

Act 101 Section 902 Recycling Grant Application Guidelines Regarding Proper Management of Recyclables, Including Leaf Waste

Assuring compliance with the terms and conditions of Act 101, the rules and regulations promulgated thereunder, other pertinent statutes and the Department's policies and grant guidance are key components of the Department's grant review process. The Act requires certain municipalities ("mandated municipalities") to recycle certain items and provide for the collection and composting of leaf waste. As such, any mandated municipality that allows the materials that are part of its municipal recycling program, including leaf waste, to be managed in a manner other than recycling or composting is in violation of Act 101. The Act also establishes the grant requirements for those communities not mandated to recycle. However, Act 175 states that the Department "shall not prohibit the award of any grant to a county or municipality that has adopted an ordinance allowing the limited burning of yard waste." Since grant funding is awarded on a competitive basis, the following guidelines have been developed to assure that a common understanding exists between the Department and municipalities regarding section 902 grant program requirements.

Mandated municipality requesting a section 902 grant:

1. DEP Regional Planning and Recycling Coordinators will review recycling ordinances and regulations submitted with the grant application to ensure compliance with Act 101, especially section 1501(c) (1)-(5), including commercial, municipal and institutional facilities and community events.
2. It will be assumed that a municipality that does not have an ordinance or regulation that addresses burning is not authorizing the burning of the materials that are part of its recycling program - unless the Department has evidence to the contrary. This evidence could include complaints or other information gathered by the Department.
3. The grant application should confirm that the municipality does not have an ordinance, regulation or other mechanism authorizing the burning of the materials listed in section 1501(c)(1)(i) and (iii) (except for leaf waste) that are part of its recycling program and that the municipality will enforce its recycling ordinances and regulations. Applications from municipalities that have adopted an ordinance allowing for the limited burning of yard waste will be evaluated on a case-by-case basis to ensure that, to the greatest extent practicable, sufficient effort has been made to comply with sections 1501(c)(1)(ii) and (iii) regarding the separation and composting of leaf waste.
4. The regional office should not recommend a grant until the municipality has adopted any necessary modifications to its ordinances or regulations in relation to these guidelines.

Non-mandated municipality requesting a section 902 grant:

Programs required by the municipality:

1. DEP Regional Planning and Recycling Coordinators will review recycling ordinances and other mechanisms submitted with the grant application to ensure compliance with Act 101, especially section 902(b)(3).
2. The recycling ordinance or other mechanism need only be applicable to that part(s) of the municipality that is being served by the recycling program.
3. It will be assumed that a municipality that does not have an ordinance or other mechanism that addresses burning is not authorizing the burning of the materials that are part of its recycling program - unless the Department has evidence to the contrary. This evidence could include complaints or other information gathered by the Department.
4. The grant application should confirm that the municipality does not have an ordinance, regulation or other mechanism authorizing the burning of the materials listed in section 1501(c)(1)(i) and (iii) (except for leaf waste) that are part of its recycling program and that the municipality will enforce its recycling ordinances and regulations. Applications from municipalities that have adopted an ordinance allowing for the limited burning of

yard waste will be evaluated on a case-by-case basis to ensure that, to the greatest extent practicable, sufficient effort has been made to operate the program according to the intent of sections 1501(c)(1)(ii) and (iii) regarding the separation and composting of leaf waste.

5. The regional office should not recommend a grant until the municipality has adopted any necessary modifications to its ordinances or regulations in relation to these guidelines.

Voluntary Participation Programs:

1. DEP will accept applications from municipalities that have voluntary programs, but funding for a program that allows any material that is part of its recycling program to be burned is unlikely except where the limited burning of yard waste is authorized by an ordinance. Applications from municipalities that have adopted an ordinance allowing for the limited burning of yard waste will be evaluated on a case-by-case basis to ensure that, to the greatest extent practicable, sufficient effort has been made to operate the program according to the intent of sections 1501(c)(1)(ii) and (iii) regarding the separation and composting of leaf waste.

2. It will be assumed that a municipality that does not have an ordinance or other mechanism that addresses burning is not authorizing the burning of the materials that are part of its recycling program - unless the Department has evidence to the contrary. This evidence could include complaints or other information gathered by the Department.

3. The regional office should not recommend a grant until the municipality has adopted any necessary modifications to its ordinances or regulations in relation to these guidelines.

County requesting a section 902 grant:

1. The above guidelines apply if a county requests a section 902 grant on behalf of one or more municipalities within its jurisdiction. The county must include appropriate documentation from each municipality to satisfy the above provisions as they relate to mandated and non-mandated municipalities. It is not necessary that the county adopt its own ordinance to enforce any program for which the municipalities are seeking funding assistance.

2. Counties requesting funds for recycling education only do not need to comply with the requirements of section 1501(c).

3. The Department does not consider counties to be responsible for enforcing municipal recycling ordinances.

4. A county that requests section 902 funding for a material recovery facility (MRF) should ensure that the host municipality does not allow the burning of the materials that are part of the county's recycling program.

5. The regional office should not recommend a grant until the relevant municipalities have adopted any necessary modifications to their ordinances or regulations in relation to these guidelines.

[Recycling Homepage](#)

Remember... All garbage releases toxic chemicals when burned. Even paper.

Stop the risk to you and your family.

☺ Reduce ☺ Reuse ☺ Recycle



**Think before you
strike that match...**

You burn it, you breathe it!

For more information about the dangers of backyard burning and the alternatives to burning, please contact:



At:
Phone number:
E-mail:
Website:



AIR POLLUTION FROM HOUSEHOLD OPEN BURNING IN PENNSYLVANIA

Concerns about household open burning.

You may not think that burning household trash in a burn barrel contributes to air pollution, but think again.

A study conducted by the U.S. Environmental Protection Agency and the New York State Department of Health shows that burn barrel emissions from 2 – 40 households burning their trash daily in barrels can produce levels of toxic emissions comparable to a well-controlled 200 ton/day municipal incinerator. These chemicals can include acid vapors and dioxins.

Burn barrels also emit heavy metals, such as lead, cadmium, and chromium, as well as unhealthful levels of carbon monoxide. The closer you are to waste that is burning, the higher the risk of inhaling dangerous pollutants.

This may not have been the case 50 or even 25 years ago, when your parents or grandparents burned trash in a burn barrel. In the past, household waste consisted mostly of paper and glass. Today, metal cans, plastic packaging, plastic products, and other synthetic materials make up a large portion of society's waste. When burned, these items can emit toxic pollutants and contaminated soot particles into the air.

In addition to the health effects of breathing the pollutants, flying sparks and embers can easily lead to uncontrolled fires, posing a substantial threat to life and property.

What are the potential health effects of breathing the pollutants from burning trash?

The short-term effects are usually coughing or irritation of the respiratory tract and eyes. Smoke can be a vehicle for deep penetration of pollutants into the lungs.

Long-term exposure to these pollutants may lead to cancer and emphysema. Acid vapors can irritate the lungs and cause problems for people suffering from asthma and emphysema. Dioxins are linked to increased risks of cancer, delays in child development, and damage to the immune system.

How is household open burning regulated?

Pennsylvania law allows open burning of “domestic refuse” as long as the fire is on the property of a structure occupied solely as a residence by two families or less and when the refuse results from the normal occupancy of the structure. “Domestic Refuse” does not include such items as demolition waste, insulation, shingles, treated wood, paint, painted or stained objects or furniture, tires, mattresses, box springs, metal, insulating coating on wire, television sets and appliances, automobiles, automotive parts, batteries, PVC products, waste oil and other petroleum products.

Under state law, local officials have the authority to address the needs of their communities by enacting open burning ordinances for household waste with requirements that are equal to or more stringent than state regulations. Municipal ordinances cannot be less stringent than the state requirements.

Many communities across the Commonwealth have enacted open-burning ordinances that restrict household open burning. Many of these are based on a model ordinance that DEP has developed. Upon request, DEP can provide a copy of the model ordinance and copies of actual enacted ordinances. DEP can also provide copies of various studies about open burning.

What alternatives do I have to open burning?

Because of the potential health and fire risks of open burning, DEP strongly recommends that you recycle and reuse as much of your trash as possible or take it to a licensed landfill or municipal incinerator.

Instead of burning your trash, consider the following alternatives:

- **Reduce** – Buy products in bulk, which requires less packaging, thereby producing less waste. Buy only what you need.
- **Reuse** – Donate unused or unwanted items to local charities, have a yard sale, give the items to friends, or repair items when practical.

- **Recycle** – Contact your municipality or waste hauler to find out what materials are collected for recycling. Encourage them to collect additional materials.
- **Compost** – Turn leaves, yard waste, and kitchen fruit and vegetable scraps into a soil amendment by starting your own compost pile.
- **Grasscycling** – Leave grass clippings where they fall. The clippings decompose and act as a natural fertilizer, reducing the need to buy commercial fertilizer.
- **Buy Recycled** – Buying recycled products closes the loop on the recycling process and creates the market to help recycle and reuse materials that would otherwise be disposed in landfills or burned.

Is recycling required anywhere?

Your municipality may be required to have a residential waste recycling program under the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101). If so, it is illegal under Act 101 for you to burn the kinds of waste and materials that your municipality requires residents to recycle. In communities that are required to recycle residential waste under Act 101, leaf waste must also be separated from other municipal waste. Leaf waste should then be composted by either the resident or the municipality.

To determine if you are required to recycle specific materials or separate out your leaf waste, call your local municipal office, your County Recycling Coordinator, or your DEP Regional Planning and Recycling Coordinator (DEP regional office phone numbers are below).

What can I do to limit open burning in my community and encourage recycling?

Work with your local elected officials to enact an open-burning ordinance that is as fair as possible to everyone. Communities that are required to recycle under Act 101 or have a recycling grant must have an open-burning ordinance that prohibits the burning of the materials that the municipality recycles. Composting of leaves and yard waste should be encouraged.

Contact your DEP regional recycling coordinator or your local county recycling coordinator for information about starting a municipal recycling and composting program. Grants are available to assist municipalities that qualify for funding to start and maintain recycling programs.

Where can I get more information about open burning?

Information on open burning is available on DEP’s Open Burning Web site at www.depweb.state.pa.us, keyword: Open Burning. You can also call DEP’s Bureau of Air Quality at 717-787-9702.

Where can I learn more about recycling, composting, and grasscycling?

For more information, visit www.depweb.state.pa.us, keyword: Recycling.

DEP Regional Offices

Northwest Region

230 Chestnut St.
Meadville, PA 16335-3481
814-332-6945

Counties: *Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango and Warren*

Southwest Region

400 Waterfront Drive
Pittsburgh, PA 15222-4745
412-442-4000

Counties: *Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland*

Northcentral Region

208 W. Third Street, Suite 101
Williamsport, PA 17701-6448
570-327-3636

Counties: *Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga and Union*

Southcentral Region

909 Elmerton Avenue
Harrisburg, PA 17110-8200
717-705-4700

Counties: *Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry and York*

Northeast Region

2 Public Square
Wilkes-Barre, PA 18711-0790
570-826-2511

Counties: *Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne and Wyoming*

Southeast Region

2 East Main St.
Norristown, PA 19401
484-250-5900

Counties: *Bucks, Chester, Delaware, and Montgomery*

Allegheny County and Philadelphia County each have their own air quality program. For more information about air quality in Philadelphia County, call Air Management Services at 215-685-7572. In Allegheny County, call the Allegheny County Health Department at 412-578-8103.



Fact Sheet

Commonwealth of Pennsylvania • Department of Environmental Protection • Bureau of Air Quality

RESIDENTIAL OPEN BURNING IN PENNSYLVANIA

Across Pennsylvania, it is not uncommon to find burn barrels in the back yards of many residents. For decades, people have used their burn barrels as an inexpensive way to dispose of their garbage. In part, this is because of the rural nature of the Commonwealth. In less populated areas, some people say it costs too much to take trash to a landfill, and they don't need to worry that the smoke from burn barrels might bother their neighbors.

However, the nature of society is changing as people move from more urban settings into rural areas. More people are moving into places where open burning traditionally has been accepted – and conflict often arises between new and established residents over the open burning of waste.

DEP encourages residents to recycle as much of their waste as possible or to use a commercial hauler to dispose of their trash. But the practice of burning household waste is legal under Air Quality regulations. Open burning – limited to burning “domestic refuse” – is allowed on the property of private residences where not more than two families are living. However:

- The waste must be the result of “normal occupancy.” This does not include demolition waste, home insulation, shingles, treated wood, paint, painted or stained objects or furniture, tires, mattresses, box springs, metal, insulating rubber coating on copper wire, old television sets and appliances, automobiles, automotive parts and batteries. These must be disposed of according to solid-waste regulations.
- Whether it's household or agricultural waste, DEP encourages you to be considerate of your neighbors by not allowing smoke, embers or ash to travel onto others' properties.

In addition to the exemption for household waste, certain agricultural operations are exempt from open-burning regulations.

Your municipality may be required to recycle under the law, Recycling Act 101 of 1988. If that's the case, keep in mind that it is illegal to burn the kinds of waste that your municipality recycles. This includes leaves and other yard waste. In addition, Act 97, the Pennsylvania Solid Waste Management Act, regulates the burning of solid waste, and you may be required to get a permit. To determine if you need a permit, call your regional DEP office (phone numbers are on the back of this fact sheet).

Why doesn't the Department of Environmental Protection (DEP) regulate residential open burning?

Except for the items listed above, DEP feels that regulating open burning of household waste is best left in the hands of municipal officials. Under state law, they have the authority to enact an ordinance with requirements that are equal to or more stringent than state regulations. A municipal ordinance cannot be less stringent. In DEP's experience, local officials are more aware of the needs in their communities and are better equipped to adjust requirements accordingly. In fact, many communities across the Commonwealth have enacted open-burning ordinances. Many of these are based on a model ordinance that DEP has developed. Upon request, DEP can provide a copy of the model ordinance and copies of actual ordinances.

Why worry about residential open burning if it's legal?

The nature of residential trash has changed over the past 50 years. In the past, waste consisted mostly of paper. Today, plastic packaging or products and other synthetic supplies make up a large portion of society's waste. When burned, these items can emit toxic pollutants. Collectively, open burning contributes to atmospheric pollution and increases chances of health problems. A study conducted by the U.S. Environmental Protection Agency and the New York State Department of Health shows that a single household burn barrel emits the same amount of toxic chemicals as a well-controlled municipal incinerator.

What are the health effects of burning trash?

Open burning of residential waste sends contaminated soot particles into the air. The short-term effects are usually coughing or irritation of the eyes. Smoke can be a vehicle for deep penetration of pollutants into the lungs. There is a danger of damaging lungs, kidneys, the nervous system and liver. Long-term exposure could lead to cancer and emphysema. Acids can irritate the lungs and cause problems for people suffering from asthma and emphysema.

What alternatives do I have to open burning?

In today's environment, you don't have to burn any of your waste. You can recycle it or use a commercial waste hauler to take it to a landfill or incinerator. Many

municipalities provide waste collection as part of their services.

If I am going to burn, how can I make it safer?

Because of the health risks, DEP strongly recommends that you recycle as much of your trash as possible or take it to a landfill or incinerator. If you must burn waste at home, first check to see if your municipality has an open-burning ordinance. Often, an ordinance has specific instructions about when and how you can burn household waste. If you choose to burn the waste, ensure that your fire burns as cleanly as possible by:

- Burning the waste at a high temperature.
- Making sure the fire gets plenty of oxygen. If you're using a barrel, make sure there are plenty of air holes in the sides and bottom of the barrel and in the lid. This will help create a draft as the fire burns. You also can cover the barrel with a grate.

- Not letting the fire smolder, even for a few hours or days. Pollution increases when a fire smolders.

What can I do to limit open burning in my community?

Work with your local elected officials to draft an open-burning ordinance that is as fair as possible to everyone.

Where can I get more information about open burning?

DEP has copies of its model ordinance for open burning, as well as copies of actual ordinances enacted by various municipalities. DEP also can provide copies of various studies about open burning. Additional information is available on DEP's website www.dep.state.pa.us (directLINK: "open burning"). You can also call DEP's Bureau of Air Quality at (717) 787-9702 to request copies of this information. For information about recycling, visit DEP's website (directLINK: "recycling") or call (717) 787-7382.

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2 Public Square
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570-826-2511

Counties: *Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne and Wyoming*

Southeast Region

Lee Park, Suite 6010
555 North Lane
Conshohocken, PA 19428-2233
610-832-6000

Counties: *Bucks, Chester, Delaware, Montgomery and Philadelphia*

Allegheny County and Philadelphia County each has its own air quality program. For more information about air quality in Philadelphia County, call Air Management Services at (215) 685-7572. In Allegheny County, call (412) 578-8103.

This fact sheet and related environmental information are available electronically via Internet. For more information, visit us through the Pennsylvania homepage at <http://www.state.pa.us> or visit DEP directly at <http://www.dep.state.pa.us> (choose directLINK "open burning").



www.GreenWorksChannel.org - A web space dedicated to helping you learn how to protect and improve the environment. The site features the largest collection of environmental videos available on the Internet and is produced by the nonprofit Environmental Fund for Pennsylvania, with financial support from the Pennsylvania Department of Environmental Protection, 800 334-3190.