

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE)	ORDINANCE NO. 04-1055
REGIONAL SOLID WASTE MANAGEMENT)	
PLAN TO IMPOSE A MORATORIUM UNTIL)	Introduced by Chief Operating Officer
DECEMBER 31, 2005, ON APPLICATIONS FOR)	Michael J. Jordan, with the concurrence of
AND AUTHORIZATIONS OF NEW SOLID)	Council President David Bragdon
WASTE TRANSFER STATIONS WITHIN THE)	
METRO REGION; AND DECLARING AN)	
EMERGENCY)	

WHEREAS, on June 15, 2000, the Metro Council adopted Metro Ordinance No. 00-865, amending the Regional Solid Waste Management Plan to allow new transfer stations to be authorized where such transfer stations provide a benefit to the regional solid waste system; and,

WHEREAS, following adoption of such plan amendment, the Metro Council approved three new transfer station franchises to increase and improve access to such facilities; and,

WHEREAS, today approximately twice as much solid waste transfer capacity exists as is needed for the disposal of the region’s municipal solid waste; and,

WHEREAS, the Metro Council is concerned with maintaining sufficient levels of tonnage to ensure efficient operations at all transfer stations, including the publicly owned facilities; and,

WHEREAS, it is in the public interest to ensure that the regional solid waste system operates efficiently; and,

WHEREAS, Metro is updating the Regional Solid Waste Management Plan and such update will involve facility regulation issues including the appropriate tonnage allocation among existing transfer stations, and the addition of new transfer facilities in the region.

WHEREAS, the region is well-served by current solid waste transfer capacity, and accordingly a moratorium on additions to the number of transfer facilities in the solid waste system should be enacted, and no new transfer facilities considered until after the completion of the update of the Regional Solid Waste Management Plan; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

SECTION 1. The provisions of amended “Solid Waste Facilities and Services: Transfer and Disposal System,” located on pages 7-25 to 7-27 of the Regional Solid Waste Management Plan, are amended to include the following:

Notwithstanding any other provision in this Plan, Metro shall not accept or grant any application seeking authority to operate any new solid waste transfer station during the period commencing with the effective date of this Plan amending Ordinance and continuing until December 31, 2005.

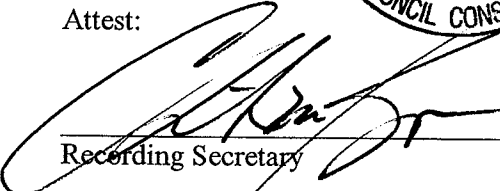
SECTION 2. This Ordinance being necessary for the health, safety, and welfare of the Metro area, an emergency is declared to exist, and this Ordinance shall take effect immediately, pursuant to Metro Charter Section 39(1).

ADOPTED by the Metro Council this 19th day of August, 2004.

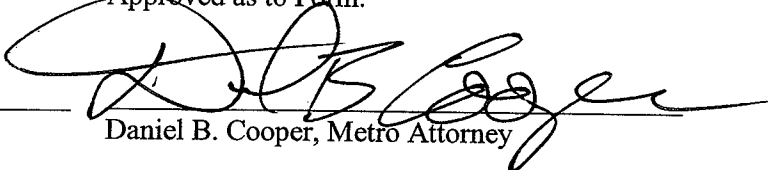



David Bragdon, Council President

Attest:


Recording Secretary

Approved as to Form:


Daniel B. Cooper, Metro Attorney

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STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 04-1055, FOR THE PURPOSE OF AMENDING THE REGIONAL SOLID WASTE MANAGEMENT PLAN TO IMPOSE A MORATORIUM UNTIL DECEMBER 31, 2005, ON APPLICATIONS FOR AND AUTHORIZATIONS OF NEW SOLID WASTE TRANSFER STATIONS WITHIN THE METRO REGION; AND DECLARING AN EMERGENCY

Date: July 14, 2004

Prepared by: Bill Metzler

SUMMARY

This report recommends that the Regional Solid Waste Management Plan (RSWMP) and Chapter 5.01 of the Metro Code be amended to implement a moratorium on new solid waste transfer stations in the Metro region until December 31, 2005.

With the RSWMP currently under review and its policies and practices scheduled to be updated in 2005, the Council has requested a review of system regulation issues, including: (a) allocating wet waste to facilities and haulers; (b) capping tonnage at all private transfer stations; (c) authorizing new transfer facilities; and (d) implementing host fees at all transfer stations.

The magnitude of this planning effort necessitates deferring consideration of new transfer station capacity until discussions with Metro Council and the RSWMP update process have both concluded.

A moratorium on new transfer capacity will not negatively impact the region's solid waste system. The region's transfer and disposal needs are well served by six Metro authorized transfer stations, and transfer capacity for wet waste exceeds current need by approximately 1.1 million tons.

BACKGROUND

When adopted in 1995, the Regional Solid Waste Management Plan (RSWMP) stated that the three existing transfer stations (Metro Central, Metro South and Forest Grove) had sufficient capacity to handle the future demand for transfer services. The recommended practice was to build no new transfer stations. A new transfer station could only be authorized upon a finding that (a) the regional waste reduction program had not performed as expected; or (b) regional growth was greater than expected, and service levels could not be maintained because of lack of capacity.

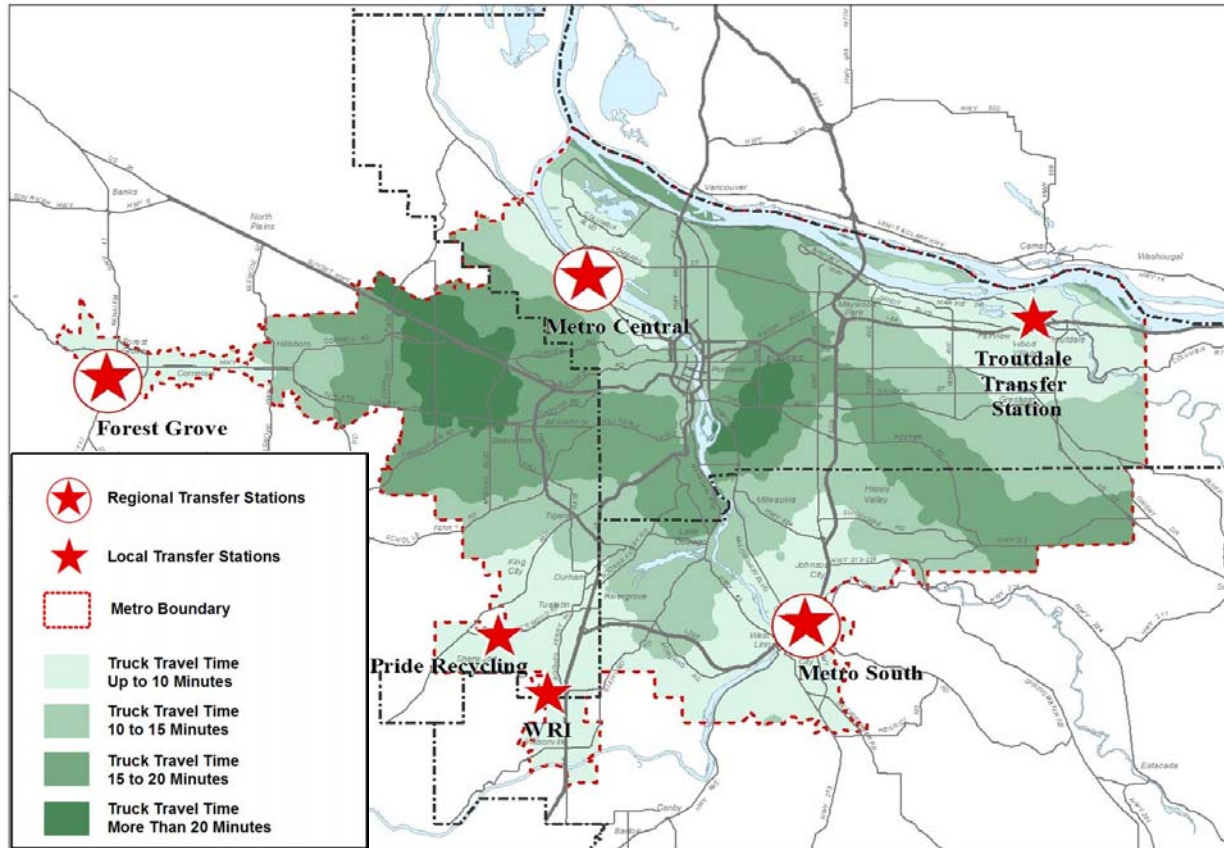
Five years later, in June 2000, the Metro Council amended the RSWMP transfer station provisions (Ordinance No. 00-865) to allow consideration of new transfer stations. The intent was to affirm a need for medium-scale facilities in the solid waste system, and to specify the level of public obligations and operating conditions that would be required of them. Three local transfer stations were authorized with a disposal tonnage cap of 50,000 tons per year, based on the total combined wet and dry waste disposed (excluding recovery).

In October 2001, the Council amended Chapter 5.01 of the Metro Code to establish service areas for transfer stations and revised the definition of a local transfer station (Ordinance No. 01-916C). In

addition, the Council removed the caps on dry waste to increase dry waste recovery, and increased the wet waste tonnage caps at local transfer stations to 65,000 tons per year.

Currently, the region is served by six transfer stations (three local and three regional transfer stations) providing access to disposal and recovery services. The location of the transfer stations are illustrated below in Figure A, with truck travel time zones estimated for each facility.

Figure A-Solid Waste Transfer Stations in the Metro Region with Truck Travel Time Zones*



* Mid-day truck travel time – based on data from Metro’s Travel Demand Model.

ANALYSIS/INFORMATION

During a June 22, 2004, Council Work Session to review a staff report on transfer station service areas, it was suggested that new transfer station applications be deferred until the system issues are resolved, and that the following short- and long-term approach to resolving solid waste system issues should be considered:

Short-term (next 3 months):

- establish a moratorium on new transfer station capacity until the transfer station service area, and related solid waste system issues have been resolved. Metro will defer consideration of any new transfer capacity until January 2006 to coincide with the conclusion of the RSWMP update;

- resolve tonnage inequity issues attributable to service areas by legislatively authorizing a 5% tonnage cap adjustment to WRI, similar to the administrative increase granted to Troutdale Transfer Station.

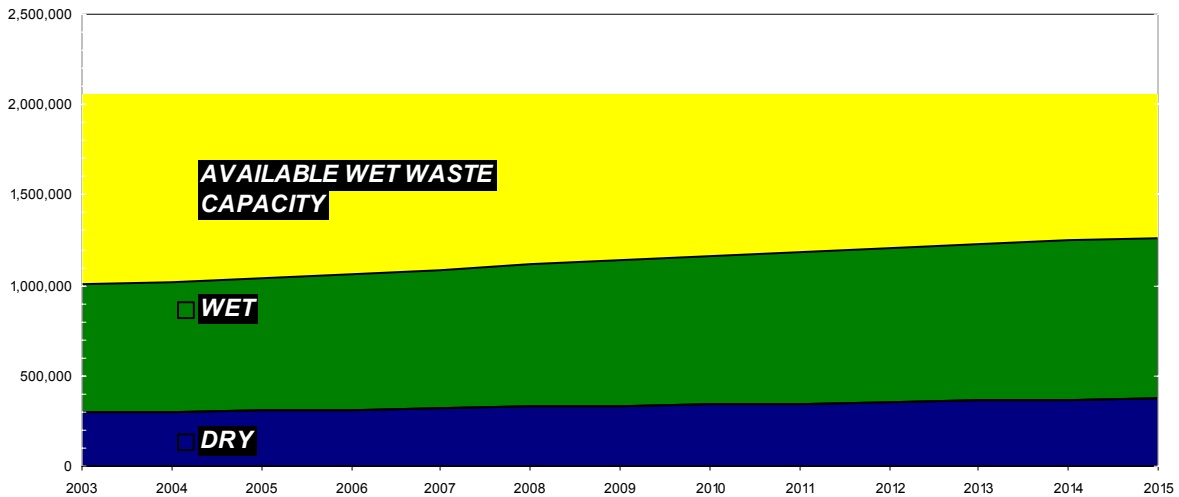
Longer-term (next 18 months):

Undertake an examination of the solid waste system, including

- a) the public role in service provision and system regulation;
- b) allocation of wet-waste tonnage;
- c) instituting tonnage caps at all private transfer stations;
- d) review of policy for considering new transfer station capacity; and
- e) consideration of host fees and community enhancement grant programs for any community with a transfer station.

With a total of six solid waste transfer stations located in the Metro region, a moratorium on new transfer stations will not have adverse system impacts. The six transfer stations provide sufficient access and more than enough capacity. In April 2004, Metro issued its *Regional Transfer Capacity Analysis* report that addressed the question of how much capacity the region’s solid waste facilities have to accept and load waste for transport to disposal sites service the region. The analysis concluded that (a) the region’s transfer capacity for wet waste currently exceeds the needed capacity by approximately 1.1 million tons per year; and (b) by 2015, the transfer stations that service the region will still have 841,000 tons of unused capacity.

**Delivery Tonnage to Mixed Waste Facilities
vs. Capacity**



1. **Known Opposition.** Opposition is likely from haulers affiliated with an anticipated new transfer station applicant.
2. **Legal Antecedents.** The Regional Solid Waste Management Plan and Metro Code Chapter 5.01.
3. **Anticipated Effects.** Ordinance No. 04-1055 and Ordinance No. 04-1056, will amend the RSWMP and Chapter 5.01 of the Metro Code to implement a moratorium on new transfer stations in the Metro region until December 31, 2005, when the transfer station service area and associated wet-waste system issues are resolved in conjunction with the RSWMP update. Ordinance Nos. 04-1055 and 04-

1056, amending the RSWMP and Chapter 5.01 of the Metro Code are necessary for the immediate preservation of public health, safety and welfare by providing for the effective and comprehensive management of the regional solid waste system. An emergency is therefore declared to exist, and these two ordinances shall take effect immediately, pursuant to Metro Charter section 39(1).

4. **Budget Impacts.** There are no budget impacts.

RECOMMENDED ACTION

The Chief Operating Officer recommends approval of Ordinances Nos. 04-1055 and 04-1056.

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