Summary of Exclusive Franchises for Solid Waste and Recyclable Material Collection, Transportation, Processing, Disposal and Recycling within the City of Reno

On November 7, 2012, the City of Reno entered into **exclusive commercial and residential franchise agreements** with Reno Disposal and Castaway Trash Hauling, which provide the <u>exclusive</u> right to Reno Disposal and Castaway Trash Hauling to collect and transport solid waste and recyclable materials in the City of Reno, except for certain exclusions specified in the agreements. On November 7, 2012, the City of Reno also entered into a **Disposal Agreement** with Refuse, Inc., which provides to Refuse, Inc. the <u>exclusive</u> right to accept, process, dispose and recycle solid waste and recyclable materials, subject to substantially the same specified exclusions provided under the franchise agreements. The collection, transportation, processing, disposal or recycling of solid waste or recyclable materials by any other parties, except to the extent expressly authorized under the franchise agreements and the Disposal Agreement, is a violation of the agreements and a violation of the ordinances of the City of Reno.

As a result, it is very important for any business providing or considering the provision of services involving the collection, transportation, processing, disposal or recycling of any solid waste or any recyclable materials in the City of Reno to familiarize itself with the franchise agreements and the Disposal Agreement, and specifically 1) the types of solid waste and recyclable materials that are subject to the exclusive rights under the agreements and 2) the types of solid waste and recyclable materials which are expressly excluded from the exclusive rights under the agreement and which may be lawfully collected, transported, processed, disposed or recycled by other parties without violating the franchise agreements, Disposal Agreement or the ordinances of the City of Reno.

Under the agreements, the exclusive rights apply to the collection, transportation, processing, disposal and recycling in the City of Reno of all "Collection Materials." "Collection Materials" include all "Solid Waste" and "Approved Recyclable Materials" generated, produced or accumulated in the City of Reno, but <u>exclude</u> 1) "Excluded Materials" and 2) under the commercial franchise agreement, "Excluded Recyclable Materials." These and related terms are defined in the agreements and city ordinance generally as follows:

"Solid Waste" means all putrescible and nonputrescible waste matter in solid or semi-solid form, including but not limited to rubbish, Garbage, ashes, refuse, and Residue, but excluding Excluded Materials.

"Approved Recyclable Materials" means Recyclable Materials approved for recycling under (the agreements), which are listed on Exhibit A (to the agreements) and which may be changed from time to time, excluding Excluded Recyclable Materials. The current list of Approved Recyclable Materials is attached to the Summary.

"Excluded Materials" means:

- (i) Hazardous Waste;
- (ii) Medical and Infectious Waste;
- (iii) volatile, corrosive, biomedical, infectious, biohazardous, and toxic substances or material, including without limitation batteries;
- (iv) waste that Contractor reasonably believes would, as a result of or upon disposal, be a violation of Federal, State, or local law, regulation or ordinance, including land use restrictions or conditions:
- (v) waste that in Contractor's reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose Contractor or City to potential liability;

- (vi) electronic waste determined by Contractor to be Excluded Materials (including without limitation television sets, computers and computer components);
- (vii) materials collected and processed at rendering facilities;
- (viii) Special Waste,
- (ix) incidental amounts of Self-Haul materials which are delivered by an individual directly to a transfer station, recycling facility or Disposal facility in a manner consistent with City ordinances and codes and other applicable laws;
- (x) Construction and Demolition Debris;
- (xi) materials which otherwise would constitute Collection Materials that are removed from premises by landscaping, gardening, cleaning service, appliance sale and service company or construction contractors as an incidental part of a gardening, landscaping, tree trimming, cleaning, maintenance, appliance sale or service or construction or similar service offered by that service provider, using its own personnel and equipment, rather than as a hauling service;
- (xii) scrap metals;
- (xiii) Paper Shredder Materials;
- (xiv) Bulky Items and items Contractor determines to be excessively bulky or heavy; and,
- (xv) Source Separated Recyclable Materials donated by the generator to any United States Revenue Code Section 501(c) 3 or other federally recognized non-profit organization, including charities, youth groups and civic organizations, which materials may be transported from the non-profit organization by Self-Haul or by a third party hauler.

"Bulky Items" means all discarded waste matter that is too large to be placed in a Cart, including appliances not containing chlorofluorocarbons, furniture, carpets, mattresses, and similar large items that require special handling due generally to their size, excluding Excluded Materials.

"Construction and Demolition Debris" means debris resulting from construction, remodeling, repair, renovation, demolition, excavation, dredging, grubbing and related cleanup of residential, commercial or governmental buildings or other structures and pavement, including without limitation construction materials, rubble, bricks, concrete, other masonry materials, soil, rock, lumber, rebar, paving materials and vegetation, including tree stumps. Materials resulting from landscape maintenance are not Construction and Demolition Debris.

"Excluded Recyclable Materials" means either or both i) Approved Recyclable Materials from Commercial Activity that are: (a) separated by the generator thereof from all other materials and which contain not less than ninety percent (90%) Approved Recyclable Materials; and, (b) **sold by the generator thereof directly to a buyer of Recyclable Material at market price**, title to which materials transfers to the buyer upon collection or pickup of such materials, but excluding such materials collected and transported as a service; and (ii) any other Recyclable Materials that are not Approved Recyclable Materials.

"Hazardous Waste" means hazardous waste as defined in Nevada Revised Statutes 459.430, hazardous substance as defined in Nevada Revised Statute 459.429 and other hazardous or toxic materials as defined under any other local, state or federal law.

"Medical and Infectious Waste" means biomedical waste generated at hospitals, public or private medical clinics, dental offices, research laboratories, pharmaceutical industries, blood banks, mortuaries, veterinary facilities, and other similar establishments.

"Paper Shredder Materials" means paper and similar paper products and the products and residue resulting from shredding thereof collected and shredded by properly licensed service providers providing paper shredding services.

"Recyclable Materials" or "Recyclables" means materials that can be processed and returned to the economic mainstream in the form of raw materials or products, including without limitation materials that become capable of being recycled using new methods, processes or technology developed or implemented after the effective date of this ordinance.

"Self-Haul" or "Self-Hauler" means that any generator of Recyclable Materials from (residential or commercial activities) may itself (for a commercial generator, this means performance of all collection and transportation services by an individual listed on its payroll as an employee), but not by or through an agent, contractor or other third party, collect, transport and deliver those Recyclable Materials generated within the City by that generator only; provided, however, all Self-Haul owners and occupants shall be required to subscribe to Collection Services as provided under (the agreements), unless exempted under (the agreements).

"Source Separated" means the separation of any material or category of materials from other materials by the generator at the point or place of generation.

"Special Waste" means any materials that under current or future statute, ordinance or regulation require the application of special treatment, handling, or disposal practices beyond those normally required for Solid Waste. "Special Waste" shall be deemed to include, without limitation, all of the following: flammable waste; liquid waste transported in a bulk tanker; sewage sludge; pollution control process waste; residue and debris from cleanup of a spill or release of chemical substances, contaminated soil, waste, residue, debris, and articles from the cleanup of a site or facility formerly used for the generation, storage, treatment, Recycling, reclamation, or Disposal of any other Special Wastes; dead animals; manure; waste water; explosive substances; radioactive substances; fluorescent tubes; and abandoned or discarded automobiles, trucks, motorcycles or parts thereof, including tires and vehicle batteries.

*****DISCLAIMER: This document is intended as a general reference guide and does not constitute a modification, restatement or interpretation of Reno Municipal Code or any franchise or disposal agreement. The definitions and other terms of the agreements have been modified in this summary for convenience and brevity and may not be identical to the definitions and other terms in the agreements. This document should not be relied upon as a completely accurate or comprehensive summary of all franchise or disposal agreements, agreement terms or provisions or applicable city ordinances. Copies of and the ordinances will provided agreements be upon request http://www.reno.gov/index.aspx?page=867 . Many important agreement and ordinance provisions and concepts are not covered herein and there are numerous details, exceptions and qualifications that can only be ascertained by reviewing the applicable agreement. Users of this document should not rely on the summary provisions herein and should not use this as a replacement for any agreement or the city ordinances. Use of this document for such purposes is not advised and poses significant risks. The summary set forth herein shall not be deemed to represent City's official position or interpretation of any particular agreement provision.

If you have any questions, please contact Jason Geddes at geddesj@reno.gov or 775-334-3311 or Jonathan Shipman at shipmanj@reno.gov or 775-334-2057.

FRANCHISE SUMMARY LIST OF APPROVED RECYCLABLE MATERIALS (as of 03/21/13)

- 1. Newspaper (including inserts, coupons, and store advertisements)
- 2. Chipboard
- 3. Corrugated cardboard
- 4. Mixed waste paper (including office paper, computer paper, magazines, junk mail, catalogs, kraft bags and kraft paper, paperboard, egg cartons, phone books, brown paper, grocery bags, colored paper, construction paper, envelopes, legal pad backings, shoe boxes, cereal and other similar food boxes)
- 5. Glass containers (including brown, clear, and green glass bottles and jars)
- 6. Aluminum (including beverage containers, food containers, small scrap metal)
- 7. Steel or tin cans
- 8. Plastic containers classified under Resin Identification Code Nos. 1 through 7, inclusive.
- 9. Food Waste (only if source separated and placed by the generator in a separate Container designated by Contractor for Food Waste)
- 10. Any other materials mutually agreed to by the CONTRACTOR and the City.