# ORDINANCE NO. 29010

AN ORDINANCE relating to solid waste; amending Chapter 12.09 of the Municipal Code, relating to Solid Waste, Recycling, and Hazardous Waste, by amending Section 12.09.070, entitled "Special Permits," to expand reporting requirements, clarify the City's enforcement authority, and assist in the administration of related taxes and deductions, effective January 1, 2025.

WHEREAS the Environmental Services Department Solid Waste Management Division's ("SWM") recommendation is based on improving SWM's ability to enforce its solid waste franchise agreement and track private sector solid waste collection activities within City limits, and

WHEREAS additionally, improved data collection through this ordinance will assist the City's Tax and License Division ("T&L") in administering recycling tax deductions, which will encourage participation in the Special Permits program, while also incentivizing recycling, thereby diverting waste from our regional landfill, and

WHEREAS City staff has collaborated with interested parties from the solid waste and recycling industry while developing the new permitting and reporting rules, and since October 2023, SWM and T&L have held four Recycling Roundtables ("Roundtables"), where businesses subject to Special Permits provided feedback on the existing program and potential changes, and

WHEREAS concerns expressed during these Roundtable meetings were related to: (1) the ability to enforce the new and existing rules, (2) whether Alternative Daily Cover was considered a recyclable material, (3) the compliance burden on companies to track and report their data, and (4) the timeline for tracking recycling data, reporting recycling data, and receiving a tax benefit, and

WHEREAS in early 2024, SWM and T&L developed tiered recycling tax deductions based on the percent of waste management by each permit holder that was recycled, and

WHEREAS accounting for feedback from the Roundtables, SWM developed Special Permits code revisions that specified the necessary data to qualify for a recycling tax deduction, and

WHEREAS additionally, enforcement and administration of Tacoma Municipal Code 12.09.070 ensures that SWM collects all solid waste revenues as reserved through its franchise agreement, and violations of this franchise agreement place an unfair financial burden on our ratepayers to support SWM's operations, and

WHEREAS inadequate enforcement of Special Permits disproportionately impacts our low-income residents, including those in underrepresented communities, and

WHEREAS the Government Performance and Finance Committee voted unanimously on November 19, 2024, to move this proposal forward to the full City Council; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the City Council hereby adopts the Recitals of this Ordinance as its formal legislative findings.

Section 2. That Chapter 12.09 of the Municipal Code, relating to Solid Waste, Recycling, and Hazardous Waste, is hereby amended, by amending Section 12.09.070, entitled “Special Permits,” to expand reporting requirements, clarify the City’s enforcement authority, and assist in the administration of related taxes and deductions, effective January 1, 2025, as more fully set forth in the attached Exhibit “A.”

Section 3. That the City Clerk, in consultation with the City Attorney, is authorized to make necessary corrections to this ordinance and Exhibit “A,” including, but not limited to, the correction of scrivener’s/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Passed _____

_____
Mayor

Attest:

_____
City Clerk

Approved as to form:

_____
Deputy City Attorney

EXHIBIT "A"

# CHAPTER 12.09
# SOLID WASTE, RECYCLING, AND HAZARDOUS WASTE

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**12.09.070 Special permits.**

A. A special permit from the Environmental Services Department shall be required for the collection, removal, processing, and disposal of solid and infectious waste, including recyclable materials from within the City limits, by anyone other than City personnel or by anything other than City equipment. Such collection, removal, processing, or disposal without a special permit is a violation of this chapter. The Director is authorized to approve or disapprove applications for special permits. The Director may prepare and require the use of such forms as deemed essential for administering the requirements of this section. Permittees shall comply with applicable state laws and City ordinances, and obtain all applicable City permits including, but not limited to, barricade permits.

1. Exemptions may be granted for small quantity generators at the discretion of the Director.

2. Failure to comply with the terms of a special permit issued under this section shall be considered a violation of this chapter, and subject the permittee to civil penalties under TMC 12.09.240, and revocation of their special permit.

B. A person denied a special permit or aggrieved by the issuance or revocation of a special permit may appeal the decision to the City's Hearing Examiner in accordance with TMC 12.09.250.

C. The Solid Waste Management Division may conduct audits and inspections to ensure compliance with this section and with the terms of a special permit. Inspections will be during normal working hours and will be carried out in such a manner as to minimize disruption of the businesses' activities. The Solid Waste Management Division may audit reports required in this section and request additional documentation to verify their accuracy. Failure of a business to comply with a request for inspection or additional documentation will be deemed a violation and may, at the discretion of the Director, result in revocation of solid waste disposal privileges at the City's public disposal area.

D. A special permit may be revoked by the Director, without prior notice, if the permittee fails to comply with this chapter or the terms and conditions of the special permit, including, but not limited to, annual reporting and inspection requirements. A special permit may be issued for a maximum duration of one year, and is renewable at the Director's discretion, subject to the permittee complying with the terms of their special permit and this chapter. The Director may issue special permits for the following reasons:

1. For collecting and transporting ~~source separated~~ recyclable materials from a recycling drop-off box, or from a commercial or industrial generator of recyclable materials to a processor of recyclable materials or end user of recyclable materials, or for the receipt and processing of recyclable materials. Recyclable materials loads shall not contain more than 10 percent non-recyclable materials by volume. Loads that exceed more than 10 percent of non-recyclable materials by volume shall be delivered to the City's ~~of Tacoma Landfill~~ public disposal area for management and disposal, unless Solid Waste Management authorizes disposal outside of Tacoma. The Director shall have the sole authority and discretion to determine when this requirement is met. However, exceptions to this requirement may be made if the applicant can demonstrate that the proposed activity is in the best interests of the City for meeting the recycling goals set forth in the Tacoma-Pierce County Solid Waste Management Plan. The granting of a permit for this activity shall in no way be construed to mean that the permit allows the permittee to haul solid wastes within the City in violation of TMC 12.09.020.

~~Any special permit issued for the collection and hauling of recyclable materials shall require the holder to submit an annual report to the Solid Waste Management Division Manager. This report may be a copy of the Annual Recycling Survey submitted to Pierce County Solid Waste or the Department of Ecology required by RCW 70.95. Failure to provide this report annually shall result in automatic cancellation of the permit.~~

2. For the separation, use or sale of swill; provided said material is transported outside the City limits.
3. To provide temporary drop-off box container service to specific Solid Waste Management customers in the event Solid Waste Management temporarily cannot provide the service.
4. For the collection, removal, and disposal of infectious waste as more specifically described in TMC 5.04. The permit shall not be effective and shall be deemed revoked if the permittee does not obtain permits required under TMC 5.04,and/or permits or approvals required by any other applicable federal, state, or local law or regulation. The collection, removal, or disposal of infectious waste or infectious waste which has been rendered noninfectious (hereinafter called "treated waste") in violation of any applicable law or regulation of the federal, state, county, or City government, or any other governmental entity having jurisdiction, shall be grounds for immediate revocation of any permit issued hereunder, even if such violation occurs outside the corporate limits of the City's condition of the special permit. Any permittee, as a condition of the special permit, will be required to provide all information requested by the City pertaining to the manner in which all aspects of the collection, removal, and disposal of infectious waste or treated waste are being carried out by the permittee.
5. For the collection, removal, and disposal of any solid waste that is unacceptable for disposal in the City's public disposal area.
6. For the collection, removal, and disposal of any solid waste when the City determines that it is in the City's best interest for a non-City entity or person to collect, remove, or dispose of such waste. A permit of this nature may be issued to authorize one-time solid waste hauling services. ~~such as hauling solid waste and shall require~~ For each service the permittee shall~~to~~ report the date of service, the origin of the material, the volume of material~~the method of transportation~~, and the disposal location(s) ~~prior to disposal of the solid waste~~.
7. For a person or organization to haul solid waste generated as a result of activity at its premises under circumstances that render mandatory service infeasible or impracticable; provided, that the following conditions are met:
a. The person or organization is not in the solid waste hauling business, and owns or leases the vehicle hauling the solid waste;

b. The operator of the vehicle is an employee of the organization generating the waste. Contracting out, and/or hiring others for disposal services is a violation of TMC 12.09.020 and shall not be allowed; and

c. The waste, if acceptable, shall be disposed of at the City's public disposal area.

~~8. Exemptions may be granted for small quantity generators at the discretion of the Director.~~

~~9. Failure to comply with the terms of a special permit issued under this section shall be considered a violation of this chapter, and subject permittee to civil penalties under TMC 12.09.240, and revocation of their special permit.~~

E. Any special permit issued under TMC 12.09.070.D.1 shall require the permit holder to submit an annual recycling report to the Solid Waste Management Division Manager. This report must include material tonnages handled by the permittee, the final disposal and/or processing locations of the material, and the amount transported to each disposal/processing location. The report must contain sufficient information to calculate a Recycling Rate, based on the percentage of the total material handled by the permittee that was recycled during the prior calendar year. Failure to provide this annual recycling report shall result in automatic cancellation of the permit. The Recycling Rate will be rounded to the nearest whole number and calculated as follows:

Recycling Rate (%) = (Recycled Material Weight ÷ Total Material Weight) x 100

The Recycling Rate will be used to calculate any applicable recycling tax deduction allowed under TMC Section 6A.50.060.

1. Special permits issued under any activities other than TMC 12.09.070.D.1 may also require the permit holder to submit an annual recycling report at the discretion of the Director. An annual recycling report may be submitted by any permit holder in order to be eligible for any applicable recycling tax deduction allowed under TMC Section 6A.50.060.

2. Alternative daily cover (ADC), as permitted for use at the destination landfill, that is hauled prior to January 1, 2027, may be reported as up to fifty percent recycling by weight in the permitted hauler's annual recycling report. ADC hauled on or after January 1, 2027, shall be reported as zero percent recycling by weight in the permitted hauler's annual recycling report.

3. Any permittee submitting an annual recycling report shall do so upon application for or renewal of a special permit and shall pay a permit reporting fee of $150.

4. First-time applicants that do not have sufficient data from the previous calendar year may submit a reasonable estimated Recycling Rate with their initial special permit application. This estimated Recycling Rate is subject to audit and verification by Solid Waste Management Division and may be revised by Solid Waste Management Division based on newly available data or inspection findings.

5. Permittees that increase recycling by installing new equipment or implementing a process change may submit an amendment to their annual recycling report demonstrating an increased rate of recycling since the beginning of the current year. An amendment to a recycling report must be submitted in writing to Solid Waste Management Division before November 1 of each year in order to be considered for any adjustment to the permittee's Recycling Rate for that year.

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