

Commercial Solid Waste Hauling and Recycling Program Ordinance

Ordinance No. 15-8-2001

WHEREAS, Public Act 98-1079 became effective on August 26, 2014 and created the Solid Waste Hauling and Recycling Program Act, and amended the Illinois Municipal Code and the Illinois Solid Waste Planning and Recycling Act; and,

WHEREAS, Public Act 98-1079 requires each hauler operating in a county or municipality to offer collection services for recyclable materials to their non-residential business customers, and to provide a written offer to provide recycling services, at least once every 2 years, to their non-residential business customers that are not recycling; and,

WHEREAS, Public Act 98-1079 prohibits a municipality with a population of less than 1,000,000 from awarding a commercial franchise unless it: 1) provides written notice to all haulers licensed by the municipality of its intent to issue a request for proposal for a commercial franchise, and 2) adopts an ordinance requiring a 36 month reporting program to determine the percentage of non-residential businesses in the municipality contracting for the collection of recyclable materials, and demonstrates that the recycling participation for the final six months of the 36 month long reporting period is less than 50% of the total number of businesses served in the municipality or that during 2 consecutive 6 month reporting periods after the 36 month reporting period that less than 50% of businesses are under contract for the collection of recyclable materials; and,

WHEREAS, Public Act 98-1079 permits a municipality that has issued a written notice and conducted the 36 month long reporting program to, upon written request to the haulers, continue to require the haulers to report data on the recycling participation rate every 6 months and to also require the haulers to report on the quantity, in tons of recyclable materials and municipal waste, collected by the hauler in the municipality; and,

WHEREAS, the 2014 Lake County Solid Waste Management Plan Update encourages units of local government in Lake County to evaluate commercial franchising as a method to control costs, increase recycling, and reduce greenhouse gases associated with collection from non-residential locations; and,

WHEREAS, the Village/City of Lindenhurst is a member of the Solid Waste Agency of Lake County and voted to either accept or approve the 60% Recycling Task Force Report finalized in 2011 and since incorporated into the 2014 Lake County Solid Waste Management Plan Update, and has committed to working on programs that will increase recycling at non-residential business locations, including the evaluation of commercial franchising to increase recycling.

NOW THEREFORE BE IT ORDAINED BY THE VILLAGE/CITY OF LINDENHURST THAT:

Section 1 – Definitions

“Contract for service” means a written or verbal contract between a hauler and non-residential location, and includes the hauler providing a collection container and service for collection of municipal waste and/or recyclable materials.

“County” means Lake County, Illinois.

“Hauler” means any person who engages in the business of collecting or hauling garbage, municipal waste, recyclable material, landscape waste, brush or other refuse on a continuous and regular basis, and makes multiple scheduled collections per month within a County. A hauler may be either licensed by a municipality and is hereinafter referred to as a “licensed hauler” or registered by a municipality in accordance with Section 3(b) of this Ordinance and is hereinafter referred to as a “registered hauler”.

“Municipality” means the Village/City of Lindenhurst

“Non-residential location” means a commercial, industrial or institutional property that has a hauler providing collection or hauling services for municipal waste or recyclable material (not including “special waste” as that term is defined in the Illinois Environmental Protection Act), and said hauler provides that individual property with its own container(s) for collecting municipal waste and/or recyclable material.

“Participation rate” means the percentage of non-residential locations that have a hauler contracting for separate collection of recyclable materials, and is computed by setting as the denominator the total number of non-residential locations served by the haulers in the municipality with collection services for municipal waste as reported by the haulers, and setting as the numerator the total number of non-residential locations contracting with the haulers in the municipality with collection services for recyclable material. Such separate collection of recyclable materials shall be on a periodic basis and if less frequent than once every four weeks shall be reported on the municipal form provided pursuant to Section 3(c)(2). For purposes of computing the participation rate, if non-residential locations opt to share a container for collecting recyclable material the sharing of a container must be documented as being acceptable to those non-residential locations and as having adequate capacity to meet the recycling needs of the non-residential locations sharing the container. Such sharing of recyclable material containers shall be reported as recyclable material customers on the municipal form provided pursuant to Section 3(c)(2) of this Ordinance. If a non-residential location does not contract with a hauler for collection services for recyclable material, but does recycle recyclable material at its location, such recycling activity shall count toward the participation rate.

“Recycling” means a method, technique or process designed to remove any contaminant from waste so as to render that waste reusable, or any process by which materials that would otherwise be disposed or discarded are collected, separated, or processed and returned to the economic mainstream in the form of raw materials or products.

“Recyclable material” means material that is separated from municipal waste for the purpose of recycling, including , but not limited to, ferrous metal cans, aluminum containers, plastics

including HDPE and PET containers and plastics #3 through #7, newsprint, corrugated paper, junk mail, magazines, office paper and boxboard.

Section 2 – Offer of Collection of Recyclable Materials

- (a) Each hauler operating in the municipality shall offer, either as part of basic service, or alternatively as an additional service, the collection of recyclable materials from any non-residential location within the municipality. The offer shall meet the following requirements:
 - 1. For those non-residential locations that have collection services for recyclable materials, the hauler shall provide information on how and what materials to recycle at least once every other year from the effective date of this ordinance. One sample copy of this information shall be provided to the municipality, at least once every other year, by each hauler within 30 days of it being provided to the non-residential locations.
 - 2. For those non-residential locations that do not have collection services for recyclable materials, the hauler shall provide a written offer to provide recycling services at least once every two years from the effective date of this ordinance. The written offer shall also include a request that the non-residential location respond to the hauler's request in writing. One sample copy of this written offer shall be provided to the municipality, at least once every two years, by each hauler within 30 days of it being provided to the non-residential locations.
- (b) Recyclable materials collected by a hauler within the municipality shall not be deposited into a landfill or incinerator unless all reasonable efforts have been made by the hauler to recycle the material. If source separated recyclable materials are landfilled or incinerated the hauler shall notify the municipality on the municipal form provided pursuant to Section 3(c)(2) of this Ordinance.
- (c) Ownership of recyclable materials set out for collection shall remain with the non-residential location that set out the material for collection until the material is removed by the hauler.

Section 3 – Procedures to Determine if a Commercial Franchise can be Considered by the Municipality

- (a) The municipality shall provide written notice to all licensed haulers providing hauling services in the municipality of its intent to issue a request for proposal for a commercial franchise, and such written notice shall include a copy of this Ordinance.
- (b) If the municipality does not license haulers it shall make its best effort to determine the haulers that provide collection services within its borders, develop a list of registered haulers, and provide them with written notice as required by this section and to publish a public notice in accordance with its regular notice requirements. Such written notice shall include a copy of this Ordinance.
- (c) Upon adoption of this Ordinance each licensed or registered hauler, for a period of 36 continuous months, shall report the number of non-residential locations served by the

hauler in the municipality for collection of municipal waste, and the number that contract for recyclable materials collection service. The specific data required to be reported for the 36 month period shall be provided and reported as follows:

1. The 36 month continuous study shall commence on the first day of the month following the effective date of this Ordinance being enacted by the municipality.
 2. Every six months from the commencement date each licensed or registered hauler shall report to the municipality, on a form to be provided by the municipality, the number of non-residential locations served by the licensed or registered hauler for collection of municipal waste, and the number of non-residential locations contracting for recyclable materials collection service. Each six month report shall be submitted to the municipality within 30 days following the end of each six month period.
 3. The municipality shall post on its website, within 15 days of receiving the reports required under Section 3(c)(2) from all the licensed or registered haulers, the participation rate as defined in Section 1 for each six month reporting period. When determining the participation rate the municipality shall use the information provided by all haulers operating within the municipality in accordance with Section 3(c)(2) of this Ordinance. The information shall be reported by licensed or registered hauler, without identifying the hauler; and, in aggregate without naming individual haulers and the non-residential locations the haulers provide collection services to.
 4. If the participation rate calculated by the municipality, in accordance with this Ordinance, for the final 6 month period in the 36 month study establishes that the participation rate is less than 50%, the municipality may proceed to issue a request for proposal for a commercial franchise.
- (d) Beginning at the conclusion of the 36 month reporting period, and upon written request of the municipality, each licensed or registered hauler shall report to the municipality for every six month period thereafter for as long as the municipality chooses to receive such data. The data required under this Section shall be provided and reported as follows:
1. The number of non-residential locations the hauler provides collection services to for municipal waste.
 2. The number of non-residential locations the hauler provides collection services to for recyclable material.
 3. An estimate of the amount, in tons, of municipal waste collected from the non-residential locations serviced by the hauler.
 4. An estimate of the amount, in tons, of recyclable material collected from the non-residential locations serviced by the hauler.
 5. The municipality shall post on its website, within 15 days of receiving the reports required under Section 3(c) from all the haulers, the participation rate as defined in Section 1 for each six month reporting period. When determining the participation rate the municipality shall use the information provided by all haulers operating within the municipality. The information shall be reported by hauler, without identifying the hauler; and, in aggregate without naming

individual haulers and the non-residential locations the haulers provide collection services to.

6. If the participation rate reported to the municipality is determined to be less than 50% of the non-residential locations for two consecutive 6 month reporting periods, the municipality may proceed to issue a request for proposal for a commercial franchise.

Section 4 – Compliance Monitoring

- (a) A licensed or registered hauler reporting pursuant to Public Act 98-1079 and this Ordinance is required to maintain a current list of the non-residential locations in the municipality served by the hauler for collection of municipal waste, and contracting with the hauler for collection services for recyclable material. This list shall be made available, within ten (10) business days of written notice from the municipality, for review by municipal personnel or its designated person from the Solid Waste Agency of Lake County, Illinois (SWALCO) at the premises of the hauler after each six month reporting period. Municipal personnel or its designated person from SWALCO shall review this list solely for the purpose of verifying compliance with the requirements of Public Act 98-1079 and this Ordinance. This list must include the street address location of the service, and the municipality or its designated person from SWALCO may then visit these locations to determine if recycling services are in fact being provided in accordance with this Ordinance.

Section 5 - Penalties

- (a) Any licensed hauler who violates the requirements of this Ordinance shall be subject to a fine of \$500.00 for each day a violation has been found to be committed. A second such violation by the same licensed hauler of this ordinance shall result in a fine of \$750.00 for each day a violation has been found to have been committed. Any licensed hauler that violates the requirements of this Ordinance a third time may have its license revoked by the municipality.
- (b) Any registered hauler who violates the requirements of this Ordinance shall be subject to a fine of \$500.00 for each day a violation has been found to be committed. A second such violation by the same registered hauler of this ordinance shall result in a fine of \$750.00 for each day a violation has been found to have been committed.

Section 6 – Effective Date

- (b) This Ordinance as approved on this 10th day of August, 2015 shall be in full force and effect beginning on September 1, 2015.

Approved and passed this 10th day of August, 2015.

Ayes: 6 Trustees: Anderson, Chybowski, Czarny, Dunham, McGrath
and Suchy

Nays: 0

Absent: 0

By: *D. Mato*

Village President/Mayor

Attest: *Patricia Johansen*
Village Clerk

