

***Clarion and Forest County Municipal Waste Management Plan Update  
Clarion and Forest County, Pennsylvania***

***5/10/2013***



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# 1: DESCRIPTION OF WASTE

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## 1.1 INTRODUCTION

In 2001, Clarion, Forest and Venango Counties (the Tri-County area) developed a joint Municipal Waste Management Plan (Plan) as a regional planning district. This Plan was submitted to the Pennsylvania Department of Environmental Protection (DEP) in 2002, and was subsequently approved by the DEP in the same year.

Since the development of the joint 2001 Plan, Venango County had moved forward with its own recent Municipal Waste Management Plan update. Therefore, early in 2012, Clarion and Forest County signed a memorandum of understanding between the two counties to continue their own joint Municipal Waste Management Plan update. This was accomplished to satisfy the legislative mandate of ACT 101 for Counties to update Plans every ten years. The following 14 sections of this Plan update describe, in detail, the joint premises of this Plan update.

## 1.2 OVERVIEW

The Pennsylvania Department of Environmental Protection<sup>1</sup> (DEP) “Guidelines for the Development and Implementation of County Municipal Waste Management Plan Revisions,” document number 254-2212-504, serves as the basis for the development of County-wide Municipal Waste Management Plan updates.



The purpose of Section 1 of this Plan update is to determine and describe the quantity of municipal solid waste (MSW) generated within Clarion and Forest Counties (Counties) that will be managed by the Integrated Solid Waste Management System described in this Plan (Plan). To estimate the quantity of MSW and residual waste generated on an annual basis from 2008 to 2011, weight records from disposal facilities reporting to the DEP, Municipal Recycling Reports (Re-TRAC™), and generation and disposal data available to the Counties

were used. To estimate the net waste requiring disposal for the 10-year planning period, the state recommended generation rate of 0.8 tons per capita per year will be used. A summary of the calculations and reasoning for the historical and future generation projections are detailed in this section and in Section 3.

## 1.3 MUNICIPAL COLLECTION PRACTICES

Clarion County, which is located in the northwest quadrant of the state, is comprised of 34 municipalities – of which there are 12 Boroughs and 22 Townships (see map below).

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<sup>1</sup> The 2012 Clarion and Forest County Plan update is considered by the DEP to be a non-substantial plan update. As there has been little change in the municipal waste system over the past 10-years, the majority of the Plan focuses on new generation metrics, ensuring enough disposal capacity to meet County growth needs and how the system plans to move forward with waste diversion programs during the next decade.



The 2001 Tri-County Plan surveyed the majority of the municipalities within the County to understand how solid waste and recyclables were collected. The vast majority of the respondents indicated that resident’s contract directly with a private sector hauler of their choice (i.e. private subscription). Only two municipalities responded that they utilize a private collection company under contract to the municipality, and only one reported using municipal crews. The 2011 Re-TRAC data shows that only the Borough of Clarion has a curbside recycling program in place, although this does not necessarily preclude other municipalities from participating in a case-by-case, hauler-based recycling program. Follow-up conversations with municipalities in Clarion and Forest County indicated that little if anything has changed since the 2001 Plan as it relates to municipal waste collection and recycling activities.

Like Clarion County, Forest County is located in the northwest region of the state and is contiguous to Clarion County. A large portion of Forest County lies within the Allegheny National Forest. The County is comprised of nine municipalities - one Borough (Tionesta) and eight Townships as shown in the map below.



The 2001 Tri-County Plan indicated that the majority of municipalities require residents to contract directly with a hauler for solid waste services, with only one respondent indicating that a private contracted collection program was in place. Conversations with municipalities in Forest County indicated that this is still the case as of 2013.

It should also be noted that, while it is conceivable that a hauler offers the opportunity for recycling in Forest County, the DEP shows no reported recycling tonnage data from these activities.

## 1.4 MUNICIPAL WASTE STREAM

As defined by the Pennsylvania DEP's County Waste Destination Reports, the municipal waste portions of Clarion and Forest County's municipal solid waste stream is comprised of waste that has been generated by residential and commercial establishments; institutions (hospitals, universities, etc.); industrial office complexes; food establishments and source-separated recyclable materials (where applicable). According to the Pennsylvania DEP, the following components of the waste stream must be properly disposed of in Class 1 or Class 3 disposal facilities:

- (1) Municipal Solid Waste;
- (2) Residual Waste;
- (3) Sewage sludge (Biosolids and Septage);
- (4) Infectious waste;
- (5) Construction and demolition debris;
- (6) Ash residue; and
- (7) Asbestos related materials.

Section 6 of the 2001 Tri-County Plan reported that four (4) landfills were designated to provide disposal service for municipal solid waste over the 10-year planning period. They were:

- County Environmental Landfill (Clarion County);
- Northwest Sanitary Landfill (Butler County);
- Seneca Landfill, Inc. (Butler County); and
- Superior (formally Veolia, now Advanced Disposal) ES Greentree Landfill, LLC (Elk County) <sup>2</sup>.

It should be noted that County Environmental Landfill is closed, and the majority of waste that was being disposed of at County is now being transfer hauled to the Advanced Disposal ES Greentree Landfill (formally Veolia and before that, Superior) in Elk County.

The most recent DEP County Waste Destination Report for 2011 indicated that municipal waste<sup>3</sup> was disposed of at the Northwest Sanitary Landfill and Advanced Disposal Services Greentree Landfill exclusively. Table 1.1 below provides this breakout.

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<sup>2</sup> On December 5, 2012, Clarion and Forest County were informed that Veolia had been purchased by Advanced Disposal. At this time the landfill and transfer station names will remain the same.

<sup>3</sup> Excludes residual, sewage sludge, infectious, construction waste, ash residue and asbestos materials.



**Table 1.1 Disposal Sites by County (2011 - MSW Only)**

<b>Clarion County</b>	<b>Forest County</b>
❖ Advanced Disposal Services Greentree Landfill (97.3% of MSW disposed)	❖ Advanced Disposal Services Greentree Landfill (100.0% of MSW disposed)
❖ Northwest Sanitary Landfill (2.7% of MSW disposed)	

Source: 2011 County Waste Destination Reports

Although, as of the end of Calendar Year 2011, there were only two disposal facilities that the DEP reported as accepting MSW (as indicated in Table 1.1), six (6) disposal facilities were reported as receiving some component of waste from Clarion County and four (4) from Forest County. These disposal facilities are provided in Table 1.2 below.

**Table 1.2 Disposal Sites by County (2011 - All Wastes) <sup>1</sup>**

<b>Clarion County</b>	<b>Forest County<sup>2</sup></b>
❖ Advanced Disposal Greentree Landfill LLC. (89.9% of total MSW disposed)	❖ Advanced Disposal Greentree Landfill LLC. (93.8% of total MSW disposed)
❖ Northwest Sanitary Landfill (9.1% of total MSW disposed)	❖ Northwest Sanitary Landfill (4.4% of total MSW disposed)
❖ Seneca Landfill (0.9% of total MSW disposed)	❖ Sanitary Landfill (1.0% of total MSW disposed).
❖ BFI Waste Systems of North America (0.06% of total MSW disposed)	❖ Rustick LL McKean Landfill (0.8% of total MSW disposed)
❖ Evergreen Landfill (0.02% of total MSW disposed)	
❖ Sanitary Landfill (<0.01% of total MSW disposed).	

Source: PA DEP County Waste Destination Reports (2011)

[1] Includes MSW, residual, sewage sludge, infectious, C&D, ash residue and asbestos.

[2] It should be noted that although Seneca Landfill was listed on the County Waste Destination Report, no tonnages were reported.

As noted above, the majority of the waste that was being disposed of at the now closed County Landfill during the 2001 Plan<sup>4</sup> is being disposed of at the Advanced Disposal Greentree Landfill in Elk County. In order to help compensate for this disposal closure, Advanced Disposal<sup>5</sup> sited and permitted a municipal waste transfer facility<sup>6</sup>, in Paint Township, Clarion County, off Interstate 80 at exit 60 for consolidation and transfer of waste collected from Clarion County sources (referred to in this report as the “Advanced Disposal Services Transfer Station”). At that point, waste originating from Clarion County was (and is still) being brought first to the Advanced Disposal Services Transfer Station in Shippenville, PA; then is hauled by transfer trucks to the Advanced Disposal Greentree Landfill in Elk County approximately 50 miles away from exit 60 in Clarion County for final disposal.

<sup>4</sup> The County Landfill ceased accepting waste material on May 30, 2008.

<sup>5</sup> Formally Veolia Environmental Services.

<sup>6</sup> Clarion County Transfer Station & Hauling Company.

Likewise, in 2011, the majority of the waste originating in Forest County was being brought to the Advanced Disposal Services Greentree Landfill, either via the Advanced Disposal Services Transfer Station in Clarion County where it is then hauled by transfer truck for disposal, or direct hauled where appropriate.

In 2011, the Annual DEP County Waste Destination Report reported that 41,504 tons of municipal solid waste (MSW) originating from Clarion County sources was disposed of at the Advanced Disposal Services Greentree Landfill. In the same time period, only 2.9 tons of MSW originating from Forest County sources was disposed at Advanced Disposal Services Greentree Landfill. This is likely a result of the Advanced Disposal Services Transfer Station not being able to accurately capture where the hauler loads are originating from (either Clarion or Forest) and can explain why such a large discrepancy exists. As a result of this, it is necessary to measure the generation and disposal metrics (and projections) as a combined unit of the two counties.

Table 1-3 below reports the total quantities<sup>7</sup> of municipal waste disposal data from County municipal solid waste sources that were disposed of in Calendar Year 2011.

**Table 1.3 2011 Clarion and Forest County MSW Disposal Data (Combined)**

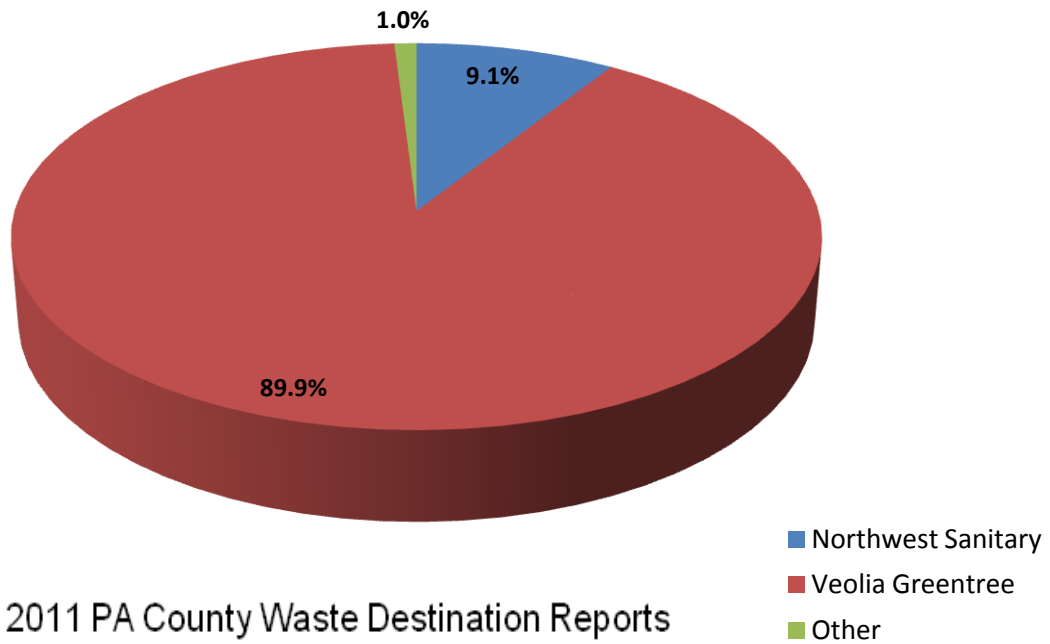
<b>Disposal Facility</b>	<b>Municipal</b>	<b>Residual</b>	<b>Sewage Sludge</b>	<b>Infectious</b>	<b>C&amp;D</b>	<b>Ash Residue</b>	<b>Asbestos</b>	<b>Total</b>	<b>% of Total</b>
Sanitary LF	0.0	0.0	0.0	0.0	5.8	0.0	0.0	<b>5.8</b>	0.01%
Rustick LL McKean	0.0	3.7	0.0	0.0	0.0	0.0	0.0	<b>3.7</b>	0.01%
Evergreen LF	0.0	0.0	0.0	0.0	11.6	0.0	0.0	<b>11.6</b>	0.02%
BFI Waste	0.0	0.0	0.0	0.0	5.8	0.0	28.2	<b>34.0</b>	0.06%
Seneca LF	0.0	443.4	37.4	0.0	46.8	0.0	0.0	<b>527.6</b>	0.91%
Northwest Sanitary	1,162.3	3,982.2	77.0	0.0	40.8	0.0	0.0	<b>5,262.3</b>	9.06%
Advanced Disposal Greentree	41,507.0	9,082.7	1,519.4	0.0	49.8	86.4	0.0	<b>52,245.3</b>	89.94%
<b>Waste Totals:</b>	<b>42,669.3</b>	<b>13,512.0</b>	<b>1,633.8</b>	<b>0.0</b>	<b>160.6</b>	<b>86.4</b>	<b>28.2</b>	<b>58,090.3</b>	<b>100.00%</b>

Source: PA DEP 2011 County Waste Destination Report

As can be seen from Figure 1-1 below, approximately 90 percent of the combined total waste stream from the two counties is being disposed of at the Advanced Disposal Services Greentree Landfill, with approximately 9 percent going to Northwest Sanitary Landfill. The majority of the waste stream disposed at each facility was comprised of MSW and residual waste.

<sup>7</sup> As a combined metric.

**FIGURE 1-1**  
**Percent of Waste at Disposal Locations**



Source: 2011 PA County Waste Destination Reports

In addition to the municipal waste stream (MSW, C&D, and Sewage Sludge) described above, it is important to account for the generation and recovery of materials that are recycled. According to the DEP's Re-TRAC report<sup>8</sup>, as of 2011, only the Borough of Clarion had a curbside collection program. All other municipalities with recycling programs report utilizing drop-off systems for recyclable materials where applicable. A more detailed analysis of the Clarion County recycling program is described in Section 4.

Due to its unique geography and demographics, there is no current reported curbside collection of recyclables and only two reported drop-off collection sites in Forest County – one in Jenks Township, and one in Tionesta Borough. However, the Pennsylvania DEP reported no data for the Forest County drop-off programs and thus 0 tons were shown as diverted for 2011 in the county. As such, the metrics reported in Table 1-4 below are for Clarion County only. If a curbside recycling program is instituted in Forest County in the future, and these metrics are tracked, any projections in this Plan update will need to be updated accordingly.

<sup>8</sup> Annual State Recycling Report

Table 1.4 2008-2011 Recycling Metrics for Clarion County

<b>Material Component</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>AVG.</b>
Res. Curbside	113.1	159.00	104.40	101.10	119.40
<u>Res. Drop-off</u>	<u>355.33</u>	<u>4,470.70</u>	<u>6,468.20</u>	<u>6,743.80</u>	<u>4,509.51</u>
<i>Sub-Total Res. Recyclables:</i>	<i>468.43</i>	<i>4,629.70</i>	<i>6,572.60</i>	<i>6,844.90</i>	<i>4,628.91</i>
Res. Organics (Drop-off)	230.30	0.00	0.00	279.20	127.38
Res. Organics (Curbside)	<u>0.00</u>	<u>268.01</u>	<u>331.00</u>	<u>0.00</u>	<u>149.75</u>
<i>Sub-Total Res. Organics:</i>	<i>230.30</i>	<i>268.01</i>	<i>331.00</i>	<i>279.20</i>	<i>277.13</i>
Residential HHW (Drop-off)	242.21	176.00	275.10	166.6	214.98
Commercial Curbside	1,321.70	2,001.50	0.00	342.20	916.35
<u>Commercial Drop-off</u>	<u>3,060.02</u>	<u>4.90</u>	<u>1,330.27</u>	<u>0.00</u>	<u>1,089.80</u>
<i>Sub-Total Comm. Recycle:</i>	<i>4,381.72</i>	<i>1,006.40</i>	<i>1,330.27</i>	<i>342.20</i>	<i>2,015.15</i>
Commercial Organics	0.00	0.00	0.00	0.00	0.00
<b>TOTAL:</b>	<b>5,322.66</b>	<b>7,080.11</b>	<b>8,508.97</b>	<b>7,632.90</b>	<b>7,136.16</b>

Source: 2008-2011 Re-TRAC Report

In order to determine generation rates moving forward for the next 10-year planning period, a historic perspective of the amount of waste and recyclables generated and disposed of in the counties was developed. Table 1-5 below reports the total municipal waste disposed and the corresponding generation rates for the past four years (split by county and as a combined metric). Because residual wastes are wastes generated as industrial by-products, the 2001 Tri-County Plan separated the amounts from the generation rate calculations. Likewise, this update recognizes that residual waste is not part of the municipal waste stream and therefore reported separately, but only to acknowledge that it is part of the overall waste stream and competes for capacity requirements for municipal waste.

Again, it is important to note the following two caveats: (1) due to geographic and demographic restrictions, and no mandated municipalities, no formal curbside and only two drop-off recycling program are reported to exist within Forest County; and (2) the Advanced Disposal Services Transfer Station is dependent on the accuracy of the haulers to be able to accurately capture the origin of waste by county; thus the large discrepancy in disposed waste between the two counties. As a result, it is not known how much waste being reported as generated within Clarion, is actually originating from Forest.

Table 1.5 2008-2011 Historical Waste Generations

YEAR:	2008			2009		
Material Component	Clarion	Forest	Combined	Clarion	Forest	Combined
Municipal	29,881.7	1,024.4	30,906.1	39,149.5	15.5	39,165.0
Sewage Sludge	750.5	381.0	1,131.5	1,458.6	401.5	1,860.1
<b>Infectious</b>	0.0	0.0	0.0	0.0	0.0	0.0
C&D	820.3	295.1	1,115.4	213.2	0.0	213.2
Ash Residue	0.0	0.0	0.0	0.0	0.0	0.0
Asbestos	146.2	13.9	160.1	68.4	0.0	68.4
<b>Total Municipal Waste Disposed</b>	<b>31,598.7</b>	<b>1,714.4</b>	<b>33,313.1</b>	<b>40,889.7</b>	<b>417.0</b>	<b>41,306.7</b>
Recycled Materials <sup>[1]</sup> :	5,080.5	0.0	5,080.5	6,904.1	0.0	6,904.1
<b>Total Waste Generation:</b>	<b>36,679.2</b>	<b>1,714.4</b>	<b>38,393.6</b>	<b>47,793.8</b>	<b>417.0</b>	<b>48,210.8</b>
Population <sup>[2]</sup>	41,755.0	6,808.0	48,563.0	41,755.0	6,775.0	48,530.0
Lbs./Capita/Day <sup>[3]</sup>	4.81	1.38	4.33	6.27	0.34	5.44
Tons/Capita/Year <sup>[3]</sup>	0.88	0.25	0.79	1.14	0.06	0.99
<b>Residual Waste</b>	<b>10,779.6</b>	<b>0.0</b>	<b>10,779.6</b>	<b>9,513.8</b>	<b>82.3</b>	<b>9,596.1</b>

YEAR:	2010			2011		
Material Component	Clarion	Forest	Combined	Clarion	Forest	Combined
Municipal	42,015.7	44.3	42,060.0	42,666.4	2.9	42,669.3
Sewage Sludge	1,835.2	356.9	2,192.1	1,217.5	416.3	1,633.8
<b>Infectious</b>	0.0	0.0	0.0	0.0	0.0	0.0
C&D	183.8	0.0	183.8	155.8	4.8	160.6
Ash Residue	14.1	0.0	14.1	86.4	0.0	86.4
Asbestos	2.1	0.0	2.1	28.2	0.0	28.2
<b>Total Municipal Waste Disposed</b>	<b>44,050.9</b>	<b>401.2</b>	<b>44,452.1</b>	<b>44,154.3</b>	<b>424.0</b>	<b>44,578.3</b>
Recycled Materials <sup>[1]</sup> :	8,233.9	0.0	8,233.9	7,466.3	0.0	7,222.5
<b>Total Waste Generation:</b>	<b>52,284.8</b>	<b>401.2</b>	<b>52,686.0</b>	<b>51,620.6</b>	<b>424.0</b>	<b>45,300.8</b>
Population <sup>[2]</sup>	39,980.0	7,716.0	47,696.0	40,013.0	7,589.0	47,602.0
Lbs./Capita/Day <sup>[3]</sup>	7.17	0.28	6.05	7.07	0.31	5.21
Tons/Capita/Year <sup>[3]</sup>	1.31	0.05	1.10	1.29	0.06	0.95
<b>Residual Waste</b>	<b>11,279.4</b>	<b>943.5</b>	<b>12,222.9</b>	<b>13,488.7</b>	<b>23.3</b>	<b>13,512.0</b>

[1] Includes Residential and Commercial Recyclables and Organics. Excludes HHW.

[2] Source: 2008-2011 Clarion County Re-TRAC report and U.S. Census Data.

[3] Excludes Residual Waste.

The lack of accurate disposal data by County, resulting from the uncertainty of the origin of collection loads at the Advanced Disposal Services Transfer Station, has caused a fluctuation in reported waste disposed. As Table 1-5 show, this produces an individual (County) generation rate of between 0.05 and 1.31 tons per capita per year<sup>9</sup> and a combined (Bi-County) per capita generation rate of between 0.79 and 1.10 tons per year, for the period 2008 thru 2011.

<sup>9</sup> Excluding residual waste.

In order to account for the lack of accurate disposal data on a per-County basis, the DEP state's accepted average generation rate of 0.8 tons per capita per year (includes both MSW and recyclables) will be used to project the disposal needs for the 10-year planning period.

This state-recommended generation rate is only slightly higher than the 2001 Plan that utilized a 0.78 tons/capita/year and accounts for the fluctuation in population during that time period and the projected population moving forward.

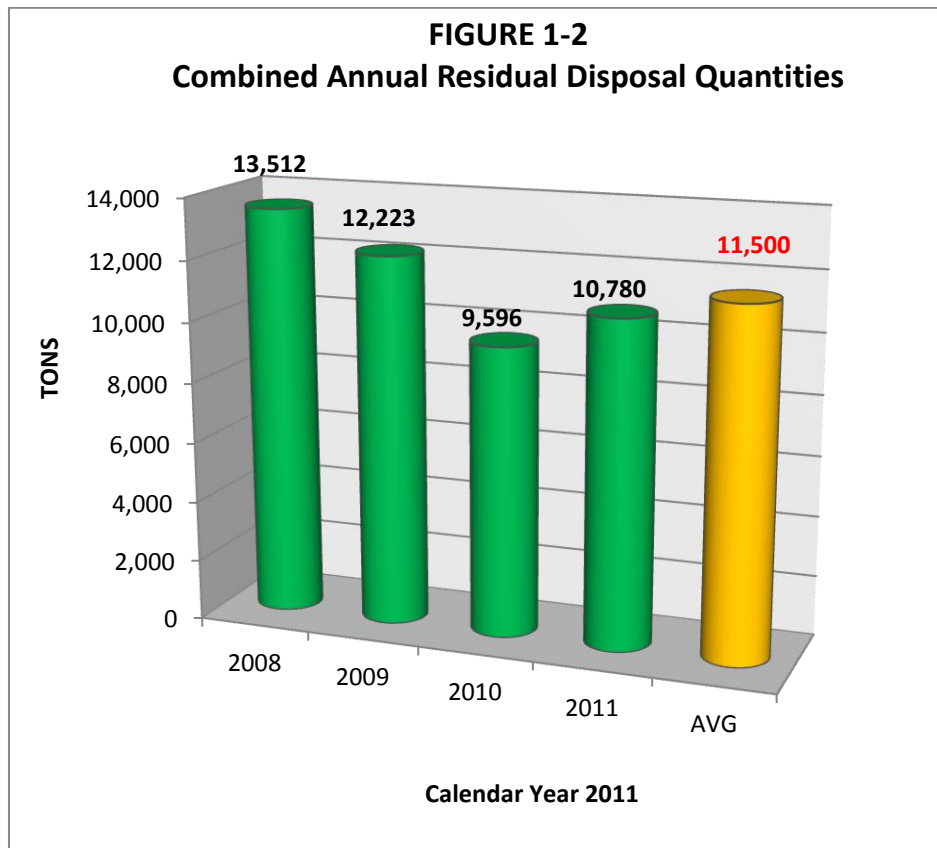
It should also be noted that most parts of Forest and Clarion County are still rural in nature. As such, residents sometimes engage in alternative means of household waste management, in order to either avoid waste disposal costs, or for convenience. Because many municipalities have individual subscription services, it is the responsibility of the homeowner to make collection arrangements. Although the 2001 Plan estimated that up to 10 percent of municipal waste is improperly managed (i.e. burning, open dump pits), for purposes of the 2013 Plan, these assumptions were excluded.

Section 3 calculates and applies the recommended state-wide per-capita waste generation rate to projected population growth through the 10 year planning period. These metrics reflect a more accurate assessment of MSW generation in Forest and Clarion County than the historical disposal/recycling measurements. Using the state-wide recommended generation numbers will help ensure that both Forest and Clarion County continue to have accurate and adequate disposal capacity for all municipal waste generated as required by state-law for the next ten year planning period.

## 1.5 RESIDUAL WASTE

Residual waste is defined as the by-product of industrial, mining and agricultural practices, or the end result of water supply treatment plants. Clarion and Forest County generate residual waste at the rate of approximately 11,500 tons per year between 2008 and 2011, with the vast majority being reported as originating in Clarion County. While the counties do not specifically manage this waste for disposal, it is important to note that residual waste accounted for over 23 percent of the total tonnage disposed in the two counties in 2011. It is also important to understand that during the next ten year planning period (2012-2022), projections for residual waste are based on the average generation for 2008-2011, instead of by population growth rate. This is because residual waste generation is not a factor of population, but of industrial activities within the counties.

In fact, according to the 2009 Clarion County Illegal Dump Survey performed by Keep Pennsylvania Beautiful (KPB), the County is within the oil producing region of Pennsylvania and is one of the leading oil producing counties. Clarion also has extensive gas fields, sand for glass making, good fire clay and bituminous coal reserves, all of which produce residual wastes.

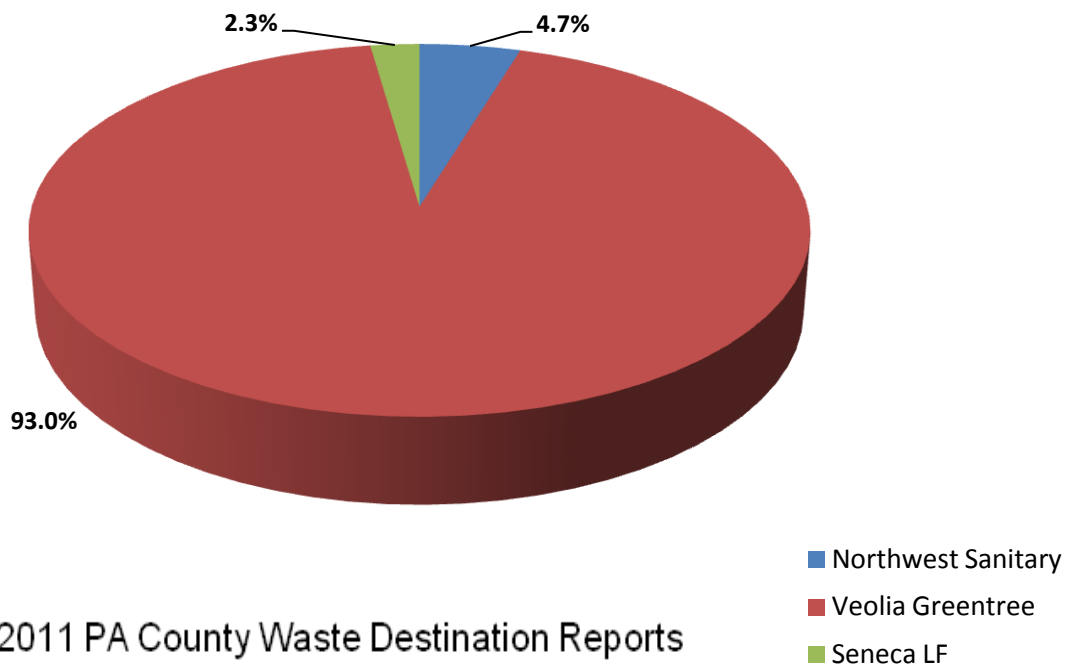


## 1.6 BIOSOLIDS AND SEPTAGE WASTE

Septage waste collected from County sources is generally processed at municipal or private wastewater treatment facilities in Clarion and Forest Counties and the surrounding communities. The biosolids that are generated are most commonly disposed of in landfills. However, it is possible that some generators are land applying, using a lagoon system, or transporting the liquid waste to another final processing and disposal facility. Although many Borough residents throughout the two county regions utilize public wastewater collection and treatment services, most of both Forest and Clarion County's rural population remain on septic tank systems for wastewater management due to their rural nature and lack of waste water collection and processing infrastructure.

In 2011, the DEP's County Waste Destination Reports indicated that the 1,633 tons of sewage sludge generated, the vast majority – or 93 percent – that originated from Clarion and Forest County sources was being disposed of at the Advanced Disposal Services Landfill in Elk County. The remaining 7 percent was being disposed of at either Seneca Landfill or the Northwest Sanitary Landfill in Butler County as shown in Figure 3 below.

**FIGURE 1-3**  
**Percent of Sludge Disposed at Landfills**



Source: 2011 PA County Waste Destination Reports

The 1,633 tons of sewage sludge represents about three percent of the total waste tonnage (including residual waste) disposed in landfills from Bi-County sources in that year. Disposal capacity secured for the next 10 years will factor in this portion of the waste stream.

## 1.7 INFECTIOUS AND CHEMOTHERAPEUTIC WASTE

According to Chapter 271 of the Municipal Waste Management Code, Pennsylvania defines infectious waste as 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 biological. Likewise, chemotherapeutic waste is defined partly as waste resulting from the production or use of anti-neoplastic agents used for the purpose of inhibiting or stopping the growth of malignant cells or killing malignant cells. Infectious and chemotherapeutic wastes (ICW) can be generated by hospitals, nursing homes, funeral homes, dental and medical offices, or other structures. While it is Clarion and Forest County's responsibility to ensure that medical and research facilities are properly managing this component of the waste stream, each facility makes individual arrangements for the handling and disposal of ICW.

The 2001 Tri-County Plan surveyed nine facilities that generated ICW. All nine facilities reported that they rely on outside contractors and off site management (including incineration) for disposal purposes. While it is impossible to denote how much ICW was incinerated, in 2011 the PA DEP County Disposal Reports indicated that between 2008 and 2011, no disposal facilities within Pennsylvania reported receiving infectious waste tonnages from either Clarion or Forest County.

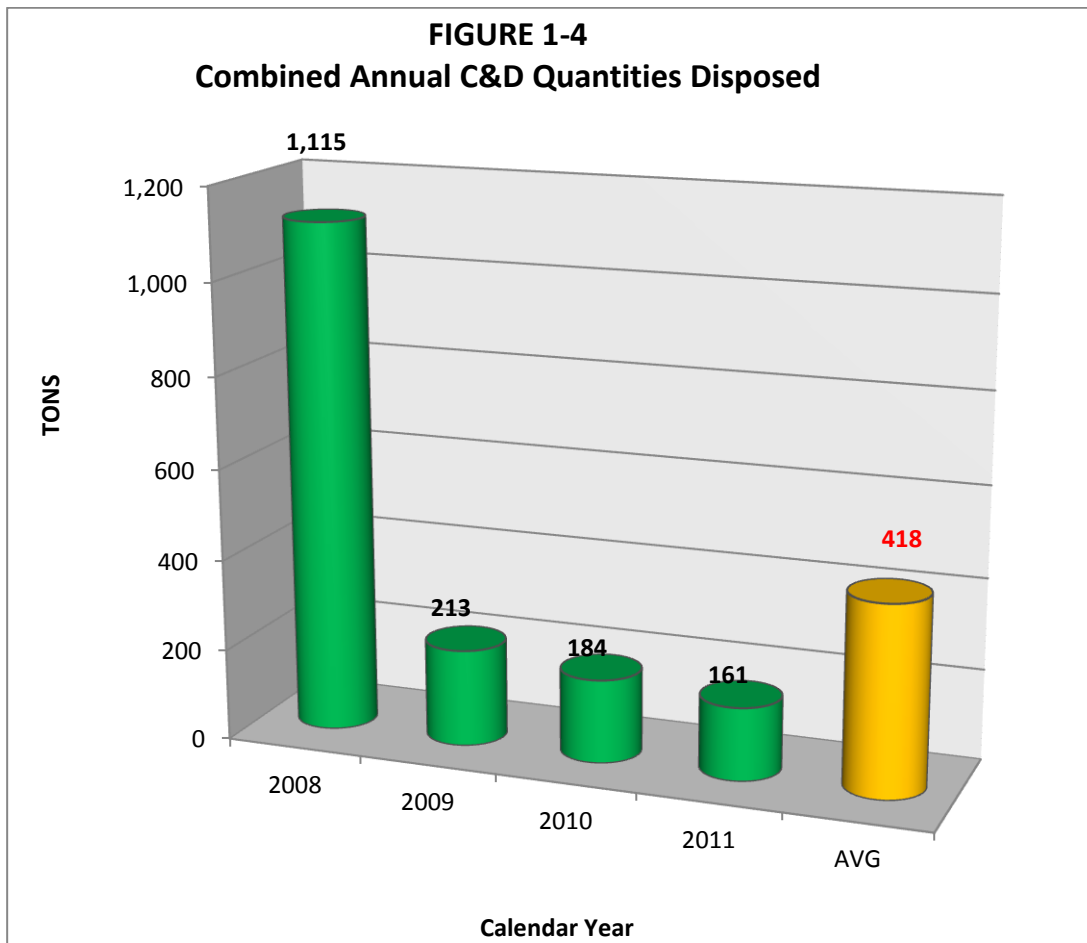


## 1.8 CONSTRUCTION AND DEMOLITION WASTE

Table 1-5 shows that the amount of combined construction and demolition (C&D) waste reported disposed in DEP's County Waste Destination Reports fluctuated between 2008 and 2011. As the reports showed, C&D averaged approximately 418 tons per year disposed with a high of 1,115 tons in 2008 and a low of 161 tons in 2011. This fluctuation can be explained by the economic downturn that has occurred over the past several years.

In 2011, except for the Rustick McKean Landfill, the remaining six landfills took in C&D waste, in one form or another, with the Advanced Disposal Services Greentree Landfill reporting the majority of C&D, followed closely by Seneca Landfill and the Northwest Sanitary Landfill. Currently no information is available to determine the major components of the C&D waste stream in Clarion and Forest Counties.

In addition, with the C&D waste stream averaging less than 186 tons per year between 2009 and 2011, and 418 tons per year between 2008 and 2011 (see Figure 1-4 below), alternative recycling options and the corresponding infrastructure would appear to be unrealistic at this time.



## 2: DESCRIPTION OF FACILITIES

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### 2.1 INTRODUCTION

This section describes the disposal facilities currently receiving the municipal solid waste (MSW) generated in Clarion and Forest Counties. A description of the disposal facilities designated to receive waste for the next 10-year planning period (2012-2022) is provided in Section 6.

### 2.2 OVERVIEW OF PREVIOUS PLAN DISPOSAL FACILITIES

In 2001, the counties chose four facilities to manage their waste under the previous Facility Qualification Request (FQR) process. While its possible small amounts of waste went to other non-designated disposal sites either within Pennsylvania or outside the Pennsylvania, according the 2001 Plan, the two Counties intended to develop and sign standard Capacity Agreements with the following four MSW disposal facilities:

**1) County Environmental Landfill (Clarion County)**

P.O. Box 237  
334 Walley Run Drive  
Leeper, PA 26233

**2) Northwest Sanitary Landfill (Butler County)**

Waste Management Disposal Services of PA, Inc.  
1436 West Sunbury Road  
West Sunbury, PA 16061

**3) Seneca Landfill, Inc. (Butler County)**

P.O. Box 1080  
Mars, PA 16046

**4) Superior Greentree Landfill, LLC (Elk County)**

635 Toby Road  
Kersey, PA 15846

Of the four landfills chosen as suitable disposal facilities in 2001, two (s) are currently accepting municipal solid waste (MSW) for disposal that was generated by Clarion and Forest county sources. These include Northwest Sanitary Landfill and Advanced Disposal Services Landfill (formally Veolia ES and before that, Superior). In 2011, Seneca Landfill reported receiving only residual waste, sewage sludge and construction material – and not residential and commercial generated municipal waste. The fourth - County Environmental Landfill in Clarion County - has since ceased operating as a landfill.

As of 2011, the Pennsylvania DEP reported that seven (7) combined disposal facilities accepted either MSW, residual, C&D, sewage sludge, or ash from Clarion and Forest County sources. An overview of these disposal facilities are described in Section 2.3 below.

## 2.3 CURRENT DISPOSAL FACILITIES IN USE

In 2011, according to the Pennsylvania DEP County Waste Destination Reports, Clarion and Forest county-generated municipal waste was disposed of at one of seven combined Pennsylvania facilities.

Table 2-1 below displays a list of the disposal facilities either (1) currently under contract with the counties to receive waste or (2) currently receiving municipal waste from the counties (without a specific contract in place). During the upcoming FQR process, Clarion and Forest Counties will entertain any offers by the facilities that currently do not have a specific contract in place, to accept MSW for the next 10-year planning period.

*Table 2.1 Current Waste Management Facilities [1]*

Facility Name	Address [2]	County	Owner	Material Components Disposed [3]
Northwest Sanitary Landfill	1436 West Sunbury Road West Sunbury, PA 16061	Butler	<i>Waste Management</i>	<u>Clarion</u> : MSW; residual; sewage sludge; C&D <u>Forest</u> : Residual only
Seneca Landfill, Inc.	P.O. Box 1080 Mars, PA 16046	Butler	<i>Vogel Disposal Service, Inc.</i>	<u>Clarion</u> : Residual; sewage sludge; C&D <u>Forest</u> : N/A
Advanced Disposal Greentree Landfill [4]	635 Toby Road Kersey, PA 15846	Elk	<i>Advanced Disposal<sup>10</sup></i>	<u>Clarion</u> : MSW; residual; sewage sludge; C&D; ash <u>Forest</u> : MSW and sewage sludge
Sanitary Landfill (Keystone)	249 Dunham Drive Dunmore, PA 18512	Lackawanna	<i>Keystone</i>	<u>Clarion</u> : C&D only <u>Forest</u> : C&D only
Rustick McKean Co. Landfill	19 Ness Lane Kane, PA 16735	McKean	<i>Rustick LLC. (Subsidiary of Casella Waste)</i>	<u>Clarion</u> : N/A <u>Forest</u> : Residual only
Evergreen Landfill	Route 19 N & Luciousdoro Rd. PO Box 195 Coral, PA 15731	Indiana	<i>Waste Management</i>	<u>Clarion</u> : C&D only <u>Forest</u> : N/A
BFI Waste Systems of North America [5]	N/A	N/A	N/A	<u>Clarion</u> : C&D; asbestos <u>Forest</u> : N/A

[1] 2011 County Waste Destination Reports and 2001 Tri-County Solid Waste Management Plan.

[2] Source: Pennsylvania DEP Municipal Waste Landfills and Resource Recovery Facilities.

[3] According to the DEP, all landfills contain the necessary permits to operate and meet state guidelines for Federal Subtitle D disposal facilities.

[4] Formally Veolia ES and before that Superior Greentree Landfill.

[5] Disposal facility unknown. For purposes of this study this waste is being transferred out of state.

As Table 2-1 indicates, none of the seven disposal facilities that reported accepting waste in 2011 are located within Clarion or Forest County. However, five of the facilities are situated in relatively close proximity to the counties in the north central/north west regions of the state. Only the Sanitary Landfill, which is located in the north east quadrant of the state, and reported accepting only 5.8 tons of C&D from Forest and Clarion, is of any significant geographic distance from both counties waste centroids<sup>11</sup>.

<sup>10</sup> Formally Veolia Environmental Services.

<sup>11</sup> The area where the majority of the municipal waste is generated within a geographic region.

### 3: ESTIMATED FUTURE CAPACITY

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#### 3.1 WASTE GENERATION PROJECTIONS

The population growth metrics provided in Section 1 of the Clarion and Forest Counties Municipal Waste Management Plan Update are one part of the equation used as the basis for projecting the municipal waste generation tonnages that the counties must consider when determining capacity needs. The second part of the equation, when calculating future disposal capacity requirements, is how a generation factor will be determined. For reasons detailed in Section 1, projected future disposal capacity will rely on Pennsylvania’s average per-capita waste generation rate of 0.8 tons per capita per year - as opposed to historical disposal quantities.

Municipal waste generation in Clarion and Forest counties is a function of a number of demographic, geographic, and socio-economic factors. Even with these factors accounted for, the municipal waste stream tends to grow or contract as population rises or falls. As can be seen in Table 3-1 below, Clarion County’s population is projected to decrease by 3 percent between 2012 and 2022, while Forest County’s population is expected to decrease by 0.3 percent during the same time.

However, because Clarion is the more populous county, the total decline in population is projected to be approximately 2.5 percent during the 10-year planning period. If circumstances change, and the population of Clarion and/or Forest County begins to increase, this Plan update should be revisited to account for any new growth in waste generation projections.

Before utilizing population projections to account for future disposal quantities, it is important to note the population increase in Forest County from 2000 to 2010. This was a direct correlation to the establishment of the State Correctional Institution (SCI) in Marienville, Forest County. This maximum security prison is situated on 64 acres and houses approximately 2,200 inmates. The waste generated from this facility is delivered for disposal to the Greentree Landfill and is accounted for in the disposal projections in this Plan Update. A brief description of the waste management system of the Forest County SCI is provided in Chapter 14.

*Table 3.1 Projected Population Metrics for Clarion and Forest Counties*

<u>Year</u>	Clarion	Forest	Total
2000 <sup>[1]</sup>	41,765	4,946	46,711
2010 <sup>[2]</sup>	39,988	7,716	47,704
2012 <sup>[2]</sup>	39,736	7,689	47,424
2020 <sup>[3]</sup>	38,726	7,579	46,305
2022 <sup>[2]</sup>	38,560	7,663	46,223

[1] Source: 2010 US Census Bureau.

[2] Source: Pennsylvania State Data Center (PaSDC) - Pennsylvania Population Projections 2000-2030.

[3] Calculated by Ferguson Environmental Consulting using PaSDC projections.

## 3.2 IMPACT OF RECYCLING ON FUTURE GENERATION PROJECTIONS

Clarion County has both curbside and drop-off residential and commercial recycling programs in place. Forest County has two drop-off programs in place – one in Jenks Township, and one in Tionesta Borough - but as it does not have any mandated municipalities, no curbside programs exist. However, it is possible that some haulers are providing residential curbside collection to customers requesting the additional service. Although the infrastructure for these programs is described in more detail in Section 4, it should be noted that in 2011 Clarion County reported diverting over 7,600 tons of material. The Clarion County recycling program, and to a lesser extent, any new recycling program that comes on line in Forest County, reduces the amount of generated waste that requires disposal. Similar to waste generation projections, Tables 3-1 thru 3-3 below assumes that the 2011 recycled material quantities will follow population projections for the 10 year planning period and will maintain the current diversion rate on an annual basis. As shown in the tables, the combined recycling rate is expected to be 16 percent for the planning period. This diversion rate, although not meeting the state suggested goal of 35 percent<sup>12</sup> diversion rate, is compatible with or, exceeds many other rural counties in the region.

## 3.3 FUTURE DISPOSAL CAPACITY NEEDS

When using the state recommended generation rate of 0.8 tons per capita per year, it is important to note that this projection includes all municipal wastes and recyclables generated within a county. Because, the counties recognize this material is diverted from the waste stream, there is no need to plan for the disposal of recyclables. However, in the event that the recycling program ends, the Counties would need to plan for this material to re-enter the solid waste stream. Therefore, future disposal capacity calculations include recycled commodities from the generated waste stream. Because recycling is a municipal function, counties are not obligated to provide this infrastructure. However, Clarion County has taken the initiative to facilitate a drop-off site for residents.

As noted in the 2001 Plan, counties are not required to reserve capacity for residual waste. However, (1) due to the growth of resource extraction practices in the region; (2) the economic recovery that is currently taking place across the state; (3) the fact that in theory residual waste is not a function of population (and thus may not accurately be included in the 0.8 generation rate); and (4) to be more in line with actual 2011 disposal data amounts; (but recognizing the impact residual waste tonnage can have on available permitted disposal capacity in the region), residual waste is factored into total capacity requirements when planning future capacity needs.

Although Tables 3-2 thru 3-4 display both the amount of disposal capacity that the counties should plan for with and without residual capacity calculated, only the values that exclude residual waste will be solicited when planning the FQR process. With this in mind, Clarion County would need to dispose of approximately 32,000 tons per year initially, decreasing to just under 31,000 tons by the end of the planning period. Forest County would need to secure slightly under 6,200 tons of capacity at the start of the planning period, decreasing to just over 6,100 tons by the conclusion of the Plan. Combined, the two counties will need to procure approximately 38,000 tons of capacity at the start of the planning period and approximately 37,000 by the end of the planning period.

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<sup>12</sup> When Act 101 was originally passed in 1988 the state set a diversion goal of 25 percent. A decade later that goal was increased to 35 percent.

**Table 3.2 Clarion County Projected Municipal Waste Quantities for Disposal (2012-2022)**

<b>YEAR:</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
<b>Waste Generated (Tons)</b>												
Municipal Solid Waste: <sup>[1]</sup>	42,666	31,788	31,688	31,587	31,486	31,385	31,284	31,183	31,082	30,981	30,914	30,848
Residual Waste: <sup>[2]</sup>	13,489	11,265	11,265	11,265	11,265	11,265	11,265	11,265	11,265	11,265	11,265	11,265
<b>Total Waste Generated:</b>	<b>56,155</b>	<b>43,054</b>	<b>42,953</b>	<b>42,852</b>	<b>42,751</b>	<b>42,650</b>	<b>42,549</b>	<b>42,448</b>	<b>42,347</b>	<b>42,246</b>	<b>42,180</b>	<b>42,113</b>
<b>Recycled (Tons) <sup>[3]</sup></b>												
Residential Curbside Recycling:	101	101	100	100	100	99	99	99	99	98	98	98
Residential Drop-off Recycling:	6,744	6,722	6,701	6,680	6,658	6,637	6,616	6,594	6,573	6,552	6,538	6,524
Commercial Recycling:	342	341	340	339	338	337	336	335	334	332	332	331
Organics Recycling (Res + Commercial):	279	278	277	277	276	275	274	273	272	271	271	270
<b>Subtotal Recycled</b>	<b>7,466</b>	<b>7,443</b>	<b>7,419</b>	<b>7,395</b>	<b>7,372</b>	<b>7,348</b>	<b>7,324</b>	<b>7,301</b>	<b>7,277</b>	<b>7,254</b>	<b>7,238</b>	<b>7,222</b>
County Population: <sup>[4]</sup>	39,862	39,736	39,609	39,483	39,357	39,231	39,105	38,978	38,852	38,726	38,643	38,560
<b>Tons for Disposal (No Residuals)</b>	<b>42,666</b>	<b>31,788</b>	<b>31,688</b>	<b>31,587</b>	<b>31,486</b>	<b>31,385</b>	<b>31,284</b>	<b>31,183</b>	<b>31,082</b>	<b>30,981</b>	<b>30,914</b>	<b>30,848</b>
<b>Per Capita/Per Day Generation Value (Lbs.)</b>	<b>5.86</b>	<b>4.38</b>	<b>4.38</b>	<b>4.38</b>	<b>4.38</b>	<b>4.38</b>	<b>4.38</b>	<b>4.38</b>	<b>4.38</b>	<b>4.38</b>	<b>4.38</b>	<b>4.38</b>
<b>Tons for Disposal (With Residuals)</b>	<b>56,155</b>	<b>43,054</b>	<b>42,953</b>	<b>42,852</b>	<b>42,751</b>	<b>42,650</b>	<b>42,549</b>	<b>42,448</b>	<b>42,347</b>	<b>42,246</b>	<b>42,180</b>	<b>42,113</b>
<b>Percent Recycling</b>	15%	19%	19%	19%	19%	19%	19%	19%	19%	19%	19%	19%

[1] Equals combined county population multiplied by 0.8 (tons per capita per year) for 2012 and beyond.

[2] Projections for residual waste based on average generation from 2008 to 2011.

[3] Source: 20011 Clarion County Re-TRAC Report (excludes HHW).

[4] Source: PA State Data with yearly extrapolations calculated by Ferguson Environmental Consulting.

**Table 3.3 Forest County Projected Municipal Waste Quantities for Disposal (2012-2022) [5]**

<b>YEAR:</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
<b>Waste Generated (Tons)</b>												
Municipal Solid Waste: <sup>[1]</sup>	3	6,151	6,140	6,129	6,118	6,107	6,096	6,085	6,074	6,063	6,097	6,130
Residual Waste: <sup>[2]</sup>	23	262	262	262	262	262	262	262	262	262	262	262
<b>Total Waste Generated:</b>	<b>26</b>	<b>6,413</b>	<b>6,402</b>	<b>6,391</b>	<b>6,380</b>	<b>6,369</b>	<b>6,358</b>	<b>6,347</b>	<b>6,336</b>	<b>6,325</b>	<b>6,359</b>	<b>6,393</b>
<b>Recycled (Tons) <sup>[3]</sup></b>												
Residential Curbside Recycling:	-	-	-	-	-	-	-	-	-	-	-	-
Residential Drop-off Recycling:	-	-	-	-	-	-	-	-	-	-	-	-
Commercial Recycling:	-	-	-	-	-	-	-	-	-	-	-	-
Organics Recycling (Res + Commercial):	-	-	-	-	-	-	-	-	-	-	-	-
<b>Subtotal Recycled</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
County Population <sup>[4]</sup>	7,702	7,689	7,675	7,661	7,648	7,634	7,620	7,606	7,593	7,579	7,621	7,663
<b>Tons for Disposal (No Residuals)</b>	<b>3</b>	<b>6,151</b>	<b>6,140</b>	<b>6,129</b>	<b>6,118</b>	<b>6,107</b>	<b>6,096</b>	<b>6,085</b>	<b>6,074</b>	<b>6,063</b>	<b>6,097</b>	<b>6,130</b>
<b>Per Capita/Per Day Generation Value (Lbs.)</b>	<b>0.0</b>	<b>4.38</b>	<b>4.38</b>	<b>4.38</b>	<b>4.38</b>	<b>4.38</b>	<b>4.38</b>	<b>4.38</b>	<b>4.38</b>	<b>4.38</b>	<b>4.38</b>	<b>4.38</b>
<b>Tons for Disposal (With Residuals)</b>	<b>26</b>	<b>6,413</b>	<b>6,402</b>	<b>6,391</b>	<b>6,380</b>	<b>6,369</b>	<b>6,358</b>	<b>6,347</b>	<b>6,336</b>	<b>6,325</b>	<b>6,359</b>	<b>6,393</b>
<b>Percent Recycling</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

[1] Equals combined county population multiplied by 0.8 (tons per capita per year) for 2012 and beyond.

[2] Projections for residual waste based on average generation from 2008 to 2011.

[3] No Recycling Metrics reported in 2011 Forest County Re-TRAC Report.

[4] Source: PA State Data with yearly extrapolations determined by Ferguson Environmental Consulting.

[5] Base Year 2011 disposal weights likely included in Clarion County tonnages as detailed in report.

**Table 3.4 Clarion and Forest County Projected Municipal Waste Quantities for Disposal (2012-2022)**

<b>YEAR:</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
<b>Waste Generated (Tons)</b>												
Municipal Solid Waste: <sup>[1]</sup>	42,669	37,939	37,827	37,716	37,604	37,492	37,380	37,268	37,156	37,044	37,011	36,978
Residual Waste: <sup>[2]</sup>	13,512	11,528	11,528	11,528	11,528	11,528	11,528	11,528	11,528	11,528	11,528	11,528
<b>Total Waste Generated:</b>	<b>56,181</b>	<b>49,467</b>	<b>49,355</b>	<b>49,243</b>	<b>49,131</b>	<b>49,019</b>	<b>48,907</b>	<b>48,795</b>	<b>48,684</b>	<b>48,572</b>	<b>48,539</b>	<b>48,506</b>
<b>Reported Recycled (Tons)</b> <sup>[3]</sup>												
Residential Curbside Recycling:	101	101	101	100	100	100	99	99	99	98	98	98
Residential Drop-off Recycling:	6,744	6,724	6,704	6,684	6,664	6,645	6,625	6,605	6,585	6,565	6,559	6,554
Commercial Recycling:	342	341	340	339	338	337	336	335	334	333	333	333
Organics Recycling (Res + Commercial):	279	278	278	277	276	275	274	273	273	272	272	271
<b>Subtotal Recycled</b>	<b>7,466</b>	<b>7,444</b>	<b>7,422</b>	<b>7,400</b>	<b>7,378</b>	<b>7,356</b>	<b>7,335</b>	<b>7,313</b>	<b>7,291</b>	<b>7,269</b>	<b>7,262</b>	<b>7,256</b>
County Population	47,564	47,424	47,284	47,144	47,005	46,865	46,725	46,585	46,445	46,305	46,264	46,223
<b>Tons for Disposal (No Residuals)</b>	<b>42,669</b>	<b>37,939</b>	<b>37,827</b>	<b>37,716</b>	<b>37,604</b>	<b>37,492</b>	<b>37,380</b>	<b>37,268</b>	<b>37,156</b>	<b>37,044</b>	<b>37,011</b>	<b>36,978</b>
<b>Per Capita/Per Day Generation Value (Lbs.)</b>	<b>4.92</b>	<b>4.38</b>	<b>4.38</b>	<b>4.38</b>	<b>4.38</b>	<b>4.38</b>	<b>4.38</b>	<b>4.38</b>	<b>4.38</b>	<b>4.38</b>	<b>4.38</b>	<b>4.38</b>
<b>Tons for Disposal (With Residuals)</b>	<b>56,181</b>	<b>49,467</b>	<b>49,355</b>	<b>49,243</b>	<b>49,131</b>	<b>49,019</b>	<b>48,907</b>	<b>48,795</b>	<b>48,684</b>	<b>48,572</b>	<b>48,539</b>	<b>48,506</b>
<b>Percent Recycling</b>	15%	16%	16%	16%	16%	16%	16%	16%	16%	16%	16%	16%

[1] Equals combined county population multiplied by 0.8 (tons per capita per year) for 2012 and beyond.

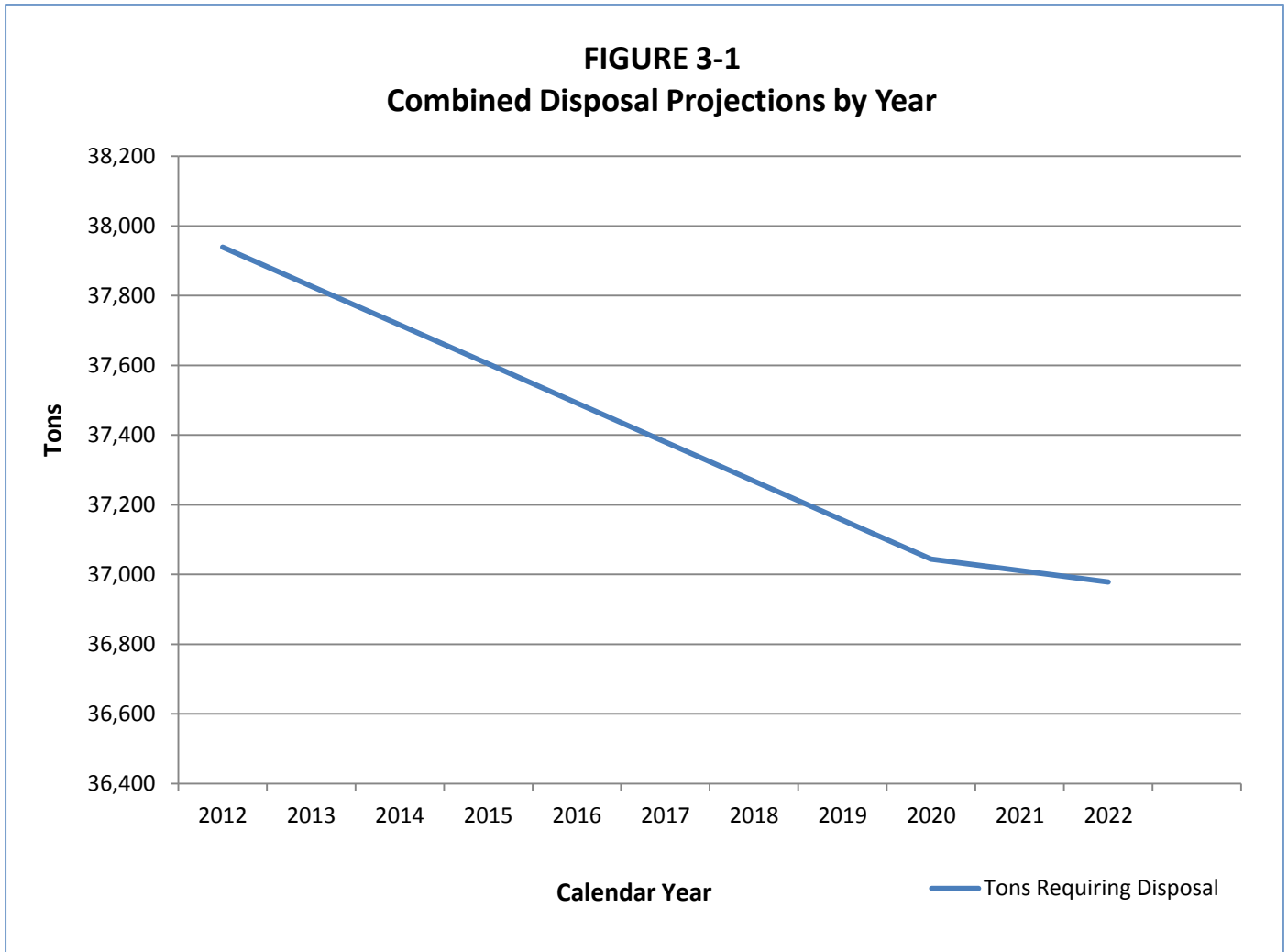
[2] Projections for residual waste based on average generation from 2008 to 2011.

[3] Source: 20011 Clarion County Re-TRAC Report (excludes HHW). Excludes Forest County where recycling weights are unknown.

[4] Source: PA State Data Center with yearly extrapolations calculated by Ferguson Environmental Consulting.



Plotted as a linear chart, Figure 3-1 indicates that, while disposal capacity decreases during the 10 year planning process, it does so at a very nominal rate. Further discussion of capacity requirements follows in Section 6.



## 4: DESCRIPTION OF RECYCLABLE MATERIALS

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### 4.1 OVERVIEW OF ACT 101 RECYCLING PROGRAMS

In Pennsylvania, municipalities with populations of at least 10,000 are required to implement a curbside recycling program via Act 101 (Act). Municipalities with populations between 5,000 and 10,000 and more than 300 persons per square mile are also required to implement a curbside program. According to the Pennsylvania DEP, the goals of Act 101 are to (1) reduce the amount of municipal solid waste being disposed; (2) recycle at least 35<sup>13</sup> percent of waste generated; (3) procure and use recycled and recyclable materials in state governmental agencies; and (4) educate the public as to the benefits of recycling and waste reduction initiatives.

While the Act mandates recycling in Pennsylvania's larger municipalities while requiring counties to develop Municipal Waste Management Plans, it also provides for grants to offset the cost of establishing both curbside and drop-off recycling programs.

Act 101 stipulates that mandated municipalities must collect at least 3 of the following recyclable material types:

- Clear glass;
- Colored glass;
- Plastic Numbers 1 and 2;
- Aluminum;
- Steel and bimetallic cans;
- High grade office paper; corrugated paper and
- Newsprint.

In addition to the residential sector, commercial, municipal and institutional establishments within a mandated municipality are required to recycle, at a minimum, aluminum cans; high-grade office paper and corrugated paper in conjunction with other materials that may be chosen or required by the municipality. A description of the recycling infrastructure for Clarion and Forest County are provided in the descriptions below.

### 4.2 DESCRIPTION OF COUNTY-WIDE RECYCLING PROGRAMS

Of the 34 municipalities located within Clarion County, only the Borough of Clarion (as a mandated municipality) has a municipal-wide residential curbside recycling program in place. Recyclables are collected by Advanced Disposal<sup>14</sup> bi-monthly (2 x month) as a two stream collection system (i.e. fiber and commingled containers). Commingled containers include glass, metals and plastics. The curbside program collectively accepts glass; aluminum; steel and bi-metal cans; automotive batteries; plastics # 1 and 2; and newsprint. In 2011, 101 tons of material was diverted from the residential curbside program. According to the 2011 Re-TRAC report, some commercial properties have a curbside program in effect as well. This program is provided by private sector haulers. In 2011, it was reported that 342 tons of material were collected via the contracted curbside collection program.

In addition to the Borough's curbside program, the Advanced Disposal Services Transfer Station in Paint Township has an Act 101 mandated drop-off recycling center within the facility. In 2011, it was reported that 6,744 tons of material (mostly ferrous metals) were diverted via the residential drop-off program.

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<sup>13</sup> When Act 101 was originally passed in 1988 the state set a diversion goal of 25 percent. A decade later that goal was increased to 35 percent

<sup>14</sup> Formally Veolia Environmental Services.

Of the 9 municipalities located within Forest County, none of the townships or boroughs has a curbside recycling program in place. However, two municipalities (Jenks Township and Tionesta Borough) have access to a drop-off system. Because of the low levels of population in the county, recycling is not mandated, nor has it been economically feasible to install the infrastructure for waste diversion programs. A public/private recycling venture initiated in the 1990s, failed after a year of being implemented due to the economic instability of the project. Therefore, Forest County residents are encouraged to drop-off recyclables at collection points in adjoining counties.



**Tionesta Borough Drop-off Container**

### 4.3 DIVERSION METRICS

According to the 2011 Re-TRAC report, in 2011, Clarion County diverted a total of 7,466 tons of recyclable material from the waste stream<sup>15</sup>. At the same time, the Pennsylvania DEP reported that disposal facilities accepted 42,666 tons of material (MSW only) generated by Clarion County sources. Considering all material components, this equates to a “recycling rate” of 15 percent.

Table 4.1 below provides the amount of materials, by module source, diverted from Clarion County disposal facilities between 2007 and 2011. While the amount of reported curbside materials and HHW stays relatively steady for the past five years, an anomaly is found in 2008 where the amount of residential drop-off materials is between 5 and 10 percent of the other years. Likewise, in 2009, the amount of drop-off material reported in the commercial sector is almost non-existent when compared to the other four years. Conversations with the client, and a review of the Re-TRAC report indicate that this may be explained by the following two reasons: In 2008, it is possible that some of the materials reported being processed in the commercial drop-off stream were actually part of the residential drop-off stream, and conversely in 2009, some of the materials in the residential drop-off stream should have been reported in the commercial drop-off program.

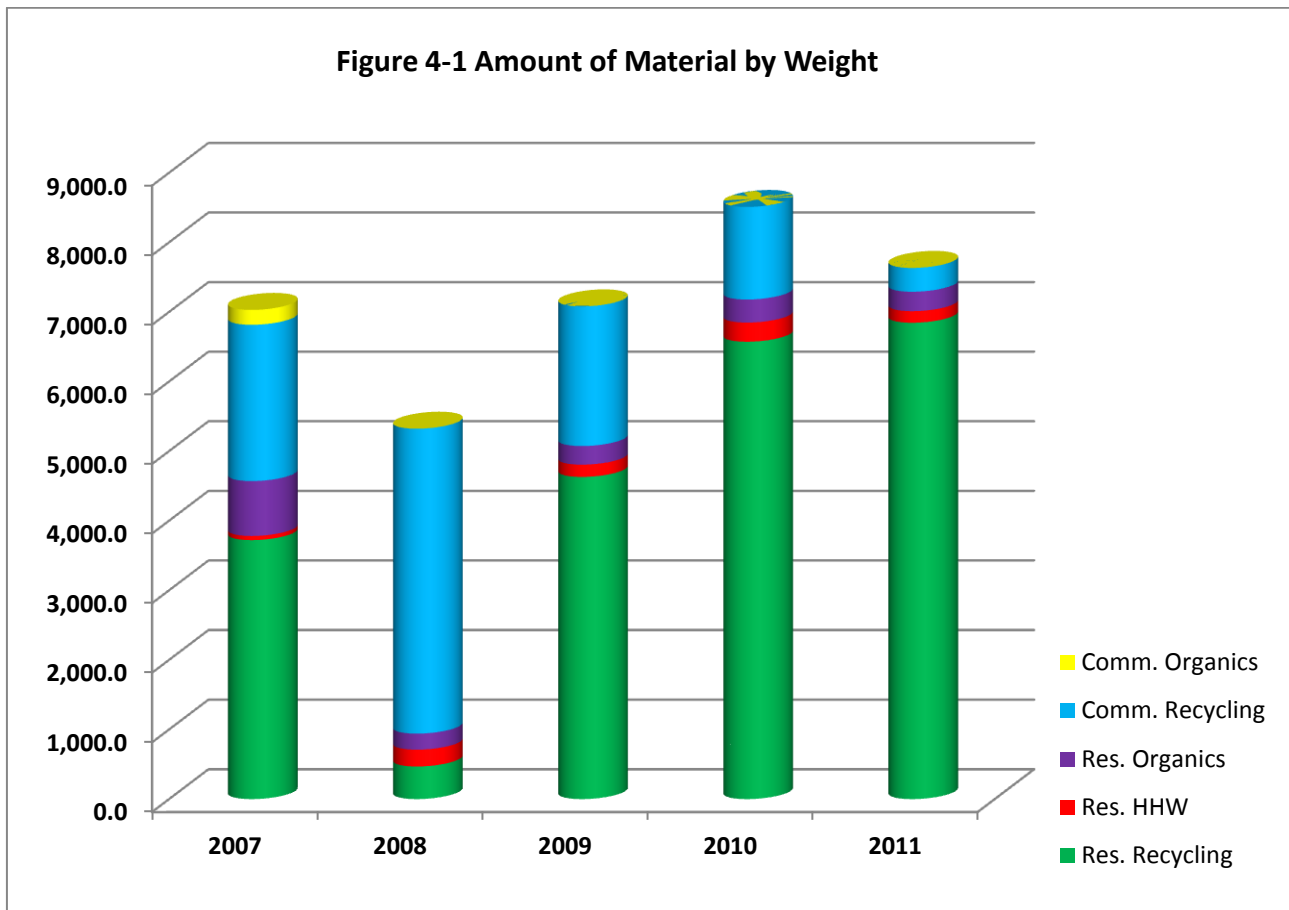
<sup>15</sup> Excludes 167 tons of Household Hazardous Waste.

*Table 4.1 Module Tonnage by Source, by Year <sup>[1]</sup>*

<b>Module &amp; Source</b>	<b>2007 (Tons)</b>	<b>2008 (Tons)</b>	<b>2009 (Tons)</b>	<b>2010 (Tons)</b>	<b>2011 (Tons)</b>
Residential Recycling – Curbside	116.1	113.1	159.0	104.4	<b>101.1</b>
Residential Recycling – Drop-off	3,605.9	355.3	4,470.7	6,468.2	<b>6,743.8</b>
Residential HHW – Curbside	0.0	0.0	4.7	0.0	<b>0.0</b>
Residential HHW – Drop-off	59.1	242.2	171.2	275.1	<b>166.6</b>
Residential Organics - Curbside	576.0	0.0	268.0	331.0	<b>0.0</b>
Residential Organics – Drop-off	213.4	230.3	0.0	0.0	<b>279.2</b>
Commercial Recycling – Curbside	0.0	1,321.7	2,001.5	0.0	<b>342.2</b>
Commercial Recycling – Drop-off	2,245.6	3,060.0	4.9	1,330.3	<b>0.0</b>
Commercial Organics – Drop-off	213.4	0.0	0.0	0.0	<b>0.0</b>
<b>TOTAL:</b>	<b>7,029.5</b>	<b>5,322.7</b>	<b>7,080.0</b>	<b>8,508.9</b>	<b>7,632.9</b>

[1] Source: 2011 Clarion County Re-TRAC Report

Figure 4-1 below provides a 3-D bar graph of the amount of material recovered in Clarion County between 2007 and 2011, regardless of module (e.g. curbside vs. drop-off). Aside from the anomaly of 2008, which is referenced above, the remaining components seem to ebb and flow at a consistent rate.



Source: 2011 Clarion County Re-TRAC Report

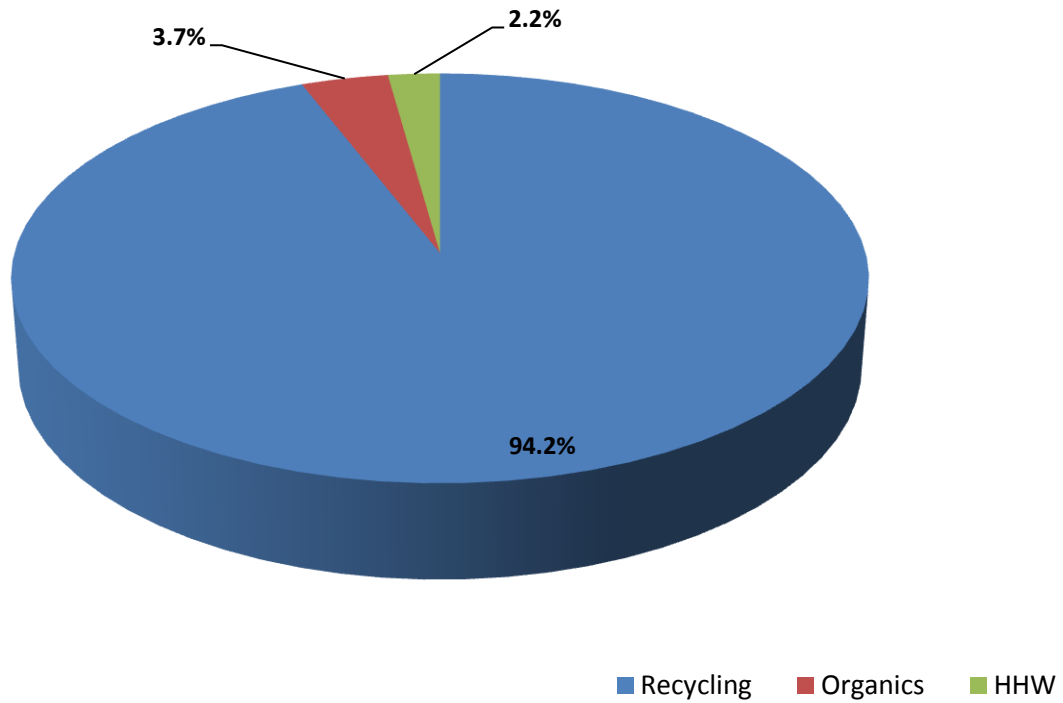
Tables 4-2 further separates the total tons diverted by the following categories: recycling, household hazardous waste, and organics waste (residential and commercial curbside and drop-off combined) for Clarion County during the past five years. As Figure 4-2 indicates, 94 percent of the materials being diverted are a result of the residential and commercial curbside and drop-off recycling programs.

**Table 4.2 Total Tons Generated - Clarion County Waste Stream (2007-2011)**

<u>Waste Stream</u> <sup>[1]</sup>	2007 (Tons)	2008 (Tons)	2009 (Tons)	2010 (Tons)	2011 (Tons)
Recycling	5,967.6	4,850.2	6,636.0	7,902.8	7,187.1
HHW	59.1	242.2	176.0	275.1	166.6
Organics	1,002.8	230.3	268.0	331.0	279.2
<b>TOTAL:</b>	<b>7,029.5</b>	<b>5,322.7</b>	<b>7,080.0</b>	<b>8,508.9</b>	<b>7,632.9</b>

[1] Source: 2011 Clarion County Re-TRAC Report. Includes commercial and residential materials

**Figure 4-2**  
**Total Tons Generated as % of Whole by Waste Stream (Clarion County - 2011)**



*Source: 2011 Clarion County Re-TRAC Report*

As noted in the beginning of Section 4, only the Borough of Clarion has a curbside recycling program, although one community (Paint Township) is noted to have recycling drop-off systems. Table 4.3 below displays the total tons of all program-specific recyclables diverted in 2011 for the Borough of Clarion, and the “County-wide” data which refers to the drop-off programs. As the table indicates, the majority (88 percent) of recyclables being diverted are originating from the residential recycling drop-off program.

Table 4.3 Municipal List by Total Tons from Each Diversion Source (2011) [1]

Municipality (in alphabetical order)	Residential Recycling Curbside	Residential Recycling Drop-off	Residential HHW Drop-off	Residential Organics Drop-off	Commercial Recycling Curbside
Ashland	0.0	0.0	0.0	0.0	0.0
Beaver	0.0	0.0	0.0	0.0	0.0
Brady	0.0	0.0	0.0	0.0	0.0
Callensburg	0.0	0.0	0.0	0.0	0.0
Clarion (Borough)	101.1	0.0	0.0	279.2	342.2
Clarion (Township)	0.0	0.0	0.0	0.0	0.0
County-wide Data	0.0	6,743.8	166.6	0.0	0.0
East Brady	0.0	0.0	0.0	0.0	0.0
Elk	0.0	0.0	0.0	0.0	0.0
Farmington	0.0	0.0	0.0	0.0	0.0
Foxburg	0.0	0.0	0.0	0.0	0.0
Hawthorn	0.0	0.0	0.0	0.0	0.0
Highland	0.0	0.0	0.0	0.0	0.0
Knox (Borough)	0.0	0.0	0.0	0.0	0.0
Knox (Township)	0.0	0.0	0.0	0.0	0.0
Licking	0.0	0.0	0.0	0.0	0.0
Limestone	0.0	0.0	0.0	0.0	0.0
Madison	0.0	0.0	0.0	0.0	0.0
Millcreek	0.0	0.0	0.0	0.0	0.0
Monroe	0.0	0.0	0.0	0.0	0.0
New Bethlehem	0.0	0.0	0.0	0.0	0.0
Paint	0.0	0.0	0.0	0.0	0.0
Perry	0.0	0.0	0.0	0.0	0.0
Piney	0.0	0.0	0.0	0.0	0.0
Porter	0.0	0.0	0.0	0.0	0.0
Redbank	0.0	0.0	0.0	0.0	0.0
Richland	0.0	0.0	0.0	0.0	0.0
Rimersburg	0.0	0.0	0.0	0.0	0.0
Salem	0.0	0.0	0.0	0.0	0.0
Shippenville	0.0	0.0	0.0	0.0	0.0
Sligo	0.0	0.0	0.0	0.0	0.0
St. Petersburg	0.0	0.0	0.0	0.0	0.0
Strattanville	0.0	0.0	0.0	0.0	0.0
Toby	0.0	0.0	0.0	0.0	0.0
Washington	0.0	0.0	0.0	0.0	0.0
<b>TOTAL:</b>	<b>101.1</b>	<b>6,743.8</b>	<b>166.6</b>	<b>279.2</b>	<b>342.2</b>

[1]Source: 2011 Clarion County Re-TRAC Report

Table 4.4 further separates the components into the specific material type diverted. While a large component of the recyclables stream is comprised of aluminum (cans and scrap) and cardboard, the majority of the diverted material (or 83 percent by weight) is originating from a combination of ferrous metals and white goods via the county-sponsored drop-off programs.

*Table 4.4 Recycling Module Tonnage by Name, Sector and Source, 2011 [1]*

<b>Material Name (in alphabetical order)</b>	<b>Residential Curbside</b>	<b>Residential Drop-off</b>	<b>Commercial Curbside</b>	<b>Commercial Drop-off</b>	<b>Total (Tons)</b>
Aluminum Cans (AA1)	2.3	71.6			<b>73.9</b>
Aluminum Scrap		273.0	2.0		<b>275.0</b>
Batteries: Lead Acid (BO1)		163.5			<b>163.5</b>
Batteries: Other Household (BO2)		3.2			<b>3.2</b>
Brass (NO3)		28.4			<b>28.4</b>
Brown Glass (GL4)	17.0				<b>17.0</b>
Cardboard (C01)			276.1		<b>276.1</b>
Clear Glass (GL1)	21.0				<b>21.0</b>
Commingled Materials (XXX)			7.8		<b>7.8</b>
Copper (NO2)		7.0			<b>7.0</b>
Ferrous Metals (FO1)		5,243.7			<b>5,243.7</b>
Green Glass (GL3)	17.2				<b>17.2</b>
Mixed Cans (MX2)	4.8				<b>4.8</b>
Mixed Metals (MM1)			6.0		<b>6.0</b>
Mixed Paper (PA3)		0.8			<b>0.8</b>
Mixed Plastics (PL7)	14.9				<b>14.9</b>
Newsprint (PA2)	23.9		33.3		<b>57.2</b>
Stainless Steel (NO5)		22.1			<b>22.1</b>
Steel and Bi-Metallic Cans (FO2)			2.0		<b>2.0</b>
White Goods (FO3)		1,097.3	15.0		<b>1,112.3</b>
Wood Waste (WW1)		121.2			<b>121.2</b>
Yard and Leaf Waste (YO1)		158.0			<b>158.0</b>
<b>TOTAL:</b>	<b>101.1</b>	<b>7,189.8</b>	<b>342.2</b>	<b>0.0</b>	<b>7,633.0</b>

[1] Source: 2011 Clarion County Re-TRAC Report

## 4.4 OTHER RECYCLING PROGRAMS AND EVENTS

In addition to the standard curbside collection and drop-off programs in Clarion County, white goods (refrigerators without Freon, stoves, and other metal scrap) are accepted at the Advanced Disposal Services Transfer Station in Paint Township for a nominal fee. The Transfer Station accepts Plastics 1 thru 7, where previously they only accepted Plastics coded 1 and 2. Paint cans are also accepted at the Facility (if dried); however tires are not allowed. Triple S Recycling in Washington Township also accepts white goods from County residents.



The County also offers bi-annual recycling collection days for specific material components. On September 15, 2012, Clarion County hosted its Recycling Day event at the Clarion County Park. Residents of the county could drop-off the materials shown in Table 4.5 below.

*Table 4.5 Clarion County Recycling Day Overview*

<u>Material</u>	<u>Accepted</u>	<u>Not Accepted</u>	<u>Disposal Fee (\$)</u>
Aluminum/Steel	X		
Plastics (#1,#2)	X		
White Goods	X		
Newspaper	X		
Cell Phones	X		
Greeting Cards	X		
Cardboard	X		
Computer Ink	X		
Propane Cylinders	X		
Batteries	X		
Glass (all colors)	X		
Crayons	X		
Aluminum Foil		X	
Lids and Caps		X	
Wood		X	
Pots and Pans		X	
Wide Mouth Tubs		X	
Freon		X	
Window Glass		X	
Aerosol Cans		X	
Pizza Boxes		X	
Junk Mail		X	
Glossy Inserts		X	
Office Paper		X	
Light Bulbs		X	
Drinking Glasses		X	
Mattresses		X	
Medications		X	
Carpet		X	
Furniture		X	
Garbage		X	
Cement Blocks		X	
Cable/Wires		X	
Bricks		X	
Paint Cans		X	
Electronics [1]		X	
Automotive Fluid		X	
Tires (Car/Truck)	X		\$3.00/Tire
Tires (Trailer)	X		\$8.00/Tire
Tires (Farm)	X		\$12.00/Tire

Source: Clarion County Recycling Day Flyer

[1] Electronics will be accepted at a date to be determined.

Per county requirements, the recyclables had to be washed and sorted, with all lids removed. Assistance for the Recycling Day events was provided by the following entities: Clarion County Commissioners; Clarion County Parks; Clarion County Probation and Work Release; Cub Scout Pack 51; Flynn's Tire and Auto; Goss Gas; Riverhill Battery House; Tripe S Recycling; and Advanced Disposal<sup>16</sup>. The next Recycling Day events are scheduled to be held on May 11, 2013 and September 14<sup>th</sup> 2013.

While electronic waste (e-waste) was not accepted at the September 15<sup>th</sup>, 2012 Recycling Day event, Clarion County signed a contract with Commonwealth Computer Recycling (contractor) for four (4) electronics collection events in 2013. This was partly in response to the Act 108 E-waste landfill ban in Pennsylvania which stipulates that e-waste is banned from landfill.

The first Electronic Recycling Event arranged by the county and the contractor was jointly held on March 9, 2013. A total of 12,235 pounds of e-waste scrap was recovered at the event, preventing this material from entering Pennsylvania landfills. 44 percent of the material by weight was comprised of CRT monitors and television sets. A list of electronics accepted, and the rebate to the County, is provided in Table 4.6 below.

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<sup>16</sup> Formally Veolia Environmental Services.

*Table 4.6 E-Waste Program Items and Rebate*

<b>E-Waste Description</b>	<b>Weight (lbs.)</b>	<b>Total Due to County (\$)</b>
CD/Optical	21	\$2.52
Cell Phones	1	\$3.00
CRT Monitor/TV	5,362	\$214.48
Desktop CPU	2,574	\$540.54
Consumer Electronics	1,563	\$31.26
Hard Drives	14	\$6.30
Home/Office Phones	58	\$4.64
Keyboards	161	\$4.84
Laptops	59	\$26.55
Mixed Wire	212	\$6.36
Modems/Networks	33	\$5.94
Power Supply	3	\$0.09
Printers	1,675	\$33.50
UPS	116	\$20.88
LCD Monitors	219	\$8.76
AC Adaptor	113	\$2.26
Mice	2	\$0.06
Speakers	49	\$0.98
<b>Total</b>	<b>12,235</b>	<b>\$912.95</b>

*Source: Clarion County Department of Planning.*

After the counties highly successful event in early March, 2013 which netted the county \$913, the contractor asked to change the acceptable items or may have to consider pulling out of the contract. In particular, the contractor was concerned about the amount of TVs and monitors that were being delivered. As of April, 2013 Clarion County is amending its contract with Commonwealth Computer Recycling for the three (3) remaining events in 2013. The County will explore options for electronics recycling in 2014 and beyond.

## 4.5 RECYCLING PROGRAM COSTS

With the exception of the fact that both counties have some type of designated part-time “Recycling Coordinator,” there are few county costs related to the collection and diversion of materials. The only costs incurred by Clarion County are related to periodic education initiatives (no costs for Calendar Year 2011), as well as any oversight of diversion events. In 2011 Clarion County spent \$1,600 for county-sponsored recycling events.

For both counties, other than some contributions in salary and benefits, there are no further costs for solid waste and recycling diversion efforts.

## 4.6 ENVIRONMENTAL BENEFITS CALCULATOR

According to the National Recycling Coalition, manufacturing recycled products requires on average, 17 times less energy than manufacturing the same product from virgin materials. This is especially true for aluminum containers (95% energy savings); steel (74% energy savings); paper (60% energy savings); and glass (50% energy savings).<sup>17</sup>

Diverting products from the waste stream via recycling and re-use programs therefore has a net positive effect on environmental protection by reducing greenhouse gases responsible for global warming. In order to calculate these reductions in energy consumption and emissions, the Northeast Recycling Council, or NERC, developed a unique environmental benefits calculator that was based upon the EPA WARM model. This model shows that waste diversion has more than just an economic benefit to a community.

The NERC calculator includes commodity specific materials in the recyclables waste stream, as reported in Re-TRAC, that the WARM model currently does not. Therefore, due to its ability to identically match the materials reported in Re-TRAC, Ferguson Environmental Consulting chose to utilize the NERC model to determine the environmental benefits of Clarion County's recycling program.

Similar to the WARM model, the NERC calculator determines the total greenhouse gas (GHG) emissions baseline and alternative waste management practices such as source reduction, recycling, combustion, composting, and landfilling in the County. These estimates are based on "typical" facilities and operating characteristics existing in the northeast. The model then calculates emissions in metric tons of carbon equivalent (MTCE), metric tons of carbon dioxide equivalent (MTCO<sub>2</sub>E), and energy units (million BTU) across the spectrum.

After running the model, the following metric below were realized from Clarion County's curbside and drop-off recycling programs in 2011:

*Table 4.7 Clarion County NERC Results*

<b>Metric</b>	<b>Savings Realized</b>	<b>Unit of Measurement</b>
GHG emissions	4,916	MTCE
Energy	211,208	BTUs (millions)
Gas	1,700,027	Gallons
Iron Ore <sup>[1]</sup>	8,020	Tons
Coal	4,491	Tons
Landfill Space	1,103	Cubic Yards
Tree Seedlings	24,510	Seedlings

*[1] Saved from recycling steel and glass*

Due to its somewhat extensive length and reporting parameters, a copy of the NERC model is not included in the Appendices of this report. However an electronic copy may be requested from Clarion County.

<sup>17</sup> Source: University of Massachusetts, Amherst, Office of Waste Management.

## 4.7 INITIATIVES TO ACHIEVE 35% RECYCLING GOAL

Clarion County's recycling rate was 15 percent based on the Department of Environmental Protection's 2011 County Waste Destinations Report and Re-TRAC data<sup>18</sup>. However, this assumes that 100 percent of the reported waste being disposed originated from Clarion County. It is more likely that some of the waste being reported as disposed from Clarion County sources may have originated from Forest County. Since the amount of disposable waste from Forest is significantly less than Clarion, it would not make a discernible difference.

Regardless, during the same year, Forest County had a reported recycling rate of 0.0 percent. This is because there are no mandated curbside municipalities within Forest County, and the two municipalities that have access to a drop-off program did not have any quantities reported to the DEP. However, as previously stated, it is possible that some haulers are providing curbside service, or that residents are bringing recyclable materials to neighboring counties for recycling. If this is the case, capturing these values would be difficult.

Therefore, understanding that there may have been some reporting discrepancies between the source of waste (by County) entering the Advanced Disposal Services Greentree Landfill – it is more appropriate to determine a recycling rate that combines the total waste reported from all landfills and the recycling metrics reported by Clarion County. As Table 3.4 shows, the combined recycling rate is still 15 percent.

Due to its rural nature and limited population (especially Forest County), a 15 percent “combined” recycling rate is considered to be consistent with other rural Pennsylvania Counties. For example, Susquehanna County's recycling rate in 2010 was five percent.

Unless measures are taken by the residents to demand waste diversion options or actions at the Federal and State level to pass legislation requiring all municipalities to recycle Act 101 materials, regardless of population, and contributing the necessary financial and education resources to this endeavor, rural counties will have a difficult time meeting the 35 percent diversion goal.

Although Clarion/Forest Counties are actively trying to divert as much material as possible from the waste stream, there are still areas where potential recycling opportunities and markets still exist, especially if they become economically cost effective. These recommendations are provided in Table 4-8 below; separated by County in focus (where applicable):

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<sup>18</sup> Note – the recycling rate increases to 19% in 2012 and beyond due to the use of the state recommended generation rate of 0.8 as opposed to actual disposal data.

*Table 4.8 Recommendations to Increase Recycling*

<b>Option / Initiative</b>	<b>Clarion County</b>	<b>Forest County</b>	<b>Combined <sup>[1]</sup></b>
Expand residential curbside programs into communities where none currently exist	X		
Expand number of drop-off collection sites in additional areas			X
Work with haulers to provide larger recycling containers and single stream recycling	X		
Work with commercial entities to obtain recycling figures that may not be reported to County officials			X
Develop educational material to help citizens understand recycling efforts and county-wide goals			X
Provide incentives (e.g. gift certificates) for businesses to recycle			X
Work with a recycling company such as “Recycle Bank” to set up a recycling program		X	
Take advantage of E-waste ban to partner with other counties and organizations to divert material from the waste stream			X
Take advantage of C&D recovery by working with developers to understand tons diverted			X

*[1] Option for both counties.*

Additionally, areas where potential recycling opportunities may exist or become available, the Counties will revisit these options as needed. In the meantime, the counties are striving to meet or exceed the state recommended goal of 35 percent.

## 5: SELECTION AND JUSTIFICATION

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### 5.1 INTRODUCTION

The purpose of this section is to describe the process that was used to select the integrated waste management system for Clarion and Forest County in order to provide justification for the selection process for 10 years of municipal disposal capacity. According to Act 101 requirements, the counties must ensure that the selected system provides the required capacity to adequately process and dispose of municipal waste generated within the counties for the next 10 year planning period. Therefore, this section addresses the designated facilities that haulers can take waste generated by Clarion and Forest County sources for ultimate disposal. As with the previous Plan update, the 2013 Plan will continue to provide for a fair, open and competitive market for the management of municipal waste generated in the bi-county area. Therefore the system described in this Plan must ensure that Clarion and Forest County meet their legislative requirements to secure disposal capacity for all municipal waste generated within their borders.

### 5.2 OVERVIEW OF SELECTED WASTE MANAGEMENT SYSTEM

In the 2001 Plan, Clarion and Forest County implemented an integrated waste management system that utilized a combination of private facilities. The counties directed licensed haulers and municipalities to deliver waste to any of the designated facilities, although the specific amounts (tons) were not guaranteed<sup>19</sup>. It is the intent of the 2013 Plan update to maintain the concept of securing adequate processing and disposal capacity with multiple facilities and continuing to direct licensed haulers to the selected facilities for managing the municipal waste they collect. The reason for continuing (and expanding) upon the current system is described below:

- Both Clarion and Forest County are ultimately responsible for the proper disposal of municipal waste generated within their borders. The system described in this Plan update ensures that all MSW is delivered to facilities that are licensed by an appropriate regulatory board. As noted in the 2001 Plan, the goal is to ensure that the waste is safely and properly disposed, therefore protecting the health of the citizens and businesses that hosts the disposal facilities, while protecting the environment. This also reduces the possibility of exposure to legal challenges resulting from improper waste disposal.
- County haulers have the option of selecting the designated disposal facility that offers the best opportunity to reduce long-haul transfer costs while using the facility that offers the most competitive tipping fee (where applicable). Because the counties have not committed to a specific amount of waste to any of the selected disposal facilities, if a hauler or municipality can secure a more favorable tipping fee other than at a designated location, additional facilities can be added as necessary.
- The current system of utilizing privately owned (and/or operated) disposal facilities has adequate capacity to handle all municipal waste and recyclables that are generated by Clarion and Forest County sources. Because of this, there is no need to consider other management options unless a municipality determines a more cost-effective option or partnering opportunity exists, or a hauler or disposal facility ceases operations. If this or a dramatic change in the amount of waste and recyclables generated occurs, the counties will revisit their management options.

#### 5.2.1 QUALIFIED DISPOSAL FACILITIES

Disposal capacity for Clarion and Forest County waste has been procured consistent with DEP guidelines, using an open and fair qualification process. To select the facilities to provide the capacity required for the County's

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<sup>19</sup> Currently the states license haulers and this is no longer the responsibility of the counties.



municipal waste stream for the next 10 years, the counties were prepared to qualify facilities responding to a Facility Qualification Request (FQR) package. Appendix A contains a copy of the FQR package used by the County to solicit and designate facilities to provide the required disposal capacity.

The counties formally advertised the FQR package for distribution to participating facilities via the use of nationwide, state-wide and local advertising means.<sup>20</sup> The various publications in which the counties advertised within are shown in Table 5-1 below:

*Table 5.1 Publications for Advertising*

<b>Publication</b>	<b>Region</b>	<b>Date Published</b>	<b>County(ies) Reached</b>
<i>Waste &amp; Recycling News</i>	National	January 21, 2013	Clarion & Forest
<i>Pennsylvania Bulletin</i>	State	February 2, 2013	Clarion & Forest
<i>The Leader-Vindicator</i>	Local	January 16, 2013	Clarion
<i>Forest Press</i>	Local	January 22, 2013	Forest

Respondents to the FQR solicitation included seven (7) municipal waste landfills, and one (1) transfer station for a total of eight (8) respondents. Of the eight (8) disposal facilities that responded, only the Carbon Limestone Landfill is located outside of Pennsylvania (in Ohio).

The basic requirements for a facility to be included in the Clarion and Forest County Plan were similar to the 2001 Plan and included: (1) the facility operator holds all necessary permits issued by the state where the facility is located; (2) the facility operates within the context and provisions of their permit; (3) that it is currently accepting or that it demonstrates it has the capacity to accept waste from Clarion and Forest County sources; (4) the facility has a good compliance records; (5) the facility offers reasonable tipping fees both now and in 2023; and (6) the facility shows a willingness to comply with the terms and conditions of the Clarion and Forest County Disposal Capacity Agreement (as shown in the Appendix).

The solicitation package was developed with input from multiple stakeholders and no part of the package was designed to exclude a certain hauler or disposal facility (e.g. landfill vs. transfer vs. energy recovery) from responding.

After a review of the responses, each of the eight (8) facilities agreed to accept all or part of the annual municipal tonnage generated within Clarion and Forest Counties. A summary of responses can be found in Table 5-2 below. The summary table lists the facilities responding and describes how they ranked in meeting the FQR qualification criteria. Of the eight (8) facilities that responded to the FQR package, all eight (8) were deemed qualified by the SWAC members to accept and manage MSW generated by county sources.

Of importance, tipping fee prices (the cost per ton for refuse to be disposed at a landfill) ranged from \$30.00 per ton to \$100.00 per ton in 2013. Haulers may at their discretion use any these disposal sites under contract with the Counties. In addition to the information presented in Table 5-2, three of the seven<sup>21</sup> facilities donate some tonnage (between 5 and 200 tons/annually) for waste disposal from non-profit activities such as road adoptions and illegal dump clean-ups.

After a detailed review of the responses by both the counties and the Solid Waste Advisory Committee (SWAC) members, Clarion and Forest County believes the contract language meets all DEP criteria for an openly negotiated process. The eight (8) responsive disposal facilities will ensure sufficient, accessible and cost effective disposal capacity for the 10-year planning period beginning in 2013 and culminating in 2023.

<sup>20</sup> Appendix B displays a copy of the advertisement narrative placed in the various publications.

<sup>21</sup> Transfer Station excluded.

Table 5.2 Facility Qualification Evaluation Chart

<b>Name of Facility</b>	<b>Does Facility have 10 year Capacity?</b>	<b>Does the Facility Currently Receive Waste from Clarion or Forest County?</b>	<b>How does Facility Maximum MSW Pricing Compare now vs. in 10 Years? (2013/ &amp;2023)</b>	<b>Does the Facility have an Acceptable Compliance History?</b>	<b>Has Facility Agreed to FQR Terms &amp; Conditions?</b>	<b>Location</b>	<b>Approx. Distance of Facility from County Seat (Clarion &amp; Tionesta)</b>
<b>Advanced Disposal Services Solid Waste of PA, Inc.<sup>22</sup> (Transfer Station)</b>	YES – Transfer Station unlimited cap.	YES – all waste included in Greentree Landfill totals	2013: \$100.00 /Ton 2023: \$130.00 /Ton	No Compliance History Report Attached	YES	Elk County, PA	Clarion: 5 Miles Tionesta: 22 Miles
<b>Advanced Disposal Services Greentree Landfill, LLC.<sup>23</sup></b>	YES – 34 years capacity	YES – 40,120 tons MSW + 15,630 tons residual <sup>24</sup>	2013: \$45.00 /Ton 2023: \$60.48 /Ton	YES – 9 violations/consent agreements + 2 inspection report comments in past 5 years	YES	Elk County, PA	Clarion: 43 Miles Tionesta: 63 Miles
<b>Waste Management of PA, Inc. – Lake View Landfill.</b>	YES –60.5 years capacity	NO	2013: \$84.40 /Ton 2023: \$137.49 /Ton	YES - 2 violations + 1 consent assessment in past 5 years	YES	Erie County, PA	Clarion: 81 Miles Tionesta: 61 Miles
<b>Waste Management Disposal Services of PA, Inc. – Northwest Sanitary Landfill.</b>	YES - 12.5 years capacity	None Reported <sup>25</sup>	2013: \$72.70 /Ton 2023: \$118.44 /Ton	YES – 5 violations, + 1 administrative order +1 COA, + 1 compliance order in past 5 years	YES	Butler County, PA	Clarion: 42 Miles Tionesta: 57 Miles
<b>Republic Services, Inc. - Carbon Limestone Landfill, LLC.</b>	YES - 21.7 years + add. 26.5 years w/ expansion (4/1/13)	NO	2013: \$50.00 /Ton 2023: Based on CPI	YES - Four violations in past 5 years	NO – three changes to Non-Collusion Affidavit	Mahoning County, OH	Clarion: 75 Miles Tionesta: 87 Miles

<sup>22</sup> Formally Veolia ES Solid Waste of PA, Inc. Located at 18380 Paint Blvd., Shippenville, PA 16254. Advanced Disposal has reserved airspace up to 500 tons per day at the Advanced Disposal Greentree Landfill, LLC. The company has a long term agreement with Kephart Trucking for trailer access.

<sup>23</sup> Located at 635 Toby Road, Kersey, PA 15846. In late 2012, Veolia ES Greentree Landfill was acquired by Advanced Disposal Services as part of their acquisition of the assets of Veolia ES Solid Waste.

<sup>24</sup> PaDEP County Waste Destinations Report shows 39,998.2 tons of MSW + 14,521.5 tons of residuals in 2012 for both counties.

<sup>25</sup> PaDEP County Waste Destinations Report shows 1,185 tons of MSW; 1,373 tons of residual; 110 tons of sewage and 132 tons of construction waste in 2012 originating from Clarion County being disposed of into the Northwest Sanitary Landfill. In addition, the Report shows 1,687 tons of residual waste originating from Forest County being disposed of at the Northwest Sanitary Landfill.

<i>Name of Facility</i>	<i>Does Facility have 10 year Capacity?</i>	<i>Does the Facility Currently Receive Waste from Clarion or Forest County?</i>	<i>How does Facility Maximum MSW Pricing Compare now vs. in 10 Years? (2013/ &amp;2023)</i>	<i>Does the Facility have an Acceptable Compliance History?</i>	<i>Has Facility Agreed to FQR Terms &amp; Conditions?</i>	<i>Location</i>	<i>Approx. Distance of Facility from County Seat (Clarion &amp; Tionesta)</i>
<b>Seneca Landfill Inc.<sup>26</sup></b>	YES – 11.7 years + add. 20 years w/ expansion	YES – 23.4 tons MSW + 304.0 tons residual <sup>27</sup>	2013: \$100.00 /ton 2023: Based on annual escalation	NO – 21 violations + 2 consent assessments + 1 consent order	YES	Butler County, PA	Clarion: 85 Miles Tionesta: 86 Miles
<b>Tri-County Landfill, Inc.<sup>28</sup></b>	YES <sup>29</sup>	N/A <sup>30</sup>	2013: \$100.00/Ton 2023: \$Based on annual escalation	YES - 1 violation in past 5 years <sup>31</sup>	YES	Mercer County, PA	Clarion: 44 Miles Tionesta: 52 Miles
<b>Casella WM of PA, Inc.<sup>32</sup> (McKean Co. LF)</b>	YES – 15 years + add. 30 years w/ expansion	NO	2013: \$30.00/Ton 2023: \$38.41/Ton	None listed	YES	McKean County, PA	Clarion: 65 Miles Tionesta: 58 Miles

<sup>26</sup> Seneca Landfill, Inc. is a subsidiary of Vogel Disposal Services, Inc., a privately owned corporation. Seneca Landfill has an active operating transfer station (Permit No. 101602) located on site. The Transfer Station is permitted to transfer a maximum of 800 tons per day of waste from the facility in the event that the landfill needs to reduce waste acceptance.

<sup>27</sup> PaDEP County Waste Destinations Report shows 0 tons of MSW + 38.8 tons of residuals in 2012 combined for both counties.

<sup>28</sup> It is anticipated that the Tri-County Landfill (a subsidiary of Vogel Disposal Services, Inc.) will receive a 10-year operating permit from the PaDEP to begin operating in 2013. The landfill will be permitted to receive a maximum of 2,193 tons per day of waste. The Landfill has an active transfer station noted in footnote 23 above.

<sup>29</sup> The Permitted Capacity will be known after approval by PaDEP; however the facility anticipates having 10 years capacity once in operation.

<sup>30</sup> The facility will not begin accepting waste from Clarion and Forest County sources until 2014. However, responded noted that they received 6,729 tons of MSW and 1,256 tons of residual waste in 2012. This may have been via the Seneca Landfill which is a subsidiary of Vogel Disposal, however these tonnages were not found in the PA Disposal Reports.

<sup>31</sup> For the Tri-County Landfill Transfer Station. The Tri-County Landfill has an active operating transfer station located on site. The Tri-County Transfer Station Permit No. 101592 is permitted to transfer a maximum of 800 tons per day of waste from the facility in the event that the landfill needs to reduce waste acceptance once it opens.

<sup>32</sup> Materials generated by Clarion and Forest County will be delivered and disposed of at the McKean County Landfill, located in Mt. Jewitt, PA.

## 5.2.2 PROCEDURE TO ADD FACILITIES

The procedure below describes the steps to obtain authorization by the counties should a licensed hauler or other entity request to be included as a designated disposal facility other than those currently under Agreement with the counties and designated in this Plan Update.

As detailed in Chapter 3 of ACT 101, the counties are responsible for ensuring proper disposal of municipal waste generated by county sources. Facilities that accept refuse from in-state sources are required by law to identify and document the origin of waste by county. As a result, that county assumes some liability for refuse delivered from county sources. In order to reduce risks associated with the disposition of waste, Clarion and Forest Counties will ensure that they are in compliance with all applicable state and federal rules. The procedure detailed below follows the same six (6) steps/procedures as the 2001 Plan and will be undertaken by the counties to ensure proper management of waste generated by county sources for disposal; should an entity wish to be added as a designated disposal facility:

- First - a state licensed hauler or municipality must petition the county using the form shown in Appendix C to have a facility considered for addition;
- Second - after receiving the petition, the county will forward a copy of the FQR to the facility being requested for Plan inclusion;
- Third - after receipt of the completed FQR from the facility in question, the county will review and respond to the information in the FQR;
- Fourth - if all information is sound, Clarion County will request an executed Disposal Capacity Agreement from the facility in question;
- Fifth - after receiving the fully executed Agreement, the County will notify by letter all county municipalities, licensed haulers, and the Pennsylvania Department of Environmental Protection that an additional designated facility has been added to the Plan;
- Sixth - at that time the requesting hauler, municipality or business is free to use the facility for disposal of Clarion and Forest County generated municipal and/or residual waste with the same conditions as the currently qualified facilities.

As noted - in the event that a new facility submits a FQR in accordance with the procedure noted above, the counties will submit the facility information to the Pennsylvania DEP for review and comment before final acceptance of that facility. It should also be noted that it will be the intent of the Counties to ensure the process of designating additional facilities is easy to follow and prompt. Accordingly, if the facility representative responds in a timely manner to the FQR, the entire process may take less than two months.

The FQR package contained in the Plan Appendices contains instructions to successfully complete the process of adding an additional facility.

## 5.2.3 RECYCLING SYSTEMS

For the next 10 year planning period, both Clarion and Forest County will continue to depend on the private sector to serve as the designated collector, processor and marketer of recyclable materials. In Clarion County, the Advanced Disposal Services Transfer Station in Paint Township is expected to continue as the drop-off facility for the near future. For Forest County, it is anticipated that the Jenks Township and Tionesta Borough drop-off facilities will continue to service county residents. While it is possible that additional drop-off facilities may be developed, either from a municipal, or joint venture network, the current facilities have sufficient capacity to manage the recyclables now being generated within the counties.

In order to reach the 35 percent diversion goal, both counties will pursue additional diversion programs when economically feasible. This may include, in no particular order, the following options:

- In the Borough of Clarion, work with Advanced Disposal (formally Veolia) to increase the level of the existing curbside recycling programs to reach additional residential households.
- Expand both the curbside and drop-off programs to allow for the greater collection of materials (e.g. plastics #3-7), yard waste, etc.
- Increase the number of strategically located drop-off sites throughout both counties, especially in more rural parts of the county.
- Provide additional levels of assistance and resources to allow non-mandated municipalities to establish curbside recycling programs.
- Due to the rural nature of the counties, encouraging greater collection and processing of yard waste and apply for brushy/bulky waste equipment via Section 902 grant funds.
- Work with commercial entities and institutions to either begin or expand existing recycling programs.
- Develop a way to track the rate, extent and composition of recyclable materials brought to the Forest County drop-off sites.
- Develop or strictly enforce existing ordinances related to the inappropriate disposal of solid waste.
- Implement household hazardous waste and electronic waste collection events on a bi-annual basis.
- Work with local school systems to develop in-house recycling programs and education events.

Other feasible options to divert additional recyclable commodities, yard waste and other material types will be studied by both counties as they become available, or as funding allows.

#### 5.2.4 EXISTING ALTERNATIVES

Clarion and Forest Counties are open to exploring any new municipal solid waste technology (including C&D waste and sewage sludge) that reduces environmental impact or lowers overall collection and disposal costs. However, due to the geography and infrastructure of the region, and with the number of disposal facilities readily accepting county-generated waste, there are no other technologies that appear to be economically viable at this time. In addition, there are no known options, other than those described in this plan, for the processing and marketing of recyclables and yard waste. However, as noted in the 2001 Plan, businesses, institutions and individuals are free to deliver material to any facility or drop-off center that processes said materials for recycling. County Recycling Coordinators also keep an up-to-date list of processors and markets for their counties.

Similar to other Municipal Waste Management Plan Updates submitted to the Pa DEP, the counties reserve the right to investigate any disposal alternatives that are viable and benefit Clarion and Forest Counties as well as all waste generating sectors within the counties. If this were to occur, the Plan would be updated accordingly.

### 5.3 C&D WASTE MANAGEMENT

According to the United States Environmental Protection Agency (EPA), construction and demolition (C&D) materials consist of the debris generated during the construction, renovation, and demolition of buildings, roads, and bridges. C&D materials may contain concrete, wood, metals, glass and other salvaged building components<sup>33</sup> such as asphalt roofing, bricks and plastics. By reducing and recycling C&D materials, the EPA reports that counties can conserve landfill space, reduce the environmental effect of producing raw materials, create additional jobs, and reduce disposal costs.

Both Clarion and Forest County currently rely on the existing infrastructure for managing the disposal of C&D materials. There is no known recycling of C&D waste in either county at this time. However, this does not exclude future private sector enterprises from developing a C&D processing facility. Provisions for the proper handling and

<sup>33</sup> Source: United States Environmental Protection Agency (<http://www.epa.gov/wastes/conservation/imr/cdm/index.htm>)

disposal of construction waste are included in the disposal capacity agreements with the designated disposal facilities described in Section 5.2. There is adequate capacity to manage this portion of the waste stream, and while no known recycling currently is occurring, both counties would support the recycling of C&D components if cost effective and infrastructure-ready options become available.

As Section 1 details, C&D waste in the counties averaged approximately 418 tons per year with a high of 1,115 tons in 2008 and a low of 161 tons in 2011. Assuming that the largest categories as a percent by weight (on average) are concrete and mixed rubble (45%); wood (25%); drywall (10%); asphalt roofing (5%); metals (5%); bricks (5%); and plastics (5%)<sup>34</sup>, then using the average amount of C&D generated in the counties over the past four years, we can presume that the breakout of C&D waste from Clarion and Forest County would look similar to that shown in Table 5.3 below:

*Table 5.3 Estimated C&D Material by Category in Counties C&D Stream  
(Avg. 2008-2011)*

<b>Category</b>	<b>Tons</b>	<b>Percent of Total</b>
Concrete & Mixed Rubble	188.2	45%
Wood	104.6	25%
Drywall	41.8	10%
Asphalt Roofing	20.9	5%
Metals	20.9	5%
Bricks	20.9	5%
Plastics	20.9	5%
<b>Total:</b>	<b>418.3</b>	

As discussed in Section 1 and again in Section 5, diversion of C&D material is dependent on the availability of markets, and existing infrastructure. Currently there are no markets in the region for the shipment and processing of C&D material. Shipping C&D waste long distances for recycling becomes cost-prohibitive and therefore not feasible. If markets were to become available for any of the components shown in Table 5, generators would need to be trained to separate materials and deliver them based on processor requirements. However, both counties would be willing to help educate C&D generators should markets become available.

## 5.4 SEWAGE SLUDGE AND SEPTAGE MANAGEMENT SYSTEM

Similar to the 2001 Plan, Clarion and Forest County will continue to rely on the current system for managing sewage sludge and septage waste. As indicated in Section 1, this involves the processing of wastewater at various publically or privately operated facilities which are then (for the most part), landfilled. The designated disposal facilities detailed in Section 5.2 accept sewage sludge for disposal and this waste stream is part of the disposal capacity reserved for each county. As part of the Plan process, both counties will monitor this waste stream to ensure that sufficient capacity exists to septage haulers for the disposal of septage and sewage sludge wastes.

As it relates to future planning endeavors, it is important to note that in 2011, Clarion Altela Environmental Services (Altela) proposed the construction of a new treatment facility of waste-waters in Piney Township, related to the oil and natural gas industries near the Piney Dam Hydroelectric Plant<sup>35</sup>. The waste water treatment facility

<sup>34</sup> Source: BioCycle Magazine. “Survey Statistics – Analyzing What’s Recyclable in C&D Debris.” November 2003.

<sup>35</sup> While there was some initial confusion about the need to issue a permit for the construction of the dam, the Pennsylvania DEP issued Altela a temporary permit while the final permit was being applied for and approved.

will perform desalination and distilling of natural gas well hydro-fracturing water on a 17.41 acre parcel with the following structures:

- 1) A 19,371 square foot water treatment building with a 30' x 40' office area;
- 2) Two production water ponds - 500,000 gallons each;
- 3) One refract water pond – 800,000 gallons;
- 4) One distillate water pond – 175,000 gallons; and
- 5) One holding tank – 50,000 gallons.

Altela received final approval from the Clarion County Planning Commission after filing a financial guarantee with Piney Township. In the event that the project fails, there will be adequate funds available for the land to be reverted to pre-construction stages. As of December 2012, the Plant was not officially running, but the building has been constructed. The impoundments have also been constructed according to the specifications of the dam permit. Any future Municipal Waste Management Plan updates may need to account for this waste water treatment stream.

## 5.5 INFECTIOUS AND CHEMOTHERAPEUTIC WASTE

As noted in Section 1.7, while it is Clarion and Forest County's responsibility to ensure that medical and research facilities are properly managing infectious and chemotherapeutic waste (ICW), each facility makes individual arrangements for the handling and disposal of ICW. This private sector arrangement will continue for the next 10-year planning period as neither county is considering additional treatment and/or disposal options.

## 5.6 HOUSEHOLD HAZARDOUS WASTE

According to the Pennsylvania DEP, Household Hazardous Wastes (HHW) are those wastes produced in our households that are hazardous in nature, but are not regulated as hazardous waste under federal and state laws. Each person in the state produces on average about 4 pounds of HHW annually. These include items such as old paints and paint-related products, pesticides, pool chemicals, drain cleaners, and degreasers.

While the products listed above may be disposed with other municipal wastes generated in home, they present a hazard both to the environment, as well as to waste collectors responsible for collection and handling of the materials. As such, the DEP encourages counties and municipalities to establish collection programs to manage this waste stream for either recycling or to ensure proper disposal.

In 2011, 166 tons was reported captured at these special waste collection events in Clarion County via the Re-TRAC report. Although no household hazardous waste collection events were recorded in Forest County in 2011, the county does make available all household hazardous waste literature produced by the DEP. In addition, both counties will continue to engage in education efforts to ensure proper disposal as required.

## 5.7 INAPPROPRIATE METHODS OF DISPOSAL

Each county in the state of Pennsylvania must address the effects of inappropriate methods of solid waste disposal. Residents and businesses that do not dispose of waste in a legal and responsible manner cost counties much needed financial resources to deal with any clean up and prevention efforts. This section addresses the two most common types of illegal disposal practices – illegal dumping and open burning.

### 5.7.1 LITTER AND ILLEGAL DUMPING

In both Clarion and Forest County, litter cleanups are the responsibility of the municipality and not the County. However, litter is a major concern that affects every county in Pennsylvania, and indeed throughout the United States. Litter most frequently occurs via the intentional deposit of materials by a pedestrian or motorist, or via the careless act of an improperly covered or secured vehicular load. According to the Pennsylvania DEP, Pennsylvania taxpayers spend almost \$10 million annually for roadside cleanup efforts. This money could have been used to for

other programs such as Roadside Rest areas, or to improve State roads, bridges and pothole repairs. In fact, without its Adopt-A-Highway and Keep Pennsylvania Beautiful volunteers, PennDOT estimates cleanup costs would average \$50 million or more annually. And according to Keep Pennsylvania Beautiful, the estimated cost to remediate a site can be anywhere from \$600 to over \$1,000 per ton for clean-up and removal efforts.

Illegal dumping occurs when citizens and businesses are either unwilling to pay for disposal for their waste material, or are unwilling to haul their material to a properly designated disposal facility. Illegal dumpsites can create public health and safety concerns and can lower property values and the general quality of life. When ignored, or not properly addressed, illegal dump sites tend to grow in size. While the prevention of illegal dump sites (and littering in general) will require both counties to address the factors that lead to this problem, it also falls upon the state, local businesses, and civic groups to address.

In both Clarion and Forest County, the majority of residential waste is managed through individual subscription systems. As a result, some residents may choose to dump their waste illegally, either on their own property, or on public lands, rather than pay for a hauler to collect their waste for proper disposal. In addition, some haulers may not collect special wastes such as construction and demolition material, tires, appliances, paints, and hazardous materials in general, which can lead to illegal dumping.

At this time, neither Clarion nor Forest County's Municipal Solid Waste Management Ordinance specifically address illegal dumping. While the counties may add specific illegal dumping language to their existing ordinances, the effectiveness of any laws and promulgations requires (1) adequate funding; (2) the cooperation of law enforcement personnel; and (3) a dedicated court system that recognizes the problem and is willing to punish offenders. As was noted in the 2001 Plan, violators will continue to litter and illegally dump if it is clear that they will not be punished for their actions. As such, the implementing entities for this plan will continue to look into ways to working with law enforcement officials to enforce litter and illegal dumping activities. In addition, civic organizations such as Keep Pennsylvania Beautiful (KPB) are on the front line when it comes to identifying and providing resources to address litter and illegal dumping in the state.

KPB, through a network of local volunteers, works with municipalities, businesses, law enforcement personnel and disposal facilities to clean up existing dumps, identify those who dump illegally, and monitor problem areas to help prevent future dumping. The Program has surveyed 61 counties since its inception in 2005, identifying over 6,200 illegal dumpsites with an estimated 18,022 tons of trash throughout Pennsylvania. In 2009 KPB surveyed illegal dump sites in both Clarion and Forest Counties. An overview of the results, by county, is presented below.

In Clarion County, survey crews identified 102 illegal dumpsites with an estimated 263 tons of trash. The sites ranged in size from approximately 0.25 tons to 12.5 tons of waste. Of the 102 dump sites surveyed, all were located in rural areas. Seventy-six percent of the sites were considered to be a continuous problem where illegal dumping routinely occurs. Interestingly enough, all 102 dumpsites were located in a municipality without a curbside recycling program in place, although no statistical conclusions can be drawn from this. Of all the items recorded, tires, appliances, and other bulky waste items were the most common waste type identified. Recyclable materials such as plastics, glass, and aluminum were also frequently found while surveying.

The Forest County illegal dump survey resulted in the identification of 15 illegal dumpsites containing an estimated 64 tons of trash. The sites ranged in size from approximately 0.5 to 20 tons of waste. Similar to Clarion County, of the 15 dump sites, all were located in rural areas. In addition, 93 percent of the sites were considered to be a continuous problem where dumping regularly occurs. According to KPB, of the 15 sites, two (13%) had "No Dumping" signs present. Both were active sites. This indicates that posted signage, although effective in some areas, may send a message that the location may actually be an ideal place to dump.

As the two counties move forward, both will continue to draw upon all resources available to combat littering and illegal dumping within their boundaries. In the meantime, a copy of the complete 2009 Illegal Dump Surveys are available upon request.



## 5.72. WASTE BURNING

As noted in the 2001 Plan, and still true in 2013, Clarion and Forest County do not specifically prohibit the burning of municipal solid waste. It is instead the responsibility of the individual municipalities to determine the rules, or pass any legislation, that deals specifically with waste burning within their boundaries. Some municipalities do allow certain types of open burning (e.g. leaves); however burning is not the preferred method of waste disposal because of the environmental and safety hazards associated with it.

Open pit burning can release heavy concentrations of smoke and unsafe pollutants that may inflame asthma, cause eye irritation, restrict breathing and create ozone problems. In addition, open fire pits that are not properly monitored can spread out of control and cause wildfires that may damage crops, livestock, recreational areas, and property (via soot deposits).

For municipalities that allow residents to burn waste, it is suggested by the counties that they establish and/or enforce rules and regulations to safeguard residents and protect the environment. The counties also continue to encourage all residents to store and dispose of waste in a safe and secure manner, either through the collection by a state-licensed hauler, or at a disposal facility designated in this Plan.

## 6: LOCATIONS

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### 6.1 INTRODUCTION

The purpose of this section is to identify the physical location of disposal facilities designated during the Clarion and Forest County Facility Qualification Request (FQR) process. The process was performed in accordance with Section 272.155(d) of the municipal waste planning regulations.

Ferguson Environmental Consulting, in conjunction with Clarion and Forest County, gave notice of the FQR process to potential disposal partners by (1) contacting landfills currently accepting waste generated by county sources (2) contacting disposal facilities that may not currently receive waste generated by county sources but are within close proximity; and (3) via media outlets. Advertisements were placed by the counties in the national periodical Waste and Recycling News; local periodicals such as The Leader-Vindicator and The Forest Press; and in the Pennsylvania Bulletin during the weeks of January 16th and January 21, 2013. Forest and Clarion County accepted all qualified and valid facilities (e.g. no major Notice of Violations; valid operating permits; available capacity; etc.) that responded. The facilities listed in Table 6-1 were chosen to serve as the designated disposal facilities for waste generated within the counties over the next 10-year planning period.

### 6.2 LOCATIONS OF MSW FACILITIES AND PROGRAMS THAT ARE PART OF THE OVERALL SYSTEM

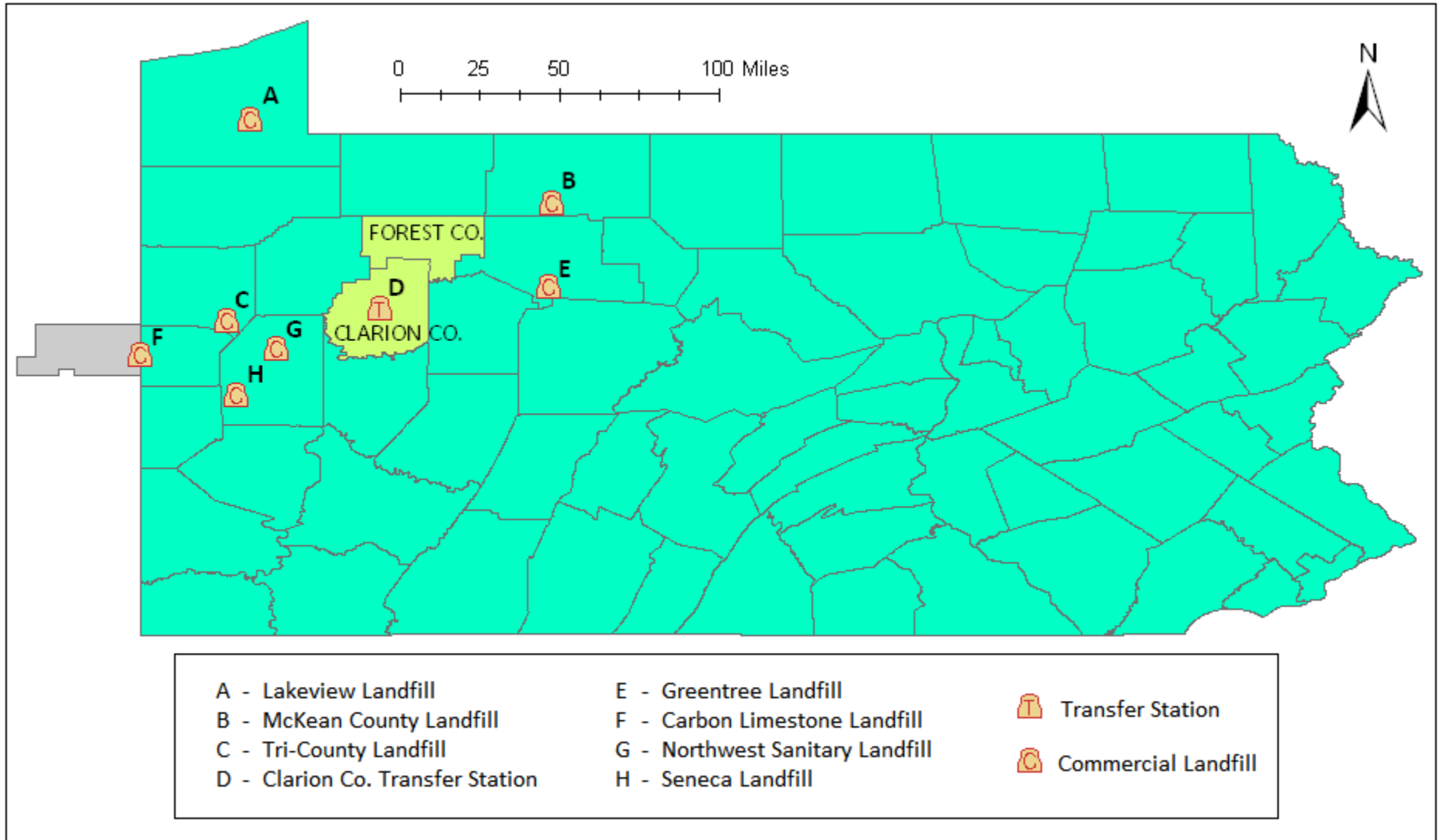
Table 6-1 below shows the location of the eight (8) designated disposal facilities that will manage waste generated by Clarion and Forest County sources for the next 10-year planning period. Figure 6-1 shows a map of the geographic site location of these facilities.

Table 6.1 Clarion and Forest County Designated Waste Facilities (2013-2023)

<p><b>Seneca Landfill</b>                  Butler County, PA                  421 Hartmann Road                  Evans City, PA 16033                  Contact Person: Edward R. Vogel                  {P}: (724) 625-1511 /{E}: <a href="mailto:ervogel@vogeldisposal.com">ervogel@vogeldisposal.com</a>                  Owner: Vogel Disposal Services, Inc.</p>	<p><b>Carbon Limestone Landfill</b>                  Mahoning County, OH                  8100 South Stateline Road                  Lowellville, OH 44436                  Contact Person: Mike Heher                  {P}: (330)536-8013/{E}: <a href="mailto:mheher@republicservices.com">mheher@republicservices.com</a>                  Owner: Republic Services, Inc.</p>
<p><b>Tri-County Landfill</b>                  Mercer County, PA                  159 TCI Park Drive                  Grove City, PA 16127                  Contact Person: Edward R. Vogel                  {P}: (724) 748-4705 /{E}: <a href="mailto:ervogel@vogeldisposal.com">ervogel@vogeldisposal.com</a>                  Owner: Vogel Disposal Services, Inc.</p>	<p><b>Clarion County Transfer Station</b>                  Clarion County, PA                  18380 Paint Boulevard                  Shippensburg, PA 16254                  Contact Person: Ed Yahner                  {P}: (814) 265-1975/{E}: <a href="mailto:Edward.yahner@veoliaes.com">Edward.yahner@veoliaes.com</a>                  Owner: Advanced Disposal Services</p>
<p><b>McKean County Landfill</b>                  McKean County, PA                  19 Ness Lane                  Kane, PA 16735                  Contact Person: Raymond Duerr                  {P}: (607) 437-0437/{E}: <a href="mailto:Raymond.duerr@casella.com">Raymond.duerr@casella.com</a>                  Owner: Casella</p>	<p><b>Lakeview Landfill</b>                  Erie County, PA                  851 Robinson Road, East                  Erie, PA 16509                  Contact Person: Thomas Lewis                  {P}: (716) 983-9511/{E}: <a href="mailto:tlewis@wm.com">tlewis@wm.com</a>                  Owner: Waste Management</p>
<p><b>Northwest Sanitary Landfill</b>                  Butler County, PA                  1436 West Sunbury Road                  West Sunbury, PA 16061                  Contact Person: Thomas Lewis                  {P}: (716) 983-9511/{E}: <a href="mailto:tlewis@wm.com">tlewis@wm.com</a>                  Owner: Waste Management</p>	<p><b>Greentree Landfill</b>                  Elk County, PA                  635 Toby Road                  Kersey, PA 15846                  Contact Person: Donald Henrichs                  {P}: (814) 265-1744/{E}: <a href="mailto:donald.henrichs@veoliaes.com">donald.henrichs@veoliaes.com</a>                  Owner: Advanced Disposal Services</p>

Figure 6-1

**Clarion and Forest County Designated Waste Management Facilities**



## 7: IMPLEMENTING ENTITY IDENTIFICATION

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### 7.1 DEFINE ENTITY RESPONSIBLE FOR IMPLEMENTING THE MWMP

The responsibility for implementing the 2013 Clarion and Forest County Municipal Waste Management Plan is provided below:

- Clarion County: Clarion County Department of Planning and Development.
- Forest County: Forest County Conservation District and Planning Department.

The implementing entities have remained the same as those designated in Clarion and Forest Counties in the 2001 Plan Update. In the 2001 Plan, the legal authorities for these designations were contained in Section 3 of each county's Municipal Solid Waste Management Ordinance<sup>36</sup>. In summary, this section states that "The implementing entity shall be responsible for all aspects of municipal solid waste management as discussed in this Ordinance." Section 4 of the ordinance, Functions and Powers of Responsible County (implementing entity), states the following in relation to the responsible entity:

- Provide and/or approve and regulate municipal solid waste disposal services in each respective county;
- Aid and assist the Commonwealth in the application and enforcement of rules and regulations pertaining to municipal solid waste management; and
- Enforce the ordinance by issuing warning notices and initiating proceedings against violators of the ordinance and its rules and regulations.

A copy of the existing ordinances<sup>37</sup> can be found in Appendix D. In addition to the three major responsibilities listed above, other activities the implementing entities are responsible for include those found in the 2001 Plan Update as well as new responsibilities – both of which are listed below:

- Overseeing that proper municipal solid waste collection, storage, transportation and disposal is occurring;
- Assisting communities issue, adopt and/or enforce local rules and regulations;
- Assisting in informing municipalities about changes in federal and state laws that could affect solid waste management in the Counties or municipalities;
- Providing technical assistance to municipalities and commercial establishments to implement municipal recycling and composting programs;
- Operating and/or overseeing any special projects sponsored by the counties;
- Planning and implementing county-wide recycling and composting programs to provide general education to the public about the range of diversion opportunities throughout the county;
- Encouraging recycling and diversion opportunities through school programs and with civic/non-profit organizations;
- Preparing required reports to the Pa DEP; and
- Applying for state grants to carry out county-wide recycling and composting programs, administering grants received and reporting on the grant results to the Pa DEP and other at-interest stakeholders.

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<sup>36</sup> Although the implementing entities will be the same for the 2013 Plan, it should be noted that implementing municipal waste management ordinances was a former responsibility of the counties. This is because there is no way for the counties to currently license facilities or practice flow control. Section 9 states that the counties will rescind the MWMP ordinances.

<sup>37</sup> These ordinances are currently in the process of being rescinded by the counties.

## 8: PUBLIC FUNCTION

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### 8.1 MANAGEMENT OF COLLECTION AND DISPOSAL INFRASTRUCTURE

Clarion and Forest County will continue the current method of relying on the private sector to manage the majority of the municipal waste system. The counties do not intend to purchase or operate their own disposal or recycling processing facility. As such, the Plan does not contain any information pertaining to the costs, development or infrastructure of such facilities.

For the foreseeable future, with the exception of any county-operated drop-off recycling programs, both Clarion and Forest County will continue to rely on the private sector to provide municipal and recyclable waste collection and recycling processing and disposal services. Any materials delivered to the county-operated drop-off sites will continue to be processed and marketed by the private sector. In addition, the private sector will continue to manage recyclable materials generated by the commercial and institutional sectors.

Lastly, the private sector will continue to be responsible for the collection and proper disposal of liquid sludge, septage waste, and infectious and chemotherapeutic waste unless otherwise noted in this report.

## 9: IMPLEMENTING DOCUMENTS

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### 9.1 DOCUMENTS REQUIRED TO IMPLEMENT THE MWMP

The documents necessary for implementation of the 2013 Clarion and Forest County Municipal Waste Management Plan are described below:

- **Municipal Waste Disposal Capacity Agreement.** The process by which the counties guarantee capacity for municipal wastes generated by the counties at Facilities identified and defined in this Plan.
- **Clarion and Forest County Municipal Solid Waste Management Ordinances** (standard – Appendix D). Because the counties will not require haulers to license beyond the requirements of the State mandate, it was recommended that the ordinances shown in Appendix D be rescinded.
- **Clarion and Forest County Resolutions** (Appendix E). The Clarion and Forest County Boards of Commissioners will adopt the revised Plan in the form of a Resolution once the Plan has been completed and approved by all stakeholders.

As described in Section 13, upon completion of the 2013 Plan Update, the Boards of Commissioners from Clarion and Forest Counties will adopt the revised Plan in the form of the resolution contained in Appendix E. The final draft of the Plan and the corresponding resolutions will then be submitted to the Pa DEP for approval. As noted in the 2001 Plan, should the DEP request that additional documentation be provided to fully implement the Plan Update, then the implementing entities will exercise their authority for the adoption and execution of any and all documents necessary to complete their obligations to implement the 2013 Plan Update.

## 10: ORDERLY EXTENSION

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### 10.1 DEMONSTRATION THAT PLAN UPDATE IS CONSISTENT WITH STATE, REGIONAL AND LOCAL PLANNING GUIDELINES AND MECHANISMS

The 2013 Clarion and Forest County Plan has been updated to provide for the orderly extension of municipal waste management practices in a manner that is consistent with both Pennsylvania DEP and county requirements. The Plan update is also in accordance with the management concepts presented in the 2001 update and was developed using best available population estimates and economic projections in accordance with current federal, state and local laws. As such, the 2013 update does not in any way conflict with other state, regional or local management plans.



# 11: METHODS OF DISPOSAL OTHER THAN BY CONTRACTS

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## 11.1 MANAGEMENT OF MATERIALS

Section 5 of the 2013 Clarion and Forest County Plan Update details how the current municipal waste management system is mostly a function of the private sector with some county and/or municipal oversight. Residential, commercial and institutional wastes are disposed of in a County Designated Facility (Landfill or Transfer Station) via the use of executed agreements for waste disposal capacity. The agreements are for five (5) years with five (5) one-year renewal periods<sup>38</sup> providing a total of ten (10) years of disposal capacity of municipal wastes for the counties as required by Act 101.

While sufficient capacity is available at one or more of the eight (8) designated facilities detailed in Section 6 for the disposal of residual, sewage sludge, and C&D waste; both counties support options that reduce the need for such disposal. This includes land application, water treatments plants, and construction materials re-use options.

As previously described in Section 4 and elsewhere, management of recyclables is a function of both private and some public sector efforts. ICW waste is a function of the private sector via individual arrangements between the facilities that generate the waste and haulers. Similar to the 2001 Plan Update, currently the counties are not required by the planning process to arrange for the processing or disposal of these materials and have elected to keep this a private sector function.

The current waste management system in Clarion and Forest County is efficient, cost-effective and compatible with all applicable state laws. As a result of the new 10-year disposal agreements with qualified facilities, there is sufficient capacity for handling all materials generated in the counties, which will continue to be managed responsibly now and in the future.

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<sup>38</sup> These one-year renewal periods are automatic, unless the counties or disposal facilities decide to opt-out.

## 12: NON INTERFERENCE

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### 12.1 DEMONSTRATION THAT PLAN DOES NOT INTERFERE WITH OTHER PLANS OR FACILITIES

Similar to the 2001 Plan update, the 2013 Clarion and Forest County Municipal Waste Management Plan does not interfere with the design, construction, operation, financing or contractual obligations of any other private or municipal waste processing and disposal facility.

In addition, the Plan does not interfere with any local solid waste ordinance, zoning regulations, the construction or operation of existing disposal and processing facilities, or currently established solid waste management plans.

## 13: PUBLIC PARTICIPATION

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### 13.1 PUBLIC PARTICIPATION IN PLAN UPDATE PROCESS

One of the most important components of municipal solid waste management planning in Pennsylvania is ensuring that stakeholders from all areas are represented in the plan update process. Members of the Clarion County Department of Planning and Development and the Forest County Conservation District and Planning Department were instrumental in securing participants from all relevant sectors of the counties to become part of the Solid Waste Advisory Committee (SWAC) team. These committee members were composed of the public and private sector representatives shown below<sup>39</sup> and were kept abreast of each phase of the entire Plan update process.

#### Clarion County SWAC Representatives

- Ferringer, Jay (Councilman for Hawthorn Borough)
- Fiscus, Bill (Limestone Township)
- Grant, Cindy (Advanced Disposal of PA, Inc.)
- Himes, Sr., Joe (Councilman for Hawthorn Borough)
- Kodrich, William (Clarion County Conservation District)
- Montgomery, Don (Supervisor for Monroe Township)
- Penny, Doug (Councilman for Shippenville Borough)
- Ragon, Bob (Clarion Borough)
- Rifemberrick, Twila (Recycling Coordinator)
- Schautz, Jane (League of Women Voters)
- Sherbine, Matt (Supervisor of Farmington Township)
- Street, Kathy (Clarion Industries)
- Wahl, Rich (Flynn's Tire)
- Wingard, Paul (Supervisor for Elk Township)

#### Forest County SWAC Representatives

- Arnold, Jeff (Forest County Conservation District)
- Bailey, James (Forest County Conservation District)
- Carlson, Doug (Forest County Conservation District, Recycling Coordinator)
- Hetrick, Leonard (Forest County Conservation District)
- Huffman, Basil (Forest County Commissioner)
- Huth, Todd (Forest County Conservation District)
- Kline, Elton (Forest County Conservation District, Forest County School Board)
- Summers, Robert (Supervisor Howe Township, Forest County Conservation District)
- Zofcin, Donna (Forest County Conservation District)

In addition to external communication between County representatives and committee members, a total of four (4) SWAC meetings were held in person by each county between October, 2012 and April, 2013. These meetings were attended and facilitated by the Consultant and provided an opportunity to discuss the Plan development and answer any questions that members had. Table 13-1 below displays the date, location and other pertinent information relating to the SWAC meetings held by each county. All SWAC meetings were advertised via Public Notice in the Leader-Vindicator (Clarion County) and the Forest Press (Forest County).

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<sup>39</sup> In alphabetical order, last name first.

*Table 13.1 Clarion and Forest County Public Participation Meetings*

<b>County</b>	<b>Date/Time of Meeting</b>	<b>Location</b>
Clarion	October 24, 2012 (7:00 pm)	330 Main Street, Room 12, Clarion, PA 16214
Clarion	November 28 <sup>th</sup> , 2012 (7:00 pm)	Clarion County Holiday Inn, 45 Holiday Inn Road, Clarion, PA 16214
Clarion	February 27 <sup>th</sup> , 2013 (7:00 pm)	330 Main Street, Room 12, Clarion, PA 16214
Clarion	April 24 <sup>th</sup> , 2013 (7:00 pm)	330 Main Street, Room 12, Clarion, PA 16214
Clarion <sup>1</sup>	May 29, 2013 (7:00 pm)	330 Main Street, Room 12, Clarion, PA 16214
Forest	October 24, 2012 (6:00 pm)	528 Elm Street, Tionesta, PA 16353
Forest	December 13, 2013 (6:00 pm)	528 Elm Street, Tionesta, PA 16353
Forest	February 28, 2013 (6:00 pm)	528 Elm Street, Tionesta, PA 16353
Forest	April 25 <sup>th</sup> , 2013 (6:00 pm)	528 Elm Street, Tionesta, PA 16353
Forest <sup>1</sup>	May 30 <sup>th</sup> , 2013 (6:00 pm)	528 Elm Street, Tionesta, PA 16353

[1] Only SWAC members attended (no consultant present). Meeting was to approve Plan Update.

After an initial review by Clarion and Forest County representatives that occurred in early April, 2013, the draft 2013 Clarion and Forest County Municipal Waste Management Plan Update was distributed to the SWAC members for review and comment on April 17, 2013. All feedback was subsequently reviewed and incorporated into the Plan Update where appropriate. Following the review by the SWAC members, the additional milestones described below were met:

(1) On [dates] the Plan Update was approved by the SWAC, with a recommendation that the Board of Commissioners of each county grant approval.

(2) The Board of Commissioners voted to approve the 2013 Municipal Waste Management Plan on the following dates: [insert here].

(3) The 2013 Clarion and Forest County Municipal Waste Management Plan Update was submitted to the Pa DEP for comments on [date].

## 14: OTHER INFORMATION

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### 14.1 CLARION COUNTY

There is no additional information related to municipal waste and the planning process for the Clarion County portion of the 2013 Clarion and Forest County Municipal Waste Management Plan.

### 14.2 FOREST COUNTY

Representatives from Forest County and Ferguson Environmental Consulting deemed it important to acknowledge the impact of the Forest County SCI located in Marienville, PA. As noted in Section 3, the facility houses approximately 2,200 maximum security inmates. It has a self-contained solid waste management system, with important components of the system described below.

- Refuse collection is awarded to the private sector by purchase orders conducted on an annual basis.
- Current refuse hauler is Advanced Disposal.
- Refuse disposed of in self-contained compactor collected 3x/week (M, W, F).
- Additional 20-CY roll-off dumpster on site that collects trash items from the central utility plant, employee residences, and the prison shop.
- Facility generating approximately 2,000 tons of MSW annually.
- Waste disposed of at the Advanced Disposal Greentree Landfill.
- Steel and metal products taken to Triple S Recycling in Washington Township.

This Plan Update takes into consideration the municipal solid waste generated by inmates at the SCI, and currently, all waste is being disposed of at a designated disposal facility. Therefore, no additional input by the County is required. Separate from the SCI, it should be noted that if Forest County implements any type of curbside or drop-off recycling program, this section will be updated accordingly.



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## APPENDIX A

# CLARION & FOREST COUNTY FACILITY QUALIFICATION REQUEST FORM PACKAGE

**CLARION AND FOREST COUNTIES  
FACILITY QUALIFICATION REQUEST  
FOR  
MUNICIPAL WASTE  
DISPOSAL/PROCESSING CAPACITY**

**January 22, 2013**

**Clarion County Commissioners  
330 Main Street, Room 12  
Clarion, PA 16214**



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**Date: January 22, 2013**

**Subject: Facility Qualification Request for Clarion and Forest County, Pennsylvania**

Dear Potential Respondent:

Enclosed you will find a copy of a Facility Qualification Request (FQR) for Clarion and Forest County, Pennsylvania. This FQR is being issued to solicit responses from municipal waste processing and disposal facilities interested in providing disposal capacity for municipal and/or residual waste generated in Clarion and Forest County for up to ten years.

Clarion and Forest County intend to qualify and execute agreements with facilities that currently receive or who can demonstrate intent to receive municipal and/or residual waste from County sources. Please note, however, that qualifying to provide disposal capacity for Clarion and Forest County is an open-ended process. If for any reason you do not meet all the qualifications contained in the FQR Submittal Form at this time, you may apply at a future date when all qualifications can be met. Once you qualify—during this initial period or at a future date--an agreement will be executed between your facility and Clarion and Forest County, and your facility will be designated to receive municipal and residual waste from the counties. The entire qualification procedure will be outlined in the County's Municipal Waste Management Plan.

This FQR contains the following:

- An Introduction that describes the purpose, amount of disposal capacity requested, the evaluation procedure, and a schedule.
- Instructions to Respondents.
- A Submittal Form for providing information required to qualify as a designated processing or disposal facility to receive Clarion and Forest County municipal waste.
- Proposed Disposal Capacity Agreement.

Twila Rifemberrick

May 14, 2013

Page 5 of 41

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If you have any questions concerning the FQR process or any of the information contained in the FQR packet, please feel free to contact Twila Rifemberrick for Clarion County at (814) 226-4000 x2800; Doug Carlson for Forest County (814) 755-3560; or our consultant Rick Schlauder of Ferguson Environmental Consulting at (717) 319-4240.

Sincerely,

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Twila Rifemberrick  
Clarion County Planning Director/Recycling Coordinator

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Doug Carlson  
Forest County Planning Director/Conservation District Manager

Enclosures

# INTRODUCTION

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## 1. PURPOSE OF FACILITY QUALIFICATION REQUEST (FQR)

This FQR is being issued by Clarion and Forest County, Pennsylvania to solicit responses from interested parties to negotiate an agreement for providing disposal capacity for municipal waste generated in Clarion and Forest County for up to ten years. Respondents are requested to provide all or part of the capacity required to assure the safe disposal of all municipal and residual waste generated in the Counties.

This FQR process is in accordance with the Clarion and Forest County Municipal Waste Management Plan (Plan) update process that is currently under way. The Plan update process will be completed to coincide with the commencement of waste disposal services secured through this process. Through this FQR, Clarion and Forest County will ensure that the facility selection process is fair, open, competitive and flexible. The Counties intend to qualify and execute agreements with any facilities that currently receive municipal waste from municipalities or businesses who can demonstrate commitments to accept municipal waste from county sources and agree to the Terms and Conditions of the attached Disposal Capacity Agreement.

The process is flexible in that a county hauler, municipality, business or the disposal facility itself may petition the Counties to be included in the Plan anytime in the future when there is a commitment to receive municipal waste from a County source. It is simple in that the facility need only complete the Submittal Form for Municipal Solid Waste Disposal Services, meet the qualifications, and agree to the **terms of the standard agreement** executed with all facilities that are included in the Plan. Finally, there is a set schedule that ensures the process will move quickly and that a facility can be qualified and added to the Plan in a reasonably expeditious timeframe.

All Respondents must guarantee all or part of the disposal capacity needed by the Counties for the next ten years. If only a part of the capacity required is being offered, the Respondent must be very specific about the portion of the capacity being provided by the facility they are proposing. All facilities being proposed to accept part or all of the municipal waste generated in Clarion and Forest County must meet the minimum federal, state and local rules and regulations.

The purpose of this FQR and agreement process is to allow municipal waste to be transported and disposed of at one or more licensed/permitted solid waste disposal/processing sites throughout the ten-year period. Therefore, the Counties **will not** guarantee municipal waste quantities to any one facility. The Counties intend to develop capacity agreements with all qualified, permitted solid waste disposal facilities that apply. The Counties will ask haulers to dispose of their municipal waste only at facilities approved by and under agreement with the Counties to accept County generated municipal waste, which includes sewage sludge and construction/demolition (C/D) waste.

During the ten-year timeframe of the capacity agreement(s), the Counties will enable haulers or municipalities to request the qualification of additional facilities for disposal of County generated municipal waste. All additional facilities under consideration must complete this FQR process and agree to comply with the terms and conditions of the County's Municipal Waste Disposal Capacity Agreement. The updated Plan will clearly define the process for adding disposal facilities in the future.

## 2. DISPOSAL TONNAGES

Clarion and Forest County will require up to 40,000 tons of capacity per year for municipal waste for the next ten years waste generated. This tonnage is based on historical weigh data from State Waste Destination Reports, and hauler and landfill reports furnished directly to the Counties. The reported tonnage has been projected for the next ten years and has been adjusted for recycling.

## 3. EVALUATION PROCEDURE

The information provided in response to this FQR will be used to qualify the facility or facilities to provide the required disposal capacity needs for County generated municipal waste. **A primary factor in qualifying facilities is the willingness of the facility representative(s) to comply with all the terms and conditions of the attached Municipal Waste Disposal Capacity Agreement.** In particular, the Counties would entertain any proposals by the respondents that would provide some sustainable means for the Counties to maintain their integrated municipal waste management systems.

This FQR solicitation represents the first in a two-step process leading to the qualification of disposal facilities to enter into an agreement with the Counties. The Counties will qualify facilities for the second-step negotiation process solely on the basis of their submissions to this FQR.

All evaluation data shall be confidential information retained by the Counties. The Counties will honor no requests for information on the evaluation data and procedures. Any interviews required as part of this process will be held with the express understanding that there will be no claims whatsoever for reimbursement from the Counties for the associated costs or expenses of the Respondents.

## 4. PROJECT SCHEDULE

- The FQR will be generated for distribution on January 22, 2013 and made available to interested parties.
- Responses to this request will be due to the County by 3:00 P. M. Eastern Daylight Time on February 18, 2013.
- The Counties will review responses from February 18, 2013 through March 11, 2013, and qualify facilities to provide ten years of disposal capacity for County generated municipal waste.
- The County's Solid Waste Advisory Committee will meet in late March, 2013 to review the qualifications of the responding parties.
- Qualified facilities will be contacted between April 1, 2013 and April 12, 2013.
- The Counties anticipate having fully executed Disposal Capacity Agreements with each qualifying facility by April 30, 2013 to be effective May 1, 2013 - the official effective date of the new agreements.

The Counties anticipates following this schedule. However, the dates may be subject to change.

# INSTRUCTIONS TO RESPONDENTS

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## 1. SCOPE OF SERVICES

The work to be performed under this agreement shall consist of providing municipal waste disposal services in accordance with the provisions of this FQR. The Respondent(s) shall be responsible for providing and maintaining a permitted processing and/or disposal facility and all labor, equipment, materials, tools, insurance, permits, supervision and all other items necessary to process and dispose of municipal and/or residual waste in accordance with all applicable Pennsylvania Department of Environmental Protection (PADEP) and United States Environmental Protection Agency (USEPA) rules, regulations and guidelines, or other applicable state regulations if Respondent(s) is located outside of Pennsylvania. The specific types and quantities of materials to be accepted by the Respondent(s) will include only those quantities of acceptable waste generated within the jurisdictions of Clarion and Forest County.

## 2. TERMS OF AGREEMENT

The initial term of the contract shall be for a period of no less than five (5) years with five (5) one year renewal periods for a total of ten (10) years of disposal capacity. The Counties shall have the option to renew the agreement under the terms and conditions specified in the initial agreement. The initial term of the agreement shall begin on the date that the Respondent(s) starts providing disposal service for the Counties and shall be automatically renewed on the fifth year anniversary of that date, and annually thereafter, unless the Counties has exercised its right to end the agreement with ninety (90) days notice by certified letter. The agreement will be renewed annually thereafter, for up to five (5) additional years.

## 3. PREPARATION AND SUBMISSION OF RESPONSES

- a) All responses must be prepared and submitted on the Submittal Forms included in this FQR. The completed Submittal Forms and the other documents shall be submitted as a package.
- b) All responses must be legibly typewritten. All Submittal Forms must be completed in their entirety or the response may be subject to rejection by the Counties.
- c) Except where specifically allowed in the Submittal Forms, no response will be considered which is not based on the attached Municipal Waste Disposal Capacity Agreement contained herein, or exceptions other than those allowed by the response document, or which contains any letter or written memorandum qualifying the response, or which is not properly completed and signed in writing by an authorized official or representative of the Respondent(s).
- d) All sealed responses must include an executed Non-Collusion Affidavit as provided in this request package.

**Sealed responses shall include an original and three (3) copies, and shall be delivered to the Clarion County Department of Planning and Development, 330 Main Street, Room 12, Clarion, PA 16214. The original copy must include original signatures of the authorized representative of the facility.**

#### **4. QUALIFICATIONS AND COMPETENCY OF THE PROPOSERS**

- a) The Counties shall have the right to make such investigations as deemed necessary to determine the ability of the Respondent(s) to perform the services required under the agreement. Upon request by the Counties, the Respondent(s) shall furnish and certify all such supporting data and information that the Counties may request to demonstrate the Respondent's qualifications and capabilities to perform the required services over the full term of the agreement.
- b) Respondent(s) may be required to submit sworn statements of their financial responsibility, technical qualifications and performance record prior to the award of any agreement.

#### **5. RIGHT TO REJECT**

The Counties reserves the right to reject any or all responses and to waive any informalities in the solicitation process.

#### **6. BASIS OF PROPOSAL EVALUATION AND AGREEMENT AWARD**

The Counties will conduct a thorough evaluation of all responses received. The evaluation will take into consideration but not be limited to the capabilities and performance history of the Respondent(s), the length of any proposed disposal commitment, the relationship between the submittal and the Counties long-term municipal and residual waste disposal needs and goals, and the initial and life cycle costs of waste disposal, to determine which Respondent(s) or response(s), if any, are deemed to be in the best interest of the Counties and its residents. A primary consideration will be the willingness of the Respondent(s) to comply with the terms and conditions of the Municipal Waste Disposal Capacity Agreement attached herein.

#### **7. ANTICIPATED DATE OF AGREEMENT AWARD**

The anticipated date of awarding the contract is April 12, 2013. The Counties anticipate that each Respondent(s) selected for agreement will have executed agreements no later than May 1, 2013. The Counties reserves the right to exclude from further consideration any designated disposal facility to receive waste generated in Clarion and Forest County.

#### **8. REQUIREMENTS FOR SIGNING SUBMITTALS**

- a) Any response that is not signed by the individual submitting the response must have attached thereto a power-of-attorney evidencing the Counties to sign the submittal in the name of the person for whom it is signed.
- b) Any response submitted on behalf of a partnership must be signed by all of the partners or by an attorney-in-fact. If signed by an attorney-in-fact, a power-of-attorney evidencing the Counties to sign the response executed by the partners shall be attached.
- c) Any response submitted for a corporation must include the following:
  - Designate the correct corporate name;

- Bear the corporate seal;
- Be signed by the president or other authorized officer of the corporation; and
- Be attested to by the secretary or other authorized officer of the corporation.



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# SUBMITTAL FORM FOR MSW DISPOSAL SERVICES

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**Date:** \_\_\_\_\_, 2013

**To:** Clarion County  
Department of Planning and Development  
330 Main Street, Room 12  
Clarion, PA 16214  
Attn: Twila Rifemberrick, Planning Director/Recycling Coordinator

**Respondent:** Company Name \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Contact \_\_\_\_\_ Telephone ( \_\_\_\_\_ ) \_\_\_\_\_  
E-mail \_\_\_\_\_

The undersigned has examined the **Introduction, Instructions to Respondents, and Municipal Waste Disposal Capacity Agreement**, and has completed fully this **Submittal Form for Municipal Solid Waste Disposal Services** (including the **Non-Collusion Affidavit** and the **Landfill Qualification Form**) contained in this FQR package.

This Response is genuine and not made in the interest of or on behalf of any undisclosed person, firm or corporation. This Response is not submitted in conformity with any agreement or understanding with any other Respondents. Respondent has not directly or indirectly induced or solicited any other Respondent to submit a false submittal. Respondent has not sought by collusion to obtain for itself or to provide to any other Respondent any advantage over any other Respondent or over Clarion and Forest County.

If selected by Clarion and Forest County to be included as an approved facility in its Municipal Waste Management Plan, the undersigned Respondent agrees to execute and deliver the **Municipal Waste Disposal Capacity Agreement**, including the required Certificate of Insurance, to the Counties in accordance with all of the terms of this request.



C. Specify the types and quantities of municipal waste and residual generated in Clarion and Forest County that will be accepted for processing or disposal during the term of the agreement specified herein.

Waste Type	Will Accept (Y/N)	Permitted Daily Avg. Tonnage	Capacity Reserved/ Operating Day	Capacity Reserved/ Operating Week	Capacity Reserved/ Operating Year
Municipal Waste					
Construction/Demolition					
Municipal Waste Sludge					
Residual Waste					

D. Specify other types of waste not identified above and list the maximum quantities that would be accepted from Clarion and Forest County municipalities.

Waste Type	Maximum Daily Tons Accepted	Maximum Weekly Tons Accepted	Maximum Annual Tons Accepted

E. Minimum sludge characteristics required: % Solids \_\_\_\_\_

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F. Will bulky wastes be accepted?  Yes  No

If yes, specify tonnage: \_\_\_\_\_ tons

G. Amount of Municipal Waste tonnage donated by the Respondent per year for non-profit activities, including, but not limited to, road adoptions and open dump clean-ups: \_\_\_\_\_ tons.

**2. PROPOSED FEE SCHEDULE FOR WASTE DISPOSAL SERVICES**

- A. The proposed tipping fee shall include all state and local fees as part of the Respondent’s maximum, not to exceed, per ton disposal fee provided in the following section. The Respondent shall include the following fees as part of its maximum tipping fee in this Price Response: (i) Act 101 host municipality fee plus any additional fee negotiated by the Host County or municipality; (ii) Act 101 recycling fee; and (iii) Act 101 (Environmental Stewardship Fee) fee.
- B. Annual adjustment of rates for Disposal Service beginning May 1, 2013 and occurring every May thereafter, the monthly payment to the Contractor for the cost of Collection Services shall be adjusted, and remain so for the next twelve (12) consecutive months as described in the Consumer Price Index Adjustment Section of this Agreement.

Contract Year	Municipal Waste		Construction/ Demolition		Municipal Waste Sludge		Residual Waste	
	Price/ Ton	Escalated Rate	Price/ Ton	Escalated Rate	Price/ Ton	Escalated Rate	Price/ Ton	Escalated Rate
2013								
2014								
2015								
2016								
2017								
2018								
2019								
2020								
2021								
2022								
2023								

Please specify the adjustment in unit cost for variations in sludge characteristics (if applicable):

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3. For disposal of other types of wastes listed in Section 1.B, identify the tipping fee rate structure that would be used (first year cost, escalation rates or future year fixed costs).

Waste Type						
Contract Year	Price/Ton	Escalated Rate	Price/Ton	Escalated Rate	Price/Ton	Escalated Rate
2013						
2014						
2015						
2016						
2017						
2018						
2019						
2020						
2021						
2022						
2023						

NOTE: Respondent acknowledges that the costs presented above reflect an anticipated first year of operation under the contract starting \_\_\_\_\_, 2013.

**4. COMPANY EXPERIENCE AND OPERATING HISTORY**

- A. A general landfill and resource recovery facility questionnaire is included at the end of this section. For each Respondent, this questionnaire should be completely filled out and returned as part of the Submittal package.
- B. **Pending Legal/Regulatory Actions** - Present information on past or pending lawsuits and regulatory actions against the Respondent which may have a material impact on Respondent's ability to perform under this contract, and list any fines and/or penalties that have been imposed on Respondent by the PADEP, Federal or other State agencies on any solid waste facility that Respondent has had permitted over the past five years (attach separate sheets, if necessary).

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C. **Company Obligations** – List any obligations the Respondent has made which will commit processing and/or disposal capacity at the proposed site to parties other than Clarion and Forest County. Include host community disposal obligations which may be required under 25PA Code § 272, or other State and Federal regulations (attach additional sheets, if necessary).

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D. **Strength of Commitments and Contingency Plans** – Provide descriptive information on the following matters (attach separate sheets or include additional documents for response).

1. Confirmation of available disposal capacity at a disposal facility, which currently has and will maintain, through the contract period, proper processing and/or disposal permits.
2. Confirmation of transfer trailer accessibility to the proposed disposal facility.
3. Information on financial strength of the Responder to support the operation of the disposal facility and back the obligations and commitments to Clarion and Forest County as specified above.
4. Position of the Responder regarding specific reservation of air space or capacity at disposal facility for duration of the contract term.
5. Contingency plans for continued disposal of waste in the event of a reduction in waste disposal capacity at the proposed disposal facility.
6. Ability and willingness of the Responder to accept variations in rates of waste delivery from Clarion and Forest County.

E. **Deviations or Exceptions to Contract Specifications** – Clarion and Forest County will provide a standard agreement to each Responder selected for negotiations. This standard agreement is intended to reduce the time period for negotiations. The Counties do not intend to deviate from this standard agreement. If this submittal is premised upon any deviation, qualification and/or exception to the standard terms and conditions of the Agreement Specifications section of this Facility Qualification Request, the Respondent must cite such deviations and/or exceptions in the following section (attach separate sheets, if necessary).

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F. **Please state distance from County seats**— Clarion, PA and Tionesta, PA —to your facility.  
\_\_\_\_\_ Miles

G. Days and Hours of Operation \_\_\_\_\_

**5. CONSIDERATION OF TERMS AND CONDITIONS OF FQR**

To: Clarion County  
Department of Planning and Development  
330 Main Street, Room 12  
Clarion, PA 16214

From: \_\_\_\_\_ (Name of Firm)  
\_\_\_\_\_ (Mailing Address)  
\_\_\_\_\_  
\_\_\_\_\_ (Contact Person)  
\_\_\_\_\_ (Telephone Number)

- A. The undersigned having carefully read and considered the terms and conditions of the Agreement Specifications and other documents contained in the FQR package, and being familiar with the local conditions affecting the cost of the work, does hereby propose to furnish all labor, equipment, materials, tools, insurance, permits supervision and all other items necessary to provide municipal waste disposal services in accordance with the Clarion and Forest County Disposal Capacity Agreement under the conditions and rates hereinafter set forth.
  
- B. In submitting this response, it is understood that the Counties reserves the right to reject any or all submittals, to waive any informalities in any submittal or the solicitation process, and to negotiate any final contract provisions based on the responses submitted.
  
- C. In submitting this response, undersigned agrees that no Price Proposal may be withdrawn for a period of four (4) months after the date for receipt of responses and that all Price Respondents shall be valid for this entire period, subject to cost adjustment as identified, unless advance written consent for such withdrawal is granted by the Counties.



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

\_\_\_\_\_

(Name of Firm)

By: \_\_\_\_\_

Title: \_\_\_\_\_

ATTEST:

\_\_\_\_\_

AFFIX

CORPORATE

SEAL

# CLARION AND FOREST COUNTY, PENNSYLVANIA MUNICIPAL WASTE MANAGEMENT PLAN FACILITY QUALIFICATION FORM

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## A. BACKGROUND INFORMATION

1. Date: \_\_\_\_\_
2. Name of Landfill: \_\_\_\_\_
3. Owner of Landfill: \_\_\_\_\_
4. Address and Phone Number of Owner: \_\_\_\_\_  
\_\_\_\_\_
5. Address of Landfill (if different from above): \_\_\_\_\_  
\_\_\_\_\_
6. Contact Person: \_\_\_\_\_ Title: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_
7. Person Supplying Information: \_\_\_\_\_ Title: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_
8. State where Corporation is registered \_\_\_\_\_

## B. PERMIT INFORMATION

Please complete the following for the portion of the site for which an approved PADEP municipal waste disposal permit or permit from state(s) outside of Pennsylvania has been obtained. Questions regarding proposed expansions are asked in a separate section of the questionnaire.

1. Permit Number \_\_\_\_\_
2. Permit Site Acreage \_\_\_\_\_ acres. Disposal Area \_\_\_\_\_ acres.
3. Permitted Capacity \_\_\_\_\_ tons/cubic yards.
4. Permitted Capacity \_\_\_\_\_ years.

5. Waste Types and Quantities (2012)

Please Identify:

- (a) the maximum and average daily permitted quantities (in tons) of each of the listed types of waste,
- (b) the expected annual tonnage of each type of waste, and
- (c) current tipping fees charged for waste deliveries.

Waste Type	Permitted Maximum Daily Tons	Permitted Average Daily Tons	Expected Annual Tons	Current Tipping Fee (specify ton or cubic yard)
Municipal Waste (except for types listed below)				
Residual Waste				
Infectious & Chemotherapeutic Waste				
Incinerator Ash				
Asbestos				
Construction/Demolition Waste				
Sewage Sludge				
Other (please specify)				

Minimum % Solids of Sewage Sludge \_\_\_\_\_%

Of the area subject to the permit, what is the estimated total available disposal capacity between May 1, 2013 and final closure?

Approximately \_\_\_\_\_ tons over \_\_\_\_\_ years.

C. DESCRIPTION OF FACILITY (add additional pages, if needed)

1. Please describe the sub based linear design of your landfill (please include thickness of synthetic liners) of your facility's permitted operations.

(a) Primary Liner: (check those that apply)

- Synthetic membrane Thickness = \_\_\_\_\_ mils Material \_\_\_\_\_
- Remolded clay Thickness = \_\_\_\_\_ Permeability \_\_\_\_\_ cm/sec
- Other \_\_\_\_\_

(b) Secondary Liner:

- Synthetic membrane Thickness = \_\_\_\_\_ mils Material \_\_\_\_\_
- Remolded clay Thickness = \_\_\_\_\_ Permeability \_\_\_\_\_ cm/sec
- Other \_\_\_\_\_

(c) What portions of this system are currently in place? \_\_\_\_\_  
\_\_\_\_\_

2. Leachate Collection and Treatment Method currently permitted and in operation.

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

3. Please list any current or expected site access restrictions to transfer trailers or other vehicles (bridges, road limitations, grade, etc.)

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

4. Do you provide any processing or other handling of recyclables at your facility?

If yes, please explain.

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

If no, what plans do you have to add recyclables handling and processing at your facility?

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

**D. EXPANSION PLANS**

Please summarize your expansion plans in narrative form. Indicate status of design and permit requirements, and expected date of initial operation of expansion.

1. Expected Waste Types

Expected Waste Types	Estimated Annual Quantity to be Processed or Disposed (tons/cubic yards)	Percent of Total Quantity
Municipal Waste (except for types listed below)		
Residual Waste		
Infectious & Chemotherapeutic Waste		
Incinerator Ash		
Asbestos		
Construction/Demolition Waste		
Sewage Sludge		
Other (please specify)		
Other (please specify)		

2. Additional Capacity

Expected Total Capacity (tons or cubic yards) \_\_\_\_\_

Expected Lifetime (yrs.) \_\_\_\_\_

Expected Start of Expansion Development \_\_\_\_\_

Start of Operations Date \_\_\_\_\_

**NON-COLLUSION AFFIDAVIT**

STATE OF \_\_\_\_\_:

COUNTY OF \_\_\_\_\_:

I state that I am \_\_\_\_\_ of \_\_\_\_\_ (Name of firm) and that I am authorized to make this affidavit on behalf of my firm, and its owners, directors, and officers. I am the person responsible in my firm for providing the pricing information and the reserved tonnages included in this response.

I state that:

The price(s) and tonnages contained in this response have been arrived at independently and without consultation, communication or agreement with any other contractor, Respondent or potential Respondent.

Neither the price(s) nor the tonnages contained in this response, and neither the approximate price(s) nor approximate tonnages in this response, have been disclosed to any other firm or person who is a Respondent or potential Respondent, and they will not be disclosed before opening.

No attempt has been made or will be made to induce any firm or person to refrain from responding to this FQR, or to submit a response higher than this response, or to submit any intentionally high or noncompetitive response or other form of complementary response.

The response of my firm is made in good faith and not pursuant to any agreement or discussion with, or inducement from, any firm or person to submit a complementary or other noncompetitive response.

\_\_\_\_\_ (Name of firm), its affiliates, subsidiaries, officers, directors and employees are not currently under investigation by any governmental agency and have not in the last five (5) years been convicted or found liable for any act prohibited by state or federal law in any jurisdiction, involving conspiracy or collusion with respect to proposing on any public contract, except as follows (attach additional pages if necessary):

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I state that \_\_\_\_\_ (Name of firm) understands and acknowledges that the above representations are material and important, and will be relied on by the Counties in awarding the agreements for which this Response is submitted. I understand and my firm understands that any misstatement in this affidavit is and shall be treated as fraudulent concealment from Clarion and Forest

County of the true facts relating to the submission of Responses for this contract. I understand and my firm understands that any fraudulent concealment will allow the Counties to pursue all applicable remedies at law or equity included, but not limited to, the right to reject this Response.

Sworn to and Subscribed before me

\_\_\_\_\_  
Name

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Company Position

\_\_\_\_\_(Notary Public)

My Commission Expires: \_\_\_\_\_

# PROPOSED MUNICIPAL WASTE DISPOSAL CAPACITY AGREEMENT <sup>1</sup>

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THIS MUNICIPAL WASTE DISPOSAL CAPACITY AGREEMENT (Agreement) made this \_\_\_ day of \_\_\_\_\_, 2013, by and between the COUNTIES OF CLARION AND FOREST Counties, political subdivisions of the Commonwealth of Pennsylvania (Counties), and Facility Name \_\_\_\_\_(Operator).

## BACKGROUND

The Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) requires the Counties, as part of its Municipal Waste Management Plan, to provide capacity assurance for the processing and/or disposal of all municipal waste expected to be generated within the Counties for a period of at least ten (10) years. To meet its obligation, the Counties issued a Facility Qualification Request (FQR) to solicit responses from interested parties to negotiate an agreement to provide capacity for all or a portion of municipal waste generated in Clarion and Forest County for up to ten (10) years. The Operator responded to the FQR, met the qualification requirements, and the Operator's proposal was accepted by the Counties Board of Commissioners. This Agreement provides the terms and conditions under which the Operator will provide disposal capacity and services for the benefit of the Counties.

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

## ARTICLE 1. GENERAL DEFINITIONS AND TERMS

### 1.1 DEFINITIONS

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

Acceptable Waste. Municipal waste and all other wastes the facility is permitted to accept under applicable laws and regulations.

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

Agreement. The Municipal Waste Disposal Capacity Agreement between the Counties and the Operator, as amended, supplemented or extended and the FQR and other submittals of Operator.

Alternative Facility. Any duly licensed or permitted facility designated by the Operator to accept County-generated acceptable wastes during temporary or protracted cessation of operation at the facility.

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<sup>1</sup> Minor changes were subsequently made to this proposed agreement. A copy of the eight (8) municipal disposal capacity agreements signed by the disposal facilities with the counties are available upon request.



Commercial Establishment. An establishment 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. 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 un-segregated concrete. The term also includes dredging waste. 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, unused brick and block and concrete; and (ii) waste from land clearing, grubbing and excavation, including trees, brush, stumps and vegetative material.

County. The Counties of Clarion and Forest, Commonwealth of Pennsylvania, solely and acting through its designated agent, the Clarion and Forest Counties Solid Waste Departments.

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

Facility. Processing and/or disposal facilities, including municipal waste, construction/demolition and residual waste landfills, resource recovery facilities and transfer stations, that are fully permitted and licensed for the disposition of municipal waste (as defined herein), and/or residual waste.

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 Establishment. An establishment engaged in manufacturing and industrial processes, including, but not limited to, those carried out in factories, foundries, mills, processing plants, refineries, mines and slaughter houses.

Institutional Establishment. An establishment engaged in service, including, but not limited to, public buildings, hospitals (non-infectious waste only), nursing homes, orphanages, schools and universities.

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

Waste Hauler. Any person collecting and/or transporting County-generated municipal waste to the Counties designated disposal facility or another fully permitted facility.

Municipal Waste. Garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semi-solid or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments 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. Municipal waste includes, as per Commonwealth law, construction/demolition waste, municipal sludges, asbestos, infectious/chemotherapeutic waste and incinerator ash residue. The term does not include source separated recyclable materials or material approved by DEP for beneficial use.

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

Operator. Facility Name \_\_\_\_\_, or any permitted successors, assigns, or affiliates.

Operator's Facility. The Operator's permitted facility located in Municipality/City, Name of County, Pennsylvania.

Parent. Any corporation, now or at any time or times hereafter, owning or controlling (alone or with any other person or entity) at least a majority of the issued and outstanding capital stock of the Operator.

Permit. A permit issued by DEP, or a permit and/or license issued by a state and/or local regulatory agency, as required, to operate a municipal waste disposal or processing facility.

Person. Any individual, corporation, partnership, joint venture, association, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof.

Plan. The Counties Municipal Waste Management Plan approved pursuant to Act 101.

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 sludge from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, if it is not hazardous or otherwise defined by State or federal law.

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.

Tipping Fee. The schedule of fees established by the owner or operator of a facility for accepting various types of solid waste for processing or disposal.

Ton. Two thousand (2,000) pounds.

Transfer Station. 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.

Unacceptable Waste. Any material that by reason of its composition, characteristics or quality, is ineligible for disposal at the landfill pursuant to the provisions of the Resource Conservation and Recovery Act of 1976, 42 U.S.C. §2605(e), the Pennsylvania Solid Waste Management Act,

35 P.S. §6018.101 et seq., or other applicable federal, state or local law, or any other material that the Operator concludes would require special handling or present an endangerment to the landfill, the public health or safety, or the environment.

## **1.2. OTHER WORDS, TERMS, PHRASES**

Except as otherwise defined in this Agreement, all words, terms and/or phrases used herein shall be defined by the applicable definition therefore, if any, in Act 101 or the Pennsylvania Solid Waste Management Act or the regulations promulgated thereunder.

## **ARTICLE 2. REPRESENTATIONS**

### **2.1 REPRESENTATION OF COUNTIES**

The Counties represents and warrants that:

- (a) It is a political subdivision of the Commonwealth of Pennsylvania, acting by and through its duly authorized officials, and is duly authorized to carry on the governmental functions and operations contemplated by this Agreement and each other agreement or instrument entered into or to be entered into by the Counties or the municipalities within the boundaries of the Counties, pursuant to this Agreement.
- (b) It has the full power, authority and legal right to enter into and perform this Agreement and all other agreements or instruments which it may enter into under any provision of this Agreement.
- (c) This Agreement and each other agreement or instrument entered into by the Counties pursuant to this Agreement, when entered into, will have been duly authorized, executed and delivered by the Counties and will constitute a legal, valid and binding obligation of the Counties.
- (d) There is no action or proceeding before any court or administrative agency pending or, to the knowledge of the Counties, threatened against or adversely affecting the ability of the Counties to perform its obligations hereunder.

### **2.2 REPRESENTATIONS OF OPERATOR**

The Operator represents and warrants to the Counties that:

- (a) It is the owner and operator of the Operator's Facility and is permitted as such by DEP or the appropriate state regulatory agency.
- (b) It is a corporation duly organized and existing in good standing under the laws of Pennsylvania and has the corporate power and authority to enter into and perform its obligations under this Agreement and each other agreement or instrument entered into or to be entered into under any provision of this Agreement.
- (c) It has the full power and legal right to enter into and perform this Agreement and all other agreements or instruments which it may enter into under any provision of this Agreement.

(d) This Agreement and each other agreement or instrument entered into pursuant to this Agreement, when entered into, will have been duly authorized, executed by and delivered by the Operator, and will constitute a legal, valid and binding obligation.

(e) The execution, delivery and performance hereof by the Operator: (i) has the requisite approval of all governmental bodies; (ii) will not violate any judgment, order, law or regulation applicable to the Operator; and (iii) does not (a) conflict with, (b) constitute a default under, or (c) except as specifically created hereby, result in the creation of any lien, charge, encumbrance or security interest upon any assets of the Operator under any agreement or instrument to which the Operator is party or by which the Operator or its assets may be bound or affected.

(f) This Agreement has been duly authorized, executed and delivered by the Operator, and constitutes a legal, valid and binding obligation of the Operator, enforceable in accordance with its terms, except as enforcement may be limited by bankruptcy, insolvency, reorganization, moratorium or similar laws affecting the enforcement of creditor's rights generally, or by general equitable principles concerning remedies.

(g) There is no litigation or proceeding pending or, to the knowledge of the Operator, threatened against or affecting the Operator: (i) challenging the validity of this Agreement; (ii) seeking to enjoin the performance by the Operator of its obligations under this Agreement; or (iii) which, if adversely determined, would materially adversely affect the ability of the Operator to perform its obligation under this Agreement.

(h) Except as disclosed on Exhibit A, the Submittal Form for Municipal Solid Waste Disposal Services contained in the Counties' Facility Qualification Request, attached hereto and incorporated herein by reference, the Operator is not a subsidiary of any parent.

### **2.3 PARENT GUARANTEE**

If and to the extent that the Operator is a subsidiary of a parent, the Operator agrees to cause such parent to execute and deliver to the Counties a guarantee of the obligations of the Operator under this Agreement in a form reasonably satisfactory to the Counties.

### **2.4 DESIGNATION AS PROCESSING/DISPOSAL FACILITY**

In consideration of the Operator's Covenants and this Agreement, the Counties hereby agrees to include the Operator's Facility in its Plan as a designated processing/disposal facility for municipal waste generated in the Counties. The Operator acknowledges that this Agreement is nonexclusive and the Counties may enter into agreements with other facilities to perform the same work and services that the Operator is contracted to perform hereunder. Nothing contained in this Agreement is meant to imply or explicitly intend to create a "put or pay" (as that phrase has generally been understood in the solid waste disposal industry) or similarly obligatory relationship between the Counties and the Operator and at no time during the term of this Agreement shall the Counties be obligated to deliver and dispose of acceptable waste at the Operator's Facility.

If the Operator's Facility is a transfer station, the Operator must stipulate where ultimate disposal of County-generated municipal waste will take place. If ultimate disposal is to be in a facility that is not a County Designated Facility, the Operator must furnish proof that the facility holds a valid permit in the state where it is located and that it meets all appropriate federal, state and local rules, regulations and guidelines.

## **ARTICLE 3. DELIVERY AND DISPOSAL OF ACCEPTABLE WASTE**

### **3.1 DELIVERY AND DISPOSAL OF ACCEPTABLE WASTE**

On and after the effective date of this Agreement and pursuant to the capacity reservations specified in Exhibit A:

- (a) The Counties may, at its option cause, to be delivered to the Operator's Facility during the receiving times all, part or none of the acceptable waste generated in the .
- (b) The Counties or any waste hauler shall notify the Operator that it intends to exercise its right to deliver acceptable waste to the Operator's Facility prior to commencing the delivery of such wastes.
- (c) The Operator shall provide processing and/or disposal capacity as may be needed by the Counties for all acceptable waste generated within the geographic boundaries of the Counties and that the Counties may cause to be delivered to the Operator's Facility. This shall include delivery of acceptable waste on an occasional basis by individual Counties residents in small vehicles. The Operator and the Counties shall from time to time agree upon reasonable regulations and charges for such disposal, which will include all applicable fees.

### **3.2 RELEASE FROM COMMITMENT**

The Operator may at any time request that the Counties release it from its commitment to provide all or part of the reserved capacity required by Article 3.1 and specified in Exhibit A. Such request shall be in writing and shall set forth the basis for the request. The Counties shall in good faith review the Operator's request, based on the Counties' ability to ensure sufficient disposal capacity for municipal waste estimated to be generated during that particular calendar year, and make a determination within ten (10) business days of receipt of the request. If the request does not jeopardize the Counties' ability to ensure sufficient disposal capacity, it shall grant the Operator's request. The Counties' decision shall be in writing and delivered to the Operator.

The Operator may dispute the Counties' decision by giving the Counties a written request for resolution of dispute within ten (10) working days of receipt of the decision. The dispute resolution shall be conducted in accordance with the provisions and rules under which the Court of Common Pleas of Clarion and Forest County, Pennsylvania operates. The sole issue to be arbitrated is whether the requested release can be granted without jeopardizing the ability of the Counties to ensure sufficient disposal capacity for municipal waste generated in the Counties for that year. Any decision of the arbitrator shall be final and binding on both parties. During resolution of any dispute, the Operator and the Counties shall each continue to perform all of their respective obligations under this Agreement without interruption or slowdown.

## **ARTICLE 4. CONDITIONS FOR THE DELIVERY AND DISPOSAL OF WASTE**

### **4.1 CONTROL PROCEDURES/WEIGHING OF WASTE DELIVERIES**

- (a) The Operator shall be required to maintain a scale that conforms to the Weights and Measurement Act of 1965, 73 P.S. §1651-1692, to weigh all incoming waste. If the Operator's

Facility is located in-County, vehicles of all waste haulers delivering waste to the Operator's Facility shall be weighed and their waste loads classified, and each vehicle shall receive an appropriate record indicating the classification, origin, and weight of all waste prior to disposal at the Operator's Facility. If the Operator's Facility is located out-of-Counties, vehicles of Clarion and Forest Counties waste haulers delivering municipal waste from Clarion and Forest Counties sources to the Operator's Facility shall be weighed and their waste loads classified, and each vehicle shall receive an appropriate record indicating the classification, origin, and weight of all waste prior to disposal at the Operator's Facility.

(b) If at any time testing of the weighing facilities indicates that the weights are inaccurate, any adjustments of waste delivery receipts shall revert to the date the last verified scale weights were recorded by the appropriate certification agency. The Counties or a waste hauler may at all times have access to the scale accuracy records of the Operator. If the scale is inoperable for any reason, the waste haulers may use another certified scale of their choice, or the Operator may direct vehicles to another certified scale closest to the Operator's Facility. If none are available, estimated weights based on historic data pertinent to the affected waste haulers shall take the place of actual weighing during the scale outage. The Operator shall make disposal invoices for the preceding month, on a monthly basis, available to the waste haulers, and the Operator shall use this information to invoice the waste haulers for disposal at the Operator's Facility.

#### **4.2 RECEIVING TIME/HOURS OF OPERATION**

(a) The Operator's Facility shall be available to receive waste during the receiving times specified in Exhibit A, attached hereto and incorporated herein by reference.

(b) If the Counties or a waste hauler requests and the Operator agrees, a waste hauler may deliver waste at times in addition to the specified receiving times at a cost which may exceed the fees herein as mutually agreed upon by such waste hauler and the Operator.

(c) Upon request by the Counties, the Operator shall use reasonable efforts to accept deliveries of waste at times other than the receiving times upon seven (7) days prior written notice or, in the event of a natural disaster or other emergency condition, such shorter notice as may be practicable.

#### **4.3 RIGHT TO REFUSE DELIVERY**

(a) Except as noted in Article 4.2, the Operator may refuse waste delivered at hours other than the specified receiving times.

(b) The Operator shall have the right and discretion to inspect any load entering the Operator's Facility and may refuse: (i) waste for which specific Regulatory Agency approval is required when approval has not been obtained prior to delivery; (ii) loads containing significant amounts of hazardous waste; or (iii) loads containing significant amounts of unacceptable waste. The Operator may refuse delivery of the entire load or only the portion that contains the unacceptable materials. The Operator shall notify waste haulers prior to initial waste delivery of the Operator's waste monitoring program and expected procedures and responsibilities under such program.

(c) The Operator's Facility may not reject a load of acceptable waste from the Counties for any reason except those listed in Article 4.3 (a) and (b). Reaching the average daily permitted capacity may not be used as a basis for rejecting County-generated loads of acceptable waste.

#### **4.4 COMPLAINTS**

The Operator shall receive and respond to all complaints from waste haulers regarding the acceptance of waste materials at the Operator's Facility. Any complaints received by the Counties will be directed to the Operator. In the event the Operator cannot satisfactorily resolve a complaint within five (5) working days after the complaint, the Counties shall have the right to demand a written explanation or satisfactory resolution of the complaint pursuant to the breach of Agreement provisions herein.

#### **4.5 TITLE TO MUNICIPAL WASTE**

Except in the case where hazardous or unacceptable wastes are delivered to the Operator's Facility, title to the municipal waste and any benefits of marketing materials or energy recovery shall pass to the Operator upon delivery to the Operator's Facility and acceptance of waste by the Operator.

#### **4.6 PERMITS**

The Operator shall be responsible for obtaining any and all permits necessary for the construction and operation of the Operator's Facility required to comply with the terms and conditions of this Agreement, and any and all costs or expenses of obtaining such permits. Failure to obtain and maintain permits shall constitute default on this Agreement.

### **ARTICLE 5. RECORDKEEPING AND REPORTING REQUIREMENTS**

The Operator shall establish and maintain a system to provide storage and ready retrieval of the Operator's Facility operating data pertinent to this Agreement, including, but not limited to, all information necessary to verify calculations made pursuant to its fee schedule.

#### **5.1 BASIC REPORTING REQUIREMENTS**

(a) In-County Operators shall provide the Counties with quarterly reports of all types of waste delivered to the Operator's Facility. This report should include the totals by month for each type of waste. To the extent that reports required to be submitted to DEP or any other regulatory agency contain the information required by the Counties, copies of said reports may be submitted to the Counties to comply with the Operator's reporting requirements.

(b) Along with quarterly report, the Operator should provide: (i) names of waste haulers delivering loads of County-generated wastes; and (ii) a statement that the Operator's permit for the Operator's Facility has not been revoked or suspended, and that the Operator is in substantial compliance with all the terms and conditions of its permit, the provisions of the Solid Waste Management Act, and all applicable federal, state, DEP and County regulations.

## **5.2 SPECIAL REPORTING REQUIREMENTS**

The Operator shall provide written notification to the Counties of any permit modification applications for the following types of permit changes at the time the application is first submitted to the state or local regulatory agency: (i) changes in permitted site volume or capacity; (ii) changes in permitted average and/or maximum daily waste volume or loading rates; (iii) changes in the permitted acreage; and (iv) changes in ownership.

## **5.3 ADMINISTRATIVE INSPECTIONS**

Upon reasonable notice and during regular business hours, the Counties and its authorized representatives shall have access to the Operator's records pertaining to the quantities and sources of County-generated municipal waste for the purpose of verifying compliance with the terms and conditions of this Agreement.

# **ARTICLE 6. TIPPING FEES AND OTHER CHARGES**

## **6.1 TIPPING FEES**

- (a) All waste haulers shall pay at a maximum the rates set forth in Exhibit A for County-generated municipal waste, residual waste, and acceptable waste. The rates shall, as applicable, include the following fees: (i) Act 101 host municipality fee plus any additional fee negotiated by the host Counties or municipality; (ii) Act 101 recycling fee and growing greener fee; and (iii) Act 101 Environmental Stewardship fee.
- (b) The Counties shall not be responsible for any payment to the Operator of tipping fees incurred by waste haulers. All tipping fees shall be paid directly by the waste haulers that deliver the waste to the Operator's Facility. The Operator shall be responsible for the billing and collection of all tipping fees.
- (c) The Counties shall not be responsible for the failure of any waste hauler, to pay the Operator's tipping fees.
- (d) The Operator shall not charge a tipping fee to a Clarion and Forest County hauler that exceeds the maximum rates established by this Agreement for each type of waste. Nothing in this Agreement shall prevent or preclude the Operator from negotiating alternate tipping fees with any hauler provided such fees do not exceed the maximum rates under this Agreement.
- (e) Unless the Counties and the Operator mutually agree to an alternate date, all annual rate adjustments shall become effective on January 1st of each year of the Agreement.
- (f) The Operator may petition the Counties 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 this Agreement was awarded. The Counties will evaluate the evidence submitted and will approve reasonable and justifiable cost adjustments.

## **6.2 OTHER SUSTAINABILITY FEES**

Any facility wishing to implement an additional fee to help fund or facilitate Clarion and Forest Counties' integrated waste management system may offer to do so.



## **ARTICLE 7. INSURANCE**

(a) The Operator shall maintain, in full force and effect throughout the term of the Agreement and any renewal or extension thereof, insurance coverage consistent with all current DEP regulations. The Counties and Operator hereby waive any and every claim for recovery from the other for any and all loss or damage to each other resulting from the performance of this Agreement to the extent such loss or damage is recovered under insurance policies.

The Counties shall be designated as an additional insured under all required insurance policies and shall be provided with copies and certificates of said insurance policies. Each such insurance policy shall provide the Counties with a thirty (30) day notice of cancellation.

To the extent not covered by the insurance, the Counties may pursue from the operator any losses caused as a result of a fault or negligence of the operator.

## **ARTICLE 8. INDEMNIFICATION**

### **8.1 INDEMNIFICATION**

The Operator or its successors and assigns shall protect, indemnify and hold harmless the Counties, its officers, members, employees, agents, contractors and subcontractors, from and against all liabilities, actions, damages, claims, demands, judgments, losses, costs, expenses, suits or actions and attorneys' fees, and shall defend the Counties indemnified parties in any suit, including appeals, for personal injury to or death of any persons or persons, or loss or damage to property arising out of:

- (a) the negligence or willful misconduct, tortuous activity, error or omission of Operator or its successors or assigns, or any of its officers, agents, employees, contractors or subcontractors in connection with Operator obligations or rights under this Agreement; and
- (b) the construction, operation, closure and post-closure care and maintenance of the Operator's Facility.

The Operator shall not be liable or required to indemnify or reimburse the Counties or any County indemnified party for any suits, actions, legal proceedings, claims, demands, damages, costs, expenses and other attorney fees arising out of any willful or negligent act, tortuous activity, error or omission of the Counties or County indemnified parties.

### **8.2 COOPERATION REGARDING CLAIMS**

If either the Counties or the Operator shall receive notice or have knowledge of any claim, demand, action, suit or proceeding that may result in a claim for indemnification by the Counties against the Operator pursuant to Article 8.1, that party shall so notify the other party and provide pertinent information and documents. Failure to promptly give such notice or to provide such information and documents shall not relieve the Operator of any obligation of indemnification it may have under Article 8.1. The Counties and the Operator shall consult with each other and cooperate in respect of the response to and the defense of any such claim, demand, action, suit or proceeding and, in the case of a claim for indemnification pursuant to Article 8.1, the Operator shall, upon acknowledgment in writing of its obligation to indemnify the Counties, be entitled to cooperate with the Counties with respect to the defense. With the written consent of the

Counties, the Operator may assume the defense or represent the interests of the Counties with respect to such claim, demand, action, suit or proceeding which shall include the right to select and direct legal counsel and other consultants, appear in proceedings on behalf of the Counties and to propose, accept or reject offers of settlement.

## **ARTICLE 9. DISPUTES, DEFAULTS AND REMEDIES**

### **9.1 RESOLUTION OF DISPUTES**

In the event any claim, controversy or dispute arises between the Counties and the Operator, or if any approvals, agreements or concurrences specified herein shall not have been timely given, the Operator and the Counties shall undertake in good faith to resolve the dispute. If the Counties and the Operator cannot resolve the dispute, either party shall be limited to the Court of Common Pleas of Clarion and Forest County, Pennsylvania, in equity or to law to litigate such disputes.

### **9.2 EVENTS OF DEFAULT BY COUNTIES**

The persistent or repeated failure or refusal by the Counties to perform under this Agreement in accordance with the terms hereof shall constitute an event of default by the Counties hereunder, unless such failure or refusal shall be excused or justified by a default by the Operator, provided, however, that no such failure or refusal shall constitute an event of default unless and until:

- (a) The Operator shall have given written notice to the Counties stating that in its opinion a particular default or defaults (to be described in reasonable detail in such notice) exists which will, unless corrected, constitute a material breach of this Agreement on the part of the Counties; and
- (b) The Counties shall have failed to cure such default within thirty (30) days from its receipt of the written notice given pursuant to Article 9.2 (a) above, provided that if the Counties shall have commenced to take reasonable steps to correct such default within such thirty (30) day period, the Counties' failure to complete its cure of the indicated default shall not constitute an event of default for as long as the Counties are continuing to take reasonable steps to cure such default within the earliest practicable time.

### **9.3 EVENTS OF DEFAULT BY OPERATOR**

The Operator shall be considered to be in default of this Agreement for failure to accept acceptable waste from the Counties or its waste haulers delivered to the Operator's Facility under the terms of this Agreement, or failure to otherwise fulfill its obligations under this Agreement.

### **9.4 FORCE MAJEURE**

Neither the Operator nor the Counties shall be liable for the failure to perform their duties and obligations under the Agreement 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, labor strike or any other cause which was beyond reasonable control of the Operator or the Counties and which the Operator or Counties was unable to avoid by exercise of reasonable diligence. Documentation of the event that caused the Operator to be unable to meet its obligation

hereunder must be submitted to the Counties within ten (10) working days after the occurrence of the event.

## **9.5 REMEDIES**

(a) The Counties and the Operator agree, except as provided in Article 9.5 (b) and (c) below, in the event of a default by either party under this Agreement, upon the right to recover damages or to be reimbursed for incremental costs associated with waste haulers redirecting loads of municipal waste to alternative facilities.

(b) If, within a period of thirty (30) days after the Counties shall have given written notice to the Operator that a default has occurred and is continuing, and specifying the nature of the default, the Operator has neither remedied such default, nor undertaken and diligently pursued corrective action, then this Agreement shall terminate immediately upon written notice thereof by the Counties to the Operator.

(c) If, within a period of thirty (30) days after the Operator shall have given written notice to the Counties that a default has occurred and is continuing, and specifying the nature of the default, the Counties has neither remedied such default, nor undertaken and diligently pursued corrective action, then this Agreement shall terminate immediately upon written notice thereof by the Operator to the Counties. However, written notice of termination by the Counties, to the operator, may be given at any time, during this agreement with or without default by the operator.

## **9.6 WAIVERS**

A waiver by either the Counties or Operator of any default of any provisions of the Agreement shall not be taken or held to be a waiver of any succeeding default of such provisions or as a waiver of any provision itself. No payment or acceptance of compensation for any period subsequent to any default shall be deemed a waiver of any right or acceptance of defective performance. To be effective a waiver must be in writing and signed by the party granting such waiver.

# **ARTICLE 10. TERM AND TERMINATION**

## **10.1 EFFECTIVE DATE**

This Agreement shall become effective on \_\_\_\_\_, 2013. The Operator shall begin to accept waste deliveries from Counties sources under the terms and conditions of this Agreement on this date.

## **10.2 TERM OF AGREEMENT**

The term of this Agreement shall commence on the effective date, and shall continue in effect for five (5) years, including thereafter five (5) one year optional renewal terms, the aggregate term of this Agreement being ten (10) years. After the initial five (5) years, this Agreement will be automatically renewed annually unless the Counties provide, in writing, ninety (90) days written notice. The Agreement may be extended or modified by mutual consent of the Counties and the Operator.

### **10.3 EFFECT OF TERMINATION**

Upon the termination of this Agreement, the obligations of the Counties and the Operator hereunder shall cease, provided that any obligation for the payment of money or otherwise arising from the conduct of the Counties or Operator pursuant to this Agreement prior to such termination shall not be affected by such termination and shall survive and remain in full force and effect.

## **ARTICLE 11. MISCELLANEOUS**

### **11.1 ASSIGNMENT**

(a) This Agreement may not be assigned by either the Counties or the Operator or its rights sold by Operator except with the written consent of the Counties or Operator or as further provided in this Article. The Counties may, however, contract with a third party or parties for the collection, transportation, processing and disposal of waste, and such contracting will not be interpreted as an assignment of this Agreement. Further, any municipality within the political boundaries of the Counties and/or any waste hauler may avail themselves of the rights of the Counties under this Agreement without violating the assignment provision, provided, however, that such municipalities and waste haulers will be bound by the covenants of the Counties in this Agreement. The Operator shall not assign this Agreement except to a licensed and permitted successor to the Operator capable of performing all covenants of this Agreement and with ninety (90) days prior written notice to the Counties and the written consent of the Counties.

(b) In the event of any assignment or delegation of duties under this Agreement, the delegate shall assume full responsibility and liability, and shall be responsible for compliance with and performance of all terms and conditions of this Agreement, including but not limited to provisions for sureties and assurances of availability of ten (10) year service. The assignment or delegation of any Agreement duties will not relieve the Operator or its surety of any liability and/or obligation to perform.

### **11.2 NOTICES**

Except under emergency circumstances all notices, demands, requests and other communications under this Agreement shall be deemed sufficient and properly given if in writing and delivered in person or by recognized carrier service, or sent by certified or registered mail, postage prepaid, with return receipt requested, to the following addresses:

Counties: Clarion County Department of Planning and Development

ATTN: Twila Rifemberrick  
Planning Director/Recycling Coordinator  
330 Main Street, Room 12  
Clarion, PA 16214

Operator: TBD

Either the Counties or Operator may, as specified above, designate any further or different addresses to which subsequent notices shall be sent.

### **11.3 ENTIRE AGREEMENT/MODIFICATIONS**

The provisions of this Agreement, together with the Agreements and exhibits incorporated by reference, shall constitute the entire Municipal Waste Disposal Capacity Agreement between the Counties and the Operator, superseding all prior disposal capacity agreements and negotiations, if any, and, except as otherwise provided in this Agreement, shall only be modified by written agreement duly executed by both parties to this Agreement. The Counties and Operator agree that any existing municipal waste disposal contracts between them are hereby rendered null and void and superseded by this Agreement. Any existing Host County Fee Agreement between the parties shall remain in full force and effect notwithstanding any provisions of this Agreement.

### **11.4 SEVERABILITY**

In the event that any provision of this Agreement shall, for any reason, be determined to be invalid, illegal, or unenforceable in any respect, the Counties and Operator shall negotiate in good faith and agree to such amendments, modifications or supplements of or to this Agreement or such other appropriate actions as shall, to the maximum extent practicable in light of such determination, implement and give effect to the intentions of the Counties and Operator as reflected herein. The other provisions of this Agreement shall, as so amended, modified, or supplemented, or otherwise affected by such action, remain in full force and effect.

### **11.5 CHANGE OF OWNERSHIP**

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

### **11.6 GOVERNING LAW**

This Agreement and any question concerning its validity, construction, or performance shall be governed by the laws of the Commonwealth of Pennsylvania, irrespective of the place of execution or of the order in which the signatures of the Counties and Operator are affixed or of the place or places of performance. The Operator shall conduct the services provided for in this Agreement in compliance with all applicable federal and state laws and regulations.

### **11.7 JOINT AND SEVERABLE LIABILITY**

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

## **11.8 COUNTERPARTS**

This Agreement may be executed in more than one (1) counterpart, each of which shall be deemed to be an original but all of which taken together shall be deemed a single instrument.

## **11.9 NO CO-PARTNERSHIP OR AGENCY**

It is understood and agreed that nothing contained in this Agreement is intended or shall be construed to in any respect create or establish the relationship of co-partners between the Counties and the Operator, or as constituting the Operator the general representative or general agent of the Counties for any purpose whatsoever.

## **11.10 SECTION HEADINGS/REFERENCES**

The section headings and captions contained in this Agreement are included for convenience only and shall not be considered a part of this Agreement or affect in any manner the construction or interpretation of this Agreement. Except as otherwise indicated, all references in this Agreement refer to sections of this Agreement.

## **11.11 CONVENTIONS**

In this Agreement:

- (a) the singular includes the plural and the plural the singular;
- (b) words importing any gender include the other gender;
- (c) references to statutes are construed as including all statutory provisions consolidating, amending or replacing the statute referred to;
- (d) references to writing include printing, typing, lithography and other means of reproducing words in a visible form;
- (e) references to agreements and other contractual instruments shall be deemed to include all subsequent amendments thereto or changes therein entered into in accordance with their respective terms
- (f) references to persons include their permitted successors and assigns; and
- (g) the term “including” shall mean including without limitation.

## **11.12 NONDISCRIMINATION**

Neither the Operator nor any subcontractor nor any person(s) acting on their behalf shall discriminate against any person because of race, sex, age, creed, color, religion or national origin, ancestry, disability, sexual orientation, or union membership.

IN WITNESS WHEREOF, the Counties and Operator have caused this Waste Disposal Capacity Agreement to be executed as of the date and year first written.

IN WITNESS WHEREOF, the Counties and Operator have caused this Waste Disposal Capacity Agreement to be executed as of the date and year first written.

**COUNTIES OF CLARION AND FOREST BOARD OF COMMISSIONERS**

**ATTEST: CLARION COUNTY**

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

**ATTEST: FOREST COUNTY**

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

**ATTEST: OPERATOR**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

**APPENDIX B**

**FACILITY QUALIFICATION REQUEST FORM  
ADVERTISEMENT FOR PROPOSALS**



## ADVERTISEMENT FOR PROPOSALS

In accordance with Act 101 and Section 272 of the PA Solid Waste Rules and Regulations (as amended), Clarion and Forest County (Counties) are seeking joint waste disposal capacity for municipal solid waste (MSW) for a minimum of five (5) years, with an option to extend said capacity for up to five (5) additional years, for a total of ten (10) years. The Counties are hereby soliciting responses to qualify facilities to provide processing/disposal capacity for County-generated MSW, to begin on or after May 1, 2013.

Copies of the Counties' Facility Qualification Request (FQR) may be obtained from the County of Clarion Department of Planning and Development Administrative Building, 330 Main Street, Room 12, Clarion, PA, 16214 or by calling (814)-226-4000 x2800. All responses must be made on the Submittal Form and in accordance with the Instructions to Respondents provided in the FQR. The respondent must submit the original and three (3) copies to the address listed above, Attention Twila Rifemberrick by 3:00 p.m. EDT on **February 18, 2013**. Qualified facilities will be notified once all applications have been reviewed by the County of Clarion Department of Planning and Development.

The Counties reserve the right to reject any or all responses and to waive any informalities in the solicitation process.

## APPENDIX C

### PETITION TO ADD A DESIGNATED DISPOSAL FACILITY

## Petition to add a Facility to Accept County Generated Wastes

As noted in Section 5.2, should a licensed hauler or other entity request to be included as a designated disposal facility other than those currently under Agreement with the counties, they must first petition the counties using the form shown in Appendix C. This form notifies the County of entities intent to qualify as a designated disposal facility using the same process for qualification that is discussed in Section 5 of the 2013 Plan Update. Once received, the counties will forward a copy of the FQR to the facility being requested for Plan inclusion.

**Date of Request:** \_\_\_\_\_

Disposal Facility Name: \_\_\_\_\_

Owner/Operator: \_\_\_\_\_

Contact Person Name: \_\_\_\_\_

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

Location (County) of Facility: \_\_\_\_\_

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

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

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

Reason(s) for requesting additional facility to manage Clarion/Forest Co. municipal waste:

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*Completed forms should be sent to the:*

**Clarion County Planning Director/Recycling Coordinator**  
**330 Main Street, Room 12**  
**Clarion, PA 16214**  
**Telephone Number: (814) 226-4000 x 2800**

## APPENDIX D

### PRIOR COUNTY MWMP ORDINANCES



CLARION COUNTY  
MUNICIPAL WASTE MANAGEMENT ORDINANCE

ORDINANCE DESIGNATING DISPOSAL FACILITIES AND IMPLEMENTING  
THE WASTE FLOW FOR CLARION COUNTY MUNICIPAL WASTE PLAN AND  
PROVIDING FOR LICENSING THEREUNDER AND RELATED MATTERS

ORDINANCE NO. 1-92

AN ORDINANCE OF THE COUNTY OF CLARION, PENNSYLVANIA,  
DESIGNATING PROCESSING AND/OR DISPOSAL FACILITIES; PROVIDING  
WASTE FLOW CONTROL REQUIREMENTS TO DIRECT MUNICIPAL WASTE  
TO DESIGNATED PROCESSING AND/OR DISPOSAL FACILITIES;  
ESTABLISHING A LICENSE PROGRAM FOR ALL HAULERS THAT COLLECT  
AND TRANSPORT MUNICIPAL WASTE GENERATED FROM SOURCES  
LOCATED IN CLARION COUNTY AND PROVIDING PENALTIES FOR  
VIOLATION OF THIS ORDINANCE.

WHEREAS, the Board of County Commissioners have adopted and approved the  
Municipal Waste Management Plan (the "Plan") for Clarion County in accordance with  
the requirements of Section 501 of the Pennsylvania Municipal Waste Planning,  
Recycling and Waste Reduction Act of 1988 (ACT 101), and said Plan has been duly  
ratified by the municipalities in the County; and,

WHEREAS, it is the intent of the County to implement the plan.

WHEREAS, the County has the power and duty to adopt any such ordinances deemed  
necessary to implement this Plan by the authority vested to the County pursuant to  
Section 303 of Act 101, including requirements that all Haulers obtain licenses to collect  
and transport Municipal Waste subject to the Plan to Municipal Waste processing and/or  
disposal facilities (the "Facilities") designated by the County pursuant to Subsection  
303(e) of Act 101.

WHEREAS, the County intends to enter into Disposal Agreements with duly permitted  
disposal facilities to accept the County's Municipal Waste for a period of five years with  
an option to renew for five years; and

WHEREAS, the County desires that the Municipal Waste generated within its jurisdiction be disposed of at the Facilities.

NOW, THEREFORE, the Board of County Commissioners of Clarion County hereby enact and ordain as follows;

### SECTION 1 - SHORT TITLE

This Ordinance shall be known and referred to as the "Clarion County Municipal Waste Management Ordinance".

### SECTION 2 - DEFINITIONS

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

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

Act 101 - The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (SB 528, Act 1988 - 101, July 28, 1989).

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

County - The Clarion County Board of County Commissioners or its designee.

County Licensed Waste Hauler - Any Municipal Waste collector or hauler possessing a current County License issued pursuant to this Ordinance.

Department or DER - The Pennsylvania Department of Environmental Resources of the Commonwealth, and its authorized representatives.

Hauler - Any person, firm, partnership, corporation or public agency engaged in the collection and/or transportation of Municipal Waste. For purposes of this Ordinance, the term "Hauler" shall not include the following:

(i) any residential property occupant not regularly engaged in the business of collecting and/or transporting Municipal Waste, provided that such occupant collects and/or transports his or her own Municipal Waste on an irregular and unscheduled basis to a DER permitted disposal facility; and

(ii) any farmer carrying out the normal activities of his or her farming operation, including composting and spreading of manure or other farm-produced agricultural waste.

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

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

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

License - A license or permit issued by the County to Haulers for the collection and/or transportation of Municipal Waste.

License Year - The period each year beginning January 1 and terminating December 31.

Municipality - Any local municipal government within Clarion County.

Municipal Waste - Any garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities; and any sludge not meeting the definition of residual or hazardous waste under Act 97 from any municipal, commercial or institutional water supply treatment plant, wastewater treatment plant, or air pollution control facility. The term does not include any source-separated recyclable materials.

Municipal Waste Landfill - Any facility that is designed, operated and maintained for the disposal of Municipal Waste and permitted by the Pennsylvania DER for such purposes.



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

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

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, or the mechanical separation and treatment of Municipal Waste (other than combustion) and creation and recovery of reusable materials other than a fuel for the operation of energy.

Scavenging - The unauthorized and uncontrolled removal of any material stored or placed at a point for subsequent collection by a County Licensed Waste Hauler.

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

Transportation - The off-site removal of any Municipal Waste at any time after generation.

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

### SECTION 3 - RESPONSIBILITY

The Clarion County Board of Commissioners, or their designee, shall be responsible for all aspects of Municipal Waste management as discussed in this Ordinance.

#### SECTION 4 - FUNCTIONS AND POWERS OF CLARION COUNTY

In accordance with all the pertinent statutes, rules, and regulation of the Commonwealth of Pennsylvania, the County shall;

- A. Provide and/or approve and regulate Municipal Waste disposal services in Clarion County.
- B. Aid and assist the Commonwealth in the application and enforcement of rules and regulations pertaining to Municipal Waste management.
- C. Enforce this ordinance by issuing warning notices and initiating proceedings against violators of this ordinance and its appurtenant rules and regulation.

#### SECTION 5 - DESIGNATED DISPOSAL FACILITIES AND MUNICIPAL WASTE FLOW CONTROL MANAGEMENT

Pursuant to the authority granted to the County by Act 101, it is hereby directed that all Municipal Waste collected in the various municipalities of Clarion County shall be taken by County Licensed Waste Haulers to the Municipal Waste disposal facilities, as designated by rules and regulations adopted by the County pursuant to this Ordinance.

#### SECTION 6 - PROHIBITED ACTIVITIES

1. It shall be unlawful for any hauler to collect and/or transport Municipal Waste from any residential, public, commercial, industrial or institutional establishment within Clarion County without first securing a license to do so in accordance with the provisions of this Ordinance.

2. It shall be unlawful for any Hauler to collection and/or transport Municipal Waste from any sources within Clarion County in a manner not in accordance with the provisions of this Ordinance and the minimum standards and requirements established in Chapter 285 of the DER's Municipal Waste Management Regulations.

3. It shall be unlawful for any Hauler to transport any Municipal Waste collected within Clarion County to any processing and/or disposal facility other than those facilities which have disposal agreements with the County and are designated disposal facilities under the County's approved Municipal Waste Management Plan, or as designated disposal facilities under the County's approved Municipal Waste Management Plan, or as designated by rules and regulations adopted by the County pursuant to this Ordinance.

4. It shall be unlawful for any person to scavenge any material from any Municipal Waste or source-separated recyclable materials that are stored or placed for subsequent collection by a County Licensed Waste Hauler without prior approval from the County and local municipality.

### SECTION 7 - STANDARDS FOR COLLECTION AND TRANSPORTATION

1. All County Licensed Waste Haulers operating within the County must comply with the following minimum standards and regulations:

A. All trucks or other vehicles used for collection and transportation of Municipal Waste must comply with the requirements of Act 97 and Act 101 and PaDER regulations adopted pursuant to Act 97 and Act 101, including the Title 25, Chapter 285, Subchapter B Regulations for the Collection and Transportation of Municipal Waste.

B. All Collection vehicles conveying Municipal Waste shall be operated and maintained in a manner that will prevent creation of a nuisance or hazard to public health, safety and welfare.

C. All collection vehicles conveying putrescible Municipal Waste shall be watertight and suitably enclosed to prevent leakage, roadside littering, attraction of vectors and the creation of odors and other nuisances.

D. All collection vehicles conveying nonputrescible Municipal Waste shall be capable of being enclosed or covered to prevent roadside litter and other nuisances.

E. All collection vehicles conveying Municipal Waste shall bear signs identifying the name and business address of the person or municipality which owns the vehicle and specify the type of waste transported by the vehicle as "Municipal Waste". All such signs shall have lettering which is at least six inches in height as required by Act 101.

2. All collection vehicles and equipment used by County Licensed Waste Haulers shall be subject to inspection by the County or its authorized agents at any reasonable hour without prior notification.

### SECTION 8 - LICENSING REQUIREMENTS

1. No Hauler shall collect, remove, haul or transport any Municipal Waste through or upon the streets of any municipality within Clarion County without first obtaining a license from the County in accordance with the provisions of this Ordinance.

2. All Haulers shall be licensed by the County and designated as a "County Licensed Waste Hauler".

3. Any Hauler who desires to collect, haul or transport Municipal Waste within Clarion County shall submit a license application and the license application fee to the County or its designated licensing representative. The County shall have a minimum period of thirty (30) calendar days to review any license application and take approval or denial action.

4. The license fee shall be set by the County on an annual basis. All licenses are non-transferable and shall be issued for a period of one calendar year. There shall be no reduction or prorated fee for any license issued during the middle of any calendar year.

5. The license application form, supplied by the County, shall set forth the minimum information required to establish the applicant's qualifications for a license to collect and transport Municipal Waste, including, but not necessarily limited to:

- A. Name and mailing address for the Applicant;
- B. Name and telephone number of contact person;
- C. List of all collection vehicles to be covered under the License, including identification information for each vehicle, such as vehicle license number and company identification number;
- D. Type of Municipal Waste collected and transported;
- E. The municipality or municipalities served by the Applicant; and,

F. Certificate(s) of insurance to present evidence that the Applicant has valid general liability, vehicle liability and workmen's compensation insurance in the minimum amounts established and required by the County.

6. Any Hauler with an existing license shall submit a new license application and license fee to the County at least sixty (60) days prior to the expiration date of existing license, if renewal of the license is desired. New license applicants must submit a license application and license fee at least thirty (30) days before beginning collecting and transporting Municipal Waste in the County.

7. No new license or license renewal shall be approved and issued to any Hauler who fails to satisfy the minimum standards and requirements of the Ordinance or is in violation of the provisions of this Ordinance.

#### SECTION 9 - REPORTING REQUIREMENTS

1. All County Licensed Waste Haulers shall promptly report any significant changes in the collection vehicles or equipment covered under the license and insurance coverage changes to the County.

2. All County Licensed Waste Haulers shall maintain current, up-to-date records of the customers serviced within Clarion County. Such records and customer lists shall be subject to inspection and made available to the County or its authorized agents upon request.

3. Each County Licensed Waste Hauler shall prepare and submit an annual report to the County. The report shall be submitted by January 31 of the following year. At a minimum, the following information shall be included in each annual report;

A. The total weight of each type of Municipal Waste collected from all sources in Clarion County during each month of the reporting period;

B. The name of each processing or disposal facility the County Licensed Waste Hauler used during the reporting period and the total weight of each type of Municipal Waste that was delivered to each site during each month of the reporting period;

C. The name of each municipality in Clarion County in which the County Licensed Waste Hauler collected Municipal Waste from any source during the reporting period; and,

D. A summary of the estimated total weight of each type of Municipal Waste collected from each municipality during each month of the reporting period.

#### SECTION 10 - PENALTIES

1. Any person who violates any provision of this Ordinance shall be guilty of a summary offense which is punishable, upon conviction, by a fine of not more than \$1,000.00, or by imprisonment for a period of not more than 90 days, or both. Each day of violation shall be considered as a separate and distinct offense.

2. The County shall have the right at any time, and without refund of any license fee, to suspend or revoke the license of any County Licensed Waste Hauler for any of the following causes:

A. Falsification or misrepresentation of any statements in any license application;

B. Lapse or cancellation of any required insurance coverages;

C. Collection and/or transportation of any Municipal Waste in a careless or negligent manner or any other manner that is not in compliance with the requirements of this Ordinance;

D. Transportation and disposal of any Municipal Waste collected within the County at any site other than the designated processing and disposal facilities that have disposal agreements with County; and,

E. Violation of any part of this Ordinance, any other applicable County ordinances or any applicable Pennsylvania laws or regulations.

#### SECTION 11 - INJUNCTIVE POWERS

The County may petition the Court of Common Pleas of Clarion County, Pennsylvania for an injunction, either mandatory or prohibitive, in order to enforce any of the provisions of this Ordinance.

SECTION 12 - 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 13 - CONFLICT


Any ordinances or any part of any ordinances which conflict with this Ordinance are hereby repealed insofar as the same is specifically inconsistent with this Ordinance.

SECTION 14 - EFFECTIVE DATE

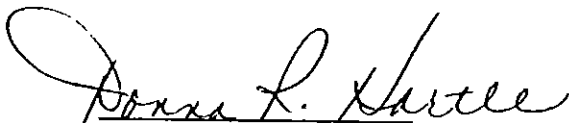
This Ordinance shall take effect on July, 1, 1992

ORDAINED AND ENACTED into an Ordinance this 29 day of June, 1992.

COUNTY OF CLARION  
BOARD OF COUNTY COMMISSIONERS

  
Donald McCusky  
Barbara Frampton

ATTEST:

  
Donna R. Hartle  
Chief Clerk

(County Seal)

COMMISSIONERS  
Samuel J. Wagner  
Stephen E. Hale  
Gerald L. Cussins, Jr.

CHIEF CLERK  
Virginia M. Call  
814-755-3537

# County of Forest

Court House

Tionesta, Pennsylvania 16353

SOLICITOR  
Joseph E. Altomare

CHIEF ASSESSOR  
Patti J. Arnold  
814-755-3532

## FOREST COUNTY MUNICIPAL WASTE MANAGEMENT ORDINANCE

ORDINANCE DESIGNATING DISPOSAL FACILITIES AND IMPLEMENTING  
THE WASTE FLOW FOR FOREST COUNTY MUNICIPAL WASTE PLAN AND  
PROVIDING FOR LICENSING THEREUNDER AND RELATED MATTERS

### ORDINANCE NO. 1 of 1992 COUNTY OF FOREST, PENNSYLVANIA

AN ORDINANCE OF THE COUNTY OF FOREST, PENNSYLVANIA DESIGNATING PROCESSING AND/OR DISPOSAL FACILITIES; PROVIDING WASTE FLOW CONTROL REQUIREMENTS TO DIRECT MUNICIPAL WASTE TO DESIGNATED PROCESSING AND/OR DISPOSAL FACILITIES; ESTABLISHING A LICENSE PROGRAM FOR ALL HAULERS THAT COLLECT AND TRANSPORT MUNICIPAL WASTE GENERATED FROM SOURCES LOCATED IN FOREST COUNTY AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE.

WHEREAS, the Board of County Commissioners have adopted and approved the Municipal Waste Management Plan (the "Plan") for Forest County in accordance with the requirements of Section 501 of the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101), and said Plan has been duly ratified by the municipalities in the County; and,

WHEREAS, it is the intent of the County to implement the plan; and

WHEREAS, the County has the power and duty to adopt any such ordinances deemed necessary to implement this Plan by the authority vested to the County pursuant to Section 303 of Act 101, including requirements that all Haulers obtain licenses to collect and transport Municipal Waste subject to the Plan to Municipal Waste processing and/or disposal facilities (the "Facilities") designated by the County pursuant to Subsection 303(e) of Act 101; and

WHEREAS, the County intends to enter into Disposal Agreements with duly permitted disposal facilities to accept the County's Municipal Waste for a period of five years with an option to renew annually for five years; and



WHEREAS, the County desires that the Municipal Waste generated within its jurisdiction be disposed of at the Facilities.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Forest County hereby enact and ordain as follows;

#### SECTION 1 - SHORT TITLE

This Ordinance shall be known and referred to as the "Forest County Municipal Waste Management Ordinance".

#### SECTION 2 - DEFINITIONS

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

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

Act 101 - The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (SB 528, Act 1988 - 101, July 28, 1989).

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

County - The Forest County Board of County Commissioners or its designee.

County Licensed Waste Hauler - Any Municipal Waste collector or hauler possessing a current County License issued pursuant to this Ordinance.

Department or DER - The Pennsylvania Department of Environmental Resources of the Commonwealth, and its authorized representatives, responsible for regulating Municipal Waste Disposal and processing activity in the Commonwealth of Pennsylvania.

Hauler - Any person, firm, partnership, corporation or public agency engaged in the collection and/or transportation of Municipal Waste. For purposes of this Ordinance, the term "Hauler" shall not include the following:

(i) any residential property occupant not regularly engaged in the business of collecting and/or transporting Municipal Waste, provided that such occupant collects and/or transports his or her own Municipal Waste on an irregular and unscheduled basis to a DER permitted disposal facility; and

(ii) any farmer carrying out the normal activities of his or her farming operation, including composting and spreading of manure or other farm-produced agricultural waste.

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

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

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

License - A license or permit issued by the County to Haulers for the collection and/or transportation of Municipal Waste.

License Year - The period each year beginning January 1 and terminating December 31.

Municipality - Any local municipal Government within Forest County.

Municipal Waste - Any garbage, refuse, industrial, restaurant/lunchroom or office waste and other material including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities; and any sludge not meeting the definition of residual or hazardous waste under Act 97 from any municipal, commercial or institutional water supply treatment plant, wastewater treatment plant, or air pollution control facility. The term does not include any source-separated recyclable materials. For the purposes of this ordinance, infectious chemotherapeutic waste, and septage, shall not be considered as municipal waste.

Municipal Waste Landfill - Any facility that is designed, operated and maintained for the disposal of Municipal Waste and permitted by the Pennsylvania DER for such purposes.

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

Processing - Any technology used for the purpose of reducing the volume or bulk of Municipal Waste or any technology used to convert part or all of such materials for off-site reuse. Processing facilities 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, leaf waste, plastic and other materials which would otherwise be disposed or processed as Municipal Waste, or the mechanical separation and treatment of Municipal Waste (other than combustion) and creation and recovery of reusable materials other than a fuel for the operation of energy.

Scavenging - The unauthorized and uncontrolled removal of any material stored or placed at a point of subsequent collection by a County Licensed Waste Hauler.

Source Separated Recyclable Materials - Materials that are separated from Municipal Waste at the point of origin or generated for the purpose of recycling.

Transportation - The off-site removal of any Municipal Waste at any time after generation.

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

### SECTION 3 - RESPONSIBILITY

The Forest County Board of Commissioners, or their designee, shall be responsible for all aspects of Municipal Waste management as discussed in this Ordinance.

### SECTION 4 - FUNCTIONS AND POWERS OF THE COUNTY

In accordance with all the pertinent statues, rules and regulations of the Commonwealth of Pennsylvania, the County shall:

- A. Provide and/or approve and regulate Municipal Waste disposal services in Forest County.
- B. Aid and assist the Commonwealth in the application and enforcement of rules and regulations pertaining to Municipal Waste management.
- C. Enforce this ordinance by issuing warning notices and initiating proceedings against violators of this ordinance and its appurtenant rules and regulations.

### SECTION 5 - DESIGNATED DISPOSAL FACILITIES AND MUNICIPAL WASTE

#### FLOW CONTROL MANAGEMENT

Pursuant to the authority granted to the County by Act 101, it is hereby directed that all Municipal Waste collected in the various municipalities of Forest County shall be taken by County Licensed Waste Haulers to the Municipal Waste disposal facilities, as designated by rules and regulations adopted by the County pursuant to this Ordinance.

### SECTION 6 - PROHIBITED ACTIVITIES

1. It shall be unlawful for any Hauler to collect and/or transport Municipal Waste from any residential, public, commercial, industrial or institutional establishment within Forest County without first securing a license to do so in accordance with the provisions of this Ordinance.

2. It shall be unlawful for any Hauler to collection and/or transport Municipal Waste from any sources within Forest County in a manner not in accordance with the provisions of this Ordinance and the minimum standards and requirements established in Chapter 285 of the DER's Municipal Waste Management Regulations.

3. It shall be unlawful for any Hauler to transport any Municipal Waste collected within Forest County to any processing and/or disposal facility other than those facilities which have disposal agreements with the County and are designated disposal facilities under the County's approved Municipal Waste Management Plan, or as designated by rules and regulations adopted by the County pursuant to this Ordinance.

4. It shall be unlawful for any person to scavenge any material from any Municipal Waste or source-separated recyclable materials that are stored or placed for subsequent collection by a County Licensed Waste Hauler without prior approval from the County and local municipality.

#### SECTION 7 - STANDARDS FOR COLLECTION AND TRANSPORTATION

1. All County Licensed Waste Haulers operating within the County must comply with the following minimum standards and regulations:

A. All trucks or other vehicles used for collection and transportation of Municipal Waste must comply with the requirements of Act 97 and Act 101 and PaDER regulations adopted pursuant of Act 97 and Act 101, including the Title 25, Chapter 285, Subchapter B Regulations for the Collection and Transportation of Municipal Waste.

B. All collection vehicles conveying Municipal Waste shall be operated and maintained in a manner that will prevent creation of a nuisance or hazard to public health, safety and welfare.

C. All collection vehicles conveying putrescible Municipal Waste shall be watertight and suitably enclosed to prevent leakage, roadside littering, attraction of vectors and the creation of odors and other nuisances.

D. All collection vehicles conveying nonputrescible Municipal Waste shall be capable of being enclosed or covered to prevent roadside litter and other nuisances.

E. All collection vehicles conveying Municipal Waste shall bear signs identifying the name and business address of the person or municipality which owns the vehicle and specify the type of waste transported by the vehicle as "Municipal Waste". All such signs shall have lettering which is at least six inches in height as required by Act 101.

2. All collection vehicles and equipment used by County Licensed Waste Haulers shall be subject to inspection by the County or its authorized agents at any reasonable hour without prior notification.

#### SECTION 8 - LICENSING REQUIREMENTS

1. No Hauler shall collect, remove, haul or transport any Municipal Waste through or upon the streets of any municipality within Forest County without first obtaining a license from the County in accordance with the provisions of this Ordinance.

2. All Haulers shall be licensed by the County and designated as a "County Licensed Waster Hauler".

3. Any Hauler who desires to collect, haul or transport Municipal Waste within Forest County shall submit a license application and the license application fee to the County or its designated licensing representatives. The County shall have a minimum period of thirty (30) calendar days to review any license application and take approval or denial action.

4. The license fee shall be set by the County on an annual basis. All licenses are non-transferable and shall be issued for a period of one calendar year. There shall be no reduction or prorated fee for any license issued during the middle of any calendar year.

5. The license application form, supplied by the County, shall set forth the minimum information required to establish the applicant's qualifications for a license to collect and transport Municipal Waste, including, but not necessarily limited to:

- A. Name and mailing address for the Applicant;
- B. Name and telephone number of contact person;
- C. List of all collection vehicles to be covered under the License, including identification information for each vehicle, such as vehicle license number and company identification number;
- D. Type of Municipal Waste collected and transported;
- E. The municipality or municipalities served by the Applicant; and,
- F. Certificate(s) of insurance to present evidence that the Applicant has valid general liability, vehicle liability and workmen's compensation insurance in the minimum amounts established and required by the County.

6. Any Hauler with an existing license shall submit a new license application and license fee to the County at least sixty (60) days prior to the expiration date of existing license, if renewal of the license is desired. New license applicants must submit a license application and license fee at least thirty (30) days before beginning collecting and transporting Municipal Waste in the County.

7. No new license or license renewal shall be approved and issued to any Hauler who fails to satisfy the minimum standards and requirements of this Ordinance or is in violation of the provisions of this Ordinance.

#### SECTION 9 - REPORTING REQUIREMENTS

1. All County Licensed Waste Haulers shall promptly report any significant changes in the collection vehicles or equipment covered under the license and insurance coverage changes to the County.

2. All County Licensed Waste Haulers shall maintain current, up-to-date records of the customers serviced within Forest County. Such records and customer lists shall be subject to inspection and made available to the County or its authorized agents upon request.

3. Each County Licensed Waste Hauler shall prepare and submit an annual report to the County. The report shall be submitted by January 31 of the following year. At a minimum, the following information shall be included in each annual report:

A. The total weight of each type of Municipal Waste collected from all sources in Forest County during each month of the reporting period;

B. The name of each processing or disposal facility the County Licensed Waste Hauler used during the reporting period and the total weight of each type of Municipal Waste that was delivered to each site during each month of the reporting period;

C. The name of each municipality in Forest County in which the County Licensed Waste Hauler collected Municipal Waste from any source during the reporting period; and,

D. A summary of the estimated total weight of each type of Municipal Waste collected from each municipality during each month of the reporting period.

#### SECTION 10 - PENALTIES

1. Any person who violates any provision of this Ordinance shall be guilty of a summary offense which is punishable, upon conviction, by a fine of not less than \$100, nor more than \$1,000, or by imprisonment for a period of not more than 30 days, or both. Each day of violation shall be considered as a separate and distinct offense.

2. The County shall have the right at any time, and without refund of any license fee, to suspend or revoke the license of any County Licensed Waste Hauler for any of the following causes:

A. Falsification or misrepresentation of any statements in any license application;

B. Lapse or cancellation of any required insurance coverages;

C. Collection and/or transportation of any Municipal Waste in a careless or negligent manner or any other manner that is not in compliance with the requirements of this Ordinance;



- D. Transportation and disposal of any Municipal Waste collected with the County at any site other than the designated processing and disposal facilities that have disposal agreements with County; and,
- E. Violation of any part of this Ordinance, any other applicable County ordinances or any applicable Pennsylvania laws or regulations.

#### SECTION 11 - INJUNCTIVE POWERS

The County may petition the Court of Common Pleas of Forest County, Pennsylvania for an injunction, either mandatory or prohibitive, in order to enforce any of the provisions of this Ordinance.

#### SECTION 12 - 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 13 - CONFLICT

Any ordinances or any part of any ordinance which conflict with the Ordinance are hereby repealed insofar as the same is specifically inconsistent with the Ordinance.

SECTION 14 - EFFECTIVE DATE

This Ordinance shall take effect on August 1, 1992.

ORDAINED AND ENACTED into an Ordinance this 25th day of  
June, 1992.

COUNTY OF FOREST  
BOARD OF COUNTY COMMISSIONERS

Samuel J. Wagner  
Stephen E. Hale  
Lerald S. Cunningham

ATTEST:

Aurora M. Cook  
Chief/Clerk

(County Seal)

**APPENDIX E**

**COUNTIES RESOLUTION TO ADOPT 2013 MWMP UPDATE**



**RESOLUTION NO.            OF 2013**

On motion of Commissioner \_\_\_\_\_seconded by  
Commissioner \_\_\_\_\_;

**WHEREAS**, the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, as amended (Act 97) established a comprehensive planning and regulatory framework for the storage, collection, transportation, processing and disposal of solid waste, including municipal waste; and

**WHEREAS**, the Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988, P.L. 528, No. 101 (Act 101) gave the County primary responsibility for planning for municipal waste management within its boundaries and for ensuring sufficient disposal capacity for all municipal waste generated within its boundaries; and

**WHEREAS**, the 2002 Tri-County Municipal Waste Plan was deemed under Section 501(c)(2) of Act 101 to be a plan approved under Act 101; and

**WHEREAS**, Section 303(d) of Act 101 authorizes counties to enter into an agreement with another person, including a municipal authority, pursuant to which that person undertakes to fulfill some or all of the County's responsibilities under Act 101 for municipal waste planning and implementation of the approved County Plan; and

**WHEREAS**, the Board of Clarion County Commissioners designated the Clarion County Solid Waste Advisory Committee (SWAC) as the agency to prepare an update of the 2002 Plan; and

**WHEREAS**, pursuant to the request of the Board of Clarion County Commissioners, Clarion County Recycling Coordinator with the SWAC has prepared the Clarion and Forest County Municipal Waste Management Plan Update of 2013 (the 2013 Plan); and

**WHEREAS**, the Board of Clarion County Commissioners believes that the 2013 Plan is appropriate and necessary to protect the health and welfare of the residents of the County; and

**WHEREAS**, the Board of Clarion County Commissioners believes that effecting and carrying forth the 2013 Plan will enable the County and each municipality to continue to realize the benefits of an effective, efficient, reliable and environmentally safe system for the storage, transportation, processing and disposal of solid waste.

**NOW, THEREFORE**, upon consideration of the foregoing matters, the Board of Susquehanna County Commissioners approves the following Resolutions:

1. **RESOLVED**, the 2013 Clarion and Forest County Municipal Waste Management Plan Update is approved.
2. **RESOLVED**, that the proper officers of the County are authorized and directed to take such actions and execute and deliver on behalf of the County such instruments as shall be necessary or appropriate to carry forth the 2013 Plan.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**COUNTY OF CLARION**

By: Wayne R. Brosius

\_\_\_\_\_

By: G. Butch Campbell

\_\_\_\_\_

By: Gregory A. Faller

\_\_\_\_\_

Attest:

\_\_\_\_\_

Chief Clerk

**RESOLUTION NO.            OF 2013**

On motion of Commissioner \_\_\_\_\_ seconded by  
Commissioner \_\_\_\_\_;

**WHEREAS**, the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, as amended (Act 97) established a comprehensive planning and regulatory framework for the storage, collection, transportation, processing and disposal of solid waste, including municipal waste; and

**WHEREAS**, the Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988, P.L. 528, No. 101 (Act 101) gave the County primary responsibility for planning for municipal waste management within its boundaries and for ensuring sufficient disposal capacity for all municipal waste generated within its boundaries; and

**WHEREAS**, the 2002 Tri-County Municipal Waste Plan was deemed under Section 501(c)(2) of Act 101 to be a plan approved under Act 101; and

**WHEREAS**, Section 303(d) of Act 101 authorizes counties to enter into an agreement with another person, including a municipal authority, pursuant to which that person undertakes to fulfill some or all of the County's responsibilities under Act 101 for municipal waste planning and implementation of the approved County Plan; and

**WHEREAS**, the Board of Forest County Commissioners designated the Forest County Solid Waste Advisory Committee (SWAC) as the agency to prepare an update of the 2002 Plan; and

**WHEREAS**, pursuant to the request of the Board of Forest County Commissioners, Forest County Conservation Coordinator with the SWAC has prepared the Clarion and Forest County Municipal Waste Management Plan Update of 2013 (the 2013 Plan); and

**WHEREAS**, the Board of Forest County Commissioners believes that the 2013 Plan is appropriate and necessary to protect the health and welfare of the residents of the County; and

**WHEREAS**, the Board of Forest County Commissioners believes that effecting and carrying forth the 2013 Plan will enable the County and each municipality to continue to realize the benefits of an effective, efficient, reliable and environmentally safe system for the storage, transportation, processing and disposal of solid waste.

**NOW, THEREFORE**, upon consideration of the foregoing matters, the Board of Susquehanna County Commissioners approves the following Resolutions:

1. **RESOLVED**, the 2013 Clarion and Forest County Municipal Waste Management Plan Update is approved.
2. **RESOLVED**, that the proper officers of the County are authorized and directed to take such actions and execute and deliver on behalf of the County such instruments as shall be necessary or appropriate to carry forth the 2013 Plan.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**COUNTY OF FOREST**

By: Basil D. Huffman

\_\_\_\_\_

By: Norman J. Wimer

\_\_\_\_\_

By: Robert J. Snyder, Jr.

\_\_\_\_\_

Attest:

\_\_\_\_\_

Chief Clerk