

A G E N D A

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METRO

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

MEETING: METRO POLICY ADVISORY COMMITTEE

DATE: April 25, 2007

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

PLACE: Metro Council Chamber/Annex

NO	AGENDA ITEM	PRESENTER	ACTION	TIME
	CALL TO ORDER	Fuller		
1	SELF INTRODUCTIONS & COMMUNICATIONS	All		5 min.
2	CITIZEN COMMUNICATIONS FOR NON-AGENDA ITEMS			15 min.
3	CONSENT AGENDA <ul style="list-style-type: none">• April 11, 2007• MTAC Appointment	Fuller	Action	5 min.
4	COUNCIL UPDATE	Harrington	Update	5 min.
5	LEGISLATIVE UPDATE & ROUNDTABLE	Harrington	Update	5 min.
6	MPAC PLANNING <ul style="list-style-type: none">• MPAC Bylaw Amendments• MPAC Worksheet User Guide Overview• MPAC Agenda Issue Responsibility List	Norris/Harrington	Review/Action Information Information	20 min. 10 min. 5 min.
7	SOLID WASTE ENHANCED DRY WASTE RECOVERY (EDWRP)	Hoglund	Review Action	30 min. 5 min.

UPCOMING MEETINGS:

MPAC: May 9 & 22, 2007

MPAC Coordinating Committee, Room 270: May 9 & 22, 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

April 25, 2007

Item 3 – Consent Agenda Meeting Summary for April 11, 2007 &
MTAC Appointment

METRO POLICY ADVISORY COMMITTEE MEETING RECORD

April 11, 2007 – 5:00 p.m.

Metro Regional Center, Council Chambers

Committee Members Present: Shane Bemis, Jeff Cogen, Nathalie Darcy, Rob Drake, Dave Fuller, Judie Hammerstad, John Hartsock, Tom Hughes, Richard Kidd, Charlotte Lehan, Alice Norris, Wilda Parks, Martha Schrader, Chris Smith

Committee Members Absent: Ken Allen, Richard Burke, Larry Cooper, Bernie Giusto, Tom Potter, Lane Shetterly, Larry Smith, Erik Sten, Steve Stuart, (Governing Body of School District –Bob Sherwin)

Alternates Present: Tom Brian

Also Present: Bill Bash, City of Cornelius; Hal Bergsma, City of Beaverton; Beverly Bookin, CREEC; Carol Chesarek, Citizen; Bob Clay, City of Portland; Danielle Cowan, City of Wilsonville; Jillian Detweiler, TriMet; Markley Drake, City of Happy Valley; Meg Fernekees, DLCD; Suzanne Flynn, Metro Auditor; Ed Gallagher, City of Gresham; Elissa Gertler, Clackamas County; Gil Kelley, City of Portland; Doug McClain, Clackamas County; Lawrence Odell, Washington County; Ron Papsdorf, City of Gresham; Pat Ribellia, City of Hillsboro; Karen Schilling, Multnomah County; Jonathan Schlueter, Westside Economic Alliance; John Southgate, City of Hillsboro

Metro Elected Officials Present: Liaisons – Kathryn Harrington, Council District 4; Robert Liberty, Council District 6; Brian Newman, Council District 2 others in audience: David Bragdon, Council President; Rod Park, Council District 1

Metro Staff Present: Lee Barrett, Anthony Butzek, Julie Cash, Dan Cooper, Chris Deffebach, Pat Emmerson, Mike Hogle, Lake McTighe, Joel Morton, Josh Naramore, Linnea Nelson, Robin McArthur, Randy Tucker

1. SELF-INTRODUCTIONS & COMMUNICATIONS

Chair Dave Fuller, called the meeting to order at 5:03 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 March 14, 2007:

Motion:	Mayor Richard Kidd, City of Forest Grove, with a second from, Mayor Alice Norris, City of Oregon City, moved to adopt the consent agenda with no revisions.
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Vote:	The motion passed unanimously.
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4. COUNCIL UPDATE

Councilor Kathryn Harrington gave a brief update of the recent items before the Metro Council.

5. JPACT UPDATE

Robin McArthur, Deputy Planning Director, reviewed the topics that would be covered at the next JPACT meeting, which would be the similar to the Regional Transportation Plan presentation this evening.

6. LEGISLATIVE UPDATE

Councilor Brian Newman gave a brief overview of the two bills, SB 722 and SB 891. He then introduced Mayor Tom Hughes.

Mayor Tom Hughes, City of Hillsboro, explained senate bill 722.

Gil Kelley, City of Portland, and Bob Clay, City of Portland, explained senate bill 891.

Motion:	Mayor Alice Norris, City of Oregon City, with a second from, John Hartsock, Clackamas County Special Districts, moved to have MPAC as a group endorse senate bill 891.
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Vote:	The motion passed unanimously.
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7. MPAC PLANNING

Due to time constraints and at the request of several members, this topic was deferred to the next MPAC meeting.

8. SOLID WASTE ENHANCED DRY WASTE RECOVERY (EDWRP)

Mike Hogle, Solid Waste and Recycling Director, gave an overview of the program and its significance to the region. He gave a PowerPoint presentation for the members. Copies of those slides will be included in the permanent record. He said that this would come back at the next meeting for more discussion and possible action.

Tom Brian, Washington County Chair, asked if this had been taken to SWAC.

Mr. Hogle said yes, though Metro had not received a lot of feedback from them yet.

Chair Brian said they had done a lot of work on a very good program and they were getting close to finding a solution. He asked if details could be developed in the next 20-30 days in order to prevent a delay.

Mr. Hogle said he thought they could do that. He said that there was a little time at the front end and that he hoped as they got further along it would come back to MPAC.

There was discussion about the tip fee rates and process.

Mayor Rob Drake, City of Beaverton, said he was comfortable with buying a little more time as he felt the endeavor would be good.

Chris Smith, Multnomah County Citizen Representative, asked why Lakeside couldn't raise the fee on their own, why did they need Metro to do this?

Mr. Hogle said that they could and explained why. He also explained why the program was designed as it was in correlation to this.

Mayor Charlotte Lehan, City of Wilsonville, asked what the expectation was for MPAC regarding this issue.

Councilor Harrington said that Metro recognized that there was regional impact with this program and Metro thought that MPAC might want to weigh in on this issue.

Chair Fuller said that they were eventually looking for a vote on this.

There was more discussion about the particulars of this plan and Mayor Fuller said this topic would be brought back at the next meeting, hopefully for a vote.

9. REGIONAL TRANSPORTATION PLAN SOLICITATION CRITERIA (Phase 3)

Ms. McArthur reviewed the exercise and what Metro hoped to get from the exercise and discussion. She then reviewed the changes that were made to the 2035 RTP: Phase 3 Investment Solicitation and System Analysis Process memorandum. That revised memorandum will be attached to the permanent record.

Tom Kloster, Regional Transportation Planning Manager, gave a PowerPoint presentation and copies of those slides will be attached to the permanent record.

After the PowerPoint presentation, Mr. Kloster began the map exercise. Mr. Kloster and Ms. McArthur expressed their appreciation for MPAC participation in the exercise and reviewed some of the regions that received large clusters of dots on the maps.

There being no further business, Chair Fuller adjourned the meeting at 7:33 p.m.

Respectfully submitted,



Kim Bardes
MPAC Coordinator

ATTACHMENTS TO THE RECORD FOR APRIL 11, 2007

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

AGENDA ITEM	DOCUMENT DATE	DOCUMENT DESCRIPTION	DOCUMENT NO.
#6 Legislative Update	April 2007	Packet of material related to Senate Bill 891 including the bill summary, sheets on Limitations of Objective Design Standards, and a form letter in support of Senate Bill 891	041107-MPAC-01
#8 Solid Waste	April 2007	Copies of slides from the Solid Waste PowerPoint presentation: Metro's Enhanced Dry Waste Recovery Program	041107-MPAC-02
#9 RTP Solicitation Criteria	4/5/07	Memorandum from Kim Ellis, Principal Transportation Planner, to JPACT and MPAC re: 2035 RTP: Phase 3 Investment Solicitation and System Analysis Process	041107-MPAC-03
#9 RTP	April 2007	Copies of slides on the RTP System Development Phase: A New Look at Transportation	041107-MPAC-04
#9 RTP	Spring 2007	New Look, The Regional Transportation Plan: 2035 Regional Transportation Plan in a Nutshell	041107-MPAC-05
Misc.	4/11/07	Email from Bob Sherwin, Gresham-Barlow School Board regarding MPAC membership and his resume	041107-MPAC-06

**METRO**

DATE: April 5, 2007
TO: Chair Dave Fuller
Metro Policy Advisory Committee
FROM: Andy Cotugno, Planning Dept. Director
RE: APPOINTMENT OF NEW MTAC ALTERNATE

Per the MPAC Bylaws:

Each jurisdiction or organization named [to MTAC] 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...

The Portland Development Commission would like to appoint Seth Hudson, Senior Economic Development Manager, to the Public Economic Development (MTAC No. 23) seat as Second Alternate. Renate Mengelberg would remain as the primary member and Rob Pochert would become the First Alternate.

If you have any questions or comments, please don't hesitate to call me at 503-797-1763.

Thank you.

Metro Policy Advisory Committee

April 25, 2007
Item 6 – MPAC Planning

MPAC Agenda Information

Agenda Item Title:

Proposed Amendments to MPAC Bylaws

Presenter: Alice Norris

MPAC Meeting Date: Mar. 14, 2007 & April 25, 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.

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.

MPAC Worksheet

Agenda Item Title: MPAC Worksheet User Guide Overview

Presenter: Councilor Harrington

Council Liaison Sponsor: Councilor Harrington

MPAC Meeting Date: April 25

Amount of time needed at meeting:

Information (laying groundwork for a later decision): 5 minutes to highlight the process/present & take questions.

Action required?: No

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

To inform the MPAC members of the worksheet process for seeking and securing time on the MPAC meeting agenda.

Action Requested/Outcome (What do you want MPAC to do at *this meeting*? State the *policy* questions that need to be answered.)

Are there any questions?

Background and context:

Based upon prior years feedback, a process was needed for proposing and scheduling topics at MPAC. As a result a topic worksheet process has been defined. This process has been reviewed and adopted by the MPAC Coordinating Committee. To make this clear and easy for the full membership of MPAC, for the Metro Council and for Metro staff, a user guide was written outlining the short process and worksheet use.

The goals of this process are:

- to ensure that your time at MPAC is spent on meaningful topics
- to ensure clear policy questions are being posed to you in order to provide advice to the Metro Council
- to establish a process for MPAC members to propose and pursue topics of regional interest
- to provide a clear efficient process to maximize Metro staff resources.

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

(N/A)

Packet Information:

- MPAC Worksheet User Guide document

MPAC Agenda Worksheet User Guide

Last updated: 4/18/07

Purpose of MPAC Agenda Worksheet User Guide:

To ensure that all MPAC members, Metro Councilors and Metro Staff members understand the expectations for getting topics scheduled and presented effectively before MPAC.

Background:

With the start of 2007 the Metro Policy Advisory Committee (MPAC) chair asked that presenters provide more background and context – an executive summary – for items to be scheduled for MPAC agenda. The purpose of the topic worksheet is to help MPAC members better understand the issue before them and to help frame the issue for discussion. The information provided on this form will be included in the MPAC packet. Try to keep the completed form to one (two-sided) page.

This worksheet guide explains how the sheet will be used and the process for use of the sheet so that topics can be scheduled and presented effectively.

1. MPAC Worksheet Use

This form will be used by the MPAC Coordinating Committee (MPAC-CC) to determine if a topic should be brought before the MPAC committee members for discussion. MPAC advises the Metro Council on policy issues and MPAC members want to spend their time on this or topics that relate to the region as a whole and can benefit most jurisdictions. MPAC meets the 2nd and 4th Wednesdays of each month. They have 2-hour meetings and approximately 30 minutes of each meeting is spent on regular business such as introductions, communications, consent agenda and updates for JPACT and Legislation. MPAC members have clearly indicated that they want more time for discussion and less time spent on purely presentation materials.

When reviewing a worksheet for MPAC consideration the MPAC-CC must think about the entire yearlong schedule. There are many planning items that require fast track processing in order to forward any MPAC recommendations to the Council before they can vote on some Ordinances and Resolutions. This is why the deadline for turning in worksheet requests is so important. These worksheets will be included in the MPAC meeting packet material.

This worksheet is not a replacement for staff reports and other materials that will be provided to MPAC to cover your topic. Basically this worksheet positions your topic for scheduling and also serves to focus attention on the key questions that you want answered and the key actions that you need MPAC to take at the meeting.

MPAC – MTAC relationship: It is understood that there will be occasions where MTAC, the Metro Technical Advising committee (to MPAC) will meet the same day that the agenda and packet material are due for publication, and the MPAC team will take these occasions into consideration. Sometimes material will be referred back to MTAC for technical discussion and the topic will be deferred to a later MPAC meeting for further discussion. If this is a planning

topic, contact Sherry Oeser with any questions, for other departments, contact Kim Bardes with questions.

Additional materials and equipment needs for the MPAC meeting: Due to the fact that there is only an MPAC Coordinator who prepares meeting material and takes minutes and no other dedicated staff for MPAC, you will be required to provide your own laptops, projectors and equipment for presentations. If you find that you have last minute material to distribute, please make 50 copies for the meeting, give a copy to the MPAC Coordinator for the formal record, and place the rest in the back of the room for general distribution (see Meeting Management Best Practices for more details on this). You must also provide an electronic copy of your material so that the MPAC Coordinator can place these items in the TRIM archival system.

2. MPAC Agenda Process

Topic worksheets (drafts) are reviewed by the MPAC-CC in order to schedule topics into the MPAC meeting workflow. The MPAC-CC meets before the first bi-monthly MPAC meeting. Topics needing attention between MPAC-CC meetings are handled at the discretion of the Chair.

For 2007 the point people are:

- MPAC Chair: Mayor David Fuller
- MPAC Coordinator: Kim Bardes
- MPAC Council Liaisons: Councilors Newman, Liberty, Harrington (cc: assistants, Amelia Porterfield, Amelia Porterfield, Linnea Nelson)
- MPAC Planning Dept Coordinator: Sherry Oeser
- The “in-house team”:
 - The MPAC Coordinator
 - The Council Liaisons
 - The Planning Dept Coordinator

To secure an MPAC timeslot

- Step 1 - complete a **draft** version of the topic worksheet. (File attached) This needs to have enough information supplied to sell the MPAC Chair, the Council Liaisons and the MPAC-CC members that this is a topic that needs to be covered. You get to improve the fullness of the information for the meeting packet. Please supply enough information to express why this topic is relevant to MPAC (in advising the council), what are the key questions for MPAC discussion, and what kind of timeframe is required to present (keep it tight) and then to enable discussion.
- Step 2 - Email the draft worksheet to: the Council Liaisons for MPAC (cc: assistants), the MPAC Coordinator **and** the MPAC Planning Dept Coordinator to take to the MPAC-CC which only meets once per month, before the first MPAC meeting of each month. Be sure to send that email out no later than 3 p.m. on the Tuesday before the MPAC-CC meeting. Note: If a topic is significant, the Council wants to assure that it is of like mind on the policy questions. If this is a significant topic, this worksheet (particularly the policy questions) will need to be agreed upon by the Council at a Council Work session during the Councilor Communications portion of the meeting. The Council Liaisons can

assess if this is a significant topic when your draft worksheet is reviewed at the Coordinating Committee meeting. This Council Work session step must be done before the worksheet is final for the MPAC meeting packet. Be sure to allow time for this step to occur.

- Step 3 - Your topic (worksheet) gets reviewed by the MPAC-CC and scheduled. Topics needing attention between MPAC-CC meetings are handled at the discretion of the Chair.
- Step 4 – Planning Dept Coordinator, if the worksheet is Planning Department related, or MPAC Coordinator, for all other departments, will get back to you and confirm the timeslot decided on by the MPAC-CC.

Please continue to gather material that will need to be included in the meeting packet and for the meeting.

The MPAC Councilors, or the Planning Dept Coordinator or the MPAC Coordinator may need to work with you on honing the worksheet, especially regarding policy questions.

Note: As things can rapidly change between draft initiation and the actual meeting, the final draft of the MPAC agenda and the final draft of the worksheet will be given to the MPAC chair shortly before the meeting for a final review before distribution.

For the MPAC meeting

Once the timeslot is secured, you are expected to complete (update) a final worksheet and supply that to the in-house. The MPAC Coordinator (Kim Bardes) needs to publish the MPAC packet one week in advance of the meeting, so you will need to get it to her 8 calendar days before the meeting.

- Step 1 – Finalize the worksheet. If this is a significant topic, be sure to follow the Council review process (on significant topics) as outlined in the section above. If you have changed the policy questions since the draft, be sure to review them with the Council Sponsor for the topic.
- Step 2 – Send to the MPAC Coordinator, Kim Bardes, no later than Tuesday afternoon at 3 p.m., 8-days prior to the meeting
- Step 3 – Start gathering packet material and submit to the MPAC Coordinator 7- days prior to the meeting – Wednesday by noon
- Step 4 – the MPAC Coordinator will send the agenda to the MPAC Chair and Council Liaisons for final review and then post that material on the MPAC webpage on the Wednesday 7-days prior to the meeting and in addition will prepare hard copy materials to send out.

3. The draft MPAC Worksheet Explanation *required field

The purpose of the topic worksheet is to help MPAC members better understand the issue before them and to help frame the issue for discussion. The information provided on this form will be included in the MPAC packet. Try to keep the completed form to one (two-sided) page.

Agenda Item Title (include ordinance or resolution number and title if applicable):

This is the title that is used on the agenda. It should be only one line.

Presenter: The name of the person leading the presentation/discussion at the MPAC meeting.

Council Liaison Sponsor: (State which of the Councilors is your point person for ensuring that the questions match Councilor expectations. He/She may also do an introduction to your topic at the meeting.)

***MPAC Meeting Target Date:** State when (MPAC meeting date) you would you like to present. If there is council action needed on this topic please also specify (1) the first date that you would be prepared to present and (2) the last/drop-dead date that you could present at MPAC and still meet your other project/Council obligations.

***Amount of time needed at meeting:** Please note that since discussion is the key objective, you must allow time for each step below. MPAC members have clearly indicated that they want more time for discussion and less time spent on purely presentation materials. In general, topics only get 30 minutes total! The key words used below are also used in the agenda sheet for the entire meeting to indicate the meeting intent for the topic.

Presentation:

Discussion:

Information (laying groundwork for a later decision):

Update:

Action required?:

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

(i.e. start objective sentence with one of the following: to present, to discuss, to provide information as a basis for later action on, to update, or to take action on...)

Sample: To approve Resolution No. 07-3755 (For the Purpose of Endorsing the Policy Direction, Plan Goals and Objectives to Guide Development of the 2035 Regional Transportation Plan (RTP) and recommend to Metro Council.

***Action Requested/Outcome (What do you want MPAC to do at *this meeting*? State the *policy* questions that need to be answered.)** In general there will only be two questions. It is recommended that you ask open questions (ex. what factors...) to seek advice and foster discussion versus asking closed questions (yes/no type questions.)

Samples:

1. What 2040 design types are the highest priority for investments in the regional transportation system to best implement the Region 2040 vision? (Refer to Table 1 on page 3 of the recommended draft RTP policy framework)
2. What should the regional investment priorities be for different parts of the region? (Refer to Table 2 on page 5 of the recommended draft RTP policy framework)

3. Do MPAC members support approval of Resolution No. 07-3755 and Exhibit “A” as proposed to begin Phase 3 of the RTP update?

Background and context (if information has several components, please be sure to address expected outcomes for each component): Please supply enough information to express why this topic is relevant to MPAC (in advising the council). Please do not provide history information but rather reflect the significance of the topic related to MPAC and Council. Please be concise, 1 or 2 paragraphs only. Communicate very pointedly why this is important (important to the community and not just the region/Metro.) This may be the only information that they read in advance of your presentation, by being clear and specific you are compelling them to read the topic information in the packet.

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

What is the timeline for further consideration of this agenda item (e.g., MTAC, MPAC, Council)? Generally the timeline follows a two meeting process. Meeting 1 is the presentation, and meeting 2 is review of any changes or updates and action. If you need more than two meeting state so here and how much time for each meeting.

What packet material do you plan to include? (must be provided 8-days prior to the actual meeting for distribution) Indicate your thinking on what kind of materials you will be including in the packet (ex. staff report, proposed ordinance, if a powerpoint presentation will be used, associated documents.) This may serve as a checklist for yourself and for the MPAC Coordinator to ensure that all of your material is included in the meeting packet.

For additional samples of worksheets, please reference the MPAC website at <http://www.metro-region.org/article.cfm?articleID=8878>

4. The draft MPAC Worksheet Empty Template *required field

The draft MPAC worksheet follows.

DRAFT MPAC Worksheet

Agenda Item Title (include ordinance or resolution number and title if applicable):

Presenter:

Council Liaison Sponsor:

***MPAC Meeting Target Date:**

***Amount of time needed at meeting:**

Presentation:

Discussion:

Information (laying groundwork for a later decision):

Update:

Action required?:

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

(i.e. start objective sentence with one of the following: to present, to discuss, to provide information as a basis for later action on, to update, or to take action on...)

***Action Requested/Outcome (What do you want MPAC to do at *this meeting*? State the *policy* questions that need to be answered.)**

Background and context (if information has several components, please be sure to address expected outcomes for each component):

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

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

What packet material do you plan to include? (must be provided 8-days prior to the actual meeting for distribution)

4. Final MPAC Worksheet

MPAC Worksheet

Agenda Item Title (include ordinance or resolution number and title if applicable):

Presenter:

Council Liaison Sponsor:

MPAC Meeting Date:

Amount of time needed at meeting:

Presentation:

Discussion:

Information (laying groundwork for a later decision):

Update:

Action required?:

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

Action Requested/Outcome (What do you want MPAC to do at *this meeting*? State the *policy* questions that need to be answered.)

Background and context (if information has several components, please be sure to address expected outcomes for each component):

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

MPAC Worksheet

Agenda Item Title: MPAC Agenda Issue Responsibility List

Presenter: Fuller, Norris, Harrington

Council Liaison Sponsor: Councilor Harrington

MPAC Meeting Date: April 25th

Amount of time needed at meeting:

Information: 5 minutes

Action required?: No

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

To inform the MPAC members of the outcome of the topic scheduling.

Action Requested/Outcome (What do you want MPAC to do at *this meeting*? State the *policy* questions that need to be answered.)

Are there any questions?

Background and context (if information has several components, please be sure to address expected outcomes for each component):

At the end of January, an ad-hoc subcommittee of MPAC met and formed a list of potential agenda topics to be addressed at MPAC. This list was distributed along with proposed by-law changes at the February 14 meeting. At the same time that this list was developed in January, the Metro planning staff formed and proposed the New Look at Regional Choices Roadmap, which had some topic overlap with the proposed agenda topics list. Further analysis and work was completed to differentiate which items would come before MPAC as a result of the Metro New Look project and Council work and which topics are outside of Metro work. The result is provided in the document, "MPAC Agenda Issue Responsibility List." This has been reviewed and adopted by the MPAC Coordinating Committee.

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

N/A

Packet Information:

- MPAC Agenda Issue Responsibility List

**MPAC Agenda Issue Responsibility List
(Who's responsible for bringing issue to MPAC)**

Metro Responsibility

Employment and industrial lands, Regionally
Significant Industrial Areas

Infrastructure/investments

Investing in centers and corridors, investing
tool kit

Urban and rural reserves

Neighboring communities coordination

Big Look Updates

UGB process

MPAC Member Responsibility

Hamlets, villages

Anchor stores, "big box retail"

Density at edge ("urban crust")

Regional equity, role of special
districts in stimulating growth

Definition of corridors,
relationship to centers

Health care planning

Ballot Measure 37 affects

Metro Policy Advisory Committee

April 25, 2007

Item 7 – Solid Waste Enhanced Dry Waste Recovery (EDWRP)

MPAC Worksheet

Agenda Item Title: Enhanced Dry Waste Recovery Program (EDWRP):

Presenter: Mike Hogle (Metro)

Council Liaison Sponsor: Councilor Harrington

MPAC Meeting Date: April 25, 2007

Amount of time needed at meeting:

Presentation: Five Minutes

Discussion: Ten Minutes

Action required: MPAC Discussion and Vote

Purpose/Objective: Seek support for the Enhanced Dry Waste Recovery Program (EDWRP); address program schedule and implementation issues raised by MPAC at their April 11 meeting.

Action Requested/Outcome:

Question: At the April 11 MPAC meeting, Metro Solid Waste and Recycling staff introduced a program intended to maximize recovery from dry waste, in particular from the Westside of the region, home to two dry-waste landfills. There was general MPAC support for the program, although it was requested that Metro extend program adoption up to 60 days in order to develop transition plans for the two Westside landfills affected by this program. Attached is a timeline incorporating 60 days for those transition plans to be developed in coordination with the landfill operators.

- 1. Does the timeline adequately respond to MPAC's April 11 request?*
- 2. With the schedule adjustments, should the Metro Council proceed with the program implementation over the next 2 years?*

Background and context:

The region has a 64% state-mandated waste reduction goal for 2009. New programs, particularly those targeting the commercial sector, must be implemented to reach the goal.

A region-wide system to ensure more waste from the building industry is reused or recovered is a key part of efforts to achieve the 2009 goal.

Building industry waste or "dry waste" consists primarily of six types of material: wood, metal, corrugated cardboard, concrete, drywall and roofing. On a typical construction or demolition project, over 90% of the waste materials generated are reusable or recoverable with current technology and markets.

In 2003, a public/private stakeholder study group examined options for increasing recovery from this sector and recommended that Metro should require processing of all dry waste loads before disposal. After receiving the study group's recommendation, the Metro Council directed staff to develop a mandatory dry waste recovery program. Metro staff then convened additional work groups comprised of local governments, businesses, construction industry representatives, haulers, dry waste recovery facilities and landfill operators to discuss and provide comment on the details of a proposal that has become known as the Enhanced Dry Waste Recovery Program or "EDWRP."

By requiring all dry waste generated in the region to be processed for material recovery prior to landfill disposal, the region would increase recovery of wood, cardboard and metal from mixed dry waste loads and estimated 33,000 tons per year. The program would also help establish a level playing field throughout the region in terms of maximizing material recovery and equalizing gate fees charged for mixed dry waste.

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

MPAC was presented with an overview of the program, with supporting legislation at the April 11 meeting. While generally supportive of the program, MPAC requested up to 60 days in order to develop transition plans for the two Westside landfills affected by this program. Attached is a timeline incorporating 60 days for those transition plans to be developed in coordination with the landfill operators.

The legislation will be effective January 2009 and has not been revised.

Metro Enhanced Dry Waste Implementation Schedule*

Updated April 16, 2007

Task Name	2007												2008												2009							
	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug		
Westside Transition																																
Council Action (EDWRP)																																
Disposal Surcharge Formation**																																
Disposal Surcharge Implementation***																																
EDWRP Effective																																
End System Fee Credit Program																																
Full Enforcement of EDWRP																																

* Implementation of this timeline will ensure that by July 1, 2009, all dry waste from the metro region will either be reused, source-separated, processed at a material recovery facility, or be subject to a new disposal surcharge prior to being landfilled.

** Disposal Surcharge Formation: The Metro COO will evaluate the need, amount, use of revenue and effective date of a potential surcharge on dry waste leaving the Metro region. The surcharge is intended to: 1) provide an economic incentive for facilities to process dry waste; 2) would allow a possible phase-out of landfill activities for regional dry waste landfills that may not be able to process dry waste, and 3) is intended to be set at a level so as to ensure dry waste flows to regional material recovery facilities at or above their anticipated level as of January 1, 2009.

*** Disposal Surcharge Implementation: Denotes that the potential surcharge would most likely take affect between January 1 and July 1, 2009. Any surcharge subject to Metro Council action.

BEFORE THE METRO COUNCIL

AMENDING METRO CODE CHAPTERS)	ORDINANCE NO. 07-1147
5.01, 5.02, 5.05, AND 7.01 TO ENSURE)	
THAT ALL OF THE REGION’S NON-)	Introduced by Michael Jordan, Chief
PUTRESCIBLE WASTE UNDERGOES)	Operating Officer, with the concurrence of
MATERIAL RECOVERY PRIOR TO)	David Bragdon, Council President
DISPOSAL, TO ELIMINATE THE)	
REGIONAL SYSTEM FEE AND EXCISE)	
TAX CREDIT PROGRAM, AND TO MAKE)	
RELATED CHANGES)	

WHEREAS, Metro is accountable for meeting the state-mandated 2009 waste reduction goal for the tri-county region, and the recovery of additional “dry waste” material generated by the building industry is a key component of reaching the 64% goal; and

WHEREAS, dry waste consists primarily of wood, metal, corrugated cardboard, concrete, drywall and roofing; and

WHEREAS, over 90% of this material is reusable or recoverable with current technology and markets; and

WHEREAS, a minimum of 33,000 additional tons of dry waste per year could be recovered by a regional program to require the processing of all dry waste before disposal; and

WHEREAS, such a program was recommended by a stakeholder group in 2003 as the option most likely to help the region attain its recovery goal for the building industry sector; and

WHEREAS, this recommendation was subsequently incorporated in the region’s interim waste reduction plan approved by Council in 2006; and

WHEREAS, in order to divert recoverable resources from landfill disposal Metro will require all dry waste generated in the Metro region to undergo processing for material recovery prior to disposal, and

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

THE METRO COUNCIL ORDAINS AS FOLLOWS:

SECTION 1. Metro Code section 5.01.010 is amended as follows:

5.01.010 Definitions

For the purposes of this chapter unless the context requires otherwise the following terms shall have the meaning indicated:

(a) "Activity" means a primary operation or function that is performed in a Solid Waste Facility or at a Disposal Site, including but not limited to Resource Recovery, Composting, Energy Recovery, and other types of Processing; Recycling; Transfer; incineration; and disposal of Solid Waste; but excluding operations or functions such as Segregation that serve to support the primary Activity.

(b) "Agronomic application rate" has the meaning provided in OAR 340-093-0030(4).

(c) "Chief Operating Officer" means the Metro Chief Operating Officer or the Chief Operating Officer's designee.

(d) "Cleanup Material Contaminated By Hazardous Substances" means solid waste resulting from the cleanup of releases of hazardous substances into the environment, including petroleum contaminated soils and sandbags from chemical spills. Cleanup Material Contaminated By Hazardous Substances does not mean solid waste generated by manufacturing or industrial processes.

(e) "Closure" means the restoration of a Solid Waste Facility or a Disposal Site to its condition prior to the commencement of licensed or franchised Solid Waste activities at the site. Closure includes, but is not limited to, the removal of all accumulations of Solid Waste and Recyclable Materials from the site.

(f) "Code" means the Metro Code.

(g) "Compost" means the stabilized product of composting.

(h) "Composting" means the controlled biological decomposition of organic material.

(i) "Composting Facility" means a site or facility which utilizes organic material to produce a useful product through the process of composting.

(j) "Council" means the Metro Council.

(k) "DEQ" means the Department of Environmental Quality of the State of Oregon.

(l) "Direct haul" means the delivery of Putrescible Waste from a Solid Waste Facility directly to Metro's contract operator for disposal of Putrescible Waste. Direct Haul is an Activity under this chapter.

(m) "Disposal site" means the land and facilities used for the disposal of Solid Wastes whether or not open to the public, but does not include transfer stations or processing facilities.

(n) "District" has the same meaning as in Code Section 1.01.040.

(o) "Energy recovery" means a type of Resource Recovery that is limited to methods in which all or a part of Solid Waste materials are processed to use the heat content, or other forms of energy, of or from the material.

(p) "Franchise" means the grant of authority or privilege given by the Council to operate a Disposal Site, Transfer Station, or an Energy Recovery facility, or to conduct any activity specified in Section 5.01.045(b) of this chapter.

(q) "Franchisee" means the person to whom a Franchise is granted by the Council under this chapter.

(r) "Franchise fee" means the fee charged by Metro to the Franchisee for the administration of the Franchise.

(s) "Hazardous waste" has the meaning provided in ORS 466.005.

(t) "Household hazardous waste" means any discarded, useless or unwanted chemical, material, substance or product that is or may be hazardous or toxic to the public or the environment and is commonly used in or around households and is generated by the household. "Household hazardous waste" may include but is not limited to some cleaners, solvents, pesticides, and automotive and paint products.

(u) "Inert" means containing only constituents that are biologically and chemically inactive and that, when exposed to biodegradation and/or leaching, will not adversely impact the waters of the state or public health.

(v) "License" means the permission given by the Council or Chief Operating Officer to operate a Solid Waste Facility not exempted or requiring a Franchise under this chapter that Transfers, and Processes Solid Waste, and may perform other authorized Activities.

(w) "Licensee" means the person to whom a License is granted by the Council or Chief Operating Officer under this chapter.

(x) "Local Transfer Station" means a Transfer Station that serves the demand for disposal of Putrescible Waste that is generated within a single Service Area, and may provide fewer disposal services than are provided by a Regional Transfer Station.

(y) "Material recovery" means a type of Resource Recovery that is limited to mechanical methods of obtaining from Solid Waste materials which still have useful physical or chemical properties and can be reused, recycled, or composted for some purpose. Material Recovery includes obtaining from Solid Waste materials used in the preparation of fuel, but excludes the extraction of heat content or other forms of energy from the material.

(z) "Metro Designated Facility" means a facility in the system of transfer stations, Metro Franchised facilities and landfills authorized under Chapter 5.05 of this Title to accept waste generated in the area within the jurisdiction of Metro.

(aa) "Non-putrescible waste" means any Waste that contains no more than trivial amounts of Putrescible materials or minor amounts of Putrescible materials contained in such a way that they can be easily separated from the remainder of the load without causing contamination of the load. This category includes construction waste, and demolition waste debris, and land clearing debris; but excludes Cleanup Materials Contaminated by Hazardous Substances, and SSSource-Separated Recyclable Material, whether or not sorted into individual material categories by the generator special waste, land clearing debris and yard debris.

(bb) "Person" has the same meaning as in Code Section 1.01.040.

(cc) "Petroleum contaminated soil" means soil into which hydrocarbons, including gasoline, diesel fuel, bunker oil or other petroleum products have been released. Soil that is contaminated with petroleum products but also contaminated with a hazardous waste as defined in ORS 466.005, or a radioactive waste as defined in ORS 469.300, is not included in the term.

(dd) "Process," "Processing" or "Processed" means a method or system of altering the form, condition or content of Wastes, including but not limited to composting, vermiprocessing and other controlled methods of biological decomposition; classifying; separating; shredding, milling, pulverizing, or hydropulping; but excluding incineration or mechanical volume reduction techniques such as baling and compaction.

(ee) "Processing facility" means a place or piece of equipment where or by which Solid Wastes are processed. This definition does not include commercial and home garbage disposal units, which are used to process food wastes and are part of the sewage system, hospital incinerators, crematoriums, paper shredders in commercial establishments, or equipment used by a recycling drop center.

(ff) "Processing residual" means the Solid Waste destined for disposal which remains after Resource Recovery has taken place.

(gg) "Putrescible" means rapidly decomposable by microorganisms, which may give rise to foul smelling, offensive products during such decomposition or which is capable of attracting or providing food for birds and potential disease vectors such as rodents and flies.

(hh) "Putrescible waste" means Waste containing Putrescible material.

(ii) "Rate" means the amount approved by Metro and charged by the Franchisee, excluding the Regional System Fee as established in Chapter 5.02 of this Title and franchise fee.

(jj) "Recyclable material" means material that still has or retains useful physical, chemical, or biological properties after serving its original purpose(s) or function(s), and that can be reused, recycled, or composted for the same or other purpose(s).

(kk) "Recycle" or "Recycling" means any process by which Waste materials are transformed into new products in such a manner that the original products may lose their identity.

(ll) "Recycling drop center" means a facility that receives and temporarily stores multiple source separated recyclable materials, including but not limited to glass, scrap paper, corrugated paper, newspaper, tin cans, aluminum, plastic and oil, which materials will be transported or sold to third parties for reuse or resale.

(mm) "Regional Solid Waste Management Plan" means the Regional Solid Waste Management Plan adopted as a functional plan by Council and approved by DEQ.

(nn) "Regional Transfer Station" means a Transfer Station that may serve the disposal needs of more than one Service Area and is required to accept solid waste from any person who delivers authorized solid waste to the Regional Transfer Station.

(oo) "Reload" or "Reload facility" means a facility that performs only Transfer and delivers all solid waste received at the facility to by means of a fixed or mobile facilities including but not limited to drop boxes and gondola cars, but excluding solid waste collection vehicles, normally used as an adjunct of a solid waste collection and disposal system, between a collection route and another Solid Waste facility or a disposal site after it receives such solid waste, generally within 24 hours of receipt.

(pp) "Resource recovery " means a process by which useful material or energy resources are obtained from Solid Waste.

(qq) "Reuse" means the return of a commodity into the economic stream for use in the same kind of application as before without change in its identity.

(rr) "Segregation" means the removal of prohibited wastes, unauthorized wastes, bulky material (such as but not limited to white goods and metals) incidental to the Transfer of Solid Waste. Segregation does not include Resource Recovery or other Processing of Solid Waste. The sole intent of segregation is not to separate Useful Material from the Solid Waste but to remove prohibited, unauthorized waste or bulky materials that could be hard to handle by either the facility personnel or operation equipment.

(ss) "Service Area" means the geographic locale around a solid waste facility that is defined by the characteristic that every point within such area is closer in distance to the solid waste facility contained in such area than to any other solid waste facility or disposal site. As used in this definition, "distance" shall be measured over improved roads in public rights-of-way.

(tt) "Solid waste" means all Putrescible and Non-Putrescible Wastes, including without limitation, garbage, rubbish, refuse, ashes, waste paper and cardboard; discarded or abandoned vehicles or parts thereof; sewage sludge, septic tank and cesspool pumpings or other sludge; commercial, industrial, demolition and construction waste; discarded home and industrial

appliances; asphalt, broken concrete and bricks; manure, vegetable or animal solid and semi-Solid Wastes, dead animals; infectious waste as defined in ORS 459.386; ~~petroleum contaminated soils~~ and other such wastes, including without limitation, cleanup materials contaminated with hazardous substances, commingled recyclable material, petroleum contaminated soil, special waste, source-separated recyclable material, land clearing debris and yard debris; but the term does not include:

- (1) Hazardous wastes as defined in ORS 466.005;
- (2) Radioactive wastes as defined in ORS 469.300;
- (3) Materials used for fertilizer, soil conditioning, humus restoration, or for other productive purposes or which are salvageable for these purposes and are used on land in agricultural operations and the growing or harvesting of crops and the raising of fowls or animals, provided the materials are used at or below agronomic application rates; or
- (4) Explosives.

(uu) "Solid waste facility" means the land and buildings at which Solid Waste is received for Transfer, Resource Recovery, and/or Processing but excludes disposal.

(vv) "Source Separate" or "Source Separated" or "Source Separation" means that the person who last uses recyclable material separates the recyclable material from Solid Waste.

(ww) "Source-separated recyclable material" or "Source-separated recyclables" means ~~material- solid waste~~ that has been Source Separated by the waste generator for the purpose of Reuse, Recycling, or Composting. This term includes (1) all homogenous loads of Recyclable Materials that are has been Source Separated by material type for the purpose of recycling (i.e., source-sorted) and (2) Residential and commercial commingled Recyclable Materials, which includes only those recyclable material types that the local jurisdiction, where the materials were collected, permits to be mixed together in a single container as part of its residential curbside recyclable material collection program. This term does not include any other commingled recyclable materials. that are mixed together in one container (i.e., commingled).

(xx) "Special waste" means any waste (even though it may be part of a delivered load of waste) which one or more of the following categories describes:

- 1) Containerized waste (e.g., a drum, barrel, portable tank, box, pail, etc.) of a type listed in 3 through 9 and 11 of this definition below.
- (2) Waste transported in a bulk tanker.
- (3) Liquid waste including outdated, off spec liquid food waste or liquids of any type when the quantity and the load would fail the paint filter liquid

(Method 9095, SW-846) test or includes 25 or more gallons of free liquid per load, whichever is more restrictive.

(4) Containers (or drums) which once held commercial products or chemicals, unless the containers (or drums) are empty. A container is empty when:

(A) All wastes have been removed that can be removed using the practices commonly employed to remove materials from the type of container, e.g., pouring, pumping, crushing, or aspirating.

(B) One end has been removed (for containers in excess of 25 gallons); and

(i) No more than one inch thick (2.54 centimeters) of residue remains on the bottom of the container or inner liner; or

(ii) No more than 1 percent by weight of the total capacity of the container remains in the container (for containers up to 110 gallons); or

(iii) No more than 0.3 percent by weight of the total capacity of the container remains in the container for containers larger than 110 gallons.

(C) Containers that once held acutely hazardous wastes must be triple-rinsed with an appropriate solvent or cleaned by an equivalent alternative method. Containers that once held substances regulated under the Federal Insecticide, Fungicide, and Rodenticide Act must be empty according to label instructions or triple-rinsed with an appropriate solvent or cleaned by an equivalent method. Plastic containers larger than five gallons that hold any regulated waste must be cut in half or punctured, and be dry and free of contamination to be accepted as refuse.

(5) Sludge waste from septic tanks, food service, grease traps, or wastewater from commercial laundries, Laundromats or car washes.

(6) Waste from an industrial process.

(7) Waste from a pollution control process.

(8) Residue or debris from the cleanup of a spill or release of chemical substances, commercial products or wastes listed in 1 through 7 or 9 of this definition.

(9) Soil, water, residue, debris, or articles which are contaminated from the cleanup of a site or facility formerly used for the generation, storage,

treatment, recycling, reclamation, or disposal of wastes listed in 1 through 8 of this definition.

(10) Chemical-containing equipment removed from service (for example: filters, oil filters, cathode ray tubes, lab equipment, acetylene tanks, CFC tanks, refrigeration units, or any other chemical containing equipment).

(11) Waste in waste containers that are marked with a National Fire Protection Association identification label that has a hazard rating of 2, 3, or 4, but not empty containers so marked.

(12) Any waste that requires extraordinary management or special handling.

Examples of special wastes are: chemicals, liquids, sludge and dust from commercial and industrial operations; municipal waste water treatment plant grits, screenings and sludge; contaminated soils; tannery wastes, empty pesticide containers, and dead animals or by-products.

(13) Radioactive waste.

(14) Medical waste.

(~~xyy~~) "Transfer" means the Activity of receiving Solid Waste for purposes of transferring the Solid Waste from one vehicle or container to another vehicle or container for transport. Transfer may include segregation, temporary storage, consolidation of Solid Waste from more than one vehicle, and compaction, but does not include Resource Recovery or other Processing of Solid Waste.

(~~yyzz~~) "Transfer station" means a Solid Waste Facility whose primary Activities include, but are not limited to, the Transfer of Solid Waste.

(~~zzaaa~~) "Useful material" means material that still has or retains useful physical, chemical, or biological properties after serving its original purpose(s) or function(s), and which, when separated from Solid Waste, is suitable for use in the same or other purpose(s). Types of Useful Materials are: material that can be Reused; Recyclable Material; organic material(s) suitable for controlled biological decomposition such as for making Compost; material used in the preparation of fuel; material intended to be used, and which is in fact used, for construction or land reclamation such as Inert material for fill; and material intended to be used, and which is in fact used, productively in the operation of landfills such as roadbeds or alternative daily cover. For purposes of this Code, Cleanup Material Contaminated By Hazardous Substances are not Useful Materials.

(~~aaabb~~) "Vermiprocessing" means a controlled method or system of biological Processing that utilizes worms to consume and digest organic materials, and that produces worm castings for productive uses.

(~~bbbccc~~) "Waste" means any material considered to be useless, unwanted or discarded by the person who last used the material for its intended and original purpose.

(~~eeeddd~~) "Waste hauler" means any person who is franchised, licensed or permitted by a local government unit pursuant to state law to collect and haul Solid Waste.

(~~dddccc~~) "Yard debris" means vegetative and woody material generated from residential property or from commercial landscaping activities. "Yard debris" includes landscape waste, grass clippings, leaves, hedge trimmings, stumps and other vegetative waste having similar properties, but does not include demolition debris, painted or treated wood.

(~~eeefff~~) "Yard debris facility" means a yard debris processing facility or a yard debris reload facility.

(~~fffggg~~) "Yard debris reload facility" means an operation or facility that receives yard debris for temporary storage, awaiting transport to a processing facility.

SECTION 2. Metro Code section 5.01.040 is amended as follows:

5.01.040 Exemptions

(a) In furtherance of the purposes set forth in this chapter, except as provided in Sections 5.01.040(b) through (d) below, the Metro Council declares the provisions of this chapter shall not apply to:

- (1) Municipal or industrial sewage treatment plants accepting sewage, sludge, septic tank and cesspool pumpings or other sludge.
- (2) Disposal Sites, Transfer Stations, or Solid Waste Facilities owned or operated by Metro.
- (3) Facilities that (A) exclusively receive non-Putrescible Source-Separated Recyclable Materials, and (B) reuse or recycle such materials, or transfer, transport or deliver such materials to a person or facility that will reuse or recycle them.
- (4) Facilities that exclusively receive, process, transfer or dispose of Inert Wastes.
- (5) The following operations, which do not constitute Yard Debris Facilities:
 - (A) Persons who generate and maintain residential compost piles for residential garden or landscaping purposes.

- (B) Residences, parks, community gardens and homeowner associations.
- (C) Universities, schools, hospitals, golf courses, industrial parks, and other similar facilities, if the landscape waste or yard debris was generated from the facility's own activities, the product remains on the facility grounds, and the product is not offered for off-site sale or use.
- (D) Operations or facilities that chip or grind wood wastes, unless:
 - (i) such chipped or ground wood wastes are processed for composting; or
 - (ii) such operations or facilities are otherwise regulated under Metro Code Section 5.01.045.
- (6) Temporary transfer stations or processing centers established and operated by a government for 60 days or less to temporarily receive, store or process Solid Waste if Metro finds an emergency situation exists.
- (7) Any Reload facility that:
 - (A) Accepts Solid Waste collected under the authority of a single solid waste collection franchise granted by a local government unit, or from multiple solid waste collection franchises so long as the area encompassed by the franchises is
 - (B) Is owned or controlled by the same person granted franchise authority ascribed in subsection (A); and
 - (C) Delivers any Putrescible Waste accepted at the operation or facility to a Transfer Station owned, operated, Licensed or Franchised by Metro; and
 - (D) Delivers all other Solid Waste accepted at the facility except Inert Wastes to a Metro Designated Facility authorized to accept said Solid Waste, or to another solid waste facility ~~or Disposal Site~~ under authority of a Metro Non-System License issued pursuant to Chapter 5.05.
- (8) Persons who own or operate a mobile facility that processes Petroleum Contaminated Soil at the site of origin and retains any treated Petroleum Contaminated Soil on the site of origin.

(b) Notwithstanding Section 5.01.040(a), all persons shall comply with Sections 5.01.030(a), (b), (d) and (f).

(c) Notwithstanding Section 5.01.040(a)(2) of this chapter, Metro shall comply with Section 5.01.150 of this chapter.

(d) Notwithstanding Sections 5.01.040(a)(3) through 5.01.040(a)(8) of this chapter, the provisions of Section 5.01.135 of this chapter shall apply to operations and facilities described in Sections 5.01.040(a)(3) through 5.01.040(a)(8) of this chapter.

SECTION 3. Metro Code section 5.01.125 is amended as follows:

5.01.125 Obligations and Limits for Selected Types of Activities

(a) A holder of a License or Franchise for a Material Recovery facility, ~~Reload or Local Transfer Station, or a holder of a Franchise~~ issued after July 1, 2000, ~~for a Regional Transfer Station~~ shall perform Material Recovery from Non-Putrescible Waste accepted at the facility as specified in this section or as otherwise specified in its license or franchise, or shall deliver such Non-Putrescible Waste to a Solid Waste facility ~~whose primary purpose is authorized by Metro~~ to recover useful materials from Solid Waste.

(b) ~~A holder of a License or Franchise for a Material Recovery facility or Local Transfer Station, or a holder of a Franchise issued after July 1, 2000 for a Regional Transfer Station,~~ A licensee or franchisee subject to subsection (a) of this section shall recover at least 25% by weight of Non-Putrescible waste accepted at the facility and waste delivered by public customers. For the purposes of calculating the amount of recovery required by this subsection, recovered waste shall exclude both waste from industrial processes and ash, inert rock, concrete, concrete block, foundry brick, asphalt, dirt, and sand. Failure to maintain the minimum recovery rate specified in this section shall constitute a violation enforceable under Metro Code Sections 5.01.180 and 5.01.200. After January 1, 2009, the requirements of this subsection will not be applicable to licensees or franchisees unless Metro Council determines that this standard should be reinstated to replace the processing residual standard established in 5.01.125(c).

~~(c)~~ (e) — Effective January 1, 2009, a licensee or franchisee subject to subsection (a) of this section shall:

(1) At a minimum, process non-putrescible waste accepted at the facility to recover cardboard, wood, and metals (including aluminum). Processing residual from such a facility shall not contain more than 15 percent, by total combined weight, of cardboard or wood pieces of greater than 12 inches in size in any dimension and metal pieces greater than eight inches in size in any dimension.

(2) Take quarterly samples of processing residual that are statistically valid and representative of the facility's residual (not less than a 300-pound sample) and provide results of such sampling to Metro in the monthly report due the month following the end of that quarter.

(3) Based on observation, audits, inspections and reports, Metro inspectors shall conduct or require additional analysis of waste residual at the facility in accordance with section 5.01.135(c). Failure to maintain the recovery level specified in subsection (c)(1) of this section shall constitute a violation enforceable under Metro Code. The first two violations of this subsection by a single licensee or franchisee shall not result in the imposition of a civil penalty.

(4) Failure to meet the reporting requirements in subsection (c)(2) of this section shall constitute a violation enforceable under Metro Code after July 1, 2009.

(d) In addition to the requirements of (a) and (b) in this section, A holders of a Franchise for a Local Transfer Station:

- (1) Shall accept Putrescible Waste originating within the Metro boundary only from persons who are franchised or permitted by a local government unit to collect and haul Putrescible Waste.
- (2) Shall not accept hazardous waste.
- (3) Shall be limited in accepting Putrescible Waste during any fiscal year to an amount of Putrescible Waste equal to the demand for disposal of Putrescible Waste generated within a Service Area as specified in accordance with this chapter.
- (4) Shall accept Solid Waste from any Waste Hauler who operates to serve a substantial portion of the demand for disposal of Solid Waste within the Service Area of the Local Transfer Station.

(d)(e) In addition to the requirements of (a) and (b) in this section, A holders of a Franchise for a Regional Transfer Station, in accordance with its franchise issued after July 1, 2000:

- (1) Shall accept authorized Solid Waste originating within the Metro boundary from any person who delivers authorized waste to the facility, on the days and at the times established by Metro in approving the Franchise application.
- (2) Shall provide an area for collecting Household Hazardous Waste from residential generators at the Franchised Solid Waste Facility, or at another location more convenient to the population being served by the franchised Solid Waste Facility, on the days and at the times established by Metro in approving the Franchise application.

- (3) Shall provide an area for collecting source separated recyclable materials without charge at the Franchised Solid Waste Facility, or at another location more convenient to the population being served by the franchised Solid Waste Facility, on the days and at the times established by Metro in approving the Franchise application.

(f) A holder of a license for a reload facility shall deliver all non-putrescible waste received at the facility to a solid waste facility authorized by Metro to recover useful materials from solid waste.

(g) A holder of a license or franchise for a solid waste facility shall not crush, grind or otherwise reduce the size of non-putrescible waste except when such size reduction constitutes a specific step in the facility's material recovery operations, reload operations, or processing residual consolidation or loading operations, and such size reduction is described and approved by Metro in an operating plan.

(Ordinance No. 98-762C, Secs. 30-31. Amended by Ordinance No. 00-866, Sec. 5; Ordinance No. 01-916C, Sec. 4; Ordinance No. 02-952A, Sec. 1; Ordinance No. 03-1018A, Sec 16.)

SECTION 4. Metro Code section is amended as follows:

5.01.135 Inspections and Audits of Solid Waste Facilities

(a) The Chief Operating Officer shall be authorized to make such inspection or audit as the Chief Operating Officer deems appropriate, and shall be permitted access to the premises of a licensed or franchised facility, and all other Solid Waste Facilities, at all reasonable times during business hours with or without notice or at such other times with 24 hours notice after the Franchise or License is granted to assure compliance with this chapter, the Code, the Franchise or License, and administrative procedures and performance standards adopted pursuant to Section 5.01.132 of this chapter.

(b) Inspections or audits authorized under subsection (a) of this section shall occur regularly and as determined necessary by the Chief Operating Officer. Results of each inspection shall be reported on a standard form specified by the Chief Operating Officer.

(c) The Chief Operating Officer shall have access to and may examine during such inspections or audits any records pertinent in the opinion of the Chief Operating Officer to the License or Franchise, or to the provisions of this chapter, including but not limited to the books, papers, records, equipment, blueprints, operation and maintenance records and logs and operating rules and procedures of the Licensee, Franchisee or Solid Waste Facility operator. Such inspections or audits may include taking samples and conducting analysis of any waste or other material, including storm water runoff, water treatment or holding facilities, leachate, soil and solid waste. The Chief Operating Officer shall coordinate any sampling or follow-up activities with DEQ or local jurisdictions as necessary to prevent the imposition of redundant requirements on operations.

(d) Any violations discovered by the inspection or audit shall be subject to the penalties provided in Section 5.01.200.

SECTION 5. The definition of “special waste” in Metro Code section 5.02.015(hh) shall be amended as follows:

(hh) "Special waste" ~~means any waste (even though it may be part of a delivered load of waste) which one or more of the following categories describes; shall have the meaning assigned thereto in Metro Code section 5.01.010.~~

- ~~(1) Containerized waste (e.g., a drum, barrel, portable tank, box, pail, etc.) of a type listed in 3 through 9 and 11 of this definition below.~~
- ~~(2) Waste transported in a bulk tanker.~~
- ~~(3) Liquid waste including outdated, off spec liquid food waste or liquids of any type when the quantity and the load would fail the paint filter liquid (Method 9095, SW-846) test or includes 25 or more gallons of free liquid per load, whichever is more restrictive.~~
- ~~(4) Containers (or drums) which once held commercial products or chemicals, unless the containers (or drums) are empty. A container is empty when:
 - ~~(A) All wastes have been removed that can be removed using the practices commonly employed to remove materials from the type of container, e.g., pouring, pumping, crushing, or aspirating.~~
 - ~~(B) One end has been removed (for containers in excess of 25 gallons); and
 - ~~(i) No more than one inch thick (2.54 centimeters) of residue remains on the bottom of the container or inner liner; or~~
 - ~~(ii) No more than 1 percent by weight of the total capacity of the container remains in the container (for containers up to 110 gallons); or~~
 - ~~(iii) No more than 0.3 percent by weight of the total capacity of the container remains in the container for containers larger than 110 gallons.~~~~
 - ~~(C) Containers that once held acutely hazardous wastes must be triple-rinsed with an appropriate solvent or cleaned by an equivalent alternative method. Containers that once held substances regulated under the Federal Insecticide, Fungicide, and Rodenticide Act must~~~~

~~be empty according to label instructions or triple rinsed with an appropriate solvent or cleaned by an equivalent method. Plastic containers larger than five gallons that hold any regulated waste must be cut in half or punctured, and be dry and free of contamination to be accepted as refuse.~~

- ~~(5) Sludge waste from septic tanks, food service, grease traps, or wastewater from commercial laundries, Laundromats or car washes.~~
- ~~(6) Waste from an industrial process.~~
- ~~(7) Waste from a pollution control process.~~
- ~~(8) Residue or debris from the cleanup of a spill or release of chemical substances, commercial products or wastes listed in 1 through 7 or 9 of this definition.~~
- ~~(9) Soil, water, residue, debris, or articles which are contaminated from the cleanup of a site or facility formerly used for the generation, storage, treatment, recycling, reclamation, or disposal of wastes listed in 1 through 8 of this definition.~~
- ~~(10) Chemical containing equipment removed from service (for example: filters, oil filters, cathode ray tubes, lab equipment, acetylene tanks, CFC tanks, refrigeration units, or any other chemical containing equipment).~~
- ~~(11) Waste in waste containers that are marked with a National Fire Protection Association identification label that has a hazard rating of 2, 3, or 4, but not empty containers so marked.~~
- ~~(12) Any waste that requires extraordinary management or special handling.~~
~~Examples of special wastes are: chemicals, liquids, sludge and dust from commercial and industrial operations; municipal waste water treatment plant grits, screenings and sludge; contaminated soils; tannery wastes, empty pesticide containers, and dead animals or by products.~~
- ~~(13) Radioactive waste.~~
- ~~(14) Medical waste.~~

SECTION 6. Metro Code Section 5.02.046 is repealed.

SECTION 7. Metro Code Section 5.02.047 is amended as follows:

5.02.047 Regional System Fee Credits

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

~~System Fee Credit Schedule~~

Facility Recovery Rate		
From Above	Up To & Including	System Fee Credit of no more than
0%	30%	0.00
30%	35%	9.92
35%	40%	11.46
40%	45%	13.28
45%	100%	14.00

~~(b) — The Chief Operating Officer:~~

~~(1) — Shall establish administrative procedures to implement subsections (b) and (c) of Metro Code Section 5.02.046; and~~

~~(2) — May establish additional administrative procedures regarding the Regional System Fee Credits, including, but not limited to establishing eligibility requirements for such credits and establishing incremental System Fee Credits associated with Recovery Rates which fall between the ranges set forth in paragraph (a) of this section.~~

~~(c) — Any person delivering Cleanup Material Contaminated By Hazardous Substances that is derived from an environmental cleanup of a nonrecurring event, and delivered to any Solid Waste System Facility authorized to accept such substances shall be allowed a credit in the amount of \$11.07 against the Regional System Fee otherwise due under Section 5.02.045(a) of this Chapter.~~

~~(d) — During any Fiscal Year, the total aggregate amount of credits granted under the Regional System Fee credit program shall not exceed the dollar amount budget without the prior review and authorization of the Metro Council.~~

~~(e) — The Director of the Solid Waste and Recycling Department shall make a semi-annual report to the Council on the status of the credit program. The report shall include that aggregate amount of all credits paid during the preceding six months and the amount paid to each facility eligible for the credit program. The report shall also project whether the appropriation~~

~~for the credit program will be sufficient to meet anticipated credit payment requests and maintain existing contingency funding.~~

SECTION 8. The definition of “Special waste” in Metro Code section 5.05.010 shall be amended as follows:

(v) “Special waste” shall have the meaning assigned thereto in Metro Code Section ~~5.02.015~~5.01.010.

SECTION 9. The following definitions of “Material Recovery,” “Processing Residual,” and “Recyclable Material,” shall be added to Metro Code section 5.05.010, other Code subsections in that section shall be renumbered accordingly, and other Code references to such subsection shall be amended accordingly:

“Material recovery “ shall have the meaning assigned thereto in Metro Code section 5.01.010.

“Processing residual” shall have the meaning assigned thereto in Metro Code section 5.01.010.

“Recyclable material” shall have the meaning assigned thereto in Metro Code section 5.01.010.

SECTION 10. 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)~~ ~~_____~~ ~~(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 only as follows:

- (B) Subject to a non-system license issued to a person transporting to the facility ~~special-solid~~ 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-solid~~ 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-solid~~ 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-Metro~~ 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 ~~solidspecial~~ 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-Metro~~ 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 DistrictMetro~~ 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~~Metro 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. Effective, July 1, 2008, an existing designated facility authorized to receive non-putrescible waste shall notify Metro of their intent to seek an agreement to recover non-putrescible waste from the Metro region in accordance with subsection (g) or to only take processed non-putrescible waste from authorized facilities included in subsection (f). No later than December 31, 2008, the Chief Operating Officer shall modify existing agreements to assure substantial compliance with either subsection (f) or (g) of this section as appropriate. If the Chief Operating Officer and a designated facility are not able to establish an agreement by November 1, 2008, then the Chief Operating Officer shall terminate the existing agreement following termination procedures described in the existing agreement but no later than December 31, 2008.

(d) 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)~~(e) 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.

(f) ~~(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.~~ shall not authorize the facility to accept non-putrescible waste originating or generated within Metro boundaries after December 31, 2008, unless:

- (1) Such non-putrescible waste is received from a facility that has been issued a license or franchise pursuant to Chapter 5.01 authorizing such facility to perform material recovery on non-putrescible waste;
- (2) Such non-putrescible waste is received from a designated facility that has entered into an agreement with Metro, in accordance with subsection (f) of this section, authorizing such designated facility to perform material recovery on non-putrescible waste; or
- (3) The facility has entered into an agreement with Metro, in accordance with subsection (f) of this section, authorizing the facility to perform material recovery on non-putrescible waste that has not yet undergone material recovery.

(g) An agreement between Metro and a designated facility that, after December 31, 2008, authorizes the facility to accept non-putrescible waste that has not yet undergone material

recovery, is not comprised of processing residual, and originated or was generated within Metro boundaries shall:

- (1) Require such designated facility to perform material recovery on such waste; and
- (2) Demonstrate, in a manner that can be verified and audited, that such processing achieves material recovery substantially comparable to that required of in-region material recovery facilities by Metro Code subsections 5.01.125(a) and (b) by either:
 - (A) Meeting such material recovery requirements for all non-putrescible waste received at the facility, whether or not from within Metro boundaries; or
 - (B) Keeping all non-putrescible waste received from within Metro boundaries segregated from other waste throughout processing, keeping processing residual from such processing segregated from other solid waste after processing, and meeting such material recovery requirements for all such non-putrescible waste.
- (3) Demonstrate, in a manner that can be verified and audited, that such facility substantially complies with (A) the performance goals described in Metro Code sections 5.01.067(i) (as amended by Section 1 of Metro Ordinance No. 07-1138) and 5.01.075(c) (as amended by Section 2 of Metro Ordinance No. 07-1138), and (B) the performance standards, design requirements, and operating requirements applicable to licensed and franchised material recovery facilities operating within the Metro region and adopted by Metro as administrative procedures pursuant to Metro Code section 5.01.132 (as amended by Section 3 of Metro Ordinance No. 07-1138).

SECTION 11. Not later than March 1, 2008, the Chief Operating Officer shall provide the Metro Council with a recommendation for a form of additional solid waste fee or surcharge to be imposed on designated facilities seeking to dispose of unprocessed, non-putrescible waste from within the Metro region. The recommended fee or surcharge shall be applied as to provide substantially equivalent disposal rates among material recovery facilities and designated facilities for disposal of unprocessed non-putrescible wastes. The recommendation of the Chief Operating Officer shall also include a proposal for the amount of the proposed additional solid waste fee or surcharge, a proposal for the administrative procedures required to implement the

imposition and collection of such fee or surcharge, the effective dates, and a recommendation on the uses to which the revenues generated by such fee or surcharge may be put.

SECTION 12. Metro Code section 5.05.035(a) as amended by Ordinance No. 07-1138 shall be further 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. Any applicant or licensee that is authorized or seeks to deliver non-putrescible waste to a non-system facility after January 1, 2009, must demonstrate that the non-system facility will be in substantial compliance with the material recovery requirements in Metro Code section 5.01.125.

SECTION 13. Metro Code section 7.01.020 shall be amended as follows:

7.01.020 Tax Imposed

(a) For the privilege of the use of the facilities, equipment, systems, functions, services, or improvements owned, operated, certified, licensed, franchised, or provided by Metro, each user except users of solid waste system facilities shall pay a tax of 7.5 percent of the payment charged by the operator or Metro for such use unless a lower rate has been established as provided in subsection 7.01.020(b). The tax constitutes a debt owed by the user to Metro which is extinguished only by payment of the tax directly to Metro or by the operator to Metro. The user shall pay the tax to Metro or to an operator at the time payment for the use is made. The operator shall enter the tax on his/her records when payment is collected if the operator keeps his/her records on the cash basis of accounting and when earned if the operator keeps his/her records on the accrual basis of accounting. If installment payments are paid to an operator, a proportionate share of the tax shall be paid by the user to the operator with each installment.

(b) The Council may for any period commencing no sooner than July 1 of any year and ending on June 30 of the following year establish a tax rate lower than the rate of tax provided for in subsection 7.01.020(a) or in subsections 7.01.020(c)-(e) by so providing in an ordinance adopted by Metro. If the Council so establishes a lower rate of tax, the Chief Operating Officer shall immediately notify all operators of the new tax rate. Upon the end of the fiscal year the rate of tax shall revert to the maximum rate established in subsection 7.01.020(a)

unchanged for the next year unless further action to establish a lower rate is adopted by the Council as provided for herein.

(c) For the privilege of the use of the solid waste system facilities, equipment, systems, functions, services, or improvements, owned, operated, licensed, franchised, or provided by Metro, each user of solid waste system facilities and each solid waste facility licensed or franchised under Chapter 5.01 of this Code to deliver putrescible waste directly to Metro's contractor for disposal of putrescible waste shall pay a tax in the amount calculated under subsection (e)(1) for each ton of solid waste exclusive of compostable organic waste accepted at Metro Central or Metro South stations and source separated recyclable materials accepted at the solid waste system facilities. In addition, each user of solid waste system facilities and each solid waste facility licensed or franchised under Chapter 5.01 of this Code to deliver putrescible waste directly to Metro's contractor for disposal of putrescible waste shall also pay the additional tax in the amount set forth under Section 7.01.023 for each ton of solid waste exclusive of compostable organic waste accepted at Metro Central or Metro South stations and source separated recyclable materials accepted at the solid waste system facilities. The tax constitutes a debt owed by the user to Metro which is extinguished only by payment of the tax directly to Metro or by the operator to Metro. The user shall pay the tax to Metro or to an operator at the time payment for the use is made. The operator shall enter the tax on his/her records when payment is collected if the operator keeps his/her records on the cash basis of accounting and when earned if the operator keeps his/her records on the accrual basis of accounting. If installment payments are paid to an operator, a proportionate share of the tax shall be paid by the user to the operator with each installment.

(d) For the Metro fiscal year beginning July 1, 2002, the tax rate imposed and calculated under this section shall be sufficient to generate net excise tax revenue of \$6,050,000 after allowing for any tax credit or tax rebate for which provision is made in this chapter. For each Metro fiscal year thereafter the tax rate imposed and calculated under this section shall be sufficient to generate net excise tax revenue equal to the net excise tax revenue authorization in the previous fiscal year as adjusted in accordance with Section 7.01.022.

(e) (1) The excise tax rate for each ton of solid waste, exclusive of (i) source separate recyclable materials accepted at the solid waste system facilities, (ii) inert materials, (iii) Cleanup Materials Contaminated by Hazardous Substances, and (iv) compostable organic waste delivered to Metro Central or Metro South stations, shall be the amount that results from dividing the net excise tax revenue amount set forth in subsection (d) by the amount of solid waste tonnage which the Chief Operating Officer reports to the Council under subsection (f)(2). Subject to the provisions of subsection 7.01.020(b), the rate so determined shall be Metro's excise tax rate on solid waste during the subsequent Metro fiscal year. Commencing with Metro fiscal year 2006-07, and each fiscal year thereafter, the rate determined by this subsection shall be effective as of September 1st unless another effective date is adopted by the Metro Council.

- (2) The excise tax rate for each ton of solid waste constituting Cleanup Materials Contaminated by Hazardous Substances shall be \$1.00.

(f) By March 1st of each year, the Chief Operating Officer shall provide a written report to the Metro Council stating the following:

- (1) For the twelve (12) month period ending the previous December 31; the amount of solid wastes, exclusive of inert materials, delivered for disposal to any Solid Waste System Facility that is not exempt pursuant to Section 7.01.050(a) of this chapter, and
- (2) The amount of such solid wastes that would have been delivered for disposal to any such non-exempt Solid Waste System Facility if the Regional Recovery Rates corresponding to each calendar year set forth on the following schedule had been achieved:

Year	Regional Recovery Rate
2005	56%
2006	56.5%
2007	57%
2008	57.5%
2009	58%

The result of such calculation by the Chief Operating Officer shall be used to determine the excise tax rate under sub-section (e)(1).

~~(g) (1) A solid waste facility which is licensed or franchised by Metro pursuant to Metro Code Chapter 5.01 shall be allowed a credit against the Excise Tax otherwise due under Section 7.01.020(e)(1) for disposal of Processing Residuals from such facility. The Facility Recovery Rate shall be calculated for each twelve (12) month period before the month in which the credit is claimed. Such credit shall be dependent upon the Facility Recovery Rate achieved by such facility and shall be no greater than as provided on the following table:~~

Excise Tax Credit Schedule		
Facility Recovery Rate From Above	Up To & Including	Excise Tax Credit of no more than
0%	30%	0.00
30%	35%	1.92
35%	40%	2.75
40%	100%	3.51

~~(2) — During any Fiscal Year, the total aggregate amount of excise tax credits granted under the provisions of this subsection shall not exceed the dollar amount budgeted for such purpose without the prior review and authorization of the Metro Council.~~

~~(3) — The Chief Operating Officer may establish procedures for administering the Excise Tax Credits set forth in subsection (g)(1), including, but not limited to, establishing eligibility requirements for such credits and establishing incremental Excise Tax Credits associated with Recovery Rates which fall between the ranges set forth in paragraph (g)(1).~~

SECTION 14. Metro Code section 7.01.028 shall be amended as follows:

7.01.028 Budgeting of Excess Revenue

Commencing with the Metro fiscal year beginning July 1, 2000, and each year thereafter, if the tax revenues collected under the tax rate imposed by Section 7.01.020(e) exceed the net excise tax revenue amount set forth in Section 7.01.020(d) as adjusted by Section 7.01.022, such ~~additional revenue shall be apportioned as follows:~~

~~(a) — Such excess net excise tax revenue shall first be placed in a Recovery Rate Stabilization Reserve established in the Metro General fund. The amount of excess net excise tax revenues in such account shall not exceed an amount equal to 10 percent of the total amount of excise tax collected under Metro Code Chapter 7.01 during the period of the two (2) most recent Metro fiscal years. The budgeting or expenditure of all such funds within this account shall be subject to review and approval by the Metro Council.~~

~~(b) — If at the end of any fiscal year the maximum permitted balance for the Recovery Rate Stabilization Account has been reached, during the following fiscal year any additional excess net excise tax revenues shall be used to increase the tax credit provided under Metro Code Section 7.01.020(g) for any solid waste facility that has achieved a Facility Recovery Rate greater than 45%. Such excess revenue shall be used on a dollar for dollar basis to reduce the tax liability of all such qualifying facilities. The amount of the additional tax credit shall not exceed the total excise tax otherwise due from the facility under this chapter.~~

~~(c) — Any remaining excess revenue over the amounts apportioned in subsections (a) and (b) of this section shall be placed in the account established in subsection(a).~~

SECTION 15. Metro Code sections 7.01.160 and 7.01.170, and Section 4 of Metro Ordinance No. 07-1138 (Metro Code section 5.05.030(e)) are repealed.

SECTION 16. Metro Code sections 7.01.180 and 7.01.190 are repealed.

SECTION 17. Sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12 and 15 of this ordinance shall be effective 90 days after the adoption of this ordinance. Sections 6, 7, 13, 14, and 16 of this ordinance shall be effective on January 1, 2009.

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

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

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STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 07-1147, FOR THE PURPOSE OF ADOPTING LEGISLATION TO ENSURE THAT ALL OF THE REGION'S NON-PUTRESCIBLE WASTE UNDERGOES MATERIAL RECOVERY PRIOR TO DISPOSAL, TO ELIMINATE THE REGIONAL SYSTEM FEE AND EXCISE TAX CREDIT PROGRAM, AND TO MAKE RELATED CHANGES

Date: March 21, 2007

Prepared by: Bryce Jacobson

BACKGROUND

Higher levels of material recovery from commercial sources are essential to achieving the region's 64% state-mandated waste reduction goal. Greater recovery of building industry waste is a key component of the region's efforts.

In 2003, a stakeholder study group examining options for increasing recovery from this sector recommended that Metro should require processing of all construction and demolition debris loads before landfilling. Metro Council then directed staff to develop a program that would require all dry waste to be processed prior to landfill disposal.

C&D (also referred to as dry waste) consists primarily of six types of material: wood, metal, corrugated cardboard, concrete, drywall and roofing. On a typical construction or demolition project, over 90% of the waste materials are reusable or recoverable with current technology and markets.

The region's building industry has a well-developed system of over 90 source-separated recyclers and salvagers, seven facilities that recover recyclable material from mixed dry waste, and two dry waste landfills.

- **Building material reuse facilities** accept and resell used building materials (salvage) taken out of buildings during demolition or remodeling. *Salvaged materials have a positive value, with most salvage retailers paying for materials or providing a tax-deductible receipt.*
- **Source-separated recyclers** accept loads of already sorted materials, which are essentially 100% recyclable. *These facilities pay for materials like cardboard and metal or charge between \$5/ton - \$25/ton for materials that have well-developed local markets (wood, land clearing debris and rubble).*
- **Dry waste facilities** accept mixed loads of debris that are free of food waste and that meet their particular standards for minimum recovery content. *Tip fees at dry waste recovery facilities vary, but are usually \$65-70/ton. These facilities typically achieve a 25-50% material recovery rate.*
- **Transfer stations** process mixed dry loads for recovery and achieve an 18-35% recovery rate. *The Metro tip fee for all waste is \$70/ton; private transfer stations generally charge a slightly lower rate to attract dry waste flow.*

- **Dry waste landfills** accept loads of mixed dry waste and dispose of the debris without doing any type of post collection recovery/sorting. *Landfilling of dry waste costs \$50 to \$61/ton.*

For many generators of mixed dry waste, particularly on the west side, two dry waste landfills, Hillsboro and Lakeside, are the facilities of choice because they are the lowest cost options. Landfilling waste material is simply less costly than processing it for recovery.

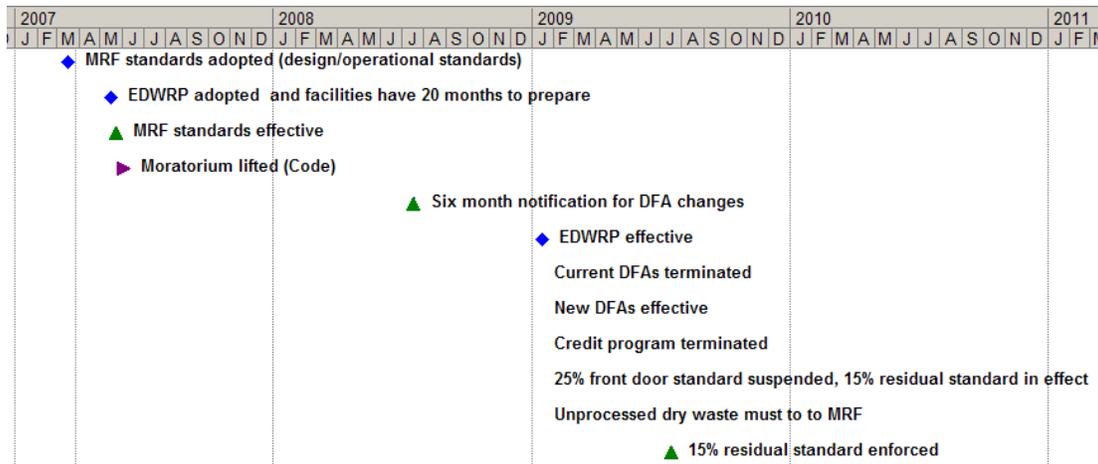
Hillsboro and Lakeside landfills collectively dispose of 125,000 tons of dry waste each year. The intent of this ordinance before Council is to spur at least 33,000 tons per year of new recovery by requiring the processing of dry waste for material recovery before landfilling.

The ordinance would affect all private facilities accepting Metro region mixed dry waste. Major provisions are as follows:

- All mixed dry waste generated in the Metro region would be required to be processed for material recovery prior to landfill disposal by January 1, 2009.
- Materials specified for recovery are those with steady markets: wood, metal and corrugated cardboard.
- The current “front door” 25% recovery requirement for dry waste facilities would be replaced by a new “back door residual” standard that would measure how effective a facility is at recovering wood, corrugated cardboard and metal. This standard would require that no more than 15% (by weight) of wood, cardboard and metal pieces (size specified) be present in the processing residual.
- The controversial Regional System Fee Credit program would end when this program takes full effect in January 2009.
- Facilities will have approximately 18 months before the required processing provision takes effect, but will have 25 months to meet the new performance requirement of this ordinance (15% “back door” residual standard) before it is enforced, beginning July 1, 2009.
- By March 1st, 2008, the Chief Operating Officer of Metro will recommend to Metro Council an additional per ton solid waste fee or surcharge that could be imposed on any designated facility (i.e., area landfill) still seeking to dispose of mixed dry waste after the program becomes effective. The recommended fee or surcharge would provide substantially equivalent disposal rates among material recovery facilities and designated facilities, eliminating current economic uncertainties for recovery and disposal facilities in Washington County.

The following timeline displays key dates in the program’s implementation and enforcement.

Figure 1
Key Dates for Dry Waste Recovery and MRF Standards



ANALYSIS/INFORMATION

1. **Known Opposition:** Lakeside landfill owner Howard Grabhorn, Washington county officials, and SWAC (most of the 9-6 majority opposing cited implementation uncertainties relative to Lakeside as the basis for their opposition).
2. **Legal Antecedents:** ORS 268.317, Metro Code Chapters 5.01, 5.05, and the Metro Charter
3. **Anticipated Effects:**

Economic Effects

EDWRP is likely to increase posted tip fees for mixed dry waste at private facilities throughout the region. The policy is to allow more operating costs to be covered by gate revenue (especially the cost of processing more material with potentially lower recovery content), and to replace revenue lost to the planned elimination of the Metro fee and tax credit programs.

The increase in recovery facility gate rate will incent additional source separated recycling as generators seek to avoid the now higher gate rate for dry waste. This increase in source separated recycling is estimated to be in the range of 5,000-10,000 additional tons per year.

Metro staff studied six types of “typical” construction projects to estimate the likely disposal cost increases for generators as a result of EDWRP:

- Residential kitchen remodel with small addition
- New single-family house
- Complete demolition of a single-family house
- Residential re-roofing job
- Commercial remodeling project

- New “big-box” commercial retail space

Cost increases in the residential sector construction projects should be well under \$100 per project; as a function of total project cost they were well under ½ of one percent increase. Residential single-family demolition costs increased more than any other project type. Total disposal costs there should increase from \$100 to over \$700 or less than 1% to almost 5% of the total job cost.

Commercial construction project costs for an office remodel should increase from \$20 to over \$200. A large “big-box” retail store should increase between \$200 and \$1,800. Because of the higher overall costs for these commercial projects, the cost increases as a percent of total project cost were small, mostly under .05%.

Environmental Effects

Enhanced Dry Waste Recovery will increase recovery in the region by a minimum of 33,000 tons of new dry waste recovery each year. This newly recovered material will serve as manufacturing feedstock in some instances, alternative fuel sources in others. In each case, the material recovered reduces the need to extract raw materials, eliminating attendant energy use and pollution associated with virgin material extraction.

As shown in Figure 2, the dry waste diverted from landfill disposal and recovered in some fashion will result in a reduction in greenhouse gases, energy consumption and airborne wastes.

Figure 2

Environmental Effects of EDWRP*

Action	Quantity	Equivalent to...
Reduce greenhouse gases by	25,931 MTCE (Metric tons of carbon equivalent)	keeping 19,567 cars off the road for a year
Reduce energy consumption by	733,971 Million BTU (British thermal units)	the energy used by 6,977 average households during a year
Reduce airborne wastes by	35,000 tons	21.8 million miles of heavy truck travel

*These benefits are projected by the National Recycling Coalition Environmental Benefits Calculator.

4. Budget impacts: Effect on the General Fund is in two parts: the base excise tax and the additional tax. The contribution to the Recovery Rate Stabilization Reserve would be reduced by about \$20,000 per year. Revenue from the additional tax (for Parks, MERC and the Zoo) would be reduced by about \$115,000 per year. Effect on the Solid Waste Fund is essentially fiscally neutral.

RECOMMENDED ACTION

The Chief Operating Officer recommends Metro Council approve Ordinance 07-1147.