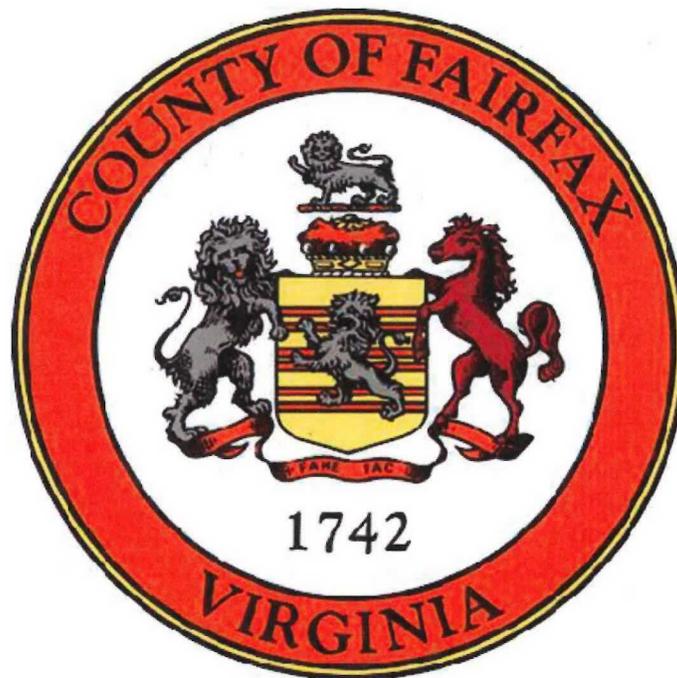


FAIRFAX COUNTY
DEPARTMENT OF PUBLIC WORKS
AND
ENVIRONMENTAL SERVICES



SOLID WASTE MANAGEMENT PROGRAM
CHAPTER 109.1
&
RECYCLING PROGRAM
REQUIREMENTS

March 2015

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CHAPTER 109.1 OF THE FAIRFAX COUNTY CODE
Solid Waste Management

ARTICLE 1. General Requirements.

Section 109.1-1-1. Statement of Policy.

(a) The purpose of this Chapter is the furtherance of effective solid waste management, as provided for and authorized by the Code of Virginia (e.g., Titles 10.1 and 15.2). Consistent with the Code of Virginia, and complementary to its intent, the efficient management of municipal solid waste (MSW) (e.g., recycling, collection, transfer, and disposal) with as few negative environmental and economic impacts as possible is an essential and integral part of promoting public health and welfare. This Chapter therefore intends to protect life, property, and the general environment, by establishing standards and procedures for the administration and enforcement of such standards as they relate to the control, collection, transportation, and disposal of MSW, and to promote source reduction and recycling as means of reducing the amount of MSW that has to be disposed.

To these ends, this Chapter acknowledges and/or authorizes the following supporting documents that further describe critical elements of the County's solid waste management system that may be updated or revised from time to time:

- (1) The County's Solid Waste Management Plan;
- (2) The County's Recycling Program Requirements;
- (3) Solid Waste Advisories;
- (4) Other County Solid Waste Management Program guidance and requirements, as they are developed by the Director.

(b) Applicability.

Except as otherwise provided, this Chapter, and any regulations or administrative directives or procedures issued under its authority, apply to all residents and commercial, industrial, and institutional establishments within or doing business within the County, and any person or entity who collects, transports, disposes, or otherwise manages or arranges for management of MSW.

Section 109.1-1-2. Definitions.

For the purpose of this Chapter, the following words and phrases shall have the meanings ascribed to them in this Section:

Authorized Agent means the individual designated by an entity to act on its behalf. This individual must have the authority and control to ensure compliance with this Chapter.

Brush means shrub and tree trimmings arising from i) general residential landscape maintenance and ii) similar non-residential landscape maintenance.

Certificate-to-Operate is the permit/approval for any person to engage in the business of collecting MSW in Fairfax County.

Collection means the collection and transportation of MSW.

Collection vehicle means any vehicle used to collect and/or transport MSW.

Collector means any person engaged in the regularly-scheduled commercial collection and/or transportation of MSW from two or more residential, commercial, industrial, institutional or other establishments.

Community Association or Homeowners' Association means an unincorporated association, corporation or other organization that owns or has under its care, custody, or control real estate subject to a recorded declaration of covenants that obligates a person, by virtue of ownership of specific real estate, to be a member of the unincorporated association, corporation or other organization. For the purposes of this Chapter, an unincorporated association, corporation or other organization representing residents shall be considered the designee of Association members when acquiring solid waste services.

Compensation means any type of consideration paid for the collection, transportation or disposal of MSW, including, but not limited to, direct or indirect compensation by tenants, licensees, or similar persons.

Composting facility means a permitted facility producing a stabilized organic material.

Construction/Demolition Debris (CDD) means solid waste generated during construction, remodeling, repair, or demolition of pavements, houses, commercial buildings or any other structures. CDD includes, but is not limited to: lumber; wire; sheetrock; brick; shingles; glass; pipes; concrete; paving materials; metals; and plastic; if part of the materials of construction and/or empty containers for such materials.

Construction/Demolition Debris (CDD) landfill means a land burial facility which accepts CDD for disposal.

Customers means anyone providing compensation to collectors and/or recycling or disposal facilities. Persons using County drop-off facilities shall also be considered customers.

Department means the Fairfax County Department of Public Works and Environmental Services.

Director means the Director of the Fairfax County Department of Public Works and Environmental Services or his/her designee.

Disposal means the final placement or destruction of MSW.

Disposal site means a facility at which MSW is disposed.

Energy/Resource Recovery Facility (E/RRF) means a disposal site designed for the purpose of reducing the volume of MSW through incineration. The process further produces steam, and/or electricity, as a result of the combustion process.

Hazardous waste means a "hazardous waste" as defined by the Virginia Hazardous Waste Management Regulations (9 VAC 20-60).

Household Hazardous Waste (HHW) means discarded household products that contain corrosive, toxic, ignitable, or reactive ingredients, or are otherwise potentially harmful if released to the environment. Products that fall into this category include, but are not limited to certain paints, cleaners, and pesticides. Latex paint is not HHW.

Materials Recovery Facility (MRF) means a facility where source-separated recyclables are either stored until large enough volumes are collected to be shipped to a buyer or processor, or they are processed to meet the specifications of recycling markets.

Mixed paper means corrugated cardboard, magazines, catalogues, envelopes, office paper, brochures, phone books, junk mail, food boxes (such as cereal and cracker boxes), shoe boxes, and any other clean paper product without food residue.

Municipal Solid Waste (MSW) means that waste which is normally composed of residential, commercial, non-residential and institutional solid waste and residues derived from combustion of these wastes, as defined in Virginia's solid waste management regulations at 9 VAC-20-81-10. MSW includes recyclables.

Person means and includes an individual, designee, corporation, association, firm, partnership, joint stock company, county, city, town, school, or any other legal entity.

Pipestem driveway means an extension off of a public road where one or more houses share a private drive to which their own driveways connect.

Principal Recyclable Material (PRM) means the recyclable material from the following list that comprises the majority of a business or commercial property's waste stream: newspaper, ferrous scrap metal, non-ferrous scrap metal, used motor oil, corrugated cardboard, kraft paper, container glass, aluminum, mixed paper, metal cans, cloth, automobile bodies, plastic, clean wood, brush, leaves, grass and other vegetative materials. "Principal recyclable materials" do not include large diameter tree stumps.

Property Manager (PM) means a company, employee, or individual employed or otherwise engaged, including as a volunteer, by a property owner or a community association to manage day-to-day operations at one or more locations on the owner or owners' behalf and is considered to be a designee when acquiring solid waste services.

Putrescible material means organic material that can decompose.

Recyclables means any of the materials that are or may be recycled, including but not limited to those listed in Article 2 – Recycling and the Recycling Program Requirements.

Recycling means the process of separating a material from the waste stream with the intent of diverting it from disposal.

Recycling center means a facility used for the collection of source-separated recyclable materials.

Recycling route means the route a collector follows to collect source-separated recyclable materials from customers.

Recycling system means the means by which recyclable materials are separated from the waste stream at the point of generation, and may include the means of delivering source-separated materials to a recycling center or MRF.

Refuse means all MSW having the character of solids rather than liquids and which are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from cleanup of spills or contamination, or other discarded materials.

Regulations means rules, guidance, and/or requirements issued by the Director pursuant to this Chapter.

Responsible company official means the individual designated by an entity to act on its behalf. This individual must have the authority and control to ensure compliance with this Chapter.

Sanitary landfill means a land burial facility for the disposal of MSW which is so located, designed, constructed and operated to contain and isolate the MSW so that it does not pose a substantial present or potential hazard to public health or the environment; provided, however, that the term "sanitary landfill" shall not mean a land burial facility which only accepts non-putrescible MSW (such as a CDD landfill, as defined in this Chapter).

Significant Modification means any physical change in or change in the method of operation of a commercial establishment that has the potential to result in a change in the quantity or characteristics of MSW being generated or managed by the establishment or facility.

Solid waste means any material defined as "solid waste" in 9 VAC 20-81-10 et seq., of Virginia's solid waste management regulations.

Solid waste broker means a person or entity that, for a fee or other consideration, brokers, acts as a designee or otherwise arranges agreements between solid waste generators (including property owners, community/homeowner's associations, property managers or other entities) and providers of municipal solid waste collection, recycling, or disposal services.

Solid waste generators includes any persons that produce solid waste.

Source reduction is the reduction or elimination of the quantity or toxicity of waste being generated, which can be achieved through changes within the production process, including process modifications, feedstock substitutions, improvements in feedstock purity, shipping and packing modifications, housekeeping and management practices, or increases in the efficiency of machinery and recycling within a process. The term does not include dewatering, compaction, or waste reclamation.

Source separation is the process of removing recyclable materials from the waste stream at the point where the material is generated. For residential material, the source is considered the household and contiguous residential property such as lawns or yards. For commercial material, the source is considered the commercial premises in which business is conducted and contiguous property such as storage yards.

Tare weight means the operating weight of a fully-fueled vehicle with no payload but includes the driver; i.e., the empty weight of the vehicle.

Transfer station means any MSW storage or collection facility at which MSW is transferred from collection vehicles to other vehicles or means of transportation, for shipment to another site for permanent disposal.

Tree removal means any activity which generates MSW from the maintenance, trimming, or removal of trees or shrubs where any individual piece or bundle exceeds 50 pounds in weight, is longer than four feet in length, or larger than six inches in diameter. Christmas trees are exempt from these size limitations if they are less than eight feet in length.

Unacceptable waste means waste which is prohibited from disposal at Fairfax County facilities by Fairfax County Code, rules or regulations, the *Virginia Code* and/or the Code of Federal Regulations.

Waste collection route means the route a collector follows to collect any MSW set out by customers for collection.

Yard waste means the organic fraction of MSW that consists of grass clippings, leaves, vines, and brush arising from general landscape maintenance. Yard waste also includes similar materials collected from non-residential landscape maintenance, such as maintenance of streets, parks and recreational areas. Yard waste does not include any materials arising from tree removal, land clearing, or development activities.

Section 109.1-1-3. Statement of Policy and Administration.

(a) The Director shall be responsible for the administration and enforcement of this Chapter. Fairfax County Departments that shall assist in enforcing this Chapter, in cooperation with the Director, include but are not limited to, the Health Department, the Police Department, the Fire and Rescue Department, the Department of Planning and Zoning, the Department of Code Compliance, and the Park Authority.

(b) The Director shall have the power to make and issue fair and reasonable rules and regulations which will carry out the purposes and intent of this Chapter; the right to enter and inspect the business premises and collection vehicles of any collector and of any solid waste management facility; the right to require reasonable conditions in the application for a solid waste permit; the right to prohibit disposal of certain unacceptable waste at the I-66 Transfer Station, I-95 Sanitary Landfill or I-95 Energy/Resource Recovery Facility; and the right to adopt reasonable application forms and permit forms; provided that nothing herein contained shall in any way affect the authority of any other County agency as otherwise provided by the *Code of the County of Fairfax*.

(c) The Director shall determine solid waste permit fees, and set fees to be charged for the disposal of MSW at all Fairfax County owned, operated, or associated solid waste management facility. The Director may change, at any time, the fees charged for the solid waste permits and for the disposal of MSW at the I-66 Transfer Station, I-95 Sanitary Landfill, I-95 Energy/Resource Recovery Facility, or other associated solid waste management facility.

(d) The Director shall be responsible for implementing a recycling program, and shall have the authority to enforce compliance through use of civil penalties as authorized by this Chapter.

ARTICLE 2. Recycling.

Section 109.1-2-1. Administration.

(a) This Article defines the recycling system for the residences and non-residential properties in Fairfax County, and identifies and describes the following elements of the recycling system:

- (1) Materials that must be source-separated for recycling at both residences and non-residential properties (defined for the purposes of this Chapter as *recyclable materials*);
- (2) Parties responsible for the provision of certain residential and non-residential recycling systems; and
- (3) Required recycling reports to the County.

(b) Methods available for implementation and enforcement of this Article are described elsewhere as follows:

- (1) Article 3 of this Chapter addresses pre-collection and storage;
- (2) Article 5 of this Chapter describes collection requirements;
- (3) Article 9 of this Chapter presents the means and process of enforcement for this Chapter; and
- (4) The Recycling Program Requirements.

(c) The Director may approve alternative recycling systems that can demonstrate compliance with the intent of this Article to the satisfaction of the Department. All requests for alternative recycling systems must be submitted in writing to the Department. Approval must be granted by the Director prior to implementation.

(d) The Director may designate or alter which of the recyclable materials identified in Sections 109.1-2-2 and 109.1-2-3 which must be source separated.

(e) The provisions of this Chapter shall not affect the right of any person to sell or otherwise dispose of MSW material as provided in the Code of Virginia, Section 15.2-933, nor permitted under any other law of the Commonwealth of Virginia.

(f) For purposes of this Article, non-residential properties shall specifically include schools and other institutions.

Section 109.1-2-2. Recycling at Residential Properties.

(a) Occupants of single-family homes and townhouses shall source-separate: container glass; metal food and beverage containers; plastic bottles and jugs; yard waste; scrap metal; and cardboard and mixed paper, including but not limited to corrugated cardboard, magazines, newspaper, office paper, and miscellaneous paper products.

(b) Owners of multi-family dwelling units or their designees shall, within 30 days of taking
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ownership of these units, provide or cause to be provided a recycling system for residents to source-separate cardboard and mixed paper (including but not limited to magazines, newspaper, office paper, and miscellaneous paper products), container glass, metal food and beverage containers, plastic bottles and jugs, and scrap metal. The recycling system must also comply with the items listed below:

- (1) The size of any collection containers and the frequency with which they are collected must combine to create a recycling system of sufficient capacity that there is no need for residents to deposit material on the ground or put their recyclables in a refuse container.
- (2) All refuse and recycling containers must be emptied at least once weekly unless a reduced collection frequency application or an alternative recycling system has been approved in writing by the Director.
- (3) On or before February 1, 2016, any refuse collection container with a capacity of 2 cubic yards or greater must be accompanied by one or more recycling collection containers with volume equal to or greater than 25% of that of the refuse container.
- (4) Recyclables collection containers must be clearly labeled with regards to what materials are accepted for recycling and must meet applicable portions of Article 5 of Chapter 109.1.
- (5) Owners or their designees must provide each unit with notification regarding the use and participation in such system upon occupancy and at least once annually thereafter. Notification may be in the form of community newspapers or other outreach techniques.
- (6) Owners or their designees are responsible for keeping the area around collection containers free from litter.

(c) The provisions of 109.1-2-2 do not impose any liability upon any multi-family dwelling unit owner (or designee) for failure of residents to comply with the requirements for the separation of recyclable materials nor upon any collector or transporter of recyclable materials for failure of its customers to comply with such regulations. However, all multi-family dwelling unit owners (or their designees) must provide a recycling system for their residents that conforms to the County requirements for such systems, and must provide such residents with regular notifications, as specified herein.

(d) To ensure compliance with applicable Code provisions, owners of multi-family dwelling units or their designees must maintain for a period of three years and make available to the Department for inspection and copying during normal business hours, upon request, any contracts and invoices for collection of materials to be disposed of or recycled. Contract prices and other such financial information may be deleted from materials provided.

Section 109.1-2-3. Recycling at Non-Residential Properties.

(a) Owners of non-residential properties or their designees shall, within 30 days of taking ownership of these properties, provide or cause to be provided a recycling system for their tenants, occupants, employees, and vendors to source-separate cardboard and mixed paper (including but not limited to magazines, newspaper, office paper, and miscellaneous paper products). Any such system must include the following:

- (1) Recyclables must be collected in a container specifically designed for the purpose of containing municipal solid waste and must comply with applicable portions of Article 5

- Collection.

- (2) The size of any collection containers and the frequency with which they are collected must combine to create a recycling system of sufficient capacity that there is no need for tenants to deposit material on the ground or put their recyclables in a refuse container.
- (3) All refuse and recycling containers must be emptied at least once weekly unless a reduced frequency application or an alternative recycling system has been approved in writing by the Director.
- (4) On or before February 1, 2016, any refuse collection container with a capacity of 2 cubic yards or greater must be accompanied by one or more recycling collection containers with volume equal to or greater than 25% of that of the refuse container.
- (5) All collection containers must be clearly labeled with regards to what materials are accepted for recycling and must meet applicable portions of Article 5 of Chapter 109.1.
- (6) Property owners or their designees must provide each tenant with notification regarding the use and participation in such system upon occupancy and at least once annually thereafter.
- (7) Owners or their designees are responsible for keeping the area around collection containers free from litter.

(b) Within 30 days of taking ownership, owners or their designees of non-residential properties that meet or exceed the size thresholds defined in the County's Recycling Program Requirements shall also provide, or cause to be provided, a recycling system for their tenants, occupants, employees, and vendors to source-separate the establishment's Principal Recyclable Material (PRM). Non-residential properties which generate cardboard and mixed paper as their PRM need only recycle those materials.

(c) Construction and demolition contractors shall source-separate and recycle cardboard.

(d) The provisions of 109.1-2-3 do not impose any liability upon any non-residential property owner for failure of tenants, occupants, employees and/or vendors to comply with the requirements for the separation of recyclable materials, nor upon any collector or transporter of refuse or recyclable materials for failure of its customers to comply with such regulations.

(e) To ensure compliance with applicable Code provisions, owners of non-residential properties or their designees must maintain for a period of three years and make available to the Department for inspection and copying during normal business hours, upon request, any contracts and invoices for collection of materials to be disposed of or recycled. Contract prices and other such financial information may be deleted from materials provided.

(f) If a tenant contractually assumes responsibility for refuse and recyclables management, the responsibilities placed on the property owners or their designees in this Article will also apply to the tenant.

Section 109.1-2-4. Recycling Report Required.

The owners or their designees of all non-residential properties that meet or exceed the size thresholds defined in the County's Recycling Program Requirements, and companies that collect or

manage MSW generated in Fairfax County, shall annually report, by March 1 for the previous calendar year, such nonproprietary information regarding waste generation, waste management, and recycling as is necessary to facilitate County compliance with regulations adopted pursuant to the *Virginia Code*, Section 10.1-1411. Quantities and material types are considered nonproprietary, absent a detailed explanation.

All reports required by this section shall be based on volume or weight of each material recycled, provided that where such measurements cannot be accurately determined, the report may be based on carefully estimated data. Where estimates are submitted, they must contain sufficient detail to reasonably describe how the estimate was prepared, including but not limited to such data as container volume, frequency of collection, percent full when collected, and the type of material collected for recycling.

When information is withheld as proprietary, the report shall specify the nature of the information withheld and the basis for its proprietary determination. Annual recycling reports shall be submitted on a standardized form to be provided by the Director, and shall be signed by a responsible company official. Said reports shall include but not be limited to the name and address of the reporting entity, period of time covered by the report, and type and weight/volume of each material reported. Supporting documentation used in preparation of the report shall be retained for audit and clarification of reported data for a period of two (2) years following submissions of said report.

Section 109.1-2-5. Removal of Recyclable Materials.

It shall be unlawful for any person to salvage or otherwise remove any recyclable materials from recycling routes, private recycling containers, Fairfax County recycling centers, or any other County solid waste management facility without the authorization of the Director.

Section 109.1-2-6. Maintenance of Recycling System.

(a) No solid waste permit shall be issued to a collector or continue in effect until and unless the collector provides a written statement indicating that it: maintains a recycling system for residential customers in accordance with this Chapter and offers and/or maintains a recycling system to multi-family and non-residential customers in accordance with this chapter.

(b) Recycling containers shall be subject to the requirements of Article 5 - Collections, Section 109.1-5-6.

(c) The mixing of refuse with any recyclables required to be source-separated or that have been source separated, except as provided for in 109.1-5-3 (d) (3), is prohibited.

(d) Where source-separated recyclable materials are set out for collection on a scheduled refuse-only collection day, collectors shall not collect those recyclables and said recyclables will be collected on the next scheduled recyclables or yard waste collection day. Collectors shall leave information for the customer to inform them about why those materials were not collected.

(e) Construction and demolition debris cannot be collected in the same container with MSW and/or recyclables.

(f) Only certain recyclables as designated by the Director can be collected in an open-top container. They are: white goods, scrap metal, Christmas trees, or cardboard at construction and demolition sites. This shall not apply to construction and demolition debris that is collected for recycling rather than disposal.

ARTICLE 3. Pre-collection and Storage.

Section 109.1-3-1. Storage.

All occupants of single-family homes and townhomes, and owners of multi-family dwelling units or non-residential properties in the County (or their designees) shall maintain secure, safe, and sanitary facilities for storage of MSW, including recyclables. Such facilities shall be convenient to inspection and collection, and shall provide for secure, safe, and sanitary storage prior to collection as follows:

- (a) Readily available and well-signed access for the type of collection vehicle or system to be used. Access to the recycling facility shall be as obvious and convenient to residents, tenants, customers, employees, or other system users as that provided for storage of refuse, in order to promote recycling wherever it is being made available;
- (b) Ease of use for tenants. Collection locations shall be well-signed. Recycling locations shall be clearly marked, with diagrams and photos as necessary to encourage use by non-English speakers;
- (c) The size, design, signage and proper care of containers shall be sufficient to provide for secure and sanitary storage of all refuse and recyclables generated by the residence or establishment for a seven-day period unless collected more frequently than once per week;
- (d) Refuse and recyclables shall be collected on a frequency adequate to prevent overflowing or spilling of refuse or recyclables from storage containers, and in no case less than weekly, unless otherwise authorized by the Director; and
- (e) Storage facilities shall be actively managed such that loose refuse, litter, and spillage from collection vehicles is minimized, and that any spillage is removed from the ground around the storage containers within 24 hours. Outside storage containers for refuse and recyclables shall be checked for proper closure daily, to prevent litter from blowing winds, and to discourage access by vermin and wildlife.

Section 109.1-3-2. MSW Management and Recycling Plans.

(a) The owner of any non-residential property or any multi-family dwellings or their designees shall develop a MSW Management and Recycling Plan consistent with the requirements of this Chapter, and make these Plans available to the Director for review and approval upon request. The Plan shall describe, at minimum:

- (1) Facility name and street address;
- (2) Name(s) of collection company(ies) providing refuse and recycling collection;
- (3) Number, location, and size of refuse and recycling containers or equipment;
- (4) Recyclable material(s) collected;
- (5) Frequency of refuse and recycling collections; and
- (6) Name and telephone number of the company official or property owner's representative responsible for implementing the plan.

(b) The MSW Management and Recycling Plan shall be updated and operational changes made concurrent with the following events:

- (1) Construction of a new facility or significant modification to an existing facility;
- (2) Occupancy by new tenants that materially change the function of the property resulting in changes in the MSW generated therein;
- (3) Change of ownership or property management firm; and
- (4) Change of MSW collection vendor(s) or every five years, whichever comes first.

(c) The MSW Management and Recycling Plan shall be provided to Fairfax County within 30 days of receiving a written request from the Director.

(d) The MSW Management and Recycling Plan shall be implemented within 30 days of occupancy or as required by item (b) above. The Director may also request proof that any MSW Management and Recycling Plan has been implemented and become operational.

ARTICLE 4. Required Permits, Registrations, and Certifications.

Section 109.1-4-1. General.

(a) The County shall regulate certain aspects of its integrated solid waste management system through the following:

- (1) Municipal Solid Waste (MSW) Collector Certificate to Operate (CTOs);
- (2) Other Solid Waste Permits, including:
 - (i) MSW Disposal Permits,
 - (ii) Special Waste/Use Permits, including Commercial Cash Accounts, Tire Disposal Accounts, Special Waste and Other Accounts; and
 - (iii) Vehicle permits issued that correspond to waste permits and/or customer accounts. Vehicle permits are issued to a specified vehicle and must remain with the vehicle.
- (3) Recycling Business Registration.
- (4) Regulation of community/homeowners associations, property managers, and solid waste brokers or other entities or designees inasmuch as they arrange for residential or non-residential refuse and recyclables collection/ management services.
- (5) The Solid Waste Management Program guidance documents.

(b) Any person providing regularly-scheduled refuse collection services is required to maintain a CTO and at least one vehicle designed and manufactured specifically for the collection of MSW. Each vehicle shall have a county-issued MSW collection vehicle permit. Any person providing refuse collection services on an ad-hoc basis is required to maintain the appropriate disposal or special waste/use permit (i.e., no CTO is required). This provision shall not apply to any business or vehicle which is solely transporting MSW which has originated and was generated from a site outside Fairfax County to a cooperative, inter-jurisdictional disposal site; provided that the business and/or collection vehicle is duly licensed and/or permitted by a respective member of the disposal site cooperative.

(c) Government entities are exempt from the bonding requirements of this Article.

(d) Changes to any information included in any application for any permit under this Chapter shall be communicated in writing to the Director within 30 days of the change. Examples of changes include, but are not limited to, change of business name, any changes to payment bond or required surety, change to back-up collector, change of street address for collection vehicle parking location, or changes to the Statement of Service required by this Chapter. In addition, changes to the business address, telephone number, or authorized agent or registered agent shall be reported to the Director within twenty-four (24) hours of change. See section 109.1-4-6.

Section 109.1-4-2. CTO Application and Recycling Registration Requirements.

(a) No person shall engage in the business of collecting MSW without a valid and current CTO or appropriate solid waste permit from the Director.

(b) No person shall engage in the business of collecting recyclables without first registering with the County as a recycling business. However, CTO holders that also collect recyclables are exempt from the requirement to register as a recycling business.

(c) The provisions of 109.1-4-2 (a) and (b) shall not apply to the County, nor employees for the holder of any CTO or permit/approval, nor shall this provision prohibit any person from collecting, processing, recycling, or disposing of their own household solid waste.

(d) A CTO or permit shall only be issued upon receipt of a complete application and upon a finding that the applicant has complied with all applicable sections of the Fairfax County Code and the *Code of Virginia*. This includes proof of payment of other fees required by Fairfax County required under other codes. CTO Permit holders will be invoiced monthly for disposal charges incurred during the month.

(e) Applicants for a CTO shall provide the Director with a copy of the Statement of Service required by the Fairfax County Solid Waste Management Program Permit Manual, accompanied by proof acceptable to the County that customers are or will be furnished with the Statement of Service upon occupancy and at least annually thereafter.

(f) MSW collectors with only one permitted collection vehicle shall provide written certification to be included with the CTO application that another collector holding a current CTO is committed to act in a backup capacity should the permitted vehicle become unusable. The applicant must immediately notify the Director concerning any change in this backup arrangement during the term of the CTO. Backup collection arrangements obtained by the CTO holder may not be used by the CTO to avoid payment of delinquent disposal fees.

(g) The Director may require additional information of any applicant or holder of a CTO, permit, or registration as is necessary to ensure that the individual or company is competent to satisfactorily and lawfully perform or continue to perform the proposed service.

(h) Applications shall be approved or denied by the Director with 30 days of the receipt of a complete application.

(i) Applicants operating without the appropriate CTO or other permit(s), or operating while a CTO or permit has been suspended, may be denied renewal of a CTO or other required permit(s) for a period of up to one year from the time of the offense, in addition to any other penalties described in this Chapter.

(j) All CTO and permit holders shall pay solid waste disposal fees and abide by the rules and regulations of the facility at which material is being discharged.

Section 109.1-4-3. MSW Collection Vehicle Permit.

(a) No company shall operate any vehicle to provide regularly-scheduled refuse collection without first obtaining a collection vehicle permit.

(b) All MSW collection vehicles operating under a CTO shall be inspected on a schedule set by the Director, who shall designate a reasonable time and place for collection vehicle inspections. All vehicles operating under a CTO shall meet the requirements of Section 109.1-5-6 (b).

(c) A vehicle permit shall be issued by the Director for each collection vehicle that passes inspection and for which the permit fee has been paid.

(d) The Director shall assign a permit number to each approved collection vehicle, and provide a visible permit (e.g., plate, sticker) that shall be permanently affixed by the applicant to both sides of the collection vehicle on the door of the cab or at the farthest point forward on the truck body.

(e) Vehicle permits shall expire according to a schedule specified by the Director, and shall not be transferred or prorated.

(f) In the event that any permitted collection vehicle is removed from service or sold, the permit holder shall notify the Director and the permit for that collection vehicle shall be removed and returned to the Director no less than 10 business days following the vehicle's removal from service or sale. This shall be done before any permit is issued to the new vehicle owner.

(g) In the event that a permit is lost, stolen or otherwise unrecoverable, the permit holder shall notify the Director in writing of the permit number of said collection vehicle and the circumstances of loss within 10 business days. This shall be done, as well as payment of a lost permit fee, before a replacement permit will be issued.

Section 109.1-4-4. Temporary Vehicle Permits.

(a) A temporary vehicle permit must be obtained for any additional collection vehicle not identified in the application for a CTO which is used or intended to be used by a collector already operating under a CTO. The temporary permit authorizes the collector to use a new, borrowed, rented or demonstrator collection vehicle not currently permitted by Fairfax County

(b) The Director may issue a temporary vehicle permit to any person who may need a temporary vehicle permit to collect or dispose of waste using a vehicle that is not otherwise permitted for that use by the County.

(c) The temporary collection vehicle permit shall expire according to a schedule specified by the Director, cannot be transferred or prorated, and may not be renewed without the specific approval of the Director. After the expiration of the temporary permit, the collector may use the collection vehicle only if it is permitted in accordance with provisions of this Chapter.

Section 109.1-4-5. Vehicle Permit Exemption.

Vehicles used exclusively for the collection of recyclables, when clearly identified as such with signs approved by the Director, are exempt from the permitting and bonding requirements of this Article. If the same vehicle uses Fairfax County designated disposal facilities, the permit and bonding requirements for collection vehicles shall apply. All recycling collection businesses and vehicles are subject to the registration requirements of Section 109.1-4-14.

Section 109.1-4-6. Collector Business Office Location and Contact Information.

No CTO shall be issued to a collector or continued in effect until and unless the applicant maintains an office that is located and operated in compliance with all laws and regulations applicable to the business. The office shall be used for the transaction of business, such business to include, but not be limited to, the receipt of correspondence and the maintenance of records. In addition, the collector shall maintain a telephone system for receipt of complaints. Any change of address, telephone number, or authorized agent or registered agent shall be reported to the Director within twenty-four (24) hours.

Section 109.1-4-7. Collector Bonding Required; Condition; Term Renewal.

(a) Any person seeking a CTO to collect MSW as described herein shall furnish a bond or other financial instrument acceptable to the County. The surety shall be payable to the County of Fairfax in an amount deemed adequate by the Director and conditioned to indemnify and save harmless said County, as well as any person, firm, or corporation, from all fees, charges, expenses, or damages that may be incurred by such entity, caused by any failure to comply with the provisions of this Chapter, neglect in the handling of MSW, or nonpayment of fees imposed for the disposal of MSW at any County-designated solid waste management facility. Handling of MSW shall be deemed neglected when the CTO holder fails to meet the frequency and/or quantity of collection required by this Chapter and contracted for by the customer. If the CTO holder fails to correct any such neglect or noncompliance with this Chapter within forty-eight (48) hours after receipt of written notice from the Director, the bond/surety shall be

forfeited and the principal and/or surety on said bond shall be required to reimburse the County of Fairfax or any customer of such CTO holder for any expense or damage incurred as a result of such neglect or failure.

(b) The said bond shall be deposited with the Director. Any such bond shall be for a term at least equal to the duration of the CTO. Cancellation of the bond, for any reason, prior to the date of expiration of the CTO shall require a written notification to the Director at least 30 days prior to said cancellation. The collector's CTO will be revoked if an alternate bond, meeting the requirements of this section, is not provided.

(c) The Director may increase the bond amount for any CTO holder, or allow alternate financial assurance mechanisms, if deemed necessary to protect the financial interests of the County or to address chronic failure to comply with Chapter 109.1.

(d) CTO holders shall provide the Director with a copy of any current and active surety bond applicable to Fairfax County which must include the following details: name, address, e-mail address, and telephone number of the bonding agency, the amount of the bond, the bond duration, and the bond number.

Section 109.1-4-8. MSW Disposal Permits.

(a) No person shall dispose of MSW at Fairfax County disposal facilities without first obtaining a MSW Disposal Permit, or other appropriate permit, from the Director; provided, however, that this provision shall not be deemed to apply to the County, nor employees for the holder of any such permit, nor shall this provision prohibit any individual from collecting, processing, recycling or disposing of their own household MSW. Non-residential establishments engaged in disposing of their own MSW shall be subject to this provision.

(b) The Director shall issue a permit for MSW disposal upon receipt of a complete MSW Disposal Permit application. The applicant must certify that, at all times, the operation of the business will be in conformance with all applicable statutes, ordinances and court orders, including, but not limited to all applicable sections of the Fairfax County Code and the *Code of Virginia* as a condition to the issuance and continued validity of the Disposal Permit.

(c) The disposal permit holder shall be responsible for payment of solid waste disposal fees and for compliance by its employees and vehicles with the rules and regulations of the facility at which waste is being discharged.

(d) Disposal permits shall expire according to a schedule specified by the Director, and shall not be transferred or prorated.

Section 109.1-4-9. Disposal Bonding Required; Condition; Term Renewal.

(a) Any person seeking a permit only for the disposal of MSW shall furnish a bond, or other financial instrument acceptable to the County for each permitted vehicle disposing of MSW at Fairfax County owned, operated, or controlled disposal sites. The surety will be payable to the County of Fairfax in an amount deemed adequate by the Director and conditioned to indemnify and save harmless the County from all charges, expenses, damages, or nonpayment of charges imposed for the disposal of MSW at any site designated by the County.

(b) The Director may increase the bond amount for any permit holder, or allow alternate financial assurance mechanisms, if deemed necessary to protect the financial interests of the County or to address chronic failure to comply with Chapter 109.1.

(c) The bond shall be deposited with the Director. Any such bond shall be for a term at least equal to the duration of the permit. Cancellation of the bond, for any reason, prior to the date of expiration of the permit shall require a written notification to the Director a minimum of 30 days prior to said cancellation. A disposal permit shall be revoked if an alternate bond or alternate financial assurance mechanism meeting the requirements of this section is not provided.

Section 109.1-4-10. Other Permits: General.

In addition to the permitting programs for waste collection and disposal companies described above, the County may require and issue permits for the other disposal activities and system users as necessary.

Section 109.1-4-11. Commercial Cash Accounts.

(a) Commercial cash accounts are issued to businesses that generate waste at their business and need to dispose of it by paying at the time of disposal rather than being billed for disposal services according to procedure set by the county. No bond is required to secure payment to the county.

(b) The Director shall issue a Commercial Cash Account upon receipt of a completed application.

(c) Failure to pay for service is a violation that incurs a penalty for nonpayment and other fees if not paid timely after notification by the County of the nonpayment.

(d) In order to use the commercial cash account, companies must obey all facility rules and regulations and keep the county notified of changes of address, vehicles or status of the business. The commercial cash account may be rescinded upon failure to comply with this code and other applicable portions of Fairfax County code.

Section 109.1-4-12. Tire Disposal Permits.

(a) No person shall dispose of tires at a County solid waste management facility without first obtaining a Tire Disposal Permit; provided, however, that this provision shall not be deemed to apply to the County, nor employees for the holder of a county disposal permit, nor shall this provision prohibit any individual resident or business from collecting, recycling or disposing of their own tires.

(b) The Director shall issue a permit for a Tire Disposal Permit upon receipt of a completed application and proof of the required bond amount.

(c) Companies will be invoiced for tire disposal for remittance to Fairfax County.

Section 109.1-4-13. Other Permit Types (reserved).

Section 109.1-4-14. Recycling Business Registration.

(a) No person shall engage in the business of collecting recyclable materials in Fairfax County as a commercial enterprise without first registering their organization and all vehicles used for this purpose with the Director; provided, however, that this provision shall not be deemed to apply to employees of the business owner, nor prohibit any individual from collecting, processing, or transporting recyclable materials generated within their own household or commercial establishment. Companies with active CTOs which have identified all vehicles used to collect MSW in their current CTO application need not register under this requirement.

(b) Persons registering their recycling business shall provide the Director with at least the following information and documents annually, upon request:

- (1) Name of business;
- (2) Type of business (single propriety, partnership, corporation, etc.);
- (3) Name of parent company (if applicable);
- (4) Owner(s) and Authorized Agent (if applicable);
- (5) Business address;
- (6) Mailing address;
- (7) E-mail address (if available);
- (8) Business telephone number;
- (9) A complete list of vehicles to be used in the collection of recyclable materials, including manufacturer, model, and body capacity/style.
- (10) Street address(es) of collection vehicle parking location(s);
- (11) Customer service area by U.S. Postal zip code, and type of service arrangements (e.g., subscription or contract); and
- (12) The types of recyclable material being collected (by established commercial grade), the anticipated quantity to be collected, and the final market, interim processor, or MRF to which collected materials are to be delivered and other information as necessary to establish compliance with section 109.1-2-4.

(c) Recycling companies will provide an update of any of the above information to the Director within 30 days of a change.

Section 109.1-4-15. Community Associations and Property Managers.

(a) Community associations and/or property managers or their designees that arrange for MSW collection service must provide communication between residents of the community and/or their tenants and the collection company providing MSW collection service through a Statement of Service upon occupancy and at least annually thereafter, as described in the Fairfax County Solid Waste Management Program Permit Manual.

(b) Any community association and/or property manager or his/her designee that arranges for MSW collection service that does not comply with County Code shall be in violation of the code, and subject to enforcement action, as provided in this Chapter.

(c) Any community association or property manager or his/her designee that knowingly or willfully contracts with a solid waste broker or a MSW collection company that is not registered or permitted to operate in Fairfax County as described above shall be in violation of this chapter.

Section 109.1-4-16. Solid Waste Brokers.

(a) All businesses operating in Fairfax County as a solid waste broker on behalf of customers must register annually as such with the Solid Waste Management Program. The registration must be completed in the provided format and include the following information:

- (1) Virginia State Corporation Commission ID number;
- (2) Contact information for all employees operating as a solid waste broker on behalf of customers that are located in Fairfax County, including for each such

employee:

- (i) Name.
- (ii) Address.
- (iii) Telephone number.
- (iv) E-mail address.

(3) List of contractors with whom the solid waste broker arranges collection service.

(b) All businesses operating as a solid waste broker shall pay an annual registration fee specified by the Director.

(c) Any solid waste broker operating without such registration is in violation of Chapter 109.1 and subject to enforcement action as provided in Article 9.

(d) Any business or individual who knowingly or willfully contracts with a solid waste broker that is not registered to operate in Fairfax County as described above shall be in violation of this Chapter.

(e) All solid waste brokers operating in Fairfax County must provide the following information to establishments in Fairfax County for which the broker has arranged solid waste services:

- (1) Information on the applicable recycling and refuse requirements in Fairfax County, as described in this Chapter and in Recycling Program Requirements which are incorporated by reference.
- (2) A Statement of Service defining what service will be provided to the customer, including days and frequency of service, type of containers, materials accepted, set-out instructions, and contact information. A completed "MSW Management and Recycling Plan" may be used in place of a statement of service; however, distribution of such must be accompanied by explanatory information such as a cover letter.

(f) In the event that a solid waste broker arranged for MSW and/or recycling collection service on behalf of a customer for which service is not in compliance with Chapter 109.1, both the broker and the customer, except as provided by Article 2 of this Chapter, shall be in violation of Chapter 109.1 and subject to enforcement action as provided in Article 9.

ARTICLE 5. Collection of Solid Waste.

Section 109.1-5-1. Intent

In the interest of public health, public safety, environmental quality, and the safeguarding of public and private property, this Article describes the manner in which MSW shall be collected. Lawful storage, set-out, collection, vehicles, and service levels are also addressed.

This Article is intended to specify the minimum or base levels of service to be provided by permitted MSW collectors in Fairfax County. Nothing in this Article is intended to prevent a collector from providing a level of service greater than the minimum levels required by this Article, at such rates and charges as agreed between the collector and customer.

Section 109.1-5-2. Manner of Collection.

(a) No person shall knowingly or willfully contract with any MSW collector who does not possess a County-issued Certificate-to-Operate for collection services or with any recycling business that is not registered with Fairfax County. For purposes of this Section, evidence of a knowing violation is the voluntary contracting by a person after having received written notice from the County that the MSW collector is not authorized to operate within the County or that the recycling business is not registered in the County.

(b) MSW collection shall be conducted in such a manner that it does not create a nuisance or safety hazard, adversely affect public health, violate any ordinance or Code of the County of Fairfax, nor allow such conditions to continue. This includes, but is not limited to, obeying all applicable speed limits and other traffic controls in transit to, from, and while serving collection routes, operating the vehicle on the correct side of the street at all times, giving way to oncoming traffic where it is required by law to do so, picking up litter that may have gathered around the collection container or been released during transportation, and returning empty containers so that they do not interfere with pedestrian or vehicular traffic.

(c) Collection of MSW shall be by permitted collection vehicles and shall be conducted in such a manner that it is not dumped, spilled, stored or thrown into any street, court, lane, alley, sewer inlet, vacant public lot, stormwater structure, public way, private property, or any area not designated as a lawful disposal site.

(d) In the event any MSW spills or falls into a street, public way, court, lane, or alley during the process of collection, it shall be deemed the responsibility of the collector to immediately correct such conditions.

(e) MSW shall be completely emptied at a lawful disposal or recycling site as soon as possible after the completion of any daily collection route, and shall not be stored in MSW collection vehicles for a length of time exceeding 24 hours, excluding Sundays.

(f) Collection vehicles shall not be parked overnight anywhere other than in properly zoned locations. Parking of collection vehicles on the public right-of-way, other than temporary stops during the collection route, is a violation of 109.1-6-2 (a).

(g) The following collection methods are prohibited unless specifically approved in writing by the Director:

- (1) Commingling refuse and recyclables in one collection container.
- (2) On-call service or collection of refuse or recyclables less frequently than once per week.

- (3) Collection of refuse or recyclables in an open-top container, other than white goods, scrap metal, Christmas trees, or cardboard at construction and demolition sites. This shall not apply to construction and demolition debris that is collected for recycling rather than disposal.

Section 109.1-5-3. Solid Waste to be Collected.

(a) MSW generated by normal household or commercial activities from premises to which collection services are being provided shall be collected in accordance with the requirements of this Chapter.

(b) The following materials are not subject to the collection requirement of 109.1-5-3:

- (1) Dead animals and pets;
- (2) Manure;
- (3) Tree stumps;
- (4) Dirt, stone, rock, and brick;
- (5) Containerized liquids;
- (6) Friable asbestos;
- (7) Lead-acid batteries;
- (8) Appliances containing ozone-depleting chemicals;
- (9) Scrap metal and discarded appliances that are over 50 pounds in weight or 48 inches in length; and
- (10) Poisons, corrosives, flammables, explosives or other unacceptable or hazardous waste. It should be noted that items considered to be household hazardous waste (HHW) are subject to the collection requirements of 109.1-5-3.

(c) For materials required to be collected curbside under this Article: (1) materials too large for containers shall be collected if tied securely in bundles not exceeding four feet in length; and (2) no single container or bundle shall exceed 50 pounds gross weight.

(d) The base price for any collection contract shall include the minimum level of service unless otherwise approved by the Director. The minimum level of service for collection by material type shall be as follows:

- (1) *Refuse*: For residential customers, weekly removal of all refuse that is set out and prepared in accordance with Section 109.1-5-3(c). For non-residential customers, weekly collection is required unless specifically approved by the Director in writing.
- (2) *Recyclable Materials*: weekly removal of all recyclable materials from residential and non-residential customers properly prepared and set out. Other collection frequencies may be adopted for containerized and non-residential recycling service through application for and approval of an alternative recycling system.
- (3) *Yard waste from single-family and townhouse residential units, including brush*: from March 1 to December 24, weekly removal for recycling of up to ten individual bags, containers, or bundles. Brush may be limited to individual pieces or bundles of no greater than 50 pounds in weight, four feet in length, and no piece larger than six inches in diameter. Outside this period, yard waste may be collected with refuse.

- (4) *Christmas trees from single-family and townhouse residential units:* removal and recycling of all trees of less than 8 feet in length that are set out during the first two weeks of January.

(e) Nothing in this Chapter shall preclude the collector from providing a higher level of service than required, with regard to frequency, quantity, size, material type, or other factor.

(f) All MSW collected by the collector, upon being loaded into the collection vehicle, shall become the property of the collector.

Section 109.1-5-4. Frequency of Collection.

(a) MSW shall be collected no less than once weekly from single-family residences and townhouses.

(b) MSW from all other sources shall also be collected no less than once weekly, unless a reduced collection frequency or alternative recycling system is approved in writing by the Director.

(c) MSW shall be collected more frequently, as may be fixed by the Director or collected more frequently as may be fixed by the Fire Marshal or Chief of Fire and Rescue Department upon a determination that more frequent collections are necessary for the preservation of the public safety with respect to any particular establishment producing flammable MSW

(d) Any solid waste management bond or other surety held by Fairfax County as required by Article 4 may be used to pay for collection of waste where the collector for whom the bond/surety was issued has failed to meet the minimum collection frequency specified in this Article.

Section 109.1-5-5. Collection Points and Set-Out Restrictions.

(a) Set-out of **residential** refuse and recycling shall comply with the following:

- (1) Containers for residential use shall be stored upon the residential premises.
- (2) The outside storage of refuse and recyclables in plastic bags with closed tops for not more than 12 hours is allowed by residential customers only.
- (3) Loose, bulky non-putrescible materials which are too large to fit into mechanically dumped containers may be set out, provided that they are: 1) securely bundled; or 2) completely contained and adequately secured to prevent leakage or spillage; and, 3) individual bundles, bags, boxes or other containers do not exceed four feet in length and 50 pounds in weight.
- (4) Yard waste may only be set out in bags, reusable containers, or in piles as instructed by the company which will be collecting them.
- (5) Recyclable materials shall be set out separately from MSW intended for disposal and contained so as to prevent leakage or spillage but not to preclude visual identification and inspection. Recycling shall be set out as described in subsections (3) and (4) above. Individual containers, bundles, bags, and/or boxes of recyclable materials set out for collection shall not exceed four feet in length and 50 pounds in weight.
- (6) On each scheduled collection day, residential refuse and recyclables shall be placed at the curb line or at a point on the property line at the edge of pavement or terminal point of a pipestem driveway easement, adjacent to the public right of way where the collection vehicle stops. Residential refuse and recyclables shall not be set out for curbside collection on any sidewalks or any other portion of the

public right of way where they could interfere with pedestrians or vehicular traffic.

- (7) If MSW placed at the curb or in the public right-of-way by a residential customer is not picked up within ten days, the County may remove them and recover the costs of removal.
- (b) Set-out of **non-residential** refuse and recycling shall comply with the following:
- (1) All containers shall be stored upon private property, at points which shall be well drained and fully accessible to collection vehicles and to public health inspection, fire inspection, and solid waste inspection personnel, in addition to complying with Section 109.1-5-6.
 - (2) Non-residential customers are only permitted to store refuse and recyclables outdoors inside of an approved container as described in Section 109.1-5-6. Non-residential customers are not permitted to store refuse or recyclables in bags, boxes or bundles outside unless specifically approved in writing by the Director.
 - (3) Recyclable materials shall be set out separately from MSW intended for disposal and contained as described in Section 109.1-5-6 so as to prevent leakage or spillage but not to preclude visual identification and inspection. Co-collection of recyclables and refuse in a single container is not permitted and does not comply with the recycling requirements in Article 2 of this Chapter.
 - (4) If MSW placed at the curb or in the public right-of-way by a non-residential customer is not picked up within ten days, the County may remove it and recover the costs of removal from the customer, collection company and/or designee.

Section 109.1-5-6. Collection Containers and Vehicles.

- (a) Containers (including compactors, front-end containers and roll-off containers) used to collect refuse and recycling shall comply with the following:
- (1) All refuse containers shall be of sturdy, rodent and insect resistant and watertight construction with tight fitting lids sufficient to prevent leakage or spillage of the disposed materials contained therein and must be closed when not in use.
 - (2) Any dumpster, front-loading container, compactor or wheeled cart provided for collection of recycling shall be of sturdy, rodent and insect resistant and watertight construction with tight fitting lids sufficient to prevent leakage or spillage of the recyclables contained therein but not to preclude visual identification and inspection and must be closed when not in use.
 - (3) Collectors who provide refuse and/or recycling containers shall be responsible for maintaining up-to-date name and contact information on these containers. Where a collector chooses to change this information, the collector must either correct the changes on every container (except containers used for collection at single-family homes or townhouses), or remove that container from service. Collectors may not charge a fee for updating containers in this manner.
 - (4) Open-top containers may not be used to collect, store, or transport refuse or any other putrescible items. Open-top containers may not be used for recyclables except per 109.1-5-2 (g)(3).
 - (5) Yard waste may only be set out in bags, reusable containers, or in piles as according to Section 109.1-5-5 (a) (4).

- (6) All roll-off containers and compactors shall have safety reflectors affixed to both sides and ends of container. Safety reflector requirements for said roll-off container or compactor shall include the use and/or combination of reflective tape, reflective paint, or reflective glass
 - (7) All solid waste collection containers with a capacity of two cubic yards or larger and are used for the collection of solid waste shall be clearly marked with the owner's name and telephone number and the type of material acceptable for the container.
 - (8) In the event of refuse or recycling collection service cancellation by a customer, the owner of the refuse or recycling collection container shall be responsible for removing the container(s). All such containers shall be removed within ten business days of customer service cancellation. Any container which is not removed within ten business days of service cancellation shall be deemed abandoned and subject to removal by the County. The Director must make a reasonable attempt to notify the owner of the container prior to removal by the County. Containers removed by the County will be emptied, and stored at the owner's expense, including the cost for disposal of waste contained therein, and may not be reacquired until all such expenses have been paid. Any container not reacquired within 30 days will be forfeited to the County of Fairfax and sold at public auction or added to the County's assets.
 - (9) The County can require the owner of any container to remove that container if it is found to create a nuisance, traffic impediment or adversely affect public health or safety. If after making a reasonable attempt to notify the owner of this requirement the Director is unable to contact the owner, or if the owner fails to remove the container after notification of such requirement, the County may remove, empty and store the container at the owner's expense, including the cost for disposal of waste contained therein, and the container may not be reacquired until all such expenses have been paid. Any container not reacquired within 30 days will be forfeited to the County of Fairfax and sold at public auction or added to the County's assets.
- (b) All vehicles used to collect refuse and recycling shall comply with the following:
- (1) All collection vehicles to be used in the collection of MSW must have a collection vehicle permit (see Article 4).
 - (2) All collection vehicles for which a collection vehicle permit is being sought must be designed and manufactured specifically for the collection of MSW.
 - (i) Design and manufacture shall include a completely enclosed and watertight truck body with automatic dumping capabilities, and additional requirements as determined by the Director in the collection vehicle inspection and as described in this Chapter and in the Fairfax County Solid Waste Management Program Permit Manual.
 - (ii) All collection vehicles shall display the current name and telephone number of the company operating the vehicle.
 - (iii) Vehicles permitted to collect recyclables must be clearly identified as such. Such signage shall be removed if the vehicle is used to collect refuse.
 - (iv) The Director may consider the use of vehicles not specifically manufactured for the collection of MSW under emergency conditions or for other reasons as determined by the Director. The vehicles must receive a temporary vehicle permit prior to being put into service.

- (3) All collection vehicles to be used in the collection of MSW shall be maintained in a manner that prevents spillage of the types of MSW to be collected therein, and provides proper control of odors, vermin, and liquid waste leakage.
- (4) No collection vehicles of any type are required to enter into any pipestem driveway for the purpose of conducting refuse or recycling collection operations or turning around.

Section 109.1-5-7. Alteration of Collection Service; Required Notices.

(a) Any collector shall give written notice of intent to alter collection service to residential customers in the following manner:

- (1) *Sale or transfer of business*: the Director and all customers shall be notified within thirty (30) days of such sale or transfer, if no change or interruption in service will occur.
- (2) *Termination of service for nonpayment by customer*: the Director and all affected customers shall be notified no less than ten (10) days prior to the termination.
- (3) *Termination of service for any other reason*: the Director and all affected customers shall be notified no less than thirty (30) days prior to the change.
- (4) *Alteration of service or change in collection schedule*: the Director and all affected customers shall be notified no less than thirty (30) days prior to the change, except on cases of emergencies as declared by the Director.

(b) Any prepaid customer account will be either refunded by the collection company to the customer or transferred to the subsequent collector.

(c) All notifications to the Director required by this Section to customers whose service has been changed shall include evidence that all affected customers have been notified.

Section 109.1-5-8. Advance Billing of Customer.

Advance billing of residential customers shall not be permitted more than ninety (90) days in advance of delivery of collection service.

Section 109.1-5-9. Rates and Charges for Residential Collection.

(a) Collection companies shall explicitly notify residential customers in writing of all rates, charges, and fees (including, but not limited to, fuel surcharges, environmental fees, equipment recovery fees, and service cancellation fees) that will be billed as part of the service provided or at termination of that service. Such notification shall be made prior to commencement of service.

(b) Rates and charges shall be increased only after each residential customer and the Director have been given thirty (30) days' written notice in advance. Such notice shall include the amount of the increase. A rate change shall be deemed invalid if the collector fails to provide this notification.

(c) All notifications to the Director required by this Section shall include evidence that all affected customers have been notified.

(d) No refuse or recycling collector shall charge a fee greater than twenty-five dollars to

remove its containers from a customer's residence.

Section 109.1-5-10. Assignment of Customer.

The Director shall have the authority to assign a specific customer to a collector; provided that the assigned customer shall first have paid any outstanding collection charges properly due any collector; and provided further that the collector assigned by the Director shall be one currently providing collection service in the area in which the assigned customer is located. The collector to whom any such customer is assigned shall, upon receipt of notice of assignment, commence rendering of collection service as assigned.

ARTICLE 6. Solid Waste Transportation

Section 109.1-6-1. Manner of Operation.

(a) Any vehicle used to transport MSW materials in or through Fairfax County shall be operated in such a manner as not to create a nuisance or adversely affect public health.

(b) MSW shall not be spilled, dumped, or thrown onto any street, court, lane, alley, sewer inlet, stormwater structure, vacant lot, public way, private property, or any area not designated as a permitted and authorized disposal site or recycling center.

(c) All vehicles used to transport liquid and semi-liquid wastes with non-watertight vehicle bodies shall carry said wastes in watertight containers.

(d) Any vehicle used to transport MSW and its contents shall not produce foul odors nor leak any fluids while parked or moving.

(e) Violation of this section shall constitute a nuisance per se.

Section 109.1-6-2. Parking on Public Rights-of-Way Prohibited.

(a) It is unlawful to park a vehicle which is being used to transport MSW in or through Fairfax County on a public right-of-way. Violation of this section shall constitute a nuisance per se.

(b) This section shall be enforced by Fairfax County law enforcement officers. Those officers are hereby authorized to immediately remove, or cause to be removed, any vehicle parked in violation of this section. The owner or operator of any such vehicle shall be required to pay, in addition to any fine, the charges for such removal and storage.

Section 109.1-6-3. Parking on Private Property.

It is unlawful to park a loaded or partially loaded collection or transfer vehicle which is being used to transport MSW in or through Fairfax County on any private property unless: (1) the owner has consented in writing, (2) the written consent has been furnished to the Director, and (3) the site is a lawful place to store MSW collection and/or transfer vehicles in accordance with the County Zoning Ordinance.

ARTICLE 7. Disposal of Solid Waste

Section 109.1-7-1. Disposal Site Designation.

(a) All refuse collected under the provisions of this Chapter shall be disposed of only at disposal sites designated by the Director.

(b) It shall be unlawful for any person to dispose of MSW in or at any disposal site other than those designated by the Director pursuant to paragraph (a) above. This provision shall not apply to the occupants of single-family residences or family farms disposing of their own MSW if such occupants have paid the fees, rates and charges of other single-family residences and family farms in the same service area.

(c) Nothing contained in previous subsections shall be deemed applicable to:

- (1) Garbage, trash, and refuse generated, purchased or utilized by an entity engaged in the business of manufacturing, mining, processing, refining or conversion except for an entity engaged in the production of energy or refuse-derived fuels for sale to a person other than any entity controlling, controlled by or under the same control as the manufacturer, miner, processor, refiner or converter.
- (2) Recyclable materials which are those materials that have been source-separated by any person or materials that have been separated from garbage, trash, and refuse by any person for utilization in both cases as a raw material to be manufactured into a new product other than fuel or energy, except that yard waste must be delivered to a yard waste management facility legally permitted to operate in the Commonwealth of Virginia.
- (3) Construction/demolition debris to be disposed of in a landfill.
- (4) Waste oil.

(d) All MSW disposed of at solid waste management facilities operated by the County of Fairfax shall become the property of the County.

Section 109.1-7-2. Hazardous Waste Prohibited.

No hazardous waste shall be disposed of at the I-66 Transfer Station, the I-95 Sanitary Landfill, the I-95 Energy/Resource Recovery Facility, or any other disposal site in Fairfax County. The Director may request an analysis by a certified laboratory deemed acceptable by the Director of any MSW requested for disposal. The purpose of the laboratory analysis is to ensure that the MSW does not contain any hazardous constituents. The laboratory analysis must be submitted to the Director in advance and in writing. Only after favorable review by the Director may the MSW be accepted for disposal.

Section 109.1-7-3. Out-of-County Waste Prohibited.

It shall be unlawful for any person to use a Fairfax County Certificate to Operate and/or permit for the disposal of MSW originating outside the County of Fairfax, at the I-66 Transfer Station, I-95 Sanitary Landfill or I-95 Energy/Resource Recovery Facility, unless previously approved by the Director.

Section 109.1-7-4. Use of County Solid Waste Management Facilities.

(a) The Director may establish rules and regulations for the use of Fairfax County solid waste management facilities, including specifying the types and characteristics of waste which are unacceptable, and disposal charges.

(b) Use of County facilities shall be limited to the purpose for which access is granted.

(c) All persons disposing of MSW shall be charged, billed or invoiced for the disposal fees owed for use of County facilities. Any person failing to pay an account when due may incur a monthly charge of ten percent on the outstanding balance, annualized, from the first day following the day such account is due, or ten dollars, whichever is greater. An account shall be paid when payment has been received by the County.

Section 109.1-7-5. Permit for Solid Waste Management Facility--Required.

No person shall locate, operate, conduct or maintain a storage or disposal site (temporary or permanent), transfer station, recycling processing, landfill or any other type of solid waste management facility in the County unless all applicable state, federal and local laws, regulations, permits, and zoning requirements are met. Any facility must also be consistent with the County's Solid Waste Management Plan.

ARTICLE 8. Emergency Provisions

Section 109.1-8-1. Emergency Management.

(a) This Article sets forth specific solid waste management requirements that shall take effect during an emergency as determined by the county's emergency manager or other situations identified by the Director. It is intended that the following take place with respect to solid waste management during emergency circumstances:

- (1) that the County will take the lead in coordinating emergency or disaster clean-up efforts countywide; and
- (2) that private collectors shall not be required to provide collection services in excess of the base levels of service defined elsewhere in this Chapter.

(b) At the Director's discretion, to the extent allowable by State and Federal law, specific requirements of this Chapter may be waived or suspended during a local emergency.

Section 109.1-8-2. Operation of Essential Facilities.

(a) During a local emergency, the Director shall authorize, as necessary, the operation of primary and temporary solid waste management sites by the County, including the provision of equipment and personnel support to maintain the functionality of essential County services and support emergency response and disaster recovery operations.

(b) The Director shall provide refuse collection and disposal services as necessary to support operation of essential facilities used to receive and care for evacuees, volunteer workers, emergency responders, and maintenance and support personnel.

(c) Specifics of operations described in this Section shall be further described in the County's Emergency Operations, Continuity of Operations, and Debris Management Plans.

Section 109.1-8-3. Emergency Debris Management.

Management of debris from areas impacted by an emergency shall continue to be a shared responsibility between the County and permitted private MSW collectors. However, at the Director's discretion, the County may elect to provide solid waste removal and disposal services in any area where the County deems that existing permitted waste collection resources are overwhelmed and/or improperly trained and/or inadequately equipped for the prevailing emergency conditions.

ARTICLE 9. Enforcement.

Section 109.1-9-1. Enforcement Authorities.

(a) The Director shall have and is hereby vested with the authority to pursue administrative, civil, or criminal enforcement actions on any entity that violates this Chapter.

(b) The Director may also undertake the following actions:

- (1) Issue notices of violations for violations of any provision of this Chapter.
- (2) Issue regulations and/or procedures to provide for administration, policy direction, and implementation of this Article.
- (3) Make and enter into consent agreements incidental to the performance of the Director's duties and the execution of the Director's powers under this Article.
- (4) Impose penalties for violations of this chapter as described herein and in the Solid Waste Management Program Enforcement Manual.

Section 109.1-9-2. Definition of Violation.

Except as otherwise provided (and regardless of the availability of other civil or administrative remedies and procedures for enforcing this Chapter), every act or condition prohibited by this Chapter, and every failure or omission to act as required herein, is a violation of this Chapter.

Section 109.1-9-3. Requirements for Written Notice.

For the purpose of enforcing this Chapter, written notice may be provided by certified mail or by any appropriate method specified in Virginia Code Ann. § 8.01-296.

Section 109.1-9-4. CTO and/or Permit Suspension and Revocation.

(a) Violation of any requirement of this Chapter, the Fairfax County Code, the Fairfax County Zoning Ordinance, or any court orders relating thereto, shall be grounds to deny, suspend, or revoke any solid waste CTO and/or permit.

(b) Examples of grounds for CTO and/or permit denial, suspension or revocation include, but are not limited to, the following:

- (1) Disposal of unacceptable or hazardous waste.
- (2) Collection services fail to meet any applicable Fairfax County Code requirement.
- (3) Failure to pay solid waste disposal fees.
- (4) Use of a Fairfax County-issued permit for the disposal of waste from outside the County without prior authorization.
- (5) Disposal of county waste at sites other than those designated by the Director.
- (6) Storage or consolidation of waste fails to meet any applicable Fairfax County Code requirement.

- (7) Failure to abide by the rules and regulations of a Fairfax County solid waste management facility.
- (8) Failure to submit an accurate permit application.

(c) Further, it shall be unlawful, and grounds for CTO and/or permit denial, suspension or revocation, for any person to misuse a collection vehicle, permit, and/or CTO. Misuse includes, but is not limited to, operating while CTO is suspended, any switching of permits between collection vehicles, any use of a permit in an unpermitted collection vehicle or by an unpermitted collector, and/or any use of a discontinued CTO and/or permit.

(d) It shall be unlawful, and grounds for CTO and/or permit denial, suspension or revocation, for any company which is delinquent in its payment of the disposal bill to Fairfax County to use the collection vehicle and/or permit of another company to gain access to any County solid waste management facility. It shall be unlawful for any company to allow another company to use its collection vehicle and/or permit in the aforementioned manner.

(e) In the event the Director elects to consider suspending or revoking an issued CTO and/or permit, except in instances involving the nonpayment of fees, charges, fines, or civil penalties, or the disposal of unacceptable or hazardous waste, the permit holder will be notified by certified mail that said CTO and/or permit is under review. The CTO/permit holder will have 48 hours after receipt of the letter of notification to correct any deficiencies and to notify the Director of the corrective action taken. If satisfactory corrective action is not taken within 48 hours, the CTO and/or permit may be suspended or revoked by the Director. This shall not be construed to limit the authority of the Director to immediately suspend without notice any CTO/permit holder for the nonpayment of solid waste disposal fees or the disposal of unacceptable or hazardous waste.

(f) Any revocation, suspension or denial of a CTO or permit, other than those related to the nonpayment of solid waste disposal fees or the disposal of unacceptable or hazardous waste, shall be in writing and may be appealed to the County Executive or his designee within ten days of the date of revocation, suspension or denial. Any appeal shall be in writing and filed with the County Executive or his designee. Thereafter, the County Executive or his designee shall promptly schedule a hearing at which the applicant and all interested parties, which may include but are not limited to the Director of the Fairfax County Solid Waste Management Program, the Zoning Administrator, the Health Officer, the Police Department, the Department of Code Compliance, the Department of Tax Administration and the Board of Supervisors of Fairfax County, Virginia, may present testimony or evidence. Any interested party or the applicant may be represented by counsel at the hearing.

Section 109.1-9-5. Penalties - Recycling Violations.

Violation of any provision of the recycling requirements of this Chapter, or any rule or regulation adopted hereunder, including but not limited to the required registration of a recycling business, shall be punishable by a fine for each offense as prescribed in the Solid Waste Management Program Enforcement Manual. No criminal penalties shall be imposed for such violations. Each household, business, or collection point at which a violation of any provision of the recycling requirements of this Chapter occurs shall constitute a separate offense.

Section 109.1-9-6. Penalties – Disposal Violations.

(a) Except as provided for in 109.1-9-6 (b), any disposal of waste at an improper or prohibited site shall be subject to a fine for each offense as prescribed in the Solid Waste Management Program Enforcement Manual. Each day any violation continues shall constitute a separate offense. Violators may also have their CTO and/or collection/ disposal permits denied, suspended, restricted or revoked, and denied a CTO and/or permit for a period of up to one (1) year from the time of the offense.

(b) Any person who disposes of MSW originating outside the County of Fairfax at a County

facility where such waste is prohibited shall be subject to suspension from use of said facility for a period of time not to exceed one hundred twenty (120) calendar days and a fine for each offense as prescribed in the Solid Waste Management Program Enforcement Manual.

(c) Disposing of waste at a County solid waste management facility without having paid the required disposal fee will be considered a violation, and may subject the person to a fine for each offense as prescribed in the Solid Waste Management Program Enforcement Manual.

Section 109.1-9-7. Penalties - Contracting With Unauthorized Collector or Solid Waste Broker.

Contracting with a person not authorized to perform refuse and/or recycling collection services or act as a Solid Waste Broker within Fairfax County shall be subject to a fine for each offense as prescribed in the Solid Waste Management Program Enforcement Manual. For purposes of this Section, evidence of a violation is the voluntary contracting by a person, business, property owner, property manager, solid waste broker, or community/homeowners' association with an MSW collector or Solid Waste Broker after having received written notice from the Director that the refuse or recycling collector or Solid Waste Broker is not authorized to operate within the County.

Section 109.1-9-8. Penalties - Violations Not Otherwise Specified.

Violation of any provision of this Chapter, unless otherwise specified in this Article, shall be punishable as a Class II misdemeanor, with a fine for each offense as prescribed in the Solid Waste Management Program Enforcement Manual.

Section 109.1-9-9. Penalties - Escalation of Penalty for Repeat Offenders.

(a) Except as otherwise provided by federal, state or local law, the Director shall have the authority to recommend leniency in the event of first violations, and to seek escalating penalties for repeated violations in a 12 month period.

(b) In circumstances where a person or business has violated one or more provisions of this Chapter on at least three separate occasions within 12 months, the Director shall pursue an additional financial penalty equal to a reasonable estimate of the financial benefits of non-compliance as described in the Solid Waste Management Program Enforcement Manual.

Section 109.1-9-10. Continuing Violations.

Except as otherwise provided (and regardless of the availability of other civil or administrative remedies and procedures for enforcing this Chapter), acts, omissions, or conditions in violation of this Chapter which continue, exist, or occur on more than one day constitute separate violations and offenses on each such day.

Section 109.1-9-11. Consent Agreements.

(a) As an alternative to pursuing criminal or civil remedies described elsewhere in this Section, the Director may make and enter into Consent Agreements with suspected violators as a means to resolve the violation(s).

(b) For the purpose of this Section, a Consent Agreement is an administrative order issued with the consent of both parties, to perform specific actions to come into compliance with this Chapter and any relevant rules and regulations.

(c) The Director shall develop Consent Agreements and generally draft them after one or more meetings with the alleged violator. Such agreements shall be developed cooperatively and entered

into by mutual agreement, even though the Agreement shall effectively serve as a direct order to the alleged violator to comply.

(d) A Consent Agreement may be issued without an adversarial proceeding, and therefore need not include a determination that a violation has occurred.

(e) Consent Agreements issued pursuant to this Section shall include, at a minimum, the following:

- (1) An established and enforceable course of action for bringing a suspected or alleged violator into compliance expeditiously, with explicit deadlines by which compliance must be achieved.
- (2) The assessment and collection of a monetary penalty for the violation(s), consistent with the requirements of this Chapter and appropriate County policy and guidance.
- (3) An explanation of what further actions the County may take if the violator fails to meet the terms of the Consent Agreement.

**FAIRFAX COUNTY
RECYCLING PROGRAM REQUIREMENTS**

Information on recycling regulations for solid waste collectors and property managers

MARCH 2015 REVISION

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**SECTION 1
INTRODUCTION**

On March 3, 2015, the Board of Supervisors revised Chapter 109.1, Solid Waste Management, of the Codified Ordinances of Fairfax County. The new Chapter 109.1 has several new recycling provisions for businesses, residents, and solid waste collectors in Fairfax County. This document, the Recycling Program Requirements, provides direction and guidance for the recycling requirements in Chapter 109.1. Changes implemented by the latest Code revision include (but are not limited to):

- Specific size and capacity requirements are established for recycling systems at multi-family and non-residential properties, to ensure that the solid waste services being provided to tenants, customers, employees and all other system users are adequate.
- A common list of required recyclables has been established for all multi-family properties, regardless of their date of construction.
- A broader definition of who can be held responsible for the provision of a proper and adequate recycling system.
- Explicit prohibition of collecting recyclables and waste in a single container (a.k.a., “one box” service).
- New responsibilities, reporting, and registration requirements for property managers, solid waste brokers, and community associations, HOAs, and similar organizations who contract for waste services on behalf of multiple residents, tenants, businesses and/or their owners.

The requirements set forth in this document are binding upon all residential, commercial, industrial, and institutional establishments located within, or doing business in Fairfax County It also applies to any person or entity that collects, transports, disposes, or otherwise manages solid waste and/or recyclable materials in Fairfax County. This document is incorporated into Chapter 109.1 by reference, per Section 109.1-1-1 of the Codified Ordinances.

It should be noted that Chapter 109.1, these Recycling Program Requirements, and other related guidance and information published by the Solid Waste Management Program (SWMP) are intended to specify *the minimum* or base levels of service to be provided by owners, landlords, business owners, etc. Nothing in this document is intended to prevent any person from providing a level of service greater than the minimum levels required, at such rates and charges as agreed between that person and their customer.

In the event of a conflict between the guidance provided in this document and the requirements set forth in Chapter 109.1, Chapter 109.1 shall prevail. These Recycling Program Requirements are to be considered a supplement to Chapter 109.1, and should always be read in conjunction with the Code.

**SECTION 2
RESIDENTIAL RECYCLING REQUIREMENTS**

2.1 GENERAL REQUIREMENTS APPLICABLE TO ALL RESIDENCES

2.1.1 Materials To Be Source-Separated

Residents must source-separate for recycling the following materials:

- Container glass (bottles and jars);
- Metal food and beverage containers (cans and tins);
- Plastic food and beverage containers;
- Yard waste (on a seasonal basis)*;
- Scrap metal; and,
- Cardboard and mixed paper (junk mail, office paper, magazines, etc.).

Note: * = not required for multi-family dwellings. Townhouse communities may be exempted from yard waste recycling requirement (see Section 4).

2.1.2 Important Requirements and Prohibitions

It is illegal to contract with an MSW collector who does not possess a County-issued Certificate-to-Operate for collection services (CTO), or to contract with a recycling business that is not registered with Fairfax County.

The base price for any collection contract must include weekly collection of refuse and recyclables, and weekly collection of yard waste from March 1 to December 24. Christmas trees of less than eight feet set out during the first two weeks in January must be collected for recycling.

The outside storage of refuse and recyclables in plastic bags with closed tops for not more than 12 hours is allowed by residential customers only.

Collectors cannot charge an additional fee for recycling service – if they collect waste, they must collect recyclables, if properly set out.

In the event that materials spill or fall onto the ground during the process of collection, it is the collector's responsibility to immediately clean up the mess.

No refuse or recycling collector shall charge a fee greater than twenty-five dollars to remove its containers from a customer's residence.

Refuse and recyclables cannot be commingled in a single vehicle or container for collection.

2.2 SPECIAL REQUIREMENTS FOR SINGLE-FAMILY AND TOWNHOUSE RESIDENCES

Set-out Requirements--

Cardboard must be flattened for curbside recycling. Large pieces must be cut down or folded to 36 inches in length and 36 inches in width or they may be collected as trash and not recycled.

Solid waste collectors must provide weekly recycling service for the following materials:

- Container glass (bottles and jars);
- Cardboard and mixed paper (junk mail, office paper, magazines, etc.);
- Metal food and beverage containers (cans and tins);
- Plastic food and beverage containers;
- Yard waste (on a seasonal basis); and
- Scrap metal.

Certain exemptions for yard waste at townhouse communities may apply—see Section 4.

Residents should set out materials as directed by their collector. The materials should be set out at the curb line. Recyclables should be set out separately from refuse. No single item may weigh more than 50 pounds or measure more than 48 inches in length (except for cardboard, which is limited to 36 inches), as these items may be left behind by the collector.

2.3 SPECIAL REQUIREMENTS FOR MULTI FAMILY DWELLING UNITS (MFDUs)

The owner of an apartment or condominium complex must develop a Municipal Solid Waste Management and Recycling Plan and maintain that plan at the facility for use by employees, occupants, and vendors. The plan must be provided to the County within 30 days of written request and must describe the facility and how its trash and recycling will be collected. The plan must be updated whenever there is a significant change to the facility, including major construction, change of ownership or management, or change of solid waste and/or recycling vendor. At a minimum, the plan should be updated every five years. Detailed requirements of the plan are described in Chapter 109.1.

The owner (or designee) must provide each unit with notification of how to use the system, and must continue to provide notice on an annual basis or whenever a new occupant moves in. Solid waste collectors must offer weekly collection service for waste and for these materials.

The system of collection containers and the frequency with which they are collected must be sufficient to hold all recyclables generated by the residents. The system will be deemed inadequate where residents have to deposit recyclables on the ground or put them in a refuse container because the recycling container is full.

Fairfax County Mar 2015 Recycling Program Requirements

Beginning on February 1, 2016, any refuse container with a capacity of two cubic yards or greater must be accompanied by one or more recycling containers (at the same general location) with a capacity equal to or greater than 25 percent of the refuse container, to facilitate ready use by residents.

Recyclables containers must be clearly labeled to show what materials are recyclable.

Each unit must be notified regarding the use and participation in the property's recycling system upon occupancy and at least once annually thereafter. Notification may be in the form of community newspapers or other outreach techniques.

Owners (or designees) are responsible for keeping the area around containers free from litter.

Additional information on waste management requirements for residential building owners can be found in 10-0300 of the Public Facilities Manual, and further guidance is available in Appendix A, which includes a framework defining the term "adequate recycling system".

**SECTION 3
NON-RESIDENTIAL RECYCLING REQUIREMENTS**

3.1 GENERAL REQUIREMENTS APPLICABLE TO ALL NON-RESIDENTIAL ESTABLISHMENTS

3.1.1 Materials To Be Source-Separated

All non-residential properties must recycle cardboard and paper.

Chapter 109.1 requires all nonresidential establishments, including businesses, schools, and institutions, to provide a recycling system to their tenants, occupants, employees and vendors. The owner or manager of such properties must provide a system to recycle cardboard and mixed paper, which includes white and colored office paper, magazines, newspapers, etc. Solid waste collectors must offer recycling service for these materials as part of the base level of service.

Construction and demolition contractors must source-separate and recycle corrugated cardboard such as boxes and packaging.

3.1.2 Additional Requirements for Certain Businesses

Establishments meeting ANY ONE of the following criteria must recycle one principal recyclable material (PRM) *in addition* to cardboard and mixed paper:

- An annual total waste stream of 100 tons (90.72 metric tons) or more from a single non-residential entity; OR
- An annual combined waste stream of 100 tons (90.72 metric tons) or more from a complex or institution; OR
- An annual average occupancy of 200 persons or more at a non-residential facility.

Non-residential facilities exceeding one of these thresholds must provide a system to their tenants, occupants, employees and vendors to recycle at least one PRM (in addition to mixed paper and cardboard). A PRM is the recyclable material from the following list that constitutes the majority of the facility's recyclables waste stream:

- Ferrous scrap metal;
- Non-ferrous scrap metal;
- Used motor oil;
- Container glass;
- Aluminum or tin cans;
- Textiles;
- Automobile bodies;

- Plastic;
- Clean wood; or
- Brush, leaves, grass, and other arboreal materials.

EXCEPTION: If a non-residential facility meets the threshold but Fairfax County staff determines that the PRM for the facility is cardboard and/or paper, no additional recycling is required.

3.1.3 Further Important Requirements and Prohibitions

It is illegal to contract with an MSW collector who does not possess a County-issued Certificate-to-Operate for collection services (CTO), or to contract with a broker or recycling business that is not registered with Fairfax County.

Refuse and recyclables cannot be commingled in a single vehicle or container for collection.

The establishment owner (or designee) must provide tenants and employees with notification of how to use the recycling system, and must continue to provide notice on an annual basis or whenever a new tenant moves in.

The system of collection containers and the frequency with which they are collected must be sufficient to hold all recyclables generated by the tenants, employees, and/or customers. The system will be deemed inadequate where tenants, employees, and/or customers have to deposit recyclables on the ground or put them in in a refuse container because the recycling container is full.

Beginning on February 1, 2016, any refuse container with a capacity of two cubic yards or greater must be accompanied by one or more recycling containers (at the same general location) with a capacity equal to or greater than 25 percent of the refuse container, to facilitate ready use by tenants, employees, and/or customers.

Recyclables containers must be clearly labeled to show what materials are recyclable.

Containers must be emptied one weekly unless a reduced frequency application or an alternative recycling system has been approved by the Director.

Owners (or designees) are responsible for keeping the area around containers free from litter.

Further guidance is available in Appendix A, which includes a framework defining the term "adequate recycling system".

3.2 MSW MANAGEMENT AND RECYCLING PLAN

The owner of any non-residential building or complex (e.g., retail mall, office building, light industrial park) must develop a MSW Management and Recycling Plan and maintain the Plan at

the facility for use by employees, occupants, and vendors. The Plan must be provided to the County within 30 days of written request. The Plan must describe the facility and how its trash and recycling will be collected for recycling and disposal. The Plan must be updated whenever there is a significant change to the facility, including major construction, change of property ownership or management, or change of solid waste and/or recycling vendor. At a minimum, the Plan should be updated every five years. Detailed requirements for these plans are described in Chapter 109.1.

3.3 ANNUAL RECYCLING REPORT

Any non-residential property meeting the PRM thresholds described above, and any company that manages municipal solid waste or recyclables generated in Fairfax County, must submit an annual report of waste generation, management, and recycling to the SWMP on an annual basis. The report is due on March 1 of each year for information from the previous calendar year. Details of the report are described in Chapter 109.1.

3.4 FURTHER GUIDANCE

Further guidance is available in Appendix A, which includes a framework defining the term “adequate recycling system”.

**SECTION 4
YARD WASTE RECYCLING REQUIREMENTS**

Yard waste means the organic fraction of municipal solid waste that consists of grass clippings, leaves, and brush arising from general landscape maintenance. Yard waste also includes similar materials collected from non-residential landscape maintenance, such as maintenance of streets, parks and recreational areas. Yard waste does not include any materials arising from tree removal, land clearing, or development activities.

Brush means shrub and tree trimmings arising from i) general residential landscape maintenance and ii) similar non-residential landscape maintenance. Brush must be limited to individual pieces or bundles of no greater than 50 pounds in weight, four feet in length, and no piece larger than six inches in diameter. Christmas trees of no more than eight feet in length are exempt from these size limitations.

4.1 REQUIREMENTS FOR RESIDENTIAL PROPERTIES

Occupants of single-family homes and townhouses must source-separate yard waste for recycling from March 1 to December 24 of each year.

EXCEPTION: Townhouse clusters and condominium associations that hire a contractor or use in-house personnel to maintain common areas may apply to the Director for approval of alternative methods for managing yard waste. Examples of such alternative methods include grasscycling (leaving clippings on the grass), mulching, or composting. More detail is available at www.fairfaxcounty.gov/living/recycling or by calling 703-324-5230 (TTY 711).

Yard waste may only be set out in bags, reusable containers, or in piles as instructed by the company that will be collecting them.

4.2 REQUIREMENTS FOR SOLID WASTE COLLECTORS

Solid waste collectors must provide single-family and townhouse residential customers a system for collecting and recycling yard waste at least once a week from March 1 to December 24 of each year. During the remainder of the year, yard waste must be collected at least once a week but recycling is not required and the yard waste may be mixed with municipal solid waste. On any single weekly collection day, collectors may limit the collection to 10 bags or bundles of yard waste.

The minimum level of service for collection of Christmas trees is removal of all trees of less than 8 feet in length set out during the first two weeks of January.

EXCEPTION: Townhouse clusters that hire a contractor or use in-house personnel to maintain common areas may, with approval of the Director, exclude yard waste collection from their

Fairfax County Mar 2015 Recycling Program Requirements

contracts for solid waste and recyclables collection. This does not, however, exempt the requirement to recycle any yard waste resulting from maintenance of common areas.

**SECTION 5
INFORMATION FOR REFUSE AND RECYCLABLES COLLECTORS**

5.1 ANNUAL RECYCLING REPORT

Any company that manages municipal solid waste or recyclables generated in Fairfax County must submit an annual report of waste generation, management, and recycling to SWMP on an annual basis. The report is due on March 1 of each year for information from the previous calendar year. Details of the report are described in Section 109.1-2-4.

5.2 NO RECYCLING MEANS NO PERMIT

Section 109.1-2-6-a states that no solid waste permit shall be issued to a collector unless the collector provides a written statement affirming that it offers and/or maintains a recycling system for residential customers in single-family homes and townhouses as described in Section 2 of this document and in Chapter 109.1. Additionally, collectors must offer recycling services to any and all customers in multi-family dwelling units and non-residential facilities. This is a minimum level of service, as all residents, institutions, and businesses are required to recycle.

5.3 PERMITS, CTOs, AND REGISTRATIONS

Any business that provides regularly-scheduled collection of solid waste and recycling must obtain a Certificate-to-Operate (CTO) from the SWMP.

A business collecting solid waste on an on-call basis, such as a junk hauler, does not need a CTO; however, such a business must obtain disposal and/or special waste and use permits in order to dispose of waste at Fairfax County facilities.

Solid waste collection companies must obtain a vehicle permit from the SWMP for any truck or other vehicle used to collect refuse. The permit process includes an annual vehicle inspection.

Vehicles used solely to pick up recyclables are not required to have vehicle permits from the SWMP. However, these vehicles must be registered with the SWMP (109.1-4-14).

5.4 MINIMUM LEVEL OF SERVICE

This document provides a summary of the minimum level of service to be provided to single family homes by solid waste and recycling collectors in Fairfax County. Failure to meet these minimum requirements is a violation of Chapter 109.1 and could result in fines, penalties, and revocation of permits or CTOs. Examples of the minimum levels of service include:

- Once-weekly collection of trash and recycling from all customers;

- Once-weekly collection of yard waste on a seasonal basis and with certain limitations, as described in Section 4 of this document;
- Collection of all materials set out appropriately; and
- Collection of Christmas trees set out appropriately.

If waste and/or recyclables are placed at the curb or in the public right-of-way and not collected within 10 days, the County may collect them and pursue recovery of the costs from the collector or the property owner.

5.4.1 Notifications Required Due to Change In Service

A solid waste collector must provide 30 days' notice to affected customers and the Director when any of the following events takes place:

- Sale or transfer of the business, regardless of whether or not there will be any interruption of service.
- Termination of service for any reason other than nonpayment.
- Alteration of service or collection schedule.
- Change to rates or charges.

In the case of termination of service for nonpayment, the collector must provide 10 days' notice.

Upon termination of service for any reason, including at the customer's request, the collector must promptly remove any provided collection containers and refund any prepaid subscriptions.

5.5 PUBLIC NUISANCE, PARKING, CONTAINERS, ETC.

All solid waste and recycling collectors must conduct their operations in a manner that is in compliance with Fairfax County Code and does not cause a nuisance to residents. This includes, but is not limited to:

- Causing no adversity to public health or safety;
- Operating vehicles so as to avoid spills and immediately cleaning up any that occur;
- Emptying all trucks within 24 hours of collection;

Fairfax County Mar 2015 Recycling Program Requirements

- Complying with noise ordinances by collecting in residential areas between the hours of 6 a.m. and 9 p.m. only, and observing a similar rule when within 100 yards of a resident, regardless of what type of waste is being collected; and
- Parking trucks overnight only where zoned and where permission is given by the property owner. Overnight parking on public streets is not allowed.

Operations that constitute a public nuisance or threaten public health and safety are violations of Chapter 109.1 and other sections of the Fairfax County Code.

SECTION 6
INFORMATION FOR HOAs, PROPERTY MANAGERS, RECYCLERS, AND BROKERS

6.1 COMMUNITY ASSOCIATION, HOA, AND PROPERTY MANAGER RESPONSIBILITIES

Community associations and/or HOAs or their designees that arrange for MSW collection service on behalf of its member residents must provide communication between residents of the community and/or their tenants and the solid waste collector providing collection service. This must be accomplished through a Statement of Service, to be given to residents upon occupancy and at least annually thereafter, as described in the Fairfax County Solid Waste Management Program Permit Manual.

Any community association and/or HOA or his/her designee that arranges for MSW collection service that does not comply with County Code shall be in violation of the code, and subject to enforcement action.

Community associations and/or HOAs or his/her designee that knowingly or willfully contracts with a solid waste broker or a collection company that is not registered or permitted to operate in Fairfax County shall be in violation of this chapter.

6.2 RECYCLING BUSINESS REGISTRATION

No person or business can collect recyclable materials in Fairfax County as a commercial enterprise without first registering their organization and all vehicles used for that purpose.

EXCEPTION: this requirement does not apply to employees of the recycling business owner, nor does it prohibit any individual from collecting, processing, or transporting recyclable materials generated within their own household or commercial establishment. Also, companies with an active CTO which have identified all vehicles used to collect MSW in their current CTO application are exempt from this registration requirement.

Persons registering their recycling business can best (and most easily) satisfy this requirement by completing the form shown in Appendix B. Vehicles used solely to pick up recyclables are not required to have vehicle permits from the SWMP. However, these vehicles must be registered under the same process.

6.3 SOLID WASTE BROKER REGISTRATION

All businesses operating in Fairfax County as a solid waste broker must register annually with the SWMP. The registration form is shown in Appendix B. The annual fee to register as a broker is \$250.

Any solid waste broker operating without such registration is in violation of Chapter 109.1 and will be subject to enforcement action.

Any business or individual who knowingly or willfully contracts with a solid waste broker that is not in good standing and/or is not registered to operate in Fairfax County as described above shall be in violation of County Code.

All solid waste brokers operating in Fairfax County must provide its Fairfax County customers with the following:

- Information on the applicable recycling and refuse requirements in Fairfax County, as described in Chapter 109.1 and these Recycling Program Requirements; and

Fairfax County Mar 2015 Recycling Program Requirements

- A Statement of Service defining what service will be provided to the customer, including days and frequency of service, type of containers, materials accepted, set-out instructions, and contact information. A completed "MSW Management and Recycling Plan" (Appendix C) may be used in place of a statement of service; however, distribution of such must be accompanied by explanatory information such as a cover letter.

SWMP PROGRAM ENFORCEMENT GUIDANCE
PRACTICAL DEFINITION OF ADEQUATE RECYCLING SYSTEM
MARCH 2015

CHAPTER 109.1 KEY DEFINITIONS (109.1-1-2)

“Recycling system”: *the means by which recyclable materials are separated from the waste stream at the point of generation, and may include the means of delivering source-separated materials to a recycling center or MRF.*

“Recycling center”: *a facility used for the collection of source-separated recyclable materials.*

“Source separation”: *the process of removing recyclable materials from the waste stream at the point where the material is generated. For residential waste, the source is each household and any contiguous residential property such as lawns or yards. For non-residential waste, the source is the premises in which business is conducted and contiguous property such as storage yards.*

TARGET RECYCLABLES

Residential Properties (109.1-2-2)

Container glass;
Metal food and beverage containers;
Plastic bottles and jugs;
Scrap metal; and
Cardboard and mixed paper.
Yard waste (for single-family homes and townhouses only, unless exempt).

Non-Residential Properties (109.1-2-3)

Cardboard and mixed paper
PRM (if applicable)

Construction and Demolition Work Sites

Cardboard

CONTAINER REQUIREMENTS

- (1) Containers used to store outside shall be sturdy, watertight, with lids that must be closed when not in use.
- (2) Containers \geq 2 cy must be marked with owner's name and number, and type of material.
- (3) Only certain recyclables can be collected in an open-top container: white goods, scrap metal, Christmas trees, and cardboard at construction and demolition sites. This shall not apply to construction and demolition debris that is collected for recycling.

- (4) Roll-off containers and compactors must have safety reflectors affixed to all sides.
- (5) Access to recycling must be as obvious and convenient to residents, employees, or other system users as access to disposal (refuse). Recycling locations must be clearly marked to encourage use by non-English speakers.
- (6) The combination of size and collection frequency must be enough to store the amount of recyclables generated between collections. Material left on the ground is evidence of inadequate service.
- (7) Property owners or managers must remove any litter or spillage from the ground around the storage containers within 24 hours. Outside storage containers shall be checked for proper closure daily.

SPECIAL REQUIREMENTS BY GENERATING SECTOR

Multi-Family Residential (109.1-2-2)

The recycling system must provide residents with the education and means to recycle target recyclables, and must also:

- (1) Provide containers of sufficient size and collection frequency that there is no need for residents to deposit material on the ground or put their recyclables in a refuse container.
- (2) Refuse and recycling containers must be emptied at least once weekly, unless otherwise approved in writing by the Director.
- (3) From February 1, 2016 onwards, refuse containers ≥ 2 cubic yards must be accompanied by recycling collection totaling $\geq 25\%$ that of the refuse container.
- (4) Recyclables containers must be labeled with what materials are accepted.
- (5) Each unit must be notified re: use and participation in the system upon occupancy and annually thereafter.
- (6) The property owners or their designee (typically, a management company) are responsible for keeping the area around collection containers free from litter.

Non-Residential (109.1-2-3)

The recycling system must provide employees and on-site customers with the education and means to recycle target recyclables, and also:

- (1) Include the provision and servicing of recycling containers at the point of service for refuse (i.e., where trash pick up is provided at individual offices and work stations, recycling pick-up shall also be provided). For the typical retail or office environment, these duties may fall to

designated employees or contract custodial staff.

- (2) Refuse and recycling containers must be emptied at least once weekly, unless otherwise approved in writing by the Director.
- (3) From February 1, 2016 onwards, refuse containers ≥ 2 cubic yards must be accompanied by recycling collection totaling $\geq 25\%$ that of the refuse container.
- (4) Recyclables containers must be labeled with what materials are accepted.
- (5) Each tenant (and for tenants, each employee) must be notified re: use and participation in the system upon occupancy (or employment, in the case of employees) and at least once annually thereafter. Notification may be in the form of newsletters, signage or other outreach techniques.
- (6) Owners or their designees are responsible for keeping the area around collection containers free from litter.

MSW MANAGEMENT AND RECYCLING PLAN

An adequate recycling system for multi-family dwellings and non-residential properties must have a MSW Management and Recycling Plan meeting the minimum standards set forth in 109.1-3-2.

USE OF LICENSED COLLECTORS, REGISTERED RECYCLERS AND BROKERS

A recycling system that depends on a contractor to collect recyclables, or depends on a recycling business or solid waste broker to arrange for collection and/or processing of recyclables must positively confirm that the collectors/recyclers/brokers are properly licensed or registered with the County.



FAIRFAX COUNTY MUNICIPAL SOLID WASTE MANAGEMENT AND RECYCLING PLAN *For Non-Residential Properties*

Keep this form on file for future reference. Do not return to the County.

Instructions and more information are on the back of this form.

Section 1 - Business Information

Facility Name:				
Address:				
City	State	ZIP		
E-Mail	Phone			
MSW and Recycling Contact:				

Section 2 - Recyclable Material Collected (check all that apply):

- | | | |
|--|---|---|
| <input type="checkbox"/> Mixed Paper (required) | <input type="checkbox"/> Cardboard (required) | <input type="checkbox"/> Metal Food and Beverage Containers |
| <input type="checkbox"/> Yard Waste | <input type="checkbox"/> Plastic Bottles & Jugs | <input type="checkbox"/> Glass Food & Beverage Containers |
| <input type="checkbox"/> Scrap Metal (i.e. appliances) | <input type="checkbox"/> Used Oil/Antifreeze | |

Refuse Collection Company:

Name	
Address	
City/St/Zip	
Phone	
Contact	

Recycling Collection Company:

Name	
Address	
City/St/Zip	
Phone	
Contact	

Check here if you are applying for an Alternate Recycling System (subject to approval).

Check Here if you haul your own recycling to a drop-off center or other approved site.

Section 2 - Containers (indicate types of containers used to collect recyclables and trash; attach pages if needed)

Compactors 	Dumpsters 	Open-Top Containers 	Wheeled Carts
For RECYCLING	For RECYCLING	For RECYCLING	For RECYCLING
Size _____ Quantity: _____			
Emptied _____ x per _____			
Located: Inside a building <input type="checkbox"/>			
Outside <input type="checkbox"/>	Outside <input type="checkbox"/>	Outside <input type="checkbox"/>	Outside <input type="checkbox"/>
For REFUSE	For REFUSE	For REFUSE	For REFUSE
Size _____ Quantity: _____			
Emptied _____ x per _____			
Located: Inside a building <input type="checkbox"/>			
Outside <input type="checkbox"/>	Outside <input type="checkbox"/>	Outside <input type="checkbox"/>	Outside <input type="checkbox"/>

I certify that the above information is true to the best of my knowledge.

Name and Title _____ Signature _____ Date _____

INSTRUCTIONS FOR FILLING OUT THE MSW MANAGEMENT AND RECYCLING PLAN

In accordance with Section 109.1-3-2 of the Fairfax County Code, MSW Management and Recycling Plans:

"The owner of any non-residential property or any multi-family dwellings shall develop a MSW Management and Recycling Plan consistent with the requirements of this Chapter, and make these plans available to the Director for review and approval upon request."

To comply with this requirement, complete all information below. **When completed, maintain this document on file.** The information should be updated, and operational changes made, upon (1) the construction of a new facility or significant modification to an existing facility; (2) occupancy by new tenants that materially change the function of the property, resulting in changes in the MSW generated therein; (3) a change of ownership or property management firm; (4) a change of MSW collection vendor; (5) or every five years, whichever comes first.

The MSW Management and Recycling Plan shall be provided to Fairfax County with 30 days of **receiving a written request from the Director**. The MSW Management and Recycling Plan shall be implemented within 30 days of occupancy. The Director may also request proof that any MSW Management and Recycling Plan has been implemented and become operational.

When creating a recycling system, remember to account for: (1) how recyclables will be collected internally; (2) how they will be moved from inside the building to any external containers; and, (3) how they will be transported from the property to a recycling facility.

FOR NON-RESIDENTIAL PROPERTIES: Calculate your annual waste

This exercise will compute your annual waste stream. Complete this table for all footage at your property. In the "Floor area (Sq. Feet)" column, fill in the area of the property occupied with each use. Multiply each square footage figure by the corresponding value in the "Annual Waste Gen. Rate" column, and list that value in the "Annual Tonnage" column. Add all the values in the "Annual Tonnage" column and list the total next to "Combined Annual Waste Stream".

Building Use	Floor Area (Sq. Feet)	X	Annual Waste Gen Rate =	Annual Tonnage
OFFICE		X	0.0013 tons/sq. ft.	
INDUSTRIAL		X	0.0016 tons/sq. ft.	
FOOD/RETAIL		X	0.0057 tons/sq. ft.	
PUBLIC FACILITY		X	0.00105 tons/sq. ft.	
INSTITUTION/SCHOOL		X	0.00105 tons/sq. ft.	
WAREHOUSE		X	0.00155 tons/sq. ft.	
Combined Annual Waste Stream				

If the Combined Annual Waste Stream is greater than 100 tons, recycling of one Principal Recyclable Material may be required in addition to recycling of mixed paper and cardboard.

Answer the following question:

Is the Combined Annual Waste Stream for this property greater than 100 tons? _____

If No, a system for recycling mixed paper and cardboard is the only requirement.

If Yes, recycling for one PRM in addition to mixed paper and cardboard may be required.

Check which ONE of the following materials you have the most of by weight. This will be your PRM, which you must recycle IN ADDITION to mixed paper and cardboard.

Mixed Paper & Cardboard (no additional recycling required)
 Plastic
 Aluminum or tin cans
 Container glass
 Used motor oil
 Brush, leaves, grass, other arboreal materials
 Cloth
 Clean wood
 Automobile bodies
 ferrous or non-ferrous metal
 Other

FOR THOSE APPLYING FOR AN ALTERNATIVE RECYCLING SYSTEM - CHAPTER 109-2-1 C

Non-Residential properties may apply for an alternative recycling system using this form. Applicants must apply every two years, and applications require a site visit by DPWES staff. Any alternative system must meet the following intentions of Chapter 109.1 of the County Code:

- Recycle, at a minimum, all mixed paper and cardboard.
- Remove putrescible, non-recyclable trash at least once a week.
- Ensure public health is protected from odors, discharges, vermin, fire hazards, and other threats.
- Ensure the environment is protected from leaks, emissions, discharges, and other pollutants.

For more information, contact the Fairfax County Solid Waste Management Program by calling 703-324-5230, TTY 711

Apr-15  To obtain this document in alternative formats, please contact the Fairfax County Solid Waste Management Program at 703-324-5230, TTY 711, to submit a request. Please allow 7 to 10 business days for preparation of the material.



FAIRFAX COUNTY MUNICIPAL SOLID WASTE MANAGEMENT AND RECYCLING PLAN

For Residential Properties

Keep this form on file for future reference. Do not return to the County.

Instructions and more information are on the back of this form.

Section 1 - Business Information

Facility Name:				
Address:				
City	State	ZIP		
E-Mail	Phone			
MSW and Recycling Contact:				

Section 2 - Recyclable Material Collected (check all that apply):

- Mixed Paper (required)
 Cardboard (required)
 Metal Food and Beverage Containers
 Yard Waste
 Plastic Bottles & Jugs
 Glass Food & Beverage Containers
 Scrap Metal (i.e. appliances)
 Used Oil/Antifreeze

Refuse Collection Company:

Name	
Address	
City/St/Zip	
Phone	
Contact	

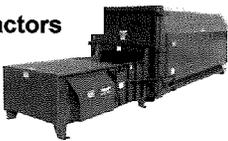
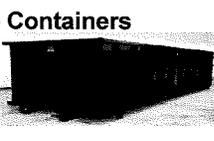
Recycling Collection Company:

Name	
Address	
City/St/Zip	
Phone	
Contact	

Check here if you are applying for an Alternate Recycling System (subject to approval).

Check Here if you haul your own recycling to a drop-off center or other approved site.

Section 2 - Containers (indicate types of containers used to collect recyclables and trash; attach pages if needed)

Compactors 	Dumpsters 	Open-Top Containers 	Wheeled Carts 
For RECYCLING Size _____ Quantity: _____ Emptied _____ x per _____ Located: Inside a building <input type="checkbox"/> Outside <input type="checkbox"/>	For RECYCLING Size _____ Quantity: _____ Emptied _____ x per _____ Located: Inside a building <input type="checkbox"/> Outside <input type="checkbox"/>	For RECYCLING Size _____ Quantity: _____ Emptied _____ x per _____ Located: Inside a building <input type="checkbox"/> Outside <input type="checkbox"/>	For RECYCLING Size _____ Quantity: _____ Emptied _____ x per _____ Located: Inside a building <input type="checkbox"/> Outside <input type="checkbox"/>
For REFUSE Size _____ Quantity: _____ Emptied _____ x per _____ Located: Inside a building <input type="checkbox"/> Outside <input type="checkbox"/>	For REFUSE Size _____ Quantity: _____ Emptied _____ x per _____ Located: Inside a building <input type="checkbox"/> Outside <input type="checkbox"/>	For REFUSE Size _____ Quantity: _____ Emptied _____ x per _____ Located: Inside a building <input type="checkbox"/> Outside <input type="checkbox"/>	For REFUSE Size _____ Quantity: _____ Emptied _____ x per _____ Located: Inside a building <input type="checkbox"/> Outside <input type="checkbox"/>

I certify that the above information is true to the best of my knowledge.

Name and Title _____ Signature _____ Date _____

INSTRUCTIONS FOR FILLING OUT THE MSW MANAGEMENT AND RECYCLING PLAN

In accordance with Section 109.1-3-2 of the Fairfax County Code, MSW Management and Recycling Plans:

"The owner of any non-residential property or any multi-family dwellings shall develop a MSW Management and Recycling Plan consistent with the requirements of this Chapter, and make these plans available to the Director for review and approval upon request."

To comply with this requirement, complete all information below. **When completed, maintain this document on file.** The information should be updated, and operational changes made, upon (1) the construction of a new facility or significant modification to an existing facility; (2) occupancy by new tenants that materially change the function of the property, resulting in changes in the MSW generated therein; (3) a change of ownership or property management firm; (4) a change of MSW collection vendor; (5) or every five years, whichever comes first.

The MSW Management and Recycling Plan shall be provided to Fairfax County with 30 days of **receiving a written request from the Director**. The MSW Management and Recycling Plan shall be implemented within 30 days of occupancy. The Director may also request proof that any MSW Management and Recycling Plan has been implemented and become operational.

When creating a recycling system, remember to account for: (1) how recyclables will be collected internally; (2) how they will be moved from inside the building to any external containers; and, (3) how they will be transported from the property to a recycling facility.

FOR THOSE APPLYING FOR AN ALTERNATIVE RECYCLING SYSTEM - CHAPTER 109-2-1 C

Residential properties may apply for an alternative recycling system using this form. Applicants must apply every two years, and applications require a site visit by DPWES staff. Any alternative system must meet the following intentions of Chapter 109.1 of the County Code:

- Recycle, at a minimum, all mixed paper and cardboard.
- Remove putrescible, non-recyclable trash at least once a week.
- Ensure public health is protected from odors, discharges, vermin, fire hazards, and other threats.
- Ensure the environment is protected from leaks, emissions, discharges, and other pollutants.

For more information, contact the Fairfax County Solid Waste Management Program by calling 703-324-5230, TTY 711

Apr-15  To obtain this document in alternative formats, please contact the Fairfax County Solid Waste Management Program at 703-324-5230, TTY 711, to submit a request. Please allow 7 to 10 business days for preparation of the material.



Recycling Business and Broker Registration Form

Solid Waste Management Program Fairfax County, Virginia



Select One: Recycling Business Broker

Section 1 - Applicant Information

Name of Business: _____

Name of Parent Company (if applicable): _____

Contact Name: _____

Virginia State Corporation Commission ID # (if applicable): _____

Contact Address (city, state, zip): _____

Contact E-Mail Address: _____

Contact Telephone Number (include area code): _____

Section 2 - Vehicle Information

Vehicle Information: please give us a complete list of vehicles to be used in the collection of recyclable materials:

Manufacturer	Model	Body Capacity / Style	Tag Number

Attach extra pages as needed.

Vehicle Parking Locations: please provide addresses of collection vehicle parking locations:

Street Number	Street Name	City & State	Zip

Attach extra pages as needed.

Section 3 - Customer Information

Customer Service Area: please provide information on service area and materials collected:

Zip Code	Type of Service	Materials Collected	Anticipated Quantity (tons or lbs.)	End Market

Attach extra pages as needed.

Section 4 - For Solid Waste Brokers Only

FOR SOLID WASTE BROKERS: please provide contact information for all your customers that are located in Fairfax County.

Customer Name	Address	Phone	E-Mail

Attach extra pages as needed.

FOR SOLID WASTE BROKERS: please list solid waste collectors with whom the Broker arranges refuse and/or recycling service.

Contractor Name	Address	Phone	E-Mail

Attach extra pages as needed.

Section 5 - Please Sign and Date This Form

I certify that the above information is true and correct to the best of my knowledge and belief.

Print Name: _____

Signature: _____

Please return this completed form to: Recycling Businesses/Solid Waste Management Program
12000 Government Center Parkway, Suite 458, Fairfax, VA 22035 or Fax to 703-324-3950. If you need assistance completing this form, or if you need more information, please call 703-324-5230, TTY 711.

Important Information On Filing This Form
FOR BROKERS ONLY

1. A filing fee of \$200 must accompany this form. Your check or money order must be made out to "County of Fairfax - SWMP."
2. All Brokers must furnish their clients with:
 - a) Information on the applicable recycling and refuse requirements in Fairfax County, as described in Chapter 109.1-4-16, and in the Recycling Program Requirements, Chapter 109.1-2-1.
 - b) A Statement of Service defining what service will be provided to the customer, including days and frequency of service, type of containers, materials accepted, set-out instructions, and contact information.
 1. Requirement "b" may be met by completing the "MSW Management and Recycling Plan" form for each customer you service in Fairfax County. Please call 703-324-5230 to obtain a copy of this form.
 2. If you choose to use the MSW Management and Recycling Plan form, you must include a cover letter along with the form that explains the service provided to each customer.
 3. The MSW Management and Recycling Plan form must be completed for each new customer.
3. A Statement of Service (or MSW Management and Recycling Plan) for each customer you service in Fairfax County must be attached to this form.

For more information, contact the Fairfax County Solid Waste Management Program by calling 703-324-5230, TTY 711

Apr-15  To obtain this document in alternative formats, please contact the Fairfax County Solid Waste Management Program at 703-324-5230, TTY 711, to submit a request. Please allow 7 to 10 business days for preparation of the material.

Section 3 - Community Representative Contact Information

Name: _____

Management Company Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Daytime Phone: _____ E-Mail: _____

Section 4 - Landscape Contractor Information

Name of Landscaper: _____

Contact Person: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Daytime Phone: _____ E-Mail: _____

Section 5 - Where Does Your Yard Waste Go?

Name of Yard Waste Recycling Facility: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Daytime Phone: _____

Section 6 - Solid Waste and Recycling Collection Company Information

Solid Waste & Recycling Collection Company Name: _____

Contact Person: _____ Phone: _____

As the above information is, to the best of my knowledge, true and correct, I formally request consideration for approval of an alternate yard waste recycling system as described in Chapter 109.1-2-1 C of the Fairfax County Code be given to the townhouse community listed at the top of this document. In affixing my signature, I affirm that I am authorized by the residents of said community to represent them on this issue.

Signature of Authorized Community Representative

Date

Please return this application, along with a list of street addresses to be included in the alternative recycling system, to Yard Waste/SWMP, 12000 Government Center Parkway, Suite 458, Fairfax, Virginia 22035. If you need assistance in completing this application, or if you need more information, please call 703-324-5230, TTY 711.

Appendix D: Sample Signage for Single-Stream Recycling Vehicles



Electronic artwork for this sign is available from the Fairfax County Solid Waste Management Program. The suggested size for this sign is 2 feet by 2 feet.

