

## SOLID WASTE ADVISORY COMMITTEE MEETING SUMMARY

For April 15, 1998

### Members Present

Don Morissette, Chair, Metro  
Bruce Broussard, MDC/USA Waste  
Ralph Gilbert, East County Recycling  
Lee Barrett, City of Portland  
Jeff Murray, Far West Fibers/Recycling Association  
Jeanne Roy, Citizen  
Rick Winterhalter, Clackamas County  
Loreen Mills, Washington County Cities  
JoAnn Herrigel, City of Milwaukie  
Susan Robinson, BFI  
Merle Irvine, Waste Recovery Inc.  
Lynne Storz, Washington County  
Tom Miller, Washington County Haulers Assoc.  
David White, ORRA/Tri-C  
Garry L. Penning, Waste Management of Oregon  
Gary L. Goldberg, Specialty Transportation Service

### Metro

Bruce Warner	Leo Kenyon	Dennis Strachota
Dan Cooper	Aaron Brondyke	Ray Barker
Marvin Fjordbeck	Jim Watkins	
Douglas Anderson	Terry Petersen	

### Guests

Ray Phelps, Pac/West	Rob Guttridge, KB Recycling
Doug Drennen, DCS	Easton Cross
Scott Bradley, USA Waste	Ray Brogan, STS
Jon Angin, MDC/USA Waste	Dick Jones, Citizen
Dean Kampfer, MDC/USA Waste	Kent Inman, American Compost & Recycling
Mike Leichner, Wash Co. Haulers Assoc.	Diana Godwin, Regional Disposal Co.

Chair Morissette brought the meeting to order.

### ACTION ITEM:

Chair Morissette asked for a motion on the minutes for the SWAC meeting of 3/18/98. Mr. Penning made a motion to adopt the minutes of 3/18/98; Ms. Herrigel seconded the motion. The Committee voted unanimously to adopt the minutes.

## DRAFT METRO ORDINANCE: CODE OF ETHICS

Mr. Cooper, Metro's General Counsel, said his office was working with the Council Government Affairs Committee on preparing an ordinance for Council consideration relating to ethical requirements for Metro elected officials and employees.

He explained this is an ordinance that has been introduced for Council consideration by a Council Committee. He said the Council's rules provide that either the executive officer, any individual councilor, or a council committee can introduce an ordinance for council consideration. Mr. Cooper said this ordinance has not yet had the required first reading under Metro procedure, or referred back to committee for any public hearings, and in fact has not been scheduled to come back at any particular time for possible council adoption. He said the chair, Councilor Susan McLain has asked Metro legal counsel to review the ordinance in order to spot potential issues and make recommendations for changes or fine tuning. Metro Council Chair, Jon Kvistad has asked Executive Officer Mike Burton to review the ordinance who in turn asked all the Department Directors for comments as well.

Mr. Cooper said this instrument will put in one place in the Metro Code all of the ethical requirements that apply to Metro employees and officials. He said Metro has current provisions, which repeat Oregon State law's ethical requirements for reporting financial conflicts, would create additional reporting requirements for financial disclosure forms for Metro Department Directors, and members of the MERC Commission. He said the new ordinance repeats the previous requirement setting limitations with respect to directors and officials leaving office and contracting with Metro within the first year's time.

He said some of the new provisions, which go beyond state law, will restrict certain activity by Metro Councilors and Metro employees with regards to receiving gifts from persons affected by Metro legislation. He said there is a recognition that "whistle blowing" is appropriate behavior, a prohibition against political activity in Metro buildings, or with Metro equipment and on Metro time (which is also existing State law). Mr. Cooper said there is a new provision for registration of lobbyist and an attendant \$50.00 fee, which is considerably narrower than State law in the definition of lobbyist.

Mr. Cooper said a current issue is: Defining a Metro Official for the purposes of determining whether you have to register as a lobbyist, if you "lobby" them, do you have to register as a lobbyist. He said there are three places where Metro Official is defined: in the section (Section 8,5,1) on ethical requirements (includes members of a committee); Section 4,A,8; and a definition of gift in Section 4,A,3. In effect, these sections prohibit any member of a Metro committee from accepting any gift from any individual or entity seeking legislative action.

Chair Morissette suggested that inasmuch as the SWAC committee members have shown an interest in the ethics ordinance that he appoint Mr. Warner as the key staff person to take suggestions, changes, alterations to the document. Mr. Warner asked for interested persons to

form a subcommittee to make recommendations to the document. Those interested persons included:

Jeff Murray  
Bruce Broussard  
David White  
Lee Barrett

Mr. Warner said the subcommittee would report at a future SWAC committee those recommendations and/or changes it has suggested. Mr. Warner said he would also convey the committee's concerns appropriately. Mr. Cooper said he would readdress the SWAC when further developments are made.

#### DIRECTOR'S UPDATES

Mr. Warner said the Aloha Household Hazardous Waste event, which was held last weekend was a success and brought in 1,000 customers. He thanked local governments and counties for the participation. He said there will be another event held at the Multnomah Kennel Club's parking lot in Gresham on April 25<sup>th</sup>.

Mr. Warner thanked committee members for their participation in the survey that was distributed at the last SWAC meeting. He said the REM department had sent out more than 150 surveys to individuals, and interest groups around the region and received 40% return.

Mr. Warner said the REM budget has made its way through the Council's Finance Committee. He said the Clackamas County Commissioners have forwarded a request to Metro Council requesting that Metro assume responsibility for the Rossman Landfill, which was not included in the budget as a result of Finance Committee's discussions. He said they have, however asked for information in this regard and are trying to address some of Clackamas County's concerns and issues. Mr. Warner said he would report further information to SWAC as this progresses.

Mr. Warner said Council Chair had a number of questions of staff about the financial impact of the Code update. Mr. Warner said there were minor changes to the REM budget of \$200,000.

Mr. Warner said we are about ready to turn on the compressors at the St. Johns Landfill to deliver landfill gas to Ashgrove Cement. The gas is intended to power the Ashgrove Cement plant the total amount of its power needs for the kiln where they produce cement.

#### ACTION ITEM -- YEAR 9 WASTE REDUCTION PLAN FRAMEWORK

Ms. Erickson, Waste Reduction Senior Planner, explained that the Annual Plan for Local Governments has been in existence since 1990 helps with funding assistance for implementing waste reduction and recycling activities. She said it was originally ordered by DEQ and has now moved into a key implementation tool for the RSWMP. Ms. Erickson said local governments take the framework and use it to create their individual plans which helps the region meet RSWMP goals. This Year 9 Plan has been through two public comment sessions as well as presentation to the REM Committee on two occasions for discussion and comment. Ms. Erickson would like SWAC's recommendation to forward on to REMCom for approval. She said in this way local government coordinators can begin their planning for the next fiscal year. She said local jurisdiction's plans are due to Metro on June 1<sup>st</sup>. Ms. Erickson said she could

provide any SWAC members or interested persons with a draft form of the Plan but that it has not changed much since January when SWAC members received one with their agenda.

Ms. Roy suggested that since the Plan did not reflect an accurate portrayal of what the Metro Auditor recommended, that wording be changed. Ms. Roy said that her interpretation of what the auditor said was that REM has been calling the program a "grant program" but that it has been administered as a revenue sharing and therefore the Council should make a decision. Ms. Roy also said the auditor suggested that if you administered it as a revenue sharing, there should perhaps be less paper work, and if it was administered as a grant, then you need some performance standards. Ms. Roy explained that the Council suggested using a "competitive grant."

Ms. Erickson said Ms. Roy was correct in her reflection of what the auditor said. She said however it was REM's decision to try a competitive grant as an experiment. Ms. Erickson said the program's future and administration would be discussed in depth through the summer. She said this year would be a combination of revenue sharing and competitive grant. \$600,000 would be a revenue share and \$200,000 would be competitive grant. She said the competitive grants were focused on commercial programs and based on merit and need. Ms. Erickson said written materials will be available within the next four to six weeks discussing these issues and she will distribute to SWAC.

Ms. Roy thinks the competitive grant would be a good compromise way of doing it, but wants it to be clear that the grants are tied to the eight recommended practices in RSWMP to meet our tonnage reduction goals. Ms. Roy also suggested that Metro be diligent in reporting on annual benchmark evaluations as prescribed in the RSWMP and that they be presented to Metro Council at the same time as the Year 9 Plan is presented. Ms. Erickson replied the report has already been prepared and is in management review.

Mr. Warner said that he agreed with Ms. Roy's comments, and wanted to have real clear direction to Council on the audit in terms of what programs REM should be administering with the money.

Ms. Herrigel said that when you move towards the grant program in the region for solid waste and recycling, that allows communities to opt out and if Metro is trying to further encourage that behavior, they might want to re-evaluate their advocacy of competitive grants.

Mr. Barrett commented that on that same note, his jurisdiction, being much larger could afford to place a person in charge of writing grant proposals and could possibly dominate the competitive grant program.

Chair Morissette responded that the current staff proposal is for about 1/3<sup>rd</sup> of the resources to be in competitive grants and how did Mr. Barrett feel about that? Mr. Barrett felt the revenue sharing concept was a more appropriate approach, but a split as suggested would be okay also. He said the City of Portland has in the past allowed smaller jurisdictions a greater opportunity to access those monies. Mr. Morissette asked Ms. Herrigel her opinion of staff's proposal. Ms. Herrigel felt the proposal was acceptable, but that the competitive grant funds would be primarily concerned with commercial recycling, and Ms. Herrigel commented that it should be

noted that commercial recycling planning was still required in the revenue share portion of the plan.

Mr. Winterhalter suggested that changing the revenue share portion of the money this year would put a burden on local governments because they have already submitted their budgets based on a previous scenario. Ms. Storz seconded Mr. Winterhalter's comments and added that a major portion of the money should be in revenue sharing. Ms. Storz stressed that the region's waste reduction goals have continued to improve through cooperation between local governments and Metro and it would be difficult for most local jurisdictions to continue without Metro's assistance.

Chair Morissette asked if there was a recommendation by SWAC of the current plan as proposed?

**Mr. Winterhalter said his recommendation (for this year) was that the \$600,000 be placed in revenue sharing, \$184,000 in competitive grants. Mr. Barrett seconded the motion. There were no comments and the motion was passed by SWAC. Ms. Jeanne Roy opposed.**

Mr. Barrett commented that perhaps the heart of the problem as expressed by the Auditor is that we are calling it a "grant program" and it is really a revenue share program and that the name should be changed. The SWAC concurred and made it a part of the motion.

Mr. Miller suggested that Metro move up their time on the framework plan so that local governments could be advised of the monies before they concluded their budget processes.

#### SYSTEM FEE CREDIT ADMINISTRATIVE PROCEDURES

Mr. Warner introduced Ray Barker from REM staff to talk about the performance credits and how they will be administered. Mr. Barker said he had received a total of four different comments with regard to how the credits will be administered (materials mailed to SWAC members dated April 27, 1989).

- 1) (Applying for the System Fee Credit), would like the word "generator," changed to "hauler" because most of the time the operator is unaware of who the generator is. Staff agrees with that change.
- 2) (Specific Markets), the name of the facility/company destined to receive the outgoing load .  
A comment was received, indicating that the information being requested was usually confidential. Metro is not asking for a change in the information currently requested. Metro will continue to treat all information as confidential.
- 3) Objection to being unable to receive credit if loads were taken to someplace other than a Metro designated facility. As currently written, the administrative procedures require delivery to an MDF so Metro can cross-check the tonnage records for validity.
- 4) A suggestion was made to add a further category to the list of incoming materials called "other." Staff would like to review that decision and discuss further.

Chair Morissette said before this legislation goes forward he would like to see best estimate cost impacts to both staffing and budget.



#### WALK-THROUGH OF REVISED CODE

Mr. Anderson referred to the materials sent to SWAC members on April 27. He said there were comments (none written) on the 10% facility retrieval rate (where a facility has to achieve at least a 10% overall rate over wet and dry waste before it is eligible for the credits on the dry side). One concern was that if it stayed in for the 1-year trial time that it would not go away and in fact might increase.

Mr. Warner added that Ms. Roy's concern was that source-separated recyclable materials could be included in the calculation of the 10%. It is her perspective that action would be detrimental to recycling goals for the region.

Mr. Anderson said that all facilities currently operating in the region now qualifies under the 10%, but the issue is are they positioned for the future?

Mr. Cross from the gallery asked if Metro was going to give regional user fee credits to mixed facilities for wet garbage? Mr. Anderson answered dry residual only.

Mr. Barrett said that in response to Mr. Cross' comment, what happens with food waste or yard debris for credits? Mr. Anderson said that any material recovered has 100% forgiveness of user fees. Mr. Barrett said that he could foresee a future where a wet load has got a lot of compostable material in it, yet wet garbage does not qualify for the credit. Mr. Anderson said at this stage the Code is not set up to deal with post-collection recovery of organics, but that it can be amended at the time we decide to go in that direction.

Mr. Anderson said he received comments with regard to what local transfer stations may receive and from whom. He said the intent is that consistent with the recommendation of SWAC, they may receive waste from any geographic area, but that it be limited to franchised and permitted haulers (not open to the public). Another concern was at what scale the breakpoint between a reload and a transfer station. He said the proposed breakpoint is 50,000 tons (waste out the back door, delivered to a landfill). Mr. Anderson said the theory is that any scale of operation beyond that figure those operators should provide services more broadly than just to collectors. He assured the committee that this did not imply that Metro would try to set hours of operation, etc., only that if you are going to do that amount of business in a corner of the region, you have a responsibility to the region to provide a broader range of services in that corner of the region.

Mr. Anderson said there was also some concern about the voluntary certificate for clean MRFS. The issue is that the new code sets up basically four categories of regulation or non-regulation: exemption, certificate (low level of regulation), license (permission to operate), franchises. He said there was concern about the voluntary certificate provision that was included because of the comments on who would monitor the residual rates when co-mingling starts up (about contamination, and breakage, etc.). Metro is very reluctant to even consider regulating a clean MRF. Some have called this a "good housekeeping seal" like the Earth-Wise program for composters. The issue is, if the facility wants to share data with us, Metro would calculate and publish a recovery rate.

Mr. Murray, representing the recycling association, commented that the industry understands the concerns and believe they are valid concerns, but would like to come up with a slightly different method of achieving Metro's goals. They are still in the discussion stages.

Mr. Warner turned everyone's attention to the last page of the agenda packet which contained a revised schedule with regard to implementation of performance based credits, adoption of revised Metro Code, newly revised licenses, franchises, etc. He then went through the items.

Chair Morissette asked the committee members if any were interested in forming a subcommittee to review the proposed code changes. The following persons volunteered: Garry Penning, Merle Irvine, Lynne Storz, Susan Robinson (BFI), David White, Tom Miller, Ralph Gilbert, Gary Goldberg (STS), Jeff Murray, Loreen Mills, and Dean Kamper. Mr. Morissette said the subcommittee meetings will be held at 3:00 p.m. April 28 and another April 29 beginning at 9:00 a.m.

Mr. Anderson then went on to discuss the newly drafted rewrite of Chapter 5.01 of the Metro Code, (copies of the draft were distributed). Mr. Anderson stated that the strikethroughs indicate language being stricken, the underlines indicate new language. Mr. Fjordbeck commented that bolded, italicized language is undergoing continuing staff review. Anything not underlined is existing language. Mr. Anderson explained that the new code will look at types of waste received at the facilities, coupled with activities you will be doing. This is different from the current code, which views one facility as doing only one type of activity. After a determination of the activities and wastes handled at a facility, an appropriate level of regulation can be determined. Mr. Anderson then discussed the differing levels of regulation that specific facilities would receive.

Mr. Barrett commented that vermiculture did not appear to be listed and asked how that was defined. Mr. Anderson said he would check on that and if it was not mentioned, it would be corrected.

Mr. Gilbert commented that chlorinated contaminated soils should be included with Petroleum Contaminated Soils (PCS).

Mr. Fjordbeck stated this draft is organized into four principal sections:

- 1-10 General Provisions
- 12-31 Applications for: licenses, franchises and certificates
- 32-35 Obligations of the three types of regulated parties; and woven into that, 16 on yard debris sections which staff proposes to weave into the revised code.
- 37-45 Administration
- 37-46 Enforcement

Mr. Fjordbeck said there are some cleanup provisions at the end. He said that Section 8 is currently entitled Certificate Requirement, but it will contain more information.

Mr. Warner said staff has provided members of the committee with a lot of information and they are looking to get comments back on specific language to deal with some of the concerns that have been expressed as quickly as possible.

Mr. Warner introduced Mr. Gary Goldberg from Specialty Transportation Services (STS) (formerly Jack Gray Transportation) who made a statement with regard to transportation of solid waste from the region to a general purpose landfill. He said that STS's legal counsel reviewed their contract with Metro and prepared a research memorandum (which was distributed). Mr. Goldberg believes that revisions to the 1995 RSWMP section dealing with the transportation of solid waste to a general purpose landfill should remain as stated in the contract between STS and Metro. That is that a licensee or franchisee of a facility should be required to use the services of Metro's designated contract carrier, STS for the transportation of the solid waste from the facility to the general purpose landfill.

Mr. Warner commented that to paraphrase what he heard is that STS believes that Metro has the authority to require franchised facilities to utilize Metro's existing transportation contract for transport of the solid waste and that Metro should. Mr. Goldberg replied that was a correct summation.

Mr. Warner asked for any comments, questions, issues, and clarifications.

Ms. Robinson said she would like a clarification with regard to the exempt facilities where it talks about reloads. She asked why there was a differentiation between a reload which transfers waste (and is exempt) versus a local transfer station. Ms. Robinson said the only difference is that a transfer station sorts material or does some activity with the material, so why the exemption for the reload?

Mr. Anderson said the facility that only reloads waste is considered an adjunct of the collection system – a vehicle-to-vehicle transfer from there to the transfer station. He said they may have a floor and may push it, but there is no breaking of loads, no material recovery, it is simply a consolidation of many trucks to one, thus it is a collection issue. He said that when a facility begins sorting material and diverting waste, this is where staff drew the line.

Ms. Robinson said she does not read the explanation that way. She suggested this issue be explored further and a better explanation be supplied.

Ms. Roy suggested the words "vehicle-to-vehicle" be inserted in the explanation and that might solve the problem.

Mr. Murray asked Mr. Goldberg if he was suggesting that material from a facility such as ERI that may send material to either Hillsboro or possibly Riverbend would have to be transported by STS? Mr. Goldberg replied that is what he was suggesting. He said that as long as it came under Metro's jurisdiction, it is STS's feeling that they are the designated hauler of that material.

Mr. Leichner asked does that mean if a transfer station is a designated facility, does my transfer station fall under that? That is the logic I am hearing from that. You said all designated facilities, correct.

Mr. Goldberg replied that was how the contract read.



Mr. Leichner asked even if he takes his dry waste to a landfill? Mr. Goldberg replied yes.

Ms. Robinson commented that she would also like to see at least a discussion of the limitation of 50,000 tons being the line where additional services are required of a facility.

Respectfully Submitted  
Connie L. Kinney, SWAC Clerk

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**Staff Report**  
**Regional SWAC**  
**Walk-Through of Revised Metro Code Chapter 5.01**

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Date: April 15, 1998

Presented by: Bruce Warner  
Douglas Anderson

You will find attached a DRAFT revision of Chapter 5.01 of Metro Code, "Solid Waste Facility Regulation." This revision is in "ordinance" form.

This report is intended to assist the reader by outlining the structure of the code, and highlighting key issues.

In the draft ordinance, typefaces mean the following:

- |  |  |
|--|--|
| <input type="checkbox"/> Normal:                     | Current language                             |
| <input type="checkbox"/> Underlined:                 | New language                                 |
| <input type="checkbox"/> Strikethrough:              | Current language proposed to be eliminated   |
| <input type="checkbox"/> Underlined + strikethrough: | Ignore. (This represents internal re-drafts) |

### **Introduction**

Chapter 5.01 concerns the regulation of solid waste facilities. The code specifies solid waste facilities as exempt, certified, licensed, or franchised. The degree of regulation depends on:

- The type of waste received at the facility, and
- The activities performed at the facility.

The types of waste that help to define a solid waste facility are:

- ☐ Source-separated recyclables
- ☐ Mixed dry waste (non-putrescible)
- ☐ Pre-segregated organic (compostable) waste
- ☐ Putrescible waste
- ☐ Hazardous waste (household & small-quantity commercial generators)

Activities that help to define a solid waste facility are:

- ☐ Resource recovery
- ☐ Transfer  
(The scale of operation further refines the transfer function.)
- ☐ Disposal

These terms are defined in Section 1 of the code, "Definitions."

The resulting matrix of facilities is shown in the table below.

<u>Facility</u>	<u>Wastes</u>	<u>Activities</u>	<u>Status</u>
<b>Collection adjunct</b>			
"Clean MRF"	s.sep. recyclables	processing (sorting, etc.)	exempt
Reload	wet waste	transfer (only)	exempt
<b>Resource recovery</b>			
Materials	non-putrescible	material recovery	license
Composting	organics	composting	license
Energy	[technology-dependent]	energy recovery	franchise
<b>Transfer stations*</b>			
Local	wet & dry waste	transfer + resource recovery OR direct haul of wet waste	license
Regional	wet, dry, haz. waste	transfer + resource recovery	franchise
<b>Disposal</b>			
Landfill, incinerator, mass composter			all franchises

\* Regional and local transfer stations are further distinguished by the scale of operation (whether they deliver more or less than 50,000 tons per year to a landfill)

Note: Certification is proposed for specialized processors dealing with one type of solid waste (e.g., petroleum contaminated soil), a very low level of regulatory oversight.

## Walk-Through

This section of the report walks through the revised code section-by-section.

### A. Definitions

Pages 2—7

Among the key definitions: the "transfer" activity is newly defined. The definition of "resource recovery" is amended in terms of "process" and "useful material." The latter two terms are also defined. The reader may also wish to note definitions for the three types of resource recovery: "material recovery," "composting" and "energy recovery"; together with the definition of "processing residual." Three definitions, "processing facility," "rate," and "transfer station" remain from the existing code for reference, but may be amended or repealed.

**B. Purpose, Authority, Prohibited Activities** **Pages 7—8**

These sections do not change the purpose, solid waste authority, or jurisdiction of Metro, but simply make them clearer.

**C. Requirement for Certificate, License or Franchise; Exemptions** **Pages 8—12**

One purpose of making a broad statement of authority and jurisdiction in the code is to be able to draw a clearer line between exempt and regulated facilities. These sections lay out the types of waste and activities that induce the various levels of regulation. See also the matrix, above, in the introduction to this report.

**D. Applications** **Pages 12—15**

These sections deal with application procedures for licenses and franchises.

**E. Issuance of License** **Pages 15—16**

A key difference from the current code is that applicants who have complied with the application process shall be granted a license by the Metro Executive Officer within 45 days of submitting a completed application.

**F. Content of License** **Pages 18—19**

**G. Issuance & Content of Franchise** **Pages 19—21**

Remains a Council action.

**H. Issuance of Certificate** **Pages 22—23**

Similar to Issuance of License. Note that this section contains provisions for voluntary certification of exempt facilities that may wish to have Metro report the recovery rate. This provision is a response to issues that have arisen in the discussion of the regional move toward collection of commingled recyclables.

**I. Variances** **Pages 23—24**

**J. Obligations & Limitations for all Regulated Facilities** **Pages 24—26**

**K. Obligations & Limitations for Selected Facilities** **Pages 24—26**

(a) "Dry Waste Transfer" **Page 26**

The simple transfer of dry waste is not allowed. This is simply a "MRF" with 0% recovery. SWAC has recommended against allowing the simple reloading of dry waste, because dry waste provides a significant opportunity for material recovery. The code requires facilities that accept mixed dry waste to perform material recovery, or deliver the dry waste to a facility that will perform material recovery.

(b) "Local Transfer Station" **Page 26—27**

A local transfer station (LTS) is a solid waste facility authorized to accept putrescible waste, and that performs resource recovery—but delivers less than 50,000 tons of solid waste (wet + dry) to a regional transfer station or disposal site.

Limits: accepts waste only from franchised/permitted solid waste haulers; accepts no hazardous waste, disposes of less than 50,000 tons per year.

An applicant for a LTS must demonstrate that the facility will provide a net savings in transport costs. The basic test is: compare: (1) current costs of transporting waste from the "market area" of the facility to a regional transfer station, with (2) transport costs with the facility in place, where facility capital costs and mid-distance haul vehicles have replaced packer and/or roll-off trips to the regional transfer station.

(c) "Regional Transfer Station"

Page 27

A regional transfer station (RTS) is a solid waste facility authorized to accept putrescible waste, and that performs resource recovery—but delivers more than 50,000 tons of solid waste (wet + dry) to a regional transfer station or disposal site.

Obligations: must accept waste from the public as well as franchised/permitted solid waste haulers; accepts household and CEG hazardous waste, provides free recycling drop-off facility.

An applicant for an RTS must demonstrate that the facility is needed (considering other disposal and resource recovery options) and will provide a net savings in transport costs. The basic test is: compare: (1) current costs of transporting waste from the "market area" of the facility to a regional transfer station and/or disposal site, with (2) transport costs with the facility in place, where facility capital costs and mid-distance haul vehicles have replaced packer and/or roll-off trips to the regional transfer station or disposal site.

(d) "Direct Haul"

Page 27

This section applies to any facility that accepts putrescible waste and delivers it to a site other than a regional transfer station.

Limits: putrescible waste must be delivered to Metro's disposal contractor (Columbia Ridge Landfill); operators must comply with unacceptable waste management standards and long-haul transport standards.

An applicant for direct haul must demonstrate that approval of this activity results in net savings in systems cost, consistent with RSWMP Goal 3. The basic test is: determine the change in system cost ("the sum of collection, hauling, processing, transfer and disposal...rather than only considering the effects on individual parts of the system" [RSWMP page 5-4]) with and without the direct haul authorization.

***NOTE: an important policy question that remains unanswered is: if direct haul results in net system savings, who should receive the benefit of these savings?***

**L. Performance Standards**

Page 28

The Executive Officer will publish performance standards that govern the obligations (pp. 24—27) of licensees, franchisees and certificate holders. This section also lays out a public process for adopting or changing performance standards.

**M. Inspections, Audits, Recordkeeping & Reporting**

Pages 29—30

**N. Fees**

Pages 30—31



**O. Rate Setting****Page 32**

The current code requires that Metro set tip fees at all facilities. (In all recent actions, Metro Council has set this requirement aside in a variance procedure.) The proposed code exempts all licensed and certified facilities from Metro rate setting.

**P. Inspection, Enforcement, Penalties****Pages 32—35****Q. Miscellaneous Provisions****Pages 35—36****R. Yard Debris Licensing****Pages 36—46**

This entire section is unchanged in this draft. It is staff's intent to weave this section into the revised code without substantially altering the content of the Yard Debris Licensing section.

Note: underlining in this section denotes headings, not new wording.

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