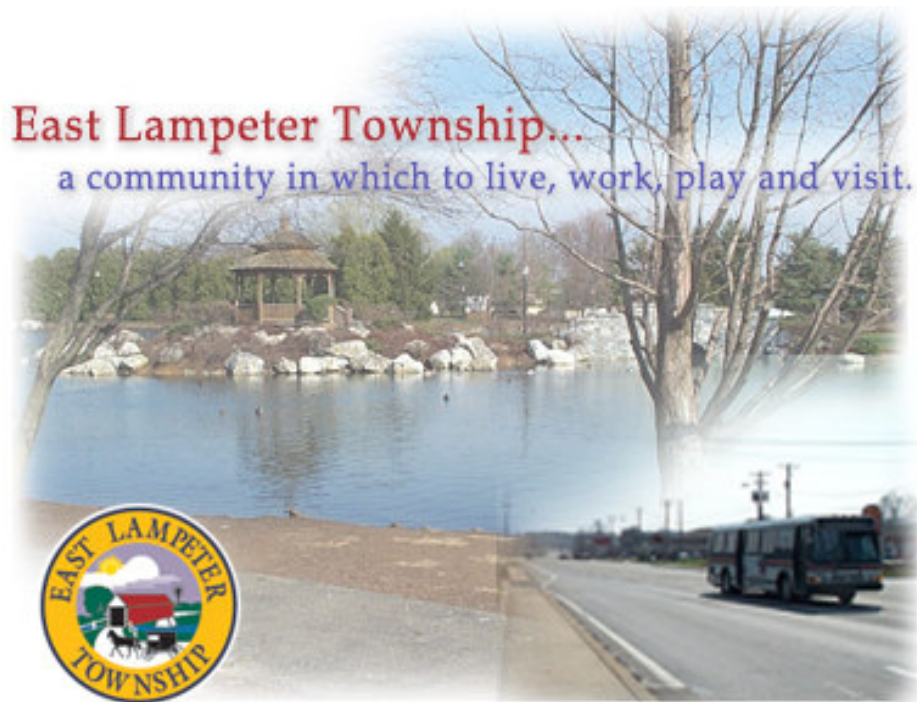


**SWANA RECYCLING
TECHNICAL ASSISTANCE STUDY**
Final Report
**CURBSIDE YARD WASTE COLLECTION
ALTERNATIVES**

Prepared for:

**EAST LAMPETER TOWNSHIP
LANCASTER COUNTY, PENNSYLVANIA**



Prepared by:

GANNETT FLEMING, INC.



HARRISBURG, PENNSYLVANIA

SEPTEMBER 2005

**SWANA RECYCLING
TECHNICAL ASSISTANCE STUDY
FINAL REPORT
CURBSIDE YARD WASTE COLLECTION ALTERNATIVES**

Table of Contents

	<u>Page</u>
1.0 INTRODUCTION	1
1.1 Scope of Work	1
2.0 BACKGROUND	2
3.0 MUNICIPAL WASTE AND RECYCLABLES COLLECTION PROGRAM.....	2
3.1 Permitted Haulers.....	3
3.2 Recyclables Collection.....	4
4.0 YARD WASTE	4
4.1 Existing Yard Waste Collection Program.....	5
5.0 COMPOST FACILITY OPTIONS FOR EAST LAMPETER TOWNSHIP	8
6.0 CURBSIDE YARD WASTE COLLECTION ALTERNATIVES	10
6.1 Yard Waste Collection Alternatives Advantages and Disadvantages	11
7.0 IMPLEMENTATION.....	14
8.0 CONCLUSIONS.....	18
8.1 Board of Supervisors Report Presentation	19
8.2 Recommendations.....	20

TABLES

Table 1 – Comparison of Yard Waste Collection Alternatives

APPENDICES

Appendix A – Municipal Yard Waste Marketing Agreement

Appendix B – Act 101 Guidance

**SWANA RECYCLING
TECHNICAL ASSISTANCE STUDY
FINAL REPORT
CURBSIDE YARD WASTE COLLECTION
ALTERNATIVES**

1.0 INTRODUCTION

Through the partnership with the Solid Waste Authority of North America (SWANA), the Pennsylvania State Association of Township Supervisors, and the Pennsylvania Department of Environmental Protection (PADEP), East Lampeter Township (Township) was awarded \$7,500 in technical assistance to be provided by Gannett Fleming, Inc. (GF).

The Township, GF, Lancaster County Solid Waste Authority (LCSWA), and PADEP met on July 5, 2005 to confirm the approach for this Technical Assistance Study. Based on this meeting, the following Scope of Work was developed.

1.1 Scope of Work

- Task #1** Gather and review background information provided by the Township related to existing waste, recyclables and yard waste collection practices. This task will require review the existing ordinance and recent burning provisions.

- Task #2** Evaluate and describe (include in final report) several curbside yard waste collection alternatives in order for the Township to make an educated decision on how they can proceed with a program that best meets the needs of residents and the Township.

- Task #3** GF will prepare and provide the Township with a summary report of findings and recommendations. This task includes a review of the report by PADEP and response to PADEP comments. Additionally, an electronic file of the final report will be submitted to PADEP along with a MS Word summary (as required) of the project conclusions and findings. Both an electronic and hardcopy version of the report will be provided to the Township.

2.0 BACKGROUND

The Township was approached by PADEP in 2004 in response to a burning complaint that was received by PADEP from a Township resident. Upon follow-up with the Township, PADEP learned the Township was not in compliance with some aspects of the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101). PADEP instructed the Township to revise its Solid Waste and Recycling Ordinance (Ordinance) in order to meet the requirements of Act 101 and the administrative policies of PADEP.

January 1, 2006 is the target date for the Township Ordinance to be in compliance with Act 101. This date was agreed to by the Township and PADEP at the May 17, 2005 Township Board meeting. PADEP has requested that the curbside yard waste collection program be in place by the spring or early summer of 2006. This will need to be accomplished through adopting revisions to the existing Ordinance that:

1. **Prohibit the burning of recycled materials collected within the Township, including leaf waste**
2. **Require curbside collection of leaf waste as defined by Act 101 including leaves, garden residue, shrubbery and tree trimmings, and similar material (i.e. brush) but not including grass clippings.**
 - a. At a minimum, leaves must be collected seasonally, at least twice per year
 - b. Garden residue, shrubbery, tree trimmings (or “brush”), and similar material must be collected separately at least twice per year (spring/fall).

3.0 MUNICIPAL WASTE AND RECYCLABLES COLLECTION PROGRAM

The Township is mandated by Act 101 to provide a residential curbside recycling program. In 1991, the Township implemented the mandated program requirements through a **private subscription waste collection system** that included a “permitted hauler” system. This waste collection system is still in place and is based on the LCSWMA’s **Option C** program model. Under the current program, haulers interested in providing services within the Township are issued a permit by the Township. All haulers and residents are required to properly handle and process waste and recyclables collection services as directed by the Township’s Solid Waste and Recycling Ordinance (Ordinance).

The homeowners are responsible for independently contracting with a private hauler for collection services. The Township indicates there are a portion of households that do not subscribe for waste collection services in the current system. The enforcement capabilities of the Township for the proper handling and disposal of waste for both haulers and residents is limited under the existing private subscription waste collection system.

3.1 Permitted Haulers

There are currently eleven (11) permitted haulers that are authorized to operate in the Township. There is no cost for the hauler to attain their permit from the Township. The haulers collect municipal waste and recyclables on weekdays within the Township. A list of the permitted haulers is below:

TRASH HAULERS
(As of 04/04/05)

- | | |
|---|----------------------------------|
| 1. A&A Refuse Services, Inc.
537 W. Roseville Road
Lancaster, PA 17603 | (717) 291-2097 |
| 2. BFI Waste Systems of N. America, Inc.
1 Briar Lane
West Grove, PA 19390-9455 | (610) 869-2222 |
| 3. Dustra Corp.
PO Box 7603
Lancaster, PA 17604 | (717) 278-0440 |
| 4. Eagle Disposal
PO Box 288
East Earl, PA 17519 | (717) 355-9560
(717) 354-8641 |
| 5. Edie Waste Movers
PO Box 74
Brogue, PA 17309 | (717) 684-6060 |
| 6. Good's Disposal Service, Inc.
4361 Oregon Pike
Ephrata, PA 17522 | (717) 859-1879
(717) 626-1055 |
| 7. Lebanon Farms Disposal, Inc.
PO Box 380
Schaefferstown, PA 17088 | (717) 949-2363 |
| 8. Shell's Disposal
640 S. Franklin Street
Lancaster, PA 17602 | (717) 394-6640 |
| 9. Waste Management of PA
230 Wohlson Way
Lancaster, PA 17603 | (717) 394-8641 |
| 10. Jeffrey J. Weathers
Weathers Trash Hauling
237 East Ross Street
Lancaster, PA 17602 | (717) 397-4576 |
| 11. York Waste Disposal, Inc.
1175 Enterprise Road
East Petersburg, PA 17520 | (717) 581-8383 |

3.2 Recyclables Collection

The Township is mandated to recycle by Act 101 and is currently in the process of revising the Township Ordinance. The revisions are necessary to ensure compliance with PADEP policies and guidelines and Act 101 requirements related to burning of recyclables and leaf waste collection (i.e. yard waste as referenced in this report). Act 101 is State law and non-compliance can threaten the Township’s eligibility for Act 101 Recycling Grant funds.

At a minimum, Township haulers are required to provide recycling on a bi-weekly basis. Many haulers in the Township collect recyclables on a weekly schedule along with refuse. As revised, the Township Ordinance specifies the source separate collection of the Act 101 materials listed below from residential units. Commercial, institutional and municipal establishments are also required to collect these materials.

- Clear glass
- Colored glass
- Aluminum
- Steel cans
- Newsprint
- Plastic (#1 PETE/ #2 HDPE)
- Yard waste

Plastics has been added the list of materials identified in the Township Ordinance as part of the recent revision.

The Ordinance requires the following **non-Act 101 materials** are recycled from residential units:

- Tires
- White goods

Multi-family units (four or more residential units) are required to collect the same Act 101 and non-Act 101 materials, excluding newsprint.

4.0 YARD WASTE

The definitions for “leaf waste” (as defined by Act 101) and “yard waste” (as defined in the Municipal Waste Regulations) are provided below. Act 101 requires the curbside collection of leaf waste for mandated communities. Grass clippings, which are included under the yard waste definition and the LCSWMA model ordinance, are NOT required to be collected by the Township or by other Act 101 mandated municipalities. Because “yard waste” is a commonly and generally used term for such materials collected from residential establishments, **yard waste** will be the term used throughout this document when referencing the material collected by the Township. Additional guidance and information pertaining to Act 101 requirements for yard waste, anti-burning, and grant submittals is provided in **Appendix A**.

Leaf waste – Leaves, garden residue, shrubbery and tree trimmings, and similar material, but not including grass clippings.

Yard Waste – Leaves, **grass clippings**, garden residue, tree trimmings, chipped shrubbery and other vegetative material.

Yard waste (excluding grass) is considered a recyclable material under Act 101 and by PADEP. Although grass cuttings are not deemed as a required recyclable material, it is often collected by municipal yard waste programs. Recycling grass cuttings through composting requires quick handling and proper compost mix ratios to ensure the material stabilizes before generating problematic odors. It is a good practice to encourage all establishments to recycle grass cuttings back into yards and lawns (“grass-cycle”) to the extent possible.

4.1 Existing Yard Waste Collection Program

Under the existing private subscription system in East Lampeter Township, it is difficult to measure what is being done with yard waste generated by residential households. As stated previously, the Ordinance sections related to collection requirements for yard waste have recently been updated to include woody waste collection (or brush). With proper implementation, East Lampeter will meet the minimum Act 101 collection requirements for leaf waste.

The revised yard waste collection system and program is in the early stages and has not yet been implemented. Based on the current allowances for burning in the Township, and based on the existing structure and practices of the waste collection system in the Township, the following can be stated:

- The Township has been out of compliance with relevant Act 101 and PADEP policies and guidelines, but effective implementation of the revised Ordinance can satisfy these requirements
- Residents burn a substantial portion of yard waste (and possibly other recyclables)
- An undeterminable amount of yard waste is collected by Haulers at the curbside and improperly handled as refuse and not recycled (i.e. taken to a landfill or other non-recycling disposal facility)
- A substantial fraction of Township households do not subscribe to any collection service, and therefore it is impossible to monitor their disposal practices for yard waste (some of this may be disposed illegally at unauthorized dump sites)
- Residents who do not subscribe for waste collection and recycling services, are out of compliance with the Township Ordinance and Act 101.
- A undetermined but relatively small number of residents do active backyard composting
- Some residents may take yard waste directly to a landfill in violation of Act 101.

4.1.1 Yard Waste Generation Estimate for East Lampeter Township

It is very difficult to accurately estimate the quantity of yard waste that will be generated (and be available for curbside collection) in a municipality. This is because yard waste generation and the amount available for collection at the curbside are impacted by a number of factors. Some of these factors include:

- the type of community (i.e. urban, suburban or rural)
- frequency of collection
- residential participation
- the maturity of the program (how long it has been in place and stable or growing)

- the educational program
- access to yard waste drop-off sites
- collection methods
- the availability of an accurate and consistent system of weights and measures

Typically, leaf waste generation rates range from 100 to over 300 pounds per capita per year and are sometimes much higher when the program grows and matures. Per capita rates may also be higher if the community collects a greater portion of woody waste materials (e.g. stumps and large diameter tree trimmings). Based on GF's planning experience with Carlisle Borough, Hanover Borough, Columbia Borough, Bloomsburg, and Coal Township (all suburban communities in central Pennsylvania), annual per capita generation rates for **startup** programs are between 30 and 110 pounds. Therefore, using **100 pounds per capita** is a reasonable waste projection estimate for the early stages of East Lampeter's collection program (say the first two years).

It is very important to plan for growth, particularly when/ if developing a permitted compost facility. It is necessary to account for increased quantities that will be collected and require processing as the yard waste program matures. As an example, Camp Hill Borough is a suburban community of 18,000 residents with a very mature yard waste collection program. In 2002, Camp Hill reported a combined leaf waste/brush/stumps generation rate of over 400 pounds per capita per year (including a significant quantity of wood waste).

To estimate the yard waste generation for the Township, GF has reviewed the demographics of the Township and Lancaster County. GF also estimated the annual municipal waste generation for the Township for reference. The Township has **13,556 residents** and **5,342 occupied housing units** based on year 2000 census data. The majority of East Lampeter residents reside in suburban areas with small to medium sized lots. Some residents do not presently subscribe for collection services, which will decrease the per capita waste generation rate. A substantial portion (roughly 20 percent) of the residents live in multi-family units, which typically generate little to no yard waste. The high percentage of multi-family units will typically decrease the per capita generation rate for yard waste. It is further noted that owners of multi-family units often independently contract for collection services and frequently use commercial yard maintenance services.

Lancaster County has **470,568 residents** and **172,560 occupied housing units** based on the year 2000 US Census. PADEP Municipal Waste Origin Reports indicate Lancaster County disposed of 337,173 tons of municipal waste in 2003. By dividing the number of households in the Township (5,342) by the total number of County households, and then multiplying this figure by the County disposal figure, the Township has an estimated disposal quantity of **10,500** tons of municipal waste per year.

By multiplying 100 pounds per capita by 13,556 residents, and then dividing by 2000 to get tons, the estimated tonnage of yard waste that will be generated by Township (in the early years) is approximately **680 tons per year**.

4.1.2 Yard Waste Contamination and Compost Distribution

It is imperative to develop a curbside yard waste collection program that minimizes the amount of contamination (e.g. unwanted inorganics such as plastic bags, glass, litter, etc.). Yard waste that is contaminated at the curbside can lead to a number of problems at compost facilities and at other processing facilities and end markets. Contaminated material can lead to poor relationships with compost facilities and end markets, which could ultimately lead to lost markets and/or increased collection costs. An ongoing educational program as well as specific handling/preparation requirements for yard waste will minimize contamination.

PADEP has indicated new regulations are currently being developed that will exclude plastic bags from compost operations. If biodegradable bags are used, they must meet ASTM Standard D6400. It is anticipated that this regulation will be in place within the next two years. Consequently, it is recommended the Township implement a curbside yard waste collection program that prohibits the use of plastic bags, unless they are biodegradable and meet the ASTM Standard. Kraft lawn and leaf bags are a valid and commonly used substitute, which decompose effectively in the compost process and are accepted by almost all compost facilities. Lancaster County currently uses Duro Bag Manufacturing Company for purchasing Kraft bags, which typically cost about \$.25 each (bulk purchase).

Clean yard waste compost is a commonly marketed compost material that usually has many local end users. Finished compost can be made available to residents, nurseries, landscapers, and farmers. Advanced finishing steps such as screening, bagging and coloring (mulch), increase the market value for mulch and compost.

4.1.3 General Composting Equipment Considerations

For reference purposes only, some general information is provided about collection equipment for yard waste. It is not expected the Township will procure any equipment at this time for purpose of implementing the curbside yard waste program. Curbside collection of yard waste is often divided into a separate collection for leaves and a separate collection of other yard wastes (e.g. garden residue, shrubbery, tree trimmings and sometimes grass). Leaves can be collected in leaf vacuum trucks. Collection of garden residue, shrubbery, and tree trimmings is more difficult than leaf collection because there is a limited amount of collection equipment capable of efficiently collecting these materials. Trash compactors are often the preferred equipment for these materials (and also leaves). Compactors are relatively easy to load and can collect large quantities of compacted material. Generally, yard waste collection equipment options include:

- **Leaf vacuum trucks** - leaves only
- **Trash compactors** - relatively easy loading and have a large load capacity
- **Specialized auto-loading compactors with specialized carts** - can be cost prohibitive but are very efficient and also convenient for residents
- **Dump trucks** - strenuous loading and limited capacity

5.0 COMPOST FACILITY OPTIONS FOR EAST LAMPETER TOWNSHIP

Before reviewing yard waste alternatives, it is important to understand the options available for recycling/ processing yard waste material that will be collected from the Township. All material collected through the curbside yard waste program must be recycled or composted as required by Act 101 and PADEP policies and guidelines. This report reviews the following three compost options:

- **Township hosts a compost site** (East Lampeter is not interested in this option currently)
 - Permit-by-rule compost sites for facilities less than 5 acres
 - General Permit for compost facilities up to 15 acres
- **Township enters into an inter-municipal agreement with another municipality that operates a compost facility**
- **Township or the contracted hauler for the township enters a contract with a private compost operation.** A private compost operation may be one (or possibly more than one) of the following:
 - A private compost operation or mulching operation that meets PADEP and other applicable State regulatory requirements (e.g. Martin Mulch in Ephrata, Pennsylvania)
 - A farm site operating under the permit-by-rule guidelines for compost facilities (less than 5 acres)
 - A permitted On-farm Composting Site operating under General Permit WMGM017. This may be a compost option, particularly for leaves. Brush would require chipping/ grinding equipment, which could be brought on site on an as need basis. The on-farm compost permit allows the composting of yard waste, source separated food scraps from food markets, grocery stores, food banks, food distribution centers, school cafeterias, and institutions, source-separated newspaper, and source separated corrugated paper (cardboard).

GF contacted the following public and private compost operations during this study:

John Shenk’s Family farm in Warwick Borough, Lancaster - A permitted On-farm Compost Site that accepts approximately 70 truckloads (5-6 cubic yards each) of leaves from Lititz Borough. The facility also accepts processed woodchips. Shenk’s uses nearly all of the material each year and does not charge Lititz Borough a tip fee for the material at this time. Shenk’s does not expect that it has a need for much more material, but may consider taking a small amount of material in the future from Warwick Borough.

Columbia Borough – Columbia Borough currently contracts with Marietta Borough, East Hempfield Township, Wrightsville Borough and Millersville Borough. Columbia Borough’s municipal compost operation has a scale and currently charges a tip fee of approximately \$20 per

ton for yard waste. The tip fee for clean leaves is approximately \$10 per ton. The finished compost product is very good quality for most common compost applications and is a highly desired material. Residents are currently charged \$7 per pick-up load. A model **Municipal Yard Waste Marketing Agreement** for the facility is presented in **Appendix B**. This Agreement is for generators wishing to delivery material to the facility. This Agreement includes a tipping fee schedule (blank) and payment information as well as requirements for delivery, weighing, contamination, and other procedures and requirements of the facility.

Lancaster City – Lancaster City was awarded an Act 101 Section 902 Recycling Grant to establish a composting site. The City has not developed the facility, however, the site has received permit-by-rule approval from PADEP. Lancaster City is presently composting its collected yard waste at another Lancaster City location that has been approved by PADEP.

West Earl Township – West Earl operates a yard waste compost facility that accepts grass clippings, leaves, sod and other garden residue that are collected from residents in paper Kraft bags. The Township has a contract with Lebanon Farms Disposal for collection of refuse and recyclables, including yard waste and woody waste. Yard waste is collected every other week from April 1st to October 31st. Residents can also drop-off the material for free. Non-residents are charged a fee of \$10 per vehicle for yard waste drop-off.

West Earl has contracts in place with other municipalities to accept and process their yard waste deliveries (e.g. Ephrata and New Holland Borough). These Townships contract with a private hauler to collect yard waste, which is delivered to West Earl's permitted compost site. These Townships provide the hauler manifests to West Earl on a monthly basis. After review of the manifests and yard waste quantities, West Earl's accounting department bills the municipalities according to a billing schedule included in the agreement between West Earl and the municipality.

West Earl recently received a Section 902 Act 101 grant to add paving to the compost site. Paving will improve the efficiency of the compost operation. It is not known at this time if West Earl has sufficient capacity to accept yard waste from East Lampeter.

Manheim Township – Manheim Township indicated they are currently at capacity as a drop-off location for yard waste. The Township has been given special approvals to process 6,000 cubic yards per acre, and even with these allowances, is near capacity. Municipal packers are used to collect the yard waste from the Manheim residents. Annually, the packers collect roughly 5,000 tons of woody waste and 2,200 tons of mixed yard waste. Drop-off accounts for another 3,000 tons of leaves and trimmings. The site accepts yard waste vendors who pay a tip fee of \$30-\$60 per ton depending on the type of yard waste. Manheim expressed an interest in joint/cooperative/ cost sharing efforts to purchase farmland for leaf disposal and/or expanding the five acres of the Township's existing permitted area with an additional five acre pad. At this time these ventures are too cost prohibitive to do independently.

6.0 CURBSIDE YARD WASTE COLLECTION ALTERNATIVES

Implementing the revised yard waste collection system will require residential **yard waste collection (including brush) at least twice annually** and an additional **collection for leaves on at least two days**. The Township's new burning requirements **prohibit the burning of recyclables, including yard waste**. Because of these changes to the collection program, residents will need alternative disposal options for yard waste.

GF evaluated four curbside yard waste collection alternatives during this study. These alternatives are listed below in order of increasing municipal involvement (i.e. more effort will be required from the municipality to get the system in place). Each alternative reviewed, if implemented correctly, can satisfy Act 101 and PADEP minimum leaf waste collection requirements for mandated municipalities. A summary comparison of the four alternatives is presented in **Table 1** at the end of this report.

The evaluation of each alternative assumes and considers the following:

- The Township will fully implement the Ordinance revisions for anti-burning and curbside leaf waste collection as specified by PADEP.
 - Haulers are required, at a minimum, to provide a collection for garden residue, shrubbery and tree trimmings, and similar material (once in the spring and once in fall).
 - Haulers are required to provide a separate collection for leaves twice each year.
- At this time, the Township is not interested in procuring collection vehicles and entering the business of waste or recyclables collection, and therefore municipal collection has not been evaluated.
- Because of Act 101 requirements, a drop-off program for yard waste cannot be used in place of a curbside yard waste program, but can be a beneficial supplemental program.
- Meeting only the minimum collection requirements of Act 101 (2 leaf waste collections and two yard waste collections) may not satisfy the residential needs for disposal of yard waste, especially in neighborhoods with larger yards.
- The curbside need is now greater for Township residents because the option for burning this material has been made illegal under the new Ordinance.
- Ordinance specification will be adopted by **January 1, 2006** and include an indication of when a preferred curbside collection program for yard waste will be implemented.
- The Township indicated that Alternative D, which is for bidding for a hauler for refuse and recyclables, must still allow the residents the option to choose a hauler.

The alternatives for Yard Waste Collection for East Lampeter include:

Alternative A – Continue the existing private subscription system for curbside collect of refuse and source separated recyclables. Permitted haulers will be required (via the revised Ordinance) to meet the minimum Act 101 curbside collection requirements for leaf waste (i.e. garden residue, shrubbery, tree trimmings up to 6” diameter, and similar material), including delivery to an approved compost site.

Alternative B - Continue the existing private subscription system for curbside collection of refuse and source separated recyclables. The Township would enter a separate bidding process to secure a single-hauler contract for curbside collection of yard waste only (to be delivered to an approved public or private compost site).

Alternative C - Continue the existing private subscription system for curbside collect of refuse and source separated recyclables. Enter into an inter-municipal agreement with a municipality to provide collection, hauling and composting at their municipal compost facility. This alternative may also be arranged as an inter-municipal agreement with a municipality to accept and compost yard waste at their compost site with a separate collection contract with a private hauler to collect the yard waste and deliver it to the selected municipal compost site.

Alternative D – Enter into a competitive bid process to contract a single private hauler to provide curbside municipal waste and recyclables collection services, including yard waste collection services. Residents would be allowed to keep their existing hauler, or “opt in” to the program offered by hauler selected in the bidding process.

6.1 Yard Waste Collection Alternatives Advantages and Disadvantages

ALTERNATIVE A (private subscription refuse and yard waste collection)

Advantages:

- Relatively little change to the existing collection system
- Nominal municipal involvement is required to implement the program (as compared to some other collection system alternatives)
- Residents are responsible for contracting with any of a number of permitted haulers
- Residents are able to select a hauler at any time

Disadvantages:

- Enforcement of approximately eleven haulers is difficult
- Municipal involvement tracking haulers and monitoring the collection program, including recycling data, can require extensive efforts
- The municipality typically has no control over the disposal sites used for waste disposal and recycling.
- Pricing can vary for each hauler (i.e. residential cost for service will vary throughout the Township).

- The overall cost per household of the private subscription system (with or without yard waste collection) is typically higher than the cost expected under a single-hauler contract program (with more comprehensive collection services provided to residents)
- Haulers can discontinue service to resident at anytime (in some cases with no warning)
- Haulers are not always driven to look for the most cost effective disposal facilities and/or operate using the most efficient collection methods since this cost is passed through to the customer
- The existence of more than two or three haulers servicing a given area tends to result in:
 - Inefficient routes and associated higher costs
 - Increased collection day nuisances and truck traffic
 - Confusion for residents (and haulers) on the collection days/ schedule, which can lead to missed residential collections and poor participation rates

ALTERNATIVE B (private subscription for refuse and recyclables with separate bidding for securing a single hauler contract for curbside yard waste collection)

Advantages:

- Nearly all residents will receive yard waste collection service
- The bid specifications for the yard waste collection service will dictate the frequency and level of service provided that can be set at a level to satisfy most residential needs.
- The yard waste collection contract can require yard waste deliveries to an approved compost operation. Directing yard waste deliveries as part of a collection contract may be important in an inter-municipal arrangement with a municipality that hosts a compost site (e.g. West Earl).

Disadvantages:

- There is a cost to the municipality in preparing bid documents and implementing the program. However, these costs may be partially offset with assistance from the LCSWA, who has experience in bidding process, template documents, and is willing to assist the Township and other municipalities in these areas.
- It is not guaranteed that bid response will be favorable, or that any local haulers will respond to the bid (i.e. be willing to provide collection services for yard waste only)
- The fee structure and collection method of the fee for residents and the Township will need to be determined. If residents are charged a separate fee by the Township for yard waste collection, as a means to offset the costs of the Township, they may respond negatively and/ or refuse to pay the Township (since they are already paying one hauler for other collection services).
- Bidding solely for yard waste will not maximize the benefits of the competitive bid process, when compared with bidding both refuse collection and recyclables collection (including yard waste).

ALTERNATIVE C (private subscription for refuse and recyclables with an inter-municipal arrangement to take yard waste to a local municipal compost facility)

Advantages:

- Supports a local compost operation that may benefit from additional material through tip fee revenues and sale of finished compost (optimizing operations)
- Tip fees are typically much lower at compost sites than at landfills.
- Secures a legal disposal site, since accepting truckloads composed primarily of leaf waste at landfills is illegal.
- Supports regional composting, a trend encouraged by PADEP across the State
- Opportunity to build a local municipal relationship
- Potential outlet for residents to get finished compost material

Disadvantages:

- The local municipal and private compost operations (that were researched as part of this study) do not have adequate collection vehicles to provide curbside collection services for East Lampeter’s yard waste, which would be delivered to the municipal compost site for processing. Consequently, East Lampeter would likely need to execute a separate contract with a hauler (as described under Alternative B or Alternative D) that would direct yard waste material to a willing compost facility (e.g. possibly West Earl).
- This option does not take full advantage of a comprehensive single-hauler contracted collection program that includes refuse and recyclables, and thus will still have inefficiencies and resultant costs that are passed through to the residents.

ALTERNATIVE D (Bidding for single-hauler for comprehensive curbside collection services for refuse, recyclables and yard waste). Based on the Option E program developed by the LCSWA.

Advantages: It is important to recognize that capitalizing on many of the collection system benefits of Alternative D will be influenced by the number of residents that “opt in” to program. In other words, the more resident that use the selected contracted hauler, the more uniform and efficient the collection system will become. The LCSWMA’s experience has been that roughly 80 percent of households join the program initially. Optimally, all residents would receive the same services from a single contracted hauler.

- The LCSWMA Option E allows the resident the freedom to choose the Township’s contracted hauler or any private permitted hauler
- Creates a more uniform collection system
- Decreases the cost per household while increase the level or types of services included under the contract
- Decreases the number of trucks that will service a given area, thus increasing collection efficiency, while decreasing operational costs
- Minimizes nuisances associated with a number of haulers operating in the same area on the same days

- Added safety from having fewer trucks on the road, and less wear and tear on the roadways from fewer trucks under a single hauler arrangement
- Minimizes collection schedule confusion for residents and haulers
- The LCSWMA Option E still allows the resident the freedom to choose any private “permitted hauler”
- Enforcement is easier since the selected hauler will be bound by a contract to provide the services in accordance with the execute agreement
- The bid process for East Lampeter will create competition from haulers wishing to capitalize on the business opportunity of servicing over 5,600 households. This will result in a competitive pricing, substantially lower than the existing cost per household.

Disadvantages:

- Politic barriers and dynamics may make it difficult to get the support needed to move forward with this collection alternative. In GF’s experience, political barriers and public resistance from the vocal minority has been the leading reason municipalities have not moved forward with bidding to secure a single hauler for collection – even when the advantages of the program are numerous and the household refuse and recycling cost can be lowered significantly. A number of municipal surveys indicate the majority of residents favor a contracted collection program that can lower their annual refuse bill.
- This alternative will require more involvement by the Township than the other alternatives considered in this report. Increased Township involvement could be tempered if the Township relied on direct billing by the selected hauler.

7.0 IMPLEMENTATION

This section presents a preliminary overview of some of the steps and considerations that may be needed to implement each of the four yard waste collection alternatives reviewed in this study. Regardless of which yard waste collection system is selected by the Township, the collection program will require (by Act 101 and the revised Ordinance) collection of yard waste twice each year and a separate leaf collection twice each year.

Without adoption of these revisions and implementation of a corresponding yard waste collection program by spring or summer of 2006, PADEP will view the Township as being in violation of State Law. PADEP could withhold future grant funds and pursue other enforcement methods to ensure the Township complies with Act 101. The Township currently receives over \$100,000 in recycling grant funding through the Section 904 Performance Grant program each year. These funds are used to support recycling initiatives, purchase recycling containers, public education (e.g. newsletter), and to pay for other needed and beneficial programs at the discretion of the Township.

ALTERNATIVE A (private subscription refuse and yard waste collection)

Under Alternative A, the yard waste collection program may be implemented as follows:

- The Township must adopt the Ordinance revisions for anti-burning and for curbside yard waste collection as requested by PADEP.
- The new hauler requirements/ provisions for meeting the minimum number of leaf and yard waste collections may be incorporated as a condition of the annual hauler permit issued by the Township. This approach should be confirmed with assistance from the Township solicitor. GF did not review the permit process for the Township’s haulers in detail but recognizes that municipal licensing of haulers has faced legal challenges in Pennsylvania.
- The existing private subscription collection system will continue, with residents contracting independently for collection services with one of the permitted private haulers.
- The Township is encouraged to develop a method to ensure hauler compliance tied to the updated Ordinance (e.g. permit condition, enforcement officer, other).
- The Township is encouraged to require each hauler to provide the Township an accurate schedule of their yard waste collection days so the Township can properly inform the residents of the days for leaf and yard waste set-out.
- The Township should consider requiring the haulers to provide manifest data on the amount of yard waste collected in the Township.
- The Township is required to provide recycling/ yard waste education as part of Act 101.

It is further clarified that implementation of a **private, non-contract collection system can be satisfactory if:**

- 1) The municipality can assure that minimum standards of service quality are met for all residents in the Township.
- 2) There is sufficient hauler competition that results in competitive pricing.
- 3) Haulers minimize traffic in given area and minimize inefficiencies and other collection nuisances.
- 4) The municipality and haulers ensure that the vast majority of residents subscribe for collection services.

ALTERNATIVE B(private subscription with separate hauler contract for yard waste collection only)

Under Alternative B, the yard waste collection program may be implemented as follows:

- The Township must adopt the Ordinance revisions for anti-burning and for curbside yard waste collection as requested by PADEP.
- The Township would enter the competitive bid process to secure a single hauler for curbside collection of leaves and yard waste from all residential establishments. Because not all residents currently subscribe for any waste collection services, the addresses for all households would need to be identified and provided to the selected hauler.
- The Township will need to decide if the hauler or Township will do the billing.
- Upon receipt of a favorable bid response, the Township could execute an agreement with the lowest responsible bidder. This bid document/ processes could also include yard waste collection from multi-family units after an evaluation and decision by the Township.

- Likely, the contract would be for collection service and allow the hauler to take material to any compost facility (hopefully one that meets the approval of PADEP)
- The existing private subscription collection system for refuse and for the following source separated recyclables would continue for residential units:
 - Clear Glass
 - Colored Glass
 - Aluminum
 - Steel Cans
 - Plastic
 - Newsprint
 - Tires
 - White Goods
- An amendment to the Ordinance may be appropriate to remove the hauler requirement for collection of leaves and yard waste from residential establishments.
- The effective implementation of this alternative requires concise bid specifications and a sound legal contract with the hauler that ensures the service will be provided at the level desired by the Township. Therefore, implementation of this alternative will require involvement by the Township’s solicitor. The Lancaster County Solid Waste Authority may also be valuable in considering and/ or implementing this option.
- It is not guaranteed that the Township will receive favorable bid responses and/or favorable pricing from haulers to collect yard waste only. PADEP is unaware of any existing municipalities in Pennsylvania with private subscription services for refuse collection and a separately contracted hauler for curbside yard waste collection. With that said, there are an increasing number of compost operations in the State. Haulers may soon/ already be looking to compost facilities as economical disposal outlet for legal disposal of yard waste - at lower tipping fees than they typically pay at landfills and other transfer and disposal facilities.

ALTERNATIVE C (private subscription with a separate arrangement with another municipality to provide collection and composting service or compost services only)

Alternative C essentially has two approaches for implementation:

Approach 1 – East Lampeter could enter an inter-municipal agreement where another municipality (e.g. public works staff and municipal collection vehicles) provides collection, hauling, and then processing for yard waste collected from East Lampeter and brought to the municipality’s compost site.

Approach 2 – East Lampeter enters an inter-municipal agreement with a municipality to receive and process/ compost yard waste material that was collected in East Lampeter and delivered to the compost site. Under Approach 2, East Lampeter will need to secure a private hauler through bidding and then direct the hauler to the designated municipal compost site or use its own municipal collection vehicles to haul the material to the site (not currently an option for East Lampeter). After securing a hauler for yard waste collection, a separate inter-municipal agreement would be needed. This agreement may include a price schedule of tip fees for deliveries to the compost facility (prices may vary based on the material type). West Earl Township in Lancaster County currently operates a municipal compost site and has agreements with nearby municipalities to accept and process yard waste material.

Under Alternative C, the yard waste collection program may be implemented as follows:

- The Township must adopt the Ordinance revisions for anti-burning and for curbside yard waste collection as requested by PADEP.
- The Township could enter an inter-municipal agreement with another municipality as described in Approach 1 above.
- The Township could enter an inter-municipal agreement with another municipality and municipal compost operation plus contract a private hauler for yard waste collection as described in Approach 2 above.
- It appears that the most logical arrangement and bidding scenario to effectively implement Alternative C, Approach 2 will be to secure a single hauler to provide comprehensive refuse and recyclables collection services with yard waste collection and hauling to a designated municipal compost facility.

The effective implementation of this alternative requires inter-municipal agreements and/or bidding for collection services. This alternative should include assistance from the Township solicitor. The LCSWA, West Earl Township and Columbia Borough may be valuable in providing guidance for implementing this yard waste collection system.

ALTERNATIVE D(Bidding for single-hauler for comprehensive collection services)

Alternative D is based on:

- The **Model Municipal Waste Management Ordinance (OPTION E) - Residential Municipal Contract Collection with Optional Permitted Collector Collection** template document that was developed by the LCSWMA.

Under Alternative D, the yard waste collection program may be implemented as follows:

- East Lampeter Township must adopt the Ordinance revisions for anti-burning and for curbside yard waste collection as requested by PADEP.
- Enter the competitive bid process to secure a single-hauler contract for comprehensive municipal waste and recyclables collection services; including yard waste (under the Option E program developed by the LCSWA. As part of this process, East Lampeter can work closely with the LCSWA to make necessary revisions to the template document and insure the bidding process and program implementation proceeds appropriately. The LCSWA has successfully assisted a number of municipalities in implementing this type of single-hauler contract program.
- Under this program, residents will have the option to select the Township's contracted hauler or any private hauler permitted to operate in the Township. Once the hauler has been selected by the Township, residents will be sent information describing the collection services offered and the household pricing (as a range depending on the number of households that sign up to the program). Residents can join at anytime by notifying the municipality and by notifying their existing hauler they are discontinuing service. At that time the Township will notify the contracted hauler of the address requiring service.

8.0 CONCLUSIONS

Upon request from PADEP, East Lampeter has made revisions to the Township Ordinance to comply with the minimum Act 101 and PADEP requirements for implementing a curbside yard waste collection program for a mandated community. The revised Ordinance will be in effect on January 1, 2006. These changes will:

1. **Prohibit the burning of recycled materials collected within the Township, including leaf waste**
2. **Require curbside collection of leaves and garden residue, shrubbery, tree trimmings, and similar material (i.e. brush)**
 - a. At a minimum, leaves must be collected seasonally, at least twice per year
 - b. Garden residue, shrubbery, tree trimmings (or “brush”), and similar material must be collected separately at least twice per year (spring/fall).

The Township will need to implement a revised yard waste collection program by spring or summer of 2006 to be in full compliance. Because Township residents will lose their ability to burn yard waste, the residents will need an effective curbside disposal option for this material. This study evaluated the four (4) curbside yard waste collection program alternatives below. **Table 1** attached at the end of this study presents a comparison of the alternatives based on a number of implementation factors.

Alternative A – Continue the existing private subscription system for curbside collect of refuse and source separated recyclables. Permitted haulers will be required (via the revised Ordinance) to meet the minimum Act 101 curbside collection requirements for leaf waste (i.e. garden residue, shrubbery, tree trimmings up to 6” diameter, and similar material), including delivery to an approved compost site.

Alternative B - Continue the existing private subscription system for curbside collection of refuse and source separated recyclables. The Township would enter a separate bidding process to secure a single-hauler contract for curbside collection of yard waste only (to be delivered to an approved public or private compost site).

Alternative C - Continue the existing private subscription system for curbside collect of refuse and source separated recyclables. Enter into an inter-municipal agreement with a municipality to provide collection, hauling and composting at their municipal compost facility. This alternative may also be arranged as an inter-municipal agreement with a municipality to accept and compost yard waste at their compost site with a separate collection contract with a private hauler to collect the yard waste and deliver it to the selected municipal compost site.

Alternative D – Enter into a competitive bid process to contract a single private hauler to provide curbside municipal waste and recyclables collection services, including yard waste collection services. Residents would be allowed to keep their existing hauler, or “opt in” to the program offered by hauler selected in the bidding process.

The Township is not interested in operating a public/ municipal collection program at this time so GF did not evaluate a municipally run yard waste collection system. Based on GF's evaluation of the four yard waste collection systems in this study, it has been determined that Alternative D, bidding to secure a single hauler to provide comprehensive curbside collection for refuse, recyclables and yard waste is the best alternative collection system available to East Lampeter Township. GF has made this conclusion for a number of reasons:

- The Township is already being required to make changes to the yard waste collection system, so improving the collection system in its entirety at this time is sensible.
- Of the alternatives reviewed, the cost of a comprehensive yard waste collection system is lowest when included in a bid that includes refuse and other recyclables.
- East Lampeter has the household density and total number of households to realize the advantages of a single contract program and the numerous advantages described in this report.
- A contract with a hauler can give the Township the option to deliver yard waste to a designated compost facility, where it will be properly processed and where tip fees are lower than local landfill tip fees.
- Although implementation of this alternative requires more municipal involvement, it is the single most cost effective and comprehensive waste collection system that has been evaluated in this study.
- Beyond meeting the Act 101 requirements for yard waste, this alternative is a solution to many of the ongoing deficiencies inherent to the existing waste collection structure (e.g. truck nuisances, comparatively high cost per household, poor tracking, poor compliance, residents without service, etc.) This recommendation is not the result of any specific poor individual performance from the private haulers, but is based on experience with municipal programs throughout Pennsylvania and on observations and information specific to East Lampeter Township's collection system. Many of the issues of the existing program are simply a function of a relatively small municipality being serviced by 11 hauling companies - when in fact a much more efficient program can be provided by one hauler using only 2-3 collection vehicles. The savings from an efficient program can be passed on to the residents.
- Revisions to the Ordinance will prohibit burning and the collection of yard waste as municipal waste, which are currently common disposal methods in the Township. Alternative D will give residents (as a whole) the best disposal options for yard waste and recyclables and even refuse, considering these other disposal methods will no longer be an option.

8.1 Board of Supervisors Report Presentation

On October 3, 2005 GF presented the draft yard waste report at the monthly Board of Supervisors meeting. The concerns raised by the audience primarily focused on new open burning requirements. GF emphasized that the Township would need to continue to get information to make a sound decision concerning the collection system, but that this decision should be made on behalf of the interests of all Township residents.

8.2 Recommendations

The following recommendations are based on information gathered during this study and experience from working with a number of municipal waste collection and recycling programs throughout Pennsylvania. It is recommended the Township:

- Adopt the Ordinance revisions pertaining to anti-burning and curbside yard waste collection in accordance with Act 101 and PADEP policies and guidelines and the recent PADEP request.
- Review the information provided in this report to make an informed decision concerning the selection of a yard waste collection system.

EDUCATION

- It is recommended the Township educate residents and businesses on responsibilities related to yard waste collection (and other recycling requirement). Education should be ongoing and emphasize the new curbside yard waste requirements. All local disposal options for yard waste (e.g. drop-off sites) should be communicated to the residents. Educational newsletters, brochures, web sites, and other sources of media can be used.
- It is recommended education staff time/costs be added as a line item in the Township's budget to ensure that recycling education is continued each year. Yard waste costs and educational costs should be documented.
- It is recommended that the Township should provide a 30-day notice to those affected by the recycling ordinance of changes to the Township's recycling program.

FUNDING

- Because recycling grant funding is not guaranteed, and is currently of limited availability, the Township should not rely on grant funding as the support mechanism for its recycling programs. It is recommended the Township investigate its funding options, with assistance from a solicitor, to ensure the sustainability of the recycling programs. The use of an administrative fee (or a related fee system) may be needed to support the administration and implementation of the recycling programs. The Township may need to evaluate recovering costs from homeowners for yard waste collection.
- If, at any time in the future, the Township implements a yard waste processing and compost facility that produces finished yard waste material, it is recommended the finished material be sold, and not given away free of charge. Recovering revenues supports a more sustainable recycling program.

902 RECYCLING PROGRAM GRANT

- The Township should continue apply for Section 902 grant funding for up to 90 percent reimbursement for costs associated with purchasing recycling equipment and recycling containers, and for educational outreach.

904 PERFORMANCE GRANT

- It is recommended the Township continue to apply annually for the 904 Performance Grant award. The Section 904 grant program provides funding based on the amount of eligible Act 101 recyclable materials that are collected and documented (documentation must meet PADEP requirements) for a given year.

901 PLANNING GRANT

- As the Township continues to develop its curbside refuse collection and recycling programs and investigates future yard waste and recycling programs, the Township may apply (through Lancaster County) for 901 Planning Grant funding for 80 percent of approved costs for conducting related studies, surveys, investigations, research and analysis.

Table 1

Comparison of Yard Waste Collection Alternatives

Table 1: Yard Waste Collection System Alternatives Comparison

Implementation Factors <small>(as compared to the other alternatives)</small>	Alternative A	Alternative B		Alternative C		Alternative D
	Refuse & Yard Waste	Refuse	Yard Waste	Refuse	Yard Waste	Refuse & Yard Waste
Ability to enforce residential/ hauler compliance w/ Act 101	Low	Low	High	Low	High	High
Ability to track program	Low	Low	High	Low	High	High
Ability to ensure service to all residents	Low	Low	High	Low	High	High
Ability to educate residents effectively	Low	Low	High	Low	High	High
Improve material recovery & quality	Low	Low	High	Low	High	High
Ability to <u>minimize</u> truck traffic	Low	Low	High	Low	High	High
Ability to <u>minimize</u> level of Township involvement/ responsibility	High	High	Moderate	High	Moderate	Low
Ability to <u>reduce</u> the residential cost per household	Low	Low	Unknown (bid price?)	Low	Unknown (contract price?)	High
Ability of resident to choose a hauler	High	High	Low	High	High	High (using Option E bid process)
Disposal Cost Avoidance	Low (none)	Low (none)	High	Low (none)	High	High
Ability to ensure hauler competition	Moderate	Moderate	Moderate (open bidding)	Moderate	Moderate (open bidding)	Moderate
Overall collection system consistency/ reliability/ efficiency	Low	Low	Low - moderate	Low	Low - moderate	High
Overall ability to implement	High (already in place)	High (already in place)	Low (bid process)	High (already in place)	Low (uncertain)	Moderate (Public perception to bidding)

Alternative A: Private subscription; implement Ordinance revisions

Alternative B: Same as Alternative A; plus separate bidding for yard waste collection

Alternative C: Same as Alternative A; plus intermunicipal or private facility agreement for yard waste collection & processing

Alternative D: Single competitive bid for comprehensive waste and recycling services; including yard waste collection

APPENDIX A

Act 101 Guidance

ACT 101 REQUIREMENTS FOR MANDATED COMMUNITIES

The following sections outline the Act 101 requirements for mandated curbside recycling communities, including East Lampeter Township. Before recent revisions, the Township's Ordinance had some inconsistencies with Act 101. The Township is making the necessary changes to the Ordinance so it can comply with State law and operate its recycling program in a manner that is consistent with the requirements of Act 101.

Program Elements (§ 272.421)

The source separation program shall include, at a minimum, the following elements:

- (1) An **ordinance** or regulation adopted by the governing body of the municipality, in accordance with § 272.422 (relating to municipal ordinance).
- (2) A **scheduled day** during which separated materials are to be placed for collection at the curbside. Collection shall be at least once per month for materials other than leaf waste. Collection for leaf waste shall be scheduled as appropriate. If no curb exists, separated materials shall be placed at a location similar to the curb where they may be collected easily.
- (3) A **system**, including trucks and related equipment, that collects recyclable materials from the curbside or similar location at least once per month from each residence or other person generating municipal waste in the municipality.
- (4) A public information and **education program**, in accordance with § 272.423 (relating to public information and education).
- (5) Provisions for the recycling of collected materials.

Municipal Ordinance (§ 272.422)

- (a) The ordinance or regulation adopted by the governing body of the municipality shall contain the following requirements:
 - (1) Persons shall separate at least three materials from municipal waste generated at their homes, apartments and other residential establishments, and shall store the materials until collection. The three materials shall be designated in the ordinance, and shall be chosen from the following:

▪ Clear glass	▪ High-grade office paper
▪ Colored glass	▪ Newsprint
▪ Aluminum	▪ Corrugated paper
▪ Steel and bimetallic cans	▪ plastics

- (2) Persons shall **separate leaf waste** from municipal waste generated at their homes, apartments and other residential establishments until collection, unless those persons have otherwise provided for the composting of leaf waste.
 - (3) Persons shall separate high grade office paper, aluminum, corrugated paper and leaf waste generated at commercial, municipal or institutional establishments and from community activities, and store the materials until collection. The ordinance may designate additional materials for recycling.
- (b) The ordinance shall allow an owner, landlord or agent of an owner or landlord of multifamily rental housing properties with four or more units to comply with its responsibilities under this subchapter by establishing a collection system for recyclable materials at each property. The collection system shall 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, landlords and agents of owners or landlords who comply with the ordinance under this subsection are not liable for the noncompliance of occupants of their buildings.
 - (c) The ordinance shall exempt persons occupying commercial, institutional and municipal establishments within its municipal boundaries from the ordinance if the following requirements are met:
 - (1) The persons have otherwise provided for the recycling of materials that they are required by this subchapter and the ordinance to recycle.
 - (2) The persons annually provide written documentation to the municipality of the amount of municipal waste generated as well as the type and weight of materials that were recycled in the previous calendar year.
 - (d) Nothing in the ordinance or regulation may impair the ownership of separated materials by the persons who generated them until separated materials are placed at curbside or similar location for collection by the municipality or its agents.

Public Information and Education (§ 272.423)

- (a) A municipality subject to this subchapter shall establish a comprehensive and sustained public information and education program concerning recycling program features and requirements. As part of this program, a municipality shall, at least 30 days prior to the initiation of the recycling program and at least once every 6 months thereafter, notify persons occupying residential, commercial, institutional and municipal premises within its boundaries of the requirements of the ordinance. This notice shall include an explanation of how the system will operate, the dates of collection, and responsibilities of persons within the municipality and incentives and penalties.

- (b) The governing body of a municipality may place an advertisement in a newspaper circulating in the municipality, post a notice in a public place where public notices are customarily posted, including a notice with other official notifications periodically mailed to residential taxpayers, or utilize a combination of the foregoing.

Implementation (§ 272.424)

- (a) Except as provided in subsection (b), a municipality shall implement its responsibilities for collection, transportation, processing and marketing materials under this subchapter in one or more of the following ways:

- (1) Collect, transport, process or market materials as required by this subchapter.
- (2) Enter into contracts with other persons or license other persons for the collection, transporting, processing or marketing of materials as required by this subchapter. A person who enters into a contract or is licensed under this subsection shall be responsible with the municipality for the implementation of this section.

- (b) Nothing in this subchapter requires a municipality to collect, transport, process and market materials or to contract for the collection, transportation, processing and marketing of materials from an establishment or activity if the following are met:

- (1) The municipality is not collecting and transporting municipal waste from the establishment or activity.
- (2) The municipality has not contracted for the collection and transportation of municipal waste from the establishment or activity.
- (3) The municipality has adopted an ordinance as required by this subchapter, and the establishment or activity is in compliance with this subchapter.

Preference (§ 272.425)

In implementing its recycling program, a municipality shall accord consideration for the collection, marketing and disposition of recyclable material to persons engaged in the business of recycling on September 26, 1988, whether or not the persons were operating for profit.

Leaf Waste Requirements for Mandated Municipalities

Mandated municipalities are required to provide for the collection of “leaf waste” for residents as described by the corresponding regulations presented in section 6.0 of this report.

“**Leaf waste**” is defined as leaves, garden residue, shrubbery and tree trimmings, and similar material, but not including grass clippings. Collection of other yard waste materials (e.g. grass clippings), is not required by the Act 101 recycling mandate, but is often included with mandated curbside recycling programs.

In mandated communities, drop-off recycling or drop-off systems for leaf waste are not an option in terms of replacing curbside collection for residential, commercial, institutional or municipal establishments. Drop-off sites are optional in the sense that they can supplement a curbside collection system.

SOLID WASTE ORDINANCE & BURNING REQUIREMENTS

In the past several years, PADEP has emphasized the importance of establishing a burning ordinance to reduce the amount of Act 101 recyclable materials that are burned. PADEP has taken necessary steps and provided assistance to encourage municipalities to implement anti-burning ordinances. In some instances, PADEP can withhold Act 101 funding from municipalities who do not have anti-burning regulations in place.

The Township has recently drafted new provisions pertaining to open burning that will be incorporated as **Section 9. Illegal Dumping and Open Burning** of their Solid Waste Ordinance.

The key sections pertaining to burning are drafted as follows

(b) No Person shall process or dispose of any Construction/Demolition Wastes, Residual Wastes, Hazardous Wastes (as defined by the Pennsylvania Department of Environmental Protection), or Designated Recyclable Materials through Open Burning other than Yard Waste burned in accordance with the following exemption criteria.

The following activities, when conducted in accordance with the Municipality's Policies and Procedures, are exempt from the open burning prohibition set forth above:

[i] Yard Waste: crop residue, brush, woody debris, shrubs, trees and other natural vegetation generated as an element of any of the following practices may be burned:

(1) Agricultural and land conservation maintenance and management practices conducted on a Farm,

(2) Agricultural, horticultural and forestry management practices to control insects, diseases and other pests conducted on a Farm, or

(3) Land clearing and grubbing during or prior to the process of construction.

[ii] Yard Wastes that are used for cooking food, recreational or ceremonial purposes, or fire services training.

[iii] Yard Wastes that are approved by Permit for Open Burning by a Fire Marshall, Emergency Services Director, PA Department of Environmental Protection, or PA Department of Conservation and Natural Resources.

[iv] Structures that are used for approved and permitted fire services training activities.

Based on information from PADEP and through review of the Township's draft Section 9. Illegal Dumping and Open Burning, **it appears that the Township has adequately met Act**

101 and PADEP burning requirements. After approving these ordinance revisions, burning requirements should no longer negatively impact the Township's eligibility for Act 101 grant funding.

Act 101 Section 902 Recycling Grant Application Guidelines

Assuring compliance with the terms and conditions of Act 101, the rules and regulations promulgated thereunder, other pertinent statutes and the Department's policies and grant guidance are key components of the Department's grant review process. The Act requires certain municipalities ("mandated municipalities") to recycle certain items and provide for the collection and composting of leaf waste. As such, any mandated municipality that allows the materials that are part of its municipal recycling program, including leaf waste, to be managed in a manner other than recycling or composting is in violation of Act 101. The Act also establishes the grant requirements for those communities not mandated to recycle. However, Act 175 states that the Department "shall not prohibit the award of any grant to a county or municipality that has adopted an ordinance allowing the limited burning of yard waste." Since grant funding is awarded on a competitive basis, the following guidelines have been developed to assure that a common understanding exists between the Department and municipalities regarding section 902 grant program requirements.

APPENDIX B

Municipal Yard Waste Marketing Agreement

MUNICIPAL YARD WASTE MARKETING AGREEMENT

THIS **AGREEMENT** made as of the _____ day of _____, 20____, by and between the _____, (*Municipality Providing Processing/Composting*), a municipal corporation organized and operating under the laws of the Commonwealth of Pennsylvania with its municipal offices at _____, Pennsylvania, hereinafter referred to as “Processor”, and the _____ (*Municipality Requesting Processing/Composting*), a municipal corporation organized and operating under the laws of the Commonwealth of Pennsylvania with its municipal offices at _____, Pennsylvania, hereinafter referred to as “Generator”.

BACKGROUND:

The Processor and Generator are municipalities within Lancaster County, Pennsylvania. The Processor owns and operates a Municipal Yard Waste Processing/Composting Facility, and Generator desires to deliver Yard Waste to that Facility. Both the Processor and Generator agree to the terms and conditions set forth in this Agreement. Yard Waste includes the following organic materials: leaves, grass clippings, garden residue, sod, shrubbery, tree trimmings and Christmas Trees.

NOW, THEREFORE, for and in consideration of the mutual promises contained herein, and intending to be legally bound hereby, the parties agree as follows:

I. Processing/Composting Facility Location

II. Types of Yard Wastes to be Delivered by the Generator and Tipping Fee Schedule

Yard Waste Type	Anticipated Collection Dates	Estimated Quantity to be delivered	Tipping Fee Schedule		
			Price/Ton	Price/Load	Price/Cu.Yd.
Leaves (Loose)					
Leaves (Kraft Bags)					
Yard Waste (Soft)					
Yard Waste (Woody)					
Christmas Trees					

III. Delivery Arrangements

Generator may deliver Yard Waste to Processor between _____ A.M. and _____ P.M. on **Monday, Tuesday, Wednesday, Thursday, and Friday** (*circle appropriate days*) and/or between _____ A.M. and _____ P.M. on Saturdays. The following describe any specific arrangements and/or notification requirements:

_____.

IV. Procedures to Weigh Yard Wastes

Generator shall weigh all Yard Waste at a certified scale before delivery to the Processor. Generator shall provide Processor with certified weight tickets on a monthly basis or schedule as follows: _____.

The Yard Wastes shall be weighed at (*Location Name and Address*): _____ by the _____

_____ **Municipality, Contract Hauler, or Other** (*circle the appropriate entity*) with all costs to weigh being paid by the _____

_____ **Municipality, Contract Hauler, or Other** (*circle the appropriate entity*).

V. Contamination

All Yard Waste delivered by the Generator shall be free of plastic, metal, glass, rubber, rock, refuse and/or other inorganic materials which could contaminate Yard Waste and/or impair the processing/composting process. Generator shall be responsible for the prompt removal of any contaminants delivered from Processor's premises.

VI. Payment Terms

Processor shall invoice Generator monthly using the certified weight tickets as the basis for the billing. Generator shall make payment to Processor within thirty (30) days of invoice date.

VII. Terms of Agreement

Processor agrees to receive and process/compost Yard Waste from Generator effective _____, 20____ through _____, 20____. This Agreement shall be automatically extended for one additional year, unless one of the parties provides the other party written notice no less than 120 days prior to the then current ending date.

VIII. Insurance

Generator and/or Contract Hauler delivering Yard Waste to Processor shall add Processor to all Certificates of Insurance as an Additional Insured.

IX. Mutual Cooperation

Generator agrees to cooperate with Processor by providing labor and/or equipment to assist in processing Generator's Yard Waste, if Processor so requests. Such operating assistance will be subject to mutual agreement of both the Generator and the Processor.

X. Amendments to the Agreement

This Agreement may be amended only in writing by Processor and Generator.

XI. Interpretation/Severability

This Agreement shall be interpreted in accordance with the laws of the Commonwealth of Pennsylvania. The provisions of this Agreement are severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect the remaining sections, sentences, clauses, parts or provisions of this Agreement. It is hereby declared to be the intent of the _____ (*Elected Body*) of the Processor and _____ (*Elected Body*) of the Generator that this Agreement would have been entered into if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein. When the sense so requires, words of any gender used in this Agreement shall be held to include any other gender, and words in the singular number shall be held to include the plural, and vice versa.

XII. Authorization

This Agreement is subject to approval by the _____ (*Elected Body*) of the Processor and _____ (*Elected Body*) of the Generator at a public meeting.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written.

Municipality Name (Generator)
Lancaster County, Pennsylvania

Attest: _____
(Assistant) Secretary

By: _____
(Vice) President/Chairman,
Borough Council/Board of Supervisors

[MUNICIPAL SEAL]

Municipality Name (Processor)
Lancaster County, Pennsylvania

Attest: _____
(Assistant) Secretary

By: _____
(Vice) President/Chairman,
Borough Council/Board of Supervisors

[MUNICIPAL SEAL] Payment Terms