

SENT VIA EMAIL

August 19, 2021

Sherilyn Lombos, City Manager
City of Tualatin
18880 S.W. Martinazzi Ave.
Tualatin, OR 97062

Sent via email: slombos@tualatin.gov

Re: Reducing Waste with Ridwell in Tualatin

Dear Ms. Lombos:

I am writing to follow up on the previous outreach from Ridwell to the City of Tualatin. Ridwell is a specialized delivery service that helps households reduce unnecessary waste going into landfills by making it easy to reuse or recycle items that are not part of municipal recycling programs. Our goal is to help communities waste less, which is in line with the State of Oregon's policies that aim for 64% waste reduction for the Metro region by 2025.

Ridwell collects plastic film, plastic clamshells, clothing, Styrofoam, household batteries, household lightbulbs, and a rotating category of reusable items including children's books, children's school supplies, eye glasses, non-perishable food donations, and more. Some of our local partners include the Children's Book Bank, the Oregon Food Bank, Free Geek, Rose Haven, and many others. These excess materials are not collected by the franchise haulers for recycling or reuse. There is no overlap between Ridwell's services and the franchise hauler's curbside collection services.

Ridwell started as a father-son team, collecting excess reusable and "hard to recycle" materials in his neighborhood and delivering them to specialized partners and local organizations who distribute materials to those in need. He was inspired by the desire to make a small effort towards sustainability to help protect the planet. The idea caught on. Today, Ridwell serves over 35,000 members in over 40 cities and municipalities in Washington, Oregon, and Colorado. More information about our company can be found on our website at Ridwell.com.

We pride ourselves on our transparency, accountability, and customer service and the extensive research we do to find partner organizations who can use materials. We provide information to our customers about where their items go and how they are reused or recycled.

In addition to helping people reduce waste, Ridwell's services actually help the franchisees and solid waste and recycling systems by decreasing contamination in the recycling and solid waste bins. "Hard to recycle" materials often contaminate recycling loads or can be an environmental hazard in the solid waste bin. For example, when plastic film is placed in curbside recycling bins, it frequently jams up the sorting machinery at processing facilities. Otherwise recyclable materials in those contaminated loads often end up in a landfill. Maintenance costs are

increased. Batteries and light bulbs placed in the solid waste bin create an environmental hazard and the risk of harm to workers at waste and recycling facilities.

We carefully review solid waste codes and franchise agreements in each jurisdiction before we start service. In Tualatin, we were pleased to find that our services are compatible and do not violate the terms of the franchise awarded under Resolution 1318-11. Attachment 1 below provides additional detail regarding this conclusion.

Nearly 300 Tualatin residents have requested our services. We are starting to accepting Membership signups from Tualatin residents this week and plan to begin pickup service in a few weeks.

We look forward to establishing a successful partnership towards waste reduction with the City of Tualatin and its residents. If you have any questions or concerns, please do not hesitate to contact me at caleb@ridwell.com.

Sincerely,

A handwritten signature in black ink that reads "Caleb Weaver". The signature is fluid and cursive, with the first name "Caleb" written in a larger, more prominent script than the last name "Weaver".

Caleb Weaver
VP of Public Affairs, Ridwell

Cc: Jeff Fuchs, City of Tualatin
Lindsay Marshall, City of Tualatin
Clay Reynolds, City of Tualatin

ATTACHMENT 1

Question 1: Are the “hard to recycle” and “excess” materials that Ridwell collects “recyclable materials” covered by the exclusive franchise awarded by Resolution 1318-11?

Answer: No. The “hard to recycle” and “excess” materials Ridwell collects are not “recyclable materials” under the exclusive franchise awarded by Resolution 1318-11. It is only the collection of the “recyclable materials” that are actually collected by the franchisees that are governed by the franchise agreement adopted in Resolution 1318-11.

Question 2: Are Ridwell’s services allowed and compatible with the franchise awarded by Resolution 1318-11?

Answer: Yes. Ridwell’s services do not conflict with or violate the exclusive franchise awarded by Resolution 1318-11. Ridwell’s services can lawfully be provided in the City of Tualatin.

Discussion: The City of Tualatin adopted Resolution 1318-11, which grants the exclusive right to the designated franchisee to provide solid waste collection services (Section 4). Solid Waste Collection Service is defined as “collection of solid waste and recyclable materials...to an approved disposal facility or facility accepting recyclable materials.” (Section 3).

The Recycling Guides published by the City of Tualatin, Washington County, and Metro provide the scope of “solid waste collection service” that is granted under Resolution 1318-11. These guides list the “solid waste” and “recyclable materials” that can be and are required to be collected by the franchise haulers in the City of Tualatin. The Recycling Guide also list materials that cannot be placed in the solid waste and recycling bins and are therefore not “solid waste collection service”.

The materials Ridwell collects are plastic film, clamshells, household batteries, household light bulbs, clothing, and a rotating list of materials to be reused by community organizations. Ridwell delivers these items to special organizations exclusively for recycling and reuse. The Recycling Guide specifically instructs customers not to place plastic film, clamshells, and clothing for curbside recyclable material collection and not to place household lightbulbs and batteries in solid waste or recycling bins.

As made clear by these Recycling Guides, these “hard to recycle” and “excess” materials collected by Ridwell are not “recyclable materials” that are a part of the comprehensive “solid waste collection services”. As a result, it can reasonably be concluded that Ridwell’s services are not “solid waste collection service” awarded under Resolution 1318-11 and not within the scope of the services protected through the exclusive franchise.

This conclusion is further supported when looking at the context of the franchise agreement as a whole. For example, Section 19(b)(3), makes it a violation to mix source separated recyclable material with solid waste. If the materials Ridwell collects were considered “recyclable materials” under the franchise agreement, then all persons who throw plastic film into the garbage would be in violation of Section 19(b)(3) of the franchise agreement because they would be mixing “recyclable materials” with “solid waste.”

Enforcement of 19(b)(3) has never been applied in this way. The intent of Section 19(b)(3) is to prevent people from mixing “recyclable materials” that can be recycled curbside with solid waste. The practical inference to be drawn is that, for the purposes of the exclusive franchise, “recyclable materials” are only “recyclable materials” the franchise hauler is required to and does in fact collect. Materials that can be recycled or reused, but are not and cannot be collected by the franchise haulers under the curbside program, are not “recyclable materials” within the scope of the exclusive franchise.

In conclusion, it is only the collection of the “recyclable materials” that are actually collected by the franchisees that are governed by the franchise agreement adopted in Resolution 1318-11. The collection of “hard to recycle” and “excess” materials, not collected by the franchisee, are outside of the franchise agreement and allowed to be collected by other persons. Indeed, a contrary conclusion would discourage the diversion of these items from landfills, in direct contravention to well-established public goals and public policy.

The services Ridwell provides do not violate the terms of the franchise agreement adopted in Resolution 1318-11 and are not only permitted to be provided to the residents of the City of Tualatin, but are a benefit to the community and the environment.