

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO)	ORDINANCE NO. 04-1057
CODE CHAPTER 5.02 TO AUTHORIZE THE)	
CHIEF OPERATING OFFICER TO DESIGNATE)	Introduced by Chief Operating Officer
CERTAIN RECYCLABLE MATERIALS THAT)	Michael J. Jordan, with the concurrence of
CAN BE ACCEPTED WITHOUT CHARGE AT)	Council President David Bragdon
METRO TRANSFER STATIONS AND TO DELAY)	
REPEAL OF CERTAIN PAYMENT EXEMPTIONS)	
FOR ACCEPTANCE AND COLLECTION OF)	
HOUSEHOLD HAZARDOUS WASTES)	

WHEREAS, Metro's solid waste policy encourages both the source-separation of recyclable materials and the safe management of household hazardous wastes; and,

WHEREAS, the Metro Code currently provides that loads of source-separated recyclables delivered to the Metro Central and Metro South transfer stations are subject to a minimum load charge; and,

WHEREAS, because source-separated recyclables have market value, the Metro Solid Waste Code should encourage a fee structure at the Metro facilities that provides incentives for the delivery to the facilities of such loads; and,

WHEREAS, it is the policy of the Metro Council that any loads received at the Metro Central or Metro South transfer stations that are comprised entirely of source-separated recyclable materials for which economic markets exist should be exempt from any disposal charges; and,

WHEREAS, in 2001 Metro Council adopted Metro Ordinance No. 01-907A, "For the purpose amending Metro Code Chapter 5.02 to modify the charges for household hazardous waste accepted at Metro facilities and Metro collection events," and thereby determined that for a period of three years there should be no charge for household hazardous waste accepted at Metro Hazardous Waste Facilities or at household hazardous waste collection events in a container of less than ten gallons capacity to allow for safe management of such hazardous products from residences in the Metro region; and,

WHEREAS, the household hazardous waste fee exemption adopted in Ordinance No 01-907A is scheduled to expire on December 31, 2004; and,

WHEREAS, the process for update of the Regional Solid Waste Management Plan may identify new policies for household hazardous wastes that will affect the collection of fees, but such Plan update process will not be complete until late 2005; and,

WHEREAS, the timing for expiration of the current household hazardous waste exemption should match the time frame for the Regional Solid Waste Management Plan process; and,

WHEREAS, extending the household hazardous waste fee exemption for two years will enable the solid waste policy planning process to consider any appropriate adjustments to the fee; now therefore,

THE METRO COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Metro Code Section 5.02.026 is amended to read as follows:

5.02.026 Source Separated Recyclable Disposal Charge Credit

Notwithstanding the provisions of Metro Code Section 5.02.025, Non-commercial customers at Metro South Station or Metro Central Station who dispose of source-separated recyclable material as defined in ORS 459.005 shall receive a disposal charge credit in the amount of \$3 for disposing of fewer than 100 pounds of recyclables and in the amount of \$6 for 100 pounds or more of recyclables. Notwithstanding the provisions of this section, the Chief Operating Officer may designate source-separated recyclable materials that may be accepted from customers at no charge.

SECTION 2. Metro Code Section 5.02.027 is amended to read as follows:

5.02.027 Charges for Management of Household Hazardous Wastes

(a) There is hereby established a Household Hazardous Waste Management Charge that shall be collected on all household hazardous waste accepted at Metro Hazardous Waste Facilities and at household hazardous waste collection events. Such Household Hazardous Waste Management Charge shall be in lieu of all other base disposal charges, user fees, regional transfer charges, rehabilitation and enhancement fees, and certification non-compliance fees that may be required by this chapter.

(b) The Household Hazardous Waste Management Charge shall be \$5.00 for the first 35 gallons of household hazardous waste that is delivered in a single transaction in containers of 10 gallons capacity or less and \$5.00 for each additional 35 gallons (or portion thereof) of household hazardous waste that is delivered in the same transaction in containers of 10 gallons capacity or less.

(c) The Household Hazardous Waste Management Charge shall be \$5.00 for a quantity of household hazardous waste that is delivered in a single transaction in containers greater than 10 gallons capacity, together with an additional charge for the contents of each container as follows:

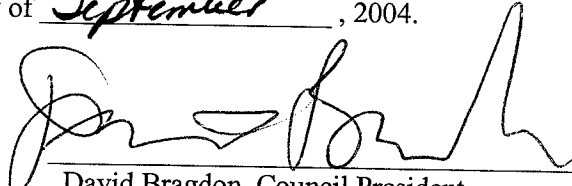
- (1) \$5.00 for up to 25 gallons of household hazardous waste;
- (2) \$10.00 for more than 25 gallons of household hazardous waste.

(d) Each of the above charges may be waived by the Director of the Regional Environmental Management Department.

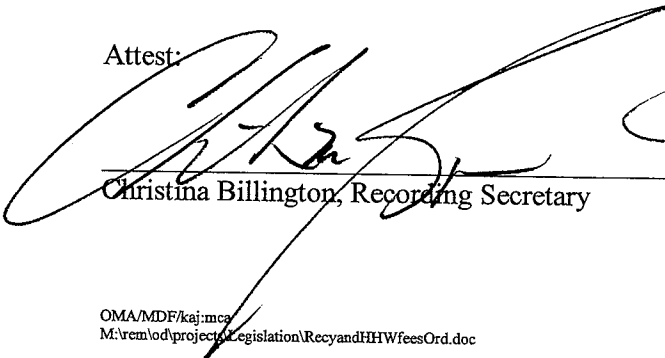
(e) Notwithstanding subsections (b) and (c) of this section, there shall be no charge

for household hazardous waste accepted at Metro Hazardous Waste Facilities or household hazardous waste collection events in a container of less than 10 gallons capacity. The provisions of this sub-section (e) are repealed December 31, ~~2004~~ 2006.

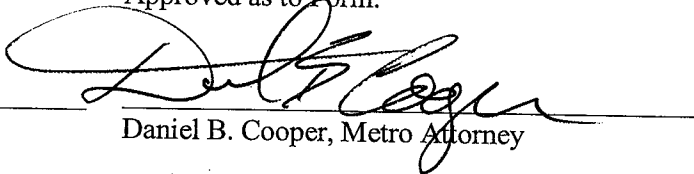
ADOPTED by the Metro Council this 9th day of September, 2004.


David Bragdon, Council President

Attest:


Christina Billington, Recording Secretary

Approved as to Form:


Daniel B. Cooper, Metro Attorney

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STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 04-1057 FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.02 TO AUTHORIZE THE CHIEF OPERATING OFFICER TO DESIGNATE CERTAIN RECYCLABLE MATERIALS THAT CAN BE ACCEPTED WITHOUT CHARGE AT METRO TRANSFER STATIONS AND TO DELAY REPEAL OF CERTAIN PAYMENT EXEMPTIONS FOR ACCEPTANCE AND COLLECTION OF HOUSEHOLD HAZARDOUS WASTES

July 19, 2004

Prepared by: Jim Quinn and Penny Erickson

BACKGROUND

This ordinance consists of two solid waste fee-related matters.

Recyclable Materials

The DEQ-issued solid waste permits for Metro South and Metro Central transfer stations require provision of public recycling depots. The recycling depots Metro provides are set up to accept source-separated materials for which economic markets exist.*

Current practice at Metro facilities is to accept source-separated loads free of charge. Metro Code, however, requires that loads of source-separated recyclables delivered to the Metro's transfer stations be subject to a minimum load charge.

Because source-separated recyclables have market value, and because Metro's solid waste policies encourage source-separation, it is reasonable for the Code to provide incentives for the delivery of such loads.

This ordinance modifies the Metro Code to conform to current practice, allowing Metro to accept at no charge any loads received at the Metro Central or Metro South transfer stations that are comprised entirely of designated source-separated recyclable materials.

Household Hazardous Waste Fee

Between 1993 and 2001, Metro collected a fee of \$5 for each 35 gallons of household hazardous waste (HHW) brought to the permanent collection facilities at Metro Central and Metro South. This fee covered only a small portion of the cost of managing the waste. No fee was collected from customers bringing waste to the local HHW collection events.

In 2001, Metro Council adopted Metro Ordinance No. 01-907A, "for the purpose amending Metro Code Chapter 5.02 to modify the charges for household hazardous waste accepted at Metro facilities and Metro collection events," which established that for a period of three years there would be no charge for household hazardous waste accepted at Metro's Hazardous Waste Facilities and collection events, except for containers greater than 10 gallons capacity. This fee waiver was intended to help reduce stockpiles of HHW still held by residents of the Metro region, in order to reduce the risks to the environment and public health.

* i.e., cost to recycle is no greater than cost to dispose

The HHW fee exemption is scheduled to expire on December 31, 2004. There are arguments both for and against reinstating the fee. However, as the sunset date for the fee waiver approaches, the Solid Waste and Recycling Department is examining variety of long-term policy issues, due to the need to update the Regional Solid Waste Management Plan (RSWMP).

The RSWMP update process may identify new policies for household hazardous wastes that will affect the collection of fees. In late 2005, when the Plan update is complete, any budgetary implications relating to fees can be taken into account as the budget for the following year is developed. This ordinance extends the timing for expiration of the current fee exemption to December 31, 2006, in order to match the time frame for the RSWMP update process.

ANALYSIS/INFORMATION

1. Known Opposition

None

2. Legal Antecedents

Ordinance No. 01-970A

3. Anticipated Effects

Adoption of Ordinance No. 04-1057 is not expected to have a substantial impact on recyclables delivered to Metro's transfer stations or on HHW customers or loads.

4. Budget Impacts

Source-separated loads -- Since allowing source separated loads at no charge is the current practice, no budget impacts are anticipated.

HHW fee waiver extension -- Prior to the 2001 HHW fee waiver, Metro's HHW program was collecting about \$40,000 annually from household customer at the facilities. Passage of this ordinance would eliminate this revenue from the hazardous waste program budget for an additional two years.

RECOMMENDED ACTION

The Chief Operating Officer recommends approval of Ordinance No. 04-1057.

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