

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

A RESOLUTION AUTHORIZING THE EXECUTIVE )	RESOLUTION NO. 89-1058
OFFICER TO EXECUTE THE STIPULATION AND )	
FINAL ORDER WITH THE DEPARTMENT OF )	Introduced by Rena Cusma
ENVIRONMENTAL QUALITY REGARDING WASTE )	Executive Officer
REDUCTION PROGRAMS )	

WHEREAS, In 1986 Metro adopted a regional Waste Reduction Program in accordance with provisions of SB662; and

WHEREAS, Metro submitted a progress report on implementation of the 1986 Waste Reduction Program (WRP) to the Environmental Quality Commission (EQC) on July 1, 1988 as required by ORS 459.345; and

WHEREAS, The DEQ evaluation of the report found that Metro was not adequately implementing the Waste Reduction Program; and

WHEREAS, ORS 459.376 gives the EQC authority to enforce compliance with the adopted Waste Reduction Program; and

WHEREAS, The EQC, the DEQ and Metro wish to retain the goals and objectives of the Waste Reduction Program and recognize the need to reschedule work elements; and

WHEREAS, Resolution 88-1012 enumerated work elements of the Waste Reduction Program needing implementation and Resolution 89-1025 set timelines to accomplish those priority work elements; and

WHEREAS, The Stipulation and Final Order (Exhibit A) represents resolution of this compliance issue with DEQ regarding progress of the region in Waste Reduction consistent with 88-1012 and 89-1025; now, therefore,

BE IT RESOLVED,

That the Executive Officer is hereby authorized to execute the proposed Stipulation and Final Order (Exhibit A) once Council has appropriated resources necessary to accomplish the work set forth in the order.

ADOPTED by the Council of the Metropolitan Service District this \_\_\_\_\_ day of \_\_\_\_\_, 1989.

**NOT ADOPTED**

\_\_\_\_\_  
Mike Ragsdale, Presiding Officer

EXHIBIT A

**BEFORE THE ENVIRONMENTAL QUALITY COMMISSION  
OF THE STATE OF OREGON**

DEPARTMENT OF ENVIRONMENTAL QUALITY,	)	STIPULATION AND FINAL ORDER
OF THE STATE OF OREGON, (Department)	)	No. SW-WR-89-01
	)	MULTNOMAH COUNTY
v.	)	
	)	
METROPOLITAN SERVICE DISTRICT, (Metro)	)	

**WHEREAS**

1  
2       1. The Metropolitan Service District (Metro) has adopted and submitted  
3 to the Department of Environmental Quality (Department) a solid waste  
4 reduction program that commits Metro to reduce substantially the volume of  
5 waste that would otherwise be disposed of in land disposal sites.

6       2. Metro submitted this solid waste reduction program to fulfill the  
7 requirements of both Oregon Revised Statute (ORS) 459.055, relating to  
8 establishment of a disposal site in an area zoned for exclusive farm use,  
9 and Section 8, Chapter 679, Oregon Laws of 1985, relating to establishing a  
10 new disposal site to serve the Metro area.

11       3. ORS 459.340 directs Metro to implement the provisions of the solid  
12 waste reduction program adopted by Metro pursuant to Section 8, Chapter  
13 679. Oregon Laws of 1985.

14       4. The Department has reviewed the report submitted by Metro pursuant  
15 to ORS 459.345, and has determined that the approved solid waste reduction  
16 program has not been adequately implemented.

17       5. The Department and Metro recognize that ORS 459.055 provides that  
18 if a local government unit has failed to implement the waste reduction  
19 program, the Environmental Quality Commission may, by order, direct such  
20 implementation. However, both Metro and the Department believe that  
21 portions of the waste reduction program should be modified. Therefore,  
22 the Department and Metro wish to settle on the course of implementation of  
23 the waste reduction program, and the dates under which specific activities  
24 under the waste reduction program shall be accomplished.

25       6. Certain activities of the waste reduction program are ongoing or  
26 proceeding on schedule, and Metro has committed to carrying out these  
27 ongoing activities outside the purview of this order. Further, Metro has  
28 adopted an interim budget to provide the new staff and other resources

1 necessary to further implement the waste reduction program and commits to  
2 maintaining the staff and resources necessary to continue implementation.

3 7. This order is not intended to limit, in any way, the Department's  
4 right to proceed against Metro in any forum for any past or future  
5 violations or lack of performance not expressly settled herein. The status  
6 of activities for the 1986 waste reduction program is as follows:

7 A. Waste Reduction Program activities that are completed or in  
8 progress and that are not included in this order, but that may be  
9 subject to future enforcement if not satisfactorily implemented, include  
10 the following:

11 (a) the "Market Research", "Theme and Graphic Look", "Multi-  
12 year Campaign", "Specific Campaigns", "Recycling Information  
13 Center", "Support for Local Jurisdictions", and "Public Involvement"  
14 activities of the "Promotion and Education" program;

15 (b) the "Plastics Reduction Task Force" and "Packaging  
16 Reduction" activities of the "Reduce and Reuse" program;

17 (c) the "Recycling Information Center (RIC) Enhancement",  
18 "Regional Promotion and Education", and "Grants and Loans"  
19 activities of the "Recycle 405 Materials" program;

20 (d) the "Materials Recovery Centers", "Diversion Credits, Loans  
21 and Grants", "Promotion and Education", and "Principal Recyclable  
22 Analysis" activities of the "Recycle - Yard Debris" program; and

23 (e) the "Annual Market Analysis", "Annual Market Survey,  
24 "Consumer Education", "Grants and Loans: Research and Development",  
25 and "Grants and Loans: User Assistance" activities of the "Materials  
26 Markets Assistance" program.

27 B. Waste Reduction Program activities agreed to in this order  
28 include:

29 (a) the "Salvageable Building Materials" activity of the  
30 "Reduce and Reuse" program;

31 (b) the "Technical Assistance" and "Source Separation  
32 Technology Development" activities of the "Recycle 405 Materials"  
33 program;

34 (c) the "Materials Markets Assistance", "Bans on Disposal",  
35 "Rate Incentives" and "Technical Assistance" activities of the  
36 "Recycle - Yard Debris" program;

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2 maintaining the staff and resources necessary to continue implementation.

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13 Center", "Support for Local Jurisdictions", and "Public Involvement"  
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19 activities of the "Recycle 405 Materials" program;

20 (d) the "Materials Recovery Centers", "Diversion Credits, Loans  
21 and Grants", "Promotion and Education", and "Principal Recyclable  
22 Analysis" activities of the "Recycle - Yard Debris" program; and

23 (e) the "Annual Market Analysis", "Annual Market Survey,  
24 "Consumer Education", "Grants and Loans: Research and Development",  
25 and "Grants and Loans: User Assistance" activities of the "Materials  
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27 B. Waste Reduction Program activities agreed to in this order  
28 include:

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30 "Reduce and Reuse" program;

31 (b) the "Technical Assistance" and "Source Separation  
32 Technology Development" activities of the "Recycle 405 Materials"  
33 program;

34 (c) the "Materials Markets Assistance", "Bans on Disposal",  
35 "Rate Incentives" and "Technical Assistance" activities of the  
36 "Recycle - Yard Debris" program;

1 (d) the "Materials Recovery Centers", "Use of Transfer  
2 Stations", and "Waste Auditing and Consulting" activities of the  
3 "Post Collection Recycling/Materials Recovery" program;

4 (e) the "Incentives for Post Collection" activity of the "Rate  
5 Incentives" program;

6 (f) the "Recycled Products Survey" and "Institutional  
7 Purchasing" activities of the "Materials Markets Assistance"  
8 program; and

9 (g) the "Set Waste Reduction Performance Goals" and "Establish  
10 Ongoing Measurement" activities of the "System Measurement" program.

11 C. Waste Reduction Program activities that may be implemented by  
12 Metro in the future, but that are agreed not to be included in this  
13 order. The Department and Metro recognize that Metro intends to use the  
14 regional yard debris plan and other waste reduction planning referred to  
15 in paragraphs 8.H. and 8.L. of this order to meet the goals of some of  
16 the activities below. The Department intends to support Metro in this  
17 planning and implementation process, and to provide sufficient time, as  
18 outline in paragraphs 8.H. and 8.L., for Metro to plan and implement the  
19 programs. However, the Department and the Environmental Quality  
20 Commission reserve the right to order Metro to implement one or more of  
21 these activities as an alternative to the regional planning process and  
22 programs called for in paragraphs 8.H. and 8.L. of this order in the  
23 event that the Department determines that the Metro regional planning  
24 process is not producing a waste reduction program substantially  
25 equivalent to or stronger than the original 1986 waste reduction  
26 program. The activities in this category include:

27 (a) the "Waste Exchange" activity of the "Reduce and Reuse"  
28 program;

29 (b) the "Local Collection Service Certification" activity of  
30 the "Recycle 405 Materials" program;

31 (c) the "Local Collection Service Certification" activity of  
32 the "Recycle - Yard Debris" program;

33 (d) the "Local Collection Service Certification" activity of  
34 the "Certification: Local Collection Service" program;

35 (e) the "Compliance Rate Incentives" and "Funding Work Program  
36 Commitments" activities of the "Rate Incentives" program;

1 (f) the "Materials and Energy Recovery" activity of the  
2 "Alternative Technologies" program;

3 (g) the "Legislative Program" activity of the "Legislative  
4 Program" program;

5 (h) the "Annual Supply Profile", "Legislative Action", and  
6 Materials Brokerage" activities of the "Materials Markets  
7 Assistance" program; and

8 (i) the "Waste Substream Composition Study" (geographic  
9 portion) and "Substream Resource Recovery Study" (geographic  
10 portion) activities of the "System Measurement" program.

11 NOW THEREFORE, it is stipulated and agreed that:

12 8. The Environmental Quality Commission shall issue an order based on  
13 the Metro Waste Reduction Program Work Plan:

14 A. Requiring Metro to implement the "Salvageable Building  
15 Materials and Items" activity of the "Reduce and Reuse" program as  
16 follows:

17 (a) By January 1, 1990, Metro shall evaluate all Metro-area  
18 disposal sites and transfer stations to determine the feasibility of  
19 establishing an area at each site for receiving lumber and reusable  
20 or recyclable building material from the residential waste stream.  
21 If Metro determines that it is not feasible or appropriate to accept  
22 lumber and reusable or recyclable building materials at a site,  
23 Metro shall report this determination to the Department by January  
24 1, 1990, along with the reasons why Metro believes that the  
25 recycling of these materials is not feasible or appropriate at the  
26 site.

27 (b) Except for those sites that under subparagraph 8.A.(a)  
28 Metro has determined, with Department concurrence, that acceptance  
29 of lumber and reusable or recyclable building material is not  
30 feasible or appropriate, all Metro-area disposal sites and transfer  
31 stations shall set aside an area by January 1, 1991 for receiving  
32 lumber and reusable or recyclable building materials. At these  
33 sites, spotters or gate attendants shall be used to direct loads of  
34 salvageable materials to this recycling area.

35 (c) Metro shall conduct a specific promotion campaign for  
36 reusable building materials, similar to the Metro campaigns for yard

1 (f) the "Materials and Energy Recovery" activity of the  
2 "Alternative Technologies" program;

3 (g) the "Legislative Program" activity of the "Legislative  
4 Program" program;

5 (h) the "Annual Supply Profile", "Legislative Action", and  
6 Materials Brokerage" activities of the "Materials Markets  
7 Assistance" program; and

8 (i) the "Waste Substream Composition Study" (geographic  
9 portion) and "Substream Resource Recovery Study" (geographic  
10 portion) activities of the "System Measurement" program.

11 NOW THEREFORE, it is stipulated and agreed that:

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15 Materials and Items" activity of the "Reduce and Reuse" program as  
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18 disposal sites and transfer stations to determine the feasibility of  
19 establishing an area at each site for receiving lumber and reusable  
20 or recyclable building material from the residential waste stream.  
21 If Metro determines that it is not feasible or appropriate to accept  
22 lumber and reusable or recyclable building materials at a site,  
23 Metro shall report this determination to the Department by January  
24 1, 1990, along with the reasons why Metro believes that the  
25 recycling of these materials is not feasible or appropriate at the  
26 site.

27 (b) Except for those sites that under subparagraph 8.A.(a)  
28 Metro has determined, with Department concurrence, that acceptance  
29 of lumber and reusable or recyclable building material is not  
30 feasible or appropriate, all Metro-area disposal sites and transfer  
31 stations shall set aside an area by January 1, 1991 for receiving  
32 lumber and reusable or recyclable building materials. At these  
33 sites, spotters or gate attendants shall be used to direct loads of  
34 salvageable materials to this recycling area.

35 (c) Metro shall conduct a specific promotion campaign for  
36 reusable building materials, similar to the Metro campaigns for yard



1 debris, Christmas trees, or household hazardous waste. This  
2 activity shall be initiated by April 1, 1990.

3 B. Requiring Metro to implement the "Technical Assistance" activity  
4 of the "Recycle 405 Materials" program as follows:

5 (a) By January 1, 1990, Metro shall identify those areas where  
6 multi-family or commercial recycling is not provided, and where  
7 technical assistance is most needed to establish multifamily and  
8 commercial recycling programs.

9 (b) By July 1, 1990, Metro shall proactively provide technical  
10 assistance as needed to get the desired multifamily and commercial  
11 recycling programs established. This assistance should include, at  
12 Metro's initiation, direct consultation of Metro staff with  
13 appropriate local government officials and collectors.

14 C. Requiring Metro to implement the "Source Separation Technology  
15 Development" activity of the "Recycle 405 Materials" program as follows:

16 (a) By October 1, 1989, Metro shall implement the pilot  
17 residential recycling container project.

18 (b) By January 1, 1991, Metro shall implement a pilot project  
19 involving containers or recycling methods for multi-family  
20 residential units.

21 (c) By August 1, 1990, provided that the pilot project called  
22 for in subparagraph 8.C.(a) demonstrates that the use of recycling  
23 containers is feasible, Metro shall work with local governments of  
24 one county to implement a curbside container recycling program,  
25 including assistance with financing alternatives, distribution  
26 techniques and promotion and education.

27 D. Requiring Metro to implement the "Materials Markets Assistance"  
28 activity of the "Recycle -- Yard Debris" program as follows:

29 (a) Metro shall implement the institutional purchasing aspects  
30 of yard debris materials markets assistance as set forth in  
31 paragraph 8.0. of this order.

32 (b) Metro shall continue to manage quarterly yard debris  
33 compost tests for herbicides, nutrients, toxicity, and seed  
34 identification.

35 (c) Metro shall continue work with demonstration plots testing  
36 the effects of yard debris compost on plant growth.

1 (d) Metro shall continue an annual yard debris composting  
2 campaign, and shall continue to coordinate and carry out promotion  
3 and education, development of materials, and marketing events.  
4 These activities shall be aimed at landscapers, nurserymen, and the  
5 general public.

6 E. Requiring Metro to implement the "Bans on Disposal" activity of  
7 the "Recycle - Yard Debris" program as follows:

8 (a) By September 1, 1989, Metro shall evaluate all Metro-area  
9 disposal sites and transfer stations to determine the feasibility of  
10 establishing an area at each site for receiving source separated  
11 yard debris for recycling. If Metro determines that it is not  
12 feasible to accept yard debris at a facility, Metro shall report  
13 this determination to the Department by July 1, 1989, along with the  
14 reasons why Metro believes that the recycling of yard debris is not  
15 feasible at the site.

16 (b) Except for those sites that under subparagraph 8.E.(a)  
17 Metro has determined, with Department concurrence, that acceptance  
18 of yard debris is not feasible or appropriate, Metro shall work with  
19 all Metro-area disposal sites and transfer stations to make sure  
20 that each has developed an area for receiving yard debris and a  
21 mechanism for having yard debris recycled, either on or off site.  
22 These yard debris recycling capabilities shall be in operation by  
23 January 1, 1990.

24 (c) By January 1, 1990, based on the evaluation performed  
25 pursuant to subparagraph 8.E.(a), Metro shall prohibit the disposal  
26 of source separated yard debris at appropriate Metro-area disposal  
27 sites if that yard debris is brought to the disposal site  
28 uncontaminated by other wastes. Metro may also choose to ban  
29 disposal of yard debris other than source-separated yard debris.

30 F. Requiring Metro to implement the "Rate Incentives" activity of  
31 the "Recycle - Yard Debris" program as follows:

32 (a) By July 1, 1989, Metro shall adopt a rate structure at all  
33 of its disposal sites that provides for acceptance of clean, source-  
34 separated yard debris for recycling at a cost that is less than the  
35 cost of disposal of contaminated yard debris and mixed waste. This  
36 rate incentive need not apply to yard debris accepted for composting

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2 campaign, and shall continue to coordinate and carry out promotion  
3 and education, development of materials, and marketing events.  
4 These activities shall be aimed at landscapers, nurserymen, and the  
5 general public.

6 E. Requiring Metro to implement the "Bans on Disposal" activity of  
7 the "Recycle - Yard Debris" program as follows:

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9 disposal sites and transfer stations to determine the feasibility of  
10 establishing an area at each site for receiving source separated  
11 yard debris for recycling. If Metro determines that it is not  
12 feasible to accept yard debris at a facility, Metro shall report  
13 this determination to the Department by July 1, 1989, along with the  
14 reasons why Metro believes that the recycling of yard debris is not  
15 feasible at the site.

16 (b) Except for those sites that under subparagraph 8.E.(a)  
17 Metro has determined, with Department concurrence, that acceptance  
18 of yard debris is not feasible or appropriate, Metro shall work with  
19 all Metro-area disposal sites and transfer stations to make sure  
20 that each has developed an area for receiving yard debris and a  
21 mechanism for having yard debris recycled, either on or off site.  
22 These yard debris recycling capabilities shall be in operation by  
23 January 1, 1990.

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25 pursuant to subparagraph 8.E.(a), Metro shall prohibit the disposal  
26 of source separated yard debris at appropriate Metro-area disposal  
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28 uncontaminated by other wastes. Metro may also choose to ban  
29 disposal of yard debris other than source-separated yard debris.

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33 of its disposal sites that provides for acceptance of clean, source-  
34 separated yard debris for recycling at a cost that is less than the  
35 cost of disposal of contaminated yard debris and mixed waste. This  
36 rate incentive need not apply to yard debris accepted for composting

1 at a solid waste composting plant, or to a site that, pursuant to  
2 subparagraph 8.E.(a), Metro has determined cannot feasibly accept  
3 yard debris for recycling.

4 (b) By January 1, 1990, Metro shall require all disposal sites  
5 that accept yard debris for recycling to adopt a disposal rate  
6 structure that provides for acceptance of clean, source-separated  
7 yard debris for recycling at a cost that is less than the cost of  
8 disposal of contaminated yard debris and mixed waste. This rate  
9 incentive does not need to apply to yard debris accepted for  
10 composting at a mixed solid waste composting facility.

11 G. Requiring Metro to implement the "Technical Assistance" activity  
12 of the "Recycle - Yard Debris" program as follows:

13 (a) By January 1, 1990, Metro shall organize and expand its  
14 database and library of information on collection and processing of  
15 yard debris.

16 (b) On an ongoing basis, Metro shall promote the use of  
17 Recycling Information Center resources, and shall proactively  
18 provide assistance to local governments, haulers, and small scale  
19 processors such as chipping and gardening services that might  
20 compost their own wastes.

21 H. Requiring Metro to provide local yard debris collection  
22 coordination as follows:

23 (a) Metro will develop and implement a regional yard debris  
24 plan that will include an assessment of market capacity, processing  
25 capacity, local government collection alternatives, facility  
26 impacts, local government financing options, data collection options  
27 to evaluate programs and tools to implement effectively the regional  
28 plan.

29 (b) It is expected, but not required, that the regional yard  
30 debris plan will be developed as a result of a cooperative process  
31 planning process involving local governments, the solid waste  
32 industry, citizens, DEQ and Metro.

33 (c) The regional yard debris plan will be completed and  
34 submitted to the Department of Environmental Quality no later than  
35 July 1, 1990. The timeframes associated with developing specifics  
36 in the plan are subject to the plan development process which will

1 need to be agreed to by the local governments participating in the  
2 regional planning process.

3 (d) Local plans that are developed outside of the regional  
4 planning process will be incorporated into the regional plan. Upon  
5 its completion, the regional yard debris plan will be an integral  
6 component of the regional Solid Waste Management Plan. The adopted  
7 yard debris plan will be submitted to DEQ for approval as required  
8 by Oregon Administrative Rule (OAR) 340-61-026(4).

9 I. Requiring Metro to implement the "Materials Recovery Centers"  
10 activity of the "Post Collection Recycling/Materials Recovery" program  
11 as follows:

12 (a) By April 1, 1990, based on economic and technical analysis,  
13 Metro shall determine if specific geographic areas can support a  
14 facility or facilities for the recovery of salvageable construction  
15 materials (including lumber) and a facility for paper products.  
16 Metro shall submit the results of this determination to the  
17 Department by April 1, 1990 for review and concurrence.

18 (b) By January 1, 1991, based on the analysis performed  
19 pursuant to subparagraph 8.I.(a), Metro shall either award  
20 contracts for construction of new or modified facilities for  
21 recovery of salvageable construction materials (including lumber)  
22 and for paper products, or else shall obtain written documentation  
23 demonstrating that such facilities have been or are being  
24 constructed.

25 (c) At least one new facility shall be constructed and actually  
26 recovering materials referred to in subparagraph 8.I.(b) by January  
27 1, 1992. "New facility" includes existing facilities that have been  
28 modified to recover materials. All facilities called for under the  
29 planning process determination pursuant to subparagraph 8.I.(a)  
30 shall be operating and recovering material by January 1, 1993, or by  
31 another date agreed to by Metro and the Department.

32 J. Requiring Metro to implement the "Use of Transfer Stations"  
33 activity of the "Post Collection Recycling/Materials Recovery" program  
34 as follows:

35 (a) All new transfer stations for municipal refuse that are  
36 built to serve the Metro region shall be designed either to recover

1 need to be agreed to by the local governments participating in the  
2 regional planning process.

3 (d) Local plans that are developed outside of the regional  
4 planning process will be incorporated into the regional plan. Upon  
5 its completion, the regional yard debris plan will be an integral  
6 component of the regional Solid Waste Management Plan. The adopted  
7 yard debris plan will be submitted to DEQ for approval as required  
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27 1, 1992. "New facility" includes existing facilities that have been  
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31 another date agreed to by Metro and the Department.

32 J. Requiring Metro to implement the "Use of Transfer Stations"  
33 activity of the "Post Collection Recycling/Materials Recovery" program  
34 as follows:

35 (a) All new transfer stations for municipal refuse that are  
36 built to serve the Metro region shall be designed either to recover

1 recyclable or reusable materials from hi-grade loads of waste, or  
2 shall provide an area for unloading and temporary storage of  
3 materials pending transfer to an appropriate materials recovery  
4 facility. Alternatively, if Metro determines that within five miles  
5 of a transfer station there exists a facility that can recover  
6 materials from certain hi-grade loads, and if that alternative  
7 facility is open during the hours that the transfer station is open,  
8 Metro may direct high grade loads of waste to the alternative  
9 facility in lieu of accepting the material at the transfer station.  
10 This five mile limit may be waived if Metro determines, with written  
11 concurrence by the Department, that a new transfer station may be  
12 effectively served by a more distant materials recovery facility.  
13 The effective date of the requirements of this subparagraph shall be  
14 the date that the new transfer station begins to accept solid waste  
15 for disposal.

16 (b) Metro shall either redesign the Metro South Station to  
17 accept loads of high grade wastes for materials recovery that  
18 consist of 75% or higher of recyclable material, or shall identify  
19 an alternative facility within five miles that can accept that  
20 material, and then direct all high grade commercial loads of waste  
21 to that alternative facility. The decision to either use Metro  
22 South Station or identify an alternative facility shall be made by  
23 April 1, 1990. If Metro decides to implement material recovery at  
24 the Metro South Station, Metro shall develop plans to modify Metro  
25 South Station for materials recovery by January 1, 1991, and shall  
26 have materials recovery on-line by July 1, 1992.

27 K. Requiring Metro to implement the "Waste Auditing and Consulting"  
28 activity of the "Post Collection Recycling/Materials Recovery" program  
29 as follows:

30 (a) By July 1, 1989, Metro shall develop a survey form for  
31 conducting waste audits.

32 (b) By October 1, 1989, Metro shall perform waste audits on 25  
33 representative moderate to large businesses, office complexes,  
34 construction/demolition companies, and shopping centers. In these  
35 audits Metro shall determine the quantity and roughly estimate the  
36 composition of wastes produced by the business, and shall

1 demonstrate to the business what materials could be effectively  
2 recovered through source-separation, and what wastes could be made  
3 available to a materials recovery center.

4 (c) By January 1, 1990, Metro staff shall prepare a report to  
5 the Department and to the Metro Council on the effectiveness of the  
6 25 waste audits.

7 (d) If the initial 25 audits demonstrate that the waste  
8 auditing and consulting service would be effective at reducing the  
9 wastes generated by certain classes of businesses or institutions,  
10 Metro shall conduct an inventory of the Metro-area businesses and  
11 institutions in those classes, and shall offer waste auditing and  
12 consulting services to all those targeted businesses by July 1,  
13 1992.

14 (e) By January 1, 1990, Metro shall develop a waste auditing  
15 training seminar for generators and collectors.

16 (f) By July 1, 1990, Metro shall conduct three seminars for  
17 generators and collectors on reducing waste.

18 L. Requiring Metro to provide local collection service coordination  
19 as follows:

20 (a) At a minimum, this local collection service coordination  
21 program will accomplish the following:

22 (i) By July 1, 1990, standards of performance and recycling  
23 goals will be set.

24 (ii) By July 1, 1990, the reporting procedure for local  
25 jurisdictions, including requirements for data for determining  
26 participation levels and quantities of materials recycled, will  
27 be designed. Metro will also produce reports on regional data  
28 by July 1, 1990.

29 (iii) Starting July 1, 1990 or earlier, Metro will begin  
30 measuring performance for local jurisdictions relative to the  
31 standards of performance and recycling goals established per  
32 this paragraph.

33 (b) Metro will develop and implement, by July 1, 1990, tools to  
34 be used to ensure that the performance standards and recycling goals  
35 set in subparagraph 8.L.(a) are met. A variety of options exist to  
36 accomplish this, including:



1 demonstrate to the business what materials could be effectively  
2 recovered through source-separation, and what wastes could be made  
3 available to a materials recovery center.

4 (c) By January 1, 1990, Metro staff shall prepare a report to  
5 the Department and to the Metro Council on the effectiveness of the  
6 25 waste audits.

7 (d) If the initial 25 audits demonstrate that the waste  
8 auditing and consulting service would be effective at reducing the  
9 wastes generated by certain classes of businesses or institutions,  
10 Metro shall conduct an inventory of the Metro-area businesses and  
11 institutions in those classes, and shall offer waste auditing and  
12 consulting services to all those targeted businesses by July 1,  
13 1992.

14 (e) By January 1, 1990, Metro shall develop a waste auditing  
15 training seminar for generators and collectors.

16 (f) By July 1, 1990, Metro shall conduct three seminars for  
17 generators and collectors on reducing waste.

18 L. Requiring Metro to provide local collection service coordination  
19 as follows:

20 (a) At a minimum, this local collection service coordination  
21 program will accomplish the following:

22 (i) By July 1, 1990, standards of performance and recycling  
23 goals will be set.

24 (ii) By July 1, 1990, the reporting procedure for local  
25 jurisdictions, including requirements for data for determining  
26 participation levels and quantities of materials recycled, will  
27 be designed. Metro will also produce reports on regional data  
28 by July 1, 1990.

29 (iii) Starting July 1, 1990 or earlier, Metro will begin  
30 measuring performance for local jurisdictions relative to the  
31 standards of performance and recycling goals established per  
32 this paragraph.

33 (b) Metro will develop and implement, by July 1, 1990, tools to  
34 be used to ensure that the performance standards and recycling goals  
35 set in subparagraph 8.L.(a) are met. A variety of options exist to  
36 accomplish this, including:

- 1 (i) rate incentives,  
2 (ii) certification,  
3 (iii) flow control,  
4 (iv) functional planning authority, and  
5 (v) cooperative compliance, with implementation by local  
6 governments.

7 (c) This program is expected, but not required, to be  
8 implemented as a result of a cooperative planning process involving  
9 local governments, the solid waste industry, citizens, DEQ, and  
10 Metro.

11 M. Requiring Metro to implement the "Incentives for Post-  
12 Collection Recycling" activity of the "Rate Incentives" program as  
13 follows:

14 (a) By January 1, 1990, Metro shall conduct a study of the  
15 effectiveness of present rate incentives at reducing waste, and  
16 possible modifications to the rate structure that would further  
17 encourage the recovery of paper products, yard debris, metals,  
18 lumber, other salvageable building materials, asphalt, and other  
19 materials.

20 (b) Based on the results of the study outlined in  
21 subparagraph 8.M.(a) Metro staff shall make appropriate proposals  
22 to amend the disposal rate structure, to be adopted by Metro Council  
23 and in effect by October 1, 1990 or by the date that materials  
24 recovery facilities come on line for the specific materials,  
25 whichever is later.

26 N. Requiring Metro to implement the "Recycled Products Survey"  
27 activity of the "Materials Markets Assistance" program as follows:

28 (a) By July 1, 1989, Metro shall complete a survey and report  
29 to the Department on the products available for purchase in the  
30 Metro region that are made from recycled paper, yard debris, tires,  
31 and used oil. This survey shall include, where appropriate, the  
32 price of items made from recycled material as compared to the price  
33 of similar items made from virgin material. Metro shall also  
34 distribute results of the study to local governments and businesses  
35 upon request.

1 (b) By January 1, 1990 Metro shall complete a survey and report  
2 to the Department on the products including paving and construction  
3 materials, insulation and building materials, reusable containers,  
4 fuels derived from recycled oils or other reclaimed products, and  
5 recycled plastic products that are available for purchase in the  
6 Metro region and that are made from recycled materials. This survey  
7 shall include, where appropriate, the price of items made from  
8 recycled material as compared to the price of similar items made  
9 from virgin material. Metro shall also distribute results of the  
10 study to local governments and businesses upon request.

11 O. Requiring Metro to implement the "Institutional Purchasing"  
12 activity of the "Materials Markets Assistance" program as follows:

13 (a) By July 1, 1989, Metro shall develop a model procurement  
14 policy for the purchase of recycled paper products, composted yard  
15 debris products, and other products made from recycled materials.

16 (b) By January 1, 1990, Metro shall provide all Metro-area  
17 local governments and major businesses and public institutions with  
18 the model recycled products procurement policies, and with  
19 encouragement and assistance in adopting the procurement policies.

20 (c) Starting by January 1, 1990, Metro shall provide local  
21 governments, businesses, and public institutions that are potential  
22 large users of items made from recycled material with technical  
23 assistance on the purchase and use of recycled products. This  
24 assistance shall include demonstration projects and provision of  
25 samples of materials, as Metro determines is appropriate.

26 (d) Metro shall continue work to promote the use of composted  
27 yard debris products with local governments and other potential  
28 large users of composted yard debris materials.

29 (e) By July 1, 1990, Metro shall provide the Department with a  
30 copy of the model procurement policies developed, and with  
31 information concerning the procurement of composted yard debris  
32 products and other recycled products by local governments and  
33 institutions that resulted in part due to Metro's procurement  
34 promotion efforts.

35 P. Requiring Metro to implement the "Set Waste Reduction

1 (b) By January 1, 1990 Metro shall complete a survey and report  
2 to the Department on the products including paving and construction  
3 materials, insulation and building materials, reusable containers,  
4 fuels derived from recycled oils or other reclaimed products, and  
5 recycled plastic products that are available for purchase in the  
6 Metro region and that are made from recycled materials. This survey  
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30 copy of the model procurement policies developed, and with  
31 information concerning the procurement of composted yard debris  
32 products and other recycled products by local governments and  
33 institutions that resulted in part due to Metro's procurement  
34 promotion efforts.

35 P. Requiring Metro to implement the "Set Waste Reduction

1 Performance Goals" activity of the "System Measurement" program by  
2 adoption of goals by Metro Council prior to May 1, 1989.

3 Q. Requiring Metro to implement the "Establish Ongoing Measurement"  
4 activity of the "System Measurement" program as follows:

5 (a) Metro shall regularly monitor the waste quantity and  
6 composition generated in the Metro area by conducting a composition  
7 and quantification study every three years, or more frequently as  
8 deemed appropriate by Metro. This study shall include four seasonal  
9 samplings of the waste stream. The first sampling shall be  
10 completed by July 1, 1989, and the next three samplings shall be  
11 conducted each quarter, to be completed by April 1, 1990. The  
12 survey methodology shall be consistent with the methodology used in  
13 the 1986-87 Metro waste characterization study, although the number  
14 and size of samples may be reduced as is appropriate for a  
15 periodically-repeated monitoring survey.

16 (b) By July 1, 1990, Metro shall report to the Department on  
17 the results of the 1989-1990 waste composition monitoring study.

18 (c) Metro shall, in conjunction with the periodic waste  
19 composition studies, develop periodic wastestream update reports for  
20 use in promotion and education.

21 (d) Metro shall continue to annually survey recycling markets  
22 and brokers for information on the quantity of material recycled in  
23 the Metro region each year, and for other information on the  
24 effectiveness of recycling programs. The survey on quantity of  
25 materials may be done in conjunction with a recycling quantification  
26 survey conducted by the Department.

27 R. Requiring Metro to report to the Department on the  
28 implementation of the waste reduction program as follows:

29 (a) Metro shall periodically report to the Department in  
30 writing on the implementation of the waste reduction program. In  
31 addition to reports required under ORS 459.345, Metro shall provide  
32 written reports on or before July 1, 1989, January 15, 1990,  
33 January 15, 1991, and July 1, 1991.

34 (b) Within 45 days of the date Metro submits each report, Metro  
35 and the Department staff shall meet to review the progress of  
36 implementation of the waste reduction program under this order.

1           S. Requiring Metro, upon receipt of a written notice from the  
2 Department for any violations of the order, to pay civil penalties in  
3 the amount of \$100 for each day of each violation of the terms of this  
4 order set forth above in this section.

5           9. If any event occurs that is beyond Metro's reasonable control and  
6 that causes or may cause a delay or deviation in performance of the  
7 requirements of this order, Metro shall immediately notify the Department  
8 verbally of the cause of this delay or deviation and the anticipated  
9 duration, measures that have or will be taken to prevent or minimize the  
10 delay or deviation, and the timetable by which Metro proposes to carry out  
11 such measures. Metro shall confirm in writing this information within five  
12 (5) working days of the onset of the event. It is Metro's responsibility in  
13 the written notification to demonstrate to the Department's satisfaction  
14 that the delay or deviation has been or will be caused by circumstances  
15 beyond the control and despite due diligence of Metro. If Metro so  
16 demonstrates, the Department shall extend times of performance of related  
17 activities under the order as appropriate. Circumstances or events beyond  
18 Metro's control include, but are not limited to, acts of nature, unforeseen  
19 strikes, work stoppages, lawsuits that block or delay the siting of a  
20 facility, fires, explosion, riot, sabotage, or war. Increased cost of  
21 performance, lack of staff resources, or consultant's failure to provide  
22 timely reports shall not be considered circumstances beyond Metro's control.

23           10. For those items in section 8 of this order that require Department  
24 concurrence with Metro findings; the Department agrees to provide prompt  
25 review and determination, and agrees not to arbitrarily and unreasonably  
26 withhold concurrence.

27           11. The terms of this order may be amended by the mutual agreement of  
28 the Department and Metro.

29           12. Metro acknowledges that it has actual notice of the contents and  
30 requirements of the order and that failure to fulfill any of the  
31 requirements hereof would constitute a violation of this Stipulation and  
32 Final order. Therefore, should Metro commit any violation of the order,  
33 Metro hereby waives any rights it might have to an ORS 468.125(1) advance  
34 notice prior to assessment of civil penalties. However, Metro does not  
35 waive its rights to a notice of assessment of civil penalty pursuant to ORS  
36 468.135(1).

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34 notice prior to assessment of civil penalties. However, Metro does not  
35 waive its rights to a notice of assessment of civil penalty pursuant to ORS  
36 468.135(1).

1 13. The Department and Metro have agreed to the entry of this order.  
2 For the purpose of this order, Metro acknowledges that the Department has  
3 jurisdiction over this matter and agrees not to contest the Department's  
4 authority to enter into and issue this order. Metro retains its rights to  
5 notice and an opportunity to request a contested case hearing on whether a  
6 violation has occurred.

DEPARTMENT OF ENVIRONMENTAL QUALITY

\_\_\_\_\_  
Date By \_\_\_\_\_  
Fred Hansen  
Director

METRO

\_\_\_\_\_  
Date By \_\_\_\_\_  
(Name \_\_\_\_\_)  
(Title \_\_\_\_\_)

IT IS SO ORDERED:

ENVIRONMENTAL QUALITY COMMISSION

\_\_\_\_\_  
Date By \_\_\_\_\_  
William P. Hutchison  
Chair

\_\_\_\_\_  
Date By \_\_\_\_\_  
Emery N. Castle  
Vice Chair

\_\_\_\_\_  
Date By \_\_\_\_\_  
Wallace B. Brill  
Member

\_\_\_\_\_  
Date By \_\_\_\_\_  
Genevieve P. Sage  
Member

\_\_\_\_\_  
Date By \_\_\_\_\_  
William Wessinger  
Member