

A G E N D A

600 NORTHEAST GRAND AVENUE PORTLAND, OREGON 97232-2736



METRO

TEL 503-797-1540 FAX 503-797-1793

MEETING: METRO POLICY ADVISORY COMMITTEE

DATE: March 14, 2007

DAY: Wednesday, 5:00-7:00 p.m.

PLACE: Metro Council Chamber/Annex

REVISED

NO	AGENDA ITEM	PRESENTER	ACTION	TIME
	CALL TO ORDER	Fuller		
1	SELF INTRODUCTIONS & COMMUNICATIONS	All		5 min.
2	CITIZEN COMMUNICATIONS FOR NON-AGENDA ITEMS			5 min.
3	CONSENT AGENDA <ul style="list-style-type: none">February 28, 2007	Fuller	Decision	5 min.
4	COUNCIL UPDATE	Harrington	Update	5 min.
5	JPACT UPDATE	Cotugno	Update	5 min.
6	LEGISLATIVE UPDATE & ROUNDTABLE	Newman Members	Update Update	10 min. 5 min.
7	MPAC PLANNING <ul style="list-style-type: none">Bylaw AmendmentsPlanning Status	Norris	Review Discussion Possible Amendments	30 min. 10 min. 10 min.
8	SOLID WASTE MATERIAL RECOVERY FACILITY STANDARDS	Hoglund	Discussion/Input	30 min.

UPCOMING MEETINGS:

MPAC: March 28, 2007 & April 11, 2007

MPAC Coordinating Committee, Room 270: April 11, 2007

For agenda and schedule information, call Kim Bardes at 503-797-1537. e-mail: bardes@metro.dst.or.us

MPAC normally meets the second and fourth Wednesday of the month.

To receive assistance per the Americans with Disabilities Act,

call the number above, or Metro teletype 503-797-1804.

To check on closure or cancellations during inclement weather please call 503-797-1700.

Metro Policy Advisory Committee

March 14, 2007

Item 3 – Consent Agenda Meeting Summary for
February 28, 2007

METRO POLICY ADVISORY COMMITTEE MEETING RECORD

February 28, 2007 – 5:00 p.m.

Metro Regional Center, Council Chambers

Committee Members Present: Jeff Cogen, Nathalie Darcy, Rob Drake, Andy Duyck, Dave Fuller, Bernie Giusto, John Hartsock, Richard Kidd, Charlotte Lehan, Alice Norris, Tom Potter, Martha Schrader, Chris Smith

Committee Members Absent: Ken Allen, Erik Sten, Wilda Parks, Richard Burke, Larry Cooper, Margaret Kirkpatrick, Larry Smith, Steve Stuart, (Governing Body of School District –vacant)

Alternates Present: Aron Carleson, Shirley Craddick, Frank Groznik

Also Present: Bill Bash, City of Cornelius; Carol Chesarek, Citizen; Bob Clay, City of Portland; Danielle Cowan, City of Wilsonville; Brent Curtis, Washington County; Kay Durtschi, MTAC; LeeAnne MacColl, League of Women Voters; Irene Marvich, League of Women Voters; Doug McClain, Clackamas County; Pat Ribellia, City of Hillsboro; Veronica Valenzuela, City of Portland; Alonzo Wertz, TriMet

Metro Elected Officials Present: Liaisons – Kathryn Harrington, Council District 4; Robert Liberty, Council District 6 Metro Councilors in audience: Rod Park, Council District 1; David Bragdon, Council President

Metro Staff Present: Dick Benner, Dan Cooper, Andy Cotugno, Kim Ellis, Tom Kloster

1. SELF-INTRODUCTIONS & COMMUNICATIONS

Chair Mayor David Fuller, called the meeting to order at 5:00 p.m. Chair Fuller asked those present to introduce themselves.

2. CITIZEN COMMUNICATIONS FOR NON-AGENDA ITEMS

There was none.

3. CONSENT AGENDA

Meeting Summary for February 14, 2007 and MTAC Appointment:

Motion:	Mayor Alice Norris, City of Oregon City, with a second from Commissioner Martha Schrader, Clackamas County, moved to adopt the consent agenda without revision.
---------	---

Vote:	The motion passed unanimously.
-------	--------------------------------

4. COUNCIL UPDATE

Councilor Kathryn Harrington updated MPAC on recent Metro Council actions, including the adoption of Metro Ordinances No. 07-1137A, 07-1138 and 07-1139, as well as Resolution No. 07-3779. Councilor Harrington also gave an update on the regional legislative agenda. The House Energy and Environment Committee voted 7-0 in favor of house bill (HB) 2051. HB 2051 was currently on the House Consent Agenda. The House Transportation Committee voted 6-1 in support of HB 2278. The next step for HB

2278 would be the House Ways and Means Committee. HB 2557 was also heard in committee last week. Councilor Harrington's Council Update notes will be included in the permanent record.

Councilor Robert Liberty discussed the Columbia River Crossing project and stated Metro had passed Resolution 07-3782, for the purpose of establishing Metro Council recommendations concerning the range of alternatives to be advanced to a draft environmental impact statement.

5. NEW LOOK

Andy Cotugno, Planning Director, discussed the Regional Transportation Policy (RTP) update. Last week, the Metropolitan Transportation Advisory Commission (MTAC) and Transportation Policy Advisory Council (TPAC) both discussed the New Look, Chapter 1 RTP Framework and suggested revisions. The New Look Chapter 1 with suggested revisions was distributed and will be attached as part of the official record.

The first discussion item Andy Cotugno presented was what form of action should be used to initiate Phase 3 of the RTP update?

Chris Smith, Multnomah County Citizen Representative, stated that it was important for MPAC to endorse the RTP Framework.

Mayor Alice Norris, City of Oregon City, said she agreed with Mr. Smith. Mayor Norris also stressed the importance that MPAC have a future opportunity to modify and refine the RTP Framework.

Mayor Rob Drake, City of Beaverton, also said he agreed with Mr. Smith. Mayor Drake stated that this should be a dynamic document that should be frequently updated. He stated Resolution No. 07-3755 should be amended to strengthen #3 under "Be it resolved" to state "It is expected that refinements will be identified to Exhibit A to address key findings identified during Phase 3 of the RTP update."

Mr. John Hartsock, Clackamas County Special Districts, stated Resolution No. 07-3755 should be amended to include MPAC as an entity endorsing the resolution in #1 under "Be it resolved." He also stated the suggested revisions were minor. He agreed with Mayor Drake that it should come back for revision in the future.

Commissioner Martha Schrader, Clackamas County, stated that Clackamas County supported Resolution No. 07-3755. Commissioner Schrader said that she did have some reservations about Table 1 – Hierarchy of 2040 Design Types.

The next discussion item, presented by Andy Cotugno, was what 2040 design types were the highest priority for investments in the regional transportation system to best implement the Region 2040 vision? Mr. Cotugno stated Table 1 – Hierarchy of 2040 Design Types was intended to be a generalized statement of preference, and not a statement of exclusive priority. Mr. Cotugno also stated MTAC and TPAC both concurred that station communities should be downgraded from a primary priority to a secondary priority.

Mr. Cotugno added there were conflicting recommendations from MTAC and TPAC on whether industrial lands should be divided into two priorities: 1) regionally significant industrial land as a primary priority, and 2) other industrial land as a secondary priority.

Mr. Cotugno summarized a suggested amendment by Cornelius and Forest Grove, that local jurisdictions lacking all primary 2040 design types should be able to upgrade their most important design type, i.e. main streets or town centers from secondary to primary.

Mayor Drake supported the amendment proposed by Cornelius and Forest Grove. Mayor Drake stated that small communities struggle to be a complete community, and in order to financially and structurally build higher densities, transportation investments were important.

Mayor Richard Kidd, City of Forest Grove, agreed with Mayor Drake, because Forest Grove and Cornelius needed places of primary significance in order to compete with other jurisdictions in the region.

Mr. Cotugno stated that both Cornelius and Forest Grove had recently received MTIP funds.

The third discussion item presented by Mr. Cotugno was to amend the New Look Chapter 1 to add a new objective and potential actions to Goal 9 for the purpose of developing a regionally accepted classification or description that very clearly defined which level of government was primarily responsible and principally accountable for planning, funding and managing different components of the transportation system. Mr. Cotugno stated that heading down this track would not be a small undertaking and would be very difficult.

Commissioner Andy Duyck, Washington County Board of Commissioners, stated he supported the proposed amendment because there was a shortage of funds and this amendment would help jurisdictions prioritize how they spent their transportation dollars.

Mr. Smith said he agreed with Commissioner Duyck's premise but disagreed with his conclusion. Mr. Smith stated that jurisdictions responsibilities for specific projects should be negotiated depending on the specific benefits and characteristics of each project.

Councilor Liberty stated this was a big issue and discussion seemed to be splitting in many different directions, including issues related to funding, maintenance and the regional nature of the transportation system.

Mayor Norris stated she was puzzled about the Cornelius/Forrest Grove suggested amendment and how to balance local preferences versus regional preferences.

Mr. Cotugno reminded everyone that the hierarchy was only a general statement of preference.

Mr. Bernie Giusto, TriMet Board of Directors, stated that the issue of defining governmental responsibility for different components of the transportation system was very broad and a huge undertaking.

Councilor Frank Groznik, City of Lake Oswego, stated that this would be a great theoretical exercise, but in reality it would be very difficult and frustrating.

Chair Fuller asked if there were any motions on the third discussion issue.

Motion 1:	Councilor Frank Groznik, City of Lake Oswego, with a second from Nathalie Darcy, Washington County Citizen Representative, made a motion to delete discussion item #3 to amend the New Look Chapter 1 to add a new objective and potential actions to Goal 9 for
-----------	--

	the purpose of developing a regionally accepted classification or description that very clearly defined which level of government was primarily responsible and principally accountable for planning, funding and managing different components of the transportation system.
--	---

Vote:	The motion passed: 13-3 Aye: Jeff Cogen, Shirley Craddick, Dave Fuller, Tom Potter, Martha Schrader, Frank Groznik, Charlotte Lehan, John Hartsock, Richard Kidd, Bernie Giusto, Nathalie Darcy, Chris Smith, Alice Norris Nay: Aron Carleson, Rob Drake, Andy Duyck, Abstain: none
-------	---

Mr. Cotugno returned to the conversation on discussion item #2, regarding the hierarchy of design types.

Commissioner Jeff Cogen, Multnomah County, asked if there have been projections about how the hierarchy would affect the funding of the transportation system as a whole and which projects would receive or lose funding.

Mr. Cotugno stated that the next step in the process was determining regional transportation needs and how projects ranked according to the hierarchy and other priorities established in the RTP.

Commissioner Cogen stated that the process seemed backwards, and the needs of the system should be determined before the hierarchy was established.

Mr. Cotugno stated that there would be an opportunity to revise the hierarchy later.

Mr. Smith emphasized the hierarchy would only be one factor influencing the score of individual projects and whether they received funding.

Motion 2:	Mayor Drake, City of Beaverton, with a second from Mayor Kidd, City of Forest Grove, moved for approval of the hierarchy table (Table 1 – Hierarchy of 2040 Design Types in the draft policy framework) to include Bill Bash’s proposed amendment as outlined in his letter as “Main streets and town centers that are the only centers in a city be put in the primary land use component category.”
-----------	---

Mr. Cotugno stated that the effect of this motion would be that a lot of cities’ town centers would move up in priority.

Mr. Smith stated he appreciated the complete community argument. He also stated that we were unable to invest in our transportation system as much as we would like to. He asked if this amendment would help or hinder our ability to achieve the goals of the 2040 plan.

Mayor Drake stated that this motion could make the region more livable by helping to disperse growth throughout the region and locating jobs and housing close to each other.

Mayor Fuller asked what this motion would mean, in terms of dollars. Mayor Fuller stated money was the important issue, and there was not sufficient money to go around.

Commissioner Cogen stated that he agreed with Mayor Fuller and reiterated that the process was backwards. Commissioner Cogen stated that we could not make good policy when the hierarchy was established before the list of projects had been developed.

Councilor Groznik stated he agreed with Mayor Drake, that we should level the playing field to allow development to disperse to smaller cities of the region.

Mr. Smith asked to amend the motion to ensure analysis and modeling of scenarios that would focus on the effects of main streets and town centers that were the only centers in a city to be put in the primary land use component category.

Motion 2 with amendment:	Mayor Drake, City of Beaverton, with a second from Mayor Kidd, City of Forest Grove, moved for approval of the hierarchy table to include Bill Bash's proposed amendment as outlined in his letter as "Main streets and town centers that are the only centers in a city be put in the primary land use component category," to include a high priority for a modeling and analysis exercises to be done in phase #3.
--------------------------	---

Vote:	The motion passed: 15-0 Aye: Aron Carleson, Shirley Craddick, Rob Drake, Andy Duyck, Dave Fuller, Tom Potter, Martha Schrader, Frank Groznik, Charlotte Lehan, John Hartsock, Richard Kidd, Bernie Giusto, Nathalie Darcy, Chris Smith, Alice Norris Nay: none Abstain: Jeff Cogen
-------	--

Mr. Cotugno asked if there were any motions to make a distinction between industrial land and regionally significant industrial land. No motions were made.

Mayor Fuller returned the conversation to discussion item #1: what form of action should be used to initiate Phase 3 of the RTP update?

Motion 3:	John Hartsock, Clackamas County Special Districts, with a second from Mayor Kidd, City of Forest Grove, made a motion to approve Resolution No. 07-3755, including Mayor Drake's amendment to strengthen #3 under Be it Resolved to state "It is expected that refinements will be identified to Exhibit A to address key findings identified during Phase 3 of the RTP update." and John Hartsock's amendment to include MPAC in #1 under Be it Resolved.
-----------	--

Vote:	The motion passed: 16-0 Aye: Aron Carleson, Jeff Cogen, Shirley Craddick, Rob Drake, Andy Duyck, Dave Fuller, Tom Potter, Martha Schrader, Frank Groznik, Charlotte Lehan, John Hartsock, Richard Kidd, Bernie Giusto, Nathalie Darcy, Chris Smith, Alice Norris Nay: none Abstain: none
-------	--

There being no further business, Chair Fuller adjourned the meeting at 6:30 p.m.

Respectfully submitted,

Nick Popenuk, Staff Assistant

ATTACHMENTS TO THE RECORD FOR FEBRUARY 28, 2007

The following have been included as part of the official public record:

AGENDA ITEM	DOCUMENT DATE	DOCUMENT DESCRIPTION	DOCUMENT NO.
#3 Consent Agenda	2/22/07	Appointment of New MTAC Alternate memorandum	022807-MPAC-01
#3 Consent Agenda	2/26/07	Appointment of New MTAC Members & Alternates memorandum	022807-MPAC-02
#4 Council Update	2/28/07	Talking points for Kathryn Harrington – for update of the Council	022807-MPAC-03
#5 New Look	2/23/07	Memorandum and material from Kim Ellis to MPAC and JPACT members re: Consideration of RTP Discussion Items and Consent Items	022807-MPAC-04
#5 New Look	2/23/07	Letter from City of Cornelius, Mayor William Bash to Mayor Kidd, Mayor Drake, Mayor Hughes, and Kathryn Harrington re: primary land-use components and the table of regional land use hierarchy	022807-MPAC-05
Misc.	2/21/07	Letter to Chair Fuller from Bernie Giusto re: ex officio voting rights as pertains to TriMet	022807-MPAC-06

Metro Policy Advisory Committee

March 14, 2007
Item 7 – MPAC Planning

MPAC Agenda Information

Agenda Item Title:

Proposed Amendments to MPAC Bylaws

Presenter: Alice Norris

MPAC Meeting Date: Mar. 14, 2007

Purpose/Objective:

To review and discuss proposed amendments to the MPAC bylaws and proposed 2007 MPAC agenda topics

Action Requested/Outcome:

Discussion of amendments and proposed agenda topics and direction to subcommittee and staff on any proposed changes

Background and context:

For a variety of reasons, a quorum of MPAC was present less than 50 percent of the meetings in 2006. At the January 10, 2007 MPAC meeting, members formed a subcommittee to consider possible bylaws changes as well as to consider what issues MPAC should discuss during 2007.

The subcommittee is recommending three changes to MPAC membership: 1) make five positions ex officio (non-voting) -- TriMet, school district governing body, Port of Portland, Clark County, and the City of Vancouver, Washington; [State Agency Growth Council is already an advisory only position], 2) add two new, ex officio positions (a representative from a city in Clackamas County and a city in Washington County outside of Metro boundaries); and 3) allow the City of Portland to fill one of their two positions with staff. These changes will reduce the number of members needed for a quorum from the current 13 to 10.

Any changes to the MPAC bylaws must be approved by a majority of both MPAC and the Metro Council for the changes to take effect.

What has changed since MPAC last considered this issue/item?

The MPAC subcommittee met and is proposing amendments to the bylaws and a list of proposed agenda topics.

What is the timeline for further consideration of this agenda item (e.g., MTAC, MPAC, Council)

Possible action on proposed bylaws by MPAC is tentatively scheduled for the March 14 meeting. If approved by MPAC, the bylaws amendments will be scheduled for Metro Council consideration.

PROPOSED 2007 MPAC AGENDA TOPICS

2007 Theme: A Focused Look at Regional Choices and Principles

All regional growth management and investment decisions should reinforce growth in centers, corridors, and employment areas, develop vibrant communities while balancing new development with the protection of the region's agricultural industry and important natural areas.

Topics for MPAC meetings:

1. What is the role of Metro in preserving employment lands? What is the difference between Industrial Lands, RSAs, and employment land? Should RSAs receive the highest priority for transportation funding in the RTP? How can we distinguish between traded sector/ retail/ service/ and warehousing, since they have very different impacts on the economy, land and transportation needs?
 - a. What options do we have?
 - b. Outcome: Create new definitions for employment lands.

2. Can we absorb 1 million people without expanding the UGB? How can we successfully add new land if the region is not willing to invest dollars? How can we plan and pay for infrastructure needs? How do we maintain what we have? Do we have a common definition of infrastructure?

(Note: Germany is about the size of Oregon and contains 68 million people.)

 - a. What options do we have?
 - b. Outcome: Determine the options we would like Metro to consider.

3. After Concept Planning, then what? Who administers it? Do we need to define the differing roles of counties and cities? Should the Functional Plan reference to 'urbanization' be changed? Do we wish to create new cities, or expand existing cities?
 - a. What options do we have?
 - b. Outcome: Determine the role of (a) cities (b) counties

4. Which Centers are successes; which are not? Why or why not? Should we prioritize investment in Centers? What are the barriers to success?
 - a. What policy options do we have?
 - b. Outcome: New policies/ priorities for successful Centers

5. Is Big Box retail a detriment to Downtown development in cities and corridors?
 - a. What policy options do we have?
 - b. Outcome: Determine possible policy changes

6. Do we wish to avoid creating an 'urban crust?' Where are we creating it? Where in the region is it/ might it be positive?
 - a. What policy options do we have?
 - b. Outcome: Recommendation to Metro for change/ study
7. What is our role (and The Big Look) in helping to establish rural reserves? What can we do to assist agricultural development (remove barriers) or preserve agriculture? What about farm tax deferral elimination inside the UGB?
 - a. What policy options do we have?
 - b. Outcome: Recs to Metro re: rural reserves & ag sustainability
8. Is regional equity a goal of land use planning? Should certain cities be specialists (are they already and should it be enhanced)? Can we legislate 'uniqueness?' Do we wish to continue the jobs/ housing imbalance? What is the role of Special Districts in stimulating growth?
 - a. What policy options do we have?
 - b. Outcome: Identify areas of specialization for further study
9. How can we coordinate growth with neighboring cities? How is the RTP affected by growth outside the UGB? Big Look report and research on this topic.
 - a. Do we have any policy options? State options?
 - b. Outcome: Determine action
10. What will be the UGB expansion process? What would MPAC like to see occur?
 - a. What are the policy options?
 - b. Outcome: Rec for UGB expansion process
11. What is the definition of 'Corridors?' Do we have too many listed? Do corridors take away from development in Centers?
 - a. What are the policy options?
 - b. Outcome: Rec for corridor redefinition and listing

TOPICS FOR UPDATES and REPORTS:

1. Should Metro engage in planning for Health Care in the region? Can hospitals be located in a RSIA? Outside a Center?
 - a. What are the options we have?
 - b. Outcome: Recommendation to Metro
2. What affect is Measure 37 having on our region? On agriculture potential? On the role of cities? What is the state doing? What are the windfall implications?
 - a. Do we have policy options? Support state actions?
 - b. Outcome: lend our vote to legislative action

Meeting Management Recommendations

A. Membership

1. Make the following members ex officio:
 - a. Port of Portland
 - b. School district
 - c. TriMet
 - d. Clark County
 - e. Vancouver
 - f. DLCD
2. Create two new ex officio positions:
 - a. Clackamas County (rep of city outside Metro boundaries)
 - b. Washington County (rep of city outside Metro boundaries)
3. Permit City of Portland to seat a senior staff person as a member or alternate for one Portland voting member

METRO POLICY ADVISORY COMMITTEE (MPAC) BY-LAWS

Approved March 13, 1996; Revised March 26, 1997; May 1998; September, 1999; October, 2000; November, 2000; June, 2001; March 12, 2003; , 2007

ARTICLE I

This Committee shall be known as the METRO POLICY ADVISORY COMMITTEE (“MPAC”) created by Section 27 of the 1992 Metro Charter.

ARTICLE II MISSION AND PURPOSE

Section 1. The MPAC shall perform the duties assigned to it by the 1992 Metro Charter and any other duties the Metro Council prescribes.

Section 2. The purposes of MPAC are as follows:

- a. MPAC shall perform those duties required by the Charter, including:
 1. Providing consultation and advice to the Council on the Regional Framework Plan (Section 5 (2));
 2. Providing consultation and advice to the Council on the possible inclusion in the Regional Framework Plan of other growth management and land use planning matters, determined by the Council to be of metropolitan concern, which will benefit from regional planning, other than those specifically identified in Charter Section 5 (2) (b);
 3. Providing consultation and advice to the Council on any amendments to the Regional Framework Plan (Section 5 (2) (d));
 4. Approve or disapprove the authorization for Metro to provide or regulate a local government service, as defined in Charter Section 7 (2), in those cases in which Metro does not seek or secure such approval directly from the voters;
 5. Providing advice to the Council before it adopts an ordinance authorizing provision or regulation by Metro of a service which is not a local government service as defined by the Charter (Section 7 (3)); and
 6. Providing advice to the Council on a study of the Portland Metropolitan Area Local Government Boundary Commission (Section 7 (5)).
- b. Other duties prescribed by the Council.

**ARTICLE III
COMMITTEE MEMBERSHIP**

Section 1. Membership

a. The Committee will be made up of representative of the following voting and non-voting members:

1. Voting Members:

Multnomah County Commission	1
Second Largest City in Multnomah County	1
Other Cities in Multnomah County	1
Special Districts in Multnomah County	1
Citizen of Multnomah County	1
City of Portland	2
Clackamas County Commission	1
Largest City in Clackamas County	1
Second Largest City in Clackamas County	1
Other Cities in Clackamas County	1
Special Districts in Clackamas County	1
Citizen of Clackamas County	1
Washington County Commission	1
Largest City in Washington County	1
Second Largest City in Washington County	1
Other Cities in Washington County	1
Special Districts in Washington County	1
Citizen of Washington County	1
Tri-Met	+
Governing Body of a School District	+
State Agency Growth Council	+
Clark County	+
City of Vancouver	+
Portland of Portland	+
Total	<u>2519</u>

2. Non-voting members:

<u>Tri-Met</u>	<u>1</u>
<u>Governing Body of a School District</u>	<u>1</u>
<u>Oregon Dept of Land Conservation and Development</u>	<u>1</u>
<u>Clark County</u>	<u>1</u>
<u>City of Vancouver</u>	<u>1</u>
<u>Portland of Portland</u>	<u>1</u>
<u>City in Clackamas County outside UGB</u>	<u>1</u>
<u>City in Washington County outside UGB</u>	<u>1</u>
Total	<u>8</u>

- b. ~~Except a provided in Section 2 voting M~~members and alternates representing jurisdictions shall be appointed from among members of the governing body. All voting jurisdictions represented by members, including cities within each county, shall have territory within Metro boundaries.
- c. Non-voting members or alternates may either be members of the governing body of a jurisdiction or serve as a Chief Operating Office or Planning Director or equivalent.
- ~~ed.~~ Alternates ~~qualified to be members~~ shall ~~be appointed to~~ serve in the absence of the regular members.
- ~~de.~~ Metro Councilors will participate with the Committee membership with three non-voting liaison delegates appointed by the Metro Council.
- ~~e.~~ ~~Clark County, Washington, and City of Vancouver, Washington membership includes all duties of MPAC except approving or disapproving authorization for Metro to provide or regulate a local service, as defined in Charter section 7(2), in those cases in which Metro does not seek or secure such approval directly from the voters.~~
- f. The composition of the MPAC may be changed at any time by a vote of both a majority of the MPAC members and a majority of all Metro Councilors (Metro Charter, Section 27 (2)).

Section 2. Appointment of Members and Alternates

- a. ~~Members and alternates will be initially appointed to serve for two years.~~ Members and alternates from the City of Portland, the counties of Multnomah, Clackamas, and Washington, the largest cities of Multnomah, Clackamas, and Washington Counties, excluding Portland, and the second largest cities of Clackamas and Washington counties shall be appointed by the jurisdiction. The City of Portland may appoint a department director as an alternate voting member. ~~Members and alternates may be removed by the appointing jurisdiction at any time.~~
- b. Members and alternates from the cities of Multnomah, Clackamas, and Washington Counties, other than those directly entitled to membership, will be appointed jointly by the governing bodies of those cities represented. The member and alternate will be from different jurisdictions. The member and alternate will be appointed to designated terms of a length to be determined by the appointing authority, but for a period of not less than two years. The member and alternate may be reappointed. Terms of the member and alternate will be staggered to ensure continuity. In the event the member’s position is vacated, the alternate will automatically become the member and complete the original term of office.
- c. Members and alternates from the special districts with territory in Multnomah, Clackamas, and Washington Counties will be appointed by special district caucus. The member and alternate will be appointed to designated terms of a length to be determined by the appointing authority, but for a period of not less than two years. The member and

alternate may be reappointed. Terms of the member and alternate will be staggered to ensure continuity. In the event the member's position is vacated, the alternate will automatically become the member and complete the original term of office.

- d. Metro Council delegates will be appointed by ~~the Presiding Officer of~~ the Metro Council President and will represent each county in the region. The delegates may be removed by the ~~Presiding Officer of the Metro~~ Council President at any time.
- e. Members and alternates representing citizens will be appointed by the Metro ~~Executive Officer Council~~ President and confirmed by the Metro Council consistent with Section 27(1)(m) of the 1992 Metro Charter and will represent each county in the region. Members and alternates will be appointed to designated terms of a length to be determined by the appointing authority, but for a period of not less than two years. Members and alternates may be reappointed. Terms of the members and alternates will be staggered to ensure continuity. In the event the member's position is vacated, the alternate will automatically become the member and complete the original term of office.
- f. Members and alternates from the Tri-County Metropolitan Transportation District of Oregon (Tri-Met) will be appointed by the governing body of that District. The member and alternate will serve until removed by the governing body.
- g. Members and alternates from the ~~State Agency Growth Council~~ Land Conservation and Development Commission will be chosen by the Chairperson of that body. The member and alternate may be removed by the Chairperson at any time. ~~The member and alternate will serve as non-voting members.~~
- h. Members and alternates from the Port of Portland will be appointed by the governing body of that organization. The member and alternate will serve until removed by the governing body.
- i. The member and alternate from the school boards in the Metro Region will be appointed by a caucus or organization of school boards from districts within the Metro region. If there is no caucus or organization of school boards within the region, the Executive Officer will facilitate the appointment by the school boards. The member and alternate will be appointed to designated terms of a length to be determined by the appointing authority, but for a period of not less than two years. The member and alternate may be reappointed. Terms of the member and alternate will be staggered to ensure continuity. The member and alternate will be from different school districts in the Metro Region. In the event the member's position is vacated, the alternate will automatically become the member and complete the original term of office.
- j. Appointments of all members and alternates shall become effective upon the appointing authority giving written notice addressed to the Chair of MPAC and filing the notice with the Clerk of the Metro Council. The determination of the relative size of cities shall be based on the official population estimates for Oregon issued by the Center for Population Research and Census, School of Urban and Public Affairs, Portland State University. If the official population estimates result in a change in the relative population of a city entitled to membership, then the term of membership of the affected

city or cities shall terminate 90 days after the release of the official estimate and new member(s) shall be appointed as provided by these by-laws. Members and alternates may be removed by the appointing authority at any time.

**ARTICLE IV
MEETINGS, CONDUCT OF MEETINGS, AND QUORUM**

- a. A regular meeting date, time and place of MPAC shall be established by the MPAC Chair. Special or emergency meetings may be called by the Chair or a third of the members of MPAC.
- b. A majority of the members (or designated alternates) shall constitute a quorum for the conduct of business. The act of a majority of those voting members present at meetings at which a quorum is present shall be the act of MPAC, except in exercising the duty of authorizing Metro to provide or regulate a local government service as described in Section 7 (2) of the 1992 Metro Charter. In these cases a majority vote of all voting MPAC members is required.
- c. Subcommittees or advisory committees to develop recommendations for MPAC may be appointed by the Chair and ratified by MPAC. At a regularly scheduled meeting MPAC shall approve subcommittee membership and MPAC members and/or alternates and outside experts. The Chair of any citizen advisory committee shall neither be the Chair of MPAC nor be an MPAC member, except upon the agreement of a majority of the advisory committee membership. MPAC members of any citizen advisory committee of MPAC shall participate on a nonvoting basis.
The Metro Technical Advisory Committee (“MTAC”) is an advisory committee to MPAC. Its purpose shall be to provide MPAC with technical recommendations on growth management subjects as directed by MPAC. MTAC shall have the following representation:

Each county government	1
City of Portland	1
Largest city in each county (not including Portland)	1
Second largest city in Clackamas County	1
Second largest city in Washington County	1
Other cities in each county	1
Citizen representative from each county to be represented by the respective county’s Committee for Citizen Involvement	1
Tri-Met	1
Oregon Department of Land Conservation and Development	1
Oregon Department of Transportation	1
Port of Portland	1
A commercial and industrial contractor association (“AGC”)	1
A residential contractor association (“HBA”)	1
A private economic development association	1
A public economic development association	1
A land use advocacy organization	1
An environmental organization	1
A school district	1
Water Resource Policy Advisory Committee (“WRPAC”)	1

A sanitary sewer and/or storm drainage agency (“WRPAC”)	1
An architect association (“AIA”)	1
A landscape architect association (“ASLA”)	1
Electric utilities	1
Natural gas utilities	1
Telecommunication utilities	1
Metro representative from the Planning Dept who shall serve as chair (non-voting)	1
An affordable housing advocacy organization	1
Clark County, Washington	1
Vancouver, Washington	1

Each jurisdiction or organization named shall annually notify MPAC of their nomination. MPAC may approve or reject any nomination. Revision of the membership of MTAC may occur consistent with MPAC bylaw amendment procedures. If any membership category (member and alternate) is absent for three (3) consecutive MTAC meetings, the representatives shall lose their voting privilege. MTAC members who acquire non-voting status may regain their voting status after attending three (3) consecutive MTAC meetings. A quorum for MTAC meetings shall be a simple majority of voting MTAC members. MTAC shall provide MPAC with observations concerning technical, policy, legal and process issues along with implementation effects of proposed growth management issues, including differing opinions, with an emphasis on providing the broad range of views and likely positive and negative outcomes of alternative courses of action. MTAC may adopt its own bylaws provided they are consistent with MPAC bylaws and are approved by a majority vote of MTAC members.

- d. All meetings shall be conducted in accordance with ROBERT’S RULES OF ORDER, Newly Revised.
- e. MPAC may establish other rules of procedure as deemed necessary for the conduct of business.
- f. Unexcused absence from regularly scheduled meetings for three (3) consecutive months shall require the Chair to notify the appointing body with a request for remedial action.
- g. MPAC shall make its reports and findings, including minority reports, public and shall forward them to the Metro Council.
- h. MPAC may receive information and analysis on issues before it from a variety of sources.
- i. MPAC shall provide an opportunity for the public and the Metro Committee for Citizen Involvement (“Metro CCI”) to provide comment on relevant issues at each of its regularly scheduled meetings.
- j. MPAC shall provide a minimum of seven days notice to members of any regular or special meetings.
- k. MPAC shall abide by ORS Chapter 192, which provides for public records and meetings.

**ARTICLE V
OFFICERS AND DUTIES**

- a. A Chair, 1st Vice-Chair, and 2nd Vice-Chair shall be elected by a majority of the voting members for a one year term of office ending in January of each year. A vacancy in any of these offices shall be filled by a majority vote of MPAC, for the remainder of the unexpired term.
 - 1. Nominations shall be received at the first meeting in January for chair, first vice chair and second vice chair.
 - 2. The first Vice-Chair shall become Chair following the completion of the Chair's term.
 - 3. The second vice chair shall be a rotating position to keep balance for a) county/geographic representation; and/or b) city/county/special district representation after the previous year's first vice chair moves up to chair and the first vice chair is selected.
- b. The Chair shall set the agenda of and preside at all meetings, and shall be responsible for the expeditious conduct of MPAC's business. Three members can cause a special meeting to be called with a minimum of seven days notice.
- c. In the absence of the Chair, the 1st Vice-Chair, and then the 2nd Vice-Chair shall assume the duties of the Chair.

**ARTICLE VI
AMENDMENTS**

- a. These by-laws may be amended by a majority vote of the MPAC membership, except that Article III related to the MPAC membership may not be amended without the concurrence of the majority of the Metro Council.
- b. Written notice must be delivered to all members and alternates at least 30 days prior to any proposed action to amend the by-laws.

Metro Policy Advisory Committee

March 14, 2007

Item 8 – Solid Waste Material Recovery Facility Standards

MPAC Agenda Information

Agenda Item Title: Solid Waste Material Recovery Facility Standards

Updated solid waste facility standards for mixed dry waste Material Recovery Facilities (MRFs) and mixed dry waste reloads (reloads) issued by Metro's Chief Operating Officer (COO) in accordance with Metro Code (section 5.01.132) as administrative procedures.

Presenter: Mike Hoglund and Roy Brower (Metro)

Council Liaison Sponsor: Councilor Harrington

MPAC Meeting Date: March 2007

Purpose/Objective (what is the purpose of having the item on *this meeting's* agenda):

The Metro Council adopted general performance goals for MRFs and reloads that will lead to the Chief Operating Officer issuing administrative procedures (i.e., facility standards) requiring MRFs and reloads to conduct mixed dry waste processing and reload activities inside a building and on an impervious pad. The building and pad requirements are intended to address common problems with mixed dry waste handling and processing operations related to off-site noise, dust, odor, nuisance, environmental and unprocessed material contamination.

Action Requested/Outcome (what do you want/need MPAC to do at *this meeting*). Are there specific questions you need answered?

Discuss Metro's intended results for the building and pad requirements for mixed dry waste facilities, and the consequences of imposing those standards both in and out of the region.

Solid waste facilities inside the Metro region. All mixed dry solid waste facilities inside the region are required to obtain authorization to operate from Metro. Experience has shown that one of the most persistent problems from open-air facilities is dust and airborne debris, generated on-site that inevitably drifts off-site and settles on adjacent properties and storm water/sediment runoff. Best practices have shown that the majority of problems are addressed by processing dry waste inside a building and on a pad. For facilities inside the Metro boundary:

- Are Metro's administrative procedures and facility standards the appropriate regulatory vehicle to provide regulatory consistency for mixed dry solid waste facilities?

Solid waste facilities outside the Metro region. ORS 268.317(3) directs Metro to require any person who generates solid waste to make use of disposal, transfer or resource recovery sites inside the Metro region or use facilities outside the region when so designated by Metro to manage solid waste. Mixed dry waste facilities located outside the Metro region may enter into an agreement with Metro to become designated if they are interested in disposing or managing regional solid waste. For facilities outside the Metro boundary:

- Should Metro enter into agreements with mixed dry solid waste facilities outside the region that do not meet comparable facility and recovery standards that facilities inside the region must meet?

Background and context:

On February 22, 2007, Ordinance No. 07-1138 was approved on a 7-0 vote by the Metro Council and amends Metro Code Chapters 5.01 and 5.05 to ensure that mixed non-putrescible waste material recovery facilities (“MRFs”) and reload facilities (“reloads”) are operated in accordance with Metro administrative procedures and performance standards issued by the Chief Operating Officer, and to make related changes.

Consequently, within 90-days of adoption (by May 22, 2007), the Chief Operating Officer (COO) must update Metro’s existing licensing standards for MRFs and reloads. The standards will be issued in accordance with Metro Code section 5.01.132, which requires Metro’s Chief Operating Officer to issue administrative procedures and performance standards governing the obligations of licensees and franchisees including, but not limited to standards for nuisance control.

Development and issuance of the facility standards

- ❑ The facility standards were developed with input from a workgroup consisting of representatives from the solid waste industry and local governments.¹ In general, the standards are supported by members of the workgroup (with the exception of Lakeside Landfill).
- ❑ The standards were approved unanimously by the Metro Solid Waste Advisory Committee on January 25, 2007.
- ❑ Metro has received letters of support from the DEQ, the City of Portland, the City of Gresham, Clackamas County, and members of the public (neighbors of Lakeside Landfill).
- ❑ One letter of opposition has been received from Lakeside Landfill.

The standards are largely based on provisions found in existing Metro licenses and franchises for material recovery facilities and reload facilities. Seven of the ten existing private material recovery and reload facilities already meet the standards.² All new non-putrescible mixed waste handling facilities will be required to meet the standards in order to operate.

What has changed since MPAC last considered this issue/item?

This item is being presented to MPAC for the first time.

What is the timeline for further consideration of his agenda item (e.g., MTAC, MPAC, Council)

Metro’s Chief Operating Officer must issue the detailed administrative procedures and performance standards for MRFs and reloads within 90-days (by May 22, 2007). At the same time, a companion ordinance (No. 07-1139) will lift a moratorium on all new applications and licenses for mixed dry waste facilities in the Metro region.

S:\REM\metzlerb\Facility Standards 2006\MPAC\MPAC topic worksheet MRF Standards 2007.doc

¹ The workgroup included: Vince Gilbert (East County Recycling), Howard Grabhorn (Lakeside Landfill), Allen Kackman (Elder Demolition), Dean Kampfer (Waste Management), Scott Keller (City of Beaverton), Wendie Kellington (Lakeside Landfill), Theresa Koppang (Washington County), Michael Leichner (Pride Recycling), Mark McGregor (Clean-It-Up-Mark), Audrey O’Brien (DEQ), Ray Phelps (Willamette Resources, Inc.), and David White (ORRA).

² There are nine existing private facilities that conduct material recovery from non-putrescible mixed waste: Aloha Garbage, Columbia Environmental (not yet operational), East County Recycling, KB Recycling, PLC III (not yet operational), Pride Recycling, Troutdale Transfer Station, Wastech and Willamette Resources, Inc. There is one existing non-putrescible mixed waste reload :Greenway Recycling, LLC. Of these ten facilities, all but three meet the standard requiring a building and pad: Aloha Garbage, East County Recycling, and Greenway Recycling, LLC.

BEFORE THE METRO COUNCIL

AMENDING METRO CODE CHAPTERS 5.01 AND)
5.05 TO ENSURE THAT MIXED NON-)
PUTRESCIBLE WASTE MATERIAL RECOVERY) ORDINANCE NO. 07-1138
FACILITIES AND RELOAD FACILITIES ARE)
OPERATED IN ACCORDANCE WITH METRO) Introduced by Michael Jordan,
ADMINISTRATIVE PROCEDURES AND) Chief Operating Officer, with the
PERFORMANCE STANDARDS ISSUED BY THE) concurrence of David Bragdon,
CHIEF OPERATING OFFICER, AND TO MAKE) Council President
RELATED CHANGES.)

WHEREAS, on February 2, 2006, the Metro Council imposed a temporary moratorium until December 31, 2007, on all new mixed non-putrescible waste material recovery facilities and new mixed non-putrescible waste reloads in the region; and

WHEREAS, the moratorium was imposed by Council in order to: 1) provide time to conclude the Disposal System Planning project, 2) establish an enhanced dry waste recovery program, and 3) allow for the publication of non-putrescible waste facility standards; and

WHEREAS, the Metro Council directed staff to publish facility standards and application requirements that assure mixed dry waste facilities (non-putrescible material recovery facilities and reload facilities) consistently handle, reload or recover material without creating nuisance impacts or harm to people or the environment; and

WHEREAS, section 5.01.132 of the Metro Code directs the Chief Operating Officer to issue administrative procedures and performance standards governing the obligations of licensees and franchisees; and

WHEREAS, publication of the standards will provide a clear and level playing field for facilities and clarify the requirements prospective applicants must meet in advance of filing an application with Metro; and

WHEREAS, issues of persistent concern for both non-putrescible waste material recovery facilities and reload facilities are now addressed in the proposed standards including: 1) dust and blowing debris generated from on-site traffic and the tipping and processing of dry waste, 2) insufficient on-site capacity for reloading or processing, 3) contamination or degradation of unprocessed waste by other solid waste or wind and precipitation, and 4) inadequate load checking for prohibited or hazardous wastes; and now therefore

THE METRO COUNCIL ORDAINS AS FOLLOWS:

SECTION 1. Metro Code section 5.01.067 shall be amended 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 ten (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. In addition to all other

requirements of this Section, a license approving acceptance of mixed non-putrescible waste for the purpose of conducting material recovery or reloading shall be subject to the performance standards, design requirements, and operating requirements adopted as administrative procedures pursuant to Section 5.01.132, and shall require that the facility operate in a manner that meets the following general performance goals:

- (1) Environment. Facilities shall be designed and operated to preclude the creation of undue threats to the environment including, but not limited to, stormwater or groundwater contamination, air pollution, and improper acceptance and management of hazardous waste asbestos and other prohibited wastes.
- (2) Health and safety. Facilities shall be designed and operated to preclude the creation of conditions that may degrade public health and safety including, but not limited to, fires, vectors, pathogens and airborne debris.
- (3) Nuisances. Facilities shall be designed and operated to preclude the creation of nuisance conditions including, but not limited to, litter, dust, odors, and noise.
- (4) Material recovery. Facilities conducting material recovery on non-putrescible waste shall be designed and operated to assure materials are recovered in a timely manner, to meet standards in Section 5.01.125, and to protect the quality of non-putrescible waste that has not yet undergone material recovery.
- (5) Reloading. Facilities conducting reloading of non-putrescible waste shall be designed and operated to assure that the reloading and transfer of non-putrescible waste to Metro authorized processing facility is conducted rapidly and efficiently while protecting the quality of non-putrescible waste that has not yet undergone material recovery.
- (6) Record keeping. Facilities shall keep and maintain complete and accurate records of the amount of all solid waste and recyclable materials received, recycled, reloaded and disposed.

(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 February 2, 2006, and continuing until December 31, 2007; provided, however, that the Chief Operating Officer shall process and determine whether to approve or deny all license applications that were submitted, and that the Chief Operating Officer determined were complete, prior to January 12, 2006. Metro Council may lift the temporary moratorium at an earlier date if sufficient progress has been made in setting system policy direction on disposal and material recovery and toward development of more detailed material recovery facility standards.

SECTION 2. Metro Code section 5.05.075 shall be amended as follows:

5.01.075 Contents of Franchise

(a) The Franchise shall constitute a grant of authority from the Council to accept the Waste(s) and perform the Activity(s) described therein, the conditions under which these Activities may take place and the conditions under which the authority may be revoked.

(b) Franchises approved by the Council shall be in writing and shall include the following:

- (1) The term of the Franchise;
- (2) The specific Activities authorized to be performed and the types and amounts of Wastes authorized to be accepted at the Solid Waste Facility;
- (3) Such other conditions as the Council deems necessary to insure that the intent and purpose of this chapter will in all respects be observed; and
- (4) Indemnification of Metro in a form acceptable to the Metro Attorney.

(c) In addition to all other requirements of this Section, a franchise approving acceptance of mixed non-putrescible waste for the purpose of conducting material recovery or reloading shall be subject to the performance standards, design requirements, and operating requirements adopted as administrative procedures pursuant to Section 5.01.132, and shall require that the facility operate in a manner that meets the following general performance goals:

- (1) Environment. Facilities shall be designed and operated to preclude the creation of undue threats to the environment including, but not limited to, stormwater or groundwater contamination, air pollution, and improper acceptance and management of hazardous waste asbestos and other prohibited wastes.
- (2) Health and safety. Facilities shall be designed and operated to preclude the creation of conditions that may degrade public health and safety including, but not limited to, fires, vectors, pathogens and airborne debris.
- (3) Nuisances. Facilities shall be designed and operated to preclude the creation of nuisance conditions including, but not limited to, litter, dust, odors and noise.
- (4) Material recovery. Facilities conducting material recovery on non-putrescible waste shall be designed and operated to assure materials are recovered in a timely manner, to meet standards in Section 5.01.125, and to protect the quality of non-putrescible waste that has not yet undergone material recovery.

- (5) Reloading. Facilities conducting reloading of non-putrescible waste shall be designed and operated to assure that the reloading and transfer of non-putrescible waste to Metro authorized processing facility is conducted rapidly and efficiently while protecting the quality of non-putrescible waste that has not yet undergone material recovery.
- (6) Record keeping. Facilities shall keep and maintain complete and accurate records of the amount of all solid waste and recyclable materials received, recycled, reloaded and disposed.

SECTION 3. Metro Code section 5.01.132 shall be amended as follows:

5.01.132 Adoption & Amendment of Administrative Procedures and Performance Standards

(a) The Chief Operating Officer ~~shall~~may issue administrative procedures and performance standards governing the obligations of Licensees and Franchisees under this chapter, including but not limited to procedures and performance standards for nuisance control, public notification of facility operations, management of unacceptable wastes, facility record keeping and reporting, yard debris composting operations, non-putrescible waste material recovery, non-putrescible waste reloading, transportation of Putrescible Waste, and designation and review of Service Areas and demand pursuant to Section 5.01.131 of this chapter.

(b) The Chief Operating Officer may issue administrative procedures and performance standards to implement all provisions of this chapter.

(c) The Chief Operating Officer shall substantially amend the administrative procedures and performance standards issued under subsections (a) or (b) of this section only after providing public notice and the opportunity to comment ~~and a public hearing~~ on the proposed amendment.

(d) The Chief Operating Officer may hold a public hearing on any proposed new administrative procedure and performance standard or on any proposed amendment to any administrative procedure and performance standard, if the Chief Operating Officer determines that there is sufficient public interest in any such proposal.

SECTION 4. Metro Code Section 5.05.030 shall be amended as follows:

5.05.030 Designated Facilities of the System

(a) Designated Facilities. The following described facilities constitute the designated facilities of the system, the Metro Council having found that said facilities meet the criteria set forth in Metro Code Section 5.05.030(b):

- (1) Metro South Station. The Metro South Station located at 2001 Washington, Oregon City, Oregon 97045.
- (2) Metro Central Station. The Metro Central Station located at 6161 N.W. 61st Avenue, Portland, Oregon 97210.

- (3) Facilities Subject to Metro Regulatory Authority. All disposal sites and solid waste facilities within Metro which are subject to Metro regulatory authority under Chapter 5.01 of the Metro Code.
- (4) Lakeside Reclamation (limited purpose landfill). The Lakeside Reclamation limited purpose landfill, Route 1, Box 849, Beaverton, Oregon 97005, subject to the terms of an agreement between Metro and the owner of Lakeside Reclamation authorizing receipt of solid waste generated within Metro.
- (5) Hillsboro Landfill (limited purpose landfill). The Hillsboro Landfill, 3205 S.E. Minter Bridge Road, Hillsboro, Oregon 97123, subject to the terms of an agreement between Metro and the owner of Hillsboro Landfill authorizing receipt of solid waste generated within Metro.
- (6) Columbia Ridge Landfill. The Columbia Ridge Landfill owned and operated by Oregon Waste Systems, Inc. subject to the terms of the agreements in existence on November 14, 1989, between Metro and Oregon Waste Systems and between Metro and Jack Gray Transport, Inc. In addition, Columbia Ridge Landfill may accept special waste generated within Metro:
 - (A) As specified in an agreement entered into between Metro and Oregon Waste Systems authorizing receipt of such waste; or
 - (B) Subject to a non-system license issued to a person transporting to the facility special waste not specified in the agreement.
- (7) Roosevelt Regional Landfill. The Roosevelt Regional Landfill, located in Klickitat County, Washington. Roosevelt Regional Landfill may accept special waste generated within Metro only as follows:
 - (A) As specified in an agreement entered into between Metro and Regional Disposal Company authorizing receipt of such waste; or
 - (B) Subject to a non-system license issued to a person transporting to the facility special waste not specified in the agreement.
- (8) Finley Buttes Regional Landfill. The Finley Buttes Regional Landfill, located in Morrow County, Oregon. Finley Buttes Regional Landfill may accept special waste generated within Metro only as follows:
 - (A) As specified in an agreement entered into between Metro and Finley Buttes Landfill Company authorizing receipt of such waste; or
 - (B) Subject to a non-system license issued to a person transporting to the facility special waste not specified in the agreement.

- (9) Coffin Butte Landfill. The Coffin Butte Landfill, located in Benton County, Oregon, which may accept solid waste generated within the District only as follows:
- A) As specified in an agreement entered into between Metro and the owner of the Coffin Butte Landfill authorizing receipt of such waste; or
 - (B) Subject to a non-system license issued to a person transporting to the facility special wastes not specified in the agreement.
- (10) Wasco County Landfill. The Wasco County Landfill, located in The Dalles, Oregon, which may accept solid waste generated within the District only as follows:
- (A) As specified in an agreement entered into between Metro and the owner of the Wasco County Landfill authorizing receipt of such waste; or
 - (B) Subject to a non-system license issued to a person transporting to the facility solid wastes not specified in the agreement.
- (11) Cedar Grove Composting, Inc. The Cedar Grove Composting, Inc., facilities located in Maple Valley, Washington, and Everett, Washington. Cedar Grove Composting, Inc., may accept solid waste generated within the District only as follows:
- (A) As specified in an agreement entered into between Metro and Cedar Grove composting, Inc., authorizing receipt of such waste; or
 - (B) Subject to a non-system license issued to a person transporting to Cedar Grove Composting, Inc., solid wastes not specified in the agreement.
- (12) Weyerhaeuser Regional Landfill. The Weyerhaeuser Regional Landfill, located in Castle Rock, Washington, and the Weyerhaeuser Material Recovery Facility, located in Longview, Washington. The Weyerhaeuser Material Recovery Facility is hereby designated only for the purpose of accepting solid waste for transfer to the Weyerhaeuser Regional Landfill. The Weyerhaeuser Regional Landfill and the Weyerhaeuser Material Recovery Facility may accept solid waste generated within the District only as follows:
- (A) As specified in an agreement entered into between Metro and Weyerhaeuser, Inc., authorizing receipt of such waste; or
 - (B) Subject to a non-system license issued to a person transporting to the Weyerhaeuser Regional Landfill or the Weyerhaeuser Material Recovery Facility solid wastes not specified in the agreement.

(b) Changes to Designated Facilities to be Made by Council. From time to time, the Council, acting pursuant to a duly enacted ordinance, may remove from the list of designated facilities any one or more of the facilities described in Metro Code Section 5.05.030(a). In addition, from time to time, the Council, acting pursuant to a duly enacted ordinance, may add to or delete a facility from the list of designated facilities. In deciding whether to designate an additional facility, or amend or delete an existing designation, the Council shall consider:

- (1) The degree to which prior users of the facility and waste types accepted at the 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 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 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 facility regarding compliance with Metro ordinances and agreements or assistance to Metro in Metro ordinance enforcement; and
- (7) Other benefits or detriments accruing to residents of the region from Council action in designating a facility, or amending or deleting an existing designation.

(c) The Chief Operating Officer is authorized to execute an agreement, or an amendment to an agreement, between Metro and a designated facility for Non-putrescible waste. An agreement, or amendment to an agreement between Metro and a designated facility for Putrescible waste shall be subject to approval by the Metro Council prior to execution by the Chief Operating Officer.

(d) An agreement between Metro and a designated facility shall specify the types of wastes from within Metro boundaries that may be delivered to, or accepted at, the facility.

(e) An agreement between Metro and a designated facility that authorizes the facility to accept non-putrescible waste that has not yet undergone material recovery, is not processing residual, and originated or was generated within Metro boundaries shall demonstrate substantial compliance with facility performance standards, design requirements and operating requirements adopted pursuant to Metro Code Chapter 5.01.132 for non-putrescible waste material recovery facilities.

SECTION 5. Metro Code Section 5.05.035 shall be amended 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.

An applicant for a non-system license that authorizes the licensee to transport non-putrescible waste that has not yet undergone material recovery, is not processing residual, and originated or was generated within Metro boundaries shall provide documentation that the non-system facility is in substantial compliance with the facility performance standards, design requirements and operating requirements adopted pursuant to Metro Code Chapter 5.01.132 for non-putrescible waste material recovery facilities.

(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) Factors to Consider To Determine Whether to Issue Non-System License. The Chief Operating Officer or Metro Council, as applicable, shall consider the following factors to the extent relevant to determine whether or not to issue a non-system license:

- (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.
- (d) Timetables To Determine Whether to Issue a Non-System License.
- (1) Non-system licenses for Non-putrescible waste, Special waste, Cleanup Material Contaminated By Hazardous Substances, or any other solid waste other than Putrescible waste.
 - (A) New licenses. 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 within 60 days after receipt of a new completed application, including receipt of any additional information required by the Chief Operating Officer in connection therewith.
 - (B) License renewals. An application for renewal of an existing non-system license shall be substantially similar to the existing non-system license with regard to waste type, quantity and destination. A holder of a non-system license shall submit a completed application to renew the license at least 60 days prior to the expiration of the existing non-system license, 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 renew the non-system license and shall inform the applicant in writing of such determination prior to the expiration of the existing non-system license. The Chief Operating Officer is not obligated to make a

determination earlier than the expiration date of the existing license even if the renewal request is filed more than 60 days before the existing license expires.

- (2) Non-system licenses for Putrescible waste. The Chief Operating Officer shall formulate and provide to the Council recommendations regarding whether or not to issue or renew a non-system license for Putrescible waste. If the Chief Operating Officer recommends that the non-system license be issued or renewed, the Chief Operating Officer shall recommend to the council specific conditions of the non-system license.
 - (A) New licenses. 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 within 120 days 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.
 - (B) License renewals. An application for renewal of an existing non-system license shall be substantially similar to the existing non-system license with regard to waste type, quantity and destination. A holder of a non-system license shall submit a completed application to renew the license at least 120 days prior to the expiration of the existing non-system license, including receipt of any additional information required by the Chief Operating Officer in connection therewith. The Council shall determine whether or not to renew the non-system license and shall inform the applicant in writing of such determination prior to the expiration of the existing non-system license. The Council is not obligated to make a determination earlier than the expiration date of the existing license even if the renewal request is filed more than 120 days before the existing license expires.
- (3) 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 new or renewed non-system license as deemed necessary or appropriate under the circumstances.

(e) 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:
 - (A) 120 days from the date of issuance for a limited-duration non-system license;
 - (B) Three years from the date of issuance for a new full-term license; and
 - (C) Two years from the date of issuance of a renewed full-term non-system license.
- (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).

(f) 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.
- (4) When solid waste generated from within the Metro boundary is mixed in the same vehicle or container with solid waste generated outside the Metro boundary, the load in its entirety shall be reported to Metro by the non-system licensee as having been generated within the Metro boundary

and the Regional System Fee and Excise Tax shall be paid on the entire load unless the licensee provides Metro with documentation regarding the total weight of the solid waste in the vehicle or container that was generated within the Metro boundary, or unless Metro has agreed in writing to another method of reporting.

(g) 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.

(h) Notwithstanding any other provision in this Section, and unless contrary to any other applicable law, 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 February 2, 2006, 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. Metro Council may lift the temporary moratorium at an earlier date if sufficient progress has been made in setting system policy direction on disposal and material recovery and toward development of more detailed material recovery facility standards.

ADOPTED by the Metro Council this ____ day of _____, 2007.

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

BM:bjl
S:\REM\metzlerb\Facility Standards 2006\Ordinance\07-1138.doc

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO.07-1138, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTERS 5.01 AND 5.05 TO ENSURE THAT NON-PUTRESCIBLE MIXED WASTE MATERIAL RECOVERY FACILITIES AND RELOAD FACILITIES ARE OPERATED IN ACCORDANCE WITH ADMINISTRATIVE PROCEDURES AND PERFORMANCE STANDARDS ISSUED BY THE CHIEF OPERATING OFFICER AND TO MAKE RELATED CHANGES

Date: January 18, 2007

Prepared by: Bill Metzler

INTRODUCTION

The purpose of Ordinance No.07-1138 is to amend Chapters 5.01 and 5.05 of the Metro Code to ensure that material recovery facilities (MRFs) and reload facilities (reloads) accepting mixed non-putrescible waste generated in the Metro region are operated in accordance with the facility standards and operating requirements to be issued by Metro's Chief Operating Officer (COO) as provided in Metro Code Section 5.01.132.

The COO will issue the facility standards within 90 days of adoption of this ordinance by the Metro Council (the effective date of the ordinance). An overview of the facility standards is attached to this staff report (see Attachment 1).

In addition, Chapter 5.01 of the Metro Code will be amended to articulate six general performance goals for MRFs and reloads that describe the broad expectations for these facilities. They are:

- (1) *Environment*. Facilities shall be designed and operated to preclude the creation of undue threats to the environment (such as stormwater or groundwater contamination, air pollution, and improper acceptance and management of hazardous waste and asbestos).
- (2) *Health and safety*. Facilities shall be designed and operated to preclude the creation of conditions that may degrade public health and safety (such as fires, vectors, and airborne debris).
- (3) *Nuisances*. Facilities shall be designed and operated to preclude the creation of nuisance conditions (such as litter, dust, odors, and noise).
- (4) *Material recovery*. Facilities conducting material recovery on non-putrescible waste shall be designed and operated to assure materials are recovered from solid waste in a timely manner, to meet the standards in Section 5.01.125, and to protect the quality of non-putrescible waste that has not yet undergone material recovery.
- (5) *Reloading*. Facilities conducting reloading of non-putrescible waste shall be designed and operated to assure that the reloading and transfer of non-putrescible waste to Metro authorized processing facility is conducted rapidly and efficiently while protecting the quality of non-putrescible waste that has not yet undergone material recovery.
- (6) *Record keeping*. Facilities shall keep and maintain complete and accurate records of the amount of all solid waste and recyclable materials received, recycled, reloaded and disposed.

Development and issuance of the facility standards

The facility standards issued by the COO will be more detailed than the six general performance goals listed above, and include: 1) issue specific performance goals, 2) performance standards and operating conditions, 3) standard operating condition templates (license agreement), and 4) standard application form templates.

Issuance of the facility standards will help assure that MRFs and reloads consistently handle, reload or recover material without creating nuisance impacts or harm to people or the environment. They will also provide a clear and level playing field for facilities and clarify the requirements prospective applicants must meet in advance of filing an application with Metro. Region-wide standards ensure a minimum level of consistency, however, individual jurisdictions may still impose more strict regulations.

The facility standards were developed with input from a workgroup consisting of representatives from the solid waste industry and local governments. The workgroup included: Vince Gilbert (East County Recycling), Howard Grabhorn (Lakeside Landfill), Allen Kackman (Elder Demolition), Dean Kampfer (Waste Management), Scott Keller (City of Beaverton), Wendie Kellington (Lakeside Landfill), Theresa Kopang (Washington County), Michael Leichner (Pride Recycling), Mark McGregor (Clean-It-Up-Mark), Audrey O'Brien (DEQ), Ray Phelps (Willamette Resources, Inc.), and David White (ORRA).

In general, the standards are supported by members of the workgroup, and the standards have been reviewed and passed unanimously by the Metro Solid Waste Advisory Committee. In addition, Metro has also received letters of support from the DEQ and local government partners.

The standards are largely based on provisions found in existing Metro licenses and franchises for material recovery facilities and reload facilities. However, with input from the workgroup, the standards include some new provisions that are needed based on Metro's regulatory experience with non-putrescible waste handling facilities. Seven of the ten existing private material recovery and reload facilities already meet the standards.¹ All new non-putrescible mixed waste handling facilities will be required to meet the standards in order to operate.

Major new requirements

- ❑ The major new operating standard will require dry waste facilities to conduct operations inside a building and on an impervious pad (asphalt or concrete). The building and pad requirements are intended to address common material recovery facility and reload facility problems related to off-site noise, dust, odor, nuisance, environmental and unprocessed material contamination.
- ❑ Existing facilities like East County Recycling, are provided a two-year time frame for compliance with the building and pad requirements.
- ❑ The ordinance provides that an applicant for a Metro non-system license to transport non-putrescible waste generated inside the region; or a designated facility outside the region accepting non-putrescible waste that has not yet undergone material recovery, is not processing residual and originated or was generated in the Metro boundary must provide documentation that the facility is in substantial compliance with the standards issued by the COO.

¹ There are nine existing private facilities that conduct material recovery from non-putrescible mixed waste: Aloha Garbage, Columbia Environmental (not yet operational), East County Recycling, KB Recycling, PLC III (not yet operational), Pride Recycling, Troutdale Transfer Station, Wastech and Willamette Resources, Inc. There is one existing non-putrescible mixed waste reload :Greenway Recycling, LLC. Of these ten facilities, all but three meet the standard requiring a building and pad: Aloha Garbage, East County Recycling, and Greenway Recycling, LLC.

In addition, Metro Code section 5.01.132 – Adoption of Administrative Procedures and Performance Standards by the Chief Operating Officer will be amended so that provisions for the public hearing requirement related to amending administrative procedures and new administrative procedures will be more consistent, and based on sufficient public interest. The existing code provisions in 5.01.132 (b) and (c) requires that only substantially amended procedures and standards require a public hearing - while new procedures and standards do not.

BACKGROUND

Temporary moratorium imposed on certain dry waste facilities

On February 2, 2006, the Metro Council imposed a temporary moratorium, until December 31, 2007, on all new mixed dry waste MRFs and reloads in the region. The moratorium was imposed by Council in order to: 1) provide time to conclude the Disposal System Planning project, 2) establish an enhanced dry waste recovery program, and 3) allow for the publication of up-to-date facility standards.

Issues with dry waste handling facilities

Experience has shown that one of the most persistent problems from uncovered facilities is dust and airborne debris, generated on-site, that inevitably drifts off-site and settles on adjacent properties. Uncovered facilities have proven to have a more difficult time employing adequate control measures that contain dust and its resulting nuisance and health impacts.

Attention to preventing these problems has been intensified with several recent license applications to Metro to operate dry waste facilities. These applications were submitted with very little consideration to facility design and the impacts that can be associated with dry waste dumping and handling. If approved by Metro, these types of facilities could significantly increase the risks of public nuisances and adverse health or environmental impacts on people in surrounding businesses and neighborhoods. Metro's existing standards do not explicitly address the design requirements needed for a facility to avoid having such adverse impacts (e.g., impervious pad, roof, cover or building, and stormwater collection and treatment).

Issues of persistent concern for both MRFs and reloads now addressed in the proposed standards include:

- Dust and blowing debris generated from on-site traffic and the tipping and processing of dry waste.
- Insufficient on-site capacity for reloading or processing.
- Contamination or degradation of unprocessed waste by other solid waste or wind and precipitation.
- Inadequate load checking for prohibited or hazardous wastes.

In response to these issues, Metro is publishing facility standards and new application requirements for dry waste facilities. These standards will ensure that new dry waste facilities are designed and operated to a standard consistent with the best facilities in the region. Applicants will know well in advance what will be expected of a Metro licensed facility. Existing dry waste facilities not meeting these standards will be expected to achieve compliance within a reasonable time frame. Once these standards are implemented, the region will benefit from better-designed and operated facilities.

ANALYSIS/INFORMATION

1. **Known Opposition.** No known opposition.
2. **Legal Antecedents.** Ordinance No. 06-1098B, Metro Code Chapters 5.01 and 5.05, the Regional Solid Waste Management Plan and the Metro Charter.
3. **Anticipated Effects.** Facilities accepting non-putrescible waste for the purpose of reloading or conducting material recovery will operate in accordance with the up-to-date performance standards, design requirements and operating requirements issued by the Metro Chief Operating Officer pursuant to Metro Code section 5.01.132.
4. **Budget Impacts.** No Metro budget impacts are anticipated.

RECOMMENDED ACTION

The Chief Operating Officer recommends the adoption of Ordinance No. 07-1138.

BM:bjl
S:\REM\metzlerb\Facility Standards 2006\Staff Report\07-1138_StaffReport.doc