

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

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4 **AN ORDINANCE** relating to Seattle Public Utilities; prohibiting food waste and compostable
5 paper from disposal as garbage; and amending Sections 21.36.082, 21.36.083 and
6 21.36.922 of the Seattle Municipal Code.

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

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

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

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

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

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

25 **WHEREAS**, to fulfill commitments in Seattle's Solid Waste Plan and the Draft Strategic
26 Business Plan and to continue Seattle's legacy of recycling leadership, the City has
27 decided to prohibit disposal of food waste and compostable paper as garbage; NOW,
28 **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:

1 21.36.082 Commercial recycling required.

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

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

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

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

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

19 2. Enforcement.

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

24 ~~b))~~a. As of July 1, 2014, the Director of Seattle Public Utilities shall monitor commercial
25 containers and provide educational notices or tags for commercial garbage cans,
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1 detachable containers and drop boxes with significant amounts of glass bottles and jars,
2 plastic cups, bottles and jars, and aluminum or tin cans.

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

6 C. Required Recycling of Food Waste and Compostable Paper.

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

17 2. Enforcement.

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

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

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

25 ~~((C-))~~D. Exceptions.

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

7 2. New or Expanded Structures: New structures permitted in commercial zones that have
8 demonstrated difficulty in meeting the solid waste and recyclable materials storage space
9 specifications required under SMC Section ~~((23.47.029 Subsections A, B, C and D))~~
10 23.54.040 may be exempt from all or portions of this ~~((ordinance))~~Section as determined by
11 the Director of Seattle Public Utilities.

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

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

16 21.36.083 Residential recycling required.

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

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

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

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

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

7 3-)a. As of January 1, 2006, residential customers that self-haul their garbage shall be
8 prohibited from disposing of garbage with significant amounts of paper, cardboard, or
9 glass or plastic bottles or jars or aluminum or tin cans at the City's Recycling and
10 Disposal Stations.

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

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

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

20 B. Required Recycling of Food Waste and Compostable Paper.

21 1. As of January 1, 2015, all residents living in single-family structures, multifamily
22 structures and mixed-use buildings shall separate food waste and compostable paper for
23 recycling, and no food waste or compostable paper shall be deposited in a garbage container
24 or drop box or disposed as garbage at the City's transfer stations. The Director of Seattle
25 Public Utilities is authorized to promulgate rules, in accordance with the provisions of the
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1 Administrative Code, SMC Chapter 3.02, for purposes of interpreting and clarifying the
2 requirements of this subsection.

3 2. Enforcement.

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

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

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

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

14 C. Exceptions.

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

20 2. New or Expanded Structures: New multifamily structures permitted in commercial zones
21 or expanded multifamily structures that have demonstrated difficulty in meeting the solid
22 waste and recyclable materials storage space specifications required under SMC Section
23 ((23.47.029 Subsections A, B, C and D)) 23.54.040 may be exempt from all or portions of
24 this ordinance as determined by the Director of Seattle Public Utilities.

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

26 21.36.922 Civil infractions
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2 C. The violation of or failure to comply with any of the following sections shall be a civil
3 infraction and subject as a Class 3 civil infraction under RCW 7.80.120 to a maximum
4 monetary penalty and default amount of \$50, not including statutory assessments:

5 Section 21.36.044 (Containers required — Nonresidential)

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

7 Section 21.36.410 (Littering)

8 Section 21.36.425 (Accumulation of solid waste)

9 Section 21.36.430 (Unlawful use of City litter receptacles)

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

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

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

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8 _____
9 President _____ of the City Council

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11 Approved by me this ____ day of _____, 2014.

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13 _____
14 Edward B. Murray, Mayor

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16 Filed by me this ____ day of _____, 2014.

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18 _____
19 Monica Martinez Simmons, City Clerk

20 (Seal)

Draft Revisions to Director's Rule SW-402.1: Prohibition of Recyclables in Garbage

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, and compostables (i.e., food waste and compostable paper.) ~~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, and compostables. ~~Food-soiled paper or otherwise contaminated paper and cardboard are not considered recyclable for purposes of this rule.~~

2) ~~As of October~~ 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~~ prohibition of the disposal of compostables shall be implemented by SPU.

3) As of ~~January~~ July 1, 2015 ~~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 yard waste, and/or compostables.

4) As of July 1, 2015, the presence of significant amounts of recyclables and/or compostables 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, and compostables. ~~Food-soiled paper or otherwise contaminated paper and cardboard are not 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) Through 6/30/15, Residential garbage cans set out for curb/alley collection that contain significant amounts of recyclables (not including food waste or compostable paper) are subject to being left unserved with tagging by the contractor about the need to remove recyclables before collection.

4) As of 7/1/15, residential garbage cans set out for curb/alley collection that contain significant amounts of recyclables and/or compostables are subject to an additional collection fee of \$1 per can 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, and compostables. ~~Feed-soiled paper or otherwise contaminated paper and cardboard are not 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) Through 6/30/15, The presence of significant amounts of recyclables (not including food waste or compostable paper) 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.

4) As of 7/1/15, the presence of significant amounts of recyclables and/or compostables 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, and compostables. ~~Feed-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 and/or compostables will be informed that they will need to separate recyclables.

3) Through 6/30/15, If self-haul customers have loads of garbage with significant amounts of recyclables (not including food waste or compostable paper), 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.

4) As of 7/1/15, if self-haul customers have loads of garbage with significant amounts of recyclables and/or compostables, they will be instructed to separate the designated recyclables at or away from the City transfer station. Loads containing significant amounts of recyclables and/or compostables 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 and/or compostable materials on site and that it is infeasible for the customer to share a recyclable and/or compostable container with a customer on the adjoining property. If the Director or designee determines that it is feasible for recycling and/or compostable 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 and/or compostable materials storage space specifications required under SMC 23.47.029 subsections A, B, C, and D.

2) Placement of Recyclables and/or Compostables 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 and/or composting requirements of this rule due to public access that is likely to result in recyclables and/or compostables 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. Any garbage can which is made available to the general public or the businesses customers for bussing their own meal scraps will be exempted from the enforcement of this requirement.

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 (subject to the "self-bussing" exemption in (a), above.) 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 or compostables 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 or compostables and (2) the customer has a recycling and composting collection services for those types of recyclables or compostables 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 or compostables 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)
- Ordinance _____, Prohibiting food waste and compostable paper from disposal as garbage (2014)