



Memorandum

TO: Kevin J. Jackson, Village Manager 

FROM: Rob Sproule, Public Works Director 

FOR: Village President and Board of Trustees

DATE: March 8, 2023

SUBJECT: Commercial Hauler Recycling Ordinance and Reporting

The purpose of this memo is to update the Village Board Ordinance Number 16-130 and the implementation of a new three-year study of commercial recycling collection service.

Background

On November 7, 2016 the Village of Oak Park enacted Ordinance Number 16-130 titled "An Ordinance Amending Chapter 20 ("Public Health") By Adding A New Article 13 ("Commercial Solid Waste Hauling and Recycling)" which requires waste haulers who are providing commercial refuse and/or recycling collection services in the Village to report the number of businesses under contract for recycling services. Under a State law passed in 2014 (Public Act 98-1079), the Village was granted the authority to require haulers to provide information on recycling participation rates every six months over a three-year period. Ordinance Number 16-130 and state law also require that haulers provide their customers a written offer to provide recycling services if they do not currently recycle. This written offer must be provided to customers at least once every two years. Compliance with this ordinance is required by all licensed waste haulers in Oak Park.

The Village's goal with this ordinance is to increase the level of commercial recycling participation in our community and divert as much waste as possible from the landfill. If the commercial waste haulers do not demonstrate that at-least fifty percent of the businesses they service have recycling services at the end of the three-year period, the Village may choose to pursue a commercial franchise with one exclusive hauler.

A three-year commercial hauler reporting period was initiated in 2017 but was never completed. The Village is instituting a new study window for the years 2023-2025. At the beginning of each reporting year, haulers will receive the following items: a letter outlining what is being required; a copy of Ordinance Number 16-130; and the two reporting forms for

the year. At the end of the reporting period the Village will assess the percentage of businesses that have recycling service. If the percent of businesses with recycling service is below fifty percent at the end of the thirty-six-month study or falls below fifty percent for two consecutive six-month periods following the initial thirty-six-month study, the Village would have the authority to pursue a commercial franchise if the Board so desired.

The Village is required to publicly present the ongoing results of the study on the Village website. Staff will also provide regular updates to the Board throughout this process. Please feel free to reach out to me with any questions at rsproule@oak-park.us or 708.358.5700.

Attachments

Letter for Waste Haulers
Reporting Form
Ordinance Number 16-130

cc: Lisa Shelley, Deputy Village Manager
Ahmad Zayyad, Deputy Village Manager
Erica Helms, Environmental Services Manager
All Department Heads
Christina M. Waters, Village Clerk



March 8, 2023

RE: Commercial Solid Waste Hauling and Recycling Ordinance

Dear Hauler,

On November 7, 2016 the Village of Oak Park ("Village") enacted Ordinance Number 16-130 titled "An Ordinance Amending Chapter 20 ("Public Health") By Adding A New Article 13 ("Commercial Solid Waste Hauling and Recycling)" which **requires haulers who are providing commercial refuse and/or recycling collection services in the Village to report the number of businesses under contract for recycling services.** Under a State law passed in 2014 (Public Act 98-1079), the Village was granted the authority to require haulers to provide information on recycling participation rates every six (6) months over a three (3) year period. If the haulers do not demonstrate that at least 50% of the businesses have recycling services at the end of the three (3) year period, the Village may choose to pursue a commercial franchise with one exclusive hauler. **The Village is instituting a new study window for the years 2023-2025. Compliance with this ordinance is required by all licensed haulers in Oak Park.**

Please understand that the Village Ordinance Number 16-130 and the state laws do not mandate that Village businesses recycle. Ordinance Number 16-130 and state law also require that haulers provide their customers a written offer to provide recycling services if they do not currently recycle. This written offer must be provided to customers at least once every two (2) years.

A copy of the Oak Park Ordinance and the 2023 reporting forms are included with this letter. Based on Ordinance Number 16-130 and the state law, we expect that each licensed waste hauler is regularly contacting customers about recycling services.

It is the Village's goal to increase the level of commercial recycling participation in our community and divert as much waste as possible from the landfill. If you have any questions or concerns regarding the local ordinance or the reporting form, please contact me directly at 708.358.5707 or ehelms@oak-park.us. Thank you!

Sincerely,



Erica Helms
Environmental Services Manager
Village of Oak Park

**Commercial Hauling Report Form
For The Village of Oak Park**

Attachment 2

To demonstrate compliance with the Village of Oak Park's Commercial Solid Waste Hauling and Recycling Program Ordinance enacted on November 7, 2016, you are required to submit this form with the requested information for each 6-month period for three years (2023-2025). If your company provided a written offer for recycling services to your customers during this report period, please attach a copy of your letter to this report.

Company and Contact Information

Company Name: _____

Contact Name: _____

Address: _____

Title: _____

Phone No: _____

E-Mail Address: _____

Hauling Service and Recycling Information

****Please fill in the data for the associated six-month timeframe for this reporting period****

SIX-MONTH REPORTING PERIOD January 1 – June 30, 2023

REPORT DUE July 31, 2023

A. Number of non-residential locations that contract with your company for collection of recyclable materials in the Village of Oak Park.

A. _____

1. Of the total number indicated above in A, how many of the non-residential locations share a container for recyclable material?

A1. _____

B. Total number of non-residential locations serviced by your company in the Village of Oak Park.

B. _____

During this six-month reporting time frame did your company landfill or incinerate any recyclable materials that were collected as source separated recyclable material?

(Please circle)

YES

NO

If yes, provide information, date(s) and reason for landfilling or incinerating the recyclable material.

I certify that the foregoing information is true and complete to the best of my knowledge, and understand that any willfully false information is subject to penalties under the Village's ordinance.

Printed Name: _____

Signature: _____

Date: _____

ORDINANCE

**AN ORDINANCE AMENDING CHAPTER 20 ("PUBLIC HEALTH") BY ADDING A NEW ARTICLE 13
("COMMERCIAL SOLID WASTE HAULING AND RECYCLING")**

WHEREAS, Public Act 98-1079 became effective on August 26, 2014 and created the Solid Waste Hauling and Recycling Program Act, and amended the Illinois Municipal Code and the Illinois Solid Waste Planning and Recycling Act; and

WHEREAS, Public Act 98-1079 requires each private hauling contractor operating in a county or municipality to offer collection services for recyclable materials to their non-residential business customers, and to provide a written offer to provide recycling services, at least once every two (2) years, to their non-residential business customers that are not recycling; and

WHEREAS, Public Act 98-1079 prohibits a municipality with a population of less than 1,000,000 from awarding a commercial hauling franchise unless it: 1) provides written notice to all private hauling contractors licensed by the municipality of its intent to issue a request for proposal for a commercial franchise; and 2) adopts an ordinance requiring a thirty-six (36) month reporting program to determine the percentage of non-residential businesses in the municipality contracting for the collection of recyclable materials, and demonstrates that the recycling participation for the final six (6) months of the thirty-six (36) month long reporting period is less than fifty percent (50%) of the total number of businesses served in the municipality or that during two (2) consecutive six (6) month reporting periods after the thirty-six (36) month reporting period that less than fifty percent (50%) of businesses are under contract for the collection of recyclable materials; and

WHEREAS, Public Act 98-1079 permits a municipality that has issued a written notice and conducted the thirty-six (36) month reporting program to, upon written request to the private hauling contractors, continue to require private hauling contractors to report data on the recycling participation rate every six (6) months and to also require the private hauling contractors to report on the quantity, in volume or tons of recyclable materials and municipal waste, collected by the private hauling contractor in the municipality; and,

WHEREAS, the 2007 West Cook County Solid Waste Management Plan Update encourages units of local government in West Cook County to evaluate commercial franchising as a method to control costs, increase recycling, and reduce greenhouse gases associated with collection from non-residential locations; and,

WHEREAS, the Village of Oak Park ("Village") is a member of the Solid Waste Agency of West Cook County and voted to approve the 2007 West Cook County Solid Waste Management Plan Update, and has committed to working on programs that will increase recycling at non-residential business locations, including the evaluation of commercial franchising to increase recycling.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

Section 1. Recitals Incorporated. The above recitals are incorporated herein as though fully set forth.

Section 2. Village Code Amended. Chapter 20 ("Public Health") is hereby amended by adding a new Article 13 ("Commercial Solid Waste Hauling and Recycling") to read as follows:

**ARTICLE 13
COMMERCIAL SOLID WASTE HAULING AND RECYCLING**

27-13-1: DEFINITIONS:

The words and phrases set forth below are hereby defined as follows for purposes of this article:

CONTRACT FOR SERVICE: A written or verbal contract between a private hauling contractor and non-residential location, and includes the private hauling contractor providing a collection container and service for collection of commercial solid waste and/or recyclable materials.

NON-RESIDENTIAL LOCATION: A commercial, industrial or institutional property that has a private hauling contractor that provides collection or hauling services for commercial solid waste or recyclable material, not including "special waste" as that term is defined in the Illinois Environmental Protection Act, 415 Illinois Compiled Statutes 5/1 *et seq.*, and that is licensed by the Village as required by this Code, and said private hauling contractor provides individual properties with its own container(s) for collecting Village waste and/or recyclable material.

PARTICIPATION RATE: The percentage of non-residential locations that have a private hauling contractor for separate collection of recyclable materials, and is computed by setting as the denominator the total number of non-residential locations served by private hauling contractors in the Village with collection services for commercial solid waste as reported by the private hauling contractors, and setting as the numerator the total number of non-residential locations that contact with private hauling contractors in the Village with collection services for recyclable materials. Such separate collection of recyclable materials shall be on a periodic basis and if less frequent than once every four weeks, shall be reported on the Village form provided pursuant to Section 27-13-3(c)(2). For purposes of computing the participation rate, if non-residential locations choose to share a container for collecting recyclable materials, the sharing of a container must be documented as being acceptable to those non-residential locations and as having adequate capacity to meet the recycling needs of the non-residential locations sharing the container. Such sharing of recyclable material containers shall be

reported as recyclable material customers on the Village's form provided pursuant to Section 27-13-3(c)(2) of this article.

PRIVATE HAULING CONTRACTOR: Any person or entity that engages in the business of collecting or hauling garbage, municipal waste, recyclable material, landscape waste, brush or other refuse on a continuous and regular basis, and makes multiple scheduled collections per month with the Village for non-residential locations and that is licensed by the Village pursuant to the requirements of this Code.

27-13-2: OFFER OF COLLECTION OF RECYCLABLE MATERIALS:

A. Each private hauling contractor operating in the Village shall offer, either as part of basic service, or alternatively as an additional service, the collection of source separated recyclable materials from any non-residential location within the Village as follows:

1. For those non-residential locations that have collection services for recyclable materials, the private hauling contractor shall provide information on how and what materials to recycle at least once every other year beginning on the effective date of this article. One (1) sample copy of this information shall be provided to the Village at least once every other year by each private hauling contractor within thirty (30) days of it being provided to the non-residential locations.
2. For those non-residential locations that do not have collection services for recyclable materials, the private hauling contractor shall provide a written offer to provide recycling services at least once every two (2) years from the effective date of this article. The written offer shall also include a request that the non-residential location respond to the private hauling contractor's request in writing. One (1) sample copy of the written offer shall be provided to the Village at least once every two (2) years by each private hauling contractor within thirty (30) days of it being provided to the non-residential locations.

B. Recyclable materials collected by a private hauling contractor within the Village shall not be deposited into a landfill or incinerator unless all reasonable efforts have been made by the private hauling contractor to recycle the materials. If source separated recyclable materials are landfilled or incinerated, the private hauling contractor shall notify the Village on the Village's form provided pursuant to Section 27-13-3(c)(2) of this article.

C. Ownership of recyclable materials set out for collection shall remain with the non-residential location that set out the material for collection until the material is removed by the private hauling contractor.

27-13-3: PROCEDURES TO DETERMINE IF A COMMERCIAL FRANCHISE CAN BE CONSIDERED BY THE VILLAGE:

A. The Village shall provide written notice to all private hauling contractors providing hauling services in the Village of its intent to issue a request for proposals for a commercial franchise, and such written notice shall include a copy of this article.

B. Upon the effective date of this article, each private hauling contractor, for a period of thirty-six (36) continuous months, shall report the number of non-residential locations served by the private hauling contractor in the Village for collection of Village waste, and the number that contract for recyclable materials collection service. The specific data required to be reported for the thirty-six (36) month period shall be provided and reported as follows:

1. The thirty-six (36) month continuous study shall commence on the first day of the month following the effective date of this article.
2. Every six (6) months from the commencement date each private hauling contractor shall report to the Village on a form to be provided by the Village the number of non-residential locations served by the private hauling contractor for collection of Village waste, and the number of non-residential locations contracting for recyclable materials collection service. Each six (6) month report shall be submitted to the Village within thirty (30) days following the end of each six (6) month period.
3. The Village shall post on its website within fifteen (15) days of receiving the reports required under Section 27-13-3(c)(2) from all the private hauling contractors the participation rate as defined in Section 27-13-1 for each six (6) month reporting period. When determining the participation rate the Village shall use the information provided by all private hauling contractors operating within the Village in accordance with Section 27-13-3(c)(2) of this article. The information shall be reported by private hauling contractors without identifying the private hauling contractor and, in aggregate without naming individual private hauling contractors and the non-residential locations the private hauling contractors for which provide collection services.
4. If the participation rate for the final six (6) month period of the thirty-six (36) month study establishes that the participation rate is less than fifty percent (50%), the Village may proceed to issue a request for proposals for a commercial franchise.

B. Beginning at the conclusion of the thirty-six (36) month reporting period, and upon written request of the Village, each private hauling contractor shall report to the Village for every six (6) month period thereafter for as long as the Village chooses to

receive such data. The data required under this section shall be provided and reported as follows:

1. The number of non-residential locations the private hauling contractor provides collection services to for Village waste;
2. The number of non-residential locations the private hauling contractor provides collection services to for recyclable materials;
3. An estimate of the amount in volume or tons of Village waste collected from the non-residential locations serviced by the private hauling contractor;
4. An estimate of the amount in volume or tons of recyclable materials collected from the non-residential locations serviced by the private hauling contractor;
5. The Village shall post on its website within fifteen (15) days of receiving the reports required under Section 27-13-3(c) from all the private hauling contractors the participation rate as defined in Section 27-13-1 for each six (6) month reporting period. When determining the participation rate the Village shall use the information provided by all private hauling contractors operating within the Village. The information shall be reported by private hauling contractor, without identifying the private hauling contractor; and, in aggregate without naming individual private hauling contractors and the non-residential locations for which the private hauling contractors provide collection services; and
6. If the participation rate reported to the Village is determined to be less than fifty percent (50%) of the non-residential locations for two consecutive six (6) month reporting periods, the Village may proceed to issue a request for proposals for a commercial franchise.

27-13-4: COMPLIANCE MONITORING:

A. A private hauling contractor reporting pursuant to this article is required to maintain a current list of the non-residential locations in the Village served by the private hauling contractor for collection of commercial solid waste and which contract with the private hauling contractor for collection services for recyclable materials. Said list shall be made available within ten (10) business days of written notice from the Village for review by the Village after each six (6) month reporting period. The Village shall review the list solely for the purpose of verifying compliance with this article. The list must include the street address location of the non-residential location and the Village may inspect the location to determine if recycling services are being provided in accordance with this article.

27-13-5: PENALTIES:

A private hauling contractor shall be subject to a \$500.00 fine for each day a violation occurs of this article. A second violation of this article by the same private hauling contractor shall result in a fine of \$750.00 for each day a violation occurs. A third violation of this article by the same private hauling contractor shall subject the private hauling contractor's license to suspension or revocation in addition to the penalties set forth herein. Each day a violation of this article occurs shall be a separate and distinct offense.

Section 3. Severability and Repeal of Inconsistent Ordinances. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Effective Date. This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

ADOPTED this 7th day of November, 2016, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Abu-Taleb	X			
Trustee Barber	X			
Trustee Brewer	X			
Trustee Button Ott	X			
Trustee Lueck	X			
Trustee Salzman				X
Trustee Tucker	X			

APPROVED this 7th day of November, 2016.


Anan Abu-Taleb, Village President

ATTEST


Teresa Powell, Village Clerk

Published in pamphlet form this 7th day of November, 2016.


Teresa Powell, Village Clerk