

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

_____ Resolution or Ordinance (Blue) _____ Waiver of First Requested
 X Recommendations of Boards, Commissions & Committees (Green)
_____ Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES
FROM: Scott R. Niehaus, Village Manager
DATE: August 23, 2019 (COW) (B of T) **Date:** September 5, 2019
TITLE: Village Code Amendment for Solid Waste Contract Third Amendment
SUBMITTED BY: David P. Gorman, Assistant Director of Public Works *DPG*

BACKGROUND/POLICY IMPLICATIONS:

A recommendation from the Public Works & Environmental Concerns Committee to amend the Village Code pertaining to a new definition, terms and conditions regarding commercial recycling contamination in the Solid Waste Contract Third Amendment, being considered simultaneously under separate action.

FISCAL IMPACT/FUNDING SOURCE:

Review (as necessary):
Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X _____ Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: Scott Niehaus, Village Manager

THROUGH: Carl S. Goldsmith, Director of Public Works *g*

FROM: David P. Gorman, PE, Asst. Director of Public Works *DPG*

SUBJECT: **Solid Waste Contract – Proposed Third Amendment**

DATE: August 23, 2019

Attached is a proposed Third Amendment to the Solid Waste Contract and the Municipal Code regarding commercial recycling contamination. The amendment would authorize a new fee for contaminated recyclables for business, industrial, and multi-family building customers. At present, Waste Management's only recourse is to cancel service, which is not ideal. From the perspectives of both Waste Management and their commercial customers, uninterrupted service with a reasonable fee is preferred over tagging/leaving or cancellation.

Background:

Recycling contamination occurs from the inclusion of unacceptable materials in recycling containers. Common contaminants are significant amounts of food residue, Styrofoam, plastic film/wrap, electronics, ceramics, and tempered glass. At worst, an entire truckload of material may be rendered worthless by a spill of liquids. In addition, that material must then be transported a second time from the recycling facility to the landfill.

Contamination has been increasingly threatening the economic viability of recycling. First, the rejection of even low levels of contaminated paper and plastics by China (known as the "China Sword" program) and other Asian countries has plummeted the value of these materials. There is some movement by the U.S. waste industry to process and reuse more recyclables domestically, but those facilities and markets are complex and they will take many years to develop.

The proposed fees of \$20 per cart and \$20 per cubic yard for dumpsters have been negotiated between Staff and Waste Management to compensate for increased handling/disposal costs and also to encourage improved commercial customer practices. The fee is intended to be fair and transparent, and be enforceable by our Municipal Code. A photo would need to be available to the Village and the commercial customer to document charges. Waste Management reports that no other municipal partners have yet enacted a similar fee. As such, their practice throughout the country has been to assess fees as they see fit and to cancel recycling services.

Recommendation:

The Public Works & Environmental Concerns Committee and Staff recommend that the Third Amendment to the Contract and Code be approved by the Board of Trustees. The Committee had asked that additional effort be made to educate commercial customers about recycling contamination, and vinyl stickers will thus be placed on each recycling dumpster.

ORDINANCE NO. _____

AN ORDINANCE
AMENDING TITLE IX, CHAPTER 92
OF THE LOMBARD VILLAGE CODE IN REGARD TO
WASTE COLLECTION AND DISPOSAL

BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: That Title IX, Chapter 92, Section 92.10 of the Lombard Village Code is amended to add a new definition of "Recycling Contamination" thereto, which shall read in its entirety as follows:

"Recycling Contamination. The improper inclusion of items, for collection in Commercial Recyclables Carts or Dumpsters, other than items commonly accepted at nearby Recyclables recovering facilities as referenced in Exhibit A to the Village's Contract with its authorized Waste Disposal Firm, including, but not limited to, soiled/wet/waxed paper or cardboard, food waste, plastic bags or wrap, ceramics, electronics and tempered glass, or the improper inclusion of Recyclables, for collection in Commercial Recyclables Carts or Dumpsters, contaminated with significant amounts of food residue."

SECTION 2: That Title IX, Chapter 92, Section 92.17(B) of the Lombard Village Code is amended by adding a new subsection (12) thereto, which shall read in its entirety as follows:

"Pick up of all materials from Commercial Recyclables Carts or Dumpsters with Recycling Contamination; an additional fee of \$20.00 per Recyclables Cart or \$20.00 per cubic yard of Dumpster size, above and beyond the normal cost associated with the pick up of said Commercial Recycling Carts or Dumpsters; provided, however, a photo of the Recycling Contamination shall be taken and made available to the customer and the Village upon request."

SECTION 3: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form, as provided by law.

Passed on first reading this _____ day of _____, 2019.

First reading waived by action of the Board of Trustees this ____ day of _____, 2019.

Passed on second reading this _____ day of _____, 2019, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this _____ day of _____, 2019.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2019.

Sharon Kuderna, Village Clerk