

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE RELATING TO SOLID) ORDINANCE NO. 85-191
WASTE DISPOSAL CHARGES, REGIONAL)
TRANSFER CHARGES AND USER FEES:)
AMENDING METRO CODE SECTIONS)
5.02.015, 5.02.020, 5.02.025,)
5.02.045 AND 5.02.050; AND)
ESTABLISHING METRO CODE SECTION)
5.02.065 FOR COLLECTION OF A)
SPECIAL WASTE SURCHARGE AND PERMIT)
APPLICATION FEE)

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Metro Code Section 5.02.015, Definitions, is amended to read as follows:

"(a) "Person" means any individual, partnership, association, corporation, trust, firm, estate, joint venture or any other private entity or any public agency.

"(b) "Solid Waste" means all putrescible and nonputrescible wastes, including without limitation, garbage, rubbish, refuse, ashes, paper and cardboard; vehicles or parts thereof; sewage sludge, septic tank and cesspool pumpings or other sludge; commercial, industrial, demolition and construction waste; home and industrial appliances; and all other waste material permitted by ordinance to be disposed of at the St. Johns Landfill.

"(c) "Special Waste" means: 1) Solid waste which is any unusual component of municipal solid waste; 2) solid waste which could potentially contain substantial quantities of waste defined as hazardous waste by the Oregon Department of Environmental Quality or the U.S. Environmental Protection Agency; or 3) solid waste which requires extraordinary management. Examples of special wastes are: chemicals, liquids, sludges and dusts from commercial and industrial operations; municipal waste water treatment plant grits, screenings and sludges; tannery wastes, empty pesticide containers, dead animals or by-products; and wastes containing asbestos.

"[(c)] (d) "St. Johns Landfill" is that landfill owned by the City of Portland, Oregon, operated by Metro and located at 9363 N. Columbia Blvd., Portland, Oregon 97203.

"[(d)] (e) "Clackamas Transfer & Recycling Center" is that solid waste transfer station owned and operated by Metro and located

at 16101 S. E. 82nd Drive, Oregon City, Oregon, 97045. (Ordinance No. 82-146, Sec. 2)"

"(f) "commercial" means those persons who dispose of waste and who:

- "(1) pay for disposal of wastes on the basis of weight at St. Johns Landfill or CTRC, or
- "(2) pay for disposal of wastes through a charge account at St. Johns or CTRC, or
- "(3) dispose of wastes as an activity of their business.

"(g) "private" means those persons who dispose of waste and who:

- "(1) do not pay for disposal of wastes on the basis of weight at St. Johns Landfill or CTRC, and
- "(2) do not pay for disposal of wastes through a charge account at St. Johns Landfill or CTRC, and
- "(3) do not dispose of wastes as an activity of their business."

Section 2. Metro Code Section 5.02.020, Disposal Charges

at St. Johns Landfill, is amended to read as follows:

"(a) A commercial base disposal rate of [\$9.80] \$7.86 per ton of solid waste delivered is established for disposal at the St. Johns Landfill. A private base disposal rate of \$1.92 per cubic yard is established for disposal at the St. Johns Landfill. Said rate shall be in addition to other fees, charges and surcharges established pursuant to [Sections 8, 9 and 10 of] this [ordinance] chapter.

"(b) The minimum charge for commercial vehicles shall be for one ton of solid waste. The minimum charge for private trips shall be two and one-half cubic yards for pickup trucks, vans and trailers and two cubic yards for cars. The minimum charge for private trips shall be waived for any person delivering one-half cubic yard or more of acceptable recyclable materials. Such persons shall be charged for the actual amount of waste delivered at the extra yardage rate.

"(c) The following disposal charges shall be collected by the Metropolitan Service District from all persons disposing of solid waste at the St. Johns Landfill:"

ST. JOHNS LANDFILL

Vehicle Category	Base Rate		Metro User Fee		Regional Transfer Charge		Rehabilitation and Enhancement Fee		State Landfill Siting Fee		Total Rate									
	\$/ton	\$/cy	\$/ton	\$/cy	\$/ton	\$/cy	\$/ton	\$/cy	\$/ton	\$/cy	\$/ton	\$/cy								
COMMERCIAL																				
Compacted	[\$9.80]	<u>\$7.86</u>	[\$2.90]	<u>\$2.31</u>	[\$1.68]	<u>\$2.04</u>	[\$0.43]	<u>\$.60</u>	[\$2.00]	<u>\$2.98</u>	[\$0.52]	<u>\$.88</u>	<u>\$.50</u>	<u>\$.15</u>	<u>\$1.00</u>	<u>\$.30</u>	[\$13.48]	<u>\$14.38</u>	[\$3.85]	<u>\$4.24</u>
Uncompacted	[9.80]	<u>7.86</u>	[1.23]	<u>.99</u>	[1.68]	<u>2.04</u>	[0.25]	<u>.25</u>	[2.00]	<u>2.98</u>	[0.30]	<u>.37</u>	<u>.50</u>	<u>.06</u>	<u>1.00</u>	<u>.12</u>	[13.48]	<u>14.38</u>	[1.78]	<u>1.79</u>

PRIVATE	Base Rate		Metro User Fee		Regional Transfer Charge		Rehabilitation and Enhancement Fee		State Landfill Siting Fee		Total Rate	
	Per Trip	Per Trip	Per Trip	Per Trip	Per Trip	Per Trip	Per Trip	Per Trip	Per Trip	Per Trip	Per Trip	Per Trip
Cars ¹	[\$4.62]	<u>\$3.84</u>	[\$0.54]	<u>\$0.44</u>	[\$1.34]	<u>\$1.36</u>		<u>\$.12</u>		<u>\$.24</u>	[\$6.50]	<u>\$6.00</u>
Station Wagons ¹	[4.62]	<u>3.84</u>	[0.54]	<u>0.44</u>	[1.34]	<u>1.36</u>		<u>.12</u>		<u>.24</u>	[6.50]	<u>6.00</u>
Vans ²	[5.37]	<u>4.80</u>	[0.54]	<u>0.55</u>	[1.34]	<u>1.70</u>		<u>.15</u>		<u>.30</u>	[7.25]	<u>7.50</u>
Pickups ²	[5.37]	<u>4.80</u>	[0.54]	<u>0.55</u>	[1.34]	<u>1.70</u>		<u>.15</u>		<u>.30</u>	[7.25]	<u>7.50</u>
Trailers ²	[5.37]	<u>4.80</u>	[0.54]	<u>0.55</u>	[1.34]	<u>1.70</u>		<u>.15</u>		<u>.30</u>	[7.25]	<u>7.50</u>
Extra Yards	[2.30]	<u>1.92</u>	[0.27]	<u>0.22</u>	[0.68]		<u>.06</u>		<u>.12</u>		[3.25]	<u>3.00</u>

TIRES ³	Base Rate	Metro Fee	Regional Transfer Charge	Total Rate
Passenger (up to 10 ply)	\$0.25			\$0.25
Passenger Tire (on rim)	1.00			1.00
Tire Tubes	0.25			0.25
Truck Tires	2.75			2.75
(20" diameter to 48" diameter on greater than 10 ply)				
Small Solids	2.75			2.75
Truck Tire (on rim)	7.75			7.75
Dual	7.75			7.75
Tractor	7.75			7.75
Grader	7.75			7.75
Duplex	7.75			7.75
Large Solids	7.75			7.75

¹Based on a minimum load of two cubic yards.

²Based on a minimum load of two and one-half cubic yards.

³Cost per tire is listed.

Section 3. Metro Code Section 5.02.025, Disposal Charges

at Clackamas Transfer & Recycling Center, is amended to read as follows:

"(a) A commercial base disposal rate of [~~\$9.80~~] \$7.86 per ton of solid waste delivered is established for solid waste disposal at the Clackamas Transfer & Recycling Center. A private base disposal rate of \$1.92 per cubic yard is established at the Clackamas Transfer & Recycling Center.

"(b) A convenience charge of [~~\$2.25~~] \$3.00 per commercial ton and \$.40 per private cubic yard of solid waste delivered is established to be added to the base disposal rate at Clackamas Transfer & Recycling Center.

"(c) The base disposal rate and convenience charge established by this section shall be in addition to other fees, charges and surcharges established pursuant to [Sections 8, 9 and 10 of] this [ordinance] chapter.

"(d) The minimum charge for commercial vehicles shall be for one ton of solid waste. The minimum charge for private trips shall be two and one-half cubic yards for pickup trucks, vans and trailers and two cubic yards for cars. The minimum charge for private trips shall be waived for any person delivering one-half cubic yard or more of acceptable recyclable materials. Such persons shall be charged for the actual amount of waste delivered at the extra yardage rate.

"(e) The following disposal charges shall be collected by the Metropolitan Service District from all persons disposing of solid waste at the Clackamas Transfer & Recycling Center:"

CTRRC

Vehicle Category	Base Rate		Metro User Fee		Regional Transfer Charge		Convenience Charge		Rehabilitation and Enhancement Fee		State Landfill Siting Fee		Total Rate											
	\$/ton	\$/cy	\$/ton	\$/cy	\$/ton	\$/cy	\$/ton	\$/cy	\$/ton	\$/cy	\$/ton	\$/cy	\$/ton	\$/cy										
COMMERCIAL																								
Compacted	[\$9.80]	<u>\$7.86</u>	[\$2.90]	<u>\$2.31</u>	[\$1.68]	<u>\$2.04</u>	[0.43]	<u>\$.60</u>	[\$2.00]	<u>\$2.98</u>	[\$0.52]	<u>\$0.88</u>	[\$2.25]	<u>\$3.00</u>	[\$0.57]	<u>\$0.88</u>	<u>\$.50</u>	<u>\$.15</u>	<u>\$1.00</u>	<u>\$.30</u>	[\$15.73]	<u>\$17.38</u>	[\$4.42]	<u>\$5.12</u>
Uncompacted	[9.80]	<u>7.86</u>	[1.23]	<u>.99</u>	[1.68]	<u>2.04</u>	0.25		[2.00]	<u>2.98</u>	[0.30]	<u>0.37</u>	[2.25]	<u>3.00</u>	[0.33]	<u>0.37</u>	<u>.50</u>	<u>.06</u>	<u>1.00</u>	<u>.12</u>	[15.76]	<u>17.38</u>	[2.11]	<u>2.16</u>

Vehicle Category	Base Rate		Metro User Fee		Regional Transfer Charge		Convenience Charge		Rehabilitation and Enhancement Fee		State Landfill Siting Fee		Total Rate	
	\$/ton	\$/cy	\$/ton	\$/cy	\$/ton	\$/cy	\$/ton	\$/cy	\$/ton	\$/cy	\$/ton	\$/cy	\$/ton	\$/cy
PRIVATE														
Cars ¹	[\$4.62]	<u>\$3.84</u>	[\$0.54]	<u>\$0.44</u>	[\$1.34]	<u>\$1.36</u>	[\$0.75]	<u>\$0.80</u>	<u>\$.12</u>	<u>\$.24</u>	[\$7.25]	<u>\$6.80</u>		
Station Wagons ¹	[4.62]	<u>3.84</u>	[0.54]	<u>0.44</u>	[1.34]	<u>1.36</u>	[0.75]	<u>0.80</u>	<u>.12</u>	<u>.24</u>	[7.25]	<u>6.80</u>		
Vans ²	[5.37]	<u>4.80</u>	[0.54]	<u>0.55</u>	[1.34]	<u>1.70</u>	[0.75]	<u>1.00</u>	<u>.15</u>	<u>.30</u>	[8.00]	<u>8.50</u>		
Pickups ²	[5.37]	<u>4.80</u>	[0.54]	<u>0.55</u>	[1.34]	<u>1.70</u>	[0.75]	<u>1.00</u>	<u>.15</u>	<u>.30</u>	[8.00]	<u>8.50</u>		
Trailers ²	[5.37]	<u>4.80</u>	[0.54]	<u>0.55</u>	[1.34]	<u>1.70</u>	[0.75]	<u>1.00</u>	<u>.15</u>	<u>.30</u>	[8.00]	<u>8.50</u>		
Extra Yards	[2.31]	<u>1.92</u>	[0.27]	<u>0.22</u>	0.68		[0.35]	<u>0.40</u>	<u>.06</u>	<u>.12</u>	[3.60]	<u>3.40</u>		

TIRES ³	Base Rate		Metro Fee		Regional Transfer Charge		Total Rate	
	\$/ton	\$/cy	\$/ton	\$/cy	\$/ton	\$/cy	\$/ton	\$/cy
Passenger (up to 10 ply)		\$0.50						\$0.50
Passenger Tire (on rim)		1.25						1.25
Tire Tubes		0.25						0.25
Truck Tires		3.75						3.75
(20" diameter to 48" diameter on greater than 10 ply)								
Small Solids		3.75						3.75
Truck Tire (on rim)		8.75						8.75
Dual		8.75						8.75
Tractor		8.75						8.75
Grader		8.75						8.75
Duplex		8.75						8.75
Large Solids		8.75						8.75

¹Based on a minimum load of two cubic yards.

²Based on a minimum load of two and one-half cubic yards.

³Cost per tire is listed.

Section 4. Metro Code Section 5.02.045, User Fees, is

amended to read as follows:

"The following user fees are established and shall be collected and paid to Metro by the operators of solid waste disposal facilities, whether within or without the boundaries of Metro, for the disposal of solid waste generated, originating [or] , collected or disposed within Metro boundaries in accordance with Metro Code Section 5.01.150:

"(a) For noncompacted commercial solid waste, [~~25¢~~] \$.25 per cubic yard delivered, or [~~\$1.68~~] \$2.04 per ton delivered.

"(b) For compacted commercial solid waste, [~~43¢~~] \$.60 per cubic yard delivered; or [~~\$1.68~~] \$2.04 per ton delivered.

"(c) For all material delivered in private cars, station wagons, vans, single and two-wheel trailers, trucks with rated capacities of less than one (1) ton, [~~27¢~~] \$.22 per cubic yard with a minimum charge of [~~54¢~~] \$.44 per load when disposal rates are based on a two cubic yard minimum or \$.55 per load when rates are based on a two and one-half cubic yard minimum.

"(d) User fees for solid waste delivered in units of less than a whole cubic yard shall be determined and collected on a basis proportional to the fractional yardage delivered.

"(e) Inert material, including but not limited to earth, sand, stone, crushed stone, crushed concrete, broken asphaltic concrete and wood chips used at a landfill for cover, diking, road base or other internal use and for which disposal charges have been waived pursuant to Section 5.02.030 of this chapter shall be exempt from the above user fees. (Ordinance No. 82-146, Sec. 8)"

Section 5. Metro Code Section 5.02.050, Regional Transfer

Charge, is amended to read as follows:

"(a) There is hereby established a regional transfer charge which shall be a charge to the operators of solid waste disposal facilities for services rendered by Metro in administering and operating solid waste transfer facilities owned, operated or franchised by Metro. Such charge shall be collected and paid in the form of an add-on to user fees established by Section 5.02.045 of this chapter.

"(b) The following regional transfer charges shall be collected and paid to Metro by the operators of solid waste disposal facilities, whether within or without the boundaries of Metro, for

the disposal of solid waste generated, originating [or] , collected or disposed within Metro boundaries:

"(1) For noncompacted commercial solid waste,
[\$0.30] \$.37 per cubic yard delivered; [\$2.00] \$2.98
per ton delivered.

"(2) For compacted commercial solid waste, [\$0.52]
\$.88 per cubic yard delivered; [\$2.00] \$2.98 per ton
delivered.

"(3) For all material delivered in private cars,
station wagons, vans, single and two wheel trailers,
trucks with rated capacities of less than one (1) ton,
[\$0.68] \$.68 per cubic yard with a minimum charge of
[\$1.34] \$1.36 per load when disposal rates are based on
a two cubic yard minimum or \$1.70 per load when rates
are based on a two and one-half cubic yard minimum."

"(c) Regional transfer charges shall not be collected on
wastes disposed at limited use landfills by commercial disposers.
The purpose of this exemption is to encourage the disposal of non-
food wastes at limited use sites and thus prolong the capacity of
general purpose landfills."

"(d) The Solid Waste Director is hereby authorized to
exempt those wastes which are disposed at transfer stations not
operated by Metro from the collection of Regional Transfer Charges
if the following conditions are met:

- i The RTC exemption benefits the entire waste manage-
ment system and is needed to provide economic
incentives for diverting wastes away from a Metro
facility; and
- ii The RTC exemption is for a reasonable time not to
exceed the completion of construction of the
Washington Transfer & Recycling Center; and
- iii The RTC exemption will apply only to the quantity
of waste which does not adversely affect the
finances of the entire waste management system; and
- iv The transfer station agrees to accept the entire
quantity of waste from the region that it can
legally and operationally accept; and
- v The transfer station continues to collect other
Metro fees as required; and

vi The RTC exemption is granted to a transfer station through a written agreement.

Section 6. Metro Code Section 5.02.065 is established to read as follows:

"5.02.065 Special Waste Surcharge and Special Waste Permit Application Fees:

"(a) There are hereby established a Special Waste Surcharge and a Special Waste Permit Application Fee which shall be collected on all special wastes disposed at the St. Johns Landfill and on all Special Waste Permit Applications. Said Surcharge and fee shall be in addition to any other charge or fee established by this chapter. The purpose of the surcharge and permit application fee is to require disposers of special waste to pay the cost of those services which are provided at the St. Johns Landfill and by the Metro Solid Waste Department to manage special wastes. The said surcharge and fee shall be applied to all special wastes as defined in Metro Code Section 5.02.015.

"(b) The amount of the Special Waste Surcharge collected at the St. Johns Landfill shall be \$3.65 per ton of special waste delivered.

"(c) The minimum charge collected through all fees for each special waste disposal trip shall be \$50.00.

"(d) The amount of the Special Waste Permit Application Fee shall be \$25.00. This fee shall be collected at the time Special Waste Permit Applications are received for processing."

"(e) Lab or testing costs which are incurred by Metro for evaluation of a particular waste may be charged to the disposer of that waste."

"(f) The fees listed in this section shall not be collected from any person who obtains a special waste permit to dispose of waste containing asbestos or other special waste which is removed from a dwelling or apartment building of three or fewer units owned or rented by that person and not disposed of by a commercial hauler or asbestos remover. The purpose of this exemption is to encourage such persons to separate Special Waste from the residential waste stream so that it is disposed of properly."

Section 7. Metro Code, Section 5.02.041, is established to read as follows:

"5.02.041 Rehabilitation and Enhancement Fees:

The following rehabilitation and enhancement fees are established and shall be collected on all wastes disposed at the St. Johns Sanitary Landfill and the Clackamas Transfer & Recycling Center. Money collected from these fees shall be provided for rehabilitation and enhancement of the area in and around the St. Johns Sanitary Landfill.

- a) For noncompacted commercial solid waste \$.50 per ton delivered, or \$.06 per cubic yard delivered.
- b) For compacted commercial solid waste, \$.50 per ton delivered, or \$.15 per cubic yard delivered.
- c) For private solid waste, \$.06 per cubic yard delivered."

Metro Code, Section 5.02.046, is established to read as follows:

"5.02.046 State Landfill Siting Fees:

The following state landfill siting fees are established and shall be collected on all wastes disposed at the St. Johns Sanitary Landfill and the Clackamas Transfer & Recycling Center. Money collected from these fees shall be paid to the Department of Environmental Quality as directed by Oregon Laws 1985, chapter 679.

- a) For noncompacted commercial solid waste \$1.00 per ton delivered, or \$.12 per cubic yard delivered.
- b) For compacted commercial solid waste, \$1.00 per ton delivered, or \$.30 per cubic yard delivered.
- c) For private solid waste, \$.12 per cubic yard delivered."

Section 8. The Council finds that, in order to recoup sufficient revenue to operate disposal facilities and programs for 1986 it is necessary that the rates established herein be effective by January of 1986. Therefore an emergency is hereby declared to exist pursuant to ORS 268.515(7), and the rates, fees and charges

established by this ordinance shall be effective on and after
January 1, 1986.

ADOPTED by the Council of the Metropolitan Service District
this 26th day of November, 1985.



Ernie Bonner, Presiding Officer

Attest:



Clerk of the Council

RM/srs
4118C/405-5
12/03/85

CONSIDERATION OF ORDINANCE NO. 85-191 FOR
ESTABLISHING 1986 SOLID WASTE RATES

FIRST READING

Date: September 4, 1985

Presented by: Rich McConaghy

FACTUAL BACKGROUND AND ANALYSIS

The purpose of this Staff Report is to introduce Ordinance No. 85-191 for public hearing and Council consideration. The 1986 Rate Study provides a basic analysis of 1986 waste flows and revenue requirements and examines resultant rates under a number of policy alternatives. The staff recommendations on rate policies which are included in the Rate Study and the Rate Study Overview would result in increases of \$.90 per ton or \$.25 per public trip at the St. Johns Landfill and \$1.65 per ton or \$.50 per public trip at CTRC. Ordinance No. 85-191 would implement the staff recommended rates for 1986.

The policies which staff is recommending through Ordinance No. 85-191 include the following:

- Rates ought to be based on only those waste quantities which are generated within the Metro region.
- Regional transfer charges should not be collected on wastes disposed at limited use landfills by commercial disposers.
- The convenience charge collected at CTRC should be increased by \$.75 per ton and \$.25 per public trip.
- New fees should be established for the disposal of special wastes at the St. Johns Landfill.
- The \$1.50 per ton required by SB 662 should be collected on all wastes disposed at the St. Johns Landfill beginning in 1986. This cost should be figured into the base disposal rate and be identified as an add-on fee.
- A prudent amount of the fund balance should be applied to costs in order to minimize rate increases; 20 percent of the fund balance is suggested as an appropriate amount.

The outcomes of the Council work session to be held September 5 have not yet been reflected in this ordinance. As a result of Council deliberations on September 5, Rate Review Committee or SWPAC recommendations, or public comments, it is possible that the Council may prescribe alternative policies to those recommended by the staff in this ordinance. The ordinance could be amended at the September 12 or 26 Council meetings if necessary to accomodate this input.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance
No. 85-191.

RM/gl
4118C/236-5
09/04/85

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE RELATING TO SOLID)	ORDINANCE NO. 85-191
WASTE DISPOSAL CHARGES, REGIONAL)	
TRANSFER CHARGES AND USER FEES:)	
AMENDING METRO CODE SECTIONS)	
5.02.015, 5.02.020, 5.02.025,)	
5.02.045 AND 5.02.050; AND)	
ESTABLISHING METRO CODE SECTION)	
5.02.065 FOR COLLECTION OF A)	
SPECIAL WASTE SURCHARGE AND PERMIT)	
APPLICATION FEE)	

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Metro Code Section 5.02.015, Definitions, is amended to read as follows:

"(a) "Person" means any individual, partnership, association, corporation, trust, firm, estate, joint venture or any other private entity or any public agency.

"(b) "Solid Waste" means all putrescible and nonputrescible wastes, including without limitation, garbage, rubbish, refuse, ashes, paper and cardboard; vehicles or parts thereof; sewage sludge, septic tank and cesspool pumpings or other sludge; commercial, industrial, demolition and construction waste; home and industrial appliances; and all other waste material permitted by ordinance to be disposed of at the St. Johns Landfill.

"(c) "Special Waste" means: 1) Solid waste which is any unusual component of municipal solid waste; 2) solid waste which could potentially contain substantial quantities of waste defined as hazardous waste by the Oregon Department of Environmental Quality or the U.S. Environmental Protection Agency; or 3) solid waste which requires extraordinary management. Examples of special wastes are: chemicals, liquids, sludges and dusts from commercial and industrial operations; municipal waste water treatment plant grits, screenings and sludges; tannery wastes, empty pesticide containers, dead animals or by-products; and wastes containing asbestos.

"[(c)] (d) "St. Johns Landfill" is that landfill owned by the City of Portland, Oregon, operated by Metro and located at 9363 N. Columbia Blvd., Portland, Oregon 97203.

"[(d)] (e) "Clackamas Transfer & Recycling Center" is that solid waste transfer station owned and operated by Metro and located at 16101 S. E. 82nd Drive, Oregon City, Oregon, 97045. (Ordinance No. 82-146, Sec. 2)"

and who: "(f) "commercial" means those persons who dispose of waste

- "(1) pay for disposal of wastes on the basis of weight at St. Johns Landfill or CTRC, or
- "(2) pay for disposal of wastes through a charge account at St. Johns or CTRC, or
- "(3) dispose of wastes as an activity of their business.

and who: "(g) "private" means those persons who dispose of waste

- "(1) do not pay for disposal of wastes on the basis of weight at St. Johns Landfill or CTRC, and
- "(2) do not pay for disposal of wastes through a charge account at St. Johns Landfill or CTRC, and
- "(3) do not dispose of wastes as an activity of their business."

Section 2. Metro Code Section 5.02.020, Disposal Charges

at St. Johns Landfill, is amended to read as follows:

"(a) A commercial base disposal rate of [~~\$9.80~~] \$9.36 per ton of solid waste delivered is established for disposal at the St. Johns Landfill. A private base disposal rate of \$2.10 per cubic yard is established for disposal at the St. Johns Landfill. Said rate shall be in addition to other fees, charges and surcharges established pursuant to [Sections 8, 9 and 10 of] this [ordinance] chapter.

"(b) The minimum charge for commercial vehicles shall be for one ton of solid waste. The minimum charge for private trips shall be two and one-half cubic yards for pickup trucks, vans and trailers and two cubic yards for cars. The minimum charge for private trips shall be waived for any person delivering one-half cubic yard or more of acceptable recyclable materials. Such persons shall be charged for the actual amount of waste delivered at the extra yardage rate.

"(c) The following disposal charges shall be collected by the Metropolitan Service District from all persons disposing of solid waste at the St. Johns Landfill:"

Section 3. Metro Code Section 5.02.025, Disposal Charges

at Clackamas Transfer & Recycling Center, is amended to read as follows:

"(a) A commercial base disposal rate of [~~\$9.80~~] \$9.36 per ton of solid waste delivered is established for solid waste disposal at the Clackamas Transfer & Recycling Center. A private base disposal rate of \$2.10 per cubic yard is established at the Clackamas Transfer & Recycling Center.

"(b) A convenience charge of [~~\$2.25~~] \$3.00 per commercial ton and \$.40 per private cubic yard of solid waste delivered is established to be added to the base disposal rate at Clackamas Transfer & Recycling Center.

"(c) The base disposal rate and convenience charge established by this section shall be in addition to other fees, charges and surcharges established pursuant to [Sections 8, 9 and 10 of] this [ordinance] chapter.

"(d) The minimum charge for commercial vehicles shall be for one ton of solid waste. The minimum charge for private trips shall be two and one-half cubic yards for pickup trucks, vans and trailers and two cubic yards for cars. The minimum charge for private trips shall be waived for any person delivering one-half cubic yard or more of acceptable recyclable materials. Such persons shall be charged for the actual amount of waste delivered at the extra yardage rate.

"(e) The following disposal charges shall be collected by the Metropolitan Service District from all persons disposing of solid waste at the Clackamas Transfer & Recycling Center:"

Section 4. Metro Code Section 5.02.045, User Fees, is

amended to read as follows:

"The following user fees are established and shall be collected and paid to Metro by the operators of solid waste disposal facilities, whether within or without the boundaries of Metro, for the disposal of solid waste generated, originating [or] , collected or disposed within Metro boundaries in accordance with Metro Code Section 5.01.150:

"(a) For noncompacted commercial solid waste, [~~25¢~~] \$.25 per cubic yard delivered, or [~~\$1.68~~] \$2.04 per ton delivered.

"(b) For compacted commercial solid waste, [~~43¢~~] \$.60 per cubic yard delivered; or [~~\$1.68~~] \$2.04 per ton delivered.

"(c) For all material delivered in private cars, station wagons, vans, single and two-wheel trailers, trucks with rated capacities of less than one (1) ton, [~~27¢~~] \$.22 per cubic yard with a minimum charge of [~~54¢~~] \$.44 per load when disposal rates are based on a two cubic yard minimum or \$.55 per load when rates are based on a two and one-half cubic yard minimum.

"(d) User fees for solid waste delivered in units of less than a whole cubic yard shall be determined and collected on a basis proportional to the fractional yardage delivered.

"(e) Inert material, including but not limited to earth, sand, stone, crushed stone, crushed concrete, broken asphaltic concrete and wood chips used at a landfill for cover, diking, road base or other internal use and for which disposal charges have been waived pursuant to Section 5.02.030 of this chapter shall be exempt from the above user fees. (Ordinance No. 82-146, Sec. 8)"

Section 5. Metro Code Section 5.02.050, Regional Transfer

Charge, is amended to read as follows:

"(a) There is hereby established a regional transfer charge which shall be a charge to the operators of solid waste disposal facilities for services rendered by Metro in administering and operating solid waste transfer facilities owned, operated or franchised by Metro. Such charge shall be collected and paid in the form of an add-on to user fees established by Section 5.02.045 of this chapter.

"(b) The following regional transfer charges shall be collected and paid to Metro by the operators of solid waste disposal facilities, whether within or without the boundaries of Metro, for the disposal of solid waste generated, originating [or] , collected or disposed within Metro boundaries:

"(1) For noncompacted commercial solid waste, [~~\$0.30~~] \$.37 per cubic yard delivered; [~~\$2.00~~] \$2.98 per ton delivered.

"(2) For compacted commercial solid waste, [\$0.52] \$.88 per cubic yard delivered; [\$2.00] \$2.98 per ton delivered.

"(3) For all material delivered in private cars, station wagons, vans, single and two wheel trailers, trucks with rated capacities of less than one (1) ton, [\$0.68] \$.68 per cubic yard with a minimum charge of [\$1.34] \$1.36 per load when disposal rates are based on a two cubic yard minimum or \$1.70 per load when rates are based on a two and one-half cubic yard minimum."

"(c) Regional transfer charges shall not be collected on wastes disposed at limited use landfills by commercial disposers. The purpose of this exemption is to encourage the disposal of non-food wastes at limited use sites and thus prolong the capacity of general purpose landfills."

Section 6. Metro Code Section 5.02.065 is established to read as follows:

"5.02.065 Special Waste Surcharge and Special Waste Permit Application Fees:

"(a) There are hereby established a Special Waste Surcharge and a Special Waste Permit Application Fee which shall be collected on all special wastes disposed at the St. Johns Landfill and on all Special Waste Permit Applications. Said Surcharge and fee shall be in addition to any other charge or fee established by this chapter. The purpose of the surcharge and permit application fee is to require disposers of special waste to pay the cost of those services which are provided at the St. Johns Landfill and by the Metro Solid Waste Department to manage special wastes. The said surcharge and fee shall be applied to all special wastes as defined in Metro Code Section 5.02.015.

"(b) The amount of the Special Waste Surcharge collected at the St. Johns Landfill shall be \$3.65 per ton of special waste delivered.

"(c) The minimum charge collected through all fees for each special waste disposal trip shall be \$50.00.

"(d) The amount of the Special Waste Permit Application Fee shall be \$25.00. This fee shall be collected at the time Special Waste Permit Applications are received for processing."

"(e) Lab or testing costs which are incurred by Metro for evaluation of a particular waste may be charged to the disposer of that waste."

Section 7. The rates, fees and charges established by this Ordinance shall be effective on and after January 1, 1986.

ADOPTED by the Council of the Metropolitan Service District this _____ day of _____, 1985.

Ernie Bonner, Presiding Officer

Attest:

Clerk of the Council

RM/srs
4118C/236-4
09/03/85

Vehicle Category	Base Rate		Metro User Fee		Regional Transfer Charge		Convenience Charge		Total Rate	
	\$/ton	\$/cy	\$/ton	\$/cy	\$/ton	\$/cy	\$/ton	\$/cy	\$/ton	\$/cy

COMMERCIAL

Compacted	[\$9.80]	\$9.36	[\$2.90]	\$2.76	[\$1.68]	\$2.04	[0.43]	\$0.60	[\$2.00]	\$2.98	[\$0.52]	\$0.88	[\$2.25]	\$3.00	[\$0.57]	\$0.88	[\$15.73]	\$17.38	[\$4.42]	\$5.12
Uncompacted	[9.80]	9.36	[1.23]	1.17	[1.68]	2.04	0.25		[2.00]	2.98	[0.30]	0.37	[2.25]	3.00	[0.33]	0.37	[15.73]	17.38	[2.11]	2.16

	Base Rate		Metro User Fee		Regional Transfer Charge		Convenience Charge		Total Rate	
	Per Trip	Per Trip	Per Trip	Per Trip	Per Trip	Per Trip	Per Trip	Per Trip	Per Trip	Per Trip
PRIVATE										
Cars ¹	[\$4.62]	\$4.20	[\$0.54]	\$0.44	[\$1.34]	\$1.36	[\$0.75]	\$0.80	[\$7.25]	\$6.80
Station Wagons ¹	[4.62]	4.20	[0.54]	0.44	[1.34]	1.36	[0.75]	0.80	[7.25]	6.80
Vans ²	[5.37]	5.25	[0.54]	0.55	[1.34]	1.70	[0.75]	1.00	[8.00]	8.50
Pickups ²	[5.37]	5.25	[0.54]	0.55	[1.34]	1.70	[0.75]	1.00	[8.00]	8.50
Trailers ²	[5.37]	5.25	[0.54]	0.55	[1.34]	1.70	[0.75]	1.00	[8.00]	8.50
Extra Yards	[2.31]	2.10	[0.27]	0.22	0.68		[0.35]	0.40	[3.60]	3.40

	Base Rate	Metro Fee	Regional Transfer Charge	Total Rate
TIRES³				
Passenger (up to 10 ply)	\$0.50			\$0.50
Passenger Tire (on rim)	1.25			1.25
Tire Tubes	0.25			0.25
Truck Tires	3.75			3.75
(20" diameter to 48" diameter on greater than 10 ply)				
Small Solids	3.75			3.75
Truck Tire (on rim)	8.75			8.75
Dual	8.75			8.75
Tractor	8.75			8.75
Grader	8.75			8.75
Duplex	8.75			8.75
Large Solids	8.75			8.75

¹Based on a minimum load of two cubic yards.

²Based on a minimum load of two and one-half cubic yards.

³Cost per tire is listed.

ST. JOHNS LANDFILL

Vehicle Category	Base Rate		Metro User Fee		Regional Transfer Charge		Total Rate									
	\$/ton	\$/cy	\$/ton	\$/cy	\$/ton	\$/cy	\$/ton	\$/cy								
<u>COMMERCIAL</u>																
Compacted	[\$9.80]	\$9.36	[\$2.90]	\$2.76	[\$1.68]	\$2.04	[\$0.43]	\$0.60	[\$2.00]	\$2.98	[\$0.52]	\$0.88	[\$13.48]	\$14.38	[\$3.85]	\$4.24
Uncompacted	[9.80]	<u>9.36</u>	[1.23]	<u>1.17</u>	[1.68]	<u>2.04</u>	[0.25]	<u>.25</u>	[2.00]	<u>2.98</u>	[0.30]	<u>.37</u>	[13.48]	<u>14.38</u>	[1.78]	<u>1.79</u>

	Base Rate		Metro User Fee		Regional Transfer Charge		Total Rate	
	Per Trip	Per Trip	Per Trip	Per Trip	Per Trip	Per Trip	Per Trip	Per Trip
<u>PRIVATE</u>								
Cars ¹	[\$4.62]	\$4.20	[\$0.54]	\$0.44	[\$1.34]	\$1.36	[\$6.50]	\$6.00
Station Wagons ¹	[4.62]	<u>4.20</u>	[0.54]	<u>0.44</u>	[1.34]	<u>1.36</u>	[6.50]	<u>6.00</u>
Vans ²	[\$5.37]	\$5.25	[\$0.54]	\$0.55	[\$1.34]	\$1.70	[\$7.25]	\$7.50
Pickups ²	[5.37]	<u>5.25</u>	[0.54]	<u>0.55</u>	[1.34]	<u>1.70</u>	[7.25]	<u>7.50</u>
Trailers ²	[5.37]	<u>5.25</u>	[0.54]	<u>0.55</u>	[1.34]	<u>1.70</u>	[7.25]	<u>7.50</u>
Extra Yards	[2.30]	<u>2.10</u>	[0.27]	<u>0.22</u>	0.68		[3.25]	<u>3.00</u>

	Base Rate		Metro Fee		Regional Transfer Charge		Total Rate	
<u>TIRES³</u>								
Passenger (up to 10 ply)		\$0.25					\$0.25	
Passenger Tire (on rim)		1.00					1.00	
Tire Tubes		0.25					0.25	
Truck Tires		2.75					2.75	
(20" diameter to 48" diameter on greater than 10 ply)								
Small Solids		2.75					2.75	
Truck Tire (on rim)		7.75					7.75	
Dual		7.75					7.75	
Tractor		7.75					7.75	
Grader		7.75					7.75	
Duplex		7.75					7.75	
Large Solids		7.75					7.75	

¹Based on a minimum load of two cubic yards.

²Based on a minimum load of two and one-half cubic yards.

³Cost per tire is listed.

"(2) For compacted commercial solid waste, [~~\$0.52~~] ~~\$.88~~ per cubic yard delivered; [~~\$2.00~~] \$2.98 per ton delivered.

"(3) For all material delivered in private cars, station wagons, vans, single and two wheel trailers, trucks with rated capacities of less than one (1) ton, [~~\$0.68~~] \$.68 per cubic yard with a minimum charge of [~~\$1.34~~] \$1.36 per load when disposal rates are based on a two cubic yard minimum or \$1.70 per load when rates are based on a two and one-half cubic yard minimum."

"(c) Regional transfer charges shall not be collected on wastes disposed at limited use landfills by commercial disposers. The purpose of this exemption is to encourage the disposal of non-food wastes at limited use sites and thus prolong the capacity of general purpose landfills."

Section 6. Metro Code Section 5.02.065 is established to read as follows:

"5.02.065 Special Waste Surcharge and Special Waste Permit Application Fees:

"(a) There are hereby established a Special Waste Surcharge and a Special Waste Permit Application Fee which shall be collected on all special wastes disposed at the St. Johns Landfill and on all Special Waste Permit Applications. Said Surcharge and fee shall be in addition to any other charge or fee established by this chapter. The purpose of the surcharge and permit application fee is to require disposers of special waste to pay the cost of those services which are provided at the St. Johns Landfill and by the Metro Solid Waste Department to manage special wastes. The said surcharge and fee shall be applied to all special wastes as defined in Metro Code Section 5.02.015.

"(b) The amount of the Special Waste Surcharge collected at the St. Johns Landfill shall be \$3.65 per ton of special waste delivered.

"(c) The minimum charge collected through all fees for each special waste disposal trip shall be \$50.00.

"(d) The amount of the Special Waste Permit Application Fee shall be \$25.00. This fee shall be collected at the time Special Waste Permit Applications are received for processing."

"(e) Lab or testing costs which are incurred by Metro for evaluation of a particular waste may be charged to the disposer of that waste."

STAFF REPORT

Amended
~~Waste~~

Agenda Item No. 8.4

Meeting Date Nov. 26, 1985

CONSIDERATION OF ORDINANCE NO. 85-191 FOR ESTABLISH-
ING 1986 SOLID WASTE RATES
(Second Reading)

Date: November 14, 1985

Presented by: Rich McConaghy

FACTUAL BACKGROUND AND ANALYSIS

The purpose of this staff report is to summarize how issues identified by SWPAC at the First Reading of Ordinance No. 85-191 (September 12) have been resolved and to recommend changes to be made to the ordinance at its Second Reading.

RESOLUTION OF ISSUES

At the September 12, 1985, First Reading of the rate ordinance, the Solid Waste Policy Advisory Committee requested that the Council delay a Second Reading and adoption of the ordinance until certain concerns and policy issues could be resolved. SWPAC members have worked with the staff to address these issues and have provided their recommendation to the Council. The SWPAC recommendation is attached as is that of the Rate Review Committee. Though few modifications to the staff rate recommendation have been made as a result of the extended review, the delay was profitable in that key issues have been clarified. The following summarizes how each issue has been resolved.

Wastes from Outside of the Metro Planning Area

The staff recommended rates are based on the assumption that wastes which are generated outside of the Metro planning area will not be received in 1986. A commitment to action to exclude these wastes has been made and both SWPAC and the Rate Review Committee endorse this rate assumption.

Special Waste Fees Charged to Private Individuals

A concern was expressed that private individuals who wish to dispose of small amounts of asbestos or other special wastes from their own homes might not obtain the necessary special waste permit if they are required to pay the designated special waste fees (\$25 application fee, \$3.65 per ton surcharge, and \$50 per trip minimum charge). Amendment 1 would modify the Ordinance to exempt these disposers from special waste fees. Little revenue would be lost through this provision as less than 10 applications per year are expected to be received for these amounts and types of wastes.

Fund Balance

Both the Rate Review Committee and SWPAC agree that a set of policies need to be developed on how the Solid Waste Department treats its Fund Balance. Both groups have initial thoughts on appropriate methods of dealing with the fund balance which results when revenues exceed funding requirements and have agreed to participate in developing proposed policies to be presented to the Council prior to the FY 1986-87 budget. No modifications to the staff recommended 1986 rates are suggested as a result of the review of this issue. However, the following are suggestions for consideration in the disposition of the fund balance which were made by one or both of the groups.

- Some amount of the fund balance should be targeted for carrying over into the next year.
- The Fund Balance should be used to smooth rate increases over time (the staff recommendation allocates 20 percent or \$500,000 of the Fund Balance for this purpose in 1986).
- The Fund Balance could be used to prepay the St. Johns Reserve Fund requirement.

St. Johns Reserve and Final Improvements Funds

The draft of the St. Johns Closure Plan indicates that the amounts being collected through rates for these funds are appropriate and that significant rate changes will not be needed in the next few years to accumulate the required Closure and Post-Closure funds (the amounts being provided in these funds must, however, still be approved by DEQ and agreed to by the City of Portland). Both SWPAC and the Rate Review Committee have recommended that the annual contributions to these funds be based on the actual tons of waste received rather than upon projected waste volumes. This is a preferred practice which is also recommended by the recent audit report.

The Use of Rates to Reduce Volumes of Landfill Wastes

SB 662 requires that Metro consider the use of rates for reducing the volumes of wastes which are disposed in landfills. The staff recommended increase in User Fee rates provides additional stable support for waste reduction programs. This supplements existing rate structures which encourage recycling. It is expected that new programs or rate structure modifications which are adopted as a result of the current Waste Reduction Plan process will be incorporated in future rate adjustments.

Personnel Costs

The Rate Study personnel cost estimates were based on a 6.6 percent increase above the FY 1985-86 budget to account for expected cost of living adjustments, merit increases, and

scheduled catch-up pay increases during the first half of FY 1986-87. Although no change is recommended, the effect on the rates of estimating increased personnel costs by a lesser percentage is minor. For example, if 4 percent is used rather than 6.6 percent, cost estimates decrease by \$20,500 and total rates would be \$.03 per ton less than under the staff recommendation.

The Use of Rates for Diversion

Both the Rate Review Committee and SWPAC agree with the staff recommendation to remove the RTC for commercial disposers at limited use sites and to increase the convenience charge at CTRC in order to divert waste from the St. Johns Landfill and to lower volumes at CTRC.

Another method which will be used to divert wastes from St. Johns is to not collect the \$1.00 per ton required by SB 662 at non-Metro sites. DEQ has indicated that the \$1.00 per ton required by SB 662 is to be paid on all wastes generated in the region and not just on those disposed at St. Johns or CTRC (as was assumed in the Rate Study). Rather than increase rates at non-Metro facilities, staff recommends that Metro pay the approximately \$230,000 which DEQ will require on this waste in 1986.

A third method to divert waste from St. Johns is to encourage waste flows to other General Purpose landfills. Recent discussions with Yamhill County have involved the regional waste flows which are currently going to the Riverbend Landfill in McMinnville. The County may accept additional waste volumes but prefers that they be channeled through transfer stations (i.e., Forest Grove, Newberg or WTRC). To provide an economic incentive for this to occur the staff suggests removing the RTC from commercial wastes which are disposed at either of the two privately operated transfer stations contingent on the following events:

- Yamhill County agrees to accept additional wastes and to allow use of the Newberg facility.
- The Forest Grove Transfer Station which currently services just the facility's owner is made available to other Washington County haulers and becomes subject to rate regulation. This would require a request from the franchisee and a variance to the Metro Franchise Ordinance. The owner of this facility has previously expressed an interest in doing this.
- The removal of the RTC at these transfer stations would be for a limited time and could be reconsidered when WTRC becomes operational.

- User fees continue to be collected on waste disposed at the transfer stations. The RTC continues to be collected on waste which is hauled directly to Yamhill County without going through a transfer station.

In order to allow for timely action to provide this diversion incentive if the above events occur, staff recommends that the Director of the Solid Waste Department be given the authority to make agreements with non-Metro transfer stations for removal of the RTC. Amendment 2 to the Ordinance would make this change.

If the RTC is removed from these two facilities for all of 1986 as suggested, there would be a maximum revenue shortfall of \$120,000 under the current staff recommended rates. To appropriately adjust for this, the staff recommended commercial rates would need to increase by \$.21 per ton (\$.09/ton increase in base disposal rate plus \$.12/ton increase in the RTC). However, the staff recommends that rates not be adjusted at this time and that Metro cover any incurred cost of this action. As a result of this recommendation and the recommendation to cover the SB 662 \$1.00/ton for the region, the total fund balance subsidy of rates increases from \$500,000 to \$850,000.

ORDINANCE NO. 85-191

Ordinance No. 85-191 (attached) would adopt staff recommended rates and rate policies on January 1, 1986. The key changes to the existing rates would be as follows:

- Total commercial rates at the St. Johns Landfill would increase by \$.90 per ton while public rates would increase by \$.25 per trip.
- Total commercial rates at Clackamas Transfer & Recycling Center (CTRC) would increase by \$1.65 per ton while public rates would increase by \$.50 per trip.
- Total Metro fees collected at the McMinnville and Woodburn landfills would increase by \$.07 per non-compacted yard (no increase in user fee and a \$.07 increase in RTC) or \$.53 per compacted yard (\$.17 increase in user fee and a \$.36 increase in RTC) for commercial disposers.
- The Regional Transfer Charge would not be collected on commercial wastes disposed at limited use landfills (Killingsworth, Hillsboro, Grabhorn). Commercial Metro fees at these landfills would decrease by \$.30 per non-compacted yard (no change in user fee and removal of the \$.30 RTC) or \$.35 per compacted yard (\$.17 increase in user fee and removal of the \$.52 RTC). Fees for public disposers at these facilities would decrease by \$.08 per trip (\$.10 decrease in user fee and \$.02 increase in RTC).

- New special waste fees would be charged at the St. Johns Landfill.

Staff recommends that four changes be made to Ordinance No. 85-191 through the adoption of the following amendments.

Amendment 1

Amendment 1 exempts individuals from paying special waste fees when they obtain special waste permits to dispose of asbestos or other special wastes from their own households.

Add 5.02.065(f) to section 6. of the ordinance:

"(f) The fees listed in this section shall not be collected from any person who obtains a special waste permit to dispose of waste containing asbestos or other special waste which is removed from a dwelling or apartment building of three or fewer units owned or rented by that person and not disposed of by a commercial hauler or asbestos remover. The purpose of this exemption is to encourage such persons to separate Special Waste from the residential waste stream so that it is disposed of properly."

Amendment 2

Amendment 2 authorizes the Director of the Solid Waste Department to make agreements for removing the commercial RTC at privately operated transfer stations if certain conditions are met.

Add 5.02.050 (d) to Section 5 of the Ordinance:

"(d) The Solid Waste Director is hereby authorized to exempt those wastes which are disposed at transfer stations not operated by Metro from the collection of Regional Transfer Charges if the following conditions are met:

- i The RTC exemption benefits the entire waste management system and is needed to provide economic incentives for diverting wastes away from a Metro facility; and
- ii The RTC exemption is for a reasonable time not to exceed the completion of construction of the Washington Transfer & Recycling Center; and
- iii The RTC exemption will apply only to the quantity of waste which does not adversely affect the finances of the entire waste management system; and

- iv The transfer station agrees to accept the entire quantity of waste from the region that it can legally and operationally accept; and
- v The transfer station continues to collect other Metro fees as required; and
- vi The RTC exemption is granted to a transfer station through a written agreement.

Amendment 3

Amendment 3 separates the new fees required by SB 662 from the Metro base disposal rate by establishing a Rehabilitation and Enhancement fee and a State Landfill Siting Fee. The amendment also adjusts the base disposal rates given in the Ordinance to account for this.

Metro Code, Section 5.02.041, is established to read as follows:

"5.02.041 Rehabilitation and Enhancement Fees:

The following rehabilitation and enhancement fees are established and shall be collected on all wastes disposed at the St. Johns Sanitary Landfill and the Clackamas Transfer & Recycling Center. Money collected from these fees shall be provided for rehabilitation and enhancement of the area in and around the St. Johns Sanitary Landfill.

- a) For noncompacted commercial solid waste \$.50 per ton delivered, or \$.06 per cubic yard delivered.
- b) For compacted commercial solid waste, \$.50 per ton delivered, or \$.15 per cubic yard delivered.
- c) For private solid waste, \$.06 per cubic yard delivered."

Metro Code, Section 5.02.046, is established to read as follows:

"5.02.046 State Landfill Siting Fees:

The following state landfill siting fees are established and shall be collected on all wastes disposed at the St. Johns Sanitary Landfill and the Clackamas Transfer & Recycling Center. Money collected from these fees shall be paid to the Department of Environmental Quality as directed by Oregon Laws 1985, chapter 679.

- a) For noncompacted commercial solid waste \$1.00 per ton delivered, or \$.12 per cubic yard delivered.

- b) For compacted commercial solid waste, \$1.00 per ton delivered, or \$.30 per cubic yard delivered.
- c) For private solid waste, \$.12 per cubic yard delivered."

Sections 2 and 3 of the Ordinance are modified as follows:

- The new Rehabilitation and Enhancement fees and the State Landfill Siting Fees are added to the rate tables provided in Sections 2 and 3 of the Ordinance.
- The commercial base disposal rates given as [\$9.36] per ton in Sections 2 and 3 of the Ordinance are changed to \$7.86 per ton.
- The private base disposal rates given as [\$2.10] per cubic yard in Sections 2 and 3 of the Ordinance are changed to \$1.92 per yard.
- The rate tables provided in Sections 2 and 3 of the Ordinance are modified to reflect the indicated changes.

Amendment 4

Amendment 4 declares an emergency so that rate changes may be effective January 1, 1985.

Replace Section 7 of the ordinance to read:

"The Council finds that, in order to recoup sufficient revenue to operate disposal facilities and programs for 1986 it is necessary that the rates established herein be effective by January of 1986. Therefore an emergency is hereby declared to exist pursuant to ORS 268.515(7), and the rates, fees and charges established by this ordinance shall be effective on and after January 1, 1986."

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 85-191 along with the amendments as presented in the staff report.

RM/gl
4572C/435-5
11/19/85

Metro Council
September 12, 1985
Page 2

5. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

6. ORDINANCES

- 6.1 Consideration of Ordinance No. 85-191, Relating to Solid Waste Disposal Charges and User Fees; Amending Metro Code Sections 5.02.015, 5.02.020, 5.02.025, 5.02.045 and 5.02.050; and Establishing Metro Code Section 5.02.065 for Collection of a Special Waste Surcharge and Permit Application Fee (Second FIRST Reading and Public Hearing)

The Clerk read the Ordinance by title only.

Rich McConaghy reported the proposed Ordinance implemented staff's recommendations as explained in the staff report. The Ordinance, he said, was reviewed by the Solid Waste Policy Advisory Committee (SWPAC). SWPAC recommended the second reading of the Ordinance be delayed in order to obtain additional information about proposed rate changes. Staff had originally planned a second reading for September 26, he explained, which would have allowed for the obligatory 65 days notice before the Ordinance became effective on January 1, 1986. If the second reading were delayed to October or November, it would have to be adopted under emergency provisions to allow for a shorter notification period. He recommended the second reading occur late in November to allow ample time for comment.

Mr. McConaghy then reviewed a memo from the Rate Review Committee (RRC) to the Executive Officer, dated September 11, 1985, which outlined the RRC's recommendations on the 1986 Rate Study as follows: 1) The rate study be accepted as reasonably complete and accurate; 2) rate calculations be made on the basis of those waste quantities which were expected to be produced from within the Metro region; 3) it was appropriate to use rates as a waste diversion strategy; 4) special waste fees be established so that disposers of these wastes pay the allocated costs; 5) prudent amount of the fund balance be allocated toward smoothing rate increases over time and staff's recommendation to expend \$500,000 to reduce rate increases in 1986 was reasonable; and 6) prefinancing of significant future capital improvements through the accumulation of funds should not be planned for in the establishment of rates. The RRC also suggested staff provide a comparison of past projections with actual recent expenditures for disposal and transfer operations and for user fee programs. Finally, the RRC reported that although the allocation of user fees appeared appropriate, no close review had been made of user fee program costs. This review was usually conducted during the budget process.

Shirley Coffin presented the Solid Waste Policy Advisory Committee's (SWPAC) recommendations regarding proposed rate changes. Although SWPAC made no formal recommendation at their September 9 meeting, the Committee agreed they recommend the Council delay adopting the rate changes until several policy issues could be resolved, possibly with the assistance of a SWPAC subcommittee. These concerns included: 1) before establishing rates on the assumption that waste generated from outside the region would not be received, an analysis of the potential and commitment for taking action to exclude these wastes be made; 2) fee exemptions be allowed for small quantities of special wastes generated within households; 3) a policy be established regarding the appropriate amount and disposition of the Fund Balance; 4) an analysis be conducted to determine whether funds set aside for St. Johns Landfill final improvements and post-closure were adequate and the analysis be conducted in conjunction with development of the landfill closure plan; 5) the rate structure include provisions for reducing the amount of waste landfilled; and 6) the 6.6 percent inflation assumption be reconsidered.

Mr. McConaghy referred Councilors to a letter from City of Portland Commissioner Dick Bogle. Commissioner Bogle concurred with staff's recommendation but requested the Council postpone further consideration of Ordinance No. 85-191 until policy issues affecting the management of St. Johns Landfill could be addressed. Commissioner Bogle offered the City's assistance in this effort.

After some discussion regarding SWPAC's concerns, the Council concurred that time was needed to address the above issues and that a second reading of the proposed Ordinance should occur sometime in November, 1985.

Motion: Councilor Kirkpatrick moved to adopt Ordinance No. 85-191 and to instruct staff to prepare an amendment to the Ordinance to include a declaration of emergency conditions. Councilor Kelley seconded the motion.

Deputy Presiding Officer Waker opened the public hearing on the Ordinance. There being no public testimony, the public hearing was closed. The Deputy Presiding Officer announced a second reading of the Ordinance would occur sometime in November.

At 6:35 p.m., Deputy Presiding Officer Waker called a recess. The Council reconvened at 7:05 p.m.

Metro Council
November 26, 1985
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Abstain: Councilor Waker

Absent: Councilor Kafoury

The motion carried.

8.4 Consideration of Ordinance No. 85-191, Relating to Solid Waste Disposal Charges and User Fees; Amending Metro Code Sections 5.02.015, 5.02.020, 5.02.045 and 5.02.050; Establishing Metro Code Section 5.02.065 for Collection of a Special Waste Surcharge and Permit Application Fee; and Declaring an Emergency (Second Reading)

The Clerk read the ordinance a second time by title only.

Motion: The motion to adopt the Ordinance was made by Councilors Kirkpatrick and Kelley at the meeting of September 12, 1985.

Rich McConaghy presented the information as outlined in the staff report including staff's proposed amendments to the Ordinance which were designed to address concerns heard at the September 12 hearing. The proposed amendments included:

Amendment 1: Exempted individuals from paying special waste fees when they obtain special waste permits to dispose of asbestos or other special wastes from their own households.

Amendment 2: Authorized the Director of the Solid Waste Department to make agreements for removing the commercial regional transfer charge (RTC) at privately operated transfer stations if certain conditions were met.

Amendment 3: Separated the new fees required by Senate Bill 662 from the Metro base disposal rate by establishing a Rehabilitation and Enhancement fee and a State Landfill Siting Fee. The amendment also adjusted the base disposal rates given in the Ordinance to account for this.

Amendment 4: Declared an emergency so that rate changes may be effective January 1, 1986.

Motion to amend: Councilor Kirkpatrick moved the four amendments, as proposed by staff, be adopted. Councilor Waker seconded the motion.

Vote on the motion to amend: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Kirkpatrick,
Kelley, Myers, Van Bergen, Waker and Bonner

Absent: Councilors Hansen, Kafoury and Oleson

The motion carried and the proposed Ordinance was amended.

Vote on the main motion as amended: A vote resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Kirkpatrick,
Kelley, Myers, Van Bergen, Waker and Bonner

Absent: Councilors Hansen, Kafoury and Oleson

The motion carried and the Ordinance was adopted as amended.

Doug Drennen announced staff planned to mail notices about the changes brought about by passage of this Ordinance to all effected parties immediately.

9. RESOLUTIONS

9.1 Consideration of Resolution No. 85-606, for the Purpose of Submitting the Regional Waste Treatment Management Plan for Recertification

Neal McFarlane announced staff would be preparing major amendments to the Plan in the next few months. The proposed action now before the Council was a required annual process.

Motion: Councilor Kirkpatrick moved, seconded by Councilor Van Bergen, to adopt Resolution No. 85-606.

Sherry Patterson, 18926 S.W. Earlwood Avenue, Lake Oswego, testified she resided in an unincorporated area included in the unified sewage agency area. She stated she had requested a notice of the October 25 meeting and received none and therefore, could not testify at that meeting. Ms. Patterson also testified she secured a verbatim tape of that meeting which contained numerous erroneous statements. She wanted the record to show the city of Lake Oswego had attempted to expand its urban service boundary - a two-step text and map amendment process. Ms. Petterson appealed the map amendment to the Land Use Board of Appeals (LUBA) and as a result, the City tabled the map amendment. She testified Lake Oswego sent public notice that a hearing was to be held by the Water Resources Committee Board last year at which time they amended the original Plan 208. They received notice of the Metro public hearing, but did not participate. Ms. Patterson requested if changes were going to be



Memo

METROPOLITAN SERVICE DISTRICT 527 S.W. HALL ST., PORTLAND, OREGON 97201-5287 503 221-1646
Providing Zoo, Transportation, Solid Waste and other Regional Services

Date: November 8, 1985

To: Rick Gustafson, Executive Officer

From: Rate Review Committee

Regarding: 1986 Rate Adoption

At the November 7, 1986 meeting, the Rate Review Committee discussed the issues for which a delay in the rate adoption process had been requested. The Committee affirmed its September 11th recommendations on the rate study and agreed to submit the following additional comments:

1. The Committee has reviewed the SWPAC recommendations and agrees that it is appropriate to exempt personal quantities of asbestos or special waste from special waste fees.
2. As suggested by SWPAC, it is appropriate for contributions to the St. Johns Reserve Fund to be proportionate to actual waste flows.
3. The Committee agrees that the development of policies for managing the fund balance deserves its own consideration and would like to involve itself in this process. Though the Committee believes that a primary use of the fund balance should be the smoothing of rate increases over time, it recognizes the need to consider the range of possible options before committing the fund balance to any one use.
4. The Rate Review Committee agrees with SWPAC that it would be useful to present recent historical information of budget projections and actual waste flows, revenues, and expenses in future rate studies. The nature of the supplementary information which was developed by Staff, provides a valuable component for rate analysis and is appreciated.

b1

September 11, 1985

To: Rick Gustafson, Executive Officer

From: Rate Review Committee

Re: Recommendations on 1986 Metro Solid Waste Rate Study

The Solid Waste Rate Review Committee met on September 3, 1985 to review and consider the 1986 Metro Solid Waste Rate Study. Committee members present at the meeting were: George Hubel (chairman), Doug Plambeck, David Chen, and Ed Gronke. During the meeting, a consensus of the committee was reached on the following recommendations and comments:

Recommendation 1 - The rate study should be accepted as reasonably complete and accurate.

- The document fairly represents an appropriate methodology for deriving rates.
- The format and approach of the study are deemed to be reasonable.
- The numbers, calculations, and allocations appear accurate.
- The information contained in the study appears to be relevant.

Recommendation 2 - Rate calculations should be made on the basis of only those waste quantities which are expected to be produced from within the Metro region.

Recommendation 3 - It is appropriate to use rates as a waste diversion strategy.

* Convenience charge - Increasing the CTCRC convenience charge 33% as recommended by staff is reasonable.

- Although there is no good methodology to calculate how much the convenience charge should be increased, it could be calculated to cover the increased cost of managing greater than anticipated waste quantities at CTCRC.

* RTC - Removal of the commercial RTC at limited use landfills seems a reasonable approach for effecting diversion for the purpose of preserving St. Johns.

Recommendation 4 - The committee strongly supports special waste fees to be established so that disposers of these wastes pay the allocated costs.

Recommendation 5 - A prudent amount of the fund balance should be

allocated towards smoothing rate increases over time. The staff recommended utilization of \$500,000 to reduce rate increases in 1986 is reasonable.

- A consistent policy on treatment of the fund balance in the ratesetting process should be developed. It would be appropriate for the Council to await the results of the current financial consultants' report before committing to a particular policy.
- If the amount of the present fund balance is to be reduced to a lower level it should be undertaken gradually.
- Fund balance reserves should not be used for future development purposes.

Recommendation 6 - Prefinancing of significant future capital improvements through the accumulation of funds should not be planned for in the establishment of rates.


- As WTRC operation is just around the corner, it is acceptable to fund its design and construction costs through the RTC. The fact that an increase in the RTC in 1986 to accomplish this would allow for a "ramping up" to expected higher rates in 1987 makes the recommended RTC adjustment desirable.

Other Comments -

- Although the costs projected in the rate study appear to be based on reasonable cost information or budget estimates, it would be useful in the rate study process to provide a comparison of past projections with actual recent expenditures in each of the three cost centers (disposal operations, transfer operations, and user fee programs).
- Although the allocation of the indicated user fee program costs appear appropriate, the committee has not made a close review of the user fee program costs as these are generally reviewed in the budgeting process.

In view of the foregoing recommendations, the Rate Review Committee offers its endorsement and supports the analysis of the 1986 Metro Solid Waste Rate Study.

Respectfully submitted:



George Hubel, Chairman

CONSIDERATION OF ORDINANCE NO. 85-191 FOR ESTABLISH-
ING 1986 SOLID WASTE RATES
(Second Reading)

Date: November 14, 1985

Presented by: Rich McConaghy

FACTUAL BACKGROUND AND ANALYSIS

The purpose of this staff report is to summarize how issues identified by SWPAC at the First Reading of Ordinance No. 85-191 (September 12) have been resolved and to recommend changes to be made to the ordinance at its Second Reading.

RESOLUTION OF ISSUES

At the September 12, 1985, First Reading of the rate ordinance, the Solid Waste Policy Advisory Committee requested that the Council delay a Second Reading and adoption of the ordinance until certain concerns and policy issues could be resolved. SWPAC members have worked with the staff to address these issues and have provided their recommendation to the Council. The SWPAC recommendation is attached as is that of the Rate Review Committee. Though few modifications to the staff rate recommendation have been made as a result of the extended review, the delay was profitable in that key issues have been clarified. The following summarizes how each issue has been resolved.

Wastes from Outside of the Metro Planning Area

The staff recommended rates are based on the assumption that wastes which are generated outside of the Metro planning area will not be received in 1986. A commitment to action to exclude these wastes has been made and both SWPAC and the Rate Review Committee endorse this rate assumption.

Special Waste Fees Charged to Private Individuals

A concern was expressed that private individuals who wish to dispose of small amounts of asbestos or other special wastes from their own homes might not obtain the necessary special waste permit if they are required to pay the designated special waste fees (\$25 application fee, \$3.65 per ton surcharge, and \$50 per trip minimum charge). Amendment 1 would modify the Ordinance to exempt these disposers from special waste fees. Little revenue would be lost through this provision as less than 10 applications per year are expected to be received for these amounts and types of wastes.

Fund Balance

Both the Rate Review Committee and SWPAC agree that a set of policies need to be developed on how the Solid Waste Department treats its Fund Balance. Both groups have initial thoughts on appropriate methods of dealing with the fund balance which results when revenues exceed funding requirements and have agreed to participate in developing proposed policies to be presented to the Council prior to the FY 1986-87 budget. No modifications to the staff recommended 1986 rates are suggested as a result of the review of this issue. However, the following are suggestions for consideration in the disposition of the fund balance which were made by one or both of the groups.

- Some amount of the fund balance should be targeted for carrying over into the next year.
- The Fund Balance should be used to smooth rate increases over time (the staff recommendation allocates 20 percent or \$500,000 of the Fund Balance for this purpose in 1986).
- The Fund Balance could be used to prepay the St. Johns Reserve Fund requirement.

St. Johns Reserve and Final Improvements Funds

The draft of the St. Johns Closure Plan indicates that the amounts being collected through rates for these funds are appropriate and that significant rate changes will not be needed in the next few years to accumulate the required Closure and Post-Closure funds (the amounts being provided in these funds must, however, still be approved by DEQ and agreed to by the City of Portland). Both SWPAC and the Rate Review Committee have recommended that the annual contributions to these funds be based on the actual tons of waste received rather than upon projected waste volumes. This is a preferred practice which is also recommended by the recent audit report.

The Use of Rates to Reduce Volumes of Landfill Wastes

SB 662 requires that Metro consider the use of rates for reducing the volumes of wastes which are disposed in landfills. The staff recommended increase in User Fee rates provides additional stable support for waste reduction programs. This supplements existing rate structures which encourage recycling. It is expected that new programs or rate structure modifications which are adopted as a result of the current Waste Reduction Plan process will be incorporated in future rate adjustments.

Personnel Costs

The Rate Study personnel cost estimates were based on a 6.6 percent increase above the FY 1985-86 budget to account for expected cost of living adjustments, merit increases, and

scheduled catch-up pay increases during the first half of FY 1986-87. Although no change is recommended, the effect on the rates of estimating increased personnel costs by a lesser percentage is minor. For example, if 4 percent is used rather than 6.6 percent, cost estimates decrease by \$20,500 and total rates would be \$.03 per ton less than under the staff recommendation.

The Use of Rates for Diversion

Both the Rate Review Committee and SWPAC agree with the staff recommendation to remove the RTC for commercial disposers at limited use sites and to increase the convenience charge at CTRC in order to divert waste from the St. Johns Landfill and to lower volumes at CTRC.

Another method which will be used to divert wastes from St. Johns is to not collect the \$1.00 per ton required by SB 662 at non-Metro sites. DEQ has indicated that the \$1.00 per ton required by SB 662 is to be paid on all wastes generated in the region and not just on those disposed at St. Johns or CTRC (as was assumed in the Rate Study). Rather than increase rates at non-Metro facilities, staff recommends that Metro pay the approximately \$230,000 which DEQ will require on this waste in 1986.

A third method to divert waste from St. Johns is to encourage waste flows to other General Purpose landfills. Recent discussions with Yamhill County have involved the regional waste flows which are currently going to the Riverbend Landfill in McMinnville. The County may accept additional waste volumes but prefers that they be channeled through transfer stations (i.e., Forest Grove, Newberg or WTRC). To provide an economic incentive for this to occur the staff suggests removing the RTC from commercial wastes which are disposed at either of the two privately operated transfer stations contingent on the following events:

- Yamhill County agrees to accept additional wastes and to allow use of the Newberg facility.
- The Forest Grove Transfer Station which currently services just the facility's owner is made available to other Washington County haulers and becomes subject to rate regulation. This would require a request from the franchisee and a variance to the Metro Franchise Ordinance. The owner of this facility has previously expressed an interest in doing this.
- The removal of the RTC at these transfer stations would be for a limited time and could be reconsidered when WTRC becomes operational.

- User fees continue to be collected on waste disposed at the transfer stations. The RTC continues to be collected on waste which is hauled directly to Yamhill County without going through a transfer station.

In order to allow for timely action to provide this diversion incentive if the above events occur, staff recommends that the Director of the Solid Waste Department be given the authority to make agreements with non-Metro transfer stations for removal of the RTC. Amendment 2 to the Ordinance would make this change.

If the RTC is removed from these two facilities for all of 1986 as suggested, there would be a maximum revenue shortfall of \$120,000 under the current staff recommended rates. To appropriately adjust for this, the staff recommended commercial rates would need to increase by \$.21 per ton (\$.09/ton increase in base disposal rate plus \$.12/ton increase in the RTC). However, the staff recommends that rates not be adjusted at this time and that Metro cover any incurred cost of this action. As a result of this recommendation and the recommendation to cover the SB 662 \$1.00/ton for the region, the total fund balance subsidy of rates increases from \$500,000 to \$850,000.

ORDINANCE NO. 85-191

Ordinance No. 85-191 (attached) would adopt staff recommended rates and rate policies on January 1, 1986. The key changes to the existing rates would be as follows:

- Total commercial rates at the St. Johns Landfill would increase by \$.90 per ton while public rates would increase by \$.25 per trip.
- Total commercial rates at Clackamas Transfer & Recycling Center (CTRC) would increase by \$1.65 per ton while public rates would increase by \$.50 per trip.
- Total Metro fees collected at the McMinnville and Woodburn landfills would increase by \$.07 per non-compacted yard (no increase in user fee and a \$.07 increase in RTC) or \$.53 per compacted yard (\$.17 increase in user fee and a \$.36 increase in RTC) for commercial disposers.
- The Regional Transfer Charge would not be collected on commercial wastes disposed at limited use landfills (Killingsworth, Hillsboro, Grabhorn). Commercial Metro fees at these landfills would decrease by \$.30 per non-compacted yard (no change in user fee and removal of the \$.30 RTC) or \$.35 per compacted yard (\$.17 increase in user fee and removal of the \$.52 RTC). Fees for public disposers at these facilities would decrease by \$.08 per trip (\$.10 decrease in user fee and \$.02 increase in RTC).



METROPOLITAN SERVICE DISTRICT
Providing Zoo, Solid Waste and Local Government Services

527 S.W. Hall St.
Portland, Oregon
97201-5287
(503) 221-1646

December 10, 1985

Rick Gustafson
Executive Officer

Metro Council
Ernie Bonner
Presiding Officer
District 8

Richard Waker
Deputy Presiding
Officer
District 2

Bob Oleson
District 1

Jim Gardner
District 3

Corky Kirkpatrick
District 4

Tom DeJardin
District 5

George Van Bergen
District 6

Sharron Kelley
District 7

Hardy Myers
District 9

Larry Cooper
District 10

Marge Kafoury
District 11

Gary Hansen
District 12

Ms. Jane McGarvin, Clerk of the Board
Multnomah County Courthouse
1021 S.W. Fourth Avenue
Portland, Oregon 97204

Dear Jane:

Enclosed are true copies of the following ordinances adopted by the Council of the Metropolitan Service District:

Ordinance No. 85-191, An Ordinance Relating to Solid Waste Disposal Charges, Regional Transfer Charges and User Fees: Amending Code Sections 5.02.015, 5.02.020, 5.02.025, 2.02.045 and 5.02.050; and Establishing Metro Code Section 5.02.065 for Collection of a Special Waste Surcharge and Permit Application Fee (Adopted November 26, 1985)

Ordinance No. 85-192, for the Purpose of Adopting Additional Findings in Support of the Urban Growth Boundary and Amending the Findings Adopted in Ordinance No. 79-77 (Adopted November 26, 1985)

Please file these ordinances in the Metro ordinance files maintained by your county.

Sincerely,

A. Marie Nelson
Clerk of the Council

amn

Enclosures



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Ms. Juanita Orr, County Clerk
Clackamas County Courthouse
8th & Main
Oregon City, Oregon 97045

Dear Ms. Orr:

Enclosed are true copies of the following ordinances adopted by the Council of the Metropolitan Service District:

Ordinance No. 85-191, An Ordinance Relating to Solid Waste Disposal Charges, Regional Transfer Charges and User Fees: Amending Code Sections 5.02.015, 5.02.020, 5.02.025, 2.02.045 and 5.02.050; and Establishing Metro Code Section 5.02.065 for Collection of a Special Waste Surcharge and Permit Application Fee (Adopted November 26, 1985)

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Sincerely,

A. Marie Nelson
Clerk of the Council

amn

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Gary Hansen
District 12

December 10, 1985

Mr. Don Stilwell, Administrator
Washington County
150 N. First Avenue
Hillsboro, Oregon 97123

Dear Mr. Stilwell:

Enclosed are true copies of the following ordinances adopted by the Council of the Metropolitan Service District:

Ordinance No. 85-191, An Ordinance Relating to Solid Waste Disposal Charges, Regional Transfer Charges and User Fees: Amending Code Sections 5.02.015, 5.02.020, 5.02.025, 2.02.045 and 5.02.050; and Establishing Metro Code Section 5.02.065 for Collection of a Special Waste Surcharge and Permit Application Fee (Adopted November 26, 1985)

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Sincerely,

A. Marie Nelson
Clerk of the Council

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