

The second amendment to the restated Rules and Regulations for Grand Traverse County Ordinance No. 17 adopted by the Grand Traverse County Board of Public Works on August 25, 2003 is hereby amended to read as follows:

SECOND AMENDMENT TO RESTATED  
RULES AND REGULATIONS FOR ORDINANCE NUMBER 17

RULES AND REGULATIONS FOR AN ORDINANCE TO REGULATE THE COLLECTION, TRANSPORTATION, DELIVERY AND DISPOSAL OF SOLID WASTE, YARD WASTE, AND RECYCLABLE MATERIALS; TO REQUIRE THE LICENSING OF WASTE HAULERS; TO ESTABLISH CONDITIONS OF THE HAULER LICENSE REQUIREMENTS; TO PROVIDE FOR COUNTY-DESIGNATED FACILITIES; TO PROHIBIT ROADSIDE DUMPING OF REFUSE; TO PROHIBIT SCAVENGING OF RECYCLABLES; TO ALLOW THAT PROMULGATION OF RULES AND REGULATIONS; AND TO PROVIDE PENALTIES AND REMEDIES FOR VIOLATIONS THEREOF.

- Section 1: Definitions
- Section 2: Targeted and Banned Materials
- Section 3: Collection Service Requirements
- Section 4: Fees, Rates and Charges for Collection Services
- Section 5: County-Designated Facilities
- Section 6: Enforcement
- Section 7: Approved Methods of Yard Waste Disposal
- Section 8: Amendment
- Appendix 1 Curbside Recycling Guidelines and Map of Designated Curbside Recycling District

THE BOARD OF COMMISSIONERS OF GRAND TRAVERSE COUNTY HEREBY PROMULGATES THE FOLLOWING RULES AND REGULATIONS FOR ORDINANCE NO. 17:

SECTION 1

DEFINITIONS

- 1.1 Definitions. For purposes of these Rules and Regulations, the definitions provide for key words and phrases will be those contained in Section 1 of Ordinance No. 17. The following definitions are hereby added to that list:
  - 1) Solid Waste Management Planning Process means an authorized solid waste planning process managed by an Michigan Department of Environmental Quality (MDEQ) approved Grand Traverse County designated planning agent as described in P.A. 1994 No. 451 C.L.324..115381 et seq. Natural Resources and Environmental Protection Act, as amended.

- 2) Solid Waste Plan means the final plan resulting from the Solid Waste Management Planning Process that has been officially approved by the MDEQ.
- 3) Compostable Material means that material which is identified as the organic fraction of the waste stream and is separated from general solid waste.
- 4) MDEQ means the Michigan Department of Environmental Quality.
- 5) Organic Fraction means that component of the waste stream which is classified as food waste, wood waste and yard waste

## SECTION 2

### TARGETED AND BANNED MATERIALS

- 2.1 Targeted Materials Listing - Collection Requirements. The following materials shall be included in any commercial, institutional, industrial or residential curbside, multi-family or drop-off recycling and composting collection services provided as part of the hauler licensing conditions in Ordinance No. 17. Additional materials at the discretion of the hauler may be collected. Materials shall be prepared per hauler specifications.
- a) Paper including newspapers, magazines, catalogs and other glossy items, phonebooks and soft cover books, mixed office paper such as fax, lined, colored paper, CPO, white ledger and Filestock and junk mail such as envelopes, flyers, brochures and postcards. No padded envelopes, hard cover books or tyvek envelopes.
  - b) Cardboard and Boxboard including old corrugated containers having liners of kraft, jute, or test liner and boxboard such as cereal, shoe, cracker, moving, pizza boxes and paper bags. No wax coated cardboard. Old corrugated containers are acceptable if wet and staples and tape with water soluble glues are acceptable.
  - c) Commingled Containers including glass bottles and jars all colors, steel/tin cans, aluminum cans, foil and trays, and plastic containers SPI coded 1-7 such as water bottles, pop bottles, milk jugs, and plastic clam shells, trays and cups such as yogurt, cottage cheese and margarine containers. No aerosol cans, Styrofoam, plastic bags, film, aseptic food containers, drinking glasses, glass dishes, glass pots, glass pans, light bulbs or window glass.
  - d) Yard waste including leaves, grass clippings, vegetable or other garden debris, shrubbery or brush or tree trimmings less than 18 inches in diameter. No soil, dirt, rocks, concrete, rootballs or stumps and logs greater than 18 inches in diameter.
- 2.2 Targeted Materials Listing - Delivery Requirements. Targeted materials collected from commercial, institutional, industrial and residential recycling and composting collection services provided as part of the hauler licensing conditions in Ordinance No. 17 must be delivered to County-Designated Facilities to be recycled.
- a) At the County-designated recycling facility or facilities the licensed hauler shall tip loads of commingled fiber materials collected from commercial, institutional, industrial and residential curbside recycling services.

- b) At the County-designated recycling facility or facilities the licensed hauler shall tip loads of commingled container materials collected from commercial, institutional, industrial and residential curbside recycling services.
- c) At the County-designated composting facility or facilities the licensed hauler shall tip loads of yard waste collected from commercial, institutional, industrial and residential composting services.

2.3 Banned Materials Listing. The following materials shall be banned from any solid waste or demolition and construction debris collected within the County and/or disposed of in County-Designated Facilities.

- a) Household hazardous waste including oil based paint, paint thinners, solvents, drain cleaners, pesticides, herbicides, aerosol products, antifreeze, household cleaners, photographic chemicals, pool chemicals, ammunition, fireworks, medicines, and other products labeled danger, warning, poison, flammable or corrosive.
- b) Batteries and electric fuel cells including lead acid batteries and electric fuel cells from combustion engine driven equipment, or vehicles of any size, and household batteries such as rechargeable, lithium, sealed lead and button batteries (does not include alkaline batteries).
- c) Lubricating oils of all types including used motor oil, cutting oils and machine oils.
- d) Scrap whole tires of all types including auto, truck, motorcycle, off-road vehicle, garden tractor, and farm equipment tires.
- e) Large appliances of all types including refrigerators, kitchen stoves, clothes dryers, clothes washers, central air conditioners, window air conditioners, furnaces, humidifiers, dehumidifiers, hot water heaters, trash compactors, dishwashers, commercial food processors, metal sinks, metal countertops, and other related large appliances.
- f) Metal auto parts of all kinds including mufflers, exhaust pipes, body parts, bumpers, wheels, brakes, frames, axles, and engine components.
- g) Yard waste including leaves, grass clippings, vegetable or other garden debris, shrubbery or brush or tree trimmings less than 4 feet long and 2 inches in diameter.

2.4 Additions, Deletions, and Exemptions to the Targeted and Banned Materials Listings. The BOC, upon the recommendation of the Resource Recovery Council, shall work with current and potential County-Designated Facilities to insure adequate capacity to process and market the materials on the targeted materials lists.

- a) The Resource Recovery Council shall make available to licensed haulers and County-Designated Facilities lists of targeted and banned materials and propose any additions or deletions to those list or clarification of collection or delivery

specifications. Proposals for additions and deletions shall be handled as amendments to these Rules and Regulations.

- b) Licensed haulers and County-Designated Facilities may petition the BOC in writing at any time to have additions, deletions or changes in collection or delivery specifications made to the targeted and banned materials lists. The BOC, under the advice of the Resource Recovery Council, shall respond in writing within 60 calendar days and that response and the original petition shall be included in the published minutes of the BOC.
- c) Licensed haulers and County-Designated Facilities may petition the BOC in writing at any time for emergency relief from the collection or delivery specifications for materials on the targeted and banned materials lists. The BOC, under the advice of the Resource Recovery Council, shall respond in writing within 30 calendar days and that response and the original petition shall be included in the published minutes of the BOC. Any emergency relief granted by the BOC shall be for a period of no more than 180 days, and shall include restrictions as deemed necessary by the BOC to guarantee consistency with the intent of these Rules and Regulations and Ordinance No. 17. If emergency relief is requested and granted more than once for the same reason, a process must be initiated by the BOC to consider necessary changes that should be made to these Rules and Regulations.

### SECTION 3

#### COLLECTION SERVICE REQUIREMENTS

- 3.1 Requirements for Hauler License. A hauler license will be required for all those engaged in the business of collecting, transporting, delivering or disposing of solid waste, yard waste or recyclable materials generated by another person within Grand Traverse County. This shall include but not be limited to:
- a) Solid waste haulers.
  - b) Recycling companies.
  - c) Lawn care companies, landscapers and land clearing firms.
  - d) Solid waste transfer station operators.
  - e) Specialized haulers providing services that include pickup of solid waste, yard waste or recyclable materials along with other materials.

Municipalities or persons hauling solid waste, yard waste or recyclable materials on a non-commercial basis from their own residence or business or performing an occasional service for neighbors, family or friends do not need a hauler license. Persons who arrange to backhaul recyclables in the same vehicles that deliver their goods do not need a hauler license but must comply with the reporting requirements described in Section 3 of Ordinance No. 17.

- 3.2 Residential Curbside Recycling and Yard Waste Collection Services. Single family residential structures and multi-family residential structures with 4 or less units per

building located inside the designated curbside recycling district or outside shall have access to curbside refuse, recycling and yard waste collection services. The following service specifications shall apply:

- a) Licensed haulers providing regularly scheduled refuse collection services must also offer upon request of a residential customer curbside recycling and yard waste collection services for the materials identified and described in the targeted materials list.
- b) Licensed haulers must provide, or arrange to provide through subcontract, at least one household recycling collection bin of 12 to 18 gallon capacity or at hauler discretion a 32, 64 or 94 gallon recycle cart to each of its customer households who choose to recycle. The bin or cart must have the name of the licensed hauler identified in writing on its side.
- c) Licensed haulers on the same day as refuse pickup must provide, or arrange to provide through subcontract, for pickup of recyclable material set out by its customers in hauler approved bins, carts or bags and any yard waste set out in bulk containers or kraft bags. Yard waste may, at the hauler(s) discretion, be picked up on a regularly scheduled day other than the day of refuse pickup.
- d) At the time of original distribution of the bins, carts or bags and at least annually thereafter, the licensed hauler must distribute to these customers a printed publication that shall clearly define the preparation and set-out requirements for materials on the targeted and banned materials list. The phone number of the hauler shall be included in the publication along with the following “For further information on Grand Traverse County recycling efforts call \_\_\_\_\_” with the phone number included to be specified by the County at the time of hauler license approval.

### 3.3 Recycling Drop-Off Stations

- a) Local Units of Governments may establish and maintain a system of private or public recycling drop-off stations in their jurisdiction to serve the needs of their residents.
- b) Drop-off stations shall be located in areas reasonably convenient to the residents of the Local Unit of Government and shall maintain regular hours of operation suited to their needs. Each site shall be equipped with suitable containers clearly identified for convenient use by residents of the Local Unit of Government.
- c) Drop-off stations shall accept all recyclables on the targeted materials list. Materials shall be delivered to a county-designated recycling facility to be processed and any non-recyclable residue shall be properly landfilled.
- d) Drop-off stations shall be operated and maintained in an orderly and sanitary condition so as not to become a nuisance to surrounding properties or a hazard to residents.
- e) Local Units of Government must notify the BOC of all drop-off stations operating in their jurisdiction. Drop-off stations must be operated and maintained in

compliance to these rules and regulations.

3.4 Commercial, Institutional and Industrial Recycling and Yard Waste Collection Services.

Commercial, institutional and industrial customers including residential multi-family structures with more than 4 units per building located in the County shall have access to refuse, recycling and yard waste collection services:

- a) Licensed haulers providing regularly scheduled refuse collection services must also offer upon request of a commercial customer recycling and yard waste collection services for the materials as identified and described in the targeted materials list.
- b) Licensed haulers must provide to each of its customers, or arrange to provide through subcontract, suitable outdoor containers for the recyclable materials and yard waste in a location providing a level of customer convenience that meets or exceeds that of the solid waste containers provided to the same customer. The containers must have the name of the licensed hauler identified in writing on its side along with the preparation requirements for all materials allowed in each container and typical contaminants not allowed in each container.
- c) Licensed haulers must provide, or arrange to provide through subcontract, for pickup of the recyclable material and yard waste from each of its customers at the degree of frequency required to remove the accumulated materials without spillage or overflow of material from the provided containers.
- d) At the time of original distribution of the bins and carts and at least annually thereafter, the licensed hauler must distribute to these customers a printed publication that shall clearly define the preparation and set-out requirements for materials on the targeted and banned materials list. The phone number of the hauler shall be included in the publication along with the following “For further information on Grand Traverse County recycling efforts call \_\_\_\_\_” with the phone number included to be specified by the County at the time of hauler license approval.

SECTION 4

FEES, RATES AND CHARGES FOR COLLECTION SERVICES

4.1 Fees for Service Charged by Licensed Haulers. All fees charged by licensed haulers for solid waste collection services must be based on volume and type of service provided. Haulers can use the following collection rate structures for charging fees to their customers:

- a) Designated Curbside Recycling District: Licensed haulers providing more than one type of service may bundle the cost of those services into a single fee. An acceptable volume based fee for service system may include either of the following:

- i. Per bag fee - Customers pay for waste collection services on a per bag basis. Recycling and composting services would be available on an additional charge basis.
  - ii. Full service fee - Customers pay for waste collection services on a fixed fee with volume limited to the carts provided by haulers or a limit of a specified number of bags if a cart is not used. Recycling services are included in the full service fee. Composting services would be available on an additional charge basis. Additional volume of solid waste would require additional charges.
- b) Other Areas: Licensed haulers providing more than one type of service may not bundle the cost of those services into a single fee. The cost of each service must be listed separately on customer invoice. An acceptable volume based fee for service system may include either of the following:
- i. Per bag fee - Customers pay for waste collection services on a per bag basis. Recycling and composting services would be available on an additional charge basis.
  - ii. Full service fee - Customers pay for waste collection services on a fixed fee with volume limited to the carts provided by haulers or a limit of a specified number of bags if a cart is not used. Recycling and composting services would be available on an additional charge basis. Additional volume of solid waste would require additional charges.

## SECTION 5

### COUNTY-DESIGNATED FACILITIES

- 5.1 County Designated Facilities. County designated facilities must be open to all licensed haulers for the disposal of solid waste or the processing and marketing of recyclable material and yard waste.
- 5.2 Minimum Operating Requirements for Designated Facilities. Designated Facilities must agree to:
- a) File with the Administrator by the fifteenth day of January, April, July and October of each year, on a form provided by the Resource Recovery Department, operations information from the last full 3 month period on the volume of solid waste, including demolition and construction waste, and yard waste and recyclable material in tons received in each of three generator categories: residential, small business/retail, and industrial/other by the county designated facility.
  - b) Collect a volume based surcharge applied to all materials generated in Grand Traverse County that are delivered to the county-designated landfills or transfer stations excluding materials for which the surcharge has been collected at another Designated Landfill or Transfer station and transfer those funds to the County to cover costs for administration, enforcement and coordination of the system and costs for direct provision of services as needed as part of the system. The amount

of the volume based surcharge shall be established from time to time by resolution of the Grand Traverse County Board of Commissioners in an amount sufficient to provide for the administration and operation of the plan of regulation established in the County(s) Solid Waste Management Plan. Each such resolution shall establish an effective date which shall be at least thirty (30) days following adoption.

- c). Sign the Facility Registration Agreement provided by the BOC and adhere to all its terms and conditions.

## SECTION 6

### ENFORCEMENT

- 6.1 Annual System Compliance Report. The Resource Recovery Department shall be responsible for ongoing monitoring of system compliance. A system of record keeping shall be put in place to track incidents of hauler licensing and designated facility agreement violations, illegal dumping, failure of generators to comply with banned material list requirements, and other violations of this ordinance as necessary.
- 6.2 Duties of Licensed Haulers. Licensed haulers shall monitor and assist in enforcement of compliance by generators with provisions of the ordinance and these Rules and Regulations requiring that banned materials not be placed in solid waste set out for disposal and that targeted materials be prepared in a manner compliant to hauler specifications. If the hauler determines that a customer has not properly prepared materials for collection or set out unacceptable material, the driver is not obligated to pick up the material. In such cases, the hauler shall notify the customer of the potential violation and provide instructions to the customer on how to comply. The notification shall be as follows: a leave-behind tag, a letter, telephone and/or direct personal communication. If said violations continue the hauler shall inform the Resource Recovery Department, and the Resource Recovery Department shall issue a notice of violation and proceed with appropriate enforcement action which may include appropriate fines as authorized in Ordinance No. 17 and a stop service order to all licensed haulers in the County which would prevent licensed haulers from providing solid waste collection services to the violator.

Licensed haulers shall also provide information as available to the Resource Recovery Department on any violations by other licensed or unlicensed haulers in providing services that fall under the hauler licensing requirements and on any violations or questionable practices by County-Designated Facilities or non-county designated facilities in providing services that fall under the designated facility requirements.

- 6.3 Duties of County Agencies. The BOC shall be responsible for developing a system of enforcement response capable of addressing violations of Ordinance 17. This system shall give the Resource Recovery Department and Resource Recovery Council the capabilities and funding to adequately follow through on administrative and legal enforcement steps as required. These steps shall include the ability to:
  - 1) Support licensed haulers and designated facility operators in their enforcement activities as described in 6.2 of these Rules and Regulations;

- 2) Initiate independent investigations to discover violations and respond with enforcement action;
- 3) Initiate proceedings to revoke hauler licenses;
- 4) Monitor and enforce provisions of designated facility agreements;
- 5) Proceed with illegal dumping cleanup, cost recovery and enforcement;
- 6) Enforce stop service order to unlicensed haulers and non-designated facilities;
- 7) Provide for other enforcement actions as required.

#### SECTION 7

#### APPROVED METHODS OF YARD WASTE DISPOSAL

- 7.1 Yard waste must be disposed of by an approved method. Approved methods are:
- 1) Disposal at a facility designated for that purpose by the County in accordance with the rules of that facility, or;
  - 2) Land application of grass clippings, thatch, leaves, and wood chips with the consent of the landowner or tenant for use in mulching, enhancing soil, erosion control or compost or a combination of these;
- 7.2 Use of yard waste as fuel or as feedstock for manufacturing processes is an approved method where consistent with local land use and other applicable regulation.
- 7.3 Yard waste shall be land applied in such a manner as not to create a nuisance to adjoining landowners, be the source of foul or obnoxious odors, or attract rodents or other pest.

#### SECTION 8

#### AMENDMENT

- 8.1 Rules and Regulations - Amendment Process. The rules and regulations may be amended from time to time by resolution and shall be subject to the BOC approval.

The foregoing amendment to the second amendment restated Rules and Regulations for Grand Traverse County Ordinance No. 17 will be effective thirty (30) days following adoption by the Grand Traverse County Board of Commissioners.