

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO	)	ORDINANCE NO. 17-1402
CODE CHAPTER 7.01 RELATING TO EXCISE	)	
TAX REGARDING EXEMPTIONS AND	)	Introduced by Chief Operating Officer Martha
DECLARING AN EMERGENCY	)	Bennett in concurrence with Council
	)	President Tom Hughes

WHEREAS, Section 7.01.050 of the Metro Code provides certain exemptions from Metro's excise tax as described in Metro Code Chapter 7.01; and

WHEREAS, the state of Oregon and its public agencies need to respond as rapidly and economically feasible as possible to public safety, agricultural or environmental emergencies involving a quarantined area, similar to the current quarantine located in unincorporated Washington County; and

WHEREAS, this rapid and economically feasible response may include the need to dispose of yard debris and soil generated as a result of the public safety, agricultural or environmental emergency; and

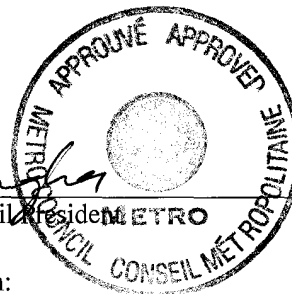
WHEREAS, Metro finds that it is in the public's best interest to exempt the state of Oregon and its agencies from Metro's excise tax if they are disposing of yard debris and soil generated from within a quarantined area; now therefore

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Metro Code Section 7.01.050 is amended as set forth in Exhibit A attached to this ordinance to add a new exemption to Metro's excise tax.
2. The Metro Council finds there is a need for immediate adoption of this ordinance to allow the state of Oregon to remove Japanese Beetle-infected yard debris and soil as soon as is practical.
3. That this Ordinance being necessary for the health, safety, and welfare of the Metro area to ensure that yard debris and soil waste from quarantined areas is rapidly disposed of in a landfill, an emergency is declared to exist, and this Ordinance shall take effect immediately, pursuant to Metro Charter Section 38(1).

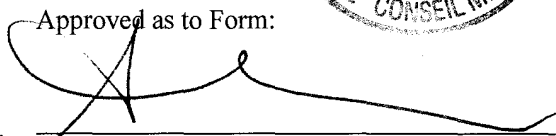
ADOPTED by the Metro Council this 18 day of May, 2017.

  
 Tom Hughes, Council President



Attest:

  
 Nellie Papsdorf, Recording Secretary

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

**Exhibit “A” to Ordinance No. 17-1402**

METRO CODE – TITLE VII FINANCE  
CHAPTER 7.01 EXCISE TAXES  
Section 7.01.050 Exemptions

7.01.050 Exemptions

- (a) The following persons, users and operators are exempt from the requirements of this chapter:
- (1) Persons, users and operators whom Metro is prohibited from imposing an excise tax upon under the Constitution or Laws of the United States or the Constitution or Laws of the state of Oregon.
  - (2) Persons who are users and operators of the Portland Center for the Performing Arts.
  - (3) Persons whose payments to Metro or to an operator constitute a donation, gift or bequest for the receipt of which neither Metro nor any operator is under any contractual obligation related thereto.
  - (4) Any persons making payment to Metro for a business license pursuant to ORS 701.015.
  - (5) Any person which is a state, a state agency or a municipal corporation to the extent of any payment made directly to Metro for any purpose other than solid waste disposal, use of a Metropolitan Exposition and Recreation Commission (Metro ERC) facility, or use of the Oregon Zoo.
  - (6) Users of the following facilities:
    - (A) Facilities that are licensed, franchised or exempt from regulation under Metro Code Chapter 5.01 other than Disposal Sites or Transfer Stations that are not subject to the requirements of Metro Code Section 5.01.125(a).
    - (B) Facilities that treat to applicable DEQ standards Cleanup Material Contaminated by Hazardous Substances.
    - (C) Tire processing facilities that sort, classify or process used tires into fuel or other products and thereafter produce a Processing Residual that is regulated under Metro Code Chapter 5.01 and that conforms to standards established pursuant to ORS 459.710(2) by the Oregon Environmental Quality Commission.
  - (7) Persons making payments to Metro for the following purposes:
    - (A) Individual or corporate sponsorship or naming rights contracts. A naming rights contract is any contract under which a Metro or Metro ERC facility or part of a facility (as authorized by Metro Code Chapter 2.16) will be named for the sponsor in exchange for payment from the sponsor. A sponsorship contract is a contract under which the sponsor’s name or logo will be used in connection with a district facility’s goods, buildings, parts of buildings, services, systems, or functions in exchange for payment from the sponsor. This exemption applies to any payments pursuant to sponsorship or naming rights contracts, including payments of money, goods, services, labor, credits, property, or other consideration.
    - (B) Payments for advertising at Metro facilities and Metro ERC facilities.
    - (C) Contributions, bequests, and grants received from charitable trusts, estates, nonprofit corporations, or individuals regardless of whether Metro agrees to utilize

the payment for a specific purpose including all payments to the Oregon Zoo Parents program.

- (D) Corporate sponsorships or co-promotional efforts for events that are open to the general public, or for specific capital improvements, educational programs, publications, or research projects.
  - (E) Payments that entitle a person to admission to a fundraising event benefiting the Oregon Zoo that is not held on the grounds of the Oregon Zoo.
  - (F) Payments that entitle a person to admission to a special fundraising event held at the Oregon Zoo where the event is sponsored and conducted by a nonprofit organization approved by the Council and the primary purpose of which is to support the Oregon Zoo and the proceeds of the event are contributed to the Oregon Zoo.
- (8) Users and operators paying compensation to any person who is operating and lease property at the Glendoveer Golf Course pursuant to a long-term agreement entered into with Multnomah County prior to January 1, 1994.
  - (9) A tire processor which is regulated pursuant to Metro Code Chapter 5.01 and which sorts, classifies or processes used tires into fuel or other products, shall be exempt from payment of excise tax on disposal of residual material produced directly as a result of such process, provided said residual conforms to Environmental Quality Commission standards established pursuant to ORS 459.710(2). This exemption is only granted to the extent, and under the terms, specified in the Metro certificate, license or franchise.
  - (10) Persons who deliver useful material to disposal sites, provided that such sites are listed as a Metro Designated Facility under Metro Code Chapter 5.05 or are named in a Metro Non-System License and provided further that the Useful Material: (A) is intended to be used, and is in fact used, productively in the operation of such site for purposes including roadbeds and alternative daily cover; and (B) is accepted at such site at no charge.
  - (11) Persons making the following payments:
    - (A) Payments that entitle a person to admission to an event that is held in a Metro ERC facility pursuant to a license agreement between Metro ERC and an operator.
    - (B) Payments to an operator that entitle a person to purchase booth space or exhibit space, or utilities or services associated with such booth or exhibit space, at an event that is held in a Metro ERC facility pursuant to a license agreement between Metro ERC and an operator.
    - (C) Payments to a user or operator that entitle a person to purchase goods, services, food, or beverages from a user or operator selling such goods, services, food, or beverages at a Metro ERC facility.
    - (D) Notwithstanding the provisions of subsections (A) through (C) above, all payments made to any operator authorized by a management agreement or services agreement with Metro ERC to provide catering services, to provide food and beverage concessions services (other than vending machines), or to operate parking lots at Metro ERC facilities shall be subject to tax.
  - (12) Persons making the following payments:
    - (A) Payments to a person or entity other than Metro that entitle a person to admission to an event that is held at a Metro regional park.

- (B) Payments to an operator that entitle a person to buy goods, services, food or beverages from an operator selling such goods, services, food or beverages at an event being held at a Metro regional park pursuant to the terms of a special use permit issued by Metro.
  - (C) Payments to an operator that entitle a person to buy goods, services, food or beverages from an operator selling such goods, services, food, or beverages at an event that is being sponsored and conducted by Metro at a Metro regional park.
  - (D) Notwithstanding the provisions of subsections (A) through (C) above, all payments made to an operator authorized by Metro to sell goods, food or beverages or to provide services at a Metro regional park shall be subject to tax.
- (13) Persons, users or operators making payments received by Metro for admission to the Oregon Zoo, or which entitle individuals to receipt of food, beverages, goods, or rides on the Oregon Zoo train shall not be subject to tax regardless of whether payment is received from an individual or otherwise on behalf of special groups including but not limited to employee and family member picnics, corporate or family parties, or similar events.
  - (14) Persons, users or operators making payments received by Metro from any use, parking or other revenue generator at a Metro regional park.
  - (15) Persons, users or operators making payments received by Metro for any use, lease, parking or any other revenue generator at the ~~Metro~~ Metro Regional Center and its adjacent parking structure.
  - (16) Persons, users or operators making payments received by Metro for any service, product or other revenue generator by the Research Center.
  - (17) The state of Oregon or any state agency provided that it is disposing of yard debris and soil generated from within an emergency eradication quarantine area for the purpose of addressing a government-declared public health, agricultural or environmental emergency.

(b) Any person, user or operator that is exempt for the payment of an excise tax pursuant to this section shall nonetheless be liable for compliance with this chapter and the payment of all taxes due pursuant to any activity engaged in by such person which is subject to this chapter and not specifically exempted from the requirements hereof. Any operator whose entire compensation from others for use of a Metro facility is exempt from the provisions of this chapter shall be deemed to be a user and not an operator.



## BACKGROUND

### ODA and the Japanese Beetle:

An infestation of Japanese beetle was detected by the ODA in the summer of 2016 in unincorporated Washington County, Oregon (District 4 -- Bethany, Cedar Mill area). The Japanese beetle, a native of Japan, is a destructive garden pest that was first found in the United States in New Jersey in 1916. It has slowly moved across the eastern United States and



Actual size of adult  
beetle = 0.85 – 1.0 cm



is well known for eating the flowers, leaves, berries and fruit of over 300 species of plants. In the last 30 years, the Japanese beetle has been detected and successfully eradicated in Oregon several times. The state policy is to eradicate Japanese beetles before breeding populations can be established. This is because the pest is potentially destructive to roses, grapes, orchard fruits, cane berries, corn, hops, outdoor cannabis and urban forest trees. Beetles in nursery stock could also impact exports from the state. The beetles detected in Washington County were likely from infested plants that originated from the eastern United States and were imported to Oregon in the last few years.

This invasive pest can be destructive in multiple life stages. As an adult, it feeds on leaves creating a pattern known as “skeletonizing.” The feeding results in the defoliation of the plant. Defoliated plants are more susceptible to disease, stress, and have higher death rates. Roses are highly susceptible to this type of damage. When plants are defoliated they not only lose their leaves, but also the ability to photosynthesize. Without photosynthesis, essential ecosystem services such as purifying air, maintaining water quality along streams and rivers, and mitigating extreme temperatures (via shading) are affected. Also, as an immature “grub” it feeds on the roots of grasses, limiting the plant’s ability to acquire water, creating dead areas of grass or turf. Wildlife habitats can be degraded and biodiversity may be affected as well.

The ODA has determined that this is the largest Japanese beetle infestation ever detected in Oregon. If the Japanese beetle population in Oregon is not eradicated, damage to Oregon’s \$900 million nursery industry, of which about \$170 million originates in Washington County alone, through quarantines prohibiting the import of Oregon products into other states and additional chemical treatments is estimated at approximately \$45 million. The ODA estimates that approximately \$3.5 million (2016) in nursery product sales in Washington County could be lost because of quarantine restrictions against Oregon products if the Japanese beetle is not eradicated in Washington County.

### Metro and the Japanese Beetle:

Metro is working closely with Washington County, ODA, DEQ, local haulers, landscapers, Hillsboro Landfill, and the city of Hillsboro, to collect, isolate and dispose of yard debris and soil

that is generated from within the quarantine area. DEQ has approved Hillsboro Landfill to accept approximately 1,000 tons per year of yard debris, woody waste, and soil for to deposit directly on the landfill's working face (see Attachment 2). Metro also approved the disposal of these materials, as allowed by DEQ, and in accordance with the landfill's designated facility agreement<sup>1</sup> with Metro, when generated within the quarantine area. Although these types of materials are normally considered to be source separated recyclable material, Metro, DEQ and ODA have determined that this material is not amenable to recycling (composting) due to the invasive pest risk and subsequently requires special management at the landfill.

Metro's Chief Operating Officer (COO) has issued a letter to the Hillsboro Landfill that specifies the conditions of yard debris acceptance from the quarantine area (see Attachment 3). In addition, the COO has issued a Special Exemption Permit that waives ODA from paying Metro's regional system fees on this material when disposed of at the landfill (see Attachment 4).

Because of the public benefits to agriculture and the economy of Washington County, staff also recommends that the solid waste excise tax be waived for this material. Adoption of Ordinance No. 17-1402 would provide this exemption in Metro Code section 7.01.050 subsection 17 from payment of excise tax.

#### **PUBLIC OUTREACH AND ENGAGEMENT:**

Metro is working closely with Washington County, ODA, DEQ, local haulers, landscapers, Hillsboro Landfill, and the city of Hillsboro, to collect, isolate and dispose of yard debris and soil that is generated from within the quarantine area. Metro's Recycling Information Center is prepared to manage calls from the public.

Metro, DEQ and ODA are also working to establish a nearby yard debris and soil reload facility at the Northwest Landscaping Service location at 1800 NW Cornelius Pass Road, Hillsboro. This site is to be used primarily by local residents, local businesses and landscapers that generate yard debris and soil within the quarantine area. Staff is working through the logistical details of the operation, including providing a public notification and comment period.

#### **ANALYSIS / INFORMATION**

##### **1. Known Opposition**

There is no known opposition to the proposed excise tax exemption.

##### **2. Legal Antecedents**

Any excise tax exemptions must be established by the elected Metro Council.

##### **3. Anticipated Effects**

---

<sup>1</sup> DFA #932404

Approval of this ordinance would amend Metro Code Chapter 7.01 as provided in Exhibit A.

#### **4. Budget Impacts**

Because this material would normally be delivered to a yard debris reload or compost facility, the material would not be subject to payment of regional system fees or excise taxes. However, if this material is required to be disposed in a landfill it would be subject to paying fees and taxes. Therefore, assuming that 1,000 tons of material was to be generated in 2017 and annually, Metro would forego about \$18,000 in system fees and \$11,000 in excise taxes each year. The eradication could be extended for up to five years with likely a similar annual budget impact.

#### **RECOMMENDED ACTION**

The COO recommends adoption of Ordinance No. 17-1402. Approval of this ordinance will authorize the amendment to Metro Code 7.01 (attached as Exhibit A to Ordinance No 17-1402).

WJ:bjl



Secretary of State

**STATEMENT OF NEED AND JUSTIFICATION**

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Oregon Department of Agriculture, Plant  
Agency and Division

OAR Chapter 603  
Administrative Rules Chapter Number

In the Matter of: Amending OAR 603-052-0127

Rule Caption: **Amends OAR 603-052-0127 establishing a quarantine in Washington County mitigation measures for the Japanese beetle infestation.**

Statutory Authority: ORS 570.305, ORS 561.510.

Other Authority: ORS 561.190.

Stats. Implemented: ORS 570.305 and ORS 561.510 (3)

Need for the Temporary Rule(s):

The rules clarify when the need for eradication of Japanese beetle in the quarantine area is triggered and establishes a quarantine in Washington County where the need for eradication efforts has been triggered. During 2016, the Oregon Department of Agriculture (ODA) detected an incipient population of the Japanese beetle in the Cedar Mill and Bethany neighborhoods of Washington County, Oregon. The ODA has determined that this is the largest Japanese beetle infestation ever detected in Oregon. If the Japanese beetle population in Oregon is not eradicated, direct damage and restrictions to Oregon's \$900 million nursery industry, of which about \$170 million originates in Washington County, will occur. Impact of quarantines and additionally required chemical treatments along with direct damages to the rest of Oregon's agricultural industry and natural resources is estimated at up to \$45 million annually. The ODA estimates that approximately \$3.5 million (2016) in nursery product sales in Washington County could be lost because of quarantine restrictions against nursery products if the Japanese beetle is not eradicated in Washington County. The ODA has determined that the actions described in its rules are methods necessary to prevent the spread, establish control, and to accomplish the eradication of Japanese beetle in Washington County. In addition to establishing mitigation measures to eradicate Japanese beetle in infested areas, the rules also establish Japanese beetle control measures that apply to nurseries operating in Washington County.

Documents relied upon, and where they are available:

Map of quarantine area is available at: [www.bit.do/jbmap](http://www.bit.do/jbmap).

Japanese beetle Harmonization Plan (2016). National Plant Board. Available: [http://nationalplantboard.org/wp-content/uploads/docs/jbhp\\_2017\\_final.pdf](http://nationalplantboard.org/wp-content/uploads/docs/jbhp_2017_final.pdf)

Japanese Beetle. Fact Sheet No. 5.601 (2013), Colorado State University. Available: <http://extension.colostate.edu/docs/pubs/insect/05601.pdf>

Hydrogen Isotopes as a Sentinel of Biological Invasions by the Japanese Beetle, *Popillia japonica* (Newman), (2016). Huntgate BA, Kearns DN, Ogle K, Caron M, Marks, JC, Rogg HW. PLoS ONE 11(3)e0149599.doi 10.1371/journal.pone.014599.

Report of the Science Advisory Panel on Japanese Beetle (2015). Available: <https://www.cdffa.ca.gov/plant/jb/pdfs/JP-SAP-Recommendations.pdf>

Stanely-Stahr C. CAPS Update: Japanese Beetle (2011). Utah Pest News Vol. V, Fall 2011. Utah State University. Available: <https://utahpests.usu.edu/htm/utah-pests-news/fall2011/jap-beetle>

Bee-friendly lawn care. Landscape Management. J Larson and D. Potter 2013. Available:  
<http://landscapemanagement.net/bee-friendly-lawn-care/>

www.japanesebeetlepx.info

Justification of Temporary Rule(s):

Oregon Revised Statutes (ORS) 561.510 authorizes the ODA to adopt rules declaring a quarantine if the Director believes that any fruits, vegetables, plants, parts of plants or seeds within any area or section are infested with a pest. The quarantine may prohibit the movement of infested fruits, vegetables, plants, parts of plants or seeds or articles that might contain the infestation that might otherwise spread the infestation into the state from one area of the state to another or another area or section within or outside of the state. If an emergency exists and postponement of the effective date of the quarantine would result in serious prejudice to the public health, safety or welfare, or to the health, safety or welfare of the affected parties, the Director may make the quarantine effective immediately as authorized by ORS 183.355.

The Japanese beetle is a destructive garden pest that affects agricultural and horticultural interests of this state. The Japanese beetle is destructive to roses, grapes, orchard fruits, cane berries, corn, hops, outdoor cannabis, and urban forest trees. It is the State of Oregon's policy to eradicate Japanese beetle before breeding populations can establish. During 2016, the ODA detected an incipient population of the Japanese beetle in the Cedar Mill and Bethany neighborhoods of Washington County, Oregon. The ODA has determined that this is the largest Japanese beetle infestation ever detected in Oregon. If the Japanese beetle population in Oregon is not eradicated, damage to Oregon's \$900 million nursery industry, of which about \$170 million originates in Washington County alone, through quarantines prohibiting the import of Oregon products into other states and additional chemical treatments is estimated at approximately \$45 million. The ODA estimates that approximately \$3.5 million (2016) in nursery product sales in Washington County could be lost because of quarantine restrictions against Oregon products if the Japanese beetle is not eradicated in Washington County.

The ODA has determined that this infestation is an urgent agricultural emergency.

Treatment of Japanese beetle infestation is accomplished by application of Chlorantraniliprole (Acelepryn®) a granular pesticide that is ground applied in order to affect Japanese beetle grubs when they are about to emerge after wintering in the ground. During the spring, the grubs migrate up to the root zone to feed for four to six weeks. In order to eradicate Japanese beetle, application of Acelepryn® must occur prior to grub emergence, which is expected to occur in Washington County April 17, 2017 through early June 2017. In order to accomplish effective treatment over the entire quarantine area, the ODA must begin application of Acelepryn® on April 17, 2017. Failure to begin eradication efforts by April 17, 2017 will result in the infestation going untreated, as untreated grubs would emerge and disperse outside the currently established treatment area. Failure to timely treat emerging grubs will result in establishment of breeding populations and further spread of Japanese beetle that in turn will result in serious prejudice to the agricultural and horticultural interests of this state. Due to the importance of the nursery and other agriculture industry in Oregon, serious prejudice to the agricultural and horticultural interests of this state due to Japanese beetle infestation could seriously prejudice the public interest and welfare of the affected parties.

---

Signature

Printed name

Date



# Oregon

Kate Brown, Governor

## Department of Environmental Quality

Northwest Region

700 NE Multnomah Street, Suite 600

Portland, OR 97232

(503) 229-5263

FAX (503) 229-6945

TTY 711

April 28, 2017

Ms. Theresa Koppang  
Solid Waste & Recycling Manager  
155 N. First Avenue, Suite 160, MS-5  
Hillsboro, OR 97124-3072  
via email – [Theresa.Koppang@co.washington.or.us](mailto:Theresa.Koppang@co.washington.or.us)

**RE: Source separated determination applicability**

Dear Ms. Koppang,

This letter is in response to your letter dated April 24, 2017, where Washington County requested that a portion of the green waste, yard debris stream that is currently collected and delivered to a compost facility within Washington County, be instead diverted to disposal at the Hillsboro Landfill.

According to your letter, this green waste/yard debris is being generated as a result of Oregon's Department of Agriculture's (ODA's) efforts to eradicate the Japanese beetle (*Popillia japonica*), an invasive species, from an approximately 1,000-acre residential area in unincorporated Washington County. Based on ODA eradication standards/guidelines, DEQ understands that disposal of the material at a landfill is preferable to composting or other recycling methods.

**As this material is contaminated with this invasive species, it is no longer a "recyclable material" as defined by Oregon Administrative Rule (OAR) 340-090-0110(36) and can be disposed at a DEQ-permitted disposal facility.**

Should you have any questions about the content of this letter or if you need any follow-up technical assistance, please contact me at 503-229-5562.

Sincerely,

Killian Condon  
Solid Waste Program  
Northwest Region – Portland Office

Cc: File

Ecc: Audrey O'Brien, Solid Waste Program Manager – NWR  
Bonnie Wakefield – NWR  
Clint E. Burfitt – ODA ([cburfitt@oda.state.or.us](mailto:cburfitt@oda.state.or.us))  
Roy Brower – Metro ([roy.brower@oregonmetro.gov](mailto:roy.brower@oregonmetro.gov))



May 1, 2017

600 NE Grand Ave.  
Portland, OR 97232-2736  
oregonmetro.gov

Paul Burns  
Area Director Disposal Operations  
Waste Management  
3205 SE Minter Bridge Road  
Hillsboro, OR 97123

Subject: Acceptable Metro Area Waste at Hillsboro Landfill (Designated Facility Agreement #932404) and notification of special exemption permit from Metro's regional system fee

Dear Mr. Burns:

As you are aware the Oregon Department of Agriculture (ODA) has established an emergency eradication quarantine area in the Bethany/Cedar Mill area of unincorporated Washington County (the "quarantine area") in an effort to eradicate the Japanese Beetle. Metro is working closely with Washington County, ODA, DEQ, local haulers, landscapers and the city of Hillsboro, to collect, isolate and dispose of yard debris and soil that is generated from within the quarantine area.

DEQ has approved Hillsboro Landfill to accept approximately 1,000 tons per year of yard debris and soil for to deposit directly on the landfill's working face. Metro also approves the disposal of these materials, as allowed by DEQ and in accordance with the landfill's DFA, which are generated within the quarantine area. Although these types of materials are normally considered to be source separated recyclable material, Metro, DEQ and ODA have determined that this material is not amenable to recycling due to the pest risk and subsequently requires special management at the landfill.

Metro will allow Hillsboro Landfill to accept yard debris and soil collected by Walker Garbage, Waste Management, Aloha Garbage, Washington County Drop Box and Northwest Landscape Services from within the quarantine area on behalf of ODA. Metro recommends that haulers take the necessary steps to notify their customers to keep yard debris and soil separate from construction waste, demolition debris, other solid wastes and recyclables from within the quarantine area. Construction and demolition waste received from within the Metro region must still be processed by Tualatin Valley Waste Recovery to meet the enhanced dry waste recovery program standards in Metro Code Section 5.01.260. The yard debris and soil, however, may be disposed in the landfill as specified above. In addition, to the extent possible, haulers should seek to route their trucks to efficiently collect material within the quarantine area and minimize mixing with waste from outside that area.

Because the eradication of this beetle is considered an urgent agricultural emergency by ODA, Metro will waive the collection of its regional system fee on the disposal of this material as specified in the Special Exemption Permit issued to ODA and included with this letter. Specifically, Hillsboro Landfill does not need to collect or remit Metro's regional system fee for yard debris and soil that is generated

by ODA from within the quarantine area effective June 1, 2017 through December 31, 2018. Metro will provide the landfill with further guidance on the regional system fee changes for this waste in the future. Please contact Kevin Six at (503) 797-1672 at Metro for more information on monthly reporting requirements.

In order to qualify for the fee exemption, the landfill must ensure that each load from the quarantine area is scaled and reported to Metro under the name of the "Oregon Department of Agriculture Japanese Beetle Project." The landfill may set up subaccounts for other parties that may also dispose of yard debris and soil at the landfill as specified in the ODA permit. This information must be provided to Metro as part of the landfill's normal monthly reports.

Metro, DEQ and ODA are also working to establish a nearby yard debris reload facility at Northwest Landscaping Service location at 1800 NW Cornelius Pass Road, Hillsboro. This site is to be used primarily by local residents, local businesses and landscapers that generate yard debris and soil within the quarantine area. We are still working through the logistical details of the operation, but will keep you updated as plans are finalized.

Metro Council will soon consider whether it will assess its solid waste excise tax on the disposal of yard debris and soil from the quarantine area. Metro will keep you apprised of the status of the excise tax. Until that time, the landfill should continue to collect the solid waste excise tax on all Metro area-waste that it receives for disposed.

In the meantime, if you have any questions or need additional clarification please contact Paul Slyman or Roy Brower.

Sincerely,



Martha Bennett  
Chief Operating Officer

MB/RB:bjl

cc: Dean Kampfer, Waste Management  
David Lowe, Waste Management  
Tim Collier, Metro FRS  
Paul Slyman, Metro PES  
Roy Brower, Metro PES  
Theresa Koppang, Washington County  
Peter Brandom, City of Hillsboro  
Audrey O'Brien, DEQ  
Cliff Burfitt, ODA



600 NE Grand Ave.  
Portland, OR 97232-2736  
oregonmetro.gov

**METRO SPECIAL EXEMPTION PERMIT**  
ISSUED UNDER METRO CODE SECTION 5.02.160

**No. SEP-178-17**

<b>PERMITEE:</b>	
	Oregon Department of Agriculture Plant Program Area 635 Capitol St. NE Ste 100 Salem, OR 97301-2532
<b>CONTACT PERSON:</b>	
	Clint Burfitt
Phone:	(503) 503-956-4663
E-mail:	<a href="mailto:cburfitt@oda.state.or.us">cburfitt@oda.state.or.us</a>
<b>MAILING ADDRESS:</b>	
	Oregon Department of Agriculture Plant Program Area 635 Capitol St. NE Ste 100 Salem, OR 97301-2532

**ISSUED BY METRO:**

  
\_\_\_\_\_  
Martha Bennett,  
Chief Operating Officer

  
\_\_\_\_\_  
Date

<b>1</b>	<b>NATURE OF WASTE COVERED BY PERMIT</b>
	Yard debris and soil that is generated within, or has come in contact with yard debris from the emergency Japanese beetle quarantine area within Washington County. Eradication project area map included in Section 11.
<b>2</b>	<b>CALENDAR YEAR TONNAGE ALLOCATION</b>
	The permittee is authorized to transport to the disposal site listed in Section 3 up to 1,000 tons per calendar year of the waste described in Section 1.
<b>3</b>	<b>DISPOSAL SITE</b>
	<p>The permittee is authorized to transport the waste described above in Section 1 to the following disposal site using the companies listed below to:</p> <p style="text-align: center;">Hillsboro Landfill 3205 SE Minter Bridge Road Hillsboro, OR 97123</p> <p>This permit is issued on condition that the disposal facility named in this section is authorized to accept the type of waste described in Section 1. If Metro receives notice from the Oregon Department of Environmental Quality that this facility is not authorized to accept such waste, Metro may immediately terminate this permit pursuant to Section 8.</p> <p>Waste from the quarantine area may be delivered by the following companies on behalf of the Oregon Department of Agriculture:</p> <ul style="list-style-type: none"><li>• Walker Garbage Services 21845 NW Cherry Lane Hillsboro, OR 97124</li><li>• Waste Management of Oregon 7227 NE 55<sup>th</sup> Avenue Portland, OR 97218</li><li>• Washington County Drop Box 21435 NW Nicholas Ct. #2 Hillsboro, OR 97124</li><li>• Aloha Garbage 20525 SW Blanton St. #A Aloha, OR 97007</li><li>• Northwest Landscape Services 1800 NW Cornelius Pass Road Hillsboro, OR 97124</li></ul>

<b>4</b>	<b>TERM OF PERMIT</b>
	<p>(a) The term of this permit will commence on June 1, 2017, and expire on December 31, 2018, unless terminated sooner under Section 8.</p> <p>(b) The Chief Operating Officer (COO) may extend the term of this permit if the COO determines that it is in the public interest and the conditions meet the criteria provided in Metro Code Section 5.02.160.</p>
<b>5</b>	<b>REPORTING OF ACCIDENTS AND CITATIONS</b>
	<p>The permittee must report to Metro any significant incidents (such as fires), accidents, and citations involving vehicles transporting the solid waste authorized by this permit.</p>
<b>7</b>	<b>REGIONAL SYSTEM FEE AND EXCISE TAX</b>
	<p>The yard debris and soil described in Section 1 that the permittee transports to the disposal site listed in Section 3 under authority of this permit is exempt from Metro's regional system fee as provided in Metro Code Section 5.02.160.</p>
<b>8</b>	<b>ADDITIONAL PERMIT CONDITIONS</b>
	<p>This permit is subject to the following conditions:</p> <ul style="list-style-type: none"><li>(a) The permissive transport of yard debris and soil to the disposal site, listed in Section 3, authorized by this permit is subordinate to any subsequent decision by Metro to direct the yard debris and soil described in this permit to any other facility.</li><li>(b) The COO may amend or terminate this permit in the event that the COO determines that:<ul style="list-style-type: none"><li>i. There has been sufficient change in any circumstances under which Metro issued this permit; or</li><li>ii. Metro's solid waste system or the public will benefit from, and will be better served by, an order directing that the waste described in Section 1 be transferred to, and disposed of at, a facility other than the disposal site listed in Section 3.</li></ul></li><li>(c) This permit is, in addition to subsections (b)(i) through (b)(ii), above, subject to amendment, suspension, or termination pursuant to the Metro Code.</li><li>(d) The permittee must not transfer or assign any right or interest in this permit without prior written notification to, and approval of, Metro.</li></ul>



<b>9</b>	<b>COMPLIANCE WITH LAW</b>
	<p>The permittee must fully comply with all applicable local, regional, state and federal laws, rules, regulations, ordinances, orders, and permits pertaining in any manner to this permit, including all applicable Metro Code provisions and administrative rules adopted pursuant to Chapter 5.05 whether or not those provisions have been specifically mentioned or cited herein. All conditions imposed on the collection and hauling of the permittee's solid waste by federal, state, regional or local governments or agencies having jurisdiction over solid waste generated by the permittee is deemed part of this permit as if specifically set forth herein.</p>

<b>10</b>	<b>INDEMNIFICATION</b>
	<p>The permittee must defend, indemnify and hold harmless Metro, its elected officials, officers, employees, agents and representatives from any and all claims, demands, damages, causes of action, or losses and expenses, arising out of or related in any way to the issuance or administration of this permit or the transport and disposal of the solid waste covered by this permit. Expenses include, but are not limited to all attorneys' fees, whether incurred before any litigation is commenced, during any litigation or on appeal.</p>

<b>11</b>	<b>ERADICATION PROJECT AREA MAP</b>
-----------	-------------------------------------

