Proposed Ordinance Amendments – Phase 2

Revised 8/03/12

Ordinance applies to CHAPTER 15-6, ARTICLE 5. "Universal Recycling Ordinance"

PURPOSE OF URO PHASE 2 AMENDMENTS

The purpose of the proposed amendments is to expand the Universal Recycling Ordinance (URO) to include other types of commercial properties and to add compostable materials to the list of materials required to be recycled.

The proposed amendments of the current ordinance are recommended to support the purpose of the ordinance:

1. RECYCLING PLAN
    a. Clarify and simplify the dates for when annual Recycling Plans are due.
    b. Clarify the contents of Recycling Plans.
    c. Exempt City-serviced properties from submitting Recycling Plans.
2. AFFECTED PROPERTIES
    a. Clarify the title of this section.
    b. Expand the application of the URO from strictly multi-family, office, and institutional properties to include all commercial properties over time.
    c. Authorize the Director to exempt certain properties through the rules process
    d. Add effective dates for smaller multi-family and commercial properties.
3. COMPOSTABLE MATERIALS
    a. Add effective dates for when properties with food service operations shall collect compostable materials.
    b. Add other provisions related to collecting compostable materials.
    c. Ensure that provisions support the hierarchy of beneficial use of scrap food.
4. COMMERCIAL MULTI-FAMILY RECYCLING ORDINANCE (CMFRO)
    a. Delete references to the Commercial and Multi-Family Recycling Ordinance and other obsolete or out-of-date sections.
5. MISCELLANEOUS
    a. Clarify intention that Director has authority to add required materials as local processing capabilities allow.
    b. Update and add definitions and other clarifications.
    c. Delete sections of Article 5 that conflict or are redundant to the Hauler Registration Ordinance and reference Hauler Registration Ordinance or other related ordinances as needed.

RECYCLING PLAN

[§ 15-6-101]

Current Ordinance

1. A person required to provide recycling services shall submit a recycling plan with the department [§ 15-6-101(B)]:
    a. not later than the 14th day after beginning operations for a new business, building, or multi-family residential complex
    b. not later than the 180th day following any change in recycling service or recycling provider
2. A plan must list the materials to be recycled and state whether the person will provide the service by self-hauling or by contract with a recycling service provider. [§ 15-6-101(C)]

Proposed Amendments

1. § 15-6-101(B), amend to require all affected properties to submit annual recycling plans not later than:
    a. February 1 each year
    b. the 30th day after beginning operations or following a change that reduces service or the types of materials collected
2. § 15-6-101(C), delete item (C)(3) and add that the Recycling Plan shall include:
    a. service capacities for trash, recyclables, and compostable materials
    b. City-issued hauler license number of service provider(s)
    c. other information as required by the Director
3. Authorize the Director to exempt certain properties from submitting a Recycling Plan (but not necessarily exempted from other URO requirements) through criteria developed during the rules process including:
    a. Properties with City-provided trash and recycling services
    b. Other criteria as determined by the Director, as long as those criteria are consistent with the City of Austin's Zero Waste goals and the Department's approved Master Plan.

AFFECTED PROPERTIES (change from "Required Service Providers")

[§ 15-6-91]

Current Ordinance

1. The owner or other person in control of the following premises for multi-family residential use shall provide on-site recycling service under this article:
    a. effective October 1, 2012, to premises that consists of more than 75 dwelling units
    b. effective October 1, 2013, to premises that consists of more than 50 dwelling units
    c. effective October 1, 2014, to premises that consists of more than 25 dwelling units
    d. on the date the city makes single stream recycling services available to fewer than 26 dwelling units
2. The owner or other person in control of the following premises for non-residential use shall provide on-site recycling service under this article:
    a. effective October 1, 2012, premises with more than 100,000 square feet of floor area;
    b. effective October 1, 2013, premises with more than 75,000 square feet of floor area;
    c. effective October 1, 2014, premises with more than 50,000 square feet of floor area;
    d. effective October 1, 2015, premises with more than 26,000 square feet of floor area
    e. on the date the city makes single stream recycling services available to fewer than 26,000 square feet of floor area
3. The owner, or person in control of a non-residential property, may deduct non-office floor area from the square footage calculation to determine effective dates and will not be required to provide on-site recycling to that floor space.

Proposed Amendments

1. Change the title of section § 15-6-91 to AFFECTED PROPERTIES to clarify its purpose.
2. Organize phase-in dates by property use (multi-family or commercial non-residential).
3. Clarify that properties affected by current URO include offices and institutions, which includes medical facilities, and religious buildings, and private educational facilities.
4. Authorize the Director through the rules process to define what floor area to determine square footage and the effective dates for non-residential properties, with clarifications for certain property types (i.e., warehouses and parking garages).
5. Delete §15-6-91(B)(4) and (9) related to the city making single-stream recycling services available.
6. Expand the types of affected properties to include all commercial property types according to the table below of effective dates for affected properties.

7. Authorize the Director to exempt from all or part of the ordinance requirements certain properties that generate very low quantities of trash, share solid waste services, or achieve the city's current Zero Waste goals through alternate means.
8. Add effective dates to the schedule for multi-family properties with fewer than 26 dwelling units and for non-residential properties with less than 25,000 occupied square feet, according to the following table of affected properties by effective date:

Effective Date: October 1 of	**Multi-Family Properties** (dwelling units)	**Commercial Properties** (square feet of floor space)		
		Offices, Institutions	Other including Food Service, Retail, Manufacturing, or Industrial	**Compostable Materials** (next section) from Food Service Businesses**
2012	**>75***	**>100,000***		
2013	**>50***	**>75,000***		
2014	**>25***	**>50,000***	>50,000	
2015	>10	**>25,000***	>25,000	
2016	All	>5,000	>5,000	>5,000
2017		All	All	All

*** Affected by Phase 1 of existing URO**

** Food Service – establishment that serves non-prepackaged food and is required to hold food permit such as restaurant, mobile food vendor, food processing plant, certified farmers market, or licensed food preparation facility

COMPOSTABLE MATERIALS

Current Ordinance

1. Recycling services shall:
    a. collect paper, plastic resins PETE and HDPE, aluminum, cardboard, and glass
    b. comply with rules for recycling receptacles, recycling collection and storage areas, and properly handling recyclable materials, including transporting recyclable materials only to a state-recognized materials recovery facilities
2. The City will make available the names and contact information for all recycling service providers validly registered with the City.
3. Each recycling container shall have a sign with the universal chasing arrows recycling symbol, list of materials in English and Spanish language, and the term "Recycling." [§ 15-6-93]
4. Recycling service providers shall provide volume reports that include the volume and type of recyclable materials collected in the preceding reporting period.

Proposed Amendments

1. Add effective dates for property owners to ensure collection of compostable materials from a premises attributable to an establishment required to hold food permit such as restaurant, mobile food vendor, food processing plant, certified farmers market, or licensed food preparation facility (see also table in Affected Properties section above):
    a. October 1, 2016 for food service businesses greater than 5,000 square feet
    b. October 1, 2017 for all food service businesses
2. Authorize the Director to exempt certain establishments (i.e. convenience stores or beverage bars that hold a food permit but serve only prepackaged foods) . Collection of alternative materials may be required. Exemptions do not apply to cafeterias, malls, food courts, or food service establishments in mixed-use properties.
3. Add provisions related to compostable materials that are similar to provisions for recyclables for education, planning, reporting, receptacles, collecting, and transporting to a state-recognized composting facility.
4. Ensure provisions are consistent with the Master Plan and encourage but do not require adherence to the hierarchy of beneficial use of scrap food. The hierarchy of scrap food includes, in order of most beneficial use: feed hungry people, feed animals, industrial uses, composting.

COMMERCIAL MULTI-FAMILY RECYCLING ORDINANCE (CMFRO)

[§ 15-6-91, § 15-6-92, and § 15-6-93]

Current Ordinance

1. Until September 30, 2012, the owner or person in control of a business with 100 or more employees, a building housing businesses at least 100 employees, or a multi-family residential complex with more than 100 units shall provide on-site recycling services for two materials from employees or four materials from multi-family properties. [§ 15-6-91 and § 15-6-92]
2. Effective October 1, 2012, all information and documentation must be written in English and Spanish, include universal symbols. Each disposal container must be prominently marked "Landfill Trash" in English and Spanish language, and each recycling container shall have a sign with the universal chasing arrows recycling symbol, list of materials in English and Spanish language, and the term "Recycling." [§ 15-6-93]

Proposed Amendments

1. Delete out-of-date sections, such as CMFRO requirements in § 15-6-91 and § 15-6-92, which will be obsolete on October 1, 2012.
2. Delete other dates in § 15-6-93 that will be obsolete when this ordinance becomes effective.

MISCELLANEOUS

Current Ordinance

§ 15-6-92 SERVICE DESCRIBED

1. A person required to provide recycling service under this article must:
    a. provide the service at least two times each month [§ 15-6-92(A)(1)]
    b. collect at least paper, plastic resins PETE and HDPE, aluminum, cardboard, and glass [§ 15-6-92(A)(4)]
2. § 15-6-92 (C) Not later than 365 days following the date when the City is able to make available to service providers single stream recycling processing, any person, entity, premises or location required to comply with the terms of this article will also be required to increase the types of minimum materials to be accepted for on-site recycling at the premises to include any plastic with resin identification code of PVC, PELD, PP, PS, or O; paper board; tin; and steel. The Department shall adopt rules which identify an alternative compliance process whereby a property owner or property manager can request approval from the director to substitute one of the mandatory materials accepted for another acceptable recyclable material. [§ 15-6-92 (C)]

3. § 15-6-102 BIANNUAL VOLUME REPORT
4. Recycling service providers registered with the City shall file a volume report twice each year for services they provide to any premises required to comply with this article.
5. Any premises required to comply with this article shall file a volume report twice each year that reflects recycling service provided by a person not registered with the City.
6. A volume report must include the volume and type of recyclable materials collected in the preceding reporting period

Proposed Amendments

1. In § 15-6-92(A)(1), delete the minimum service frequency requirement for recycling containers to allow collection containers large enough to store more than two weeks of material, such as compactors.
2. Clarify in § 15-6-92(A)(4) that the ordinance applies to bottles, cans, and tubs made from plastic, aluminum, or glass.
3. In § 15-6-92(B) and elsewhere, change the term "Solid Waste Services" to "Austin Resource Recovery (ARR)".
4. Replace the first sentence of § 15-6-92 (C) with a provision granting the Director authority to add materials to the list of "required materials" with at least 365 days prior notice.
5. Keep the second sentence of § 15-6-92 (C), regarding alternative compliance by substituting a material, as a separate provision.
6. § 15-6-102, use the word "Quantity" instead of "Volume". The word Volume is ambiguous in this context and could be taken to mean reporting recyclables in gallons or cubic yards as a measure of volume. Instead, service providers shall submit quantities of recyclables by gross aggregate weight, reported in tons. Using the word Quantity will still allow service providers to report measures of volume, such as cubic yards for compostable materials, if necessary.

DEFINITIONS [§ 15-6-1]

Current Ordinance

- COLLECTION SERVICE means scheduled collection and disposition of solid waste and recyclables.
- DEPARTMENT means the Department of Solid Waste Services.
- DIRECTOR means the director of the Solid Waste Services Department.
- PERSON means an individual, corporation, firm, government or governmental subdivision, partnership, joint venture, limited liability company, or other business entity.
- PRIVATE SOLID WASTE COLLECTION SERVICE means the business of collecting, removing, or transporting solid waste from any premises within the city for a fee.

- RECYCLABLE MATERIAL shall mean material that has been recovered or diverted from the nonhazardous solid waste stream for purpose of reuse, recycling or reclamation and a substantial portion of which is consistently used in the manufacture of products, which may otherwise be produced using raw or virgin materials.
- RECYCLING shall mean a process by which materials are collected, sorted, processed, or prepared into marketable commodities for manufacturing into new products.
- SOLID WASTE means rubbish, refuse, and other discarded materials.
- SOLID WASTE SERVICE means collection and disposal of solid waste, collection and processing of recyclable material, litter abatement, street cleaning, and household hazardous waste disposal.

Proposed Amendments – current definitions

- PERSON means an individual, corporation, firm, , partnership, joint venture, limited liability corporation (LLC), company, non-profit organization, or other business entity.

Proposed Amendments – new definitions (intended to match those developed for the URO Phase 1 Rules)

- COLLECTION CONTAINER means a receptacle, including lids that protect, contain, and store trash, compostable materials, or recyclable materials.
- COLLECTION SERVICE means scheduled collection and disposition of solid waste, recyclables, or compostable materials.
- COMMERCIAL BUSINESS means any entity including sole proprietorships, partnerships, corporations, for profit, non-profit, educational, and religious organizations, and any entity not defined as a single-family or multi-family residence operating within the Austin city limits.
- COMMERCIAL RESIDENTIAL – see MULTI-FAMILY PROPERTY
- COMMERCIAL OFFICE PROPERTY means a property whose predominant use (more than 50%) is not used as a dwelling, restaurant, manufacturing, or retail establishment.
- COMMERCIAL PROPERTY means one or more buildings or habitable property improvements on a single parcel or on a group of parcels connected and managed by the same ownership entity.
- COMPOST means the stabilized product of decomposition of organic materials such as food scraps, yard trimmings, or manure that is used as a soil amendment, artificial top soil, growing medium amendment, or other similar use.
- COMPOSTABLE MATERIAL means organic material recovered, collected, or otherwise diverted from the non-hazardous solid waste stream, a substantial portion of which will decompose in a managed compost operation.
- COMPOSTING is a type of diversion process that means the controlled biological decomposition of organic material in the presence of air to form a humus-like material. Controlled methods of

composting include mechanical mixing and aerating, ventilating the materials by dropping them through a vertical series of aerated chambers, or placing the compost in piles or enclosed bins in the open air and mixing it or turning it periodically. COMPOSTING FACILITIES (EPA definition) means an offsite facility where the organic component of municipal solid waste is decomposed under controlled conditions

- GLASS CONTAINERS means glass bottles and jars.
- HIGH DENSITY POLYETHYLENE (HDPE) means opaque plastic containers labeled with the #2 code.
- MATERIAL RECOVERY FACILITY means an operation that processes recyclable materials collected from residential or business sources by sorting, baling, crushing or granulating, for the purpose of recycling them.
- MULTI-FAMILY PROPERTY means any dwelling, building, or group of buildings that contains five (5), or more, dwelling units on a single tax lot (e.g. apartments, condominiums, mobile home parks).
- POLYETHYLENE TEREPHTHALATE (PETE) means plastic containers labeled with the #1 code.
- PRIVATE SOLID WASTE COLLECTION SERVICE means the business of collecting, removing, or transporting solid waste from any premises within the city for a fee, and excludes any governmental entity.
- PROPERTY means real property.
- RECYCLABLE MATERIAL means material, including compostable material, that has been recovered or diverted from the nonhazardous solid waste stream for purpose of reuse, recycling or reclamation and a substantial portion of which is consistently used in the manufacture of products, which may otherwise be produced using raw or virgin materials.
- RECYCLING means a process by which materials that have served their intended use or are scrapped, discarded, used, surplus, or obsolete are collected, separated, or processed and returned to use in the form of raw materials in the production of new products. The definition of recycling does not include waste-to-energy processes.
- SELF-HAUL or SELF-HAULER means a property subject to this ordinance that collects and transports landfill trash, recyclable, or compostable materials rather than hiring a service provider to perform this function.
- SERVICE CAPACITY means the volume of collection service provided by the owner or other person in control of the premises. For purposes of this Article, service capacity is measured in cubic yards per week and is determined by multiplying the volume of collection containers times the number of services per week. Where the service does not use measurable collection containers, determine service capacity by using accepted factors to convert measured or estimated quantities to cubic yards.
- SERVICE PROVIDER means a person, firm or corporation that is compensated for the removal or transportation of solid waste, compostable material, or recyclable material from any location within the

City of Austin. Services that are subject to State or Federal requirements related to the transportation of medical or hazardous waste, including oil, liquids, or grease, are excluded.

- SINGLE-STREAM RECYCLING also known as “commingled” or "single-sort recycling” means a system in which all paper fibers and containers are mixed together in a collection truck, instead of being sorted into separate commodities. In single stream recycling system, both the collection and processing systems are designed to handle this fully commingled mixture of recyclables.
- WASTE-to-ENERGY (WTE) means a process of generating energy directly from materials through a process that yields fuel or heat. WTE is not diversion, but is considered an alternative disposal technology that must consider the life-cycle effects on the environment.