

Chapter 11-5

REDUCTION AND RECYCLING PROGRAM

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11-5-010 Title and purpose.

This chapter shall be known and may be cited as the "Chicago High Density Residential and Commercial Source Reduction and Recycling Ordinance." It is hereby declared to be the policy of the city of Chicago to promote programs that (1) reduce the amount of waste generated at the source; and (2) recover materials, for the purpose of recycling, that would otherwise be discarded and return them to the economy. Source-separation recycling is hereby recognized as the preferred method of recycling in the city.

It is the purpose of this ordinance to achieve, at a minimum, the following recycling goals: 37.5 percent, by weight, for the entire city by 1996; 30 percent by weight, for commercial and office establishments by 1996; and 12 percent, by weight, for high density, condominium, and cooperative residential buildings by 1996, as specified in the city of Chicago's solid waste management plan. It is also the purpose of this ordinance to promote a 25 percent recycling goal for haulers and recycling service providers. Building owners, waste haulers, recycling service providers and building managers covered by this ordinance are required to implement recycling programs and are encouraged, wherever feasible, to implement programs which will exceed the above goals in order to further reduce the quantity of waste disposed, conserve natural resources and decrease operating costs. (Added. Coun. J. 11-5-93, p. 40151)

11-5-020 Definitions.

For the purposes of this chapter, unless the context requires otherwise, the following terms shall have the definitions set forth below:

(a) "Buy-back center" means any licensed recycling facility which purchases recyclable materials from members of the public at large.

(b) "City" means the city of Chicago, a municipal corporation incorporated under the laws of the state of Illinois.

(c) "Commercial establishment" means any establishment, including a retail establishment, the primary function of which is the handling of goods, wares, food, beverages or merchandise, or the provision of support services.

(d) "Commissioner" means the commissioner of the city's department of environment or the city's commissioner of the department of streets and sanitation or their respective designees.

(e) "Condominium residential building" means a form of property established pursuant to the Illinois Condominium Property Act.

(f) "Cooperative residential building" means a form of property established under terms of the General Not-For-Profit Corporation Act.

(g) "Refuse collection customer" means the business entity, person, building owner or management company which contracts for the provision of waste hauling services for any commercial, office or retail establishment, or high density, condominium or cooperative residential building in the city of Chicago.

(h) "Department" means the city's department of environment or the department of streets and sanitation.

(i) "Drop-off center" means any licensed recycling facility that accepts recyclable materials without payment or charge.

(j) "Effective recycling program" means a program for municipal waste that satisfies the criteria established in Sections 11-5-021, 11-5-022 and 11-5-023.

(k) "High density residential building" means a building containing more than four residential units and which receives waste collection service from a private waste hauler.

(l) "High grade paper" means computer printout, white ledger (i.e., copy machine paper, letterhead, tablet papers, index cards and laser printed bond paper), colored bond paper and any other paper determined to meet market standards for high value recyclable material.

(m) "Mixed office paper" means various grades of recyclable paper not limited by fiber content, including glossy papers, cards, colored paper, envelopes, sticky notes and carbonless forms.

(n) "Mixed residential paper" includes paperboard (i.e., shoe and cereal boxes, paper towel rolls, etc.), ledger paper, junk mail, paper bags (white and brown), and other clean, uncoated paper.

(o) "Municipal waste" means garbage, general household and commercial waste, industrial lunchroom or office waste, landscape waste, and construction or demolition debris.

(p) "Office establishment" means any establishment, the function of which is the transaction of administrative, business, civic or professional services where the handling of goods, wares or merchandise, in limited quantities, is incidental to the primary occupancy or use.

(q) "Owner" means one or more persons, jointly or severally, in whom is vested all or part of the legal title to property, or all or part of the beneficial ownership and a right to present use and enjoyment of the premises, including a mortgagor in possession.

(r) "Post-collection separation" means any process that separates municipal waste after the point of collection and recovers recyclable material that can be returned to the economic mainstream as raw material for new, reused or reconstituted products which meet the quality standards of the market place.

(s) "Recycle or recycling" means any process by which materials that otherwise would become municipal waste are collected, separated, or processed and returned to the economic mainstream as raw material for new, reused or reconstituted products but does not include the recovery of materials for fuel in combustion or energy production processes.

(t) "Recyclable material" means any one of the materials listed in Section 11-5-021(d), 11-5-022(d) or 11-5-023(d) of this ordinance or as defined in Section 11-4-120 of the Municipal Code.

(u) "Recycling service provider" means any person engaged in either the collection or processing of recyclable materials who has obtained a permit under Chapter 11-4 of the Chicago Municipal Code.

(v) "Retail establishment" means each separate store location, whether or not affiliated with any other store location in which tangible personal property or food is offered for sale to the consuming public.

(w) "Source reduction" means any activity that reduces the amount or toxicity of municipal waste generated. It includes the reuse of a product in its original form or use of repairable, refillable or durable products that results in a longer useful life.

(x) "Source-separated recycling" means any process that separates solid waste before the point of collection and keeps recyclable material separated from other solid waste until it can be returned to the economic mainstream as raw

material for new, reused or reconstituted products which meet the quality standards of the market place.

(y) "Waste reduction" means any combination of methods that includes recycling and source reduction activities, as defined in this section.

(z) "Fluorescent or high intensity discharge lamp" means a lighting device that contains mercury and generated light through the discharge of electricity either directly or indirectly through a fluorescent coating, including mercury vapor, high pressure sodium, or metal halide lamp containing mercury, lead or cadmium. (Added. Coun. J. 11-5-93, p. 40151; Amend. Coun. J. 4-16-96, p. 20133; 10-7-98, p. 78812; 2-5-03, p. 103499)

11-5-021 Establishment of an effective recycling program in high density, condominium and cooperative residential buildings.

(a) On or before January 1, 1995, the owner of each high density residential building shall provide to the residents of each building an effective recycling program.

(b) On or before January 1, 1995, the governing association or board of each condominium and cooperative residential building shall provide to the residents an effective recycling program. Beginning January 1, 1995, the issuance of a condominium refuse rebate pursuant to Section 7-28-250 of the Chicago Municipal Code shall be contingent upon the governing association or board of the condominium or cooperative residential building meeting the obligations set forth in Section 11-5-021 of this chapter.

(c) The recycling program in subsections (a) and (b) of this section shall meet the requirements of an effective recycling program. An effective recycling program for high density, condominium or cooperative residential buildings shall be defined as meeting the following minimum criteria:

(1) The program will provide for collection of, at a minimum, two items from the list of recyclable materials designated in subsection (d) of this section; and

(2) On or before January 1, 1996, the program will provide for collection of an additional item from the list of recyclable materials designated in subsection (d) or will include the addition of at least two source reduction measures from the list of source reduction measures promulgated by rule by the commissioner pursuant to this chapter. This list shall include, but not be limited to the following: composting of yard waste; use of a mulching lawn mower; installing long lasting, energy efficient light bulbs or fixtures; installing reusable furnace and air conditioning filters; providing residents with reusable cloth or string bags; and providing residents with educational materials on non-

toxic or less wasteful products, such as rechargeable batteries or citrus cleaning products.

(3) In the event that an owner, governing board or association receives written notice under Section 11-5-024(d), the owner shall, within 30 days of receipt of the notice, provide for collection of another item from the

list of recyclable materials designated in subsection (d) of this section.

(d) The list of acceptable recyclable materials includes:

- Corrugated cardboard;
- Mixed residential paper;
- Magazines and catalogs;
- Newspaper;
- Metal containers, such as aluminum, steel and bi-metal;
- Glass containers;
- Plastic containers;
- Fluorescent bulbs;
- high intensity discharge lamps.

(e) Source separated recycling is the method of recycling preferred by the city for high density, condominium or cooperative residential buildings addressed in this section. Nothing in this section, however, shall preclude a building from including post-collection separation in its effective recycling program. A building may use post-collection separation as the sole method of recycling if the building can demonstrate an undue economic, safety or space hardship. The form and content of such demonstration shall be determined by rule by the commissioner pursuant to this chapter. At a minimum it shall require a source separation feasibility analysis which includes the following:

- (1) Identification of the types and relative amounts of municipal waste produced;
- (2) A description of building layout and operations;
- (3) Assessment of existing space and equipment which can be used for storage and collection of municipal waste;
- (4) Consideration of impact of source separated recycling on disposal costs.

The source separation analysis and other documentation used to demonstrate undue hardship shall be kept on the premises as part of the building's recycling plan, required in subsection (f) of this section.

(f) A written plan describing the effective recycling program shall be kept on the premises for inspection by the residents and the commissioner, during normal business hours. This plan shall, at a minimum, identify: the recyclable materials included in the building's recycling program; the type of collection method(s) utilized; a post-collection feasibility analysis, if applicable; the written quality reports, received under Section 11-5-024(a)(2) of this chapter; the source reduction methods utilized, if applicable; and, a summary of the building's education program.

(g) Building owners and the governing association or board of each condominium and cooperative shall develop an ongoing resident education program, that includes, but is not limited to the following:

- (1) Flyers provided to new residents and additional information provided to the residents, at least annually,

summarizing the building's recycling plan and outlining why it's important to recycle; and

(2) Notices displayed in a common area of the building or provided to the residents, identifying source separation collection points and materials to be recycled, if applicable.

(h) Building owners and the governing association or board of each condominium and cooperative are encouraged to assist in the formation of an advisory committee, made up of residents, to promote joint development and maintenance of an effective recycling and source reduction program. (Added. Coun. J. 11-5-93, p. 40151; Amend. 4-16-96, p. 20133)

11-5-022 Establishment of an effective recycling program in office establishments.

(a) On or before January 1, 1995, each refuse collection customer for each office establishment located in the city of Chicago shall provide to each such establishment an effective recycling program utilizing source separated collection, post-collection separation, or both.

(b) Each licensee or license applicant for a city of Chicago business license who is a refuse collection customer shall be required to certify in the license application that an effective recycling program will be conducted on the licensed premises during the license period. Each licensee or license applicant shall also provide, on the license application, the name of its private hauler and recycling service provider; and whether a post collection, source separation or combination of these two methods is utilized.

(c) The recycling programs required by subsection (a) shall meet the requirements of an effective recycling program. An effective recycling program for office establishments shall be defined as meeting the following minimum criteria:

(1) The collection of, at a minimum, two recyclable materials designated in subsection (d); and

(2) On or before January 1, 1996, the program will provide for collection of an additional item from the list of recyclable materials designated in subsection (d) of this section or will include the addition of at least two source reduction measures from the list of source reduction measures promulgated by rule by the commissioner pursuant to this chapter. This list shall include, but not be limited to the following: use of double-sided copying; use of long lasting, energy efficient light bulbs or fixtures; use of reusable laser printer and copier toner cartridges; circulating and routing memos; cutting scrap paper for use as message and memo pads; purging mailing lists of duplicate and outdated names; use of inter-office and intra-company envelopes; and reducing fax transmissions to a half-page or eliminating by using stick-on notes.

(3) In the event that a refuse collection customer receives written notice under Section 11-5-024(d), the refuse collection customer shall, within 30 days of receipt of the notice, provide for collection of another item from the list of recyclable materials designated in subsection (d).

(d) The list of acceptable recyclable materials includes:
 Corrugated cardboard;
 High grade paper;
 Mixed office paper;
 Magazines and catalogues;
 Newspaper;
 Metal containers, such as aluminum, steel and bi-metal;
 Glass containers;
 Plastic containers;
 Wooden pallets;
 Fluorescent bulbs;
 High intensity discharge lamps.

(e) Source separated recycling is the method of recycling preferred by the city for office establishments. Nothing in this section, however, shall preclude a refuse collection customer from including post-collection separation in its effective recycling program. A refuse collection customer may use post-collection separation as the sole method of recycling if:

(1) The refuse collection customer makes a reasonable effort to insure that the materials included within the paper categories are not contaminated by other wastes. Such reasonable efforts may include, but are not limited to: educating office establishments on separating wet waste materials and other non-recyclable from recyclable paper; urging office establishments to provide separate containers for wet waste; providing a color coded bagging system to distinguish waste materials; or the provision of a separate waste receptacle; and

(2) The refuse collection customer contracts with a waste hauler or recycling service provider who makes a reasonable effort to prevent contamination of paper by other elements of the waste stream and demonstrates compliance with Section 11-5-024(a)(1). Loads contaminated by the refuse collection customer will be collected as part of the regular garbage route.

(f) A written plan describing the effective recycling program and any documentation and communication for the department and any contract waste hauler or recycling service provider over the preceding 24 months shall be kept by the refuse collection customer on the premises for inspection by the commissioner at the office establishments, during normal business hours. A summary of the plan shall be distributed to all office establishments and made available to all prospective office establishments. This plan shall identify, at a minimum, the recyclable materials included in the refuse collection customer's effective recycling programs; the type of collection

method(s) utilized; targeted recycling rates; the source reduction methods utilized; the written quality reports received under Section 11-5-024(a)(2) of this chapter; and a summary of the refuse collection customer's education program. The plan shall be reviewed regularly and amended to reflect any changes made in the effective recycling program provided by the refuse collection customer.

(g) The refuse collection customer shall prepare or have prepared an ongoing program for affected office establishments that informs about the source reduction and recycling provisions in its plan and the importance of the establishment's cooperation and involvement. This education program may include, but is not limited to the following:

(1) Flyers provided to office establishments detailing the recycling plan and outlining why it is important to recycle;

(2) Posters displayed in offices and common areas of the building marking the location of collection points and the list of materials to be recycled;

(3) In-house training sessions and meetings;

(4) Orientation meetings; or

(5) Recognition or awards to those office establishments which are particularly effective in helping to implement the waste reduction program.

(h) Office establishments shall, on an ongoing basis, make available to their employees any items provided under Section 11-5-022(g) and encourage them to provide comments regarding the recycling program. (Added. Coun. J. 11-5-93, p. 40151; Amend 4-16-96, p. 20133)

11-5-023 Establishment of an effective recycling program in commercial establishments.

(a) On or before January 1, 1995, the refuse collection customer for each commercial establishment located in the city of Chicago shall provide an effective recycling program for each such commercial establishment.

(b) Each licensee or license applicant for a city of Chicago business license, which is a refuse collection customer, shall be required to certify in the license application that an effective recycling program will be conducted on the licensed premises during the license period. Each licensee or license applicant shall also provide on the license application the name of their current private hauler and current recycling service provider and whether post-collection, source separation or a combination is utilized at the time of license application. Businesses which are not required to obtain a business license shall provide additional certification.

(c) The recycling programs required by subsection (a) of this section shall meet the requirements of an effective recycling program. An effective recycling

program for commercial establishments shall be defined as meeting the following minimum criteria:

(1) The recycling program shall provided for collection of, at a minimum, two recyclable materials designated in subsection (d) of this section; and

(2) On or before January 1, 1996 the program shall include, at a minimum, one of the following options:

(i) An additional item from the list of recyclable materials designated in subsection (d); or

(ii) Two source reduction measures from a list promulgated by the commissioner with the advice of an appointed advisory board as defined in Section 11-5-026(c). This list shall include, but not be limited to, the following: replacing disposable with renewable, refillable or returnable containers; reducing consumer packaging; using boxes, bags or other packaging alternatives made of post consumer recycled materials; switching to wipeable or reusable signage; double-sided copying; using long lasting, energy efficient light bulbs and fixtures; using reusable laser printer and copier toner cartridges; replacing disposable items with reusable items (i.e., dinnerware, towels, placemats and tablecloths); donating surplus food to foodbanks or soup kitchens; providing educational materials (i.e., flyers, brochures, banners, product displays and labels) to customers on ways they can reduce waste; providing on site collection at buy-back centers, drop-off centers, or other on site collection and recycling of post consumer materials.

(d) The list of acceptable recyclable materials includes:

Corrugated cardboard;

Glass containers;

Metal containers including aluminum, steel and bi-metal;

Aluminum foil and pans;

Plastic containers;

Mixed paper;

High grade office paper;

Magazines and catalogs;

Newspapers;

Wooden pallets;

Plastic film;

Fluorescent bulbs;

High intensity discharge lamps.

(e) Source separated recycling is the method of recycling preferred by the city for commercial establishments. Nothing in this section, however, shall preclude a refuse collection customer from including post-collection separation in its effective recycling program. A refuse collection customer for a commercial establishment may use post-collection separation as the sole method of recycling if it can demonstrate an undue economic, safety or space hardship. The form and content of such a demonstration shall be determined by rule by the commissioner. At a

minimum it shall require a source separation feasibility analysis which includes the following:

(1) Identification of the types and relative amounts of waste produced;

(2) A description of the establishment's layout and operations;

(3) Assessment of existing space and equipment which can be used for storage and collection of municipal waste and recyclables;

(4) Consideration of impact of source separated recycling on disposal costs.

The source separation analysis and other documents used to demonstrate undue hardship shall be kept on the premises as part of the plan for the commercial establishment, required in subsection (g) of this section.

(f) A written plan describing the effective recycling program shall be kept on the premises for inspection by the commissioner. This plan shall, at a minimum, identify: the recyclable materials included in the establishment's recycling program; the type(s) of collection method(s) utilized; a post-collection feasibility analysis, if applicable; the written quality reports when received under Section 11-5-024(a)(2) of this chapter; the source reduction methods utilized, if applicable; and the post-consumer recyclable material(s) collected on site, if applicable.

(g) An effective recycling program for commercial establishments may provide for collection and recycling of less than the number of materials required in subsection (c) of this section if the refuse collection customer can demonstrate through means of a waste audit that the establishment's waste stream contains fewer than the required materials or that an individual recyclable component constitutes more than 51 percent by weight of the establishment's waste stream. The waste audit shall be kept on the premises as part of the refuse collection customer's recycling plan as required in subsection (e) and shall be made available for inspection by the commissioner. The commissioner may determine by rule promulgated pursuant to this chapter the criteria for an adequate waste audit for purposes of this section.

(h) Until the commissioner determines that wet waste recycling is commercially and readily available, organic waste shall be excluded from the definition of solid waste for food service establishments, grocery stores and other similar commercial establishments. These establishments shall meet the recycling goals established for that solid waste which remains after the organic waste component has been removed.

(i) A commercial establishment with more than one location in the city of Chicago may utilize a consolidated recycling program including any or all of the locations affected herein. (Added. Coun. J. 11-5-93, p. 40151; Amend. 4-16-96, p. 20133)

11-5-024 Hauler certification and reporting requirements.*

(a) Beginning January 1, 1995, as a condition of receiving, renewing and maintaining a license or permit as a scavenger, refuse hauler or recycling facility, each such licensee, permittee or applicant for such a license or permit shall meet the following criteria:

(1) The licensee or permittee must certify upon request of the commissioner that all materials separated for recycling through an effective recycling program are delivered to a processor which will handle the materials in accordance with the definition of recycling in this ordinance. In the event a licensee or permittee offers a post-collection paper separation service to customers covered under Section 11-5-022 of this chapter, such licensee or permittee shall demonstrate to the respective refuse collection customer that utilizing a facility which maintains a minimum recovery rate of 60 percent of the uncontaminated paper collected pursuant to Section 11-5-022(e)(2). In the event a licensee or permittee operates a post-collection paper separation facility covered under this chapter, such licensee or permittee shall demonstrate to the commissioner and the respective waste hauler that it is maintaining a minimum recovery rate of 60 percent of the uncontaminated paper it receives from the waste hauler.

(2) Haulers and recycling service providers shall develop a program to notify customers of contamination problems that occur on a regular or chronic basis, as they occur. Haulers and recycling service providers shall provide a written report, semi-annually, to each customer on the quality of recyclable materials collected.

(3) Beginning in August, 1995, the licensee or permittee shall submit semi-annual written reports to the commissioner. Reports shall be submitted on or before August 31st, of each year, summarizing recycling activities between January 1st and June 30th and on or before February 28th, of each year, summarizing recycling activities between July 1st and December 31st. Each report shall set forth the following data and information on materials collected from customers serviced within the city:

(i) The weight of all materials collected in total by the licensee or permittee;

(ii) The weight of all materials recycled by types or categories of materials with a separate listing estimating the weight represented by buy-back or drop-off facilities;

(iii) The percentage of customers that are high density, condominium or cooperative residential buildings, and the percentage of customers that are commercial, office or retail establishment;

(iv) The percentage of customers contracting for recycling services provided by or subcontracted by the hauler, and the percentage of customers subscribing to each type

of recycling services if the hauler provides more than one collection method; and

(v) The percentage of customers not contracting for recycling services.

The commissioner shall review and approve the adequacy of these reports as a prerequisite to the issuance of any city of Chicago license or permit for the collection and processing of municipal waste or recyclable materials. If the reports are not filed in a timely manner, or if the information provided is incomplete, the commissioner may request that the department of revenue withhold a license until such time that the report is made complete. The timely submission of the above reports shall constitute compliance with the reporting requirements under Sections 4-260-045 and 11-4-2535 of the Municipal Code.

(b) Any and all specific information regarding materials collected or collection methods required to be reported to the commissioner under subsection (a) of this section shall be made available to the public for inspection and copying during normal business hours and in accordance with the Freedom of Information Act. Nothing in this subsection shall prohibit a licensee or permittee, covered under Section 11-5-024, from providing copies of their reports to the public on a voluntary basis.

(c) A hauler providing post-collection separation shall take reasonable steps to prevent contamination of paper by other waste during the collection, transport and recovery of materials.

(d) Each hauler covered under this section is required to notify, in writing within 30 days, any refuse collection customer with whom it has a contract and which customer has identified a recyclable material in their plan that is no longer being recycled.

(e) The provisions of Section 11-5-024 do not apply to offal scavengers as defined in Article III, sewer and catch basin cleaners as defined in Article IV, or night soil scavengers as defined in Article V of Chapter 4-260 of the Municipal Code. (Added. Coun. J. 11-5-93, p. 40151; Amend. 10-7-98, p. 78812)

* **Editor's Note:** The city may have intended to delete a portion of this section in Coun. J. 10-7-98, p. 78845.

11-5-025 Enforcement provisions.

In order to meet the stated purposes of this chapter, the commissioner shall have the following enforcement powers:

(a) The commissioner may seek the voluntary cooperation of the governing body, officers, or other officials of any condominium, cooperative, high density residential building, office establishment, retail establishment, scavenger, refuse hauler, recycling service provider, or building owners, managers, or agents to effectuate the purposes of this chapter. In order to promote such cooperation, the commissioner may seek to initiate a series of steps

designed to assist and encourage the business or building to implement either a new source reduction and recycling program or to improve an existing program. Such steps may include, but are not limited to: a thorough review of the business' or building's recycling plan and implementation procedures; and allowing reasonable time for the building or business to improve existing efforts to comply with this chapter.

(b) If, after the commissioner seeks to put into effect the steps as set forth in Section 11-5-025(a), a condominium, cooperative, high density residential building owner, governing board or association, office or retail establishment owner or manager, scavenger, refuse hauler, or recycling service provider is found to be violating the terms of this chapter, it shall be subject to fines not less than \$25.00 nor more than \$100.00 per day. Each day the violation continues shall constitute a separate and distinct violation.

(c) Upon the failure of any person or entity holding a license issued by the city of Chicago and subject to the requirements of this ordinance to comply with the terms of this chapter, and to come into compliance follow-

ing attempts by the commissioner to bring about compliance pursuant to Section 11-5-025(a), the license or licenses of such person or entity shall be revoked in accordance with Section 4-4-280 of this code upon recommendation of the commissioner. The commissioner or his designee shall be responsible for supplying the license commissioner with all documentation and other information necessary to establish that revocation of a license should occur.

(d) Each licensee or license applicant for a city of Chicago business license, who is a refuse collection customer, shall be required to certify in a form to be determined by rule by the commissioner that an effective recycling program will be conducted on the licensed premises during the license period. Each licensee or license applicant shall also provide the following: the name of its private hauler and, if applicable, recycling service provider, and whether post collection and/or source separation is utilized. The commissioner may require an additional certification of recycling for businesses, owners and governing associations or boards which are not required to obtain a business license, provided, however, such certification shall not, in any manner, restrict a building owner's right to transfer their property.

(e) The commissioner shall institute an audit program for the refuse haulers and recycling service providers covered under this chapter. Facilities will be chosen at random and will be reviewed for compliance with this chapter. Additionally, the refuse hauler or recycling service provider selected for audit may be asked to collect data over a one month period and provide a report to the commissioner including but not limited to the following information:

- (1) The tons of recyclable material collected through source separation and post-collection methods;
- (2) The tons of residual municipal waste recovered from each collection method; and
- (3) The tons of materials recycled from each collection method.

In no ways does this provision supplant, change or otherwise amend the department's regular inspection and enforcement powers to protect the public health and safety and implement the provisions of this code.

(f) In addition to the initiatives described in Section 11-5-025(a), the commissioner shall institute an audit program for the refuse collection customer's effective recycling program covered by this chapter. Facilities will be chosen at random and will be reviewed for compliance with this ordinance. The evaluation will also determine actions to be taken by the refuse collection customer to meet the waste reduction goals established in Section 11-

5-010. (Added. Coun. J. 11-5-93, p. 40151; Amend. Coun. J. 2-5-03, p. 103499)

11-5-026 Department of environment.

In order to meet the stated purpose of this ordinance, the commissioner shall have the following responsibilities under this chapter.

(a) Review, at least annually, the lists of recyclable materials and source reduction measures contained in this chapter to determine whether materials should be added or deleted. Any change in such lists shall be made in accordance with Section 11-5-027. Such review will incorporate the comments of individuals, buildings owners and businesses affected by this chapter.

(b) Prepare or have prepared, on or before January 1, 1995, with the advice of the recycling advisory board, a public education and technical assistance program that includes but is not limited to the following:

(1) An instructional manual or guide on how to plan and implement effective source reduction and recycling programs, which will be made available to building owners and managers, governing associations and boards and businesses, affected by this ordinance. Such manual or guide shall include, but not be limited to, instructional information regarding the process of analyzing a building's waste stream, identifying source reduction options and recyclable materials, determining collection, handling and storage requirements, identifying markets for recyclable materials, assessing economic and operational impacts, working with a building's residents or tenants to generate active participation; monitoring and evaluating program results and purchasing recycled content products; and

(2) Education and publicity materials, which will be made available to building owners and managers, governing associations and boards and businesses, affected by this ordinance, for dissemination to residents, tenants and employees to promote source reduction and recycling activities. These education and publicity materials shall include flyers, posters and brochures which may be incorporated into a section of the instructional manual defined in subsection (1) above; and

(3) Development of a program that encourages building owners and managers, governing associations and boards and businesses, who have successfully implemented a source reduction or effective recycling program, to share their expertise and experience with others who are required to comply with the provisions of this chapter. Nothing in this subsection shall prohibit the commissioner from developing and distributing these materials in cooperation with any public or private entity.

(c) Appoint, on or before July 1, 1994, a recycling advisory board, which shall be composed of the commis-

sioner and seven persons drawn from environmental organizations in Chicago, the recycling service provider industry, waste hauling industry, high-density, condominium or cooperative residential building industry and commercial, office or retail establishment industry. The recycling advisory board will be established for a period of not less than three years, and may at the expiration of this initial period be continued only at the discretion of the commissioner. The activities of the recycling advisory board shall be advisory in nature, so as to assist the commissioner in the implementation of this ordinance. (Added. Coun. J. 11-5-93, p. 40151)

11-5-027 Rules and regulations.

The commissioner may jointly promulgate such rules and regulations as necessary to implement the provisions of this chapter pursuant to notice and public hearing as required in Chapter 2-30 of the municipal code. (Added. Coun. J. 11-5-93, p. 40151; Amend. Coun. J. 2-5-03, p. 103499)

11-5-028 Severability.

If any provision, clause, sentence, paragraph, section or part of this chapter or application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this chapter and the application of such provision to other persons or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof already involved in the controversy in which such judgment have been rendered and to the person and circumstances affected thereby. (Added. Coun. J. 11-5-93, p. 40151)