

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING)	ORDINANCE NO.89-315
ORDINANCE NO. 88-266B ADOPTING)	
THE REGIONAL SOLID WASTE MANAGEMENT)	Introduced by
PLAN TO INCORPORATE THE WASTE)	Councilor Hansen
REDUCTION CHAPTER)	

WHEREAS, Metropolitan Service District Ordinance No. 88-266B adopted the Regional Solid Waste Management Plan as a functional plan; and

WHEREAS, The Solid Waste Management Plan incorporated Metro's 1986 Waste Reduction Program with 1989 Amendments as the Waste Reduction Chapter; and

WHEREAS, There is a need 1) to consolidate existing waste reduction documents, 2) to revise the amended 1986 Waste Reduction Program to respond to changing conditions over the past three years, and 3) to incorporate provisions from the Environmental Quality Commission's Unilateral Order; now therefore,


THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY
ORDAINS:

1. That the Regional Solid Waste Management Plan is amended as shown in Exhibit A to this ordinance.
2. That Ordinance No. 86-199, Ordinance No. 89-290 and Ordinance No. 89-297 adopting the 1986 Waste Reduction Program and amending that Program are hereby rescinded.

3. That the Waste Reduction Chapter as amended by Exhibit A shall supersede and take precedence over any prior ordinances and resolutions previously adopted that are inconsistent with its provisions.

ADOPTED by the Council of the Metropolitan Service District

9th day of November, 1989.



Mike Ragsdale, Presiding Officer

ATTEST:



Clerk of the Council

D. Program Implementation

Metro and local governments shall [will] implement waste reduction activities by means of Annual Work Programs. These programs shall [will] be derived from the Five Year Work Program adopted in the Waste Reduction Chapter of the Regional Solid Waste Management Plan. The Annual Work Programs shall [will] establish specific tasks, time frames, staffing and budgets for waste reduction activities during a given fiscal year. They shall [will] also 1) identify minimum standards that Metro and local governments must meet to achieve program objectives, and 2) identify a reporting procedure for local governments.

In order to meet minimum standards, local governments shall [will] be required to implement the specific waste reduction activities included in their Annual Work Programs. The specific procedures that haulers will use to report to local governments and that local governments will use to report to Metro shall [will] be established during the development of the local work programs. These shall [will] be standardized and shall [will] consolidate existing reporting procedures in order to receive comparable data from throughout the region.

Metro's Annual Work Program shall [will] be its fiscal year budget for waste reduction. Metro shall [will] work with local governments to develop their Annual Work Programs by preparing

"model programs" that identify minimum requirements for cities and counties.

Local governments may adopt this model or prepare their own program. However, all programs shall [will] be reviewed to be sure they are consistent with the Solid Waste Management Plan.

The annual model work program to be completed by Metro shall be available to local governments by December 1st of each year. Local governments shall have their corresponding annual waste reduction programs adopted by July 1 of each year. The planning cycle for local governments shall begin on July 1, 1990. This is the date upon which their first annual work programs shall be adopted.

Each year Metro and local governments shall [will] officially adopt their work programs. Local governments (cities and counties) will not be required to implement new programs that are not included in the Five Year Work Program unless these have been approved through an official amendment process. This process includes the participation of the planning committees and is described in Chapter 17 of the Solid Waste Management Plan. However, Metro may adopt additional programs for Metro to carry out without review by the planning committees.

Adoption of the annual waste reduction work program is a program requirement for cities and counties as stated under the System

Measurement Program. The failure of a city or county to adopt their annual work program shall be considered failure to have satisfied this waste reduction program standard. Metro shall carry out enforcement provisions as identified in Section F of this chapter on local governments if annual work programs are not adopted and carried out. Metro shall allow a maximum of six (6) months after the local government program is adopted to negotiate any inadequacies of the adopted program prior to using enforcement to carry out the regional waste reduction programs.

A primary consideration that relates to successful implementation of the region's waste reduction program is the issue of adequate funding for local government programs. As explained in the Five Year Work Program, financing for some local government activities will have to be identified prior to requiring local government compliance. The analysis of financing options will be addressed as part of the solid waste system financing chapter of the Solid Waste Management Plan.

E. Evaluation

The effectiveness of Metro's and local governments' waste reduction activities shall [will] be evaluated annually. A Waste Reduction Evaluation Report shall [will] be compiled which includes 1) the status of Metro's programs, 2) the status of local government programs, 3) the impact of program implementation on the regional

waste reduction goal, the recycling rate and participation rates, and 4) recommendations for program adjustments or enforcement options.

In order to develop this report, Metro and the Waste Reduction Subcommittee for the solid waste planning project shall [will] 1) review local government reports to Metro, 2) review the status of Metro and local government implementation efforts, 3) conduct waste composition studies, and 4) perform annual recycling surveys. The subcommittee shall [will] evaluate programs to determine their impact on the region's overall waste reduction rate, recycling goal and participation rates. If Metro and local governments have fulfilled program requirements but the waste reduction goal has not been met, the region will analyze other factors such as funding or market availability. Depending on the results of this annual evaluation, adjustments to Annual Work Programs shall [will] be made as appropriate.

In addition to this annual evaluation, every five years the region shall [will] perform a comprehensive system measurement analysis. This analysis shall [will] be based on the 1988 System Measurement Study and the evaluation of Annual Work Programs. The results shall [will] be used to update the Five Year Work Program, the five year and 20 year waste reduction goals, and other parts of the Waste Reduction Chapter as necessary. Chapter and program revisions shall [will] also reflect current population and employment

projections for the region.

F. Enforcement

If it is determined that local governments are not voluntarily complying with the program requirements established in their Annual Work Programs, Metro has several enforcement tools it may employ to ensure that programs are implemented. At a minimum, these include functional planning authority, rate setting and flow control.

Functional planning authority is derived from ORS 268.390 which states that Metro can request or require local comprehensive plans to conform to the region's functional plans for areas and activities having a significant impact on the orderly and responsible development of the metropolitan area. Metro Ordinance No. 87-740 designates solid waste as an activity appropriate for functional planning, and the Solid Waste Management Plan was adopted by the Metro Council as such a plan (Ordinance No. 88-266B). Therefore, if voluntary compliance from local governments cannot be achieved, Metro may require them to incorporate necessary waste reduction activities into their local plans and to implement those activities.

Metro's enabling legislation also allows it to establish disposal rates at the solid waste disposal facilities it owns or franchises,

and to impose flow control on commercial haulers and the public to direct waste to certain facilities. Metro is currently investigating how these authorities could be utilized to ensure that waste reduction goals are achieved. A more detailed description of how these enforcement tools could be applied will be developed with the Solid Waste Policy Committee by July, 1990.

G. Timing and Sequence

Figure 3 depicts the sequencing for adoption of Metro's and local governments' Annual Work Programs. In addition it shows the relationship between these documents and the Evaluation and Enforcement phases for the region's waste reduction program.

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 89-315 FOR THE PURPOSE OF AMENDING THE REGIONAL SOLID WASTE MANAGEMENT PLAN TO INCORPORATE THE WASTE REDUCTION CHAPTER

DATE: September 13, 1989

Presented by: Richard Carson
Becky Crockett

PROPOSED ACTION

Ordinance No. 89-315 amends the Regional Solid Waste Management Plan to incorporate the revised Waste Reduction Chapter. It also rescinds prior ordinances adopting the 1986 Waste Reduction Program and the 1989 amendments to that Program. The revised chapter consolidates prior waste reduction work and includes additional elements which are summarized below.

FACTUAL BACKGROUND AND ANALYSIS

The Waste Reduction Chapter of the Regional Solid Waste Management Plan consolidates Metro's 1986 Waste Reduction Program with 1989 amendments and the System Measurement Study. This study, completed in July 1988, recommended five programs that would be the most technically and economically feasible to implement in the Metro region. The Council has already reviewed the System Measurement Study and has adopted the 1989 amendments to the 1986 Waste Reduction Program.

In addition to this consolidation of existing work, the Waste Reduction Chapter responds to the provisions of the Local Collection Service Coordination Program in DEQ's Unilateral Order. Specifically the chapter accomplishes the following:

- o Establishes a 20-year (through the year 2010) waste reduction goal of 56 percent for the region, which includes recycling and alternative technology.
- o Establishes a Five-Year Work Program for Metro and local governments which includes the specific activities that must be accomplished to achieve waste reduction goals.
- o Establishes a cooperative process for implementing the Five-Year Program where Metro and local governments adopt Annual Work Programs for the waste reduction activities they will undertake in a given year.

Metro's Annual Work Program will be its FY 89-90 Waste Reduction budget. Staff will assist local governments in developing their work programs.

- o Determines a process for monitoring performance and evaluating program effectiveness. This will include a standardized reporting procedure for all local governments.
- o Determines a system for updating the program requirements on an annual basis and for conducting a comprehensive system analysis every five years.

Two elements of the waste reduction work have yet to be completed. Metro and the solid waste planning committees continue to address the issues of financing of waste reduction activities and enforcement by Metro if the voluntary, cooperative approach to implementation is not successful.

Identification of financing mechanisms is critical to the success of local government waste reduction program implementation in the region. Therefore, the Metro Council intends to adopt financing options for carrying out these programs by March, 1990 or earlier. It is expected that this will allow Metro and local governments adequate time to incorporate any necessary budget adjustments into their perspective FY 90/91 budgets. This will allow for local government program implementation to effectively begin in July, 1990. The Planning and Development Department will work with the Planning Committees to address this issues. Staff will update the Council Solid Waste Committee on the progress of this project in January, 1990.

The Five Year Work Program states that financing for some local government activities will have to be identified prior to requiring local government compliance. An analysis of funding options and other financing issues will be undertaken as part of the Financing Chapter of the Regional Solid Waste Management Plan.

Staff and the planning committees will continue to analyze how specific enforcement measures such as functional planning authority, flow control and rates can be used to ensure that programs are implemented and maximum feasible waste reduction achieved. The enforcement section of the chapter will be completed by July 1, 1990.

Decision Process

The Technical and Policy Committees for the Regional Solid Waste Management Plan project have reviewed and approved the draft Waste Reduction Chapter, including the specific program requirements for local governments and the implementation process. The draft chapter incorporates the amendments requested by those committees.

Attached to this staff report is a summary of the Five-Year Work Program for Metro and local governments and a flow diagram depicting the implementation and evaluation process. Copies of the complete Waste Reduction Chapter (Exhibit A of the ordinance) can be obtained from the Clerk of the Council.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Ordinance No. 89-315.

SOLID WASTE COMMITTEE REPORT

ORDINANCE NO. 89-315, FOR THE PURPOSE OF AMENDING THE REGIONAL
SOLID WASTE MANAGEMENT PLAN TO INCORPORATE THE WASTE REDUCTION
CHAPTER

Date: November 1, 1989

Presented by: Councilor Gary
Hansen

Committee Recommendation: The Solid Waste Committee voted 4 to 0 to recommend Council adoption of Ordinance No. 89-315. Voting: Councilors Hansen, Buchanan, DeJardin and Wyers. Absent: Ragsdale. This action taken October 31, 1989.

Committee Discussion/Issues: The Solid Waste Committee held a public hearing on October 17, 1989. Two individuals testified. Peter Spendalov, DEQ, stated that the proposed ordinance will satisfy all of the elements of the EQC Order. He suggested that Metro identify funding mechanisms for various programs.

T. R. Factor indicated that she liked the proposed waste reduction plan. She asked if we were penalized by the landfill contract if we reduce the waste flow to the landfill through additional recycling. The Solid Waste Director said we are not penalized.

The Committee noted that financing mechanisms for program implementation will be included in a separate financing chapter in the Solid Waste Management Plan (SWMP). The Committee asked for a progress report in January.

The Committee recommended that the section on Program Implementation (p. 51 of Plan) be made more specific regarding dates, and to change the language from "wills" to "shalls."

The Committee questioned why the projected recycling rate for the year 2010 was not higher than 56 percent. The Solid Waste staff stated that they would like to see a higher recycling rate, but they felt that this was a realistic goal.

The Committee noted that enforcement of the plan was not fully addressed in the ordinance at this time. The Planning Department will prepare proposed enforcement language.

The Solid Waste Committee considered Ordinance No. 89-315 again on October 31, 1989. One individual testified. Jeanne Roy recommended that the use of the words "20 year waste reduction goal" be changed to read: "Waste reduction projection based on identified programs." The Committee agreed with her recommendation and amended the Waste Reduction Chapter to reflect the new language.

There were no other issues raised or discussed by the Committee and the Committee voted unanimously to recommend Council adoption of Ordinance No. 89-315.



METRO

Memorandum

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Date: November 13, 1989
To: Rena Cusma, Executive Officer
From: ^{gwen}Gwen Ware-Barrett, Clerk of the Council
Regarding: TRANSMITTAL OF ORDINANCE NOS. 89-305A, 89-315, 89-316 and 89-317 FOR CONSIDERATION OF VETO

Attached for your consideration are true copies of Ordinance Nos. 89-305A, 89-315, 89-316 and 89-317 adopted by the Council on November 9, 1989.

If you wish to veto these ordinances, I must receive a signed and dated written veto message from you no later than 5:00 p.m., Friday, November 17, 1989. The veto message, if submitted, will become part of the permanent record. If no veto message is received by the time and date stated above, this ordinance will be considered finally adopted.

I, Umette Harley, received this memo and a true copy of Ordinance Nos. 89-305A, 89-315, 89-316 and 89-317 from the Council Clerk on November 13, 1989.

Dated: 11/14/89

GWPB:pa
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