

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING) ORDINANCE NO. 01-914
METRO CODE CHAPTER 5.01)
TO CHANGE THE ACCOUNTING)
PERIOD FOR DISPOSAL LIMITS ON)
LOCAL TRANSFER STATIONS FROM) Introduced by
A CALENDAR YEAR TO A FISCAL) Councilor Bill Atherton
YEAR BASIS AND DECLARING AN)
EMERGENCY)

WHEREAS, Metro's financial accounting, tracking of solid waste flows pursuant to Ordinance No. 89-319, and economic forecasts of solid waste are all performed on a fiscal year basis that begins July 1 of each year and runs through June 30 of the following year; and

WHEREAS, The accounting of disposal limits on Local Transfer Stations is based on a calendar year pursuant to Metro Code section 5.01.010(x); and

WHEREAS, There are significant administrative efficiencies to be gained by aligning the accounting for disposal limits on a fiscal year basis along with Metro's other accounting procedures; and

WHEREAS, The Metro Council finds it necessary for the welfare of the District that this ordinance take effect immediately, pursuant to sections 37(2) and 39(1) of the Metro Charter because delay would mean that citizens of the District would not realize the benefits of this ordinance for the current fiscal year and no benefit would be derived from delaying the effective date of this ordinance; 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 5.01.010 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 340-93-030(4).

(c) "Certificate" means the permission given by the Executive Officer to operate certain solid waste Activities.

(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) "Code" means the Metro Code.

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

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

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

(i) "Council" means the Metro council.

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

(k) "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.

(l) "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.

(m) "District" has the same meaning as in Code section 1.01.040.

(n) "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.

(o) "Executive officer" means the Metro Executive Officer or the Executive Officer's designee.

(p) "Franchise" means the grant of authority or privilege given by the Council to operate a Disposal Site, a Transfer Station or a Resource Recovery facility.

(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 the district 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 Executive Officer to operate a Solid Waste Facility not exempted or requiring a Certificate or 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 Executive Officer under this chapter.

(x) "Local Transfer Station" means a Transfer Station that delivers each ~~calendar~~ fiscal year to Disposal Sites or other Solid Waste Facilities 50,000 or fewer tons of Solid Waste, excluding special waste and recovered materials.

(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, demolition debris, and land clearing debris; but excludes Cleanup Materials Contaminated by Hazardous Substances and Source-Separated Recyclable Material whether or not sorted into individual material categories by the generator.

(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 the district and charged by the Franchisee, excluding the user fee 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) "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 delivers each calendar year to Disposal Sites or other Solid Waste Facilities more than 50,000 tons of Solid Waste.

(oo) "Reload" or "Reload facility" means a facility that performs only Transfer 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 a Solid Waste facility or a disposal site.

(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) "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 wastes; 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.

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

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

(vv) "Source-separated recyclable material" or "Source-separated recyclables" means material that has been Source Separated for the purpose of Reuse, Recycling, or Composting. This term includes Recyclable Materials that are Source Separated by material type (i.e., source-sorted) and Recyclable Materials that are mixed together in one container (i.e., commingled).

(ww) "System cost" means the sum of the dollar amounts expended for collection, hauling, processing, transfer and disposal of all Solid Waste generated within the District.

(xx) "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.

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

(zz) "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.

(aaa) "User fee" means a user fee established by the district under ORS 268.515.

(bbb) "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.

(ccc) "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.

(ddd) "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.

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

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

Section 2.

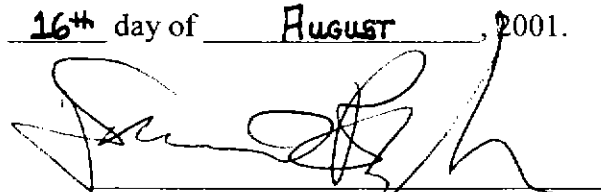
The monitoring of disposal limits for Local Transfer Stations pursuant to this Ordinance shall commence July 1, 2001 for fiscal year 2001—2002. Any disposal by a Local Transfer Station during the period July 1, 2000 through June 30, 2001 shall not count toward the disposal limit for that transfer station.

Section 3.

The Metro Council declares an emergency to exist, it being necessary for the welfare of the District that this ordinance take effect immediately, pursuant to sections 37(2) and 39(1) of the Metro Charter, because delay would mean that citizens of the District would not realize the benefits of this ordinance for the current fiscal year and no benefit would be derived from delaying the effective date of this ordinance.

ADOPTED by the Metro Council this 16th day of AUGUST, 2001.





David Bragdon, Presiding Officer

ATTEST:

Approved as to Form:


Recording Secretary


Daniel B. Cooper, General Counsel

METRO COUNCIL SOLID WASTE & RECYCLING COMMITTEE REPORT

CONSIDERATION OF **ORDINANCE NO. 01-914**, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.01 TO CHANGE THE ACCOUNTING PERIOD FOR DISPOSAL LIMITS ON LOCAL TRANSFER STATIONS FROM A CALENDAR YEAR TO A FISCAL YEAR BASIS AND DECLARING AN EMERGENCY

Date: August 8, 2001

Presented by: Councilor Atherton

Committee Recommendation: At its August 8, 2001, meeting, the Solid Waste & Recycling Committee voted 3-0 to recommend Council adoption of Ordinance No. 01-914. Voting in favor: Atherton, McLain, Monroe. Voting against: None. Absent: None.

Background: Terry Peterson, Regional Environmental Management (REM) Director, presented the staff report. He stated that this ordinance makes changes to Metro Code to change the accounting period for caps on local transfer stations from a calendar to a fiscal year, retroactive to July 1 of this year. Facilities with caps of 50,000 tons would have to comply on a fiscal year basis as a result, and this change in accounting period would ensure consistency with existing financial and accounting bases.

Committee Issues/Discussion: Councilor Monroe asked for clarification that the purpose of this ordinance is to have facilities utilize a fiscal year rather than a calendar year cap, and that, if the facility is exceeding 1/12 of the 50,000 ton cap at this time, they could hope that Metro may raise the cap by next July, or seasonal reductions in tonnage would occur. Mr. Peterson responded that if neither of those events occurred, REM would still enforce the franchise.

Mr. Monroe then asked if the net result would be enforcement next July. Mr. Peterson responded that enforcement would occur beginning in July, and/or when the 50,000 ton cap was exceeded. The practical effect of the ordinance is to extend the time period for Metro to review tonnage caps without triggering regulatory procedures.

Key Public Testimony: There was none.

STAFF REPORT

Ordinance No. 01-914, For the purpose of amending Metro Code Chapter 5.01 to change the accounting period for disposal limits on Local Transfer Stations from a calendar year to a fiscal year basis and declaring an emergency.

July 18, 2001

Presenter: Terry Petersen

DESCRIPTION OF THE ORDINANCE

This Ordinance amends the definition of a Local Transfer Station in Metro Code Chapter 5.01, to change the accounting period for the annual disposal limit ("tonnage cap") from a calendar year to a fiscal year. This change is effective retroactively to July 1, 2001.

EXISTING LAW

Any amendment of Metro Code requires an ordinance approved by Metro Council, pursuant to Metro Charter Section 39(1).

DISCUSSION

All of Metro's accounting, data bases and projections are performed on a fiscal year basis, except the accounting for tonnage caps. This Ordinance makes the tonnage cap accounting consistent with standard practice, and will improve administrative efficiency.

BUDGET IMPACT

None.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Ordinance No. 01-914.