

WASTE NO MORE UPDATE

In 2022, 71% of Denver voters indicated desire for an effective waste diversion requirement

In 2023, a taskforce was convened with strong consensus on implementation strategies

In 2025, the City began presenting shifts to the taskforce recommendations based on lobbying from departments and Colorado Restaurant Association.

June 2025, City Council advised City and Proponents of Waste No More to continue to Negotiate

July 2025, Failing to negotiate, proponents and supporters have created Redline Recommendations to support a supermajority vote for changes

Primary Updates to the Plan

The primary updates to the plan fall under the following categories:

- Removing sweeping permanent exemptions to the plan
- Updating language, training and reporting requirements
- Including omitted entities
- Expanding diversion requirements over time

Minimizing Exemptions to the Plan

1 C&D

2 Sec. 10-415. – Exemptions.

3 (a) For years 2025 through 2035, the following projects are exempt from the recycling and reuse requirements set forth

2 (b) For the year 2036, and each year thereafter, the following projects are exempt from the recycling and use requirements set forth in section 10-414:

3 (1) The construction or demolition of a building (300) square feet or less in gross floor area.

4 (2) The interior improvement, repair, remodelings, tenant finish, or any other interior modification where the area of modification totals no more than (1,000) square feet of gross floor area. (Source:

<https://browardswa.org/wp-content/uploads/2025/06/SWA-CD-Diversion-Program-Presentation-JUNE-2025-Final.pdf>)

Events

Sec. 48-155. – Exemptions.

(b) Permitted events that anticipate three hundred fifty (~~350~~-300) or fewer total daily attendees

1 are exempt from the recycling and organic material collection requirements of this article;

2 (c) Permitted events that anticipate one thousand (1,000) or fewer total ~~daily~~ attendees for the total duration of the permitted event.

Minimizing Exemptions to the Plan

Food waste producers - (Ensuring that back of the house and end of the donation chain complete the path to organic diversion)

Sec. 48-132. – Food waste producer requirements.

- 1 (a) For the purposes of this article, the term “food waste producer” means a commissary;
- 2 food processing, wholesale, and warehouse establishment; or retail food establishment; as those terms are defined in chapter 23 and a food bank, food caterers, ghost kitchens, and any facility that produces or receives food for onsite consumption for customers, workers, or guests, including not limited to hospitals or residential care facilities. ~~Food waste producer does not include mobile retail food establishments, pushcarts, food peddlers, or temporary retail food establishments, all as defined in chapter 23, food shelves, or food banks.~~

Minimizing Exemptions to the Plan

Food waste producers - (Ensuring that back of the house and end of the donation chain complete the path to organic diversion)

Exemption for Restaurants

(f) In addition to any exemptions pursuant to section 48-133(c), any retail food establishment, as defined in section 23-2, ~~that~~, is exempt from the requirements of this article if:

- (1) ~~in the prior year~~, the retail food establishment was in operation during the full prior calendar year; and
- (2) during that year, the retail food establishment had less ~~than \$2 million in gross revenues~~ than an average of 50 daily transactions or produce less than 60 gallons of organic diversion, and fewer than 25 employees or contractors, in aggregate through the course of the operation of the retail food establishment; or
- (3) if the retail food establishment has been in operation for less than one full calendar year and it can provide sufficient financial and employment records to demonstrate that it is reasonably expected to remain below both thresholds described in subsection (f) (2) during its first 12 months of operation.

Minimizing Exemptions to the Plan

(3) if the retail food establishment has been in operation for less than one full calendar year and it can provide sufficient financial and employment records to demonstrate that it is reasonably expected to remain below both thresholds described in subsection (f) (2) during its first 12 months of operation.

(g) January 1, 2030 and each year thereafter, no retail food establishment shall be exempt from the requirement of this article, regardless of transaction or employment thresholds unless a retail food establishment meets the criteria of (h). ~~Any department, office, or board identified in section 48-136 may adjust this exemption by increasing or decreasing the revenue and/or employee thresholds, based on market conditions and the availability and cost of recycling and organic waste diversion services, through an update to the rules and regulations promulgated under authority of this section.~~

(h) A retail food establishment may request an exemption that is valid no more than two years, per exemption, with no more than two consecutive exemptions permitted for a retail food licence holder if:

- (1) The retail food establishment has a complete waste diversion plan; and
- (2) The business shows that the cost of diversion is an economic hardship; or
- (3) The organic material diversion is proven to be de minimus or;
- (4) The availability of organic material diversion is unavailable either under an individual or co-opted service agreement.

Reporting Requirements in the Plan

Increased Reporting for the first 10 years

Sec. 10-423 – Reporting. / Sec. 48-159. – Reporting./ Sec. 48-138. – Reporting.

~~No more frequently than every three (3) years and no less frequently than every five (5) years thereafter, the executive director of community planning and development shall provide a written report to city council on the subject of this article which shall include, but is not limited to, deposit amounts, compliance rates, market conditions, and other factors pertaining to this 8.article.~~

Beginning on the date of the enactment of this article and for ten (10) years thereafter, the executive director of community planning and development shall provide a written report to the city council on the subject of this article, which shall include, but is not limited to, deposit amounts, compliance rates, market conditions, and other factors pertaining to this article at least every 3 years. After such period, the executive director must submit a written report to the council no more frequently than every five (5) years and no less frequently than three (3) years at the discretion of the executive director.

Defining diversion materials, language and training

1 **Sec. 48-133. – General provisions regarding diversion requirements**

(2) For organic and certified compostable material diversion collect at least all back of house decontaminated food waste, and certified compostable products, if used, as permitted by the hauler;

1 **Sec. 48-135. – Waste diversion plans.**

(d) All responsible parties must ensure that employees, contractors, and staff receive education and training on diversion in accordance with the plan.

Sec. 48-154. – Recycle and organic waste requirements.

(c) The responsible party must work with waste haulers, vendors, contractors and staff to reduce contamination through control of materials allowed on site and ensure training on proper bin use is provided.

Sec. 48-130. – Multi-family residential premises requirements.

(c) On or after April 1, 2026, the responsible party for a multi-family residential premises shall ensure that tenants, residents, employees, and contractors have access to on-site recycling and organic material diversion described under this article and ensure that such persons receive access and training on on-site recycling and organic material diversion. The responsible party must retain records of the requirements of this subsection (c).

Defining diversion materials, language and training (p2)

1 **Sec. 48-132. – Food waste producer requirements.**

- (c) On or after April 1, 2026, the responsible party for a food waste producer shall ensure that employees, contractors, and customers have access to on-site recycling described in this article **and must ensure training is provided to employees and contractors on recycling.**
- (d) On or after April 1, 2026, the responsible party for a food waste producer shall ensure that employees and contractors have access to on-site organic material diversion described under this article **and must ensure training is provided to employees and contractors on organic diversion best practices.**

Why these changes were chosen

- 1) Focus on language based on experience, using wins and struggles of other programs to identify specifics in language to ensure effective implementation.
- 2) Enhance reporting for first 10 years to allow for optimizing of programs as needed
- 3) Show intent of understanding the City's concerns for business needs while ensuring that businesses are brought into diversion program planning and implementation to move diversion programs socially.
- 4) The fastest way to eliminate methane emissions or their byproducts from landfills is to reduce the input of organic materials into the landfill
- 5) Volume based diversion .should always be the expectation.
- 6)