

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING) ORDINANCE NO. 98-761
THE REGIONAL SOLID WASTE)
MANAGEMENT PLAN) Introduced by Mike Burton,
Executive Officer

WHEREAS, The Regional Solid Waste Management Plan (Plan), adopted by the Council as a functional plan via Ordinance No. 95-624, describes a process for the Plan's annual review and periodic revision; and

WHEREAS, In keeping with the review and revision process, staff, local government representatives, and other interested parties have proposed amendments to the Plan; and

WHEREAS, The Regional Solid Waste Advisory Committee (SWAC) appointed a task force to review the proposed amendments, to involve the public in that process, and to make recommendations to SWAC, the Executive Officer, and the Council; and

WHEREAS, SWAC has recommended Council adoption of the amendments described in Exhibit A to this ordinance; and

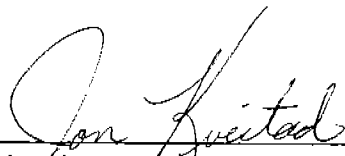
WHEREAS, the Executive Officer has recommended Council adoption of the amendments described in Exhibit A to this ordinance; and

WHEREAS, The amendments are consistent with the overall goal of the Regional Solid Waste Management Plan: To continue to develop and implement a Solid Waste Management Plan that achieves a solid waste system that is regionally balanced, environmentally sound, cost-effective, technologically feasible and acceptable to the public.

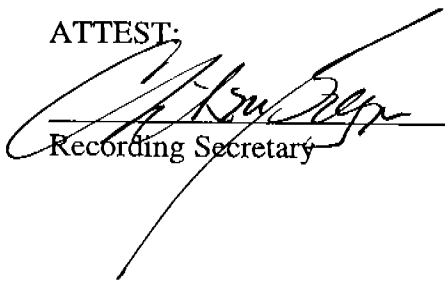
THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The amendments described in Exhibit A to this ordinance be adopted into the Regional Solid Waste Management Plan.

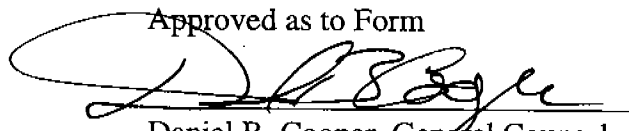
ADOPTED by the Metro Council this 16th day of July, 1998.



Jon Kvistad, Presiding Officer

ATTEST:


Recording Secretary

Approved as to Form


Daniel B. Cooper, General Counsel

Exhibit A to Ordinance No. 98-761

Amendments to the Regional Solid Waste Management Plan

Note: New language is shown as underlined. Deleted language is shown as crossed out.

The Regional Solid Waste Management Plan (RSWMP) Amendment Task Force was appointed by SWAC in January 1997 to review proposed amendments to the RSWMP that had been advanced by the Director of Regional Environmental Management. The Task Force made recommendations to the full SWAC membership. SWAC reviewed the Task Force's conclusions and made specific recommendations about these amendments to the Metro Executive Officer and Council. The Task Force considered possible Regional Plan clarifications and amendments in the following areas:

1. *Facility issues* - Defining the relationship between materials processing facilities (MRFs) and source separation programs, and between reload facilities and transfer stations.
2. *Alternative practices* - The process and schedule by which the Metro REM Director approves alternatives to the RSWMP's recommended practices proposed by local governments.
3. *Waste prevention for businesses* - The targeting approach (types, sizes, numbers, materials, etc.) for two recommended practices: a) waste prevention evaluations; and b) model waste prevention programs.
4. *Source-separated recycling for businesses* - a) The intent of the practice calling for distribution of containers to small businesses; and b) Expansion of the recommended practice which calls for more recycling of paper and container materials to include other prevalently disposed recyclable materials.
5. *Source-separated recycling for construction and demolition sites* - Clarification of the term "assure availability" of source-separated recycling for construction and demolition sites.
6. *Other* - A number of "housekeeping" type amendments to the RSWMP, such as implementation date changes, and clarification of lead roles and responsibilities.

Ordinance 97-700 was passed by the Metro Council on August 7, 1997 and included amendments to the RSWMP in all of the above areas with the exception of 1: *Facility Issues*. The adopted solid waste facilities amendments raised a number of implementation issues that SWAC and the REM Department discussed over the past year. These discussions have concluded and the implementation issues are addressed in the revised Metro Code chapter 5.01 being brought forward under Ordinance 98-762. This Ordinance, 98-761, brings forward the amendments on the facility issues only. Passage of these amendments ensures consistency between the RSWMP and the proposed Code revision.

The following Amendments to the Regional Solid Waste Management Plan were adopted unanimously by the Metro Solid Waste Advisory Committee and are hereby recommended to the Metro Council for consideration.

Amendment A - Clarify Purpose of Dry Waste Processing for Business Waste Reduction Practices

Amend the “key concept and approach” description, RSWMP page 7-17, for Recommended Practice #4 relating to processing facilities for mixed dry waste, to read:

Because of high disposal costs and the market value of recovered materials, there are strong economic incentives to develop dry waste processing facilities. ~~The majority of construction materials are recyclable. The percentage that can be recycled from any project is dependent on the job.~~ Even with good source separation services in place, there may be materials from businesses that are economically recoverable at processing facilities. More than 85 percent of the waste from residential construction is currently recyclable in the metro region. The recommended practice is to rely on the private sector to develop additional dry waste processing capacity.

Amendment B - Correction of Typographical Error

Amend key element d), RSWMP page 7-22, of Recommended Practice #4 relating to processing facilities for mixed dry waste, to read:

Support and develop markets for recovered materials through technical assistance ~~and~~ to processors and end users of recovered materials.

Amendment C - Clarification to the Plan’s description of reload facilities

Amend the description of Recommended Practice #4, RSWMP page 7-25; to read:

~~Allow reload facilities sited, owned and operated by haulers for consolidation of loads for hauling to Metro transfer stations to serve areas distant from transfer stations.~~ Allow the siting of reload facilities for consolidation of loads hauled to appropriate disposal facilities.

Amendment D - Standards for Reload Facilities

Amend key element d) of Recommended Practice #4 relating to reload facilities, RSWMP page 7-27, to read:

Low-level recovery activities (manual “dump and sort” activities and other low technology methods) at reload facilities will comply with all federal, state, regional, and local laws and regulations regarding the recovery of recyclable materials from mixed wastes and be consistent with the Plan’s recommendations regarding source-separated recycling efforts.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 98-761, FOR THE PURPOSE OF AMENDING THE REGIONAL SOLID WASTE MANAGEMENT PLAN (RSWMP)

DATE: May 28, 1998

Presented by: Bruce Warner

Action Requested and Purpose of the Ordinance

The Council is requested to adopt Ordinance No. 98-761 which approves amendments to the Regional Solid Waste Management Plan (RSWMP) developed during the 1997 review of the RSWMP. The amendments make the changes necessary to ensure the RSWMP remains a current and relevant policy document. The amendments are summarized later in this staff report.

Background

RSWMP requirements for Plan amendments. The amendments proposed under Ordinance No. 98-761 are consistent with the overall goal of the RSWMP which is to continue to develop and implement a Solid Waste Management Plan that achieves a solid waste system that is regionally balanced, environmentally sound, cost-effective, technologically feasible and acceptable to the public.

Regional Task Force and SWAC consideration of proposed amendments. In January 1997 the Regional Solid Waste Advisory Committee (SWAC) appointed a task force to review proposed amendments. The task force included representatives from the solid waste hauling, processing and recycling industries, recycling advocates, a business representative, and local regional and state government interests. SWAC voted to accept all of the Task Force's recommendations regarding RSWMP amendments. Ordinance 97-700, adopted on August 7, 1997, included all of the amendments to the RSWMP recommended by SWAC with the exception of those amendments relating to solid waste facilities.

These facility-related amendments were not included in Ordinance No. 97-700 due to implementation issues raised by one particular amendment. The amendment in question (C below) attempted to clarify what some saw as an ambiguity in the Plan about whether reload facilities could haul materials only to Metro transfer stations or were allowed to haul to any "appropriate disposal facility". Under the latter interpretation, the direct-haul of putrescible wastes to Columbia Ridge Landfill by reloads would be consistent with the Plan.

The Department recognized that direct-haul raised a number of implementation issues such as how to mitigate the impact of additional transport contractors in the Gorge and how Metro could keep benefits from Change Order 7 of the disposal contract. The Department and SWAC subsequently began a process that resulted in twelve months of discussion on direct-haul and related issues. These discussions have concluded and the Department and SWAC made recommendations regarding the conditions under which direct-haul should occur. These recommendations are incorporated into the revised code being submitted as Ordinance 98-762. The solid waste facility issue amendments included in this Ordinance 98-761 were previously approved by SWAC and are being brought forward to ensure that the RSWMP can be unambiguously interpreted as allowing direct-haul.

DEQ Approval. The process also includes Oregon Department of Environmental Quality (DEQ) review and approval of RSWMP amendments once they are approved by the Metro Council.

Summary of the Proposed Amendments

The role of the SWAC Task Force was to review whether the RSWMP provisions were sufficient to guide the region considering the recent growth in Material Recovery Facilities (MRFs) and the potential growth of reload facilities. The four amendments that were eventually approved by SWAC are those that were deemed necessary. The amendments are as follows:

Amendment A - Clarify Purpose of Dry Waste Processing for Business Waste Reduction Practices

SWAC Recommendation - Amend the "key concept and approach" description, RSWMP page 7-17, for Recommended Practice #4 relating to processing facilities for mixed dry waste, to read:

Because of high disposal costs and the market value of recovered materials, there are strong economic incentives to develop dry waste processing facilities. ~~The majority of construction materials are recyclable. The percentage that can be recycled from any project is dependent on the job.~~ Even with good source separation services in place, there may be materials from businesses that are economically recoverable at processing facilities. More than 85 percent of the waste from residential construction is currently recyclable in the metro region. The recommended practice is to rely on the private sector to develop additional dry waste processing capacity.

Rationale - This amendment corrects the impression that only construction and demolition materials go to dry waste facilities. The Plan discusses dry waste processing in two different sections: Business Waste Reduction practices and Building Industries Waste Reduction. The two sections currently contain the same basic language and policy recommendations

about dry waste processing. The above amendment would not change any policies but corrects the impression that only construction and demolition materials go to dry waste facilities.

Amendment B - Correction of Typographical Error

SWAC Recommendation - Amend key element d), RSWMP page 7-22, of Recommended Practice #4 relating to processing facilities for mixed dry waste, to read:

Support and develop markets for recovered materials through technical assistance and to processors and end users of recovered materials.

Rationale - This change was proposed by staff to correct a typographical error.

Amendment C - Clarification to the Plan's description of reload facilities

SWAC Recommendation - Amend the description of Recommended Practice #4, RSWMP page 7-25, to read:

~~Allow reload facilities sited, owned and operated by haulers for consolidation of loads for hauling to Metro transfer stations to serve areas distant from transfer stations.~~ Allow the siting of reload facilities for consolidation of loads hauled to appropriate disposal facilities.

Rationale - The amendment changes the language on page 7-25 to be the same as on page 7-27. The change is intended to clarify where reload facilities could haul their consolidated loads.

Amendment D - Standards for Reload Facilities

SWAC Recommendation - Amend key element d) of Recommended Practice #4 relating to reload facilities, RSWMP page 7-27, to read:

Low-level recovery activities (manual "dump and sort" activities and other low technology methods) at reload facilities will comply with all federal, state, regional, and local laws and regulations regarding the recovery of recyclable materials from mixed wastes and be consistent with the Plan's recommendations regarding source-separated recycling efforts.

Rationale - The proposed amendment is intended to clarify the proper relationship of reload facilities within both the regional solid waste system and the regulatory authorities under which they operate.