

Meeting #8 Agenda (November 13, 3-4:30pm)

I. Welcome, Agenda Overview (3:00-3:05)

II. **Policy Feedback/Discussion: Enforcement (3:05-3:50)**

**Sec. 1.** RCW 70A.205.545 and 2024 c 341 s 302 are each amended to read as follows:

(1)(a) Beginning July 1, 2023, and each July 1st thereafter, the department must determine which counties and any cities preparing independent solid waste management plans:

(i) Provide for businesses to be serviced by providers that collect food waste and organic material waste for delivery to solid waste facilities that provide for the organic materials management of organic material waste and food waste; and

(ii) Are serviced by solid waste facilities that provide for the organic materials management of organic material waste and food waste and have year-round capacity to process and are willing to accept increased volumes of organic materials deliveries.

(b)(i) The department must determine and designate that the restrictions of this section apply to businesses in a jurisdiction unless the department determines that the businesses in some or all portions of the city or county have:

(A) No available businesses that collect and deliver organic materials to solid waste facilities that provide for the organic materials management of organic material waste and food waste; or

(B) No available capacity at the solid waste facilities to which businesses that collect and deliver organic materials could feasibly and economically deliver organic materials from the jurisdiction.

(ii)(A) In the event that a county or city provides a written request and supporting evidence to the department determining that the criteria of (b)(i)(A) of this subsection are met, and the department confirms this determination, then the restrictions of this section apply only in those portions of the jurisdiction that have available service-providing businesses.

(B) In the event that a county or city provides a written request and supporting evidence to the department determining that the criteria of (b)(i)(B) of this subsection are met, and the department confirms this determination, then the restrictions of this section do not apply to the jurisdiction.

(c) The department must make the result of the annual determinations required under this section available on its website.

(d) The requirements of this section may be enforced concurrently by jurisdictional health departments or the department consistent with this chapter, except that:

~~(i) A jurisdictional health department may not charge a fee to permit holders to cover the costs of the jurisdictional health department's administration or enforcement of the requirements of this section; and prior to issuing a penalty under this section, a jurisdictional health department or the county solid waste department must provide at least two written notices of noncompliance with the requirements of this section to the owner or operator of a business subject to the requirements of this section.~~

(2)(a)(i) Beginning January 1, 2024, a business that generates at least eight cubic yards of organic material waste per week must arrange for organic materials management services specifically for organic material waste;

(ii) Beginning January 1, 2025, a business that generates at least four cubic yards of organic material waste per week must arrange for organic materials management services specifically for organic material waste; and

**Commented [JR1]:** Ecology recommends removing Ecology/the department here in (d) and add local public works departments. Ecology believes the intent was to give jurisdictional solid waste departments enforcement authority in addition to jurisdictional health departments.

The use of the word "concurrently" does not make sense.

**Commented [JR2]:** Ecology recommends maintaining this language and adding or clarifying a "jurisdictional health department may not charge a fee outside of a civil penalty to cover the cost of the jurisdictional health department's administration or enforcement.

**Commented [MS3]:** Rather than specify "solid waste department" suggest broadening to "local public works departments" throughout. That would not limit enforcement only to solid waste departments and would capture both county and city staff that might be responsible.

- (iii) Beginning January 1, 2026, a business that generates at least 96 gallons of organic material waste per week shall arrange for organic materials management services specifically for organic material waste, unless the department determines, by rule, that additional reductions in the landfilling of organic materials would be more appropriately and effectively achieved, at reasonable cost to regulated businesses, through the establishment of a different volumetric threshold of organic waste material than the threshold of 96 gallons of organic material waste per week.
- (b) The following wastes do not count for purposes of determining waste volumes in (a) of this subsection:
- (i) Wastes that are managed on-site by the generating business;
  - (ii) Wastes generated from the growth and harvest of food or fiber that are managed off-site by another business engaged in the growth and harvest of food or fiber;
  - (iii) Wastes that are managed by a business that enters into a voluntary agreement to sell or donate organic materials to another business for off-site use;
  - (iv) Wastes generated in exceptional volumes as a result of a natural disaster or other infrequent and unpreventable event; and
  - (v) Wastes generated as a result of a food safety event, such as a product recall, that is due to foreign material or adverse biological activity that requires landfill destruction rather than organic material management.
- (3) A business may fulfill the requirements of this section by:
- (a) Source separating organic material waste from other waste, subscribing to a service that includes organic material waste collection and organic materials management, and using such a service for organic material waste generated by the business;
  - (b) Managing its organic material waste on-site or self-hauling its own organic material waste for organic materials management;
  - (c) Qualifying for exclusion from the requirements of this section consistent with subsection (1)(b) of this section; or
  - (d) For a business engaged in the growth, harvest, or processing of food or fiber, entering into a voluntary agreement to sell or donate organic materials to another business for off-site use.
- (4)(a) A business generating organic material waste shall arrange for any services required by this section in a manner that is consistent with state and local laws and requirements applicable to the collection, handling, or recycling of solid and organic material waste.
- (b) Nothing in this section requires a business to dispose of materials in a manner that conflicts with federal or state public health or safety requirements. Nothing in this section requires businesses to dispose of wastes generated in exceptional volumes as a result of a natural disaster or other infrequent and unpreventable event through the options established in subsection (3) of this section. Nothing in this section prohibits a business from disposing of nonfood organic materials that are not commingled with food waste by using the services of an organic materials management facility that does not accept food waste.
- (5) When arranging for gardening or landscaping services, the contract or work agreement between a business subject to this section and a gardening or landscaping service must require that the organic material waste generated by those services be managed in compliance with this chapter.
- (6)(a) This section does not limit the authority of a local governmental agency to adopt, implement, or enforce a local organic material waste recycling requirement, or a condition imposed upon a self-hauler, that is more stringent or comprehensive than the requirements of this chapter.

- (b) This section does not modify, limit, or abrogate in any manner any of the following:
  - (i) A franchise granted or extended by a city, county, city and county, or other local governmental agency;
  - (ii) A contract, license, certificate, or permit to collect solid waste previously granted or extended by a city, county, city and county, or other local governmental agency;
  - (iii) The right of a business to sell or donate its organic materials; and
  - (iv) A certificate of convenience and necessity issued to a solid waste collection company under chapter 81.77 RCW.
- (c) Nothing in this section modifies, limits, or abrogates the authority of a local jurisdiction with respect to land use, zoning, or facility siting decisions by or within that local jurisdiction.
- (d) Nothing in this section changes or limits the authority of the Washington utilities and transportation commission to regulate collection of solid waste, including curbside collection of residential recyclable materials, nor does this section change or limit the authority of a city or town to provide the service itself or by contract under RCW 81.77.020.

(7)(a) The department may hire a third party to identify businesses that are likely to be covered by the requirements of this section, and to facilitate education and outreach to businesses covered by the requirements of the section about the requirements of this section.

(b) The department must establish an online portal for a business to voluntarily report compliance with this section or to attest or otherwise explain why the business is not subject to the requirements of this section.

(c) The department or a third party contractor under (a) of this section may share information regarding businesses subject to the requirements of this section with the solid waste collection companies that provide collection services for organic material management in the jurisdiction of the business.

(d) A solid waste collection company must:

(i) Upon request, identify to the department businesses subject to the requirements of this section that are currently receiving collection services for organic materials management; and

(ii) Annually submit a list of businesses receiving collection services for organic materials management to the appropriate county and jurisdictional health department.

(8) (a) Violations of the requirements of this section are subject to civil penalties of five hundred dollars per day.

(b) A local government may adopt civil penalties that exceed the amount specified in (a) of this subsection.

(c) A jurisdictional health department may enforce the requirements of this section, or may delegate its enforcement authority to the appropriate solid waste department of the local government.

(d) Prior to imposing civil penalties under this subsection, a jurisdictional health department, the department, or the solid waste department of the local government must issue at least two notices of violation by certified mail.

(9) The definitions in this subsection apply throughout this section unless the context clearly indicates otherwise.

(a)(i) "Business" means a commercial or public entity including, but not limited to, a firm, partnership, proprietorship, joint stock company, corporation, or association that is organized as a for-profit or nonprofit entity.

(ii) "Business" does not include a multifamily residential entity.

(b) "Food waste" has the same meaning as defined in RCW 70A.205.715.

**Commented [JR4]:** Ecology recommends removing this requirement. We believe the use would be low and there are other provisions in this section to track compliance.

**Commented [CN5]:** Service Provider?

**Commented [MS6]:** A solid waste collection company may have customers that are not subject to this section that they likely would not be able to distinguish in such a list. Suggest removing "subject to the requirements of this section."

**Commented [JR7]:** Ecology recommends adding: The penalties recouped from this effort may be used towards administration or enforcement costs incurred by the enforcement body. Ecology suggests moving 8A section up to (1)(d)(i).

**Commented [JR8]:** Ecology suggests, "local public works departments."

**Commented [JR9]:** Ecology suggests removing the department from d.

**Commented [JR10]:** Ecology suggests "local public works departments"

## Input: Enforcement

- Chris C.: I am concerned about possible double/triple enforcement mechanism. can Heather or other clarify whether or how this would be addressed?
  - Jun W.: Can you clarify what you mean by double/triple enforcement mechanism?
    - Chris C.: Can penalty come from both state and local health district or third party? What Samantha was referring to (below).
- Samantha L.: People have concerns about the current enforcement. What are those concerns?
  - Heather T.: It's the LHJs.
  - Keith J.: The current problems with enforcement the way it was listed in the rule was there was no way for LHJs to do any cost recovery for the work that this law was requiring us to do. The rule was put out with "may." Because it says "may" in the ordinance, that doesn't require the health department to do the enforcement or require them to do the 3<sup>rd</sup> party business identification. In that instance, we're looking at this as an unfunded mandate with no structure of WAC. It was looking like this ordinance was putting everything on enforcement on the health department, but we looked at the wording and saw that it said "may" which means it's more of a voluntary thing. The haulers don't want to provide services if there's not going to be enforcement, which makes sense. We're looking at changes in the rule so there's some help at LHJs who don't have budget to do extra work like this. Also to provide other folks at local county government to this enforcement.
    - Samnatha L.: When 1799 was passed, local public health has a fee for service and was focused on food safety. The nexus for someone to be charging us to check our waste bins is really hard for public food safety in public health. This is actually part of negotiations because if it was going to be funded for local health, it would be states and not restaurants. We're going to be concerned around that. The other thing that is concerning is the enforcement that could happen at the local health level in addition to Department of Ecology – double enforcement challenge. If local health is allowed to collect fees on our permits to do the work and we're also paying \$500 per day in fines, we're being charged double/triple depending if Ecology has hired a 3<sup>rd</sup> party to do enforcement. I would ask this to be considered in a different way. 1799 has not been rolled out and implemented. Without proper education, you are choosing to penalize small business who may not know the law. There is a better way of making sure small businesses know they need to have a compost bin from their local government.
      - Keith J.: Understandable. We are pushing for a voluntary enforcement program without fees/fines. There is a voluntary compliance aspect that if the businesses that are identified that generate food waste, there is a portal for them to self-report that they don't aren't. That gives them the ability to report back and say that they are not someone that needs to be visited. The health department understands the fees. We don't want to charge an extra fee to those folks and would rather have a voluntary compliance program that doesn't involve us.
        - Katie B.: That's really helpful background. We echo concerns that Samantha shared specifically from the very smallest businesses that would need to have food waste/compost bins. We want to make sure they're being educated properly before they are dealing with any enforcement mechanisms. Love the comment about this

being voluntary. This goes back to the need for education that we discussed weeks ago and the severe lack. Making sure that the smallest businesses without representation by associations or industry groups are doing the right things. They want to be in compliance but they don't want to be in a position with significant fees. We're looking out for our industry.

- Ron J.: We wouldn't be involved in the enforcement part like county health departments, but trying to understand this language in the enforcement. It's talking about the department getting a 3<sup>rd</sup> party company to make sure businesses are complying with the law, but don't know how someone who would even do that. As municipal haulers, we have good communication with our customers, but are still struggling to identify who'll comply with 2025-26. How do you truly know how much they are generating in organic waste. How are 3<sup>rd</sup> parties going to get at this data? We work with these customers and we're struggling. That'll need to be looked at. A \$500 penalty is really stiff for something like this – for a small business, that service that costs them about \$25 a month. That doesn't make a good connection to me. We haven't even gotten through 1799 yet, so we're still playing catch-up. Using the term "company" is interesting since municipalities don't have to comply with this and would limit things.
  - Jun W.: I agree with Ron about the \$500 fee. Would it be a better option to leave the fee amount to the municipality that is performing the enforcement?
- Hannah S.: We're trying to work through this tough issue to make enforcement better. Would add on the requirement about annual list of business receiving collection services. It would be helpful to have what the service was included on that list to make outreach easier as well.
- Jay B.: We generally support this enforcement as an important next step. Anecdotally from our sales team, it's challenging going to a business that's generating organics and telling/educating them about this. A percentage of customers are just not going to do it unless they are forced to. You will eventually need some teeth in enforcement. I saw that if you get two notices – that's positive. Through that process, you can get to a reasonable solution on how to manage organics there, including if it's a very small business. In general, it's a good idea to have something there for use when needed. We have come across large generators that are not complying and it's hard to convince them to do it sometimes.
  - Ron J.: Thank you, Jay. Great points. We agree that a requirement with no penalty is a paper tiger. No impetus for the customer to comply. What a fine should be after 2 letters, I don't know.
    - Robbie G.: Not to mention while \$500/day as a civil penalty would be a disproportionate burden on a small business, it wouldn't begin to cover the cost of fully enforcing this program across the state.
- Fanny SG.: Thanks Keith for LHJ perspective. Given the option for haulers to come up with a list, I appreciate what Ron said about it being a daunting task. I agree. Our food sections don't have resources to do this work because it's not an imminent health risk. Our team investigates solid waste facilities for human health. This isn't a body of work the department would be doing. When it comes to making a list, we don't have a resources. While some business have food activities, we don't commonly visit businesses that generate this type of waste. It'll be difficult coming up with a list and propose haulers should come up with that information – and share the work a little bit so that LHJs can do some of the enforcement work. When it comes to the enforcement, I also appreciate that Ron had stated it'd be challenging to determine the quantity of waste. We want to do our part and understand it's a public health risk, but overall, the whole task for enforcement

is too much for LHJs. The “may” option really has left a good number of health departments to not enforce and focus resources to address public health concerns that have a more acute hazard.

- Cullen N.: Want to underscore what Fanny mentioned in our conversations with LHJs. The “may” was intended to give authority to LHJs and to solid waste jurisdiction (county). As it’s written in the law, it seems like it’s given enforcement to Ecology so want to distinguish that. There have been methodologies across the country to designate businesses generating organic waste. [Methodology Used to Determine Designated Food Scraps Generators](#)
- Samantha L.: Concerned about (b) local civil penalties, this is a statewide standard. If there is a fee structure to implement this, it needs to be at the state and not change jurisdiction to jurisdiction. We wouldn’t support a non-statewide standard.
- Keith J.: I think that after education and outreach, two notices that services are required, a fine is a way to let businesses know that the service is required. All they would have to do is report to the compliance portal why they don’t have service or don’t need it.
- Rod W.: \$500 penalty is steep and wondering if it’ll apply to haulers. If so, it’s equally steep for them.
- Neil E.: In CA, the vast majority of jurisdictions are responsible for enforcement. Where health departments have done it, it has been from fees funding the health department’s role in those inspections.
  - Rick V.: Is commercial food waste collection in CA part of a franchise hauler agreement or is it competitive?
    - Neil E.: In some jurisdictions, commercial collection is conducted under an exclusive franchise. Many jurisdictions have an open franchise system where haulers are registered, pay some fees and have diversion requirements. But many also have open commercial markets.
- Keith J.: Re fee structure, there might be confusion. Originally, wording said health department could charge a fee for a service. We agree and don’t want to charge a fee for that service unless that’s part of a budget given by the state to do that work. Need to understand a separation between a fee for a service versus a civil penalty for not being compliant with a rule. Civil penalty for non-compliance. Fee for a service.
- Gena J.: The City of Kirkland has been doing some work to identify what businesses need to comply and when and whether they are complying outside of our program that we currently subsidize to provide commercial organics. It was not a huge lift to find out who was or wasn’t complying. The bigger question is using the BOMA database – these businesses need to comply by 96 gallon amount and trying to understand the amount being generated is a bigger question mark than we thought. It would be great to expand on outreach when you try to ask a business to comply and also makes the risk of contamination go up. Many questions are not being answered and pushing more without reflecting where we currently are is going to cause more headaches.
- Ron J.: Some additional data the state could do to identify the parameter/percentage. How do you know how much food waste is in a restaurant container? Each individual customer is different. How do you know of their collection amount, how much is food waste? What is the percent parameter? We don’t think it’ll be the 33% you’ll get in waste sorted material since that is an aggregate of everything compostable. That’s not identifying between small coffee shops with a full-scale restaurant. That’s what I’m getting at when talking about identifying data.
  - Thu B.: Agree with Ron...I had a public school asking for clarification if they apply to this rule and how do they determine how much organic waste

- WRRRA: WRRRA supports the goals of increasing organics diversion but has concerns regarding the rule's impact on private businesses, the need for robust education efforts, and the adequacy of resources for local enforcement. While the proposed enforcement provisions may be helpful in implementing the goals of the OML (Organics Management Law, HB 1799 & 2301), we urge the department to consider the privacy concerns, the capacity of local agencies, and the need for a supportive, education-first approach to enforcement. A balanced approach that prioritizes education will ensure better compliance and greater success in meeting the organic waste management goals outlined in the OML.
  - The rule's requirement for solid waste companies to share detailed customer information with government agencies raises privacy, confidentiality, and anti-trust concerns (due to unregulated commercial organics service). Customer and pricing information could become public record and be used by competitors.
  - Enforcement based primarily on penalties may not be the most effective approach, especially for small businesses that may struggle with compliance. We recommend that the rule place a stronger emphasis on education and outreach.
  - The proposed \$500 per day civil penalty appears disproportionate to the violation. The same \$500 / day penalty provision applies to a solid waste collection company that does not file the new annual report on time. We suggest adopting a tiered penalty system based on business size and the degree of noncompliance.
  - Local jurisdictions may not have the resources to effectively enforce the rule. More funding will likely be needed for local agencies to hire staff, provide education, and track compliance, ensuring consistent enforcement across jurisdictions.
- Jaime B. (WSALPHO): Initial reading – this is something that LHJs would be very hesitant to start and implement for a couple of reasons – one, this is outside their scope and purpose for working with food establishments (that purpose being food safety... this isn't a food safety issue), second – there are likely businesses that aren't food establishments – so not sure of the connection to LHJs as enforcers is being made. LHJ connection to solid waste is the regulation of SW facilities, not the consumers that use those facilities. So the regulatory focus is not on the appropriate level – I think there is a stronger nexus to solid waste being more involved, but without seeing the full language, I'm unclear what the objective of the bill is.

### III. Policy Feedback/Discussion: Multifamily source separation (3:50-4:25)

**Sec. 2.** RCW 70A.205.540 and 2024 c 341 s 301 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, in each jurisdiction that implements a local solid waste plan under RCW 70A.205.040:

- (a) ((Beginning April 1, 2027,))source-separated organic solid waste collection services are required to be provided year-round to:
- (i) All single-family residents, beginning April 1, 2027; ((and))
  - (ii) Nonresidential customers that generate more than .25 cubic yards per week of organic materials for management, beginning April 1, 2027; and
  - (iii) All multifamily residents, beginning April 1, 2032.

**Commented [CN11]:** For accuracy in law, this should be referred to as "Multi-family residential entities." "Multi-Family Residential Entity" means a landlord, property management business, or condominium owner's organization that arranges solid waste collection service from shared disposal containers at any structure housing five or more dwelling units.

Multi-family residences are duplexes, triplexes etc. where the dwellings are in one building but service is organized and used by individual units.

(b)(i) The department may, by waiver, reduce the collection frequency requirements in (a) of this subsection for the collection of dehydrated food waste or to address food waste managed through other circumstances or technologies that will reduce the volume or odor, or both, of collected food waste.

(ii) All organic solid waste collected from ~~(single-family)~~ residents and businesses under this subsection must be managed through organic materials management;

(c) Beginning April 1, 2030, the source-separated organic solid waste collection services specified in (a) of this subsection must be provided to customers on a nonelective basis, except that a jurisdiction may grant an exemption to a customer that certifies to the jurisdiction that the customer is managing organic material waste on-site or self-hauling its own organic material waste for organic materials management;

(d) Beginning April 1, 2030, each jurisdiction's source-separated organic solid waste collection service must include the acceptance of food waste year-round. The jurisdiction may choose to collect food waste source-separated from other organic materials or may collect food waste commingled with other organic materials; and

(e) Beginning April 1, 2030, all persons, when using curbside collection for disposal, may use only source-separated organic solid waste collection services to discard unwanted organic materials. By January 1, 2027, the department must develop guidance under which local jurisdictions may exempt persons from this requirement if organic materials will be managed through an alternative mechanism that provides equal or better environmental outcomes. Nothing in this section precludes the ability of a person to use on-site composting, the diversion of organic materials to animal feed, self-haul organic materials to a facility, or other means of beneficially managing unwanted organic materials. For the purposes of this subsection (1)(e), "person" or "persons" does not include multifamily residences until April 1, 2035.

(2) A jurisdiction may charge and collect fees or rates for the services provided under subsection (1) of this section, consistent with the jurisdiction's authority to impose fees and rates under chapters 35.21, 35A.21, 36.58, and 36.58A RCW.

(3)(a) Except as provided in (e) of this subsection, the requirements of this section do not apply in a jurisdiction if the department determines that the following apply:

(i) The jurisdiction disposed of less than 5,000 tons of solid waste in the most recent year for which data is available; or

(ii) The jurisdiction has a total population of less than 25,000 people.

(b) The requirements of this section do not apply:

(i) In census tracts that have a population density of less than 75 people per square mile that are serviced by the jurisdiction and located in unincorporated portions of a county, as determined by the department, in counties not planning under chapter 36.70A RCW;

(ii) In census tracts that have a population density of greater than 75 people per square mile, where the census tract includes jurisdictions that meet any of the conditions in (a)(i) and (ii) of this subsection, that are serviced by the jurisdiction and located in unincorporated portions of a county, as determined by the department, in counties not planning under chapter 36.70A RCW;



(iii) Outside of urban growth areas designated pursuant to RCW 36.70A.110 in unincorporated portions of a county planning under chapter 36.70A RCW;

(iv) Inside of unincorporated urban growth areas for jurisdictions planning under chapter 36.70A RCW that meet any of the conditions in (a)(i) and (ii) of this subsection; and

(v) In unincorporated urban growth areas in counties with an unincorporated population of less than 25,000 people.

(c) A jurisdiction that collects organic materials, but that does not collect organic materials on a year-round basis as of January 1, 2024, is not required to provide year-round organic solid waste collection services if it provides those services at least 26 weeks annually.

(d) In addition to the exemptions in (a) through (c) of this subsection, the department may issue a renewable waiver to jurisdictions or portions of a jurisdiction under this subsection for up to five years, based on consideration of factors including the distance to organic materials management facilities, the sufficiency of the capacity to manage organic materials at facilities to which organic materials could feasibly and economically be delivered from the jurisdiction, and restrictions in the transport of organic materials under chapter 17.24 RCW. The department may adopt rules to specify the type of information that a waiver applicant must submit to the department and to specify the department's process for reviewing and approving waiver applications.

(e) Beginning January 1, 2030, the department may adopt a rule to require that the provisions of this section apply in the jurisdictions identified in (b) through (d) of this subsection, but only if the department determines that the goals established in RCW 70A.205.007(1) have not or will not be achieved.

(4) Any city that newly begins implementing an independent solid waste plan under RCW 70A.205.040 after July 1, 2022, must meet the requirements of subsection (1) of this section.

(5) Nothing in this section affects the authority or duties of the department of agriculture related to pest and noxious weed control and quarantine measures under chapter 17.24 RCW.

(6) No penalty may be assessed on an individual or resident for the improper disposal of organic materials under subsection (1) of this section in a noncommercial or residential setting.

(7) The department must adopt new rules or amend existing rules adopted under this chapter establishing permit requirements for organic materials management facilities requiring a solid waste handling permit addressing contamination associated with incoming food waste feedstocks and finished products, for environmental benefit.

#### **Input: Multifamily source separation**

- Robbie G.: Wondering if number of large multifamily residents will impact capacity. I realize the numbers are pretty far out in the future, but I think that's going to add a pretty significant percentage of organics that we're going to have to divert as well especially looking at the peak capacities. It's pretty full, especially in the spring.
- Ron J.: Thank you for pushing the date out. That's very helpful and allows us to get through the residential and commercial first, so that's a big positive. I would raise the concerns that maybe it's going to be figured out by then. We already have contamination issue. We've been

providing organics as an option for multifamily since 2008-2009. We haven't been effective at getting them in complexes. We have a few, but it's a low amount. Those who are super motivated use it, but others aren't. Have had instances where it just does not work out due to contamination. We still haven't figured out recycling in multifamily contamination and using those carts. We do a pretty good job at breaking out multifamily sector recovery rate – talking 16%. I'm not sure how we're going to get at organics, but I guess we have time to figure out. Somehow in this, we're going to have to keep contamination out. Additionally, these properties are not set up for these containers.

- Gena J.: 100% agree with what Ron just shared. We have the same concerns. I want to see multifamily having a requirement, but it's the setup of these trash rooms that do not accommodate even with our code saying they need to accommodate. At once multifamily I visited, they have 17 trash rooms with trash chutes. That's a huge amount of effort to get those carts and then dump. There's nothing in this law that's going to cover the fact that you need to do a lot of outreach and work to get property management to hire and service their trash rooms or have proper signage. It's a huge behavior change effort to implement across MF. Where's the written piece developing an effective behavior change plan to implement this across multifamily. We have multifamily issues that are unresolved (e.g., recycling). Adding another stream is opening up another opportunity for contamination without a clear strategy of how to address the problem of multifamily.
- Rick V.: Concerned with safe access for commercial vehicles to provide an additional level of service at multi-family properties. Trash, Recycling, Food Waste....more trucks and more containers
- Wendy W.: Echo Ron and Rick. Not all multifamily is the same. New trucks to pick that all up is a concern. Would need systems and infrastructure changes based on layout and size of MF property. All the education/outreach will be critical especially in multi-languages and culture. The stream for this property is tough and fraught with contamination. New construction allows for more organics systems in high-rises and developments. Creating something for new construction would be better than trying to retrofit older buildings.
- Dan C.: We all want to get at the organics produced by multifamily residents. My concern that just pushing out the timeline doesn't address the issues that are being raised: 1) cost to residents especially low-income folks, 2) costs associated with education/enforcement, and 3) concerns about contamination. We've been talking about these and just pushing the date back hasn't begun to address how to resolve them and still get this material.
- Jun W.: I remember the first year of the organic law implementation in California, as a resident, buying compostable bin liners was super difficult.
- Socorro M.: It sounds like this is suggesting rolling all multifamily buildings at the same time. I think that's going to be a tall order for many cities. Just in Seattle, we have 7,000 multifamily buildings, so that's a lot of services to deliver all at once. One suggestion would be to phase it out by larger waste generators first or number of dwellings starting with larger buildings, and having time to figure out issues with contamination and what can be done with better placement or signage.
  - Sean K.: In British Columbia we have seen soft rollouts work effectively at a regional (county) scale, where bylaws have come into effect Jan. 1 with education programs stepping up for 6 months before enforcement coming into full effect starting July 1.
- Rod W.: Echo concerns related to implementation. We have a good mechanism for Washington for phasing these changes in over time. In the past, legislation would have a date for these plans. In recent years, we've moved away from local implementation schedule and

transitioned to statewide, unfunded mandates. It would be helpful to return to existing well-working mechanism we've had in local implementation.

- Rusty C.: Concerned about food waste going to compost facilities. We know that when we reach a certain threshold of food waste, our compost facilities don't work so well and the composting process slows down, which slows down our reduces, the amount we can intake. Compost facilities are not good places for food waste, but right now, that's all we have. Digestors would be a better solution. By putting this much food waste into our compost facilities, we're getting set up for failure. We're at capacity spring through fall. Adding food waste to it and slowing down the process is going to compound the problem.
  - Rick V.: In most residential programs, the food waste is mixed with yard waste. Keeping it a "little" cleaner. MF properties usually do not have Yard waste collection, so this would likely create a significant odor and messy area.
    - Ron J.: Yes. we, Olympia, to treat it like commercial with more frequent collection. Weekly for sure.
  - Kate K.: In Seattle, the amount of food waste via multifamily is 6% of what's collected in the commercial sector. When we're talking about volumes collected – and I imagine Seattle has many more multifamily dwellings than other city in the state – we shouldn't be thinking of it as an overwhelming amount of material.
    - Rusty C.: When compared to garbage, no. We're comparing it to the yard waste, which is significant.
      - Kate K.: We have mandates related to food waste. Without mandates, there's no incentive for infrastructure to be built. I think from a climate perspective, getting food waste out of the landfill is of critical importance. It's hard, but a lot of things are hard. <https://www.epa.gov/land-research/quantifying-methane-emissions-landfilled-food-waste>
- Rick V.: Would this language allow for other options at MF properties - like Mill, Foodcycler, etc.?
- Ron J.: Appreciate all the efforts to get the methane, since it's bad for the climate. We're treating multifamily in clear buckets, but they aren't clear buckets in solid waste collection. We have codes in the city and state level that define what a multifamily is, but that doesn't necessarily match how collection is performed. We have multifamily complexes that we treat as single-family. We also have families that we treat at multifamily that we treat as single-family if we look at it from a code perspective. Something to keep in mind when drafting language.
- Cullen N.: This is a great resource to model the impact of composting (and other organic management practices) vs. landfilling, including with or without landfill gas capture: [Waste Reduction Model \(WARM\) | US EPA](#)
- Robbie G.: [Connections: Food Waste And Landfill Methane Report — A Giant Step On A Long Road | BioCycle](#)
- WRRRA: WRRRA appreciates the delayed implementation date to address multifamily housing challenges, however WRRRA echoes the comments of other stakeholders and recommends focusing on implementation of HB 1799 and HB 2301 for the 2025 session and allowing local governments to continue the existing process of on-boarding multi-family facilities pursuant to their local solid waste plans. While multifamily organic waste collection is an important step toward achieving broader waste diversion goals, it is crucial that the policy provides sufficient support and flexibility for all parties involved in the complex process of onboarding new services at multi-family properties, including the local government, the service provider, the property manager, and the residents. By offering more time, technical assistance, resources for tenant education, and phased implementation options, the state can ensure that multifamily properties meet the requirements without undue burden.

- Local Solid Waste Plans as the Mechanism: The local solid waste plan is the controlling document for a jurisdiction and allows jurisdictions to plan, implement, and phase-in services in a way that makes sense for each individual community. In previous years, legislation to expand services would typically require local governments to incorporate the expanded services into their local solid waste plans along a local implementation schedule. In recent years, legislation to expand services has moved toward state-level unfunded mandates with a hard target date in statute, undermining the local planning process, creating implementation challenges, and funding problems.
  - WRRRA supports implementing the OML for the 2025 session, but state-level goals should require the jurisdiction to begin planning and implementing changes by a target date, not require all services be online statewide by the target date. Many concerns raised by WRRRA and other stakeholders would be addressed in this local planning and implementation.
- Challenges at Multi-family Properties: Extending organics service to even a single-multifamily property is a lengthy complex process involving the local government, the service provider, the property manager, and the residents. Additional time must be provided for multifamily property owners to meet the requirements, particularly for older or smaller buildings that may require significant infrastructure upgrades. Allowing for local phase-in of services in the local solid waste plan facilitates this process. Multifamily properties face unique challenges in implementing organic waste diversion programs, including limited space for waste containers, high tenant turnover, and the need for robust tenant education. Creating more provisions to support property owners, particularly small or older multifamily buildings, with technical assistance, resources for tenant education, and incentives for early compliance, will help implementation.
- Source Separation and Education: Source-separation of organic materials is essential for the success of the program, but it is especially challenging in multifamily settings. There should be a strong emphasis on education and outreach efforts (as well as funding) targeting multifamily residents. Signage, written materials, and possibly even in-unit educational resources should be provided to help tenants understand the importance of proper organic waste separation.
- 2024 Multifamily Residential Waste Container Storage (removed from SEC. 701 of HB 2301): Language was removed from HB 2301 that required container space at multi-family properties in building codes. Organics collection cannot be expanded to all multi-family properties statewide without addressing this issue. Container space is already an issue at many properties.

IV. Wrap-up & Adjourn (4:25-4:30)

- a. Next Meeting: Thursday, November 21 – Compostable products; Food date labeling

## Enforcement

- Chris C.: I am concerned about possible double/triple enforcement mechanism. can Heather or other clarify whether or how this would be addressed?
  - Jun W.: Can you clarify what you mean by double/triple enforcement mechanism?
    - Chris C.: Can penalty come from both state and local health district or third party? What Samantha was referring to (below).
- Samantha L.: People have concerns about the current enforcement. What are those concerns?
  - Heather T.: It's the LHJs.
  - Keith J.: The current problems with enforcement the way it was listed in the rule was there was no way for LHJs to do any cost recovery for the work that this law was requiring us to do. The rule was put out with "may." Because it says "may" in the ordinance, that doesn't require the health department to do the enforcement or require them to do the 3<sup>rd</sup> party business identification. In that instance, we're looking at this as an unfunded mandate with no structure of WAC. It was looking like this ordinance was putting everything on enforcement on the health department, but we looked at the wording and saw that it said "may" which means it's more of a voluntary thing. The haulers don't want to provide services if there's not going to be enforcement, which makes sense. We're looking at changes in the rule so there's some help at LHJs who don't have budget to do extra work like this. Also to provide other folks at local county government to this enforcement.
    - Samnatha L.: When 1799 was passed, local public health has a fee for service and was focused on food safety. The nexus for someone to be charging us to check our waste bins is really hard for public food safety in public health. This is actually part of negotiations because if it was going to be funded for local health, it would be states and not restaurants. We're going to be concerned around that. The other thing that is concerning is the enforcement that could happen at the local health level in addition to Department of Ecology – double enforcement challenge. If local health is allowed to collect fees on our permits to do the work and we're also paying \$500 per day in fines, we're being charged double/triple depending if Ecology has hired a 3<sup>rd</sup> party to do enforcement. I would ask this to be considered in a different way. 1799 has not been rolled out and implemented. Without proper education, you are choosing to penalize small business who may not know the law. There is a better way of making sure small businesses know they need to have a compost bin from their local government.
      - Keith J.: Understandable. We are pushing for a voluntary enforcement program without fees/fines. There is a voluntary compliance aspect that if the businesses that are identified that generate food waste, there is a portal for them to self-report that they don't aren't. That gives them the ability to report back and say that they are not someone that needs to be visited. The health department understands the fees. We don't want to charge an extra fee to those folks and would rather have a voluntary compliance program that doesn't involve us.
        - Katie B.: That's really helpful background. We echo concerns that Samantha shared specifically from the very smallest businesses that would need to have food waste/compost bins. We want to make sure they're being educated properly before they are dealing with any enforcement mechanisms. Love the comment