

# A G E N D A

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METRO

**MEETING:** REGIONAL SOLID WASTE ADVISORY COMMITTEE (SWAC)

**DATE:** Thursday, April 24, 2008

**TIME:** 10:00 a.m. to 11:35 a.m.

**PLACE:** Council Chambers, 600 NE Grand Avenue, Portland

- 5 mins.    **I. Call to Order**..... **David Bragdon**  
*Introductions and announcements*  
*Approval of minutes\**
- 10 mins.   **II. Director's Update**..... **Mike Hoglund**
- 45 mins.   **III. Ordinance 08-1183, RSWMP Compliance**..... **Mike Hoglund**  
*Discussion Item: SWAC will be asked for comments on the revised ordinance. (See attachment for further details.)*
- 30 mins.   **IV. Annual Waste Reduction Plan (Year 19)** .....**Jennifer Erickson**  
*Action Item: SWAC recommendation to Council is sought on this annual work plan for the region's waste reduction activities in the coming fiscal year. (See attachment for further details.)*
- 5 mins.    **IV. Other business and adjourn**..... **David Bragdon**

\*Denotes material included in the meeting packet

All times listed on this agenda are approximate. Items may not be considered in the exact order listed.

**Chair: Council President David Bragdon**  
**(503-797-1889)**

**Staff: Janet Matthews**  
**(503-797-1826)**

**Committee Clerk: Gina Cubbon**  
**(503-797-1645)**

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**ATTACHMENT**  
**SWAC Agenda Item I**  
**April 24, 2008**

**Regional Solid Waste Advisory Committee (SWAC)**  
**February 28, 2008 Meeting Summary**



**METRO**

600 NE Grand Ave.  
Portland, OR 97232-2736

**MINUTES OF THE METRO SOLID WASTE AND RECYCLING COMMITTEE (SWAC) MEETING**

Metro Regional Center, Council Chambers  
Thursday, February 28, 2008

**Members / Alternates Present:**

David Bragdon, Chair	Lori Stole	Theresa Koppang
Mike Hoglund	Audrey O'Brien	Dave White
Paul Edwards	Matt Korot	Tom Badrick
Janet Malloch	Ray Phelps	Mike Miller
Mike Leichner	Rick Winterhalter	Jeff Murray
Dave Garten	Babe O'Sullivan	Dean Kampfper

**Guests and Metro staff:**

Janet Matthews	Larry Harvey	Kristin Lieser
Joshua Skov	Roy Brower	Leslie Kochan
Segeni Mungai	Jeff Gage	Gina Cubbon
Chuck Geyer		

**I. Call to Order..... Council President David Bragdon**

- Council President David Bragdon called the meeting to order at 10 a.m and gave a brief preview of the proceedings.
- A tour of the Columbia Ridge Landfill in Arlington, Oregon has been set for Monday, March 24. Members wishing to go may contact staff.
- The minutes were approved as submitted.

**II. Director's Update..... Mike Hoglund**

- Regional Solid Waste Management Plan: Mr. Hoglund reported that the Office of Metro Attorney has drafted a companion ordinance to the Regional Solid Waste Management Plan (RSWMP). The ordinance identifies the required elements of the Plan, and establishes compliance and enforcement paths for local governments in a new Metro Code chapter (5.10). Additionally, the Regional Service Standard and Alternative Program Review process have been moved to the RSWMP's implementation chapter. Next steps include briefing Councilor Harrington (RSWMP liaison) on the changes before filing the ordinance with Council and making it available to the public.
- Rate Review Committee: The group is reconvening for the FY 2008-09 budget cycle. Four or five meetings are anticipated this year. Metro Council has asked that the Committee evaluate options for managing Metro's rate path over the next few years, as issues such as the solid waste transport contract take hold and affect the tipping fee. Preliminary findings will be discussed at a Council work session on April 8.
- Solid Waste Transport: Proposals are due Wednesday, March 12. Truck, barge, and rail proposals are all expected. An inter-agency evaluation team will review and score the proposals, recommending one or more proposers with whom to negotiate a contract. Negotiations are expected

to conclude by early summer, and a recommended contract presented to the Council for consideration in July or August.

- **Waste Allocation:** Options are being reviewed for allocating wet waste to private facilities. Goals are to ensure that haulers have adequate access to transfer stations, maximize efficiencies within the system, and minimize the cost to ratepayers. Council will further define these goals and begin review of the options at their April 15 work session.
- **Landfill Standards:** Standards are being reviewed and possibly revised for landfills which accept Metro region waste. The environmental and compliance risks of each landfill are being looked into, and whether current policy is in the public's best interest. The issue will be discussed at Council's April 15 work session.
- **Self-Haul Study:** Staff are looking at system data related to self-haul practices and reviewing the results of a recent survey taken at Metro's transfer stations. The project team will identify policy options for ensuring an efficient and fair self-haul system that maximizes recovery. Matt Tracy and Paul Ehinger will present the issue before Council at the April 1 work session.

**III. Sustainable Operations Brainstorming..... Janet Matthews et al**

Councilor Bragdon introduced this agenda item, which would break the attendees into small groups to discuss various goals and objectives for the Sustainable Operations project. He noted that the candid interaction this exercise would likely induce would be beneficial to the Committee as a whole. Janet Matthews added that the goal is to gather unfiltered ideas for how to fulfill the project's objectives; the members counted off to form three groups, which then met separately.

The "scribe" for each group gave a brief summary of their collaborative efforts afterwards. The Sustainable Operations Work Group will look at all the ideas from the exercise. The group will develop a workplan for FY 2008-09. Progress reports will be brought to SWAC.

Mr. Hoglund asked the Committee's opinion of the exercise; there was general agreement that it worked well, was less formal and therefore a good forum for sharing ideas. Members mentioned that it was a good way for all to participate and would be a good technique for specific topics periodically. The random groupings were also appreciated.

**IV. Other Business and Adjourn.....David Bragdon**

Councilor Bragdon thanked the attendees for their participation and adjourned the meeting at 11:57 a.m.

Prepared by:

Gina Cubbon  
Administrative Secretary  
Metro Solid Waste & Recycling Department

gbc  
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**ATTACHMENT**  
**SWAC Agenda Item III**  
**April 24, 2008**

**Ordinance 08-1183, RSWMP Compliance**

**(As revised after discussions with local governments.)**

CHAPTER 5.10

REGIONAL SOLID WASTE MANAGEMENT PLAN

SECTIONS	TITLE
5.10.010	Definitions
5.10.020	Authority, Jurisdiction, and Purpose
5.10.030	Adoption of RSWMP
5.10.040	Application of Chapter
5.10.050	RSWMP Requirements
5.10.060	RSWMP Amendments
5.10.070	Severability
5.10.080	Administrative Procedures <del>and Performance Standards</del>
	<b>Compliance Procedures</b>
5.10.110	Conformity to the RSWMP
5.10.120	Compliance with the RSWMP
5.10.130	Extension of Compliance Deadline
5.10.140	Exception from Compliance
5.10.150	Review by Metro Council
5.10.160	<del>Penalties for Violations</del>
<del>5.10.170</del>	<del>Technical Assistance</del>
	<b>The Regional Service Standard</b>
5.10.210	Purpose and Intent
5.10.220	Regional Service Standard
5.10.230	Regional Service Standard Elements
5.10.240	Alternative Program <u>and Performance Standard</u>

5.10.010 Definitions

For the purpose of this chapter the following terms shall have the meaning set forth below:

- (a) "Alternative Program" means a solid waste management service proposed by a local government that differs from the service required under Section 5.10.230.
- (b) "Compost" shall have the meaning assigned thereto in Metro Code Section 5.01.010.
- (c) "DEQ" shall have the meaning assigned thereto in Metro Code Section 5.01.010.

(d) "Director" means the Director of Metro's Solid Waste and Recycling Department.

(e) "Local Government" means any city or county that is within Metro's jurisdiction, including the unincorporated areas of Clackamas, Multnomah, and Washington Counties.

(f) "Local Government Action" means adoption of any ordinance, order, regulation, contract, or program affecting solid waste management.

(g) "RSWMP" means the Regional Solid Waste Management Plan adopted by the Metro Council and approved by the DEQ.

(h) "RSWMP Requirement" means the portions of the RSWMP that are binding on local governments as set forth and implemented in this chapter.

(i) "Standard Recyclable Materials" means newspaper, ferrous scrap metal, non-ferrous scrap metal, used motor oil, corrugated cardboard and kraft paper, aluminum, container glass, high-grade office paper, tin/steel cans, yard debris, mixed scrap paper, milk cartons, plastic containers, milk jugs, phone books, magazines, and empty aerosol cans.

(j) "Substantial compliance" means local government actions, on the whole, conform to the purposes of the performance standards in this chapter and any failure to meet individual performance standard requirements is technical or minor in nature.

(jk) "Waste" shall have the meaning assigned thereto in Metro Code Section 5.01.010.

(kl) "Waste Reduction Hierarchy" means first, reduce the amount of solid waste generated; second, reuse material for its originally intended purpose; third, recycle or compost material that cannot be reduced or reused; fourth, recover energy from material that cannot be reduced, reused, recycled or composted so long as the energy recovery facility preserves the quality of air, water and land resources; and fifth, landfill solid waste that cannot be reduced, reused, recycled, composted or from which energy cannot be recovered.

(lm) "Waste Reduction Program" means the Waste Reduction Program required by ORS 459.055(2)(a), adopted by the Metro Council as part of the RSWMP, and accepted and approved by the DEQ as part of the RSWMP.

| (mn) "Yard Debris" shall have the meaning assigned thereto in Metro Code Section 5.01.010.

5.10.020 Authority, Jurisdiction, and Purpose

(a) Metro's Solid Waste planning and implementing authority is established under the Metro Charter, the Constitution of the State of Oregon, and ORS Chapters 268 and 459.

(b) This chapter implements the RSWMP requirements. The RSWMP shall include the Regional Solid Waste Management Plan, including without limitation the Waste Reduction Program.

(c) This chapter does not abridge or alter the rights of action by the State or by a person that exist in equity, common law, or other statutes.

5.10.030 Adoption of RSWMP

Metro has adopted the RSWMP, copies of which are on file at Metro offices, and shall implement the RSWMP as required by this chapter.

5.10.040 Application of Chapter

| This chapter shall apply to all portions of Clackamas,  
| Washington, and Multnomah Counties within Metro's jurisdiction.



#### 5.10.050 RSWMP Requirements

The RSWMP is a regional plan that contains requirements that are binding on local governments of the region as well as recommendations that are not binding. The RSWMP requirements are set forth in this chapter. This chapter ensures that local governments have a significant amount of flexibility as to how they meet requirements. Standard methods of compliance are included in the chapter, but these standard methods are not the only way a local government may show compliance. Performance standards also are included in most sections. If local governments demonstrate to Metro that they meet the performance standard, they have met the requirement of that section.

~~The RSWMP is a regional plan that contains mandatory requirements that are binding on local governments of the region as well as recommendations that are not binding. The RSWMP requirements are set forth in Metro Code Chapter 5.10.~~

#### 5.10.060 RSWMP Amendments

(a) The Chief Operating Officer shall submit all proposed amendments to the RSWMP to the Council by ordinance for adoption.

(b) Once the Council adopts an amendment to the RSWMP, the Chief Operating Officer shall submit the amended RSWMP to the DEQ for approval. If the amendment is to the Waste Reduction Program, the Chief Operating Officer shall submit the amended RSWMP to the DEQ for acceptance and approval.

(c) The Chief Operating Officer may correct technical mistakes discovered in the RSWMP administratively without petition, notice, or hearing.

#### 5.10.070 Severability

(a) The sections of this chapter shall be severable and any action by any state agency or judgment court of competent jurisdiction invalidating any section of this chapter shall not affect the validity of any other section.

(b) The sections of the RSWMP shall also be severable and shall be subject to the provisions of subsection (a) of this section.

5.10.080 Administrative Procedures ~~and Performance Standards~~

(a) The Chief Operating Officer may issue administrative procedures ~~and performance standards~~ governing the obligations under this chapter, including but not limited to procedures ~~and performance standards~~ for the suspension of a material from the definition of standard recyclable materials and for additional requirements of a recycling education and promotion program.

(b) The Chief Operating Officer may issue administrative procedures ~~and performance standards~~ to implement all provisions of this chapter.

(c) The Chief Operating Officer shall issue or substantially amend the administrative procedures ~~and performance standards~~ for this chapter only after providing public notice and the opportunity to comment on the proposed language.

(d) The Chief Operating Officer may hold a public hearing on any proposed new administrative procedure and performance standard or on any proposed amendment to any administrative procedure ~~and performance standard~~ if the Chief Operating Officer determines that there is sufficient public interest in any such proposal.

**Compliance Procedures**

5.10.110 Conformity to the RSWMP

Local governments shall not adopt any ordinance, order, regulation, or contract affecting solid waste management that conflicts with the RSWMP requirements implemented by this chapter.

5.10.120 Compliance with the RSWMP

(a) The purpose of this section is to establish a process for determining whether local government actions comply with the RSWMP requirements. The Council intends the process to be efficient and cost effective and to provide an opportunity for the Metro Council to interpret the requirements of the RSWMP. Where the terms "compliance" and "comply" appear in this chapter, the terms shall have the meaning given to "substantial compliance" in Section 5.10.010.

(ab) Local government actions shall comply with the RSWMP requirements. The Chief Operating Officer shall notify local

governments of the compliance date of all RSWMP requirements. On or before the compliance date, local governments shall certify in writing to the Chief Operating Officer that their local government actions comply with the RSWMP requirements.

(bc) Commencing on November 1, 2010, and on November 1 each year thereafter, the Director shall submit a report to the Chief Operating Officer on local government action compliance with the RSWMP requirements for the Metro fiscal year ending the previous June 30. The report shall include an accounting of local government actions that do not comply with each requirement of the RSWMP. The report shall recommend action that would bring a local government into compliance with the RSWMP requirements and shall advise the local government whether it may seek an extension pursuant to Section 5.10.130 or an exception pursuant to Section 5.10.140. The report also shall include an evaluation of the implementation of this chapter and its effectiveness in helping achieve the RSWMP objectives.

(ed) Commencing on or after November 1, 2010, and on or after November 1 each year thereafter, the Chief Operating Officer shall provide each local government with a letter informing the local government whether its actions comply or do not comply with the RSWMP requirements. The Chief Operating Officer shall provide each local government that is not in compliance with the RSWMP requirements with the Director's report.

(de) A local government provided with a report shall respond to the report within 60 days from the date of the report. The response shall contain:

- (1) An agreement to comply with the report recommendations;
- (2) A request for an extension under Section 5.10.130; or
- (3) A request for an exception under Section 5.10.140.

(ef) Within 30 days of receiving the local government's response, the Chief Operating Officer shall:

- (1) If the local government agrees to comply with the report recommendations, provide a letter to the local government describing the details of

the actions required of the local government for compliance; or

- (2) If the local government seeks an extension or exception, direct the local government to follow the procedures set forth in Section 5.10.130 or Section 5.10.140.

(fg) If the local government fails to file a response or refuses to comply with the report recommendations, the Chief Operating Officer may proceed to Council review under Section 5.10.150. A local government may seek Council review under Section 5.10.150 of a report of noncompliance under this section.

#### 5.10.130 Extension of Compliance Deadline

(a) A local government may seek an extension of time for compliance with a RSWMP requirement by filing a written request for an extension with the Director.

(b) The Director may grant an extension of the compliance deadline if the local government's written request demonstrates that: (1) the local government is making progress toward accomplishment of its compliance with the RSWMP requirement; or (2) the local government has good cause for failure to meet the deadline for compliance.

(c) The Director may establish terms and conditions for the extension to ensure that compliance is achieved in a timely and orderly fashion and that local government actions during the extension do not undermine the ability of the region to implement the RSWMP. A term or condition shall relate to the requirement of the RSWMP to which the Director grants the extension. The Director shall incorporate the terms and conditions into the decision on the request for extension. The Director shall not grant more than two extensions of time and shall not extend the deadline for compliance for more than one year.

(d) The Director shall grant or deny the request for extension within 30 days of the date of the request and shall provide a copy of the decision to the local government.

(e) A local government may seek review of the Director's decision by filing a written request for review with the Chief

Operating Officer within 30 days of the date of the Director's decision.

(f) The Chief Operating Officer shall consider a request for review without a public hearing and shall issue an order within 30 days of receiving the request for review. The Chief Operating Officer shall provide a copy of the order to the local government.

(g) The Chief Operating Officer's order regarding an extension is a final order and shall not be subject to Metro Code Chapter 2.05, Procedure for Contested Cases. A local government may appeal the order by filing a petition for writ of review.

#### 5.10.140 Exception from Compliance

(a) A local government may seek an exception from compliance with a RSWMP requirement by filing a written request for an exception with the Chief Operating Officer.

(b) The Chief Operating Officer shall prepare a report on the written request. The report shall recommend whether to grant or deny the exception and shall analyze whether:

- (1) The exception and any similar exceptions will prevent the Metro region from achieving the RSWMP goals;
- (2) The exception will reduce the ability of another local government to comply with the requirement; and
- (3) The local government has adopted other measures more appropriate for the local government to achieve the intended result of the requirement.

(c) The Chief Operating Officer's report may establish terms and conditions for the exception to ensure that it does not undermine the ability of Metro to implement its responsibilities under the RSWMP. Any term or condition shall relate to the requirement of the RSWMP from which the local government seeks exception.

(d) The Chief Operating Officer shall issue the report within 60 days of the date of the request. The Chief Operating Officer shall provide a copy to the local government and shall

file a written request for review and public hearing with the Council President.

(e) The Council President shall set the matter for a public hearing before the Council within 30 days of the date of the Chief Operating Officer's report. The Chief Operating Officer shall provide notice to the local government that includes the date and location of the hearing and shall publish the report at least 14 days before the public hearing.

(f) During the hearing the Council shall receive testimony on the Chief Operating Officer's report and shall allow any person to testify orally or in writing.

(g) The Council shall issue its order, with analysis and conclusions, not later than 30 days following the public hearing on the matter. The order shall be based upon the Chief Operating Officer's report and upon testimony at the public hearing. The order may rely upon the report for an analysis of the factors listed in subsection(b). The order shall address any testimony during the public hearing that takes exception to the report. The Chief Operating Officer shall provide a copy of the order to the local government.

(h) The order of the Metro Council is a final order that a local government may appeal by filing a petition for writ of review.

#### 5.10.150 Review by Metro Council

(a) A local government may seek review of (1) the letter and report of noncompliance provided by the Chief Operating Officer under Section 5.10.120; and (2) a decision that a local government does not meet a performance standard by filing a written request for review and public hearing with the Council President.

(b) The Chief Operating Officer may seek review by the Council of any local government action that does not comply with the RSWMP requirements, this chapter, or both by filing a written request for review and public hearing with the Council President. The Chief Operating Officer shall provide a copy of the request to the local government.

(c) The Chief Operating Officer shall consult with the local government and the Director before the Chief Operating

Officer determines there is good cause for a public hearing under subsection (d).

(d) The Council President shall set the matter for a public hearing before the Council within 30 days of the date of the Chief Operating Officer or local government's request for review. The Chief Operating Officer shall provide notice to the local government that includes the date and location of the hearing.

(e) The Chief Operating Officer shall prepare a report and recommendation on the matter for consideration by the Metro Council. The Chief Operating Officer shall publish the report at least 14 days before the public hearing and provide a copy to the local government.

(f) During the hearing the Council shall receive testimony on the Chief Operating Officer's report and shall allow any person to testify orally or in writing.

(g) If the Metro Council concludes that the local government action does not violate the RSWMP requirements or this chapter, the Council shall enter an order dismissing the matter. If the Council concludes that the local government action does violate the RSWMP requirements, this chapter, or both, the Council shall issue an order that identifies the noncompliance and directs changes in the local government action.

(h) The Council shall issue its order, with analysis and conclusions, no later than 30 days following the public hearing on the matter. The order shall be based upon the Chief Operating Officer's report and upon testimony at the public hearing. The order may rely upon the report for its findings and conclusions related to compliance with this chapter. The order shall address any testimony during the public hearing that takes exception to the report. The Chief Operating Officer shall provide a copy of the order to the local government.

(i) The order of the Metro Council is a final order that a local government may appeal by filing a petition for writ of review.

~~5.10.160 Penalties for Violations~~

~~The Metro Council may include one or more of the following in an order issued under this chapter:~~

~~(a) A fine of up to \$500 per day for each day after the date of a Council order that the local government continues the violation;~~

~~(b) An order requiring the local government to comply with the RSWMP; and~~

~~(c) An order requiring the local government to comply with any provision of this chapter.~~

#### 5.10.1760 Technical Assistance

The Chief Operating Officer shall encourage local governments to take advantage of the programs of technical and financial assistance provided by Metro to help achieve compliance with the requirements of this chapter.

### **The Regional Service Standard**

#### 5.10.210 Purpose and Intent

Local governments shall adopt and implement the regional service standard or alternative program as required by the RSWMP and as specified in this chapter and the administrative procedures. The regional service standard ensures a comprehensive and consistent level of recycling service for the region and assists the region in meeting state recovery goals.

#### 5.10.220 Regional Service Standard

(a) By January 1, 2009, local governments shall implement the regional service standard either by:

- (1) Adopting the provisions of Metro Code Section 5.10.230(a) through (d); or
- (2) Adopting an alternative program that meets the performance standard and that is approved by Metro in accordance with Metro Code Section 5.10.240.

(b) The local government shall provide information related to compliance with this requirement at the Director's request or as required by the administrative procedures.



5.10.230 Regional Service Standard Elements

The following shall constitute the regional service standard under the RSWMP:

(a) For single-family residences, including duplexes, triplexes, and fourplexes, the local government shall:

- (1) Ensure provision of at least one (1) recycling container to each residential customer;
- (2) Ensure provision of weekly collection of all standard recyclable materials; and
- (3) Ensure provision of a residential yard debris collection program that includes weekly on-route collection of yard debris for production of compost from each residential customer or equivalent on-route collection of yard debris for production of compost if granted approval for an alternative program under Metro Code Section 5.10.240.

(b) For multi-family residences, the local government shall ensure provision of regular collection of standard recyclable materials for each multi-family dwelling community having five (5) or more units.

(c) For businesses, the local government shall ensure provision of regular collection of standard recyclable materials.

(d) For education and outreach, the local government shall ensure provision of a recycling education and promotion program to all waste generators that supports the management of solid waste according to the waste reduction hierarchy as follows:

- (1) For all waste generators:
  - A. Provide information regarding waste prevention, reusing, recycling, and composting; and
  - B. Participate in one community or media event per year to promote waste prevention, reuse, recycling, or composting.

- (2) For single-family residences and businesses:
  - A. For existing customers, provide education information at least four (4) times a calendar year; and
  - B. For new customers, provide a packet of educational materials that contains information listing the materials collected, the schedule for collection, the proper method of preparing materials for collection, and an explanation of the reasons to recycle.
  
- (3) For multi-family residences:
  - A. Provide waste reduction and recycling educational and promotional information designed for and directed toward the residents of multifamily dwellings as frequently as necessary to be effective in reaching new residents and reminding existing residents of the opportunity to recycle, including the types of materials accepted and the proper preparation of the items; and
  - B. Provide waste reduction and recycling educational and promotional information designed for and directed toward multifamily property owners and managers at least annually.

5.10.240 Alternative Program and Performance Standard

(a) A local government seeking alternative program approval shall submit an application for an alternative program to the Director that contains:

- (1) A description of the existing program;
- (2) A description of the proposed alternative program; and
- (3) A comparison of the existing and alternative programs for type of materials collected,

frequency of collection of material, and levels of recovery.

(b) ~~A local government's The Director shall determine whether the proposed alternative program will~~shall perform at the same level or better as the regional service standard and shall perform at the same level or better than the regional service meet the following performance standard as applicable.~~In making this determination, the Director shall consider the following:~~

- (1) ~~Estimated participation levels~~The alternative program shall provide for as much or more recovery of standard recyclable materials as recovered under the regional service standard;
- (2) ~~Estimated amounts of waste prevented, recycled, recovered, or disposed~~The alternative program shall ensure that participation levels of waste generators is the same or more as under the regional service standard; and
- ~~(3) Consistency with the waste reduction hierarchy and the source separation priority;~~
- ~~(4) The alternative program shall provide education and outreach consistent with the waste reduction hierarchy. Economic and technical feasibility; and~~
- ~~(5) (3) Estimated impact on other waste reduction activities.~~

(c) If the Director determines that the alternative program ~~will perform at the same level or better than the regional service standard~~ meets the performance standard, the Director shall approve the application. The Director may condition the approval on completion of a successful pilot program. If the Director determines that the alternative program ~~will~~does not ~~perform at the same level or better than the regional service standard~~ meet the performance standard, the Director shall deny the application. The Director shall decide whether to approve or deny the application within 60 days of the date the Director received the application or, if the Director conditions approval on successful completion of a pilot program, within 60 days of the conclusion of the pilot program. The Director shall provide a copy of the decision to the local government.

(d) A local government may seek review of the Director's decision by filing a written request for review with the Chief Operating Officer within 30 days of the date of the Director's decision.

(e) The Chief Operating Officer shall consider a request for review without a public hearing and shall issue an order within 30 days of receiving the request for review. The Chief Operating Officer shall provide a copy of the order to the local government.

(f) A local government may seek Council review under Section 5.10.150 of the Chief Operating Officer's order regarding an alternative program under this section.~~The Chief Operating Officer's order regarding an alternative program is a final order and shall not be subject to Metro Code Chapter 2.05, Procedure for Contested Cases. A local government may appeal the order by filing a petition for writ of review.~~

(g) This section does not prevent a local government from seeking an exception under Section 5.10.140.

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# **ATTACHMENTS**

**SWAC Agenda Item IV**

**April 24, 2008**

**Legislation for approving the Year 19 Metro and Local  
Government Annual Waste Reduction Plan  
(FY 2008/09)**

**Summary of Year 17 Performance Measures  
Assessment Report  
(FY 2006/07)**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING THE	)	RESOLUTION NO. 08-3927
YEAR 19 METRO AND LOCAL	)	
GOVERNMENT ANNUAL WASTE	)	Introduced by Michael Jordan, Chief
REDUCTION PLAN (FISCAL YEAR 2008-09)	)	Operating Officer, with the concurrence of
	)	David Bragdon, Council President

WHEREAS, the Metro and Local Government Annual Waste Reduction Plan has been a significant part of the Region’s waste reduction and recycling programs for the past 18 years in order to attain state-mandated regional recovery goals (OAR 340-90-050);

WHEREAS, the Annual Waste Reduction Plan serves as an implementation tool for the Regional Solid Waste Management Plan;

WHEREAS, the Annual Waste Reduction Plan, in its 19<sup>th</sup> year, continues to be one of the primary mechanisms for Metro and local governments to establish, maintain and improve recycling and waste reduction efforts throughout the Region;

WHEREAS, the means of implementing these waste reduction tasks is through the Annual Waste Reduction Plan, which is adopted by Metro and local governments and defines the work to be completed in the region;

WHEREAS, a cooperative process for formulating the Year 19 Waste Reduction Plan was used by Metro and local governments and ensures a coordinated regional effort to reduce waste;

WHEREAS, the Waste Reduction Plan funding distribution to local governments for the maintenance section programs is a revenue-sharing program that is tied to adherence to the plan and satisfactory completion of work plan elements;

WHEREAS, the Waste Reduction Plan grants are funded in the 2008-09 budget;

WHEREAS, the Year 19 Waste Reduction Plan has been reviewed by the Solid Waste Advisory Committee; and

WHEREAS, the resolution was submitted to the Council President for consideration and was forwarded to the Council for approval; now therefore,

BE IT RESOLVED, that the Metro Council approves the Year 19 Metro and Local Government Annual Waste Reduction Plan (attached hereto as Exhibit “A”) and supports increased efforts to reduce waste in the Metro region.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
David Bragdon, Council President

Approved as to Form:

\_\_\_\_\_  
Daniel B. Cooper, Metro Attorney

**2008-2009 (Year 19)  
Metro and Local Government  
Annual Waste Reduction Work Plan**

April 9, 2008

**I. Introduction**

Since 1990, Metro and its local government partners have developed cooperative plans to implement the region's waste reduction and recycling programs. These plans serve as one of the implementation tools for the Regional Solid Waste Management Plan (RSWMP) that provides direction for waste reduction programs for the metropolitan region.

The Annual Waste Reduction Work Plan is the primary means by which Metro and local governments plan for waste reduction and recycling programs, projects and activities. Plans are developed on an annual basis by regional work groups and reviewed by stakeholder groups and policy makers.

**II. Plan Structure & Format**

The Annual Work Plan is divided into two areas:

- Regional Program Focus Areas
- Maintenance of Existing Programs

A. The **Regional Program Focus Areas** are regionally coordinated work plans that address specific sectors of the region (Multi-Family Residential, Business, Construction & Demolition, and Commercial Organics). These plans are designed to address the individual needs, barriers and the particular circumstances affecting each sector. The focus area work plans provide specific action steps, staffing and budgets for achieving the larger objectives within the RSWMP. This annual planning process allows for a flexible and more rapid response to changing conditions, enables the region to quickly phase out those tasks that prove less effective, and allows for shifting efforts and resources between areas as need arises.

These focus areas form the core of the work and activities to be implemented in the region. Each of the programs was identified as needing intensive, focused planning and implementation efforts over the next few years.

B. The second area of the Annual Work Plan focuses on **Maintenance of Existing Programs** and established local and regional waste reduction and recycling programs through per capita grants to local governments. Significant progress in waste reduction and recycling has been made over past years through these existing programs. In order to maintain these successes, established programs must continue to be funded, staffed and

maintained at the same time that new initiatives are introduced. The funding assistance provided to local jurisdictions to maintain existing programs is allocated on a per capita basis. Each jurisdiction receives an allocation based upon its percent of the region's total population.

The objectives of the maintenance section are to maintain and increase recovery through existing local government waste reduction and recycling programs; to provide an incentive for local governments to participate in regional waste reduction planning activities; and to continue to ensure compliance with the RSWMP and state program elements for waste reduction and recycling programs.

The maintenance program format is intentionally simple and straightforward. Local governments will submit an overview of existing programs in place; detailing the outreach, education and collection programs currently implemented and the efforts they will engage in to maintain these programs. This will provide a comprehensive regional picture of existing programs in place as well as demonstrate compliance with the RSWMP and state law. The plan format outline is presented in Appendix B.

For jurisdictions receiving \$100,000 or more in funding allocations, an additional reporting element and a different disbursement method is used. Funding is released in two allotments; the first half upon signature of the Intergovernmental Agreement, and the second after receipt of a satisfactory interim progress report is received and approved by Metro. The intent is to more closely monitor the funds and to provide a greater degree of accountability for large allocations.

### **III. Compliance with the Regional Solid Waste Management Plan and State Law**

All local jurisdictions are required to comply with the provisions set forth in the RSWMP and State Law (OAR 340-090-0040 and ORS 459A). Metro has been designated by the State as the reporting agency for the region's three-county area and local jurisdictions are to provide data to Metro to assist with this annual reporting responsibility. Metro will review Annual Reports for compliance with the RSWMP and state law.

### **IV. Monitoring and Evaluation**

The Regional Program Focus Areas and Maintenance of Existing Programs sections of the annual plan each have independent progress measurement and reporting scenarios tied to the specific tasks involved. These performance measures, combined with the annual Department of Environmental Quality Material Recovery Survey Report, are used to assess progress.



### Regional Program Focus Areas

Monitoring and evaluation methods have been developed for each focus area and are incorporated into the individual plans.

### Maintenance of Existing Programs

Annual reports documenting efforts completed by local governments during FY 2008-09 are submitted to Metro no later than August 1, 2009. These annual reports serve as the basis for monitoring the status of existing programs and progress with regard to the RSWMP and required annual reporting to the Oregon Department of Environmental Quality.

The maintenance efforts will also be reviewed based upon the following:

- Local governments will identify and undertake a specific curbside recycling outreach activity for an existing local government program.
- Local government representatives will participate in at least one regional waste reduction planning group (larger jurisdictions will tend to participate in more than one group).
- Local governments will provide jurisdictional solid waste and recycling budget information to Metro.
- Maintain or increase curbside recovery levels (total tons and per capita tons recovered and disposed).

Metro publishes a complete Performance Measures Report in the spring following the Annual Work Plan completion and data gathering.

**APPENDIX A-1**  
**Year 19 Roles and Responsibilities**

	<b>LOCAL GOVERNMENT ROLE</b>	<b>METRO ROLE</b>	<b>DESIRED OUTCOMES 08-09</b>	<b>BUDGETED AMOUNT</b>
Single Family Residential	Primary responsibility for implementation	Oversight; coordinate work groups	Maintenance of existing programs. Local government transition to roll carts; contamination levels limited	\$695,851
Multi-family residential	Primary responsibility for implementation	Assist in education and outreach; coordinate work group	Convert to two-sort collection; improve tenant and property manager education	\$230,000
Building Industry	Participate in work group	Primary responsibility for new program development and outreach; coordinate work group	Implement regional dry waste program; conduct regional outreach and education	\$293,000
Business	Provide technical assistance to businesses	Primary responsibility for new program development and outreach; coordinate work group	Enact enhanced business recovery program; conduct regional outreach and education	\$1,312,000
Organics	Primary responsibility for collection program implementation	Locate site; administer processing contracts; administer grants; assist in education and outreach; coordinate work group.	Increased food waste composting collection in local jurisdictions. Locate site for regional composting facility; provide reload services at Metro facilities; provide grants to businesses	\$145,000

**APPENDIX A-2**  
**2006 Recovery Performance**

	<u>Recovered</u> (tons)	Increase over 2005	<u>Progress toward 2006</u> <u>target</u>	<u>Notes</u>
Organics	12,008	7,187	-1,358	A food waste composting facility was not sited in the region.
Building industry	283,943	17,677	-2,756	An expanded dry waste recovery program was not implemented.
Business (paper and containers)	343,885	47,218	15,885	Recovery from materials targeted by regional business programs increased by 16 percent over 2005.
Residential curbside	219,375	2,328	-5,410	Weekly roll cart collection programs have not been implemented as quickly as assumed.
Multi-family	13,176	-721	-2,246	A stepped-up focus on multi-family recovery began in 2007.
Other (includes Bottle Bill, drop-off, other business recyclables)	463,026	-139,685	-158,401	Decreased recovery of scrap metal and Bottle Bill containers.
Overall regional recovery	1,335,413	-65,996	-160,393	

## **APPENDIX B MAINTENANCE OF EXISTING PROGRAMS**

### **1. Program Overview Narrative**

This section of the plan is intended to provide a more descriptive and encompassing overview of the range of local government waste reduction and recycling programs being implemented throughout the region and the principles behind them. This section also includes a description of local government participation in regional planning efforts and provides narrative information demonstrating compliance with state law.

### **2. Budget Information**

Local governments provide information about their total solid waste budget and what portion of the budget comes from the per-capita maintenance funds.

### **3. Maintenance Program Tasks**

The third section of the Annual Work Plan consists of tables listing specific tasks, outreach or other efforts planned for completion in each program area during the fiscal year.

- **Single-family Residential** (including home composting)
- **Multi-family Residential**
- **Commercial**
- **Construction & Demolition**
- **Commercial Organics**
- **School Outreach and Education**
- **Toxicity Reduction**
- **Other/Special Events**

Each program area task also includes a status notation that identifies whether this particular program or activity is primarily ongoing (minor administrative updates and changes only), revised (major program policy or implementation adjustments) or new (brand new program, or substantially revised or reconstituted). This notation is to assist Metro in collecting data for annual reporting to the Department of Environmental Quality on the region's activities.

The completed Maintenance Program Plan is due to Metro no later than June 1, 2008. Funding is contingent upon the receipt of a complete and detailed plan as well as a satisfactory Annual Report of the previous year's activities due on August 1, 2008.

**YEAR 19 (FY 2008-09) LOCAL GOVERNMENT ANNUAL WORK PLAN TEMPLATE**

Jurisdiction: \_\_\_\_\_

Contact: \_\_\_\_\_

**I. Program Overview Narrative**

Please provide a narrative overview of programs, services and focus areas for FY 2008-09 including your jurisdiction's participation with regional planning efforts and demonstration of compliance with state law. In addition, the following elements are required as part of the Annual Plan:

- Identify and undertake a specific curbside recycling outreach activity for an existing local government program.
- Participate in at least one regional waste reduction planning group.
- Maintain or increase curbside recovery levels (total tons and per capita tons recovered and disposed).

**II. Budget Information**

Provide overall solid waste and recycling budget and percentage of Metro per-capita maintenance funds contributing to these efforts.

**III. Annual Program Tasks**

Complete the following tables listing specific efforts planned for completion during this fiscal year. Identify if the particular program or activity is primarily ongoing (O), revised (R) or new (N).

Status Key:

- O = Ongoing (minor administrative updates and changes only).
- R = Revised (major program policy or implementation adjustments).
- N = New (brand new program, or substantially revised or reconstituted).

Single-family Residential (Include home composting programs)	
Tasks	Status
<b>1. Required: Curbside recycling outreach activity for an existing program:</b>	
2.	
3.	
4.	
5.	

Multi-family Residential	
Tasks	Status
1.	
2.	
3.	
4.	
5.	

**Status Key:**

- O = Ongoing (minor administrative updates and changes only).
- R = Revised (major program policy or implementation adjustments).
- N = New (brand new program, or substantially revised or reconstituted).

<b>Business</b>	
<i>(NOTE: Local jurisdictions that submit Recycle at Work plans and receive associated funding need only list tasks implemented outside of the Recycle at Work program.)</i>	
Tasks	Status
1.	
2.	
3.	
4.	
5.	

<b>Construction &amp; Demolition</b>	
Tasks	Status
1.	
2.	
3.	
4.	
5.	

Status Key:

- O = Ongoing (minor administrative updates and changes only).
- R = Revised (major program policy or implementation adjustments).
- N = New (brand new program, or substantially revised or reconstituted).

Commercial Organics	
Tasks	Status
1.	
2.	
3.	
4.	
5.	

School Outreach & Education	
Tasks	Status
1.	
2.	
3.	
4.	
5.	



Status Key:

- O = Ongoing (minor administrative updates and changes only).
- R = Revised (major program policy or implementation adjustments).
- N = New (brand new program, or substantially revised or reconstituted).

Toxicity Reduction	
Tasks	Status
1.	
2.	
3.	
4.	
5.	

Other/Special Events	
Tasks	Status
<b>1. Required: Participate in at least one regional waste reduction planning group. (please provide details)</b>	O
<b>2. Required: Maintain or increase curbside recovery levels (total tons and per capita tons recovered and disposed).</b>	O
3.	
4.	
5.	

## STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 08-3927, FOR THE PURPOSE OF APPROVING THE YEAR 19 METRO AND LOCAL GOVERNMENT ANNUAL WASTE REDUCTION PLAN (FISCAL YEAR 2008-09)

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Date: May 8, 2008

Prepared by: Jennifer Erickson

### BACKGROUND

Since 1990, Metro and its local government partners have developed cooperative plans to implement the region's waste reduction and recycling programs. These plans are key implementation tools for the Regional Solid Waste Management Plan (RSWMP).

The Annual Waste Reduction Plan is the primary means by which Metro and local governments plan for waste reduction and recycling programs, projects and activities. Plans are developed on an annual basis by regional work groups and reviewed by stakeholder groups and policy makers.

The Annual Plan is divided into two areas:

- Regional Program Focus Areas
- Maintenance of Existing Programs

The Regional Program Focus Areas are regionally coordinated work plans that address specific sectors of the region (e.g., Multi-family Residential, Business, Building Industry, and Commercial Organics). These plans are designed to address the individual needs, barriers and particular circumstances affecting each sector. These program area work plans provide specific action steps, staffing and budgets for achieving the larger objectives within the RSWMP. This annual planning process allows for a flexible and more rapid response to changing conditions, enables the region to quickly phase out those tasks that prove less effective, and allows for shifting efforts and resources between areas as need arises.

Maintenance of Existing Programs focuses on supporting existing and established local and regional waste reduction and recycling programs through per capita grants to local governments. Significant progress in waste reduction and recycling has been made over past years through these existing programs. In order to maintain these successes, established programs must continue to be funded, staffed and maintained at the same time that new initiatives are introduced. The funding assistance provided to local jurisdictions to maintain existing programs is allocated on a per-capita basis. Each jurisdiction receives an allocation based upon its percent of the region's total population.

The Regional Program Areas and Maintenance of Existing Programs sections of the annual plan each have independent progress measurement and reporting scenarios tied to the specific tasks involved. These performance measures, combined with the annual Department of Environmental Quality Material Recovery Survey Report, are used to assess progress.

Solid Waste Advisory Committee (SWAC) Review: The plan has been referred to Metro Council at the April 24, 2008 meeting.

## **ANALYSIS/INFORMATION**

### **1. Known Opposition**

There is no known opposition.

### **2. Legal Antecedents**

ORS 459A “Opportunity to Recycle Act” requires “that the city, county or metropolitan service district responsible for solid waste management” provide recycling services, public education programs, and contribute to the statewide solid waste recovery goals. OAR 340-90-040 sets forth the administrative requirements for such programs. In response to state requirements and more aggressive regional goals, Metro developed a Regional Solid Waste Management Plan adopted by Council via Ordinance 95-624, “For the Purpose of Adopting the Regional Solid Waste Management Plan” and subsequently an Interim Waste Reduction Plan, adopted by Council via Resolution No. 06-3722, “For the Purpose of Adopting the Interim Waste Reduction Plan to Provide Direction for Regional Waste Reduction Programs Pending the Completion of the Regional Solid Waste Management Plan.” The Annual Waste Reduction Plan, adopted by resolution, is a key implementation tool to fulfill the objectives of the Regional Solid Waste Management Plan.

### **3. Anticipated Effects**

This resolution will approve the format and framework for the Metro and Local Government Annual Waste Reduction Plan. This enables local jurisdictions to complete their portion of the plan and for Metro and local jurisdictions to begin the annual waste reduction program implementation process.

### **4. Budget Impacts**

A total of \$2,675,851 has been proposed in the FY 2008-09 proposed budget for this program:

\$695,851 for Maintenance of Existing Programs  
\$1,980,000 for the Waste Reduction Initiatives (\$230,000 Multi-family, \$293,000 Building Industry, \$1,312,000 Business, and \$145,000 Commercial Organics programs.)

## **RECOMMENDED ACTION**

Staff recommends the Chief Operating Officer approve Resolution No. 08-3927.

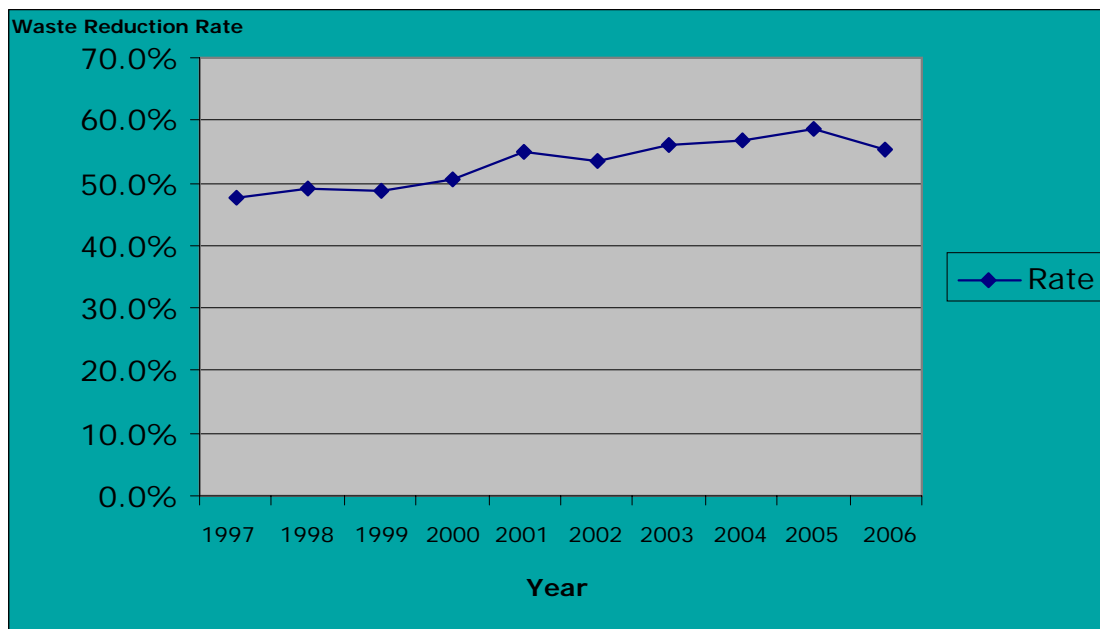
**Year 17 Performance Measures Assessment Report**  
(Fiscal Year 2006-07)  
**April 2008**

In 2006, the Metro region had a 56 percent waste reduction rate as reported by the Oregon Department of Environmental Quality. This reflects 6 percent credits from waste prevention, reuse and composting programs, and a calculated 50 percent recovery rate from recycling and composting collection activities.

Progress toward the region's 2009 goal of 64 percent regressed in 2006, with a decrease in the regional recovery rate of three percentage points, down from 59 percent in 2005. (The most recent full year of recovery data available from DEQ is 2005.)

Recovery fell for a variety of reasons: a food waste composting facility was not cited, limiting expansion of the program regionwide; a dry waste recovery program was not implemented; weekly roll cart collection programs did not come on line as quickly as assumed; and recovery of scrap metal and Bottle Bill containers fell. The good news is that recovery of paper and containers from targeted regional business programs increased by 16 percent over 2005.

**Regional Waste Reduction Rate 1997-2006**



Recovery achieved: 1.3 million tons (50 percent); recovery needed: 1.5 million tons:

- Recovery decreased by 5 percent, short by 160,000 tons to be on track to reach our recovery goal.

During the 1995-2006 period:

- Recovery doubled, to 1.3 million tons.
- Growth was due more to energy recovery than to recycling or composting.
- Per capita waste generation increased nearly 3 percent per year.

Annual Waste Reduction Plan (\$2,111,000) – Cooperative plans with local governments to:

- Maintain and increase recovery under the waste prevention and recycling infrastructure.
- Focus on organics, building industry, multi-family and business recovery.

Maintain and increase recovery (\$655,907)

- Per capita grants.
- Small increase in residential curbside recovery; yard debris recovery flat.

Focus on organics, building industry, multi-family and business recovery (\$1,055,000)

- Organics (\$263,000):
  - Over 90 businesses have set up donation programs for their surplus food since June 2004.
    - Outreach and education using online and on-site technical assistance from local government Recycle at Work staff.
  - All-food waste composting program started in February 2005.
    - City of Portland provides containers, training and technical assistance to generators in the city.
    - Average recovery through the Portland Composts! Program was 530 tons per month in 2005, 796 in 2006 and 1,040 in 2007; total recovery increased by 7,200 tons.
    - Even with the big boost in recovery, we are not on track to meet our goals.
- Building industry (\$270,000):
  - Salvage recovery increased by 9 percent, to 11,000 tons.
  - Continued planning process to increase dry waste recovery; convened a stakeholder group to provide input and feedback.
  - Contractors using the C&D Toolkit reuse and recycle materials at a significantly higher level; 12,000 Toolkits distributed.
  - Began to develop the nation's first online exchange to enhance salvage and reuse of commercial building materials.
  - Recovery grew by 17,700 tons, but fell a bit short of where we need to be.

- Business (\$792,000):
  - Recycle at Work program staff at local governments conducted 3,000 evaluations at 1,300 businesses.
  - Businesses implemented recommendations: 76 percent of paper recommendations, 70 percent of plastic containers, and 35 percent of waste prevention and buy recycled.
  - Distributed more than 19,000 deskside and central containers to businesses for paper recovery, an increase of 10,000 containers over 2005. Since 2003, more than 50,000 deskside boxes and central collection containers have been distributed to regional businesses.
  - Recovery grew by 47,000 tons over 2005; we are 16,000 tons over where we need to be.

### **Why did recovery fall short?**

- Curbside – Recovery of recyclables increased somewhat, but yard debris recovery was flat, for an overall small gain of 2,300 tons over 2005. Most Metro-area communities will not switch to weekly roll cart collection until 2007-08.
- Organics – Food waste recovery increased substantially in 2006 – by 7,200 tons – but fell short of where we need to be because a local food waste composting facility was not sited.
- Building industry – Although more tons of wood were recovered in 2006, an expanded dry waste recovery program was not implemented.
- Business – Recovery increased; in fact, we are ahead of pace by 16,000 tons. Recovery from the target of our business recovery programs – commingled paper and containers collected from businesses by haulers – grew by 16 percent over 2005.
- Multi-family – recovery dropped by 700 tons in 2006. Research conducted in 2006-07 found that increased outreach to tenants and property managers was the missing link in increasing recovery in this sector. A stepped-up focus on multi-family recovery began in 2007-08.
- Other recyclables – This sector experienced the largest year-over-year drop in recovery – 140,000 tons in 2006. Booming global demand for scrap metal in 2005 resulted in fewer piles of scrap available for recovery in 2006. Coupled with this was a drop of nearly 4,000 tons in the recovery of Bottle Bill containers.

**Progress toward meeting 2009 Goal, in Tons  
(444,000-ton shortfall)**

