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Legislation Details (With Text)

File #: F2020-68
Type: Report **Status:** Placed on File
File created: 12/16/2020 **In control:** City Council
Final action: 12/16/2020
Title: Inspector General's audit of Department of Streets and Sanitation's enforcement of commercial and high-density residential recycling requirements
Sponsors: Dept./Agency
Indexes: Inspector General, Miscellaneous
Attachments: 1. F2020-68.pdf

Date	Ver.	Action By	Action	Result
2/10/2021	1	Joint Committee: Environmental Protection and Energy; Ethics and Government Oversight	Placed on File	
12/16/2020	1	City Council	Placed on File	

JOSEPH M FERGUSON INSPECTOR GENERAL

CITY OF CHICAGO OFFICE OF INSPECTOR GENERAL 740 NORTH SEDGWICK STREET, SUITE 200 CHICAGO, ILLINOIS 60654 TELEPHONE (773) 478-7799 FAX (773) 478-3949

DECEMBER 2, 2020

TO THE MAYOR, CITY COUNCIL, CITY CLERK, CITY TREASURER, AND RESIDENTS OF THE CITY OF CHICAGO:

The City of Chicago Office of Inspector General (OIG) has completed an audit of the Department of Streets and Sanitation's (DSS) enforcement of recycling requirements for commercial and high-density residential buildings (i.e., those with five or more units). The objective of the audit was to determine if DSS ensures that building owners are providing collection services required by the Chicago Recycling Ordinance. In addition, the audit evaluated DSS' enforcement of reporting requirements for the City's licensed private haulers-companies engaged in hauling refuse and recyclables from commercial and high-density residential buildings. The required annual reports identify a hauler's customers, catalog the total amounts and types of materials hauled, and specify which facilities received them.

Based on the audit results, OIG concluded that DSS does not ensure that commercial and high-density residential building owners provide recycling services. In addition, DSS does not ensure that private haulers submit complete, accurate, and timely reports detailing the buildings they served, and the amount and type of materials hauled. This data would be useful to the City for establishing recycling goals, monitoring progress towards these goals, and determining waste diversion rates. While recent changes in the global marketplace for recyclable materials have presented challenges for municipal programs, other cities are adapting rather than abandoning recycling altogether.

In response, DSS stated that it agrees with the recommendations and will begin to implement corrective actions. The Department is awaiting the results of a comprehensive waste study before moving forward with some of the recommendations.

We thank DSS staff and management for their cooperation.

Joseph M Ferguson Inspector General
ir.CHICAGO.ORG | OIG TIPLINE (866) 448-4754 | TTY (773) 478-2066

Respectfully,

OIG File #19-0942
DSS Commercial and High-Density Residential Recycling Enforcement Audit

December 2, 2020

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ACRONYMS

AIS	Department of Assets, Information and Services
BACP	Department of Business Affairs and Consumer Protection
DOE	Department of Environment
DSS	Department of Streets and Sanitation
MCC	Municipal Code of Chicago
MET	Mobile E-Ticket
MRF	Materials Recovery Facility
OIG	Office of Inspector General
VBWF	Volume-Based Waste Fee

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CITY OF CHICAGO OFFICE OF INSPECTOR GENERAL

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DSS Commercial and High-Density Residential Recycling Enforcement Audit

EXECUTIVE SUMMARY

The Office of Inspector General (OIG) conducted an audit of the Department of Streets and Sanitation's (DSS) enforcement of recycling requirements for commercial and high-density residential buildings. Our objective was to determine if DSS ensures that building owners provide collection services required by the Chicago Recycling Ordinance.

The Chicago Recycling Ordinance (the Ordinance) states that owners or occupants of such buildings "shall contract with a private hauler, or cause a contract to be entered into with a private hauler, for the provision of source-separated recycling services [...]." The City is required to provide buildings found in violation of this requirement 30 days to come into compliance. Continued noncompliance can result in fines ranging between \$500 and \$5,000 per day. The Ordinance also requires private haulers to submit annual reports detailing the source, type, and amount of recyclables collected. This information would assist DSS in calculating waste diversion rates, setting goals, and monitoring progress toward those goals.

CONCLUSION

OIG concluded that DSS does not ensure commercial and high-density residential building owners provide the required recycling services. In addition, DSS does not ensure private haulers submit complete, accurate, and timely reports detailing the buildings they served, and the amount and type of materials hauled.

FINDINGS

DSS does not thoroughly enforce the Chicago Recycling Ordinance requiring commercial and high-density residential building owners to provide recycling services. In fact, the Department's Mobile E-Ticket (MET) citation system does not even allow users to issue citations for Ordinance violations. This creates a significant barrier to enforcement. Notably, when the former Department of Environment (DOE) was responsible for enforcing the Ordinance it was capable of issuing citations. The City disbanded DOE in 2011, however, and transferred responsibility for enforcement to DSS. The Department acknowledged that it has not met this responsibility, and has focused instead on operating the City's blue cart recycling program for residential buildings with one to four units

Although DSS does not maintain a list of high-density residential buildings, data from the Census Bureau's 2013 American Community Survey shows that nearly 500,000

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Chicago households, about 41%, are in buildings with five or more units.' In addition, there are approximately 60,000 licensed businesses in Chicago that are required to procure private refuse and recycling hauling services.-' Without enforcement of the Ordinance, many of these households and businesses may not be recycling.

OIG also found that DSS does not ensure private haulers submit complete, accurate, and timely annual reports detailing the buildings they served, and the amount and type of materials hauled. The Ordinance requires haulers to provide these reports by February 28th each year or risk fines. Furthermore, the Ordinance requires the DSS commissioner to "review and approve the adequacy" of each annual report submitted by a private hauler. In addition to citing haulers for submitting late or incomplete reports, the ordinance allows DSS to refer them to the Department of Business Affairs and Consumer Protection (BACP), which is authorized to withhold renewal of the hauler's business license until the hauler files a complete report.

In 2018, there were 15 licensed private waste haulers subject to the Ordinance's reporting requirements. Of the 15 required reports,³ DSS,

- possessed nine, three of which were submitted after the February 28, 2019 deadline;
- obtained four upon OIG's October 2019 request; and
- did not possess or obtain two.

In addition, private haulers did not fully complete 5 of the 13 reports, thereby preventing DSS from calculating their waste diversion rates and including them in a citywide waste diversion rate." Finally, DSS did not review the adequacy of the hauler reports or cite haulers for failure to submit timely and complete reports. The data in these reports could help DSS calculate diversion rates, set goals, and monitor progress toward those goals.

¹ Chicago Metropolitan Agency for Planning, "Community Data Snapshot Chicago, Municipality June 2019 Release," June 2020, accessed August 6, 2020, <https://www.cmap.illinois.gov/documents/10180/10288/Chicago.pdf>

² City of Chicago, Department of Business Affairs and Consumer Protection, "Statement from BACP Commissioner Rose Escareno," 2020 Budget Proposal to the City Council Committee on Budget and Government Operations, November 5, 2019, 3, accessed August 6, 2020, <https://www.chicago.gov/cqi/ui/riom/city/dtMjtsfo^POpeninetStnre men1odf>

⁷ Appendix I j contains an example of a hai.Jer report

⁸ The waste diversion rate- the percentage of waste generated that is diverted from landfills by recycling, reuse, composting, and other diversion means- is a key performance indicator in any recycling program

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C. RECOMMENDATIONS

OIG recommends that DSS, working with the Department of Law (DOL) and the Department of Assets, Information and Services (AIS), if necessary, configure the MET system to allow users to issue citations for violations of the Ordinance. DSS should consistently record and monitor the outcomes of recycling inspections to determine, for example, whether building owners received 30-day notices and ultimately came into compliance or were issued citations. In coordination with the City's new chief sustainability officer, DSS should develop a program to enforce the Ordinance proactively, in addition to responding to complaints.

DSS should also ensure that haulers submit complete, accurate, and timely reports. As required by the Ordinance, DSS should review each annual report and notify BACP of noncompliant haulers. DSS should review the design of the annual reports to ensure it supports the City's recycling goals. The Department should also develop procedures to incorporate private haulers' diversion data into a citywide waste diversion rate. Finally, DSS should ensure that private haulers report all customers who decline recycling services and should consider requiring each hauler to submit a list of buildings it serves.

D. DSS RESPONSE

In response to our audit findings and recommendations, DSS stated that it agrees and will implement corrective actions. DSS has begun working with DOL and AIS to revise citation processes and add the ordinance to the MET system. The City has engaged a consultant to conduct a comprehensive waste study, and DSS will await the results before developing a proactive enforcement strategy. The waste study will also inform any changes to the design, collection, and usage of private hauler reports.

The specific recommendations related to each finding, and DSS' response, are described in the "Findings and Recommendations" section of this report.

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II. BACKGROUND

A. RECYCLING IN CHICAGO

Chicago began administering recycling programs in the mid-1990s. Although the Municipal Code of Chicago (MCC) does not require the provision of garbage collection service to low-density residential buildings (four units or less), the City nevertheless performs this role. The City also collects recycling from such buildings, in keeping with MCC requirements.⁵ In contrast, the MCC imposes both recycling and garbage collection requirements on commercial and high-density residential buildings, but the City does not provide those services.

1. The Blue Bag and Blue Cart Programs

The City has implemented a variety of programs for low-density residential building recycling. In 1995, the City rolled out its blue bag recycling initiative—a voluntary program where residents put their recyclables into blue bags that were placed in their garbage carts and later separated at City waste stations. However, the City struggled with low rates of participation in the program. In addition, the blue bags reportedly tore open and spilled in DSS trucks, and the process of separating them from garbage at waste stations was considered expensive and ineffective. The City discontinued the blue bag program in 2008.

The City initiated the blue cart program in seven communities in 2007 and expanded it citywide in 2013. This program, which is still in effect, relies on residents placing recyclable materials into separate blue containers and discarding other waste in black containers. The blue cart program is divided into six geographic zones. DSS services the blue carts in two zones and contractors service the remaining four.⁶

2. The Chicago Recycling Ordinance

The City's original legislation on this subject, the Workplace and Residential Recycling Ordinance, effective January 1, 1995, required all building owners and property managers of commercial and high-density residential buildings to establish recycling programs and procure private hauling services. However, according to DSS, that ordinance lacked clarity and required stronger enforcement provisions. Effective January 1, 2017, it was replaced by the Chicago Recycling Ordinance,⁷ which was intended to remedy these problems and designates DSS as the enforcing department.

“MCC” 11-4-1860

City of Chicago Department of Streets and Sanitation. "Blue Cart Schedule and Maps," accessed August 17, 2020, https://www.chicago.gov/city/aj;./doots/str;eis/st. : si;nio/iecvchnoi/bh,e_.cai ;_scneciul-?s.r id maps.html ⁷ MCC §11-5-010

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The Ordinance requires commercial and high-density residential building owners to contract with private waste haulers for the provision of source-separated recycling services.¹³ DSS is required to give noncompliant building owners 30-day notice to come into compliance, after which violators may be fined,

- between \$500 and \$1,000 per day for a first violation;
- between \$1,000 and \$2,500 per day for a second violation within one year; and
- between \$2,500 and \$5,000 per day for a third, and any subsequent, violation within one year of the most recent offense.⁹

Building owners are also required to furnish common areas with recycling containers "in an amount sufficient to enable persons occupying, using, visiting, or lawfully upon such premises to engage in source-separated recycling"¹⁰ and to implement an ongoing education program to educate occupants about the recycling requirement.¹¹

The Ordinance requires private haulers to, among other things,

- offer recycling services to their garbage collection customers and notify DSS within ten days of any customers who decline the offer;
- keep accurate and comprehensive records detailing the amount of recyclable materials collected annually and the facilities to which they delivered the materials;
- submit an annual report to DSS by February 28th every year, and including the following information on a form provided by DSS, with a certification that the information is complete and accurate:
 - o the percentage of their customers that are residential, commercial, industrial, or institutional;
 - o the type and tonnage of all recyclable material collected within the city during the reporting period and facilities to which it was delivered (by percentage);

⁸ MCC § 11-5-030 Source-separated recycling is "a process that (1) separates recyclable material from waste, before the point of collection of such material, by requiring that recyclable material be placed in designated recycling containers, and (2) keeps recyclable material separate from waste until the recyclable material can be returned to the economic mainstream as new, used or reconstituted products" MCC § 11-5-020 Single stream recycling, a type of source-separated recycling where all recyclable materials are placed in the same container for collection, is permitted under MCC § 11-5-050 ² MCC §11-5-095 ¹⁰ MCC § 11-5-120

¹¹ MCC § 11-5-140 Appendix A provides more information on the ordinance requirements for building owners, private haulers, and DSS

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- o the same information as above for construction and demolition debris, and other waste, if applicable; and
- any other information the DSS commissioner requires.^f

Private haulers that violate the Ordinance are subject to the same fine schedule as building owners.¹¹

The DSS commissioner is required to review and approve each annual report submitted by a private hauler. If the commissioner notifies BACP of a late or incomplete report, the MCC provides that BACP shall not renew the hauler's business license until the DSS commissioner confirms that the hauler has filed a complete report.[^]

3. Additional Options to Encourage Recycling

At the outset of this audit, DSS and the Mayor's Office expressed interest in learning about other cities' attempts to increase recycling through minimum capacity requirements for recycling containers and volume-based waste fees. OIG researched these practices. The results of our research are provided in Appendices B and C, and summarized below.

a) Minimum Capacity Requirements

The Ordinance does not require specific minimum container capacities or frequency of collection. For example, a high-rise building owner could technically comply with the Ordinance by providing tenants with a single 96-gallon blue cart-the size typically used for a single-family dwelling-emptied once every two weeks. Guidelines collected from various recycling organizations advise, however, that receptacles should allow 64 to 96 gallons for every five units within a building, assuming weekly pickup. We provide examples of multi-dwelling residential minimums in Appendix B.

b) Volume-Based Waste Fee

Volume-based waste fee (VBWF) programs-also referred to as "pay as you throw"- require customers to pay for the amount of waste they discard rather paying than a flat fee, thus providing an incentive to recycle. This approach is akin to customers paying for the amount of electricity or natural gas they use. Flundreds of municipalities across the U S. and throughout the world have implemented VBWF programs. We provide further information regarding VBFW programs in Appendix C

■' MCC § 11-5-220 Anyone who Knowingly suomits false material statements n this report is si ibject to prosecution under the City's False Statement Ordinance

MCC 511-5-250

MCC §TI-5-220(e)

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B. RECYCLING KEEPS WASTE OUT OF LANDFILLS

The Illinois Environmental Protection Agency (IEPA) reported that, as of January 1, 2019, landfills in the Chicago metropolitan area had the capacity to receive trash for approximately 10 more years.¹⁴As shown in Figure 1, this is the shortest landfill life expectancy of IEPA's seven Illinois regions.

FIGURE 1: THE CHICAGO METROPOLITAN REGION LANDFILLS ARE PROJECTED TO FILL BEFORE ALL OTHER ILLINOIS REGION LANDFILLS

Region Number	Geographic Area	Number of Landfills	Life Expectancy as of January 1, 2019 (Years)
1	Northwestern Illinois	7	19.8
2	Chicago Metropolitan	4	10.2
3	Peoria/Quad Cities	7	29.7
4	East Central Illinois	7	27.3
5	West Central Illinois	4	14.8
6	St. Louis Metro East	4	22.7
7	Southern Illinois	5	48.5
Total		38	Average of 214

Source IEPA, Illinois Landfill Disposal Capacity Report, September 2019

Recycling reduces the amount of trash sent to landfills, thereby increasing their life expectancies. Recycling also reduces municipalities' dependence on landfills, thereby reducing the greenhouse gases that landfills emit.¹⁵ Landfills are the third largest source of human-generated methane gas in the United States.¹⁷ According to the Intergovernmental Panel on Climate Change, in conjunction with other potent greenhouse gases, human-generated methane harms our natural

habitats and human health systems. The harm includes, but is not limited to,

- disruption of rural and urban economies;
- food and water scarcity;
- the increased spread of water and foodborne disease; and
- greater risk of injury and death associated with intensifying flooding, heat waves, and fires.

¹³ Illinois Environmental Protection Agency. "Illinois Landfill Disposal Capacity Report," September 2019, 3. accessed August 6, 2020, [https://www2.illinois.gov/epa/Aopics/vvasie-mcii-lagemeni/land-111-Is/land-till-cai::acn-v/Docijrneiis/lancil"ill-caijacitv-iooo;t-2019.pdf](https://www2.illinois.gov/epa/Aopics/vvasie-mcii-lagemeni/land-111-Is/land-till-cai::acn-v/Docijrneiis/lancil)

¹⁶ City of Chicago. "Recycling 101 An Introduction to Recycling," 2013, accessed August 6, 2020.

<http://www.Chicago.gov/ciam/city/depis/doe/aeneral/R^>

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¹⁷ United States Environmental Protection Agency. "Fasic Information about Landfill Gas," 2020. accessed

August 6, 2020, <https://www.epa.gov/lrroo/basic-nformation-acouL-lanciii-f-ria->

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These harms are felt most acutely by underprivileged communities, regardless of their country's level of development.¹⁸ Although recycling alone will not stop the harmful effects of climate change, it is an essential component of any climate change mitigation strategy.

C. CHANGES IN THE GLOBAL MARKETPLACE HAVE SIGNIFICANTLY AFFECTED U.S. RECYCLING

On January 1, 2018, China instituted the National Sword policy, effectively banning the import of all recyclable mixed plastic and mixed paper.¹⁹ Soon thereafter, on March 1, 2018, China reduced the amount of impurities allowed within recyclable materials (the contamination level) to 0.5%. Later in 2018, China began enforcing tariffs on numerous recyclables, such as cardboard, plastics, and metals.

1. Impact of Chinese Policy Changes on United States Recycling

China's policy changes have significantly reduced the international market for recyclable materials, and the United States has struggled to adapt.²⁰ Materials recovery facilities (MRFs) that sort and prepare recyclables for the market have raised processing prices. Some MRFs have gone out of business. The rise in fees has increased costs for municipal curbside recycling programs, resulting in some programs being suspended or discontinued altogether.²¹ Much of the United States' waste and recyclables have been diverted to other countries with less stringent regulations, such as Malaysia, Thailand, and Indonesia. However, these countries lack the capacity to process the amount of imported recycling previously processed in China, and they have also implemented restrictions on the import of foreign waste. Overall, the value of recyclables processed by MRFs in the U.S. declined by 48%, or \$431 million dollars, between February 2017 and February 2019.²²

2. Proactive Municipal Strategies

Although changes to the recycling market have created difficulties for municipalities, adaptive strategies are emerging. For example, MRFs have enhanced their processing

¹⁸ Intergovernmental Panel on Climate Change, "Climate Change 2014 Synthesis Report," 2015, 64, accessed August 6, 2020, <https://www.incc.ch/sii.e/assets/i...iploacIs/20ia/Q2/SYR AR5 FINAL full pdf> ¹⁵ Solid Waste Association of North America Applied Research Foundation, "Resetting Curbside Recycling Programs in the Wake of China," September 2019, 7

²⁰ Alex Truelove and Carrie Katan, "The State of Recycling In Illinois." U S PIPC Education Fund, November 14, 2019, 6, accessed August 6, 2020. <https://illinoispircedtjnd.org/sites/p.rg/il/es/reports/The%20State%20of%20Recycling%20in%20Illinois%20-%20A%20Report%20for%20the%20Illinois%20Department%20of%20Public%20Health.pdf>

* Cole Rcsengren. Max Witynski, Rina Li. FA Crunden. Cody Boteler and Katie I'zy-<, "How recycling has changed in all 50 states," Wastedive.com. November 15, 2019, accessed August 6, 2020, <https://www.wastedive.com/news/what-changes-are-in-recycling-policies-mean-for-all-50-states/0751/>

Solid Waste Association of North America Applied Research Foundation, "Resetting Curbside Recycling Programs in the Wake of China," September 2019.13

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procedures to match China's contamination standards, and cities have adjusted recycling fees to reflect the costs of hauling and processing. While this requires additional time and increases labor costs, recyclables retain a higher market value. According to a report by the National League of Cities, domestic recycling markets are beginning to expand; cities can facilitate this growth by employing such tactics as tax breaks for businesses utilizing recycled materials and municipal procurement practices that require purchasing recycled materials.-"

Another strategy for responding to the new recycling market is modifying municipal contracts so that risk is shared more equitably between cities, haulers, and processors. In Palm Beach County, Florida, waste authorities reached a 12-month sales agreement with a paper mill that guarantees price minimums and maximums for the city's mixed paper. Similarly, San Antonio, Texas, entered into a contract with an MRF that charges more for accepting the city's materials than in the past but provides the city with a greater share of the revenue generated.

To increase recycling participation and reduce contamination, it is critical for municipalities to educate the public on these issues. Between 2016 and 2018, Elgin, Illinois, reduced its contamination rate from 40% to 16% with assistance from Waste Management's Recycle Often, Recycle Right educational toolkit. In Florida, the Rethink. Reset. Recycle, initiative provides educational resources for residents, public officials, and recycling advocates across the state. Other cities have used strategies such as utility bill inserts, social media outreach, and municipal websites to educate people on how to reduce contamination and maximize recycling.-1"

²¹ Conne Rico and Cooper Martin, "Rethinking Recycling I-low Cities Can Adapt. To Evolving Markets," 2018, 22-28, accessed August 6, 2020. https://www.nlc.org/sites/default/files/2018-09/CSAP_Recycling-MAG.pdf

²² Conne Rico and Cooper Martin, "Rethinking Recycling Flow Cities Can Adopt To Evolving Markets," 2018, 16, accessed August 6, 2020. https://www.nlc.org/sites/default/files/2018-09/CSAP_Recycling-MAG.pdf

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FINDINGS AND RECOMMENDATIONS

FINDING 1: DSS DOES NOT ENSURE THAT-COMMERCIAL AND HIGH-DENSITY * [y .. : RESIDENTIAL-BUILDING.OWNERS PROVIDE RECYCLING SERVICES.]

DSS does not actively enforce the Chicago Recycling Ordinance, requiring commercial and high-density residential building owners to provide recycling services. Notably, the Department's citation software does not allow users to issue citations for Ordinance violations. DSS acknowledged that it has not enforced the Ordinance, focusing instead on operating the City's blue cart recycling program.

DSS makes no attempt to identify noncompliant commercial or high-density residential buildings. However, it responds to public complaints about such buildings by sending ward superintendents to inspect them. OIG identified 97 complaint-based inspections conducted between January 1, 2017, and December 30, 2019. Of those, DSS issued 3 citations, 1 of which resulted in a fine of \$290. But it is impossible to determine the significance of these numbers, because,

1. DSS does not maintain a list of buildings subject to the Ordinance or a list of customers served by private haulers (see Finding 2). Comparing these two lists could reveal buildings that do not provide recycling services
2. DSS does not consistently record the outcomes of inspections. It is not clear from the records if, for example, the ward superintendent found a building was in compliance, or delivered a notice to comply within 30 days and found it in compliance upon re-inspection, or closed a complaint for other reasons (such as an inability to contact the building owner).
3. The Mobile E-Ticket (MET) system ward superintendents use to issue citations does not include MCC § 11-5-030- the requirement to contract with a private hauler for recycling services-as a citable code section. Therefore, a ward superintendent seeking to cite a building owner for failure to provide recycling service must write the citation under a different provision. Each of the three citations OIG identified were cited under MCC § 7-28-220 ("Duty to provide refuse containers and service").-

■- Based on the substance of the complaints that prompted the inspections, we are reasonably certain the citations were actually for failure to provide recycling services

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The inability to issue a citation for failure to provide recycling services is a significant barrier to enforcement of the Ordinance. Notably, options for citing violations were available when the former DOE was responsible for enforcement. DOE was disbanded in 2011, however, and the responsibility was transferred to DSS.

Although DSS does not maintain a list of high-density residential buildings, data from the Census' 2018 American Community Survey shows that nearly 500,000 of Chicago households, about 41% of the total, are in buildings with five or more units.²⁶ Additionally, there are approximately 60,000 licensed businesses in the city that are required to procure private refuse and recycling hauling services.²⁷ Without enforcement of the Ordinance, many of these households and businesses may not be recycling.

RECOMMENDATIONS

1. DSS, working with the Department of Law and the Department of Assets, Information and Services if necessary, should configure the MET system to allow users to issue citations for violations of the Ordinance.
2. DSS should consistently record and monitor the outcomes of recycling inspections to determine, for example, whether building owners received 30-day notices and ultimately came into compliance or were issued citations.
3. In coordination with the City's new chief sustainability officer, DSS should develop a proactive approach to enforcing the Ordinance, in addition to responding to complaints. An effective approach will likely require DSS to,
 - a) create and maintain a complete and accurate list of buildings subject to the ordinance, as well as their compliance status. This may require the assistance of other City departments (e.g., Law, Buildings, and Planning and Development);
 - b) set goals for number and frequency of inspections and measure the Department's performance against those goals;
 - c) develop a random or risk-based method of selecting which buildings to inspect; and

²⁶ Chicago Metropolitan Agency for Planning, "Community Data Snapshot Chicago, Municipality June 2019 Release," June 2020. accessed August 6, 2020,

<https://www.cmap.illinois.gov/docurrieu?/IO/ftO/10?031/Chicago%20odf>

²⁷ City of Chicago. Department of Business Affairs and Consumer Protection, "Statement from BACP Commissioner Rose Fscareno," 2020 Budget Proposal to the City Council Committee on Budget and Government Operations. November 5, 2019, 3. accessed August 6, 2020.

<https://www.Chicago.gov/content/oi/Wcily/oeois/olvMTi/su^^peningStatements/BAC>

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- (c) define a standardized inspection process for determining compliance with all provisions of the Ordinance, including an owner's duty to implement an education program informing occupants about their building's recycling service.²⁸

MANAGEMENT RESPONSE

1. "We have begun the discussion with the Department of Law (DOL) and AIS about revising the process for proper citing of the violation, including adding the ordinance to the MET system."
2. "DSS currently tracks all complaints/inspection requests and tracks the outcomes in the CSR/Salesforce system. In March 2020, DSS began discussions with DOL to update our inspection, compliance, and outcome tracking process."
3. "DSS worked with the Mayor's Office Policy and Sustainability group to engage a consultant to conduct a comprehensive waste study, which includes issues of private waste & recycling collection. As part of this study, a full assessment of the City's private waste regulation is being conducted. This study will inform the direction and goals that need to be set in order to improve the waste diversion for the City and region.

Specifically, the scope of the study will include a review of the waste & recycling policies, contracts, data, and infrastructure. And, develop and prioritize strategies for waste reduction, recycling and reuse. The information and recommendations from the study will inform the development of a proactive approach to enforcement of the Ordinance and to achieving the underlying goals of the Ordinance. The recommendations provided in the OIC's report will be taken into consideration together with the waste study findings to form a comprehensive strategy going forward."

* see Appendix A for a summary of other provisions of the Ordinance

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**.FIN DI NG 2: DSS DOES -NOT ERTI^RETHA^ V : " 1 •PRIVATE
HAULERS S;UBMIT-cdWi^ETE.S ;;*;,, ;;t
iACCURATE,AND.T)MELY/^NL^ f D ETA I LI NG T HE B U I lib IN
G S TH iV S E R V E D*'A N D> THE AMOUNT AND. TYPE OF
MATERIALS:. : HAULED. DSS ALSO CANNOT DETERMINE ~
PROG RAM OUTCOM ES AN D DIVERSION. RATES."**

DSS does not ensure that private haulers submit complete, accurate, and timely annual reports detailing the buildings they served, and the amount and type of materials hauled. The Ordinance requires haulers to provide these reports by February 28th of each year or risk a fine. Furthermore, MCC § II-5-220(e) requires the DSS commissioner to "review and approve the adequacy" of each report submitted by a private hauler. In addition to citing haulers for submitting late or incomplete reports, the Ordinance allows DSS to refer them to BACP, which is required to withhold renewal of the hauler's business license until they file a complete report.

In 2018, there were 15 licensed private waste haulers subject to the reporting requirements. Of the 15 required reports,²⁹ DSS,

- possessed nine, three of which were submitted after the February 28, 2019 deadline;
- obtained four upon- OIG's October 2019 request; and
- did not possess or obtain two.

In addition, private haulers did not fully complete 5 of the 13 reports, thereby preventing DSS from calculating their waste diversion rates and including them in a citywide waste diversion rate.^{3,0} Finally, DSS did not review the adequacy of the hauler reports or cite haulers for failure to submit timely and complete reports. The data in these reports could help DSS calculate diversion rates, set goals, and monitor progress toward those goals.³¹

~ See Appendix D for an example of a hauler report

* The waste diversion rate- the percentage of waste generated that is diverted from landfills by recycling, reuse, composting, and other diversion means- is a key performance indicator in any recycling program

⁷ DSS last reported diversion rates in July 2018. Those rates, however, were based solely on the Blue Cart Recycling Program City of Chicago Department of Streets and Sanitation. "About Blue Cart: Recycling

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The Ordinance also requires private haulers to offer services to their garbage collection customers and to notify DSS of any customers who decline the offer. Private haulers have not reported such customers to DSS, though this information would help DSS enforce compliance. While not required by the Ordinance, private haulers could also provide a list of buildings served to further inform DSS efforts to ensure compliance.

RECOMMENDATIONS

4. DSS should ensure that private haulers submit complete, accurate, and timely annual reports. As required by the Ordinance, DSS should review each report and notify BACP of noncompliant haulers.
5. DSS should review the design of the annual reports to ensure it supports the City's recycling goals. Such review efforts would include,
 - a. determining data collection goals and conclusions to be drawn from the reports; and
 - b. ensuring the reports are designed to accurately capture the data necessary to evaluate the goals and make conclusions.

6. DSS should develop procedures to incorporate elements of private haulers' diversion rates into a citywide waste diversion rate.
7. DSS should ensure that private haulers report customers who decline recycling services and consider requiring each private hauler to submit a list of buildings served.

MANAGEMENT RESPONSE

4. *"DSS understands the importance of these reports and the obligation to continue to collect the information under the MCC. DSS will utilize BACP's two-year renewal process to ensure the hauler reports are submitted as required by the MCC BACP may withhold the issuance or renewal of a license to haulers that fail to submit a report. The reporting process and other regulatory measures for private waste haulers are being assessed as part of our waste study."*
5. *"These reports are being assessed as part of our waste study & review process and may be re-designed based on specific recommendations of the waste study."*

2018 Results,' accessed September 17, 2020 h; tos ■V-.-v-.-/-.-v ch icq-tip co ■./■■:: tv/eivoepisA; i
eets/SL.po ..info /iecvciiriol/aboi.it....li.ie _cari;,_recvchru-i.html

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6. *"This is a part of the comprehensive waste study, and a course of action will be developed taking into consideration the recommendations in the OIG's report upon receipt of the study."*
7. *"This is a part of the comprehensive waste study, and a course of action will be developed taking into consideration the recommendations in the OIG's report upon receipt of the study."*

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IV. OBJECTIVES, SCOPE, AND METHODOLOGY

A. OBJECTIVE

The objective of the audit was to determine if DSS ensures commercial and high-density residential building owners provide recycling services, as required by the Chicago Recycling Ordinance.

B. SCOPE

This audit focused on DSS' current enforcement processes, or lack thereof, related to recycling at commercial and high-density residential buildings. The Ordinance defines high-density residential buildings as those having five or more dwelling units. Regarding DSS' complaint-based enforcement, OIG considered service requests from June 2, 2018 to November 26, 2019.

C. METHODOLOGY

To gain an understanding of DSS' current enforcement activities and internal controls, OIG interviewed DSS management and ward superintendents. We learned that DSS did not thoroughly enforce the Ordinance, but relied solely on complaint-based inspections conducted by ward supervisors. We assessed control environment, control activities, information and communication, and monitoring activities with the understanding that there is no active enforcement of the Ordinance, based on interviews with DSS management.

To determine the effectiveness of DSS' complaint-based inspection process, OIG reviewed Salesforce³² service request data. Because there is no request specific to recycling at commercial or high-density residential buildings, we reviewed all requests related to recycling and attempted to decipher from the content whether the request was related to our objective. Specifically, we generated a report of service requests that identified buildings with five dwelling units or more. Finally, we compared these requests to City citation data, including citations under MCC § 7-28-220, which ward superintendents stated they used as a proxy for violations of the Ordinance.

To determine if DSS collected private hauler reports, OIG requested the 15 reports from 2018 as required by MCC § 11-5-220. We evaluated the available reports for the timeliness of their submission, completeness, and utility of their data.

■ Salesforce is the software that captures and identifies complaints of residents' service requests

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STANDARDS

We conducted this audit in accordance with generally accepted Government Auditing Standards issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

AUTHORITY AND ROLE

The authority to perform this audit is established in the City of Chicago Municipal Code § 2-56-030 which states that OIG has the power and duty to review the programs of City government in order to identify any inefficiencies, waste, and potential for misconduct, and to promote economy, efficiency, effectiveness, and integrity in the administration of City programs and operations.

The role of OIG is to review City operations and make recommendations for improvement.

City management is responsible for establishing and maintaining processes to ensure that City programs operate economically, efficiently, effectively, and with integrity.

- within ten days of any customers who decline the offer,
- provide their customers with legally accessible recycling containers that are:
 - o a shade of blue that is clearly distinguishable from the garbage containers, and clearly marked as recycling containers, ¹.

³⁵ MCC §11-5-030 Source-separated recycling is "a process that (1) separates recyclable material from waste, before the point of collection of such material, by requiring that recyclable material be placed in designated recycling containers, and (2) keeps recyclable material separate from waste until the recyclable material can be returned to the economic mainstream as new, used or reconstituted products" MCC §11-5-020 Single stream recycling, a type of source-separated recycling where all recyclable materials are placed in the same container for collection, is permitted under MCC §11-5-050 MCC §11-5-120

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- o made of leak- and rodent-proofing material with
- o display a list or illustration of recyclable materials that may be deposited in the container,
- o display the name and contact information of the private hauler, and the address or business name of the customer;-
- provide their customers with written instruction manuals that include:
 - o "(1) the definition of source-separated recycling;
 - o (2) why it is important to recycle;
 - o (3) the types of material accepted and prohibited for
 - o (4) how to prepare recyclable material for handling by the hauler;
 - o (5) how to prevent contamination of the container
- o (6) the address of the Department's City of Chicago website, where this ordinance shall be posted and where additional information about disposal, reuse and recycling options can be obtained
- keep a record of the number of containers collected by the hauler every year; submit an annual report including the following information, on a form provided by DSS:
 - o percentage of customers that are residential, commercial, industrial, or institutional;
- o type and tonnage of material collected within the city during the reporting period, and; for each type of material, the waste delivery percentage;-
- o the same information as above for construction and demolition debris, and other waste, if applicable, and; any other information required by the ordinance to certify that the information in the annual report is complete and accurate.³⁰

give noncompliant building owners 30 days notice to come into compliance;

"review and approve the adequacy" of each annual report submitted by private haulers; if the DSS commissioner notifies the Department of Business Affairs and Consumer Protection (BACP) of any late or incomplete reports, BACP must not renew the hauler's business license until the commissioner confirms that the hauler has filed a complete report

fine violators, as follows:

- o between \$500 and \$1,000 for a first violation, and
- o between \$2,500 and \$5,000 for a third, and any subsequent, violation within one year of the most recent offense³¹

- MCC §11-5-240(a)

³⁶ Anyone who knowingly submits false material statements is subject to prosecution under the City's False Statement Ordinance. MCC Chapter 1-21 MCC §11-5-220 (c)

These fines apply to building owners and to private haulers. The ordinance also specifies that "each day a violation continues shall constitute a separate and distinct offense" MCC §§11-5-050 and -250

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APPENDIX B: MINIMUM CAPACITY REQUIREMENTS

OIG identified organizational guidelines for determining the appropriate volume and number of recycling containers relative to the number of occupants or residential units. The organizations include StopWaste, Recycling Partnership, and Zero Waste Design, as shown in Figure 2. Additionally, OIG identified guidelines determined by certain municipalities across the U.S. and Canada, as shown in Figure 3.

FIGURE 2: ORGANIZATIONAL GUIDELINES

Source	Volume	Per Unit/Person	Frequency
StopWaste-*	50 gallons	Every 3 People	Weekly
Recycling Partnership^	96 gallons	Every 5 Units	Weekly
Zero Waste Design Guidelines ^{1,2}	64 gallons	Every 5 Units	Weekly

FIGURE 3: MUNICIPAL GUIDELINES

Municipality	Volume ^	Per Unit/Person	Frequency
Chula Vista, CA	34-40 gallons	1 unit	Weekly
Columbus, OH	64 gallons	1 unit	Bi-weekly
Half Moon Bay, CA	1 cubic yard (200 gal)	16 units	N/A
Louisville, KY	25 gallons	1 unit/3 people	Weekly
Seattle, WA	1.5 cubic yards (302 gal)	10 units	Weekly
Sunnyvale, CA	192 gallons	10 units	Weekly
Toronto, CAN	8 cubic yards (1,536 gal)	100 units	Weekly

Stopwaste, "Space Guidelines for Recycling, Organics, and Refuse Services for Designers of Multifamily and Commercial Buildings," 2020, accessed August 6, 2020, [https://www.stopwaste.org/sites/default/files/EkiclMic-CL:delinc-s--Fii\)ai-Api3.pdf](https://www.stopwaste.org/sites/default/files/EkiclMic-CL:delinc-s--Fii)ai-Api3.pdf) ⁹⁵ The Recycling Partnership, "A Guide To Implementing A City-Based Recycling Program; 2015, accessed August 6, 2020, <https://www.recyclingpartnership.org/wp-content/uploads/2018/05/Implementing-a-city-based-recycling-program.pdf>

Zero Waste Design Guidelines, "Waste Calculator," 2020, accessed August 6, 2020, <https://www.zwdesign.com/waste-calculator/>

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APPENDIX C: VOLUME-BASED WASTE FEE

Volume-based waste fee (VBWF) programs offer a more equitable distribution of costs to those who use refuse collection and disposal services the most. They provide financial incentives to reduce waste generation, as well as a greater awareness of an individual's responsibility to reduce waste and increase recycling. These programs may not necessarily cause people to generate less waste, but may incentivize people to divert more of their waste. There is also potential to financially burden low-income residents or large families, which may then create an incentive to illegally dump waste. Administering VBWF programs in multi-unit buildings can be more challenging than doing so in single family homes, and depending on the type of VBWF program enacted, there may be substantial start-up costs."¹

FIGURE 4: VBWF PROGRAM TYPES^{1*2}

Program Type	Description
Bag Programs	Customers purchase bags imprinted with special logos ahead of time, and waste must be put in the appropriate bag (yard waste, recyclables, garbage, etc.). The price of the bag incorporates the cost of collection, transport, and disposal of the waste. In some communities however, the cost of the bag only reflects a portion of the cost.
Hybrid Programs	Adds an incentive-based system to fixed fee systems by reducing service under existing fixed fee system and if a customer needs to dispose of additional waste, there is an additional charge such as a fee per bag or additional container.
One-Can Customers	Some communities have introduced mini-can (13-20 gallons) or micro-can (10 gallons) garbage service levels to provide incentives for aggressive recyclers.
Tag and Sticker Programs	Identical to bag programs, except instead of using a special bag, customers affix an appropriate sticker or tag that identifies the type of waste they are disposing.
Variable Can or Subscribed Can	Customers select the appropriate number or size of containers for their standard weekly garbage disposal amount. Higher rates correspond with increases in the number or size of carts selected.
Weight-Based Programs	Waste trucks weigh garbage containers and charge customers based on the actual weight of garbage set out for disposal. On-

"Advancing Sustainable Materials Management. 2017 Fact Sheet." United States Environmental Protection Agency, November 2019 <https://www.epa.gov/sites/default/files/2019-11/documents/factsheet.pdf>

"Recycling in Michigan: Successful Recycling Programs, Best Practices, and Diversion Potential," Northeast Michigan Council of Governments, January 2016

https://www.michigan.gov/documents/dea_1-20-2016_102121.pdf

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board computers record weights by household and customers are billed on this basis

Other Variations

Waste drop-off programs that use customer tracking systems.

FIGURE 5: EXAMPLES OF VBWF PROGRAMS ACROSS THE U.S.

Municipality	Program Type	Program Description
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Austin, TX	Variable Can or Subscriber Tag and Sticker Program	Residents are charged a base fee of \$14.70 per month plus a per gallon fee that is dependent on the size cart they choose. Total costs for collection of refuse, recycling, bulk, brush, and yard trimmings are included. • \$0.16 per gallon for 64-gallon or smaller carts • \$0.30 per gallon for 96-gallon carts. Austin also offers collection of extra bags of trash that do not fit in a resident's cart. Extra bags must be tagged with an extra trash sticker which cost \$4 plus tax each.
Fort Worth	Variable Can or Subscriber Bag Program	Residents are charged monthly for refuse based on the size cart they choose. Each cart size has a garbage collection weight limit as well. Recycling is provided at no additional charge. • \$12.05 per month for 32-gallon cart (150 lb limit) • \$17.05 per month for 64-gallon cart (200 lb limit) • \$22.75 per month for 96-gallon cart (250 lb limit). If residents exceed their limit, residents can purchase bags that can be set aside their carts for collection. Those are \$15 for a set of five.
Grand Rapids	Variable Can or Subscriber	Residents are charged for waste per tip, ³ and the fee per tip varies depending on the size cart they choose. Recycling is provided at no additional charge. • \$3.05 per tip for 32-gallon cart • \$5.10 per tip for 64-gallon cart • \$7.15 per tip for 96-gallon cart. Grand Rapids equips refuse and recycling carts with radio frequency identification tags and collection vehicles are equipped with onboard reader systems. The carts are linked to each residents' address allowing for refuse and recycling data collection and the transfer of operational data back to the office using the onboard systems.
Minneapolis, MN	Variable Can or Subscriber	Residents are charged a monthly refuse fee of \$25.08 (per dwelling unit). They are then charged an additional fee per month based on the

³ "Residential service rates and fees," austin.texas.gov, 2020 <http://www.austin.texas.gov/departments/residential-services-rates-and-fees>

⁴ "Garbage Collection Fees," fortworth.texas.gov, 2020 <https://fortworth.texas.gov/solidwaste/fees/>

⁵ "Waste Service Payments," City of Grand Rapids, 2020 <https://www.grandrapidsmi.gov/~/media/Departments/Waste-Service-Payments>

⁶ A "tip" refers to the act of emptying one container in this case "tipping" the container into a truck to remove its contents.

⁷ "2016 Minneapolis Residential Solid Waste Composition Analysis and Recycling Program Evaluation Final Report," Hennepin County, 2016 <https://www.hennepin.us/media/hennepin/your-office/department/roject-ii/ities/documents/hennepin-county/waste-solid-waste-2016-final-report-en&hash=7C299F81C7C10B9BLjS9I3349.5A9B7I4C06A702CfI>

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	Subscribed Can	size container they choose. Recycling is provided at no additional charge. • \$2.00 per month for 32-gallon size • \$5.00 per month for 96-gallon size. There is no additional fee for recycling carts.
Sacramento, CA	Variable Can or Subscriber	Residents are charged for both waste, recycling and yard waste pickup based on the size and number of carts they choose for each service. Waste Collection • \$14.35 per month for 32-gallon cart, any additional cart of this size is \$14.20 per month • \$18.90 per month for 64-gallon cart, any additional cart of this size is \$16.44 per month • \$23.00 per month for 96-gallon cart, any additional cart of this size is \$19.43 per month. Recycling • \$5.90 per month for 64-gallon cart or 96-gallon cart, any additional cart of any size is \$2.03 per month. Yard Waste • \$10.75 per month for 96-gallon cart, any additional cart is \$3.49 per month.
San Jose, CA	Variable Can and Sticker	Residents are charged for garbage collection based on the size cart they choose. These fees include recycling service. • \$35.89 per month for 32-gallon cart • \$71.78 per month for 64-gallon cart • \$107.67 per month for 96-gallon cart. If any additional waste collection is needed, residents can purchase extra bag stickers. San Jose also explicitly outlines a VBWF program for high-density buildings. The city offers 1, 1.5, 2, 3, 4, 5, 6, and 8 cubic yard size containers and offers up to 5 collections per week. Prices are dependent on the size container and the number of collections per week requested.
Seattle, WA	Variable Can or Subscriber	Residents are charged for waste collection based on the size container they choose and where the container is located (curb or alley vs backyard). There is no additional cost for recycling services. • 12-gallon cart \$24.25 per month for curb or alley pickup, backyard pickup N/A • 20-gallon cart \$29.70 per month for curb or alley pickup, backyard pickup N/A • 32-gallon cart \$38.65 per month for curb or alley pickup, \$54.00 per month for backyard pickup • 64-gallon cart \$77.25 per month for curb or alley pickup, \$108.20 per month for backyard pickup.

⁸ "Curbside Collection Services," City of Sacramento, 2020 <http://www.cnpr.sacramento.ca.gov/PDF/RSW/Collection-Services>

⁹ "Recycle Plus Service Rates," sanjose.ca.gov, 2020 <https://www.sanjoseca.gov/home/showdefaultcontent?id=4Q768>

¹⁰ "Garbage Can Rates," Seattle.gov, 2020 <https://www.seattle.gov/utilities/charges/fees>

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- 96-gallon cart \$115 90 per month for curl
- backyard pickup • Extra waste pickup is al

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APPENDIX D: RECYCLING HAULER/CENTER REPORT

The following is 1 of the 13 reports submitted to DSS with identifying information redacted.

RECYCLING HAULER/CENTER REPORT DEPARTMENT OF STREETS AND SANITATION

AS REQUIRED UNDER THE PROVISIONS OF THE CHICAGO RESIDENTIAL AND COMMERCIAL RECYCLING ORDINANCE (MCC 11-5-210 and 11-5-220): Privnte haulers shall maintain complete and accurate records containing the following information: (1) the total tonnage of recyclable material collected by the private hauler from the totality of the private hauler's refuse collection customers within the city during each calendar year; (2) the name and address of each facility to which the private hauler delivered any percentage of such collected recyclable material during each calendar year, (3) the percentage of recyclable material delivered each calendar year by the private hauler to each facility identified pursuant to item (2) above; and (4) any other information that the Commissioner may require in duly promulgated rules. The records required under MCC 11-5-210 and 11-5-220 shall be kept on file by the private hauler for a period of three years.

Any recycling hauler operating within the boundaries of the City of Chicago shall submit an annual Recycling Hauler Report to the Department of Streets and Sanitation. This report must be completed and submitted Id Its entirety. If further space is required, please include, as needed, additional sheets as attachments to this Form.

Hauler/Center Name: J

Hauler/Center Address: JBaa^LssssssBaa^HLissssssssssssssssssssstssss

Name of Contact Pcnon(s) Responsible for responding to Departmental Inquiries ("Responsible Contact Person"):

Responsible Contact Person(s) Telephone Number: Responsible Contact Person(s) E-mail Address: Percentage of Private Hauler's

Customers that are:

^•C Residential (jtf) Commercial "SQIndustrial | Institutional H Establishments Reporting Period: January 1 - December 31 (Due Feb 28) ~9~0\ 5 Year

Materials Collected by Category

- 1) Recyclables (Not including materials listed below)
- 2) Yard Waste
- 3) Food Scraps
- 4) Electronics
- 5) White Goods
- 6) Construction and Demolition Debris
- 7) Other

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Percentage of Recyclable Materials Collected per Facility

|lSaJegqiy} Category,;*
2,;

Approximate Percentage of Construction and Demolition Debris Collected and the Receiving Facility

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Approximate Percentage of Waste delivered to Each Facility

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- 10.

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Certification

As an authorized representative ("Representative") of the company named below, I hereby certify that I have personally examined and am familiar with the information submitted in this Report; and that, based on my inquiry of those individuals immediately responsible for obtaining that information, I believe, to the best of my knowledge, that all of the information submitted herein is true, accurate and complete.

Representative's Name;

Representative's Title:

Company Name: _

Representative's Mailing Address: Representative's Phone Number:

Representative's Fax Number: _

Representative's E-mail Address Representative's Signature Submit this Form by mail OR

electronically by e-mail to:

City of Chicago Department of Streets and Sanitation 121 N. LaSalle/ Room 1107 Chicago, IL
60602

Or

Email: [DSSRecyclinK\(5\)cityofchicago.org](mailto:DSSRecyclinK(5)cityofchicago.org) <<http://go.org>>

For further questions and information, please contact: Recycling Office

Department of Streets and Sanitation

Recycling Office: 312.744.2413

Email: [DSSRecycling\(5\).cityofchicago.org](mailto:DSSRecycling(5).cityofchicago.org)

MISSION

The City of Chicago Office of Inspector General (OIG) is an independent, nonpartisan oversight agency whose mission is to promote economy, efficiency, effectiveness, and integrity in the administration of programs and operations of City government. OIG achieves this mission through,

- administrative and criminal investigations by its Investigations Section;
- performance audits of City programs and operations by its Audit and Program Review Section;
- inspections, evaluations and reviews of City police and police accountability programs, operations, and policies by its Public Safety Section; and
- compliance audit and monitoring of City hiring and human resources activities and issues of equity, inclusion and diversity by its Diversity, Equity, Inclusion, and Compliance Section.

From these activities, OIG issues reports of findings and disciplinary and other recommendations,

- to assure that City officials, employees, and vendors are held accountable for violations of laws and policies;
- to improve the efficiency and cost-effectiveness of government operations; and
- to prevent, detect, identify, expose, and eliminate waste, inefficiency, misconduct, fraud, corruption, and abuse of public authority and resources.

AUTHORITY

OIG's authority to produce reports of its findings and recommendations is established in the City of Chicago Municipal Code §§ 2-56-030(d), -035(c), -110, -230, and 240.

Cover image courtesy of OIG

AUDIT TEAM ,
SAM DIAZ^PERFORMANCE ANALYST-
'ABIGAIL SULLIVAN, SENIOR PERFORMANCE ANALYST;
DARWYN JONESfCHIEF PERFORMANCE ANALYST"
USE VALENTINE, DEpUTYJNSPECTOR GENERAL
PUBLIC INQUIRIES: "
NATALIE'A. KURIATA: 1773) 478-8417! NKURIATA(cDIGCHICAGO.ORG-'
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": "ASt^ .i^** ' ^ IGC^ICAGb.ORG/CONTAcf-US/REPbRpfrAUr3l.W^'