



DATE: May 9, 2019

TO: Washington County Solid Waste Advisory Committee

FROM: Thomas Egleston
Senior Program Coordinator

RE: Proposed amendments to Solid Waste & Recycling Administrative Rules to add a commercial food scraps collection requirement

Summary

Food is the single largest portion of the region's waste stream and is a major contributor to the creation of methane when disposed in a landfill. To address this, Metro adopted an ordinance that requires local governments to establish a mandatory program by July 31, 2019, that requires certain food waste generating businesses to separate and collect food waste. If adopted, the requirement would affect approximately 130 food waste generating businesses in unincorporated Washington County. To support implementation of the ordinance, Metro will provide funding for increased technical assistance to affected businesses as the requirement is phased in over the next four years. The proposed administrative rule revisions outlined in this staff report, shown in Exhibit A, will establish a mandatory food scraps collection program for certain businesses and put Washington County in compliance with Metro's ordinance.

Background

In 2016, Washington County businesses disposed of more than 20,000 tons of food which represents one-third of the business sector's landfill bound waste stream. Since 2012, the County's business assistance program has been working with businesses to voluntarily put these food scraps to a better use. Today, over 90 businesses in unincorporated Washington County (300 total county businesses) participate in the County's voluntary commercial food scraps collection program. Despite these voluntary efforts, a lot more food remains in the garbage that could be kept out of landfills.

To accelerate the recovery of food scraps from the business sector, Metro adopted the business food waste requirement in July 2018. The business food waste requirement amended Metro Code Chapter 5.10 directing local governments to establish mandatory programs to separate and collect food waste from certain food waste generating businesses. The requirement was further clarified through Metro's adoption of Administrative Rules 5.10-4000 through 4085, Business Food Waste Requirement Administrative Rules. These rules guide the implementation of the business food waste requirement and are outlined below.

Business Food Waste Requirement

Metro's Business Food Waste Requirement Administrative Rules require that local governments implement a program to ensure that certain covered businesses separate food from solid waste and set it out for collection. Covered businesses include cafeterias and buffets, caterers, colleges and universities, correctional facilities, drinking places, elementary and secondary schools, food product manufacturing, food service contractors, full service restaurants, grocery retail, grocery wholesale, hospitals, hotels, limited service restaurants, nursing and residential care, specialty food markets, and warehouse clubs. Businesses will be phased into the required program over a four-year period.

Covered businesses, excluding elementary and secondary schools, will be required to begin collecting food scraps based on the quantity they generate per week, as outlined in Table 1. Elementary and secondary schools are included in the third business group, regardless of the quantity of food scraps generated.

	Business Group 1	Business Group 2	Business Group 3
Food waste generation	Over 1,000 lbs/week	Over 500 lbs/week	Over 250 lbs/week
Notification date	March 31, 2020	March 31, 2021	September 30, 2022
Compliance deadline	March 31, 2021	September 30, 2022	September 30, 2023

Table 1: Business groups included in business food waste requirement

Covered businesses must separate food waste from all other solid waste for collection and recover food waste that is controlled by the business, agents and employees. Waste that is disposed of by the public or customers is not included in the requirement, however businesses may still choose to collect that material if it is free of contamination. Businesses that lease or provide space to food waste generating businesses must allow or facilitate the provision of food waste collection service for their tenants.

Local governments are required to submit annual implementation plans as well as collect and report data to Metro to demonstrate compliance. Metro will provide funding to support implementation for the first five fiscal years following adoption of the requirement.

Proposed rule revisions

To comply with the business food waste requirement, staff proposes that the Solid Waste & Recycling Administrative Rules be amended to create a new “business requirements - composting” section as shown in Exhibit A.

Proposed rules include new definitions for “food scraps” and “food scrap generating businesses” as well as new rules aligning with Metro’s Business Food Waste Requirement that require certain businesses collect food scraps for recovery. As previously noted, most businesses will be phased into the requirement based on the total amount of food waste generated. Staff estimates that approximately 130 businesses in unincorporated Washington County will be affected as follows in Table 2.

Business Group	Number of Businesses
Group 1	24
Group 2	43
Group 3	68 (includes all schools)

Table 2: unincorporated county businesses potentially affected

Businesses that are not collecting food scraps after the compliance deadlines shown in in Table 1, may be subject to enforcement action pursuant to Washington County Code Chapter 1.08, Uniform Citation Procedures. Staff will provide education, outreach and technical assistance to ensure every business can comply with the requirements. Businesses that face certain barriers to compliance, as outlined in the proposed rules, may be provided a temporary compliance waiver.

Implementation plans

Program staff will develop annual implementation plans that outline the assistance that will be offered to affected businesses. Implementation plans will be submitted annually to Metro along with existing waste reduction and commercial outreach work plans.

Implementation plans will include the following elements:

- Program overview describing the locally-adopted ordinance requiring businesses to collect food scraps and overall implementation approach.
- Strategies and methods for notifying covered businesses, determining compliance, and identifying appropriate food scraps collection receptacles.
- Overview of the technical assistance offered to businesses including onsite training, troubleshooting, hauler coordination and assistance with food waste prevention and donation strategies.
- Identification of the education material and internal collection containers offered to businesses including food scraps collection bins, sample compostable bag liners, posters, stickers, signs and window clings recognizing participation.
- Overview of enforcement methods to ensure compliance with the requirement.
- Description of temporary compliance waivers including procedures for application, review, and approval.
- Overview of how contamination and other quality assurance issues will be addressed.

Food scraps collection rate considerations

The topic before the Committee today does not include action on commercial food scraps collection rates. Staff will return to the Committee and Board to finalize collection rates the first quarter of 2020.

Setting collection rates will play a critical role in the successful implementation of the food waste collection requirements. Staff has evaluated different rate models and options and is planning on proposing an “all-inclusive” or “bundled” rate model for monthly container and cart commercial food scraps collection service. This model is consistent with the current treatment of recycling where a commercial customer pays for garbage collection services that includes recycling. Under this approach the commercial customer’s monthly rate would additionally include food scraps collection services. All urban commercial customers would be able to have food scraps collected, regardless of whether they are required to do so under the business food waste requirement.

Bundling food scraps collection services with garbage and recycling makes it simpler for business customers to understand and sign up for food scraps collection services. This model will also allow commercial customers that share collection service or use third party waste brokerage companies to adjust service levels and optimize participation in the food scraps collection program without needing to consider or gain approval for changes.

Washington County Hauler’s Association input

Proposed rule amendments were shared with the Washington County Haulers Association (WCHA) on April 19, 2019, with an April 30, 2019 deadline for written comments. No written comments were received. Staff also attended the April 25, 2019 WCHA meeting to discuss the proposed rule amendments. Association members provided limited verbal feedback, much of which has been incorporated into the proposed rules shown in Exhibit A.

Staff recommendation

Staff recommends that the Washington County Solid Waste Advisory Committee favorably recommends to the Washington County Board of Commissioners that the proposed Solid Waste & Recycling Administrative Rule amendments be adopted, as outlined in this staff report and shown in Exhibit A.