CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL 118195

AN ORDINANCE relating to Seattle Public Utilities; prohibiting food waste and compostable paper from disposal as garbage; and amending Sections 21.36.082, 21.36.083 and 21.36.922 of the Seattle Municipal Code.

WHEREAS, Council passed Resolution 31426 in February 2013 to adopt Seattle's Solid Waste Plan 2011 Revision: *Picking Up The Pace Toward Zero Waste*; and

WHEREAS, the Solid Waste Plan calls for food waste recycling requirements across all customer sectors as one of the most significant new programs to help the City reach the adopted recycling goals of 60% in 2015 and 70% in 2022; and

WHEREAS, the Mayor on June 30, 2014 submitted to Council the 2013 Annual Recycling Report, which confirmed a 2013 recycling rate of 56.2% and identified food waste requirements as the primary program to help the City reach the 2015 and 2022 recycling goals; and

WHEREAS, new recycling requirements for food waste and compostable paper are projected to divert approximately 38,000 new tons per year, surpassing the approximately 30,000 tons per year gain needed to reach 2015 recycling goal; and

WHEREAS, the Mayor submitted the Draft 2015-2020 Seattle Public Utilities Strategic Business Plan on July 1, 2014, incorporating the resources and benefits for implementing new food waste recycling requirements within the proposed six-year solid waste rate path; and

WHEREAS, Seattle Public Utilities has a long and successful history of implementing recycling requirements and plans to implement extensive residential outreach and business assistance prior to any enforcement of new requirements; and

WHEREAS, to fulfill commitments in Seattle's Solid Waste Plan and the Draft Strategic Business Plan and to continue Seattle's legacy of recycling leadership, the City has decided to prohibit disposal of food waste and compostable paper as garbage; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 21.36.082 of the Seattle Municipal Code is amended as follows:

21.36.082 Commercial recycling required.

A. Required Recycling of Paper, Cardboard and Yard Waste.

1. As of January 1, 2005, all commercial establishments, including those ((~~entities authorized to haul their own waste pursuant to Section 21.36.060~~))hauling their own waste, shall separate paper (including paper cups), cardboard and yard waste for recycling, and no paper, cardboard or yard waste shall be deposited in garbage ((~~cans, detachable~~)) containers~~,~~ or drop boxes or disposed as garbage at the City's ((~~Recycling and Disposal Stations after that date~~))transfer stations.

2. Enforcement. ((~~As of January 1, 2006, civil infractions shall apply to any violation of this subsection pursuant to Section 21.36.922~~))Any violation of this subsection shall result in an additional collection fee of $50 per collection.

B. Required Recycling of Glass, Plastic, Aluminum and Tin.

1. As of July 1, 2014, all commercial establishments, including those ((~~entities authorized to haul their own waste pursuant to Section 21.36.060~~))hauling their own waste, shall separate glass bottles and jars, plastic cups, bottles and jars, and aluminum and tin cans for recycling, and no glass bottles and jars, plastic cups, bottles and jars, nor aluminum or tin cans shall be deposited in garbage ((~~cans, detachable~~)) containers((~~,~~)) or drop boxes or disposed as garbage at the City's ((~~Recycling and Disposal Stations after that date~~))transfer stations.

2. Enforcement.

((~~a. As of January 1, 2014, the Director of Seattle Public Utilities shall begin a program of educational outreach regarding these new recycling requirements and shall report to Council by June 1, 2014 on the outreach efforts, implementation readiness and status of markets for recyclable materials.~~

~~b~~))a. As of July 1, 2014, the Director of Seattle Public Utilities shall monitor commercial containers and provide educational notices or tags for commercial garbage cans,

detachable containers and drop boxes with significant amounts of glass bottles and jars, plastic cups, bottles and jars, and aluminum or tin cans.

((~~c.~~))b. As of July 1, 2015,((~~civil infractions shall apply to any violation of this subsection pursuant to Section 21.36.922~~)) any violation of this subsection shall result in an additional collection fee of $50 per collection.

C. Required Recycling of Food Waste and Compostable Paper.

1. As of January 1, 2015, all commercial establishments, including those hauling their own waste, shall separate food waste and compostable paper for recycling, and no food waste or compostable paper shall be deposited in garbage containers or drop boxes or disposed as garbage at the City's transfer stations. All commercial establishments that generate food waste or compostable paper shall subscribe to a composting service, process their food waste onsite or self-haul their food waste for processing. All building owners shall provide composting service for their tenants or provide space for tenants' own food waste containers. The Director of Seattle Public Utilities is authorized to promulgate rules, in accordance with the provisions of the Administrative Code, SMC Chapter 3.02, for purposes of interpreting and clarifying the requirements of this subsection.

2. Enforcement.

a. As of October 1, 2014, the Director of Seattle Public Utilities shall begin a program of customer outreach and assistance regarding these new recycling requirements.

b. As of January 1, 2015, the Director of Seattle Public Utilities shall monitor commercial containers and provide educational notices or tags for containers with significant amounts food waste and compostable paper.

c. As of July 1, 2015, any violation of this section shall result in an additional collection fee of $50 per collection.

((~~C.~~))D. Exceptions.

1. Existing Structures: Existing commercial structures that do not have adequate storage space for recyclable materials may be exempt from all or portions of this ((~~ordinance~~)) Section if so determined by the Director of Seattle Public Utilities. The Director of Seattle Public Utilities, in cases where space constraints are determined to exist, shall also evaluate the feasibility of shared recycling containers by contiguous businesses or multifamily structures.

2. New or Expanded Structures: New structures permitted in commercial zones that have demonstrated difficulty in meeting the solid waste and recyclable materials storage space specifications required under SMC Section ((~~23.47.029 Subsections A, B, C and D~~)) 23.54.040 may be exempt from all or portions of this ((~~ordinance~~))Section as determined by the Director of Seattle Public Utilities.

3. Publicly accessible garbage containers: Commercial establishments will not be responsible for recyclable materials deposited in commercial garbage containers made available to members of the general public.

Section 2. Section 21.36.083 of the Seattle Municipal Code is amended as follows:

21.36.083 Residential recycling required.

A. Recycling Required of Paper, Cardboard, Glass, Plastic, Aluminum and Tin.

1. As of January 1, 2005, all residents living in single-family structures, multifamily structures and mixed-use buildings((~~, including those entities authorized to haul their own waste pursuant to SMC 21.36.030~~)) shall separate paper, cardboard, glass and plastic bottles and jars and aluminum and tin cans for recycling, and no paper, cardboard, glass or plastic bottles and jars and aluminum or tin cans shall be deposited in a garbage ((~~can, detachable~~))container ((~~,~~)) or drop box or ((~~in the garbage disposal pit at the City's Recycling and Disposal Stations after that date~~)) disposed as garbage at the City's transfer stations.

((~~B.~~))2. Enforcement.

((~~1. As of March 31, 2004, the Director of Seattle Public Utilities shall begin a program of educational outreach regarding these new recycling requirements.~~

~~2. As of January 1, 2005, the Director of Seattle Public Utilities shall establish a program of placing educational notice tags on garbage cans, detachable containers and drop boxes with significant amounts of paper, cardboard, glass and plastic bottles and jars and aluminum and tin cans.~~

~~3.~~))a. As of January 1, 2006, residential customers that self-haul their garbage shall be prohibited from disposing of garbage with significant amounts of paper, cardboard, or glass or plastic bottles or jars or aluminum or tin cans at the City's Recycling and Disposal Stations.

((~~4.~~))b. ~~As of January 1, 2006~~Up through June 30, 2015, any violation of this section by residential curbside or backyard customers shall result in refusal of curbside garbage collection services. Residential customers shall be required to remove these items from garbage containers before they will be collected.

c. As of July 1, 2015, any violation of this section by residential curbside or backyard customers shall result in an additional collection fee of $1 per can collection.

((~~5.~~))d. ((~~As of January 1, 2006, any~~))Any violation of this section by detachable container and drop box customers shall result in an additional collection ((~~rate~~))fee of $50 per detachable or drop box collection.

B. Required Recycling of Food Waste and Compostable Paper.

1. As of January 1, 2015, all residents living in single-family structures, multifamily structures and mixed-use buildings shall separate food waste and compostable paper for recycling, and no food waste or compostable paper shall be deposited in a garbage container or drop box or disposed as garbage at the City's transfer stations. The Director of Seattle Public Utilities is authorized to promulgate rules, in accordance with the provisions of the

Administrative Code, SMC Chapter 3.02, for purposes of interpreting and clarifying the requirements of this subsection.

2. Enforcement.

a. As of October 1, 2014, the Director of Seattle Public Utilities shall begin a program of educational outreach regarding the food waste and compostable paper recycling requirements.

b. As of January 1, 2015, the Director of Seattle Public Utilities shall establish a program of placing educational notices or tags on garbage containers with significant amounts of food waste and compostable paper.

c. As of July 1, 2015, any violation of this section by residential curbside or backyard customers shall result in an additional collection fee of $1 per can collection.

d. As of July 1, 2015, any violation of this section by detachable container and drop box customers shall result in an additional collection fee of $50 per collection.

C. Exceptions.

1. Existing structures: Existing multifamily structures that do not have adequate storage space for recyclable materials may be exempt from all or portions of this ordinance if so determined by the Director of Seattle Public Utilities. The Director of Seattle Public Utilities, in cases where space constraints are determined to exist, shall also evaluate the feasibility of shared recycling containers by contiguous businesses or multifamily structures.

2. New or Expanded Structures: New multifamily structures permitted in commercial zones or expanded multifamily structures that have demonstrated difficulty in meeting the solid waste and recyclable materials storage space specifications required under SMC Section ((~~23.47.029 Subsections A, B, C and D~~)) 23.54.040 may be exempt from all or portions of this ordinance as determined by the Director of Seattle Public Utilities.

Section 3. Subsection 21.36.922.C of the Seattle Municipal Code is amended as follows:

21.36.922 Civil infractions

* * * * *

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 $50, not including statutory assessments:

Section 21.36.044 (Containers required — Nonresidential)

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

Section 21.36.410 (Littering)

Section 21.36.425 (Accumulation of solid waste)

Section 21.36.430 (Unlawful use of City litter receptacles)

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

Section 4. The Director of Seattle Public Utilities shall implement comprehensive outreach and assistance beginning October 1, 2014 to support residents and business in complying with these requirements. This customer assistance shall specifically include a fund of $100,000 to provide targeted assistance and resources for successful food waste composting at small ethnic food service businesses.

Section 5. 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 _____, 2014, and signed by me in open session in authentication of its passage this _____ day of _____, 2014.

_____

President _____of the City Council

Approved by me this ____ day of _____, 2014.

_____

Edward B. Murray, Mayor

Filed by me this ____ day of _____, 2014.

_____

Monica Martinez Simmons, City Clerk

(Seal)

Form revised: February 26, 2014

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Seattle Public Utilities	Hans Van Dusen/4-4657	Aaron Blumenthal/3-2656

Legislation Title:
AN ORDINANCE relating to Seattle Public Utilities; prohibiting food waste and compostable paper from disposal as garbage; and amending Sections 21.36.082, 21.36.083 and 21.36.922 of the Seattle Municipal Code.

Summary of the Legislation:
The legislation would require food waste and compostable paper to be separated from garbage by all customer sectors and diverted for composting as of January 1, 2015. The legislation would direct SPU to begin customer outreach and business assistance to support this requirement as of October 1, 2014. SPU would begin educational tagging on January 1, 2015 and not levy fines for non-compliance prior to July 1, 2015.

Background:
The Council in February 2013 approved Resolution 31426 to adopt Seattle's Solid Waste Plan and endorsed the recycling goals and programs within that plan for 2012-2020. The plan listed a composting requirement for food waste and compostable paper as a potential recycling program that would yield the greatest benefits.

Seattle Public Utilities earlier this year submitted to Council its 2013 Annual Recycling Report. The report described a slight improvement in the 2013 recycling rate, reaching 56%, but significantly short of the 60% goal for 2015. The report highlights new food waste recycling requirements as the primary near-term program to reach the 2015 goal. Such a requirement would generate an estimated 38,000 new tons of recycling per year.

On July 1, 2014, SPU submitted the draft 2015-2020 Strategic Business Plan to Council which also focused on implementation of new food waste recycling requirements and incorporated the resources and benefits of implementing requirements.

SPU has long and successful record of introducing and implementing recycling requirements including requirements for residential yard waste (1989), residential recyclables (2005), and commercial recyclables (2005 and 2014). In addition, SPU completed extensive customer and stakeholder input in May and June of 2014 to understand challenges, opportunities and customer perspectives on potential new food waste recycling requirements. The research revealed broad-based support for the new potential requirements, across all sectors, and specific suggestions to support customer implementation challenges.

___ **This legislation does not have any financial implications.**

__X__ **This legislation has financial implications.**

This legislation would implement activities in the proposed Strategic Business Plan, expected to be adopted later this year. These activities will include an additional $400,000 in costs for enhanced outreach, education, and marketing most of which will be spent on explaining and promoting the composting requirement. There are no other appreciable enforcement costs. The Strategic Business Plan also reflects the cost reduction from reduced landfilling due to the composting requirement. The increased outreach taken with the reduced landfilling result in a net savings. The appropriations for the marketing activities and the savings from the reduced landfilling charges will both be included in SPU's biennial budget request.

In addition to cost implications, this legislation may increase the collection of fine revenue for non-compliance. This revenue is anticipated to be negligible – a similar requirement banning the disposal of recyclables which went into effect in 2006 has to date yielded less than $1,000 in fine revenue.

Other Implications:

a) **Does the legislation have indirect financial implications, or long-term implications?**
This legislation would increase diversion of organics resulting in reduced garbage tonnage. Less garbage tonnage could reduce tonnage tax receipts that support City-wide cleanup programs.

b) **What is the financial cost of not implementing the legislation?**
The costs and benefits of this program are included in the Strategic Business Plan baseline. It is necessary to implementing this legislation to meet the solid waste diversion targets and stay within the overall expense targets included in the plan.

c) **Does this legislation affect any departments besides the originating department?**
No

d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?**
Seattle's Solid Waste Plan includes other recycling programs for the next decade, but no other combinations of programs have the potential to provide a sufficient near-term boost to meet the City's recycling goals.

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:
None.

List attachments to the fiscal note below:

City of Seattle
Edward B. Murray
Mayor

August 5, 2014

Honorable Tim Burgess
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Burgess:

I am pleased to transmit the attached proposed Council Bill that would establish new composting requirements for food waste and compostable paper. If enacted, the measure would require Seattle residents and businesses separate food waste and compostable paper for composting, beginning in 2015. Over 35% of the garbage currently shipped for disposal is food waste and compostable paper, representing the most significant remaining target for recycling and a major resource to be captured.

This initiative was recommended in the Seattle Solid Waste Plan adopted by Council in 2013 and highlighted as an essential near-term recycling priority in the 2013 Annual Recycling Report and Draft 2015-20 SPU Strategic Business Plan that were submitted to Council earlier this summer. These new requirements will build on the successful implementation of prior recycling requirements in Seattle and are essential for meetings Seattle's' adopted recycling goals for 2015 and 2022.

Thank you for consideration of this significant recycling bill that will save money, keep customer rates down, preserve valuable resources, and build on Seattle's legacy as an international leader in recycling. Should you have questions, please contact Hans Van Dusen at 684-4657.

Sincerely,

Edward B. Murray
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

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