



January 30, 2003

Ms. Cheryl Schaeffer
Solid Waste/Recycling Coordinator
East Vincent Township
262 Ridge Road
Spring City, PA 19475

Subject: Establishing a Curbside Recycling Program in East Vincent Township

Dear Cheryl:

This letter report serves to provide East Vincent Township with the recommendation to establish a mandatory curbside recycling program. The Township is mandated to establish a recycling program because its population of 5,498¹ exceeds the 5,000 threshold in the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101).

Establishing a Curbside Recycling Program in East Vincent Township

This report is structured as follows:

- Township demographics;
- Current solid waste management/recycling programs;
- Materials estimates;
- Mechanisms available for implementing a curbside recycling program;
- Public education;
- Enforcement;
- Grant funding; and
- Conclusions and recommendations.

The following issues are considered:

- Approaches to curbside recycling that will maximize the quantity of recyclable materials collected and minimize costs to the municipality;
- Public education efforts that will build enthusiasm among residents and encourage them to recycle;
- Enforcement mechanisms; and

¹ U.S. Census Bureau, Profile of General Demographic Characteristics

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- Use of Act 101 Section 902 Recycling Program Grants to fund the Township’s recycling efforts.

Demographics of East Vincent Township

East Vincent Township is a suburban community in Chester County. The population of East Vincent Township was 5,498 in 2000 according to the U.S. Census, and the Township’s land area is 13.5 square miles, so the population density is 407 per square mile. The Township has 1,543 single-family homes, fourteen multi-family buildings, and three mobile home parks. According to the 2000 Census, approximately 77 percent of the households are “family” households and 42 percent of these “family” households have children under 18 years of age.

Current Township Solid Waste Management/Recycling Programs

Currently in East Vincent Township residents subscribe to waste collection services with a private waste hauler of their choice. This type of system is often referred to as an “open” system. There are three haulers serving the Township. Each of the haulers voluntarily offers curbside recycling services to their customers at an additional cost. The Township does not license waste haulers.

Materials Estimates

Table 1 provides an estimate of municipal solid waste disposed from East Vincent Township. It is based on the data from the 2002 Chester County solid waste management plan update. As noted in the Table, East Vincent disposed 4,065 tons of municipal solid waste in 2000.. This works out to an average disposal rate of 0.74 tons per person per year.

Table 1
2000 MSW Disposal Quantities

Population	Average Disposal Rate (Tons per Capita)	Total MSW Disposed (Tons Per Year)
5,493	0.74	4,065

Table 2 illustrates the estimated tonnage of Act 101 recyclable materials generated in the Township that are currently landfilled.

Table 2
Estimated Recyclable Materials Available in East Vincent Township

Material	Percent of MSW ²	Tons in MSW ³
Corrugated Paper	8.07	328
Newspapers	5.20	211
Glass (Clear and Colored)	3.07	125
Yard Waste	5.55	226
Office Paper	4.47	182
Appliances	1.44	59
Wood	5.19	211
Plastic (PET, HDPE only)	1.81	74
Steel and Bimetallic Cans	1.19	48
Tires	0	0
Aluminum Cans	0.71	29
TOTAL	36.7	1,492

Table 3 provides estimates for diversion of the materials from the landfill that are most likely to be included in a curbside recycling program at low, medium and high diversion levels.

² Based on 2001 Chester County Waste Composition Study

³ Based on a total MSW disposal quantity of 4,065 tons

Table 3

Potential Capture Rates for Recyclable Materials Available in East Vincent Township

Material	Tons Available in Disposed Waste Stream	Estimated Tons Diverted		
		Low (1)	Medium (2)	High (3)
Newsprint	211	42.2	84.4	168.8
Glass (Clear and Colored)	125	25	50	100
Plastic (PET, HDPE only)	74	14.8	29.6	59.2
Steel and Bimetallic Cans	48	9.6	19.2	38.4
Aluminum Cans	29	5.8	11.6	23.2
TOTALS	487	97.4	194.8	389.6

- (1) Assumes 20 percent of what is currently disposed is captured.
- (2) Assumes 40 percent of what is currently disposed is captured.
- (3) Assumes 80 percent of what is currently disposed is captured.

Mechanisms Available for Implementing a Curbside Recycling Program

There are several options available to East Vincent Township to implement a mandatory curbside recycling program. Because the Township does not license waste haulers, requiring them to provide curbside recycling as a condition for receiving their operating license is not a viable option. However, the township may be able to revise its ordinance to require haulers to provide curbside collection of recyclables, and residents to separate to the targeted recyclables from their refuse.

Additional mechanisms that the Township can use for implementing a mandatory recycling program include:

- Instituting franchised recyclables collection in East Vincent Township;
- Contracting for curbside recycling service; and
- Implementing a Township-operated curbside recycling program.

Franchise Collection System

Under a franchise collection system, the Township would establish one or more franchise areas and would award a collection franchise through negotiations or through a competitive

procurement. It should be noted that there may not be enough homes for justify more than one franchise district. The franchise is a property right for the designated hauler(s) for the term of the franchise agreement. Thus, if the Township determines at any time during the franchise agreement to discontinue the franchise (except for reasons of non-performance), the franchisee would need to be compensated for the lost earnings. Many options exist under a franchise system:

- **The franchise can be exclusive or non-exclusive.** In an exclusive franchise, the franchisee would be the only acceptable service provider for the designated services. In a non-exclusive franchise, multiple franchisees would be authorized to compete within the designated service territory.
- **Participation can be mandatory or non-mandatory.** In a mandatory franchise, all customers would be required to use the franchisee(s)' services. In a non-mandatory system, those customers that elected to receive the services would be required to use the franchisee(s).
- **Franchises can include some or all services and generators.** Franchises can address all collection services to all sectors or be limited to a specific generating sector (e.g., residential) or waste stream (e.g., bulky waste, etc.).
- **A franchise can be bid or negotiated.** A franchise system can be established through a negotiated agreement, where the community negotiates with more than one hauler to provide collection services.

If East Vincent were to institute a franchise waste collection system, providing recyclables collection could be made a condition for receiving a solid waste collection franchise agreement.

Contract Collection System

Under a contract collection system, it is possible to establish more than one service area, which could include residential and/or commercial collection services. Communities typically award collection contracts through a competitive procurement process. The contracts establish a scope of services, terms, and conditions.

Similar to franchises, collection contracts can be:

- **Exclusive or non-exclusive:** In an exclusive contract, the contractor would be the only acceptable service provider for the designated services, in the designated service area(s). In a non-exclusive contract, the multiple contractors would be authorized to compete within the designated service territory.
- **Mandatory or non-mandatory:** In a mandatory contract arrangement, all customers would be required to use the contracted services. In a non-mandatory system, those customers that elected to receive the services would be required to use the designated contractor(s).
- **Include some or all services and/or sectors:** The collection contract could address all collection services to all sectors or be limited to a specific generating sector (e.g., residential)

or waste stream (e.g., bulky waste, etc.). In some communities, for example, only refuse collection or only recycling collection is provided under contract, and in some cases refuse and recycling collection services are both provided under the same contract.

It is most common for the governing jurisdiction (i.e., the Township) in a contract system to bill customers directly and bear the administrative burden and costs of billing, collections, customer turnover, and complaint management.

Contracts may be short-term (e.g., one to three years) or longer-term (e.g., five to 10 years). Based on research reported by the Solid Waste Association of North America, contract terms that more closely approximate the useful life of vehicles (e.g., seven years, on average) tend to result in lower contract rates.

Table 4 illustrates variations in average costs that were observed in a comparison survey of individual subscription (e.g., open), municipal, and contracted solid waste collection systems. This survey was conducted three years ago by R. W. Beck, and included communities within Pennsylvania. It is likely that the costs have increased since the survey was conducted due to inflation. However, based on the results it is clear that, on average, the cost per household for contracted collection is significantly less than for open subscription programs such as that in East Vincent Township.

Table 4
Total Estimated Cost per Household
(Pennsylvania Averages)

Options⁴	Annual Cost per Household	Quarterly Cost per Household	Monthly Cost per Household
Subscription System	\$192.00	\$48.00	\$16.00
Municipal Collection	\$140.00	\$35.00	\$11.70
Contract Collection	\$123.00	\$31.50	\$10.50

Contract systems have all of the same benefits as franchise systems. In addition, contract systems also provide more control to the community to manage their solid waste — making it easier to implement waste reduction programs. The primary drawback that is cited for contract systems is that once the contract is granted, there is no further competition among solid waste collection service providers, for the length of the contract. In some instances, it has been argued that the successful contracted hauler may drive other haulers (usually smaller haulers) out of business, and raise prices after the contract expires, leaving no remaining haulers to compete. Additionally, once a hauler obtains a contract, there may be reduced incentive to focus on customer service; however, this concern can be addressed by appropriate contract and liquidated damage language.

⁴ Service options include weekly curbside refuse and recycling collection.

One concern expressed during a December 20, 2001 meeting with the Township is how costs for a contracted program would be paid. The options are:

- **Payment by the Township**—This would mean that the contracted hauler would invoice the Township and the Township would make payment directly to the hauler. The funds to cover the cost could be (1) taken from tax revenues (general fund), or (2) raised through the imposition of a garbage/recycling fee paid by residents to the Township.
- **Payment by residents**—This would mean that the contracted hauler would bill residents directly and residents would pay the hauler. This would probably be the simplest option for the Township as it would have no effect on taxes and would not require the establishment of an infrastructure to collect a garbage fee.

Township-Operated Curbside Recycling Program

Another option is to implement a Township-operated curbside recycling program. The benefits of the Township operating their own program would be that they have more control over the program, making it easier to implement program changes, such as adding materials. Many Townships also believe that they are able to offer better customer service than a franchise or contract system provides. The drawbacks of a Township-operated program are that it is more expensive, typically, than a contracted program, and the Township may not have expertise in-house to implement such a program. The City of Arnold (Westmoreland County) is a small municipality that has chosen to operate their own curbside recycling program. Their crews provide monthly curbside recycling collection to its 2,200 households that includes the following recyclables:

- Newspapers;
- Magazines;
- Glass (green, amber, clear);
- Cans (aluminum, steel and bi-metal); and,
- Plastic bottles (PET and HDPE).

The City of Arnold was able to obtain an Act 101 Section 902 grant to pay for the collection vehicle. Bins were also paid for through this grant. Table 5 provides the approximate breakdown of operating costs of the City of Arnold's curbside recycling program over a five-year period (1995-1999).

Table 5
City of Arnold's Curbside Recycling Costs
(1995 – 1999)

Activity	Average Annual Direct Costs
Wages/Benefits	\$22,484
Truck Maintenance/Repairs	\$1,237
Truck Depreciation	\$5,165
TOTAL	\$28,886
Average Annual Cost per Household	\$13.13

It should be noted that the City of Arnold does not pay a tipping fee at the recycling processing center, and their costs do not include education and/or advertising.

Regardless of whether the Township franchises, contracts or operates the curbside recycling program, the actual cost to add curbside recycling to the Township's waste collection program will be dependent on a variety of factors, including:

- **Frequency of collection**— In general, less frequent collection—biweekly or monthly—will be less expensive than weekly collection, but the cost break will not be linear. This means that if the cost quoted for weekly collection is \$1.50 per household per month in addition to waste collection costs, the cost would not be reduced to \$0.75 per household per month for biweekly service, or \$0.38 per household per month for monthly service. This is because there are fixed costs that will apply, regardless of the frequency of collection.
- **How materials are collected (commingled vs. source separated)**— Most communities opt for commingled collection of materials rather than separated collection, since most haulers charge less for commingled collection. This is simplest for residents as well, because they can place all materials into a single bin. Multiple bins take up more space in residences, and it is inconvenient for residents to carry out multiple containers.

Usually, all containers—glass, metal, and plastic—are mixed together, and newspaper is bundled separately or placed in a kraft paper bag and set out on top of or next to a recycling bin. Some communities have opted to alternate collection of containers and newspaper, particularly in biweekly programs. This may be best for the hauler, who doesn't need to be concerned with keeping the paper and containers separate, but it takes more effort to educate residents. Some communities/haulers in Pennsylvania offer only curbside collection of containers, and provide a drop-off program for fibers.

The best choice is dependent on the processing and marketing options that exist in the region. If the only materials recovery facility (MRF) only accepts separated materials, then collection should be curb-sort using a dedicated recycling collection vehicle. If a MRF that has sorting capability is available, then commingling may be the best option unless the MRF offers a reduced cost or a rebate for materials received as source separated, that outweighs any additional cost associated with sorting.

Other Costs

The Township would probably incur some other costs to implement a curbside program, such as the cost of bins and the development and distribution of educational materials. However, it should be noted that most types of costs that would be incurred are eligible for reimbursement under Act 101 Section 902 Recycling Program Grants. Currently, these are grants that will cover up to 90 percent of all eligible costs. They are available for costs related to the planning and implementation of a recycling program, but not its operation.

In some cases, certain expenses cannot be reimbursed, but may be used as part of the Township's 10 percent match. The grant program is addressed in more detail later in this report.

Public Education

There is no specific "recipe" for public education that is guaranteed to work for every community. The variety of education tools available is just about as numerous as the number of recycling programs in the State. Factors to consider include, but are not limited to size, demographics, geographic location, whether the area is urban, suburban or rural, type of program, mix of housing (single/multi-family, permanent vs. transient), primary languages spoken in the area, and proportion of residences to businesses/institutions. What works for a given area is a function of matching the type and size of effort to the target audiences in that area. It is important to focus on education in the implementation phase of a program in order to promote participation and train program participants about how to recycle. As programs mature, some level of educational efforts must continue, but they can continue at a more moderate level. The typical citizen will do his or her duty, but usually needs regular reminders about the "hows" and "whys" of a program.

Because East Vincent Township has a small population, is fairly large in area and somewhat rural, the following education efforts are recommended:

Brochures

The Township should develop a recycling brochure that explains how the program works, including when and where to set out materials, materials accepted, preparation of materials, and why the program is important. The Chester County Recycling Coordinator has materials that can be easily adapted for use by East Vincent Township. Development and printing of public education brochures is eligible for Section 902 Recycling Program Grants.

This brochure should be distributed to all residents of the Township, and the distribution is probably best accomplished by mail or concurrent with delivery of the collection bins. However, it may also be possible to work with a local advertising publication to distribute the materials as an insert or to print the information prominently in the publication. Mailing the brochures would ensure that they are received, though there is still no guarantee that they will be read or kept for reference.

The Township could also distribute brochures through major local employers, such as the ones identified in Table 6, as well as through schools, civic organizations, retail outlets, and libraries.

Table 6
Major Employers in East Vincent Township

Company Name	# Employees
Spring-Ford Knitting Co Inc	150
Jones Motor Group Inc	120
Spring City Electrical Mfg Co	110
Davlyn Manufacturing Co Inc	85
A C Miller Concrete Products	80
Pjax Inc	50
Hydromotion Inc	46
Spring Hollow Golf Course	34
Great Valley Publishing Co Inc	30
S & W Race Cars & Components	26
A N Lynch Co Inc	25
Montco Silicon Technologies	25
Liberato Welding/Steel Fabricating	21
Mayerson Law Office PC	21
Aaron Electric Co Inc	20
C & W Mechanical Inc	20
Cooney Provisions Inc	20

Source: 2001 Pennsylvania Harris Directory

Reminders

It is important that residents be reminded which day is recycling day. Missing recycling day means having to store recyclables for an additional period of time. Some residents may not be willing to do this and may dispose of additional recyclables when storage space is tight or if they prefer not to have these materials sitting around until the next collection.

There are several reminder options that might be considered, some passive and some active. A passive option would be to distribute a recycling calendar that is small enough to be posted on the refrigerator or in another prominent location, but distinctive enough to stand out among all the other materials that tend to be posted as reminders. This could be mailed along with the Township's recycling brochure. A more active option would be use of reusable banners placed in prominent locations. This would involve a one time cost and use of Township personnel once each month to put them out before recycling day and remove them once collection has been completed.

Other options might include working with a local newspaper to provide regular reminders, working with local churches to provide reminders in bulletins, working with local businesses, and working with schools and civic organizations. Some communities form neighborhood groups, modeled after the neighborhood watch program, that actively promote recycling programs within their communities.

The Township could also consider making available promotional items made from recycled materials—preferably something that would be used by residents so it remains in constant view—to serve as an ongoing reminder about the Township's recycling program. The Township could probably arrange for the distribution of these items by local merchants and at recycling events. Promotional items could include a range of products, from inexpensive pens, pencils, rulers, and refrigerator magnets to note pads or even tote bags. Any items purchased are eligible for funding through the Section 902 Recycling Program Grants.

Spotlight on the Program

The Township could also engage in other activities that are fun, inexpensive, and bring attention to the recycling program. Some potential activities for consideration might include:

- Creating a recognizable slogan, logo or mascot associated with the recycling program. Having one or more of these symbols that identify the program would help to increase program visibility. Chester County has a recycling mascot, "Reecie Recycle" that could be made available for Township events to promote recycling.
- Some communities have conducted local contests to ask residents to submit a slogan and/or a logo to be considered, with the winning entry incorporated into future materials used by the communities. The winner or winners are usually recognized by the municipality in some way, and given some type of reward for their effort. Prizes could be donated by local businesses or could potentially be funded through a Section 902 Recycling Program Grant.
- The Township could institute a "Recycling Household of the Month" program, with selected households featured in a local paper or similar publication, perhaps a Township newsletter. Specific criteria would need to be developed to determine who might be selected for this recognition, and households could be nominated from within the community (self or by neighbors) or selected through a procedure established by the Township. Criteria should include measures that indicate that a given household is doing more than just delivering

materials to a drop-off location or placing recyclables at the curb on a monthly basis, and could potentially include: home composting; buying recycled; recycling or reuse of materials other than those collected at the curb; use of less hazardous products; and creative uses of materials or activity in the community. Awards could be solicited through local businesses.

- The Township could place a sign in a highly visible location (similar to United Way) showing progress toward the goal (a thermometer, a recycling truck traveling to a materials recovery facility, etc.). This will help residents see where they are in relation to the goal and encourage them to recycle more to meet the goal.
- Some type of recycling display could be developed that can be used during community events, and rotated among schools, churches, and businesses. This display could be used as part of presentations made by Township officials or a recycling committee.

Ongoing Education

Sometimes residents forget or do not completely understand which materials are acceptable and which are not, or exactly how to prepare materials. In either case, friendly reminders may help to set these residents on the right track. This could be done through production of a new brochure that is distributed annually or through joint efforts with a local publication to include ongoing recycling information for residents. Such information could also be made available on a Township web site.

Education in the Schools

Educating students in grades K-12 may be a very effective way of reaching Township residents both now and in the future. Students often become the strongest advocates of recycling, and will ensure that recycling is happening in their homes. The DEP has recycling curriculum materials available, and the County Recycling Coordinator usually has resources available to assist with education in the schools as well.

Enforcement

The Township will need to adopt a comprehensive solid waste and recycling ordinance with appropriate rules and regulations to guarantee that it has the authority to enforce any requirements it might implement, and the ability to take action against offenders. Samples of municipal and township recycling codes are provided in Attachment A. Additionally, the County Recycling Coordinator may be able to provide samples of appropriate ordinances if a model ordinance is needed.

Grant Funding

A number of recycling options and educational programs and materials have been described throughout this report. All of the equipment and materials described, plus staff time and

expenses (with the exception of postage, which can be used at match) in planning/preparing/purchasing the equipment, materials and programs, are eligible for funding by a Section 902 Recycling Program grant. Currently, these grants will pay for up to 90 percent of eligible costs. Fundable materials and activities described throughout this report include:

- Recycling planning and implementation efforts, including public education;
- All public education printed materials for a recycling program, including: brochures; recycling calendar (perhaps a magnet); banners; promotional items; visual display of progress toward recycling goal (similar to United Way); recycling display in public place;
- Promotion and implementation of a slogan, logo and/or mascot contest;
- Incentive programs to encourage household participation, such as rewards for "Recycling Household of the Month";
- Recycling equipment, including: containers to collect materials through a drop-off program; bins for a curbside recycling program; containers for drop-off collection of yard waste; home composting bins; and
- Planning for and implementing educational programs in the schools, and purchasing equipment to implement or expand recycling in the schools.

Application forms for Section 902 grants are available from the DEP South-Central Regional Office in Harrisburg. PA DEP requests that applicants schedule pre-application meetings to discuss proposals prior to submitting applications to ensure that applications include only fundable activities and equipment, and to avoid duplication of efforts.

The Township is also eligible for funding through the Section 904 Performance Grant program, which rewards municipalities based on tonnage recycled and waste diversion rate. Under this program, communities can currently receive \$5.00/ton for every ton of residential waste recycled and for every ton of commercial waste up to the amount of residential waste recycled, plus \$1.00 additional for every percentage point of diversion. In addition, municipalities receive \$10.00 for every ton of commercial recyclables above the 1:1 ratio with residential materials. The Commonwealth uses a standard generation rate of 0.8 tons/person/year to determine the recycling rate.

For example, if the Township recycled 40 tons of residential material and 80 tons of commercial materials, it could combine 40 tons of the commercial materials with the residential, and use the 80 tons to determine a recycling rate. If the Township generates 1,600 tons of waste based on the 0.8 tons/person/year generation rate, the calculated recycling rate would be 5 percent. The Township would receive \$10.00 per ton for the 80 tons -- \$5.00 per ton flat rate, plus \$1.00 per ton for each percentage point of diversion, which is \$5.00 per ton for 5 percent diversion. For the 40 tons of commercial material that could not be counted toward the recycling rate, the Township would receive a flat \$10.00 per ton. Based on these numbers, East Vincent Township

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would receive a Performance Grant of \$1,200 -- \$800 for the first 80 tons of residential and commercial materials, and \$400 for the additional commercial materials.

Conclusions

- The Township is now mandated by Act 101 to implement a curbside recycling program.
- It is essential to also institute a comprehensive public education program because of the recycling changes.
- Enforcement of the recycling program is necessary if the Township chooses to make the program mandatory for residents.
- Grant funding is available to pay for the cost of recycling planning and implementation undertaken by the Township. Performance grant funding is available based on the tonnage and diversion rate of material that is recycled.

Thank you for selecting R.W. Beck to assist East Vincent Township with establishing a curbside recycling program. Please contact me if R.W. Beck can be of any further assistance.

Sincerely,

R. W. BECK, INC.

Karen Luken
Senior Director

c: Carl Hursh, DEP

Attachment A Sample Ordinances

Pittsburgh, Pennsylvania

619.05 Separation of Recyclable Materials from Municipal Waste

a) **Residences.** Persons shall separate all recyclable materials from municipal waste generated at residences and shall store the materials until they are collected for recycling in accordance with regulations issued by the Director of the Department of Environmental Services. The Director shall issue regulations designating the materials generated at residences that shall be recycled.

An owner, landlord or agent of an owner or landlord of a multi-family rental dwelling with four (4) or more units shall be deemed to have complied with its separation responsibilities if it establishes a collection system at each property. The collection system shall include separate suitable receptacles that conform with regulations issued by the Director specifically for collecting and storing bags or other receptacles in which tenants have deposited their commingled recyclables, and written instructions to the occupants concerning the use and availability of the collection system. The receptacles shall be clearly marked as designated only for recyclable materials and shall be placed in a location easily accessible to the tenants. The written instructions shall include educational materials prepared by the Directors of the Department of Environmental Services and/or Public Works, which materials shall be distributed by the owner, landlord or agent to each dwelling unit. Owners, landlords and agents of owners or landlords who provide a collection system under this subsection shall not be liable for noncompliance of occupants of their buildings.

(b) Commercial, institutional and municipal establishments and community activities. Persons shall separate high grade office paper, corrugated paper and aluminum from municipal waste generated at commercial, institutional and municipal establishments or at community activities and shall store materials until they are collected for recycling. The Director is authorized to designate by regulation other materials generated at these establishments or at community activities that also shall be separated and stored until collected for recycling.

619.06 Collection of Recyclable Materials

a) **Residences.** Recyclable materials generated at residences shall be placed for collection by the City in accordance with regulations issued by the Director of the Department of Environmental Services. For single- and multi-family dwellings where owners do not provide containers for the City's collection of recyclable materials, both the occupants and owners of such dwellings shall be responsible for compliance with this subsection and any regulations issued hereunder.

1) The Director may grant exceptions to regulations promulgated pursuant to this section to residences occupied solely by persons with physical limitations which prevent them from placing recyclable materials at the curb; provided, however, that such person submit a written request for backyard collection and certify in the request that the residence is occupied solely by persons

(2) For the purpose of subsection (a)(1) hereof, "physical limitation" means any illness, injury, incapacity or other physical handicap which prevents the person from placing recyclable materials at the curb; provided, however, that a physician certifies to the Department that such person is physically incapable of placing recyclable materials at the curb. The certificate shall be renewed annually.

(b) Commercial, institutional and municipal establishments and community activities. Persons who own or operate commercial, institutional and municipal establishments and persons who organize and manage community activities shall arrange for the storage, collection and recycling of high-grade office paper, corrugated paper, aluminum and any other materials designated as recyclable materials which are generated at establishments and community activities. The Director may, at his or her discretion, enter into agreements to collect such materials generated at charitable or nonprofit institutions, municipal establishments or at community activities organized by charitable or nonprofit institutions or municipal establishments.

Persons who own or operate commercial, institutional and municipal establishments shall be exempt from the requirements of this subsection and § 619.05(b) if those persons have otherwise provided for the recycling of the materials that they are required to recycle under § 619.05(b). To be eligible for this exemption, such persons shall file a sworn statement with the Director that they have so provided for the recycling of the materials that they are required to recycle under § 619.05(b) and giving the person's name and address (or addresses), the name and address of the collector of its recyclable materials, the types of materials recycled and the annual tonnage of each, and any other information required under the regulations issued by the Department.

(c) Segregation of materials. No person shall place or cause to be placed any municipal waste in the receptacles specifically provided for recyclable materials to be collected by the city. No person shall place any recyclable materials generated at commercial, institutional or municipal establishment in the receptacles that are specifically provided for recyclable materials to be collected by the city.

Bensalem Township, Pennsylvania

Sec. 195-2. Definitions

The following words and phrases as used in this chapter shall have the meaning ascribed to them herein, unless the context clearly indicates a different meaning:

Accept – The act of determining, upon delivery to WAI, that the waste from the Township is not unacceptable waste.

Act 97 – The Pennsylvania Solid Waste Management Act, Act of July 7, 1980, P.L. 380.

Act 101 – The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988, P.L. 556.

By-pass Waste – Municipal waste, delivered to the processing facility, which is not processable under the permit and is passed along by WAI to a transfer station or municipal waste disposal facility for purposes of proper disposal.

Construction/Demolition Waste – Solid waste resulting from the construction or demolition of buildings and other structures, including, but not limited to, wood, plaster, metals, asphaltic substances, bricks, block and unsegregated concrete. Construction/demolition waste is a subcategory of municipal waste.

Contract – The Municipal Waste Disposal Service Contract between the Township and WAI.

County – The County of Bucks, Pennsylvania.

County Act 101 Plan – The Bucks County Municipal Waste Management Plan adopted pursuant to Act 101.

Disposal – Deposition at a permitted landfill.

Hazardous Waste – A solid waste or combination of solid wastes which, because of its quantity, concentration or physical, chemical or infectious characteristics may: (1) cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed; or (3) is otherwise defined as "hazardous" by any federal or state statute or regulation, unless excluded pursuant to the applicable laws or rules of the Commonwealth of Pennsylvania.

Household Hazardous Waste – A waste that would be considered hazardous under Act 97, but for the fact that it is produced in quantities smaller than those regulated as hazardous waste under Act 97 and is generated by persons not otherwise covered as hazardous waste generators by that Act, or is excluded, under Pennsylvania law, from regulation as a hazardous waste.

Leaf Waste – Leaves, garden residues, shrubbery and tree trimmings, and similar material, including grass clippings.

Licensed Waste Hauler – A person or legally recognized entity who has been granted a license by the Township to collect and haul Township Municipal Waste pursuant to the Township's Solid Waste Management Ordinance.

Municipal Recycling Program – A source separation and collection program for recycling municipal waste, or a program of designated drop-off points or collection centers for recycling municipal waste, that is operated by or on behalf of a Township. The term shall include any source separation and collection program for composting leaf waste that is operated by or on

behalf of a Township. The term does not include any program for recycling construction and demolition waste or sludge from sewage treatment plants or water supply treatment plants.

Municipal Waste – Garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semi-solid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities. The term does not include sludges.

Operator – Any person that operates a solid waste processing or disposal facility.

Owner – The person who is the owner of record of a solid waste processing or disposal facility or part of a facility.

Permit – Permit No. 101495 issued by Pennsylvania Department of Environmental Protection, Bureau of Dams, Waterways, and Wetlands to WAI.

Person – An individual, partnership, corporation, association, cooperative enterprise or another legal entity which is recognized by law as the subject of rights and duties.

Private Waste Hauler – A Township resident, a private individual, not engaged in the business of transporting or hauling municipal waste, who occasionally hauls the municipal waste that he generates to the processing facility.

Processing – Technology, including composting operations, used for the purpose of reducing the volume or bulk of municipal or residual waste, or technology, including composting operations, used to convert part or all of said waste for offsite reuse.

Processing Facility – WAI's Magnolia Park Materials Recovery/Processing located at 1219 Hayes Boulevard, Bristol Township, Bucks County, having Pennsylvania Department of Environmental Protection, Bureau of Dams, Waterways, and Wetlands Permit No. 101495 ("the facility").

Recycling – The collection, separation or recovery for sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed or processed as municipal waste.

Residual Waste – Any garbage, refuse, other discarded material or other waste, including solid, liquid, semi-solid or contained gaseous material resulting from industrial, mining and agricultural operations and any sludge from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, if it is not hazardous.

Sewage Sludge – The coarse screenings, grit and dewatered or air-dried sludges, septic and holding tank pumpings and other residues from municipal and residential sewage collection and treatment systems.

Solid Waste – Waste, including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semi-solid or contained gaseous materials.

Solid Waste Management Ordinance – This ordinance, passed by the Township pursuant to this contract, which establishes a program for Township licensing of persons that collect and transport municipal waste and source-separated recyclable materials generated within the Township, and providing for the direction of said municipal waste and source-separated recyclable materials to WAI's Processing Facility and providing penalties for violation of said ordinance.

Source Separated Recyclable Materials – Materials that are separated from municipal waste at the point of origin for the purpose of recycling. The term is limited to clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper, plastics and other marketable grades of paper. Should the definition, as stated in 25 Pa. Code § 271.1, be amended, it is understood that this definition is amended accordingly.

Township – Bensalem Township.

Unacceptable Waste – Solid waste which WAI is not permitted to accept for processing pursuant to its permit, nor able to pass along to a municipal waste landfill for disposal.

WAI – Waste Alternatives, Inc., or its successors or assigns.

For the purposes of this chapter, the singular shall include the plural and the masculine shall include the feminine and neuter.

(Ord. No. 94-07, § 2, 11-29-94; Ord. No. 99-14, § 1E, 5-11-99)

Sec. 107-5.2. Duties of Property Owners and Occupiers.

(a) No person shall permit any solid waste to accumulate for a period of longer than seven days upon property owned or occupied by said person in the municipality.

(b) Owners and occupiers of residential property are hereby required to make accumulated solid waste available for collection as scheduled under the terms hereof.

(c) Owners, occupiers and tenants of farm property are not subject to the provisions of subsections (a) and (b)

(d) All solid waste accumulated on any residential property in the municipality shall be collected, conveyed and disposed of by the authorized contracted collectors or by private collector in accordance with the provisions of this article.

(e) Recyclable materials, as opposed to solid waste, may be collected, conveyed and disposed of by property owners from their own property for the intended purpose of depositing such recyclables in municipally authorized recycling centers, provided that they comply with the provisions of this article pertaining to refuse containers and vehicles, and with the provisions of the Bensalem Township Recycling Ordinance. With respect to such disposal of recyclable materials, the use of this method of disposal shall be reported to the Township pursuant to the rules and regulations formulated by the Township for this purpose

(f) All solid waste accumulated on commercial and institutional properties shall be collected, conveyed and disposed of by authorized collectors under contract or licensed by the municipality. In such a case where a commercial or institutional establishment contracts directly with a collector, the fee or payment shall be a matter of private agreement between the owners or occupiers and the collector. When approved by the municipality, owners of nonresidential properties may collect, convey and dispose of privately generated solid waste by their own containers and/or trucks, provided that they comply with the provisions of this article applicable thereto.

(g) It shall be unlawful for any such person to collect and dispose of any solid waste within the municipality except as provided in this article.

Sec. 107-5.7. Private Collectors

(a) No person shall collect, remove, haul or convey and solid waste through or upon any of the streets or alleys of the municipality or dispose of the same in any manner or place without obtaining a license from the governing body. Such a license shall not be required of private owners collecting and removing their own privately generated refuse by approved containers and/or vehicles to the Department of Environmental Protection, Bureau of Dams, Waterways, and Wetlands approved disposal site to an authorized recycling center.

(b) All private collectors shall be licensed by the municipality and designated "Licensed Private Collector--Residential" and/or "Licensed Private Collector--Commercial" only by resolution of the governing body.

(c) A fee for such license shall be set by the governing body on an annual basis, and all licenses shall be issued for the calendar year, or such portion thereof. There shall be no reduction in the fee for a license issued after the beginning of any calendar year.

(d) Every person who shall apply for a license under this section shall state the manner of collection and the place and method of disposal.

(e) No license shall be granted if the method of disposal shall not conform to the requirements of this article or to the ordinance of any municipal or quasi-municipal corporation, wherein disposal refuse is to be made.

(f) No licensed collector shall make any change in the arrangements for disposal of solid waste collected by him without first receiving written approval from the governing body. The collector may, because of emergency, use an alternate Department of Environmental Protection, Bureau of Dams, Waterways, and Wetlands approved site for 30 days.

(g) It shall be unlawful for an unlicensed collector to collect or remove solid waste from a household, institution or commercial enterprise, provided that the collector is not collecting and/or removing such solid waste from his private-owned property, and provided that such collector complies with all other provisions of this article applicable thereto.

Cheryl Schaeffer
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(h) Collectors shall be required to have liability, automobile and worker's compensation insurance in amounts provided by the governing body; and the collectors shall provide appropriate certificates thereof

(i) Each collector shall provide appropriate recycling services in accordance with the Township's Recycling Ordinance and the licensing rules and regulations.

(Ord. No. 89-0-3, 8-7-89; Ord. No. 99-14, § 1E, 5-11-99)