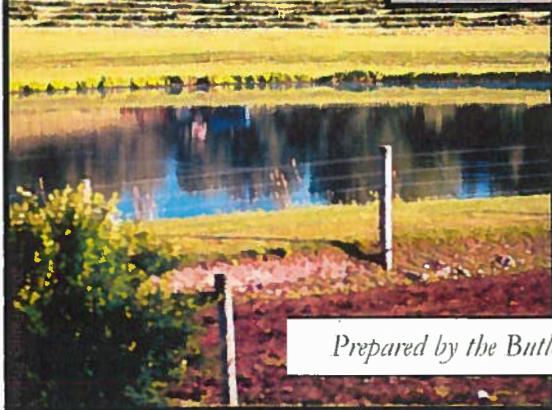
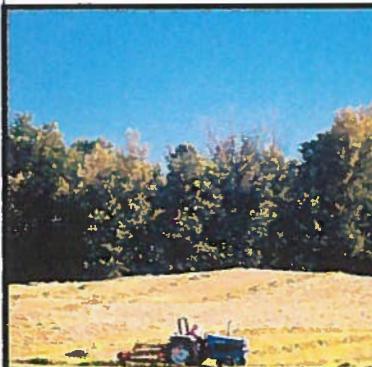
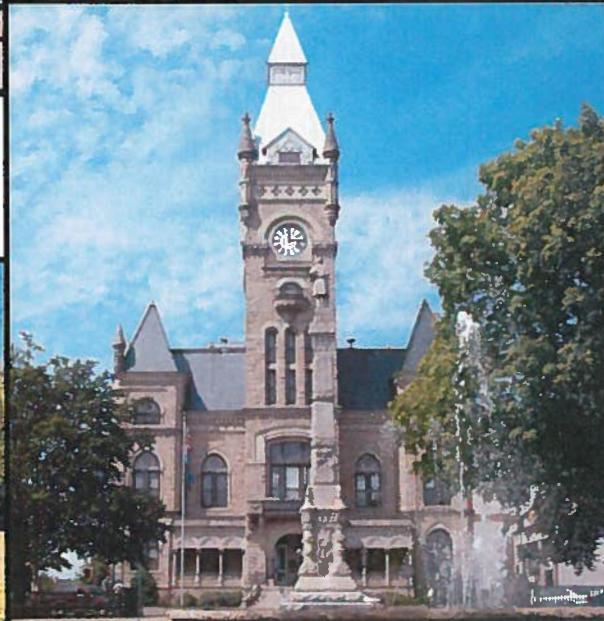


Municipal Solid Waste Management Plan



County of Butler, Pennsylvania

2017-2027



Prepared by the Butler County Department of Recycling & Waste Management



Board of Butler County Commissioners

Leslie A. Osche, Chairman

Kimberly D. Geyer, Vice-Chairman

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Chief of Economic Development and Planning

Mark Gordon

Butler County Solid Waste Advisory Committee

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Kathy Kline	City of Butler – 1 st Class City – central Butler County
Darrell Klink	Waste Management – hauler, landfill and recycling industries
Lorin Meeder	Cranberry Township – 2 nd Class Township – southwestern Butler County
Itzi Meztli	Slippery Rock Borough – 2 nd Class Borough – northwestern Butler County
Maggie Nelson	Clinton Township – 2 nd Class Township – southeastern Butler County
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Mark Slupe	Butler Township – 1 st Class Township – central Butler County
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Butler County Department of Recycling & Waste Management

Sheryl Kelly, Environmental Specialist, Recycling & Waste Management Coordinator

Consultant *(where credited)*

Nestor Resources of Valencia, PA

Butler County Municipal Solid Waste Management Plan

TABLE OF CONTENTS

INTRODUCTION

Map I

Butler County

Intro. 1 to Intro. 2

Intro.-3



Chapter 1: BRIEF OVERVIEW OF BUTLER COUNTY

Discussion of Butler County and Growth

1-1 to 1-2

Figure 1-1 % Population Change >65

1-3

Figure 1-2 Population Change

1-4 to 1-5

Figure 1-3 Population Change Map

1-6

Chapter 2: CURRENT MUNICIPAL WASTE FACILITIES

Influences on Waste

2-1 to 2-4

Waste Generators

2-4 to 2-7

Waste Facilities Currently Serving

2-8

Table 2-1 Waste Tonnage 2003-13

2-9

Table 2-2 Waste Disposal Comparison

2-10

Table 2-3 Waste Types Disposed

2-11

Table 2-4 Special Event Diversion

2-12

(Source: Nestor Resources)



Chapter 3: FUTURE CAPACITY AND REQUEST FOR PROPOSALS – NEW FACILITIES

Capacity Assurance

3-1

Waste Flow Control

3-1

Request for Proposals

3-1

Table 3-1 Disposal Capacity Requirements

3-2

Figure 3-2 Request for Proposals Ad

3-3

Exhibit 3-3 Request for Proposals

3-4 to 3-50

Figure 3-4 Request for Proposals – PA Bulletin

3-51



Chapter 4: RECYCLING IN BUTLER COUNTY

Recycling Requirements	4-1 to 4-3
Residential Recycling	4-3
Commercial and Institutional Recycling	4-3 to 4-4
Recycling Drop Off Sites	4-4
Facilities Receiving Recyclables	4-4
Organics	4-4 to 4-5
Special Collections	4-5 to 4-8
Municipal Efforts	4-8 to 4-9
Independent Efforts	4-9 to 4-10
Estimates of Future Recycling Tonnage	4-10 to 4-11



*Figure 4-1 Recycling Accomplishments vs. Performance 4-12 to 4-19
(Source: Nestor Resources)*

Chapter 5: ASSESSMENT AND ACTION PLAN FOR RECYCLING AND WASTE MANAGEMENT



Recycling Assessment	5-1 to 5-3
Waste System Assessment	5-3 to 5-4
Factors Considered to Achieve the Goals	5-4

RECYCLING & WASTE MANAGEMENT ACTION PLAN - 2015-2025

Recycling Goals and Methods of Achievement	AP-1 to AP-14
Waste Management Goals and Methods of Achievement	AP-15 to AP-19

Chapter 6: AVAILABLE WASTE FACILITIES, RECOMMENDATIONS AND SELECTION

Available Waste Processing Facilities	6-1 TO 6-2
---------------------------------------	------------

Appendix 6-1 Recommendations for Designated Facilities 6-3 to 6-18

(Source: Nestor Resources)

Figure 6-2 New Designated Facility Locations 6-19



Chapter 7: IMPLEMENTATION AND ADMINISTRATION OF THE PLAN

Butler County Recycling & Waste Management Department	7-1
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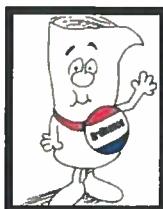
Recycling & Waste Management Coordinator	7-1 to 7-2
--	------------

Chapter 8: PUBLIC FUNCTION

Public Function	8-1
-----------------	-----



Chapter 9: ORDINANCE, LICENSES, CONTRACTS AND AGREEMENTS



Solid Waste Management Ordinance	9-1
Disposal Capacity Agreements	9-1
Petition for Inclusion	9-1
Resolution	9-1
<i>Exhibit 9-1 Draft Ordinance</i>	<i>9-2 to 9-15</i>
<i>Exhibit 9-2 Processing and Disposal Service Contract</i>	<i>9-16 to 9-40</i>
<i>Exhibit 9-3 Petition for Inclusion</i>	<i>9-41 to 9-44</i>
<i>Exhibit 9-4 Draft Resolution</i>	<i>9-45</i>

Chapter 10: ORDERLY EXTENSION

Impact on Existing Programs	10-1
Education	10-1
Reporting	10-1
Existing Contracts	10-1 to 10-2
Future Studies and Findings	10-2



Chapter 11: METHODS OF DISPOSAL OTHER THAN BY CONTRACT

Methods of Disposal Other than by Contract	11-1
--	------



Chapter 12: NON-INTERFERENCE

Non-Interference	12-1
------------------	------



Chapter 13: PUBLIC PARTICIPATION

Public Participation	13-1 to 13-2
<i>Exhibit 13-1 Meeting Ads, Minutes, Handouts, etc.</i>	<i>13-3 to 13-56</i>



INTRODUCTION

Since the passage of Act 101 of 1988, Butler County has implemented two Municipal Solid Waste Plans. Throughout this period, the county progressed from having no organized municipal waste or recycling collection to a diverse and efficient system available throughout the county that has now lasted now more than twenty years. The residential recycling program alone has evolved from a very cumbersome and limited system to a convenient, mostly single-stream collection that is available in nearly all areas, with comingled collection available in all others. This program continues to progress, constantly driven by global markets and private hauler abilities.

Butler County strives to maintain a fair, balanced and environmentally-responsible system that benefits not only its citizens, businesses and institutions, but also those businesses involved in the direct management of the waste and recycling for those customers. Residents are afforded the opportunity to pay for the level of services they so choose, while haulers are permitted to offer the measurable levels of service that best fits their individual needs. Local governments and the county strive to fill in the gaps of those services by offering special collections for items such a household hazardous waste, tires, unwanted medications and other hard to dispose of and recyclable items.

As in all official “Plans” the fluid global and local conditions surrounding their goals necessitate, along with the requirements of Pennsylvania’s Act 101 and other regulations, both modifiable and flexible Municipal Solid Waste Management Plans.

The purpose of the current Plan is to thoroughly analyze all aspects of Butler County’s past and current waste management system and to answer these questions:

1. Were past goals successful or do they need to be revisited?
2. What’s working and what needs work?
3. What are Butler County’s new goals?
4. What are the conditions that may affect those goals and who are the stakeholders?
5. How do we achieve the new goals and what are the benefits?
6. Are the methods to be used to achieve the goals fair to all entities involved?
7. How long will it take?
8. How will we fund these new goals and is the method sustainable?
9. How will we measure the success of the goals that are achieved?

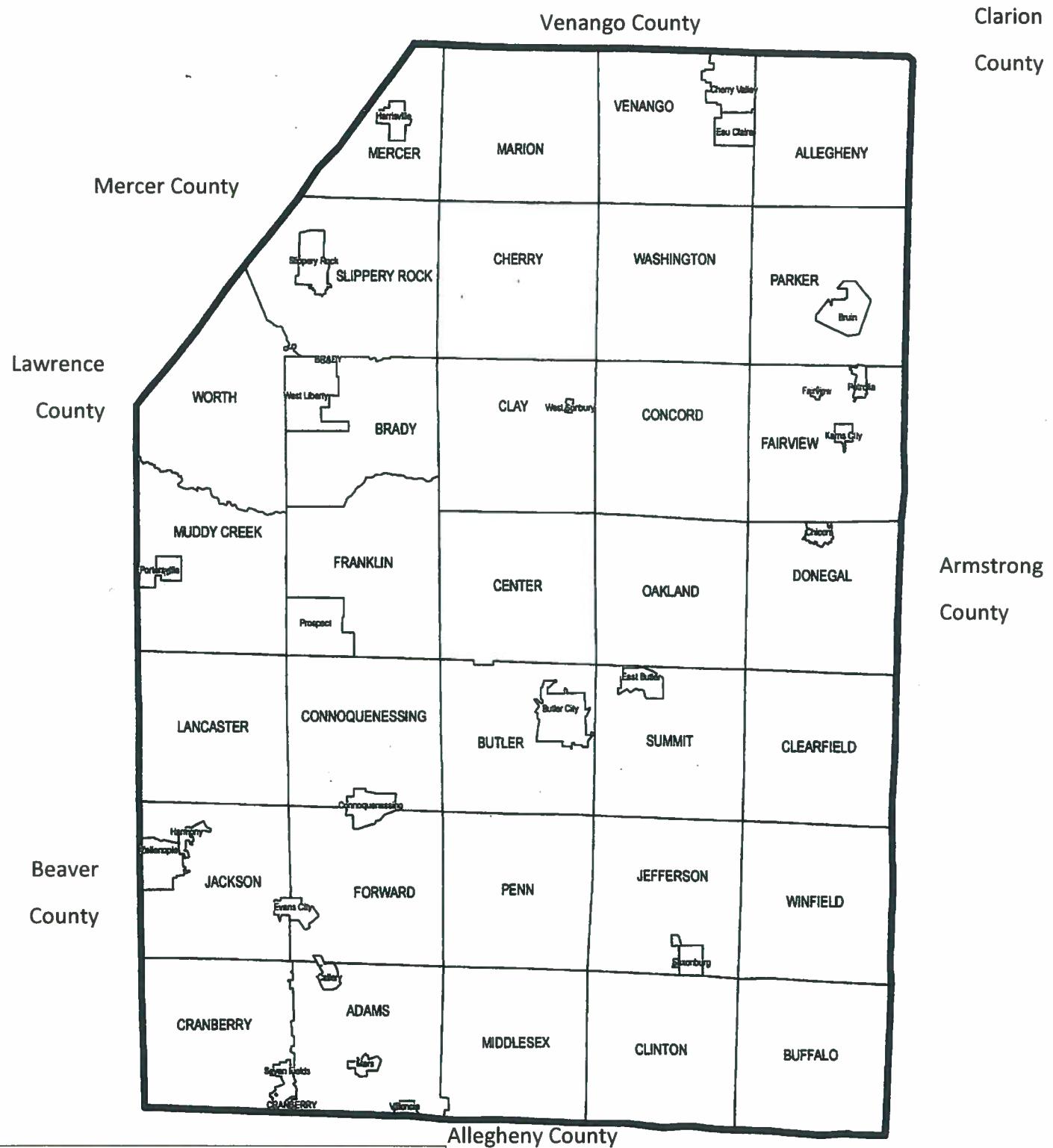
This updated Butler County Municipal Solid Waste Management Plan builds upon the original principles and ideas generated twenty-five years ago by promoting expanded, and in some cases additional, recycling and waste management programs that can adapt with our changing world. It is the product of two years of meetings, research, collaboration and planning by the Butler County Solid Waste Advisory Committee, the Butler County Department of Recycling & Waste Management and the Board of Butler County Commissioners. And finally, the encouragement of community dialog to gain valuable public, municipal

and commercial input will enhance current recycling and waste programs with both common sense and sustainable actions to carry the county through the next decade.

This will ultimately promote forward thinking and decision-making about how identified goals should

be achieved, and will identify sound procedures and financial solutions in which all segments of Butler County's population can work together to achieve.

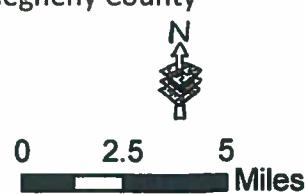
Butler County and its 57 Municipalities



Created by:

Butler County Department of
Recycling & Waste Management

April 2014



Base map by Southwest Pa. Commission



BRIEF OVERVIEW OF BUTLER COUNTY

Situated halfway between the northern and southern state lines, and just 30 miles east of the Ohio border, Butler County plays a pivotal role in the economic and cultural environment of Pennsylvania. The transition from the suburbs of metropolitan Pittsburgh to the more rural and less densely populated environment of northwestern Pennsylvania occurs within the County. The north and eastward growth of the more urbanized areas of Butler County that occurred in the early 2000's had somewhat stalled with the recession in about 2007-2008, but is now recovering.

Ease of access to the work areas in and around Allegheny County, plus the development of similar work areas within Butler County, are not the only reason for the rapid expansion of bedroom communities that now exist. Lower taxes, the availability of larger parcels of real estate and the expansion of public sewage and water service also served as contributing factors to the growth experienced in Butler County. One result of this growth was the 2010 Census population designation of both Buffalo and Adams Township as newly "mandated" recycling communities under Pennsylvania's Act 101 requirements.

While many residents of the County are families in newer housing developments created during the boom of the 1990's through early 2000's, the results of the 2010 Census show that Butler and some surrounding counties have an ever-growing population over the age of 65. In fact, all but fourteen of Butler County's 57 municipalities had an increase in its older population, resulting in a total senior population of 15.2%. (See Table 1-1 at the end of this chapter.) This slow, ongoing shift,

along with other factors, has a direct impact on the types and volume of municipal waste generated.

The newest regional development that could greatly influence the transition of the county is the development of the shale gas extraction business. It remains to be seen how this will affect long-term population growth, community development and its resulting municipal waste generation, however it has already made a dramatic effect on the amount of residual waste being generated. Because of recent low prices for natural gas, there has been somewhat of a stall with the gas exploration and drilling itself. However, prices will be on the rise, piping infrastructure will be built and more industry jobs, housing needs, local business needs and ultimately the generation of municipal waste will result. Based on many fluid global factors, it is anyone's guess as to how much effect it will ultimately have.

The more staid and traditional communities, a foundation throughout Butler County, present specific challenges and waste management needs. On-lot sewage treatment, land use, household variables and economics will determine the priorities, feasibility and methods used for programs in these areas.



General Population

Table 1-2 and corresponding map (Figure 1-3) shown at the end of this chapter illustrate Butler County's population as well as its documented changes from 2000 through 2010. Although there was a modest 5.6% increase in Butler County's population between 2000 and 2010, it is probable that this increase developed during the "boom" in the earlier through mid-2000's, and could have dropped a bit during the country's economic downturn later in the decade. According to more recent population estimates from the Pennsylvania Department of Labor and Industry, Butler County's population is on the rise with a 2013 estimate of 185,476. This can probably be partially attributed to the growth of the gas-drilling industry in the county.

Butler County's Regions

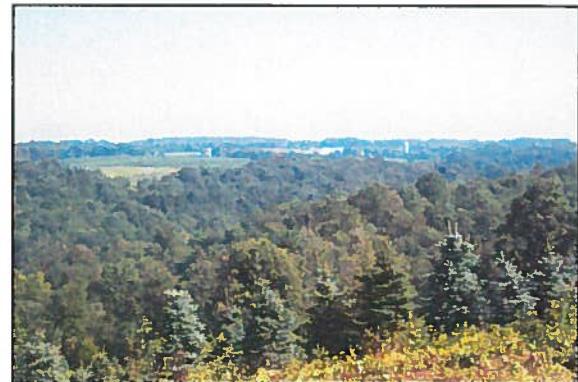
Heart of the County

The City of Butler, Butler Township, East Butler and contiguous townships have represented the traditional heart of the County since they are located at its geographic center. As the County seat, the City of Butler has significantly influenced the economic and political development of the County. Some of the largest employers have based operations within these municipalities thus enabling them to sustain a solid population. Much of the retail, social and health services available in the County have traditionally been found in this area.

Rural Heritage

The northeast quadrant of the County has been slower to develop and remained relatively unchanged for decades. With the development of a

business-friendly Keystone Opportunity Zone in Allegheny Township and its proximity to Interstate 80, the population of both Venango and Allegheny Township increased by 19% and 16% respectively. Unlike the southern part of the County, the density of homes here is generally sparse with small cluster communities like Parker, Bruin, Petrolia, Eau Claire and Karns City. The landscape is more rugged, undeveloped and includes vast areas of State Game Lands.



Suburban Growth

Cranberry Township represented the major growth area in Butler County throughout past decades however, it no longer stands alone. That activity has spread into Cranberry's surrounding areas, along the county's southern corridor to the southeast townships of Buffalo and Clinton, north into the Jackson Township area and in the northwest around the Slippery Rock area. The greatest increase in population in the last decade occurred in Adams Township which experienced a substantial 72% population growth between 2000 and 2010. Butler County's two newest "mandated" communities, Buffalo and Adams Townships are located within these high growth areas.

Butler County Changes in Percent of Population Over Age 65 - 2000-2010

	2000 pop	%>65	2010 pop	%>65
Adams Township	6,774	8.4%	11,652	11.3%
Allegheny Township	555	18.7%	641	13.9%
Brady Township	1,452	8.8%	1,310	9.8%
Bruin Borough	534	13.5%	524	11.5%
Buffalo Township	6,827	15.0%	7,307	15.5%
Butler City	15,121	16.1%	13,757	13.0%
Butler Township	17,185	21.1%	17,248	20.7%
Callery Borough	444	8.6%	394	12.4%
Center Township	8,182	17.9%	7,898	20.6%
Cherry Township	1,053	10.4%	1,106	13.0%
Cherry Valley Borough	72	12.5%	66	18.2%
Chicora Borough	1,021	16.9%	1,043	20.5%
Clay Township	2,628	8.6%	2,703	12.7%
Clearfield Township	2,705	12.5%	2,645	14.6%
Clinton Township	2,779	11.4%	2,864	12.7%
Concord Township	1,493	10.3%	1,505	14.8%
Connoquenessing Boro	564	11.9%	528	13.4%
Connoquenessing Twp	3,653	10.6%	4,170	17.8%
Cranberry Township	23,625	8.1%	28,098	8.8%
Donegal Township	1,722	17.8%	1,864	17.8%
East Butler Borough	679	17.1%	732	15.0%
Eau Claire Borough	355	10.1%	316	16.1%
Evans City Borough	2,009	15.9%	1,833	15.2%
Fairview Borough	220	11.4%	198	10.1%
Fairview Township	2,061	13.1%	2,080	15.5%
Forward Township	2,687	11.2%	2,531	13.9%
Franklin Township	2,292	11.5%	2,620	18.9%
Harmony Borough	937	16.5%	890	18.4%
Harrisville Borough	883	23.8%	897	22.4%
Jackson Township	3,645	16.5%	3,657	19.7%
Jefferson Township	5,690	22.6%	5,504	23.1%
Karns City Borough	244	16.8%	209	21.5%
Lancaster Township	2,511	9.6%	2,532	13.9%
Marion Township	1,330	12.0%	1,239	14.4%
Mars Borough	1,746	33.2%	1,699	31.5%
Mercer Township	1,183	13.3%	1,100	13.1%
Middlesex Township	5,586	12.8%	5,390	15.2%
Muddy Creek Township	2,267	13.2%	2,254	16.0%
Oakland Township	3,074	12.0%	2,987	14.3%
Parker Township	700	13.0%	632	17.1%
Penn Township	5,210	13.8%	5,071	16.8%
Petrolia Borough	218	12.4%	212	15.1%
Portersville Borough	268	8.2%	235	17.0%
Prospect Borough	1,234	12.6%	1,169	14.5%
Saxonburg Borough	1,629	34.4%	1,525	35.1%
Seven Fields Borough	1,986	5.7%	2,887	6.5%
Slippery Rock Borough	3,068	10.4%	3,625	7.7%
Slippery Rock Township	5,251	7.2%	5,614	6.8%
Summit Township	4,728	12.6%	4,884	14.6%
Valencia Borough	384	41.1%	551	59.9%
Venango Township	732	13.3%	868	14.4%
Washington Township	1,419	11.9%	1,300	16.5%
West Liberty Borough	325	11.4%	343	15.5%
West Sunbury Borough	104	15.4%	192	8.9%
Winfeld Township	3,585	17.8%	3,535	22.4%
Worth Township	1,331	10.4%	1,416	12.1%
Zelienople Borough	4,123	23.8%	3,812	24.1%

Population Change in Surrounding Counties plus Change in Population Age 65+

Butler County	174,083	14.3%	183,862	15.1%
Mercer County	120,293	12.4%	116,638	18.5%
Venango County	57,565	16.8%	54,984	18.0%
Clarion County	41,765	15.2%	39,988	16.4%
Armstrong County	72,392	18.0%	68,941	18.4%
Allegheny + Pgh	1,281,666	17.8%	1,223,348	16.8%
Beaver	181,412	18.4%	170,539	18.6%
Lawrence	94,563	19.3%	91,108	18.8%
Indiana	89,605	14.9%	88,880	15.7%

Butler County Population Changes by Municipality, Population Density and Projections

	Population 2000	Population 2010	Actual % Change	Area in Sq.Miles (Land Only)	Persons / Sq. Mile 2010	Est. Pop. 2015	Projected Pop. 2020	Projected Person / Sq. Mile 2020
Butler County	174,083	183,862	5.60%	789.0	233	186,818	203,305	258
1 *Adams	6,774	11,652	72.00%	22.4	520	13,212	14,533	649
2 Allegheny	555	641	15.50%	24.6	26	637	665	27
3 Brady	1,452	1,310	-9.80%	17.0	77	1,266	1,294	76
4 Bruin	534	524	-1.90%	1.8	291	505	543	302
5 *Buffalo	6,827	7,307	7.00%	24.3	301	7,268	8,318	342
6 *Butler City	15,121	13,757	-9.00%	2.7	5,095	13,289	13,844	5,127
7 *Butler Township	17,185	17,248	0.40%	21.6	799	16,803	18,022	834
8 Gallery	444	394	-11.30%	0.5	788	390	389	778
9 *Center	8,182	7,898	-3.50%	24.4	324	7,797	8,162	335
10 Cherry	1,053	1,106	5.00%	25.6	43	1,083	1,234	48
11 Cherry Valley	72	66	-8.30%	2.8	24	65	66	24
12 Chicora	1,021	1,043	2.20%	0.5	2,086	1,006	1,111	2,222
13 Clay	2,628	2,703	2.90%	25.1	108	2,644	2,916	116
14 Clearfield	2,705	2,645	-2.20%	23.6	112	2,587	2,966	126
15 Clinton	2,779	2,864	3.10%	23.6	121	2,842	3,097	131
16 Concord	1,493	1,505	0.80%	24.2	62	1,464	1,620	67
17 Connquenessing Boro	564	528	-6.40%	1.4	377	618	531	379
18 Connquenessing Twp	3,653	4,170	14.20%	22.7	184	4,017	5,032	222
19 *Cranberry	23,625	28,098	18.90%	22.8	1,232	30,458	34,202	1,500
20 Donegal	1,722	1,864	8.20%	23.2	80	1,841	2,110	91
21 East Butler	679	732	7.80%	1.0	732	706	794	794
22 Eau Claire	355	316	-11.00%	1.3	243	299	314	242
23 Evans City	2,009	1,833	-8.80%	0.8	2,291	1,773	1,839	2,299
24 Fairview Boro	220	198	-10.00%	0.1	1,980	197	198	1,980
25 Fairview Twp	2,061	2,080	0.90%	24.2	86	2,034	2,224	92
26 Forward	2,687	2,531	-5.80%	23.0	110	2,622	2,603	113
27 Franklin	2,292	2,620	14.30%	21.3	123	2,688	3,105	146
28 Harmony	937	890	-5.00%	0.4	2,225	865	908	2,270
29 Harrisville	883	897	1.60%	0.8	1,121	880	941	1,176
30 Jackson	3,645	3,657	0.30%	21.7	169	3,699	3,880	179

Table 1-2

31	Jefferson	5,690	5,504	-3.30%	22.9	240	5,385	6,205	271
32	Karns City	244	209	-14.30%	0.4	523	209	206	515
33	Lancaster	2,511	2,532	0.80%	23.0	110	2,523	2,698	117
34	Marion	1,330	1,239	-6.80%	25.4	49	1,208	1,255	49
35	Mars	1,746	1,699	-2.70%	0.5	3,398	1,658	1,749	3,498
36	Mercer	1,183	1,100	-7.00%	12.9	85	1,075	1,107	86
37	Middlesex	5,586	5,390	-3.50%	23.1	233	5,598	5,569	241
38	Muddy Creek	2,267	2,254	-0.60%	22.4	101	2,185	2,367	106
39	Oakland	3,074	2,987	-2.80%	23.7	126	2,919	3,084	130
40	Parker	700	632	-9.70%	22.9	28	622	638	28
41	Penn	5,210	5,071	-2.70%	24.3	209	4,963	5,286	218
42	Petrolia	218	212	-2.80%	0.4	530	208	216	540
43	Portersville	268	235	-12.30%	0.8	294	236	239	299
44	Prospect	1,234	1,169	-5.30%	4.1	285	1,135	1,186	289
45	Saxonburg	1,629	1,525	-6.40%	0.9	1,694	1,491	1,691	1,879
46	Seven Fields	1,986	2,887	45.40%	0.8	3,609	2,846	3,372	4,215
47	Slippery Rock Boro	3,068	3,625	18.20%	1.7	2,132	3,613	4,228	2,487
48	Slippery Rock Twp	5,251	5,614	6.90%	25.7	218	6,774	6,170	240
49	Summit	4,728	4,884	3.30%	22.5	217	4,747	5,353	238
50	Valencia	384	551	43.50%	0.3	1,837	579	746	2,487
51	Venango	732	868	18.60%	21.0	41	852	1,054	50
52	Washington	1,419	1,300	-8.40%	24.9	52	1,258	1,323	53
53	West Liberty	325	343	5.50%	3.9	88	340	385	99
54	West Sunbury	104	192	84.60%	0.1	1,920	188	299	2,990
55	Winfeld	3,585	3,535	-1.40%	24.1	147	3,488	3,878	161
56	Worth	1,331	1,416	6.40%	24.2	59	1,454	1,702	70
57	Zelienople	4,123	3,812	-7.50%	2.1	1,815	3,709	3,838	1,828

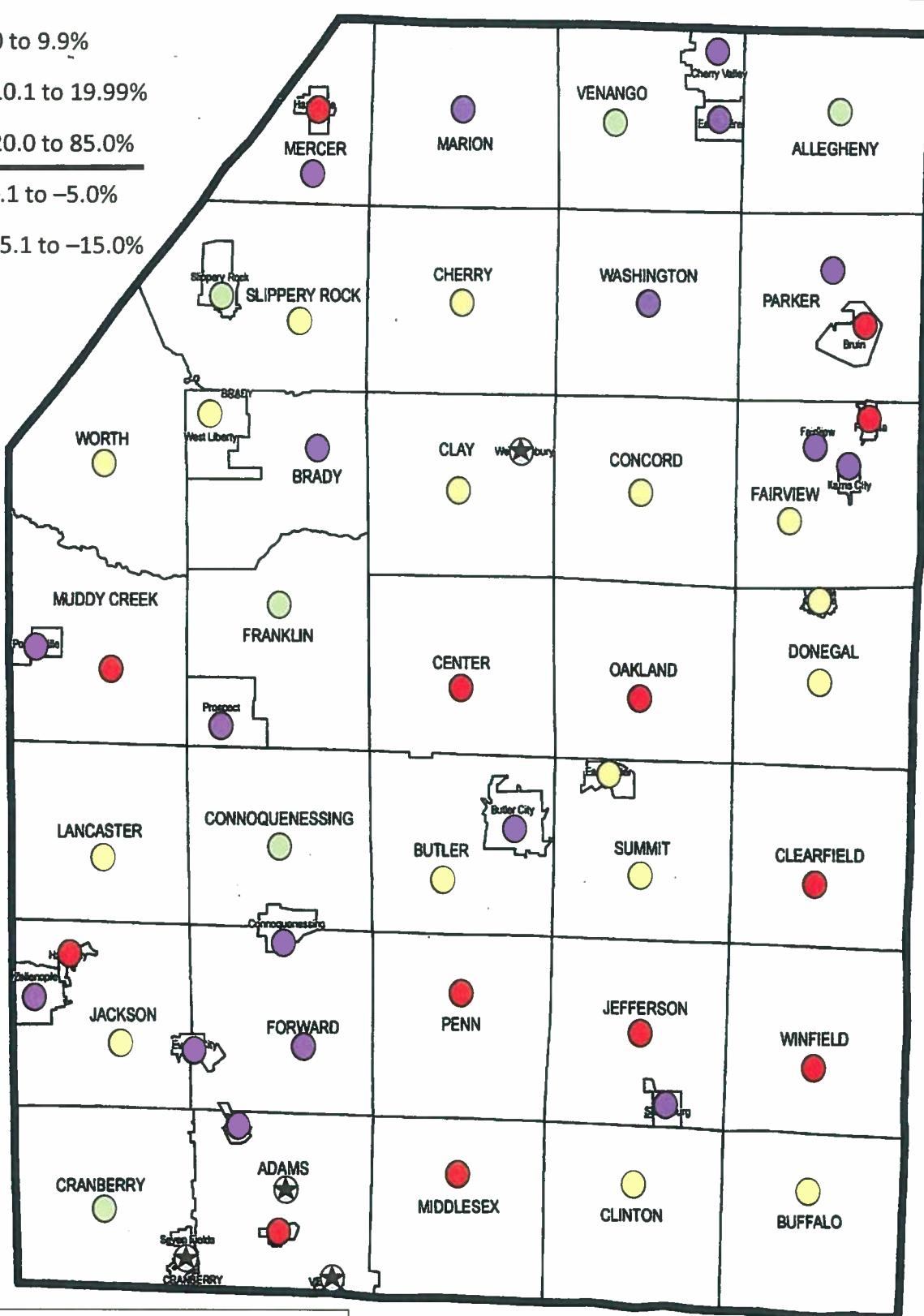
Notes:
 1. * denotes an Act 101 "mandated" community
 2. Color coding in "Actual % Change" column corresponds with "Population Change" map on next page.

Base Data Sources:

1. Penn State Data Center (2010 Census Totals)
2. Southwest Pa. Commission Cycle 9a Population Forecast
3. Census Bureau's Subcounty Resident Population Estimates: April 1, 2010 to July 1,

Butler County Population Changes 2000-2010

- GAIN 0 to 9.9%
- GAIN 10.1 to 19.99%
- GAIN 20.0 to 85.0%
- LOSS -.1 to -5.0%
- LOSS -5.1 to -15.0%



Created by:



Butler County Department of
Recycling & Waste Management
April 2014

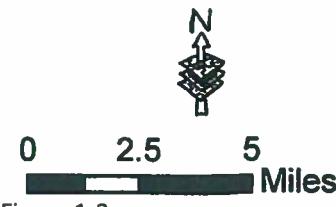


Figure 1-3

Source Data: Penn State Data Ctr.

Base map by S.W. Pa. Commission



DESCRIPTION OF WASTE AND MUNICIPAL WASTE FACILITIES CURRENTLY SERVING BUTLER COUNTY

DESCRIPTION OF WASTE

Waste Generation and Its Influences

Research studies have determined that the amount of waste generated is directly proportional to its population and the mean living standards of its people rooted in what we buy and sell. Included within these are factors such as income levels, household size, cultural patterns, education, personal attitudes and the durability of goods. Also influencing waste generation is legislation enacted by local, county and state government, the economy and geographical / physical factors.

Based on data from existing D.E.P. reports, county reports and other reference sources, the types and volume of waste generated by residents, businesses and institutions within Butler County have been established (Table 2-1). It is also necessary to note that some of the population in Butler County is permitted to (by certain municipalities), and does burn small amounts of municipal waste. Overall Butler County saw a fairly steady waste generation rate until 2007 when that rate began decreasing as it did nationally as a result of a depressed national economy.

FACTORS CONTRIBUTING TO WASTE GENERATION RATE CHANGES:

1. **ECONOMY** – Historically, an increase in waste generation directly correlates with an increase in the Gross National Product. Consequently, the recent downturned economy in which people purchased less has obviously affected waste generation by reducing waste production in Butler County. Included in this, for instance, was a great reduction in building (resulting in a reduction in construction and demolition debris). Unpredictable economic variables will obviously influence the future of waste generation in Butler County and could greatly alter any predictions made in waste generation.
2. **DEMOGRAPHICS AND FUTURE GROWTH** - There continues to be a change in demographics resulting in the growth of the aging population (as discussed in Chapter 1) of Butler County. Demographics have significant effects on waste generation rates and the following information from the Pa. Department of Education's Enrollment Projections supports the trend of a slowed growth, out-migration of younger residents and increased aging population in Butler County. In fact, the Pa. Dept. of Education (as shown in the table below) projects that only one school district will show growth in student population through the 2020-21 school year:

School District	Enrollment 2010-2011	Projected 2020-2021	Change
Allegheny-Clarion Valley*	789	671	-15%
Butler Area	7,616	6,610	-13 %
Freeport Area*	2,007	1,888	-6 %
Karns City Area*	1,618	1,132	-30 %
Mars Area	3,162	3,569	+ 13%
Moniteau	1,489	1,059	- 29%
Slippery Rock Area	2,220	2,119	- 5%
South Butler Area	2,658	1,998	- 660
Seneca Valley	7,288	6,072	- 25%
County Total	28,847	25,118	- 13%

**Denotes a school district that includes parts of an adjacent county.*

Data Source: Richard Grossman Planning Consultant and the Pa. Department of Education

3. **INCOME** - Census data shows that Butler County's median household income is growing more quickly than that of the state and nation. Income directly results in the amounts of goods and packaging purchased. According to the U.S. Census Bureau, the average middle income family only earns 11% more today than they did in 1980, while consumer prices have risen roughly 155%.

	2000 Median HH Income	% Change	2014 Median HH Income
Butler County	\$42,308	40.32 %	\$59,365
Pennsylvania	\$40,106	31.02 %	\$53,115
United States	\$41,994	27.36%	\$53,482

**Source: US Department of Census*

4. **UNEMPLOYMENT** - Tied into household municipal waste production is also unemployment, which obviously impacts household income and thus purchasing and disposal. Unemployment rates from 2003 through 2016 according to the U.S. Department of Labor and Industry changed as follows:

	2003 Unemployment Rate	Change 2003 to 2016	2016 Unemployment Rate (June)
Butler County	5.6%	.3 decrease	5.3%
Pennsylvania	5.7%	.6 decrease	5.1%
United States	6.0%	.9 decrease	5.1%

**Source: US Department of Labor and Industry, Bureau of Labor Statistics*

5. **CONSTRUCTION** - Building permit totals reinforce trends that occurred in the economy during the same time period, also following municipal waste generation trends especially during the recent recession. The following table shows the total number of building permits (which would ultimately result in construction/demolition waste generated) issued each year in Butler County from 2001 through 2015:

YEAR	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
# PERMITS	3,140	3,300	3,318	3,972	2,922	2,644	2,260	2,293	2,347	2,292	2,367	2,535	2,721	3,419	3,454

*Source: Butler County Department of Property and Revenue

6. **RECYCLING GROWTH AND SOURCE REDUCTION** - Butler County's recycling program is doing well and the haulers are expanding the types of materials collected curbside, thus reducing municipal waste disposed of in landfills. Although one factor in the rise in recycling rates over the years has been the receipt of better recycling reports from businesses and recycling haulers, people are much better educated in recycling now than they were in the past. Children who were educated years ago on proper recycling practices are now grown, practicing those measures in their own homes and teaching it to their children. Recycling is now within the standard curriculum of schools. Businesses are striving to attain higher levels of environmental responsibility and are including recycling in those efforts. National manufacturers are experimenting with less and much lighter packaging. They are also producing more concentrated versions of cleaning products, etc. which is just one example of reducing packaging needs. Haulers are now offering single stream recycling, affording residents and businesses the ability to recycle more items than ever before. Recycling is now mainstream, not a "new" issue, and is an everyday activity for most of the population. All of our citizen's efforts have resulted in constantly rising recycling rates and less waste generation.



Also related to this is the degree at which recycling is promoted and encouraged in the future. This will partially depend on the future decisions of local, elected officials.

7. **PAY AS YOU THROW AND FREQUENCY OF COLLECTION** - We are now ten years past the 2004 revision of Butler County's Ordinance 9201 which strengthened wording that had originally (in 1992) implemented a modified pay as you throw municipal waste system in Butler County. As a result of this system and depending on their personal choices, citizens can have the ability to pay for lower levels of trash service when they recycle more.

32 gallon 64 gallon 96 gallon

8. **LEGISLATION** - Legislation and political goals can greatly influence waste generation rates depending on the type of waste it targets. State-wide laws such as Act 108 in Pennsylvania, for one example, which banned electronics devices from landfills has resulted in the need for alternative handling & recycling methods for these items as opposed to prior disposal methods. As a result of unintended consequences, there is a now a very serious problem with a lack outlets for these materials and problems with illegal dumping statewide.

9. **SEASON AND LOCATION** - Time of the year has a great impact on waste generation. For instance, summer can produce vast amounts of water-laden yard waste such as grass clippings. Certain yearly holidays most certainly result in a vast expansion of waste needing to be disposed of. Location of residence can also have a drastic effect. In Butler County, someone living on a small lot in a subdivision may produce very little yard waste compared to a home on a larger lot in a rural area. Also, the person in the subdivision may have access to yard waste collection versus the person on the large rural lot who probably does not.

10. UNPREDICTABLE FACTORS - Unforeseeable environmental factors such as storm debris can, at times, have a tremendous effect on waste generation rates. In September 2004 when Hurricane Ivan struck western Pennsylvania, there was a huge, short-lived surge in the generation of municipal and organic waste which resulted from the extensive flooding of homes and properties in the county. In this instance, both landfills in Butler County received an emergency waiver from the D.E.P. on the daily maximum volume of waste they were permitted to accept so that cleanup could occur more quickly.

MUNICIPAL WASTE GENERATORS

According to the Pennsylvania's Municipal Waste Regulations, municipal waste is defined as "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 sludge not meeting the definition of residual or hazardous waste from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant or air pollution control facility." This is a rather broad and inclusive categorization of materials for any county to manage. In essence, nearly every household, business, institution and activity within Butler County is a generator of municipal waste in some form. Therefore, as the county has updated its plan for proper solid waste management it has examined multiple factors to ensure that the special needs and conditions of all of these entities are considered and incorporated. Table 2-1 as mentioned previously, shows the amounts of municipal waste tracked from Butler County and accepted at municipal waste facilities. Tables 2-2 and 2-3 compare and total general Butler County municipal waste (MSW, non-hazardous sewage sludge and construction/demolition wastes) to other types of waste including residual, ash residue and asbestos.

Private Residences



The most significant amount of municipal waste is generated by private residences. Historical data and studies conducted by

the waste collection and disposal industry for the National Solid Waste Management Association (NSWMA) and published as Technical Bulletin #85-6, "Basic Data: Solid Waste Amount, Composition, and Management Systems," indicate

that 60% of the overall municipal waste stream can be attributed to private residences. Similarly, the USEPA estimates this figure to be between 55% and 65%.

All residents of Butler County have access to municipal waste collection either through private subscription or through a municipal contract. Waste is collected only by private haulers ranging in size from very large companies to very small family-operated businesses in an open, competitive atmosphere. There are no municipally-operated waste haulers. Rates charged for municipal waste collection vary by hauler, location and many other factors and as required by Butler County Ordinance 9201 must be based on common industry container sizes (ie: 32-gallon bag, 95-gallon cart, etc.). Haulers are currently offering their customers a choice in their waste collection service – either by the bag, multiple bags or by cart size.

Pursuant to the passage of Pennsylvania's Act 90 of 2002 which took away the ability for counties to license waste haulers, it is difficult for the county to maintain an accurate list of small companies collecting municipal solid waste.

The two privately-owned landfills located in Butler County (Seneca Landfill and Northwest Sanitary Landfill) also provide the ability for people to drop off their municipal waste, charging by the ton.

Commercial Establishments, Government Offices and Institutions

According to the USEPA's "Municipal Solid Waste in the United States, 2009 Facts and Figures," commercial waste (including waste from schools, institutions, and



businesses) constitutes between 35 and 45 percent of MSW. While commercial and residential entities obviously differ in their functions and operations, they are similar in the manner in which their waste is stored and collected for disposal. In addition, many of the types of material found within the waste stream share the same characteristics. Therefore, it is easier to quantify these wastes as a whole although separate programs may be established for overall management of material at each type of location.

A variety of government facilities exist in Butler County. They include Federal and State offices as well as general offices for the operation of township, borough and county government. In addition, libraries, municipal authorities, firehouses, and the county prison are also part of the mix.

Representing the State are Public Welfare, the Department of Transportation, Department of Labor and Industry, Department of Agriculture, State Police, Bureau of State Parks, along with outlets of the Liquor Control Board. Federal agencies include Armed Forces recruiting, the Department of Labor, Department of Health and Human Services, the Postal Service, and the Department of Agriculture.



Butler County has several colleges, vocational-technical schools, public and private school systems. The schools, together with Butler Memorial Hospital, the Veterans Administration, other health clinics / systems and numerous nursing care facilities represent institutions within the County.

Community Events

The most notable community activities attracting the largest crowds include the Big Butler Fair, North Washington Volunteer Fire Department Rodeo, Butler Cruise-a-Palooza, the Lake Arthur Regatta, the Bantam Jeep Heritage Festival and the Butler Farm Show. In addition, various arts and crafts shows, heritage and holiday festivals, firemen's carnivals, and community and ethnic



events occur in many of the municipalities. Depending upon the types of refreshments and activities available at each event, a considerable amount of municipal waste can be generated. More detailed information can be found in an independent study of Special Event Recycling in Butler County that was completed under the Pa. Dept. of Environmental Protection's technical assistance grant program by Nestor Resources, Inc. A copy of the "Projected Waste Generation and Diversion at Special Events in Butler County" has been attached at the end of this chapter as Table 2-4.

Construction and Demolition (C&D) Activities

Just as the name indicates, building, remodeling and the destruction of structures result in construction and demolition waste generated by both residential and commercial entities. It is a difficult type of municipal waste to accurately quantify because of the inconsistent practices for collection, disposal, and reporting utilized by those involved. Also, the economy, income and seasonal fluctuations heavily influence this type of waste. In addition, a home remodeler completing work themselves and using a rented dumpster results in the waste being classified as general residential municipal waste rather than C&D waste.

Professional contractors haul much of their

waste material themselves. A significant quantity is disposed in out of state facilities and although Ohio now tracks tonnage of construction / demolition waste received at landfills, the sources of that waste are not available in reports except by state. The only out of state landfill that reports C&D waste from



Butler County is Carbon-Limestone Landfill in Mahoning County which is under contract with Butler County to receive municipal waste. Some wastes that are classified as industrial residual waste can be considered construction demolition waste in other states causing the data to be inaccurate. To further complicate matters, illegal dumping and/or burning of C&D waste occurs to a small extent.

Again, because landfills designated to receive Butler County waste segregate C&D waste for reporting purposes, some actual data regarding volume and trends is available shown in Table 2-3 at the end of this chapter shows municipal waste generated by type and includes construction demolition waste. Based on the discussion in this section, these figures do not capture the full extent of C&D waste generated within the County. They do, however, provide a glimpse of how construction and demolition activities contribute to overall disposal trends.

Septage and Sewage Sludge

Butler County has public sewage treatment facilities obviously located in the more urbanized and more densely populated areas of the county. Where these are not available, private homeowners use on-lot septic systems while multi-family and industrial operations provide private pre-treatment systems. The most current listings of registered septage haulers, private sewage treatment facilities, and public sewage treatment facilities in Butler County are available from the Pennsylvania Department of Environmental Protection (PADEP).

Both the raw sewage and septage, which is eventually treated at public sewage treatment facilities, is dewatered sufficiently to become sewage sludge or biosolids. This end waste requires some disposal outlet. The overall amount of sewage sludge generated and disposed of from Butler County is shown in Table 2-3.

Infectious and Chemotherapeutic Waste



Infectious and chemotherapeutic (I/CT) waste is classified as municipal

waste in Pennsylvania. According to state definition in its waste regulations, infectious waste includes waste materials generated in the diagnosis, treatment, immunization, autopsy, preparation for cremation or interment of humans or animals including waste blood, tissues, organs, body parts, gauzes, clothing, sharps, etc. chemotherapeutic waste results from the production or use of antineoplastic agents used for the purpose of inhibiting or stopping the growth of malignant cells or killing malignant cells. These types of wastes are generated in all types of medical facilities, nursing homes, clinics, doctors, dentists, veterinaries, and funeral parlors.

As times have changed, there has been a huge increase in the number of satellite medical facilities and offices offering services which generate infectious and chemotherapeutic waste with no requirements for reporting the amounts generated. Disposal takes place at regional processing and disposal facilities and is collected by permitted infectious / chemotherapeutic waste transporters.

Household Hazardous Waste

Many types of household hazardous waste (HHW) and some electronics when specifically generated within a home, can be legally thrown away with general household municipal waste and is thus weighed and is counted as municipal waste. Because of the dangerous nature of many elements contained within these items, Butler County began an aggressive program to address this situation.

Beginning in 2010, after many years of holding once-per-year collections for HHW and electronics, it began holding multiple collections per year for both HHW and electronics.



Electronic covered devices (basically computers, computer equipment and televisions) have now been banned from Pennsylvania landfills per Act 108 and are removed and recycled as a separate waste stream from general municipal waste.

Below is a table showing tonnage of household hazardous waste and electronics that have been collected in Butler County since the once-per-year collections began in 2004, and when the multiple collections per year began in 2010.

YEAR	HHW COLLECTED (POUNDS)	ELECTRONICS COLLECTED (POUNDS)
2004	29,000	n/a
2005	33,000	n/a
2006	45,000	n/a
2007	14,200	n/a
2008	73,000	n/a
2009	30,000	n/a
2010	29,091	25,424
2011	33,305	43,663
2012	47,743	28,781
2013	64,217	85,137
2014	82,874	55,052
2015	86,600	63,306
TOTALS	568,030 pounds or 284.02 tons	301,363 pounds or 150.68 tons

**Please note that this table, specifically for electronics, does not reflect the possible collections held by special groups, municipalities, businesses, etc. that did not report the weight to the county. Special one-day collections for electronics occasionally take place, sponsored by municipalities and other groups.*

Organics

Organic materials are not permitted to be accepted by municipal waste haulers in Butler County. However, these types of wastes can be and are sometimes partially included within bags of regular household waste. The county strives to divert as much organic waste as it can from the waste stream, referring citizens to privately-run composting facilities operating in the area and encouraging home composting. In addition, several municipalities put forth a great effort to collect different types of yard waste that are diverted to compost facilities.



Other Disposal Methods

Despite all of the convenient options for refuse disposal, some illegal disposal of solid waste still occurs although it is not considered a rampant problem. Butler County has a vast road network into rural areas, large parcels of forested land and public property, and it is unfortunately relatively easy for illegal dumping to occur.

The evidence of open burning activity is witnessed in the prevalence of “burn barrels” or “burn piles” in the backyards of many residents, mostly in more rural areas. Because this waste is not handled by a permitted facility it cannot be quantified in reports. Stricter enforcement of ordinances banning illicit dumping or those mandating collection could significantly impact the ultimate disposal capacity needed by Butler County.

MUNICIPAL WASTE FACILITIES SERVING BUTLER COUNTY 2002-2014

Thirteen landfills were contracted by the County in 2002 to secure disposal capacity for the municipal waste generated within its boundaries including general municipal waste, non-hazardous sewage

sludge and construction / demolition waste. One additional landfill petitioned the county for inclusion in 2009 and was added to the county's solid waste plan pursuant to DEP and county approval. The agreements have been effective for the past decade. Two of those landfills are located within Butler County:

Seneca Landfill in Jackson/Lancaster Townships Northwest Sanitary Landfill in Clay Township

The other sites located outside of Butler County include:

Greenridge Reclamation – Scottdale, PA
Veolia Greentree – Kersey, PA
J. J. Brunner – Zelienople, PA (Beaver County)
Carbon-Limestone Landfill – Lowellville, OH
Imperial Landfill – Imperial, PA
Wetzel County Landfill - New Martinsville, WV
Brooke County Landfill – Colliers, WV
Valley Landfill – Irwin, PA
Arden Landfill – Washington, PA
South Hills Landfill – South Park, PA
Monroeville Landfill – Monroeville, PA
Wayne Township Landfill – McElhattan, PA (added in 2009)

All of the above-listed facilities were required to report municipal solid waste tonnage accepted from Butler County and up until the end of 2006 paid administrative fees to the County on a per ton basis for Butler County-generated municipal waste they accepted. A ruling in a Pennsylvania court case in 2006 deemed these fees uncollectible. Quarterly reports are still required of all landfills accepting Butler County municipal waste. Table 2-1 at the end of this chapter shows the landfills that have been under contract with Butler County and the types and amounts of waste they had received between 2003 and 2015. Known data is also shown for out of state landfills that have municipal waste contracts with Butler County. This data was reported directly to the county by these facilities.

Haulers that collect and transport municipal waste in Butler County are required to utilize these disposal sites as required by Butler County

Ordinance 9201. Pursuant to the passage of Pennsylvania's Act 90 of 2002 which terminated the ability for counties to license waste haulers, counties could more easily track waste disposed. Butler County has discovered through viewing Department of Environmental Protection landfill reports that landfills that did not have contracts with the County) have been identified as having received Butler County municipal waste. This issue is being addressed by sending letters to those facilities advising them that they are not permitted to accept Butler County municipal waste when not under contract to do so. In addition, the likelihood is probable that other municipal waste from Butler, in varying amounts, flow to out of state facilities located in Ohio. All in all the vast majority of municipal waste generated within the County, based on its population, is currently disposed in contracted facilities.

Table 2-1 Municipal Solid Waste Accepted at Contracted and Non-Contracted Landfills 2003-2015

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Arden	11	-	-	2	-	-	-	-	-	-	-	-	10
Brooke	1	-	4	-	-	-	-	-	-	-	-	-	243
Brunner	6,020	5,428	3,450	7,811	5,389	5,639	4,705	4,866	5,071	6,259	6,726	7,309	7,224
Carbon	6,954	7,129	8,906	8,731	8,525	7,269	7,327	7,134	4,681	1,334	419	393	913
Greenridge	331	270	588	352	340	395	489	380	370	423	306	348	338
Imperial	14,427	13,427	10,346	4,317	4,466	3,818	4,459	5,807	6,160	5,053	4,407	3,836	5,024
Monroeville	2	44	45	1,877	1,767	395	456	592	641	686	1,023	1,038	1,089
Northwest	34,283	37,148	36,140	37,983	36,244	33,572	33,254	37,248	37,918	37,210	37,784	35,338	29,235
Seneca	81,344	87,008	93,747	99,135	94,897	89,701	78,524	76,422	77,239	93,564	92,855	96,992	104,352
South Hills	0	-	-	-	-	-	-	-	-	-	-	-	-
Veolia Gr.	-	-	-	-	-	-	94	28	-	-	-	-	-
Valley	873	948	901	874	1,401	954	848	848	785	795	814	923	755
Wayne Twp	-	1	-	-	74	-	-	-	-	-	-	-	-
Wetzel	-	-	-	-	-	-	-	-	-	-	-	-	-
Sanitary	14	-	5	7	2	30	38	27	63	-	-	-	-
Kelly Run	32	28	4	1	-	-	-	-	-	-	-	-	-
County	1	-	-	-	-	-	-	-	-	-	-	-	-
Lake View	-	-	-	-	7	-	-	-	-	-	-	-	-
Tervita	-	-	-	-	-	-	-	-	-	9	22	11	18
Alliance	3	0	3	-	-	-	-	-	-	-	-	-	-
Evergreen	-	-	-	29	65	13	9	11	27	9	-	-	-
	144,295	151,430	154,139	161,118	153,177	141,881	130,136	133,336	132,953	145,339	144,356	146,197	149,191

Notes 1: Landfills shown in blue were not under contract with Butler County. 2. Figures include municipal solid waste only.

Table 2-2 Butler County Waste Disposal Comparison
Tons of Waste Disposed by Year

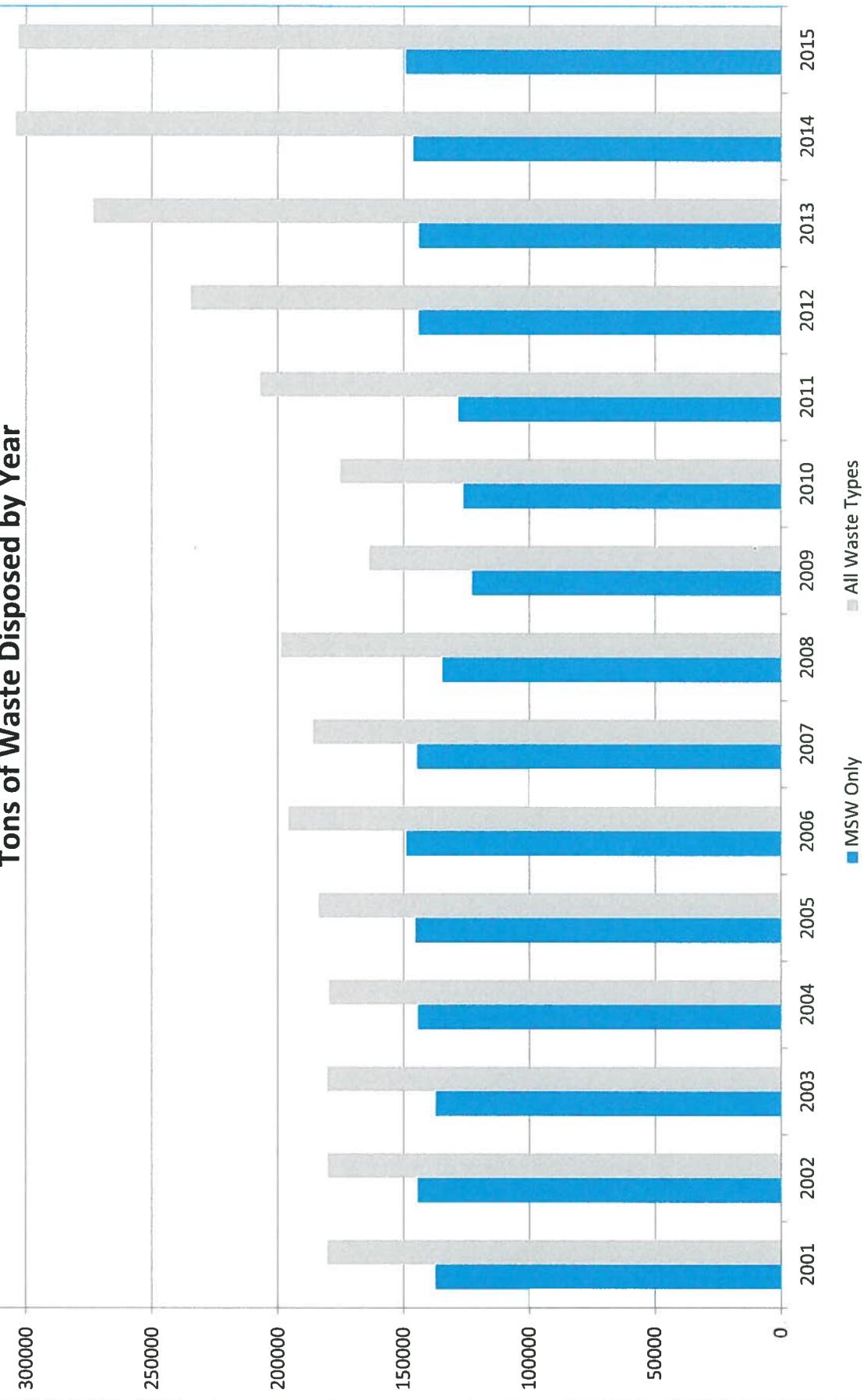


Table 2-2

Table 2-3 All Butler County Waste Types Disposed 2003-2015

Butler Co	Munic Waste	Residual	Sludge	Infectious	C & D	Ash Residue	Asbestos	BUTLER TONS
2015	124,610.00	154,995.00	7,921.00	-	16,660.00	-	155.00	304,341.00
2014	119,020.00	158,553.00	12,405.00	-	14,772.00	-	107.00	304,857.00
2013	116,372.30	123,858.40	15,775.20	5,645.10	11,789.70	-	144.10	273,584.80
2012	117,959.10	90,211.40	15,556.80	-	11,389.60	-	570.70	235,687.60
2011	107,426.53	73,947.80	13,942.27	-	11,584.14	-	247.20	207,147.94
2010	106,143.22	41,851.70	14,781.00	-	12,412.22	-	143.00	175,331.14
2009	102,206.48	33,361.00	15,371.25	-	12,558.52	-	282.50	163,779.75
2008	110,772.67	55,857.70	15,997.87	-	15,110.71	-	1,087.30	198,826.25
2007	122,311.97	32,032.20	15,854.79	-	14,951.95	-	934.80	186,085.71
2006	125,288.85	37,225.30	15,301.79	-	17,080.10	60.60	995.90	195,952.54
2005	122,679.03	29,471.90	14,951.72	-	16,514.92	-	455.60	184,073.17
2004	122,499.56	27,632.70	12,601.68	-	16,331.37	-	812.10	179,877.41
2003	116,397.74	30,144.00	12,814.77	-	20,651.00	-	621.90	180,629.41
Totals	1,513,687.45	889,142.10	183,275.14	5,645.10	191,806.23	60.60	6,557.10	2,790,173.72

Note: Columns highlighted in blue are categorized as "Municipal Waste."

Table 2 Projected Waste Generation and Diversion at Special Events in Butler County (in lbs)

Event	Total Annual Visitors	Total Generation	Scenario #1: No Recycling			Scenario #2: Basic Recycling			Scenario #3: Aggressive Recycling		
			Disposed	Diverted	Overall Event Diversion Rate	Disposed	Diverted	Overall Event Diversion Rate	Disposed	Diverted	Overall Event Diversion Rate
Big Butler Fair	150,000	99,000	99,000	0	0.0%	86,942	12,058	12.2%	37,967	61,034	61.7%
Butler County Farm Tour	5,000	3,300	3,300	0	0.0%	2,898	412	12.2%	1,266	2,034	61.7%
Butler Farm Show	70,000	46,200	46,200	0	0.0%	40,573	5,627	12.2%	17,718	28,482	61.7%
Age of Aquarius	3,600	2,376	2,376	0	0.0%	2,087	289	12.2%	911	1,465	61.7%
Kaleidoscope	5,000	3,300	3,300	0	0.0%	2,898	412	12.2%	1,266	2,034	61.7%
Penn's Colony	70,000	46,200	46,200	0	0.0%	40,573	5,627	12.2%	17,718	28,482	61.7%
Cruise-a-Palooza	15,000	9,900	9,900	0	0.0%	8,694	1,206	12.2%	3,797	6,103	61.7%
Parts-a-Rama	50,000	33,000	33,000	0	0.0%	28,981	4,019	12.2%	12,656	20,345	61.7%
Portersville Steam Show	10,000	6,600	6,600	0	0.0%	5,796	804	12.2%	2,531	4,069	61.7%
Alameda Fall Fest	2,500	1,650	1,650	0	0.0%	1,449	201	12.2%	633	1,017	61.7%
Regatta	70,000	46,200	46,200	0	0.0%	40,573	5,627	12.2%	17,718	28,482	61.7%
Earth Festival at SRU	350	231	231	0	0.0%	203	28	12.2%	89	142	61.7%
Ring in the Arts	2,500	1,650	1,650	0	0.0%	1,449	201	12.2%	633	1,017	61.7%
North Washington Rodeo	30,000	19,800	19,800	0	0.0%	17,388	2,412	12.2%	7,593	12,207	61.7%
Butler Fall Festival	20,000	13,200	13,200	0	0.0%	11,592	1,608	12.2%	5,062	8,138	61.7%
Horse Trading Days	10,000	6,600	6,600	0	0.0%	5,796	804	12.2%	2,531	4,069	61.7%
Village Fest	10,000	6,600	6,600	0	0.0%	5,796	804	12.2%	2,531	4,069	61.7%
Zellie-Harmony Fall Fest	10,000	6,600	6,600	0	0.0%	5,796	804	12.2%	2,531	4,069	61.7%
TOTALS	533,950	352,407	352,407	0	0.0%	309,484	42,923	12.2%	135,148	217,259	61.7%

Table 2-4



ESTIMATED FUTURE CAPACITY AND REQUEST FOR PROPOSALS FOR NEW FACILITIES

Capacity Assurance for the Next Ten Years

Several factors were considered in evaluating the County's needs for secured future disposal capacity such as D.E.P. reports, county reports, surveys, Census data and other reference sources. Table 3-1 after this page shows the determined future projected disposal capacity needed for Butler County.

Waste Flow Control

The original Butler County Municipal Solid Waste Management Plan was based on the waste flow concept which directs the flow of waste to designated landfills by requiring this of the waste transporters operating in the County. To make the determination for the continuance of the waste flow requirement such factors as feasible daily access to capacity, the natural market conditions and practices impacting the flow of waste were taken into consideration. The contracts for disposal with landfills do not require any minimum volume of waste delivered to each site. Any facility not currently included in the Plan may:

1. petition Butler County at any time for inclusion in the Plan using the forms included in Chapter 9;
2. follow the established procedures, and if found to meet all requirements may (with DEP approval);
3. be included in the County Plan.

Requesting Proposals for Future Disposal or Processing Capacity

After considerable discussion and analysis of conditions, the D.E.P. was notified of the County's need for additional capacity and a formal request was advertised nationally in the industry trade journal Waste News (Exhibit 3-2). Proposals were solicited and in this chapter are copies of the full Request for Proposals (Exhibit 3-3), and the required notice in the Pennsylvania Bulletin (Figure 3-4).

Butler County
Projected Processing and Disposal Capacity Requirements
2010 through 2023 in Tons

Year	Population	MSW	C&D	Sludge	Total
2010	183,862	106,113	8,035	12,054	126,202
2011	186,688	107,363	10,181	10,728	128,272
2012	189,514	110,808	9,316	11,652	131,776
2013	192,340	112,436	9,455	11,825	133,716
2014	195,166	114,064	9,594	11,999	135,657
2015	197,992	115,692	9,733	12,173	137,598
2016	200,818	117,320	9,872	12,347	139,539
2017	203,644	118,949	10,011	12,520	141,480
2018	206,470	120,577	10,150	12,694	143,421
2019	209,296	120,577	10,289	12,868	143,734
2020	212,121	122,204	10,428	13,042	145,674
2021	214,947	123,832	10,567	13,215	147,614
2022	217,773	125,460	10,706	13,389	149,555
2023	220,599	127,088	10,845	13,563	151,496
					1,955,734

Source: Butler County Request for Proposals for Disposal Capacity, Nestor Resources

**REQUESTS PROPOSALS FOR MUNICIPAL SOLID WASTE DISPOSAL AND/OR PROCESSING CAPACITY
BUTLER COUNTY BOARD OF COMMISSIONERS,
BUTLER, PENNSYLVANIA**

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 Butler County Board of Commissioners has determined that additional waste disposal or processing capacity for municipal solid waste (MSW), including construction/demolition (C/D) waste and sewage sludge generated within the County is required for a period covering the next ten years. The Butler County Board of Commissioners is hereby soliciting proposals for disposal capacity for MSW generated in Butler County Pennsylvania with contract approval and execution anticipated by September 2012.

The Request for Proposals (R.F.P.) will be available from the Butler County Department of Recycling and Waste Management, on or after May 29, 2012. There is a \$50 fee for printed copies. All proposals must be made on and inclusive of the required Proposal Forms and be in accordance with the Requirements for Submitting Proposals contained in the Request for Proposals. Proposers may withdraw their proposal at any time prior to the scheduled closing time for receipt of proposals. The Butler 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.

The Butler County Board of Commissioners will receive sealed proposals until 3:00 p.m., Prevailing Time on Tuesday, June 26, 2012. The Proposer is required to submit two (2) hard copies, each executed in blue ink and labeled "original," and three (3) "copies" formalized as pdf files each on separate electronic media, CD-ROMs or Flash Drives. The proposals must be packaged, sealed, and clearly labeled to show the statement "Proposal Disposal Capacity" and the name and address of the Proposer. Proposals should be submitted and be addressed to: the Butler County Department of Recycling and Waste Management, PO Box 1208, 124 West Diamond Street, Butler, PA 16003. Attention: Ms. Sheryl Kelly, Environmental Specialist.

Figure 3-2

The Department of Recycling and Waste Management
on behalf of
The Board of Commissioners

Request for Proposals

Butler County,
Pennsylvania

**Municipal Solid
Waste Disposal and
Processing Capacity
Assurance
2012-2022**

Issued May 28, 2012

**Project Consultant
Primary Contact**

Michele Nestor
Nestor Resources, Inc.
Valencia, PA 16059

Phone: (724) 898-3489
Mobile: (724) 612-7675
Email: resources@consolidated.net

Table of Contents

INTRODUCTION.....	3
SECTION 1	4
PROCUREMENT APPROACH	4
<i>Purpose of Request for Proposals</i>	4
<i>County Designation of Facilities and Execution of Contracts</i>	4
<i>Pennsylvania Right-to-Know Law</i>	4
<i>Requirements for Submitting Proposals</i>	4
<i>Organization of the Proposal</i>	6
SECTION 2	11
EVALUATION CRITERIA.....	11
SECTION 3	13
BUTLER COUNTY BACKGROUND INFORMATION	13
<i>Location and General Characteristics</i>	13
<i>Current Processing and disposal Practices</i>	13
<i>Projected Landfill Capacity Requirements.....</i>	13
SECTION 4	17
CAPACITY AGREEMENT	17
SECTION 5	43
REQUIRED FORMS	43

INTRODUCTION

The Butler County Department of Recycling and Waste Management on behalf of the Board of Commissioners is accepting proposals for the disposal and processing of Municipal Waste generated within the County of Butler. 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 Butler County.

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 Tuesday, June 26, 2012, by 3:00 PM. To qualify for consideration, the Proposer must submit two (2) hard copies, each executed in blue ink and labeled "original," and three (3) "copies" formatted as pdf files each on separate electronic media, CD-ROMs or Flash Drives. :

**Butler County Department of Recycling and Waste Management
PO Box 1208, 124 West Diamond Street, Butler, PA 16003
Attention: Ms. Sheryl Kelly, Environmental Specialist**

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

The Department of Recycling and Waste Management 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 evaluate the potential of utilizing one or more of the facilities, which have submitted qualified proposals. After the evaluation of the proposals is complete and based on the recommendations, which result from it, the Butler County Board of Commissioners 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 Butler County Board of Commissioners 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 minimum 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 Butler County Board of Commissioners. The County anticipates that the proposals will be reviewed, accepted and contracts executed on or about September 1, 2012. For facilities with existing disposal capacity contracts that may expire before that time, the terms of the newly executed contract will be considered to commence retroactively to the expiration date. For facilities newly entering into agreements with the County, the contract term will commence immediately upon execution by the Commissioners.

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 Butler County Board of Commissioners 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: ***The Butler County Department of Recycling and Waste Management, PO Box 1208, 124 West Diamond Street, Butler, PA 16003. Attention: Ms. Sheryl Kelly, Environmental Specialist***

Proposals must be submitted in two 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.
- Three (3) CD-ROMs or Flash Drives with each containing a copy of the proposal formatted as a pdf file. Each "copy" 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" and contain the forms, contract and certifications as indicated and be executed with original signatures in blue ink.
- **Shared Electronic Media for All Proposed Facilities** Three (3) CD-ROMs or Flash Drives with each containing a copy of the proposal for each facility formatted as a pdf file. Each "copy" must contain all of the required information, forms, contract and certifications for each facility. An electronic file must be created for each facility. The electronic file must be saved to clearly identify the facility by name.

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 numbered and labeled tabs/dividers:**

1. Cover Letter
2. Statement of Qualifications
3. Experience and Qualifications of Managers and Supervisors
4. Compliance History
5. Certificate of Permit
6. Facility Design and Operational Plan
7. Permitted Volumes in Tons, Operating Hours and Performance Guarantee
8. Current Available Permitted Capacity in Cubic Yards
9. Financial Assurances
10. Completed and Signed Contract
 - a. Cost of Processing and Disposal
 - b. Reserved Capacity
11. Representations and Certifications
12. Contractor Information

COVER LETTER AND SIGNATURE REQUIREMENTS

A cover letter, which is addressed to Ms. Sheryl Kelly, Environmental Specialist, Department of Recycling and Waste Management, 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.**

The other copies shall be submitted as electronic media, (CD-ROMs or Flash Drives) in 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, skill, management, and resources required to provide consistent, reliable, and legal disposal and processing facilities to Butler County. A list of the counties and/or municipalities currently contracting with the facility for disposal and processing capacity shall be included. A list of the municipalities 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 5 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.

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.

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 .

Pennsylvania Facilities *should not* include the full Form14 from their permit application. Please provide only short excerpts to demonstrate each point.

All facilities must include in their descriptions:

- ✓ 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 description of the daily record keeping procedures and measurement of waste,
- ✓ its waste acceptance and monitoring program, and also
- ✓ its environmental emergency response plan.

Requirements unique to the type of facility:

- ✓ a landfill shall submit a brief description of its liner system 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 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

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.

The organization submitting the proposal shall also outline the preferred procedures for accepting an excessive amount of waste resulting from a natural disaster or other emergency in the County at the facility it intends to utilize in response to this RFP.

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 shall be included. The method by which uninterrupted disposal and processing service will be provided to Butler County in the event that an emergency or other uncontrollable circumstance precludes the use of the facility shall be included. **Back-up facilities for this purpose must also submit a 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; 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.

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.

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.

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 municipal contracts.

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 Butler 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 the provision of 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 will also be evaluated.

Based upon these criteria, the contractor(s) will be selected. The Butler County Board of Commissioners 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

BUTLER COUNTY BACKGROUND INFORMATION

LOCATION AND GENERAL CHARACTERISTICS

Butler County is located in Western Pennsylvania mid way between the West Virginia and New York borders and 30 miles east of Ohio. Three Interstate highways and several other major state arteries provide easy access to the County. The southwestern portion of the County is considered part of the Greater Pittsburgh area. This area continues to increase in population with dense clusters of residential communities and the retail and service establishments which support it. There are still very rural areas in the County, primarily in the northeastern quadrant..

CURRENT PROCESSING AND DISPOSAL PRACTICES

The Butler 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. While disposal is limited to those sites designated in the Plan, the County included a full menu of options to local haulers, businesses and municipalities. A vast majority of the Municipal Waste generated in Butler County has traditionally been disposed in the two landfills located within the County. However, other facilities, which were designated in the Plan, did receive lesser amounts.

Haulers are required to use any of the facilities with current agreements in place. No guarantees, or put or pay provisions, were made by Butler County for minimum waste volumes to be delivered for processing and disposal as part of any of the existing agreements. Proximity and competitive tipping fees have the greatest competitive impact. The existing processing and disposal agreements are due to expire beginning in May 2012. It is anticipated that on or around September 1, 2012, 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 table presents projected processing and disposal capacity requirements for the years 2010 through 2023. The figures are based on a constant per capita generation rate with adjustments due to projected population changes.

Population

The population data was provided by Butler County from a report issued by the Southwest Regional Planning Commission. According to the SW Regional Planning Commission, over the period 2010 through 2030, the population of Butler County is projected to increase by 15.4%. Population projections were also published in 38 Pa.Bulletin. 4721, Saturday, August 30, 2008. They project the population to grow by 7.8%. Although the SW Regional

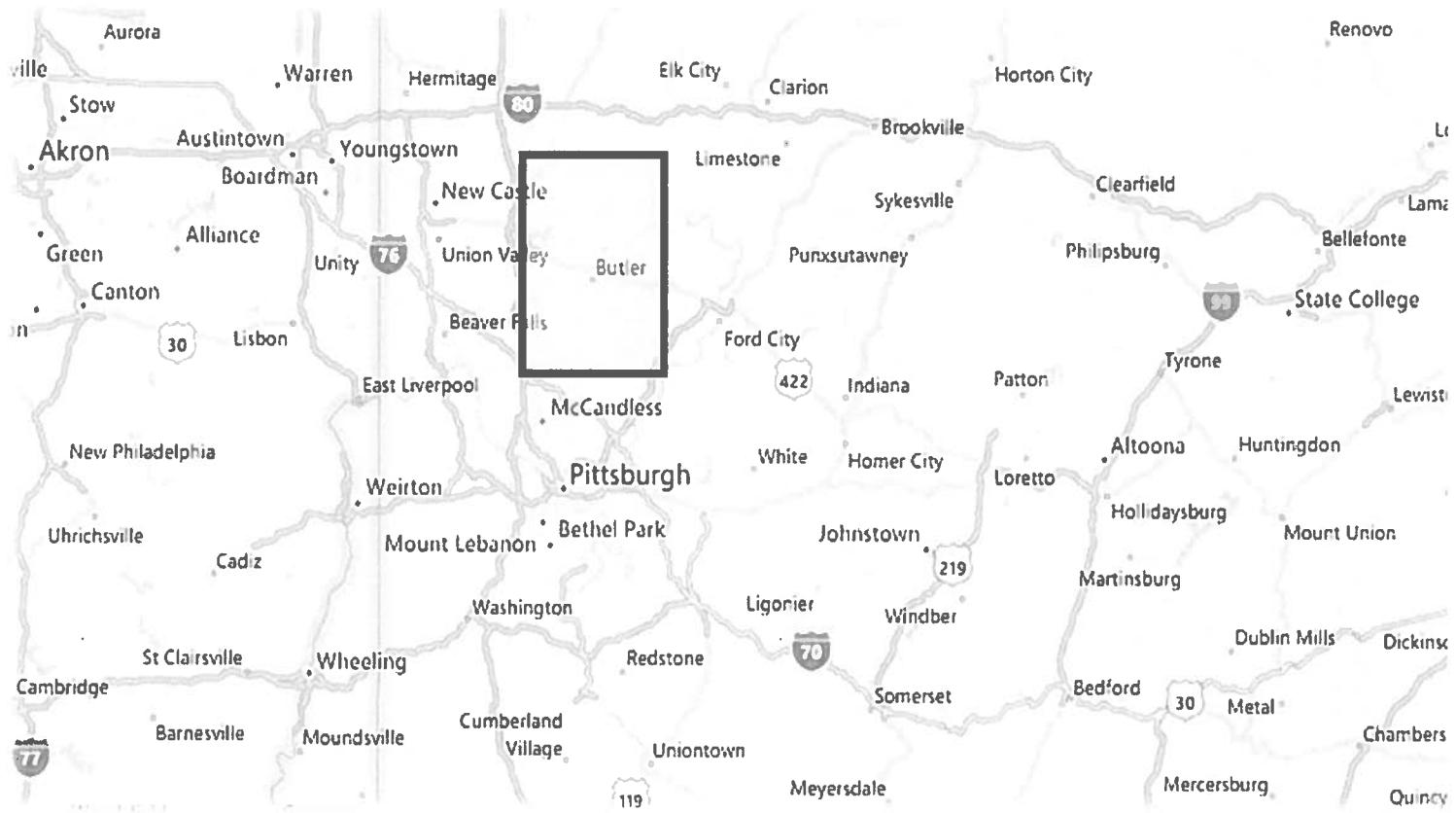
Planning Commission estimates a higher growth rate than some others, for this purpose, it was utilized as the conservative approach since it estimates a greater amount of needed capacity.

Disposal

The waste disposal quantities are based on the PADEP facility reported data for Butler County for the year 2010 and 2011 from PA DEP landfill reports was used. T

Butler County Projected Processing and disposal Capacity Requirements 2010 through 2023 in Tons					
Year	Population	MSW	C&D	Sludge	Total
2010	183,862	106,113	8,035	12,054	126,202
2011	186,688	107,363	10,181	10,728	128,272
2012	189,514	109,180	9,316	11,652	130,148
2013	192,340	110,808	9,455	11,825	132,089
2014	195,166	112,436	9,594	11,999	134,030
2015	197,992	114,064	9,733	12,173	135,970
2016	200,818	115,692	9,872	12,347	137,911
2017	203,644	117,320	10,011	12,520	139,852
2018	206,470	118,949	10,150	12,694	141,793
2019	209,296	120,577	10,289	12,868	143,733
2020	212,121	122,204	10,428	13,042	145,673
2021	214,947	123,832	10,567	13,215	147,614
2022	217,773	125,460	10,706	13,389	149,555
2023	220,599	127,088	10,845	13,563	151,496

Figure 1 General Location of Butler County, Pennsylvania



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 remaining three electronically formatted copies.

MUNICIPAL WASTE PROCESSING AND DISPOSAL SERVICE CONTRACT

THIS MUNICIPAL WASTE PROCESSING AND DISPOSAL SERVICE CONTRACT (hereinafter referred to as the "Contract") entered this _____ day of _____, by and between

THE COUNTY OF BUTLER, Butler County, Pennsylvania, hereinafter jointly referred to as the "County" AND _____ hereinafter referred to as the

(Name of Facility/Parent Company)

"Contractor" whose permitted processing and disposal facility Permit No _____ issued by _____ is located in

(Municipality)(ies),

_____ County, _____ State.

WITNESSETH:

WHEREAS, the Butler County Board of Commissioners, acting through the Department of Recycling and Waste Management, have developed and adopted the 1990 Municipal Waste Management Plan for Butler County and its revisions in 2004 and 2012 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 Butler County have duly approved and ratified this 1990 Municipal Waste Management Plan for Butler County pursuant to the requirements of section 501 of Act 101; and,

WHEREAS, this 1990 Municipal Waste Management Plan for Butler County and its revisions in 2004 and 2012 requires that all Municipal Waste generated within Butler 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 Butler 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 Butler 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 Butler 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, 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.

Butler County- a fourth class county located in the Commonwealth of Pennsylvania

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 Butler, Pennsylvania, acting by and through the Butler County Board of Commissioners and the Department of Recycling and Waste Management or their designated representative.

Department of Recycling and Waste Management – A Department of Butler County Government delegated with the responsibility of developing and implementing the Butler County Municipal Solid Waste Management Act and associated programs and services.

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.

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.

Pennsylvania Municipality Authorities Act (53 Pa. C.S. Ch. 56)- the law governing municipal authorities in Pennsylvania.

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 a designated non-exclusive processing or disposal facility for Municipal Waste generated in the County.

2. Effective Date

This Contract shall become effective on the date set forth below. 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 Commissioners or such date as the Facility with a pending permit application receives a permit approved by the DEP (or the equivalent regulatory agency in state which the facility is located) for receipt of Municipal Waste under the Permit.

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 (or the equivalent regulatory agency in state which the facility is located) Permit for the Facility 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 Butler 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.

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). The delegation of any Contract duties will require the written consent of the surety for the Contractor's performance bond, since such delegation will not relieve the Contractor or his surety of any liability and/or obligation to perform. 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 defective 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 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. Any existing Host County Fee Agreements between the parties shall remain in full force and effect notwithstanding any provisions of this Contract.

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 Request For Proposals (RFP) submitted by 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:

**County: The Butler County Department of Recycling and Waste Management,
PO Box 1208, 124 West Diamond Street,
Butler, PA 16003.**

Attention: Ms. Sheryl Kelly, Environmental Specialist

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 Butler 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 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 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 the Pennsylvania Waste Transportation Safety Act 90 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 Butler 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 the Pennsylvania Waste Transportation Safety Act 90 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 Butler 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 by the County in its recycling program 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, 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, that is greater than the maximum rates established by this Contract for each type of waste. 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. RESERVED 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 to the Weights and Measurement Act of 1965 (73 P.S. sections 1651- 1692) and applicable regulations thereunder; the operator of the scale shall be a licensed public weighmaster under the Public Weighmasters Act (13 P.S. sections 1771-1796) and any regulations.

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.

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 Butler County.
- c. A summary of the total weight, by municipality, of each type of Municipal Waste received each month from each waste hauler or transporter and self-hauler delivering waste originating from sources in Butler 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 Butler County; and
- E. A summary of the total weight, by municipality, of Municipal Waste received from each municipality in Butler County delivering Municipal Waste to the Contractor during each month.

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. The total weight of each type of Municipal Waste received from all sources during the annual reporting period;
- B. The names of the waste haulers or transporters and self-haulers that delivered waste originating from sources in Butler County;
- C. A summary of the total weight, by municipality, of each type of Municipal Waste received each month from each waste hauler or transporter and self-hauler delivering waste originating from sources in Butler County; and
- D. A summary of the total weight, by municipality, of each type of Municipal Waste received each month from all waste haulers delivering waste originating from sources in Butler county;
- E.. 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;
- F. A current Certificate of Insurance as evidence of continuing insurance coverage for public liability insurance as required under the Contract;

G. 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;

H. 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

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

J. 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 60-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 Pa. C.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 BUTLER,

BOARD OF COMMISSIONERS

CHAIR

DATE

William L. McCarrier, Chairman

A. Dale Pinkerton, Vice-Chairman

James Eckstein, Secretary

(*SEAL*)

ATTEST:

William S. O'Donnell, Chief Clerk, Dir. of Admin.

CONTRACTOR

CONTRACTOR: _____

WITNESS; _____

TITLE: _____

Form A – Cost of Processing and Disposal

Maximum Tipping Fees Per Ton For Each Category of Waste

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 Ho
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.

	MSW	Construction Demolition	Sewage Sludge	Approved ICW
Base Tipping Fee (without taxes, and other fees)				
List Name of Fee, Tax, Surcharge below.	List Amount for Each Fees, Taxes, Surcharges that will apply to the above			
Total Tipping Fee including all fees and surcharges				

Form B -Reserved Capacity

FACILITY: _____

Types and Quantities of Municipal Solid Waste			Specify tons per day and tons per year			
Year	MSW Only	C&D	Sludge	Other	Other	Total
2012=2013						
Tons Per Day						
Tons Per Year						
2013-2014						
Tons Per Day						
Tons Per Year						
2014-2015						
Tons Per Day						
Tons Per Year						
2015-2016						
Tons Per Day						
Tons Per Year						
2016-2017						
Tons Per Day						
Tons Per Year						
2017-2018						
Tons Per Day						
Tons Per Year						
2018-2019						
Tons Per Day						
Tons Per Year						
2019-2020						
Tons Per Day						
Tons Per Year						
2020-2021						
Tons Per Day						
Tons Per Year						
2021-2022						
Tons Per Day						
Tons Per Year						

Form B - Part II Reserved Capacity

Total Combined Quantities of all Accepted Categories of Municipal Waste

YEAR	TOTAL BUTLER MSW TONS PER YEAR (all categories)	PERCENTAGE Reserving Capacity for % of Butler MSW Annually (all categories)	ANNUAL TONS Reserving Capacity for #Tons Butler MSW Annually (all categories)	OPERATING DAYS Estimated Annual Working Days	TONS PER DAY Reserving Capacity for #Tons Butler MSW Daily (all categories)
2012	130,148				
2013	132,089				
2014	134,030				
2015	135,970				
2016	137,911				
2017	139,852				
2018	141,793				
2019	143,733				
2020	145,673				
2021	147,614				
2022	149,555				

Operating hours from _____ to _____ Monday through Friday and from _____ to _____ on Saturdays,

Indicate tons of Butler 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: _____

With a copy to: _____ 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 parcelling 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 Butler County any money or other thing of value either directly or indirectly.

2. Acceptance Period

I agree to allow 120 days from the date of this proposal for acceptance thereof by the Commissioners of Butler 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 Butler 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 2012,
at _____*

*By _____ (name)

(title)*

SEAL _____ (company)

Date: _____

On _____, 2012, 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 _____ 2012.

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 _____

Have you submitted a complete and 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 2012
at _____*

By _____ (name)

_____ (title)

SEAL _____ (company)

Date: _____

*On _____, 2012, 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 _____ 2012.*

My Commission expires _____ Notary Public

SPECIAL NOTICES

REQUEST FOR PROPOSALS; MUNICIPAL SOLID WASTE DISPOSAL AND PROCESSING CAPACITY; THE BUTLER COUNTY BOARD OF COMMISSIONERS

The Butler County Board of Commissioners is hereby soliciting proposals for disposal capacity for MSW generated in Butler County Pennsylvania with contract approval and execution anticipated by September 2012.

Deadline: The County will receive sealed proposals until 3:00 p.m., Prevailing Time on Tuesday, June 26, 2012.

Format: The Proposer is required to submit two (2) hard copies, each executed in blue ink and labeled "original," and three (3) "copies" formatted as pdf files each on separate electronic media, CD-ROMs or Flash Drives.

Facilities often submit considerably more information and documentation than is actually required by the RFP.

Complete, clear, and concise responses are encouraged. The guidelines and instructions offer suggestions on ways to minimize the efforts required.

Pennsylvania Bulletin, Vol.42, No. 23, June 9, 2012



RECYCLING IN BUTLER COUNTY

PART 1 – BACKGROUND INFORMATION

Recycling Requirements in Butler County

County Requirements and General Policy

The first of its kind in the state, in the early 1990's Butler County implemented countywide curbside residential recycling collection which is required of and operated entirely by the private sector.

Ordinance 9201 mandates that all municipal waste haulers picking up residential curbside municipal waste must also pick up unlimited amounts of residential curbside recyclables from their customers in Butler County.

It has been the general policy of the Butler County Department of Recycling & Waste Management to:

1. Encourage participation in all the existing recycling programs in Butler County; and to
2. Identify the need for, and develop new countywide programs that will not interfere with but enhance existing programs; and to
3. Provide referral to proper outlets for other items that need to be collected or diverted; and to
4. Assist all entities, when requested, in the improvement of their existing programs or in the development of new programs; and to
5. Aid in the identification of any available funding sources for programs.

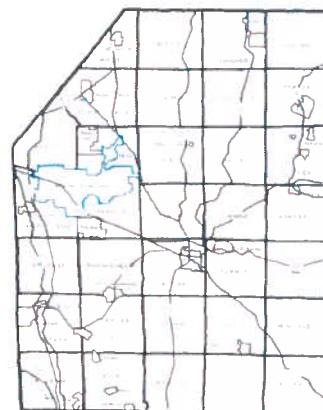
State and Municipal Requirements

Complementing the county ordinance, most of Butler County's 57 municipalities voluntarily passed ordinances in the early 1990's requiring their residents, businesses and institutions to recycle. Most of these ordinances also require waste collection and some also require yard waste diversion.

Act 101-Mandated Communities (6 Communities):

Following the release of the 2010 Census totals, Butler County has two new state-mandated recycling communities in addition to the four mandated communities that previously existed. The list of mandated communities is as follows:

- Adams Township (as of 2010)
- Buffalo Township (as of 2010)
- Butler City
- Butler Township
- Center Township
- Cranberry Township



**Non-Mandated Communities with
Recycling Ordinances (42 Communities):**

- Brady Township
- Bruin Borough
- Callery Borough
- Cherry Valley Borough
- Chicora Borough
- Clay Township
- Clearfield Township
- Clinton Township
- Concord Township
- Connoquenessing Borough
- Connoquenessing Township
- Donegal Township
- East Butler Borough
- Eau Claire Borough
- Evans City Borough
- Fairview Township
- Forward Township
- Franklin Township
- Harmony Borough
- Harrisville Borough
- Jackson Township
- Jefferson Township
- Karns City Borough
- Marion Township
- Mars Borough
- Mercer Township
- Middlesex Township
- Muddy Creek Township
- Oakland Township
- Penn Township
- Portersville Borough
- Prospect Borough
- Saxonburg Borough
- Seven Fields Borough
- Slippery Rock Borough
- Slippery Rock Township
- Summit Township
- Valencia Borough
- West Liberty Borough
- Winfield Township
- Worth Township
- Zelienople Borough

**Communities Without Recycling
Ordinances (9 Communities):**

(Please note that under Butler County Ordinance 9201, residents in these communities although not required to recycle are still offered curbside recycling through their waste hauler.)

- Allegheny Township
- Cherry Township
- Fairview Borough
- Lancaster Township
- Parker Township
- Petrolia Borough
- Venango Township
- Washington Township
- West Sunbury Borough

In addition to a recycling ordinance, another type of municipal ordinance can have an effect on recycling, especially concerning new institutional, business and multi-family housing developments. This occurs within a municipality's subdivision and land development ordinance. In land development, requirements are set forth on how much space is required for waste containers for the size and type of development. Usually a development such as this will utilize large drop off containers for waste and recycling rather than curbside carts or bins. Often, a land development ordinance requires space for roll off waste containers but often does not require space for recycling roll offs. Those preparing a land development plan can fail to realize a municipality has a mandatory recycling ordinance and the municipal planning commission cannot force a developer to provide space for anything beyond what is required in an ordinance. As such, space is then not provided for both waste and recycling containers. A development is then constructed and the dilemma exists that the entity is required to recycle but there is no space for the recycling container. As municipal subdivision and land development ordinances are updated, usually about every ten years or so, the county can provide education to municipalities so that issue can be resolved where needed.

Other State Requirements

Act 140 of 2006 requires mandated curbside municipalities and non-mandated municipalities receiving more than \$10,000 in Act 101, Section 904 recycling performance grant funding to have in place specified recycling, compliance, and reporting programs. The only community currently receiving this amount of funding is Cranberry Township, which is in full compliance with this Act.

Act 175 of 2002 requires that municipal recycling programs move toward financial sustainability, and that DEP assist them in this effort. As stated earlier, Butler County has never operated its own municipal curbside recycling program and relies completely on the private sector for these services. In a completely financially sustainable program, Butler County citizens using these services pay for it through their waste collection fees.

Act 57 of 1997 requires that certain actions be taken to avoid using Act 101, Section 902 grant funding to compete with the private sector. The county strives to always follow these requirements and to not compete with the existing programs operated by the private sector.

Residential Recycling

Included in county-wide residential recycling collections are the common materials found in most municipal recycling programs such as aluminum cans, bi-metal cans, glass, #1 and #2 plastics and newspapers. In recent years certain municipalities have required through contract, and most haulers now offer their customers, single-stream recycling which has been widely applauded by county residents. Single stream has been expanding in recent years and is now available to the majority of residents in Butler County.



Infrastructure for the curbside program is wholly owned and operated by private enterprise. The system functions with little or no public funding for collection or processing equipment. The only instances where public funds have been made available for operational items were for the

distribution of recycling bins, carts and leaf waste collection equipment purchased by and owned by specific municipalities. In all other instances, the private sector bore the cost of recycling bins and carts distributed to its customers and for other equipment needed by the industry.

The program has survived the sustainability test of time – over 20 years – by allowing licensed haulers to determine the manner and frequency in which the collection of recyclables on their routes occurs. This flexibility provided the haulers with an ability to control costs, which essentially subsidized the program through faltering markets.



Commercial and Institutional Recycling

The commercial recycling program has grown steadily and is available to all businesses countywide. It includes, which varies by business and hauler, cardboard, office paper, mixed paper, mixed plastics, cans and newspaper. Some haulers are now offering the choice of single stream recycling to both their commercial and institutional customers. They are also afforded the opportunity of assistance from the Butler County Department of Recycling & Waste Management in the development of a site-specific recycling program when needed.

Most schools in Butler County are all recycling at least some materials. Some have Royal Oak Retriever (formerly Abitibi) bins and some additionally collect plastics and cans in paid-for commercial recycling bins. There are also various parent / teacher organizations, clubs and scouting organizations collecting aluminum cans and printer cartridges in the schools for fundraising purposes.

Many of the school districts in Butler County have active recycling programs in which materials are source separated for collection. Others have a comprehensive environmental curriculum that includes a portion devoted to recycling through either formal classroom training or seminars



and entertaining presentations from outside sources. While active programs are preferred, both set the essential groundwork for the continued success of the County's residential curbside program by inspiring youth and subsequently their parents to recycle at home.

Courtesy Recycling Dropoff Sites

Through its standard Act 101- required landfill contracts, both Seneca Landfill and Northwest Sanitary Landfill are required by the County of Butler to provide and maintain courtesy recycling dropoff sites for anyone who may wish to use them. Both sites are open during regular landfill business hours and collect standard recyclables. Weights of recyclables collected at these sites are reported to the county at the end of each year.

Facilities Known to Receive Butler County's Recyclables

The facility receiving much of the curbside recyclables from the collection program is located within Butler County. It too is owned and operated by the private sector. It should be noted that at the program's inception, Tri-County Recycling enabled Butler County to launch a smooth transition into curbside recycling by accepting material from all licensed haulers sans tipping fees. Over the past couple of decades, major upgrades have been made to this facility without the use of public funding in order to handle single stream recycling, which is now a mainstream program in the county. In addition, the recently built, multi-million dollar Greenstar Recycling near Pittsburgh receives the other bulk of recyclables collected in Butler County. Other smaller or material-specific recycling centers receive smaller amounts, rounding out the field of facilities known to be receiving materials from Butler County.

Through the examination of recycling reports and the results of a hauler survey conducted in the fall of 2012, the following places were listed as receiving standard residential, commercial and institutional recyclables from the haulers operating in Butler County:

Tri-County Recycling – Mars, PA
Greenstar Recycling – Pittsburgh, PA

Armstrong Recycling Ctr. – Kittanning, PA
D&D Salvage – Tarentum, PA
ELoop – Pittsburgh, PA
ECS&R – Cochranton, PA
Keene Scrap Metal – Parker, PA
Atlas Materials Recycling – Pittsburgh, PA
Paper Exchange – Pittsburgh, PA
All-Shred – Maumee, OH
Iron Mountain – Boyers, PA
Cintas Document Mgt – N. Versailles, PA
AbiBow (Paper Retriever) Recycling, Pgh, PA (now Royal Oak)
Associated Paper Stock – Lima, OH
JaSar Recycling – East Palestine, OH
Shred-It – Pittsburgh, PA

Regarding the more non-standard types of recyclables (usually dropped off / collected as part of a business operation and not collected curbside) including items like motor oil, tires, electronics, etc., these items are taken to a very wide variety of recyclers in a wide region in mostly the eastern United States. In addition, some larger retailers such as Aldi, Wal-Mart, etc. do not hire outside haulers, but collect the recyclables from their own stores.

Other Recycling Opportunities in Butler County

Organics

Yard waste is specifically designated as a recyclable material for both residential and commercial establishments, and composting has been heavily encouraged both through educational programs and also by distribution of composting bins to the public and referral to compost sites.

Several entities in Butler County have developed DEP-approved "permit-by-rule" compost sites used by municipalities, the commercial sector and/or the general public. As this information changes, the



most recent list of sites can be obtained by contacting Butler County's regional Pennsylvania Department of Environmental

Protection office in Meadville.

At this time, there are no approved on-farm compost sites in Butler County.

Leaves are being collected in the Act 101-mandated communities (Adams Township is in the process of developing a program) and there are a few additional communities that voluntarily provide this service to their residents. Christmas tree recycling is not only provided by several communities, but the county also provides this collection free to the public each December 26th through January 31st.

An impressive contribution to composting within Butler County has been made by Slippery Rock University. They conceived and implemented a plan to collect pre-consumer food scrap from campus dining halls and also accept all of the collected leaves from Slippery Rock Borough. Their efforts are just one example of the alternative methods available for managing organic waste that will likely become an integral part of future solid waste management solutions. According to the University's Macoskey Center, during summer months when not many students are in attendance, approximately 3, 35-gallon trash cans full of pre-consumer food waste are collected for composting. During the fall and spring semesters, this amount increases significantly to approximately 10, 35-gallon cans per week.

Another of the county's projects with a big success rate was for backyard composting education, in which free composting bins were distributed to residents for use in composting kitchen and yard waste. The project included classes provided jointly with the Penn State Cooperative Extension. Since



its inception in 2001, more than 300 composting bins were distributed as a result of the program along with numerous composters opting to construct larger units to handle the needs of more sizeable yards. This same type of program has been offered in Cranberry Township to their residents, resulting in about 1,800 compost bins being distributed for home use.

Small-scale school composting programs such as backyard composting demonstration programs exist in some schools in Butler County. They serve as a valuable instructional tool for students influencing not only future generation's habits but current recycling attitudes and actions as well.

Home food waste composting, although impossible to measure, is taking place throughout the county. Residents who are interested in composting conduct this activity in their own backyards and divert a modest, yet important amount of food waste from landfills each year.

There are two known sites in the county that have utilized vermicomposting bins. Both Camp Lutherlyn in Prospect and North Country Brewery in Slippery Rock estimate that as much as 10 to 20 pounds of food waste per day have been composted in these bins.

Although home food waste composting is an important activity and is highly encouraged in Butler County, there are no plans at this time to ban food and garden waste from landfills, although this may be an activity for the state to consider some time in the future.

Special Collections for Hard to Recycle Items – County, Municipal and Private

Butler County's Efforts

The County has supplemented the privately-operated curbside collection program with many auxiliary efforts. These projects address the need to capture items not normally collected at curbside due to their seasonal nature or for which special handling is required. In some instances, they create an outlet for materials with little or no traditional end use market.

Telephone books are collected by both the county (year-long and in very small quantities) and in the past by phone companies (seasonally). The program operated by the phone company has now ceased operation, creating a great need for an outlet for this material.



and electronics collection facility that began a series of seven collections in 2010. Collections were increased to ten dates in 2012, fifteen collections in 2013, etc. and have so far been a resounding success, greatly welcomed by local residents. Butler County has successfully operated both electronics and household hazardous waste collection since 2002. Originating as once-per-year events collecting hazardous waste since 2004 and electronics separately since 2002, participant feedback resulted in the development of the program that would collect all items at the same time – a one-stop dropoff at multiple events every year. In total from 2002 through 2015, 435 tons of hazardous waste and electronics have been collected from Butler County citizens and small businesses.



Christmas tree recycling, as mentioned earlier, has been offered as a free program for Butler County residents for decades. Each year it is estimated that between 75 and 100 Christmas trees are dropped off at the site to be chipped and used as mulch.

Butler County in 2009 was one of the first counties in Pennsylvania to hold a pharmaceutical collection followed by a second collection in 2010. The U.S. Drug Enforcement Administration regularly holds nationwide pharmaceutical collections twice per year, the Butler County Department of Recycling & Waste Management assists with these events through the recruitment of collection sites and event promotion. The following information includes the amounts of medications collected in Butler County that would have otherwise been landfilled or possibly improperly disposed of:

funded under the Department of Environmental Protection's Section 902 grant program. These bins will be loaned by the county to various groups for these events which will help boost the county's recycling rates.



Butler County provides a central drop off/pick up point to collect and distribute newspapers near Sunnyview Nursing Home. Those who pick up newspaper at the site use it for animal bedding, compost, and garden mulch. The program operates on an honor system and participants log the volume of

newspaper they use to facilitate the tracking of recycling activity. The quantity is included in the overall amount of old newspaper reported annually by the County to PADEP. Tonnage collected at this site has dropped in past years with the addition of curbside newspaper recycling by most haulers.



Tire collections have taken place sporadically in Butler County operated by both the Department of Recycling & Waste Management and more recently by Tri-County CleanWays. Tire dealers will accept small numbers of tires from the public for a recycling fee, but an organized, on-going collection system for tires needs to be permanently established in Butler County.

Special event organizers in Butler County are now afforded the opportunity to provide recycling at their events with special recycling bins recently

Collection Date	Pharmaceuticals Collected
September 26, 2009	1,518 Containers
September 25, 2009	1,362 Containers
April 30, 2011	361.48 Pounds
October 29, 2011	230.62 Pounds
April 28, 2012	422.0 Pounds
September 29, 2012	344.9 Pounds
April 27, 2013	607.2 Pounds
October 26, 2013	738.2 Pounds

Sources: Butler Co. Dept. of Recycling & Waste Mgt. and US Drug Enforcement Admin. in Philadelphia



Most recently, the Butler County District Attorney's Office has established a permanent medication collection program that is currently operating in seven local municipal police departments and the lobby of the County Government Center. Participants can drop off any type of medication seven days per week that might otherwise have ended up in a landfill as municipal waste.

Specific local needs are also addressed in Butler's programs on an as-requested basis. The county assists municipalities and community groups in various aspects of implementing community-wide clean ups with the collection of bulk white goods and other items suitable for recycling.

The Butler County Department of Recycling & Waste Management maintains an extensive database of businesses and events where "hard-to-recycle" items are collected in and around the county –items that are generally not accepted curbside or for which better options than disposal exist. A large number of phone calls and emails (which grows annually) are fielded weekly by the Department with questions on where hard to recycle items can be taken.

Butler County recognizes education as a key tool in the successful implementation of its programs. Therefore, it has been very active in conducting programs and supplying constant, updated information in support of waste minimization, recycling and other best waste management



practices. These include a comprehensive informational web site, classroom presentations for all grade levels, the distribution of a series of county-specific brochures at all types of community functions, and the constant promotion of all known special recycling collections taking place in the county.

The following is a listing of some activities that have been accomplished aside from normal day to day activities by the Recycling & Waste Management Department over the past decade:

- Developed and maintain a department web site;
- Developed a complete line of twenty-two educational brochures tailored specifically to Butler County on topics such as residential recycling, proper waste management and open burning – new brochures are developed yearly on an as-needed basis and are based on current statewide topics;
- Developed and update yearly a countywide database of places where residents can get rid of "hard to recycle" and "hard to dispose of" items that are not accepted curbside;
- Developed and administer the current hazardous waste and electronics collection program, offering multiple collections per year through the spring, summer and fall;
- Assembled a series of recycling and waste management lesson plans for use by schools in Butler County;
- Worked with the US EPA's justice department to develop an appliance

recycling program as part of a court settlement with a county corporation over environmental violations;

- Established a quarterly newsletter that is sent to all Butler County municipalities;
- Developed a model Green Purchasing Policy for use by local governments;
- Developed more thorough statistical databases to track Butler County's recycling accomplishments and waste trends;
- Worked with the Succop Conservancy to establish a compost demonstration site for residents of Butler County;
- Aided in the expansion of single stream recycling in Butler County by facilitating inter-municipal cooperation and attaining grant funding for the needed equipment;
- Held the first two medication collections in Butler County before the US DEA began nationwide collections. Butler County's first collection was the 3rd collection ever held in Pennsylvania;
- Worm composting bins were attained to be used at two sites in the county: Camp Lutherlyn in Prospect and North Country Brewery in Slippery Rock;
- Worked with the Butler County Master Gardeners in developing a series of residential rain barrel workshops in cooperation with the Butler County Conservation District and Home Depot;
- Worked with the Butler County Master Gardeners in developing a series of backyard compost educational programs where attendees also received a backyard compost bin;
- Work with the Butler County Conservation District on the Butler County Farm Tour to provide the thousands of attendees with recycling information.

Municipal Efforts

As discussed earlier, most municipalities have actively participated in recycling primarily through the passage of municipal recycling ordinances in the early 1990's.

Some municipalities offer leaf waste collection and composting. Municipalities known to have some

form of leaf waste program include, Slippery Rock Borough, Butler City, Butler Township, Center Township, Saxonburg, Zelienople, Evans City, Cranberry Township and Seven Fields. Programs are being developed in Adams and Buffalo Townships. Leaves are collected through different methods then processed and ultimately used by each municipality, through private enterprises or by private citizens.



Many communities in the county hold "clean-up / recycling" days where their residents can drop off (collected items vary by municipality) general bulk waste plus recyclable items such as scrap metal, tires, electronics, etc. Often the funds obtained through the collection of scrap metal at these events heavily supplements, if not completely pays for, the dumpsters needed for each collection.

The ongoing promotion of recycling is taking place with information being mailed out to citizens in newsletters and is also now available on many municipal web sites.

Municipal waste and recycling collection contracts are continually being modified to encourage recycling by citizens, businesses and institutions. On an as-needed basis, the Butler County Department of Recycling & Waste Management is available to assist municipalities in these efforts.

Cranberry Township became the first municipality in Butler County to begin a waste and recycling contract that offered residents the choice of three different sized waste collection carts, a yard waste collection cart, a recycling cart and an aggressive public promotion program to educate its citizens on their options. The program has been a resounding success with overwhelming approval by the



residents. Cranberry also was the first municipality in the county to offer a public cardboard dropoff site, convenient at a time when cardboard was

not always accepted curbside.

Slippery Rock Township has become the first municipality in Butler County to offer a municipally-sponsored public dropoff site for recyclables, provided by one of its waste haulers for all standard recyclables in order to supplement its curbside collection program. The site is open 24 hours a day for use by the general public.

Independent and Community Organization Contributions

Throughout Butler County are a plethora of independent programs collecting many items that would perhaps otherwise be destined for a landfill. The programs are operated by a wide variety of community groups, individuals, businesses, non-profit organizations, etc. that contribute greatly to Butler County's overall recycling efforts. Some programs make a small profit for these entities while some are conducted simply in order to "do the right thing." Although too numerous to provide a complete list of all the efforts made by Butler County citizens, below is a list and description of just some of the more well-known programs:

- Tri-County CleanWays, operating within Butler County for many years, has conducted various programs including comprehensive illegal dump site cleanups separating materials that can be recycled, tire collections, etc. This affiliate of Keep Pennsylvania Beautiful focuses on cleanups of illegal dumpsites, special collection events for disposal of hard-to-dispose items, and educating the public on the detriments of illegal dumping and littering.
- Royal Oak (formerly Abitibi) Retriever program places bins at sponsoring organization's sites for the collection of most types of paper. Bins are emptied on as-as-needed basis and the sponsor organization is paid by the ton for what they



collect. This has been a very popular program with scout groups, schools, churches and other organizations in Butler County.

- Kiducation, or the Community Crusade for Children, Inc. is a non-profit clothing recycling organization based in Connecticut. Bins are located throughout Butler County and funds are generated by the people in the community that donate adult and children's clothing and shoes. A portion generated from the sales is returned to the participating towns, schools and other organizations or charities.
- Planet Aid is another nonprofit organization with bins in Butler County that collects and recycles used clothes and shoes and supports international development projects. It supports community-based projects that improve health, increase income, aid vulnerable children, train teachers, and enhance the overall quality of life for people across the globe.
- Scout groups have been holding various collections for fundraising, usually for aluminum cans, for a very long time in Butler County. There are at least two known permanent collection sites located in the county.
- Community events and celebrations which are very-well attended in Butler County can generate tons upon tons of recyclables each year. Unfortunately most of these resources are not being collected for a variety of reasons. Grant funds were obtained in 2013 that were used to purchase collapsible recycling containers. These are being loaned to interested community groups in the hopes of capturing some of the recyclables currently being disposed of at these events.



- Electronics and appliance take back programs are currently being offered by many retailers and energy companies. As a result of Act 108 which banned “covered” devices (basically computers, computer equipment and televisions) from landfills most of the larger retailers who sell electronics are working with manufacturers to recover broken or obsolete items. Appliances are collected by many retailers when a new appliance is purchased and many energy companies are offering rebates to customers who replace inefficient appliances with energy efficient models.
- Scrap metal collection takes place throughout Butler County by citizens saving their own cans and metals, to those walking along roadways, to small businesses that operate through an on-call basis and will pick up scrap metals. Good prices being paid for these items have driven the market and made it a profitable venture for those diligent citizens. One problem experienced in Butler County that has plagued most other communities in the state when prices are high has been the theft of metals for resale. However, this has decreased somewhat since the price of metal has dropped and the passage of laws in Pennsylvania that now require the recording of personal identification when selling metals.

Freecycle (www.freecycle.com) as well as other “second-hand” organizations such as Salvation Army, Goodwill, St. Vincent DePaul, Catholic Charities, Lutheran Services, etc. have made incredible contributions to the reuse and recycling of goods that would have otherwise been landfilled. Literally hundreds upon hundreds of tons of re-useable items are diverted each year. In Butler County, there is a very active

online Freecycle group and the county has many active charitable organizations that contribute to these efforts.

PART 2 – LOOKING FORWARD

Estimated Weight of Possible Future Recyclables

Included at the end of this chapter as Figure 4-1 is a report completed by Nestor Resources entitled Butler County Recycling Accomplishments versus Expected Performance. This report provides a complete analysis of Butler County’s recycling and what might be expected in terms of volume of recoverable commodities.

As discussed earlier in this Plan, waste and recycling tonnages are greatly influenced by many factors which can drastically change projections that have been calculated. Some variables that could modify these estimates over time can include changes in:

1. National and local economy
2. Demographics
3. Household income
4. Unemployment
5. Building and land development
6. Recycling reporting, participation, education and program experimentation
7. Future local ordinance changes and/or contract changes
8. Future legislation
9. Unforeseeable environmental factors

Over the next decade, Butler County will continue to promote and support all recycling efforts in the private, public and nonprofit sectors with a wider initiative of creating a more sustainable community. This can partially be accomplished through efforts to:

- prioritize and promote the waste hierarchy of reduce, reuse, recycle
- work to overcome the barriers that hinder or prevent recycling
- educate
- provide assistance and technical support when requested
- secure funding for projects that support the above goals

2011 Butler County Recycling Accomplishments Reported versus Expected Performance

OVERVIEW

In Butler County, the opportunity to recycle is made available to all residents and commercial establishments. A Countywide ordinance requires those who collect municipal solid waste to include the collection of recyclables as part of their base service to residents. In addition, throughout the County, commercial establishments may contract with the service provider of their choice to transport, and/or process recyclable materials. This section reviews the collective efforts of various municipal and commercial recycling programs in Butler County. In order to establish benchmarks for performance, identify anomalies, strengths and weaknesses, the exercise compares the recycling performance in Butler County's program to national trends. It also points to additional recyclable materials that may potentially be considered in expanding the program.

The PADEP's ReTRAC software reporting system was used as a source of information for this analysis. County Recycling Coordinators are required to utilize the system to submit their annual reports. The sources of the data are local municipal programs, commercial establishments, recycling transporters and processors, and information from large national retailers provided by PADEP.

ADJUSTMENTS FOR COLLECTION AND PROCESSING METHODS

Residential recycling was reported in Butler County in a variety of ways which depended on how materials were collected and processed. A portion of the materials were reported with individual weights. These materials were collected and processed by type and reports indicate how much each type weighed individually.

Unlike source separated collection systems, there are other recycling collection and processing programs, where certain materials are collected and transported together in the same bin and within the body of the collection vehicle. One system is commonly referred to as commingled or dual stream collection in which glass, plastic, and metal, bottles, cans and jugs are mixed together, while whatever forms of paper and cardboard that are accepted in the program are collected separately. The other method is single stream where wider varieties of plastics are mixed in the bin with the glass and metals for collection, along with all forms of paper and cardboard. Larger bins, typically wheeled carts, are beneficial to provide to residents under this type of collection system

Providing an individual weight for each material is more complicated, if not impossible on in-bound commingled or single stream loads. However, waste composition and characterization studies of commingled and single stream systems provide relatively consistent data that can be applied to adjust the County's reported figures to reflect the individual materials found in the dual or single stream mix. In addition, the collection and processing methods along with

the types of materials accepted by local transporters and recycling processors were taken into consideration in the adjustments applied to the Butler County reported data.

Table 1 presents the recycled materials collected in 2010 and 2011 reported from ReTRAC for Butler County. Data for 2011, is shown as well as average Butler County data for the period 2010 and 2011. The figures, in tons per year (tpy), were adjusted from actual reported values to account for materials included in the categories reported as commingled and single stream. In this analysis both commingled and single stream were assumed to include paper.

**Table 1. Butler County Reported Quantities of Recyclables 2010-2011
Adjusted for Materials Reported as Commingled and Single Stream**

Material	Adjusted 2010	Adjusted 2011	Average
Glass Containers	1,281.96	1,217.39	1,249.68
Aluminum Cans	372.85	371.98	372.41
Bi Metal Cans	604.76	440.86	522.81
Plastic #3 thru #7	1,814.24	1,735.27	1,774.76
Plastic #1 and #2	978.62	174.15	576.39
Paper:			
Newspapers/Mechanical papers	2,873.33	2,156.12	2,514.72
Other Paper Nondurables	5,656.73	3,952.96	4,804.85
Corrugated Boxes	10,184.22	12,721.07	11,452.64
Other Paper & Paperboard Pkg	2,061.51	1,779.72	1,920.61
Other Recyclable Materials:			
Textiles	100.00	200.00	150.00
Furniture	0.00	0.00	0.00
Rubber Tires	14,941.50	3,913.60	9,427.55
Batteries	209.70	189.80	199.75
Major Appliances	216.00	464.10	340.05
Other Misc Durables	0.00	5.10	2.55
Yard Waste	92.10	3,341.30	1,716.70
Steel Drums	0.00	0.00	0.00
Wood Waste	92.10	2,347.80	1,219.95

NATIONAL TRENDS

The United States Environmental Protection Agency (USEPA) has been tracking and monitoring the individual components of the municipal solid waste stream since 1960. The agency identifies national trends in municipal solid waste generation, recycling and disposal as a whole and for each material in its composition.

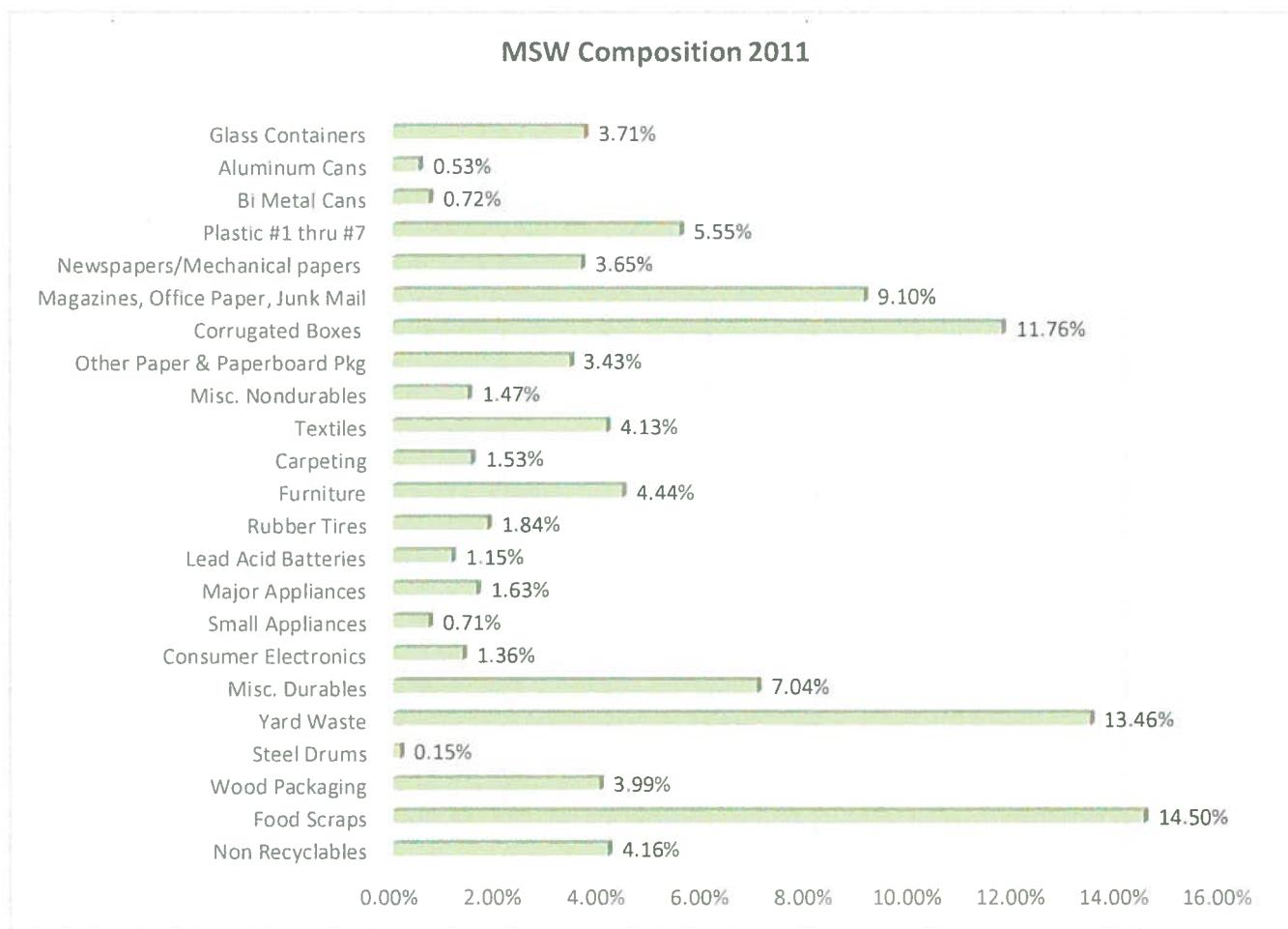
Because raw data can be interpreted differently to demonstrate any number of findings, the USEPA requires states to utilize certain standards in reporting recycling performance. These requirements are largely based on the findings of the USEPA's ongoing study. Pennsylvania utilizes these criteria in its annual reporting requirements. However, in working with information from counties and municipalities across the state, it is common for data to be gathered, organized, and in many cases manipulated before it is reported in the fashion

required by PADEP. Therefore, a comparison to national trends is a vital exercise in identifying anomalies. These often reveal a host of issues, from misreporting to actual program strengths and weaknesses.

Defining Municipal Waste

Municipal solid waste consists of everyday items such as product packaging, grass clippings, furniture, clothing, bottles, food scraps, newspapers, appliances, and batteries. It is generated by both residences and commercial entities. In spite of the USEPA's efforts to keep reporting consistent, in many states, including Pennsylvania, what is regulated as municipal solid waste does differ from USEPA. For instance, in Pennsylvania, construction, and demolition materials, municipal wastewater treatment sludges, regulated medical waste, and incinerator ash are all included in the definition of municipal solid waste. These materials are not included in the USEPA definition, neither are they commonly included in residential curbside or commercial containerized collection programs.. Therefore, to conduct an apples to apples comparison, only those materials that mirror the USEPA's categories have been included in this exercise. Figure 1 shows the composition of municipal solid waste in the USA in 2011.

Figure 1- Municipal Solid Waste Composition in the USA 2011



BENCHMARKING

In Table 2, Butler County's data was compared on the basis of population to the national figures for 2011, the most recent data available from USEPA at the time this report was written. Figure 2 provides a user friendly guide to assist readers in understanding and comparing the information that is presented in Table 2.

The commonly collected Act 101 designated materials, which were recovered in Butler County are listed first. Other recyclable items reported locally are shown separately on the table. Because the USEPA's data often shows changes in waste generation, disposal, and recovery trends, to accurately compare to the national figures, it is important to use local information from the same timeframe. Therefore, although Butler County has more recent reports available, the average reported recovery for 2010-2011 are shown

The last column in Table 2 shows a percentage rating for each material. It does not represent the percentage of the total materials recovered, or what is often known as the "recycling rate." The indicators of how Venango County's performance compares to the national averages are:

- Average (100%),
- Above average (more than 100%) or
- Below average (less than 100%)

It is worth noting that for some of the materials shown on the table, substantial quantities may be recycled through other means and not reported. For example, considerable amounts of corrugated cardboard and white goods are normally recycled directly by commercial entities. Not all of these materials may be reported. On the other hand, some of the materials exceed the national figures by a considerable amount. The County receives reports from a variety of sources. With no apparent explanation for the excess quantities, it is equally possible that reporting errors are occurring.

In 2011 the Franklin Study estimated that 250.41 million tons per year (mtpy) of municipal solid waste (MSW) was generated in the United States. Of this total 86.90 mtpy were estimated to have been recovered; a national rate of 34.7%. The remaining 163.51mtpy were discarded. Based on a population of 311.59 million persons, MSW generation was 4.40 lbs/pers/day. Recovery was 1.53 lbs/pers/day. Based on an estimated 2011 population of 54,984 persons, proportional quantities for Butler County would be 44,453 tons of MSW per year generated, 15,144 tons recovered and 29,340 tons disposed.

Figure 2- Guidelines for Interpreting the Data and Values in Table 2

Material by Product Category	Materials found in the Butler County municipal solid waste stream.
Expected Generation	Total amount of each material expected to be generated in Butler County, based on national averages for 2011.
2011 % of Total MSW	The percent that each item represents in the overall composition of the total municipal waste stream in Butler County.
Expected Disposal	Total Butler County tons of each material expected to be disposed based on national averages.
Expected Recovery	Total tons of each material expected to be recovered if Butler County performed similarly to the national averages for the level of population and types of materials collected.
2011 % Recovered Nationally	The national recovery rate of each material in 2011. Note that each material is captured at a different rate.
Reported Recovery	Butler Countywide average total reported tons of materials recovered by all sources in 2010-2011.
Butler % of Expected Recovery Achieved	Butler County is rated based on a percentage achieved of the national averages for 2011.

Table 2 Butler County's Reported versus Expected Recycling Performance Based on National Trends for 2011

Recycled Material by Product Category	Expected Generation	2011 % of Total MSW	Expected Disposal	Expected Recovery	Reported Recovery	2011 % Recovered Nationally	Butler's % of Expected Recovery Achieved
Traditional Recyclable Items:							
GLASS							
METALS	Glass Containers	5,551	3.71%	3,654	1,896	1,250	34.16%
	Aluminum Cans	790	0.53%	359	431	372	54.55%
	Bi Metal Cans	1,077	0.72%	317	760	523	70.56%
PLASTICS	Plastic #1 thru #7	8,314	5.55%	7,237	1,077	1,775	12.95%
	Plastic #1 and #2	2,099	1.40%	1,489	610	576	29.06%
PAPER:							
	Newspapers/Mechanical papers	5,473	3.65%	1,507	3,966	2,515	72.46%
	Other Paper	13,631	9.10%	7,285	6,346	4,805	46.56%
	Magazines, Office Paper, Junk Mail						
	Corrugated Boxes	17,609	11.76%	1,579	16,029	11,453	91.03%
	Other Paper & Paperboard Pkg	5,132	3.43%	4,019	1,112	1,921	21.68%
	Other Miscellaneous	2,195	1.47%	2,129	66	0	3.00%
	Nondurables						0%
OTHER RECYCLABLE MATERIALS:							
	Textiles	6,179	4.13%	5,293	885	150	14.33%
	Carpeting	2,291	1.53%	2,129	161	0	7.05%
	Furniture	6,657	4.44%	6,651	6	0	0.09%
	Rubber Tires	2,751	1.84%	1,525	1,226	9,428	44.57%
	Lead Acid Batteries	1,729	1.15%	66	1,663	200	96.19%
	Major Appliances	2,440	1.63%	873	1,567	340	64.22%
	Small Appliances	1,059	0.71%	987	72	0	6.78%
	Consumer Electronics	2,040	1.36%	1,531	508	0	24.93%
	Other Misc. Durables	10,545	7.04%	10,323	221	0	2.10%
	Steel Drums	227	0.15%	48	179	0	78.95%
	Wood Packaging	5,981	3.99%	4,558	1,424	1,220	23.80%
	Food Scraps	21,718	14.50%	20,880	837	0	3.86%
NON-RECYCLED ITEMS:							
	Plastic Plates and Cups	616	0.41%	616	0	0	0%
	Trash Bags	604	0.40%	604	0	0	0%
	Disposable Diapers	2,171	1.45%	2,171	0	0	0%
	Other Misc. Packaging	520	0.35%	520	0	0	0%
	Miscellaneous Inorganic Wastes	2,315	1.55%	2,315	0	0	0%
YARD WASTE							
	Yard Waste	20,162	13.46%	8,619	11,544	1,717	57.25%
SUBTOTAL							
	Traditional Act 101 Materials:	59,770	39.90%	28,087	31,682	22,675	53.01%
SUBTOTAL							
	Other Recyclables	63,637	42.47%	54,864	8,749	11,338	13.75%
	Total of recyclable items:	123,407	95.84%	82,951	40,431	34,013	32.76%
	Total all items	149,774	100.00%	97,798	51,976	25,612	34.70%
							49.28%

ESTABLISHING THE COUNTY'S RECYCLING RATE

In 1988, upon the enactment of Act 101, a goal was established for the state to attain a recycling rate of 25% of the waste generated in the Commonwealth. PADEP subsequently increased the goal to 35%. The state's goal is close to the national recovery rate for all municipal waste generated in the United States for 2011, which is 34%. Therefore, by comparing locally reported data to the national trends, it is possible to demonstrate to what degree Butler County measures up to the national averages and if the County meets the state's goals.

In reviewing Table 2, one will notice that each material has an individual recovery rate that may be greater or lesser than the overall rate of 34% for all materials combined. As an example, all plastic packaging (#1 thru #7) is recovered at the rate of 12.95%. The combination of mixed papers that includes magazines, office paper and junk mail on the other hand is recovered at 46.5%

To determine the national rate and the state's goal, the cumulative total recovery of all tons of materials, which are typically accepted in municipal recycling programs. For Butler, if only the Act 101 core materials are considered, the County performs at nearly 72% of the national rate, which is 53.01% recovery of the materials designated in Act 101. Therefore for the traditional materials that are included in residential curbside, drop-off and commercial collection programs, Butler County has a recycling rate of approximately 38%.

Butler County also recovers other materials from special collection programs. The reports for those materials show an estimated performance for Butler County, which is 129.59% of the national recovery rate of 13.75%. In other words, for these other recyclable materials, Butler County has a recycling rate of 89.39% The rate is primarily attributable to the significantly high reported quantities of rubber tires.

When all the materials that can be recycled are combined, the overall recycling rate for Butler County is 27.56%. That is because Butler County performs at 84.13% of the national recovery rate for those materials.

Impact of yard waste on recovery rates

Yard waste was excluded from the quantities of materials used to determine the recycling rates shown above. The amounts of yard waste generated fluctuate from year to year and from locale to locale. Growing seasons, landscaping preferences and maturity of the plants can influence the types and amounts of materials collected. Therefore it is more difficult to determine how one geographic area compares to another. Even within Butler County, there are a broad spectrum of yard waste management scenarios. In the southwestern corner of the County, grass clippings and shrubbery trimmings are generated in newer residential developments. Because lots are situated in close proximity, there is little to no open space where yard waste can be handled. Curbside or drop-off collection services are necessary in these communities. In the northeastern portions of the County homes are situated on larger parcels, where there is room to manage the yard waste on site by chipping, shredding and or composting. The yard waste which is collected may be weighed and the tons are reported. Much of it is measured by estimates of cubic yards and converted to tons. The yard waste which is managed on site in rural areas is never accounted for in Butler's reports. The inconsistent reporting, along with all of the factors mentioned previously can skew the results.

According to the national figures, yard waste makes up nearly 14% of the total MSW generated. 57.25% of the yard waste which is recovered thru composting and other methods. In Butler, only 8.5% of the yard waste is reportedly recovered.

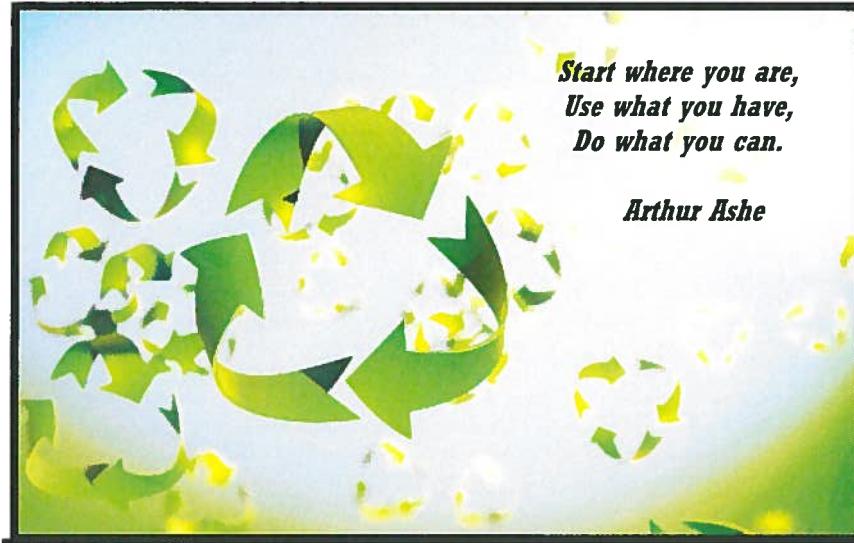
PADEP MEASUREMENTS

PADEP calculates the recycling rate, however, based on the quantities of materials recovered from the total amount of waste generated, regardless of the fact that more than 4% of the waste stream is not recoverable at all. Using that criteria, and including the unreliable yard waste data, Butler County performed at approximately 49% of the national rate of 34.7% recovery. Therefore, under these assumptions, Butler County would show a recycling rate for all materials of approximately 17%.

CONCLUSIONS

When only recyclable materials are considered, Butler County's reported data demonstrates that the County is successful in recovering the materials designated for collection in a variety of programs. To make a fair assessment of the municipal and commercial recycling efforts throughout Butler County, it is more productive to focus on that data.

There is room for improvement in the recovery of specific materials. Residential generators represent the primary sources of glass aluminum, bi-metal and plastic containers. In addition, residents generate the highest volumes of newsprint. Consequently, to collect more of these materials the County should continue its support for the growth of single stream recycling in all communities. Coupled with improved reporting from commercial generators, the overall recovery in the County could increase by a considerable percentage. This is particularly true for corrugated cardboard.



AN ASSESSMENT AND ACTION PLAN FOR BUTLER COUNTY'S MUNICIPAL WASTE AND RECYCLING PROGRAM

Included in this chapter is a comprehensive assessment of the current state of recycling and waste systems in Butler County along with an Action Plan that addresses specific activities to be addressed over the next decade. This plan results from two years of work by Department of Recycling & Waste Management staff, the Butler County Solid Waste Advisory Committee, the community, and elected officials culminating with a comprehensive ten-year vision for Butler County.

Assessment of Butler County's Recycling Program

Recycling Strengths / What's Working?

1. **Private Enterprise and a Progressive Manner of Collection** – with the county ordinance and in most instances municipal guidelines that create a level playing field for all haulers, private enterprise has continued over the decades to provide Butler County citizens with convenient curbside recycling service at competitive prices. Although the number of haulers has decreased since completion of the last solid waste plan (most notably the smaller haulers), there are still enough operating to provide a competitive choice either through private subscription or municipal contract. Added to this is the fact that most haulers offer single stream recycling collected from 95-gallon carts which allow program participants the ability to choose a lower level of waste collection service. In summary, the infrastructure needed to offer a progressive, comprehensive recycling system in Butler County is and has been in place for many years.
2. **Financial Sustainability** – The fact that Butler County's waste and recycling systems operate through free enterprise, this has resulted in financial sustainability with almost no need for public funding to support these programs. However, grant funding has been used to purchase recycling bins and carts which are owned by specific municipalities and have promoted the expansion of single stream recycling throughout the county.
3. **Recycling & Waste Management Department Development** – Operating as a one-person office for the County of Butler, the department maintains a general policy of encouraging and supporting the use of all existing recycling and reuse programs where available, and developing new programs when needed. Both financially and operationally,



it takes advantage of any available opportunities that will advance department goals and the needs of Butler County.

Recycling Weaknesses

1. Data Credibility / Reporting – A consistent issue for counties statewide is the reliability of collected recycling data. There are numerous concerns when collecting this information such as:
 - How accurate are the recycling tonnages being reported / how accurate can they be?
 - How many unknown collectors / haulers are out there who are not reporting? Since 2000, there are numerous more reports being collected yearly from haulers and businesses that were not previously reporting.
 - Have any tonnages accidentally been double-reported? What can be done to assure this doesn't occur?
 - Since collection trucks don't usually stay within municipal boundaries and estimates are being used for tonnages per municipality, are some municipal tonnages where collection is not as popular being "proped-up" by municipalities who may actually have a better recycling rate?
2. Lack of Recycling and Obstacles to Recycling
 - a. Residents - who are still not aware they can recycle, a lack of enforcement of municipal recycling ordinances or inability to enforce, or no waste service which results in no curbside recycling service
 - b. Small Businesses - too costly to get dedicated recycling dumpsters, don't produce enough recyclables to justify the cost of dedicated recycling containers, a lack of enforcement of the municipal recycling ordinance or inability to enforce
 - c. Rural Areas - haulers might not be picking up recyclables / perhaps because of a lack of awareness by residents that they have the ability to recycle, a lack of enforcement of municipal ordinances
 - d. Recycling in multi-family units such as apartment complexes - landlord doesn't provide service or isn't aware that it might be required in his municipality, not enough space for a dedicated recycling dumpster
3. Unknown Collectors and Haulers – Since the passage of Act 90 which took away the ability for counties to license waste haulers, it has been very difficult to keep track of who is collecting and hauling in Butler County. With this taking, there are many small companies operating in Butler County who are unknown.
4. Construction / Demolition Recycling – There are currently few options for construction/demolition debris recycling resulting in most materials being disposed of in landfills. Also, there are no known rules or regulations requiring C&D recycling other than some federal regulations for recycling when federally-funded new construction is replacing old construction.
5. Tires – Unless a resident has only a few tires to dispose of (which can be taken to many places in the county where tires are sold) there is no other easy, proper or regular disposal / recycling method for tires. Tri-County Cleanways has been operating a one-day tire collection in Butler County each year, with a limit of twelve tires per household.

6. Telephone Books – Since phone book directory companies quit holding regular collections in Butler County in 2010 and some haulers will not collect them curbside, no easy options exist for phone book recycling. In addition, phone books are not collected in the Paper Retriever bins.
7. Event Recycling – Most events in Butler County do not offer a recycling option to their vendors and attendees.
8. No Space for Commercial, Institutional or Multi-Family Recycling Containers – Many municipal subdivision and land development ordinances do not require space for recycling containers, but only for municipal waste containers. This has resulted in many new commercial and multi-family developments in Butler County with no room for dedicated recycling dumpsters thus making them out of compliance with the recycling ordinances.
9. Quality of Recyclables – With the continual growth of the recycling program within Butler County, there is still a need for education to assure that the correct recyclables are being placed in the bin.
10. Backyard Composting – With an increase in home gardening and a continued effort to divert materials from landfills, the encouragement of backyard composting is an attainable goal that would be beneficial to citizens of Butler County.

Assessment of Butler County's Waste System

Waste System Strengths – What's Working?

1. Private Enterprise and Competent Businesses – With all waste collection companies and landfills operated by private enterprise, this has removed a great deal of burden and cost from local municipalities as well as the county. This also allows for fair competition which keeps prices lower for customers. Also, most haulers and waste processing facilities have been in existence for long periods of time, demonstrating their competency in this industry.
2. Financial Sustainability – Since public funding is not used to support Butler County's waste collection system, private enterprise operates the system in a completely financially sustainable manner.
3. Landfill Space – Landfill space is currently a non-issue for Butler County, with plenty of space for waste (as is estimated to be generated for the next ten years) for decades into the future.



Waste System Weaknesses

1. Data Reporting – As data was analyzed from reported municipal waste tonnages over the past decade, it seems as though it is sometimes not being correctly attributed to the county in which it was generated. A more suitable reporting system needs to be developed or enforced that more accurately tracks where municipal waste is actually being generated. As with recycling data, the following questions also can be asked of statewide municipal waste data reports:
 - How accurately are the waste tonnages being reported for the actual municipalities in which they were generated?

2. Unknown Collectors / Haulers - Since the passage of Act 90 which took away the ability for counties to license waste haulers, it has been very difficult to keep track of who is collecting and hauling waste in Butler County. With this taking, there are some small companies operating in Butler County who are unknown.
3. Illegal Dumping and Backyard Burning - Although not an extremely widespread problem, illegal dumping does still exist in Butler County. Backyard burning occurs quite a bit in Butler County and perhaps education on the health effects resulting from this could be promoted.
4. Construction / Demolition Disposal - This is a waste stream that is difficult to track, being counted possibly as general municipal waste or transported over state lines to landfills who do not report tonnage to Butler County.
5. Lack of Residential Waste Subscription – Although most municipalities in Butler County (without contracted waste collection) require waste collection of its residents through private subscription, these regulations are sometimes not enforced leaving a small segment of the population without waste collection.

Achieving the Vision for Butler County

The following pages include the Action Plan for solving each weakness that has been identified above. Included are:

1. The Goal that Butler County wishes to achieve from solving any weaknesses identified within the plan;
2. The Stakeholders that may be affected by the problem and/or the solution;
3. The Benefits, which may include social, regulatory, financial, environmental, statistical, safety, etc. of solving each identified problem;
4. The possible Influencing Factors which can include social behaviors, regulations, financial circumstances, etc., that will need to be considered in order to address each task;
5. The Strategy and Methods of Achievement that can be used to realize success;
6. An Implementation Schedule over the ten-year planning period to address situations and achieve solutions; and
7. A dedicated and sustainable Budget, if necessary, to solve each problem.



Recycling and Waste Management Plan of Action

County of Butler, Pennsylvania

2017 - 2027



“Goals without plans are just wishes”

The following pages contain the specific objectives that have been identified for achievement in the next decade. By pinpointing implementation strategies, notable factors and issues that must be considered and steps to take, this Action Plan also encourages community-wide cooperation for the common good and provides clear methods for allocating resources to achieve those goals.



County of Butler
Department of Recycling & Waste Management
PO Box 1208, 124 West Diamond Street
Butler, Pennsylvania 16003
Phone 724.284.5305



BUTLER COUNTY SOLID WASTE MANAGEMENT PLAN PROJECT GOALS, CONSIDERATIONS AND A PLAN OF ACTION

Recycling Goals

- Who Does This Affect?

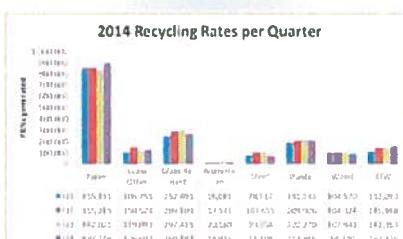
- Recycling haulers
- Businesses that recycle
- Institutions that recycle
- Butler County
- Butler County municipalities
- Pennsylvania DEP

- What are the Benefits?

- Economic – better tonnage reporting could result in better Performance Grant funding
- Act 101 – an identified goal
- Ordinance 9201 – reporting is a required task
- More accurate reports will better reflect Butler County's true recycling performance

Goal #1:

Improve Recycling Data Reporting



- Possible Influencing Factors:

- Awareness: Some haulers or businesses may not be aware of reporting regulations
- Staff Time: may be an issue for those needing to report
- Information Tracking: may not be occurring at some businesses
- Participation: Some may resist compliance

- Strategy and Action Steps:

- Identify those not reporting
- Develop a variety of educational materials and distribute
- Continue developing database of those who need to report
- Continue encouragement and reminders of reporting req'ts

- Implementation Schedule:

- This is an ongoing project which requires, due to constant changes in businesses, attention throughout the year, every year.

- Budget Requirements and Funding Sources:

- This is an identified task for a county recycling coordinator and no additional funding will be needed from the Butler County General Fund
- Staff time is reimbursed at 50% through PA Act 101, Section 903 and Host County Landfill Fees will be used for the other 50%

Goal #2a:

Improve Residential Recycling



- Who Does This Affect?
 - Recycling haulers
 - Residents
 - Landlords
 - Butler County
 - Municipalities
- What are the Benefits?
 - Economic – better recycling participation could result in better Performance Grant funding
 - Act 101 – an identified goal
 - Recycling processors will gain more materials + better collection efficiency
 - Environmental - Landfill space will be conserved as well as natural resources
 - Compliance with local ordinances where recycling is required
- Possible Influencing Factors:
 - Participation – some households will not recycle
 - Lack of support – some municipalities do not have resources or staff to assist
 - Population Density – low density makes recycling pickup cost prohibitive for haulers
 - Recycling Volume Fluctuations – could result from high tourist, seasonal areas
 - Awareness – some may not know they can recycle
- Strategy and Action Steps:
 - Study weak recycling areas and ascertain possible reasons why
 - Offer educational and outreach assistance to haulers and municipalities
 - Remind residents of local regulations
- Implementation Schedule:
 - This is an ongoing project which requires, due to constant changes in population, attention throughout the year, every year.
- Budget Requirements and Funding Sources:
 - This is an identified task for a county recycling coordinator and no additional funding will be needed from the Butler County General Fund
 - Staff time is reimbursed at 50% through PA Act 101, Section 903 and Host County Landfill Fees will be used for the other 50%
 - If consulting is desired, this would either be an eligible project under Act 101, Section 901 Planning (80% reimbursable) or may qualify for Technical Assistance Grant funding through Pennsylvania DEP (100%)

- Who Does This Affect?
 - Recycling haulers
 - Small Businesses
 - Butler County
 - Municipalities

- What are the Benefits?
 - Economic – better recycling participation could result in better Performance Grant funding
 - Economic – could result in trash bill savings for the business
 - Could improve inter-business relationships where two or more businesses share service
 - Recycling processors will gain more materials + more business for haulers
 - Environmental - Landfill space will be conserved as well as natural resources
 - Compliance with local ordinances where recycling is required

- Possible Influencing Factors:
 - Participation – some businesses may not want to participate
 - Lack of support – possibly by staff
 - Space – there may not be room for bins / may need to find other options

- Strategy and Action Steps:
 - Develop and promote an education and outreach program
 - Remind businesses of local regulations
 - Assist business with evaluations and solutions

- Implementation Schedule:
 - This is an ongoing project which requires, due to constant changes in businesses, attention throughout the year, every year.

- Budget Requirements and Funding Sources:
 - This is an identified task for a county recycling coordinator and no additional funding will be needed from the Butler County General Fund
 - Staff time is reimbursed at 50% through PA Act 101, Section 903 and Host County Landfill Fees will be used for the other 50%
 - If consulting is desired, this would either be an eligible project under Act 101, Section 901 Planning (80% reimbursable) or may qualify for Technical Assistance Grant funding through Pennsylvania DEP (100%)

Goal #2b:

Improve Small Business Recycling



Goal #2c:

Improve Recycling in Rural Areas



- Who Does This Affect?
 - Recycling haulers
 - Rural residents
 - Butler County
 - Municipalities
- What are the Benefits?
 - Economic – better recycling participation could result in better Performance Grant funding
 - Economic – could result in trash bill savings for residents
 - Recycling processors will gain more materials
 - Environmental - Landfill space will be conserved as well as natural resources
 - Compliance with local ordinances where recycling is required
 - Goal of Act 101
- Possible Influencing Factors:
 - Participation – some residents may not want to participate
 - Financial burden on haulers with sporadic pickup in rural areas
 - Awareness – some residents may not be aware that they can recycle
- Strategy and Action Steps:
 - Explore factors contributing to lack of recycling in rural areas / ways to help haulers
 - Develop and promote an education and outreach program with solutions
 - Encourage recycling and remind of local regulations pertaining to recycling
- Implementation Schedule:
 - This is an ongoing project which requires attention throughout the year, every year.
- Budget Requirements and Funding Sources:
 - This is an identified task for a county recycling coordinator and no additional funding will be needed from the Butler County General Fund
 - Staff time is reimbursed at 50% through PA Act 101, Section 903 and Host County Landfill Fees will be used for the other 50%
 - If consulting is desired, this would either be an eligible project under Act 101, Section 901 Planning (80% reimbursable) or may qualify for Technical Assistance Grant funding through Pennsylvania DEP (100%)

Improve Recycling in Multi-Family Housing Units



Goal #2d:

- Who Does This Affect?
 - Recycling haulers
 - Residents of multi-family units
 - Landlords and building owners
 - Butler County
 - Municipalities
- What are the Benefits?
 - Economic – better recycling participation could result in better Performance Grant funding
 - Economic – could result in trash bill savings for residents and/or landlord
 - Recycling processors will gain more materials
 - Environmental - Landfill space will be conserved as well as natural resources
 - Compliance with local ordinances where recycling is required
 - Goal of Act 101
- Possible Influencing Factors:
 - Participation – some residents may not want to participate
 - Financial - possible increase in cost to landlord or building owner
 - Space – there may not be room for recycling dumpsters / bins
- Strategy and Action Steps:
 - Explore all factors contributing to lack of recycling in multi-family units
 - Develop and promote an education and outreach program with solutions
 - Encourage recycling and remind of local regulations pertaining to recycling
- Implementation Schedule:
 - This is an ongoing project which requires attention throughout the year, every year.
- Budget Requirements and Funding Sources:
 - This is an identified task for a county recycling coordinator and no additional funding will be needed from the Butler County General Fund
 - Staff time is reimbursed at 50% through PA Act 101, Section 903 and Host County Landfill Fees will be used for the other 50%
 - If consulting is desired, this would either be an eligible project under Act 101, Section 901 Planning (80% reimbursable) or may qualify for Technical Assistance Grant funding through Pennsylvania DEP (100%)

Goal #3:

Develop Better Tracking System for Haulers Operating in Butler County



- Who Does This Affect?
 - Recycling haulers
 - Butler County
 - Municipalities
- What are the Benefits?
 - Recycling Reports – assuring compliance by all operating haulers will maximize recycling tracking and tonnages
 - Improved communication with haulers + maximum level playing field
 - Economic – could result in better Act 101, Section 904 Performance Grant funding
 - Recycling processors will gain more materials
 - Compliance with local ordinances where recycling is required
- Possible Influencing Factors:
 - Identification – some haulers may not want to be identified
 - Awareness – some haulers may not be aware of compliance issues
 - PA Act 90 prohibits counties from licensing haulers, making it harder for counties to identify smaller operators
 - Constant changes in business make this an ongoing project
- Strategy and Action Steps:
 - Amend Ordinance 9201 to eliminate “licensing” and implement a free system of “registering”
 - Request help from municipalities in identifying lesser-known haulers that may be operating
 - Develop communication materials to distribute to haulers
 - Encourage and remind of local regs
- Implementation Schedule:
 - This is an ongoing project which requires attention throughout the year, every year.
- Budget Requirements and Funding Sources:
 - This is an identified task for a county recycling coordinator and no additional funding will be needed from the Butler County General Fund
 - Staff time is reimbursed at 50% through PA Act 101, Section 903 and Host County Landfill Fees will be used for the other 50%

Goal #4:

Improve Construction & Demolition Debris Recycling



- Who Does This Affect?
 - Building contractors
 - Residents, businesses and institutions
 - Butler County and its municipalities
- What are the Benefits?
 - Environmental – diverts more materials from landfills
 - Improved communication with builders
 - Compliance with local recycling ordinances
 - Goal of Act 101
 - Environmental – possible reduction in illegal dumping and/or burning
- Possible Influencing Factors:
 - Participation – some builders may not want to participate in debris recycling
 - Time – may be cost-prohibitive for builders to separate recyclable materials
 - Lack of facilities – there may be a lack of places to recycle construction and demolition debris in or near Butler County
 - Awareness – builders may not be aware of local regulations
- Strategy and Action Steps:
 - Study and identify local markets that can accept various building materials for recycling
 - Communicate with local code enforcement officers to identify builders in Butler County
 - Develop educational and resource materials to distribute to municipalities and builders
 - Work with builders to develop solutions to unique problems
 - Encourage and offer sample language to municipalities who want to require debris recycling once local markets are identified
- Implementation Schedule:
 - This is an ongoing project which requires attention throughout the year, every year.
- Budget Requirements and Funding Sources:
 - This is an identified task for a county recycling coordinator and no additional funding will be needed
 - Staff time is reimbursed at 50% through PA Act 101, Section 903
 - If consulting is desired, this would either be an eligible project under Act 101, Section 901 Planning (80% reimbursable) or may qualify for Technical Assistance Grant funding through Pennsylvania DEP (100%)

Goal #5:

Improve Tire Recycling by Holding Fiscally Sustainable, Regular Collection Events



- Who Does This Affect?
 - Tire-related businesses
 - Residents, businesses and institutions
 - Butler County and its municipalities
- What are the Benefits?
 - Environmental – could have large impact on illegally dumped tires
 - Improved communication with businesses
 - Compliance with recycling laws
 - Goal of Act 101
 - Possible regular, easy solution to recycle tires
- Possible Influencing Factors:
 - Participation – some will not participate in a collection program
 - Lack of Funding - could make a program cost-prohibitive
 - Lack of Recyclers – there could be problems in attaining a cost-effective recycler
- Strategy and Action Steps:
 - Determine the needs of Butler County
 - Study and identify local markets, possible program partners, funding sources and recyclers that could handle the needs that have been identified
 - Develop educational and resource materials to distribute to municipalities and builders
 - Develop a program and hold a trial collection to assess success and feasibility
 - Assess program feedback and make any necessary changes to streamline the program and make it as cost-effective as possible
- Implementation Schedule:
 - This project, which requires a great deal of study and planning, should take approximately two to three years to fully implement.
- Budget Requirements and Funding Sources:
 - At this time, DEP does not have a funding program for tire recycling
 - Grant, private foundation funding and participant fees will be solicited to help offset program costs
 - Staff time will be reimbursed at 50% under the Act 101, Section 903 County Coordinator funding program and Host County Landfill Fees will be used for the other 50% cost. If a planning study should take place, these costs are 80% reimbursable through DEP's Act 101, section 901 Planning Grant program.

Goal #6:

Improve Telephone Book Recycling by Holding Fiscally Sustainable, Regular Collection Events



- Who Does This Affect?
 - Telephone directory companies
 - Residents, Businesses and Institutions
 - Butler County and its Municipalities
- What are the Benefits?
 - Environmental – diversion of phone books, not widely accepted for curbside recycling, to proper recycling program
 - Economic – could improve Act 101, Section 904 Performance Grant funding
 - Compliance with recycling laws
 - Goal of Act 101
- Possible Influencing Factors:
 - Funding – may not be readily available for this type of program / may not be cost-effective
 - Partners – may be hard to find for “phone book only” collection and hauling
- Strategy and Action Steps:
 - Determine the needs of Butler County
 - Study and identify local markets, possible program partners, funding sources and recyclers that could handle the needs that have been identified
 - Develop educational and resource materials to distribute to municipalities and builders
 - Develop a program and hold a trial collection to assess success and feasibility
 - Assess program feedback and make any necessary changes to streamline the program and make it as cost-effective as possible
- Implementation Schedule:
 - This project, which requires a great deal of background study and planning, should take approximately two years to fully implement once started.
- Budget Requirements and Funding Sources:
 - Grant funds as well as private funding will be sought to offset costs as much as possible for this funding since there is no dedicated grant funding for these types of programs
 - Staff time will be reimbursed at 50% under the Act 101, Section 903 County Coordinator funding program and Host County Landfill Fees will be used for the other 50%. Planning study time, if needed, could be reimbursed at 80% through an Act 101, Section 901 grant.

Goal #7:

Improve Recycling at Special Events



- Who Does This Affect?
 - Special event organizers
 - Hauling companies
 - Event attendees
 - Event staff and/or volunteers
 - Butler County and its municipalities
- What are the Benefits?
 - Environmental – diversion of recyclable materials
 - Economic – could improve Act 101, Section 904 Performance Grant funding
 - Compliance with recycling laws
 - Goal of Act 101
- Possible Influencing Factors:
 - Cost – may not be cost-effective for event organizers
 - Time – may be a burden on event staff and/or those needed to monitor bin usage
 - Contamination of recyclables – could be a problem if bins are not monitored properly
- Strategy and Action Steps:
 - Use the completed “Butler County Special Event Recycling Resource Guide and Handbook” and contact a special event committee who would be willing to test recycling at their event
 - Study and identify local markets, possible program partners, and recyclers that could handle the needs of the event organizers
 - Develop educational and resource materials to distribute at the event and organize volunteers to monitor bins
 - Assess program feedback and make any necessary changes to streamline the program and make it as cost-effective as possible
- Implementation Schedule:
 - This project, which requires a great deal of cooperation and planning for each event, should take approximately one to two years to fully implement.
- Budget Requirements and Funding Sources:
 - Holding a program such as this will may require extra cost, which would be on the part of the event organizer.
 - County recycling staff would be available for planning purposes and cost would be regular staff time which is reimbursable through Act 101, Section 903 at 50% - Host County Landfill Fees will be used for the other 50%

Goal #8:

Encourage Municipalities to Require Space for Recycling Containers in New Land Developments



- Who Does This Affect?
 - Developers and owners
 - Hauling companies
 - Butler County and its municipalities
- What are the Benefits?
 - Environmental – diversion of recyclable materials
 - Economic – could improve Act 101, Section 904 Performance Grant funding
 - Compliance with recycling laws
 - Goal of Act 101
- Possible Influencing Factors:
 - Priority – may be low on list of desires for the development whether residential or commercial
 - Space – could be an issue with some developments depending on lot size
 - Cost - could add cost to the development
- Strategy and Action Steps:
 - Develop “model language” that can easily be used by municipalities in update of their subdivision and land development ordinances
 - Develop letter explain reasons for need of requirement
 - Send resources to municipalities and offer assistance with implementation
- Implementation Schedule:
 - This project will require approximately one to two years to develop, but depending on municipal schedules for updating their ordinances (which usually takes place about every ten years) makes this an ongoing project for the entire ten year planning period for Butler County.
- Budget Requirements and Funding Sources:
 - County recycling staff time will be used for this project and hourly costs are reimbursable through Act 101, Section 903 at 50% and Host County Landfill Fees will be used for the other 50% cost

- Who Does This Affect?

- All citizens, businesses and institutions in Butler County
- All hauling companies and recycling centers
- Butler County and its municipalities

- What are the Benefits?

- Environmental – diversion of correct and good quality recyclable materials
- Economic – could improve Act 101, Section 904 Performance Grant funding by decreasing contamination rate
- Improves efficiency at recycling centers which provides economic benefit for the business
- Goal of Act 101

Goal #9:

Improve the Quality of What's Being Placed in Recycling Bins Countywide / Decrease Contamination



- Possible Influencing Factors:

- Transient population – constantly changing will need consistent education
- Education quality – will be needed to convey the proper message
- Time – will require a significant amount to properly convey messages
- Partners – in the hauling and business community will be needed to assist and identify target audiences

- Strategy and Action Steps:

- Determine all target audiences in Butler County
- Determine any needed partners
- Develop educational materials for each target audience
- Disseminate information on an as-needed basis

- Implementation Schedule:

- This project will require approximately two to three years to develop, but because of the nature of this program and constant changes in populations will be an ongoing project for the entire ten year planning period for Butler County.

- Budget Requirements and Funding Sources:

- County recycling staff time will be used for this project and hourly costs are reimbursable through Act 101, Section 903 at 50%
- Funding will be needed for the development of educational materials and depending on how information is disseminated, could widely vary. Grant funding will be sought, primarily through Act 101, Section 902, at 90% reimbursement for these costs. In addition, private partnerships / funding will be sought

- Who Does This Affect?

- All citizens, businesses and institutions in Butler County
- All hauling companies
- Butler County and its municipalities
- Landfills

- What are the Benefits?

- Environmental – diversion of compostable materials from landfills
- Economic – could provide some savings on waste bills and provide compost for homeowner
- Goal of Act 101

Goal #10:

Encourage Backyard Composting



- Possible Influencing Factors:

- Could possibly affect landfill gas production / energy production since landfill gas is sometimes relied on for energy
- Education – will require some time and resources to develop more materials, etc.
- Time – will be an ongoing project
- Partners – will be helpful in developing and disseminating the message

- Strategy and Action Steps:

- Determine all target audiences in Butler County
- Determine any needed partners
- Develop educational materials for each target audience
- Disseminate information / hold classes on an as-needed basis

- Implementation Schedule:

- This project will require approximately two to three years to develop, but because of the nature of this program and constant changes in populations will be an ongoing project for the entire ten year planning period for Butler County.

- Budget Requirements and Funding Sources:

- County recycling staff time will be used for this project and hourly costs are reimbursable through Act 101, Section 903 at 50%
- Funding will be needed for the development of educational materials and depending on how information is disseminated, could widely vary. Grant funding will be sought, primarily through Act 101, Section 902, at 90% reimbursement for these costs. In addition, private partnerships / funding will be sought.

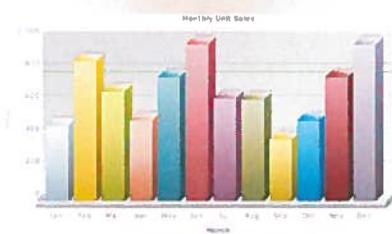


BUTLER COUNTY SOLID WASTE MANAGEMENT PLAN PROJECT GOALS, CONSIDERATIONS AND A PLAN OF ACTION

Waste Management Goals

Goal #1:

Improve Waste Tonnage Tracking System



- Who Does This Affect?
 - Waste Haulers
 - Landfills
 - Butler County
 - Butler County Municipalities
 - Pennsylvania DEP
- What are the Benefits?
 - More accurate tonnage reporting and where waste originates
 - Better compliance with local and state tonnage reporting regulations
 - Better planning can take place when reported tonnage is more accurate
 - Financial – could result in more host fees if tonnage accepted in Butler County is generated out of county
 - Develop better communication with haulers and landfills
- Possible Influencing Factors:
 - Haulers may not always be completely aware of the waste origin
 - Landfill personnel may not always be made aware of the correct point of origins
 - Tracking accuracy may be neglected during pickup
 - Changes in haulers and drivers may affect accuracy
- Strategy and Action Steps:
 - Develop a variety of educational materials and distribute
 - Continue developing database of haulers & where waste is landfilled
 - Continue encouragement and reminders of requirements
- Implementation Schedule:
 - This is an ongoing project which requires, due to constant changes, attention throughout the year, every year.
- Budget Requirements and Funding Sources:
 - No additional funding will be needed for this project and it will be worked on consistently over time
 - Staff time is reimbursed at 50% through PA Act 101, Section 903 and 50% from Host County Landfill Fees

- Who Does This Affect?

- Waste Haulers
- Butler County
- Butler County Municipalities

- What are the Benefits?

- Compliance – identifying all residential haulers will better assure compliance with regulations & level playing field for all
- Identifying all waste haulers will better reflect Butler County's true waste tonnage

- Possible Influencing Factors:

- Awareness: Some haulers may not be aware of regulations
- Very small hauling businesses may not be aware of regulations
- Participation: Some may resist compliance
- Constant oversight by county staff will be needed to assure compliance

Goal #2:

Identify All Waste Collectors and Haulers



- Strategy and Action Steps:

- Identify any haulers who county and/or municipalities may not be aware of
- Contact municipalities for assistance in identification
- Develop a registration system and database for haulers
- Develop a variety of educational materials and distribute with registration forms

- Implementation Schedule:

- This is an ongoing project which requires, due to constant changes in haulers, attention throughout the year, every year.

- Budget Requirements and Funding Sources:

- This is a regular task for a county coordinator and no additional funding will be needed from the Butler County General Fund
- Staff time is reimbursed at 50% through PA Act 101, Section 903 and 50% from Host County Landfill Fees

Deter Illegal Dumping and Assist With Enforcement and Educate on Backyard Burning



- Who Does This Affect?
 - Waste haulers registered with Butler County
 - Residents or businesses that are located near dump sites or are burning Butler County
 - Butler County Municipalities
 - Pennsylvania DEP, Fish & Game Commission, Pa. State Police and any other state entity with laws that may affect illegal dumping
- What are the Benefits?
 - Environmental – a cleaner Butler County
 - Ordinance 9201 – a goal
 - Cleanup groups & municipalities that would otherwise be involved in cleanup activities
 - Financial – because resources are needed when cleanups must take place
- Possible Influencing Factors:
 - Good deterrents and enforcement are needed to make illegal dumping not worth the risk
 - Staff time is needed for monitoring purposes
 - Surveillance may be needed in some problem areas
 - Cost of cleaning up plus volunteer / staff time for dump areas could be an issue
 - Support from other stakeholders and law enforcement
- Strategy and Action Steps:
 - Identify problem areas in the county
 - Obtain surveillance equipment for loan (possibly through grant funding)
 - Develop a variety of educational materials and distribute to municipalities and public
 - Develop ordinance wording for municipalities who request it
 - Assist municipalities with enforcement by loaning surveillance equipment, etc.
- Implementation Schedule:
 - This is an ongoing project which requires attention and communication throughout the year, every year.
- Budget Requirements and Funding Sources:
 - This is a regular task for a county coordinator and no additional funding will be needed from the Butler County General Fund
 - Staff time is reimbursed at 50% through PA Act 101, Section 903 and 50% from Host County Landfill Fees

Goal #4:

Encourage Proper Construction & Demolition Debris Disposal and Improve Tracking (when recycling is not an option)



- Who Does This Affect?
 - Waste Haulers
 - Builders and Developers
 - Butler County
 - Butler County Municipalities
- What are the Benefits?
 - Reduction in illegal dumping
 - More accurate waste tonnage reporting
 - Ordinance 9201 compliance
 - Improved communication between stakeholders
- Possible Influencing Factors:
 - Participation: Some may resist compliance
 - Getting word out to all builders
 - Out-of-county builders who are not aware of Butler County regulations
 - Some waste is being sent to Ohio landfills and is not reported here
- Strategy and Action Steps:
 - Identify all builders / contractors operating in Butler County
 - Track waste going to Ohio landfills
 - Develop a variety of educational materials and distribute
 - Continue encouragement and reminders
- Implementation Schedule:
 - This is an ongoing project which requires, due to constant changes in businesses, attention throughout the year, every year.
- Budget Requirements and Funding Sources:
 - This is a general task for a county coordinator and no additional funding will be needed from the Butler County General Fund
 - Staff time is reimbursed at 50% through PA Act 101, Section 903 and 50% from Host County Landfill Fees

Goal #5:

Encourage Waste Collection Subscription



- Who Does This Affect?
 - Waste Haulers
 - Residents
 - Butler County
 - Butler County Municipalities
 - Pennsylvania DEP
- What are the Benefits?
 - Economic – more consistent pickup for haulers and lower prices for residents
 - Better participation will result in less burning and/or illegal dumping
- Possible Influencing Factors:
 - Awareness: Some haulers or businesses may not be aware of reporting regulations
 - Participation: Some residents will not participate
 - Municipal ordinances – municipalities may not have staff time to devote to enforcing ordinances
- Strategy and Action Steps:
 - Target a participation campaign towards residents not participating
 - Develop a variety of educational materials and distribute
 - Assist municipalities as requested
 - Develop sample ordinance wording for municipalities who request it
 - Continue encouragement and reminders of requirements
- Implementation Schedule:
 - This is an ongoing project which requires, due to constant changes in population, attention throughout the year, every year.
- Budget Requirements and Funding Sources:
 - This is a regular task for a coordinator and no additional funding will be needed from the Butler County General Fund
 - Staff time is reimbursed at 50% through PA Act 101, Section 903 and 50% from Host County Landfill Fees



AVAILABLE FACILITIES, RECOMMENDATIONS AND SELECTION

As required by Act 101, Butler County requested proposals from facilities interested in guaranteeing space for Butler County municipal waste for a ten-year period. Nineteen proposals were received and all were qualified except for one facility that was recently denied an application by the Pa. Department of Environmental Protection to

reopen. Butler County continues to have an "open" type of plan, meaning that any facility meeting Butler County's qualification criteria may, at any time, petition the county for inclusion in its plan. The following is a listing of those facilities who have signed new ten-year agreements with Butler County:

FACILITY NAME	OWNER	LOCATION
Arden	Waste Management	Washington, PA
Carbon Limestone	Allied / Republic Waste Services	Lowellville, OH
Chestnut Valley	Advanced Disposal Services	McClellandtown, PA
Commonwealth Envir. Systems	De Naples	Hegins, PA
Conestoga	BFI Waste Systems of N. America / Republic Waste Services	Morgantown, PA
Greentree	Advanced Disposal Services	Kersey, PA
Hyland	Casella Waste Management	Angelica, NY
Imperial	Allied Waste Systems of N. America / Republic Services	Imperial, PA
Joseph J. Brunner	Joseph J. Brunner, Inc.	Zelienople, PA
Keystone Sanitary	De Naples	Dunmore, PA
McKean	Casella Waste Management	Kane, PA
Modern	Republic Services	York, PA
Monroeville	Waste Management	Monroeville, PA
Mostoller	Advanced Disposal	Somerset, PA
Northwest Sanitary	Waste Management	West Sunbury, PA
Sandy Run	Advanced Disposal Services	Hopewell, PA
Seneca	Vogel Holding, Inc.	Evans City, PA
Valley	Waste Management	Irwin, PA
Wayne Township Landfill	Clinton Co. Solid Waste Author.	McElhattan, PA
York County Landfill	York County SW & R Author.	York, PA

Note: Butler County was petitioned in 2009 by Wayne Township Landfill of McElhattan, Pa. to be included in its Solid Waste Plan. This agreement will expire in 2019, five years in advance of the expiration of agreements with the above facilities. This makes a total number of twenty landfills under agreement with Butler County.

Included following this page:

Figure 6-1 - Recommendations for Designation of Facilities (Source: Nestor Resources)

Figure 6-2 - Map of Facility Locations

**PROCUREMENT PROCESS TO
SECURE DISPOSAL CAPACITY
FOR BUTLER COUNTY
AND
RECOMMENDATIONS FOR
DESIGNATION OF FACILITIES
2014 -2023**

Administrative and
Technical Review and
Evaluation of Proposals



Nestor Resources, Inc.

TABLE OF CONTENTS

Determination of Future Disposal Capacity Needs.....	3
Method to Secure Disposal Capacity	3
Public Solicitation for Capacity	3
Pre-established Selection Criteria.....	3
Key Factors for Evaluating the Proposals.....	4
Proposal Review and Evaluation.....	5
Highlights	5
Maximum Gate Rates	5
Alternative Technologies	5
Public/Private Partnerships and Investments.....	5
Section 1 Contractors, Proposed Facilities, Legal Formalities	1
Section 2 Permit Status and Conditions of Operations	3
Section 3 Facility Design, Regulatory Compliance, and Financial Assurances	6
Section 4 Daily and Annual Capacity Guarantees	9
Section 5 Schedule of Maximum Charges	10
Recommendations for Disposal Facility Designation.....	11

DETERMINATION OF FUTURE DISPOSAL CAPACITY NEEDS

The procurement of disposal capacity begins by projecting the needs of the County over the ten year period of the Plan. Waste generation is primarily influenced by population, however other demographic factors do play a role. Butler relies on population and demographic projections developed by the Southwest Regional Planning Commission for other plans and projects. Therefore, those estimates were utilized in lieu of those from the U.S. Census Bureau and the Pennsylvania State Data Center in Harrisburg. The Southwest Regional Planning Commission's projected trends are somewhat more aggressive than the state and the federal estimates. Data regarding historic waste generation, recycling and disposal was taken from local sources and facility reports submitted to PADEP. Some adjustments were made to compensate for suspected reporting errors from disposal and processing facilities. National trends in waste generation, recovery, and disposal were also considered. Other information is drawn from professionally recognized and well documented assumptions. Based on these combined factors, the capacity required by the County for the next ten years was calculated.

During the planning process Butler County's current disposal practices were reviewed. Butler County's actual use of the regional transfer stations and disposal facilities designated in the past Plan was identified. In addition, the consumption of disposal capacity at those facilities by other counties, states, and industrial generators was evaluated. The impact of recycling efforts was also factored into the projections. The capacity projections, when compared to the current volumes of waste reportedly received from all sources at regional landfill showed no indication of pending capacity deficits. However, because current agreements are set to expire within the next year, it was necessary for the County to secure new guarantees.

METHOD TO SECURE DISPOSAL CAPACITY

The Butler County Municipal Solid Waste Management Plan is the mechanism through which the County fulfills its obligation to provide for sufficient disposal capacity for municipal waste projected to be generated within its borders. Capacity guarantees are to provide for a 10-year span. The Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101), establishes this responsibility as a primary goal for counties in the planning process. Counties may determine how to solicit for and secure guarantees for disposal capacity, provided that the process adheres to legal and statutory guidelines. Butler County has historically utilized a formal contractual agreement as the preferred guarantee of capacity and continues to do so for 2014-15 Plan.

PUBLIC SOLICITATION FOR CAPACITY

To ensure that the greatest number of interested parties would be aware of the County's intentions to enter into a contractual arrangement for guaranteed disposal capacity, Butler County Department of Recycling and Waste Management publicly solicited for proposals in the PA Bulletin and a national trade magazine. The PADEP was notified of the County's solicitation. Disposal and processing facilities that have traditionally accepted waste from Butler County were invited to submit proposals. In addition, facilities that operated within a broad geographic proximity to the County, were directly notified. These combined efforts assured that facilities located both within and out of the state would be informed of the County's request.

PRE-ESTABLISHED SELECTION CRITERIA

The format and content required for administrative completeness and technical merit review was well defined in the Request for Proposals. No one criteria held particular weight over another. Built into the technical review process, was the ability to make inquiries regarding the content of the proposals, ask for

supplemental documentation, or request further clarifications. To maintain an open, transparent, and non-biased selection process, equal consideration and opportunity were granted to all facilities that submitted proposals.

KEY FACTORS FOR EVALUATING THE PROPOSALS

Permit Status	Proof of a current operating permit issued by the PADEP or the equivalent state regulatory agency for non-Pennsylvania facilities.
Remaining Capacity	Documentation of the projected life of the facility and Proven ability to provide all or some portion of the capacity during the period of the Plan.
Regulatory Compliance	Demonstrated history of regulatory compliance for the parent company and each facility proposed
Financial Strength	Documented credit worthiness and financial stability of the operator.
Risk Assessment	Proof of public and environmental liability protection.
Experience & Qualifications	Documented performance in related contractual scenarios. Credentials of key personnel.
Facility Design	Proven ability to meet Federal, State, and Local standards. Demonstrated use of proven and accepted technology, alternatives, and best engineering practices.
Operating Plans	Established screening and waste acceptance plan Approved plans for safety and emergency management Contingencies for pollution prevention and control Documented program for energy production
Potential Cost	Provision of a pricing matrix with established price ceilings Identification of all federal, state and local fees and surcharges

PROPOSAL REVIEW AND EVALUATION

Combined, proposals for a total of eighteen landfills offered daily, annual, or contingency capacity assurances to the County. Two organizations failed to submit during the formal procurement process, but later followed the County's guidelines, which allow facilities to submit a petition to be included in the final Plan. The same requirements for information were applicable in both the procurement and the petitioning process. Therefore, all submissions were subject to an equal examination and review to determine compliance with the submission and selection criteria. During the review and evaluation process, minor mistakes were noted. Several requests were made to eliminate deficiencies that occurred in regards to incomplete submissions for the back-up facilities. Answers and clarifications were provided and have been incorporated into the original submissions. The facilities that meet the criteria will be officially designated after the final approval of the Plan.

Respondents to the Request for Proposals included:

Advanced Disposal Services

J. J. Brunner

Casella Waste Management

Republic Services

Vogel Holding

Petitioned filed for multiple facilities to be considered for designated disposal sites:

Waste Management

York County Solid Waste & Refuse Authority

HIGHLIGHTS

The results of the facility evaluations are presented in five sections following these narratives. Each section represents a segment of the legal Proposal, technical, operational, and financial selection criteria. Tables show the proposed facilities with their responses and demonstrated information condensed for presentation purposes.

MAXIMUM GATE RATES

No conditions were imposed on the disposal rate other than the facility-defined cap. The maximum rates do not preclude the ability of parties to negotiate lower fees based on business relationships and other factors.

ALTERNATIVE TECHNOLOGIES

Although proposals were invited for new or alternative disposal technologies, none was received in this solicitation process.

PUBLIC/PRIVATE PARTNERSHIPS AND INVESTMENTS

No 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.

SECTION 1 CONTRACTORS, PROPOSED FACILITIES, LEGAL FORMALITIES

Facility	Owner	Site Location	Contacts		Capacity Agreement	
			Technical	Operational	All Required Forms and Signatures	Agreed Contract Terms and Conditions or Exceptions
Arden Landfill	Waste Management	200 Rangos Lane Washington, PA 15301	Rick Smitsky	Darrell Klink	YES	YES
Carbon Limestone	Allied/Republic Waste Services	8100 S State Line Rd Lowellville , OH 44436	Timothy Nytra	Alan Marino	YES	NO
Chestnut Valley Landfill	Advanced Disposal Services	McClellandtown, PA	Bill Binnie	Don Henrichs	YES	NO
Commonwealth Environmental Systems	De Naples	Hegins, PA	Brett Dexter	Dan O'Brien	YES	NO
Conestoga Landfill	BFI Waste Systems of North America, LLC Republic Services, Inc	420 Quarry Road PO Box 128 Morgantown, PA 19543	Mark Pedersen	Dean DiValerio	YES	YES
Greentree Landfill	Advanced Disposal Services	635 Toby Road Kerssey, PA 15846	Bill Binnie	Don Henrichs	YES	YES
Hyland Landfill	Casella Waste Management	6653 Herdman Road Angelica, NY	Terry Lunn	Joseph Boyles	Pending	NO
Imperial Landfill	Allied Waste Systems of PA LLC Republic Services, Inc.	11 Boggs Road, Imperial , PA 15126	Timothy Nytra	Brett Bowker	YES	NO
Joseph J Brunner Landfill	Joseph J. Brunner, Inc.	211 Brunner Road Zelienople, PA 16063	Joseph J. Brunner	Joseph J. Brunner	YES	NO
Keystone Sanitary Landfill	De Naples	Dunmore, PA	Joe Dexter	Joe Dexter	YES	YES

Facility	Owner	Site Location	Contacts		Capacity Agreement			
			Technical	Operational	All Required Forms and Signatures	Contract Terms and Conditions	Agreed Exceptions	to Minimum Tonnage
McKean Landfill	Casella Waste Management	19 Ness Lane Kane, PA 16735	Mark Milliman	Randy Jensen	YES	YES	YES	NO
Modern Landfill	Republic Services	4400 Mount Pisgah Road York, PA 17406	Mark Pedersen	Dean DiValerio	YES	YES	YES	NO
Monroeville Landfill	Waste Management	600 Thomas Street, Monroeville, PA 15146	Tom Paullet	Darrell Klink	YES	YES	YES	NO
Mostoller Landfill	Advanced Disposal previously Interstate Waste Services	7095 Glades Pike Somerset, PA 15501	Mark Harlacker	Kevin Bush	YES	YES	YES	NO
Northwest Sanitary Landfill	Waste Management	1436 West Sunbury Road West Sunbury, PA 16061	Thomas Lewis	James Short	YES	YES	YES	NO
Sandy Run Landfill	Advanced Disposal Services	956 Landfill Rd Hopewell, PA 16650	Mark Harlacker	Kevin Bush	YES	YES	YES	NO
Seneca Landfill	Vogel Holding Inc.	421 Hartman Road Evans City, PA 16033	Edward R. Vogel	Edward R. Vogel	YES	YES	YES	NO
Tri County Landfill	Vogel Holding Inc.	159 TCI Park Drive Grove City, PA 16127	Edward R. Vogel	Edward R. Vogel	YES	YES	YES	NO
Valley Landfill	Waste Management	6015 Pleasant Valley Road, Irwin, PA 15642	Brad Minemyer	Brad Minemyer	YES	YES	YES	NO
York County Resource Recovery Center	York County Solid Waste Authority	2700 Blackbridge Road York, PA	Greg Pearson	Greg Pearson	YES	YES	YES	NO

SECTION 2 PERMIT STATUS AND CONDITIONS OF OPERATIONS

Facility		Local		Permitted		Accessibility and Terms of Use		
Site Name	Host Agreements	Permit #	Issuing State	Remaining Capacity	Permitted Capacity	Current Constraints or Limitations	Operating Days Per Year	Operating Hours
Arden Landfill	Chariers Township Washington County	PA 100172	6/1/2017	33,445,112	26,346,467	NONE	Monday-Saturday (312)	2:00AM-3:00PM Monday-Friday
Carbon Limestone Landfill	Poland Township Mahoning County, Ohio	OH 28726	12/31/2013 (License renewed annually)	3,322,440	3,322,440	Proposed as back-up facility only	Monday-Saturday (310)	12:00 AM-4:00 PM (Sat:3:00AM -11:00 AM)
Chestnut Valley	German Township Fayette County	PA 100419	9/16/2021	19,886,369 cyds	NONE	Proposed as back-up facility only	Monday-Saturday (313)	4:00AM-8:00PM
Commonwealth Environmental Landfill	Reilly Township Foster Township Frailey Township Schuylkill County	PA 101615	1/31/2017	21,839,076 cyds	NONE	Proposed as back-up facility only	Monday-Friday (305)	6:00AM-3:00PM Monday-Friday
Conestoga Landfill	New Morgan Borough Caernarvon Township Berks County	PA 101509	9/1/2017	36,025,132 cyds	NONE	Proposed as back-up facility only	Monday-Saturday (274)	5:00AM-7:30PM Monday-Friday (Sat:5:00 AM-11:00 AM)
Greentree Landfill	Fox Township Elk County	PA 101397	12/8/2018	9,733,784 cyds	NONE	Proposed as back-up facility only	Monday-Saturday (308)	7:00AM-4:00PM Monday-Friday (Sat:7:00 AM-11:00 AM)
Hyland	Angelica Allegany County, NY	NY 9-0232-00003/00002	5/1/2015	9,733,784 cyds	NONE	Proposed as back-up facility only	Monday-Saturday (266)	7:00AM-9:00PM Monday-Saturday

Facility	Local		Permitted		Accessibility and Terms of Use	
	Site Name	Host Agreements	Permit # Issuing State Expiration Date	Remaining Permitted Capacity 2011	Current Constraints or Limitations	Operating Days Per Year
Imperial Landfill	Findlay Township West Allegheny Schools Allegheny County	PA 100620 9/22/2015	23,291,264 cyds	NONE	Monday-Saturday (312)	12:00 AM- 3:00 PM (Sat-3:00AM -10:00 AM)
Joseph J. Brunner Landfill	New Sewickley Township	PA 101439 6/30/2014	2,404,060 cyds	Pending permit renewal	Monday-Saturday (312)	8:30AM-4:00PM (Sat-8:30AM -Noon)
Keystone Sanitary Landfill	Throop Borough Dunmore Borough Lackawanna County	PA 101247 4/6/2015	21,914,769 cyds	NONE	Monday-Saturday (306)	6:00AM-3:00PM Monday-Friday (Sat-6:00 AM-11:00 AM)
McKean	Sergeant Township McKean County	PA 100361 2/23/2021	31,227,649 cyds	NONE	Monday-Saturday (312)	5:00AM-6:00PM Monday-Friday (Sat-5:00AM-5:00PM)
Modern Landfill	Windssor Township Lower Windsor Township	PA 100113 7/01/2017	13,357,495 cyds	NONE	Monday-Saturday (307)	6:00AM-4:30PM Monday-Friday (Sat-6:00 AM-11:00 AM)
Monroeville Landfill	Municipality of Monroeville Allegheny County	PA 100549 10/5/2020	13,930,577	NONE	Monday-Saturday (312)	4:30AM-3:00PM Monday-Saturday
Mostoller Landfill	Brothers Valley Township Somerset Township Somerset County	PA 101571 12/30/2014	6,622,365 cyds	NONE	Monday-Saturday (312)	7:00AM-6:00PM Monday-Friday (Sat-7:00 AM-noon)
Northwest Sanitary Landfill	Clay Township Butler County	PA 100585 3/23/2016	2,078,936 cyds	NONE	Monday-Friday (260)	6:30AM-3:00PM Monday-Friday

Facility	Local	Permitted	Accessibility and Terms of Use	Current Constraints or Limitations	Operating Days Per Year	Operating Hours
Sandy Run Landfill	Broad Township Coaldale Boro Wells Township Six Mile Run	PA 101538 3/9/2019	531,032 cyds	NONE	Monday-Saturday (310)	7:00AM-4:00PM Monday-Friday (Sat-7:00 AM-noon)
Seneca Landfill	Jackson Township Lancaster Township Butler County	PA 100403 10/5/2017	8,574,014 cyds	NONE	Monday-Saturday (313)	800AM-3:00PM Monday-Friday (Sat-8:00 AM-11:00 AM)
Tri County Landfill	TBD	PA 101295 Pending Approval		Permit application submitted. Pending PADEP approval	Monday-Saturday (310)	7:00AM-3:00PM Monday-Friday (Sat-7:00 AM-11:00 AM)
Valley Landfill	Penn Township Westmoreland	PA 100280 7/21/2016	10,228,780 cyds	NONE	Monday-Friday (260)	5:00AM-10:00PM Monday-Friday
York County Resource Recovery Center	Manchester Township	PA 400561 5/5/2021	1344 tpd based on BTU value	Limited to Processible MSW Temporary Combustor Maintenance Outages with advance notice	Monday-Saturday (275)	6:00 AM-4:00 PM Monday-Friday (Sat-6:00 AM-noon)

SECTION 3 FACILITY DESIGN, REGULATORY COMPLIANCE, AND FINANCIAL ASSURANCES

Facility	Design and Contingencies			Regulatory Compliance			Financial Assurance		
	Site Name	Design, Leachate Treatment	Waste Plan for Emergencies	Waste Plan for Facility Emergencies	# Violations	# Penalties, Consent Orders, Settlement Agreements	Unresolved Violations	Financial Disclosure	Public Liability Protection
Arden Landfill	Double composite liner/ Treatment Off site POTW	YES	YES submitted capacity agreements for back-up landfill	5	3	3	0	Publicly Held Company Shareholders Report	\$5 million
Carbon Limestone Landfill	Double composite liner/ Treatment Off site POTW	YES	YES submitted capacity agreements for back-up landfill	40	5	5	0	Publicly Held Company Shareholders Report	\$10.6 million
Chestnut Valley	Double composite liner/ Treatment Off site POTW	YES	Submitted capacity agreements strictly as a back-up landfill	8	5	5	0	Publicly Held Company Shareholders Report	\$20 million
Commonwealth Environmental Landfill	60 mil double liner Treatment On site	YES	YES has agreement with another County designated facility	0	0	0	0	Privatey Held Company/ Performance guarantee provided upon request	\$16.7 million
Conestoga Landfill	Double composite liner Treatment Onsite	YES	YES submitted capacity agreements for proposed back-up landfills	34	6	6	0	Publicly Held Company Shareholders Report	\$10 million
Greentree Landfill	Double composite liner Treatment Onsite	YES	YES submitted capacity agreements for proposed back-up landfills	9	3	3	1	Publicly Held Company Shareholders Report	\$22 million

Facility	Design and Contingencies				Regulatory Compliance				Financial Assurance		
	Site Name	Design, Leachate Treatment	Waste Plan for Emergency Disasters	Waste Plan for Facility Emergencies	# Violations	# Consent Orders, Settlement Agreements	Unresolved Violations	Financial Disclosure	Public Liability Protection	Environment Pollution & Liability Protection	
Hyland	Double composite liner Treatment Off site	YES	Submitted capacity agreements strictly as a back-up landfill	8	1	0	0	Publicly Held Company Shareholders Report	\$3 million	Surety Bond \$6,346,376	
Imperial Landfill	Double composite liner Treatment Off site	YES	YES submitted capacity agreements for proposed back-up landfill	25	9	0	0	Publicly Held Company Shareholders Report	\$5 million	Surety Bond \$15.7 million	
Joseph J. Brunner Landfill	Double composite liner Pre-Treatment On-site Final Treatment Off site	YES	YES submitted evidence of business agreement with a proposed back-up landfill	19	3	0	0	Privately Held Company/ Performance guarantee provided upon request	\$4 million	Municipal Bonds assigned to PADEP \$5.7 million	
Keystone Sanitary Landfill	60 mil double liner/ Treatment On site	YES	YES submitted capacity agreements for proposed back-up landfill	3	0	0	0	Privately Held Company/ Provided upon request	\$2 million	Surety Bond \$21.6 million	
McKean	Double composite liner Treatment Onsite		YES submitted capacity agreements for proposed back-up landfill	0	0	0	0	Publicly Held Company Shareholders Report	\$3 million	Surety Bond \$25.3 million	
Modern Landfill	Double composite liner Treatment Onsite	YES	YES submitted capacity agreements for proposed back-up landfills	11	3	0	0	Publicly Held Company Shareholders Report	\$5 million	Surety Bond \$27 million	
Monroeville Landfill	Double composite liner Treatment Off site	YES	YES submitted capacity agreements for proposed back-up landfill	4	2	2	2	Publicly Held Company Shareholders Report	\$5 million	Surety Bond \$6.9 million	

Facility	Site Name	Design and Contingencies				Regulatory Compliance			Financial Assurance		
		Design, Leachate Treatment	Waste Plan for Emergency Disasters	Waste Plan for Facility Emergencies	# Violations	# Penalties, Consent Orders, Settlement Agreements	Unresolved Violations	Financial Disclosure	Public Liability Protection	Environment Pollution & Liability Protection	
Mostoller Landfill	Double composite liner Treatment Off site at Somerset SCI	YES	YES submitted capacity agreements for proposed back-up landfills	10	3	0	0	Provided Financial Summary of Equity Resources	\$2 million	Surety Bond \$15.5 million	
Northwest Landfill	Double composite liner Treatment Onsite	YES	YES submitted capacity agreements for proposed back-up landfills	11	3	0	0	Publicly Held Company Shareholders Report	\$5 million	Surety Bond \$9.5 million	
Sandy Run Landfill	Double composite liner Treatment Onsite	YES	YES submitted capacity agreements for proposed back-up landfills	8	4	0	0	Provided Financial Summary of Equity Resources	\$2 million	Surety Bond \$6.3 million	
Seneca Landfill	60 mil double liner Treatment On site	YES	YES on site transfer station would haul to other County designated facilities	30	5	0	0	Privately Held Company/ Provided upon request	\$2 million	Surety Bond \$6.2 million	
Tri County Landfill	60 mil double liner Treatment Off site POTW	YES	YES submitted capacity agreements for proposed back-up landfills	0	0	0	0	Privately Held Company/ Provided upon request	\$2 million	Surety Bond Current \$704,000	
Valley Landfill	60 mil double liner/ Treatment Off site POTW	YES	YES submitted capacity agreements for proposed back-up landfills	2	0	0	0	Publicly Held Company Shareholders Report	\$5 million	Surety Bond \$13.9 million	
York County Resource Recovery Center	Three Boiler WTE Facility	YES	YES has agreement with another County designated facility	21	18	0	0	Municipal Authority	\$2 million	Collateral Bond \$436,000	

SECTION 4 DAILY AND ANNUAL CAPACITY GUARANTEES

Facility	Guarantees for Lawrence Waste Volumes				Daily Tons Reserved Capacity for Types of Waste			
	Site Name	Owner	Maximum Annual Volume in Tons	% Butler Waste will accept	MSW	C&D	Sludge	Other
								Donated Tons for Non Profits
Arden Landfill	Waste Management	6400	4.9%	20.5	50	50	N/A	N/A
Carbon Limestone	BFI Waste Systems of North America, LLC Republic Services, Inc	26000	20%	50	50	N/A	N/A	20
Chestnut Valley	Advanced Disposal (Previously Veolia Environmental Services)	Back-up						
Commonwealth Environmental Landfill	Commonwealth Environmental Systems LP (DeNaples)	7620	5%	10	10	10	N/A	0
Conestoga Landfill	BFI Waste Systems of North America, LLC Republic Services, Inc							
Greentree Landfill	Advanced Disposal (Previously Veolia Environmental Services)	97,500	75%	200	100	75	N/A	
Hyland	Casella Waste	65074	50%	209	18	22	N/A	N/A
Imperial Landfill	Allied Waste Systems of PA LLC Republic Services, Inc.	26000	20%	50	50	N/A	N/A	20
Joseph J. Brunner Landfill	Joseph J. Brunner, Inc.	32537	25%	110	N/A	N/A	N/A	0
Keystone Sanitary Landfill	Keystone Sanitary Landfill Inc (DeNaples)	9180	7%	10	10	10	N/A	0
McKean	Casella Waste	130148	100%	420	36	45	N/A	N/A
Modern Landfill	Republic Services, Inc	13,700	10.5%	31.25	12.50	6.25	N/A	
Monroeville Landfill	Waste Management	4680	3.6%	10	5	N/A	N/A	0
Mostoller Landfill	Advanced Disposal (Previously Interstate Waste Services)	70200	53.9%	100	50	25	25	100
Northwest Landfill	Waste Management	130148	100%	501	N/A	N/A	N/A	0
Sandy Run Landfill	Advanced Disposal (Previously Interstate Waste Services)	70200	53.9%	100	50	25	25	100
Seneca Landfill	Vogel Holding Inc.	52059.2	40%	126.6	16.8	8.6	N/A	1
Tri County Landfill	Vogel Holding Inc.	52059.2	40%	126.6	16.8	8.6	N/A	1
Valley Landfill	Waste Management	3900	2.9%	10	5	N/A	N/A	0
York County RRC	York County Solid Waste & Refuse Authority	2750	2%	10	N/A	N/A	N/A	N/A

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
Arden Landfill	\$65.00	\$72.45	\$72.45	\$72.45	N/A	\$8.25	\$73.25	\$80.70	\$80.70	\$80.70	N/A
Carbon Limestone Landfill	\$45.00	\$45.00	\$45.00	N/A	N/A	\$8.00	\$53.00	\$53.00	\$53.00	\$53.00	
Chestnut Valley Emergency back-up capacity only Must honor Greentree's rates	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Commonwealth Environmental Landfill	\$80.00	\$80.00	\$80.00	N/A	N/A	\$12.25	\$92.25	\$92.25	\$92.25	N/A	N/A
Conestoga Landfill	72.6	72.6	41.15	N/A	N/A	43.71	\$116.31	\$116.31	\$80.00	N/A	72.6
Greentree Landfill	\$34.15	\$34.15	\$34.15	N/A	N/A	\$7.49	\$41.64	\$41.64	\$41.64	N/A	N/A
Hyland Landfill	\$35.00	\$35.00	\$38.00	N/A	N/A	\$3.69	\$38.69	\$38.69	\$41.69	N/A	N/A
Imperial Landfill	\$50	\$50	N/A	N/A	N/A	\$9.31	\$59.31	\$59.31	N/A	N/A	N/A
Joseph J. Brunner Landfill	\$43.25	\$43.25	\$43.25	N/A	N/A	\$7.25	\$50.50	\$50.50	\$50.50	N/A	N/A
Keystone Sanitary Landfill	\$80.00	\$80.00	\$80.00	N/A	N/A	\$8.71	\$88.71	\$88.71	\$88.71	\$88.71	N/A
McKean County Landfill	\$35.00	\$35.00	\$35.00	N/A	N/A	\$7.25	\$42.25	\$42.25	\$42.25	N/A	N/A
Modern Landfill	\$51.75	\$57.31	\$35.55	N/A	N/A	\$11.25	\$63.00	\$68.56	\$46.80	N/A	N/A
Monroeville Landfill	\$73.50	\$73.50	\$73.50	N/A	N/A	\$7.50	\$81.00	\$81.00	\$81.00	\$81.00	N/A
Mostoller Landfill	\$75.00	\$80.00	\$85.00	\$95.00	\$100.00	\$10.65	\$85.65	\$90.65	\$95.65	\$105.65	\$110.65
Northwest Landfill	\$65.10	\$65.10	\$65.10	\$65.10		\$7.60	\$72.70	\$72.70	\$72.70	\$72.70	N/A
Sandy Run Landfill	\$75.00	\$80.00	\$85.00	\$95.00	\$100.00	\$9.97	\$84.97	\$89.97	\$94.97	\$104.97	\$109.97
Seneca Landfill	\$91.90	\$91.90	\$91.90	\$116.90	\$116.90	\$8.10	\$100.00	\$100.00	\$100.00	\$125.00	\$125.00
Tri County Landfill	\$91.90	\$91.90	\$116.90	\$116.90		\$8.10	\$100.00	\$100.00	\$100.00	\$125.00	\$125.00
Valley Landfill	\$73.50	\$73.50	\$73.50	N/A	N/A	\$7.76	\$81.26	\$81.26	\$81.26	\$81.26	N/A
York County Resource Recovery Center	\$80.00	N/A	N/A	N/A	N/A	\$3.00	\$83.00	N/A	N/A	N/A	N/A

RECOMMENDATIONS FOR DISPOSAL FACILITY DESIGNATION

The review and evaluation of the proposals determined that all but one of the facilities meet the established selection criteria. The facility excluded is Tri-County Landfill, as it has yet to obtain a permit. Some of the facilities are operating with permits that will expire before 2024. A few have capacity that could be greatly depleted during the term of the contract, but have room for expansion and design modifications. In these instances, actions to modify or renew existing permits are expected to result in approvals. All qualify to become designated disposal facilities in the Butler County Municipal Solid Waste Management Plan.

In summary, Butler County will execute and enter into disposal capacity agreements with the facilities shown here. The table is arranged in alphabetical order by the owner/operator with each corresponding facility listed below.

Advanced Disposal Services

- *Previously Interstate Waste Services*
- Mostoller Landfill
- Sandy Run Landfill
- *Previously Veolia Environmental Services*
- Greentree Landfill
- Chestnut Valley*
- *Back-up Facility:

Casella Waste Management

- McKean County Landfill
- Hyland Landfill*
- *Back-up Facility:

Joseph Brunner

- Brunner Landfill

Keystone Environmental

- Commonwealth Environmental Landfill
- Keystone Sanitary Landfill

Republic Services

- Carbon Limestone
- Conestoga Landfill
- Imperial Landfill
- Modern Landfill

Vogel Holding

- Seneca Landfill

Waste Management

- Arden Landfill
- Monroeville
- Northwest Landfill
- Valley Landfill

York County Solid Waste & Refuse Authority

- York County Resource Recovery Center

Butler County's Contracted Landfills 2014-2024

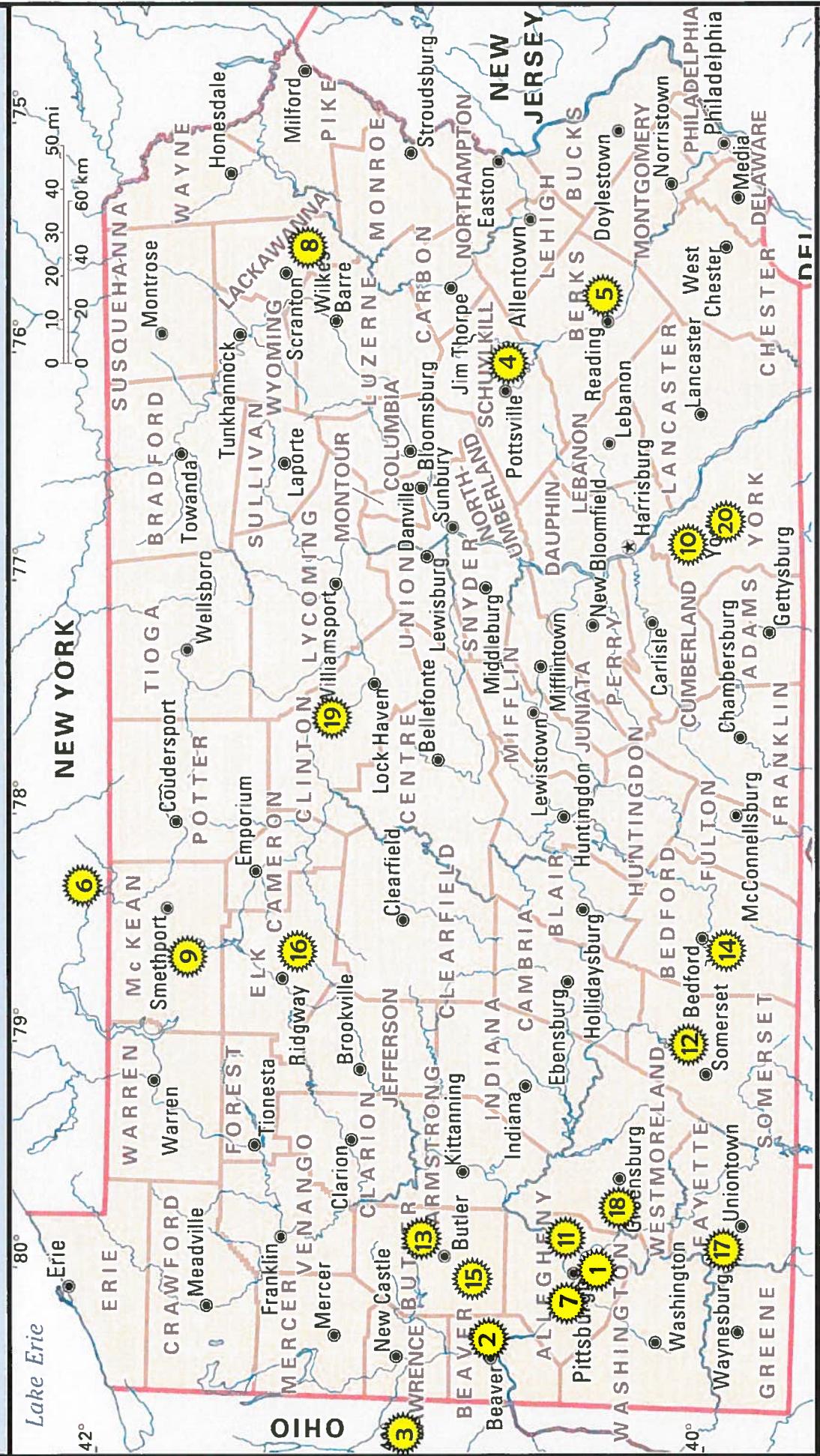


Figure 6-2

Created by:
 Butler County Department of
Recycling & Waste Management
 April 2014





IMPLEMENTATION AND ADMINISTRATION OF THE SOLID WASTE PLAN

Butler County Department of Recycling and Waste Management

The county's Department of Recycling and Waste Management is the authoritative entity for implementation and administration of the Plan. The department handles reporting, enforcement and public education. In addition, it seeks out funding in the form of grants for equipment and program development. The department also serves as a liaison, communicating between and assisting municipalities, commercial businesses, the regulatory community and the private sector to achieve compliance with the Plan and to further develop and enhance recycling programs. Landfills under contract to accept Butler County municipal waste report to this department and host county fees are also handled here.

Butler County Recycling and Waste Management Coordinator

The Recycling and Waste Management Coordinator staffs the Department of Recycling and Waste Management and is solely responsible for Plan implementation, including but not limited to:

- Ensure Butler County's compliance with all requirements under Law;
- Plan and administer each year's budget based on projected recycling and waste tonnage plus any possible grant awards or other revenue;
- Complete revisions to Butler County's Solid Waste Management Plan every ten years;
- Reorganize and oversee the Butler County Solid Waste Advisory Committee who are required to participate in plan development and make recommendation to the Board of County Commissioners;
- Advise the Board of Butler County Commissioners and Chief Clerk on waste management and recycling-related issues and proposed legislation as they affect Butler County;
- Oversee the management of contracts, reporting and payments due to Butler County from landfills including management of a statistical database concerning tonnage collected by each;
- Oversee reporting from all waste and recycling haulers operating within Butler County including management of a statistical database for all types of materials collected;
- Ensure compliance with county Ordinance 9201 by all waste and recycling haulers operating within Butler County;
- Apply for, administer and close out all grants in association with activities carried out by the department;
- Project population, waste and recycling statistics and trends based on demographics, economy and reported waste/recycling tonnages for Butler County;
- Report all previous year recycling statistics by April 1st to the Pa. Dept. of Environmental Protection – entering all data into the state online database;

- Plan and implement special recycling and waste management-related collection events including coordination of volunteers, securing sites, hiring contractors and applying for all necessary state permits and funding;
- Conduct surveys on an as-needed basis to gain feedback on special programs, or on services offered by waste and recycling haulers;
- Assist municipalities, as requested, with a wide variety of needs including applying for grant funding, public education, designing and carrying out special recycling events, contracting for waste / recycling collection, review of waste / recycling specifications for collection;
- Conduct recycling and waste management-related studies to determine future activities to be implemented within Butler County;
- Plan and carry out all public speaking / educational events at schools, civic events and organizational meetings on an as-requested basis;
- Develop and distribute all public outreach/educational media and press releases – also speak on local radio concerning special events;
- Review and comment on landfill expansions and changes, proposed landfills, identified hazardous sites and waste permits as needed;
- Review and comment on proposed state law related to recycling and waste issues as needed;
- Maintain a department web site;
- Advise and provide assistance / information to various non-profit groups and agencies in their work related to recycling and/or waste management within Butler County;
- Advise and provide assistance / information to various private businesses in their work related to recycling and/or waste management within Butler County;
- Investigate and maintain database of illegal dump sites as needed in Butler County;
- Assist the general public on a daily basis with waste and recycling-related questions and problems;
- Conduct legal research regarding recycling and waste management issues on a state and national level;
- Write legal contracts, with review by the county solicitor, for special collection contractors and other services.

At times, interns and college students completing special classroom tasks have been utilized on a temporary basis to provide support on special projects. In addition, scouts earning badges have completed various small tasks for the department.



PUBLIC FUNCTION

The basis of Butler County's Municipal Solid Waste Management Plan is reliance on the private sector for collection and processing/disposal of waste and standard recyclables. The County has no intention of operating its own collection services and will continue to rely on the private sector. Two landfills located in Butler County are owned by the private sector as well as a materials recovery facility. These, along with numerous other regional facilities, provide adequate capacity and the existing equipment to handle the waste and recyclable material generated by Butler County's residents, institutions and commercial businesses.

Regarding yard waste, composting sites are operated by the private sector within Butler County and will accept various organics (which varies by site) from the general public where yard waste is not collected curbside. Some mandated municipalities contract for curbside leaf collection with private companies while some collect with municipal employees.

The private sector will also continue to be relied upon for the collection, processing and disposal of sewage sludge and infectious / chemotherapeutic waste.



ORDINANCES, LICENSES, CONTRACTS AND AGREEMENTS

What documents, laws and regulations will govern how the programs are implemented?

It is important to ensure that the Plan and its revisions can be successfully implemented. The County can accomplish this through use of its current ordinance, contracts and procedures and these serve to define and clarify the intent of the Plan and provide a direct means of enforcement. The documents designed for implementation of this are described below and are attached within this chapter.

During the course of the planning period other documents and forms, which are described within the ordinances and contracts, may be developed and revised over time to simplify and improve the procedures associated with implementation. Since these will not alter the legal or contractual content of the Plan, they are not included.

Solid Waste Management Ordinance Amended

The Solid Waste Management Ordinance (Ordinance 9201, as amended and attached hereto as Exhibit 9-1) serves as the basis for transporter tracking, reporting and performance standards in Butler County. It designates the flow of waste to contracted facilities, mandates that recycling be available countywide to all residents and commercial businesses, sets standards for variable rate collection fees, establishes requirements for reporting and sets forth enforcement actions.

Municipal Waste Disposal Capacity Agreement

The Municipal Waste Disposal Capacity Agreement is the contract which assures disposal capacity for

Butler County municipal waste at the facilities designated in this Plan and the Solid Waste Management Ordinance as amended. The agreement establishes the types and volumes of waste, the maximum tipping fees, host 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 which have been developed to ensure consistency, equity and non-discriminatory terms, conditions and standards among all facilities that are to be used for disposal/processing of Butler County's municipal solid waste. (Copy attached as Exhibit 9-2)

Petition for Inclusion as a Processing/Disposal Facility in the Plan

In order to provide for facilities or technical processing opportunities that may become available, the Plan provides a mechanism to include additional facilities in the county's Solid Waste Management Plan. This chapter includes the form to Petition for Inclusion as a Processing/Disposal Facility in the Plan and the required process (Exhibit 9-3). Each facility petitioning the County will be subject to the same criteria met by the current facilities. In addition, the inclusion of the facility must be approved by PADEP as a non-substantial plan revision.

Resolution to adopt the Plan Revisions

Upon completion of this Plan revision, the Butler County Board of Commissioners will adopt the revised Plan in the form of a resolution contained herein as Exhibit 9-4.

**MUNICIPAL WASTE MANAGEMENT ORDINANCE
BUTLER COUNTY, PENNSYLVANIA
ORDINANCE NO. 9201 Amended**

AN ORDINANCE OF THE COUNTY OF BUTLER, PENNSYLVANIA, DESIGNATING DISPOSAL FACILITIES; ESTABLISHING A REGISTRATION PROGRAM FOR ALL PERSONS THAT COLLECT AND/OR TRANSPORT MUNICIPAL WASTE AND/OR RECYCLABLES GENERATED FROM SOURCES LOCATED IN BUTLER COUNTY; AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT THEREOF, IN ACCORDANCE WITH THE BUTLER COUNTY MUNICIPAL SOLID WASTE MANAGEMENT PLAN AND THE PENNSYLVANIA MUNICIPAL WASTE PLANNING, RECYCLING AND WASTE REDUCTION ACT OF 1988 (Act 101) AND THE WASTE TRANSPORTATION SAFETY PROGRAM ACT OF 2002 (Act 90).

WHEREAS, the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act empowers the County to insure the availability of adequate permitted processing and disposal capacity for the municipal waste which is generated within its boundaries; and

WHEREAS, the Board of Commissioners of Butler County, pursuant to the provisions of the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act, has prepared and adopted a Municipal Solid Waste Management Plan and said Plan has been duly ratified by the municipalities in the County and approved by the Pennsylvania Department of Environmental Protection; and

WHEREAS, the County of Butler is empowered to adopt such ordinances, resolutions, regulations and standards deemed necessary to implement the approved Plan and its revisions by the authority vested to the County pursuant to Section 303 of the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act; and to continue implementing such ordinances by the authority vested to the County pursuant to Act 90, The Waste Transportation Safety Program Act of 2002; and

WHEREAS, the County is authorized to require that all Persons register to collect and transport municipal waste and/or recyclables and that municipal waste be transported to the municipal waste processing or disposal facilities designated by the County pursuant to section 303 of the Act, and that source-separated recyclables be transported to recycling facilities for processing.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF BUTLER COUNTY HEREBY ENACTS THIS MUNICIPAL WASTE MANAGEMENT ORDINANCE AS FOLLOWS:

SECTION I. Short Title

This Ordinance shall be known and may be cited as the "Butler County Municipal Waste Management Ordinance."

SECTION II. 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:

Exhibit 9-1

"Act 101" -The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 1988-101, July 28,1988), as now or hereafter amended.

"Authorized / Authorization" – Any collector and/or hauler permitted under Act 90 of 2002 by the Pennsylvania Department of Environmental Protection and with official documentation as issued by the Department and with copy provided to the County.

"Chemotherapeutic Waste"—Waste resulting from the production or use of antineoplastic agents used for the purpose of inhibiting or stopping the growth of malignant cells or killing malignant cells. The term does not include waste containing antineoplastic agents that are hazardous wastes under Chapter 261a (relating to identification and listing of hazardous waste) and 40 CFR Part 261 (relating to identification and listing of hazardous waste) to the extent that Part 261 is incorporated in §261a.1 (relating to incorporation by reference, purpose and scope).

"Collector, Transporter or Hauler" – Any person, firm, partnership, corporation or public agency who is engaged in the collection and/or transportation of municipal waste and/or recyclables including any business or institution which generates sufficient municipal waste and/or recycling to require collection and/or transportation directly by its own employees and/or equipment.

"Community Activity" -An event attended by 200 or more persons per day which is sponsored by public or private agencies or individuals, including but not limited to fairs, bazaars, socials, picnics and organized sporting events.

"Composting"—The process by which organic solid waste is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product.

"Composting Facility"—A facility using land for processing of municipal waste by composting. The term includes land thereby affected during the lifetime of the operations, including, but not limited to, areas where composting actually occurs, 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. The term does not include a facility for composting residential municipal waste that is located at the site where the waste was generated.

"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, including trees, brush, stumps and vegetative material.

"Container"—A portable device in which waste is held for storage or transportation.

"County" -The Butler County Board of Commissioners and/or the Butler County Department of Recycling and Waste Management

"Department or DEP" -The Department of Environmental Protection of the Commonwealth and its authorized representatives.

"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 the environment, is emitted into the air or is discharged to the waters of this Commonwealth.

"Facility"—Land, structures and other appurtenances or improvements where municipal waste disposal, processing or beneficial use is permitted or takes place.

"Generator"—A person or municipality that produces or creates a municipal waste.

"Incinerator"—An enclosed device using controlled combustion for the primary purpose of thermally breaking down solid waste, and which is equipped with a flue as defined in § 121.1 (relating to definitions).

"Infectious Waste"—

(i) General. Municipal and residual waste which is generated in the diagnosis, treatment, immunization or autopsy of human beings or animals, in research pertaining thereto, in the preparation of human or animal remains for interment or cremation, or in the production or testing of biologicals, and which falls under one or more of the following categories:

(A) Cultures and stocks. Cultures and stocks of infectious agents and associated biologicals, including the following: cultures from medical and pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of biologicals; discarded live and attenuated vaccines except for residue in emptied containers; and culture dishes, assemblies and devices used to conduct diagnostic tests or to transfer, inoculate and mix cultures.

(B) Pathological wastes. Human pathological wastes, including tissues, organs and body parts and body fluids that are removed during surgery, autopsy, other medical procedures or laboratory procedures. The term does not include hair, nails or extracted teeth.

(C) Human blood and body fluid waste.

(I) Liquid waste human blood.

(II) Blood products.

(III) Items saturated or dripping with human blood.

(IV) Items that were saturated or dripping with human blood that are now caked with dried human blood, including serum, plasma and other blood components, which were used or intended for use in patient care, specimen testing or the development of pharmaceuticals.

- (V) Intravenous bags that have been used for blood transfusions.
- (VI) Items, including dialysate that have been in contact with the blood of patients undergoing hemodialysis at hospitals or independent treatment centers.
- (VII) Items saturated or dripping with body fluids or caked with dried body fluids from persons during surgery, autopsy, other medical procedures or laboratory procedures.
- (VIII) Specimens of blood products or body fluids, and their containers.
- (D) Animal wastes. Contaminated animal carcasses, body parts, blood, blood products, secretions, excretions and bedding of animals that were known to have been exposed to zoonotic infectious agents or nonzoonotic human pathogens during research (including research in veterinary schools and hospitals), production of biologicals or testing of pharmaceuticals.
- (E) Isolation wastes. Biological wastes and waste contaminated with blood, excretion, exudates or secretions from:
 - (I) Humans who are isolated to protect others from highly virulent diseases.
 - (II) Isolated animals known or suspected to be infected with highly virulent diseases.
- (F) Used sharps. Sharps that have been in contact with infectious agents or that have been used in animal or human patient care or treatment, at medical, research or industrial laboratories.

(ii) Mixtures.

- (A) The term also includes materials identified under subparagraph (i) that are mixed with municipal and residual waste, including disposable containers.
- (B) The term also includes mixtures of materials identified in subparagraph (i) with quantities of radioactive waste not subject to regulation.

(iii) Exceptions. The term does not include the following:

- (A) Wastes generated as a result of home self-care.
- (B) Human corpses, remains and anatomical parts that are intended for interment or cremation, or are donated and used for scientific or medical education, research or treatment.
- (C) Etiologic agents being transported for purposes other than waste processing or disposal pursuant to the requirements of the United States Department of Transportation (49 CFR 171.1—190), the Department of Transportation (67 Pa. Code Part I) and other applicable shipping requirements.
- (D) Samples of infectious waste transported offsite by Commonwealth or United States government enforcement personnel during an enforcement proceeding.
- (E) Body fluids or biologicals which are being transported to or stored at a laboratory prior to laboratory testing.
- (F) Ash residue from the incineration of materials identified in subparagraphs (i) and (ii) if the incineration was conducted in accordance with § 283.402 (relating to infectious waste monitoring requirements). The ash residue shall be managed as special handling municipal waste.
- (G) Reusable or recyclable containers or other nondisposable materials, if they are cleaned and disinfected, or if there has been no direct contact between the surface of the container and materials identified in subparagraph (i). Laundry or medical equipment shall be cleaned

and disinfected in accordance with the United States Occupational Safety and Health Administration Requirements in 29 CFR 1910.1030 (relating to blood borne pathogens).

(H) Soiled diapers, which do not contain materials identified in subparagraph (i).

(I) Mixtures of hazardous waste subject to Article VII (relating to hazardous waste management) and materials identified in subparagraph (i) shall be managed as hazardous waste and not infectious waste.

(J) Mixtures of materials identified in subparagraph (i) and regulated radioactive waste shall be managed as radioactive waste in accordance with applicable Commonwealth and Federal statutes and regulations, including, but not limited to, § 236.521 (relating to minimum requirements for classes of waste).

(K) Mixtures of materials identified in subparagraph (i) and chemotherapeutic waste shall be managed as chemotherapeutic waste in accordance with this article.

"Land Application"—Agricultural utilization or land reclamation of solid waste. The term does not include the disposal of solid waste in a landfill or disposal impoundment.

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

"Municipality" -A county, city, borough, incorporated town, township, home rule municipality or authority created by any of the foregoing.

"Municipal Waste" -Any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semi-solid or contained gaseous material resulting from the operation of residential, municipal, commercial, or institutional establishments and from community activities; and sludge not meeting the definition of residual or hazardous waste.

"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 that is designed, operated and maintained for the disposal of municipal waste. The term shall not include any facility that is used exclusively for disposal of construction/demolition waste or sludge from sewage treatment plants or water supply treatment plants.

"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).

"Municipal Waste Planning, Recycling and Waste Reduction Act"—53 P. S. §§ 4000.101—4000.1904.

"Person" -Any individual, business, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. This term includes the officers and directors of a corporation or other legal entity having officers and directors.

"Plan" – The Butler County Municipal Solid Waste Management Plan as amended or modified and as approved by DEP pursuant to Pennsylvania Act 101 and approved by the Board of Butler County Commissioners.

"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 Facility" -Any technology used for the purpose of reducing the volume of municipal waste or any technology used to convert part or all of such materials for off- site reuse including, but not limited to, transfer stations, composting facilities and resource recovery facilities.

"Recycling" -The collection, separation, recovery and sale or reuse of metals, glass, paper, yard 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.

"Residential Septage"—Liquid or solid material removed from a septic tank, cesspool or similar treatment works that receives only waste or wastewater from humans or household operations. The term includes processed residential septage from a residential septage treatment facility. The term does not include liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device or similar treatment works that receives either commercial wastewater or industrial wastewater and does not include grease removed from a grease trap at a restaurant.

"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 for the purpose of recycling. The term is limited to clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper, plastics and other marketable grades of paper.

“Storage”—The containment of any waste on a temporary basis in such a manner as not to constitute disposal of the waste. It shall be presumed that the containment of waste in excess of 1 year constitutes disposal. This presumption can be overcome by clear and convincing evidence to the contrary.

“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.

“Transporter” - Any person, firm, partnership, corporation, or public agency who is engaged in the collection and/or transportation of municipal waste and/or recyclables.

“Yard Waste”—Leaves, grass clippings, garden residue, tree trimmings, chipped shrubbery and other vegetative material.

“Yard Waste Composting Facility”—A facility that is used to compost leaf waste, or leaf waste and grass clippings, garden residue, tree trimmings, chipped shrubbery and other vegetative material. The term includes land affected during the lifetime of the operation, including, but not limited to, areas where composting actually occurs, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite or contiguous collection and transportation activities, and other activities in which the natural surface has been disturbed as a result of or incidental to operation of the facility

SECTION III. Designation of Disposal Facilities

Pursuant to the authority granted to the County by Act 101, the County of Butler hereby designates, through Agreements obtained through a competitive proposal process, the following permitted municipal waste landfill facilities to receive all municipal waste generated in the County:

LANDFILL	LOCATION / COUNTY	STATE
Arden	Washington County	PA
Brunner	Beaver County	PA
Carbon Limestone	Mahoning County	OH
Chestnut Valley	Fayette County	PA
Commonwealth	Schuylkill County	PA
Conestoga	Berks County	PA
Hyland	Allegany County	NY

Imperial	Allegheny County	PA
Keystone	Lackawanna County	PA
McKean	McKean County	PA
Modern	York County	PA
Monroeville	Allegheny County	PA
Mostoller	Somerset County	PA
Northwest	Butler County	PA
Sandy Run	Bedford County	PA
Seneca	Butler County	PA
Valley	Westmoreland County	PA
Veolia - Greentree	Elk County	PA
Wayne Township***	Clinton County***	PA** (previous Contract expires 2-SEP-2019)
York County Solid Waste & Refuse Authority	York County	PA

Permitted landfills and/or processing facilities that have not been designated to receive Butler County Municipal Solid Waste shall file a formal petition, on forms provided by the County and found within the Plan, to be considered for designation as a disposal facility. A collector or transporter of municipal waste may file the petition on behalf of a facility. The petition process shall require that the facility meet the same criteria required for original designation in the Plan and its revisions. Fees and costs associated with the petition process and/or any those associated with the subsequent plan revisions required by the petition process will be the sole responsibility of the authorized petitioner whether it be the facility, the collector or the transporter. Such facilities shall not be considered officially designated by the County as a disposal facility until approval of the Plan revision is granted by DEP and a disposal contract is duly executed with the County.

It shall be unlawful for any Person to dump, process, bury or otherwise dispose of municipal waste within Butler County except at facilities approved and permitted by the County and/or by the Department unless excepted elsewhere in this Ordinance, or by other applicable law.

Pursuant to the authority granted to the County by Act 101, the County hereby directs that all municipal waste collected in or transported from the municipalities of Butler County shall be taken to only County designated disposal facilities, except for the following:

1. If, prior to June 12, 1991 (date of approval of the first County Waste Management Plan pursuant to Act 101), a state Authorized and/or County registered hauler/collector shall by contractual arrangement be obligated to transport municipal waste to a disposal facility which is not a designated disposal facility, said collector/hauler shall report the contractual relationship and its duration in writing to the County. Upon expiration of the contract, the hauler/collector shall transport the waste to a County designated disposal facility.
2. If the municipal waste is transported to a permitted transfer station or processing facility with final disposal in County designated disposal facilities(y).
3. Transporters of infectious/chemotherapeutic waste shall be exempted from use of the designated disposal facilities but must provide proof of use of an approved and permitted infectious/chemotherapeutic waste processing/disposal facility to the County.

4. 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 to the County.
5. 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 to the County.
6. Transporters of recyclables shall be exempted from use of the designated disposal facilities but must provide proof to the County that the recyclables are taken to a material recovery processing facility or marketed for end use.

SECTION IV. Registration of Collectors/Transporters

For Authorized Persons – Notification to County: All Persons Authorized under Pa. Act 90 that collect and/or transport Municipal Waste and/or recyclables generated within Butler County from any residential, public, commercial, industrial or institutional establishment shall submit a copy of Authorization to the County within thirty (30) calendar days of issuance by the state, or within thirty (30) calendar days of the effective date of this Ordinance and shall be issued a Registration to operate within Butler County. All Persons shall notify the County within thirty (30) calendar days if Authorization is cancelled or revoked.

Registration of Non-Authorized Persons - All Persons not Authorized under Pa. Act 90 and collecting and/or transporting municipal waste and/or recyclables generated within Butler County from any residential, public, commercial, industrial or institutional establishment shall obtain a Registration Certificate from the County in accordance with the following provisions.

Registration Exemption: Registration shall not be required of private individuals collecting and removing their own self-generated, residential municipal waste and/or recyclables, or for those Persons or municipalities conducting litter and/or illegal dump cleanups. This exemption shall also apply to informal, organized small charitable, civic and non-profit organizations collecting recyclables for fundraising activities or as part of a community cleanup activity or event. However, waste disposal in a County designated disposal facility or transportation of recyclables to an authorized recycling facility is still required.

- (a) Any non-Authorized person who desires to collect, haul or transport municipal waste and/or recyclables within Butler County shall submit free Registration Application to the County. Upon receipt of the application the County shall, within 30 calendar days, issue or refuse to issue a Registration Certificate to the applicant.
- (b) The Registration Application form, supplied by the County, shall set forth the minimum information required to establish the applicant's qualifications for a collector or hauler Registration Certificate, including all of the following:
 1. The name, address, location, hours of business, and telephone number of the business office of the applicant;
 2. A list of all collection vehicles to be covered under the Registration including the make, model and size of the vehicles;

3. Certificates of insurance showing that the applicant has valid Comprehensive General Liability, Worker's Compensation, and Vehicle Liability Insurances in the minimum amounts required by law;
4. The type of municipal waste and/or recyclables to be collected and transported;
5. The municipality or municipalities to be served by the applicant;
6. The approved disposal site(s) and/or recycling facility(ies) where the waste and/or recyclables will be taken;
7. The applicant's method of collecting recyclables from commercial and residential accounts;
8. Proof that the collector or transporter has obtained any and all applicable required license(s);
9. Any other information, which the County may request and deem necessary prior to issuance of a Registration Certificate.

(c) Registration applicants shall submit the application at least thirty (30) days before beginning collection and/or transporting of municipal waste and/or recyclables in the County, or within thirty (30) days of the effective date of this Ordinance.

(d) No Registration shall be approved and issued by the County to any Person who fails to satisfy the minimum standards and requirements of this Ordinance.

(e) Registration Certificates shall be non-transferable.

SECTION V. Standards for Collection and Transportation

All Persons collecting and/or transporting municipal waste and/or recyclables within Butler County shall comply with the following minimum standards and requirements.

- (a) All vehicles used for the collection and transportation of municipal waste shall comply with all applicable regulations of the Commonwealth of Pennsylvania, as well as the County of Butler;
- (b) All collection/transportation vehicles shall bear clear and legible signs identifying the name and business address of the owner and if applicable, the specific type of municipal waste carried by the vehicle. All such signs shall have lettering as required by the Department; County Signage Exemption: The County shall not require this standard of private individuals collecting and removing their own self-generated, residential municipal waste and/or recyclables, or for those Persons or municipalities conducting litter and/or illegal dump cleanups. This exemption shall also apply to informal, organized small charitable, civic and non-profit organizations collecting recyclables for fundraising activities or as part of a community cleanup activity or event;
- (c) Collection and transportation vehicles shall be leak-proof, have safety devices, and shall be suitably enclosed or covered so as to prevent roadside littering; attraction of vectors, or the creation of odors or other nuisances;
- (d) 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;
- (e) All vehicles shall be kept in a clean, sanitary condition;

- (f) In the event a load of waste taken to a County designated disposal facility shall contain hazardous waste or unacceptable waste as determined by the facility operator, the collector/transporter shall remove said waste from the disposal facility, cleanup and remediate any damages resulting from such delivery, and reimburse all costs and damages incurred by the facility and the County resulting from such delivery at his/her own cost, and properly dispose of said waste in a facility designated for that specific type of waste per Department requirements;
- (g) It shall be unlawful for any collector/transporter to dump, process, destroy, bury or otherwise dispose of municipal waste within Butler County except at facilities approved and permitted by the County and the Department, unless exempted elsewhere in this Ordinance or by the Department;
- (h) The vehicle operator and/or title owner shall be responsible for immediately cleaning up any spillage leaks, spills, dusts, or litters on any County Designated Facility, public road, or private property caused by his/her operation at his/her own cost and for protecting private and public property from damage resulting from his/her operations;
- (i) All collection vehicles and equipment used by collectors, transporters and/or haulers shall be subject to inspection by the County or its authorized agent at any reasonable time without prior notification;
- (j) It shall be unlawful for any collector, transporter or hauler to commingle source-separated recyclables and municipal waste, collected from sources located within Butler County in the same vehicle compartment.

SECTION VI. Reporting and Administration

All collectors, haulers and/or transporters of municipal waste and/or recyclables shall maintain current records of the customers serviced within the County and shall additionally submit annual reports to the County. Such records shall be made available to the County upon request.

- (a) **Recycling Reports** – Any Person collecting, hauling or transporting recyclables from any residence, business, institution, community activity, social activity, meeting, event, site or celebration located within the County shall prepare and submit complete and accurate reports, on forms provided by the County which shall detail all required information. Said reports shall be submitted to the County on forms provided by the County on a yearly basis and shall be due no later than February 15 for the preceding calendar year. Said reports shall contain the following information, as a minimum, for the preceding year's activities:
 1. The name of each municipality in the County in which service was provided;
 2. Each type of recyclable collected and a reasonable estimate of the total weight of each type of recyclable collected from each municipality listed separately by commercial and residential sources;
 3. The name, location and contact information for the material recovery processing facility or end market used for each type of material transported or collected.
- (b) **Waste Reports** – Any Person collecting, hauling or transporting municipal waste from any resident, business, institution, community activity, social activity, meeting, event, site or celebration located within the County shall prepare and submit complete and

accurate reports, on forms provided by the County which shall detail all required information. Said reports shall be submitted to the County on a yearly basis, due no later than February 15 for the preceding calendar year. Said reports shall contain the following information, as a minimum, for the preceding year's activities:

1. The name of each processing or disposal facility used and the total weight of each type of municipal waste, collected from all sources in the County during the year, disposed in each;
2. The name of each municipality in the County in which the Person provided service, and a reasonable estimate of the total weight of each type of municipal waste collected from each municipality;
3. Transporters of demolition wastes shall provide by municipality, the volume and weight of waste and the name, location and permit number of the disposal facility where the waste was disposed;
4. The transporter of sewage shall provide by municipality, the volume and weight of waste and also the name, location and permit number of the disposal facility or approved land application or composting facility accepting the waste;
5. Each transporter of infectious/chemotherapeutic waste shall provide by municipality, the disposition of said waste including the volume and weight of waste handled and the name, location and permit number of the disposal or processing facility where the waste was disposed or processed.

(c) All collectors, transporters and haulers shall be responsible for payment of all disposal and/or processing fees.

(d) The base fees charged by any collector of residential waste shall provide for the collection of only one thirty (30) gallon container or one thirty (30) gallon disposable plastic bag and unlimited amount of recyclables. For the collection of residential municipal waste in excess of one 30-gallon container/bag, the hauler's rates shall vary from the base fee in specific volume increments based on common container sizes (i.e. 36 gallon, 64 gallon, 96 gallon) or specific number of bags. Purchase of disposable waste containers shall be the responsibility of the resident. Haulers may provide containers as a part of the variable rate service. Separate containers for recyclables shall be provided to the resident at no cost or for a deposit. The hauler may charge additional fees for the curbside collection of bulk items. Yard waste shall be collected under separate specifications.

SECTION VII. Existing Contracts

Nothing in this Ordinance shall be construed to impair the obligations of any existing Contract in force prior to June 12, 1991.

No renewal or modification of any existing Contract, and no new Contract shall be entered into after the effective date of this Ordinance unless such renewal or modification or new contract shall conform to the requirements of this Ordinance.

SECTION VIII. Violation, Injunctive Relief, Penalties, and Enforcement of Ordinance

It shall be unlawful for any Person to violate, or cause, or assist in the violation of any provisions of this Ordinance, and for Persons to collect and/or transport municipal waste and/or recyclables within Butler County without first securing a Registration to do so in accordance with the provisions of this Ordinance.

1. The generator, the collector, hauler and/or transporter and the person operating the vehicle shall be responsible and accountable for any non-compliance with this Ordinance including reimbursement to the County for any fees and for any and all costs and damages incurred by the County as a result of such violation.
2. In addition to the fees and charges as provided for in this Ordinance, the County may take such other action as it deems to be appropriate and as permitted by law. The County or its designated agency may petition the Court of Common Pleas of Butler County for an injunction, either mandatory or prohibitive, in order to enforce any of the provisions of this Ordinance.
3. Violations of this Ordinance shall result in the following penalties:
 - a.) First Offense: A fine of not less than \$100 and not more than \$300;
 - b.) Second Offense: A fine of not less than \$200 and not more than \$300;
 - c.) Third and Subsequent Offenses: \$300;
 - d.) In default of the payment of such fines and costs, to undergo imprisonment for not more than ten (10) days.
4. The County shall have the right at any time to suspend or revoke the Registration of any collector or hauler for any of the following causes:
 - a. Falsification or misrepresentation of any statements in any Registration application or reports;
 - b. Lapse or cancellation of any required insurance coverages;
 - c. Disposal of any municipal waste collected within the County at any site other than the designated facilities as approved by the Department and included in the Butler County Municipal Solid Waste Management Plan, and under contract with the County;
 - d. Disposal of unacceptable waste at the County's designated disposal facilities;
 - e. Nonpayment of tipping fees at the County's designated facilities;
 - f. Violation of any part of this Ordinance, any other applicable County ordinances or any applicable Pennsylvania laws or regulations.

Each violation of any provision of this Ordinance, and each day that any violation shall exist, shall constitute a separate violation and offense.

SECTION IX. 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 X: Liability and Indemnity

The County will not be liable for any actions, errors, or omissions of any (a) contractors, collectors, haulers and/or transporters operating in Butler County, (b) Persons authorized to use or enter County Designated Facilities, or (c) trespassers at County Designated Facilities. All persons proceeding onto County Designated Facilities shall do so at their own risk.

Transporters, collectors and haulers shall indemnify and hold the County of Butler harmless for any cost, damage, loss, or expense incurred by the County, either directly or indirectly, by reason of their acts or omissions including but not limited to any violation of this Ordinance.

SECTION XI. Conflict

Any ordinance or any part of any ordinance, which conflicts, with this Ordinance is hereby repealed insofar as the same is specifically inconsistent with this Ordinance.

SECTION XII. Effective Date

This Ordinance shall take effect on the _____ day of _____, 2018.
ORDAINED AND ENACTED THIS _____ day of _____, 2018.

ATTEST:

**County of Butler
Board of Commissioners**

*Lori Altman,
Human Resources Director / Chief Clerk*

Leslie A. Osche, Chairman

SEAL

Kimberly D. Geyer, Vice-Chairman

Kevin E. Boozel, M.S., Secretary

MUNICIPAL WASTE PROCESSING AND DISPOSAL SERVICE CONTRACT

THIS MUNICIPAL WASTE PROCESSING AND DISPOSAL SERVICE CONTRACT (hereinafter referred to as the "Contract") entered this _____ day of _____, by and between

THE COUNTY OF BUTLER, Butler County, Pennsylvania, hereinafter jointly referred to as the "County" AND _____ hereinafter referred to as the

(Name of Facility/Parent Company)

"Contractor" whose permitted processing and disposal facility Permit No _____ issued by _____ is located in _____

(Municipality)(ies),

_____ County, _____ State.

WITNESSETH:

WHEREAS, the Butler County Board of Commissioners, acting through the Department of Recycling and Waste Management, have developed and adopted the 1990 Municipal Waste Management Plan for Butler County and its revisions in 2004 and 2012 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 Butler County have duly approved and ratified this 1990 Municipal Waste Management Plan for Butler County pursuant to the requirements of section 501 of Act 101; and,

WHEREAS, this 1990 Municipal Waste Management Plan for Butler County and its revisions in 2004 and 2012 requires that all Municipal Waste generated within Butler 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 Butler 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 Butler 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 Butler 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, 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.

Butler County - a fourth class county located in the Commonwealth of Pennsylvania

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 Butler, Pennsylvania, acting by and through the Butler County Board of Commissioners and the Department of Recycling and Waste Management or their designated representative.

Department of Recycling and Waste Management - A Department of Butler County Government delegated with the responsibility of developing and implementing the Butler County Municipal Solid Waste Management Act and associated programs and services.

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.

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 of 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.

Pennsylvania Municipality Authorities Act (53 Pa. C.S. Ch. 56)- the law governing municipal authorities in Pennsylvania.

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 a designated non-exclusive processing or disposal facility for Municipal Waste generated in the County.

2. Effective Date

This Contract shall become effective on the date set forth below. 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 Commissioners or such date as the Facility with a pending permit application receives a permit approved by the DEP (or the equivalent regulatory agency in state which the facility is located) for receipt of Municipal Waste under the Permit.

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 (or the equivalent regulatory agency in state which the facility is located) Permit for the Facility 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 Butler 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.

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). The delegation of any Contract duties will require the written consent of the surety for the Contractor's performance bond, since such delegation will not relieve the Contractor or his surety of any liability and/or obligation to perform. 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 defective 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 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. Any existing Host County Fee Agreements between the parties shall remain in full force and effect notwithstanding any provisions of this Contract.

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 Request For Proposals (RFP) submitted by 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:

**County: The Butler County Department of Recycling and Waste Management,
PO Box 1208, 124 West Diamond Street.**

Butler, PA 16003.

Attention: Ms. Sheryl Kelly, Environmental Specialist

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 Butler 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 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 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 the Pennsylvania Waste Transportation Safety Act 90 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 Butler 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 the Pennsylvania Waste Transportation Safety Act 90 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 Butler 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 by the County in its recycling program 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, 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, that is greater than the maximum rates established by this Contract for each type of waste. 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. RESERVED 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 to the Weights and Measurement Act of 1965 (73 P.S. sections 1651- 1692) and applicable regulations thereunder; the operator of the scale shall be a licensed public weighmaster under the Public Weighmasters Act (13 P.S. sections 1771-1796) and any regulations.

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.

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 Butler County;
- c. A summary of the total weight, by municipality, of each type of Municipal Waste received each month from each waste hauler or transporter and self-hauler delivering waste originating from sources in Butler 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 Butler County; and
- E. A summary of the total weight, by municipality, of Municipal Waste received from each municipality in Butler County delivering Municipal Waste to the Contractor during each month.

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. The total weight of each type of Municipal Waste received from all sources during the annual reporting period;
- B. The names of the waste haulers or transporters and self-haulers that delivered waste originating from sources in Butler County;
- C. A summary of the total weight, by municipality, of each type of Municipal Waste received each month from each waste hauler or transporter and self-hauler delivering waste originating from sources in Butler County; and
- D. A summary of the total weight, by municipality, of each type of Municipal Waste received each month from all waste haulers delivering waste originating from sources in Butler county;
- E. 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;
- F. A current Certificate of Insurance as evidence of continuing insurance coverage for public liability insurance as required under the Contract;

G. 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;

H. 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

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

J. 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 60-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 assigns 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 Pa. C.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 BUTLER,

BOARD OF COMMISSIONERS

CHAIR DATE

William L. McCarrier, Chairman

A. Dale Pinkerton, Vice-Chairman

James Eckstein, Secretary

(SEAL)

ATTEST:

William S. O'Donnell, Chief Clerk, Dir. of Admin.

CONTRACTOR

CONTRACTOR:

WITNESS:

TITLE:

Form A - Cost of Processing and Disposal

Maximum Tipping Fees Per Ton For Each Category of Waste					
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.					
	MSW	Construction Demolition	Sewage Sludge	Approved ICW	Other
Base Tipping Fee (without taxes, and other fees)					
List Name of Fee, Tax, Surcharge below.	List Amount for Each Fees, Taxes, Surcharges that will apply to Butler County MSW				
Total Tipping Fee including all fees and surcharges					

Form B - Reserved Capacity

FACILITY: _____

Year	Types and Quantities of Municipal Solid Waste		Specify tons per day and tons per year			Total
	MSW Only	C&D	Sludge	Other	Other	
2012-2013						
Tons Per Day						
Tons Per Year						
2013-2014						
Tons Per Day						
Tons Per Year						
2014-2015						
Tons Per Day						
Tons Per Year						
2015-2016						
Tons Per Day						
Tons Per Year						
2016-2017						
Tons Per Day						
Tons Per Year						
2017-2018						
Tons Per Day						
Tons Per Year						
2018-2019						
Tons Per Day						
Tons Per Year						
2019-2020						
Tons Per Day						
Tons Per Year						
2020-2021						
Tons Per Day						
Tons Per Year						
2021-2022						
Tons Per Day						
Tons Per Year						

Form B - Part II Reserved Capacity

Total Combined Quantities of all Accepted Categories of Municipal Waste

YEAR	TOTAL BUTLER MSW TONS PER YEAR (all categories)	PERCENTAGE Reserving Capacity for % of Butler MSW Annually (all categories)	ANNUAL TONS Reserving Capacity for #Tons Butler MSW Annually (all categories)	OPERATING DAYS Estimated Annual Working Days	TONS PER DAY Reserving Capacity for #Tons Butler MSW Daily (all categories)
2012	130,148				
2013	132,089				
2014	134,030				
2015	135,970				
2016	137,911				
2017	139,852				
2018	141,793				
2019	143,733				
2020	145,673				
2021	147,614				
2022	149,555				

Operating hours from _____ to _____ Monday through Friday and from _____ to _____ on Saturdays,

Indicate tons of Butler 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: _____

With a copy to: _____ 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 Butler County any money or other thing of value either directly or indirectly.

2. Acceptance Period

I agree to allow 120 days from the date of this proposal for acceptance thereof by the Commissioners of Butler 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 Butler 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 2012,
at _____

By _____ (name)

_____ (title)

SEAL _____ *(company)*

Date: _____

On _____, 2012, 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 _____ 2012.

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 _____

Have you submitted a complete and 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 2012
at _____

By _____ (name)

_____(title)

SEAL _____ (company)

Date: _____

On _____, 2012, 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 _____ 2012.

My Commission expires _____ Notary Public

BUTLER COUNTY PETITION FOR INCLUSION AS A MUNICIPAL WASTE DISPOSAL FACILITY

Petitioning Procedure and Instructions

A municipal waste disposal/processing facility, a County registered hauler, a municipality or a business must complete and submit the petition form to the Butler County Department of Recycling and Waste Management. A fee, equivalent to the total prevailing costs associated with a non-substantial Plan revision to add a facility, will be charged to the designated party indicated on the petition form.

Within 15 working days of the receipt of a petition, the Butler County Department of Recycling and Waste Management 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.

Upon receipt of the completed proposal from the petitioning facility, the Butler County Department of Recycling and Waste Management will notify the Pennsylvania Department of Environmental Protection of its intentions to submit a Non-Substantial Plan Revision to add a facility.

The Butler County Department of Recycling and Waste Management will review and respond to the information in the proposal within 45 working days.

If information in the completed proposal is complete, accurate and meets the accepted criteria, the Butler County Department of Recycling and Waste Management will notify all municipalities within the County of the intent to add a facility to the Plan as a Non-Substantial Plan Revision. The County will accept comments for a period of thirty days.

After the thirty day comment period, the Butler County Department of Recycling and Waste Management will formally submit the Non-Substantial Plan Revision indicating the addition of the facility to the Pennsylvania Department of Environmental Protection for approval.

Upon approval by the Pennsylvania Department of Environmental Protection the Butler County Department of Recycling and Waste Management will notify all County municipalities that a facility has been added to the Plan as a Non-Substantial Plan Revision .

At that time the requesting facility, hauler, municipality or business will also be notified that the facility is formally designated in the Plan for disposal of Butler County generated municipal waste.

Exhibit 9-3

(This page intentionally left blank.)

**Petition to Butler County
For Inclusion as a Processing/Disposal Facility
In the Municipal Solid Waste Management Plan**

Purpose of Petitioning Process – Butler County has, through a formal Request for Proposals and subsequent Disposal Capacity Agreements, secured a sufficient amount of disposal capacity for all municipal waste generated within the County. However, the County's Plan has defined a process by which additional facilities can be added to the Plan. County licensed haulers, municipalities or businesses with processing/disposal facilities other than those designated in the County's Municipal Waste Management Plan must use this form to notify the County of a party's interest in using another facility. Information provided in this form will be used by the County to contact a facility representative and send the requirements necessary to qualify the facility as a participant in the Plan. 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.

**Please complete this two-page form and forward to the:
Butler County Department of Recycling and Waste Management
P.O. Box 1208 Butler, PA 16003-1208
Phone: 724-284-5305**

Name of Petitioner: _____

Address: _____

Phone Number: _____

Fax Number: _____

E-Mail Address: _____

Facility for Inclusion: _____

Facility Contact Person: _____

Facility Address: _____

Phone Number: _____

Fax Number: _____

E-Mail Address: _____

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

Name _____ **Title** _____

Signature _____ **Date** _____

Explain why you desire to have this facility included in the Plan:

(Attach Additional Sheets if Necessary)

RESOLUTION NO. _____

**RESOLUTION BY THE BOARD OF BUTLER COUNTY COMMISSIONERS FOR THE ADOPTION OF
THE REVISED BUTLER COUNTY SOLID WASTE MANAGEMENT PLAN**

WHEREAS, the Board of Butler County Commissioners, acting through the Butler County Department of Recycling & Waste Management, have undertaken the development of a revised Municipal Solid Waste Management Plan for Butler County in accordance with the requirements of the Solid Waste Management Act of 1980 (act 97) and the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (act 101), and;

WHEREAS, the revised Municipal Solid Waste Management Plan for Butler County was partially financed by a grant from the Pennsylvania Department of Environmental Protection and local funds and services provided by the Board of Butler County Commissioners and the Butler County Department of Recycling & Waste Management, and;

WHEREAS, upon the recommendations of the Butler County Department of Recycling & Waste Management and the Butler County Solid Waste Advisory Committee, the Board of Butler County Commissioners have reviewed and approved the recommendations of this proposed plan to insure the availability of adequate permitted processing and disposal capacity for the municipal waste generated within Butler County.

NOW, THEREFORE, BE IT RESOLVED, that the Butler County Board of Commissioners do hereby approve and adopt the Revised Municipal Solid Waste Management Plan for Butler County pursuant to the requirements of Section 501 of the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101).

PASSED AND APPROVED on this _____ day of _____, 2018.

Attest:

**County of Butler
Board of Commissioners**

*Lori Altman,
Human Resources Director / Chief Clerk*

Leslie A. Osche, Chairman

Kimberly D. Geyer, Vice-Chairman

Kevin E. Boozel, M.S., Secretary



ORDERLY EXTENSION

Impact on Existing Programs

The manner in which waste and recyclables are collected and transported in the county, subsequently processed, disposed and/or marketed will remain the same as it currently operates and are in accordance with the original concepts presented in the 1990 and 2004 Plans. The infrastructure of residential curbside collection and containerized commercial collection provided by the private sector continues to be the best and most sustainable system available for all types of material in Butler County.

The revisions of this Plan focus on education and motivation to achieve better participation and compliance within the current programs and to offer new programs on an as-needed basis. In addition the county hopes to further facilitate an awareness of environmentally-friendly behavioral actions that will benefit the entire community. Therefore, one could expect an uneventful transition from the service providers and the participants.

This Plan does not conflict with any known local, state or regional plans or regulations.

Education

Butler County will continue to enforce volume or variable rate collection in the manner that has been in effect for the past two and a half decades. Theoretically with variable rate programs, a resident who opts to pay a higher rate rather than recycle still retains that right. Therefore, while recycling is still available to all and because a monetary incentive to participate is offered, the decision to recycle is still an individual choice. The burden on

the educational program will be to influence that individual to choose recycling.

Education will also be geared toward the solid waste transporters to encourage the offering of one-bag-per-week waste collection along with other levels of waste collection service as deemed in the best interest of their business. Thousands of variable rate programs exist nationally, with the private sector embracing the concept. This is especially true when they are given some degree of flexibility on how to implement it with their own customers as this revised Plan allows.

Reporting

The revisions to this Plan also focus on enhanced and improved recycling reporting with enforcement for failing to comply. Since the current haulers operating in Butler County and contracted disposal facilities already have reporting requirements, any transition to an amended or improved process will not be difficult. The County intends to provide sufficient notification and flexibility to allow for any administrative changes those operations may need to make in order to comply with any new reporting format. In addition, facilities will have adequate time to submit any required information.

Existing Contracts

Few municipalities in Butler County contract with the private sector for collection of waste and/or recyclables. The terms and conditions of each of those contracts are assumed to be in compliance with the Plan and some of these communities have sent their proposed “requests for services”

documents to the county for review to assure compliance. Such contracts in effect before the adoption of this Plan will be unaltered by any revisions and shall remain in effect until the contract expires as currently specified. Any new contracts must comply with the appropriate guidelines of the revised Plan although none are proposed.

Future Studies and Findings

Part of the implementation schedule of the Plan includes studies to determine the feasibility of launching new programs or processes to further the

goal of environmental sustainability within the County. The findings of the studies will determine whether any potential projects should be incorporated into the overall waste management scheme. The intent of the County is that each study will determine a reasonable time line for the introduction of any new service or program worthy of consideration, as well as its impact on any that already exist. The County will utilize the timeline to ensure minimal disruption in the course of change.



METHODS OF DISPOSAL OTHER THAN BY CONTRACTS

Butler County does not propose that its municipal solid waste be processed or disposed by any other means than by contracts.



NON-INTERFERENCE

Like Butler, all other counties within the Commonwealth of Pennsylvania are required by Act 101 to develop municipal solid waste management plans providing secured disposal capacity as well as the achievement of specific recycling goals. Many neighboring states have similar requirements. The landfills and material recovery facility operating within the borders of Butler County play an important role in serving not only local needs, but also those of the region.

Butler County's private waste haulers export all types of waste to many disposal and processing facilities located in other areas. The original Plan and its revisions designate for the county's municipal waste and the use of disposal and processing facilities operating within and outside of Butler County. As discussed previously in this

document, the provision of multiple facilities allows for a fair and open market and sufficient capacity available to the County. This same approach was utilized in other county plans. Many of them and/or their municipalities have contracted to export materials to Butler County facilities.

Butler County respects the contractual obligations of these existing facilities and understands their need to design, finance and construct reasonable expansions to meet the required capacity specifications. Therefore, the County will not interfere with the normal operational and regulatory process involved with such expansions. Nor will the County inhibit the free enterprise of these facilities nor prevent them from generating the necessary profits to support those projects.



ENGAGING OUR CITIZENS

Inclusive Engagement

Public involvement is essential in any type of planning process and improves decision making by generating ideas for how to develop new programs and policies when needed while improving those that already exist. This participation provides a broad range of concepts that affirm community values, needs and aspirations which ultimately become the drivers of a plan. This advances the community's vision for the future.

All opinions and ideas were given serious consideration as they serve an important part of the final selection and justification of the goals in the revised plan.

Balanced and Thorough Representation

Ten citizens including the county recycling and waste management coordinator served as the Butler County Solid Waste Advisory Committee. Each person was selected to fill multiple representative segments of Butler County. As required by Act 101, each class of the county's townships, boroughs and City of Butler had representation on the committee. Environmental interest groups, private waste and recycling industry companies, local industry, and interested citizens were represented on the committee. In addition to being representatives of municipal classes and various groups, members were also chosen to represent different regions of Butler County since it is comprised of such a wide variety of rural to urban geographical areas and such diverse waste and recycling needs. A list of the Solid Waste Advisory Committee members is included at the end of this chapter with meeting minutes.

Priorities and Concerns

The Butler County Recycling and Waste Management Coordinator facilitated the scheduled Solid Waste Advisory Committee meetings and introduced the varied issues that are required for consideration as part of the overall planning process. Findings of studies were discussed; historical and current conditions were compared with its impact on recycling; and recommendations were considered that could enhance different aspects of the program goals. Data is reflected within the plan document and illustrates the status of the existing programs and potential future conditions and goals.

All of these ideas were weighed against the regulatory obligations and constraints of the Municipal Waste Planning, Recycling and Waste Reduction Act and explanations were offered on how each idea could be affected by them. In addition, public health and safety, economics, stakeholders, influencing factors, operational feasibility, funding and public input were evaluated.

Plan Objectives

1. Promotion and Encouragement - Overall, the Committee agreed that the current systems operating in Butler County work well but that more could be done by county government to promote and encourage better participation in recycling. It was generally accepted that the citizens and businesses of Butler County have not yet met the full potential that could be achieved in the recovery of materials realized by other counties that are

similar in demographic makeup, geographical diversity and size.

2. Reporting - There are definitive actions that can be taken to assure better reporting and will build better relationships between the Department of Recycling & Waste Management and the various entities within the county that are stakeholders in the recycling and waste systems. A consensus held that better information from transporters and processors of solid waste and recyclables is needed to establish benchmarks and make informed decisions in the future.

3. Hard to Recycle Items – There are certain items not generally collected by the private waste and recycling industry that have become a problem for the citizens of the county to handle properly.

4. Illegal Dumping – Although not a widespread problem, there are areas within the county that

continue to be used as dumping areas. The county can do more to educate and help municipalities target those areas for enhanced surveillance and ultimately prosecute those responsible.

With these specific objectives identified, the committee concluded that revisions to the plan should focus on those types of goals which are specifically addressed in the Action Plan in Chapter 5.

Public Meeting Information and Citizen Participation

Agendas, minutes and presentation documents highlighting the topics and issues discussed at the Solid Waste Advisory Committee Meetings, along with comments received from municipalities, the PADEP and the general public are included at the end of this chapter for reference.

*SWP Approval
Rec'd 11/29/18*

November 27, 2018

Commissioner Leslie A. Osche
Chairperson
Butler County Board of Commissioners
124 West Diamond Street
P.O. Box 1208
Butler, PA 16003-1208

Re: Plan Approval, Butler County Municipal
Waste Management Plan Revision

Commissioner Osche:

Enclosed is a Plan Revision Approval for the Butler County Municipal Waste Management Plan Revision received on October 2, 2018. This Plan Revision Approval authorizes the County to proceed in implementing the approved plan and in submitting the implementing documents to DEP. Implementing documents must be submitted within one year of the date of plan approval.

The County must implement the approved plan revision and comply with the conditions for approval as set forth in the enclosure. Failure to implement the approved plan in compliance with the conditions is a violation of Section 1701 of the Municipal Waste Planning, Recycling and Waste Reduction Act of July 28, 1988, P.L. 556, 53 P.S. Section 4000.1701.

Please note that the inclusion of Paragraph 12, regarding a reservation of rights to assess county administration/recycling surcharges, in the County's processing and disposal contracts, will not relieve the County from the requirement of revising this plan in the event that future legislative changes permit the negotiation and implementation of a fee.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa. C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within thirty (30) days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.

IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD (717-787-3483) FOR MORE INFORMATION.

Questions concerning this plan approval should be directed to Regina Schweinsberg of the Waste Management Program at 814-332-6981 or rschweinsb@pa.gov.

Sincerely,



Christina S. Wilhelm
Environmental Program Manager
Waste Management Program

Enclosure

cc: NRO
Sheryl Kelly
Lawrence Holley

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF LAND RECYCLING AND WASTE MANAGEMENT

**Plan Revision Approval
Municipal Waste Management Plan Revision Dated October 2, 2018
For Butler County**

Date Issued: November 27, 2018

Under the provisions of the Municipal Waste Planning, Recycling and Waste Reduction Act of July 28, 1988, P.L. 556, 53 P.S. §§ 4000.101 – 4000.1904, the Butler County Municipal Waste Management Plan Revision of October 2, 2018 is hereby approved. Butler County is authorized to implement the approved plan revision and execute ordinances, contracts or other requirements necessary to implement the plan revision.

This plan approval is subject to modification, amendment and supplement by the Department of Environmental Protection (DEP). This approval is further subject to rescission by DEP for any violation of the applicable laws or the rules and regulations adopted thereunder, for failure to comply in whole or in part with the conditions of this plan approval and the provisions set forth in the approved plan revision (which is made a part hereof), or for causing any condition inimical to the public health, safety or welfare.



Regional Program Manager
FOR THE DEPARTMENT OF
ENVIRONMENTAL PROTECTION

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF LAND RECYCLING AND WASTE MANAGEMENT

**Plan Revision Approval
Municipal Waste Management Plan Revision Dated October 2, 2018
For Butler County**

Date Issued: November 27, 2018

Plan Approval Conditions

1. The County shall implement its plan, as revised by the plan revision that was received by the Department on October 2, 2018, with additional information received by written correspondence dated November 14, 2018. Executed implementing documents shall be submitted to the Department by November 26, 2019 in accordance with Section 513 of Act 101.
2. The County may not act in a manner contrary to the approved plan or otherwise fail to act in a manner consistent with the approved plan.
3. This plan approval is conditioned upon the requirement to submit an adopted revised plan at least three years prior to the time all remaining available permitted capacity for the County will be exhausted or when otherwise required by the Department. This date will be determined by the Municipal Waste Landfill Annual Operation Reports from the facilities identified in Sections 5 and 6 of the plan on the amount of remaining disposal capacity available to the County, and by other pertinent data.
4. The County will ensure disposal capacity through the use of the facilities identified in Sections 5 and 6 of the plan, by entering into disposal capacity agreements that will ensure the County available capacity for the entire period of the plan.

The Butler County Municipal Solid Waste Management Plan was adopted by Resolution 2018-33 (found in Chapter 9 as Exhibit 9-4) unanimously by the Board of Butler County Commissioners at a public meeting held on December 5, 2018.