600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1542 | FAX 503 797 1793

METRO

Agenda

MEETING:	METRO COUNCIL
DATE:	July 17, 2008
DAY:	Thursday
TIME:	2:00 PM
PLACE:	Metro Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATIONS

3. INTEGRATING HABITAT PEOPLE'S CHOICE AWARD VIDEO Harlan

4. CONSENT AGENDA

4.1 Consideration of Minutes for the June 26, 2008 Metro Council Regular Meeting.

4.2 **Resolution No. 08-3958,** For the Purpose of Approving an Application For Easement to the City of Tigard For the Realignment of a Failing Sewer Line Through Metro Property.

5. ORDINANCES – SECOND READING

5.1 **Ordinance No. 07-1162A,** For the Purpose of Adopting the Regional Solid Waste Management Plan, 2008-2018 Update. Harrington

5.2 **Ordinance No. 08-1183A,** For the Purpose of Amending Metro Code Title V, Solid Waste, to Add Chapter 5.10, Regional Solid Waste Management Plan, to Implement the Requirements of the 2008-2018 Regional Solid Waste Management Plan. Harrington

6. RESOLUTIONS

6.1 **Resolution No. 08-3960**, For the Purpose of Endorsing the Locally Preferred Alternative for the Columbia River Crossing Project and Amending the Metro 2035 Regional Transportation Plan with Conditions. Burkholder

7. CHIEF OPERATING OFFICER COMMUNICATION

8. COUNCILOR COMMUNICATION

ADJOURN

Television schedule for July 17, 2008 Metro Council meeting

Clackamas, Multnomah and Washington counties, and Vancouver, Wash. Channel 11 – Community Access Network www.tvctv.org – (503) 629-8534 2 p.m. Thursday, July 17 (Live)	**Portland** Channel 30 (CityNet 30) – Portland Community Media www.pcmtv.org – (503) 288-1515 8:30 p.m. Sunday, July 20 2 p.m. Monday, July 21
Gresham Channel 30 – MCTV www.mctv.org – (503) 491-7636 2 p.m. Monday, July 21	**Washington County** Channel 30 – TVC-TV www.tvctv.org – (503) 629-8534 11 p.m. Saturday, July 19 11 p.m. Sunday, July 20 6 a.m. Tuesday, July 22 4 p.m. Wednesday, July 23
Oregon City, Gladstone Channel 28 – Willamette Falls Television www.wftvaccess.com – (503) 650-0275 Call or visit website for program times.	**West Linn** Channel 30 – Willamette Falls Television www.wftvaccess.com – (503) 650-0275 Call or visit website for program times.

PLEASE NOTE: Show times are tentative and in some cases the entire meeting may not be shown due to length. Call or check your community access station web site to confirm program times.

Agenda items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, (503) 797-1542. Public hearings are held on all ordinances second read and on resolutions upon request of the public. Documents for the record must be submitted to the Clerk of the Council to be considered included in the decision record. Documents can be submitted by e-mail, fax or mail or in person to the Clerk of the Council. For additional information about testifying before the Metro Council please go to the Metro website www.oregonmetro.gov and click on public comment opportunities. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

Agenda Item Number 4.1

Consideration of Minutes of the June 26, 2008 Metro Council Regular Meeting

Consent Agenda

Metro Council Meeting
Thursday, July 17, 2008
Metro Council Chamber

MINUTES OF THE METRO COUNCIL MEETING

Thursday, June 26, 2008
Metro Council Chamber

Councilors Present: David Bragdon (Council President), Kathryn Harrington, Robert Liberty, Rex Burkholder, Rod Park, Carlotta Collette, Carl Hosticka

Councilors Absent:

Council President Bragdon convened the Regular Council Meeting at 2:01 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

There were none.

3. INTEGRATING HABITAT PEOPLE'S CHOICE AWARD VIDEO

Councilor Collette introduced the next phase of the Integrating Habitat competition, which was to share with the Metro Council and the public the people's choice for integrating habitat through a video of their work. The University of Arizona Landscape Design project was featured.

3.2 Tiffany Gates, Solid Waste and Recycling Department, talked about the Regional Illegal Dumping Patrol program, which was renamed; it had been called the Illegal Dumping program. She shared some of the new branding information on the program.

Councilor Burkholder talked about this great program. Councilor Park said the reality was that it was about empowerment; it allowed people to become involved in their community in a proactive way. He talked about a graffiti issue in Gresham area and the community action.

4. NORTH PORTLAND ENHANCEMENT COMMITTEE SLATE OF GRANT AWARDS 2008-09 PRESENTATION

Councilor Burkholder talked about the history of the North Portland Enhancement grant program. He acknowledged the committee's hard work.

Doretta Schrock said she served on Metro's North Portland Enhancement Committee as a representative from the Kenton neighborhood. She was also here today representing the North Portland Enhancement Committee of local residents that worked with Councilor Burkholder to solicit, review and award funds through this grant program.

The program was established in 1985 by act of the Oregon Legislature. It compensated the community that lived near the now-closed St. Johns landfill for hosting what was the region's garbage disposal facility for 50 years. Funds were generated from a 50-cent surcharge collected on each ton of garbage brought to the landfill. Interest generated on the fund supported the grant program. Since the North Portland program began distributing funds in 1987, Metro has invested more than $2 million in 420 neighborhood improvement projects that directly benefit the physical

property in and/or residents who live within the target area. This program has been a catalyst for positive change in North Portland neighborhoods. It has supported innovative solutions to address neighborhood problems and improved the quality of life for local residents. The committee looked to fund projects that will have an impact. They were not afraid to fund innovative and bold ideas; sometimes challenges call for new approaches. Ms. Schrock said they looked for initiatives that reflected thoughtful research, helped strengthen the community, involved residents and delivered results. They also supported programs that built on the legacy of the community with its unique blend of needs and neighborhood activism. The funds helped maintain programs with a proud history. They looked for projects that connected individuals and families to local resources and opportunities. Grants were given to nonprofits, business people, schools and government agencies, and others who wanted to make a difference. Funds had been used to coordinate food distribution programs, offer nutrition education and computer classes, operate health care clinics and a tool lending library, to present free concerts in local parks and much more.

Karen Blauer, Solid Waste and Recycling Department, highlighted past projects from the 2007-08 funding cycle. She said she knew the Metro Council shared the grant committee's interest in the results achieved through Metro's investments in local improvement projects. Projects were selected because they were responsive to Metro's funding guidelines. Council had received an Outcomes Report for projects funded during the 2007-08-grant cycle. The report did not include all of the results these projects generated; it highlighted outputs and services delivered to the community.

The figures shown can be used to help assess how a program affected an intended population or locality, in turn, measurements could be used to improve service delivery offered by community organizations. The report also described changes these projects helped to create. Outcomes were tracked as changes in skills, knowledge, status, conditions, behaviors and attitudes. The report reflected changes and trends seen during Metro's 12-month grant contract period; additional changes may take place over time. The grant committee asked her if it was possible to track the long-term changes brought about by Metro's investment in local projects. In what can only be described as a happy twist of fate, she was pleased to answer yes Metro could provide the information.

Ms. Blauer introduced Mr. George Galati, a former grant recipient who was here to update Council on an award given to the Theodore Roosevelt Women's Scholarship Association in 1989-90. The Association Mr. Galati represented offered scholarships to Roosevelt high school women pursuing college degrees. She said she didn't know who was more excited to have made the connection – she or Mr. Galati.

Mr. Galati said he was a retired principle from Roosevelt High School, and while principle he had applied for and had received a grant of $3,500 from Metro to jump start a scholarship program for young women at Roosevelt High School. He provided further details of the success of the program. He thanked the Metro Council for their seed money and talked about the current scholarship fund.

On behalf of the committee, Ms. Blaur thanked Mr. Galati, its board members, the corporate sponsors and other institutions that have added to its base.

Ms. Schrock said this year the committee reviewed 41 applications and selected 21 neighborhood improvement projects to fund in amounts ranging from $1,200 to $6,000.

The Council had been given a complete list of selected projects. She provided an overview of the projects:

- Nine projects that resulted in increased employment and economic opportunities for residents, such as recruiting, training in first aid, CPR and conflict resolution, local teens to serve as peer mentor counselors for summer day camps and other year-round programs.
- Four projects that helped rehabilitate, upgrade or increase the market value of housing stock in North Portland, including 2 efforts that involved mobilizing more than 1,500 volunteers and trades professionals to complete safety, accessibility and weatherization repairs in the homes of local seniors and people with disabilities.
- Ten projects that helped preserve or enhance natural and recreational areas, and increase the public awareness of these resources, including educational paddle trips on the Willamette, classroom studies and field trips to a working farm to learn about sustainable agriculture, and the restoration of gateway signs that welcome people to the Peninsula.
- Thirteen projects to improve a neighborhood's appearance and cleanliness, as well as safety for the residents, including daily removal of graffiti, pole litter and street trash from the business core, roadways, benches, parks and transit stops in North Portland.
- Twelve projects that benefited youth, seniors and low income person, including funds to hire local residents to serve as community-based educators for 3 semesters of classes that will serve students of all ages.

Ms. Schrock said she was proud to present the 2008-09 slate of projects.

Councilor Harrington thanked Ms. Blauer, Ms. Schrock and Mr. Galati. She talked about the other transfer station's grant committees in Oregon City and Forest Grove. Councilor Burkholder said he got to hear these wonderful stories all the time on the committee. This was often just seed money, which leveraged a lot of good work. He was proud to be part of the committee.

5. CONSENT AGENDA

5.1 Consideration of Minutes for the June 12, 2008 Metro Council Regular Meeting.

5.2 **Resolution No. 08-3955,** For the Purpose of Accepting the May 20, 2008 Primary Election Abstract of Votes for Metro.

5.3 **Resolution No. 08-3953**, Confirming the Reappointment of Members to the Natural Areas Program Performance Oversight Committee.

Motion:	Councilor Liberty moved to adopt the meeting minutes of the June 12, 2008 Regular Metro Council and Resolution Nos. 08-3955, and 08-3953.
Vote:	Councilors Burkholder, Harrington, Liberty, Park, Hosticka, Collette, and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

5.4 **Resolution No. 08-3951,** Authorizing the Chief Operating Officer to Renew a Non-System License to Newberg Garbage Service, Inc. For Delivery of Putrescible Waste to the Newberg Transfer and Recycling Center For the Purpose of Transfer to the Riverbend Landfill for Disposal.

Motion:	Councilor Harrington moved to adopt Resolution No. 08-3951 and noted an error in the terms of the license.
Seconded:	Councilor Burkholder seconded the motion.

Councilor Harrington indicated that the term of the license was incorrect and asked for a friendly amendment to amend this document. Councilor Burkholder agreed to the friendly amendment.

Vote:	Councilors Park, Burkholder, Collette, Harrington, Hosticka, Liberty and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

5.5 **Resolution No. 08-3952**, For the Purpose of Approving the Allocation of 2008-11 Metropolitan Transportation Improvement Program to the Portal Archived Data User Services Project and Amending the 2008-09 Unified Planning Work Program.

Councilor Harrington complimented staff on the staff report and the attachment; they were really good technical memos. She understood what this topic was all about and the history of it. In reading it, she had questions about the value to the region and the cost of inaction. From her business background she had a great deal of appreciation for the value of back office infrastructure. The kind of infrastructure that this resolution was speaking about for the Intelligent Transportation System (ITS) and this whole database were akin to that back office. Oftentimes if you didn't take the time to ensure that the folks in the front office were aware of that system back there, when push came to shove and there was a need for money, that infrastructure went away. Every jurisdiction was challenged to provide services. We have more needs for transportation funding than resources available. The voters in our region have said repeatedly that they want Metro to take care of the assets we have first. That we should make sure we were maintaining our infrastructure and that we were leveraging all the value out of the existing transportation assets; this technology helped us do that. She wanted to confirm that without this action today and extending it, the region would lose the ability to realize the efficient use of the existing transportation network through this technology.

Tom Kloster, Planning Department, said the system was funded initially through a National Science Foundation grant as a one shot deal. It was being shut down right now until Metro started it back up. There was a recommendation to fund a couple of years of this program to keep it going until there was a larger system management policy in place. That was already authorized through the Metropolitan Transportation Improvement Program (MTIP) allocation. This would amend the MTIP to fund it now; to move it up. It would shut down without this allocation. Councilor Harrington said in addition to that, there was the planning work that was going into this, so this was another piece of infrastructure where we needed to find the longer term funding solution. Mr. Kloster said this was an example of where system management had largely been a practitioner's operations tool up until now. Rob Bertini sought this grant because he saw a ton of data being collected at Oregon Department of Transportation from an operational standpoint that could be used for policy making and planning. This tool was all about bringing that data together and allowing people to access it in real time. They had shared charts with the Council for different highway segments based on these loop detectors. They were trying to get ahead of other

folks in the region saying we needed to begin plugging this information into policy making. They were folding this into the Regional Transportation Plan (RTP) update now. They were keeping it going until they had the RTP updated and until staff had a system management plan for the region also funded through a grant. They didn't want to lose two years worth of data while all of the plan pieces were being put together. Councilor Harrington said she wanted to complement staff. As Metro moved forward, it was important that we provide some visibility in layman's terms not only to elected officials throughout the region but also to the region's citizenry so that that invisible infrastructure was communicated clearly as we moved forward. Councilor Park talked about the work that Jon Makler, Planning Department, did on the freight transportation, and how it drove a good portion of the work coming out of this information bank. Mr. Kloster said that was correct. The next time the Council will see data will be this fall when Metro will have some of the corridor discussions for the RTP, and a base line would be drawn from this information. The goal was to expand this across the entire system and include transit. It was the seed for how data was taken and turned into something understandable for policy making. Councilor Park asked about other projects. Mr. Kloster said the goal for all of this was that it was constant and streaming. They could take information and do comparisons. Councilor Park said this was critical work. He spoke of necessary efficiencies.

Motion:	Councilor Harrington moved to adopt Resolution No. 08-3952.
Seconded:	Councilor Liberty seconded the motion.

Vote:	Councilors Park, Burkholder, Collette, Harrington, Hosticka, Liberty and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

6. ORDINANCES – SECOND READING

6.1 **Ordinance No. 08-1181B,** Adopting the Annual Budget For Fiscal Year 2008-09 Making Appropriations, Levying Ad Valorem Taxes, and Declaring an Emergency.

Council President Bragdon indicated that this ordinance had already been moved and seconded. Michael Jordan, Chief Operating Officer, provided an overview of the budget. Kathy Rutkowski, Budget Coordinator, provided a summary of the adopted budget as well as the changes that Council made prior to adoption of the budget. She explained the documents before the Council. She noted that all of the amendments had been folded into the budget. There were three actions on Council's agenda today to wrap up the 2008-09 Budget; Ordinance Nos. 08-1181B, 08-1190 and Resolution No. 08-3941A.

Council President Bragdon opened a public hearing on Ordinance No. 08-1181B. No one came forward. Council President Bragdon closed the public hearing.

Council President Bragdon thanked the staff and the Council for their hard work. Councilor Park noted the changes in the budget and FTEs, which was helping do the business of the region. Councilor Burkholder recognized that they were taking care of Metro's assets as well as looking to taking care of the future, such as climate change work. We weren't treading water in this budget but were implementing the aspirations of the region. He also acknowledged staff's work. Councilor Harrington asked if the summary highlights would be on the Metro website. Ms. Rutkowski said she would take care of this.

Vote:	Councilors Park, Burkholder, Collette, Harrington, Liberty, Hosticka and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

6.2 **Ordinance No. 08-1188,** Amending the FY 2007-08 Budget and Appropriations Schedule for the Oregon Zoo by Transferring Appropriations from Contingency and Recognizing a Donation From Ikea and Declaring an Emergency.

Motion:	Councilor Liberty moved to adopt Ordinance No. 08-1188.
Seconded:	Councilor Collette seconded the motion.

Councilor Liberty explained the amendment to this year's budget, which meant that additional attendance at the Zoo was associated with additional costs. It also recognized a donation from Ikea for furnishing classrooms.

Council President Bragdon opened a public hearing on Ordinance No. 08-1188. No one came forward. Council President Bragdon closed the public hearing.

Vote:	Councilors Park, Burkholder, Collette, Harrington, Hosticka, Liberty and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

6.3 **Ordinance No. 08-1189,** Amending the FY 2007-08 Budget and Appropriations, Transferring Appropriations in the MERC Fund for Oregon Convention Center Operations and Declaring an Emergency.

Motion:	Councilor Park moved to adopt Ordinance No. 08-1189.
Seconded:	Councilor Collette seconded the motion.

Councilor Park said this was reflecting an increase in food and beverage services at Oregon Convention Center (OCC). He talked about the new events at OCC.

Council President Bragdon opened a public hearing on Ordinance No. 08-1189. No one came forward. Council President Bragdon closed the public hearing.

Vote:	Councilors Park, Burkholder, Collette, Harrington, Hosticka, Liberty and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

6.4 **Ordinance No. 08-1190**, For the Purpose of Amending and Re-adopting Metro Code 7.03 (Investment Policy) For Fiscal-Year 2008-2009 and Declaring an Emergency

Motion:	Councilor Burkholder moved to adopt Ordinance No. 08-1190.
Seconded:	Councilor Hosticka seconded the motion.

Councilor Burkholder said this was an annual action that Council was asked to do to review the investment policy. He noted one change.

Council President Bragdon opened a public hearing on Ordinance No. 08-1190. No one came forward Council President Bragdon closed the public hearing.

Vote:	Councilors Park, Burkholder, Collette, Harrington, Hosticka, Liberty and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

7. RESOLUTIONS

7.1 **Resolution No. 08-3940**, For the Purpose of Affirming a Definition of A "Successful Region" and Committing Metro to Work With Regional Partners to Identify Performance Indicators and Targets and to Develop A Decision-Making Process to Create Successful Communities.

Motion:	Councilor Hosticka moved to adopt Resolution No. 08-3940.
Seconded:	Councilor Collette seconded the motion.

Councilor Hosticka talked about the vision for the region. They were trying to move to being able to assess if the decisions that Council made were what they really wanted to make. He summarized the definition of a "successful region" as noted in Exhibit A. Metro Policy Advisory Committee (MPAC) recommended adoption. He talked about next steps to measure progress towards these outcomes. This was a first step. He noted that in the staff report there were illustrative measures. Councilor Liberty talked about housing choices and asked if that was encompassed in the definition of a successful region. Councilor Hosticka shared where he felt this was addressed in the document. Councilor Burkholder talked about Outcome 1 and suggested a performance indicator to address Councilor Liberty's concern. Councilor Burkholder asked Councilor Hosticka how he saw us using this document. Councilor Hosticka said what they were trying to do was to adopt some general principles. In the end these were not binding for anyone. They were trying to collect data to see if their overall goals were being met. Councilor Burkholder noted the need for health care to be included. Councilor Collette responded to Councilor Liberty's concern that offering residents a choice of housing across the region was not part of the definition of a successful region. She felt much of his concern was captured. These were intended to be a beginning set not a completely comprehensive list. Councilor Harrington said she would be supporting this resolution after having met with Metro staff. She felt all of her questions had been answered.

Councilor Liberty moved to amend the resolution by including the addition of the works "and housing choices" to item 3. Motion to amend failed for a lack of second.

Councilor Park said he was supportive of the resolution and explained his vote.

Councilor Hosticka said he appreciated the hard work of the staff as acknowledged by Councilor Harrington as well. He said there was still a lot of work in putting meaning into this.

Vote:	Councilors Park, Burkholder, Collette, Harrington, Hosticka, Liberty and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

7.2 **Resolution No. 08-3941A**, For the Purpose of Adopting the Capital Budget For Fiscal-Year 2008-09 Through 2012-13; Raising the Individual Project Reporting Limit; and the Amendment and Re-adoption of Metro's Financial Policies.

Motion:	Councilor Park moved to adopt Resolution No. 08-3941A.
Seconded:	Councilor Harrington seconded the motion.

Council President Bragdon provided an overview of the resolution, which Ms. Rutkowski had already reviewed for the Council.

Vote:	Councilors Park, Burkholder, Collette, Harrington, Hosticka, Liberty and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

7.3 **Resolution No. 08-3956**, For the Purpose of Endorsing Regional Priorities For State Transportation Funding Legislation.

Motion:	Councilor Burkholder moved to adopt Resolution No. 08-3956.
Seconded:	Councilor Harrington seconded the motion.

Councilor Burkholder said this was a culmination of a lot of hard work. This was a joint effort by the leaders of the region to present a cohesive direction to the State. He noted four things that were key to this resolution. He noted an adopted resolution, which laid out the guiding principles (a copy of which is included in the meeting record). He provided details of Exhibit A. It was a product of many months of working with regional partners to provide a bold direction that they would take to the State. He noted it had also gone through MPAC and Joint Policy Advisory Committee on Transportation (JPACT). Councilor Park said he was supportive of the resolution. He also talked about the new revenue component of Exhibit A. He felt the question about transit was going to be interesting. He hoped that the State would take some action. Councilor Hosticka talked about several large transportation projects. If this package were passed, would it be able to fund any or all of the projects? Councilor Burkholder said this was not earmarking projects but providing regional guidance to the State. Andy Cotugno, Planning Director, said it was not reflected here that they had gone through an exercise to recommend projects should the State increase transportation revenues. He noted a list of projects that were recommended that were included in the constrained RTP. Councilor Hosticka said he was supportive of this. If this happened it would be a stretch but he was supportive of this resolution.

Councilor Harrington commented that there was more work to be done with regard to transportation funding and project recommendations. Last year was the first time Metro had a regional legislative agenda. This was an historic step. Metro provided a lot of a value to the region and provided a table for all of the jurisdictions to pull together. She thanked all of the regional partner; Metro's staff as well as jurisdictional staffs. Councilor Liberty said an increase of $.14 was a huge tax increase. He thought a $.05 increase would help with infrastructure. He thought what we owed taxpayers was some clarity about what would be maintained. He felt our transportation funding mechanism was broken. He would not be supporting this very big tax increase. Councilor Park talked about this as restoration because of the decrease in buying power. He asked Mr. Cotugno about what had been lost? Mr. Cotugno responded to his question.

Councilor Hosticka commented on Councilor Liberty's concerns. It was a big tax increase but further explained the need to make investments for our future. People weren't paying for what

they got. We were subsidizing many programs. Councilor Liberty said if this was just going to pay for repairing infrastructure he would be supportive. He didn't feel this was the case.

Councilor Burkholder said they were voting to set forth and endorse an idea that the regional partners agreed upon. He talked about principles that had already been adopted by the Council. This was a resolution that set regional priorities.

Vote:	Councilors Park, Burkholder, Collette, Harrington, Hosticka, and Council President Bragdon voted in support of the motion. The vote was 6 aye/1 nay, the motion passed with Councilor Liberty voting no.

7.4 **Resolution No. 08-3961**, Authorizing the Chief Operating Officer to Enter Into an Intergovernmental Agreement (IGA) With the City of Happy Valley Regarding the Purchase and Management of Property Acquired Pursuant to the 2006 Natural Areas Bond Measure.

Motion:	Councilor Park moved to adopt Resolution No. 08-3961.
Seconded:	Councilor Collette seconded the motion.

Councilor Park said this resolution would allow Metro to enter into an IGA with City of Happy Valley to purchase and maintain a piece of property in the City. This was one of those opportunities to create a partnership with one of the regional cities. Councilor Burkholder said a key issue was that this bond measure ensured protection of habitat. He wanted to make sure this was explicit. Councilor Park said this was a standard part of agreements with our partners. Council President Bragdon said the City and local citizens had been very supportive of this purchase.

Vote:	Councilors Park, Burkholder, Collette, Harrington, Hosticka, Liberty and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

8. CHIEF OPERATING OFFICER COMMUNICATION

Michael Jordan, COO, said there would be briefings for the Council about waste allocations. They were also beginning to brief outside committees about the Sustainability Initiative. They had started the briefings with Solid Waste Advisory Committee (SWAC) this morning. They were also holding interviews for the Council Policy Coordinator position as well as the Public Affairs Director position.

9. COUNCILOR COMMUNICATION

Councilor Burkholder talked about the Music on Main Street events Wednesday evenings from 5:00 p.m. to 8:00 p.m. Tuesday night they had the final meeting of the Columbia River Crossing Task Force and adopted a resolution. He highlighted parts of the resolution (a copy of which is included in the meeting record). There would be a resolution that came before JPACT and Metro Council. Councilor Hosticka asked about the cost benefit analysis. He asked if Councilor Burkholder comment on whether that was being used. Councilor Hosticka said he went through the draft and had some concerns about it. An independent consultant had prepared it. Councilor Park suggested that this resolution go through MPAC as well. Dan Cooper, Metro Attorney, said the resolution that was coming before the Council had an amendment to the federally fiscally

constrained RTP, not the State RTP. Council President Bragdon commented on an article where the reporter had asked Metro staff for information and it had not been given. He also had asked about land use impacts. Councilor Burkholder said the previous committee wrote a report. Metro staff had written a cover memo to this report. This report had been published 8 years ago. He also talked about the issue of auxiliary lanes. Council President Bragdon expected agencies to provide factual information about the number of lanes as well as land use impact. Councilor Liberty said he had asked for analysis by staff about the report. He talked about our land use decision having to do with the proposed project. Councilor Park said he participated in that committee and he had raised land use concerns. He thought they had been consistent as an agency about the land use impacts. Councilor Liberty asked about the discussion regarding tolling immediately. Councilor Burkholder responded to his question.

Councilor Liberty talked about South Corridor Steering Committee and the Portland to Milwaukie Light Rail Locally Preferred Alternative discussion. He highlighted specific issues. People felt good about the quality of work that had been done by all those who participated.

Councilor Harrington talked about the shape of our region. She talked about the Urban/Rural Reserves open houses. A week ago one was held in Beaverton. There was an open house this evening in Forest Grove; open houses were also planned for Monday July 7th in Gresham and July 10th in Tualatin. There will be others as well for the public. She urged attendance.

In addition they had received a letter from Metro Committee on Citizen Involvement (MCCI) about concerns they had on the urban rural reserves.

Councilor Park said they should be getting numbers on the Headquarters Hotel on July 1st and the second set of numbers would be issued on August 8th. He also reminded that out at Blue Lake on July 4th, there would be fireworks. He shared that he had seen a deer on his property, he wondered if this was a reflection of Nature In Neighborhoods.

Councilor Collette reported on the best practices sustainability tour. She would be preparing a slide show on the tour. She provided other details of the tour.

Councilor Harrington asked Councilor Park about the Headquarters Hotel. When they had the budget hearing with Tax Supervision and Conservation Committee (TSCC) there was a chart that had been provided on the Headquarters Hotel. She would like to receive an updated chart.

10. ADJOURN

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 4:15 p.m.

Prepared by

Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF JUNE 26, 2008

Item	Topic	Doc. Date	Document Description	Doc. Number
4.0	Slate of grants	6/26/08	To: Metro Council From: Karen Blauer, Solid Waste and Recycling Department Re: Metro's North Portland Enhancement grant program Proposed slate of awards 2008-09 cycle	062608c-01
4.0	Outcome report	June 2008	To: Metro Council From: North Portland Enhancement Committee Re: Outcomes report 2007-08 projects	062608c-02
5.4	Exhibit A revision	6/26/08	**Resolution No. 08-3951,** Authorizing the Chief Operating Officer to Renew a Non-System License to Newberg Garbage Service, Inc. for Delivery of Putrescible Waste to the Newberg Transfer and Recycling Center for the Purpose of Transfer to the Riverbend Landfill for Disposal amended Exhibit A.	062608c-03
6.1	Financial Summary	6/26/08	To: Metro Council From: Kathy Rutkowski, Budget Coordinator Re: FY 2008-09 Adopted Budget Financial Summary	062608c-04
6.1	Amendment summary	6/26/08	To: Metro Council From: Kathy Rutkowski, Budget Coordinator Re: FY 2008-09 Adopted Budget Summary of Amendments and Actions	062608c-05
7.3	Resolution No. 08-3921	3/13/08	To: Metro Council From: Councilor Burkholder Re: Resolution No. 08-3921	062608c-06
9	Columbia River Crossing Resolution	6/24/08	To: Metro Council From: Councilor Burkholder Re: Final Resolution from the Columbia River Crossing Task Force to provide direction to the Columbia River Crossing Project on Key decisions for a locally preferred alternative	062608c-07

Agenda Item Number 4.2

Resolution No. 08-3958, For the Purpose of Approving an Application for Easement to the City of Tigard for the Realignment of a Failing Sewer Line through Metro Property.

Metro Council Meeting
Thursday, July 17, 2008
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF GRANTING AN EASEMENT TO THE CITY OF TIGARD FOR THE REPLACEMENT OF A FAILING SEWER LINE ALONG FANNO CREEK

RESOLUTION NO. 08-3958

Introduced by Chief Operating Officer Michael J. Jordan, with the concurrence of Council President David Bragdon

WHEREAS, Metro owns natural area real property along Fanno Creek in the City of Tigard, Washington County, State of Oregon (herein the "Metro Property"); and

WHEREAS, the City of Tigard owns, operates and maintains an 8-inch subsurface sewer pipe that crosses the Metro Property near Fanno Creek, and lies within an established sewer pipeline easement; and

WHEREAS, the City of Tigard's sewer pipe has deteriorated and is leaking, and must be replaced; and

WHEREAS, the City of Tigard requests that it be allowed to bypass the leaking portion of the pipe, locating the replacement pipe further from Fanno Creek in a less environmentally sensitive part of the Metro Property, and has submitted an Application for Permanent Easement for Non-Park Uses for that purpose and for temporary construction access; and

WHEREAS, the City of Tigard will release and quitclaim that portion of its existing easement containing the bypassed section of sewer pipe, and restore the easement area to conditions equal to or better than current conditions; and

WHEREAS, the Metro Regional Parks and Greenspaces Department has determined that this easement request has met the criteria in Resolution No. 97-2539B, "For the Purpose of Approving General Policies Related to the Review of Easements, Right of Ways, and Leases for Non-Park Uses Through Properties Managed by the Regional Parks and Greenspaces Department," adopted by the Metro Council on November 6, 1997 (the "Easement Policy"), as identified in Attachment 1 to the Staff Report to this resolution, and can be accommodated with minimal impact to natural resources, cultural resources, recreational resources, recreational facilities, recreational opportunities or their operation and management, and recommends approval; and

WHEREAS, Metro Council wishes to waive the requirement that the City of Tigard pay fair market value for the Easement, because the net increase in permanent easement area requested by the City of Tigard is minimal, at only 916 square feet, and because the grant of easement will have the environmental benefit of stopping the sewer leak and moving the pipe out of wetland habitat area; and

WHEREAS, the Easement Policy requires review of all easement requests by the full Metro Council, now therefore

BE IT RESOLVED that the Metro Council hereby authorizes the Chief Operating Officer to grant a permanent subsurface sewer pipeline easement and associated temporary construction easement to the City of Tigard as depicted in Exhibit A, as shall be further set forth in an instrument approved by the Office of Metro Attorney.

ADOPTED by the Metro Council this _____ day of_____2008.

_____
David Bragdon, Council President

Approved as to Form:

_____
Daniel B. Cooper, Metro Attorney

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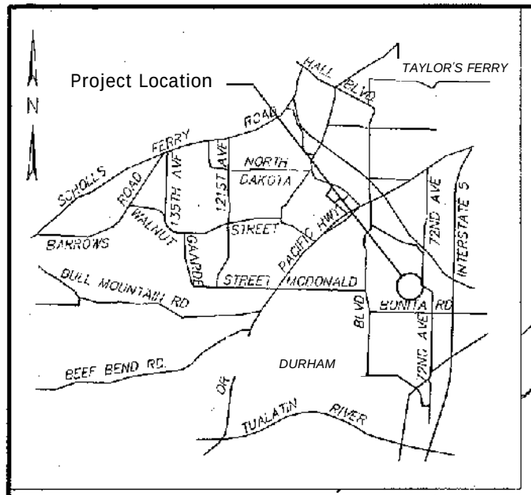

VICINITY MAP

SCALE 1" = 30'
30 15 0 30

Southern Pacific Railroad

Burlington Northern Railroad

R/W

Existing Fence (Typical)

Property Line (Typical)

Existing Right of Way (Typical)

TRI COUNTY INDUSTRIAL PARK INC

8320 NE HIGHWAY 99 VANCOUVER
WA. 98665

Existing ONt Road (Shaded)

15' Temporary Construction Easement/
Temporary Access Road during Construction

Existing Evergreen Tree (Typical)

Vegetated Corridor

Milton Court
(Cul-de-sac)

Existing Water Meter

Existing Water Valve

Existing Deciduous Tree (Typical)

Sanitary Sewer Manhole #2

Existing Catch Basin

15' Temporary Construction Easement/
Temporary Access Road during Construction

45' Sanitary Sewer Easement

Existing Tree To Be Removed

Vegetated Corridor

8" PVC Sanitary Sewer 93 lf

8" PVC Sanitary Sewer 94 lf

Wetland Area

Existing Storm Drain Outfall
Connect Existing 8" Sanitary Sewer Pipe to Manhole #1

Temporary Staging Area (2060 SF)

Vegetated Corridor

Top of Bank (Fanno Creek)

Connect New 8' Sanitary Sewer Pipe to Existing Manhole

Abandon Existing son

ary Sewer Pipe

Fanno Creek (Centerline)

Top of Bank (Fanno Creek)

CITY OF TIGARD

CITY OF TIGARD

Existing 8' Sanitary Sewer

Existing '5' Sanitary Sewer Easement

Vegetated Corridor

METRO 600 GRAND AVE.
PORTLAND,
OR. 97232

CAPITAL CONSTRUCTION AND TRANSPORTATION DIVISION
13125 SW. xALL BL4).
AGARO, OREGON 97223
VOICE 503-639-4171
FAX. 503-624-0752
~.VD-OR.GOV

Milton Court Sanitary Sewer Repair
Metro Easement Application
Site PlanlEasement Exhibit

FIGURE
FIG- i

FILE NO
0638

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 08-3958, FOR THE PURPOSE OF GRANTING AN EASEMENT TO THE CITY OF TIGARD FOR THE REALIGNMENT OF A FAILING SEWER LINE ALONG FANNO CREEK

Date: July 17, 2008 Prepared by: Dan Kromer

BACKGROUND

Metro Regional Parks and Greenspaces Department occasionally receives requests for easements, leases and right-of-ways through Regional Parks and Greenspaces properties. These requests are reviewed and analyzed per guidance and policy established via Resolution 97-2539B, "For The Purpose Of Approving General Policies Related To The Review Of Easements, Right-Of-Ways and Leases For Non-Park Uses Through Properties Managed By Regional Parks And Greenspaces Department" adopted by Council on November 6, 1997.

Regional Parks and Greenspaces has received an easement application from the City of Tigard and it has been reviewed by staff (Attachment 1). The City of Tigard owns, operates and maintains an 8-inch subsurface sewer pipe that crosses a Metro natural area property near Fanno Creek at the end of Milton Court in Tigard. The sewer pipe has deteriorated to the point that it is leaking and needs to be replaced and lies within an established 15' wide and 305' long (4,575 sq. ft.) sewer pipeline easement. The City of Tigard is requesting a 15' x 138' (2,070 sq. ft.) temporary construction access easement, a 2,060 sq. ft. temporary storage easement and a new 15' wide and 187' long (2,822 sq. ft.) permanent easement to relocate the replacement sewer pipeline further from Fanno Creek in a less environmental sensitive part of Metro property. The City of Tigard will release and quitclaim to Metro that portion of their existing easement (1,906 sq. ft.) containing the bypassed, capped off section of sewer pipe. With the release and quitclaim, the actual net increase to the City of Tigard's current easement would be 916 sq. ft. The temporary and permanent easements are found to have no negative impact on Metro-owned property, as The City of Tigard will be required to restore the site to conditions equal or better prior to construction per Metro specifications.

ANALYSIS INFORMATION

1. **Known Opposition:** No known opposition

2. **Legal Antecedents:** Resolution No. 97-2539B "For The Purpose Of Approving General Policies Related To The Review of Easements, Right-Of-Ways, And Leases For Non-Park Uses Through Properties Managed By The Regional Parks And Greenspaces Department" adopted November 6, 1997.

3. **Anticipated Effects:** The easement will allow the repair of a failing sewer line through Metro property and move the permanent easement out of a sensitive habitat area.

4. **Budget Impacts:** The City of Tigard will pay staff costs for processing this request.

RECOMMENDED ACTION

Staff recommends that the Council grant the easement as requested.

ATTACHMENT 1
Resolution 08-3958

Metro Easement Policy Criteria and Staff Findings

1) **Provide for formal review of all proposed easements, rights of ways, and leases for non-park uses to Metro Council. Notwithstanding satisfaction of the criteria set forth herein, the final determination of whether to approve a proposed easement, right of way, or lease is still subject to the review and approval by the full Metro Council.**

   Staff Finding: Criterion has been satisfied through a review and approval process. Metro Parks and Greenspaces staff reviews the easement application, as does a staff member from the Office of Metro Attorney. The full Metro Council may hear the request if the staff forwards it or if the applicant (City of Tigard) chooses to take it before the Council on their own.

2) **Prohibit the development of utilities, transportation projects and other non-park uses within corridors or on sites which are located inside of Metro owned or managed regional parks, natural areas, and recreational facilities except as provided herein.**

   Staff Finding: The applicant currently has a 15' wide and 305' long (4,575 sq. ft.) sanitary sewer easement through Metro's property. The present 8" sewer line through this easement area is failing and needs to be replaced. The applicant is proposing to realign the sewer line to a less sensitive habitat area on Metro property and capping off part of the old line where it's failing once the new line is operational. The new easement would encompass an area 15' wide and 187' long (2,822 sq. ft.). The applicant would relinquish their easement rights (1,906 sq. ft.) to Metro on the section of line being capped off so the actual net increase to the applicant's current easement would be 916 sq. ft. The applicant is also requesting a 15' x 138' (2,070 sq. ft.) temporary construction access and a 2,060 sq. ft. temporary construction staging area easement.

3) **Reject proposals for utility easements, transportation right of ways and leases for non-park uses which would result in significant, unavoidable impacts to natural resources, cultural resources, recreational facilities, recreational opportunities or their operation and management**.

   Staff Finding: There will be unavoidable impacts to the natural resources on the site to make the necessary repairs to the failing sanitary sewer line. However, impacts will be greatly reduced if the sewer line is relocated to the proposed easement area due to the location where excavation would occur in order to repair the failing section of line and its proximity adjacent an existing storm drain outfall, which leads into Fanno Creek.

4) **Accommodate utility easements, transportation right of ways or other non-park uses when the Regional Parks and Greenspaces Department (the Department) determines that a proposed easement, right of way, or non-park use can be accommodated without significant impact to natural resources, cultural resources, recreational facilities, recreational opportunities or their operation and management; and that the impacts can be minimized and mitigated.**

   Staff Finding: There is no master or management plan for the site and habitat values in and around the proposed easement areas are marginal. Any natural resource impacts to the site would be minimal and temporary and could be mitigated.

5) **Require full mitigation and related maintenance, as determined by the Department, of all unavoidable impacts to natural resources, recreational facilities, recreational opportunities or their operation and management associated with the granting of easements, right of ways, or leases to use Metro owned or managed regional parks, natural areas or recreational facilities for non-park uses.**

   Staff Finding: All site disturbance resulting from replacing the sewer line to the new proposed location and the temporary construction access and staging area easements will be restored by the applicant upon completion of construction to conditions equal or better prior to construction per Metro specifications.

6) **Limit rights conveyed by easements, right of ways, and leases for non-park uses to the minimum necessary to accomplish the objectives of any proposal.**

   Staff Finding: The dimensions of the new permanent and temporary easement request are the minimum needed to allow for the new sewer line to be installed.

7) **Limit the term of easements, right of ways and leases to the minimum necessary to accomplish the objectives of any proposal.**

   Staff Finding: The permanent easement being requested is the minimum needed to accomplish the project while minimizing impact on Metro's property.

8) **Require reversion, non-transferable, and removal and restoration clauses in all easements, rights of ways, and leases.**

   Staff Finding: All easements include these terms.

9) **Fully recover all direct costs (including staff time) associated with processing, reviewing, analyzing, negotiating, approving, conveying, or assuring compliance with the terms of any easement, right of way, or lease for non-park use.**

   Staff Finding: Metro staff assigned to the easement request has documented time and costs associated with reviewing the application and have informed the applicant of the policy requiring reimbursement. Easement approval is subject to satisfaction of all expenses.

10) **Receive no less than fair market value compensation for all easements, right of ways, or leases for non-park uses. Compensation may include, at the discretion of the Department, periodic fees or considerations other than money.**

    Staff Finding: The value of the easement is $614 based on the total purchase price and the net permanent easement area increase of 916 sq. ft.

11) **Require full indemnification from the easement, right of way or leaseholder for all costs, damages, expenses, fines, or losses related to the use of the easement, right of way, or lease. Metro may also require insurance coverage and/or environmental assurances if deemed necessary by the Office of Metro Attorney.**

    Staff Finding: The easement would include indemnification and insurance provisions.

12) Limit the exceptions to this policy to: grave sales, utilities or transportation projects which are included in approved master/management plans for Metro regional parks, natural areas and recreational facilities; projects designed specifically for the benefit of a Metro regional park, natural area, or recreational facility; or interim use leases as noted in the Open Spaces Implementation Work Plan.

Staff Finding: There is no master or management plan for the site.

13) Provide for the timely review and analysis of proposals for non-park uses by adhering to the following process:

A. The applicant shall submit a detailed proposal to the Department which includes all relevant information including but not limited to: purpose, size, components, location, existing conditions, proposed project schedule and phasing, and an analysis of other alternatives which avoid the Metro owned or managed regional park, natural area or recreational facility which are considered infeasible by the applicant. Cost alone shall not constitute unfeasibility.

Staff Finding: Applicant has submitted a detailed proposal and stated there are no alternatives since the failing sewer line section currently passes through Metro property.

B. Upon receipt of the detailed proposal, the Department shall determine if additional information or a Master Plan is required prior to further review and analysis of the proposal. For those facilities, which have master plans, require that all proposed uses are consistent with the master plan. Where no master plan exist all proposed uses shall be consistent with the Greenspaces Master Plan. Deficiencies shall be conveyed to the applicant for correction.

Staff Finding: No additional information is needed.

C. Upon determination that the necessary information is complete, the Department shall review and analyze all available and relevant material and determine if alternative alignments or sites located outside of the Metro owned or managed regional park, natural area, or recreational facility are feasible.

Staff Finding: No reasonable alternative exists as failing sewer line section currently passes through Metro property.

D. If outside alternatives are not feasible, the Department shall determine if the proposal can be accommodated without significant impact to park resources, facilities or their operation and management. Proposals which cannot be accommodated without significant impacts shall be rejected. If the Department determines that a proposal could be accommodated without significant impacts, staff shall initiate negotiations with the applicant to resolve all issues related to exact location, legal requirements, terms of the agreement, mitigation requirements, fair market value, site restoration, cultural resources, and any other issue relevant to a specific proposal or park, natural area or recreational facility. The Department shall endeavor to complete negotiations in a timely and business-like fashion.

Staff Finding: No significant negative impact will occur on Metro property.

E. Upon completion of negotiations, the proposed agreement, in the appropriate format, shall be forwarded for review and approval. In no event shall construction of a project commence prior to formal approval of a proposal.

Staff Finding: Construction is contingent upon approval.

F. Upon completion of all Metro tasks and responsibilities or at intervals determined by the Department, and regardless of Metro Council action related to a proposed easement, right of way, or lease for a non-park use, the applicant shall be invoiced for all expenses or the outstanding balance on expenses incurred by Metro.

Staff Finding: Metro costs have been documented and applicant will be billed for reimbursement.

G. Permission from Metro for an easement or right-of-way shall not preclude review under applicable federal, state, or local jurisdiction requirements.

Staff Finding: Criterion satisfied.

Agenda Item Number 5.1

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Ordinance No. 07-1162A, For the Purpose of Adopting the Regional Solid Waste Management Plan, 2008-2018 Update.

Second Reading

Metro Council Meeting
Thursday, July 17, 2008
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING THE REGIONAL SOLID WASTE MANAGEMENT PLAN, 2008-2018 UPDATE	))))))	ORDINANCE NO. 07-1162A Introduced by Chief Operating Officer Michael J. Jordan, with the concurrence of Council President David Bragdon

WHEREAS, the Regional Solid Waste Management Plan (RSWMP or Plan) is a ten-year plan for the region that Metro administers; and

WHEREAS, the 2008-2018 RSWMP replaces the 1995-2005 RSWMP; and

WHEREAS, Metro Council approved the policies and program areas for waste reduction through its adoption of the 2006 Interim Waste Reduction Plan, which has now been incorporated into the RSWMP; and

WHEREAS, the Metro Council affirmed Metro's continued role in facility ownership in 2006 through the transfer station ownership study, and the RSWMP now reflects Metro Council's rationale for retaining the public facilities; and

WHEREAS, the public has indicated strong support for a more "green" solid waste system, and the RSWMP now has a chapter on increasing sustainable practices in solid waste operations; and

WHEREAS, the ordinance was submitted to the Chief Operating Officer for consideration and was forwarded to the Metro Council for approval; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Regional Solid Waste Management Plan Update 2008-2018 as show in Exhibit A to this ordinance is adopted as the Waste Reduction Program required under ORS 459.055.

2. Metro Ordinance No. 95-624 adopting a Regional Solid Waste Management Plan and the following amendments 97-673 (Disaster Debris), 97-676 (Illegal Dumping), 97-700 (Housekeeping changes 1997), 98-761 (Housekeeping changes 1998), 00-851B (HHW Chapter), 00-865 (Disposal Facilities), 03-1004 (Waste Reduction) are hereby rescinded. (See attached Exhibit B).

The provisions of this ordinance shall become effective ninety (90) days after adoption by Metro Council.

ADOPTED by the Metro Council this _____ day of _____, 2008.

_____
David Bragdon, Council President

ATTEST:

_____
Christina Billington, Recording Secretary

Approved as to Form:

_____
Daniel B. Cooper, Metro Attorney

Exhibit A to Ordinance No. 07-1162A

Regional Solid Waste Management Plan

2008 - 2018 Update

METRO

Final Draft
January 2008

Metro

People places • open spaces

Clean air and clean water do not stop at city limits or county lines. Neither does the need for jobs, a thriving economy and good transportation choices for people and businesses in our region. Voters have asked Metro to help with the challenges that cross those lines and affect the 25 cities and three counties in the Portland metropolitan area.

A regional approach simply makes sense when it comes to protecting open space, caring for parks, planning for the best use of land, managing garbage disposal and increasing recycling. Metro oversees world-class facilities such as the Oregon Zoo, which contributes to conservation and education, and the Oregon Convention Center, which benefits the region's economy.

Your Metro representatives
Metro Council President – David Bragdon
Metro Councilors
District 1, Rod Park
District 2, Carlotta Collette
District 3, Carl Hosticka
District 4, Kathryn Harrington
District 5, Rex Burkholder
District 6, Robert Liberty
Auditor – Suzanne Flynn

Metro's web site
www.metro-region.org

Contents

Executive summary

This updated Regional Solid Waste Management Plan (RSWMP) provides the Portland metropolitan area with policy and program direction for the next decade (2008-2018). Implementation of the 13 goals and 68 objectives outlined in this Plan will enable the region to continue progress in reducing the amount and toxicity of waste generated and disposed, and will blaze new trails in advancing sustainable operations in the facilities and services of the solid waste system.

Key issues addressed in this updated Plan include:

- Reducing the amount and toxicity of waste generated and disposed
- Advancing sustainable practices throughout the region's solid waste operations
- Ensuring the disposal system continues to serve the best interests of the region.

Issues addressed in the plan

Resource conservation

This region is a national leader in successful waste reduction programs. Over the past 20 years, the waste reduction rate increased from 26% to 59%. Despite this achievement, many resources that can easily be recycled are still disposed. Enough waste from this region is landfilled each year to fill a football field 100 stories high. One-half of that disposed material is paper, wood, metal, glass, plastic and organics (food and yard waste) that could be recovered through existing programs. This Plan identifies more aggressive programs needed to achieve greater progress in material recovery.

Preventing waste from being generated in the first place is perhaps an even bigger challenge: The sum total of waste generated for recycling as well as disposal continues to increase. Between 1995 and 2005, regional population grew about 18%, or 239,000 new residents. Waste generation, however, grew by over 50%. With significant population growth and good economic times, the generation rate historically trends up due to increased commercial activity. The challenge is to instill greater awareness and implementation of effective waste prevention activities in the residential, commercial, and industrial sectors. This Plan continues many strategies intended to slow the rate of waste generation in the region and anticipates the implementation of new strategies, growing out of state recommendations, over the next 10 years.

Toxicity reduction

As with overall waste generation trends, volumes of household hazardous waste continue to climb, and only a portion of the total generated by households each year is separated and collected for recycling or safe disposal. This Plan will continue to guide sound management of household hazardous waste collected at facilities and events around the region. It also contains strategies to make more people aware of alternatives to hazardous products for homes and gardens, and to give them good reasons to use those alternatives.

Awareness that hazardous products are tossed into the waste stream have, in part, led to regional support for a more upstream-oriented approach to managing waste. Over the past decade, Europe and Canada have enacted "product stewardship" policies that require manufacturers to share responsibility for managing certain products at their end-of-life. The RSWMP update emphasizes the importance of making that policy shift here. Results from the region's advocacy for product stewardship policies could have significant payoff in reducing the waste handling burden on local governments, and arguably lead to reduced toxicity and increased recyclability in products manufactured for market.

Sustainable operations

Great strides in awareness and implementation of sustainability principles and practices have been made in the past decade, particularly in the Portland region.

This updated Plan provides groundbreaking sustainability guideposts for solid waste system operations. The solid waste system's operations are comprised of facilities, vehicles and people that collect, receive, process, transport, and recover or dispose of the region's waste stream.

At Metro's request, public and private sector stakeholders examined how sustainability principles could be applied to solid waste operations. Their recommended definition of sustainability, sustainability framework, and goals and objectives for sustainable operations are included in this Plan. These goals and objectives address air and water emissions, energy use, employee work life, and institutionalizing sustainability in solid waste system operations.

Disposal system decisions

A year-long analysis of transfer station ownership options was undertaken in conjunction with the development of this Plan. The main question addressed was whether the current system of public and private transfer station ownership should change.

After examining three different ownership models (all public, all private, public/private hybrid), Metro Council concluded that continuing the hybrid model, i.e., publicly-owned Metro Central and Metro South transfer stations and strategically placed private transfer facilities, is in the region's best interests.

This Plan's policies reflect that determination. Plan appendices indicate further areas of disposal system examination ahead for Metro, including waste allocation, public and private pricing, self-haul services and facility entry standards.

Metro's role in regional solid waste planning

Metro has the responsibility to conduct solid waste planning for the region through RSWMP, which serves as a regional framework for the coordination of solid waste programs and practices. Metro is accountable for state-mandated waste reduction goals in the tri-county region, and works with its local government and private sector partners to accomplish these goals. Local governments' solid waste ordinances, regulations and contracts are required to conform with the Plan (see Chapter VI, Plan implementation, compliance and revision for required elements of the Plan).

Plan performance

Historically, the regional waste reduction rate has been the primary benchmark of regional progress. This Plan continues an emphasis on that measure, but other means of assessing the solid waste system's performance (i.e., goals and objectives for sustainable operations) will be implemented and reported. In addition, the Plan is likely to be amended to incorporate a new set of numerical goals beyond the last benchmark year of 2009.

Annual work plans are the means by which Metro and local governments plan for the programs, projects and activities that implement the waste reduction elements of the Plan.

Regional work groups involving Metro, local governments, the DEQ and the private sector will include a standing group engaged in implementation and reporting on sustainable operations goals, as well as short-term groups that meet to study regional problems and recommend policy or program options or changes. These work groups play an important role in ensuring realization of Plan goals. They may also assist in evaluating programs or recommending Plan revisions.

Moving forward

Twenty-five cities, three counties, Metro, the Oregon Department of Environmental Quality (DEQ), private waste haulers, and private facility owners are all part of the solid waste system. The complex mix of public and private involvement in solid waste in our region makes cooperative planning essential. RSWMP provides a unified blueprint to ensure that the efforts of all parties are coordinated as key issues are addressed.

Hundreds of stakeholders participated in developing and shaping this RSWMP update through various venues and numerous discussions. Many of these stakeholders will also play valued roles in the Plan's implementation over the next 10 years. Collaborative efforts define the development and implementation of such plans for the region.

By implementing the direction in this updated Plan, the region will continue to provide national leadership in waste reduction, advance sustainable practices in system operations, ensure future changes in the solid waste system that serve the public interest, and move closer to achieving the Plan's vision of a system in which producers are an additional link in the responsibility chain, and all contribute to the sustainable use of natural resources.

Chapter I
Introduction

A. Why a regional plan?

The residents, businesses and institutions in the Metro region currently produce thousands of tons of solid waste every day. The question about what to do with this waste, now and in the future, creates the need for a plan such as this one. Furthermore, the daily movement of solid waste in the Metro area results in issues extending beyond individual jurisdictional boundaries, creating a need for coordination and cooperation in the development of a Regional Solid Waste Management Plan.

This Regional Solid Waste Management Plan (RSWMP, or the Plan) is a document that:

- Serves as a regional framework for the coordination of solid waste practices.
- Provides the region with a program of solid waste system improvements.
- Establishes regional solid waste goals and objectives, including an overall waste reduction goal and a plan to monitor progress toward the goals.
- Satisfies state law requiring the development of a waste reduction plan for the metropolitan area (ORS 459).

This updated Plan provides the metropolitan area with policy and program direction for the next decade. Twenty-five cities, three counties, Metro, the Oregon Department of Environmental Quality (DEQ), private waste haulers and private facility owners are all part of the solid waste system. The complex mix of public and private involvement in solid waste in our region makes cooperative planning essential. RSWMP provides a unified blueprint to ensure that the efforts of all parties are coordinated as key issues are addressed.

B. Plan context

The imperative to conserve resources for future generations -- reducing the amount and toxicity of waste generated and disposed -- drives much of the Plan's direction. Growing awareness and implementation of sustainability principles and practices provides the impetus for advancing sustainable practices in operations throughout the region's solid waste system. Finally, the Plan update process was an opportune vehicle to examine potential improvements to the region's disposal system. It reflects Metro Council's decision, after extensive analysis and outreach, that the region's transfer system will remain a public/private hybrid.

C. Scope of the Plan

This Plan addresses municipal solid waste (MSW), including hazardous wastes from households and small businesses. It does not address hazardous wastes from large-quantity generators, biosolids (sewage sludge), nor special industrial wastes.

The region addressed by this Plan consists of the tri-county metropolitan region (Clackamas, Multnomah and Washington counties), including the cities, residents, businesses and operations therein. This Plan also includes programs and facilities that in some cases are located outside of the tri-county boundaries, that may impact activities inside of the tri-county area.

All of the programs, services and facilities related to solid waste management and disposal are addressed by this Plan, including waste reduction, transfer, disposal, and collection. Although Metro has no specific authority over collection activities, the other government participants (i.e., cities and, to a lesser extent, counties) do have such authority. Furthermore, collection services are a critically important part of the solid waste management system and cannot be ignored.

This Plan also incorporates the most recent Disaster Debris Plan (see Appendix B). Due to its unique needs and constraints, disaster debris was addressed through a supplemental planning effort. Disaster debris management will make use of the existing recycling and disposal systems in the Metro region as much as possible, hence the need to recognize it as part of RSWMP. A priority will be placed on using waste reduction methods (in particular, recycling and composting) for handling any disaster debris.

D. The planning process

The RSWMP Update Project officially began in October 2003 with assembly of the 13-member project team comprised of Metro staff. The consulting firms Green Solutions and Environmental Practices were hired a few months later to assist with the development of the updated Plan. Cogan Owens Cogan, LLC, was hired to assist with the project's public involvement activities.

Project staff conducted an assessment of the 1995-2005 RSWMP and identified research items to support the update of the Plan. Several work groups contributed to the goals and objectives in waste reduction program areas. Sustainability and its application to solid waste operations was addressed through a special committee. In addition, Metro led an effort to examine future ownership options for the regional transfer and disposal system.

The interim waste reduction plan

The RSWMP update was delayed until the questions about transfer station ownership options could be resolved. In the meantime, Metro Council approved an Interim Waste Reduction Plan (IWRP) to provide updated program direction for the region until the entire RSWMP document could be completed. Staff and stakeholder work on the IWRP concluded in April 2006. A 45-day public comment period began at that time. The revised IWRP was presented to the Metro Council for its approval in August 2006. That document has now been incorporated into this Plan (see Chapter IV).

Disposal system planning study

To ensure that adequate public services will be provided through the regional transfer station system in the next 10 years, Metro conducted a Disposal System Planning (DSP) Study (see Appendix C for more details). The primary purpose of the DSP Study was to answer the question: What is the best way to deliver safe, environmentally sound and cost-effective waste transfer and disposal services to the public and private users in this region? Of particular interest was determining whether the system could be improved by changing the current mix of public and private ownership of the region's transfer facilities.

Consultants CH2M Hill and EcoData were retained to conduct a detailed analysis of the region's solid waste disposal system and to assess how changing the ownership structure of system facilities would impact system function. The study consisted of five major elements, including: 1) documentation and consideration of stakeholder input; 2) analysis of the economics of the Metro solid waste system; 3) definition of system alternatives and identification of system objectives; 4) evaluation of the system alternatives for cost, risk, and meeting system objectives; and 5) legal analysis of system issues.

After a year-long analysis, Metro Council concluded that continued public ownership of Metro Central and Metro South transfer stations is in the region's best interests. The Plans' policies reflect that determination.

The appendices contain the executive summary of the transfer station ownership analysis. Also appended is a System Improvements Workplan, which details further areas to be examined in years ahead, including waste allocation, public and private pricing, self-haul services and facility entry standards (see Appendix D).

E. Public involvement

Public involvement activities

Metro staff prepared a multi-phase public involvement plan for the RSWMP. In the first phase, between February and April 2004, seven two-hour meetings were held with approximately 40 stakeholders to identify and narrow a list of regional issues. The purpose of the meetings was to give a cross-section of stakeholders (from the regional solid waste community and the general public) the opportunity to express particular interests and perceptions of the regional solid waste system, and help identify key planning issues to address in the updated RSWMP. The results of the meetings were presented in a report titled "Summary Report of Stakeholder Meetings, Phase One, April 2004."

Four key planning issues were identified for further discussion (below). The first three planning issues were a part of the broader public involvement process targeting the public at large (service users). The fourth evolved into the Disposal System Planning project, a

review of the future public role in the region's transfer and disposal system. These issues were:

- Garbage and Recycling Services. Is the public satisfied with current service levels? Will these services be adequate in the future?
- The Regional Waste Reduction Goal. The next waste reduction goal in state law is 64% in target year 2009. As of 2004, a 57% waste reduction rate has been achieved. How much more can we recover?
- Sustainability and the Solid Waste System. Regional solid waste system operations (e.g., transport and facilities) create environmental impacts through fuel, water and energy usage. Should we adopt sustainability principles that can guide solid waste practices? Should we go further and adopt zero-waste strategies?
- Disposal System Planning. The regional solid waste system consists of public and private service providers with government regulating collection and private facilities. What are the overall goals for the disposal system over the next 10 years? What services are needed, and who should provide the services?

"Let's Talk Trash"

The key planning issues led to Metro's second phase of public involvement activities, which took place between August and December 2004. During this phase, Metro hosted and facilitated "Let's Talk Trash" discussions with the public, made numerous presentations at neighborhood meetings, an area high school, and gathered input from the Metro Council and the Metro Solid Waste Advisory Committee (SWAC).

Project staff developed a discussion guide and questionnaire to help people understand the issues, examine alternative approaches, and discuss the implications and tradeoffs.

Overall, 88 people attended Metro's hosted or facilitated discussions and 151 people submitted comments using the online or printed questionnaire. During this period, Metro also recorded more than 1,300 visits to Metro's "Let's Talk Trash" web pages.

The results of the initial "Let's Talk Trash" activities were presented in a report to SWAC and Metro Council in December 2004. Key findings included:

- Garbage and Recycling Service. The current garbage and recycling system is adequate, but many participants felt that recycling rates could be increased and services should be expanded.
- Regional Waste Reduction Goal. Participants roundly agreed that businesses could do more to recycle; however, many felt the approach should first emphasize more education and incentives over regulation.
- Sustainability and the Solid Waste System. Many participants felt that home and business sustainability practices should be improved, and government agencies should lead by example.

The general conclusion of the public feedback was that the current system is good, but improvements in services and recycling are desired, with resource conservation as the guiding principle.

This phase of public involvement is documented in the report "Summary Report of Public Outreach, Phase Two December 2004."

"Let's Talk Trash" II: The interim waste reduction plan

A 45-day public comment period, "Let's Talk Trash II," began when staff and stakeholder work on the Interim Waste Reduction Plan (IWRP) concluded in April 2006. More than 400 individuals responded to an online survey about the IWRP and/or sent in written comments. In addition, respondents were asked to provide written comments describing if and how they would change the proposed strategies. Following are the major themes that emerged from the written comments:

- The focus should be on waste prevention.
- Access to recycling services should be improved.
- Awareness, education and outreach should be emphasized.
- Responsibility for the recycling of hazardous and difficult-to-recycle products should be shared by manufacturers, distributors and consumers.

Cogan Owens Cogan, Metro's public involvement consultant on the project, produced a report, "Waste Reduction Survey Results," which summarizes the major themes from comments received. Metro staff prepared a summary responding to the major themes identified and detailing revisions to be made to the IWRP based on public input. This phase of public involvement is documented in the report, "Interim Waste Reduction Plan Public Involvement Report, June 2006."

Final plan public involvement

In the summer of 2007 Metro conducted a final public comment period on the updated RSWMP. The Plan incorporated the Interim Waste Reduction Plan, which received extensive public comment before being approved by the DEQ and the Metro Council in 2006.

Opportunities to comment on the complete RSWMP were publicized through emails to an interested parties list, through advertisements placed in The Oregonian and in all newspapers within the Community Newspaper network. In addition, the public comment opportunity was noticed on Metro's website and in several Metro Councilor newsletters.

Prior to the Plan's release for the official public comment period, members of the Metro Solid Waste Advisory Committee (SWAC) were invited to provide final comments on the Plan.

During this final phase of public and stakeholder involvement, a total of 22 people (public and SWAC) commented on the Plan. Many comments supported a variety of changes to the Portland collection system rather than dealing specifically with RSWMP contents. Comments specific to the Plan did not present any majority views for changes.

Comments from the public and SWAC included:

- a desire to have more materials added to curbside recycling, especially plastics
- concerns about excessive and non-recyclable packaging
- support for changes to the curbside collection system
- suggestions that the Plan include other numerical goals beyond the 2009 waste reduction goal of 64%.
- questions about enforcement of the Plan
- suggestions that the sustainability focus of the Plan be strengthened
- support for the Plan's direction and focus on sustainability
- recognition of the Plan's importance in meeting state goals and statutes

Metro staff reviewed all comments and provided responses to those that had the most direct connection to the Plan. The staff responsiveness report and a link to the final draft of RSWMP were posted on Metro's website.

This phase of public involvement is summarized in the "Regional Solid Waste Management Plan Update: Final Phase of Public Involvement, September 2007."

All reports documenting public involvement activities are available by contacting Metro.

Chapter II
Current system

A. Introduction

This chapter provides an overview of current services, programs and system facilities, a summary of the results of waste reduction programs, an assessment of what more can be recovered from the waste stream, a projection of the region's likely performance in achieving the 64% waste reduction goal by 2009 and a look ahead to the development of long-term goals.

B. The regional solid waste system

The region's solid waste system can be viewed as a network of interrelated elements: collection, recycling and processing, transfer, transportation, disposal, and waste prevention activities. Each facility and service that handles waste generated in the Metro district is part of the solid waste system.

As the regional solid waste authority, Metro has the responsibility to ensure that all solid waste generated in the region is managed in a manner that protects public health and safety and safeguards the environment. To meet this responsibility, Metro has been granted broad authority under state law and its home-rule charter to regulate or operate solid waste disposal and recovery facilities. By state statute, the regulation of collection services is limited to cities and counties.

Metro has the responsibility to conduct solid waste planning for the region through the RSWMP. Local governments' solid waste regulations are required to conform with the Plan.

C. Roles and responsibilities in solid waste

Federal level

The Environmental Protection Agency sets design standards for landfills and establishes regulations for hazardous waste generated on a commercial level. The agency has excluded household hazardous waste and exempted some businesses that generate small quantities of hazardous waste from regulation.

State level

The DEQ has several roles in the solid waste system. The DEQ enforces solid waste statutes, including the mandated recovery goals, and measures recovery rates. The DEQ prepares and adopts a state solid waste management plan, approves local waste reduction plans, and also provides technical assistance and offers grants for waste reduction and other activities.

Regional level

Metro is responsible for solid waste planning and disposal in the region. As a part of these responsibilities, Metro develops and administers the RSWMP. Metro is accountable for state-mandated waste reduction goals in the tri-county region, and works with its local government and private sector partners to accomplish these goals. Metro provides funding assistance to local governments for waste reduction programs, and operates household hazardous waste prevention and collection programs in the region.

Metro oversees the operation of two Metro-owned regional transfer stations and administers contracts for the transport and disposal of that waste. Metro also oversees a system of franchises and licenses to regulate privately owned and operated solid waste facilities that accept waste from the region. Finally, Metro plays a role in closure and monitoring of several inactive landfills located in the region.

Local level

Cities and counties are responsible for designing and administering waste reduction programs for their jurisdictions. These activities must comply with state laws, including the Opportunity to Recycle Act, the Oregon Recycling Act and the RSWMP.

Local governments are also responsible for regulating and managing solid waste and recycling collection services within their jurisdictional boundaries (including setting franchise boundaries), and reviewing collection rates and service standards. Within the Metro region, private haulers that are permitted or franchised by their respective jurisdictions provide garbage and recycling collection services.

Private sector

The private sector has a wide variety of responsibilities that it has undertaken through its own efforts or through contracts and other agreements. Private service providers are primarily involved in collection and

facility operation, especially for waste collection and disposal, but are also critically important to the success of waste reduction programs. The implementation of waste reduction and other programs in the region relies heavily on collaboration between the public and private sector participants in the system. Private sector service providers are expected to continue to play a central role in helping the region progress toward a more sustainable future.

D. Current services, practices and programs

The solid waste system in the Metro region consists of a large integrated system of facilities, services, and programs. This section describes the regional services and programs for solid waste management. The public and private facilities involved in recycling and disposal of solid waste are described in Chapter II, E.

1. Waste prevention

Waste prevention is defined as actions taken or choices made to either reduce or prevent the generation of waste or toxic substances through the combined efforts of prevention, reuse, commercial and home onsite composting practices. Waste prevention is highest on the solid waste hierarchy because it has the greatest positive impact on natural resource and energy conservation. It also has the smallest burden on the solid waste management system, since preventing waste in the first place eliminates the need to manage it. Metro and the region's local governments have consistently emphasized waste prevention practices. Examples of the efforts currently underway are described below:

- Reuse and thrift organizations include Goodwill, Salvation Army and St. Vincent de Paul.
- Reuse businesses include A Teacher's Space, Cracked Pots, The School and Community Reuse Action Project (SCRAP), and Supply Our Schools in Clackamas County.
- Building material reuse stores include Hippo Hardware, Rejuvenation Inc., Habitat for Humanity ReStore, and The ReBuilding Center.

SCRAP
school & community reuse action project

Metro area businesses and residents may also utilize waste exchange opportunities on the IMEX network, Craig's List, Freecycle Portland and programs such as Free Geek, where used computers are reconditioned for reuse. Visitors to Metro's "Find a Recycler" web page are referred to thrift organizations and other reuse opportunities if it is determined that the materials they wish to recycle are reusable. The Metro website also features a charitable organizations reference page. During the holiday season, the region promotes waste prevention by distributing tips and by encouraging people to give an experience (such as museum membership or sports/ballet tickets) as a gift rather than a product. In 2005, the Metro recycling information center provided over 12,500 referrals to callers regarding waste prevention, reuse and composting practices and services.

Local governments augment ongoing regional outreach efforts by promoting waste prevention in local newspaper ads, city and county newsletters, cable access programs, and presentations to service clubs, the general public and the business community. Since 1996, all local government public outreach materials have emphasized waste prevention as well as recycling.

Home composting and grasscycling are promoted through workshops offered by Metro's Natural Gardening program and also through home and garden centers, local newspapers, and at neighborhood cleanups. Some local jurisdictions conduct composting workshops and augment those workshops with their own outreach and through independent presentations on composting with worms. Metro encourages home composting by offering reduced-cost bins to the region's residents. Discounted bins have been offered since 1994; as of 2006 over 94,000 bins have been sold.

A survey conducted in 2004 found that:

- 52% of all single-family households in the Metro region engaged in home composting.
- 68% of the respondents that purchased bins from 1994 through 2004 were still using them for composting.
- Residents that bought Metro compost bins diverted more than 10,000 tons of organics in 2003.

All businesses have access to in-depth waste prevention evaluations via Recycle at Work, a technical assistance program that examines waste prevention, buy-recycled and recycling practices for businesses upon request. These evaluations may include:

- An onsite walk-through of the business.
- Review of current waste management and recycling practices.
- Education on waste prevention and buying recycled.
- Literature and information on recycling and waste prevention resources, including information on services such as laser toner cartridge refilling, computer equipment salvage and reuse, and techniques including choosing reusable coffee mugs and renting over purchasing.
- Follow-up technical assistance.

Metro and local government youth education programs emphasize waste prevention. Free presentations

Recycle at Work
from Metro and your local governments
www.RecycleAtWork.com

and materials are offered to students and teachers throughout the wasteshed. Programs include classroom presentations and assemblies, summer day camp programs, curriculum resources for teachers, waste reduction education grants, and assistance with the Oregon Green Schools program. Metro also provides assistance for the annual Earth Day billboard contest promoting composting, recycling, natural gardening and waste prevention messages that target adult audiences throughout the Metro region through the use of children's artwork.

Metro provides annual matching grant funds and disposal vouchers to neighborhoods to offset the costs of annual cleanups, and waste prevention activities are strongly encouraged. Waste prevention activities include participation in the cleanup event by a thrift or reuse organization, promoting neighborhood "garage sales," junk mail reduction education, reusable canvas shopping bag distribution, backyard composting, grasscycling, wood chipping and local mulching, waste prevention workshops, natural gardening workshops, and other activities.

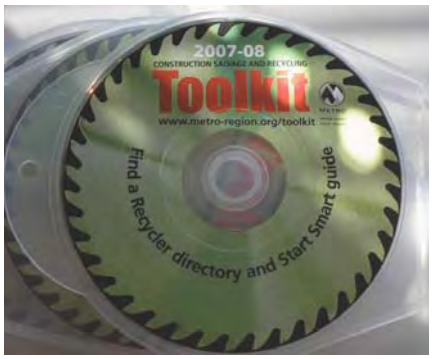
In 2004, Metro launched "Fork it Over!," a food donation outreach campaign targeted at food-generating businesses in the region. The goal of this program is to encourage businesses to donate surplus food that has not been served to their customers. Local government Recycle at Work staff provide technical assistance linking food businesses with food rescue agencies. An interactive web tool on Metro's website assists donors in finding the closest food rescue organization.

FORK it OVER!
TO REDUCE HUNGER & WASTE

Metro's transfer stations have implemented a reuse program that enables customers to drop off reusable materials for collection by The ReBuilding Center and St. Vincent de Paul. In addition, Metro's household hazardous waste facilities offer free reusable household cleaning materials and chemicals to non-profit organizations for reuse through the Pass It On program. In 2006, this program diverted 154,620 pounds of materials from entering the disposal system.

Metro has provided waste reduction grants that support reuse organizations such as The ReBuilding Center, Habitat for Humanity, School and Community Reuse Action Project (SCRAP), North Portland Tool Library, and various food rescue agencies. Metro and three local jurisdictions also provide funding to support the Master Recycler waste prevention, reuse and recycling training program. Master Recycler volunteers are utilized at a variety of public outreach opportunities.

Private reuse efforts include the building industry's support for increasing the capacity of local firms to handle used building materials. A survey of regional activity in deconstruction and used building material retailers reported that more than 10,000 tons of materials were salvaged for reuse in 2005. Metro's work in this area has emphasized partnerships with building industry associations to increase awareness of waste prevention practices within the industry. Metro has distributed 25,000 copies of the construction industry recycling Toolkit, which lists facilities accepting construction and demolition (C&D) materials for reuse.



2. Residential recycling

Residential garbage and recycling service is franchised in most jurisdictions in the region. Each city is responsible for its own franchising system, while the counties administer franchises in unincorporated areas.

Within the Metro region, weekly curbside collection of recyclables occurs on the same day as garbage service. This approach has been shown to help increase participation in curbside recycling. Curbside collection is responsible for a significant amount of the regional tons recovered. In 2005, residential curbside systems in the region recovered 217,047 tons of materials. This is about 16% of the total materials recovered from all sources in the region (see Table 1).

Recycling services for residents living in multi-family apartments contributed another 13,897 tons of recovered materials in 2005 (see Table 1).

A number of activities within the region support and promote residential curbside programs. Local governments regularly inform residents about proper preparation of recyclable materials and other collection issues through newsletters, mailers and other methods. Residents can also receive the most current information regarding services by calling their haulers, local government and Metro's Recycling Information Center.

The success of the region's curbside (residential) programs is due to many factors: collecting recycling the same day as garbage, providing recycling containers to all residents, frequent education messages, and volume-based pricing for garbage.

On the market side, the region is fortunate to have extensive local markets for most of the collected materials. Local markets make recycling more cost-effective because transportation costs are kept low.

The combination of comprehensive curbside collection programs and good markets have combined to allow residents to recycle nearly 50% of their waste stream.

3. Commercial recycling

Commercial garbage and recycling service is franchised in all jurisdictions in the Metro region except for the City of Portland. Within the region, there are also independent recyclers that specialize in collecting various materials.

Under state recycling opportunity requirements, haulers are required to provide recycling services to businesses that want to recycle, but businesses are not required to recycle except in the City of Portland, which requires businesses to recycle at least 50% of their waste.

The commercial sector is the largest source of recovered material in the region. In 2005, 865,562 tons of source-separated recyclables were collected from businesses, which was 62% of the total materials recovered throughout the region (see Table 1).

Commercial recycling is promoted through business recognition programs, an online interactive recycled product database, and a regional campaign to provide deskside paper recycling collection boxes. There is also a regional business assistance program designed to provide onsite personalized technical assistance for waste reduction practices, including waste prevention, recycling and buying recycled products.

Table 1
Recovery by generator source

Program	2005 Tons	Percent
Commercial organics	4,821	0.3%
C&D onsite	167,675	12.0%
C&D post-collection	98,591	7.0%
Commercial, paper and containers	296,667	21.2%
Commercial, other	568,895	40.6%
Multi-family	13,897	1.0%
Residential	217,047	15.5%
Other[1]	33,816	2.4%
Total recovery	**1,401,409**	**100.0%**

2006 DEQ annual recovery survey.
[1]Bottle bill and depot/dropoff.
C&D = Construction and demolition debris.

Regional efforts to recover commercially generated organics (food waste) have targeted edible food for donation to local agencies, and the diversion of non-edible food to composting operations. For edible food, the program aims to increase the levels of donations

as well as increase the capacity of the agencies to take donations. In 2004, the last year reported, local agencies recovered 16,000 tons of edible food, an increase of 1,800 tons from the previous year. For non-edible food, the program aims to increase the organics processing infrastructure available to businesses within the region. Metro, the City of Portland and the private sector have worked on a number of projects that have expanded food waste recovery from 4,400 tons in 2000 to 9,587 tons in 2006.

4. Residential and commercial waste collection

Garbage and recycling collection services in the Metro region are provided solely by private companies. Local jurisdictions handle collection differently; however, no jurisdiction in the region requires residents to subscribe to collection services (although some require landlords to provide refuse collection for residential rental units).

Washington County: Garbage service for both residential and commercial customers is franchised throughout Washington County, except in the City of Banks. There are currently 14 haulers that serve Washington County. Ten of the cities in Washington County are responsible for their hauler franchising, while the county administers franchises in unincorporated areas.

Clackamas County: Garbage service for both residential and commercial customers is franchised throughout Clackamas County. There are currently 15 haulers that serve Clackamas County. The 12 cities of the county that are within the Metro boundary are responsible for their own hauler franchising, while the county administers the franchises in unincorporated areas.

Multnomah County: Residential garbage service in Multnomah County is franchised; there are currently 47 haulers that provide residential and commercial garbage collection services in the county. Unlike the other two counties in the region, Multnomah County does not regulate waste haulers in unincorporated areas. Except in the areas that fall into the service boundary of an adjoining city, collection in rural Multnomah County is unregulated.

Portland's commercial system is not franchised. It allows commercial customers to choose among haulers permitted by the city and negotiate rates for service. In addition to those haulers, there are six entities in the City of Portland that haul their own waste and are licensed as commercial haulers, e.g., the Housing Authority of Portland and American Property Management. These firms do not provide services to others.

The solid waste collection industry has undergone significant changes since 1995. At the beginning of 1995, approximately 107 licensed or franchised haulers served the region and most were locally owned. The only nationally owned hauling company controlled slightly less than 6% of the market. The five largest regional haulers controlled about one-third of the market.

In 2006, there were only 62 hauling companies serving the region. This reduction in the number of haulers is the result of more national waste companies entering the market and a wave of acquisitions by these companies. The five largest hauling companies now control over 60% of the market (twice as much as 11 years ago), with the largest nationally owned hauler controlling almost one-third of the market.

The five largest regional haulers and their tonnage are shown in Table 2. (Although one of the names remains the same, a new firm actually purchased that corporation and assumed its name.)

In addition to the consolidation of smaller haulers into larger firms, the hauling industry has changed significantly in terms of the range of activities. In 1995, none of the region's haulers were fully vertically integrated (i.e., owned all of the components necessary to collect, transfer, and dispose of waste). Most of the haulers in the region depended on two publicly owned transfer stations and one privately owned facility to handle the waste they collected.

Table 2
Top Five Haulers

Calendar Year 1995	Tons	Share
MDC	137,239	15.60%
Waste Management	62,082	7.00%
Keller Drop Box Inc.	36,298	4.10%
Oregon City Garbage Co.	33,050	3.70%
Hillsboro Garbage Co.	30,261	3.40%
Total	298,930	33.90%
All Other Haulers	583,144	66.10%
Total Delivered by Haulers	**882,074**	**100%**
Calendar Year 2006		
Waste Management	295,870	28.90%
Allied	145,673	14.20%
AGG Enterprises	61,141	6.00%
Waste Connections	55,661	5.40%
Pride Disposal	49,944	4.90%
Total	608,289	59.40%
All Other Haulers	416,149	40.60%
Total Delivered by Haulers	**1,024,438**	**100%**

Today, three of the region's largest hauling companies are fully vertically integrated, providing collection, transfer, processing, and disposal services. One of the two locally owned haulers in the top five is partially vertically integrated in that both collection and transfer services are provided. Full vertical integration of waste companies is a more recent occurrence in this region and has resulted in significant changes in how waste is handled.

5. Self-haul

Although most of the solid waste in the region is taken to disposal facilities by licensed or franchised commercial haulers, there is a substantial amount of waste hauled by individual residents or businesses. Approximately 20% of solid waste disposed in the region is hauled to a solid waste facility by the generator of that waste ("self-haul"). Self-haul loads are typically smaller in volume and weight than loads disposed by garbage haulers. It is estimated that 70% of loads taken to solid waste facilities in the region are self-haul loads. An estimated 50% of the waste generated by the building and renovation industry is self-hauled by building contractors to disposal or processing facilities. As a result, the number of vehicles and the amount of infrastructure required to serve self-haul customers is disproportionately large relative to the tonnage handled.

6. Hazardous waste management

Collection services for household hazardous waste have been offered by Metro since the mid-1980s. Services began with occasional collection events and have grown to include permanent facilities at Metro's two transfer stations and community-based collection events around the region. In 2006, 44,188 customers used the permanent facilities and 12,265 attended the community events.

The collection events are held nearly every weekend between mid-March and mid-November. These events are distributed throughout the region to provide a convenient disposal option for residents who are more distant from the permanent sites.

Many small and large business generators contract with private companies that provide hazardous waste management services in the region. Metro (in partnership with the DEQ) also collects hazardous

waste from businesses, known as conditionally exempt generators (CEGs), that generate small amounts. In 2006, Metro served more than 625 CEGs.

7. Education

Adult and school education programs play an important role instilling waste reduction practices within the region. School districts, local governments, Metro, the State of Oregon, waste hauling and recycling companies cooperate in efforts to provide education services for waste prevention, recycling, composting and household hazardous waste. The Oregon Green Schools program is a good example of this cooperative effort. Metro also provides a number of services to local schools including curriculum materials, classroom presentations and technical assistance.

Education on reducing the toxicity of the waste stream has become a central concern for the region in the last several years. As households learn about the need to reduce the quantity of hazardous products put into the trash, Metro's household hazardous waste program continues to grow. Finding techniques to get residents of the region to change their habits when it comes to buying, using and disposing of hazardous products has become a priority. Programs within the region (such as Natural Gardening) provide residents with practical alternatives to the use of hazardous products.

Focusing on health and local environmental impacts is an additional technique for motivating behavior change. Within the region, partnerships between local governments, Metro, the State of Oregon and other agencies (such as the Regional Coalition for Clean Rivers and Streams) have engaged in education efforts to reduce the use of lawn chemicals.

8. Illegal dumping

Metro coordinates the investigation and cleanup of illegal dump sites in the region. As part of this process, Metro investigates potential major violators and, when necessary, takes enforcement action including assessment of monetary penalties.

If a dump site is on public property, a corrections crew is dispatched to clean up the site. A corrections crew consists of a team of low-risk inmates supervised by a Multnomah County corrections officer (on contract to Metro). As sites are cleaned up, an investigation is initiated to attempt to identify the generators of the waste.

Depending on the amount of waste dumped and the history of the offender, law enforcement officers on contract to Metro may issue civil citations for fines ranging from $150 to $500. Citations may be contested to the Metro contract hearings officer in a formal hearing. Anyone who fails to respond to a citation, either by paying the citation or by requesting a hearing, automatically receives a case review by the hearings officer, who renders a decision in the case and issues a formal order, a copy of which is mailed to the person cited. If the citation is upheld and the fine remains unpaid, the judgment goes to collections.

E. Current facilities

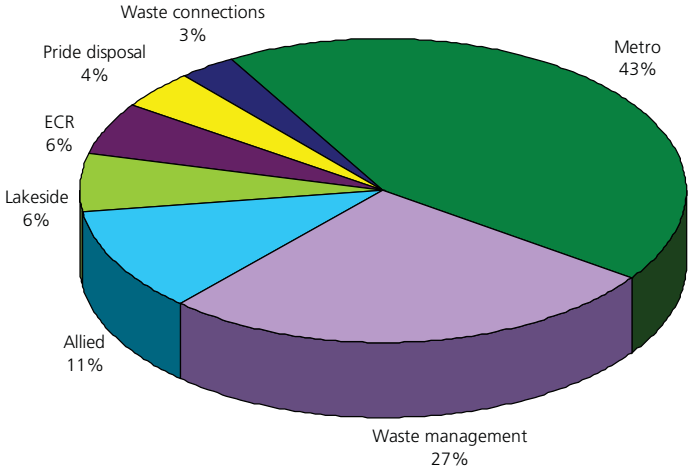
1. Facilities overview

A number of facilities make up the region's solid waste system. Some handle mixed waste, while the others act as processors for specific kinds of materials that can be recycled or composted. The purpose of this system is to process, recover and dispose of all the waste that the region produces in the most efficient, economical and environmentally sound manner possible.

Most solid waste facilities are privately owned, but Metro South and Metro Central transfer stations are both publicly owned. The opportunity for private entry and innovation in the system has helped to create a diverse array of facilities that can respond to rapidly changing technologies, fluctuating market conditions, and local conditions and needs.

The volume of waste handled by private facilities has increased significantly during the past 10 years. In 1995, the region's two publicly owned facilities handled slightly over 70% of the waste delivered to facilities in the region. By 2005, the share of the waste stream delivered to publicly owned facilities had declined to 43% (see Figure 1).

Figure 1
Tons received at facilities



2. Recycling/Recovery

The Metro region is currently served by 16 facilities conducting material recovery from dry waste of varying types (see Map 1). Twelve of these facilities are permitted to take nonputrescible ("dry") waste; the other four are licensed to accept a more limited range of materials. Two of those four facilities are limited to accepting wood, yard debris, and roofing; the other two facilities handle tires exclusively. Six of the facilities are hybrid facilities that also perform other functions, including four that are local transfer stations and two that are publicly owned/privately-operated regional transfer stations.

There are also seven "clean" MRFs in or near the region that exclusively receive and process source-separated residential curbside and business recyclable materials.

3. Composting

There are six yard debris composting facilities located within the region. All but one of these facilities are privately owned and operated. The publicly owned facility handles only leaf debris collected by City of Portland maintenance crews. The region is also served by a composting facility located in Washington State that is authorized to accept post-consumer food waste.

4. Waste transfer

The seven transfer stations located within Metro's boundaries (see Map 2) consolidate loads of solid waste for transfer to landfills. Three of these facilities, Metro Central, Metro South and the Forest Grove Transfer Station, are regional transfer stations that can accept unlimited amounts of putrescible (or "wet ") waste and dry waste. Metro's two transfer stations are publicly owned; the Forest Grove facility is privately owned.

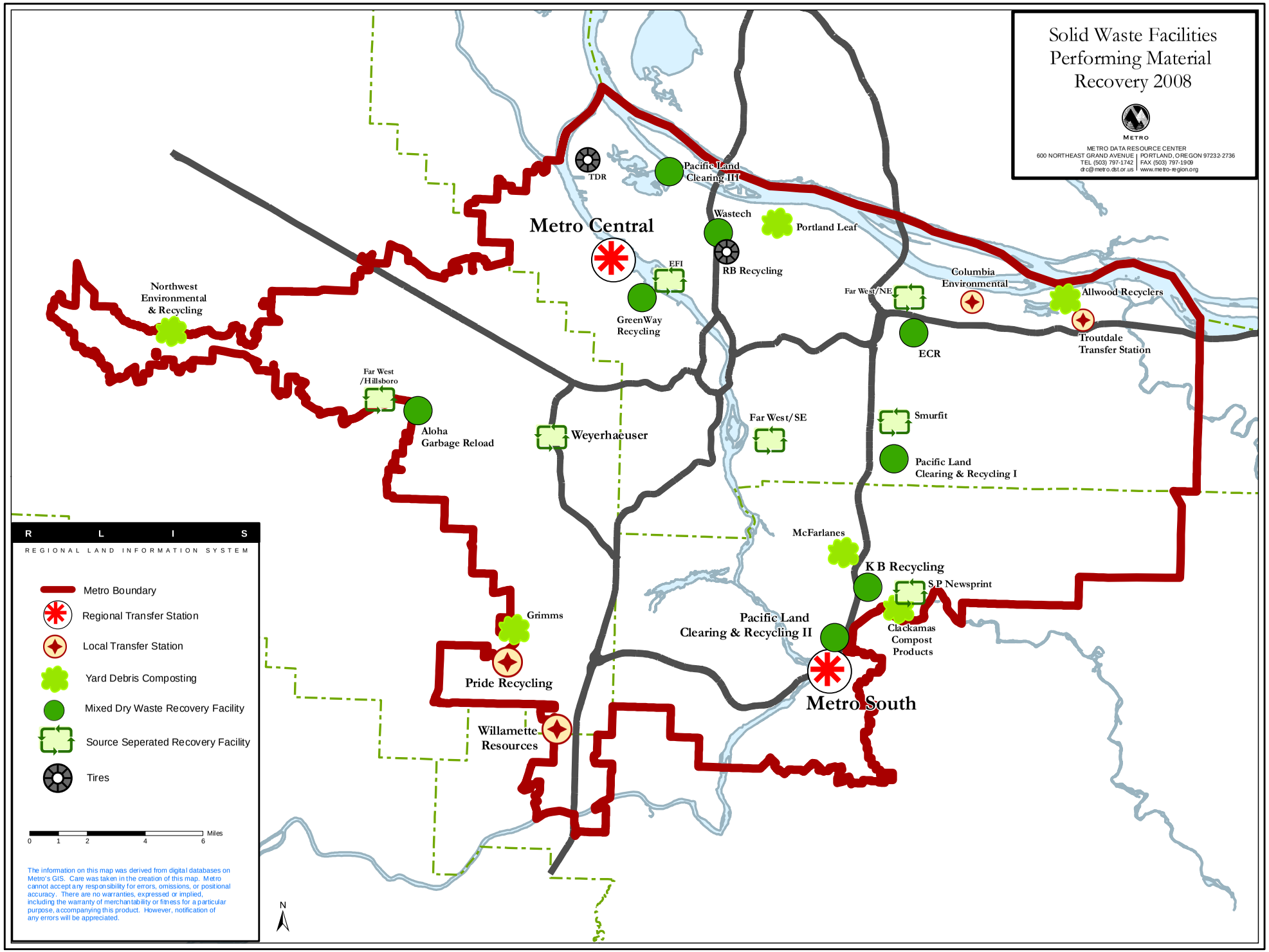
The four other transfer facilities, Columbia Environmental, Pride Recycling, Troutdale Transfer Station and Willamette Resources, are franchised to serve localized needs, and as such are authorized by Metro to accept only limited amounts of "wet" waste per year (but are allowed to accept unlimited amounts of "dry" waste). These local transfer stations are privately owned by companies that also provide collection services.

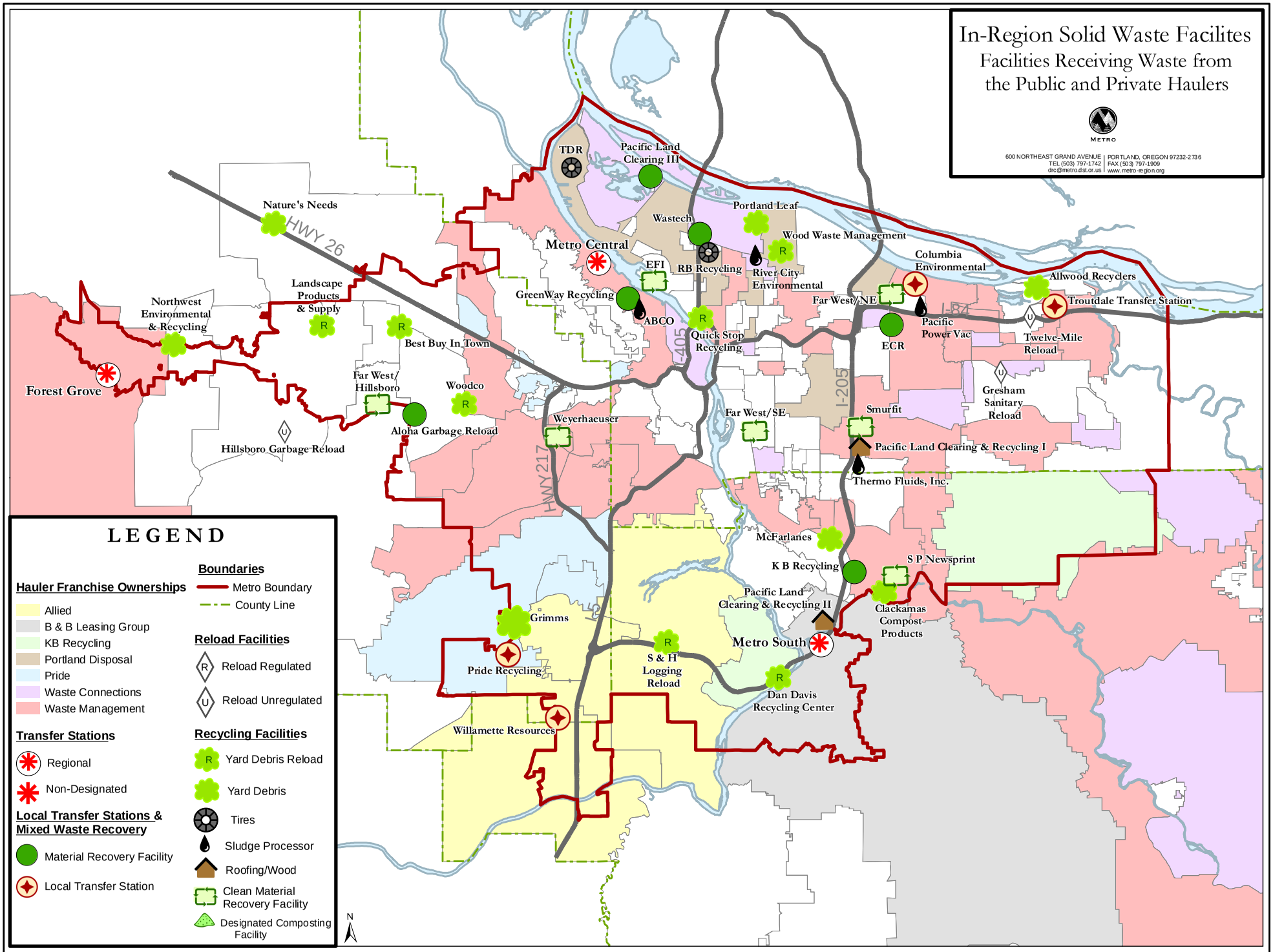
The region's seven transfer stations have an estimated transfer capacity of approximately 2.06 million tons/year. During 2006, these facilities accepted 1.05 million tons of waste. The estimated capacity of each facility and the tonnage received during 2006 is shown in Table 3.

Table 3
Transfer station throughput and estimated capacity, 1,000s tons/year

	2006 Throughput	Transfer Capacity
Public facilities		
Metro Central	324	624
Metro South	280	560
Private facilities		
Forest Grove*	168	135
Pride Disposal	56	234
Troutdale	82	312
Willamette Resources	144	196
Columbia Environmental**	0	unknown
Total	**1,054**	**2,061**

*Approximately 26,500 tons of solid waste are delivered to the Forest Grove transfer station in transfer vehicles and do not utilize transfer station capacity. The capacity shown is a nominal capacity based on the average load size in the region.
**Columbia Environmental is not yet operational.





Plot date: March 2008 J:\lmartin\06146SolidWaste

Please recycle with mixed paper

A small portion of the region's waste is delivered to non-system transfer facilities located outside the region's boundary. Haulers are permitted to use these facilities under the terms of non-system licenses issued by Metro. Although there are five transfer facilities in the areas adjacent to the region, only two facilities, the West Van Material Recovery Center and Central Transfer and Recycling Center in Vancouver, Washington, receive appreciable amounts of waste from the region. A vertically integrated company providing collection services within the region owns both of these facilities.

5. Waste disposal

The region's system of transfer stations was developed to meet the need to consolidate smaller loads from collection routes into significantly larger loads that could be economically hauled the relatively long distances to general-purpose landfills serving the region.

During 2006, about 1.08 million tons of solid waste were transported to one of these far-off facilities. Approximately 1.04 million tons were hauled by truck; the other 41,000 tons were hauled to Vancouver, Washington in collection vehicles and then transported by barge to a landfill in eastern Oregon. The Metro region is unique in that it has access to three modes of transportation: truck, rail and barge – for transporting waste to disposal. None of the region's putrescible waste is currently transported by rail.

Eight landfills serving the region have entered into Designated Facility Agreements (DFA) with Metro and are considered a part of the region's solid waste system. Riverbend Landfill has not entered into a DFA, and therefore, customers from the region need a non-system license to use the facility. It is also the nearest landfill authorized to accept municipal solid waste containing putrescible matter (about 40 miles from the center of the region). The shortest "long hauls" are about 30 miles from transfer facilities near the southern boundary of the region; other waste is hauled in excess of 150 miles to a disposal site (see Map 3).

The Hillsboro and Lakeside landfills are located immediately outside the Metro boundary. These are limited-purpose landfills that are permitted by the DEQ to only take dry waste and some special wastes.

6. Facility regulation

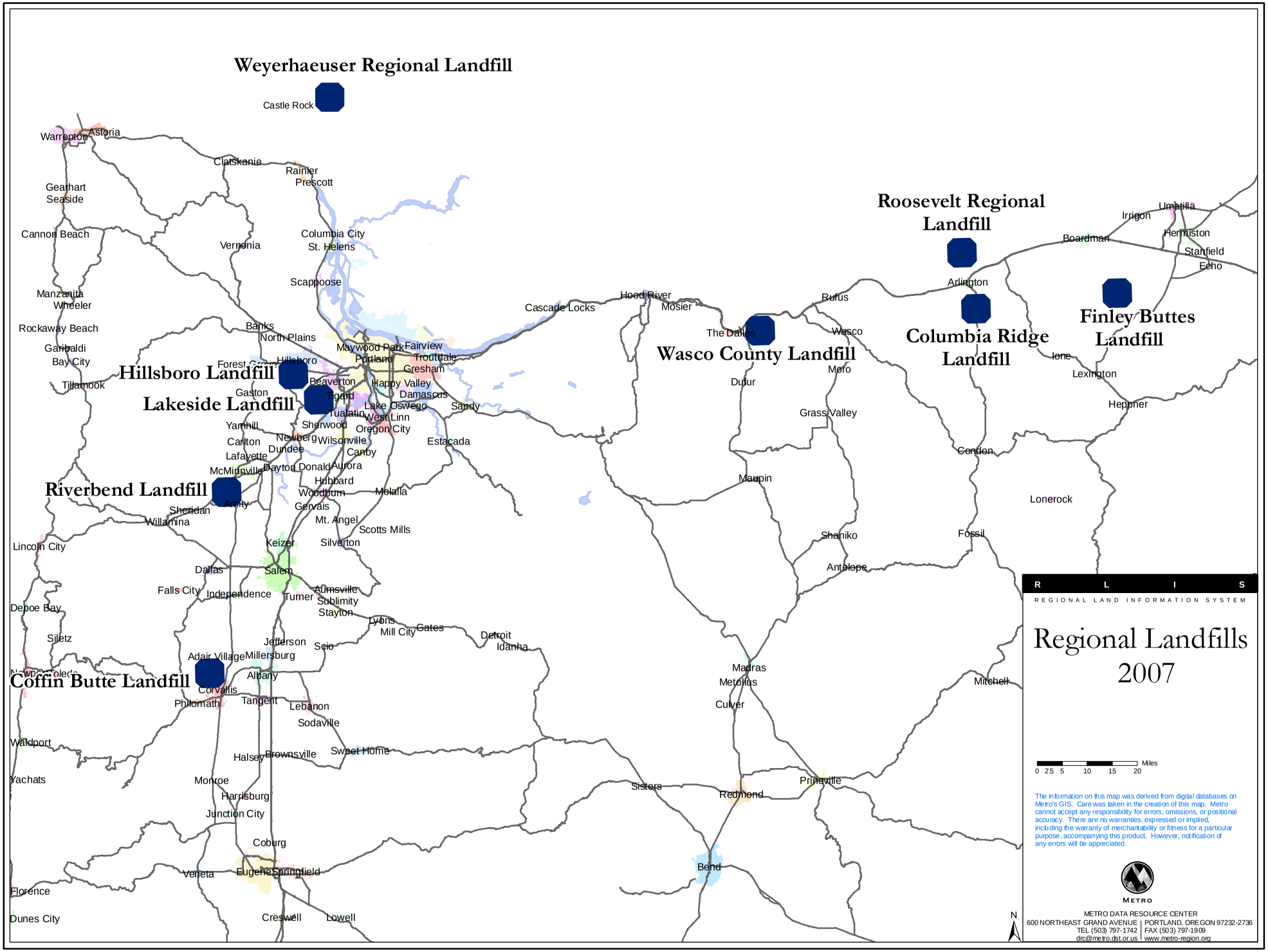
Metro is responsible for licensing, franchising, inspecting and monitoring activities conducted by the private solid waste industry in receiving, managing and disposing solid waste. Metro works closely with other governments to assure an appropriate level of regulatory oversight at facilities without redundancy. For instance, local governments are charged with zoning, land use, and local traffic impacts; the DEQ focuses on reducing environmental and human health risk from the waste management activities of both public and private facilities.

Table 4
Landfill ownership and approximate reserve capacity

	Ownership	Remaining Capacity (millions of tons)
Designated facilities		
Columbia Ridge	Waste Management	263
Roosevelt Regional	Allied Waste	135
Finley Buttes	Waste Connections	120
Hillsboro	Waste Management	6
Lakeside Reclamation	Grabhorn	1
Coffin Butte	Allied Waste	20
Northern Wasco	Waste Connections	15
Weyerhaeuser	Weyerhaeuser	25
Non-System facilities		
Riverbend	Waste Management	6
Total		**591**

Metro uses its regulatory authority to:

- Protect public health, safety and the environment.
- Collect user charges on all applicable waste generated within the region.
- Establish operating standards.
- Monitor facility performance.



Project date: May 2007 J:/lowthian/proj/06290

Please recycle with mixed paper

For facilities located inside the Metro boundary, Metro issues one of two operational permits:

- A franchise to transfer stations and any facility managing wet waste.
- A license to compost, dry waste reload, and recovery facilities.

Certain facilities, such as those exclusively handling inert wastes or source-separated recyclable materials, are not required to obtain authorization from Metro to operate. However, Metro retains the authority to inspect and audit these operations to periodically confirm compliance with Metro Code.

For facilities located outside the Metro boundary that accept waste generated inside the boundary, Metro enters into one of the following voluntary agreements:

- Designated facility agreements for disposal sites willing to collect user fees and excise taxes on behalf of Metro, or
- Non-system licenses for generators, transporters or other persons wanting to use a facility outside the regional boundary that does not have an agreement with Metro.

Metro implements its regulatory authority through formal and informal facility compliance monitoring and through formal enforcement, including civil penalty authority (see Appendix E, System and Non-System Facilities).

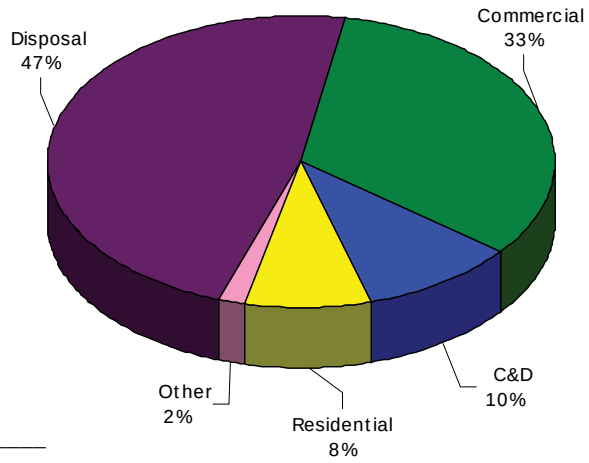
F. Material recovery and disposal trends

Current waste recovery rate

The current percentages recycled and disposed are illustrated in Figure 2. The data used for Figure 2 do not include the waste prevention credits (6%) or other waste prevention activities.

As shown in Figure 2, over half of the waste generated is being recovered through recycling and composting programs. This is a significant accomplishment and represents a substantial improvement over historical recycling levels. In 1986, the regional recovery rate (including recycling and composting) was estimated at about 25%. Over the next 10 years, spurred by higher goals and by public and private investments, the rate grew to more than 40%, thus achieving the 1995 target set by the state legislature.

Figure 2
Disposed and recycled amounts



2006 DEQ annual recovery survey.

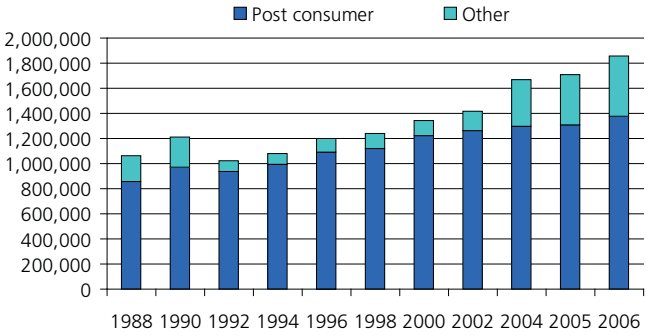
The 1995-2005 RSWMP followed on this accomplishment by setting recovery goals of 52% by 2000 and 56% by 2005. In 1997, the state legislature recognized the importance of encouraging waste prevention and passed a statute that allowed wastesheds to receive "credits" for waste prevention efforts. As a result of the 1997 legislation, a wasteshed that implements programs in waste prevention, reuse and home composting could receive a 2% credit for each of those programs. The Metro region has received the credits since they have become available. By 2005, the region had achieved a 59% waste reduction rate (53% recovery, plus 6% for waste prevention credits), about 90,000 tons shy of the statutory goal of 62%.

Waste disposal amounts

At the same time the waste reduction rate has increased, the amount of waste landfilled each year has also increased. Since 1994, the total amount of waste landfilled annually has grown from about 1.1 million tons to almost 1.8 million tons (see Figure 3). A significant part of this increase has been in the "other waste" category, which includes environmental cleanup wastes and other special wastes that generally originate from development activities. These wastes made up only 15% of the disposal tonnage in 1994, but now account for 30% of solid waste disposed.

The "post-consumer" waste shown in Figure 3 includes residential and commercial solid waste, plus construction and demolition debris. The post-consumer waste tonnages are used by the DEQ in computing recovery rates.

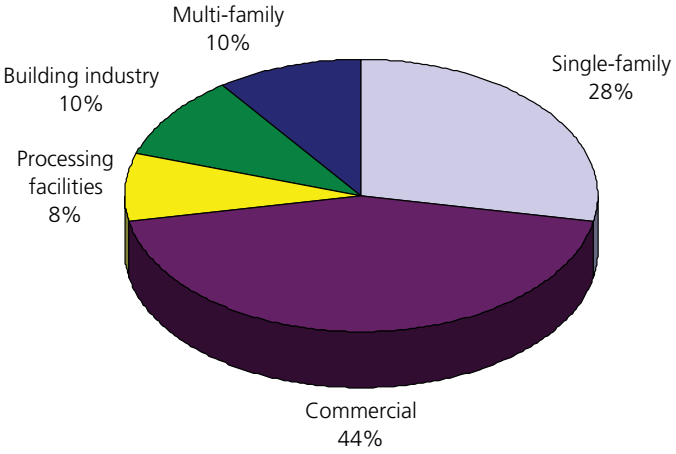
Figure 3
Historical disposal tonnages



Amount of waste disposed by sector

The amount of waste disposed and recovered by each generator is shown in Figures 4 and 5. Commercial sources (including industrial and institutional waste generators) account for almost half of the waste disposed from the Metro region (44%). Single-family homes are next at 28% (this figure includes the amount of residential self-haul received at the Metro-owned transfer stations, since most of that waste is from single-family homes).

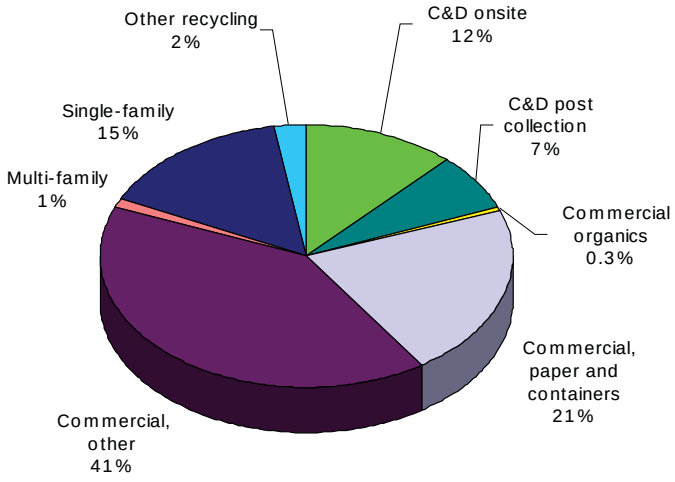
Figure 4
Waste disposed by generator source



2005 DEQ waste composition data.

The proportions of these sources (and their contributions to the region's waste stream) varies locally depending on the amount of commercial and industrial generators in a given area. The amount of C&D waste generated in a specific area, for example, is related to the amount of construction activity. In the outer suburban areas of the Metro region, where much of the new construction of residences and businesses is currently taking place, C&D may account for half or more of the waste generated there.

Figure 5
Amounts recovered by generator source



2006 DEQ annual recovery survey.
[1]Multi-family, bottle bill and depot/dropoff.

In the long term, the relative proportions of waste from each sector will shift due to changes in the amount recycled or composted. Implementation of the goals and objectives in this RSWMP should further decrease the amount of waste disposed from commercial and residential sources.

Composition of the waste disposed

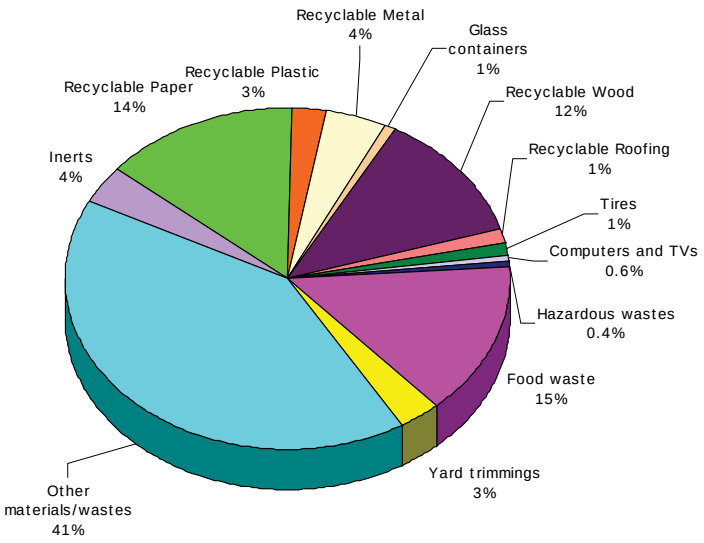
The composition of waste generated by each sector (residential, business and building industry) is different. The building industry generates many recyclable materials such as wood, concrete, cardboard, metal, and land-clearing debris. Some types of businesses generate large quantities of waste paper, most of which is recyclable when it is separated from the smaller amounts of putrescible and nonrecyclable waste generated at most locations. Industries generate diverse wastes, such as grits and screenings, scrap from product manufacturing, specialized packaging and other substances that typically require case-by-case evaluation for recycling or reuse.

Residential sources generate a waste stream that contains a wide variety of materials. Among the recyclable residential materials are paper, metal, glass, plastic bottles, motor oil, and yard debris. The largest single material remaining in the residential waste stream is food waste (26% of the waste disposed). Infrastructure development in food waste collection may make it possible to recover that material, and soiled paper, for composting.

The amount of recovery possible for many materials may be constrained for various reasons, including lack of market infrastructure, collection services, poor generator awareness and certain government regulations. Variations in these factors among the generators give rise to variations in recovery performance. For example, because the residential collection and processing infrastructure is well developed, and homeowners tend to be highly aware and motivated recyclers, the recovery rate for some residential materials is relatively high. Typically, about 50% of the waste generated in a single-family residence gets recycled or composted. On the other hand, businesses tend to be more focused on bottom-line financials than on the environmental impacts of their consumption. Despite a highly recoverable waste stream (mostly paper), businesses as a whole separate their recyclables less thoroughly than households, and so send a higher proportion of recyclables to the landfill.

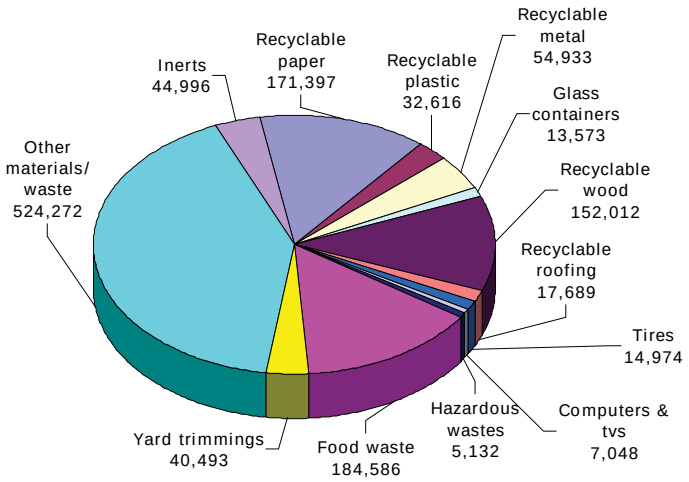
The results of the most recent waste composition study show that an additional 739,449 additional tons of material (59% of the waste currently disposed) could be recycled through existing programs or facilities. Recovery programs for the remaining wastes (41%) are either small and local (e.g., gypsum) or non-existent (see Figure 6, Figure 7 and Table 5).

Figure 6
Aggregate composition of disposed waste, including residential, commercial, industrial and construction/demolition



2005 DEQ waste composition data.

Figure 7
Aggregate composition of disposed waste, in tons



2005 DEQ waste composition data.

The quantities, composition and recovery potential for recyclable materials being disposed by various sources within the region have been analyzed and used in setting target goals for different programs and sources, as discussed in the section below on waste reduction goals.

Table 5
Composition of disposed waste

Paper		**Rubber**	
*Recyclable	171,397	*Tires	14,974
Nonrecyclable	87,032	Nonrecyclable	7,734
Plastic		**Electronics & elec. equip.**	
*Recyclable	32,616	*Computers and TVs	7,048
Nonrecyclable	126,388	Nonrecyclable	14,271
Metals		**Organics**	
*Recyclable	54,933	*Yard trimmings	40,493
Nonrecyclable	11,878	*Food waste	184,586
Glass		**Other materials/wastes**	
*Glass containers	13,573	Textiles & furnishing	112,766
Nonrecyclable	7,179	Gypsum wallboard	39,560
Wood		Other C&D	26,321
*Recyclable	152,012	Noncompostable	
Nonrecyclable	17,185	organics	69,100
Inerts		*Hazardous wastes	5,132
*Rock, concrete, dirt	44,996		
Roofing			
*Recyclable	17,689		
Nonrecyclable	4,859		
	Total	**1,263,721**	

*Materials with additional recovery potential.
2005 DEQ waste composition data.

G. Current and future goals

Historically, the waste reduction rate has been the Plan's primary measure of resource conservation progress. Emphasis on this measure continues in the near term and this Plan identifies policies and programs needed to achieve a 64% waste reduction goal. The Plan also anticipates that other measures of performance in resource conservation will be established in the years ahead and that the RSWMP will be amended to include those measures.

The first part of this section delineates the tons needed from each of the Plan's primary program areas to reach the 64% goal. The discussion includes consideration of whether the targets are likely to be reached in each area. The second part addresses increased waste generation rates and the implications for how we measure resource conservation. The third part addresses the development of new long-term goals.

Plan programs for achieving the 64% goal

The Plan is designed to reach the 64% waste reduction goal through targeted efforts in the single-family residential ("curbside"), multi-family residential, business, building industry and commercial organics sectors. Regional work groups, SWAC and Metro Council have worked to develop implementation strategies for each of these sectors. In particular, regional discussions have focused on strategies for the business and building industry sectors.

Table 6 illustrates two recovery growth scenarios for the region: a "High Recovery" scenario (the Plan programs) where the region would reach the 64% recovery goal, and a "Likely Recovery" scenario, where efforts fall short of the goal by over 100,000 tons, or 3.4% percentage points. The table also shows the expected recovery by program sector for each scenario. The following describes the major factors affecting the ability of each program to achieve its targeted recovery tonnage.

Table 6
Recovery growth scenarios

	Actual Recovery 2005	Potential Growth Scenarios for Recovery from New Programs: High Recovery	Likely Recovery
Organics	5,000	34,000	15,000 (shortfall 19,000)
C&D	266,000	42,000	31,000 (shortfall 11,000)
Business	297,000	80,000	45,000 (shortfall 35,000)
Multi-family	14,000	5,000	5,000
Single family	217,000	18,000	10,000 (shortfall 8,000)
Other (scrap metal, pallets, bottle bill, containers, etc.)	603,000	8,000	6,000 (shortfall 2,000)
Subtotal new recovery		187,000	112,000 (shortfall 75,000)
Recovery	**1,402,000**	**1,779,000**	**1,704,000**
Disposal	**1,264,000**	**1,288,000**	**1,363,000**
Generation	**2,666,000**	**3,067,000**	**3,067,000**
Recovery Rate	**52.6%**	**58.0%**	**55.6%**
Waste Prevention Credits	**6.0%**	**6.0%**	**6.0%**
Total Metro WR Rate	**58.6%**	**64.0%**	**61.6%**

Organics

The estimate for the "High Recovery" scenario is predicated on expanded participation of large food waste generators in the City of Portland, implementation of food waste collection programs in other jurisdictions in the region, and on residential organics collected with yard debris in the City of Portland. The scenario also requires the siting and operation of a food waste composting facility in or near the region. The "Likely Recovery" scenario anticipates no local processing facility, limited collection programs and consequently much lower tonnage.

Under the "High Recovery" scenario, the processor establishing a local facility needs to be confident there will be a sufficient flow of organics to the facility to ensure its economic feasibility. There must be enough revenue from tip fees to cover operating costs and the initial capital investment. However, ensuring a potential processor that a sufficient amount of organics would flow to their local facility is difficult. The organics will flow only if efficient collection routes can be established and generators are provided an organics collection rate that gives an incentive to participate. Several local governments are currently addressing these issues.

Businesses

The estimate for increased recovery under the "High Recovery" scenario in the business sector is based on results from other areas of the country where mandatory

recycling or disposal bans have been implemented. This scenario assumes that the region will take a mandatory approach.

The "Likely Recovery" scenario anticipates a different approach, wherein local governments would have targets to meet (the same level of recovery as a mandatory program), but be able to choose how to achieve it. The tonnage for this scenario is estimated to be lower, at least in the near term.

Building industries
The estimates for increased recovery under the "High Recovery" scenario in the building industry sector is based on results from other areas of the country where mandatory recycling or disposal bans have been implemented. Both scenarios assume that the region will take an approach that requires that all construction and demolition waste be processed before being disposed. Under the "High Recovery" scenario all such wastes will be processed by January 1, 2009.

Under the "Likely Recovery" scenario, full implementation takes longer.

Multi-family residential
Increased recovery from the multi-family sector is anticipated to result from regionwide implementation of a uniform collection system (a two-sort approach) that will allow for more effective regional outreach. Large amounts of resources on an ongoing basis will be necessary to ensure that outreach is effective in this sector, as multi-family housing is characterized by very high turnover rates among residents. Both recovery scenarios anticipate that the program can be successfully implemented and achieve the targeted recovery amounts.

Single-family residential
The estimate for increased recovery under the "High Recovery" scenario in the single-family residential sector is based on expanding use of weekly roll carts for recycling throughout the region. Experience locally and elsewhere in the country provides a clear indication of tonnage to be gained in switching from bins to roll carts.

The "Likely Recovery" scenario anticipates that the gains will not be as great due to delays in implementing the switch to carts, and a rise in levels of contamination.

Conclusion
In sum, the Plan anticipates that the "Likely Recovery" scenario will occur in most cases and the region will not reach the 64% goal by the statutory benchmark year of 2009. The vast majority of this anticipated shortfall will be in the commercial organics, business and building industries sectors. The Plan remains committed to achieving the 64% goal in the near term.

Waste generation trends

Between 1995 and 2005, regional population grew about 18%, or 239,000 new residents. By contrast, waste generation grew by over 50%. The per capita waste generation rate (total waste divided by population) increased on average 2.6% each year from 1992 to 2005.

Looking ahead, assuming regional population growth at 1.44% per year and waste generation rising at 80% of the historic average, the region will have an additional 237,000 residents by 2015, and an increase of over 40% or 1,100,000 tons of new waste to manage through the recycling and disposal system. These increases will occur regardless of whether the region achieves the 64% waste reduction goal.

These increases in waste generation will have both upstream impacts on resources and the environment (from the manufacture of products) and downstream impacts (from the need to invest in more recycling and disposal infrastructure). However, our primary measuring tool – the number of tons recycled and disposed – is limited in its ability to measure the benefits from strategies to reduce waste generation.

Long-term goals development

To address this deficiency, Metro will be undertaking a project to develop an approach to long-terms goals that meet the Plan's vision of sustainable resource use. These goals could include reducing green house gases, product toxicity and waste generation. The project will also look at the feasibility of measuring materials and energy use based on their renewable or nonrenewable character.

The DEQ, with Metro's participation, recently completed a study of the complex factors behind the increase in waste generation. Metro will continue this collaboration and incorporate this work into the development of long-term goals for the region.

These goals will be determined after a regional discussion, and added to RSWMP by amendment.

Chapter III
Future direction and regional policies

A. Introduction

This chapter establishes the RSWMP framework: a long-term vision for the regional solid waste management system as well as the values and policies that provide direction in years ahead.

As used in this Plan:

- The **vision** is the ultimate ideal;
- The **values** represent a set of principles held by the region that will guide and shape policies; and
- The **policies** are statements that guide programs and inform future decisions.

B. RSWMP vision

The Plan envisions a significant evolution in today's comprehensive solid waste management practices, to a future where waste is viewed as an inefficient use of resources. Through cooperation and shared responsibility among producers, consumers and government, the region will contribute to the sustainable use of natural resources to enhance our community, economy and environment for current and future generations.

C. Regional values

1. Resource conservation

Protecting the environmental quality of the region by conserving resources and reducing toxic and solid waste to ensure adequate resources for future generations.

2. Public health and safety

Ensuring sound waste management operations, eradicating illegal dumps and reducing toxic substances to maintain quality of life for the region's residents.

3. Shared responsibility

Promoting a shift away from managing products after they have become waste to instead include manufacturers and users in bearing or avoiding the costs associated with product management and disposal.

4. Life-long learning

Raising awareness among all age groups of ways to conserve resources and reduce impacts on the environment.

5. Coordination and cooperation

Addressing regional issues and developing regional programs in partnership with local government, the private sector, citizens and other key parties.

6. Performance

Emphasizing outcomes in programs and services to maximize efficiency and effectiveness.

7. Access

Providing residential and commercial customers with access to information and a range of collection and facility service options.

D. Regional policies

1.0 System performance

The regional solid waste system will perform in a manner that is:

- Environmentally sound.
- Regionally balanced.
- Cost-effective.
- Adaptable to change.
- Technologically feasible.
- Acceptable to the public.

2.0 Preferred practices

Solid waste management practices will be guided by the following hierarchy:

- 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.
- Fifth, landfill solid waste that cannot be reduced, reused, recycled, composted or from which energy cannot be recovered.

3.0 Evaluating opportunities for sustainability

Opportunities for increasing the sustainability of business practices or programs will be evaluated based on: a) technological feasibility; b) economic comparison to current practice or conditions; and c) net environmental benefits.

4.0 Recycling services provision

Recycling services will be offered as a component of residential and commercial waste collection in the region.

Recycling services will be standardized in the region to the extent possible, to minimize confusion on the part of residents and businesses and to construct cooperative promotion campaigns that cross jurisdictional boundaries.

5.0 Source separation

Source separation is the preferred approach in the region for ensuring quality secondary materials for recycling markets, but other forms of material recovery, such as post-collection separation, will not be precluded.

6.0 Market development

Enterprises that can significantly expand end-use opportunities for reuse or recycling will be fostered by the region.

7.0 New facilities

The current system of transfer stations provides reasonable access for haulers and sufficient capacity for the consolidation and transfer of solid waste to disposal facilities. New transfer stations may be considered if they provide a net benefit to the public. Factors in evaluating net benefit include capacity and access, whether the facility will be publicly or privately owned, and the impacts on material recovery and ratepayers.

Other types of new solid waste facilities shall be considered if they significantly support and are consistent with the policies of this Plan.

8.0 Facility ownership

Transfer facilities in the regional solid waste system may be publicly or privately owned. The public interest is best served by continued public sector facility ownership in the system. Public ownership ensures a comprehensive range of services are accessible to regional customers at equitable and affordable rates.

9.0 Facility siting

Appropriate zoning in each city or county will utilize clear and objective standards that do not effectively prohibit solid waste facilities.

10.0 System regulation

Solid waste facilities accepting waste generated within the region will be regulated to ensure they are operated in an acceptable manner and are consistent with the policies of this Plan. All facilities performing post-collection material recovery shall meet minimum recovery requirements. Regulatory control will be implemented through a system of franchises, contracts, public ownership, and licenses.

Government regulation will ensure protection of the environment and the public interest, but not unnecessarily restrict the operation of private solid waste businesses.

11.0 Host community enhancement

Any community hosting a solid waste "disposal site" as defined by ORS 459.280 shall be entitled to a Metro-collected fee to be used for the purpose of community enhancement.

12.0 Disposal pricing

Charges for disposal services shall be sufficiently transparent to allow regulators to judge whether such charges are fair, acceptable, and reasonably related to the costs of services received.

The establishment of charges for disposal services at publicly owned facilities shall balance cost recovery, revenue adequacy, and adopted regulations and policies, including the policies and objectives of this Plan. In addition, such charges shall be structured to ensure that the public sector is able to meet its long-term obligations such as investments, debt, contracts, and fixed costs undertaken by the public sector on behalf of the public.

Charges to residents of the Metro district who may not be direct users of the disposal system should be related to other benefits received.

To the extent possible, rate adjustments will be predictable and orderly to allow affected parties to perform effective planning.

High level vs. ground level direction

The vision, values, and policies presented in this Chapter provide the framework for guiding solid waste management decisions, programs, practices, and system performance in the region. The goals and objectives that follow in the next two chapters constitute much of the "work plan" for the decade ahead, and are consistent with this framework.

Chapter IV
Program areas

A. Introduction

This chapter outlines goals and objectives that will guide the direction of key program areas to reduce the amount and toxicity of solid waste for the next 10 years. It is organized into four sections: waste reduction, education services, hazardous waste management and product stewardship. The objectives in these four sections are designed to achieve the region's goals, and will be used to guide the annual work plans produced by Metro and local governments.

Many of the programs will continue to focus on sectors where the most recoverable tonnage remains, as these will provide the greatest opportunity for achieving the waste reduction goal. These programs will be designed in the direction of recovery, while adhering to the solid waste hierarchy of reduce, reuse, recycle/compost, recover energy and disposal. Other programs will look beyond generator-based strategies and will focus on the toxicity or recyclability of products by addressing their design and manufacture (i.e., product stewardship).

These waste reduction efforts will require coordination and collaboration among Metro, local governments, service providers, the DEQ and the public. The coordination of efforts between those providing education and outreach services, for example, is important to avoid duplication of services and to reach the largest audiences. Collaboration can also assist in addressing complex environmental problems that cannot be solved by one agency, such as partnerships between hazardous waste and water quality programs to achieve the goals of protecting and restoring streams and critical habitat.

B. Waste reduction program areas

Goal: Increase the sustainable use of natural resources by achieving the waste reduction goal of 64%.

Specific objectives describing how each sector (single-family residential, multi-family residential, business, building industry and commercial organics) will contribute to this goal are described in the pages that follow.* The creation of regionally coordinated plans with services accessible to all is the foundation of each set of objectives.

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*The Plan programs related to many of these objectives are described in the "High Recovery Scenario" in Chapter II, Plan programs for achieving the 64% goal.

Single-family residential

Following a boost to curbside recycling rates when commingled collection was introduced, increases to the recycling rate have tapered off recently. In 2005, about 46% of residential waste was recycled through curbside services. To stimulate additional participation and to ensure steady progress toward the waste reduction goal, the region has identified the objectives shown below.

1.0	**Conduct annual outreach campaigns that focus on preventing waste, reducing toxicity and/or increasing the quantity and quality of recycling setouts.**	To increase the quantity and quality of materials set out for recycling in regional recycling programs, regular campaigns will be undertaken. Regional campaigns will be cooperative in nature and will use a clear and consistent message across the region.
2.0	**Identify and implement service provision changes and incentives to maximize recycling, and identify and evaluate new collection technologies.**	Incentives in the form of monetary savings or convenience can encourage residents to participate in waste reduction programs. Currently, collection rates are structured to provide some degree of savings with increased recycling and reduced solid waste (e.g., mini-can rates, monthly collection, etc.). With emerging solid waste collection technologies, it is important to evaluate new collection techniques and options that may increase efficiencies and recycling rates. Research will be conducted on a cooperative regionwide basis to identify potential new collection options and opportunities for additional incentives through the residential rate structure, service options or other means.
3.0	**Expand curbside service by adding new materials as markets and systems allow.**	The region's residents continue to seek more opportunities to recycle additional materials at the curb. Markets for recycled materials can be volatile, and it is vital to ensure that it is technically and economically feasible to collect and process any new materials before they are added to curbside collection.
4.0	**Promote home composting and appropriate onsite management of yard debris and food waste.**	Composting and other onsite management is the least expensive and most environmentally sound option for handling yard debris and food scraps. Half of the region's residents participate in this activity and divert more than 50,000 tons of organics annually. Future activities in this area will include providing technical support for current onsite composters and developing more cost-effective home compost bin promotions that target interested residents.
5.0	**Develop residential organics collection programs when economically and technically feasible.**	Although home composting of vegetative food waste and yard debris is the preferred method of managing yard debris and food scraps, the region will also examine the economic and technical feasibility of implementing curbside collection of residential food wastes to further increase organics recovery.

Monitoring and implementation methods

Detailed program planning and implementation of these objectives will be coordinated through the Local Government Recycling Coordinators group, which includes local governments, Metro and the DEQ. Implementation plans will be presented for review to the Regional Solid Waste Advisory Committee and Metro Council annually. The plans will detail annual programs, costs, and roles and responsibilities. Local governments and Metro will be jointly responsible for the implementation of these plans.

Multi-family residential

Recycling services for residents living in dwellings of five or more units ("multi-family" buildings) currently contribute to regional recovery levels, but could be collecting more material. These households, which range from suburban garden apartments to high-rise buildings in dense urban areas, present a number of challenges and opportunities for recycling. Although technically these are defined as residential dwellings, most multi-family units share common garbage and recycling areas and are serviced as commercial accounts by garbage haulers. Turnover in multi-family dwellings is much higher than in single-family housing, making more frequent education and outreach especially important. According to the 2002 American Housing Survey, people who rent (either apartments or houses) typically stay in the same location for less than two years while homeowners stay at the same location for about seven years.

The following objectives are designed to increase the efficiency and effectiveness of multi-family residential recycling programs.

1.0	**Implement a program suited to the needs of multi-family housing that is uniform and consistent throughout the region.**	The region will cooperatively develop a program tailored to the needs of multi-family housing.
2.0	**Provide annual regional education and outreach targeting multi-family housing.**	Outreach materials will be designed to address the barriers and benefits of recycling in a multi-family setting and will be adapted to a variety of conditions and collection systems.
3.0	**Identify and evaluate new collection technologies for implementation on a cooperative regionwide basis.**	Multi-family recycling presents many unique challenges. Emerging collection technologies will be evaluated on a cooperative regionwide basis to identify potential opportunities to enhance and improve collection.

Monitoring and implementation methods

Implementation of these objectives will be coordinated through the intergovernmental multi-family waste reduction work group. This work group will present its implementation plans for review to the Regional Solid Waste Advisory Committee and Metro Council annually. The plans will detail annual programs, costs, and roles and responsibilities. Local governments and Metro will be jointly responsible for the implementation of these plans.

Business

Businesses hold the greatest potential for increasing material recovery in the region, as they generate nearly half the region's waste. For example, 26% of the garbage businesses throw away (more than 107,000 tons annually) is paper that is fully recyclable. An additional 80,000 tons of paper and containers are needed to meet the 2009 waste reduction goal. To help achieve this goal, programs for this sector focus on providing direct assistance to businesses and regulatory and service provision options to increase recovery.

The following objectives are intended to help non-residential waste generators improve their recycling programs, initiate waste prevention practices, increase their purchases of recycled-content products and incorporate sustainable practices into their operations.

1.0	**Provide businesses with annual education and technical assistance programs focused on waste reduction and sustainable practices.**	The business community has indicated in a variety of forums that tailored one-on-one education and assistance is a preferred approach to increase recycling rates. By offering a comprehensive education and technical assistance program to businesses, the region addresses the needs of businesses that want to start or improve their waste reduction programs. It also focuses attention on a waste stream that generates a large percentage of the region's waste.
2.0	**Develop information and resource materials that demonstrate the benefits of waste reduction and sustainable practices to support the business assistance program.**	Information and resources, such as fact sheets, recycling containers, decals and Internet tools, provide additional tools to help businesses participate in the assistance program and improve their waste reduction practices.
3.0	**Conduct annual regional outreach campaigns to increase participation in the business assistance program and to promote recycling opportunities and other sustainable practices.**	Outreach campaigns stimulate individual business interest and broadly promote waste reduction ideas to a large portion of the business sector.
4.0	**Implement waste reduction and sustainable practices at government facilities.**	Government facilities make up a large portion of the business waste stream in the region. Improving practices at government facilities shows a commitment to serve as a model for the business community.

5.0 Identify and implement opportunities for increasing recovery in the business sector, including service provision options, incentives for recycling and regulation.

Incentives in the form of monetary savings, increased convenience and a variety of service options can encourage businesses to participate in waste reduction programs. Currently, collection rates and service standards are set by some, but not all, jurisdictions in the region. Research will be conducted on a cooperative regionwide basis to identify potential opportunities for additional incentives through commercial rate structures, service standards or other means. In addition, many municipalities around the country (including Portland and Seattle) have passed laws that either require items to be recycled or that ban them from landfill disposal. These regulatory approaches will be pursued if regional implementation is feasible.

6.0 Periodically review end-use markets to assess cost-effectiveness, material quality and capacity.

Conducting periodic market studies and reviewing end-use markets to ascertain the viability of recycling various materials can help provide businesses with up-to-date information on recycling opportunities and preparation guidelines. Many businesses generate materials that have historically had little opportunity for recycling, and need to be informed in a timely fashion when new materials become recyclable.

Monitoring and implementation methods

Implementation of these objectives will be coordinated by Metro through the intergovernmental business recovery work group. The work group will present its implementation plans for review to the Regional Solid Waste Advisory Committee and Metro Council annually. The plans will detail annual programs, costs, and roles and responsibilities. Local governments and Metro will be jointly responsible for the implementation of these plans.

Building industry

Regional efforts to manage construction and demolition debris follow a three-pronged approach:

- Preventing waste through salvage, deconstruction and reuse;
- Developing effective construction and demolition debris recovery programs for debris that is not suitable for deconstruction and salvage; and
- Maintaining and supporting viable and diverse markets for recyclable and reusable building materials.

The primary targets for increased recovery of construction and demolition debris include new commercial construction under $3 million, commercial remodel/tenant improvement, complete and selective building demolition, and residential remodeling performed by licensed contractors.

The following objectives are designed to support the building industry in its efforts to develop sustainable practices promoting environmental protection and resource conservation.

1.0 Develop a regionwide system to ensure that recoverable construction and demolition debris is salvaged for reuse or is recycled.

The region's building industry currently enjoys a full range of waste reduction options and choices, including salvage and reuse, source-separated recycling and post-collection recovery. The existence of low-cost disposal at two regional landfills severely constrains the growth of salvage, recycling and recovery. The region will work with stakeholders to develop a program that ensures construction and demolition debris in the region is processed before disposal and recovered to the maximum extent possible.

2.0 Provide the building industry with annual outreach, education and technical assistance programs that demonstrate the benefits of green building, including building material reuse and recycling.

The building industry generally supports reuse and recycling, but often lacks information on these opportunities. Maintaining an ongoing outreach, education and technical assistance program helps builders make more informed decisions about managing their waste. Green building is a growing enterprise and it is important to work cooperatively with local green building programs to promote reuse and recycling.

3.0 Include sustainable practices and products in the development, construction, renovation and operation of government buildings, facilities and lands.

Construction, renovation and maintenance of government buildings and facilities represents a large portion of the construction activity in the region. These projects result in significant quantities of construction and demolition debris and present an opportunity to serve as models and demonstration projects for businesses in the region.

4.0	**Support the development of and access to viable end-use markets for construction and demolition materials.**	Periodic market studies will be conducted to assess the viability and diversity of local salvage markets or markets for materials typically found in construction and demolition waste. If markets appear weakened, then technical, monetary or research assistance may be provided to strengthen, maintain and diversify markets for construction and demolition materials.

Monitoring and implementation methods
Implementation of these objectives will be coordinated through the intergovernmental construction and demolition recovery work group. The work group will present its implementation plans for review to the Regional Solid Waste Advisory Committee and Metro Council annually. The plans will detail annual programs, costs, and roles and responsibilities. Local governments and Metro will be jointly responsible for the implementation of these plans.

Commercial organics

The region follows a two-track approach to organic waste management. The first track emphasizes preventing waste by donating usable food to food banks, and other uses such as animal feed (when appropriate). The second track focuses on implementing a collection and processing system to recover (i.e., compost) organic waste that cannot be diverted to those higher end uses. Regional efforts currently target large organics-rich businesses and industries, such as large retail grocery stores, restaurants, hotels, institutional cafeterias, wholesale produce warehouses and food processors.

The following objectives are designed to support the use of sustainable practices by businesses generating organic wastes.

1.0	**Provide outreach and education programs for targeted businesses to support and increase organic waste prevention and diversion practices.**	Donation is the highest end use for surplus food, and an established system to collect and redistribute donated food exists in the region. Emphasizing food donation also helps to address the problems of hunger in the region and the state.
2.0	**Enhance access to organics recovery services throughout the region.**	Organic waste that cannot be diverted to higher end uses may be collected for composting. The region will focus on increasing the composting opportunities that are available to businesses; every effort will be made to use existing infrastructure and to tailor generator and collection programs to fit within existing operations and regulatory systems.
3.0	**Implement organic waste recovery programs at government facilities where feasible.**	Government facilities that generate significant quantities of organic waste will serve as models for businesses in the region by adopting organics recovery programs.

4.0	**Work to ensure that compost products are specified for use in government projects.**	Metro and local governments will coordinate with other government agencies to incorporate the standard use of compost products for landscaping, soil conditioning and erosion control on publicly funded projects.
5.0	**Periodically review the viability of end-use markets and assist with market development efforts.**	Conducting periodic market studies to assess the viability of local compost markets is an important activity. If market trends indicate a weakening in demand, Metro and others can assist regional compost facilities with market development as needed to strengthen and maintain the marketability of compost and soil amendment products made from organic materials.

Monitoring and implementation methods

Implementation of these objectives will be coordinated through the intergovernmental organics recovery work group. The work group will present its implementation plans for review to the Regional Solid Waste Advisory Committee and Metro Council annually. The plans will detail annual programs, costs, and roles and responsibilities. Local governments and Metro will be jointly responsible for the implementation of these plans.

C. Education services

Goal: Increase the adoption of sustainable practices by households and businesses through increased knowledge, motivation and commitment.

Achieving the region's goals will require strong public support. Regional education and outreach efforts help build this support by supplying the information that residents and businesses need to make environmentally responsible choices in their daily lives. Metro and local governments provide a wide range of information through a variety of media. The Metro Recycling Information hotline responds to nearly 100,000 calls per year and the companion website has a host of tools and resources available. Local governments provide ongoing outreach and education through mailed materials and events.

Education and outreach efforts also build and reinforce resource conservation and environmental protection ethics that are essential to increasing sustainable practices. Regional education efforts start in the schools. Targeted education in schools, including elementary and secondary programs, provide age-appropriate information and concepts about resource conservation and environmental awareness, as well as programs designed to help teachers incorporate resource conservation concepts into their teaching. There are free classroom presentations and educational materials on waste prevention, recycling, composting and household hazardous waste reduction for elementary and secondary schools. In addition, technical assistance is available to help schools set up a waste reduction and recycling program or expand existing programs.

Metro and local governments also provide a wide variety of adult education programs. In particular, local governments and Metro have been promoting household hazardous waste (HHW) prevention and proper disposal education and outreach to the region for many years. Education targeted to adults about household hazardous chemical use and less toxic alternatives are ongoing through efforts such as the natural gardening program.

Information services and adult education

Numerous organizations within the region (including local governments, private businesses and non-profit agencies) provide disposal, recycling and other waste reduction services. Offering residents and businesses easily accessible and accurate referrals to these services is critical to reaching regional waste reduction goals.

The objectives for information services and adult education are shown below.

1.0	**Provide a regional information clearinghouse and referral service.**	Maintaining communication with and providing education to residents and businesses about waste reduction programs and services offered within the region is essential to help them make environmentally responsible choices.
2.0	**Provide education and information services for residents and businesses that are targeted to specific waste streams, materials or generators.**	Information services are more effective when they address specific needs and use methods that match how generators receive and respond to information on waste reduction opportunities. Education services are a critical part of each waste reduction program area (single-family, multi-family, business, building industry and commercial organics) targeted in the Plan.

Monitoring and implementation methods

Metro and local governments will work cooperatively to develop and distribute education materials for households and businesses. Metro will research and provide technical assistance on the most effective methods to educate households and businesses on waste reduction options. Local governments, haulers and Metro will cooperate and communicate on the implementation of these education programs. Implementation of these objectives will be coordinated through the intergovernmental work groups.

School education

Life-long learning about the value of resource conservation and the importance of protecting the environment begins with children in elementary and secondary schools. The guiding approach is to develop curriculums and programs that are appropriate for each age group and that cumulatively help build an environmental stewardship ethic.

The objectives for school education are shown below.

1.0	**Provide education programs that help teachers incorporate resource conservation concepts, including waste prevention and toxicity reduction, into their teaching.**	Today's teachers have a multitude of demands on their time and resources. Providing teachers with assistance on curriculums and programs helps teachers meet their needs, while simultaneously assisting the region in meeting its waste reduction goals.
1.1	**Provide programs at the elementary level that establish fundamental concepts of resource conservation and environmental awareness through active learning experiences.**	Elementary students are often eager to learn about ways to help make the world a better place. Providing age-appropriate information and concepts about resource conservation that encourage awareness and participation will build a strong foundation for life-long sustainable behaviors.
1.2	**Provide programs at the secondary level (middle and high school) that will extend concepts established at the elementary level and prepare students for making responsible environmental choices in everyday adult life.**	By middle and high school, students can begin to make connections between their daily choices and behaviors and how they impact the environment. By providing opportunities to encourage their critical thinking skills, students can gain an appreciation and a sense of stewardship for the environment that will carry over into adulthood.
2.0	**Work with schools and teachers to increase support for regional solid waste programs and create opportunities for partnerships.**	Schools are vital institutions within our community. Working and partnering with schools provides an opportunity to educate the next generation about resource conservation programs. Schools are also large resource users and waste generators and need to be active participants in waste reduction programs.

Monitoring and implementation methods

Metro and local governments will continue to provide school waste reduction education programs. Metro and local governments will provide technical assistance to school recycling programs and will collaborate on the development and distribution of education materials to meet local needs. Implementation of these objectives will be coordinated with various waste reduction work groups and the Regional Solid Waste Advisory Committee.

D. Hazardous waste management

Goal: Reduce the use and improper disposal of products generating hazardous waste in order to protect the environment and human health.

Homeowners use a variety of products in their daily lives, some of which pose risks to human health and the environment during use, storage and disposal. Examples of these risks include fires or child poisonings due to improper storage; injuries to disposal system workers (haulers, transfer station or landfill workers); contamination of streams from runoff of lawn and garden care products; and pollution of streams or groundwater from improper disposal of auto products such as used oil or antifreeze.

Historically, the region's approach to dealing with the problem has been to provide disposal alternatives for the public through collection facilities and events. Collection programs are costly to operate, however, and waste volumes continue to increase, while only a portion of the total waste generated each year comes into the collection program. As a result, there has been growing interest in preventing the generation of household hazardous waste through increased education and outreach. In addition, the region is looking toward product stewardship to transfer responsibility from local governments back to manufacturers and retailers (see the section on product stewardship).

Hazardous waste reduction

Changing the way people use products in their home is a very challenging undertaking. Traditional education techniques such as informational brochures can be ineffective in getting people to change long-standing behavior. The large number of households in the region, wide array of products, and competing messages from manufacturers and retailers all pose barriers to encouraging residents to change their behavior. Given these challenges, regional education and outreach efforts are paying increased attention to new methods to get residents to engage in more environmentally sustainable behavior.

The objectives for achieving hazardous waste reduction are shown below.

1.0 Provide hazardous waste education programs that focus on behavior change.

The region will pursue methods to tailor education messages to more effectively bring about behavioral changes in ways that can benefit public health and the environment. Programs will include learning about and targeting specific audiences that use hazardous products, identifying barriers to changing these behaviors, and overcoming these barriers. Education on hazardous products in the home will also be a part of Metro's school age education programs.

1.1 Provide hazardous waste education programs that focus on those products whose toxic and hazardous characteristics pose the greatest risks to human health and the environment, or that are very costly to properly dispose or recycle.

With limited resources available for hazardous waste reduction efforts, it is important to focus on the types of waste that have the greatest health, environmental, and financial impacts. Focusing on pesticides, mercury and other persistent bioaccumulative toxins (PBTs), for instance, is consistent with these priorities. As more understanding is gained on the health and environmental impacts of hazardous wastes, education programs will focus on those wastes that are the most detrimental to human and environmental health.

1.2	**Provide hazardous waste reduction messages and information to all customers bringing waste to household hazardous waste collection sites.**	A large number of the region's residents are already taking one step by bringing their leftover hazardous products to collection sites. This audience is likely to be receptive to information about the hazards of those products and the use of less toxic alternatives.
1.3	**Coordinate hazardous waste education efforts with related efforts conducted by government agencies and community groups in the region and in other areas.**	Along with the hazardous waste reduction efforts conducted by Metro, a number of other organizations in the region, such as water and air quality agencies, are involved in similar efforts. Coordination can eliminate duplication of efforts and can help solve problems that are too complex for any one group to address. Coordinating with hazardous waste education efforts in other areas can help keep local educators informed of the latest research and the success of approaches that others have tried.
2.0	**Research and develop tools to measure the generation, impacts and reduction of hazardous waste, when this can be accomplished at a reasonable cost.**	To reduce the environmental and health impacts of hazardous products, it is important to fully characterize their effect, but data are limited on many important aspects of household hazardous waste use and disposal. When it can be done at a reasonable cost, the region will acquire quantitative information on aspects such as purchasing, generation and disposal practices, repeat users, specific environmental and health impacts, consumer attitudes and behaviors, and the effectiveness of behavioral change programs.

Monitoring and implementation methods
Metro will continue to provide annual reports as required by permits. Implementation of these objectives will be coordinated with various waste reduction work groups and reported to Metro Council and the Regional Solid Waste Advisory Committee.

Hazardous waste collection

Even with significant efforts invested in preventing the generation of hazardous wastes, substantial volumes of hazardous wastes will still need to be managed and properly disposed. The region should provide convenient, safe, efficient and environmentally sound collection and disposal services for hazardous waste that cannot be eliminated through prevention and education.

The objectives for providing hazardous waste collection services are shown below.

1.0	**Manage collected waste in accordance with the hazardous waste hierarchy: reduce, reuse, recycle, energy recovery, treatment, incineration and landfill.**	The hazardous waste hierarchy differs from the solid waste hierarchy in that composting is not an option. In addition, treatment and incineration (without energy recovery) are acceptable for hazardous waste. For certain types of waste, treatment and incineration are the most environmentally sound options. To maximize the environmental soundness of the disposal methods selected, this hierarchy will be used when procuring contractors for ultimate disposal of collected household hazardous waste.

2.0	**Coordinate collection programs with waste reduction and product stewardship efforts.**	When waste reduction efforts target particular wastes due to toxicity or cost concerns, collection programs will be available for disposal of the targeted waste. In some cases, however, Metro will not undertake collection but instead will pursue waste prevention or product stewardship solutions. In other cases, the convenience of Metro's collection efforts may need to be increased when this is consistent with waste reduction goals and can be done in a cost-effective manner.
3.0	**Conduct waste screening programs at solid waste facilities to minimize the amount of hazardous waste disposed with solid waste.**	In spite of the availability of collection programs, some hazardous waste is still put into the trash. Effective screening programs will be used at solid waste facilities to keep this hazardous waste from the landfill.
4.0	**Use solid waste facilities efficiently and effectively for the delivery of collection services.**	Existing solid waste facilities that serve the public will be used as collection points for household hazardous waste. In some cases, these facilities may serve as the site of permanent collection depots; in others, they may serve only as occasional sites as a part of a schedule of temporary events.
5.0	**Maximize the efficiency of public collection operations, search for the most cost-effective methods and place a high priority on worker health and safety.**	To maximize the amount of waste properly managed with limited financial resources, collection programs must operate in an efficient manner. Program operators will continue to identify ways to reduce expenditures for materials, labor and disposal contractors, while maintaining high standards for environmental protection, worker health and safety, and customer service. Wastes brought to household hazardous waste collection centers can pose a wide variety of risks to the workers handling them. It is important to have a comprehensive health and safety program in place to properly protect these workers.
6.0	**Offer a Conditionally Exempt Generator (CEG) program to manage waste from small businesses.**	While federal and state laws allow small businesses that are classified as Conditionally Exempt Generators (CEGs) to dispose of their hazardous waste in the trash, Metro discourages this practice. As part of the effort to keep this waste out of the solid waste system, Metro operates a disposal program that provides a convenient and economical way for these generators to properly dispose of their hazardous waste.
7.0	**Implement bans on disposal of specific hazardous products as needed to address public health and environmental concerns.**	Some localities around the country have passed laws to ban the disposal of some or all hazardous products. When disposal of specific products poses a known risk to public health or the environment in the region, and there are convenient collection services available for such products, disposal bans will be implemented.

Monitoring and implementation methods

Metro will continue to provide annual reports as required by permits for hazardous waste collection methods. Implementation of these objectives will also be coordinated with various waste reduction work groups and reported to Metro Council and the Regional Solid Waste Advisory Committee.

E. Product stewardship

Goal: Shift responsibility to manufacturers, distributors and retailers for ensuring that products are designed to be nontoxic and recyclable, and incorporate the cost of the product's end-of-life management in the purchase price.

Over the past decade, state and local governments have been faced with finding solutions to rising waste quantities, strong competition for limited fiscal resources, and a growing amount of expensive and difficult-to-recycle products. These problems resist traditional solid waste management methods, which focus primarily on improving end-of-life management through better recycling and disposal programs. Product stewardship has emerged as a way to help deal with these problems.

Product stewardship is defined as an approach to managing the lifecycle costs of a product in which a product's designer, producer, seller and user share the responsibility for minimizing the product's environmental impact throughout all stages of the product's life cycle. The greatest responsibility lies with whomever has the greatest ability to affect the overall environmental impacts of the product.

This concept aspires to recast the system of product responsibility from resting primarily on governments to having others – consumers, retailers and manufacturers – share in reducing the product's life cycle impacts. "Products" in this sense are defined to include durable goods, nondurable goods and packaging.

The burden on government resources will be eased when manufacturers design, businesses distribute and sell, and consumers purchase products that are less toxic and more durable, reusable and recyclable. Product stewardship shifts responsibilities "upstream" from government to a product's users, retailers, distributors and manufacturers. These parties then take greater responsibility for ensuring that products are collected and recycled, and that markets exist for the recovered materials. If there are costs to recycle or dispose of a product, those costs should be part of the product's original price. This could be achieved by including a visible fee (i.e., an advance recycling fee) or by the manufacturer internalizing the costs of recovering, reusing and recycling. These "front-end" fee approaches are much preferable to "drop-off" or "end-of-life" fees which may increase illegal or improper disposal. Both "front-end" approaches are likely to increase the cost of a product in the near term, but could reduce the growth in solid waste management costs for ratepayers.

Objectives to achieve the product stewardship goal are shown below.

1.0 Prioritize product stewardship activities by evaluating products based on the significance of environmental impact (e.g., resource value, toxicity), current barriers to recycling, and financial burdens on governments for recovery programs.

The region will focus its resources on product stewardship activities that will have the greatest impact on decreasing local burdens, such as the need for government to provide special and costly collection programs. The region will coordinate with others at state, regional and national levels that are also seeking to set product stewardship priorities.

2.0	**Implement industry-wide product stewardship agreements or individual company stewardship programs in the region.**	Product stewardship agreements require the support of local and state governments to ensure that programs are effectively implemented. A number of national industry stewardship programs are currently in place and progress is being made in others (e.g., household batteries, carpet, paint, cell phones, and office products such as recycled content paper, ink cartridges, and computers). Local efforts can assist these programs by promoting product take-back opportunities and other activities.
3.0	**Educate public and private sector consumers about product stewardship and, in particular, their role in purchasing environmentally preferable products.**	Product stewardship encourages changes in thinking and behavior from a consumption and use perspective toward waste minimization and sustainable production. Such changes are enhanced by educating public and private consumers about the environmental impacts of their purchases and encouraging them to consider those impacts when making purchasing and disposal decisions. When businesses, institutions and governments adopt policies and purchase products that are part of product stewardship programs, they provide direct and visible support to stewardship programs. The electronic product environmental assessment tool (EPEAT) for electronic products is a good example.
4.0	**Work at the local, regional, state and national level to develop and implement policies, such as recycled-content requirements, deposits, disposal bans and advance recycling fees, that encourage product stewardship programs.**	Local, regional, state and national policies can provide the necessary incentives or legislative foundation required to make stewardship programs efficient, effective and sustainable. Because local governments are responsible for ensuring an environmentally sound and efficient solid waste disposal and recycling system, they directly benefit when product stewardship solutions result in manufacturers and others sharing that responsibility. Local governments are encouraged to support the product stewardship approach and to adopt product-specific policies. For example, a jurisdiction could include a provision in computer procurements that requires the sellers to take them back for recycling at the end of their useful life.

Monitoring and implementation methods

Implementation of these objectives will be coordinated with various waste reduction work groups and reports will be provided to Metro Council and the Regional Solid Waste Advisory Committee.

Chapter V
Sustainable operations

A. Introduction

As part of the RSWMP outreach in 2004, public input indicated a desire to see the solid waste system become more 'green' by engaging in broader environmental protection and resource conservation. In 2005, Metro facilitated a team of solid waste system stakeholders to develop goals for the RSWMP update that would guide system activities to become more sustainable. This chapter of the Plan reflects their work: a definition of sustainability, a framework through which potential improvements can be examined, and goals and objectives to guide progress. The goals and objectives that follow are intended to apply to any solid waste facilities and services in the region that are regulated by government.

B. Sustainability and the solid waste system

Sustainability efforts are becoming widespread among governments and businesses in Oregon. Metro adopted its own resolution to make agency operations more sustainable in May 2003, and has since taken a leadership role in implementing sustainability practices for contracted solid waste operations. These have included the use of ultra-low-sulfur and biodiesel fuel in facility rolling stock and long-haul trucks, as well as requiring purchase of rolling stock with the latest emission control devices.

Achieving sustainable operations throughout the system will involve engaging all participants in thinking about values, behavior and business decisions over the long run. This chapter of the Plan as well as the next (Plan implementation) will enable the regional solid waste system to achieve sustainability progress in a more coordinated fashion. It will also provide a model for sustainable operations in solid waste management for other jurisdictions around the nation.

To guide the evaluation and incorporation of sustainable practices, the following definition of sustainability, consistent with that of the State of Oregon, will apply:

> "Sustainability" means using, developing and protecting resources in a manner that enables people to meet current needs and provides that future generations can also meet future needs, from the joint perspective of environmental, economic and community objectives [ORS 184.421 (4)].

Application of this definition to solid waste management practices requires a framework through which to examine, develop and deploy improvements. The framework that was chosen is based on "The Natural Step" as defined below.

"The sustainable operation of the solid waste system considers economic, environmental and societal resources and is consistent with the Natural Step system conditions so that nature is not subject to systematically increasing:

1. Concentrations of substances from the Earth's crust;
2. Concentrations of substances produced by society, or
3. Degradation by physical means;

   and in that system

4. Human needs are met worldwide."

The following nine goals and 23 related objectives were approved by the Regional Solid Waste Advisory Committee in 2005. These goals and objectives are intended to guide evaluation and implementation of sustainable operations practices over the next 10 years.

Goal 1.0 Reduce greenhouse gas and diesel particulate air emissions

Objective 1.1: Implement plans for greater energy efficiency.

Objective 1.2: Utilize renewable energy sources.

Objective 1.3: Reduce direct emissions of greenhouse gases from landfills and other facilities.

Objective 1.4: Reduce diesel particulate emissions in existing trucks, barges and rolling stock through best available control technology.

Objective 1.5: Implement long-haul transportation and collection alternatives where feasible.

Options for realizing these objectives may include: choosing renewable energy options (both in daily operations and in the procurement of new contracts); implementing new energy audit and efficiency programs to ensure incorporation of the most energy-efficient practices available; and converting facility rolling stock, collection vehicles and transport equipment to ultra-low-sulfur fuels and incorporating the cleanest exhaust technology available.

Goal 2.0 Reduce stormwater run-off

Objective 2.1: Implement stormwater run-off mitigation plans.

Options for realizing this objective may include: employing best bio-swale systems; new oil/water separation technologies; active and passive filtration systems; and best management practices for wash-down and water usage procedures.

Goal 3.0 Reduce natural resource use

Objective 3.1: Implement resource efficiency audit recommendations.

Objective 3.2: Implement sustainable purchasing policies.

Objective 3.3: Reduce disposed waste.

Options for realizing these objectives may include: achieving higher-than-minimum recovery requirements; and implementing bid and procurement procedures that allow for maximum sustainability options

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Goal 4.0 Reduce use and discharge of toxic materials

Objective 4.1: Implement toxics reduction and management plans.

Options for realizing this objective may include: using non-toxic cleaning and industrial supplies; and developing education programs regarding proper product usage.

Goal 5.0 Implement sustainability standards for facility construction and operation

Objective 5.1: Implement sustainability standards for site selection.

Objective 5.2: Require new construction to meet the Leadership in Energy and Environmental Design (LEED) or equivalent program standards.

Objective 5.3: Provide incentives for existing facilities to meet LEED or equivalent program standards.

Options for realizing these objectives may include: basing new facility site acquisition on the lowest environmental and social impacts associated with site selection and facility development; providing an information source for LEED or LEED equivalent program and product research for workshops and other practical purposes; and underwriting the cost of Green/ Sustainable Building program certification through system fees.

Goal 6.0 Adopt best practices for customer and employee health and safety

Objective 6.1: Reduce injuries by automating operations where effective.

Objective 6.2: Implement health and safety plans that meet or exceed current minimum legal standards.

Options for realizing these objectives include: reducing task redundancy associated with moderate to high employee injury and/or toxic exposure risk; and setting safety standards above minimum requirements in the industry.

Goal 7.0 Provide training and education on implementing sustainability practices

Objective 7.1: Train key regional waste industry employees, government waste reduction staff and political officials in adopted sustainability practices.

Objective 7.2: Inform suppliers, contractors and customers of the adoption of sustainability goals and practices.

Options for realizing these objectives include: participating in training programs focused on sustainability that are designed to address business model concerns; learning peer-to-peer from businesses that have already adopted and successfully implemented sustainability practices; and developing and employing proposal and procurement standards to encourage standard evaluation criteria based on sustainability practices and programs adopted by others.

Goal 8.0 Support a quality work life

Objective 8.1: Pay a living wage and benefits to all workers.

Objective 8.2: Promote community service.

Objective 8.3: Strive to employ a diverse work force.

Options for realizing these objectives include: determining and implementing living wage compensation levels for workers; encouraging employee involvement in charitable giving and other community service projects; developing programs to "give back" to the communities in which the facility or services operates; and employing affirmative action principles in recruiting, hiring, training and promoting.

Goal 9.0 Employ sustainability values in seeking vendors and contractors

Objective 9.1: Request sustainability plans from potential vendors and contractors.

Objective 9.2: Assist vendors and contractors in achieving sustainable practices.

Objective 9.3: Support local vendors when feasible.

Options for realizing these objectives include: providing guidance and criteria standards for vendor sustainability plans or practices; promoting training and education programs to assist vendors in employing sustainable practices; and establishing affirmative purchasing policies for local companies that are able to provide needed services.

Monitoring and implementation methods

Metro will establish and coordinate a sustainable operations work group of policy and technical participants. The work group will develop priorities and strategies for achieving the objectives, and will report on progress annually to the Regional Solid Waste Advisory Committee and Metro Council.

Chapter VI
Plan implementation, compliance and revision

A. Overview

The RSWMP is primarily a policy and program guidance document designed to enable the region to meet its waste reduction and sustainable operations goals and objectives, thereby conserving resources and improving solid waste management practices. Progress on the goals and objectives identified in Chapters IV and V rely on coordination and cooperation among public and private sector parties in the region. In addition to cooperative efforts, the Plan contains areas of required compliance for local governments as established in Metro Code Chapter 5.10.

The coordinated implementation of waste reduction and sustainable operations objectives in Chapters IV and V of the Plan, are addressed in these pages as are the regional service standard, and the process by which alternatives to the standard are proposed, evaluated and approved.

Key factors guiding Plan implementation, performance and compliance include:

- Ensuring coordination and cooperation among governments and the private sector while allowing flexibility in developing solutions.
- Monitoring and evaluation of implementation strategies and programs.
- Using benchmarks and targets to measure overall Plan performance.
- Meeting state statutory requirements and goals.
- Ensuring compliance with Metro Code Chapter 5.10.

B. Coordinated implementation of the Plan

Metro is responsible for coordinating and participating in various efforts to implement Plan objectives as well as assessing Plan performance. A coordinated implementation program will ensure that Plan-related programs and strategies are put in place in an effective and consistent manner throughout the region. Metro and local governments' annual work plans and various regional work groups are important to these coordinated implementation efforts.

C. Annual waste reduction work plans

Annual work plans developed by Metro and local governments are the primary means for ensuring that basic waste reduction services are provided, and for developing the specific programs and activities necessary to reach regional waste reduction goals identified in Chapter IV.

Metro provides per-capita funding allocations to help support local government activities carried out under this Plan. Funding is contingent upon receipt of satisfactory annual work plans and reports from the local jurisdictions.

Annual work plan tasks and associated per-capita funding are formalized via annual Intergovernmental agreements between Metro and local jurisdictions or local cooperatives. Cooperatives are required to have formal agreements in place with members to authorize the cooperative to act and implement programs on the local jurisdiction's behalf.

Compliance with state law

All local jurisdictions are required to comply with the provisions set forth in state law (OAR 340-090-0040 and ORS 459A). Metro has been designated by the state as the agency to report on compliance for the region's three-county area. Local jurisdictions provide data to Metro to assist with this annual responsibility. As part of the annual work plan, local jurisdictions must provide documentation indicating they are continuing full implementation of the program elements required as part of the Opportunity to Recycle Act (OAR 340-090-0040 and ORS 459A).

Metro will review annual reports for compliance with state law. Programs appearing to be out of compliance will be reviewed with the local jurisdictions described in Section I of this chapter.

Maintenance of existing programs

Local governments and Metro currently provide basic recycling collection and education services that generally exceed minimum state requirements. During the development of the annual work plan, Metro and local governments will review the status of these existing programs, and evaluate methods to improve services, ensuring continued compliance with minimum state requirements and ensuring forward progress. Metro will continue to assist local governments in maintaining such programs.

Regional program areas

Within the annual waste reduction work plan, regional work groups will develop programs and activities designed to achieve the waste reduction goals and objectives as specified in Chapter IV. Each year, the annual work plan will identify which sector or sectors to focus on: single-family residential, multi-family residential, business, building industry, commercial organics or perhaps other areas. These work plans will address the individual needs, barriers and particular circumstances affecting each sector and provide specific action steps, staffing and budgets for achieving the objectives of the Plan. This annual planning process allows for a flexible and rapid response to changing conditions. The process also enables the region to quickly phase out those programs or activities that prove less effective, and allows for shifting efforts and resources between areas as the need arises.

Annual work plans are developed in cooperation with regional work groups and the Regional Solid Waste Advisory Committee according to the following schedule.

August/September
Work plan development for next fiscal year begins. Metro and local government program area work groups (organics, building industry, business, multi-family) and the local government recycling coordinators' work group review and amend plans and associated budgets.

November/December
Draft overall framework of the annual plan developed by Metro and local government staff.

January
Interim reports from jurisdictions receiving over $100,000 in funding allocations in previous fiscal year.

February 28
Metro, with local government assistance, produces annual waste reduction report to the DEQ on previous year's activities as requested by the DEQ.

March-April-May
Regional public involvement - regional SWAC review and recommendation of drafts Metro Council consideration and adoption of annual waste reduction work plan.

Metro budget hearings.

Local government budget hearings.

June-July
June 1 - Annual Plans due from local governments.

Intergovernmental agreements drafted.

Plan implementation begins at start of fiscal year (July 1st).

August 1
Final program progress reports on previous fiscal year's activities due from local governments

November
Intergovernmental agreements for grant funding approved by Metro and local governments and per-capita funding allocations distributed by Metro to local governments to support the maintenance of existing programs.

In addition to the elements in the annual work plans, regional work groups meet to address specific issues or sectors of the wastestream or improvements to the solid waste system. These can be government-only or a combination of Metro, local governments, the DEQ, and the private sector. These work groups play an important role in ensuring realization of Plan goals. They may also assist in evaluating programs or recommending Plan revisions. Regional work groups help implement objectives identified in Chapters VI and V of the Plan.

D. Education services

Regional education and outreach supply the information residents and businesses need to make environmentally responsible choices in their daily lives. Metro and local governments provide a wide range of information thorough a variety of media. The Metro recycling information hotline responds to nearly 100,000 calls per year and the companion website has a host of tools and

resources available. Local governments provide ongoing outreach and education through mailed materials and public events.

Metro and local governments will work cooperatively to develop and distribute education materials for households and businesses. Metro will research and provide technical assistance on the most effective methods to educate households and businesses on waste reduction options. Local governments, haulers and Metro will cooperate and communicate on the implementation of the education programs. Implementation of the education services objectives in Chapter IV will be coordinated through the intergovernmental work groups.

Metro and local governments will continue to provide school waste reduction education programs. Metro and local governments will provide technical assistance to school recycling programs and will collaborate on the development and distribution of education materials to meet local needs. Implementation of these objectives will be coordinated with various waste reduction work groups and the Regional Solid Waste Advisory Committee.

E. Hazardous waste management

Homeowners use a variety of products in their daily lives, some of which pose risks to human health and the environment during use, storage and disposal. Historically, the region's approach has been to provide safe disposal alternatives through public facilities and collection events, but there has been a steady move towards increased education and outreach regarding hazardous waste prevention.

Metro will continue to provide annual reports as required by permits for hazardous waste collection. Implementation of the objectives in Chapter IV will be coordinated with various waste reduction work groups and reported to Metro Council and the Regional Solid Waste Advisory Committee.

F. Product stewardship

Product stewardship is an approach to managing the lifecycle costs of a product in which a product's designer, producer, seller and user share the responsibility for minimizing the product's environmental impact throughout all stages of the product's life cycle. The concept aspires to recast the system of product responsibility from resting primarily on governments to having others (consumers, retailers, and manufacturers) share in reducing the product's impacts.

Implementation of these objectives in Chapter IV will be coordinated with various waste reduction work groups and reports will be provided to Metro Council and the Regional Solid Waste Advisory Committee.

G. Sustainable operations workgroup

The committee charged with development of the sustainable operations goals and objectives in Chapter V envisioned a collaborative implementation strategy. Metro will convene a standing work group of policy and technical participants to develop priorities and strategies for implementing the sustainable operations objectives. Research will identify actions or options that could be employed to achieve those targets, as well as their costs and benefits. Metro will establish and staff the work group and prepare an annual report on the region's progress toward these goals.

H. Plan performance

This section describes how regional waste reduction progress will be monitored and measured, as well as the methods for assessing programs and activities implemented under the Plan. The following approaches will guide these efforts:

- Use indicators that allow early identification of potential problems.
- Support continued development of simple, timely and consistent reporting systems.
- Require appropriate levels of information from local governments and the private sector.

Measuring progress

Historically, the regional waste reduction rate has been the primary benchmark of Plan performance. Emphasis continues on that measure, but other means of assessing the solid waste system's performance (e.g., progress on objectives for sustainable operations) will be implemented and reported. In addition, the Plan will be amended by 2010 to incorporate a new set of numerical goals beyond the last benchmark year of 2009.

Table 6 (see Chapter II) shows the Plan's design to reach the 64% waste reduction goal through targeting efforts in the residential (single and multi-family) and commercial (business, building industry and commercial organics) sectors. The Plan will also monitor performance through per capita measures (for generation, disposal and recycling) and in terms of the waste reduction hierarchy (i.e., prevention, recycling and composting, energy recovery and disposal).

Program monitoring and evaluation

The programs and activities developed and implemented as part of the Metro and local government annual work plan are critical to reaching regional goals and objectives. In recognition of that fact, Metro establishes intergovernmental agreements with local governments to ensure all jurisdictions in the region are represented in ongoing regional waste reduction activities and in fulfilling requirements of the annual waste reduction work plans. Implementation schedules and monitoring and evaluation components are incorporated within the annual work plan. Using qualitative and quantitative measures, performance on the annual work plan is evaluated for both accountability and effectiveness. These performance measures, combined with the annual DEQ material recovery survey report, are used to assess progress and are reported to the Regional Solid Waste Advisory Committee and Metro Council annually.

For the basic services provided under the annual work plan, local governments' annual reports document efforts completed each year. The report details each task's implementation date, as well as relevant status reports and results. These annual reports serve as the basis for monitoring the status of basic services and existing programs and Plan progress, as well as fulfilling required annual reporting to the DEQ.

Additional program evaluations

When more information is required regarding the efficiency and effectiveness of the programs designed to implement Plan recommendations, additional program evaluations will be conducted. Evaluations may also be performed when alternative policies or programs are proposed, or to examine how the regional system may operate better as a whole. (Studies of contamination issues at material recovery facilities are an example of such evaluations.)

I. Plan compliance and enforcement

While the success of the Plan depends primarily on maintaining cooperative working relationships among Metro, the DEQ, local governments and the private sector, in order to fulfill the recycling provisions set forth in state law and Chapter 5.10 of the Metro Code, the Plan also requires local governments to maintain recycling services that are consistent with the regional service standard, or have a Metro-approved alternative program. Both the regional service standard and the alternative program review process are described below.

Compliance with the regional service standard

In addition to meeting state requirements, all jurisdictions in the Metro wasteshed must meet the regional service standard. The regional service standard is designed to ensure a comprehensive and consistent level of service for the region and assists in meeting state recovery goals. The elements, summarized below, go beyond the minimum state requirements, and constitute the regional service standard under this Plan. More detailed information about the regional service standard elements is provided in Metro Code Chapter 5.10 and the related Administrative Procedures.

a) Single-Family Residential:

   1. Ensure provision of at least one durable recycling container to each residential customer.
   2. Ensure provision of weekly on-route collection of all standard recyclable materials.[1]
   3. Provide a weekly or equivalent residential yard debris collection program.

b) Multifamily Residential: Ensure provision of a regular collection program of the standard recyclable materials for each multi-family dwelling community having five or more units.

c) Business: Ensure provision of a regular collection program of the standard recyclable materials from businesses.

d) Education & Outreach: Provide a recycling education and promotion program to all generators that supports the management of solid waste according to the waste reduction hierarchy.

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 regional service standard and state law. Those programs that appear to be out of compliance will be reviewed with the local jurisdiction and will be subject to enforcement procedures identified in Metro Code 5.10.

Alternative programs - review and approval process

An alternative program is a solid waste management program or service that is proposed by a local government and differs from those referenced in the Regional Service Standard in this Plan.

[1]Standard recyclable materials are defined in Metro Code Chapter 5.10 and the related Administrative Procedures. All changes to the standard recyclable materials will be mutually decided by Metro, local governments, the DEQ, processors and market representatives.

Alternative programs allow for flexibility in meeting the Plan goals and objectives, as long as performance requirements are achieved. Because the Plan's waste reduction program and activities are developed through a collaborative approach, this approach should be maintained when a local government is considering undertaking an alternative program. The local government should consult with Metro, the DEQ and other local government partners in early planning stages. These consultations may provide information or generate options that would eliminate consideration of an alternative program. If an alternative program is still sought after this recommended informal consultation, the local government must follow the alternative program process outlined below. This process is intended to ensure that proposed programs are consistent with Plan direction, and at a minimum, demonstrate the same level of expected performance as the regional service standard.

Use of alternative program process

An alternative program process needs to be employed when a local government proposes programs or services that would depart from the regional service standard as described in this chapter.

Process for application and review of an alternative program:

1. Departures from state requirements

Since State requirements are part of the regional service standard, all programs receiving approval by Metro will also meet the DEQ standard. However, the reverse is not true. The DEQ may approve a local program change that, while meeting the minimum state requirements, does not comply with the regional service standard. Therefore, local jurisdictions are encouraged to contact Metro about program alternatives to avoid a confusing two-stage process.

2. Departures from the regional service standard

Any local government seeking alternative program approval will submit an application to the Metro solid waste and recycling director that demonstrates how the alternative program will perform at the same level or better than the Plan program. This performance standard will be based on criteria that will include, as appropriate, the following:

- Estimated participation levels;
- Estimated amounts of waste prevented, recycled, recovered or disposed;
- Consistency with the waste reduction hierarchy and the source separation priority;
- Economic and technical feasibility;
- Estimated impact on other waste reduction activities.

The application will contain a description of the existing program, the Plan program (if applicable) and the proposed alternative program. (Metro may require a pilot program to evaluate the performance of a proposed alternative.) The applicant will provide information comparing the existing and proposed alternatives for:

- Types of materials collected;
- Frequency of collection for each material;
- Levels of recovery (by material, if applicable).

Metro's solid waste and recycling director must determine whether to approve the proposal. These decisions may be appealed or an exception may be requested as specified in Chapter 5.10 of the Metro Code. Metro will include the DEQ in each review. If the approval is accompanied by a revision to the Plan or administrative procedures for the Plan, such revision will be submitted to the DEQ.

J. Plan revisions

The RSWMP is intended to allow sufficient flexibility for its implementation to adjust programs without needing to amend or revise the Plan itself. Measurements of regional progress, program monitoring and evaluation, and special evaluation studies will help determine if the Plan may require a mid-course correction. If it is uncertain whether a change requires an amendment, the issue will be discussed with the SWAC and/or Metro Council, and a consensus developed.

Because the RSWMP includes policies and plans that affect diverse interests, amendments will be written through a cooperative process between Metro, cities, counties, solid waste industry representatives, citizens and other affected parties. As described above, the Plan will be monitored on an ongoing basis to determine if additional assessment is required. In addition, a five year review will determine whether major revisions are needed. Revisions could include policy changes, major additions or changes to programs or amendments to ensure Plan uniformity and consistency.

Proposed revisions can be initiated by any interested party and will undergo review by Metro's Solid Waste & Recycling Department Director. If the Director determines a revision should be considered, it will be referred to the SWAC for review and recommendation. A SWAC recommendation will then be forwarded to the Metro Chief Operating Officer and Metro Council.

Appendix A
Key solid waste laws

There are several state laws that help give perspective and direction to the activities in this Plan.

The Oregon Bottle Bill. The Oregon legislature passed the Oregon Bottle Bill in 1971 and it took effect on October 1, 1972. This bottle bill was the fi rst of its kind in the nation. Its purpose was to reduce litter and divert all beer and carbonated beverage containers from the waste stream so that they could be reused or recycled. The bill requires that a refund be paid to any person who returns empty soft drink or beer bottles or cans to a retail store.

1983 Opportunity to Recycle Act. The Opportunity to Recycle Act, passed by the Oregon legislature in 1983, was ground-breaking legislation that required:

- Residential on-route (curbside) recycling collection in cities of 4,000 or more people.
- Recycling at solid waste disposal sites.
- Education and promotion programs designed to make all Oregonians aware of opportunities to recycle and the reasons for recycling.

Although Oregon already had an extensive recycling infrastructure, both private and public, before the passage of the act, the system was enhanced through this legislation. The recycling programs called for have been implemented throughout the state.

1991 Oregon Recycling Act. In 1991, the Oregon legislature took recycling legislation a step further and passed the Oregon Recycling Act. Among other things, the Oregon Recycling Act established a recovery level goal of 50% by the year 2000. The Metro region was required to achieve a recovery level of 40% by 1995.

The Oregon Recycling Act also mandated the development of a statewide solid waste plan by 1994 and the performance of waste composition studies and required cities with a population greater than 10,000 population and the Metro area to implement certain waste reduction practices. Certain materials, such as whole tires and leadacid batteries, were banned from landfi lls. The act also specifi ed purchasing preferences by government agencies for materials with high percentages of recycled content and high degrees of reusability/recyclability.

Finally, the act established minimum recycled-content requirements for newsprint, telephone directories, glass containers and rigid plastic containers sold in Oregon.

1997 2% Credits for Waste Prevention. The session produced a bill that provided a means of enabling local governments to obtain credit for more than just their recycling programs. The program allows 2% credits for wastesheds such as Metro that establish and maintain programs in waste prevention, reuse and backyard composting. DEQ has established guidelines and evaluation criteria for wastesheds that allow them to earn up to 6% total credits toward their recovery goals for qualifying programs.

2001 State and Wasteshed Goals. In 2001, although most of the wastesheds in the state were meeting their individual required recovery goals, DEQ confi rmed to the legislature that these accomplishments were nevertheless not going to produce a statewide recovery goal of 50%. The legislature responded with HB 3744 (amending ORS 459.010) that set a statewide recovery goal of 45% for 2005 and 50% for 2009 and adjusted individual wasteshed goals. Metro's goal became 62% by 2005 and 64% by 2009 (these rates can include any credits received under the "2% waste prevention credits" program).

The bill set out review procedures regarding the goal:

If a wasteshed does not achieve its 2005 or 2009 waste recovery goal, the wasteshed shall conduct a technical review of existing policies or programs and determine revisions to meet the recovery goal. The department shall, upon the request of the wasteshed, assist in the technical review. The wasteshed may request, and may assist the department in conducting, a technical review to determine whether the wasteshed goal is valid (ORS 450.010(6)(e)).

In addition, HB 3744 established statewide waste generation goals:

- By 2005, there will be no annual increase in per capita municipal solid waste generation;
- By 2009, there will be no annual increase in total municipal solid waste generation.

Electronics - Oregon HB 2626. Creates a producer responsibility system for the management of obsolete electronics where manufacturers will either provide collection and recycling for their e-waste or pay for a program that's contracted by the state. The legislation requires safe, convenient and environmentally sound recycling of specific electronic devices such as televisions and computers. Programs will begin operating in January 2009. Beginning in January 2010, electronic devices will be banned from disposal.

Metro's Solid Waste Obligations and Authorizations under State Law. In addition to the key solid waste laws noted above, Metro has additional obligations and authorizations related to solid waste management for the wasteshed. Oregon Revised Statutes (ORS) Chapter 459 covers solid waste management administration roles, disposal sites, hazardous waste management, enforcement and penalties.

ORS 459A covers reuse and recycling program requirements in the state. Oregon Administrative Rules (OAR) Chapter 340 sets out implementation standards, reporting requirements, recovery rate requirements, recovery rate calculation methods, etc. The following state law chapters and sections specifically pertain to the region's waste and toxicity reduction plans, policies and programs:

ORS 459.055
Prepare and adopt a waste reduction program.

ORS 459.250
Provide recycling collection at transfer stations.

ORS 459.340
Implement the program required by 459.055.

ORS 459.413(1)
Establish permanent HHW depots.

ORS 459.413(2)
Encourage use of HHW collection.

ORS 459A.010
Require waste reduction program elements and reporting.

ORS 459A.750
School curriculum and teachers' guide components.

OAR Chapter 340, Division 90
Implementation standards & reporting requirements.

ORS 268.317(5)-(7) & 268.318
Solid waste regulatory authority.

ORS 268.390
Functional planning authority.

ORS 459.095
Local government compliance with RSWMP.

Appendix B

Regional Disaster Debris Management Plan

The Regional Disaster Debris Management Plan (RDDMP) is intended to enhance the preparedness of the Portland metropolitan area to deal with the removal and disposition of debris generated by a natural or human-caused disaster. The RDDMP specifies goals and objectives for disaster debris removal and disposal, describing potential implementation strategies to ensure that disaster debris efforts are coordinated, efficient, effective, and environmentally sound.

The RDDMP is based on seven principles:

1. Ensure debris management efforts are coordinated and cooperative throughout the region.
2. Manage disaster debris according to the federal and state-mandated hierarchy describing solid waste practices:
   - Reduce
   - Reuse
   - Recycle
   - Recover
   - Landfill
3. Use local resources for collection, recycling, and disposal before seeking outside assistance.
4. Restore normal garbage collection and disposal as quickly as possible.
5. Ensure accurate and organized debris and expense tracking systems.
6. Manage disaster debris in a fiscally responsible manner that minimizes the economic impact of debris processing.
7. Ensure the health and safety of the public and all parties involved in debris management.

Plan background

The RDDMP is a component of the Regional Emergency Management Plan being developed by the Regional Emergency Management Group (REMG). The REMG was formed in 1994 through an Intergovernmental Agreement among agencies in the five-county, bi-state Portland/Vancouver metropolitan area. The purpose of REMG is to: 1) recommend policy and procedures on regional emergency management issues; 2) develop an ongoing, inter-jurisdictional training and exercise program; 3) establish mutual aid agreements to ensure effective management of resources during an emergency; 4) coordinate efforts in the region to obtain funding for emergency management matters; and 5) develop a regional emergency management plan.

The REMG has two committees – a technical committee (REMTEC) comprises emergency management professionals and a policy advisory committee (REMPAC) that includes an elected or appointed official from each of the signatory agencies.

The RDDMP is also part of the Regional Solid Waste Management Plan (RSWMP). The RSWMP is the document that gives the Portland metropolitan region (encompassing Washington, Multnomah and Clackamas counties) direction for meeting solid waste objectives through 2018.

Plan development process

In 1995, the disaster debris removal subcommittee of REMTEC created a disaster debris management goal and five objectives. The goal and objectives were adopted by the Metro Council and included in the 1995-2005 RSWMP, serving as the guide for development of the RDDMP.

In January 1996, a task force of local government officials and private sector interests was formed. The task force met monthly over a nine-month period to develop the RDDMP. The resulting plan provided guidelines and recommendations for management of disaster debris. However, the Plan did not define the actions or details that need to occur in a debris management program, nor did it outline the responsibilities of Metro and other local governments in the disaster debris management process. Metro Council adopted the plan in May 1997.

In 2004, the disaster debris advisory group of local government officials and private sector interests was reconvened for the purpose of updating the 1997 RDDMP. The Regional Disaster Debris Management Advisory Group met several times over a three-month period, completing its work in July 2004. The result of the group's effort was a policy document that created a framework for preparing a separate operational plan to define the actions and responsibilities of the various parties involved in debris management.

Throughout both the 1995 and 2004 planning processes, REMTEC, the Solid Waste Advisory Committee (SWAC), the Metro Council, local governments, Oregon's Office of Emergency Management (OEM), and the U.S. Army Corps of Engineers (USACE) were kept apprised of the Plan's contents and progress, and were asked to comment on the drafts of the task force's work. A final draft of the RDDMP was also sent for review and comment to neighborhood associations, haulers, and other interested parties.

Next steps: The RDDMP sets policy direction, but doesn't define the actions or details that need to occur within a debris management program. Instead, the RDDMP calls for the development and maintenance of a separate operational plan to define the actions of the different parties involved in debris management. Without the operations plan, the RDDMP by itself provides little actual guidance to the region's emergency managers to ensure that the debris is managed in accordance with the principles and objectives described in this document and the RSWMP.

Metro's role in disaster debris planning

Metro is responsible for solid waste planning within the tri-county region of Washington, Multnomah, and Clackamas counties.

Metro's authority to develop the RSWMP derives in part from ORS 459.017(b), which states that "local government units have primary responsibility for planning for solid waste management." Metro was designated as the local government unit responsible for solid waste planning for the local area under State of Oregon Executive Order 78-16. The RSWMP was also created, in part, to address a requirement under ORS 459.055 and ORS 459.340 that Metro develop and implement a waste reduction program.

The RDDMP was developed and is included within the RSWMP to ensure that debris management activities after a disaster are effectively coordinated and address the waste management hierarchy. Consistent with ORS 401.015 to 401.105, 401.260 to 401.325, and ORS 401.355 to 401.580. The RDDMP plans for the management of disaster debris at the local level, requesting state and/or federal assistance when the appropriate response to an event is beyond the capability of the local governments to manage the event. The operational plan being developed under the policy guidance of the RDDMP will include appropriate intergovernmental agreements between Metro and cities and counties within the region to help ensure that debris activities are coordinated and effective.

Consistency with other plans

The RDDMP is consistent with disaster debris management plans adopted by counties within the tri-county metropolitan area and with the State of Oregon's Emergency Operations Plan. The RDDMP is also consistent with and embraces the incident management principles outlined in the National Response Plan (NRP) and the National Incident Management System (NIMS).

The NRP was adopted by the Federal Government in 2004 to "integrate Federal Government domestic prevention, preparedness, response, and recovery plans into one all-discipline, all-hazards plan" under the authority of the Secretary of Homeland Security. The NIMS provides a consistent nationwide framework to standardize incident management practices and procedures. It integrates existing best practices into a nationwide approach that is applicable at all jurisdictional levels and across functional disciplines in an all-hazards context. A key aspect of the NIMS is its adoption of the Incident Command System (ICS) as the standard model for incident management.

Acknowledgements

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Definition of terms and acronyms used in this plan

Acronyms

CBRNE	Chemical, biological, radiological, nuclear or explosive
CEG	Conditionally Exempt Generator
DEQ	Oregon Department of Environmental Quality
EOC	Emergency Operations Center
EPA	U.S. Environmental Protection Agency
ESF3	Essential Support Function #3, Public Works and Engineering
ESFLG	Essential Support Function Leaders Group
ETR	Emergency Transportation Routes
FEMA	Federal Emergency Management Agency
ICS	Incident Command System
JFO	Joint Field Office
JIC	Joint Information Center
MRF	Materials Recovery Facility
NIMS	National Incident Management System
ODOT	Oregon Department of Transportation
OEM	Oregon Emergency Management
RDCC	Regional Debris Coordination Center
RDDMAG	Regional Disaster Debris Management Advisory Group
REIC	Regional Information Coordinator
REMG	Regional Emergency Management Group
USACE	U.S. Army Corps of Engineers
WDES	Washington Department of Emergency Services

Terms

Stafford Act

Provides the federal authority for FEMA's role in managing federal disaster assistance including Coordinating the Presidential declaration process; helping assess damage after a disaster; evaluating a governor's request for assistance; working with state and local governments in a joint partnership to implement the various assistance programs; coordinating the activities of federal agencies and volunteer organizations; and managing the President's disaster relief fund.

Emergency

Any natural or human-caused situation that results in or may result in substantial injury or harm to the population, or substantial damage to or loss of property. As defined by the Stafford Act, an emergency is any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement state and local efforts and capabilities to save lives and to protect property, public health and safety.

Major disaster

As defined under the Stafford Act, "any natural catastrophe or, regardless of cause, any fire, flood or explosion in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under the Act to supplement the efforts and available resources of states, local governments and disaster relief organizations in alleviating the damage, loss, hardship or suffering caused thereby."

Life cycle of an incident

Emergency response phase

The period following the onset of disaster, which is dominated by immediate reactions to eminent threats. Response activities include the immediate and short-term actions to preserve life, property, environment, and the social, economic and political structure of the community.

Emergency recovery phase

The period in which a community restores services and rebuilds facilities after a disaster. Recovery involves actions needed to help individuals and communities return to normal. Recovery programs are designed to assist victims and their families, restore institutions to sustain economic growth and confidence, rebuild destroyed property and reconstitute government operations and services. These actions often extend long after the incident itself. Recovery programs include mitigation components designed to avoid damage from future incidents.

Preparedness

Under the NEMS, preparedness encompasses the full range of deliberate, critical tasks and activities necessary to build, sustain and improve the operational capability to prevent, protect against, respond to and recover from domestic incidents. Preparedness involves actions to enhance readiness

and the ability to quickly and effectively respond to a potential incident. Preparedness also includes procedures to share information and disseminate timely notifications, warnings and alerts.

Prevention and mitigation
Actions taken to interdict, disrupt, preempt, avert or minimize a potential incident. This includes Homeland Security and law enforcement efforts to prevent terrorist attacks and hazard mitigation measures to save lives and protect property from the impacts of natural disasters and other events. Includes long-term activities to minimize the potentially adverse effects of future disasters in affected areas.

Joint information center (JIC)
Established to coordinate the federal public information activities on-scene, the JIC is the central point for all news media at the scene of the incident. Public information officials from all participating federal agencies should collocate at the JIC. Public information officials from participating state and local agencies also may collocate at the JIC.

Regional debris coordination center (RDCC)
A center established to coordinate the flow of information among emergency managers and the public about debris management. The RDCC will provide a pre-planned method of determining regional debris needs and priorities as each event develops, communicating with responding agencies and ensuring that regional recovery efforts are in line with established solid waste recycling and disposal goals, public safety needs, financial assistance to communities, and in accordance with FEMA disaster debris public assistance reimbursement requirements.

Conditionally exempt generator (CEG)
Any non-household generator of hazardous waste, including businesses, government agencies, nonprofit organizations, etc. that generates less than 220 pounds of hazardous waste per month and complies with other federal and state requirements to maintain CEG status.

Exempt hazardous waste
Any unwanted hazardous products not subject to full regulation under Oregon and federal hazardous waste laws.

U.S. waste management hierarchy
The Environmental Protection Agency (EPA) and Oregon solid waste management hierarchy: Reduce, Reuse, Recycle, Recover, Landfill.

Putrescibles
Matter that rots or decays, such as food waste.

Putrescible surge
Occurs after a disaster, when people throw away food and other putrescible material stored in freezers and refrigerators after electrical power has been interrupted for an extended period.

Universal waste
A relatively new category of hazardous waste, formerly fully regulated, but now subject to less stringent disposal regulations promulgated by the U.S. EPA in May 1995. Includes batteries, mercury-containing thermostats pesticides, and (in Oregon) fluorescent light tubes.

Local government debris removal coordinator
Person designated by each city or county to coordinate that jurisdiction's management of disaster debris.

National response plan
A consistent, nationwide framework to standardize incident management practices and procedures.

Types of disasters
Although this plan is written for both large and small disasters (whether natural or human-caused), for the purposes of this plan, three types of emergencies require different levels of debris management programs and inter-agency coordination. The following descriptions are used to illustrate the general differences among normal day-to-day garbage flows and these three levels. (Please see the Disaster Debris Management Operations Plan for more information on trigger points, chain of command, individual roles and responsibilities and methods used to deliver programs and information.)

Normal operations
Examples
Households or businesses set out waste and recycling in containers ranging from 20 gallons to 40 cubic yards. Additionally, a lesser quantity of waste and recycling is self-hauled by generators to recycling, composting, and solid waste facilities, as well as landfills. Over 100 recycling and composting facilities operate in the Metro region.

Flow of debris
Waste and recycling is collected by a commercial garbage hauler or independent recycler. Depending on what part of the Metro region the customer is in, the haulers are either "free market" or franchised by a city or county. Collected waste may be hauled to the closest MRF, garbage transfer station or a local dry waste

landfill. Recycling is delivered to a source-separated recycler or a MRF, where the recyclables are sorted. The customer pays for the full cost of collection, recycling or disposal services.

Command and control
State law lays out some of the required recycling opportunities. Cities and counties administer the franchise agreements with private haulers in franchised areas. Metro operates two waste transfer stations, and transports waste to the Columbia Ridge Landfill in Eastern Oregon. Landfills and MRFs are regulated by DEQ and Metro. Metro also licenses certain types of recycling and composting facilities.

Level 1

Trigger Point
Declaration or anticipation of a declaration of a disaster by an authorized official of a city or county within the Metro boundary, without a governor-declared state of emergency or a residentially declared disaster.

Examples
Minor earthquake, silver thaw event, trees downed by microburst type of windstorm.

Examples of possible debris programs
Limited- or short-term special city- or county-sponsored collections or special drop sites, information given to affected citizens. Debris collection and management handled by local staff with local resources.

Flow of debris
Other than a small increase in volume, the flow of debris will be little different than normal operations.

Command and control
Management of disaster response and recovery actions is under the control and direction of individual affected cities, districts, and counties, exercised either through individual agencies acting in their areas of responsibility and/or through local EOCs operated under the incident command system. Only limited regional coordination is required.

Level 2

Trigger point
Gubernatorial declaration or anticipation of a declaration of a state of emergency in one or more of the region's three counties (Washington, Multnomah, Clackamas).

Examples
Moderate earthquake, 100-year flood.

Examples of possible debris programs
Longer-term special city- or county-sponsored collections, or special drop sites and information to affected citizens. Debris collection and processing costs could overwhelm local resources. Metro may provide monetary assistance and/or reduce disaster debris recycling or disposal fees, and may open temporary debris sorting or reload facilities.

Flow of debris
Other than volume increases, no significant difference from normal day-to-day operations. Debris is likely to go to the same solid waste facilities and landfills, or be stored for short periods of time before recycling or disposal.

Command and control
Management of disaster response and recovery actions is still primarily under the control and direction of individual affected cities, districts and counties, generally exercised through on-scene incident commanders and local EOCs operated under the incident command system. State agencies may be responding to their own incidents while supporting local government missions. A greater degree of regional coordination is required, and coordination of resource and mission requests from local jurisdictions will take place at both state and regional levels. In extraordinary circumstances, the Governor may choose to assert direct control of certain local resources and assume command of certain normally local activities.

Level 3

Trigger point
Presidential declaration or anticipation of a declaration of a disaster area in one or more of the region's three counties.

Examples
Extensive flooding, Cascadia subduction zone earthquake. (Note: The Cascadia subduction zone is a very long, sloping fault stretching from mid-Vancouver Island to Northern California. Because of the extensive fault area, the Cascadia Subduction Zone could produce a large earthquake, magnitude 9.0 or greater, if rupture occurred over its whole area.)

Examples of possible debris programs
Special, longer-term city-county- or USACE may establish a mission to work with the local jurisdiction in charge to run collections or special drop sites. Extensive information to affected citizens. Possible Metro monetary assistance coordinated with FEMA assistance and reduced disaster debris recycling or disposal fees at collection centers. Debris collection and processing costs very likely to overwhelm local and regional resources.

Flow of Debris
Likely to be drastically different than normal operations. Debris is likely to go to different solid waste facilities and landfills or be stored for long periods of time before being recycled or disposed.

Command and Control
Although local jurisdictions retain responsibility for directing disaster response and recovery actions within their boundaries, coordination demands are greatly increased due both to the overwhelming nature of the event and to the influx of federal and state resources requiring management. The typical national model calls for local resources (county/city/district) to be supplemented by state resources and federal resources acting generally to perform missions requested by the local jurisdiction or the state. In the Metro region, an additional level of government exists, with jurisdiction over regional aspects of disaster debris management. In a Level 3 event, Metro and the Regional Debris Coordination Center might be expected to provide coordination between city/county activities and state/federal activities, including establishing debris management missions to be performed by USACE, and ensuring effective and efficient use of regional resources including local hauling, and disposal resources.

Roles of participants involved in disaster debris management

The detailed roles, responsibilities, authorities and reporting requirements of all of the public and private parties involved in managing disaster debris vary based on the type and severity of the disaster. Elaboration on this kind of information will be available through the companion document to the RDDMP, the Disaster Debris Management Operations Plan, in late 2007.

Disaster debris management goal

In the event of a major natural or human-caused disaster such as an earthquake, windstorm, flood or homeland security incident, the regional solid waste system is prepared to quickly restore delivery of normal refuse services. The system has the capability of removing, sorting, reusing, recycling, and disposing of potentially enormous amounts of debris.

Objective 1.0. Ensure the coordination, communication and commitment of local, state and federal governments and the private sector.

Objective 2.0. Develop and provide both accurate and reliable information to use to predict the types and quantities of debris from a disaster event and information about the resources available for responding to and recovering from disasters.

Objective 3.0. Develop an emergency response phase plan that coordinates emergency debris management services and maximizes public health and safety.

Objective 4.0. Develop a recovery phase plan that maximizes the amounts of materials recovered and recycled, and minimizes potential environmental impacts.

Objective 5.0. Provide for flexible fiscal and financial arrangements that promote efficient and effective implementation of response and recovery plans.

Objective 64.0. Ensure that disaster debris resulting from a homeland security incident is managed in such a way to identify and preserve potential crime scene evidence.

Objective 1.0 – Ensure that debris management efforts are coordinated

Develop and maintain a working group of emergency managers, local government solid waste staff, solid waste haulers and other parties to coordinate the activities of the public and private entities involved in disaster debris management.

Key concept and approach

Properly coordinated disaster debris management efforts will be critical to ensure that those efforts are orderly, efficient and effective.

Key elements

a) Create a Disaster Debris Operations Plan in cooperation with all of the public and private entities involved in regional disaster debris management. This Operations Plan describes the roles and responsibilities for the parties involved and the timing for delivery of the key components listed. The Operations Plan is a companion document to the RDDMP and is being created by the Regional Disaster Debris Management Task Force.

b) Create a process and schedule by which the Regional Disaster Debris Management Advisory Group will meet, for the purpose of creating and maintaining the Disaster Debris Management Operations Plan. (The advisory group contains members of REMG, solid waste and recycling local government, and hauling industry representatives.)

c) Develop standard operating procedures and job descriptions for the staff who will operate the RDCC.

d) Prepare mutual aid agreements among local governments as necessary.

Roles and responsibilities

The Disaster Debris Management Operations Plan, a companion document to the Regional Disaster Debris Management Plan, will describe the roles and responsibilities for the parties involved and the timing for delivery of the key elements listed.

Objective 2.0 – Develop strategies for sharing and disseminating information

Ensure that current and usable information is available to plan and implement disaster debris removal.

Key concept and approach

To plan for and implement disaster debris removal activities, certain information must be available to those involved in these activities. It is also important that this information is updated regularly.

Confusion is the common denominator of disasters. The havoc and destruction caused by a major disaster creates conditions that make confusion inevitable. Basic necessities of life – water, food, and shelter – may be difficult or impossible to obtain; utility services may be disrupted or destroyed; streets may be filled with debris, making travel slow and hazardous; and the emotions of citizens and officials may be taxed to the breaking point.

Among the many demands created by disaster conditions, government agencies should be prepared to tell the community when, where, and how garbage collection will resume, as well as to provide special instructions for collecting, sorting, reporting and processing disaster debris.

Key elements

a) Inventory regional solid waste disposal, recycling and processing facilities, including location, storage, processing, and market capacities, and material specifications.

b) Assess capacity of regional markets to absorb recyclables produced by recovery activities, including market specifications.

c) Predict debris tonnage, by geographical area and type of debris.

d) Inventory potential temporary debris disposal sites around the region.

e) Predict the need for Metro hazardous waste management services.

f) Develop real-time assessment of system capacity for debris removal.

g) Create a process for updating contact information for city, county, state, and federal emergency management and debris removal staff.

Roles and responsibilities

The Disaster Debris Management Operations Plan, a companion document to the Regional Disaster Debris Management Plan, will describe the roles and responsibilities for the parties involved and the timing for delivery of the key elements listed.

Objective 3.0 – Develop emergency response phase strategies

The emergency response phase coordinates and mobilizes resources and efforts, with the priority on immediate services that will preserve life, safety and public health.

Key concept and approach

In order for disaster debris management programs to be ready to rollout following a disaster, the majority of the planning and interagency coordination, including drills and exercises, should occur during peacetime, well in advance of any actual emergency situation. During the time period when responders' efforts are focused on life, safety, and health issues, the parties responsible for planning debris removal have a limited window of opportunity to gather data and fine-tune how debris management programs will be implemented. The response phase can last anywhere from two hours for small emergencies, to two weeks or more in major disasters. During this time period, a response strategy should be finalized that would mobilize resources, including executing contracts for debris removal. Priorities established for the removal of putrescible surge and debris in critical areas of the community, such as emergency transportation corridors.

Key elements

a) Designate Metro and local government debris removal coordinators.

b) Develop a regionally coordinated plan for the gathering and dissemination of information.

c) Define the activities of and activate and staff the Regional Debris Coordination Center.

d) Develop criteria to determine the extent of need and the degree to which regional or local response is required.

e) Execute contracts with haulers and contractors responsible for initial work, until local resources are exhausted.

f) Execute intergovernmental agreements and mutual aid agreements as required, e.g., between haulers and/or governments.

g) Recommend that franchise agreements include a description of the triggers and the process for the suspension of the standard franchise agreement in a disaster situation.

h) Develop criteria for the prioritization of cleanup areas.

i) Develop criteria for the selection of properties that may be appropriate places to stage debris collection, recycling, processing, reload or disposal. Identify potential debris sites and make financial arrangements with owners of potential sites.

j) Work with local, state and federal agencies to identify and find mutually agreeable solutions to potential conflicts between proposed disaster debris management programs and existing solid waste and environmental protection system conditions. (Examples include hauler franchise agreements/boundaries; Metro Designated Facility Agreements; Metro Non-System License Agreements; Metro solid waste facility licenses or franchises; the need to collect Metro, city, county or state fees/taxes on disaster debris tons disposed; DEQ landfill permitting; air or water quality discharge permitting; open burning regulations; Federal Endangered Species Act requirements; and the Marine Protection. Research and Sanctuaries Act.)

k) Update and track the real-time operational status of the designated emergency transportation routes throughout the region in order to manage resources during the disaster recovery process.

Roles and responsibilities

The Disaster Debris Management Operations Plan, a companion document to the Regional Disaster Debris Management Plan, will describe the roles and responsibilities for the parties involved and the timing for delivery of the key elements listed.

Objective 4.0 – Develop emergency recovery phase strategies

The emergency recovery phase is generally defined as the period in which a community restores services and rebuilds after a disaster. Disaster debris management efforts in the recovery phase should minimize environmental impacts to the greatest extent possible and be handled according to the solid waste management hierarchy (reduce, reuse, recycle, recover, landfill). The duration of the recovery phase varies depending on the disaster; it may take weeks, months or years.

During the early part of the recovery phase, the importance of disaster debris management activities moves to the forefront. People are concerned with getting rid of the debris material that resulted from the disaster, and getting on with the process of rebuilding. Recovery phase strategies are designed to help jurisdictions make the process of managing disaster debris more efficient and effective, and to give them the information and the tools they may need to make better decisions.

Key concept and approach

Debris disposition should be handled in an efficient, orderly and cost-effective manner that minimizes adverse environmental impacts, respects the solid waste management hierarchy and supports overall health and safety efforts. To ensure that equipment, labor and services are supplied efficiently and cost effectively, existing local resources used to manage disaster debris should be used in accordance with the solid waste hierarchy. State and federal resources will only be utilized once local resources are exhausted.

Key elements

a) Develop guidelines for removal of debris from residential, commercial and government properties consistent with the solid waste management hierarchy - reduce, reuse, recycle, recover, landfill - while balancing the preservation of health and safety and the environment.

b) Coordinate multi-jurisdictional debris clearing efforts.

c) Continue efforts to mobilize local resources by executing contracts with haulers and contractors.

d) Create disaster debris removal contracts that include language requiring recycling and prescribing recycling methods and locations.

e) Develop guidelines to manage and operate temporary drop-off, reload, recycling, processing, or disposal sites.

f) Develop strategies to mitigate the surge of putrescible.

g) Develop guidelines to properly collect and process or dispose exempt hazardous waste.

h) Develop a process for business and household cleanup efforts including a plan that defines the process, time limits, requirements and restrictions.

i) Develop contingency procedures to collect, sort, recycle and dispose of debris in the event that usual options are unavailable.

j) Develop guidelines to prevent and control illegal dumping.

k) Develop guidelines for the use of burning or ocean dumping as a disposal option.

Roles and responsibilities

The Disaster Debris Management Operations Plan, a companion document to the Regional Disaster Debris Management Plan, will describe the roles and responsibilities for the parties involved and the timing for delivery of the key elements listed.

Objective 5.0 – Develop fiscal/financial arrangements

Ensure that disaster debris management activities will be properly and efficiently funded, through coordination among public agencies and the private sector. Ensure compliance with all applicable federal, state and local disaster assistance requirements and proper accounting procedures.

Key concept and approach

The communication and coordination of disaster debris management efforts between and among jurisdictions and pertinent agencies is important to ensure that efforts are not duplicated and that recordkeeping is accurate. These and similar types of problems can strain resources, impair the ability to be reimbursed by FEMA, and potentially jeopardize other sources of funding.

Key elements

Develop regionally coordinated systems and procedures for the following:

- Tracking system for disaster debris management expenses, including collection, hauling and processing and/or disposal costs incurred.
- Tracking system for disaster debris tons recycled, processed, and/or disposed at each facility in the region.
- Contingency procedures for fee collection at public and private solid waste facilities.
- Fraud control procedures.
- Contract language that protects Metro and local governments from legal liability resulting from illegally dumped or uncollected disaster debris.
- Mitigation plan to minimize future costs for disaster debris collection and disposal.
- Standard form contracts for facilities, contractors and haulers that establish scope and schedule of work, contract price and payment methods, obligations, etc.

Roles and responsibilities

The Disaster Debris Management Operations Plan, a companion document to the Regional Disaster Debris Management Plan, will describe the roles and responsibilities for the parties involved and the timing for delivery of the key elements listed.

Objective 6.0 – Ensure preservation of crime scene evidence

The events of September 11, 2001 changed the way in which emergency managers view and manage solid waste resulting from a terrorist attack or suspected terrorist attack. Preserving the integrity of and documenting the chain of custody for several thousand tons of debris/evidence requires that solid waste and recycling staff, haulers, and anyone else who touches the debris have a plan and coordinate their activities much more closely with emergency managers and law enforcement officials.

Key concept and approach

The communication and coordination of disaster debris handling from a chemical, biological, radiological, nuclear or explosive incident needs to be well-coordinated among all parties who will come in contact with the debris. The management strategy for this type of event will likely require larger staging and sorting areas, with less emphasis on volume, speed and material recovery, and more space for law enforcement staff to sort, collect, warehouse and take possession of potential evidence.

Key elements

a) Invite law enforcement officials to participate in the Disaster Debris Management Advisory Group to share with the task force the requirements for preserving crime scene evidence.

b) Coordinate debris removal activities with local, state and federal law enforcement agencies to get their recommendations on the sections of the Disaster Debris Management Operations Plan that relate to crime scene evidence.

c) Create standard operating procedures for tracking and handling debris from several different scenarios of CBRNE incidents.

d) Create procedures to ensure that the information on crime scene preservation in the Disaster Debris Management Operations Plan remains current.

Roles and responsibilities

The Disaster Debris Management Operations Plan, a companion document to the Regional Disaster Debris Management Plan, will describe the roles and responsibilities for the parties involved and the timing for delivery of the key elements listed.

Appendix A – Conditions for Metro Regional Disaster Debris Disposal Assistance

EXECUTIVE ORDER NO. 67

EFFECTIVE DATE: March 28, 1997

SUBJECT: CONDITIONS FOR METRO REGIONAL DISASTER DEBRIS DISPOSAL ASSISTANCE

PURPOSE:

The purpose of this Executive Order is to identify the conditions under which Metro will provide regional disaster debris disposal assistance. No formal criteria currently exist to guide Metro on the level of response to events that generate substantial amounts of debris in short periods of time. In the past, this has hindered the timely coordination of response among local governments, haulers, and residents in the region. It has also caused delays in Metro's ability to provide assistance.

The criteria in this Executive Order will be followed by Metro in the event of a disaster or other emergency that produces a substantial amount of debris. These criteria are to be incorporated into a set of standard operating procedures for managing emergencies by Regional Solid Waste and Recycling (SW&R) as those procedures are developed.

CONDITIONS FOR METRO REGIONAL DISASTER DEBRIS DISPOSAL ASSISTANCE

Metro desires to provide assistance for disaster debris disposal to citizens and local governments in the region in order to help protect public safety, health, and welfare and to minimize the hardships created by natural or man made disasters that produce substantial amounts of debris. To enable Metro to provide this kind of assistance in a consistent and orderly manner, SW&R will be developing a set of standard operating procedures for emergency and disaster situations. These procedures will be used in conjunction with the Regional Disaster Debris Management Plan to guide and direct the decisions and actions of SW&R personnel during an emergency or disaster. When completed, the SW&R standard operating procedures will be incorporated into the Metro Emergency Operations Plan.

Until these standard operating procedures have been developed, at least one of the following conditions must occur before Metro may initiate disaster debris assistance. Different conditions will trigger the different levels of response that are described below. If one or more of these conditions have been met, SW&R may immediately mobilize an appropriate response, as described below. Unless one or more of these conditions have been met, no Metro disaster debris assistance may be initiated without prior recommendation of the Executive Officer and approval of Metro Council. The conditions and appropriate responses are:

I . Declaration of a disaster by an authorized official of a city or county within the Metro boundary. Without a governor declared state of emergency or presidential declared disaster, upon request by the official declaring the disaster, Metro response will be limited to non monetary assistance, such as provision of volunteers and information dissemination through Metro Recycling Information. The response may involve re allocation or prioritization of work to address specific needs.

2. Governor declaration of a state of emergency in one or more of the three counties in the Metro region (Washington, Multnomah, Clackamas). Metro response may include monetary assistance. The exact nature and level of the response is to be assessed at the time of the event and each event will be assessed individually. Assistance efforts under a governor declared state of emergency may be less restrictive than #1, above, but will be more restrictive than under #3, below.

3. Presidential declaration of a disaster area in one or more of the three counties in the Metro region Washington, Multnomah. Clackamas). Metro response may include monetary assistance. The exact nature and level of the response is to be assessed at the time of the event and each event will be assessed individually. Assistance efforts under a presidential declaration may be more aggressive than #1 or #2 above, due to the potential of federal disaster relief.

When one or more of the above conditions have triggered a response, the SW&R Director or his designee will meet to determine the exact and immediate course of action SW&R should take. The intent is to allow SW&R to be able to respond quickly and decisively in these events. SW&R management will take the first possible opportunity to brief the

Metro Executive Officer and Council on the specifics of the response. The Council must approve, and the Executive Officer must be consulted on commitments by Metro to long term responsibilities or major expenditures, or that conflict with the above criteria for Metro disaster debris assistance.

Possible Services / Assistance Metro May Provide

The particular services or assistance Metro may choose to provide if one or more of the above conditions are met should always be determined at the time of the event. Each disaster event will be different. The needs particular to that disaster will become apparent at that time, and solutions appropriate to those needs are to be explored. However, any assistance implemented by Metro should recognize and be consistent with the implications of the following:

- Services and assistance to the region's residents should be provided through a partnership between local governments and Metro. As outlined in the Regional Disaster Debris Management Plan (RDDMP), local governments have primary responsibility for the collection and hauling of waste in their jurisdictions and ensuring that that collection is appropriate and adequate. Metro has primary responsibility for ensuring safe and adequate disposal options. Metro and local governments should strive to provide collection, hauling, and disposal services for disaster debris that are cooperative, efficient, and work well as a system.
- Controlling fraud is an important element in any kind of assistance or service provision. Fraud is best controlled when all of the service providers Metro, local governments, haulers, and private disposal facilities work together to ensure that the guidelines established for assistance or services are abided by. Control of fraud is also aided by the existence of clear guidelines for the allocation of any government assistance funds.

- The Federal Emergency Management Agency (FEMA) has issued guidelines that it uses to reimburse local and state government agencies for debris removal. If a disaster is presidential-declared, thereby making FEMA assistance available, services and assistance offered by local and state governments for disaster debris must follow these guidelines if FEMA reimbursement is expected. In general, FEMA views debris removal from private property as the responsibility of the individual property owner aided by insurance settlements and assistance from volunteer agencies. FEMA assistance is not available to private property owners for this purpose. However, local or state governments may pick up and dispose of disaster related debris placed at the curb by those private individuals, as long as the service is carefully controlled with regard to extent and duration. Also, if the debris on private business and residential property is so widespread that public health, safety, or the economic recovery of the community is threatened, the actual removal of debris may be eligible.

ORDERED by the Executive Officer this ____ day of___ 1997.

Mike Burton, Executive Officer

Appendix C
Disposal System Planning

Final Report

Metro Transfer System Ownership Study

Prepared for

METRO
PEOPLE PLACES • OPEN SPACES

June 2006

Prepared by

CH2MHILL
CH2M HILL
P.O. Box 91500
Bellevue, WA 98004

In association with ECODATA, Inc.

Executive Summary

Background

The Disposal System Planning Project (DSP) is a component of the Regional Solid Waste Management Plan update. The project will be completed in two phases. Phase 1 began in 2005. Phase 2 is expected to begin in FY 2006-07. The primary purpose of Phase 1 is to answer the question: *What is the best way to deliver safe, environmentally sound and cost-effective disposal services to this region?* An important component of this question is Metro's role in the disposal system. The primary purpose of Phase 2 will be to implement the decisions of Phase 1.

Over time, the private solid waste industry has become more concentrated, both nationally and locally. Since 1998, Metro has recognized the public and political interests in relaxing its role as the primary provider of services, and has begun to franchise limited private transfer operations throughout the region for commercial haulers. Given growing pressure from transfer station interests within the industry to accelerate the pace of private facility authorizations, this project will take a step back and take a comprehensive look at what is the best course for the region as a whole for the long-run.

Project Purpose

The purpose of this transfer system ownership study is *to analyze different transfer station ownership options to provide information for the Metro Council to decide what Metro's role should be in the disposal system*. The analysis has four essential elements:

1. The project team worked with the Council and various stakeholders to identify the criteria to be used for evaluating the quality of the disposal system—cost, material recovery, equity, flexibility, etc.
2. The project team worked with stakeholders to construct different ownership options that address the transfer component of the regional solid waste system. Options investigated include public ownership of all transfer facilities, mixed public and private ownership, and a totally privately owned system.
3. The ownership options were analyzed against the performance criteria listed above.
4. Finally, the Metro Council will make a decision. A choice, for example, of a totally private system implies that Metro should ultimately exit the disposal business. The choice of a mixed public-private system, on the other hand, implies that Metro should remain in the business. The choice of a public system implies an increased role for Metro in the provision of transfer system services.

Approach

The choice of system ownership option is dependent upon a number of factors that relate to the ultimate objectives and values of the region's residents, businesses, and industry stakeholders. The Metro Council is responsible for making decisions about the transfer system that best meet these objectives and values. It is important to consider the environmental, social, and financial aspects of different system ownership options, and to be aware of risks that may need to be managed should changes to the current system be implemented. Thus, the analysis of different system ownership options was conducted from the following perspectives:

- Documentation and consideration of stakeholder input
- Analysis of Metro solid waste system economics
- Definition of system options
- Value Modeling of non-monetary aspects of system options
- Economic analysis of system options
- Risk Assessment of system options

Results and Conclusions

Competition in the Metro Disposal System

The Metro disposal system can be viewed as a series of inter-related elements: collection, transfer/processing, transportation, and disposal (waste reduction, recycling, and source-separated processing are not typically considered to be part of the disposal system). Economic theory and the results of the analysis of the system suggest the following conclusions about competition in the Metro disposal system:

- Collection: Commercial collection in the City of Portland is arranged by subscription i.e., multiple firms compete for business in a competitive market. Residential collection, and commercial collection outside the City of Portland, is provided under a system of exclusive franchises. Thus, there is no competition for the majority of collection services in the Metro region.

  It is estimated that collection accounts for 81 percent of the total cost of residential disposal, and a very high percentage of the total cost of commercial disposal. As a result, the greatest opportunity to inject competition into the Metro disposal system is in collection, which is the responsibility of local government and outside the control of Metro.

- Transfer/processing: A fundamental fact about transfer stations is that there is little competition in the provision of transfer/processing services regardless of whether these services are provided by the public or private sector. This occurs for a number of reasons. First, it is only economic to deliver waste to a facility relatively close to the collection route resulting in a type of "natural geographic monopoly". Second, collection firms that are vertically integrated (i.e., they own transfer stations and/or landfills) gain an additional margin of profit by delivering waste to a station they own: it often makes economic sense for such firms to drive past a transfer station they don't own and

continue on to deliver waste at a station they do own. Finally, transfer and processing per-ton costs decline as more tons are received; this results in a seeming paradox in which prices paid for transfer can ***increase*** as more transfer stations are put in place.

Metro injects one important element of competition into the transfer/processing market in the region by bidding out the operation of their stations. This helps lower the total cost of disposal for local governments that use the Metro transfer rate as a benchmark for establishing the disposal component of the collection rates charged by the franchised collection firms they regulate.

- Transportation: Transportation of waste from a transfer/processing facility to a disposal facility is generally done at competitive market prices. There are few barriers to entry and many trucking firms willing to compete for this business. Barge and rail transport also have the potential to be competitive with trucking for transportation of waste from Metro to distant landfills.
- Disposal: At least 90 percent of the wet waste in the region is disposed of at a Waste Management landfill under the terms of a contract that was procured years ago using a competitive process in a market with few options for disposal. The price paid by Metro is equal to or lower than that paid by other jurisdictions in the Pacific Northwest that have long-term contracts for disposal at regional landfills. Today, however, there are multiple firms with regional landfills that would be interested in providing disposal services to Metro. It is possible that the disposal price paid by Metro is higher than the price it would pay in a competitive market for disposal, or if its disposal contract were re-bid. Metro is legally bound to this contract through 2014, and the contractor can extend the contract until 2019. After this contract expires, it is possible that Metro would realize a reduction in the price paid for disposal.

Metro as Regulator and Competitor

During the conversations with stakeholders conducted as part of this project, one concern expressed by private transfer station operators is that Metro is both their regulator and a competitor. This concern exists for a couple of reasons. First, as tons flow to private facilities rather than a Metro-owned facility, Metro's per-ton cost of transfer increases. The transfer station operators believe that this provides an incentive for Metro to limit the amount of wet waste delivered to the private stations thus limiting private sector growth and revenue-generating potential. Second, Metro establishes fees and taxes that must be paid by private facility owners: some private facility owners feel that those fees and taxes are too high. They particularly dislike paying for Metro general government and paying for certain services and costs associated with the Metro transfer stations.

A very different perspective is held by the independent collection firms that were interviewed. They were of the unanimous opinion that there should be no private wet waste transfer stations in the region: their interests would be best served by a system in which Metro owns all transfer stations ***and*** disposal facilities. This is mainly because vertically integrated firms that provide collection and transfer and/or disposal services have a competitive advantage over firms that provide only collection services. The vertically integrated firms are both competitors and service providers to smaller independent firms. It is safe to conclude that continued Metro ownership of transfer stations will result in a

collection market that includes more small independent collection companies than would be the case if Metro did not own any transfer stations.

The independent dry waste processing facility owners interviewed felt the Metro should continue to both own and regulate facilities.

Surveys of both commercial and self-haul customers (households and businesses) indicated a high degree of satisfaction with the level of service provided by Metro. When asked where they would take waste should the Metro station they were using close, the majority of self-haul customers said they would use the other Metro facility or had no idea where they would go.

Metro Disposal System Economics

The analysis of the economics of the Metro solid waste system results in the following conclusions and recommendations:

- The greatest potential for cost savings is in collection; which is outside Metro's control.
- Metro rates are used in setting collection fees, which is good, particularly when Metro competitively procures transfer station operation services. This injects an important element of competition in a market that otherwise would not have many characteristics of a competitive market. Therefore, Metro should try to maximize competition in contracting for each of these services. For example, it could consider evaluating price as a function of distance in its disposal contract, or perhaps jointly procuring transfer, transport, and disposal or transport and disposal.
- In recent years, national solid waste firms have increased market share in the local solid waste industry. These firms seek to achieve vertical integration to maximize profits. Without measured steps by Metro and/or local government to preserve competition, vertical integration, profitability, and prices are likely to increase in the Metro region.
- Economies of scale are significant in transfer, thus, adding transfer stations increases per-ton costs. Also, handling small loads increase per-ton costs compared to handling large loads. Therefore, Metro should be careful to not allow too much excess capacity in the region's transfer system: adding stations reduces throughput at existing facilities and thereby, other things equal, increases the cost of transfer.
- Significant unused transfer capacity exists in the region.
- Transfer is the smallest cost component of the transport, transfer, and disposal system.
- On average, Metro transports waste to landfills a greater distances than does the private sector.
- The private sector typically earns its highest profit margins on disposal.

Evaluation of Different Ownership Options

The advantages and disadvantages of private, public, or a hybrid public-private ownership of the Metro region transfer system were analyzed from a variety of perspectives, including:

- An analysis of how well each option met the Metro Council's stated values
- The estimated cost of each option
- The risk associated with each option

A variety of methods including in-person interviews, surveys, and focus groups were used to elicit the opinions of key stakeholders such as private facility owners, independent waste collection firms, independent dry waste facility owners, local government representatives, Metro staff members, and Metro transfer station users. The opinions of stakeholders were used to help define the system options and analyze the performance of the options in meeting Council objectives.

A brief summary of the results of the value modeling, economic analysis, and risk assessment follow.

Value Modeling

The Metro Council outlined the following values associated with the disposal system:

1. Protect public investment in solid waste system
2. "Pay to Play"- Ensure participants pay fees/taxes
3. Environmental Sustainability- ensures system performs in an sustainable manner
4. Preserve public access to disposal options (location/hours)
5. Ensure regional equity- equitable distribution of disposal options
6. Maintain funding source for Metro general government
7. Ensure reasonable/affordable rates

These values were reworded slightly to facilitate analysis. One value (ensure reasonable/affordable rates) was captured in the economic analysis, and one additional value was added: Ensuring support from system participants.

The results of the value modeling analysis indicate that the public system is clearly preferred to the other ownership options. The results of a sensitivity analysis of the relative importance of each Council value indicate that this result is not sensitive to the relative importance assigned to each value.

One additional sensitivity analysis was performed that incorporated challenges associated with implementation. That analysis showed that as more importance is placed on the difficulties associated with acquiring existing private transfer stations, the hybrid system eventually becomes preferred to the public system.

Economic Analysis

The cost of the three systems is not likely to have a large impact on the cost of the Metro solid waste system. Regardless of the option selected, costs are not expected to increase or decrease by more than about two percent. Other findings of the economic analysis include:

- The hybrid is the only option with the potential to reduce system costs.
- Both the public and the private options are projected to increase system costs (i.e., collection, transfer, transportation and disposal). The cost increase for the public option is estimated at 0.1% to 0.7% and the increase for the private option is estimated at 1.4% to 2.2%.

- The largest cost impacts occur in the collection market; although Metro does not control collection, collection costs can be affected by Metro's actions.
- Increasing the number of transfer stations tends to increase the cost of transfer, but these increases can be more than offset by decreases in collection costs.
- These cost estimates depend on a series of assumptions that are of course subject to variance; while different assumptions would result in different cost estimates, it is not likely that the relative ranking of the options would change.
- The key impact of the Private option is the likely further concentration of the collection industry, increased vertical integration, a probable reduction in the number of small independent collection firms, and probable cost-plus price creep.

Risk Assessment

There is considerable uncertainty at this time about exactly how any of the system options would be implemented and exactly how aspects of the system would develop through time. When considering major new programs or system changes, it is important that organizations such as Metro evaluate the risk associated with such changes by identifying, assessing, and develop strategies to manage those risks.

Risks were identified by the project team during a brainstorming exercise during which 10 risks and 6 related uncertainties were identified that may be relevant to the choice of ownership option. Once identified, a qualitative assessment of these risks was performed. The assessment was done using a qualitative risk signature approach in which the signature for each risk was determined by first assessing the likelihood and impact for each risk, then using a risk matrix to determine if the risk is low, medium, high, or critical.

The assessment of risks is shown in Exhibit E-1. The results of the assessment indicate that there is more risk associated with implementing the private system than the public or hybrid system. However, the only risk scored as critical is challenges associated with implementation in the public system. The hybrid system has relatively low risk.

EXHIBIT E-1
Risk Assessment

Risk	Risk Signature		
	Private	Public	Hybrid
1. More difficult politically to collect regional system fee and excise taxes	High	Low	Low
2. Metro's credit rating could worsen if it is perceived to be less able to collect taxes	High	Low	Low
3. It could be more costly and more difficult administratively for Metro to respond to future changes in state-mandated Waste Reduction requirements	High	Low	Low
4. It could be more costly and more difficult administratively for Metro to deliver new WR/R initiatives	High	Low	Low
5. Potential increase in vertical integration and potential resulting increases in transfer station tip fees	High	Low	Low
6. Reduced ability to meet dry waste recovery targets	Medium	Low	Low
7. Additional cost to Metro of fulfilling Disposal contract	Medium	Low	Low
8. Inability or added cost to maintain current level of self-haul and HHW service	Medium	Low	Low
9. Likelihood of successful flow control challenge	High	Low	Low
10. Political challenges or protracted legal proceedings resulting from condemning private transfer stations or allowing wet waste franchises to expire	Medium	Critical	Low

Summary of Results

A summary of the results of the value modeling, economic analysis, and risk assessment are shown in Exhibit E-2. The results for each option are as follows:

- The private option has the lowest value score, has the highest projected cost increase, and the most risks that would need to be managed.
- The public option has the highest value score, small projected cost increases, and one critical risk that would need to be managed.
- The hybrid system has a value score between the two other options, neutral or possibly decreased cost, and no significant risk.

EXHIBIT E-2
Summary of Results

	Private	Public	Hybrid
Values – Results of value modeling analysis. Normalized scores where the best score =1, worst score =0.	0.35	0.62	0.49
Cost – Estimated long-run percent change in system cost (i.e., collection, transfer, transport, disposal).	Low: 1.4% High: 2.2%	Low: 0.1% High: 0.7%	Low: -0.5% High: 0.1%
Risk – 10 measured risk signatures that incorporate likelihood and criticality. Each risk rated low, medium, high, or critical.	6 High 4 Medium	1 Critical 9 Low	10 Low

Appendix D
System Improvements
Work Plan

Following the transfer system analysis, several other system issues need further analysis and policymaker review. The end result desired is a set of System Management Principles to guide future Metro decisions. A summary of these key system issues, a system improvements work plan, follows:

(1) Wet waste allocation – Metro allocates wet waste in the system through tonnage authorization limits on local transfer stations and by granting non-system licenses for the 10% of wet waste not committed to our disposal contract. (These tonnage limits are a form of economic regulation.) The issue of policy drivers for determining future wet waste allocations in the region has been raised as part of the Disposal System Planning process. The primary desired outcome in waste allocation is that the ratepayer should benefit.

(2) Public/private pricing – The Rate Policy Subcommittee's report, presented to SWAC in March 2006, identified several areas to address in regional tip fees. These included the sensitivity of the public facilities to tonnage shifts and the private facility economics that improve with an increase in the tonnage charge and transaction fee and/or a drop in the Regional System Fee (RSF) and excise tax, even in the absence of any other change in cost or service to the private facility. Local government regulators have expressed concern that changes in fees for transfer and disposal services may not be directly related to costs or service. The desired outcome of addressing system finance issues at the heart of this matter is that the ratepayer should benefit.

(3) Self-haul services at the region's solid waste facilities - Approximately one-fourth of the region's solid waste is delivered to facilities by other than licensed or franchised haulers. These self-haul loads at the region's facilities contain about 30 to 40% recoverable material, but achieving high levels of material recovery from self-haul loads is hampered by insufficient space, small load sizes and a demand for services that sometimes exceeds the capacity of the facilities receiving the waste. A balance between demand and capacity is needed, with the desired outcome being the efficient provision of service to these customers and higher recovery of self-hauled loads. Whether this should be more generator-focused (in reducing or managing demand) or more facility focused (increasing capacity to serve self-haul in the region) or a combination is a key question.

(4) Facility regulation – Metro controls the entry of new facilities into the solid waste system. The highest barriers to entry are for transfer stations or any other facilities handling wet or putrescible waste. Metro authorizes new transfer facilities from time to time after conducting cost/benefit and/or impact analysis. Previous cost/benefit studies have relied on measures of system cost, tip fee impacts, access, or travel time reductions. A recent local transfer station authorization was granted (Columbia Environmental) after consideration of these criteria, as well as an ad hoc criterion of supporting smaller, independent haulers in the region. Applicants and decisionmakers alike might benefit from clear guidance on the circumstances under which new transfer applications might be granted. Another issue in facility regulation that has been raised at the Metro Council is whether Metro should rate-regulate private transfer facilities as part of approved entry into the marketplace. The desired outcome on this issue is a determination of clear entry standards and regulatory controls on transfer facilities.

Appendix E
System and Non-System Facilities

DISPOSAL FACILITIES	
Designated system facilities (outside the region, and need a Metro designated facility agreement) Coffin Butte Landfill Columbia Ridge Landfill Finley Buttes Landfill Lakeside Reclamation Landfill Hillsboro Landfill Roosevelt Regional Landfill Wasco County Landfill Weyerhauser Landfill	**Non-system facility** (outside the region and haulers need a Metro non-system license) Riverbend Landfill Covanta Waste to Energy (WTE) Facility
TRANSFER STATIONS	
System transfer stations (inside the region, franchised or owned by Metro) Public: Metro Central Transfer Station (transfer & recovery) Metro South Transfer Station (transfer & recovery) Private: Forest Grove Transfer Station (transfer only) Columbia Environmental (transfer & recovery) Pride Recycling Company (transfer & recovery) Troutdale Transfer Station (transfer & recovery) Willamette Resources, Inc. (transfer & recovery)	**Non-system transfer stations** (outside the region, haulers need a Metro non-system license) Public: Sandy Transfer Station (transfer only) Private: Canby Transfer Station (transfer only) Newberg Transfer Station (transfer only) Central Transfer & Recovery Center (transfer & recovery) West Van Material Recovery Center (transfer & recovery)
MATERIAL RECOVERY FACILITIES	
System facilities (inside the region, licensed by Metro) Aloha Garbage Company East County Recycling K.B. Recycling, Inc. Pacific Land Clearing & Recycling I (specialized) Pacific Land Clearing & Recycling II (specialized) Pacific Land Clearing & Recycling III RB Recycling (specialized) Tire Disposal & Recycling, Inc. (specialized)	**Non-system facilities** (outside the region, haulers need a Metro non-system license) None

COMPOSTING FACILITIES	
System facilities (licensed or designated by Metro) Allwood Recyclers, Inc. City of Portland Leaf Composting Facility Clackamas Compost Products, LLC Grimm's Fuel Company, Inc. McFarlane's Bark, Inc. Northwest Environmental & Recycling Cedar Grove (Everett & Maple Valley, Washington)	**Non-system facilities** (outside the region, haulers need a Metro non-system license) Nature's Needs
RELOAD FACILITIES	
System facilities (licensed or designated by Metro) <u>Dry Waste</u>: Greenway Recycling Thermofluids (specialized) Wastech <u>Yard Debris</u>: Best-Buy-In-Town, Inc. Greenway Recycling, LLC Landscape Products & Supply QuickStop (Cloudburst) Dan Davis Recycling, (City of West Linn) S & H Logging, LLC WoodCox Wood Waste Management	**Non-system facilities** (outside the region, haulers need a Metro non-system license) None

Appendix F

Waste Reduction Programs Timetable

Program Areas	Ongoing	Near term (2007-09)	Middle term (2009-12)	Long term (2012-17)
Residential	1.0 Outreach campaign; improve the quantity and quality of residential setouts. OP (see key below)			
		2.0 Identify service provision changes and incentives to increase recycling; evaluate new collection technologies. NP		
	3.0 New materials as markets allow. OP			
	4.0 Educate residents about management of yard debris and food waste. OP			
			5.0 Develop residential organics collection. NP	
Multi-family			1.0 Program assessment. NP	
	2.0 Education & outreach program. OP	2.0 Continue	2.0 Program assessment	
			3.0 Evaluate new collection technologies. RP	
Business	1.0 "Recycle at Work" outreach program. OP	1.0 Program assessment		
	2.0 Develop information and resource materials. OP			2.0 Program assessment
	3.0 Outreach campaign. OP			
		4.0 Implement waste reduction & sustainable practices at government facilities. RP		
		5.0 Identify opportunities for increasing recovery. RP	5.0 Program assessment	
	6.0 Review end markets. OP			
Building industry		1.0 Develop regionwide construction & demolition system. NP	1.0 program assessment	
	2.0 Outreach program. OP	2.0 Program assessment		
			3.0 Include sustainable practices and products at government facilities. NP	3.0 Program assessment
	4.0 Review end markets. OP			
Commercial organics		1.0 Outreach & education programs. RP		
			2.0 Enhance access to organics recovery services. NP	
		3.0 Organic waste recovery at government facilities plan. NP	3.0 Organic waste recovery at government facilities implementation. NP	
		4.0 Compost product specified for use in government projects.		
	5.0 Review end markets. OP			

Numbered programs correspond to those in Chapter IV.

OP = Ongoing Program, RP = Revised Program, NP = New Program

Appendix G

Guiding Direction: Policies, Goals and Objectives*

Regional Policies

1.0 System performance	The regional solid waste system will perform in a manner that is: • Environmentally sound. • Regionally balanced. • Cost-effective. • Adaptable to change. • Technologically feasible. • Acceptable to the public.
2.0 Preferred practices	Solid waste management practices will be guided by the following hierarchy: • 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. • Fifth, landfill solid waste that cannot be reduced, reused, recycled, composted or from which energy cannot be recovered.
3.0 Evaluating opportunities for sustainability	Opportunities for increasing the sustainability of business practices or programs will be evaluated based on: a) technological feasibility; b) economic comparison to current practice or conditions; and c) net environmental benefits.
4.0 Recycling services provision	Recycling services will be offered as a component of residential and commercial waste collection in the region. Recycling services will be standardized in the region to the extent possible, to minimize confusion on the part of residents and businesses and to construct cooperative promotion campaigns that cross jurisdictional boundaries.
5.0 Source separation	Source separation is the preferred approach in the region for ensuring quality secondary materials for recycling markets, but other forms of material recovery, such as post-collection separation, will not be precluded.
6.0 Market development	Enterprises that can significantly expand end-use opportunities for reuse or recycling will be fostered by the region.
7.0 New facilities	The current system of transfer stations provides reasonable access for haulers and sufficient capacity for the consolidation and transfer of solid waste to disposal facilities. New transfer stations may be considered if they provide a net benefit to the public. Factors in evaluating net benefit include capacity and access, whether the facility will be publicly or privately owned, and the impacts on material recovery and ratepayers. Other types of new solid waste facilities shall be considered if they significantly support and are consistent with the policies of this plan.
8.0 Facility ownership	Transfer facilities in the regional solid waste system may be publicly or privately owned. The public interest is best served by continued public sector facility ownership in the system. Public ownership ensures a comprehensive range of services are accessible to regional customers at equitable and affordable rates.
9.0 Facility siting	Appropriate zoning in each city or county will utilize clear and objective standards that do not effectively prohibit solid waste facilities.
10.0 System regulation	Solid waste facilities accepting waste generated within the region will be regulated to ensure they are operated in an acceptable manner and are consistent with the policies of this Plan. All facilities performing post-collection material recovery shall meet minimum recovery requirements. Regulatory control will be implemented through a system of franchises, contracts, public ownership, and licenses. Government regulation will ensure protection of the environment and the public interest, but not unnecessarily restrict the operation of private solid waste businesses.
11.0 Host community enhancement	Any community hosting a solid waste "disposal site" as defined by ORS 459.280 shall be entitled to a Metro-collected fee to be used for the purpose of community enhancement.
12.0 Disposal pricing	Charges for disposal services shall be sufficiently transparent to allow regulators to judge whether such charges are fair, acceptable, and reasonably related to the costs of services received. The establishment of charges for disposal services at publicly owned facilities shall balance cost recovery, revenue adequacy, and adopted regulations and policies, including the policies and objectives of this Plan. In addition, such charges shall be structured to ensure that the public sector is able to meet its long-term obligations such as investments, debt, contracts, and fixed costs undertaken by the public sector on behalf of the public. Charges to residents of the Metro district who may not be direct users of the disposal system should be related to other benefits received. To the extent possible, rate adjustments will be predictable and orderly to allow affected parties to perform effective planning.

*Contained in Chapters III, IV and V.

Goals	Objectives
Waste Reduction Goal: Increase the sustainable use of natural resources by achieving the waste reduction goal of 64%.	
Single-family residential	• Conduct annual outreach campaigns that focus on preventing waste, reducing toxicity and/or increasing the quantity and quality of recycling setouts. • Identify and implement service provision changes and incentives to maximize recycling, and identify and evaluate new collection technologies. • Expand curbside service by adding new materials as markets and systems allow. • Promote home composting and appropriate onsite management of yard debris and food waste. • Develop residential organics collection programs when economically and technically feasible.
Multi-family residential	• Implement a program suited to the needs of multi-family housing that is uniform and consistent throughout the region. • Provide annual regional education and outreach targeting multi-family housing. • Identify and evaluate new collection technologies for implementation on a cooperative regionwide basis.
Business	• Provide businesses with annual education and technical assistance programs focused on waste reduction and sustainable practices. • Develop information and resource materials that demonstrate the benefits of waste reduction and sustainable practices to support the business assistance program. • Conduct annual regional outreach campaigns to increase participation in the business assistance program and to promote recycling opportunities and other sustainable practices. • Implement waste reduction and sustainable practices at government facilities. • Identify and implement opportunities for increasing recovery in the business sector, including service provision options, incentives for recycling and regulation. • Periodically review end-use markets to assess cost-effectiveness, material quality and capacity.
Building industry	• Develop a regionwide system to ensure that recoverable construction and demolition debris is salvaged for reuse or is recycled. • Provide the building industry with annual outreach, education and technical assistance programs that demonstrate the benefits of green building, including building material reuse and recycling. • Include sustainable practices and products in the development, construction, renovation and operation of government buildings, facilities and lands. • Support the development of and access to viable end-use markets for construction and demolition materials.
Commercial organics	• Provide outreach and education programs for targeted businesses to support and increase organic waste prevention and diversion practices. • Enhance access to organics recovery services throughout the region. • Implement organic waste recovery programs at government facilities where feasible. • Work to ensure that compost products are specified for use in government projects. • Periodically review the viability of end-use markets and assist with market development efforts.

Goals	Objectives
Education services Goal: Increase the adoption of sustainable practices through increased knowledge, motivation and commitment.	• Provide a regional information clearinghouse and referral service. • Provide education and information services for residents and businesses that are targeted to specific waste streams, materials or generators. • Provide education programs that help teachers incorporate resource conservation concepts, including waste prevention and toxicity reduction, into their teaching. • Provide programs at the elementary level that establish fundamental concepts of resource conservation and environmental awareness through active learning experiences. • Provide programs at the secondary level (middle and high school) that will extend concepts established at the elementary level and prepare students for making responsible environmental choices in everyday adult life. • Work with schools and teachers to increase support for regional solid waste programs and create opportunities for partnerships.
Hazardous waste management Goal: Reduce the use and improper disposal of products generating hazardous waste in order to protect the environment and human health.	• Provide hazardous waste education programs that focus on behavior change. • Provide hazardous waste education programs that focus on those products whose toxic and hazardous characteristics pose the greatest risks to human health and the environment, or that are very costly to properly dispose or recycle. • Provide hazardous waste reduction messages and information to all customers bringing waste to household hazardous waste collection sites. • Coordinate hazardous waste education efforts with related efforts conducted by government agencies and community groups in the region and in other areas. • Research and develop tools to measure the generation, impacts and reduction of hazardous waste, when this can be accomplished at a reasonable cost. • Manage collected waste in accordance with the hazardous waste hierarchy: reduce, reuse, recycle, energy recovery, treatment, incineration and landfill. • Coordinate collection programs with waste reduction and product stewardship efforts. • Conduct waste screening programs at solid waste facilities to minimize the amount of hazardous waste disposed with solid waste. • Use solid waste facilities efficiently and effectively for the delivery of collection services. • Maximize the efficiency of public collection operations, search for the most cost-effective methods and place a high priority on worker health and safety. • Offer a Conditionally Exempt Generator (CEG) program to manage waste from small businesses. • Implement bans on disposal of specific hazardous products as needed to address public health and environmental concerns.
Product stewardship Goal: Shift responsibility to manufacturers, distributors and retailers for ensuring that products are designed to be nontoxic and recyclable, and incorporate the cost of the product's end-of-life management in the purchase price.	• Prioritize product stewardship activities by evaluating products based on the significance of environmental impact (e.g., resource value, toxicity), current barriers to recycling, and financial burdens on governments for recovery programs. • Implement industry-wide product stewardship agreements or individual company stewardship programs in the region. • Educate public and private sector consumers about product stewardship and, in particular, their role in purchasing environmentally preferable products. • Work at the local, regional, state and national level to develop and implement policies, such as recycled-content requirements, deposits, disposal bans and advance recycling fees, that encourage product stewardship programs.

Goals	Objectives
Sustainable Operations Goal: Reduce greenhouse gas and diesel particulate air emissions	• Implement plans for greater energy efficiency. • Utilize renewable energy sources. • Reduce direct emissions of greenhouse gases from landfills and other facilities. • Reduce diesel particulate emissions in existing trucks, barges and rolling stock through best available control technology. • Implement long-haul transportation and collection alternatives where feasible.
Goal: Reduce stormwater run-off	• Implement stormwater run-off mitigation plans.
Goal: Reduce natural resource use	• Implement resource efficiency audit recommendations. • Implement sustainable purchasing policies. • Reduce disposed waste.
Goal: Reduce use and discharge of toxic materials	• Implement toxics reduction and management plans.
Goal: Implement sustainability standards for facility construction and operation	• Implement sustainability standards for site selection. • Require new construction to meet the Leadership in Energy and Environmental Design (LEED) or equivalent program standards. • Provide incentives for existing facilities to meet LEED or equivalent program standards.
Goal: Adopt best practices for customer and employee health and safety	• Reduce injuries by automating operations where effective. • Implement health and safety plans that meet or exceed current minimum legal standards.
Goal: Provide training and education on implementing sustainability practices	• Train key regional waste industry employees, government waste reduction staff and political officials in adopted sustainability practices. • Inform suppliers, contractors and customers of the adoption of sustainability goals and practices.
Goal: Support a quality work life	• Pay a living wage and benefits to all workers. • Promote community service. • Strive to employ a diverse work force.
Goal: Employ sustainability values in seeking vendors and contractors	• Request sustainability plans from potential vendors and contractors. • Assist vendors and contractors in achieving sustainable practices. • Support local vendors when feasible.

Appendix H
Glossary of terms

These definitions are provided to assist the reader and should not be construed as policies, goals or practices of the Plan, or as amendments to the Metro Code.

Alternative program – A solid waste management program or service that is proposed by a local government and differs from those referenced by and being implemented under this Plan. At a minimum, an alternative program must demonstrate the same level of expected performance as the plan program. Alternative programs allow for local government flexibility in meeting the plan goals and objectives.

Collection service – A service that provides for collection of solid waste or recyclable material or both. (OAR 340-90-010)

Commercial organics – Waste generated by food processing operations, restaurants and institutions.

Commingled recyclables – A source-separated mixture of several recyclable materials into one collection container.

Compost – The controlled biological decomposition of organic material or the product resulting from such a process. (OAR 340-90-010)

Conditionally exempt generator (CEG) – Small businesses that generate small amounts of hazardous waste, as defined by state and federal law.

Construction and demolition waste – Solid waste resulting from the construction, repair, or demolition of buildings, roads and other structures, and debris from the clearing of land, but not including clean fill when separated from other construction and demolition wastes and used as fill materials or otherwise land-disposed. Such waste typically consists of materials such as concrete, bricks, bituminous concrete, asphalt paving, untreated or chemically treated wood, glass, masonry, roofing, siding, and plaster; and soils, rock, stumps, boulders, brush, and other similar material. (OAR 340-93-030)

Curbside collection – Programs where recyclable materials are collected at the curb for single-family units and at onsite depots for multi-family units.

End-use markets – Outlets for materials such as post-consumer paper, which are manufactured into a finished product or materials such as scrap tires that are incinerated to recover energy.

Energy recovery – The process in which all or part of the solid waste materials are processed to use the heat content or other forms of energy of or from the material. (ORS 459.005)

Franchise –The authority given by a local government (including Metro) to operate a solid waste and recycling collection service, disposal site, processing facility, transfer station or resource recovery facility. Often includes the establishment of rates by the local government.

Garbage – A general term for all products and materials discarded and intended for disposal.

Generator – A person who last uses a material and makes it available for disposal or recycling. (OAR 340-90-010)

Grits and screenings – Solids derived from primary, secondary or advanced treatment of domestic wastewater that have been treated through one or more controlled processes that significantly reduce pathogens and reduce or chemically stabilize volatile solids to the extent that they do not attract vectors.

Hauler – The person who provides collection services.

Hog fuel – Biomass fuel, usually consisting of wood waste that has been prepared by processing through a "hog" (a mechanical shredder or grinder). It typically consists of a mixture of bark, wood, sawdust, shavings or secondary materials such as pallets and construction or demolition wood.

Household hazardous waste (HHW) or hazardous waste – Any discarded, useless or unwanted chemical materials or products that are or may be hazardous or toxic to the public or the environment and are commonly used in or around households. Residential waste that is ignitable, corrosive, reactive, or toxic. Examples include solvents, pesticides, cleaners, and paints.

Local governments – For the purposes of this document, a local government is defined as a city or county within the Metro boundaries.

Materials recovery or recovery – Any process of obtaining from solid waste, by presegregation or otherwise, materials that still have useful physical or chemical properties after serving a specific purpose and can, therefore, be reused or recycled for the same or other purpose. (OAR 340-90-010, ORS 459.005)

Material recovery facility (MRF) – A solid waste management facility that separates materials for the purposes of recycling from an incoming source-separated or mixed solid waste stream.

Mixed waste – Solid waste containing a variety of recyclable and nonrecyclable material.

Multi-family – Residential dwellings of five or more units.

Non-putrescible – Commercial, residential or industrial solid waste, that does not contain food wastes or other putrescible wastes. Non-putrescible mixed solid waste (also called dry waste) includes only waste that does not require disposal at a municipal solid waste landfill (also referred to as a general purpose landfill), as that term is defined by the Oregon Administrative Rules. This category of waste excludes source-separated recyclables.

Organics – Yard debris, land clearing and food waste material.

Plan programs - The programs and services as described in Chapter II of the Plan that will enable the region to reach its 64% waste reduction goal.

Principal recyclable materials – In the Metro wasteshed these are newspaper, ferrous scrap metal, non-ferrous scrap metal, motor oil, corrugated cardboard and kraft paper, aluminum, glass containers, high-grade office paper, tin cans, and yard debris.

Product stewardship – An approach to managing the lifecycle costs of a product in which a product's designer, producer, seller and user share the responsibility for minimizing the product's environmental impact throughout all stages of the product's lifecycle.

Putrescible waste – Solid waste (other than uncontaminated or only slightly contaminated cardboard and paper products) containing organic material that can be rapidly decomposed by microorganisms, and which may give rise to foul-smelling, offensive products during such decomposition or which is capable of attracting or providing food for birds and potential disease vectors such as rodents and flies.

Recovered – Material diverted from disposal to recycling, composting or energy recovery systems.

Recovery – See material recovery.

Recovery rate – The percent of total solid waste generated that is recovered from the municipal solid waste stream.

Recyclable material – Any material or group of materials that can be collected and sold for recycling at a net cost equal to or less than the cost of collection and disposal of the same material. (OAR 340-90-010, ORS 459.005)

Recycling – Any process by which solid waste materials are transformed into new products in such a manner that the original products may lose their identity. (OAR 340-90-010, ORS 459.005)

Reuse – The return of a commodity into the economic stream for use in the same kind of application as before without change in its identity. (OAR 340-90-010, ORS 459.005)

Solid waste – All putrescible and non-putrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, waste paper, and cardboard; sewage sludge, septic tank and cesspool pumpings or other sludge; commercial, industrial, demolition and construction wastes; discarded or abandoned vehicles or parts thereof; discarded home and industrial appliances; manure; vegetable or animal solid and semi-solid wastes, dead animals, infectious waste and other wastes. The term does not include: (a) hazardous wastes as defined in ORS 466.005; (b) materials used for fertilizer, or for other productive purposes or that are salvageable for these purposes and are used on land in agricultural operations and the growing or harvesting of crops and the raising of fowls or animals, provided the materials are used at or below agronomic application rates. (OAR 340-90-010, ORS 459.005, Metro Code 5.01.101)

Solid waste management – Prevention or reduction of solid waste; management of the storage, collection, transportation, treatment, utilization, processing and final disposal of solid waste; resource recovery from solid waste; and facilities necessary or convenient to such activities. Also see "State hierarchy."

Source-separated material – Material that has been kept from being mixed with solid waste by the generator in order to reuse or recycle that material.

State hierarchy – An established state priority for managing solid waste in order to conserve energy and natural resources. The priority methods are as follows: reduce, reuse, recycle, compost, recover (energy), landfill (ORS 459.015).

Subtitle C – The hazardous waste section of the Resource Conservation and Recovery Act (RCRA).

Subtitle D – Solid, non-hazardous waste section of the federal Resource Conservation and Recovery Act (RCRA).

Sustainable, sustainability, sustainable practices – Using, developing and protecting resources in a manner that enables people to meet current needs and provides that future generations can also meet future needs, from the joint perspective of environmental, economic, and community objectives. [ORS 184.421(4)]

Sustainability principles – Considers use of all economic, environmental and societal resources and is consistent with the Natural Step system conditions so that nature is not subject to systematically increasing:

1. Concentrations of substances from the Earth's crust,
2. Concentrations of substances produced by society, or
3. Degradation by physical means; and in that system
4. Human needs are met worldwide.

Waste generator types are defined as follows:

- Commercially-hauled residential waste – generated from single- and multi-family housing units and hauled to disposal facilities in rear, side or front loaders, drop boxes or self-dumping trucks.
- Self-hauled residential waste – generated from single- and multi-family housing units and hauled to disposal facilities in autos, vans, pickup trucks and trailers attached to small vehicles.
- Business waste – generated from retail and wholesale businesses, offices, food and lodging businesses, food stores, education institutions, and service-related businesses.
- Industrial waste – generated from manufacturing businesses, the construction and demolition industry (but not loads containing construction waste materials), agriculture and other industrial businesses.
- Construction and demolition waste – generated from residential, business, and industrial sources containing mostly bricks, concrete, gypsum wallboard, land clearing debris, roofing and tarpaper, wood, insulation, and other building materials.

Waste prevention – Prevention or elimination of waste prior to generation, including where the product is manufactured, purchased or utilized (consumed). The design, manufacture, acquisition, and reuse of materials so as to reduce the quantity and toxicity of waste produced at the place of origin. Also used to describe practices that reduce the amount of materials that need to be managed by either recycling or disposal methods. Home composting of yard debris is generally termed waste prevention, since the material is kept out of both yard debris processing or disposal facilities. Examples also include reducing office paper use through double-sided copying and buying in bulk to reduce packaging waste.

Waste prevention credits – Provision in state law that allows wastesheds to receive up to 6% on the recovery rate for programs in waste prevention, reuse and backyard composting.

Waste reduction – A term used to encompass waste prevention, reuse, and recovery; all practices that either prevent the generation of waste or divert it from landfill disposal.

Waste stream – A term describing the total flow of solid waste from homes, businesses, institutions and manufacturing plants that must be recycled, burned, or disposed of in landfills; or any segment thereof, such as the "residential waste stream" or the "recyclable waste stream."

Yard debris – Vegetative and woody material generated from residential property or from commercial landscaping activities. Includes grass clippings, leaves, hedge trimmings, stumps, and similar vegetative waste. (OAR 340-90-010)

Zero waste - Designing and managing products and processes to reduce the volume and toxicity of waste and materials, conserve and recover all resources, and not burn or bury them. Zero waste is intended to eliminate all discharges to land, water or air that may be a threat to planetary, human, animal or plant health.

EXHIBIT B

Ordinance No.	Title	Adoption Date
95-624	For the Purpose of Adopting the Regional Solid Waste Management Plan	November 30, 1995
97-673	For the Purpose of Adopting the Regional Disaster Debris Management Plan and Incorporating Part 2 Into the Regional Solid Waste Management Plan	May 1, 1997
97-676	For the Purpose of Adopting the Regional Illegal Dumping Plan and Incorporating it Into the Regional Solid Waste Management Plan	February 13, 1997
97-700	For the Purpose of Amending the Regional Solid Waste Plan	August 7, 1997
98-761	For the Purpose of Amending the Regional Solid Waste Management Plan	July 16, 1998
00-851B	For the Purpose of Amending the Regional Solid Waste Management Plan Regarding Goals, Objectives and Recommended Strategies For the Management of Household Hazardous Wastes	May 25, 2000
00-865	For the Purpose of Amending the Regional Solid Waste Management Plan Related to Disposal Facilities	June 15, 2000
03-1004	For the Purpose of Amending the Regional Solid Waste Management Plan Regarding Recovery Goals and Recommended Waste Reduction Strategies For the Management of Business, Building Industries and Commercially Generated Organic Wastes	May 1, 2003

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 07-1162A FOR THE PURPOSE OF ADOPTING THE REGIONAL SOLID WASTE MANGEMENT PLAN 2008-2018 UPDATE

Date: March 3, 2008 Prepared by: Janet Matthews

EXECUTIVE SUMMARY

Adoption of the updated Regional Solid Waste Management Plan (RSWMP or Plan) provides policy and program direction to the region's solid waste system for ten years and satisfies state requirements for a waste reduction program.

Issues addressed in the Plan are resource conservation, toxicity reduction, sustainable operations, and disposal system decisions. Plan direction on these issues is concentrated in four chapters:

- Chapter II identifies key programs ("Plan Programs") that will achieve the state-mandated 64% waste reduction goal.
- Chapter III establishes Regional Policies in areas such as System Performance, Disposal Pricing and Facility Ownership.
- Chapters IV and VI fulfill state requirements for a waste reduction program under ORS 459.055.
- Chapter V provides direction for implementing sustainable practices in solid waste system operations (both public and private facilities and services).

Revisions recommended by Office of Metro Attorney were made to Chapter VI in order to clarify required elements of the draft Plan and provide notice of compliance requirements contained in Metro Code, chapter 5.10.

This final draft Plan was shaped by four phases of public involvement, five regional workgroups, Metro's Solid Waste Advisory Committee (SWAC), local government staff, DEQ, and Metro staff and Council.

BACKGROUND

The "Regional Solid Waste Management Plan 2008-2018 Update" (2008 RSWMP) replaces the 1995-2005 RSWMP (1995 RSWMP) and its amendments. The waste reduction elements in the Plan, previously adopted as the "Interim Waste Reduction Plan" (IWRP) by Metro Council as Resolution No. 06-3722[1], satisfy state law requirements for a waste reduction program.

Development of the updated RSWMP covered a four-year period characterized by extensive public outreach and stakeholder reviews, as well as significant companion projects (the Council's Disposal System Planning and the SWAC subcommittee on Sustainable Operations) that ultimately provided key elements of the Plan's direction.

[1] For the Purpose of Approving the Interim Waste Reduction Plan to provide direction for regional waste reduction programs pending the completion of the updated Regional Solid Waste Management Plan (RSWMP), Adopted August 17, 2006.

Plan Organization
Plan and System Background – Chapter I provides a description of the Plan's purpose, scope, and update process. Chapter II provides key information about roles and responsibilities in the regional solid waste system, solid waste facilities and services within the region, and the amounts and types of regionally-generated wastes that are disposed and recycled. This Chapter also identifies the programs (in residential and commercial sectors) necessary to achieve the state-mandated 64% waste reduction goal.

Plan Vision, Values and Policies – Chapter III covers the vision, values and regional policies that provide higher level guidance. The policies in the 2008 RSWMP are largely consistent with regional policy direction in the 2005 Plan. New policies on Evaluating Opportunities for Sustainability, Facility Ownership, and Disposal Pricing were added.

Plan Programs – Chapters IV and V contain the goals and objectives to drive activities in regional programs. New to the Plan are sections on product stewardship, education services, and sustainable operations.

Plan Implementation, Compliance and Revision – Chapter VI addresses required elements of the Plan, how the Plan's programs are implemented, and how the Plan will be reviewed and revised.

Appendices – The Plan's appendices contain information on regional disaster debris management; the Transfer Station System Ownership Study; a System Improvements Workplan (Disposal System Planning II); and a Glossary of terms.

Key Issue Areas
RSWMP policies, programs, goals and objectives were developed in order to address the following key issue areas:

- Reducing the amount and toxicity of waste generated and disposed.
  Waste generation – The Plan recognizes that preventing waste from being generated in the first place is critical to resource conservation efforts. The Plan details current waste prevention activities and anticipates new strategies to evolve in cooperation with the Department of Environmental Quality's on-going studies in waste prevention.

  64% waste reduction goal – The Plan reaffirms the commitment to achieve the 64% waste reduction goal established by state statute and identifies programs for targeted generator sectors (e.g., residential, business, commercial organics, C&D) that, when successfully implemented, will enable the region to reach this goal. While the Plan maintains the 64% goal is achievable, it acknowledges that achieving the goal by the statutory benchmark year of 2009 is unlikely.

  Product stewardship – The Plan supports shifting more responsibility for managing products at their end-of-life to the producers and consumers of those products. (The recent Metro-supported Oregon e-waste legislation is an example of a significant step in this direction.)

  Toxics reduction – The Plan addresses toxics reduction through a three-pronged strategy: offering school and adult education programs that seek to change behaviors and offer non-toxic alternatives; providing safe disposal and recycling of household-hazardous waste through permanent collection sites and community events; and supporting product-stewardship initiatives for products containing hazardous substances.

- Sustainable operations.
  The Plan provides direction for applying sustainability principles to solid waste operations. Developed by solid waste system stakeholders (solid waste and recycling facility operators, haulers, and local governments), the sustainable operations goals and objectives are a new addition to the 2008 RSWMP. Areas addressed include diesel emissions, greenhouse gases, green building standards, purchasing policies, employee and customer safety, and quality work life.

- Disposal system planning.
  The Plan incorporates the analysis of transfer station ownership options undertaken in conjunction with this Plan. Plan policies reflect the determination by Metro Council that the current mix of publicly-owned (Metro Central and Metro South transfer stations) and privately-owned facilities is in the region's best interest. The Plan also identifies a number of additional system issues to address in the near future, including: the allocation of wet waste; regional pricing and rate polices; self-haul services; and facility entry and rate regulation issues.

Plan Guidance Related to Future Metro Decisions
The RSWMP is intended to guide all jurisdictions in the region, but some Plan contents directly relate to decisions that will or may be made by Metro policy makers and staff.

1) Regulatory vs. voluntary approaches – Over the past several years, Metro Council and regional stakeholders have been weighing the effectiveness of regulatory vs. voluntary approaches to divert more highly-recyclable materials from disposal in an effort to reach the region's waste reduction goal. A region-wide program to require the recovery of dry waste, called for in the Plan, was adopted by Metro Council in August 2007. Program options for increasing recycling in the business sector are still under consideration by Metro Council, but Chapter II of the updated Plan identifies mandatory business recycling as a program necessary to reach the 64% goal.

2) Addressing goals beyond 2009 – During the Plan update process, several stakeholders suggested that the Plan include additional numerical targets beyond the 64% waste reduction goal. The Plan commits to developing new goals and preliminary work is already underway. It is expected that proposed goals will go beyond recycling and recovery rates and may incorporate a broader sustainability framework. A regional discussion on potential new goals for RSWMP will likely result in amendments to the Plan for Council to consider by 2009.

3) Maintaining progress in recycling collection – Chapter VI contains Plan requirements: regional recycling collection standards and an alternative program process. (These requirements were established in the 1995 Plan.) While Metro does not regulate collection, it enforces the Plan's regional service standard to ensure state recycling requirements are being met, and exceeded, for regional recycling progress to be maintained. Local governments who wish to pursue an alternative to a regional service standard program are directed to the Plan's Alternative Program Review process. The director of Metro's Solid Waste and Recycling Department approves alternative approaches that demonstrate the same or a higher level of recycling as the service standard program.

4) Implementing disposal bans -- The hazardous waste collection section in Chapter IV notes that some local governments have banned disposal of some or all hazardous household products. It recommends that if specific products pose a known risk to public health or the environment of the region – and convenient collection services for such products are available – there should be a regional disposal ban implemented on those products.

5) Requiring new solid waste facilities to be "green" – The objectives for the Sustainable Operations (Chapter V) include requiring new solid waste facilities to meet high environmental standards in their construction (i.e., a "LEED" certified or equivalent standard).

Advisory Committee Recommendation
Members of the Regional Solid Waste Advisory Committee voted 12-0, with two abstentions, to recommend approval of the updated RSWMP to the Metro Council.

INFORMATION/ANALYSIS

1. **Known Opposition.** Several stakeholders have expressed reservations or opposition about particular parts of the Plan but no known opposition expressed to the Plan as a whole. A letter from Tigard's public works director opposed the Plan's Regional Service Standard. A letter from Jeanne Roy expressed concerns that the final draft RSWMP dropped references to achieving the 64% waste reduction goal by the statutory benchmark date of 2009.
2. **Legal Antecedents.** This updated RSWMP replaces the regional plan adopted in 1994 and satisfies state requirements for a waste reduction program (ORS 459.055 and 459.340).
3. **Anticipated Effects:** Adoption of the ordinance will provide guidance for the region's solid waste system for the next ten years.
4. **Budget Impacts.** The Plan specifically calls for annual outreach and technical assistance programs targeting residential, business, and building industry generators, so outreach costs are expected to increase beginning in 2008/09. In addition, a .5 FTE increase in business recycling is anticipated as a direct result of this Plan. Other areas of the Plan, e.g., sustainable operations objectives in Chapter V, and further disposal system analysis, may lead to new personal services and operational expenditures in out years, but those will be established in real time as part of the annual budget process.

RECOMMENDATION

The Chief Operating Officer recommends adoption of Ordinance No. 07-1162A.

Agenda Item Number 5.2

Ordinance No. 08-1183A, For the Purpose of Amending Metro Code Title V, Solid Waste, to Add Chapter 5.10, Regional Solid Waste Management Plan, to implement the Requirements of the 2008-2018 Regional Solid Waste Management Plan.

Second Reading

Metro Council Meeting
Thursday, July 17, 2008
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO CODE TITLE V, SOLID WASTE, TO ADD CHAPTER 5.10, REGIONAL SOLID WASTE MANAGEMENT PLAN, TO IMPLEMENT THE REQUIREMENTS OF THE 2008-2018 REGIONAL SOLID WASTE MANAGEMENT PLAN	))))))))	ORDINANCE NO. 08-1183A Introduced by Michael Jordan, Chief Operating Officer, with the concurrence of David Bragdon, Council President

WHEREAS, the Metro Council adopted Ordinance No. 95-624, For the Purpose of Adopting the Regional Solid Waste Management Plan, on November 30, 1995;

WHEREAS, Metro has completed an updated 2008-2018 Regional Solid Waste Management Plan (RSWMP) to provide the Portland metropolitan area with policy and program direction for the next decade;

WHEREAS, ORS Chapter 459 requires Metro to prepare a Waste Reduction Program for the region and to submit the Waste Reduction Program to the Oregon Department of Environmental Quality for approval;

WHEREAS, Metro has included the Waste Reduction Program in the RSWMP;

WHEREAS, Metro intends to identify the specific enforceable components of the Waste Reduction Program and to provide a method for enforcing those components through changes to the Metro Code; and

WHEREAS, the Metro Council hereby approves of the amendments to Metro Code Title V, Solid Waste, to add the new Chapter 5.10, Regional Solid Waste Management Plan, attached hereto as Exhibit A, pursuant to the RSWMP; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Metro Code Title V, Solid Waste, is amended to add Metro Code Chapter 5.10, Regional Solid Waste Management Plan, attached hereto as Exhibit A.

ADOPTED by the Metro Council this _____ day of _____ 2008.

_____
David Bragdon, Council President

Attest:

_____
Christina Billington, Recording Secretary

Approved as to Form:

_____
Daniel B. Cooper, Metro Attorney

CHAPTER 5.10

REGIONAL SOLID WASTE MANAGEMENT PLAN

SECTIONS TITLE

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) "Compliance" and "comply" shall have the meaning given to "substantial compliance" in this Section.

(c) "Compost" shall have the meaning assigned thereto in Metro Code Section 5.01.010.

(~~c~~d) "DEQ" shall have the meaning assigned thereto in Metro Code Section 5.01.010.

(~~d~~e) “Director” means the Director of Metro’s Solid Waste and Recycling Department.

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

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

(~~g~~h) “RSWMP” means the Regional Solid Waste Management Plan adopted by the Metro Council and approved by the DEQ.

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

(~~i~~j) “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~~k) "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.

(l) “Waste” shall have the meaning assigned thereto in Metro Code Section 5.01.010.

(~~k~~m) “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.

(~~l~~n) “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.

(~~m~~o) "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 ~~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.~~ 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.

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.

(b) 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.

(~~b~~c) 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.

(~~c~~d) 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.

(~~d~~e) 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.

(~~e~~f) 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.

(~~f~~g) 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.~~

~~5.10.170~~ 5.10.160 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) ~~The Director shall determine whether the proposed~~A local government's alternative program ~~will~~shall perform at the same level or better ~~than~~as the regional service standard~~. In making this determination, the Director~~ and shall ~~consider~~meet the following performance standard:

(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 the per capita use of recycling service is the same or more than the per capita use of recycling service under the regional service standard;

(3) The alternative program shall prevent waste generation at the same level or better than the waste generation prevented under the regional service standard;

(4) ~~(3) Consistency with~~The alternative program shall provide education and outreach to promote the waste reduction hierarchy and ~~the source separation priority;~~ to encourage the separation of recyclables from waste; and

~~(4) Economic and technical feasibility; and~~

(5) ~~Estimated impact on other waste reduction activities.~~The alternative program shall ensure that any innovations in the provision of recycling service are technologically and economically feasible.

(c) If the Director determines that the alternative program ~~will perform at the same level or better than the regional service~~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 not perform at the same level or better than the regional service~~does not 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) ~~The~~A local government may seek Council review under Section 5.10.150 of 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~~under this section.

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

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M:\attorney\confidential\9.11.9.6\~~RSWMP code language mab 03.13.08~~Ordinance No. 08-1183A Exhibit A.Compare.070208.doc

SUPPLEMENTAL STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 08-1183A, FOR THE PURPOSE OF AMENDING METRO CODE TITLE V, SOLID WASTE, TO ADD CHAPTER 5.10, REGIONAL SOLID WASTE MANAGEMENT PLAN, TO IMPLEMENT THE REQUIREMENTS OF THE 2008-2018 REGIONAL SOLID WASTE MANAGEMENT PLAN

Date: July 7, 2008 Prepared by: Michelle A. Bellia
Janet Matthews

BACKGROUND

On March 27th the Metro Council tabled consideration of Ordinance 08-1183, to implement requirements of the Regional Solid Waste Management Plan, after several letters expressing opposition or concern were received from local governments. The Council subsequently directed Solid Waste and Recycling Department staff to offer local government briefings and to take the ordinance before the Metro Policy Advisory Committee for review and action.

In May and June staff provided briefings on the ordinance to elected officials in the cities of Durham and Hillsboro and to Washington County. The ordinance was revised based on discussions with local governments and went before MPAC on May 14th and June 11th. MPAC members recommended approval of a revised Ordinance 08-1183 by a vote of twelve to one; those revisions are contained in the "A" version now before the Council (and are summarized on the following page).

Ordinance No. 08-1183-A implements the Waste Reduction Program requirements contained in the 2008-2018 Regional Solid Waste Management Plan (RSWMP) by amending the Metro Code Title V Solid Waste, to add a new Chapter 5.10.

The RSWMP is a regional plan that contains binding requirements on local governments of the region as well as policy and program guidance that is not binding. The code language proposed in this ordinance clarifies the requirements of the Waste Reduction Program that are binding on local governments. The RSWMP requirements set forth in the new Metro Code Chapter 5.10 are intended to ensure local governments have a significant amount of flexibility as to how they meet requirements.

The proposed code language also provides a procedure for enforcing those requirements. The intent of the proposed process is to provide an efficient method for local governments to establish compliance with the RSWMP requirements.

PURPOSE OF THE CODE REVISION

The code language is proposed for the following reasons:

1. <u>The Waste Reduction Program Requirements Must Be Enforceable to Satisfy State Law</u>.

Because Metro sends more than 75,000 tons of solid waste per year to a disposal site (the Columbia Ridge Landfill), ORS Chapter 459 requires Metro to prepare a solid waste reduction program for the region and to submit the Waste Reduction Program to the Oregon Department of Environmental Quality (DEQ) for approval. The DEQ reviews the Waste Reduction Program for compliance with the state law and must approve the Waste Reduction Program if it meets the statutory criteria. Chapter IV of the updated RSWMP contains the components of the Waste Reduction Program.

In reviewing an earlier version of the Waste Reduction Program, DEQ advised that the program "must have specifically enforceable components and must specify how enforcement can be accomplished." The proposed revisions to the Metro Code identify the enforceable components of the Waste Reduction Program and provide a procedure for enforcing those components.

2. The Code Provisions Notify the Local Governments of the Specific RSWMP Provisions Requiring Compliance.

ORS Chapter 459 provides limits on local governmental authority related to the Waste Reduction Program. Specifically, ORS 459.095(1) prohibits local governments from adopting any ordinance, order, regulation or contract affecting solid waste management that conflicts with a solid waste management plan or program. The RSWMP, which includes the Waste Reduction Program, contains policy guidance as well as enforceable provisions. Once the RSWMP is adopted by the Metro Council and approved by the DEQ, any local government action that conflicts with a requirement of the Waste Reduction Program may be subject to enforcement. Including the enforceable components of the Waste Reduction Program in the Metro Code notifies the local governments of what Metro intends to enforce and allows them to avoid taking conflicting action.

SUMMARY OF SIGNIFICANT REVISIONS IN 08-1183-A

5.10.010 Definitions – A definition of "substantial compliance" has been added. Where "comply" or "compliance" appear in the ordinance, these terms now carry the same meaning as "substantial compliance."

5.10.150 Review by Metro Council – This section adds a Council review, upon local government request, of an administrative decision that an RSWMP performance standard was not met

5.10.160 Penalties for Violations – This section, which contained references to fines and orders, has been stricken. (Section 5.10.150 still provides for the Council to issue an order and direct changes in local government action if they determine a violation of RSWMP requirements has occurred.)

5.10.240 Alternative Program and Performance Standard – The term "performance standard" was added in this section to clarify that Metro's approval of a proposed local alternative to the Regional Service Standard is performance-based, i.e., approved alternatives will have the same or higher level of performance as the service standard requirement.

ANALYSIS/INFORMATION

1. Known Opposition: Opposition was expressed to ordinance 08-1183 in March from several local governments and haulers. Concerns centered around limitations to local control and the

penalties section of the ordinance. The 12-1 recommendation for approval from MPAC on June 11th reflects regional consensus among represented governments that the ordinance as revised is acceptable.

2. **Legal Antecedents:** Ordinance No. 95-624 (For the Purpose of Adopting the Regional Solid Waste Management Plan), adopted November 30, 1995; Metro Charter; Metro Code Title V Solid Waste; and ORS Chapters 268 and 459.

3. **Anticipated Effects:** Chapter 5.10 clarifies the distinction between the mandatory requirements of the Waste Reduction Program that are binding on local governments and those provisions of the RSWMP that are policy and program guidance. The proposed code language also provides a procedure for enforcing those requirements

4. **Budget Impacts:** No direct budget impacts; however, there may be indirect impacts from efforts to resolve compliance issues.

RECOMMENDED ACTION

Staff recommends that the Metro Council adopt Ordinance No. 08-1183A.

Agenda Item Number 6.1

Resolution No. 08-3960, For the Purpose of Endorsing the Locally Preferred Alternative for the Columbia River Crossing Project and Amending the Metro 2035 Regional Transportation Plan with Condition.

Metro Council Meeting
Thursday, July 17, 2008
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ENDORSING THE LOCALLY PREFERRED ALTERNATIVE FOR THE COLUMBIA RIVER CROSSING PROJECT AND AMENDING THE METRO 2035 REGIONAL TRANSPORTATION PLAN WITH CONDITIONS	))))))	RESOLUTION NO. 08- 3960 Introduced by Councilor Burkholder

WHEREAS, the Oregon and Washington sides of the metropolitan region are linked by critical transportation infrastructure vital to each community along the Columbia River; and,

WHEREAS, the I-5 Interstate bridge is a key transportation link that has national and international importance for freight and auto movement; and,

WHEREAS, the I-5 Interstate bridge carries approximately 130,000 people daily by car, truck, bus, bicycle and on foot; and,

WHEREAS, the CRC Draft Environmental Impact Statement (DEIS) analysis found that the segment of I-5 in the vicinity of the Columbia River has extended peak-hour travel demand that exceeds capacity, includes bridge spans that are over 50 and 90 years old and that do not meet current traffic safety or seismic standards, and,

WHEREAS, techniques to improve peak truck freight movement times along with bridge and highway improvements would help support and improve the economy of the region and beyond; and,

WHEREAS, the greatest inhibition to the predictable flow of truck freight is single-occupancy automobile commuting, and according to the CRC analysis, in the absence of tolling, other demand management, and good public transit service the growth of such automobile commuting will contribute to the costs of truck delay; and,

WHEREAS, travel by transit between Portland and Vancouver currently must share a right-of-way with autos and trucks; and,

WHEREAS, the bicycle and pedestrian facilities for crossing the Columbia River along I-5 do not meet current standards, that demand for such facilities is expected to increase, and that experience on Portland bridges has proven that when safe bicycle facilities are provided, ridership grows dramatically; and,

WHEREAS, the CRC DEIS states that in the absence of tolls, absence of effective high-capacity transit service, and absence of safe bicycle and pedestrian facilities, automobile traffic and its resulting emissions and impact on climate change would continue to grow faster with the “no build” option than such automobile traffic and emissions would grow with the replacement bridge option that does include tolls, effective transit, and safe bicycle and pedestrian facilities; and,

WHEREAS, because of high demand and because only two road crossings of the Columbia River exist in the metropolitan region, the I-5 and I-205 corridor is very well situated for tolling, a revenue source and management tool currently not feasible for many other projects vying for public funds; and,

WHEREAS, the states of Oregon and Washington have both established aggressive climate change strategies that include significant reductions in vehicle miles traveled and/or greenhouse gas emissions during the expected life of a CRC project; and,

WHEREAS, in Washington State the goal is to reduce vehicle miles traveled by 50 percent by 2050 and in Oregon the goal is to reduce greenhouse gas emissions by 75 percent below 1990 levels by 2050; and,

WHEREAS, the Oregon Governor's Climate Change Integration Group in its final report dated January 2008 state that "reducing vehicle miles traveled is the single most effective way to reduce greenhouse gas emissions", and,

WHEREAS, the reduction of greenhouse gas emissions is a regional goal that the Metro Council has directed that methods of decreasing such emissions be identified and pursued; and,

WHEREAS the Metro Council has concurred with the Governor's Climate Change Integration Group that reducing vehicle miles traveled is the single most effective means of reducing greenhouse gas emissions; and,

WHEREAS, high capacity transit, as well as walking and biking reduce vehicle miles travelled and reduce greenhouse gas emissions; and,

WHEREAS, the Metro region and the Federal Transit Administration have made extensive investments in high capacity transit, especially light rail transit, as the preferred high capacity transit mode in most corridors in the region, including the Interstate MAX LRT line to the Expo Center, about 1 mile from Vancouver, Washington and adjacent to Interstate 5; and,

WHEREAS, on November 14, 2002 the Metro Council approved Resolution 02-3237A, For the Purpose of Endorsing the I-5 Transportation and Trade Study Recommendations, that supported a multimodal project including light rail transit (LRT) and either a new supplemental or replacement I-5 bridge; and,

WHEREAS, the I-5 Transportation and Trade Study also included recommendations to widen I-5 to three lanes between Delta Park and Lombard, address finance issues, use travel demand tools including pricing (tolls), address environmental justice through use of a community enhancement fund, coordinate land use to avoid adverse impacts to transportation investments and improve heavy rail; and,

WHEREAS, in its October 19, 2006 letter to the CRC Task Force, the Council stated that "all transportation alternatives be evaluated for their land use implications…[because] added lanes of traffic …will have an influence on settlement patterns and development"; and,

WHEREAS, the CRC Task Force's endorsement of a locally preferred alternative is one "narrowing" step in a multi-step process and is an important opportunity for the Metro Council to articulate its concerns which will be weighed at this and subsequent steps; and,

WHEREAS, in its October 19, 2006 letter to the CRC Task Force, the Council stated that Metro "will need to work closely with you as your project proceeds and as the RTP policies are developed to ensure that your proposals are consistent with our new policies."; and,

WHEREAS, the CRC Task Force, a 39 member advisory committee, has met regularly for over two years creating a project purpose and need, evaluation criteria and alternatives; and,

WHEREAS, a draft environmental impact statement has been completed that assesses the potential impacts of the project alternatives including a No Build, replacement and supplemental bridge options and bus rapid transit and light rail transit as well as bicycle and pedestrian facilities; and,

WHEREAS, a Replacement Bridge, unlike a Supplemental Bridge and/or rehabilitating and keeping the existing bridges, could improve safety by providing travel lane designs that meet safety standards including improved sight distance, greater lane widths, improved road shoulders and would eliminate bridge lifts which are indirectly a major cause of rear end accidents on and near the bridge; and,

WHEREAS, a Replacement Bridge, unlike a Supplemental Bridge, would reduce auto and truck delays that result from bridge openings; and,

WHEREAS, a Replacement Bridge, unlike a Supplemental Bridge, could improve the seismic safety of those crossing the river by auto and truck, reducing the potential for economic disruption as a result of restricted truck freight movement from seismic damage as well as reduce the potential for river navigation hazards created by seismic events; and,

WHEREAS, high capacity transit in an exclusive right-of-way would provide greatly improved transit service with much better schedule reliability and service than mixed-use traffic operation; and,

WHEREAS, LRT would produce higher total transit ridership in the corridor than BRT; and,

WHEREAS, LRT is more cost effective than Bus Rapid Transit (BRT), and is about one-half as expensive to operate per transit rider crossing the river; and,

WHEREAS, the Metro Council held a public hearing about the CRC project alternatives on June 5, 2008 and,

WHEREAS, on June 5, 2008, the Metro Council approved Resolution No. 08-3938B For the Purpose of Providing Metro Council Direction to its Delegate Concerning Key Preliminary Decisions Leading to a Future Locally Preferred Alternative Decision for the Proposed Columbia River Crossing Project and that the Metro Council concluded in this resolution its support for a Columbia River Crossing (CRC) Project with light rail, a replacement bridge with three through lanes and tolls for travel demand management and ongoing funding but also included substantial conditions; and,

WHEREAS, the CRC Task Force has recommended a locally preferred alternative that includes light rail transit and a replacement bridge; and,

WHEREAS, on December 13, 2007, the Metro Council approved Resolution No. 07-3831B, For the Purpose of Approving the Federal Component of the 2035 Regional Transportation Plan (RTP) Update, Pending Air Quality Conformity Analysis, and the adopted 2035 Regional Transportation Plan (RTP), Financially Constrained System Project list includes Metro project number 10866, “Improve I-5/Columbia River bridge (Oregon share)” with $74 million year of expenditure reserved for preliminary engineering and right-of-way acquisition, but does not include funds for project construction; and,

WHEREAS, on February 28, 2008, the Metro Council adopted Resolution No. 08-3911, For the Purpose of Approving the Air Quality Conformity Determination for the Federal Component of the 2035 Regional Transportation Plan and Reconforming the 2008-2011 Metropolitan Transportation Improvement Program, and this air quality conformity included the CRC project, highway and light rail transit; and,

WHEREAS, the CRC Project is projected to cost between $3.5 and 3.7 billion dollars; and,

WHEREAS, a revenue forecast has been completed using best available information that shows revenue sources that could fund the project; and,

WHEREAS, the Metro 2035 RTP does not currently include a description of the proposed locally preferred alternative for the CRC Project as supported by the Metro Council; and,

WHEREAS, state law provides for land use final order to address meeting the potential land use impacts of light rail and related highway improvements in the South/North corridor of which the I-5 bridge is a part; and,

WHEREAS, at its meeting on _____, the Joint Policy Advisory Committee on Transportation recommended approval of the following; now therefore,

BE IT RESOLVED that the Metro Council:

1. Continues to support a balanced multi-modal approach of highway, high capacity transit, freight movement, transportation demand management and bicycle and pedestrian improvements in the Columbia River Crossing corridor, as well as compact land use development patterns with a mixture of uses and types of housing which minimize long commutes and reduce our citizen's automobile dependence.
2. Supports a Columbia River Crossing locally preferred alternative:
    a. a replacement bridge with three northbound and three southbound through lanes, with tolls, as the preferred river crossing option,

    b. light rail as the preferred high capacity transit option, extending light rail from the Expo Center in Portland, Oregon across Hayden Island adjacent to I-5 to Vancouver, Washington

    c. a light rail terminus in Vancouver, Washington.
3. Finds that the following concerns and considerations will need to be addressed as described in Exhibit A, attached.
4. Amends the Metro 2035 Regional Transportation Plan, Appendix 1.1, Financially Constrained System, Project Number 10866 to read: "Improve I-5/Columbia River bridge in cooperation with ODOT and WSDOT with light rail transit, reconstructed interchanges and a replacement bridge with three through lanes in each direction and tolls designed to manage travel demand as well as provide an ongoing funding source for project construction, operations and maintenance." Further, amends the Project amount to read: "A range of between $3.5 and $3.7 billion."
5. Amends the Metro Appendix 1.2, "2035 RTP Other Projects Not Included in the Financially Constrained System", deleting Project number 10893, "Improve I-5/Columbia River bridge

(Oregon Share)" and deleting Project number 10902, "CRC – Expo to Vancouver, north on Main to Lincoln", as these projects are now included in the Financially Constrained System.

6. Amends the Metro 2035 RTP, Chapter 5, Financial Plan, by adding Section 5.3.4, CRC Funding Assumptions, attached as Exhibit B.
7. Amends the Metro 2035 RTP, Chapter 7, Implementation, amending Section 7.7.5, Type I- Major Corridor Refinements, Interstate-5 North (I-84 to Clark County) as described in Exhibit C, attached.
8. Defers the determination of the number of auxiliary lanes to a subsequent amendment of the 2035 RTP, based on additional analysis.
9. Acknowledges that a land use final order for addressing land use consistency for the Oregon side of the Project is being prepared and will be submitted to the Council for approval in Fall 2008.

ADOPTED by the Metro Council this _____ day of _____, 2008.

_____
David Bragdon, Council President

Approved as to Form:

_____
Daniel B. Cooper, Metro Attorney

RESOLUTION O8-3960
Exhibit A

Metro Council Concerns and Considerations
Columbia River Crossing "Locally Preferred Alternative"

The Metro Council recognizes that endorsement of a "Locally Preferred Alternative" is one important narrowing step that enables the project management team to proceed with further analysis of a reduced range of alternatives. The Council is cognizant that many important issues are generally still unresolved at the time of endorsement of an LPA, but that clear articulation of concerns is required to make sure that such unresolved issues are appropriately resolved during the next phase of design, engineering, and financial planning, with proper participation by the local community and its elected representatives. If those sorts of outstanding issues are not satisfactorily resolved during that post-LPA selection phase, then the project risks failing to win the approval of necessary governing bodies at subsequent steps of the process.

While the Metro Council endorses the LPA, Replacement Bridge with Light Rail and Tolls, as described in Resolution 08-3960, the Metro Council simultaneously finds that the following issues will need to be satisfactorily addressed in the upcoming refinement of design, engineering and financial planning:

FORMATION OF A LOCAL OVERSIGHT COMMITTEE TO SUCCEED THE TASK FORCE

The Metro Council concluded on June 5, 2008 through Resolution 08-3938B that further oversight of the project is needed once the Task Force's work is concluded. The Council suggested that the Governors of Oregon and Washington convene such a local oversight group. On June 19, 2008, the Governors issued a joint letter that concluded there is a need to reconvene the CRC Project Sponsor's Council as the oversight committee to succeed the Task Force, including representatives from Washington State Department of Transportation, the Oregon Department of Transportation, cities of Portland and Vancouver, Metro, the Southwest Washington RTC, TriMet and CTRAN. The Governors charged the committee with advising the two departments of transportation and two transit agencies on a consensus basis to the greatest extent possible regarding the major issues requiring further oversight and resolution.

PROJECT ISSUES REQUIRING LOCAL OVERSIGHT DURING PLANNING, DESIGN, ENGINEERING, FINANCE AND CONSTRUCTION

The Governors have charged the Project Sponsors Council with project oversight on the following issues, milestones and decision points:

1) Completion of the Environmental Impact Statement (EIS),
2) Project design, including, but not limited to: examining ways to provide an efficient solution that meets safety, transportation and environmental goals,
3) Timelines associated with project development,
4) Development and use of sustainable construction methods,
5) Ensuring the project is consistent with Oregon and Washington's statutory reduction goals for green house gas emissions, and
6) A finance plan that balances revenue generation and demand management, including the project capital and operating costs, the sources of revenue, impact to the funds required for other potential expenditures in the region.

The Metro Council has identified additional areas of concern that need to be addressed by the Project Sponsors Council as the project moves forward:

A. TOLLING
Implementation of tolls on the existing I-5 Bridge should be undertaken as soon as legally and practically permissible.

B. NUMBER OF AUXILIARY LANES
Determine the number of auxiliary lanes in addition to the three through lanes in each direction on the replacement bridge across the Columbia River and throughout the bridge influence area.

C. IMPACT MITIGATION AND COMMUNITY ENHANCEMENT
Identify proposed mitigation for any potential adverse human health impacts related to the project or existing human health impacts in the project area, including community enhancement projects that address environmental justice.

D. DEMAND MANAGEMENT
Develop of state-of-the-art demand management techniques in addition to tolls that would influence travel behavior and reduce greenhouse gas emissions.

E. FINANCING PLAN
A detailed financing plan showing costs and sources of revenue must be proposed and presented to the partner agencies and to the public. The proposed financing plan should indicate how the federal, state and local (if any) sources of revenue proposed to be dedicated to this project would impact, or could be compared to, the funds required for other potential expenditures in the region.

F. CAPACITY CONSIDERATIONS, INDUCED DEMAND AND GREENHOUSE GASES
Further analysis is required of the greenhouse gas and induced automobile demand forecasts for this project. The results of the analysis must be prominently displayed in the Final Environmental Impact Statement. The analysis should include comparisons related to the purpose and function of the so-called "'auxiliary" lanes. A reduction in vehicle miles traveled should be pursued to support stated greenhouse gas reduction targets as expressed by legislation in Oregon and Washington and by the Governors.

G. PRESERVATION OF FREIGHT ACCESS
The design and finance phase of the CRC project will need to describe specifically what physical and fiscal (tolling) methods will be employed to ensure that trucks are granted a priority which is commensurate with their contributions to the project and their important role in the economy relative to single-occupancy automobile commuting. Ensure that freight capacity at interchanges is not diminished by industrial land use conversion.

H. LIGHT RAIL
As indicated in the Item 2 "resolved" in the body of the resolution, the Metro Council's endorsement of the LPA categorically stipulates that light rail must be included in any phasing package that may move forward for construction.

I. DESIGN OF BICYCLE AND PEDESTRIAN FACILITIES
More detailed design of bicycle and pedestrian facilities is required to inform the decisions of the local oversight panel described above. The project should design “world class” bicycle and pedestrian facilities on the replacement bridge, bridge approaches and throughout the bridge influence area that meet or exceed standards and are adequate to meet the demand generated by tolls or other demand management techniques.

J. URBAN DEVELOPMENT IMPACTS AT RE-DESIGNED INTERCHANGES

More design of the interchanges related to the CRC is required to fully evaluate their community impact. The design of interchanges within the bridge influence area must take into account their impact on urban development potential. The Metro Council is also concerned that the Marine Drive access points preserve and improve the functionality of the Expo Center.

K. BRIDGE DESIGN

The bridge type and aesthetics of the final design should be an important consideration in the phase of study that follows approval of the LPA and precedes consideration of the final decision.

Exhibit B to Resolution No. 08-3960

Chapter 5, Financial Plan of the Metro 2035 RTP, Federal Component is amended by adding the following new section:

5.3.4 Columbia River Crossing Funding Assumptions

The Columbia River Crossing (CRC) Project is a collaboration of Oregon Department of Transportation, Washington State Department of Transportation, Metro, the Southwest Washington Regional Transportation Council, TriMet and CTRAN as well as the cities of Portland and Vancouver.

The CRC Project is a national transportation priority as it has been designated a "Corridor of the Future" by the Federal Highway Administration (FHWA). The Project will seek FHWA funding from this program category and other appropriate sources. Accordingly, the FHWA has indicated that it is a high priority to address the safety and congestion issues related to the segment of Interstate 5 between Columbia Boulevard north to State Route 500 in Vancouver, Washington.

The Federal Transit Administration (FTA) awards transit capital construction grants on a competitive basis. The CRC project will be submitting an application to the FTA for entry into Preliminary Engineering and eventually for a full funding grant agreement. The Metro region has been highly successful in securing FTA funds and it is considered reasonable, based on early cost-effectiveness rating analyses, that the high capacity transit component of the CRC Project will secure the $750 million in federal transit funding shown in the table below.

In addition, the Governors of Oregon and Washington have stated their commitment to work with their respective state legislatures to provide state funds to add to federal funding.

Also, tolling is another unique source of funding for the project. It would be a substantial transportation demand management tool as well as providing a significant revenue source. The DEIS states that tolls may supply 36 – 49% of the capital revenues for the highway elements of the project.

Finally, the state of Washington has accumulated credits from tolls imposed on other projects in the state that can be used as local match for federal funds. The state has indicated support for using a portion of these credits for the transit component of this project.

These funding sources for the total project may be summarized as follows (all figures in millions of dollars):

Columbia River Crossing – Total Project Costs
(both Oregon and Washington sides)

Costs		Low	High
Highway		$2,773	$2,920
Transit		750	750
	Total	$3,523	$3,670

Revenues	Low	High
Toll Bond Proceeds	$1,070-$1,350	$1,070 - 1,350
Federal Discretionary Highway	400- 600	400 - 600
State Funds	823-1,303	970 - 1,450
New Starts	750	750
Toll Credits	188	188
Total	$3,523	$3,670

Chapter 7, Implementation of the Metro 2035 Regional Transportation Plan, (Federal Component), Implementation (page 7-34) is amended as follows:

Interstate-5 North (I-84 to Clark County)

This heavily traveled route is the main connection between Portland and Vancouver. The Metro Council has approved a Locally Preferred Alternative for the Columbia River Crossing ~~project is evaluating the~~(CRC) project that creates a multi-modal ~~alternatives in~~solution for the Interstate 5 corridor between Oregon to Washington to address the movement of people and freight across the Columbia River. A~~number of planned and proposed alternative highway~~ ~~capacity improvements, high capacity,~~replacement bridge with three through lanes in each direction, reconstructed interchanges, tolls priced to manage travel demand as well as provide financing of the project construction, operation and maintenance, light rail transit to Vancouver, and bicycle and pedestrian investments have been identified for this corridor. As ~~improvements~~project details are evaluated and implemented in this corridor, the following ~~design considerations should be addressed:~~shall be brought back to JPACT and the Metro Council for a subsequent RTP amendment for this Project:

• ~~consider HOV lanes and peak period pricing~~

~~• high capacity transit alternatives from Vancouver to the Portland Central City (including light rail transit and express bus), recognizing that high capacity transit, light rail, has been built from the Portland Central City to Expo Center~~

~~• maintain an acceptable level of access to the central city from Portland neighborhoods and Clark County~~

~~• maintain off-peak freight mobility, especially to numerous marine, rail and truck terminals in the area~~ the number and design of auxiliary lanes on the I-5 Columbia River bridge and approaches to the bridge, including analysis of highway capacity and induced demand.

More generally in the I-5 corridor, the region should:

• consider the potential adverse human health impacts related to the project or existing human health impacts in the project area, including community enhancement projects to address environmental justice.

• consider ~~adding reversible express lanes to I-5~~managed lanes

• maintain an acceptable level of access to the central city from Portland neighborhoods and Clark County

• maintain off-peak freight mobility, especially to numerous marine, rail and truck terminals in the area

• consider new arterial connections for freight access between Highway 30, port terminals in Portland and port facilities in Vancouver, Wa.

• maintain an acceptable level of access to freight intermodal facilities and to the Northeast Portland Highway

• construct interchange improvements at Columbia Boulevard to provide freight access to Northeast Portland Highway

• address freight rail network needs

~~• consider additional Interstate Bridge capacity sufficient to handle project needs~~

• develop actions to reduce through-traffic on MLK and Interstate to allow main street redevelopment

• provide recommendations to the Bi-State Coordination Committee prior to JPACT and Metro Council consideration of projects that have bi-state significance.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 08-3960, FOR THE PURPOSE OF ENDORSING THE LOCALLY PREFERRED ALTERNATIVE FOR THE COLUMBIA RIVER CROSSING PROJECT AND AMENDING THE METRO 2035 REGIONAL TRANSPORTATION PLAN WITH CONDITIONS

Date: June 26, 2008

Prepared by: Richard Brandman
Ross Roberts
Mark Turpel

BACKGROUND

Overview

The Columbia River Crossing (CRC) is a proposed multimodal bridge, transit, highway, bicycle and pedestrian improvement project sponsored by the Oregon and Washington transportation departments in coordination with Metro, TriMet and the City of Portland as well as the Regional Transportation Council of Southwest Washington, CTRAN and the City of Vancouver, Washington. (More detailed project information may be found at: http://www.columbiarivercrossing.org/)

The CRC project is designed to improve mobility and address safety problems along a five-mile corridor between State Route 500 in Vancouver, Washington, to approximately Columbia Boulevard in Portland, Oregon, including the Interstate Bridge across the Columbia River.

The project would be funded by a combination of Federal Transit Administration (FTA) New Starts funding for the transit component, Federal Highway Administration (FHWA) funding for highway, freight, bicycle and pedestrian improvements, with local match being provided by the states of Oregon and Washington through toll credits and other funding. Tolls are also proposed for a new I-5 bridge to pay for a portion of the capital project and manage transportation demand.

Guiding the project is a 39 member CRC Task Force, of which Councilor Burkholder serves as the Metro representative. On June 5, 2008, the Metro Council approved policy guidance for Councilor Burkholder as its CRC Task Force member in the formulation of the draft locally preferred alternative (LPA) (after consideration of public testimony and review of options for a LPA). On June 24, the CRC Task Force approved recommendations for a LPA for the project sponsor agencies (including Metro) consideration.

Accordingly, the attached Resolution No. 08-3960 will provide for Metro Council consideration of:

1) Adoption of a CRC LPA.
2) Amendment of the federal component of the Metro 2035 Regional Transportation Plan (RTP).
3) Statement of additional Metro Council concerns and considerations regarding the Project.

Project History

The CRC Project history began in 1999, with the Bi-State Transportation Committee recommendation that the Portland/Vancouver region initiate a public process to develop a plan for the I-5 Corridor based on four principles:

- Doing nothing in the I-5 Corridor is unacceptable;
- There must be a multi-modal solution in the I-5 Corridor - there is no silver bullet;

- Transportation funds are limited. Paying for improvements in the I-5 Corridor will require new funds; and,
- The region must consider measures that promote transportation-efficient development.

Accordingly, the twenty-six member I-5 Transportation and Trade Partnership was constituted by Governors Locke and Kitzhaber, including a Metro Council representative.

In June 2002, the Partnership completed a *Strategic Plan* and on November 14, 2002, the Metro Council, through Resolution No. 02-3237A, For the Purpose of Endorsing the I-5 Transportation and Trade Study Recommendations, endorsed the *Strategic Plan* recommendations including:

- Three through lanes in each direction on I-5, one of which was to be studied as an High Occupancy Vehicle (HOV) lane, as feasible;
- Phased light rail loop in Clark County in the vicinity of the I-5, SR500/4th Plan and I-205 corridors;
- An additional or replacement bridge for the I-5 crossing of the Columbia River, with up to two additional lanes for merging plus two light rail tracks;
- Interchange improvements and additional auxiliary and/or arterial lanes where needed between SR 500 in Vancouver and Columbia Boulevard in Portland, including a full interchange at Columbia Boulevard;
- Capacity improvements for freight rail;
- Bi-state coordination of land use and management of the transportation system to reduce demand on the freeway and protect corridor improvement;
- Involving communities along the corridor to ensure final project outcomes are equitable and committing to establish a fund for community enhancement;
- Developing additional transportation demand and system strategies to encourage more efficient use of the transportation system.

Several of the recommendations from the Strategic Plan have been completed. For example, construction of the I-5 Delta Park Project has begun.

The I-5 bridge element began in February 2005 with the formation of a 39 member Columbia River Crossing (CRC) Task Force. This Task Force, which includes a Metro Council representative, developed a vision statement, purpose and need statement and screening criteria.

The adopted project purpose is to: 1) improve travel safety and traffic operation on the I-5 crossing of the Columbia River; 2) improve the connectivity, reliability, travel times and operations of public transit in the corridor, 3) improve highway freight mobility and interstate commerce, and 4) improve the river crossing's structural integrity.

More specifically, the following issues concerning the existing conditions were cited as need:

- Safety - the bridge crossing area and approach sections have crash rates more than two times higher than statewide averages for comparable urban highways. Contributing factors are interchanges too closely spaced, weave and merge sections too short contributing to sideswiping accidents, vertical grade changes that restrict sight distance and very narrow shoulders that prevent avoidance maneuvers or safe temporary storage of disabled vehicles.
- Seismic - neither I-5 bridges meet seismic standards, leaving the I-5 corridor vulnerable in the event of a large earthquake;
- Bridge Alignment - the alignment of the I-5 bridges with the downstream railroad bridge contributes to hazardous barge movements;

- Cost - rehabilitation of the existing bridges, bringing them to current standards would be more costly, both in money and some environmental impacts, such as water habitat conditions, than a replacement bridge;
- Traffic Impact - an arterial bridge would bring unacceptable traffic congestion to downtown Vancouver, Washington.

The CRC Project analyzed 37 distinct bridge, transit, highway and transportation demand management modes/designs, which the CRC Task Force narrowed to twelve. These twelve options then received even more analysis.

In November 2007, CRC staff, after further consideration of technical analyses and using the approved screening criteria and project purpose and need, recommended three alternatives be advanced to a draft environmental impact statement (DEIS). These included:

- Alternative 1) No Action;
- Alternative 2) A Replacement Bridge and Bus Rapid Transit with Complementary Express Bus Service; and
- Alternative 3) A Replacement Bridge and Light Rail Transit with Complementary Express Bus Service.

Open houses were held to take public comment about whether these three alternatives should be advanced to analysis in the DEIS. The Metro Council, other project sponsors and some members of the public expressed interest in a less expensive, smaller project alternative. Accordingly, two supplemental bridge alternatives (one with bus rapid transit, the other with light rail transit) were proposed to be added to the alternatives studied in the DEIS.

The Metro Council concurred with these five alternatives in adopting Resolution No. 07-3782B, "For the Purpose of Establishing Metro Council Recommendations Concerning the Range of Alternatives to Be Advanced to a Draft Environmental Impact Statement For the Columbia River Crossing Project," on February 22, 2007.

On December 13, 2007, the Metro Council adopted the federal component of the 2035RTP. The RTP included funds for preliminary engineering and right-of-way purchase in the financially constrained system project list for a new bridge across the Columbia River. This item was reconfirmed with the adoption of the air quality conformity determination in February 2008 that assumed a new bridge with light rail transit to Vancouver.

In a meeting of the CRC Task Force in January 2008, an informal poll was taken that initiated discussion of the LPA. Strong support was found for:

- A replacement bridge with tolls;
- Light rail transit extended to Vancouver, Washington;
- Bicycle and pedestrian path improvements.

(Councilor Burkholder, the Metro Council representative, deferred comment in this survey citing the need to confer with the full Metro Council).

On May 2, 2008, a DEIS addressing the five CRC alternatives was released for a 60-day public comment period. During that time, the CRC project received 1,120 comments on the DEIS. The CRC also held two open houses attended by 425 people and held four question and answer sessions.

Later in May 2008, review and discussion of the CRC alternatives and the potential benefits and adverse impacts as disclosed in the CRC Draft Environmental Impact Statement were discussed by the Metro Council. After consideration of the CRC documents, Metro Council work session discussions and public testimony received at a Metro Council public hearing June 5, the Metro Council approved policy guidance by adopting Resolution No. 08-3938B, "For the Purpose of Providing Metro Council Direction to its Delegate Concerning Key Preliminary Decisions Leading to a Future Locally Preferred Alternative Decision for the Proposed Columbia River Crossing Project," on June 5, 2008.

Resolution 08-3938B included the following major points:

- A multimodal approach that includes:
  - light rail transit extended to Vancouver;
  - A replacement bridge with three through lanes in each direction and the number of auxiliary lanes to be determined;
  - Tolls to manage travel demand as well as provide an ongoing funding source for bridge construction, operations and maintenance;
  - Improved bicycle and pedestrian facilities;
  - Compact land use development patterns with a mixture of housing types to minimize long commutes and reduce automobile dependence.
- Recognition that the above elements and others identified in an exhibit to the resolution will need to be satisfactorily addressed as part of the LPA or at later decision points, prior to a final decision.
- Need to address potential and existing health impacts and using a community enhancement fund to address environmental justice.
- Independent analysis of greenhouse gas emissions and whether the project alternatives would help achieve or frustrate greenhouse gas emission reduction goals for 2020 and 2050.
- Charging tolls as soon as legally and practicably possible and use of state-of-the-art demand management tool to influence travel behavior and reduce greenhouse gas emissions and reduce vehicle miles traveled.
- Recognition of the need for the Metro Council to consider an LPA adoption and an RTP amendment and that the two decisions could be made concurrently.

On June 24, 2008, the CRC Task Force, by a vote of 37-2, recommended the following:

- A replacement bridge with three through lanes northbound and southbound.
- Light rail as the preferred high capacity transit mode with an alignment and terminus based on FTA funding, technical considerations and Vancouver City Council and CTRAN votes in early July 2008.
- Formation of a formal oversight committee.
- Continuation of existing advisory committees dealing with freight, pedestrians and bicycles, urban design, community and environmental justice and creation of a new sustainability working group.
- A list of project and regional elements that have not been made final at this time, but which the CRC Project recognizes the need for consideration. (see Attachment 1 to this staff report)

In addition to the Metro Council public hearing on the project on June 5, 2008 and the CRC Task Force hearing on June 24, 2008, there were numerous public meetings, open houses, and mailings regarding the project. Additionally, the LPA and the need for an RTP amendment were discussed at the Transportation Policy Advisory Committee's (TPAC) May 30, 2008 meeting and both the RTP amendment and the LPA resolution were recommended at its June 27, 2008 meeting. The proposed RTP amendments and LPA were also discussed at the Joint Policy Advisory Committee on Transportation's (JPACT) June 12, 2008 meeting and approved at its _____ meeting.

This proposed Resolution No. 08-3960, For the Purpose of Endorsing the Locally Preferred Alternative for the Columbia River Crossing Project and Amending the Metro 2035 Regional Transportation Plan with Conditions, is generally consistent with the June 24 CRC Task Force recommendations. In addition, proposed Resolution No 08-3960 addresses the following:

1) A list of project concerns to be addressed and resolved (attached as Exhibit A to Resolution No. 08-03960).
2) Amendment of the 2035 RTP to:
    - revise the Financially Constrained Project List (appendix 1.1);
    - revise the "Other RTP Projects not included in the Financially Constrained list" (appendix 1.2);
    - amend Chapter 5, Financial Plan of the RTP, to include a section on the funding of the CRC project (and included as Exhibit B to Resolution No. 08-3960);
    - amend Chapter 7, Implementation of the RTP, to revise the description of the I-5 North corridor (and included as Exhibit C to Resolution No. 08-3960).

(A separate RTP amendment that would revise the state component of the RTP and include land use findings is not proposed at this time and would be addressed once more information and analysis is available concerning auxiliary lanes and other issues identified in Resolution No 08-3960.)

In addition to these immediate decisions, the following actions will take place in Fall 2008 and beyond include:

- Number of auxiliary travel lanes
- Bridge design details (such as bridge type, whether Stacked Highway/Transit design would work, be cost-effective and whether this aspect of the bridge should be pursued)
- Transportation Demand Management (TDM) specifics
- Interchange design specifics
- Bicycle and pedestrian design details
- More specificity on finance plan

The CRC Task Force's June 24 recommendations to consider a Locally Preferred Alternative (LPA) will also be brought to the cities of Portland and Vancouver, TriMet and CTRAN, and Metro and the Regional Transportation Council of Southwest Washington for adoption and corresponding transportation plan amendments. These actions will allow ODOT and WSDOT to submit to the FTA an application to enter preliminary engineering to prepare a final environmental impact statement (FEIS).

[1] By July 8, the City of Vancouver and CTRAN are scheduled to conclude the alignment and terminus of the LRT line in Vancouver, Washington. In order to facilitate the bi-state transportation aspects of this draft resolution, these southwest Washington project partner decisions will be provided to the Joint Policy Advisory Committee (JPACT), which meets on July 10 to consider this resolution and to the Metro Council that meets on July 17 also to consider this resolution. Accordingly, draft Metro Resolution No. 08-3960 may be proposed for revision in July as a result.

ANALYSIS/INFORMATION

1. **Known Opposition** The CRC is a very large and complex transportation project. There are strong feelings – pro and con – associated with the project. Opposition to the project includes concerns raised regarding the need for the project, greenhouse gas emissions that could be generated by the project, costs, tolls and light rail extension to Vancouver, Washington.

2. **Legal Antecedents**

Federal

- National Environmental Policy Act
- Clean Air Act
- SAFETEA-LU
- FTA New Starts Process

State

- Statewide Planning Goals
- State Transportation Planning Rule
- Oregon Transportation Plan
- Oregon Highway Plan
- Oregon Public Transportation Plan
- Oregon Bicycle and Pedestrian Plan

Metro

- Resolution No. 02-3237A, "For the Purpose of Endorsing the I-5 Transportation and Trade Study Recommendations," adopted on November 14, 2002.
- Resolution No. 07-3782B, "For the Purpose of Establishing Metro Council Recommendations Concerning the Range of Alternatives to Be Advanced to a Draft Environmental Impact Statement For the Columbia River Crossing Project," adopted on February 22, 2007.
- Ordinance No. 07-3831B, "For the Purpose of Approving the Federal Component of the 2035 Regional Transportation Plan (RTP) Update, Pending Air Quality Conformity Analysis," adopted on December 13, 2007.
- Resolution No. 08-3911, "For the Purpose of Approving the Air Quality Conformity Determination for the Federal Component of the 2035 Regional Transportation Plan and Reconforming the 2008-2011 Metropolitan Transportation Improvement Program," adopted on February 28, 2008.
- Resolution No. 08-3938B, "For the Purpose of Providing Metro Council Direction to its Delegate Concerning Key Preliminary Decisions Leading to a Future Locally Preferred Alternative Decision for the Proposed Columbia River Crossing Project," adopted on June 5, 2008.

3. **Anticipated Effects** The approval of this resolution would allow the submission of a New Starts application for light rail transit to Vancouver Washington as well as include proceeding with the next steps towards a replacement bridge with tolls and light rail transit. It would not resolve the number of auxiliary lanes or other issues and considerations listed in the resolution but which will need to be addressed in the future once additional information and analysis is completed.

4. **Budget Impacts** If there is a role for Metro to play in the completion of the CRC Final Environmental Impact Statement (this could be additional updated travel forecasting, for example), the CRC project would reimburse Metro for any costs incurred for such work.

RECOMMENDED ACTION

Adopt Resolution No. 08-3960, For the Purpose of Endorsing the Locally Preferred Alternative for the Columbia River Crossing Project and Amending the Metro 2035 Regional Transportation Plan with Conditions.

Columbia River CROSSING

A RESOLUTION OF THE COLUMBIA RIVER CROSSING TASK FORCE TO PROVIDE DIRECTION TO THE COLUMBIA RIVER CROSSING PROJECT ON KEY DECISIONS FOR A LOCALLY PREFERED ALTERNATIVE

WHEREAS, the I-5 Interstate Bridge is one of only two Columbia River crossings between Vancouver, Washington and Portland, Oregon and approximately 150,000 people rely on crossing the I-5 Bridge daily by car, transit, bicycle and on foot; and

WHEREAS, the existing structures are aging and in need of seismic upgrade, and the closely-spaced interchanges are in need of safety improvements; and

WHEREAS, the movement of land and water-based freight is hindered by the current crossing, and

WHEREAS, high capacity transit does not currently connect Vancouver and Portland, and the bicycle and pedestrian paths do not meet current standards; and

WHEREAS, the I-5 Transportation and Trade Partnership Final Strategic Plan recommended congestion and mobility improvements within the I-5 Bridge Influence Area in 2002; and

WHEREAS, the Columbia River Crossing Task Force was established in February 2005, to advise the Oregon Department of Transportation and the Washington State Department of Transportation on project-related issues and concerns; and

WHEREAS, the Columbia River Crossing Task Force advised development of the project's Vision and Values Statement, alternatives development, and narrowing of the alternatives to five that would be studied in a Draft Environmental Impact Statement; and

WHEREAS, the Columbia River Crossing project is committed to implementing the principles of sustainability into project planning, design and construction in order to improve the natural and social environment and the regional economy whenever possible; and to minimize effects related to climate change; and

WHEREAS, the Oregon State Department of Transportation, Washington State Department of Transportation, Metro Council, Southwest Washington Regional Transportation Council, TriMet, C-TRAN, City of Portland and City of Vancouver have worked collaboratively on the development of the Draft Environmental Impact Statement; and

WHEREAS, the Columbia River Crossing project published a Draft Environmental Impact Statement on May 2, 2008, disclosing the potential environmental and community impacts and potential mitigation of the five alternatives; and

WHEREAS, the Columbia River Crossing project is seeking public comments on the Draft Environmental Impact Statement from the Columbia River Crossing Task Force as well as the public through outreach events, working sessions and hearings with sponsor agencies, and through two open houses and two public hearings during the comment period; and

WHEREAS, the Columbia River Crossing Task Force has opted to confirm Key Decisions that will lead to selection of a Locally Preferred Alternative.

NOW, THEREFORE, BE IT RESOLVED THAT THE COLUMBIA RIVER CROSSING TASK FORCE MAKES THESE RECOMMENDATIONS TO THE COLUMBIA RIVER CROSSING PROJECT:

1. In regards to the river crossing selection, the CRC Task Force supports the construction of a replacement bridge with three through lanes northbound and southbound as the preferred option.
2. In regards to the high capacity transit selection, the CRC Task Force supports light rail as the preferred mode.
3. In regards to the alignment and terminus of the high capacity transit line, and based on the information provided to date, the CRC Task Force
    - Recognizes that the selection of the alignment and terminus options should be determined through a combination of:
        i. Federal New Starts funding eligibility**,**
        ii. Public and local stakeholder involvement,
        iii. CRC project evaluation and technical determination of the terminus that allows for the greatest flexibility for future high capacity transit extensions and connections in Clark County, and
        iv. Outcome of the Vancouver City Council and C-TRAN votes on July 7 and July 8, respectively.
4. Creation of a formal oversight committee that strives for consensus and provides for a public process of review, deliberation and decision-making for outstanding major project issues and decisions.
5. The Freight Working Group, the Pedestrian and Bicycle Advisory Committee, the Urban Design Advisory Group, the Community and Environmental Justice Group, and the newly formed Sustainability Working Group, shall continue their advisory roles for refinement of the LPA. These advisory groups shall report findings and recommendations to the local oversight committee.

6. The CRC Task Force understands that several project elements have not been finalized at the time of this resolution. These elements will need to be satisfactorily resolved through a process that includes public involvement, recommendations from governing bodies of the sponsor agencies, and recommendations by a local advisory committee. The CRC Task Force supports the consideration of the attached list of Supplemental Positions for Future Project and Regional Consideration.

Columbia River Crossing Project
Supplemental Positions for Future Project and Regional Consideration

For Project Consideration:
The Columbia River Crossing Task Force presents these supplemental positions for consideration during the post-Locally Preferred Alternative (LPA) phase of the project development process. The Columbia River Crossing Task Force supports the following in association with the CRC project:

- The continued development of a mitigation plan, including avoidance of adverse impacts
- The continued development of a sustainability plan, including the formation of a sustainability working group
- Further study and analysis to determine the appropriate number of auxiliary lanes, necessary for safety and functionality in the project area, and consistent with minimizing impacts. The project should recognize that auxiliary lanes are for interchange operations, not for enhanced mainline throughput, and design the bridge width accordingly.
- The continued commitment to provide enhancements within potentially impacted communities
- As articulated in the final strategic plan of the I-5 Trade and Transportation Partnership, establish a community enhancement fund for use in the impacted areas of the project; such a fund would be in addition to any impact mitigation costs identified through the Draft EIS and would be modeled on the successfully implemented community enhancement fund of the I-5 Delta Park Project and subsequent Oregon Solutions North Portland Diesel Emissions Reduction Project.
- Continued work to design interchanges in the project area that meet the safety and engineering standards and requirements of the Federal Highway Administration, the departments of transportation for Oregon and Washington and the cities of Portland and Vancouver, in a way that is consistent with minimizing impacts.
- Continued work to ensure that interchanges are freight sensitive and provide enhanced mobility, in a way that is consistent with minimizing impacts.
- Imposing tolls on the existing I-5 bridge as soon as legally and practically permissible to reduce congestion by managing travel demand as well as to provide an ongoing funding source for the project
- A public vote where applicable, regarding the funds required to implement the light rail line
- The development of an aesthetically pleasing, sustainable and cost-efficient river crossing that provides a gateway to Vancouver, Portland and the Northwest

- Designing the project – river crossing, transit, and pedestrian and bicycle facilities – to be a model of sustainable design and construction that serves both the built and natural environment
- The development of light rail stations that meet the highest standards for operations and design. These stations would be designed to be safe and accessible to pedestrians, bicyclists, and people with disabilities.
- Continued development of a "world class" bicycle, pedestrian facility, as well as the consideration for provisions for low-powered vehicles such as scooters, mopeds and neighborhood electric vehicles, as part of the construction of a replacement river crossing
- Ensure that the preferred alternative solves the significant safety, congestion and mobility problems in the project area while meeting regional and statewide goals to reinforce density in the urban core and compact development that is both pedestrian friendly and enhances mobility throughout the project area and the region
- Development of an innovative transportation demand management (TDM) program to encourage more efficient use of limited transportation capacity
- Independent validation of the greenhouse gas and climate change analysis conducted in the Draft Environmental Impact Statement to determine the project's effects on air quality, carbon emissions and vehicle miles traveled per capita
- The inclusion of strategies aimed at reducing greenhouse gases and reducing vehicle miles traveled per capita. The Oregon Global Warming Commission or the Washington Climate Action Team should advise the CRC project on project related aspects that will help achieve both states greenhouse gas reduction goals set for 2020 and 2050.
- The development of a more detailed draft finance plan after the LPA is selected to define the funding and financing sources for this project from federal, state and local resources, while ensuring financial equity locally, within the region, and between the states of Oregon and Washington
- Independent review of the project's feasibility and risks, including the project's relationship to funding other transportation projects in the region
- Continued study of project health impacts such as those identified in the report submitted to the Task Force by the Multnomah County Health Department

For Regional Consideration:

There are system-wide transportation concerns that can only be resolved on a regional level and not by the Columbia River Crossing project. The Columbia River Crossing Task Force supports:

- Revisiting the remaining recommendations outlined in the *Strategic Final Plan* of the I-5 Transportation and Trade Partnership Study, dated September 2002
- Evaluating other bottlenecks within the system (e.g., I-405 / I-5 loop, Rose Quarter, etc.)
- Developing a regional plan for traffic demand management in the bi-state Portland-Vancouver region that promotes a reduction in vehicle miles traveled per capita

- Evaluating the effectiveness of a regional high occupancy vehicle (HOV) system
- Developing a regional plan for freight that considers the work of the I-5 Transportation and Trade Partnership and the CRC project's work with the CRC Freight Working Group
- Developing a web-based transit trip planning resource to plan transit trips in the Portland-Vancouver region