

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 Chapter 15-6 and administrative rules relating to composting and recycling 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".
- b) Adding language requiring multifamily properties to collect food scraps (including meat, bones, and dairy), food soiled paper, and BPI certified compostable products.

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- c) Amending language to education requirements to include information and instructions for all diversion methods.
- d) 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 container".

**ZERO WASTE ADVISORY COMMISSION RECOMMENDATION**

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

**STAFF RECOMMENDATION**

Staff recommends adoption of the amendments to Austin City Code Chapter 15-6 and Chapter Eight of Austin Resource Recovery's Administrative Rules.

1 **PART 1.** City Code Section 15-6-91 (*Affected Premises*) is amended to read:

2 **§ 15-6-91 AFFECTED PREMISES.**

3 (A) The responsible party for a premises of which all or part is used for multi-  
4 family residential use shall:

5 (1) ensure that tenants and employees have access to on-site recycling  
6 services described under this article, for that portion of the premises  
7 that is multi-family residential; and

8 (2) after October 1, 2024, and for premises with five or more dwelling  
9 units, ensure that tenants and employees have access to composting  
10 services described under this article, for that portion of the premises  
11 that is multi-family residential.

12 [~~effective:~~

13 (1) ~~immediately for premises with 75 or more dwelling units;~~

14 (2) ~~October 1, 2013 for premises with 50 or more but less than 75~~  
15 ~~dwelling units;~~

16 (3) ~~October 1, 2014 for premises with 25 or more but less than 50~~  
17 ~~dwelling units;~~

18 (4) ~~October 1, 2015 for premises with 10 or more but less than 25~~  
19 ~~dwelling units; and~~

20 (5) ~~October 1, 2016 for premises with 5 or more but less than 10~~  
21 ~~dwelling units.]~~

22 (B) The responsible party for a premises of which all or part is used for office,  
23 medical office, medical facilities, religious assembly, or private  
24 educational facilities shall ensure that tenants and employees have access  
25 to on-site recycling services described under this article, for that portion  
26 of the premises that has one or more of the uses described in this  
27 Subsection (B). [~~effective:~~

28 (1) ~~immediately for premises with more than 100,000 square feet of the~~  
29 ~~non-residential uses described in this Subsection (B); and~~

30                   ~~(2) — October 1, 2013 for premises with more than 75,000 square feet and~~  
31                   ~~up to 100,000 square feet of the non-residential uses described in this~~  
32                   ~~Subsection (B).]~~

33           (C)    The requirements in Subsection (D) of this section are in addition to the  
34                   requirements in Subsections (A) and (B) of this section.

35           (D)    The responsible party for a premises of which all or part is used for non-  
36                   residential use, including but not limited to those uses described in  
37                   Subsection (B) of this section and also including hotels and lodging,  
38                   grocery stores, and commercial businesses, shall ensure that tenants and  
39                   employees have access to on-site recycling services described under this  
40                   article. [effective:

41                   ~~(1) — October 1, 2014 for premises with more than 50,000 square feet of~~  
42                   ~~any type of non-residential use;~~

43                   ~~(2) — October 1, 2015 for premises with more than 25,000 square feet and~~  
44                   ~~up to 50,000 square feet of any type of non-residential use;~~

45                   ~~(3) — October 1, 2016 for premises with more than 5,000 square feet and~~  
46                   ~~up to 25,000 square feet of any type of non-residential use; and~~

47                   ~~(4) — October 1, 2017 for all non-residential premises that are not~~  
48                   ~~described in (D)(1) (3) of this subsection.]~~

49           (E)    In addition to complying with the other requirements described in this  
50                   section, the responsible party for a premises of which all or a portion has  
51                   use attributable to a food enterprise that requires a food permit under  
52                   Section 10-3-61 (*Permit Required*) [of this Code] to operate shall ensure  
53                   that employees at the food enterprise have access to on-site diversion of  
54                   organic materials. [effective:

55                   ~~(1) — October 1, 2016 where the square footage in a certificate of~~  
56                   ~~occupancy, food enterprise permit, or similar document issued by a~~  
57                   ~~government entity for the food enterprise is 15,000 square feet or~~  
58                   ~~more;~~

59                   ~~(2) — October 1, 2017 where the square footage in a certificate of~~  
60                   ~~occupancy, food enterprise permit, or similar document issued by a~~

61 ~~government entity for the food enterprise is between 5,000 square~~  
62 ~~feet to 14,999 square feet; and~~

63 ~~(3) — October 1, 2018 for all food enterprises that hold a food enterprise~~  
64 ~~permit and that are not described in (E)(1), (2) of this subsection.]~~

65 (F) ~~[For purposes of determining the effective date under this section the~~  
66 ~~director may verify the square footage attributable to a specific use by~~  
67 ~~consulting appraisal district or other public records or by requesting a~~  
68 ~~valid certificate of occupancy or approved site plan documenting the types~~  
69 ~~of uses.]~~

70 ~~[(G)]~~ A responsible party for an affected premises to which an effective date in  
71 Subsections (A) – (E) of this section applies and who begins operations  
72 after an applicable effective date shall comply with this ordinance on the  
73 date the affected premises is issued a certificate of occupancy.

74 **PART 2.** Subsection (A) of City Code Section 15-6-92 (*Diversion Requirements for*  
75 *Affected Premises*) is amended to read:

76 (A) On-site recycling and organic material diversion services required under  
77 this article shall:

78 (1) collect at least the following materials: paper (including mixed paper  
79 and office paper), plastics PETE (#1) and HDPE (#2) bottles and  
80 containers, aluminum cans, corrugated cardboard, and glass bottles  
81 and jars;

82 (2) collect organic materials, if a premises with a food enterprise is  
83 subject to Subsection (E) of Section 15-6-91 (*Affected Premises*);

84 (3) collect at least the following materials, if a premises is subject to  
85 Part (A)(2) of Section 15-6-91 (*Affected Premises*):

86 (a) food scraps (including meat, bones, and dairy);

87 (b) food soiled paper; and

88 (c) BPI certified compostable products;

89 (4)~~(3)~~ provide receptacles, collection, capacity, and storage areas that  
90 comply with applicable administrative rules; and

91                   (5)[(4)] remove the recyclable or organic materials by either:

- 92                   (a)     transporting the recyclable and organic materials to a  
93   materials recovery or composting facility authorized by law;
- 94                   (b)     contracting with a City-licensed recycling service provider to  
95   transport the recyclable and compostable materials to a  
96   materials recovery or composting facility authorized by law;  
97   or
- 98                   (c)     transporting recyclable or organic material, as permitted and  
99   required by City Code, to a material recovery facility, food  
100    bank, processor, material broker, urban farm, urban ranch,  
101    rural farm, rural ranch, community garden, or a facility that  
102    prioritizes the hierarchy of beneficial use as set out in  
103    Subsection (D) of this section.

104 **PART 3.** Subsections (A) and (B) of City Code Section 15-6-93 (*Education*) are  
105 amended to read:

- 106           (A)     The responsible party for an affected premises shall provide landfill  
107                   diversion [~~recycling~~] information and instructions in accordance with  
108                   rules adopted by the director to:
- 109                   (1)     all tenants and employees of the premises annually;
- 110                   (2)     a new employee or tenant no later than the thirtieth day after the  
111   tenant occupies or the employee begins work at the premises; and
- 112                   (3)     all employees or tenants not later than the 30th day after a substantive  
113   change in the landfill diversion [~~recycling~~] service offered at the  
114   premises.
- 115           (B)     The responsible party shall provide landfill diversion [~~recycling~~]  
116                   information and instructions in accordance with rules adopted by the  
117                   director to:
- 118                   (1)     each business, tenant, or organization located at the premises  
119   annually;
- 120                   (2)     a business, tenant, or organization newly located to the premises not  
121   later than the 30th day after any change in occupancy; and

122  
123

- (3) all occupancies at the premises not later than the 30th day after a change in the landfill diversion [~~recycling~~] service offered.

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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 ~~are~~-is located within 25 feet of a all landfill trash ~~diversion~~

containers, 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 CONTAINER means a trash, recyclable, or compostable container that is too full to close the lid, is too full to place additional material in, or has material on the ground within 5 feet of a container.

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