



Subject: Universal Recycling Ordinance Phase 2 – Administrative Rules Development
#8 Stakeholder Group Meeting – Mobile Food Vendors and Mobile Food Court Property Owners

Date: October 16, 2013 2 p.m. – 4 p.m.

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

Introduction

Austin Resource Recovery held a stakeholder meeting intended for Mobile Food Vendors to discuss recycling, organics, and other waste diversion current operations and possibilities. The purpose of this meeting was to enable the City of Austin to learn more about the manner in which mobile food vendors manage the disposal, recycling, and composting of materials; to learn more about the City of Austin's policies and strategies related to its Zero Waste plan; to foster discussion on how to facilitate recycling and composting in the mobile food industry.

Part One – Staff and Stakeholder Introduction

Staff and stakeholders introduced themselves; staff introduced meeting agenda and meeting objectives.

Larry Schooler facilitated the discussion and Marion Sanchez provided live translation and interpretation for Spanish speaking stakeholders. City of Austin staff from Austin Resource Recovery, Watershed Protection and Health and Human Services participated in the meeting.

Part Two – URO Phase 2 Information Exchange and Facilitated Discussion

Staff outlined the facilitated discussion portion of the meeting and described the questions for discussion.

Mobile Food Vending Experience with Recycling, Composting, and Materials Disposal

Participating Stakeholders shared their names and information about their business and experience with recycling and diversion of compostable materials. Please note, stakeholders who entered the conversation after the introductions took place are not noted below:

- Jason Burroughs, Diesel Green Fuels – Used cooking oil hauler; stated the used cooking oil does not get attention in the URO; stated that his business has been impacted profoundly from Code Compliance and container issues for mobile food vending. He needs city to understand that trailer owners throw trash into trash bins onsite.
- Dan Shuman – Property Owner South First Food Court; utilizes regular City provided recycling and garbage; was recycling used cooking oil; one trailer composts (Banana Anarchy)
- Roger Chan – Owns three food trucks; helps people getting into the business and works with bars and restaurants
- Tomas and Nora Martin – Own property on E. 7th street; one trailer renting for 4months and didn't work out, want to learn more about recycling and composting
- Carter Hobbs – County Line Restaurant; pilot program with composting, continuing to stay involved
- John Lock – Biscuits and Groovy in Hyde Park; was receiving bills from the City for services that he wasn't utilizing; has managed his own trash and recycling working through the commissary kitchen.
- Eric Goff – Cofounder of Eastside Compost Peddlers; several clients are food trucks
- Glen Gary – Restaurant Association representative





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How does materials disposal work in your business today?

Mobile Food Vendors and Property Owners of Mobile Food Courts shared their current practice of recycling and diverting compostable materials:

- Taking trash to commissary; use gray tank and pump for wastewater
- Dispose of trash on-site and recycle used cooking oil; separate cans from food
- Almost all food is pre-packaged; place trash in bags and place in trash can
- Trash is placed in bags and put in trash can that is owned by the property owner. Interested in recycling glass, but there is no recycle container.
- Collect in a trash container and take to the dump; no access to recycling on site, but plastic and glass are frequent discards.
- Utilizing a service that comes to pick it up to take to commissary; another thing the city has created to make more money. All mobile food trucks are required to have a licensed person to pick it up. Have a licensed person to pick it up or have it at the kitchen.

What makes it difficult to recycle? What are the issues?

Stakeholders shared their experiences and expanded on the current issues. Themes were created to organize the comments shared by the stakeholders:

Conflicts with City Codes:

Staff: Mobile food vending creates a unique situation for us, there is no criteria identified in Land Development Code, we have to rely on Health Code. The Universal Recycling Ordinance puts priority on property owner. We are looking at ways to do a step-by-step approach, possibly the property owner or their designee.

- All trailers are keeping trash in their trailers, another agency that states that it is illegal to transfer used cooking oil to another place. States mobile food vending units need to use business that services unit onsite; mobile vendors should use their own service provider directly from their unit.
- When a trailer moves, all of the containers have to be attached because it is a mobile food unit.
- Customers can use trash can but employees cannot use same trash can.
- Concerned about the current health code that discourages recycling and composting that meets the City's goals by requiring that recycling and composting be attached the vehicle, mobile-food vendors have a difficult space. Disagreement on code for restaurants and trailers, it leads to a lot of back and forth controversy. There are land-use code changes that could take years to solve.
- There are some obvious land conflicts that need to be resolved. The volume of containers goes up with new compliance the city adds, which means more money. In the designated [mobile food] parks there seems to be an opportunity for the containers to be consolidated. But that right now is technically illegal. They don't have capacity for all different bins.





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- [URO states] Food permits also have to compost and have access to composting. Permit to have a food enterprise (Article 3); Mobile Food establishments (Article 4). If permit has both 10.3.91 and 10.3.61 then they are required onsite. If not, they are not required to compost and provide composting.
 - Is a mobile food vendor a food establishment? Food enterprise includes a food establishment. There is a conflict with city and state laws.
- Every trailer is taking trash bags and placing them onsite in containers. That is illegal. They are supposed to take them back to the commissary according to the Health Code.
 - 10.3.93.C – Mobile Food Establishment should be attached; 10.3.93.5

Materials:

- We need a list of what the trailers produce: solid waste, gray water, recycling, and used cooking oil.

Gray water:

- Some people pay for service and some people take it themselves.
- Some people do it themselves and build their tank.
- Those that are mobile have to pay per dump usage. There is a company on Burnet where you can dump gray water, so most of stuff goes back to them (including trash).

Definitional Challenges - primary mobile, periodically mobile, stationary:

- We should be classifying as different mobile vs. stationary mobile food vendors.
- We need to move to a space more stationary, like food courts, most of them do not move. The regulations make it difficult to move around. If mobile foods are stationary, then they should have the same regulations as a brick and mortar restaurant.
- Moving vs. non-moving, just discuss with Health department.
- Differentiation between restaurant brick and mortar, stationary mobile food trucks, and mobile food trucks (that move frequently). Much of those that are mobile, 98% of food/drinks are post-consumer for those that are associated with mobile food trucks.
- If you are in a mobile vehicle it is different to have separate containers; it is easier for us [mobile food court] because we have one place.

ARR staff provided a brief summary of the Universal Recycling Ordinance and opened the conversation by asking how staff could facilitate recycling and diversion of compostable materials for mobile food industry.

Moving towards solutions to address the challenges

Stakeholders proposed the following ideas and solutions:

- There could be three options. 1) You have a signed agreement with a property owner, 2) you have a commissary, or 3) you have a service hauler.
- What we are missing is the infrastructure, whether we are mobile or stationary mobile,





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- Mobile Food should come on after the brick-and-mortars are required and phased in [into the Universal Recycling Ordinance.]
- Mobile Food trailers should contract with property owner or use a commissary that accommodates both possibilities.
- We need containers
- Utilize the commissaries:
 - Mobile food vendors sign a paper when they are emptying their used cooking oil and gray water. When mobile food vendors don't drop off, commissaries keep track of the vendors that do not show up for a few days.
 - Every trailer is supposed to have a commissary and pay employee tax. Not everyone does it.
 - We have to contract with a commissary every month as long as we are in business. We don't have to use them every month. To penalize us for a commissary that we do not have a need for is crazy. Used cooking oil is something that we would need to use more frequently. My kitchen is my mobile kitchen.
 - Physically very difficult to carry trash and recycling and take it to the commissary.
 - There is problem to pay for commissary and the service as well.
 - It would be easier for us to work with the commissary. We just have to take all of the recycling, trash and cooking oil to one place. There is not a lot of land.
 - Cannot have one-size-fits all plan. Almost nobody likes a commissary; most people lie about a commissary. There is a lot of underground stuff that people are not talking about. I know there are all issues with five different times of trash, if all of our customers would take it to their commissary, trash bags and cars with gray water driving around the city.
- Solution is to change the land use code, we are stuck to what state code is, and the Health Department did not make these codes. You should speak to your policy makers that made these codes in the first place.
 - Changing land use code for the food courts may have potential conflicts with unintended consequences

Conclusion

Staff called the meeting to close and notified stakeholders of staff contact information, future meetings (Mobile Food Meeting #2 – December 4), and the project website for the posting of meeting minutes. Staff also offered SpeakUp Austin and 311 as resources for stakeholders during this process.

