



**Subject:** Universal Recycling Ordinance Phase 2 – Administrative Rules Development  
#3 Stakeholder Group Meeting – Industrial / Manufacturing

**Date:** July 31, 2103 2 p.m. – 4 p.m.

**Location:** City Hall; Room 1029; 301 W. 2nd St.; Austin, TX 78701

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### **Introduction**

Austin Resource Recovery held a stakeholder meeting intended for industrial and manufacturing property owners and managers to discuss the Universal Recycling Ordinance. The purpose of this meeting was to educate stakeholders about the ordinance and work together to amend the Universal Recycling Ordinance Administrative Rules

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 thru the meeting agenda and transitioned to the education component of the discussion.

### **Part One – URO Education Presentation**

Staff made a presentation to stakeholders on the City's Zero Waste goals, the Universal Recycling Ordinance, the Universal Recycling Ordinance Phase 2 amendments, defined ordinances, and defined administrative rules.

### **Part Two – URO Phase 2 Facilitated Discussions**

Staff outlined the facilitated discussion portion of the meeting and described the questions they would be asking.

### **Responsible Parties**

Staff read section 8.2 of the administrative rules to the stakeholders and asked the stakeholders what challenges they see complying with this portion of the rules?

- (stakeholder) As you know some of us lease our properties, we are not operators according to the lease agreement.  
(staff) So the property owner is the ultimate responsible party. At this point we want to hear from you, know how you are set up, are there recommendations you have on how you could comply with the ordinance given that you are leasing?
- (stakeholder) The property owner should not be responsible. If it is a leased piece of property such as a restaurant, the owner is not responsible for composting. We do not even run the restaurant. We cannot force people to do something like this just because we own the property. The same thing happened with the smoking ordinance. It started with the owner, but we do not own the bars. We own the building, but not the business. The operator [of a business] should not be representing an owner.
- (staff) You mentioned the smoking ordinance. How did that resolve itself?
- (stakeholder) We did the operator of the business.





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- (staff) We have the existing ordinance and we have the rules. The ordinance indicates that the property owner is the responsible party and I am hearing that there are challenges with that. Do others in the room have ideas about how thru your leases, do you have requirements for your tenants, and how does that work?
- (stakeholder) The leases would have to say that, but if we have a ten year lease and the ordinance was citations. However most leases say they must follow all city ordinance and authorities, but it is very generalized. I don't know what happens if they do not comply. My concern is the citations. I don't like it unless it is the party that actually created the issue. On the smoking ordinance, if someone made a claim it was at midnight on a Saturday night and the owner has no business.
- (staff) So your concern is a citation, if you as a property owner thru your lease, has they must abide by City Code – your concern is the citation going back to you [the property owner].
- (stakeholder) That would be an issue for a property owner that does not run that business.
- (stakeholder) That fine portion could be written into the lease.
- (stakeholder) Most leases do put that on there that they are responsible for any violation of authorities.
- (stakeholder) There is two and a half years if you need to go back and amend.
- (stakeholder) But that is an added expense to the property owner. This ordinance is not in cement. You need to be keeping a list of clean up amendments that need to go into the ordinance all at once when this process is done. They did it with commercial design standards. The idea that we cannot amend the ordinance is false. Nobody is going to repeal the ordinance – but something like this is a straightforward amendment. Change property owner to business operator.
- (stakeholder) No one wants to renegotiate a lease. Once you have a ten year tie in, no one wants to go back and renegotiate. [The City] should adjust to the challenge.
- (stakeholder) I think the underlying issue here is unlike a downtown office building where there is one trash and one recycling in the landlords name in an industrial warehouse, the landlord has nothing to do with the waste services that the tenants use. We do not require dumpsters if it is a dead storage facility or they generate no waste then they do not have to have a dumpster. They may have another storefront somewhere else and they have a dumpster there. I do not understand how the landlord is responsible if we are not creating the waste.
- (staff) I am wondering if there is opportunity for landlords to participate in the ordinance, if there is a relationship between them and their tenants that can support the intention of this ordinance?
- (stakeholder) I think eventually there can be, but going back is not a good idea. In a strip center you may have two completely different companies. The landlord is not there. It is different individual companies and those are operators of the business and that is why it should say operator of the business because that is who is making the operations decisions.
- (staff) So we have made a note of that. There are no bad ideas. We need your creative thoughts to figure out how we can implement the ordinance. We cannot promise that will be an immediate fix, or an ever fix, at this point. But, given the ordinance as it stands are there other creative options?





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- (stakeholder) I do not see anything that says we have to recycle a certain percentage of our waste.  
(staff) Reference 8.13.3 in the Administrative Rules
- (staff) I want to make sure we do not stop the conversation about the affected properties and understanding the challenges of lease agreements and any creative thoughts around that.
- (stakeholder) Why can't the City just go to [private haulers] and have them give you a list of customers and then where ever those customers are – then that is the responsible party for the ordinance.  
(stakeholder) [Private haulers] are not going to hand over their customer lists.  
(stakeholder) Then use utility bills, because on industrial for example, you have multiple meters on the building – use that. That is one way to get away from the landlord perspective and put it back on the tenant.  
(stakeholder) Or business operator.
- (staff) There was mention that there is some time before the affected date so thinking about leases over the next two and a half years. Is there any sort of tie frame that would work for a grace period for amendments?  
(stakeholder) No, because it is so varied we would have to have fifteen different ways do that. To me it is the tail wagging the dog. The City should adjust. We should not fix the challenge. The ordinance can be amended. When you are at an apartment complex and there is one person that is responsible all over, that is easy. In a business to make sure everybody [complies with the ordinance]. I think that ten years from now we could put it in the lease. There could be two hundred ordinances by then. We cannot name them all in the lease. I think business operator would be the most prudent to mention in the ordinance.
- (stakeholders) McDonalds has over thirty sites across the city. So does Taco Bell. Those sites may be owned. They may be leased. We are going to obey and do our part and we are going to meet our goals, but I have to tell you this is not a popular ordinance and anything you do to make it more unpopular is going to add to problems for [the City]. You need to keep a list of things that make it easy. If it is not easy you are going to have a battle on your hands. The issue is that property owners are not where it needs to be on the commercial side. The other thing is that when you read 8.13 and you have to say that the owners have to calculate these ratios. They are not going to do it and I suspect the Zero Waste Commission cannot even do it. I would defy you to calculate those things. To tell a land owner to calculate those ratios is making it too difficult.
- (stakeholder) I would think they could get those numbers from the hauler.  
(stakeholder) I don't know what the purposes of the numbers are. They haulers know what they are picking up and putting in a landfill. If they are putting 50% less in the landfill then what else do you need to know? The end game is diversion and zero waste. You do not need all of this. The end game is to make it simple and this is not simple and you are putting the onus on the wrong place. You have to remember that this is not the only ordinance that has been passed. The City has passed how many ordinances in the past six





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- months? 200 hundred or something? This one is not popular. To meet some of the requirements it is going to cost us \$30,000 a site.
- (staff) I am hearing you say it is complicated and there are fixes. That is what we want to hear. Those are fixes related to the ordinance. Are there fixes related to the rules?
- (stakeholder) 8.13.3 needs to be made more simple.

### Recyclable Materials

Staff read section 8.6 of the administrative rules to the stakeholders and asked the stakeholders what challenges they see complying with this portion of the rules?

- (stakeholder) These are commodities that have a value associated with them. I am concerned how this is going to affect my recycling business because what you are saying is that this is dictated to go to a handful of recyclers and that is going to pull those materials that I am purchasing and paying for off the market. In my opinion it is creating an unfair advantage for other companies.
- (staff) Do I understand that what you are saying is that of the materials listed they would benefit from a single stream collection system?
- (stakeholder) Well not particularly. Aluminum cans, in my purpose, purchase paper from the public are not under the umbrella of these collection services and are at a disadvantage.
- (stakeholder) We are putting these materials in single stream and they are going to only two places, so he is going to possibly lose all his aluminum.
- (stakeholder) What difference does it make if they sell it. It is still out of the landfill. Isn't that the goal? If a person who wants to recycle wants to sell it, they should be allowed to do so.
- (staff) Can I direct your attention to 8.4.7 and see if there is anything that should be modified there?
- (stakeholder) The only concern there is that if it goes to someone who is going to sell it, will the business get the credit [for diversion]? How do we measure that? If we do not meet the diversion goals – we will get a citation. How do we prove that we met the diversion goal?
- (staff) So are you saying that whatever reporting requirements are should take into consideration not only the dumpsters but whatever bails you might have sold.
- (stakeholder) That is right and it should be credited to that business.
- (staff) So a mechanism for capturing that.
- (stakeholder) We had the same issue with a commercial property and shredding. There are specific companies that pick up shredding. Lawyers and medical only produce shredded documents. We should get credit. The end result is that it is not going to the landfill. We should not be penalized. Well, I would have if I did not have to shred it. Laws and ethics require you to shred. How do you credit that business?
- (stakeholder) We are going to self-report these numbers once a year?
- (staff) Thru the recycle plan form.





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(stakeholder) So we can compile this ourselves.  
(stakeholder) Is the form online?  
(staff) Staff is in the process of creating an online form. It is a contract issue at this point.  
(stakeholder) On language of the five materials: for example, we do not have aluminum cans and we do not have glass. Then it says I have to do five materials and a whole list of substitutes. What is the magic about five materials if you hit your 75%. What you want is zero diversion. Why lock me into five materials?  
(staff) There is a portion of 8.6.3: that state if a property can prove a diversion rate of 75% thru a third party waste audit may be able to grant a waiver for one or more materials.  
(stakeholder) Then you have to spend more money to get a third party waste audit, making it complicated and expensive.  
(staff) How can we make it less complicated?  
(stakeholder) [A hauler] knows if he picks up one of my clients dumper, he knows how much it holds and weighs. If the weight in the dumpster goes down by 50% and the equal amount of weight is in the recycling bin. Why do you need a third party audit?  
(stakeholder) It doesn't say you have to recycle these five things. It says you have to provide the ability to recycle. If a single stream comes thru to take all five, it does not matter if it has all five or not.  
(stakeholder) Do you think so?  
(stakeholder) Is a hauler going to break down the contents of a single stream?  
(stakeholder) [A hauler] reports to the city semi-annually.  
(stakeholder) If a dumpster takes five materials, but no glass shows up, will the owner be penalized?  
(stakeholder) That may be a partial answer for some sites. We have some sites where they compact cardboard and the cardboard gets picked up by cardboard people. So are we going to put an extra dumpster in there just to take waste paper? I do not think so.  
(stakeholder) You only have cardboard?  
(stakeholder) Cardboard is our biggest. It is being compacted and not going into single stream.  
(stakeholder) If you have a compactor and single stream then you should meet the requirements.  
(stakeholder) Why would I put a single stream in if I am meeting my 75% thru cardboard?  
(stakeholder) You only have cardboard? No glass?  
(stakeholder) No. Cardboard and grease is where we are going to meet 75%. So why would we provide a single stream dumpster?  
(staff) I wonder if 8.6.3 would address this?  
(stakeholder) With a third party waste audit. That is more money. Are we going to do a waste audit on thirty sites? No.  
(stakeholder) Why wouldn't the City?  
(stakeholder) If the City wants to come on site and do an audit they can.  
(stakeholder) The City has ultimate approval.  
(stakeholder) But a third party waste audit could be somebody different. If you have to hire an auditor for fifty sites? There are 1250 restaurants in the town.





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- (staff) So you are saying the service provider could provide you with the information that you are meeting the goals?
- (stakeholder) I think so. The service providers would have to answer that.
- (stakeholder) For example if you waste hauler is hauling off 250 pounds of waste and your cardboard hauler is carrying of 750 pounds of cardboard and that is your total waste generated.
- (stakeholder) But it is not in weight it is in volume. We work in weight.
- (stakeholder) All the haulers work in weight?
- (stakeholder) [Haulers] have scales on the font of their trucks.
- (stakeholder) Do you convert the weight to cubic yards?
- (stakeholder) [Haulers] have those conversions but ultimately we like to get the net weight.
- (stakeholder) So what is the diversion measured by?
- (stakeholder) By volume.
- (staff) In the recycle plan form, is there a way this could be addressed?
- (staff) Currently in the plan form it allows you to check off alternative materials or substitutes.
- (staff) We left it at volume because volume is easier to calculate. You still do not know how full the containers are. Are they full – are they three quarters full? It goes back to the scales on trucks. Scales on trucks are problematic at best. You cannot keep them calibrated. There are a number of different problems.
- (stakeholder) I know for purposes of LEED we calculate ours by weight. But I do know they offer by weight or volume.
- (staff) EPA has published a conversion factors for weight to volume that the City could use.
- (stakeholder) We have bailed paper and plastic. Weight is easy for us to calculate.
- (stakeholder) It is sold by weight.
- (stakeholder) We recycle and get paid by weight. Not volume. Perhaps there could be a conversion on the website?
- (stakeholder) How much is the disparity between if it is calculated by weight or volume? Given you care about the volume, but is the volume close enough to the weight where we are having the big discussion over a miniscule difference.
- (staff) So what is your recommendation?
- (stakeholder) [Hauler] thinks that the volume is the easier way to calculate. [Staff] just illustrated the problems with scales and the prices of the scales. Weighing every container is a challenge.
- (stakeholder) So how would you calculate the volume?
- (stakeholder) It is the capacity of the container times the frequency of pick up.
- (stakeholder) But if it is not full? Is it calculated as full.
- (stakeholder) [Hauler] Yes.
- (stakeholder) There needs to be a way to report both. Something that allows flexibility for differences in sites.





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- (stakeholder) What happens if he checks his plan and reports in weight – could you use the calculating to convert it to volume or vice versa?
- (stakeholder) [Hauler] In the evolution of this ordinance, industrial and manufacturing was the element that volume did not apply to. In most cases they may not even need dumpsters. Their manufacturing process is something that could be strictly bailed. So this is a subset. The whole discussion of volume centered on being able to collect in a dumpster situation. For this particular group there is an economic advantage to manage their recyclables. They have precise methods of reporting the number of bails sold. So the requirement for five will be a fraction in industrial and manufacturing. A dumpster may not even be relevant. This subset does not fit in neatly.

### Substitute Materials

Staff read section 8.7 of the administrative rules to the stakeholders and asked the stakeholders what primary waste streams are being produced in industrial settings that would be good substitute materials?

- (stakeholder) We recycles just about everything on this substitute materials list. We also ship light bulbs, ballasts, batteries. I did not have a hard time finding five materials to recycle.
- (stakeholder) Liquids fats oils and greases
- (stakeholder) Used carpet
- (stakeholder) I would think it would be better to leave an open ended category. As technology changes things can come in that could change the list.
- (stakeholder) Scrap construction materials. Sheetrock. Broken ceiling tiles and insulation.
- (stakeholder) Will that be covered by the C&D ordinance?
- (staff) Eventually.
- (stakeholder) But what about now until the C&D ordinance comes into effect? It could be a temporary bridge.
- (stakeholder) On the website you could have an "other" where you could describe it.
- (staff) The way the rules currently allow is that this is not an exhaustive list.
- (stakeholder) 8.7 is substitute and alternative materials. We are looking to maximize rather than substitute.
- (stakeholder) If there is a responsible after market for a material – that should be allowed.
- (staff) The five are a minimum – allowing for substitutions. The goal is not to restrict.
- (stakeholder) Do we see a need for paints? I know there is the Household Hazardous Waste Facility.
- (staff) They will not accept business waste.
- (stakeholder) So where are they going?
- (stakeholder) We send it off to a recycler.
- (staff) Is there anything more on the substitute materials?

**Staff informed stakeholders of a five minute break.**





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### Exterior Collection Areas and Containers

Staff read section 8.8 of the administrative rules to the stakeholders and asked the stakeholders what challenges they see complying with this portion of the rules?

- (stakeholder) On 8.82 where it says you have to have a container within 25 feet of landfill trash. What if there is recycling, but no landfill trash?  
(staff) I believe what this is saying is that if you have a trash dumpster you need to have recycling next to it, but not necessarily the other way around.
- (stakeholder) As long as it is not telling me I have to have a landfill trash container
- (stakeholder) When we got our site plan four years ago we had to have a certain number of parking spaces and a certain place to put a dumpster on the site, and a certain amount of green space. I do not have any more space on my site to put more dumpsters unless the City says I can park less cars there or I can put in on top of grass. I was in compliance, did everything I was supposed to do, and now I do not know how to comply.  
(stakeholder) That would take a board of adjustment issue if impervious cover is changed and that is expensive and they can also say no. If they say no, the only way to get past the board of adjustment is to sue the board of adjustment. Adding this non-pervious item to the land development code should coordinate. It is very hard to get a site plan approved.  
(staff) We understand those are some of the barriers that different properties are coming up against. The City is currently working with PDRD and looking at the Land Development Code specifically at areas of impervious cover and parking requirements. We are looking at trying to help there
- (stakeholder) But even on the impervious cover, if most of your site is concrete or they are older buildings – where would you put [a diversion container]? You are not going to put it on the street? Where would you put it? There might be islands of landscaping, but that is not room enough for a dumpster. If you put it on parking spaces and you try to build a new tenant and they do a count of the parking ratio and you are off then you can't get your permit.
- (stakeholder) They are re-writing the Land Development Code. The whole issue is where does it fall in the priority? Does East Riverside trump the LDC? Where does the solid waste master plan go? Nobody can answer this.  
(staff) 8.8.9 lists several avenues for requesting a waiver. I wonder if there is anything else to add to the list?  
(staff) So those waivers currently can be requested if you meet the conditions [listed in 8.8.9].  
(stakeholder) Is the waiver form online?  
(staff) It is part of the plan form.
- (stakeholder) I wanted to go back to the 25 foot rule. The term "shall be." There was an example brought up earlier of when you are trying to find space. I think that was intended for dumpsters in an enclosure. In an





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industrial setting you could have a compactor that is on one side of the building and then your trash could be on the complete other end of the property. “Shall be” seems pretty definitive.

(staff) For those in the industrial and manufacturing group: do you find that it is a common situation?

(stakeholder) It certainly could apply to older facilities downtown where you cannot add on to an enclosure.

(staff) If that [section] uses the term collection points instead of dumpsters would that cover that situation?

(stakeholder) There is no real collection point. Receiving point of the materials. I can’t think of all the situations, but I can think of all the issues this would apply to.

(stakeholder) I think the problem is you need to be flexible. These rules are trying to micromanage too much. When you start telling them where to put their containers – parking lots are money for commercial property. I would simplify and not micromanage.

(stakeholder) In industrial setting there are many times bails of items like cardboard that are not placed in secured containers and then they sit for a month. There needs to be something where bails can be considered contained. Shrink wrapped could be contained.

(stakeholder) As long as you maintain the area, it should be okay.

(stakeholder) One term that worked well in the commercial design standards was “alternative equivalent compliance.” What it means is that if they are willing to put in solar energy or detention pond in lieu of having to have a mandatory single stream building would be alternative equivalent compliance. It allows someone who is in bind in the rules do something else that is an environmental benefit. It seems to work better than a waiver.

(stakeholder) It looks like 8.8.4 and 8.8.8 may conflict as it relates to things like bailed cardboard. You can maintain a clean sanitary area on the ground without it being in a secured container.

(stakeholder) You ought to do your due diligence on what the City of Austin solid waste requirements are. It would be interesting for all of us to hear what you think they are because there are multiple and the impact is multiple. For one business it might be okay to lose a parking space, for my people a parking space is \$20,000. The restaurant Chez Zee could not afford to lose any parking.

(stakeholder) What are the other Zero Waste Ordinances that we are seeing in other cities. Do they have anything to bring to the table as far as solutions? What about San Francisco.

(staff) That was done in the development of the ordinance.

(stakeholder) Look to Portland, they have a high diversion rate. They are more like Austin than San Francisco.

(stakeholder) But they have a different regulatory environment.

(staff) There are challenges and we definitely look at other best practices and will continue to do so thru the process. We have about thirty minutes left – let’s move to the interior collection.





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### Interior Collection and Containers in Common Areas

Staff read section 8.9 of the administrative rules to the stakeholders and asked the stakeholders what challenges they see complying with this portion of the rules?

- (stakeholder) On 8.10.4 it is asking for the signs to be 24X18. Any indoor signage needs to be 24X18? We have custom built in units that would not comply. Are there exceptions to that?
- (stakeholder) You better check you commercial design standard ordinances.
- (staff) So we are looking at 8.10.4 now. [Staff reads 8.10.4]
- (staff) I am guessing that is referring to exterior containers. It may need some clarification.
- (stakeholder) There are sign provisions on East Riverside.
- (staff) So you would have challenges complying with 8.10.4?
- (stakeholder) Yes.
- (stakeholders) I do have some problems with the requirement for Spanish and English signage. We have a lot of trash cans in a large office area.
- (stakeholder) Who takes the trash from inside to outside?
- (stakeholder) Janitorial staff – they speak English very well. Our signs throughout the facility are very consistent. We recently re-did all our signage. We do not want to go back and re-do all the signage throughout the site. It would be a large expense. The Spanish requirement should not be so prescriptive.
- (staff) That goes back to the ordinance and the ordinance does state that signage should be in English and Spanish. [Staff reads ordinance]
- (stakeholder) That seems to reflect exterior.
- (stakeholder) 8.10.2 says interior or exterior.
- (stakeholder) That may be an ordinance amendment then.
- (stakeholder) We are talking mainly about the employees and staff that work at a facility. In the ordinance it talks about customers as well. We have to take that into account.
- (stakeholder) But probably not in an industrial area.
- (staff) It might be in the rules we will need to separate out industrial and manufacturing companies.
- (stakeholder) But what about an architectural firm where everyone of their employees and customers speak English and every one of their cans needs to be labeled in English and Spanish.
- (stakeholder) I don't see why it would hurt though.
- (stakeholder) On every trash can? That will never happen.
- (stakeholder) A small business of three employees?
- (stakeholder) Who is going to police that? The City doesn't even have the staff to police this.
- (stakeholder) I would rather not have an inspector come in and see that we do not have stickers on our dumpsters.





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- (stakeholder) Doesn't the City already provide stickers in English and Spanish? It would not be an additional cost.
- (stakeholder) If you only have three people – you are going to put more signs on a recycling container?
- (stakeholder) What if you have six thousand trash cans? Does each one have to be in English and Spanish?
- (stakeholder) It is just in collection areas.
- (stakeholder) Not every space has a common collection area.
- (stakeholder) I would just like to remove the possibility of a violation [for signage not in English and Spanish].
- (stakeholder) I like the idea of pulling out industry.
- (stakeholder) It seems so different than the other categories.
- (stakeholder) In 8.8.6 is seems to be saying that the periodic use of those container you cannot take credit for?
- (stakeholder) So what are they supposed to put their carpet in if they recycle carpet? I have a tenant that is all they use on a day to day basis? It is dumped once a week. How else would they go about recycling?
- (staff) So you think this would prohibit their work? Are their adjustment you might recommend?
- (stakeholder) Just take that out. For this company they recycle carpets they throw everything in the dumpster and it goes off to the recycler.
- (stakeholder) That is a permanent ongoing deal. This was added to help prevent a property from bringing in a roll off on one day of the year and saying that we are compliant with the ordinance because we hauled off a twenty yard of cardboard. The operative word is periodic.
- (staff) I think we got side tracked off looking at interior collection with is 8.9. [Staff reads 8.9]
- (stakeholder) Do you know what the applicable fire and health standards are so you know what you are asking?
- (staff) Not without referencing them.
- (stakeholder) So there are not common interior areas in industrial buildings. The landlord has nothing in the building. So we are in violation already. Even in a flex building where it is 75% office and 25% warehouse the landlord has no presence in the building.
- (staff) Does the tenant have common areas?
- (stakeholder) Yes, but the landlord has no presence.
- (stakeholder) It is the issue we started on that the wrong person is responsible it should be the operator and not the owner.
- (staff) So we have noted that.
- (stakeholder) To me is sounds like this is not a problem for you because you do not have a common area. Each tenant has their space and their space is dived up.
- (stakeholder) There is common area in strip centers.
- (stakeholder) In regard to this situation there is no common indoor common area.
- (stakeholder) So we are in violation of the code.





**Subject:** Universal Recycling Ordinance Phase 2 – Administrative Rules Development  
#3 Stakeholder Group Meeting – Industrial / Manufacturing

**Date:** July 31, 2103 2 p.m. – 4 p.m.

**Location:** City Hall; Room 1029; 301 W. 2nd St.; Austin, TX 78701

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- (stakeholder) I do not see that as a violation because you do not provide that common area.  
(stakeholder) But there are some industrial areas that do have a common area or corridor that has a mezzanine situation.  
(staff) When you have a situation where tenants have a shared space: who maintains that space?  
(stakeholder) It depends on how the lease was written. Most of the time it is the building owner, but then you get into a corridor situation with a fire and safety code thing and you can't put a collection area in the middle of a corridor.  
(stakeholder) The inspector [auditor] could make a determination if they have a common area or not to provide a collection area.  
(stakeholder) But that is subjective and you will have to get a waiver.  
(stakeholder) Can I ask a question of voluntary versus penalties? The ordinance says it is a voluntary program but then you penalize. How is that voluntary?  
(stakeholder) For the staff and tenants it is voluntary. That is where your education program comes in. For property owners it is mandatory.  
(staff) There are services that the property is required to provide.  
(stakeholder) You cannot force tenants to comply.  
(stakeholder) For the common collection area what are the minimum standards for that?  
(staff) The containers should be paired and labeled.  
(stakeholder) So it would be a landfill trash container and a recycling container with a label on each one in English and Spanish.  
(staff) Yes.  
(stakeholder) Then a poster or sign nearby.  
(stakeholder) Would this apply to a lobby of an office building? There are some aesthetic issues that some go to great lengths to make sure their properties have an aesthetic feel to it.  
(stakeholder) If you walk into a [hotel] lobby and they want it to look a specific way ...  
(stakeholder) If that is their only common area will they have to have those in the lobby?  
(stakeholder) Most hotel chains have that in their lobby.  
(staff) I would call a hotel lobby a common area, but perhaps that is something that needs to be spelled out more clearly.  
(stakeholder) Some facilities may have issues with the two containers and signs.  
(stakeholder) A lot of hotels have those containers by the elevator.  
(staff) We will be talking specifically about hotels and motels on October 7.  
(stakeholder) You have to let them put it where it works  
(staff) One common mis-reading of the ordinance is that it applies to customers. It does not really, it talks about ensuring access to recycling to tenants and employees. You might say that some of the common areas we are talking about are really there for the customer. We might need to redefine the common area as somewhere the employees congregate.





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(stakeholder) You might want to change common area to accessible area.  
(staff) So we have about fifteen minutes. We want to touch on section 8.11.

### Promotion and Education

Staff read section 8.11 of the administrative rules to the stakeholders and asked the stakeholders what challenges they see complying with this portion of the rules?

- (stakeholder) If I am a tenant I do not want the property owner handing things out to my employees.  
(stakeholder) How do you even know if there is a new employee.  
(stakeholder) This goes back to the owner operator.
- (stakeholder) Of the requirements, why do I need to educate on the location of exterior recycling containers is not applicable to our employees. Our maintenance staff moves the trash to the recycling containers. We want the employees going to the common collection areas.  
(stakeholder) I am not sure why the employees in a restaurant need to know where the dumpster is, but maybe they do? There was a pizza place where they share dumpsters with the other people in the strip – in that case the employee would need to know where the dumpster is.  
(staff) Sounds like that will fluctuate and vary based on the business.  
(stakeholder) We will have to train maintenance to take recycling to the dumpster locations.
- (stakeholder) I can understand for the tenants needing to know if they are coming to get a dumpster twice a week, but why tell our employees who much we pick up the trash?
- (stakeholder) We want to do everything we can to get the employees to focus on getting the waste in the right bins.
- (stakeholder) Colors on stickers, is it necessary?  
(staff) Standard colors for decals and signs would mean that you would want a standard color for one – because the City we are moving to blue for recycling, black for landfill trash, and green for composting.
- (stakeholder) We educate thru the intranet and employees get emails and information. We provided monitors and collation areas to help educate.
- (stakeholder) Has there been any thought in putting this in a flyer in electricity bills.  
(staff) That was something we discuss when we first started this stakeholder process. It could be revisited.  
(stakeholder) There is a newsletter that comes every time. I don't know why they couldn't put another piece of paper in or give you some space in a newsletter. That is probably the best way to identify operators. I encourage you to take a tour of facilities before you write the rules. When [a commissioner] came and saw the space and what you had to deal with it changed his mind on a lot of things. It would help [the City] write Rules that we would be happy to support.





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- (stakeholder) If you put something in the utility bill you might be able to get people pushing up – encouraging property owners to provide services.
- (stakeholder) We don't want that on the industrial side.
- (stakeholder) There is the 311 service that people can file a complaint
- (stakeholder) I was not looking for complaints. I was looking for, "hey we would like to have this added.
- (stakeholder) The other thing you might think about doing is the carrot and the stick approach. Incentive based. I know when I recycled my refrigerator - they gave me fifty bucks. That was incentive for me to not take it to the landfill. I don't know if there is some deal for businesses that reach 80% diversion two years before they have to - get some sort of recognition by the City Council or 10% off their utility bill for the month. Something other than straight regulation. The Council could do something when they do proclamations.
- (stakeholder) [Businesses] would love that. That is pure and free marketing.
- (stakeholder) There could be low cost things to look into that would not wreck the budget.
- (stakeholder) Can we go back to owner operator – if I am not mistaken it does not just owners – if the owner deems someone else as the responsible party. We are working with a property right now and they don't own the property, they manage the property. I am not dealing with the owner – I am dealing with the property manager.
- (stakeholder) But the property manager is paid by the owner so he has some control. A tenant is not paid by the owner. It is a different business relationship. But you bring up a good point because there are different business relationships.
- (stakeholder) The property manager educates the tenants to get them to buy into the program. The tenant involvement is what will let them meet their goals of 25% and 50%.
- (stakeholder) You cannot expect business people to run a 'rah-rah' class on zero waste.
- (stakeholder) I am saying it could be explained on pamphlet.
- (stakeholder) I am sure they can disseminate materials – but in terms of one on one or group meetings – putting pressure on people to follow the ordinance – I do not see that happening willingly.
- (stakeholder) The tenants would be responsible for educating their employees.
- (stakeholder) It says it is voluntary.
- (stakeholder) If you get a group and they say they don't want to volunteer, what are you going to do?
- (stakeholder) It sounds like the property owner is the one on the hook. If the tenants do not want to educate their employees – then what? The property owner has no stick to use on the tenant, yet the property is the one being held responsible.
- (stakeholder) In the smoking ordinance they would cite whoever the deemed to be in charge of the bar, because a customer was caught smoking in a bathroom. The owner did not suffer.
- (stakeholder) It might be worth looking at the smoking ordinance and rules. It might give you some hints.

Staff called the meeting to a close and informed the stakeholders of future meetings.

END

