised ordinance)	Update/Requirement
Violations and penalties	<p>The following enforcement and penalty provisions are provided as part of this ordinance:</p> <ul style="list-style-type: none"> • The penalty for violation and conviction of this ordinance shall be a fine of not more than \$1,000 and not less than \$250; • Borough may institute a suit in equity where unlawful conduct or a public nuisance exists to restrain the violation(s). <p>Penalties and remedies in this ordinance shall be deemed concurrent and shall not prevent the Borough from exercising any other remedy in this ordinance or law. Authorized collectors who violate any provision of this ordinance may be reported to the Pennsylvania Department of Environmental Protection and may be subject to revocation of the state’s authorization to transport municipal waste as described in the amended Waste Transportation Safety Program.</p>
Construal	<p>Terms and provisions of the ordinance are to be liberally construed and construed to effectuate the goals and purposes thereof. 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 rules and regulations adopted thereunder.</p>

OPERATION IMPROVEMENTS

The SCS team completed field observations of the Borough’s recycling collection program. This section details the recommendations SCS suggests the Borough implement in order to improve their recycling program. **Figure 2** provides a visual summary of recycling collection operations in the Borough of Coplay.

Figure 2. Collection Operations in the Borough of Coplay



Borough's 28-cubic yard collection vehicle



Recyclable materials placed curbside



Borough's collection fleet storage facility



Recyclable material collection from commercial property



Collection in a typical Borough alley



Collection of recyclable materials from a residence

Increase Recycling Container Inventory

An important component of any recycling program is to have ample inventory of recycling containers to meet the needs and demands of residents. The Borough provides a 20-gallon recycling container to each household for the placement of recyclable materials. The Borough does not limit the amount of recyclable materials residents can place at the curb each collection day. Consequently, many residents routinely place more than one collection container for recyclable materials curbside each week. Allowing residents to use multiple containers for the placement of recyclable materials facilitates increased recycling. This is particularly necessary with increasing generation of bulky corrugated cardboard from online shopping entering residential recycling programs.

It is important for the Borough to maintain an inventory of recycling containers that can be distributed quickly to residents as needed. As the Borough's 20-gallon bins become unserviceable, existing containers get damaged, or residents need an extra container, the Borough needs to have extra containers available. SCS recommends that the Borough maintain an inventory of containers equal to 10 percent of their customer base. With approximately 3,400 residential customers, it is recommended the Borough have about 340 containers in reserve. SCS recommends that the Borough transition from using the 20-gallon bins and only provide 35-gallon containers to residents for recycling. These containers provide residents significantly more recycling capacity and are compatible with the Borough's single-stream recycling program. Recycling containers are eligible expenses for reimbursement under PADEP's Section 902 Municipal Recycling Grant Program. SCS encourages the Borough to complete a Section 902 grant application for additional recycling containers.

Launch Campaign to Distribute Recycling Containers

SCS field observations indicate that not all households in the Borough have a designated recycling container. Currently, residents who would like a recycling container must contact the Borough and pick up a container from the Borough Office. These steps are often a barrier for some residents' participation in the recycling program. SCS suggests that the Borough launch a campaign to increase the number of households with a recycling bin. Such a campaign may include one or more of the following activities:

- 1) **Media Blitz** – Designate one of the Borough's annual educational campaigns to increasing the number of households with a recycling bin. This includes using multiple media (website, Borough newsletter, etc.) to promote the recycling program and highlight how a recycling bin can be obtained (call/email Borough office, submit online request form, etc.).
- 2) **Trash Bin Notification** – As staff collect solid waste, they can leave a notification on trash containers with instructions on how to obtain a recycling bin.
- 3) **Display at Community Event** – The Borough may consider setting up a display at a community event that is staffed whereby residents can stop by and register/request a recycling bin.
- 4) **Distribute Bins to Residents** – As an added incentive to increase the number of households requesting recycling bins, the Borough could offer to complete a one-time delivery of recycling bins to residents curbside.

Should the Borough move to adopt a mandatory recycling requirement, it will be important for the Borough to confirm each household receives a recycling container. SCS recommends that the

Borough track the number of containers distributed to each residential property. Additionally, many containers have a unique identification code that can be assigned to a particular household. This will help the Borough track containers and return lost containers.

Distribute Durable Recycling Educational Guide to Each Household

Act 101 requires that mandated recycling communities establish a comprehensive and sustained public education and outreach program that provides information on recycling program features and requirements. Even as a non-mandated recycling community, implementing an education program that meets Act 101 requirements has important benefits. Such a program may open opportunities for the Borough to apply for PADEP recycling program funding. Education is also critical for helping residents recycle correctly. Reducing contamination not only will help collection staff complete their routes quicker, it will result in cleaner material that in many cases results in increased revenues from the sale of the material.

Both print and electronic media should be used to promote recycling to residents. Act 101 requires that recycling education occur at least every six months. At least one educational material must be distributed in print form annually. SCS encourages the Borough to consider developing a durable educational piece that can be distributed to all households and businesses that receive trash and recyclable material collection services from the Borough. Many communities design, print, and distribute a combination door hanger and magnet to promote recycling in their communities. A door hanger may be attached to curbside collection containers as waste and recycling routes are being completed. The door hanger includes a pocket where a magnet is placed. The magnet is designed to be a quick-reference guide for residents to identify what can and cannot be recycled in their curbside recycling program – information the Borough already has readily available that can be printed on a magnet. Residents can place the magnet on their fridge, filing cabinet, or on another surface near the trash and recycling containers in their house or businesses. **Appendix C** includes a sample Borough of Coplay recycling guide.

Focus on Recyclable Material Quality

SCS encourages the Borough to emphasize recycling “right,” rather than on maximizing the quantity of materials residents place in recycling bins. This is especially important in the current recycling market, as increased contamination of recyclable materials has depressed markets and disrupted recycling programs in Pennsylvania and all over the United States. Borough collection crews should continue to carefully screen the contents of recycling containers before materials are placed in the collection truck. Containers that are contaminated with non-program acceptable materials should not be collected. SCS encourages the Borough to use special container tags (Oops tags) to let the owner know why their materials were not collected. These tags can be kept in the recycling truck and if collection staff decide a container is too contaminated the collection staff should leave the tag on the container. A recycling program that produces quality, marketable materials will be sustainable into the future. The Borough should not sacrifice recovering high-quality materials at the expense of recovering more materials.

Consider Pay-As-You-Throw Collection Program

One proven way to increase recycling participation is to institute a Pay-As-You-Throw (PAYT) program. PAYT programs generally function better if one hauler (municipal or private) is servicing the entire municipality, as is the case in the Borough of Coplay. In PAYT programs, residents pay for waste collection based on how much they use the service (i.e. the more waste generated, the higher the fee). The cost for recycling services is typically included in the fee for solid waste collection services and thus there is no separate charge to residents for recycling. The municipality sells specially labeled

trash bags or tags/stickers at municipal offices, local grocery stores, and gas stations for a calculated cost that covers the unit cost of the bag or sticker, and administrative and disposal costs (typically \$2 - \$4 per bag). Residents are only allowed to dispose of solid waste that can fit in a designated container, placed in the specialized bags, or tagged with approved stickers.

There are some concerns with implementing a PAYT program; such as paying for disposal via expensive bags rather than on a tax bill, and the inconvenience of having to purchase special bags at a specific store. While public perception of PAYT would likely be an obstacle, PAYT motivates residents to recycle more, can significantly increase waste diversion, and typically results in the lowest total program cost per household. The Borough of Coplay should discuss whether viability of a PAYT program is worth assessing in the future.

Enforcement of New Recycling Ordinance

Enforcement is an important and necessary part of compliance with recycling requirements. Priority should be given to educating the public about recycling requirements. However, when education and outreach do not work and do not result in compliance with requirements, the Borough should employ enforcement measures to achieve desired results. A Borough code enforcement officer should follow-up and visit residents that have not responded to the Borough's requests to comply with recycling requirements. The Borough may even need to cite and fine residents as provided in the recycling ordinance as a last resort to force compliance with the law. These enforcement activities are not desired, but can be used successfully when other actions to obtain compliance fail.

5 CONCLUSION

The Borough of Coplay should revise their existing recycling and collection ordinance in a way that conforms to Act 101's municipal recycling requirements. Borough officials and staff, in conjunction with their solicitor or legal counsel, should decide what provisions and requirements are included in the final revised recycling ordinance. Implementing a revised recycling ordinance that conforms to Act 101 provides an opportunity for the Borough to expand their recycling program and position themselves for the potential for increased recycling opportunities and funding.

In addition to updating and modernizing the Borough of Coplay's recycling ordinance, SCS recommends the Borough take steps to increase recycling among residents. A key activity that should help the Borough expand their current program include launching a campaign to provide each household with at least one recycling container at their property. Field observations indicate that not all households have a recycling container. Implementing a mandatory recycling ordinance will provide an avenue for the Borough to get recycling containers to each household as all residents will be required to recycle.

Additionally, SCS recommends that the Borough maintain an inventory of excess containers so that residents may request a second recycling container if needed and that containers needing repair or at the end of their serviceable life can be replaced quickly. It is recommended that the Borough maintain a container inventory equal to 10 percent of their customer base (i.e. households).

The Borough should continue to focus on collecting materials that are free of contaminants in order to reduce costs and maximize revenue. A key activity SCS recommends the Borough continue doing is having collection staff carefully screen the contents of recycling containers placed curbside prior to collection. This activity significantly impacts material quality and collection staff should continue the practice of not collecting containers that are contaminated with materials not acceptable for recycling. It is recommended that the Borough develop and distribute a durable recycling guide (i.e. refrigerator magnet or similar item) that can be used by residents as a quick and easy reference to understand

what can and cannot be placed in the recycling container. Such a guide can be modeled after the sample provided in **Appendix C**.

Finally, the Borough should consider studying the feasibility of establishing a PAYT solid waste program where residents who produce less solid waste pay reduced solid waste service fees and residents who generate more solid waste pay more for that additional disposal service. Many communities have adopted a PAYT program and SCS suggests the Borough evaluate whether such a program could facilitate a more fair and equitable solid waste program in the future given the Borough's desire to reduce waste generation and increase recycling.

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. 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 /yard 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 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.

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
Draft Revised Recycling and Collection Ordinance

**The Borough of Coplay Recycling Ordinance
PADEP Recycling Technical Assistance**

NOTE: This draft ordinance does not constitute legal advice. This draft language is presented to convey a proposed structure for the Borough's mandated recycling program. It is for discussion and review by the Borough Board of Supervisors, solicitor, and others as deemed necessary.

**Ordinance NO. 602. Solid Waste
Article XX. Recycling Requirements**

Title.

This article shall be known and may be cited as the "Borough of Coplay Recycling Ordinance."

Program established.

There is hereby established a program for collection of recyclable materials in the Borough of Coplay, Lehigh County, Pennsylvania. No person shall collect, remove, treat, transport, or dispose of recyclable materials and leaf waste in the Borough of Coplay except in accordance with this article. The use of an 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 cans

Refers to cans comprised of 100 percent aluminum.

Authorized Collector

Person registered and authorized by the Borough of Coplay Borough or Borough of Coplay itself, 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, municipal establishments, and community activities in the Borough of Coplay.

Bi-Metal Containers

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

Borough

Borough of Coplay, Lehigh County, Pennsylvania.

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Corrugated Paper

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, but not limited to wholesale, industrial, manufacturing, transportation, financial or professional services stores, markets, office buildings, restaurants, shopping centers, theaters or other commercial activities.

Community Activities

Events sponsored in whole or in part by the Borough of Coplay or conducted within the Borough of Coplay and sponsored privately, which include, but are not limited to fairs, bazaars, socials, picnics and organized sporting events that will be attended by 200 or more individuals per day.

Composting Facility

A facility for composting vegetative material, including leaves, garden residue and chipped shrubbery and tree trimmings.

Covered Device

As defined in Act 108, Covered Device Recycling Act, a covered computer device and covered television device marketed and intended for use by a consumer.

Dwelling Unit

Room or rooms within a building connected together, constituting a separate independent housekeeping establishment for a single family, for owner occupancy or for rental, lease or other occupancy on a monthly or longer basis.

Glass Containers

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

High Grade Office Paper

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

Industrial Establishment

Any establishment engaged in manufacturing or processing, including but not limited to, factories, foundries, mills, processing plants, refineries, and the like.

Institutional Establishment

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

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Leaf/Yard Waste

Leaves, garden residues, shrubbery, grass clippings, tree trimmings and similar materials.

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 corrugated paper, magazines, high grade 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 Borough of Coplay, any counties, cities, boroughs, 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 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.

Newsprint

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.

Person

An individual, partnership, association, corporation, institution, cooperative enterprise, municipal authority, federal government or agency, state institution or agency or any other legal entity 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.

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Plastic Container

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. 1-7). Examples include soda and water bottles, milk and water jugs, laundry containers, produce and other food containers, and soap bottles; excludes expanded polystyrene containers and plastic containers larger than two-gallons such as buckets and laundry baskets.

Recyclable Materials

Those materials specified by the Borough of Coplay 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 include aluminum cans, bi-metal containers, corrugated paper, glass containers, leaf waste, magazines, mixed paper, newsprint, high grade office paper, and plastic containers.

Recycling

The separation, collection, processing, 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 Borough, property owner, resident or tenant, or the authorized collector. A recycling container must be durable, watertight, and be at least 13-gallons in size and no more than 35-gallons with a label indicating the container is for recyclable materials.

Recycling Facility

A facility employing a process that separates or classifies recyclable materials and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for or a supplement to virgin raw materials. The term does not include transfer facilities, municipal waste landfills, composting facilities or resource recovery facilities.

Single-Family Residential Establishment

An 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."

Source Separation

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

Requirement for collection service.

Subject to the provisions of Section [XX] below, all persons in the Borough must arrange with an authorized collector for the separate curbside or similar location collection of recyclable materials and leaf waste. Persons eligible to receive collection service from the Borough

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must participate in the Borough sponsored recycling program. Persons not eligible to participate in the Borough sponsored recycling program must contract with an authorized collector for the separate collection of recyclable materials and leaf / yard waste.

Single-family residential establishment.

- 1) Except as otherwise provided herein, all persons owning or occupying single-family residential establishments shall separate recyclable materials designated in this article 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) The following materials must be recycled at single-family residential establishments: aluminum cans, bi-metal containers, corrugated paper, glass containers, high grade office paper, mixed paper, newsprint, plastic containers, and leaf waste.
- 3) Separate collection of recyclable materials shall be provided by the Borough of Coplay. Recyclable materials shall be collected no less than once a week.
- 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 Borough, authorized collector, property owner, or resident, as allowed by the authorized collector.
 - b. Recyclable materials must be prepared to prevent the materials from being blown about or littered on Borough 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.
 - d. Containers shall be placed curbside or in 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. Containers shall be placed at the curb or in the front yard before 7:00 A.M. prior to the scheduled collection. Containers must be placed at the curb no earlier than 7:00 P.M. the night before collection.

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- f. Recyclable materials must be clean and dry and prepared according to the requirements of the Borough 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 designated in this article that are 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 Borough reserves the right to require additional recycling containers if the Borough deems there is insufficient recycling containers to serve residents.
- 2) The following materials are required to be recycled by multi-family establishments at a minimum: aluminum cans, bi-metal containers, corrugated paper, glass containers, high grade office paper, mixed paper, newsprint, plastic containers, and leaf waste.
- 3) Owners, landlords, or agents of owners or landlords of multi-family residential establishments must arrange with an authorized collector for the separate collection, transportation, and recycling of recyclable materials.
- 4) No person 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.
- 5) 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 of recyclable materials may be necessary to prevent recycling containers from being overfilled and cause materials to be blown about or littered on Borough streets and on private property.
- 6) The owner, landlord, or agent of an owner or landlord of multi-family residential establishments must provide a written report to the Borough that lists the authorized collector collecting recyclable materials, the name and address of the property that recyclable materials are collected, the quantity of each type of recyclable material collected, and the name and affiliation of the person submitting the report. Reports

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

- 7) 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 designated in this article that are 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 Borough reserves the right to require additional recycling containers if the Borough deems there is insufficient containers to serve occupants or tenants.
- 2) At a minimum, the following materials are required to be recycled in commercial, institutional, and municipal establishments: high-grade office paper, corrugated paper, aluminum cans, and leaf waste.
- 3) Owners, landlords, or agents of owners or landlords of a commercial, institutional, and municipal establishments must arrange with an authorized collector for the separate collection, transportation, and recycling of recyclable materials.
- 4) 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.
- 5) 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 Borough streets and private property.
- 6) The owner, landlord, or agent of an owner or landlord of a commercial, institutional, or municipal establishment must provide a written report to the Borough 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 type of recyclable material collected, and the name and affiliation of the person submitting

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the report. Reports are to be completed on a form supplied by the Borough 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 cans, plastic containers, glass containers, corrugated paper, 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 arrange 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 Borough 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 Borough 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 Borough to put or cause to be put leaf waste with municipal waste or recyclable materials. Leaf waste shall be source separated from municipal waste and recyclable materials generated on any property in the Borough and stored in a separate open container 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 Borough 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.

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- 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 Borough 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 composting 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 Borough 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 applicable state and federal laws and regulations. For specific material recycling and disposal requirements, refer to Lehigh County Solid Waste Management 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 Pennsylvania Department of Environmental Protection.
- 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 Borough 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.

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- 2) Burning of recyclable materials and leaf waste. The burning of recyclable materials and leaf waste shall be prohibited at all times in the Borough.
- 3) Littering/illegal dumping. It is unlawful for any person in the Borough to dump or deposit recyclable materials, leaf waste, municipal waste, or any other refuse on any private or public property or grounds in the Borough.
- 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 Borough are prohibited from storing, processing, or disposing of municipal waste, recyclable materials, and leaf waste 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 violation of any rule, regulation or resolution promulgated by the Borough Board of Supervisors pursuant to this article.

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, recyclable materials, and leaf waste by authorized collectors and the preparation of municipal waste, recyclable materials, and leaf waste by property owners and residents of the Borough shall be made in compliance with any regulations that may be adopted by the Board of Supervisors of the Borough of Coplay 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 Magisterial District Judge, be sentenced to pay a fine of not more than \$1,000 and not less than \$50. Each day or portion thereof that such violation continues or is permitted to

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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, the Borough of Coplay 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.
- 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 Borough from exercising any other remedy provided by this article 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.

**The Borough of Coplay Recycling Ordinance
PADEP Recycling Technical Assistance**

**Ordinance NO. 602. Solid Waste
Article XX. Collection Requirements**

Title

This article shall be known and may be cited as the “Borough of Coplay 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 the Borough of Coplay 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, municipal establishments, and community activities in the Borough of Coplay.

Commercial Establishment

A building or buildings used or designed for use for commercial purposes, including, but not limited to wholesale, industrial, manufacturing, transportation, financial or professional services stores, markets, office buildings, restaurants, shopping centers, theaters or other commercial activities.

Community Activities

Events sponsored in whole or in part by the Borough of Coplay or conducted within the Borough of Coplay and sponsored privately, which include, but are not limited to fairs, bazaars, socials, picnics and organized sporting events that will be attended by 200 or more individuals per day.

Composting Facility

A facility for composting vegetative material, including leaves, garden residue and chipped shrubbery and tree trimmings that is permitted by the State of Pennsylvania.

Covered Device

As defined in Act 108, Covered Device Recycling Act, a covered computer device and covered television device marketed and intended for use by a consumer.

Disposal Facility

A state-permitted facility which processes or acts upon municipal waste so as to dispose of

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the material, such as an incinerator, a resource recovery plant, a waste-to-energy facility, or a sanitary landfill.

Dwelling Unit

A room or rooms within a building connected together, constituting a separate independent housekeeping establishment for a single family, for owner occupancy or for rental, lease or other occupancy on a monthly or longer basis.

Industrial Establishment

Any establishment engaged in manufacturing or processing, including, but not limited to, factories, foundries, mills, processing plants, refineries, and the like

Institutional Establishment

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

Leaf/Yard Waste

Leaves, garden residues, shrubbery, grass clippings, tree trimmings, and similar materials.

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 Borough of Coplay, any counties, cities, boroughs, 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 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.

Person

An individual, partnership, association, corporation, institution, cooperative enterprise, municipal authority, federal government or agency, state institution or agency or any other legal entity 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,

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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 the Borough of Coplay for collection in accordance with this article and recycling regulations that may be promulgated from time to time for collection, processing, and recovery as part of a recycling program. These materials include aluminum cans, bi-metal containers, corrugated paper, glass containers, leaf waste, magazines, mixed paper, newsprint, high grade office paper, and plastic containers.

Recycling

The collection, processing, recovery and sale or reuse of recyclable materials, which could otherwise be disposed 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 Borough of Coplay, property owner, resident or tenant, or the authorized collector. A recycling container must be durable, watertight, and be at least 13-gallons in size and no more than 35-gallons with a label indicating the container is for recyclable materials.

Recycling Facility

A facility employing a process that separates or classifies recyclable materials and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for or a supplement to virgin raw materials. The term does not include transfer facilities, municipal waste landfills, composting facilities or resource recovery facilities.

Single-Family Residential Establishment

An 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."

Source Separation

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

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 the Borough of Coplay without first registering with the Borough of Coplay Manager. This includes contractors, companies, organizations, or other entities that perform landscaping or other yard services to persons in the Borough and transport leaf waste generated from their services off the property where the materials were generated. Exceptions are made for residents who directly deliver (self-haul) their

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recyclable materials to a recycling facility and/or leaf /yard waste to a composting facility.

Collector registration and approval requirements.

All persons wishing to collect, remove, and/or transport municipal waste, recyclable materials, and/or leaf /yard waste within the Borough must annually register and receive authorization from the Borough of Coplay 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 Borough from the date of authorization until January 31 of the next calendar year, only so long as the authorized collector is in full compliance with the requirements of this article, and any regulations enacted pursuant thereto. Authorized collectors must renew their registration with the Borough 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 Borough for the subsequent year. Any person whose registration is received and approved by the Borough of Coplay Manager shall have the privilege of collecting, removing, and/or transporting municipal waste, recyclable materials, and/or leaf waste within the boundaries of the Borough of Coplay. Hauler authorizations are not transferable.

At the time of registration, the person shall provide the following information on a form prepared by the Borough.

- 1) The business name, name of a contact person, business address, telephone number, email address, and twenty-four hour emergency telephone number to receive calls from persons being serviced.
- 2) The make, model, year, and registration number of each truck or vehicle used by the person in the Borough to collect, remove, and/or transport municipal waste, recyclable materials, and/or leaf waste.
- 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 Borough 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 the Borough, 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 the Borough at least 10 days prior to the effective date of any such modification, alteration or cancellation.

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- 5) Current rate schedule, intended areas of operation in the Borough, by street, the terms of service, and the scheduled days of collection.
- 6) Confirmation the authorized collector provides separate municipal waste, recyclable materials, and leaf /yard waste collection services to customers.
- 7) The name(s) of the disposal facility/facilities where municipal waste will be taken for disposal.
- 8) The name(s) of the recycling facility/facilities where the recyclable materials will be taken for recycling.
- 9) The name(s) of the state-permitted composting facility/facilities where leaf waste will be taken for composting.
- 10) Quarterly reports containing the quantities of municipal waste, recyclable materials, and leaf waste collected from single-family residential establishments, multi-family residential establishments, and commercial, institutional, and municipal establishments in the Borough if the person collected municipal waste, recyclable materials, and leaf waste in the Borough at any point in the preceding year. Recyclable material quantities must be reported by material type.
- 11) Such other information as the Borough, in furtherance of this article, shall deem appropriate and necessary.

Upon receipt and review of this information, the Borough will issue an authorization letter to persons who have satisfied all of the requirements of the Borough'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 Borough with whom the authorized collector provides services.
- 2) **Collection equipment and transportation vehicles.** The collection equipment and transportation vehicles used for the collection, removal, and transportation of municipal waste, recyclable material, and/or leaf waste shall be of the closed metal-body-type. The collected materials 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

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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 liquids or fluids.

- 3) Establish Preparation Procedures. Authorized collectors must establish procedures for the storage, and collection of municipal waste, recyclable materials, and leaf waste. The Borough 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 Borough of Coplay Recycling Ordinance are observed. Notifications shall be on a form provided by the Borough. Authorized collector shall provide the Borough with a list of the addresses or names of customers receiving a notification within 24-hours of issuance of the notification.
- 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 Borough, a copy of the current, unexpired authorized collector's registration and approval issued by the Borough shall be available in each collection vehicle. The driver of the vehicle shall produce the document on request by a Borough Code Enforcement Officer or his/her designee or to any police officer of the Borough.

Refusal to grant registration approval; suspension; revocation.

- 1) The Borough of Coplay 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 registration or refuse to renew the same if said person or authorized collector submits incomplete or false information to the Borough or fails to comply with the Borough's registration requirements, any provision of this ordinance, or any regulation adopted hereunder, Act 101, 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 Borough of Coplay Manager. The written notification shall indicate the reason for the refusal, suspension, or revocation of the registration and provide a limited opportunity for the authorized collector to satisfy the requirements or issues identified.

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:

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- 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 Borough with municipal waste.
- 3) Fail to provide for the proper disposal of any municipal waste collected or transported within the Borough in accordance with this article and federal and state laws and regulations.
- 4) Fail to recycle recyclable materials and compost leaf waste in accordance with this article and federal and state laws and regulations.
- 5) Commence the collection of municipal waste, recyclable materials, and leaf waste for any property in the Borough prior to 7:00 a.m. or after 7:00 p.m.
- 6) Load or operate any vehicle within the Borough or transport municipal waste, recyclable materials, and/or leaf /yard waste within the Borough in such a manner as to allow municipal waste, recyclable materials, and/or leaf /yard waste to fall upon public roads or upon land abutting the public roads in the Borough.
- 7) 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.
- 8) Otherwise create a public nuisance.

Rules for collection.

The collection of municipal waste, recyclable materials, and/or leaf/yard waste by authorized collectors shall be made in compliance with this ordinance or any other regulations adopted by the Board of Supervisors of the Borough of Coplay 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.

Contracting collection services.

The Borough 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 /yard waste from residential, multi-family, commercial, institutional, and/or municipal establishments. Procuring collection services from an authorized collector shall be completed using a public bid process that will permit authorized collector(s) to exclusively

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collect all or part of the municipal waste, recyclable materials, and/or leaf /yard waste generated in the Borough.

Violations 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 Judge, be sentenced to pay a fine of not more than \$1,000 and not less than \$250. 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 article, the Borough of Coplay 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.
- 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 Borough from exercising any other remedy provided by this article or otherwise provided at law or equity.
- 4) Authorized collectors who shall violate any provision of this article may be reported to the Pennsylvania Department of Environmental Protection by the Borough, and may be subject to the revocation of the commonwealth's authorization to transport municipal waste, as described in the amended Waste Transportation Safety Program, 27 Pa.C.S.A. §6201 et seq.

Construal.

The terms and provisions of this article 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
Sample Borough of Coplay Recycling Guide

Sample Borough of Coplay Recycling Guide

ALL ACCEPTABLE MATERIALS CAN BE PLACED TOGETHER IN YOUR RECYCLING BIN – NO NEED TO SEPARATE MATERIALS!

What to Recycle	YES (materials should be clean and dry)	NO
Paper 	Office and computer paper Newspaper Magazines and catalogs Phone books Mixed paper (junk mail, envelopes, flyers) Corrugated cardboard (flattened) Paperboard boxes (cereal, food, soda/beer cases)	Paper milk and juice cartons Ice cream containers Wet or soiled paper Tissues or paper towels Waxed or coated paper/cardboard
Metal 	Food and beverage containers Steel cans Aluminum cans Tin cans	Aluminum foil Paint cans Aerosol cans
Plastic 	Plastic containers with recycling symbol coded #1-#7 Plastic bottles and jugs Plastic trays and containers	Polystyrene cups and containers Plastic bags Toys Garden hoses
Glass 	Glass bottles and jars	Broken glass Window glass Light bulbs Mirrors Porcelain/ceramics Blue glass

Recycling protects the environment and saves resources! Do your part!