

Denver Waste No More Implementation (WNM) Task Force Meeting #4

June 1, 2023 – Denver Foundation (with option to attend via Zoom)
Prepared by the Consensus Building Institute (CBI)

For all Task Force meeting materials, including meeting schedules, agendas, and presentations (including today's presentation slides), [please visit the website at this link](#).

Meeting in Brief

The 26-member Task Force reviewed and provided input on draft recommendations related to the WNM ordinance. These initial concepts had been vetted through the Buildings and Licensees/Events work groups and relate to the roll-out/phasing for enforcement and defining key terms in the ordinance. Staff will refine these recommendations based on Task Force members' input and will present these and several others at the July Task Force meeting. Members met in small groups to provide input on the appropriate approach and mechanisms to support WNM compliance without being overly punitive. Finally, the group briefly discussed expectations for public outreach in August to share and solicit input on the draft recommendations.

Recap, Where We Are in Process, and Updates

Facilitator Ryan Golten shared a brief recap of May meeting outcomes and follow-up actions, as Grace Rink was unable to attend this meeting. City staff used Task Force input to refine the definitions of who should be prioritized in WNM implementation and revised the recommendation 'evaluation rubric' accordingly. The Task Force's input in May on supports and incentives is being used by City staff and work groups in developing upcoming recommendations, including the one recently circulated on Financial Supports. As a follow-up, Ryan reminded everyone of the process for vetting and refining recommendations vis-à-vis the work groups, relevant City staff, and Task Force as a whole.

Discussion of Preliminary Draft Recommendations

Although the following 6 recommendations were presented to the Task Force (prior to the meeting) for discussion, the Task Force only had time to consider #1-4. Blake Adams, Zero Waste & Circular Economy Manager at CASR (Office of Climate Action, Sustainability and Resilience), and Erica Rogers, Policy Director at the Excise and Licensing Department, walked through each of the recommendations and responded to the Task Force's input below. Task Force members were asked to provide input on recommendations #5-6 by 6/16 via email. These and other recommendations will be presented again for the Task Force's consideration prior to its July meeting.

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

See slides 6- 16 of the [PowerPoint presentation](#) for context and information on the 6 recommendations.

Discussion – Recommendations 1 & 2 (Defining ‘Affected Premise’ & ‘Responsible Party’)

- **Task Force members asked** about the purpose for including these in the recommendations, and why specific definitions were not included. Some were concerned they may not get the opportunity to see the exact, final definition language (via specific references to other code provisions) before it is presented to Council and asked this be provided to them. One member shared that it may be helpful to have the City Attorneys charged with drafting the ordinance present at these meetings to hear from the Task Force directly and respond to questions.
- City staff explained that one option would be not to define the terms used in the voter-passed ordinance. This could be problematic since there may be multiple definitions or uses in other sections of Denver’s code. The proposed recommendation, as discussed by the work groups, would direct the City to define ‘Affected Premise’ and ‘Responsible Party’ consistent with existing definitions in City code. Staff will **update this recommendation** to provide more clarity on this point.
- Grace Rink, CASR Director, also referred Task Force members to the [section of the municipal code](#) where waste-related terms are defined, as an example of what this recommendation attempts to do (i.e., to reference existing sections of the code where possible).
- Regarding the concern about the Task Force having an opportunity to review final language, the Task Force **will receive a separate briefing**, with an opportunity to comment, after the ordinance language is drafted and before it goes to Council. It will not be considered disbanded prior to then. The City has a strong interest in the Task Force’s agreement with the final language and being able to confirm the language was consistent with its recommendations. (Stephen Shepard shared that, from his experience on the Energize Denver Task Force, this process worked and allowed the Task Force to confirm its intent was preserved and consistent with the ordinance language.)

Discussion – Recommendation 3 & 4

- This proposal as originally drafted would revise the compliance dates to 12, 24, and 36 months, respectively, after the revised ordinance is adopted by Council, drew from the phasing of the voter-passed ordinance. However, many Task Force members feel this extends the timeline far too long after the voters passed the ordinance.
- Task Force members suggested **revising these 2 recommendations as follows** – to ensure sensitivity to the voters, equity, and a successful roll-out:
 - The wording should reflect that these dates are **final deadlines** after which enforcement will start, rather than ‘start’ dates when compliance should begin.
 - A few members suggested changing the effective dates to be on a more **accelerated timeline**, such as 12, 18, and 24 months respectively. Other Task Force members agreed, and no one indicated concern with this alternate proposal.
 - To encourage compliance well **before** the deadlines, ensure there is a strong **outreach/ messaging/education** campaign, with incentives for **early adopters** (non-monetary for now, since this is still unfunded), as well as other **support**.

- Build in a system for **waivers**, e.g., for buildings that show they are unable to get hauling contracts, to help ensure overall success and buy-in from buildings.
- Task Force members also noted the following would be useful:
 - A visual **timeline** with the projected roll-out of education, supports, and enforcement efforts/deadlines.
 - **Data** on the number of affected buildings in each tiered group. (City staff shared there is no centralized database that can generate this data for the Task Force, although new benchmarking data can be somewhat helpful. They estimated there are roughly 50,000 multi-family and commercial buildings in Denver. This data still needs to be captured.)
 - **Data** on current levels of recycling and composting throughout the City. (Likewise, while this data does not exist and still needs to be captured, associations like BOMA and the Restaurant Association can help gather this from their members.)

Task Force members were asked to provide any additional input to Grace Rink and Blake Adams on the above recommendations by 6/16 via email.

Recommendations 5 & 6

The Task Force did not have time to get to these 2 recommendations. Members were asked to provide their input by 6/16 via email. These and other recommendations will be presented again for the Task Force's consideration prior to its July meeting.

Public Input Period in August

Erica Rogers reviewed the tentative plan for publicizing the draft recommendations for community input. This will include the following:

- Posting the draft recommendations on the CASR website with an opportunity for input.
- Public webinar to discuss the draft recommendations.
- City messaging to share information and direct interested community members to the CASR website (i.e., through social and other media).
- Conducting focus groups with affordable housing residents, non-English speaking communities and small businesses.
- Any outreach that Task Force members are able and wish to do with their constituents and/or networks. City staff are available to present the recommendations and support these as useful.

One online meeting participant who represents a recycling/waste/composting service noted that they recently met with several hundred property managers at the Apartment Association of Metro Denver, and only three people said they aware of WNM and what it would be requiring. He underscored that significant outreach is needed.

Discussion of WNM Compliance and Enforcement Approach

Blake Adams shared a presentation on what is meant by 'access,' 'compliance' and 'performance' for WNM, prior to the Task Force providing input on appropriate enforcement approaches in breakout groups. See slides 19-28 of the [PowerPoint presentation](#) for more information and context.

Key Points

- **Having containers, signage and services is providing access. Providing access = compliance.** What constitutes access for particular entities covered under the Ordinance needs to be defined in City Rules and Regulations.

Task Force input and questions included:

- 'Access' means the containers must be truly accessible, i.e., ADA compliant.
- It may be useful to consider capacity in defining 'access,' as well as creating a rating system to be used in enforcement with subjective and objective criteria
- Consider revising building parking requirements to allow space for bins and collection.
- **Natural incentives exist within the private marketplace to help ensure quality of material stream and waste diversion performance.** The City will play a review and enforcement role.

Task Force input and questions included:

 - Would Denver provide waivers to small businesses who are unable to get hauling contracts? >> The City's process when issuing a notice of violation provides the regulated entity an opportunity to present evidence demonstrating why they should be granted a waiver and/or not be subject to a fine.
 - Would Denver consider franchised City haulers? >> The City Attorney's Office has advised that Denver, as well as all cities in Colorado, are prohibited by the state constitution from creating franchise zones for waste hauling.
- **What will we consider short-term success?**
 - Waste diversion volumes up with high participation
 - Contamination rates manageable
 - High compliance rates for businesses
 - Meaningful usage rate of supports & incentives
 - Local/regional investment
 - **Suggested Task Force Addition:** *Ensuring end markets are created to close the loop*
- **Long-Term Success**
 - Data collection/measurement
 - Identify performance gaps
 - Design interventions
 - Validate effectiveness
 - Iterate design
- **Enforcement will follow a passive model, with opportunities for formal warnings and technical assistance before any notices of violation or fines are issued.**

Small Group Discussion of Enforcement & Compliance Tools

Task Force members broke off into breakout groups to discuss the following questions: 1) which tools feel punitive and why; 2) which tools will motivate compliance and why; and 3) what other tools motivate compliance? Task Force members' input is summarized below.

Task Force preferences regarding enforcement approaches and tools

Tools that can feel overly punitive	Tools that motivate compliance
FINES	TECHNOLOGY <ul style="list-style-type: none"> ● C&D Software like Green Halo

- Not too high; compare cost of compliance and fines
- Who is responsible, i.e who pays the fine?
- Fines when contamination is not controllable

LICENSES

- Taking away licenses for other things/ interrupting permits or licenses with other departments (double jeopardy)
- Punitive fines for multiple locations like a school
- Detection/Recognition
- Inspection/Monitors
- Lack of engagement from the City

LOCK ON PERMITS OR LICENSES

- Can be devastating for businesses (e.g., liquor licenses)

LOCK ON OTHER CITY PRIVILEGES

- (i.e. liquor licenses) - devastating towards business performance

COMPLIANT-BASED INSPECTIONS OR SYSTEM

- Can present concerns, e.g., in cases of disgruntled employee or customer retaliation

- User friendly process for reporting and meeting City requirements, multi-lingual
- Tagging of collection
- Automated notice
- Compliance assistance software (e.g., video tour of different facilities... the current system doesn't work for all, challenging to access, digital literacy, languages)

FINANCIAL

- Motivation for early adopters
- Funds/revenue
- Cost of diversion
- Monetary rewards for those going above and beyond for clean streams
- Fines
- Incentive credits
- Rewards with Haulers?
- Require licensed haulers to have fines for contamination

EDUCATION

- Excellent communication tools and free signage
- Compliant notifications
- Benefits/the WHY to help those who don't know, those who want to do the right thing, and interrupt culture around consumption
 - Knowledge of the end stream i.e big picture
- Tour opportunities
- Consultant services and technical support
- Education first enforcement
- Guidance resources and process navigation
 - MFU structured help on how to comply i.e. team that goes out into community – tools, signs, templates, navigators
- Random inspections
- Include hauler data with warnings
- Scheduled on-site inspections
 - Emphasis on education-based and providing tools, customized

SOCIAL

- Formal recognition for compliance
- Recognitions program for high achievers
 - Incentives
- Ease of performance?

	<p>OTHER TOOLS</p> <ul style="list-style-type: none"> • Owner controlled/self-haulers • Grant Funding • Peer pressure • Modification of zoning requirements for enclosures • List of contractors the city can provide • Combine with CGD program • Alternative means of compliance i.e using compost on site
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Additional Task Force Comments

Additional comments highlighted the need for:

- Person-to-person contact:
 1. Consultations with city experts with tangible examples
 2. Troubleshooting and access to individuals to navigate application process
 3. In-person outreach and community liaisons
- Intervention & Enforcement
- Collecting Data
- Expanding on Green Janitor Model for Compliance
- How to dive deeply without knowing exactly what the rules will be

The input provided above will be used by the relevant work groups and City staff as they draft and vet preliminary proposals for Task Force consideration regarding enforcement and compliance approaches. The Task Force will revisit this topic at its July meeting.

Commented [1]: Small group facilitators: please review this closely as it came from your flip chart (and online Jamboard) notes, and we didn't have a chance to review or discuss it as a group. Thanks!

Wrap Up & Next Steps

The next Task Force meeting will be **Thursday, July 13th, 2-5 pm.**

- **Location** is still TBD. Grace is working on it!
- **Focus:** signage, education and messaging (and reviewing outstanding recommendations)

Other Task Force homework and next steps

- **Interim Tasks/Homework:** Signage/communications and C&D work groups will meet to vet and propose recommendations for Task Force consideration in July.
- *Task Force members asked again for the City to consider forming an Organics Work Group. Blake will follow up with Vann, Clinton and Christi on this.*
- **Engaging networks.** Please continue to engage your peer community to ensure they're aware of the WNM process and to bring their input and questions to Task Force discussions. Let them know they will have more in-depth opportunities to provide input during the public engagement process later in the summer. Please reach out to Grace Rink at the City if you need help with this.
- **Tours.** Denver landfill (DADS) on 6/2; Perks Deconstruction & A1 Organics Facility Tours later in June (stay tuned).

Meeting Attendees

The meeting was attended by the following Task Force members and City staff:

Task Force Members

Present	Last name	First name	Affiliation
X	Aghababian	Jessy	Unico Properties
X	Panzer	Peggy	Laramar Group/AAMD
X	Shepard	Stephen	Denver Metro BOMA
	Adinoff	Holly	Sullivan Scrap Kitchen
	Gutierrez	Allyson	Colorado Rockies Baseball Club
X	Riggs	Sonia	Colorado Restaurant Association
X	Woodburn	Chris	Denver Public Schools
X	Furness	Andrea	Classic Events Co
X	Ortiz	Renee	Eventful Productions Inc
X	Berry	Christopher	<i>Chris noted that GFL has had a change in ownership</i>
X	Galvan	Erwin	Waste Management Recycle America
X (Proxy)	Sander	Clinton	A1 Organics
X	Turner	Christi	Scraps Ltd
X	Chiari	Chris	Patterson Inn
	Houser	JW	Taylor Morrison / Homebuilders Association (HBA)
X	Nichols	Maggie	Iron Woman Construction
X	Perks	Anna	Perks Deconstruction
X	Clark	Jolon	District 7
X	Hinds	Chris	District 10
X	Fussell	Vann	Compost Colorado
X	Tafoya	Ean Thomas	Green Latinos & Waste No More Petitioners
X	Call	Ryan J	Eco-Cycle
X	Ponce	Luis	SEIU
X	Harden	Marguerite	Resident & HOA Board Member
	Jackson	Joshua	NAACP
X	Johnson	Laurie	Circular Colorado
X	Parady	Sarah	Councilwoman at Large

Commented [2]: I assume she was on line?

Commented [3]: Assume he was on line?

City of Denver

Blake Adams - CASR
Anna Erickson - CASR
Natalie Lana - CASR
Erica Rogers - EXL
Elizabeth Babcock- CASR
Taylor Moellers -CASR
Grace Rink - CASR
Megan Stansell - CASR
Tom Gleason - CASR
Jessica Lally - Department of Transportation and Infrastructure (DOTI)
Jill Jennings – CPD
Nina Waysdorf - DOTI
Robert Peek - Mayor's Office
Gregg Thomas, Denver Department of Public Health and Environment (DDPHE)

Observers/Volunteers

Matt Shine (Mile High stadium)
Rose Rodriguez (HBA)
Cory Leal
Emma Eckenhausen
Kyle Wilson
Lauren Mattingly
Charlotte Perry
Becky Migas
Michael Newhouse
Blair Neelands
Jeff Englund
Erin Meyer
Monica Rowand
Justin Reeves
Marley Borodovsky
Stuart Hayden