

ORDINANCE NO. 39

AN ORDINANCE ADOPTING STANDARDS OF EXEMPTIONS FOR OPERATION OF SOLID WASTE DISPOSAL SITES IN ACCORDANCE WITH MSD ORDINANCE No. 32 AND PRESCRIBING AN EFFECTIVE DATE.

PUBLIC HEARINGS

JUNE 11, 1976

JULY 23, 1976

ADOPTED JULY 23, 1976

AMENDMENTS:

ORDINANCE NO. 39

An ordinance adopting Standards of Exemptions for operation of solid waste disposal sites in accordance with MSD Ordinance No. 32 and prescribing an effective date.

ORDINANCE NO. 39

THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

SECTION 1. Short Title

This Ordinance shall be known as the "Standards of Exemption Ordinance" and may also be so cited and pleaded and shall be cited herein as "this Ordinance".

SECTION 2. Codification

This Ordinance may be codified in the Code of the MSD.

SECTION 3. Definitions

As used in this Ordinance unless the context requires otherwise:

3.1 ACCEPTABLE SOLID WASTES. Acceptable Solid Wastes means all putrescible and nonputrescible Solid Wastes, including without limitation, garbage, rubbish, refuse, paper and cardboard, commercial, industrial, demolition and construction Wastes, and home appliances; provided, however, that this definition does not include:

- .1 Sewage sludge, septic tank and cesspool pumpings or other sludge.
- .2 Motor vehicles or parts thereof.
- .3 Lengths of wire rope, cable or rigid material more than 8 feet in length.
- .4 Concrete, dirt, sand, and other inert material.
- .5 Tree stumps.
- .6 Dead animals.
- .7 Material specifically exempted pursuant to the operational plan of the processing facility.
- .8 Chemicals and oils.

3.2 DEQ. DEQ means the Department of Environmental Quality for the State of Oregon.

3.3 DIRECTOR. Director means the Director of the MSD Solid Waste Program.

3.4 MSD. MSD means the Metropolitan Service District, a municipal corporation established and existing under the laws of the State of Oregon, ORS Chapter 268.

3.5 OPERATOR. Operator means a person who has obtained and holds a waste disposal certificate issued by the MSD pursuant to Ordinance No. 32.

3.6 PERSON. Person means any individual, public or private corporation, industry, partnership, association, firm, trust, estate, city, county, special district, or local governmental unit and any other legal entity.

3.7 PHASE I. Phase I means the first phase of the Program from the effective date of Ordinance No. 32 to the activation and operation of the first processing facility and transfer station.

3.8 PHASE II. Phase II means the second phase of the Program from the activation and operation of one processing facility and one transfer station to the activation and operation of the second processing facility.

3.9 PHASE III. Phase III means the third phase of the Program from the activation and operation of two processing facilities and one transfer station and thereafter.

3.10 PLAN/PROGRAM. Plan/Program means the Solid Waste Management Plan adopted by the Board on May 10, 1974, and amended by the Board on August 8, 1975.

3.11 PROCESS/PROCESSED. Process/Processed means a method or system of altering the form, condition or content of solid wastes, such as but not limited to shredding, milling or pulverizing. This definition does not include compaction.

3.12 PROCESSING FACILITY. 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.

3.13 SOLID WASTE. Solid Waste means all putrescible and nonputrescible wastes, including without limitation, garbage, rubbish, refuse, ashes, paper and cardboard; vehicles or parts thereof; sewage sludge, septic tank and cesspool pumpings or other sludge; commercial, industrial, demolition and construction wastes; home and industrial appliances; provided that this definition does not include:

- .1 Environmentally hazardous wastes as defined in ORS 459.410(6), (1974 Replacement Part), and
- .2 Radioactive material produced by nuclear installations, as defined by ORS 459.410(7)(1974 Replacement Part) and
- .3 Materials used for fertilizer on land in agricultural operations and the growing or harvesting of crops and the raising of fowls or animals, and
- .4 Explosives.

3.14 SPECIAL WASTES. Special Wastes means sewage sludge, septic tank and cesspool pumpings or other sludges, contaminated hospital wastes, flammable or explosive material, chemicals or oils and dead animals and such other waste as designated by the Director.

3.15 WASTE. Waste means any material considered to be useless, unwanted and discarded by the person who last used the material for its intended and original purpose.

3.16 WASTE DISPOSAL SITE/DISPOSAL SITE. Waste Disposal Site/Disposal Site means a disposal site, whether or not open to the public, permitted by DEQ except those sites permitted as industrial solid waste disposal sites by DEQ. This definition does not include transfer stations or processing facilities.

SECTION 4. Acceptance of Material; Exemptions

4.1 During Phase I and Phase II of the Program, those operators holding certificates from MSD to operate a processable Solid Waste Disposal Site may receive, accept and dispose of solid wastes not classified as Special Wastes.

4.2 During Phase I and Phase II of the Program, those Operators holding certificates from MSD to operate a Nonprocessible Solid Waste Disposal Site may receive, accept and dispose of Solid Wastes not classified as Special Wastes.

4.3 During Phase III of the Program, those Operators holding certificates from MSD to operate a Processable Solid Waste Disposal Site may only receive, accept and dispose of Solid Waste that has been processed.

4.4 During Phase III of the Program, those Operators holding certificates from MSD to operate a Nonprocessible Solid Waste Site may only receive, accept and dispose of Solid Wastes not classified as Acceptable Solid Wastes or as Special Wastes.

4.5 Notwithstanding Section 4.3, an Operator of a Processable Solid Waste Disposal Site may receive and accept:

.1 Certain solid waste such as earth, sand, stone and crushed rock only if such solid waste does not constitute a health hazard and will be used for cover or diking or road paving;

.2 Acceptable Solid Wastes that have not been processed and is being diverted from an authorized MSD processing facility due to emergency conditions;

.3 Special Wastes if authorized under Section 5.

SECTION 5. Authorization to Dispose of Special Waste

5.1 Persons making application for a certificate to operate a Processable Solid Waste Disposal Site or Operators holding a certificate to operate a Processable Solid Waste Disposal Site may request authorization to dispose of Special Wastes.

5.2 Request for the disposal of Special Waste shall be reviewed by the Director who shall make such investigations as he deems necessary and appropriate. Notice of such request shall be given in a manner designed to inform interested persons and the general public. The notice shall state the name of the applicant, the type of Special Waste to be disposed, the location of the Waste Disposal Site and that the recipient of the notice and the public shall have thirty (30) days from the date thereof to file written comments pertinent to the request and other information the director deems appropriate.

5.3 The Director may refuse to authorize an Operator of a Processable Waste Disposal Site to dispose of Special Wastes if:

.1 The applicant has not met the requirements of the MSD Code or the rules and regulations promulgated thereunder or Chapter 459 of the Oregon Revised Statutes or the rules and regulations promulgated thereunder;

.2 The applicant has misrepresented any statements in the application to dispose of Special Wastes or in any testimony or documentary evidence given to the Director or to the MSD Board;

.3 The applicant has failed to disclose all information in the applicant's possession relevant to a decision on the application after written notification and an opportunity to do so;

.4 The disposal of Special Waste would jeopardize the efficient and safe operation of the Processable Waste Disposal Site.

5.4 The Director's decision is subject to a contested case hearing under provision of ORS 183 and the contested case procedures adopted by MSD.

SECTION 6. Effective Date

This Ordinance shall take effect upon the effective date of Ordinance No. 32.

METROPOLITAN SERVICE DISTRICT

Date: 7-23-76

Miller Duris
Miller Duris, Vice Chairman

APPROVED METROPOLITAN
SERVICE DISTRICT
BOARD OF DIRECTORS

ACTION NO. 76-620

DATE 7-23-76

BY Jean M. Wood
CLERK OF THE BOARD