

Summary of Program Recommendations

Metro's Solid Waste Community Enhancement Program Update

Program Concerns:

Metro Code Chapter 5.06 currently lacks flexibility and does not provide a clear framework for future decision-making and administration. For instance:

- Metro Code lacks clarity about its reliance on state law for program implementation.
- Types of facilities intended to be covered under program are unclear.
- There is no clear process for adding new or existing facilities to the program.
- There is no clear process for adjusting the fee.

Key Recommendations:

1. Update Metro's program to reflect its basis in state law (ORS 459.284).

Update and improve Metro's existing program (Metro Code Chapter 5.06) under state law adopted in 1987. Future program improvements will be guided by the state statutory framework.

2. Clarify the type of facilities that are eligible and ineligible based on state law (ORS 459.280.) [Continue to suspend yard debris facilities from the program pending further evaluation.]

- Eligible facilities include landfills, transfer stations, reloads, anaerobic digestion, energy recovery and composting.
- Ineligible facilities include reuse, recycling and material recovery facilities.

3. Establish a collaborative process to include the host local government for considering whether to impose fees at eligible facilities, both existing and new.

Provide a clear process for notification, collaboration, and administration of program. The process will emphasize host local government involvement in making a decision and administering the program.

Notification: Metro notifies the host local government that the facility in its jurisdiction is eligible for a community enhancement fee program.

Coordination: Metro collaborates with host local government to determine whether fees are to be collected and a preferred approach for program administration.

4. Provide range of options for fund distribution and program administration.

Provide options for program flexibility that allow Metro to collect enhancement fee and be backed up by Metro solid waste regulatory instrument. [Existing Metro committees and IGA programs will continue.]

- IGA between Metro and local government.
- Metro contract with local government-endorsed non-profit organization.
- Facility-initiated and managed community process e.g. good neighbor agreement.
- Metro-administered committee.

5. Enhancement fee adjustment. Increase current fees from \$0.50 to \$1.00 (maximum under state law) based on inflation since program inception. Include a process for periodic fee adjustment based on inflation up to statutory limit pending future state law fee increases. New fees to be effective upon Metro adoption of new rates in 2015.

Program Background

Metro’s Solid Waste Community Enhancement Program Update

Project Purpose

Metro is in the process of updating its Solid Waste Community Enhancement Program to provide a framework for amending Metro Code Chapter 5.06 – Community Enhancement Program. The existing community enhancement program collects funds (\$0.50 per ton) at certain eligible solid waste facilities for grant programs in host communities within Metro’s jurisdictional boundary. The program has not been updated since 1991.

Legal Authority

State Law summary:

ORS 459.284 authorizes local governments to collect and spend fees collected at certain “disposal sites.”

- Eligible and ineligible disposal sites are defined in ORS 459.280.
 - *Eligible* facilities include landfills, transfer stations, energy recovery and composting facilities.
 - *Ineligible* facilities include reuse, recycling and material recovery facilities.
- Not more than \$1 per ton can be collected.
- Funds must be used for rehabilitation and enhancement of the area around the disposal site.
- Must establish an advisory committee to oversee how money is spent.

Existing Metro policy:

Policy established in Regional Solid Waste Management Plan (RSWMP) in 1988, and Metro Code in 1990. Program based on provisions in state law.

RSWMP Policy 11.0 - Host Community Enhancement: Any community hosting a solid waste “disposal site” as defined by ORS 459.280 shall be entitled to a Metro-collected fee to be used for the purpose of community enhancement.

Metro Code 5.06.010 - Policy and Purpose: It is the policy of Metro to apportion an enhancement fee of \$.50 per ton on solid waste delivered to each site within Metro and dedicate and use the monies obtained for enhancement of the area in and around the site from which the fees have been collected.

Metro’s Existing Program

- Funds (\$0.50 per ton) used for community enhancement projects within the facility target areas to compensate a community for hosting solid waste facilities.
- Program and funds administered either by a Metro committee or through an Intergovernmental Agreement (IGA) with the host local jurisdiction.
- Four existing grant areas, each with a committee that help promote, solicit, and select projects for funding:
 - 1) Metro South Transfer Station: City of Oregon City (by IGA with Metro).
 - 3) St. Johns Landfill: North Portland (by Metro administered committee).
 - 2) Metro Central Transfer Station: NW Portland (by Metro administered committee).
 - 4) Forest Grove Transfer Station: City of Forest Grove (by IGA with Metro).