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| Title Prohibition of Recyclables in Garbage | CITY CLERK | Number SW-402.1 | Rev. no. 1 |
| Responsibility Solid Waste Division | | Supersedes DR-01-04 | Pages 4 |
| SPU Director's Approval  | | Effective Date May 1, 2014 | |

1. **PURPOSE**

Seattle Municipal Code (SMC) 21.36.082, 21.36.083, and 21.36.922 prohibits the disposal of certain recyclable materials in the garbage by businesses and residents with penalties to be imposed for noncompliance. SMC 21.36.05 also prohibits the disposal of yard waste in the garbage by residents.

Commercial businesses have been required to recycle paper, cardboard and yard waste and City residents have been required to recycle not only paper, cardboard and yard waste but also bottles and cans. SMC 21.36.082 and 21.36.922 expands the list of materials that must be recycled for all commercial establishments, including those entities authorized to haul their own waste pursuant to SMC 21.36.060. Those items include glass bottles and jars, plastic and paper cups, plastic bottles and jars as well as aluminum and tin cans.

2. **RULE**

A. Commercial Establishments

- 1) Significant amounts of recyclables in the garbage for commercial establishments mean that any of the following, alone or in combination, make up more than 10 percent by volume of the contents of a garbage can, detachable container or drop box, as determined by visual inspection by an SPU inspector or contractor: Recyclable paper (including paper cups), recyclable cardboard, glass bottles and jars, plastic bottles and cups, aluminum and tin cans and yard waste. Food-soiled paper or otherwise contaminated paper and cardboard are not considered recyclable for purposes of this rule.
- 2) As of January 1, 2014 an educational outreach program regarding the recyclable materials added to the list of those subject to the garbage disposal bans for commercial establishments shall be implemented by SPU.
- 3) As of July 1, 2014, SPU will monitor commercial containers and provide educational notices or tags for commercial garbage cans, detachable containers and drop boxes with significant amounts of recyclable paper and cardboard, glass bottles and jars, plastic bottles and cups, aluminum and tin cans and yardwaste.

- 4) As of July 1, 2015, the presence of significant amounts of recyclables in a commercial garbage can, detachable container and drop box is a \$50 civil fine with statutory assessments and may be imposed on commercial customers after two warning notices are mailed to the garbage account customer at the address in SPU's customer records.

B. Residential – Can Customers

- 1) Significant amounts of recyclables in the garbage for residential cans mean that any of the following, alone or in combination, make up more than 10 percent by volume of the contents of a garbage can, as determined by visual inspection by an SPU inspector or contractor: recyclable paper, recyclable cardboard, glass or plastic bottles and jars, aluminum or tin cans and yard waste. Food soiled paper or otherwise contaminated paper and cardboard are no considered "recyclable" for purposes of this rule.
- 2) A residential can customer whose garbage can contains significant amounts of recyclables is subject to receiving educational notice tags on the container or by mail.
- 3) Residential garbage cans set out for curb/alley collection that contain significant amounts of recyclables are subject to being left unserved with tagging by the contractor about the need to remove recyclables before collection.

C. Residential – Detachable Container and Drop Box Accounts

- 1) Significant amounts of recyclables in the garbage for detachable containers and drop boxes mean that any of the following, alone or in combination, make up more than 10 percent by volume of the contents of a garbage can, as determined by visual inspection by an SPU inspector or contractor: recyclable paper, recyclable cardboard, glass or plastic bottles and jars, aluminum or tin cans and yard waste. Food soiled paper or otherwise contaminated paper and cardboard are no considered recyclable for purposes of this rule.
- 2) A residential detachable container or dropbox customer whose garbage can contains significant amounts of recyclables is subject to receiving educational notice tags on the container or by mail.
- 3) The presence of significant amounts of recyclables in the garbage in a detachable container or drop box may result in an additional charge to the customer of \$50 per collection after two warning notices have been mailed to the garbage account customer at the address in SPU's customer records.

D. City Transfer Stations

- 1) Significant amounts of recyclables mean that any of the following, alone or in combination, make up more than 10 percent by volume of a self-haul vehicle's load to be deposited as garbage, as determined by visual inspection by a scale house operator or transfer station floor monitor: recyclable paper, recyclable cardboard, glass or plastic bottles and jars, aluminum or tin cans and yard waste. Food-soiled or otherwise contaminated paper and cardboard are not considered recyclable for purposes of this rule.

- 2) Customers whose garbage taken to a City transfer station contains a significant amount of recyclables will be informed that they will need to separate recyclables.
- 3) If self-haul customers have loads of garbage with significant amounts of recyclables, they will be instructed to separate the designated recyclables at or away from the City transfer station. Loads containing significant amounts of recyclables will not be accepted in the garbage disposal areas of the City transfer stations.

E. Determination of Garbage Account Customer Responsibility

- 1) Space Limitations – Existing and New Structures
 - a. Commercial and multifamily customers in existing structures may be exempted by the Director from all or portions of this rule, in writing, if the Director or designee determines through a site visit requested by the customer, that there is not adequate storage space for recyclable materials on site and that it is infeasible for the customer to share a recyclable container with a customer on the adjoining property. If the Director or designee determines that it is feasible for recycling containers to be placed on site or shared with an adjoining customer at no additional cost, then that customer will be responsible for compliance with the rule.
 - b. New or expanded structures permitted in commercial zones and expanded multifamily structures may be exempted by the Director from all or portions of this rule if the Director or her/his designee determines compliance is not feasible due to demonstrated difficulty in meeting the solid waste and recyclable materials storage space specifications required under SMC 23.47.029 subsections A, B, C, and D.
- 2) Placement of Recyclables in Garbage Containers by the Public
 - a. The Director or designee will develop a garbage container exclusion list of commercial cans, detachable containers and drop boxes that will be excluded from inspection for compliance with the recycling requirements of this rule due to public access that is likely to result in recyclables being deposited in those containers by the public. This list could include publicly available litter cans in publicly open areas such as the street, park, promenade, plaza, public concession areas of sports stadiums or the like.
 - b. Upon request a SPU inspector shall meet with operations personnel of educational and health institutions, public transportation and entertainment facilities, hotels and mixed use buildings to determine which garbage containers receive substantial waste from the general public in the public access areas of the property and should be on the garbage container exclusion list. Garbage containers the Director determines are expected to receive waste exclusively from employees, residents or guests will not be placed on the exclusion list.
 - c. On a case by case basis, a garbage customer shall not be held responsible for recyclables deposited by the public in curb/alley containers located outside a premise on a public street or alley if the customer demonstrates to the Director that: (1) the public was the source of the recyclables and (2) the customer has a recycling collection service for those types of recyclables that are prohibited in that customer's

garbage or a free lock for the garbage container was either not offered by the City or, if offered and accepted, was not received by the customer.

- d. A hotel, inn or similar facility will not be held responsible for recyclables deposited in individual room garbage containers by its guests if the facility has a method and system for guests to recycle paper (including paper cups), cardboard, cans and bottles as well as plastic cups. This system shall include instructions for the guests on the means of recycling as well as the fact that the paper, cardboard, cans and bottle recycling is a requirement of the City of Seattle.

3) Multiple Building Situations

The Director of SPU may reach a tailored agreement with a housing authority, large institution, or private business with multiple buildings and operations on how to apply the definition of significant amounts of recyclables in the garbage across multiple buildings while preserving the spirit and intention of this rule.

3. AUTHORITY/REFERENCES

- SMC 21.36.082 Commercial Recycling Required
- SMC 21.36.083 Residential Recycling Required
- SMC 21.36.922 Civil Infractions
- Ordinance 121372, Prohibiting certain recyclable materials from disposal in residential, commercial and self-haul garbage (2004)
- Ordinance 124313, Prohibiting certain recyclable materials from disposal in commercial garbage (2013)