

# Somerset County Municipal Solid Waste Management Plan 2022 Update



Prepared for the  
The County of Somerset

Project Consultant  
Nestor Resources, Inc.

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# **SOMERSET COUNTY MUNICIPAL SOLID WASTE MANAGEMENT PLAN 2022 UPDATE**

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## Introduction

The Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101) delegated the responsibility for municipal waste management to the counties. This authority gives counties the power to develop a municipal solid waste plan and implement the recommendations developed during the planning process. One of the primary objectives of this process is to project the amount of disposal capacity required for municipal solid waste generated within the county for a ten-year period. Counties are then required to secure guarantees for the required disposal capacity from disposal and processing facilities.

In accordance with the provisions of Act 101, Somerset County began in 1990 to develop a ten-year plan for the management of municipal solid waste generated within its boundaries. The Somerset County Municipal Solid Waste Management Plan was reviewed and ratified by the municipalities. It was approved by the Pennsylvania Department of Environmental Protection. (PADEP) and was adopted on January 22, 1991, by the Board of County Commissioners.



Act 101 requires counties to revisit the concepts and recommendations in their Plans and to secure new disposal capacity assurances every ten years. In 2011, an in-depth review of the original Plan was conducted and an updated version was adopted and approved. Certain components of the original Plan were revised and programs were altered to compliment the regulatory climate and the economic resources of Somerset County at that time. A new solid waste ordinance was adopted as part of the recommendations. In addition, the County entered contractual agreements with a number of disposal facilities

The current project examines the previous revisions and evaluates the County's progress in implementing the programs and recommendations of the 2011 Plan Update. It identifies assumptions or suggestions that may no longer be valid under current conditions. New data is analyzed to determine its impact on waste management policies and practices. Minor changes are suggested when applicable. Finally, agreements for future disposal capacity are secured.

## Key Indicators Used in Development of the 2022 Plan Update

### Socio-Economic Conditions

- Population
- Housing
- Employment
- Local Economy

### Waste Trends

- Altered Composition
- Impact of Pandemic
- Shifts in Waste Generators

### Policies and Practices

- Use of Waste Collection Service
- Prevalence of Illegal Dumping
- Littering
- Open Burning
- Ordinance Types & Effectiveness

### Status of Waste Industry

- Facility Ownership
- Operating Facilities
- Permitted Capacity
- New Technologies
- Service Availability

### Status of Recycling Industry

- Commodities Markets
- Proximity of Outlets
- Local Economics
- State Regulatory Initiatives
- Grant Availability

## Beneficial Results

Somerset County has experienced positive outcomes from recommendations in the previous versions of the Plan. By securing disposal capacity in professionally operated state of the art landfills, the County ensured its citizens fair and equitable disposal costs and the increased protection from future potential environmental liabilities. Landfills, which are located in the County, have sophisticated methane gas recovery systems. These sources of energy fuel a local steel plant and the County prison. Although, except for Somerset Borough, residential recycling programs have been voluntary material that otherwise would have been disposed was recovered.

## Review of Goals and Objectives of the 2011 Plan Update

Plans are dynamic by nature. Circumstances and local conditions can change significantly in ten years. Therefore, the validity of past assumptions may no longer be applicable in the current context. Prior to launching the current planning project the 2011 recommendations were reviewed to determine if lingering tasks were still worthy of pursuing and to acknowledge those goals that were achieved.

Following are some brief comments resulting from the review.

- The County is more prepared and proactive in seeking Act 101 grant funding when it becomes available. Such opportunities were often missed in the past.
- Since 2011 a number of employee transitions occurred for the Recycling Coordinator's position. The nature and responsibilities of the position evolved as well. It is likely that the employee turnover hampered progress on some of the Plan's objectives.
- Although the County managed to continue the drop-off recycling collection system during some challenging times, excessive contamination due to non-acceptable materials being deposited at the sites forced closure of the program.

- A new ordinance that established higher standards for transporters of municipal solid waste was adopted. A reporting process was designed acquire better data regarding recycling activities in the County. A new Coordinator should be able to enforce this program.
- A survey of municipal ordinances and collection contracts could not be completed but is still a beneficial goal.
- A public education campaign never materialized, nor did training for municipal officials. Both goals are worthy of pursuing again.
- Revisiting the concept of landfill host fees was suggested in the last Plan but was not acted upon. With new owners of the facilities located in the subject of fee negotiations is timely during this planning process.



## **Chapter 1**

### **Types and Sources of Municipal Waste in Somerset County**

Chapter 1 discusses Somerset County's current waste stream characteristics, reported and estimated waste quantities and material types, during the past 10 year planning period. It identifies commercial and residential sources of waste.

The chapter also examines general demographic data such as population and housing densities, urban and rural elements, and economic conditions. A review of county characteristics, including geography, terrain, and roadways points to conditions that may influence waste management services.

## Developing a Locally Appropriate Plan

Certain assumptions and premises are used to develop municipal solid waste management plans. None of these standards, however, can be used effectively without incorporating the unique characteristics and prevailing conditions of the local jurisdiction. Recommendations and programs proposed in the planning process must be designed specifically for the people who live and work in the local area.

It is important to use a variety of data to gain insight into current waste management practices, utilization of basic services, and factors that could motivate change. Economic factors such as occupation, income, education, and employment play a role in the level and frequency of product purchases and discards. Likewise, these same factors strongly determine an individual's ability and/or willingness to pay for services, including waste management.

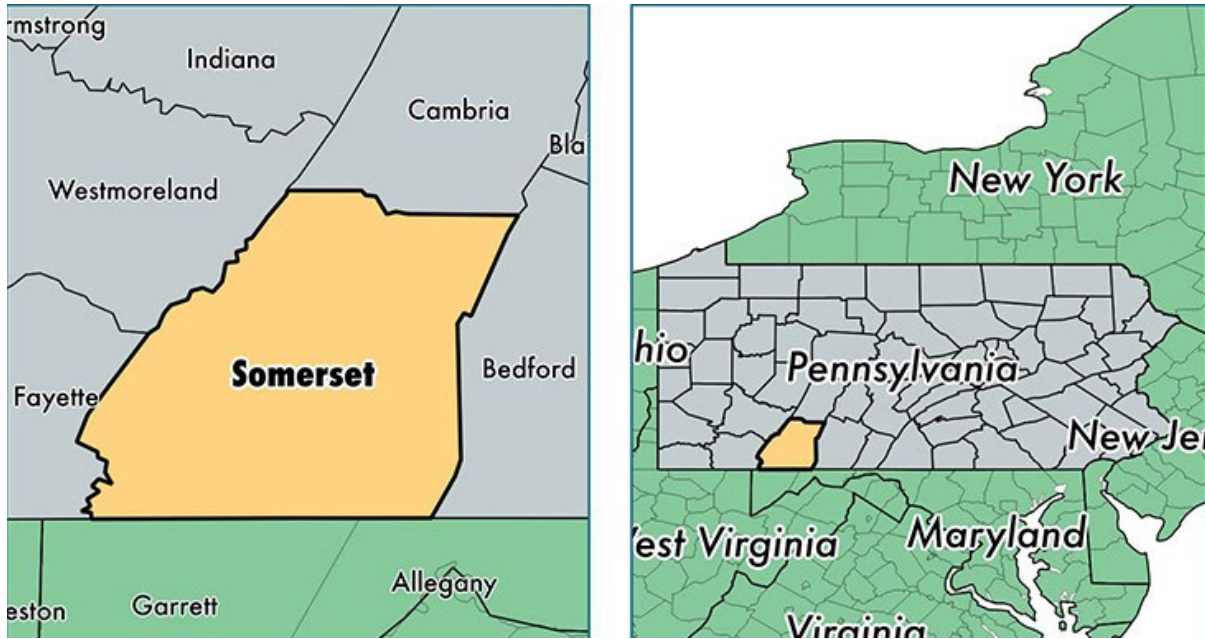
This first chapter outlines Somerset County's basic physical and demographic characteristics. Narratives and tables present an overview of the sources, types and amounts of various categories of municipal solid waste generated within Somerset County. Finally, the chapter offers commentary on notable trends and conditions.

### Physical Characteristics of Somerset County

Somerset County is situated along the southwestern border of Pennsylvania. The county borders Garrett and Allegany Counties in Maryland, and the Pennsylvania counties of Fayette, Westmoreland, Cambria, and Bedford. Figure 1-1 shows the general location of Somerset County in relation to the State of Pennsylvania and the contiguous counties.



Figure 1-1 General Location of Somerset County



In physical size, 1,081 square miles, Somerset is large in comparison to other Pennsylvania counties. It ranks seventh based on land mass alone - 1,074 square miles. Somerset County lies within the westernmost ridges of the Appalachian Mountains known as the Laurel Highlands. Mount Davis in the southern part of the County is the most notable of the peaks. It is the highest natural point in the state of Pennsylvania at 3,213 feet.

Interstate 70 (I-70) runs east-west across the southwest part of the state serving the southern fringe of the Pittsburgh metropolitan area. About half of the route is concurrent with I-76, the Pennsylvania Turnpike. Much of this section runs through Somerset County. Other notable roadways include US 30, known as the Lincoln Highway and US 40, often called the National Road.

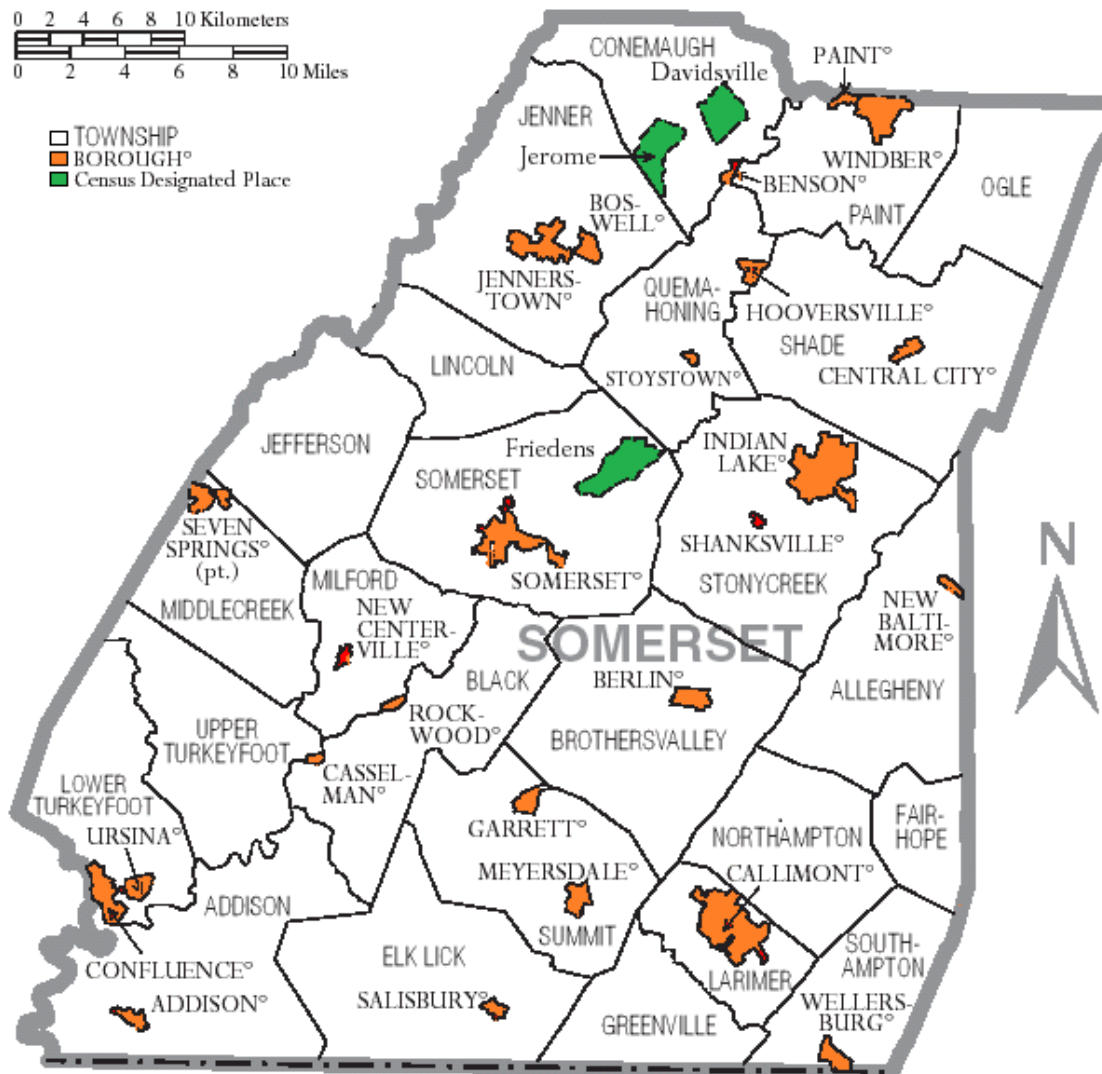
## Local Government

Pennsylvania uses population to categorize counties into eight classifications. Somerset County is ranked as a 6th class county. Twenty-four counties with populations from 45,000 to 89,999 people fall within this category. In 2019, according to the US Census Bureau, Somerset County had an estimated population of 74,361 people. A board of commissioners

consists of the three highest elected officials in Somerset County government. Departments and agencies are assigned with specific areas of responsibilities.

Local government is made up of fifty municipalities with twenty-five boroughs, and twenty-five townships. The County is governed by a three member Board of Commissioners. The Borough of Somerset is the county seat. Figure 1-2 shows the names, types, and location of the municipalities.

Figure 1-2 Map of Somerset County and Municipalities



## Demographic Profile

A number of key socio-economic indicators are used in planning for municipal solid waste management. These statistics enable planners to measure performance, make projections, and identify trends. It is important to consider this background data from a countywide and municipal perspective

## Population

A key driver of municipal solid waste generation is population. Generally, where there are greater numbers of people more waste is produced. How the population is distributed is equally important.

## Housing Trends

Housing characteristics are useful in determining the appropriate municipal solid waste and recycling collection service for a community. The types and number of structures can influence affordability of the program as well.

Since time and distance affect collection costs, population density and housing density must be evaluated in the planning process. They are important reasons why services often differ from one municipality to another.

## Census Data

The US Census Bureau conducted the decennial census in 2020.

Due to the Covid-19 Pandemic and other irregularities the accuracy of the results of the count have been questioned.

During the Plan development release of the verified 2020 data was still pending.

Therefore, for the purpose of this project, population and housing estimates published by the Bureau in the Five - Year American Community Survey for 2019 (ACS) were used.

Table 1-1 lists Somerset County's municipalities. It shows the population and total number of housing units for each. It also indicates the population and housing density.

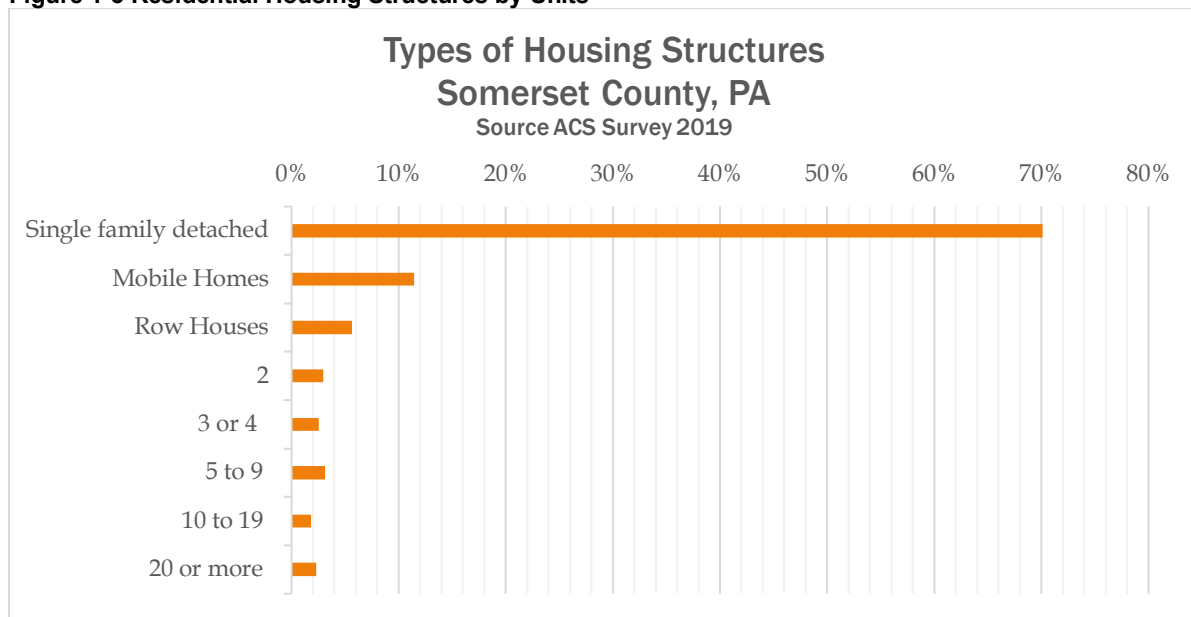
Table 1-1 Population, Housing , and Density by Municipality

Municipality	Population	Percentage of County Population	Housing Units	Land Area in Square Miles	People per Square Mile	Homes per Square Mile
Addison Borough	225	0.30%	120	0.6	375	200
Addison Township	832	1.12%	854	61.7	13	14
Allegheny Township	598	0.80%	463	51.8	12	9
Benson Borough	180	0.24%	84	0.3	600	280
Berlin Borough	2,004	2.69%	892	0.9	2,227	991
Black Township	979	1.32%	400	42.5	23	9
Boswell Borough	1,385	1.86%	713	0.7	1,979	1,019
Brothersvalley Township	2,364	3.18%	1,086	62.7	38	17
Callimont Borough	63	0.08%	29	4.5	14	6
Casselman Borough	85	0.11%	37	0.2	425	185
Central City Borough	1,011	1.36%	590	0.5	2,022	1,180
Conemaugh Township	6,913	9.30%	3,477	41.3	167	84
Confluence Borough	557	0.75%	423	1.6	348	264
Elk Lick Township	2,279	3.06%	931	56.9	40	16
Fairhope Township	107	0.14%	121	14.8	7	8
Garrett Borough	400	0.54%	201	0.7	571	287
Greenville Township	732	0.98%	329	25.2	29	13
Hooversville Borough	623	0.84%	321	0.7	890	459
Indian Lake Borough	365	0.49%	600	3.7	99	162
Jefferson Township	1,390	1.87%	1,680	41.3	34	41
Jenner Township	3,852	5.18%	1,817	64.6	60	28
Jennerstown Borough	769	1.03%	369	1.9	405	194
Larimer Township	550	0.74%	265	16.7	33	16
Lincoln Township	1,313	1.77%	648	25.7	51	25
Lower Turkeyfoot Township	483	0.65%	425	36.0	13	12
Meyersdale Borough	2,043	2.75%	1,055	0.8	2,554	1,319
Middlecreek Township	711	0.96%	1,574	33.5	21	47
Milford Township	1,463	1.97%	775	29.3	50	26
New Baltimore Borough	161	0.22%	83	0.3	537	277
New Centerville Borough	132	0.18%	56	0.3	440	187
Northampton Township	253	0.34%	225	35.0	7	6
Ogle Township	522	0.70%	279	36.2	14	8
Paint Borough	904	1.22%	447	0.4	2,260	1,118
Paint Township	3,053	4.11%	1,461	32.0	95	46
Quemahoning Township	1,811	2.44%	811	35.6	51	23
Rockwood Borough	707	0.95%	410	0.3	2,357	1,367
Salisbury Borough	771	1.04%	390	0.4	1,928	975
Seven Springs Borough	8	0.01%	49	1.0	8	49
Shade Township	2,599	3.50%	1,292	67.1	39	19
Shanksville Borough	224	0.30%	99	0.2	1,120	495
Somerset Borough	5,942	7.99%	3,239	2.7	2,201	1,200
Somerset Township	12,228	16.44%	3,717	63.9	191	58
Southampton Township	601	0.81%	338	29.4	20	11
Stonycreek Township	2,202	2.96%	1,074	61.2	36	18
Stoystown Borough	393	0.53%	234	0.2	1,965	1,170
Summit Township	2,240	3.01%	977	45.1	50	22
Upper Turkeyfoot Township	1,003	1.35%	718	38.7	26	19
Ursina Borough	256	0.34%	115	0.7	366	164
Wellersburg Borough	184	0.25%	73	0.8	230	91
Windber Borough	3,891	5.23%	2,093	2.1	1,853	997
Somerset County	74,361		38,459	1074.7	69.19	35.79

By far the greatest number of Somerset County residents live in single-family detached housing units. Seventy percent of the residential housing units in the County fall within this category. Similar to single family detached housing, but categorized separately, mobile homes represent 11 percent and row houses represent 6 percent. The other 13 percent of Somerset County units include various types of multi-family dwellings.

Figure 1-3 Shows the types of residential housing structures in Somerset County.

**Figure 1-3 Residential Housing Structures by Units**



From a municipal waste collection perspective, single family detached housing units are advantageous because they are easily accessed and therefore most commonly serviced at the curb. In fact, housing structures with four or less attached units are included in most local government programs because they are equally convenient for curbside collection.

Table 1-2 ranks the municipalities by housing density and for each shows the types and numbers of housing units which are typically included in curbside collection programs. The vast differences between the boroughs and the townships in land area and housing density is visible in the table.

Although many of the townships have a large number of housing units, the distance between them is a factor that can have a significant impact on the

cost of collection, particularly when compared to the boroughs. In some of the townships the low density could be an indicator to look at alternative waste collection methods such as convenience centers. Private subscription programs can be cost prohibitive in similar scenarios.

**Table 1-2 Housing Units Typically Serviced by Curbside Collection by Municipality Ranked by Housing Density**

	Land Area in Square Miles	Homes per Square Mile	Single Family	Mobile Homes	Row Houses	2 attached	3 or 4 attached
Rockwood Borough	0.3	1,367	242	27	9	17	43
Meyersdale Borough	0.8	1,319	699	58	17	49	99
Somerset Borough	2.7	1,200	1,609	209	152	274	245
Central City Borough	0.5	1,180	472	31	51	0	6
Stoystown Borough	0.2	1,170	158	9	0	24	12
Paint Borough	0.4	1,118	252	22	74	13	21
Boswell Borough	0.7	1,019	375	84	75	73	12
Windber Borough	2.1	997	1,222	0	269	124	167
Berlin Borough	0.9	991	565	108	11	63	15
Salisbury Borough	0.4	975	307	25	2	8	11
Shanksville Borough	0.2	495	94	1	2	2	0
Hooversville Borough	0.7	459	256	13	8	3	0
Garrett Borough	0.7	287	143	39	1	4	5
Benson Borough	0.3	280	69	10	5	0	0
New Baltimore Borough	0.3	277	68	1	0	0	5
Confluence Borough	1.6	264	241	104	6	2	30
Addison Borough	0.6	200	85	22	0	1	0
Jennerstown Borough	1.9	194	304	11	9	20	12
New Centerville Borough	0.3	187	50	5	0	1	0
Casselman Borough	0.2	185	32	5	0	0	0
Ursina Borough	0.7	164	81	24	0	0	0
Indian Lake Borough	3.7	162	550	0	33	0	3
Wellersburg Borough	0.8	91	68	3	0	2	0
Conemaugh Township	41.3	84	2,452	392	178	293	28
Somerset Township	63.9	58	2,581	837	82	58	66
Seven Springs Borough	1.0	49	16	0	10	0	0
Middlecreek Township	33.5	47	579	149	375	6	40
Paint Township	32.0	46	1,263	166	0	0	32
Jefferson Township	41.3	41	716	65	612	3	36

	Land Area in Square Miles	Homes per Square Mile	Single Family	Mobile Homes	Row Houses	2 attached	3 or 4 attached
Jenner Township	64.6	28	1,529	204	57	0	12
Milford Township	29.3	26	647	118	0	10	0
Lincoln Township	25.7	25	573	66	0	4	2
Quemahoning Township	35.6	23	639	163	4	5	0
Summit Township	45.1	22	777	160	11	16	13
Shade Township	67.1	19	1,056	158	37	14	17
Upper Turkeyfoot Township	38.7	19	648	70	0	0	0
Stonycreek Township	61.2	18	999	60	10	5	0
Brothersvalley Township	62.7	17	882	158	30	5	11
Elk Lick Township	56.9	16	760	103	14	36	18
Larimer Township	16.7	16	196	51	0	0	0
Addison Township	61.7	14	633	196	3	0	12
Greenville Township	25.2	13	254	66	5	4	0
Lower Turkeyfoot Township	36.0	12	315	93	17	0	0
Southampton Township	29.4	11	271	67	0	0	0
Black Township	42.5	9	316	82	2	0	0
Allegheny Township	51.8	9	380	78	5	0	0
Fairhope Township	14.8	8	86	35	0	0	0
Ogle Township	36.2	8	243	26	2	3	0
Callimont Borough	4.5	6	28	0	0	1	0
Northampton Township	35.0	6	191	31	1	0	0
Somerset County	1074.7	36	26,972	4,405	2,179	1,143	973

## Local Economy

There are other demographic factors which should be considered in municipal solid waste planning. These include employment and personal wealth which can dictate purchasing power, consumption and in turn how much we discard. Even our education and heritage can sway our waste management perceptions and practices.

Similar information from the commercial business community is equally important in municipal solid waste planning. The types of businesses, their sales revenue, the number of employees, and their products and services all affect the types and amounts of waste produced.

## Employment

Nearly 70 percent of the active labor force in Somerset County falls between the ages of 20-64 years old according to the US Census Bureau’s American Community Survey 1 year Estimates for 2019. In 2019 the unemployment rate for this overall age group was approximately 2.7 percent. For those younger workers between the ages of 20-30 years old the average unemployment rate of 6 percent was significantly higher. About 40 percent of those individuals with incomes below the poverty level were considered part of the active labor force and 35 percent of them were employed.

Figure 1-4 Shows the top fifty employers in Somerset County reported by the Pennsylvania Department of Labor and industry as of the fourth quarter of 2020.

**Figure 1-4 Top Employers Somerset County 2020**



### Somerset County 4th Quarter, 2020

Combined Government Ownerships

Rank	Employer	Rank	Employer
1	State Government	26	Conemaugh Township Area School District
2	Seven Springs Mountain Resort Inc	27	Somerset Health Services Inc
3	Somerset Hospital	28	Meyersdale Area School District
4	CSS Medical Center at Windber	29	Rockwood Area School District
5	Somerset County	30	DLP Partner Conemaugh LLC
6	DeVilbiss Healthcare LLC	31	Wilson Creek Energy LLC
7	CVS PA Distribution Inc	32	Meadow View Nursing Center
8	Somerset Trust Co	33	DolgenCorp LLC
9	Somerset Area School District	34	Giant Eagle Inc
10	Wheeler Brothers Inc	35	Tableland Services Inc
11	Wal-Mart Associates Inc	36	Geochemical Testing
12	North American Hoganas Company	37	Senior Choice Inc
13	North Star School District	38	Bedford-Somerset DBHS
14	Allegheny Christian Ministries Inc	39	Learning Lamp Inc
15	Federal Government	40	Argonaut Management Services Inc
16	Somerset Welding & Steel Inc	41	Envoy of Somerset
17	Community Healthcare Operator	42	Leiss Tool & Die Co
18	ASSA ABLOY Rockwood Products	43	Kitron Technologies Inc
19	Boswell Pharmacy Services LLC	44	Chemstream Inc
20	Guy Chemical Company Inc	45	Lincoln Contracting & Equipment Co
21	Highland Tank & Manufacturing Co	46	Rosebud Mining Company
22	Berlin Brothers Valley Schools	47	Shanksville-Stonycreek School District
23	Windber Area School District	48	Center Rock Inc
24	Lowe's Home Centers LLC	49	Shade-Central City School District
25	Sheetz Inc	50	Turkeyfoot Valley Area

Source: Quarterly Census of Employment and Wages

## Income

The Pennsylvania Department of Labor and Industry's *Quarterly Census of Employment and Wages* reports that the average weekly wages for employed workers in Somerset County is approximately \$838. Employees in health care and social assistance, educational services, construction and electronics and appliances stores fell within a wage range of plus or minus \$10 of the weekly average. Categorically, the highest wages overall came from financial investment management and insurance related activities. Extraction industries like oil and gas, mining, and quarrying were also well above the average as were utilities.

According to the *American Community Survey 1 year Estimates for 2019* the mean estimated household income in Somerset County was \$62,567. For Somerset County families, the mean estimated income was reportedly \$72,544. That is considerably less than the statewide Survey's estimates for Pennsylvania which were \$87,789 for households and for families \$105,887. Based on these estimates the Census Bureau reports that approximately 11 percent of the population in the County have incomes below the poverty level.

In a county where income levels are below average, affordability, is an important fact to consider when exploring solutions to ensure the universal availability of waste and recycling collection. Private subscription, in which residents arrange for services with the hauler of their choice, is still the most dominant form of waste collection service in Somerset County. Few, if any, communities contract with a single service provider through a competitive bidding process.

By distributing the fixed costs of providing service among a greater number of homes, the per unit cost is generally lower. Where single family housing units are densely clustered in one community, and when municipalities secure these services through a competitive bidding process, homeowners experience lower service rates than if each were to negotiate for those services on their own. The same is true when smaller adjacent communities guarantee a greater number of units to participate from joint municipal contracted programs.

## An Overview of Municipal Solid Waste

Essentially, things we purchase or acquire become municipal solid waste when they are discarded. Each discarded item proportionately affects the overall composition of the total municipal waste stream. Municipal solid waste is relatively consistent across the nation. From region to region, a number of factors may cause the content of municipal solid waste to fluctuate slightly. Income, education, geography, weather, and other demographics influence the types and number of items people purchase and ultimately discard. Those differences are becoming lessened compared to the past.

With the growth of big box retailers like Walmart and the popularity of online shopping sites like Amazon, our purchasing habits are more homogenous than ever before. There is no longer lag time for trends to make it from the coasts to the heartland. New products and goods can be introduced online and arrive on retail shelves in Los Angeles, Phoenix, Detroit, and New York City, etc. on the same day.

The advancements in product distribution affect the make-up of our discards as well. Not only do product trends shift rapidly, but also packaging.



Consumer preferences for online shopping and home delivery have permanently affected the municipal solid waste stream.

Unfortunately, material recovery facilities can be ill-equipped to collect, process and market the continually changing types and volumes of resulting material.

Understanding what is in the waste stream is the first step in determining the best methods for handling and processing various materials, and targeting those that can be recovered for recycling, composting, or energy production. Knowing the components of the waste stream also serves to

identify how waste might be minimized through product and packaging design, purchasing habits, and greater consideration for reuse and repurposing.

## Municipal Solid Waste in the United States

The United States Environmental Protection Agency (USEPA) collects and analyzes data on waste generation, disposal, and diversion. Its database of information dates from 1960 through the present. The Franklin Associates of Kansas conducts this ongoing study and issues a series of publications on behalf of USEPA.

This wealth of accumulated information establishes historic trends and changes. It is a useful tool to make initial assumptions and to reveal significant differences and/or anomalies in local programs based on national behaviors and performance. Because USEPA also documents detailed findings for each year, it is possible to compare local data from specific years to actual performance at the national level.

### 2018 Trends in Generation, Recovery , and Disposal

USEPA’s most recent published data “*Advancing Sustainable Materials Management: Facts and Figures 2018*” will be referenced throughout the Plan and used as a basis to compare Somerset County’s reported performance.

In 2018, the United States generated approximately 292.4 million tons of municipal solid waste. Based on an estimated population of 326.6 million people, that is the equivalent of 4.9 pounds per person per day. That’s an increase from the 4.74 pounds per person per day seen in recent years. is mainly the result of EPA’s inclusion of additional wasted food management pathways.

Of the municipal solid waste generated, approximately 94 million tons, or 1.58 pounds per person per day, were recycled or composted. 69



### MSW per Capita per Day

- Generated  
4.9 pounds
- Recovered All Methods  
1.88 pounds
- Disposed  
3.08 pounds

million tons were recycled at 1.16 pounds per person per day, and 24.9 million tons of organic waste were composted at 0.42 pounds per person per day. An additional 17.7 million tons of food waste was diverted from disposal by other management methods at 0.30 pounds per person per day. Combined, this represents a 32.1 percent combined recovery rate, which is a decrease from the previous 34.7 percent.



The 2018 municipal solid waste generation rate of 4.9 pounds per person per day is higher than the 4.57 rate in 1990 at the height of a thirty-year escalation in consumerism.

In addition, more than 34.5 million tons of municipal solid waste were combusted with energy recovery, and more than 146 million tons of municipal solid waste were landfilled for a combined total of 180.5 million tons, or 3.02 pounds per person per day of municipal solid waste disposed.

The daily waste generation rate of 4.9 pounds per person is higher than the previous peak of 4.74 pounds per person per day seen in 2000, and the 4.57 pounds per person per day rate in 1990 at the height of a thirty-year escalation in consumerism. The increase is due mainly because EPA enhanced its food measurement methodology to more fully account for all the ways wasted food is managed throughout the food system.

What differs is the amount of material recovered which in 1990 was only 0.69 pounds per person per day. So, while due to increases in population and methodology overall we generate more waste, we also recover a greater portion of it than in the past.

### What Is Municipal Solid Waste?

There are a number of categorized subsets of solid waste. In general, USEPA considers discards from residential, commercial, and institutional establishments to be the “municipal” subset of solid waste. It is commonly referred to as “MSW.”

Municipal solid waste consists of everyday items such as product packaging, grass clippings, furniture, clothing, bottles, food scraps,

newspapers, appliances, and batteries. In addition to identifying specific groups of materials like metals, glass, paper, or plastic, broad categories of products are also used in analyses of municipal solid waste. These include durable goods, non-durable goods, containers and packaging, organic wastes such as food and yard trimmings, and miscellaneous inorganic wastes. Although each may consist of one or more recyclable materials, categorizing them by product is a more accurate way of describing what we purchase, discard, and recycle.

For instance, we all have windows, mirrors, and decorative glassware in our homes. Yet when we talk about recycling “glass” in municipal programs, we mean glass bottles and jars. Similarly, when “aluminum” is mentioned in the context of municipal recycling programs, we mean aluminum cans and foil, not siding and scrap metal.

Using the product categories clearly illustrates the relationship between product design, purchasing habits, and waste generation. With the emergence and growth of product stewardship and extended producer responsibility legislation and regulations, there is increasing demand for sustainable design that allows for remanufacturing, reuse, and recycling. Figure 1-5 explains the product categories used by USEPA

Figure 1-5 Products and Materials in Municipal Solid Waste



## PAPER AND PAPERBOARD

- Collectively, the many products made of paper and paperboard materials comprise the largest component of MSW.
- The paper and paperboard materials category includes products such as office papers, newspapers, corrugated boxes, milk cartons, tissue paper, and paper plates and cups.



## GLASS

- Glass is found in MSW primarily in the form of containers
- In the container category, glass is found in beer and soft drink bottles, wine and liquor bottles, and bottles and jars for food, cosmetics, and other products.
- Glass is also a part of durable goods like furniture, appliances, and consumer electronics



## METALS

- **FERROUS** By weight, ferrous metals (iron and steel) are the largest category of metals in MSW.
- The largest quantities of ferrous metals in MSW are found in durable goods such as appliances, furniture, and tires.
- Containers and packaging are the other source of ferrous metals in MSW
- **ALUMINUM** The largest source of aluminum in MSW is aluminum cans and other packaging.
- Other sources of aluminum are found in durable and nondurable goods.
- **OTHER NONFERROUS** Other nonferrous metals (e.g., lead, copper, zinc) are found in durable products such as appliances, consumer electronics, etc.
- Lead in lead-acid batteries is the most prevalent nonferrous metal (other than aluminum) in MSW.



## PLASTICS

- Plastics are a rapidly growing segment of MSW.
- Plastics are found in all major MSW categories
- The plastic containers and packaging category has the most plastic tonnage.
- Plastic containers and packaging (bags, sacks, and wraps, other packaging, PET bottles, jars and HDPE natural bottles, and other containers)



## RUBBER AND LEATHER

- The predominant source of rubber in MSW is rubber tires from automobiles and trucks.
- Common sources of rubber and leather include clothing and footwear.
- Other durable and nondurable products with rubber or leather components, include such items as gaskets on appliances, furniture, and hot water bottles, for example.



## TEXTILES

- Textiles in MSW are found mainly in discarded clothing.
- Other sources are furniture, carpets, tires, footwear, and other nondurable goods such as sheets and towels.



## WOOD

- Durable goods and products include furniture, cabinetry, shelving, and some other miscellaneous products are the sources of wood in MSW.
- Wood packaging is another primary source (crates, pallets)
- Tree trimmings and brush are not included in the "wood" category.

## Regulatory Shades of Grey

How municipal waste is defined and regulated differs from state to state as well as from the federal interpretation. Lacking another reliable benchmark, the Plan uses USEPA's database as a reference and base of comparison throughout its analyses. Slight differences exist between the federal criteria and Pennsylvania's laws and regulations.

## Defining Solid Waste By Its Source

Defining a waste by who generates it or by where it was generated, rather than by its chemical or physical characteristics or environmental impact is often a more practical way for regulatory agencies to monitor and enforce proper waste management practices. Therefore, there are items commonly found in industries and households alike that are regulated differently and require different disposal methods for each source.

The USEPA definition of municipal solid waste encompasses the materials discarded by residents, commercial businesses, offices, and institutions. It excludes materials generated by manufacturing processes and industrial activities. A further distinction is made in planning for and managing municipal waste based on whether the source is commercial or residential.

It is important to understand the regulatory and practical basis for categorizing the sources of municipal waste because, while the overall contents of the waste stream remain the same, the proportion of the materials differs in each category. This becomes a major consideration in developing recycling and other waste management technologies and diversion programs.

## Components Unique To Pennsylvania

There are some other subsets of the solid waste stream with unique characteristics or which require special handling. USEPA, along with many states, do not factor these particular types of materials into the overall quantities of municipal waste. In Pennsylvania, however, waste from construction and demolition activities, medical waste from health care facilities, biosolids, and sludges from wastewater treatment all fall within the regulatory framework of municipal solid waste. Therefore, in the planning process, Pennsylvania counties must address how each is managed.

For comparative purposes, in Pennsylvania it is only the data in disposal facility reports categorized as “municipal” that correlate to USEPA’s definition of municipal solid waste. These reports are discussed in more detail in Chapter 2. It should be noted that discussions of and projections for residential and commercial/institutional municipal waste generation and recycling within the Plan do not include special handling wastes. Estimates for these types of municipal solid waste and detailed discussions of how they are managed are provided separately.

## Composition of Municipal Solid Waste

Not only the quantity of municipal solid waste that is generated changed since 1960, but also the make-up of the overall waste stream.

While the basic categories of materials remain the same, the percentage that each material represents in the total waste stream has changed significantly since 1960. Many of these changes have occurred rapidly over the past five to ten years.

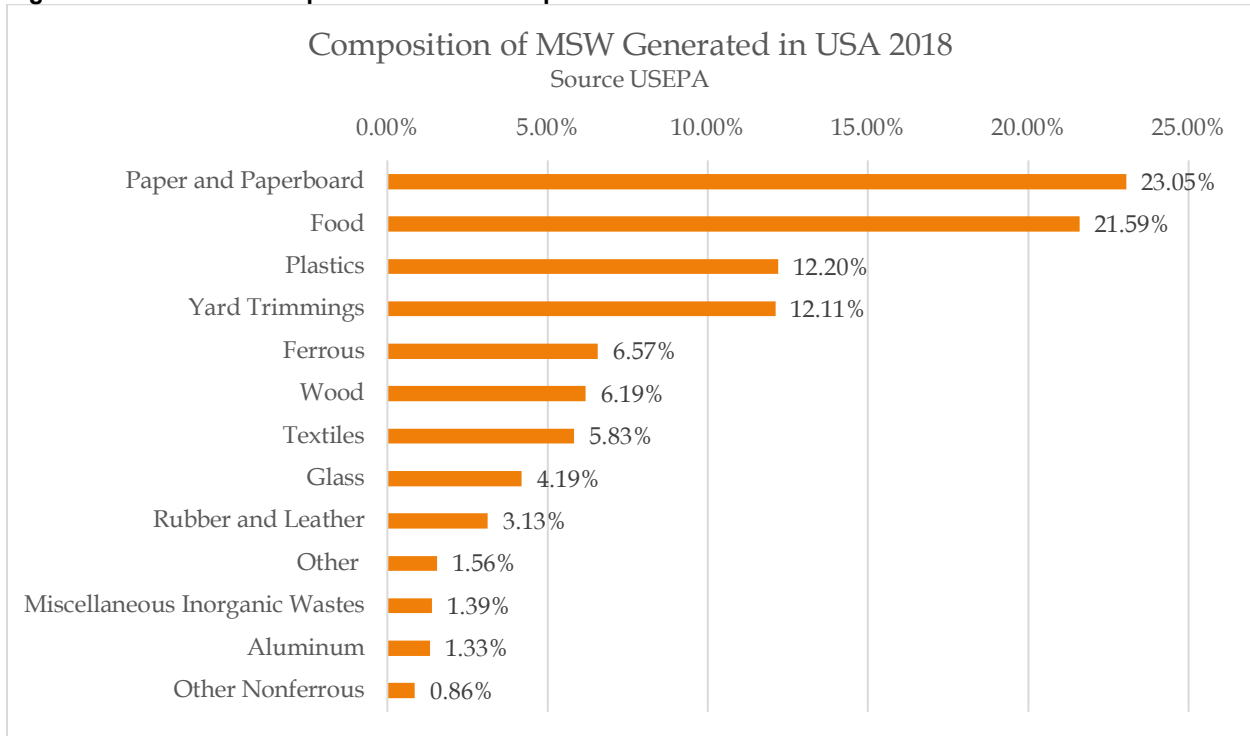


The findings of the USEPA over the past 50 years present a reliable snapshot of the average waste generation, recycling and disposal trends in the United States. It is reasonable to expect that from region to region a number of demographic variables could cause local statistics to differ somewhat from those reported by USEPA. The source of the material can also influence locally reported results. For instance, waste from strictly residential settings tends to differ slightly in composition from waste generated only by commercial establishments. These variables are identified in the national study to help program managers better interpret their data.

When an in-depth inventory of municipal solid waste is necessary, a physical sort of the local waste stream is conducted. For instance, the PADEP is currently conducting a statewide waste composition study. It will show data on a regional level as well as the statewide aggregate. However, the time and cost to initiate that process on the local level is rarely justifiable during the normal planning process unless a county operates a full scale recycling operation. To examine the current conditions in Somerset County, understanding what is common or normal in the majority of communities across the nation, provides a sufficient benchmark for evaluating local data.

Comparing the USEPA information to a jurisdiction's reported data, can prompt a thorough investigation of previously held assumptions used to develop local programs. Finally, it provides insight into prevailing trends and evolving conditions that could affect future solid waste management capacity needs and the development of treatment and processing methodologies.

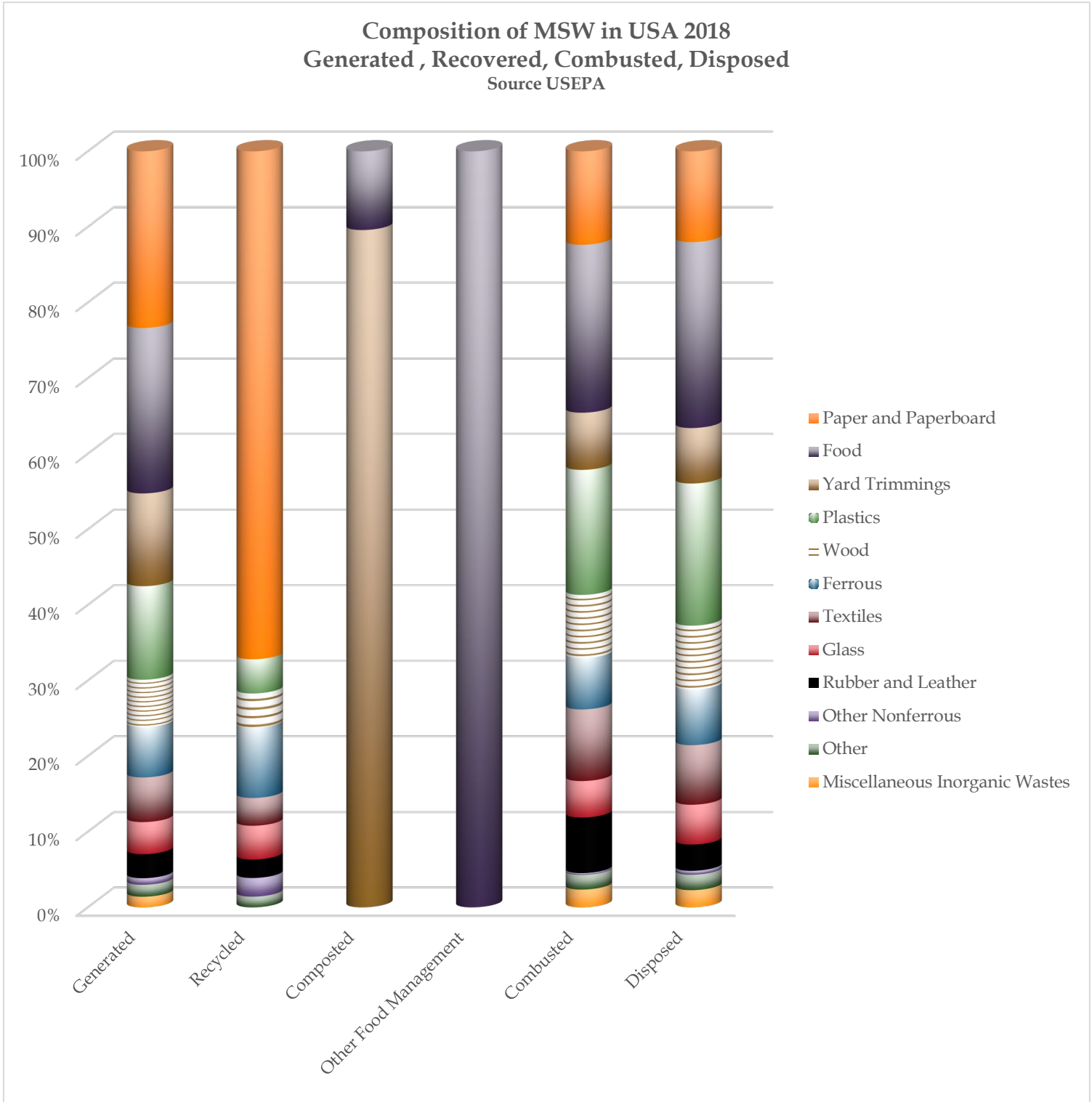
Figure 1-6 shows the composition of municipal waste generated in the United States in 2018 the most recent data available.

**Figure 1-6 National Municipal Solid Waste Composition 2018**

It is important to note that the composition of materials recovered will differ proportionately by category or type from the composition of the waste which is generated. Although nationally the 2018 combined recovery rate of the overall municipal waste generated is approximately 32 percent, the individual materials are recovered at different rates. For instance, 68 percent of the paper and paperboard generated is successfully recovered leaving little of the material for disposal. On the other hand, certain plastics are successfully recovered, but many others remain in the disposal stream. The combined recovery rate for plastics is only 8.7 percent. Understanding these differences are vital in developing successful recycling programs.

Figure 1-7 illustrates how the composition changes as the waste is recovered through various means, combusted for energy, or disposed. The table makes it easier to see how the differences in recovery proportionately affect the composition of the municipal solid waste that is disposed from both the waste generated and the materials recovered.

Figure 1-7 Changes in Waste Composition Generated, Recovered, Combusted Disposed



## Sources of Municipal Solid Waste

Every household, commercial establishment, government facility, and institution produces municipal solid waste each day. Although similar materials are found in the municipal solid waste generated by all of these entities, the proportion that each material represents in the total waste stream changes based on which of



## Residential

The greatest quantities of municipal solid waste are generated in private residences. Houses, condominiums, trailers, and apartment high-rises are locations where residential municipal solid waste is generated. According to the USEPA at least 54 percent of municipal waste is generated by the individuals who reside within a community. Municipal waste from these sources is categorized as “residential.” In rural areas like Somerset county the ratio of residential municipal solid waste can be as much as 72 percent.

## Commercial

Retailers, wholesalers, and a wide variety of service industries are considered commercial generators of municipal waste . Office complexes, government facilities, schools, and institutions also fall within this category. Based on national trends, commercial establishments typically generate 46% of the municipal waste stream but it can be as low as 28% in rural areas.

Although commercial sources are more varied than residential generators, materials in the commercial waste stream remain similar to those found in residential municipal solid waste. What fluctuates is the proportional mix of the materials by weight and volume. The inconsistencies are driven by a variety of factors. The nature of the operation, the volume of sales, and the number of employees ultimately affect the composition of the municipal waste each generator produces.

Following is a brief description of the various segments that comprise the commercial category of municipal waste generation.

### Business Establishments

A broad spectrum of businesses generates commercial municipal solid waste. Banks, office complexes, restaurants, hotels, hair salons, plumbers, department stores, and other similar operations fall within this category.

### Select Types Of Commercial Municipal Waste Generators

Aside from retailers, office buildings, and other service-oriented businesses, Act 101 specifically mentions three commercial municipal solid waste generators. Following is a brief description of each.

### Government Facilities

The functions of the federal, state, and local government are conducted in offices and facilities throughout Somerset County. Agencies and organizations representing social services, economic development, the military, the environment, and agriculture are all housed here. The day-to-day operations of township, borough, and county government are located in offices and other facilities throughout the County. Police and fire departments, municipal authorities, libraries, recreational facilities and even prisons are included.

### Educational Institutions

By far the largest segment of educational institutions in Somerset County are the eleven major public school districts. Each has facilities from primary through secondary education levels. Other learning centers also exist. These include a branch college campus, a technical and vocational school, and numerous private schools.

### Residential Care Facilities

Another group of institutional facilities include skilled nursing, personal care, and assisted living facilities. All are considered commercial municipal waste generators. Overall, these facilities produce municipal waste with a composition similarly found in most residences. Residential care facilities also generate materials that require special handling. Due to the nature of their operations, a portion of the municipal waste generated in these facilities falls into a special category of regulated medical waste, previously known as infectious chemotherapeutic waste. These and another special handling wastes are discussed later in a dedicated section of Chapter One.

### Other Business Establishments Excluded From The Category

Employers in the categories of agriculture, mining, manufacturing, utilities, and other industrial related operations are not considered commercial waste generators under the federal or state municipal solid waste regulations. Therefore, they have been excluded from consideration in the planning process.

According to the Pennsylvania Department of Labor and Industry's *Quarterly Census of Employment and Wages* Somerset County has 1,556 business establishments in the categories considered as commercial municipal solid waste generators under Act 101. Health care and social

assistance has the largest number of establishments and employs the greatest number of people. The retail trade and hospitality industry follow in close ranks.

Table 1-5 shows the types and numbers of commercial establishments operating in Somerset County based on data reported by the Pennsylvania Department of Labor and Industry. The table also includes the number of employees in each business sector.

**Table 1-5 Types of Somerset County Commercial Establishments**

<b>Commercial Establishments Somerset County, PA</b>		
<b>Industry Employment Distribution Table</b>		
<i>The table below shows the type and number of Somerset County's commercial establishments ranked by the highest number of employees for the 4th Quarter, 2020.</i>		
<b>Industry Sector</b>	<b>Number of Establishments</b>	<b>Number of Employees</b>
<i>Health Care and Social Assistance</i>	300	4,043
<i>Retail Trade</i>	219	2,440
<i>Accommodation and Food Services</i>	148	2,229
<i>Public Administration</i>	74	2,120
<i>Educational Services</i>	41	1,615
<i>Construction</i>	181	1,170
<i>Wholesale Trade</i>	86	1,022
<i>Finance and Insurance</i>	77	697
<i>Other Services, Ex. Public Admin</i>	187	680
<i>Professional and Technical Services</i>	103	654
<i>Administrative and Waste Services</i>	59	584
<i>Arts, Entertainment, and Recreation</i>	31	181
<i>Real Estate and Rental and Leasing</i>	40	126
<i>Management of Companies and Enterprises</i>	10	71

*Source Pa Department Labor and Industry*

Communities commonly come together to socialize and celebrate long standing traditions. These occasions may occur in conjunction with holidays of national importance or those of local cultural heritage. Sometimes the events are focused on the activities of local sports teams. Somerset County hosts several fairs, festivals, and other events during the year. Each draws a large volume of people that can tax the capabilities of local services and significantly increases the amount of waste and recyclable materials generated.

## Community Events

In spite of their seeming similarities, in reality, each event is unique in character. Exactness is virtually impossible when predicting the volume of waste expected from any given event.



Recently, Nestor Resources, Inc. prepared a special event manual for the Butler County Department of Recycling and Waste Management. As part of that project, a search of reported results from events in

Pennsylvania and the nation found

the current average rate of event waste generation is approximately 0.66 pounds per attendee. Much of the event waste is organic and a considerable portion of the materials generated can be recycled or composted. Informational flyers, food scraps, packaging, beverage containers, etc. are some of the potential discarded materials. Leaves and manure are also common at fairs and other events that include livestock and other animals.

## Other Attractions

Organized events are not the only instances when people produce waste away from home. Take-out food, single serve beverage containers, and similar items provide the option of dining as we drive or walk along the streets. Tourism is an important part of the local economy.

As a destination for leisure travelers, including day-trippers, who visit outdoor recreational areas and shopping venues, the need for receptacles to prevent littering is essential.

Four Pennsylvania state parks are located in Somerset County. These facilities attract sportsmen, hikers, campers and nature enthusiasts. Due to its elevation and climate, the County also is a natural destination for those who enjoy winter sports.



Somerset County is home to the Flight 93 National Memorial operated by the National Park Service. The site commemorates the bravery of the passengers and crew aboard one of the four commercial airliners which were hijacked on Tuesday morning, September 11, 2001, as the U.S. came under a terrorist attack. The 40 passengers and crew on Flight 93 thwarted what was intended to be an attack on the nation's capital by causing the plane to



crash in this open field. They are among 3,000 people who perished in similar instances that day.

The site is projected to attract approximately 500,000 visitors per year. Many of these visitors will stay and explore other areas of the County. Proper municipal solid waste management plays a key role in preserving natural resources and protecting the environment. Both are important to

the survival of the travel and hospitality industries, as well as the overall quality of life in the County.

## Quantifying Somerset County's Municipal Solid Waste

In Pennsylvania, municipal solid waste landfills and waste to energy facilities are required on a quarterly basis to report to PADEP the quantities of waste received at their facilities. The reports are based on the inbound weight of material that passes over the scales. The material is tracked by the category of waste and the county and state of origin where it was generated.

For recycling, the amounts recovered from residential and commercial sources throughout the county are reported electronically and tracked through the ReTRAC data management system. In conjunction with the reported data, population is used calculate the generation, disposal and recovery rates for municipal solid waste on a per capita basis. Population is also used to estimate generation, recovery, and disposal when a per capita rate is assumed.

For 2019, disposal facilities reported 46,959 tons of municipal solid waste originating from Somerset County. In addition, 155,747 tons of recovered material were recorded in the ReTRAC system. Of the recovered material, 153,658 tons were reported as yard waste collected in Somerset Borough and 75 tons of yard waste from Conemaugh Township. The remaining 2,104 tons were recycled materials from residential and commercial sources in Windber and Somerset Boroughs, Conemaugh Township, as well as the County's recycling program.

The 2019 reported tons of yard waste are more than three times the reported quantities of municipal solid waste disposed. Not only are the figures extraordinarily high but also highly unlikely. Professional experience suggests that a mistake such as a typographical error occurred when the data was recorded. To confirm or dispel the anomaly, the previous and following year's reports were compared. The review shows that in one year Somerset reported approximately 75 tons of yard waste and in another about 168 tons. Therefore, it seems fair to adjust the reported data to reflect 154 tons of yard waste. That makes the combined recovery totals for recycling and yard waste 2,168.

The 2019 estimated population for Somerset County of 74,361 and the reported disposal data was used to calculate Somerset County's municipal solid waste disposal rate per capita. The landfills' reported data shows that in Somerset County, municipal solid waste was disposed at the rate of 3.5 pounds per person per day. That is just slightly higher than the national average of 3.08 pounds per person per day.

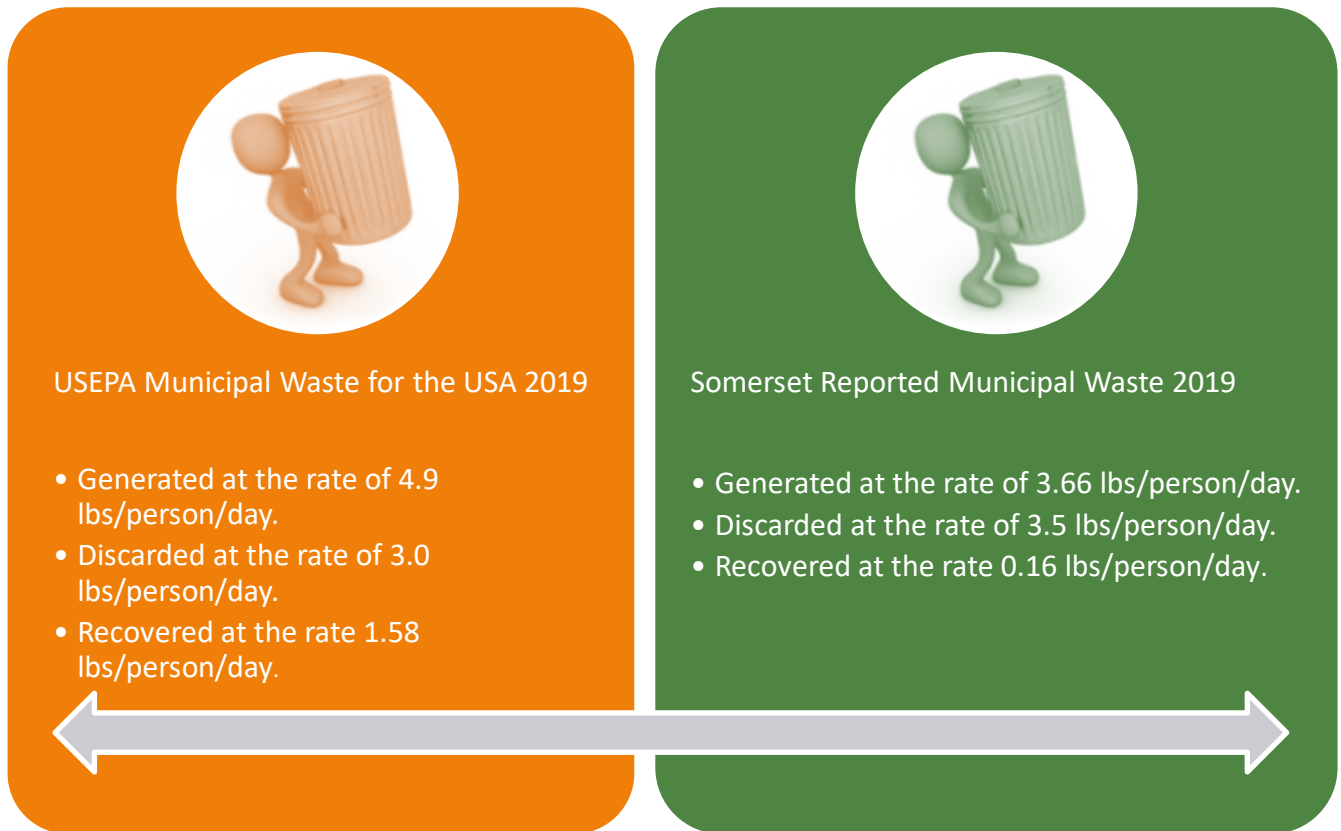
For recycling using the 2019 population and the reported tonnage shows that in Somerset County municipal solid waste was recovered at the rate of 0.16 pounds per person per day, much lower than the national average of 1.88 pounds per person per day.

Typically, to determine the municipal solid waste generation rate, the disposal and recovery rate are added together. For Somerset County that would mean that the reported municipal solid waste was generated at the rate of 3.66 pounds per person per day. That is significantly lower than the national average of 4.9 pounds per person per day.

Rural communities like those in Somerset County can produce less waste than more affluent suburban neighborhoods with greater amounts of discretionary cash. However, the gap is not generally as wide as reported for Somerset County. Some assumptions can be made for the discrepancies. The first is that in rural areas a large number of homes do not subscribe to a waste collection service. Open burning is a common method of managing household waste. In addition, illegal dumping is a common occurrence. Because those quantities of waste are not managed in an environmentally responsible fashion they are never measured or reported.

Figure 1-9 compares the national data to Somerset County's reported data. To compensate for the deviations, in many of the exercises and analyses performed during the planning process, nationally accepted assumptions are used to override the locally reported results. When feasible, reasons are noted for the discrepancies. At a minimum, using the nationally recognized data provides a balanced platform for future decision-making.

Figure 1-8 National and Somerset County MSW Per Capita Rates 2012



## Solid Waste from Construction and Demolition Activities

Construction and Demolition (C&D) waste is a perfect example of a waste stream that is defined and regulated as municipal waste in Pennsylvania, but viewed differently by USEPA and in other states. Construction and Demolition projects in residential, commercial, and industrial establishments generate a highly variable composite waste stream. The name itself suggests the different activities that can occur depending on the specific project or job site. Work may include construction, renovation, and/or demolition, and any or all of a number of related activities.

On a load-by-load basis, C&D waste can vary dramatically in its mix of materials and physical characteristics. Demolition projects tend to generate asphalt, concrete, earth, sand, trees, steel, brick, lumber, roofing materials, flooring, plaster, dry wall, and other similar materials. Typically, unless the project requires piece-by-piece deconstruction of a building, demolition loads contain larger quantities of these materials since essentially entire structures are being discarded.

Alternatively, new construction projects generally are comprised of trimmings from dry wall, framing, carpet remnants, etc. Efficient builders have very little trimming waste, as they measure and purchase accordingly. Loads bound for disposal resulting from new construction activities might also include packaging materials such as cardboard boxes, Styrofoam, nylon or plastic strapping, pallets, etc.

Numerous variables influence C&D waste generation and disposal rates. Construction and demolition projects are subject to seasonal weather conditions. Swings in the economy can stimulate or deter new development and construction. The amounts of C&D waste from month to month and year to year are less consistent than municipal waste as a whole. When all these variables are considered, it is easy to understand the difficulties in projecting C&D quantities for the long term.

Two recent studies of the Northeastern United States, provide a model for characterizing the C&D waste stream and calculating a generation rate. The Northeast Waste Management Officials' Association (NEWMOA) conducted the first study, and The Massachusetts Department of Environmental Protection commissioned the second study.

The studies revealed a wide difference in C&D generation rates from the survey's participating states. These ranged from 0.19 tons per person per year to 0.42 tons per person per year. When variables such as definitions of C&D and materials included were filtered, a generation rate of 0.31 tons per person per year emerged as a reasonable median.

Both studies' generation rate calculations include asphalt, brick, and concrete (ABC) wastes generated from road and bridge projects. These wastes are disproportionately heavier than many of the other C&D components. In addition, much of the material from road and bridge projects is used as clean fill on site. Trees and rocks from land clearing and grubbing were excluded because they also are managed on site.

## LOCAL TRENDS

Using the median generation rate of 0.31 tons per person per year derived from the two studies, and a population in 2019 of 74,631 Somerset County would be expected to generate approximately 23,136 tons of C&D waste

per year. Another measure to gage the amount of C&D waste generated in Somerset County is the ratio of C&D waste compared to the total amount of municipal waste disposed. According to the Pennsylvania Department of Environmental Protection, 17.5% of the material disposed in Pennsylvania landfills can be categorized as C&D waste. Using this method the estimated amount of Somerset County C&D waste disposed would be 10,574 tons.

Both methods indicate that Somerset County should generate and dispose significantly more C&D waste than the reported in 2019. According to facility reports, Somerset County disposed 5,803 tons of C&D waste in Pennsylvania landfills. This represents approximately four percent of all Somerset County municipal waste reportedly disposed in Pennsylvania facilities. No data was available for C&D waste that might have been disposed in out-of-state facilities.

There are several explainable reasons for at least a portion of the discrepancy. First, much of the brick and concrete and other masonry materials become clean fill, similar to the manner in which state highway projects manage this material. Contractors also reuse doors, windows, hardware, etc. in other project applications.

The cost of disposal is a major factor. The proximity of Somerset County to the Maryland and Virginia borders, where disposal fees for C&D waste may be much lower, could serve as an incentive for a transporter to drive a considerably added distance.

Additionally, Pennsylvania has C&D landfills within a reasonable driving distance, and these landfills and processors dedicated solely to C&D waste have no reporting requirements, making it much more difficult to track and monitor this waste stream.

Cost also plays a role in the mismanagement of C&D waste. Much of C&D waste is handled by construction/demolition contractors, or homeowners and businesses that generate the waste. Whether due to lack of awareness, weak regulations, and/or enforcement, the material does not always make its way to a proper disposal facility. Some of the material is burned on construction sites and is never accounted. Surveys of illegal dumping sites

Pennsylvania as a whole revealed an alarming amount of C&D waste, most of which originated from commercial sources.

Determining an accurate C&D waste generation rate is difficult, but there are reasons to improve the tracking and monitoring of these materials. Such data would prove useful in the development of a C&D recycling program in Somerset County. It could also serve as a deterrent against illegal dumping. Consideration of these potential solutions was part of the revision planning process. Chapter 4 provides further discussion on this issue.

### **Septage and Sewage Sludge**

Considering the overwhelmingly rural nature of Somerset County a reasonable network of public sewage treatment facilities (POTW) exists. Private homeowners within the remaining non-serviced municipalities are expected to use on lot septic systems. Multi-family dwellings, such as trailer parks and residential care facilities, as well as industrial operations operate private pre-treatment systems, with the sewage being transported for final treatment at a POTW. Similarly, septic systems are often pumped and the septage is either land applied or transported for treatment.

Both the raw sewage and septage, which is treated at POTW's eventually, is dewatered sufficiently to become sewage sludge or biosolids. This end waste requires some disposal outlet. Common methods of handling biosolids include, agricultural utilization to fertilize crop producing fields; land reclamation to recover lands impacted by strip mining; composting; distribution to individuals, for use as fertilizer; landfill disposal and incineration.

The overall amount of biosolids generated within Somerset County is estimated to be 7,233 tons per year. A breakdown of estimated biosolids generation by municipality is shown in Table 1-12. The estimates are based on the PADEP study, which indicates that it is reasonable to expect each Somerset County household to generate approximately .25 tons of biosolids per year. Table 1-12 also shows which municipalities are serviced by a specific POTW.

Table 1-12 Wastewater Treatment Facilities and Service Areas

<i>Geography</i>	Wastewater Treatment Facility	Occupied Units	Estimated Tons Generated Per Year
<b>Addison Borough</b>		84	21
<b>Addison Township</b>		356	89
<b>Allegheny Township</b>		268	67
<b>Benson Borough</b>		74	18.5
<b>Berlin Borough</b>		770	192.5
<b>Black Township</b>		353	88.25
<b>Boswell Borough</b>		604	151
<b>Brothersvalley Township</b>		955	238.75
<b>Callimont Borough</b>		22	5.5
<b>Casselman Borough</b>		34	8.5
<b>Central city Borough</b>	Shade-Central Joint Authority	459	114.75
<b>Conemaugh Township</b>	Johnstown Domic Point Sewage Treatment ,	3,046	761.5
	Greenhouse Park Sewage Treatment		
	Benson Sewage Treatment		
<b>Confluence Borough</b>	Confluence Borough Municipal Authority	404	101
<b>Elk Lick Township</b>		919	229.75
<b>Fairhope Township</b>		112	28
<b>Garrett Borough</b>	Garret Borough Municipal Authority	180	45
<b>Greenville Township</b>		273	68.25
<b>Hooversville Borough</b>		364	91
<b>Indian Lake Borough</b>		548	137
<b>Jefferson Township</b>	Jefferson Township/Hidden Valley Sewage Treatment	1,223	305.75
<b>Jenner Township</b>	Jenner Area Joint Sewer Authority	1,773	443.25
<b>Jennerstown Borough</b>		343	85.75
<b>Larimer Township</b>		257	64.25
<b>Lincoln Township</b>		676	169
<b>Lower Turkeyfoot Township</b>		444	111
<b>Meyersdale Borough</b>	Meyersdale Borough Sewer System	1,089	272.25
<b>Middlecreek Township</b>		688	172
<b>Milford Township</b>	Milford Township Municipal Authority	658	164.5
<b>New Baltimore Borough</b>		75	18.75
<b>New Centerville Borough</b>		54	13.5
<b>Northampton Township</b>		111	27.75
<b>Ogle Township</b>		207	51.75
<b>Paint Borough</b>		391	97.75
<b>Paint Township</b>		1,324	331
<b>Quemahoning Township</b>		713	178.25
<b>Rockwood Borough</b>	Rockwood Borough Municipal Authority	345	86.25
<b>Salisbury Borough</b>	Salisbury Borough Sewer System	328	82
<b>Seven Springs Borough</b>	Seven Springs Borough Municipal Authority	7	1.75
<b>Shade Township</b>	Shade-Central Joint Authority	1,073	268.25
<b>Shanksville Borough</b>		91	22.75
<b>Somerset Borough</b>	Somerset Borough Municipal Authority	2,668	667
<b>Somerset Township</b>	Somerset Township Municipal Authority	3,408	852
<b>Southampton Township</b>		264	66
<b>Stonycreek Township</b>	Upper Stonycreek Municipal Authority	860	215
<b>Stoystown Borough</b>		206	51.5
<b>Summit Township</b>		822	205.5
<b>Upper Turkeyfoot Township</b>		425	106.25
<b>Ursina Borough</b>		95	23.75
<b>Wellersburg Borough</b>		69	17.25
<b>Windber Borough</b>	Windber Area Authority	1,874	468.5

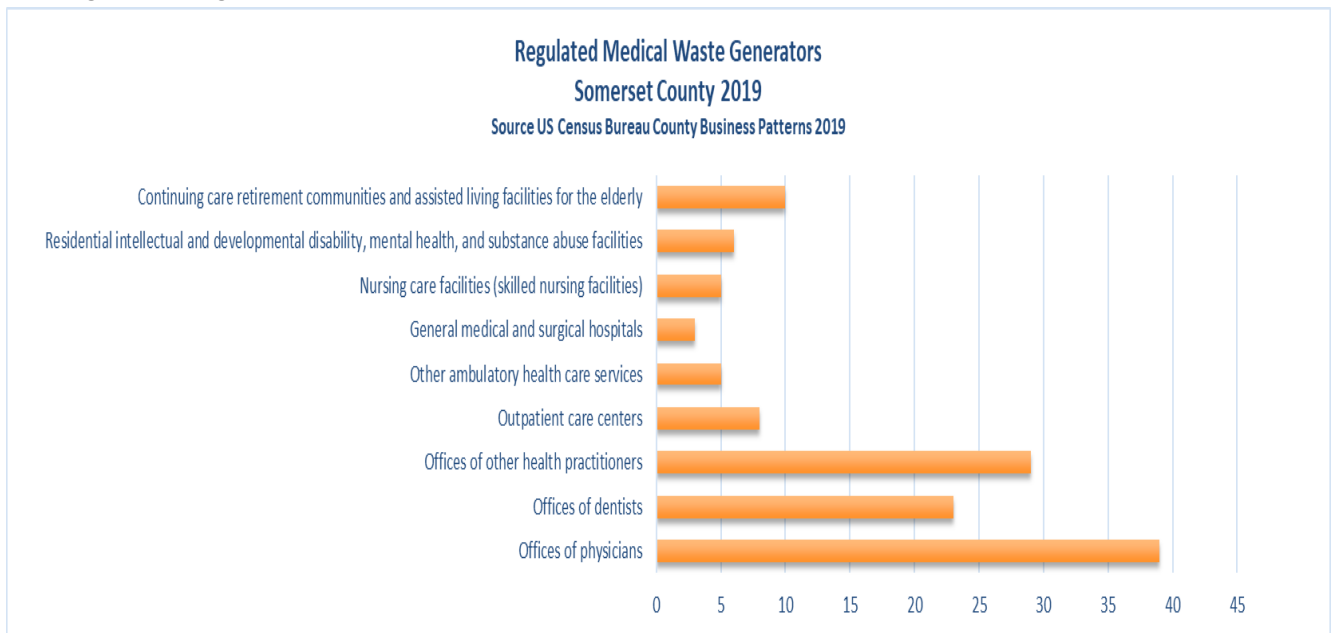
## Regulated Medical Waste

Similar to other institutional settings hospitals and resident care facilities generate significant quantities of municipal waste. Much of the material resembles waste found in the hospitality industry, where people are temporarily housed and fed. However, due to the nature of their operations, hospitals and other health care facilities also produce waste, which is required by federal and state regulations to be treated and handled separately from other materials. This waste is identified in Pennsylvania as “regulated medical waste,” and is a direct result of medical procedures, treatments, and other activities. Regulated medical waste generated in Somerset County is typically transported to commercial treatment facilities.

Typically, hospitals generate the bulk of the regulated medical waste, with outpatient care facilities also among the largest sources. However, given an ever-increasing aging population, the County should anticipate a growing demand for skilled nursing and resident rehabilitation centers. This in turn will increase the amount of waste generated in these facilities.

Figure 1- 8 shows the number and types of health care facilities that generate regulated municipal waste.

**Figure 1-8 Regulated Medical Waste Generators**



## Impact of the Coronavirus Pandemic

The 2019-2020 coronavirus global pandemic had a devastating impact on employment and overall economic conditions throughout the nation. Pennsylvania and Somerset County did not escape these consequences. The fully long-range influence of these events is currently unknown, however, there is certainty that permanent changes are inevitable.

Quarantine and social distancing policies altered the way we acquire goods and services. The popularity of on-line shopping grew at an accelerated rate exceeding all previous measurements. Home delivery and curbside pick-up services presented opportunities for new business models for restaurants and retail establishments.

Grocers stock fewer choices and generally maintain lower inventories of all products. Large retail chains are closing or downsizing their brick-and-mortar locations. Contemporary predictions estimate that more than 40 percent of all small businesses will be unable to survive the economic shift and will close permanently. If these patterns prevail the commercial municipal waste stream will continue to decrease.

These preliminary indicators are also creating a transition in the composition of both the commercial and residential waste streams. Packaging material such as corrugated cardboard, once the mainstay of commercial recycling, continues to increase in the residential sector at a greater pace than before the pandemic.



## Chapter 2

### Municipal Waste Infrastructure

Chapter 2 begins with a review of key indicators which can be useful in evaluating the effectiveness of local municipal solid waste management policies. It focuses on the broad infrastructure of transporters and disposal/processing facilities that have developed to meet the needs of Somerset County. It discusses how and where those services are utilized and points to issues that require added attention and/or improvements. Legal issues related to flow control and capacity assurances are covered as well.

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## The Importance of Local Waste Management Programs

In Chapter 1 we learn how municipal waste is generated, who generates it, and the resulting quantities from various sources. A vital part of the Somerset County Municipal Solid Waste Management Plan is ensuring proper waste management practices are implemented throughout the County. Failure to manage municipal waste properly not only harms the environment, but also jeopardizes public health, safety, and the overall quality of life in Somerset County. Many components of the waste stream provide opportunities to capture and conserve natural resources.

Municipal waste management is considered a local issue in the United States. There are no federal or statewide programs for waste and recycling collection. And although Pennsylvania counties must ensure there is adequate disposal space for the municipal solid waste generated within their boundaries, local municipal officials are directly responsible for waste storage, collection and transportation in their jurisdictions. Because municipal solid waste is an ordinary and ongoing result of our daily activities, stricter enforcement of proper waste management practices should be a priority for Somerset County municipalities.

Exploring the effectiveness of local programs is an important element of the planning process. A comprehensive survey to determine the number of homes that subscribe to the services of a commercial waste and recycling hauler has never been conducted in Somerset County. Nevertheless, there are other clues that suggest large portions of the population utilize undesirable methods to manage their household waste to avoid the cost of disposal.

### Illegal Dumping

Keep Pennsylvania Beautiful commissioned a study on illegal dumping practices in the Commonwealth. *Illegal Dumping In Pennsylvania - A Decade of Discovery. Recommended Policies And Programs For Future Prevention And Enforcement.* The report followed a decade long investigation of the evidence of illegal dumping in all 67 counties of the Commonwealth. The study found that illegal dumping was most pervasive

in areas like Somerset County where municipalities did not mandate participation in waste collection, did not perform the collection service, nor did they procure it through a competitive bidding process.

All in all, Keep Pennsylvania Beautiful identified 6,427 sites throughout Pennsylvania. It is important to note that the survey placed many restrictions on the surveyors. These included not being able to enter private land or traverse unmarked roads. Additionally, they were forbidden from exploring the depth and contents of the sites due to safety concerns. For these reasons, it is suspected that the findings reveal only a portion of the problem and that the extent of illegal dumping is much greater than reported. In Somerset County the surveyors recorded at least one or more open dumpsites in every municipality. The County as a whole represented one of the greatest number of sites in any one county surveyed.



A common problem for county and municipal programs is the use of unmanned drop-off sites as disposal outlets

### Other Forms Of Illegal Dumping

There are other actions that fall within the realm of illegal dumping that the Keep Pennsylvania Beautiful surveyors did not include in their field work. These types of behavior are just as common and just as harmful as the dumpsites in remote locations.

#### Misuse Of The Recycling Drop-Off Sites

Not addressed and therefore unmentioned in the Keep Pennsylvania Beautiful survey are the blatant occurrences of illegal dumping at the recycling drop-off sites located throughout the Commonwealth.

Contamination routinely happens in any recycling program due to misunderstanding or best intentions of participants. However, a common problem for county and municipal programs is the use of unmanned drop-off sites as disposal outlets. Offenders are typically those who avoid paying

for waste collection but are just barely environmentally conscientious enough to prevent them from disposing on other's properties. Because the midnight dumpers associate the recycling containers with waste collection, they feel free to shift the cost and responsibility for managing the material to the program, minus the guilt associated with hillside or waterway dumping.

Over time, the volume of contamination from intentional dumping at unmanned recycling drop-off sites has increased dramatically. Disposing of these unwanted materials is costly and detracts from the quality of the material and the ability to market it to end users. The problem is pervasive enough to cause the closure of specific sites and in many counties, like Somerset, elimination of the entire collection program.

### **Theft Of Service**

Sadly, those who fail to pay for proper removal of their waste may create extra costs for honest citizens. Often, responsible individuals and businesses that do pay for collection and proper disposal are victimized by this behavior. When unauthorized users place material in another's waste receptacle for disposal, it is considered theft of service. Not only do the offenders avoid payment, their waste can result in price increases for the paying customer due to the need for more frequent service or larger containers.

### **Open Burning**

After years of regulatory advancements in municipal solid waste management and clean air policies the tolerance for open burning is practically ingrained as a tradition in Rural Pennsylvania. No other undesirable waste management practice is defended by individuals at all levels of the socio-economic spectrum more than open burning.

Where camps and campgrounds are prevalent, it is hard for some to distinguish the line between campfires and burning trash. People burn waste for a variety of reasons. Convenience, habit, and the avoided cost of trash collection rank high on the list. This makes burning bans commonly contentious issues. These same reasons prompt illegal dumping.

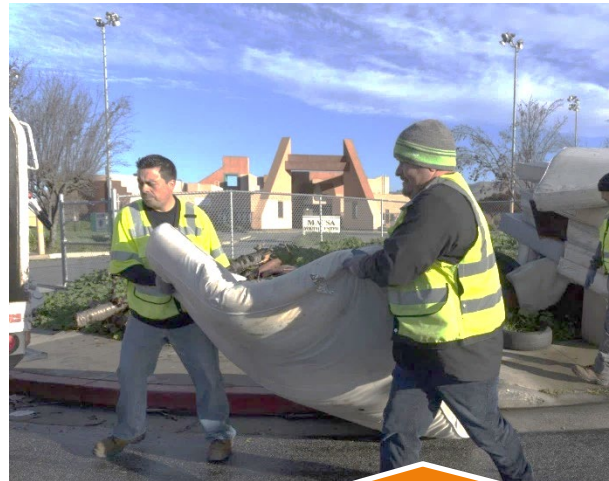
The public in general has little to no awareness of the dangers of open burning. Smoke from any fire can affect the health of a community. The smoke from backyard burning is released close to the ground where people can easily breathe it. Smoke can trigger asthma attacks. People with heart

and lung conditions are vulnerable, as are those with other chronic health problems. The increasing volume of plastics and other synthetics in the waste stream release dangerous carcinogenic emissions when combusted. In fact, the toxic emissions released from open burning of trash exceed those for large scale commercial municipal waste incinerators where proper containment and filters are installed.

An often-overlooked consequence of backyard burning should be of particular concern in Somerset County. Unattended burn barrels and pits can cause accidental fires, which could easily ignite a forest. The loss of property and life along with valuable natural resources poses an immediate as well as a long-term risk to the public health and welfare.

### Confronting The Problem

Many of the Somerset County sites have been remediated since the survey was completed. However, remediation is costly and time consuming. Because volunteer clean-ups draw positive public attention, often overlooked is the reality that local municipalities bear the ongoing cost for cleaning up illegal dumpsites. A survey of Pennsylvania's municipalities shows that clean-ups can cost more than \$700 per ton. That is more than ten times the cost had the individuals disposed of the waste properly. For municipalities that does not include the value of other projects that should be addressed by public works crews that must deal with this problem. More distressing is that the taxpayers must foot the cost to clean-up for somebody trying to avoid the cost of managing their own waste.



Public works or road crews are often dispatched at significant taxpayer's expense to remove and dispose of illegally abandoned waste.

Remediation does have unintended consequences. Keep Pennsylvania Beautiful has shown that cleaning up dumpsites does not serve to deter illegal dumping. In fact, it signals to dumpers that somebody will take care

of the mess left behind, which serves to justify their actions. The result is that remediated sites return to dumping grounds and new sites appear.

### **A Proactive Solution**

One of the most important findings and recommendations of the report was that illegal dumping can be reduced significantly when all residents, regardless of the county or municipality in which they live have universal access to affordable waste and recycling collection services. The same applies to businesses. The concept has become widely supported by environmental groups, regulatory agencies, and the waste and recycling industry.

Unlike previous approaches, the Keep Pennsylvania Beautiful study does not suggest a mandate for curbside waste and recycling collection in every municipality. Instead the report offers alternatives that are more appropriate and cost effective in rural areas. These include small rural transfer stations, commonly called convenience centers, where residents can bring their household waste and recyclables. Regulations for the operation of the rural transfer stations have been drafted and are currently somewhere in the review and adoption process.

The cost of waste disposal at convenience centers is often managed on a “pay per bag” scenario which includes the cost of transporting the waste to the disposal facility. The disposal fees also help to offset the cost of collecting, transporting and processing the recyclables to sell to end users.

Another approach is for each property owner to be issued an annual permit to use the facility. The permit cost is established by the operating cost of the convenience center. The permit could dictate the amount of bagged waste allowable per user and charge extra for items like furniture, mattresses, and appliances. Some municipalities simply incorporate the cost of operating the center into the General Fund tax base.

Although the drop-off approach to waste collection is not as user friendly as placing one’s garbage cans or bags at the end of the driveway, it is a viable solution where housing and population densities are low. As shown in Chapter 1, not only does Somerset County have a large land mass, but also many of the townships. Many of these municipalities have extremely low housing densities.

What is clear in rural Pennsylvania is that voluntary subscription for waste collection service does not represent a legitimate program or solution to municipal solid waste management. Ultimately, whether a municipality opts for a curbside or drop-off waste and recycling collection program, the decision should be based on whatever is most appropriate and affordable for the taxpayers. Whichever choice is made, mandatory participation is the key to success.

### **Dealing With Burning**

Open burning remains a common occurrence in Somerset County. The adoption and enforcement of burning ordinances is a step to control burning by local citizens. Some communities kick off the implementation of the ordinance with buy-back programs for the barrels. Just as with illegal dumping, mandating and enforcing waste collection could effectively eliminate the practice

### **Commercial Waste Issues**

Waste generated by commercial generators differs from the more toxic materials commonly produced by manufacturing processes in industrial settings. If, however, commercial generators do not manage this waste properly environmental consequences can occur.

Regardless of the municipality in which they are located, commercial businesses in Somerset County can contract directly with the service provider of their choice. This includes the option to self-haul waste generated on-site. As in most areas of the Commonwealth, local municipalities do not exercise any control or limitations over this choice through an exclusive franchise or by other means.

Local ordinances should ensure that business owners are accountable for proper storage and removal of waste generated on site. Minimum standards for service frequency and storage capacity help to prevent environmental pollution and protect public health and safety.

### **Summary**

Personal economic circumstances greatly influence if a person voluntarily subscribes to a commercial waste collection service. Even those with high environmental principles can decide to discontinue collection service when faced with limited funds. Where lax enforcement measures and fear of

prosecution for illegal dumping is minimal, the likelihood that residents will not subscribe to waste collection services is greatest.

Although unwillingness to pay is a significant reason for people to dump illegally, often a more compelling issue is simply the lack of reasonable and convenient disposal and processing outlets. Complicating this issue is the reluctance of hauling companies to service areas where low route density, geography, unmaintained private roads and other features affect productivity. Occasionally, a personal choice to use environmentally

Where there are lax enforcement measures and fear of prosecution for illegal dumping is minimal, the likelihood that residents will not subscribe to waste collection services is greatest.

friendly alternatives such as backyard composting, recycling, or waste minimization reduces or eliminates one's need for waste collection. However, most often, the absence of collection is triggered by other factors, which leads to undesirable

disposal practices. Some residents may self-haul their own waste to disposal facilities, but that option is limited to those with the means to do so.

In communities where curbside collection of waste and recyclables is not mandatory, the incidents of illegal disposal activity increase. The abuse is even more noticeable when such services are unavailable at all. This is also true where normal household waste is collected, but bulk waste and white goods are not.

How to motivate and/or mandate desired behaviors, particularly participation in the services and programs made available, is a challenge in rural areas like Somerset County. Nevertheless, many rural counties have successfully implemented measures to improve local practices. The final recommendations of the 2011 Plan Revision and Update established mechanisms to address these issues. The current planning process reviews and strengthens those action items. Chapter 5 contains the goals and objectives resulting from the current planning process.

## Inventory of Waste Management Services

Despite few municipality sponsored and organized waste management programs, a broad network of service providers operates within Somerset County. The types of services which each offers and their service areas differ. Traditional curbside collection and commercial dumpster service and roll-off containers for large volumes are readily available to residents and businesses throughout the County. Some transporters also provide dump trucks and/or trailers for construction demolition and remediation projects. Specialty services are also available for materials that are difficult or potentially dangerous to handle.

Somerset County has been the host county for three disposal facilities. One of those landfills ceased operations

## State Requirements For Transporters Of Municipal Waste

In Pennsylvania, certain transporters of municipal and residual waste must obtain Waste Transporter Authorization. Since 2002, all waste transportation vehicles (trucks and truck tractors with a registered gross vehicle weight greater than 17,000 lbs., and trailers with a registered gross vehicle weight greater than 10,000 lbs.) transporting municipal or residual waste to waste processing or disposal facilities in Pennsylvania have been regulated by the Waste Transportation Safety (Act 90). Some exemptions apply. Additionally, certain processing and/or disposal facilities may accept material from transporters without the Act 90 Authorization.

## Local Requirements for Solid Waste Transporters

The 2011 planning process revealed that Somerset County did not always receive accurate information regarding disposal and recycling activities from private sector participants. Lack of data makes it difficult to evaluate the success of or the need for services and programs. It also interferes with the County's ability to comply with the reporting responsibilities under the provisions of Act 101. Finally, missing information hampers enforcement of the Plan, particularly regarding use of the designated landfills that guaranteed disposal capacity.

To alleviate the situation the County adopted the Solid Waste and Recycling Transporters Ordinance. The ordinance included registration and reporting requirements and directed municipal waste to be disposed only in the designated landfills listed in the Plan. It also provided penalties for violators. To support the provisions of the ordinance, the County designed registration and reporting formats.

With the employee turnovers for the Recycling Coordinator's position, it is unclear how well the ordinance was implemented or enforced. Aside from gathering data, the County has little reason to enforce the ordinance. Somerset County entered disposal capacity contracts with a number of landfills which granted rights to receive municipal solid waste from the County for disposal. Landfills which did

### EXEMPT FROM THE REQUIREMENT TO OBTAIN ACT 90 AUTHORIZATION ARE:

Transporters that collect waste in Pennsylvania but utilize an out of state disposal facility

Transport vehicles with a registered gross vehicle weight less than 17,000 lbs.

Transport trailers with a registered gross vehicle weight less than 10,000 lbs.

### FACILITIES THAT MAY ACCEPT WASTE FROM TRANSPORTERS WITHOUT ACT 90 AUTHORIZATION

Facilities where municipal or residual waste is being land applied through agricultural utilization or land reclamation.

Facilities that operate under a permit-by-rule.

Facilities that are not required to obtain a permit under §271.101 (relating to permit requirement).

Cement kilns burning waste tires as fuel.

Facilities that process electronic waste and components by sorting, disassembling or mechanical processing for beneficial use.

Composting facilities.

Facilities that process municipal or residual waste for beneficial use under an individual or general permit.

not enter such agreements are prohibited from accepting the County's municipal solid waste. The transporter reports serve as a check and balance system against the facility disposal reports submitted to PADEP. It also tracks haulers who are exempted from Act 90 Authorization and more likely to use out-of-state facilities which might not be designated to receive the waste. The importance of this information to the County is the overriding factor in whether the ordinance is considered important enough to enforce.

### Transporters Located in Somerset County

It is important to note that not only those who collect municipal waste from residences and businesses are required to be licensed, but also those who haul construction demolition debris and significant quantities of materials from their own operations. Therefore, commercial businesses, builders, developers, roofers and remodeling contractors fall into this category. A comprehensive and up-to-date list of transporters with Act 90 Authorization located in Somerset County can be found at [Waste Trans Safety Auths - Report Viewer \(pa.gov\)](#) . It is searchable via zip code. The list is updated daily and therefore has more accurate information than providing a version from a specific date within this Plan.

### The Requirement to Secure Disposal Capacity

Ensuring that residents and businesses have outlets able to manage the volume and weight of municipal waste generated is the primary responsibility assigned to counties by Act 101. To meet that requirement, Somerset County solicited for capacity and entered into agreements with a number of landfills. Ultimately, thirteen landfills executed capacity agreements. The County did not guarantee any prearranged volume of tons to be delivered to each of the facilities. However, by ordinance it did limit haulers to the use of only these facilities for the disposal of all categories of municipal waste that they collect and transport. The agreements covered a period of ten years. The contracts that were executed during the last Plan update in 2011 are set to expire during this planning process.

Table 2-1 lists the facilities which guaranteed disposal capacity through contractual agreements in 2011

Table 2-1 Landfills Designated to Dispose of Somerset County Municipal Waste  
2011-2021

<b>Facility</b>	<b>Host County</b>
Chestnut Valley Landfill	Fayette
Cumberland County Landfill	Cumberland
Evergreen Landfill	Indiana
Greenridge Reclamation Landfill	Westmoreland
Greentree Landfill	Elk
Imperial Landfill	Allegheny
Laurel Highlands Landfill	Cambria
Mostoller Landfill	Somerset
Mountainview Landfill	Franklin
Sandy Run Landfill	Bedford
Seneca Landfill	Butler
Shade Landfill	Somerset
Southern Alleghenies Landfill	Somerset
Wayne Township Landfill	Clinton

### **Facilities Reporting Somerset County Municipal Solid Waste**

Municipal solid waste disposal facilities in Pennsylvania are required to submit reports to PADEP that document the types, weights, and origins of the waste received for disposal at their sites. Although the reports capture the ultimate destination of significant quantities of waste generated in the state they do not record waste which was disposed in out of state facilities. In addition because construction and demolition waste landfills are not required to submit reports there is no readily available public record for the material managed there. Of course waste handled through unconventional means such as illegal dumping or burning.

During the development of the 2011 Plan Update and Revision disposal reports from 2009 were reviewed to determine disposal trends and project future capacity needs. To see what changes may have occurred in the ten year Plan implementation period the 2019 disposal reports were reviewed for comparison. Other influencing factors were considered as well.

Overall, in 2019, landfills reported that Somerset County disposed approximately 5,168 fewer tons of all categories of municipal solid waste as

defined in Pennsylvania than it disposed in 2009. That is about a 9 percent drop in tonnage.

Decreases were reported in each category of municipal solid waste. For municipal waste there were approximately 1,949 tons less. About 2,179 fewer tons of sewage sludge were reported in 2019 and 1,480 fewer tons of construction and demolition waste were reported.

Table 2-2 Comparative Disposal Statistics 2009 vs. 2019

Disposal Facility	Municipal		Sewage Sludge		Construction		Total	
	2009	2019	2009	2019	2009	2019	2009	2019
Chestnut Valley Landfill	491.5	0	0.0	0	2.7	7	494.2	7
Evergreen Landfill	0	0	0	0	0	3	0	3
Greenridge Reclamation	1,420.3	1,495.6	0.0	0	536.5	144.1	1,956.8	1,639.7
Laurel Highlands Landfill	13.8	33.2	0.0	0	9.1	57.3	22.9	90.5
Mostoller Landfill	22,647.1	26,000.7	1,569.8	1,020.3	4,037.2	2,798.1	28,254.1	29,819.1
Shade Landfill	3,718.9		2,990.6		506.4		7215.9	
Southern Alleghenies Landfill	20,616.0	19,429.4	905.0	2,266.3	1,609.3	2,238.6	23130.3	23,934.3
Wayne Township Landfill	0		0.0		37.2		37.2	
	48,907.6	46,958.9	5,465.4	3,286.6	6,738.4	5,248.1	61,111.4	55,493.6
<b>Variance</b>		-1,948.7		-2,178.8		-1,480.3		-5,167.8

Using only these two years as a comparison may present a larger decrease than is actually occurring. When the reports for each of the years in the period are considered it shows that while the tonnage varies from year to year, there are only a few years which deviate slightly more or less than the average of 57,070 total combined tons disposed annually.

There are a number of possible reasons for fluctuations in tons of municipal solid waste disposed. Population is always a primary factor. Somerset County's population in 2009 was estimated to be 78,025 people. By 2019 the estimates had reduced the population to 73,447 people. Based on historical trends for per capita waste disposed during this period the 4,578 person decrease in population could result in a reduction in the municipal waste column of 2,414 tons. The actual change is less. Population would have some impact on sewage sludge produced, as well. Construction and demolition waste is affected more by the economy.

Despite these decreases, Somerset County continues to dispose more in the municipal waste column on a per capita basis than its population would indicate when compared to national trends. Interestingly, even with this significantly higher disposal trend, which is understandable by the lower recycling rate, the County's per capita waste generation rate is well below the national averages. This signals that waste is probably not being managed through conventional systems.

Some changes in landfill and hauling company ownership and operation took place since the adoption of the 2011 Plan Update and Revision. Often minor shifts occur in where waste is disposed when facilities cease operation or when hauling companies divert waste to their own facilities. The brief fluctuations from year to year can also be due to weather or catastrophic events that impact moisture content, the amount of yard waste, or disaster debris.

Table 2-3 shows the weights reported from all landfills for all categories of Somerset County municipal solid waste.

Table 2-3 Ten-Year Disposal Trends

	Municipal	Sewage Sludge	Construction	Total
2009	48,908	5,465	6,738	61,111
2010	48,859	3,858	6,748	59,465
2011	50,238	4,304	9,202	63,743
2012	46,661	4,441	7,853	58,955
2013	45,328	2,999	4,305	52,632
2014	48,713	2,328	3,913	54,953
2015	48,281	4,700	5,175	58,156
2016	47,429	3,272	6,098	56,799
2017	44,405	3,292	3,942	51,639
2018	45,476	3,150	5,460	54,086
2019	47,690	3,287	5,248	56,225
<b>10-year Average</b>	<b>47,453</b>	<b>3,736</b>	<b>5,880</b>	<b>57,070</b>

## FLOW CONTROL

The term "flow control" refers to governmental laws or policies that require or encourage waste materials to be disposed at designated disposal

facilities (landfills or incinerators). Waste flow control is one of the most widely debated issues in municipal waste management. Opponents claim it interferes with free trade and interstate commerce. Supporters view it as a simple tool to ensure proper management and funding of their overall solid waste programs.

Somerset County has utilized the waste flow concept since the adoption of its Plan and subsequent revisions. Through a combination of ordinances and a registration requirement waste transporters were directed to designated landfills with signed contractual agreements granting them the rights to dispose of municipal waste generated within Somerset County's boundaries.

Virtually all of the municipal solid waste reported from 2009 through 2019 was disposed in landfills which were designated to accept Somerset County municipal solid waste in the 2011 Plan. There are one or two minor discrepancies which could be reporting errors or a misunderstanding of which wastes were included in the County's flow control policy.

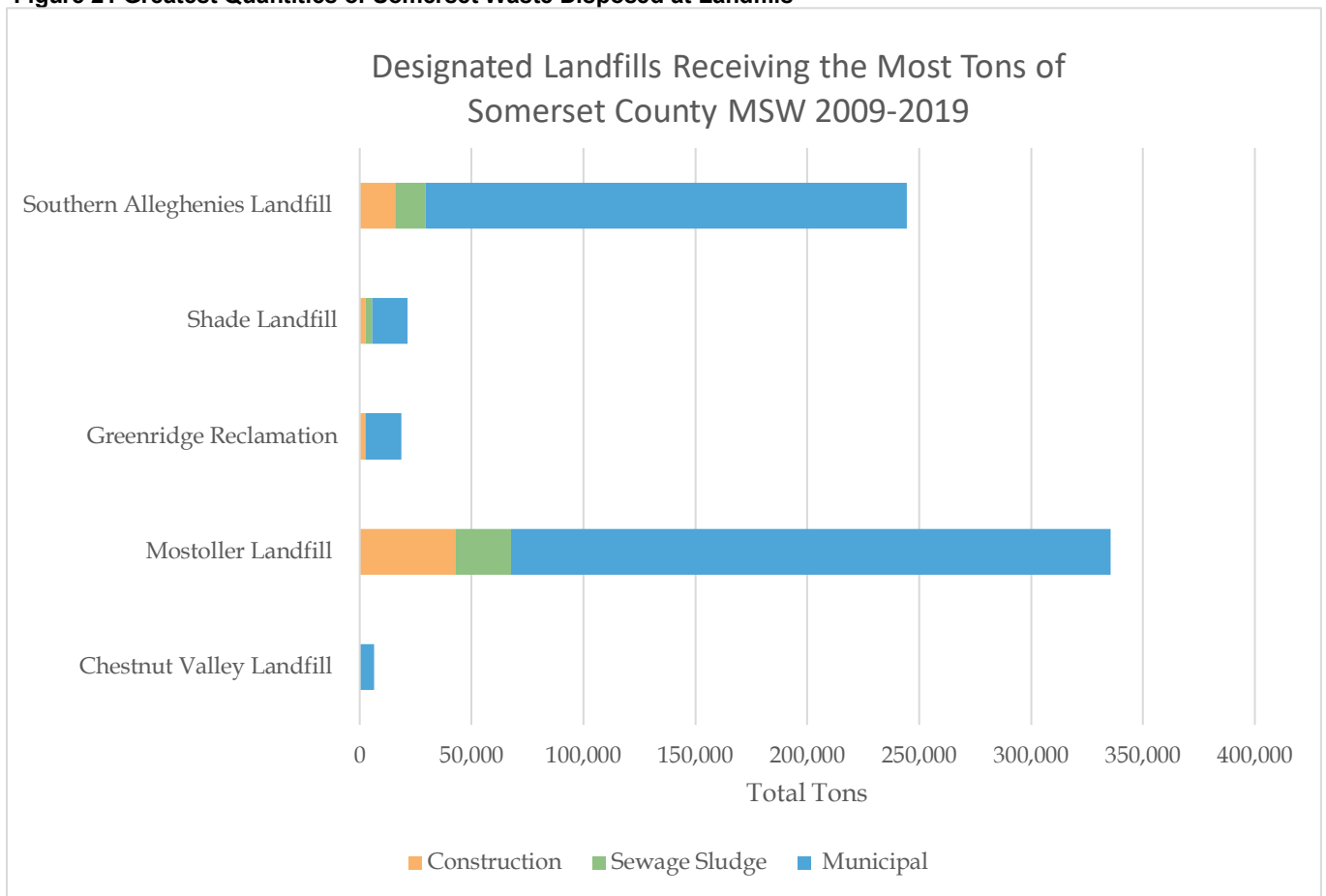
Table 2-4 lists the Pennsylvania landfills that reported disposal of Somerset County waste from 2009 through 2019. It also shows the quantity of each type of municipal solid waste received during those ten years, as well as the combined total.

<b>Disposal Facility</b>	<b>Municipal</b>	<b>Sewage Sludge</b>	<b>Construction</b>	<b>Total</b>
Chestnut Valley Landfill	6,240	0	48	6,288
Evergreen Landfill	24	0	29	53
Greenridge Reclamation	16,112	0	2,566	18,678
Imperial Landfill	4	0	27	30
Kelly Run Sanitation Landfill	0	0	3	3
Laurel Highlands Landfill	433	0	184	617
Mostoller Landfill	268,104	24,551	42,944	335,599
Mountain View Reclamation Landfill	9	0	0	9
Sandy Run Landfill	4	0	0	4
Shade Landfill	15,873	2,991	2,519	21,383
Southern Alleghenies Landfill	215,123	13,554	15,832	244,508
Tervita Sanitary Landfill	61	0	18	79
Valley Landfill	0	0	12	12
Wayne Township Landfill	0	0	502	502
	<b>521,987</b>	<b>41,095</b>	<b>64,682</b>	<b>627,765</b>

Most of Somerset County’s municipal waste was disposed at landfills within the County or at landfills located in counties within close proximity to Somerset. The landfills which were the largest recipients of Somerset County municipal solid waste are Shade, since closed, Mostoller, and Southern Alleghenies, all operating in Somerset County and Greenridge Reclamation operating in Westmoreland County.

Figure 2-1 shows these landfills and the proportionate amounts of waste each received by type.

**Figure 21 Greatest Quantities of Somerset Waste Disposed at Landfills**





## Chapter 3

### Future Disposal Capacity Projections

Chapter 3 projects the future waste generation and disposal capacity, which will be required by Somerset County for the next decade. It also considers outside factors which impact the amount of permitted capacity available in Pennsylvania Landfills.

## County Responsibilities to Provide for Disposal Needs

Under the provisions of the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101), the primary responsibility for counties is to secure sufficient capacity to manage the future projected quantities of waste that will be disposed. Counties must demonstrate that they have met this requirement as part of the process to review and update existing municipal solid waste management plans. Pennsylvania counties may pursue other endeavors, such as recycling and composting, however, those activities are considered secondary and strictly voluntary under the current law.

Somerset County's disposal trends for the years 2009-2019 are presented in Chapter 2. The data shows relatively consistent quantities of municipal solid waste disposed during that timeframe. The reported data demonstrates that except for negligible amounts, all of the municipal solid waste was disposed in landfills which entered disposal capacity agreements with Somerset County to be designated to receive the waste during the period of the 2010 Plan. Thus, the flow control provisions of the plan were followed.

The next step in the planning process is projecting future disposal needs for Somerset County from 2022 through 2031. Estimates are based on the County's disposal trends established from the historic data in Chapter 2, the rate of municipal solid waste generated per capita, and projected changes in population.

### Market Conditions and Demands on Available Capacity

Municipal waste disposal demands from 1960 thru 1990 grew at an unprecedented rate. The per capita rate at which waste was generated across the nation escalated faster than the rate of population growth during the same period. Since 2006 reports show the direction of those rates to have slowed and in fact reversed and hovered near the 1990 generation rate of approximately 4.5 pounds per person per day and the disposal rate of 2.9 pounds per person per day. In 2018, the generation rate increased to 4.9 pounds per person per day and the disposal rate increased to 3.0 pounds per person per day. These increases were due directly to USEPA

adding food waste management alternatives into their methodology for calculating generation, recovery and disposal. It does not mean that we as a nation are suddenly generating and disposing more of the materials USEPA has traditionally monitored.

### **Diversion of Select Waste Streams and Light Weighting**

Despite USEPA's increase in the per capita disposal rate, future demand on disposal capacity from municipal waste is anticipated to be less than it was projected to be 25 years ago. Annually, recycling programs across the nation consistently succeed in removing an average of 35 percent of the post-consumer waste generated from the landfill. That rate has remained stagnant for at least a decade. USEPA is now projecting a 50 percent recovery rate. To attain this goal USEPA is targeting food and other organic waste for processing in waste to energy facilities, primarily digesters which may be operated in conjunction with wastewater treatment plants.

Although regulatory influences and consumer behavior contributed to reduced quantities of waste reaching our landfills, the most significant changes in waste generation and disposal stem from corporate policies. Businesses and industries are more cognizant of the impact of waste minimization and source reduction practices on their bottom line. Products are produced with lighter materials, fewer non-functional ornamental parts and less packaging. Consequently, there is less waste per purchase and what is discarded weighs less. A perfect example is the replacement of glass food and beverage containers with plastic. More units may be sold in 2020 than in 1988, however, the total weight of the larger number of plastic units are much less than the earlier lower number of glass units.

Across the state, from 2009 until 2019, excluding sewage sludge and C&D waste, PADEP annual facility reports reflected a clear downward trend in tons of municipal waste from Pennsylvania disposed the landfills located in the Commonwealth. During that time Pennsylvania landfills each year disposed about a million less tons of municipal waste originating in the state than previously reported in prior years. Beginning in 2019, Pennsylvania municipal waste disposal returned to the quantities reported prior to 2009, about 9.3 million tons per year.

## Impact of the COVID-19 Pandemic

It is important to note that the COVID-19 pandemic did reverse some of these losses. Since people were confined in their homes for virtually all of their social, academic and working activities, they generated more household waste. People cleaned out their attics, and garages. They cooked and ate at home. They shopped on line and their purchases came with packaging that before was part of the commercial waste stream. In turn, commercial businesses that faced temporary closures disposed of less. Although local waste generation and disposal trends affect available capacity, other market conditions have a more profound effect.

## Market Conditions

Landfills utilized for the disposal of Somerset County municipal waste, in some cases, were designed and thus reliant on waste from out-of-state sources. Because of escalating fuel costs, competitive disposal rates in other states, and increasing regulatory fees, Pennsylvania landfills are no longer the primary disposal destinations for this material. In some instances, the decrease in tonnage has been dramatic. In rural areas of Western Pennsylvania, where most landfills are located, county populations are declining and local waste generation and disposal simply cannot fill the void. Table 3-1 shows the Pennsylvania Data Center's projected decrease in Somerset County's population based on the 2010 Decennial Census.

**Table 3-1 PA Data Center Population Projections**

County	July 1, 2010 Estimate	July 1, 2020 Projection	July 1, 2030 Projection	July 1, 2040 Projection	Percent Change 2010-2020	Percent Change 2010-2030	Percent Change 2010-2040
Somerset	77,706	76,694	76,267	75,132	-1.3%	-1.9%	-3.3%

## Speculations on Available Capacity

These conditions would suggest that the landfills which service the disposal needs of Somerset County should have no lack of current or future disposal capacity. While that is true currently, time shows us that market conditions can shift abruptly and without notice. Uncertainties are always present in the waste industry. A transition in ownership at one or more of the landfills could alter the utilization of the air space, and thus, its availability to Somerset County. This could be significant if the new owner

catered to the needs of industry or was able to recapture waste from out-of-state generators. Increases in permitted volumes due to windfall contracts, catastrophic events, economic conditions, or company policies can also have an impact.

### **Future Disposal Capacity Needs**

Therefore, aside from the regulatory requirements of Act 101, it is prudent for the County to have sufficient capacity assurances in place, as a safeguard for its future needs. If the County and municipalities are successful in promoting better management practices which result in more municipal waste from Somerset County being collected and transported to proper disposal facilities, greater capacity may be required than the currently reported tonnage would indicate.

The reported tons of municipal solid waste, sewage sludge, and construction demolition waste originating in Somerset County and disposed in Pennsylvania landfills fluctuated little during the period 2009-2019. Population decreased but only at the rate of 1.3%. Thus, for projection purposes, the Plan assumes that per capita disposal rates will remain unchanged.

Table 3-2 presents projected disposal capacity requirements for the years 2022 through 2031. The figures are based on a constant per capita disposal rate with adjustments due to projected population changes. For Somerset County, the population is based on the 2010 census data and extrapolated out using the PA Data Center's projections from 2010 to 2030, adjusted for estimates published in 2019 showing the population at 74,361, lower than previously anticipated.

Table 3-2 Somerset County Projections of Municipal Waste (tons per year)

	Population	Municipal	Sewage Sludge	Construction Demolition	<b>TOTAL</b>
2022	73,936	47,319	3,253	5,176	<b>55,748</b>
2023	73,795	47,229	3,247	5,166	<b>55,641</b>
2024	73,654	47,139	3,241	5,156	<b>55,535</b>
2025	73,514	47,049	3,235	5,146	<b>55,430</b>
2026	73,374	46,959	3,228	5,136	<b>55,324</b>
2027	73,234	46,870	3,222	5,126	<b>55,218</b>
2028	73,094	46,780	3,216	5,117	<b>55,113</b>
2029	72,955	46,691	3,210	5,107	<b>55,008</b>
2030	72,816	46,602	3,204	5,097	<b>54,903</b>
2031	72,677	46,513	3,198	5,087	<b>54,798</b>

### Solicitation For Disposal and Processing Capacity

The process to secure disposal capacity typically occurs in ten-year intervals. Somerset County has traditionally attained capacity assurances through a contractual process. Somerset's disposal capacity agreements reserved a predetermined portion of the daily and annual volume allowed to be accepted for disposal at a facility. The current agreements are set to expire in 2022.

The PADEP was notified of the County's intent to solicit proposals from interested disposal and processing facilities. A formal request was posted in the Pennsylvania Bulletin and was advertised in Waste Advantage Magazine, a national industry trade journal. A copy of the published notification is provided in Appendix B.

Results of the solicitation process are provided in Chapter 6.



## Chapter 4

### Realities of Rural Recycling

Chapter 4 presents the benefits of recycling as witnessed throughout Pennsylvania. It includes the overall performance of recycling activities in Somerset County. It also outlines strengths and weaknesses of various programs that could be considered in future recovery efforts.

## Economic Impact of Recycling

The Pennsylvania Recycling Markets Center released a report in June 2017 which demonstrates recycling's contribution to Pennsylvania's economy. More than 60,000 jobs are directly related to recycling industries. Many others are employed by companies who benefit indirectly by supplying goods and services to the primary material handlers, processors, and manufacturers.

Western Pennsylvania is host to a variety of these re-use and re-manufacturing ventures. These include, but are not limited to, facilities that incorporate recycled glass, plastics, fiber and fiberboard, and metals as feedstock in their manufacturing process. The recycled materials are used to create new packaging, insulation, pallets, crates, flooring, and other products. In addition, the savings from replacing virgin materials with recycled feedstock helps these businesses to remain competitive in the marketplace and sustain employment.

In addition to manufacturing jobs, the regional economy benefits from employers invested in the supply chain that supports those manufacturers. Millions of dollars in private sector investments have supported the growth of the recycling infrastructure in Western Pennsylvania. Collecting and processing the materials placed at the curb or at drop-off sites requires expensive equipment, physical labor, heavy fuel consumption, and professional administration.

In rural areas where lower volumes of materials are generated and collected, justifying the cost to construct and operate a processing facility is difficult. In these instances, it makes sense for recycling commodities to cross county or state lines. The local economy still benefits drivers, who live and spend in the local area, and are dependent on transporting those materials for an income.

The public sector contributes grants, and local tax dollars to support education programs, provide receptacles for recyclables, and purchase collection and processing equipment. These monies also pay staff salaries to provide technical assistance, customer service, reporting and regulatory compliance. Of course, user fees represent a direct and reasonable method of sustaining many of the varied collection services.

## Recycling Efforts in Somerset County

The Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) established the roles and responsibilities for counties and municipalities for municipal waste management and recycling. While counties were tasked with securing disposal capacity and ensuring that proper waste management practices were followed, the mandates for recycling fell to those municipalities with certain levels of population and density. Although recycling opportunities exist in Somerset County, they are not convenient to the majority of residents, nor are they consistent in the types of materials accepted or how they should be prepared for collection.

Only one municipality, Somerset Borough, is required by Act 101 to implement a recycling program that includes mandatory recycling by residents and commercial establishments. All recycling programs and activities implemented at the County level are strictly voluntary and not required by law.

### County Programs

Despite various attempts to maintain a recycling drop-off collection program, the County was forced to close all of its sites in 2020. The program was implemented in part by inmates from the Somerset County Jail who sorted the materials, which were then shipped out for processing for end use. The Somerset County Recycling Coordinator had oversight of the program and was responsible for maintaining the sites between collections. Like many drop-off collection programs, the material at the sites was grossly contaminated rendering it non-recyclable. The contamination and overflow of material was so problematic that it became an overwhelming job to maintain sanitary conditions at the sites. This ongoing abuse and misuse of the system by individuals attempting to avoid the cost of waste disposal led to the ultimate demise of the sites. The County continues to search for alternative methods of collection to replace the former program. Several options were examined during the planning process and are discussed later in Chapter 5.

In addition to the drop-off collection sites, Somerset County has sponsored periodic collection events for special select materials that are difficult to dispose, or that pose a greater environmental hazard than typical household waste. These events help prevent illegal dumping by providing a proper outlet for the items most commonly found deposited along the roadways and woodlands in rural areas.

Electronic wastes such as computers, monitors, cellular phones, etc. have been collected. In addition, products considered to be Household Hazardous Waste, such as pesticides, cleaning solutions, and pool chemicals have also been collected at such events. Typically, the County charges a nominal fee that covers processing of the electronics disposal of the Household Hazardous Waste, and all transportation.

Hiring a new individual for the Recycling Coordinator position is crucial if any program is to succeed. The role and expectations for this position are included in Chapter 7.

### **Municipal Programs**

The Borough of Somerset is the only municipality mandated by Act 101 to provide curbside collection services and to require by ordinance that residents and businesses must recycle. The Borough does not have a municipal contract, nor does it use public employees to provide the curbside collection. Rather, residents may contract with the service provider of their choice.

Recyclables collected in the Borough are limited to glass bottles and jars and aluminum cans. The frequency of collection is dependent on the agreement between the resident and the service provider.

### **Private Sector Recycling Programs**

While a county-wide network of drop-off collection sites is not available in Somerset County, individuals can still find outlets for these materials via private sector programs. Each of the landfills operating in the County are required by the conditions of their permits to provide for the collection of recyclable materials onsite. In addition, various scrap yards accept select materials from individuals. Table 4-1 Shows the name, location, and materials accepted by each of the private sector recyclers.

Table 4-1 Private Sector Recyclers in Somerset County

<b>Company Name</b>	<b>Address</b>	<b>Commodities Accepted</b>
<i>G.M. Honkus &amp; Sons Inc.</i>	2030 Seanor Road Windber, Pa 15963	Aluminum beverage cans, ferrous materials (iron, steel), non ferrous metals (copper, brass, aluminum), stainless steel.
<i>JVS Environmental</i>	1466 Cornerstone Rd Friedens, PA 15541	Televisions, monitors, computer towers, laptops, printers, speakers, computer mice, hard drives, cables, cell phones, white goods, radio equipment .
<i>Kantner Iron &amp; Steel Inc.</i>	3825 Whistler Rd Stoystown, PA 15563	Aluminum beverage cans, ferrous materials (iron, steel), non ferrous metals (copper, brass, aluminum), stainless steel.
<i>Kantner Iron &amp; Steel Inc. Brooks Division</i>	151 Listie Road Friedens, Pa 15541	Aluminum beverage cans, ferrous materials (iron, steel), non ferrous metals (copper, brass, aluminum), stainless steel.
<i>Mostoller Landfill</i>		Aluminum and bimetal bottles and cans, plastic jugs, jars, and bottles, cardboard, paper
<i>Ridge Recycling</i>	455 Stouffer Hill Road Friedens, PA 15541	Aluminum beverage cans, ferrous materials (iron, steel), non ferrous metals (copper, brass, aluminum), stainless steel, cardboard, appliances.
<i>Southern Alleghenies Landfill</i>	843 Miller Picking Rd, Davidsville, PA 15928	Aluminum and bimetal bottles and cans, plastic jugs, jars, and bottles, cardboard, paper

## Commercial & Institutional Recycling

Large retail establishments have a long standing track record of recycling. Primarily these businesses separate and send to market, large quantities of corrugated cardboard. Many also segregate other materials that may be inherent to their operations such as pallets, plastic film, and office paper. Depending on the size of the operation recyclables such as plastic bottles or aluminum cans generated on premise may also result from the presence of vending machines and lunchrooms. Smaller businesses often perceive that they do not generate quantities of recyclable material sufficient to warrant the effort and expense of separation. Therefore, except where mandated, recycling efforts in these establishments are typically minimal.

Commercial recycling in Somerset County is only mandatory in the Borough of Somerset. However, the degree to which businesses comply is unknown. Elsewhere in the County, large retailers and chain stores do report that at least some materials are being recycled at their facilities.

## Overall Recycling Performance

Act 101 requires counties to submit annual recycling reports to the PADEP. The statistics represent all of the known recycling activities within a county. The information is entered into ReTrac software data base which the PADEP uses to track and monitor recycling trends throughout Pennsylvania. Counties often report the recovery of products and materials that are unrelated to the goals and requirements of Act 101. Neither do these items meet the USEPA definition of municipal waste. For the purpose of evaluating Somerset County's recycling performance, those items are not included in the narratives nor in the discussions during the planning process.

It should be noted that some recycling activity and the resulting quantities of recovered materials go unreported. Perhaps residents take their recyclable items across county lines to a neighboring drop-off collection program. Commercial businesses in nonmandated municipalities may not be aware of the need to report their activities to the County.

Information from the ReTrac program for 2019 was used to compare Somerset County to the national results. The reported data is shown in Table 4-2. It lists the types of materials collected and the reported recovered tons of each.

**Table 4-2 Somerset County 2019 Total Tons Reported Recycled by Material (Residential & Commercial Combined)**

	<b>Tons</b>
<b>Material</b>	<b>2019</b>
Single Stream = All recyclables, including fiber, collected together	212.03
Commingled = 2 or more recyclables collected together, fiber separate	14.14
Mixed Glass = bottles and jars	41.04
Cardboard = corrugated	1470.8
Mixed / Other Paper Grades = junk mail, paper board, computer paper, chipboard	88.35
Office Paper = all high grades	63.62
#1 Plastic (PET) = Polyethylene Terephthalate	2.44
#2 Plastic (HDPE) = High Density Polyethylene	0.11
#4 Plastic (LDPE) = Low Density Polyethylene	16.28
Mixed / Other Plastic	11.92
Film Plastic	5.65
Aluminum Cans	1.25
Steel and Bimetallic (Tin) Cans	5.13
E-Waste = includes televisions (Not Act 101/904 eligible)	3.77
Source Separated Foods (Not Act 101/904 eligible)	5.29
Wood Waste (Not Act 101/904 eligible)	62.44
Yard and Leaf Waste (Not 904 eligible)	164
<b>Grand Total</b>	<b>2168</b>

Based on a 2019 population of 74,361, and the total combined reported materials recovered of 2,168 tons, it was determined that Somerset County recycled at the rate of 0.16 pounds per person per day. If the County were to recover materials at the same rate as reported on a national basis by the USEPA, 1.58 pounds per person per day, one could expect to recover 21,441 tons. Due to the minimal outlets for recycling throughout Somerset County, however, it is not surprising that the reported tonnages are so low. Poor participation in commercial collection services, backyard burning, and illegal dumping are all contributing factors.

Table 4-3 shows the municipalities where recycling programs existed in 2019. It also lists the results of the countywide drop-off collection program. Additionally it shows the types of materials collected in each. Because of the known discrepancies in reported amounts of yard and leaf waste that data is not shown. Table 4-3 illustrates that a minimal amount of material is recovered from residents. In fact, only ten percent of the material recycled in the County comes from residential sources. In rural areas, residents are the source of approximately 70% of the municipal waste generated. With only 10% of the recyclables coming from residential

sources there remains little doubt that the potential recyclable material available from the County's residents goes unrecovered.

Additionally, Table 4-3 demonstrates that the unmanned County recycling drop-off collection sites were not successful in rendering a variety or significant quantities of clean, marketable materials. The manner in which the previous collection sites were operated, the high degree of contamination, and the low recovery rate must be considered to avoid similar results in any future programs.

Table 4-3 Somerset County 2019 Residential Recycling

Municipality	Single Stream	Commingled	Mixed Glass Bottles And Jars	Aluminum Cans	Steel And Bimetallic Cans	Total Residential Recycling
Conemaugh Township		4.61				4.61
Somerset Borough	156.57					156.57
Somerset County (County-Wide Data)			41.04	1.17	5.13	47.34
Windber Borough		9.53				9.53
Totals	156.57	14.14	41.04	1.17	5.13	218.05

## Future Prospects

As part of the planning process, the County and the Solid Waste Advisory Committee explored numerous ownership and operating scenarios to revitalize the recycling program. These included options in which the County would be responsible for the entire program and those in which the County would partner with various entities. Some partnerships included intergovernmental agreements with local municipalities and/or other counties. Arrangements with private sector service providers were part of the discussions, as well. Finally, consideration was given to assigning some of the County's Act 101 duties to a non-profit agency.

Other issues which were evaluated included the resources necessary and available to implement a program. Financial concerns were an important part of those discussions. The County and SWAC also examined various collection and processing systems along with the types of materials each could manage.

### Owner/Operator Scenarios for Recycling Program

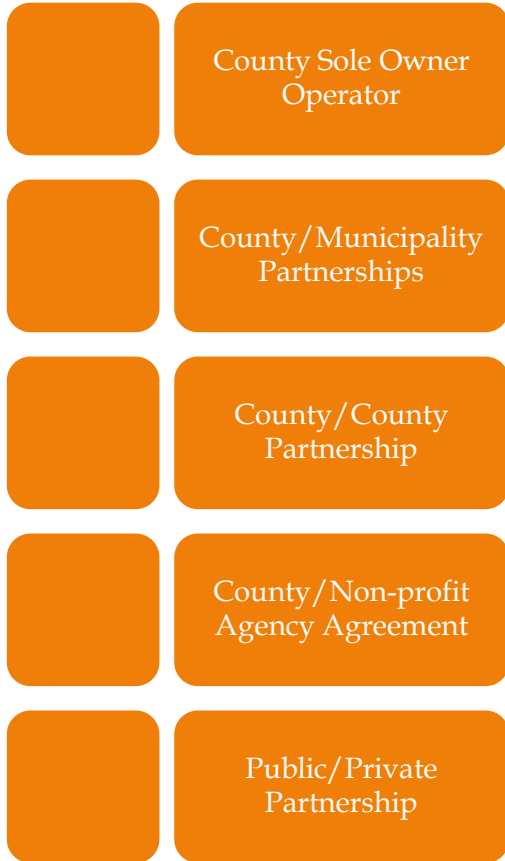


Table 4-4 shows the options along with the features, benefits, and potential negative issues connected with each method.

The systems considered range from periodic collection events to a permanent convenience center that would eventually collect a more comprehensive list of materials in one centralized location. Because many of the options hinge on the existence of a local outlet for the collected materials to be processed, the overall potential for the

convenience center scenario was evaluated using a growth period of three years. The convenience center poses an option that could generate revenue to cover a portion of the operating costs. Therefore, after the initial capital outlay, it has some potential to be a lower cost option than the other collection methods. Given the County’s poor recovery rate in the immediate past, the projections used are conservative.

Table 4-5 outlines the cost of building a convenience center based on the needs of Somerset County and the design and operation of similar facilities. Table 4-6 lists operational costs and revenue projections estimated on operating year three expected tonnages and average commodity prices. Table 4-7 demonstrates the anticipated growth rate for material tonnages and revenue used in Table 4-6.

<b>Option</b>	<b>Description</b>	<b>Method of Collection</b>	<b>Owner</b>	<b>Operator</b>	<b>Funding</b>	<b>Pros</b>	<b>Cons</b>
<b>County Sponsored Drop-off Collection</b>	Multiple unmanned collection sites	Dual-Stream Paper cardboard/mixed plastic and metal containers	County	Private Contractor via competitive bid	County General Fund Performance Grant Equipment Grants	Convenient to remote areas of the county  Contractor can supply all of the equipment  Fixed unit pricing allows for adjusting service levels	High maintenance  Difficult to control collection costs because of volume of material  Attracts contamination  Enables people to avoid the cost of waste collection
<b>County Coordinated Drop-Off Collection</b>	Multiple sites at municipal buildings	Dual-Stream Paper cardboard/mixed plastic and metal containers	Participating Municipalities	Private Contractor via joint bidding coordinated by county	Municipal General Fund Performance Grant Equipment Grants		High maintenance  Difficult to control collection costs because of volume of material  Attracts contamination  Enables people to avoid the cost of waste collection
<b>Periodic Collection Events</b>	Could rotate these events around the County	Targeted Materials	County	Intergovernmental Partnership	County General Fund Municipal General Fund User fees HHW Grants		

<b>Table 4-4 Recycling Program Options (continued)</b>							
<b>Option</b>	<b>Description</b>	<b>Method of Collection</b>	<b>Owner</b>	<b>Operator</b>	<b>Funding</b>	<b>Pros</b>	<b>Cons</b>
<b>County Convenience Center</b>	One centrally located manned site that can consolidate material to sell to brokers.	Separated materials	County	County	County General Fund Commodity Sales Performance Grant Recycling Coordinator Grant User Fees	Ability to start small with select hours and days. Limit materials collected Minimal contamination Avoid cost of transporting materials Limited sorting and processing of materials Can be operated in part with volunteers	Requires county employees Volunteers can be unreliable Subject to fluctuating commodity pricing Repair replacement of equipment
<b>Variations of County Convenience Center</b>							
<b>County Convenience Center with Municipal Drop-off Collection</b>			County	Intergovernmental Partnership		Municipalities cover the cost of transportation Increased volume of material	Material could be more contaminated
<b>Contracted Convenience Center</b>			County	Contractor		Fixed Cost Net profits after paying contractor go to the County Material sales could potentially support the operation Minimal contamination Avoid cost of transporting materials Contractor may get better brokerage rates.	When commodity sales are low the County would have to subsidize the operation

**Assumptions:** The estimated annual quantity of material currently processed and sold in a Recycling Convenience Center in Somerset County is currently 50 tpy which is all glass with zero value. Future material recovery is optimistically projected to eventually grow to about 155 tpy (estimated growth span of 3 years). Likewise, commodity sales are optimistic based on the tons recovered and the average prices realized over the past decade. A critical market downturn could significantly reduce revenue. Based on a review of existing facilities of similar start-up capacity in Pennsylvania, a building size of 5,500 square feet is adequate. A site size of 2 acres was assumed to accommodate tractor trailer and consumer traffic. Operational costs were derived from recent cost estimates for site development and improvements and data for operational expenses and revenue at recycling convenience centers in rural Western Pennsylvania.

<b>Capital Cost</b>	
1. Land zoned commercial or light industrial	
2 acres @ \$15,000 / acre (average based on undeveloped commercial land listings Somerset County April 2021)	\$30,000
<b>Subtotal</b>	<b>\$30,000</b>
2. <b>Site Preparation Beyond Building Prep – 2 acres @ \$20,000</b>	\$40,000
Access, septic, well or sewage/water tap in and off site improvements	\$94,000
Engineering based on 10% of site prep and land development	\$13,000
<b>Subtotal</b>	<b>\$147,000</b>
<b>4. Building and Equipment</b>	
Building – Approx 5,500 sq. feet Pre-fabricated clear span with the following allowances and provisions included in price: concrete wall for loading dock, concrete push wall, reinforced concrete loading and processing floor, excavation just for site prep around building, allowance for electrical, an office room inside the building, one bathroom, (quote 2017 \$310,000) adjusted for 2021)	\$335,000
Signage, fencing, security cameras,	\$35,000
Processing Equipment: Balers, Small Sorting Line, Skid Steer, Containers, etc.	\$775,000
<b>Subtotal Building and Equipment</b>	<b>\$1,145,000</b>
<b>Total Capital Cost</b>	<b>\$1,322,000</b>

<b>Table 4-6 Estimated Operating Cost for Somerset County Convenience Center</b>	
<b>Operating Cost</b>	
Labor Wages and Fringe Recycling Coordinator	\$60,000
Labor Wages and Fringe Helper	\$35,000
Utilities	\$6,100
Garbage Disposal	\$1,200
Snow Plowing	\$1,000
Repairs and Maintenance	\$5,000
Operating Supplies - Baling wire, shrink wrap, pallets	\$2,500
Administrative - office supplies, advertising, printing, postage,	\$3,500
<b>Subtotal Annual Operating Cost</b>	<b>\$114,300</b>
Building Annualized @ 20 years	\$16,750
Equipment Annualized @ 10 years	\$77,500
<b>Annual Cost</b>	<b>\$208,550</b>
<b>Operating Cost per Unit: @ 155 tons per year</b>	<b>\$1,345 / ton</b>

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<b>Table 4-7 Convenience Center Revenue Projected at the 3 Year Mark</b>		
<b>Revenue</b>		<b>Worst Case Scenario</b>
903 Grant for 50% Recycling Coordinator wages and expenses	\$30,000	\$30,000
902 Grant for Equipment average per year (competitive grant)	\$125,000	\$0
904 Grant for recycling Performance	\$14,000	\$0
Commodities 155 tons @ average market rates 10 years see attached table (projected by year 3 of operations)	\$14,451	\$14,451
<b>Total Revenue</b>	<b>\$183,451</b>	<b>\$44,451</b>
<b>Projected Year 3 of Operations Net Profit or (Loss)</b>	<b>(\$25,000)</b>	<b>(164,099)</b>

**Table 4-8 Projected Commodity Revenue at 10 year Average Market Pricing.**

	<b>Average Market \$ per lb.</b>	<b>Year 1 Tons</b>	<b>Year 1 Revenue</b>	<b>Year 2 Tons</b>	<b>Year 2 Revenue</b>	<b>Year 3 tons</b>	<b>Year 3 Revenue</b>
#1 - Plastic (PET)	\$0.15	2	\$600	4	\$1,200	6	\$1,800
#2 - Plastic (HDPE)	\$0.09	1	\$180	2	\$360	4	\$720
Office Paper	\$0.09	0	\$0	0	\$0	0	\$0
Newsprint	\$0.07	5	\$700	10	\$1,400	16	\$2,240
Magazines	\$0.01	3	\$60	6	\$120	10	\$200
Mixed Paper	\$0.01	5	\$100	10	\$200	15	\$300
OCC (Cardboard)	\$0.04	32	\$2,560	60	\$4,800	100	\$8,000
Aluminum Cans	\$0.36	0.50	\$360	1	\$720	1.58	\$1,137.60
Scrap Metal	\$0.03	0.06	\$3.60	0.12	\$7.20	0.18	\$10.80
Bi-Metal Cans	\$0.04	1	\$80	2	\$160	3	\$240
		49.56	\$4,643.60	95.12	\$8,967.20	155.76	\$14,648.40

## Conclusions

Despite ongoing efforts to sustain a recycling drop-off collection program, extenuating circumstances had a negative impact on the operation. The program inadvertently enabled people to avoid the cost of disposal by illegally dumping garbage at the sites. The unsupervised drop-off points coupled with an overwhelming failure throughout the County to use commercial waste collection services

created an increasingly difficult situation to control. Likewise, the high levels of contamination made sorting labor intensive and diminished any marketability of the recovered materials.

The lessons learned from the County's previous experience in recycling influenced the Solid Waste Advisory Committee evaluation and discussion of potential future options. The general consensus was for collection points to be located at municipal facilities where the containers can be supervised to avoid illegal dumping. Similar use of a commercial site with on-site supervision was a consideration, as well.

It was strongly suggested that the County refrain from participating in the actual collection and processing of materials. The preferred alternatives included using private sector transporters and processors, or to partner with a county that already performs these services. Factors influencing this recommendation included the lack of County personnel and resources to operate the program. Cost was another concern.

Another issue the Committee discussed in detail was the need for municipal officials to enforce responsible waste management within their jurisdictions. Providing these officials with the training and tools to improve the health and safety of their communities was recommended. This could include model ordinances, training and support to get the best results from a competitive bidding process, public education, as well as technical assistance on grant submissions.

The Committee's suggestions are incorporated into the Plan's Implementation Schedule in Chapter 5.

The SWAC identified the need for municipal officials to enforce proper waste management within their jurisdictions.





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## Chapter 5

### Recommendations and Action Plan

Chapter 5 offers the analysis and reasoning behind selections made during the planning process for a comprehensive waste management system in Somerset County. It provides economic and environmental benefits of various options. It also offers a description of anticipated gaps in waste management as well as potential business opportunities.



## Ongoing Issues

The key issues identified during this planning process are the same as those recognized in the last Plan Update. Lack of financial resources, employee turnover, and abuse of the collection system by individuals seeking to avoid the cost of disposal all hampered the County's ability to advance the recommended programs and initiatives. Additionally, a reluctance to consider cost sharing at the municipal government level served as a hurdle. Therefore, the recommended programs and the implementation schedule set forth in 2011 barely materialized. Consequently, this 2022 Plan Update revisits those suggestions in a condensed and modified approach consistent with financial constraints and the limited availability of current staffing.

## Addressing the Key Areas for Improvement

Overall, public apathy, and unwillingness to pay for waste collection/disposal were identified as contributing factors to illegal dumping and littering in Somerset County. Related issues include open burning, accumulation and mishandling of hazardous materials, and lack of access to convenient disposal and recycling outlets. This SWAC discussed select recommendations for these problems and offered a suggested course of action to address each.

Solutions to improve waste management and recycling programs are never free. None of the suggestions made can be implemented unless the costs are covered by a combination of contributions from the County and local government, the cooperation of the private sector, and most of all, public acceptance.

It has been shown that lack of public awareness is commonly the root cause of waste management issues. The adverse effects of illegal dumping, littering and open burning are lost on folks who have been exposed to these behaviors throughout their lifetimes and consider them commonplace and thus acceptable. Remedial actions have traditionally been used to address the issues of roadside littering, illegal dumping, and contaminating recyclables. Unfortunately, studies show this course of action has minimal impact on recurrence.

Changing attitudes and influencing behavior are proven to have a more profound and lasting effect. The same is true in attempts to incentivize people to recycle.

## Public Education

Education, when conducted on multiple levels within a community, is an effective tool in affecting behavioral change. Although delivering the message in elementary schools when youth are formulated lifelong habits is beneficial, it is equally important to reinforce these concepts to the adult community.

Exposing civic and chamber groups, local governments and institutions reinforces the lesson. The repetitive nature of radio and cable television ad campaigns can be extremely effective and are often more affordable than printed media. In order to reach a broader audience, social networking sites must also be considered as a viable option.

Studies and surveys in other counties have shown that municipal officials are always seeking reliable sources of information on trends and issues in best waste management practices and policies. Most look to their county recycling coordinator to provide them with reliable and current data and information. Counties have been successful in offering periodic training sessions and workgroups on important topics. These seminars can be conducted in conjunction with the DEP, PROP, SWANA, consultants, and coordinators from other counties. Grant funding is sometimes available to assist with the cost of hosting the events.

There has not been an organized public education program in Somerset County for some time. The demands of the drop-off collection program on the staff and the change in personnel made it difficult to design and orchestrate the outreach. Now that the County has found an individual to perform those duties, education will be one of the primary responsibilities. Figure 5-1 outlines examples of the tasks the Recycling Coordinator will be taking to engage with the public.

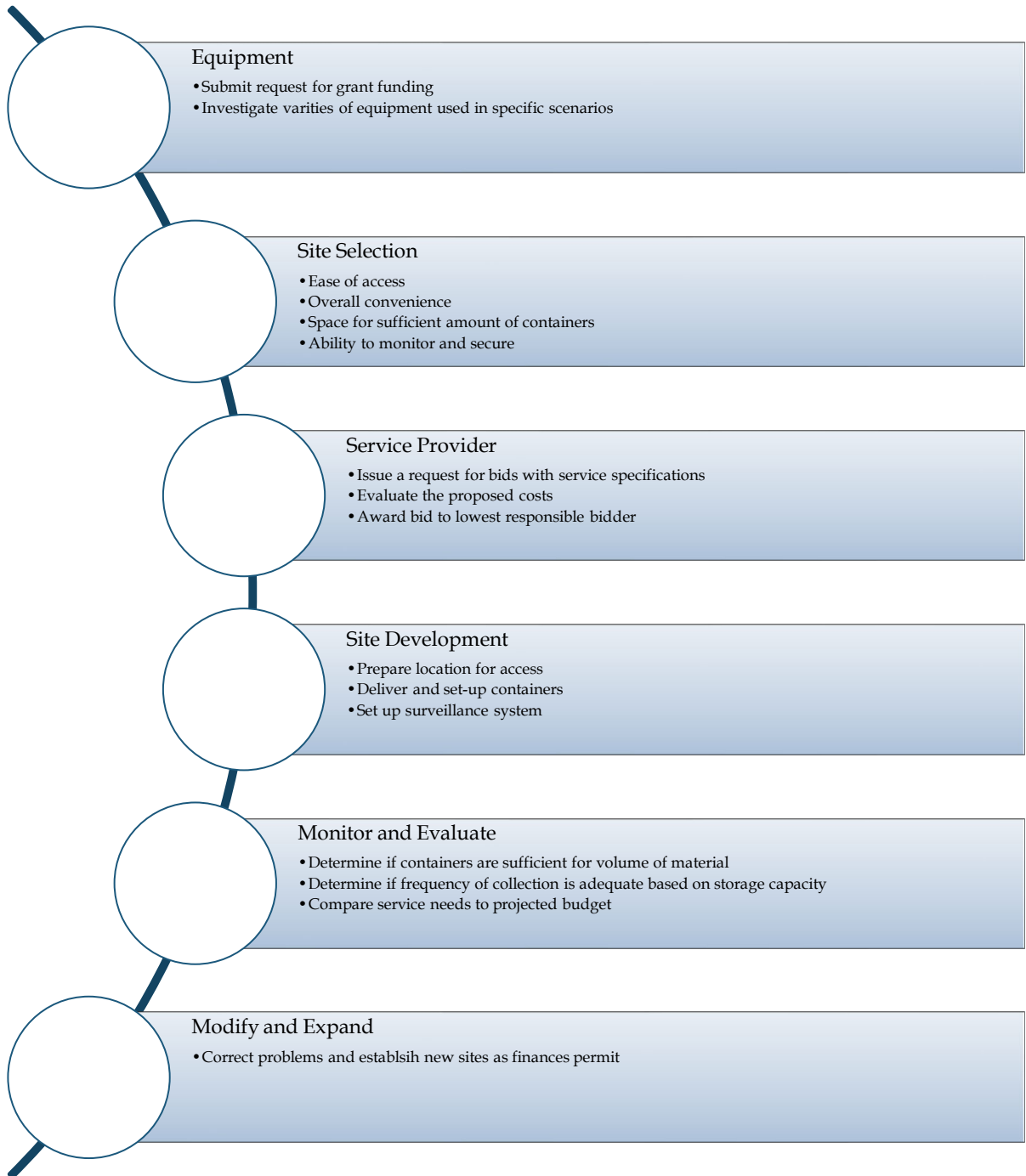
**Figure 5-1 Establishing a Public Education and Awareness Campaign**

## DROP-OFF WASTE AND RECYCLING COLLECTION

A prime objective of the county is to reintroduce a network of recycling drop-off collection sites. To determine the cost and effectiveness of the newly proposed sites, the County will proceed in a phased approach. Initially, one site will be established and monitored for volume, participation, and quality of material. The frequency of collection, number of containers, and level of contamination all affect the cost of each site. Therefore, before additional sites or services will be considered, these factors will be evaluated due to their impact on budgetary realities. Figure 5-2 lists

the necessary steps for the County to reestablish the drop-off collection program.

**Figure 5-2 Establishing a Drop-off Collection Program**



## SPECIAL MATERIALS COLLECTIONS

Paints, pesticides, cleaners and other chemicals also accumulate in homes. This is particularly common in aging communities like those found in Somerset County. Many of these materials are commonly classified as Household Hazardous Waste. (HHW) They can be poisonous and ignitable. Removal and disposal of these materials can be inconvenient. They are often items found in illegal dumpsites and waterways.

The volume of discarded electronics increases yearly. Pennsylvania recently enacted legislation to handle the disposal of certain electronic devices purchased in the future. However, significant quantities of electronics not covered by the law will be discarded during the next five to ten years. These items are often disposed inappropriately and are included among the materials found in illegal dumps.

Providing regularly scheduled special collection events and supporting the efforts of local processors and outlets for these materials is recommended. Proactively collecting these various special handling materials will reduce accidents, prevent pollution, and serve as a deterrent to crime in Somerset County. Activities should occur in conjunction with the planned public education program focusing on proper disposal methods.

### **Timeframe for Implementation**

With one employee responsible for the waste and recycling program in Somerset County, it is reasonable to approach the recommendations from the Plan in a phased in manner. The drop-off collection program requires equipment and the need to seek bids from commercial service providers. Consequently, service will not occur immediately and will likely be initiated sometime in 2024. The education program also will come in phases as the Recycling Coordinator extends offers for presentations to local organizations and schools. Finally, special collection programs have been part of the County's program and will continue periodically as in the past.



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## Chapter 6

### Facilities Assuring Future Disposal Capacity for Somerset County

Chapter 6 describes the evaluation process to determine the best approach to address the County's need for future disposal capacity. It outlines the criteria and mechanisms used to determine how and where Somerset County municipal solid waste will be managed under the 2022 Somerset County Municipal Solid Waste Management Plan.

In addition, it provides justification for the continued implementation of a modified flow control mechanism to the designated facilities, which entered capacity agreements with the County.

## Providing for Future Disposal Capacity

### Contractual Commitments

The single most important responsibility outlined for counties in Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101) is to secure capacity assurance for a minimum of 10 years. Longer periods are allowable if a county can demonstrate access to and availability of guaranteed disposal outlets. Therefore, projecting future waste generation and recovery and assuring adequate capacity is available for disposal of the remaining material is the primary purpose of the Somerset County Municipal Solid Waste Management Plan.

A variety of mechanisms can be utilized to satisfy the requirement for guaranteed disposal rights. Varied procedural and legal implications exist for each. The choices differ based on the views, needs and political will of the local jurisdiction. Regional circumstances, market participants and public perception can influence the selection and delivery of disposal options.

Somerset County used the same mechanism to fulfill the Act 101 requirement for the 2022 Plan as it did in all previous iterations since 1990. Historically, Somerset County solicits proposals from disposal and processing facilities for this purpose. The County executes and enters into disposal capacity agreements with facilities meeting the selection criteria outlined in the Request for Proposals. The language in all the agreements is consistent and has the same terms and conditions. Each disposal facility indicates its ability and willingness to provide an allotted volume of capacity per day and per year to accommodate the needs of Somerset County residential and commercial municipal solid waste generators. To assure that in catastrophic events or operational emergencies there is never an interruption in service, the facility must demonstrate that it has access to a back-up site capable of fulfilling the capacity commitment.

## Forecast And Fulfillment of Capacity Assurances

### Flow Control of the Waste Stream

Waste generation is driven primarily by population, but other influences can factor into the results. To calculate the volume of Somerset County municipal solid waste that will be disposed over the next 10 years, information from the Pennsylvania State Data Center and the US Census Bureau served as the sources for demographic information. Data regarding historic waste generation, recycling and disposal was taken from local sources and facility reports submitted to PADEP. National trends in waste generation, recovery, and disposal reported by the USEPA provided a necessary benchmark. Professionally recognized and well documented assumptions combined with these other factors were used to project Somerset County's future capacity needs. Chapter 3 includes the background data and the chart of calculations.

Somerset County is amongst the majority of counties in the Pennsylvania that do not own or operate a disposal or processing facility.

To fulfill its disposal capacity requirements, the County utilizes select municipal waste disposal facilities operating within the region. These sites are limited to those which guaranteed capacity to Somerset County via a contractual commitment.

The decision to implement this modified version of flow control, commonly referred to as a Menu Plan, is consistent with previous iterations of the Somerset County Municipal Solid Waste Management Plan. No changes in conditions or circumstances have occurred since those decisions were made in 1990.

The Somerset County Solid Waste and Recycling Transporters Ordinance adopted in conjunction with 2011 Somerset County Municipal Solid Waste Management Plan enforces the flow control policy originally established through the Plan adopted in 1990. The ordinance provides the necessary legal mechanism that establishes

the authority of the County and/or its agents to implement and enforce the flow control directive for municipal solid waste set forth in the Plan.

### **Exemptions**

The ordinance clarifies that facilities used for septage and regulated medical waste are not subject to the flow control requirements. Instead, septage and medical waste transporters must use disposal or processing facilities with regulatory permit approvals to accept the specific exempt wastes.

### **Catastrophic Events and Operational Emergencies**

At times, emergencies, operating conditions, excess volume, or other reasons may prevent one of the designated landfills from accepting waste on any given day. To ensure proper disposal, the County allows for back-up facilities to accept waste under such circumstances. Back-up facilities were required to submit proposals and were subject to the same selection criteria as primary facilities. Somerset County's flow control ordinance also applies to these back-up facilities.

### **Disaster Debris Management**

In times of catastrophic events, the volume of disaster debris may exceed the average daily permitted volumes of the designated landfills. Under these circumstances, Somerset County's designated landfills would petition PADEP for temporary waivers from their volume constraints.

### **Proposal Review and Designation of Facilities**

The project consultant conducted an administrative and technical of disposal capacity proposals for Somerset County. It summarizes the selection process and recommendations to designate the facilities where Somerset County municipal solid waste can be disposed during the 10-year planning period. The results are included in Appendix C.

Table 6-1 lists the facilities designated to receive Somerset County municipal solid waste in accordance with the 2022 Somerset County Municipal Solid Waste Management Plan, Somerset County, and the Solid Waste and Recycling Transporters Ordinance.

Other forms of municipal solid waste, septage, and regulated medical waste, must be transported to a facility permitted to accept the specific waste for processing and/or disposal.

**Table 6-1 Disposal Facilities with Capacity Agreements Designated to Accept Somerset County Municipal Solid Waste 2022 thru 2031**

Noble Environmental, Inc	Greentree Landfill, 635 Toby Road, Kersey, PA 15846
	Southern Alleghenies Landfill, 843 Miller Picking Road, Davidsonville, PA 15928
Vogel Holdings, Inc	Seneca Landfill, 421 Hartman Road, Evans City, PA 16033
Waste Management, Inc.	Evergreen Landfill, 1310 Luciousboro Road, Blairsville, PA 15717
	Laurel Highlands Landfill, 260 Laurel Ridge Road, Johnstown, PA 15909
	Mostoller Landfill, 7095 Glades Pike, Somerset, PA 15501



## **Chapter 7**

### **Plan Administration and Implementation**

To accomplish the Plan's objectives and to meet the timeline for implementation, the County must assign or delegate authority for this purpose. Chapter 7 identifies the administrator and enforcer of the Plan and outlines the associated duties.

### Typical Recycling Coordinator Activities

- Compiling recycling data for submission of PADEP required reports
- Maintain database of municipal solid waste and recycling ordinances and contracts
- Professional Development via industry organizations
- Oversight of collection events and programs
- Community Outreach and Public Education
- Grant submissions and management
- Stay current with laws and regulations

## DESIGNATED ENTITY

The Somerset County Planning Commission has and will continue to oversee the implementation of the Somerset County Municipal Solid Waste Management Plan. The Commission is responsible for monitoring the disposal capacity agreements and reviewing the reports submitted by each facility. Public education, enforcement and coordination of County sponsored programs commence here.

## PUBLIC REPRESENTATIVE

Somerset County employs a full time Recycling Coordinator who reports to the Director of the Planning Commission. The Coordinator interacts directly with members of the community, municipal officials, and the private sector. The Coordinator must see that the guidelines and recommendations set forth in the Plan are implemented according to schedule. Outreach programs, special collection events and feasibility studies are originated and supervised by the Recycling Coordinator, who also has the responsibility to secure grants to fund those programs.

Serving as the County's liaison with the Pennsylvania Department of Environmental Protection the Coordinator is ultimately responsible for regulatory compliance and reporting, including submission of the County's Annual Report. The Coordinator should also be active in the periodic PADEP Southwest Regional Roundtable to foster a peer to peer network and develop a solid working relationship with the Department.

Most Recycling Coordinators benefit from membership and participation in the Professional Recyclers of Pennsylvania. This organization provides continuing education opportunities and up to date information on solid waste, composting and recycling. Additionally, participating in and promoting the efforts of the local chapter of PA Cleanways would support the advancement of their efforts to remediate illegal dump sites.

It is important that the Planning Commission and its representative maintain an open line of communication with the Somerset County Board of Commissioners regarding solid waste and recycling issues. As the implementing entity, the Planning Commission should keep the Commissioner's informed of the program's achievements and constraints; provide updates on pending regulatory changes that could impact the County's programs; communicate funding needs; and offer suggestions for program improvements. In turn, for the Plan to be implemented successfully, the Commissioners will need to support the efforts of their delegate.





## Chapter 8

### Local Government Operations

Chapter 8 discusses the facilities, equipment and programs currently owned and operated by public sector organizations in Somerset County for the purpose of conducting waste management and recycling activities. In addition, it speculates on the extent to which future public facilities might be developed.

## Current Status

Waste collection is the only public sector service operating in Somerset County. In Berlin and Central City borough employees and vehicles are utilized to collect municipal waste from local residents. The private sector services participating residents in the remainder of the municipalities. Three disposal facilities operate in Somerset County. All are owned and operated by private companies.

Until recently, recycling in part was a public function. Somerset County sponsored a recycling drop-off program in conjunction with the program. The program used an unconventional labor intensive method of collection. Additionally, the collection sites were highly vulnerable to illegal dumping. Therefore, the material became highly contaminated and unmarketable. Only 50 tons of quality material were recovered annually. Consequently, the program ceased operation.

All other current opportunities to recycle rely on collection and processing equipment and facilities owned and operated by the private sector.

## Future Programs

During the planning process, the Solid Waste Advisory Committee determined that if the County and municipalities were to consider a future drop-off program, it would likely rely on private sector service providers to perform the collection and processing of materials. Likewise, the Committee discussed the need for municipalities to explore the benefits of curbside collection service provided by many of the private companies.



## **Chapter 9**

### **Legal Documents Related to Plan Implementation and Enforcement**

Chapter 9 explains the legal documents necessary to implement and enforce specific elements of the approved Somerset County Municipal Solid Waste Management Plan. These include contracts, licenses, ordinances, and others.

Although Act 101 gives counties the right to develop municipal solid waste management plans, certain legal mechanisms are necessary to clarify the County's authority to implement the Plan. Such items include ordinances, contracts and rules and regulations. These documents define the expectations for residents, businesses and service providers to comply with the Plan. In addition, the means of enforcement and subsequent penalties are identified.

### **Municipal Waste Disposal Capacity Agreement**

The Municipal Waste Disposal Capacity Agreement is the contract, which assures disposal capacity for Somerset County municipal wastes at the facilities designated in this Plan and the Solid Waste and Recycling Transporters Ordinance. The agreement establishes the types and volumes of waste; the maximum tipping fees; the rate for administrative fees; and the reporting requirements for each site. Each and every facility currently included in the Plan, as well as any in the future, must agree to the provisions of this Agreement. This ensures consistent and non-discriminatory terms, conditions and standards among all facilities that are to be used for disposal/processing of Somerset County municipal solid waste. A copy of the standard contract is included in Appendix B as part of the Request for Proposals for Disposal Capacity.

### **Petition to Add a Processing/Disposal Facility in the Plan**

The County recognizes that new facilities or technical processing opportunities may become available. To accommodate such opportunities, the Plan provides a mechanism to add facilities in the future. Appendix D includes the Petition to add a Processing/Disposal Facility in the Plan. The requirements for completing that process are also described. Each facility petitioning the County will be subject to the same criteria set forth in the original Request for Proposals met by the currently designated facilities. The PADEP must be notified of the inclusion of the new facility.

### **Solid Waste and Recycling Transporters Ordinance**

The County drafted the Solid Waste and Recycling Transporters Ordinance to ensure that those engaged in the activity of collecting and transporting municipal waste and recyclables in Somerset County

adhere to the flow control guidelines in the Plan. The ordinance is located in Appendix E.

### **Resolution to Adopt the Plan Revisions**

Upon completion of this Plan revision, the Somerset County Board of Commissioners will adopt the revised Plan in the form of a resolution contained in Appendix G.





## Chapter 10

### Impact of Plan Recommendations

Chapter 10 outlines how the elements of the Plan will allow for a smooth transition from any current and potentially conflicting programs to those newly recommended.

## Immediate Effect

Somerset County municipalities typically do not have municipal waste and/or recycling collection contracts. Most have no municipal waste ordinances, rules regulations or other policies. Therefore, the Plan can readily be implemented without conflicting with local jurisdictions . Transporters currently operating within the County are assumed to meet the minimum requirements of state and federal law. Those same criteria are expected by the County.

## Anticipated Changes

Revisions to the Somerset County Municipal Solid Waste Management Plan are minor. Nothing in the Plan will interfere with private sector operations. While municipalities are encouraged to consider implementing the recommendations of the Plan, no adverse requirements are suggested for any community. Alternatives have been offered to allow the County to offer some type of recycling program in conjunction with another county or the private sector. Likewise, similar alternatives would provide a municipality with a mechanism to introduce collection services where none had previously existed.

Potential changes can be phased in as needed. Cost estimates were included to help the SWAC evaluate the program changes that were realistic and affordable. Overall, the resulting programs are a step to improving the waste management and recycling opportunities available in Somerset County.



## Chapter 11

### Private Sector Expectations

Chapter 11 describes the relationship between the Somerset County Municipal Solid Waste Management Plan and private sector owned and operated facilities located within the County. It offers assurances that the County will not interfere with their normal operations and business practices, and furthermore provides for a fair and open marketplace.

## Universal Need

The need to secure disposal capacity is not unique to Pennsylvania. Local jurisdictions throughout the nation share the same requirements for developing municipal solid waste management plans. There was a time when government agencies believed the disposal needs of some counties and municipalities were in jeopardy. Rural counties often lacked a sufficient and sustainable volume of waste needed to justify the considerable investment required to meet the stricter operating regulations and design criteria of current state of the art facilities. Many closed their former operations.

Private sector investors face those same constraints. They opt for fewer but much larger capacity facilities to reduce development costs but are reliant on the economies of scale to cover the total expenditures. Unless they are designed to serve highly concentrated population areas, the intent of the operation is to draw the necessary volumes of waste from a regional waste shed. In extreme circumstances, where a facility is necessary to address the needs of surrounding rural counties, it is often necessary to attract waste from remote counties and other states to maintain a financially sustainable operation.

These same issues apply to the processing and marketing of recyclable commodities. Material volumes and optimal logistics influence finances. Because favorable market conditions are dependent on the cooperation of all participants, it is prudent for Somerset County to protect its need for municipal solid waste capacity, without interfering with the needs of other counties. In keeping with the premise of Act 101, it is also advisable to use the resources of the private sector to the greatest extent possible in the development of recycling programs.

## THE REGIONAL NETWORK

Currently, there are two municipal waste disposal facilities located within Somerset County. These landfills play the biggest role in meeting Somerset County's disposal capacity needs. The County,

however, is still reliant on the availability of facilities in other jurisdictions. As part of the process to develop the Somerset County Municipal Solid Waste Management Plan, a variety of facilities made contractual commitments guaranteeing disposal capacity to the County. These facilities are all located in the greater Western Pennsylvania area.

Other Pennsylvania counties follow this same pattern. Therefore, many forms of waste flow naturally through a network of transporters and facilities with no local, state, or national boundaries. Each facility has entered into long term agreements, which share a secured portion of their capacity with one or more counties or businesses.

### **Mutual Respect for Commitments**

It is important for Somerset County to understand and respect that the facilities located within its boundaries must honor their contractual obligations not only to the County but also to other parties. Therefore, the County supports the need for facility operators to design, finance, and construct reasonable expansions to meet these various capacity commitments. The County will not interfere with the normal operational and regulatory process involved with such expansions, nor prevent it from generating the necessary profits to support those projects, provided the facility complies with the provisions of the Somerset County Municipal Solid Waste Management Plans.





## Chapter 12

### Public Participation in the Planning Process

Chapter 12 shows both citizen and private sector involvement in development of the future vision of waste management in Somerset County and the final adoption of the Plan. It outlines the criteria for advisory committee member selection. It highlights the agenda topics, the information presented, and the comments and suggestions offered.

## A Plan Customized for the Local Community

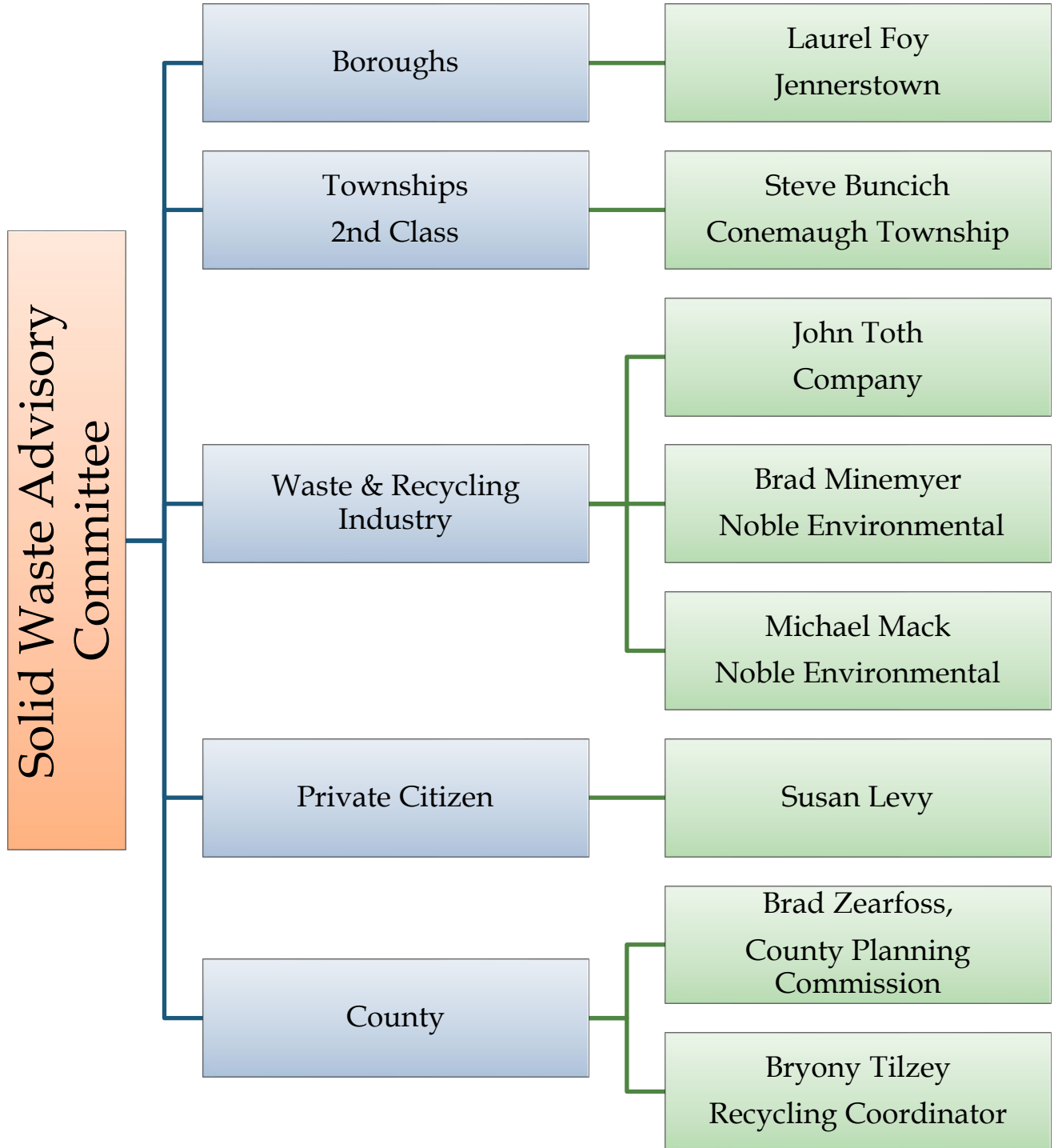
Regardless of the locale, solutions to municipal solid waste management must meet four basic and simple criteria. Plans, policies and programs should be realistic, easily implemented, cost effective, and enforceable. Equipment, material processes, and funding mechanisms must all follow this criteria. Public participation ensures to a greater degree that this will occur.

Of equal, if not greater importance are political and personal concerns that often dictate or limit the regulatory framework and/or the types of services made available. Soliciting input from a wide spectrum of individuals and organizations that will be affected directly or indirectly by solid waste management decisions is essential to achieve balanced decisions during the planning process. Typically, elected officials, regulatory agencies, enforcement officers, and quasi-governmental organizations have an expected role. However, the opinions and ideas of citizens, businesses, industries, service providers, and municipalities are key in assessing public awareness and motivation, along with service needs.

## Formation of the Solid Waste Advisory Committee

To develop a Plan that would meet the needs of the local community, the Somerset County Board of Commissioners recognized the importance of obtaining feedback from sources outside of County government. To facilitate this valued interaction with local stakeholders, the Solid Waste Advisory Committee (SWAC) was established. The Board of Commissioners appointed nine individuals to serve on the Committee, who represent a balance of specific interests within the County. Local government representatives were selected from specific classes of the political jurisdictions, including the County. In addition to public sector representation, individuals from environmental interest groups, private waste and recycling industry companies, and local industry all served as members on the committee. Figure 12-1 lists the members and their affiliations.

Figure 12-1 Somerset County Solid Waste Advisory Committee



## Presentations and Discussions

A series of meetings were scheduled periodically during the development of the Plan. Meetings were facilitated by the Director of the Somerset County Planning Commission and the Project Consultant. Each meeting focused on one or more related elements. Most meetings included presentations by the Project Consultant on findings resulting from analyses of local data. The Project Consultant addressed comments and questions from the group. The Planning Director also offered commentary to clarify data, policies, and constraints.

Topics included demographics of the County, national and local trends on municipal waste composition, generation, recovery and disposal, strengths and weaknesses in the infrastructure. During the discussions, some issues surfaced that deserved further investigation.

## Meeting Records

Recorded minutes of the Solid Waste Advisory Committee meetings and comments received from municipalities, PADEP and the general public during the review process, along with responses are included in Appendix F.

## Committee Dialogue

The SWAC meetings were interactive, and the members were open and forthcoming with their views. The Committee made observations and expressed their concerns on certain prevailing conditions, specifically intolerance for illegal dumping, littering and open burning.

A common thread in the discussions was the roles and responsibilities of elected officials to adopt and enforce policies that protect the environment, and ensure public health and safety. The SWAC favored municipally contracted services with mandatory participation. The ability to include recycling collection as part of a bundled service package was considered desirable. The Committee recognized the lack of political will in municipalities to mandate any collection requirements, despite the benefits.

Lower than desired recycling rates and potential solutions were the topics of significant commentary. The feasibility of financing the variety of options discussed helped to narrow the field of potential solutions.

## Outcome

The comments and concerns of the SWAC were given serious consideration and to the fullest extent possible, they have been incorporated into the final recommendations included in Chapter 5.



## **Appendix A**

### **Solicitation for Disposal Capacity**

Appendix A shows the original solicitation for disposal capacity published in the Pennsylvania Bulletin and the trade magazine Waste Advantage.



**REQUESTS PROPOSALS FOR  
MUNICIPAL SOLID WASTE DISPOSAL/ PROCESSING CAPACITY  
SOMERSET COUNTY PLANNING AND ZONING DEPARTMENT ON  
BEHALF OF THE SOMERSET COUNTY BOARD OF COMMISSIONERS,  
SOMERSET, PENNSYLVANIA**

The Somerset County Planning and Zoning Department is hereby soliciting proposals for disposal or processing capacity for municipal solid waste (MSW), including construction/demolition (C/D) waste and sewage sludge generated within the County for a period covering the years from 2022 through 2031. The Request for Proposals (RFP.) is being issued in accordance with Pennsylvania Code Title 25. Environmental Protection. Chapter 272.225 Municipal Waste Planning Recycling and Waste Reduction (as amended December 22, 2000)

The Request for Proposals (RFP.) will be available electronically from Michele Nestor, [Nestor Resources, Inc.](#), consultant to Somerset County, on or after Monday, January 3, 2022. Include the words **SOMERSET RFP CAPACITY** in the header of the request.

The Somerset County Planning and Zoning Department will receive sealed proposals until **4:00 p.m., prevailing Time on Friday, February 18, 2022**. All proposals must be made on the Proposal Forms and be in accordance with the Requirements for Submitting Proposals contained in the Request for Proposals. The Proposer is required to submit two (2) original printed copies of the Proposal and one (1) separate electronic media, (Flash Drive) each with a copy of the proposal in MS Word or pdf format. Envelopes containing the proposals must be sealed and clearly labeled to show the name and address of the Proposer, the statement "Proposal Disposal Capacity" and be addressed to: **Somerset County Planning and Zoning Department, 300 North Center Avenue, Ste 540, Somerset, Pennsylvania, 15501, Attention: Mr. Brad Zearfoss, Director**. Proposers may withdraw their proposal at any time prior to the scheduled closing time for receipt of proposals.

The Somerset County Board of Commissioners reserves the right to reject any or all proposals, to waive any irregularities and/or information in any proposal and to make an award in any manner, consistent with applicable laws, which is deemed to be in the best interest of the County.



## **Appendix B**

### **Request for Disposal Capacity**

Appendix B contains the original request for proposals with the criteria required of all facilities submitting proposals. It also includes the universal contract provisions required of all facilities reserving disposal capacity for Somerset County during this planning period



ISSUED BY  
THE SOMERSET COUNTY PLANNING COMMISSION  
ON BEHALF OF  
THE SOMERSET COUNTY BOARD OF  
COMMISSIONERS

REQUEST FOR PROPOSALS  
SOMERSET COUNTY, PA

MUNICIPAL SOLID WASTE  
DISPOSAL AND PROCESSING CAPACITY  
**2022 through 2031**

## **Somerset County**

Brad Zearfoss

Director

Somerset County Planning Commission

300 North Center Avenue, Ste 540,

Somerset, Pennsylvania, 15501

## **Project Consultant**

### **Primary Contact for Proposal Related Questions**

Michele Nestor

Nestor Resources, Inc.

Valencia, PA 16059

Phone: (724) 898-3489

Mobile: (724) 612-7675

Email: [michele@nestorresources.com](mailto:michele@nestorresources.com)

## Introduction

The Somerset County Board of Commissioners is accepting proposals for the disposal and processing of Municipal Waste generated within the County. Through this Request for Proposal, the County will select the disposal and processing methods and facilities to ensure disposal and processing capacity in accordance with the provisions of Act 101, the Pennsylvania Municipal Waste Planning, Recycling, and Waste Reduction Act of 1988. Act 101 mandates that each County must have secured disposal and processing capacity for the Municipal Waste generated within its boundary for a period of ten years. Those facilities entering into agreement with the County for secured capacity will be designated in the Municipal Solid Waste Management Plan of Somerset County as the facilities where Municipal Waste generated within Somerset County must be disposed .

This document, which comprises the request for proposal, includes five sections:

1. Procurement Approach and Purpose
2. Evaluation Criteria
3. History and Background
4. Contract Provisions
5. Required Forms for Submission of Proposal

**Sealed Proposals in response to this RFP are due on Friday February 18, 2022, by 4:00 PM. To qualify for consideration, the Proposer must submit two (2) hard copies, each executed in blue ink and labeled "original," and one (1) "copy" formatted as MS Word or pdf files each on separate electronic media, CD-ROMs or Flash Drives.**

**The outside of each sealed envelope must be marked "Proposal-Disposal Capacity."**

**Somerset County Planning Commission,  
300 N. Center Avenue, Suite 540,  
Somerset, PA 15501  
Attention: Mr. Brad Zearfoss**

The County of Somerset ("County") intends to review and evaluate all proposals to determine which contractor(s) submitting proposals are deemed to serve the best interests of the County in meeting its needs for disposal and processing capacity in accordance with Act 101. The County will consider only those facilities which have submitted qualified proposals. After the evaluation of the proposals is complete and based on the recommendations, which result from it, the County will execute the disposal and processing contract(s) with the selected contractor(s).

A contractor responding to this RFP shall be prepared to enter into a contract with the County to provide up to ten (10) years disposal and processing capacity for Municipal Waste generated within the County and to perform disposal and processing service in accordance with the conditions set forth in Section 4, Contract Provisions, of this RFP. The contractor shall operate a fully permitted disposal and processing facility which meets at a minimum the federal guidelines of Title 40--Protection of Environment CHAPTER I--ENVIRONMENTAL PROTECTION AGENCY PART 257--CRITERIA FOR CLASSIFICATION OF SOLID WASTE DISPOSAL FACILITIES AND PRACTICES and PART 258--CRITERIA FOR MUNICIPAL SOLID WASTE LANDFILLS as well as any design or operating criteria exceeding these standards required by the state and local governments in which the facility is located.

**Under all alternatives and provisions described herein, the collection and transportation of waste is handled by municipal or private collection firms and is not a consideration in this proposal.**

# Section 1

## Procurement Approach

### Purpose of Request for Proposals

The County intends to comply with the specifications set forth in Act 101, the Pennsylvania Municipal Waste Planning, Recycling, and Waste Reduction Act of 1988, by securing sufficient disposal and processing capacity, which is both economically feasible and environmentally sound, for the Municipal Waste generated within the County's borders for a period of ten years.

### County Designation of Facilities and Execution of Contracts

If the proposal is accepted by the County, one of the originals will be returned to the Contractor once it is executed by the County. The County anticipates that the proposals will be reviewed, accepted and contracts executed on or about April 1, 2022. The contract term will commence immediately upon execution by the County.

### Pennsylvania Right-to-Know Law

If supporting information contained in the proposal is considered confidential, that information should be submitted under separate cover and clearly labeled "CONFIDENTIAL INFORMATION" on the cover along with the applicable law and/or regulation that supports the treatment of such information as confidential. The Proposal is subject to the Pennsylvania Right-to-Know Law ("RTKL") and therefore the County can make no guarantee that any material will remain confidential. The provisions set forth in the proposed Municipal Waste Disposal Service Contract attached hereto shall apply to this Proposal.

### Requirements for Submitting Proposals

To be considered as a response qualified for review, proposals must meet the requirements set forth in this Section.

Proposals must be received by the date and time specified in the Introduction.

Proposals received after the specified date and time will not be considered as a response qualified for review and will be returned unopened. The County reserves the right to reject any or all proposals, to request additional information or clarifications, to waive any irregularities and/or information in any proposal and to make an award in any manner, consistent with applicable laws, which is deemed to be in the best interest of the County.

Packages containing the proposals must be sealed and clearly labeled to show the name and address of the Proposer, the statement "Proposal-Disposal Capacity" and

be addressed to: *Somerset County Planning Commission, 300 N. Center Avenue, Suite 540, Somerset, PA 15501, Attention: Mr. Brad Zearfoss.*

**Proposals must be submitted in both print and electronic digital formats.**

- Two printed and separately bound hard copies must be clearly marked "ORIGINAL" and contain the forms, contract and certifications as indicated and be executed with original signatures in blue ink.
- One (1) CD-ROMs or Flash Drives with each containing a copy of the proposal formatted as an MS Word or pdf file. Each CD-ROM or Flash drive must contain all of the required information, forms, contract and certifications. The electronic file must be saved to clearly identify the facility by name.

**For Contractors proposing multiple facilities**

- **Separate Hard Copies Required for Each Proposed Facility** the Contractor must submit two printed and separately bound hard copies clearly marked "ORIGINAL" which contain the forms, contract and certifications as indicated and be executed with original signatures in blue ink.
- **Shared Electronic Media for All Proposed Facilities** One (1) CD-ROM or Flash Drive containing a copy of the proposal for each facility formatted as a pdf file. Each CD-ROM or Flash Drive must contain all of the required information, forms, contract and certifications for each facility. An electronic file must be created for each facility, must be saved to clearly identify the facility by name. However the CD-ROM or Flash Drive may contain the files for all of the facilities submitted by the contractor.

**Emergency Back-up Disposal and Processing**

Contractors are required to identify a back-up facility(ies) in the event the proposed site exceeds its daily volume and/or for emergency closures.

- **Owner/Operated Back-up Facilities.** Intercompany facilities may not be identified simply by name to serve as back-ups for one another. Each facility must also submit a complete response to this RFP along with a signed contract.
- **Third Party Back-up Facilities.** A Contractor may fulfill the requirement for an emergency back-up facility by providing an agreement with a third party facility that has submitted a proposal package.

**CAREFULLY READ THE DESCRIPTIONS AND INSTRUCTIONS FOR EACH OF THE SECTIONS LISTED.**

**AVOID SUBMITTING MORE INFORMATION AND DOCUMENTATION THAN THE RFP REQUESTS OR REQUIRES.**

**PLEASE Expedite The Submission/Review Process and Save Yourself Time And Expense By Adhering To The Format.**

## **Organization of the Proposal**

The proposal must consist of the following information organized into sections.

**Each section must be in the order shown below, separated by clearly labeled tabs/dividers:**

- Cover Letter
- Statement of Qualifications
- Experience and Qualifications of Managers and Supervisors
- Compliance History
- Certificate of Permit
- Facility Design and Operational Plan
- Permitted Volumes in Tons, Operating Hours and Performance Guarantee
- Current Available Permitted Capacity in Cubic Yards
- Financial Assurances
- Completed and Signed Contract
  - Cost of Processing and Disposal
  - Reserved Capacity
- Representations and Certifications
- Contractor Information

## **Cover Letter and Signature Requirements**

A cover letter, which is addressed to the County of Somerset must accompany each proposal. The cover letter shall commit the contractor, if selected, to carry out all of the provisions of the proposal. It shall state that all information submitted and represented both in the proposal and in support of the proposal is accurate and

factual. The letter shall designate by name and title the key technical and business representatives who, if the contractor is selected, will negotiate with the County. An officer of the organization submitting the proposal empowered and authorized to sign such documents shall sign the cover letter. The same individual signing the cover letter shall sign the disposal and processing capacity contract and all forms in the proposal requiring signatures. Two copies of the proposal document must be clearly marked as the original and contain the original forms, the disposal and processing capacity contract and cover letter.

**The original forms, the disposal and processing capacity contract, and the cover letter shall be submitted as printed hard copy and signed in "BLUE" ink.**

**A copy shall be submitted as electronic media, (CD-ROM or Flash Drive) in MS Word or pdf format with each file saved to include and clearly identify the name of the facility.**

### Statement of Organization's Qualifications

The organization submitting the proposal shall provide sufficient information to demonstrate and prove experience, management, and resources required to provide consistent, reliable, and legal disposal and processing facilities to Somerset County.

- A list of the **counties** currently contracting with the facility for disposal and processing capacity shall be included.
- A list of the host municipalities, and if applicable the host county, with which the facility has secured host agreements shall be included.
- Experience in the successful operation of disposal and processing facilities shall be documented. **This section should be limited to 4 pages of text or printed material.**

### Experience of Managers and Supervisors

Experience and qualifications of the management team directly responsible for the day-to-day operation of the facility proposed to accept waste shall be documented.

- This section should include a list of the site's management personnel and for each a detailed description of their industry experience, training, and responsibilities. (GM, Ops., Technical, Financial)

### Facility Compliance History

A compliance history shall be provided for the *facility* submitting the proposal, which covers the most recent ten-year period, or if in operation less than ten years, for the length of its operating term. The history must be inclusive of Federal, State and Local Environmental Protection Acts and Regulations including but not limited to those concerning Solid Waste Management, Air Quality, Water Quality, Water Supply, Surface Mining, Oil and Gas Management, Dam Safety and Encroachment, Conservation and Reclamation.

The compliance history must list any permit or license denial, suspensions, or revocations; any notices of violations; any administrative orders, consent agreements or adjudications issued or civil penalties assessed by Federal State or

Local Regulatory Agencies. The dates and resolutions for each item listed must be included. The organization submitting the proposal must describe any summary, misdemeanor, or felony convictions and pleas of guilty and no contest obtained against the organization both within the Commonwealth of Pennsylvania and also outside of its borders. The description shall include the date, location nature, and disposition of each stated action.

Organizations may submit a copy of **PADEP Form HWC, Compliance History, (not Form C-1)** in lieu of a written description of the compliance history. Facilities located in other states that require completion of a similar document may submit it in lieu of a written description provided that document includes all of the information required in this section.

### **Certificate of Permit**

A copy of the approved current operating permit, *with the current pending expiration date clearly shown*, shall be submitted for the organization's facility proposing to accept waste. Copies of approvals for any addendums or revisions approved since its issuance by the State Regulatory Agency with direct oversight for the facilities operation.

### **Facility Design and Operational Plan**

The organization submitting the proposal shall provide a short description of the disposal and processing facility it intends to utilize in response to this RFP. **Do not include the entire narrative from the facility's permit. Pennsylvania Facilities should not include the full Form14 from their permit application. Please provide only short excerpts to demonstrate each point.**

Responses should be clear and informative without being encyclopedic. **Please submit no more than four pages of narrative** to describe the design, its components, and the operations plan.

#### **All facilities must include in their descriptions:**

A paragraph or two describing the general procedural mechanism for each item listed below. **Do not submit** the complete description from the facility's permit.

- ✓ the name and location of the facility (including the names of the municipalities in which it is physically located),
- ✓ a brief outline of its operating plan for the life of the facility including post closure care,
- ✓ a brief description of the daily record keeping procedures and measurement of waste,
- ✓ a brief outline of its waste acceptance and monitoring program, and also
- ✓ its environmental emergency response plan.

**Requirements unique to the type of facility:** (no more than two–three paragraphs each item)

A **LANDFILL** shall submit a brief description of:

- ✓ its liner system,

- ✓ methane recovery and utilization and
- ✓ method of leachate control, monitoring, and treatment, , (on-site/off-site).

**OTHER TYPES** of disposal and processing facilities shall include

- ✓ a detailed description of the technology and equipment utilized to process Municipal Waste,
- ✓ the byproducts of the process and
- ✓ the methods of handling the byproducts.

Design drawings are not required in the proposal, but the County reserves the right to request such information during the review and/or selection process.

## **Permitted Volumes and Operating Hours and Performance Guarantee**

In this section the following information shall be provided:

- ✓ The current permitted average and maximum daily, yearly, and life-of-permit tonnage limits shall be listed for the organization’s disposal and processing facility utilized in response to this RFP.
- ✓ The hours that facility is permitted to accept waste shall be listed.
- ✓ an outline of the preferred procedures for accepting an excessive amount of waste resulting from a natural disaster or other emergency in the County at the proposed facility
- ✓ In addition, a contingency plan for accepting waste outside of the normal operating hours or during emergency or temporary closure of the disposal and processing facility.
- ✓ The method by which uninterrupted disposal and processing service will be provided to Somerset County in the event that an emergency or other uncontrollable circumstance precludes the use of the facility.

### **BACK UP FACILITIES**

**Back-up facilities proposed for the purpose of emergency or temporary service must also submit a complete response to this RFP along with a signed contract. If not submitting a multi-facility proposal, the Contractor may fulfill the requirement for an emergency back-up facility by providing an agreement with a third party facility that has submitted a proposal package.**

### **Available Capacity (Airspace or Burner Capacity)**

The facility proposing to accept waste must prove and document both its most current annual and also its most current quarterly airspace usage and available capacity in cubic yards based on its existing permitted status.

- ✓ **Pennsylvania landfills should submit Page 1 of the PADEP Annual Operations Report, which requires the facility to calculate the available airspace in cubic yards.**

- ✓ **Resource Recovery Facilities should demonstrate the daily throughput capacity and burner design.**

Should the facility's current available permitted capacity be less than ten years, the organization submitting the proposal shall include narrative detailing provisions for providing disposal and processing capacity beyond the fixed terms of the permit. Options for expanding capacity shall be consistent with the current Federal, State and Local laws and regulations.

### **Financial Assurances**

**The organization must submit in the proposal the following proof of sufficient financial responsibility for the operation of the facility:**

- ✓ a certificate of pollution liability and public liability insurance **with the County listed as additional insured**; and
- ✓ the closure/post closure bonding requirements /worksheets of the facility with the type of security, dollar amount, terms, conditions, and limits stated.

The following information would be provided later, and only upon request:

Upon request, the organization must also demonstrate sufficient financial resources to carry out the responsibilities as outlined in this RFP and to back up the contractual obligations. Proof of financial resources must be provided upon request either at the time the contractor is selected or at the time that the disposal and processing capacity contract is executed.

Proof of sufficient financial resources will be in the form of complete audited financial statements for the most recent three years of continuing operation. If the organization submitting the proposal is a joint venture, subsidiary, or partnership, the financial information must be supplied for the parent company and the parent company must state its willingness to guarantee such joint venture, subsidiary, or partnership throughout the term of the disposal and processing services contract.

### **Signed Contract**

The organization submitting the proposal shall complete and submit the signed Contract guaranteeing disposal and processing capacity. The same person authorized to submit the proposal shall sign the contract **in blue ink**.

#### **Contract Form A-Cost of Processing and Disposal**

The organization submitting the proposal shall submit a Form A as provided in the Contract Agreement. The same individual signing the cover letter shall sign the completed form, which must be included with the signed contract with the proposal. The method of price adjustment, if any, over the contract period must be explained and demonstrated with the Form. The tipping fee must include any and all Act 101 or host municipality fees or surcharges, which should also be outlined and described.

### **Contract Form B- Reserved Capacity**

The organization submitting the proposal shall submit a Form B as provided in the Contract Agreement. The same individual signing the cover letter shall sign the completed form, which must be included with the signed contract with the proposal. The capacity reserved shall be specified in tons, and percentage on an annual basis and by tons on a daily basis. The number of operating days each year the facility is available to accept waste must be specified.

### **Additional Required Forms**

#### **Form C- Representations and Certifications**

The organization submitting the proposal shall submit a Form C as provided in this RFP. The same individual signing the cover letter shall sign the completed form, which must be included with the proposal.

#### **Form D -Contractor Information**

The organization submitting the proposal shall submit a Form D as provided in this RFP. The same individual signing the cover letter shall sign the completed form, which must be included with the proposal.

# Section 2

## Evaluation Criteria

The County will utilize the following criteria in evaluating and ranking proposals submitted in response to this RFP. There is no significance or correlation to the order in which the items are listed and the value or importance each has in the selection criteria

### Financial Stability

Contractors will be evaluated on the basis of their overall financial strength and credit worthiness as well as their public and environmental liability protection as an indication of their ability to establish and maintain a financially sound disposal and processing system. Financial assurances for closer and post closure care are important.

### Regulatory Compliance

Contractors will be evaluated on their overall compliance history with attention given toward severity of violations, consistency of violations and most importantly, the demonstrated resolution and disposition of any such incidents.

### Operating Permit Status and Capacity

Contractors will be evaluated on the current status, terms, and conditions of the facility's operating permit as well as the life expectancy of the facility and its available capacity as an indication of its ability to provide adequate disposal and processing service for the needs outlined by the County in this RFP. **Facilities without a currently approved permit should not submit a proposal. If and when a permit is issued, those facilities may petition the County at that time for inclusion in the Plan.**

### Technical Design and Operational Plan

Contractors will be evaluated on the effectiveness of the facility's design and overall operation to provide a sound and reliable environmental solution to the County's disposal and processing needs as well as its ability to meet Federal, State and Local regulatory standards for municipal solid waste management. Issues such as leachate collection and treatment, methane recovery and utilization, ash management, ground water monitoring systems, waste acceptance plans and radiation monitoring are considered important.

### Solid Waste Management Experience

Contractors will be evaluated on their demonstrated management experience in the successful operation of the proposed disposal and processing technology or process and their demonstrated successful performance in providing disposal and processing services through other county and municipal contractual.

### Minimum and Maximum Waste Volume Expectation

Contractors will be evaluated on their ability to accept all or some of the municipal solid waste generated by Somerset County on a daily and annual basis for a period covering ten years along with no minimum guarantees of waste required from the County. Facilities need not commit to 100% of the County's capacity needs.

However, the facilities must be capable of providing the capacity which they propose. "Put or Pay" (as defined below) contract requirements will be objectionable to the County as they are viewed as providing disincentives to recycling.

**Tipping Fees and Annual Costs**

Contractors will be evaluated based on their compliance with providing a maximum cost charged per ton for the disposal and processing service including any and all fees and surcharges resulting from Act 101, host municipality agreements or other federal or state statutes, and local ordinances and resolutions. The maximum cost per ton may not exceed the facility's published gate rates. The total annual cost to the County, if any, to construct, operate or otherwise invest in a proposed processing and disposal facility must be provided in detail and will also be a critical part of the evaluation.

Based upon these criteria, the contractor(s) will be selected. The County reserves the right to enter into agreements with any or all of the parties that submitted complete responses on the date and time required by the RFP.

# Section 3

## Somerset County Background Information

### Location and General Characteristics

Somerset County is located within the Laurel Highlands of southwestern Pennsylvania. Its northern boundary is Cambria County while to the south lays the Mason Dixon Line and the State of Maryland. To the east is Bedford County and Fayette and Westmoreland Counties border Somerset on the west. The County's major highways include State Route 219, and sections of the Interstate highway system Route 76 commonly known as the Pennsylvania Turnpike.

Somerset County is primarily rural in nature. Consequently, waste generation per person has not increased significantly. Minimal County wide recycling efforts exist and thus there is little to no diversion and recovery of waste. The overall rate of waste disposal has remained consistent for two decades. Still, landfill reports indicate that Somerset County generates and disposes far less than expected based on population. Nevertheless, due to the expiration of current capacity agreements, Somerset County has a need to seek new contracts to meet this requirement. Other factors such as permitting restrictions, an influx of out of state waste, potential closing of facilities, and other unforeseen factors all could impact the availability of future disposal options. In addition, new technologies for processing not available during the last plan revision may now provide more feasible alternatives for the County's waste management needs. Therefore, it is in the best interest of Somerset County to seek new agreements with interested qualified facilities

### Current Processing And Disposal Practices

The Somerset County Municipal Solid Waste Management Plan utilizes a modified form of flow control. In accordance with the provisions of Act 101, the County entered into processing and disposal capacity agreements with a number of qualified processing and disposal facilities. Disposal is limited to those sites designated in the Plan, however, local haulers, businesses, and municipalities may use one or more of the facilities. The current disposal capacity contracts are due to expire beginning in 2022

Proximity and business relationships affect the actual flow of waste more than any ordinance. A large portion of Somerset County's municipal waste is currently disposed at Southern Alleghenies and Mostoller landfills, both located in Somerset County. No guarantees, or put or pay provisions, were made by Somerset County for minimum waste volumes to be delivered for processing and disposal as part of any of the existing agreements. It is anticipated that on or around April 1, 2022, new contracts will be executed with qualified facilities, based on the content of this RFP, for a minimum term of ten years.

## Projected Landfill Capacity Requirements

This section presents the estimated future disposal capacity required for Somerset County. It is based on current reported disposal quantities with some adjustments made to correct for suspected reporting errors. The projections allow for possible future changes in the rate of MSW generated per capita, and projected changes in population.

**Population.** The Pennsylvania State Data Center at the Pennsylvania State University has produced State and county population projections for the Commonwealth of Pennsylvania. Presented below are county totals from the 2010 Census and projections for 2010 to 2040.

**Table 1. Somerset County Population Projections: 2010-2040**

County	July 1, 2010 Estimate	July 1, 2020 Projection	July 1, 2030 Projection	July 1, 2040 Projection	Percent Change 2010- 2020	Percent Change 2010- 2030	Percent Change 2010- 2040
Pennsylvania	12,711,308	13,230,170	13,759,594	14,132,588	4.10%	8.20%	11.20%
Somerset	77,706	76,694	76,267	75,132	-1.30%	-1.90%	-3.30%

**Estimated Future Generation Rate for MSW.** The USEPA reports on national MSW generation and disposal rates. In recent years, the generation rate per capita has been about 0.85 tons/person/year with little variation. The discard rate has also been relatively constant at about 0.52 tons/person/year. Thus, for projection purposes, it was assumed that per capita generation rates will remain unchanged. Table 2 presents projected disposal capacity requirements for the years 2022 through 2031. The figures are based on a constant per capita generation rate with adjustments due to projected population changes. The 2020 population of 74,129 was already less than the projected 2020 and 2030 population and therefore decreases were estimated for 2020 to 2031 at the total percentage change for 2010-2030.

The tons per type of waste are calculated based on 2020 reported disposed tons per person per year and the projected population.

**Table 2. Projected Landfill Capacity Requirements Somerset County  
2022 through 2031 in Tons)**

Year	Population	MSW	Sludge	C&D	Total
2022	73,936	47,319	3253.184	5,176	55,748
2023	73,795	47,229	3246.98	5,166	55,641
2024	73,654	47,139	3240.776	5,156	55,535
2025	73,514	47,049	3234.616	5,146	55,430
2026	73,374	46,959	3228.456	5,136	55,324
2027	73,234	46,870	3222.296	5,126	55,218
2028	73,094	46,780	3216.136	5,117	55,113
2029	72,955	46,691	3210.02	5,107	55,008
2030	72,816	46,602	3203.904	5,097	54,903
2031	72,677	46,513	3197.788	5,087	54,798

# Section 4

## Capacity Agreement

The following Contract/Agreement shall be executed between the County and the Contractor. The contract signed in BLUE ink must be included in the Contractor's two ORIGINAL proposals with reproductions in the electronically formatted copy. The contract shall become effective on the date the agreement is signed by the Somerset County Board of Commissioners.

### MUNICIPAL WASTE PROCESSING AND DISPOSAL SERVICE CONTRACT

THIS MUNICIPAL WASTE PROCESSING AND DISPOSAL SERVICE CONTRACT (hereinafter referred to as the "Contract") entered by and between THE COUNTY OF SOMERSET , Somerset, Pennsylvania, hereinafter jointly referred to as the "County" AND

\_\_\_\_\_  
\_\_\_\_\_  
(Name of Facility/Parent Company)  
hereinafter referred to as the "Contractor" whose permitted processing and disposal facility Permit No \_\_\_\_\_ issued by \_\_\_\_\_ is located in \_\_\_\_\_ (Municipality)(ies), \_\_\_\_\_ County, \_\_\_\_\_ State.

WITNESSETH:

WHEREAS, the County, acting through the Board of Commissioners has developed and adopted the 1991 Municipal Waste Management Plan for Somerset County and its revisions in 2010 and 2022 in accordance with the requirements of the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 ("Act 101); and,

WHEREAS, the municipalities in Somerset County have duly approved and ratified this 1991 Municipal Waste Management Plan for Somerset County pursuant to the requirements of section 501 of Act 101; and,

WHEREAS, this 1991 Municipal Waste Management Plan for Somerset County and its revisions in 2010, and 2022 requires that all Municipal Waste generated within Somerset County must be disposed only at a Municipal Waste processing and disposal facility that is designated by the County pursuant to this plan to insure the availability of adequate permitted processing and disposal capacity for the Municipal Waste generated in Somerset County; and

WHEREAS, Act 101, requires the County, as part of its plan, to provide for assurance for capacity or the processing and disposal of all Municipal Waste expected to be generated within the County for a period of at least the next ten (10) years, and further requires the County to execute and submit to the Department, contracts evidencing the implementation of its approved Plan and insuring sufficient available processing or disposal capacity; and,

WHEREAS, the Contractor wishes to be designated by the County as one of the Municipal Waste processing or disposal facilities where the Municipal Waste generated within Somerset County must be disposed; and,

WHEREAS, the Contractor is willing to guarantee the availability of adequate, permitted processing or disposal capacity for such waste and the costs for such services for a ten-year contract period in exchange for such designation by the County; and,

WHEREAS, the County and the Contractor now desire to enter into this Contract in order to effectuate the goals of the Municipal Waste Management Plan for Somerset County and to further set forth the agreements between the parties with respect thereto;

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and pursuant to the parties' intent to be legally bound under the Uniform Written Obligations Act, 33 Pa.C.S. § 6, the undersigned hereby agrees as follows:

## I. DEFINITIONS

Unless the context clearly indicates otherwise, the following words and terms, as used in this Contract, shall have the following meanings:

Acceptable Waste -Waste that Contractor is permitted to manage, process, store and/or dispose at the Landfill, or Resource Recovery Facility in accordance with its Permit for a Solid Waste Processing and Disposal Facility, which was issued by the Pennsylvania Department of Environmental Protection ("DEP") or the equivalent regulatory agency in the state where the facility is located and under applicable Pennsylvania law or that in which the facility is located, including, but not limited to, the Pennsylvania Solid Waste Management Act and the rules and regulations promulgated thereunder; and waste which is not inconsistent with the Facility's Waste Acceptance Policy as defined herein.

Act 101 - The Pennsylvania Municipal Waste Planning Recycling and Waste Reduction Act of 1988.

Affiliate - Any individual or entity that controls, is controlled by, or is under common control with a party to this Contract, or in the case of a sole proprietor, any blood relative or employee of the contractor, as designated by this Contract.

Bulky Waste (White Goods) -Large items of Refuse, including, but not limited to, appliances, furniture, auto parts, trees, branches or stumps which may require special handling due to their size, shape or weight.

Commercial Waste -All solid waste originating from commercial establishments engaged in non-manufacturing or non-processing business, including, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters.

Construction Demolition Waste - Municipal 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.

Contract -The Municipal Waste Processing and Disposal Service Contract, between the County and the Contractor.

Contractor-The Facility and Parent Company identified as such on the first page of this contract or any permitted successors, assigns, or affiliates.

County - The County of Somerset, Pennsylvania, the Somerset County Board of County Commissioners, the Somerset County Planning Commission or their designated representative..

Department or DEP The Pennsylvania Department of Environmental Protection (DEP).

Domestic or Residential Waste -Solid waste comprised of Garbage and Rubbish, which normally originates from residential private households or apartment houses.

Somerset County- a seventh class county located in the Commonwealth of Pennsylvania

Facility – Land, structures and other appurtenances or improvements where municipal waste processing and disposal is approved and permitted to occur under Federal and state law. A Facility includes a landfill, a resource recovery facility, a waste-to-energy facility, a digester and/or other municipal solid waste processing and disposal technologies operating under the provisions of a permit approved and issued by the Pennsylvania Department of Environmental Protection or the state regulatory agency in which the operation is located.

Garbage -Putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food and food containers.

Hauler and Waste Collector -Any person, firm partnership, association or corporation, including any municipality, engaged in the business of collecting and transporting municipal solid waste to processing or disposal facilities.

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 or otherwise managed; or (3) is otherwise defined as "hazardous" by any Federal or State statute or regulation.

Industrial Waste -Solid waste resulting from manufacturing and industrial processes, including, but not limited to, those carried out in factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.

Institutional Waste Solid waste originating from institutions including, but not limited to, public buildings, hospitals, nursing homes, orphanages, schools and universities.

Landfill -The Contractor's permitted landfill identified on the first page of this contract.

Leaf Waste -Leaves, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clippings.

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 municipality .The term shall include any source separation and collection program for composting leaf waste that is operated by or on behalf of a municipality. The term does not include any program

for recycling construction and demolition waste or sludge from sewage treatment plants or water supply treatment plants.

Municipality -Any city, borough, incorporated town, township or county or any municipal authority- created by any of the foregoing.

Municipal Waste or Solid Waste -Garbage, Refuse, industrial lunchroom or office waste and other material, including solid, liquid, semi-solid or contained gaseous material, (but excluding Hazardous Waste) resulting from operation of residential, municipal, commercial or institutional establishments or from community activities; and any sludge not meeting the definition of residual or hazardous waste from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include source separated recyclable materials or material approved by DEP for beneficial use.

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

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

Permit -A permit issued by the Pennsylvania DEP to operate a Municipal Waste disposal, processing or transfer station facility.

Permit Area -The area of land and water within the boundaries of the permit, which is designated on the permit application maps as approved by the Pennsylvania DEP, or equivalent regulatory agency in the state in which the facility is located.

Proposal - Complete response to the Request for Proposals for Municipal Waste Processing and Disposal Services that was submitted by Contractor to the County.

“Put or Pay” - A requirement to guarantee delivery of predetermined quantities of waste to a facility which also requires payment to the facility regardless of whether or not the waste was delivered for processing and disposal.

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

Refuse -Discarded waste materials in a solid or semi-liquid state, consisting of Garbage, Rubbish or a combination thereof.

Remaining Permitted Capacity -At any time the remaining weight or volume of Municipal Waste that can be disposed at a permitted Municipal Waste disposal or processing facility. The term shall only include the weight or volume capacity for which the Pennsylvania DEP (or the equivalent regulatory agency in state which the facility is located) has issued a permit.

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.

Resource Recovery Facility -A facility that provides for the extraction and utilization of materials or energy from Municipal Waste that is generated off-site, including, but not limited to, a facility that mechanically extracts materials from Municipal Waste, a combustion facility that converts the organic fraction of Municipal Waste to usable energy and any chemical or biological process that converts Municipal Waste into a fuel product or other usable material. The term does not include methane gas extraction from a Municipal Waste landfill, nor any separation and collection center, drop-off point or collection center for recycling Municipal Waste, or any source separation or collection center for composting leaf waste.

Rubbish -Non-putrescible solid wastes consisting of combustible and non-combustible materials including leaf wastes.

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.

Stabilized Sewage Sludge -Sewage sludge that has been treated to reduce odor potential and the number of pathogenic organisms. Treatment methods include anaerobic and aerobic digestion, composting, lime stabilization and chlorine stabilization.

Tipping Fee -The schedule of fees established by the owner or operator of a transfer station, sanitary landfill, processing and/or resource recovery facility for accepting various types of solid waste for processing or disposal.

Unacceptable Waste -Any material that by reason of its composition, characteristics or quality, is ineligible for disposal at the processing and disposal facility pursuant to the provisions of the Resource Conservation and Recovery Act of 1976, 42 U.S.C. S2605 (e), the Pennsylvania Solid Waste Management Act, 35 P.S. S6018.101, et seq., or other applicable Federal, State or local law; or any other material that the Contractor concludes would require special handling or present an endangerment to the landfill, the public health or safety, or the environment.

## II. SCOPE OF CONTRACT

### 1. Designation as Processing and Disposal Site

In consideration of Operator's Covenants and this Agreement, the County hereby agrees to include operator's Facility in its Plan as one of the designated non-exclusive processing or disposal facility(ies) for Municipal Waste generated in the County. Only designated facilities may accept Somerset County generated waste for disposal.

### 2. Effective Date

This Contract shall become effective and the contractor shall begin providing Municipal Waste processing and disposal, service for the County under the terms and conditions of this Contract on the date the Contract is duly executed by the Board of County Commissioners.

### 3. Term of contract

The term of this Contract shall commence on the effective date, and shall terminate on the earlier of (a) any event, the effect of which is to permanently terminate the validity of

the DEP Permit for the Facility (or the equivalent regulatory agency in state which the facility is located) or (b) Ten (10) years, or (c) terminated in writing by consent of both parties.

#### 4. Compliance with Applicable Laws

The parties to the Contract agree that the laws of the Commonwealth of Pennsylvania shall govern the validity, construction, interpretation and effect of the Contract. The Contractor shall conduct the service of Municipal Waste processing and disposal as provided by for by the Contract in compliance with all applicable federal and state regulations and laws. The contract and the work to be performed as described herein is also subject to the provisions of all pertinent municipal ordinances which shall be made a part thereof with the same force and effect as if specifically set out therein.

#### 5. Breach of Contract

If the Contractor fails to materially perform in a satisfactory manner in accordance with applicable Permit requirements or regulations the County shall have the right to demand in writing adequate assurances from the Contractor that steps have been or are being taken to rectify the situation. Within ten (10) days of receipt of any such demand the Contractor must submit to the County a written statement that explains the reasons for the non-performance or delayed, partial or substandard performance during that period and any continuance thereof. The Contractor shall also have the option to appear before the County to present any such explanation. Upon the failure of the contractor to submit a statement or failure of the Contractor to correct any such condition within fifteen (15) days after responding to the demand by the County, unless the County has agreed to a longer period (which agreement will not be unreasonably withheld), the County may, except under the conditions of force majeure, as defined herein, assess liquidated damages to the Contractor in accordance with the provisions stated herein and/or to terminate the Contract, and as a remedy make demands under any remedy available to the County as provided by law.

#### 6. Penalties and Actual Damages

A. It is hereby understood and mutually agreed by and between the Contractor and the County that the Municipal Waste processing and disposal services to be performed under this Contract are vital for the protection of public health and welfare *and* it is further understood and agreed that the services to be performed under this Contract will be commenced on the date specified in this Contract.

B. It is hereby understood and mutually agreed by and between the Contractor and the County that reporting of complete and accurate data in the format required by this Contract is vital to evidence the implementation of Somerset County's approved Plan and the continued availability of sufficient processing or disposal capacity *and* it is further understood and agreed that the reports to be submitted under this Contract in the format required will be received by the County on the dates specified in this Contract.

1. A Contractor that operates, or whose parent company operates, a transfer station that receives Somerset County municipal waste for transport to one of the designated facilities shall also submit a report from the transfer station in accordance with Section IV.

C. If the Contractor neglects, fails or refuses to provide the Municipal Waste processing and disposal services in accordance with the terms and provisions of the Contract, and as a result thereof there is a disruption or termination of the Municipal Waste processing and disposal services to be performed by Contractor under this Contract, then the Contractor does hereby agree, as a partial consideration for the awarding of the Contract, to pay to the County an amount to be determined as hereinafter set forth as actual damages for such breach of Contract for each and every calendar day that such service is disrupted or terminated.

D. The amount of actual damages shall be equal to any additional total waste processing and disposal cost (i.e., any processing and disposal cost in excess of the amount that haulers normally would have paid for processing and disposal of the same amount of waste at the Contractors' Facility under the contract), if any, plus any additional total waste transportation costs (i.e., any transportation cost in excess of the amount that haulers normally would have paid for transporting the same amount of waste to the Contractors' Facility) if any, that the haulers have incurred for transportation and processing and disposal of the Municipal Waste to an alternative processing or disposal facility or transfer station.

E. The Contractor shall not be responsible for the payment of any actual damages whenever the County determines that the Contractor was without fault and the Contractor's reasons for the breach of Contract are acceptable. Furthermore, the Contractor shall not be responsible for any actual damages under the conditions of force majeure as defined herein.

F. If the Contractor neglects, fails or refuses to provide the complete and accurate reports in the format required by the County in accordance with the terms and provisions of Section IV of the Contract, then the Contractor does hereby agree, as a partial consideration for the awarding of the Contract, to pay to the County an amount to be determined as hereinafter set forth as penalties for such breach of Contract for each and every calendar day that such reports in the format required by the County are late, incomplete, inaccurate or insufficient.

G. The amount of penalties shall be calculated at the rate of \$300 per day for each and every calendar day past the required date for submission. If more than one report required in Section IV of the Contract is to be submitted on the same calendar day then the amount of penalties shall be calculated separately for each and every report that is late, incomplete, inaccurate or insufficient or improperly formatted.

#### 7. Force Majeure

Neither the Contractor nor the County shall be liable for the failure to perform their duties and obligations under the Contract or for any resultant damages, loss or expense, if such failure was the result of an act of God, riot, insurrection, war, catastrophe, natural disaster or any other cause which was beyond reasonable control of the Contractor or the County and which the contractor or County was unable to avoid by exercise of reasonable diligence.

#### 8. Assignment of Contract

No transfer or assignment of the Contract or any right accruing under the Contract shall be made in whole or in part by the Contractor without prior express written approval by the County (which approval shall not be unreasonably withheld). In the event of any delegation of a duty, the delegate shall assume full responsibility and liability for performance of that duty without affecting the Contractor's liability, and shall be responsible for compliance with and performance of all terms and conditions of this contract including but not limited to provisions for sureties and assurances of availability of 10-year service.

#### 9. Change of Ownership

In the event of any change of control or ownership of the Contractor's Facilities the County shall maintain the right to hold the original owner solely liable. However, the County, at its option may determine that the new ownership can adequately and faithfully perform the duties and obligations of the Contract for the remaining term of the Contract, and elect to execute a novation, which will allow the new ownership to assume the rights and duties of the Contract and release the former ownership of all obligations and liabilities. The new ownership would then be solely liable for the performance of the Contract and any claims or liabilities under the Contract.

#### 10. Waivers

A waiver by either party of any breach of any provisions of the Contract shall not be taken or held to be a waiver of any succeeding breach of such provisions or as a waiver of any provision itself. No payment or acceptance of compensation for any period subsequent to any breach shall be deemed a waiver of any right or acceptance of detective performance.

#### 11. County's Obligations

County shall not be obligated by the terms of this Contract to guarantee the delivery to Contractor's Facility of any minimum quantities of Municipal Waste or payment for any services provided by Contractor to any hauler.

#### 12. Illegal and Invalid Provisions:

In the event any term, provision or other part of the Contract should be declared illegal , inoperative, invalid or unenforceable such term or provision shall be amended to conform to the appropriate laws or regulations. In the case of illegal or invalid provisions, the remainder of the Contract shall not be affected and shall remain in full force and effect.

#### 13. Joint and Severable Liability

If, after the date hereof, the Contractor is comprised of more than one individual, corporation or other entity, each of the entities comprising the Contractor shall be jointly and severally liable.

#### 14. Binding Effect

The provisions, covenants and conditions of the Contract shall apply to and bind the parties, their legal heirs, representatives, successors and assigns.

15. Entire Agreement / Amendments to the Contract

The provisions of this Contract, together with the Agreements and exhibits incorporated by reference, shall constitute the entire Municipal Waste Processing and Disposal Capacity Contract between the County and the Contractor, superseding all prior processing and disposal capacity agreements or contracts, if any, except as otherwise provided in this Contract. No amendment or modifications of the terms and conditions of the Contract shall be made prior to the date the Contract is duly executed by the Somerset County Board of Commissioners. Once the Contract is duly executed by the Somerset County Board of Commissioners, no amendment or modifications of the terms and conditions of the Contract shall be effective unless such amendment or modification is in writing and signed by authorized representatives of all parties entitled to receive a right or obligated or perform a duty under the Contract. A signed original amendment to the Contract shall be furnished to all parties to be attached to the original Contract. The County and the Contractor agree that any existing Municipal Waste processing and disposal contracts between them are hereby rendered null and void and superseded by this Contract. The disposal capacity agreement does not change the terms and conditions of any host fee agreements between Somerset County and the landfills which are located within its boundaries.

16. Merger Clause

The Contract shall constitute the final and complete agreement and understanding between the parties. All prior and contemporaneous agreements and understandings, whether oral or written, including, without limitation, the proposal submitted by the Contractor, shall be without effect on the construction of any provisions or terms of the final contract if they alter, vary or contradict the Contract.

17. Notices

All notices, demands, requests and other communications under this contract shall be deemed sufficient and properly given if in writing and delivered in person, or by recognized carrier service to the following addresses, or sent by certified or registered mail, postage prepaid, with return receipt requested, at such addresses. Provided, if such notices, demands, requests or other communications are sent by mail, they shall be deemed as given on the third day following such mailing, which is not a Saturday, Sunday or day on which United States mail is not delivered:

**For the County:**

*Somerset County Commissioners  
Somerset County Office Building  
300 N. Center Avenue, Somerset, PA 15501*

**For the Contractor:**

**Notice Address as shown on Form B.**

Either party may, by like notice, designate any further or different addresses to which subsequent notices shall be sent. Any notice under this Contract signed on behalf of the notifying party by a duly authorized attorney at law shall be valid and effective to the same extent as if signed on behalf of such party by duly authorized officer or employee.

### III. SERVICE, OPERATIONS, AND PERFORMANCE

#### 1. Services of the Contractor

The Contractor agrees to accept, process and dispose specified quantities and types of Municipal Waste originating from sources located in Somerset County, in accordance with all applicable Federal, state and local regulations. Nothing herein shall prohibit any Contractor from entering into any separate contract with another person or municipality to provide such waste collection and/or transportation services.

#### 2. Types and Quantities of Municipal Waste

The specific types and quantities of Municipal Waste that will be accepted at the Contractor's Facility under this contract shall be those as listed in Form B:

Annual adjustments to the maximum Municipal Waste quantities shown on Part B may be permitted if the request for adjustments is made in writing at least sixty (60) days in advance of the anniversary of the effective date of the Contract . Any quantity adjustment request will be mailed to the County by United States Postal Service, Certified Mail. If an authorization is approved, it will be considered an amendment to this Contract and the adjusted quantities will supersede those previously in effect.

#### 3. Maximum Tipping Fees or Rate Schedule

The maximum rate or tipping fee to accept the various types of Municipal Waste shall be as listed on Form A.

#### 4. Delivery of Wastes

The Municipal Waste to be accepted at the Contractor's Facility under this Contract will be delivered to the Contractor's Facility by municipal and/or private waste haulers. The waste haulers responsible for delivering the Municipal Waste that will be accepted under the contract will be those required to be authorized by the Pennsylvania Waste Transportation Safety Act ("Act 90 ")as well as those regularly engaged in the business of waste transportation but are exempt. Only Municipal Waste materials delivered to the Contractor's Facility by authorized and such exempt waste haulers shall count towards any maximum waste quantity limits under the Contract. Contractor shall be responsible for obtaining a current list of the authorized waste haulers from the appropriate State agency.

#### 5. Minimum Hours of Operation

Unless mutually agreed upon otherwise by the Contractor and the County, the Contractor will accept delivery of Municipal Waste from waste haulers authorized by Act 90 as well as those regularly engaged in the business of waste collection and transportation in Somerset County during the hours shown on Form B, excluding generally recognized business holidays, including without limitation (President's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas and New year's Day). In the event of any lengthy travel time from sources in the County to an out-of-county processing and disposal facility, the Contractor will be required to exhibit flexibility in the operating hours for accepting wastes from Somerset County. The Contractor shall have complete discretion to make additional arrangements for accepting waste at any earlier or later hours and/or on Sundays.

## 6. Complaints

The Contractor shall receive and respond to all complaints from waste transporters authorized by Act 90 as well as those regularly engaged in the business of waste collection and transportation in Somerset County regarding the acceptance of waste materials at his Facility. Any complaints received by the County will be directed to the Contractor. In the event the Contractor cannot satisfactorily resolve a complaint within five (5) days after receipt of the complaint, the County shall have the right to demand a written explanation or satisfactory resolution of the complaint pursuant to the breach of contract provisions herein.

## 7. Municipal Recycling Programs

The County and individual municipalities in Somerset County shall have the right to establish and operate any municipal recycling programs, including drop-off recycling centers and curbside collection programs, to source separate and remove recyclable materials from the Municipal Waste stream prior to the delivery of the waste to the Contractor's facility. The Contractor shall notify the County in the event Contractor becomes aware that materials that are being collected in the County and/or municipal recycling programs are being routinely delivered to Contractor for waste processing and disposal. The Contractor shall cooperate with the County in reaching the Commonwealth of Pennsylvania's Recycling goals.

## 8. Title to Solid Waste

Except in the case where any unacceptable waste or Hazardous Waste is delivered to the Contractor's Facility, the title to the Municipal Waste and any benefits of marketing any materials or energy recovered from the Municipal Waste shall pass to the Contractor upon delivery of the waste to the Contractor's Facility and acceptance of the waste by the Contractor.

## 9. Unacceptable or Hazardous Waste

The Contractor shall have the right and discretion to inspect and reject any such Hazardous and/or Unacceptable waste delivered to the Facility by the haulers servicing the county. The waste haulers authorized by the Pennsylvania Waste Transportation Safety Act 90 as well as those regularly engaged in the business of waste transportation but are exempt from Act 90, shall be responsible for the prompt removal and processing and disposal of any such unacceptable waste and shall bear all costs associated with the subsequent removal, transportation and processing and disposal of such Hazardous and/or Unacceptable waste.

## 10. Basis and Method of Payment

A. The County shall not be responsible for the direct payment of any tipping fees to the Contractor under the Contract. All tipping fees shall be paid directly by the municipal and/or private waste haulers, which deliver the waste to the Contractor's Facility.

B. The Contractor shall be responsible for the billing and collection of all tipping fees from the waste haulers. The method of billing and collection arrangements between the waste haulers and the Contractor shall comply with all applicable Federal and State laws governing such commerce and business activities.

C. The County shall not be responsible for failure of any waste hauler, authorized or otherwise, to pay the Contractor's tipping fees and no such fees will be paid by the County. In the event County is notified of repeated delinquency or non-payment by any waste hauler of Contractor's tipping fees, County may enforce any remedies, which may be available to the County.

D. The Contractor shall not charge a tipping fee to any waste hauler authorized by the Pennsylvania Waste Transportation Safety Act 90, as well as those regularly engaged in the business of waste transportation but are exempt from Act 90, that is greater than the maximum rates established by this Contract for each type of waste originating in Somerset County. Nothing in this Contract shall be construed to prevent or preclude the Contractor from negotiating alternate tipping fees with any waste hauler provided such fees do not exceed the maximum rates under this Contract.

#### 11. Rate Escalation and Adjustments

A. If Contractor desires to adjust the maximum rate or tipping fee for processing and disposal of each type of Municipal Waste under the Contract in excess of the amount provided in Form A in the RFP submitted by Contractor to the County, the Contractor may request the consent of the County for such increase by providing the County with at least 60 days advance written notice of the proposed increase. Consent to any proposed increase shall be at the sole discretion of the County. The notice of proposed increase to the County shall be delivered to the County by United States Postal Service, Certified Mail on or before October 1 of the year prior to the proposed effective date of the increase.

B. Unless the County and Contractor mutually agree to an alternate date, all annual rate adjustments shall become effective on January 1st of each year of the Contract to be consistent with the starting dates and new contract periods of most Municipal Waste collection contracts.

C. The Contractor may also request consent of the County at any time for additional rate or fee adjustments on the basis of unforeseen changes in operating costs resulting from any new or revised federal, state or local laws, ordinances, regulations or permit requirements, which were not in effect at the time when the original Contract was awarded. The Contractor shall have the burden of preparing and submitting any necessary information to support and document any such rate adjustments. The County shall have the right to inspect, by itself or by an independent auditor, any pertinent financial records that document the need for a rate adjustment using audit standards similar to the Federal procurement regulations. The County shall also have the right to modify the amount of a rate increase requested, modify the effective date of a rate adjustment or to reject a rate increase petition for lack of justification.

D. In the event that any one rate adjustment petition for unforeseen changes in the operating costs of the processing or disposal facility, as set forth in paragraph C above, or the cumulative impact of several such rate adjustment petitions, results in a rate increase greater than 25 percent of the base tipping fee under this contract, the County at its discretion shall have the right to solicit new Municipal Waste, processing and disposal service proposals and the right to terminate this Contract, if in the judgment of the County, more favorable processing and disposal contracts can be secured from other facilities.

E. All annual rate adjustments shall be calculated on only the actual operating cost for the Contractor's processing and disposal facility. All annual rate adjustments as set forth in , demonstrated and included with Form A represent the total tipping fee including any and all fees, taxes, and surcharges as described. Any fixed pass-through or add-on surcharges or costs, such as the surcharge for the recycling fund, post-closure trust fund and County or host municipality benefit fee imposed on Pennsylvania Facilities by Act 101 or any other surcharge or pass-through cost imposed by any host county or municipality, will be deducted from the maximum rate or tipping fee prior to calculating any annual rate adjustment.

#### 12. County Administration/Recycling Surcharge

In the event that legislation should be enacted during the period of this contract authorizing the County to assess fees or surcharges for the administration and implementation of its solid waste and recycling programs the County reserves all such rights and privileges to negotiate and collect such fees from the Contractor.

#### IV. RECORD KEEPING AND REPORTING REGULATED WASTE

1. The Contractor will be required to install and maintain a scale to weigh all incoming waste to the contractor's Municipal Waste processing or disposal facility or, in the case of a transfer station, to weigh all Municipal Waste delivered to the County designated processing or disposal facility by the transfer station. The scale used to weigh Municipal Waste shall conform 3 Pa.C.S. Chapter 41 (relating to the Consolidated Weights and Measures Act) and 70 Pa. Code Part I (relating to weighmasters) and applicable regulations thereunder;. The operator of the scale shall be a licensed public weighmaster under 3 Pa.C.S. Chapter 41 and 70 Pa. Code Part I. and applicable regulations thereunder;

#### 2. Daily Operational Records

The Contractor shall make and maintain an operational log for each day that Municipal Waste is received, processed or disposed. At a minimum, the following information shall be recorded in the daily operational log:

A. The total weight of each type of Municipal Waste received at the Facility from all sources;

B. The County from which the Solid Waste originated, or if the waste originated from outside the state, the state from which the waste originated; and

C. The name of each waste hauler or transporter delivering Municipal Waste to the Facility.

1. Loads from transfer facilities should be made distinguishable from those directly hauled.

#### 3. Quarterly Operation Reports

The Contractor shall prepare and submit on forms approved by the County a quarterly operation report. The quarterly operation reports shall be submitted to the County on or before the 20th day of April, July, October and January of each year for the preceding three (3) month calendar period ending on the last day of March, June, September and December, respectively. At a minimum, the following information shall be included in each quarterly operation report:

- A. The total weight of each type of Municipal Waste received from all sources within the County during each month of the quarterly reporting period;
- B. The names of the waste haulers or transporters and self-haulers that delivered waste originating from sources in Somerset County.
- c. A summary of the total weight of each type of Municipal Waste received each month from each waste hauler or transporter and self-hauler delivering waste originating from sources in Somerset County;
- D. A summary of the total weight of each type of Municipal Waste received each month from all waste haulers and self-haulers delivering waste originating from sources in Somerset County. Loads from transfer facilities should be made distinguishable from those directly hauled; and
- E. A Contractor that operates, or whose parent company operates, a transfer station that receives Somerset County municipal waste for transport to one of the designated facilities shall also submit a report from the transfer station showing:

- 1. The names of the waste haulers or transporters and self-haulers that delivered Municipal Waste originating from sources in Somerset County.
- 2. A summary of the total weight of each type of Municipal Waste received each month from each waste hauler or transporter and self-hauler delivering waste originating from sources in Somerset County.
- 3. The total amount of tons of Somerset County Municipal Waste transported from the transfer station to each disposal facility designated in the Plan to receive waste from Somerset County.

The inbound and outbound tons of Somerset County waste must reconcile.

#### 4. Annual Operation Report

The Contractor shall prepare and submit on forms approved by the County an annual operation report for each calendar year or other fiscal year approved by the County. The annual operation report shall be submitted to the County on or before June 30th of each year unless an alternate submission date is approved by the County. At a minimum, the following information shall be included in the annual operational report:

- A. For Municipal Waste landfills, a description of the capacity or volume used during the past year and the remaining permitted capacity based upon the annual topographic survey information;
- B. A current Certificate of Insurance as evidence of continuing insurance coverage for public liability insurance as required under the Contract;
- C. For Resource Recovery or other Municipal Waste processing facilities, the name and the location of the landfill disposal facilities where any bypassed wastes, unprocessable waste and waste by-products, such as incinerator ash, were ultimately disposed;
- D. Copies of all notices of violation, civil penalty assessments and/or administrative orders issued by federal, state or county regulatory authorities to the owner and/or operator of the Facility during the year; and

E. If available to the Contractor, Certificate of good standing- from its bonding company.

F. The annual operating reports that must be prepared and submitted to the DEP by Pennsylvania processing and disposal facilities (or equivalent regulatory agency in the state in which the facility is located) may constitute acceptable information for portions of the annual operating report for the purposes of the Contract, provided they are accompanied by completed and accurate forms approved by the County along with any required supporting information.

#### 5. Administrative Inspections

Upon reasonable notice, and during regular business hours, the County and its authorized representatives shall have access to Contractors' logs and records pertaining to the quantities and sources of Municipal Waste for the purpose of verifying compliance with the terms and conditions of this Contract.

#### 6. Special Reporting Requirements

The Contractor shall provide written notification to the County of any permit modification applications for the following types of permit changes, on the same date the application is first submitted to the Pennsylvania DEP (or equivalent regulatory agency in the state in which the facility is located):

A. Changes in the permitted site volume or capacity,

B. Changes in the permitted average and/or maximum daily waste volume or loading rates,

C. Changes in the excavation contours or final contours, including the final elevations and slopes,

D. Changes in the permitted acreage, and

E. Changes in ownership.

### V. PUBLIC LIABILITY INSURANCE REQUIREMENTS

#### 1. Insurance Requirement

The Contractor shall be required to maintain in full force and effect throughout the term of the Contract, and any renewal or extension thereof a general liability insurance policy to provide continuous coverage against third party claims for property damage and personal injury, as specified in Chapter 271 of the DEP's Municipal Waste Management Regulations (Pennsylvania Bulletin, Vol. 18, No. 15, April 9, 1988) and the following section. The effective date of the required insurance policy shall be prior to the initiation of any waste processing and disposal services under this Contract. Contractor shall cause County to be added as an additional insured on all policies of insurance required under the terms of this Contract.

#### 2. Proof of Insurance Coverage

The Contractor shall be required to submit to the County proof of insurance coverage upon execution of the Contract. At a minimum, the proof of insurance shall consist of a certificate of insurance which:

- A. States the name of the insurance company, the insured owner and facility covered by the policy.
- B. Identifies the kinds of coverage provided by the policy and the amounts of coverage, exclusive of legal costs.
- C. Identifies the beginning and ending dates for the policy.
- D. Specifies that a minimum 30-day period written notice shall be given by the insurer to the County and the Owner, by certified mail, before any cancellation or other termination of the policy becomes effective.
- E. States that the insurer is liable for payment on the policy without regard for the bankruptcy or insolvency of the insured.
- F. Be signed by an authorized agent of the insurance company.

### 3. Maintenance of Insurance Coverage

The Contractor shall be required to submit to the County a current certificate of insurance as evidence of continuous insurance coverage as part of the annual operation report required under the Contract. The annual certificate of insurance shall contain the same information and provisions as specified in the original proof of insurance certificate under the requirements of the preceding paragraph. Failure to submit the required proof of insurance or to maintain the required minimum insurance coverages would be considered a default by the Contractor in accordance with the provisions of the Contract.

## VI. NONDISCRIMINATION

Neither the Contractor nor any subcontractor nor any person(s) acting on his behalf shall discriminate against any person because of race, sex, age, creed, color, religion, national origin or any other protected category.

## VII. INDEMNIFICATION

The Contractor or its successors and assign shall indemnify and save harmless the County, their officers, agents, servants and employees from and against any and all suits, actions, legal proceedings, claims, demands, damages, costs, expenses and attorney fees resulting from any willful or negligent act or omission of the Contractor or its successors or assigns, its officers, agents, servants and employees in the performance of this Contract; provided however, that the Contractor or its successors and assigns shall not be liable for any suits, actions, legal proceedings, claims, demands, damages, costs, expenses and other attorney fees arising out of the award of this Contract or the willful or negligent act or omission of the County, their officers, agents, servants and employees.

## VIII. PERMITS

The Contractor shall be responsible for obtaining any and all permits necessary for the construction and operation of the Municipal Waste processing and disposal facilities required to comply with the terms and conditions of the Contract, and any and all costs or expenses of obtaining such permits. Failure to obtain and maintain permits shall constitute a breach of this Contract.

## IX. Right-to-Know Law

The Pennsylvania Right-to-Know Law, 65 P.S. § 67.101-3104, applies to this Contract.

Unless the Contractor provides the County in writing, with the name and contact information of another person, the County shall notify the Contractor's Project Coordinator using the Contractor information provided by the Contractor in the legal contact information provided in this Contract, if the County needs the Contractor's assistance in any matter arising out of the Right-to-Know LAW ("RTKL"). The Contractor shall notify the County in writing of any change in the name or the contact information within a reasonable time prior to the change.

Upon notification from the County that the County requires the Contractor's assistance in responding to a RTKL request for records in the Contractor's possession, the Contractor shall provide the County within 14 calendar days after receipt of such notification, access to, and copies of, any document or information in the Contractor's possession which arises out of the Contract that the County requests ("Requested Information") and provide such other assistance as the County may request in order to comply with the RTKL. If the Contractor fails to provide the Requested Information within 14 calendar days after receipt of such request, the Contractor shall indemnify and hold the County harmless for any damages, penalties, detriment or harm that the County may incur under the RTKL as a result of the Contractor's failure, including any statutory damages assessed against the County.

The County's determination as to whether the Requested Information is a public record is dispositive of the question as between the parties. The Contractor agrees not to challenge the County's decision to deem the Requested Information as Public Record. If the Contractor considers the Requested Information to include a request for a Trade Secret or Confidential Proprietary Information, as those terms are defined by the RTKL, the Contractor will immediately notify the County, and will provide a written statement signed by a representative of the Contractor explaining why the requested material is exempt from public disclosure under the RTKL within seven (7) calendar days of receiving the request. If, upon review of the Contractor's written statement, the County still decides to provide the Requested Information, the Contractor will not challenge or in any way hold the County liable for such a decision.

The County will reimburse the Contractor for any costs associated with complying with this provision only to the extent allowed under the fee schedule established by the Office of Open Records or as otherwise provided by the RTKL if the fee schedule is inapplicable. The Contractor agrees to abide by any decision to release a record to the public made by the Office of Open Records, or by the Pennsylvania Courts. The Contractor agrees to waive all rights or remedies that may be available to it as a result of the County's disclosure of Requested Information pursuant to the RTKL. The Contractor's duties relating to the RTKL are continuing duties that survive the expiration of this Contract and shall continue as long as the Contractor has Requested Information in its possession.

WITNESS the execution hereof, the parties expressly intending to be legally bound pursuant to the Uniform Written Obligations Act, 33 P.S. §6, Contractor and County have caused this contract to be executed by their respective duly authorized agents, as of the date and year first written.

COUNTY OF SOMERSET

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DATE \_\_\_\_\_

, Chair

\_\_\_\_\_  
\_\_\_\_\_

ATTEST:

*Chief Clerk*

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CONTRACTOR

---

CONTRACTOR: \_\_\_\_\_

WITNESS;

\_\_\_\_\_

TITLE: \_\_\_\_\_

**Form A - Cost of Processing and Disposal**

Name of Facility _____		Maximum Tipping Fees Per Ton For Each Category of Waste				
<p>The maximum tipping fee shall not exceed the posted gate rate.                      Include all applicable surcharges, fees, taxes from Legislation, Regulation, or Programs of State, Federal, County or Host Municipalities                      Show a breakdown of those fees in the following table                      Indicate any annual escalators that will apply or attach a separate table demonstrating future rates.</p>						
	MSW	Construction Demolition	Sewage Sludge	Approved Regulated Medical	Other	Other
<b>Base Tipping Fee</b> (without taxes, and other fees)						
<b>List Name of Fee, Tax, Surcharge below.</b>	<b>List Amount for Each Fees, Taxes, Surcharges that will apply to Somerset County MSW</b>					
<b>Total Tipping Fee including all fees and surcharges</b>						

**Form B -Reserved Capacity**

**FACILITY:** \_\_\_\_\_

**Types and Quantities of Municipal Solid Waste**

**Specify tons per day and tons per year**

<b>Year</b>	<b>MSW Only</b>	<b>C&amp;D</b>	<b>Sludge</b>	<b>Other</b>	<b>Other</b>	<b>Total</b>
<b>2018-2019</b>						
<b>Tons Per Day</b>						
<b>Tons Per Year</b>						
<b>2019-2020</b>						
<b>Tons Per Day</b>						
<b>Tons Per Year</b>						
<b>2020-2021</b>						
<b>Tons Per Day</b>						
<b>Tons Per Year</b>						
<b>2021-2022</b>						
<b>Tons Per Day</b>						
<b>Tons Per Year</b>						
<b>2022-2023</b>						
<b>Tons Per Day</b>						
<b>Tons Per Year</b>						
<b>2023-2024</b>						
<b>Tons Per Day</b>						
<b>Tons Per Year</b>						
<b>2024-2025</b>						
<b>Tons Per Day</b>						
<b>Tons Per Year</b>						
<b>2025-2026</b>						
<b>Tons Per Day</b>						
<b>Tons Per Year</b>						
<b>2025-2026</b>						
<b>Tons Per Day</b>						
<b>Tons Per Year</b>						
<b>2026-2027</b>						
<b>Tons Per Day</b>						
<b>Tons Per Year</b>						

# Form B - Part II Reserved Capacity

## Total Combined Quantities of all Accepted Categories of Municipal Waste

<b>YEAR</b>	<b>TOTAL SOMERSET MSW TONS PER YEAR (all categories)</b>	<b>PERCENTAGE</b> <i>Reserving Capacity for % of Somerset MSW Annually (all categories)</i>	<b>ANNUAL TONS</b> <i>Reserving Capacity for #Tons Somerset MSW Annually (all categories)</i>	<b>OPERATING DAYS</b> <i>Estimated Annual Working Days</i>	<b>TONS PER DAY</b> <i>Reserving Capacity for #Tons Somerset MSW Daily (all categories)</i>
2022	55,748				
2023	55,641				
2024	55,535				
2025	55,430				
2026	55,324				
2027	55,218				
2028	55,113				
2029	55,008				
2030	54,903				
2031	54,798				

**Operating hours** from \_\_\_\_\_ to \_\_\_\_\_ Monday through Friday and from \_\_\_\_\_ to \_\_\_\_\_ on Saturdays, Indicate tons of Somerset County Municipal Waste donated by Contractor per year for non-profit activities including but not limited to road adoptions and open dump clean-ups:  
\_\_\_\_\_ tons

Notices

All notices, demands, requests, and other communications under this contract shall be delivered to:

Contractor: \_\_\_\_\_

Address: \_\_\_\_\_

Attention: \_\_\_\_\_

# Section 5

## Required Forms

The following forms shall be completed, signed by an official authorized to bind the Offeror, and attached to the proposal.

1. Form C- Representations and Certifications
2. Form D- Contractor Information

## Form C- Representations and Certifications

Company \_\_\_\_\_

Facility \_\_\_\_\_

Authorized Official \_\_\_\_\_

An officer of the organization submitting the proposal empowered and authorized to sign such documents makes the following representations and certifications as part of this proposal:

### 1. Certification of Non Collusion and Independent Price Determination

I certify that as an officer of \_\_\_\_\_, I have lawful authority and have thus been empowered to submit and execute the proposal contained herein; that neither have I nor any representative of \_\_\_\_\_ has either directly or indirectly entered into any agreement, express or implied with any representative or representatives of other companies or individuals submitting such proposals for the object of controlling of price, the limiting of proposals submitted, the parceling out of any part of the resulting contract or subject matter of the proposal or proposals or any profits thereof; and that I nor any representatives of \_\_\_\_\_ have not nor will not divulge the sealed proposal to any person or persons except those having a partnership or other financial interest with him or her in the proposal or proposals until after the said sealed proposal or proposals are opened.

I further certify that neither I nor any representative of \_\_\_\_\_, have been a party to collusion among proposers in restraint of the freedom of competition by agreement to make a proposal at a fixed price or to refrain from submitting a proposal or with any state official or employee as to quantity, quality, or price in any discussions between proposers and any County official concerning exchange of money or other things of value for special consideration in the letting of the contract and that neither I nor any representative of \_\_\_\_\_ have paid, given, donated or agreed to pay give or donate to any official, officer, or employee of Somerset County any money or other thing of value either directly or indirectly.

### 2. Acceptance Period

I agree to allow 180 days from the date of this proposal for acceptance thereof by the Commissioners of Somerset County.

### 3. Ambiguity

I recognize and accept that in the case of any ambiguity or lack of clarity in stating fees, prices or other information and conditions in the proposal, the County shall have the right to construe such prices or information and conditions in a manner most advantageous to the County or to reject the proposal.

### 4. Contingent Fee Representation

I certify that \_\_\_\_\_ has not employed or retained any company or person other than a full time bona fide employee working solely for \_\_\_\_\_ to solicit or secure this contract nor has it paid or agreed to pay any company or person other than a full time bona fide employee working solely for \_\_\_\_\_ any fee commission, percentage or brokerage fee contingent

upon or resulting from the award of this contract. I agree to furnish any information relating to both conditions as requested by Somerset County.

**5. Equal Employment Opportunity**

I assure that neither the employees, applicants for employment, nor those of any labor organization, subcontractor or employment agency in either referring or furnishing employee applicants are discriminated against by \_\_\_\_\_.

Executed under penalty of perjury this \_\_\_\_\_ day of 2022, at \_\_\_\_\_

By \_\_\_\_\_ (name)

\_\_\_\_\_ (title)

SEAL \_\_\_\_\_ (company)

Date: \_\_\_\_\_

On \_\_\_\_\_, 2022, before me, the undersigned, a Notary Public in and for \_\_\_\_\_, personally appeared \_\_\_\_\_, known to me to be the \_\_\_\_\_ of Company that executed the within instrument on behalf of the Proposer therein named, and acknowledged to me that such Proposer executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal in the County of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

Notary \_\_\_\_\_

My Commission expires \_\_\_\_\_ Notary Public

**Form D- Contractor Information**

Company \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

Owner/President \_\_\_\_\_

Type of organization (corporation, joint venture, partnership, individual)

\_\_\_\_\_

For joint ventures, indicate role and ownership share of each participant. Providing information for each. List any and all subcontractors.

---

Proposed Processing and Disposal Facility \_ \_\_\_\_\_

Permit #/ State /Date Issued/Expiration \_ \_\_\_\_\_

Physical Location  
(County/Municipalities)\_ \_\_\_\_\_

Have you or any officer of the company or facility ever failed to complete any contract awarded in your own name or that of the company or facility?

If yes, explain who, where and why\_\_\_ \_\_\_\_\_

---

Have you or any officer of the company or facility ever failed to complete any contract awarded in your own name or that of any other company or facility?

If yes, explain who, where and why\_\_\_ \_\_\_\_\_

Are you or any officer of the company or facility engaged in any contracts for services similar to those contained in the proposal herein?

If yes, explain who, where and when\_\_\_ \_\_\_\_\_

---

Have you or any officer of the company or facility your partners or joint ventures been party to a lawsuit issued within the past three years that might impact your ability to perform the obligations of this contract?

If yes, explain who, where and why\_\_\_ \_\_\_\_\_

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Have you submitted a complete an accurate compliance history outlining any and all judicial actions, convictions, consent orders or agreements, violations, and resolutions for any environmental, or public health and safety laws and regulations?

Explain or comment on any desired actions \_\_\_ \_\_\_\_\_

---

*Executed under penalty of perjury this* \_ \_\_\_\_\_ *day of 2022 at* \_\_\_\_\_

By\_\_\_ \_\_\_\_\_ (name)

\_\_\_\_\_ (title)

SEAL \_\_\_\_\_ (company)

Date:\_\_\_ \_\_\_\_\_

On \_ \_\_\_\_\_, 2022, before me, the undersigned, a Notary Public in and for \_\_\_\_\_, personally appeared \_\_\_\_\_, known to me to be the \_\_\_\_\_ of Company that executed the within instrument on behalf of the Proposer therein named, and acknowledged to me that such Proposer executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal in the County of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ 2022\_

My Commission expires \_\_\_\_\_



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## **Appendix C**

### **Evaluation of Proposals and Recommendations for Designated Facilities**

Appendix C provides the technical review of the proposals submitted for disposal capacity. It offers an outline of how each facility complied with the criteria of the solicitation. Additionally, it shows the maximum costs of disposal for the specific facilities.





**Nestor Resources, Inc.**

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ADMINISTRATIVE REVIEW, TECHNICAL EVALUATION, AND  
RECOMMENDATIONS

## ESTABLISHING FUTURE DISPOSAL CAPACITY REQUIREMENTS

The Municipal Waste Planning, Recycling, and Waste Reduction Act (Act 101 of 1988) requires Pennsylvania counties to secure disposal capacity for waste generated within their jurisdictional boundaries. Capacity guarantees are to provide for a 10-year span. During the last update and revision to the Plan, Somerset County entered into disposal capacity agreements with numerous disposal facilities. These contracts are set to expire beginning in 2022.

A review of Somerset County's current disposal practices was conducted in 2021. Based on the reported disposal data, along with published population projections the capacity required by the County for the next ten years was calculated. The impact of recycling efforts was also factored into the projections. The capacity projections were compared to current market conditions and issues that could affect the consumption and availability of capacity. Disposal of residual and/or out-of-state waste at the facilities used by Somerset County was reviewed. The process showed no immediate capacity deficits. The pending expiration of the existing agreements, however, along with recent closures and public opposition to permit renewals for landfills in other areas of the state were sufficient reasons to solicit for capacity as part of the current planning process.

## FAIR, OPEN, AND COMPETITIVE PROCUREMENT PROCESS

Act 101 requires counties to conduct a fair, open, and competitive process to secure disposal capacity guarantees. Based on guidance from PADEP and references from numerous court rulings, a variety of methods to secure disposal capacity are available for counties to satisfy the requirement. Somerset County concluded that a Request for Proposals was the most prudent way to ensure all facilities and disposal processes were given equal consideration and opportunity.

To alert facilities located both within and out of the state, the request was posted in the Pennsylvania Bulletin and published in *Waste Advantage*, a national trade journal. Industry trade organizations were asked to distribute the solicitation to their membership. Finally, organizations with facilities that have historically accepted waste from Somerset County were made aware of the RFP.

The solicitation and the Request for Proposals make it clear that the Somerset Municipal Solid Waste Management Plan uses a modified flow control mechanism to limit disposal of Somerset County municipal solid waste to designated landfills. Somerset implements a Menu Plan in which waste generated within the County may be disposed at any landfill entering an agreement that guarantees disposal capacity. Therefore, the capacity agreement comes with specific rights and privileges to accept the County's municipal solid waste under the Somerset County Municipal Solid Waste Management Plan.

## SELECTION CRITERIA

The Request for Proposals established clearly defined proposal submission guidelines and content, to which all facilities were expected to adhere. Proposals were reviewed for administrative completeness and technical merit. The technical review process built in allowances for the County to request supplemental documentation or further clarifications as needed. The criteria represented a series of categories, each with established requirements. A description of each category, in no order of value or importance follows.

## *OPERATIONAL STATUS AND REMAINING CAPACITY*

Facilities were required to demonstrate the existence of a current operating permit issued by the PADEP or the equivalent state regulatory agency for non-Pennsylvania facilities. The projected life of the facility and its ability to

provide available capacity for all or some portion of the County's needs during the period of the Plan was a key indicator of the site's ability to meet the service needs of the County.

#### *FINANCIAL STRENGTH AND RISK ASSESSMENT*

Documentation of the credit worthiness and financial stability of the operator, along with the levels of public and environmental liability protection were required. Each was considered an important indicator of the potential level of risk to the County and the facility's ability to maintain and provide a financially sound disposal system.

#### *FACILITY DESIGN AND OPERATION*

The ability to meet Federal, State, and Local standards for the operation of a municipal solid waste disposal facility was required. The technical design of the proposed facility and disposal process were evaluated based on the use of proven and accepted technology, demonstrated and approved alternatives, and best engineering practices. The review considered the role of design components in the proposed facility and disposal process for pollution prevention and control, safety, operational efficiency, and energy production. These included but were not limited to; liner composition, leachate treatment, methane gas recovery, combustor units, boiler design, and capacity. The effectiveness of operational plans for waste acceptance, emergency management, and contingencies were also considered.

#### *INDUSTRY QUALIFICATIONS AND EXPERIENCE*

The experience of personnel located at the facility and who were directly responsible for management and operations was reviewed. The depth of waste industry experience was considered as a demonstration of the contractor's ability to provide reliable disposal service. Documented performance in related contractual scenarios was also considered in the evaluation.

#### *REGULATORY COMPLIANCE*

A review of the compliance history of the facility and its parent organization, when applicable, was included in the assessment. The severity and consistency of violations was noted. However, most important was the ability of the facility or operator to achieve resolution and disposition of any such incidents to the satisfaction of the prevailing regulatory agency.

#### *MINIMUM AND MAXIMUM ALLOWABLE DISPOSAL REQUIREMENTS*

The evaluation included the ability of the facility to accept all or some of the municipal solid waste generated by Somerset County on a daily and annual basis during the ten-year period of the Plan. The criteria made clear that "Put or Pay" disposal guarantees for predetermined quantities of Somerset County waste were considered disincentives to recycling and therefore objectionable to the County. It also clarifies that there are no flow control mechanisms in the Somerset County Municipal Solid Waste Plan and that landfills entering capacity agreements receive no added rights or privileges than landfills that did not guarantee capacity.

#### *MAXIMUM GATE RATES AND POTENTIAL COST TO COUNTY*

Competitive pricing, as a form of elimination or inclusion to enter capacity agreements was not part of the procurement criteria. However, transporters, municipalities, individuals, and businesses are provided with full disclosure of the potential cost of each available guaranteed disposal option. Facilities were required to submit a pricing matrix that established ceilings for the maximum fees, which would be charged for the contracted disposal capacity. Facilities were allowed to submit separate disposal rates for the different categories of municipal waste for which capacity was reserved. All fees and surcharges resulting from Act 101, host municipality or county agreements or other federal, state, and local statutes were to be identified and quantified.

No conditions were imposed on the disposal rate other than the facility-defined cap. The use of one or more permitted facilities with capacity agreements remains a matter of choice for haulers throughout the 10-year period of the Plan. The maximum rates do not preclude the ability of parties to negotiate lower fees based on business relationships and other factors.

Proposals were invited for new or alternative disposal methods or technologies. None was received in this solicitation process. In addition, no qualified proposal included supposition of County partnerships or investments in the construction and operation of facilities. Based on these factors, no further cost/benefit comparison, life cycle analysis, or evaluation was deemed necessary.

## REVIEW AND EVALUATION

The procurement process prompted responses from three organizations with ownership of one or more of the proposed facilities. The facilities that met the criteria will officially enter capacity agreements with Somerset County.

During the review and evaluation process, any deficiencies and questions noted in the proposals were addressed with the facility. The results of the proposal evaluation are presented in five sections following these narratives. Each section represents a segment of the legal, technical, operational, and financial selection criteria. Tables show the proposed facilities with their responses and demonstrated information condensed for presentation purposes.

SECTION 1

CONTRACTORS, PROPOSED FACILITIES, LEGAL FORMALITIES

Site Name	Facility		Contacts		Administrative	Capacity Agreement		
	Owner	Site Location	Technical	Business	Organized and Formatted according to RFP Instructions	All Required Forms and Signatures	Agreed to Contract Terms and Conditions Exceptions or Comments	Requires Put or Pay or Minimum Tonnage
Evergreen Landfill	Waste Management	1310 Luciousboro Road Blairsville, PA 15717	Ryan Czarnotta	Al Pasquarelli	NO	YES	YES	NO
Greentree Landfill	GFL Environmental now Noble Environmental, Inc.	635 Toby Road Kersey, PA 15846	Don Henrichs	Don Henrichs	YES	YES	YES	NO
Laurel Highlands Landfill	Waste Management	260 Laurel Ridge Road, Johnstown, PA 15909	Ryan Czarnotta	Al Pasquarelli	NO	YES	YES	NO
Mostoller Landfill	Waste Management	7095 Glades Pike, Somerset, PA 15501	Ryan Czarnotta	Al Pasquarelli	NO	YES	YES	NO
Seneca Landfill	Vogel Holdings, Inc	421 Hartman Road, Evans city, PA 16033	Edward R. Vogel	Edward R. Vogel	YES	YES	YES	NO
Southern Alleghenies Landfill	Noble Environmental, Inc.	843 Miller Picking Road Davidsonville, PA 15928	Michael Mack	Michael Mack	YES	YES	YES	NO

SECTION 2

STATEMENT OF QUALIFICATIONS, PERMIT STATUS AND CONDITIONS OF OPERATIONS

Facility	Local	Other Capacity Commitments	Permitted	Accessibility and Terms of Use			
Site Name	Host Agreements	County and Municipal Agreements	Permit # Issuing State Expiration Date	Remaining Permitted Capacity 2020	Current Constraints or Limitations	Operating Days Per Year	Operating Hours
Evergreen Landfill	Brush Valley and Centre Townships Indiana County	Provided	PADEP 100434 7/26/2027	7,131,928 cyds	NONE	262	8:00am -4:00pm Monday-Friday
Greentree Landfill	Fox Township Elk County	Provided	PADEP 1013297 12/5/2028	28,733,621 cyds	NONE	265.5	7:00am -4:00pm Monday-Friday 7:00am- 11:00am Saturday
Laurel Highlands	Jackson Township Cambria County	Provided	1/19/2028	25,138,220 cyds	NONE	259	7:00am -2:00pm Monday-Friday
Mostoller	Somerset and Brothers Valley Townships Somerset County	Provided	12/17/2024	5,718,371 cyds	NONE	260	7:00am -3:00pm Monday-Friday
Seneca Landfill	Jackson Township Lancaster Township Butler County	Provided	PADEP 100403 1/8/2030	29,163,951 cyds	NONE	313	8:00am -3:00pm Monday-Friday 8:00am- 11:00am Saturday
Southern Alleghenies Landfill	Conemaugh Township	Provided	6/15/26	7,671,298 cyds	NONE	260	7:00am -3:00pm Monday-Friday

## SECTION 3

## FACILITY DESIGN, REGULATORY COMPLIANCE, AND FINANCIAL ASSURANCES

Facility	Design and Contingencies			Regulatory Compliance	Financial Assurance		
	Design, Leachate Treatment	Waste Plan for Emergency Disasters	Waste Plan for Facility Emergencies	Unresolved Allegations or Violations	Financial Disclosure	Public Liability Protection	Environment Pollution & Liability Protection
Evergreen Landfill	Dual composite & geomembrane liner On-site treatment facility	YES- Petition PADEP for increased operating hours and volume	YES- Laurel Highlands and Mostoller Landfills	None	Publicly Traded Corporation	\$5 million with \$15 million umbrella	10.4 million
Greentree Landfill	Dual composite & geomembrane liner On-site treatment facility	YES- Petition PADEP for increased operating hours and volume	Greentree is Back-up Only	None	Privately Held Company/ Provided upon request	\$4.4 million with a \$20 million umbrella	\$32.7 million
Laurel Highlands	Dual composite & geomembrane liner On-site treatment facility	YES- Petition PADEP for increased operating hours and volume	YES – Evergreen and Mostoller Landfills	None	Publicly Traded Corporation	\$5 million	\$17.1 million
Mostoller Landfill	Dual composite & geomembrane liner On-site treatment facility	YES- Petition PADEP for increased operating hours and volume	YES – Evergreen and Laurel Highlands Landfills	None	Publicly Traded Corporation	\$5 million	\$14.7 million
Seneca Landfill	Dual composite & geomembrane liner On-site treatment facility	YES- Petition PADEP for increased operating hours and volume	YES on-site transfer station would haul to other County designated facilities	None	Privately Held Company/ Provided upon request	\$5 million	\$14 million
Southern Alleghenies Landfill	Dual composite & geomembrane liner On-site treatment facility	YES- Petition PADEP for increased operating hours and volume	YES – Greentree Landfill	None	Privately Held Company/ Provided upon request	Certificate of Insurance not submitted	\$4.9 million

## SECTION 4 DAILY AND ANNUAL CAPACITY GUARANTEES

Facility		Guarantees for Somerset Waste Volumes		Daily Tons Reserved Capacity for Types of Waste				
Site Name	Owner	Maximum Annual Volume in Tons	% Somerset Waste will accept	MSW	C&D	Sludge	Other	Donated Tons for Non-Profits
Evergreen Landfill	Waste Management	13,000	23%	50	1	10% of actual MSW received	50	50
Greentree Landfill	GFL Environmental currently Noble Environmental	Backup for Southern Alleghenies commitment	100%	Not Specified	Not Specified	Not Specified		Not Specified
Laurel Highlands Landfill	Waste Management	26,000	47%	100		10% of actual MSW received		50
Mostoller Landfill	Waste Management	52,000	93%	200		10% of actual MSW received		50
Seneca Landfill	Vogel Holdings	13,937	25%	33.4	4.5	4.5	2.2	1
Southern Alleghenies Landfill	Noble Environmental	55,500	100%	200	50	30		0

## SECTION 5 SCHEDULE OF MAXIMUM CHARGES

Facility	Maximum Base Disposal Rate 1st Year					Add-on Costs	Total Maximum Disposal Rate with Fees 1st Year				
Site Name	MSW	C&D	SEWAGE SLUDGE	ICW	OTHER	Fees, Taxes, Surcharges	MSW	C&D	SEWAGE SLUDGE	ICW	OTHER
Evergreen Landfill	97.66	97.66	97.66			8.54	106.20	\$106.20	106.20		
Greentree Landfill	57.51	57.51	57.51			7.49	65.00	65.00	65.00		
Laurel Highlands Landfill	97.7	118.07	118.07			8.50	106.2	126.57	126.57		
Mostoller Landfill	68.14	68.14	68.14			10.93	79.07	79.07	79.07		
Seneca Landfill	101.70	101.70	101.70	N/A	126.70	8.30	110.00	110.00	110.00	N/A	135.00
Southern Alleghenies Landfill	80.23	80.23	80.23			9.77	90.00	90.00	90.00		



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## **Appendix D**

### **Petition to Add a Disposal/Processing Facility**

Appendix D offers the prescribed procedure and the necessary documents to add a facility to be designated to receive municipal solid waste from Somerset County by providing additional secured disposal capacity during this planning period



## **Somerset County Municipal Solid Waste Management Plan Petition for Facility Designation**

The Somerset County Planning Commission on behalf of Somerset County has secured Disposal Capacity Agreements sufficient to handle all municipal waste generated within the County from 2011-2021. The process to obtain the guaranteed capacity included a formal Request for Proposals and execution of a uniform agreement. Disposal of Somerset County municipal solid waste is restricted to those qualified facility respondents, which were designated in the Somerset County Municipal Solid Waste Management Plan. Additional facilities can be added to the list of disposal designees provided they meet the same criteria and execute the same contract specified in the original Request for Proposals. This form must be used to notify the Planning Commission of a party's interest in using another facility. Any and all costs associated with the Plan revision to add a facility shall be the responsibility of either the Petitioner or the Facility as indicated and authorized by a signature on this form.

### **Procedures and Instructions to Petitioner**

- ❖ A disposal/processing facility, a hauler, a transfer station, a municipality or a business must complete and submit the petition form to the Somerset County Planning Commission
- ❖ Within 30 working days of the receipt of a petition, the Somerset County Planning Commission will send to the petitioner, a request for proposal for disposal capacity outlining the same requirements and format for submission as the original document utilized in the selection of those facilities currently designated in the Plan. The Planning Commission will also inform the petitioner and the facility of the costs to process the petition.
- ❖ Upon receipt of the completed proposal from the petitioning facility, and the check for the processing costs, the Somerset County Planning Commission will notify the Somerset County Board of Commissioners and the Pennsylvania Department of Environmental Protection of its intentions to add a facility.
- ❖ The Somerset County Planning Commission will review and respond to the information in the proposal within 45 working days.
- ❖ If information in the submitted proposal is complete, accurate and meets the accepted criteria, the Somerset County Planning Commission will notify by letter all municipalities within the County of the intent to add a facility to the Plan. The County will accept comments for a period of thirty days.
- ❖ After the thirty day comment period, the Somerset County Planning Commission will formally submit the addition of the facility and the Pennsylvania Department of Environmental Protection for approval.
- ❖ Upon approval by the Pennsylvania Department of Environmental Protection, the Somerset County Planning Commission will present the contract to the Somerset County Board of Commissioners to execute. The Planning Commission will notify by letter all County municipalities that a facility has been added to the Plan.
- ❖ At that time the petitioner will also be notified that the facility is formally designated for disposal of Somerset County generated municipal waste.

**Somerset County Municipal Solid Waste Management Plan  
Petition for Facility Designation**

**Please complete and submit this form to:**

Somerset County Planning Commission  
300 North Center Ave., Suite 540  
Somerset, PA 15501  
Phone: (814) 445-1571

**Petitioner**

Name: _____
Organization: _____
Street Address: _____
City/State/Zip Code _____
Phone Number: _____
Fax Number: _____
E-Mail Address: _____

**Party responsible for total costs of Plan Revision to add facility:**

Name _____	Title _____
Signature _____	Date _____

## Facility

Name of Facility: \_\_\_\_\_

Owner/Operator of Facility: \_\_\_\_\_

Location of Facility:

Street Address: \_\_\_\_\_

City/State/Zip Code \_\_\_\_\_

Facility Contact Person: \_\_\_\_\_

Mailing Address if different than Facility

Street Address: \_\_\_\_\_

City/State/Zip Code \_\_\_\_\_

Contact Information

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**Explain the need to have this facility included in the Plan:** (Attach Additional Sheets if Necessary)



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## **Appendix E**

### **Ordinances**

Appendix E includes any and all County ordinances necessary to implement the provisions of the Somerset County Municipal Solid Waste Management Plan



**SOMERSET COUNTY SOLID WASTE AND RECYCLING TRANSPORTERS ORDINANCE**

ORDINANCE NO. \_\_\_ 2022  
COUNTY OF SOMERSET, PENNSYLVANIA

AN ORDINANCE OF THE COUNTY OF SOMERSET, PENNSYLVANIA, ESTABLISHING A HAULER REGISTRATION PROGRAM TO BE ADMINISTERED BY THE SOMERSET COUNTY DEPARTMENT OF PLANNING FOR ALL PERSONS THAT COLLECT AND TRANSPORT MUNICIPAL WASTE AND/OR RECYCLABLES GENERATED FROM SOURCES LOCATED IN SOMERSET COUNTY; PROVIDING WASTE FLOW CONTROL REQUIREMENTS TO DIRECT WASTE TO DESIGNATED PROCESSING AND/OR DISPOSAL SITES; AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE.

WHEREAS, Act 101 of 1988, the Municipal Waste Planning, Recycling and Waste Reduction Act 101 requires that counties accept responsibilities including the preparation and implementation of municipal waste management plans that provide for the processing and disposal of the municipal waste generated within their boundaries for at least ten years; and ensure maximum feasible waste reduction and recycling of municipal waste or source separated recyclable material.

WHEREAS, it is the position of the Pennsylvania Department of Environmental Protection that counties can implement a waste flow control mechanism ensuring that the municipal waste generated within the county is disposed at the disposal sites designated in the county plan; and

WHEREAS, the Board of County Commissioners has adopted and approved the 1991 Somerset County Municipal Waste Management Plan and a non-substantial revision in 2010, and in 2022 in accordance with the requirements of Section 501 of Act 101, and said Plan has been duly ratified by the municipalities of Somerset County; and

WHEREAS, the County has the power and duty to adopt any such ordinances deemed necessary to implement this Plan and its revisions by the authority vested to the County pursuant to section 303 of Act 101, including requirements that all persons must register to collect and transport municipal waste subject to the plan to a municipal waste processing and/or disposal facility designated by the County pursuant to Subsection 303(3) of Act 101.

NOW, THEREFORE, the Board of County Commissioners of Somerset County hereby enact and ordain as follows:

**SECTION 1- SHORT TITLE**

This Ordinance shall be known and referred to as the "Somerset County Solid Waste and Recycling Transporters Ordinance".

**SECTION 2- DEFINITIONS**

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

**Act 90** -- The Pennsylvania Waste Transportation Safety Program (HB 2044, Act 2002-90, June 29,2002)

**Act 97** -- The Pennsylvania Solid Waste Management Act of 1980 (P.L. 380, No.97, July 7, 1980)

**Act 101** -- The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (SB 528, Act 1988-101, July 28, 1988)

**Commercial Establishment** - Any establishment engaged in nonmanufacturing or nonprocessing business, including, but not limited to, stores, markets, offices, restaurants, shopping centers and theaters.

**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. The term does not include the following if they are separate from other waste and are used as clean fill:

- (i) Uncontaminated soil, rock, stone, gravel, brick and block, concrete and used asphalt
- (ii) Waste from land clearing, grubbing and excavation

**County** --Somerset County or any agency designated as the County's representative for the purposes of this Ordinance.

**Department or DEP** --The Pennsylvania Department of Environmental Protection.

**Disposal** - The deposition, injection, dumping, spilling, leaking or placing of solid waste into or on the land or water in a manner that the solid waste or a constituent of the solid waste enters into the environment, is emitted into the air or is discharged to the waters of the Commonwealth of Pennsylvania

**Industrial Establishment** Any establishment engaged in manufacturing or production activities, including, but not limited to, factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.

**Institutional Establishment** Any establishment or facility engaged in services, including, but not limited to, hospitals, nursing homes, schools and universities.

**Leaf Waste** Leaves, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clippings.

**Marketed**— The transfer of ownership of recyclable materials for the purpose of recycling the materials into a new product or use.

**Municipality** --Any local municipal government within Somerset County. A city, borough, incorporated town, township, county or an authority created by any of the foregoing.

**Municipal Waste** --Any garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities; and any sludge not meeting the definition of residual or hazardous waste under Act 97 from any municipal, commercial or institutional water supply treatment plant, wastewater treatment plant, or air pollution control facility. The term does not include any source-separated recyclable materials. For the purposes of this Ordinance, the term "Municipal Waste" shall include all types of municipal waste except infectious and chemotherapeutic waste and septage waste since all haulers of infectious and chemotherapeutic waste are licensed and regulated by the DEP under special regulations.

**Municipal Waste Disposal or Processing Facility**—A facility using land for disposing or processing of municipal waste. The facility includes land affected during the lifetime of operations, including, but not limited to, areas where disposal or processing activities actually occur, support facilities, borrow areas, offices,

equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite or contiguous collection, transportation and storage facilities, closure and postclosure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility

**Municipal Waste Landfill** – A facility using land for disposing of municipal waste. The facility includes land affected during the lifetime of operations including, but not limited to, areas where disposal or processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite and contiguous collection, transportation and storage facilities, closure and postclosure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility. The term does not include a construction/demolition waste landfill or a facility for the land application of sewage sludge.

**Municipal Waste Management Plan**— A comprehensive plan for an adequate municipal waste management system in accordance with Chapter 272, Subchapter C (relating to municipal waste planning).

**Pennsylvania Waste Transportation Authorization** – An authorization issued to municipal and residual waste transporters pursuant to Act 90.

**Person** -- Any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, municipality, state institution and agency, or any other legal entity recognized by law as the subject of rights and duties. In any provisions of this Ordinance prescribing a fine, penalty or imprisonment, or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

**Plan Revision** — A change that affects the contents, terms or conditions of a Department approved plan under the Municipal Waste Planning, Recycling and Waste Reduction Act.

**Processing** ~- Any technology used for the purpose of reducing the volume or bulk of municipal or residual waste or any technology used to convert part or all of such materials for off-site reuse. Processing facilities include, but are not limited to, transfer stations, composting facilities and resource recovery facilities.

**Recyclables** – All metals, glass, paper, leaf waste, plastics and other materials, which would otherwise be disposed or processed as municipal waste. that are collected, separated, recovered for sale or reuse.

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

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

**Sewage Sludge**—Liquid or solid sludges and other residues from a municipal sewage collection and treatment system; and liquid or solid sludges and other residues from septic and holding tank pumpings from commercial, institutional or residential establishments. The term includes materials derived from sewage sludge. The term does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator, grit and screenings generated during preliminary treatment of sewage sludge at a municipal sewage collection and treatment system, or grit, screenings and nonorganic objects from septic and holding tank pumpings

**Source Separated Recyclable Materials** --Materials that are separated from municipal waste at the point of origin or generation for the purpose of recycling.

**Street** --A strip of land, including the entire right-of-way, intended for use as a means of vehicular and pedestrian circulation, includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

**Transfer facility**—A facility which receives and processes or temporarily stores municipal or residual waste at a location other than the generation site, and which facilitates the transportation or transfer of municipal or residual waste to a processing or disposal facility. The term includes a facility that uses a method or technology to convert part or all of the waste materials for offsite reuse. The term does not include a collecting or processing center that is only for source-separated recyclable materials, including clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper and plastics.

**Transportation** --The off-site removal of any municipal waste and/or recyclables at any time after generation.

**Transporter** Any person, firm, partnership, corporation or public agency who is engaged in the collection and/or transportation of municipal waste and/or recyclables.

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

### **SECTION 3 -STANDARDS FOR COLLECTION AND TRANSPORTATION**

1. All Transporters operating within the County must comply with the following minimum standards and regulations:
  - A. All trucks or other vehicles used for collection and transportation of municipal waste must comply with the requirements of Act 97, Act 90, and Act 101 as currently enacted or hereafter amended, and Department regulations adopted pursuant to Act 97, Act 90 and Act 101, including the Title 25, Chapter 285, Subchapter B Regulations for the Collection and Transportation of Municipal Waste as currently worded or hereafter amended .
  - B. All collection and transportation vehicles conveying municipal waste and/or recyclables shall be operated and maintained in a manner that will prevent creation of a nuisance or a hazard to public health, safety and welfare.
  - C. All collection and transportation vehicles conveying putrescible municipal waste and/or recyclables shall be watertight and suitably enclosed to prevent leakage, roadside littering, attraction of vectors and the creation of odors and other nuisances.
  - D. All collection and transportation vehicles conveying nonputrescible municipal waste and/or recyclables shall be capable of being enclosed or covered to prevent roadside litter and other nuisances.
  - E. All collection and or transportation vehicles conveying municipal waste and/or recyclables shall bear signs identifying the name and business address of the person or municipality, which utilize said vehicle in the collection and or transportation of municipal waste and/or recyclables and the specific type of municipal waste and/or recyclables transported by the vehicle. All such signs shall have lettering, which is at least six inches in height as required by Act 101.
2. All collection and transportation vehicles and equipment used by Transporters, shall be subject to inspection by the County or its authorized agents to

determine compliance with the regulations in the section at any reasonable hour without prior notification.

#### **SECTION 4 – TRANSPORTER AUTHORIZATION AND FLOW CONTROL**

1. Any person who desires to collect, haul or transport municipal waste within Somerset County shall obtain Pennsylvania Waste Safety Transportation Authorization.
2. The County shall designate specific processing and disposal facilities where Transporters must transport and dispose of any municipal solid waste collected from sources within Somerset County. No person shall dispose of municipal waste collected within Somerset County, except at an approved processing and disposal facility. The County shall not designate specific facilities for the processing and/or marketing of recyclables.

#### **SECTION 5- PROHIBITED ACTIVITIES**

1. It shall be unlawful for any person to collect and or transport municipal solid waste from any sources within Somerset County in a manner that is not in accordance with the provisions of this Ordinance and the minimum standards and requirements established in Chapter 285 of the DEP's Municipal Waste Management Regulations, (as amended) or any other applicable state law.
2. It shall be unlawful for any person to transport any municipal waste collected from sources located within Somerset County to any processing and disposal facility other than the facilities that are designated disposal sites under the approved Somerset County Act 101 Municipal Waste Management Plan. The following types of municipal waste and materials are exempt from this subsection:
  - a. Transporters of infectious/chemotherapeutic waste shall be exempted from use of the designated disposal facilities.
  - b. Transporters of sewage sludge shall be exempted from use of the designated disposal facilities if proof of an approved land application or composting facility is provided.
  - c. Transporters of septage shall be exempted from use of the designated disposal facilities but must provide proof of use of a DEP approved land application or permitted wastewater treatment facility for disposal.
  - d. Transporters of recyclables shall be exempted from use of the designated disposal facilities but must provide proof that the recyclables are taken to a material recovery processing facility or marketed for end use.

#### **SECTION 6- EXEMPTED ACTIVITIES**

A. Municipalities and municipally owned vehicles participating in municipally sponsored clean-up days shall not be subject to the provisions of this ordinance with respect to standards for collection and transportation, licensing, prohibited activities, reporting requirements or penalties during the time that such vehicles or municipalities are engaged in those municipally sponsored clean-up activities.

B. Municipalities and municipally owned vehicles participating in county or municipally sponsored recycling collection shall not be subject to the provisions of this ordinance with respect to standards for collection and transportation, licensing, prohibited activities, reporting requirements or penalties during the time that such

vehicles or municipalities are engaged in those county or municipally sponsored recycling activities.

C. The transportation of less than 500 pounds of municipal waste and/or recyclables collected and/or transported as part of a non-commercial activity occasionally occurring at an individual residence.

**SECTION 7- PENALTIES**

1. Any person who violates any provision of this Ordinance shall, upon conviction, be guilty of a summary offense punishable, by a fine of not more than three hundred (\$300.00) dollars, or by imprisonment for a period of more than thirty (30) days, or both. Each incident shall be considered a separate and distinct offense punishable under the provisions of this Ordinance.

2. The County shall have the right at any time, after a hearing to suspend or revoke the County issued authorization of any County Registered Transporter for any of the following causes:

- A. Lapse or cancellation of any required insurance coverages;
- B. Collection and/or transportation of any municipal waste and/or recyclables in a careless or negligent manner or any other manner that does not comply with the requirements of this Ordinance;
- C. Transportation and disposal of any municipal waste collected from sources within Somerset County at any site other than those processing or disposal facilities designated by the County; and
- E. Violation of any part of this Ordinance, any other applicable county ordinances or other applicable Pennsylvania laws or regulations.

**SECTION 8- INJUNCTIVE POWERS**

The County or its designated agency may petition the Court of Common Pleas of Somerset County for an injunction, either mandatory or prohibitive, in order to enforce any of the provisions of this Ordinance.

**SECTION 9 -SEVERABILITY**

In the event that any section, paragraph, sentence, clause, or phrase of this Ordinance, or any part thereof, shall be declared illegal, invalid or unconstitutional for any reason, the remaining provisions of this Ordinance shall not be affected, impaired or invalidated by such action.

**SECTION 10 -CONFLICT**

Any ordinances or any part of any ordinances, which conflict with this Ordinance are hereby repealed insofar as the same is specifically inconsistent with this Ordinance.

**SECTION 11- EFFECTIVE DATE**

This Ordinance repeals and replaces Ordinance 2 of 2011 and shall take effect immediately.

ORDAINED AND ENACTED into an Ordinance this \_\_\_\_\_ day of 2022.

COUNTY OF SOMERSET

BOARD OF COUNTY COMMISSIONERS

ATTEST:

\_\_\_\_\_

(County Seal)

\_\_\_\_\_

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## **Appendix F**

### **Meeting Minutes and Public Comments**

Appendix F documents the degree of public participation utilized in development of this Plan. It includes a combination of presentations, handouts and meeting minutes.



## **SOMERSET COUNTY MUNICIPAL SOLID WASTE MANAGEMENT PLAN SOLID WASTE ADVISORY COMMITTEE**

The first meeting of the Solid Waste Advisory Committee (SWAC) was held Thursday, October 21, 2009, at 1:00 p.m., in the Commissioners Board Room, County Office Building, 300 North Center Avenue, Somerset, PA.

**Consultant:** Michele Nestor, Nestor Resources

**Members Present:** Commissioner Gerald Walker; Commissioner Colleen Dawson; Steve Buncich, Conemaugh Township, Brad Minemyer & Michael Mack, Nobel Environmental; Laurel Foy, Jennerstown Borough; John Toth, Kantner Iron & Steel; and Susan Levy, Citizen/Somerset Environmental Corps; Brad Zearfoss, Somerset County Planning Commission.

**Members Absent:** Commissioner Pamela Tokar-Ickes.

After introductions, Michele narrated a power point presentation to the members. She stated she prefers to keep things informal so that everyone can provide input. It was felt that the Committee would meet on an as-needed basis; she estimated a total of 4-6 meetings would be necessary. Topics discussed included the following:

Act 101 (The Municipal Waste Planning, Recycling & Waste Reduction Act – Landmark legislation to shift power to Counties to create enforceable/implementable plans to provide for enough disposal space for county needs; in 1988 that was a critical issue, not so much now; also mandated curbside recycling and leaf waste collection and composting in certain municipalities based on population and density; guaranteed host fees to municipalities where landfills are located; and established grant programs via the Recycling Fund.

Why Were You Invited? – Including municipalities, recyclers, waste haulers, landfill operators to provide a balanced representation and local perspective; development of public/private partnerships. Act 101 stresses that Counties should use the private sector as much as possible “champions of the cause.”

Responsibilities? – Ensure the plan complies with PA DEP guidelines; Determine trends in municipal waste generation, recovery, and disposal in the county; Evaluate the behaviors and waste management practices of residents and commercial businesses; Consider the impact of local government policies on collection and processing for disposal, recycling or reuse; Explore reasonable methods and alternatives to complement and enhance the existing plan; Provide the tools to ensure the plan can be implemented; and Establish realistic sources of revenue to sustain programs.

The Plan – how does it become a plan; once Committee decides on the plan it will go for municipal and public review, then County approval, and ultimately DEP approval.

What is Municipal Waste and Who Makes It? – including the technical definition; types of waste; and generators – residents, business offices, retailers & wholesalers, restaurants, institutions, government facilities, hospitals and medical offices, and community events.

Strengths and Weaknesses of the Current Plan – the strengths include securing disposal capacity, better tracking and reporting, and defined the role of a Recycling Coordinator. The weak areas include illegal dumping; poor use of waste collection system; lack of model ordinances, contracts & agreements; and the lack of opportunities for recycling.

Topics for Future SWAC Meetings will follow the format outlined by the State – waste practices in Somerset County; Results of Request for Disposal Capacity; Status of recycling in the county; Progress Report & Outline of next planning phase; Recommendations; and Committee Approval.

Michele explained that the previous Somerset County Recycling Program was eliminated in 2020. The unmanned sites allowed for contamination of items collected and therefore no collectors willing to accept commodities. There was also a market downturn for recycled products. Options to be explored include a convenience center and remote drop-off (manned) and curbside collection (collection & storage is a municipal responsibility). Owner/Operator Options will also be researched such as county-owned, county-municipal partnership, county-to-county, non-profit agency and/or a public-private partnership.

Open Discussion:

Gerald stated that the current system was not working but he would like to see some type of recycling operation for county residents.

Steve said their shed worked well but it was at the municipal building that is manned 24/7. Most of what they collected was glass and when the county discontinued glass collection the amount of recyclables was reduced. Laurel stated that their shed was successful but it was also well-monitored by the borough council members.

Susan stated that Somerset Environmental Cops performs litter pick-ups throughout the county. She was aware of traveling bins for the collection of glass. Michele stated that this is an option and is currently being written into some contracts (\$750-1,000 charges). The problem with these bins is the condition of the glass after collection/breakage.

Colleen said the previous program absolutely did not work as is. She takes her recycling to Cambria County. They have a solid waste authority, with the county paying the costs. She felt that some type of public/private partnership would be wonderful. John felt that a central collection facility would make it more financially acceptable. Michele stated that the DEP got “burned” on previous public/private partnerships so any equipment purchases using Act 101 grant funds cannot go to private businesses.

Brad M. stated that Nobel Environmental (formerly Waste Management) has recycling bins at the Southern Alleghenies & Mostoller Landfills and collects aluminum cans and bi-metal cans from the general public.

Other recycling issues discussed included: current price of commodities; mandated countywide recycling; and “convenience centers” which are similar to a small transfer station where residents can drop off waste and recycling instead of curbside pick-up. Counties are using convenience centers to avoid transportation and collection costs. Brad M. said collections are becoming more difficult due to the lack of available drivers.

Respectfully submitted,  
Cathy Budzina

## SOMERSET COUNTY MUNICIPAL SOLID WASTE MANAGEMENT PLAN SOLID WASTE ADVISORY COMMITTEE

A meeting of the Solid Waste Advisory Committee (SWAC) was held Thursday, December 2, 2021, at 1:00 p.m., in the Commissioners Board Room, County Office Building, 300 North Center Avenue, Somerset, PA.

**Consultant:** Michele Nestor, Nestor Resources

**Members Present:** Commissioner Pamela Tokar-Ickes, Steve Buncich, Laurel Foy, Susan Levy, and Brad Zearfoss

**Members Absent:** Commissioner Gerald Walker, Commissioner Colleen Dawson, Brad Minemyer, Michael Mack, and John Toth.

Michele opened the meeting and thanked everyone for their comments and suggestions on the drafts distributed to the members prior to the meeting: Introduction, Chapter 1 – Types & Sources of Municipal Waste, Chapter 2 – Municipal Waste Infrastructure, and Chapter 3 – Future Disposal Capacity Projections. She also asked for any questions/comments. Brad stated that a lot of the information was the same as in the last plan but updated.

Brad had a question regarding the Transporters License Ordinance. Michele explained that the ordinance was adopted in 2011 after the last plan update was done. The purpose was to do reporting for DEP. The haulers were registered so that they would be able to see who was taking garbage and where it was going. Since the county does not currently have a Recycling Coordinator, there is currently no one to enforce the ordinance. The DEP now does monitoring and reporting directly at the landfills so the ordinance would be a duplication of services.

The committee members discussed mandatory collection ordinances and the municipality contracting with an individual hauler. Cathy explained that some time ago, when garbage disposal fees were going up, Boswell Borough enacted a mandatory collection ordinance. All households in the borough are required to pay for garbage collection and the municipality annually contracts with a hauler to pick up for the entire borough, therefore getting a better rate for residents. This also alleviates illegal dumping/littering since you pay for garbage collection whether you use it or not. Somerset Borough (recycling mandated) is the only other municipality in the county that has an ordinance. Michele reported that Greene & Adams Counties have county-wide mandatory collection ordinances.

The committee then discussed current collection rates. Somerset County has a collection rate of 30%. Rural townships' rates are as low as 15%. This lower rate is due to illegal dumping, theft of service (take it to Sheetz, etc.) and burning/burn barrels. Steve suggested an ordinance to ban burning but enforcement would be a problem.

Michele stated that the plan could recommend the County meet with municipal officials to promote and support mandatory collection ordinances. Susan asked if a municipality can contract with a hauler but not require mandatory collection. Michele answered yes that it is

called “voluntary exclusive” (a baby step). Brad asked if they could have a mandatory collection ordinance and contract with more than one hauler. Michele answered yes that they can do that. They can even contract with smaller haulers and/or put in special provisions for collection. Laurel stated that she will be approaching Jennerstown Borough about the possibility of a mandatory collection ordinance at their next meeting. Somerset Borough pays for recycling because they are a “mandated” municipality. They contract with a hauler who does curbside collections.

The idea of recycling centers was discussed. It was suggested that collection sites be set up along the Route 219 corridor for convenience. It was suggested that corrugated cardboard be included with items recycled since so many people are using home-delivery services.

Section 902 Grants are available for the purchase of equipment. Since the county is the “receiver” it cannot set the private sector up with funds for a recycling coordinator and equipment.

Future Disposal Capacity was discussed. Michele stated we will be using the same contract with the landfills as the previous plan. An advertisement for RFP’s (Request for Proposals) will be placed in a trade paper and the Pennsylvania Bulletin. It will take about a month to get the proposals back from the landfill operators. After receipt of the proposals, Michele will give a report to Brad and the Commissioners. Most of the waste generated in Somerset County is disposed of at landfills in the county.

Respectfully submitted,  
Cathy Budzina

**SOMERSET COUNTY MUNICIPAL SOLID WASTE MANAGEMENT PLAN  
SOLID WASTE ADVISORY COMMITTEE**

A meeting of the Solid Waste Advisory Committee (SWAC) was held Thursday, July 14, 2022, at 1:30 p.m., in the Commissioners Board Room, County Office Building, 300 North Center Avenue, Somerset, PA.

**Consultant:** Michele Nestor, Nestor Resources

**Members Present:** Commissioners Gerald Walker, Colleen Dawson & Pamela Tokar-Ickes, Steve Buncich, Laurel Foy, Susan Levy, Bryony Tilzey & Brad Zearfoss; and Bradley Cunningham (PA DEP)

**Members Absent:** Brad Minemyer, Michael Mack, and John Toth.

Prior to the start of the meeting, Brad Cunningham introduced himself to the committee. He offered his assistance to the committee in any way. Brad Zearfoss then introduced Bryony Tilzey to the committee. Bryony has been hired as the county's Recycling Coordinator. Michele then opened the meeting. She apologized for not having the power point presentation.

An advertisement for RFP's (Request for Proposals) was placed in a trade paper and the Pennsylvania Bulletin. Proposals were received from 3 companies for 6 landfills: Noble Environmental – Greentree & Southern Alleghenies; Vogel Holdings – Seneca; and Waste Management – Evergreen, Laurel Highlands & Mostoller. Future Disposal Capacity exceeded 100%. Both local landfills promised 100%. Most of the waste generated in Somerset County is disposed of at landfills in the county.

The County will be using the same contract with the companies as in the previous plan. As per the proposals submitted, the costs for each are:

- 1) Greentree – base rate of \$ \_\_\_\_/ton; maximum rate of \$ \_\_\_\_/ton;
- 2) Southern Alleghenies –base rate of \$80.23/ton; maximum rate of \$90.00/ton;
- 3) Seneca – base rate of \$101.00/ton; maximum rate of \$110.00/ton;
- 4) Evergreen - base rate of \$ \_\_\_\_/ton; maximum rate of \$ \_\_\_\_/ton;
- 5) Laurel Highlands – base rate of \$97.70/ton; maximum rate of \$106.20/ton; and
- 6) Mostoller – base rate of \$68.14/ton; maximum rate of \$79.07/ton

Michelle then opened the discussion on recycling. The previous county program was very expensive to operate and the biggest problem was contamination. Buildings were used as a garbage disposal site for people who do not have trash collection. Buildings located near municipal offices/buildings were less contaminated. She felt it doesn't make sense to do the same thing.

Owner/operator options for a recycling program include: county owns and operates the entire system; county/municipality partnership; county/county partnership; partially subsidize and assign all Act 101 responsibilities other than planning to a non-profit agency, and public/private partnership. The county's previous program was the first option. Fayette County has a recycling

facility that they may share. Noble Environmental owns a convenience center that the county could help promote. There are always financial concerns that partnerships with other resources may help.

Michelle then provided information from Somerset County's 2019 Recycling Performance Grant (last year of the county program). 2,168 total tons were recycled, most of which were single-stream (paper, cans, glass, etc). Cardboard topped the commercial recycling numbers. Due to the COVID outbreak people were shopping more from home. Glass was recycled in small amounts. It is not a money-maker due to weight/high transportation costs. Little plastics were recycled. Aluminum numbers were low but that may be due to people recycling their own cans for money. There was not a lot of yard waste but due to rural nature of Somerset County that is to be expected. Overall, there was not good participation in recycling – 216 residential tons. Landfills within the county also accept recycling as do private recyclers that collect within the county.

Pam suggested the possibility of starting a pilot program with Somerset Borough (since they are mandated to recycle) that the County could help. Michelle explained that recyclers can also do curbside recycling in municipalities. The County could invite municipalities/recyclers that would be interested to explain the process. Laurel suggested that Recycling be a topic at the next Somerset County Municipal Summit. How can the county incentivize recycling to the municipalities?

The option of a convenience center was discussed. A center would require that the host municipality adopt a mandatory collection ordinance. Waste Management has a contract for Somerset Borough recycling collections. The estimated capital cost for a convenience center in 2021 is about \$1.3 million. Operating costs are approximately \$208,000/year. The centers are very difficult to fund; minimum of \$75,000-200,000/year. Some of the unknowns include the amount of growth, and market fluctuations/costs. Partnerships may make it more feasible. Michelle suggested that this option be included in the 10-year plan. The committee agreed.

The next item discussed was periodic collection events. These could include household hazardous waste, electronics, tires, etc. Susan felt this option was beneficial. Colleen suggested the possibility of recycling at special event and/or places such as the county fair, Jennerstown Speedway, etc. The items collected could be used as poundage to get more recycling funds. Michelle stated that funds could be used to purchase equipment for special even recycling. The equipment could then be loaned to municipalities and organizations. It was also mentioned that schools could be a good partnership for recycling events. Steve said as part of the host municipality agreement the landfill has with Conemaugh Township, their schools get free trash pickup.

Colleen asked if there would be funds available for the purchase of a portable trailer/van that could be used to educate people and recycle at events similar to a bookmobile. Brad Cunningham replied that there would be funds for the trailer purchase and education costs but not for operational/recycling costs.

Respectfully submitted,  
Cathy Budzina



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## **Appendix G**

### **Resolution to Adopt the Plan**

Appendix G provides the official resolution of the Somerset County Board of Commissioners to approve and implement the recommendations contained in the Plan.