

# Enforcement of Commercial recycling

*Some municipalities are requiring that commercial entities recycle, using a variety of methods to ensure compliance.*

*By David Biddle*

**Although uniformed and armed sanitation officers in New York City issue scores of tickets daily to businesses not complying with commercial recycling laws, most cities take a more cooperative approach.**

With deadlines for meeting state and local recycling goals fast approaching, many local governments see material recovery from commercial sources as key to reaching those goals, as tonnages from municipal sources have already been targeted aggressively. As a result, enforcement of commercial recycling laws is fast becoming one of the new frontiers for solid waste management specialists.

Enforcement programs vary tremendously throughout North America. This variation has to do with the structure of local waste management systems and with numerous re-

gional political situations that have developed over the last decade. Generally, the types of enforcement programs that have been developed include landfill bans, on-site inspections and field enforcement, and registration systems.

Chosen by county and regional government authorities with little control over the enforcement of municipal waste laws, landfill bans for commercial material usually focus on cardboard and office paper, but sometimes include other recyclables as well. To enforce these bans, landfill operators can refuse loads, the regional authority can impose fines on haulers, or inspectors can track down offending generators and cite them. This method usually places a significant amount of responsibility on haulers to force customers to comply.

On-site inspections and field enforcement are typically used by larger cities with little or no control over landfill situations. Waste generators and business owners are usually held responsible for facilitating recycling

TABLE ONE

## ENFORCEMENT METHODS

Locality	Landfill Ban	Field Inspection	Registration
New York City		X	
Chicago			X
Philadelphia		X	X
Vancouver, B.C.	X		
Portland, O.R.		X	
Monmouth County, N.J.	X		

and often need to provide some sort of documentation regarding the planning of their programs. Field teams are generally uniformed officers with other sanitation and environmental enforcement duties who are empowered to write tickets for lack of compliance with recycling laws.

Registration systems use licensing as a means of enforcing recycling programs. As a condition of licensing, haulers must report to municipalities on quantities of material hauled. Sometimes, as in the case of Chicago, annual business licenses require the completion of a recycling plan form by all businesses, providing information on who handles their waste and how much they are recycling.

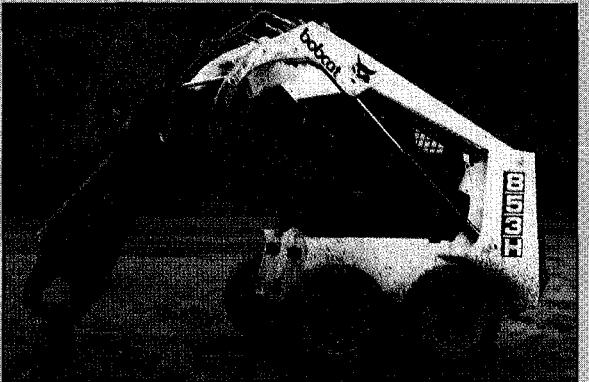
In all these cases, local recycling

programs stress education and promotion of their programs as integrated parts of their enforcement systems. Table 1 illustrates the focus of the local governments described in this article. These jurisdictions do not use pure forms of the systems described above, but each of them emphasizes certain aspects of those systems.

### VANCOUVER, B.C.

Program managers for the Greater Vancouver Regional District began assessing their commercial solid waste situation in 1990. By 1992 GVRD had held a series of workshops with various business sectors to determine how best to go about encouraging commercial recycling.

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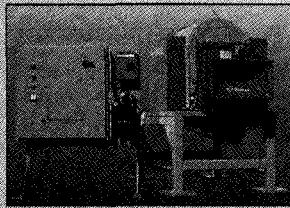


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GVRD's Industrial, Commercial and Institutional Recycling Program has used these workshops to fashion a number of educational programs to help the business community with recycling initiatives. Concurrent to their work, the District began in 1992 to develop a comprehensive solid waste management plan that was approved in November of last year. One of the components of that plan is a landfill ban on old corrugated cardboard that will go into effect in 1997.

Thomas Mueller of GVRD notes that during the recent boom market for fiber, a study was done at the regional landfill with the surprising finding that as much as 40 percent of the volume tipped was still made up of OCC and office paper – even during strong markets. The 1997 OCC ban will allow for a 10 percent tolerance level of OCC in loads of trash.

"The District wants to focus on gross violators," says Mueller. "We view our education program as providing tools for the business sector to help them comply with the new ban."

### **PORTLAND, OREGON**

Another city that spent a long time moving toward enforcement is Portland, Ore. Over a six-year period, city recycling planners encouraged voluntary recycling efforts for all businesses and multi-family units. Portland invested more than \$2 million during that time to promote voluntary recycling and provided roughly 2,500 custom-designed drop-box recycling shelters to multi-family facilities. City officials also met with more than 60 business groups and asked them for advice on how to encourage commercial recycling.

Anne McGlaughlin, recycling program planner for Portland, says that the city used two sequential stages of work with business groups that eventually lead to the establishment of the commercial enforcement system. In the first stage, from 1993 to the beginning of 1995, planners worked with a business advisory group grappling with the question of how to make commercial recycling more effective.

In the second phase, once the city council had approved the recommendation that the city needed to mandate commercial recycling, business groups were asked, according to McGlaughlin, "What does this mean? How are we going to make things work?" The answer was to create a program that is mandatory, after six years of being voluntary. This program depends on field inspections for compliance.

Portland has assigned two inspectors and several members of the recycling staff to develop what McGlaughlin calls a "multi-pronged approach to compliance." In some cases, inspectors respond to complaints from office workers or apartment renters. In other cases, specific business districts or sectors are examined. In addition, Portland's storm water industrial waste inspectors are adding recycling inspections to their list of duties in an attempt to bring local industry into compliance.

To maintain the positive nature of their efforts as the Portland enforce-

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ment program has moved into place during the spring of this year, the city's recycling office has invested \$187,000 in five different styles of recycling containers for small businesses - generating less than a cubic yard of trash per week - and another \$35,000 in material-specific recycling labels for all businesses.

### MONMOUTH COUNTY, N.J.

"Things are never simple," says Anne Scott, recycling coordinator for Monmouth County, N.J. The county health department operates one of the longest standing recycling enforcement programs in the country. When county officials considered developing the program in the late 1980s, it became clear that enforcement at the point of generation would create a negative reaction among property managers and business owners and would be very hard to administer since the county had no jurisdiction over its 53 municipalities.

Instead, Monmouth County officials chose a more complicated route

- to begin their efforts by inspecting loads of trash brought to the county landfill by private haulers. Early on, when they found large quantities of recyclables mixed in with a hauler's trash, one of 10 designated county health inspectors would comb through the mix of trash and recyclables looking for identifying evidence of the source of the recyclables. When they found such evidence, they would work with the hauler carrying the load to bring the entity into compliance. Scott notes that in the beginning they were looking for piles of recyclables of roughly 3 cubic yards or more. Now, more than six years later, inspectors are looking for as little as one-third of a yard.

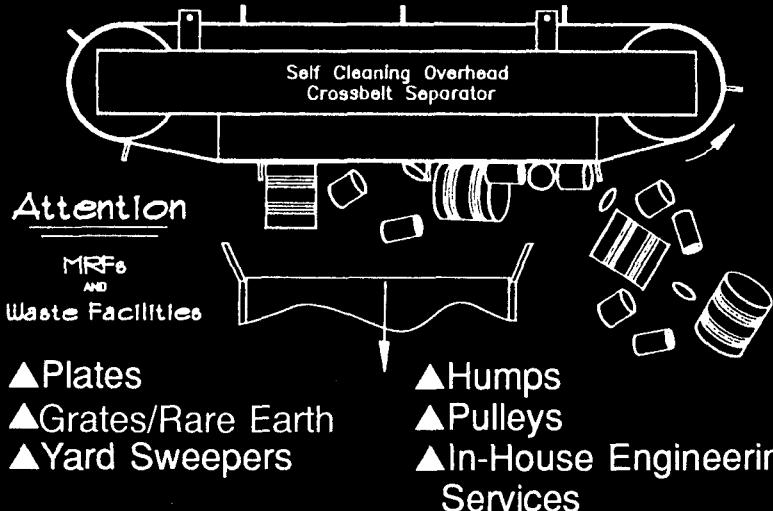
Inspectors continue to survey waste coming into the county landfill, but a newer initiative finds the majority of inspectors in the field acting as waste auditors to targeted businesses in designated towns, working closely with local recycling coordinators to assure optimal program success. Inspec-

tors can still cite people for county health code violations, but the emphasis is on assistance rather than arbitrary compliance. Inspectors not only provide technical support for compliance with recycling regulations, but also work with businesses to achieve broader waste reduction goals.

### CHICAGO

Officials in Chicago, on the other hand, have not chosen to regulate and inspect businesses directly, but rather, use their licensing system to stimulate compliance. As a condition of the waste license, haulers are required to report to the city on how much they recycle annually. And when renewing their annual business licenses, all businesses are now required to fill out a form indicating what they recycle and who handles their waste. While landfill bans and field inspections require the use of specially trained enforcement personnel, Chicago's system relies on a traditional aspect of doing business with

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Although this system does not guarantee that recycling is actually occurring at each licensed premise, it does mean that city government has made direct contact with all businesses in an official way and has made them aware of how they are expected to handle their waste. The city ordinance also provides for random auditing of waste and recycling companies to ensure compliance, along with random auditing of haulers' customers to establish that they are recycling what they reported in their business license applications. The ordinance empowers officials to issue fines of between \$25 and \$100 per day for violations. The city is also empowered to revoke licenses from companies that do not come into compliance following the ticketing phase.

While being very comprehensive in scope, Chicago's program was set up to make things as easy as possible for businesses. The program phased in recycling requirements over a pe-

riod of two years. In 1995, businesses were required to choose two items to recycle - typically office paper and OCC - and then in 1996 they were required to choose one additional item from the city's list, or to implement two source reduction measures also listed by the city.

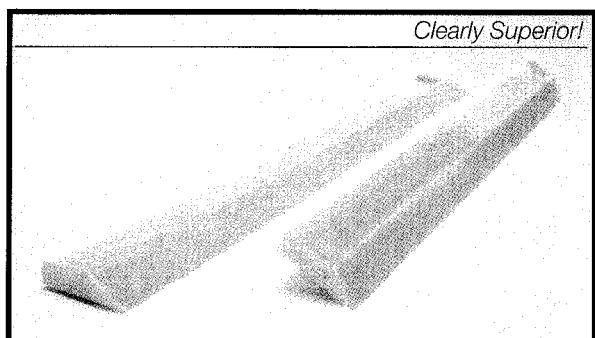
As a result of combining comprehensive regulatory enforcement with phased requirements, Chicago's program has been highly successful. During the first six months of program implementation, the Chicago Department of the Environment documented more than 300,000 tons of commercial waste recovered by the business community. City officials estimate that level of recovery at roughly 26 percent of the city's waste stream.

### PHILADELPHIA

Similar to Portland, officials in Philadelphia took nearly six years to plan and garner support for the city's commercial recycling regulations. City officials wrote 42 versions of the regulations before they were fully accepted

by all interest groups and brought to the city council for approval. Once the law went into place in the summer of 1994, businesses, institutions and multi-family facilities serviced by private haulers were given a six month period to complete the city's official recycling plan form. The 10,000 properties - representing more than 30,000 businesses - affected by the regulations were also given another six months to get their programs into place before sanitation officers began to inspect buildings.

Over that period of time, Philadelphia invested \$250,000 to promote the program and to educate haulers and the business community by developing a special commercial recycling hotline, publishing a comprehensive handbook describing both the city's regulations and how to set up office recycling programs, forming the Philadelphia Commercial Recycling Council, and issuing numerous press releases and media advisories on successful recycling programs in the local business community.



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Philadelphia's program uses a dual approach to enforcement. Besides inspecting buildings for recycling compliance, the city, like Chicago, uses its licensing system to require haulers to report on aggregate quantities of trash, recycling, and construction and demolition debris. Haulers must also produce a coded list providing information on the service profile for each of their customers without divulging the customer's name or address. The

city plans to post a list of licensed haulers at least once a year to entice all companies to comply with reporting requirements.

The touchstone of Philadelphia's program is the Official City of Philadelphia Solid Waste & Recycling Plan. When inspectors visit buildings, they are not looking to discover whether recyclables are in the trash, but simply whether building managers have plans on file and whether they have

made building occupants aware of their right to know about the recycling program plan. Inspectors also check to make sure the building is using licensed waste and recycling companies and that the building manager has facilitated the planned program with the placement of appropriate receptacles and educational materials. Philadelphia has not issued any recycling-related tickets yet, but when it does, it is likely the first tickets will be written to establishment not using licensed haulers, say city officials.

The city is currently training three enforcement officers who will be dedicated to commercial recycling for at least 18 months. The city has budgeted \$200,000 annually to cover the cost of staffing, administration, computer database design, mailings, and training for the next two years. Each officer is scheduled to meet with 10 businesses a week beginning this month. This will mean a total of 7,500 business property contacts over the course of the next year. Because city officials expect to need at least two contacts per property before full compliance is achieved, the city is estimating that inspectors will have checked on about half of the regulated premises by the end of 1997.

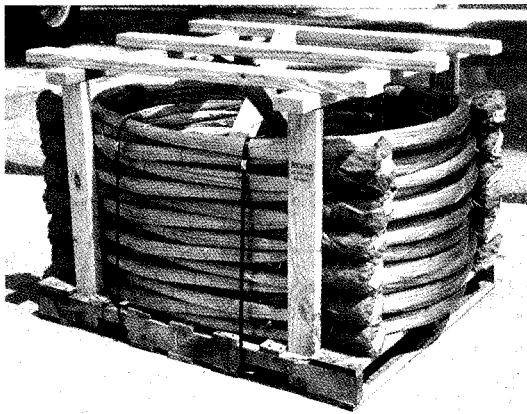
#### **NEW YORK**

New York City implemented commercial recycling regulations beginning in 1990. The city's sanitation enforcement division has roughly 50 officers assigned to recycling and other waste-related duties in residential collection areas, and six officers dedicated to sanitation and recycling enforcement at night for commercial establishments. Sanitation officers are uniformed and armed. During the first year of the enforcement program, officers concentrated their initial efforts on writing warnings to recycling violators. However, in the last year, with the program fully underway, officers have focused primarily on writing tickets for improper source separation; i.e., contaminating loads of recyclables.

On average, sanitation supervisors estimate each inspector writes 10 residential tickets a day and each of the six commercial inspectors write approximately 15. This means that sanitation enforcement as a whole processes approximately 2,500 residential summonses a week and 450 commercial

*(continued on page 93)*

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(continued from page 74)

cial summonses. Supervisors also indicate that with tickets starting at \$25 for a first offense and going up to \$100 for a third offense, the average monthly income to the city for recycling summonses is more than \$1 million. About 15 percent of this money can be attributed to commercial recycling enforcement.

One drawback to New York's program is that there are no provisions requiring reporting by businesses, waste haulers or recycling companies. The result is that while the city has clearly established a comprehensive enforcement program that pays for itself through ticketing, city officials have only a vague idea about how much recycling the private sector is doing.

**COSTS AND BENEFITS**

What can other cities learn from those that have established commercial recycling enforcement programs? According to Joan Edwards, a Los Angeles-based independent consultant formerly associated

with both the New York and L.A. recycling programs, the first question officials need to ask themselves is exactly what they want out of enforcement. If the goal is to get revenues from fines, active enforcement might be one way to go. If the goal is to establish partnerships, it would make sense to use education, technical support, warnings and other consensus-building mechanisms.

"Do you want to help or do you want to scare people into recycling?" asks Edwards. "If you are heavy-handed you may get initial compliance, but you have to think about what other costs are involved, especially in the case of regulating waste haulers. If you are too tough, too fast, you can easily run the little guys out of business.

"People need to be careful when they set up their regulations in the first place," she continues. "It seems pointless to enforce with a heavy hand because what you gain in initial compliance, you lose in support."

But some type of enforcement can result in substantial benefits, judging from the experience of some municipalities.

"The amount of recycling reported by

the commercial sector nearly doubled after we began to promote our enforcement program and started our pilot project," says Alan Lit, Supervisor of Philadelphia's Streets and Walkways Education and Enforcement Program.

And as has already been noted, Monmouth County officials credit the area's high recycling rate at least in part to enforcement of the commercial recycling program. Portland's mandatory program also came into being because not enough properties were taking advantage of the city's funding of voluntary programs.

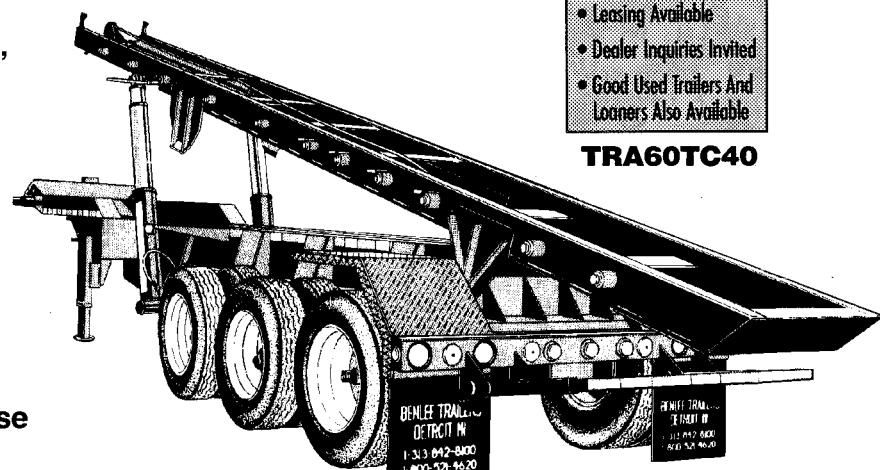
"The best programs use good faith efforts initially, and if managers have done their jobs, they don't need to deal with the negative side of enforcement," says Edwards. "It is incumbent on program managers to help people comply first, but it is also clear that there can be a time when regulatory enforcement is the only resort. No matter what, you want to set your program up so that people have been given every chance to comply." **RT**

*The author is a freelance writer and solid waste management consultant based in Philadelphia.*

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