



**P.O. Box 70402 Pasadena, CA 91117 626.786.5947**  
*specializing in zero-waste planning, organics recovery and composting services*

April 15, 2014

To: The Honorable Mayor and Pasadena City Council

Subject: DEPARTMENT OF PUBLIC WORKS RECOMMENDATION TO KEEP CLOSED THE EXISTING  
NON-EXCLUSIVE SOLID WASTE COLLECTION FRANCHISE SYSTEM  
&  
CODE VIOLATION ISSUED TO WASTE LESS LIVING, INC.

On Tuesday evening 4/8/14, I submitted public comment to the Municipal Services Subcommittee for the City of Pasadena in response to the Department of Public Works (the Department) recommendation to keep closed the existing non-exclusive franchise hauling system. On behalf of my company, Waste Less Living, which provides zero-waste and composting services in the City of Pasadena, **I would like to encourage the City Council to delay your vote to another session to allow time to further investigate and decide on the following:**

1. the benefits of keeping the franchise system open to future innovative businesses specializing in composting and zero-waste planning
2. the need to update and modify the ordinance to reflect the changing waste management landscape and state regulations and diversion requirements with respect to the definition of “solid waste,” “hauler” and activities that are “exempt.”

I would also like to ask that the City Council make a determination that:

1. Waste Less Living, Inc. qualifies for an “exemption” under P.M.C. **Section 8.61.040** as defined in **Section 8.61.010**.
2. Waste Less Living, Inc. is not in violation of P.M.C. Section 8.61.030 and can continue its existing operations.

### **General Background and Context**

The franchise hauling system that the City has adopted was designed to provide the department with greater control and ease over the haulers and their reporting practices with the sole intention of motivating them to divert as much waste as they can from landfills. The system was also adopted for a number of other reasons including:

1. damage and deterioration to local roadways that trash trucks cause due to their size, weight and loads they carry (p. 3, 3rd full para)
2. the noise, traffic and air quality pollution associate with multiple trash trucks operating on city streets
3. the interference of trash trucks with resident vehicle access
4. the opportunity to offer residences competitive pricing and options for recycling and disposal.

Keeping the system closed and not expanding or modifying the definitions including but not limited to “Solid Waste,” “Self-Hauler,” “Exemptions” and “Other Solid Waste” would actually be a disincentive to ensuring competitive pricing and options for increasing the City’s landfill diversion rate. It would also

preclude innovative and forward thinking businesses from operating in the City that are at the forefront of recovering food scraps and other organics in the waste stream for composting and not landfilling.

Given that there has been a surge in interest in dealing with food scraps through composting within the last few years, the City's ordinance and the California Public Resources Code clearly do not reflect the changing and evolving marketplace and industry conditions that would allow for this practice to flourish in the City of Pasadena.

### **Purpose of Letter**

The reason for this request is that Waste Less Living is currently helping schools, residents and small business owners compost their food scraps with great success. Our service model is a closed loop service whereby we sell compostable products, recover it back including the food scraps associated with the product, then compost it at the nearest permitted composting facility. Picking up the material after its use and composting it is an incidental part of our business model and operations as it provides for the solution to the environmental problems we educate our customers on. We do not consider ourselves a hauler, but rather a community and sustainability service provider. We have been awarded several times by the City of Pasadena. In 2009, we received the Outstanding Recycler Award for Educational Outreach That Inspires Environmental Stewardship Award. In 2012, we received the City of Pasadena's Green City Award for Innovate Start-up Business. Two of our school clients also received similar awards, one from the City and the other from the Green School Summit Conference committee for having our organics recovery and composting education program in place with a diversion rate as high as 90%. Recently, we helped design and pilot a turf management program at High Point Academy whereby the food scraps and compostable tableware we recovered and composted for them was returned to treat their athletic field. The results were positive both from a performance standpoint, water conservation standpoint, waste management standpoint and education standpoint. We successfully delivered on our closed-loop organics diversion, composting and organic landscape management program educating the students and staff along the way about the benefits of waste avoidance, composting and compost use. (For additional information on this closed loop program, please visit:

[https://dl.dropboxusercontent.com/u/6067008/High%20Point%20Academy/HPA%20ORP\\_Study%20Launch%202013%20SUMMARY-19.pptx](https://dl.dropboxusercontent.com/u/6067008/High%20Point%20Academy/HPA%20ORP_Study%20Launch%202013%20SUMMARY-19.pptx)

We are confident that our business can serve the City well in reaching its zero-waste goal for 2040 and we are here to help. Our forward thinking and innovative approach to zero-waste has gained in popularity and acceptance among consumers, schools, community organizers, other sustainability advocacy groups and the general public. And as a result, we have contributed positively towards the public acceptance of composting over landfilling. In addition, our services are also valued for its contribution to conserving water, improving water quality, air quality, overall improved healthy living and organic food production.

### **Waste Less Living Violation of P.M.C. 8.61.030.**

On Saturday, April 12, 2014, Waste Less Living, Inc. received a warning notice from the Department of Public Works Code Compliance Section to cease all pick-up services in the City of Pasadena and to correct the violation by 4/24/14. The notice cited our violation of the city's Solid Waste Collection Franchise System P.M.C. 8.61.030. Waste Less Living does not meet the criteria of a non-exclusive franchise hauler requiring a franchise license for the following reasons:

1. The term "hauler" is not listed or defined in Section 8.61.010 Definitions of the Franchise Ordinance.

2. We do not collect, transport or dispose of trash or recyclable materials (bottles, cans, glass), electronic e-waste or construction and demolition debris.
3. We do not operate a heavy trash truck that would adversely impact the roadways, cause unnecessary air or noise pollution or interfere with regular residential traffic flow. We currently use and plan to operate a fleet of energy-efficient, late model, legally licensed cargo vans.
4. We are a composting service provider...we produce compost for people who do not want to compost themselves.
5. We deliver product (compost and compostable tableware) to our customers.
6. We have a highly regarded school-based education program that we developed as part of our business model and service to help schools reduce its' waste and maximize landfill diversion opportunities. What we teach in the schools filters back out into the community to the parents via the students.
7. We are a similar service like Dy-Dee Diapers, document shredding service, gardener and tire recycling businesses that have regular routes.
8. We qualify for an exemption under the Section 8.61.040 because there is no specific language in the ordinance that addresses "source separated food scraps and compostable tableware" or the opportunity to allow for composting of this material. Note: Composting is not the same as recycling. We collect and compost (not recycle) material we generate from our own service operations.
9. We are in business to educate and reduce waste going to landfills through avoidance, reduction and composting strategies.

**Exemption for Waste Less Living (Section 8.61.010)**

In response to the warning notice to correct the violation, Waste Less Living, Inc. believes we qualify for an exemption under Section 8.61.010. Our service model inherently involves the collection, transportation, and "composting" (not disposal or recycling) of products we sell to our customers. The delivery, collection and transport is integral to our "closed loop" operation and education outreach program as it allows us better quality control and assurance of the inputs to the composting process for producing a high quality compost on the back end. We can be likened to a Dy-Dee diaper service or a tire recycling business that also collects, transports and recycles materials generated from their own operation on a regular basis along the same route of collection.

**Franchise Ordinance Not Modified Since 2002**

The language in the City Franchise Ordinance is ambiguous when it comes to food scraps or organics and instead it is heavily grounded in the terms of solid waste and recyclables or recycling, in the traditional sense (bottles, cans, glass, metal, cardboard, paper). We do not pick up either trash or recyclables goods. There is no specific language that addresses food waste or compostable tableware or the option of composting it for the City of Pasadena. The "solid waste" definition is outdated and does not reflect the current demands of the market place or recent state laws and regulations encouraging source separated food scraps and composting. The system and ordinance has not been updated since 2002 and there has been a significant trend towards composting as a means of diverting waste from landfills.

## Status of Organics Collection in Pasadena

The City has not entered in to any contracts for green waste or organic food waste processing as a result of the RFP issued for such services on June 26, 2013. This is stated clearly in the Department's report to the Municipal Services Subcommittee, dated April 21, 2014. As we are not a hauler, we did not submit a proposal but would consider entering into a contract with the City to continue our services in the manner we have established.

## Recommendations

On behalf of Waste Less Living, Inc., I am asking that the City Council:

- 1) Delay voting on the franchise system to another session to investigate further this matter or to vote to open up the system to new applicants.
- 2) Revisit, update and modify the language in the ordinance to allow for source separated organics and composting service to City residents and commercial establishments.
- 3) Define more clearly the definition found in the ordinance Section 8.61.010 for "hauler," "solid waste," "self-hauler" and "exemptions."
- 4) Determine that Waste Less Living, Inc. is not in violation of P.M.C. 8.61.030.
- 5) Find Waste Less Living, Inc. qualifies for an exemption under Section 8.61.040 of the P.M.C.
- 6) Consider contracting with Waste Less Living, Inc. to establish a pilot project for implementing its signature food scraps recovery and composting program within the City of Pasadena.

If the City Council can not determine any of the above, we ask that the City Council exercise its authority under Section 8.61.050 (Nonexclusive franchise – City council authority to grant) and grant Waste Less Living, Inc. a non-exclusive franchise to continue its operations.

## Conclusion

Waste Less Living is on the forefront of making great strides in helping the City reach its zero-waste goal through our education outreach programs, products and waste avoidance services. Our business model is community service driven and predicated on waste avoidance, reduction and composting unlike any of the approved City franchise haulers. We are in business to make good quality compost and offering sustainable daily solutions to homeowners, schools and small businesses.

On behalf of Waste Less Living, Inc., I thank you for your time and consideration in reviewing this letter and request. Please feel free to call me directly should you have any questions or need clarification. I am open anytime to discuss this in further detail and I look forward to working with the City on their endeavor to be a zero-waste City.

Respectfully submitted,



Christine Lenches-Hinkel  
Founder/President  
Waste Less Living, Inc.  
**626-786-5947**

cc: City Clerk (for distribution to appropriate City departments and personnel)



*specializing in zero-waste planning, organics recovery and composting services*

April 15, 2014

Georg Grigoryan  
City of Pasadena Public Works, Code Compliance Section  
P.O. Box 7115  
Pasadena, CA 91109

To Mr. Grigoryan,

This letter is to acknowledge receipt of the Warning Notice (PWW 30498) we received via Certified Mail on 4/14/14 stating that we are in violation of the Solid Waste Collection Franchise System (P.M.C. 8.61.030). We would like to ask for an extension of 30-60 days to allow us time to discuss our situation with City staff and to come to a resolution that would allow us to continue operating.

Waste Less Living is a zero-waste consulting, education based composting service provider. We help schools, residents and small business owners compost their food scraps and compostable tableware goods. Our service model is a closed loop service whereby we sell compostable products, recover it back including the food scraps associated with the product, then compost it at the nearest permitted composting facility. Picking up the material after its use and composting it is part of our business model and operations. We have been awarded several times by the City of Pasadena for our education outreach and innovative business model. In 2009, we received the Outstanding Recycler Award for Educational Outreach That Inspires Environmental Stewardship Award. In 2012, we received the City of Pasadena's Green City Award for Innovate Start-up Business. Two of our school clients also received similar awards, one from the City and the other from the Green School Summit Conference committee for having our organics recovery and composting education program in place with a diversion rate as high as 90%. For additional information on this closed loop program, please visit:

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We believe we do not qualify as a hauler requiring a separate franchise for the following reasons:

1. The term "hauler" is not listed or defined in Section 8.61.010 Definitions of the Franchise Ordinance
2. We do not collect, transport or dispose of trash or recyclable materials (bottles, cans, glass), electronic e-waste or construction and demolition debris. We deal in food scraps and other organic material that is an input to the production of the compost we sell.
3. We do not operate a heavy trash truck that would adversely impact the roadways, cause unnecessary air or noise pollution or interfere with regular residential traffic flow. We currently use and plan to operate a fleet of energy-efficient, late model, legally licensed cargo vans.

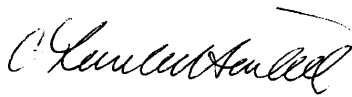
4. We are a composting service provider...we produce compost for people who do not want to compost themselves. We are not in the recycling or trash business.
5. We deliver product (compost and compostable tableware goods) to our customers and pick-up left-over supplies, rental goods and food scraps.
6. We have a highly regarded public education outreach program that we initiated and designed as part of our business model and service.
7. We are a similar service like Dy-Dee Diaper service, paper shredding service, gardener and tire recycling business that have regular routes.
8. We qualify as an exemption under the Section 8.61.010 because we collect and recycle (more accurately compost) material we generate from our own service operations.
9. We are in business to educate and reduce waste going to landfills through avoidance, reduction and composting strategies.

On behalf of Waste Less Living, Inc., I am requesting that you:

- 1) reconsider the determination made that Waste Less Living, Inc. is in violation of the Code cited (P.M.C. 8.61.030);
- 2) find Waste Less Living, Inc. qualifies as an exemption under Section 8.61.040, and;
- 3) approve a 60 day extension for correcting the violation.

Thank you for your consideration of this letter and request. We are here to provide the City of Pasadena with an invaluable community service that is unparalleled in the marketplace and we are eager to work with City staff to make zero-waste by 2040 a reality.

Respectfully,



Christine Lenches-Hinkel, President/Founder

Waste Less Living, Inc.  
626-786-5947  
www.wastelessliving.com

***Rethinking, REducing, REgrowing....our waste stream!***