

CHAPTER 2
SOLID WASTE MANAGEMENT

Article 1

Solid Waste Collection, Disposal, Processing and Recycling

- §2100. Provisions.
- §2101. Purpose.
- §2102. Duty to Assure Removal of Solid Wastes.
- §2103. Definitions.
- §2104. Storage of Solid Wastes.
- §2105. Collection of Solid Wastes.
- §2106. Transportation of Solid Wastes.
- §2107. Disposal of Solid Wastes.
- §2108. Additional Prohibited Acts.
- §2109. Contract for Collection and Disposal Service.
- §2110. Enforcement and Penalties.
- §2111. Rate Deviations; Disputes.
- §2112. Development.
- §2113. General Requirements.
- §2114. Guidelines for All Development Projects.
- §2115. Additional Guidelines for Single Tenant Development Projects.
- §2116. Additional Guidelines for Multiple Tenant Development Projects.
- §2117. Location.

§2100. Provision. Any provision of the adopted rules and regulations of this Act on “Solid Waste Collection, Disposal, Processing and Recycling” in conflict with Public Law Number 24-272, the provision of Public Law Number 24-272 shall prevail.

§2101. Purpose. The purpose of these rules and regulations (‘Regulation’) is to protect public health, safety and welfare by reducing or eliminating health hazards, fire hazards, offensive odors and unsightly litter attributable to accumulations of solid wastes, and provide for maximum recovery of useable materials of solid waste within the limits of economic feasibility.

The government of Guam must divert twenty five percent (25%) of all solid waste by January 1, 2001, through source reduction, recycling and composting activities. Diverting twenty five percent (25%) of all solid waste requires the collective participation of the residential,

commercial, industrial and public sectors. The government shall continuously seek community participation and technology to further reduce solid waste.

The lack of adequate areas for collecting and loading recyclable materials that are compatible with surrounding land uses is a significant impediment to diverting solid waste and constitutes an urgent need for the government of Guam to address access to solid waste for source reduction, recycling and composting activities. This Regulation has been developed to meet that need.

§2102. Duty to Assure Removal of Solid Waste. Every occupant who produces solid wastes has the duty to provide for the storage and removal of all such wastes produced on the occupied premises. Occupant shall segregate the same into solid wastes and into recyclables. When the solid waste is so segregated, the two (2) may be disposed of separately as hereinafter established.

§2103. Definitions. The words and phrases used throughout this Regulation are derived from §51102 of Chapter 51, Part 2, Division 2 of Title 10 of the Guam Code Annotated plus the following definitions:

(a) *Collection Service* means the collection of solid wastes at the point of storage on the premises of a single family residential property receiving service.

(b) *Bulky Rubbish* means non-rotting solid wastes from dwelling units, institutional, commercial, industrial or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors.

(c) *Department* means the Department of Public Works, ('DPW') government of Guam.

(d) *Director* means the Director of Public Works or his delegate serving as director of the solid waste management program on Guam.

(e) *Disposable Solid Waste Container* means disposable plastic or paper sacks with a capacity of five (5) to thirty-five (35) gallons specifically designed for storage wastes.

(f) *Division* means the Division of Solid Waste Management of the Department of Public Works, government of Guam.

(g) *Dwelling Unit* means one (1) or more rooms, and a single kitchen in a dwelling, designed as a unit for occupancy by one (1) family for living and sleeping purposes.

(h) *Family* means one (1) person living alone, two (2) or more persons related by blood, marriage or legal adoption, or a group not in excess of five (5) unrelated persons living together as a single housekeeping unit; and in addition thereto domestic employees.

(i) *Grading, Demolition and Construction Wastes* means waste materials from the grading of land or the construction, remodeling or destruction of structures.

(j) *Government* means the government of Guam.

(k) *Multiple Dwelling* means a building, or portion thereof, used and/or designed as a residence for two (2) or more families living independently of each other in dwelling units and doing their own cooking in said building.

(l) *Occupant* means any person whom, alone or jointly or severally with others, shall be in actual possession of any dwelling unit, or of any other improved real property, either as owner or as a tenant.

(m) *Single Family Residence* means a detached building designed for and/or occupied exclusively by one (1) family.

(n) *Solid Wastes* means unwanted or discarded waste materials in a solid or semi-solid state, other than those specifically intended for recycling. Such material includes, but is not limited to, garbage, wood, glass, paper, plastics, ashes, street refuse, rubbish, dead animals, animal and agricultural wastes, except manure, discarded furnishings and appliances, industrial wastes, and grading, demolition and construction wastes.

(o) *Solid Waste Management* means management of the entire solid waste system of storage, collection, transportation, processing and disposal.

(p) *Special Solid Waste or Special Collection or Special Fees* means solid waste that requires special handling and separate fees (for example tires, construction debris, batteries, air conditioners, cars, etc.) as designated by the Director of DPW and in compliance with all local, state, and Federal laws and regulations and established pursuant to Article 3, Chapter 9 of Title 10 of the Guam Code Annotated, Administrative Adjudication Law, Rule Making Procedures.

§2104. Storage of Solid Wastes. (a) **Contents Required.** The occupant of every dwelling unit and of every institutional, commercial, industrial or agricultural establishment producing solid waste within the corporate limits of Guam shall provide on the premises, without expense to the government, a sufficient number of adequate containers for the storage of all solid wastes, except bulky rubbish, grading, demolition and construction wastes, which would ordinarily accumulate at each such dwelling unit or establishment between the scheduled collections. Such containers shall be maintained at all times in good repair, and both containers and the area used for storage of containers at each dwelling or establishment shall be maintained at all times in a clean, neat and sanitary condition.

(b) **Single Family Residential Containers.** Single family residential solid wastes shall be stored on the premises in containers of not more than thirty-five (35) gallons, and *not* less than five (5) gallons in nominal capacity. Containers shall be leak-proof, waterproof and fitted with a fly-tight lid, and shall be covered at all times except when depositing waste therein or removing the contents thereof. The containers shall have handles, bails or other suitable lifting devices or features. Containers shall be of a type originally manufactured for dwelling unit solid wastes, with tapered sides for easy emptying. They shall be of lightweight and sturdy construction. The weight of any individual container and contents when such container is filled to within four (4) inches of the top shall not exceed sixty (60) pounds. Rubber, fiberglass or plastic containers, which do not become brittle in hot/cold weather, may be used. Disposable solid waste containers may also be used by a dwelling unit for storage of solid wastes; *provided* such containers are leak-proof, waterproof, tightly covered, and less than ten (10) pounds.

(c) **Other Containers.** Multi-family residential, institutional, commercial, industrial or agricultural solid wastes shall be stored in bulk containers of the type designed to be handled mechanically by refuse collection vehicles, as approved by the Director, taking into consideration the quantity of wastes generated at each establishment and the frequency and method of collection, but containers shall at least meet the standards as indicated in this Regulation. All containers shall be waterproof, leak-proof and shall be covered, *except* when depositing waste therein or removing the contents thereof. Containers shall be stored on private property, *unless* the owner shall have been granted written permission by the Director to use public property for such purposes. Cleaning of bulk containers shall be the responsibility of the private property owner, *unless* otherwise stipulated in a written contract for other persons to be responsible for the cleaning of bulk containers.

(d) **Yard Wastes.** Tree limbs, brush, and other yard wastes which cannot be placed in storage containers shall be securely tied in bundles not longer than forty-eight inches (48") in length and eighteen inches (18") in diameter. The weight of each individual bundle shall not exceed thirty (30) pounds.

(e) **Bulky Rubbish.** Bulky rubbish shall be confined to the property upon which it originates in such a manner so as not to permit it to create any health or safety hazard. No such items of bulky rubbish shall be stored in front of any dwelling, business or establishment so as to be unsightly.

(f) **Grading, Demolition and Construction Wastes.** Grading, demolition and construction wastes shall be confined to the property on which grading, demolition or construction is taking place, and shall be removed by the owner or his agents immediately after such grading, demolition or construction is completed.

(g) **Recyclables.** Material intended by the occupant to be recycled, shall be stored prior to recycling in such containers, or in such a manner so as to prevent it from creating any health or safety hazard, or from littering public or private property, including the property of the occupant. No material stored pursuant to this Section shall be stored in front of any dwelling, business or establishment so as to be unsightly.

The Director and the Administrator of the Guam Environmental Protection Agency shall submit comprehensive rules and regulations for the disposition of recyclable materials for the collection, separation, storage, recycling process and other needs for a comprehensive recycling municipal solid waste system to reduce the waste stream.

(h) **Unauthorized Containers.** Solid waste containers or bundles which are not in accordance with this Regulation shall be collected together with their contents, and disposed of after reasonable notice has been left on the container during a prior collection visit. Containers or bundles exceeding size or weight limitations, or containers filled in such a manner that contents are *not* easy to empty, shall *not* be collected and notice shall be left on each such container or bundle advising the owner of applicable provisions of this Regulation.

§2105. Collection of Solid Wastes. (a) **Response.** The government of Guam shall provide for the collection of solid wastes from individual dwelling units or single family residences; provided, however, that DPW may contract for collection services with a person, business or corporation, or a combination thereof, for such as deemed to be in the best interests of the Island.

(b) **Collection and Transport Assignments.** The government, its employees or solid waste collection contractors shall have, the exclusive right to collect or transport solid wastes for individual dwelling units or single family residences *not* covered by agreements through homeowner associations or other group agents for the collection of waste by a licensed, waste hauler. Solid waste collection for multi-family residential or multiple dwelling units, commercial, industrial or agricultural activities shall be based on a free enterprise or privatized system as regulated and permitted by the Guam Environmental Protection Agency. *However*, nothing in this Section shall operate so as to prevent, or cause any unnecessary hardship to, the occupant or entity of any premises producing solid wastes, from recycling or transporting to the extent allowed said solid wastes.

Further, nothing contained in this Section shall be construed so as to prevent any community-based recycling center from receiving solid waste segregated for recycling at its place of business, or at centrally-

located collection points as approved by the government of Guam, or from thereafter transporting such waste.

(c) **Right to Transport Own Wastes** . Any person may transport solid wastes generated on his own premises to an authorized processing or disposal site, providing the requirements of this Regulation are met.

(d) **Collection Intervals**. All single-family residential solid wastes, other than bulky rubbish and recyclables, shall be collected at least once weekly. Multi-family residential, institutional, commercial or agricultural solid wastes shall be collected by privately contracted and duly permitted solid waste collectors or transporter at least once weekly, and may be collected at such lesser intervals as may be relaxed by the Director, or requested by the establishment upon a determination that such lesser intervals will not harm the public health or safety.

(e) **Point of Collection – Single Family** . Single family residential solid wastes in containers or bundles authorized by this Regulation shall be placed at the curb or alley for collection as specified by the Director, taking into consideration the quantity of wastes generated at each establishment and the frequency and method of collection. Solid wastes storage sites shall be easily accessible to collection personnel and equipment.

(f) **Time Limit on Containers Placement on Curb**. Containers or bundles shall be placed at the curb for collection not earlier than twelve (12) hours *prior* to the collection date, and shall be removed no later than twelve (12) hours following the collection date.

(g) **Grading, Demolition and Construction Wastes**. Removal of grading, demolition and construction wastes from the property upon which grading, demolition or construction is taking place shall be the responsibility of the owner, and shall *not* be the responsibility of the government or authorized solid waste collection contractors under this Regulation. The government or authorized solid waste collection contractors may offer a removal service for such wastes and may charge a fee therefor.

(i) **Responsibilities at Point of Collection**. Authorized solid waste collectors shall be responsible for the collection of solid wastes from the point of collection to the transportation vehicle; *provided*, the

solid wastes were stored in compliance with this Regulation. Any spillage or displaced solid waste occurring prior to the arrival of the solid waste collectors at the point of collection shall be the responsibility of the owner. Any spillage or displaced litter caused as a result of the duties of the solid waste collectors shall be collected and placed in the transportation vehicle by the solid waste collectors. Any solid waste collected shall, upon being loaded into transportation equipment, become the property of the collection agency. Solid waste collectors shall not be required to reach into solid waste containers to remove contents. Authorized containers emptied by solid waste collectors shall be returned to the point of collection.

(j) **Collection Fees.** All tipping/user fees to be charged by the DPW for solid waste collection, disposal, recycling and processing services established by Public Law Numbers 24-139 and 24-272 and other special fees shall be billable every first (1st) of the month for the previous month service. All fees shall be paid within sixty (60) days from the date of billing.

(k) **Special Collections.** The Director may require special collections as he deems appropriate under the circumstances in accordance with Guam's procurement law or through a standard schedule of fees established in accordance with Article 3 of Chapter 9 of Title 5 of the Guam Code Annotated, *Administrative Adjudication Law, Rule Making Procedures*.

(l) **Bulk Containers.** Solid waste collection contractors shall make available sufficient numbers of bulk containers and meet all requirements for such containers under this Regulation and may charge a rental.

§2106. Transportation of Solid Wastes. (a) **Vehicle Standards.** All solid waste collection transportation vehicles used by DPW authorized solid waste collection contractors, shall be maintained in a safe, clean and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of solid wastes, leakage of liquids or emission of offensive odors therefrom.

(b) **Transportation of Own Wastes.** Any person transporting solid wastes under the provision of this Regulation shall do so in a

manner as to prevent spillage of solid wastes, leakage of liquids or emission of offensive odors therefrom.

(c) **Grading, Demolition and Construction Wastes**. Any person transporting materials resulting from grading, demolition or construction activities shall do so in vehicles so constructed and maintained that none of the materials being transported shall spill onto the public roads and streets.

§2107. Disposal of Solid Wastes. (a) **Disposal at Authorized Sites Only**. Solid wastes shall be deposited at a processing facility or disposal area approved by DPW and complying with all relevant requirements of local, state, and Federal laws and regulations.

(b) **Hazardous Wastes**. The Director may direct certain solid wastes deemed as hazardous wastes which will require special handling, and shall be disposed of only in a manner acceptable to the Director and in compliance with Guam and Federal laws and regulations.

(c) **Unlawful Disposal**. It shall be unlawful for any person to throw or deposit any solid wastes, or to cause the same to be thrown or deposited, in or upon any street, alley, gutter, park, body of water or other public property, or to throw or deposit the same in or upon any private lot, yard or body of water.

§2108. Additional Prohibited Acts. (a) **Use of Other Than Own Container**. It shall be unlawful for any person to deposit solid wastes in any solid waste container other than his own without the written consent of the owner of such container or with the intent of avoiding payment of the service fees for solid waste collection.

(b) **Failure to Pay Fees**. It shall be unlawful for any person to fail to pay the service fees when a person is receiving such service. The government or any contractor collecting solid wastes under this Regulation may enforce compliance with any provision of this Regulation against such person or business. DPW may, in addition to whatever other rights and remedies it may have, seek enforcement of this Regulation under applicable laws of Guam.

(c) **Interference**. It shall be unlawful for any person to interfere in any manner with solid waste collection equipment or solid waste collectors in the lawful performance of their duties as such, whether

such equipment or collectors are those of the government or those of an authorized solid waste collection contractor.

(d) **Burning.** Only application to and approval of the Guam Fire Department prior to said burning may permit burning of solid wastes.

(e) **Scavenging.** It shall be unlawful for any person to molest, remove, handle or otherwise disturb the container or containers, contents thereof, or other materials which have been placed out for servicing by the collectors; *provided*, this Paragraph does not apply to the occupant of the residence, dwelling or business establishment from which the container and/or contents or materials are removed.

§2109. Contracts for Collection and Disposal Service. (a) **Contracts Authorized.** Contracts may be entered into by the government of Guam for the collection and disposal of solid wastes in accordance with the provisions of this Regulation. Such contracts shall be for a period *not* to exceed five (5) years, and shall be awarded in accordance with the Guam Procurement Law. The contracting of services shall be made only to meet service requirements which cannot be met by the Department. The full privatization of services shall occur only after a privatization plan has been approved by *ILiheslaturan Guahan*.

(b) **Exclusive Right.** Contracts for the collection and disposal of solid wastes shall grant the contractor the exclusive right to perform such services as are specified in the contract. However, nothing in this Section or Chapter shall be construed so as to take away from any occupant the right to recycle solid wastes produced on his premises provided no health or safety violation results therefrom.

(c) **Liability Insurance.** No contract for solid waste collection and disposal service shall be entered into by DPW until and *unless* the prospective contractor shall procure and maintain for the duration of the contract Workers Compensation insurance, and insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the contractor, his agents, representatives, employees or subcontractors. The cost of such insurance shall be included in the Contractor's bid. The coverage, minimum limits of insurance, deductibles, and self-insured retention, as well as all other insurance provisions, shall be in form and in an amount satisfactory to the government. Under no

circumstances shall the government be liable as a result of a contractor's activities.

§2110. Enforcement and Penalties . (a) Inspection. In order to ensure compliance with this Regulation, the Director, as well as duly assigned personnel from GEPA, the Department of Public Health and Social Services and the Guam Fire Department are authorized to inspect any and all phases of solid waste management within the oversight of the government. No inspection shall be made in any dwelling unit unless authorized by the occupant or in accordance with due process of law. In all cases where such inspections reveal violation of the provisions of this Regulation, the Director, or appropriate agency, shall issue notice for each such violation stating therein the violation or violations found, the applicable laws and regulations, and the time period within which corrective action shall be taken.

(b) **Penalties.** Any person violating the provisions of this Regulation shall be liable and may be fined not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. The fact that solid wastes remains on any occupant's premises in a continuity is a violation of this Regulation and shall be "*prima facie*" evidence that the occupant or the property owner of such premises is responsible for the violation hereof.

(c) **Request for a Hearing.** Any person cited for violating the provisions of this Regulation shall be served by DPW with an administrative citation delineating the specific violation, and be notified of the right to request a hearing under the Administrative Adjudication Law, Article 2 of Chapter 9 of Title 5 of the Guam Code Annotated.

§2111. Rate Deviations; Disputes. (a) Deviations. The accumulation of solid wastes in certain instances may be so far above the normal or average that the rates relaxed by this Regulation may not be sufficient to fairly compensate the collector for collecting the same, or the accumulation of solid wastes in certain instances may be so far below the normal average that the rates fixed by this Regulation may not be fair and just to the occupant obligated to pay for the removal of such wastes. If either the collector or the occupant believes such to be the fact, he may make written application to the Director for relief, and

it shall be the duty of the Director to make an investigation and, *if necessary*, will recommend a rate.

(b) **Deviations: Filing.** All cases of deviations from the rates fixed by this Regulation shall be filed in writing with the Director.

(c) **Disputes.** The Director shall decide disputes over charges made by collectors, or as to the character performed, and his decision shall be final.

§2112. Development. Development Project . (a) Development Project. Means any of the following:

(1) A project for which a building permit is required for a commercial, industrial or institutional building, marina, or residential building having five (5) or more living units, where solid waste is collected and loaded and any residential project where solid waste is collected and loaded in a location serving five (5) or more units.

(2) Any new public facility where solid waste is collected and loaded, and any improvements for areas of a public facility used for collecting and loading solid waste.

(3) The definition of development project *only* includes subdivisions or tracts of single-family detached homes *if* within such subdivisions or tracts there is an area where solid waste is collected and loaded in a location which serves five (5) or more living units. In such instances, recycling areas as specified in this Regulation are only required to serve the needs of the living units, which utilize the solid waste collection and loading area.

(b) **Improvement.** An improvement adds to the value of a facility, prolongs its useful life, or adapts it to new uses. Improvements should be distinguished from repairs. Repairs keep facilities in good operating conditions, do not materially add to the value of the facility, and do *not* substantially extend the life of the facility.

(c) **Floor Area of a Marina.** The floor area of a marina shall be defined as the space dedicated to the docking or mooring of marine vessels.

(d) **Public Facility.** The definition of public facility includes, but is not limited to, buildings, structures, marinas and outdoor recreation areas owned by a local agency.

(e) **Recycling Area (Areas for Recycling).** Space allocated for collecting and loading of recyclable materials. Such areas shall have the ability to accommodate receptacles for recyclable materials. Recycling areas shall be accessible and convenient for those who deposit as well as those who collect and load any recyclable materials placed therein.

§2113. General Requirements. (a) Any new development project for which an application for a building permit is submitted on or after the approval date of this Regulation, shall include adequate, accessible and convenient areas for collecting and loading recyclable materials and solid waste.

(b) Any improvements for areas of a public facility used for collecting and loading-solid waste shall include adequate, accessible and convenient areas for collecting and loading recyclable materials and solid waste.

(c) Any existing development project for which an application for a building permit is submitted on or after the approval date of this Regulation for a single alteration which is subsequently performed that adds thirty percent (30%) or more to the existing floor area of the development project shall provide adequate, accessible and convenient areas for collecting and loading recyclable materials and solid waste.

(d) Any existing development project for which an application for a building permit is submitted on or after the approval date of this Regulation for multiple alterations which are subsequently performed within a twelve (12) month period which collectively adds thirty percent (30%) or more to the existing floor area of the development project shall provide adequate, accessible and convenient areas for collecting and loading recyclable materials and solid waste.

(e) Any existing development project for which multiple applications for building permits are submitted within a twelve (12) month period beginning on or after the approval date of this Regulation for multiple alterations which are subsequently performed that collectively adds thirty percent (30%) or more to the existing floor area of the development project shall provide adequate, accessible and convenient areas for collecting and loading recyclable materials and solid waste.

(f) Any existing development project occupied by multiple tenants, one (1) of which submits on or after the approval date of this Regulation, an application for a building permit for a single alteration which is subsequently performed that adds thirty percent (30%) or more to the existing floor area of that portion of the development project which said tenant leases shall provide adequate, accessible and convenient areas for collecting and loading recyclable materials and solid waste. Such recycling areas shall, at a minimum be sufficient in capacity, number and distribution to service that portion of the development project which said tenant leases.

(g) Any existing development project occupied by multiple tenants, one (1) of which submits on or after the approval date of this Regulation an application for a building permit for multiple alterations which are subsequently performed within a twelve (12) month period which collectively adds thirty percent (30%) or more to the existing floor area of that portion of the development project which said tenant leases, shall provide adequate, accessible and convenient areas for collecting and loading recyclable materials and solid waste. Such recycling areas shall, at a minimum, be sufficient in capacity, number and distribution to serve that portion of the development project which said tenant leases.

(h) Any existing development project occupied by multiple tenants, one (1) of which submits within a twelve (12) month period beginning on or after the approval date of this Regulation multiple applications for building permits for multiple alterations which are subsequently performed that collectively adds thirty percent (30%) or more to the existing floor area of that portion of the development project which said tenant leases shall provide adequate, accessible and convenient areas for collecting and loading recyclable materials and solid waste. Such recycling areas shall, at a minimum, be sufficient in capacity, number, and distribution to serve that portion of the development project which said tenant leases.

(i) Any costs associated with adding recycling space to existing development projects shall be the responsibility of the party or parties who are responsible for financing the alterations.

§2114. Guidelines for All Development Projects. (a) Where local standards exist, recycling areas should be designed to be architecturally compatible with nearby structures and with the existing topography and vegetation, in accordance with such standards.

(b) The design and construction of recycling areas shall not prevent security of any recyclable materials placed therein.

(c) The design, construction and location of recycling areas shall not be in conflict with any applicable Federal, state or local laws relating to fire, building, access, transportation, circulation or safety.

(d) Recycling areas or the bins or containers placed therein must provide protection against adverse environmental conditions, such as rain, which might render the collected materials unmarketable.

(e) Driveways and/or travel aisles shall, at a minimum, conform to local building code requirements for garbage collection access and clearance. In the absence of such building-code requirements, driveways and/or travel aisles shall provide unobstructed access for collection vehicles and personnel.

(f) A sign clearly identifying all recycling and solid waste collection and loading areas, and the materials accepted therein, shall be posted adjacent to all points of direct access to the recycling areas.

(g) Developments and transportation corridors adjacent to recycling areas shall be adequately protected for any adverse impacts, such as noise, odor, vectors or glare through measures, including, but not limited to, maintaining adequate separation, fencing and landscaping.

§2115. Additional Guidelines for Single Tenant Development Projects. (a) Areas for recycling shall be adequate in capacity, number and distribution to serve the development project.

(b) Dimensions of the recycling area shall accommodate receptacles sufficient to meet the recycling needs of the development project.

(c) An adequate number of bins or containers to allow for the collection and loading of recyclable materials generated by the development project should be located within the recycling area.

§2116. Additional Guidelines for Multiple Tenant Development Projects. (a) Recycling areas shall, at a minimum be sufficient in

capacity, number and distribution to serve that portion of the development project leased by the tenant(s) who submitted an application or applications resulting in the need to provide recycling area(s) pursuant to §111 'Development' of this Regulation.

(b) Dimensions of recycling areas shall accommodate receptacles sufficient to meet the recycling needs of that portion of the development project leased by the tenant(s) who submitted an application or applications resulting in the need to provide recycling area(s) pursuant to §111 'Development' of this Regulation.

(c) An adequate number of bins or containers to allow for the collection and loading of recyclable materials generated by that portion of the development project leased by the tenant(s) who submitted an application or applications resulting in the need to provide recycling area pursuant to §111 of this Regulation should be located within the recycling area.

§2117. Location. (a) Recycling areas shall not be located in any area required to be constructed or maintained as unencumbered, according to any applicable Federal, state or local laws relating to fire, access, building, transportation, circulation or safety.

(b) Any and all recycling area(s) shall be located so they are at least as convenient for those persons who deposit, collect and load the recyclable materials placed therein as the locations where solid waste is collected and loaded. Whenever feasible, areas for collecting and loading recyclable materials shall be adjacent to the solid waste collection areas.