



STATE OF DELAWARE  
 DEPARTMENT OF NATURAL RESOURCES AND  
 ENVIRONMENTAL CONTROL  
 DIVISION OF WASTE AND HAZARDOUS SUBSTANCES  
 89 KINGS HIGHWAY  
 DOVER, DE 19901

COMPLIANCE &  
 PERMITTING

PHONE (302) 739-9403  
 FAX: (302) 739-5060

**Permit SW-23/06**  
**Solid Waste Facility Permit**

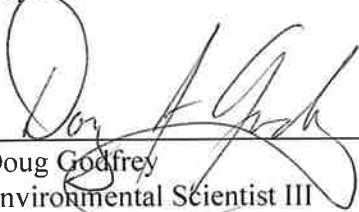
Effective Date: September 29, 2023

Last Modified: September 26, 2023


Expiration Date: September 30, 2025

Permittee: Plastic Free Delaware  
 1308 Foulk Road  
 Wilmington, DE 19803

Pursuant to 7 Del.C. Ch. 60, Section 6003 and 7 DE Admin. Code 1301, Delaware's *Regulations Governing Solid Waste*, approval of the Department of Natural Resources and Environmental Control (DNREC; Department) is hereby granted to operate the Plastic Free Delaware (PFD) solid waste facility located at 1308 Foulk Road in Wilmington, subject to the terms and conditions of this permit. All terms and conditions of this permit are enforceable by the Department.

  
 \_\_\_\_\_  
 Doug Godfrey  
 Environmental Scientist III  
 Division of Waste and Hazardous Substances  
 Compliance and Permitting Section  
 (302) 739-9403

9/29/2023  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 Jason W. Sunde  
 Environmental Program Administrator  
 Division of Waste and Hazardous Substances  
 Compliance and Permitting Section  
 (302) 739-9403

9/29/2023  
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 Date

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## I. GENERAL CONDITIONS

### A. Permit Issuance

In accordance with Delaware's *Regulations Governing Solid Waste* ("DRGSW"), Section 2.5.2 the Department of Natural Resources and Environmental Control (the "Department") issues Solid Waste Facility Permit SW-23/06 ("Permit") to Plastic Free Delaware ("PFD") for the purpose of accepting food scraps, green grass, and plant material generated off site, and processing this material onsite, with leaves and yard waste to produce compost for use onsite as a soil amendment in the Friends of Brandywine Library community garden and property, distributed for free to the Talley Day Park community composting site participants, and for use on the Talley Day Park grounds. The approximately 400 square foot composting site is located on a partially wooded area, southeast of the Brandywine Hundred Library on the NCC Talley Day Park property and is situated entirely within tax parcel 06-091.00-154.

### B. Applicability

This permit applies to:

1. Operation and maintenance of PFD.
2. Environmental monitoring, recordkeeping, and reporting for PFD.

### C. Application Documents

1. The Department issued permit SW-23/06 on September 26, 2023 in accordance with the permit application dated March 15, 2023 which included the following documents:
  - a. Solid Waste Permit Application, dated March 15, 2023, including all the checklist items required.
  - b. Proof of market provided by PFD. The Friends of Brandywine Library, Talley Day Park community composting participants, and NCC Parks and Recreation Department all acknowledge they will use the compost.
  - c. PFD Operations Plan
  - d. Conceptual Closure Plan and Financial Assurance.
  - e. All other applicable permits and approvals for the site.
2. Other plans, letters, procedures, and policies specifically referenced in this permit.
3. All previously approved and applicable documents, applications, or correspondence.

D. General Conditions

This permit is issued subject to the following general conditions:

1. This Permit does not relieve PFD, nor any of its client generators, from complying with any other applicable federal, state, or local laws, regulations or ordinances. All construction and operations at the solid waste facility shall be conducted in accordance with all federal, state, county, and municipal environmental statutes, ordinances, and regulations, including but not limited to the: *Delaware's Regulations Governing Solid Waste, Regulations Governing Hazardous Waste, Regulations Governing the Control of Water Pollution, and then Surface Water Quality Standards*
2. Permit SW-23/06 shall expire no later than September 30, 2025.
3. The Department may initiate modification of this Permit, including, but not limited to, additional limitations, requirements, and/or special conditions, at any time if the Department finds that the existing Permit conditions are either not adequate or not necessary to protect human health and the environment, as set forth in DRGSW §4.1.7.2, or in the event the regulations governing activities authorized in this Permit are revised.
4. PFD shall petition the Compliance and Permitting Section of the Department (the "CAPS") in writing at least 90 days prior to the anticipated need to implement any change in waste characteristics; changes that will alter the beneficial use of the incoming waste material; or changes to processes, operations, or procedures described in the application documents referenced in Section I.C. of this Permit. PFD shall not implement said changes unless and until they have been notified in writing from the CAPS agreeing to the change(s).
5. Failure to comply with any condition of this Permit or any provisions within the aforementioned documents is a violation of this Permit.
6. This Permit may be revoked upon violation of any condition of the permit or upon violation of any requirement of DRGSW after notice and opportunity for hearing in accordance with 7 Del. C., Chapter 60.
7. At least 60 days prior to the date of the proposed transfer, PFD must submit all documentation required by DRGSW Section 4.1.8. The actual transfer will be contingent upon the transferee meeting all Permit and regulatory requirements; until such time, the current permittee will remain liable for compliance regardless of who owns the facility.
8. Pursuant to DRGSW §4.1.6, PFD shall submit a permit application with all supporting documentation to the Department at least 180 days prior to the expiration

of this Permit if applicant desires to renew the Permit. The application package should be submitted by March 30, 2025. PFD may be required to submit additional documentation as needed at the Department's sole discretion.

9. PFD shall immediately make available, upon request, a copy of this Permit to any representative of the Department or any law enforcement officer.

#### E. Facility Contacts

**Primary Contacts:** Brigid Gregory Delaware Community Composting Initiative  
Program Director  
(302) 275-5614

**Alternate Contact:** Dee Durham Director  
(302) 381-1950

## II. FACILITY OPERATION

#### A. General Operations

PFD shall operate this facility in accordance with this permit and the Department approved plans, manuals, policies, programs, and procedures cited in Condition I.C of this permit. This includes, but is not limited to, the PFD *Operations Plan*. PFD shall operate the facility in a manner that will prevent degradation of adjacent land, air, surface water, or groundwater.

#### B. Operating Hours

1. All receiving, processing, and composting shall be limited to Talley Day Park hours (dawn to dusk) Monday through Sunday. The PFD composting facility shall not be open to the general public.
2. For the first three months, participants will drop off food scraps and yard waste only at scheduled times on designated days when a site operator will be present during dawn-dusk (the park hours). This will assist the contributors in learning the types and amounts of material accepted at the site.
3. Following the first three months, participants will be allowed to access the composting site between the designated park hours of dawn to dusk. They will be given the combination code to unlock the bins and will be given specific procedural instructions to follow as outlined later under Operating Procedures.

#### C. Access

PFD shall control access to the solid waste facility to prohibit the entry of unauthorized individuals. Representatives of the Department may, at any reasonable time, enter the

facility to verify compliance with the conditions of this Permit, the DRGSW, and 7 Del. C. Chapter 60.

D. Staffing

Sufficient numbers and types of personnel shall be available at the solid waste facility to ensure operations are in accordance with DRGSW and this permit.

E. Equipment

PFD will use Aerator fork, pitchfork, wheelbarrow, tarp, shovel, buckets ranging in volume from 1-5 gallons, 27-gallon storage container, a luggage scale, a thermometer, rain barrels, a hose, gloves, and a digital spreadsheet.

F. Transfer

1. All receiving, processing, and composting shall be limited to Talley Day Park hours (dawn to dusk) Monday through Sunday. The PFD composting facility shall not be open to the general public.

G. Acceptable Materials

1. PFD may accept only the following wastes for processing into compost.
  - i. Off-Site Generated Wastes:
    1. Fruit and vegetable scraps, crushed eggshells, coffee grounds with filters, and tea bags without staples.
    2. Leaves, underbrush clippings, broken down tree limbs, wood chips, saw dust, dried grass trimmings.
    3. Cardboard (only on an as-needed basis when there is a carbon material shortage).
    4. No additional off-site generated wastes shall be accepted.
  - ii. On-Site Generated Wastes:
    1. Fruit and vegetable scraps, crushed eggshells, coffee grounds with filters, and tea bags without staples.
    2. Leaves, underbrush clippings, broken down tree limbs, wood chips, saw dust, dried grass trimmings and trees without root balls.
    3. No additional on-site generated wastes shall be accepted.

- iii. All wastes present at the PFD solid waste facility shall be managed in accordance with this Permit.

#### H. Prohibited Wastes & Prohibited Wastes Management Procedures

##### 1. Prohibited Wastes:

- i. Plastics.
- ii. Glass and/or metal.
- iii. Painted, stained, coated, or treated wood; wood containing glues, resins, veneers, chromated copper arsenate (CCA), creosote, or other chemical preservatives; and/or wood that is contaminated or suspected to be contaminated with polychlorinated biphenyls (PCB), petroleum products, or hazardous chemicals.
- iv. Mixed municipal solid waste (trash/garbage) and/or tires.
- v. Batteries and/or electronics.
- vi. Lumber, stumps, and/or construction waste.
- vii. Biosolids and/or septage.
- viii. Petroleum-containing materials and/or wastes.
- ix. Medical wastes including sharps, radioactive materials, universal wastes, or hazardous wastes.
- x. Manure, sludge or other agricultural or solid or liquid wastes, including mortalities.
- xi. Non-agricultural mortalities; and,
- xii. Asbestos-containing materials and/or wastes.

##### 2. Prohibited Wastes Management Procedures:

All identified prohibited wastes shall be:

- i. Segregated from the authorized waste stream, as necessary.
- ii. Quantified, as practical.
- iii. Documented in accordance with Section IV. of this Permit, to include photo documentation, as warranted.
- iv. Rejected for composting; and,
- v. Immediately returned to the client generator prior to leaving the site. PFD shall provide the reason for rejection to the client generator. PFD shall inform the client generator that PFD is prohibited from accepting any wastes from client generators who habitually submit prohibited wastes for composting to PFD.

- vi. PFD shall notify the CAPS in accordance with Section VI.E.
- vii. PFD shall implement proper handling and disposal procedures as directed by the CAPS.

I. Waste Acceptance Procedures

1. Participants will determine the volume of the material they bring to the site using one of the 1- or 5-gallon buckets. Participants will weigh the material they bring to the site using the luggage scale and one of the buckets. The volume and weight will be recorded in the site's Google form.
2. If prohibited wastes are identified after the participant has left the PFD Talley Day Park Community Composting facility, the prohibited waste shall be immediately removed and properly disposed of.
3. PFD will document the type, the quantity, and the generator of all prohibited waste.
4. PFD will contact the generator of the prohibited waste to explain the reason for rejection, and that if future loads of prohibited materials are received, PFD will no longer accept any loads of waste from that generator and revoke access and all privileges associated with the site per the signed Participant Agreement (Appendix 3).
5. PFD will not accept any loads of wastes from participants whose loads habitually contain prohibited wastes.
6. PFD shall notify the CAPS in accordance with Section VI.E.
7. PFD shall implement proper handling and disposal procedures as directed by the CAPS.

J. Waste Processing Procedures

1. The total combined quantity of all solid waste on site will not exceed 7 cubic yards.
2. All material will be stored in a bin that is a maximum of 1 cubic yard in size and have a maximum height of 5 feet.
3. All bins will be stored in designated areas.
4. All yard waste materials and wood chips/saw dust will be collected and stored in labeled and separate wooden bins that are just for carbon materials.



5. The maximum quantity of all carbon materials to be stock piled onsite is 5 cubic yards.
  - a. 2 cubic yards in the carbon only storage bins and 3 cubic yards in the 4-bin wooden system.
6. Nitrogen material from onsite and offsite locations will never be stockpiled onsite. The material will immediately be added to the first compartment of the 4-bin wooden system.
7. The maximum quantity of processing nitrogen materials to be onsite at any given time is 1 cubic yard spread throughout the compartments in the 4-bin wooden compost processing system.
8. Prior to the new material being added, the material in the bin will be turned.
9. The weighed nitrogen material will be layered on top of the carbon materials.
10. Each time nitrogen material is added, a layer of brown material, at least three times as much will be added to cover the pile before closing the bin's lid.
11. This process will be repeated until the first bin is full to approximately the lid.
12. While the pile is being built, PFD will observe, record in the binder log, and act on the following in accordance with the *Plastic Free Delaware Operations Plan*:
  - i. Odors
  - ii. Moisture content (hand squeeze test)
  - iii. Volume remaining available in the compartment.
  - iv. If the first compartment capacity is reached prior to the end of the 35-day Period, no additional nitrogen material will be accepted onsite. The site operator will notify site participants via email and text message that no additional material may be brought to the site until the next *35-day* Period begins.

K. Scavenging

Scavenging is prohibited at this solid waste facility.

L. Salvaging

Salvaging is prohibited at this solid waste facility.

M. Waste Capacity

The maximum waste capacity for this facility, including finished compost for distribution shall not exceed 10 cubic yards.

N. Stormwater Management

1. Due to the size of this facility, there are no specific requirements for stormwater management on site.

O. General maintenance

PFD shall implement good housekeeping practices and include such practices in employee trainings, pursuant to Sections II.W of this Permit.

P. Odor Control

1. PFD shall operate the solid waste facility in a manner that nuisance odors, detectable outside the boundaries of the property, are prevented.
2. PFD shall record all odor complaints they receive concerning the solid waste facility and shall investigate complaints in a timely manner. PFD shall maintain records of the odor complaints and any actions taken to preclude odors from moving beyond the solid waste facility property boundary.

Q. Litter

1. Litter may include any solid waste that is not solid waste being stored for composting.
2. PFD shall inspect the immediate area of their storage container for general cleanliness and litter upon arrival at and immediately prior to departure from the location.
3. All litter encountered shall be immediately collected, placed in a designated enclosed container, and removed from the storage container area at the end of each facility visit.
4. PFD shall document any complaint received pertaining to litter emanating from the solid waste facility and shall retain the records in accordance with Section IV. of this Permit.
5. PFD shall notify the Department of any complaints of litter received by PFD in accordance with Section IV of this Permit.

R. Noise Control

1. PFD shall operate the solid waste facility in a manner to prevent noise generated by solid waste activities from interfering with any person's enjoyment of life or property.
2. PFD shall implement noise mitigation, as necessary.
3. PFD shall document any complaint received pertaining to noise emanating from their storage or processing of solid waste or any related activities and any subsequent noise mitigation practices implemented and shall retain the records in accordance with Sections IV & V of this Permit.
4. PFD shall notify the Department of any complaints of noise received by PFD in accordance with Section IV of this Permit.

S. Dust Control

The solid waste facility shall be operated in a manner to prevent dust emissions from causing a condition of air pollution (injurious to human, plant, or animal life or unreasonably interfering with the enjoyment of life and property).

T. Health and Safety

1. PFD shall implement Health and Safety practices aligned with Occupational Safety and Health Administration ("OSHA") guidance.
2. PFD shall provide all employees with health and safety training appropriate for each employee's duties and responsibilities, pursuant to Section II.W of this Permit.
3. At a minimum, PFD's use of personal protective equipment (PPE) shall be in accordance with 29 CFR Part 1910.132.
4. First aid equipment shall be maintained and available at the solid waste facility.
5. PFD shall document all health and safety training provided to each employee and retain the records in accordance with Section V of this Permit.

U. Fire Safety

1. All wastes and materials present at the site in the storage containers, composting bins, and any associated or ancillary wastes; and any collected litter shall be managed to prevent the possibility of fires.
2. Flammable or combustible, or potentially flammable or combustible, materials shall be stored in accordance with applicable fire safety regulations.

3. No smoking shall be permitted on site.
4. PFD shall develop a fire management plan, which shall be implemented immediately, reviewed annually, and updated as needed.
5. Employees shall be trained in the proper procedures for responding to a fire at and in a composting container in accordance with Section II.U.
6. PFD shall maintain fire suppression equipment in operating condition, in a fully functional condition, and in accordance with Section II.U.5 of this Permit, as applicable.
7. If a fire is detected, PFD shall call 911 to request assistance from the local firefighting agencies. PFD shall immediately notify the Department of any fire in accordance with Section IV.E of this Permit.

#### V. Contingency

1. PFD shall maintain capability to react appropriately to emergencies. PFD shall react to spills, fires, accidents, and other emergencies so as to protect human health and safety and the environment.
2. PFD shall maintain a current and correct list of emergency contact telephone numbers to include nearby ambulance, hospital, police, and fire services. The most current list shall be immediately available at the solid waste facility. All operating personnel shall be informed of its location and function.
3. Staff responding to emergencies at the facilities shall be appropriately trained, pursuant to Section II.W of this Permit.

#### W. Training

1. PFD shall provide all employees who are to work with PFD storage with training appropriate for each employee's duties and responsibilities.
  - a. Training shall be required initially and annually thereafter, unless otherwise specified by a nationally recognized training provider (for example, the American Red Cross as a training provider for First Aid).
  - b. Initial training shall be provided within 180 days of hire.
  - c. Training shall include, but is not limited to, the following topics:
    - i. Health and safety procedures
      1. Emergency response
      2. Emergency first aid
      3. Cardiopulmonary resuscitation (CPR)

- ii. Fire prevention and protection
  - iii. Spills and accidents responses
  - iv. PPE use and care
  - v. Facility inspections
  - vi. Good housekeeping practices
2. PFD shall document all trainings for employees and retain the records in accordance with Section V of this Permit.

X. Finished Compost

1. The maximum amount of finished compost onsite shall be one (1) cubic yard.
2. Curing material will be stored in a separate bin.

Y. Contamination

1. Trash bags will be available onsite in the tool storage in the event there is contamination in the feedstock.
2. All contamination will be properly bagged and immediately removed from the compost site and disposed of properly.
3. Only authorized wastes as specified in Section II.G shall be processed (composted); any additional wastes shall not be processed.

**III. MONITORING**

The CAPS will evaluate the need to conduct monitoring activities on a case-by-case basis.

**IV. REPORTING**

A. Closure Cost/Financial Assurance.

No later than December 31<sup>st</sup> of each year, PFD shall submit their financial statements for the most recently completed fiscal year along with an updated and reasonably accurate cost estimate of closure for the solid waste facility. Cost estimates shall be adjusted for inflation except for new cost estimates not previously made. PFD shall provide a detailed listing of all projected costs used to estimate the closure costs for the transfer station.

B. Annual Operations Report

No later than March 1<sup>st</sup> of each year, PFD shall submit an Annual Operations Report. PFD shall provide this report in a format acceptable to PFD and the CAPS. The Annual Operations Report shall summarize transfer station operations for the previous calendar year and include:

1. Type and weight of waste received.
2. Destination of the solid waste and the type and weight of waste taken from the solid waste facility and delivered to its final destination.
3. Summary of fires, spills, and uncontrolled releases that occurred at the solid waste facility.
4. Descriptions of all construction or corrective work conducted at the solid waste facility in accordance with plans approved by the Department or to achieve compliance with DRGSW.
5. Descriptions of any intentional or accidental deviations from the PFD *Operations Plan*

#### C. Quarterly Reports

PFD shall submit quarterly reports to the CAPS electronically no later than the 15th day of the month following the end of the quarter (1st quarter report due by April 15, 2nd quarter report due by July 15th, 3rd quarter report due by October 15th, and 4th quarter report due by January 15th). The quarterly reports shall summarize operations for the previous quarter and include the following information for the applicable quarter (information shall be presented in a tabular format, as appropriate, and each listed item shall be explicitly addressed to include zero quantities or currently not applicable topics):

1. The quantity of composted material accepted.
2. The quantity of compost distributed including the name of the receiving entities.
3. Quantity of associated and/or ancillary wastes and/or litter sent for disposal, recycling, or reuse; the date material was sent and the facility that received the material for disposal or processing.
4. Detailed descriptions of all instances, whether intentional or not, of deviations from or noncompliance with this Permit.
5. Summary of all notifications made to CAPS or incidents requiring notification pursuant to Sections II H, II I, II P, II Q, II R, II S and II T of this permit.

#### D. Additional Reporting.

1. PFD shall maintain a current and correct emergency contacts and emergency services list at the solid waste facility and shall notify the Department within five (5) business days of any changes therein.

2. If PFD is unable to comply with any of the reporting requirements within the permit, PFD must provide written notice and justification to the CAPS two (2) weeks prior to the reporting deadline.
3. Upon discovery, PFD shall report to the Department any intentional or accidental deviation from any approved plan and this permit.

E. Notification and Emergency Reporting.

1. PFD shall notify the Department immediately (within 24 hours of discovery) in the event of the following events. If any of these events occur during business hours, PFD should report to the Department's Division of Waste and Hazardous Substances' Compliance and Permitting Section by telephone to 302.739.9403. At all other times report the emergency to the Division of Waste and Hazardous Substances' TOLL-FREE 24-HOUR LINE 1.800.662.8802.
  - a. Fire or explosion involving the solid waste facility.
  - b. Receipt of prohibited waste at the solid waste facility.
  - c. Any spill or uncontrolled release that may endanger human health or the environment.
  - d. Any time the solid waste capacity limit of seven (7) cubic yards is exceeded.
2. PFD shall submit a written notification to the Department no later than five (5) business days following any event requiring "Notification and Emergency Reporting". The notification shall include the following:
  - a. Date and time of occurrence/discovery.
  - b. Date and time reported to the Department.
  - c. Materials and quantities involved.
  - d. Agencies notified.
  - e. Narrative describing how the incident occurred and the actions taken by PFD and other response personnel.
  - f. Report of injuries/damage.
  - g. Proposal for follow-up or remedial actions including schedule.
3. Written notifications and reports shall be submitted electronically to Doug Godfrey at: [Doug.Godfrey@delaware.gov](mailto:Doug.Godfrey@delaware.gov)

## **V. RECORDKEEPING**

### **A. On-Site Records**

The following information must be recorded in a timely manner and the records retained by PFD for at least three (3) years. The information shall be kept on-site or made available to the Department within a reasonable period of time after being requested.

1. A record of the type and weight of waste received by the solid waste facility each day.
2. A record of the of compost distributed from the site to its final destination each day.
3. A record of fires, spills, explosions, and uncontrolled releases that occurred at the facility, and of hot loads received.
4. Records of operational inspections.
5. Training records that document all required training for all solid waste facility staff.
6. Records of any complaints received by PFD concerning the facility.

## **VI. CLOSURE**

### **A. Closure in Accordance with DRGSW.**

PFD shall close PFD in accordance with DRGSW and this permit. Minimum closure expectations include, but are not limited to, the following:

1. Should PFD cease community composting, all products on site shall be properly disposed of or recycled.
2. By the cessation date provided by PFD, PFD shall remove from the State of Delaware all solid waste, all associated and/or ancillary wastes, and all collected litter.

### **B. Notification**

PFD shall immediately notify the Department in writing of the estimated date that solid waste operations are planned to cease. At least ninety (90) days prior to the date when waste will no longer be accepted at the solid waste facility, PFD shall submit to the Department the following:

1. Written notification of intent to close including the request to modify the permit to allow closure.
2. An updated closure plan.



3. The closure schedule.
4. A description of the post-closure use of the facility.

C. General Closure Activities

Closure activities shall not commence until the Department has:

1. Given public notice regarding the requested permit modification to close the solid waste facility.
2. Modified the solid waste facility permit to allow closure in accordance with the closure plan and DRGSW.
3. PFD shall complete closure of the solid waste facility in accordance with the approved schedule; however, closure must be completed within six (6) months of the date on which the permit was modified to allow closure.
4. Closure of the solid waste facility shall meet the closure requirements set forth in DRGSW.
5. After closure has been completed, the Department may require that PFD conduct monitoring and/or maintenance activities at the site to prevent or detect and mitigate any adverse environmental or health impacts.

D. Post-closure Care

Post-closure care (if applicable) shall be in accordance with DRGSW and this permit. Post-closure care shall be in accordance with the post-closure care permit and the approved post-closure care plan approved by the Department.

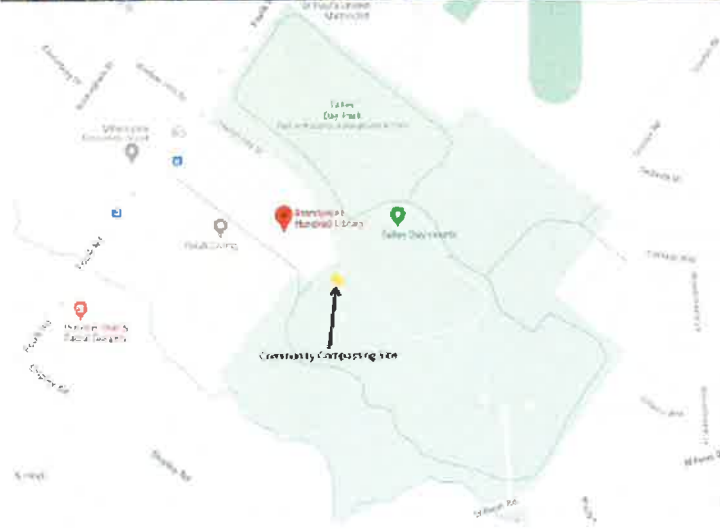
E. Post-closure Land Use

PFD shall implement the post-closure land use plan approved by the Department.

**PERMIT MODIFICATION SYNOPSIS**

September 26, 2023: Initial permit (SW-23/06) was issued for two (2) years.  
September 26, 2023: Minor grammatical errors were corrected.

### Site Map and Aerial



### PFD Talley Park Community Composting site facility design

#### 20' x 20' Site Rendering-Talley Day Park

- a. Tool Storage (unless already onsite)
- b. (3) enclosed & locked bins for carbon storage
- c. Signage



- e. 2nd curing bin
- f. (1) Steel Bin for Finished Compost
- g. (2) Rain Barrels

**d. (1) 3-bin Wooden System**  
 These bins are covered on all sides with either hardware cloth or netting (see details). The system pictured shows the internal details of the bin. Each system can support about 40 households.

