

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE REGIONAL SOLID WASTE MANAGEMENT PLAN, 2008-2018 UPDATE, TO INCLUDE A BUSINESS RECYCLING REQUIREMENT ) ORDINANCE NO. 08-1198 ) Introduced by Michael Jordan, Chief Operating Officer, with the concurrence of David Bragdon, Council President

WHEREAS, on July 24, 2008, the Metro Council adopted Ordinance No. 07-1162A, For the Purpose of Adopting the Regional Solid Waste Management Plan, 2008-2018 Update (RSWMP), which when it is effective on October 22, 2008, will 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, the Waste Reduction Program identifies businesses as holding the greatest potential for increasing material recovery in the Metro region;

WHEREAS, the opportunity to recycle has been provided to businesses for a reasonable period of time and a significant increase in business recycling is necessary to assist the Metro region in achieving waste reduction goals, conserving natural resources, and reducing greenhouse gas emissions;

WHEREAS, a program that requires businesses to recycle is an economically feasible and practical alternative to assist the Metro region in achieving waste reduction goals; and

WHEREAS, the Metro Council hereby approves of the amendment to the RSWMP to add a Business Recycling Requirement; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

The RSWMP Chapter VI, "Plan implementation, compliance and revision," section I, "Plan compliance and enforcement" is amended to include a Business Recycling Requirement, as set forth in the attached Exhibit A.

ADOPTED by the Metro Council this 18th day of September 2008.

Officially Approved / Approvato Ufficialmente METRO COUNCIL / Consiglio Metropolitanamente. Attest. Christina Billington, Recording Secretary. Approved as to Form: Daniel B. Cooper, Metro Attorney. David Bragdon, Council President.

Exhibit A  
Amendment to the Regional Solid Waste Management Plan 2008-2018, Chapter VI,  
Section I

The provisions of amended Section I, "Plan compliance and enforcement," located on pages 48 to 49 of the Regional Solid Waste Management Plan, are amended to include the text below.

**Revisions to Section I., Plan compliance and enforcement (*shown in track changes*):**

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:

1. Maintain recycling services that are consistent with the Regional Service Standard, or have a Metro-approved alternative program.

2. [Implement a Business Recycling Requirement](#)

~~Both the regional service standard and the alternative program review process~~ [These requirements](#) are described below.

**Addition of Section B., Compliance with the Business Recycling Requirement:**

In addition to the regional service standard, all jurisdictions in the region must comply with the Business Recycling Requirement. The purpose of the Business Recycling Requirement is to provide an opportunity for businesses to work with local governments to provide recycling education, to create a consistent standard throughout the Metro region, and to increase recycling, thereby assisting the Metro region in meeting recovery goals, conserving natural resources, and reducing greenhouse gas emissions. The elements of the Business Recycling Requirement are summarized below. More detailed information on the requirement is provided in Metro Code Chapter 5.10 and the related Administrative Procedures.

- (1) **Local Government Implementation:** Local governments must adopt code language that complies with the following:
  - (a) Businesses shall source separate all recyclable paper, cardboard, glass and plastic bottles and jars, and aluminum and tin cans for reuse or recycling;
  - (b) Businesses and business recycling service customers shall ensure the provision of recycling containers for internal maintenance or work areas where recyclable materials may be collected, stored, or both; and
  - (c) Businesses and business recycling service customers shall post accurate signs where recyclable materials are collected, stored, or both that identify the materials that the business must source separate for reuse or recycling and that provide recycling instructions.
- (2) **Business Exemptions:** Local governments may exempt a business from some or all of the Business Recycling Requirement as determined by designated local government staff.
- (3) **Business Compliance:** Local governments shall establish a method for ensuring business compliance or enter into an intergovernmental agreement with Metro that provides for Metro to provide compliance services for the local government. Metro will provide compliance services to interested local governments through an intergovernmental agreement.

Metro will provide a model ordinance for use by local governments. Local governments will provide information related to program adoption, implementation and performance as outlined in the related Administrative Procedures. Those programs that appear out of compliance will be reviewed with the local jurisdiction and subject to enforcement procedures identified in Metro Code 5.10.

## **STAFF REPORT**

### **IN CONSIDERATION OF ORDINANCE NO. 08-1198, FOR THE PURPOSE OF AMENDING THE REGIONAL SOLID WASTE MANAGEMENT PLAN, 2008-2018 UPDATE, TO INCLUDE A BUSINESS RECYCLING REQUIREMENT**

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Date: August 18, 2008

Prepared by: Marta McGuire

#### **BACKGROUND**

Ordinance No. 08-1198 provides revisions to Chapter VI of the Regional Solid Waste Management Plan 2008-2018 to incorporate the Business Recycling Requirement (Ordinance No. 08-1200).

The Metro Council will consider adoption of the Business Recycling Requirement in Ordinance No. 08-1200. The staff report related to this ordinance provides the history and purpose of the Business Recycling Requirement.

The 2008-2018 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.

The RSWMP is intended to guide all jurisdictions in the region, but some Plan content relates directly to decisions that will or may be made by Metro policy makers and staff. Over the past several years, Metro Council and regional stakeholders have been weighing the effectiveness of regulatory versus voluntary approaches to divert more highly recyclable materials from disposal in an effort to reach the region's waste reduction goal. Chapter II of the updated Plan identifies required business recycling as a program necessary to reach the region's 64 percent waste reduction goal. The adoption of the Business Recycling Requirement ordinance will implement this recommendation.

The Plan contains requirements that are binding on local governments as well as recommendations that are not binding. Chapter VI addresses the required elements of the Plan, and how the Plan's programs are implemented. The Business Recycling Requirement will be a required element of the Plan and must be enforceable to satisfy state law. Revisions to Chapter VI incorporate the compliance details of the Business Recycling Requirement. More detailed information on the Business Recycling Requirement will be provided in Metro Code Chapter 5.10 and the related Administrative Procedures.

#### **INFORMATION/ANALYSIS**

##### **1. Known Opposition:**

- The Wilsonville Chamber of Commerce adopted a resolution in opposition to the Business Recycling Requirement. The resolution cites that sufficient progress has been made on the statewide level and that emphasis should be placed on prevention, reuse and aggressive educational outreach efforts by local governments.
- At the July 2008 MPAC meeting, the representatives from Washington County, Lake Oswego and Oregon City voted against recommending adoption of the Business Recycling Requirement. Members of the Washington County Board of Commissioners have stated that adoption of the ordinance is beyond Metro's authority and impinges on local control of garbage collection.

**2. Legal Antecedents:** Ordinance No. 07-1162A, (For the Purpose of Adopting the Regional Solid Waste Management Plan, 2008-2018 Update), adopted July 2008; Ordinance No. 08-1183A, (For the Purpose of Amending the Metro Code Title V, Solid Waste, to Add, Chapter 5.10, Regional Solid Waste Management Plan, to Implement the Requirements of the 200-2018 Regional Solid Waste Management Plan), adopted July 2008; Metro Charter; Metro Code Title V Solid Waste; and ORS Chapters 268 and 459.

**3. Anticipated Effects:** Adoption of the Plan amendment will make the Business Recycling Requirement a required element of the RSWMP.

**4. Budget Impacts:** The Business Recycling Requirement calls for additional funding for expanded education, compliance and program evaluation. See staff report for the Business Recycling Requirement (Ordinance No. 08-1200).

**RECOMMENDED ACTION**

The Chief Operating Officer recommends adoption of Ordinance No. 08-1198.