



## Legislation Text

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**File #:** 20-412, **Version:** 1

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### **Agenda Item Title:**

Council Member Sharkey recommending the Council authorize legislative staff and counsel to evaluate, compile, recommend and provide a draft policy concerning the Bulk Waste Program and its compliance with the law, and to procure resources as needed to complete the analysis and recommendations.

### **Presenter:**

Council Member Sharkey

### **Issue Summary**

The curbside Bulk Waste Program ("Bulk Waste," "Waste Program," or "Program") began over thirty (30) years ago. The Program has been evaluated from time to time but has not changed substantively in over twenty (20) years. Because of various concerns, several months ago the Administration sought to modify the program. Members of the community who appreciate the convenience of the program voiced opposition to the proposed changes. Council members also expressed some hesitation about a fundamental shift in Program philosophy. As the policy making body of the City, the Council has the obligation to listen to the community, carefully study the issues, weigh options, and implement a policy that is both sustainable and legally compliant. In order to move forward, the Council should now empower professional staff to craft a policy (or policy options) for your consideration, vetting, and approval.

### **Basics of the Current Curbside Bulk Waste Collection Program**

Twice a year, City employees collect bulk and other waste on virtually every street in the City. The Program requires approximately twenty-four weeks of time to complete the project. The staff operates loaders to pick up debris and large trucks cycle waste to the landfill. It is an enormous project that includes over 4,000 trips to the landfill each calendar year. According to the data, there is high public participation in the Program. The policy behind the Program has always centered on cleaner homes and citywide beautification.

There are now compliance issues with the Program related to the City's MS4 Storm Water permit. The Bulk Waste Program often draws private salvage crews who hunt through the streets looking for anything of value. The City Attorney's office has recently highlighted the conflicting City ordinances, the lack of a codified policy, and other legal intricacies. Furthermore, historically the City has employed a strategy of limited or selected enforcement of the rules surrounding the bulk waste cleanup.

## **The Sandy City Council Carefully Studied Data and the Issues**

Early this year, the Administration worked in good faith with a City vendor to address the problems associated with the Bulk Waste Program. As part of its oversight responsibly, the Council reviewed the proposed shift in policy. Members of the public were vocal in expressing opposition to Program changes.

After City staff voluntarily reported possible violations, Sandy received a Warning Letter from the Utah Division of Water Quality (“DWQ”) in July 2020 stating that the Bulk Waste program is not in compliance with storm water permit regulations. The City responded to the DWQ as required by letter in August 2020. The City provided a tentative timeline for the City to adjust its current policy including a goal of completing that process on or before July 2021. In an effort to procure all of the information, the City Council listened to a series of reports on the record related to concerns, issues, opportunities, and feedback from constituents. The Public Utilities Department provided a brief overview of the Sandy City Storm Water Management Program. Jeanne Riley from DWQ reviewed applicable State storm water regulations. The Council also received reports from Public Works, Finance, and the Legal departments. The Council has participated in public forums and constituency meetings with members of the community in addition to receiving direct resident outreach. Public interest in this issue is high.

Through this fact-finding process, the Council has received necessary information to direct the legislative staff to carefully craft a policy that will both seek to satisfy the public demand and comply with federal, state, and local law.

## **Crafting a Policy that Satisfies the Public Demands and Complies with the Law**

The intent of this proposal is to empower the legislative staff to provide or otherwise procure the necessary technical, legal, and analytical assistance to propose a policy or policy options that both contemplates the public sentiment and addresses the surrounding legal issues. After the Council approves the policy, legislative staff will work with the City Attorney’s office to draft an ordinance for Council approval.

A staff analysis will broadly review options ranging from modifications to the existing Program, to conversion to a new Program, or solutions providing multiple waste collection and disposal options. There will also be a review of data and best practices of other municipalities in order to evaluate available options. A substantive evaluation shall be undertaken including a thorough legal analysis and review of any legal and/or environmental adjustments that should be made to bring the program into compliance.

The legislative staff will prioritize options that are data driven. The staff will consider the technical feasibility, legal compliance, residential acceptance and demands, costs, liability, social benefits such as a cleaner city, and review and recommend a plan that curtails illegal dumping and other problems. They will collaborate with relevant City departments to evaluate strengths and weaknesses of proposed policy to better ensure satisfaction of regulatory requirements in advance of City Council Program amendment or adoption.

## Game Plan

Review all existing information and data	November 25, 2020
Meetings with the DEQ	December 1, 2020
Meetings with Department Heads	December 1, 2020
Determine categories of needed experts	December 1, 2020
Qualify and hire consultants (if necessary)	December 15, 2020
Collaborate with vendors	December 15, 2020
Review by Department Heads	January 15, 2020
Review and develop options	January 15, 2021
Written update to Council	January 21, 2021
Presentation to City Council	January 26, 2021
Draft and mail letter to DEQ	January 29, 2021
Public Survey/Outreach	February/March 2021
Re-evaluate options	April 1, 2020
Determine the fiscal note	April 1, 2020
Update City Council	April 6, 2020
Complete ordinance	May 1, 2021
Enforcement and Education concepts	May 7, 2021
Council first reading of ordinance	June 1, 2021
Council approves ordinance	June 8, 2020
Mayor review	June 18, 2021
Draft Letter to DEQ	June 25, 2021
Effective date of policy	July 1, 2021
Progress reports to Council	Continuous

## Key Elements and Approach to Develop Sustainable Bulk Waste Policy

- Keep the process as simple and as cost effective as possible.
- Focus on data, public sentiment, and legal compliance.
- Involve key stake holders such as the community, city staff, key vendors and others.
- Keep the Council up to date.
- Review all information presented to the City Council by the Administration.
- Review all relevant sections of the Sandy City Municipal Code including but not limited to Title 9 Stormwater, Title 13 Public Peace & Safety, and Title 19 Property Maintenance in order to identify strengths of existing program.
- Review State and Federal Code with respect to Storm Water and Environmental Safety.
- Discover any and all likely violations of the City's Utah Pollutant Discharge Elimination System (UPDES) Permit No. UTS000001 which is regulated under the Jordan Valley Municipalities Municipal Separate Storm Sewer System (MS4) Permit.

- Engage in discussions and negotiations with DEQ personnel with regard to the UPDES/MS4 permit.
- Review the financials and determine actual direct and indirect costs of the existing program.
- Compare the current program with other effective programs in the valley, both financially and with relation to resident satisfaction, Public Works satisfaction and that of other City Staff.
- Engage necessary experts/consultants to review the data and compile their thoughts and results.
- Consider corrective action plans which may include but are not limited to:  
  
Bulk Waste program amendments to mirror other successful municipal programs; Alternative schedules; Varying the means of waste collection (e.g. mechanized/manual); Bulk waste location points; containerizing waste; protective barriers; limitations on pile size or types of material; enforcement mechanisms; negotiation of permit conditions; incentives to self-haul; or a combination of alternatives.
- Conduct in-depth public survey specific to the bulk waste program to identify what changes would be positive in the public's opinion and would be beneficial to Public Works.
- If needed, consider legislative options.
- Compile a written report including all evaluation, analysis, and recommendations.
- Brief the City Council on recommended courses of action.
- Draft a strong and sustainable policy.
- Educate the community.
- Ensure there is enforcement of new policy rules.

## Conclusion and Recommendation

The issues surrounding the Sandy City Bulk Waste Program are not overwhelmingly complex, but are delicate. There is a substantive interest in and concern about the sustainability of the program from residents of Sandy, the Administration, Staff, and key vendors. It is our recommendation that the Council engage the Council's staff and legal counsel and authorize Mike to make assignments as necessary to tackle an intense evaluation of the Bulk Waste Program and to compile recommendations and options to solve the problems that are being encountered.

## Recommended Action and/or Suggested Motion:

Motion that the Sandy City Council 1) approve the approach articulated in the memo to engage the staff and counsel to evaluate, compile, recommend and provide a draft policy for this Council concerning the Bulk Waste Program and its compliance with the law, and 2) authorize staff to procure resources necessary.