

SPU PROPOSED ORDINANCE TO REVISE CITY RECYCLING REQUIRMENTS

Updating the solid waste code to align with 2016 court ruling regarding garbage container inspections.

Background

- Seattle's recycling programs are based on integrated approach of strong program education, convenient services, price incentives, and customer requirements.
- The current recycling requirements:
 - Yard waste prohibited from garbage in 1989
 - Recyclables prohibited from garbage in 2005
 - Food waste and compostable paper prohibited from garbage in 2015

Background (continued)

- Council directed SPU to implement through a combination of customer outreach and assistance, educational warning notices, and, if necessary, fees for non-compliance.

Recent Court Review

- In 2015, Pacific Legal Foundation challenged the City in court, alleging monitoring of garbage for prohibited materials violates peoples' privacy.
- King County Court confirmed Seattle's authority to prohibit items from the garbage, and supported Seattle's practice of visually monitoring garbage for recyclables and other prohibited items such as toxics or flammable materials in plain view.

Court Review (continued)

- The Court also ruled some of the language in City Code or Administrative Rule could, in theory, allow for excessive digging through household garbage containers and violate privacy rights.
- The ruling did not impact monitoring of commercial and multifamily containers (where many generators' garbage is mixed together).

Proposed Code Amendment

- The proposed ordinance updates operational language in City Code to be consistent with the Court ruling.
- New language eliminates monitoring for “significant amounts” of recyclables in garbage and replaces it with the ability to note recyclables “in plain view.”
- The ordinance also cleans up redundant or outdated requirement language.

Code Amendments (continued)

- SPU will also revise related Administrative Rule to remove overly precise definitions, e.g. “10 percent,” for non-compliance monitoring.
- These changes are consistent with prior operational practices and allow SPU to resume the combination of outreach, assistance, incentives, and notification.

Next Steps

- Adopt proposed code changes in April.
- Publish revised Administrative Rule in April/May.
- Resume educational tagging (likely to be less than 1% of single-family customers).
- Initiate potential collection fees later in the year (again likely to be a small number of impacted customers).

Questions?