

IMPLEMENTATION & ENFORCEMENT RESPONSE PLAN

for

THE CITY OF FORT COLLINS

**RESTRICTIONS ON THE DISPOSAL OF CARDBOARD
IN THE COMMUNITY'S WASTE STREAM**

FEBRUARY 2013



PURPOSE

To identify the schedule for implementation of an ordinance restricting cardboard from disposal in the waste stream, and to outline the City's implementation procedures, including plans for extensive education and outreach, as well as responsibilities for identifying, tracking, and responding to concerns related to incidents of non-compliance, and establish a process to penalize noncompliant violators and deter future noncompliance.

I. DEFINITION

Recyclable cardboard shall mean corrugated cardboard, and shall include, but not be limited to, materials used in packaging or storage containers that consist of three or more layers of Kraft paper material, at least one of which is rippled or corrugated. Cardboard shall be considered *recyclable cardboard* regardless of whether it has glue, staples or tape affixed, but not if it is permanently attached to other packing material or a non-paper liner, waxed cardboard, or cardboard contaminated with oil, paint, blood, or other organic material.

The City endorses the U.S. Environmental Agency's integrated "hierarchy" of waste management to help protect environmental resources. Therefore, the City ordinance requiring cardboard to be separated out of the waste stream is intended to redirect cardboard resources away from landfills, toward alternatives including but not limited to:

1. Recycling: whereby cardboard is collected, processed (i.e., baled or compacted), and delivered to commercial mills to be remanufactured into new products such as boxes.
2. Re-use: whereby cardboard is returned to the consumer and put back into use as storage containers, packaging materials, or boxes for shipment/transport.
3. Re-purposing: whereby a new secondary use may be found for cardboard, for instance as insulating material.
4. Composting/mulching applications: whereby cardboard is employed as one of the organic ingredients for making compost, or used in landscaping applications as a weed suppressant layer that also helps trap moisture in the soil.

II. APPLICATION

Fort Collins residents and commercial entities are affected by the ordinance restricting the disposal of cardboard in trash containers that are collected by commercial hauling companies.

A threshold level of 25% of the contents of a trash dumpster, bin, or cart is defined as the maximum amount of cardboard that is allowed to be placed in containers for trash collection. More than 25% cardboard, by volume, will be regarded as a non-compliant action on the part of the generator. A trash hauler that empties and removes the contents of a container holding more than 25% cardboard will also be out of compliance with the City ordinance.

Note: Businesses that participate in construction of new buildings are included in Ordinance 023-2013. Previously adopted requirements in Fort Collins' Building Code

for this industry sector already require cardboard to be recycled; therefore, inspection and enforcement for cardboard disposal activities on construction sites will continue to be conducted by the Building Services Department, independent of Ordinance 023-2013.

III. EFFECTIVE DATE

An ordinance restricting cardboard from disposal in the waste stream, as adopted by Council on March 5, 2013, becomes effective March 15, 2013.

IV. EDUCATION, OUTREACH, AND NOTIFICATION

Public Participation

The City's primary approach to diverting more cardboard from the community's waste stream is to obtain voluntary cooperation and participation from all sectors of the community to practice the "three R's" of resource management.

- Reduction of cardboard usage when possible. Customers may, for instance, request that purchased products be delivered in durable, returnable boxes instead of cardboard.
- Re-use of cardboard as a product that may allow new packaging, shipping, and storage opportunities, or may be converted to a new secondary use such as organic mulch.
- Recycling of cardboard using conventional systems to collect "OCC" (industry's code, which stands for old corrugated containers), to be sent to commercial mills to be remanufactured into new cardboard for making packaging and boxes, etc.

To increase involvement from all members of the community, staff in the City's Environmental Services Department will focus on communicating the importance of diverting cardboard from landfill disposal. Public outreach and engagement tools will be designed to be positive, user-"friendly" and supportive. Primary tasks include:

1. providing clear, informative guidelines on how to successfully engage in cardboard reduction/reuse/recycling activities;
2. re-enforcing information to households about using the single-stream recycling program (which includes cardboard) that is available through curbside collection services;
3. generating new communication tools for both multifamily housing and commercial entities to use about how to implement successful recycling programs that help divert cardboard from the waste stream; and
4. offering financial incentives and support for business and multifamily managers who encounter site-specific issues that constrain cardboard recycling activities.

Warnings

When observations are made by City staff, or when complaints are received from members of the public that trash receptacles at any place of business, multifamily complexes (residential group/subscriber), or resident/subscriber housing (e.g., single-family) contain more than 25% cardboard by volume, a warning note may be placed at the site as a communication tool that provides "friendly" notification and reminder of the City's requirement to keep cardboard out of the trash. A copy of the warning note will be

filed by address in a database maintained by the City for future reference. After two notifications have been issued, City staff will:

1. (Environmental Services) attempt to directly contact the entity that is generating the material (responsible party, or RP) to have a more direct discussion and ascertain the RP's reasons for not recycling cardboard, and/or;
2. (Code Enforcement) prepare a violation notice (see Section V).

Schedule of Implementation: An active, vigorous education and notification campaign starts upon adoption of Ordinance 023-2013 and continues for 12 months at a high level of staffing and resource allocation by the City. The initial year of the outreach campaign will be followed by ongoing education/information about the City's cardboard disposal restrictions into the future.

V. VIOLATIONS

Action/Response Concerning Incidents of Violation

When a violation notice is received by, or prepared by, the Fort Collins Neighborhood Services Code Compliance staff, an incident report form will be filled out after field verification has been conducted. Guidelines and procedures that will be followed are outlined, independently of Ordinance 023-2013, in Fort Collins' Code Compliance Policy Manual.

A notice of violation will be sent to the RP from Code Compliance staff that describes the reported incident and provides the RP with opportunity to resolve issues of noncompliance within a 15-day period. The letter will provide contact information for both Code Compliance staff and Environmental Services and include the provision that the RP may contact the City if/when the RP wishes to submit an appeal for the incident of violation. The City's notice of violation will be sent to both:

1. Owner(s) of the property, and;
2. Inhabitant(s) of the property.

After an incident of violation and issuance of a notice of violation, if/when the RP contacts staff in the Environmental Services Department for assistance in developing a new program for diverting cardboard from the waste stream, the Code Compliance officer may choose to indicate that compliance is being reached and provide additional time to correct the violation.

If the RP takes no action, insufficient action or untimely action to remediate the violation, Code Compliance staff may provide a written Notice of Violation to the responsible party in the form of a letter or may seek additional enforcement action as described below.

A written Notice of Violation will contain, at a minimum, details of the violation and the required end result of remediation by the responsible party. The Notice may also discuss increased enforcement actions that may be taken as well as possible fines and other penalties that may be imposed if the violation continues or is repeated. Notices of Violation will be sent as required by this Plan. The purpose of the notice will be to

reiterate information given to the RP during the investigation and establish a record of the City's response.

Referral to City Attorney's Office-

Where the facts and circumstances of a violation warrant it, the Code Compliance staff will consult with the City Attorney's Office for further evaluation regarding whether additional enforcement action may be taken. Generally, where appropriate, legal action will be initiated and pursued to the extent allowed by applicable law. The City of Fort Collins Municipal Court has created a municipal schedule of fines that identifies five hundred dollars (\$500) as the amount of fine that will be imposed for a first-time violation of Ordinance 023-2013.

Schedule of Implementation

The City ordinance provides opportunity for a Notice of Violation to be written at any time following March 15, 2013.