

Offered by Councillors MICHAEL P. ROSS, Flaherty, Feeney, Murphy,  
Ciommo, LaMattina, Connolly

## CITY OF BOSTON

IN THE YEAR TWO THOUSAND EIGHT



### AN ORDINANCE REGARDING RECYCLING REQUIREMENTS FOR WASTE HAULERS

*WHEREAS*, Massachusetts has enacted the Massachusetts Waste Ban, 310 CMR 19, which requires certain materials, such as glass, plastics and paper, to be recycled. In order to comply with the Waste Ban, the City of Boston provides residents with free recycling bins and curbside recycling pick-up. However, businesses located in Boston, must enter into private contracts with haulers in order to recycle; and,

*WHEREAS*, The Waste Ban requires businesses to recycle materials, such as paper, glass bottles, and cardboard; however, the Waste Ban is difficult to enforce against businesses. The Waste Ban is primarily aimed at solid waste facilities and prevents facilities from accepting recyclable materials. It is the hauler, not the business that transports the materials to said facilities. Businesses have little incentive to contract with a hauler to have their recycling picked-up; and,

*WHEREAS*, In order to ensure compliance with the Waste Ban, the solid waste haulers need to offer more recycling collection to businesses. This would encourage businesses to separate recyclable materials from solid waste; *NOW, THEREFORE*

***Be it ordained by the City Council of Boston, as follows:***

CBC Chapter XII is hereby amended by appending the following:

7-13.8.1 *Commercial Recycling Requirements for Waste Haulers*

7-13.8.2 *Purpose*

It is the intent of this section to maintain and expand Boston's recycling initiative by ensuring that all businesses have access to recycling programs. Requiring haulers to offer recycling to commercial businesses will increase accountability for solid waste disposal. This will result in increased compliance with the Massachusetts Waste Ban by haulers and businesses and a reduction of unnecessary disposal of usable raw materials.

7-13.8.3 *Definitions*

When used in this section only, unless a contrary intention clearly appears, the following terms shall have the following meanings:

*Commissioner* means the Commissioner of Public Works of the City of Boston, or such person as said Commissioner may delegate.

*Hauler* means any public or private solid waste collector.

*Recyclables* means materials that are restricted from disposal and transfer for disposal at solid waste facilities in Massachusetts pursuant to 310 CMR 19.017. These Waste Ban items include: leaf and yard waste, tires, white goods, metal, glass and plastic containers, paper and cathode ray tubes, asphalt pavement, brick, concrete, metal, wood.

#### 7-13.8.4 *Permitted Haulers to Comply*

As a precondition to receiving a permit from the Commissioner pursuant to CBC 23-1, all haulers shall offer all commercial solid waste customers the services of collecting and properly disposing of recyclables. The Commissioner shall require all haulers to sign an affidavit certifying that they are in compliance with this section as a condition of said permitting application process.

#### 7-13.8.5 *Alternative Procedure*

If any hauler affected by this section is unable to offer recycling services to all commercial customers, said hauler may, in the alternative, petition the Commissioner to approve an alternative procedure for offering recyclable services. The Commissioner shall have the discretion to grant a permit pursuant to CBC 23-1 upon determining that the hauler is unable to comply with subsection 7-13.8.4 and said hauler has established an adequate alternate recycling service procedure, including but not limited to, establishing a partnership with another hauler to offer recycling services to commercial customers.

#### 7-13.8.6 *Education*

- a. All haulers affected by this section shall provide its commercial customers with informational materials detailing its recycling services and educational materials regarding recycling.
- b. Upon filing for an initial or renewal hauler permit, all haulers affected by this section shall provide the Commissioner with an annual report that contains the following information for the preceding fiscal year: (i) the total number of commercial customers; (ii) the number and total percentage of commercial customers that utilize the hauler's recycling service; (iii) the total amount of solid waste tonnage collected and the total amount of recyclables collected; and (iv) a description of its customer education materials related to recycling services.

#### 7-13.8.7 *Enforcement*

The Commissioner shall enforce the provisions of this chapter and shall have the authority to issue regulations for the purpose of enforcement.

7-13.8.6 *Penalties*

Failure to offer recycling services under 7-13.8.5, failure to obtain alternate procedure approval from the Commissioner under 7-13.8.5, or failure to comply with the education requirements in 7-13.8.6 shall result in a \$150.00 fine for the first violation, \$300.00 for the second violation, and on a third violation the hauler's permit will be revoked by the Commissioner. A hauler may appeal to the Commissioner to have the permit re-issued and the Commissioner shall re-issue said permit once the hauler provides sufficient proof that it is in compliance with the provisions of this section. Nothing in this section shall interfere with the Commissioner's authority to suspend or revoke a permit for any other reason allowed by law.

7-13.8.7 *Severability*

If any provision of these sections or the application of these sections to any person or circumstance shall be held invalid by a court of competent jurisdiction, the validity of the remainder of these sections and the applicability of such sections to other persons or circumstance shall not be affected thereby.

7-13.8.8 *Implementation*

The provisions of these sections shall be effective March 1, 2009.