
Council Bill Number: 117446

Ordinance Number: 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.

Status: Passed

Note: Originally referred to the Committee on the Built Environment on August 15, 2011.

Vote: 9-0

Date filed with the City Clerk: 2012/05/16

Date of Mayor's signature: 2012/05/08 ([about the signature date](#))

Date introduced/referred to committee: 2012/04/16

Committee: Libraries, Utilities, and Center

Sponsor: GODDEN

Committee Recommendation: Pass

Date of Committee Recommendation: 2012/05/01

Committee Vote: 3 (Godden, Bagshaw, O'Brien) - 0

Index Terms: SOLID-WASTE, PUBLIC-REGULATIONS, WASTE-DISPOSAL, SOLID-WASTE-DISPOSAL, RECYCLING, ENVIRONMENTAL-PROTECTION, EATING-AND-DRINKING-PLACES

Fiscal Note: [Fiscal Note to Council Bill No. 117446](#)

Electronic Copy: [PDF scan of Ordinance No. 123880](#)

Reference: Related: [Resolution 30990](#), [Ordinance 122751](#), [Ordinance 123307](#)

Text:

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.

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

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

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

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

WHEREAS, Resolution 30990 calls for studies to reduce Seattleites' use of hard-to-recycle materials, many of them plastics, and specifically requires Seattle Public Utilities ("SPU") to propose strategies, including bans, to discourage

the use of disposable food service containers and food service ware; and

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

WHEREAS, manufacturers of food service ware and packaging have not produced compostable alternatives for some types of products that meet public health and performance standards 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,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

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

21.36.086 Compostable or recyclable food service ware required.

* * *

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

* * *

Section 2. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2012, and signed by me in open session in authentication of its passage this

____ day of _____, 2012.

President _____ of the City Council

Approved by me this ____ day of _____, 2012.

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2012.

Monica Martinez Simmons, City Clerk

(Seal)

Dick Lilly SPU Compostable Food Service ORD February 13, 2012 Version #2