

CITY OF GAINESVILLE

Inter-Office Communication

TO: Teresa Scott, P.E.
Director, Public Works

DATE: July 29, 1999

FROM: Steve Hiney
Solid Waste Manager

SUBJECT: Commercial Solid Waste and Recycling Report

Background

In October 1994, the City reverted to free market commercial waste collection. Prior to that it was exclusive to a City contracted hauler. BFI provided commercial service to all customers within Gainesville.

The original franchise ordinance, passed in 1994, set the term at 2 years. Unfortunately the language was vague. No specific service requirements were mandated nor was recycling properly addressed. The inclusion of roll-off collection was subject to debate and determined to be subject to the franchise. These led to proposed revisions.

The revisions were formalized by Ordinance 951263, adopted August 14, 1996. Divisions 1 and 2 of Article III of Chapter 27, consisting of sections 27-71 through 27-85 of the Code of Ordinances were amended. This revision was a compilation of establishing mandatory recycling, extending the term of the franchise, formalizing the franchise through a written agreement, and various changes to more clearly define terms. This Ordinance includes the following:

- ❖ Two types of franchises
 - Commercial solid waste collection
 - Construction and demolition (C&D) collection
- ❖ One permit
 - Commercial recycling
- ❖ Franchises and permits expire September 30, 1999
- ❖ Mandatory commercial recycling included (directed at the generator)
- ❖ Franchises and permits by written agreement
- ❖ Allowed the generator to haul their own solid waste without a franchise

- ❖ Set minimum frequency of collection
- ❖ Set application standards

Subsequent to these revisions the local, and national, solid waste industry underwent a major shift. Mergers, purchases and divestitures occurred at a frantic pace. Through the transition has emerged a new Waste Management, essentially Boone Waste and local haulers Big Red Waste and CSI.

Commercial Recycling Under the Revised Ordinance

Revising the Ordinance to require commercial recycling services has been moderately successful, but improvement is still possible. Two specifically identified waste streams were attacked. The traditional commercial waste (i.e., offices, stores, warehouses), and the residential apartment complexes designated as commercially collected residential.

Participation has been tracking at approximately 55%, but the recovery rate is still hovering around 17% by weight. The commercial waste stream has traditionally provided higher quality recyclables. The Solid Waste Division established mandatory recycling that is aimed at the generator. To encourage the City’s stated commitment to increase recycling in the commercial sector; goals targeting the franchisee will be established.

The goals established are as follows:

Date	Participation	Reduction (volume)	Reduction (weight)
Sept. 30, 2002	60% Participation	15% Reduction	25% Reduction
Sept. 30, 2003	75% Participation	20% Reduction	30% Reduction
Sept. 30, 2004	80% Participation	40% Reduction	50% Reduction

On October 1st of each year during the term of the franchise, the commercial recycling goals, and the franchisee’s progress towards these goals, will be evaluated. Failure to achieve or show a work plan designed to meet the stated goals will result in a re-evaluation of the franchise and possible additional penalties up to and including revocation.

Construction and Demolition Debris

Each waste segment has particular characteristics. Primarily the Ordinance is directed at solid waste and not construction and demolition debris (C & D). While the City has included C & D roll-off services as a franchise requirement; no public facility is available for disposal of this waste. Of primary importance is the assurance that C&D is being disposed of in a properly permitted facility. Requiring the franchisee to indicate in writing the ultimate disposal location is the first step.

Service Issues

Section 27-79 also needs to have specific service issues added. The Solid Waste Division responds to customer complaints regarding commercial solid waste collection. These typically deal with lack of service. The Ordinance, as currently crafted, only allows enforcement against the customer. If the complaint is directly related to the actions of the franchisee, the only enforcement available is suspension of the franchise.

This is too severe to deal with minor service issues. In those instances where the franchisee's service falls below standards an administrative remedy is needed. We have late payment penalties on franchise fee payments, and adding penalties for inferior service is a reasonable management tool.

In order to more appropriately respond to service issue the following service levels, or lack thereof, will be incorporated into the Ordinance:

QUALITY OF PERFORMANCE OF FRANCHISEE: It is the intent of this Ordinance to ensure that the franchisee provides a quality level of solid waste and recycling collection services. To ensure quality service is provided, all complaints received by the City, and reported to the franchisee shall be promptly resolved. Any complaint received by the franchisee shall be entered on form approved by the City. All complaints received during any business day shall be transmitted, on the approved form, to the City by 5:00 p.m. each business day. Any complaint received before 12 Noon shall be resolved the same business day. Any complaint received after 12 Noon shall be resolved by the end of the next business day. In the event legitimate complaints shall exceed two percent (2%) of the total customers served by the franchisee during any City fiscal year, or one-half of one percent (.5%) of the total customers during any one calendar month, the City may levy a \$100.00 fine per incident for those actions related to service:

1. Commingling Solid Waste with Vegetative Waste and/or Recyclable Materials
2. Damaged container not replaced within seven days (48 hours for residential)
3. Throwing of garbage cans or recycling containers
4. Failure to clean spillage
5. Failure to repair damage to customer's property

The City may also levy fines for all other infractions of this Ordinance at \$100.00 per day per incident including:

1. Failure to provide clean, safe, sanitary equipment
2. Failure to maintain office hours as required
3. Operator not licensed
4. Failure to cover collection vehicle(s)
5. Name and phone number not displayed on equipment or containers
6. Failure to collect Solid Waste upon notification (plus the cost incurred by the City if City personnel are required to collect)
7. Using improper truck to service commercial or commercially collected residential customer
8. Failure to report recycling activity monthly (on or before the 10th day of the following month). in the format determined by the City, for the purpose of tracking and verifying Citywide recycling activity.

Failure to clean up spillage of any substance required to be cleaned up by and in accordance with the City of Gainesville will result in a \$2,500.00 fine per day, per incident.

In order to continue the progression of the City's commercial solid waste management system, the Solid Waste Management Division recommends:

- ✓ The City Commission direct the City Attorney to draft and advertise an Ordinance amending the following section;
 - ◆ Section 27-79 setting the franchise term to expire September 30, 2004
- ✓ The City Commission consider amending the following sections of the Ordinance;
 - ◆ Section 27-79 adding service level provisions
 - ◆ Section 27-79 adding C&D disposal tracking
 - ◆ Section 27-85 adding recycling goals aimed at the franchise holders

If I can provide any further information, please contact me.