

A G E N D A

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METRO

Agenda

MEETING: METRO COUNCIL REGULAR MEETING
DATE: January 12, 2006
DAY: Thursday
TIME: 2:00 PM
PLACE: Metro Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATIONS

3. **PORTLAND STREETCAR DEVELOPMENT IMPACT PRESENTATION** Hovee/
Brandman

4. CONSENT AGENDA

- 4.1 Consideration of Minutes for the January 5, 2006 Metro Council Regular Meeting.

5. ORDINANCES – FIRST READING

- 5.1 **Ordinance No. 06-1098**, Amending Metro Code Chapter 5.01 and the Regional Solid Waste Management Plan to Impose a Temporary Moratorium Until December 31, 2007, on Certain New Non-Putrescible, Mixed Solid Waste Material Recovery or Reload Facilities, and Certain Non-system Licenses; and Declaring An Emergency.

- 5.2 **Ordinance No. 06-1099**, Amending Metro Code Section 5.02.075 Regarding Waivers of Fees for Disposal of Solid Waste from the Metro Region.

6. RESOLUTIONS

- 6.1 **Resolution No. 06-3654**, For the Purpose of Confirming the Appointment of Todd Irvine and Adam C. Winston to the Regional Solid Waste Advisory Committee. McLain

7. CHIEF OPERATING OFFICER COMMUNICATION

8. COUNCILOR COMMUNICATION

ADJOURN

Television schedule for Jan. 12, 2006 Metro Council meeting

Clackamas, Multnomah and Washington counties, and Vancouver, Wash. Channel 11 -- Community Access Network www.yourtv.org -- (503) 629-8534 2 p.m. Thursday, Jan. 12 (live)	Washington County Channel 30 -- TVC-TV www.tvctv.org -- (503) 629-8534 11 p.m. Saturday, Jan. 14 11 p.m. Sunday, Jan. 15 6 a.m. Tuesday, Jan. 17 4 p.m. Wednesday, Jan. 18
Oregon City, Gladstone Channel 28 -- Willamette Falls Television www.wftvaccess.com -- (503) 650-0275 Call or visit website for program times.	West Linn Channel 30 -- Willamette Falls Television www.wftvaccess.com -- (503) 650-0275 Call or visit website for program times.
Portland Channel 30 (CityNet 30) -- Portland Community Media www.pcmv.org -- (503) 288-1515 8:30 p.m. Sunday, Jan. 15 2 p.m. Monday, Jan. 16	

PLEASE NOTE: Show times are tentative and in some cases the entire meeting may not be shown due to length. Call or check your community access station web site to confirm program times.

Agenda items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, (503) 797-1542. Public hearings are held on all ordinances second read and on resolutions upon request of the public. Documents for the record must be submitted to the Clerk of the Council to be considered included in the decision record. Documents can be submitted by e-mail, fax or mail or in person to the Clerk of the Council. For additional information about testifying before the Metro Council please go to the Metro website www.metro-region.org and click on public comment opportunities. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

BEFORE THE METRO COUNCIL

AMENDING METRO CODE CHAPTERS 5.01)	
AND 5.05 AND THE REGIONAL SOLID WASTE)	
MANAGEMENT PLAN TO IMPOSE A)	ORDINANCE NO. 06-1098
TEMPORARY MORATORIUM UNTIL)	
DECEMBER 31, 2007, ON CERTAIN NEW NON-)	Introduced by Councilor Rod Park
PUTRESCIBLE, MIXED SOLID WASTE)	
MATERIAL RECOVERY OR RELOAD)	
FACILITIES, AND CERTAIN NON-SYSTEM)	
LICENSES; AND DECLARING AN EMERGENCY)	

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, whether new waste transfer and material recovery facilities in the region should be authorized and how out of region facilities are affected by the system, including facilities that receive certain waste via non-system license authorizations; and

WHEREAS, the Metro Council has imposed a moratorium until December 31, 2007 on applications for and authorizations of new solid waste transfer stations; and

WHEREAS, a temporary moratorium on new non-putrescible mixed solid waste material recovery or reload facilities that accept solid waste originating, generated, or collected within the Metro region, including a temporary moratorium on any changes of authorizations to allow existing facilities to begin new non-putrescible waste material recovery or reload operations involving solid waste originating, generated, or collected within the Metro region, and a temporary moratorium on certain non-system licenses, will provide the time necessary to resolve solid waste facility issues through the Disposal System Planning project; 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, 2007.

(f) Notwithstanding any other provision in this Section, the Chief Operating Officer shall not accept for filing any application for authority to accept non-putrescible solid waste originating, generated or collected within the Metro region for the purpose of conducting material recovery or reloading during the period commencing with the effective date of this Ordinance and continuing until December 31, 2007.

SECTION 2. Metro Code Section 5.01.067 is amended to read as follows:

5.01.067 Issuance and Contents of Licenses

(a) Applications for Licenses filed in accordance with Section 5.01.060 shall be subject to approval or denial by the Chief Operating Officer, with such conditions as the Chief Operating Officer may deem appropriate.

(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 site.

(c) Prior to determining whether to approve or deny each License application, the Chief Operating Officer shall provide public notice and the opportunity for the public to comment on the License application.

(d) On the basis of the application submitted, the Chief Operating Officer's investigation concerning the application, and public comments, the Chief Operating Officer shall determine whether the proposed License meets the requirements of Section 5.01.060 and whether to approve or deny the application.

(e) Notwithstanding the authority to approve or deny any application for a solid waste license set forth in subsection (d), if the Chief Operating Officer (i) decides to approve an application for a new license for any facility whose operations will have a substantial effect on any adjacent residential neighborhood, or (ii) decides to approve an amendment to an existing solid waste license to allow for a substantial change in the configuration used at a site for processing solid waste or to allow for a substantial change in the type or quantity of solid waste processed at the facility, the Chief Operating Officer shall inform the Council President in writing no fewer than ten (10) days before the Chief Operating Officer approves any such solid waste license application. The Council President shall immediately cause copies of the notice to be furnished to all members of the Council. Thereafter, the majority of the Council may determine whether to review and consider the license application within 10 days of receipt of the notice from the Chief Operating Officer. If the Council determines to review and consider the application for the license, execution by the Chief Operating Officer shall be subject to the Council's authorization. If the Council determines not to review and consider the application, the Chief Operating Officer may execute the license. For the purpose of this subsection (e), a "substantial effect" shall include any occurrence that arises from the solid waste operation conditions that are regulated under the license and affects the residents' quiet enjoyment of the property on which they reside.

(f) If the Chief Operating Officer does not act to grant or deny a License application within 120 days after the filing of a complete application, the License shall be deemed granted for the Solid Waste Facility or Activity requested in the application, and the Chief Operating Officer shall issue a License containing the standard terms and conditions included in other comparable licenses issued by Metro.

(g) If the applicant substantially modifies the application during the course of the review, the review period for the decision shall be restarted. The review period can be extended by mutual agreement of the applicant and the Chief Operating Officer. An applicant may withdraw its application at any time prior to the Chief Operating Officer's decision and may submit a new application at any time thereafter.

(h) If a request for a License is denied, no new application for this same or substantially similar License shall be filed by the applicant for at least six months from the date of denial.

(i) Licenses shall specify the Activities authorized to be performed, the types and amounts of Wastes authorized to be accepted at the Solid Waste Facility, and any other limitations or conditions attached by the Chief Operating Officer.

(j) The term of a new or renewed License shall be not more than five years.

(k) Notwithstanding any other provision in this Section, no authority to accept mixed non-putrescible solid waste originating, generated, or collected within the Metro region for the purpose of conducting material recovery or reloading shall be granted during the period commencing with the effective date of this Ordinance and continuing until December 31, 2007.

SECTION 3. Metro Code Section 5.05.035 is amended to read as follows:

5.05.035 License to Use Non-System Facility

A waste hauler or other person may transport solid waste generated within Metro to, or to utilize or cause to be utilized for the disposal or other processing of any solid waste generated within Metro, any non-system facility only by obtaining a non-system license in the manner provided for in this Section 5.05.035. Applications for non-system licenses for Non-putrescible waste, Special waste and Cleanup Material Contaminated By Hazardous Substances shall be subject to approval or denial by the Chief Operating Officer. Applications for non-system licenses for Putrescible waste shall be reviewed by the Chief Operating Officer and are subject to approval or denial by the Metro Council.

(a) Application for License. Any waste hauler or other person desiring to obtain a non-system license shall make application to the Chief Operating Officer, which application shall be filed on forms or in the format provided by the Chief Operating Officer. Applicants may apply for a limited-duration non-system license which has a term of not more than 120 days and is not renewable. An application for any non-system license shall set forth the following information:

- (1) The name and address of the waste hauler or person making such application;
- (2) The location of the site or sites at which the solid waste proposed to be covered by the non-system license is to be generated;
- (3) The nature of the solid waste proposed to be covered by the non-system license;
- (4) The expected tonnage of the solid waste proposed to be covered by the non-system license:
 - (A) The total tonnage if the application is for a limited duration non-system license; or
 - (B) The annual tonnage if the application is for any other non-system license;
- (5) A statement of the facts and circumstances, which, in the opinion of the applicant, warrant the issuance of the proposed non-system license;

- (6) The non-system facility at which the solid waste proposed to be covered by the non-system license is proposed to be transported, disposed of or otherwise processed; and
- (7) The date the non-system license is to commence; and, for limited duration non-system licenses, the period of time the license is to remain valid not to exceed 120 days.

In addition, the Chief Operating Officer may require the applicant to provide, in writing, such additional information concerning the proposed non-system license as the Chief Operating Officer deems necessary or appropriate in order to determine whether or not to issue the proposed non-system license.

(b) Every application shall be accompanied by payment of an application fee, part of which may be refunded to the applicant in the event that the application is denied, as provided in this section. The following application fees shall apply:

- (1) For an application for a limited duration non-system license, the application fee shall be two hundred fifty dollars (\$250), no part of which shall be refunded to the applicant in the event that the application is denied.
- (2) For an application for a non-system license seeking authority to deliver no more than 500 tons of solid waste per year to a non-system facility, the application fee shall be five hundred dollars (\$500), two hundred fifty dollars (\$250) of which shall be refunded to the applicant in the event the application is denied. For an application for a change in authorization to an existing non-system license authorizing the delivery of no more than 500 tons of solid waste per year to a non-system facility, the application fee shall be two hundred fifty dollars (\$250); provided, however, that if the result of granting the application would be to give the applicant the authority to deliver more than 500 tons of solid waste per year to a non-system facility, the application fee shall be \$500, two hundred fifty dollars (\$250) of which shall be refunded to the applicant in the event the application is denied. An application for renewal of a non-system license authorizing the delivery of no more than 500 tons of solid waste per year to a non-system facility shall be one hundred dollars (\$100).
- (3) For all applications for a non-system license seeking authority to deliver more than 500 tons of solid waste per year to a non-system facility, whether they be new applications or applications for the renewal of existing licenses, the application fee shall be one thousand dollars (\$1,000), five hundred dollars (\$500) of which shall be refunded to the applicant in the event the application is denied. For an application for a change in authorization to an existing non-system license authorizing the delivery of more than 500 tons of solid waste per year to a non-system facility, the application fee shall be two hundred fifty dollars (\$250).
- (4) For an application for a non-system license seeking to deliver solid waste that is exempt from paying the Metro fees described in Section 5.01.150, the application fee shall be one hundred dollars (\$100) as well as a fifty dollar (\$50) fee to either renew or amend such licenses.

(c) Determination Whether to Issue Non-System License. Within 60 days after receipt of a completed application for a non-system license for Non-putrescible waste, Special waste, Cleanup Material Contaminated By Hazardous Substances, or any other solid waste other than Putrescible waste, including receipt of any additional information required by the Chief Operating Officer in connection therewith, the Chief Operating Officer shall determine whether or not to issue the non-system license and shall inform the applicant in writing of such determination. After receipt of a completed application for a non-system license for Putrescible waste, including receipt of any additional information required by the Chief Operating Officer in connection therewith, the Chief Operating Officer shall formulate and provide to the Council recommendations regarding whether or not to issue the non-system license. If the Chief Operating Officer recommends that the non-system license be granted, the Chief Operating Officer shall recommend to the council specific conditions of the non-system license. Within 120 days after receipt of a completed application for a non-system license for Putrescible waste, including receipt of any additional information required in connection therewith, the Council shall determine whether or not to issue the non-system license and shall direct the Chief Operating Officer to inform the applicant in writing of such determination. In making such determination, the Chief Operating Officer or Metro Council, as applicable, shall consider the following factors to the extent relevant to such determination:

- (1) The degree to which prior users of the non-system facility and waste types accepted at the non-system facility are known and the degree to which such wastes pose a future risk of environmental contamination;
- (2) The record of regulatory compliance of the non-system facility's owner and operator with federal, state and local requirements including but not limited to public health, safety and environmental rules and regulations;
- (3) The adequacy of operational practices and management controls at the non-system facility;
- (4) The expected impact on the region's recycling and waste reduction efforts;
- (5) The consistency of the designation with Metro's existing contractual arrangements;
- (6) The record of the applicant regarding compliance with Metro ordinances and agreements or assistance to Metro in Metro ordinance enforcement and with federal, state and local requirements including but not limited to public health, safety and environmental rules and regulations; and
- (7) Such other factors as the Chief Operating Officer deems appropriate for purposes of making such determination.

At the discretion of the Chief Operating Officer or the Council, the Chief Operating Officer or Council may impose such conditions on the issuance of a non-system license as deemed necessary or appropriate under the circumstances.

(d) Issuance of Non-System License; Contents. Each non-system license shall be in writing and shall set forth the following:

- (1) The name and address of the waste hauler or other person to whom such non-system license is issued;

- (2) The nature of the solid waste to be covered by the non-system license;
- (3) The maximum total, weekly, monthly or annual quantity of solid waste to be covered by the non-system license;
- (4) The non-system facility or facilities at which or to which the solid waste covered by the non-system license is to be transported or otherwise processed;
- (5) The expiration date of the non-system license, which date shall be not more than 120 days from the date of issuance for limited-duration non-system licenses, and two years from the date of issuance for all other non-system licenses; and
- (6) Any conditions imposed by the Chief Operating Officer as provided above which must be complied with by the licensee during the term of such non-system license, including but not limited to conditions that address the factors in Section 5.05.035(c).

(e) Requirements to be met by License Holder. Each waste hauler or other person to whom a non-system license is issued shall be required to:

- (1) Maintain complete and accurate records regarding all solid waste transported, disposed of or otherwise processed pursuant to the non-system license, and make such records available to Metro or its duly designated agents for inspection, auditing and copying upon not less than three days written notice from Metro;
- (2) Report in writing to Metro, not later than the 15th day of each month, commencing the 15th day of the month following the month in which the non-system license is issued and continuing through the 15th day of the month next following the month in which the non-system license expires, the number of tons of solid waste transported, disposed or otherwise processed pursuant to such non-system license during the preceding month; and
- (3) Pay to Metro, not later than the 15th day of each month, commencing the 15th day of the month following the month in which the non-system license is issued and continuing through the 15th day of the month next following the month in which the non-system license expires, a fee equal to the Regional System Fee multiplied by the number of tons (or fractions thereof) of solid waste transported, disposed or otherwise processed pursuant to such non-system license during the preceding month.

(f) Failure to Comply with Non-System License. In the event that any waste hauler or other person to whom a non-system license is issued fails to fully and promptly comply with the requirements set forth in Section 5.05.035(e) above or any conditions of such non-system license imposed pursuant to Section 5.05.035(c), then, upon discovery of such non-compliance, the Chief Operating Officer shall issue to such licensee a written notice of non-compliance briefly describing such failure. If, within 20 days following the date of such notice of non-compliance or such longer period as the Chief Operating Officer may determine to grant as provided below, the licensee fails to:

- (1) Demonstrate to the satisfaction of the Chief Operating Officer either that the licensee has at all times fully and promptly complied with the foregoing

requirements and the conditions of such non-system license or that the licensee has fully corrected such non-compliance; and

- (2) Paid in full, or made arrangements satisfactory to the Chief Operating Officer for the payment in full of, all fines owing as a result of such non-compliance;

Then, and in such event such non-system license shall automatically terminate, effective as of 5:00 p.m. (local time) on such 20th day or on the last day of such longer period as the Chief Operating Officer may determine to grant as provided below. If, in the judgment of the Chief Operating Officer, such non-compliance cannot be corrected within such 20-day period but the licensee is capable of correcting it and within such 20-day period diligently commences such appropriate corrective action as shall be approved by the Chief Operating Officer, then and in such event such 20-day period shall be extended for such additional number of days as shall be specified by the Chief Operating Officer in writing, but in no event shall such the local period as so extended be more than 60 days from the date of the notice of non-compliance.

(g) Notwithstanding any other provision in this Section, the Chief Operating Officer shall not accept any application for, and neither the Chief Operating Officer, nor the Metro Council shall issue a non-system license for mixed putrescible solid waste or mixed non-putrescible solid waste that has not first been delivered to a Metro licensed or franchised Processing facility for material recovery during the period commencing with the effective date of this Ordinance and continuing until December 31, 2007; provided, however, that a licensee may request, and the Chief Operating Officer or Metro Council may issue, a replacement license with an effective date beginning the day after an existing license expires if the replacement license is to authorize the licensee to deliver the same type and quantity of solid waste to the same non-system facility as the existing license.

SECTION 4. The provisions of “Business Waste Reduction Practices: 4. Regional processing facilities for mixed dry waste,” located on pages 7-17 to 7-18 of the Regional Solid Waste Management Plan, are amended to include the following paragraph:

Notwithstanding any other provision in this Plan, Metro shall not accept or grant any application seeking authority to accept mixed non-putrescible solid waste originating, generated, or collected within the Metro region for the purpose of conducting material recovery or reloading during the period commencing with the effective date of this Ordinance and continuing until December 31, 2007.

SECTION 5. The provisions of “Building Industries (Construction and Demolition) Waste Reduction Practices” located on pages 7-19 to 7-22 of the Regional Solid Waste Management Plan, are amended to include the following paragraph:

Notwithstanding any other provision in this Plan, Metro shall not accept or grant any application seeking authority to accept mixed non-putrescible solid waste originating, generated, or collected within the Metro region for the purpose of conducting material recovery or reloading during the period commencing with the effective date of this Ordinance and continuing until December 31, 2007.

SECTION 6. The provisions of “Solid Waste Facilities and Services: Transfer and Disposal System” located on pages 7-25 to 7-27 of the Regional Solid Waste Management Plan, are amended to include the following paragraph:

Notwithstanding any other provision in this Plan, Metro shall not accept or grant any application seeking authority to accept mixed non-putrescible solid waste originating, generated, or collected within the Metro region for the purpose of conducting material recovery or reloading during the period commencing with the effective date of this Ordinance and continuing until December 31, 2007.

SECTION 7. This Ordinance is necessary for the health, safety, and welfare of the Metro area in order to ensure that the Regional Solid Waste Management Plan may be updated and implemented as efficiently as possible. An emergency therefore is declared to exist, and this Ordinance shall take effect immediately, pursuant to Metro Charter Section 39(1).

ADOPTED by the Metro Council this ____ day of _____, 2006.

David Bragdon, Council President

Attest:

Approved as to Form:

Christina Billington, Recording Secretary

Daniel B. Cooper, Metro Attorney

BM:bjl
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STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 06-1098 AMENDING METRO CODE CHAPTERS 5.01 AND 5.05 AND THE REGIONAL SOLID WASTE MANAGEMENT PLAN TO IMPOSE A TEMPORARY MORATORIUM UNTIL DECEMBER 31, 2007, ON CERTAIN NEW NON-PUTRESCIBLE, MIXED SOLID WASTE MATERIAL RECOVERY OR RELOAD FACILITIES, AND CERTAIN NON-SYSTEM LICENSES; AND DECLARING AN EMERGENCY

Date: January 12, 2006

Prepared by: Bill Metzler

SUMMARY

This report recommends that Chapters 5.01 and 5.05 of the Metro Code and the Regional Solid Waste Management Plan (RSWMP) be amended to implement a temporary moratorium on new, non-putrescible, mixed solid waste material recovery or reload facilities and new non-system licenses until December 31, 2007, to coincide with the completion of the RSWMP Update. The proposed moratorium will not impact renewals of existing solid waste licenses or franchises.

Updating the Regional Solid Waste Management Plan involves facility planning and regulation issues including: the appropriate tonnage allocation among existing transfer stations; whether additional waste transfer and material recovery facilities in the region should be authorized; and how out-of-region facilities affect the system, including facilities that receive waste via non-system license authorizations.

In September 2005, Metro Council extended a moratorium on new transfer stations through December 31, 2007 (Ordinance No. 05-1093). The moratorium was based on current transfer overcapacity in the region, as well as the need to defer consideration of new facilities until the RSWMP planning process had concluded. It is now recognized that, during this planning period, consideration of new, non-putrescible, mixed solid waste material recovery facilities and reloads, as well as new non-system licenses, should be deferred as well.

The region has adequate processing capacity for non-putrescible mixed dry waste at present, with 9 facilities that processed a total of 303,921 tons in the past year, recovering a total of 94,470 tons of recyclable materials, with an average recovery rate of 27.5%.

The following graph provides a twelve-month summary of the performance of the region's existing material recovery facilities that accept and process mixed dry solid waste. The tonnage summaries and estimated recovery rates are based on tons reported from October 2004 through September 2005.

Tonnage Summaries – Facilities that Conduct Material Recovery

Facility Name	Mixed Dry Waste Accepted (tons) *	Amount Recovered (tons)*	% Recovery Rate* (12-month average)
Aloha Garbage	2,833	822	29%
East County Recycling (ECR)**	83,638	45,929	54.9%
KB Recycling***	--	--	--
Metro Central**	41,383	7,970	19.2%
Metro South**	52,075	7,349	14.1%
Pride Recycling	21,018	5,196	24.7%
Troutdale Transfer Station	18,329	4,611	25.2%
Wastech	20,712	5,478	26.4%
Willamette Resources Inc. (WRI)	63,933	17,115	26.8%
Total	303,921	94,470	

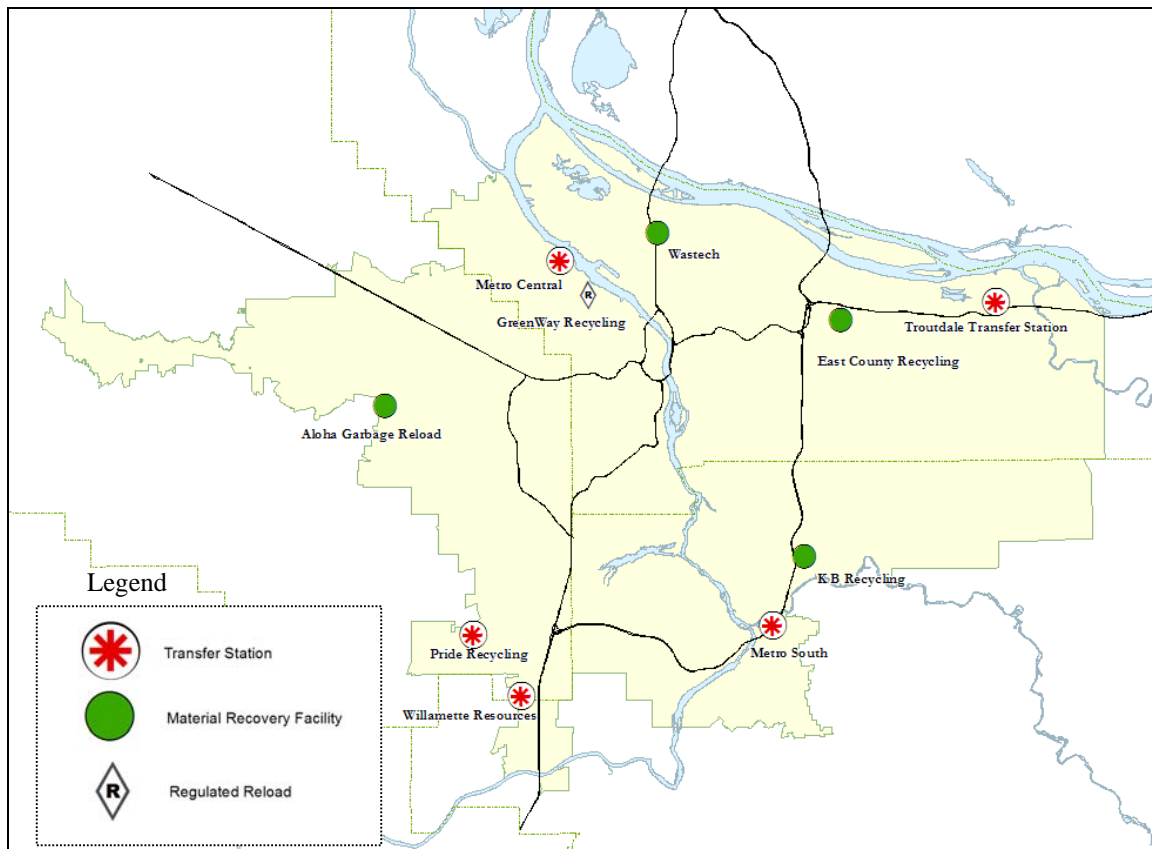
* Tonnages and recovery rates for 10/2004 through 09/2005.

** Facilities that accept dry waste from the general public.

*** KB Recycling is authorized by Metro to operate as a mixed dry waste material recovery facility, but currently accepts primarily source-separated recyclables.

The following map illustrates Metro-authorized solid waste facilities located in the region that currently accept non-putrescible, mixed solid waste for the purpose of conducting material recovery or reloading.

Facilities accepting mixed non-putrescible solid waste for recovery or reloading



Proposed New Material Recovery Facilities or Reloads

The proposed moratorium may impact at least three applicants that are in the process of applying for Metro authorization (a Metro Solid Waste Facility License) to conduct material recovery from non-putrescible mixed solid waste originating, generated, or collected within the Metro region. These are:

- Pacific Land Clearing III (PLC III), located at 4044 N. Suttle Road in Portland. PLC III is an existing Metro licensed roofing recycling and yard debris reload facility. Status: PLC III's license application was considered complete on November 22, 2005, and its application is currently under review.
- Dan Obrist Recycling, located at 4542 SE 174th Ave., in Portland. Dan Obrist Recycling is currently a non-regulated wood waste and inert materials processor. Status: License application not complete.
- Urban Vision Corporation, located at 5339 NE 115th Ave. in Portland. Status: License application not complete.

Staff have not received any new non-putrescible reload applications.

Non-System Licenses

The proposed moratorium will apply to new non-system license applications for putrescible waste and non-putrescible, unprocessed, mixed solid waste. There are no anticipated applications for these types of NSLs.

The proposed moratorium will not apply to NSLs for special waste, clean-up waste, and residual from a material recovery facility.

ANALYSIS/INFORMATION

1. **Known Opposition.** Entities that would seek Metro authority to accept non-putrescible mixed solid waste originating, generated, or collected within the Metro region to conduct material recovery or reloading or obtain a new non-system license may oppose this ordinance.
2. **Legal Antecedents.** The Regional Solid Waste Management Plan and Metro Code Chapter 5.01 and 5.05.
3. **Anticipated Effects.** Ordinance No. 06-1098 will amend Chapters 5.01 and 5.05 of the Metro Code and the Regional Solid Waste Management Plan to implement a temporary moratorium on applications for and authorizations for the purpose of accepting non-putrescible mixed solid waste originating, generated, or collected within the Metro region to conduct material recovery or reloading and certain non-system licenses until December 31, 2007, when the RSWMP update is complete.

Ordinance No. 06-1098 amending Chapters 5.01 and 5.05 of the Metro Code and the Regional Solid Waste Management Plan are necessary for the immediate preservation of public health, safety and welfare by providing for the effective and comprehensive management of the regional solid waste system. An emergency is therefore declared to exist, and this ordinance shall take effect immediately, pursuant to Metro Charter section 39(1).

4. **Budget Impacts.** There are no budget impacts.

RECOMMENDED ACTION

The Chief Operating Officer recommends approval of Ordinance No. 06-1098.

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BEFORE THE METRO COUNCIL

AMENDING METRO CODE SECTION)	ORDINANCE NO. 06-1099
5.02.075 REGARDING WAIVERS OF)	
FEEES FOR DISPOSAL OF SOLID)	Introduced by Chief Operating Office,
WASTE FROM THE METRO REGION)	Michael J. Jordan with the concurrence of
)	Council President, David Bragdon

WHEREAS, pursuant to Metro Code 2.20.030, the Chief Operating Officer is responsible for the proper administration of all affairs of Metro, including the administration of collection of fees related to the disposal of solid waste; and

WHEREAS, the Metro Council has directed the Chief Operating Officer to develop and implement improvements to the granting of permits for waiving fees for the disposal of solid waste from the Metro Region; and

WHEREAS, the efficient administration of Metro solid waste management regularly requires changes to Metro's rules and practices dealing with solid waste; and

WHEREAS, it is appropriate to delegate to the Chief Operating Officer the full authority to implement Council directives and carry out his duties as Metro's chief administrative officer; and

WHEREAS, the Metro Council desires to delegate to the Chief Operating Office authority to develop, maintain, administer and enforce such permits for the waiver of fees for disposal of solid waste generated within the Metro region; now therefore,

THE METRO COUNCIL ORDAINS that Metro Code Section 5.02.075 is amended as follows:

5.02.075 Special Exemption from Disposal Fees

The Chief Operating Officer may issue on such terms as the Chief Operating Officer finds appropriate a special exemption permit to a public agency, local government, or qualified non-profit entity as specified in Code Section 5.07.030(a), (b), (c), (d) and (j) for the purpose of waiving fees for disposal of solid waste generated within the Metro region.

ADOPTED by the Metro Council this ___ day of _____, 2006.

David Bragdon, Council President

Attest:

Approved as to form:

Christina Billington, Recording Secretary

Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 06-1099 FOR THE PURPOSE OF AMENDING METRO CODE SECTION 5.02.075 REGARDING WAIVERS OF FEES FOR DISPOSAL OF SOLID WASTE FROM THE METRO REGION

January 12, 2006

Drafted by: Jan O'Dell

BACKGROUND

A special exemption from disposal fees currently exists in Metro Code to allow the Metro Council to waive disposal fees for solid waste generated in the Metro region in order to "address or remedy a hardship suffered by the applicant, or the public interest will be served." The Code specifies that only non-profit entities are eligible, stipulates a \$5,000 per agency cap, requires that the waste be acceptable for disposal at a Metro facility, and requires a 14-day Council notification process for fee waivers to be issued. This ordinance will remove much of the administrative language from Metro Code in order to give the Metro Council greater flexibility for making changes to the program, and would result in a program that can be more efficiently managed.

PROGRAM HISTORY

The original Code pertaining to disposal fee waivers was enacted to provide financial relief from the impacts of illegal dumping on the community; however, the demands on the program have changed over time. Metro's illegal dumping program has matured and SOLV's annual clean-up activities have minimized the number and frequency of illegal dumpsites in the region. Last year, for example, less than 3 percent of the fee waiver budget was expended on hardship and nuisance requests.

While Metro, SOLV and other groups have been working to address the problems of illegal dumping, neighborhood associations and other non-profits have mobilized citizens in recent years to clean up and enhance the appearance of their neighborhoods. These groups have turned increasingly to Metro's disposal fee waivers to cover the costs of disposing of waste collected at these local events. Currently, neighborhood cleanup events account for nearly 78 percent of the waiver expenditures.

The Code specifies that the Metro COO notify the Metro Council 14 days in advance of issuing waivers, a requirement that is labor-intensive to fulfill. The Code also includes broadly defined eligibility criteria that have made the program difficult to manage within budget.

REASON FOR CODE CHANGE

The amended Code language retains the Chief Operating Officer's authority to waive disposal fees for a variety of activities that serve the public good (e.g.: community clean-up events, flood debris removal, illegal dumpsite clean ups.) Amending the Metro Code to remove the administrative procedures will result in a program that provides for greater flexibility to respond to future needs, is less labor-intensive to administer and should help keep the program within budget. The Metro Council can direct changes to the program, including changing the criteria for eligible activities and events, during each budget cycle, without needing to change Metro Code.

A Community Cleanup program will be clearly identified in the department 2006-2007 budget and include the following administrative procedures and criteria:

- Only non-profit groups are eligible
- \$5,000 per agency annual cap
- Only activities which serve to clean up or enhance the appearance of community are eligible (includes neighborhood clean-ups and rehabilitation of low-income housing; excludes parades and concerts that by their nature create trash)
- Recycling opportunities must be provided at the event
- Organization must apply for disposal waivers two weeks prior to event
- Eligible organizations should apply for Community Enhancement and Nature in Neighborhood grants
- Event publicity should make clear that Metro has provided disposal of the waste collected at the event, despite any organization fund-raising that has been included as part of the event.

ANALYSIS/INFORMATION

1. Known Opposition

There is no known opposition.

2. Legal Antecedents

This requires a change to Metro Code.

3. Anticipated Effects

This Ordinance changes Metro Code by eliminating language about eligibility criteria and administrative procedures. Criteria and procedures will be spelled out in administrative procedures.

4. Budget Impacts

It is anticipated that the changes to the program will enable staff to better manage the program within Council-approved budget.

RECOMMENDED ACTION

The Chief Operating Officer recommends approval of Ordinance No. 06-1099.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING THE)	RESOLUTION NO. 06-3654
APPOINTMENT OF TODD IRVINE AND ADAM)	
C. WINSTON TO THE REGIONAL SOLID)	Introduced by David Bragdon,
WASTE ADVISORY COMMITTEE (SWAC))	Council President

WHEREAS, Metro Code Chapter 2.19.130 established the Regional Solid Waste Advisory Committee (SWAC) to evaluate policy recommendations to the Metro Council regarding regional solid waste management and planning; and

WHEREAS, Metro Code Chapter 2.19.030 states that all members and alternate members of all Metro Advisory Committees shall be appointed by the Council President subject to confirmation by the Council; and

WHEREAS, Metro Code Chapter 2.19.130 authorizes representatives and alternates for the SWAC; and

WHEREAS, vacancies have occurred in the SWAC membership; and

WHEREAS, the Council President has appointed Todd Irvine and Adam C. Winston, as alternate members representing the Disposal Sites subject to confirmation by the Metro Council; now therefore,

BE IT RESOLVED, that the Metro Council confirms the appointments of Mr. Irvine and Mr. Winston to Metro's SWAC.

ADOPTED by the Metro Council this _____ day of _____, 2006.

David Bragdon, Council President

Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 06-3654 FOR THE PURPOSE OF CONFIRMING THE APPOINTMENT OF TODD IRVINE AND ADAM C. WINSTON TO THE REGIONAL SOLID WASTE ADVISORY COMMITTEE (SWAC)

Date: January 12, 2006

Prepared by: Susan Moore

BACKGROUND

The 25-member Regional Solid Waste Advisory Committee (SWAC), representing recyclers, the hauling industry, disposal sites, citizen-ratepayers and local governments, evaluates policy options and presents recommendations to the Metro Council regarding regional solid waste management and planning.

The following individuals have been recommended to serve as alternate members of the SWAC:

1. Todd Irvine has been recommended to serve as an alternate representative for Disposal Sites. (See Attachment 1).
2. Adam C. Winston has been recommended to serve as an alternate representative for Disposal Sites. (See Attachment 2).

ANALYSIS/INFORMATION

1. Known Opposition

There is no known opposition.

2. Legal Antecedents

ORS 192.610 "Governing Public Meetings", Metro Code Chapter 2.19.030, "Membership of the Advisory Committees" and 2.19.130, "Metro Solid Waste Advisory Committee", are the relevant legal documents related to these appointments.

3. Anticipated Effects

This resolution is intended to appoint the following individuals for a two-year term of service on the SWAC: Todd Irvine and Adam C. Winston.

4. Budget Impacts

None.

RECOMMENDED ACTION

The Council President has reviewed the qualifications of Mr. Irvine and Mr. Winston and finds them qualified to advise Metro in the matters of solid waste management and planning. Therefore, Council confirmation of these appointments by adoption of Resolution No. 06-3654 is recommended.

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WASTE MANAGEMENT

Northwest Area
7227 NE 55th Avenue
Portland, OR 97218
(503) 331-2233
(503) 493-7866 fax

METRO
SW&R DEPT
NOV - 8 AM 10:19

November 7, 2005

Mike Hoglund
Metro
600 NE Grand Ave.
Portland, OR 97232

Re: Request for SWAC Alternate

Dear Mike,

Please accept this letter as my formal request to be appointed as the alternate SWAC representative for Waste Management. As a member of the solid waste industry for the past 16 years, I am keenly interested in the continual changes of this industry within the greater Portland area and look forward to participating in the process.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam C. Winston".

Adam C. Winston
Oregon Market Area General Manager

[Faint, illegible text, likely a carbon copy or bleed-through from the reverse side of the page.]



December 19, 2005

Honorable David Bragdon
President, Metro Council

Members of Metro Council

Todd Irvine is seeking appointment to Metro's SWAC as an alternate representative for Disposal Sites. Mr. Irvine will replace Mike Huycke, who has to discontinue serving on SWAC due to his relocation to Seattle, Washington as Allied Waste's District Manager.

Ray Phelps will continue his membership on Metro's SWAC representing Disposal Sites.

Following is the information for Todd Irvine.

Todd Irvine
General Manager, Portland Area Divisions
Allied Waste Systems, Inc.
10295 SW Ridder Road
Wilsonville, OR 97070
Office: (503) 570-0626
Fax: (503) 570-0523

Mr. Irvine has worked continuously in the private sector of the solid waste industry since 1984.

General Manager, Portland Area Divisions
Allied Waste Industries, Inc.
2004-Present

Operations Manager
Willamette Resources, Inc.
1995-2004

Operations Manager
Wastech, Inc.
1991-1995

Operations Supervisor
Wastech, Inc.
1986-1991

Part-time Employee
Wastech, Inc.
1984-1986

Memberships: Oregon Refuse & Recycling Association, Association of Oregon Recyclers

Education: Oregon State University, B.S., 1986

