

## Administrative Rule #SPU-DR-01-04

### Prohibition of Recyclables in Garbage

#### **Proposed Text of Rule:**

#### **1.0 Introduction**

Ordinance 121372 (codified in Sections 21.36.082, 21.36.083, and 21.36.922 of the Seattle Municipal Code (SMC)) prohibits the disposal of certain recyclable materials in the garbage by businesses and residents effective January 1, 2005, with penalties to be imposed for non-compliance starting January 1, 2006. SMC Section 21.36.085 also prohibits the disposal of yard waste in the garbage by residents and has been in effect since 1989. This rule defines “significant amounts of recyclables” for purposes of educational notices and for initial enforcement. The Director of Seattle Public Utilities (Director) has authority under SMC 3.32.020 to adopt rules, in accordance with Chapter 3.02 SMC, to carry out the business of Seattle Public Utilities (SPU).

#### **2.0 Commercial Establishments:**

**2.1 “Significant amounts of recyclables”** in the garbage for commercial establishments means that any of the following, alone or in combination, make up more than 10% by volume of the contents of a garbage can, detachable container or dropbox, as determined by visual inspection by an SPU inspector or contractor:

recyclable paper, recyclable cardboard, and yard waste.

Food-soiled or otherwise contaminated paper and cardboard are not considered “recyclable” for purposes of this rule.

**2.2** From January 1, 2005, through December 31, 2005, a commercial customer whose garbage contains significant amounts of recyclables is subject to receiving educational notice tags on the container or by mail.

**2.3** Beginning January 1, 2006, the presence of “significant amounts of recyclables” in the garbage is a civil infraction and a \$50 civil fine, plus statutory assessments, may be imposed on the commercial customer after two warning notices have been mailed to the garbage account customer at the address in SPU’s customer records.

#### **3.0 Residential – Can Customers**

**3.1 “Significant amounts of recyclables”** in the garbage for residential cans means that any of the following, alone or in combination, make up more than 10% by volume of the contents of a garbage can, as determined by visual inspection by an SPU inspector or contractor:

recyclable paper, recyclable cardboard, glass or plastic bottles and jars, aluminum or tin cans, and yard waste

Food-soiled or otherwise contaminated paper and cardboard are not considered “recyclable” for purposes of this rule.

**3.2.** From January 1, 2005, through December 31, 2005, a residential can customer whose garbage can contains significant amounts of recyclables is subject to receiving educational notice tags on the container or by mail.

**3.3.** Beginning January 1, 2006, residential garbage cans set out for curb/alley collection that contain significant amounts of recyclables are subject to being left unserviced with tagging by the contractor about the need to remove recyclables before collection.

#### **4.0 Residential – “Detachable Container and Drop Box ” Accounts**

**4.1 “Significant amounts of recyclables”** in the garbage for detachable containers and drop boxes means that any of the following, alone or in combination, make up more than 10% by volume of the contents of a detachable container or drop box as determined by visual inspection by an SPU inspector or contractor:

recyclable paper, recyclable cardboard, glass or plastic bottles and jars, aluminum or tin cans, and yard waste

Food-soiled or otherwise contaminated paper and cardboard are not considered “recyclable” for purposes of this rule.

**4.2** From January 1, 2005, through December 31, 2005, a residential detachable container or drop box customer whose garbage contains a significant amount of recyclables is subject to receiving educational notice tags on the container or by mail.

**4.3** Beginning January 1, 2006, the presence of significant amounts of recyclables in the garbage in a detachable container or drop box may result in an additional charge to the customer of \$50 per collection after two warning notices have been mailed to the garbage account customer at the address in SPU’s customer records.

#### **5.0 City’s Recycling and Disposal Stations**

**5.1 “Significant amounts of recyclables”** means that any of the following, alone or in combination, make up more than 10% by volume of a resident’s self-haul vehicle’s load to be deposited as garbage, as determined by visual inspection by a scalehouse operator or transfer station floor monitor:

recyclable paper, recyclable cardboard, glass or plastic bottles and jars, aluminum or tin cans, and yard waste.

Food-soiled or otherwise contaminated paper and cardboard are not considered “recyclable” for purposes of this rule.

**5.2 “Significant amounts of recyclables”** means that any of the following, alone or in combination, make up more than 10% by volume of a commercial establishment’s self-haul vehicle load to be deposited as garbage, as determined by visual inspection by a scalehouse operator or transfer station floor monitor:

recyclable paper, recyclable cardboard, and yard waste

Food soiled or otherwise contaminated paper and cardboard are not considered “recyclable” for purposes of this rule.

**5.3** From January 1, 2005, through December 31, 2005, a customer whose garbage taken to a Recycling and Disposal station contains a significant amount of recyclables will be informed that starting in 2006, they will need to separate recyclables. The present policy of requiring the separation of yardwaste in any self-haul vehicle will still be in place at the Recycling and Disposal Stations throughout 2005.

**5.4** Effective January 1, 2006, if self-haul customers have loads of garbage with significant amounts of recyclables, they will be instructed to separate the designated recyclables at or away from the Recycling and Disposal Station. Loads containing significant amounts of recyclables will not be accepted in the garbage disposal pit at Recycling and Disposal Stations after January 1, 2006.

## **6.0 Determination of Garbage Account Customer Responsibility**

### **6.1 Space Limitations – Existing and New Structures:**

**6.1.1** Customers with existing commercial establishments and multifamily structures may be exempted by the Director from all or portions of this rule, in writing, if the Director or her/his designee determines, through a site visit requested by the customer, that there is not adequate storage space for recyclable materials on site and that it is infeasible for the customer to share a recycling container with a customer on an adjoining property. If the Director or her/his designee determines that it is feasible for recycling containers to be placed on site or shared with an adjoining customer at no additional cost to the commercial or multi-family customer, then that customer will be responsible for compliance with this rule.

**6.1.2** New or expanded structures permitted in commercial zones and expanded multifamily structures may be exempted by the Director from all or portions of this rule if the Director or her/his designee determines compliance is not feasible due to demonstrated difficulty in meeting the solid waste and recyclable materials storage space specifications required under SMC Section 23.47.029 Subsections A, B, C and D.

### **6.2 Placement of Recyclables in Garbage Containers by Public:**

**6.2.1** The Director or her/his designee will develop a “garbage container/dropbox exclusion” list of commercial garbage cans, detachable containers and dropboxes that will be excluded from inspection for compliance with the recycling requirements of this rule due to public access that is likely to result in recyclables being deposited in those containers by the public. This list could include, for example:

Publicly available litter cans in publicly open areas such as the street, park, promenade, plaza, public concession areas of sports stadiums or the like

6.2.2 Upon request an SPU inspector shall meet with operations personnel of educational and health institutions, public transportation and entertainment facilities, hotels, and mixed use buildings to determine which garbage containers receive substantial waste from the general public in the public access areas of the property and should be on the “garbage container/dropbox exclusion list”. Garbage containers the Director determines are expected to receive waste exclusively from employees, residents, or guests will not be placed on the exclusion list.

6.2.3 On a case by case basis, a garbage customer shall not be held responsible for recyclables deposited by the public in curbside/alley containers located outside a premise on a public street or alley if the customer demonstrates to the Director that (a) the public was the source of the recyclables and (b) the customer has a recycling collection service for those types of recyclables that are prohibited in that customer’s garbage or a free lock for the garbage container was either not offered by the City or, if offered and accepted, was not received by the customer.

6.2.4 A hotel, inn or similar facility will not be held responsible for recyclables deposited in individual room garbage containers by its guests if the facility has a method and system for guests to recycle paper and cardboard. This system shall include instructions for the guests on the means of recycling, as well as the fact that paper and cardboard recycling is a requirement of the City of Seattle.

**6.3 Multiple building situations:** The Director of Seattle Public Utilities may reach a tailored agreement with a housing authority, large institution, or private business with multiple buildings and operations on how to apply the definition of “significant amount of recyclables” in the garbage across multiple buildings while preserving the spirit and intention of this rule.

## **7.0 Effective Date**

The effective date for this rule is when filed with the Seattle City Clerk.