



Keep Pennsylvania Beautiful Testimony

Joint Legislative Air and Water Pollution Control and Conservation Committee

Public Hearing, June 13, 2017 Regarding Act 101 of 1988, the Municipal Waste Planning Recycling and Waste Reduction Act

Provided by Shannon Reiter, President of Keep Pennsylvania Beautiful

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Keep Pennsylvania Beautiful is grateful for the opportunity to submit written testimony as part of the June 13, 2017, Joint Legislative Air and Water Pollution Control and Conservation Committee's Public Hearing regarding Act 101 of 1988, the Municipal Waste Planning Recycling and Waste Reduction Act. I regret that I am unavailable to present these comments in person and welcome the opportunity to discuss them with members of the Committee or staff and or provide testimony at any future hearings.

When reviewing the state's recycling and waste reduction law, it is clear that Act 101 succeeded in creating the biggest curbside recycling program in the nation and encouraged safe sites for waste disposal. However, Act 101 has fallen short in preventing illegal dumping, educating the public on waste issues and does not do enough to promote convenient and affordable access to recycling and waste disposal services in many areas of the state.

Keep Pennsylvania Beautiful advocates for a comprehensive approach to waste management that ensures universal access to convenient and affordable trash disposal and recycling in Pennsylvania. It is with that ultimate goal, that I share the following information with you.

The number one objective of Act 101 was to prevent improper municipal waste practices that create public health hazards, environmental pollution and economic loss and cause irreparable harm to the public health, safety and welfare.

I urge members of the Committee to review Keep Pennsylvania Beautiful's *Illegal Dumping in Pennsylvania: A Decade of Discovery, Recommended Policies and Programs for Future Prevention and Enforcement (2014)*. This report has been formally submitted as part of this testimony but can also be accessed directly from our website, <http://www.keppabeautiful.org/wp-content/uploads/2016/09/KPB-Recommendations-August-2014.pdf>.

The purpose of Keep Pennsylvania Beautiful's study, prepared in cooperation with Nestor Resources, Inc., was to document the full extent of illegal dumping in Pennsylvania, beginning with information gathered by KPB and supplemented by other sources, including surveys, cleanups, stakeholder focus groups and a public opinion poll. The report represents the final stage of ongoing efforts of Keep Pennsylvania Beautiful (KPB) to identify where and how illegal dumping occurs. This report offers practical, cost-effective solutions and accountability measures to address improper disposal of waste.

Based on the conclusions of the analysis, the project provides recommendations to significantly reduce illegal dumping, a primary objective of Act 101. These include mechanisms to raise awareness about recycling and proper waste management and provide universal access to convenient and affordable waste disposal and recycling.

Pennsylvania has made great strides in municipal waste management over the last four decades. The eradication of nearly 1,500 open municipal dumps, followed by the permitting and construction of safer, state-of-the-art disposal facilities has prevented pollution and created a cleaner and healthier environment.

Act 101 is a good example of legislation that includes preemptive measures to encourage proper waste management and stop illegal dumping before it occurs by mandating the implementation of curbside recycling collection programs in communities that meet defined population or population density thresholds, commonly referred to as mandated communities. Act 101 was amended in 2006 (Act 140) to require mandated communities to provide curbside collection for municipal waste as well.

Communities that are mandated by Act 101 but receive more than \$10,000 in recycling performance grants, must comply with these same requirements to sustain their eligibility for the grants. However, there is no requirements for how recyclables are collected, curbside or drop-off.

Yet despite these advancements, the behavior of a select segment of the population – namely, illegal dumping – continues to plague the Commonwealth and have a costly impact. Between 2005 and 2013, more than 6,200 of these illegal dumpsites were identified. Investigating illegal dumping crimes is time-consuming and labor-intensive for both state and local governments, with each site costing \$619 per ton for an average total of \$2,947 to remediate¹. However, it is not unusual for costs to be significantly higher.

Illegal dumping is not an isolated problem, as active dump sites have been identified in every county. Certain commonalities were found both in the materials left at dump sites, and also in the conditions and circumstances that facilitate the behavior.

There are four categories of illegal dumping: inactive legacy sites, active commercial waste dumping, active dumping of household waste and theft of service. **Illegal dumping occurs most frequently where the risk of detection and penalties is low, and where there is a lack of acceptable disposal or recycling outlets.** Items frequently found in these sites include construction and demolition waste, tires, and bulky items such as furniture, appliances and mattresses. In addition, where theft of service occurs, household trash is commonly found.

The public has a poor understanding of what constitutes illegal dumping, and even elected officials are often uncertain how they can ensure that cost-effective, universal access options are available. Even law enforcement and judicial officials may not always be aware of the full impact or the costs to the community.

¹ Illegal Dumping in Pennsylvania: A Decade of Discovery: Recommended Policies and Programs for Future Prevention and Enforcement, Keep Pennsylvania Beautiful and Nestor Resources, 2014

In Pennsylvania, because waste and recycling is determined and managed largely at the municipal level, each municipal program has unique variations of services and bidding requirements or none at all. This means waste management is more complex, less efficient and costlier. This system sets up unclear expectations for residents and makes public education about waste and recycling services costlier and in general, more difficult. All of these factors combined lead to high contamination rates, poor participation and illegal dumping.

There are several key points outlined in the report that I urge the Committee to consider when reviewing Act 101:

- ✓ There is less illegal dumping in areas where there is universal access to waste and recycling collection.
- ✓ Approximately 85 percent of Pennsylvania's residents claim to have curbside waste collection but what can be accepted and how often varies greatly from municipality to municipality and region to region.
- ✓ Cost per home is actually lower where there is a community wide waste and recycling collection program, commonly known as a municipal contract, than where residents personally contract these services.
- ✓ If it were made available, more than 87 percent of Pennsylvanians would be willing to take their household waste, recyclables, or other items not collected at the curb, to a convenient outlet and pay for the service.

Additionally, it is widely known that illegal dumping at drop-off recycling bins is an increasing problem in Pennsylvania. When individuals place household waste in receptacles paid for by businesses and individuals, as well as at the drop-off recycling sites of local governments, they are technically stealing service and can cause legitimate customers' prices to increase in order to handle this extra volume of waste. To cover the fixed cost of services, honest citizens end up paying more per home for waste and recycling collection to subsidize the loss of revenue.

Most recently, Washington Township, Erie County announced effective July 1, 2017 they will close their recycling drop-off site due illegal dumping of trash, electronics and other items on and around the collection bins. Erie County reportedly paid an extra \$12,000 in extra hauler fees from October through the end of April due to illegal dumping at drop-offs.² This is an all too common occurrence in Pennsylvania.

However, if we take a step back and reimagine these recycling drop-offs as full service staffed, waste and recycling convenience centers, we see there is an opportunity. Residents are already taking their waste and recycling to these locations. We believe that the high rate of dumping at these sites makes a strong case for building a system of convenience centers where residents can take their waste and recycling for proper management. These convenience centers would be particularly beneficial to communities in rural Pennsylvania where curbside pickup is not a feasible and where residents are already relying on recycling drop-offs to recycle their material.

² Washington Township Recycling Center To Close. June 4, 2017 Myers, Valerie, www.GoErie.com

There are convenience center models all across the country. Some are managed by county or local government while others are contracted to private companies. Some service an entire counties while others service one or more municipalities. Keep Pennsylvania Beautiful does not recommend a specific management model, but does recommend that they be staffed, contained, have convenient hours of operation and accept both waste and recycling including tires, electronics and other recyclable materials. These centers should be able to collect a fee for bagged trash and other materials such as couches, mattresses, or other large bulky items. The money saved from cleaning up road side dumps coupled with revenue from the collected materials will help off-set costs.

In summary, Keep Pennsylvania Beautiful recommends the following measures be considered in order to advance proper waste and recycling management in Pennsylvania:

At the residential level:

1. Ensure that all residents have universal access to waste and recycling collection;
2. Expand curbside collection;
3. Develop staffed, convenient drop-off facilities;
4. Provide for collection of bulk items and appliances at curbside or at convenient drop-off facilities;
5. Shift county municipal waste planning from disposal capacity to universal access;
6. Promote municipal contracts to control costs and universal services; and
7. Institute a subsidy for eligible low income households.

At the commercial level:

1. Require proof of disposal for all building or demolition projects and prior to granting local occupancy permits would most likely mitigate commercial dumping.
2. Expand waste transporter authorization to include small contractors, remodelers and roofers.
3. Require waste tire transporters to submit logs, or for transporters, processors and retailers to utilize a manifest system to track loads of tires.

Finally, one of the state goals of Act 101 is that *each person living or working in the Commonwealth shall be taught the economic, environmental and energy value of recycling and waste reduction and shall be encouraged through a variety of means to participate in such activities*. We believe that the State needs to do better.

KPB recommends the state implement a statewide consumer-based multimedia education campaign on recycling and waste management that reinforces the social, economic and environmental benefits of recycling as well as the costs of mismanaging these materials. In addition, we believe that waste and recycling education should be incorporated into early education programs.

Ensuring universal access to convenient and affordable trash disposal and recycling in Pennsylvania will help meet the primary objective of Act 101, addressing improper municipal waste practices that create public health hazards, environmental pollution and economic loss, and cause irreparable harm to the public health, safety and welfare. Additionally, honest citizens and business owners whose monthly

collection rates have been made artificially high to subsidize those who ignore the law could finally realize a price break. Without the added cost of illegal dumping, local governments could put public works budgets to better uses such as improving local infrastructure. Resources could be dedicated to enhancing parks and recreational services instead of removing illegally dumped tires, furniture, appliances and construction debris. By eliminating the contamination from illegally dumped trash, and instead, allow for the collection of trash for a fee, local recycling drop-off collection programs could be more sustainable.

In closing, we encourage stakeholders at all levels to incorporate the findings and recommendations of our report as they review Act 101 and consider how waste and recycling is managed in Pennsylvania. We believe that this is an opportunity to consider a more comprehensive approach to waste and recycling management and move towards universal access to convenient and affordable trash disposal and recycling.