

Chapter 7.16

SOLID WASTE, LITTER AND WEEDS

MANDATORY RECYCLING

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7.16.043 Mandatory recycling--Purpose and intent.

A. The city of Springfield now participates in the Western Massachusetts Regional Recycling Program which includes delivery of recyclables to the Materials Recycling Facility; and the Commonwealth of Massachusetts has promulgated recycling rules (formerly known as waste bans) which restrict the disposal of certain recyclable items at solid waste landfills and incinerators in Massachusetts (310 CMR 19.017). The restricted materials are: lead batteries, leaf waste and yard waste, white goods, recyclable aluminum, metals and glass, all grades of recyclable paper, single polymer plastics, cathode ray tubes in televisions and old computers. Compliance with the recycling rules may be accomplished through reducing the amount of solid waste generated in buildings throughout the city and by recycling and composting materials to the fullest extent possible; and public support for recycling and composting has been demonstrated throughout the city.

B. Be it declared by the city council of the city of Springfield that the following policies are hereby adopted by the city of Springfield with respect to efficient management of solid waste, for the promotion of health and welfare of its citizens and for the protection of the environment: the city of Springfield hereby declares its goal of requiring all buildings in the city to implement recycling programs. The city of Springfield further declares its goal of encouraging all residents, municipal offices, commercial businesses, and institutions to reduce the amount of solid waste they generate by recycling to the fullest extent possible.

C. The city hereby further declares that the implementation of this policy shall proceed within the bounds of sound fiscal management and in contemplation of advances in recycling collection and processing technology, in an orderly fashion with all due speed. This chapter has been created because of the great interest by the citizens of the city of Springfield in preserving the environment by reducing the amount of refuse sent to landfills and incinerators. It shall be the policy of the city of Springfield to reduce the amount of refuse generated and to require recycling and composting to the fullest extent possible. (added 10/05/1999)

7.16.044 Mandatory recycling--Definitions. For the purposes of this chapter, the following words, terms, and phrases shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

A. "Access" means the implementation of a recycling program that provides the opportunity to recycle for residents, tenants, or occupants of all buildings. The recycling program must be as convenient as rubbish collection whenever possible.

B. "Bluebox or Household Recycling Receptacle" means a rectangular plastic box of approximately twelve (12) to eighteen(18) gallons, designed for use as a curbside set out container for recyclable materials.

C. "Cart" means a barrel of approximately thirty (30) to one hundred (100) gallons with wheels and a lid used for storage of recyclables and designed for mechanical loading into a recyclables collection vehicle.

D. "City" means the city of Springfield, Massachusetts.

E. "Commercial Recycling Plan Form" means the form required by the department of public works to be submitted by each property owner or manager of a city business or non-profit establishment with one hundred (100) or more employees or buildings with an aggregate of at least one hundred (100) employees that identify their compliance with the requirement to offer access to a recycling program.

F. "Designated Hauler" means a company in the business of collecting and transporting recyclables generated in the city to the Springfield Materials Recovery Facility (MRF), and entering in an agreement with the city of Springfield, by which terms that the hauler is entitled to bring recyclables to the MRF.

G. "Director" means the director of department of public works or his/her duly authorized representative.

H. "Drop-off" means the transport and deposit of recyclable materials at a city approved location.

I. " Dwelling Unit" means any building or portion thereof that contains living facilities (which provide for sleeping, eating, cooking, and sanitation) for not more than one (1) household.

J. "Hazardous waste" means all waste of an ignitable, corrosive, reactive or toxic nature.

K. "Haulers Reporting Form" means the form required by the department of public works to be submitted by each hauler working in the city that allows them to report on the status of the recycling program for each of their multiple family building customers.

L. "Multiple Community Loads" mean paper or containers that have been collected from two (2) or more communities.

M. "Multi-Family Complex" means a building parcel located in the city that contains forty (40) or more dwelling units.

N. "Multi-Family Building" means any residential building with four (4) or more dwelling units and less than forty (40), including apartments, cooperatives, condominiums, group houses, rooming houses or boarding houses.

O. "Multiple-Family Recycling Plan Form" means the form required by the department of public works to be submitted by each property owner or manager of a multi-family complex that identifies how they are complying with the requirement to offer their tenants with access to a recycling program.

P. "Property Owners and Managers" mean those individuals or businesses responsible for providing waste management services for a building located in the City.

Q. "Recyclables or Recyclable Materials" mean the discarded non-hazardous waste material that may be reclaimed and is considered to be marketable. Such material shall include initially newspaper, corrugated cardboard, white paper, magazines, telephone books, milk and juice cartons, drink boxes, plastic bottles #1 - #7, unbroken containers of flint, green and brown glass, tin (steel) cans, and aluminum cans and foil. The list of recyclables may be expanded or contracted from time to time as determined by the director of public works. (added 10/05/1999)

7.16.045 Mandatory recycling--Establishment of program. There is hereby established in the city of Springfield a program for the mandatory separation of recyclable and compostable materials from refuse which shall apply to all buildings in the city of Springfield and will be carried out under the supervision of the director of the department of public works (DPW). The city shall participate in the Department of Environmental Protection's (DEP) Western Massachusetts Regional Recycling Program which allows the city to deliver its recyclables to the MRF located on Birnie Avenue in Springfield. The DPW maintains its membership in the DEP's program through participation on the MRF Advisory Board. (added 10/05/1999)

7.16.046 Mandatory recycling--Mandatory separation of recyclable materials.

A. It shall be mandatory for each occupant in the city of Springfield to separate all designated recyclable materials from other refuse in accordance with the provisions of this section:

1. Buildings which receive city solid waste collection services. It shall be mandatory for each owner or occupant of a building which receives city solid waste collection services to separate from other refuse all recyclable materials designated by the director. This requirement shall also apply to all city owned buildings, including schools.

2. Buildings which do not receive city solid waste collection services. It shall be mandatory for each owner or occupant of a building which does not receive DPW solid waste collection services to separate all designated recyclable materials from other refuse. Owners or occupants are encouraged to contract with their hauling companies for the collection and recycling of materials and are responsible for the costs. (added 10/05/1999)

7.16.047 Mandatory recycling--Collection of recyclable materials.

A. Single family dwellings up to three (3) family dwellings and grandfathered small businesses. For each household and small business that the DPW provides rubbish collection services, the DPW will offer access to the city's recycling program. The DPW will make every effort to offer access to a recycling program at least as convenient as rubbish collection. All households and businesses located in the city will be granted access to the recyclables drop-off program located at the Bondi's Island Recycling Depot.

1. As long as funds are available, the city will provide one (1) household recycling receptacle or bluebox to each dwelling unit where rubbish collection services are also offered. The city shall retain ownership of all its household recycling receptacles and the occupant of each dwelling unit shall take proper care to protect such receptacle from loss or damage. Receptacles that are lost or stolen will be replaced by the city under the following conditions (and as long as the city's supplies last): (a) If a resident claims their bluebox has been stolen, the recycling foreman will determine if the claim is legitimate. A resident may receive one free replacement, additional replacements must be purchased; (b) If resident claims their bluebox is broken, the broken box must be exchanged for the new box when delivered. Residents with broken blueboxes may receive one free replacement, additional replacements must be purchased. Blueboxes may be purchased at the DPW's main office. After city supplies are depleted, it shall be the responsibility of the resident of each dwelling unit to obtain a suitable replacement within forty-five (45) days.

2. As long as funds are available, the city may provide a suitable number of household recycling receptacles including carts to some buildings that currently receive city rubbish collection services. The city shall determine the number of household recycling receptacles to be provided for each individual building. The city shall retain ownership of its household recycling receptacles and carts and the owner or owners of the building shall take proper care to protect such containers from loss or damage. If the containers are lost or stolen, it is the responsibility of the owner or owners of the building to obtain a suitable replacement within forty-five (45) days in accordance with rules and regulations to be issued by the director under this section.

3. All recycling containers and receptacles shall be placed at the curbside every other week for collection by 7:00 a.m. on the designated day of collection. The bluebox shall be placed on the outer edge of the sidewalk so as to not obstruct the free passage of pedestrians.

4. Recyclables shall not be placed in plastic garbage bags for collection, removal or disposal. Recyclables shall not be placed in the same refuse containers as rubbish or mixed with rubbish or litter for collection, removal or disposal. If separation of recyclable materials from rubbish does not take place, the city may decide not to collect said rubbish.

5. Upon placement of recyclables at the curbside such recyclables shall become the property of the city. It shall be a violation of this section if any person, other than authorized agents of the city acting in the course of their employment or contract, collects or causes to be collected any recyclables so placed. Each and every such collection in violation hereof from one or more locations shall constitute a separate and distinct offense. Any violator of this subsection shall make restitution to the city for the value of recyclables illegally removed.

B. Multiple family dwellings of four (4) or more units and less than forty (40). Property owners and managers of multiple-family dwellings of four (4) or more dwelling units and less than forty (40) units that do not receive city rubbish collection services, shall do the following to ensure compliance with this mandatory recycling ordinance: Property owners and managers shall be responsible for providing their tenants access to a recycling program. Every effort will be made for the building's recycling program to parallel its rubbish collection program in order to provide convenient access for tenants. Property owners and managers must notify tenants in writing at the time of renting or leasing and at least annually thereafter about participation in the building's recycling program. Tenants will be provided with the following information: (a) reasons to reduce and recycle solid waste; (b) which materials are collected;

(c) how to prepare the materials in order to meet the processing requirements; (d) collection methods and location of collection sites; and (e) a contact person or company including a name, address, and telephone number.

1. Property owners and managers may self-haul recyclable materials to the city's drop-off recycling depot at the Bondi's Island Landfill. A receipt will be given property owners and managers to serve as proof of delivery.

2. As a requirement to operate in the city, haulers will be required to provide a list of their multiple-family building customers and indicate if a recycling program has been established and maintained. The DPW will provide each hauler with a Haulers Reporting Form that will be submitted to the director of public works on a semi-annually basis: January 1, July 1.

C. Multiple-family complexes with forty (40) or more dwelling units. Property owners and managers of multiple family buildings or complexes which contain forty (40) or more dwelling units and contracts for private refuse collection services, will provide occupants with access to a recycling program through contractual arrangements with their haulers.

1. Property owners and managers must provide the DPW with a recycling plan that indicates how they will offer their tenants access to a recycling program. A recycling plan will be done for each property for which the property owner and manager are responsible.

a. Each recycling plan will cover the following items:

1. Program contact person and phone number;
2. Methods to be used for collection, including types of containers;
3. Frequency of collection;
4. How tenants are educated; and
5. Name of hauler under contract.

b. The DPW staff will provide each property owner and manager of multi-family properties of forty (40) or more dwelling units with a Multi-Family Recycling Plan Form. Recycling plans are to be implemented within one hundred twenty (120) days of approval and submitted annually thereafter on July 1.

c. Recyclables must be collected from each property at least once every two weeks.

d. Commercial haulers are strongly encouraged to deliver recyclables collected from multi-family properties to the Springfield Materials Recycling Facility and will be automatically counted toward the city of Springfield's recycling rate.

e. Property owners and managers must notify tenants in writing at the time of renting or leasing and at least annually thereafter about participation in the building's recycling program. Tenants will be provided with the following information: reasons to reduce and recycle solid waste; which materials are collected; how to prepare the materials in order to meet the processing requirements; collection methods and location of collection sites; and a contact person or company including a name, address, and telephone number.

D. Businesses and non-profit establishments. All businesses and non-profit establishments in the city of Springfield, including commercial business customers of the DPW that receive rubbish and recycling services, shall establish an on-site recycling program and recycle a minimum of (2) two designated materials. The business or non-profit can sell or exchange at fair market value its own recyclable materials or may contract with a designated hauler to deliver them to the MRF.

1. Designated recyclable materials to be collected from businesses and non-profits shall recycle a minimum of two (2) materials listed below or other non-listed materials which are approved by the director. Materials should be prepared and/or separated in a manner mutually acceptable to the hauler and the business. The business recyclable materials are as follows: (a) aluminum cans; (b) magazines and catalogues; (c) computer paper/copy paper; (d) tin/steel cans; (e) corrugated cardboard; (f) paperbacks and phone books; (g) glass bottles; (h) mixed office paper (junk mail); (i) plastic containers; and (j) Newspaper.

2. The city of Springfield reserves the right and authority to add or delete other materials to the above list. The director will consider substitutions for items on the list on a case by case basis.

3. Schedules and locations. The business and the hauler shall mutually agree upon recycling collection schedules and pickup locations. The city is not responsible for any problems, unauthorized collections, liabilities, or any other difficulties that arise between the hauler and the business.

4. Promotion and education. A business subject to this ordinance is responsible for notifying and continually educating its employees on recycling issues and practices through a formal and ongoing education campaign. Every business shall distribute to every new employee in hand within seven (7) days of employment, and to all existing employees at least annually and by posting in a common area general recycling information and current program recycling guidelines. In the case of a multi-tenant building, the building owner or manager must distribute general recycling

information and current program recycling guidelines to every tenant housed in the building within thirty (30) days of occupancy and to all tenants housed in the building annually.

5. Businesses and non-profits with one hundred (100) or more employees, or buildings with an aggregate of at least a hundred (100) employees that have a single rubbish collection service, must submit a commercial recycling plan to the DPW. If a business covers multiple service locations, the business owner shall submit a recycling plan for each location. A commercial recycling plan form will be provided by the DPW and will be submitted annually on July 1. Recycling plans are to be implemented within one hundred and twenty (120) days of approval of the plan by the DPW. Each recycling plan will cover the following items:

- a. List of recyclables eligible for collection in the program;
- b. Frequency of collection from property;
- c. Types of containers used for collection;
- d. Program contact person and phone number;
- e. Name of hauler under contract; and
- f. Destination of recyclable materials

(added 10/05/1999)

7.16.048 Mandatory recycling--Private haulers.

A. It will be the responsibility of property owners and managers of multi-family buildings, businesses, and non-profit establishments to provide access to recycling for their tenants or employees through a contractual arrangement with haulers working in the city of Springfield. The haulers providing the ongoing recycling collection services shall be responsible for furnishing, maintaining, and replacing all common area recycling containers and collection vehicles which are deemed necessary in the recycling program. The hauler shall be responsible for the collection, intermediate storage or transfer, transportation, and delivery to the MRF for residential recyclables or another DEP approved processing facility for business recyclables.

B. All haulers who collect solid waste, and/or recyclable material from any building in the city of Springfield must comply with all applicable federal, state, and local laws, ordinances, rules and regulations.

C. Recycling collection schedules and pickup locations shall be mutually agreed upon by property managers/owners, businesses, non-profit establishments and the haulers. The city is not responsible for any problems, unauthorized collections, liabilities, or any other difficulties that arise between the haulers and their customers.

D. Containers provided by haulers for recyclables, including compactors, shall be clearly labeled in English and in other languages if appropriate, including indicating the materials to be placed in the container and the word "recycle" or "recyclable" or the "chasing arrows" recycling symbol.

E. Containers used to collect the recyclable material should have adequate capacity and durability to function efficiently and meet the spatial constraints of the building. The type of containers used for collection of recyclables will be established between the owner/manager and the hauler.

F. Containers located outdoors shall be covered or otherwise secured to prevent material from blowing, leaking or falling out and to protect the materials from vector populations and the elements. The building property owner/manager shall maintain all recycling areas in a clean, sanitary and litter free manner.

G. Indoor common area collection/storage areas shall be established in accordance with appropriate city of Springfield fire and/or safety codes. Exterior recyclables storage areas shall be established in accordance with city of Springfield requirements for solid waste enclosures.

H. The recycling containers at a multi-family property shall be placed in a location or locations at least as convenient to tenants as the trash receptacles, including trash chutes, insofar as is practical given space limitations.

I. Hauler reports. As a requirement to work in the city, haulers will be required to submit a Hauler Reporting Form to the DPW on multi-family buildings with four (4) or more dwelling units and fewer than forty (40) dwelling units. The report forms will be supplied by the DPW and will be due on a quarterly basis January 1, April 1, July 1, and September 1. When the specified quarterly report dates fall on a Saturday, Sunday or legal holiday, the report is due on the next business day. Reporting forms will be supplied by the Springfield DPW.

1. The data on the forms will include: multi-family building address, telephone number of owner/manager, and the identification of an established recycling program. Haulers will not be responsible for the establishment of a program unless contracted by the owner/manager. The Hauler Report asks only for information as to whether a recycling program exists.

2. All such reports, data, and information once received by the city of Springfield DPW shall become the property of the city of Springfield and will be considered confidential information.
(added 10/05/1999)

7.16.049 Mandatory recycling--Designated hauler status.

A. Haulers will only be allowed to deliver loads of recyclables from the city of Springfield to the MRF, if the city of Springfield recognizes them as a designated hauler. In order to receive such a designation from the city of Springfield, the hauler must enter into an agreement with the city by submitting a designated hauler agreement to be approved by the director. Designated haulers will agree to the following conditions:

1. The hauler shall work with the DEP and operator of the MRF to coordinate the delivery of recyclables to the facility.
2. The hauler shall be entitled to deliver only those recyclables which the operator is contractually obligated to accept, those items may be expanded or limited from time to time by mutual agreement of the city of Springfield, DEP, and the operator.
3. The hauler shall not deliver any hazardous waste to the MRF.
4. The operator shall be entitled to reject loads containing in excess of ten (10%) per cent by weight of non-recyclable materials as determined by the operator and confirmed by the DEP's representative at the facility. The hauler shall be responsible for the disposal of and any costs associated with any rejected loads. In the event the operator elects to accept such a load, the operator may be entitled to recover the costs of disposal of non-recyclable materials directly from the hauler.
5. In the event that the origination of the contamination can be determined, the hauler may refuse to collect the recyclables upon notifying such customers of the reason for refusal and shall notify the city of any customer who continues with repeated offenses.

B. In the event of a MRF shutdown for an extended period and if no other markets for the recyclables can be found by the city or hauler, it shall be solely the responsibility of the hauler to find alternative disposal for and pay any costs associated with the disposal of the recyclables.

C. If a hauler elects to collect and deliver to the MRF a load of recyclables from multiple communities, including the city of Springfield, the hauler shall provide to the city and DEP a copy of the multiple community load agreement signed by the city and participating municipalities. In the event of a rejected load, all charges shall be the responsibility of the hauler.

D. In the event a hauler fails to comply with any of the terms and conditions set forth above, the city shall first notify the hauler of such failure and work with the hauler to remedy the situation. In the event the hauler is unable to remedy such non-compliance to the satisfaction of the city and the DEP, the city may, at its sole discretion, suspend, modify, or terminate the rights of the hauler as a designated hauler. Circumstances under which the city may exercise such remedies include, without limitation, the following:

1. Failure to cooperate with DEP and the operator in coordinating deliveries to the MRF.
2. Failure to supply the city and operator with information on multiple community loads.
3. Failure to pay rejected load charges.
4. Repeated failure to accurately complete or submit the haulers reporting form.

(added 10/05/1999)