

TOWN OF MANCHESTER, CONNECTICUT

DATE: January 2, 1991
MEMO TO: Board of Directors
FROM: Richard J. Sartor, General Manager
SUBJECT: Recycling Rules and Regulations

In accordance with Section 22a-241 of the Connecticut General Statutes, municipalities are not to allow items required to be recycled into the Landfill. The State Department of Environmental Protection has indicated that municipalities have some flexibility until July 1, 1991 to come in compliance with the statutory requirements. The attached proposed Rules and Regulations for Residential/Business/Commercial and Industrial Recycling detail the Town of Manchester's mandatory recycling program. It is recommended that these Rules and Regulations become effective on April 1, 1991, for those residential units receiving curbside pickup and July 1, 1991, for apartments and condominium complexes as well as business/commercial/industrial establishments.

Within the Rules and Regulations the section dealing with enforcement allows for a period of time between adoption of the Rules and Regulations and July 1, 1991, before any fine could be levied to a residential homeowner for failure to adhere to the Rules and Regulations. Until July 1, 1991, any resident receiving curbside pickup who does not adhere to these Rules and Regulations may receive a written warning, but shall not be fined.

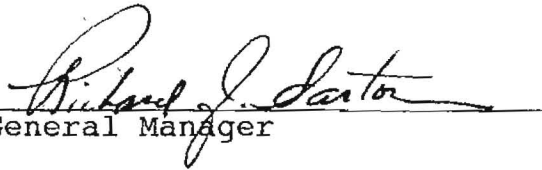
The Town of Manchester's residents have enthusiastically participated in the voluntary recycling program, and I would expect that they would continue their enthusiasm with a mandatory program. As of July 1, 1990, the Town had provided 15,500 recycling containers to residents. The following represents the volume of materials they have recycled between July 1, 1990, and November 30, 1990.

Paper - 1,326.60 tons
Glass - 181.30 tons
Cans - 83 tons
Bulk Metal - 567.80 tons
Batteries - 8 tons
Oil - 5,650 gallons
Antifreeze - 145 gallons
Leaves - 700 tons

The efforts of the Town residents has resulted in the recycling of 27.5% of the total residential solid waste stream, excluding motor oil and antifreeze. The proposed Rules and Regulations will increase this percentage, and the ultimate result will be extending the life of the Sanitary Landfill which our ultimate goal.

In order to properly promote this program, the Sanitation Division will send a clear summary of the Rules and Regulations to each residential homeowner, along with a statement thanking them for their participation in the program to date.

In addition, prior to the July 1, 1991, effective date for potential enforcement action, the Sanitation Division will place ads in local newspapers promoting the recycling program as well as prepare a presentation for display on the public access channel.


General Manager

RJS/sp

Attachment

**RULES AND REGULATIONS PERTAINING TO
RESIDENTIAL AND BUSINESS/COMMERCIAL/INDUSTRIAL
RECYCLING**

Purpose

These Rules and Regulations require all residential units and business/commercial/industrial establishments to keep recyclable materials separate from the rest of the solid waste stream so as not to dispose of recyclable materials within the working face of the Sanitary Landfill.

I. Definitions

A. Recyclable materials:

Materials designated by the State of Connecticut Department of Environmental Protection or by the Director of Public Works of the Town of Manchester, to be separated from the solid waste stream for reuse, sale or disposal by any other alternative means other than disposal at the Sanitary Landfill or a resource recovery facility. As of the passage of these Rules and Regulations, recyclable materials shall include:

1. Newspapers, which shall also include all inserts within any newspaper, magazines, junk mail, and non-glossy cardboard containers. (Window envelopes are not accepted unless the window is removed.)
2. Corrugated cardboard.
3. Glass jars and bottles.
4. Tin and aluminum cans.
5. Motor oil.
6. Automobile batteries.
7. Bulk metals including, but not limited to, refrigerators and freezers with doors removed, stoves, washing machines, dryers, air conditioners, tire rims with tires removed and other similar items.
8. Leaves.

B. Non-recyclable Materials (Refuse):

Non-hazardous materials which have entered the solid waste stream for which there are no alternative uses other than disposal at the Sanitary Landfill or a

resource recovery facility. As of the passage of these Rules and Regulations, non-recyclable materials shall include:

1. Food wastes.
2. Styrene, wax-covered or glossy cardboard, and metal tray food containers.
3. Plastic containers.
4. Glass window panes, light bulbs, housewares, ceramics, broken bottles.
5. Tires.
6. Contaminated newspapers and corrugated cardboard, which shall mean those products which are oil soaked or food contaminated.

II. Residential Recycling

- A. The Town of Manchester will provide for the collection of recyclable materials in designated containers placed on a Town or State-owned street line or curb by residential dwelling units.
- B. Effective April 1, 1991, all residential dwelling units, except for condominium and apartment complexes as specified in Section III of these Rules and Regulations, shall separate recyclables from non-recyclables in the following manner:
 1. Clean and unsoiled newspapers, corrugated cardboard, and other acceptable paper and cardboard products shall be separated from other solid waste and placed into the designated recycling container provided to each household by the Town of Manchester.
 2. Glass jars and bottles and tin and aluminum cans shall be separated from other solid waste and placed into the designated recycling container provided to each household by the Town of Manchester. These recyclables must be rinsed clean, with the lids, corks, and tops removed.
 3. Motor oil will be collected curbside on the resident's scheduled refuse and recycling collection day or may be disposed of at the Town of Manchester Sanitary Landfill Recycling Area. Motor oil collected curbside shall be put in plastic containers with caps secured with tape and placed along side the recycling container.

4. Automotive batteries will be collected curbside on the resident's scheduled refuse and recycling collection day or may be disposed of at the Town of Manchester Sanitary Landfill Recycling Area.
 5. Leaves shall be placed only in paper bags weighing not more than 40 pounds each. Bagged leaves and other organic matters shall be collected curbside during the period of November 1 through December 31 each year. This collection shall be in addition to the Town's Curbside Vacuum Leaf Collection Program.
- C. The Town of Manchester Sanitation Division shall provide each resident with the first recycling container. The recycling container must be kept clean and in such a place that is not to constitute a nuisance or otherwise be objectionable. If the container must be replaced, the resident shall be charged by the Town of Manchester the cost of the container.
 - D. If the recycling containers are not large enough to hold all the materials to be recycled, any excess shall be placed in standard non-plastic grocery shopping bags or corrugated containers.
 - E. Recyclables shall be placed at the street curb or curblane for collection by 6:00 a.m. the morning of the regular refuse collection day, as set forth by a scheduled determined by the Director of Public Works, except that leaves, which are bagged pursuant to Section II.B.5 above, shall only be collected November 1 through December 31 each year. After said period of time, bagged leaves must be delivered to the Town of Manchester Composting Area, which is located within the Town of Manchester Sanitary Landfill.
 - F. Refuse must be set out to the curb in an acceptable refuse container, such as 40-gallon metal or non-brittle plastic barrels with handles. It is preferred that refuse which is bagged be placed in clear plastic bags.
 - G. Any resident violating any provision of these Rules and Regulations enacted hereunder shall be issued a letter of warning for such offense. Effective July 1, 1991, after the first offense and a letter of warning has been issued, subsequent offenses shall be punishable by a fine not exceeding \$50.00, and each individual violation shall constitute a separate offense. In addition, the Town of Manchester or its agent reserves the right to refuse to collect garbage, rubbish or other refuse, or to allow disposal in the Town of Manchester Sanitary Landfill when it is reasonably determined that recyclable materials are combined or mixed with non-recyclable material.

The Director of Public Works shall have full discretionary authority in deciding all disputed questions arising under the provisions of these Rules and Regulations.

III. Condominium and Apartment Recycling

- A. Effective July 1, 1991, condominium and apartment complexes that do not place recyclable materials on a Town or State-owned street line or curb in accordance with Section II above, shall provide for their own recyclable collection and disposal.
- B. Effective July 1, 1991, the Town of Manchester shall reimburse each condominium association or apartment complex, which provides for their own recyclable collection and disposal program, an amount based on the number of occupied condominium or apartment units in such association or complex and the cost of recycling to the Town of Manchester for residential curbside recycling collection, except as modified in Section III.C.

The formula for reimbursement shall be as follows:

Town cost per residential unit per month for curbside recycling collection x # of occupied condominium or apartment units during the quarter x 3 months = quarterly reimbursement.

Said reimbursement shall be provided on a quarterly basis with the first payment issued on October 1, 1991.

- C. Each condominium association or apartment complex must certify on a quarterly basis the number of condominium or apartment units occupied and the actual cost of recycling charged to the condominium association or apartment complex. Reimbursement to the condominium association or apartment complex shall be based on the formula identified above or the actual cost charged to the condominium association or apartment complex for recycling, whichever is less.
- D. In addition to the quarterly reimbursement, the Town shall reimburse each condominium association and apartment complex for the initial cost of supplying each condominium or apartment unit a recycling container equivalent to the Town's cost for such containers, or at the election of the condominium association or apartment complex provide each association or complex with a sufficient number of Town-purchased containers. If any such containers must be replaced, the association or complex will be responsible for purchasing such containers or at the association's or complex's expense purchase such containers from the Town of Manchester.

- E. Recyclables from condominium and apartment complexes may be deposited within the Town of Manchester's Recycling Station only if collected in the same manner and in the same condition as the Town's curbside residential recycling collection program as specified in Section II. Each type of recyclable material shall be deposited separately within the recycling collection vehicle. Co-mingled recyclables or contaminated loads will not be accepted. Hauling companies, who dispose of co-mingled or contaminated recyclables or who dispose of recyclables in non-designated areas, shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), and each individual occurrence shall constitute a separate offense. Vehicles found carrying any such loads prior to dumping in the Sanitary Landfill or Recycling Area will be rejected from the Sanitary Landfill and Recycling Area.
- F. Condominium or apartment complexes which do not deliver their recyclable materials to the Town of Manchester's Recycling Station shall file a quarterly report with the Sanitation Division documenting the amount of materials recycled during the reporting period. Condominium or apartment complexes which fail to submit the quarterly report within thirty (30) days after the end of the quarter, shall not receive subsequent quarterly reimbursement due the association or complex by the Town of Manchester until the quarterly report is filed with the Manchester Sanitation Division.
- G. Condominium or apartment complexes which violate any provision of these Rules and Regulations shall be issued a letter of warning for the first offense. Effective July 1, 1991, after the first offense and a letter of warning has been issued, subsequent offenses shall be punishable by a fine not exceeding fifty dollars (\$50.00) per unit; and each individual occurrence shall constitute a separate offense. Any fines levied during a quarter, may be deducted from the quarterly reimbursement or any subsequent payment owed the condominium association or apartment complex by the Town of Manchester pursuant to Section III.B of these Rules and Regulations.

IV. Business/Commercial/Industrial Recycling

- A. Effective April 1, 1991, it shall be the responsibility of all business/commercial/industrial facilities to develop a recycling program for recyclable materials separate from the Town of Manchester's Municipal Recycling Program.
- B. It shall be the responsibility of all business/commercial/industrial facilities to market all recyclable materials, and no such materials shall be delivered to the Town of Manchester Recycling Facility.

- C. The Town of Manchester reserves the right to request on a quarterly basis that each business/commercial/industrial establishment submit a report which reflects the total amount of material recycled compared to the total amount of solid waste disposed of by such establishment. Failure to provide the quarterly report within thirty (30) days after a written request shall be punishable by a fine not exceeding fifty dollars (\$50.00) and each such day that the quarterly report is not filed in accordance with these Rules and Regulations shall constitute a separate offense.

V. Appeal

- A. Violators of provisions of these Rules and Regulations shall have ten (10) days after receiving a letter of warning or a notice of fine to appeal the penalty. Appeals shall be made in writing to the General Manager. The appeal shall be decided within thirty (30) days of its receipt at the General Manager's Office by the General Manager or his designee. Notice of a decision upon the appeal shall be mailed by certified mail by the General Manager or his designee to the appellant. The appellant may, within thirty (30) days of the mailing of said notice of decision, appeal to Superior Court, and shall be entitled to a Trial De Novo of all issues of fact and of law.
- B. Penalties shall become effective on the day after the occurrence of the violation, notice of which to users shall be by certified mail.

The taking of any appeal pursuant to Subsection V.A herein shall not suspend the obligation of violator to pay any charges and/or fees as herein provided.

- C. Any further appeal shall be in accordance with the General Statutes of the State of Connecticut, Section 54-95a.

Director Cassano moved and Director DiRosa seconded a motion to adopt the substitute resolution regarding Assistant Treasurer, Ruth Staum, as drafted by Director Naab.

Six Voted In Favor: Cassano, DiRosa, Fogarty, Landers, Naab, Osella
Two Abstained: Werkhoven, Irish

17. NEW BUSINESS

Secretary Irish moved and Director Landers seconded a motion to adopt Item 17b - Resolution authorizing the General Manager, Richard J. Sartor, to file application and enter into agreement with the State Department of Environmental Protection for the engineering study and design of the treatment facilities for the New State Road and Parker Street wells.

Director Cassano said he supported the resolution but was concerned about the financial aspects. It indicates as part of the order that we would get 100% for engineering and 65% that's been agreed to for construction costs. Mr. Cassano asked what the criteria would be if the state decides it can't afford to fund us and where did that leave us. General Manager Sartor said it was his understanding that the funds are currently available for this purpose.

Mr. Robert Young, Water and Sewer Administrator, explained that the funds that would be utilized for this project are not General Fund dollars, they are generated through taxes and set aside for state super fund sites. General Manager Sartor noted that this resolutions authorizes him to do all things necessary for the state grant, it is not final authority to proceed.

Chairman Werkhoven asked about the 65% reimbursement. General Manager Sartor said the first part of the project is an examination, which will be funded at 100%. The design solution to the problem would be funded at 65%.

Chairman Werkhoven called for a vote on Item 17b.

Eight Voted In Favor

17c. Recycling Rules and Regulations.

General Manager Sartor said that the Town is required under C.G.S. Section 22a-241 to codify our recycling program in a regulation that includes certain parameters. Mr. Sartor briefly outlined the contents of his memo dated December 27, which Board members had received.

Mr. Lee O'Connor, Superintendent of Sanitation, said the rules and regulations would make residential units, except for condominiums and apartments, mandated to participate in the recycling program beginning April 1, 1991. Leaves would be collected curbside, only if in paper bags and would be collected between the period of November 1 to December 31. This collection would be in addition to the present Highway Division leaf collection. The Town will provide the first

container at no charge to residents but if the container has to be replaced, the resident shall pay for the replacement container at the Town's cost. It is preferred that refuse that is bagged be placed in clear plastic bags because the policing of recycling is going to be very difficult with colored plastic bags. Penalties of \$50 per offense will be charged for noncompliance and penalties would not be imposed until after July 1. During the period from April 1 through June 30, warning letters will be issued. If a resident has received a letter of warning, the next offense after July 1 will result in a fine. Condominium and apartment complexes will be mandated to begin recycling July 1, 1991 and we will abide by the policy adopted by the Board last month as far as reimbursements and supplying containers. Recyclables from these complexes may be delivered to the Town's recycling area only if collected in the same manner as the Town's curbside program - separated in the vehicle by material. Effective April 1, 1991, all businesses shall be mandated to recycle. Each business/commercial/industrial facility shall market their own recyclable materials. The Town reserves the right to request on a quarterly basis that each facility report on the amount of recycled material compared to the total of solid waste generated. These reports are necessary in order to meet state reporting demands.

Director DiRosa asked what happens if commercial facilities can't market their own recyclables. Mr. O'Connor said that most commercial businesses have contractual refuse collection. These same companies offer recycling collection.

Director Cassano asked if there's anything we have declared that the state has not declared concerning what's recyclable. Mr. O'Connor - magazines, junk mail and cardboard such as cereal boxes. Mr. Cassano said that many people clean their yards and rake leaves in the spring and asked what their recourse would be. Mr. O'Connor said they can bring their leaves to the composting area. Mr. Cassano asked what people who can't get to the landfill can do. Mr. O'Connor said it depended on funding, but there's a possibility that we could provide collection for a short period of time during the spring cleanup. Mr. Cassano asked if a short period of time could be designated for pick-up in the spring. General Manager Sartor said that the Town has a program which uses recyclable paper bags that the leaves could be put in. Mr. Sartor said that perhaps a one-day pick-up for them could be arranged at a certain date and time - there would be costs associated with that and we would have to determine what they would be. Mr. Cassano requested that this be looked into. Mr. Cassano also said that under Section 4, Business/Commercial, Section B, the wording doesn't indicate that you can make arrangements with your hauler and it should. There are also many small businesses that don't even have a hauler and it says they're excluded from delivering such materials to the recycling facility - I don't think they should be excluded. Mr. O'Connor said that most of the businesses are being contacted by all the refuse recyclable dealers, whether their business is large or small. Mr. O'Connor also said that if the business is that small they can bring their recyclables home because they're going to have a recycling program no matter what town they live in.

Chairman Werkhoven asked if small businesses could get rid of their cardboard at the landfill. Mr. O'Connor answered that at the present time they were allowing that - until they can hook on with their own program. Mr. O'Connor added that they weren't set up for that.

Secretary Irish moved and Director Landers seconded a motion to Suspend the Rules to continue the meeting past 11:00 p.m.

Eight Voted In Favor

General Manager Sartor pointed out that we are developing a public information campaign for this program, once regulations have been approved, to notify all the residents of the regulations and of the requirements of the regulations. Also, Mr. O'Connor is currently in the process of developing a videotape presentation so that the recycling program will be well known throughout the community. Mr. O'Connor added that he has met with many small businesses and also with the Sheltered Workshop, which is in the planning stages of developing a recycling program themselves where they would service just small businesses. Mr. O'Connor said he thought that was great and that he hoped the Sheltered Workshop would be very successful.

Chairman Werkhoven asked if he could put magazines in a paper bag with his newspapers. Mr. O'Connor - yes you can. Mr. Werkhoven said he had recently met with Mr. O'Connor and given him information on plastic bottles.

Secretary Irish asked what happen to people who complied between April 1 and July 1, but for some reason failed to comply on an occasion after July 1. Mr. O'Connor said they would receive a letter. Mr. Irish asked, regarding Item 2e, if it were possible to say that people could not have their trash out more than 12 hours prior to 6:00 a.m. Asst. Manager Werbner said that possibility had been discussed and it seemed to be a good suggestion. Mr. Irish asked that compliance with this be monitored. Mr. Werbner said that spot checks and monitoring on a complaint basis was probably the most they could do. Mr. Sartor said that they will be required to some degree to police that which is being collected. Mr. Irish said that if they were going to fine someone who doesn't comply with recycling they should also fine someone who doesn't comply with trash pick up. Mr. Werbner said it would be a provision within the ordinance and it would be subject to a penalty if we decide to impose one.

Director Osella referred to the old rubbish ordinance and asked if it was going to be modified. Asst. Manager Werbner answered that they would check to see if it should be modified or deleted.

General Manager Sartor said that while we're required to create regulations that are enforceable, it is not our intention to emphasize that portion of the activity. The level of cooperation among the residents of the Town to-date in recycling has been excellent and we don't anticipate major problems. Mr. Sartor also said that they were trying not to expand the regulations too far beyond what they were required to do.

Director Cassano moved and Director Naab seconded a motion to **Amend Item 17c** to add in paragraph 4b at page 5, the next line to the bottom, after the word materials **or make arrangements with their refuse haulers to do so.**

Mr. Lozis said that one problem they would be having as the condominiums and apartments come on-line is the storage of the materials before they go to market. Probably within the next few months we'll be before the Board for appropriations to go ahead to develop a larger recycling facility somewhere in the Highway Garage landfill area. It's under study now.

Chairman Werkhoven called for a vote on the motion to **amend Item 17c.**

Seven Voted In Favor
One Abstained: Irish

Director Naab said he thought paragraph 3f, page 5 was reasonable but was concerned about 4c on page 6 which gives the Administration the right to demand a quarterly report from businesses. Mr. Naab said he did not think we should be in the business of adding to the burden of the small business person in the Town and he did not think the report was necessary. Mr. O'Connor said that the state requires the Town to report quarterly on the volume of solid waste that was recycled in the Town. Mr. O'Connor continued that he would not go up and down Main St. collecting the information and this was more for large generators such as J. C. Penney and the Buckland Mall - we're not going to go after the mom-and-pop store.

Director Landers said she was puzzled by 2g on page 3 - if she put out her garbage and there were 10 pieces of recyclable material in it, is that one offense or ten separate ones? Mr. O'Connor said on one day, it was one violation.

Secretary Irish moved and Director DiRosa seconded a motion to ADOPT Item 17c AS AMENDED - Recycling Rules and Regulations.

Five Voted In Favor
Two Abstained: Irish, Cassano
Director Fogarty left the meeting early.

17g. Approval of Collective Bargaining Agreement between the Town and Residual Unit CSEA, Inc. Chapter 106 and a request for funds necessary to implement such agreement in accordance with Section 7-474(b) of the Connecticut General Statutes.

Secretary Irish moved and Director Naab seconded a motion to go into Executive Session to discuss collective bargaining matters.

Seven Voted In Favor