

**CITY OF AUSTIN**  
**RECOMMENDATION FOR COUNCIL ACTION**  
**AMENDMENT TO AUSTIN CITY CODE CHAPTER 15-6 AND ADMINISTRATIVE RULES**

**COUNCIL DATE: XX/XX/2023**

**SUBJECT:** Approve an ordinance amending City Code Title 15 requiring composting services at multifamily residential properties.

**MBE/WBE:** N/A

**LEAD DEPARTMENT:** Austin Resource Recovery

**FISCAL NOTE:**

**PURCHASING/LEGAL:** N/A

**PRIOR COUNCIL ACTION:** On October 17, 2019, Council approved a resolution directing the City Manager to make recommendations to the City Council on possible amendments to the Universal Recycling Ordinance to include organic waste collection at all commercial and multifamily properties.

**FOR MORE INFORMATION CONTACT:**

**BOARD AND COMMISSION ACTION:** August 9, 2023 – To be reviewed by the Zero Waste Advisory Commission

**ADDITIONAL BACKUP INFORMATION (RCA BODY)**

**BACKGROUND:**

Austin City Council adopted the Universal Recycling Ordinance (URO) in 2010 as part of Austin Resource Recovery's Master Plan and the City's Zero Waste goal to divert 90% of solid waste from landfills and incinerators by the year 2040. The URO requires that commercial and multifamily properties provide access to recycling service to employees and tenants and methods of organics diversion to commercial food-permitted business employees. A 2015 Community Diversion Study found that 85 % of discarded material generated in Austin comes from the commercial and multifamily sector and that 37% is compostable.

**PROCESS**

Austin Resource Recovery staff conducted a pilot to test composting at seven multifamily properties between March 2021 and February 2022. Staff published a report summarizing the findings of the pilot and initiated stakeholder meetings to discuss potential policy changes. Staff led five stakeholder meetings between October 2022 and May 2023 and opened three online surveys to collect feedback on priorities and draft policy language. The Zero Waste Advisory Commission (ZWAC)'s URO Committee met on October 20, 2022 and December 1, 2022 to discuss the proposed changes.

Stakeholders included apartment managers, multifamily residents, private haulers, and non-profits. ZWAC URO committee members, stakeholders, and staff discussed concerns about composting at multifamily properties, which included site placement constraints for containers, compostable material contamination, costs of service impacts, and access to composting for multifamily residents. Based on stakeholder feedback, ARR staff developed recommended language for the amended Code and Administrative Rules and presented that to the Zero Waste Advisory Commission. The Commission voted to xx on a x-x vote.

**REVISIONS**

Revisions to Austin City Chapter 15-6, Article 5 include:

- a) Adding language to require the "responsible party for a premises of which all or part is used for multifamily residential use shall ensure that tenants and employees have access to composting services".

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- b) Adding language requiring multifamily properties to collect food scraps (including meat, bones, and dairy), food soiled paper, and BPI certified compostable products.
- c) Amending language describing receptacles that must be provided, including that the receptacles be “sufficient to prevent overflowing containers”.
- d) Amending language to education requirements to include information and instructions for all diversion methods.
- e) Removing outdated phase-in language.

Revisions to Austin Resource Recovery’s Administrative Rules, Chapter 8 include:

- a) Adding Capacity Performance Standards for Multifamily properties, including that Responsible Parties shall ensure that onsite composting services “are sufficient to accommodate the regular accumulation of organics materials and avoid overflowing containers” and a minimum of 1 gallon of composting capacity per dwelling unit per week.
- b) Changes to the rules regarding convenient access to exterior collection areas, points, and containers to clarify that Responsible Parties shall ensure that “a minimum of one recycling, and when applicable organics diversion, container or other collection point is located within 25 feet of all landfill trash containers”.
- c) Adding a definition of “overflowing containers”.

**ZERO WASTE ADVISORY COMMISSION RECOMMENDATION**

On August 9, 2023, the commission **voted...**

**STAFF RECOMMENDATION**

Staff recommends adoption of the amendments to Chapter Eight of Austin Resource Recovery’s Administrative Rules.

ARTICLE 5. - UNIVERSAL RECYCLING.

Division 2. - Service.

§ 15-6-91 - AFFECTED PREMISES.

- (A) The responsible party for a premises of which all or part is used for multi-family residential use shall ensure that tenants and employees have access to on-site recycling services described under this article, for that portion of the premises that is multi-family residential, ~~effective:~~
- ~~(1) immediately for premises with 75 or more dwelling units;~~
  - ~~(2) October 1, 2013 for premises with 50 or more but less than 75 dwelling units;~~
  - ~~(3) October 1, 2014 for premises with 25 or more but less than 50 dwelling units;~~
  - ~~(4) October 1, 2015 for premises with 10 or more but less than 25 dwelling units; and~~
  - ~~(5) October 1, 2016 for premises with 5 or more but less than 10 dwelling units.~~
- (B) The responsible party for a premises of which all or part is used for office, medical office, medical facilities, religious assembly, or private educational facilities shall ensure that tenants and employees have access to on-site recycling services described under this article, for that portion of the premises that has one or more of the uses described in this Subsection (B), ~~effective:~~
- ~~(1) immediately for premises with more than 100,000 square feet of the non-residential uses described in this Subsection (B); and~~
  - ~~(2) October 1, 2013 for premises with more than 75,000 square feet and up to 100,000 square feet of the non-residential uses described in this Subsection (B).~~
- (C) The requirements in Subsection (D) of this section are in addition to the requirements in Subsections (A) and (B) of this section.
- (D) The responsible party for a premises of which all or part is used for non-residential use, including but not limited to those uses described in Subsection (B) of this section and also including hotels and lodging, grocery stores, and commercial businesses, shall ensure that tenants and employees have access to on-site recycling services described under this article ~~effective:~~
- ~~(1) October 1, 2014 for premises with more than 50,000 square feet of any type of non-residential use;~~
  - ~~(2) October 1, 2015 for premises with more than 25,000 square feet and up to 50,000 square feet of any type of non-residential use;~~
  - ~~(3) October 1, 2016 for premises with more than 5,000 square feet and up to 25,000 square feet of any type of non-residential use; and~~
  - ~~(4) October 1, 2017 for all non-residential premises that are not described in (D)(1)–(3) of this subsection.~~
- (E) In addition to complying with the other requirements described in this section, the responsible party for a premises of which all or a portion has use attributable to a food enterprise that requires a food permit under Section 10-3-61 (Permit Required) of this Code to operate shall ensure that employees at the food enterprise have access to on-site diversion of organic materials ~~effective:~~

- ~~(1) October 1, 2016 where the square footage in a certificate of occupancy, food enterprise permit, or similar document issued by a government entity for the food enterprise is 15,000 square feet or more;~~
- ~~(2) October 1, 2017 where the square footage in a certificate of occupancy, food enterprise permit, or similar document issued by a government entity for the food enterprise is between 5,000 square feet to 14,999 square feet; and~~
- ~~(3) October 1, 2018 for all food enterprises that hold a food enterprise permit and that are not described in (E)(1), (2) of this subsection.~~
- ~~(F) For purposes of determining the effective date under this section the director may verify the square footage attributable to a specific use by consulting appraisal district or other public records or by requesting a valid certificate of occupancy or approved site plan documenting the types of uses.~~
- (F) The responsible party for a premises of which all or part is used for multi-family residential use shall ensure that tenants and employees have access to composting services described under this article, for that portion of the premises that is multi-family residential for premises with 5 or more dwelling units.
- (G) A responsible party for an affected premises to which an effective date in Subsections (A)–~~(E)~~(F) of this section applies and who begins operations after an applicable effective date shall comply with this ordinance on the date the affected premises is issued a certificate of occupancy.

§ 15-6-92 - DIVERSION REQUIREMENTS FOR AFFECTED PREMISES.

- (A) On-site recycling and organic material diversion services required under this article shall:
  - (1) collect at least the following materials: paper (including mixed paper and office paper), plastics PETE (#1) and HDPE (#2) bottles and containers, aluminum cans, corrugated cardboard, and glass bottles and jars;
  - (2) collect organic materials, if a premises with a food enterprise is subject to Subsection (E) of Section 15-6-91 (Affected Premises);
  - (3) collect at least the following materials, if a premises is subject to Subsection (F) of Section 15-6-91 (Affected Premises): food scraps (including meat, bones, and dairy), food soiled paper, and BPI certified compostable products;
  - ~~(3)~~(4) provide receptacles, collection, capacity, and storage areas that comply with applicable administrative rules; and
  - ~~(4)~~(5) remove the recyclable or organic materials by either:
    - (a) transporting the recyclable and organic materials to a materials recovery or composting facility authorized by law;
    - (b) contracting with a City-licensed recycling service provider to transport the recyclable and compostable materials to a materials recovery or composting facility authorized by law; or
    - (c) transporting recyclable or organic material, as permitted and required by City Code, to a material recovery facility, food bank, processor, material broker, urban farm, urban ranch, rural farm, rural ranch, community garden, or a facility that prioritizes the hierarchy of beneficial use as set out in Subsection (D) of this section.

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- (B) The director may add to the list of recyclable materials required under Subsection (A)(1) of Section 15-6-92(*Recycling Requirements for Affected Premises*) by providing notice on the City's website at least 365 continuous days before adding the additional materials.
- (C) The departments shall adopt rules that establish a process in which the responsible party for an affected premises can request:
- (1) a waiver of certain requirements in this article;
  - (2) approval to comply with this article by achieving the City's Zero Waste Goal through alternative means;
  - (3) approval to substitute another recyclable material in place of a required recyclable material listed in Subsection (A)(1) above;
  - (4) approval to comply with this article by sharing solid waste, recycling, or organic materials diversion services;
  - (5) approval of a deduction of square footage under Subsection (E) of Section 15-6-91 (*Affected Premises*) if the food enterprise serves only pre-packaged food; or
  - (6) approval for performing recycling or organic materials diversion on-site.
- (D) In accordance with the requirements of the Good Faith Donor Act set forth in Chapter 76 of the Texas Civil Practice and Remedies Code, the department shall by rule encourage the responsible party for affected premises to follow the hierarchy of beneficial use of scrap food which, beginning with the most beneficial, is:
- (1) feeding hungry people;
  - (2) feeding animals;
  - (3) providing for industrial uses; and
  - (4) composting.

## § 15-6-93 - EDUCATION.

- (A) The responsible party for an affected premises shall provide recycling-landfill diversion information and instructions in accordance with rules adopted by the director to:
- (1) all tenants and employees of the premises annually;
  - (2) a new employee or tenant no later than the thirtieth day after the tenant occupies or the employee begins work at the premises; and
  - (3) all employees or tenants not later than the 30th day after a substantive change in the recycling service offered at the premises.
- (B) The responsible party shall provide recycling information and instructions in accordance with rules adopted by the director to:
- (1) each business, tenant, or organization located at the premises annually;
  - (2) a business, tenant, or organization newly located to the premises not later than the 30th day after any change in occupancy; and
  - (3) all occupancies at the premises not later than the 30th day after a change in the recycling service offered.

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- (C) All information and documentation, including signage, required to be provided to persons or posted as public information under this article shall be written in English and Spanish and include universal symbols as adopted by the director.
- (D) Each container designated or used for collection and disposal of materials to a state-recognized landfill shall be prominently marked "Landfill Trash" in English and Spanish and in compliance with the rules adopted by the director.
- (E) Each container designated or used for collection or transport of recyclable or organic materials shall be affixed with a sign that includes:
  - (1) the universal chasing arrows recycling symbol;
  - (2) the type of materials accepted written in English and Spanish; and
  - (3) the term "Recycling" or "Compostables" or "Organics", as appropriate.

**AUSTIN RESOURCE RECOVERY**  
**CHAPTER 15-6 ADMINISTRATIVE RULES**

**8.0 – UNIVERSAL RECYCLING ORDINANCE (URO) RULES**

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**8.5 - Capacity and Diversion Performance Standards**

8.5.1 A Responsible Party shall meet the performance standards of the Universal Recycling Ordinance by providing either compliant capacity or achieving a specific minimum diversion rate, as follows:

8.5.1.2 Capacity Performance Standards

8.5.1.1.1 Minimum recycling service capacities are established to ensure that adequate storage capacity and collection service is available for diverting recyclable and compostable materials onsite from disposal.

8.5.1.1.2 Multifamily properties—Beginning on October 1, 2020, Responsible Parties shall ensure that onsite recycling services are sufficient to accommodate the regular accumulation of recyclables and avoid overflowing containers by having, at a minimum, one of the following:

8.5.1.1.2.1 Twenty-four gallons of recycling capacity per dwelling unit per week; or

8.5.1.1.2.2 An equal 1:1 ratio of landfill trash to recycling capacity.

8.5.1.1.3 Multifamily properties – Responsible Parties shall ensure that onsite composting services are sufficient to accommodate the regular accumulation of organic materials and avoid overflowing containers by having at a minimum:

8.5.1.1.3.1 One gallon of composting capacity per dwelling unit per week.

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**8.8 - Exterior Collection Areas, Points, and Containers**

8.8.1 Provision of Containers—Responsible Parties shall ensure diversion containers, compactors, and collection points are provided for the initiation and maintenance of landfill trash, recycling, and organics diversion service. Reference Section 8.4, General Requirements.

8.8.2 Convenient Access - Responsible Parties shall ensure that ~~all~~ a minimum of one recycling, ~~and when applicable,~~ organics diversion, containers, ~~compactors,~~ or other collection points ~~s are~~ is located within 25 feet of ~~a all~~ landfill trash ~~diversion~~ containers, ~~s,~~ compactors, or other collection points. Reference Section 8.11, Waiver Process.

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## 11.0 – DEFINITIONS

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11.50 OVERFLOWING CONTAINERS means trash, recyclable, or compostable containers that are too full to close the lid, are too full to place additional material in, or have material on the ground within 5 feet of a container.

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