

Mandatory Provision of Recycling Service through Hauler Permitting/Licensing

Many counties and municipalities use hauler permitting or licensing programs to enhance the recycling infrastructure and access to recycling, while still allowing for multiple haulers to service their jurisdiction. Historically, hauler permitting and licensing programs have been used to ensure that:

- Haulers are properly insured and bonded;
- Collection vehicles and commercial containers are properly maintained; and
- Haulers follow guidelines regarding allowable hours of collection.

In some communities, hauler licensing/permitting ordinances are also implemented to ensure that haulers providing trash collection services also collect recyclable materials. **In most cases, ordinances state that recycling services must be provided “at no additional cost” to the resident – essentially requiring the hauler to “bundle” the services under one service fee.** The provisions of the ordinance enable the jurisdiction to have some control over service, despite not providing service directly or having a contract/franchise agreement with the hauler(s). Therefore, this can be especially beneficial in communities where residents hire their own hauler via “open subscription.”

HOW DO “BUNDLED SERVICES” ORDINANCES VARY?

- May apply to single-family dwellings, multi-family dwellings, and commercial/institutional customers.
- May stipulate specific service provisions such as:
 - Materials to be included in the recycling programs,
 - Where recyclables are to be delivered,
 - How materials are to be collected (e.g., “single-stream”),
 - Minimum frequency of collection (usually weekly or bi-weekly),
 - Collection of recyclables and trash on the same day,
 - Curbside service,
 - Yard debris or organics collection (sometimes at an additional fee),
 - Collection of bulky items (sometimes at an additional fee).
- May specify container types/size/recycled content, or that hauler provides containers.
- May require the payment of a licensing fee to cover the administrative cost of implementing the program (often a per-vehicle fee or a flat fee per company plus a per-vehicle fee).
- May require specific reporting.
- May require haulers to develop/distribute education and outreach materials, inform residents (or new residents) of recycling options.
- May allow services to be provided through a subcontractor/agent.
- May set rates or rate structure such as requiring “Pay As You Throw” (PAYT) user fee structure, and may stipulate pricing differentials and/or option of a “mini can” or small cart.
- May require reduced fees for eligible elderly or low-income customers.

Mandatory Provision of Service
Haulers serving specific types of customers must provide recycling services.

Universal Service
Wherever trash collection is provided, collection of recyclables must also be provided. This includes residential, commercial, and public settings, including events.

BENEFITS OF APPROACH

- Allows for the existence of multiple haulers to serve the community, which may be politically more acceptable than municipally managed collection, and may support industry competition in the long run.
- Increases participation in recycling program and results in higher recycling rates over subscription recycling service, as residents automatically receive service and may even pay less (or at least not more) if they recycle.
- Enhances cost effectiveness of recycling through improved economies of scale.
- Can provide for some level of consistency of service throughout the jurisdiction, which limits confusion about what can be recycled and how to prepare materials.
- Ensures availability of desired data to local government.
- Implementable in small or large communities, rural or urban.
- May allow for use of a subcontractor if trash hauler lacks ability/equipment to provide certain services (e.g., organics collection).
- Ordinance may include penalties to encourage compliance.
- Can allow for additional requirements as infrastructure develops.
- Can provide for exceptions as needed, such as:
 - Multi-family dwellings that lack adequate space for recycling; and
 - Exemption from collecting certain materials if no market exists.

BEST PRACTICES

- If recycling carts are used, they are provided to all residents or have them “opt out” in advance of distribution, rather than requiring them to sign up for the service (the default is inclusion).
- For consistency, community develops education and outreach materials and has haulers distribute them. Efforts are made to harmonize messages with surrounding communities supplying recyclable materials to the same materials recovery facility (MRF).
- Reporting requirements for haulers consider those of surrounding communities and are developed with hauler/facility input.
- Other policies that enhance recycling are also considered as part of the program, such as PAYT, mandatory recycling of certain materials, universal recycling, building code requirements to ensure new multi-family units/commercial buildings have adequate space allocated for recycling containers, and disposal bans.

EXAMPLES OF JURISDICTIONS THAT REQUIRE RECYCLING SERVICES THROUGH HAULER PERMITS/LICENSES

Examples of some communities that have required haulers to provide specified recycling services (typically at no additional cost to the customer) are provided in the table below. Two states, Vermont and Delaware are known to have also mandated bundling of services, in combination with other policies.

Community	Selected Program Elements
<p><u>Boulder County, CO</u> Population 324,682 (2020)</p>	<ul style="list-style-type: none"> ▪ Ordinance applies to haulers serving unincorporated areas and certain municipalities. ▪ Haulers must have volume-based (PAYT) pricing for garbage and collect recyclables single-stream. ▪ Service for single-family residents must be at least bi-weekly and include unlimited quantities of specified recyclables. ▪ In the urbanized region haulers must collect up to 32 gallons of separated organics from single family residents, along with trash, at no additional cost. ▪ Haulers serving commercial and multi-family establishments must offer recyclables collection, and in certain areas a certain level of compostables collection. ▪ Haulers must submit annual tonnage reports, by material type collected, to the County.
<p><u>Fort Collins, CO</u> Population 166,069 (2020)</p>	<ul style="list-style-type: none"> ▪ Haulers must provide unlimited recycling to residential garbage customers “who desire such service” at no additional charge. ▪ Structure of fee is specified, but not the amount (e.g., intended to provide incentive to reduce waste). ▪ Haulers must offer recycling to commercial and multi-family establishments. ▪ Haulers must provide residents with recycling carts, offering at least two sizes, one being at least 96 gallons. ▪ Haulers must report to the City Manager twice annually tonnages, by material type and how collected (residential, commercial, drop off), and information about number of customers by type. ▪ City is in the process of revising this ordinance.
<p><u>Sturbridge, MA</u> Population 9,867 (2020)</p>	<ul style="list-style-type: none"> ▪ Recycling must be provided to residential garbage customers at no extra cost. ▪ Haulers must not accept trash with greater than 5% by volume of recyclables. ▪ Haulers must provide educational materials to customers annually – to be submitted with permit application. ▪ Commercial garbage customers must have access to recycling. ▪ For residential subscribers the permitted collector will provide a cart, at least two recycling (bins) or recycling bin stickers to all customers for recycling. ▪ Haulers must submit quarterly recycling/disposal tonnage reports to Board.
<p><u>King County, WA</u> Population 2.225 million (2020); Seattle 741,2,51 (2020)</p>	<ul style="list-style-type: none"> ▪ Haulers must be “certified.” ▪ Single-family residential garbage service must also include recyclables collection at no extra charge. ▪ Collection must be at least twice monthly, same day as garbage. ▪ Sticker with recycling instructions and hauler contact info must be on cart and replaced when fades. ▪ Multi-family units must be provided with recycling containers upon request, and opportunity to recycle same materials as single-family program. ▪ Hauler must provide containers with adequate volume, must last at least 7 years. ▪ Rate system includes parameters: must include a “mini” can of 10 to 20 gallons, must provide incentive to reduce waste disposal, and a recycling only rate must be offered. ▪ Yard waste collection must be offered to all single and multi-family dwellings. ▪ Haulers must provide education to single family customers at least twice per year. ▪ Haulers pay a \$0.22 per unit per month fee to County. ▪ Haulers must submit quarterly reports that include tonnage of collected and sold materials, by material type, setout counts, information about single and multi-family dwellings with service, and contamination information.
<p><u>Lenexa, KS</u> Population 54,804 (2020)</p>	<ul style="list-style-type: none"> ▪ Haulers serving single-family garbage customers must also collect weekly unlimited volume of recyclables from those customers, as well as yard waste, at no extra cost. ▪ Haulers collecting trash from multi-family units must also collect recyclables from them at a bundled price. ▪ Recycling and garbage containers to be provided by hauler, recycling container must be at least as large as garbage container and include a lid. ▪ County ordinance (Johnson County) applies to incorporated areas as well as unincorporated, and stipulates variable rate pricing must be implemented. ▪ Residents/owners are required to separate recyclables from trash and keep area around containers neat. ▪ Yard waste must be set out separately from recyclables. ▪ Ordinance does not apply to commercial properties beyond multi-family. ▪ Haulers must submit annual tonnage reports to City, and an affidavit that they complied with ordinance.
<p><u>Kane County, IL</u> Population 531,756 (2020)</p>	<ul style="list-style-type: none"> ▪ Haulers must collect recyclables from all garbage customers – residential, commercial, and multi-family. Haulers generally charge extra for this service. ▪ Property owners (residential and commercial) also have responsibility to provide service. ▪ Individuals (residents, commercial entities with 10 or more employees that generate recyclables) must also participate in recycling. ▪ In addition, state law requires haulers to offer recycling to all commercial and multi-family customers at least once every two years.