#7
06/17/11

ORDINANCE _____

AN ORDINANCE relating to the solid waste system of Seattle Public Utilities; prohibiting certain recyclable concrete, bricks, and asphalt paving from disposal in construction and demolition garbage containers and railhead intermodal containers, as well as at the City's transfer stations; establishing enforcement provisions; adding Section 21.36.089 to the Seattle Municipal Code; and amending Section 21.36.922.

WHEREAS, City Council Resolution 30990 established new recycling goals for the City and provided direction on waste reduction and recycling programs, including those for construction and demolition wastes; and

WHEREAS, City recycling surveys have found aggregate materials, such as concrete, bricks, and asphalt paving, constitute a significant amount of construction and demolition waste material; and

WHEREAS, City recycling surveys have also found well-established, local end-markets are capable of providing for the reuse and recycling of such concrete, bricks, and asphalt paving; and

WHEREAS, since 1993 the City has required concrete, cement concrete and asphalt recycling in City public works projects; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Section 21.36.089 of the Seattle Municipal Code is added as follows:

21.36.089 Concrete, bricks, and asphalt paving -- recycling required

A. Recycling Required. As of January 1, 2012, all construction and demolition sites shall separate out readily recyclable concrete, bricks, and asphalt paving for reuse on or off site and/or recycling, and such quantities of concrete, bricks, and asphalt paving shall not be deposited in construction and demolition site garbage containers for disposal at a public or private transfer station, railhead intermodal containers, or in the garbage disposal areas at the City's Recycling and Disposal Stations after that date.

B. Enforcement.

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1. As of January 1, 2012, the Director of Seattle Public Utilities shall begin a program of educational outreach regarding these new recycling requirements.

2. As of January 1, 2013, civil infractions shall apply to any violation of this section pursuant to Section 21.36.922.

C. Exceptions. The recycling requirement will not apply where concrete, bricks, and asphalt paving are painted, have hazardous constituents, are difficult to separate from other materials (such as wood), are present only in very small quantities, or are generated during disaster emergency situations where disaster debris needs to be removed quickly and recycling options are not available.

Section 2. Section 21.36.922 of the Seattle Municipal Code is amended as follows:

21.36.922 Civil Infractions ((.))

A. The violation of or failure to comply with any section of this chapter identified in this section is designated as a civil infraction and shall be processed as contemplated by RCW Chapter 7.80.

B. The violation of or failure to comply with <u>any of</u> the following sections is a Class 1 civil infraction under RCW 7.80.120:

((~~SMC~~)) Section 21.36.415 (Discarding potentially dangerous litter), except that the maximum monetary penalty and default amount is ((~~Five Hundred Dollars ($500.00)~~))<u>$500</u>, not including statutory assessments

((~~SMC~~)) Section 21.36.420 (Unlawful dumping of solid waste)

((~~SMC~~)) Section 21.36.084 (Prohibition on use of expanded polystyrene food service products)

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((~~SMC~~)) Section 21.36.086 (Compostable or recyclable food service ware required)

Section 21.36.089 (Concrete, bricks, and asphalt paving -- recycling required)

C. The violation of or failure to comply with any of the following sections shall be a civil infraction and subject as a Class 3 civil infraction under RCW 7.80.120 to a maximum monetary penalty and default amount of ((~~Fifty Dollars ($50.00)~~))$50, not including statutory assessments:

((~~SMC~~)) Section 21.36.044 (Containers required -- Nonresidential)

((~~SMC~~)) Section 21.36.082 (Commercial recycling required)

((~~SMC~~)) Section 21.36.410 (Littering)

((~~SMC~~)) Section 21.36.425 (Accumulation of solid waste)

((~~SMC~~)) Section 21.36.430 (Unlawful use of City litter receptacles)

((~~SMC~~)) Section 21.36.440 (Unlawful use of solid waste container on private property)

* * *

Section 3. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2011, and signed by me in open session in authentication of its passage this _____ day of _____, 2011.

_____
President _____of the City Council

Approved by me this ____ day of _____, 2011.

_____
Michael McGinn, Mayor

Filed by me this ____ day of _____, 2011.

_____
City Clerk

(Seal)

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Form revised: August 9, 2010

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Seattle Public Utilities	Gabriella Uhlar-Heffner/6-9772	Karen Grove/4-5805

Legislation Title: AN ORDINANCE relating to the solid waste system of Seattle Public Utilities; prohibiting certain recyclable concrete, bricks, and asphalt paving from disposal in construction and demolition garbage containers and railhead intermodal containers, as well as at the City's transfer stations; establishing enforcement provisions; adding Section 21.36.089 to the Seattle Municipal Code; and amending Section 21.36.922.

Summary of the Legislation: The proposed ordinance would ban the disposal of readily recyclable asphalt paving, bricks and concrete in construction and demolition (C&D) job site disposal containers, in railhead intermodal containers, and in the garbage disposal areas of the City's transfer stations beginning January 1, 2012.

Background: Council Resolution 30990 established new recycling goals for the City and provided direction on waste reduction and recycling programs, including programs for construction and demolition waste. Concrete and asphalt paving can comprise a significant percentage of the construction and demolition material generated in the city. City recycling surveys conducted from 2007 through 2009 found asphalt paving, bricks and concrete are recycled at a rate of about 90%. This legislation supplements a similar recycling requirement for concrete, cement concrete and asphalt generated in the process of City street, bridge, drainage or other public works projects performed by or under contract with the City.

SPU will inform construction and demolition contractors, building permit applicants and transfer station customers of these new requirements starting in the third quarter of 2011 and throughout 2012. Beginning on January 1, 2013, it will be a civil infraction to dispose of such materials.

Under the proposed legislation, exceptions to this recycling requirement would include concrete, bricks and asphalt paving materials which are painted, have hazardous constituents, or are combined with other materials where separation is difficult. The legislation also excludes concrete, bricks and asphalt paving present in only small quantities and when these materials are a component of disaster debris which needs to be removed quickly and where recycling options are not available.

Please check one of the following:

____ **This legislation does not have any financial implications.**
(Stop here and delete the remainder of this document prior to saving and printing.)

__X__ **This legislation has financial implications.** (Please complete all relevant sections that follow.)

Approval of this legislation would require SPU to perform outreach to customers and assign

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commercial solid waste field inspectors to undertake periodic monitoring of construction site job containers and at the City transfer stations to ensure that significant quantities of recyclable concrete, bricks and asphalt paving are not being disposed. These new efforts can be incorporated into SPU's existing workload. SPU is not requesting new position authority or appropriation authority to perform this work.

What is the financial cost of not implementing the legislation:
No direct financial cost to the City.

Does this legislation affect any departments besides the originating department?
No, SMC 21.36.088 regarding "Concrete and Asphalt Recycling" already directs the recycling of concrete, cement concrete or asphalt generated in the process of City street, bridge, drainage or other public works whether those projects are performed by or under contract with the City.

What are the possible alternatives to the legislation that could achieve the same or similar objectives? Information is currently provided to interested construction and demolition contractors regarding recycling options for different materials through the King County/Seattle Construction Recycling Directory, the Resource Venture website and technical assistance hotline and the King County Green Tools website. These efforts could be strengthened.

Is the legislation subject to public hearing requirements: No.

Other Issues (*including long-term implications of the legislation*): None.

List attachments to the fiscal note below: None.

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City of Seattle
Office of the Mayor

February 15, 2011

Honorable Richard Conlin
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Conlin:

I am transmitting the attached proposed Council Bill which would prohibit disposal of recyclable construction and demolition waste in construction and demolition site disposal containers, railhead intermodal containers, and the garbage disposal areas at Seattle's transfer stations.

Council Resolution 30990 established new recycling goals for the City and provided direction on waste reduction and recycling programs including those for construction and demolition waste. Concrete and asphalt paving can represent a significant amount of construction and demolition material generation. Seattle Public Utilities' recycling surveys have found asphalt paving, bricks and concrete have a high reuse and recycling rate of at least 90% with well established local end markets. This proposed disposal ban would supplement an existing requirement for the recycling of concrete and asphalt paving generated in the process of City street, bridge, drainage and other public works, whether those projects are performed by the City or under contract with the City. SPU will inform construction and demolition contractors, Department of Planning and Development permit applicants and City transfer station customers of these new requirements starting in the third quarter of this year. Beginning in 2013, it will be considered a civil infraction to dispose of such materials. The recycling requirement would not apply to asphalt, bricks and concrete materials that are painted, have hazardous components, or are combined with other materials. Also excluded from the recycling requirement are concrete, bricks and asphalt paving materials present in only small quantities.

This legislation is one more in a long series of steps Seattle is taking to reduce the volume of material generated in the city that ends up in a landfill. If you have any questions, please contact Hans VanDusen at 684-4657.

Sincerely,

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Michael McGinn, Mayor
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