

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING) Ordinance No. 03-992B
CHAPTER 5.05 OF THE METRO CODE TO)
ADJUST THE FEE SCHEDULE FOR) Introduced by: Mark Williams, Interim Chief
APPLICATIONS FOR NON-SYSTEM) Operating Officer, with the concurrence of
LICENSES) David Bragdon, Council President

WHEREAS, Chapter 5.05 of the Metro Code concerning solid waste flow control was amended on October 25, 2001; and,

WHEREAS, the October 25, 2001, amendments to Chapter 5.05 of the Metro Code required the Executive Officer to recommend to the Metro Council a non-system license application and issuance fee schedule (see Metro Code Section 5.05.035(g)); and,

WHEREAS, the Executive Officer recommended to the Metro Council on March 14, 2002, that certain changes be made to non-system license application fees; and,

WHEREAS, the October 25, 2001, amendments to Chapter 5.05 of the Metro Code required the Executive Officer to recommend to the Metro Council a schedule of fines which impose sanctions based on the nature and extent of a violation of, or failure to comply with, Chapter 5.05 of the Metro Code (see Metro Code Section 5.05.070(d)); and,

WHEREAS, the Executive Officer recommended to the Metro Council on March 14, 2002, that no changes be made to the current Metro Code provisions imposing sanctions on persons that violate or fail to comply with Chapter 5.05 of the Metro Code; and,

WHEREAS, the Chief Operating Officer now recommends that the Metro Council implement the fee schedules that the Executive Officer recommended on March 14, 2002; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Section 1. Metro Code Section 5.05.035 is amended as follows:

5.05.035 License to Use Non-System Facility

A waste hauler or other person may transport solid waste generated within Metro to, or to utilize or cause to be utilized for the disposal or other processing of any solid waste generated within Metro, any non-system facility only by obtaining a non-system license in the manner provided for in this section 5.05.035.

(a) Application for License. Any waste hauler or other person desiring to obtain a non-system license shall make application to the Chief Operating Officer, which application shall be filed on forms or in the format provided by the Chief Operating Officer. Applicants may apply for a limited-duration non-system license which has a term of not more than 120 days and is not renewable. An application for any non-system license shall set forth the following information:

(1) The name and address of the waste hauler or person making such application;

- (2) The location of the site or sites at which the solid waste proposed to be covered by the non-system license is to be generated;
- (3) The nature of the solid waste proposed to be covered by the non-system license;
- (4) The expected tonnage of the solid waste proposed to be covered by the non-system license:
 - (A) The total tonnage if the application is for a limited duration non-system license; or
 - (B) The annual tonnage if the application is for any other non-system license;
- (5) A statement of the facts and circumstances which, in the opinion of the applicant, warrant the issuance of the proposed non-system license; and
- (6) The non-system facility at which the solid waste proposed to be covered by the non-system license is proposed to be transported, disposed of or otherwise processed; and
- (7) The date the non-system license is to commence; and, for limited duration non-system licenses, the period of time the license is to remain valid not to exceed 120 days.

In addition, the Chief Operating Officer may require the applicant to provide, in writing, such additional information concerning the proposed non-system license as the Chief Operating Officer deems necessary or appropriate in order to determine whether or not to issue the proposed non-system license.

(b) Every application shall be accompanied by payment of ~~an non-refundable application fee, and an issuance fee part of which shall may~~ be refunded to the applicant in the event that the application is denied, as provided in this section. ~~Until such time as council acts on the executive officer's recommendation pursuant to section 5.05.035(g) of this chapter, the following application fees shall apply:~~ The following application fees shall apply:

- (1) For ~~an application for a limited duration non-system license, the application fee shall be two hundred fifty dollars (\$250), no part of which shall be refunded to the applicant in the event that the application is denied, and the issuance fee shall be fifty dollars (\$50) for each 30 days (or part thereof) that the license is valid;~~
- (2) For ~~all other~~ an application for a non-system licenses seeking authority to deliver no more than 500 tons of solid waste per year to a non-system facility, the application fee shall be five hundred dollars (\$500), and the issuance fee shall be five hundred dollars (\$500) two hundred fifty dollars (\$250) of which shall be refunded to the applicant in the event the application is denied. For an application for a change in authorization to an existing non-system license authorizing the delivery of no more than 500 tons of solid waste per year to a non-system facility, the application fee shall be two hundred fifty dollars (\$250); provided, however, that if the result of granting the application would be to give the applicant the authority to deliver more than 500 tons of solid waste per year to a non-system facility, the application fee shall be \$500, two hundred fifty dollars (\$250) of which shall be refunded to the applicant in the event the

application is denied. An Application for renewals of a non-system license authorizing the delivery of no more than 500 tons of solid waste per year to a non-system facility shall be one hundred dollars (\$100).

- (3) For all applications for a non-system license seeking authority to deliver more than 500 tons of solid waste per year to a non-system facility, whether they be new applications or applications for the renewal of existing licenses, the application fee shall be one thousand dollars (\$1000), five hundred dollars (\$500) of which shall be refunded to the applicant in the event the application is denied. For an application for a change in authorization to an existing non-system license authorizing the delivery of more than 500 tons of solid waste per year to a non-system facility, the application fee shall be two hundred fifty dollars (\$250).
- (4) For an application for a non-system license seeking to deliver solid waste that is exempt from paying the Metro fees described in section 5.01.150, the application fee shall be one hundred dollars (\$100) as well as a fifty dollar (\$50) fee to either renew or amend such licenses.

(c) Determination Whether to Issue Non-System License. Within 60 days after receipt of a completed application for a non-system license and any additional information required by the Chief Operating Officer in connection therewith, the Chief Operating Officer shall determine whether or not to issue the non-system license and shall inform the applicant in writing of such determination. In making such determination, the executive officer shall consider the following factors to the extent relevant to such determination:

- (1) The degree to which prior users of the non-system facility and waste types accepted at the non-system facility are known and the degree to which such wastes pose a future risk of environmental contamination;
- (2) The record of regulatory compliance of the non-system facility's owner and operator with federal, state and local requirements including but not limited to public health, safety and environmental rules and regulations;
- (3) The adequacy of operational practices and management controls at the non-system facility;
- (4) The expected impact on the region's recycling and waste reduction efforts;
- (5) The consistency of the designation with Metro's existing contractual arrangements;
- (6) The record of the applicant regarding compliance with Metro ordinances and agreements or assistance to Metro in Metro ordinance enforcement and with federal, state and local requirements including but not limited to public health, safety and environmental rules and regulations; and
- (7) Such other factors as the Chief Operating Officer deems appropriate for purposes of making such determination.

At the discretion of the Chief Operating Officer, the Chief Operating Officer may impose such conditions on the issuance of a non-system license as the Chief Operating Officer determines are necessary or appropriate under the circumstances.

(d) Issuance of Non-System License; Contents. In the event the Chief Operating Officer determines to issue a non-system license, then such non-system license shall be issued by the Chief Operating Officer. Each non-system license shall be in writing and shall set forth the following:

- (1) The name and address of the waste hauler or other person to whom such non-system license is issued;
- (2) The nature of the solid waste to be covered by the non-system license;
- (3) The maximum total, weekly, monthly or annual quantity of solid waste to be covered by the non-system license;
- (4) The non-system facility or facilities at which or to which the solid waste covered by the non-system license is to be transported or otherwise processed;
- (5) The expiration date of the non-system license, which date shall be not more than 120 days from the date of issuance for limited-duration non-system licenses, and two years from the date of issuance for all other non-system licenses; and
- (6) Any conditions imposed by the Chief Operating Officer as provided above which must be complied with by the licensee during the term of such non-system license, including but not limited to conditions that address the factors in section 5.05.035(c).

(e) Requirements to be met by License Holder. Each waste hauler or other person to whom a non-system license is issued shall be required to:

- (1) Maintain complete and accurate records regarding all solid waste transported, disposed of or otherwise processed pursuant to the non-system license, and make such records available to Metro or its duly designated agents for inspection, auditing and copying upon not less than three days written notice from Metro;
- (2) Report in writing to Metro, not later than the 15th day of each month, commencing the 15th day of the month following the month in which the non-system license is issued and continuing through the 15th day of the month next following the month in which the non-system license expires, the number of tons of solid waste transported, disposed or otherwise processed pursuant to such non-system license during the preceding month; and
- (3) Pay to Metro, not later than the 15th day of each month, commencing the 15th day of the month following the month in which the non-system license is issued and continuing through the 15th day of the month next following the month in which the non-system license expires, a fee equal to the Regional System Fee multiplied by the number of tons (or fractions thereof) of solid waste transported, disposed or otherwise processed pursuant to such non-system license during the preceding month.

(f) Failure to Comply with Non-System License. In the event that any waste hauler or other person to whom a non-system license is issued fails to fully and promptly comply with the requirements set forth in section 5.05.035(e) above or any conditions of such non-system license imposed pursuant to section 5.05.035(c), then, upon discovery of such non-compliance, the Chief Operating Officer shall issue to such licensee a written notice of non-compliance briefly describing such failure. If, within 20 days following the date of such notice of non-compliance or such longer period as the Chief Operating Officer may determine to grant as provided below, the licensee fails to:

- (1) Demonstrate to the satisfaction of the Chief Operating Officer either that the licensee has at all times fully and promptly complied with the foregoing requirements and the conditions of such non-system license or that the licensee has fully corrected such non-compliance; and
- (2) Paid in full, or made arrangements satisfactory to the Chief Operating Officer for the payment in full of, all fines owing as a result of such non-compliance;

Then, and in such event such non-system license shall automatically terminate, effective as of 5:00 p.m. (local time) on such 20th day or on the last day of such longer period as the Chief Operating Officer may determine to grant as provided below. If, in the judgment of the Chief Operating Officer, such non-compliance cannot be corrected within such 20-day period but the licensee is capable of correcting it and within such 20-day period diligently commences such appropriate corrective action as shall be approved by the Chief Operating Officer, then and in such event such 20-day period shall be extended for such additional number of days as shall be specified by the Chief Operating Officer in writing, but in no event shall such the local period as so extended be more than 60 days from the date of the notice of non-compliance.

~~(g) Executive Officer to Recommend License Application and Issuance Fee Schedules. Prior to March 15, 2002, the executive officer shall recommend to council non-system license application and issuance fee schedules which vary for each applicant and licensee based on the type and quantity of solid waste subject to the non-system license and other appropriate factors.~~

Section 2. Metro Code Section 5.05.070 is amended as follows:

5.05.070 Solid Waste Flow Control Enforcement; Fines, Penalties and Damages for Violations

(a) Any waste hauler or person who violates or fails to comply with any provision of this chapter 5.05 or who fails to comply with the terms and conditions of any non-system license or required use order shall be subject to the fines and penalties set forth in this section, which fines and penalties shall be assessed by the Chief Operating Officer.

- (1) A fine in the amount of not to exceed \$500 for each violation; and
- (2) Such waste hauler or person shall not be extended any credit by Metro for the use of any facility constituting a part of the system until such time as all fines owing under this chapter as a result of such violation or failure to comply have been paid in full.

(b) In addition to the foregoing fines and penalties:

- (1) Any waste hauler or person who fails to comply with the terms and conditions of any non-system license shall be required to pay to Metro a fine in the amount equal to the Regional System Fee multiplied by the number of tons (or fractions

thereof) of solid waste generated within the District transported, disposed of or otherwise processed in violation of the terms and conditions of such non-system license; and


- (2) Any waste hauler or person who, without having a non-system license then in effect, transports solid waste generated within the District to, or utilizes or causes to be utilized for the disposal or other processing of any solid waste generated within the District, any non-system facility shall be required to pay to Metro a fine in an amount equal to the \$500 non-system license application fee, plus the \$500 non-system license issuance fee, plus an amount equal to the Regional System Fee multiplied by the number of tons (or fractions thereof) of solid waste generated within the District transported, recycled, disposed of or otherwise processed to or at any non-system facility.

(c) If in the judgment of the Chief Operating Officer such action is warranted, Metro shall commence an appropriate action in a state court of competent jurisdiction for the purpose of collecting the fines and penalties provided for above and/or enjoining any violations of the provisions of this chapter 5.05 or any non-compliance with the terms and conditions of any non-system license or required use order.

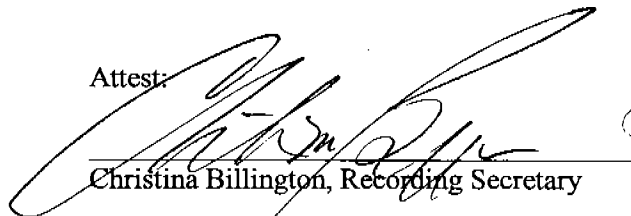
~~(d) By March 15, 2002, the executive officer shall recommend to council a schedule of fines which impose sanctions based on the nature and extent of the violation or failure to comply.~~

(ed) A required use order may be enforced by authorized gatehouse employees at any Metro facility, by denying facility access to a waste hauler or other person who is subject to a required use order and is attempting to deliver waste to a facility not specified in the order. This enforcement shall be in addition to the fines and penalties that may be levied pursuant to this section.

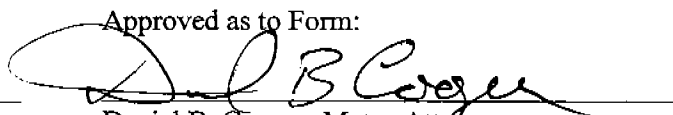
ADOPTED by the Metro Council this 15th day of May 2003.


David Bragdon, Council President

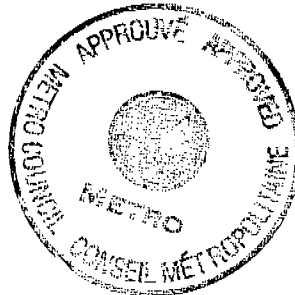
Attest:


Christina Billington, Recording Secretary

Approved as to Form:


Daniel B. Cooper, Metro Attorney

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(a) Application for License. Any waste hauler or other person desiring to obtain a non-system license shall make application to the Chief Operating Officer, which application shall be filed on forms or in the format provided by the Chief Operating Officer. Applicants may apply for a limited-duration non-system license which has a term of not more than 120 days and is not renewable. An application for any non-system license shall set forth the following information:

- (1) The name and address of the waste hauler or person making such application;

- (2) The location of the site or sites at which the solid waste proposed to be covered by the non-system license is to be generated;
- (3) The nature of the solid waste proposed to be covered by the non-system license;
- (4) The expected tonnage of the solid waste proposed to be covered by the non-system license:
 - (A) The total tonnage if the application is for a limited duration non-system license; or
 - (B) The annual tonnage if the application is for any other non-system license;
- (5) A statement of the facts and circumstances which, in the opinion of the applicant, warrant the issuance of the proposed non-system license; and
- (6) The non-system facility at which the solid waste proposed to be covered by the non-system license is proposed to be transported, disposed of or otherwise processed; and
- (7) The date the non-system license is to commence; and, for limited duration non-system licenses, the period of time the license is to remain valid not to exceed 120 days.

In addition, the Chief Operating Officer may require the applicant to provide, in writing, such additional information concerning the proposed non-system license as the Chief Operating Officer deems necessary or appropriate in order to determine whether or not to issue the proposed non-system license.

(b) Every application shall be accompanied by payment of an non-refundable application fee, and an issuance fee part of which shall may be refunded to the applicant in the event that the application is denied, as provided in this section. Until such time as council acts on the executive officer's recommendation pursuant to section 5.05.035(g) of this chapter, the following application fees shall apply:

- (1) For an application for a limited duration non-system license, the application fee shall be two hundred fifty dollars (\$250), no part of which shall be refunded to the applicant in the event that the application is denied, and the issuance fee shall be fifty dollars (\$50) for each 30 days (or part thereof) that the license is valid;
- (2) For all other an application for a non-system licenses seeking authority to deliver no more than 500 tons of solid waste per year to a non-system facility, the application fee shall be five hundred dollars (\$500), and the issuance fee shall be five hundred dollars (\$500) two hundred fifty dollars (\$250) of which shall be refunded to the applicant in the event the application is denied. For an application for a change in authorization to an existing non-system license authorizing the delivery of no more than 500 tons of solid waste per year to a non-system facility, the application fee shall be two hundred fifty dollars (\$250); provided, however, that if the result of granting the application would be to give the applicant the authority to deliver more than 500 tons of solid waste per year to a non-system facility, the application fee shall be \$500, two hundred fifty dollars (\$250) of which shall be refunded to the applicant in the event the

application is denied. An Application for renewals of a non-system license authorizing the delivery of no more than 500 tons of solid waste per year to a non-system facility shall be one hundred dollars (\$100).

- (3) For all applications for a non-system license seeking authority to deliver more than 500 tons of solid waste per year to a non-system facility, whether they be new applications or applications for the renewal of existing licenses, the application fee shall be one thousand dollars (\$1000), five hundred dollars (\$500) of which shall be refunded to the applicant in the event the application is denied. For an application for a change in authorization to an existing non-system license authorizing the delivery of more than 500 tons of solid waste per year to a non-system facility, the application fee shall be two hundred fifty dollars (\$250).
- (4) For an application for a non-system license seeking to deliver solid waste that is exempt from paying the Metro fees described in section 5.01.150, the application fee shall be one hundred dollars (\$100) as well as a fifty dollar (\$50) fee to either renew or amend such licenses.
- (5) Notwithstanding any other requirement of this section, the Chief Operating Officer may waive the application fee for an application for a non-system license seeking authority to deliver a de minimis amount of solid waste per year to a non-system facility.

(c) Determination Whether to Issue Non-System License. Within 60 days after receipt of a completed application for a non-system license and any additional information required by the Chief Operating Officer in connection therewith, the Chief Operating Officer shall determine whether or not to issue the non-system license and shall inform the applicant in writing of such determination. In making such determination, the executive officer shall consider the following factors to the extent relevant to such determination:

- (1) The degree to which prior users of the non-system facility and waste types accepted at the non-system facility are known and the degree to which such wastes pose a future risk of environmental contamination;
- (2) The record of regulatory compliance of the non-system facility's owner and operator with federal, state and local requirements including but not limited to public health, safety and environmental rules and regulations;
- (3) The adequacy of operational practices and management controls at the non-system facility;
- (4) The expected impact on the region's recycling and waste reduction efforts;
- (5) The consistency of the designation with Metro's existing contractual arrangements;
- (6) The record of the applicant regarding compliance with Metro ordinances and agreements or assistance to Metro in Metro ordinance enforcement and with federal, state and local requirements including but not limited to public health, safety and environmental rules and regulations; and

- (7) Such other factors as the Chief Operating Officer deems appropriate for purposes of making such determination.

At the discretion of the Chief Operating Officer, the Chief Operating Officer may impose such conditions on the issuance of a non-system license as the Chief Operating Officer determines are necessary or appropriate under the circumstances.

(d) Issuance of Non-System License; Contents. In the event the Chief Operating Officer determines to issue a non-system license, then such non-system license shall be issued by the Chief Operating Officer. Each non-system license shall be in writing and shall set forth the following:

- (1) The name and address of the waste hauler or other person to whom such non-system license is issued;
- (2) The nature of the solid waste to be covered by the non-system license;
- (3) The maximum total, weekly, monthly or annual quantity of solid waste to be covered by the non-system license;
- (4) The non-system facility or facilities at which or to which the solid waste covered by the non-system license is to be transported or otherwise processed;
- (5) The expiration date of the non-system license, which date shall be not more than 120 days from the date of issuance for limited-duration non-system licenses, and two years from the date of issuance for all other non-system licenses; and
- (6) Any conditions imposed by the Chief Operating Officer as provided above which must be complied with by the licensee during the term of such non-system license, including but not limited to conditions that address the factors in section 5.05.035(c).

(e) Requirements to be met by License Holder. Each waste hauler or other person to whom a non-system license is issued shall be required to:

- (1) Maintain complete and accurate records regarding all solid waste transported, disposed of or otherwise processed pursuant to the non-system license, and make such records available to Metro or its duly designated agents for inspection, auditing and copying upon not less than three days written notice from Metro;
- (2) Report in writing to Metro, not later than the 15th day of each month, commencing the 15th day of the month following the month in which the non-system license is issued and continuing through the 15th day of the month next following the month in which the non-system license expires, the number of tons of solid waste transported, disposed or otherwise processed pursuant to such non-system license during the preceding month; and
- (3) Pay to Metro, not later than the 15th day of each month, commencing the 15th day of the month following the month in which the non-system license is issued and continuing through the 15th day of the month next following the month in which the non-system license expires, a fee equal to the Regional System Fee multiplied by the number of tons (or fractions thereof) of solid waste

transported, disposed or otherwise processed pursuant to such non-system license during the preceding month.

(f) Failure to Comply with Non-System License. In the event that any waste hauler or other person to whom a non-system license is issued fails to fully and promptly comply with the requirements set forth in section 5.05.035(e) above or any conditions of such non-system license imposed pursuant to section 5.05.035(c), then, upon discovery of such non-compliance, the Chief Operating Officer shall issue to such licensee a written notice of non-compliance briefly describing such failure. If, within 20 days following the date of such notice of non-compliance or such longer period as the Chief Operating Officer may determine to grant as provided below, the licensee fails to:

- (1) Demonstrate to the satisfaction of the Chief Operating Officer either that the licensee has at all times fully and promptly complied with the foregoing requirements and the conditions of such non-system license or that the licensee has fully corrected such non-compliance; and
- (2) Paid in full, or made arrangements satisfactory to the Chief Operating Officer for the payment in full of, all fines owing as a result of such non-compliance;

Then, and in such event such non-system license shall automatically terminate, effective as of 5:00 p.m. (local time) on such 20th day or on the last day of such longer period as the Chief Operating Officer may determine to grant as provided below. If, in the judgment of the Chief Operating Officer, such non-compliance cannot be corrected within such 20-day period but the licensee is capable of correcting it and within such 20-day period diligently commences such appropriate corrective action as shall be approved by the Chief Operating Officer, then and in such event such 20-day period shall be extended for such additional number of days as shall be specified by the Chief Operating Officer in writing, but in no event shall such the local period as so extended be more than 60 days from the date of the notice of non-compliance.

~~(g) Executive Officer to Recommend License Application and Issuance Fee Schedules. Prior to March 15, 2002, the executive officer shall recommend to council non-system license application and issuance fee schedules which vary for each applicant and licensee based on the type and quantity of solid waste subject to the non-system license and other appropriate factors.~~

Section 2. Metro Code Section 5.05.070 is amended as follows:

5.05.070 Solid Waste Flow Control Enforcement; Fines, Penalties and Damages for Violations

(a) Any waste hauler or person who violates or fails to comply with any provision of this chapter 5.05 or who fails to comply with the terms and conditions of any non-system license or required use order shall be subject to the fines and penalties set forth in this section, which fines and penalties shall be assessed by the Chief Operating Officer.

- (1) A fine in the amount of not to exceed \$500 for each violation; and
- (2) Such waste hauler or person shall not be extended any credit by Metro for the use of any facility constituting a part of the system until such time as all fines owing under this chapter as a result of such violation or failure to comply have been paid in full.

(b) In addition to the foregoing fines and penalties:

- (1) Any waste hauler or person who fails to comply with the terms and conditions of any non-system license shall be required to pay to Metro a fine in the amount equal to the Regional System Fee multiplied by the number of tons (or fractions thereof) of solid waste generated within the District transported, disposed of or otherwise processed in violation of the terms and conditions of such non-system license; and
- (2) Any waste hauler or person who, without having a non-system license then in effect, transports solid waste generated within the District to, or utilizes or causes to be utilized for the disposal or other processing of any solid waste generated within the District, any non-system facility shall be required to pay to Metro a fine in an amount equal to the \$500 non-system license application fee, plus the \$500 non-system license issuance fee, plus an amount equal to the Regional System Fee multiplied by the number of tons (or fractions thereof) of solid waste generated within the District transported, recycled, disposed of or otherwise processed to or at any non-system facility.

(c) If in the judgment of the Chief Operating Officer such action is warranted, Metro shall commence an appropriate action in a state court of competent jurisdiction for the purpose of collecting the fines and penalties provided for above and/or enjoining any violations of the provisions of this chapter 5.05 or any non-compliance with the terms and conditions of any non-system license or required use order.

~~(d) By March 15, 2002, the executive officer shall recommend to council a schedule of fines which impose sanctions based on the nature and extent of the violation or failure to comply.~~

(ed) A required use order may be enforced by authorized gatehouse employees at any Metro facility, by denying facility access to a waste hauler or other person who is subject to a required use order and is attempting to deliver waste to a facility not specified in the order. This enforcement shall be in addition to the fines and penalties that may be levied pursuant to this section.

ADOPTED by the Metro Council this _____ day of _____ 2003.

David Bragdon, Council President

Attest:

Approved as to Form:

Christina Billington, Recording Secretary

Daniel B. Cooper, Metro Attorney

RB/bjl/mca
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STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 03-992, FOR THE PURPOSE OF AMENDING CHAPTER 5.05 OF THE METRO CODE TO ADJUST THE FEE SCHEDULE FOR APPLICATIONS FOR NON-SYSTEM LICENSES

March 12, 2003

Presented by: Mike Hoglund

BACKGROUND

Section 5.05.035(g) of the Metro Code, amended by the Metro Council on October 25, 2001, required the Executive Officer to recommend to Council a fee schedule for the issuance of non-system licenses by March 15, 2002. Such a schedule is to be based on type, quantity of solid waste and other appropriate factors. On March 6, the Executive Officer submitted a report to the Metro Council making recommendations for appropriate levels of fees and fines. Based on review and discussion of that report, the following non-system license fees should be modified accordingly.

TYPE OF NON-SYSTEM LICENSE	CURRENT FEE SCHEDULE	RECOMMENDED FEE SCHEDULE
	<i>Application fee/Issuance Fee</i>	<i>Application fee/Issuance Fee</i>
Non-system license (for more than 500 tons annually) <ul style="list-style-type: none"> • Original application • Renewal • Amendment 	\$500/\$500 \$500/\$500 \$0/\$0	\$1,000*/\$0 \$1,000*/\$0 \$250/\$0 (*\$500 refundable if denied.)
Non-system license (for 500 tons or less annually) <ul style="list-style-type: none"> • Original application • Renewal • Amendment 	\$500/\$500 \$500/\$500 \$0/\$0	\$500*/\$0 \$100/\$0 \$250/\$0 (*\$250 refundable if denied.)
Limited duration NSL <ul style="list-style-type: none"> • Original application • Renewal • Amendment 	\$50/\$50 for each 30 days NA \$0/\$0	\$250/\$0 NA NA (NSLs granted for 120 day maximum)
Non-system license (when waste exempt from paying Metro fees and taxes) <ul style="list-style-type: none"> • Original application • Renewal • Amendment 	\$500/\$500 \$500/\$500 \$0/\$0	\$100/\$0 \$100/\$0 \$100/\$0

ANALYSIS/INFORMATION

1. Known Opposition

No known opposition.

2. Legal Antecedents

Fees for Standard Non-System Licenses (NSL)

Chapter 5.05 of the Code presently specifies that \$1,000 in fees (a \$500 application fee and a \$500 issuance fee) shall be paid for all non-system licenses (NSLs) except limited-duration NSLs. The same fees apply regardless of the type or volume of waste or amount of work required by staff to process the application. A standard NSL (as opposed to limited-duration) is intended for waste streams that are generated on an ongoing basis. Such licenses are typically issued for a term of two years. Charging the application and issuance fee separately can delay the issuance of NSLs and sometimes causes confusion when applicants fail to understand that there are two separate \$500 fees. In order to streamline the process and lessen this confusion, the Executive Officer recommended that the fees be combined into a \$1,000 application fee to be paid upon submission of an application. If an application is denied, Metro would refund \$500. Renewals of standard non-system licenses should be subject to the same fee schedule as the original license since renewals require similar level of processing. The Interim Chief Operating Officer recommends adoption of the Executive Officer's recommendation.

Fees for Limited Duration Non-System Licenses

When Chapter 5.05 was amended, it allowed Metro to issue "limited-duration" NSL's. Limited-duration NSL's have a maximum term of 120 days. In contrast to a standard license, a limited-duration NSL is intended for situations in which the applicant generates solid waste from a short-term project, usually, in relatively small amounts. These are generally clean-up projects and delaying disposal in such cases sometimes poses particular hardships to the waste generators or increased risk to the public. A limited-duration NSL may also be issued as an interim measure or to provide a trial period when more information is needed prior to issuance of a full-term NSL.

The limited-duration NSL was intended to expedite the process of issuing NSLs in such situations or create a bridge to the issuance of a longer term NSL. The amended Code currently stipulates that the application fee for a limited-duration license be \$50 and that the issuance fee be \$50 for each 30-day period up to the maximum term of 120 days. However, experience has found that many applicants seeking a 30-day license end up requesting more time thus requiring more staff time to issue time extensions. Therefore, staff recommends these licenses be issued for 120 days without opportunity to extend them. In order to further expedite the issuance of such licenses, it is recommended that these type of NSLs be issued immediately upon approval. Because of the nature of these licenses there is not an opportunity to renew them.

Proposal for Fees for Non-System Licenses Issued for 500 or Fewer Tons Annually

Applicants sometimes have legitimate reasons for requesting non-system licenses for tonnages of solid waste that are generated on an ongoing basis but are still so small as to make the full \$1,000 cost of obtaining a non-system license unduly burdensome. For example, Epson Portland, under a Metro NSL, sends its solid waste to the Covanta Waste-to-Energy facility in Marion County for the sole purpose of adhering to a company waste reduction and recycling policy to minimize the use of landfilling. However,

since the facility generates only 300 tons of waste annually, it must pay a premium for its effort to conform to the waste reduction hierarchy. It is therefore recommended that the application fee for NSLs requesting authority to deliver 500 or fewer tons annually be charged a \$500 application fee to be paid upon submission of an application. If an application is denied, Metro would refund \$250. Because these types of licenses have a relatively small impact and processing time, staff recommends that the application fee for the renewal of such licenses be \$100.

Proposal for Fees for Changes in Authorization to Existing Non-System Licenses

Presently, there is no fee associated with an application for a change in authorization of an existing NSL. In order that there not be a cost advantage to applying for an authorization for a shorter term or lesser tonnage and then subsequently increasing it by amendment, it is recommended that the Code establish a fee of \$250 for any application for a change in authorization.

Non-System Licenses for Waste Exempt from Metro fees

On occasion Metro must issue non-system licenses for waste that is exempt from paying Metro fees and taxes e.g. residual from the processing of scrap tires and useful material. While Chapter 5.05 requires a non-system license for this waste to go to non system facilities, the Council has made the policy decision that this waste should not be subjected to additional fees and taxes. A non-system license is desirable in order to obtain reports that contribute to Metro's understanding of waste flow and waste recovery. In following this rationale, any application fees associated with hauling the waste to a more cost effective disposal option should be subjected to a minimal application fee of \$100. Therefore, staff recommends that for waste requiring a non-system license but is not subject to fees should be subject to a \$100 non-system license application fees.

3. Anticipated Effects

This change will create a reduced fee for non-system licenses that are issued for a limited period of time and for relatively small amounts of waste. It also allows Metro to refund a portion of the fee for non-system licenses should any be denied.

4. Budget Impacts

Non-system license application and issuance fees are anticipated to total approximately \$10,000 annually. Since the recommended fee changes are relatively small and include both increases and decreases, they are not anticipated to have a significant fiscal impact.

RECOMMENDED ACTION

The Chief Operating Officer recommends approval of Ordinance No. 03-992.

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BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING) Ordinance No. 03-992
CHAPTER 5.05 OF THE METRO CODE TO)
ADJUST THE FEE SCHEDULE FOR) Introduced by: Mark Williams, Interim Chief
APPLICATIONS FOR NON-SYSTEM) Operating Officer, with the concurrence of
LICENSES) David Bragdon, Council President

WHEREAS, Chapter 5.05 of the Metro Code concerning solid waste flow control was amended on October 25, 2001; and,

WHEREAS, the October 25, 2001, amendments to Chapter 5.05 of the Metro Code required the Executive Officer to recommend to the Metro Council a non-system license application and issuance fee schedule (see Metro Code Section 5.05.035(g)); and,

WHEREAS, the Executive Officer recommended to the Metro Council on March 14, 2002, that certain changes be made to non-system license application fees; and,

WHEREAS, the October 25, 2001, amendments to Chapter 5.05 of the Metro Code required the Executive Officer to recommend to the Metro Council a schedule of fines which impose sanctions based on the nature and extent of a violation of, or failure to comply with, Chapter 5.05 of the Metro Code (see Metro Code Section 5.05.070(d)); and,

WHEREAS, the Executive Officer recommended to the Metro Council on March 14, 2002, that no changes be made to the current Metro Code provisions imposing sanctions on persons that violate or fail to comply with Chapter 5.05 of the Metro Code; and,

WHEREAS, the Chief Operating Officer now recommends that the Metro Council implement the fee schedules that the Executive Officer recommended on March 14, 2002; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Section 1. Metro Code Section 5.05.035 is amended as follows:

5.05.035 License to Use Non-System Facility

A waste hauler or other person may transport solid waste generated within the District to, or to utilize or cause to be utilized for the disposal or other processing of any solid waste generated within the District, any non-system facility only by obtaining a non-system license in the manner provided for in this section 5.05.035.

(a) Application for License. Any waste hauler or other person desiring to obtain a non-system license shall make application to the executive officer, which application shall be filed on forms or in the format provided by the ~~executive officer~~ Chief Operating Officer. Applicants may apply for a limited-duration non-system license which has a term of not more than 120 days and is not renewable. An application for any non-system license shall set forth the following information:

- (1) The name and address of the waste hauler or person making such application;

- (2) The location of the site or sites at which the solid waste proposed to be covered by the non-system license is to be generated;
- (3) The nature of the solid waste proposed to be covered by the non-system license;
- (4) The expected tonnage of the solid waste proposed to be covered by the non-system license:
 - (A) The total tonnage if the application is for a limited duration non-system license; or
 - (B) The annual tonnage if the application is for any other non-system license;
- (5) A statement of the facts and circumstances which, in the opinion of the applicant, warrant the issuance of the proposed non-system license; and
- (6) The non-system facility at which the solid waste proposed to be covered by the non-system license is proposed to be transported, disposed of or otherwise processed.
- (7) The date the non-system license is to commence; and, for limited duration non-system licenses, the period of time the license is to remain valid not to exceed 120 days.

In addition, the Chief Operating Officer may require the applicant to provide, in writing, such additional information concerning the proposed non-system license as the Chief Operating Officer deems necessary or appropriate in order to determine whether or not to issue the proposed non-system license.

(b) Every application shall be accompanied by payment of an non-refundable application fee, ~~and an issuance fee part of which shall may be refunded to the applicant in the event that the application is denied, as provided in this section. Until such time as council acts on the executive officer's recommendation pursuant to section 5.05.035(g) of this chapter, the~~ the following application fees shall apply:

- (1) For an application for a limited duration non-system license, the application fee shall be two hundred fifty dollars (\$250), no part of which shall be refunded to the applicant in the event that the application is denied, and the issuance fee shall be fifty dollars (\$50) for each 30 days (or part thereof) that the license is valid;
- (2) For all other an application for a non-system licenses seeking authority to deliver no more than 500 tons of solid waste per year to a non-system facility, the application fee shall be five hundred dollars (\$500), and the issuance fee shall be five hundred dollars (\$500) two hundred fifty dollars (\$250) of which shall be refunded to the applicant in the event the application is denied. For an application for a change in authorization to an existing non-system license authorizing the delivery of no more than 500 tons of solid waste per year to a non-system facility, the application fee shall be two hundred fifty dollars (\$250); provided, however, that if the result of granting the application would be to give

the applicant the authority to deliver more than 500 tons of solid waste per year to a non-system facility, the application fee shall be \$500, two hundred fifty dollars (\$250) of which shall be refunded to the applicant in the event the application is denied. An Application for renewals of a non-system license authorizing the delivery of no more than 500 tons of solid waste per year to a non-system facility shall be one hundred dollars (\$100).

- (3) For all applications for a non-system license seeking authority to deliver more than 500 tons of solid waste per year to a non-system facility, whether they be new applications or applications for the renewal of existing licenses, the application fee shall be one thousand dollars (\$1000), five hundred dollars (\$500) of which shall be refunded to the applicant in the event the application is denied. For an application for a change in authorization to an existing non-system license authorizing the delivery of more than 500 tons of solid waste per year to a non-system facility, the application fee shall be two hundred fifty dollars (\$250).
- (4) For an application for a non-system license seeking to deliver solid waste that is exempt from paying the Metro regional fees described in section 5.01.150, the application fee shall be one hundred dollars (\$100) as well as a fifty dollar (\$50) fee to either renew or amend such licenses.
- (5) Notwithstanding any other requirement of this section, the Chief Operating Officer may waive the application fee for an application for a non-system license seeking authority to deliver a de minimis amount of solid waste per year to a non-system facility.

(c) Determination Whether to Issue Non-System License. Within 60 days after receipt of a completed application for a non-system license and any additional information required by the Chief Operating Officer in connection therewith, the Chief Operating Officer shall determine whether or not to issue the non-system license and shall inform the applicant in writing of such determination. In making such determination, the executive officer shall consider the following factors to the extent relevant to such determination:

- (1) The degree to which prior users of the non-system facility and waste types accepted at the non-system facility are known and the degree to which such wastes pose a future risk of environmental contamination;
- (2) The record of regulatory compliance of the non-system facility's owner and operator with federal, state and local requirements including but not limited to public health, safety and environmental rules and regulations;
- (3) The adequacy of operational practices and management controls at the non-system facility;
- (4) The expected impact on the region's recycling and waste reduction efforts;
- (5) The consistency of the designation with Metro's existing contractual arrangements;

- (6) The record of the applicant regarding compliance with Metro ordinances and agreements or assistance to Metro in Metro ordinance enforcement and with federal, state and local requirements including but not limited to public health, safety and environmental rules and regulations.
- (7) Such other factors as the executive officer deems appropriate for purposes of making such determination.

At the discretion of the Chief Operating Officer, the Chief Operating Officer may impose such conditions on the issuance of a non-system license as the Chief Operating Officer determines are necessary or appropriate under the circumstances.

(d) Issuance of Non-System License; Contents. In the event the Chief Operating Officer determines to issue a non-system license, then such non-system license shall be issued by the Chief Operating Officer. Each non-system license shall be in writing and shall set forth the following:

- (1) The name and address of the waste hauler or other person to whom such non-system license is issued;
- (2) The nature of the solid waste to be covered by the non-system license;
- (3) The maximum total, weekly, monthly or annual quantity of solid waste to be covered by the non-system license;
- (4) The non-system facility or facilities at which or to which the solid waste covered by the non-system license is to be transported or otherwise processed;
- (5) The expiration date of the non-system license, which date shall be not more than 120 days from the date of issuance for limited-duration non-system licenses, and two years from the date of issuance for all other non-system licenses; and
- (6) Any conditions imposed by the executive officer as provided above which must be complied with by the licensee during the term of such non-system license, including but not limited to conditions that address the factors in section 5.05.035(c).

(e) Requirements to be met by License Holder. Each waste hauler or other person to whom a non-system license is issued shall be required to:

- (1) Maintain complete and accurate records regarding all solid waste transported, disposed of or otherwise processed pursuant to the non-system license, and make such records available to Metro or its duly designated agents for inspection, auditing and copying upon not less than three days written notice from Metro;
- (2) Report in writing to Metro, not later than the 15th day of each month, commencing the 15th day of the month following the month in which the non-system license is issued and continuing through the 15th day of the month next following the month in which the non-system license expires, the number of tons of solid waste transported, disposed or otherwise processed pursuant to such non-system license during the preceding month;

- (3) Pay to Metro, not later than the 15th day of each month, commencing the 15th day of the month following the month in which the non-system license is issued and continuing through the 15th day of the month next following the month in which the non-system license expires, a fee equal to the Regional System Fee multiplied by the number of tons (or fractions thereof) of solid waste transported, disposed or otherwise processed pursuant to such non-system license during the preceding month.

(f) Failure to Comply with Non-System License. In the event that any waste hauler or other person to whom a non-system license is issued fails to fully and promptly comply with the requirements set forth in section 5.05.035(e) above or any conditions of such non-system license imposed pursuant to section 5.05.035(c), then, upon discovery of such non-compliance, the Chief Operating Officer shall issue to such licensee a written notice of non-compliance briefly describing such failure. If, within 20 days following the date of such notice of non-compliance or such longer period as the Chief Operating Officer may determine to grant as provided below, the licensee fails to:

- (1) Demonstrate to the satisfaction of the Chief Operating Officer either that the licensee has at all times fully and promptly complied with the foregoing requirements and the conditions of such non-system license or that the licensee has fully corrected such non-compliance; and
- (2) Paid in full, or made arrangements satisfactory to the Chief Operating Officer for the payment in full of, all fines owing as a result of such non-compliance;

Then, and in such event such non-system license shall automatically terminate, effective as of 5:00 p.m. (local time) on such 20th day or on the last day of such longer period as the Chief Operating Officer may determine to grant as provided below. If, in the judgment of the Chief Operating Officer, such non-compliance cannot be corrected within such 20-day period but the licensee is capable of correcting it and within such 20-day period diligently commences such appropriate corrective action as shall be approved by the Chief Operating Officer, then and in such event such 20-day period shall be extended for such additional number of days as shall be specified by the Chief Operating Officer in writing, but in no event shall such the local period as so extended be more than 60 days from the date of the notice of non-compliance.

~~(g) Executive Officer to Recommend License Application and Issuance Fee Schedules. Prior to March 15, 2002, the executive officer shall recommend to council non-system license application and issuance fee schedules which vary for each applicant and licensee based on the type and quantity of solid waste subject to the non-system license and other appropriate factors.~~

Section 2. Metro Code Section 5.05.070 is amended as follows:

5.05.070 Solid Waste Flow Control Enforcement; Fines, Penalties and Damages for Violations

(a) Any waste hauler or person who violates or fails to comply with any provision of this chapter 5.05 or who fails to comply with the terms and conditions of any non-system license or required use order shall be subject to the fines and penalties set forth in this section, which fines and penalties shall be assessed by the executive officer.

- (1) A fine in the amount of not to exceed \$500 for each violation; and

(2) Such waste hauler or person shall not be extended any credit by Metro for the use of any facility constituting a part of the system until such time as all fines owing under this chapter as a result of such violation or failure to comply have been paid in full.

(b) In addition to the foregoing fines and penalties:

(1) Any waste hauler or person who fails to comply with the terms and conditions of any non-system license shall be required to pay to Metro a fine in the amount equal to the Regional System Fee multiplied by the number of tons (or fractions thereof) of solid waste generated within the District transported, disposed of or otherwise processed in violation of the terms and conditions of such non-system license; and

(2) Any waste hauler or person who, without having a non-system license then in effect, transports solid waste generated within the District to, or utilizes or causes to be utilized for the disposal or other processing of any solid waste generated within the District, any non-system facility shall be required to pay to Metro a fine in an amount equal to the \$500 non-system license application fee, plus the \$500 non-system license issuance fee, plus an amount equal to the Regional System Fee multiplied by the number of tons (or fractions thereof) of solid waste generated within the District transported, recycled, disposed of or otherwise processed to or at any non-system facility.

(c) If in the judgment of the Chief Operating Officer such action is warranted, Metro shall commence an appropriate action in a state court of competent jurisdiction for the purpose of collecting the fines and penalties provided for above and/or enjoining any violations of the provisions of this chapter 5.05 or any non-compliance with the terms and conditions of any non-system license or required use order.

~~(d) By March 15, 2002, the executive officer shall recommend to council a schedule of fines which impose sanctions based on the nature and extent of the violation or failure to comply.~~

(ed) A required use order may be enforced by authorized gatehouse employees at any Metro facility, by denying facility access to a waste hauler or other person who is subject to a required use order and is attempting to deliver waste to a facility not specified in the order. This enforcement shall be in addition to the fines and penalties that may be levied pursuant to this section.

ADOPTED by the Metro Council this _____ day of _____ 2003.

David Bragdon, Council President

Attest:

Approved as to Form:

Christina Billington, Recording Secretary

Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 03-992, FOR THE PURPOSE OF AMENDING CHAPTER 5.05 OF THE METRO CODE TO ADJUST THE FEE SCHEDULE FOR APPLICATIONS FOR NON-SYSTEM LICENSES

April 11, 2003

Presented by: Michael Hoglund

BACKGROUND

Section 5.05.035(g) of the Metro Code, amended by the Metro Council on October 25, 2001, required the Executive Officer to recommend to Council a fee schedule for the issuance of non-system licenses by March 15, 2002. Such a schedule is to be based on type, quantity of solid waste and other appropriate factors. On March 6, the Executive Officer submitted a report to the Metro Council making recommendations for appropriate levels of fees and fines. Based on review and discussion of that report, staff recommends that the following non-system license fees be modified as follows:

TYPE OF NON-SYSTEM LICENSE	CURRENT FEE SCHEDULE	RECOMMENDED FEE SCHEDULE
	<i>Application fee/ Issuance Fee</i>	<i>Application fees (Fee refunds)</i>
Non-system license (for more than 500 tons annually) <ul style="list-style-type: none"> • Original application • Renewal • Amendment 	\$500/\$500 \$500/\$500 \$0/\$0	\$1,000* \$1,000* \$250 (*\$500 refundable if denied.)
Non-system license (for 500 tons or less annually) <ul style="list-style-type: none"> • Original application • Renewal • Amendment 	\$500/\$500 \$500/\$500 \$0/\$0	\$500* \$100 \$250 (*\$250 refundable if denied.)
Limited duration NSL <ul style="list-style-type: none"> • Original application • Renewal • Amendment 	\$50/\$50 for each 30 days NA \$0/\$0	\$250 NA NA (Granted for 120 day maximum)
Non-system license (when waste exempt from paying Metro fees and taxes) <ul style="list-style-type: none"> • Original application • Renewal • Amendment 	\$500/\$500 \$500/\$500 \$0/\$0	\$100 \$ 50 \$ 50

ANALYSIS/INFORMATION

1. Known Opposition

No known opposition.

2. Legal Antecedents

Fees for Standard Non-System Licenses (NSL)

Chapter 5.05 of the Code presently specifies that \$1,000 in fees (a \$500 application fee and a \$500 issuance fee) shall be paid for all non-system licenses (NSLs) except limited-duration NSLs. The same fees apply regardless of the type or volume of waste or amount of work required by staff to process the application. A standard NSL (as opposed to limited-duration) is intended for waste streams that are generated on an ongoing basis. Such licenses are typically issued for a term of two years. Charging the application and issuance fee separately can delay the issuance of NSLs and sometimes causes confusion when applicants fail to understand that there are two separate \$500 fees. In order to streamline the process and lessen this confusion, the Executive Officer recommended that the fees be combined into a \$1,000 application fee to be paid upon submission of an application. If an application is denied, Metro would refund \$500. Renewals of standard non-system licenses should be subject to the same fee schedule as the original license since renewals require a similar level of processing. Presently there is no fee associated with a request for a change in authorization or an amendment of a NSL. Staff recommends a \$250 fee for requested amendments to standard NSLs, because such amendments require slightly less processing than initial applications or renewals. The Interim Chief Operating Officer recommends adoption of the Executive Officer's recommendations and of staff's recommendation regarding the fee for amendment requests.

Proposal for Fees for Non-System Licenses Issued for 500 or Fewer Tons Annually

Applicants sometimes have legitimate reasons for requesting non-system licenses for tonnages of solid waste that are generated on an ongoing basis but are still so small as to make the full \$1,000 cost of obtaining a non-system license unduly burdensome. For example, Epson Portland, under a Metro NSL, sends its solid waste to the Covanta Waste-to-Energy facility in Marion County for the sole purpose of adhering to a company waste reduction and recycling policy to minimize the use of landfilling. However, since the facility generates only 300 tons of waste annually, it must pay a premium for its effort to conform to the waste reduction hierarchy, which favors energy recovery over the landfilling of solid waste. It is therefore recommended that the application fee for NSLs requesting authority to deliver 500 or fewer tons annually be charged a \$500 application fee to be paid upon submission of an application. If an application is denied, Metro would refund \$250. Staff recommends a \$250 fee for amendments to such licenses, unless the requested amendment would give authority to deliver more than 500 tons of waste to a non-system facility, in which case the fee would be \$500 (so that a licensee could not get an unrestricted NSL for less than the \$1,000 application fee for such a license). Staff recommends that the application fee for the renewal of NSLs authorizing the delivery of less than 500 tons of waste per year be \$100 because these licenses have a relatively small impact and their renewal requires less staff processing time.

Fees for Limited Duration Non-System Licenses

When Chapter 5.05 was amended, it allowed Metro to issue "limited-duration" NSL's. Limited-duration NSL's have a maximum term of 120 days. In contrast to a standard license, a limited-duration NSL is

intended for situations in which the applicant generates solid waste from a short-term project, usually, in relatively small amounts. These are generally clean-up projects and delaying disposal in such cases sometimes poses particular hardships to the waste generators or increased risk to the public. A limited-duration NSL may also be issued as an interim measure or to provide a trial period when more information is needed prior to issuance of a full-term NSL.

The limited-duration NSL was intended to expedite the process of issuing NSLs in such situations or create a bridge to the issuance of a longer term NSL. The Code currently stipulates that the application fee for a limited-duration license be \$50 and that the issuance fee be \$50 for each 30-day period up to the maximum term of 120 days. However, experience has found that many applicants seeking a 30-day license end up requesting more time thus requiring more staff time to issue time extensions. Therefore, staff recommends these licenses be issued for 120 days without opportunity to extend them, and that a standard \$250 application fee apply. In order to further expedite the issuance of such licenses, it is recommended that these type of NSLs be issued immediately upon approval. Because of the nature of these licenses there is not an opportunity to amend or renew them.

Non-System Licenses for Waste Exempt from Metro fees

On occasion Metro must issue non-system licenses for waste that is exempt from paying Metro regional system fees and taxes e.g. residual from the processing of scrap tires and useful material. While Chapter 5.05 requires a non-system license for this waste to go to non-system facilities, the Council has made the policy decision that this waste should not be subjected to additional fees and taxes. A non-system license is desirable in order to obtain reports that contribute to Metro's understanding of waste flow and waste recovery. In following this rationale, any application fees associated with hauling the waste to a more cost effective disposal option should be subjected to a minimal application fee of \$100. Therefore, staff recommends a \$100 application fee for a NSL to deliver waste that is not subject to regional system fees and excise taxes to a non-system facility, as well as a \$50 fees to renew or amend such licenses. In addition, staff recommends that the COO have the discretion to waive fees for hauling de minimus quantities of solid waste that require a non-system license but would be burdensome to require payment of any fees e.g. very small special cleanups.

3. Anticipated Effects

This ordinance will streamline and clarify the way NSL application fees are collected for ordinary and limited-duration NSLs, will provide lower NSL application fees for NSLs authorizing the delivery less than 500 tons of solid waste per year to non-system facilities, and will establish application fees for requests for amendments to NSLs.

4. Budget Impacts

Non-system license application and issuance fees are anticipated to total approximately \$10,000 annually. Since the recommended fee changes are relatively small and include both increases and decreases, they are not anticipated to have a significant fiscal impact.

RECOMMENDED ACTION

The Chief Operating Officer recommends approval of Ordinance No. 03-992.