

**SWRAC Meeting Minutes for 11/19, 2015**

**Exhibit 1: Summary of Discussions on Recycling Ordinance (Bill No. 150748)**

<b>Comments and/or Recommended Actions</b>	<b>Department Response/Comments</b>
<p><b>Ordinance should establish goals and objectives, including:</b></p> <ul style="list-style-type: none"> <li>• Diversion rate and per-capita disposal rate goals</li> <li>• Require Streets Department to set annual and five-year goals for diversion, progress towards <i>zero waste</i>; and to identify materials not recycled with supporting justification.</li> </ul>	<ul style="list-style-type: none"> <li>• Goals, although not specifically enumerated, are deemed important as part of the bill’s preamble;</li> <li>• The rapid changes occurring in solid waste generation (i.e. the “evolving ton”) make iron-clad goals and metrics difficult to establish.</li> <li>• The overall goal-setting discussion and process have just begun to be discussed and framed by SWRAC, as part of the 10-year solid waste management plan update.</li> <li>• The more appropriate document to establish and present goals is the solid waste management plan.</li> <li>• Goals are also established in Act 101, the Mayor’s Executive Order from 2009, and Philly Greenworks.</li> <li>• Goals can be better monitored and modified through policy and planning instruments, vs. ordinances.</li> </ul>
<p><b>Reporting narratives that address and measure program progress, such as:</b></p> <ul style="list-style-type: none"> <li>• Require Streets Department to submit annual report to City Council detailing some of the above requirements, as well as calculations, costs, processors, end markets, revenues (including by commodity)</li> <li>• Composting programs</li> </ul>	<ul style="list-style-type: none"> <li>• Act 101 requires annual reporting. Reporting is also required as part of the Mayor’s Executive Order, and is performed as part of the City’s Greenworks Plan.</li> <li>• Establishment of an annual reporting system to City Council can be done so at Council’s discretion. Note that the City Council will have to review and approve the solid waste management plan.</li> <li>• Reporting has become a much more consistent part of the Street’s Department’s Interaction with SWRAC. In fact, much of it is being reported to SWRAC in various formats and forums.</li> <li>• The Department is open to discussing potential program and metrics reporting mechanisms with SWRAC and other stakeholders.</li> </ul>

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<p><b>Provide reporting on the amounts paid to Streets Department/Recycling Office contactors, with a focus on the Recycling Rewards incentives program detailing of associated metrics.</b></p>	<ul style="list-style-type: none"> <li>The Department will report information on budgets, contracts and contract administration.</li> </ul>
<p><b>Provide reporting on the status of staffing levels in the Recycling Office.</b></p>	<ul style="list-style-type: none"> <li>The Department will report information on personnel and organizational issues.</li> </ul>
<p><b>Codify requirement for Recycling Manager &amp; Solid Waste Advisory Committee.</b></p>	<ul style="list-style-type: none"> <li>PA Act 101 requires that all jurisdictions must have a designated recycling chief. During the periods of time when a permanent recycling director was not in place, the city did ensure a person filled that role in acting capacity. To lose the position would put the City in a position to lose state grant monies under Act 101.</li> <li>This is also required under PA Act 101. The existence and requirement for SWRAC was also re-codified as part of the Mayor's 2009 executive order.</li> <li>The Department fully supports the continuation of SWRAC post adoption of the Solid Waste Plan. We believe that part of SWRAC's mission in the coming months is to examine its role and how it can and should function once the plan is complete. This should be incorporated into the solid waste plan.</li> </ul>
<p><b>Establish minimum requirements for recycling education &amp; promotion:</b></p> <ul style="list-style-type: none"> <li>Provide each person living or working in city with detailed (concerning economic, environmental, and energy savings benefits) recycling outreach materials;</li> </ul>	<ul style="list-style-type: none"> <li>Minimum recycling outreach and education requirements are outlined in Act 101.</li> <li>Scope of suggested information difficult to communicate through outreach means, especially without context.</li> <li>Standard of providing <i>each person living or working</i> with said information is not practical.</li> </ul>
<p><b>Recycled Products Procurement.</b></p> <ul style="list-style-type: none"> <li>Establish specific (i.e. maximum feasible) goals and procedures for buy-recycled</li> </ul>	

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<p>procurement specifications with limited exclusions to based on review by Procurement Commissioner and consultation with Recycling Office.</p> <ul style="list-style-type: none"> <li>• Require contractors, professional service providers, or any other entity that receives funds from the City to adopt same</li> <li>• Require each City agency to provide annual report to Recycling Office on actions taken to increase the purchase of recycled, reusable and recyclable products; identify quantities including in weight and dollar amounts; exclusions requested, etc.</li> <li>• Require Procurement Department, after consultation with the Recycling Office, to submit annual Report to Council and the Mayor summarizing actions referenced above.</li> <li>• Require City to cooperate and establish inter-governmental (counties, municipalities) procurement policies.</li> <li>• Require Recycling Office, and the Procurement Department, to hold multi-agency recycled products purchasing training.</li> </ul>	<ul style="list-style-type: none"> <li>• The Department generally supports these concepts in principle, but establishment or re-establishment of recycled materials procurement policies and regulations exceed the scope of this Council Bill.</li> </ul>
<p><b>Recovered Materials Market Development</b></p> <ul style="list-style-type: none"> <li>• Require agencies charged with the City's commerce and economic development to</li> </ul>	

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<p>attract recovered materials industries processors and end-users.</p> <ul style="list-style-type: none"> <li>Require agencies to assist manufacturing companies that use recovered materials that seek with obtaining capital to purchase equipment, convert equipment or expand their physical site.</li> </ul>	<ul style="list-style-type: none"> <li>The Department generally supports these concepts in principle, but establishment or re-establishment of market development policies and regulations exceed the scope of this Council Bill.</li> </ul>
<p><b>Proposed Enforcement and Penalties</b></p> <ul style="list-style-type: none"> <li>No suggestion is offered, since the provisions of proposed section 10-718 (Enforcement) seem to be inconsistent with the provisions of existing section 10-719 (Penalties), and Section 1-112 of the Philadelphia Code.</li> <li>The enforcement concepts which some of us have discussed earlier relate to: (1) escalating penalties for repeat violations; and (2) the ability to seek criminal penalties for violations.</li> </ul>	<ul style="list-style-type: none"> <li>The legal sufficiency of this Bill was examined and approved by the City’s Law Department.</li> <li>The Department has stated consistently that it believes fines for non-compliance by regulated premises need to be increased beyond the \$50 per violation level.</li> <li>Establishment of criminal penalties for violations exceeds the scope of the Council Bill.</li> </ul>