

Summary Proposed Amendments to: ADMINISTRATIVE RULES  
Business Solid Waste, Recycling and Composting

This is a summary of the proposed amendments to the commercial administrative rules. A public hearing will be held on June 3rd, 4pm to 6pm at 1900 SW 4th Ave, 7th Floor Conference Room 7A, Portland, OR 97201.

PART 2.0, ADOPTION AND REVISION OF ADMINISTRATIVE RULES

B. Adoption and Revision of Rules.

2. The Bureau of Planning and Sustainability (BPS) shall give notice of the public review process to all neighborhood associations that are recognized by the City Office of ~~Neighborhood Involvement (ONI)~~ Community and Civic Life and all neighborhood business associations ~~that are on ONI's mailing list.~~ At least 60 days in advance of the anticipated adoption date, BPS shall notify those associations by regular mail or electronic mail of its intent to review the rules, and invite those associations to comment. BPS shall by regular mail or electronic mail send a notice of the initial public hearing to the same associations not less than ten days before the scheduled hearing.

Part 5.1, Definitions

- ~~7. "Compostable Material" and "Compostable" means primarily Food Scraps and includes coffee filters and BPI certified compostable plastic liner bags.~~
8. "Composting" means the series of activities, including separation and processing, by which compostable materials are recovered from or otherwise diverted from the solid waste stream for controlled biological decomposition. Composting includes composting of source separated organics but not composting of mixed solid waste.
9. "Covered Food Scraps Generating Business" means organizations that cook, assemble, process, serve, or sell food or do so as service providers for other enterprises.
14. "Food Scraps" means all waste from meats, fish, and vegetables, which attends or results from the storage, preparation, cooking, handling, selling, or serving of food for human consumption. Food scraps include, but are not limited to, excess, spoiled or unusable food or dairy products, meats, vegetable and meat trimmings, grains, breads and dough, incidental amounts of edible oils, and organic waste from food processing. Food scraps do not include large amounts of oils and meats which are collected for rendering, fuel production or other reuse applications. waste from fruits, vegetables, meats, dairy products, fish, shellfish, nuts, seeds, grains, coffee grounds, and other food that results from the distribution, storage, preparation, cooking, handling, selling or serving of food for human consumption. Food Scraps includes but is not limited to excess, spoiled or unusable food and includes inedible parts commonly associated with food preparation such as pits, shells, bones, and peels. Food Scraps do not include liquids or large amounts of oils and meats which are collected for rendering, fuel production or other non-disposal applications, or any food fit for human consumption that has been set aside, stored properly and is accepted for donation by a charitable organization and any food collected to feed animals in compliance with applicable regulations.
15. ~~"Food Scraps Generating Business" means businesses and institutions whose waste is composed of a large amount of food scraps. It includes but is not limited to restaurants, grocery stores or food markets, hotels with catering operations, institutions with cafeterias, caterers, central~~

~~kitchens or commissaries, bakeries, produce wholesalers and food processors.~~

## Part 5.2, Recycling and Solid Waste Requirements for Commercial Customers, Generators and Self-haulers

### A. GENERAL REQUIREMENTS

All businesses must separate recyclable materials from ~~mixed Solid W~~aste and set out these materials for recycling collection as described below. Covered Food Scraps Generating Businesses must separate Food Scraps from other solid waste for collection. All Businesses are required to prevent total waste (including ~~both~~ trash and recycling) generated as measured by reducing weight, container sizes and/or frequency of collection. BPS monitoring of compliance will be accomplished through reviewing information reported by businesses' and multifamily, as well as through BPS inspections of onsite recycling and waste systems. The following general requirements apply:

1. Businesses must separate all paper and containers from ~~mixed solid~~ waste and set out for recycling collection. Businesses failing to recycle all paper and containers will be given the opportunity to demonstrate to BPS why they are unable to meet the requirement. BPS shall work with businesses to address their limitations and increase recycling to the maximum extent practicable. (D/M)\*
2. Businesses and shall separate paper and containers from ~~mixed solid~~ waste and set out these materials for recycling collection in such a manner as to prevent contamination of the recyclable and, where applicable, compostable materials. (D/M)\*
3. Businesses tenants in buildings where garbage collection is provided as part of the rental or lease agreement shall use the collection system for recyclables and compostables made available by the property owner or manager. (D/M)\*
4. Businesses that separate glass for recycling collection must keep it separate from all recyclable ~~paper~~ materials. (B/M)\*

### B. BUSINESS RECYCLING REQUIREMENTS

#### a. Materials to be recycled.

- a. All businesses shall recycle all paper and containers. (D/M)\*
- b. Covered Ffood Sscrap Ggenerating Bbusinesses shall separate all Ffood Sscraps from ~~mixed Solid W~~aste and set out for collection for one or more of the following uses: (e.g. compost, animal feed, or where possible, human consumption). BPS shall determine which businesses are subject to this requirement based on estimates of the amount of food scraps generated.

1) Composting or anerobic digestion by a facility that is authorized by Metro, has an Oregon Department of Environmental Quality compost permit or registration or licensed as a composter by the State of Washington; or

2) A transfer facility authorized by Metro, or

3) For animal feed or land application by facilities regulated by the Oregon Department of Agriculture.

3. To be in compliance with the Food Scraps separation requirements all Covered Food Scrap Generating Businesses must:

- a. Separate for collection all Food Scraps that are controlled by the business, agents, and employees. This requirement also applies to student-generated Food Scraps from school cafeteria meals at K-12 schools. This requirement does not apply to Food Scraps controlled by customers or the public. At its discretion, a Covered Food Scraps Generating Business may collect food waste from customers or the public but must ensure that Food Scraps are free of non-food items.
- b. Have correctly-labeled and easily-identifiable collection receptacles.
- c. Arrange for food waste collection service as necessary, and
- d. Comply according to the implementation schedule below.
  - i. By March 31, 2021 - Business Group 1,  $\geq$ 0.5 ton (1,000 pounds) per week Food Scraps generated.
  - ii. By March 31, 2022 - Business Group 2,  $\geq$ 0.25 ton (500 pounds) per week Food Scraps generated.
  - iii. By September 30, 2023 - Business Group 3,  $\geq$ 0.125 ton (250 pounds) per week Food Scraps generated.
- e. Covered Food Scrap Generating Businesses may apply to BPS for a temporary compliance waiver. Waivers shall not exceed 12 months, but annual renewal may be allowed. Criteria that warrant a temporary waiver include but are not limited to:
  - i. Less than 250 pounds per week of food in the disposed waste.
  - ii. Food Scraps produced by the covered business are not suitable for inclusion in the program or cannot be made suitable without unreasonable expense.
  - iii. Physical barriers to compliance exist and cannot be immediately remedied.
  - iv. Compliance results in unreasonable capital expense.
  - v. Compliance results in a violation of other government ordinance, health or safety code.

Failure to comply with requirements or to receive a temporary compliance waiver constitutes a violation. (D/M)\*

~~b. All Businesses are required to prevent total waste (including both trash and recycling) generated as measured by reducing weight, container sizes and/or frequency of collection.~~

c. Responsibilities of property owners and managers.

- a. Where a customer rents, leases or lets space to a business and includes provision of garbage collection service for any tenant as part of the rental or lease agreement, the customer is responsible to provide a collection system for its all business tenants for garbage, recyclables and compostables. If a business is a Covered Food Scraps Generating Business, then the customer is also responsible for providing a collection

system for compostables. ~~that meets the applicable best management practices listed above. (A/B/M)\*~~

- ~~b. Where the space rented or leased is office space, the system should consist of at least one recycling container at each workstation, obtained by the customer and distributed by the customer to each tenant business. (B/M)\*~~
- d. Where a customer provides janitorial services to its business tenants, the contract for janitorial services shall include recycling and composting services that meet the best management practices listed above and support the collection system for recyclable and compostables materials. (B/I)\*
- f. At least once a year, the customer shall ~~conduct training and~~ distribute to all tenants information about how to use the onsite collection system. Property owners and managers shall provide new tenants with this information within 30 days of tenant move-in. (C/M)\*

C. CITY INSPECTION

- 1. In evaluating whether a customer or generator is in compliance with the above provisions has occurred, BPS may conduct an inspection of the premises and consider:
  - b. Sources of contamination and education required to correct contamination from going into recycling and Food Scraps collection containers.