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## MEMORANDUM

TO: Mayor Weitkunat and City Councilmembers  
FROM: Susie Gordon, Sr. Environmental Planner  
THRU: Darin Atteberry, City Manager *DA*  
Bruce Hendee, Chief Sustainability Officer *BCH*  
Lucinda Smith, Environmental Services Director *LRS*  
DATE: February 12, 2013  
SUBJECT: Adjourned Meeting Feb. 12 - Regarding Agenda Item # 3; Amending the City Code to Prohibit Disposal of Cardboard in the Community's Waste Stream

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The following clarifications are provided by staff for Council's information concerning proposed Ordinance # 23-2013, which would restrict the disposal of cardboard in Fort Collins' waste stream.

1. Violation of the cardboard ban by generators (owner or occupants of residential, multifamily, commercial and industrial facilities) is proposed to be a civil, not a criminal infraction. This is following the recent trend to decriminalize elements of the Municipal Code such as animal control and nuisance issues.
2. However, violation of the e-waste ban remains as a criminal violation, in light of the fact that it also violates state law (effective July 1, 2013) and involves the prohibited disposal of hazardous materials.
3. The word "person" is defined in Section 1-2 of the City Code, as follows:  
*Person.* The word *person* shall extend and be applied to individuals, corporations, associations, firms, joint ventures, estates, trusts, business trusts, syndicates, fiduciaries, partnerships and bodies politic and corporate and all other groups and combinations.

### Attachments

1. List of Concerns received from the community about cardboard disposal ordinance proposal, with brief staff responses.
2. Air Quality Advisory Board - draft minutes (excerpted) from January 28, 2013 meeting

**Concerns Raised Regarding Cardboard Ordinance, and  
Staff Responses (based on experience administering the City's New Waste Reduction & Recycling Assistance Program)**

| Concern  | Staff Response  |
|--|---|
| Cost to business and multi-family customers for additional recycling service | While recycling service is an additional charge, many customers find that they can reduce the size of their trash bin or the frequency of trash service once recyclables are removed from the trash bin. If the trash bin is regularly >25% full of cardboard, the amount of recyclables removed is likely to be significant enough to yield savings in the trash service portion of a customer's bill. Clients enrolled in the WRAP program have found that starting recycling has resulted in a lower trash bill overall (in one case, for a housing/care facility, the price for trash service dropped \$160/month), Staff also hears about lowered trash bills that are self-reported by participants in the ClimateWise program who initiate or enhance their recycling.   |
| Space restrictions make adding a recycling bin difficult                     | This is certainly a situation for a number of locations, which staff has encountered working with WRAP and ClimateWise participants. We will apply the same one-on-one customer service to help businesses and MFU managers find solutions to relieve space-constraint issues, including: downsizing trash bins to make space for recycling; sharing service with adjoining locations; and, using a baler or compactor shared with other locations. The WRAP program currently offers rebates for businesses and MFU's to rebate the costs of starting a new recycling program, which will be applicable to new-to-cardboard-recycling applicants as well. Staff also plans to make financial assistance available for locations needing to make modifications such as enlarging an enclosure, in addition to the existing rebates available for starting recycling service.  |
| Property owners concerned about liability for tenants' actions               | The ordinance uses the same method for enforcement as many of the City's nuisance codes, and having the owner/occupant liable is consistent with other Code provisions. This approach gives flexibility to direct enforcement action to the party who is responsible. Education and assistance will be provided extensively prior to any consideration of citations.  |
| More educational programs could be offered instead of regulatory action      | <p>The City has been conducting recycling education programs and building recycling infrastructure for the past 20 years. A brief summary:</p> <p><b>1995</b> – Council goals include reduce by 35% the amount of paper wasted by commercial customers; increase participation in commercial recycling to 50%.</p> <p><b>1996</b> - Pay-As-You-Throw (PAYT) ordinance goes into effect; requires recycling be provided with trash service for no charge for single family home residents</p> <p><b>1996</b> - "Recyclone Times" recycling education newsletter published twice a year through 2007</p> <p><b>1998</b> - Web-site development with extensive links to recycling options, information</p> <p><b>1998</b> - New goal adopted: recycle or compost 35% of the waste stream by 2004, and 50% by 2010</p> <p><b>2002 - 04</b> –</p> <ul style="list-style-type: none"> <li>• Rivendell Recycling Drop-Off Center opens (still in operation)</li> <li>• "Equal Space" ordinance passed requiring all new commercial and multi-family buildings to design trash enclosures with as much space for recycling as trash</li> <li>• Outreach campaign to multifamily recycling complexes</li> </ul> <p><b>2005</b> - Cardboard accepted in curbside recycling (7 years ago)</p> <p><b>2007</b>-Single Stream recycling comes to Fort Collins (making it easier)</p> <p><b>2011</b></p> <ul style="list-style-type: none"> <li>• "1 Recycle" educational / recycling promotion campaign starts (continues today)</li> <li>• Additional planning staff (.5 FTE) hired to focus on multi-family and commercial recycling</li> <li>• WRAP (Waste Reduction &amp; Recycling Assistance Program) initiated to assist commercial and multi-family</li> </ul> <p><b>2012</b> -Green Building Code requires construction sites to recycle cardboard, wood, metals, and aggregates</p> |

**- Excerpted Minutes (DRAFT) -  
AIR QUALITY ADVISORY BOARD  
REGULAR MEETING  
MONDAY, JANUARY 28, 2013**

**DATE:** Monday, January 28, 2013  
**LOCATION:** 215 N. Mason Conference Room 1-A  
**TIME:** 5:30 – 8:30 pm

**For Reference** Greg McMaster, Chair - 484-3348  
 Ben Manvel, Council Liaison - 217-1932  
 Melissa Hovey, Staff Liaison - 221-6813

**Present:** Scott Groen, David Dietrich, Greg McMaster, Michael Lynn, Nancy York, John Shenot, Jim Dennison, Rich Fisher, Tom Moore

**Absent:** none

**Staff present:** Alexis Hmielak, Melissa Hovey, Tom Vosburg, Brian Woodruff

**Guests:** Bob Prohaska, Pranaya Sathe

**Cardboard Recycling Ordinance; Following Staff's Presentation, the following comments were provided by the Air Quality Advisory Board**

**Discussion:**

- Greg McMaster: The AQAB already passed one recommendation supporting this cardboard ordinance in December. Does the board want to follow up with another recommendation that focuses on specific aspects of the ordinance?
- Nancy York: Will the haulers alert renters that are not in compliance with the ordinance? (The haulers will not pick up trash with more than 25% cardboard in it. However, they will still bill the client for the trash truck visit because they made the effort to pick it up. The client will probably work it out with the hauler to be sure their trash is picked up on a regular basis.)
- Jim Dennison: Will the haulers comply with not picking up over 25%? One suggestion would be to drive around and look at trash to see if it is not in compliance and call the haulers. (This is about the relationship between the hauler and customer. Also, haulers have a license with the City that they do not want to risk losing by not complying with the ordinance. Haulers also watch each other's performance.)
- Jim Dennison: If recycling cardboard saves money, why does it cost to recycle? (We have recent information from 80 mid to large apartment complexes that indicate 80% of them already have recycling programs).
- Michael Lynn: How close and how fast will this ordinance take us to the goal of 50%? (In 2011, we were almost at 50% but a portion of that diverted waste was from shredding trees from the unexpected snow storm. We do not have all data yet for 2012, but we expect the diversion rate will go down. We feel this cardboard ordinance will help get us up to 50%

diversion. To get higher than 50% diversion would probably include diversion of organics because 35% of what is in landfill is organics.)

- Scott Groen: Will the ordinance language say citizens “should or shall” comply? (Customers “shall” comply. That language is not needed for haulers because we have an expectation they will comply with the ordinance to keep their license with the City).
- John Shenot: I was on the Solid Waste Advisory Committee in Madison, Wisconsin. They had a 65% diversion rate and a cardboard ordinance was an essential step to get there. There are a lot of concerns when you change regulations. I think everything you presented I saw in practice in Madison. I think that, through competition, some of these costs will disappear over time.
- Rich Fisher: Where is the City on having a compost facility and what can we do to encourage one? (Citizens in Fort Collins can currently use Clean Air Compost for curbside collection of organics. Gallegos also has a yard waste program. The closest permitted food-waste compost facility is A-1 Organics in Commerce City. They also have a facility in Eaton. Composting is very labor intensive, not all that profitable, and hard to get permitted. Construction of a facility would probably cost several million dollars. Hageman’s Earth Cycle on Prospect currently takes organics, but not food scraps.)
  - Susie Gordon: Funding for the Integrated Recycling Facility (IRF) was approved in the BFO process. We are currently finalizing the location. The IRF will collect yard waste, but will then transfer it to a processing facility. I really do not think there is any chance the City of Fort Collins will have an active composting facility.
  - Susie Gordon: Loveland, Larimer County and Fort Collins share ownership of the Larimer County-Landfill. Composting often comes up as part of that discussion.
- Jim Dennison: Something to consider is to determine where the City of Fort Collins wants to be in 10 years and do it all at once. It is hard on a community to piecemeal ordinances. (If you can get people to recycle cardboard, recycling of other material in the single-stream system will follow.)
- Susie Gordon: If City Council passes this ordinance it will be the first one in Colorado and probably in the intermountain west.
- Greg McMaster: I suggest we give the minutes of this meeting to Susie for her presentation to Council and let our suggestion be our discussion. The group agreed to this suggestion.