



Subject: Universal Recycling Ordinance (URO) Phase 2 Administrative Rules Stakeholder Meeting for Haulers

Date & Location: June 24, 2013 2:00 p.m. – 4:00 p.m. City Hall, Room 1029

Introduction

Austin Resource Recovery held a stakeholder meeting intended for private solid waste haulers to discuss the Universal Recycling Ordinance. The purpose of this meeting was to discuss the lessons learned in the current implementation of the URO, introduce the URO Phase 2 Administrative Rules stakeholder process, and to begin the Administrative Rules amendment discussion.

Stakeholders were provided with information on Austin Resource Recovery's Strategic Initiatives' planning and business outreach teams. Stakeholders then introduced themselves. Staff walked meeting participants through the meeting agenda and transitioned to Part One discussion.

Part One: URO Phase 1 Discussion

Staff presented background information on the URO Phase 1 and updated stakeholders on the status of the incoming Recycle Plan Forms.

Opportunities for Recycle Plan Forms

- (stakeholder) Make online plan form easier
 - o (stakeholder) What is the time frame for a new version of the plan form?
 - o (staff) ARR is hoping to work with a third party vendor to develop online plan forms. Any potential contract will go to City Council.
- (stakeholder) How is ARR deciphering data?
 - o (staff) Plan form
 - o (staff) Staff and Contractors in the field
- (stakeholder) What is being done with plans that are turned in?
 - o (staff) Plan data is going into excel
- (stakeholder) Has anyone asked for a waiver or variance? If so, what?
 - o (staff) Yes, primarily in regards to container space issues and alternate materials

Education

- (stakeholder) What efforts are underway to find out what is not working?
 - o (staff) Affected properties are contacting ARR through our website
 - o (staff) Recycle Plan Forms
 - o (staff) Staff and Contractors in the field
- (staff): What more can staff do?
 - o (stakeholder): Nothing. There is an ordinance in place. Enforce it.
 - o (stakeholder): Allow for the education to take place between the service provider and customer.
 - o (stakeholder): Allow the market to work
 - o (stakeholder): Service providers have sales teams who are working on education
- (stakeholder): City is spending too much on educational outreach, example: plastic bags.
- (stakeholder): The ordinance must be enforced
 - o (stakeholder): City needs to send strong message





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- (stakeholder): If there is not enforcement the service providers do not seem credible
- (stakeholder): Hold a hard deadline on the date of enforcement
- (staff): The ordinance provides for a penalty of a Class C misdemeanor for non-compliance
- (staff): The ARR Director has committed to a one year education period after a property type has become affected. Exceptions can be made by the ARR Director if a property is not committed to showing a good faith effort to comply with the ordinance.
- (stakeholder): At the end of the education period will people be fined?
 - (staff): Properties will be fined and all information will be public
 - (staff): No one has been fined to date
- (stakeholder): The service providers' job would be made easier when the number of properties affected increases if fines are known and considered serious.
 - (stakeholder): This would also help define procedure
 - (staff): The Administrative Rules provides penalty procedures
- (stakeholder) What about the 50% of properties who have not submitted plan forms?
 - (staff) Outreach by service providers, city contractors and staff
- (stakeholder): East Riverside Neighborhood Plan conflicts with current URO
 - (stakeholder): Is staff working to resolve code conflicts
 - (staff): Staff is working with other departments
- (stakeholder): How do government agencies afford to comply? How does the public understand that government agencies are exempt?
 - (staff): Staff working with others
 - (staff): Code Enforcement

Part 2: URO Phase 2 Administrative Rules Development Discussion

Staff presented an overview of the URO Phase 2 Administrative Rules Amendment process, stakeholder meeting schedule, and staff roles. Stakeholders were informed that a detailed stakeholder meeting schedule would be posted on-line at the project webpage.

Staff transitioned from the process overview to the URO Phase 2 Administrative Rules amendment discussion. Stakeholders were asked to consider recent URO amendments and to provide input on the Rules from their perspective:

Opportunities for Recycle Plan Forms

- (stakeholder) User filling out plan form should require a hauler license number. Current plan form does not require this.
 - (stakeholder) This would help with enforcement of unlicensed haulers
 - (staff) ARR is working with Code Compliance to make this addition to the plan form

(staff) What are the challenges for smaller properties?

- (staff) Large Properties have staff tasked for management.
 - (staff) Multifamily with less than 10 units many times do not have staff
 - (staff) Is there a property site threshold for plan form requests?





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- (stakeholder) The current plan form is for property owners. Are restaurants going to be required to submit the plan form?
 - o (stakeholder) Wendy's quick service food property is leased to a franchise owner
 - o (stakeholder) One franchise owner may own 30 McDonald's. Will they be able to submit one form for all of their franchises?
 - (stakeholder) It is recommended that franchises should be able to submit one form
- (stakeholder) How are quick food service clients who contract or lease in "Big Box" stores handled?
 - o The conversation shifted and no specific answer to this question was generated
- (stakeholder) How are businesses in city or government facilities defined? Who is the responsible party?
 - o (staff) Staff is currently using TCAD to identify property owners.
 - (staff) How does staff identify franchise owners?
 - (stakeholder) A list of owners may not exist
 - (stakeholder) Utilize COA Health Department – food permit data
 - (stakeholder) Utilize AMANDA (COA)
 - (stakeholder) Stakeholders could volunteer property owner information
- (stakeholder) Redefining the responsible party would alter the ordinance
 - o (staff) COA legal staff have identified property owners as the responsible party

Composting

(staff) Is there a need to define required materials for the composting requirement?

- (stakeholder) Non-recyclable Organics
 - o (stakeholder) There is no need to define required materials. Allow the service providers to set the required materials that work best for their business model.
 - (stakeholder) The science of composting is changing. It would be difficult to get the required materials correct.
 - (stakeholder) Different facilities have different capabilities
- (stakeholder) Biodegradable plastic is a "nightmare." For example compostable silverware requires a unique process.
- (stakeholder) More flexibility will be needed with composting than recycling
- (stakeholder) Are there compost classifications for restaurants?
 - o (stakeholder) The rules should be compliant without meat. Meat cannot be required. Many facilities do not have permits to compost meat.
- (stakeholder) What about FOG's?
 - o (stakeholder) FOGs were defined as Fats, Oils and Greases
- (stakeholder) Quick service foods will not produce much compost
 - o (staff) Current rules accommodate this
- (stakeholder) In 2016, with full compliance, do we have the infrastructure to handle the material influx, at this time?
 - o (stakeholder) No, we do not have the infrastructure at this time
 - o (stakeholder) A restaurant that participated in the compost pilot required three compost pickups in the cold months and five compost pickups in hot weather. There were major issues with smell and flies.





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- (stakeholder) Does ordinance detail pre- and post-consumer material?
 - o (staff) The ordinance does not detail materials
 - o (stakeholder) The ordinance should not detail materials
 - o (stakeholder) Materials have highest and best use. Any limitation on pre- and post-consumer language would make compliance difficult
 - o (stakeholder) The small quantity food generator may need to add cardboards and papers to soak up liquids.
- (stakeholder) Does the ordinance include brush?
 - o (stakeholder) The intent of the ordinance is for food.
 - (stakeholder) This may create a need for brush as a necessary compost additive
- (stakeholder) No two users are the same
 - o (stakeholder) Allow haulers to adjust along the way
- (stakeholder) Compost requirements are applicable to businesses in different ways
 - o (stakeholder) Variances for quick service food exist as performance based requirements
- (stakeholder) Leave room for flexibility
 - o (stakeholder) Calculate diversion by capacity, weight, or percentage
- (stakeholder) California regulates recycling and composting as a state thru AB 939
- (staff) Recycle Plan forms are being utilized to help calculate diversion in Austin
- (stakeholder) Austin is a fast growing city and building codes do not allow enough space for containers
 - o (stakeholder) Coordinate with PDRD to ensure developments comply
 - (stakeholder) Examples: Mueller, East Riverside
 - (stakeholder) New developments not adapting to 'Zero Waste' culture
 - (stakeholder) High rises do not have trash chutes
 - o (stakeholder) There has been an ongoing debate with space and diversion containers
 - o (stakeholder) What is the role of the sustainability officer?
 - (stakeholder) Is someone working on this issue?
 - (stakeholder) Is the City Manager involved?
- (stakeholder) There are likely to be a lot of exemptions due to space constraints
- (stakeholder) Focus on a total percentage of diversion.
 - o (stakeholder) How does the food hierarchy diversion rate compare to the total diversion rate?
 - o (stakeholder) How would this be enforced
 - (stakeholder) Zero Waste Auditors
- (stakeholder) Are there any incentives to haulers to pull this off? Is there any way to do this?
 - o (stakeholder) Where would the burden of cost fall?
 - o (stakeholder) There is not a need for an incentive. The ordinance has provided the incentive.

The meeting was called to a close and stakeholders were informed that an email would be sent notifying them when the agenda and meeting minutes are posted to the URO Phase 2 webpage. Stakeholders were also encouraged to attend all future Universal Recycling Ordinance Phase 2 Administrative Rules Stakeholder Meetings and be involved in the process.

END

