

#8

**CITY OF SEATTLE**  
**ORDINANCE** \_\_\_\_\_  
COUNCIL BILL 117657

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3  
4 AN ORDINANCE relating to the solid waste system of Seattle Public Utilities; prohibiting  
5 recyclable material from disposal in construction and demolition garbage containers and  
6 railhead intermodal containers, as well as at the City's transfer stations; establishing a  
7 construction waste recycling facility certification program; requiring the submittal of  
8 waste diversion reports by certain construction and demolition waste generators; and  
9 amending Seattle Municipal Code Sections 21.36.089 and 21.36.922.

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

13 WHEREAS, the City discussed construction and demolition (C&D) material recycling program  
14 options with industry stakeholders during the fall of 2010, which included mandatory  
15 C&D recycling for certain generators with submittal to the City of waste diversion  
16 reports, landfill disposal bans on targeted C&D materials, and recycling facility  
17 certification; and

18 WHEREAS, the City adopted a disposal ban on concrete, bricks and asphalt paving from all  
19 construction and demolition garbage containers effective January 1, 2012, as a result of  
20 the 2010 stakeholder discussions; and

21 WHEREAS, the City conducted recycling potential assessment modeling for new C&D  
22 recycling programs as part of its Comprehensive Solid Waste Management planning  
23 process and found a 70 percent Citywide recycling goal for construction and demolition  
24 waste is achievable by 2020 through a variety of new recycling program options; and

25 WHEREAS, the City undertook a public review to get feedback on the draft Comprehensive  
26 Solid Waste Management Plan during the fall of 2011 and found stakeholders are  
27 supportive of continued City promotion of voluntary industry-driven programs such as  
28 LEED and Built Green; deconstruction and voluntary salvage assessment services; a  
C&D recycling facility certification program identifying qualifying facilities; and phased-  
in disposal bans for targeted C&D materials as end markets become well established;  
NOW, THEREFORE

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

1 Section 1. Section 21.36.089 of the Seattle Municipal Code is amended to read as  
2 follows:

3 **21.36.089 ~~((Concrete, bricks and asphalt paving recycling required))~~ Construction and**  
4 **Demolition Waste Recycling Required**

5 A. Recycling Required.

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

12 2. As of January 1, 2014, all construction and demolition projects shall separate out readily  
13 recyclable metal (ferrous and non-ferrous), cardboard, carpet, plastic film wrap and new  
14 construction gypsum scrap for reuse on or off site, recycling and /or beneficial use, and these  
15 materials shall not be deposited in construction and demolition site garbage containers for  
16 disposal at a public or private transfer station, railhead intermodal containers, or in the garbage  
17 disposal areas at the City's Recycling and Disposal Stations after that date.

18 3. As of January 1, 2015, all construction and demolition projects shall separate out readily  
19 recyclable unpainted and untreated wood and tear-off asphalt roofing shingles for reuse on or off  
20 site, recycling and /or beneficial use, and these materials shall not be deposited in construction  
21 and demolition site garbage containers for disposal at a public or private transfer station, railhead  
22 intermodal containers, or in the garbage disposal areas at the City's Recycling and Disposal  
23 Stations after that date.

24 B. ~~((Enforcement))~~ Educational Outreach.

25 1. As of January 1, 2012, the Director ~~((of Seattle Public Utilities))~~ shall begin a program of  
26 educational outreach regarding these new recycling requirements for concrete, bricks and asphalt  
27 paving.

1 2. (~~As of January 1, 2013, civil infractions shall apply to any violation of this section pursuant to~~  
2 ~~Section 21.36.922.~~) As of January 1, 2014, the Director shall begin a program of educational  
3 outreach regarding these new recycling requirements for metal, cardboard, carpet, plastic film  
4 wrap and new construction gypsum scrap.

5 3. As of January 1, 2015, the Director shall begin a program of educational outreach regarding  
6 these new recycling requirements for unpainted and untreated wood and tear-off asphalt roofing  
7 shingles.

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

13 1. As of January 1, 2013, civil infractions shall apply to any violation of subsection A.1 pursuant  
14 to Section 21.36.922.

15 2. As of January 1, 2015, civil infractions shall apply to any violation of subsection A.2 pursuant  
16 to Section 21.36.922.

17 3. As of January 1, 2016, civil infractions shall apply to any violation of subsection A.3 pursuant  
18 to Section 21.36.922.

19 D. Exceptions.

20 1. The recycling requirements under this section will not apply where construction and  
21 demolition wastes are painted, have hazardous or asbestos containing constituents, are difficult to  
22 separate from other materials, are present only in very small quantities, or are generated during  
23 disaster emergency situations where disaster debris needs to be removed quickly and recycling  
24 options are not available.

25 2. In accordance with the Administrative Code, Chapter 3.02, the Director may adopt a different  
26 implementation schedule for any one of the recyclable materials in this section if end markets for  
27 these materials are not available or in the event of local receiving or recycling facility closures.

1 E. Qualified Receiving and Recycling Facilities and Waste Diversion Reports.

2 1. Qualified Receiving and Recycling Facilities. In accordance with the Administrative Code,  
3 Chapter 3.02, the Director shall adopt administrative rules to establish criteria for identifying  
4 qualified receiving and recycling facilities that meet C&D recycling requirements. The criteria  
5 shall address, at a minimum, compliance with solid waste permitting requirements, quarterly  
6 reporting on the quantities and types of incoming and outgoing C&D materials, and performance  
7 standards for the allowable quantities of targeted recyclable material in residuals bound for  
8 landfill disposal. The Director shall publish an initial list of qualified receiving and recycling  
9 facilities by January 1, 2014.

10 2. Waste Diversion Reports. As of January 1, 2014, construction and demolition projects shall  
11 be required to submit waste diversion reports of the quantities, types and delivery destinations of  
12 materials generated at construction and demolition projects within 60 days of final inspection  
13 approval. In accordance with the Administrative Code, Chapter 3.02, the Director shall adopt  
14 administrative rules governing the submission of waste diversion reports, which must include, at  
15 minimum, the quantities and destinations of C&D materials delivered to qualified receiving and  
16 recycling facilities.

17 3. As of January 1, 2015, civil fractions shall apply to any violations of this subsection E  
18 pursuant to Section 21.36.922.

19 F. Definitions. For purposes of this section, the term “construction and demolition project”  
20 means a location or project site for which a person is required to obtain a permit from the  
21 Department of Planning and Development under Section 106 of the Building Code or Section  
22 R105 of the Residential Code.

23  
24 Section 2. Section 21.36.922 of the Seattle Municipal Code is amended to read as  
25 follows:

26 **21.36.922 Civil Infractions**  
27  
28

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

3 B. The violation of or failure to comply with any of the following sections is a Class I civil  
4 infraction under RCW 7.80.120:

5 Section 21.36.415 (Discarding potentially dangerous litter), except that the maximum monetary  
6 penalty and default amount is \$500, not including statutory assessment

7 Section 21.36.030 (Unlawful hauling of City's Waste – Exceptions)

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

9 Section 21.36.086 (Compostable or recyclable food service ware required)

10 Section 21.36.089 (~~Concrete, bricks and asphalt paving – recycling required~~) Construction and  
11 Demolition Waste Recycling Required

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

4 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2012, and  
5 signed by me in open session in authentication of its passage this  
6 \_\_\_\_ day of \_\_\_\_\_, 2012.

7 \_\_\_\_\_  
8  
9 President \_\_\_\_\_ of the City Council

10  
11 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2012.

12 \_\_\_\_\_  
13  
14 Michael McGinn, Mayor

15  
16 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2012.

17 \_\_\_\_\_  
18  
19 Monica Martinez Simmons, City Clerk

20 (Seal)

**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Seattle Public Utilities	Hans Van Dusen 684-4657	Karl Stickel 684-8085

**Legislation Title:** AN ORDINANCE relating to the solid waste system of Seattle Public Utilities; prohibiting recyclable material from disposal in construction and demolition garbage containers and railhead intermodal containers, as well as at the City's transfer stations; establishing a construction waste recycling facility certification program; requiring the submittal of waste diversion reports by certain construction and demolition waste generators; and amending Seattle Municipal Code Sections 21.36.089 and 21.36.922.

**Summary of the Legislation:** The proposed ordinance would ban disposal of recyclable metal, cardboard, carpet, plastic film wrap and new construction gypsum scrap as of January 1, 2014 and ban disposal of recyclable wood and asphalt shingles as of January 1, 2015. These disposal bans would be for wastes from construction and demolition projects only. Project jobsite and facility inspections would take place during the first year of the disposal bans with a focus on education followed by enforcement activities in subsequent years which could include civil fines for non-compliance.

The SPU Director would also be required to adopt Administrative Rules to establish criteria for identifying qualified receiving and recycling facilities that these meet Construction and Demolition (C&D) recycling requirements. The criteria would address compliance with solid waste permitting requirements, quarterly reporting on the quantities and types of incoming and outgoing C&D materials and performance standards for the maximum quantities of targeted recyclable material in residuals bound for landfill disposal. SPU would provide lists of qualified facilities to all construction and demolition project operators to help them comply with the new disposal bans.

Finally, construction and demolition projects would be required to submit waste diversion reports of the quantity, type and delivery destination of materials generated within 60 days after the Final Permit has been issued by the Department of Planning and Development.

**Background:** Council Resolution 30990 established new recycling goals for the City and provided direction on recycling programs, including construction and demolition waste recycling. The City reviewed recycling program options with industry stakeholders during the fall of 2010 and again in 2011 as part of its Comprehensive Solid Waste Management planning process. These program options focused on the significant amount of recyclable materials still destined for disposal. Stakeholders were supportive of a facility certification program, identifying qualifying recycling facilities, and phased-in disposal bans for targeted C&D materials. These programs will contribute to a 70 percent recycling level for construction and demolition waste by 2020.

Please check one of the following:

This legislation does not have any financial implications.

This legislation has financial implications.

**Appropriations:**

Fund Name and Number	Department	Budget Control Level*	2012 Appropriation	2013 Anticipated Appropriation
<b>TOTAL</b>				

\*See budget book to obtain the appropriate Budget Control Level for your department.

Appropriations Notes:

No new appropriations are needed. Cost associated with this legislation will be covered within SPU's adopted and endorsed budget for the Other Operating Budget Control Level (N-400B-SW BCL) and includes:

- 1) \$17,500 for an anticipated 2013 payment to DPD IT to modify its Hansen Permitting System to link to a new waste diversion report and provide reminders to building permit holders to complete reports within 60 days of final inspection.
- 2) \$47,500 per year anticipated payment to DPD for 2014 and 2015 for the time of an equivalent 0.5 FTE at DPD's Intake Desk for educational purposes regarding the disposal bans, qualified receiving and recycling facilities, and submittal of waste diversion reports within 60 days of final inspection.
- 3) Additional SPU outreach, inspection, and residual sampling activity will be provided with existing program resources.

*SPU will cover all appropriations above without changes to SPU's 2013 proposed rates or aggregate budget.*

**Total Regular Positions Created, Modified, or Abrogated through this Legislation, Including FTE Impact:**

Position Notes:

No SPU positions are created. This legislation creates specific work DPD has agreed to manage in 2013-2014, but now will be delayed until 2014-2015. SPU will work with DPD on formalizing this arrangement through an MOA, which will outline the budget agreement to cover this workload. The result of this agreement may include a future request for position authority within DPD.

The DPD work is expected to sunset at the end of 2015. The workload for the DPD intake desk will focus on educating contractors regarding disposal bans, qualified facilities for the recycling requirements, and the need to submit a Waste Diversion Report. This work will sunset once the

contracting community becomes attuned to these new requirements.

**Other Implications:**

- a) **Does the legislation have indirect financial implications, or long-term implications?**

No

- b) **What is the financial cost of not implementing the legislation?**

None

- c) **Does this legislation affect any departments besides the originating department?**

Yes. Department of Planning and Development (DPD) will provide information to relevant applicants regarding the new recycling requirements, the list of 'qualified' receiving facilities, and the required waste diversion form to be complete after final inspection. DPD IT will modify its Hansen Tracking system so that reminders are sent to building permit holders regarding submittal of the waste diversion report. DPD staff will not be responsible for auditing the waste diversion reports or enforcement of the landfill disposal bans. This will be performed by SPU.

- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?**

In developing this legislation, SPU also considered requirements for overall recycling performance of construction projects, recycling reporting approval prior to occupancy, performance thresholds for recycling facilities, and other policy options. Industry stakeholder input, conducted from 2010 to 2012, favors the final legislation over the alternatives. The City adopted similar disposal ban legislation in 2011 for concrete, bricks and asphalt paving from construction and demolition projects.

- e) **Is a public hearing required for this legislation?**

No

- f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

No

- g) **Does this legislation affect a piece of property?**

No

- h) **Other Issues:**

**List attachments to the fiscal note below:**



City of Seattle  
Office of the Mayor

August 21, 2012

Honorable Sally J. Clark  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

Dear Council President Clark:

I am transmitting the attached proposed Council Bill which would prohibit landfill disposal of recyclable metal, cardboard, carpet, plastic film wrap and new construction gypsum scrap starting next year. It would also ban landfill disposal of recyclable unpainted and untreated wood and tear-off asphalt shingles as of January 1, 2014 and direct SPU to set up a program to identify and publish a list of "qualified receiving and recycling facilities" which meet Construction and Demolition (C&D) recycling requirements. Building permit applicants would be required to submit a waste diversion report to the Department of Planning and Development after project completion of where construction job site materials were delivered for reuse, recycling and disposal in 2014.

The 2011 revision to Seattle's Solid Waste Plan establishes a 70% City-wide recycling goal for C&D waste by 2020 with direction on a specific set of initiatives and programs to increase recycling of C&D wastes. The City undertook a public review process of program options last fall and found stakeholders support continued City promotion of voluntary industry-driven programs such as LEED and Built Green, a C&D recycling facility certification program identifying qualifying facilities, phased in disposal bans for targeted C&D materials and simplified reporting by building permit applicants within a reasonable time period following project completion. After the stakeholder input, the City introduced a disposal ban for concrete, bricks and asphalt paving from all construction and demolition activities effective the beginning of this year.

This legislation is another set of initiatives to reduce the volume of material generated in the city that ends up in a landfill including construction and demolition wastes. 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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