



600 NE Grand Ave.  
Portland, OR 97232-2736

## Council work session agenda

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**Tuesday, November 10, 2020**

**2:00 PM**

**<https://zoom.us/j/471155552> or  
**877-853-5257 (toll free)****

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Please note: To limit the spread of COVID-19, Metro Regional Center is now closed to the public.

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### **2:00 Call to Order and Roll Call**

#### **Work Session Topics:**

2:05 Legislative Agenda Update [20-5478](#)

Presenter(s): Randy Tucker, Metro  
Anneliese Koehler, Metro

Attachments: [Work Session Worksheet](#)  
[Transportation Pricing](#)  
[Levee Ready Columbia](#)  
[Pandemic Relief Funding for Visitor Venues](#)  
[Land Readiness](#)  
[Climate Smart Strategy](#)

2:50 Regional Waste Plan Code Update [20-5481](#)

Presenter(s): Jennifer Erickson, Metro  
Sara Kirby, Metro

Attachments: [Work Session Worksheet](#)  
[Attachment A Draft Ordinance No. 20 1451](#)  
[Attachment B Draft Administrative Rules](#)  
[Attachment C Public Comment Report](#)  
[Code Ch. 5.10 Update Fact Sheet](#)

### **3:35 Chief Operating Officer Communication**

**3:40 Council Communication**

**3:45 Adjourn**

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ការគោរពសិទ្ធិពលរដ្ឋរបស់ ។ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro ឬដើម្បីទទួលបានកម្មប្រតិបត្តិការរើសអើងសម្រាប់សេចក្តីណែនាំ [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights)។ បើលោកអ្នកត្រូវការអ្នកបកប្រែភាសានៅពេលអង្គប្រជុំសាធារណៈ សូមទូរស័ព្ទមកលេខ 503-797-1700 (ម៉ោង 8 ព្រឹកដល់ម៉ោង 5 ល្ងាច ថ្ងៃធ្វើការ) ប្រាំពីរថ្ងៃ មុនថ្ងៃប្រជុំដើម្បីអាចឲ្យគេសម្រួលតាមសំណើរបស់លោកអ្នក ។

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**Legislative Update**

*Work Session Topics*

Metro Council Work Session  
Tuesday, November 10, 2020

## 2021 STATE LEGISLATIVE AGENDA

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Date: October 27, 2020  
Department: GAPD  
Meeting Date: October 13, 2020

Presenter(s) (if applicable): Randy Tucker  
and Anneliese Koehler  
Length: 45 minutes

Prepared by:

Randy  
Tucker, [randy.tucker@oregonmetro.gov](mailto:randy.tucker@oregonmetro.gov)

Anneliese  
Koehler, [Anneliese.Koehler@oregonmetro.gov](mailto:Anneliese.Koehler@oregonmetro.gov)

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### ISSUE STATEMENT

This work session is the second opportunity to discuss the Metro Council's objectives for the 2021 Oregon legislative session. Proposed legislative priorities will be discussed; additional concepts, as well as proposed updates and additions to the Council's Legislative Principles, may be presented at a subsequent work session in January.

### ACTION REQUESTED

The Council may wish to discuss specific legislative concepts or principles or direct staff to develop additional concepts before adopting its legislative agenda prior to the start of the 2021 legislative session.

### POLICY QUESTION(S)

- Does the Council wish to confirm previous policy direction under which staff is currently operating with respect to issues that are likely to surface in 2021?
- Are there topics on which the Council would like to adopt legislative positions aside from those described here?
- Does the Council wish to make changes to previously adopted Legislative Principles that guide the actions of staff on issues that may arise during a legislative session?

### POLICY OPTIONS FOR COUNCIL TO CONSIDER

See issue sheets. Other concepts were presented at the October 13 work session and more may be offered at a subsequent work session in January.

### STAFF RECOMMENDATIONS

See individual issue sheets.

### STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

Like so many things, COVID-19 has impacted the state legislative process. While we don't know exactly how the 2021 session will be impacted, we can say with certainty that it will look different than many prior long sessions. Over the last six months, the Legislature has conducted much of its business remotely and online. Legislative rules do require members

to appear in person for certain processes like floor sessions and parts of committees, and legislators have adapted their processes to accommodate those requirements while still striving to perform most of their duties virtually. All special sessions and legislative days since the start of COVID-19 have been conducted with lobbyists and members of the public prohibited from being in the Capitol building.

As when we were before you in October, we continue to anticipate that much of the session will be focused on the pressing matters currently facing our state including COVID-19, police reform, wildfires, and budget balancing. The most recent revenue forecast was surprisingly upbeat, but budget challenges anticipated over the next couple of biennia suggest that the Legislature will be reluctant to make significant new investments.

Most of the priorities staff expects to propose for the 2021 session reflect well-established Council policy and/or legislative priorities that have previously been included in the Council's agenda. In addition to the issue preparation we undertake every session, we are also working with our staff colleagues and external partners to more effectively integrate the consideration of racial equity into the development and implementation of Metro's legislative agenda.

## **BACKGROUND**

See issue sheets.

## **ATTACHMENTS**

Legislative issue sheets on:

- Southwest Corridor
- Transportation pricing
- Levee Ready Columbia
- COVID relief for visitor venues
- Land readiness
- Climate Smart Strategy

[For work session:]

- Is legislation required for Council action?  Yes  No
- If yes, is draft legislation attached?  Yes  No
- What other materials are you presenting today? Legislative issue sheets

## METRO 2021 LEGISLATIVE ISSUE IDENTIFICATION

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**Person completing form/Department:** Anneliese Koehler, GAPD

**Date:** October 19, 2020

### **ISSUE:** Transportation pricing

**BACKGROUND:** The greater Portland area faces multiple transportation challenges, including issues relating to congestion, climate, equity, and safety. Heavy rush hour traffic increases delays and makes travel time unpredictable for everyone; time stuck in traffic makes commutes unreliable and also reduces time with family and community. Additionally, transportation is the greatest contributor to greenhouse gas emissions in Oregon and current trends show that the statewide GHG reduction goals are not likely to be met unless new policies are implemented.

While all residents feel the impacts of congestion, historic inequities in the transportation system amplify impacts on people of color and low-income people. Communities of color and low-income communities have longer commutes, made slower and more unreliable when roadways are congested. Additionally, major roads and freeways often run through these communities, resulting in disproportionately high rates of air pollution and chronic illness.

Safety continues to be a concern in the region's transportation system. While the greater Portland region has one of the lowest crash rates in the country, the number of largely preventable tragedies on the region's roadways remains unacceptable. On average, 62 people die each year on the region's roadways and 420 people experience a life-changing injury.

Depending on how the mechanisms are structured, pricing transportation can work to address many of these challenges. Pricing solutions include vehicle miles traveled fees, congestion pricing, parking fees, and tolling. These methods can reduce congestion and therefore lessen its negative economic, social and environmental impacts. Fewer cars on the road mean less greenhouse gas emissions and better air quality. Revenue raised from transportation pricing can be invested back into the community and into safety, transit and other projects that reduce congestion and aid communities of color and low-income communities.

Depending on how it is structured, transportation pricing can also fall disproportionately on low-income communities and communities of color; without specific interventions, marginalized communities might also pay the most because they often have the longest commutes and the least flexibility about when and where to drive.

The Regional Transportation Plan (RTP) identifies congestion pricing as a high priority, high impact strategy. Metro is currently evaluating the potential effectiveness of various transportation pricing scenarios in greater Portland in relation to their impacts on the four RTP priorities of congestion, climate, equity and safety. A report summarizing this study's findings is expected to be published in late 2020 or early 2021. The Portland Bureau of Transportation and

the Oregon Department of Transportation are conducting their own studies of pricing, and Metro is coordinating with them, looking at the issue from a regional perspective.

Additionally, Metro participates in ODOT's Road User Fee Task Force which focuses on sustainable funding options for Oregon's transportation system, including most recently OReGO, the state's mileage-based road use fee, which is currently optional for drivers.

**RECOMMENDATION:** Support transportation pricing mechanisms that advance the 2018 RTP goals of reducing congestion, advancing climate smart transportation, advancing equity and improving safety.

**LEGISLATIVE HISTORY:** In 2001, the Oregon Legislature created the Road User Fee Task Force to examine sustainable funding options for Oregon's transportation system. The Task Force launched two pilot projects (2006, 2012) to test mileage-based charging and since 2015, has focused on OReGO, a road usage charge program that charges per-mile with a credit for gas tax paid at the pump. The Task Force is currently considering legislative priorities that would mandatorily enroll drivers incrementally in the program.

In 2017, the Oregon Legislature passed HB 2017, which directed ODOT to implement tolling on I-5 and I-205 in the Portland region in order to reduce traffic congestion and improve mobility for regional and longer-distance travel.

**OTHER INTERESTED PARTIES:** Many of our local and state governmental partners, and specifically ODOT and PBOT, are interested in advancing transportation pricing solutions. Pricing is called out as a high priority, high impact strategy in the 2018 RTP. Business and community groups are also engaged in conversations around transportation pricing.

**IMPACT IF PROPOSED ACTION OCCURS:** Depending on how it is structured, transportation pricing can reduce the number of vehicles on the road, improve traffic flow, enhance travel reliability for people and freight, encourage ridesharing, decrease emissions and improve air quality. Revenue raised can fund safety improvements that benefit pedestrians, cyclists, transit riders and drivers. If those investments are made in historically marginalized communities and are structured in ways that mitigate the cost for those communities, transportation pricing can advance racial equity.



## **METRO 2021 LEGISLATIVE ISSUE IDENTIFICATION**

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**Person completing form/Department:** Anneliese Koehler, GAPD

**Date:** October 26, 2020

### **ISSUE: Levee Ready Columbia**

**BACKGROUND:** Four drainage districts along the Columbia Corridor provide flood protection at times of high water on the Columbia River through a system of levees and pumps. While each drainage district is an independent entity, they work together in close collaboration to manage the system and protect the area from flooding. The flood protection system must maintain compliance with the requirements of the Federal Emergency Management Agency (FEMA) in order to maintain certification and accreditation. In addition, the system must maintain compliance with the United States Army Corps of Engineers (USACE) which would assist in flood fighting and repairs in the event of a flood. As a result of new safety standards put into place for levees after Hurricane Katrina in 2005 and Superstorm Sandy in 2012, FEMA certification has expired in all four districts. So far, however, FEMA and USACE have agreed that as long as demonstrable progress is being made to address the deficiencies within the levee system, accreditation will not be revoked.

Levee Ready Columbia is a partnership created to address these deficiencies in the levee system. It is comprised of Metro, the Port of Portland, Multnomah County, the four cities along the Columbia Corridor, the four drainage districts and many interested stakeholders. In addition to addressing the physical deficiencies of the system, this partnership also advances solutions to ongoing governance and funding issues.

Additionally, the floodplain is home to historic Vanport. At one time, Vanport was the most racially diverse city in Oregon, home to many of Oregon's black residents. When the 1948 Flood of Vanport destroyed the city, nearly a third of the residents left homeless were black. Historic Vanport continues to be a place of cultural and historical significance to many in the black community.

**RECOMMENDATION:** Advance funding opportunities to support the efforts of Levee Ready Columbia and the flood protection system. This includes a request for \$10 million in lottery bond proceeds for levees statewide to replace some of the bond dollars that were authorized but not issued in 2019 (see below).

**LEGISLATIVE HISTORY:** In 2019, the Legislature passed SB 431, which created a new flood protection district in urban Multnomah County. This district would eventually consolidate the existing four districts into one and identify an ongoing, stable funding source to facilitate maintenance of the flood protection system. The legislation also authorized an interim board to identify the ongoing funding source and stand up the new district.

The Legislature also authorized \$15 million in lottery bonds for levees statewide in 2019. However, due to the sharp decline in lottery revenue because of the COVID-19 pandemic, the Legislature canceled the issuances of those bonds.

Additionally, the technical investigation and assessments completed by Levee Ready Columbia have been in part facilitated by the Business Oregon Infrastructure Finance Authority's Levee Assistance Fund, also created by the Legislature.

**OTHER INTERESTED PARTIES:** Levee Ready Columbia is a partnership of Metro, the Port of Portland, Multnomah County, the four cities along the Columbia Corridor, the four drainage districts and many interested stakeholders.

**IMPACT IF PROPOSED ACTION OCCURS:** Funding would provide much needed resources to address repairs and maintenance of the levee system. It would help protect the levee system from failure and prevent negative economic, historical, cultural and environmental impacts. Should the levee system fail during a major flood on the Columbia River, the Oregon Department of Geology and Mineral Industries estimates the following impacts:

- About 7,500 residents live in the area and approximately 75 percent would be at risk of being displaced.
- Depending on the location of the levee failure, up to 75 percent of local businesses could be forced to close. 63 to 73 percent of business would still be closed one year after the flood.
- Hazardous materials are stored in the area; should they become exposed to floodwater, they could cause health hazards and ecological damage to the area and downstream.
- Critical infrastructure in the area could be damaged or destroyed, including three interstate highways, three water treatment facilities, eight electrical substations and two natural gas facilities.
- Important habitat for endangered and protected species in the floodplain, including over 2,000 acres of parks, open spaces and recreational areas, could be damaged and destroyed.

## METRO 2021 LEGISLATIVE ISSUE IDENTIFICATION

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**Person completing form/Department:** Randy Tucker, GAPD

**Date:** October 27, 2020

### **ISSUE: Pandemic relief funding for visitor venues**

**BACKGROUND:** As one of its major services, Metro owns and/or operates four large visitor venues: the Oregon Convention Center, Oregon Zoo, Portland Expo Center and Portland's Centers for the Arts. Each of these venues has a different mission, purpose, target audience and business model, and each contributes to culture and community in different ways, but all generate significant economic activity for the region and the state, much of it from outside Oregon. This economic activity, in turn, generates substantial state and local tax revenues.

Last year the venues accounted for about \$877 million in direct and indirect spending and more than 8,000 jobs, and generated nearly \$28 million in state and local tax revenues, more than half of that consisting of state lodging and income taxes.

The current pandemic and the resulting closure of the venues eliminated virtually their entire revenue stream, led to layoffs of 700 staff members representing about three-quarters of their total workforce, and curtailed the economic benefits they provide to the community as well as the flow of tax revenues they generate to support state and local services. OCC, Expo and P'5 all remain essentially closed, but continue to sustain costs of facility maintenance and administration (including managing existing and potential bookings amid uncertainty about the ability to host large gatherings in the future). While the Zoo has reopened on a limited basis, many of its revenue streams (e.g., concerts, camps, catering) remain shut down and revenues are not enough to cover the ongoing costs of animal care and facility operation. Despite many years of prudent financial management, the reserve fund for each of the venues is insufficient to address a crisis of this length and severity.

The federal Coronavirus Relief Fund (CRF) allocated more than \$1 billion to Oregon, including more than \$200 million directly to Multnomah and Washington counties and the City of Portland. Metro did not receive a direct allocation, and restrictions on the use of CRF dollars – including prohibitions against covering previously budgeted costs or replacing lost revenues – meant that Metro was eligible to receive very little of this money. The venues did receive \$4.1 million from the state's share of these funds as part of a larger package that supported venues statewide; those dollars were limited to recovering out-of-pocket costs for unemployment compensation, protective equipment, etc., and represent a small fraction of the venues' shortfall for 2020. (Portland, which owns P'5, also provided \$1.6 million from its direct allocation.) Given the state's own financial distress – exacerbated by the September wildfires – the likeliest source of future relief is additional federal legislation that has not yet passed.

**RECOMMENDATION:** Seek state funding (or federal funds controlled by the Legislature) to cover ongoing costs of maintaining the venues in operational condition; caring for animals at

the Zoo; covering other drastically reduced but essential ongoing operational needs; and ensuring readiness for safe and efficient reopening at the appropriate time. The ability to do this will depend on any future funding having fewer restrictions on eligibility than the CRF.

**LEGISLATIVE HISTORY:** The state has long recognized the benefit of tourism to Oregon’s economy. In 1987, the Legislature contributed \$15 million to the construction of the Oregon Convention Center. In 2013, the Legislature authorized \$10 million in lottery bond proceeds to support the construction of a headquarters hotel adjacent to the OCC.

As noted above, on July 14 of this year, the Legislative Emergency Board allocated \$4.1 million in federal Coronavirus Relief Fund dollars to Metro as part of a \$50 million “business and cultural support” statewide distribution.

**OTHER INTERESTED PARTIES:** Travel Portland and other partners in the hospitality industry have been supportive of funding relief for the venues. The Oregon Zoo Foundation has raised emergency funds to support the Zoo’s mission and OZF board members actively supported the Zoo’s efforts to obtain permission to reopen on a limited basis.

**IMPACT IF PROPOSED ACTION OCCURS:** Some of the venues are at risk of having to cease all operations, including both the physical maintenance and administrative functions that maintain readiness to reopen. If that happens, it could take several weeks or months to start up again even after it is safe to do so. Any funding obtained from outside sources can support existing bare-bones operations, maintain readiness to reopen, and minimize the need to deplete reserves.

## METRO 2021 LEGISLATIVE ISSUE IDENTIFICATION

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**Person completing form/Department:** Randy Tucker, GAPD

**Date:** October 27, 2020

### **ISSUE: Land Readiness**

**BACKGROUND:** Protection of farm and forest land outside the urban growth boundary requires, among other things, efficient use of the land inside the boundary. This, in turn, often requires action to make vacant or underdeveloped land ready for development. Metro has supported several strategies to accomplish this; this paper addresses two key approaches.

**Brownfields:** Thousands of properties around Oregon are vacant or underutilized because of known or perceived environmental contamination. These brownfield properties constitute unrealized assets with the potential to help communities meet multiple goals relating to livability, economic development, environmental protection, equity, and efficient use of land and existing infrastructure. At the local level, these vacant and underutilized properties, often located in marginalized communities, undermine neighborhood livability and can threaten human health and environmental quality. Redeveloping these sites enables local governments to generate greater tax revenues due to the increased value of the redeveloped and neighboring properties.

In 2014, Metro led the creation of the Oregon Brownfields Coalition, a group that has grown to include more than 50 public, private and community organizations seeking solutions to the problems associated with brownfields. The Coalition, which has successfully advocated for both legislative funding and policy solutions since the 2015 session, has two priorities for 2021:

- **Top priority:** Recapitalization of the state's Brownfields Redevelopment Fund (BRF), which provides grants to local governments and nonprofits, and loans to private landowners, to support brownfield cleanups; and
- **Secondary priority:** Creation of a BRF subaccount to provide forgivable loans (essentially grants contingent on performance) to private landowners to support brownfield cleanups (this proposal replaces the Coalition's previous tax credit proposal).

**Industrial site readiness:** Our region has many places suitable for high-paying manufacturing and other traded-sector jobs, but these sites often require investment to make them ready for new employers to develop. These investments and actions include regulatory approvals (permitting, mitigation), infrastructure (sewer, water, transportation, fill), site aggregation, brownfield cleanup, and state/local actions (land division, rezoning, annexation).

The biggest public beneficiary when these lands are brought into productive traded-sector use is the state general fund, through increased personal income tax revenues. The state thus has an interest in providing up-front financing when landowners and local governments are unable to address the constraints that keep the land from being market-ready.

**RECOMMENDATION:** Support (a) recapitalization of the state’s Brownfields Redevelopment Fund; (b) creation of a forgivable loan program to support cleanups of privately owned brownfields; (c) funding for partially forgivable loans to public sponsors of efforts to make industrial land market-ready.

**LEGISLATIVE HISTORY:** Since inception, the BRF has received \$16.5 million in state funding but was last recapitalized with \$7 million in 2015 and has now depleted all of its capitalized funds (it is operating only on loan repayments). The 2019 Legislature allocated \$5 million in lottery bond proceeds to the BRF but the sale of lottery bonds was canceled due to the COVID pandemic. Business Oregon has requested \$10 million.

The Brownfields Coalition has prioritized creation of a tax credit for brownfield since 2015, but the creation of new tax credits is politically out of favor. The forgivable loan proposal constitutes a reframing of the tax credit legislation that would address the same need, while also providing the opportunity for better cost control and better targeting of worthy projects.

The 2013 Legislature passed SB 246, which authorized Business Oregon to provide either reimbursement or partially forgivable loans to local project sponsors to support investments that could overcome constraints and make industrial sites market ready. In 2017, SB 333 amended the program to make it more workable, and the reimbursement element is in effect. However, funding has never been provided to support the forgivable loan element, which is needed for local communities that lack funding for up-front site investments.

**OTHER INTERESTED PARTIES:** As noted above, the Brownfields Coalition includes dozens of business organizations, local governments, and environmental and community groups. The industrial site readiness effort originated with a 2011 survey of large sites in the Portland region sponsored by the Portland Business Alliance, the Port of Portland, the Oregon chapter of NAIOP, Business Oregon and Metro. The Oregon Economic Development Association has assumed a role in coordinating this effort, which has also been supported by local jurisdictions, land use interest groups like 1000 Friends of Oregon, and the usual stakeholders in this arena.

**IMPACT IF PROPOSED ACTION OCCURS:** Cleanup and redevelopment of brownfield properties will create jobs and increase tax revenues at the local and state levels, in addition to the environmental and social benefits of eliminating contamination. The proposed forgivable loan program would provide additional incentives for hiring of minority- and women-owned contractors and for cleanups in high-poverty, distressed and rural areas.

Funding for investments in industrial site readiness would reduce the cost and risk to property owners and local jurisdictions of making large sites market ready. Creation of traded-sector jobs pay better on average than jobs serving the local market.

In the Portland region, either of these programs would make land with existing infrastructure available for productive urban uses within the existing urban growth boundary and would have positive impacts on local government finances by generating increased property tax revenues.

## **METRO 2021 LEGISLATIVE ISSUE IDENTIFICATION**

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**Person completing form/Department:** Randy Tucker, GAPD

**Date:** October 27, 2020

### **ISSUE: Climate Smart Strategy**

**BACKGROUND:** In the 2009 Jobs and Transportation Act (HB 2001), the Legislature directed Metro to develop and implement a plan for reducing greenhouse gas (GHG) emissions from transportation to meet state climate targets. Metro developed this plan – known as the Climate Smart Strategy – through a collaborative regional effort and adopted it in 2014 with broad regional support. It was then approved in 2015 by the Land Conservation and Development Commission (LCDC).

The Climate Smart Strategy – now integrated into the Regional Transportation Plan – includes investments in a wide range of transportation projects and programs including, but not limited to, road connectivity, transit capital and operations, bicycle and pedestrian infrastructure, and technology that improves traffic flow. In adopting this strategy, the region affirmed its commitment to provide transportation choices, protect air quality, build healthy and equitable communities, and grow the economy – all while significantly reducing GHG emissions.

Since the approval of the strategy, certain legislative actions have provided support for activities and investments that can move the region in the direction of achieving its required reductions. A notable example is the creation of a new funding source for transit operations in the 2017 transportation package (HB 2017). However, the strategy has never been fully funded, and much more state support is needed if the region is to reach its climate goals and provide all of the co-benefits described above.

**RECOMMENDATION:** Seek state funding to implement the Climate Smart Strategy.

**LEGISLATIVE HISTORY:** The Legislature created statewide GHG emissions reduction targets in HB 3543 (2007) and directed Metro to develop what became the Climate Smart Strategy in HB 2001 (the 2009 transportation package).

“Cap and invest” legislation to reduce GHG emissions was first introduced in 2016 but was set aside at the time in favor of the so-called “coal to clean” bill that phased out electricity derived from coal. Similar legislation was introduced in 2017 (SB 1070 – a marker bill introduced late in the session), 2018 (HB 4001 and SB 1507), 2019 (HB 2020) and 2020 (SB 1530). (The 2019 and 2020 bills both failed due to walkouts by their opponents that left the Legislature unable to conduct business.) Each of these bills would have established an auction system to put a price on carbon emissions, and used the proceeds from these auctions to further reduce emissions.

The 2018 and 2019 bills authorized but did not actually direct funding toward implementation of the Climate Smart Strategy. However, HB 1530 would have directed the Portland region’s

significant share of transportation-specific auction proceeds to the implementation of the strategy.

**OTHER INTERESTED PARTIES:** Portland-area local governments collaborated on the development of both the Climate Smart Strategy itself and the provision of SB 1530 related to the use of auction proceeds to implement it. Many other groups interested in carbon reduction and sustainable transportation would likely be supportive.

**IMPACT IF PROPOSED ACTION OCCURS:** Investments would be made in projects and programs that reduce greenhouse gas emissions from transportation, which represent 40% of overall GHG emissions. As noted above, these investments would provide co-benefits in terms of cost savings, jobs, transportation choices, air quality and public health. The region would demonstrate leadership in reducing its contributions to climate change, one of the “six desired outcomes for successful communities” adopted by the region in 2008.



**Regional Waste Plan Code Update**  
*Work Session Topics*

Metro Council Work Session  
Tuesday, November 10, 2020

UPDATES TO METRO CODE CHAPTER 5.10 TO ALIGN WITH THE REGIONAL WASTE PLAN AND TO ADD A NEW METRO CODE CHAPTER 5.15

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Date: October 22, 2020  
Department: WPES  
Meeting Date: November 10, 2020

Prepared by: Jennifer Erickson  
(503) 797-1647  
[jennifer.erickson@oregonmetro.gov](mailto:jennifer.erickson@oregonmetro.gov)

Presenters: Jennifer Erickson and Sara Kirby

Length: 25 minutes

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**ISSUE STATEMENT**

Metro staff seeks to update and improve Metro’s solid waste code (Metro Code Title V) and administrative rules to provide greater clarity and predictability for the public and those that are directly involved in the region’s solid waste system.

**ACTION REQUESTED**

Council will consider Ordinance No. 20-1451 on December 3 and December 10, 2020. Adoption will result in the existing Metro Code Chapter 5.10 (Regional Waste Plan) being repealed and replaced with two Chapters: 5.10 and a new Chapter 5.15. The chapters will update and reorganize provisions related to the Regional Waste Plan. Local government requirements under the Plan will be in the new Chapter 5.15 to differentiate between overall Plan requirements and those that specifically apply to local governments. The proposed ordinance also includes various other housekeeping revisions to improve clarity and consistency, remove obsolete state law provisions and to conform to current Metro Code and Rule format. Related definitions in Chapter 5.00 will also be updated as part of this process.

**IDENTIFIED POLICY OUTCOMES**

The proposed updates to Metro’s solid waste code remove unnecessary and outdated provisions, clarify terms, and enable greater flexibility for Metro to protect the public’s interest and respond to changes in the solid waste and recycling sector. The policy framework that Council will set by adopting these changes will enable implementation of the Regional Waste Plan and guide associated administrative rule. These changes help move the region toward better alignment with a consistent standard--especially for people living in multifamily homes--and have a positive impact on communities of color and historically disadvantaged neighborhoods. The proposed improvements are a direct response to community input heard during Plan development as well as a study to review service levels and needs at multifamily properties.

**POLICY QUESTION(S)**

1. Should the current Chapter 5.10 (Regional Waste Plan) be split into two separate chapters (5.10 and 5.15) to update and differentiate those requirements under the

overall Regional Waste Plan from those that apply specifically to local governments?

2. If yes, should implementation details be moved from code to administrative rules?

### **POLICY OPTIONS FOR COUNCIL TO CONSIDER**

1. Approve the ordinance as proposed to update Metro Code Chapter 5.10 as described in this staff report. This option will remove obsolete language, make the code easier to read and understand and will differentiate between overall Regional Waste Plan requirements and those that apply only to local governments. Adoption will also pave the way for significant improvements to multifamily services.
2. Amend the ordinance to adopt other revisions to Metro Code Chapter 5.10 that are different than those described in this staff report. The potential effects of this option are unknown at this time because they would be dependent on the extent of the alternate proposal.
3. Do not approve the ordinance. This option will maintain the current Code Chapter 5.10 including obsolete language and references.

### **STAFF RECOMMENDATIONS**

Staff recommends approval of Ordinance No. 20-1451 to update Metro Code Chapter 5.10. Since all of the current Chapter 5.10 would be rewritten to establish a more logical flow, a large portion reorganized and moved to a new Chapter 5.15, and because several sections of current Chapter 5.10 are obsolete, staff recommends that the current Chapter 5.10 be repealed and replaced in its entirety with the code chapters presented in Attachment A to avoid confusing tracked changes.

Specifically:

1. Move all provisions related to local government requirements under the Regional Waste Plan into new Metro Code Chapter 5.15.
2. Update language throughout the chapter to remove legalese, passive voice, nominalizations and lengthy sentences.
3. Reorganize code sections into a more logical sector-specific approach. For example, rather than have several separate code sections dealing with single-family and multifamily residential requirements, code sections have been grouped by sector (residential, business, general education).
4. Remove old dates, irrelevant language and confusing references to obsolete state statute.
5. Eliminate the Regional Service Standard Alternative Program. Local government alternative programs (every-other-week collection) that showed the same outcome as the Regional Service Standard (weekly collection) have been incorporated into the new standard. The Alternative Program has proven ineffective and burdensome to Metro and local governments.
6. Move and reword detailed information to administrative rules so that all local government requirements are in a single location and are communicated more

clearly. These include: general service standards for all sectors; specific service standards for single-family, multifamily and business customers; education and outreach standards; materials required for collection.

7. General housekeeping to Metro Code Section 5.00 to update definitions.

### **STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION**

Approval of this ordinance would result in updating current Chapter 5.10 and moving Regional Waste Plan requirements that apply to local governments to a new separate chapter (Chapter 5.15); Chapter 5.10 continues to govern the overall Regional Waste Plan. Updating of Metro Code will also allow for the implementation of long-overdue improvements to multifamily garbage and recycling services via the associated administrative rules. The proposed ordinance also includes various other housekeeping revisions to improve clarity and consistency as provided in Attachment A. Proposed administrative rules are provided in Attachment B to provide Council with additional context for the potential effects of the code amendments.

#### Known Opposition/Support/Community Feedback:

There is no opposition to the proposed changes to Metro Code and the public comments indicated general support for the policy. Some had concerns regarding potential costs related to elements of multifamily service improvements proposed in administrative rule. The improvements to multifamily services described in proposed administrative rule 5.15 sections 2040 and 2045, were developed from research and community input that prioritized people of color and low-income people living in multifamily homes and in collaboration with local government staff. Some minor changes to rule have been made based on public comment—mostly to increase clarity and intent. There will be an additional 30-day public comment period for the administrative rules. The public comment report is included as Attachment C.

Metro staff also met with the region’s local government solid waste directors several times, discussed the proposal with the Regional Waste Advisory Committee on three occasions (May, June and July 2020), presented to Metro’s Committee on Racial Equity twice (July and September 2020) and to MPAC (September 2020). These committees all responded favorably to the proposal and offered no additional changes.

#### Legal Antecedents

- Metro Charter, Title V of the Metro Code and ORS Chapters 268 and 459.
- Ordinance 19-1431 For the Purpose of Adopting the 2030 Regional Waste Plan.
- Ordinance 19-1432 For the Purpose of Amending Metro Code Title V for Consistency with the 2030 Regional Waste Plan.

#### Anticipated effects:

If the ordinance is adopted, the Metro Code will align with the Regional Waste Plan. Administrative rules will go through an additional 30-day public comment process and finalized to update service standards and bring significant and long overdue improvements to multifamily collection service.

### Financial implications

The transition to a more equitable and uniform garbage and recycling system for people living in multifamily homes will have costs. After an independent financial analysis, a 7-year timeline for meeting the multifamily collection container color standard required by the new administrative rules was identified as the cost-effective approach. It gives haulers the most flexibility in meeting the requirement and takes advantage of the seven year equipment depreciation schedule already built into local government franchised commercial rates. Upgrades come with cost, but are necessary not only to bring current systems up to a minimum standard, but also to ensure standardization as more affordable multifamily housing is being constructed throughout the region.

### **BACKGROUND**

In March 2019, Metro adopted the 2030 Regional Waste Plan which sets the policy direction for the region's solid waste and recycling system. It is very different than previous plans in that its values, principles, goals and actions specifically reflect the needs and aspirations of members of our community who haven't historically had a strong voice in the development of environmental plans, policies and programs. The foundation of this plan is equity—centering the voices, values and needs of communities of color and historically marginalized groups in the region's solid waste and recycling system. The plan is implemented in many ways; through collaborative programs with local government partners and community organizations, and through required actions that bring minimum standards and consistency to a large and complex system. Metro Code and administrative rules are the mechanism used to implement the required elements of the plan. The Metro Code and rules need to be re-written to reflect the goals, policies and programs of the current Regional Waste Plan.

In March of 2019, the Metro Council adopted Ordinance 19-1432 which made non-substantive changes to terms and language in Title V to align with the new Regional Waste Plan. This ordinance was the first step towards shifting from the old plan to the new terminology and set the stage for future, more substantive changes.

Currently, Metro Code Chapter 5.10 implements the requirements of the 2008 Regional Solid Waste Management Plan and contains state statute and requirements that are no longer in place. The proposed changes will remove old state statute and clarify that the code and rule implement the Regional Waste Plan, not state law. As it stands today, overall Regional Waste Plan requirements, requirements specific to local governments and regional service provision standards are scattered throughout Chapter 5.10. To better organize the chapter and provide more clarity, staff proposes to split the existing Chapter 5.10 into two chapters: Chapter 5.10 covers the overall plan, while all requirements specific to local governments are proposed for a new Chapter 5.15.

Current code is challenging to read and interpret, contains obsolete terms and does not reflect the wording in the new Regional Waste Plan. Over the past few years and at the direction of the Metro Council, Metro staff has been working to update Metro's solid waste code and administrative rules to provide greater clarity and predictability for the public and for those directly involved in the region's garbage and recycling system. These efforts

have sought to remove unnecessary and outdated provisions, improve readability, clarify terms, and enable greater flexibility for Metro to protect the public's interest and respond to changes in the solid waste and recycling system. Metro staff seeks to continue these efforts by updating Chapter 5.10, and adding a new Chapter 5.15 to improve organization and readability as well as to implement the current Regional Waste Plan.

To provide more clarity and differentiate between overall Regional Waste Plan requirements and those that specifically apply to local governments, staff proposes to split the existing Chapter 5.10 into the following two chapters:

1. Chapter 5.10 (Regional Waste Plan) will continue to govern the overall Regional Waste Plan.
2. Chapter 5.15 (Local Government Requirements Under the Regional Waste Plan) will govern the service standards that local governments are required to meet with regard to provision of garbage and recycling services.

In addition to the proposed revisions and new chapter described above, some current code sections would be transferred into administrative rules to allow Metro to more quickly address changing conditions when those conditions may affect the implementation of the Regional Waste Plan.

The proposed administrative rules will be posted for public comment and an oral hearing in January 2021 if the Metro Council were to adopt the proposed changes to Chapter 5.10 and establish a new Chapter 5.15.

#### **ATTACHMENTS**

- Is legislation required for Council action?  Yes  No
- If yes, is draft legislation attached?  Yes  No
  - Attachment A: Draft Ordinance No. 20-1451 *For The Purpose of Updating Metro Code Chapter 5.10 to Improve Clarity, Remove Outdated Sections and Align with the Regional Waste Plan and to Add a New Metro Code Chapter 5.15 and to Update Definitions in Metro Code Chapter 5.00.*
- What other materials are you presenting today?
  - Attachment B: Draft Administrative Rules (AR 5.15-1000, 2000, 3000, 5000)
  - Attachment C: Public Comment Report

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF UPDATING METRO )      ORDINANCE NO. 20-1451  
CODE CHAPTER 5.10 TO IMPROVE CLARITY, )  
REMOVE OUTDATED SECTIONS AND ALIGN )      Introduced by Chief Operating Officer  
WITH THE REGIONAL WASTE PLAN AND TO )      Marissa Madrigal in concurrence with  
ADD A NEW METRO CODE CHAPTER 5.15 )      Council President Lynn Peterson  
AND TO UPDATE DEFINITIONS IN METRO  
CODE CHAPTER 5.00

WHEREAS, the Metro solid waste code is set forth in Title V of the Metro Code; and

WHEREAS, Metro Code Chapter 5.10 contains the requirements for the Regional Waste Plan;  
and

WHEREAS, the proposed updates to Metro Code Chapter 5.10 include moving provisions related to local government requirements to a new, separate chapter to improve clarity, consistency and make the code easier to understand by the public; and

WHEREAS, the proposed updates to Metro Code Chapter 5.10 remove obsolete requirements under the old Regional Solid Waste Management Plan as well as obsolete Oregon state statute that is no longer in effect; and

WHEREAS, as a result of updating and renumbering Metro Code Chapter 5.10, a new Metro Code Chapter 5.15 is added; and

WHEREAS, as a result of updating Metro Code Chapter 5.10, Metro Code Chapter 5.00 must also be updated to add and clarify definitions; and

WHEREAS, the proposed updates to Metro Code Chapter 5.10 and the addition of Metro Code Chapter 5.15 remove unnecessary and outdated provisions, clarifies terms, and other housekeeping revisions that will also improve its readability and make it easier to understand; and

WHEREAS, staff solicited input from the public on the proposed changes to Metro Code Chapter 5.10 and 5.15 by consulting with the Regional Waste Advisory Committee, Metro's Committee on Racial Equity, local government partners, Metro Policy Advisory Committee and other stakeholders as well as providing a 30-day public comment period during September and October 2020; and

WHEREAS, because the current Chapter 5.10 code sections will be rewritten and significant portions moved to a new Chapter 5.15 and re-ordered to establish a more logical flow, current Chapter 5.10 should be repealed and replaced in its entirety with the attached Exhibit A to avoid confusing tracked changes; and

WHEREAS, the Chief Operating Officer recommends that the Metro Council adopt the proposed updates to Metro Code Chapter 5.10 to improve clarity and consistency and to conform with other updates and improvements; and

WHEREAS, the Metro Council finds that the updates to Metro Code Chapter 5.10 provide greater clarity for the public and further the goals of the agency; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Metro Code Chapter 5.10 is repealed and replaced in its entirety with a new Chapter 5.10 (“Regional Waste Plan”) as set forth in the attached Exhibit A;
2. A new Chapter 5.15 (“Local Government Requirements Under the Regional Waste Plan”) is added to the Metro Code as set forth in the attached Exhibit B.
3. Metro Code Chapter 5.00 (“Definitions”) is amended to add definitions as set forth in the attached Exhibit C.
4. To ensure accurate references in current administrative rules, all references in Metro Administrative Rules 4000-4085 to former section numbers in Metro Code Chapter 5.10 are hereby changed to the appropriate Chapter 5.15 reference without the need for a public comment period or oral hearing as normally required by Metro Code Chapter 5.08.

ADOPTED by the Metro Council this 10th day of December 2020.

\_\_\_\_\_  
Lynn Peterson, Council President

Attest:

Approved as to Form:

\_\_\_\_\_  
Jaye Cromwell, Recording Secretary

\_\_\_\_\_  
Carrie MacLaren, Metro Attorney



Exhibit A

**CHAPTER 5.10**

**REGIONAL WASTE PLAN**

- 5.10.010 Authority
- 5.10.020 Application
- 5.10.030 Regional Waste Plan Requirements
- 5.10.040 Regional Waste Plan Amendments
- 5.10.050 Severability
- 5.10.060 Administrative Rules

DRAFT

### **5.10.010 Authority**

Metro's solid waste planning and implementing authority is established under the Metro Charter, the Constitution of the State of Oregon, and ORS Chapters 268 and 459.

### **5.10.020 Application**

The Regional Waste Plan applies to all portions of Clackamas, Washington, and Multnomah Counties within Metro's jurisdictional boundary.

### **5.10.030 Regional Waste Plan Requirements**

- (a) The Regional Waste Plan contains requirements and performance standards that are binding on a local government within Metro's jurisdictional boundary. The requirements and performance standards that are binding on a local government are set forth in Chapter 5.15 and associated administrative rules.
- (b) The Regional Waste Plan also contains requirements and performance standards that may result in changes to other sections of Metro Code including, but not limited to, all chapters in Title V and other code sections related to solid waste matters.

### **5.10.040 Regional Waste Plan Amendments**

- (a) The Chief Operating Officer may recommend amendments to the Regional Waste Plan for consideration by Council. Council may adopt amendments to the Regional Waste Plan by ordinance.
- (b) If Council adopts an amendment to the Regional Waste Plan that affects the waste reduction program, the Chief Operating Officer will submit the applicable amendments to the DEQ for review and approval.
- (c) The Chief Operating Officer may administratively correct any typographical or scrivener's errors discovered in the Regional Waste Plan without further petition, notice, or hearing.

### **5.10.050 Severability**

This chapter's sections and those of the Regional Waste Plan are severable. Any action by any state agency or judgment of a court of competent jurisdiction invalidating any section of this chapter or the Regional Waste Plan does not affect the validity of any other section.

### **5.10.060 Administrative Rules**

The Chief Operating Officer may adopt administrative rules under the provisions set forth in Chapter 5.08 to govern the obligations under this chapter and implement all provisions of this chapter.

Exhibit B

**CHAPTER 5.15**

**LOCAL GOVERNMENT REQUIREMENTS UNDER THE REGIONAL WASTE PLAN**

**GENERAL PROVISIONS**

- 5.15.010 Purpose and Intent
- 5.15.020 Compliance with the Regional Waste Plan
- 5.15.030 Compliance Date; Extension Request
- 5.15.040 Non-Compliance
- 5.15.050 Technical and Financial Assistance
- 5.15.060 Local Government Conformity to the Regional Waste Plan
- 5.15.070 Administrative Rules

**RESIDENTIAL SERVICE**

- 5.15.110 Purpose and Intent
- 5.15.120 Implementation and Compliance
- 5.15.130 Residential Service Standard

**BUSINESS SERVICE AND RECYCLING REQUIREMENT**

- 5.15.210 Purpose and Intent
- 5.15.220 Implementation and Compliance
- 5.15.220 Business Service Standard
- 5.15.230 Business Recycling Requirement
- 5.15.240 Business Recycling Requirement Performance Standard
- 5.15.250 Metro Enforcement of Business Recycling Requirement
- 5.15.260 Business Recycling Requirement Model Ordinance

**GENERAL EDUCATION**

- 5.15.310 Purpose and Intent
- 5.15.320 Implementation and Compliance
- 5.15.330 General Education Standard

**BUSINESS FOOD WASTE REQUIREMENT**

- 5.15.410 Purpose and Intent
- 5.15.420 Business Food Waste and Covered Businesses
- 5.15.430 Business Food Waste Requirement
- 5.15.440 Business Food Waste Requirement Performance Standard
- 5.15.450 Temporary Waiver
- 5.15.460 Metro Enforcement of Business Food Waste Requirement
- 5.15.470 Business Food Waste Model Ordinance

## GENERAL PROVISIONS

### 5.15.010 Purpose and Intent

The purpose of this chapter is to establish a process for determining whether local government actions comply with the Regional Waste Plan. The Council intends the process to be efficient and cost effective and to provide an opportunity for the Council to interpret the requirements of the Regional Waste Plan.

### 5.15.020 Compliance with the Regional Waste Plan

- (a) A local government must comply with the Regional Waste Plan.
- (b) Metro will notify each local government that is not in compliance with the Regional Waste Plan. The Chief Operating Officer will make findings regarding the non-compliance and will recommend actions that will bring the local government into compliance.
- (c) A local government that receives a notice of non-compliance must respond to Metro in writing within 60 days from the date of the notification. The response must include:
  - An agreement to implement Metro's recommended actions;
  - An alternate proposal for Metro's consideration and approval that describes other actions that the local government will take to achieve compliance; or
  - A request for a compliance extension under Section 5.15.030.
- (d) If a local government fails to respond as provided in subsection (c) or refuses to comply with the Regional Waste Plan requirements, the Chief Operating Officer may proceed to the non-compliance procedures under Section 5.15.040 and as set forth in administrative rule.

### 5.15.030 Compliance Date; Extension Request

- (a) Metro will notify each local government of the compliance date of all Regional Waste Plan requirements.
- (b) A local government may seek an extension of time to comply with a Regional Waste Plan requirement by submitting a written request for an extension to Metro as set forth in administrative rule.

#### **5.15.040 Non-Compliance**

- (a) The Council may review the Chief Operating Officer's finding that a local government has not complied with the Regional Waste Plan requirements and performance standards. The process is set forth in administrative rules.
- (b) If the Council finds that the local government action is out of compliance with the Regional Waste Plan or any related rules or provisions of the Metro Code, the Council may adopt a resolution that (1) identifies the noncompliant action; (2) directs changes in the local government action; and (3) requires any other action, including penalties.
- (c) If the Council chooses not to review the Chief Operating Officer's findings, the Chief Operating Officer will direct the necessary actions.

#### **5.15.050 Technical and Financial Assistance**

Metro will encourage a local government to use the technical and financial assistance programs provided by Metro to help the local government comply with the Regional Waste Plan requirements.

#### **5.15.060 Local Government Conformity to the Regional Waste Plan**

A local government may not adopt any ordinance, order, regulation, or contract affecting solid waste management that conflicts with the Regional Waste Plan requirements.

#### **5.15.070 Administrative Rules**

- (a) The Chief Operating Officer may adopt administrative rules under the provisions set forth in Chapter 5.08 to govern the obligations under this chapter and implement all provisions of this chapter.
- (b) In addition to the general administrative rulemaking authority in Chapter 5.08, the Chief Operating Officer also has explicit authority to establish by administrative rule:
  - (1) The procedures and timelines for seeking an extension for compliance.
  - (2) The process for review of the Chief Operating Officer's findings per section 5.15.040.

## **RESIDENTIAL SERVICE**

### **5.15.110 Purpose and Intent**

A local government must adopt and implement the residential service standard as required by the Regional Waste Plan and as specified in this chapter and administrative rules. The residential service standard ensures a comprehensive and consistent level of solid waste collection service for the region.

### **5.15.120 Implementation and Compliance**

- (a) A local government must implement the residential service standard by adopting the provisions of Section 5.15.130 and associated administrative rules.
- (b) A local government must provide information related to compliance with this requirement at Metro's request and as specified in administrative rules.

### **5.15.130 Residential Service Standard**

The Chief Operating Officer will adopt administrative rules to implement the residential service standard. The standard requires, without limitation, that a local government must:

- (a) Provide comprehensive single-family residential solid waste collection services including collection of acceptable recyclable materials;
- (b) Provide comprehensive multifamily residential solid waste collection services including collection of acceptable recyclable materials;
- (c) Implement minimum service levels for all collected materials for multifamily residential customers.
- (d) Develop and implement standards for collection areas, to ensure adequate access to collection receptacles.
- (e) Provide supporting solid waste outreach and education programs and materials to all residential solid waste generators.
- (f) Implement regional standards for collection container colors, signage and related informational materials.
- (g) Provide bulky waste collection service.

## **BUSINESS SERVICE AND RECYCLING REQUIREMENT**

### **5.15.210 Purpose and Intent**

The business service standard and recycling requirement provide education and collection service requirements for the business sector in order to create a consistent standard throughout the Metro region and to increase recycling.

### **5.15.220 Implementation and Compliance**

- (a) A local government must implement the business service standard by adopting the provisions of Section 5.15.230 and associated administrative rules.
- (b) A local government must provide information related to compliance with this requirement at Metro's request and as specified in administrative rules.

### **5.15.230 Business Service Standard**

- (a) Provide complete business solid waste collection services according to the standards specified in administrative rules; and
- (b) Provide solid waste outreach and education programs and materials to all business solid waste generators according to the standards specified in administrative rules.

### **5.15.240 Business Recycling Requirement**

- (a) A local government must:
  - (1) Adopt the business recycling requirement model ordinance or demonstrate that existing local government ordinances comply with the performance standard in Section 5.15.250 and the corresponding administrative rules.
  - (2) Establish a method for businesses to comply with the business recycling requirement model ordinance or local government ordinance; or
  - (3) Enter into an intergovernmental agreement with Metro that provides for Metro to establish a method for enforcing compliance by businesses with the business recycling requirement.
- (b) The local government must provide information related to the local government's implementation of the business recycling requirements at Metro's request and as specified in administrative rules.

### **5.15.250 Business Recycling Requirement Performance Standard**

The Chief Operating Officer will adopt administrative rules to address the business recycling requirement performance standard. The performance standard must include, without limitation, the following elements:

- (a) Businesses must:

- (1) Source-separate all recyclable paper, cardboard, glass and plastic bottles and jars, and aluminum and tin cans for reuse or recycling;
  - (2) Provide recycling receptacles for internal maintenance or work areas where recyclable materials may be collected, stored, or both; and
  - (3) Post accurate signs where recyclable materials are collected, stored, or both that identify the materials that the business must source-separate for reuse or recycling and that provide recycling instructions.
- (b) A local government must ensure that businesses comply with the business recycling requirement.
- (c) A local government may exempt a business from some or all of the business recycling requirement if:
- (1) The business provides access to the local government for a site visit; and
  - (2) The local government determines during the site visit that the business cannot comply with the business recycling requirement.

#### **5.15.260 Metro Enforcement of Business Recycling Requirement**

The Chief Operating Officer may execute an intergovernmental agreement with a local government to enforce business recycling requirement within its jurisdiction.

#### **5.15.270 Business Recycling Requirement Model Ordinance**

The Chief Operating Officer may adopt a business recycling requirement model ordinance for use by a local government. The model ordinance is advisory only.

### **GENERAL EDUCATION**

#### **5.15.310 Purpose and Intent**

A local government must adopt and implement the general education standard as required by the Regional Waste Plan and as specified in this chapter and administrative rules. The education standard ensures a comprehensive and consistent level of garbage, recycling, composting, waste prevention and reuse education and assistance for all customers in the region.

#### **5.15.320 Implementation and Compliance**

- (a) A local government must implement the education standard by adopting the provisions of Section 5.15.330 and associated administrative rules.
- (b) A local government must provide information related to compliance with this requirement at Metro's request and as specified in administrative rules.

#### **5.15.330 General Education Standard**



The Chief Operating Officer will adopt administrative rules to implement the general education standard. The standard must require without limitation that a local government must:

- (a) Provide solid waste outreach and education programs and materials to all solid waste customers as set forth in administrative rule.
- (b) Ensure implementation of all outreach and education programs required by state law.

## **BUSINESS FOOD WASTE REQUIREMENT**

### **5.15.410 Purpose and Intent**

The business food waste requirement provides an opportunity to increase recycling of food waste and to assist the Metro region to achieve waste reduction goals. Metro does not intend for this requirement to apply to food that is fit for human consumption and accepted for donation by a charitable organization or the use of food waste for animal consumption in compliance with applicable regulations. [Ord. No. 18-1418.]

### **5.15.420 Business Food Waste and Covered Businesses**

Business food waste is solid waste consisting of food waste removed from the food supply chain that is not fit for human or animal consumption. A covered business is a business that cooks, assembles, processes, serves, or sells food.

### **5.15.430 Business Food Waste Requirement**

A local government must require:

- (a) All covered businesses in its jurisdiction to source-separate business food waste for recovery;
- (b) All source-separated food waste from a covered business to be transported to a facility authorized by Metro to accept food waste; and
- (c) All persons, as defined by Metro Code Section 1.01.040(h), who provide space to a covered business to allow the source separation and collection of food waste at the place of business.

#### **5.15.440 Business Food Waste Requirement Performance Standards**

The Chief Operating Officer will adopt administrative rules to address the business food waste requirement performance standards. The performance standards must include, without limitation, the following elements:

- (a) Provisions requiring that a local government:
  - (1) Notify covered businesses and waste haulers of the business food waste requirement;
  - (2) Require covered businesses and waste haulers to comply with the business food waste requirement;
  - (3) Provide education and technical assistance to covered businesses and waste haulers regarding the business food waste requirement; and
  - (4) Enforce the business food waste requirement.
- (b) Provisions requiring a local government to compel persons providing space to a covered business to allow for the source separation and collection of business food waste.

Metro may allow a local government to waive the business food waste requirement as to a specific business as provided in administrative rules.

#### **5.15.450 Temporary Waiver**

Metro may waive a local government's implementation of the business food waste requirement as specified in administrative rules. The term of a waiver may not exceed one year.

#### **5.15.460 Metro Enforcement of Business Food Waste Requirement**

The Chief Operating Officer may execute an intergovernmental agreement with a local government to enforce business food waste requirements within its jurisdiction.

#### **5.15.470 Business Food Waste Model Ordinance**

Metro may adopt a business food waste requirement model ordinance for use by the local government. The model ordinance is advisory only.

Exhibit C

**TITLE V**

**SOLID WASTE**

- 5.00 Solid Waste Definitions
- 5.01 Solid Waste Facility Regulation<sup>1</sup>
- 5.02 Regional System Fee
- 5.03 Solid Waste Fees at Metro Transfer Stations
- 5.04 Investment and Innovation Program<sup>2</sup>
- 5.05 Solid Waste Flow Control
- 5.06 Solid Waste Community Enhancement Programs
- 5.07 Recycling Credits
- 5.08 Administrative Rulemaking Authority for Title V
- 5.09 Illegal Disposal<sup>3</sup>
- 5.10 Regional Waste Plan<sup>4</sup>

**Repealed**

- 5.02 Disposal Charges and User Fees  
[Repealed Ord. 19-1439]
- 5.03 Disposal Site Franchise Fees  
[Repealed Ord. 14-1332, Sec. 2]
- 5.08 Rate Review Committee  
[Repealed Ord. 00-860A, Sec. 2]

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<sup>1</sup> Formerly "Disposal Site Franchising." Renamed by Ord. 95-621A, Sec 1.

<sup>2</sup> Formerly "One Percent for Recycling Program." Renamed by Ord. 02-937A, Sec 2. Formerly "Recycling Business Assistance Program." Amended by Ord. 17-1415.

<sup>3</sup> Formerly "Illegal Dumping." Renamed by Ord. 13-1311, Sec. 1.

<sup>4</sup> Formerly "Regional Solid Waste Management Plan" Renamed by Ord. 19-1432.

## CHAPTER 5.00

### SOLID WASTE DEFINITIONS

#### 5.00.010 Definitions

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

**Activity** means a primary operation or function that is performed in a solid waste facility or at a disposal site, including but not limited to resource recovery, composting, energy recovery, and other types of processing; recycling; transfer; incineration; and disposal of solid waste. This term does not include operations or functions that serve to support the primary activity, such as segregation.

**Agronomic application rate** means land application of no more than the optimum quantity per acre of compost, sludge or other materials. In no case may the application adversely impact the waters of the State. The application must be designed to:

- (1) Provide the amount of nutrient, usually nitrogen, needed by crops or other plantings, to prevent controllable loss of nutrients to the environment;
- (2) Condition and improve the soil comparable to that attained by commonly used soil amendments; or
- (3) Adjust soil pH to desired levels.

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

**Authorized official** means a person authorized to issue citations under Chapter 5.09.

**Available regional tonnage** means the amount of putrescible solid waste tonnage that Metro may allocate to privately owned transfer stations after Metro has first reserved the applicable minimum amount of putrescible tonnage for the Metro transfer stations. [Ord. 19-1438]

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

**Business recycling service customer** means a person who enters into a service agreement with a waste hauler or recycler for business recycling services.

**Chief Operating Officer** means the Metro Chief Operating Officer or the Chief Operating Officer's designee.

**Clean fill** means material consisting of soil, rock, concrete, brick, building block, tile or asphalt paving that does not contain contaminants that could adversely impact the waters of the State or public health. This term does not include putrescible waste, cleanup material, construction and demolition waste, or industrial waste.

**Cleanup material** means solid waste resulting from the excavation or cleanup of releases of hazardous substances into the environment, including street sweeping waste, non-hazardous contaminated soils that do not qualify as clean fill (such as petroleum contaminated soils) and contaminated debris resulting from the cleanup of chemical spills or releases. This term does not include solid waste generated by manufacturing or industrial processes.

**Closure** means restoring a solid waste facility or a disposal site to its condition before licensed or franchised solid waste activities began at the site. Closure includes, but is not limited to, the removal of all accumulations of solid waste and recyclable materials from the site.

**Code** means the Metro Code.

**Community enhancement fee or enhancement fee** means the fee collected in addition to general disposal rates that pays for rehabilitation and enhancement projects in the areas surrounding solid waste facilities and disposal sites.

**Compost** means the stabilized product of composting.

**Composting** means the controlled biological decomposition of organic material.

**Conditionally exempt generator (CEG)** means a conditionally exempt small quantity generator as defined in 40 CFR 261.5.

**Conversion technology facility** means a facility that uses primarily chemical or thermal processes other than melting (changing from solid to liquid through heating without changing chemical composition) to produce fuels, chemicals, or other useful products from solid waste. These chemicals of thermal processes include, but are not limited to, distillation, gasification, hydrolysis, pyrolysis, thermal depolymerization, transesterification and animal rendering, but do not include direct combustion, composting, anaerobic digestion, melting, or mechanical recycling. Mills that primarily use mechanical recycling or melting to recycle materials back into similar materials are not considered to be conversion technology facilities, even if they use some chemical or thermal processes in the recycling process.

**Council** means the Metro Council.

**Customer** means all generators receiving solid waste and recycling collection service whether or not they are the primary account holder.

**DEQ** means the Department of Environmental Quality of the State of Oregon.

**Department** means Metro's Property and Environmental Services Department.

**Designated facility** means a facility in the system of solid waste facilities and disposal sites that Metro authorizes under Chapter 5.05 to accept waste generated within the jurisdiction of Metro.

**Direct haul** means the delivery of putrescible waste from a solid waste facility directly to Metro's contract operator for disposal of putrescible waste. Direct haul is an activity under Chapter 5.01.

**Disposal fee** means a fee that pays the direct unit costs of transportation and disposal of general purpose solid waste.

**Disposal site** means the land, buildings, and equipment used for the disposal of solid waste whether or not open to the public. This term does not include a solid waste facility.

**Electronic device** means:

- (1) A computer monitor of any type having a viewable area greater than four inches measured diagonally;
- (2) A desktop computer or portable computer;
- (3) A television of any type having a viewable area greater than four inches measured diagonally; or
- (4) Any part of a clothes washer, clothes dryer, refrigerator, freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier or air purifier.

**Energy recovery** means a type of resource recovery that is limited to methods in which all or a part of solid waste materials are processed to use the heat content or another form of energy.

**Facility** means the land, buildings, and equipment used for an activity.

**Franchise** means the grant of authority or privilege given by the Council to operate a disposal site, transfer station, energy recovery facility, or to conduct any other activity that requires authorization under Chapter 5.01.

**Franchisee** means the holder of a current, validly issued franchise granted by the Council under Chapter 5.01.

**Franchise fee** means the fee Metro charges the franchisee for the administration of the franchise.

**Hazardous substance** means any substance defined as a hazardous substance pursuant to Section 101(14) of the federal Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 USC 9601 et seq., oil, as defined in ORS 465.200, and any substance designated by DEQ under ORS 465.400.

**Hazardous waste** has the meaning provided in ORS 466.005.

**Hearings officer** means a person that Metro designates to hear and decide cases under this title.

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

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

**License** means the permission given by the Council or Chief Operating Officer to operate a solid waste facility not otherwise exempted or requiring a franchise under Chapter 5.01.

**Licensee** means the holder of a current, validly issued license granted by the Council or Chief Operating Officer under Chapter 5.01.

**Limited capacity landfill** means a landfill that has sought a site development plan amendment for expansion of the landfill capacity from the Oregon Department of Environmental Quality, and has not received approval from the Department by May 25, 2017, or the equivalent determination in another state. [Ord. 17-1401, Sec. 2.]

**Local government** means any city or county that is within Metro's jurisdiction, including the unincorporated areas of Clackamas, Multnomah, and Washington Counties.

**Local government action** means adoption of any ordinance, order, regulation, contract, or program affecting solid waste management.

**Material recovery** means a type of resource recovery that is limited to manual or mechanical methods of obtaining material from solid waste that still has useful physical or chemical properties and can be reused, recycled, or composted for some purpose. Material recovery includes obtaining material from solid waste that is used in the preparation of fuel, but excludes the extraction of heat content or other forms of energy from the material.

**Medical waste** means solid waste that is generated as a result of patient diagnosis, treatment or immunization of human beings or animals.

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

**Metro South Station** is the Metro solid waste transfer and recycling station located at 2001 Washington Street, Oregon City, Oregon 97045.

**Multifamily residential** means residential dwelling communities having at least five units.

**New landfill** means a landfill that receives its initial permission from DEQ to receive solid waste on or after May 25, 2017, or the equivalent determination in another state. [Ord. 17-1401, Sec. 2.]

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

**Non-putrescible waste** means any waste that contains no more than trivial amounts of putrescible materials or minor amounts of putrescible materials contained in such a way that they can be easily separated from the remainder of the load without causing contamination of the load. This term includes construction and demolition waste. This term does not include cleanup material, source-separated recyclable materials, special waste, land clearing debris or yard debris.

**Non-system facility** means any solid waste facility, disposal site, transfer station, processing facility, recycling drop center, resource recovery facility or other facility for the disposal, recycling or other processing of solid waste if the facility is not part of the system.

**Non-system license** means the permission given by the Council or Chief Operating Officer to transport solid waste generated within the Metro boundary to a non-system facility.

**Person** has the same meaning as in Metro Code Section 1.01.040. For any person other than an individual, the acts of the person's employees, contractors, and authorized agents are considered the acts of the person.

**Petroleum contaminated soil** means soil into which hydrocarbons, including gasoline, diesel fuel, bunker oil or other petroleum products have been released. This term does not include soil that is contaminated with petroleum products but also contaminated with hazardous waste or radioactive waste.

**Process, processing, or processed** means a method or system of altering the form, condition or content of wastes, including but not limited to composting, vermiprocessing and other controlled methods of biological decomposition; classifying; separating; shredding, milling, pulverizing, or hydropulping. This term does not include incineration or mechanical volume reduction techniques such as baling and compaction.

**Processing facility** means a facility where or by which solid wastes are processed. This term does not include commercial and home garbage disposal units which are used to process food wastes and are part of the sewage system, hospital incinerators, crematoriums, paper shredders in commercial establishments, or equipment used by a recycling drop center.

**Processing residual** means the solid waste that remains after resource recovery has occurred and which is intended for disposal.

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

**Putrescible waste** means waste containing putrescible material.

**Radioactive waste** means the same as defined in ORS 469.300.



**Rate** means the amount that a solid waste facility or disposal site charges to receive, process, transfer, or dispose of solid waste.

**Recoverable solid waste** means source-separated or homogeneous material accepted in a single transaction at Metro Central Station or at Metro South Station in a form that is usable by existing technologies (notwithstanding the presence of incidental amounts or types of contaminants) for reuse, recycling, controlled biological decomposition of organic material including composting and digestion, and the preparation of fuels that meet an engineering, industrial, or market specification. This term does not include mass burning, incineration in refuse derived fuel facilities, and similar methods of extracting energy from mixed solid wastes.

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

**Recycle** or **recycling** means any process by which waste materials are transformed into new products in such a manner that the original products may lose their identity.

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

**Regional Waste Plan** or **RWP** means the Regional Waste Plan adopted as a functional plan by Council and approved by DEQ.

**Regional system fee** means a fee that recovers the costs for all associated regional solid waste activities related to managing, planning and administering the entire recycling, processing and disposal system.

**Reload** means the activity of receiving solid waste for the purpose of consolidating and transferring it to a solid waste facility.

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

**Residence** means the place where a person lives.

**Resource recovery** means a process by which useful material or energy resources are obtained from solid waste.

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

**RWP requirement** means the portions of the Regional Waste Plan that are binding on local governments as set forth in Chapter 5.10.

**Segregation** means the removal of prohibited wastes, unauthorized wastes, bulky material (such as but not limited to white goods and metals) incidental to the transfer of solid waste. Segregation does not include resource recovery or other processing of solid waste. The sole intent of segregation is not to separate useful material from the solid waste but to remove prohibited, unauthorized waste or bulky materials that could be hard to handle by either the facility personnel or operation equipment.

**Significant disruption** means an event that disrupts access to a transfer station, creates increased risk to human health or the environment, or impacts the normal operations, transportation routes or established system of a waste hauler or a transfer station. A significant disruption event may be caused by system disruptions (such as long term road repair or closures or facility construction) or natural forces (such as severe weather, flood, landslide or earthquake).

**Single-family residential means individual residential dwelling units, duplexes, triplexes, or four-plexes.**

**Solid waste** means all putrescible and non-putrescible wastes, including without limitation, garbage, rubbish, refuse, ashes, waste paper and cardboard; discarded or abandoned vehicles or parts thereof; sewage sludge, septic tank and cesspool pumpings or other sludge; commercial, industrial, demolition and construction waste; discarded home and industrial appliances; asphalt, broken concrete and bricks; manure, vegetable or animal solid and semi-solid wastes, dead animals; infectious waste; and other such wastes, including without limitation cleanup materials, commingled recyclable material, petroleum contaminated soil, special waste, source-separated recyclable material, land clearing debris and yard debris. This term does not include:

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

**Solid waste facility** means a facility at which solid waste is received for transfer, resource recovery, and/or processing. The term does not include disposal sites.

**Solid waste system facility** means a facility that Metro designates as part of Metro's system for the management and disposal of solid and liquid waste. This term includes, but is not limited to, all designated facilities set forth in Chapter 5.05 and any non-system facility that receives solid waste from within the Metro area, whether pursuant to an authorized non-system license or otherwise.

**Source separate or source separated or source separation** means that the person who last uses recyclable material separates the recyclable material from solid waste.

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

**Special waste** means any waste (even though it may be part of a delivered load of waste) that falls within one or more of the following categories:

- (1) Containerized waste (e.g., a drum, barrel, portable tank, box, pail, etc.) of a type listed in 3 through 9 or 11 of this definition below.
- (2) Waste transported in a bulk tanker.
- (3) Liquid waste including outdated, off spec liquid food waste or liquids of any type when the quantity and the load would fail the paint filter liquid (Method 9095, SW-846) test or includes 25 or more gallons of free liquid per load, whichever is more restrictive.
- (4) Containers (or drums) that once held commercial products or chemicals, unless the containers (or drums) are empty as provided in 40 CFR 261.7(b)(1).
- (5) Sludge waste from septic tanks, food service, grease traps, or wastewater from commercial laundries, laundromats or car washes.
- (6) Waste from an industrial process.
- (7) Waste from a pollution control process.
- (8) Residue or debris from the cleanup of a spill or release of chemical substances, commercial products or wastes listed in 1 through 7 or 9 of this definition.
- (9) Soil, water, residue, debris, or articles which are contaminated from the cleanup of a site or facility formerly used for the generation, storage, treatment, recycling, reclamation, or disposal of wastes listed in 1 through 8 of this definition.
- (10) Chemical-containing equipment removed from service (for example: filters, oil filters, cathode ray tubes, lab equipment, acetylene tanks, CFC tanks, refrigeration units, or any other chemical-containing equipment).

- (11) Waste in waste containers that are marked with a National Fire Protection Association identification label that has a hazard rating of 2, 3, or 4, but not empty containers so marked.
- (12) Any waste that requires extraordinary management or special handling. Examples of such special wastes are: chemicals, liquids, sludge and dust from commercial and industrial operations; municipal waste water treatment plant grits, screenings and sludge; contaminated soils; tannery wastes, empty pesticide containers, and dead animals or by-products.
- (13) Medical waste.

**Specific material recycler** means a facility that processes a single type of non-putrescible recyclable material that holds intrinsic value in established reuse or recycling markets. These materials include, but are not limited to, scrap metal, plastic, paper, or other similar commodities. This term does not include a facility that processes commingled source-separated recyclables collected through curbside residential or commercial collection programs.

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

**State** means the State of Oregon.

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

**System** means all facilities that Metro designates as part of its system for the management and disposal of solid and liquid waste. This includes, but is not limited to, the following:

- (1) Recycling and other volume reduction facilities;
- (2) Landfills, or other disposal means;
- (3) Resource recovery facilities (including steam production and electrical generating facilities using solid waste as fuel);
- (4) Recycling and transfer stations;
- (5) Roads, water lines, wastewater lines and treatment facilities to the extent used to carry out the provisions of ORS chapter 268 and other applicable laws of the state of Oregon;
- (6) All buildings, fixtures, equipment, real property and personal property that Metro owns, leases, operates or uses to dispose of solid and liquid waste;
- (7) Designated facilities as provided in Chapter 5.05.

**Tonnage Allocation** means an amount of the region's putrescible waste that Metro grants to a private transfer station.

**Transaction** means a customer's use of a Metro transfer station disposal facility, hazardous waste facility, or household hazardous waste collection event, for the purpose of delivering for disposal a single load of solid or hazardous waste during a single visit from a single vehicle (whether or not accompanied by, or transporting, one or more trailers). A solid waste disposal transaction occurs when a customer enters a Metro transfer station facility, hazardous waste facility, or household hazardous waste collection event. [Ord. 19-1438]

**Transaction fee** means the fee that Metro imposes for each transaction at a Metro transfer station to pay for related scalehouse costs.

**Transfer** means the activity of receiving solid waste for purposes of transferring it from one vehicle or container to another vehicle or container for transport. Transfer may include segregation, temporary storage, consolidation of solid waste from more than one vehicle, and compaction. This term does not include resource recovery or other processing of solid waste.

**Transfer station** means a solid waste facility whose primary activity includes, but is not limited to, the transfer of solid waste to a disposal site.

**Transfer station wasteshed** means the area surrounding one or more transfer stations that is more immediately accessible to those transfer stations than any other transfer station, based on travel time.

**Unacceptable waste** means waste that is either:

- (1) Prohibited from disposal at a disposal site by state or federal law, regulation, rule, code, permit or permit condition; or
- (2) Special waste without an approved special waste permit.

**Useful material** means material that still has useful physical, chemical, or biological properties after serving its original purpose(s) or function(s), and which, when separated from solid waste, is suitable for use in the same or other purpose(s). For purposes of this Code, cleanup materials are not useful materials. Types of useful materials include, but are not limited to:

- (1) Material that can be reused;
- (2) Recyclable material;
- (3) Organic material(s) suitable for controlled biological decomposition (such as for making compost);
- (4) Material used in the preparation of fuel;
- (5) Material intended to be used, and which is in fact used, for construction or land reclamation (such as inert material for fill);

- (6) Material intended to be used, and which is in fact used, productively in landfill operations (such as roadbeds or alternative daily cover).

**Vermiprocessing** means a controlled method or system of biological processing that utilizes worms to consume and digest organic materials, and that produces worm castings for productive uses.

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

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

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

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

**Yard debris** means vegetative and woody material generated from residential or commercial landscaping activities. Yard debris includes landscape waste, grass clippings, leaves, hedge trimmings, branches, sod, scrapings, stumps and other vegetative waste having similar properties. This term does not include other solid waste such as soil, demolition debris, painted or treated wood waste. [Ord. 81 111, Sec. 2; Ord. 82-146, Sec. 2; Ord. 86-210, Sec. 1; Ord. 88-257, Sec. 2; Ord. 88-278, Sec. 1; Ord. 89-269, Sec. 2; Ord. 89-295, Sec. 1; Ord. 89-319; Ord. 90-337, Sec. 2; Ord. 90-372, Sec. 1; Ord. 91-386C, Sec. 2; Ord. 91-388, Secs. 1 and 8; Ord. 91 422B, Sec. 1; Ord. 92-455B, Sec. 1; Ord. 92-473A, Sec. 1; Ord. 93-482, Sec. 1; Ord. 94-531, Sec. 2; Ord. 94-557; Ord. 95-597, Sec. 1; Ord. 95-621A, Sec. 2; Ord. 97-681B, Sec. 1; Ord. 98-720A, Sec. 2; Ord. 98 762C, Secs. 1 and 54; Ord. 00 866, Sec. 1; Ord. 00-867, Secs. 1-2; Ord. 00-873, Sec. 1; Ord. 00-876A, Sec. 1; Ord. 01-907A, Sec. 1; Ord. 01 914, Sec. 1; Ord. 01 916C, Sec. 1; Ord. 01-917, Sec. 1; Ord. 02-937A, Sec. 3; Ord. 02-951B, Sec. 1; Ord. 02 974, Sec. 1; Ord. 03 1018A, Sec. 1; Ord. 03-1019, Sec. 1; Ord. 06 1101; Ord. 06-1103, Sec. 1; Ord. 06-1107; Ord. 07-1147B, Secs. 1, 5 and 9; Ord. 08-1183A; Ord. 08-1200; Ord. 12-1272, Secs. 1-2; Ord. 12-1277, Sec. 4; Ord. 13-1306, Sec. 1; Ord. 13-1311; Ord. 14-1323, Sec. 6; Ord. 14-1331; Ord. 16-1386; Ord. 17-1410; Ord. 18-1426; Ord. 19-1432; Ord. 19-1438.]

**Solid Waste  
Administrative Rule**

**AR 5.15-1000 through 1020**

**Administrative Rule of Metro Code Chapter 5.15  
Administrative Rule Adoption Record and Findings**

**AR 5.15-1000 through 1020  
Request for Compliance Date Extension and Non-Compliance  
Procedures Administrative Rules**

These administrative rules are adopted under the authority of Metro Code, which authorizes the Chief Operating Officer (COO) to adopt and amend administrative rules. In accordance with Metro Code Chapter 5.08, 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 5.15 and hereby adopts Administrative Rules Nos. 5.15-1000 through 1020. The requirements of these administrative rules are in addition to all other requirements and provisions in Metro Code Chapter 5.15. These rules have the same force and effect as any other provision of Metro Code Chapter 5.15.

It is so ordered:

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Marissa Madrigal  
Metro Chief Operating Officer

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Date

# **SOLID WASTE**

## **ADMINISTRATIVE RULES**

**AR 5.15-1000 through 1020**

### **Request for Compliance Date Extension and Non-Compliance Procedures**

Effective: XXXXX

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#### **Table of Contents**

5.15 - 1000	Purpose
5.15 - 1005	Legal Authority
5.15 - 1010	Applicability of Rules
5.15 - 1015	Request for Compliance Date Extension
5.15 - 1020	Non-compliance procedures

DRAFT



### **5.15 – 1000 Purpose**

To implement the local government requirements under the Regional Waste Plan as set forth in Metro Code Chapter 5.15.

### **5.15 – 1005 Legal Authority**

1. Metro's solid waste planning and implementing authority is established under the Metro Charter, the Constitution of the State of Oregon, and ORS Chapters 268 and 459.
2. These rules are issued under the authority of Metro Code. These rules are in addition to all other requirements and provisions in Metro Code Chapters 5.10 and 5.15.

### **5.15 – 1010 Applicability of Rules**

The local government requirements under the Regional Waste Plan apply to all portions of Clackamas, Washington, and Multnomah Counties within Metro's jurisdictional boundary.

### **5.15 – 1015 Request for Compliance Date Extension**

1. A local government may seek an extension of time to comply with a Regional Waste Plan requirement by filing a written request for an extension with the Chief Operating Officer.
2. The local government's written request must demonstrate that: (1) the local government is making progress toward compliance with the Regional Waste Plan requirement; and (2) the local government has good cause for failure to meet the compliance date.
3. The Chief Operating Officer will notify the local government in writing of its decision to grant or deny the request and the reasons behind the decision within 60 days of receipt of the request.
4. The Chief Operating Officer may establish conditions for the extension to ensure the local government complies in a timely manner and that local government actions during the extension period do not undermine the region's ability to implement the Regional Waste Plan.
5. No more than two extensions of time will be granted and the Chief Operating Officer will not extend the date for compliance for more than one year from the date of approval of the original request.

### **5.15 -1020 Non-Compliance Procedures**

1. If the Chief Operating Officer finds that a local government is not in compliance with a Regional Waste Plan requirement or performance standard, then Chief Operating Officer will notify the local government of the finding in writing.
2. The local government may respond to the Chief Operating Officer's finding of non-compliance. Responses and any relevant materials to support the response must be received within 60 days of the date of the Chief Operating Officer's original notification of findings.
3. The Chief Operating Officer will review the local government's response and determine if the local government is in compliance.
4. If the Chief Operating Officer determines that the local government remains out of compliance the Chief Operating Officer will notify the Council of the finding of noncompliance and will schedule a hearing within 90 days. The Chief Operating Officer will notify the local government of these findings and the date, time and location of the hearing.
5. The local government may file a response to the Council within 30 days of the Chief Operating Officer's findings.
6. If the Council finds that the local government action does not comply with the Regional Waste Plan or any related rules or provisions of the Metro Code, the Chief Operating Officer will issue any requirements or penalties as directed in the Council order.

**Solid Waste  
Administrative Rule**

**AR 5.15-2000 through 2065**

**Administrative Rule of Metro Code Chapter 5.15  
Administrative Rule Adoption Record and Findings**

**AR 5.15-2000 through 2065  
Residential Service Administrative Rules**

These administrative rules are adopted under the authority of Metro Code, which authorizes the Chief Operating Officer (COO) to adopt and amend administrative rules. In accordance with Metro Code Chapter 5.08, 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 5.15 and hereby adopts Administrative Rules Nos. 5.15-2000 through 2065. The requirements of these administrative rules are in addition to all other requirements and provisions in Metro Code Chapter 5.15. These rules have the same force and effect as any other provision of Metro Code Chapter 5.15.

It is so ordered:

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Marissa Madrigal  
Metro Chief Operating Officer

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Date

**SOLID WASTE  
ADMINISTRATIVE RULES  
Residential Service**

**AR 5.15-2000 through 2065**

Effective: XXXXX

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5.15 - 2005	Legal Authority
5.15 - 2010	Definitions
5.15 - 2015	Applicability of Rules
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5.15 - 2025	Single-Family Residential Service Standards
5.15 - 2030	Exemption to Single-Family Yard Debris Service Standard
5.15 - 2035	Exemption for Single-Family Every Other Week Programs
5.15 - 2040	Multifamily Residential Service Standards
5.15 - 2045	Multifamily Receptacle Colors; Signage; Information Materials
5.15 - 2050	Exemptions to Multifamily Standards
5.15 - 2055	Compliance and Enforcement
5.15 - 2060	Reporting
5.15 - 2065	Funding Guidelines

**5.15 – 2000 Purpose**

To implement the residential service standard as set forth in Metro Code Chapter 5.15 and as required by the Regional Waste Plan to ensure a comprehensive and consistent level of recycling service for the region.

**5.15 – 2005 Legal Authority**

1. Metro’s solid waste planning and implementing authority is established under the Metro Charter, the Constitution of the State of Oregon, and ORS Chapters 268 and 459.
2. These rules are issued under the authority of Metro Code. These rules are in addition to all other requirements and provisions in Metro Code Chapters 5.10 and 5.15.

**5.15 – 2010 Definitions**

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

**Acceptable recyclable materials** are a type of source-separated recyclable as-defined in Metro Code Chapter 5.00. For the purposes of these administrative rules, acceptable recyclable materials include the following:

Mixed waste paper	Steel cans
Newspaper	Aluminum
Magazines	Scrap metal
Corrugated cardboard	Plastic bottles and jars

Kraft paper	Round plastic containers/tubs
Aseptic containers	Glass bottles and jars
Yard debris	Motor oil

~~Adequate service means no overflow of garbage or recycling; receptacle lids must close. Bulky waste should not accumulate for more than seven days or impede access to service area. No bagged or overflow garbage present in recycling receptacles.~~

**Minimum service** means the lowest amount of acceptable recyclable material, glass, yard debris, and garbage collection service volume to be in compliance with residential service standard.

**Commented [SK1]:** A comment received by Sam Wisner showed that the adequate service definition added confusion to understanding the Multifamily Residential Service Standards. The definition was removed from rule and will be added to a guidance document.

### 5.15 – 2015 Applicability of Rules

The requirements of the Regional Waste Plan’s residential service standard apply to all portions of Clackamas, Washington, and Multnomah Counties within Metro’s jurisdictional boundary. For areas of Clackamas, Multnomah and Washington Counties outside of Metro’s jurisdictional boundary, the performance standards are recommendations.

### 5.15 - 2020 Glass Separation Requirement

For all residential customers, a local government must require that glass is kept separate from all other acceptable recyclable materials in collection receptacles and on collection vehicles.

### 5.15 - 2025 Single-Family Residential Service Standards

For all single-family residential customers, a local government must:

1. Provide at least one receptacle, with capacity of at least 60 gallons, for the collection of all acceptable recyclable materials except glass and motor oil.
2. Provide at least one receptacle for source-separated glass collection. The receptacle must have a capacity of at least five gallons.
3. Provide weekly collection of acceptable recyclable materials, glass, motor oil, and yard debris on the same day of the week as garbage, unless exempted under administrative rule 5.15-2030 or administrative rule 5.15-2035.
4. Provide at least one receptacle for yard debris collection. The receptacle must have a capacity of at least 60 gallons.

~~If food scraps service is offered, provide weekly collection of residential food scraps mixed with yard debris. Every other week collection of residential food scraps mixed with yard debris is allowed if approved by the processing facility receiving the material and acceptance does not violate any other government ordinance, regulation, permit, health or safety code.~~

5. ~~Residential food scraps with yard debris can be offered at weekly or every other week frequency. Every other week collection of residential food scraps mixed with yard debris is allowed only if approved in advance by the processing facility receiving the material and acceptance does not violate any other government ordinance, regulation, permit, health, or safety code.~~

**Commented [SK2]:** A comment submitted by Kristen Leichner provided wording that increased clarity. The wording has been changed to reflect her suggestion.

6. Provide bulky waste collection service.

7. Ensure that property owners and managers provide access to adequate on-site garbage and recycling collection service to renters of single-family residential properties.

**Commented [SK3]:** This edit is related to comment submitted by Sam Wisner. The term adequate is being removed.

#### 5.15 - 2030 Exemption to Single-Family Yard Debris Service Standard

1. A local government may exempt rural service areas from regular on-route collection of yard debris provided that the local government distributes informational material to rural customers at least annually that provides options for proper management of yard debris, including instructions to not place yard debris in solid waste receptacles destined for disposal.
2. A local government may define “rural service areas” for purposes of solid waste collection and must provide its definition to Metro. A local government must notify Metro of any changes to that definition.

#### 5.15 - 2035 Exemption for Single-Family Every Other Week Recycling and Yard Debris Collection Programs

A local government with an every-other-week recycling and/or yard debris collection program in place as of January 1, 2019 meets the residential service standard. A second recycling collection receptacle of at least 60 gallons capacity must be provided to every-other-week customers upon request and at no additional charge.

#### 5.15 - 2040 Multifamily Residential Service Standards

For all multifamily residential customers, a local government must:

1. **Provide/Implement** a minimum service volume of 20 gallons per unit per week for garbage collection service.
2. **Provide/Implement** a minimum service volume of 20 gallons per unit per week for acceptable recyclable materials and a minimum service volume of one gallon per unit per week for source-separated glass.
3. Ensure all material streams are collected at least weekly. On call services are exempt from collection frequency and minimum service volume requirements.
4. Ensure provision of regularly-occurring bulky waste collection service by July 1, 2025.

**Commented [SK4]:** Clackamas County suggested this wording to increase clarity.

#### 5.15 - 2045 Multifamily Receptacle Colors; Signage; Informational Materials

For all multifamily residential customers, a local government must comply with the regional standards for collection receptacles by the dates below.

1. All receptacles ordered after July 1, 2021 must comply with the color standard below and must be labeled with the correct Metro-approved regional signage.
2. All plastic receptacles for garbage, mixed recyclable materials, and yard debris and/or food scraps ordered after July 1, 2021 must contain at least 30% post-consumer recycled content.
3. Garbage receptacles must be gray, mixed recyclable materials receptacles must be blue, yard debris and/or food scraps receptacles must be green and source-separated glass receptacles must be orange by July 1, 2028. Metro will provide a list of approved receptacle colors by vendor.
4. Color standards do not apply to compactors and drop boxes.
5. As of December 31, 2023, all receptacles must be labeled with the correct Metro-approved regional decals for acceptable recyclable materials, glass, yard debris, and garbage. All previous garbage and

recycling instructional decals must be completely removed from each receptacle and replaced with correct and approved regional decals.

**5.15 - 2050 Exemptions to Multifamily Standards**

Notwithstanding administrative rule 5.15-2045, a local government may:

1. Exempt used motor oil from collection.
2. Exempt yard debris from collection if no yard debris is generated on-site, or the customer meets one of the following conditions:
  - a. Uses a landscape maintenance firm that transports yard debris to a Metro-authorized facility;
  - b. Manages its yard debris on-site such as composting or mulching;
  - c. Self-hauls its yard debris to a Metro-authorized facility;
  - d. Uses another method approved by Metro.

**5.15 - 2055 Compliance and Enforcement**

A local government must comply with the requirements of the Regional Waste Plan’s residential service standard. If a local government does not comply, Metro will withhold funding associated with the implementation of the Regional Waste Plan. Metro may also withhold discretionary funding associated with other programs and seek any remedy under its Charter, Code or applicable state law.

**5.15 - 2060 Reporting**

As part of regular annual reporting requirements, a local government must provide the information necessary for Metro to determine compliance with the residential service standard.

**5.15 - 2065 Funding Guidelines**

In order to receive funding associated with the Regional Waste Plan, a local government or its designated agency must comply with the requirements of Metro Code Chapter 5.15 and these rules. The local government or its designated agency must also enter into an intergovernmental agreement with Metro.

**Commented [SK5]:** Clackamas County suggested this wording to increase clarity.

Administrative Rule of Metro Code Chapter 5.15  
Administrative Rule Adoption Record and Findings

**AR 5.15-3000 through 3055  
Business Service Standard and Recycling Requirement**

These administrative rules are adopted under the authority of Metro Code, which authorizes the Chief Operating Officer (COO) to adopt and amend administrative rules. In accordance with Metro Code Chapter 5.08, 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 5.15 and hereby adopts Administrative Rules Nos. 5.15-3000 through 3055. The requirements of these administrative rules are in addition to all other requirements and provisions in Metro Code Chapter 5.15. These rules have the same force and effect as any other provision of Metro Code Chapter 5.15.

It is so ordered:

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Marissa Madrigal  
Metro Chief Operating Officer

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Date

**SOLID WASTE  
ADMINISTRATIVE RULES**

**AR 5.15-3000 through 3055**

Business Service Standard and Business Recycling Requirement

Effective: XXXXX

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5.15 - 3000	Purpose
5.15 - 3005	Legal Authority
5.15 - 3010	Definitions
5.15 - 3015	Applicability of Rules
5.15 - 3020	Glass Separation Requirement
5.15 - 3025	Business Service Standard
5.15 - 3030	Business Recycling Requirement
5.15 - 3035	Business Recycling Requirement Performance Standard
5.15 - 3040	Business Recycling Requirement Compliance
5.15 - 3045	Local Government Enforcement of the Business Recycling Requirement
5.15 - 3050	Metro Enforcement of the Business Recycling Requirement
5.15 - 3055	Reporting Requirements

**5.15 – 3000 Purpose**

To implement the business service standard and the business recycling requirement as set forth in Metro Code 5.15 and as required by the Regional Waste Plan to ensure a comprehensive and consistent level of recycling service for the region.

**5.15 – 3005 Legal Authority**

1. Metro’s solid waste planning and implementing authority is established under the Metro Charter, the Constitution of the State of Oregon, and ORS Chapters 268 and 459.
2. These rules are issued under the authority of Metro Code. These rules are in addition to all other requirements and provisions in Metro Code Chapters 5.10 and 5.15.

**5.15 – 3010 Definitions**

Unless otherwise specifically defined below, all terms used are as defined in Metro Code Chapter 5.00 and administrative rule 5.15-2010.

**5.15 – 3015 Applicability of Rules**

The requirements of the Regional Waste Plan’s business service standard and business recycling requirement apply to all portions of Clackamas, Washington, and Multnomah Counties within Metro’s jurisdictional boundary. For areas of Clackamas, Multnomah and Washington Counties outside of Metro’s jurisdictional boundary, the performance standard is a recommendation.

**5.15 - 3020 Glass Separation Requirement**

For all business customers, a local government must require that glass is kept separate from all other acceptable recyclable materials in collection receptacles and on collection vehicles.



### **5.15 – 3025 Business Service Standard**

A local government must provide garbage and recycling collection services to meet the needs of all business customers.

### **5.15 – 3030 Business Recycling Requirement**

To implement the business recycling requirement a local government must:

1. Adopt the Metro model ordinance or demonstrate code complies with the business recycling requirement.
2. Send notice to businesses that outlines the recycling requirements and how to receive assistance.
3. Establish a local compliance program or enter into an intergovernmental agreement with Metro to perform the compliance function.
4. Report to Metro on information related to program adoption, implementation and performance as outlined in administrative rules 5.15 – 3055.

### **5.15 – 3035 Business Recycling Requirement Performance Standard**

A local government must ensure implementation of the business recycling requirement performance standard:

1. Businesses must source separate acceptable recyclable materials with the exception of motor oil and yard debris for reuse or recycling.
2. Businesses must provide recycling containers for internal maintenance or work areas where acceptable recyclable materials may be collected and stored.
3. Businesses must post accurate instructional signs where acceptable recyclable materials are collected and stored that identify the materials that the business must collect for reuse or recycling.
4. A local government must establish a method for ensuring compliance with the business recycling requirement.
5. A local government may exempt a business from some or all of the business recycling requirement if the business provides access to the local government for a site visit and the local government determines that the business cannot comply with the business recycling requirement, or compliance results in a violation of other government ordinance, health or safety code.

### **5.15 – 3040 Business Recycling Requirement Compliance**

A businesses is considered in compliance if the business has implemented the following:

1. Regularly scheduled recycling collection provided by the franchised or licensed garbage and recycling hauler, a private recycling service or self-haul.
2. A two-container sort system: acceptable recyclable materials and glass.
3. Internal recycling containers located as conveniently as garbage containers; generally a recycling collection container at each employee work station and/or work area.
4. All interior and exterior recycling containers are correctly labeled and accurate signs and instructions are posted that identify the acceptable recyclable materials the business must recycle, and how to prepare items for recycling.
5. All employees and tenants receive information about recycling and waste prevention at least once annually and all new employees and tenants receive training about waste prevention and recycling.

6. Property management and janitorial/maintenance agreements enable businesses to meet waste prevention and recycling program goals and requirements.

#### **5.15 – 3045 Local Government Enforcement of the Business Recycling Requirement**

1. A local government must use enforcement authority to ensure business compliance with the business recycling requirement and use education and technical assistance as the primary tools to achieve compliance.
2. A local government must establish a method for ensuring business compliance with the business recycling requirement in one of the following ways:
  - a. Adopt the compliance program as defined in the business recycling requirement model ordinance.
  - b. Enter into an intergovernmental agreement with Metro to enforce the business recycling requirement or contract with another local government to conduct enforcement.
  - c. Implement a locally-designed compliance method that follows one of the following models:
    - i. Compliance is determined from information provided by franchised or licensed haulers or other recycling service providers. The local government has a clear and complete process for: notifying businesses of non-compliance; providing technical assistance to support compliance; and enforcing against continuing non-compliance.
    - ii. Compliance is determined from local government inspection of businesses. The local government has a clear and complete process for: notifying businesses of non-compliance; providing technical assistance to support compliance; and enforcing against continuing non-compliance.
    - iii. Compliance is determined from self-reporting by businesses, coupled with verification measures. The local government has a clear and complete process for: notifying businesses of non-compliance; providing technical assistance to support compliance; and enforcing against continuing non-compliance.
    - iv. Design an alternative compliance method and seek approval by Metro.

#### **5.15 – 3050 Metro Enforcement of Business Recycling Requirement**

Upon establishment of an intergovernmental agreement with a local government, Metro will perform the local government function to ensure compliance with the business recycling requirement.

1. A local Government will identify non-compliant businesses through recycling service reports, complaints or other means.
2. A local government will offer assistance to the non-compliant businesses.
3. Businesses that remain non-compliant after local government attempts to assist them will be referred to Metro for enforcement action.
4. Metro will provide a written non-compliance letter to the business upon receipt of the local government referral. The letter will describe the business recycling requirement, offer the business an opportunity to verify compliance within 30 days with the local government, and offer recycling assistance.
5. A local government will report back to Metro to indicate whether or not the violation has been corrected. If the business has not complied, Metro will issue a notice of violation with an

opportunity to cure. The notice must provide an additional opportunity to cure the violation within the time specified in the notice and must notify the business that it may be subject to a fine. Local governments will provide assistance to businesses seeking an opportunity to cure and report back to Metro to indicate whether or not the violation has been corrected.

6. If the business does not comply with the notice of violation, Metro will provide a written notice of violation and assess a fine to the business within the time specified in the notice. The notice of assessment of fine must include the information required by Metro Code Section 5.09.090. Metro must serve the notice personally or by registered or certified mail. A business may contest an assessment by following the procedures set forth in Metro Code Section 5.09.130 and 5.09.150. Metro must notify the local government of the assessment of fine. A local government representative must be available upon request to provide testimony for a contested case hearing.

### **5.15 – 3055 Reporting Requirements**

A local government must provide the following documentation to Metro:

1. A copy of the adopted ordinance or current code that is consistent with the performance standard in Metro Code.
2. A written description of the local government compliance method consistent with these administrative rules or signed intergovernmental agreement with Metro.
3. An outreach plan that describes how businesses will be notified of the requirement and a local government's compliance approach.
4. A year-end report with the results, including number of businesses notified and number of compliance actions. In cases where there is a city/city or city/county cooperative relationship, the designated jurisdiction may report on behalf of the other jurisdictions.
5. Metro will provide appropriate reporting forms.

**Solid Waste  
Administrative Rule**

**AR 5.15-5000 through 5020**

**Administrative Rule of Metro Code Chapter 5.15  
Administrative Rule Adoption Record and Findings**

**AR 5.15-5000 through 5020  
General Education Standard Administrative Rules**

These administrative rules are adopted under the authority of Metro Code, which authorizes the Chief Operating Officer (COO) to adopt and amend administrative rules. In accordance with Metro Code Chapter 5.08, 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 5.15 and hereby adopts Administrative Rules Nos. 5.15-5000 through 5020. The requirements of these administrative rules are in addition to all other requirements and provisions in Metro Code Chapter 5.15. These rules have the same force and effect as any other provision of Metro Code Chapter 5.15.

It is so ordered:

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Marissa Madrigal  
Metro Chief Operating Officer

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Date

# SOLID WASTE ADMINISTRATIVE RULES

## General Education

AR 5.15-5000 through 5020

Effective: XXXXX

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### Table of Contents

5.15 - 5000	Purpose
5.15 - 5005	Legal Authority
5.15 - 5010	Definitions
5.15 - 5015	Applicability of Rules
5.15 - 5020	General Education Performance Standard

### 5.15 – 5000 Purpose

To implement the general education standard as set forth in Metro Code Chapter 5.15 and as required by the Regional Waste Plan to ensure a comprehensive and consistent level of education and assistance for garbage, recycling, composting, waste prevention, and reuse education and assistance for all customers in the region.

### 5.15 – 5005 Legal Authority

1. Metro’s solid waste planning and implementing authority is established under the Metro Charter, the Constitution of the State of Oregon, and ORS Chapters 268 and 459.
2. These rules are issued under the authority of Metro Code. These rules are in addition to all other requirements and provisions in Metro Code Chapters 5.10 and 5.15.

### 5.15 – 5010 Definitions

Unless otherwise specifically defined below, all terms used are as defined in Metro Code Chapter 5.00 and administrative rule 5.15-2010.

**Culturally-responsive** means adapted to maximize the respect and relevance to the beliefs, practices, culture and linguistic needs of diverse consumer populations and communities.

### 5.15 – 5015 Applicability of Rules

The requirements of the Regional Waste Plan’s general education standard apply to all portions of Clackamas, Washington, and Multnomah Counties within Metro’s jurisdictional boundary. For areas of Clackamas, Multnomah and Washington Counties outside of Metro’s jurisdictional boundary, the standard is a recommendation.

### **5.15 -5020 General Education Performance Standard**

A local government must:

1. Provide comprehensive education and assistance for waste, recycling and reuse services to all customers. Education and assistance must be provided at least annually and contain the following:
  - a. Information about waste prevention, reuse, recycling, yard debris and food waste.
  - b. Instructions about the proper preparation of materials for recycling, composting and disposal.
  - c. Contact information for customers to receive additional information or assistance.
2. Provide education and outreach resources that are accurate, culturally-responsive, and reflect local conditions. Ensure that all information provided by collection service providers meets this standard.
3. Ensure collection service providers give direct performance feedback to individual customers regarding any contamination of acceptable recyclable materials.
4. Provide timely inclement weather notifications to customers in multiple languages and through a variety of media.

A local government should:

5. Use regional education and outreach resources, campaigns and programs as developed by Metro including, but not limited to:
  - a. Implement regionally-consistent contamination reduction efforts to improve material quality, including education, sorting instructions, and customer feedback methods.
  - b. Utilize Metro's Recycling Information Center to serve all residents in the region as a clearinghouse for prevention, reuse, recycling and disposal information.

# Public Comment Report

## Proposed Updates to Metro Code Chapter 5.10 and Associated Administrative Rules



October 20, 2020

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### BACKGROUND

In March 2019, Metro adopted the 2030 Regional Waste Plan which sets the policy direction for the region's solid waste and recycling system. The plan is implemented in many ways; through collaborative programs with local government partners and community organizations, and through required actions that bring minimum standards and consistency to a large and complex system. Metro Code and Administrative Rules are the mechanism used to implement the required elements of the plan. The Metro Code and Rules need to be updated and re-written to reflect the goals, policies and programs of the new plan.

Between September 15 and October 15, 2020 Metro conducted a public comment period for proposed updates to the Metro Code Chapter 5.10 and associated administrative rules pertaining to the regional service standard<sup>1</sup>. Local government elected officials, city and county managers, residential property managers and owners, community-based organizations and tenant organizations and garbage and recycling companies were notified via email about the opportunity to comment. The email messages included audience-specific fact sheets and a Frequently Asked Questions document. A call for comments paired with an infographic was posted on Metro's three social media platforms Facebook ([www.facebook.com/oregonmetro](http://www.facebook.com/oregonmetro)), Twitter (@oregonmetro) and Instagram (@oregonmetro). Some local governments also publicized the comment period through their communication channels. Examples of the email message and social media posts are included as Attachment A.

In addition, the Metro web page dedicated to the service standards project ([www.oregonmetro.gov/servicestandards](http://www.oregonmetro.gov/servicestandards)) provided information about the proposed changes, and anticipated impacts, as well as the full text of proposed code and rules.

Comments were accepted in writing for inclusion in this report. The comments were received through an email address established for the comment period ([servicestandards@oregonmetro.gov](mailto:servicestandards@oregonmetro.gov)). As well as through a web form, accessible by a single click, designed to reduce barriers to participation. Comments were also able to be received via U.S. mail.

The web form appears to be successful in reducing barriers to submitting comments. All comments received from residents and property managers and owners were received through the web form. Four comments were received through the web form from multifamily residents within hours of the social media infographic posting.

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<sup>1</sup> Metro Code Chapters 5.00 definitions, 5.10 Regional Waste Plan, 5.15 Local Government Requirements under the Regional Waste Plan. Administrative Rules 5.15-1000 Request for Compliance Date Extension, 5.15-2000 Residential Service, 5.15-3000 Business Service Standard and Recycling Requirement, 5.15-5000 General Education. Current proposed drafts are posted at [www.oregonmetro.gov/servicestandards](http://www.oregonmetro.gov/servicestandards).

Comments were received from individuals living in multifamily homes, property managers, local governments, hauler associations and individual haulers.

## COMMENT SUMMARY

At the close of the comment period, 19 comments were received:

- Nine were clearly supportive.
- None were opposed to the proposed code.
- Six expressed concerns about economic and environmental costs of the proposed multifamily color standard administrative rule.
- Eight were interested in additional detail on the bulky waste standard; six of the eight comments were supportive of the regularly occurring bulky waste requirement.
- Five requested specific edits to the policy or had general concerns and suggestions for changes.
- Six had general suggestions to improve multifamily services.
- Four had questions related to expanding every other week collection of single-family mixed recycling and compost.
- All comments wholly or partially addressed the multifamily service standard administrative rules.

The majority of those **in favor** of the policy indicated:

- Improvements for multifamily customers are overdue and they look forward to seeing the future improvements.
- An interest in access to food scrap service for people living in multifamily homes.
- An interest in additional detail for bulky waste collection.

The **concerns** expressed by eight of the comments included the following:

- Concerns from haulers on increased costs related to implementing the multifamily color standard.
- Questions regarding additional detail on how bulky waste items would be handled.
- Concerns about how standards may be enforced.

All of the comments received, as well as the comment log with staff response, are included with this report as Attachment B.

## AMENDMENTS MADE TO DRAFT POLICY

All comments received during the comment period were reviewed by the Metro Policy and Compliance division. Those comments that requested **specific changes** to the code or administrative rules were discussed by the team and in some cases, reviewed by the Office of the Metro Attorney. The team then determined which comments necessitated changes or clarifications to the draft code and administrative rules documents and what those specific changes should be. Three comments, one from a hauler, one from a property manager and one from a local government, resulted in changes to the proposed administrative rules to improve clarity. The revised draft of the Administrative Rule 5.15-2000 Residential Service Standards, dated October 20, 2020, shows changes based on the comments during this period, and is included as Attachment C. No changes to the proposed Metro Code were made based on comments received.



## CONCLUSION

The public comments indicated general support for the policy with concerns regarding costs and requests for additional details from some groups.

- People living in multifamily homes want better signage and labeling, and better access to more organized bins.
- There is interest from multifamily residents living in the City of Portland to add food scraps collection.
- Support was expressed, but questions remain from property managers, haulers and hauler associations and a local government on details or specific standards for rules around regularly occurring bulky waste collection. Metro will work closely with local governments and other stakeholders to develop and pilot approaches and revise the rules over time.
- Haulers and hauler associations and one local government expressed concerns on environmental and economic costs to implement the multifamily color standard.

The administrative rules will have an additional 30-day comment period in January 2021 prior to adoption by the Metro COO. The complete report, including all attachments can be viewed on the Metro website: [www.oregonmetro.gov/servicestandards](http://www.oregonmetro.gov/servicestandards)

## Attachment A: Example outreach materials

### Example email with infographic

Hello,

I'm following up on an email I sent at the end of August.

Metro is proposing changes to Metro Code and rule, specifically changes to improve garbage and recycling collection for people living in multifamily homes.

Attached is a fact sheet and FAQ describing the changes.

Full text of the code and rule will be available on September 14.

Between September 15 and October 15, visit [www.oregonmetro.gov/servicestandards](http://www.oregonmetro.gov/servicestandards) to share your thoughts via a quick form. You can also email us at [ServiceStandards@oregonmetro.gov](mailto:ServiceStandards@oregonmetro.gov) or mail written comments to:

Metro

Attn: Service Standards WPES

600 NE Grand Avenue

Portland, OR 97230

**Garbage and recycling changes for apartments and condos**

**More service**  
Bins won't get overloaded

**New bins**  
Color-coded

**Stickers and signs**  
Easier to understand

**Tell us what you think by October 15.**  
We heard you need better service. Share this information and encourage others to let us know if these proposed changes meet their needs.

 **Metro**

If you have any questions please contact me, Sara Kirby [sara.kirby@oregonmetro.gov](mailto:sara.kirby@oregonmetro.gov).

Example social media post



Metro

September 22 at 11:00 AM · 🌐



Metro is proposing changes to improve garbage and recycling collection at apartments and condos. From now until October 15, visit [www.oregonmetro.gov/servicestandards](http://www.oregonmetro.gov/servicestandards) to learn what this means for you and share your thoughts.

## Garbage and recycling changes for apartments and condos



### More service

Bins won't get overloaded

### New bins

Color-coded

### Stickers and signs

Easier to understand

## Tell us what you think by October 15.

We heard you need better service. Share this information and encourage others to let us know if these proposed changes meet their needs.



## Attachment B - 2020 Regional Service Standard Formal Comments Log

Comment #	Date	Time	Channel	Name	Email Address	Zip Code	Category	Comment Summary	Response
1	9/22/2020	11:51	web form	Francesca Cameron	<a href="mailto:francesca747@gmail.com">francesca747@gmail.com</a>	97205	Multifamily	I do not have time to read the drafts, but have one issue that really matters to me. I want to have access to a compostable bin in my building where I can recycle kitchen waste.	Thank you for your input. With regard to food scraps recovery, Metro has chosen to focus regional programs and policies on food scraps generated from the business sector and agreed with our local government partners that decisions about residential food scraps programs will be made at the city and county level. We have forwarded your comment to the appropriate city or county so they are aware of your request.
2	9/22/2020	12:27	web form	Justin Gilchrist	<a href="mailto:jgilchristccla@gmail.com">jgilchristccla@gmail.com</a>	97219	Multifamily	I would appreciate more organized bins. Currently we just have two dumpsters with poor labeling and everyone doesn't know which one is which and ruins all our recyclables. I would also hope it makes for a more sanitary area if the service would come more often. Thank you.	Thank you for your input.
3	9/22/2020	13:08	web form	Neel Patel	<a href="mailto:neelpatelslc@gmail.com">neelpatelslc@gmail.com</a>	97209	Multifamily	This is a great idea! I would love more options for composting in apartment buildings. I tried to lobby my building for compost but it didn't go anywhere. Also the signs are helpful, but I feel that most people put whatever they want in the recycling. One solution my be to severely reduce recycling to what can actually be meaningfully recycled?  Also maybe for signs, stressing the importance of flattening cardboard boxes?? Thanks for all your hard work!	Thank you for your input. With regard to food scraps recovery, Metro has chosen to focus regional programs and policies on food scraps generated from the business sector and agreed with our local government partners that decisions about residential food scraps programs will be made at the city and county level. We have forwarded your comment to the appropriate city or county so they are aware of your request.
4	9/22/2020	13:42	web form	Jacob Metcalf	<a href="mailto:8bitjoystick@gmail.com">8bitjoystick@gmail.com</a>	97213	Multifamily	I am a essential healthcare worker currently fighting the covet 19 epidemic. I'm also a condo owner in Portland off NE 68th. It is long overdue that we expand and reform recycling and garbage services for multi-person Portland	Thank you for your input.
5	9/23/2020	8:47	web form	Alyson Berman	<a href="mailto:emmash@gmail.com">emmash@gmail.com</a>	97210	Multifamily	It still leaves out composting for apartment users. If the city can't pick up yard debris and compost from apartment residents, it would be great if there were drop off stations so we could minimize our waste and increase our composting.	Thank you for your input. With regard to food scraps recovery, Metro has chosen to focus regional programs and policies on food scraps generated from the business sector and agreed with our local government partners that decisions about residential food scraps programs will be made at the city and county level. We have forwarded your comment to the appropriate city or county so they are aware of your request.
6	9/23/2020 9/28/2020	11:56 10:55	web form web form	Lisa Chin Carolyn Overby	<a href="mailto:lisasenchin@gmail.com">lisasenchin@gmail.com</a> <a href="mailto:carolynoverby@frontier.com">carolynoverby@frontier.com</a>	97214 97008	Multifamily Multifamily	I'd like to have composting as an option. My apartment does not offer this. If this is not the channel for this request, I'd really like to know what would be the best resources. Thank you!	Thank you for your input. With regard to food scraps recovery, Metro has chosen to focus regional programs and policies on food scraps generated from the business sector and agreed with our local government partners that decisions about residential food scraps programs will be made at the city and county level. We have forwarded your comment to the appropriate city or county so they are aware of your request.
7								I question how bulk items will be picked up. Where will residents place them, when will they be picked up and who will pay for this extra service. Currently our residents contact us for pickup. We then schedule a day with Waste Management so property doesn't load up with trashy looking items showing on the property. The residents are informed that they will pay whatever fees Waste Management charges for the pickup. I sincerely think it would be a fiasco to just allow the residents to discard their unwanted large items on the property. Many would not bother taking them to a charity group or having one pick them up. I believe the charge is what motivates them to take action. Move-outs would be disastrous! Our residents don't pay for the water, sewer or garbage. I can foresee a lot of resentment if we started implementing that. I can also foresee the home owner's around the area taking advantage of the situation, as we already combat that to some degree.  I don't think it is always a misunderstanding concerning the contamination in recycling. There is no lid they have to lift for recycling whereas they must lift the lid for garbage. We do our very best to inform and work with our residents and for the most part they are compliant. I sincerely wish whoever is making these decisions had some experience managing a multi-family complex.	Thank you for your input. Metro anticipates working closely with local governments and stakeholders on the future development of bulky waste collection service standards.
8	9/28/2020	13:59	web form	Carolyn Overby	<a href="mailto:carolynoverby@frontier.com">carolynoverby@frontier.com</a>	97008	Multifamily	Company or organization (if applicable): Sussex Village LLC Zip code: 97008 Provide your feedback: I have a question. Will it be answered? Will Waste Management have the authority to take over a slice of my property to use as a large item recycling area. They have closed the recycling center that was on Denny Road in Beaverton. Is this a way for them to use small slices of other people's land which they do not pay taxes on?	Thank you for your input. Metro anticipates working closely with local governments and stakeholders on the future development of bulky waste collection service standards.

9	10/5/2020	9:34 Email	Kristin Lechner	<a href="mailto:kristini@pridedisposal.com">kristini@pridedisposal.com</a>	97140 Commercial	<p>see full text of comment in PDF Interest in expanding every other week mixed recycling and yard debris service. Concerns economic and environmental costs related to MF color standard implementation.</p>	<p>Thank you for your input. <b>AR 5.15-2025: Single-Family Residential Service Standards</b></p> <p>3. Existing every-other-week single-family collection programs including yard debris (AR 5.15-2035) meet the service standard. Metro did not want to make significant changes to single-family curbside collection program standards ahead of the statewide Recycling Steering Committee process, therefore the proposed service standard maintains the status-quo.</p> <p>5. Thank you for suggesting wording for the rule that increases clarity, Metro will amend the rules based on this suggestion.</p> <p><b>AR 5.15-2040 Multifamily Residential Service Standards</b></p> <p>4. Thank you for your input. Metro anticipates working closely with local governments on the future development of bulky waste collection service standards.</p> <p><b>AR 5.15-2045 Multifamily Receptacle Colors; Signage; Informational Materials</b></p> <ul style="list-style-type: none"> <li>• Analysis shows minimal costs to commercial ratepayers as a result of establishing a multifamily color standard over a 7-year schedule. The analysis of costs showed a lid-only replacement to be almost as costly as replacing the entire cart, and cost savings depend on the cart body being in good condition. Replacing only the lids does not create regional consistency and would increase confusion for people living in multifamily homes. Additionally, lids of carts and containers are often left open in shared service situations rendering a lid-only color signal ineffective.</li> <li>• Orange has been used as the standard glass decal and sign color in the Metro region for commercial collection for over a decade. In addition, yellow is widely accepted as the color for hazardous waste and red indicates biomedical waste. Orange is also used by Recycle Across America, a national non-profit organization working to standardize garbage and recycling labels, to indicate a glass-only stream.</li> <li>• Metro is currently only proposing a color standard for multifamily carts and containers. There is no timeline established to set a color standard for other lines of service and likely no timeline will be established in the foreseeable future.</li> </ul>
10	10/9/2020	10:43 Web form	Ashley George	<a href="mailto:ashleygeorge@gmail.com">ashleygeorge@gmail.com</a>	97225 Multifamily	<p>Some multi-family housing units use a valet service where the residents just place their garbage and recycling outside of their door certain days of the week. It would be nice if it was required by Metro to provide residents yearly with a reminder of recycling guidelines. I frequently see my neighbors incorrectly recycling items so a reminder would be good!</p>	<p>Thank you for your input. Annual education for all customers has been a part of previous standards and is included in the proposed standards.</p>
11	10/10/2020	17:10 web form	Annee Ashton Goldfeld	<a href="mailto:goldfeld@aya.yale.edu">goldfeld@aya.yale.edu</a>	97006 Multifamily	<p>RE: 5.15 - 2040 Multifamily Residential Service Standards &amp; 5.15 - 2045 Multifamily Receptacle Colors; Signage; Informational Materials</p> <p>Regarding apartment complexes, much work needs to be done to educate both residents and staff about recycling. I speak from experience as a renter in Washington County for the last 12 years. 1) If residents perceive that recycling containers are too far from the nearest trash, they throw away their recycling in the trash. Several neighbors at The Lakes have said this as they see me walking with my recycling bucket to the collection area. 2) Bins are not always clearly labeled. I have suggested larger recycling posters to leasing office staff, but there has been no action so far. The yard waste bin used to collect glass is not labeled at all. 3) Mailboxes are a prime location to collect recyclable paper. Residents prefer to sort and dispose than carry home junk mail, etc. Clearly labeled recycling bins with slotted lids (like a mail drop slot) seem to work best. 4) Besides curbside recyclables, apartment complexes generate a lot of other "trash" when residents move out. These items include furniture, kitchen items, toys, electronics, clothes, and more that are still in good to excellent condition, just no longer wanted. My own home includes like new furniture and a fully functional computer monitor reclaimed from a dumpster area. Additionally I have sold reclaimed items on Craigslist. 5) Deposit return cans and bottles are sought in dumpsters by local neighbors struggling with poverty and/or homelessness. It would be great to have some type of compassionate alternative collection bin for returnables so that already at-risk individuals are not further endangered by biohazards and physical hazards in the dumpsters. 6) Leasing office staff needs to be engaged by local recycling authorities in regard to resident education that can happen via mass email to their residents.</p>	<p>Thank you for your input. New larger signs and clear labels for all bins are part of the proposed standards for multifamily collection system standards. Metro anticipates working closely with local governments on the future development of bulky waste collection service standards.</p>



The standards seem fairly reasonable. Weekly pickup for glass seems unnecessary. I have multiple properties with maybe 1.5 gallons glass per unit that usually aren't half full when picked up monthly. How will the standard of no bags of garbage on the ground be enforced? Most multifamily properties have people put bags of trash on the ground every day even though the dumpster is empty. I have multiple locations that find stacks of garbage on the ground in the garbage area almost every morning despite the dumpster being empty. We can clean it up regularly, but clearly marking bins and providing enough capacity is unfortunately not enough to get residents to place garbage in the bins. How about finding ways to provide bins that are accessible?

Thank you for your input. Your comments revealed some confusing language in the rules with regard to "adequate service" in section 5.15-2025; that section has been amended to improve clarity. Metro is committed to working with our local government partners to improve garbage and recycling services for multifamily customers. In future years we will be looking at how garbage and recycling areas are designed so that services are more accessible and user-friendly.

So happy you are making it easier for recycling in multi family housing. I live in an active senior adult community, and am co chair of the Green Team. There are many residents who care very much and strive to recycle correctly. There are a few residents who just don't care, and there are others who are unable. Anything you propose to make this process easier will be very welcome here. Thank you

Thank you for your input.

Thank you for your input.

**5.10 and 5.15 Code** The requirements for local governments under the Regional Waste Plan, referenced by the proposed code, are outlined on pages 113-115 of the Plan. The vast majority of actions in the Regional Waste Plan represent guidance to Metro and local governments, rather than requirements. The language, as drafted by the Metro Attorney, will remain.

**5.15 – 2030 Exemption to Single-Family Yard Debris Service Standard**

1. The language for this rule has been in place for a number of years and Metro believes it is important for rural customers to receive this annual notification.

**5.15 - 2040 Multifamily Residential Service Standards**

1. and 2. Metro agrees with this suggestion to increase clarity and will revise the rules based on this suggestion.

**5.15 – 2045 Multifamily Receptacle Colors; Signage; Informational Materials**

1. Metro's intent is to ensure that receptacles purchased after July 1, 2021 for multifamily customers meets the proposed color and signage standard. Wording suggestions to increase clarity are welcome.

2. Yes all proposed colors covered under this standard are available at 30 percent recycled content.

**5.15-2050 Exemptions to Multifamily Standards**

2. Metro believes the exemption conditions are important to maintain to ensure multifamily customers are receiving comprehensive collection services and to keep yard debris out of the garbage stream.

**5.15 – 2065 Funding Guidelines**

Thank you for your input. Metro will add "or it's designated agency" to the second sentence to increase clarity.

Clackamas County Sustainability & Solid Waste -- See PDF for full text. Questions about referring to "code" rather than "Regional Waste Plan" in code chapter 5.10 and 5.15. Additional questions related to yard debris language for residential customers. Questions around implementation of the multifamily color standard.

Sherwood, City of -- Thank you for providing an opportunity to comment on these proposed amendments - it is appreciated. Most of the changes that are proposed are administrative and minor in nature. The one important point that I would raise is to please be cautious in implementing new recycling equipment standards in terms of the effect on rates for our customers. Our franchised hauler, Pride Disposal, raised a number of these concerns to Metro in a letter that was submitted by Kristin Leichner. We echo their concerns, especially in these difficult economic times for many of our businesses and residents in these "Covid" times. Thank you again!

Thank you for your input. Independent analysis shows minimal costs to commercial ratepayers as a result of establishing a multifamily color standard over a 7-year schedule.

16	10/15/2020	3:08 PM	Email	KJ Lewis	<a href="mailto:kjlewis@republicservices.com">kjlewis@republicservices.com</a>	Multifamily	Concerned about economic and environmental costs related to MF color standard implementation. See PDF for full text	<p>Thank you for your input.</p> <p><b>5.15 – 2040 Multifamily Residential Service Standards</b> Metro anticipates working closely with local governments and stakeholders on the future development of bulky waste collection service standards and will update and revise the rules over time.</p> <p><b>5.15 -2045 Multifamily Receptacle Colors; signage; Information Materials</b></p> <ul style="list-style-type: none"> <li>• Analysis shows minimal costs to commercial ratepayers as a result of establishing a multifamily color standard over a seven year schedule.</li> <li>• Receptacles may be replaced over a seven year period. Receptacles with useful life remaining could be used in other lines of business and are not required to be disposed. The analysis of costs showed a lid-only replacement to be almost as costly as replacing the entire cart, and cost savings depend on the cart body being in good condition. Replacing only the lids does not create regional consistency and would increase confusion for people living in multifamily homes. Additionally, lids of carts and containers are often left open in shared service situations rendering a lid-only color signal ineffective.</li> <li>• Orange has been used as the standard glass decal and sign color in the Metro region for commercial collection for over a decade. Orange is also used by Recycle Across America, a national non-profit organization working to standardize garbage and recycling labels, to indicate a glass-only stream. Metro is currently only proposing a color standard for multifamily carts and containers. There is no timeline established to set a color standard for other lines of service and likely no timeline will be established in the foreseeable future.</li> </ul>
17	10/15/2020	4:31 PM	Email	Beth Vargas Duncan	<a href="mailto:bethvd@orra.net">bethvd@orra.net</a>	Multifamily	From the CCRRA - See PDF for full text. Interest in expanding every other week mixed recycling and yard debris service. Concerns economic and environmental costs related to MF color standard implementation.	<p>Thank you for your input. <b>5.15 – 2025 Single-Family Residential Service Standards 3.</b> Existing every-other-week single-family collection programs including yard debris (AR 5.15-2035) meet the service standard. Metro did not want to make significant changes to single-family curbside collection program standards ahead of the statewide Recycling Steering Committee process, therefore the proposed service standard maintains the status-quo.</p> <p>5. Metro is amending the rule based on this suggestion.</p> <p><b>5.15 -2045 Multifamily Receptacle Colors; signage; Information Materials</b></p> <ul style="list-style-type: none"> <li>• Analysis shows minimal costs to commercial ratepayers as a result of establishing a multifamily color standard over a seven year schedule.</li> <li>• Receptacles may be replaced over a seven year period. Receptacles with useful life remaining could be used in other lines of business and are not required to be disposed. The analysis of costs showed a lid-only replacement to be almost as costly as replacing the entire cart, and cost savings depend on the cart body being in good condition. Replacing only the lids does not create regional consistency and would increase confusion for people living in multifamily homes. Additionally, lids of carts and containers are often left open in shared service situations rendering a lid-only color signal ineffective.</li> <li>• Metro heard overwhelmingly from people living in multifamily homes that they want color consistency to reduce confusion in their collection services. Color consistency between decals and receptacles reinforce the message.</li> <li>• Orange has been used as the standard glass decal and sign color in the Metro region for commercial collection for over a decade. Orange is also used by Recycle Across America, a national non-profit organization working to standardize garbage and recycling labels, to indicate a glass-only stream. Metro is currently only proposing a color standard for multifamily carts and containers. There is no timeline established to set a color standard for other lines of service and likely no timeline will be established in the foreseeable future.</li> </ul>
18	10/16/2020	5:31 PM	Email	Beth Vargas Duncan	<a href="mailto:bethvd@orra.net">bethvd@orra.net</a>	Multifamily	From the PHA - See PDF for full text. Interest in expanding every other week mixed recycling and yard debris service. Concerns economic and environmental costs related to MF color standard implementation.	Three hauler associations submitted identical letters. See response above.
19	10/17/2020	6:31 PM	Email	Beth Vargas Duncan	<a href="mailto:bethvd@orra.net">bethvd@orra.net</a>	Multifamily	From the WCHA - See PDF for full text. Interest in expanding every other week mixed recycling and yard debris service. Concerns economic and environmental costs related to MF color standard implementation.	Three hauler associations submitted identical letters. See response above.

**From:** [Francesca via Metro](#) on behalf of [Metro](#)  
**To:** [ServiceStandards](#)  
**Subject:** Form submission from: Comment on the draft Regional Service Standard  
**Date:** Tuesday, September 22, 2020 11:51:30 AM

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Submitted on Tuesday, September 22, 2020 - 11:51am

Submitted by anonymous user: 172.68.174.134

Submitted values are:

First name: Francesca

Last name: Cameron

Email: francesca747@gmail.com

Company or organization (if applicable):

Zip code: 97205

Provide your feedback: I do not have time to read the drafts, but have one issue that really matters to me. I want to have access to a compostable bin in my building where I can recycle kitchen waste.

The results of this submission may be viewed at:

<https://www.oregonmetro.gov/node/31841/submission/106606>



**From:** [Justin via Metro](#) on behalf of [Metro](#)  
**To:** [ServiceStandards](#)  
**Subject:** Form submission from: Comment on the draft Regional Service Standard  
**Date:** Tuesday, September 22, 2020 12:27:40 PM

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Submitted on Tuesday, September 22, 2020 - 12:27pm

Submitted by anonymous user: 162.158.107.213

Submitted values are:

First name: Justin

Last name: Gilchrist

Email: [jgilchristfccla@gmail.com](mailto:jgilchristfccla@gmail.com)

Company or organization (if applicable):

Zip code: 97219

Provide your feedback: I would appreciate more organized bins. Currently we just have two dumpsters with poor labeling and everyone doesn't know which one is which and ruins all our recyclables. I would also hope it makes for a more sanitary area if the service would come more often. Thank you.

The results of this submission may be viewed at:

<https://www.oregonmetro.gov/node/31841/submission/106611>

**From:** [Neel via Metro](#) on behalf of [Metro](#)  
**To:** [ServiceStandards](#)  
**Subject:** Form submission from: Comment on the draft Regional Service Standard  
**Date:** Tuesday, September 22, 2020 1:07:52 PM

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Submitted on Tuesday, September 22, 2020 - 1:08pm

Submitted by anonymous user: 172.68.174.44

Submitted values are:

First name: Neel

Last name: Patel

Email: [neelpatelslc@gmail.com](mailto:neelpatelslc@gmail.com)

Company or organization (if applicable):

Zip code: 97209

Provide your feedback:

This is a great idea!

I would love more options for composting in apartment buildings. I tried to lobby my building for compost but it didn't go anywhere. Also the signs are helpful, but I feel that most people put whatever they want in the recycling. One solution may be to severely reduce recycling to what can actually be meaningfully recycled?

Also maybe for signs, stressing the importance of flattening cardboard boxes?? Thanks for all your hard work!

The results of this submission may be viewed at:

<https://www.oregonmetro.gov/node/31841/submission/106616>

**From:** [Jacob via Metro](#) on behalf of [Metro](#)  
**To:** [ServiceStandards](#)  
**Subject:** Form submission from: Comment on the draft Regional Service Standard  
**Date:** Tuesday, September 22, 2020 1:42:16 PM

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Submitted on Tuesday, September 22, 2020 - 1:42pm

Submitted by anonymous user: 172.68.174.68

Submitted values are:

First name: Jacob

Last name: Metcalf

Email: [8bitjoystick@gmail.com](mailto:8bitjoystick@gmail.com)

Company or organization (if applicable):

Zip code: 97213

Provide your feedback: I am a essential healthcare worker currently fighting the covet 19 epidemic. I'm also a condo owner in Portland off NE 68th. It is long overdue that we expand and reform recycling and garbage services for multi-person Portland

The results of this submission may be viewed at:

<https://www.oregonmetro.gov/node/31841/submission/106621>

**From:** [Alyson via Metro](#) on behalf of [Metro](#)  
**To:** [ServiceStandards](#)  
**Subject:** Form submission from: Comment on the draft Regional Service Standard  
**Date:** Wednesday, September 23, 2020 8:47:00 AM

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Submitted on Wednesday, September 23, 2020 - 8:47am

Submitted by anonymous user: 162.158.106.82

Submitted values are:

First name: Alyson

Last name: Berman

Email: [emmash@gmail.com](mailto:emmash@gmail.com)

Company or organization (if applicable):

Zip code: 97210

Provide your feedback: It still leaves out composting for apartment users. If the city can't pick up yard debris and compost from apartment residents, it would be great if there were drop off stations so we could minimize our waste and increase our composting.

The results of this submission may be viewed at:

<https://www.oregonmetro.gov/node/31841/submission/106651>

**From:** [Lisa via Metro](#) on behalf of [Metro](#)  
**To:** [ServiceStandards](#)  
**Subject:** Form submission from: Comment on the draft Regional Service Standard  
**Date:** Wednesday, September 23, 2020 11:56:21 AM

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Submitted on Wednesday, September 23, 2020 - 11:56am

Submitted by anonymous user: 172.68.174.80

Submitted values are:

First name: Lisa

Last name: Chin

Email: [lisasenchin@gmail.com](mailto:lisasenchin@gmail.com)

Company or organization (if applicable):

Zip code: 97214

Provide your feedback: I'd like to have composting as an option. My apartment does not offer this. If this is not the channel for this request, I'd really like to know what would be the best resources. Thank you!

The results of this submission may be viewed at:

<https://www.oregonmetro.gov/node/31841/submission/106666>

**From:** [Carolyn via Metro](#) on behalf of [Metro](#)  
**To:** [ServiceStandards](#)  
**Subject:** Form submission from: Comment on the draft Regional Service Standard  
**Date:** Monday, September 28, 2020 10:53:14 AM

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Submitted on Monday, September 28, 2020 - 10:55am

Submitted by anonymous user: 172.68.174.80

Submitted values are:

First name: Carolyn

Last name: Overby

Email: [carolynoverby@frontier.com](mailto:carolynoverby@frontier.com)

Company or organization (if applicable): Sussex Village LLC

Zip code: 97008

Provide your feedback:

I question how bulk items will be picked up. Where will residents place them, when will they be picked up and who will pay for this extra service. Currently our residents contact us for pickup. We then schedule a day with Waste Management so property doesn't load up with trashy looking items showing on the property. The residents are informed that they will pay whatever fees Waste Management charges for the pickup. I sincerely think it would be a fiasco to just allow the residents to discard their unwanted large items on the property. Many would not bother taking them to a charity group or having one pick them up. I believe the charge is what motivates them to take action. Move-outs would be disastrous! Our residents don't pay for the water, sewer or garbage. I can foresee a lot of resentment if we started implementing that. I can also foresee the home owner's around the area taking advantage of the situation, as we already combat that to some degree.

I don't think it is always a misunderstanding concerning the contamination in recycling. There is no lid they have to lift for recycling whereas they must lift the lid for garbage. We do our very best to inform and work with our residents and for the most part they are compliant. I sincerely wish whoever is making these decisions had some experience managing a multi-family complex.

The results of this submission may be viewed at:

<https://www.oregonmetro.gov/node/31841/submission/106771>

**From:** [Carolyn via Metro](#) on behalf of [Metro](#)  
**To:** [ServiceStandards](#)  
**Subject:** Form submission from: Comment on the draft Regional Service Standard  
**Date:** Monday, September 28, 2020 1:56:52 PM

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Submitted on Monday, September 28, 2020 - 1:59pm

Submitted by anonymous user: 172.68.174.44

Submitted values are:

First name: Carolyn

Last name: Overby

Email: [carolynoverby@frontier.com](mailto:carolynoverby@frontier.com)

Company or organization (if applicable): Sussex Village LLC

Zip code: 97008

Provide your feedback: I have a question. Will it be answered? Will Waste Management have the authority to take over a slice of my property to use as a large item recycling area. They have closed the recycling center that was on Denny Road in Beaverton. Is this a way for them to use small slices of other people's land which they do not pay taxes on?

The results of this submission may be viewed at:

<https://www.oregonmetro.gov/node/31841/submission/106776>



October 5, 2020

Re: Comments on Proposed Revisions to Metro Code Chapter 5.10

Thank you for the opportunity to provide comments on the proposed changes. Our comments, questions, and concerns are addressed below.

**Administrative Rule 5.15 – 2025:**

#3: This service standard rule requires weekly collection of yard debris. Four of the jurisdictions that Pride Disposal services have every other week yard debris collection and always have. And I know that many other jurisdictions across the region have the same service level. This rule should be modified so that can continue, and so other jurisdictions can consider that service level in the future. Related to #5 in this section, if every other week yard debris with food scraps is allowed, there is no reason that every other week yard debris without food scraps should not also be allowed. I understand that 5.15 – 2035 allows any programs existing as of January 1, 2019 to continue, but there is no reason that a jurisdiction should be prevented from moving to an every other week yard debris program if that local jurisdiction chooses to do so.

#3: This service standard rule requires weekly collection of recycling. Five of the jurisdictions that Pride Disposal services have every other week recycling collection. Metro recently did a study finding that every other week recycling had similar outcomes to weekly recycling in terms of effectiveness. One less weekly pick-up also results in reduced GHG, neighborhood and arterial truck traffic, and reduced costs to ratepayers. I understand that 5.15 – 2035 allows any programs existing as of January 1, 2019 to continue, but there is no reason that a jurisdiction should be prevented from moving to an every other week program if that local jurisdiction chooses to do so.

#5: As at least 1 jurisdiction in the region is currently providing every other week yard debris with food scraps collection, I propose this rule be changed to read as follows: “Residential food scraps with yard debris can be offered at weekly or every other week frequency. Every other week collection of residential food scraps mixed with yard debris is only allowed if approved by the processing facility receiving the material and acceptance does not violate any other government ordinance, regulation, permit, health, or safety code.”

**Administrative Rule 5.15 – 2040:**

#4: I am supportive of the requirement for regularly occurring bulky waste collection at multi-family properties. My concern is that while other areas of this section have volume and frequency clearly defined, this item is not clearly defined. There should be consistency across all material types if a minimum standard is present. Does regularly occurring mean annually, weekly, monthly? I would propose a minimum frequency be established based on number of units.



**Administrative Rule 5.15 – 2045:** I understand and appreciate the desire for color coding throughout the system for better clarity for customers, but I do have several concerns about this path forward:

- There will be a large cost on the system to color code containers across the region. For metal containers, this will involve repainting all recycling containers. For plastic roll carts, this will involve replacement of carts that typically last for 20+ years. We even have some carts that have been in use for 30 years. This equipment has already been paid for by rate payers and Metro would be requiring rate payers to pay for refurbishment and/or replacement of containers on an accelerated schedule, which will cause rates to increase. While I understand the receptacles can be recycled, the recycling mantra of “Reduce, Reuse, Recycle” is a hierarchy with “Recycle” being the lowest priority in terms of importance. You are asking haulers across the region to prematurely discard thousands of receptacles across the region. Additionally, recycling of plastic roll carts has a cost associated with it, which will be borne by the rate payers. We have proposed on multiple occasions that a better path forward would involve color coding of lids, rather than color coding the entire receptacle. This is a more cost effective and far less wasteful change that would still achieve the color coding that is desired.
- I also have concerns about color coding instructional stickers to have the sticker color match the intended receptacle color. For example, the recycling stickers that have been designed are blue and are intended to be placed on containers that are also blue. Even with contrast within the sticker, the stickers will not stand out enough for customers to clearly see the sticker. I believe this will not achieve the goal of reducing customer confusion and therefore reducing recycling contamination.
- I believe that choosing orange for the glass bin color is a mistake. Across the region, glass is primarily put in yellow bins or red bins. It would be far more logical, environmentally friendly and cost effective to choose one of these 2 colors so not every bin across the entire region has to be changed. I would propose analysis be done on how many color-coded red bins vs. color coded yellow bins there are across the region and then the color that is more prevalent can be chosen.
- While I understand the current proposal is only regarding color coding of multi-family receptacles, I also understand that the intent within the Regional Waste Plan is to eventually color code receptacles across all lines of business in the region. With that in mind, I would like to again strongly emphasize the need to consider color coding of lids only and not color coding of entire receptacles. Our company has always provided blue lids on recycling carts and have, in the last few years, begun providing yard debris carts with green lids. If we are mandated in the future to replace all these carts, it would involve purchasing and disposing of approximately 70,000 carts.

Thank you,

Kristin Lechner  
President  
Pride Disposal & Recycling Company

**From:** [Ashley via Metro](#) on behalf of [Metro](#)  
**To:** [ServiceStandards](#)  
**Subject:** Form submission from: Comment on the draft Regional Service Standard  
**Date:** Friday, October 9, 2020 10:44:44 AM

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Submitted on Friday, October 9, 2020 - 10:43am  
Submitted by anonymous user: 108.162.245.96  
Submitted values are:

First name: Ashley  
Last name: George  
Email: ashleyhgeorge@gmail.com  
Company or organization (if applicable):  
Zip code: 97225

Provide your feedback: Some multi-family housing units use a valet service where the residents just place their garbage and recycling outside of their door certain days of the week. It would be nice if it was required by Metro to provide residents yearly with a reminder of recycling guidelines. I frequently see my neighbors incorrectly recycling items so a reminder would be good!

The results of this submission may be viewed at:  
<https://www.oregonmetro.gov/node/31841/submission/107051>

**From:** [Annee via Metro](#) on behalf of [Metro](#)  
**To:** [ServiceStandards](#)  
**Subject:** Form submission from: Comment on the draft Regional Service Standard  
**Date:** Saturday, October 10, 2020 5:11:03 PM

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Submitted on Saturday, October 10, 2020 - 5:10pm  
Submitted by anonymous user: 172.68.174.68  
Submitted values are:

First name: Annee  
Last name: Ashton Goldfeld  
Email: [goldfeld@aya.yale.edu](mailto:goldfeld@aya.yale.edu)  
Company or organization (if applicable):  
Zip code: 97006  
Provide your feedback:

RE:

5.15 - 2040 Multifamily Residential Service Standards

5.15 - 2045 Multifamily Receptacle Colors; Signage; Informational Materials

Regarding apartment complexes, much work needs to be done to educate both residents and staff about recycling. I speak from experience as a renter in Washington County for the last 12 years. 1) If residents perceive that recycling containers are too far from the nearest trash, they throw away their recycling in the trash. Several neighbors at The Lakes have said this as they see me walking with my recycling bucket to the collection area. 2) Bins are not always clearly labeled. I have suggested larger recycling posters to leasing office staff, but there has been no action so far. The yard waste bin used to collect glass is not labeled at all. 3) Mailboxes are a prime location to collect recyclable paper. Residents prefer to sort and dispose than carry home junk mail, etc. Clearly labeled recycling bins with slotted lids (like a mail drop slot) seem to work best. 4) Besides curbside recyclables, apartment complexes generate a lot of other "trash" when residents move out. These items include furniture, kitchen items, toys, electronics, clothes, and more that are still in good to excellent condition, just no longer wanted. My own home includes like new furniture and a fully functional computer monitor reclaimed from a dumpster area. Additionally I have sold reclaimed items on Craigslist. 5) Deposit return cans and bottles are sought in dumpsters by local neighbors struggling with poverty and/or homelessness. It would be great to have some type of compassionate alternative collection bin for returnables so that already at-risk individuals are not further endangered by biohazards and physical hazards in the dumpsters. 6) Leasing office staff needs to be engaged by local recycling authorities in regard to resident education that can happen via mass email to their residents. Thank you.

The results of this submission may be viewed at:

<https://www.oregonmetro.gov/node/31841/submission/107106>

**From:** [Sam via Metro](#) on behalf of [Metro](#)  
**To:** [ServiceStandards](#)  
**Subject:** Form submission from: Comment on the draft Regional Service Standard  
**Date:** Wednesday, October 7, 2020 2:41:52 PM

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Submitted on Wednesday, October 7, 2020 - 2:40pm

Submitted by anonymous user: 172.68.174.44

Submitted values are:

First name: Sam

Last name: Wisner

Email: [swisner@tokolaproperties.com](mailto:swisner@tokolaproperties.com)

Company or organization (if applicable): Tokola Properties

Zip code: 97030

Provide your feedback:

The standards seem fairly reasonable. Weekly pickup for glass seems unnecessary. I have multiple properties with maybe 1.5 gallons glass per unit that usually aren't half full when picked up monthly.

How will the standard of no bags of garbage on the ground be enforced? Most multifamily properties have people put bags of trash on the ground every day even though the dumpster is empty. I have multiple locations that find stacks of garbage on the ground in the garbage area almost every morning despite the dumpster being empty. We can clean it up regularly, but clearly marking bins and providing enough capacity is unfortunately not enough to get residents to place garbage in the bins.

How about finding ways to provide bins that are accessible?

The results of this submission may be viewed at:

<https://www.oregonmetro.gov/node/31841/submission/107006>

**From:** [Katherine via Metro](#) on behalf of [Metro](#)  
**To:** [ServiceStandards](#)  
**Subject:** Form submission from: Comment on the draft Regional Service Standard  
**Date:** Wednesday, October 14, 2020 9:01:40 PM

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Submitted on Wednesday, October 14, 2020 - 9:02pm  
Submitted by anonymous user: 172.68.174.68  
Submitted values are:

First name: Katherine  
Last name: Suri  
Email: [ksuri@sbcglobal.net](mailto:ksuri@sbcglobal.net)  
Company or organization (if applicable): Master Recycler  
Zip code: 97239

Provide your feedback:

So happy you are making it easier for recycling in multi family housing. I live in an active senior adult community, and am co chair of the Green Team. There are many residents who care fery much and strive to recycle correctly. There are a few residents who just don't care, and there are others fwwho are unable. Anything you propose to make this process easier will be very welcome here.  
Thank you

The results of this submission may be viewed at:  
<https://www.oregonmetro.gov/node/31841/submission/107311>

**From:** [Eben via Metro](#) on behalf of [Metro](#)  
**To:** [ServiceStandards](#)  
**Subject:** Form submission from: Comment on the draft Regional Service Standard  
**Date:** Thursday, October 15, 2020 1:32:15 PM

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Submitted on Thursday, October 15, 2020 - 1:33pm  
Submitted by anonymous user: 108.162.215.70  
Submitted values are:

First name: Eben  
Last name: Polk  
Email: [epolk@clackamas.us](mailto:epolk@clackamas.us)  
Company or organization (if applicable): Clackamas County Sustainability & Solid Waste  
Zip code: 97045  
Provide your feedback:

We are in support of the 2030 Regional Waste Plan (RWP) actions and enhancing multifamily service to make it more equitable for multifamily residents, and we are committed to doing our part and working with our cities and collectors to realize this goal. We support the updating of Code and Rules for clarity and to incorporate the 2030 RWP.

While we recognize the benefits of moving some of the items that have a significant impact on collection programs from Code to Rules, more substantive pieces should remain in Code (even though we don't have specific recommendations at this time).

Additionally, we have some feedback to specific content:

- Throughout various sections of the proposed Code (including, but not limited to, 5.15.020, 5.10.030, 5.15.060, 5.15.310) and proposed Rules (5.15-1000, 5.15-2000, 5.15-5000), the RWP is codified and binding; however, some items in the RWP are aspirational. As the requirements of the RWP are incorporated into Code/Rule, we recommend the following modifications to reference the binding nature of Code/Rule, not the RWP:

o 5.15.020 Application

The Code applies to all portions of Clackamas, Washington, and Multnomah Counties within Metro's jurisdictional boundary.

o 5.10.030 Regional Waste Plan Requirements

(a) The Code contains requirements and performance standards from the Regional Waste Plan that are binding on a local government within Metro's jurisdictional boundary. The requirements and performance standards that are binding on a local government are set forth in Chapter 5.15 and associated administrative rules.

(b) The Code contains requirements and performance standards from the Regional Waste Plan that may result in changes to other sections of Metro Code including, but not limited to, all chapters in Title V and other code sections related to solid waste matters.

o 5.15.060 Local Government Conformity to the Code

A local government may not adopt any ordinance, order, regulation, or contract affecting solid waste management that conflicts with the Code.

o 5.15.310 Purpose and Intent (General Education)

A local government must adopt and implement the general education standard as required by the Code and as specified in this chapter and administrative rules. The education standard ensures a comprehensive and consistent level of garbage, recycling, composting, waste prevention and reuse education and assistance for all customers in the region.

o The same recommendations pertain to the similar references throughout the proposed Rules.

- 5.15 – 2015 Applicability of Rules (proposed Rules 5.15-2000, pg 3)

o Thank you for stating that this is a recommendation for the watershed areas outside of Metro's boundary.

o Thanks again for the same in 5.15 - 5000 General Education (proposed Rules 5.15-5000, pg 2).

- 5.15 – 2025 Single-Family Residential Service Standards (proposed Rules 5.15-2000, pg 3)

o 7. "Ensure that property owners and managers provide access to adequate on-site recycling collection service

to renters of single-family residential properties.”

We acknowledge that many scenarios can exist in this setting. We support ensuring access to recycling for all residents. We want to make sure that “provide access to recycling collection service” does not mean that the landlord must be the account holder.

- 5.15 – 2030 Exemption to Single-Family Yard Debris Service Standard

o 1. “A local government may exempt rural service areas from regular on-route collection of yard debris provided that the local government distributes informational material to rural customers at least annually that provides options for proper management of yard debris, including instructions to not place yard debris in solid waste receptacles destined for disposal.”

We do not have any data indicating that yard debris in rural garbage containers is a problem.

We currently do not have a ban on placing yard debris in garbage.

We believe this is an opportunity to simplify Metro Rules and recommend eliminating the last portion of the sentence, “...including instructions to not place yard debris in solid waste receptacles destined for disposal.”

- 5.15 - 2040 Multifamily Residential Service Standards (proposed Rules 5.15-2000, pg 4)

o We support the per unit per week minimums to use as a tool to help ensure adequate service (no overflow, snow-coning, etc.).

o We also recognize that minimum service may not be adequate service.

o 1.&2. Our literal read of – “a local government must;” in combination with “provide,” suggests the local government is performing the collection service.

We suggest: A local government must: Implement a minimum service volume standard...

o 4. “Ensure provision of regularly-occurring bulky waste collection service by July 1, 2025.”

We acknowledge that bulky waste is problematic at some communities, and we support the adoption of language to improve bulky waste collection at multifamily communities. However, we think the region would be better served by postponing this rule until we can implement pilot projects to study the situation and explore potential solutions.

- 5.15 – 2045 Multifamily Receptacle Colors; Signage; Informational Materials (proposed Rules 5.15-2000, pg 4)

o We support regional color consistency and signage to help multifamily residents better identify and understand their bins.

o 1. “All receptacles ordered after July 1, 2021 must comply with the color standard below and must be labeled with the correct Metro-approved regional signage.”

Since the proposed rules state that the deadline for multifamily receptacle colors is 2028, we would like to understand why this provision is necessary.

Is Metro’s intent to influence the color of receptacles provided at a property in situations where the franchised collector may be swapping out receptacles? “Ordering” could be interpreted in a number of ways. “Providing” can be done without ordering.

o 2. “All plastic receptacles for garbage, mixed recyclable materials, and yard debris and/or food scraps ordered after July 1, 2021 must contain at least 30% post-consumer recycled content.”

Is it known that all proposed colors are available (at a reasonable cost) at 30% post-consumer recycled content?

o 3. We recommend that garbage containers be gray or black

o 3. We observe that the financial implications of this color change are not cost-neutral in seven years. There are likely additional costs associated with a seven-year timeline, though these costs may be reasonable given our outreach and consistency objectives. We would like to see some discussion about how to manage the disposition of carts that are in good condition, acknowledging that these are sunk costs.

o 5. We support the deployment of a region-wide re-stickering taskforce in order to meet this deadline.

- 5.15-2050 Exemptions to Multifamily Standards (proposed Rules 5.15-2000, pg 5)

o 2. Exempt yard debris from collection.

We believe this is an opportunity to simplify Metro’s Rules. We acknowledge that conditions are listed in the current rules; however, we believe, moving forward, these conditions should not be included, because:

There is no ban on yard debris in garbage.

There has been no indication there is significant amount of yard debris in multifamily garbage.

It is difficult to enforce.

- 5.15 – 2065 Funding Guidelines (proposed Rules 5.15-2000, pg 5)
  - o The local government must also enter into an intergovernmental agreement with Metro. In the first sentence it says, "...a local government or its designated agency," that should be repeated in the second sentence.
  - o While we do not recommend withholding of funds, we recommend that any withholding of funds should be limited to the funds earmarked for the implementation of specific provision of the Regional Waste Plan or Code. For example, this would be consistent with Metro's decision to withhold funding for business technical assistance in the City of Estacada.

The results of this submission may be viewed at:

<https://www.oregonmetro.gov/node/31841/submission/107351>



**From:** [Joseph via Metro](#) on behalf of [Metro](#)  
**To:** [ServiceStandards](#)  
**Subject:** Form submission from: Comment on the draft Regional Service Standard  
**Date:** Thursday, October 15, 2020 2:05:41 PM

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Submitted on Thursday, October 15, 2020 - 2:06pm  
Submitted by anonymous user: 172.68.174.134  
Submitted values are:

First name: Joseph  
Last name: Gall  
Email: [gallj@sherwoodoregon.gov](mailto:gallj@sherwoodoregon.gov)  
Company or organization (if applicable): Sherwood, City of (OR)  
Zip code: 97140

Provide your feedback: Thank you for providing an opportunity to comment on these proposed amendments - it is appreciated. Most of the changes that are proposed are administrative and minor in nature. The one important point that I would raise is to please be cautious in implementing new recycling equipment standards in terms of the effect on rates for our customers. Our franchised hauler, Pride Disposal, raised a number of these concerns to Metro in a letter that was submitted by Kristin Leichner. We echo their concerns, especially in these difficult economic times for many of our businesses and residents in these "Covid" times. Thank you again!

The results of this submission may be viewed at:  
<https://www.oregonmetro.gov/node/31841/submission/107361>



Re: Comments on Proposed Revisions to Metro Code Chapter 5.10

Thank you for allowing comment on Metro's proposed code changes and changes to the regional service standards.

While reviewing proposed administrative rule changes, several concerns surfaced. We would advise staff to let Council know that many of the proposed changes will increase ratepayer/constituent costs. These cost increases are particularly impactful during this time, when many people are already struggling.

Regarding Administrative Rule 5.15 – 2040 (Multifamily Residential Service Standards), we agree that regularly occurring bulky waste collection at multifamily properties is a laudable goal. However, we ask that service volume and frequency be further defined. Does regularly occurring mean annually, monthly, weekly? This section is ambiguous.

Most concerning is Administrative Rule 5.15 -2045 (Multifamily Receptacle Colors; signage; Information Materials). While we agree that color coding would like increase clarity for ratepayers/constituents there are many things to consider:

- There will be significant cost to color code receptacles, which will increase ratepayer/constituent costs. Metal containers have to be repainted, plastic roll carts will have to be replaced. Ratepayers/constituents as well as the company have already paid for this equipment.. Metro would be requiring ratepayers/constituents to refurbish/replace equipment that may still have many years of use.
- While receptacles may be recycled, replacing all receptacles at once will have significant environmental impact. Metro would be requiring us to prematurely discard thousands of receptacles. We recommend that Metro instead require color coding of lids instead of color coding the entire receptacle. This would both achieve Metro's goal to color code, and reduce waste.
- Requiring changing the glass bin color to orange is again wasteful. It would be more environmentally friendly and cost effective to conduct an audit of what color bins are currently being used across the region and then chose the most ubiquitous color(s).

We acknowledge that current proposed changes are regarding color coding of multifamily properties, but we also understand that the intent of the Regional Waste Plan is to eventually color code receptacles across all lines of business in the region. We ask that Metro consider all the environmental impacts, costs that would be incurred related to color coding receptacles versus lids only, and the impact that will have on ratepayers/constituents. In our case, we would have to dispose of more than 35,500 carts and containers, excluding glass bins.

We believe industry has provided some realistic solutions to help more forward the Regional Waste Plan in a responsible and effective way to continue to align the Metro Region with strong service standards for the Solid Waste and Recycling Services. Thank you for your consideration of these comments.

Sincerely,

Jason Jordan – General Manager of Republic Services  
Portland Metro

October 15, 2020

Metro Council  
600 NE Grand Avenue  
Portland, OR 97232- 2736

Re: Comments on Proposed Revisions to Metro Code Chapter 5.10

This letter represents the Clackamas County Refuse and Recycling Association's (CCRRA) comments regarding Metro's proposed code changes and regional service standards. PHA appreciates this opportunity provide these comments. We are committed to working cooperatively with our regulatory local governments to provide safe, modern, and efficient waste collection services that include garbage, recycling, and organics collection at reasonable rates.

With these changes, we understand Metro proposes dividing code 5.10, creating one section for the Regional Waste Plan (5.10) and another for local government requirements (5.15). Some details currently in Metro's code will be moved to administrative rule. Code changes require Metro Council action and require a 90 days prior to implementation. Administrative rule changes do not require Council action; rules may be adopted by Metro's COO and require only 30 days for implementation.

In reviewing the proposed administrative rule changes, we have identified several concerns. Many of Metro's proposed service standards require added costs from ratepayers and consumers. We submit these comments with great consideration of the impact Metro's proposed system requirements may have on persons of color, low-income and marginalized community members.

**Administrative Rule 5.15 – 2025 Single-Family Residential Service Standards:**

#3: Requires weekly collection of yard debris. Several jurisdictions across the region provide every other week yard debris collection and have done so successfully for many years. This standard #3 relates to #5 in this section. If every other week yard debris with food scraps is allowed, then every other week yard debris without food scraps should be allowed. We understand Metro rule 5.15 – 2035 allows any programs existing as of January 1, 2019 to continue, but jurisdictions should be allowed to transition to an every other week yard debris program if that local jurisdiction so chooses.

#3: Requires weekly collection of recycling. Several jurisdictions in the region provide every other week recycling collection. Metro recently did a study finding that every other week recycling had similar outcomes to weekly recycling in terms of effectiveness. One less weekly pick-up also results in reduced GHG, neighborhood and arterial truck traffic, and reduced costs to ratepayers. We understand that 5.15 – 2035 allows any programs existing as of January 1, 2019 to continue, but jurisdictions should be allowed to transition to an every other week recycling program if that local jurisdiction so chooses.

#5: Allows every other week yard debris with food scraps. At least one jurisdiction in the region currently provides every other week yard debris with food scraps collection. We propose this rule be changed to read as follows: "Residential food scraps with yard debris can be offered at weekly or every other week frequency. Every other week collection of residential food scraps mixed with yard debris is only allowed if approved by the processing facility receiving the material and acceptance does not violate any other government ordinance, regulation, permit, health, or safety code."

Recommendation: These sections #3 and #5 should be modified so that every other week yard debris, yard debris with food scraps, and recycling collection can continue, and other jurisdictions can consider such service levels in the future. And #5 rule language be changed as noted in the preceding paragraph.

**Administrative Rule 5.15 – 2040 Multifamily Residential Service Standards:**

#4: Requires regularly occurring bulky waste service by July 1, 2025. We support ensuring regularly occurring bulky waste collection at multifamily properties. However, the service volume and frequency is not clearly defined as in other sections. There should be consistency across all material types if a minimum standard is present. Does regularly occurring mean annually, weekly, monthly?

Recommendation: A minimum frequency should be established based on number of units such as monthly or every other month.

**Administrative Rule 5.15 – 2045 Multifamily Receptacle Colors; Signage; Information Materials:** While color coding throughout the system could increase clarity for customers, we have several concerns.

- Significant cost to color code receptacles. All metal recycling containers will have to be repainted. Plastic roll carts that typically last 20+ years will be replaced. This equipment has already been paid for by rate payers and Metro would be requiring rate payers to pay for refurbishment and/or replacement of metal and plastic containers on an accelerated schedule, which will cause rates to increase.
- Waste creation by replacing receptacles. While receptacles may be recycled, the recycling mantra of “Reduce, Reuse, Recycle” is a hierarchy with “Recycle” being the lowest priority in terms of importance and arguably the highest environmental impact. Metro would be requiring haulers across the region to prematurely discard thousands of receptacles. Additionally, recycling of plastic roll carts has a cost associated with it, which will be borne by the rate payers. Recommendation: As we have proposed repeatedly to Metro staff, a better path forward would involve color coding of lids, rather than color coding the entire receptacle. This is a more cost effective and far less wasteful change that would still achieve the color coding that is desired. Alternative Recommendation: Require color coding upon replacement or maintenance of carts and containers. While this option may take longer to achieve color coding, there would be no added system costs or transportation impact in trading out large quantities of receptacles in a compressed time period.
- Decal Colors. We have concerns about color coding instructional stickers when the sticker color matches the intended receptacle color. For example, the recycling stickers that have been designed are blue and are intended to be placed on containers that are also blue. Even with contrast within the sticker, the stickers will not stand out enough for customers to clearly see the sticker. We believe this will not achieve the goal of reducing customer confusion and therefore reducing recycling contamination. Recommendation: Design stickers with a contrasting color so they visually stand out against the background of the receptacle.
- Glass Bins We believe that choosing orange for the glass bin color is a mistake. Across the region, glass is primarily put in yellow bins or red bins. It would be far more logical, environmentally friendly and cost effective to choose one of these 2 colors so not every bin across the entire region has to be changed. Recommendation: Quantify the number of red bins versus yellow bins across the region and choose the color that is more prevalent. Alternative Recommendation: Require color coding upon natural bin replacement. While this option may take longer to achieve color coding, there would be no added system costs.

Concern of color coding expansion. We recognize the current proposal is only regarding color coding of multi-family receptacles, but we also understand that the intent within the Regional Waste Plan is to eventually color code receptacles across all lines of business in the region.

Recommendation: Carefully consider all costs related to color coding all receptacles versus only the lids. For example, expanding this mandate across all lines of business would require one member hauler to purchase and dispose of approximately 70,000 carts.

In conclusion, while we hope our recommendations will be adopted, we could support the changes provided local governments will support the added cost in their rate setting processes and that there is adequate lead time (i.e. seven years) for implementation of color coding multifamily recycling containers.

We look forward to the opportunity to continue serving as a resource, imparting experience from our own challenges as large and many small, family and women-owned companies, in navigating the business of waste management while promoting our common values advancing equity in waste management. Please don't hesitate to contact Beth Vargas Duncan at 971-707-1683 or [bethvd@orra.net](mailto:bethvd@orra.net) with any questions.

Sincerely,

Josh Brown, President  
Clackamas County Refuse and Recycling Association

October 15, 2020

Metro Council  
600 NE Grand Avenue  
Portland, OR 97232- 2736

Re: Comments on Proposed Revisions to Metro Code Chapter 5.10

This letter represents the Portland Haulers' Association (PHA) comments regarding Metro's proposed code changes and regional service standards. PHA appreciates this opportunity provide these comments. We are committed to working cooperatively with our regulatory local governments to provide safe, modern, and efficient waste collection services that include garbage, recycling, and organics collection at reasonable rates.

With these changes, we understand Metro proposes dividing code 5.10, creating one section for the Regional Waste Plan (5.10) and another for local government requirements (5.15). Some details currently in Metro's code will be moved to administrative rule. Code changes require Metro Council action and require a 90 days prior to implementation. Administrative rule changes do not require Council action; rules may be adopted by Metro's COO and require only 30 days for implementation.

In reviewing the proposed administrative rule changes, we have identified several concerns. Many of Metro's proposed service standards require added costs from ratepayers and consumers. We submit these comments with great consideration of the impact Metro's proposed system requirements may have on persons of color, low-income and marginalized community members.

**Administrative Rule 5.15 – 2025 Single-Family Residential Service Standards:**

#3: Requires weekly collection of yard debris. Several jurisdictions across the region provide every other week yard debris collection and have done so successfully for many years. This standard #3 relates to #5 in this section. If every other week yard debris with food scraps is allowed, then every other week yard debris without food scraps should be allowed. We understand Metro rule 5.15 – 2035 allows any programs existing as of January 1, 2019 to continue, but jurisdictions should be allowed to transition to an every other week yard debris program if that local jurisdiction so chooses.

#3: Requires weekly collection of recycling. Several jurisdictions in the region provide every other week recycling collection. Metro recently did a study finding that every other week recycling had similar outcomes to weekly recycling in terms of effectiveness. One less weekly pick-up also results in reduced GHG, neighborhood and arterial truck traffic, and reduced costs to ratepayers. We understand that 5.15 – 2035 allows any programs existing as of January 1, 2019 to continue, but jurisdictions should be allowed to transition to an every other week recycling program if that local jurisdiction so chooses.

#5: Allows every other week yard debris with food scraps. At least one jurisdiction in the region currently provides every other week yard debris with food scraps collection. We propose this rule be changed to read as follows: "Residential food scraps with yard debris can be offered at weekly or every other week frequency. Every other week collection of residential food scraps mixed with yard debris is only allowed if approved by the processing facility receiving the material and acceptance does not violate any other government ordinance, regulation, permit, health, or safety code."

Recommendation: These sections #3 and #5 should be modified so that every other week yard debris, yard debris with food scraps, and recycling collection can continue, and other jurisdictions can consider such service levels in the future. And #5 rule language be changed as noted in the preceding paragraph.

**Administrative Rule 5.15 – 2040 Multifamily Residential Service Standards:**

#4: Requires regularly occurring bulky waste service by July 1, 2025. We support ensuring regularly occurring bulky waste collection at multifamily properties. However, the service volume and frequency is not clearly defined as in other sections. There should be consistency across all material types if a minimum standard is present. Does regularly occurring mean annually, weekly, monthly?

Recommendation: A minimum frequency should be established based on number of units such as monthly or every other month.

**Administrative Rule 5.15 – 2045 Multifamily Receptacle Colors; Signage; Information Materials:** While color coding throughout the system could increase clarity for customers, we have several concerns.

- Significant cost to color code receptacles. All metal recycling containers will have to be repainted. Plastic roll carts that typically last 20+ years will be replaced. This equipment has already been paid for by rate payers and Metro would be requiring rate payers to pay for refurbishment and/or replacement of metal and plastic containers on an accelerated schedule, which will cause rates to increase.
- Waste creation by replacing receptacles. While receptacles may be recycled, the recycling mantra of “Reduce, Reuse, Recycle” is a hierarchy with “Recycle” being the lowest priority in terms of importance and arguably the highest environmental impact. Metro would be requiring haulers across the region to prematurely discard thousands of receptacles. Additionally, recycling of plastic roll carts has a cost associated with it, which will be borne by the rate payers. Recommendation: As we have proposed repeatedly to Metro staff, a better path forward would involve color coding of lids, rather than color coding the entire receptacle. This is a more cost effective and far less wasteful change that would still achieve the color coding that is desired. Alternative Recommendation: Require color coding upon replacement or maintenance of carts and containers. While this option may take longer to achieve color coding, there would be no added system costs or transportation impact in trading out large quantities of receptacles in a compressed time period.
- Decal Colors. We have concerns about color coding instructional stickers when the sticker color matches the intended receptacle color. For example, the recycling stickers that have been designed are blue and are intended to be placed on containers that are also blue. Even with contrast within the sticker, the stickers will not stand out enough for customers to clearly see the sticker. We believe this will not achieve the goal of reducing customer confusion and therefore reducing recycling contamination. Recommendation: Design stickers with a contrasting color so they visually stand out against the background of the receptacle.
- Glass Bins We believe that choosing orange for the glass bin color is a mistake. Across the region, glass is primarily put in yellow bins or red bins. It would be far more logical, environmentally friendly and cost effective to choose one of these 2 colors so not every bin across the entire region has to be changed. Recommendation: Quantify the number of red bins versus yellow bins across the region and choose the color that is more prevalent. Alternative Recommendation: Require color coding upon natural bin replacement. While this option may take longer to achieve color coding, there would be no added system costs.

Concern of color coding expansion. We recognize the current proposal is only regarding color coding of multi-family receptacles, but we also understand that the intent within the Regional Waste Plan is to eventually color code receptacles across all lines of business in the region.

Recommendation: Carefully consider all costs related to color coding all receptacles versus only the lids. For example, expanding this mandate across all lines of business would require one member hauler to purchase and dispose of approximately 70,000 carts.

In conclusion, while we hope our recommendations will be adopted, we could support the changes provided local governments will support the added cost in their rate setting processes and that there is adequate lead time (i.e. seven years) for implementation of color coding multifamily recycling containers.

We look forward to the opportunity to continue serving as a resource, imparting experience from our own challenges as large and many small, family and women-owned companies, in navigating the business of waste management while promoting our common values advancing equity in waste management. Please don't hesitate to contact Beth Vargas Duncan at 971-707-1683 or [bethvd@orra.net](mailto:bethvd@orra.net) with any questions.

Sincerely,

Vallerie Gruetter Hill, President  
Portland Haulers' Association



October 15, 2020

Metro Council  
600 NE Grand Avenue  
Portland, OR 97232- 2736

Re: Comments on Proposed Revisions to Metro Code Chapter 5.10

This letter represents the Washington County Haulers' Association (WCHA) comments regarding Metro's proposed code changes and regional service standards. PHA appreciates this opportunity provide these comments. We are committed to working cooperatively with our regulatory local governments to provide safe, modern, and efficient waste collection services that include garbage, recycling, and organics collection at reasonable rates.

With these changes, we understand Metro proposes dividing code 5.10, creating one section for the Regional Waste Plan (5.10) and another for local government requirements (5.15). Some details currently in Metro's code will be moved to administrative rule. Code changes require Metro Council action and require a 90 days prior to implementation. Administrative rule changes do not require Council action; rules may be adopted by Metro's COO and require only 30 days for implementation.

In reviewing the proposed administrative rule changes, we have identified several concerns. Many of Metro's proposed service standards require added costs from ratepayers and consumers. We submit these comments with great consideration of the impact Metro's proposed system requirements may have on persons of color, low-income and marginalized community members.

**Administrative Rule 5.15 – 2025 Single-Family Residential Service Standards:**

#3: Requires weekly collection of yard debris. Several jurisdictions across the region provide every other week yard debris collection and have done so successfully for many years. This standard #3 relates to #5 in this section. If every other week yard debris with food scraps is allowed, then every other week yard debris without food scraps should be allowed. We understand Metro rule 5.15 – 2035 allows any programs existing as of January 1, 2019 to continue, but jurisdictions should be allowed to transition to an every other week yard debris program if that local jurisdiction so chooses.

#3: Requires weekly collection of recycling. Several jurisdictions in the region provide every other week recycling collection. Metro recently did a study finding that every other week recycling had similar outcomes to weekly recycling in terms of effectiveness. One less weekly pick-up also results in reduced GHG, neighborhood and arterial truck traffic, and reduced costs to ratepayers. We understand that 5.15 – 2035 allows any programs existing as of January 1, 2019 to continue, but jurisdictions should be allowed to transition to an every other week recycling program if that local jurisdiction so chooses.

#5: Allows every other week yard debris with food scraps. At least one jurisdiction in the region currently provides every other week yard debris with food scraps collection. We propose this rule be changed to read as follows: "Residential food scraps with yard debris can be offered at weekly or every other week frequency. Every other week collection of residential food scraps mixed with yard debris is only allowed if approved by the processing facility receiving the material and acceptance does not violate any other government ordinance, regulation, permit, health, or safety code."

Recommendation: These sections #3 and #5 should be modified so that every other week yard debris, yard debris with food scraps, and recycling collection can continue, and other jurisdictions can consider such service levels in the future. And #5 rule language be changed as noted in the preceding paragraph.

**Administrative Rule 5.15 – 2040 Multifamily Residential Service Standards:**

#4: Requires regularly occurring bulky waste service by July 1, 2025. We support ensuring regularly occurring bulky waste collection at multifamily properties. However, the service volume and frequency is not clearly defined as in other sections. There should be consistency across all material types if a minimum standard is present. Does regularly occurring mean annually, weekly, monthly?

Recommendation: A minimum frequency should be established based on number of units such as monthly or every other month.

**Administrative Rule 5.15 – 2045 Multifamily Receptacle Colors; Signage; Information Materials:** While color coding throughout the system could increase clarity for customers, we have several concerns.

- Significant cost to color code receptacles. All metal recycling containers will have to be repainted. Plastic roll carts that typically last 20+ years will be replaced. This equipment has already been paid for by rate payers and Metro would be requiring rate payers to pay for refurbishment and/or replacement of metal and plastic containers on an accelerated schedule, which will cause rates to increase.
- Waste creation by replacing receptacles. While receptacles may be recycled, the recycling mantra of “Reduce, Reuse, Recycle” is a hierarchy with “Recycle” being the lowest priority in terms of importance and arguably the highest environmental impact. Metro would be requiring haulers across the region to prematurely discard thousands of receptacles. Additionally, recycling of plastic roll carts has a cost associated with it, which will be borne by the rate payers. Recommendation: As we have proposed repeatedly to Metro staff, a better path forward would involve color coding of lids, rather than color coding the entire receptacle. This is a more cost effective and far less wasteful change that would still achieve the color coding that is desired. Alternative Recommendation: Require color coding upon replacement or maintenance of carts and containers. While this option may take longer to achieve color coding, there would be no added system costs or transportation impact in trading out large quantities of receptacles in a compressed time period.
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Concern of color coding expansion. We recognize the current proposal is only regarding color coding of multi-family receptacles, but we also understand that the intent within the Regional Waste Plan is to eventually color code receptacles across all lines of business in the region.

Recommendation: Carefully consider all costs related to color coding all receptacles versus only the lids. For example, expanding this mandate across all lines of business would require one member hauler to purchase and dispose of approximately 70,000 carts.

In conclusion, while we hope our recommendations will be adopted, we could support the changes provided local governments will support the added cost in their rate setting processes and that there is adequate lead time (i.e. seven years) for implementation of color coding multifamily recycling containers.

We look forward to the opportunity to continue serving as a resource, imparting experience from our own challenges as large and many small, family and women-owned companies, in navigating the business of waste management while promoting our common values advancing equity in waste management. Please don't hesitate to contact Beth Vargas Duncan at 971-707-1683 or [bethvd@orra.net](mailto:bethvd@orra.net) with any questions.

Sincerely,

Mike Leichner, President  
Washington County Haulers' Association

## Attachment C: Solid Waste Administrative Rules

### **Solid Waste Administrative Rule**

**AR 5.15-2000 through 2065**

Administrative Rule of Metro Code Chapter 5.15  
Administrative Rule Adoption Record and Findings

### **AR 5.15-2000 through 2065 Residential Service Administrative Rules**

These administrative rules are adopted under the authority of Metro Code, which authorizes the Chief Operating Officer (COO) to adopt and amend administrative rules. In accordance with Metro Code Chapter 5.08, 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 5.15 and hereby adopts Administrative Rules Nos. 5.15-2000 through 2065. The requirements of these administrative rules are in addition to all other requirements and provisions in Metro Code Chapter 5.15. These rules have the same force and effect as any other provision of Metro Code Chapter 5.15.

It is so ordered:

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Marissa Madrigal  
Metro Chief Operating Officer

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Date

**SOLID WASTE  
ADMINISTRATIVE RULES**  
Residential Service

**AR 5.15-2000 through 2065**

Effective: XXXXX

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5.15 - 2030	Exemption to Single-Family Yard Debris Service Standard
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**5.15 – 2000 Purpose**

To implement the residential service standard as set forth in Metro Code Chapter 5.15 and as required by the Regional Waste Plan to ensure a comprehensive and consistent level of recycling service for the region.

**5.15 – 2005 Legal Authority**

1. Metro’s solid waste planning and implementing authority is established under the Metro Charter, the Constitution of the State of Oregon, and ORS Chapters 268 and 459.
2. These rules are issued under the authority of Metro Code. These rules are in addition to all other requirements and provisions in Metro Code Chapters 5.10 and 5.15.

**5.15 – 2010 Definitions**

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

**Acceptable recyclable materials** are a type of source-separated recyclable as-defined in Metro Code Chapter 5.00. For the purposes of these administrative rules, acceptable recyclable materials include the following:

Mixed waste paper	Steel cans
Newspaper	Aluminum
Magazines	Scrap metal
Corrugated cardboard	Plastic bottles and jars

Kraft paper  
Aseptic containers  
Yard debris

Round plastic containers/tubs  
Glass bottles and jars  
Motor oil

~~Adequate service means no overflow of garbage or recycling; receptacle lids must close. Bulky waste should not accumulate for more than seven days or impede access to service area. No bagged or overflow garbage present in recycling receptacles.~~

**Minimum service** means the lowest amount of acceptable recyclable material, glass, yard debris, and garbage collection service volume to be in compliance with residential service standard.

**Commented [SK1]:** A comment received by Sam Wisner showed that the adequate service definition added confusion to understanding the Multifamily Residential Service Standards. The definition was removed from rule and will be added to a guidance document.

### 5.15 – 2015 Applicability of Rules

The requirements of the Regional Waste Plan’s residential service standard apply to all portions of Clackamas, Washington, and Multnomah Counties within Metro’s jurisdictional boundary. For areas of Clackamas, Multnomah and Washington Counties outside of Metro’s jurisdictional boundary, the performance standards are recommendations.

### 5.15 - 2020 Glass Separation Requirement

For all residential customers, a local government must require that glass is kept separate from all other acceptable recyclable materials in collection receptacles and on collection vehicles.

### 5.15 - 2025 Single-Family Residential Service Standards

For all single-family residential customers, a local government must:

1. Provide at least one receptacle, with capacity of at least 60 gallons, for the collection of all acceptable recyclable materials except glass and motor oil.
2. Provide at least one receptacle for source-separated glass collection. The receptacle must have a capacity of at least five gallons.
3. Provide weekly collection of acceptable recyclable materials, glass, motor oil, and yard debris on the same day of the week as garbage, unless exempted under administrative rule 5.15-2030 or administrative rule 5.15-2035.
4. Provide at least one receptacle for yard debris collection. The receptacle must have a capacity of at least 60 gallons.

~~If food scraps service is offered, provide weekly collection of residential food scraps mixed with yard debris. Every other week collection of residential food scraps mixed with yard debris is allowed if approved by the processing facility receiving the material and acceptance does not violate any other government ordinance, regulation, permit, health or safety code.~~

5. ~~Residential food scraps with yard debris can be offered at weekly or every other week frequency. Every other week collection of residential food scraps mixed with yard debris is allowed only if approved in advance by the processing facility receiving the material and acceptance does not violate any other government ordinance, regulation, permit, health, or safety code.~~

6. Provide bulky waste collection service.

7. Ensure that property owners and managers provide access to ~~adequate on-site garbage and~~ recycling collection service to renters of single-family residential properties.

**Commented [SK2]:** A comment submitted by Kristen Lechner provided wording that increased clarity. The wording has been changed to reflect her suggestion.

**Commented [SK3]:** This edit is related to comment submitted by Sam Wisner. The term adequate is being removed.

#### 5.15 - 2030 Exemption to Single-Family Yard Debris Service Standard

1. A local government may exempt rural service areas from regular on-route collection of yard debris provided that the local government distributes informational material to rural customers at least annually that provides options for proper management of yard debris, including instructions to not place yard debris in solid waste receptacles destined for disposal.
2. A local government may define “rural service areas” for purposes of solid waste collection and must provide its definition to Metro. A local government must notify Metro of any changes to that definition.

#### 5.15 - 2035 Exemption for Single-Family Every Other Week Recycling and Yard Debris Collection Programs

A local government with an every-other-week recycling and/or yard debris collection program in place as of January 1, 2019 meets the residential service standard. A second recycling collection receptacle of at least 60 gallons capacity must be provided to every-other-week customers upon request and at no additional charge.

#### 5.15 - 2040 Multifamily Residential Service Standards

For all multifamily residential customers, a local government must:

1. ~~Provide/Implement~~ a minimum service volume of 20 gallons per unit per week for garbage collection service.
2. ~~Provide/Implement~~ a minimum service volume of 20 gallons per unit per week for acceptable recyclable materials and a minimum service volume of one gallon per unit per week for source-separated glass.
3. Ensure all material streams are collected at least weekly. On call services are exempt from collection frequency and minimum service volume requirements.
4. Ensure provision of regularly-occurring bulky waste collection service by July 1, 2025.

**Commented [SK4]:** Clackamas County suggested provided this wording to increase clarity.

#### 5.15 - 2045 Multifamily Receptacle Colors; Signage; Informational Materials

For all multifamily residential customers, a local government must comply with the regional standards for collection receptacles by the dates below.

1. All receptacles ordered after July 1, 2021 must comply with the color standard below and must be labeled with the correct Metro-approved regional signage.
2. All plastic receptacles for garbage, mixed recyclable materials, and yard debris and/or food scraps ordered after July 1, 2021 must contain at least 30% post-consumer recycled content.
3. Garbage receptacles must be gray, mixed recyclable materials receptacles must be blue, yard debris and/or food scraps receptacles must be green and source-separated glass receptacles must be orange by July 1, 2028. Metro will provide a list of approved receptacle colors by vendor.
4. Color standards do not apply to compactors and drop boxes.
5. As of December 31, 2023, all receptacles must be labeled with the correct Metro-approved regional decals for acceptable recyclable materials, glass, yard debris, and garbage. All previous garbage and

recycling instructional decals must be completely removed from each receptacle and replaced with correct and approved regional decals.

**5.15 - 2050 Exemptions to Multifamily Standards**

Notwithstanding administrative rule 5.15-2045, a local government may:

1. Exempt used motor oil from collection.
2. Exempt yard debris from collection if no yard debris is generated on-site, or the customer meets one of the following conditions:
  - a. Uses a landscape maintenance firm that transports yard debris to a Metro-authorized facility;
  - b. Manages its yard debris on-site such as composting or mulching;
  - c. Self-hauls its yard debris to a Metro-authorized facility;
  - d. Uses another method approved by Metro.

**5.15 - 2055 Compliance and Enforcement**

A local government must comply with the requirements of the Regional Waste Plan’s residential service standard. If a local government does not comply, Metro will withhold funding associated with the implementation of the Regional Waste Plan. Metro may also withhold discretionary funding associated with other programs and seek any remedy under its Charter, Code or applicable state law.

**5.15 - 2060 Reporting**

As part of regular annual reporting requirements, a local government must provide the information necessary for Metro to determine compliance with the residential service standard.

**5.15 - 2065 Funding Guidelines**

In order to receive funding associated with the Regional Waste Plan, a local government or its designated agency must comply with the requirements of Metro Code Chapter 5.15 and these rules. The local government or its designated agency must also enter into an intergovernmental agreement with Metro.

**Commented [SK5]:** Clackamas County suggested provided this wording to increase clarity.



# Overview of Proposed Revisions to Metro Code Chapter 5.10

October 2020

## Background

In March 2019, Metro adopted the 2030 Regional Waste Plan which sets the policy direction for the region's solid waste and recycling system. It is very different than previous plans in that its values, principles, goals and actions specifically reflect the needs and aspirations of members of our community who haven't historically had a strong voice in the development of environmental plans, policies and programs. The foundation of this plan is equity—centering the voices, values and needs of communities of color and historically marginalized groups in the region's solid waste and recycling system.

The plan is implemented in many ways; through collaborative programs with local government partners and community organizations, and through required actions that bring minimum standards and consistency to a large and complex system. Metro Code and Administrative Rules are the mechanism used to implement the required elements of the plan. The Metro Code and Rules need to be re-written to reflect the goals, policies and programs of our new plan.

## Why are changes being made?

**It is out of date.** Currently, Metro Code Chapter 5.10 implements the requirements of the 2008 Regional Solid Waste Management Plan and contains state requirements that are no longer in place. The re-write will remove old state statute and clarify that the code and rule implement the Regional Waste Plan, not state law.

**It does not fit the new format for Code and Administrative Rule.** Current code is challenging to read and interpret, contains obsolete terms and does not reflect the wording in the new Regional Waste Plan. Obsolete references, lengthy sentences and legalese are removed. Some code sections are being moved to administrative rules to follow format changes being made to the Metro Code overall.

**It is not well organized.** Currently overall Regional Waste Plan requirements, those for local governments and service provision standards are scattered throughout Chapter 5.10. To better organize the chapter and provide more clarity, the existing Chapter 5.10 is being split into two chapters. Chapter 5.10 will now cover the overall plan, while all requirements specific to local governments are being moved to a new Chapter 5.15.

## What are the specific changes being considered?

- Split the current Chapter 5.10 into two chapters. Chapter 5.10 will cover the overall Regional Waste Plan and a new Chapter 5.15 has been created to focus on requirements specific to local governments.
- Reorganize confusing sections. Rather than have several separate code sections dealing with single-family and multifamily residential requirements, code sections have been grouped by sector:
  - Residential Service (includes all residential dwellings)
  - Business Service and Recycling Requirement
  - Business Food Waste Requirement
  - General Education

- Move and reword detailed information to administrative rules so that all local government requirements are in a single location and are communicated more clearly. These include:
  - Specific service standards for single-family, multifamily and business customers
  - General education and outreach standards
  - Materials required for collection
- Add residential food scraps collection as a named material to the service standards:
  - Residential food scraps collection is optional
  - Weekly or every-other-week collection frequency
- Add a general education section that applies to all customers:
  - Reflects the Regional Waste Plan rather than state requirements
  - Focuses on regional consistency as well as requiring that education provided by local governments and service providers be accurate, culturally-responsive and reflect local conditions
- Add new standards for multifamily services to implement new and high-priority Regional Waste Plan actions. These will be the most significant substantive changes to the code and include:
  - Per unit service volume minimums for garbage, mixed recycling and glass
  - Weekly minimum collection frequency
  - Collection container color standard
  - Required use of regional signage on bins and in collection areas
- Combine all standards and requirements with regard to the business sector into one section for ease of reading and to increase understanding. No substantive changes have been made.
  - Obsolete or outdated standards have been eliminated including past implementation deadlines, and past funding requirements
- Eliminate the Regional Service Standard Alternative Program. Elements of local government alternative programs showing the same outcome as the Regional Service Standard (weekly collection) have been incorporated into the new standard.
  - Every-other-week mixed recycling collection has been incorporated into the proposed standard for every-other-week programs in place as of January 1, 2019
- Remove obsolete state requirements and update wording and terms to reflect those used in the new Regional Waste Plan and to remove legalese, outdated references, and lengthy sentences.

### What is the timeline?

Beginning in the spring of 2020, early drafts of the rewritten Code and new administrative rules were reviewed internally, by local government solid waste directors, the Regional Waste Advisory Committee and Metro's Committee on Racial Equity. A formal stakeholder and public input process was held September 15 through October 15. The Metropolitan Policy Advisory Committee reviewed the proposed changes in late September. The proposed changes to the Code will be brought to the Metro Council on December 3 and 10 for consideration. If Council adopts the Code changes, the Administrative Rules will then be brought to Metro's Chief Operating Officer for consideration after an additional 30-day comment period. If approved the Code and Rules will both become effective in March 2021.

More detailed information can be found on Metro's website: [www.oregonmetro.gov/servicestandards](http://www.oregonmetro.gov/servicestandards)

Materials following this page were distributed at the meeting.



Metro



# Regional Service Standards Update

Metro Council Work Session, November 10, 2020

# Background

- New Regional Waste Plan adopted in 2019
- Need to update the policies used to implement the Plan: the Metro Code and Administrative Rules

# The 2030 Regional Waste Plan

A vision for the region's garbage and recycling system

A blueprint for policy direction, goals and roles and responsibilities

A plan for reducing environmental and health impacts, and sharing system benefits equitably





# Proposed changes

- Reorganize Metro Code Chapters to increase readability and reflect the new Plan
- Remove obsolete language
- Move detail out of Code into to Administrative Rules
- Add some rules that reflect the new Plan, including improvements for multifamily services

# Update Code

- Split into two new chapters
- Chapter 5.10: Overall Regional Waste Plan
- New Chapter 5.15: Local government requirements
- Chapter 5.15 organized by sector (residential, business, etc.)



# Update Administrative Rules

- **Compliance**  
AR 5.15.1000
- **Residential**  
AR 5.15.2000
- **Business**  
AR 5.15.3000
- **Business Food Waste**  
AR 5.15.4000
- **General Education**  
AR 5.15.5000




# New Rules: Multifamily residential

- New color standard
- New regional decal and sign standard
- New minimum service standards



**Recycling**    Reciclaje    Утиль  
Rác Tái chế    回收

Plastic bottles, plastic round containers, metal, paper & flattened cardboard, empty & dry

 No plastic bags or wrap, lids, glass, garbage



# Public comment

- RWAC, CORE, MPAC
- No opposition to code changes
- Overall support for multifamily improvements
- Questions regarding implementation details
- Haulers concerned about cost of color standard



✗ No TVs, computers, batteries, hazardous waste (flammables, paint, pesticides)

The text is accompanied by five circular icons with red 'X' marks, indicating prohibited items: a television, a computer monitor, a battery, a can of flammable liquid, and a can of pesticide.



✗ No lids, lightbulbs, caps, ceramics, broken glass

The text is accompanied by five circular icons with red 'X' marks, indicating prohibited items: a lid, a lightbulb, a cap, a ceramic object, and a broken glass object.

# Cost analysis

- Cost effective replacement period for multifamily bins is seven years
  - July 1, 2028 deadline for implementation



# Next steps

- Code package to Council in December
  - 3<sup>rd</sup> First reading and public hearing
  - 10<sup>th</sup> Second reading
- Administrative rules to COO after additional 30-day comment period
- Target effective date of March 10, 2021 for code and rules