

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING )  
METRO CODE CHAPTER 5.02 TO ) METRO ORDINANCE NO. 01-907A  
MODIFY THE CHARGES FOR )  
HOUSEHOLD HAZARDOUS WASTE )  
ACCEPTED AT METRO HAZARDOUS ) Introduced by:  
WASTE FACILITIES AND METRO ) Executive Officer Mike Burton  
HAZARDOUS WASTE COLLECTION )  
EVENTS. )

WHEREAS, The Metro Council approved amendments to the Household Hazardous Waste elements of the Regional Solid Waste Management Plan in Ordinance No. 00-851B; and

WHEREAS, Subsequent to approving Ordinance No. 00-851B, the Metro Council approved a Budget Note directing the Regional Environmental Management Department to examine Metro's policies on charges for managing household hazardous waste; and

WHEREAS, The Rate Review Committee considered the Department's findings and recommendations on September 13, 2000, and directed that they be moved forward for discussion and consideration by Metro Council; and

WHEREAS, The Regional Environmental Management Department transmitted its findings and recommendation on the Budget Note to Metro Council on December 13, 2000; and

WHEREAS, The Metro Council directed the Regional Environmental Management Department to prepare an ordinance amending Metro code Chapter 5.02, DISPOSAL CHARGES AND USER FEES, consistent with the recommendations of the Budget Note; and,

WHEREAS, This ordinance was submitted to the Executive Officer for consideration and was forwarded to the Council for approval; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Section 1. Metro Code Section 5.02.015 is amended as follows.

5.02.015 Definitions

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

(a) "Acceptable special wastes" means those special wastes that are approved for disposal at Metro South Station or Metro Central Station by the Metro Regional Environmental Management Department in the form of a special waste permit. Unacceptable waste, as defined in this section, is expressly excluded.

(b) "Cash account customer" means a person who pays cash for disposal of solid waste at Metro South Station or Metro Central Station.

(c) "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.

(d) "Commercial customer" means a person primarily engaged in the business of collection or transportation of solid waste who is authorized by any federal, state or local government to perform such collection or transportation.

(e) "Conditionally exempt generator (CEG)" means a Conditionally Exempt Small Quantity Generator as defined in 40 CFR 261.4 (b) (1).

(f) "Credit account customer" means a person who pays for disposal of solid waste through a charge account at Metro South Station or Metro Central Station.

(g) "Direct-haul disposal charge" means that fee which pays for the direct unit costs of disposal of solid waste under the disposal contract between Metro and Oregon Waste Systems, Inc. The Direct-haul Disposal Charge is levied on solid waste that is generated or originates within the Metro boundary and is delivered directly to Columbia Ridge Landfill under Metro's disposal contract with Oregon Waste Systems, Inc. by persons other than Metro. The Direct-haul Disposal Charge is equal to the disposal component of the Disposal Fee.

(h) "Disposal fee" means those fees which pay the direct unit costs of transportation and disposal of general purpose solid waste. Major cost components are the long haul transport contract and the Oregon Waste Systems, Inc., disposal contract.

(i) "Enhancement fees" means those fees collected in addition to general disposal rates that are used to pay for rehabilitation and enhancement projects in the areas immediately surrounding landfills and other solid waste facilities.

(j) "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 generated by households which may include, but is not limited to, some cleaners, solvents, pesticides, and automotive and paint products.

(k) "Limited purpose solid waste" means construction, demolition, process residue, land clearing waste and non-hazardous industrial dust.

(l) "Metro Central Station" is the Metro solid waste transfer and recycling station located at 6161 NW 61st Avenue, Portland, Oregon 97210.

(m) "Metro disposal system" means Metro South Station, Metro Central Station, Columbia Ridge Landfill and such other facilities, or contracts for service with Metro which transfer or cause solid waste to be disposed at the Columbia Ridge Landfill or other disposal facility.

(n) "Metro Facility Fee" means those fees which pay for direct management costs of the Metro disposal system and for capital items directly related to such facilities. This fee is imposed upon all solid waste delivered to Metro Central Station or the Metro South Station.

(o) "Metro South Station" is the solid waste transfer station owned and operated by Metro and located at 2001 Washington, Oregon City, Oregon 97045.

(p) "Metro waste management system" means all associated Metro solid waste services related to management of the whole recycling, processing and disposal system

(q) "Non-commercial Customer" means a person who is not primarily engaged in the business of collection or transportation of solid waste and who is not authorized by any federal, state or local government to perform such collection or transportation.

(r) "Person" means any individual, partnership, association, corporation, trust, firm, estate, joint venture or any other private entity or any public agency.

(s) "Processing Residual" means the non-putrescible solid waste destined for disposal which remains after recyclable materials have been removed from such non-putrescible solid waste.

(t) "Recoverable Solid Waste" means wood waste, yard debris, or tires, whether Source-Separated or commingled, and delivered in a single transaction at Metro Central Station or at Metro South Station in a form suitable for mechanical extraction of useful materials, notwithstanding the presence of incidental amounts or types of other contaminants.

(u) "Recovery Rate" means the percentage expressed by dividing the sum of tonnage recovered at a solid waste facility, excluding Source-Separate Recyclable Materials, by the sum of the tonnage recovered at such facility, excluding Source-Separate Recyclable Materials, plus the Processing Residual at such facility.

(v) "Recyclable Material" has the meaning specified in ORS 459.005(19).

(w) "Regional System Fee" means those fees which pay the cost of the Metro Waste Management System.

(x) "Regional transfer charge" means those fees which pay the direct unit operating costs of the Metro transfer stations. This fee is imposed upon all solid waste delivered to Metro disposal system facilities.

(y) "Regional transfer station" is a transfer facility that accepts putrescible and non-putrescible wastes from a wide variety of commercial and public users; and includes as ancillary activities: collection of household and conditionally exempt generator hazardous waste, recycling drop center, and resource recovery.

(z) "Solid waste" means all putrescible and nonputrescible wastes, including garbage, rubbish, refuse, paper and cardboard, commercial, industrial, demolition and construction waste, home and industrial appliances.

(aa) "Solid Waste Disposal Transaction" means the usage of Metro transfer station disposal facilities, hazardous waste facilities, or household hazardous waste collection events, by a customer for the purpose of delivering for disposal a single load of solid or hazardous waste during a single visit from a single vehicle (whether or not accompanied by, or transporting, one or more trailers), and shall be determined to occur upon a customer's entrance to Metro transfer station facilities, hazardous waste facilities, or household hazardous waste collection event.

(bb) "Solid Waste System Facility" shall have the meaning assigned thereto in Metro Code section 7.01.010.

(cc) "Source-Separate" has the meaning specified in ORS 459.005(26).

~~(dd) "Special loads" means all loads of household hazardous waste that are 35 gallons or more in the aggregate or loads that contain any acutely hazardous waste.~~

~~(dde)~~ "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) All loads of household hazardous waste that are 35 gallons or more in the aggregate.~~

~~(1314)~~ Radioactive waste.

~~(1415)~~ Medical waste.

~~(eeff)~~ "Transaction Charge" means that fee which, for each transaction, serves to pay for related scalehouse costs at the Metro transfer stations.

~~(ffgg)~~ "Transfer Facility" means a solid waste disposal facility that receives solid waste primarily for reloading into different vehicles for transport to Metro South Transfer Station, Metro Central Transfer Station, a Metro licensed or franchised facility, or a Metro Designated Facility.

~~(gghh)~~ "Unacceptable waste" means waste that is either:

- (1) Prohibited from disposal at a sanitary landfill by state or federal law, regulation, rule, code, permit or permit condition;
- (2) Special waste without an approved special waste permit. The executive officer may deny a special waste application if the special waste poses an unacceptable health and safety risk, or is likely to damage transfer station equipment.

Section 2. Metro Code Section 5.02.027 is amended as follows.

5.02.027 Charges for Management of Household Hazardous Wastes

(a) There is hereby established a Household Hazardous Waste Management Charges for managing that shall be collected on all household hazardous waste accepted at delivered to Metro Hazardous Waste Facilities and at household hazardous waste collection events. shall be as follows:

- ~~(1) \$5.00 for each 35 gallons of household hazardous waste or any lesser portion thereof;~~
- ~~(2) \$5.00 handling Charge for each empty container;~~
- ~~(3) \$10.00 handling Charge for any container holding less than 25 gallons of household hazardous waste; and~~
- ~~(4) \$15.00 handling Charge for any container holding 25 or more gallons of waste.~~

Such Household Hazardous Waste Management Charge shall be in lieu of all other base disposal charges, user fees, regional transfer charges, rehabilitation and enhancement fees, and certification non-compliance fees that may be required by this chapter.

(b) The Household Hazardous Waste Management Charge shall be \$5.00 for the first 35 gallons of household hazardous waste that is delivered in a single transaction in containers of 10 gallons capacity or less and \$5.00 for each additional 35 gallons (or portion thereof) of household hazardous waste that is delivered in the same transaction in containers of 10 gallons capacity or less.

(c) The Household Hazardous Waste Management Charge shall be \$5.00 for a quantity of household hazardous waste that is delivered in a single transaction in containers greater than 10 gallons capacity, together with an additional charge for the contents of each container as follows:

- (1) \$5.00 for up to 25 gallons of household hazardous waste;
- (2) \$10.00 for more than 25 gallons of household hazardous waste.

(db) Each of the above charges may be waived by the Director of the Regional Environmental Management Department.

(e) Notwithstanding subsections (b) and (c) of this section, there shall be no charge for household hazardous waste accepted at Metro Hazardous Waste Facilities or

household hazardous waste collection events in a container of less than 10 gallons capacity. This provisions of this sub-section (e) are repealed December 31, 2004.

Section 3. Metro Code Section 5.02.031 is amended as follows.

5.02.031 Special Waste Surcharge and Special Waste Permit Application Fees

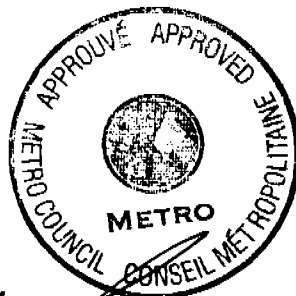
(a) A special waste surcharge and a special waste permit application fee shall be collected on all special wastes disposed of at Metro facilities and on all special waste permit applications. The surcharge and fee shall be in addition to any other charge or fee established by this chapter. The purpose of the surcharge and permit application fee is to require disposers of special waste to pay the cost of services provided by Metro to manage special wastes. The surcharge and fee shall be applied to all special wastes.

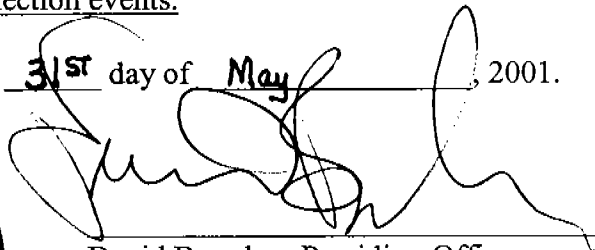
(b) The special waste surcharge shall be determined by Metro's actual costs in managing special waste, which costs comprise: special handling costs, cleanup costs, and lab or testing costs. The special waste surcharge shall apply to all permitted special wastes and to all nonpermitted special wastes that Metro discovers at a Metro-operated facility that result in additional management costs not otherwise covered by, or incorporated within, any other Metro fee.

(c) The special waste permit application fee shall be \$25. This fee shall be collected at the time special waste permit applications are received for processing.

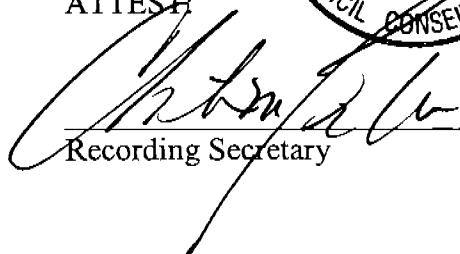
(d) The special waste surcharge and special waste permit application fee shall not apply to household hazardous waste accepted at Metro Hazardous Waste Facilities or Metro household hazardous waste collection events.

ADOPTED by the Metro Council this 31<sup>st</sup> day of May, 2001.

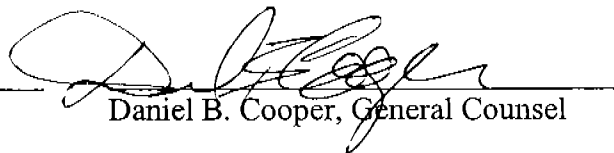


  
David Bragdon, Presiding Officer

ATTEST:

  
Recording Secretary

Approved as to Form:

  
Daniel B. Cooper, General Counsel



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  - (B) One end has been removed (for containers in excess of 25 gallons); and
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  - (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.
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- ~~(1) \$5.00 for each 35 gallons of household hazardous waste or any lesser portion thereof;~~
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- ~~(3) \$10.00 handling Charge for any container holding less than 25 gallons of household hazardous waste; and~~
- ~~(4) \$15.00 handling Charge for any container holding 25 or more gallons of waste.~~

Such Household Hazardous Waste Management Charge shall be in lieu of all other base disposal charges, user fees, regional transfer charges, rehabilitation and enhancement fees, and certification non-compliance fees that may be required by this chapter.

(b) The Household Hazardous Waste Management Charge shall be \$5.00 for the first 35 gallons of household hazardous waste that is delivered in a single transaction in containers of 10 gallons capacity or less and \$5.00 for each additional 35 gallons (or portion thereof) of household hazardous waste that is delivered in the same transaction in containers of 10 gallons capacity or less.

(c) The Household Hazardous Waste Management Charge shall be \$5.00 for a quantity of household hazardous waste that is delivered in a single transaction in containers greater than 10 gallons capacity, together with an additional charge for the contents of each container as follows:

- (1) \$5.00 for up to 25 gallons of household hazardous waste;
- (2) \$10.00 for more than 25 gallons of household hazardous waste.

(d) Each of the above charges may be waived by the Director of the Regional Environmental Management Department.

(e) Notwithstanding subsection (c) of this section, there shall be no charge for household hazardous waste accepted at Metro Hazardous Waste Facilities or household

hazardous waste collection events in a container of less than 10 gallons capacity. This provisions of this sub-section (e) are repealed December 31, 2004.

Section 3. Metro Code Section 5.02.031 is amended as follows.

5.02.031 Special Waste Surcharge and Special Waste Permit Application Fees

(a) A special waste surcharge and a special waste permit application fee shall be collected on all special wastes disposed of at Metro facilities and on all special waste permit applications. The surcharge and fee shall be in addition to any other charge or fee established by this chapter. The purpose of the surcharge and permit application fee is to require disposers of special waste to pay the cost of services provided by Metro to manage special wastes. The surcharge and fee shall be applied to all special wastes.

(b) The special waste surcharge shall be determined by Metro’s actual costs in managing special waste, which costs comprise: special handling costs, cleanup costs, and lab or testing costs. The special waste surcharge shall apply to all permitted special wastes and to all nonpermitted special wastes that Metro discovers at a Metro-operated facility that result in additional management costs not otherwise covered by, or incorporated within, any other Metro fee.

(c) The special waste permit application fee shall be \$25. This fee shall be collected at the time special waste permit applications are received for processing.

(d) The special waste surcharge and special waste permit application fee shall not apply to household hazardous waste accepted at Metro Hazardous Waste Facilities or Metro household hazardous waste collection events.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
David Bragdon, Presiding Officer

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Daniel B. Cooper, General Counsel



## **EXECUTIVE SUMMARY**

### **Ordinance No. 01-907**

#### **PROPOSED ACTION**

That Metro Council adopt Ordinance No. 01-907, which amends Metro Code Chapter 5.02 to modify charges for household hazardous waste accepted at Metro Hazardous Waste Facilities.

#### **WHY NECESSARY/DESCRIPTION**

- The modifications remove most charges on household hazardous wastes for a three-year period.
- Helps implement the newly adopted strategies for the management of household hazardous waste (Ordinance No. 00-851B) which promote greater education for waste reduction and the development of more accessible collection services.

#### **ISSUES**

- Households using Metro's hazardous waste facilities began paying a nominal fee for services beginning in 1993. No fees have been charged at satellite events, nor at events conducted at non-Metro solid waste facilities (e.g., Forest Grove Transfer Station).
- Implementing the new policies for the management of household hazardous waste (Ordinance No. 00-851B) involves collection strategies that target households at greater-than-average risk, integrating waste reduction education and increasing the convenience of collection events.
- The current fees, although small, make it more difficult to draw in the targeted households. Fees at the permanent facilities are counter to the strategy of making services more accessible. Having fees at facilities but not at events is inequitable and confusing to the public. Fees at events would undermine the education focus of the new round-up events.
- The proposed ordinance reflects the following policies: fees should be the same at facilities and events, the rate should be zero while stockpiles are being taken down, and Council should re-consider the fee issue when the program has had a chance to operate.

#### **BUDGET FINANCIAL IMPACTS**

- Adoption of the proposed ordinance will reduce revenues by approximately \$40,000 per year for each of the next three years.
- The foregone revenue of \$40,000 is very small in relation to the size of the program and its loss will have no effect on the delivery of service.

## STAFF REPORT

**Ordinance No. 01-907**, For the purpose of amending Metro Code Chapter 5.02 to modify the charges for household hazardous waste accepted at Metro Hazardous Waste Facilities and Metro Hazardous Waste Collection Events.

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March, 2001

Presenter: Terry Petersen

### BRIEF DESCRIPTION OF ORDINANCE

The ordinance removes most charges on household hazardous wastes for a three-year period. The changes are consistent with the newly adopted strategies for the management of household hazardous waste (Ordinance No. 00-851B) which place emphasis on education for waste reduction and the development of more accessible collection services. This ordinance implements the direction from the Council on charges for household hazardous waste accepted at Metro Hazardous Waste Facilities.

### EXISTING LAW

Modifications to Metro fees require an amendment of Metro Code Chapter 5.02. Any amendment of Metro Code requires an ordinance approved by Metro Council, pursuant to Metro Charter section 39(1).

### BACKGROUND

Households using Metro's hazardous waste facilities began paying a nominal fee for services beginning in 1993. The nominal fee covers only a small portion of the true cost of the service. Currently, the fee is \$5 for each 35 gallons of household hazardous waste\*. No fees have been charged at satellite events, nor at events conducted at non-Metro solid waste facilities (e.g., Forest Grove Transfer Station).

In May of 2000, Metro Council adopted new policies for the management of household hazardous waste (Ordinance No. 00-851B) that shift the focus from accommodation of disposal to prevention. Policies on prevention include the identification of alternatives, buying only what is needed, and proper disposal of any unused quantities. The implementation of these policies involve collection strategies that (a) target households at greater-than-average risk of harm from hazardous wastes (for example, those with stockpiles of hazardous materials); (b) integrate waste reduction education into the collection services; and (c) increase the convenience of collection events. REM's budget for FY 2000-01 reflects these recommendations including a new approach to collection events. A new system of smaller, more accessible, education-oriented and neighborhood-based "round-up" events will replace large collection events.

During the FY 2000-01 budget review process, Metro Council adopted a budget note that asked the Rate Review Committee and the REM Department to report on whether fees should be

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\* There are additional charges for households bringing containers larger than ten gallons. Qualified non-household generators pay the fully-loaded cost of service.

charged at the new round-up collection events as they currently are at the permanent Metro facilities. During the discussion leading to the budget note, some Councilors asked if there should be a fee for household hazardous waste services at all.

### Rate Review Committee

The budget note was discussed by the Rate Review Committee (RRC) at its September 13, 2000 meeting. The RRC considered an option where no fees would be levied on households at the new round-up events. In addition, the fees on most hazardous wastes accepted from households at Metro Hazardous Waste Facilities would be waived for three years.\*\* Under this option, the fee policy would be revisited after the three-year period.

In discussing this option, the RRC considered whether fees, although small, make it more difficult to draw in the targeted households. For example, if targeted households had lower incomes, the fee could be a barrier. The RRC also considered whether having fees at the permanent facilities was counter to the strategy of making services more accessible and whether the fee adds an additional barrier for those which otherwise might be willing to drive to the facilities.

In addition, the RRC considered how the lack of a consistent fee policy between facilities and events could be viewed as an equity issue for residents using the facilities. The RRC heard from REM staff that Metro's Recycling Information switchboard, which receives approximately 20,000 calls each year about household hazardous waste services, reported that the public perceives the current inconsistency as very confusing. Staff, however, advised against resolving the inconsistency in the fee policy by collecting fees at events. Staff's reason was that the new round-up collection events will be promoted as "education fairs" not simply a collection service, and that charging a household to attend such an education event would make them unappealing.

RRC members commented that the option should be formulated as a temporary waiver of the fee so that the public did not come to view it as simply "free disposal." Although the RRC did not make a formal recommendation on a fee policy, there was a consensus that the "fee waiver" option should be brought forward for further discussion with Metro Council.

### Metro Council Budget and Finance Committee

The "fee waiver" option presented to the Rate Review Committee was brought forward to the Metro Council Budget and Finance Committee on December 13, 2000 as part of a response to Budget Notes. Councilors indicated their agreement with the policies reflected in the option: the fee policy should be the same at facilities and events, the rate should be zero while stockpiles are being taken down, and that Council should re-consider the fee issue after the program has had a chance to operate. Chair McLain and Councilor Bragdon specifically supported waiver of the fees by Council action as public policy.

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\*\* Household hazardous wastes arriving in containers larger than ten gallons would continue to be subject to charges. Eligible non-household generators would continue to be charged the full cost of service.

## **BUDGET IMPACT**

Revenue generated by the fee currently amounts to approximately \$40,000 a year. About 70% of customers using the two facilities do not pay the fee. Fees are waived for customers who also dispose of garbage at the transfer stations. Fees have also been waived as part of promotional activities (e.g., newspaper coupons).

Adoption of the proposed ordinance will reduce revenues by approximately \$40,000 per year for each of the next three years. This foregone revenue is very small in relation to the size of the program, which is largely funded from the regional system fee and the recycled paint program. The loss of the \$40,000 revenue will have no effect on the delivery of service.

## **EXECUTIVE OFFICER'S RECOMMENDATION**

The Executive Officer recommends adoption of Ordinance No. 01-907.

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