



**Standard Operating Procedures (SOPs)**  
**ARR Business Outreach Team - URO Compliance Process**

**I. Authority**

- A. Austin City Code Chapter 15-6, Article 5; and
- B. Section 8 of Austin Resource Recovery's (ARR) Administrative Rules

**II. Purpose**

- A. Provide ARR staff, Responsible Parties, and stakeholders with clear guidance on the Universal Recycling Ordinance (URO) Compliance Process, determination of good-faith effort, and steps resulting in a non-compliant property being referred to Austin Code Department for enforcement.
- B. Identify the process and timeline for ARR staff to notify affected properties that they:
  - 1. Are affected by the URO; or
  - 2. Are not meeting one or more of the requirements of the URO.
- C. The result of this process will be that non-compliant properties will be notified that they are non-compliant, given opportunities to comply, and referred to Austin Code Department in the event that they do not comply within the timeframe prescribed by the Chapter 15-6 Administrative Rules.
- D. Transfer of the case to the Austin Code Department indicates conclusion of the ARR's portion of the URO Compliance process. ARR will provide documentation of ARR staff activities, including site visits and communication with the Responsible Party, in the documents transferred to the Austin Code Department for enforcement.

**III. Scope**

- A. This process details ARR staff's activities once a property has been affected by the Universal Recycling Ordinance, determined to be deficient in one or more aspects of the URO, and are not making good-faith efforts to comply with the ordinance.
- B. This process will be complete when a property has demonstrated they are in full compliance with the URO or has been transferred to Austin Code Department. This document does not address the activities of Austin Code Department, or any further compliance or enforcement actions.

**IV. Implementation of URO**

- A. Identifying Affected Properties
  - 1. Staff may use county tax records; City of Austin databases, previously submitted Annual Diversion Plans, and other information available to determine which properties are affected by the URO (see "Data Management SOP" for more information).
  - 2. The number of dwelling units in multifamily properties and the square footage of commercial properties may be calculated by ARR staff using best available information.
  - 3. Affected property information will be maintained in a spreadsheet and will be accessible online through the Re-TRAC system, expected to be fully operational October 1, 2014.
  - 4. Outreach and Education efforts will mainly focus on newly affected properties.
- B. Explanation of Good-Faith Efforts
  - 1. Good-Faith Efforts during the Implementation Period only apply to Newly Affected Properties and can be demonstrated by providing proof of:
    - a) Accurate Annual Diversion Plan submitted by Feb. 1; and
    - b) Meeting at least 3 of the 5 URO requirements; and



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- c) At least 50% (rather than 100%) of trash containers (or collection points) have a recycling container (or collection point) located within 25 feet; and
  - d) Commercial properties with at least a 1-to-4 ratio (rather than 1-to-1 ratio) of recycling to landfill trash capacity (25% recycling capacity rather than 50% capacity); or
  - e) Multifamily properties with at least 3.2 gallons (rather than 6.4 gallons) of recycling collection capacity per dwelling per week; and
  - f) At least monthly communication with ARR staff providing documentation of progress towards full compliance such as copies of construction plans, letters from recycling service providers or contractors indicating capacity changes/orders, etc.
2. Good-Faith Efforts for all Other URO Affected Properties applies to affected properties after the one-year Implementation Period.
- a) Examples of actions and documentation indicating a Good-Faith Effort by a Responsible Party may include, but are not limited to, submission of the following to ARR staff:
    - (i) Documentation of progress towards full compliance including copies of construction plans, letters from recycling service provider indicating capacity requirements, and site plans with containers/collection points;
    - (ii) Bid requests submitted to various haulers/service providers with key response dates;
    - (iii) Communication with service provider requesting changes to services;
    - (iv) Invoices indicating purchase of signage or other material to comply with education/signage requirements;
    - (v) Regular email correspondence with ARR staff explaining progress and asking for assistance as needed;
    - (vi) Submission of Annual Diversion Plan (ADP) and requesting Waivers for site-specific circumstances, as appropriate; or
    - (vii) Recycling and diversion programs that meet the intent of the URO to make recycling convenient, practical, and visible to tenants and employees with the result of diverting significant materials from the landfill.
3. Examples of action or inaction by a Responsible Party indicating NO Good-Faith Effort includes, but are not limited to, the following:
- a) Failure to submit an Annual Diversion Plan by Feb. 1, each year;
  - b) Informing ARR staff that the Responsible Party does not intend to comply with the Universal Recycling Ordinance requirements;
  - c) No response to calls, emails, or mailed communications; or refusal to communicate with staff;
  - d) Not allowing City staff entrance to the property to verify compliance with the URO;
  - e) No documented progress towards implementing an effective diversion program; or
  - f) No documented progress towards becoming fully compliant with the URO requirements.
4. Affected Properties may enter the URO Compliance Process if they are deemed deficient within the first year, or any time after the Implementation Period, if they fail to make a Good-Faith Effort.
5. Verification of Annual Diversion Plan
- a) In March of each year, a report will be compiled identifying which properties submitted an Annual Diversion Plan (ADP).
  - b) If no ADP has been filed for an affected property or business, then the Responsible Parties will be deemed deficient and the URO Compliance Process will begin.



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- c) If an ADP is submitted by Feb. 1, and appears to be accurate, no compliance action will be taken unless triggered by complaint or staff observation.
  - d) If the ADP identifies deficiencies, ARR staff may attempt to contact (by phone or email) the Responsible Party to resolve the issue(s). ARR staff may prioritize properties that request waivers or report significantly low capacity or containers not paired with landfill trash containers.
  - e) If for any reason the deficiencies cannot be resolved, the property may enter the URO Compliance Process.
6. All Other URO Affected Properties
- a) Are beyond the one-year Implementation Period and must be fully compliant with the URO.
  - b) If a deficiency is discovered, and verified by staff through a Site Visit, the property will enter the URO Compliance Process until all deficiencies have been corrected, or the case is referred to Austin Code for enforcement.
  - c) ARR staff will continue to offer compliance assistance to properties during the URO Compliance Process, if the Responsible Party continues to make good-faith efforts.
  - d) If a property has not received a letter of deficiency and pro-actively requests a voluntary Site Assessment where ARR staff observes deficiencies, ARR staff has the discretion to delay re-inspection for up to 90 days, depending on the Responsible Party making a Good Faith Effort. If the deficiencies persist after the re-inspection, ARR staff may initiate the URO Compliance Process.
  - e) If a property receives a letter of deficiency and then requests a voluntary Site Assessment, ARR staff will provide a Site Assessment, but the property will continue in the URO Compliance Process until the deficiency is corrected.

### V. Initiating the URO Compliance Process

A. Compliance "Triggers" that initiate the URO Compliance Process may include one or more of the following:

- 1. Staff-verified complaint.
- 2. No Annual Diversion Plan by Feb. 1.
- 3. City staff observed deficiency and no documentation of Good-Faith Effort.
- 4. No response by Responsible Party to ARR staff requests for information.
- 5. Declaration by Responsible Party to City staff that they will not cooperate or do not intend to comply with the URO requirements.

### VI. URO Compliance Process

A. Step 1- Confirmation of Deficiency

- 1. Compliance "Trigger" occurs.
- 2. BOT staff performs site visit (SV) to confirm URO deficiencies exist.
  - a) Lack of Recycling Plan Deficiency can be confirmed by a desk audit, and therefore does not require a site visit to confirm deficiency
- 3. The conditions observed during the site visits or assessments are documented with the appropriate form.
  - a) If deficiency is not observed, then case is closed
  - b) If deficiency is verified, property moves to Step 2

B. Step 2 - First Written Notice of Deficiency

- 1. Send Letter #1 titled "**Letter-1\_ First Notice of Deficiency**" to Responsible Party (both Owner and Property Address of record) via First Class U.S. Mail.
- 2. Letter #1 will include the following:
  - a) Deficiencies observed; and



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- b) Outline what is required to remove the property from the URO Compliance Process; and
  - c) Offer assistance from ARR staff; and
  - d) Notification that Responsible Party has 30 days to comply and after 30 days, ARR staff may perform a site visit to check for compliance.
3. If the Responsible Party provides documentation that the URO deficiencies have been resolved, the property will be removed from the URO Compliance process (see "Compliance Resolution") and case is closed.
  4. If the Responsible Party is unresponsive, unwilling, or unable to meet all ordinance requirements, the property will continue and move to Step 3.
- C. Step 3 - Second Written Notice of Deficiency
1. Send Letter #2 titled, "**Letter-2\_Second Notice of Deficiency**" via Certified U.S. Mail to the Responsible Party.
  2. Letter #2 will include the following:
    - a) Deficiencies observed; and
    - b) Outline what is required to remove the property from the URO Compliance Process; and
    - c) Offer assistance from ARR staff; and
    - d) Indicate that the Responsible Party has 30 days to comply or the case will be transferred to Austin Code.
  3. The second Site Visit (SV) will be conducted by staff at least 30 days after Letter #2 is sent, unless Responsible Party has provided proof that the deficiency has been corrected. The conditions observed during the site visit are documented with the appropriate form.
  4. If the Responsible Party provides documentation that all URO deficiencies have been resolved, the property will be removed from the URO Compliance Process (see "Compliance Resolution").
  5. If the Responsible Party is unresponsive, unwilling, or unable to meet all URO requirements, the property will continue to Step 4.
- D. Step 4 - Transfer Non-Compliant Property Case to Austin Code
1. Notify property they are being transferred to Austin Code.
  2. Send Letter #3 titled, "**Letter-3\_URO Non-Compliance-Transfer to Code**" via Certified U.S. Mail that outlines the following:
    - a) Specific deficiency;
    - b) Previous attempts made by staff to notify Responsible Party of the deficiency; and
    - c) Serves as final notice from ARR that property has been referred to the Austin Code for enforcement.
  3. Upon mailing of the third letter, the property will be officially considered non-compliant and referred to the Austin Code Department.
  4. ARR staff will send an email to Austin Code customer service and/or Austin Code case managers requesting an AMANDA case be opened.
  5. ARR will forward all copies of letters/correspondences, photos, any other information used to verify deficiency and provide proof of violation to Austin Code identified point-of-contact.
  6. ARR staff will be available to support ACD staff for cross-training and selected site visits (as needed).
  7. ARR Staff may provide supporting documentation to Austin Code staff organized by property address:
    - a) Copy of Annual Diversion Plan (if submitted)
    - b) Copies of Letters 1, 2, and 3
    - c) Copies of U.S. Certified Mail "green cards"
    - d) Site Visit forms with ARR staff observations
    - e) Email correspondence with property managers, owners, or other Responsible Parties
    - f) Photos of property deficiencies



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### VII. URO Compliance Resolution

- A. Unless the property has been transferred to Austin Code, a property exits the compliance process when the Responsible Party proves no deficiencies exist to ARR staff.
- B. Methods to exit the compliance process include, but are not limited to:
  - 1. Completing a site visit that verifies compliance.
    - a) If site visit is performed by ARR staff, the Responsible Party will be notified of the results of the site visit and confirm the property is in full compliance, or ARR staff will provide feedback of deficiencies through resumption of the URO Compliance Process.
    - b) Once a property has been referred to Austin Code, all questions and requests for ARR staff to conduct a site visit to verify compliance will be initiated by Austin Code.
  - 2. If no Annual Diversion Plan is the deficiency, the submission of an updated Annual Diversion Plan with documentation supporting compliance is necessary. City staff reserves the right to review and verify submitted data before discontinuing URO Compliance process.
  - 3. Providing documentation that shows proof of compliance (example: changes to recycling program that achieve capacity standards)

### VIII. General Administration

- A. Data Management
  - 1. Updates to the Annual Diversion Plan are submitted online by the Responsible Party by Feb. 1 of each year.
  - 2. Business Outreach staff will update records with notes describing each compliance action including date that property is referred to Austin Code.
  - 3. Site Visit (SV) forms will be saved and organized by property address.
  - 4. Summary of conversations, access to the property, observations of deficiencies, and other pertinent information will be documented on the SV form.
  - 5. Copies of all correspondence will be maintained and organized by property address.
- B. Terms and Definitions
  - 1. **Affected Properties:** refers to a building, structure, business, , or groups of buildings, structures, or businesses required to comply with the Universal Recycling Ordinance.
  - 2. **Annual Diversion Plan (ADP) or Recycling Plan:** refers to the URO requirement for the Responsible Party to submit the online form describing the recycling and diversion program of an affected property.
  - 3. **Austin Code, Austin Code Department or ACD:** refers to the City of Austin's code enforcement staff, officers, and management.
  - 4. **Austin Resource Recovery (ARR) staff:** refers to City staff designated by the Director of Austin Resource Recovery to assist Responsible Parties with the implementation of the Universal Recycling Ordinance (URO) and initiating the compliance process when necessary.
  - 5. **Compliance Triggers:** The compliance process will be initiated when complaints are received through 3-1-1 service requests, staff observations, or citizen emails or phone calls. Complaints will be documented by the ARR staff member that receives/initiates the complaint. If staff verifies a URO deficiency, the Responsible Party will be notified by phone, U.S. Mail, or email and the property will enter the URO Compliance Process.
  - 6. **Deficiency:** refers to a situation when the Responsible Party of a property has failed to meet any of the requirements of the Universal Recycling Ordinance through action or inaction.
  - 7. **Good-Faith Effort:** Activities performed by the Responsible Party indicating progressive movement towards compliance within a reasonable timeframe. Unique circumstances and site-specific challenges will be



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considered on a case-by-case basis. Good-Faith Efforts include regular correspondence with ARR staff communicating and providing documented examples of efforts to achieve compliance (see section "Explanation of Good-Faith Efforts").

8. **Implementation Period:** The first year after property is affected by the Universal Recycling Ordinance, beginning October 1 through September 30, as outlined in the Chapter 15-6 Administrative Rules.
9. **Newly Affected Properties:** Properties or businesses that are within the initial one-year Implementation Period of October 1 through September 30 after being affected by the Universal Recycling Ordinance.
10. **Non-Compliant Property:** A property that is subject to the Universal Recycling Ordinance and has been transferred to Austin Code for enforcement.
11. **Other URO Affected Properties/Businesses or Previously Affected Properties/Businesses:** Properties or businesses in the City of Austin that have been affected by the URO for more than one year.
12. **Responsible Party:** refers to (i) the owner of premises or an employee of the owner or (ii) the manager of a premises or an employee of the manager [Chapter 15-6 Administrative Rules, Section 11].
13. **Site Visit (SV):** Unscheduled, often brief, site visits made by ARR staff to a property in order to check compliance with the URO. Site Visits may be initiated based on a complaint, outreach materials drop-off, or random compliance checks.
14. **Site Assessment (SA):** Are performed upon the request of a Responsible Party in an attempt to pro-actively comply with the URO. ARR staff visits a property and conducts an in-depth analysis of a property's operations. Site Assessments are conducted in collaboration with the property manager, owner, or other stakeholders and are voluntary. The Site Assessment is used to record the waste-diversion or waste-reduction activities at a property and summarizes ARR staff observations and recommendations to improve the recycling or diversion program.
15. **URO Requirements, URO Criteria, URO Minimum Standards:** refers to the minimum requirements for an affected property or business to comply with the URO:
  - a) Sufficient Recycling/Diversion Capacity – commercial properties must have at least 50% recycling capacity compared total collection services, multifamily properties must have at least 6.4 gallons per week of recycling capacity.
  - b) Convenient Location – recycling collection points must be located within 25 feet of all landfill trash collection points
  - c) Annual Diversion Plan (or Recycling Plan) – submission before Feb.1 each year
  - d) Recycling of Five (5) materials – plastics #1 and #2, cardboard, glass containers, mixed paper and aluminum
  - e) Annual Education – provide information about the recycling program to tenants and employees yearly
  - f) Bilingual Signs and Posters – well-marked containers and information in common areas describing recycling program and materials accepted
16. **Waiver Request:** Request for a waiver as submitted on Annual Diversion Plan or other City-approved form.



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**APPROVED:**

A handwritten signature in black ink, appearing to read "Tammie H. Williamson", is written over a horizontal line.

Tammie H. Williamson, CNU-A, AICP, Assistant Director

8-12-14

08/12/2014

**SUPPORTING DOCUMENTATION:**

- Site Visit Form
- Site Assessment Form
- Letter-1\_ First Notice of Deficiency
- Letter-2\_ Second Notice of Deficiency
- Letter-3\_ URO Non-Compliance-Transfer to Code
- Transfer to ACD Email Template and Checklist