

SINGLE-USE PLASTIC FOODWARE AND BAG REDUCTION

Waiver & Extension Guide



City-offered technical assistance is a prerequisite to being granted a waiver or extension of time. Please sign up for technical assistance (look under “Information for Businesses” on webpage) BEFORE submitting an application.

1. COMPOSTABLE FOODWARE FOR TAKEOUT

Summary of Requirements

- All takeout food must be served in disposable foodware accepted by City's municipal compost programs
- Acceptable materials:
 - Natural fiber-based materials
 - Natural materials (wood, bamboo, etc.)
 - Uncoated paper
 - Single-sided PLA lamination
- Exception: Non-compostable foil wrappers accepted in City recycling for burritos, wraps, etc.
- Prohibited: Bioplastics and compostable plastics

Waiver Process

Eligibility Criteria:

- After receiving technical assistance on waiver requested item(s), must demonstrate either:
 - No compliant alternatives exist with similar functionality, or
 - Compliant items would cause undue financial hardship
- Non-compliant items must be recyclable in City programs
- Priority given to aluminum containers where practical

Required Documentation:

- Vendor correspondence seeking compliant items
- Vendor responses with specifications and pricing
- Specifications/pricing for non-compliant alternatives

- Other records showing good-faith compliance efforts

Note: Cost difference alone doesn't justify a waiver

Extension Process

Eligibility Criteria:

- 10 or fewer full-time equivalent employees
- Less than \$500,000 in annual gross receipts
- Documentation of compliance efforts
- Explanation of why additional time is needed

3. RETAIL BAG REQUIREMENTS

Requirements

All bags must be 100% recyclable and/or compostable and either:

- Unbleached paper with 40% postconsumer recycled content, or
- Plant starch-based with BPI certification

Waiver Process

Eligibility Criteria:

After receiving technical assistance, must demonstrate one of the following:

- No compliant alternatives exist with similar functionality
- Compliant items would cause undue financial hardship
- Consumer-owned bags create health risks
- Regulations pose health/safety risks

Required Documentation:

- Vendor correspondence seeking compliant items
- Vendor responses with specifications and pricing
- Specifications/pricing for non-compliant alternatives
- Evidence of good-faith compliance efforts

Note: Cost difference alone doesn't justify a waiver

Extension Process

Eligibility Criteria:

- Receive technical assistance

- 10 or fewer full-time equivalent employees
- Less than \$500,000 in annual gross receipts
- Must provide:
 - Documentation of compliance efforts
 - Explanation of why additional time is needed

GENERAL WAIVER AND EXTENSION INFORMATION

Waiver Terms

- Standard term: Up to 2 years
- Renewable for additional 2-year terms if compliance remains infeasible
- Must demonstrate ongoing compliance efforts
- Longer terms possible in special pre-existing circumstances

Extension Terms

- Standard term: Up to 6 months
- One additional 6-month extension possible
- No citations issued during extension period
- Longer terms possible in special pre-existing circumstances

Application Process (Both Waivers and Extensions)

1. Receive technical assistance
2. Submit a complete application.
3. City review includes:
 - Documentation evaluation
 - Possible site visits
 - Written decision within 60 days

Automatic Expiration (Both Waivers and Extensions)

Terms expire if:

- Business undergoes renovation exceeding \$60,000
- Business ceases operations at location

Business Responsibilities

- Apply for renewals before current terms expire

- Allow sufficient time for 60-day review
- Maintain documentation of compliance efforts
- Continue working toward compliance during waiver/extension period

For additional questions contact:

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