

BEFORE THE METRO COUNCIL

AMENDING METRO CODE CHAPTER 5.05 TO ) ORDINANCE NO. 06-1106  
CLARIFY THE NON-SYSTEM LICENSE )  
EXEMPTION FOR THE DESTRUCTION OF ) Introduced by Michael Jordan, Chief  
CERTAIN WASTES IN ORDER TO ASSURE ) Operating Officer, with the concurrence  
PUBLIC SAFETY AND THE PUBLIC GOOD ) of David Bragdon, Council President

WHEREAS, Metro Code Section 5.05.027(b) presently provides a non-system license exemption for the transport of certain types of solid waste such as: "contraband, postage stamps, expired pharmaceuticals and certain records"; and

WHEREAS the purpose of the exemption is to protect the public interest by ensuring the timely and efficient destruction (most commonly by incineration at the Covanta Waste-to-Energy facility located in Brooks, Oregon) of certain sensitive documents and materials to avoid an unduly burdensome requirement on public agencies that destroy small amounts of those materials on an infrequent basis; and

WHEREAS, Metro has received requests from private businesses wanting to take advantage of the existing exemption to avoid the non-system license requirements of Chapter 5.05; and

WHEREAS, the exemption was not intended to be so expansive as to apply to larger waste streams that are destroyed for the protection of a business' proprietary information or to protect the privacy of its customers; and

WHEREAS, the Chief Operating Officer recommends approval of this Ordinance; now therefore

THE METRO COUNCIL ORDAINS AS FOLLOWS:

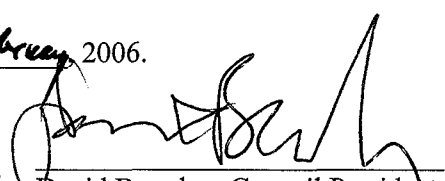
**Metro Code Section 5.05.027 is amended as follows:**

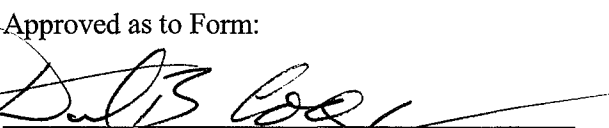
5.05.027 Exemptions


(a) A license is not required of any waste hauler or other person to transport solid waste generated within Metro to, or to utilize or cause to be utilized for the disposal or other processing of solid waste generated within Metro, a designated facility of the system that is in compliance with all local, state, federal and Metro regulations, including any agreement entered into between Metro and the system facility.

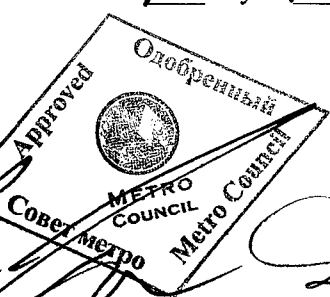
(b) A license is not required for a government agency to transport solid wastes to the Covanta Waste-to-Energy facility located in Brooks, Oregon, a solid waste facility or disposal site for the primary purpose of destroying such wastes in order to assure public safety or for the public good. Solid wastes exempted under this subsection include, including but are not limited to, contraband, postage stamps, expired pharmaceuticals and lottery tickets.

ADOPTED by the Metro Council this 9<sup>th</sup> day of February, 2006.

  
David Bragdon, Council President

Approved as Form:  
  
Daniel B. Cooper, Metro Attorney

Attest:  
  
Christina Billington, Recording Secretary



## STAFF REPORT

### IN CONSIDERATION OF ORDINANCE NO. 06-1106 AMENDING METRO CODE CHAPTER 5.05 TO CLARIFY THE NON-SYSTEM LICENSE EXEMPTION FOR THE DESTRUCTION OF CERTAIN WASTES IN ORDER TO ASSURE PUBLIC SAFETY AND THE PUBLIC GOOD

---

January 3, 2006

Prepared by: Bill Metzler

## BACKGROUND

### Description of the Ordinance

Section 5.05.027(b) of the Metro Code provides that a non-system license “is not required to transport solid wastes to a solid waste facility or disposal site for the primary purpose of destroying such wastes, including but not limited to contraband, postage stamps, expired pharmaceuticals, and certain records.”

This non-system license exemption was added to the Metro Code in 2001 after it was discovered that the Covanta Waste-to-Energy Facility located in Brooks, Oregon was accepting small amounts of the items listed in the exemption from government agencies in the Metro region. These items were delivered infrequently and most often in amounts measured in pounds rather than tons. Metro determined that the incineration of such items was in the public interest and that it would be unduly burdensome to expect all such agencies to obtain non-system licenses to destroy such small amounts of material so infrequently.

The intent of the exemption was to facilitate the destruction (incineration) of a few very specialized waste streams that were small volumes, infrequently generated by government entities, and clearly in the public interest to expedite such destruction. Metro has received requests from businesses wanting to take advantage of the exemption as it is currently worded, and thereby escape the non-system license requirements of Chapter 5.05, in order to destroy documents for the protection of a business' proprietary information or to protect the privacy of its customers. Staff does not believe that this exemption was intended to be so expansive as to cover such larger waste streams.

The purpose of this Ordinance is to clarify the intent of the Code provisions for this very specific and limited exemption.

## ANALYSIS / INFORMATION

### 1. Known Opposition

There is no known opposition to the proposed ordinance.

### 2. Legal Antecedents

Current provisions of Metro Code Chapter 5.05.

### 3. Anticipated Effects

The anticipated effect of the proposed ordinance is to clarify the intent of the Chapter 5.05 Code provisions for this very specific and limited non-system license exemption.

### 4. Budget Impacts

The proposed ordinance is not anticipated to have a budget impact, but could result in the more efficient and less costly prosecution of enforcement actions and the recovery of additional Regional System Fees and Excise Taxes.

## RECOMMENDED ACTION

The Chief Operating Officer recommends approval of Ordinance No. 06-1106.