

## INTENT DOCUMENT – FOR DISCUSSION WITH ZWAC

### 11.0 ORGANICS COLLECTION AND MANAGEMENT PROGRAM

An organic collection and management program is defined as a collection service that diverts organic material, including food waste, from any premise, including residential (single or multi family) or businesses, such as restaurants and is authorized by the Director as described herein.

#### 11.1 GENERAL PRINCIPLES.

City Code Chapter 12-3, Article VI is designed to increase access to the benefits of recycling, composting and waste reduction for residents, area businesses and multi-family properties within the City of Austin and thus help increase the life of local landfills, decrease disposal costs for residences, area businesses and multi-family properties, and have a positive impact on the environment generally in terms of reduced pollution and energy consumption.

#### 11.2 PURPOSE.

As described in §15-6-11 of Austin City Code; the Director may grant written waivers regarding collection services at premises with less than five residential dwelling units utilizing department solid waste, recycling and organics collection services. As authorized by § 15-6-3 (A) of the Austin City Code; the director shall adopt rules to administer and enforce this chapter.

The purpose of these administrative rules is to establish a waiver request process to permit by rule as a substitute organic collection subject to §15-6-11 if the substitute organic collection and management program meets the purpose of section 11.2 and meets the diversion criteria noted in section 11.3.

An Organic Collection and Management Program's purpose is to achieve all of these objectives.

11.2.1 Diverts organic food waste material from traditional disposal methods.

11.2.2 Supports community agriculture or food waste recovery programs such as:

- 11.2.2.1 Community, school, or church gardens.
- 11.2.2.2 Drought mitigation.
- 11.2.2.3 Landscaping.
- 11.2.2.4 Urban farms
- 11.2.2.5 Residential backyard composting
- 11.2.2.6 Feeding hungry people or animals

- 11.2.3 Lowers the carbon footprint of the solid waste collection either by reducing methane production at a landfill or reducing the fuel burned by collection vehicles, or feeding people or animals instead of allowing decomposition.

### 11.3 WAIVER CRITERIA.

- 11.3.1 Responsible Parties shall ensure residents, tenants, and employees have reasonable and consistent access to on-site organics diversion services and shall be in compliance with these Administrative Rules contained in this document under the conditions of a written waiver that has been granted by the Director.

In order to qualify as an organics collection and management program, an organics collection and management program must:

- 11.3.1.1 Meet all of the purposes in section 11.2.
- 11.3.1.2 Not use the City's right of way for collection containers
- 11.3.1.3 Be a licensed hauler
- 11.3.1.4 Be compliant with all city and state regulations
- 11.3.1.5 Provide data on the diversion process through a semi-annual report, in a format determined by the Director, and must include at least the following:
  - 11.3.1.4.1 Organic tonnage collected
  - 11.3.1.4.2 Collector business name and contact
  - 11.3.1.4.3 Appropriate End-use identification and verification
  - 11.3.1.4.4 Demonstration that final disposition of collected material meets the city's diversion definition.

- 11.3.2 Using these criteria, the Director may approve an application by a person to become a Organics Collection and Management Program. A program that meets these criteria is eligible for approval, at the discretion of the Director.

#### 11.4 MONITORING.

- 11.4.1 At least every three years, the Director shall review a person operating an Organics Collection and Management Program's continued ability to meet the purposes and criteria of this section.
- 11.4.2 If the Director denies an application or finds that that a Organics Collection and Management Program no longer meets these purposes and criteria:
  - 11.4.2.1 The Director shall notify the person operating a Organics Collection and Management Program in writing of the finding, the specified reasons for the finding, and the person's right to appeal the finding.
  - 11.4.2.2 The Director may grant the person operating a Organics Collection and Management Program up to 60 days to remedy any faults found by the Director. If so, the remediation period shall be included in the notice provided by the Director.
  - 11.4.2.3 Following the remediation period, the Director shall determine if the person operating an organics collection and management program successfully remediated the issues identified in the notification.
    - 11.4.2.3.1 If the Director finds that the remediation was successful, the Director shall notify the affected person in writing that the program is no longer under review as soon as practicable after the determination was made.
    - 11.4.2.3.2 If the Director finds that the remediation period was not successful, the Director shall provide final notice in writing to the affected person to cease operations within 60 days, or sooner if circumstances warrant.
  - 11.4.2.4 The person may appeal the finding no later than 60 days following the final revocation by the Director to City Council using a format specified by the City Manager.

- 11.4.3 A person operating an Organics Collection and Management Program found by the Director to not meet the purposes and criteria of this section may reapply, but the Director may require additional data, program requirements, or other items directly related to the reasons for the finding for up to two years following reauthorization.
- 11.4.4 An Organics Collection and Management Program may be used by an owner of an affected premise under Section 5, Universal Recycling in order to comply with organics recycling obligations, but this does not remove any obligation created by the Universal Recycling Ordinance.

DRAFT FOR DISCUSSION