

StopWaste.Org Mandatory Recycling Ordinance FAQ's

January 25, 2012

Who is covered under the ordinance and when does it go into effect?

As of July 1, 2012, businesses generating four or more cubic yards of solid waste per week, and multi-family owners/managers (five units or more), will be required to obtain a level of recycling service adequate for the amount of recyclables they generate. Business waste generators will need to separate high-market-value materials from other solid waste (or ensure that materials are taken to a high diversion mixed waste processing facility).

As of July 1, 2014, all businesses in the county will be covered under the ordinance.

What materials are included?

Phase 1 begins July 1, 2012 and includes basic recyclables: paper, cardboard, and beverage and food containers.

Phase 2 begins July 1, 2014 and adds organics (food and compostable paper) to the basic recyclables.

Are local jurisdictions required to participate?

The ordinance intends to preserve local control while capturing the benefits of working together at a larger scale. Local jurisdictions will be able to "opt-out" of the business, multi-family, and regulated hauler sections of the ordinance for Phase 1 by March 2, 2012 and for Phase 2 by January 1, 2014.

How does the Alameda County ordinance differ from State law?

California's AB 341 requires businesses generating four or more cubic yards per week of solid waste and multi-family buildings of five units or more to recycle, but does not specify which materials must be recycled or how much.

The Alameda County ordinance builds on the state requirement by clarifying which materials must be recycled and sets a performance threshold stipulating that businesses and multi-family buildings must obtain the amount of service adequate for the quantity of covered materials they generate.

How will the mandatory recycling ordinances be enforced?

As with other communities who have adopted mandatory ordinances, enforcement will be focused on outreach and education about the covered materials as opposed to fines and penalties.

Notices of violation would not be issued any earlier than January 1, 2013, and, with the exception of flagrant violations, only after a warning has been issued and technical assistance to achieve compliance has been offered.

The responsibility of complying with the ordinance lies with owners/managers of businesses and multi-family properties. Notices of Violation will not be issued, nor will any fines or penalties be imposed, on individual employees of a business or multi-family dwelling in violation of the ordinance.

The ordinance also specifies that notices of violation cannot be issued by the Authority to waste generators, property owners, or regulated haulers in any covered jurisdiction without written approval of a Primary Enforcement Representative for that jurisdiction.

Is it possible to obtain a waiver of the ordinance requirements?

Yes, waivers are available for the following situations, if thorough documentation of the need for a waiver is provided:

- No access to a recycling program for the covered materials
- No space to separately store the materials
- Compliance would create a financial hardship, (defined as either an increase in the solid waste service bill of 30 percent or more, or a combined financial burden of the increase in the solid waste service bill plus the amortized cost of a new container enclosure required by law or regulation that is 30 percent or more of the pre-ordinance service bill).
- More time needed for compliance
- A de minimus amount of the covered materials is generated
- Emergency conditions (e.g., earthquake, fire, etc.)

What costs will businesses incur for complying with the ordinance?

Increased recycling and reduced disposal will reduce solid waste service bills for many businesses based on existing rates in most jurisdictions. This is because most cities have adopted rates that provide a financial incentive for businesses to recycle (e.g., cost of recycling one cubic yard/week is lower than the cost of disposing of one cubic yard/week).

Businesses may experience some costs other than their service provider bills, such as recycling containers within the working space, but even with these costs, it is expected that the ordinance will have financially positive results for many businesses in the county.

What is the fiscal effect on franchised haulers for complying with the ordinance?

A study commissioned by StopWaste.Org evaluated the systemwide cost impacts of increased recycling and composting as a result of countywide mandatory recycling. The resulting study found that the countywide *net* system cost of collecting and processing recyclables and compostables is less than that for collecting, transferring, and landfilling garbage by between two to seven percent.

That is, the net operational costs of haulers (including commodity revenue and avoided landfill costs) are estimated to decrease on average across the county as a result of collecting and processing more tons as recyclables and compostables than as garbage. This is largely because the value of the commodities and the benefit of the avoided landfill tipping fees more than offset any incremental increases in collection and processing. However, the average cost analysis may not be accurate for every jurisdiction in the county. Member agencies may need to make adjustments in their rate structures in order to raise approximately the same amount of total revenue as under the current system.

How does the ordinance affect future service rates?

What happens to overall revenues to the franchised hauler—and potentially to rates—as services migrate from refuse to recycling, is an issue that arises each time a new recycling program is started in a city with discounted rates. Discounted commercial recycling rates were designed specifically to incentivize recycling. If these rates are not expected to generate enough rate revenue to cover the costs of increased recycling under a mandatory scenario, then the discounted recycling rates really should be revisited to ensure that they still serve the purpose they were intended for—increased recycling---and to be sure that haulers are kept whole in the process of maximizing recycling.

Implementing the ordinance, and providing an adequate as opposed to a minimal, level of recycling for all businesses may result in lower net costs than implementing State requirements under AB 341 (for the reasons provided in the previous answer). If rate increases are needed, this doesn't necessarily mean that total customer bills will increase since customers can still migrate from higher priced refuse services to lower priced recycling service.