Denver Waste No More Task Force

Meeting #4: Discuss Preliminary Recommendations and Compliance/Enforcement
June 1, 2023
# Introductions - Task Force Members

| Ballot Sponsors                                      | Ean Thomas Tafoya, GreenLatinos  
Vann Fussell, Compost Colorado |
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<tbody>
<tr>
<td>Labor</td>
<td>Luis Ponce, SEIU</td>
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<tr>
<td>Multi-family building resident</td>
<td>Marguerite Harden, Resident &amp; HOA Member</td>
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| Special Events                                       | Andrea Furness, Classic Events Co.  
Renee Ortiz, Eventful Productions |  
| Commercial & Multi-Family Buildings                 | Jessy Aghababian, Unico Properties  
Peggy Panzer, Laramar Group/AAMD  
Stephen Shepard, Denver Metro BOMA |  
| Food Waste Producers                                 | Holly Adinoff, Sullivan Scrap Kitchen  
Allyson Gutierrez, Colorado Rockies Baseball Club  
Sonia Riggs, Colorado Restaurant Association  
Chris Woodburn, Denver Public Schools |  
| Small business                                       | Chris Chiari, Patterson Inn                                                   |
| Waste Haulers & Processors                           | Christopher Berry, GFL Environmental  
Erwin Galvan, Waste Management Recycle  
Clinton Sanders, A1 Organics  
Christi Turner, Scraps Ltd. |  
| Construction Industry                                | JW Houser, Taylor Morrison/Home Builders Assoc  
Maggie Nichols, Iron Woman Construction  
Anna Perks, Perks Deconstruction |  
| Environmental Advocate                               | Ryan J Call, Eco-Cycle                                                        |
| Multi-Sector                                         | Joshua Jackson, NAACP  
Laurie Johnson, Circular Colorado |  
| City Council Members                                 | Jolon Clark, District 7 → Sarah Parady, At Large  
Chris Hinds, District 10 |  

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[Logo: DENVER CLIMATE ACTION, SUSTAINABILITY & RESILIENCY]
Where We Are & May Recap
# Draft Work Plan

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- Discuss **timelines** + overall **requirements**  
- Set up **workgroups** |
| Meeting 3 - May   | - How do we ensure **under-resourced** communities/ buildings are able to comply with / benefit from the ordinance?  
- What other **supports** could be made available to help buildings comply? |
| Meeting 4 - June  | - Consider **draft recommendations and enforcement mechanisms** – e.g., phasing, what’s required of whom, exemptions  
- Look-ahead to public engagement process; adjust Task Force timeline as needed |
| Meeting 5 - July  | - Discuss principles for universal **signage**, effective messaging and community buy-in  
- Confirm **overall proposals thus far**, e.g., timelines, communication protocols, materials requirements, funding, enforcement strategies  
- Provide input for public engagement process |
| Meeting 6 - Sept  | - Incorporate public input + finalize recommendations |
May Recap

Follow up from May meeting:

- Equity (clarifying the ‘who’ for purposes of developing/evaluating Recommendations)
- Updated Evaluation Rubric – edits based on May meeting input
- Supports/Incentives (incorporated in preliminary recommendations)

Process for vetting/refining recommendations:

- Work Groups → Task Force → City staff (in consultation with Work Groups as needed) → Task Force (with public input)
Review Draft Recommendations
List of Recommendations

Ready for Review Today:

1. Definition for Affected Premise
2. Definition for Responsible Party
3. Compliance for Residential Buildings
4. Compliance for Non-Residential Buildings
5. Annual Diversion Plan
6. Financial Supports

In Development:

- Compliance for Special Events
- Compliance for Food Waste Producers
- Compliance for C&D
- Covered Materials
- Exemptions
- City Purchasing Requirements
- City Contracts, Bid points
Recommendation 1: Define Affected Premises

**Summary**
- The ordinance should include definitions for all applicable “affected premise(s)” covered under the ordinance.
- Where possible, tie the definition of “affected premise(s)” to existing definitions in code where sensible to provide clarity and reduce the administrative burden for regulated entities and the city alike.

**Equity Score**
- **Score:** 5 (Moderate)
- **Description:** Defining terms of art in the ordinance provides transparency and consistency and ultimately makes the ordinance more user-friendly, though it doesn’t significantly improve equity outcomes.

**What we heard...**
- Providing clarity will help everyone with responsibility under the ordinance comply
- Utilizing existing city definitions or processes where sensible will streamline requirements for many regulated entities.
**Recommendation 2: Define Responsible Party**

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| • The ordinance should include definitions for all applicable “responsible parties” covered under the ordinance.  
• Where possible, tie the definition of “responsible parties” to existing definitions in code where sensible to provide clarity and reduce the administrative burden for regulated entities and the city alike. | • **Score:** 5 (Moderate)  
• **Description:** Defining terms of art in the ordinance provides transparency and consistency and ultimately makes the ordinance more user-friendly, though it doesn't significantly improve equity outcomes. | • Providing clarity will help everyone with responsibility under the ordinance comply  
• Utilizing existing city definitions or processes where sensible will streamline requirements for many regulated entities. |
Task Force discussion / questions
## Recommendation 3: Compliance Timeline for Residential Buildings

### Summary

- Revise the compliance dates for Multi-Family Residential buildings to start 12, 24, and 36 months respectively, based on the number of dwellings, after the revised ordinance is adopted by City Council.
- Tying the compliance dates to the date of adoption by City Council allows the Task Force time to deliberate without having to continually revise the recommendation.

### Equity Score

- **Score:** 5 (Medium)
- **Description:** This recommendation only impacts the compliance dates as written in the ordinance. Although the extended timeline will benefit under-resourced buildings and businesses, this is not an additional benefit distinguished from all regulated entities.

### What we heard...

- The Working Groups have reached consensus on the timing for compliance for Residential Buildings as well as the number (3) of tiers for large, medium, and small properties.
- If tweaks to the numerical thresholds can create efficiencies or reduce burdens, the Task Force encourages CCD staff to incorporate appropriate tweaks into the ordinance update.
Recommendation 4: Compliance Timeline for Non-Residential Buildings

Summary

- Revise the compliance dates for non-residential buildings to start 12, 24, and 36 months respectively, based on the size (sq. footage or occupancy), after the revised ordinance is adopted by City Council.
- Tying the compliance dates to the date of adoption by City Council allows the Task Force time to deliberate without having to continually revise the recommendation.

Equity Score

- **Score:** 5 (Medium)
- **Description:** This recommendation only impacts the compliance dates as written in the ordinance. Although the extended timeline will benefit under-resourced buildings and businesses, this is not an additional benefit distinguished from all regulated entities.

What we heard...

- If tweaks to the numerical thresholds can create efficiencies or reduce burdens, the Task Force encourages CCD staff to incorporate appropriate tweaks into the ordinance update.
- Future considerations for the most appropriate metric (sq. footage or occupancy) for the sizing of the three tiers for covered entities.
Task Force discussion / questions
## Recommendation 5: Clarify Annual Diversion Plan Requirements

### Summary
- Clarify that a “no change” submittal satisfies the annual diversion plan, after a complete plan has been submitted in each entity’s compliance Year 1.
- Maintain the requirement to update the account on an annual basis and within 30 days from when (a) the entity’s point of contact changes and (b) significant system changes occur, i.e., a building changes its recycling or composting hauler or renews/extends an existing contract.

### Equity Score
- **Score:** 5 (Medium)
- **Description:** The primary benefit of this recommendation is a reduced administrative burden compared to the ordinance as written. This will be a significant benefit for under-resourced buildings and businesses, but will not necessarily lead to new job creation.

### What we heard...
- This clarification will reduce the administrative burden of the diversion plan submittal process for the city and the regulated entities, enabling both to focus on outcomes rather than process.
Task Force discussion / questions
Recommendation 6: Create Financial Support Programs

Summary
• The Task Force recommends that Denver create financial support programs to support successful implementation of Waste No More to ensure equitable success.
• Some examples for program consideration include:
  • Equity Priority Grant Program
  • Household Affordability Grant Program
  • Incentive Program

Equity Score
• Score: 6 (Medium)
• Description: This recommendation would benefit any entity regulated under WNM, but a special emphasis has been given to under-resourced entities and households

What we heard...
• Recycling and composting services are more expensive than trash services, therefore the Task Force anticipates that the cost of compliance for the regulated entities will be higher than their current costs.
• Providing financial support through grants and incentives will enable the regulated entities to focus on results, i.e., a higher diversion rate, than merely complying with the access requirements.
Task Force discussion / questions
Next Steps

June
- WNM Task Force members will send any final comments on Recs. 1-6 to wastenomore@denvergov.org by Friday, June 9.

July
- The WNM Task Force will finish reviewing recommendations.

August
- All accepted WNM Task Force recommendations will be published on the CASR website.
- Members of the public and key constituents will have the opportunity to submit feedback.

September
- City staff will review public comments with the WNM Task Force.
- WNM Task Force Recommendations can be adjusted if necessary.

October
- The WNM Task Force Report will be finalized and shared.
- The City Attorney’s Office will begin drafting the ordinance language.
Understanding Access, Compliance & Performance

Defining Success
What does Universal Access mean?

Containers, Signage, Services = Access

Access = Compliance

Waste Diversion (Performance) ≠ Access ≠ Compliance

Is Access something we can define more discreetly? Yes & No

1) Location
2) Number Of (#) / Density
3) Form Factor of Containers/Access points
4) Clear & Consistent Signage
5) Accepted Materials
6) Alternative, Zero-Waste Strategies
MF Residential Recycling Access
Non-Residential Access
What does *Universal Access* mean?

Containers, Signage, Service = Access = Compliance

Waste Diversion (Performance) ≠ Access ≠ Compliance

Is Access something we can define more discreetly? Yes & No.

Access can be defined in Rules & Regs:

1) Location
2) Number Of (#) / Density
3) Form Factor of Containers/Access points
4) Clear & Consistent Signage
5) Accepted materials
6) Alternative, Zero-Waste Strategies
There exists a “natural incentive” within a well-functioning marketplace that ensures both the quality of material streams and waste diversion performance.
An intervention is defined “as a purposeful action by an agent to create change.”

Challenge: Design effective interventions to change specific behavior.

Websites & Online Tools
FAQs, Toolkits, & Guides
Citywide Campaigns
Webinars & Workshops
Waste Audits, Measurement
Direct-Cart Messaging
Universal Signage/ Standardized Containers
Inspection & Fines
Incentives + Programs
Policy Changes
Infrastructure Development

In 2021, DC DPW provided personalized recycling feedback at the curb to 20,000+ single-family households supported by a citywide "Do Not Bag Recyclables" campaign. The District of Columbia has reduced residential recycling contamination from 33% in 2017 to 11% in 2021.
What Does Success Look Like (Short-Term)?

✔ Volumes Up w/ High Participation
✔ Contamination Rates Manageable
✔ High Compliance Rates for Businesses
✔ Meaningful Usage-Rate of Supports & Incentives
✔ Local/Regional Investment

Solving for Performance (Long-Term)

1. Data Collection/Measurement
2. Identify Performance Gaps
3. Design Interventions
4. Validate Effectiveness
5. Iterate Design
What could enforcement look like?

The Passive Enforcement Model

Recycling Plan Submission

Compliant?

Yes

Scheduled Inspection On-Premise

Compliant?

Yes

Update Recycling Plan

No

Formal Warning & Technical Assistance

Scheduled Re-Inspection On-Premise

Compliant?

Yes

Update Recycling Plan

No

Notice of Violation & Fine

Inspection Team of 20-30 Inspection Officers Will Use A Mix of Objective Criteria and Subjective Discretion When Determining Compliance
Enforcement and Compliance Tools

- Automated Notices
- Complaint-based inspections
- Scheduled on-site inspections
- Graduated warning and fine structure
- Complaint notification system
- Lock on permits or licenses
- Lock on other city privileges
- Recognition program for high achievers
- Compliance assistance software
- Education-first enforcement
- Guidance resources and process navigation
Small Group Discussion

1. Which tools will motivate compliance and why?
2. Which tools feel overly punitive and why?
3. Are there any other tools that will motivate compliance?
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Next Steps + Action Items

Task Force meets July 13, 2-5 pm
❖ Location: TBD
❖ Focus = Communication, Education, and Signage
❖ Refine recommendations

Interim Tasks/Homework
❖ Signage/communications and C&D work groups will meet
❖ Where appropriate, draft proposed recommendations
❖ Please engage your network!
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