



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of April 21, 2018

DATE: April 20, 2018

SUBJECT: Amend, reenact, and recodify Chapter 10 (Garbage, Refuse and Weeds) of the Code of Arlington County, Virginia, to amend Articles I, IV and V, relating to Residential, Multi-Family and Commercial solid waste services to update certain definitions, clarify requirements as they relate to residential, multi-family and commercial trash and recycling requirements, and to establish a new Multi-Family and Commercial Recycling Program fee structure, effective July 1, 2018.

C. M. RECOMMENDATION:

Adopt the recommended amendments to Chapter 10 (Garbage, Refuse and Weeds) of the Code of Arlington County, Virginia, as set forth in Attachment A.

ISSUES: The amendments recommended herein are offered in response to concerns that Solid Waste Bureau (SWB) staff has heard from property owners and managers regarding the clarity of the regulations, the ease of compliance, and the fee structure. Notwithstanding staff efforts to implement an equitable program, there are still those who object to the assessment of any inspection fee. Still others will see their fees increase relative to the status quo.

SUMMARY: Staff recommends amendments to update certain definitions and clarify requirements as they relate to residential, multi-family and commercial trash and recycling requirements in Chapter 10 of the Arlington County Code. The most substantial recommended amendments are in Chapter 10 Article IV and include the following:

- Updated definitions in § 10-30 for “Responsible Party and Commercial Establishment” and a new definition for “Commercial Tenant” so as to clarify responsibilities between property managers and tenants in the context of complying with this article.
- Clarified explanation of “Sufficient Capacity” in § 10-32 to be “no less than one-half (50 percent) of the weekly service level (in volume or cubic yard capacity) for Trash services,” which guards against insufficient recycling capacity, such as undersized recycling bins and overflowing materials.
- Streamlined reporting requirements in § 10-33 to accommodate the various property manager/owner and tenant relationships, and allow for a one-time Recycling Plan

County Manager:

MJS / Muc

County Attorney:

[Signature] *[Signature]*

47. J.

Staff: Shani Kruljac, Department of Environmental Services

submittal with an annual update or validation rather than submitting Recycling Plans every three years.

- A new Multi-Family and Commercial Recycling Program fee structure in § 10-39 that is more equitable across business types and sizes, while still preserving program funding for services including outreach, site visits and inspections. The recommended fee structure will result in a decrease of the program fee for 75 percent of the multi-family and commercial properties in the County, while the remaining 25 percent of the properties will experience an increase.

Ancillary amendments to Chapter 10 include clarifying participation requirements and responsibilities of the County's Residential Collection System participants, as outlined in Article I, and updating reporting requirements for commercial collectors described in Article V. Recommended amendments to Chapter 10 Article I include updated definitions and clarifying participation requirements and responsibilities of the County's Residential Collection System participants. Specifically:

- Revisions in § 10-5 that clarify the participation of home occupations and nonprofits in the residential collection system.
- Clarification of the cart limits for nonprofits who participate in the residential collection system in § 10-5.
- A new clause in § 10-5 that allows for exceptions to program participation in the case of safety or health considerations.
- Additions in § 10-6 address cart maintenance, specifically defining what makes a cart unserviceable and the County's course of action for unserviceable carts.

Amendments recommended for Chapter 10 Article V include updated definitions and add reporting requirements for commercial collectors, specifically requiring the reporting of the number of commercial establishments and multi-family property accounts, as well as the number of other residential households' accounts serviced in the County. Other recommended changes to Article V are primarily housekeeping in nature, and include:

- Carry-over of terminology changes recommended in Articles I and IV (i.e., changing of "yard waste" to "yard trimmings");
- In § 10-40, carry-over of new definitions recommended in Articles I and IV where relevant (i.e., "Construction and Demolition Debris");
- For § 10-43, collector requirements are bulleted for clarity.

Additionally, staff recommends changing the name of Chapter 10 "Garbage, Refuse and Weeds" to "Trash, Recycling and Care of Premises" to better align with updated terminologies used by the SWB and to better reflect the content of this chapter of the Code.

BACKGROUND:

Chapter 10 Article IV

Background and History

Approximately 60 percent of Arlingtonians live in multi-family and other dwellings that do not receive garbage and recycling services directly from the County. The solid waste generated by these properties combined with commercial solid waste, makes up approximately 66 percent of all solid waste generated in Arlington. Increased recycling among these sectors is necessary for the County to make progress towards and achieve its Zero Waste goal. SWB staff estimates that, for 2016, just over 40 percent of waste generated by the commercial and multi-family sectors was recycled, which is about 16 percentage points lower than the County's residential recycling rate.

Arlington County businesses and multi-family dwellings have been required to have recycling systems in place since 1994. As part of this requirement, the responsible parties of these businesses are required to submit a Recycling Plan, pay a \$66 recycling system inspection fee and undergo an annual recycling inspection to ensure a compliant recycling system is in place at the property. The \$66 fee was adopted by the County Board on February 21, 2009, primarily to support full-cost recovery associated with administering the program, which at that time included approximately 1,400 regulated properties.

In January 2015, the County Board adopted changes to Arlington County Code that require businesses and multi-family properties to co-locate trash and recycling containers in areas (such as dining rooms, front-of-store, waiting rooms, lobbies, hallways, gyms, mailrooms, etc.) where it is "reasonably expected that recyclable materials would be disposed at that trash container location." As a result, a mixed-use building with multiple tenants utilizing a common recycling system that was previously considered one site requiring one inspection, now requires an inspection of each individual business. This change in requirements had the effect of increasing the number of regulated properties from 1,400 to an estimated 4,200, as well as expanding the annual \$66 recycling system inspection fee to all regulated properties. The inspection cycle for calendar year 2015 primarily focused on visiting the existing 1,400 properties in the program to inform them of the co-location requirements that would be in effect beginning January 1, 2016.

2016 Inspection Findings

As a result of the new co-location requirement, the SWB focused efforts on visiting all 4,200 regulated properties during 2016 and early 2017 for the purpose of inspecting and observing recycling approaches, ensuring compliance, and providing education and outreach. This strategy placed less emphasis on performing follow-up inspections and issuing enforcement actions for noncompliance discovered at the inspected properties except in the most egregious cases, i.e., those of the original 1,400 properties that were still notably out of compliance. Some of the key findings and observations include:

- Around 95 percent of inspected businesses had some sort of recycling occurring, but only 39 percent were in full compliance. Five percent of properties inspected were not recycling at all.
- The most common deficiencies among regulated properties were the failure to meet the recycling bin and trash container co-location requirements (39 percent), having an

insufficient number of containers (53 percent), and not providing education and outreach materials (59 percent).

- The \$66 recycling system inspection fee created significant tensions between SWB Recycling Outreach Specialists (ROS) and contacts at regulated properties, impacting their abilities to perform inspections.
- Depending on the size and type of business, a significant difference exists in the effort level for inspections and follow-up activities for the regulated properties in the County.
- Despite the additional pressures added to ROS inspections, customer service evaluations show over 90 percent satisfaction for the ROSs since 2015.

Fees and Fines

Newly regulated businesses have responded negatively to the \$66 inspection fee and other aspects of the inspection program. Business reactions to the fee can often have the effect of turning an otherwise productive inspection visit into an unsuccessful and confrontational one. A number of regulated properties have taken issue with the legality of the fee, including attorneys and law firms, who have challenged the County on how the fee should be applied. Most interpret that the fee should only be applied to building owners or property managers, not individual tenants, who they argue should be exempt. To help raise awareness, and minimize the \$66 fee surprise factor, the SWB mailed a letter in September 2016 to all the regulated businesses, over 4,200 properties, to advise them of the new recycling requirements. There were about 120 responses to this outreach effort, about half of which were informational in nature. About 15 responses were extremely critical, alleging government overreach, objecting to the \$66 fee (equating it with a penalty or a fine), and taking issue or arguing different interpretations of the Code.

SWB staff believes that the \$66 recycling system inspection fee structure is not equitable considering the vast array of business types found in Arlington. SWB staff is frequently challenged on the fairness of the fee, which is a flat fee applied to all businesses in the County. Under the current system, a large department store or multi-family property with 500 residents is assessed the same amount as a small yoga studio or watch repair store with one employee.

Chapter 10 Articles I and V

Recommended amendments in Articles I and V are secondary to the Article IV amendments, but are opportunistically presented in response to situations encountered by SWB staff, as described in the below section.

DISCUSSION:

Chapter 10 Article IV

Revised Definitions (§ 10-30)

Several definitions are recommended to be updated and clarified, or changed to better reflect contemporary terminologies, or to be consistent with terms in Articles I and V. Other definitions

were consolidated to better streamline the definitions section. The most substantive definition changes for this section are outlined below.

“Responsible Party”

Currently: “Responsible party” means, for dwellings eligible for participation in the curbside collection program, the dwelling owner or dwelling occupant if different from the owner. For a multi-family dwelling, the term “responsible party” shall mean the owner, manager, or agent responsible for the management and disposal of solid waste generated at that property. For a commercial establishment, the term “responsible party” shall mean the business or property owner, manager or agent and, if different, the party responsible for the management and disposal of solid waste generated at that commercial establishment.

Recommended Change: “Responsible Party” means the owner, manager or other agent of a Multi-Family Property or Commercial Establishment, or a Commercial Tenant.

Rationale: Many property owners and managers find the current definition confusing. The definition was revised to more clearly identify who is responsible for managing any aspect of the Recycling Collection System.

“Commercial Establishment”

Currently: “Commercial establishment” means any nonresidential location, including but not limited to, the nonresidential portion of mixed-use buildings.

Recommended Change: “Commercial Establishment” means any nonresidential location not otherwise exempt under federal or state law, including but not limited to: office buildings, shopping centers, places of worship, Nonprofit Organizations, hospitals, public or private schools or universities, government buildings or agencies, public authorities; or a Commercial Tenant of any of these properties. Commercial Establishment also means the nonresidential portion of mixed-use buildings — properties that serve as a Multi-Family Property and Commercial Establishment, such as ground floor retail with upper-story residential or office uses. Home-based businesses (home occupations) are excluded.

Rationale: The new definition more explicitly details the types of nonresidential buildings and businesses that must comply with County Code requirements.

“Recyclables Collection System”

Currently: Three definitions referring to the Recyclables Collection System currently exist in the Code:

- “Collection system, commercial establishment” means a recycling system which includes the following components: (a) containers expressly for the collection and storage of recyclable materials to include cardboard, mixed paper, newsprint, metal and aluminum cans, glass bottles, and plastic food and beverage containers; (b) a recycling contract with a Collector for commercial collection of the recyclable materials and transportation to a recycling facility, or proof of self-haul to a recycling facility, or for commercial establishments with five (5) or fewer employees, certification of self-haul to a recycling drop-off center; and (c)

educational materials to inform employees and tenants of how to properly use the recycling system.

- “Collection system, multi-family dwelling” means a system which includes the following components: (a) containers expressly for the collection and storage of recyclable materials to include cardboard, mixed paper, newsprint, metal and aluminum cans, glass bottles, and plastic food and beverage containers; (b) a recycling contract with a Collector for commercial collection of the recyclable materials and transportation to a recycling facility, or proof of self-haul to a recycling facility; and (c) educational materials to inform tenants of how to properly use the recycling system.
- “Recycling system” refers to the means by which recyclable materials are separated from the waste stream collected on site, and managed, and may include the means of delivering source-separated materials to a recycling facility or recycling drop-off center.

Recommended Change: “Recyclables Collection System” (“Recycling System”) is the means by which Recyclable Materials are separated from the Waste Stream and at a minimum includes the following components: (a) sufficiently sized and appropriately located Recycling Containers as defined by this article; (b) a Recycling Contract, proof of Back-Haul Collection, or County approval to Self-Haul and (c) evidence of educational materials to inform employees and tenants of how to properly use the Recycling System.

Rationale: The recommended new definition combines three definitions into one, so as to streamline the definition section of this article.

New Definitions (§ 10-30)

A few definitions were added to allow for better understanding of Code requirements or because the terms are already present in the text but were never defined terms. The most significant new definition added is listed below.

“Commercial Tenant” means a lessee or any other occupant of a nonresidential Commercial Establishment.

Sufficient Capacity (§ 10.32.A.3)

Currently: Two sections of Article IV address sufficient capacity issues:

- § 10.31.D states: “It shall be the responsibility of the owners or other responsible party of all commercial establishments and multi-family dwellings...to adhere to the following practices: 1. Provide a sufficient number of recycling containers for the storage of recyclable materials.”
- § 10.32 specifies that containers “shall be of sufficient capacity to store the quantity of recyclable materials reasonably anticipated to be disposed at that location.”

Recommended Change: § 10.32.A.3: Responsible Parties shall provide for collection of materials Source-Separated for Recycling or reuse that is no less than one-half of the weekly service level (in volume or cubic yard capacity) for Trash services, thus allowing for at least one-third of the Waste Stream to be recycled or reused.

Rationale: “Sufficient capacity” is vague and causes confusion among property owners and managers, as well as among County staff enforcing the Code. The new requirement will help guard against insufficient capacity, such as under-sized recycling bins, materials overflowing and recyclables present in trash dumpsters. As an example, if a business has an eight-cubic yard trash dumpster emptied once per week, they will need to have at least four cubic yards worth of recycling service once per week, for a total of 12 cubic yards of Solid Waste services.

Reporting Requirements (§ 10-33.B)

Currently: § 10-33.B: *Updated recycling plans for multi-family dwellings and commercial establishments.* The responsible party for each multi-family dwelling and the commercial establishment is required to maintain an updated recycling plan with DES. The plan must be updated whenever there is a significant change to the property, including major construction, change of ownership or management, or change of solid waste and/or recycling Collector or collection services. At a minimum, the plan shall be updated every three (3) years.

Recommended Change: § 10-33.B *Updated Recycling Plans for Multi-Family Properties and Commercial Establishments.* The Responsible Party for each Multi-Family Property and Commercial Establishment is required to maintain a current Recycling Plan with the County. The Recycling Plan must be validated and/or updated annually by January 31, or whenever a significant change to the property occurs, including renovations that affect the Recycling System, change of ownership or management, or change of Solid Waste Collector or collection service levels. If no changes occurred since the previous year’s submission, the Responsible Party will validate the current Recycling Plan is correct and submit to the County. Instructions for updating the Recycling Plan are available on the County’s DES Solid Waste Bureau’s website.

Rationale: Previous versions of this article required Responsible Parties to submit a filled out Recycling Plan form every three years via email or regular mail. Since the last version of Chapter 10 Article IV was amended, the County has moved to an online management system (Re-TRAC) for the Multi-Family and Commercial Recycling Program, including web-based Recycling Plan submissions. Under this new system, Commercial Establishments are required to submit their plan once into the Re-TRAC system and then, on an annual basis, update parts of the plan that have changed throughout the year, or simply validate that the existing plan is correct. One of the largest hurdles the program faces is the turnover of property and business managers. Updating and/or certifying the Recycling Plan on an annual basis helps keep contact information current, as well as assists Recycling Outreach Specialists in preparing for inspections.

Reporting Requirements (§ 10-33.D)

Recommended Addition: § 10-33.D. Property Manager/Owner and Tenant Relationship. Each Commercial Establishment in the County, including Commercial Tenants, must adhere to the requirements of this article and submit a Recycling Plan in one of the following ways:

1. A Commercial Tenant that contracts for their own Solid Waste collection services is responsible for developing and managing a Recycling System for their establishment and therefore, must submit a Recycling Plan.
2. A Commercial Tenant that uses a shared Solid Waste collection service provided by a property owner or manager as part of its Recycling System is responsible for submitting a Recycling Plan that describes their internal Recycling System, including how they educate their employees on the use of the Recycling System.
3. A property owner or manager of a Commercial Establishment that provides a shared Solid Waste Collection service for Commercial Tenants of that establishment, must submit a Recycling Plan for that Commercial Establishment.
4. A property owner or manager of a Commercial Establishment may submit a single Recycling Plan for multiple Commercial Tenants, but must list tenant information including, but not limited to, business type, current contact information and suite number for each Commercial Tenant that is subject to the Recycling Plan. Each Commercial Tenant must be provided the Recycling Plan on an annual basis and be in compliance with all components of the Recycling Collection System requirements, as described herein.

Rationale: To accommodate the various property manager/owner and tenant relationships, the County recommends allowing different reporting structures for the Recycling Plan. The County's online Multi-Family and Commercial Recycling program management system (Re-TRAC) was recently updated to accommodate these different scenarios, based upon input from business owners and managers. These clauses codify these changes and allows for the Commercial Establishment's reporting duties to be better defined.

Multi-Family and Commercial Recycling Program Fee (§ 10-39)

Currently: § 10-39 Recycling System Compliance Inspection Fee. Each responsible party which is required to establish a recycling system for the collection of Trash and Recyclable Materials as described in § 10-31 and § 10-32 and is required to submit a recycling plan pursuant to § 10-33, shall on a yearly basis pay a compliance inspection fee of sixty- six dollars (\$66.00) for each multi-family property or business location for which a plan has been submitted. Such fees shall be paid within thirty (30) days of the date of the bill for payment. Failure to pay such compliance inspection fee after 60 days from the initial billing date shall result in the addition of the inspection fee plus a one-hundred dollar (\$100) late fee to the next utility bill for the property.

Recommended Change:

§ 10-39.A The Multi-Family and Commercial Recycling Program Fee shall be paid to the County annually, by January 31, for the administration of the requirements set forth in this article. For Multi-Family Properties, the fee shall be based on the number of dwelling units. For Commercial Establishments, the fee shall be based on factors that include all or some of the following: business or property type, number of employees, and other resource needs associated

with the business or property type. Effective July 1, 2018, the base fee of sixteen dollars and twenty-five cents (\$16.25) shall be used to calculate each property's annual fee based on the business or property type as specified in Table 1. The calculated Program Fee for each business category is outlined in Table 2.

Table 1. Multi-Family and Commercial Recycling Program Fee Schedule.

Office and Retail Tenants: 3-Year Inspection Cycle				
	Minimum	Moderate	High	
Number of Employees	1-10	11-99	100+	
Fee Multiplier	1X	2X	4X	
Fee/Year	\$16.25	\$32.50	\$65.00	
Multi-Family Property: Annual Inspection Cycle				
	Minimum	Moderate	High	Complex
Number of Units	1-10	11-75	76-200	200+
Fee Multiplier	2X	4X	8X	16X
Fee/ Year	\$32.50	\$65.00	\$130.00	\$260.00
Other Commercial Properties: Annual or 3-Year Inspection Cycle				
	3-Year Inspection Cycle	Annual Minimum	Annual Moderate	Annual High
Fee Multiplier	2X	4X	8X	16X
Fee/ Year	\$32.50	\$65.00	\$130.00	\$260.00

Table 2: Calculated Program Fee by Business Type.

Business Category	Inspection Cycle	Minimal	Moderate	High	Complex
<i>Office and Retail Tenants: 3-Year Inspection Cycle</i>					
Office Tenants	3-Year	\$16.25	\$32.50	\$65.00	
Retail: No Food	3-Year	\$16.25	\$32.50	\$65.00	
<i>Multi-Family Properties: Annual Inspection Cycle</i>					
Multi-Family	Annual	\$32.50	\$65.00	\$130.00	\$260.00
<i>Commercial Properties: Annual Inspection Cycle</i>					
Assisted Living & Group Home	Annual	\$65.00	\$130.00	\$260.00	
Grocery	Annual	\$65.00	\$130.00	\$260.00	
Automobile: Gas Station	Annual	\$65.00			
Convenience Store	Annual	\$65.00			
Lodging	Annual	\$65.00	\$130.00	\$260.00	
Medical Hospital/Surgery	Annual			\$260.00	
Movie Theater/Theater Stage	Annual		\$130.00		
Place of Worship: Kitchen/ Serves Food	Annual	\$65.00			
Restaurant: Deli/Coffee Shop	Annual		\$130.00		
Restaurant: Fast Food	Annual			\$260.00	
Restaurant: Full Service	Annual		\$130.00		
Retail: Food	Annual			\$260.00	
School/College: Food	Annual			\$260.00	
Commercial Building or Mixed-Use Property that contains tenants	Annual			\$260.00	
Other: Serves Food	Annual			\$260.00	
<i>Other Commercial Properties: 3-Year Inspection Cycle</i>					
Automobile: Dealership	3-Year	\$32.50			
Automobile: Repair	3-Year	\$32.50			
Automobile: Sales	3-Year	\$32.50			
Bank	3-Year	\$32.50			
Daycare & Preschool	3-Year	\$32.50			
Dry Cleaners	3-Year	\$32.50			

Business Category	Inspection Cycle	Minimal	Moderate	High	Complex
Gym & Fitness	3-Year	\$32.50			
Laundry Mat	3-Year	\$32.50			
Medical Office	3-Year	\$32.50			
Place of Worship: No kitchen/No Food	3-Year	\$32.50			
Service Business	3-Year	\$32.50			
Salon/Barber/Spa	3-Year	\$32.50			
School/College: No Food	3-Year	\$32.50			
Storage Units	3-Year	\$32.50			
Vet/Kennel/ Dog School/ Grooming	3-Year	\$32.50			
Other: No Food	3-Year	\$32.50			

§ 10-39.B. Failure to pay the Recycling Program Fee by January 31 shall result in the addition of a fifty dollar (\$50.00) late fee. The unpaid amount will also be forwarded to the Arlington County Treasurer's Office for collections, and will be subject to further administrative penalties.

Rationale: The Multi-Family and Commercial Recycling Program Fee and fee structure is amended to be more equitable across business types and sizes, while still preserving program funding for services including outreach, site visits and inspections. The County Code was updated effective January 1, 2016, with the intent of increasing recycling within the multi-family and commercial sectors. Since that time, the business community has provided Solid Waste Bureau staff with feedback about several aspects of the recycling requirements in the Code. The most frequent complaint concerns the fee structure, with many business and property owners believing it is inequitable.

In August 2017, the Solid Waste Bureau emailed a survey to 3,217 multi-family and commercial properties requesting input into three fee structure options. One option was keeping the existing flat fee rate structure, while the other two options presented tiered fee structures based on business or property type, number of employees, and resource needs associated with the business or property type. A total of 298 businesses replied to the survey, with nearly two-thirds rejecting the status quo option of the flat fee structure that is currently in the Code.

The recommended new fee structure will result in a decrease in the annual fee for approximately 72 percent of the Commercial Establishments in the County, while 28 percent will see an increase in the annual fee. Additionally, the late fee for failing to pay the fee is being reduced from \$100 to \$50 to more accurately reflect administrative costs associated with collecting fees. Attachment D provides an estimate of the number of Arlington County Commercial Establishments by business type.

Chapter 10 Article I

Participation in the County Residential Collection System (§ 10-5.A.1)

Recommended Addition: § 10-5.A.1 The County Manager or their designee is authorized to make exceptions based on safety or health considerations.

Rationale: A recommended clause allows for exceptions to program participation in the case of safety or health considerations; for instance, allowing a three-family property to participate in the residential collection system to limit additional large truck traffic in a residential area.

Participation in the County Residential Collection System (§ 10-5.A.2)

Recommended Addition: § 10-5.A.2. Home occupations as defined in § 18.2 of the Arlington County Zoning Ordinance that generate a de minimis amount of Solid Waste are eligible to receive Refuse, Recycling, and Yard Trimmings collection through the residential collection system. Home occupations are not eligible for Special Collections.

Rationale: Recommended revisions clarify the participation of home occupations, Home occupations that generate a negligible amount of solid waste can participate in the residential collection system but cannot schedule special collections, which include collections for brush, household appliances, scrap metals and electronics.

Participation in the County Residential Collection System (§ 10-5.D)

Currently: § 10-5.D Any nonprofit organization which places for collection six (6) or fewer household containers, or up to three (3) refuse carts and up to three (3) recycling carts, or trash and recycling per week, and not located in a multi-tenant building, may participate in the Arlington County refuse and recycling collection system. Nonprofit organizations are not eligible for special collections, which include collections for brush, household appliances, scrap metals and electronics.

Recommended Change: Any Nonprofit Organization which places for collection up to three (3) Refuse Carts or Household Containers for Refuse, three (3) Recycling Carts or Household Containers for Recycling, and three (3) Organics Carts or Household Containers for Yard Trimmings, per week, and is not located in a multi-tenant building, may participate in the Arlington County residential collection system. Nonprofit Organizations are not eligible for Special Collections.

Rationale: This revision clarifies the cart limits for nonprofits that participate in the residential collection system. This clause allows for service to these groups without the residential rate payers subsidizing them.

Storage, Removal, and Maintenance (§ 10-6.B.1.d)

Recommended Change: § 10-6.B.1.d Maintain carts and Household Containers in a serviceable and sanitary condition. Carts and Household Containers shall be cleaned prior to the next scheduled collection day upon the owner or occupant being informed by the County of the need for cleaning. If a Household Container is determined by the County to be unserviceable (including, but not limited to, cracked, rusted, dented/damaged), the County shall inform the owner or occupant by placing a notification tag on the Household Container. If the same household container is used in the future, it shall be collected for disposal with the regular

Refuse or Recyclable Materials. If a County-provided cart is determined by the County to be unserviceable (including, but not limited to, not watertight, no lid, presence of a hole or crack in the body or the lid larger than one [1] inch), the County may repair or replace the cart.

Rationale: Recommended additions address collection cart maintenance, specifically, what makes a cart unserviceable and the County’s course of action for damaged or broken carts. These additions allow the County to maintain the cart inventory and ensure residents have functional carts for participation in the solid waste collection system. These additions make the replacement process more clear.

Chapter 10 Article V

General Requirements for Collectors (§ 10-41)

Recommended Addition: § 10-41.F No Collector shall represent to any Customer that Recyclable Materials that are intentionally placed into Trash Containers will be recovered for Recycling.

Rationale: This recommended change is in reaction to occasional recyclables and trash mixing complaints, and collector responses that the materials are separated at their yard or at the disposal facility. Since no mixed waste sorting facilities exist in the region, this practice is unacceptable for Arlington County businesses.

Reporting (§ 10-44)

For collector annual reporting requirements specified in § 10-44, a requirement is added that they communicate the number of commercial accounts and residential customers serviced in Arlington County.

Recommended Addition: § 10-44.A The measured or carefully estimated weight of all Solid Waste that the entity collected from Commercial Establishments, Multi-Family Properties and townhouse and other residential dwellings ineligible to participate or exempt from participating in the Residential Collection System as defined in Article I; and § 10-44.B. The number of Commercial Establishments serviced, the number of Multi-Family Properties serviced, and the number of townhouse and other residential dwellings serviced that are ineligible to participate or exempt from participating in the Residential Collection System as defined in Article I.

Rationale: This information will be used by staff to help substantiate commercial and multi-family solid waste tonnages reported to the SWB annually. The reports from collectors are used to calculate the County’s overall recycling rate, which is required to be reported to DEQ by April 30th each year.

Chapter 10 Title

To better reflect the content of Chapter 10, SWB staff recommends changing the Chapter 10 Title from “Garbage, Refuse and Weeds” to “Trash, Recycling and Care of Premises”.

PUBLIC ENGAGEMENT: The following public engagement activities related to the Chapter 10 Article IV recommended amendments took place between February 2017 and January 2018:

- February 2017: The SWB held a one-time focus group meeting of various property managers, small business owners and large business owners to receive input on an equitable fee scheme and inspection procedures. Nine representatives from the following businesses participated: Washington REIT (property manager/mixed use; offices + retail), Kodiak Realty (property manager), Newmark Grubb Knight Frank (property manager/offices), Hyatt Crystal City (hotel manager), Rosslyn BID, Ted's Mountain Grill (restaurant/bar), and Dogma Bakery (small business, retail). Two members of the County's Solid Waste Committee also attended and observed. Recommendations and comments from the focus group include the following:
 - Re-evaluate the \$66 inspection fee to make it more equitable. Consider developing a more equitable tiered fee structure (i.e., smaller businesses pay lower fees);
 - Better define the term "Responsible Party;" clarify responsibilities between property managers and tenants;
 - The Re-TRAC online registration program is confusing and difficult to use;
 - Communication efforts need to be expanded and multi-faceted;
 - Modify list of regulated properties; remove kiosks, home businesses, and shared-space businesses from program;
 - Change the frequency of inspections to once every three years for smaller businesses;
 - Eliminate three-year recycling plan filing requirement (to be covered as part of inspection cycle). Retain the initial plan submission requirements;
 - Continue to perform annual inspections for larger businesses, restaurants and multi-family properties;
 - Include a Right of Entry provision for inspectors;
 - Additional Administrative Changes:
 - Revise MF/C recycling webpages and technical assistance information (to include translations to other languages)
 - Alternative fee billing/collection methods.
- April 2017: Citizen-led Solid Waste Committee meeting held at the SWB. Agenda items included the following:
 - 2016 Multi-Family and Commercial Recycling Compliance Program results
 - Multi-Family and Commercial Focus Group results
 - Chapter 10 Article IV Code revisions timeline and strategy
- May 2017: SWB staff met with the Arlington Chamber of Commerce executive director and staff, as well as a Chamber Board member to discuss concerns with Chapter 10 Article IV. SWB committed to engaging the business community throughout the Code amendment process.
- July 2017: Citizen-led Solid Waste Committee Meeting held at the SWB. Agenda items included the following:

- Checklist of staff's recommended Chapter 10 Code changes
- Discussion of three recommended Multi-Family and Commercial Fee structure options to be presented to the regulated community via a survey
- August 2017: The SWB emailed a survey to 3,217 multi-family and commercial properties requesting input into three Multi-Family and Commercial Recycling Fee structure options. One option was keeping the existing flat fee rate structure, while the other two options presented tiered fee structures based on business or property type, number of employees, and resource needs associated with the business or property type. A total of 298 businesses replied to the survey, with nearly two-thirds rejecting the status quo option of the flat fee structure that is currently in the Code.
- October 2017: The SWB emailed 3,266 multi-family and commercial properties soliciting input on the recommended Chapter 10 Article IV amendments. Using SurveyMonkey, eight of the most substantive changes recommended for Article IV were presented and an opportunity to comment was provided for each section. A draft copy of Article IV with all the recommended amendments was posted on the SWB's Multi-Family and Commercial Recycling website and a link was provided for those property owners/managers who were interested in reading the recommended amendments in their entirety. Participants were also encouraged to follow the recommended amendments through the County Board process and the link to the County Board's website was provided. A total of 99 respondents completed the eight-question survey. The option "No Comment" was selected by most respondents in all instances. The most comments received (32) were in response to the recommended Multi-Family and Commercial Fee Structure, followed by the Sufficient Capacity clarification (23 comments) and Reporting Requirements clarifications (21 comments). Comments were classified as "Supportive," "Constructive" or "Other." SWB staff reviewed each comment and revised the recommended Code language in areas that warranted further clarification. Submitted comments are included as an attachment to this Board Report (Attachment B).

Table 3. Summarized Comment Survey Results

MF-C Recycling Chapter 10 Code Changes Comment Results					
Questions	Responses Total	Total Comments by Category			
		Total Comments	Supportive	Constructive	Other
Q1: Responsible Party	99	19	9	7	3
Q2: Commercial Establishment	99	12	5	4	3
Q3: Recyclables Collection System	99	14	7	6	1
Q4: Commercial Tenant	99	2	2	0	0
Q5: Sufficient Capacity	99	23	5	15	3
Q6: Reporting Requirements (Definition)	99	21	4	9	8
Q7: Reporting Requirements	99	17	4	5	8

Q8: Recycle System Compliance Inspection Fee	99	32	4	16	12
--	----	----	---	----	----

- October 2017: SWB staff sent recommended Chapter 10 amendments in their entirety to the Solid Waste Committee requesting review and comment.
- October 25 2017: Regular meeting of the Solid Waste Committee held at SWB offices. The meeting agenda included staff presentation of final draft of recommended Chapter 10 Code amendments. Committee supported staff recommendations and reported out to E2C2.
- November 13 2017: SWB staff presented Chapter 10 Code amendment recommendations during the regular meeting of the E2C2. A letter of support concerning the recommended Code changes was received from E2C2 (Attachment C).
- December 2017: SWB staff distributed the strike-through version of the recommended Chapter 10 Code Amendments, along with a four-page summary to the 39 permitted trash and recycling haulers operating in Arlington County. The summary focused primarily on the changes that would most impact haulers, including:
 - External recycling and trash container condition requirements (§ 10.31.A.2)
 - Ensuring sufficient recycling service level (recycling service must be at least 50% of trash service) (§ 10.32.A.3)
 - Customer invoicing requirements (§ 10.35)
 - A prohibition against claiming materials disposed of in trash containers are actually recycled (§ 10.41)
 - New Collector reporting requirements (§ 10.44.B)

The SWB did not receive any feedback from this outreach effort.

- March 2018: The SWB emailed 3,266 multi-family and commercial properties notifying them of the comment period on the recommended Chapter 10 Article IV amendments. The notification contained a short summary of the changes, as well as a link to the corresponding Board Report.

FISCAL IMPACT:

Chapter 10 Article IV

Fiscal impacts are anticipated as a result of the changes in § 10-39 of Chapter 10 Article IV. The recommended restructured Multi-Family and Commercial Program Fee will generate an additional \$142,597 in revenue (\$309,024 in total revenue) and is intended to fully recover costs associated with the program. The projected FY 2019 costs for the Multi-Family and Commercial Recycling Program are estimated to be \$309,024. Costs include personnel services for program technical assistance, site inspections, education and outreach materials, and administration; program education and outreach materials, and vehicle rental and fuel charges.

Cost Center	FY 2019 Costs
-------------	---------------

Personnel Expenses (includes two Recycling Outreach Specialists and allocated costs for management and supporting staff)	\$260,942
Education & Outreach Materials	\$32,647
Vehicle, Fuel Charges	\$15,435
TOTAL	\$309,024

No fiscal impact is anticipated as a result of the remaining recommended amendments to Articles IV.

Chapter 10 Articles I and V

No fiscal impact is anticipated as a result of the recommended amendments to Chapter 10 Articles I and V.

ATTACHMENT A

AN ORDINANCE TO AMEND, REENACT, AND RECODIFY CHAPTER 10 (GARBAGE, REFUSE AND WEEDS) OF THE CODE OF ARLINGTON COUNTY, VIRGINIA, TO AMEND ARTICLE I., SECTIONS 10-1 THROUGH 10-11, ARTICLE IV., SECTIONS 10-30 THROUGH 10-39, AND ARTICLE V., SECTIONS 10-40 THROUGH 10-46, RELATING TO UPDATING CERTAIN DEFINITIONS, CLARIFYING REQUIREMENTS AS THEY RELATE TO RESIDENTIAL, MULTI-FAMILY AND COMMERCIAL TRASH AND RECYCLING REQUIREMENTS, AND ESTABLISHING A NEW MULTI-FAMILY AND COMMERCIAL RECYCLING PROGRAM FEE STRUCTURE, EFFECTIVE JULY 1, 2018.

BE IT ORDAINED by the County Board of Arlington County, Virginia that Chapter 10, Sections 10.1-10.11 and Sections 10.30-10.46 of the Arlington County Code is amended, reenacted and recodified, effective July 1, 2018, to read in pertinent part, as follows:

* * *

ARLINGTON COUNTY CODE CHAPTER 10 ~~GARBAGE, REFUSE AND WEEDS~~ TRASH, RECYCLING AND CARE OF PREMISES

ARTICLE I.

RESIDENTIAL REFUSE TRASH, AND RECYCLING AND ORGANICS*

* **Editors Note:** Ordinance No. 83-22, adopted July 13, 1983, repealed former Art. I, §§ 10-1--10-11, and enacted, in lieu thereof, a new Art. I as herein set forth. The repealed provisions, which also pertained to refuse, had been amended by ordinances of June 28, 1975, June 25, 1977, May 31, 1980, May 21, 1981, and Ord. No. 82-16, enacted April 24, 1982, Ord. No. 83-11, enacted April 23, 1983 and effective July 1, 1983, and Ord. No. 83-19, enacted June 18, 1983 and effective July 1, 1983.

§ 10-1. Declaration of Policy.

It is the policy of the County Board to protect the health, safety, and welfare of the citizens and the environment by establishing minimum standards as codified in Articles I through V of this Chapter for the storage, collection, transportation, processing, and disposal of sSolid wWaste and the recovery of rRecyclable mMaterials and other resources from sSolid wWaste within Arlington County.
(Ord. No. 83-22, 7-13-83; Ord. No. 93-22, 11-13-93, Ord. No. 15-08, 11-14-15)

§ 10-2. Definitions.

The following words and terms, when used in this article, shall have the following meanings unless the context clearly indicates otherwise:

“Backdoor Service” means collection of Trash Carts, Recycling Carts, Organics Carts and Household Containers from a specified location not at the Collection Point. This service is for residents who are physically unable to transport their carts to the Collection Point and have no one residing in their household able to transport their carts to the Collection Point. The resident must renew Backdoor Service annually. Special Collections are not eligible for Backdoor Service.

“Biodegradable ~~p~~Paper ~~b~~Bags” (“Yard Trimmings Bags”) means brown kraft paper lawn bags produced from wood pulp that are either self-purchased or provided by the County.

“Bundled ~~b~~Brush” means tree branches, shrubbery trimmings, and similar plant items that are securely tied in bundles, each bundle not exceeding four (4) feet in length, twenty-four (24) inches in diameter and fifty (50) pounds in weight.

“Bundled ~~m~~Material” means lumber, ~~cardboard~~ or carpet that is securely tied in bundles, each bundle not exceeding four (4) feet in length, twenty-four (24) inches in diameter and fifty (50) pounds in weight.

“Cathode Ray Tube (CRT)” means a device for projecting images onto a leaded glass screen by means of electrons. The device is found in traditional televisions and computer monitors and is commonly referred to as a television tube or computer monitor display tube.

“Collection ~~p~~Point” means the County-designated location where service through the ~~R~~Residential ~~e~~Collection System service is provided and means the unpaved area between the street pavement and front property line of each dwelling which fronts on the public street. If none exists, the location shall be as near the edge of pavement as possible so as not to obstruct or impede the travel of pedestrians or vehicles or parking of cars. In those cases where service is provided along alleyways, the ~~e~~Collection ~~p~~Point shall be adjacent to the alley, outside of all private fences and placed so as not to impede vehicular travel.

“Commercial ~~e~~Establishment” means any nonresidential location not otherwise exempt under federal or state law, including, but not limited to: the nonresidential portion of mixed-use office buildings, shopping centers, places of worship, Nonprofit Organizations, hospitals, public or private schools or universities, government buildings or agencies, public authorities, or a Commercial Tenant of any of these properties. Commercial Establishment also means the nonresidential portion of mixed-use buildings — properties that serve as a Multi-Family Property and Commercial Establishment, such as ground floor retail with upper-story residential or office uses. Home-based businesses (home occupations) are excluded.

“Commercial Tenant” means a lessee or any other occupant of a nonresidential Commercial Establishment.

“Construction and Demolition Debris (CDD)” means Solid Waste that is generated during construction, remodeling, major repair, or demolition of pavements, houses, commercial buildings, or any other structures. CDD includes, but is not limited to: lumber, wire, drywall, brick, shingles, glass, pipes, concrete, paving materials, metals, and plastics, if part of the materials of construction and/or empty containers for such materials. Small amounts of residential construction materials generated from minor remodeling or repair projects in homes serviced by the Residential Collection System are exempt from this definition.

“County Manager” means the County Manager of Arlington County, Virginia, or ~~his/her~~ their designee.

“DES” means the Arlington County Department of Environmental Services.

“Electronics” means household batteries, televisions, computer equipment, radios, calculators, video and audio equipment, phones, cameras, peripheral equipment, and similar electronic devices which contain circuit boards. Electronics do not include small appliances or other such household products with an electrical cord.

“Food ~~waste~~ Scraps” means any food substance, raw or cooked, which is discarded, or intended or required to be discarded. Food ~~wastes~~ Scraps are the organic residues generated by the handling, storage, sale, preparation, cooking, and serving of foods.

“Front ~~b~~Building ~~l~~Line” means a straight line running between the two (2) corners of a building side facing the street frontage or the two (2) extreme edges of the building profile visible from the street frontage and extending to the property line.

“Household ~~a~~Appliance” means refrigerators, freezers, clothes washers, clothes dryers, dishwashers, trash

compactors, air conditioners, or any other heavy metal objects too large to entirely fit into a refuse ~~Trash~~ eCart.

“Household eContainer” means a metal or sturdy plastic container of substantial construction which is watertight, equipped with a tightly fitting lid and carrying handles sufficient for safe and convenient handling. Such containers shall have a capacity of not less than twenty (20) gallons nor more than thirty-two (32) gallons and shall be properly labeled to identify the contents therein as either refuse ~~Trash~~, ~~Recyclable~~ ~~mMaterials~~, or ~~yYard waste~~ ~~Trimming~~s.

“Household ~~hHazardous~~ ~~mMaterials~~ (HHM)” means any commercial product that contains hazardous ingredients used by residential as opposed to industrial consumers, which pose certain risks to human health and the environment when managed improperly. HHM have hazardous characteristics, such as being reactive, corrosive, ignitable, and/or toxic, that requires special handling and proper management to minimize risks when discarded by residents or is no longer usable for its intended purpose, including, but not limited to, ~~a~~ paints, stains, varnishes, solvents, pesticides, and other materials.

“Leaf eCollection sSeason” means that time period specifically designated and published by the Department of Environmental Services, Solid Waste Bureau for the collection of loose leaves.

“Mercury ~~tThermostats~~” means a device, as in a home heating system, a refrigerator, or an air conditioner, that automatically responds to temperature changes and activates switches controlling the equipment that contains mercury.

~~“Metal” means discarded metal suitable for reprocessing.~~

~~“Multi-fFamily dwelling Property” means a building, or portion thereof, designed for occupancy by three (3) or more families living independently, or a townhouse/condominium association, cooperative, etc. not participating in that is not required pursuant to this Chapter to participate in the County-rResidential eCollection sSystem. Home occupation permitted businesses operating from such are subject to the multi-family requirements of Article IV.~~

“Nonprofit oOrganization” means an organization not conducted or maintained for the purpose of making a profit.

~~“Nonresidential” means property other than housing, such as office buildings, shopping centers, businesses, churches, hotels, hospitals, schools, or government buildings.~~

“Organics eCart” means a wheeled container with a ~~water tight~~ watertight lid provided by the County specifically for the collection of ~~yYard waste~~ ~~Trimming~~s at the residential eCollection pPoint.

“Plastic bBag” means a flexible container of at least thirteen (13) gallons capacity and not more than thirty-three (33) gallons capacity and made of plastic at least eighty-five hundredths (0.85) mils thick. Notwithstanding the foregoing sentence, in all events the bag must be sturdy enough to support the weight of the contents.

“Recyclable ~~mMaterials~~” means materials that can be recovered ~~from the Waste Stream~~ and reprocessed to be reused as a material to make new products, such as cardboard, mixed paper, metal cans, aluminum, glass, plastic, and metal items, that are identified as ~~Recyclable~~ ~~mMaterials~~ pursuant to the list administered by the Department of Environmental Services, Solid Waste Bureau and posted on the County website. The County Manager ~~or their designee~~ will announce 90 days prior to the addition of new materials to the list.

“Recycling” means the act of ~~Source-s~~Separating ~~a-r~~Recyclable ~~mMaterials~~ from the solid ~~w~~Waste ~~s~~Stream for the purpose of processing ~~it so that it may be used again as a~~ ~~into~~ raw materials or products, which may or may not be similar to the original product.

“Recycling eCart” means a wheeled container with a watertight lid provided by the County specifically for the collection of ~~Recyclables~~ ~~mMaterials~~ at the residential eCollection pPoint.

~~“Refuse” means all solid waste, including cold ashes, garbage, rubbish, bulky wastes, and construction and~~

demolition wastes excluding hazardous and infectious materials.

“Refuse cart” means a wheeled container with a watertight lid provided by the County for the collection of refuse at the residential collection point.

“Refuse station” means the facility designated by the County Manager for disposal of refuse. This facility may be a transfer station, waste-to-energy or other facility designed to process solid waste.

“Residential Collection System” means the Solid Waste collection services provided by the County or its contractor to the properties as set forth in § 10-5.

“Scrap Metal” means discarded metal suitable for reprocessing, including Household Appliances.

“Solid Waste” (“Municipal Solid Waste” or “Waste Stream”) means any is a general term that includes gGarbage, rRefuse, rRubbish, tTrash, as well as Recyclable Materials, Yard Trimmings, Food Scraps, used cooking grease and or other discarded materials, substances, or by-products, but does not include solid or dissolved materials in domestic sewage, solid or dissolved materials in irrigation return flows, industrial discharges, or special nuclear or by-product materials. generated by occupants and visitors of single-family and multi-family properties, Commercial Establishments, public spaces and other nonindustrial properties. Construction and Demolition Debris, Household Hazardous Materials, infectious waste, wastewater sludge, combustion ash and other industrial waste or hazardous waste are excluded.

“Source-Separate” means the act of separating materials from the Waste Stream — such as Recyclables, Yard Trimmings and Food Scraps — for reuse or Recycling instead of disposing the materials as Trash in a landfill or waste-to-energy facility.

“Special Collection” means any additional collection of various items including Unbundled Brush, Household Appliances or Scrap Metal, and Electronics from participants in the Residential Collection System. Special Collections are requested by the property owner or tenant online or by calling the Department of Environmental Services.

“Toxic and hHazardous mMaterial” means all material, including herbicides and pesticides, defined as hazardous or toxic by Virginia statute or regulations adopted under Virginia state statute.

“Trash” is used interchangeably with the terms “solid waste” and “refuse.” (“Garbage,” “Refuse,” “Rubbish”) means the materials of the Waste Stream that are disposed of at a waste-to-energy facility or landfill instead of Source-Separated for reuse and Recycling, including bulky wastes and small amounts of residential construction materials. Construction and Demolition Debris, Household Hazardous Materials, industrial waste, wastewater sludge, infectious waste and other hazardous waste material are excluded.

“Trash Cart” means a wheeled container with a watertight lid provided by the County for the collection of Trash at the Collection Point.

“Unbundled bBrush” means trees, tree branches, shrubbery trimmings and similar plant material not exceeding ten (10) feet in length and eighteen (18) inches in diameter.

“Yard waste Trimmings” means decomposable waste materials generated by general residential yard and lawn care and includes leaves, grass trimmings, brush, wood chips, and shrub and tree trimmings. Yard waste Trimmings shall not include roots or stumps that exceed 12 inches in diameter nor do yYard waste Trimmings include any materials resulting from land clearing or development activities.
(Ord. No. 83-22, 7-13-83; Ord. No. 92-19, 7-1-92; Ord. No. 96-9, 6-29-96; Ord. No. 03-07, 3-29-03; Ord. No. 10-21, 12-11-10, effective 1-1-11, Ord. No. 15-08, 11-14-15)

§ 10-3. Administration of Article.

This article shall be administered by the County Manager or his/her their designee.

(Ord. No. 83-22, 7-13-83, Ord. No. 15-08, 11-14-15)

§10-4. Deposit at Other Than Approved Place - Prohibited.

It shall be unlawful for any person to dispose, dump, deposit, or leave any ~~sSolid w~~Waste within the County except at a place of final disposal approved under this article. This provision shall not apply to waste audits conducted by, or on behalf of the County, provided that all waste is properly disposed upon completion of such audit.

(Ord. No. 83-22, 7-13-83, Ord. No. 15-08, 11-14-15)

§ 10-5. Participation in the County Residential Collection System.

A. The owner or occupant of each one-family or two-family dwelling as defined in § ~~18.2~~ of the Arlington County Zoning Ordinance must participate in the Arlington County ~~R~~Residential ~~e~~Collection ~~s~~System. The County shall collect the ~~refuse~~ ~~Trash~~, ~~R~~Recyclable ~~m~~Materials, and ~~y~~Yard waste ~~Trim~~mmings from each dwelling participating in the Arlington County ~~R~~Residential ~~e~~Collection ~~s~~System weekly. The owner or occupant of the dwelling shall pay the fees provided for in §10-8 of this chapter. All participants in the Arlington County ~~R~~Residential ~~e~~Collection ~~s~~System are eligible for one (1) ~~refuse~~ ~~Trash~~, one (1) ~~R~~Recycling, and one (1) ~~o~~Organics ~~e~~Cart as part of the base ~~R~~Residential ~~e~~Collection ~~s~~System fee. Up to two (2) additional ~~refuse~~ ~~Trash~~, ~~R~~Recycling, or ~~o~~Organics ~~e~~Carts (for a total of six (6)) may be requested at a charge as set forth in §10-8, for a maximum total of nine (9) carts.

1. The County Manager or their designee is authorized to make exceptions based on safety or health considerations.
2. Home occupations as defined in § 18.2 of the Arlington County Zoning Ordinance that generate a de minimis amount of Solid Waste are eligible to receive Trash, Recycling, and Yard Trimmmings collection through the Residential Collection System. Home occupations are not eligible for Special Collections.

B. If a County collection truck enters a private street to collect ~~refuse~~ ~~Trash~~, ~~R~~Recyclable ~~m~~Materials, or ~~y~~Yard waste ~~Trim~~mmings, the street must be constructed according to Arlington County Department of Environmental Services Standards and Specifications; and must be at least fourteen (14) feet wide excluding the space taken up by parked cars. Residents of lots on private streets that do not meet the County standards and specifications as of July 1, 1992, shall bring their ~~refuse~~ ~~Trash~~, ~~R~~Recyclable ~~m~~Materials, and ~~y~~Yard waste ~~Trim~~mmings to the nearest designated ~~e~~Collection ~~p~~Point accessible to County collection trucks to be eligible to continue to participate in the County ~~R~~Residential ~~e~~Collection ~~s~~System.

C. The owners of a development of townhouse dwellings, as defined in the Arlington County Zoning Ordinance, constructed after July 1, 2003, will be required to participate as a group in the Arlington County ~~R~~Residential ~~e~~Collection ~~s~~System, provided:

1. Each dwelling is individually metered for water;
2. There is adequate space so that the collection truck can turn around without backing onto or off of a street;
3. Parking is arranged so that ~~refuse~~ ~~Trash~~, ~~R~~Recyclable ~~m~~Materials, and ~~y~~Yard waste ~~Trim~~mmings need not be carried between parked cars;
4. If it is necessary for the collection truck to enter a private street, the street is constructed according to Arlington County Standards and Specifications enforced by the Arlington County Department of ~~Public Works~~ Environmental Services;
5. The street is at least fourteen (14) feet wide excluding the space taken up by parked cars; and
6. The County Manager or ~~his/her~~ their designee is authorized to establish reasonable procedures that allow for exceptions based on safety or health considerations or a determination that the use of

~~refuse~~ Trash, ~~Recycling~~, and/or ~~Organics~~ Carts are not feasible or useable for the townhouse or townhouse development.

D. Any ~~Nonprofit~~ Organization which places for collection ~~nine (9) or fewer household containers,~~ or up to three (3) ~~refuse~~ Trash Carts or Household Containers for Trash, three (3) ~~Recycling~~ Carts or Household Containers for Recycling, and three (3) ~~Organics~~ Carts or Household Containers for Yard Trimmings, per week, and is not located in a multi-tenant building, may participate in the Arlington County ~~Residential~~ Collection ~~s~~System. Nonprofit ~~Organizations~~ are not eligible for ~~s~~Special Collections.

E. Any townhouse/~~condominium association, cooperative, etc. or other residential~~ dwelling that is not required to participate in ~~or is exempt from participating in~~ the Arlington County ~~Residential~~ Collection ~~s~~System shall be ~~treated as a Multi-Family Property and is~~ subject to the multi-family requirements in Article IV of this Chapter. (Ord. No. 92-19, 7-1-92; Ord. No. 96-9, 6-29-96; Ord. No. 03-07, 3-29-03; Ord. No. 04-25, 10-2-04; Ord. No. 10-21, 12-11-10, effective 1-1-11, Ord. No. 15-08, 11-14-15)

§ 10-6. Storage, Removal, and Maintenance.

A. *Storage generally.* It shall be unlawful for any person to store any ~~refuse~~ Trash, ~~Recyclable~~ Materials, or ~~Yard waste~~ Trimmings within the County, except as provided in this article.

B. *Responsibilities of owners and occupants of dwellings required to participate in the County* ~~Residential~~ Collection ~~s~~System:

1. It shall be the responsibility of the owner, or occupant if different from the owner, of each dwelling ~~receiving~~ required to participate in the County ~~Residential~~ Collection ~~service,~~ System to adhere to the following practices:

a. ~~Refuse~~ Trash shall be placed at the ~~e~~Collection ~~p~~Point in ~~refuse~~ Trash Carts, ~~h~~Household eContainers, ~~p~~Plastic ~~b~~Bags, or bundles. Oversized bulky ~~refuse~~ Trash items that are too large to be bagged, bundled, or placed in a cart such as furniture, mattresses, or box springs may be placed at the ~~e~~Collection ~~p~~Point as long as the item does not exceed 500 pounds and will fit into a rear-loading collection vehicle. Recyclable ~~m~~Materials shall be placed at the ~~e~~Collection ~~p~~Point in ~~Recycling~~ Carts, ~~h~~Household eContainers, or cardboard boxes. Oversized cardboard may be placed adjacent to ~~Recycling~~ Carts for collection as ~~Recyclable~~ Materials. Yard waste Trimmings shall be placed at the ~~e~~Collection ~~p~~Point in ~~Organics~~ Carts, ~~h~~Household eContainers, Biodegradable ~~p~~Paper ~~b~~Bags, or bundles. All ~~refuse~~ Trash, and ~~Recyclable~~ Materials and Yard Trimmings stored outside the dwelling shall be in ~~h~~Household eContainers, ~~refuse~~ Trash Carts, or ~~Recycling~~ Carts or Organics Carts.

(1) Recyclable ~~m~~Materials placed at the ~~e~~Collection ~~p~~Point must be separated from ~~refuse~~ Trash and ~~Yard waste~~ Trimmings.

(2) Scrap ~~m~~Metal and ~~e~~Electronics waste placed at the ~~e~~Collection ~~p~~Point must be separated from ~~refuse~~ Trash, ~~Recyclable~~ Materials, and ~~Yard waste~~ Trimmings.

(3) Effective July 1, 2015, ~~Yard waste~~ Trimmings placed at the ~~e~~Collection ~~p~~Point must be separated from ~~refuse~~ Trash and ~~Recyclable~~ Materials.

(4) ~~h~~Household eContainers shall be kept covered with tightly fitting lids at all times.

(5) Plastic ~~b~~Bags containing ~~refuse~~ Trash and placed at the ~~e~~Collection ~~p~~Point shall be securely tied with the contents wrapped to prevent tearing or puncturing the bag. Plastic ~~b~~Bags shall not be used to contain ~~Recyclable~~ Materials or ~~Yard waste~~ Trimmings placed at the ~~e~~Collection ~~p~~Point.

- (6) No amount of liquid in excess of one-half (1/2) gallon shall be placed at any ~~residential e~~Collection ~~p~~Point. The County shall not be liable for any damage to private property caused by the collection of liquids improperly placed at the ~~e~~Collection ~~p~~Point.
 - (7) Ashes shall be cold to the touch prior to placement at the ~~e~~Collection ~~p~~Point.
 - (8) Household ~~e~~Containers or ~~p~~Plastic ~~b~~Bags placed at the ~~e~~Collection ~~p~~Point shall not exceed fifty (50) pounds gross weight.
 - (9) Bundled ~~m~~Material and ~~b~~Bundled ~~b~~Brush shall be securely tied in bundles, with each bundle not to exceed four (4) feet in length, twenty-four (24) inches in diameter and fifty (50) pounds in weight.
 - (10) Unbundled ~~b~~Brush, ~~s~~Scrap ~~m~~Metal, and ~~e~~Electronics ~~waste~~ shall be placed at the ~~e~~Collection ~~p~~Point only when arrangements for collection have been made with the Department of Environmental Services. Collection arrangements shall be made no later than the work day prior to the regularly scheduled collection day.
 - (11) Loose glass or mirror placed at the ~~e~~Collection ~~p~~Point shall be securely wrapped in plastic sheeting or newspaper with the edges taped to contain any breakage and clearly labeled as glass.
 - (12) Liquid paint shall not be placed at any ~~residential e~~Collection ~~p~~Point.
 - (13) ~~Styrofoam~~ Foam packaging peanuts, shredded paper, and other light-weight materials shall be securely contained in a ~~p~~Plastic ~~b~~Bags or other container prior to placement in a cart or ~~h~~Household ~~e~~Container.
- b. All ~~refuse~~ Trash, ~~r~~Recyclable ~~m~~Materials, and ~~y~~Yard waste Trimmings shall be placed at the ~~e~~Collection ~~p~~Point no sooner than 5:00 p.m. the day prior to, nor later than 6:00 a.m. of the day of scheduled collection. Any ~~refuse~~ Trash, ~~r~~Recyclable ~~m~~Materials, or ~~y~~Yard waste Trimmings left uncollected due to late placement at the ~~e~~Collection ~~p~~Point, improper preparation, or prohibited materials shall be removed from the ~~e~~Collection ~~p~~Point not later than twenty-four (24) hours after the day of scheduled collection.
 - c. County-provided carts are property of the County. All carts and ~~h~~Household ~~e~~Containers shall be removed from the ~~e~~Collection ~~p~~Point and returned to their normal storage location within twenty-four (24) hours after the day of scheduled collection or emptying. Normal location shall mean a regular place of keeping not in front of the dwelling and/or behind the ~~f~~Front ~~b~~Building ~~l~~Line that faces any County street, unless there is fencing or landscaping that screens or shields the containers from general view from the street.
 - d. Maintain carts and ~~h~~Household ~~e~~Containers in a serviceable and sanitary condition. Carts and ~~h~~Household ~~e~~Containers shall be cleaned prior to the next scheduled collection day upon the owner or occupant being informed by the County of the need for cleaning. If a ~~h~~Household ~~e~~Container is determined by the County to be unserviceable (including, but not limited to, cracked, rusted, dented/damaged), the County shall inform the owner or occupant by placing a notification tag on the ~~h~~Household ~~e~~Container. If the same ~~h~~Household ~~e~~Container is used in the future, it shall be collected for disposal with the regular ~~refuse~~ Trash or ~~r~~Recyclable ~~m~~Materials. If a County-provided cart is determined by the County to be unserviceable (including, but not limited to, not watertight, no lid, presence of a hole or crack in the body or the lid larger than one [1] inch), the County may repair or replace the cart.

- e. Place loose leaves at curbside for collection during the designated ~~H~~Leaf ~~e~~Collection ~~s~~Season in accordance with the County's published vacuum collection schedule.
 - f. At occupant's expense, privately dispose of:
 - (1) All items weighing more than five hundred (500) pounds.
 - (2) Building material such as brick, masonry block, rock, ~~sed, earth~~ dirt, large quantities of drywall ~~sheet rock~~, or sand.
 - (3) Building materials not prepared in accordance with this Code and any building materials resulting from work performed by a person in the course of business.
 - (4) Trees, tree branches, shrubbery, or other plant material that exceed ten (10) feet in length or eighteen (18) inches in diameter or that are the result of the clearing of multiple trees from a property.
 - g. Keep dogs tied up securely or in the dwelling on the day of scheduled collection when ~~b~~Backdoor ~~s~~Service (non-curbside) is provided.
 - h. Upon discovery, but not later than twenty-four (24) hours after collection, clean up any ~~refuse~~ Trash, ~~r~~Recyclable ~~m~~Materials, ~~y~~Yard waste Trimmings, and/or litter remaining at the ~~e~~Collection ~~p~~Point which was not collected because of the failure to adhere to the above practices.
- C. Reserved.
- D. *Household hazardous and infectious materials:*
- 1. Infectious material and dead animals shall not be put out for collection.
 - 2. Highly combustible material such as floor sandings, explosives, kerosene, gasoline, waste oil; any bottle, tank, or drum which previously contained or still contains any flammable, toxic, or other ~~h~~Household ~~h~~Hazardous ~~m~~Material shall not be put out for collection, except that the above materials (excluding explosives) in quantities less than five (5) gallons and all containers may be disposed of by participants in the County ~~r~~Residential ~~e~~Collection ~~s~~System by taking them to the Arlington County Water Pollution Control Plant HHM Facility for disposal.
 - 3. Animal feces shall be securely sealed or wrapped in plastic or paper bags before being placed in a ~~refuse~~ Trash ~~e~~Cart or ~~h~~Household ~~e~~Container.
 - 4. Cathode ~~r~~Ray ~~t~~Tubes (CRTs) or items containing (CRTs) shall be considered ~~e~~Electronics ~~s~~ waste and may be placed at the ~~e~~Collection ~~p~~Point only when arrangements for collection have been made in advance with the Department of Environmental Services.
 - 5. Mercury ~~t~~Thermostats or items containing ~~m~~Mercury ~~t~~Thermostats shall not be put out for collection but may be taken to the Arlington County Water Pollution Control Plant HHM Facility for disposal.
- E. *Failure to adhere to the storage, removal, and maintenance provisions:*
- 1. In addition to penalties provided by law, the County may, if the storage, removal, and maintenance provisions of §10-6 are not adhered to, have such storage, removal, and maintenance provision violations corrected by the County's agents or employees and the cost thereof shall be charged to and paid by the owner or occupant of such property in the same manner as ~~other refuse~~ the Household Solid Waste Rate ~~collection service charges are~~ is imposed.

2. In the event that ~~solid waste~~ Trash, ~~Recyclable m~~Materials, or ~~y~~Yard waste Trimmings placed at the ~~e~~Collection ~~p~~Point are not eligible for collection or are improperly prepared for collection and are not removed from the ~~e~~Collection ~~p~~Point in the manner and timeframe specified above, then the County may cause such to be removed, and a removal fee of three hundred dollars (\$300.00) plus the cost of any applicable disposal charges shall be assessed and added to the next ~~residential collection service~~ Household Solid Waste Rate charge for the property. The County will not undertake any such removal action until the County has posted a ~~N~~notice of ~~V~~violation at the ~~e~~Collection ~~p~~Point or dwelling describing the violation(s) and corrective action(s) required, which shall include a period of forty-eight (48) hours to remedy the violation(s). The forty-eight (48) hour period to remedy may be waived by the County Manager or ~~his/her~~ their designee for reasons of public health or safety or the environment, such as the improper placement of ~~h~~Household ~~h~~Hazardous ~~m~~Material at the ~~e~~Collection ~~p~~Point, disruption of pedestrian or vehicular traffic, or blowing litter.
3. In the event that carts and/or ~~h~~Household ~~e~~Containers are not removed from the ~~e~~Collection ~~p~~Point in the manner and timeframes specified above, then the County may cause such to be removed, and a removal fee of fifty dollars (\$50.00) shall be assessed and added to the next ~~residential collection service~~ Household Solid Waste Rate charge for the property. The County will not undertake any such removal action until the County has posted a ~~N~~notice of ~~V~~violation at the ~~e~~Collection ~~p~~Point or dwelling describing the violation(s) and corrective action(s) required, which shall include a period of twenty-four (24) hours to remedy the violation(s). The twenty-four (24) hour period to remedy may be waived by the County Manager or ~~his/her~~ their designee for reasons of public health or safety or the environment, such as the improper placement of ~~h~~Household ~~h~~Hazardous ~~m~~Material at the ~~e~~Collection ~~p~~Point, disruption of pedestrian or vehicular traffic, or blowing litter.

(Ord. No. 83-22, 7-13-83; Ord. No. 92-19, 7-1-92; Ord. No. 96-9, 6-29-96; Ord. No. 03-07, 3-29-03; Ord. No. 10-21, 12-11-10, effective 1-1-11, Ord. No. 15-08, 11-14-15)

§ 10-7 Reserved.

(Ord. No. 83-22, 7-13-83; Ord. No. 85-3, 1-5-85; Ord. No. 92-19, 7-1-92; Ord. No. 94-6, 3-19-94; Ord. No. 03-17, 6-28-03; Ord. No. 10-21, 12-11-10, effective 1-1-11, Ord. No. 15-08, 11-14-15)

§ 10-8. Refuse Trash, Recyclable Materials and Yard Trimmings Collection and Disposal Charges; Relief from Such Charges.

A. There is hereby imposed for each one-family residential dwelling, each unit of a two-family residential dwelling, and each participating townhouse residential dwelling an annual Household Solid Waste Rate charge of three hundred ~~fourteen~~ sixteen dollars and sixteen cents (\$~~314~~316.16), billed quarterly, beginning with the quarter of July 1, 2017~~8~~, through September 30, 2017~~8~~, for ~~refuse~~ Trash, ~~Recyclable m~~Materials, and ~~y~~Yard waste Trimmings collection and disposal by Arlington County. This annual charge shall be assessed whether or not the dwelling is occupied.

B. An additional charge of two dollars (\$2.00) per month per additional ~~refuse~~ Trash, ~~or~~ ~~Recycling~~, or ~~o~~Organics ~~e~~Cart will be charged.

C. The charges in subsection A and B shall be billed quarterly.

1. The quarterly charges are imposed upon the owners of record of each one-family residential dwelling, each two-family residential dwelling, and each townhouse residential dwelling as evidenced by the land records of the Office of the Clerk of the Circuit Court of Arlington County as of 12:00 p.m. (noon) local time on the first day of each quarter; however, if such record owner changes during the quarter, the charges shall be prorated as of the day of the change. Such refunds as are due as a result of the proration will be made by Arlington County.
2. The owner or occupant, if different from owner, shall be billed quarterly for ~~the refuse collection and disposal charges and the recycling charges~~ Trash, Recyclable Materials, and Yard Trimmings collection and disposal charges in the quarter to which the charges apply at the same time that billing

for water and/or sewer service to the premises occurs.

3. The County Manager or their designee is designated as the collection agent for the purposes of collecting the refuse Trash, and recycling Recyclable Materials and Yard Trimmings collection and disposal charges.
4. Charges are due and payable when the billing is rendered and charges are delinquent if payment is not received by Arlington County within thirty (30) days of the date of the billing.
5. The owner of record of each dwelling, as evidenced by the land records of the Office of the Clerk of the Circuit Court of Arlington County, shall be responsible for all charges not paid by the occupant of the property, if different from the owner.
6. Charges, if not paid before delinquency, shall become a lien against the real property in the manner provided by law.
7. A late charge of six percent (6%) shall be imposed on the outstanding balance of refuse Trash, and ~~Recyclable~~ Materials and Yard Trimmings collection and disposal charges unpaid thirty (30) days after the billing date. In addition to all other enforcement procedures permitted by law, the water and/or sewer service to the premises may be terminated if the refuse Trash, and recycling Recyclable Materials and Yard Trimmings collection and disposal charges are not paid when due.

D. The County Board may from time to time appropriate money pursuant to §58.1-3210 of the Virginia Code of 1950, as amended, for the purpose of granting relief from these charges to homeowners who have qualified for an exemption of all or any portion of their real estate tax under Chapter 43, Real Estate Tax Relief for the Elderly. Persons qualifying for a deferral only of real estate tax shall not be granted relief from this charge. Such appropriation shall be made to the credit of the County Manager or their designee in his their capacity as the constituted local board of welfare of Arlington County, Virginia, and such appropriation shall be conditioned upon the County Manager or their designee making to these homeowners grants equal to the amount of this charge levied upon them; the grants shall be in addition to the relief which the recipients receive under Chapter 43. Grants shall be payable to qualified recipients in a single amount at the beginning of each fiscal year or, at the discretion of the County Manager or their designee, can be credited quarterly during each fiscal year to the quarterly refuse and recycling Trash, Recyclable Materials and Yard Trimmings collection and disposal charges made to qualified recipients.

E. Residents requiring replacement of a County-provided cart due to damage caused by the resident or their agent shall be charged a fee of sixty dollars (\$60.00) for the replacement cart. This fee shall be added to the owner or occupant's quarterly charges described in subsection A and shall be subject to all of the procedures, requirements and penalties for collection described in subsection C.

F. Residents requesting pickup and disposal of ~~h~~Household ~~a~~Appliances shall be charged a fee of ten dollars (\$10.00) for the first item and no charge for each additional item as part of the same service order at the same address, effective July 1, 2011. This fee shall be added to the owner or occupant's quarterly charges described in subsection A and shall be subject to all of the procedures, requirements and penalties for collection described in subsection C.

G. Effective April 30, 2005, there is hereby imposed a fee of twenty dollars (\$20.00) for the disposal of televisions and a fee of fifteen dollars (\$15.00) for the disposal of computer monitors. This fee shall be added to the owner or occupant's quarterly charges described in subsection A and shall be subject to all of the procedures, requirements and penalties for collection described in subsection C. Other ~~e~~Electronics (e.g., CPU's, peripherals, accessories, VCR's, stereos, etc.) will not incur a disposal fee.

H. Effective July 1, 2016, the fees as provided in § 10-8.G for collection of flat-screen televisions and flat-screen computer monitors that do not contain ~~e~~Cathode ~~R~~ay ~~t~~ubes (CRTs) shall no longer be charged. (Ord. No. 83-22, 7-13-83; Ord. No. 84-10, 7-1-84; Ord. No. 84-34, 10-27-84; Ord. No. 85-17, 7-1-85; Ord. No. 86-8, 7-1-86; Ord. No. 87-2, 1-24-87; Ord. No. 88-3, 2-20-88; Ord. No. 88-9, 7-1-88; Ord. No. 89-6, 7-1-89; Ord. No. 90-4, 7-1-90; Ord. No. 90-8, 7-1-90; Ord. No. 92-19, 7-1-92; Ord. No. 92-20, 7-1-92; Ord. No. 93-3, 7-1-93; Ord. No.

94-6, 3-19-94; Ord. No. 95-20, 11-18-95; Ord. No. 96-9, 6-29-96; Ord. No. 97-4, 4-12-97; Ord. No. 98-7, 7-1-98; Ord. No. 98-20, 7-1-98; Ord. No. 99-11, 4-14-99; Ord. No. 00-8, 4-13-00; Ord. No. 02-7, 4-20-02; Ord. No. 03-07, 3-29-03; Ord. No. 03-08, 4-26-03; Ord. No. 04-06, 4-24-04; Ord. No. 05-03, 4-16-05, Effective 7-1-05; Ord. No. 06-05, 4-22-06, Effective 7-1-06; Ord. No. 07-02, 4-21-07, effective 7-01-07; Ord. No. 08-02, 4-19-08, effective 7-01-08; Ord. No. 09-05, 4-28-09, effective 7-1-09; Ord. No. 09-13, effective 7-1-09; Ord. No. 10-05, 4-24-10, effective 7-1-10; Ord. No. 10-21, 12-11-10, effective 1-1-11; Ord. No. 12-04, 4-21-12, effective 7-1-12; Ord. No. 12-11, 10-20-12, effective 7-1-12; Ord. No. 13-02, 4-20-13, effective 7-1-13, Ord. No. 15-08, 11-14-15, Ord. No. 16-02, 4-19-16, effective 7-1-16).

§ 10-9. Scavenging.

It shall be unlawful for any person to remove any ~~refuse~~ **Trash** or ~~Recyclable m~~ **Material** placed by the occupant of a dwelling for disposal or collection other than his own unless permission has been obtained from the occupant of the dwelling for such removal.

(Ord. No. 83-22, 7-13-83; Ord. No. 87-2, 1-24-87)

§ 10-10. Use of Public and Private Receptacles.

It shall be unlawful for any person to place solid waste **Trash** or **Recyclable m** **Material**, ~~that was produced in his/her residential dwelling or commercial establishment,~~ in any public or private cart, can, ~~h~~ **Household e** **Container**, commercial container, or retail container on public property or private property of another unless authorized to do so by either the County Manager **or their designee** in case of County property or the property owner in case of private property. **This section shall not apply to carts, cans, or containers provided for public use for litter collection.**

(Ord. No. 83-22, 7-13-83, Ord. No. 15-08, 11-14-15)

§ 10-11. Penalties.

Unless otherwise provided herein, it shall be unlawful to violate any of the provisions of this article and any person who violates any of them shall, upon conviction, be subject to a ~~fine~~ **civil penalty** not to exceed three hundred dollars (\$300.00) for each violation.

(Ord. No. 83-22, 7-13-83; Ord. No. 87-2, 1-24-87; Ord. No. 10-21, 12-11-10, effective 1-1-11)

ARTICLE IV.

MULTI-FAMILY AND COMMERCIAL REFUSE TRASH AND RECYCLING

§ 10-30. Definitions.

The following words and terms, when used in this article, shall have the following meanings unless the context clearly indicates otherwise:

“Back-Haul Collection” means a system in which Recyclable Materials are delivered to an intermediate facility for collection and subsequent processing in lieu of the Commercial Establishment holding a Recycling Contract with a Collector.

~~“Commercial establishment” means any nonresidential location including the nonresidential portion of mixed use buildings.~~

~~“Collection system, commercial establishment” means a recycling system which includes the following components: (a) containers expressly for the collection and storage of recyclable materials to include cardboard, mixed paper, newsprint, metal and aluminum cans, glass bottles, and plastic food and beverage containers; (b) a recycling contract with a Collector for commercial collection of the recyclable materials and transportation to a recycling facility, or proof of self-haul to a recycling facility, or for commercial establishments with five (5) or fewer employees, certification of self-haul to a recycling drop-off center; and (c) educational materials to inform employees and tenants of how to properly use the recycling system.~~

~~“Collection system, multi-family dwelling” means a system which includes the following components: (a) containers expressly for the collection and storage of recyclable materials to include cardboard, mixed paper, newsprint, metal and aluminum cans, glass bottles, and plastic food and beverage containers; (b) a recycling contract with a Collector for commercial collection of the recyclable materials and transportation to a recycling facility, or proof of self-haul to a recycling facility; and (c) educational materials to inform tenants of how to properly use the recycling system.~~

~~“Collector” means any person, corporation, association, firm, partnership, company, or any other legal entity engaged in the regularly-scheduled commercial collection and transportation of sSolid wWaste and/or any material separated for rRecycling and is operating in accordance with the requirements pursuant to Article V of this Chapter.~~

“Commercial Establishment” means any nonresidential location not otherwise exempt under federal or state law, including, but not limited to: office buildings, shopping centers, places of worship, Nonprofit Organizations, hospitals, public or private schools or universities, government buildings or agencies, public authorities, or a Commercial Tenant of any of these properties. Commercial Establishment also means the nonresidential portion of mixed-use buildings — properties that serve as a Multi-Family Property and Commercial Establishment, such as ground floor retail with upper-story residential or office uses. Home-based businesses (home occupations) are excluded.

“Commercial Tenant” means a lessee or any other occupant of a nonresidential Commercial Establishment.

~~“Compostable materials” means materials that can be converted into a stabilized organic product through a controlled aerobic decomposition process in such a manner that the product can be handled, stored, and/or applied to the land without adversely affecting public health or the environment and includes food waste and yard waste.~~

“Construction and Demolition Debris (CDD)” means Solid Waste that is generated during construction, remodeling, major repair, or demolition of pavements, houses, commercial buildings, or any other structures. CDD includes, but is not limited to: lumber, wire, drywall, brick, shingles, glass, pipes, concrete, paving materials, metals, and plastics, if part of the materials of construction and/or empty containers for such materials. Small amounts of residential construction materials generated from minor remodeling or repair projects in homes serviced by the Residential Collection System are exempt from this definition.

“County” means Arlington County Government.

“County Manager” means the County Manager of Arlington County Virginia, or his/her their designee.

~~“Curbside collection program participants” means the owner or occupant of each dwelling, as defined in § 10-5, that receives weekly refuse collection from the County. Home occupation permitted businesses operating from such dwellings are subject to the requirements of this article for such dwellings.~~

“DES” means the Arlington County Department of Environmental Services.

“Food Scraps” means any food substance, raw or cooked, which is discarded, or intended or required to be discarded. Food Scraps are the organic residues generated by the handling, storage, sale, preparation, cooking, and serving of foods.

“Household Hazardous Materials (HHM)” means any commercial product that contains hazardous ingredients used by residential as opposed to industrial consumers, which pose certain risks to human health and the environment when managed improperly. HHM have hazardous characteristics, such as being reactive, corrosive, ignitable, and/or toxic, that requires special handling and proper management to minimize risks when discarded by residents or is no longer usable for its intended purpose, including, but not limited to, paints, stains, varnishes, solvents, pesticides, and other materials.

~~“Multi-Family dwelling Property” means a building, or portion thereof, designed for occupancy by three (3) or more families living independently, or a townhouse/condominium association, cooperative, etc. development not participating in not part of the County Residential curbside eCollection System program. Home occupation permitted businesses operating from such dwellings are subject to the multi-family requirements of this article.~~

“Multi-Family and Commercial Recycling Program Fee” means the annual fee that all Multi-Family Properties and Commercial Establishments pay the County for the management and administration of Chapter 10 Article IV of the Arlington County Code.

“Nonprofit Organization” means an organization not conducted or maintained for the purpose of making a profit.

~~“Non-residential property” means property other than housing, such as office buildings, shopping centers, businesses, churches, hotels, hospitals, schools, or government buildings.~~

“Organics” means Source-Separated materials such as Yard Trimmings and Food Scraps that can be converted into a stabilized product through a controlled aerobic or anaerobic decomposition process in such a manner that the product can be handled, stored, and/or applied to the land without adversely affecting public health or the environment.

“Recyclables Collection System” (“Recycling System”) is the means by which Recyclable Materials are separated from the Waste Stream and at a minimum includes the following components: (a) sufficiently sized and appropriately located Recycling Containers as defined by this article; (b) a Recycling Contract, proof of Back-Haul Collection, or County approval to Self-Haul and (c) evidence of educational materials to inform employees and tenants of how to properly use the Recycling System.

“Recyclable ~~m~~Materials” means materials that can be recovered from the Waste Stream and reprocessed to be reused as a material to make new products, such as cardboard, mixed paper, metal cans, aluminum, glass, plastic, and metal items, that are identified as ~~r~~Recyclable ~~m~~Materials pursuant to the list administered by the Department of Environmental Services, Solid Waste Bureau and posted on the County website. The County Manager or their designee will announce 90 days prior to the addition of new materials to the list.

“Recycling” means the act of Source-sSeparating a ~~r~~Recyclable ~~m~~Materials from the ~~w~~Waste ~~s~~Stream for the purpose of processing it so that it may be used again as a into raw materials or products, which may or may not be similar to the original product.

“Recycling ~~e~~Container” means a rigid receptacle that is specifically designed, sized, constructed, labeled, and placed for on-site collection and temporary storage of ~~r~~Recyclable ~~m~~Materials, and includes cans, bins, carts, dumpsters, chute systems, compactors, roll-offs, and other collection container types approved by the Department of Environmental Services.

“Recycling ~~e~~Contract” means a contract or an agreement that a ~~e~~Commercial ~~e~~Establishment or ~~m~~Multi-Family ~~D~~welling Property has with a Collector to collect and transport the required ~~r~~Recyclable ~~m~~Materials to a ~~r~~Recycling ~~f~~Facility.

“Recycling ~~d~~Drop-~~e~~Off ~~e~~Center” means a ~~lawful collection site for the acceptance by donation, redemption, or purchase of recyclable materials from the public. Such a facility does not use power-driven processing equipment~~ one of the County’s community Recycling Drop-Off Centers used for the collection of Recyclable Materials from the public and small businesses.

“Recycling ~~f~~Facility” (“Materials Recovery Facility”) means a facility that ~~collects,~~ receives, sorts, processes, repackages, and markets previously ~~Source-s~~Separated ~~r~~Recyclable ~~m~~Materials.

“Recycling ~~p~~Plan” means a plan ~~provided to the Department of Environmental Service Solid Waste Bureau by~~ submitted by the Responsible Party of a ~~m~~Multi-~~f~~Family Property or ~~e~~Commercial ~~e~~Establishment, which ~~includes all the information required pursuant to § 10-32~~ provides information regarding the Recyclables Collection System.

“Recycling system” ~~refers to the means by which recyclable materials are separated from the waste stream collected on-site, and managed, and may include the means of delivering source-separated materials to a recycling facility or recycling drop-off center.~~

“Refuse” means all solid waste, including cold ashes, garbage, rubbish, bulky wastes, and construction and demolition waste ~~excluding hazardous and infectious materials.~~

“Refuse container or trash container” means a rigid receptacle that is specifically designed, sized, constructed, labeled, and placed for on-site collection and temporary storage of refuse pending collection and includes, but is not limited to, cans, dumpsters, chutes, enclosures, automatic lift containers, bins, roll-offs, and other receptacles.

“Residential Collection System” means the Solid Waste collection services provided by the County or its contractor to the properties as set forth in § 10-5.

“Responsible ~~p~~Party” means the owner, manager or other agent of a Multi-Family Property or Commercial Establishment, or a Commercial Tenant, for dwellings eligible for participation in the County curbside collection program, the dwelling owner or dwelling occupant if different from the owner. For a multi-family dwelling, the term “responsible party” shall mean the owner, manager, or agent responsible for the management and disposal of solid waste generated at that property. For a commercial establishment, the term “responsible party” shall mean the business or property owner, manager or agent and, if different, the party responsible for the management and disposal of solid waste generated at that commercial establishment.

“Self-Haul” means the practice of collecting and transporting Recyclable Materials to a Recycling Drop-Off Center or to a location outside of the County in lieu of a Recycling Contract with a Collector. This practice is limited to Commercial Establishments with five (5) or fewer employees that have an established Recyclables Collection System.

“Self-~~h~~Haul certification Approval” means ~~an annual certification approved by DES and issued to commercial establishments with five (5) or fewer employees that have an established Collection System and demonstrate self-hauling of recyclable materials to a recycling drop-off center or to a residence located outside of the County in lieu of a recycling contract with a Collector~~ the written acknowledgement and approval of the Department of Environmental Services, via the annual inspection form, that a Commercial Establishment has met the requirements to Self-Haul, as defined herein.

~~“Solid wWaste” or “waste” (“Municipal Solid Waste” or “Waste Stream”) means any~~ is a general term that includes gGarbage, rRefuse, rRubbish, tTrash, as well as Recyclable Materials, Yard Trimmings, Food Scraps, used cooking grease and or other discarded materials, substances, or by-products but does not include solid or dissolved materials in domestic sewage, solid or dissolved materials in irrigation return flows, industrial discharges, or special nuclear or by-product materials. generated by occupants and visitors of single-family and multi-family residential properties, Commercial Establishments, public spaces and other nonindustrial properties. Construction and Demolition Debris, Household Hazardous Materials, infectious waste, wastewater sludge, combustion ash and other industrial waste or hazardous waste are excluded.

“Source-Separate” means the act of separating materials from the Waste Stream — such as Recyclables, Yard Trimmings and Food Scraps — for reuse or Recycling instead of disposing the materials as Trash in a landfill or waste-to-energy facility.

“Trash” is used interchangeably with the terms “solid waste” and “refuse.” (“Garbage,” “Refuse,” “Rubbish”) means the materials of the Waste Stream that are disposed of at a waste-to-energy facility or landfill instead of Source-Separated for reuse and Recycling, including bulky wastes and small amounts of residential construction materials. Construction and Demolition Debris, Household Hazardous Materials, industrial waste, wastewater sludge, infectious waste and other hazardous waste material are excluded.

“Trash Container” means a rigid receptacle that is specifically designed, sized, constructed, labeled, and placed for on-site collection and temporary storage of Trash and includes cans, bins, carts, dumpsters, chute systems, compactors, roll-offs, and other collection container types approved by the Department of Environmental Services.

“Yard Trimmings” means decomposable waste materials generated by general residential yard and lawn care and includes leaves, grass trimmings, brush, wood chips, and shrub and tree trimmings.

(Ord. No. 93-22, 11-13-93; Ord. No. 10-21, 12-11-10, effective 1-1-11; Ord. No. 15-01, 1-27-15, effective 1-1-16, Ord. No. 15-08, 11-14-15)

§ 10-31. Requirements for Trash Materials to be Collected.

As of January 1, 2011:

A. ~~It shall be the responsibility of tThe owners or other rResponsible pParty of all eCommercial eEstablishments and mMulti-fFamily Properties dwellings to~~ shall provide for the private collection, and disposal of all ~~refuse~~ Trash at least weekly, unless given written exemption by the County Manager or their designee, and adhere to the following requirements praetices:

1. Provide sufficient number of ~~approved~~ Trash eContainers for the storage of ~~Trash~~ refuse. Trash Refuse eContainers shall be appropriately sized and clearly distinguished from ~~trash~~ Recycling eContainers used for Source-Separated materials by through the use of labels or other markings. Trash Refuse eContainers located on the exterior of a property shall be covered or otherwise secured to prevent the contents from blowing, leaking, or spilling. All Trash ~~refuse~~ eContainers shall be emptied frequently enough to prevent their contents from overflowing.
2. Maintain all Trash eContainers in a sanitary and serviceable condition, meaning containers must be leak proof and have properly functioning doors and lids.
3. Place exterior commercial Trash eContainers on concrete, or other similar impervious surfaces.

B. ~~Multi-family dwelling: Within ninety (90) days of the effective date of this section or within thirty (30) days of the recycling contract renewal date the responsible party of each multi-family dwelling shall provide a recycling system for its residents to separate the recyclable materials defined in § 10-30 from the waste stream. New multi-family dwelling properties are required to establish a collection system within ninety (90) days from the first date of occupancy by a tenant. The Responsible Party for a Multi-Family Property or Commercial Establishment may seek from the County Manager or their designee an exemption from the requirements in § 10-31.A pursuant to § 10-~~

~~C. Commercial establishment: Within ninety (90) days of the effective date of this section or within thirty (30) days of the recycling contract renewal date, the responsible party of each commercial establishment shall provide a recycling system for their employees and tenants to separate the recyclable materials defined in § 10-30 from the waste stream. If the commercial establishment includes both multi-family units and nonresidential properties, the multi-family tenants shall have access to a recycling system required in § 10-31.B. Each new commercial establishment is required to establish a collection system within ninety (90) days after receiving an Arlington County Certificate of Occupancy.~~

~~D. It shall be the responsibility of the owners or other responsible party of all commercial establishments and multi-family dwellings to provide for the private collection and recycling of all recyclable materials at least weekly, unless given a written exemption by the County Manager, and adhere to the following practices:~~

~~1. Provide a sufficient number of recycling containers for the storage of recyclable materials. Recycling containers shall be appropriately sized and clearly distinguished from trash containers by labels or other markings. Recycling containers located on the exterior of a property shall be covered or otherwise secured to prevent the contents from blowing, leaking, or spilling. All recycling containers shall be emptied frequently enough to prevent their contents from overflowing.~~

~~2. Maintain all containers in a sanitary and serviceable condition.~~

~~3. Place all containers on concrete, or other similar impervious surface.~~

~~(Ord. No. 93-22, 11-13-93; Ord. No. 10-21, 12-11-10, effective 1-1-11; Ord. No. 15-01, 1-27-15, effective 1-1-16; Ord. No. 15-08, 11-14-15)~~

§ 10-32. Additional Recycling Requirements. Requirements for Recyclable Materials to be Collected.

~~A. Multi-family dwelling: By no later than January 1, 2016, the responsible party for a multi-family dwelling that has trash disposal container(s) available for use by tenants or visitors in a common area on the interior or exterior of the property, to include, but not limited to, club room, laundry room, gym, mailroom, lobby, business room, roof deck, pool, and green space, shall provide adjacent to each trash disposal container location, a container for recyclable materials, if reasonably expected that recyclable materials would be disposed at that location. The recycling container shall be placed as close to the trash container as possible to provide equally convenient access to users and shall be of sufficient capacity to store the quantity of recyclable materials reasonably anticipated to be disposed at that location.~~

~~B. Commercial establishment: By no later than January 1, 2016, the responsible party for a commercial establishment that has trash disposal container(s) available for use by customers or visitors on the interior or exterior of the property shall provide adjacent to each trash disposal container, a container for recyclable materials, if reasonably expected that recyclable materials would be disposed at that location. The recycling container shall be placed as close to the trash container as possible to provide equally convenient access to users and shall be of sufficient capacity to store the quantity of recyclable materials reasonably anticipated to be disposed at that location.~~

~~C. The responsible party for a multi-family dwelling or commercial establishment may seek from the County an exemption from the recycling requirements in § 10-32.A and B of this section pursuant to § 10-36.~~

~~D. The responsible party for a multi-family dwelling or commercial establishment shall ensure that all recyclable materials collected and stored on site are handled separately from the waste stream and are not mixed with or disposed as trash.~~

A. The Responsible Party of all Commercial Establishments and Multi-Family Properties shall provide a Recyclables Collection System for the Source-Separation and collection of all Recyclable Materials at least weekly, unless given a written exemption by the County Manager or their designee, and adhere to the following requirements:

1. Provide a sufficient number of Recycling Containers for the storage of Recyclable Materials. In areas that have Trash Container(s) available for use by tenants, employees, visitors or other

occupants on the interior or exterior of the property — including, but not limited to, offices, conference rooms, club rooms, laundry rooms, gyms, mailrooms, guest rooms, lobbies, business rooms, roof decks, pools, and green spaces — a Recycling Container shall be placed adjacent to each Trash Container, if it is reasonably expected that Recyclable Materials would be disposed at that location. The Recycling Container shall be placed as close to the Trash Container as possible to provide equally convenient access for users.

2. Recycling Containers shall be appropriately sized and clearly distinguished from Trash Containers by labels or other markings. Recycling Containers located on the exterior of a property shall be covered or otherwise secured to prevent the contents from blowing, leaking, or spilling. All Recycling Containers shall be emptied frequently enough to prevent their contents from overflowing.
3. Responsible Parties shall provide for on-site service for collection of materials Source-Separated for Recycling or reuse that is no less than one-half of the weekly service level (in volume or cubic yard capacity) for Trash services, thus allowing for at least one-third of the Waste Stream to be recycled or reused.
4. Maintain all Recycling Containers in a sanitary and serviceable condition, meaning containers must be leak proof and have properly functioning doors and lids.

B. The Responsible Party for a Multi-Family Property or Commercial Establishment may seek an exemption from the County Manager or their designee from the requirements in § 10-32.A pursuant to § 10-36.
(Ord. No. 15-01, 1-27-15, effective 1-1-16)

§ 10-33. Reporting Requirements.

A. Initial recycling plans for multi-family dwellings and commercial establishments. The responsible party for each multi-family dwelling and commercial establishment is required to submit a recycling plan to DES. Instructions for submitting this plan will be provided by DES to each multi-family dwelling and commercial establishment address. The responsible party for each new multi-family dwelling is required to submit this plan within thirty (30) days from the date of first occupancy by a tenant. The responsible party of each new commercial establishment is required to submit this plan within thirty (30) days after receipt of an Arlington County Certificate of Occupancy. The initial recycling plan must be approved by DES to comply with the terms of this article. If the initial recycling plan is rejected by DES, the submitting party has thirty (30) days from notification of the rejection to submit a revised plan for approval. The following information shall be included in the initial recycling plan:

1. Name and address of reporting commercial establishment or multi-family property;
2. Name and contact information of responsible party;
3. Name and contact information of Collector servicing account for trash and recycling;
4. Name and address of processor or disposal site for trash and recycling;
5. Size and location of containers, frequency of pick-up, and cost of services with recycling costs listed separately from trash costs; and
6. Description of educational materials and outreach activities.

B. Updated recycling plans for multi-family dwellings and commercial establishments. The responsible party for each multi-family dwelling and the commercial establishment is required to maintain an updated recycling plan with DES. The plan must be updated whenever there is a significant change to the property, including major construction, change of ownership or management, or change of solid waste and/or recycling Collector or collection services. At a minimum, the plan shall be updated every three (3) years. Instructions for updating this plan will be provided by DES to each multi-family dwelling and commercial establishment address. The updated recycling plan at a minimum shall include:

1. Name and address of reporting commercial establishment or multifamily property;
2. Name and contact information of responsible party;
3. Name and contact information of Collector servicing account for trash and recycling;
4. Name and address of processor or disposal site for trash and recycling;
5. Size and location of containers, frequency of pick-up, and cost of services with recycling costs

- ~~listed separately from trash costs; and~~
6. ~~Description of educational materials and outreach activities.~~

A. *Recycling Plans for Multi-Family Properties and Commercial Establishments.* The Responsible Party for each Multi-Family Property and Commercial Establishment is required to submit a Recycling Plan to the County outlining the external and/or internal components of the Recycling System. For each new Multi-Family Property or Commercial Establishment, the Responsible Party is required to submit a Recycling Plan within thirty (30) days from receipt of Arlington County's Certificate of Occupancy. The Recycling Plan is a web-based interactive form with differing requirements based upon the property manager/owner and tenant relationship utilized, as outlined in § 10-33.D. The Recycling Plan must be approved by the County to comply with the terms of this article. If the initial Recycling Plan is rejected by the County, the submitting party has thirty (30) days from notification of the rejection to submit a revised Recycling Plan for approval.

B. *Updated Recycling Plans for Multi-Family Properties and Commercial Establishments.* The Responsible Party for each Multi-Family Property and Commercial Establishment is required to maintain a current Recycling Plan with the County. The Recycling Plan must be validated and/or updated annually by January 31, or whenever a significant change to the property occurs, including renovations that affect the Recycling System, change of ownership or management, or change of Solid Waste Collector or collection service levels. If no changes occurred since the previous year's submission, the Responsible Party will validate the current Recycling Plan is correct and submit to the County. Instructions for updating the Recycling Plan are available on the County's DES Solid Waste Bureau's website.

C. *Multiple Business Locations.* Responsible Parties representing the same business at different locations in the County may submit a single Recycling Plan for all Arlington County locations, but must list the address and current contact information for each property that is subject to the Recycling Plan. Each business location must maintain a copy of the Recycling Plan on the premises and comply with all components of the Recycling Collection System requirements, as described herein.

D. *Property Manager/Owner and Tenant Relationship.* Each Commercial Establishment in the County, including Commercial Tenants, must adhere to the requirements of this article and submit a Recycling Plan in one of the following ways:

1. A Commercial Tenant that contracts for their own Solid Waste collection services is responsible for developing and managing a Recycling System for their establishment and therefore, must submit a Recycling Plan.
2. A Commercial Tenant that uses a shared Solid Waste collection service provided by a property owner or manager as part of its Recycling System is responsible for submitting a Recycling Plan that describes their internal Recycling System, including how they educate their employees on the use of the Recycling System.
3. A property owner or manager of a Commercial Establishment that provides a shared Solid Waste Collection service for Commercial Tenants of that establishment must submit a Recycling Plan for that Commercial Establishment.
4. A property owner or manager of a Commercial Establishment may submit a single Recycling Plan for multiple Commercial Tenants, but must list tenant information including, but not limited to, business type, current contact information and suite number for each Commercial Tenant that is subject to the Recycling Plan. Each Commercial Tenant must be provided the Recycling Plan on an annual basis and be in compliance with all components of the Recycling System requirements, as described herein.

~~E. *Compostable materials Organics.* The Responsible Party or other owner, manager, agent, or tenant of a Multi-Family dwelling Property or Commercial Establishment who enters into an agreement with another party to manage, collect, or transport compostable materials Organics shall provide the recycling plans~~

required pursuant to § 10-33.A and B for that compostable materials include information on the collection of these materials in their Recycling Plans.

(Ord. No. 93-22, 11-13-93; Ord. No. 95-1, 1-7-95; Ord. No. 10-21, 12-11-10, effective 1-1-11; Ord. No. 15-01, 1-27-15, effective 1-1-16, Ord. No. 15-08, 11-14-15)

§ 10-34. Collector Invoices to Customers.

The responsible party or other owner, manager, agent, or tenant of a multi-family dwelling or commercial establishment who enters into an agreement with a Collector to manage, collect, or transport solid waste or other materials shall ensure that the invoice received from each such Collector is itemized to include the following information separately for refuse, recyclable materials, compostable materials, and other materials collected for recycling: number of containers and capacity; frequency of pick-up; and monthly charge for each collection services.

(Ord. No. 93-22, 11-13-93; Ord. No. 95-1, 1-7-95; Ord. No. 10-21, 12-11-10, effective 1-1-11; Ord. No. 15-01, 1-27-15, effective 1-1-16, Ord. No. 15-08, 11-14-15)

§ 10-35. Education Requirements.

A. Multi-Family Properties: ~~¶~~The ~~¶~~Responsible ~~¶~~Party of each ~~¶~~Multi-Family Property dwelling shall provide each dwelling unit or tenant and onsite employees with written or electronic instructions regarding use and participation in the property or building's Recycling sSystem within fourteen (14) days of tenant occupancy or employee hiring or contracting and at least annually thereafter. These instructions are in addition to the Recyclables eCollection sSystem requirements in § 10-320. Instructions may include the following: new tenant welcome/information packets, community newsletters, emails, listservs, flyers, distributed property websites, and posters. Copies of instructions shall be available to the County Manager or their designee ~~DES~~ upon request.

B. Commercial Establishments: ~~¶~~The ~~¶~~Responsible ~~¶~~Party of each ~~¶~~Commercial ~~¶~~Establishment shall provide each employees, Commercial ~~¶~~Tenants, and onsite contractor and/or system users with written or electronic instructions regarding use and participation in the Recyclables eCollection sSystem within fourteen (14) days of Commercial Tenant occupancy or employee hiring and at least annually thereafter. ~~In multi-tenant commercial establishments in which individual tenants do not manage their own solid waste and recyclables, the responsible party shall provide all tenants and/or system users with instructions regarding use and participation in the recycling system within fourteen (14) days of occupancy and at least once annually thereafter. These~~ Instructions are in addition to the Recyclables eCollection sSystem requirements in § 10-320. Instructions may include the following: building/property newsletters, flyers—~~or~~, memos distributed to each ~~tenant/employee~~ Commercial Tenant/onsite contractor, property/business websites, emails, listservs, posters and other electronic media. Copies of instructions shall be made available to ~~DES~~ the County Manager or their designee upon request.

C. Commercial Tenants: The Responsible Party for Commercial Tenants is responsible for providing all employees and/or other Recycling System users with instructions regarding use and participation in the Recycling System within fourteen (14) days of employment or occupancy and at least once annually thereafter. Instructions may include the following: building/property newsletters, flyers, memos distributed to each employee, property/business websites, emails, listservs, posters and other electronic media. Copies of instructions shall be available to the County Manager or their designee upon request.

(Ord. No. 93-22, 11-13-93; Ord. No. 10-21, 12-11-10, effective 1-1-11; Ord. No. 15-01, 1-27-15, effective 1-1-16)

§ 10-35. Collector Invoices to Customers.

The Responsible Party who enters into an agreement with a Collector to manage, collect, or transport Solid Waste shall ensure that the invoice received from each such Collector is itemized to include the following information separately for Trash, Recyclable Materials, Organics, and other materials collected for Recycling or disposal:

A. The number and capacity of containers provided by the Collector for each material type;

B. The frequency of pick-up by container type; and

C. The monthly charge for each collection service including container rental and disposal and/or processing costs. (Ord. No. 93-22, 11-13-93; Ord. No. 95-1, 1-7-95; Ord. No. 10-21, 12-11-10, effective 1-1-11; Ord. No. 15-01, 1-27-15, effective 1-1-16, Ord. No. 15-08, 11-14-15)

§ 10-36. Exemption from Requirements.

A. *Criteria.* Limited exemptions, as set forth below, may be approved by the County Manager or their ~~his/her~~ designee. Applications for an exemption from the requirements of § 10-31 and § 10-32-A and B shall be submitted by the ~~Responsible Party~~ to the County Manager or their designee on County forms via written letter or email. An exemption may be allowed where compliance with the article ~~chapter~~ would result in unnecessary hardship to the applicant and the need for an exemption would not be shared generally by other applicants, provided such an exemption is not contrary to the intended spirit and purpose of this article and would result in substantial justice being done. All exemptions are to be construed as temporary, for a period not to exceed one (1) year, and shall be considered withdrawn on the first to occur of (a) a change in the condition(s) which prompted the exemption, or (b) the expiration of the time period granted in the exemption. Should an exemption be withdrawn because the time period has expired, an applicant may apply for renewal of the exemption. ~~Application forms are available from the Solid Waste Bureau of DES.~~ Applications Exemption requests are evaluated against the following criteria:

1. Incompatibility of compliance with the requirements of this article and compliance with other Arlington County ordinances or other laws;
2. Unavailability of ~~e~~Collectors or acceptors (defined as licensed Collector of ~~r~~Recyclable ~~m~~Materials or intermediate or final processors of ~~r~~Recyclable ~~m~~Materials) for one (1) or more of the required ~~r~~Recyclable ~~m~~Materials;
3. Unavailability of on-site space for the preparation and temporary storage of one (1) or more of the required ~~r~~Recyclable ~~m~~Materials;
4. Extreme disparity between the applicant's costs of ~~r~~Recycling one (1) or more of the required materials and the costs of disposal of the same material(s);
5. ~~Negligible generation rates of one (1) or more of the required recyclable materials;~~ Businesses that generate a de minimis volume of Solid Waste;
6. Criteria for an exemption from the requirements of § 10-31-~~D~~ and § 10-32 are as follows:
 - a. Incompatibility of compliance with the requirements of this article and compliance with other Arlington County ordinances or other laws;
 - b. Use of a Ssealed compactor ~~unless the sealed compactor is emptied not less than once every two weeks in which case an exemption shall be automatically granted, and the submission process described in § 10-36 shall be waived;~~
 - c. Non-leaking container, air tight, with little to no odor.
7. On-site evaluation by the Solid Waste Bureau of DES.

B. *Evaluation.* The County Manager or their ~~his/her~~ designee will consider the above criteria in evaluating the ~~application request~~ request for exemption and will consider the overall Recyclables Collection System effectiveness, the Recycling Plan, compliance rate, implementation plans, rRecyclables ing Collection sSystems of similar businesses in Arlington County, and the recommendation made by a Solid Waste Bureau ~~Reecycling Compliance Specialist or member of the County recycling staff~~ based on a site visit.

C. *Actions.* After reviewing the information described in subsection A above, the County Manager or ~~his/her~~ their designee will take one of the following actions:

1. Grant an exemption that requires the ~~applicant~~ Responsible Party to utilize an alternative Recyclables Collection System that maximizes the amount of Recyclable Materials collected within the constraints presented by the building or property. Solid Waste Bureau staff will work with the Responsible Party to develop an approved alternative Recyclables Collection System. recycle alternative materials identified by the DES director;
 2. Grant an exemption that reduces the number of types of materials required to be recycled; or
 3. Deny the request for an exemption.
- (Ord. No. 93-22, 11-13-93; Ord. No. 10-21, 12-11-10, effective 1-1-11; Ord. No. 15-01, 1-27-15, effective 1-1-16, Ord. No. 15-08, 11-14-15)

§ 10-37. Penalties.

Any ~~Responsible p~~Responsible pParty violating any provision of this article shall be issued a notice of violation and given thirty (30) days to correct the violation. If such violation has not been corrected within thirty (30) days the ~~Responsible p~~Responsible pParty will be notified by an order of correction that it will be subject to a fine civil penalty of up to three hundred dollars (\$300.00), ~~such fine to become effective no earlier than December 1, 1994, by the Solid Waste Division of the DES unless the identified violations are corrected within fifteen (15) days. If the Responsible p~~ subject to a civil penalty of three hundred dollars (\$300.00) for each day such violation continues. Property accounts that accrue unpaid civil penalties of six hundred dollars (\$600.00) or more will be referred to the County Treasurer's Office for collections. However, the subject property continues to be subject to additional civil penalties until the violation is corrected. (Ord. No. 93-22, 11-13-93; Ord. No. 10-21, 12-11-10, effective 1-1-11; Ord. No. 15-01, 1-27-15, effective 1-1-16)

§ 10-38. Right to Appeal Notices and Fines Civil Penalties.

Upon service of a notice of violation, order of correction or ~~fine civil penalty~~ fine civil penalty as provided in § 10-37, the ~~Responsible p~~Responsible pParty shall have the right to appeal such notice, order, or ~~fine civil penalty~~ fine civil penalty by submission of a written request for review by the County Manager or ~~his/her~~ their designee, provided that the written request is received by the County Manager or their designee within five (5) business days after service of the notice, order, or ~~fine civil penalty~~ fine civil penalty. Upon receipt of such a written request, the County Manager or ~~his/her~~ their designee shall review the request, shall consider the evidence, and shall render a decision in writing and provide a copy to the appellant within fifteen (15) business days following receipt of appellant's written request. (Ord. No. 93-22, 11-13-93; Ord. No. 15-01, 1-27-15, effective 1-1-16)

§ 10-39. ~~Recycling System Compliance Inspection Fee.~~ Multi-Family and Commercial Recycling Program Fee.

~~Each responsible party which is required to establish a recycling system for the collection of Trash and Recyclable Materials as described in § 10-31 and § 10-32 and is required to submit a recycling plan pursuant to § 10-33, shall on a yearly basis pay a compliance inspection fee of sixty-six dollars (\$66.00) for each multi-family property or business location for which a plan has been submitted. Such fees shall be paid within thirty (30) days of the date of the bill for payment. Failure to pay such compliance inspection fee after 60 days from the initial billing date shall result in the addition of the inspection fee plus a one-hundred dollar (\$100) late fee to the next utility bill for the property.~~

A. The Multi-Family and Commercial Recycling Program Fee shall be paid to the County annually, by January 31, for the administration of the requirements set forth in this article. For Multi-Family Properties, the fee shall be based on the number of dwelling units. For Commercial Establishments, the fee shall be based on factors that include all or some of the following: business or property type, number of employees, and other resource needs associated with the business or property type. Effective July 1, 2018, the base fee of sixteen dollars and twenty-five cents (\$16.25) shall be used to calculate each property's annual fee based on the business or property type as specified in Table 1. The calculated Program Fee for each business category is outlined in Table 2.

Table 1. Multi-Family and Commercial Recycling Program Fee Schedule.

Office and Retail Tenants: 3-Year Inspection Cycle				
	Minimum	Moderate	High	
Number of Employees	1-10	11-99	100+	
Fee Multiplier	X	2X	4X	
Fee/Year	\$16.25	\$32.50	\$65.00	
				Multi-Family Property: Annual Inspection Cycle
	Minimum	Moderate	High	Complex
Number of Units	1-10	11-75	76-200	200+
Fee Multiplier	2X	4X	8X	16X
Fee/Year	\$32.50	\$65.00	\$130.00	\$260.00
				Other Commercial Properties: Annual or 3-Year Inspection Cycle
	3-Year Inspection Cycle	Annual Minimum	Annual Moderate	Annual High
Fee Multiplier	2X	4X	8X	16X
Fee/Year	\$32.50	\$65.00	\$130.00	\$260.00

Table 2: Calculated Program Fee by Business Type.

Business Category	Inspection Cycle	Minimal	Moderate	High	Complex
Office and Retail Tenants: 3-Year Inspection Cycle					
Office Tenants	3-Year	\$16.25	\$32.50	\$65.00	
Retail: No Food	3-Year	\$16.25	\$32.50	\$65.00	
Multi-Family Properties: Annual Inspection Cycle					
Multi-Family	Annual	\$32.50	\$65.00	\$130.00	\$260.00
Commercial Properties: Annual Inspection Cycle					
Assisted Living & Group Home	Annual	\$65.00	\$130.00	\$260.00	
Grocery	Annual	\$65.00	\$130.00	\$260.00	
Automobile: Gas Station	Annual	\$65.00			
Convenience Store	Annual	\$65.00			
Lodging	Annual	\$65.00	\$130.00	\$260.00	
Medical Hospital/Surgery	Annual			\$260.00	
Movie Theater/Theater Stage	Annual		\$130.00		
Place of Worship: Kitchen/ Serves Food	Annual	\$65.00			
Restaurant: Deli/Coffee Shop	Annual		\$130.00		
Restaurant: Fast Food	Annual			\$260.00	
Restaurant: Full Service	Annual		\$130.00		
Retail: Food	Annual			\$260.00	

Business Category	Inspection Cycle	Minimal	Moderate	High	Complex
School/College: Food	Annual			\$260.00	
Commercial Building or Mixed-Use Property that contains tenants	Annual			\$260.00	
Other: Serves Food	Annual			\$260.00	
Other Commercial Properties: 3-Year Inspection Cycle					
Automobile: Dealership	3-Year	\$32.50			
Automobile: Repair	3-Year	\$32.50			
Automobile: Sales	3-Year	\$32.50			
Bank	3-Year	\$32.50			
Daycare & Preschool	3-Year	\$32.50			
Dry Cleaners	3-Year	\$32.50			
Gym & Fitness	3-Year	\$32.50			
Laundry Mat	3-Year	\$32.50			
Medical Office	3-Year	\$32.50			
Place of Worship: No kitchen/No Food	3-Year	\$32.50			
Service Business	3-Year	\$32.50			
Salon/Barber/Spa	3-Year	\$32.50			
School/College: No Food	3-Year	\$32.50			
Storage Units	3-Year	\$32.50			
Vet/Kennel/Dog School/Grooming	3-Year	\$32.50			
Other: No Food	3-Year	\$32.50			

B. Failure to pay the Recycling Program Fee by January 31 shall result in the addition of a fifty dollar (\$50.00) late fee. The unpaid amount will also be forwarded to the Arlington County Treasurer's Office for collections, and will be subject to further administrative penalties.
(Ord. No. 15-01, 1-27-15, effective 1-1-16)

ARTICLE V.
COMMERCIAL COLLECTORS

§ 10-40. Definitions.

The following words and terms, when used in this article, shall have the following meanings unless the context clearly indicates otherwise:

“Collection ~~v~~Vehicle” means any vehicle used to collect and/or transport ~~s~~Solid ~~w~~Waste and/or materials recovered for ~~r~~Recycling.

“Collector” means any person, corporation, association, firm, partnership, company, or any other legal entity engaged in the regularly-scheduled commercial collection and transportation of ~~s~~Solid ~~w~~Waste and/or any material separated for ~~r~~Recycling, but shall not include the County.

“Commercial ~~e~~Establishment” means any nonresidential location not otherwise exempt under federal or state law, including, but not limited to: the nonresidential portion of mixed-use office buildings, shopping centers, places of worship, Nonprofit Organizations, hospitals, public or private schools or universities, government buildings or agencies, public authorities, or a Commercial Tenant of any of these properties. Commercial Establishment also means the nonresidential portion of mixed-use buildings — properties that serve as a Multi-Family Property and Commercial Establishment, such as ground floor retail with upper-story residential or office uses. Home-based businesses (home occupations) are excluded.

“Compostable materials” means materials that can be converted into a stabilized organic product through a controlled aerobic decomposition process in such a manner that the product can be handled, stored, and/or applied to the land without adversely affecting public health or the environment and includes food waste and yard waste.

“Construction and Demolition Debris (CDD)” means Solid Waste that is generated during construction, remodeling, major repair, or demolition of pavements, houses, commercial buildings, or any other structures. CDD includes, but is not limited to: lumber, wire, drywall, brick, shingles, glass, pipes, concrete, paving materials, metals, and plastics, if part of the materials of construction and/or empty containers for such materials. Small amounts of residential construction materials generated from minor remodeling or repair projects in homes serviced by the Residential Collection System are exempt from this definition.

“Customer” means anyone providing compensation to a Collector.

“DES” means the Arlington County Department of Environmental Services.

“Food Scraps” means any food substance, raw or cooked, which is discarded, or intended or required to be discarded. Food Scraps are the organic residues generated by the handling, storage, sale, preparation, cooking, and serving of foods.

“Household Hazardous Materials (HHM)” means any commercial product that contains hazardous ingredients used by residential as opposed to industrial consumers, which pose certain risks to human health and the environment when managed improperly. HHM have hazardous characteristics, such as being reactive, corrosive, ignitable, and/or toxic, that requires special handling and proper management to minimize risks when discarded by residents or is no longer usable for its intended purpose, including, but not limited to, paints, stains, varnishes, solvents, pesticides, and other materials.

“Multi-~~f~~Family ~~d~~wellings Property” means a building, or portion thereof, designed for occupancy by three (3) or more families living independently, or a townhouse/condominium association, cooperative, etc. development not part of the County participating in the curbside Residential eCollection System program. Home occupation permitted businesses operating from such dwellings are subject to the multi-family requirements of this Chapter.

“Nonprofit Organization” means an organization not conducted or maintained for the purpose of making a profit.

“Non-residential property” means property other than housing, such as office buildings, shopping centers, businesses, churches, hotels, hospitals, schools, or government buildings.

“Organics” means Source-Separated materials such as Yard Trimmings and Food Scraps that can be converted into a stabilized product through a controlled aerobic or anaerobic decomposition process in such a manner that the product can be handled, stored, and/or applied to the land without adversely affecting public health or the environment.

“Recyclable mMaterials” means materials that can be recovered from the Waste Stream and reprocessed to be reused as a material to make new products, such as cardboard, mixed paper, metal cans, aluminum, glass, plastic, and metal items, that are identified as Recyclable Materials pursuant to the list administered by the Department of Environmental Services, Solid Waste Bureau and posted on the County website. unless otherwise indicated in this article. The County Manager or their designee will announce 90 days prior to the addition of new materials to the list.

“Recycling” means the act of Source-sSeparating a rRecyclable mMaterials from the wWaste sStream for the purpose of processing into it so that it may be used again as a raw material or products, which may or may not be similar to the original product.

“Recycling Contract” means a contract or an agreement that a Commercial Establishment or Multi-Family Property has with a Collector to collect and transport the required Recyclable Materials to a Recycling Facility.

“Recycling dDrop-oOff eCenter” means one of the County’s community Recycling Drop-Off Centers used for the collection of Recyclable Materials from the public and small businesses. lawful collection site for the acceptance by donation, redemption, or purchase of recyclable materials from the public. Such a facility does not use power-driven processing equipment.

“Recycling fFacility” (“Materials Recovery Facility”) means a facility that receives, sorts collects, processes, repackages, and markets previously Source-sSeparated rRecyclable mMaterials.

“Refuse” means all solid waste, including cold ashes, garbage, rubbish, bulky wastes, and construction and demolition waste excluding hazardous and infectious materials.

“Refuse Station” means the facility designated by the County Manager or their designee for disposal of Refuse. This facility may be a transfer station, waste-to-energy or other facility designed to process Solid Waste.

“Residential Collection System” means the Solid Waste collection services provided by the County or its contractor to the properties as set forth in § 10-5.

“Self-Haul” means the practice of collecting and transporting Recyclable Materials to a Recycling Drop-Off Center or to a location outside of the County in lieu of a Recycling Contract with a Collector. This practice is limited to Commercial Establishments with five (5) or fewer employees that have an established Recyclables Collection System and demonstrate Self-Hauling of Recyclable Materials to a Recycling Drop-Off Center or to a residence located outside of the County in lieu of a Recycling Contract with a Collector.

“Self-hHaul certification Approval” means an annual certification approved by DES and issued to commercial establishments with five (5) or fewer employees that have an established Collection System and demonstrate self-hauling of recyclable materials to a recycling drop-off center or to a residence located outside of the County in lieu of a recycling contract with a Collector the written acknowledgement and approval of Solid Waste Bureau staff, via the annual inspection form, that a Commercial Establishment has met the requirements to Self-Haul, as defined herein.

“Solid wWaste” or “waste” (“Municipal Solid Waste” or “Waste Stream”) means any is a general term that includes gGarbage, rRefuse, rRubbish, tTrash, as well as Recyclable Materials, Yard Trimmings, Food Scraps, used

cooking grease and or other discarded materials, substances, or by-products, but does not include solid or dissolved materials in domestic sewage, solid or dissolved materials in irrigation return flows, industrial discharges, or special nuclear or by-product materials. generated by occupants and visitors of single-family and multi-family residential properties, Commercial Establishments, public spaces and other nonindustrial properties. Construction and Demolition Debris, Household Hazardous Materials, infectious waste, wastewater sludge, combustion ash and other industrial waste or hazardous waste are excluded.

“Solid Waste Facility” means a facility for processing or disposal of Solid Waste. This facility may be a Recycling Facility, waste-to-energy, transfer station, landfill or other facility designed to process or dispose of Solid Waste.

“Source-Separate separation” means the act of separating is the process of removing materials from the solid waste stream — such as Recyclables, Yard Trimmings and Food Scraps — for reuse or Recycling instead of disposing the materials as Trash in a landfill or waste-to-energy facility at the location where the material is generated.

“Trash” (“Garbage,” “Refuse,” “Rubbish”) means the materials of the Waste Stream that are disposed of at a waste-to-energy facility or landfill instead of Source-Separated for reuse and Recycling, including bulky wastes and small amounts of residential construction materials. Construction and Demolition Debris, Household Hazardous Materials, industrial waste, wastewater sludge, infectious waste and other hazardous waste material are excluded.

“Yard Trimmings” means decomposable waste materials generated by general yard and lawn care and includes leaves, grass trimmings, brush, wood chips, and shrub and tree trimmings.

(Ord. No. 15-08, 11-14-15)

§ 10-41. General Requirements for Collectors.

A. Each Collector shall provide ~~r~~Recycling services for the collection of the ~~r~~Recyclable ~~m~~Materials defined in §10-30 to all ~~residential and nonresidential e~~Customers to which such ~~e~~Collector provides ~~refuse~~ Trash collection services, unless such ~~e~~Customer provides either written documentation that ~~he/she has~~ they have an existing ~~r~~Recyclable ~~m~~Material collection contract with another Collector that is permitted in accordance with § 10-42 or proof of a current annual Self-Haul Certification Approval approved by from DES the County for ~~s~~Self-~~h~~Hauling of ~~r~~Recyclable ~~m~~Materials.

B. ~~Refuse~~ Trash shall be collected and transported from the premises to which ~~refuse~~ Trash collection services are provided not less than once per week.

C. Recyclable ~~m~~Materials shall be collected and transported from the premises to which ~~r~~Recycling collection services are provided not less than once per week, unless the County has granted an exemption for such premises pursuant to § 10-36.

D. The mixing of ~~solid waste~~ Trash with any ~~s~~Source-~~s~~Separated ~~r~~Recyclable ~~m~~Materials or ~~compostable materials~~ Organics set out for collection is prohibited.

E. Collectors that collect, transport, or dispose of ~~solid waste~~ Trash, ~~r~~Recyclable ~~m~~Materials, and/or ~~compostable materials~~ Organics from Commercial Establishments or Multi-Family Properties, ~~multifamily, and nonresidential customers~~ must communicate the ~~r~~Recycling services provided to those ~~e~~Customers as described below:

1. ~~For residential customers, each Collector must provide at least once per year, a statement of service to each residential customer. The statement of service must describe the specific services provided by the Collector to include what recyclable materials and/or compostable materials are collected and how these materials shall be set out for collection, as well as the County’s requirement to separate and collect the recyclable materials defined in § 10-30 to include at a minimum: cardboard, mixed paper, metal cans, aluminum, glass, plastic, and metal items.~~

21. For ~~m~~Multi-~~f~~Family Properties dwellings, each Collector must provide at least once per year, a statement of service to either: 1) the Responsible Party ~~property manager~~ who is responsible for delivering the information to each multi-family tenant or ~~e~~Customer, or 2) directly to each multi-family tenant or ~~e~~Customer. The statement must describe the specific ~~r~~Recycling services provided by the Collector to include ~~the what~~ Recyclable mMaterials and/or Organics ~~compostable materials~~ are collected and where these materials shall be placed for collection, as well as the County's requirement to separate and collect the Recyclable mMaterials defined in § 10-30 ~~to include at a minimum: cardboard, mixed paper, metal cans, aluminum, glass, plastic, and metal items.~~
32. For ~~e~~Commercial ~~e~~Establishments, each Collector must provide at least once per year, a statement of service to either: 1) the Responsible Party ~~property manager~~ who will be responsible for delivering the information to each Commercial ~~t~~Tenant or ~~e~~Customer, or 2) directly to each Commercial ~~t~~Tenant or ~~e~~Customer. The statement must describe the specific ~~r~~Recycling services provided by the Collector to include ~~the what~~ Recyclable mMaterials and/or Organics ~~compostable materials~~ are collected and where these materials shall be placed for collection, as well as the County's requirement to separate and collect the Recyclable mMaterials defined in § 10-30 ~~to include at a minimum: cardboard, mixed paper, metal cans, aluminum, glass, plastic, and metal items.~~

F. No Collector shall represent to any Customer that Recyclable Materials that are intentionally placed into Trash Containers will be recovered for Recycling.
(Ord. No. 15-08, 11-14-15)

§ 10-42. Permits Required.

A. No Collector shall commercially collect, transport, transfer, or ~~store, or dispose of~~ sSolid ~~w~~Waste ~~or recyclable materials~~ without first having paid the required permit fees and obtained from the County a permit covering that activity and any related facility and each related ~~e~~Collection ~~v~~Vehicle used to transport sSolid ~~w~~Waste ~~or recyclable materials~~. The permit shall be renewed annually by no later than January 31st of each calendar year. County-owned and/or County-operated vehicles are exempt from the permitting requirements in Article V.

B. The County Manager or their designee shall establish reasonable regulations pursuant to this section of the County Code for the disposal of ~~refuse~~ Trash that originates in Arlington County. The County Manager or their designee may designate a ~~r~~Refuse sStation as the place for the disposal of ~~refuse~~ Trash collected, transported or disposed of by holders of ~~refuse~~ Trash permits by giving written notice to each holder of a ~~refuse~~ Trash permit designating the ~~r~~Refuse sStation to be used. The County Manager or their designee shall not designate any ~~r~~Refuse sStation that is not owned or operated by the County unless the owner of the ~~r~~Refuse sStation has contracted with the County to accept ~~refuse~~ Trash that originates in the County and the tipping fee or other disposal charge payable by ~~refuse~~ Trash permit holders at the ~~r~~Refuse sStation has been approved by the County Board. The provisions of this paragraph shall not apply to:

1. Refuse generated, purchased or utilized by an entity engaged in the business of manufacturing, mining, processing, refining or conversion except for an entity engaged in the production of energy or rRefuse-derived fuels for sale to a person other than an entity controlled by or under the same control as the manufacturer, miner, processor, refiner or converter of the energy or rRefuse-derived fuel;
 2. Recyclable mMaterials, which are those materials that have been sSource-sSeparated by any person, or materials that have been separated from ~~refuse~~ Trash by any person for utilization in both cases as a raw material to be manufactured into a new product other than fuel or energy;
 3. Construction and Demolition ~~d~~Debris ~~to be disposed of in a landfill~~; or
 4. Waste oil.
- C. Any Collector desiring a permit to collect, transport, transfer, or ~~store, or dispose of~~ any sSolid

~~w~~Waste or recyclable materials shall make application to the County. Each application shall be in the form specified by the County and shall include, at a minimum but not be limited to: the name of business, type of business, owner or authorized agent, business address, mailing address, email address, and telephone number of the applicant's place of business; the number and description of all vehicles and equipment to be used in the County; and/or a complete description of any proposed facility and operations at the facility.

1. Before issuing any permit, the County may at its sole discretion cause an inspection to be made of the premises within the County and vehicles and equipment named and described in the application for a permit under this article for the purpose of determining whether the premises, vehicles, and/or equipment comply with the provisions of this article, including, but not limited, to the standards established in § 10-42.C.7 of this article. If the County shall be satisfied from the inspection that the premises, vehicles, and/or equipment are in conformity with this chapter, then the County shall issue, or cause to be issued, upon payment by the applicant to the County of the fee established in this article, a permit authorizing the applicant to collect, transport, transfer, or dispose of ~~s~~Solid ~~w~~Waste and/or recyclable materials within the County, with such conditions as may be deemed necessary to comply with this article. The County shall assign a permit number to each approved ~~e~~Collection ~~v~~Vehicle and provide a visible permit (e.g., plate, sticker) that shall be permanently affixed by the applicant to both sides of the ~~e~~Collection ~~v~~Vehicle on the door of the cab or at the farthest point forward on the truck body.
2. Every permit issued pursuant to this article shall be renewed annually. Permits shall expire according to a schedule specified by DES. Permits shall not be transferrable or prorated. In the event that any permitted ~~e~~Collection ~~v~~Vehicle is removed from service or sold, the permit holder shall notify the County and the permit for that ~~e~~Collection ~~v~~Vehicle shall be removed and returned to the County no less than 10 business days following the vehicle's removal from service or sale. In the event that a permit is not recoverable, then the permit holder shall notify the County in writing of the permit number of said ~~e~~Collection ~~v~~Vehicle and the circumstances of loss within 10 days, which shall be done, as well as payment of a lost permit fee of fifty dollars (\$50.00), before a replacement permit will be issued by the County.
3. The County is hereby authorized to enter and inspect any premises, except the interior of any residence, and vehicles in the County used by an applicant for a permit or a permittee in the business of collecting, transporting, transferring, storing, or disposing of ~~s~~Solid ~~w~~Waste and/or recyclable materials. Any inspection shall be made during business hours and only with the consent of such applicant or permittee for the purpose of enforcing the provisions of this article and for no other purpose. If the County shall not be so satisfied or if the applicant has refused the County the right to enter and inspect any premises, except the interior of any residence, and vehicles pursuant to § 10-42.C.3 for the purpose of enforcing the provisions of this article, the County shall deny a permit application.
4. If the County finds that the premises, vehicles, and/or equipment for which the permit was issued do not conform to the provisions of this article, that a permittee has refused the County the right to enter and inspect such premises, except the interior of any residence, or vehicles pursuant to § 10-42.C.3 for the purposes of enforcing the provisions of this article, or that a permittee or an employee or agent of a permittee has failed or neglected to comply with any of the minimum standards set forth in § 10-42.C.7, the County may enter an order for the suspension of the permit until such time as the County finds the reason for the suspension no longer exists. A copy of the order shall be sent to the permittee at his place of business by certified mail, which order shall set forth the reasons for the suspension. The suspension shall be effective ten (10) calendar days after the date it is executed by the County, and the order shall state this effective date; provided, however, that if the County finds that an immediate suspension is necessary to protect the health or safety of County residents, the suspension shall be effective immediately and the order shall so state. Except in cases of an immediate suspension, the order shall inform the permittee that he may dispute the suspension by written submission to the County, stating the reasons why the permit should not be suspended. The order shall also inform the permittee of the date and time by which such written submission must be submitted. If the permittee does not make a timely written submission to the County, the

suspension shall become effective and the order shall become final on the date set forth in the order. If the permittee does make a submission, the suspension shall be stayed pending the County's consideration of the submission and the issuance of a final order affirming, amending, or rescinding the earlier order. This final order shall be effective on the date it is executed by the County and shall be sent to the permittee at his place of business by certified mail. The failure of a permittee to make a written or personal submission to the County shall not affect the County's authority to reinstate a suspended permit, pursuant to § 10-42.C.5, or the permittee's right to appeal a final order of suspension, pursuant to § 10-42.C.6. It shall be unlawful for any Collector to collect, transport, transfer, store, or dispose of any ~~sSolid wWaste or recyclable materials~~ within the County when subject to a final order of suspension.

5. The County may reinstate a suspended permit when no fact or condition exists which would otherwise warrant the County to refuse to grant a permit under the terms of this article.
6. Any applicant aggrieved by the denial of an application for a ~~refuse~~ **Trash** permit under § 10-42.C.1 and any permittee aggrieved by a final suspension order under § 10-42.C.4 shall have the right to appeal the denial or order to the County. The appeal shall be taken by filing with the County, within ten (10) calendar days of the date on which the notice of the denial has been mailed to such person's place of business or of the effective date of the final order, a written statement setting forth fully the grounds for appeal. The County shall schedule a hearing and shall give notice of the hearing to the appellant. The decision of the County on appeal shall be final, but shall not preclude the issuance of a permit or the reinstatement of a suspended permit by the County due to changed circumstances.
7. Any Collector collecting, transporting, storing or disposing of ~~sSolid wWaste or recyclable materials~~ in the County who does not comply with the following minimum standards shall be subject to suspension of his permit, pursuant to the provisions of § 10-42(c)(4) of this article.
 - a. The premises where vehicles, equipment, and offices are maintained shall be kept in a clean and sanitary condition and any accumulation of ~~sSolid wWaste~~, ashes, yard debris, or ~~rRecyclable mMaterial~~ which tends to create a health problem or nuisance shall not be permitted on such premises.
 - b. The facility in which any transfer activity takes place ("facility") shall be designed and operated in such a manner as to minimize the migration of odors outside of the building which could adversely affect public health and safety.
 - c. The facility shall be operated in compliance with all County pretreatment program requirements for the proper disposal of wastewater and floor wash water into the sanitary sewer system. No floor wash water shall at any time be pumped, conveyed, or allowed to drain into the County's storm water drainage system.
 - d. All vehicles used in the collection, transport, transfer, or disposal of ~~sSolid wWaste or recyclable materials~~ shall be kept and maintained in a clean and sanitary condition and shall be so constructed and maintained as to prevent spillage of the type of material to be collected therein.
 - e. All vehicles hauling ~~sSolid wWaste and recyclable materials~~ shall be watertight and completely enclosed unless exempted in writing by the County.
 - f. All vehicles shall be emptied before being placed on the permittee's premises for overnight parking, except for Sunday nights only.
 - g. No vehicle shall be parked on a County street overnight.
 - h. No vehicle shall be parked in violation of the County Code relating to parking of trucks and commercial vehicles in a residential district.

- i. All vehicles shall transport ~~sSolid wWaste and recyclable materials~~ in such a manner as not to create a nuisance or adversely affect public health or safety.
- j. The route to be traveled by vehicles utilizing such a facility and driven by customers as well as employees of the facility shall be approved in advance by the County Manager or ~~his/her~~ their designee.
- k. The facility shall accept no biomedical or infectious wastes.
- l. The facility shall operate in accordance with all applicable federal, state, and local regulations governing the collection, transport, transfer, storage, and disposal of ~~refuse~~ Trash and ~~rRecyclable mMaterials~~.
- m. All provisions of this article and all rules and regulations established by the County pursuant to this article shall be complied with by every permittee and by all employees and agents of the permittee.

D. No vehicle or container used by any Collector for collecting, transporting, transferring or storing ~~or disposing of sSolid wWaste or recyclable materials~~ shall be emptied in the County on the ground or location other than at an approved ~~sSolid wWaste fFacility or recycling facility~~.

E. No commercial motor vehicle used to transport ~~sSolid wWaste or recyclable materials~~ shall be parked on or adjacent to the highways or streets of the County.

- 1. This prohibition shall not apply to temporary stops during a collection route or to emergency stops, nor shall it apply to any vehicle owned or operated by persons transporting ~~sSolid wWaste or recyclable materials~~ from their residences to a permitted transfer or disposal facility.
- ~~32.~~ The County Police Department may direct the removal or towing of any such vehicle found parked in violation of this section. Violation of this section shall constitute a traffic infraction punishable by a ~~fine~~ civil penalty of not more than two hundred dollars (\$200.00), in addition to any towing and storage charges that may be assessed.

(Ord. No. 15-08, 11-14-15)

§ 10-43. Collector Invoices to Customers.

Each Collector that manages, collects, or transports ~~sSolid wWaste~~ or other materials shall itemize all invoices to its ~~eCustomers~~ to include the following information separately for Trash, Recyclable Materials, Organics, and other materials collected for Recycling or disposal; ~~each type of collection service, including but not limited to refuse, recyclable materials, compostable materials, and other materials collected for recycling; number of containers and capacity; frequency of pick-up; and monthly charge for each collection service.~~

A. The number and capacity of containers provided for each material type;

B. The frequency of pick-up by container type; and

C. The monthly charge for each collection service including container rental and disposal and/or processing costs.

(Ord. No. 15-08, 11-14-15)

§ 10-44. Reporting.

Each nonresidential entity that collects or transports ~~sSolid wWaste~~ or any material recovered for ~~rRecycling~~, including, but not limited to, ~~rRecyclable mMaterials~~, scrap metal, electronic waste, Organics ~~compostable materials~~ such as yard trimmings ~~waste~~ and food scraps ~~waste~~, textiles, ~~waste oil and antifreeze~~, batteries, waste tires, or cooking

oil and grease, in Arlington County shall annually report to DES by no later than January 31st of each year for the previous calendar year, the information deemed necessary by the County to facilitate compliance with Virginia Code Section 10.1-1411. The report shall be submitted on the form specified by DES and shall include at a minimum:

A. The measured or carefully estimated weight of all sSolid wWaste and materials recovered for recycling that the entity collected from Commercial Establishments or Multi-Family Properties all residential and nonresidential locations in Arlington County. Where estimates are reported, a written explanation describing how each estimate was calculated is required; and

B. The number of Commercial Establishments serviced and the number of Multi-Family Properties serviced.

This report shall be signed by a company official. In the event that a Collector fails to submit the required annual report by the January 31st deadline, a one-hundred dollar (\$100.00) administrative fee shall be added to the annual permit fee collected pursuant to § 10-45.A.
(Ord. No. 15-08, 11-14-15)

§ 10-45. Permit Fees.

A. Applicants for a Collector permit shall pay at the time of initial application and each annual application for a permit, thereafter, a fee of one hundred fifty dollars (\$150.00) for each eCollection vVehicle used to transport sSolid wWaste and any material recovered for rRecycling. Such permit fees shall be paid by the Collector and received by DES within thirty (30) days of the date of the bill for payment; after 30 days of the date of the bill for payment, the permit fee for each eCollection vVehicle shall be two-hundred dollars (\$200.00).

B. Applicants for a sSolid wWaste transfer, storage, or similar facility located in Arlington County shall pay an initial and annual permit fee of one thousand dollars (\$1,000.00).
(Ord. No. 15-08, 11-14-15; Ord. No. 17-04, 4-22-17, effective 7-1-17))

§ 10-46. Penalties.

Unless otherwise provided herein, it shall be unlawful to violate any of the provisions of this article and any person who violates any of them shall, upon conviction, be subject to a fine civil penalty not to exceed three hundred dollars (\$300.00) for each violation.
(Ord. No. 15-08, 11-14-15)

* * *

1. BE IT FURTHER ORDAINED that all provisions of Chapter 10 of the Code shall remain as previously enacted.
2. BE IT FURTHER ORDAINED that this Ordinance shall be effective on July 1, 2018 at 12:01 a.m.

MF-C Recycling Chapter 10 Code Changes Survey Results

Questions	Responses	Total Comments by Category			
	Total	Total Comments	Supportive	Constructive	Other
Q1: Responsible Party	99	19	9	7	3
Q2: Commercial Establishment	99	12	5	4	3
Q3: Recyclables Collection System	99	14	7	6	1
Q4: Commercial Tenant	99	2	2	0	0
Q5: Sufficent Capacity	99	23	5	15	3
Q6: Reporting Requirements (Definition)	99	21	4	9	8
Q7: Reporting Requirements	99	17	4	5	8
Q8: Recycle System Compliance Inspection Fee	99	32	4	16	12

Question 1:	
<p>Revised Definition: Responsible Party</p> <p>Currently: "Responsible party" means, for dwellings eligible for participation in the curbside collection program, the dwelling owner or dwelling occupant if different from the owner. For a multi-family dwelling, the term "responsible party" shall mean the owner, manager, or agent responsible for the management and disposal of solid waste generated at that property. For a commercial establishment, the term "responsible party" shall mean the business or property owner, manager or agent and, if different, the party responsible for the management and disposal of solid waste generated at that commercial establishment.</p> <p>Proposed Change: "Responsible Party" means the owner, manager, Solid Waste Broker or Other agent of a Multi-Family Property or Commercial Establishment, or a Commercial Tenant.</p> <p>Rationale: Many property owners and managers find the current definition confusing. The definition was revised to more clearly identify who is responsible for managing any aspect of the Recycling Collection System.</p>	
Comment (please specify)	Categories
That clarifies that	Constructive
What a stupid waste of time for a small business under a larger building which is managed and controlled by the property owner and manager. I do not even see a recycle bin outside nor a space to park one. Only a small \$ maker for the county.	Constructive
Plain language is always better.	Constructive
At this property 4420 North Fairfax Drive we have the cleaning crew from the property management who are responsible to clean the sidewalks and curbside and then disposal to our solid waste or single stream recycling dumpster.	Constructive
I support this change	Constructive
The proposed change seems to be more clear and well defined. The previous meaning was indeed too long and wordy - very confusing.	Constructive
Definitely like the new description, much easier to understand	Constructive
Have no difficulty with the current definition. Proposed change is not necessary.	Other
good	Other
I think this recognizes more fully the living situations we find in Arlington and includes the agent or operations staff in the process.	Other
As a Commercial Tenant, that language, "Responsible Party" means the management company or building owner, not the tenant. The tenant has no control over where the trash or recycling goes once the cleaning crew takes it out of our suite.	Supportive
Terrible choice of words for someone of responsibility for a single family or multi-family dwelling.	Supportive

Manager should not be included in the definition. Many times the manager is only a fee-for-service provider. The responsible party should be limited to owner or occupant.	Supportive
I had to read it three times to understand it.	Supportive
Prefer the new definition.	Supportive
I think this needs further revision, as the new language is still confusing. I could construe it as meaning either the landlord or the tenant.	Supportive
Under the proposed change, it is not as clear as to who is the responsible party for a commercial establishment. It sounds as though the Commercial Tenant could be held responsible under this new definition despite the fact that Commercial Tenants don't necessarily control the ultimate disposal of the waste. Tenants can use the containers appropriately, but if the owner of the building outsources collection services, Commercial Tenants should not be held accountable for the incorrect disposal of the recyclables. The old definition makes it clear that the responsibility falls on the entity responsible for the disposal of the waste.	Supportive
This is an improvement.	Supportive
The proposed change makes more sense.	Supportive

Question 2:	
Revised Definition: Commercial Establishment	
Currently: "Commercial establishment" means any nonresidential location, including but not limited to, the nonresidential portion of mixed use buildings.	
Proposed Change: "Commercial Establishment" means any nonresidential location including but not limited to office buildings, shopping centers, places of worship, or Nonprofit Organizations; institutions such as hospitals, public or private schools or universities, or government buildings or agencies, not exempt under federal or state law; public authorities; or a Commercial Tenant of any of these properties. Commercial Establishment also means the nonresidential portion of mixed-use buildings — properties that serve as a Multi-Family Property and Commercial Establishment, such as ground floor retail and upper-story residential or office uses. Home-based businesses (home occupations) are excluded.	
Rationale: The new definition more explicitly details the types of nonresidential buildings and businesses that have to comply with County Code requirements.	
Comment (please specify)	Categories
I think that the proposed change could be edited to be more succinct. I don't know the questions that you receive on this, so perhaps what you have works. But it does not seem clear to me.	Constructive
Maybe mention Airbnb hosts in that last sentence as well? I assume they would similarly be excluded.	Constructive
The original definition is sufficient. The proposed change becomes more confusing.	Constructive
The proposed change is confusing. Is multi-family residential considered "commercial" or not? The second to last sentence is very confusing.	Constructive
We do have a 6 yard solid waste and a 6 yard single stream recycling dumpsters	Other
Broadens the scope of responsible parties	Other
The change adds nothing to the original definition and should be scrapped.	Other
Although the proposed change text is long, I feel it is necessary to further explain the definition of a "Commercial Establishment." The original text is not sufficient. This change clears things up.	Supportive
Proposed change is much more specific as to who is included and not included. The proposed change is a more complete and definitizing.	Supportive
Had to read it multiple times but it does better convey the types of buildings.	Supportive
This is definitely a more useful definition for the general public.	Supportive
Very wordy, but it makes more sense with the proposed change.	Supportive

Question 3:

Revised Definition: Recyclables Collection System

Currently: Three definitions referring to the Recyclables Collection System currently exist in the Code: "Collection system, commercial establishment" means a recycling system which includes the following components: (a) containers expressly for the collection and storage of recyclable materials to include cardboard, mixed paper, newsprint, metal and aluminum cans, glass bottles, and plastic food and beverage containers; (b) a recycling contract with a Collector for commercial collection of the recyclable materials and transportation to a recycling facility, or proof of self-haul to a recycling facility, or for commercial establishments with five (5) or fewer employees, certification of self-haul to a recycling drop-off center; and (c) educational materials to inform employees and tenants of how to properly use the recycling system. "Collection system, multi-family dwelling" means a system which includes the following components: (a) containers expressly for the collection and storage of recyclable materials to include cardboard, mixed paper, newsprint, metal and aluminum cans, glass bottles, and plastic food and beverage containers; (b) a recycling contract with a Collector for commercial collection of the recyclable materials and transportation to a recycling facility, or proof of self-haul to a recycling facility; and (c) educational materials to inform tenants of how to properly use the recycling system. "Recycling system" refers to the means by which recyclable materials are separated from the waste stream collected on site, and managed, and may include the means of delivering source-separated materials to a recycling facility or recycling drop-off center.

Proposed Change: "Recyclables Collection System" ("Recycling System") is the means by which Recyclable Materials are separated from the Waste Stream and at a minimum includes the following components: (a) sufficiently sized and appropriately located Recycling Containers as defined by this article; (b) a Recycling Contract, proof of Back-Haul Collection, or County approval to Self-Haul and (c) evidence of educational materials to inform employees and tenants of how to properly use the Recycling System.

Rationale: The proposed new definition combines three definitions into one, so as to streamline the definition section of this article.

Comment (please specify)	Categories
As a tenant in a commercial building, I can't create a recycling contract. ONLY the building manager or owner can. I can only perform a. and c. as a tenant.	Constructive
Prefer the original	Constructive

Recyclables Collection System - remove "(b) a recycling contract with a Collector for commercial collection of the recyclable materials and transportation to a recycling facility, or proof of self-haul to a recycling facility; and (c) educational materials to inform tenants of how to properly use the recycling system. - All these regulations are why you make things more costly in Arlington - STOP! I can't get the parking permit office and zoning to talk to each Other - We do not need to add a ridiculous proof of back-haul or instructions on how to use a recycling container.	
The multi-family dwelling language is out of date and not consistently applied. You need to figure out where duplexes and 3-unit buildings fall in this.	Constructive
No good, read multiple times. How are immigrants suppose to understand this. I think a combo of pictures of text would be more useful.	Constructive
The old one is more wordy, but it actually makes more sense and I prefer it.	Constructive
We take no issue with this however suggest the county offer more resources for businesses to self-haul.	Constructive
-We use Enviro Solutions disposal service to pick up our solid waste and recycling. -Each employee has a recycle and waste bin under their workstation. -Every tenant kitchen area has on the wall a paper with the list of recycling information.	Other
This proposed change looks great. Perhaps you can revise the previous one in this format. :)	Supportive
Again, I support streamlining definitions.	Supportive
Streamlining is always better. If you can say the same thing in less words, it's easier to understand.	Supportive
Much clearer	Supportive
Proposed change appears to do the job.	Supportive
much better	Supportive
This looks less complicated, and easier to comprehend. Not lost in a sea of verbiage.	Supportive

Question 4:

New Definition: "Commercial Tenant" means a lessee or any other occupant of a nonresidential establishment, including but not limited to, office buildings, shopping centers, places of worship, Nonprofit Organizations, hospitals, schools, or government buildings.

Comment (please specify)	Categories
Clearer and more inclusive	Supportive
This makes sense to me.	Supportive

Question 5:	
<p>Sufficient Capacity (§ 10.32.A.3.)</p> <p>Currently: Two sections of Article IV address sufficient capacity issues:· § 10.31.D states: “It shall be the responsibility of the owners or other responsible party of all commercial establishments and multi-family dwellings...to adhere to the following practices: 1. Provide a sufficient number of recycling containers for the storage of recyclable materials.”· § 10.32. specifies that containers “shall be of sufficient capacity to store the quantity of recyclable materials reasonably anticipated to be disposed at that location.”</p> <p>Proposed Change: § 10.32.A.3: Responsible Parties shall ensure that the on-site service for Recyclable Materials is no less than one-half (50 percent) of the weekly service level (in volume or cubic yard capacity) for Trash services.</p> <p>Rationale: “Sufficient capacity” is vague and causes confusion among property owners and managers, as well as among County staff enforcing the Code. The new requirement will help guard against insufficient capacity, such as under-sized recycling bins, materials overflowing and recyclables present trash dumpsters. As an example, if a business has an eight-cubic yard trash dumpster emptied once per week, they will need to have at least four cubic yards worth of recycling service once per week.</p>	
Comment (please specify)	Categories
Find that 50% unreasonable as we self haul and do so on a more regular basis than trash pickup	Constructive
This may be to high of a number if a business does not create that much recyclable materia	Constructive
This number (no less than one-half) seems too arbitrary. I do not think that it is possible to make a general statement about sufficient recycling capacity that encompasses all types of businesses. Clearly, some businesses will have a larger or smaller trash:recycling ratio than anOther, depending on that type of business.	Constructive
New wording is more confusing than old wording. I don't 50% worth of containers if I take the trash out every day.	Constructive
There is no way to accurately know how large a container is needed to be provided to cover "no less than one-half" of the weekly service level. I am afraid deference will be made to unnecessary excessive container size.	Constructive
This change seems ill-advised. The county has no means to capture the variables related to the volume of recyclable material being generated and disparate types of business. The mechanism of day-to-day business remains the most efficient way for any particular operation to size their needs. If the county wants to mandate recycling, that's fine. But to dive into legislating the ratio of trash to recycling or the volume of recycling that must be on hand is beyond the scope of the counties operations and will only prompt undesirable and unforeseen consequences in the future.	Constructive

I would like to know how you came up with the 50/50 capacity. I take care of a small center that is predominately restaurant uses. My experience has shown these tenants generate more trash than recyclables. This center may not be typical of the Others in the County. We also have 6 recycle and trash pickups a week which is more concentrated than Other centers I manage in Northern Virginia. While I understand we want to recycle as much as possible, it just seems an arbitrary 50% benchmark could be unrealistic given certain tenant mixes. That's my two cents.	Constructive
25% should be minimal for apartment buildings. If more is needed, future experience should be the guide. Based on personal experience 25% has been more than adequate.	Constructive
I think 50% by volume is too much capacity. I think we probably have about 20% recycling capacity and that is not fully used.	Constructive
This "one-size-fits-all" regulation will probably force some entities to wastefully over-supply themselves with recycling bins, or contract for a trash dumpster that is too small for their needs, resulting in trash overflowing into recycle bins. Is there some way to make this 50% figure more of a guideline than a mandate?	Constructive
This new wording is dumb, in so much as it will never work, as it will not guard against "recyclables present in trash dumpsters." You could require the recycling containers to be twice the size of the trash dumpsters and people - both tenants and non-tenants - will still throw recyclable materials into trash dumpsters. We have signs everywhere, and have the requirement to recycle in our leases, yet we still are pulling recycling materials out of our dumpsters almost every day. Many have address labels for buildings and addresses that are not ours. We even send letters to these people when we can locate them but this process never stops. We also believe your ratio of recycling capacity of 50% of dumpster capacity is too high, and will bring extra expense to trash collecting companies and to property owners.	Constructive
While it may be appealing to use an objective standard, the ratio of recycling to trash varies by building and by use. The current definition is sufficient.	Constructive
Trash services or sufficient capacity".	Constructive
50% by volume is too high. The prior definition is superior.	Constructive
This new change imposes an unfair standard, as it is considered universal for all commercial applications and does not take into account the type of commercial venture. Additionally, this will create an additional monthly expense to maintain such a facility that may go underused depending on the type of business.	Constructive
the trash and recycle is collected twice a week	Other
Absolutely not!	Other
Please clarify what you mean by "service" in the last sentence. If we have an 8 cubic yard recycling dumpster that is emptied once per week do you mean we can only ever have 4 cubic yards in it?	Other
I support this change	Supportive
it's always better to be more specific. This is a good change and is much clearer than the original statements.	Supportive

Again, regular business owners and/or staff will get confused. It is an improvement but illustrations would be helpful.	Supportive
Having a formula is an improvement, would like to see data justifying this particular formula.	Supportive
Nice verbiage addition.	Supportive

Question 6:

Reporting Requirements (§ 10-33.B.)

Currently: § 10-33.B.: Updated recycling plans for multi-family dwellings and commercial establishments. The responsible party for each multi-family dwelling and the commercial establishment is required to maintain an updated recycling plan with DES. The plan must be updated whenever there is a significant change to the property, including major construction, change of ownership or management, or change of solid waste and/or recycling Collector or collection services. At a minimum, the plan shall be updated every three (3) years.

Proposed Change: § 10-33.B. Updated Recycling Plans for Multi-Family Properties and Commercial Establishments. The Responsible Party for each Multi-Family Property and the Commercial Establishment is required to maintain a current Recycling Plan with the County. The Recycling Plan must be validated or updated annually, or whenever a significant change to the property occurs, including renovations, change of ownership or management, or change of Solid Waste Collector or collection service levels. Instructions for updating the Recycling Plan are available on the County's DES Solid Waste Bureau's website.

Rationale: Previous versions of this article required Responsible Parties to submit a filled out Recycling Plan form every three years via email or regular mail. Since the last version of Chapter 10 Article IV was amended, the County has moved to an online management system (Re-TRAC) for the Multi-Family and Commercial Recycling Program, including web-based Recycling Plan submissions. Under this new system, Commercial Establishments are required to submit their plan once into the Re-TRAC system and then, on an annual basis, update parts of the plan that have changed throughout the year, or simply validate that the existing plan is correct. One of the largest hurdles the program faces is the turnover of property and business managers. Updating and/or certifying the Recycling Plan on an annual basis helps keep contact information current, as well as assists Recycling Outreach Specialists in preparing for inspections.

Comment (please specify)	Categories
Should not have mandatory update time. Should ONLY be required to be updated when service providers change. This is a STUPID requirement and a COMPLETE WASTE OF TIME.	Constructive
every year is a bit much and anOther burden on business owners	Constructive
If the annual requirement is reduced to a simple validation, such as, "there are no changes from the previous year" this would be acceptable. The county already has records relating to turnover of property (when a property is sold) and this could be used by the County's DES to keep track of new ownership and to specifically require that an update be completed. Of course a change in management may not be so apparent, but once a recycle program is established, it is likely to continue. If evidence exists by virtue of who is responding to various County reporting requirements, then the DES can follow up with a special request. However if the same management source is responding, then to have an annual requirement for recycling is not necessary, and a 3 year period would be better.	Constructive

This red tape is burdensome to small condo associations. If it has to be every year, it should be streamlined as much as possible online.	Constructive
As a commercial tenant, I may not be aware of a change in management, solid waste collector or collection service so I wouldn't know that an updated recycling plan would be required. Annual seems to be fine, but the Other piece should apply only to ownership or building management.	Constructive
Your "new" Re-TRAC system is terrible; whoever came up with this should be fired. And, the current payment system is terrible. We own 5 separate properties, and instead of mailing in 1 check to cover the fees (payment), we have been forced to send in 5 separate checks because we are billed separately, and at different times, for each building. I called your office and complained about this, but was told "it's the new system" and we were not allowed to bundle our payments together. For next year, you should bill owners once for any and all properties they own. The County rationale was that you needed to wait to send out a bill until a property was visited by your office. The payment is the same whether you visit the property or not, so bill us one time for all of our properties. This is common sense. Your current billing plan is dumb.	Constructive
As a tenant in a commercial property, need to be safe guarded against landlord "pass through" of responsibility, meaning: have to keep the onus on the building management / owner and not the tenant. Also, the plan update must be the responsibility of the building management / owner.	Constructive
If the first annual statement filed with the County is sufficient to meet the requirements, there should not be a need to re-file, unless the County should make substantive changes to the requirements for compliance. At that time, the County would notify all businesses of the changes, and request that the businesses re-file, using an updated form provided to them by the County. Reduces paperwork for all parties.	Constructive
"The Recycling Plan must be validated or updated annually, or whenever a significant change..." should read "AND (or) AS WELL AS whenever a significant change..."	Constructive
This is invasive and over-reaching. No recycling plan should be required.	Other
just more needless paperwork.	Other
The counties undertaking to try to collect and maintain a database on plans for what is, ultimately, an atomic-level task seems likely to create an onerous burden on commercial properties and and unwise tax on county resources.	Other
This is a waste of a business' time. First of all a business is in violation of not completing this but the county doesn't send out a notice as to when this is needed to be completed. More importantly, recycling plans don't change from year to year. So why not just ask for a new plan to be filed if and when something has changed?	Other
Delete must be validated or updated annually Save the admin cost	Other

<p>An annual update or "validation" (whatever that means) places unnecessary bureaucratic burden on property owners. Further, a change of solid waster collector or renovations shouldn't constitute a "significant change" to the property unless the use or size of the property changes. Candidly, the current inspection system is a joke. We were contacted by a DES employee to tell us we were not in compliance. (We are.) We were told we didn't have a ReTRAC account. (We do.) After the employee realized the error she said she inspected the property and we were fine. We asked how she could inspect the property since access is secured and she admitted she never actually went there in person. (For real?) This is one of those times where I feel like my tax dollars (and fees) are truly being wasted by the County. If you want to encourage recycling, encourage RESIDENTS to recycle. I can put up signs, distribute plans, provide containers, etc., but if the residents of my apartment building don't recycle, it's a complete waste of effort.</p>	Other
<p>I do not agree that any property should be forced to submit a recycling plan annually, electronically or not. This is creating an undue burden on property managers who are already overloaded with paperwork for Arlington County.</p>	Other
<p>What happens if the responsible party does not take care of this?</p>	Other
<p>I have no problem with this or any Other amendment to Chapter 10.</p> <p>My concern is that enforcement of the code against multi-family property owners is not enforced. For example, shortly after I moved to my current multi-family address in 2004, the landlord removed recycle bins from the property and has obviously never been cited for this.</p>	Supportive
<p>Seems like a good change. It's clear what they have to do in order to keep their records current, and it's better for the county to have the most up-to-date information.</p>	Supportive
<p>Keeps all players current and effective</p>	Supportive
<p>Yes, this is a good change.</p>	Supportive

Question 7:

Reporting Requirements (§ 10-33.D)

Proposed Addition: § 10-33.D. Property Manager/Owner and Tenant Relationship. Each Commercial Establishment in the County, including Commercial Tenants, must adhere to the requirements of this article and submit a Recycling Plan in one of the following ways: A Commercial Tenant that contracts for their own Solid Waste collection services is responsible for developing and managing a Recycling System for their establishment and therefore, must submit a Recycling Plan. A Commercial Tenant that uses a shared Solid Waste collection service provided by a property owner or manager as part of its Recycling Collection System, is responsible for submitting a Recycling Plan. A property owner or manager of a Commercial Establishment that provides a shared Solid Waste Collection service for Commercial Tenants of that establishment, must submit a Recycling Plan for that Commercial Establishment. A property owner or manager of a Commercial Establishment may submit a single Recycling Plan for multiple Commercial Tenants, but must list tenant information including, but not limited to, business type, current contact information and suite number for each Commercial Tenant that is subject to the Recycling Plan. Each Commercial Tenant must be provided the Recycling Plan on an annual basis and be in compliance with all components of the Recycling Collection System requirements, as described herein.

Rationale: To accommodate the various property manager/owner and tenant relationships, the County proposes to allow different reporting structures for the Recycling Plan. The County's online Multi-Family and Commercial Recycling program management system (Re-TRAC) was recently updated to accommodate these different scenarios, based upon input from business owners and managers. These clauses codify these changes and allows for the Commercial Establishment's reporting duties to be better defined.

Comment (please specify)	Categories
Delete # 2 Delete #4 Each Commercial Tenant must be provided the Recycling Plan on an annual basis and be in compliance with all components of the Recycling Collection System requirements, as described herein. All covered in previous sections	Constructive
"A Commercial Tenant that uses a shared Solid Waste collection service provided by a property owner or manager as part of its Recycling Collection System, is responsible for submitting a Recycling Plan." This is confusing for Tenants... To whom should Tenants submit a Recycling Plan? Owner of the property? County?	Constructive
I had to read in multiple times and I'm not sure I fully understand.	Constructive

If Commercial Tenants are utilizing a shared Solid Waste Collection Service, the onus should be solely on the property owner or manager. They are in control of the collection service, they are best equipped to write the plan.	Constructive
What is the difference between #2 and #3? Per the prior question, where does the responsibility truly lie? As a tenant with a lease that states the landlord shall prove this service, have no say in how it is done; yet per the above have an imposed duty that doesn't appear to be fair.	Constructive
Plan should be updated hourly by both owners and tenants to ensure everyone remains aware of their responsibilities.	Other
This is invasive and overreaching, no plan/submission should be required.	Other
This is a perfect example of how caught up Arlington County is in being "politically correct" instead of fiscally responsible. None of this recycling program really does anything Other than increase needless spending and red tape by the government. It may make the lawmakers feel good about themselves, but it's really a waste of money. A simple two bin regulation would suffice, with no burdensome micro managing regulations, and would be just as effective, if not more so, than the overly complicated regulations you are asking us to comment on. SHAME ON YOU FOR BEING SELF RIGHTEOUS REGULATORS>	Other
If the property manager provides businesses with a recycling/trash, can "we" (the restaurant/business owners) get a fair pricing comparison?	Other
For any small building owners (what we are), "establishing and submitting a recycling plan" takes something that's pretty simple and exaggerates it into almost a joke. We have recycling totes owned by and emptied by our waste collection company. We have signs up in our buildings that all recyclable materials need to be recycled in the totes, listing what must be recycled. We even put this requirement into our leases. We're not talking rocket science here.	Other
include multi-family residential properties?	Other
I do not agree that any property should be forced to use an on-line submittal method or website.	Other
What happens if they do not do it?	Other
I have no problem with this or any Other amendment to Chapter 10. My concern is that enforcement of the code against multi-family property owners is not enforced. For example, shortly after I moved to my current multi-family address in 2004, the landlord removed recycle bins from the property and has obviously never been cited for this.	Supportive
Seems fine, it allows the commercial tenants to find the appropriate method to submit the plan.	Supportive

<p>I like the on-line reporting. Having said this, I'm confused. If the property manager submits the plan per #4 which lists the tenants, why would you need the tenants to report essentially the same information per #2. It seems to me this is just duplication.</p>	<p>Supportive</p>
<p>Numbers 2 and 3 are redundant. I like the addition of #4. I would especially like if this was the only option, that it was solely the owner/manager responsible for the recycle plan and fee.</p>	<p>Supportive</p>

Question 8:

§ 10-39. Recycling System Compliance Inspection Fee.

Currently: Each responsible party which is required to establish a recycling system for the collection of Trash and Recyclable Materials as described in § 10-31 and § 10-32 and is required to submit a recycling plan pursuant to § 10-33, shall on a yearly basis pay a compliance inspection fee of sixty-six dollars (\$66.00) for each multi-family property or business location for which a plan has been submitted. Such fees shall be paid within thirty (30) days of the date of the bill for payment. Failure to pay such compliance inspection fee after 60 days from the initial billing date shall result in the addition of the inspection fee plus a one-hundred dollar (\$100) late fee to the next utility bill for the property.

Proposed Change: § 10-39.A. The Multi-Family and Commercial Recycling Program Fee shall be paid to the County annually, by January 31, for the administration of the requirements set forth in this article. For Multi-Family Properties, the fee shall be based on the number of dwelling units. For Commercial Establishments, the fee shall be based on factors that include all or some of the following: business or property type, number of employees, and other resource needs associated with the business or property type. Effective January 1, 2018, the base fee of thirteen dollars and seventy-two cents (\$13.72) shall be used to calculate each property's annual fee based on the business or property type as specified in Table 1. Effective January 1, 2018, the calculated Program Fee for each business category is outlined in Table 2. § 10-39.B. Such fees shall be paid within thirty (30) days of the date of the bill for payment. In the event the program fee and late fee are not paid within thirty (30) days of issuance, the unpaid amount will be forwarded to the Arlington County Treasurer's Office for collections, and will be subject to further administrative penalties.

Rationale: The Multi-Family and Commercial Recycling Program Fee and fee structure is amended to be more equitable across business types and sizes, while still preserving program funding for services including outreach, site visits and inspections. The County Code was updated effective January 1, 2016, with the intent of increasing recycling within the multi-family and commercial sectors. Since that time, the business community has provided Solid Waste Bureau staff with feedback about several aspects of the recycling requirements in the Code. The most frequent complaint concerns the fee structure, with many business and property owners believing it is inequitable. In August 2017, the Solid Waste Bureau emailed a survey to 3,217 multi-family and commercial properties requesting input into three fee structure options. One option was keeping the existing flat fee rate structure, while the other two options presented tiered fee structures based on business or property type, number of employees, and resource needs associated with the business or property type. 298 businesses replied to the survey, with nearly two-thirds rejecting the status quo option of the flat fee structure that is currently in the Code. The new fee structure results a decrease in the annual fee for approximately 75 percent of the Commercial Establishments in the County, while 25 percent will see an increase in the annual fee.

Comment (please specify)	Categories
Paying a separate fee for someone to do a job seems ridiculous to me. If the inspector comes and finds non compliance then a fee should be charged along with any penalty.	Constructive

It is unfair to charge a recycling fee if you don't inspect the property for compliance with the code.	Constructive
Too complicated. Easy to have a flat rate.	Constructive
Perhaps I'm biased from falling in the 25% who will see a fee increase, but this seems an increase in the fees I'm paying to support a program that cannot demonstrate a clear value or necessity.	Constructive
I would recommend that the total County administrative costs associated with this recycle program be zero cost budgeted. It astounds me that the cost is so great on a recurring basis. Once the program is in place, the County costs should be drastically reduced along with the manpower. Let's think about the taxpayers who are picking up this tab. Look to reduce it as fast and as soon as possible.	Constructive
Can you establish an auto-pay system?	Constructive
It is not clear what the fees are for. Are you trying to improve recycling or be a profit center	Constructive
It's not clear how to estimate annual fees. How do measure what is "minimum", "moderate" and "high"? Fees for restaurants are just outrageous. You basically try to make a money on restaurant establishments, and lower fees for doctor offices? I understand that you try to make some extra revenue but its simply unfair. Are you trying to say that high volume doctor office (for example dentist) is gonna produce less trash for three years than a tiny coffee shop in one year? I would like to know how did you determine it? Can you provide all researchers? And please be real: small family owned restaurant will significantly notice increasing fees, doctor's practise... well, for them \$60 or \$300 is just 10min of their work.	Constructive
How do commercial tenants know if the owner is doing option \$4 for (from issue #7) wherein they are submitting the plan and identifying the tenants? In that scenario is the owner/manager also paying the fee?	Constructive
Your fee schedule above for multi-family properties is confusing. For a multi-family property of 8, 9, or 10 units (what we own), is the fee going to be \$27.44 per property per year? What does the "2X fee Multiplier" mean? Please clarify this and get back to us. Your current fee of \$66 per property is already too high; if the new confusing fee structure puts the fee higher than that, I want to reserve the right to come in a file some motion or suit against that.	Constructive
The unit count for moderate multi-family buildings should be raised from 11 to 20 (i.e., moderate = 20-75 units)	Constructive
retail food fees of \$219.52 is too high while we are paying trash and reccling service which is very high as is.	Constructive

We negotiated our 10-year lease prior to being made aware of this fee, which should have been included in the rent. We are paying a fee to the landlord for trash pick-up, which includes recycling; and now have to pay an additional surcharge. This appears to be a fee that has been created to justify a department within the county.	Constructive
Is it possible to tie the weight of the containers and their contents into the pricing?	Constructive
I don't understand the fee multiplier. If our annual minimum fee is \$54.88 but the multiplier is 4x, what is my annual fee? \$218.52? If that's the case, why don't you just list that fee? Sounds like it's written by design to be convoluted.	Constructive
I think the moderate level is a pretty wide range -- 10-99 employees. I recommend expanding the first category to 1-20, 21-99, etc.	Constructive
Creating work for yourself. Bureaucracy at its finest.	Other
Again, overreaching and invasive. No program/inspection fee should be required.	Other
Another tax gouge - we write the plan administered by government employees paid for by my tax dollars and then I have to pay for my plan that I did the work.	Other
It is another fee to make it that much harder to operate a business in Arlington County. I understand why people leave for Fairfax and Loudon.	Other
The fee should NOT exceed \$10	Other
WASTE OF MONEY	Other
Paying by the drink rather than access to the water. Thank you.	Other
It's starting to look like the resources expended on this program will far exceed those saved by recycling.	Other
I think this fee is ridiculous. I also feel that the way it is being calculated is not appropriate. Yes, we have a complex, but within that property there are only two waste disposal areas. Very easy to inspect and evaluate. The fee is too, high for what you are doing!!!	Other
This triples our fee - ridiculous!	Other
Fees are too expensive.....	Other
uytuyrui7y6ruy	Other
I support this change	Supportive
Looks good. It makes it easier for small businesses	Supportive
This is pretty good, but no non-profit category.	Supportive
This is an improvement, but # of employees should be "# of full-time-equivalent" employees. This avoid penalizing businesses with a large # of part time employees who only work a couple hours a week. FTE is a # businesses have to calculate for Other purposes such as insurance / health insurance tax forms / etc. so it is not onerous.	Supportive

ENVIRONMENT AND ENERGY CONSERVATION COMMISSION

c/o Department of Environmental Services 2100 Clarendon Blvd., Suite 705 Arlington, VA 22201

December 20, 2017

The Honorable Katie Cristol, Chair
Arlington County Board
2100 Clarendon Blvd.
Arlington, VA 22201

Subject: Support of Amendments to Chapter 10 of County Code by the Department of Environmental Services, Solid Waste Bureau

Dear Chair Cristol:

At our November 2017 meeting, the Solid Waste Bureau (SWB) staff presented the proposal to amend, re-enact, and recodify Chapter 10 (Garbage, Refuse and Weeds) of the Code of Arlington County, Virginia; to amend Articles I, IV, and V, relating to Residential, Multi-Family and Commercial solid waste services in order to improve recycling education programs and increase recycling diversion rates across Arlington County.

We appreciate and support staff's efforts to amend Chapter 10 of the County Code. We want to highlight and support the following specific elements:

- Updating definitions to align with current industry-standard terminology and goals, and adding new definitions as appropriate for more clarity to the County Code.
- Requiring regulated properties to ensure their recycling service capacity is at least equal to 50% of their garbage service capacity.
- Revising the inspections cycle for approximately 2,400 businesses from annual inspections to every three (3) years. These businesses include commercial office building tenants, retailers without prepared food, laundromats, banks, auto sales, dry cleaners, etc. Larger businesses and multi-family properties will continue to be inspected annually. This will allow inspectors to focus their time on inspections that will have the biggest impact.
- Restructuring the Multi-Family and Commercial Recycling Program Fee to ensure more equitable charges which will help increase public acceptance of the program.

The Commission would like to express its support for these proposed changes to Chapter 10 of County Code due to the positive environmental impacts and anticipated benefits that these changes have been designed to capture.

Sincerely,



Christine Ng
Chair, Environment & Energy Conservation Committee

Attachment D. Commercial Establishments

Business Categories	Inspection Cycle	# of Properties
Assisted Living & Group Home	Annual	8
Automobile: Dealership	3-Year	10
Automobile: Gas Station	Annual	36
Automobile: Repair	3-Year	39
Automobile: Sales	3-Year	18
Bank	3-Year	79
Convenience Store	Annual	43
Daycare & Preschool	3-Year	19
Dry Cleaners	3-Year	57
Grocery	Annual	40
Gym & Fitness	3-Year	59
Laundry Mat	3-Year	4
Lodging	Annual	41
Medical Office	3-Year	326
Medical Hospital/Surgery	Annual	1
Movie/Stage Theater	Annual	5
Office Tenants	3-Year	1135
Place of Worship: Food	Annual	19
Place of Worship: No Food	3-Year	14
Restaurant: Deli/Coffee Shop	Annual	113
Restaurant: Fast Food	Annual	221
Restaurant: Full Service	Annual	233
Retail: No Food	3-Year	211
Retail: Food	Annual	2
Service Business	3-Year	170
Salon/Barber/Spa	3-Year	200
School/College: Food	Annual	8
School/College: No Food	3-Year	13
Storage Units	3-Year	9
Vet/Kennel/Dog School/Grooming	3-Year	19
Other: Annual	Annual	11
Other: Three Year	3-Year	3
Overall Buildings	Annual	182
Multi-Family	Annual	576
Total		3924