



**METRO**

METRO REGIONAL  
RESOURCE LIBRARY

**MEETING: RATE REVIEW COMMITTEE**

**DATE:** April 19, 2000

**DAY:** Wednesday

**TIME:** 6:00 p.m.

**PLACE:** Metro Regional Center  
Room 270

**AGENDA**

1. Call to Order and Roll Call ..... *Councilor Ed Washington*  
(5 minutes)
2. Special User Fees for Petroleum-contaminated Soil ..... *Diana Godwin*  
(30 minutes)
3. Tire Processing Residual.....*Roy Brower*  
(15 minutes)
4. Charge for Uncovered Loads .....*Roy Brower*  
(15 minutes)
5. Introduction to Cost of Service Issues .....*Paul Ehinger*  
(15 minutes)

Documents relative to the issues are attached. Please call Tom Chaimov at Metro with any questions at 503-797-1681.

**Committee Members:**

Councilor Ed Washington	Dean Kampfer
Dr. James Strathman	Steve Schwab
Jerry Powell	Paul Matthews
Bernie Deazley	

TC:gbc

cc (w/o attachments): Interested Parties  
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## SPECIAL USER FEES

### Issue

Should Metro provide a partial exemption from the Regional System Fee on disposal of contaminated soils?

### Background

- In August 1999, Regional Disposal Company requested that the RRC recommend adoption of a lower Regional System Fee (RSF) on disposal of contaminated soils, noting that:
  - Metro exempts petroleum contaminated soils (PCS) processed at thermal treatment facilities in an effort to encourage processing over disposal
    - ◆ Due to facility closures, thermal treatment is no longer a viable option
  - Metro exempts wastes from the RSF if they are accepted at no charge and used for beneficial purposes
  - 40-50% of PCS loads are accepted at no charge and are reported as used for beneficial purposes, such as daily cover
  - High disposal costs associated with PCS deter companies from undertaking environmental cleanup projects, which results in further pollution of groundwater and surrounding areas
- Killingsworth Landfill and other government cleanup sites have also requested exemption from Metro's fees and taxes
- In 1995, a special user fee was proposed with criteria based on a class of customer or event producing low-grade wastes, characterized by:
  - (1) Few opportunities for recovery of materials
  - (2) No appropriate alternatives to disposal than delivery to a landfill
  - (3) Containment in a landfill is the best waste management practice
  - (4) Waste is often generated in large quantities
  - (5) The level of service required from Metro by generators is low
- In February 1997, the RRC and SWAC considered a "Special User Fee" Proposal
  - Special User was defined as a user who has exhausted all feasible recovery options, dealing with waste that has no appropriate disposal option other than landfilling, and who is unable to utilize many of Metro's programs
  - Both RRC and SWAC requested more clarity and definition
- In 1998, a proposal to reduce the RSF fee for government environmental cleanups was rejected by the RRC

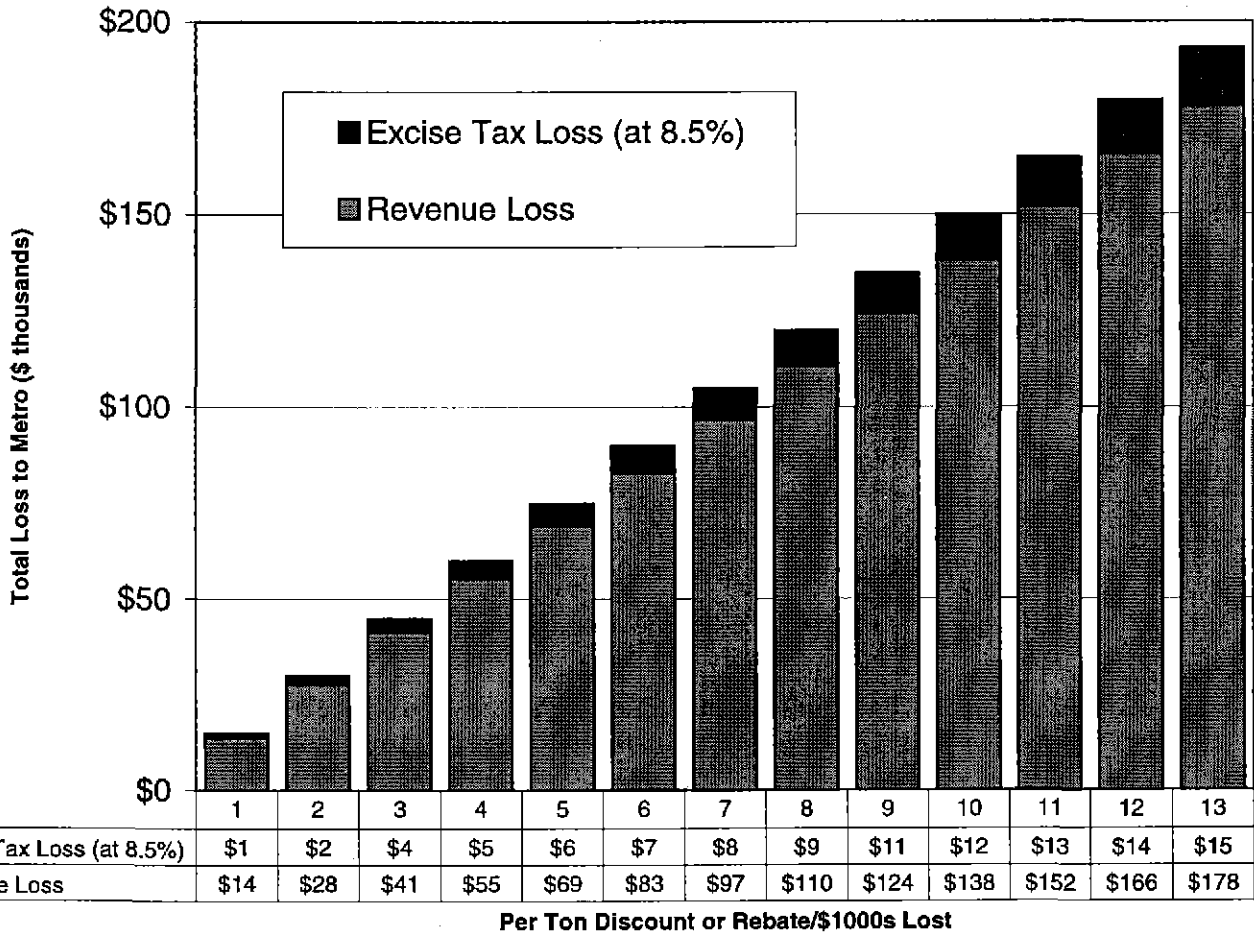
### Considerations

- Encouraging cleanup of contaminated sites is consistent with Metro's environmental objectives
- However, encouraging alternatives to disposal is also consistent with Metro's objectives
- REM forecasts approximately 16,000 tons of PCS will be used for beneficial purposes in FY00-01, incurring no fees, and approximately 14,000 tons of PCS will be disposed of, incurring fees

### Options

- ✓ Recommend a reduced special fee for PCS specifically
- ✓ Recommend a reduced special fee for low-grade or special wastes
- ✓ Recommend a reduced special fee for wastes generated by environmental cleanup operations
- ✓ Other \_\_\_\_\_

### Petroleum Contaminated Soil Credit



**Figure 1.** Estimated total financial loss to Metro of discounting the fee for disposal of special waste. Each dollar step can be viewed as a \$1.00 per ton credit against the current \$12.90 Regional System Fee. 13,796 revenue tons of PCS estimated for FY00-01.

## TIRE PROCESSING RESIDUAL

### Proposal

Revise Metro Code Chapter 5.01 in order to make it consistent with Metro Code Chapter 7.01, the chapter on excise taxes

### Background

- Chapter 7 of the Metro Code provides a tax exemption for tire processors who:
  - Process used tires into fuel or other products
  - Produce residual meeting certain environmental standards
  - And, are certified, licensed or franchised by Metro
- Purpose of exemption:
  - Tires cannot be disposed of whole (they float to the surface of the landfill)
  - Costs to process old tires (to meet specifications for disposal) are prohibitive
  - Tax exemptions on disposal of processing residual allow private sector businesses to process old tires for fuel and other beneficial uses
- The excise tax chapter of the Metro Code (section 7.01.050(a)(9)) exempts the following from the requirements of the chapter:

A tire processor which is regulated pursuant to Metro Code chapter 5.01 and which sorts, classifies or processes used tires into fuel or other products, shall be exempt from payment of excise tax on disposal of residual material produced directly as a result of such process, provided said residual conforms to Environmental Quality Commission standards established pursuant to ORS 459.710(2). This exemption is only granted to the extent, and under the terms, specified in the Metro certificate, license or franchise.

However, Metro Code does not explicitly exempt tire processors from paying user fees other than excise tax, for example, the Regional System Fee.

### Recommendation

- Amend Metro Code section 5.01.150 User Fees as follows:
  - (b) User fees shall not apply to:

\* \* \*

(6) Disposal of residual material produced by any tire processor who is regulated pursuant to this chapter, and who sorts, classifies or processes used tires into fuel or other products, provided said residual material conforms to Environmental Quality Commission standards established pursuant to ORS 459.710(2). This exemption is only granted to the extent, and under the terms, specified in the Metro certificate, license or franchise.

Proposed Revisions to Chapter 5.01 Regarding Tire  
Processing Residual

Purpose: make consistent with Metro Code Chapter  
7.01 Excise Taxes

Background: From the excise tax chapter:

7.01.050 Exemptions

(a) The following persons, users and operators are exempt from the requirements of this chapter:

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.  
.

- (9) A tire processor which is regulated pursuant to Metro Code chapter 5.01 and which sorts, classifies or processes used tires into fuel or other products, shall be exempt from payment of excise tax on disposal of residual material produced directly as a result of such process, provided said residual conforms to Environmental Quality Commission standards established pursuant to ORS 459.710(2). This exemption is only granted to the extent, and under the terms, specified in the Metro certificate, license or franchise.

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Proposal: Amend Chapter 5.01 as follows:

5.01.150 User Fees

(a) Notwithstanding section 5.01.040(a)(2) of this chapter, the Council will set user fees annually, and more frequently if necessary, which fees shall apply to Solid Waste Facilities or Disposal Sites which are owned, operated, Certified, Licensed, or Franchised by the district or which are liable for payment of user fees pursuant to a special agreement with the district.

(b) User fees shall not apply to:

.  
.  
.

- (6) Disposal of residual material produced by any tire processor who is regulated pursuant to this chapter, and who sorts, classifies or processes used tires into fuel or other products, provided said residual material conforms to Environmental Quality Commission standards established pursuant to ORS 459.710(2). This exemption is only granted to the extent, and under the terms, specified in the Metro certificate, license or franchise.

## UNCOVERED LOADS

### Proposal

Amend Metro Code to replace the existing penalty surcharge for uncovered loads with a rebate for covered loads

### Background

- Historically, Metro has used either a surcharge or a rebate to encourage transfer station customers to secure their loads in order to prevent litter in the surrounding areas
  - In 1991, Metro assessed a surcharge against all customers arriving at Metro facilities with uncovered loads
    - ◆ \$25 per load for self-haul customers and \$100 per load for commercial customers
  - In 1994, a per-ton rebate replaced the surcharge on self-haul loads
    - ◆ The rebate did not replace the \$100 per load surcharge for uncovered commercial loads
  - In 1998, the rebate was changed back to a per-load penalty surcharge
- Existing code language imposes a \$25 fine on any self-haul customer arriving with an uncovered load and a \$100/load fine on commercial customers bringing uncovered loads
- As a practical matter, the current surcharge on uncovered self-haul loads is rarely collected because:
  - Self-haul customers often pay cash and carry only enough to cover the posted tip fee
  - The public is generally unaware of the surcharge and commonly become argumentative when informed of it at the scalehouse
- A rebate for covered loads has the following advantages
  - Avoids non-collection
  - Easier administration at scale house
  - "Feel good" component for both customers and staff

### Recommendation

- Increase fees at the transfer station \$25 per ton and provide to customers with covered loads an automatic rebate prorated for load/weight delivered.

## Metro Transfer Station Rates

### **Trash/mixed waste**

Covered Loads \$62.50 / ton  
Plus \$5.00 transaction fee  
(*\$15.00 total minimum on each transaction*)  
Uncovered Loads \$87.50 / ton  
Plus \$5.00 transaction fee  
(*\$15.00 total minimum on each transaction*)

### **Wood/yard debris**

Covered Loads \$38.00 / ton  
Plus \$5.00 transaction fee  
(*\$10.00 total minimum on each transaction*)  
Uncovered Loads \$63.00 / ton  
Plus \$5.00 transaction fee  
(*\$13.00 total minimum on each transaction*)

**PROPOSED CHANGES TO METRO CODE REGARDING UNCOVERED LOAD CHARGE**  
April 2000

CHAPTER 5.02

DISPOSAL CHARGES AND USER FEES

SECTIONS	TITLE
5.02.010	Purpose
5.02.015	Definitions
5.02.016	Scale Weights Required
5.02.025	Disposal Charges at Metro South Station, Metro Central Station, and the Metro Hazardous Waste Facilities
5.02.026	Source Separated Recyclable Disposal Charge Credit
5.02.027	Charges for Management of Household Hazardous Wastes
5.02.028	Charges for Conditionally Exempt Generator Waste
5.02.029	Disposal Charge for Recoverable Solid Waste
5.02.030	Charges for Direct-haul Disposal
5.02.031	Special Waste Surcharge and Special Waste Permit Application Fees
5.02.035	Litter Control Surcharge
5.02.040	Disposal Fees (repealed Ord. 94-531 \$5)
5.02.045	System Fees
5.02.047	Regional System Fee Credits
5.02.050	Regional Transfer Charge (repealed Ord. 94-531 \$7)
5.02.055	Remittance to Metro of Fees and Other Charges by Franchisees and Other Designated Facilities
5.02.060	Account Policy at Metro Solid Waste Disposal Facilities
5.02.065	Special Waste Surcharge and Special Waste Permit Application Fees; Conditionally Exempt Generator Waste (repealed Ord. 98-720A \$25)
5.02.070	Source Separated Yard Debris Disposal Charge (repealed Ord. 98-720A \$25)
5.02.075	Special Exemption from Disposal Fees
5.02.085	Out-of-District Waste (repealed Ord. 98-720A \$25)

5.02.010 Purpose

The purpose of this chapter is to establish solid waste disposal rates, charges and credit policies for the Metro South Station and the Metro Central Station and to establish the method for setting and administering appropriate fees and charges assessed on solid waste generated within district or delivered to solid waste facilities regulated by or contracting with Metro.

(Ordinance No. 82-146, Sec. 1. Amended by Ordinance No. 88-257, Sec. 1; Ordinance No. 89-269, Sec. 2; Ordinance No. 90-337, Sec. 1; Ordinance No. 91-386C, Sec. 1; Ordinance No. 92-455B,



Sec. 1; Ordinance No. 94-531, Sec. 1; Ordinance No. 98-720A,  
Sec. 1.)

#### 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) "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.

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

(e) "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.

(f) "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.

(g) "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.

(h) "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.

(i) "Facility Retrieval Rate" means the percentage expressed by dividing the sum of all tonnage recovered at a solid waste facility, including all Source-Separated Recyclable

Materials, by the sum of the tonnage recovered at such facility, including all Source-Separated Recyclable Materials, and the total solid waste destined for disposal from the facility.

(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 by a customer for the purpose of delivering for disposal a single load of solid 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.

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

(cc) "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.

(dd) "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.
- (14) Radioactive waste.
- (15) Medical waste.

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

(ff) "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.

(gg) "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.

(Ordinance No. 82-146, Sec. 2. Amended by Ordinance No. 86-210, Sec. 1; Ordinance No. 88-257, Sec. 2; Ordinance No. 88-278, Sec. 1; Ordinance No. 89-269, Sec. 2; Ordinance No. 89-295, Sec. 1; Ordinance No. 90-337, Sec. 2; Ordinance No. 90-372, Sec. 1; Ordinance No. 91-386C, Sec. 2; Ordinance No. 92-455B, Sec. 1; Ordinance No. 92-473A, Sec. 1; Ordinance No. 93-482, Sec. 1; Ordinance No. 94-531, Sec. 2; Ordinance No. 95-597, Sec. 1; Ordinance No. 97-681B, Sec. 1; Ordinance No. 98-720A, Sec. 2; Ordinance No. 98-762C, Sec. 54.)

#### 5.02.016 Scale Weights Required

All user fees or other fees submitted to Metro from any facility receiving solid waste generated within the district shall be calculated on a tonnage basis using certified scale weights.

(Ordinance No. 82-146, Sec. 2. Amended by Ordinance No. 86-210, Sec. 1; Ordinance No. 88-257, Sec. 2; Ordinance No. 88-278, Sec. 1; Ordinance No. 89-269, Sec. 2; Ordinance No. 89-295, Sec. 1; Ordinance No. 90-337, Sec. 2; Ordinance No. 90-372, Sec. 1; Ordinance No. 91-386C, Sec. 2; Ordinance No. 91-404, Sec. 1)

#### 5.02.025 Disposal Charges at Metro South & Metro Central Station

(a) The fee for disposal of solid waste at the Metro South Station and at the Metro Central Station shall consist of a Tonnage Charge of ~~\$62.50~~ ~~\$87.50~~ for each ton of solid waste delivered for disposal and a Transaction Charge of \$5.00 for each Solid Waste Disposal Transaction.

(b) The Tonnage Charge specified in subsection (a) of this section includes:

- (1) A disposal charge of \$29.75 per ton;
- (2) A regional transfer charge of \$6.56 per ton;
- (3) The fees specified in section 5.02.045;
- (4) An enhancement fee of \$.50 per ton; and
- (5) DEQ fees totaling \$1.24 per ton.

(6) An uncovered load fee of \$25.00 per ton.

(c) Notwithstanding subsection (a) of this section, there shall be a minimum solid waste disposal charge at the Metro South Station and at the Metro Central Station for loads of solid waste weighing 320 pounds or less of ~~\$15.00~~ \$19.00, which shall consist of a minimum Tonnage Charge of \$10.00, plus an uncovered load fee of \$4.00, plus a Transaction Charge of \$5.00 per Transaction.

(d) Total fees assessed in cash at the Metro South Station and at the Metro Central Station shall be rounded to the nearest whole dollar amount, with any \$0.50 charge rounded down.

(e) The Director of the Regional Environmental Management Department may waive disposal fees created in this section for Non-commercial Customers of the Metro Central Station and of the Metro South Station under extraordinary, emergency conditions or circumstances.

(Ordinance No. 82-146. Amended by Ordinance No. 83-163, Sec. 2; Ordinance No. 85-191, Sec. 3; Ordinance No. 86-214, Sec. 3; Ordinance No. 88-257, Sec. 4; Ordinance No. 88-278, Sec. 3; Ordinance No. 89-269, Sec. 2; Ordinance No. 89-295, Sec. 3.; Ordinance No. 90-337, Sec. 4; Ordinance No. 90-372, Sec. 2; Ordinance No. 91-386C, Sec. 4; Ordinance No. 91-405A, Sec. 1; Ordinance No. 92-455B, Sec. 1; Ordinance No. 93-482, Sec. 2; Ordinance No. 94-531, Sec. 3; Ordinance No. 95-597, Sec. 2; Ordinance No. 97-681B, Sec. 2. Repealed by Ordinance No. 98-720A, Sec. 3; replaced by Ordinance No. 98-720A, Sec. 4. Amended by Ordinance No. 99-825A, Sec. 1.)

5.02.026 Source Separated Recyclable Disposal Charge Credit

Notwithstanding Metro Code Section 5.02.025, Non-commercial customers at Metro South Station or Metro Central Station who dispose of source-separated recyclable material as defined in ORS 459.005 shall receive a disposal charge credit in the amount of \$3 for disposing of fewer than 100 pounds of recyclables and in the amount of \$6 for 100 pounds or more of recyclables.

(Ordinance No. 98-720A, Secs. 5-6.)

5.02.027 Charges for Management of Household Hazardous Wastes

(a) Charges for managing household hazardous waste delivered to Metro Hazardous Waste Facilities 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.

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

(Ordinance No. 98-720A, Secs. 7-8.)

5.02.028 Charges for Conditionally Exempt Generator Waste

The amount charged for acceptance of CEG waste from non-household sources shall be the actual disposal costs of such waste calculated from the current Metro contractor price schedules, Metro and/or contractor labor costs, all applicable excise taxes, and the cost of material utilized for managing the waste.

(Ordinance No. 98-720A, Secs. 9-10.)

5.02.029 Disposal Charge for Recoverable Solid Waste

(a) There is hereby established a Recoverable Solid Waste Disposal Charge that shall be collected on all Recoverable Solid Waste accepted at the Metro South Station or Metro Central Station.

(b) The Recoverable Solid Waste Disposal Charge shall be based on Metro's actual costs in managing Recoverable Solid Waste. The amount of the Recoverable Solid Waste Disposal Charge shall consist of a Recoverable Solid Waste Variable Charge as defined in this Section, the Uncovered Load Fee, and a Transaction Charge as defined in Section 5.02.025. The Recoverable Solid Waste Disposal 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 of this chapter.

(c) The Variable Charge for Recoverable Solid Waste shall be the greater of:



- (1) The highest price charged by private solid waste operators for similar Recoverable Solid Waste as reported quarterly in the Market Price Report published by Metro Recycling Information; or
- (2) The sum of:
  - (i) The contractual price paid by Metro to any contract operator of Metro South Station and Metro Central Station for recovering and processing Recoverable Solid Waste;
  - (ii) The Metro Facility Fee as defined in Section 5.02.025 of this chapter and expressed on a per-unit basis; and
  - (iii) An amount equal to 21.6 percent of the Regional System Fee as defined by Metro Code Section 5.02.015 and expressed on a per-unit basis.

(d) Notwithstanding subsection (b) of this section, there shall be a minimum charge for loads of Recoverable Solid Waste as established by the Director of the Regional Environmental Management Department.

(e) Notwithstanding any other provision of this section, the charge for the disposal of a single Christmas tree shall be the Transaction Charge as set forth in Metro Code Section 5.02.025.

(f) All Fees charged for disposal of Recoverable Solid Waste shall be clearly posted at Metro South Station and at Metro Central Station.

(Ordinance No. 98-720A, Secs. 11-12.)

#### 5.02.030 Charges for Direct-haul Disposal

Each facility licensed or franchised under Metro Code Chapter 5.01 and authorized to transport solid waste directly to the Columbia Ridge Landfill shall pay to Metro a charge of \$16.78 per ton of solid waste which is generated or originates within the Metro boundary and which the facility directly transports to the Columbia Ridge Landfill.

(Ordinance No. 98-720A, Secs. 13-14. Amended by Ordinance No. 99-823A, Sec. 1.)

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.

(Ordinance No. 98-720A, Secs. 15-16.)

5.02.035 ~~Litter Control Surcharge Covered Load Discount~~

~~(a) A fee reduction of \$25.00 per ton shall be granted for all customers disposing of solid waste or Recoverable Solid Waste. A surcharge of \$100 per Solid Waste Disposal Transaction shall be levied against a commercial customer who disposes of solid waste or Recoverable Solid Waste at Metro Central Station or Metro South Station if, when entering the facility, any no portion of the commercial customer's waste or Recoverable Solid Waste is visible to Metro scalehouse personnel.~~

~~(b) A surcharge of \$25 per Solid Waste Disposal Transaction shall be levied against a Non-commercial customer who disposes of solid waste or a Recoverable Solid Waste at Metro Central Station or at Metro South Station if, when entering the facility, any portion of the non-commercial customer's waste or Recoverable Solid Waste is visible to Metro scalehouse personnel.~~

~~(be) The Discount~~ No surcharge shall be administered levied under this section if the solid waste or Recoverable Solid Waste is only visible through a secure covering, and shall reduce the minimum tonnage charge to \$5.00.

~~(cd) The Discount surcharge~~ provided for in this section shall be administered collected in the same manner as Metro collects all other disposal fees and charges at the facility.

(Ordinance No. 82-146, Sec. 6. Amended by Ordinance No. 89-269, Sec. 2; Ordinance No. 90-337, Sec. 5; Ordinance No. 91-397, Sec. 1; Ordinance No. 94-531, Sec. 4; Ordinance No. 97-681B, Sec. 3. Repealed by Ordinance No. 98-720A, Sec. 17; replaced by Ordinance No. 98-720A, Sec. 18.)

5.02.045 System Fees

(a) Regional System Fee: Solid waste disposal facility operators shall collect and pay to Metro a Regional System Fee of \$21.90 per ton for the disposal of solid waste generated, originating, collected, or disposed of within Metro boundaries, in accordance with Metro Code section 5.01.150.

(b) Metro Facility Fee: Metro shall collect a Metro Facility Fee of \$2.55 per ton for all solid waste delivered to Metro Central Station or Metro South Station.

(c) System fees described in paragraph (a) shall not apply to:

- (1) Inert material, including but not limited to earth, sand, stone, crushed stone, crushed concrete, broken asphaltic concrete and wood chips used at disposal facilities for cover, diking, road base, or other productive use at such solid waste disposal facilities;
- (2) Solid waste received at facilities which are licensed, franchised or exempt from regulation under Metro Code Chapter 5.01 and which accomplish materials recovery and recycling as a primary operation; or
- (3) Solid waste received at Transfer Facilities which deliver such wastes to a Metro-owned, licensed, franchised, or designated facility where Metro fees are collected and paid to Metro.

(Ordinance No. 82-146, Sec. 8. Amended by Ordinance No. 85-191, Sec. 4; Ordinance No. 86-214, Sec. 4; Ordinance No. 88-257, Sec. 6; Ordinance No. 88-278, Sec. 4; Ordinance No. 89-269, Sec. 2; Ordinance No. 90-337, Sec. 6; Ordinance No. 90-351, Sec. 1; Ordinance No. 90-372, Sec. 3; Ordinance No. 91-386C, Sec. 6; Ordinance No. 92-455B, Sec. 1; Ordinance No. 94-531, Sec. 6; Ordinance No. 97-681B, Sec. 4. Repealed by Ordinance No. 98-720A, Sec. 19; replaced by Ordinance No. 98-720A, Sec. 20. Amended by Ordinance No. 99-823A, Sec. 2.)

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 and which

attains a Facility Retrieval Rate of 10 percent or greater 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 Retrieval Rate and the Recovery Rate shall be calculated for each six-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

Recovery Rate		System Fee Credit of no more than
From Above	Up To & Including	
0%	20%	0.00
20%	25%	1.00
25%	30%	3.00
30%	35%	6.46
35%	40%	8.00
40%	45%	9.82
45%	100%	12.00

(b) The Executive Officer 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) The following users of Metro solid waste system facilities shall be allowed a credit in the amount of \$9 per ton against the Regional System Fee otherwise due under Section 5.02.045 (a):

(1) Users of Metro Central and Metro South Transfer Stations;

(2) Any Person delivering authorized waste:

(A) to any landfill or other solid waste facility that is authorized to receive such waste through a Metro license, certificate, franchise or Designated Facility Agreement; or

(B) under the authority of a Metro Non-System License.

(Ordinance No. 98-720A, Secs. 21-22. Amended by Ordinance No. 98-762C, Sec. 55; Ordinance No. 99-805, Sec. 1; Ordinance No. 99-823A, Sec. 3.)

5.02.055 Remittance to Metro of Fees and Other Charges by Franchisees and Other Designated Facilities

(a) Franchisees and other operators of facilities designated to receive waste under Metro Code section 5.05.030 shall remit fees and charges other than excise taxes to Metro as specified in this section.

(b) Fees shall accrue on a monthly basis, and shall be remitted to Metro by the 15th day of the month for waste disposed of in the preceding month. Fees and other charges will be delinquent if not received by Metro on or before the due date, either by personal delivery to the Metro Department of Administrative Services during business hours or, if delivered by mail, by receipt in Metro's mail room on or before the due date. If the due date falls on a holiday or weekend, amounts are delinquent at the end of the first business day that follows.

(Ordinance No. 93-509, Sec. 3. Amended by Ordinance No. 94-533, Sec. 1; Ordinance No. 97-681B, Sec. 5; Ordinance No. 98-720A, Sec. 23.)

5.02.060 Account Policy at Metro Solid Waste Disposal Facilities

(a) Disposal charges, including all fees and taxes, may be paid at the time of disposal in cash, by credit card, or by guaranteed check, or may be paid under Metro's credit policy. No credit shall be granted to any person prior to approval of a credit application in a form or forms provided by Metro.

(b) Metro's executive officer shall establish and maintain appropriate account requirements for new and existing accounts, which requirements shall be designed to diminish Metro's risk of loss due to nonpayment. Existing account holders may be required to make new application for credit or provide additional guarantees, as deemed necessary or prudent by the executive officer.

(c) Account charges shall accrue on a monthly basis. Metro will mail statements on or about the 10th day of the month for disposal services rendered in the prior month. A statement must be paid no later than the last business day of the month in which it is mailed; the statement will be considered past due thereafter. A payment shall under no circumstances be considered received by Metro unless it is delivered personally to the Metro Department of Administrative Services during business hours or, if delivered by mail, received in Metro's mail room on or before the due date.

(d) A finance charge of 1.5 percent shall be assessed on all past due charges on the 15th day of the month following the month in which a statement is mailed, and on the 15th day of each month thereafter. Finance charges will be assessed only on unpaid past due balances, and not on previously assessed finance

charges. Finance charges will continue to be assessed on negotiated repayment schedules. Payments will be applied first to finance charges and then to the oldest amount past due.

(e) An account that is 15 days past due may be placed on a cash only basis, until all past due disposal and finance charges are paid. Facility access may be denied to a person whose account is past due and unpaid for 30 days. A decision to place an account on a cash only basis or deny facility access shall be at the discretion of the director of the Department of Administrative Services.

(f) An account customer that sells, terminates, or makes a substantial change in the scope of its business after its application for credit has been approved must notify Metro immediately. Failure to provide the notice required by this subsection may result in termination of credit at Metro facilities pending reapplication for credit.

(g) The Department of Administrative Services may adjust accounts receivable and reverse finance charges in accordance with prudent credit practices. Adjustments over \$500 shall be reported to the council in writing on a monthly basis, and adjustments over \$10,000 shall require council approval.

(h) The executive officer may end pursuit of an account receivable, consistent with prudent credit practices, when the likelihood of collecting does not justify further collection costs. Such action shall be reported to the council in writing on a monthly basis when the amount exceeds \$500, and amounts over \$10,000 shall require council approval.

(Ordinance No. 82-146, Sec. 11. Amended by Ordinance No. 90-350; Ordinance No. 91-386C, Sec. 8; Ordinance No. 92-455, Sec. 1. Repealed and re-established by Ordinance No. 93-504A. Amended by Ordinance No. 97-681B, Sec. 6; Ordinance No. 98-720A, Sec. 24.)

#### 5.02.075 Special Exemption from Disposal Fees

(a) The executive officer may issue a special exemption permit to a public agency, local government, or qualified non-profit entity that functions to waive fees for disposal of solid waste generated within the Metro region. Prior to issuing such a permit the executive officer shall render the following findings:

- (1) Total aggregate disposal fees to be waived for the entity requesting waiver will not exceed \$5,000 per Metro fiscal year;
- (2) The waiver of fees will address or remedy a hardship suffered by the applicant, or the public interest will be served by waiver of the disposal fees;

- (3) The waste in question is acceptable for disposal at a Metro facility;
- (4) The amount of the waiver is covered by budgeted funds; and
- (5) If the applicant for a special exemption permit is a nonprofit entity, such entity is qualified as specified in Code section 5.07.030(a), (b), (c), (d) and (j).

(b) The executive officer shall notify the Metro council 14 days in advance of the date of issuance of an exemption permit under this section by filing a written report of the proposed action, including required findings, with the clerk of the council. If the council notifies the executive officer within the 14-day period of its intent to review the proposed waiver, the executive officer shall not issue the permit unless so authorized by the council.

(Ordinance No. 94-531, Sec. 9. Amended by Ordinance No. 97-681B, Sec. 8)

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