

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO)	ORDINANCE NO. 05-1093
CODE CHAPTER 5.01 TO EXTEND A)	
MORATORIUM UNTIL DECEMBER 31, 2007, ON)	Introduced by Chief Operating Officer
APPLICATIONS FOR AND AUTHORIZATIONS)	Michael J. Jordan, with the concurrence of
OF NEW SOLID WASTE TRANSFER STATIONS)	Council President David Bragdon
WITHIN THE METRO REGION)	
)	

WHEREAS, today approximately twice as much solid waste transfer capacity exists as is needed for the disposal of the region’s municipal solid waste; and

WHEREAS, the Metro Council is concerned with maintaining sufficient levels of tonnage to ensure efficient operations at all transfer stations, including the publicly owned facilities; and

WHEREAS, it is in the public interest to ensure that the regional solid waste system operates efficiently; and

WHEREAS, Metro is updating the Regional Solid Waste Management Plan and such update will involve facility regulation issues including the appropriate tonnage allocation among existing transfer stations, and the addition of new transfer facilities in the region; and

WHEREAS, on August 19, 2004, the Metro Council adopted Ordinance No. 04-1056 that amended the Metro Code Chapter 5.01 to impose a moratorium until December 31, 2005 on applications for and authorizations of new solid waste transfer stations within the Metro region; and

Whereas, Metro’s update of the Regional Solid Waste Management Plan involving facility regulation issues including the appropriate tonnage allocation among existing transfer stations, and the addition of new transfer stations had been delayed pending the outcome of Metro’s Disposal System Planning project; and

WHEREAS, a moratorium on additions to the number of transfer facilities in the solid waste system will provide the time necessary to determine such facility regulation issues; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

SECTION 1. Metro Code Section 5.01.060 is amended to read as follows:

5.01.060 Applications for Licenses or Franchises

(a) Applications for a Franchise or License or for renewal of an existing Franchise or License shall be filed on forms or in the format provided by the Chief Operating Officer.

(b) In addition to any information required on the forms or in the format provided by the Chief Operating Officer, all applications shall include a description of the Activities proposed to be conducted and a description of Wastes sought to be accepted.

(c) In addition to the information required on the forms or in the format provided by the Chief Operating Officer, applications for a License or Franchise shall include the following information to the Chief Operating Officer:

- (1) Proof that the applicant can obtain the types of insurance specified by the Chief Operating Officer during the term of the Franchise or License;
- (2) A duplicate copy of all applications for necessary DEQ permits and any other information required by or submitted to DEQ;
- (3) A duplicate copy of any closure plan required to be submitted to DEQ, or if DEQ does not require a closure plan, a closure document describing closure protocol for the Solid Waste Facility at any point in its active life;
- (4) A duplicate copy of any documents required to be submitted to DEQ demonstrating financial assurance for the costs of closure, or if DEQ does not require such documents, proof of financial assurance for the costs of closure of the facility;
- (5) Signed consent by the owner(s) of the property to the proposed use of the property. The consent shall disclose the property interest held by the Licensee or Franchisee, the duration of that interest and shall include a statement that the property owner(s) have read and agree to be bound by the provisions of Section 5.01.180(e) of this chapter if the License or Franchise is revoked or any License or Franchise renewal is refused;
- (6) Proof that the applicant has received proper land use approval; or, if land use approval has not been obtained, a written recommendation of the planning director of the local governmental unit having land use jurisdiction regarding new or existing disposal sites, or alterations, expansions, improvements or changes in the method or type of disposal at new or existing disposal sites. Such recommendation may include, but is not limited to a statement of compatibility of the site, the Solid Waste Disposal Facility located thereon and the proposed operation with the acknowledged local comprehensive plan and zoning requirements or with the Statewide Planning Goals of the Land Conservation and Development Commission; and
- (7) Identify any other known or anticipated permits required from any other governmental agency. If application for such other permits has been previously made, a copy of such permit application, and any permit that has been granted shall be provided.

(d) An application for a Franchise shall be accompanied by an analysis of the factors described in Section 5.01.070(f) of this chapter.

(e) Notwithstanding any other provision in this Section, the Chief Operating Officer shall not accept for filing any application for authority to operate a Transfer Station during the period commencing August 19, 2004 and continuing until December 31, ~~2005~~2007.

SECTION 2. Metro Code Section 5.01.070 is amended to read as follows:

5.01.070 Issuance of Franchise

(a) Applications for Franchises filed in accordance with Section 5.01.060 shall be reviewed by the Chief Operating Officer and are subject to approval or denial by the Metro Council.

(b) The Chief Operating Officer shall make such investigation concerning the application as the Chief Operating Officer deems appropriate, including the right of entry onto the applicant's proposed Franchise site.

(c) Upon the basis of the application, evidence submitted and results of the investigation, the Chief Operating Officer shall formulate recommendations regarding whether the applicant is qualified, whether the proposed Franchise complies with the Regional Solid Waste Management Plan, whether the proposed Franchise meets the requirements of Section 5.01.060, and whether or not the applicant has complied or can comply with all other applicable regulatory requirements.

(d) The Chief Operating Officer shall provide the recommendations required by subsection (c) of this section to the Council together with the Chief Operating Officer's recommendation regarding whether the application should be granted or denied. If the Chief Operating Officer recommends that the application be granted, the Chief Operating Officer shall recommend to the Council specific conditions of the Franchise.

(e) Subsequent to receiving the recommendation of the Chief Operating Officer, the Council shall issue an order granting or denying the application. The Council may attach conditions to the order or limit the number of franchises granted. If the Council issues an order to deny the application, such order shall be effective immediately.

(f) In determining whether to authorize the issuance of a Franchise, the Council shall consider, but not be limited by, the following factors:

- (1) Whether the applicant has demonstrated that the proposed Solid Waste Facility and authorized Activities will be consistent with the Regional Solid Waste Management Plan;
- (2) The effect that granting a Franchise to the applicant will have on the cost of solid waste disposal and recycling services for the citizens of the region;
- (3) Whether granting a Franchise to the applicant would be unlikely to unreasonably adversely affect the health, safety and welfare of Metro's residents;
- (4) Whether granting a Franchise to the applicant would be unlikely to unreasonably adversely affect nearby residents, property owners or the existing character or expected future development of the surrounding neighborhood;
- (5) Whether the applicant has demonstrated the strong likelihood that it will comply with all the requirements and standards of this chapter, the

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 05-1093 FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.01 TO EXTEND A MORATORIUM UNTIL DECEMBER 31, 2007, ON APPLICATIONS FOR AND AUTHORIZATIONS OF NEW SOLID WASTE TRANSFER STATIONS WITHIN THE METRO REGION

Date: August 17, 2005

Prepared by: Bill Metzler

SUMMARY

This report recommends that the Regional Solid Waste Management Plan (RSWMP) and Chapter 5.01 of the Metro Code be amended to extend the current moratorium on new solid waste transfer stations in the Metro region until December 31, 2007. This two-year extension is intended to assure completion of major projects regarding the future of Metro's solid waste system.

On August 19, 2004, the Metro Council adopted Ordinance No 04-1056 for the purpose of amending the RSWMP to impose a moratorium until December 31, 2005, on applications for and authorizations of new solid waste transfer stations within the Metro region. However, the RSWMP update has been delayed pending the outcome of Metro's Disposal System Planning project.

With the RSWMP currently under review and its policies and practices scheduled to be updated by late 2006, the Council has requested a review of system issues, including: (a) allocating wet waste to facilities and haulers; (b) capping tonnage at all private transfer stations; (c) authorizing new transfer facilities; and (d) implementing host fees at all transfer stations.

The magnitude of this planning effort necessitates deferring consideration of new transfer station capacity until discussions with Metro Council on Disposal System Planning and the RSWMP update process have both concluded.

An extension of the moratorium on new transfer capacity will not negatively impact the region's solid waste system. The region's transfer and disposal needs are well served by six Metro authorized transfer stations, and transfer capacity for wet waste exceeds current need by approximately 1.1 million tons – which will be even greater should Council approve Columbia Environmental's application to operate a new transfer station.

ANALYSIS/INFORMATION

With a total of six solid waste transfer stations located in the Metro region, and a seventh transfer station if approved by the Metro Council scheduled to start up in 2007, a moratorium on new transfer stations will not have adverse system impacts. The region's transfer stations provide sufficient access and more than enough capacity. In April 2004, Metro issued its *Regional Transfer Capacity Analysis* report that addressed the question of how much capacity the region's solid waste facilities have to accept and load waste for transport to disposal sites service the region. The analysis concluded that (a) the region's transfer capacity for wet waste currently exceeds the needed capacity by approximately 1.1 million tons per year; and (b) by 2015, the transfer stations that service the region will still have 841,000 tons of unused capacity.

1. **Known Opposition.** There is no known opposition.
2. **Legal Antecedents.** The Regional Solid Waste Management Plan and Metro Code Chapter 5.01.
3. **Anticipated Effects.** Ordinance No. 05-1094 and Ordinance No. 05-1093, will amend the RSWMP and Chapter 5.01 of the Metro Code to extend a moratorium on new transfer stations in the Metro region until December 31, 2007, when the transfer station service area and associated wet-waste system issues are resolved in conjunction with the RSWMP update.
4. **Budget Impacts.** There are no budget impacts.

RECOMMENDED ACTION

The Chief Operating Officer recommends approval of Ordinances Nos. 05-1094 and 05-1093.

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