

**BEFORE THE METRO COUNCIL**

FOR THE PURPOSE OF AMENDING )  
METRO CODE CHAPTER 5.02 TO )  
REMOVE THE RETRIEVAL RATE) )  
REQUIREMENT FOR REGIONAL) )  
SYSTEM FEE CREDIT ELIGIBILITY )

ORDINANCE NO. 00-873

Introduced by the Regional  
Environmental Management  
Committee of the Metro Council

WHEREAS, the regional system fee credit program is intended to encourage appropriate post-collection recovery behaviors; and

WHEREAS, the recently increased Recovery Rate (Ordinance 00-867) required for facilities wishing to qualify for regional system fee credits encourages appropriate recovery behavior; and

WHEREAS, the Facility Retrieval Rate is a redundant and less useful measure of material recovery; and

WHEREAS, Chapter 5.02 should eschew redundancy wherever possible; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

SECTION 1. Metro Code Section 5.02.015 (i) is stricken as follows:

~~(i) "Facility Retrieval Rate" means the percentage expressed by dividing the sum of all tonnage recovered at a solid waste facility, including all Source Separated Recyclable Materials, by the sum of the tonnage recovered at such facility, including all Source Separated Recyclable Materials, and the total solid waste destined for disposal from the facility.~~

SECTION 2. Metro Code Section 5.02.047 (a) is amended to read:

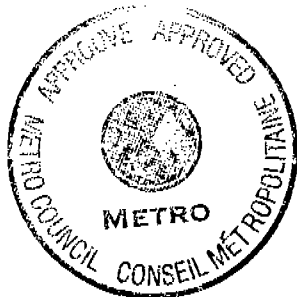
5.02.047 Regional System Fee Credits

(a) A solid waste facility which is certified, licensed or franchised by Metro pursuant to Metro Code Chapter 5.01 ~~and which attains a Facility Retrieval Rate of 10 percent or greater~~ shall be allowed a credit against the Regional System Fee otherwise due each month under Section 5.02.045 for disposal of Processing Residuals from the facility. ~~The Facility Retrieval Rate and the Recovery Rate~~ shall be calculated for each six-month period before the month in which the credit is claimed. The amount of such credit shall be in accordance with and no greater than as provided on the following table:

System Fee Credit Schedule

Recovery Rate		System Fee Credit of no more than
From Above	Up To & Including	
0%	24.99%	0.00
24.99%	30%	3.00
30%	35%	6.46
35%	40%	8.00
40%	45%	9.82
45%	100%	12.00

ADOPTED by the Metro Council this 28<sup>th</sup> day of September, 2000.



*David Bragdon*  
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 David Bragdon, Presiding Officer

ATTEST:

*[Signature]*  
 \_\_\_\_\_  
 Recording Secretary

Approved as to Form:

*[Signature]*  
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 Daniel B. Cooper, General Counsel

OGC/MDF/TJC/tsc  
 REM/Share/Legislation/retrieval rate ord

**EXECUTIVE SUMMARY  
ORDINANCE 00-873**

**PROPOSED ACTION**

- Adopt Ordinance 00-873 that removes all references to Facility Retrieval Rate from Metro Code Chapter 5.02.

**WHY NECESSARY**

- Redundant and irrelevant requirement in Chapter 5.02
- Currently used Recovery Rate is a more representative measure of recycling effort

**ISSUES/CONCERNS**

- Currently, in order to qualify for regional system fee credits, a material recovery facility must meet both a 10% Facility Retrieval Rate threshold and a 25% Recovery Rate minimum.
- Recovery Rate is an adequate measure of a facility's recycling effort.
- It is very unlikely, given any realistic assumptions, that a facility could achieve a 25% Recovery Rate and simultaneously fail to achieve a 10% Retrieval Rate.
- Facility Retrieval Rate is a redundant measure in Chapter 5.02 of Metro Code.

**BUDGET/FINANCIAL IMPACT**

None.

## STAFF REPORT

Consideration of Ordinance No. 00-873, for the purpose of amending Metro Code chapter 5.02 to remove the retrieval rate requirement for regional system fee credit eligibility.

September 7, 2000

Presented by: Terry Petersen (x1669)

### BRIEF DESCRIPTION OF ORDINANCE

This ordinance would delete the definition of Facility Retrieval Rate from Metro Code Section 5.02.015 and would remove the requirement that solid waste facilities who qualify for regional system fee credits for post-collection recovery must meet a mixed (wet and dry) Retrieval Rate minimum of 10%. The current minimum *Recovery Rate* of 25% (of dry waste only) would still be required in order to receive regional system fee credits.

### EXISTING LAW

Currently Metro Code Chapter 5.02 requires facilities to meet two "hurdles" in order to qualify for regional system fee credits:

1. A Facility Retrieval Rate of at least 10% (see definition A below); and
2. A Recovery Rate of at least 25% (see definition B below).

The higher the Recovery Rate at a facility, the higher the regional system fee credits awarded.

### BACKGROUND

Definitions:

$$(A) \quad \text{Facility Retrieval Rate} = \frac{\text{All Recovered Waste}}{\text{Recovered} + \text{Disposed}} \quad (\text{includes all source-separated})$$

$$(B) \quad \text{Recovery Rate} = \frac{\text{Recovered Dry Waste}}{\text{Dry Recovered} + \text{Disposed Residual}} \quad (\text{excludes source-separated})$$

Originally, Facility Retrieval Rate was intended as a threshold measure to judge whether a solid waste facility could be considered a material recovery facility, or simply a transfer station. If a facility could not retrieve at least 10% of all delivered waste, it would be considered a transfer station, and would not be eligible for regional system fee credits. If a retrieval rate of at least 10% were achieved, then regional system fee credits could be awarded to those facilities that also achieved a Recovery Rate of 20% (now 25% as per Ordinance 00-867) or more.

Facility Retrieval Rate is no longer a useful measure. With the new requirement (from Ordinance 00-867) that material recovery facilities recover at least 25% of non-putrescible waste, it becomes nearly a practical impossibility that any facility could

achieve that 25% recovery and simultaneously fail to achieve a 10% Retrieval Rate. The inclusion of source-separated waste in the calculation of the Retrieval Rate makes it very unlikely that a facility could reach 25% recovery without achieving a 10% Retrieval Rate.

For conciseness and clarity in Metro's Code, Facility Retrieval Rate should no longer be a prerequisite for regional system fee credits.

**BUDGET IMPACT**

None.

**OUTSTANDING QUESTIONS**

None

**EXECUTIVE OFFICER'S RECOMMENDATION**

The Executive Officer recommends approval of Ordinance 00-873.