

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING )  
METRO CODE CHAPTER 5.02 TO )  
IMPROVE THE EFFECTIVENESS OF )  
THE REGIONAL SYSTEM FEE CREDIT )  
PROGRAM AND TO REMOVE THE )  
PROGRAM SUNSET DATE )

ORDINANCE NO. 01-919B |

Introduced by Mike Burton,  
Executive Officer

WHEREAS, Metro Code Chapter 5.02 provides Metro-regulated material recovery facilities and local transfer stations with the opportunity to apply for credits against payment of the Regional System Fee; and

WHEREAS, the Regional System Fee credit program has achieved its primary goal of preserving material recovery capacity since Metro lowered its rates significantly in 1997 and 1998; and

WHEREAS, lower facility costs due to Regional System Fee credits enables recovery facilities to employ more solid waste recovery staff; and

WHEREAS, the existing structure of the Regional System Fee credit program provides Metro with an effective tool for incentivizing material recovery facilities; and

WHEREAS, Ordinance 01-919A raises the required minimum facility recovery rate to 35%; 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. Section 2 of this Ordinance is added to and made a part of Metro Code Chapter 5.02.

SECTION 2.

Special Findings for Regional System Fee Credits

In connection with the enactment of the provisions of this chapter 5.02 of the Metro Code, the council of Metro hereby finds and determines the following:

(a) The primary goal of the Regional System Fee credit program shall be to improve material recovery in the Metro region and to boost the region's recovery rate.

(b) To achieve the primary goal, the program will target the recovery of high-priority materials identified in the Regional Environmental Management Waste Reduction Initiatives, for example, construction and demolition debris, including wood, drywall, and roofing. Furthermore, the program will de-emphasize materials that do not count toward Metro's recovery goals: ~~credits may be granted for rubble, including inert materials such as concrete, brick, and rock, to the extent that such materials constitute no more than five percent by weight of recoverable dry waste delivered to a recovery facility.~~

(c) Focusing the program on targeted materials will align the program with the Regional Solid Waste Management Plan and the Regional Environmental Management Department strategic plan.

SECTION 3. The Council hereby establishes a work group consisting of representatives of the staff of the Regional Environmental Management Department and any interested members of the Solid Waste Advisory Committee to make recommendations implementing the findings set forth in Section 2. The Director of the Regional Environmental Management Department shall present any such recommendations to the Metro Council by March 1, 2002.

SECTION 43. Metro Code Section 5.02.047 is amended to read:

5.02.047 Regional System Fee Credits

(a) A solid waste facility which is certified, licensed or franchised by Metro pursuant to Metro Code Chapter 5.01 or a Designated Facility regulated by Metro under the terms of an intergovernmental agreement shall be allowed a credit against the Regional System Fee otherwise due each month under Section 5.02.045 for disposal of Processing Residuals from the facility. The 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%	24.9935%	0.00
24.99%	30%	3.00
30%	35%	6.46
35%	40%	8.00
40%	45%	9.82
45%	100%	12.00

\_\_\_\_ (b) The Executive Officer;

\_\_\_\_  
(1) shall establish by July 1, 2002 administrative procedures to implement Section 2(b) and Section 2(c) of this Ordinance;

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

(c) 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.

(d) Any person delivering Cleanup Material Contaminated By Hazardous Substances that is derived from an environmental cleanup of a nonrecurring event, and delivered to any Solid Waste System Facility authorized to accept such substances shall

be allowed a credit in the amount of ~~\$10.40~~12.50 against the Regional System Fee otherwise due under Section 5.02.045(a) of this Chapter.

(e) ~~The provisions of section 5.02.047(a) and (b) are repealed June 30, 2002.~~ During any Fiscal Year, the total aggregate amount of credits granted under the Regional System Fee credit program shall not exceed the dollar amount appropriated for such purpose.

(f) The Regional Environmental Management Department shall make a semi-annual report to the Council on the status of the credit program. The report shall include that aggregate amount of all credits paid during the preceding six months and the amount paid to each facility eligible for the credit program. The report shall also project whether the appropriation for the credit program will be sufficient to meet anticipated credit payment requests and train existing contingency funding.

SECTION 54. Effective Date.

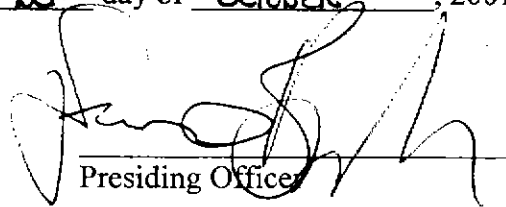
Section 3 shall become effective 90 days after adoption. All other amendments The amendment to Metro Code provided for in this Ordinance shall take effect July 1, 2002.

SECTION 65. Program Review.

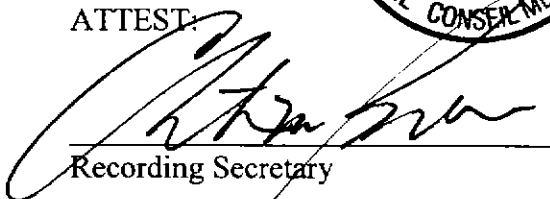
By March 31, 2004, the Executive Officer shall direct staff to convene a committee of stakeholders to review and report on the effectiveness of Regional System Fee Credits and to recommend any changes to the Regional System Fee Credit program.

ADOPTED by the Metro Council this 25<sup>th</sup> day of OCTOBER, 2001.

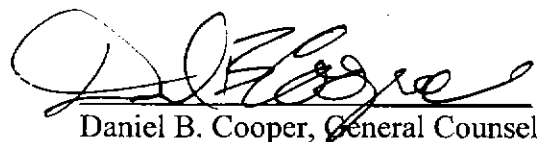


  
Presiding Officer

ATTEST:

  
Recording Secretary

Approved as to Form:

  
Daniel B. Cooper, General Counsel

BEFORE THE METRO COUNCIL

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METRO CODE CHAPTER 5.02 TO )  
IMPROVE THE EFFECTIVENESS OF )  
THE REGIONAL SYSTEM FEE CREDIT )  
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ORDINANCE NO. 01-919A |

Introduced by Mike Burton,  
Executive Officer

WHEREAS, Metro Code Chapter 5.02 provides Metro-regulated material recovery facilities and local transfer stations with the opportunity to apply for credits against payment of the Regional System Fee; and

WHEREAS, the Regional System Fee credit program has achieved its primary goal of preserving material recovery capacity since Metro lowered its rates significantly in 1997 and 1998; and

WHEREAS, lower facility costs due to Regional System Fee credits enables recovery facilities to employ more solid waste recovery staff; and

WHEREAS, the existing structure of the Regional System Fee credit program provides Metro with an effective tool for incentivizing material recovery facilities; and

WHEREAS, Ordinance 01-919A raises the required minimum facility recovery rate to 35%; 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. Section 2 of this Ordinance is added to and made a part of Metro Code Chapter 5.02.

SECTION 2.

Special Findings for Regional System Fee Credits

In connection with the enactment of the provisions of this chapter 5.02 of the Metro Code, the council of Metro hereby finds and determines the following:

(a) The primary goal of the Regional System Fee credit program shall be to improve material recovery in the Metro region and to boost the region's recovery rate.

(b) To achieve the primary goal, the program will target the recovery of high-priority materials identified in the Regional Environmental Management Waste Reduction Initiatives, for example, construction and demolition debris, including wood, drywall, and roofing. Furthermore, the program will de-emphasize materials that do not count toward Metro's recovery goals: ~~credits may be granted for rubble, including inert materials such as concrete, brick, and rock, to the extent that such materials constitute no more than five percent by weight of recoverable dry waste delivered to a recovery facility.~~

(c) Focusing the program on targeted materials will align the program with the Regional Solid Waste Management Plan and the Regional Environmental Management Department strategic plan.

SECTION 3. The Council hereby establishes a work group consisting of representatives of the staff of the Regional Environmental Management Department and any interested members of the Solid Waste Advisory Committee to make recommendations implementing the findings set forth in Section 2. The Director of the Regional Environmental Management Department shall present any such recommendations to the Metro Council by March 1, 2002.

SECTION 43. Metro Code Section 5.02.047 is amended to read:

5.02.047 Regional System Fee Credits

(a) A solid waste facility which is certified, licensed or franchised by Metro pursuant to Metro Code Chapter 5.01 or a Designated Facility regulated by Metro under the terms of an intergovernmental agreement shall be allowed a credit against the Regional System Fee otherwise due each month under Section 5.02.045 for disposal of Processing Residuals from the facility. The 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
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\_\_\_\_ (b) The Executive Officer;

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 \_\_\_\_\_ (1) shall establish by July 1, 2002 administrative procedures to  
 implement Section 2(b) and Section 2(c) of this Ordinance;

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

(c) 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  
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(d) Any person delivering Cleanup Material Contaminated By Hazardous  
 Substances that is derived from an environmental cleanup of a nonrecurring event, and  
 delivered to any Solid Waste System Facility authorized to accept such substances shall

be allowed a credit in the amount of ~~\$10.40~~12.50 against the Regional System Fee otherwise due under Section 5.02.045(a) of this Chapter.

(e) ~~The provisions of section 5.02.047(a) and (b) are repealed June 30, 2002.~~  
During any Fiscal Year, the total aggregate amount of credits granted under the Regional System Fee credit program shall not exceed the dollar amount appropriated for such purpose.

(f) The Regional Environmental Management Department shall make a semi-annual report to the Council on the status of the credit program. The report shall include that aggregate amount of all credits paid during the preceding six months and the amount paid to each facility eligible for the credit program. The report shall also project whether the appropriation for the credit program will be sufficient to meet anticipated credit payment requests and train existing contingency funding.

SECTION 54. Effective Date.

The amendment ~~The amendment~~ to Metro Code provided for in this Ordinance shall take effect July 1, 2002.

SECTION 65. Program Review.

By March 31, 2004, the Executive Officer shall direct staff to convene a committee of stakeholders to review and report on the effectiveness of Regional System Fee Credits and to recommend any changes to the Regional System Fee Credit program.

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

\_\_\_\_\_  
Presiding Officer

ATTEST:

Approved as to Form:

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

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



## **SOLID WASTE AND RECYCLING COMMITTEE REPORT**

CONSIDERATION OF ORDINANCE NO. 01-919A, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.02 TO IMPROVE THE EFFECTIVENESS OF THE REGIONAL SYSTEM FEE CREDIT PROGRAM AND TO REMOVE THE PROGRAM SUNSET DATE

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Date: October 18, 2000

Presented by: Councilor Atherton

**Committee Recommendation:** At its October 3 meeting, the committee considered Ordinance No. 01-919 and voted unanimously to send the ordinance, as amended, to the Council with a do pass recommendation. Voting in favor: Councilors McLain, Monroe and Chair Atherton.

**Existing Law:** This ordinance is one of four ordinances that the Council will be considering as a package. The ordinances amend Metro Code provisions relating to facility regulation, flow control, Metro tip fees and the regional system fee credit program. The ordinances seek to address four major objectives: 1) achieving Metro's waste reduction and recycling goals, 2) provide local disposal facility access and reduce vehicle miles traveled (VMT), 3) maintain the efficient operations of Metro transfer station facilities, and 4) provide financial benefit to the ratepayer. The committee and the Solid Waste Advisory Committee (SWAC) reviewed the elements of the proposed ordinances in both a conceptual and draft form over a series of several meeting prior to taking final action on the ordinance package.

Metro Code Chapter 5.02 establishes the regional system fee credit program to encourage local transfer stations and other recycling facilities to maximize their recycling efforts. Basically, the program provides that facilities may receive a reduction in the per ton regional system fee that they pay to Metro based on their facility recycling rate. Those with a higher recycling rate receive a greater fee reduction. A minimum 25% recycling rate is required to qualify for the program. The current program sunsets every June unless reauthorized by the Council.

**Committee Issues/Discussion:** Terry Petersen, Regional Environmental Management Director, presented the staff report. He noted the proposed ordinance would make several changes in the credit program. These include: 1) making the program permanent by eliminating the sunset date, 2) establishing special findings that outline the purposes of the program, 3) increasing the minimum recycling rate needed to qualify for the program from 25% to 35%, 4) establishing administrative procedures to implement the program, and 5) providing that credit payments shall not exceed the budgeted amount.

The committee adopted two amendments to the proposed ordinance. First, Atherton amendment #1 requires that a semi-annual report be provided to the Council on the status of the program. Second, McLain amendment #1 establishes a workgroup to review and make recommendations on the implementation of the findings outlined in the ordinance.

**EXECUTIVE SUMMARY  
ORDINANCE 01-919**

**AMENDING THE REGIONAL SYSTEM FEE CREDIT PROGRAM**

**PROPOSED ACTION**

- Adopt Ordinance 01-919 that improves the effectiveness of the Regional System Fee credit program and removes the program sunset date.

**WHY NECESSARY**

- The original purpose of the program, to maintain regional recovery capacity, has been achieved.
- Refocusing the program on improving material recovery by targeting specific waste streams will best implement RSWMP and Strategic Plan goals.

**ISSUES/CONCERNS**

- Inert material (e.g., rubble, such as concrete, bricks, and rock) is not identified by the RSWMP or Waste Reduction Initiatives as a key waste stream to target in order to achieve the region's recovery goals. Excluding all but a nominal amount of inerts from the RSF credit program would reduce budgeted expenditures for that program by about \$200,000. If inerts are limited or excluded from RSF credit eligibility, should the \$200,000 program "savings" be redirected to offer additional credits for specific materials, such as roofing and drywall?
- Some facilities that currently accept Metro region waste do not participate in the RSF credit program. Expanding the list of facilities eligible for RSF credits might be one way to achieve higher recovery from the region's waste. From a regulatory perspective, are there important implications related to broadening program eligibility to include facilities that are not now participants?

**BUDGET/FINANCIAL IMPACT**

- The proposed change to the Regional System Fee credit program will have no effect on the FY 2001-02 budget.

## **STAFF REPORT**

IN CONSIDERATION OF ORDINANCE NO. 01-919, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.02 TO IMPROVE THE EFFECTIVENESS OF THE REGIONAL SYSTEM FEE CREDIT PROGRAM AND TO REMOVE THE PROGRAM SUNSET DATE

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Date: September 14, 2001

Presented by: Terry Petersen

### **PROPOSED ACTION**

Adopt Ordinance 01-919 removing the Regional System Fee credit sunset date; changing the primary goal of the program from preserving recovery capacity in the region to increasing regional recovery; capping Metro's financial exposure at the appropriated amount (currently \$900,000); and allowing out-of-district facilities regulated by Metro to participate in the program.

### **EXISTING LAW**

Metro Code Chapter 5.02 establishes a temporary credit program for solid waste facilities certified, licensed, or franchised by Metro. Credits are provided against the total Regional System Fee otherwise due Metro each month for the disposal of Processing Residual. The higher the recovery rate achieved by the facility, the higher the credits awarded. There is currently no fiscal cap on the program except as limited by the number of tons of Processing Residual disposed.

### **BACKGROUND**

#### **Program Goals**

Regional System Fee (RSF) credits were originally established in 1998 after Metro reduced its tip fee and Regional System Fee from \$75 and \$17.50, to \$62.50 and \$14, respectively. These changes threatened the financial viability of solid waste recovery facilities ("MRFs") that otherwise help Metro reach its recycling goals. Accordingly, Metro implemented the Regional System Fee Credit Program to temporarily provide MRFs with a "soft landing" as they adjusted to the new economics of the solid waste system.

The primary goal of the RSF credit program was to preserve recovery capacity in the region. A secondary goal, embodied in the design of the tiered credit schedule (higher recovery means higher credits), was to encourage material recovery.

#### **Program Effectiveness**

##### *Preserving Capacity*

Since the program's inception in 1998, the primary goal of preserving regional recovery capacity has been achieved. While some MRFs have been closed, others have expanded

hours of operation. Solid waste industry facilities have adjusted to the lower tip fee environment. As a whole, MRFing is still a viable business activity in the region.

#### *Improving Recovery*

The RSF credit system as currently implemented does only a fair job at encouraging desired material recovery behaviors as provided for in the RSWMP and the Department's Strategic Plan. Overall, at about 40% (excluding inerts), the aggregate MRF recovery rate today is about the same as it was in 1998 when the RSF credit program was established. The MRF recovery has essentially maintained the status quo, except for a marked increase in the recovery of inerts, which do not count toward Metro's regional recovery goal.

#### **New Strategic Direction**

The primary goal of the RSF credit program--valid three years ago when the program was established--is no longer consistent with regional solid waste goals and strategies. The REM strategic plan sets a higher standard to *improve* recovery, in part by targeting key waste streams identified in Metro's Waste Reduction Initiatives, e.g., construction and demolition debris.

Recognizing that the broad structure of the RSF credit program is a reliable vehicle for awarding recovery facilities for desired behaviors, this Ordinance would make the RSF credit program effectively permanent and explicitly state the new primary goal of the program: to improve regional recovery. If the program is refocused specifically to provide financial incentives for recovery, there may be grounds to extend program eligibility to include previously ineligible facilities. For example, it may be appropriate to allow out-of-district facilities that accept mixed dry waste generated within the Metro boundary an opportunity to apply for Regional System Fee credits. A proposed change to Chapter 5.02 allows Metro to consider their inclusion in the program.

By July 1, 2002, program Administrative Procedures will be amended to implement these Code changes.

#### **BUDGET IMPACT**

This Ordinance will have no impact on the FY 2001-02 budget; however, two proposed changes to the RSF credit program may have a positive impact on future budgets beginning in FY 2002-03: capping Metro's exposure, and targeting key waste streams.

#### *Capping Expenditures*

Among the changes this Ordinance proposes is a cap at the level appropriated for the RSF credit program (\$900,000 for FY 2001-02). Approximately \$970,000 in credits were awarded during FY 2000-01, \$70,000 more than appropriated. Assuming the last fiscal year's recovery continues or increases in future years, a cap will prevent program expenses from exceeding appropriations.

### *Targeting Key Waste Streams*

Targeting key waste streams should have a neutral to positive effect on the FY 2002-03 budget. One program change is to exclude all but a nominal amount of inert materials (e.g., concrete, bricks, rock) from eligibility for RSF credits because these materials are not identified in the RSWMP or Waste Reduction Initiatives as a key waste stream, nor are they included in what counts toward the region's recovery goal. Approximately \$200,000 in RSF credits are awarded annually for recovery of these materials. If inerts are excluded and no additional eligible recovery is performed, Metro may collect approximately \$200,000 more than budgeted in Regional System Fee revenues during FY 2002-03. It is more likely, however, that the addition of targeted materials to the RSF credit program (e.g., drywall and roofing) will replace the level of credits awarded to inerts.

### **OUTSTANDING QUESTIONS AND POLICY ISSUES**

- If inerts are excluded from eligibility, how should the approximately \$200,000 program savings be redirected to offer additional credits, e.g., for specific materials, such as roofing and drywall?
- From a regulatory perspective, are there broader implications related to allowing out-of-district facilities to participate?

### **EXECUTIVE OFFICER'S RECOMMENDATION**

The Executive Officer recommends approval of Ordinance No. 01-919.

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WHEREAS, lower facility costs due to Regional System Fee credits enables recovery facilities to employ more solid waste recovery staff; and

WHEREAS, the existing structure of the Regional System Fee credit program provides Metro with an effective tool for incentivizing material recovery facilities; and

WHEREAS, Ordinance 01-919 raises the required minimum facility recovery rate to 35%; 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. Section 2 of this Ordinance is added to and made a part of Metro Code Chapter 5.02.

SECTION 2.

Special Findings for Regional System Fee Credits

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(a) The primary goal of the Regional System Fee credit program shall be to improve material recovery in the Metro region and to boost the region's recovery rate.

(b) To achieve the primary goal, the program will target the recovery of high-priority materials identified in the Regional Environmental Management Waste Reduction Initiatives, for example, construction and demolition debris, including wood, drywall, and roofing. Furthermore, the program will de-emphasize materials that do not count toward Metro's recovery goals: credits may be granted for rubble, including inert materials such as concrete, brick, and rock, to the extent that such materials constitute no more than five percent by weight of recoverable dry waste delivered to a recovery facility.

(c) Focusing the program on targeted materials will align the program with the Regional Solid Waste Management Plan and the Regional Environmental Management Department strategic plan.

SECTION 3. Metro Code Section 5.02.047 is amended to read:

5.02.047 Regional System Fee Credits

(a) A solid waste facility which is certified, licensed or franchised by Metro pursuant to Metro Code Chapter 5.01 or a Designated Facility regulated by Metro under the terms of an intergovernmental agreement shall be allowed a credit against the Regional System Fee otherwise due each month under Section 5.02.045 for disposal of Processing Residuals from the facility. The 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:

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(e) ~~The provisions of section 5.02.047(a) and (b) are repealed June 30, 2002. During any Fiscal Year, the total aggregate amount of credits granted under the Regional System Fee credit program shall not exceed the dollar amount appropriated for such purpose.~~

#### SECTION 4. Effective Date.

The amendment to Metro Code provided for in this Ordinance shall take effect July 1, 2002.



SECTION 5. Program Review.

By March 31, 2004, the Executive Officer shall direct staff to convene a committee of stakeholders to review and report on the effectiveness of Regional System Fee Credits and to recommend any changes to the Regional System Fee Credit program.

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

\_\_\_\_\_  
Presiding Officer

ATTEST:

Approved as to Form:

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

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Daniel B. Cooper, General Counsel