

Ordinance No. 123880

Council Bill No. 117446

AN ORDINANCE relating to the City of Seattle's solid waste system, providing the Director of Seattle Public Utilities additional rulemaking authority to grant waivers and other relief from requirements relating to single-use food service ware and packaging, and amending Seattle Municipal Code Section 21.36.086 accordingly.

Related Legislation File: _____

Date Introduced and Referred: 4.16.12	To: (committee): Libraries, Utilities & Center
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: May 7, 2012	Date Presented to Mayor: May 8, 2012
Date Signed by Mayor: 5.15.12	Date Returned to City Clerk: 5.16.12
Published by Title Only <input checked="" type="checkbox"/>	Date Vetoed by Mayor:
Published in Full Text <input type="checkbox"/>	Date Passed Over Veto:
Date Veto Published:	Date Returned Without Signature:

The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: _____

Committee Action:

Date	Recommendation	Vote
5/1/12	Pass	56; 5B; MO

This file is complete and ready for presentation to Full Council. _____

Full Council Action:

Date	Decision	Vote
May 7, 2012	Passed	9-0

LAW DEPARTMENT

ORDINANCE 123880

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3 AN ORDINANCE relating to the City of Seattle's solid waste system, providing the Director of
4 Seattle Public Utilities additional rulemaking authority to grant waivers and other relief
5 from requirements relating to single-use food service ware and packaging, and amending
6 Seattle Municipal Code Section 21.36.086 accordingly.

7 WHEREAS, RCW 70.95.010(8)(a) establishes waste reduction as the first priority for the
8 collection, handling, and management of solid waste; and

9 WHEREAS, RCW 70.95.010(4) finds it is "necessary to change manufacturing and purchasing
10 practices and waste generation behaviors to reduce the amount of waste that becomes a
11 governmental responsibility"; and

12 WHEREAS, RCW 70.95.010(6)(c) further finds it is the responsibility of local governments "to
13 assume primary responsibility for solid waste management and to develop and implement
14 aggressive and effective waste reduction and source separation strategies"; and

15 WHEREAS, in 2007 the City Council adopted, the Mayor concurring, Resolution 30990, which
16 reaffirms the City's 60% recycling goal and sets a longer-term goal of 70% recycling
17 along with targets for waste reduction; and

18 WHEREAS, Resolution 30990 calls for studies to reduce Seattleites' use of hard-to-recycle
19 materials, many of them plastics, and specifically requires Seattle Public Utilities
20 ("SPU") to propose strategies, including bans, to discourage the use of disposable food
21 service containers and food service ware; and

22 WHEREAS, in 2008 the City enacted Ordinance 122751 and in 2010 enacted Ordinance 123307,
23 requiring single-use food service ware and packaging to be either compostable or
24 recyclable and imposing duties on owners of food service businesses and persons leasing
25 space to food service businesses; and

26 WHEREAS, manufacturers of food service ware and packaging have not produced compostable
27 alternatives for some types of products that meet public health and performance standards
28 applicable to the restaurant industry; and

WHEREAS, flexibility in evaluating alternative products and types of products for compliance
with Ordinances 122751 and 123307 best serves the interests of the City and its
restaurant businesses; and

WHEREAS, extending SPU's rulemaking authority to grant waivers from Ordinances 122751
and 123307, as warranted, effectively serves that purpose; NOW, THEREFORE,



1 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

2
3 Section 1. Subsection 21.36.086.E of the Seattle Municipal Code is amended as follows:

4
5 **21.36.086 Compostable or recyclable food service ware required.**

6 * * *

7 E. The Director is authorized to promulgate rules, in accordance with the provisions of the
8 Administrative Code, SMC Chapter 3.02, for purposes of interpreting and clarifying the
9 requirements of this section. Such rules may provide temporary waivers or other relief that apply
10 to use of certain food service ware products for a ~~((n-initial))~~ period of up to one year from July
11 1, 20~~((10))~~12, with the option for ~~((an up to one year extension))~~ additional annual extensions
12 should circumstances warrant ~~((to expire no later than June 30, 2012))~~. Such waivers or relief
13 shall be granted only for circumstances where commonly used recycling and composting
14 technology cannot process the food service ware, or where suitable alternative products that meet
15 performance and food health and safety standards are unavailable.

16 * * *

17 Section 2. This ordinance shall take effect and be in force 30 days after its approval by
18 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
19 shall take effect as provided by Seattle Municipal Code Section 1.04.020.
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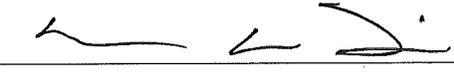
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Passed by the City Council the 7th day of May, 2012, and
signed by me in open session in authentication of its passage this
7th day of May, 2012.



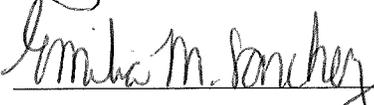
President _____ of the City Council

Approved by me this 15th day of May, 2012.



Michael McGinn, Mayor

Filed by me this 15th day of May, 2012.



for Monica Martinez Simmons, City Clerk

(Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Seattle Public Utilities	Dick Lilly/5-0706	Karen Grove/5-5805

Legislation Title:

AN ORDINANCE relating to the City of Seattle's solid waste system, providing the Director of Seattle Public Utilities additional rulemaking authority to grant waivers and other relief from requirements relating to single-use food service ware and packaging, and amending Seattle Municipal Code Section 21.36.086 accordingly.

Summary of the Legislation:

The proposed Council Bill would modify existing Seattle Municipal code to extend the authority of the SPU Director to grant waivers for certain categories of single-use food service ware and packaging for which appropriate compostable or recyclable alternatives do not exist.

Background:

Ordinance 123307, which was passed in May of 2010, authorizes the Director of Seattle Public Utilities to grant waivers to a requirement that all single-use food service ware and packaging be either compostable or recyclable by July 1, 2010. This waiver authority was necessary because the packaging industry had not then developed compostable alternatives to some products, notably cutlery, straws and insulated (foil coated) wraps. Initially, SPU granted waivers by Director's Rule for one year until June 30, 2011, and then extended for a second year until June 30, 2012. Unfortunately, acceptable alternatives for at least some of this short list of products that meet public health and restaurant industry standards still have not been developed and waivers for them are still needed. This ordinance creates that authority.

Please check one of the following:

 X **This legislation does not have any financial implications.**

Other Implications:

- a) **Does the legislation have indirect financial implications, or long-term implications?**
No.
- b) **What is the financial cost of not implementing the legislation?**
There are none.
- c) **Does this legislation affect any departments besides the originating department?**
No.
- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?**



The alternative to a waiver is enumerating exceptions in the Seattle Municipal Code. However, SPU expects to see continuing changes in the food packaging market and granting waivers by Director's Rule allows the department necessary flexibility to respond to changes in the industry.

e) Is a public hearing required for this legislation?

No.

f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No.

g) Does this legislation affect a piece of property?

No.

h) Other Issues:

None.

List attachments to the fiscal note below:

None.





City of Seattle
Office of the Mayor

March 27, 2012

Honorable Sally J. Clark
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Clark:

I am transmitting the attached proposed Council Bill to allow the Director of Seattle Public Utilities to modify or extend waivers for certain types of single-use food packaging for which appropriate compostable or recyclable alternatives do not exist.

Two years ago, the City approved a requirement that all single-use food service ware and packaging be either compostable or recyclable by July of 2010. As the City deadline approached, SPU determined some types of products still could not meet the law's requirements. For example, some items are so small they cannot be recycled so recyclable plastic is not an option. For that reason, the original legislation establishing the compostable or recyclable requirements for food service ware and packaging allowed the Director of SPU to grant waivers to the law for two one-year periods. The second of those waiver periods ends at the end of June 2012.

At this time no appropriate compostable alternatives exist yet for a short list of products most notably cutlery, drinking straws and cocktail picks and certain kinds of insulating wraps. To assure the City is not imposing unreasonable requirements on Seattle's quick-serve restaurants, the proposed ordinance permits the Director of SPU to continue to grant waivers to the food service packaging regulations for these products, and to modify or renew those waivers annually based on changing conditions.

This proposed ordinance will maintain SPU's ability to deal flexibly with single-use food service packaging issues and to work cooperatively with Seattle restaurants to best meet their needs, while continuing to move forward toward a time when no food waste or food packaging goes to the landfill. Thank you for your consideration of this legislation. Should you have questions, please contact Dick Lilly at 615-0706.

Sincerely,

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Michael McGinn, Mayor
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STATE OF WASHINGTON – KING COUNTY

--SS.

284610
CITY OF SEATTLE, CLERKS OFFICE

No. 123879,880,881,882,883

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT: TITLE ONLY ORDINANCE

was published on

05/29/12

The amount of the fee charged for the foregoing publication is the sum of \$ 83.70, which amount has been paid in full.



Affidavit of Publication

[Signature]

Subscribed and sworn to before me on

05/29/12

[Signature]

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle Title Only Ordinances

The full text of the following legislation, passed by the City Council on May 7, 2012, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Contact: Office of the City Clerk at (206) 684-8344.

ORDINANCE NO. 123879

AN ORDINANCE relating to security from terrorism; authorizing the City to partner with the Port of Tacoma to receive financial assistance from the Department of Homeland Security (DHS), Office for State and Local Government Coordination and Preparedness under the Port Security Grant Program for Federal Fiscal Year (FFY) 2008 (PSGP FFY '08), authorizing an application for allocation of funds under that agreement, increasing appropriations to the Police Department in the 2012 Budget, and ratifying and confirming prior acts; all by a three-fourths vote of the City Council.

ORDINANCE NO. 123880

AN ORDINANCE relating to the City of Seattle's solid waste system, providing the Director of Seattle Public Utilities additional rulemaking authority to grant waivers and other relief from requirements relating to single-use food service ware and packaging, and amending Seattle Municipal Code Section 21.36.086 accordingly.

ORDINANCE NO. 123881

AN ORDINANCE relating to the solid waste system of Seattle Public Utilities; establishing rates and charges for solid waste services for the One Less Truck Pilot Program; and amending Chapter 21.40.050 of the Seattle Municipal Code.

ORDINANCE NO. 123882

AN ORDINANCE relating to Seattle Public Utilities; authorizing the Director of Seattle Public Utilities to purchase certain real property located at 5560 South Holly Street, Seattle, Washington, and to execute, accept and record deeds and convenient documents and agreements deemed by the Director to be necessary to this transaction on behalf of the City.

ORDINANCE NO. 123883

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Date of publication in the Seattle Daily Journal of Commerce, May 29, 2012.

5/29(284610)