

Proposed amendments to:

## **Austin Resource Recovery Chapter 15-6 Administrative Rules**

### **Working Draft**

April 2, 2014

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*This document is a working draft and should not be construed as a final version of proposed amendments to Administrative Rules*

**V4.2**

## **8.1 Background and Scope of Universal Recycling Ordinance (URO) Rules**

- 8.1.1 On November 4, 2010, Austin City Council approved the Universal Recycling Ordinance (URO) which became effective October 1, 2012.
- 8.1.2 On April 25, 2013, Austin City Council approved amendments to the Universal Recycling Ordinance to include all commercial and multi-family residential properties within the city limits of Austin, Texas. This amendment also expanded efforts to include organics diversion for any food enterprise that requires a food permit under Section 10-3-61 (*Permit Required*) of City Code.
- 8.1.3 The Universal Recycling Ordinance Administrative Rules contained within this document defines standards and expectations for collecting recyclables and diverting organics at commercial and multi-family residential properties as authorized by the Universal Recycling Ordinance (City Code Chapter 15-6, Article V).

## **8.2 Applicability**

- 8.2.1 These rules apply to properties within the city limits of Austin, Texas, including those that receive collection services from the City of Austin, or a licensed private hauler, and that are affected by the Universal Recycling Ordinance.

- 8.2.2 If a property receives landfill trash and recycling collection services from the City of Austin, the Responsible Party:

- 8.2.2.1 Shall be considered compliant with the Universal Recycling Ordinance with the exception of section 15-6-93, Education. The Responsible Party shall ensure compliance with section 15-6-93, Education.

- 8.2.2.2 Shall be considered compliant with these Administrative Rules with the exception of section 8.10, Promotion and Education. The Responsible Party shall ensure compliance with section 8.10, Promotion and Education.

- 8.2.2.3 Shall not be required to submit Annual Diversion Report.

- 8.2.2.4 Organics Diversion shall be reported in accordance with these Rules.

- 8.2.3 Affected properties are defined by the following effective dates for recycling:

- 8.2.3.1 October 1, 2012

- 8.2.3.1.1 Properties with 100,000 square feet or more used for office, medical office, medical facilities, religious assembly, or private education.

- 8.2.3.1.2 Multifamily properties with ~~more than~~ 75 dwelling units or more.

- 8.2.3.1.3 Commercial customers receiving both City of Austin trash and recycling collection services.

- 8.2.3.2 October 1, 2013

- 8.2.3.2.1 Properties with 75,000 square feet or more used for office, medical office, medical facilities, religious assembly, or private education.

- 8.2.3.2.2 Multifamily properties with ~~more than~~ 50 dwelling units or more.

- 8.2.3.3 October 1, 2014

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- 8.2.3.3.1 Properties with 50,000 square feet or more ~~used for office, medical office, medical facilities, religious assembly, or private education.~~ of any type of non-residential use; including but not limited to hotels and lodging, grocery stores, commercial business, etc.
- 8.2.3.3.2 Multi-family properties with ~~more than~~ 25 dwelling units or more.
- 8.2.3.4 October 1, 2015
  - 8.2.3.4.1 Properties with 25,000 square feet or more ~~used for office, medical office, medical facilities, religious assembly, or private education.~~ of any type of non-residential use; including but not limited to hotels and lodging, grocery stores, commercial business, etc.
  - 8.2.3.4.2 Multi-family properties with ~~more than~~ 10 dwelling units or more.
- 8.2.3.5 October 1, 2016
  - 8.2.3.5.1 Properties with 5,000 square feet or more ~~used for office, medical office, medical facilities, religious assembly, or private education.~~ of any type of non-residential use; including but not limited to hotels and lodging, grocery stores, commercial business, etc.
  - 8.2.3.5.2 Multi-family properties with ~~more than~~ 5 dwelling units or more.
- 8.2.3.6 October 1, 2017
  - 8.2.3.6.1 All non-residential properties regardless of size
- 8.2.4 Affected properties are defined by the following effective dates for organics diversion:
  - 8.2.4.1 October 1, ~~2106~~ 2016
    - 8.2.4.1.1 Food Enterprise ~~(excluding mobile food establishments and mobile food courts)~~ that requires a food permit and is 5,000 square feet or more. that has a food permitted square footage of 50,000 or more.
  - 8.2.4.2 October 1, 2017
    - 8.2.4.2.1 ~~All Food Enterprises (including mobile food establishments and mobile food courts) that require a food permit.~~ that has a food permitted square footage of 15,000 or more.
  - 8.2.4.3 October 1, 2018
    - 8.2.4.3.1 Food Enterprise that has a food permitted square footage of 5,000 or more.
  - 8.2.4.4 October 1, 2019
    - 8.2.4.4.1 Food Enterprise that has a food permitted square footage of 1,000 or more.
  - 8.2.4.5 October 1, 2020

**8.2.4.5.1      All Food Enterprises that hold a food permit.**

- 8.2.5 The size of commercial properties is based on the square footage recorded by Travis Central Appraisal District, Williamson Central Appraisal District, or in a certificate of occupancy, food enterprise permit, or similar documents issued by a government entity.

**8.3 General Principles**

- 8.3.1 The Universal Recycling Ordinance is designed to increase access to recycling and organics diversion and encourage waste reduction for properties within the city limits of Austin, Texas. Benefits may include one or more of the following:
- 8.3.1.1 Aid in the City of Austin's Zero Waste goal of achieving 75% diversion from landfills by 2020 and 90% diversion by 2040 as defined in the October 2011 City Council adopted Austin Resource Recovery Master Plan.
  - 8.3.1.2 Increase usable life of local landfills.
  - 8.3.1.3 Reduce long-term costs to businesses and taxpayers.
  - 8.3.1.4 Reduce transportation and future environmental costs.
  - 8.3.1.5 Reduce harmful environmental impacts.
  - 8.3.1.6 Boost economic development and opportunities for source reduction.
  - 8.3.1.7 Support implementation of the hierarchy of beneficial use of scrap food.
- 8.3.2 If the Responsible Party provides reasonable and consistent access to on-site recycling and organics diversion which comply with the Universal Recycling Ordinance and these Administrative Rules; the City will not hold the ~~affected property owner responsible~~ Responsible Party accountable for the voluntary, actual, or proper use of recycling and organics diversion by employees, tenants, customers, or residents.

**8.4 General Requirements**

- 8.4.1 Responsible Parties shall ensure residents, tenants, and employees have reasonable and consistent access to on-site recycling and organics diversion services and shall be in compliance with these Administrative Rules contained in this document unless a written waiver has been granted by the Director. Reference Section 8.11, Waiver Process.
- 8.4.2 These Administrative Rules apply regardless of any changes ~~in building ownership in the~~ Responsible Party or service provider.
- 8.4.3 Responsible Parties shall maintain records and submit ~~Recycling Plan~~ Annual Diversion Plan forms as directed herein.
- 8.4.4 Responsible Parties that do not receive collection services from the City, shall contract only with service providers that are registered with the City and licensed to do business within the city limits of Austin. Reference (City Code Chapter 15-6, Article 3) for hauler requirements.
- 8.4.5 These Universal Recycling Ordinance Administrative Rules do not prohibit, limit, or restrict the ability of the Responsible Party to:
- 8.4.5.1 Negotiate prices, collection schedules, or pickup locations for these services
  - 8.4.5.2 Contract collection service from any private collection hauler, provided the service provider is licensed by the City

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- 8.4.5.3 Place all recyclable materials in one container to conserve space and maximize efficiency.
- 8.4.5.4 Place all organic materials in one container to conserve space and maximize efficiency
- 8.4.5.5 Transport recyclable or organic material, as permitted by code, to a material recovery facility, food bank, processor, material broker, urban farm, urban ranch, rural farm, rural ranch, community garden or any other facility that has agreed to accept the material and prioritizes the Good Faith Donor Act and the hierarchy of beneficial use of scrap food. Reference (City Code Chapter 15-6, Article 3) for hauler requirements.
- 8.4.6 The City is not responsible for any unauthorized collections, liabilities, or any other difficulties that arise between any private service provider and any property affected by these Rules.

**8.5 Capacity and Diversion Performance Standards**

- 8.5.1 A Responsible Party shall meet the performance standards of the Universal Recycling Ordinance by providing either compliant capacity or achieving a specific minimum diversion rate, as follows:
  - 8.5.1.1 Capacity Performance Standards
    - 8.5.1.1.1 Minimum recycling service capacities are established to ensure that adequate storage capacity and collection service is available for diverting recyclable and compostable materials onsite from disposal.
    - 8.5.1.1.2 Multifamily properties – Responsible Parties shall ensure that onsite recycling services have a minimum of 6.4 gallons of recycling capacity per dwelling per week. The following weekly capacity equivalencies and requirements are established for the purpose of these Rules (one (1) cubic yard equals 202 gallons):
      - 8.5.1.1.2.1 One cubic yard per 32 dwelling units per week
      - 8.5.1.1.2.2 One 96-gallon cart per fifteen (15) dwelling units per week
    - 8.5.1.1.3 Commercial properties – Starting October 1, 2014, Responsible Parties shall ensure that onsite recycling service capacity for diverting recyclable and organic materials is at least 50% of the service capacity for all materials collected at the property. In other words, the ratio of service capacity shall be at minimum 1:1 for diversion-to-landfill trash.
    - 8.5.1.1.4 Mixed-use properties – Responsible Parties for properties with both multifamily and commercial uses shall ensure that onsite recycling services meet the minimum recycling service capacity requirements for both multifamily and commercial properties.
    - 8.5.1.1.5 The service capacity of a container is determined by multiplying its volume times the service frequency (i.e. a four-yard container serviced four times per week equals 16 cubic yards per week service capacity).

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8.5.1.1.6 Compactors will be considered as a 4:1 ratio of compaction, unless otherwise verified by the City.

8.5.1.1.7 A Responsible Party may claim credit on the Recycling and Organics Diversion Report Annual Diversion Plan toward the minimum recycling service capacity for third-party verified quantities of materials that were recovered onsite during the previous year and subsequently either:

8.5.1.1.7.1 Baled or consolidated for individual sale;

8.5.1.1.7.2 Self hauled or backhauled to a central distribution center;

8.5.1.1.7.3 Otherwise removed for feeding people or animals, reuse, recycling, or composting; or

8.5.1.1.7.4 Composted onsite in a well-managed operation in accordance with federal, state, county, and municipal statutes.

8.5.1.2 Diversion Rate Performance Standards

8.5.1.2.1 Properties that are able to prove a diversion rate, through third-party audit, as indicated below:

8.5.1.2.1.1 October 1, 2014 to December 31, 2015

8.5.1.2.1.1.1 75% Diversion Rate ~~through 2015~~

8.5.1.2.1.2 January 1, 2016 to December 31, 2020

8.5.1.2.1.2.1 85% Diversion Rate ~~through 2020~~

8.5.1.2.1.3 January 1, 2020 to December 31, 2030

8.5.1.2.1.3.1 90% Diversion Rate ~~through 2030~~

8.5.1.2.1.4 January 1, 2031 and all dates beyond

8.5.1.2.1.4.1 95% Diversion Rate ~~through 2040 on.~~

8.5.1.2.2 Properties that have met the Diversion Rate standards verified through third party audit:

8.5.1.2.3 Are not limited to the recycling of additional materials.

8.5.1.2.3.1 Will not be responsible for meeting the capacity standards. Reference, 8.5 Performance Standards.

8.5.1.2.3.2 Will not be responsible for adhering to the five recyclable materials. Reference 8.7, Recyclable and Organic Materials.

8.5.1.2.3.3 Director reserves the right to conduct an additional waste audit, or periodic inspections

of material flows, to substantiate the findings of any third-party audit.

8.5.2 If no landfill trash is produced at a business or property, no recycling or organics diversion will be required to be provided. Annual Diversion Plans shall be submitted by the Responsible Party for these businesses or properties.

~~8.5.3 A Responsible Party that is able to establish, through a third-party audit, a maximum potential diversion capacity less than the benchmarks indicated in Section 8.5.1.1, Capacity or Section 8.5.1.2, Diversion Rate will be responsible for diverting 75% of the maximum potential diversion established by the third-party audit. Reference Section 8.12, Waivers.~~

~~8.5.3.1 Example: If a property produces a total of 100 tons of solid waste and 60 tons of that material is hazardous waste that is unable to be diverted; only 40 tons of the total waste produced is considered divertible. The Responsible Party would then be responsible for diverting 30 tons (which is 75% of 40).~~

~~8.5.4 The Director reserves the right to conduct an additional waste audit, or periodic inspections of material flows, to substantiate the findings of any third-party audit. (relocated to 8.5.1.2.3.3)~~

8.5.3 To account for reductions resulting from process or efficiency improvements, the City will allow Responsible Parties to request a "Reduction and Reuse Credit" for reused materials or year-over-year reductions in materials generated, if:

8.5.3.1 Reduction or Reuse Credit request is made on the online Annual Diversion Report; and

8.5.3.2 Reductions are not a result of economic conditions, sales, or product mix; and

8.5.3.3 Improvements resulting in reduction occurred in the previous two (2) calendar years as of the date of the request; and

8.5.3.4 Responsible Parties requesting a credit agree to conduct a third-party audit of the waste stream, reduction request, or reuse request if requested by the City.

8.5.3.5 Reduction and/or reuse can be carried forward for credit against the minimum required recycling capacity standards for up to five (5) years beginning on the date of the request.

8.5.4 Federal, state, county, and municipal regulated or hazardous waste streams shall not be considered divertible material and will not be included in Capacity and Diversion Performance Standards calculations.

8.5.5 Periodic Temporary provision and use of open-top roll-off containers, or similar services that do not provide daily access for tenants or employees to a recycling or organics diversion container does not constitute a recycling program and will not be considered compliant with the Universal Recycling Ordinance.

8.5.5.1 Periodic provision and use of open roll off containers may be eligible for a "Reduction and Reuse Credit." Reference Section 8.5, Capacity and Diversion Performance Standards.

## 8.6 **Recycling Plan** Annual Diversion Plan



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- 8.6.1 Responsible Parties shall file a ~~Recycling Plan~~ Annual Diversion Plan, as provided by the Department as follows:
- 8.6.1.1 By February 1<sup>st</sup> of each calendar year; ~~and~~
  - 8.6.1.2 Within thirty (30) days of start of operations; ~~and~~
  - 8.6.1.3 Within thirty (30) days of making a change that affects the information reported on ~~Recycle Plan~~ Annual Diversion Plan, including change of Responsible Party or service capacity.
- 8.6.2 Responsible Parties shall report on the ~~Recycling Plan~~ Annual Diversion Plan:
- 8.6.2.1 List of materials recycled.
  - 8.6.2.2 Service capacities for landfill trash, recyclables, and organic materials.
  - 8.6.2.3 Other quantities of materials recovered onsite.
  - 8.6.2.4 Signage.
  - 8.6.2.5 Education.
- 8.6.3 Multiple locations - Where a business covers multiple service locations, or where a company manages multiple properties or where businesses share services, the Responsible Party may submit aggregate City wide data for the multiple locations on a single ~~Recycling Plan~~ Annual Diversion Plan.
- 8.6.4 Responsible Parties who self haul or backhaul material shall file a semi-annual volume report with the City. Reference (City Code Chapter 15-6, Article 3) for hauler requirements. If a property receives landfill trash and recycling and/or organics diversion collection services from the City of Austin, the Responsible Party is: not required to submit an Annual Diversion Plan. Reference Section 8.2, Applicability.
- 8.6.4.1 Quantity reports are due on or before January 31 (for reporting period July 1 - December 31) and July 31 (for reporting period January 1 - June 30) of each year. When the specified semi-annual volume report dates fall on a Saturday, Sunday, or City holiday; the report is due on the next business day. ~~Not required to submit a Recycling Plan, unless requesting certain waivers from the City or providing notification of alternate material collection.~~
  - 8.6.4.2 Required to comply with all other applicable sections of these Rules, the Universal Recycling Ordinances, and Austin City Code.

**8.7 Recyclable & Organic Materials**

- 8.7.1 Required Recyclable Materials – Except for waivers granted by the Director. ~~affected~~ Responsible Parties shall establish on-site recycling services for a minimum of the following five (5) materials:
- 8.7.1.1 Paper (including mixed paper and office paper)
  - 8.7.1.2 Cardboard
  - 8.7.1.3 Aluminum cans
  - 8.7.1.4 Plastics PETE (#1) and HDPE (#2) bottles and containers
  - 8.7.1.5 Glass bottles and jars
- 8.7.2 The Director reserves the right to add additional materials with at least 365 days prior notice.
- 8.7.3 These requirements do not limit the recycling of additional materials.



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8.7.4 In addition to other requirements described in the section, the Responsible Parties for premises of which all or a portion has use attributed to a food enterprise that requires a food permit under Section 10-3-61 of City Code, shall ensure that employees at the food enterprise have access to on-site diversion of organic materials.

8.7.4.1 In accordance with the requirements of the Good Faith Donor Act ~~set forth in~~ and Chapter 76 of the Texas Civil Practice and Remedies Code, the Director, through these rules encourages following the hierarchy of beneficial use of scrap food, which beginning with most beneficial is:

- 8.7.4.1.1 Feeding hungry people
- 8.7.4.1.2 Feeding animals
- 8.7.4.1.3 Providing for industrial uses
- 8.7.4.1.4 Composting

8.7.5 Responsible Parties may request approval to substitute materials for one or more of the five (5) required materials or organic material, should the operations of the property not generate sufficient quantities of one of the five required recyclable and organic materials to justify recycling of a material. Reference Section 8.11, Waiver Process.

8.7.6 The Director may grant waivers based on the amount, in volume or weight, and type of alternate materials generated at the facility in question. Alternate materials must be of equivalent weight, volume, or value as the listed five required ~~Minimum~~ Recyclable and Organic Materials.

## **8.8 Exterior Collection Areas, Points, and Containers**

8.8.1 Provision of Containers – Responsible Parties shall ensure diversion containers, compactors, and collection points are provided for the initiation and maintenance of landfill trash, recycling, and organics diversion service. Reference Section 8.4, General Requirements.

8.8.2 Convenient Access – Responsible Parties shall ensure that all recycling and organics diversion containers, compactors, or other collection points are located within 25 feet of a landfill trash diversion container, compactor, or other collection point. Reference Section 8.11, Waiver Process.

8.8.3 Exterior diversion containers shall be identified to ensure consistency of labeled containers for ease of identification.

8.8.3.1 Placement and maintenance of signs, labels, and container identification will be the responsibility of the Responsible Party or service provider.

8.8.3.2 Responsible Parties shall ensure that signs, labels, and container identification clearly indicate which materials are acceptable in designated containers.

8.8.3.3 Signs, labels, and container identification should adhere to metal or plastic surfaces and be difficult to remove.

8.8.3.4 Signs, labels, and container identification that meets or exceeds information and dimension requirements shall be considered an allowable alternative to allow reasonable private hauler branding. The Director reserves the right to review and reject signs, labels, and container identification for non-conformance to standards established within these rules.

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- 8.8.3.5 All exterior diversion containers shall include signs, labels, and container identification which indicates the material to be collected within that diversion container; with the following minimum standards:
- 8.8.3.5.1 12" (minimum) diameter or 12"X12" (minimum) rectangular sticker or place card graphic indicating "Landfill Trash," "Recycling," or "Organics" or "Compostables."
  - 8.8.3.5.2 18"X12" (minimum) rectangular sticker or place card indicating common types of material within the identified diversion container.
  - 8.8.3.5.3 The following colors are recommended to be prioritized in any sticker or place card design: black for "Landfill Trash," blue for "Recycling," and green for "Organics" or "Compostables."
- 8.8.3.6 Signs, labels, and container identification shall be labeled:
- 8.8.3.6.1 A minimum of English and Spanish languages are to be provided.
  - 8.8.3.6.2 Spanish language may be substituted for an alternate language only as required and deemed appropriate by the Responsible Party or service provider.
  - 8.8.3.6.3 The Director reserves the right to review and reject language substitutions at exterior collection areas, points, and containers.
- 8.8.4 A Responsible Party may request a waiver (Reference Section 8.11, Waiver Process) for the placement or servicing of landfill trash, recycling, or organics diversion containers should the placement of the diversion container(s) meet one of the following conditions:
- 8.8.4.1 Site plan limitations, obstructions, physical layout, or topography.
  - 8.8.4.2 Potential violation of one or more Federal, State, County or Municipal Codes.
  - 8.8.4.3 Vehicle parking space or impermeable cover restrictions.
  - 8.8.4.4 Vehicle access limitations.
  - 8.8.4.5 Diversion collection ~~points~~ containers greater than 25 feet of landfill trash collection point.
- 8.8.5 If a property chooses to limit access to landfill trash, recycling, and organics diversion containers, with locks or other methods of restriction, the Responsible Party shall take proper steps to ensure access to residents, tenants, and employees during normal business hours. The Director reserves the right to address access concerns.
- 8.8.6 Responsible Parties shall ensure that diversion containers, compactors, and collection points for landfill trash, recyclables, and organics:
- ~~8.8.6.1 Shall not allow loose trash, recyclables or organics to be placed directly on the ground, unpaved or paved surface. All materials shall be placed in containers or baled.~~
  - 8.8.6.2 Located outdoors shall prevent material from blowing, leaking, falling out, being stolen, and to protect the materials from vector populations and the elements.
  - 8.8.6.3 Stored in such a manner to prevent vector population or odor problems that potentially pose public health and safety concerns. The City reserves the right to

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require the ~~property, business, or food enterprise~~ Responsible Party to remedy the problem. ~~The Responsible Party shall work with the City and the service provider to remedy the problems resulting from stored compostable organic materials.~~

~~8.8.7 Periodic provision and use of open-top roll-off containers, or similar services that do not provide daily access for tenants or employees to a recycling or compostable material diversion container does not constitute a recycling program and will not be considered compliant with the Universal Recycling Ordinance. (relocated to 8.5)~~

## **8.9 Interior Collection Areas, Points, and Containers**

8.9.1 Responsible Parties are not required to provide ~~an~~ indoor common collection areas.

8.9.1.1 Indoor collection areas, points, and containers should adhere to, and not conflict with federal, state, county, or municipal code or ordinance.

8.9.2 Responsible Parties (except food enterprises) shall group landfill trash, recycling, and organic diversion containers and chutes in common collection areas for equal convenience to residents, tenants, and employees when common collections areas are provided.

8.9.3 All containers at indoor collection areas, when provided, shall be labeled or otherwise clearly identified to indicate the materials intended for each container.

8.9.3.1 Container identification language and graphics should encourage proper diversion of landfill trash, recycling, and divertible organic materials.

8.9.3.2 The City recommends a signs, labels, and container identification ~~at each collection point;~~ with the following minimum standards:

8.9.3.2.1 Containers labeled "Landfill Trash," "Recycling," or "Organics" or "Compostables."

8.9.3.2.2 Signage indicating common types of material collected in "Landfill Trash," "Recycling," or "Organics" or "Compostables" diversion containers.

8.9.3.2.3 The following colors to be prioritized in sign or label design: black for "Landfill Trash," blue for "Recycling," and green for "Organics" or "Compostables."

8.9.3.2.4 ~~A minimum of two languages to be provided for container identification.~~ A minimum of English and Spanish languages to be provided.

8.9.3.2.4.1 Spanish language may be substituted for an alternate language only as required and deemed appropriate by the Responsible Party.

## **8.10 Promotion and Education**

8.10.1 Responsible Parties shall ensure signage and education informs residents, tenants, or employees , as follows:

8.10.1.1 On an annual basis, at minimum.

8.10.1.2 Within thirty (30) days of employment or becoming a tenant.

8.10.1.3 Within 30 days of changes in materials accepted.

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8.10.1.4 To all employees, tenants, and businesses within ninety (90) days after an affected property's URO effective date and annually thereafter.

8.10.2 Responsible Parties shall ensure signage and education informs residents, tenants, or employees in electronic or printed format of available on-site landfill trash, recycling, and organics diversion services that indicates:

8.10.2.1 Materials Accepted.

8.10.2.2 Location of indoor common collection areas.

8.10.2.3 Location of exterior diversion containers or collection points (only required for residents, tenants, or employees that utilize exterior diversion containers).

8.10.2.4 A minimum of English and Spanish languages are to be provided.

8.10.2.4.1 ~~Spanish language may be substituted for an alternate language~~ An alternate language for Spanish may be substituted only as required and deemed appropriate by the Responsible Party or Service Provider. The Director reserves the right to review and approve language substitutions.

8.10.2.4.2 ~~The Director reserves the right to review and reject language substitutions.~~

8.10.3 Responsible Parties shall document that recycling program information has been provided to employees and tenants.

8.10.4 The City of Austin may provide general promotional material such as posters, introductory letters, and signage. If requested, the City may also provide information, guidance, and training, for site-specific programs.

#### **~~8.11 — Self-Haul Semi-Annual Quantity Report~~**

8.11.1 ~~Self-Hauler Semi-Annual Quantity Report — Responsible Parties who self-haul materials to a landfill, recycling, or organics diversion facility must file a Semi-Annual Volume Report with the City.~~

8.11.2 ~~Quantity reports are due on or before January 31 (for reporting period July 1 — December 31) and July 31 (for reporting period January 1 — June 30) of each year. When the specified semi-annual report dates fall on a Saturday, Sunday or City holiday, the report is due on the next business day.~~

8.11.3 ~~Responsible Parties, who procure hauling services from a third party, are responsible for ensuring that their hauler provides the documentation necessary for completion of the report.~~

8.11.4 ~~If a Responsible Party has a written contract with terms that are compliant with the Universal Recycling Ordinance, and serviced by a City-licensed hauler, the property owner will be deemed compliant with the Semi-Annual Quantity Report requirement for the purpose of this ordinance.~~

#### **8.11 Waiver Process**

8.11.1 Responsible Parties may submit requests for waivers for the following provisions to the Director on the ~~Recycling Plan~~ Annual Diversion Plan or other form provided by the City. Waivers may be granted for:

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- 8.11.1.1 Capacity. Reference Section 8.5, Capacity and Diversion Performance Standards.
- 8.11.1.2 Alternative material substitution. Reference Section 8.7, Recyclable and Organic Materials.
- 8.11.1.3 Lack of sufficient material quantities. Reference Section 8.7, Recyclable and Organic Materials.
- 8.11.1.4 Restrictions on placement of exterior diversion containers. Reference Section 8.8, Exterior Collection Areas, Points, and Containers
- 8.11.1.5 Other provisions on a case by case basis as agreed by the Director in writing.
- 8.11.2 During a sixty (60) day waiver review period, which begins when the Department receives an accurately completed waiver request, the Department ~~has the right to~~ will:
  - ~~8.11.2.1~~ Review the waiver request
  - 8.11.2.2 Notify the Responsible Party if the Department has denied the waiver request
  - 8.11.2.3 Not cite a Responsible Party for non-compliance with the subject of the waiver request
- 8.11.3 If the Department does not contact the Responsible Party within the waiver review period, the waiver request will be deemed accepted by the Director.
- 8.11.4 Affected property owners may not file for a waiver more frequently than once per year.

**8.12 Compliance and Enforcement**

- 8.12.1 In order to investigate a complaint or evaluate whether an ordinance violation has occurred, City of Austin staff have the right to visit and inspect the premises as provided in Section 15-6-82 of the Austin City Code.
- 8.12.2 Onsite inspection, with or without notice, may be conducted by City staff to verify compliance with the Code of Ordinances and these rules.
- 8.12.3 Implementation Period - In the twelve months following the commencement of Effective Dates (referred to as the "Implementation Period"), City staff will not enforce fines, unless the property fails to make a good faith effort, as determined by the Director, to comply. Reference Section 8.2, Applicability.
- 8.12.4 Enforcement - Following conclusion of the Implementation Period, all affected properties may be subject to penalties and fines as allowed through the enforcement of this ordinance and rules.
- 8.12.5 City staff will be available to assist ~~property owners, or onsite managers~~ Responsible Parties, by providing guidance, technical assistance, and information on request.
- 8.12.6 First Written ~~Notice~~ Letter of Non-Compliance
  - 8.12.6.1 City staff performs a site visit to determine compliance. This visit can be triggered by a staff review or by a complaint.
  - 8.12.6.2 If ~~property~~ Responsible Party is found to be in violation of the ordinance, City staff issues first written notice of non-compliance, giving the property at least 30 days to come into compliance with the ordinance.

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- 8.12.6.3 City staff will send notices of non-compliance to the ~~registered agent or the property owner~~ Responsible Party.
- 8.12.6.4 City staff may perform a follow up site visit, after the First Written Notice has expired, or at the request of the ~~property owner or manager~~ Responsible Party, to determine compliance.
- 8.12.7 Second Written ~~Notice~~ Letter of Non-compliance
- 8.12.7.1 If ~~property~~ Responsible Party remains in violation of the ordinance after at least 30 days of the First Written Notice, City staff issues the Second Written Notice of non-compliance, giving the ~~business~~ Responsible Party at least 30 days to come into compliance.
- 8.12.7.2 City staff will send notices of non-compliance to the ~~registered agent or the property owner~~ Responsible Party.
- 8.12.7.3 After expiration of the second notice, or at the request of the ~~property owner or manager~~ Responsible Party, City staff will perform a site visit to determine compliance.
- 8.12.7.4 The City reserves the right after the second written notice to review at ordinance premises, invoices for landfill trash, recycling, or organics diversion; including by not limited to hauling contracts, valet recycling contracts, scale receipts, materials management programs, educational activities, certifications, and self-haul activities to verify compliance with these Rules.
- 8.12.7.4.1 The Responsible Parties shall respond within fifteen (15) days to a request from the City to review records for compliance with these Rules.
- 8.12.8 Sec. 15-6-128 of the Austin City Code provides in part:
- 8.12.8.1 A person, or entity, that violates a provision of this chapter, or fails to perform a duty required of the person under this chapter, commits an offense. Each infraction is an offense for each day, or part of the day, during which a violation is committed, continued, or permitted.
- 8.12.8.2 An offense or infraction under this chapter is punishable by a fine of not more than \$2,000 and, upon a first conviction, not less than \$100.
- 8.12.8.3 In addition to being subject to criminal enforcement and penalties as provided in this section, a person, organization, corporation, or licensee that violates or causes or permits the violation of any of the provisions of this chapter commits a civil offense and is civilly liable to the City for an amount not to exceed \$2,000 for each violation.
- 8.12.8.4 In any instance where a person or corporation's violation of this chapter creates or exacerbates an adverse public health or safety condition related to wet or dry solid waste material accumulation, release, or dispersal, the City may immediately abate the conditions in question without notice and charge the person or licensee for any and all costs and fees incurred by City staff or any entity acting on its behalf for the abatement, cleaning, removal, or remediation of any location adversely affected by the violation of this chapter.

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8.12.9 Citation for Non-Compliance – If the property Responsible Party remains non-compliant after the expiration of the Second Written Notice of non-compliance:

8.12.9.1 City staff will issue a citation, or administrative fine, and may refer the case to Municipal Court.

8.12.9.2 A citation provides the property owner the option to pay the fine or set a date for trial.

8.12.10 Further Legal Action - If a property Responsible Party remains non-compliant following citations, the case may be referred for further legal action.

8.12.11 No sooner than 30 days after a second written notice, and continuing non-compliance, will an offense be punishable by a fine not to exceed \$2,000 as described in City Code 15-6-128.

8.12.12 Fines are not to exceed \$2,000 for each violation or infraction. A licensee Responsible Party is liable for a separate violation for each day or part of a day during which a violation is committed, continued, or permitted.

**11.0 Definitions (NOTE: Only listing newly added definitions)**

- FOOD ENTERPRISE includes a food establishment, food process plant, certified farmers market vendor, temporary food establishment, mobile food establishment, or mobile food court that requires a food permit under Section 10-3-61.
- RESPONSIBLE PARTY means a property owner, manager, tenant, or individual designated by the property owner who contracts for or manages the affected property's landfill trash, recyclable or compostable organics diversion management services.
- TENANT means a person who occupies land or property rented from a landlord over thirty-one (31) calendar days.
- VECTOR POPULATION means an organism population that carries a disease or parasite.

Means a person, animal, or microorganism that does not cause disease itself transfers or transmits an infective agent, foreign material, or disease from one host to another.

**RESPONSIBLE PARTY means**