

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING) METRO ORDINANCE NO. 00-866
METRO CODE CHAPTER 5.01)
RELATED TO SOLID WASTE) Introduced by
FACILITIES.) Executive Officer Mike Burton

WHEREAS, The Metro Council is considering Ordinance No. 00-865 amending the Regional Solid Waste Management Plan; and

WHEREAS, If such amendments are approved by Metro Council, it is necessary to amend Metro Code Chapter 5.01 to implement these amendments; and

WHEREAS, This ordinance was submitted to the Executive Officer for consideration and was forwarded to the Council for approval; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

SECTION 1. Metro Code Section 5.01.010 is amended to read:

5.01.010 Definitions

For the purposes of this chapter unless the context requires otherwise the following terms shall have the meaning indicated:

(a) "Activity" means a primary operation or function that is performed in a Solid Waste Facility or at a Disposal Site, including but not limited to Resource Recovery, Composting, Energy Recovery, and other types of Processing; Recycling; Transfer; incineration; and disposal of Solid Waste; but excluding operations or functions such as Segregation that serve to support the primary Activity.

(b) "Agronomic application rate" has the meaning provided in OAR 340-93-030(4)

(c) "Certificate" means the permission given by the Executive Officer to operate certain solid waste Activities

(d) "Cleanup Material Contaminated By Hazardous Substances" means solid waste resulting from the cleanup of releases of hazardous substances into the environment, including petroleum contaminated soils and sandbags from chemical spills. Cleanup Material Contaminated By Hazardous Substances does not mean solid waste generated by manufacturing or industrial processes.

(e) "Code" means the Metro Code.

(f) "Compost" means the stabilized product of composting.

(g) "Composting" means the controlled biological decomposition of organic material.

(h) "Composting Facility" means a site or facility which utilizes organic material to produce a useful product through the process of composting.

(i) "Council" means the Metro council.

(j) "DEQ" means the Department of Environmental Quality of the State of Oregon.

(k) "Direct haul" means the delivery of Putrescible Waste from a Solid Waste Facility directly to Metro's contract operator for disposal of Putrescible Waste. Direct Haul is an Activity under this chapter.

(l) "Disposal site" means the land and facilities used for the disposal of Solid Wastes whether or not open to the public, but does not include transfer stations or processing facilities.

(m) "District" has the same meaning as in Code section 1.01.040.

(n) "Energy recovery" means a type of Resource Recovery that is limited to methods in which all or a part of Solid Waste materials are processed to use the heat content, or other forms of energy, of or from the material.

(o) "Executive officer" means the Metro Executive Officer or the Executive Officer's designee.

(p) "Franchise" means the grant of authority or privilege given by the Council to operate a Disposal Site, a Transfer Station or a Resource Recovery facility.

(q) "Franchisee" means the person to whom a Franchise is granted by the Council under this chapter.

(r) "Franchise fee" means the fee charged by the district to the Franchisee for the administration of the Franchise.

(s) "Hazardous waste" has the meaning provided in ORS 466.005.

(t) "Household hazardous waste" means any discarded, useless or unwanted chemical, material, substance or product that is or may be hazardous or toxic to the public or the environment and is commonly used in or around households and is generated by the household. "Household hazardous waste" may include but is not limited to some cleaners, solvents, pesticides, and automotive and paint products.

(u) "Inert" means containing only constituents that are biologically and chemically inactive and that, when exposed to biodegradation and/or leaching, will not adversely impact the waters of the state or public health.

(v) "License" means the permission given by the Council or Executive Officer to operate a Solid Waste Facility not exempted or requiring a Certificate or Franchise under this chapter that Transfers, and Processes Solid Waste, and may perform other authorized Activities.

(w) "Licensee" means the person to whom a License is granted by the Council or Executive Officer under this chapter.

(x) "Local Transfer Station" means a Transfer Station that delivers each calendar year to Disposal Sites or other Solid Waste Facilities 50,000 or fewer tons of Solid Waste, excluding special waste and recovered materials.

(y) "Material recovery" means a type of Resource Recovery that is limited to mechanical methods of obtaining from Solid Waste materials which still have useful physical or chemical properties and can be reused, recycled, or composted for some purpose. Material Recovery includes obtaining from Solid Waste materials used in the preparation of fuel, but excludes the extraction of heat content or other forms of energy from the material.

(z) "Metro Designated Facility" means a facility in the system of transfer stations, Metro Franchised facilities and landfills authorized under chapter 5.05 of this Title to accept waste generated in the area within the jurisdiction of Metro.

(aa) "Non-putrescible waste" means any Waste that contains trivial amounts of Putrescible materials. This category includes construction, demolition debris, and land clearing debris; but excludes Source-Separated Recyclable Material whether or not sorted into individual material categories by the generator.

(bb) "Non-putrescible waste" means any Waste that contains no more than trivial amounts of Putrescible materials or minor amounts of Putrescible materials contained in such a way that they can be easily separated from the remainder of the load without causing contamination of the load. This category includes construction, demolition debris, and land clearing debris; but excludes Cleanup Materials Contaminated by Hazardous Substances

and Source-Separated Recyclable Material whether or not sorted into individual material categories by the generator.

(cc) "Person" has the same meaning as in Code section 1.01.040.

(dd) "Petroleum contaminated soil" means soil into which hydrocarbons, including gasoline, diesel fuel, bunker oil or other petroleum products have been released. Soil that is contaminated with petroleum products but also contaminated with a hazardous waste as defined in ORS 466.005, or a radioactive waste as defined in ORS 469.300, is not included in the term.

(ee) "Process," "Processing" or "Processed" means a method or system of altering the form, condition or content of Wastes, including but not limited to composting, vermiprocessing and other controlled methods of biological decomposition; classifying; separating; shredding, milling, pulverizing, or hydropulping; but excluding incineration or mechanical volume reduction techniques such as baling and compaction.

(ff) "Processing facility" means a place or piece of equipment where or by which Solid Wastes are processed. This definition does not include commercial and home garbage disposal units, which are used to process food wastes and are part of the sewage system, hospital incinerators, crematoriums, paper shredders in commercial establishments, or equipment used by a recycling drop center.

(gg) "Processing residual" means the Solid Waste destined for disposal which remains after Resource Recovery has taken place.

(hh) "Putrescible" means rapidly decomposable by microorganisms, which may give rise to foul smelling, offensive products during such decomposition or which is capable of attracting or providing food for birds and potential disease vectors such as rodents and flies.

(ii) "Putrescible waste" means Waste containing Putrescible material.

(jj) "Rate" means the amount approved by the district and charged by the Franchisee, excluding the user fee and franchise fee.

(kk) "Recyclable material" means material that still has or retains useful physical, chemical, or biological properties after serving its original purpose(s) or function(s), and that can be reused, recycled, or composted for the same or other purpose(s).

(ll) "Recycling" means any process by which Waste materials are transformed into new products in such a manner that the original products may lose their identity.

(mm) "Recycling drop center" means a facility that receives and temporarily stores multiple source separated recyclable materials, including but not limited to glass,

scrap paper, corrugated paper, newspaper, tin cans, aluminum, plastic and oil, which materials will be transported or sold to third parties for reuse or resale.

(nn) "Regional Solid Waste Management Plan" means the Regional Solid Waste Management Plan adopted as a functional plan by Council and approved by DEQ.

(oo) "Regional Transfer Station" means a Transfer Station that delivers each calendar year to Disposal Sites or other Solid Waste Facilities more than 50,000 tons of Solid Waste.

(pp) "Reload" or "Reload facility" means a facility that performs only Transfer by means of a fixed or mobile facilities including but not limited to drop boxes and gondola cars, but excluding solid waste collection vehicles, normally used as an adjunct of a solid waste collection and disposal system, between a collection route and a Solid Waste facility or a disposal site.

(qq) "Resource recovery " means a process by which useful material or energy resources are obtained from Solid Waste.

(rr) "Reuse" means the return of a commodity into the economic stream for use in the same kind of application as before without change in its identity.

(ss) "Segregation" means the removal of prohibited wastes, unauthorized wastes, bulky material (such as but not limited to white goods and metals) incidental to the Transfer of Solid Waste. Segregation does not include Resource Recovery or other Processing of Solid Waste. The sole intent of segregation is not to separate Useful Material from the Solid Waste but to remove prohibited, unauthorized waste or bulky materials that could be hard to handle by either the facility personnel or operation equipment.

(tt) "Solid waste" means all Putrescible and Non-Putrescible Wastes, including without limitation, garbage, rubbish, refuse, ashes, waste paper and cardboard; discarded or abandoned vehicles or parts thereof; sewage sludge, septic tank and cesspool pumpings or other sludge; commercial, industrial, demolition and construction waste; discarded home and industrial appliances; asphalt, broken concrete and bricks; manure, vegetable or animal solid and semi-Solid Wastes, dead animals, infectious waste as defined in ORS 459.386, petroleum-contaminated soils and other wastes; but the term does not include:

- (1) Hazardous wastes as defined in ORS 466.005;
- (2) Radioactive wastes as defined in ORS 469.300;
- (3) Materials used for fertilizer, soil conditioning, humus restoration, or for other productive purposes or which are salvageable for these

purposes and are used on land in agricultural operations and the growing or harvesting of crops and the raising of fowls or animals, provided the materials are used at or below agronomic application rates; or

(4) Explosives.

(uu) "Solid waste facility" means the land and buildings at which Solid Waste is received for Transfer, Resource Recovery, and/or Processing but excludes disposal.

(vv) "Source Separate" or "Source Separated" or "Source Separation" means that the person who last uses recyclable material separates the recyclable material from Solid Waste.

(ww) "Source-separated recyclable material" or "Source-separated recyclables" means material that has been Source Separated for the purpose of Reuse, Recycling, or Composting. This term includes Recyclable Materials that are Source Separated by material type (i.e., source-sorted) and Recyclable Materials that are mixed together in one container (i.e., commingled).

(xx) "System cost" means the sum of the dollar amounts expended for collection, hauling, processing, transfer and disposal of all Solid Waste generated within the District.

(yy) "Transfer" means the Activity of receiving Solid Waste for purposes of transferring the Solid Waste from one vehicle or container to another vehicle or container for transport. Transfer may include segregation, temporary storage, consolidation of Solid Waste from more than one vehicle, and compaction, but does not include Resource Recovery or other Processing of Solid Waste.

(zz) "Transfer station" means a Solid Waste Facility whose primary Activities include, but are not limited to, the Transfer of Solid Waste.

(aaa) "Useful material" means material that still has or retains useful physical, chemical, or biological properties after serving its original purpose(s) or function(s), and which, when separated from Solid Waste, is suitable for use in the same or other purpose(s). Types of Useful Materials are: material that can be Reused; Recyclable Material; organic material(s) suitable for controlled biological decomposition such as for making Compost; material used in the preparation of fuel; material intended to be used, and which is in fact used, for construction or land reclamation such as Inert material for fill; and material intended to be used, and which is in fact used, productively in the operation of landfills such as roadbeds or alternative daily cover. For purposes of this Code, Cleanup Material Contaminated By Hazardous Substances are not Useful Materials.

(bbb) "User fee" means a user fee established by the district under ORS 268.515.

(ccc) "Vermiprocessing" means a controlled method or system of biological Processing that utilizes worms to consume and digest organic materials, and that produces worm castings for productive uses.

(ddd) "Waste" means any material considered to be useless, unwanted or discarded by the person who last used the material for its intended and original purpose.

(eee) "Yard debris" means vegetative and woody material generated from residential property or from commercial landscaping activities. "Yard debris" includes landscape waste, grass clippings, leaves, hedge trimmings, stumps and other vegetative waste having similar properties, but does not include demolition debris, painted or treated wood.

(fff) "Yard debris facility" means a yard debris processing facility or a yard debris reload facility.

(ggg) "Yard debris reload facility" means an operation or facility that receives yard debris for temporary storage, awaiting transport to a processing facility.

SECTION 2. Metro Code Section 5.01.040 is amended to read:

5.01.040 Exemptions

(a) In furtherance of the purposes set forth in this chapter, the Metro Council declares the provisions of this chapter shall not apply to:

- (1) Municipal or industrial sewage treatment plants accepting sewage, sludge, septic tank and cesspool pumpings or other sludge;
- (2) Disposal Sites, Transfer Stations, or Solid Waste Facilities owned or operated by the District.
- (3) Facilities that exclusively receive non-Putrescible Source-Separated Recyclable Materials
- (4) Facilities that exclusively receive, process, transfer or dispose of Inert Wastes;
- (5) The following operations, which do not constitute yard debris facilities:
 - (A) Persons who generate and maintain residential compost piles for residential garden or landscaping purposes.

- (B) Residences, parks, community gardens and homeowner associations.
 - (C) Universities, schools, hospitals, golf courses, industrial parks, and other similar facilities, if the landscape waste or yard debris was generated from the facility's own activities, the product remains on the facility grounds, and the product is not offered for off-site sale or use.
 - (D) Operations or facilities that chip or grind wood wastes (e.g. untreated lumber, wood pallets), unless such chipped materials are composted at the site following chipping or grinding.
- (6) Temporary transfer stations or processing centers established and operated by a government for 60 days or less to temporarily receive, store or process Solid Waste if the District finds an emergency situation exists.
- (7) Any Reload facility that:
- (A) Accepts Solid Waste collected under the authority of a single franchise granted by a local government unit, or from multiple franchises so long as the area encompassed by the franchises is geographically contiguous; and
 - (B) Is owned or controlled by the same person granted franchise authority ascribed in subsection (A); and
 - (C) Delivers any Putrescible Waste accepted at the facility to a Transfer Station owned, operated, Licensed or Franchised by the District; and
 - (D) Delivers all other Solid Waste accepted at the facility except Inert Wastes to a Metro Designated Facility authorized to accept said Solid Waste, or to another facility or Disposal Site under authority of a Metro Non-System License issued pursuant to chapter 5.05.
- (8) Persons who own or operate a mobile facility that processes Petroleum Contaminated Soil at the site of origin and retains any treated Petroleum Contaminated Soil on the site of origin.

(b) Notwithstanding section 5.01.040(a)(2) of this chapter, the District shall comply with section 5.01.150, User Fees.

SECTION 3. Metro Code Section 5.01.045 is amended to read:

5.01.045 Certificate, License and Franchise Requirements

(a) A Metro Solid Waste Certificate shall be required of the Person owning or controlling a facility which:

- (1) Processes Non-Putrescible Waste if such processing results in Processing Residual of less than ten percent; or
- (2) Processes Petroleum Contaminated Soil by thermal destruction, distillation, bioremediation, or by any other methods that either destroys or removes and contains such petroleum contamination from the soil.

(b) A Metro Solid Waste License shall be required of the Person owning or controlling a facility at which any of the following Activities are performed:

- (1) Processing of Non-Putrescible Waste that results in Processing Residual of more than ten percent.
- (2) Processing or Reloading of Yard Debris. A local government that owns or operates a yard debris facility may enter into an intergovernmental agreement with Metro under which the local government will administer and enforce yard debris standards at the facility in lieu of compliance with this chapter.
- (3) Operation of a Local Transfer Station.
- (4) Operation of a Reload unless exempt under section 5.01.040(a)(7) of this chapter.

(c) A Metro Solid Waste Franchise shall be required for the Person owning or controlling a facility at which any of the following Activities are performed:

- (1) Operation of a Regional Transfer Station.
- (2) Operation of a Disposal Site or of an Energy Recovery Facility.
- (3) Any process using chemical or biological methods whose primary purpose is reduction of Solid Waste weight or volumes.
- (4) Delivery of Putrescible Waste directly from the facility to any Disposal Site.

- (5) Any other Activity not listed in this section, or exempted by Metro Code section 5.01.040.

SECTION 4. Metro Code Section 5.01.060 is amended to read:

5.01.060 Applications for Certificates, Licenses or Franchises

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

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

- (1) Proof that the applicant can obtain the types of insurance specified by the Executive 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 Transfer Station or Disposal Site shall be accompanied by an analysis showing that the proposed facility is consistent with the Regional Solid Waste Management Plan.

(e) A person holding or making application for a Solid Waste Facility License or Franchise from Metro authorizing receipt of Putrescible Waste may make application to deliver Putrescible Waste directly to Metro's contract operator for disposal of Putrescible Waste. Said application must be accompanied by: (A) a showing that the proposed Direct Haul authorization is consistent with the Regional Solid Waste Management Plan, and (B) an analysis of the System Costs with and without the authorization for Direct Haul from the Solid Waste Facility.

SECTION 5. Metro Code Section 5.01.125 is amended to read:

5.01.125 Obligations and Limits for Selected Types of Activities

(a) A holder of a Certificate, License or Franchise for a Material Recovery facility, Reload or Local Transfer Station, or a holder of a Franchise issued after July 1, 2000 for a Regional Transfer Station shall perform Material Recovery from Non-Putrescible Waste accepted at the facility, or shall deliver Non-Putrescible Waste to a Solid Waste facility whose primary purpose is to recover useful materials from Solid Waste.

(b) A holder of a Certificate, License or Franchise for a Material Recovery facility or Local Transfer Station, or a holder of a Franchise issued after July 1, 2000 for a Regional Transfer Station, shall recover at least 25% by weight of non-putrescible waste accepted at the facility and waste delivered by public customers. Failure to

maintain the minimum recovery rate specified in this section shall constitute a violation enforceable under Metro Code section 5.01.180 and 5.01.200.

(c) In addition to the requirements of (a) and (b) in this subsection, holders of a License or Franchise for a Local Transfer Station:

(1) Shall accept Putrescible Waste originating within the Metro boundary only from persons who are franchised or permitted by a local government unit to collect and haul Putrescible Waste.

(2) Shall not accept hazardous waste.

(c) In addition to the requirements of (a) and (b) in this subsection, holders of a Franchise for a Regional Transfer Station issued after July 1, 2000:

(1) Shall accept authorized Solid Waste originating within the Metro boundary from any person who delivers authorized waste to the facility, on the days and at the times established by Metro in approving the Franchise application.

(2) Shall provide an area for collecting Household Hazardous Waste from residential generators at the Franchised Solid Waste Facility, or at another location more convenient to the population being served by the franchised Solid Waste Facility, on the days and at the times established by Metro in approving the Franchise application.

(3) Shall provide an area for collecting source-separated recyclable materials without charge at the Franchised Solid Waste Facility, or at another location more convenient to the population being served by the franchised Solid Waste Facility, on the days and at the times established by Metro in approving the Franchise application.

SECTION 6. Metro Code Section 5.01.150 is amended to read:

5.01.150 User Fees

(a) Notwithstanding section 5.01.040(a)(2) of this chapter, the Council shall set user fees annually, and more frequently if necessary, which fees shall apply to Solid Waste Facilities or Disposal Sites which are owned, operated, Certified, Licensed, or Franchised by the district or which are liable for payment of user fees pursuant to a special agreement with the district.

- (b) User fees shall not apply to:
- (1) Solid waste received at facilities that are certified, licensed, franchised or exempt from regulation under this Chapter, other than any Disposal Sites or Transfer Stations that are not subject to the requirements of section 5.01.125(a) ; or
 - (2) Cleanup Material Contaminated By Hazardous Substances accepted at facilities that treat said Cleanup Material Contaminated By Hazardous Substances to applicable DEQ standards; or
 - (3) Source-separated yard debris accepted at Licensed yard debris processing facilities or yard debris reload facilities; or
 - (4) Useful Material that is accepted at a Disposal Site that is listed as a Metro Designated Facility in chapter 5.05 or accepted at a Disposal Site under authority of a Metro Non-System License issued pursuant to chapter 5.05, provided that the Useful Material: (A) is intended to be used, and is in fact used, productively in the operation of the Disposal Site such as for roadbeds or alternative daily cover; and (B) is accepted at the Disposal Site at no charge; or
 - (5) Processing Residual produced by any tire processor that is regulated pursuant to this chapter and that sorts, classifies or processes used tires into fuel or other products, provided said Processing Residual conforms to Environmental Quality Commission standards established pursuant to ORS 459.710(2). This exemption is only granted to the extent, and under the terms, specified in the Metro certificate, license or franchise.

(c) Notwithstanding any other provisions of this Code, user fees shall apply to Cleanup Material Contaminated By Hazardous Substances that is derived from an environmental cleanup of a nonrecurring event, and delivered to any Solid Waste System Facility authorized to accept such substances. Such Cleanup Materials Contaminated By Hazardous Substances may be subject to credits against user fees pursuant to sections 5.02.047(c) and (d) of this Code.

(d) User fees shall be in addition to any other fee, tax or charge imposed upon a Solid Waste Facility or Disposal Site.

(e) User fees shall be separately stated upon records of the Solid Waste Facility or Disposal Site.

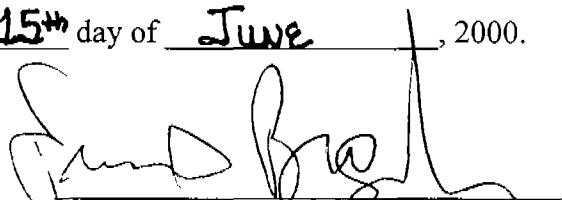
(f) User fees and finance charges on user fees shall be paid as specified in Metro Code section 5.02.055.

(g) There is no liability for user fees on charge accounts that are worthless and charged off as uncollectible, provided that an affidavit is filed with the district stating the name and amount of each uncollectible charge account and documenting good faith efforts that have been made to collect the accounts. User fees may not be deemed uncollectible unless the underlying account is also uncollectible. If the fees have previously been paid, a deduction may be taken from the next payment due to the district for the amount found worthless and charged off. If any such account is thereafter collected, in whole or in part, the amount so collected shall be included in the first return filed after such collection, and the fees shall be paid with the return.

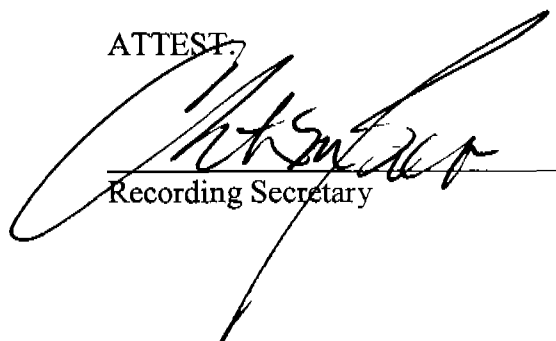
(h) All user fees shall be paid in the form of a remittance payable to the district. All user fees received by the district shall be deposited in the solid waste operating fund and used only for the administration, implementation, operation and enforcement of the Regional Solid Waste Management Plan.

(i) Certificate, License or Franchise holders are eligible to apply for and receive Regional System Fee Credits pursuant to section 5.02.047 of the Metro Code.

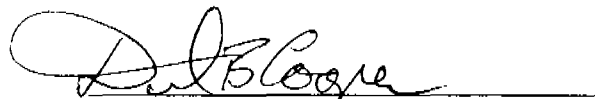
ADOPTED by the Metro Council this 15th day of June, 2000.


David Bragdon, Presiding Officer

ATTEST:


Recording Secretary

Approved as to Form:


Daniel B. Cooper, General Counsel

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RELATED TO SOLID WASTE) Introduced by
FACILITIES.) Executive Officer Mike Burton

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(b) "Agronomic application rate" has the meaning provided in OAR 340-93-030(4)

(c) "Certificate" means the permission given by the Executive Officer to operate certain solid waste Activities

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(lm) "District" has the same meaning as in Code section 1.01.040.

(mn) "Energy recovery" means a type of Resource Recovery that is limited to methods in which all or a part of Solid Waste materials are processed to use the heat content, or other forms of energy, of or from the material.

(no) "Executive officer" means the Metro Executive Officer or the Executive Officer's designee.

(op) "Franchise" means the grant of authority or privilege given by the Council to operate a Disposal Site, a Transfer Station or a Resource Recovery facility.

(pq) "Franchisee" means the person to whom a Franchise is granted by the Council under this chapter.

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(~~yz~~) "Metro Designated Facility" means a facility in the system of transfer stations, Metro Franchised facilities and landfills authorized under chapter 5.05 of this Title to accept waste generated in the area within the jurisdiction of Metro.

(~~yaa~~) "Non-putrescible waste" means any Waste that contains trivial amounts of Putrescible materials. This category includes construction, demolition debris, and land clearing debris; but excludes Source-Separated Recyclable Material whether or not sorted into individual material categories by the generator.

(~~ybb~~) "Non-putrescible waste" means any Waste that contains no more than -trivial amounts of Putrescible materials or minor amounts of Putrescible materials contained in such a way that they can be easily separated from the remainder of the load without causing contamination of the load. This category includes construction, demolition debris, and land clearing debris; but excludes Cleanup Materials Contaminated by Hazardous Substances

and Source-Separated Recyclable Material whether or not sorted into individual material categories by the generator.

(zcc) "Person" has the same meaning as in Code section 1.01.040.

(aadd) "Petroleum contaminated soil" means soil into which hydrocarbons, including gasoline, diesel fuel, bunker oil or other petroleum products have been released. Soil that is contaminated with petroleum products but also contaminated with a hazardous waste as defined in ORS 466.005, or a radioactive waste as defined in ORS 469.300, is not included in the term.

(bbe) "Process," "Processing" or "Processed" means a method or system of altering the form, condition or content of Wastes, including but not limited to composting, vermiprocessing and other controlled methods of biological decomposition; classifying; separating; shredding, milling, pulverizing, or hydropulping; but excluding incineration or mechanical volume reduction techniques such as baling and compaction.

(ceff) "Processing facility" means a place or piece of equipment where or by which Solid Wastes are processed. This definition does not include commercial and home garbage disposal units, which are used to process food wastes and are part of the sewage system, hospital incinerators, crematoriums, paper shredders in commercial establishments, or equipment used by a recycling drop center.

(ddgg) "Processing residual" means the Solid Waste destined for disposal which remains after Resource Recovery has taken place.

(eehh) "Putrescible" means rapidly decomposable by microorganisms, which may give rise to foul smelling, offensive products during such decomposition or which is capable of attracting or providing food for birds and potential disease vectors such as rodents and flies.

(ffi) "Putrescible waste" means Waste containing Putrescible material.

(ggj) "Rate" means the amount approved by the district and charged by the Franchisee, excluding the user fee and franchise fee.

(hhk) "Recyclable material" means material that still has or retains useful physical, chemical, or biological properties after serving its original purpose(s) or function(s), and that can be reused, recycled, or composted for the same or other purpose(s).

(iil) "Recycling" means any process by which Waste materials are transformed into new products in such a manner that the original products may lose their identity.

(jmm) "Recycling drop center" means a facility that receives and temporarily stores multiple source separated recyclable materials, including but not limited to glass,

scrap paper, corrugated paper, newspaper, tin cans, aluminum, plastic and oil, which materials will be transported or sold to third parties for reuse or resale.

(~~kknn~~) "Regional Solid Waste Management Plan" means the Regional Solid Waste Management Plan adopted as a functional plan by Council and approved by DEQ.

(oo) "Regional Transfer Station" means a Transfer Station that delivers each calendar year to Disposal Sites or other Solid Waste Facilities more than 50,000 tons of Solid Waste.

(~~lpp~~) "Reload" or "Reload facility" means a facility that performs only Transfer ~~only by means of~~

~~(vv) "Transfer station" means a fixed or mobile facilities including but not limited to drop boxes and gondola cars, but excluding solid waste collection vehicles, normally used as an adjunct of a solid waste collection and disposal system or resource recovery system, between a collection route and a Solid Waste processing facility or a disposal site. This definition does not include solid waste collection vehicles.~~

(~~mmgg~~) "Resource recovery " means a process by which useful material or energy resources are obtained from Solid Waste.

(~~nrrr~~) "Reuse" means the return of a commodity into the economic stream for use in the same kind of application as before without change in its identity.

(~~ooss~~) "Segregation" means the removal of prohibited wastes, unauthorized wastes, bulky material (such as but not limited to white goods and metals) incidental to the Transfer of Solid Waste. Segregation does not include Resource Recovery or other Processing of Solid Waste. The sole intent of segregation is not to separate Useful Material from the Solid Waste but to remove prohibited, unauthorized waste or bulky materials that could be hard to handle by either the facility personnel or operation equipment.

(~~pptt~~) "Solid waste" means all Putrescible and Non-Putrescible Wastes, including without limitation, garbage, rubbish, refuse, ashes, waste paper and cardboard; discarded or abandoned vehicles or parts thereof; sewage sludge, septic tank and cesspool pumpings or other sludge; commercial, industrial, demolition and construction waste; discarded home and industrial appliances; asphalt, broken concrete and bricks; manure, vegetable or animal solid and semi-Solid Wastes, dead animals, infectious waste as defined in ORS 459.386, petroleum-contaminated soils and other wastes; but the term does not include:

- (1) Hazardous wastes as defined in ORS 466.005;
- (2) Radioactive wastes as defined in ORS 469.300;

- (3) Materials used for fertilizer, soil conditioning, humus restoration, or for other productive purposes or which are salvageable for these purposes and are used on land in agricultural operations and the growing or harvesting of crops and the raising of fowls or animals, provided the materials are used at or below agronomic application rates; or
- (4) Explosives.

(~~qq~~uu) "Solid waste facility" means the land and buildings at which Solid Waste is received for Transfer, Resource Recovery, and/or Processing but excludes disposal.

(~~rr~~vv) "Source Separate" or "Source Separated" or "Source Separation" means that the person who last uses recyclable material separates the recyclable material from Solid Waste.

(~~ss~~ww) "Source-separated recyclable material" or "Source-separated recyclables" means material that has been Source Separated for the purpose of Reuse, Recycling, or Composting. This term includes Recyclable Materials that are Source Separated by material type (i.e., source-sorted) and Recyclable Materials that are mixed together in one container (i.e., commingled).

(~~tt~~xx) "System cost" means the sum of the dollar amounts expended for collection, hauling, processing, transfer and disposal of all Solid Waste generated within the District.

(~~uu~~yy) "Transfer" means the Activity of receiving Solid Waste for purposes of transferring the Solid Waste from one vehicle or container to another vehicle or container for transport. Transfer may include segregation, temporary storage, consolidation of Solid Waste from more than one vehicle, and compaction, but does not include Resource Recovery or other Processing of Solid Waste.

(~~vv~~zz) "Transfer station" means a Solid Waste Facility whose primary Activities include, but are not limited to, the Transfer of Solid Waste. ~~fixed or mobile facilities including but not limited to drop boxes and gondola cars normally used as an adjunct of a solid waste collection and disposal system or resource recovery system, between a collection route and a processing facility or a disposal site. This definition does not include solid waste collection vehicles.~~

(~~ww~~aaa) "Useful material" means material that still has or retains useful physical, chemical, or biological properties after serving its original purpose(s) or function(s), and which, when separated from Solid Waste, is suitable for use in the same or other purpose(s). Types of Useful Materials are: material that can be Reused; Recyclable Material; organic material(s) suitable for controlled biological decomposition such as for making Compost; material used in the preparation of fuel; material intended to be used, and which is in fact used, for construction or land reclamation such as Inert

material for fill; and material intended to be used, and which is in fact used, productively in the operation of landfills such as roadbeds or alternative daily cover. For purposes of this Code, Cleanup Material Contaminated By Hazardous Substances are not Useful Materials.

~~(xxbbb)~~ "User fee" means a user fee established by the district under ORS 268.515.

~~(yyccc)~~ "Vermiprocessing" means a controlled method or system of biological Processing that utilizes worms to consume and digest organic materials, and that produces worm castings for productive uses.

~~(zzddd)~~ "Waste" means any material considered to be useless, unwanted or discarded by the person who last used the material for its intended and original purpose.

~~(aaeee)~~ "Yard debris" means vegetative and woody material generated from residential property or from commercial landscaping activities. "Yard debris" includes landscape waste, grass clippings, leaves, hedge trimmings, stumps and other vegetative waste having similar properties, but does not include demolition debris, painted or treated wood.

~~(bbfff)~~ "Yard debris facility" means a yard debris processing facility or a yard debris reload facility.

~~(ccggg)~~ "Yard debris reload facility" means an operation or facility that receives yard debris for temporary storage, awaiting transport to a processing facility.

SECTION 2. Metro Code Section 5.01.040 is amended to read:

5.01.040 Exemptions

(a) In furtherance of the purposes set forth in this chapter, the Metro Council declares the provisions of this chapter shall not apply to:

- (1) Municipal or industrial sewage treatment plants accepting sewage, sludge, septic tank and cesspool pumpings or other sludge;
- (2) Disposal Sites, Transfer Stations, or Solid Waste Facilities owned or operated by the District.
- (3) Facilities that exclusively receive non-Putrescible Source-Separated Recyclable Materials
- (4) Facilities that exclusively receive, process, transfer or dispose of Inert Wastes;

- (5) The following operations, which do not constitute yard debris facilities:
- (A) Persons who generate and maintain residential compost piles for residential garden or landscaping purposes.
 - (B) Residences, parks, community gardens and homeowner associations.
 - (C) Universities, schools, hospitals, golf courses, industrial parks, and other similar facilities, if the landscape waste or yard debris was generated from the facility's own activities, the product remains on the facility grounds, and the product is not offered for off-site sale or use.
 - (D) Operations or facilities that chip or grind wood wastes (e.g. untreated lumber, wood pallets), unless such chipped materials are composted at the site following chipping or grinding.
- (6) Temporary transfer stations or processing centers established and operated by a government for 60 days or less to temporarily receive, store or process Solid Waste if the District finds an emergency situation exists.
- (7) Any Reload facility facilities that deliver:
- (A) Accepts Solid Waste collected under the authority of a single franchise granted by a local government unit, or from multiple franchises so long as the area encompassed by the franchises is geographically contiguous; and
 - (B) Is owned or controlled by the same person granted franchise authority ascribed in subsection (A); and
 - (CA) Delivers any Putrescible Waste accepted at the facility to a Transfer Station owned, operated, Licensed or Franchised by the District; and and
 - (DB) Delivers all other Solid Waste accepted at the facility except Inert Wastes to a Metro Designated Facility authorized to accept said Solid Waste, or to another facility or Disposal Site under authority of a Metro Non-System License issued pursuant to chapter 5.05.

- (8) Persons who own or operate a mobile facility that processes Petroleum Contaminated Soil at the site of origin and retains any treated Petroleum Contaminated Soil on the site of origin.

(b) Notwithstanding section 5.01.040(a)(2) of this chapter, the District shall comply with section 5.01.150, User Fees.

SECTION 3. Metro Code Section 5.01.045 is amended to read:

5.01.045 Certificate, License and Franchise Requirements

(a) A Metro Solid Waste Certificate shall be required of the Person owning or controlling a facility which:

- (1) Processes Non-Putrescible Waste if such processing results in Processing Residual of less than ten percent; or
- (2) Processes Petroleum Contaminated Soil by thermal destruction, distillation, bioremediation, or by any other methods that either destroys or removes and contains such petroleum contamination from the soil.

(b) A Metro Solid Waste License shall be required of the Person owning or controlling a facility at which any of the following Activities are performed:

- (1) Processing of Non-Putrescible Waste that results in Processing Residual of more than ten percent.
- (2) Processing or Reloading of Yard Debris: A local government that owns or operates a yard debris facility may enter into an intergovernmental agreement with Metro under which the local government will administer and enforce yard debris standards at the facility in lieu of compliance with this chapter.
- (3) ~~Operation of a Local Transfer Station of Putrescible Waste, and any other Activity or combination of Activities taking place in the same facility that results in disposal of fewer than 50,000 tons of Solid Waste including Processing Residual during any calendar year.~~
- (4) Operation of a Reload unless exempt under section 5.01.040(a)(7) of this chapter.

(c) A Metro Solid Waste Franchise shall be required for the Person owning or controlling a facility at which any of the following Activities are performed:

- (1) ~~Operation of a Regional Transfer Station of Putrescible Waste, and any other Activity or combination of Activities taking place in the same facility that results in disposal of more than 50,000 tons of Solid Waste including Processing Residual during any calendar year.~~
- (2) Operation of a Disposal Site or of an Energy Recovery Facility.
- (3) Any process using chemical or biological methods whose primary purpose is reduction of Solid Waste weight or volumes.
- (4) Delivery of Putrescible Waste directly from the facility to any Disposal Site.~~Metro's contract operator for disposal of Putrescible Waste.~~
- (5) Any other Activity not listed in this section, or exempted by Metro Code section 5.01.040.

SECTION 4. Metro Code Section 5.01.060 is amended to read:

5.01.060 Applications for Certificates, Licenses or Franchises

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

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

- (1) Proof that the applicant can obtain the types of insurance specified by the Executive 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 to deliver more than 50,000 tons per calendar year of Solid Waste to a Transfer Station or Disposal Site from a non-exempt facility that is authorized to accept Putrescible Waste shall be accompanied by an analysis showing that the proposed facility is consistent with the Regional Solid Waste Management Plan.~~

(e) A person holding or making application for a Solid Waste Facility License or Franchise from Metro authorizing receipt of Putrescible Waste may make application to deliver Putrescible Waste directly to Metro's contract operator for disposal of Putrescible Waste. Said application must be accompanied by: (A) a showing that the proposed Direct Haul authorization is consistent with the Regional Solid Waste Management Plan, and (B) an analysis of the System Costs with and without the authorization for Direct Haul from the Solid Waste Facility.

SECTION 5. Metro Code Section 5.01.125 is amended to read:

5.01.125 Obligations and Limits for Selected Types of Activities

(a) A holder of a Certificate, License or Franchise authorized to perform for a Material Recovery facility, Reload or Local Transfer Station, or a holder of a Franchise issued after July 1, 2000 for a Regional Transfer Station shall perform Material Recovery from Non-Putrescible Waste accepted at the facility, or shall deliver Non-Putrescible Waste to a Solid Waste facility whose primary purpose is to recover useful materials from Solid Waste.

(b) A holder of a Certificate, License or Franchise for a Material Recovery facility or Local Transfer Station, or a holder of a Franchise issued after July 1, 2000 for a Regional Transfer Station, shall recover at least 25% by weight of non-putrescible waste accepted at the facility and waste delivered by public customers. Failure to maintain the minimum recovery rate specified in this section shall constitute a violation enforceable under Metro Code section 5.01.180 and 5.01.200.

(cb) In addition to the requirements of (a) and (b) in this subsection, holders of a Licenses or Franchisees for a Local Transfer Station: who deliver 50,000 or fewer tons per calendar year of Solid Waste to all Transfer Stations and Disposal Sites from a Solid Waste Facility authorized to accept Putrescible Waste:

(1) Shall accept Putrescible Waste originating within the Metro boundary only from persons who are franchised or permitted by a local government unit to collect and haul Putrescible Waste.

(2) Shall not accept hazardous waste.

(c) In addition to the requirements of (a) and (b) in this subsection, holders of a Franchisees for a Regional Transfer Station issued after July 1, 2000: who deliver more than 50,000 tons per calendar year of Solid Waste to all Transfer Stations and Disposal Sites from a Solid Waste Facility authorized to accept Putrescible Waste:

(1) Shall accept authorized Solid Waste originating within the Metro boundary from any person who delivers authorized waste to the facility, on the days and at the times established by Metro in approving the Franchise application.

(2) Shall provide an area for collecting Household Hazardous Waste from residential generators at the Franchised Solid Waste Facility, or at another location more convenient to the population being served by the franchised Solid Waste Facility, on the days and at the times established by Metro ~~the Executive Officer~~ in approving the Franchise application.

(3) Shall provide an area for collecting source-separated recyclable materials without charge at the Franchised Solid Waste Facility, or at another location more convenient to the population being served by the franchised Solid Waste Facility, on the days and at the times established by Metro ~~the Executive Officer~~ in approving the Franchise application.

SECTION 6. Metro Code Section 5.01.150 is amended to read:

5.01.150 User Fees

(a) Notwithstanding section 5.01.040(a)(2) of this chapter, the Council ~~shall~~ will set user fees annually, and more frequently if necessary, which fees shall apply to Solid Waste Facilities or Disposal Sites which are owned, operated, Certified, Licensed, or Franchised by the district or which are liable for payment of user fees pursuant to a special agreement with the district.

(b) User fees shall not apply to:

- (1) Solid waste received at facilities that are certified, licensed, franchised or exempt from regulation under this Chapter, other than any Disposal Sites or Transfer Stations that are not subject to the requirements of section 5.01.125(a) Non-putrescible Wastes accepted at a Franchised or Licensed Solid Waste Facility that is authorized to perform only Materials Recovery or Recycling Activities; or
- (2) Cleanup Material Contaminated By Hazardous Substances Petroleum Contaminated Soils accepted at Certified facilities that treat said Cleanup Material Contaminated By Hazardous Substances petroleum contaminated soil to applicable DEQ standards; or
- (3) Source-separated yard debris accepted at Licensed yard debris processing facilities or yard debris reload facilities; or
- ~~(4) Wastes accepted at a Licensed or Franchised Solid Waste Facility that delivers Putrescible Waste to a Transfer Station owned, operated, Licensed or Franchised by the District, or to the District's contract operator for the disposal of Putrescible Waste; and that delivers Non-Putrescible Waste and Processing Residuals to: (A) a Licensed or Franchised facility that is authorized to perform Materials Recovery or Recycling Activities, or (B) to a Solid Waste Facility or Disposal Site listed as a Metro Designated~~

~~Facility in chapter 5.05, or (C) another facility or Disposal Site under authority of a Metro Non-System License issued pursuant to chapter 5.05, provided that the Person holding the Non-System License and License or Franchise pays all fees and taxes required by this Code; or~~

(45) Useful Material that is accepted at a Disposal Site that is listed as a Metro Designated Facility in chapter 5.05 or accepted at a Disposal Site under authority of a Metro Non-System License issued pursuant to chapter 5.05, provided that the Useful Material: (A) is intended to be used, and is in fact used, productively in the operation of the Disposal Site such as for roadbeds or alternative daily cover; and (B) is accepted at the Disposal Site at no charge; or

(5) Processing Residual produced by any tire processor that is regulated pursuant to this chapter and that sorts, classifies or processes used tires into fuel or other products, provided said Processing Residual conforms to Environmental Quality Commission standards established pursuant to ORS 459.710(2). This exemption is only granted to the extent, and under the terms, specified in the Metro certificate, license or franchise.

(c) Notwithstanding any other provisions of this Code, user fees shall apply to Cleanup Material Contaminated By Hazardous Substances that is derived from an environmental cleanup of a nonrecurring event, and delivered to any Solid Waste System Facility authorized to accept such substances. Such Cleanup Materials Contaminated By Hazardous Substances may be subject to credits against user fees pursuant to sections 5.02.047(c) and (d) of this Code.~~petroleum-contaminated soils disposed of by landfilling.~~

(d) User fees shall be in addition to any other fee, tax or charge imposed upon a Solid Waste Facility or Disposal Site.

(e) User fees shall be separately stated upon records of the Solid Waste Facility or Disposal Site.

(f) User fees and finance charges on user fees shall be paid as specified in Metro Code section 5.02.055.

(g) There is no liability for user fees on charge accounts that are worthless and charged off as uncollectible, provided that an affidavit is filed with the district stating the name and amount of each uncollectible charge account and documenting good faith efforts that have been made to collect the accounts. User fees may not be deemed uncollectible unless the underlying account is also uncollectible. If the fees have previously been paid, a deduction may be taken from the next payment due to the district for the amount found worthless and charged off. If any such account is thereafter

collected, in whole or in part, the amount so collected shall be included in the first return filed after such collection, and the fees shall be paid with the return.

(h) All user fees shall be paid in the form of a remittance payable to the district. All user fees received by the district shall be deposited in the solid waste operating fund and used only for the administration, implementation, operation and enforcement of the Regional Solid Waste Management Plan.

(i) Certificate, License or Franchise holders are eligible to apply for and receive Regional System Fee Credits pursuant to section 5.02.047 of the Metro Code.

ADOPTED by the Metro Council this _____ day of _____, 2000.

David Bragdon, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

EXECUTIVE SUMMARY
ORDINANCE NO. 00-866 AND ORDINANCE NO. 00-867
AMEND METRO CODE RELATED TO FACILITIES AND SYSTEM FEE CREDITS

PROPOSED ACTIONS

Adopt Ordinances No. 00-866 and No. 00-867, which amend the Metro Code Chapters 5.01 and 5.02, respectively, to implement the guiding policies contained in the RSWMP amendments under Ordinance No. 00-865 related to disposal sites.

WHY NECESSARY

- If Council were to approve amendments to the Regional Solid Waste Management Plan consistent with the option laid out in Ordinance No. 00-865, then Metro could begin considering applications for “large” transfer stations. To implement this change, Metro Code would be amended to formally define a “Regional Transfer Station,” to re-affirm the obligations currently specified in Metro Code for “large” transfer stations, and to include a minimum recovery rate requirement of 25% from non-putrescible waste.
- The recovery requirements would also be imposed on local transfer stations and MRFs, primarily for equity; but also to strengthen the effect of the policy by minimizing the number of alternatives that are not subject to the recovery requirement.
- The proposed revisions to the Code definitions clarifies the purpose, obligations and limits of specific solid waste facilities: reloads, local transfer stations and regional transfer stations.

ISSUES / CONCERNS

- This recovery rate reflects a balance between a number that is real and achievable at a solid waste facility, and a concern that too-high a standard might provide a disincentive to serve source-separation programs.
- The proposed amendments maintain a distinction between types of solid waste facilities, and specifies the level of public obligations and operating conditions that would be required of them.

BUDGET / FINANCIAL IMPACTS

- Metro’s costs change as tonnage shifts to new transfer stations. These changes are reflected in costs to operate its two transfer stations, and to transport and dispose of the waste. Generally these costs decline as the waste shifts to the new facilities. Under the scenario where two transfer stations are added to the system, the cost at Metro facilities would decline by over \$7 million (almost \$9.5 million in inflated dollars).
- While overall Metro’s costs decline as waste shifts to other facilities, its unit cost (cost per ton) increases. This is due to the declining block rate structure of its transfer station operation and disposal contracts, and the fixed costs charged only at Metro’s facilities. Metro’s unit cost for the two transfer stations would rise about \$1.70 per ton (\$2.26 in inflated dollars in 2010) under the scenarios above. If Metro makes no changes to its cost or rate structures, this might ultimately have to be reflected in the tip fee.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 00-866 FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.01 RELATED TO SOLID WASTE FACILITIES.

DATE: June 1, 2000

Presented by: Terry Petersen
Doug Anderson

Action Requested and Purpose of the Ordinance

The Metro Council is considering Ordinance No. 00-865, which would amend the Regional Solid Waste Management Plan regarding disposal facilities.

If these Plan amendments are adopted, it is also necessary to amend Metro Code Chapter 5.01, "Solid Waste Facility Regulation," to implement these amendments.

Please see the staff report for Ordinance No. 00-865 for the relationship between this Ordinance No. 00-866 and the Plan amendments.

The Council is requested to adopt Ordinance No. 00-866 if the Council adopts Ordinances, No. 00-865.

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