

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO)	ORDINANCE NO. 14-1331
CODE TITLE V TO ADD METRO CODE)	
CHAPTER 5.00, SOLID WASTE DEFINITIONS,)	Introduced by Chief Operating Officer Martha
AND TO REPEAL SECTIONS 5.01.010, 5.02.015,)	Bennett in concurrence with Council
5.04.005, 5.05.010, 5.09.020, AND 5.10.010; AND)	President Tom Hughes
MODIFY CERTAIN DEFINITIONS IN SECTION)	
7.01.010)	

WHEREAS, the Metro Solid Waste Code is set forth in Title V of the Metro Code; and

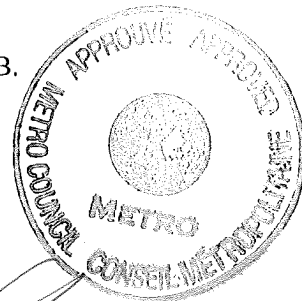
WHEREAS, the Metro Solid Waste Code requires updating to consolidate solid waste related definitions and to ensure the definitions are uniform throughout Title V of the Metro Code; and

WHEREAS, to achieve these objectives, the Metro Council must amend Title V to add Chapter 5.00 and to delete solid waste definitions from Chapters 5.01, 5.02, 5.04, 5.05, 5.09, and 5.10; and modify certain definitions in Chapter 7.01 now covered by this new chapter; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Metro Code Title V, Solid Waste, is amended to add Metro Code Chapter 5.00, Solid Waste Definitions, as set forth in the attached Exhibit A;
2. Metro Code Section 5.01.010 is repealed.
3. Metro Code Section 5.02.015 is repealed.
4. Metro Code Section 5.04.005 is repealed.
5. Metro Code Section 5.05.010 is repealed.
6. Metro Code Section 5.09.020 is repealed.
7. Metro Code Section 5.10.010 is repealed.
8. Metro Code Section 7.01.010 is amended in the attached Exhibit B.

ADOPTED by the Metro Council this 24th day of July, 2014.



[Signature]
 for Tom Hughes, Council President

Attest:
[Signature]
 Troy Rayburn, Recording Secretary

Approved as to Form:
[Signature]
 Alison R. Kean, Metro Attorney

Exhibit "A" to Ordinance 14-1331

METRO CODE - TITLE V SOLID WASTE
CHAPTER 5.00 SOLID WASTE DEFINITIONS

5.00.010 Definitions

For the purposes of Title V Solid Waste, unless the context requires otherwise, the following terms shall have the meaning indicated:

(a) "Act" shall mean Oregon Revised Statutes Chapter 268, as amended, and other applicable provisions of the laws of the state of Oregon.

(b) "Activity" means a primary operation or function that is performed in a Solid Waste Facility or at a Disposal Site, including but not limited to Resource Recovery, Composting, Energy Recovery, and other types of Processing; Recycling; Transfer; incineration; and disposal of Solid Waste; but excluding operations or functions such as Segregation that serve to support the primary Activity.

(c) "Agronomic application rate" has the meaning provided in OAR 340-093-0030(5).

(d) "Alternative Program" means a solid waste management service proposed by a local government that differs from the service required under Chapter 5.10.

(e) "Authorized official" means a person authorized to issue citations under Chapter 5.09.

(f) "Business" means any entity of one or more persons, corporate or otherwise, engaged in commercial, professional, charitable, political, industrial, educational, or other activity that is non-residential in nature, including public bodies and excluding businesses whose primary office is located in a residence.

(g) "Business Recycling Service Customer" means a person who enters into a service agreement with a waste hauler or recycler for business recycling services.

(h) "Chief Operating Officer" means the Metro Chief Operating Officer or the Chief Operating Officer's designee.

(i) "Cleanup Material Contaminated By Hazardous Substances" means solid waste resulting from the cleanup of releases of hazardous substances into the environment, including petroleum contaminated soils and sandbags from chemical spills. Cleanup Material Contaminated By Hazardous Substances does not mean solid waste generated by manufacturing or industrial processes.

(j) "Closure" means the restoration of a Solid Waste Facility or a Disposal Site to its condition prior to the commencement of licensed or franchised Solid Waste activities at the site. Closure includes, but is not limited to, the removal of all accumulations of Solid Waste and Recyclable Materials from the site.

(k) "Code" means the Metro Code.

(l) "Compost" means the stabilized product of composting.

(m) "Compostable Organic Waste" means organic wastes delivered in a single transaction at Metro Central Station or at Metro South Station in a form suitable for making Compost, notwithstanding the presence of incidental amounts or types of non-compostable materials.

(n) "Composting" means the controlled biological decomposition of organic material.

(o) "Conditionally exempt generator" (CEG) means a Conditionally Exempt Small Quantity Generator as defined in 40 CFR 261.5.

(p) "Council" means the Metro Council.

(q) "DEQ" means the Department of Environmental Quality of the State of Oregon.

(r) "Department" means the Metro Finance and Regulatory Services Department in Chapter 5.09.

(s) "Designated facility" means one of the facilities constituting a part of the system designated from time to time pursuant to Chapter 5.05.

(t) "Direct haul" means the delivery of Putrescible Waste from a Solid Waste Facility directly to Metro's contract operator for disposal of Putrescible Waste. Direct Haul is an Activity under this chapter.

(u) "Direct-haul disposal charge" means that fee which pays for the direct unit costs of disposal of solid waste under the disposal contract between Metro and Oregon Waste Systems, Inc. The Direct-haul Disposal Charge is levied on solid waste that is generated or originates within the Metro boundary and is delivered directly to Columbia Ridge Landfill under Metro's disposal contract with Oregon Waste Systems, Inc., by persons other than Metro. The Direct-haul Disposal Charge is equal to the disposal component of the Disposal Fee.

(v) "Director" means the Director of Metro's Solid Waste and Recycling Program in Chapter 5.10.

(w) "Disposal fee" means those fees which pay the direct unit costs of transportation and disposal of general purpose solid waste. Major cost components are the long haul transport contract and the Oregon Waste Systems, Inc., disposal contract.

(x) "Disposal site" means the land and facilities used for the disposal of Solid Wastes whether or not open to the public, but does not include transfer stations or processing facilities.

(y) "District" has the same meaning as in Code Section 1.01.040.

(z) "Energy recovery" means a type of Resource Recovery that is limited to methods in which all or a part of Solid Waste materials are processed to use the heat content, or other forms of energy, of or from the material.

(aa) "Enhancement fees" means those fees collected in addition to general disposal rates that are used to pay for rehabilitation and enhancement projects in the areas immediately surrounding landfills and other solid waste facilities.

(bb) "Franchise" means the grant of authority or privilege given by the Council to operate a Disposal Site, Transfer Station, Energy Recovery facility, or to conduct any other activity that requires such authorization under Chapter 5.01.

(cc) "Franchisee" means the person to whom a Franchise is granted by the Council under Chapter 5.01.

(dd) "Franchise fee" means the fee charged by Metro to the Franchisee for the administration of the Franchise.

(ee) "Hazardous waste" has the meaning provided in ORS 466.005.

(ff) "Hearings officer" means a person designated by Metro to hear and decide cases under this title.

(gg) "Household hazardous waste" means any discarded, useless or unwanted chemical, material, substance or product that is or may be hazardous or toxic to the public or the environment and is commonly used in or around households and is generated by the household. "Household hazardous waste" may include but is not limited to some cleaners, solvents, pesticides, and automotive and paint products.

(hh) "Inert" means containing only constituents that are biologically and chemically inactive and that, when exposed to biodegradation and/or leaching, will not adversely impact the waters of the state or public health.

(ii) "License" means the permission given by the Council or Chief Operating Officer to operate a Solid Waste Facility not exempted or requiring a Franchise under Chapter 5.01.

(jj) "Licensee" means the person to whom a License is granted by the Council or Chief Operating Officer under Chapter 5.01.

(kk) "Local Government" means any city or county that is within Metro's jurisdiction, including the unincorporated areas of Clackamas, Multnomah, and Washington Counties.

(ll) "Local Government Action" means adoption of any ordinance, order, regulation, contract, or program affecting solid waste management.

(mm) "Material recovery" means a type of Resource Recovery that is limited to mechanical methods of obtaining from Solid Waste materials which still have useful physical or chemical properties and can be reused, recycled, or composted for some purpose. Material Recovery includes obtaining from Solid Waste materials used in the preparation of fuel, but excludes the extraction of heat content or other forms of energy from the material.

(nn) "Metro Central Station" is the Metro solid waste transfer and recycling station located at 6161 NW 61st Avenue, Portland, Oregon 97210.

(oo) "Metro Designated Facility" means a facility in the system of solid waste facilities and disposal sites that is authorized under Chapter 5.05 to accept waste generated within the jurisdiction of Metro.

(pp) "Metro disposal system" means Metro South Station, Metro Central Station, Columbia Ridge Landfill and such other facilities, or contracts for service with Metro which transfer or cause solid waste to be disposed at the Columbia Ridge Landfill or other disposal facility.

(qq) "Metro South Station" is the Metro solid waste transfer station and recycling station located at 2001 Washington, Oregon City, Oregon 97045.

(rr) "Metro waste management system" means all associated Metro solid waste services related to management of the whole recycling, processing and disposal system.

(ss) "Non-commercial Customer" means a person who is not primarily engaged in the business of collection or transportation of solid waste and who is not authorized by any federal, state or local government to perform such collection or transportation.

(tt) "Non-putrescible waste" means any Waste that contains no more than trivial amounts of Putrescible materials or minor amounts of Putrescible materials contained in such a way that they can be easily separated from the remainder of the load without causing contamination of the load. This category includes construction waste and demolition waste but excludes Cleanup Materials Contaminated by Hazardous Substances, Source-Separated Recyclable Material, special waste, land clearing debris and yard debris.

(uu) "Non-system facility" means any solid waste facility, disposal site, transfer station, processing facility, recycling drop center, resource recovery facility or other facility for the disposal, recycling or other processing of solid waste which does not constitute part of the system.

(vv) "Non-system license" means a license issued pursuant to and in accordance with Chapter 5.05.

(ww) "Person" has the same meaning as in Code Section 1.01.040. For any person other than an individual, the acts of such person's employees, contractors, and authorized agents shall be considered the acts of the person.

(xx) "Petroleum contaminated soil" means soil into which hydrocarbons, including gasoline, diesel fuel, bunker oil or other petroleum products have been released. Soil that is contaminated with petroleum products but also contaminated with a hazardous waste as defined in ORS 466.005, or a radioactive waste as defined in ORS 469.300, is not included in the term.

(yy) "Process," "Processing" or "Processed" means a method or system of altering the form, condition or content of Wastes, including but not limited to composting, vermiprocessing and other controlled methods of biological decomposition; classifying; separating; shredding, milling, pulverizing, or hydropulping; but excluding incineration or mechanical volume reduction techniques such as baling and compaction.

(zz) "Processing facility" means a place or piece of equipment where or by which Solid Wastes are processed. This definition does not include commercial and home garbage disposal units, which are used to process food wastes and are part of the sewage system, hospital incinerators, crematoriums, paper shredders in commercial establishments, or equipment used by a recycling drop center.

(aaa) "Processing residual" means the Solid Waste destined for disposal which remains after Resource Recovery has taken place.

(bbb) "Putrescible" means rapidly decomposable by microorganisms, which may give rise to foul smelling, offensive products during such decomposition or which is capable of attracting or providing food for birds and potential disease vectors such as rodents and flies.

(ccc) "Putrescible waste" means Waste containing Putrescible material.

(ddd) "Rate" means the amount approved by Metro and charged by the Franchisee, excluding the Regional System Fee as established in Chapter 5.02 of this Title and franchise fee.

(eee) "Recoverable Solid Waste" means source-separated or homogeneous material accepted in a single transaction at Metro Central Station or at Metro South Station in a form that is usable

by existing technologies, notwithstanding the presence of incidental amounts or types of contaminants, for reuse, recycling, controlled biological decomposition of organic material including composting and digestion, and the preparation of fuels that meet an engineering, industrial, or market specification; but excludes mass burning, incineration in refuse derived fuel facilities, and similar methods of extracting energy from mixed solid wastes.

(fff) "Recyclable material" means material that still has or retains useful physical, chemical, or biological properties after serving its original purpose(s) or function(s), and that can be reused, recycled, or composted for the same or other purpose(s).

(ggg) "Recycle" or "Recycling" means any process by which Waste materials are transformed into new products in such a manner that the original products may lose their identity.

(hhh) "Recycling drop center" means a facility that receives and temporarily stores multiple source separated recyclable materials, including but not limited to glass, scrap paper, corrugated paper, newspaper, tin cans, aluminum, plastic and oil, which materials will be transported or sold to third parties for reuse or resale.

(iii) "Regional Solid Waste Management Plan" or "RSWMP" means the Regional Solid Waste Management Plan adopted as a functional plan by Council and approved by DEQ.

(jjj) "Regional System Fee" means those fees which pay the cost of the Metro Waste Management System.

(kkk) "Regional transfer charge" means those fees which pay the direct unit operating costs of the Metro transfer stations. This fee is imposed upon all solid waste delivered to Metro disposal system facilities.

(lll) "Reload" or "Reload facility" means a facility that performs only Transfer and delivers all solid waste received at the facility to another Solid Waste facility after it receives such solid waste, generally within 24 hours of receipt.

(mmm) "Required use order" means a written order issued pursuant to Chapter 5.05 requiring a waste hauler or other person to use a designated facility pursuant to the terms of the order.

(nnn) "Residence" means the place where a person lives.

(ooo) "Resource recovery" means a process by which useful material or energy resources are obtained from Solid Waste.

(ppp) "Resource recovery facility" shall mean a facility described in Chapter 5.01 which has been designated by Metro as constituting part of the system.

(qqq) "Reuse" means the return of a commodity into the economic stream for use in the same kind of application as before without change in its identity.

(rrr) "RSWMP Requirement" means the portions of the Regional Solid Waste Management Plan that are binding on local governments as set forth and implemented in Chapter 5.10.

(sss) "Segregation" means the removal of prohibited wastes, unauthorized wastes, bulky material (such as but not limited to white goods and metals) incidental to the Transfer of Solid Waste. Segregation does not include Resource Recovery or other Processing of Solid Waste. The sole intent of segregation is not to separate Useful Material from the Solid Waste but to remove prohibited, unauthorized waste or bulky materials that could be hard to handle by either the facility personnel or operation equipment.

(ttt) "Solid waste" means all Putrescible and Non-Putrescible Wastes, including without limitation, garbage, rubbish, refuse, ashes, waste paper and cardboard; discarded or abandoned vehicles or parts thereof; sewage sludge, septic tank and cesspool pumpings or other sludge; commercial, industrial, demolition and construction waste; discarded home and industrial appliances; asphalt, broken concrete and bricks; manure, vegetable or animal solid and semi-Solid Wastes, dead animals; infectious waste as defined in ORS 459.386; and other such wastes, including without limitation cleanup materials contaminated with hazardous substances, commingled recyclable material, petroleum contaminated soil, special waste, source-separated recyclable material, land clearing debris and yard debris; but the term does not include:

- (1) Hazardous wastes as defined in ORS 466.005;
- (2) Radioactive wastes as defined in ORS 469.300;
- (3) Materials used for fertilizer, soil conditioning, humus restoration, or for other productive purposes or which are salvageable for these purposes and are used on land in agricultural operations and the growing or harvesting of crops and the raising of fowls or animals, provided the materials are used at or below agronomic application rates; or
- (4) Explosives.

(uuu) "Solid Waste Disposal Transaction" means the usage of Metro transfer station disposal facilities, hazardous waste facilities, or household hazardous waste collection events, by a customer for the purpose of delivering for disposal a single load of solid or hazardous waste during a single visit from a single vehicle (whether or not accompanied by, or transporting, one or more trailers), and shall be determined to occur upon a customer's entrance to Metro transfer station facilities, hazardous waste facilities, or household hazardous waste collection event.

(vvv) "Solid waste facility" means the land and buildings at which Solid Waste is received for Transfer, Resource Recovery, and/or Processing but excludes disposal.

(www) "Solid Waste System Facility" means all facilities designated by Metro as part of its system for the management and disposal of solid and liquid waste including but not limited to all designated facilities set forth in Chapter 5.05 and any non-system facility that receives solid waste from within the Metro Area whether pursuant to an authorized non-system license or otherwise.

(xxx) "Source Separate" or "Source Separated" or "Source Separation" means that the person who last uses recyclable material separates the recyclable material from Solid Waste.

(yyy) "Source-separated recyclable material" or "Source-separated recyclables" means solid waste that has been Source Separated by the waste generator for the purpose of Reuse, Recycling, or Composting. This term includes (1) all homogenous loads of Recyclable Materials that have been Source Separated by material type for the purpose of recycling (i.e., source-sorted) and (2) residential and commercial commingled Recyclable Materials, which include only those recyclable material types that the local jurisdiction, where the materials were collected, permits to be mixed together in a single container as part of its residential curbside recyclable material collection program. This term does not include any other commingled recyclable materials.

(zzz) "Special waste" means any waste (even though it may be part of a delivered load of waste) which one or more of the following categories describes:

- (1) Containerized waste (e.g., a drum, barrel, portable tank, box, pail, etc.) of a type listed in 3 through 9 and 11 of this definition below.
- (2) Waste transported in a bulk tanker.

- (3) Liquid waste including outdated, off spec liquid food waste or liquids of any type when the quantity and the load would fail the paint filter liquid (Method 9095, SW-846) test or includes 25 or more gallons of free liquid per load, whichever is more restrictive.
- (4) Containers (or drums) which once held commercial products or chemicals, unless the containers (or drums) are empty. A container is empty when:
 - (A) All wastes have been removed that can be removed using the practices commonly employed to remove materials from the type of container, e.g., pouring, pumping, crushing, or aspirating.
 - (B) One end has been removed (for containers in excess of 25 gallons); and
 - (i) No more than one inch thick (2.54 centimeters) of residue remains on the bottom of the container or inner liner; or
 - (ii) No more than 1 percent by weight of the total capacity of the container remains in the container (for containers up to 110 gallons); or
 - (iii) No more than 0.3 percent by weight of the total capacity of the container remains in the container for containers larger than 110 gallons.
 - (C) Containers that once held acutely hazardous wastes must be triple-rinsed with an appropriate solvent or cleaned by an equivalent alternative method. Containers that once held substances regulated under the Federal Insecticide, Fungicide, and Rodenticide Act must be empty according to label instructions or triple-rinsed with an appropriate solvent or cleaned by an equivalent method. Plastic containers larger than five gallons that hold any regulated waste must be cut in half or punctured and be dry and free of contamination to be accepted as refuse.
- (5) Sludge waste from septic tanks, food service, grease traps, or wastewater from commercial laundries, Laundromats or car washes.
- (6) Waste from an industrial process.
- (7) Waste from a pollution control process.

- (8) Residue or debris from the cleanup of a spill or release of chemical substances, commercial products or wastes listed in 1 through 7 or 9 of this definition.
- (9) Soil, water, residue, debris, or articles which are contaminated from the cleanup of a site or facility formerly used for the generation, storage, treatment, recycling, reclamation, or disposal of wastes listed in 1 through 8 of this definition.
- (10) Chemical-containing equipment removed from service (for example: filters, oil filters, cathode ray tubes, lab equipment, acetylene tanks, CFC tanks, refrigeration units, or any other chemical containing equipment).
- (11) Waste in waste containers that are marked with a National Fire Protection Association identification label that has a hazard rating of 2, 3, or 4, but not empty containers so marked.
- (12) Any waste that requires extraordinary management or special handling.
Examples of special wastes are: chemicals, liquids, sludge and dust from commercial and industrial operations; municipal waste water treatment plant grits, screenings and sludge; contaminated soils; tannery wastes, empty pesticide containers, and dead animals or by-products.
- (13) Medical waste.

(aaaa) "Standard Recyclable Materials" means newspaper, ferrous scrap metal, non-ferrous scrap metal, used motor oil, corrugated cardboard and kraft paper, aluminum, container glass, high-grade office paper, tin/steel cans, yard debris, mixed scrap paper, milk cartons, plastic containers, milk jugs, phone books, magazines, and empty aerosol cans.

(bbbb) "State" shall have the meaning assigned thereto in Chapter 1.01.

(cccc) "Substantial compliance" means local government actions, on the whole, conform to the purposes of the performance standards in Chapter 5.10 and any failure to meet individual performance standard requirements is technical or minor in nature.

(dddd) "System" shall mean any and all facilities now or hereafter designated by Metro as part of its system for the management and disposal of solid and liquid waste, including, but

not limited to recycling and other volume reduction facilities, sanitary landfills, or other disposal means, resource recovery facilities (including steam production and electrical generating facilities using solid waste as fuel), recycling and transfer stations, roads, water lines, wastewater lines and treatment facilities to the extent provided or operated to carry out the provisions of the Act, and all buildings, fixtures, equipment and all property, real and personal now or hereafter owned, leased, operated or used by Metro, all for the purpose of providing for solid and liquid waste disposal; said system consists of the designated facilities described in Chapter 5.05.

(eeee) "Transaction Charge" means that fee which, for each transaction, serves to pay for related scalehouse costs at the Metro transfer stations.

(ffff) "Transfer" means the Activity of receiving Solid Waste for purposes of transferring the Solid Waste from one vehicle or container to another vehicle or container for transport. Transfer may include segregation, temporary storage, consolidation of Solid Waste from more than one vehicle, and compaction, but does not include Resource Recovery or other Processing of Solid Waste.

(gggg) "Transfer station" means a Solid Waste Facility whose primary Activities include, but are not limited to, the Transfer of Solid Waste to a disposal site.

(hhhh) "Unacceptable waste" means waste that is either:
(1) Prohibited from disposal at a sanitary landfill by state or federal law, regulation, rule, code, permit or permit condition;
(2) Special waste without an approved special waste permit. The Chief Operating Officer may deny a special waste application if the special waste poses an unacceptable health and safety risk, or is likely to damage transfer station equipment.

(iiii) "Useful material" means material that still has or retains useful physical, chemical, or biological properties after serving its original purpose(s) or function(s), and which, when separated from Solid Waste, is suitable for use in the same or other purpose(s). Types of Useful Materials are: material that can be Reused; Recyclable Material; organic material(s) suitable for controlled biological decomposition such as for making Compost; material used in the preparation of fuel; material intended to be used, and which is in fact used, for construction or land reclamation such as Inert material for fill; and material intended to be used, and which is in fact used, productively in the operation of landfills such as roadbeds or alternative daily

cover. For purposes of this Code, Cleanup Material Contaminated By Hazardous Substances are not Useful Materials.

(jjjj) "Vermiprocessing" means a controlled method or system of biological Processing that utilizes worms to consume and digest organic materials, and that produces worm castings for productive uses.

(kkkk) "Waste" means any material considered to be useless, unwanted or discarded by the person who last used the material for its intended and original purpose. For the purpose of Chapter 5.09, the term "waste" shall also include any such material even if it is broken, recoverable, or recyclable.

(llll) "Waste hauler" means any person who is (1) franchised, licensed or permitted by a local government unit pursuant to state law to collect and haul Solid Waste; or (2) engaged, in whole or part, in the collection, transportation, delivery, or disposal of solid waste generated within Metro, including any person engaged in such activities with respect to solid waste generated by such person as well as any person engaged in such activities with respect to solid waste generated by others.

(mmmm) "Waste Reduction Hierarchy" means first, reduce the amount of solid waste generated; second, reuse material for its originally intended purpose; third, recycle or compost material that cannot be reduced or reused; fourth, recover energy from material that cannot be reduced, reused, recycled or composted so long as the energy recovery facility preserves the quality of air, water and land resources; and fifth, landfill solid waste that cannot be reduced, reused, recycled, composted or from which energy cannot be recovered.

(nnnn) "Waste Reduction Program" means the Waste Reduction Program required by ORS 459.055(2)(a), adopted by the Metro Council as part of the RSWMP, and accepted and approved by the DEQ as part of the RSWMP.

(oooo) "Yard debris" means vegetative and woody material generated from residential property or from commercial landscaping activities. "Yard debris" includes landscape waste, grass clippings, leaves, hedge trimmings, stumps and other vegetative waste having similar properties, but does not include demolition debris, painted or treated wood.

(pppp) "Yard debris facility" means a yard debris processing facility or a yard debris reload facility.

(qqqq) "Yard debris reload facility" means an operation or facility that receives yard debris for temporary storage, awaiting transport to a processing facility.

(Ordinance No. 14-1331)

Exhibit "B" to Ordinance 14-1331

METRO CODE - TITLE VII FINANCE
CHAPTER 7.01 EXCISE TAXES

7.01.010 Definitions

For the purposes of this chapter unless the context requires otherwise the following terms shall have the meaning indicated:

(a) "Accrual basis accounting" means revenues are recorded in the accounting period in which they are earned and become measurable whether received or not.

(b) "Cash basis accounting" means revenues are recorded when cash is received.

(c) "Cleanup Material Contaminated By Hazardous Substances" shall have the meaning assigned thereto in Metro Code Section 5.00.010. ~~means solid waste resulting from the cleanup of release of hazardous substances into the environment, including petroleum contaminated soils and sandbags from containment of chemical spills provided that such substances are derived from nonrecurring environmental cleanup activity. Cleanup Material Contaminated By Hazardous Substances does not mean solid waste generated by manufacturing or industrial processes.~~

~~(d) "Facility Recovery Rate" shall have the meaning assigned thereto in Metro Code Section 5.02.015.~~

(~~e~~) "Inert" shall have the meaning assigned thereto in Metro Code Section 5.00.010~~5.01.010~~.

(~~e~~f) "Installment payments" means the payment of any amount that is less than the full payment owed either by any user to Metro or to an operator or by an operator to Metro.

(~~f~~g) "Metro ERC facility" means any facility operated or managed by the Metropolitan Exposition-Recreation Commission.

(~~g~~h) "Metro facility" means any facility, equipment, system, function, service or improvement owned, operated, franchised or provided by Metro. Metro facility includes but is not limited to all services provided for compensation by employees, officers or agents of Metro, including but not limited to the Oregon Zoo, Metro ERC facilities, all solid waste system facilities, and any other facility, equipment, system, function, service or improvement owned, operated, franchised or provided by Metro.

(~~h~~i) "Metro regional park" means any park or park facility, equipment, system, function, service or improvement operated or managed by Metro, including but not limited to Oxbow Regional Park, Blue Lake Regional Park, Smith and Bybee Wetlands Natural Area, Howell Territorial Park, Chinook Landing Marine Park, M. James Gleason Memorial Boat Ramp, and Sauvie Island Boat Ramp. For purposes of this chapter, "Metro regional park" does not include Glendoveer Golf Course.

(~~i~~j) "Operator" means a person other than Metro who receives compensation from any source arising out of the use of a Metro facility. Where the operator performs his/her functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this chapter and shall have the same duties and liabilities as his/her principal. Compliance with the provisions of this chapter by either the principal or managing agent shall be considered to be compliance by both.

(~~j~~k) "Payment" means the consideration charged, whether or not received by Metro or an operator, for the use of a Metro facility, valued in money, goods, labor, credits, property or other consideration valued in money, without any deduction.

(~~k~~l) "Person" means any individual, firm, partnership, joint venture, association, governmental body, joint stock company, corporation, estate, trust, syndicate, or any other group or combination acting as a unit.

(~~l~~m) "Processing Residual" shall have the meaning assigned thereto in Metro Code Section 5.00.0105-02.015.

(~~m~~n) "Recoverable solid waste" shall have the meaning assigned thereto in Metro Code Section 5.00.0105-02.015.

(~~n~~o) "Regional Recovery Rate" shall have the meaning assigned thereto in ORS 459A.010(4)(a).

(~~o~~p) "Solid waste system facility" shall have the meaning assigned thereto in Metro Code Section 5.00.010.~~means all facilities defined as such pursuant to Section 5.05.010(aa) including but not limited to all designated facilities set forth in Section 5.05.030 and any non-system facility as defined in Section 5.05.010(k) that receives solid waste from within the Metro Area whether pursuant to an authorized non-system license or otherwise.~~

(~~p~~q) "Source Separate" or "Source Separated" or "Source Separation" shall have the meaning assigned thereto in Metro Code Section 5.00.0105-01.010.

| (~~g~~) "Source-separated recyclable material" or "Source-separated recyclables" shall have the meaning assigned thereto in Metro Code Section 5.00.0105-01-010.

| (~~r~~) "Tax" means the tax imposed in the amount established in Section 7.01.020, and includes both the tax payable by a user and the aggregate amount of taxes due from an operator during the period for which he/she is required to report and pay the tax.

| (~~s~~) "Useful material" shall have the meaning assigned thereto in Metro Code Section 5.00.0105-01-010.

| (~~t~~) "User" means any person who pays compensation for the use of a Metro facility or receives a product or service from a Metro facility subject to the payment of compensation.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 14-1331 FOR THE PURPOSE OF AMENDING METRO CODE TITLE V TO ADD METRO CODE CHAPTER 5.00, SOLID WASTE DEFINITIONS, AND TO REPEAL SECTIONS 5.01.010, 5.02.015, 5.04.005, 5.05.010, 5.09.020, AND 5.10.010; AND MODIFY CERTAIN DEFINITIONS IN SECTION 7.01.010

July 1, 2014

Prepared by: Warren Johnson
503-797-1836

The proposed ordinance establishes a new chapter (Metro Code Chapter 5.00) for the purpose of standardizing and consolidating all of the solid waste-related definitions in Title V (Solid Waste) in a centralized location in Code. The proposed ordinance also amends each of the other chapters in Title V to delete the defined terms sections and modifies certain definitions in Chapter 7.01 as necessary to update Code citations. There are no substantive changes to any definitions proposed under this ordinance.

BACKGROUND

There are 155 defined terms used throughout Metro Code Title V (Solid Waste). In many instances, the terms and definitions are duplicated in each chapter. However, there are some cases where the defined terms are not actually used in Code or their definitions are slightly different between chapters. This proposed ordinance consolidates and centralizes all solid waste related definitions within a new Chapter 5.00 (Solid Waste Definitions) to ensure that the usage and definition of terms are uniform throughout Title V and continue to be so in the future. Adoption of this ordinance would result in 60 redundant and unnecessary definitions being deleted from Title V while retaining a total of 95 defined terms.

The chart in Attachment 1 provides a detailed listing of 164 definitions that will be affected by the proposed ordinance (i.e., 155 terms from Chapters 5.01, 5.02, 5.04, 5.05, 5.09, 5.10 and nine terms from Chapter 7.01). The chart illustrates where each term is currently located and whether there are any proposed definitional updates under this ordinance. Any terms that are duplicated, no longer used or unnecessary will be deleted and any terms that require technical changes will be updated as indicated in the chart. There are no substantive definitional changes under this proposed ordinance.

This proposed ordinance is part of a package of ordinances that are intended to improve the consistency, access, and usability of the Metro Code. In addition to this action, Metro Council will also consider three similar ordinances for other housekeeping and organizational improvements to the Code at its meeting on July 24, 2014.¹

ANALYSIS/INFORMATION

1. Known Opposition

Adoption of this ordinance would result in the consolidation of defined terms, changes to the organizational structure of Title V, and minor technical corrections. There are no substantive changes to any definitions. As such, there is no known opposition to the proposed ordinance.

¹ Chapter 5.01 (Ord. No. 14-1332), Chapter 5.02 (Ord. No. 14-1338), and Chapter 5.05 (Ord. No. 14-1337)

2. Legal Antecedents

Any change to the Metro Code requires an ordinance of the Metro Council.

3. Anticipated Effects

Adoption of this ordinance would result in the following changes to the Metro Code:

- Establishment of new Chapter 5.00 to consolidate and standardize solid waste definitions throughout Title V.
- The repeal of the defined terms in Sections 5.01.010, 5.02.015, 5.04.005, 5.05.010, 5.09.020, and 5.10.010 to improve consistency and eliminate redundancy.
- Modification of certain definitions in Section 7.01.010 to update Code citations.

4. Budget Impacts

There are no expected budget impacts associated with the adoption of this ordinance.

RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of Ordinance No. 14-1331. Approval of this ordinance will establish Metro Code Chapter 5.00 (Solid Waste Definitions) as provided in Exhibit A. In addition, approval of this ordinance will repeal the defined terms in Chapters 5.01, 5.02, 5.04, 5.05, 5.09, and 5.10 and modify certain definitions in Chapter 7.01 to include updated Code citations as provided in Exhibit B.

Attachment "1" to Ordinance 14-1331

	Current Code Section						No change	Technical Change	Deleted			
	5.01.010	5.02.015	5.04.005	5.05.010	5.09.020	5.10.010			7.01.010	Deleted (Duplicate)	Deleted (Not Used)	Deleted (Not necessary)
1	Acceptable special waste		X								X	
2	Act.				X		X					
3	Activity	X					X					
4	Agronomic application rate	X					X					
5	Alternative program					X		X				
6	Authorized official				X			X				
7	Business					X	X					
8	Business recycling service customer					X	X					
9	Cash account customer		X								X	
10	Chief Operating Officer	X					X					
11	Cleanup material contaminated by hazardous substances	X					X					
12	Cleanup material contaminated by hazardous substances		X							X		
13	Cleanup material contaminated by hazardous substances				X					X		
14	Cleanup material contaminated by hazardous substances					X		X				
15	Closure	X					X					
16	Code	X					X					
17	Commercial customer		X								X	
18	Compliance & Comply					X						X
19	Compost	X					X					
20	Compost		X							X		
21	Compost					X				X		
22	Composting	X					X					
23	Compostable Organic Waste		X				X					
24	Composting Facility	X									X	
25	Conditionally exempt generator		X					X				
26	Conditionally exempt generator					X				X		
27	Council	X					X					
28	Council				X					X		
29	Credit account customer		X								X	
30	DEQ	X					X					
31	DEQ					X				X		
32	Department					X		X				
33	Designated facility		X					X				
34	Designated facility				X					X		
35	Direct haul	X					X					
36	Direct haul disposal charge		X				X					
37	Director				X							X
38	Director					X		X				
39	Disposal fee		X				X					
40	Disposal site	X					X					
41	Disposal site				X					X		
42	District	X					X					

	Definitions	Current Code Section						No change	Technical Change	Deleted		
		5.01.010	5.02.015	5.04.005	5.05.010	5.09.020	5.10.010			7.01.010	Deleted (Duplicate)	Deleted (Not Used)
43	District				X					X		
44	Energy recovery	X						X				
45	Enhancement Fee		X					X				
46	Facility recovery rate		X								X	
47	Facility recovery rate						X				X	
48	Facility retrieval rate		X								X	
49	Franchise	X							X			
50	Franchisee	X							X			
51	Franchise fee	X						X				
52	Hazardous waste	X						X				
53	Hearings officer					X			X			
54	Household hazardous waste	X									X	
55	Household hazardous waste		X					X				
56	Household hazardous waste					X				X		
57	Inert	X						X				
58	Inert						X		X			
59	License	X							X			
60	Licensee	X							X			
61	Limited purpose solid waste		X								X	
62	Local government						X		X			
63	Local government action						X		X			
64	Material recovery	X						X				
65	Material recovery				X					X		
66	Metro Central Station		X					X				
67	Metro Code				X							X
68	Metro designated facility	X							X			
69	Metro disposal system		X					X				
70	Metro facility fee		X								X	
71	Metro South Station		X					X				
72	Metro waste management system		X					X				
73	Non-commercial customer		X					X				
74	Non-putrescible waste	X						X				
75	Non-putrescible waste				X					X		
76	Non-system facility				X				X			
77	Non-system license				X				X			
78	Person	X								X		
79	Person		X							X		
80	Person				X					X		
81	Person					X		X				
82	Person						X			X		
83	Petroleum contaminated soil	X						X				
84	Process, Processing & Processed	X						X				

	Definitions	Current Code Section						No change	Technical Change	Deleted		
		5.01.010	5.02.015	5.04.005	5.05.010	5.09.020	5.10.010			7.01.010	Deleted (Duplicate)	Deleted (Not Used)
85	Processing facility	X							X			
86	Processing facility				X					X		
87	Processing residual	X					X					
88	Processing residual		X							X		
89	Processing residual				X					X		
90	Processing residual						X		X			
91	Putrescible	X					X					
92	Putrescible				X					X		
93	Putrescible waste	X					X					
94	Putrescible waste				X					X		
95	Rate	X					X					
96	Recoverable Solid Waste		X				X					
97	Recoverable Solid Waste						X		X			
98	Recyclable material	X					X					
99	Recyclable material		X							X		
100	Recyclable material			X						X		
101	Recyclable material				X					X		
102	Recyclable material						X			X		
103	Recycle or Recycling	X					X					
104	Recycle or Recycling						X			X		
105	Recycling drop center	X					X					
106	Regional Solid Waste Management Plan or RSWMP	X					X					
107	Regional Solid Waste Management Plan or RSWMP			X						X		
108	Regional Solid Waste Management Plan or RSWMP				X					X		
109	Regional System Fee		X				X					
110	Regional System Fee				X					X		
111	Regional transfer charge		X				X					
112	Regional transfer station		X								X	
113	Reload or Reload facility	X					X					
114	Required use order				X				X			
115	Residence						X					
116	Resource recovery	X					X					
117	Resource recovery facility				X				X			
118	Reuse	X					X					
119	RSWMP						X			X		
120	RSWMP Requirement						X		X			
121	Segregation	X					X					
122	Solid Waste	X					X					
123	Solid Waste		X							X		
124	Solid Waste				X					X		
125	Solid Waste					X				X		
126	Solid Waste disposal transaction		X				X					

	Definitions	Current Code Section						No change	Technical Change	Deleted		
		5.01.010	5.02.015	5.04.005	5.05.010	5.09.020	5.10.010			7.01.010	Deleted (Duplicate)	Deleted (Not Used)
127	Solid waste facility	X						X				
128	Solid waste system facility		X						X			
129	Solid waste system facility						X		X			
130	Source separate, source separated or source separation	X						X				
131	Source separate, source separated or source separation		X							X		
132	Source separate, source separated or source separation						X			X		
133	Source separate, source separated or source separation						X		X			
134	Source-separated recyclable material	X						X				
135	Source-separated recyclable material				X					X		
136	Source-separated recyclable material						X		X			
137	Special waste	X							X			
138	Special waste		X							X		
139	Special waste				X					X		
140	Standard recyclable materials						X		X			
141	State				X				X			
142	Substantial compliance						X		X			
143	System				X				X			
144	Transaction charge		X					X				
145	Transfer	X						X				
146	Transfer facility		X								X	
147	Transfer station	X							X			
148	Transfer station				X					X		
149	Unacceptable waste		X					X				
150	Useful material	X						X				
151	Useful material						X		X			
152	Vermicomposting	X						X				
153	Waste	X							X			
154	Waste		X							X		
155	Waste					X				X		
156	Waste						X			X		
157	Waste hauler	X							X			
158	Waste hauler				X					X		
159	Waste Reduction Hierarchy						X		X			
160	Waste Reduction Program						X		X			
161	Yard Debris	X						X				
162	Yard Debris						X			X		
163	Yard Debris facility	X						X				
164	Yard Debris reload facility	X						X				