

AGENDA ITEM SUMMARY FORT COLLINS CITY COUNCIL	ITEM NUMBER: 12 DATE: February 20, 2007 STAFF: Susie Gordon
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SUBJECT

Second Reading of Ordinance No. 024, 2007, Amending Article II of Chapter 12 and Article XV of Chapter 15 of the City Code to Prohibit the Disposal of Electronic Goods in the Community's Waste Stream.

RECOMMENDATION

Staff recommends adoption of this Ordinance on Second Reading.

EXECUTIVE SUMMARY

This Ordinance, which was unanimously adopted on First Reading on February 6, 2007, amends the City Code to prohibit disposal of electronic equipment (as defined by the State of Colorado Hazardous Waste Regulations 1007-3, Section 260.10) in the waste system. By taking this pollution prevention measure, the City will help protect local public health and the environment.

Covered materials, as defined by Colorado Statute, include electronic components, subassemblies, or other parts derived from the subassembly of electronic devices. Electronic "devices" means equipment that contains one or more electronic circuit boards or other complex circuitry, including but not limited to computer monitors, televisions, central processing units (CPUs), laptops, printers, terminals, mainframes, and stereo equipment.

ATTACHMENTS

1. Copy of the First Reading Agenda Item Summary - February 6, 2007.

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

ITEM NUMBER: 25

DATE: February 6, 2007

STAFF: Susie Gordon

COPY

SUBJECT

First Reading of Ordinance No. 024, 2007, Amending Article II of Chapter 12 and Article XV of Chapter 15 of the City Code to Prohibit the Disposal of Electronic Goods in the Community's Waste Stream.

RECOMMENDATION

Staff and the Natural Resources Advisory Board recommend adoption of this Ordinance on First Reading.

EXECUTIVE SUMMARY

COPY

This Ordinance amends the City Code to prohibit disposal of electronic equipment (as defined by the State of Colorado Hazardous Waste Regulations 1007-3, Section 260.10) in the waste system. By taking this pollution prevention measure, the City will help protect local public health and the environment.

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BACKGROUND**Policy Background**

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Fort Collins has a long and active record of adopting policies for managing its municipal waste stream and making choices that help extend the lifespan of local landfills (and avoid costs for siting new ones), conserve natural resources, and prevent pollution. In 1999, a goal was adopted to divert half of the community's waste by 2010. During the past two years, staff worked on evaluating progress and preparing recommendations to improve the community's waste diversion. In recent discussions with the City Council (March 28 and August 8, 2006), the issue of electronic waste emerged as an important consideration because of the toxicity of materials used to manufacture computers, televisions, and other equipment.

The proposed e-waste "ban" amendment to the City's pay-as-you-throw ordinance exemplifies local environmental stewardship because the disposal of electronic equipment such as obsolete computers is an environmental problem both in terms of volume (50 million computers discarded each year in U.S. landfills) and hazardous materials contained in "e-waste" (e.g., lead, mercury, arsenic, cadmium, and bromine compounds) that can contribute to groundwater pollution.

On January 17, 2007, the Natural Resources Advisory Board discussed the idea of a disposal ban on electronics and unanimously voted to endorse the proposal to City Council.

Impacts of a Local E-waste Ban

Adopting a disposal ban will help prevent more of Fort Collins' e-waste from going into Northern Colorado landfills and increase the number of computers, televisions, and other electronics that get recycled. Existing federal regulations only apply to e-waste from commercial generators (business, commerce, and industrial sectors). A Fort Collins ban would extend this rule to include local residential generators. (A number of states have enacted landfill bans for e-waste from any source, but Colorado is not one of them.)

The City has closely monitored re-use and recycling opportunities for electronic equipment since 2000 and even provided yearly collection events until it became apparent that the private sector has capacity to meet the public's demand for these services. Over the past seven years, more and more businesses have begun to accept e-waste for recycling, both locally and regionally. There are also a number of national take-back programs being offered by computer manufactures such as Dell and Apple.

Staff does not anticipate that costs will increase substantially for residents who need to dispose of old electronics. In Northern Colorado, some types of equipment such as CPU's and cell phones are accepted at no cost at recycling depots. A fee of \$5-15 is usually charged for recycling computer monitors and televisions (due to the amount of lead contained in cathode ray "picture" tubes) but currently, residents who use the services of a licensed trash hauler in Fort Collins are required to pay about the same amount to set a television or computer out in their garbage, as part of the "bulky item" collection program offered by most companies.

Local trash hauling companies have expressed support for the adoption of a local ban on e-waste in the municipal solid waste stream. At least two of Fort Collins' trash haulers have indicated that they plan to offer a special recycling collection program for customers' e-waste.

Education about E-Waste Recycling and Guidelines

The ultimate destination for e-waste that is recycled has created controversy because unethical brokers are known to ship materials to emerging nations where worker safety and environmental protection is not regulated. City staff has urged citizens to take precautions against contributing – either deliberately or inadvertently – to the possibility that recyclers are exporting Fort Collins' toxic waste. A number of resources are available from advocacy groups (see Attachment 2) to help find a reputable recycler.

The City posts updated information on its website about local and regional recycling companies, as well as suggestions for avoiding e-waste problems (<http://www.fcgov.com/recycling/computers-recycle.php>). If a landfill disposal ban goes into effect in Fort Collins, the Natural Resources Department will increase its outreach. A campaign will be conducted to publicize the ordinance educate citizens about how to appropriately recycle computers and televisions.

Highlights of Proposal

Fort Collins will be setting an important precedent by adopting a local ban on e-waste disposal but the amount of effort that it will take for implementation is fairly nominal on the City's part. Other than ensuring that citizens understand the program, and helping them understand their alternatives for disposing of old electronics, we do not expect there to be a great deal of work that needs to be done by staff in terms of inspections or enforcement.

If residents err by putting e-waste into the trash, the trash collector will be asked to take appropriate action by refusing to accept it, just as they now must refuse to accept hazardous or liquid waste from customers. Computer monitors, CPUs and televisions will be easy for trash truck drivers to spot and remove (and again, they are already separating "bulky" items to be collected under a separate charge). Smaller items such as handheld devices and cell phones will not be as easy for drivers to screen out. At this point, it becomes imperative to rely on a strong public education program, communicate the importance for people to reuse or recycle e-waste, and enlist residents' voluntary participation in the program.

Next Steps

A public outreach campaign will be initiated in March and carried out at an active level throughout the remainder of the year. Thereafter, the Natural Resources Department will provide an ongoing educational message about the importance of recycling e-waste, which will be featured on the City's web pages.

ATTACHMENTS

1. Memo from Natural Resources Advisory Board (January 23, 2007)
2. Copy of City Web Page: Computer / Electronics Recycling (<http://www.fcgov.com/recycling/computers-recycle.php>)

ORDINANCE NO. 024, 2007
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING ARTICLE II OF CHAPTER 12 AND
ARTICLE XV OF CHAPTER 15 OF THE CODE OF THE CITY
OF FORT COLLINS TO PROHIBIT THE DISPOSAL OF
ELECTRONIC GOODS IN THE COMMUNITY'S WASTE STREAM

WHEREAS, in 1964, the City first enacted licensure requirements for solid waste collection services with the adoption of Ordinance No. 42, 1964, which licensure provisions have since been modified, and repealed and reenacted, and are now set out in Chapter 15, Article XV of the Code of the City of Fort Collins; and

WHEREAS, in 1985, the City first began to investigate programs to educate the public about recycling and solid waste reduction; and

WHEREAS, in December 1999, the Council adopted Resolution 99-139, which set goals for diverting 35% of the community's waste stream from landfill diversion by 2004, and 50% of the waste stream by 2010; and

WHEREAS, in 2005, the Council directed staff to develop comprehensive plans for reaching waste diversion goals, including protection from toxic materials such as those contained in electronic waste; and

WHEREAS, the disposal of electronic equipment such as obsolete computers is an environmental problem both in terms of volume (50 million computers discarded each year in U.S. landfills) and hazardous materials contained in electronic waste (e.g., lead, mercury, arsenic, cadmium, and bromine compounds); and

WHEREAS, the potential impacts of disposing of electronic waste at the Larimer County landfill jeopardize the County's ability to prevent groundwater pollution from the landfill in the future and pose unnecessary, avoidable risks to the government agencies that manage the facility and to surrounding properties, some of which are owned by the City of Fort Collins; and

WHEREAS, despite growing concern, neither the Federal government nor manufacturers have adopted regulations or standards to prevent obsolete electronic equipment that is generated by residents from being sent to landfills for disposal; and

WHEREAS, the Council considered solid waste policy issues at its work session on August 8, 2006, and directed staff to prepare an ordinance that would prevent electronic products generated by residential trash customers from being placed in the community's curbside waste collection system; and

WHEREAS, in addition to the licensure provisions for solid waste haulers in Chapter 15 of the City Code, Article II of Chapter 12 of the City Code also addresses generally the collection and disposal of solid waste, currently referred to in those provisions as "garbage and refuse"; and

WHEREAS, the Fort Collins Natural Resources Advisory Board reviewed the proposal to prohibit the disposal of electronics waste at its January 17, 2007 meeting, and recommended that the Council approve the proposed new provisions.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the title of Article II of Chapter 12 of the Code of the City of Fort Collins is hereby amended as follows:

**ARTICLE II.
COLLECTION AND DISPOSAL OF REFUSE,
RUBBISH AND RECYCLABLES**

Section 2. That Section 12-16 of the Code of the City of Fort Collins is hereby amended to add a definition of "electronic equipment" and a definition of "qualified recycling facility", which read in their entirety as follows:

Electronic equipment shall mean any electronic device or electronic component as those terms are defined in the Colorado Hazardous Waste Regulations, 6 Code of Colorado Regulations 1007-3, Section 260.10.

Qualified recycling facility shall mean a facility that arranges for or causes the recovery of useful materials from one or more specified recyclable materials, including items for reuse, and shall be deemed to include only a facility that meets any federal or state standards that may be established to regulate or designate such recycling facilities.

Section 3. That a new Section 12-22 is added to Article II of Chapter 12 of the Code of the City of Fort Collins, which reads in its entirety as follows, and the existing Section 12-22 and all subsequent sections of that Article are hereby renumbered accordingly:

Sec. 12-22. Recycling of electronic equipment.

No person shall place electronic equipment in refuse containers for collection or bury or otherwise dispose of electronic equipment in or on private or public property within the City. All electronic equipment must either be stored and presented or delivered to a licensed solid waste collector for recycling in accordance with the provisions of § 15-413(e), or delivered directly to a qualified recycling facility for electronic equipment.

Section 4. That Section 15-411 of the Code of the City of Fort Collins is hereby amended to add a definition of "electronic equipment" and a definition of "qualified recycling facility", which read in their entirety as follows:

Electronic equipment shall mean any electronic device or electronic component as those terms are defined in the Colorado Hazardous Waste Regulations, 6 Code of Colorado Regulations 1007-3, Section 260.10.

Qualified recycling facility shall mean a facility that arranges for or causes the recovery of useful materials from one or more specified recyclable materials, including items for reuse, and shall be deemed to include only a facility that meets any federal or state standards that may be established to regulate or designate such recycling facilities.

Section 5. That the title of Section 15-413 of the Code of the City of Fort Collins is hereby amended as follows:

Sec. 15-413. Recycling requirements.

Section 6. That Section 15-413(b)(1) of the Code of the City of Fort Collins is hereby amended as follows:

(b) *Collection of recyclable materials; rights and duties of collectors.* All licensed collectors of recyclable materials and solid waste operating within the City shall have the following duties and rights:

- (1) Except for materials which customers have not properly prepared for recycling, collectors may not dispose of recyclable materials set out by recycling customers by any means other than at a qualified recycling facility. Recyclable materials shall include all those materials designated by the City Manager as materials which collectors must offer to collect for recycling.

Section 7. That Section 15-413 of the Code of the City of Fort Collins is hereby amended to add a new subsection (e) which reads in its entirety as follows:

(e) *Recycling only of electronic equipment.*

- (1) No collector shall collect for disposal any electronic equipment, regardless of whether such electronic equipment has been placed or set out for disposal.
- (2) Collection of electronic equipment for recycling shall be at each collector's option; provided, however, that no collector providing collection services for electronic equipment may dispose of any such electronic equipment. Instead, each such collector must deliver any collected electronic equipment for recycling at a qualified recycling facility for electronic equipment.

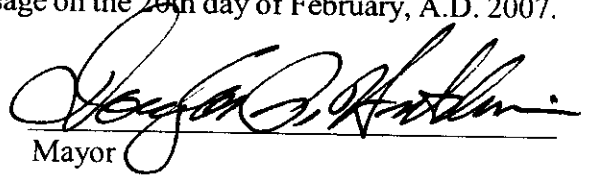
Section 8. That Section 15-414(a)(1) of the Code of the City of Fort Collins is hereby amended as follows:

Section 15-414. Designation of recyclable materials.

(a) The City Manager shall, on or before the 30th day of November of each year, after consultation with the Larimer County Board of Commissioners, the Natural Resources Advisory Board and representatives of the licensed solid waste collectors operating within the City, determine which items shall be designated for recycling collection based upon the following criteria:

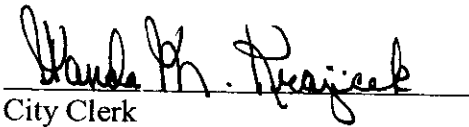
- (1) Local, state and federal laws and regulations, including but not limited to the requirements of this Article;

Introduced, considered favorably on first reading, and ordered published this 6th day of February, A.D. 2007, and to be presented for final passage on the 20th day of February, A.D. 2007.



Mayor

ATTEST:



City Clerk

Passed and adopted on final reading on the 20th day of February, A.D. 2007.

Mayor

ATTEST:

City Clerk