



JOINT SUSTAINABILITY COMMITTEE RECOMMENDATION 20230823-6

Date: August 23, 2023

Subject: *Multifamily Composting Ordinance Recommendation*

Recommendation

Multifamily Composting Ordinance Recommendation

Description of Recommendation to Council

The Joint Sustainability recommends that the Austin City Council approve the proposed update to the Universal Recycling Ordinance to require composting collection at multifamily properties, as proposed by staff in the Attachment A.

Rationale:

Providing composting services to all residents aligns with the goals of the Austin Climate Equity plan. Keeping organic materials out of the landfill reduces methane production, which is an important step for mitigating climate change.

Motioned By: Heather Houser

Seconded By: Anna Scott

Vote: 12-0

For: Stephanie Bazan, Jon Salinas, Diana Wheeler, Melissa Rothrock, Heather Houser, Christopher Campbell, Anna Scott, Charlotte Davis, Rodrigo Leal, Yure Suarez, Kaiba White, Haris Qureshi

Against: none

Abstain: none

Absent: Larry Franklin, Alice Woods, Kelsey Hitchingham, Chris Maxwell-Gaines, Bertha Delgado

Attest:

Zach Baumer, Interim Chief Sustainability Officer

Attachment A: Multi-Family Compost – Universal Recycling Ordinance Code and Rules Amendment

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

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- (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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