



# County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

## **Waste Collection Companies Meeting Notes May 1, 2014**

**Companies with attendees:** CSI, KMG, VHI, Republic Services, McLean Trash

**Online Participants:** Waste Management, PDS, Trash Away, Kevin Zebatto

**County Staff:** Pamela Gratton, Dynita Glenn, Don Green, Beck Halsted, Alex Castillo, Jessica Smithberger

The meeting began at 5:08 pm.

### **New Agreement with Covanta**

The new direct disposal agreement with Covanta has been signed and will be in effect from 2016 until 2021. The agreement outlines that revenue sharing and controls will not continue past 2016, the facility will operate for disposal in Fairfax County, and fees will remain moderate and consistent with regional prices.

Q: In 2016, will companies' Waste Delivery/Disposal Agreements (WD/DAs) be signed with Covanta or the county?

A: The County will still initiate the WD/DAs as part of the permit process. This year's exhibits will be sent out this month.

### **2014 CTO Process**

The 2014 CTO renewal process is complete and was more efficient this year. Companies were asked to provide feedback and comments if they encountered any problems, and County staff thanked the companies for helping renewal season to go more smoothly than in previous years.

### **Update to Chapter 109.1**

The Solid Waste Management Program (SWMP) intends to take the revised Chapter 109.1 to a public hearing with the Board of Supervisors on June 17 (the exact date has not yet been set). This will be an opportunity for people to make formal comments on Chapter 109.1.

For details regarding the proposed modifications, please refer to Attachment 1.

Article 1. Modifications add definitions for homeowners' associations, condominium associations, brokers, and property managers who are responsible for arranging collection service. The changes to Article 1 are necessary because current recycling requirements only apply to property owners; however, the County now knows that homeowners' associations, community associations, brokers, and property managers are the primary customers and

points-of-contact for collection companies. The new language is broader to cover all potential responsible parties for delivering statements of service to tenants and homeowners.

Comment: If all homeowners or tenants in a community begin contacting and dealing directly with the collection company, things would be more complicated than the current system of only one person in the HOA, community group, etc. acting as the point-of-contact between the collection company and the community.

Response: That's not necessarily the intent of the Code. The primary concern and intent of the new language is to ensure that all customers receive a statement of service. It will give the county opportunities to enforce the Code against all involved parties and not solely the collection companies.

Companies will have the opportunity to review a draft version of the proposed modifications to Chapter 109.1.

Article 2. The changes define who is responsible for recycling services and clarifies recycling requirements.

Article 4. The proposed changes remove the detailed requirements associated with the CTO application. This information will be included in a guidance document which will be easier to change; currently all changes to the Code must go to the Board of Supervisors for approval. Another modification states that CTO applicants must be in good standing with the Fairfax County Department of Taxation and the Virginia State Corporation Commission. "Good standing" means that the company has paid all appropriate taxes and possesses proper registration with the Virginia State Corporation Commission.

Article 5. Modifications include clarification on which regulations apply to residential and non-residential customers (for example, commercial customers cannot place recyclables in plastic bags, yet this is allowed for residential customers). The changes also include provisions for minimum levels of service as well as making up for missed collection due to inclement weather, as directed by the Board of Supervisors.

Comment: The County's collection service should follow those regulations (on making up for missed collection days due to inclement weather).

Response: It is county policy to comply our own Code.

Q: Many snow days this year were on Mondays (making it less complicated to collect on another day of the week). What about Thursday or Friday storms? (The implication was that it may not be possible to collect on another day during that same week if the storms impact the last few days of the week.)

A: The County collected on Saturday. Article 8 on emergencies states that agencies can declare emergencies, so it is SWMP's responsibility to declare trash emergencies and notify companies. This communication requires that companies have good email addresses and phone numbers on file.

Comment: Companies will need a place to take trash since Covanta is closed on Sundays.

A: Sunday disposal is not intended as a solution. Saturday disposal is more ideal.

The SWMP learned this winter that we need to make decisions early and quickly, and to communicate with haulers as soon as possible. The SWMP has the authority to suspend weekly collection requirements if haulers communicate impassible conditions.

Article 9. Modifications to this section on enforcement include grounds for denial of a CTO and fines for illegal dumping. Further, proposed changes seek to make violations of Chapter 109.1 Class II misdemeanors, which will keep Fairfax County in-line with the rest of Virginia.

#### **Administrative Items**

The SWMP lockbox is ready for implementation and the next group of invoices, mailed May 12, have the new remittance address printed on them. Companies were asked to include the remittance page with their payment and to mail all payments to the P.O. Box address on their invoices. Payments will still be accepted at both facilities and the Government Center if companies prefer to hand-deliver their payments.

The SWMP has initiated conversations with the Department of Finance to move toward implementing online payments for invoices. This process will take time, but the SWMP looks forward to providing this service to customers soon.

#### **Sanitary District Announcements**

No new petitions have been received.

#### **Collectors' Issues and Discussion**

Regarding the recent Covanta shutdown, County staff thanked the companies for accommodating the emergency; staff appreciated their cooperation during that time. The county primarily used emails to communicate about the shutdown; please be sure that all contact information is up-to-date. Also, please let the County know if texting is a better option to communicate emergency notifications.

The meeting adjourned at 5:45 pm.

**Next Meeting: August 7, 2014, Government Center – Room 2/3**

## Proposed Modifications to Chapter 109.1 Fairfax County's Solid Waste Ordinance

Article Number	Proposed Modifications
<b>Article 1</b>	Add definitions of homeowner's/condominium association, property manager and solid waste broker to define those entities responsible for arranging for collection service
<b>Article 2</b>	<ul style="list-style-type: none"><li>• Clarifies who is responsible for providing recycling service at a residential or nonresidential property.</li><li>• Requires multi-family properties built before 2007 to recycle cans and bottles and scrap metal</li><li>• Clarifies which recycling requirements apply to residential properties and those that apply to nonresidential properties.</li></ul>
<b>Article 3</b>	No substantive changes
<b>Article 4</b>	<ul style="list-style-type: none"><li>• Clarifies process to obtain a Certificate-to-Operate (CTO to legally collect refuse and recycling in Fairfax County</li><li>• Clarifies that portions of Chapter 109.1 apply to homeowner's/condominium associations, property managers and solid waste brokers, as well as the property owner as currently specified in the rule</li><li>• Clarifies that CTO applicants must be in good standing with the County Department of Taxation and the Virginia State Corporation Commission</li></ul>
<b>Article 5</b>	<ul style="list-style-type: none"><li>• Rearranges present language to make it easier to understand which regulations apply to which type of customer (residential, non-residential)</li><li>• Prohibits non-residential properties to set out waste for collection in bags (as opposed to inside a can or container)</li><li>• Requires a minimum level of service for non-residential customers</li><li>• Requires haulers to make up for missed collection due to inclement weather or holidays within the same week</li></ul>

<b>Article Number</b>	<b>Proposed Modifications</b>
	<ul style="list-style-type: none"><li>• Prohibits knowingly contracting with an unpermitted hauler.</li><li>• Collector cannot charge a fee greater than twenty-five dollars to remove its containers from a customer's residence</li></ul>
<b>Articles 6, 7 &amp; 8</b>	No substantive changes
<b>Article 9</b>	<ul style="list-style-type: none"><li>• Makes disposal of waste generated outside of Fairfax County or operating without a CTO grounds for denial of future CTO</li><li>• Creates a fine of \$200 for dumping illegally at a disposal facility</li><li>• Makes general violations of Chapter 109.1 a Class II misdemeanor punishable up to \$1000 to align with state law</li></ul>