1. **Call to Order/Roll Call**

**Board Members Present:**
- Aimee Ladonski, Chair, Sustainability Coordinator
- Ken Allender, Citizen Representative
- Jake Anderson, Recycling Industry Representative
- Sarah Campbell, Citizen Representative
- Norman Dittman, Citizen Representative
- Bob Kappel, City of Sioux Falls Environmental Manager
- Dennis Weeldreyer, Lincoln County

**Board Members Absent:**
- Greg Dix, Waste & Recycling Industry Representative
- Nancy Korkow, McCook County
- Dave McElroy, City of Sioux Falls Landfill Superintendent
- John Overby, Turner County
- Deb Reinicke, Lake County Representative - Term Expires May 2012
- Ryan Streff, Minnehaha County

**Others Present:**
- Joe Heffron, City of Sioux Falls Sustainability Technician; Bobbi Nelson, Novak Sanitary Service; Bob Novak, Novak Sanitary Service; Perry Schempp, Marv’s Sanitary Service of Sioux Falls; Tom Wilford, Marv’s Sanitary Service of Brandon

2. **Approval of Agenda**

A motion was made by Bob Kappel and seconded to remove item #5 from the Agenda, as Dave McElroy was not present to provide his report. (Vote: Yeses: All; Noes: None.) Motion passed unanimously.

3. **Approval of Minutes**
A motion was made by Jake Anderson and seconded to approve the minutes from the previous Solid Waste Planning Board Meeting on 6/30/11. (Vote: Yeses: All; Noes: None.) Motion passed unanimously.

4. Welcome New SWPB Members

Introductions were made to welcome new members:

Ken Allender, Citizen Representative
Norman Dittman, Citizen Representative
Dennis Weeldreyer, Lincoln County

And re-appointed Board member:

Jake Anderson, Recycling Industry Representative

6. Sustainability Coordinator Report, Aimee Ladonski

- Household Hazardous Waste Facility (HHWF) statistics for January through June of 2011:
  - Processed approximately 637,000 lbs electronics waste
  - Processed approximately 244,000 lbs Household Hazardous Waste
  - Received approximately 12,000 visitors dropping off materials
- The HHWF has just implemented a new electronic recycling tracking system that allows staff to scan a visitor’s license instead of manually writing the visitor’s information. This will enhance the efficiency of the program.
- Hauler recycling report update:
  - Sustainability staff held a meeting for waste haulers in July and followed up with other haulers.
  - Staff implemented a streamlined reporting process in July.
  - Waste haulers can expect a final report for July by the end of the month
- Sustainability Master Plan (SMP)
  - Consultant, SAIC, representatives spoke to the Board at the last meeting on June 30, 2011 – that report is available online.
  - The SMP will be complete in November, including a solid waste assessment
  - Sustainability staff will be co-presenting on the SMP at the Plain Green Conference on Oct. 14
  - SAIC will present on the Sioux Falls SMP at WasteCon 2011
- Outreach
  - Environmental Division staff hosted a booth at Family Fest. Estimated to have 500 visitors at booth.
  - Siouxfalls.org/green page views continue at 2000 – 2500 per month
7. Recycling Rate & Diversion Rate Explanation, Aimee Ladolski
   (See Addenda 1 & 2)

- The documents given to the board today are working documents meant to give the Board an introduction.
- There is no one national standard for measuring recycling and diversion rates, only guidance
- The recycling goal for haulers (15%) is often mistaken for the rate at which the population of the Sioux Falls region is recycling.
- City staff will be using EPA voluntary standards to better capture the true recycling rate for the region served by the Sioux Falls Regional Sanitary Landfill (SFRSL).
- City staff will further review the need to calculate a diversion rate for our region, which will include any materials diverted from the landfill. This is the rate that is used by many cities, and will help Sioux Falls better compare itself to other municipalities.
- Phase 1 of the project, the hauler recycling goal, was to create a verifiable recycling goal for haulers. Phase 2, the regional recycling rate, is to better capture the actual recycling rate of the area served by the SFRSL. Phase 3, the regional diversion rate, is to better compare Sioux Falls to other municipalities that are using an estimate of all materials diverted from the landfill (e.g., San Francisco, which claims a 77% diversion rate).

Questions:
- A question was raised as to why composting is highlighted in Addendum 2. Off-site composting is considered recycling by the EPA, but Region 8 EPA standards for diversion list composting as separate from recycling. When calculating diversion, City staff will not include composting as recycling to avoid double-counting those numbers.
- A question was raised as to what Phase 3 will entail. Phase 3 will include all waste diversion. Phase 2 will only include Municipal Solid Waste recycling, as defined by national EPA standards.
- Questions were raised regarding abbreviations used in Addendum 2:
  - MRF = Materials Recovery Facility
  - LF = Landfill (i.e., Sioux Falls Regional Sanitary Landfill)
- A question was raised as to why only 23% of the tires from the landfill will count toward recycling. Liberty Tire, the current company contracted to collect tires from the SFRSL, provided City staff with this estimated percent of all collected tires that are eventually recycled (as opposed to converted to fuel or landfilled).
8. A question was raised as to whether or not the recycling rate determined by Phase 2 would be used as a recycling goal. The overall recycling rate would not have any bearing on the waste hauler recycling goal, and would only be used for education and public outreach purposes. The concern was raised that this distinction should be made very clear to the public to avoid confusion. City staff said that they were aware of the potential for confusion and would take care to communicate the different rates to the appropriate audiences.

8. A question was raised as to whether the estimated 25-30% recycling rate for Phase 2 was in addition to the 15% recycled by waste haulers. It is not – the Phase 2 recycling rate accounts for the waste recycled by waste haulers, and the total recycling efforts in the region are estimated at 25-30%.

8. A question was raised as to whether or not there were federal incentives for using the EPA standards. There are no overt federal incentives or disincentives for using the standards or reporting a higher recycling rate. The main incentives are local (e.g., the community extends the life of the landfill) and in for applying for grants and awards.

- **Request for questions or comments from the public**: None

8. **Ordinance Subcommittee Report, Bob Kappel**

- Ryan Streff is serving as the interim chair for the Ordinance Review Subcommittee. As he was not present, Bob Kappel gave a report of the proposed changes to the Chapter 18 Revised Ordinances of Sioux Falls.

- Introduction for new members:
  - The purpose of the changes is to develop a recycling standard to help enforce the recycling goal for haulers.
  - As the current language in ordinance is weak, City staff decided the recycling goal is currently unenforceable.
  - For 2 years, the Board and City staff have attempted to adopt administrative rules for the landfill superintendant to help enforce the recycling goal, but this was not approved by City administration.
  - Bob Kappel proposed a set of ordinance changes at the 6/30/11 Board meeting, which was referred to the Ordinance Review Subcommittee.
  - The Ordinance Review Subcommittee met on 7/26/11 and approved the proposed changes with revisions (see Addendum #3: highlighted sections represent revisions by the Subcommittee).
  - Bob Kappel made some additional changes for review by the Board since the Ordinance Review Subcommittee meeting *(see Addendum #4)*:
18-30 now outlines a generic surcharge, not tied specifically to recycling, in case a later amendment may wish to use the same surcharge structure for a different violation.

The language in 18-75 (7) a & b was altered to reflect that change.

- The final list of changes on that proposal:
  - 18-7 is a previous proposal to grant administrative rules to the landfill superintendent that was approved by the board. This is being rescinded due to lack of support in City administration.
  - 18-30 outlines a Tier 1 & 2 surcharge to be applied in the first and second years (respectively) of noncompliance with the hauler recycling goal.
  - Changes to 18-62 make clear that the hauler recycling goal is a mass-based rate, calculated by dividing the total recyclables of all haulers by the sum of the total recyclables and the total municipal solid waste of all haulers.
  - 18-75 (7) outlines a disincentive process leading to revocation of license after the 3rd year of noncompliance.
  - These proposed changes have been accepted by the Director of Public Works and informally accepted by the City Attorney, though the changes would still have to be formally approved by the Attorney’s Office.
  - A question was raised as to what the City could expect as the highest attainable recycling rate for haulers. It was estimated that a 50% recycling rate would be near the possible limit. Factors mentioned that can influence that rate were the type of customer base a hauler has and the landfill tipping rates.

- **A motion was made by Bob Kappel and seconded to modify the proposed changes to Chapter 18 as revised in the 8-11-11 memo from Bob Kappel (see Addendum #4).**
  - Jake Anderson clarified that the Ordinance Review Subcommittee chose to include the monetary disincentive for noncompliance to Section 18-30 because the Board had previously approved an incentive for exceeding the recycling goal in Section 18-30 (n).
  - A question was raised as to what the next steps would be if the Board approved. The next step would be to announce the proposed changes at a hauler meeting, then send to administration and City Council, where further changes or recommendations may occur.
  - **Public Comment** (Perry Schempp, Marv’s Sanitary of Sioux Falls): If these changes are passed, some haulers below the recycling goal will try to improve numbers, and consequently, the overall goal will improve. Eventually the goal will be so high that some haulers won’t be able to meet the 80% standard of the goal through no fault of their own. Also, this agenda item was listed as a report. There was not fair warning to waste haulers that this would be an action item. Perry Schempp also questioned whether there would not be problems for the city if a waste hauler with a significant customer base lost its license because of this process.
    - Jake Anderson replied that it was announced at the previous meeting that this issue would go before subcommittee and then be brought before the
Board again for action. Additionally, some of the originally proposed changes have been pending since 200(9). At a certain level, the recycling rate would level off, and that if haulers cannot meet the bare minimum standard of recycling, they may have to make a decision as to how they run their businesses.

- Bob Kappel noted that the extreme range of haulers’ recycling rates present now will narrow under the proposed changes. If the 80% standard is too restrictive in the future, this Board can amend that standard. There are waste haulers on the Board, and there is a waste hauler who was active in the Subcommittee that approved these changes. Bob Kappel also stated that he believed the free market system of waste hauling could quickly absorb the customers of any waste hauler whose license had been revoked.

- **Public Comment** (Tom Wilford, Marv’s Sanitary Service of Brandon): All the garbage haulers who actively attend these meetings want standards; they are concerned with how the standards are structured and what the consequences will be. The present revisions are a good effort to address hauler concerns. After 3 years of notice of noncompliance, a hauler cannot say he did not have time. However, a hauler’s recycling percentage may be determined by his customer base. For example, a hauler with many industrial and manufacturing customers will receive tremendous amounts of cardboard for recycling, whereas a hauler with mostly residential customers will have hard time meeting the same standard.

  - Bob Kappel responded that in a free market society, haulers will compete to get those recycling customers if the incentives and disincentives are motivating enough, and that can affect rate structures to benefit recycling. If the standard increases to such an extent that haulers have undue difficulty in complying, the Board can adjust the 80% standard.

- **Public comment** (Bob Novak, Novak Sanitary Service): Most industrial material that is recycled goes to scrap metal yards, which does not count toward the hauler’s recycling rate. Having industrial customers negatively impacts a hauler’s recycling numbers, not the other way around. Bob Novak also asked if the Tier 1 and Tier 2 surcharges are only for Municipal Solid Waste, or if they would be charged for all C&D and yard waste hauled as well.

  - Bob Kappel indicated that only Municipal Solid Waste tonnage hauled to SFRSL would be subject to the surcharge.

- **Public question** (Bob Novak, Novak Sanitary Service): Bob Novak asked if there are firms in Sioux Falls that would have qualified environmental engineers to create a corrective action plan, as required in the proposed 18-75 (7) b.

  - Bob Kappel stated that most engineering firms in Sioux Falls are likely qualified to create a corrective action plan for recycling. The term ‘qualified environmental engineering consultant’ is used to prevent a hauler from contracting an engineer with no relevant experience.
Public comment (Bobbi Nelson, Novak Sanitary Service): Large haulers are at further disadvantage for recycling numbers, as they have accounts at large retailers who process their own recyclables. Unless the hauler can convince its client to provide numbers for those recyclables, that hauler must haul substantial tonnages from those retailers with no recyclables to offset the weight.

- Aimee Ladonski briefly described the reporting process to the Board and explained there was an opportunity for haulers to report business self-shipped recyclables but the hauler had to obtain verifiable proof from the customer that those materials were sent for recycling.
- Norman Dittman stated that the proposed changes may incentivize haulers to get those weights from their customers, and that the City needs to move forward with these amendments.
- Bob Kappel stated that the hauler may be able to pass on part of the incentive to the client in order to get the required data.
- Jake Anderson stated that the incentive may not be high enough to see results.
- Ken Allender stated that the language of the proposed changes was loose enough that if a hauler had such a problem, part of the corrective action plan might be to obtain recycling weights from customers.

Vote: Roll Call: (Yeses: Ken Allender, Jake Anderson, Sarah Campbell, Norman Dittman, Bob Kappel, Dennis Weeldreyer, Merle Wollman; Noes: None.) The motion passes unanimously.

9. Public Comment

There were no additional comments from the public.

A motion was made & seconded to adjourn at 6:22 pm.
Sioux Falls Area Recycling & Diversion Rate Phases

The City of Sioux Falls Environmental Division's Sustainability Program is responsible for providing the Sioux Falls Regional Sanitary Landfill (SFRSL) with data on recycling within the 5-county region served by the landfill (Lake, Lincoln, McCook, Minnehaha & Turner Counties). The main focus of recycling tracking has been to comply with Sioux Falls City Ordinance §18-75 (7), which outlines a recycling goal that all waste haulers using SFRSL must meet.

Since 2009, the Sustainability Program has worked to improve the reliability of waste hauler reporting. Due to these efforts, 2010 was the first entire year in which all waste hauler reporting was based on actual numbers verified by a 3rd party, rather than the hauler's own estimates. In March of 2011, the new hauler goal (the average of all haulers' recycling percents from 2010) was announced at 15%. However, when compared to what other communities across the state and nation are claiming, this percentage seems very small. There are two major reasons why this is so:

1) The 15% goal is an average of average waste hauler recycling percentages, not the ratio of total recyclables to total municipal solid waste (MSW) generated; and

2) The cities that are reporting extremely high numbers are typically using a diversion rate, rather than a recycling rate. Diversion accounts for any means of reducing the total waste that would have gone into a landfill. There is no set standard for calculating diversion, though EPA Region 8 (which includes South Dakota) has defined 5 categories of diversion: Recycling, Beneficial Use (e.g., wastewater biosolids used as fertilizer), Energy Recovery, Composting, and Reuse. However, this still means that one community may achieve 50% diversion through extensive recycling, a curbside organics composting program, etc., while another community simply sends 50% of its waste to an incinerator. In short, the lack of a standard for calculating diversion makes the resulting percentage all but meaningless.

The City of Sioux Falls Sustainability Program and the SFRSL have determined the following plan for better reporting the actual amount of recycling occurring in Sioux Falls without falling into the trend of inflated diversion rates:

**Phase 1** (accomplished): Determine accurate weights of recyclables and municipal solid waste (MSW) as defined by the EPA (doc# EPA530-R-97-011) for all residential waste haulers individually and in total. This recycling goal is based solely on data verified by a 3rd-party.

**Phase 2**: Determine an overall MSW recycling rate for the 5-county area served by the SFRSL. Phase 2 accounts for all recyclables and waste calculated in Phase 1, as well as waste and recyclables not collected by residential waste haulers. This will include all MSW (as defined by EPA standards) not diverted.

**Phase 3**: (To complete in 2012)

- Sioux Falls area diversion rate
- Sioux Falls area recycling rate
- Sioux Falls area recycling rate (To complete in Dec. 2011)

**Phase 1**:
- Accurate hauler recycling rates
- (Completed March 2011)

**Phase 2**:
- Sioux Falls area recycling rate
- (To complete Dec. 2011)

**Phase 3**:
- Sioux Falls area diversion rate
- (To complete in 2012)
doc# EPA530-R-97-011) taken to the SFRSL, all MSW recyclables from the 5-county area processed by local recycling facilities, all SFRSL recycling initiatives (yard waste composting, tires recycling & appliance recycling), as well as recycled material from the 5-county area that was shipped to recycling facilities outside of the region. This is in keeping with EPA standards for measuring recycling.

Our preliminary estimates put this recycling rate in the range of 25–30%. Because the City does not have the authority to require businesses to supply recycling information, this rate will rely to an extent on data that is not verified by a 3rd party. For example, we will not require thrift and retail stores to supply us with weigh tickets or monthly statements

Phase 3: Once Phase 2 is accomplished, City staff will evaluate the need to calculate an overall diversion rate for the 5-county region. The scope of the diversion rate would encompass all waste, not just MSW, including construction and demolition debris, industrial sludge and ash, medical waste, asphalt, scrap metal and more. The diversion rate would adhere to the categories established by EPA Region 8 (Recycling, Beneficial Use, Energy Recovery, Composting, and Reuse), and for that reason, landfill yard waste composting and business organics composting would be calculated as Composting, rather than Recycling (as characterized by the national EPA guidelines).

Like any city's diversion rate, this rate will necessarily rely on best estimates and will be the least verifiable of all the rates. However, a diversion rate would allow us to better compare Sioux Falls to the many other municipalities that use this kind of estimated diversion calculation.

Even a perfectly accurate recycling rate does not provide a reliable picture of the impact of a City's waste stream. One city may consume twice as many products as another but recycle 10% more of its waste. The first city has both a higher recycling rate and a more adverse effect on the environment. For this reason, the SFRSL Superintendent will continue to calculate the per-capita disposal rate for the 5-county area. This is simply the amount of landfilled MSW divided by the total population. In some ways, the disposal rate better reflects an area's overall footprint than does a recycling rate.

The EPA is currently reviewing the need to amend the standard definitions of MSW and recycling to include many of the materials to be considered in Phase 3. They are currently in the data-gathering phase of that project, so we don't expect to see any dramatic changes for at least a couple years. By that time, the City will have initiated Phase 3 and will be in a better place to comply with those changes.
Addendum #2

**Phase 1: Overall Regional Rate**

**Recycling & Disposal Rates**

**Draft Date: 8/1/2011**

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<th>Energy Recovery</th>
<th>Beneficial Use</th>
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<td>Landfill (wood waste)</td>
<td>Landfill (organics)</td>
</tr>
<tr>
<td>Sam's Club</td>
<td>Landfill (food waste)</td>
<td>Landfill (residential)</td>
<td>Landfill (food waste)</td>
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<tr>
<td>County</td>
<td>Landfill (organics)</td>
<td>Landfill (residential)</td>
<td>Landfill (food waste)</td>
</tr>
<tr>
<td>Metro</td>
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<td>Landfill (residential)</td>
<td>Landfill (food waste)</td>
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**Not MSW**

- Other CB/Appendage
- Sharp metal (non-
- Asphalt shingles

**Municipal Solid Waste (MSW)**

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**Sioux Falls MSW Recycling & Overall Diversion Rates**
Proposed Ch. 18 Revisions
Approved by SWPB Ordinance Review Subcommittee
Changes from original proposal are highlighted.

DATE: June 30, 2011
TO: Solid Waste Planning Board
FROM: Bob Kappel, Environmental Manager
SUBJECT: Proposed Revisions to Chapter 18 (Recycling Goal and Enforcement)

Since we have been unsuccessful in our request to develop administrative rules to help implement Chapter 18 of the Revised Ordinances of Sioux Falls, I would like to propose the following revisions to Chapter 18 of the Revised Ordinances of Sioux Falls.

Sec. 18-7 Violation of rules, regulations. (Rescind previously recommended section)

Sec 18-30 Rates for use:

o) Licensed commercial garbage haulers not achieving 80% of the recycling goal, as established in 18-75 (a), shall be surcharged an additional $1 per municipal solid waste ton for the calendar year not achieving the standard.

p) Licensed commercial garbage haulers not achieving 80% of the recycling goal, as established in 18-75 (b) shall be surcharged an additional $2 per municipal solid waste ton for the calendar year not achieving the standard.

Sec. 18-62. Recycling Goal. (Add this new section)

All commercial licensed garbage haulers are required to annually achieve the standard of at least eighty percent (80%) of the City’s established recycling goal.

(1) The City annually calculates a recycling goal percentage by dividing the verified total weight of all recyclable material by the total verified weight of all municipal solid waste plus all recyclable material approved by the City.

(2) The recycling goal for 2011 is fifteen percent (15%) by weight.

(3) The City shall calculate the recycling goal for each subsequent year by using the data from the previous year.

(4) Licensed commercial garbage haulers shall be notified of the current year’s recycling goal by March 31.

Sec. 18-75. Denial or revocation. (Revise the existing section)

A license required by this chapter may be denied or revoked by the City if one or more of the following facts or circumstances are found to exist:

(7) Failure to comply with the 80% standard of the recycling goal established in Section 18-62 of this chapter.

   a. First year not achieving 80% of recycling goal: City shall issue a notice of violation. Within 30 days of receipt of city notice the licensed commercial garbage hauler is required to evaluate their recycling program and submit an acceptable corrective action plan to the city describing efforts that will be taken to achieve the recycling goal established in Section 18-62 of this chapter. The licensed commercial garbage hauler will also be surcharged in accordance with Section 18-30 (o).

   b. Second consecutive year not achieving 80% of recycling goal: City shall issue a notice of violation. Within 60 days of receipt of City notice the licensed commercial garbage hauler is required to submit an acceptable corrective action plan to the City describing efforts that will be taken to achieve the recycling goal. This corrective action plan must be developed by a qualified environmental engineering consultant. The engineer shall sign off that there is a reasonable expectation that if the corrective action plan is implemented it will bring the licensed commercial garbage hauler in compliance with the 80% standard of the recycling goal established in Section 18-62 of this chapter. The licensed commercial garbage hauler will also be surcharged in accordance with Section 18-30 (p).
c. Third consecutive year not achieving 80% of recycling goal: City shall issue a notice of violation and the licensed commercial garbage hauler's license shall be formally revoked and the business owners or responsible party will not be allowed to reapply for a new license for five years.

d. Failure to submit an acceptable corrective action plan as required by this section shall be cause for the revocation of a commercial garbage hauler license.
DATE: August 11, 2011
TO: Solid Waste Planning Board
FROM: Bob Kappel, Environmental Manager
SUBJECT: Proposed Revisions to Chapter 18 (Recycling Standard and Surcharge)

Since we have been unsuccessful in our request to develop administrative rules to help implement Chapter 18 of the Revised Ordinances of Sioux Falls, I would like to propose the following revisions to Chapter 18 of the Revised Ordinances of Sioux Falls.

Sec. 18-7 Violation of rules, regulations.  (Revise and previously recommended section)

Sec 18-30 Rates for use.  (Add these new sections)

o) Tier 1 Surcharge: Licensed commercial garbage hauler shall be surcharged an additional $1.00 per municipal solid waste ton.

p) Tier 2 Surcharge: Licensed commercial garbage hauler shall be surcharged an additional $2.00 per municipal solid waste ton.

Sec 18-62. Recycling Goal.  (Add this new section)

All commercial licensed garbage haulers are required to annually achieve the standard of at least eighty percent (80%) of the City's established recycling goal.

1) The City annually calculates a recycling goal percentage by dividing the verified total weight of all recyclable material by the total verified weight of all municipal solid waste plus all recyclable material approved by the City.

2) The recycling goal for 2011 is fifteen percent (15%) by weight.

3) The City shall calculate the recycling goal for each subsequent year by using the data from the previous year.

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   a. First year not achieving 80% of recycling goal: City shall issue a notice of violation. Within 30 days of receipt of city notice the licensed commercial garbage hauler is required to evaluate their recycling program and submit an acceptable corrective action plan to the city describing efforts that will be taken to achieve the recycling goal established in Section 18-62 of this chapter. The licensed commercial garbage hauler shall also be surcharged for the previous calendar year not achieving this standard in accordance with Section 18-30 (o).

   b. Second consecutive year not achieving 80% of recycling goal: City shall issue a notice of violation. Within 60 days of receipt of City notice the licensed commercial garbage hauler is required to submit an acceptable corrective action plan to the City describing efforts that will be taken to achieve the recycling goal. This corrective action plan must be developed by a qualified environmental engineering consultant. The engineer shall sign off that there is a reasonable expectation that if the corrective action plan is implemented it will bring the licensed commercial garbage hauler in compliance with the 80% standard of the recycling goal established in Section 18-62 of this chapter. The licensed commercial garbage hauler shall also be surcharged for the previous calendar year not achieving this standard in accordance with Section 18-30 (p).
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