



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 August 2, 2012

Companies with Attendees: AAA Recycling and Disposal/Republic Services, American Disposal Services, KMG Hauling, Potomac Disposal Services/ESI Waste, Reston Trash, Trash Away, VHI Disposal, Waste Management, 1-800-GOT JUNK

County Staff: Joyce Doughty, Pamela Gratton, Dennis Batts, Don Green, Kate Vasquez, Linda Boone

Guests: Waste Industries Association, Liberty Capitol

The meeting began at 5:07 p.m.

Introductions/Welcome

Joyce Doughty, Director, Division of Solid Waste Disposal and Resource Recovery introduced County staff and welcomed everyone.

Announcements/Updates

The County's Events Calendar is on the website: www.fairfaxcounty.gov/dpwes/recycling. Please refer your customers to it for relevant information. Electric Sundays and various remote and paper shredding events are listed. Upcoming document shredding at Langley HS and others are on the website.

Electric Sundays have been very popular; there were 1300 customers at the last Electric Sunday. Five events remain this year. An example of participation was an Eagle Scout who organized an electronic recycling event in his community, resulting in 3 box truckloads of electronics coming to the facility. If we know about events like this one, we can facilitate the delivery.

Remote HHW Events

The last remote HHW event is scheduled at the Mclean Community Center on September 8. At other times, please direct your customers to the permanent Household Hazardous Waste sites at the I-66 Transfer Station and the I-95 Landfill Complex for disposal of their materials.

Change in County Code – The Board of Supervisors changed the Code of Fairfax County to increase the fee for returned checks to \$50.

Teleconference format - County staff realizes it is hard for some companies to travel to these meetings. If there is interest we can explore the use of technology to do a teleconference that would allow companies to participate remotely by calling in to the meeting. Unfortunately, those participants would miss the handouts and any other visuals. There was not much interest from the attendees in using this format. County staff can make it happen, if we want to try the method during an upcoming meeting.



Department of Public Works and Environmental Services
Solid Waste Management Program
12000 Government Center Parkway, Suite 458
Fairfax, Virginia 22035
Phone: 703-324-5230, TTY: 711, Fax: 703-324-3950
www.fairfaxcounty.gov/dpwes



Collector Questions

This has been a difficult summer with storms and lots of brush. Per Director, the county can expect to see increased amounts of brush due to the residual effects of the storms and drought as damaged trees may continue to drop limbs.

There were no collector questions.

Changes to Code of Fairfax Chapter 109.1

The purpose of the proposed Code changes is to clarify, reorganize and remove process descriptions so that the Code is easier to understand. Staff's proposed changes will go to the Environmental Subcommittee on November 27 for comments and then the Board of Supervisors will advertise a public hearing. After the public hearing, the Board will approve whatever changes have been agreed to. The changes can be implemented immediately or delayed to allow companies time to make needed changes. Let the Director know if any of the proposed changes require time to implement; usually staff can delay for 6 months the enforcement date of changes to the Code.

Kate and Dennis summarized the highlights of proposed revisions to Chapter 109.1. They include:

ALL REVISIONS ARE DRAFT AT THIS TIME...

1. **New regulation: Community associations, property managers, and solid waste brokers.**

- The three terms would now be defined in Article 1 and regulated under Articles 2, 4 and 5. They would be specifically included in the provisions that customers are required to use only legal service providers and that their trash and recycling systems must comply with Chapter 109.1. In situations where an association or property manager does not allow the trash or recycling collector to communicate with residents, the association or property manager must provide the annual statement of service to such residents on behalf of the collector. Solid waste brokers must register with the Solid Waste Management Program. They must provide information to their customers on the recycling and solid waste requirements in the county and a statement of service. Brokers who arrange for trash and/or recycling service that violates Chapter 109.1 are in violation of the chapter and subject to enforcement. Any party who contracts with an illegal broker is also in violation of Chapter 109.1.

Q: Oftentimes, brokers do not have a presence in the county. How would a collector find a list of registered brokers?

A: County will publish a list of registered brokers on its website, similar to the Collection Companies list.

Q: Does county staff want to hear about unregistered brokers operating in the county?

A: Yes, we would like to educate brokers about the Code requirements.

Q: Brokers are a challenge, how do you plan to enforce against out of state brokers?

A: Ultimately the property owner is currently responsible for contracting for waste services that comply with Code requirements.

Q: Would county staff accept suggestions about how other jurisdictions deal with brokers (e.g. licensing/registering them, enforcing against brokers, etc)? The Waste Industries Association has experience with jurisdictions in the northeast and could share that information.

A: Yes, staff would welcome and appreciate suggestions.

2. Update: Non-residential tenants that provide their own trash service are also responsible for providing a recycling system.

- This codifies the current operating procedure.

Those tenants/businesses that provide their own trash service must provide a recycling system.

Q: Oftentimes, small businesses do not know all the requirements for operating in the county. During the licensing process is there information for these businesses about the need to have adequate waste and recycling collection?

A: Every property is required to have a Plan for waste and recycling. If a customer comes to you, help them complete the plan to have on file. If they refuse to have collection service, let County staff know and we can arrange a compliance visit with them.

3. Specification: Gives descriptive requirements for multi-family and non-residential recycling systems with regard to capacity and quality in order to provide adequate service to users.

- New language would require any trash container larger than 2 cubic yards to be accompanied by a recycling container equal or greater than 50 % of the volume of said trash container. This is intended to apply the regulation to containers used for waste collection (Dumpsters, compactors, etc.) but not to convenience waste receptacles provided for incidental use by the public (e.g., sidewalk trash cans at a shopping center).

This section addresses multi-family (apartments) and non-residential (businesses) which must have recycling capacity that meets the needs consistent with disposal capacity. The proposed 50% requirement was discussed extensively. The capacity standard can be met by either having more physical capacity or more frequent collections. Capacity must be sufficient to meet the needs of building/business. This may be a change that requires lead time for the collectors to implement. County staff will review the 50% requirement again in light of the discussion. Staff has to balance the health and safety needs of the community with the business's request for cost effective collection.

4. Update: Strikes the current provision for multi-family housing built before 2007 to have a tiered recycling requirement such that all multi-family properties now have the same requirement.

- The most common practice for collecting recyclables is now single stream. For this reason, the burden of recycling both paper and bottles and cans no longer exists; at the same time, residents demand full recycling service and nearly all properties that have recycling do collect bottles and cans regardless of the regulation.

Everyone must now recycle cans and bottles along with paper and cardboard.

5. Clarification: prohibition of "one-box" collection method; explicit prohibition of "on-call" or reduced-frequency service; prohibition of collecting recyclables in open-top containers, with exceptions.

- New language would specifically state that “one-box” mixed waste collection, “on-call” collection or collection of waste less-frequently than once a week, and collecting putrescible waste in open-top containers are not allowed. Chapter 109.1 has always required trash and recycling to be collected in a leak-proof rodent-resistant container that is emptied at least once weekly, and that recyclables must be separated from trash.

Both waste and recycling collection **must be** provided at least once per week under the Code. The Alternate Collection/Recycling program allows for reduced collection of waste/recycling under certain circumstances. A business/property manager must request the program, although the collector can certainly aid the business in applying for the program.

Q: Is there a procedure for obtaining 24-hour a day approval for disposal of special loads of waste?

A: There is not currently a 24-hour a day procedure, however we can be accessed through the DPWES 24-hour emergency response number in the event of a true emergency. We can make that number available. Also, any time a disposal facility is open, a supervisor there can approve disposal of special loads. (The DPWES 24-hour Emergency Response Number is 703-323-1211.)

Q: Do county staff have any stats about whether companies who comply with these restrictions and Code requirements actually lose business by doing so?

A: Collectors have told staff that, but these regulations are applied equally to all companies doing business in the county, so there should not be any long-term advantage to try to circumvent the regulations. All companies must comply with the Code.

6. Major revisions: Article 4 – Required Permits, Registrations, and Certifications.

- New title; the specifics of the permit and CTO processes are deleted from County code and will now be maintained in administrative documents incorporated by reference; CTO applicants must be in good standing with the County Department of Taxation and the Virginia State Corporation Commission; operating while a CTO is suspended may be grounds for denial of a future CTO for up to one year; administrative revisions/updates.

The chapter is retitled and most of the specifics for completing the CTO application are being removed and will be included in the Permits Manual. County staff will provide guidance to companies about how to complete the application. Companies applying for a CTO must also be registered with the SCC and in good standing with the Department of Taxation concerning BPOL taxes. The biggest clarification is that under the Code if a company has a suspended CTO for any reason, that suspension means the same as not having a CTO. Operating on a suspended CTO can have legal penalties and could result in a termination of the CTO for a year.

7. Major revision: Article 5 – topical reorganization of sections 5-5 (collection points and set-out) and 5-6 (renamed to collection containers and vehicles).

- This revision primarily rearranges present language to make it easier to understand which regulations apply to which type of customer (residential, non-residential).
- Explicitly states that non-residential properties cannot set out waste just in bags—it must be in a can/container.

8. New language regarding MSW collectors: Article 5

- Explicitly spells out the minimum level of service for non-residential customers; requires haulers to make up for missed collection due to inclement weather/holidays within the same week.

9. Revisions regarding enforcement: Article 9 – ground for denial, suspension, or revocation of CTO; increase in penalties.

- Makes disposal of County waste at sites other than those designated by the director or operating without a CTO grounds for denial of future CTO; increases maximum fines to \$1000; makes general violations of Chapter 109.1 a Class II misdemeanor punishable up to \$1000.

The Director stated that changes to the Code requirements concerning container retrieval fees is still being discussed and no decision has been made. Customers who change collectors feel this fee is a penalty. When these fees are charged, the customers go to Board members, Consumer Protection and DSWDRR about them. We hear lots of complaints on this. If the customer has been a customer for a period of time, perhaps the fee could be waived. Companies indicated there is a cost incurred in retrieving the containers that is not paid for within the regular collection fees. It may be a communication issue between companies and customers. Companies submit copies of their service agreements to Consumer Protection for approval. Customers should read the agreements.

A company suggested that yard waste collection routes could be reduced and waste should be burned. This would reduce collection costs and associated truck traffic. However, the County could not meet its recycling mandate if yard waste was not recycled.

Recycling Program Updates

County Recycling Rate

The rate is 47% and the county may set a new goal for recycling.

Operational issues

Construction is about to begin to reinforce the walls under the I-66 Transfer Station. There should be minimal disruption to any disposal trucks coming onto the tip floor. If there are significant delays or closures, companies will be notified by email.

Sanitary Districts

No new customers have been added and no new applications have been received.

Announcements

The meeting adjourned at 6:25 pm.

Next Meeting: November 1, 2012 - Government Center, Room 4/5