



City of Vernon Mandatory Commercial Recycling Policy

Background:

The California State Legislature recognizes that since the enactment of the California Integrated Waste Management Act of 1989, local governments and private industries have worked jointly to create an extensive material collection and recycling infrastructure and have implemented effective programs to achieve statewide diversion rates above 50 percent. Although California now leads the nation in solid waste reduction and recycling, the state continues to dispose more than the national average on a per capita basis. Additional efforts must be undertaken to divert solid waste from being disposed to landfills in order to; 1) conserve natural resources; 2) reduce greenhouse gas emissions; 3) prevent further climate change; and 4) conserve capacity and extend landfill life.

According to CalRecycle, approximately 64% of California's solid waste disposal is from commercial/industrial (non-residential) sources. For this reason, it is important to regulate and reduce solid waste destined to landfills from the commercial waste stream. In October of 2011, the California State Legislature passed a mandatory commercial recycling requirement (AB 341) for businesses and multi-family buildings in order to reduce the generation of greenhouse gases by diverting materials from landfills through increase recycling. The bill requires that any business which includes a commercial or public entity that generates more than 4 cubic yards of commercial solid waste per week; or a multi-family residential dwelling that has 5 or more units, to arrange for recycling services.

These services are offered and reasonably available from a local service provider. A commercial waste generator should source separate recyclable materials from the solid waste stream or subscribe to the recycling service that includes mixed waste processing that yields diversion results comparable to source separation. This requirement takes effect in July 2012.

The City of Vernon developed and adopted an Environmental Sustainability Action Plan to serve as a blueprint for achieving the greenhouse gas emissions reduction and climate change goals of the California Global Warming Solutions Act (AB 32). The City of Vernon's Public Works Department is responsible for the oversight and implementation of the Environmental Sustainability Action Plan.

Purpose of Policy:

The City of Vernon declares and adopts the following "Mandatory Commercial Recycling Policy" which will guide the actions of the City operations and programs dealing with the management of solid waste, and will utilize the following guiding principles in the development and implement the programs to meet the requirements of AB 341. The intent of this policy is to reduce greenhouse gas emissions through the implementation of source reduction, recycling, and other diversion programs.

The City of Vernon has been active in implementing waste diversion programs since the passage of the California Integrated Waste Management Act of 1989 (AB 939), and has exceeded the current State-mandated 50% landfill diversion rate.

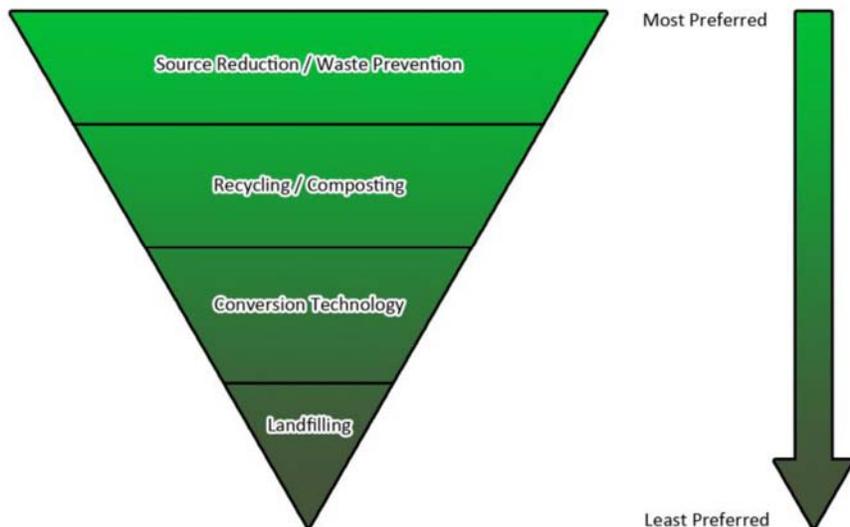
This policy is designed not only to provide the City of Vernon with the mandates to meet the statutory requirements of AB 341 and the continuing AB 939 goal of 50% diversion , but will also increase the City of Vernon’s short term future diversion rate goal to match the State of California’s 75% goal. The City of Vernon will set the achievement of this goal by 2017. The City of Vernon has adopted a “Zero Waste-to-Landfill” goal for the year 2020 as part of the City’s Environmental Sustainability Action Plan.

The City of Vernon will utilize the following Guiding Principles in the development and implementation of programs that will result from the adoption of the City’s Mandatory Commercial Recycling Policy.

Guiding Principles:

1. Integrated Waste Management Approach

The City of Vernon will follow the Integrated Waste Management (IWM) hierarchal approach in developing and implementing waste diversion programs. The City of Vernon recognizes that “source reduction” or waste prevention is the most preferred waste management option and that source reduction will result in maximizing resource conservation and will minimize the generation of greenhouse gases, and will also promote the development of local recycling infrastructure as part of increasing the overall commercial recycling activities of businesses located in the City of Vernon.



2. Leadership by Example

The City of Vernon shall demonstrate “Leadership by Example” in implementing best management practices to reduce and recycle the waste stream generated by City operations. In addition, the City of Vernon will develop a long-term supporting infrastructure to assist businesses with the implementation of waste reduction and recycling programs.

The City of Vernon will continue to provide the technical resources for waste reduction and recycling technical assistance to the businesses located in the City. The City of Vernon will develop educational/outreach materials to promote waste reduction and recycling, and include information that will link the reduction of greenhouse gas emissions with the diversion of municipal solid waste through source reduction, recycling, and other environmental sustainable practices.

3. Respect for Business Right to Freedom of Choice

The City of Vernon recognizes that businesses owners/operators have the best understanding of their specific operations, and thus, the program by the City of Vernon will allow the businesses to work cooperatively with their trash/recycling service provider to target material types, and implement the recycling programs most appropriate for the company. Although AB 341 is a State-mandated requirement, the City of Vernon will respect the businesses right to determine the most appropriate programs to implement. All businesses and their waste/recycling service providers are required to put “good faith effort” to increase efficiency of their source reduction and recycling programs.

Programs to be Implemented:

The Public Works Department of the City of Vernon will take the lead role, under the oversight of the Sustainability Development & Energy Efficiency Commission, and will implement programs to insure the City’s compliance with the mandatory commercial recycling requirements of AB 341.

The Public Works Department of the City of Vernon will complete the following tasks:

1. The City of Vernon is required by this new state law to monitor and provide feedback to the State on the compliance of the impacted business and multifamily entities. The Public Works Department will maintain a minimally intrusive recycling monitoring and reporting system that will meet the statutory mandates required by AB 341;

2. The City of Vernon is required by this new state law to provide outreach to build awareness of the AB 341 mandatory commercial recycling requirements. The Public Works Department shall develop and distribute awareness building outreach and educational materials, and be able to provide waste reduction and recycling technical assistance on an ongoing basis to the commercial and residential establishments;

3. The Public Works Department shall expand the current business waste reduction and recycling technical assistance program, to include assistance needed by the commercial establishments to comply with AB 341, including expanding the technical assistance program to include aspects of environmental sustainability, (e.g., energy and water conservation/efficiency, etc.) and linking the implementation of waste reduction and recycling practices to the reduction of greenhouse gas and reducing the impact on climate change;

4. The Director of the Public Works Department shall work with the City Attorney to develop contract conditions to be incorporated into the City's franchise service contracts to insure trash service provider compliance with reporting and programmatic requirements needed by the City to insure compliance with AB 341;

5. The City of Vernon shall incorporate the mandatory commercial recycling requirements of AB 341 as an integral part of the business licensing procedure. The City of Vernon shall provide outreach materials on the mandatory commercial recycling requirements as part of a new business license application and/or an annual business license renewal process;

6. The Director of the Public Works Department will work with the City Attorney to develop a tiered AB 341 enforcement program to assure compliance should businesses and/or franchised waste/recycling service providers not meet the recycling and reporting program requirements set forth by the City of Vernon. A tiered enforcement program for businesses can consist of the following: 1) notice of non-compliance; 2) warning notices; 3) financial penalties; 4) civil injunctions; and/or 5) legal action in civil and/or criminal court. For the franchise trash hauler, noncompliance can include all of the above, including loss of the trash hauler's franchise contract license rights;

7. The Director of the Public Works Department shall prepare and present an annual report to the Sustainability Development & Energy Efficiency Commission and City Council on the status of the programs that have been implemented to meet the mandatory commercial recycling requirements of AB 341.

Date for Goals/ Key Dates:

1. July 1st, 2012

All businesses are required to arrange for recycling services, either a source separated recycling program, and/or arrange with their trash service provider to send their waste to a materials recovery facility (MRF). Businesses and/or multifamily building owner/operators may also, in addition to implementing a source separated recycling program and/or sending their waste for MRFing, can request that their waste be sent to a waste energy facility for additional recycling credit.

2. October 1st, 2012

The City of Vernon shall have completed the development of the AB 341 awareness outreach materials by October 1, 2012.

3. December 1st, 2012

The City of Vernon shall have completed the development of a tracking and monitoring system that meets the requirements of AB 341, by December 1, 2012.

4. July 1st, 2017

Meet the short term diversion goal of 75% diversion rate.

5. July 1st, 2020

Achieve "Zero Waste-to-Landfill"

Daniel S. Wall, PE
Director of Public Works
City of Vernon