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# **Recycling Technical Assistance Project #450**

## **Summit Township, Erie County**

Review and Implementation Plan for Act  
101/Act 140 Compliance and Program  
Enhancements

January 2009



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## Introduction

The Recycling Technical Assistance Program is sponsored in partnership by the Pennsylvania Department of Environmental Protection (DEP) through the Solid Waste Association of North America (SWANA), the Pennsylvania State Association of Township Supervisors (PSATS) and the Department of Community and Economic Development (DCED) Governor's Center for Local Government Services. Qualifying municipalities wishing to enhance their recycling, composting, and waste reduction programs are provided with professional support to assist them achieve their goals and objectives.

Summit Township, Erie County (Summit) requested technical assistance to evaluate the municipality's current ordinances and curbside recycling collection contract. The Township also sought support to implement better methods of capturing data from commercial entities, haulers, and processors. Lastly, Summit desired to manage better the information in order to monitor and improve its programs and to comply with Act 140 of 2006.

As the consultant selected to manage the project, Nestor Resources, Inc. is pleased to submit to the Summit Township our findings and recommendations. This report includes background data, resources and references, as well as explanations and justifications for the consultant's suggestions.

## Background

In recent years, Summit Township has become one of the most prosperous, although not one of the most densely populated municipalities in Erie County. The Township has benefitted from the presence of atypical revenue sources such as a landfill and a racetrack/casino, which are located there. Likewise, a strong commercial retail sector exists within the municipality. Therefore, the Township has been able to maintain low real estate taxes while providing services to its residents not otherwise found in most rural communities of similar class and size. Along with state of the art fire protection and well-maintained roadways, Summit Township residents enjoy the convenience of curbside collection of recyclables at no cost.

The contradiction in the Township's rural nature coupled with the tight cluster of commercial businesses has presented a situation, when recycling is considered, that requires the Township to reexamine its policies and practices. While the municipality does not meet the population or density criteria triggering compliance with the original requirements of Act 101 of 1988, the Municipal Waste Planning, Recycling and Waste Reduction Act, it does qualify to comply with Act 140 of 2006, which amended Act 101. These requirements are established based on the funds meeting or exceeding \$10,000 received from Act 101, Section 904 Performance Grants. The specific requirements are provided in Appendix A and are a major focus of this report.

Waste collection currently occurs on a voluntary subscription basis by residents entering into contracts with the hauler of their choice. Residential curbside collection of recyclables is provided bi-weekly by the Township's current contracted service provider, Waste Management. Single family detached housing units and structures with no more than two attached units are included in the contractual agreement. Participation occurs on a voluntary basis. Multi-family housing units are excluded from the contract. Occupants of these units are reliant on arrangements made by their property managers, most of which have opted not to provide such service. Therefore, while many residents in Summit Township have access to recycling, others have no such opportunity.

Commercial and institutional establishments contract directly with local haulers for waste collection. Voluntary recycling is visible throughout the commercial sector. It is more evident in "big box" retail chains and supermarkets. In some instances, local haulers have made recycling opportunities available to their smaller customers. However, many of Summit Township's businesses are similar to others in Erie County. Faced with space constraints, budgetary issues, and the sheer disinterest these establishments have avoided implementation of a commercial recycling program.

As evidenced in the level of Performance Grant funds received, Summit Township successfully obtains information regarding recycling activities from its recycling contractor and local businesses. This information is provided voluntarily and therefore is suspected to be neither comprehensive nor inclusive of all those establishments that are recycling.

### **Project Scope of Work**

**Task #1:** The consultant met with Township representatives to discuss the current program, level of satisfaction and targeted areas for improvement. The discussion will focused on the methods of collection, reporting, sources of revenue, associated costs; public acceptance, political constraints, and related issues. Additionally, Nestor Resources made casual field observations to become more familiar with general local geographic and demographic conditions in relation to the collection and recovery of recyclables.

**Task #2:** Nestor Resources reviewed program relevant information provided by the Township including performance grant applications, annual reports, reporting formats, existing ordinances and collection contracts. Nestor Resources, Inc. prepared an outline that highlights how the current contract, local ordinances and practices affects the collection costs and recovery of recyclable materials.

**Task #3:** The consultant offered draft language that could be included in a solid waste and recycling ordinance and revisions that should be considered in the next recycling collection contract.

**Task # 4:** The consultant met with Township representatives, including the Board of Supervisors, to present the findings, answer questions and to address concerns.

**Task # 5:** Nestor Resources, Inc. prepared and submitted to the Pennsylvania Department of Environmental Protection (PADEP) for review and comment, a draft project report, which summarized the consultant's findings and recommendations. Based on the

PADEP's input, the consultant revised and finalized the report. Both the Township and the Department were provided with the report in electronic format. In addition, a hard copy of the document was provided to the Township.

## Summary of Findings and Recommendations

Evaluating the status of regulatory compliance in Summit Township was the primary goal for this project. The municipality also sought to make improvements to its outdated solid waste ordinance, which would reflect the regulatory requirements with impact on the Township. Additionally, the Township wished to incorporate enhanced service offerings to its curbside collection contract.

The following is a summary of the consultant's comments and suggestions to achieve those goals:

- Due to the Township's population, it is not mandated under Act 101 to provide curbside recycling to its residents or require that its commercial, institutional, and municipal establishments recycle; however, based on its receipt of Act 101 Section 904 Performance Grants in excess of \$10,000, the municipality is required by Act 140 to meet many of the same criteria as Act 101 mandated communities
- Summit Township currently finds itself at a crossroads trying to balance the needs of its historic residents with the inevitable demands brought about by current and future growth. The Township should consider the process of revamping its waste management policies as another positive step in this evolution.
- Ordinance 4-70-A, amended 9/25/1992, addresses waste accumulation and disposal. There is some requirement for residential waste removal, but it is conditional. The ordinance has no provisions for recycling by residents or commercial establishments. This ordinance does not meet any of the Act 101 or Act 140 criteria and should be replaced or revised.
- Ordinance 1992-09 addresses the conditions under which open burning can occur and provides for permits to conduct such activities. Although the language in the ordinance does not specifically prohibit the burning of recyclables, the circumstances for burning that are permitted imply that these materials are not included. Therefore, the open burning ordinance is compliant with DEP's policies.
- Summit Township must demonstrate that it has implemented a formal recycling education program for both residents and commercial establishments. Because recycling and waste collection will now be mandatory, the Township should increase the visibility of educational information through its newsletter, which is distributed to all homes and businesses, and its website.
- To add more accountability, it is recommended that Summit Township require that multi-family complexes, commercial and institutional establishments attach with the

annual recycling report, a copy of a contract or agreement, which demonstrates that recycling is provided as part of the collection service.

- Because Summit is in a transitional phase, planning and zoning are at the forefront of the Township's issues. Space constraints are often used as an excuse to avoid recycling by owners of multi family dwellings. Summit should review its zoning/planning requirements to ensure that provisions for recycling as well as waste containers are adequately and equally addressed in each complex.
- Summit Township should include a reasonable monetary penalty in its recycling ordinance. Because mandatory recycling will be a new initiative the Township should allow for a grace period during which reminders are utilized in lieu of punishment.
- Summit Township should register those haulers that provide waste and recycling collection in the municipality. It is recommended that document destruction companies should also be registered. This will allow the Township to recognize those entities that should report recycling activity each year.
- Not all of the requirements of Act 140 lend themselves to incorporation into the Township's solid waste ordinance. Some of the items are attained through staff assignment or cooperation with other local government entities or organizations. Summit Township complies with these reporting, pollution prevention, and special collection items.
- The Township's contract for residential curbside collection of recyclables is a simple and straightforward document. Minimal adjustments to the specifications are necessary to broaden the spectrum of materials acceptable for recycling and ensure that all residents eligible for curbside collection are included in the service.



## The Community

Over the past fifteen years, Summit Township has experienced a transformation from a peaceful farm community to an expanding suburban landscape. According to the Erie County 2005 Land Use and Development Profile., Summit Township has issued nearly 100 building permits since 1990 in conjunction with retail development along the Route 19 corridor commonly referred to as “Upper Peach Street.” Prior to that period development in this area was rather dormant. Growth in the Township is by no means limited to retail development. Over 5,000 housing units exist in the municipality inclusive of over 2000 single-family detached homes. Nearly 6200 people currently reside in the community, an increase of 14.5% since 1980. The Township’s Comprehensive Plan indicates that ten years ago the municipality began realizing an average yearly increase of 21 new homes, 9 new businesses, and 6 business/industry expansions. There is reason to believe that this pace of growth could continue into the next decade.

With growth and urbanization come other changes. Typically, an influx of residents with different lifestyles and expectations for services results. In addition, an increase in population and housing can subject municipalities to greater responsibilities and regulatory requirements. Summit Township currently finds itself at a crossroads trying to balance the needs of its historic residents with the inevitable demands of the future. The Township should consider the process of revamping its waste management policies as another positive step in this evolution.

## Existing Local Laws and Regulations

Due to the Township’s population, Summit is not mandated under Act 101 to provide curbside recycling to its residents, or to require recycling by commercial, institutional and municipal establishments or at community activities. Primarily through the voluntary recycling efforts of Summit Township’s major retailers, the municipality reports annual recycling tonnages resulting in over \$30,000 in Performance Grant funds each year. Because of its receipt of Act 101 Section 904 Performance Grants in excess of \$10,000, the municipality is required by Act 140 to meet many of the same criteria as Act 101 mandated communities.

Summit Township has existing ordinances that have some relationship to waste management issues. Unlike Act 101 mandated communities, rural municipalities similar to Summit Township generally have solid waste ordinances that meet PA Township Code; have impact on specific local conditions; and have no provisions for regulated collection of waste and/or recyclables. The laws in Summit Township follow this pattern.

Ordinance 1992-09 addresses the conditions under which open burning can occur and provides for permits to conduct such activities. The ordinance primarily limits burning to land clearing, agricultural purposes, and in general, campfires or fires for cooking purposes. Although the language in the ordinance does not specifically prohibit the burning of

recyclables, the circumstances for burning that are permitted imply that these materials are not included. Therefore, the open burning ordinance is compliant with DEP's policies.

Ordinance 4-70-A, amended 9/25/1992, addresses waste accumulation and disposal. Most likely, due to the presence of Waste Management's Lakeview Landfill, the ordinance focuses more on the operation of a sanitary landfill and minimally on the practices of homeowners or businesses. There is some requirement for residential waste removal, but it is conditional. The ordinance has no provisions for recycling by residents or commercial establishments. This ordinance does not meet any of the Act 101 or Act 140 criteria and should be replaced or revised.

## Revamping Policies

For Summit Township to meet the regulatory requirements of Act 101 and Act 140, significant changes in the existing solid waste ordinance are necessary. So extensive are the required revisions that drafting a new and separate ordinance to address recycling and storage, collection, transportation, and disposal of solid waste is recommended. Nestor Resources has provided a section-by-section explanation of each requirement of Act 140 along with corresponding draft language from the proposed ordinance. Although the Township was provided with the proposed ordinance in its entirety, by presenting the components of the proposed ordinance in this fashion, the consultant is confident it will assist Summit Township have a better understanding of its responsibilities and the specific changes necessary to comply with the Act. Following is an outline of the most significant changes incorporated into the proposed ordinance as they relate to Act 140 compliance. The draft ordinance in its entirety is provided in Appendix B.

- Act 140 requires qualifying municipalities to enact ordinances mandating that all residents have waste and recycling collection service. Additionally, the Act requires that qualifying municipalities implement a residential recycling program and facilitate commercial recycling. To achieve this, the draft ordinance contains this language.

### *Residential*

**A. Mandatory Participation:** *Unless otherwise exempted under this Ordinance, every owner and/or occupant of developed residential property must contract with a licensed hauler, shall pay for garbage collection service and shall utilize the recycling collection service contracted by the Township.*

### **Commercial, Industrial, Institutional Properties and Community Activities**

**A. Mandatory Participation -** *It shall be the duty and responsibility of every owner of property, every place of business within the Township, and the organizer of any community activities where Municipal Waste is produced and is accumulated to contract with a licensed hauler for Garbage, and Recyclables, collection services to the extent provided by this Ordinance*

- Summit Township should register those haulers that provide waste and recycling collection in the municipality. It is recommended that document destruction companies should also be registered. This will allow the Township to better enforce the waste collection and recycling mandates. To achieve this, the draft ordinance contains this language.

### ***Authorization of Collectors***

***Licensed Haulers.*** It shall be unlawful for any person other than persons authorized by license by the Commonwealth of Pennsylvania and registered with Summit Township, or its designee, as a regular hauling business, to collect and/or transport Municipal Waste, and Recyclables, which is generated within the Township, except as specifically provided herein.

***Registration with the Township.*** A person who has obtained a license from the Commonwealth of Pennsylvania under the Waste Transportation Safety Act (Pennsylvania Act 90) authorizing said person to collect, transport, and or dispose of municipal solid waste, and bulk waste from residential, commercial, industrial, and institutional establishments must register his intent to operate within Summit Township to be considered a Licensed Hauler. Such persons must complete and submit forms developed by the Township and present documentation of such authorization to the Manager of Summit Township or his designee. A person that is not required to obtain a license issued under the Waste Transportation Safety Act (Pennsylvania Act 90) and/or a person that collects, transports, and or processes only source-separated recyclables from residential, commercial, industrial, and institutional establishments must register his intent to operate within Summit Township to be considered a Licensed Hauler. Such persons must complete and submit forms developed by the Township to the Board of Supervisors of Summit Township or its designee.

- To comply with Act 140, Summit Township must demonstrate that it has implemented a formal recycling education program for both residents and commercial, institutional, and municipal establishments. Through its newsletter, which is distributed to all homes and businesses, and its website, the Township provides information regarding its recycling program. Because recycling and waste collection will now be mandatory, the Township should increase the visibility of educational information in both formats. The ordinance formally establishes the Township's role in recycling education with this language.

### ***Establishment of Education Program***

***The Township hereby establishes an education program for municipal solid waste management, recycling and composting in accordance with the provisions of Pennsylvania Act 101, Pennsylvania Act 140 and this Ordinance. Educational materials and presentations shall be designed to increase the participation of both residents and businesses, including commercial, institutional and municipal establishments; to meet the recycling rates and goals established by the Commonwealth; and to encourage waste minimization and pollution prevention within the Township.***

- Summit Township is required by Act 140 to monitor participation and enforce the waste collection and recycling mandates of its ordinance. Additionally, Summit must have a system of warnings, and subsequent penalties for non-participation. Because mandatory recycling will be a new initiative the Township should allow for a grace period during which reminders are utilized in lieu of punishment. The proposed ordinance achieves these goals with the following language.

### ***Penalties***

*Any person violating any of the provisions of this ordinance shall, upon conviction by a district magistrate, be subject to a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) together with the cost of prosecution, or imprisonment in the Erie County Prison for a period of not more than thirty (30) days. Every violator of the provisions of this ordinance shall be deemed guilty of a separate offense each and every day such violation continues and shall be subject to the penalty imposed by this section for each and every separate offense.*

### ***Other Remedies***

***Removal of Accumulation of Solid Waste*** - *In addition to the foregoing penalty, the Township may require the owner or occupant of a property to remove any accumulation of Municipal Waste and should said person fail to remove such municipal solid waste after five (5) days following written notice, the Township may cause the solid waste to be collected and disposed of with the cost for such action to be charged to the owner or occupant of the property.*

***Revocable Registration*** - *In addition to the foregoing penalty, the Township may revoke the registration of any hauler in violation of the provisions of this Ordinance. Upon revocation of the registration haulers forfeit their authorization to collect and transport municipal solid waste and/or recyclables within Summit Township.*

***Separate Offenses*** - *Nothing contained in this Article shall affect, in any way, the provisions of this Ordinance regarding separate offenses for every day any violation occurs.*

- The Township is required to report to Erie County on an annual basis the tons of recyclables collected and processed from residential and commercial sources. To obtain this information the Township should require licensed haulers and commercial, institutional and municipal establishments to submit reports to the municipality. To add more accountability, it is recommended that Summit Township require verification of service with the commercial report. Multi-family complexes, commercial and institutional establishments should be required to attach a copy of a contract or agreement, which demonstrates that recycling is provided as part of the collection service. This can be achieved through rules and regulations. The proposed ordinance contains the following language to address these issues.

**Reporting**

*Every licensed hauler must provide the Township with a comprehensive written list of all residential property(ies)/unit(s), commercial, industrial and institutional establishments; identifying any and all customers. The list shall be updated and provided to the Township by February 15, 2009 and updated on that date every year thereafter.*

*Every licensed hauler must provide weight receipts for municipal waste and recyclables to the Township on a quarterly basis beginning January 1, 2009. Every licensed hauler must accept three (3) recyclable commodities to be determined by resolution of the Borough Council.*

***B. Commercial, Industrial and Institutional Establishments*** - *Commercial, industrial, and institutional establishments shall submit annually, on forms provided by the Township, a report to the Township or its designated agent which contains the following information concerning compliance to the Recycling Requirements of this Ordinance:*

- 1. Commercial/ Industrial or Institutional name, address, telephone number, contact person and owner's name.*
- 2. Company name, address, telephone number, and contact person for entity providing the recycling service.*
- 3. Description of materials recycled, frequency of collection, method of storage and end market.*
- 4. Weigh slips or other certification, which show by weight and type of material recycled. If weigh slips are not used, the form of certification requires the prior approval of the Township.*
- 5. Form of certification to assure proper processing/marketing of recyclable materials.*
- 6. Other information as may be required by the Township agent, which may be required to assure the proper disposition of recyclable materials.*
- 7. Required information is due within Sixty (60) days of the end of the reporting period, which is the end of the calendar year.*

**Non ordinance driven policies**

Not all of the requirements of Act 140 lend themselves to incorporation in the Township's solid waste ordinance. Some of the items are attained through staff assignment or cooperation with other local government entities or organizations. Summit Township complies with these reporting, pollution prevention, and special collection items. For instance, the collection of special materials such as electronic waste, household hazardous waste, tires and similar items, must be provided by Summit or in conjunction with other local government entities. Erie County offers special collection events that are open to Summit Township residents. Likewise, the Township in partnership with Lakeview Landfill offers cleanups to prevent littering and illegal dumping.

Under the provisions of Act 140, the municipality must designate a person or entity to collect recycling data, compile it, submit the necessary reports, and grant applications. Summit Township currently has a recycling coordinator that performs these duties and thus complies with this requirement.

## Impact on Service

Residents of Summit Township who live in single family detached homes or in structures with two attached units in general are serviced under the Township's sole source contract for curbside recycling collection. The contract generally has duration of three years with options for renewal. Collection occurs on a bi-weekly basis.

The Township's contract for residential curbside collection of recyclables is a simple and straightforward document. Minimal adjustments to the specifications are necessary to broaden the spectrum of materials acceptable for recycling and ensure that all residents eligible for curbside collection are included in the service area.

The design and layout of many residential complexes in the Township are prohibitive to curbside collection. The roadways, parking areas and cluster of units make detachable containers, often referred to as dumpsters, a more logical option. Thus, these areas fall into the commercial service category. To comply with mandatory recycling and waste collection, property owners and managers of multi-family dwellings will be required by ordinance to provide receptacles throughout the developments. Because Summit is in a transitional phase, planning and zoning are at the forefront of the Township's issues. Space constraints are often used as an excuse to avoid recycling by owners of multi family dwellings. Summit should review its zoning/planning requirements to ensure that provisions for recycling as well as waste containers are addressed adequately and equally in each complex.

## Past Performance and Anticipated Improvements

Recycling in Summit Township has occurred on a strictly voluntary basis to date. However, the Township has relatively good background information on the level and performance of current residential and commercial activities. This data was compared to national recycling trends. Figures from the Township's annual reports and Act 101, Section 904 Performance Grant applications were used to establish benchmarks by which the municipality could evaluate future changes. This exercise offers insight on the effectiveness of current collection activities and the potential impact of requiring current non-participating residents and businesses to recycle.

Table 1 shows the results of an analysis of the reported Summit Township recycling quantities from 2007 as compared to national figures based on U.S. Environmental Protection Agency. *Municipal Solid Waste in The United States: 2006 Facts and Figures*. This is the most recent data available in a series of analyses conducted by the Franklin Associates since 1960. Commonly called "the Franklin Study" it is a periodic review of the national recycling activities that is conducted for and issued by the USEPA.

The first column in the table lists categories of materials in municipal solid waste (MSW) that may be included in the Summit Township program. The next column entitled "Expected Generation" presents the expected quantity of the material to be generated as waste in Summit Township if it were produced at the same rate as it is nationwide. The column entitled "Expected Recovery" presents the expected quantity of the material to be recovered in Summit Township if it were recycled at the same rate as it is nationwide.

The column entitled "Estimated Total Recovery" presents the reported recovery of the various materials as reported in the Summit Township recycling report with commingled materials distributed in the proportions they are recovered nationally. Since most residential recycled materials are commingled, the actual amounts of individual materials are unknown; therefore, the relative amounts of the individual materials were estimated. The relative proportion of recycled materials differs in residential and commercial sources. The final two columns presents the reported recovery from commercial and residential sources with commingled materials distributed in the proportions they are recovered nationally. The various types of paper other than newspaper were only included in the redistribution of commercial quantities, as they are not generally included in residential programs.

A review of the figures shows that the quantity of waste paper collected from residential sources is relatively low when compared to expected values. An increase in recovery is anticipated due to the implementation of single stream recycling in the Township's new contract and the introduction of mandatory residential recycling. The single stream program will accept more types of paper and cardboard than previously included in the collection contract. In most other categories, the estimated recovery meets or exceed the expected values. These are encouraging results for a totally voluntary program. It would indicate that by providing convenient opportunities to recycle, such as curbside collection, residents are more willing to participate.

The recovery rate may also be influenced by other factors. Because Lakeview Landfill's drop-off collection site is situated within the Township, Summit residents without the availability of curbside collection likely use this outlet. It is possible, however, that some of the reported material has its origins elsewhere. Lakeview's drop-off recovery totals nearly 50% as much as Summit's curbside program. That figure is closely proportionate to the number of multi-family housing units without curbside service compared to single family detached homes currently in the service contract.

Estimated commercial recovery equals or exceeds expected values for all materials. Also noteworthy is the large quantity of corrugated boxes relative to expected values. This result likely reflects the concentration of commercial entities that serve the surrounding area but are located in Summit Township. The cluster of large retail stores such as Wal-Mart, Home Depot, Target, Wegman's, Giant Eagle with well-established cardboard recycling programs, is probably disproportionate to the local residential population used to project trends in recovery. Therefore, if the regional population base serviced by these stores were used to assess the recovery rate, a result closer to national trends would be likely. It may also be affected by a large quantity of material whose origin is possibly incorrectly reported due to combined collection routes that traverse a combination of municipalities.

**Table 1 Summit Township Reported vs. Expected Material Recovery**

Material	Expected Generation	Expected Total Recovery	Expected Residential Recovery	Expected Commercial Recovery	Estimated Total Recovery	Estimated Residential Recovery	Estimated Commercial Recovery
	Tons per year	Tons per year *	Tons per year	Tons per year	Tons per year	Tons per year	Tons per year
Glass Containers	224	49	40	9	63	50	13
Aluminum	38	14	11	2	18	14	4
Bi Metal	49	31	26	5	40	33	7
Plastic #1 and #2	138	24	19	4	64	26	38
Newspaper	243	214	182	32	180	121	59
Magazines	50	20	13	7	11	0	11
Books	22	6	5	1	2	0	2
Telephone Directories	13	3	2	1	2	0	2
Standard Mail	116	45	29	16	23	0	23
Commercial Printing	130	28	18	10	24	2	23
Office-type Papers	124	82	20	61	110	19	91
Corrugated Boxes	618	445	44	400	2896	22	2874
Folding Cartons	109	17	10	7	10	0	10
Bags and Sacks	26	7	6	1	1	0	1

\* Apparent errors in some totals are due to rounding.

**Summary**

Overall, Summit Township has a solid beginning in both residential and commercial recycling. That it opted to offer to its residents a curbside recycling program without mandates from the state is to be applauded. The benefit of major retailers with established recycling programs locating within the Township’s commercial developments has been realized in the form of more than \$30,000 annually from Act 101, Section 904 Performance Grants. These grants help to subsidize the costs associated with Summit’s curbside collection contract. Since the enactment of Act 140 in 2006, the benefits of Performance Grants totaling \$10,000 or more annually also come with some added responsibilities that mirror those of Act 101 mandated communities. Therefore, Summit Township was prompted to review and revise its existing solid waste management and recycling policies.

As a result of the Technical Assistance Project, waste and recycling collection services and opportunities should expand within the municipality. Greater participation and an increase in recovery should be attained. Nestor Resources, Inc. has provided to Summit Township draft language for a proposed comprehensive solid waste management ordinance. Excerpts from that ordinance are outlined in the report to illustrate how the Township will come into compliance with Act 140. Additionally, based on provisions from the ordinance the Township should experience better tracking and monitoring of their recycling performance and thus an increase in related grant funds.



**Appendix A**

**Act 140 Guidelines**



### Act 140 Impacts on Act 101 Recycling Performance Grants

Act 101 mandated curbside municipalities and other municipalities, except for counties, receiving more than \$10,000 in Act 101 Section 904 Recycling Performance Grant funding must meet the following performance requirements:

- Requires, through ordinance, that all residents have waste and recycling service.
- Has an implemented residential recycling program and facilitates a commercial recycling program or participates in a similar county or multi-municipal program.
- Has a residential and business recycling education program.
- Has a program of enforcement that periodically monitors participation, receives complaints and issues warnings for required participants and provides fines, penalties, or both, in its recycling ordinance.
- Has provisions, participates in a county or multi-municipal program or facilitates a private sector program for the recycling of special materials.
- Sponsors a program, facilitates a program or supports an organization to address illegal dumping and/or littering problems.
- Has a person or entity designated as recycling coordinator who is responsible for recycling data collection and reporting recycling program performance in the municipality or municipalities.

If the municipality has not met the above performance requirements, the grant funds awarded shall be expended by the municipality only to meet the performance requirements. If the municipality has met the performance requirements, the grant funds awarded may be expended by the municipality on any expense as determined in the discretion of the municipality. The Department may require budget documents or other expenditure records and may deny funding through this Section if an applicant cannot demonstrate that funds have been expended on eligible activities.



**Appendix B**

**Draft Solid Waste Ordinance**

(not provided in on-line version)