

## City of Boulder Zero Waste Requirements Working Group

### Meeting #2

12/8/14

#### **Agenda:**

- 1) **Review** of what was discussed at the first meeting, goals for today, and plan for third meeting.
- 2) **Introductions:** All
- 3) **Quick review of packet sent out on 12/5, and broad overview of timeline for the remaining meetings and upcoming deadlines** – brief discussion and questions
- 4) **GENERAL DISCUSSION:** how to make a ZW ordinance work for different business models including strip malls, food service businesses, and multifamily units.
- 5) **DISCUSSION GROUPS:** split into three separate groups and discussed what an ideal ZW ordinance would look like, and ended by sharing thoughts/ideas/concerns with entire group.

#### **Kara Mertz reviewed the timeline for future meetings and deadlines:**

Tentatively scheduled for 2/17 to go to Council with a draft strategic plan. Might have draft ordinance language examples, but likely not fully crafted draft ordinances. After 3<sup>rd</sup> working group meeting on 12/15, we will be doing outreach for a period of time to reach out to businesses that would be affected as well as residents that are interested.

#### **Kara Mertz facilitated review of the packet sent out on 12/5, brief discussion and questions.**

#### **General Discussion Questions/Comments:**

- What is the definition of a business?
- How long should exemptions be good for? When would businesses re-apply? What is a reasonable limit for businesses seeking a 'financial hardship' exemption?
  - For example, restaurants operate on a 3-6% profit margin, so an exemption where service costs of 5% or more of profits could be extremely high for those business types.
- How would shredding be dealt with in the ordinance? Considered recycling or composting?
- How would the business size/employee count be enforced? Would the business report the number of employees?
  - Rather than going by number of employees, it may be easier/better to go off of amount of waste generated. Haulers have access to that type of information, not employee counts of square footage. In addition, it can be difficult for businesses in a shared building to know exactly how much waste they are generating, but it is possible to figure out how much waste is generating for an entire building.
  - We must also consider the setup of commercial properties in shared buildings – for example, if there is only one central waste disposal location, it can be difficult for each business/store to access it, and thus may require the property owner to pay for a service to retrieve waste from each business and bring it to the central location.
- How will multifamily units be included? Would there be separate ordinances for commercial business properties and MFUs? How would residential/commercial mixed units be handled?
- Would new businesses get a phase-in period, or would they be expected to comply right away?

- How will we apply the ordinance to cleaning services and/or landscaping services?
  - These businesses are using the disposal facilities of the business they were hired by – if contamination is found, who would be responsible?
  - How do we educate employees of these types of businesses?
- How can we work with food businesses that rely on customers to sort their waste?
  - There is a high chance of contamination due to customers improperly sorting.
  - The restaurant also the opportunity to supply the customers with proper sorting supplies and materials.
  - The amount of waste produced front-of-house can sometimes be negligible compared to the amount of waste produced back-of-house (some disputed whether this is the norm)
  - Consultation/education will be especially important for these businesses.
- Is the ordinance trying to push a message of reducing waste overall, or just increasing waste diversion?
  - The ordinance is primarily about increasing recycling and composting. In terms of exemptions, we will also want to look at things such as if a business has found a way to divert food waste to those who need it rather than composting it, etc.
- Will the City need to hire more employees to enforce this, and if so, how will we afford them?
  - One option is to contract out to other businesses or corps of volunteers to handle the education component. We will continue to analyze our need for additional employees as we develop the ordinance.
- For businesses using a shared facility (such as a strip mall), how will it be determined who is properly or improperly using the services?
  - We would likely be looking for egregious violations, and would place an emphasis on educating the businesses when a violation is found in order to get them on the right track rather than issuing a fine. This is what we have seen in the communities we have studied.

### **Small Group Discussion Results**

#### Yellow Group:

- To whom should it apply: all businesses with 96+ gal per week (uncertain about this one)
- Public events: Necessary to have a City permit.
- Schools: Want all schools to recycle, wondering about applicability of compost rules.
- Institutions (daycare, nursing homes, etc.): Would be great, but concerns about funding availability and impact to direct services.
- Materials: Edible food waste necessary, it would be opportunity to incentivize businesses; yard waste would be great and could be a good place to start; compostable service ware would be great if it always worked, but its not always the best quality or readily compostable.
- Don't want "perfect" to get in the way of "good enough".
- Food generating businesses: compostable takeout materials could be difficult due to performance and cost
- Twice-yearly trainings for employees where it makes sense; maybe not required.

- Exemptions: Curious about 96 gal as the minimum for exemption – not sure if this would be the correct number.
- Institutional properties: would be great, except when in conflict with funding or federal institutions or regulations.
- Concerns: illegal dumping at businesses where they get contaminated and then get in trouble for it – should research if there are other communities that have experience with this.
- Potential sliding scale for businesses with possible exemptions.
- Would like to come back to issues of multifamily units, and mixed commercial properties.

#### Red Group:

- To whom should it apply: 96 gallons is hard to measure for a tenant in a strip mall, so maybe it should apply to all businesses, along with quality exemptions.
- Find a way to differentiate between 'front' and 'back of house' trash.
- MFU should be treated separately; owner-occupied condos need to be considered.
- All food generating businesses – not putting a size limit but should have good exemptions in place.
- Public events definitely.
- Public and private schools. Other institutions including place of worship, non-profits... gets into question of: what do we define as a business?
- What should be included?: Service (whatever receptacle) should be provided for employees and customers. For food generating businesses, must provide compostable takeout containers – could be encouraged but not required.
- Conduct training twice per year for employees – could be difficult to enforce but is important.
- Need an analysis of cost impact on businesses.
- Look into doing “pay as you throw” that encourages you to reduce waste overall and to divert more.
- Find a way to structure the ordinance to simultaneously encourage a decrease in overall waste, as well as increasing diversion. Would like to come back to this thought and explore it more.

#### Blue/Green Group:

- Stuck to big questions rather than details – would need more time for that.
- To whom should it apply?: Recycling and compost should be considered as two different components. Recycling should apply to all businesses, then use exemptions to find out who it would not apply to rather than setting a standard; would also include MFU and require property manager to have the service, and require tenants to comply (property owner is considered the business). Composting should apply to all food generators (any size, either serving or selling food, including anything with a cafeteria like a nursing home) and they would be the first ones required to comply; then phase in all large and medium businesses.
- Volume generated is the best threshold for determining business size – it's easier than figuring out # of employees and/or square footage.
- Everybody is in and you use the exemptions to get out, rather than trying to set a standard of who it would apply to.