

## Metro | Agenda

Meeting: Solid Waste Alternatives Advisory Committee (SWAAC)  
Date: Wednesday, September 12, 2018  
Time: 10:00 a.m. to 11:30 a.m.  
Place: Council chamber

*The purpose of the Solid Waste Alternatives Advisory Committee is to develop policy options that, if implemented, would serve the public interest by reducing the amount and toxicity of waste generated and disposed, or enhancing the effectiveness and sustainability of the system through which the region's solid waste is managed.*

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|-----------------|--|---|
| <b>10:00 AM</b> | <b>1. CALL TO ORDER AND DECLARATION OF A QUORUM</b>  | <b>Matt Korot, Chair</b>                            |
| <b>10:02 AM</b> | <b>2. COMMENTS FROM THE CHAIR AND SWAAC MEMBERS</b>  |   |
| <b>10:05 AM</b> | <b>3. ** CONSIDERATION OF SWAAC MINUTES FOR JULY 11, 2018</b>  |   |
| <b>10:10 AM</b> | <b>4. 2030 REGIONAL WASTE PLAN COMPLETION AND ADOPTION PROCESS</b>   | <b>Marta McGuire, Metro</b>                         |
|                 | <u>Purpose:</u> <ul style="list-style-type: none"><li>• To review the timeline and process for completing the 2030 Regional Waste Plan, including public, stakeholder and advisory committee input, and Metro Council review and consideration for adoption.</li></ul> <u>Outcomes:</u> <ul style="list-style-type: none"><li>• Understanding of the timeline and process.</li></ul>   |   |
| <b>10:25 AM</b> | <b>5. ** DRAFT ADMINISTRATIVE RULES FOR COMMERCIAL FOOD SCRAPS RECOVERY PROGRAM</b>  | <b>Jennifer Erickson, Metro<br/>Pam Peck, Metro</b> |
|                 | <u>Purpose:</u> <ul style="list-style-type: none"><li>• To review the revised draft administrative rules and solicit SWAAC members' input.</li><li>• To explain the process for public comment on the rules and subsequent adoption.</li></ul> <u>Outcomes:</u> <ul style="list-style-type: none"><li>• Input from SWAAC members on the revised draft rules.</li><li>• Understanding of the public comment and rules adoption process.</li></ul> |   |

*Continued on back...*

- 10:55 AM      6.    \*\* METRO'S ROLE IN DISASTER DEBRIS MANAGEMENT      Daniel Nibouar, Metro  
Roy Brower, Metro**
- Purpose:*
- To introduce and summarize the newly approved Metro Disaster Debris Management Plan.
- Outcome:*
- Understanding of Metro's roles in disaster debris management.
- 11:15 AM      7.      PUBLIC COMMENT ON AGENDA ITEMS**
- 11:25 AM      8.      PREVIEW OF THE NEXT MEETING AND FINAL COMMENTS      Matt Korot, Chair**
- ADJOURN**
- Noon –      HOW GARBAGE AND RECYCLING SUPPORT OUR ECONOMY  
1:00 PM      Dr. Tom Potiowsky, Northwest Economic Research Center**

- \* Material available on the Metro website.  
\*\* Material will be distributed in advance of the meeting.  
# Material will be distributed at the meeting.

Next Scheduled SWAAC Meetings:

- Wednesday, October 10, 2018 from 10 a.m. to 12 p.m. (noon) at the Metro Regional Center
- Wednesday, November 14, 2018 from 10 a.m. to 12 p.m. (noon) at the Metro Regional Center

For agenda and schedule information, call Matt Korot at 503-797-1760, e-mail: [matt.korot@oregonmetro.gov](mailto:matt.korot@oregonmetro.gov).  
To check on closure or cancellations during inclement weather please call 503-797-1700.

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**Metro**

600 NE Grand Ave.  
Portland, OR 97232-2736

# Meeting minutes

Meeting: Solid Waste Alternatives Advisory Committee (SWAAC)  
Date/time: 10:00 a.m.-noon, Wednesday, July 11 2018  
Place: Metro Regional Center, 370A & 370B

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## **Members in Attendance:**

Mike Leichner, Pride Disposal  
Bruce Walker, City of Portland  
Rick Winterhalter, Clackamas County  
Mark Ottenad, City of Wilsonville  
Audrey O'Brien, Oregon DEQ  
Alando Simpson, City of Roses Disposal/Recycling  
Theresa Koppang, Washington County  
Matt Korot, Metro

## **Members Absent:**

Peter Brandom, City of Hillsboro  
Reba Crocker, City of Milwaukie  
Paul Downey, City of Forest Grove  
Keith Ristau, Far West Recycling  
Adrienne Welsh, Recycling Advocates

### **1. Call to order and declaration of a quorum**

Matt Korot brought the meeting to order at 10:02 AM, declared a quorum, and previewed the agenda.

### **2. Comments from the chair and SWAAC members**

No comments were made at this time.

### **3. Wet Waste Tonnage Allocations**

Molly Vogt and Roy Brower were present to lead a discussion on wet waste tonnage allocations. After the initial presentation of the wet waste tonnage allocation approach at the SWAAC meeting on May 9, 2018, staff met with solid waste industry stakeholders to gather feedback on this approach. This feedback will be considered as staff continues to review options and takes this discussion to a Metro Council work session on July 31, 2018. The goal of this upcoming work session is to build high level buy-in from Metro Council on the preferred options for allocation.

Mr. Brower provided additional background, which was outlined on slides 2 and 3 of the presentation. The region currently has no transparent system for allocating waste. Tonnage caps were set 10 to 12 years ago and weren't set up to adjust for economic growth recession or other system changes. In July 2016, Metro Council adopted the Transfer System Configuration Policy (Resolution No. 16-4716). This policy directs staff to develop a predictable, transparent framework for allocating waste. With respect to tonnage allocation, the legislation requires that by 2020 Metro will have a system to:

1. Establish tonnage allocations in percentages that will rise or fall with regional tonnage;
2. Establish a predictable and transparent framework the Council can adopt as policy for adjusting tonnage allocations;
3. Accommodate future changes and technology;
4. Support small businesses;
5. Promote more efficient off-route travel to reduce GHG and minimize travel time;
6. Utilize the regional transfer system and require that all landfill-bound waste is delivered to the region's transfer stations (i.e., no out-of-region transfer stations should accept the region's waste).

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## 7. Improve rate transparency at both public and private stations.

Mr. Brower explained that the new allocation model must be set up to ensure that a minimum of 40 percent of the region's wet waste will flow into public transfer stations. Additionally, no more than 40 percent of the region's wet waste can be transferred by any single company. The allocations are set up to change based on sub-regional growth in the economy or overall tonnage. For example, the South Hillsboro area represents part of the region where a dramatic amount of growth is anticipated, which will impact the amount of waste produced.

Ms. Vogt then provided a summary of the key concerns that solid waste stakeholders have introduced since the May 9, 2018 discussion (slides 4-5). The primary concerns about the process for establishing the wet waste tonnage allocations included that the allocation approach was developed quickly without much stakeholder discussion. There was concern about the inclusivity of the process. Many stakeholders were also concerned that the model is too generalized and were able to identify many exceptions to the model. In the initial proposal, out-of-region transfer stations did not receive any tonnage. This was a concern to many, and the task force recommended maintaining the status quo related to inclusion of out-of-region stations.

Ms. Vogt discussed further broad concerns about allocation consideration and reviewed specific concerns about the model used to determine these allocations (slides 4-5). Ms. Vogt then shared some of the changes to the model that are under consideration. These changes are outlined on slides 6-9 of the presentation. The four primary changes are as follows:

1. Gather additional data for more detailed future model development.
2. Allow limited out-of-district allocations to transfer stations.
3. Metro may assign additional tonnage to transfer stations from its allotment over 40 percent.
4. Variance rule for unanticipated long-term disruptions.

The additional data would likely take into account the location of truck barns and whether or not trucks would make multiple turns to the transfer stations before returning at the end of the day. The issue of looking at congested vs. uncongested travel time was particularly important to a number of stakeholders who were concerned about the impact this has in considering allocations.

Mr. Brower explained that with respect to out-of-region allocations, they recommend no longer using non-system licenses to haulers. Instead, out-of-district transfer stations would become designated by Council in order to obtain an allocation. The designated facility approach would establish a more direct relationship between Metro and the transfer stations. In addition, Metro would no longer need to issue licenses every two years and rely on agreements that typically go for 5 years. Mr. Brower clarified that these transfer stations would collect and remit fees and taxes on behalf of Metro. Ms. Vogt clarified that out-of-district and out-of-region have the same meaning.

Ms. Vogt explained that the process for assigning additional tonnage to transfer stations will be based on meeting public benefits. Mr. Brower added that under the current Waste Management contract, Metro is obligated to deliver 90 percent of wet waste to Waste Management landfills. The other 10 percent goes to non-Waste Management landfills. In 2020, this flow guarantee goes away. This makes it critically important that there is a process in place for assigning tonnage allocation.

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Ms. Vogt explained that the variance rule for unanticipated disruptions is intended to accommodate things we wouldn't expect. This would allow Metro to waive the original allocation total if needed to accommodate things like catastrophic events.

At the conclusion of the presentation, Ms. Vogt explained that the next steps would be to present the above concerns at the July 31, 2018 Metro Council Work Session as well as any input gathered at this SWAAC meeting. In Fall 2018, Council will consider an ordinance and administrative rule. The goal is to have this policy in place by the end of 2018 so that it can take effect on January 1, 2020.

## Questions and comments from SWAAC members:

Mike Leichner (Pride Disposal) asked when the public would have opportunity to comment on the ordinance and administrative rule. Mr. Brower answered that it would be put up for public comment after drafting, prior to going in front of Council for consideration. Mr. Leichner followed up to ask who the administrative rule would apply to. Mr. Brower answered it would apply to transfer station allocation.

Rick Winterhalter (Clackamas County) asked a question about the intent behind considering tip fees in the allocation. Ms. Vogt responded that tip fees would be considered in any application for additional tonnage allocation. Mr. Winterhalter brought up the concern that allocating tonnage to more stations could cause tipping fees to rise and that we should consider the impact.

Mark Ottenad (City of Wilsonville) asked a question about Metro's 40 percent rule and the contract between Metro and Waste Management. Mr. Brower explained that the Waste Management contract would expire at the end of 2019. Mr. Ottenad asked how it was determined that Metro would receive 40 percent of the region's wet waste. Mr. Brower answered that Metro was at about 40 percent at the time this was determined and there was concern about disrupting the system as well as maintaining an adequate service level to the public with Metro's full-service transfer stations. Mr. Ottenad asked how the proposed model increases Metro's allocation to 54 percent and what accounts for the 14 percent variance. Ms. Vogt answered that the analysis is based on proximity and looked at how much waste was generated within each transfer station's watershed. Mr. Brower added that Metro just happens to have well-located facilities relative to the region's watershed.

Mr. Ottenad commented that the Sherwood-Wilsonville area is one of most rapidly growing parts of the region and that travel time is increasing dramatically. He asked why the proposed model allocates less tonnage to the Sherwood, Pride, and WRI facilities, given the expected growth in population and waste generation. Ms. Vogt explained that there is a lag in data in the model. Mr. Ottenad would propose using updated data each year when calculating tonnage allocations. Mr. Brower said that we used 2017 numbers to calculate the most recent allocation. Mr. Ottenad commented that this appears to be a problem of not sufficiently looking forward at anticipated growth. He explained that there is a huge employment zone between Tualatin and Sherwood, and recommended that Metro consider the impact of congestion growth on I-5. He commented that it is important to use congestion as part of model.

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Mr. Korot asked for clarification on the time lag in the data used in the allocation model. Ms. Vogt explained that the data used is for the prior year. She suggested that the model could instead incorporate data from a forecasted model of regional population and employment.

Mr. Ottenad commented that there seems to be a history of the Sherwood-Wilsonville area's growth being regularly underestimated.

Mr. Ottenad asked a question about the public benefit behind out-of-region transfer stations receiving the Metro region's waste. Mr. Brower answered that this decision is about honoring prior investment and status quo. However, the intention is not to open the door to new transfer stations located outside of the region.

Mr. Ottenad suggested that it might be a good idea to phase out the out-of-region transfer stations over time to limit vehicle miles travelled. He then asked why the location of the truck barns is important to the model. Ms. Vogt explained that this factor includes travel from the truck barn to the route and then back to the barn, and that more than one turn to the transfer station causes the impact of truck barn location to decrease.

Mr. Korot asked about the extent to which the inclusion of additional data points changes the projection of the model. Ms. Vogt answered that the truck barn location data inclusion does impact the model's output significantly. She added that the next step would be to work with some consultants to help validate the model.

Mr. Korot asked if hauler-provided data would ease the process. Ms. Vogt answered that it would.

Theresa Koppang (Washington County) asked about the percentage of overall tonnage that would be allocated to out-of-region transfer stations. Mr. Brower answered that out-of-region stations represent about 3 percent of existing tonnage today.

Ms. Koppang commented that she likes coupling tonnage allocation with rate transparency. From a local government perspective, Ms. Koppang explained that all this flows back to rate setting. She asked how disruptive this would be to the system and added that it still feels like a mystery as to the real impact this will have on rate setting. Most of Washington County's waste goes to the Forest Grove transfer station. Ms. Koppang asked if they turn away haulers if their waste allocation is reduced dramatically.

Bruce Walker (City of Portland) brought up Option 3 from the rate transparency discussion. He asked how additional allocations would be assigned to transfer stations that apply. Mr. Walker commented that he would assume that all transfer stations would ask for more. Mr. Brower answered that any request for additional allocation would be evaluated from a public benefit perspective and that criteria would emphasize the impact on the rate payer. Ms. Vogt added that they would need to balance the importance of minimizing disruption while supporting small businesses and accommodating technology advancement.

Alando Simpson (City of Roses Disposal/Recycling) asked how the wastesheds were defined. Ms. Vogt explained that they mapped travel time across the region in relation to the transfer stations. The boundaries around transfer stations reflect service areas. Boundaries for each wasteshed indicate geographic proximity to the nearest transfer station.

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Mr. Simpson asked how conversation about regional tolling might impact waste from N/NE Portland travelling to Metro Central. Ms. Vogt answered that the model is designed to take new data into account to regularly recalculate allocation. However, this model is not designed to account for policy changes like tolls.

Mr. Simpson asked if any consideration was given to allocations based on municipality. Mr. Brower responded that it had been considered but dropped because of legal considerations.

Mr. Simpson asked about rate transparency for landfills. Mr. Korot responded that we may be going to a less transparent system on landfill cost after 2020. After 2020, Metro will have landfill contracts only for waste that goes through its own transfer stations.

Mr. Winterhalter commented that the out-of-region transfer station inclusion seems reasonable. He supports keeping Metro in the system at 40 percent.

Mr. Simpson asked how the Metro region compares to other metropolitan regions in terms of rates and costs. Mr. Brower answered that transfer stations in Seattle charge \$140 to \$150 per ton, which are considerably larger tip fees. Ms. Koppang added that the King County transfer stations are full-service and very community-oriented with services that aren't comparable to the Metro region.

Ms. Vogt reiterated the next steps: going to Council on July 31 for Council Work Session. Fall 2018 Council consideration of ordinance and administrative rule to potentially be in place by Jan 1, 2020.

## **4. Public Comment on Tonnage Allocations**

No comments were made at this time.

## **5. Transfer Station Rate Transparency – Step 2**

Roy Brower presented on behalf of Tim Collier about Step 2 of the transfer station rate transparency efforts (slide 11). Metro recently estimated its unit cost to local governments and released these figures in March. After a Council work session and letters from Hillsboro, Gresham and Washington County, Metro learned that Step 1 of these rate transparency efforts hadn't gone far enough. Step 2 will make assessments based on the calendar year and will include site visits and publicly available information. Mr. Brower presented the cost estimate template and asked for public comment on the document by next week. There will be a final report in September or October, which will be a publicly available document.

Questions and comments from SWAAC members:

Bruce Walker (City of Portland) stated that the City of Portland has not submitted a letter. However, he has noted that at local government meetings, there has been substantial concern from the Western/Eastern parts of region where transfer stations have put additional fees above the Metro tip fee. Mr. Walker suggested that maybe anything in excess of Metro fees is what should be looked at. Mr. Brower commented that this might be where Step 3 comes in.

Mr. Walker commented that significant concern has been with these additional charges and that these should be further reviewed.



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Audrey O'Brien (Oregon DEQ) commented that perhaps there should be a hybrid of Step 2 and Step 3. Mr. Walker followed up that it seems like the additional fees are the root of the concern.

Mr. Leichner commented that private facilities have some costs that Metro doesn't have. Each facility is also trying to make a profit, but how much profit is acceptable? Metro is essentially a nonprofit agency; he views them as the benchmark. Above this would be the profit margin for private facilities. In collection there is a fixed margin they try to meet, but they have set collection customers. For transfer stations, there is no fixed customer base, so higher profit margins are necessary to cover higher risk.

Ms. Koppang commented that Washington County is supportive of rate transparency. As rate setters, transparency is what they want. She explained that rate setters need to be fair, just, reasonable, and prudent. Ms. Koppang explained that for a long time Washington County used the rate that Metro published. They don't understand why the ratepayers are being charged a higher rate to go to a private transfer station.

Mr. Leichner commented that there has to be balance between transportation cost and the tipping fee. He sees part of the issue beyond profit and loss – the regulator controls how many tons stations can have, what the rate can be, and competes with their own facility. His goal is to make sure rates are justified without creating additional issues.

Ms. Koppang commented that through development of the Regional Waste Plan and equity work, the community in Washington County has shared that they don't have a convenient place to take hazardous waste (no nearby comparable services to Metro Central). She would support having transfer stations provide more services for citizens. The comprehensive services of a transfer station are important to Washington County.

Mr. Simpson asked if the same ratio of cost to tip fee applies to private transfer stations as they do to Metro's facilities. For example, Metro charges less for wood. Do we know how this works for private facilities?

Mr. Korot answered that we do not know this relationship between cost to deliver the service and the fee charged without rate transparency.

Mr. Walker commented that there would be additional analysis over next year to see whether Metro's blended rate for wet and dry waste should be continued.

## 6. Updates

Mr. Korot explained that SWAAC membership terms came to an end with the close of the fiscal year on June 30, 2018. He asked committee members to stay on through the end of the year. There are some anticipated changes to this committee in consideration of the 2030 Regional Waste Plan going into effect next year. Mr. Korot invited committee members to engage in conversation off-line if there are any concerns about continuing committee membership through the end of 2018.

Mr. Korot provided brief updates on the Regional Waste Plan. In recent months, the focus has been on developing draft actions. This came after initial stages looking at the values, principals and goals for the plan. The current stage is going through the process of refining the work of the 8 technical



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work groups and seeking to streamline the recommended actions to prevent duplication. Following this phase, the fifth and final phase will be review and approval, which will include a Council work session, public comment period, review and discussions by SWAAC and the Metro Policy Advisory Committee, and then final consideration by Council.

Mr. Korot provided a brief update on food scraps policy. On July 19 and 26, Metro Council will consider a proposed ordinance to establish a required commercial food scraps recovery program. The Council packet will be available on the website tomorrow.

## **7. Public Comment on Agenda Items**

Mr. Korot invited public comment on agenda items.

Ray Phelps (Republic Services) asked which document Metro would like public comment on and when the deadline would be for public comment. Mr. Brower answered that public comment was requested on the proposed rate transparency template by the end of next week (July 20, 2018).

## **8. Preview of the next meeting agenda and final comments**

Mr. Korot thanked everyone for their participation and stated that the August meeting will likely be cancelled. The next meeting will be in September to talk about the 2030 Regional Waste plan.

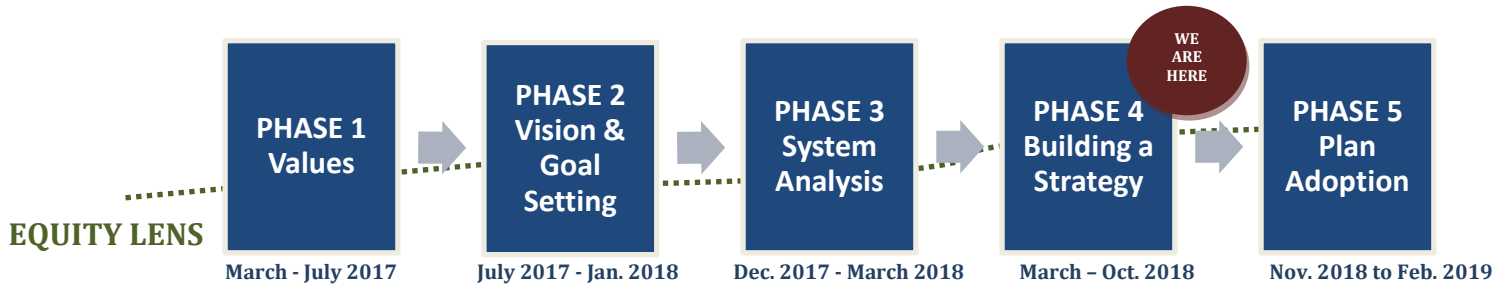
With no final comments from the Committee, the meeting was adjourned at 11:42 a.m.



# 2030 Regional Waste Plan Project Update

September 2018

*The Regional Waste Plan will be the greater Portland area's blueprint for managing and reducing the environmental impacts of goods consumed in the region, from production to disposal. From spring 2017 to winter 2019, Metro will work with communities around the region to develop this plan.*



## Project Status Summary

Work on the 2030 Regional Waste Plan is in Phase 4. Highlights of the project are detailed below.

### Phase 1: Values | March to July 2017

Phase 1 developed a set of overarching guidance, including values and guiding principles, to inform plan development and implementation. The concepts for the plan values are drawn from existing guidance, including regional, state and federal policies and plans regarding waste management, recycling, toxics and other related environmental programs. The values were further shaped through public surveys, community discussions with culturally specific organizations and the application of an equity lens.



Highlights of engagement include a series of co-hosted community discussion groups. As part of this, Metro contracted with eight community-based organizations to co-organize, recruit for and facilitate discussions with community members on the garbage and recycling system. These groups included: North by Northeast Community Health Center, Trash for Peace, Momentum Alliance, Constructing Hope, Rosewood Initiative, Centro Cultural, Immigrant and Refugee Community Organization, and the Environmental Professionals of Color group hosted by the Center for Diversity and the Environment.

The community discussions kicked off in June 2017 and included two group-facilitated conversations. The first discussion focused on building awareness and understanding of the garbage and recycling system and gathering input on the plan values. The second conversation included gathering community concerns and visions for the future.



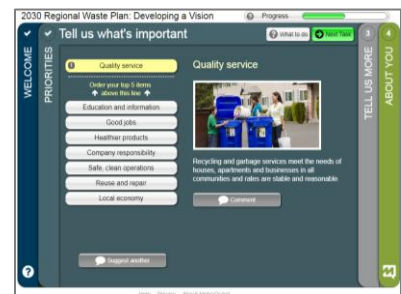
In addition, Metro's advisory Equity Work Group reviewed the draft value concepts from an equity perspective. The work group met four times between May and June 2017. As a result of this work, the group developed a set of guiding principles in addition to input on the language of the values.

Metro Council endorsed the values and principles in August 2017, which can be found at [oregonmetro.gov/letstalktrash](http://oregonmetro.gov/letstalktrash). The endorsed values and principles will be used to inform and guide the development of the plan's vision, goals and actions.

## Phase 2: Vision & Goals | July 2017 to January 2018

Phase 2 developed the plan's vision and goals that set the priorities for the garbage and recycling system until 2030. Building on community discussions held in the first phase, Metro conducted a series of engagements to inform the development of the vision and goals, including:

- A planning workshop involving more than forty individuals, including Equity Work Group members and Metro and local government staff. During the workshop, participants considered the future of the garbage and recycling system. Metro used the input collected at the planning workshop, along with that collected through the community discussions held in Phase 1, to develop an online survey to gather broader input on the future vision of the garbage and recycling system
- An online survey that asked community members to help shape future priorities. Almost 4,000 individuals took the survey. Metro compiled the survey results to share at the leadership forums and inform the vision, goals and actions in the plan.
- Three leadership forums organized by Metro and local community-based organizations at which more than 120 individuals shared ideas and discussed future priorities for the garbage and recycling system. The forums were hosted by Immigrant and Refugee Community Organization, Rosewood Initiative and Centro Cultural.
- A technical forum with more than 60 stakeholders active in some element of the garbage and recycling system provided input on the draft vision and goals.
- The plan's Equity Work Group, local government solid waste directors, and the Metro Solid Waste Alternatives Advisory Committee and Metro Policy Advisory Committee reviewed the draft vision and goals.



The vision and goals are written to set the direction for the future and accommodate a range of actions the region can take to accomplish the goals.



Metro Council endorsed the vision and goals on January 30, 2018. They can be found at [oregonmetro.gov/letstalktrash](http://oregonmetro.gov/letstalktrash).

### Phase 3: System Analysis | December 2017 to March 2018

The purpose of Phase 3 was to establish an understanding of where the region is today relative to the goals and vision generated during Phase 2. To do this, Metro compiled and summarized existing data on different aspects of the garbage and recycling system. This also included developing written descriptions about the system's existing programs, policies and infrastructure, as well as current opportunities and challenges facing the system. The information gathered in this phase served as a starting point to develop an overall framework to measure progress of the plan and to inform the development of actions in the next phase of plan development.

### Phase 4: Building a Strategy | March 2018 to October 2018

The purpose of Phase 4 is to develop an action plan to close the gap between the current condition of the garbage and recycling system and the vision and goals for the system's future. To accomplish this, Metro assembled eight technical work groups to identify and draft actions to move the system toward its desired future.

The groups were made up of representatives from local governments, garbage and recycling facility operators, haulers, community organizations and others with a particular interest in the system. The work groups focused on:

- Quality service
- Education and information
- Good jobs
- Economic prosperity
- Garbage and recycling operations
- Reduce, reuse and repair
- Healthy products
- Preparedness and resiliency



Each work group met up to four times, including a final session at which all of the groups together looked at how goals and actions might connect and to assess the need for additional improvements to the draft actions.

Metro also sought input on the draft actions from the community, specifically those individuals who had taken part in earlier phases of the Plan development. During a four-hour session held at the Oregon Zoo, more than 100 local residents associated with eight culturally-specific community based organizations reviewed draft actions to see whether they reflected their input and to prioritize the changes they most want to see in the system. The small group conversations were conducted simultaneously in Russian, Spanish and English, with Metro bilingual staff facilitating and taking notes.





The session with community focused on actions associated with four goal areas that residents had previously identified as most important to them:

- Garbage and recycling operations
- Quality service
- Information and education
- Jobs and economic opportunities

Following the community engagement, Metro staff further refined the draft actions in coordination with the Equity Work Group and local government partners.

## What's Next

As part of the last steps of Phase 4, Metro staff will discuss the draft actions with the Metro Policy Advisory Committee, Solid Waste Advisory Committee and Metro Council in October 2018. The final outcome of this phase is a set of prioritized actions that will be incorporated into the final plan.

### Phase 5: Plan Adoption | November 2018 to February 2019

The fifth and final phase of the process will begin in November 2018 and be focused on finalizing and adopting the 2030 Regional Waste Plan. The draft plan will be available for public review and feedback from mid-November through mid-December.

For this comment period, engagement activities will include:

- briefing community groups about the plan with an explanation about the Metro Council decision-making process
- making briefing materials and information about the plan available online for the general public
- holding a public forum on December 5, 2018 for individuals interested in reviewing the draft plan and providing comments in-person

Metro will summarize all comments received during the comment period in a public comment report, as well as recommend changes to the draft plan in response to the comments. These summaries will be available in print and online.

Metro's Solid Waste Alternatives Advisory Committee and the Metro Policy Advisory Committee will consider the draft plan and provide input to the Metro Council in January 2019.

The Metro Council will hold legislative hearings on the plan in February 2019. To subscribe to Metro News for updates or opportunities to weigh in visit [oregonmetro.gov/letstalktrash](http://oregonmetro.gov/letstalktrash).

### AT A GLANCE: Upcoming advisory committee and Metro Council meeting dates

<b>October 10, 2018</b>	Metro Policy Advisory Committee and Solid Waste Alternatives Advisory Committee provide input on draft actions
<b>October 16, 2018</b>	Metro Council work session to review draft actions
<b>January 23, 2019</b>	Metro Policy Advisory Committee and Solid Waste Alternatives Advisory Committee provide input on draft plan
<b>February 5, 2019</b>	Metro Council work session to review draft plan
<b>February 21 &amp; 28, 2019</b>	Metro Council legislative hearings to consider plan adoption

**Administrative Rule of Metro Code Chapter 5.10  
Administrative Rule Adoption Record and Findings**

**AR 5.10-4000 through 4090  
Business Food Waste Requirement Administrative Rules**

These administrative rules are adopted under the authority of Metro Code Chapter 5.10, which authorizes the Chief Operating Officer (COO) to adopt and amend administrative rules. In accordance with Metro Code, the COO provided an opportunity for public comment and held a public hearing on these rules before their adoption.

The COO finds that these administrative rules are necessary to implement certain provisions of Metro Code Chapter 5.10 and hereby adopts Administrative Rules Nos. 5.10-4000 through 4090. The requirements of these administrative rules are in addition to all other requirements and provisions in Metro Code Chapter 5.10. These rules have the same force and effect as any other provision of Metro Code Chapter 5.10.

It is so ordered:

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Martha Bennett  
Metro Chief Operating Officer

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Date



# **SOLID WASTE**

## **ADMINISTRATIVE RULES**

**AR 5.10-4000 through 4090**

### **Business Food Waste Requirement**

REVISED DRAFT August 22, 2018

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#### **5.10 – 4000 Purpose**

1. The purpose of these rules is to implement the provisions of the business food waste requirement set forth in Metro Code Section 5.10.410-5.10.470.
2. The purpose of the business food waste requirement is to provide a region-wide standard for the separation and collection of food waste from food-waste-generating businesses. For the purposes of these rules, Covered Businesses are defined as organizations that cook, assemble, process, serve, or sell food or do so as service providers for other enterprises.
3. Food is identified as a primary material for recovery within the Regional Solid Waste Management Plan because of its prevalence in the region's waste stream and the negative environmental impacts of disposing food in a landfill.
4. The prevention of food waste, the donation of edible food for human consumption and the use of food waste to feed animals are the region's preferred methods for managing surplus food. Food that has been stored properly, is fit for human consumption and is accepted for donation and food that has been set aside and is destined for animal consumption in compliance with applicable regulations is not subject to this administrative rule.



### 5.10 – 4005 Policy

Metro Code Chapter 5.10 requires local governments to establish mandatory programs to separate and collect food waste from certain food-waste generating businesses referred to in these rules as “Covered Businesses.”

### 5.10 – 4010 Legal Authority

These administrative rules are issued under the authority of Metro Code Section 5.10.080. These rules are in addition to all other requirements and provisions in Metro Code Chapter 5.10.

### 5.10 – 4015 Definitions

Unless otherwise specifically defined, all terms used are as defined in Metro Code Chapter 5.00.

“**Covered Businesses**” means organizations that cook, assemble, process, serve, or sell food or do so as service providers for other enterprises.

“**Business Groups**” means groups of covered businesses subject to the business food waste requirement by certain effective dates as delineated in the Applicability section of these rules.

“**Food waste**” means waste from fruits, vegetables, meats, dairy products, fish, shellfish, nuts, seeds, grains, coffee grounds, and other food that results from the distribution, storage, preparation, cooking, handling, selling or serving of food for human consumption. Food waste includes but is not limited to excess, spoiled or unusable food and includes inedible parts commonly associated with food preparation such as pits, shells, bones, and peels. Food waste does not include liquids or large amounts of oils and meats which are collected for rendering, fuel production or other non-disposal applications, or any food fit for human consumption that has been set aside, stored properly and is accepted for donation by a charitable organization and any food collected to feed animals in compliance with applicable regulations.

### 5.10 – 4020 Applicability of Rules and Effective Date

1. The business food waste requirement applies to all local governments within the Metro boundary.
2. Covered Businesses subject to the business food waste requirement include, but are not limited to:

Cafeterias & buffets	Grocery retail
Caterers	Grocery wholesale
Colleges & universities*	Hospitals*
Correctional facilities	Hotels*
Drinking places*	Limited service restaurants
Elementary and secondary schools*	Nursing & residential care*
Food product manufacturing	Retirement & assisted living*
Food service contractors	Specialty food markets
Full service restaurants	Warehouse clubs

\*Only those businesses with full-service restaurants or on-site food preparation or service are subject to these rules.

3. Covered Businesses shall meet the food waste requirement according to a schedule determined by the quantity of food waste they generate on average, in three phases as listed below. Implementation will begin with Business Group 1 and progress to the other groups according to the Effective Dates described in Rule 4020. Covered Businesses that demonstrate they generate less than 250 pounds per week of food waste are not subject to this requirement.

Business Group 1	Business Group 2	Business Group 3
≥0.5 ton (1,000 pounds) per week food waste generated	≥0.25 ton (500 pounds) per week food waste generated	≥0.125 ton (250 pounds) per week food waste generated

4. A person that provides space to a covered business must allow, facilitate or provide a food waste collection service for the covered business.
5. Effective Date. These rules are effective on October 26, 2018.

#### 5.10 – 4025 Effective Dates

Local governments must meet the following deadlines:

1. Local Government Adoption of Requirement: July 31, 2019
2. Implement Requirement for all covered businesses in Business Group 1: March 31, 2020-March 31, 2021.
3. Implement Requirement for all covered businesses in Business Group 2: March 31, 2021-September 30, 2022.
4. Implement Requirement for all covered businesses in Business Group 3: September 30, 2022-September 30, 2023.

#### 5.10 – 4030 Exemptions

1. Governments Outside Metro Boundary: A local government outside of the Metro Boundary is exempt from this business food waste requirement.
2. No Commercial District: A local government that does not have a commercial zone or commercial district is exempt from this business food waste requirement.

#### 5.10 – 4035 Compliance Waivers

Metro may grant a compliance waiver to a local government that meets the standards below.

1. Business quantity minimum threshold: Metro will waive application of the business food waste requirement for a local government with five or fewer covered businesses within its boundary. Metro will review the number of covered businesses in each local government jurisdiction annually. If Metro determines that a local government exceeds the minimum number of covered businesses during the review period, Metro will notify the local government of its findings in writing and will require the local government to comply with these rules within 12 months of the notification.

## 5.10 – 4036 Access to Services Payments

1. Franchised waste haulers: Metro may provide payments on a temporary basis to a waste hauler operating within the region under local government commercial collection franchise authority that is not within reasonable proximity of food waste transfer or processing services. Reasonable proximity is defined as within a distance that is equal to the average uncongested travel time one way to the nearest in-region transfer station that accepts commercially-derived municipal solid waste. Metro will establish zones to clearly define areas that are outside reasonable proximity and may apply a travel time inflator to account for congestion. Payment will be based on the number of loads per week of food waste generated within the zone at a 50% capture rate and the additional time required to deliver these loads to the nearest food waste transfer or processing services. Metro will determine whether a waste hauler is eligible to receive payment, the payment amount, disbursement method, and frequency of payments.
2. Metro will calculate the payment amount for a waste hauler using the following elements:
  - a. Average cost per hour to operate collection vehicle in the Metro region.
  - b. Number and type of businesses entities within the zone and within the waste hauler's collection franchise boundary.
  - c. Estimated total tons per week generated by businesses within the zone at a 50% capture rate.
  - d. Number of loads per week generated by businesses within the zone. Load size will be based on the average size of route truck food waste loads delivered to Metro Central Transfer Station over a 12 month period.
  - e. Maximum additional time round trip beyond reasonable proximity required to transport loads to food waste transfer or processing services.
  - f. Additional hours multiplied by cost per hour.
3. Metro will periodically review the elements used to calculate the payments and will make any adjustments that are necessary including utilizing new sources of data. Metro will notify waste haulers and local governments of any adjustments to the payment calculation elements within 30 days.
4. The following criteria must be met in order for a waste hauler to qualify for payment:
  - a. The local government must adopt a legally-enforceable mechanism that meets the business food waste requirement and performance standard by the adoption deadline.
  - b. Waste haulers must submit annual reports to Metro no later than March 31. Reports must demonstrate that funds have been included in Detailed Cost Reports submitted annually by waste haulers to local governments.
  - c. Metro may request that local governments confirm that the payments received by waste haulers have been included in required Detailed Cost Reports and is factored into the collection rate-setting process. Cooperative programs may provide confirmation on behalf of member jurisdictions.
5. Metro will revoke payments if the waste hauler does not report payments or provides false information.

6. Metro will discontinue payments to a waste hauler once transfer or processing services become available within reasonable proximity as determined by Metro. Metro will notify local governments and affected waste haulers at least 30 days before discontinuing payments.
7. Metro will re-evaluate the payments periodically and will automatically renew them until Metro determines that circumstances have changed. The waste hauler or local government does not need to take any action to renew payments unless otherwise directed by Metro.
8. Businesses: Metro may provide payments on a temporary basis to a food waste generating business that transports its own source-separated food waste. Food waste must be generated solely from its own operations and generated from a single location within the Metro boundary that is not within reasonable proximity of food waste transfer or processing services. Reasonable proximity is defined as within a distance that is equal to the average uncongested travel time one way to the nearest in-region transfer station that accepts commercially-derived municipal solid waste. Metro will determine whether a food waste generating business is eligible to receive a payment, the payment amount, disbursement method and frequency.
9. Metro will calculate the payment amount for a business using the following elements:
  - a. Average cost per hour to operate collection vehicle in the Metro region.
  - b. Total loads and tons per week of acceptable food waste delivered to Metro Central Transfer Station based on actual delivery weights recorded by the Metro Central scale house.
  - c. Location zone of the point of generation of the food waste.
  - d. Maximum additional time round trip beyond reasonable proximity required to deliver loads to the nearest food waste transfer or processing services.
  - e. Additional hours multiplied by cost per hour.
10. Metro will periodically review the elements used to calculate the payments and will make any adjustments that are necessary including utilizing new sources of data. Metro will notify the food generating business of any adjustments to the payment calculation elements within 30 days.
11. The following criteria must be met in order for a food generating business to qualify for payment:
  - a. The business must be located within the jurisdictional boundaries of a local government that has adopted a legally-enforceable mechanism that meets the business food waste requirement and performance standard by the adoption deadline.
  - b. The business must apply for a payment and submit all required information in a format prescribed by Metro.
  - c. The business must fully comply with all program criteria or standards.
  - d. The business must demonstrate to Metro that its food waste is being disposed as waste in a landfill. A business does not qualify for payments if it transports its food waste to other locations for other uses or recovery.
  - e. A business must have a credit account with Metro for use of Metro Central station including obtaining Metro-issued RFID tags. Cash transactions are ineligible for access payments.
12. Metro will discontinue payment to a food generating business once a transfer or processing facility becomes available within reasonable proximity to the hauler as determined by Metro. Metro will notify any affected food generating businesses at least 30 days before discontinuing payments.

13. Metro will re-evaluate the payments periodically and will automatically renew them until Metro determines that circumstances have changed. Metro may revoke a payment to a food generating business any time for a violation of any criteria or payment condition.

#### **5.10 – 4040 Local Government Requirements**

1. A local government must implement one of the following:
  - a. Adopt a legally-enforceable mechanism that meets the performance standard in rule 4050. A legally-enforceable mechanism such as but not limited to local code, regulation, ordinance or law.
  - b. Adopt the Business Food Waste Requirement Model Ordinance and require business food waste be delivered to a solid waste facility authorized by Metro.
2. A local government must require Covered Businesses within its jurisdiction to:
  - a. Separate food waste from all other solid waste for collection.
  - b. Recover food waste that is controlled by the business, agents, and employees. This requirement does not apply to food wastes controlled by customers or the public. At its discretion, a Covered Business Entity may also collect food waste from customers or the public but must ensure that food wastes are free of non-food items. K-12 schools may also include student-generated food waste from school cafeteria meals but must ensure that food wastes are free of non-food items.
3. A local government must require persons or entities that lease or provide space to a Covered Business Entity to allow or provide food waste collection service to those Covered Businesses.
4. A local government must submit annual implementation plans to Metro according to the procedures set forth in these Administrative Rules.
5. A local government may:
  - a. Implement the program in the manner that is most efficient and effective for local conditions, local solid waste system considerations, geography and that which best suits the covered businesses as long as the local government complies with the performance standard and deadlines.
  - b. Grant temporary waivers to a covered business according to the procedures set forth in these Administrative Rules.

#### **5.10 – 4045 Local Government Annual Implementation Plan**

A local government is required to submit to Metro an annual implementation plan regarding the business food waste requirement. A local government may develop and implement its plan individually or through cooperative or partnership agreements between governments. A local government may implement the business food waste requirement in a manner that best suits local conditions as long as the local government meets or exceeds the performance standard. An implementation plan must meet the performance standard set forth in these Administrative Rules.

#### **5.10 – 4050 Local Government Performance Standard**

1. Business Notice of Requirement. After a local government adopts the business food waste requirement and according to the implementation schedule, the local government must send notice to covered businesses that outlines the requirement and how to comply and receive assistance. A local government must establish a mechanism to notify new businesses of the business food waste requirement.
2. Business Compliance. A local government must require that businesses comply with the business food waste requirement including, but not limited to:
  - a. Adherence with the implementation schedule.
  - b. Correctly-labeled and easily-identifiable collection receptacles.
  - c. Arrange for food waste collection service as necessary.
  - d. Ensuring building owners or managers of multi-tenant buildings containing covered businesses allow or otherwise enable the provision of food waste collection service to lessees or occupants subject to the business food waste requirement.
3. A local government must ensure appropriate collection receptacles and service is made available.
4. A local government must require that franchised or otherwise licensed waste haulers deliver food waste to a facility that complies with federal, state, regional and local laws and regulations.

#### **5.10 – 4055 Business Assistance**

A local government must provide educational materials and offer technical assistance to covered businesses to assist with program set-up, understanding program requirements and separation standards.

- a. Educational materials must include, at a minimum:
  - i. Labels for collection containers that clearly communicate what is allowed in the food waste collection system.
  - ii. Signs and/or posters that provide clear and simple instructions.
  - iii. All signs and program materials must be designed to be understood by people with limited English proficiency.
  - iv. Program contact phone number for businesses to call for program assistance.
- b. Technical assistance offered must include, at a minimum:
  - i. Education and assistance with food waste prevention techniques and edible food donation programs.
  - ii. Assistance with food waste collection program set up and training on-site at the business.
  - iii. Assistance with mitigating issues arising from program participation such as odors or vectors.
  - iv. Ensure correct labeling of all food waste collection receptacles.
  - v. Serve as a facilitator between the business and solid waste hauler as needed to assist with the provision of appropriate collection receptacles and service frequency.

#### **5.10 – 4060 Local Government Enforcement of the Business Food Waste Requirement**

A local government must establish a method for ensuring compliance with the business food waste requirement. Businesses may be subject to enforcement actions should they not meet the compliance dates listed in section 5.10 – 4025.

#### **5.10 – 4065 Local Government Temporary Compliance Waivers to Covered Businesses**

1. A local government may establish a method for granting temporary waivers to covered businesses. A local government must seek Metro approval of the waiver method and conditions.
2. Temporary waivers must meet the following minimum standard:
  - a. May not exceed 12 months, annual renewal allowed.
  - b. In order to be renewed, a local government must annually review waivers to determine if conditions that warrant the waiver are still in place and cannot be remedied.
  - c. Covered businesses seeking a temporary waiver must agree to periodic waiver verification site visits. Local governments are responsible for determining if one or more of the following criteria warrant a temporary waiver:
    - i. Less than 250 pounds per week of food in the disposed waste.
    - ii. Food waste produced by the covered business is not suitable for inclusion in the program, or cannot be made suitable without unreasonable expense.
    - iii. Physical barriers to compliance exist and cannot be immediately remedied.
    - iv. Compliance results in unreasonable capital expense.
    - v. Compliance results in a violation of other government ordinance, health or safety code.

#### **5.10 – 4070 Metro Enforcement of the Requirement**

A local government may request that Metro assist with enforcement of the business food waste requirement. Metro will provide enforcement assistance after Metro and the local government establish an Intergovernmental Agreement.

#### **5.10 – 4075 Self-Haul of Source-Separated Food Waste**

The local government may allow a covered business to self-haul source-separated food waste generated by that business. The local government must require the covered business to comply with these rules, including without limitation delivery of the food waste to a facility authorized by Metro.

#### **5.10 – 4080 Compliance Verification and Reporting**

Local governments must collect and report data to Metro to demonstrate compliance and assist with program evaluation. Metro will determine reporting requirements and frequency, review data and make a determination of compliance as set forth in Annual Implementation Plans.

#### **5.10 – 4085 Funding Guidelines**

1. Metro will provide funding to support the implementation of the business food waste requirement to local governments upon adoption of the requirements by the Metro Council. Metro intends to provide funding for the first five fiscal years of the business food waste requirement, subject to Metro Council approval of funding amounts during the annual budget process. After the first five



years of implementation, ongoing program maintenance funding may also be provided subject to Metro Council approval during the annual budget process.

2. A local government may use funds for business assistance, infrastructure, compliance, and enforcement efforts to implement the business food waste requirement. Metro will review and approve the intended uses prior to distributing funds.
3. If a local government has designated another agency or partner to implement the program, Metro will distribute funds to the designated agency. A designated agency is a county agency, city agency or contracted agent that is responsible for designing and implementing a waste reduction program including the business food waste requirement, on behalf of a local government.
4. In order to receive funding, a local government or its designated agency must submit documentation demonstrating compliance with the requirements of Metro Code 5.10.410-5.10.470 and these rules and enter into an Intergovernmental Agreement with Metro.
5. Metro will withhold funding associated with the implementation of the business food waste requirement from governments that do not comply with the business food waste requirement. If governments remain out of compliance for more than two years, funding associated with other programs may also be withheld or Metro may seek any remedy under applicable state law. Governments that are, in the sole opinion of Metro, actively making good faith efforts to adopt the business food waste requirement will remain eligible for associated funding. Metro will determine how any withheld funds will be utilized.

# DISASTER DEBRIS MANAGEMENT PLAN EXECUTIVE SUMMARY

## BACKGROUND

The Metro region<sup>1</sup> is vulnerable to natural and human-made incidents with the potential to generate large amounts of debris, such as construction and demolition materials, vegetative debris, hazardous waste, soil, etc. Natural hazards in the region capable of generating debris include earthquakes, floods, landslide, severe weather, and wildland/urban fires. Human-made hazards include intentional and unintentional incidents and can involve chemical, biological, radiological, nuclear, and explosive materials.

Metro oversees the region's garbage and recycling system, ensuring that all solid waste generated in the region is managed in a manner that protects public health and safety, and safeguards the environment. Part of these responsibilities includes the management and disposal of disaster debris.

Metro recognizes the need to be prepared for, respond to, and recover from a debris-generating incident especially when the volume of debris overwhelms the existing solid waste infrastructure. The Metro Disaster Debris Management Plan (DDMP) is designed to provide guidance for Metro on how to manage and coordinate debris operations and system disruptions.

## METRO ROLES AND CONCEPT OF OPERATIONS

In many cases, debris clearance, removal, and disposal actions can be accomplished quickly using local government and jurisdictional resources. In other cases, disaster-generated debris is so extensive that it can only be successfully managed through pre-planning and the coordinated efforts of local, regional, state, and federal governments; non-profit and volunteer organizations; and by potentially leveraging contracts with private-sector organizations. In these cases, Metro will be prepared to support debris operations with the following roles, as further described in the plan:

- Information management and research
- Procurement and contracted services
- Public messaging and preparedness
- Debris incident management
- Multi-jurisdictional debris management task force coordination
- Situational awareness
- Public information
- Solid waste system adaptability
- Debris management site operation
- Household hazardous waste management

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<sup>1</sup> For the purposes of this plan, it is defined as the entirety of Clackamas, Multnomah, and Washington counties, as well as the cities within.

- Debris recycling and reuse strategies
- Debris final disposition strategies

## **METRO DEBRIS INCIDENT MANAGEMENT**

The ultimate responsibility for overall command and control of Metro departments and resources in response to an incident lies with the Chief Operating Officer. However, the Property and Environmental Services (PES) Director will maintain coordination and management of the Metro debris operations.

Metro will use an incident management structure, the Debris Incident Management Team (DIMIT), to coordinate Metro's disaster debris response. This structure is compliant with federal guidance on incident management and will be led by PES.

Depending on the size or complexity of the incident, or at the request of jurisdictional partners, Metro will activate the DIMIT. Metro personnel from various departments assigned emergency roles will staff the DIMIT. The DIMIT coordination and debris management activities include operational planning, information management, resource allocation, and financial accountability.

## **CONCLUSION**

No plan can anticipate all the situations and conditions that may arise during an incident. It is imperative that Metro region jurisdictions, including the counties of Clackamas, Multnomah, and Washington, and response agencies, have plans that provide general guidance and a common framework for preparing for, responding to, and recovering from major incidents. This DDMP provides a framework for Metro that will bring a combination of technical capabilities and resources, plus the judgment and expertise of its personnel, department directors, and other key stakeholders to bear on any debris-generating incident affecting the Metro region.