

**AGENDA**



**Recommendation for Council Action**

Austin City Council	Item ID	32539	Agenda Number	10.
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Meeting Date:	6/12/2014	Department:	Austin Resource Recovery
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**Subject**

Approve an ordinance amending City Code Chapter 15-6 (Solid Waste Services) regarding recycling and organics diversion at commercial properties. Related to Item # 11.

**Amount and Source of Funding**

**Fiscal Note**

A fiscal note is not required.

Purchasing Language:	
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Prior Council Action:	On November 4, 2010 Council approved the Universal Recycling Ordinance. On September 27, 2012 Council approved revised administrative rules for Chapter 15-6 that included implementation details to support the Universal Recycling Ordinance. On April 25, 2013 Council approved amendments to expand the Universal Recycling Ordinance to apply to additional property types and require organics diversion of certain properties.
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For More Information:	Jessica Kingpetcharat, ARR, 974-7678; or Bob Gedert, ARR, 974-1926
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Boards and Commission Action:	May 14, 2014—Approved with amendments by the Zero Waste Advisory Commission on a 4-2 vote with Commissioners Cofer and Gattuso voting against.
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MBE / WBE:	
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Related Items:	
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**Additional Backup Information**

This item seeks Council approval to amend City Code Chapter 15-6 Solid Waste Services, Article 5 - Universal Recycling to change the term property owner to a more broadly defined responsible party, expand the reference to composting to organics diversion, allow for transport of materials to facilities that prioritize the hierarchy of beneficial use, and revise the organics diversion implementation dates. This action is associated with an additional Council item to amend the Administrative Rules to implement Chapter 15-6.

**BACKGROUND**

On November 4, 2010 the Austin City Council adopted the Universal Recycling Ordinance (URO) as part of Austin’s Zero Waste goal to achieve a ninety percent reduction in landfill waste disposal by 2040. At that time, the URO applied to multi-family residential properties, commercial office buildings, and institutions. The URO required property owners to provide access to recycling services for at least five materials, to educate employees and tenants, and to submit an annual Recycling Plan. Commercial office, institutional, and multifamily properties were phased-in

on an annual basis by square footage. On April 25, 2013 the Austin City Council amended the URO, expanding recycling requirements to all non-residential properties and require properties with a food service permit to divert organic materials.

### **PROCESS**

The Zero Waste Advisory Commission's (ZWAC) Universal Recycling Ordinance Committee and Austin Resource Recovery staff conducted fourteen (14) public meetings from June 2013 to March of 2014. Stakeholders considered amendments to the Universal Recycling Ordinance and Administrative Rules that expanded affected properties to include all commercial and industrial properties within the City. Discussion also included food permit holders, organics diversion, and the best uses for food scrap diversion.

Stakeholder meetings averaged twenty-five (25) stakeholders per meeting including but not limited to: private haulers, grocers, retailers, hotels, hospitals, property managers, restaurants, and industrial properties. ZWAC committee members, stakeholders, and ARR staff discussed the potential impacts to the business community and practical implementation steps to achieve Zero Waste goals. With staff assistance and input, the Committee developed and forwarded to the full commission recommendation to amend the ordinance and administrative rules. On May 14, 2014, the full ZWAC approved the proposed amendments with a modification to the organics diversion timeline, extending phase-in from two to four years.

### **PRIMARY REVISIONS**

Key amendments to the Universal Recycling Ordinance include:

- a) Revision of the term "Property Owner" to "Responsible Party," defined to better reflect the business operator of impacted properties.
- b) Revision of the term "compostable" to "organics diversion" to be inclusive of the hierarchy of beneficial use of food scraps (food donation, etc.).
- c) Organics diversion phase in timeline expanded from a two-year (2016-2017) to four-year phase in (2016-2019).

### **FISCAL IMPACT ANALYSIS**

ARR costs associated with URO implementation include: FTEs, code enforcement, promotional materials, advertising, and other contractual costs. If Council approves changing full implementation of organics diversion among food permit holders from 2017 to 2019, several costs can be delayed. Please see Fiscal Impact Analysis provided as back up.

### **ZERO WASTE ADVISORY COMMISSION RECOMMENDATION**

On May 14, 2014, the Commission voted (4-2, Commissioners Cofer and Gattuso dissenting) to approve the proposed amendments to the Administrative Rules as well as the Ordinance which includes extending the phase-in timeframe for organics diversion from 2017 to 2019. The Commission also recommended ordinance amendments clarifying that properties greater than 15,000 square feet with food service permits be required to divert organics starting in 2016.

### **STAFF RECOMMENDATION**

Staff recommends adoption of the proposed amendments to City Code Chapter 15-6, Article 5, Universal Recycling, which incorporate ZWAC's recommended modifications.