



County of Fairfax, Virginia

SOLID WASTE ADVISORY

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Clarification for Haulers on Yard Waste Collection Requirements and the “Townhouse Exemption”

The purpose of this Solid Waste Advisory is to clarify the requirements that Chapter 109.1 places on solid waste collectors with respect to yard waste collection. This Advisory also provides advance notice of new procedures requiring that collectors demonstrate that selected residential communities they serve have an approved “alternative recycling system” (i.e., the community is exempt from the legal requirement to source-separate yard waste at the curb for separate collection).

COLLECTOR’S OBLIGATIONS FOR YARD WASTE SET OUTS

In advance of the March commencement of yard waste season, some collectors are choosing to adopt a new policy whereby they will not collect yard waste set out in black plastic bags or otherwise in a manner that does not comply with Chapter 109.1. It is important to note that all collection customers must be notified in writing for this type of change in service. It is also important for collectors to communicate the reasons for this change in a fair and accurate matter. The Solid Waste Management Program recommends that collectors address the issue of yard waste in black plastic bags, highlighting the following key points:

1. Chapter 109.1 of the Fairfax County Code requires that residents set out recyclables, including yard waste (to summarize) in a manner that allows for visual identification and inspection.
2. If a residence or business does not comply with the relevant set out requirements of Chapter 109.1, this office will not take any action against a collector that elects to leave the improperly set out materials.
3. The County does not prohibit a collector from collecting, for recycling, yard waste set out in black plastic bags. The collector, however, is then placed in the position of potentially having to clean up trash at the yard waste recycling site, should the black bag contain all or a large amount of trash.

Collectors who find themselves with a customer that does not set out yard waste properly should seek alternatives for readily identifying set out contents. One successful alternative has been for the collector to have their customers mark yard waste bags with a large “X”.



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EXEMPTIONS FROM THE YARD WASTE REQUIREMENTS

Separate curbside yard waste collection can be impractical for certain townhouse communities for the following reasons:

- The community contracts with landscaping companies to maintain lawns and common areas;
- The community produces minimal amounts of yard waste due to small or no lawns; and/or
- Yard waste is recycled through a communal program, usually by “grasscycling” or composting.

Under these circumstances, townhouse communities can seek County approval of an **alternative recycling system** under Section 109.1-2-1 (c) of the County Code. Many such approvals have been granted, largely between 1994 and 1995, and have not been updated since that time. To ensure that the Solid Waste Program has accurate information about alternative recycling systems, all townhouse communities claiming an approved alternative recycling system for yard waste must reapply for their approval. If a renewed approval is not obtained, the community must arrange for curbside collection of yard waste.

A separate Solid Waste Advisory on how townhouse communities can obtain the renewed approval will be available shortly. These new “yard waste exemptions” will need to be renewed when any of the following occur:

- Two years have elapsed since the last approval was granted;
- The community contracts with a different grounds maintenance or landscaping firm; and/or
- The community contracts with a new trash or recycling collection company.

WHAT DOES THIS MEAN FOR THE COLLECTOR?

Collection vehicles using the County’s MSW disposal facilities are subject to random inspections. These inspections look for, among other things, the presence of excessive amounts of yard waste. Vehicle loads found to contain excessive yard waste may be turned away from the facility, or charged at a higher disposal rate.

However, vehicles with excessive yard that have collected refuse from a community that operates an **approved alternative recycling system** will be allowed to proceed under the normal procedures and at the normal rates. It is therefore very much in the interests of collectors to ensure that the communities they serve that do not require yard waste collection are properly approved to do so. Failure to provide proper proof that the vehicle collected from an “exempt” community in a timely manner will result in delays, possible enforcement action, and higher disposal fee.