



Metro

# Regional Waste Advisory Committee

## *Equity, health and the environment*

November 14, 2019 – 8:00 am – 10:00 am



# Today's discussion

Welcome and Introductions

Working Agreements

Garbage and Recycling System Overview

Metro Authority

Introductory Sessions

- Infrastructure Investments & Facility Siting
- Multi-family Service Standards
- Food Waste Update

Closing and Adjourn



# Introductions

**What superpower do you bring (from a personal or professional perspective) to the Regional Waste Advisory Committee?**

Please take 1-2 minutes and draw your superpower

As a group, please share:

1. Your name
2. Your pronouns (he/him/she/her/they/their)
3. Where you work/your role on the committee
4. Your superpower





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# Committee Working Agreements



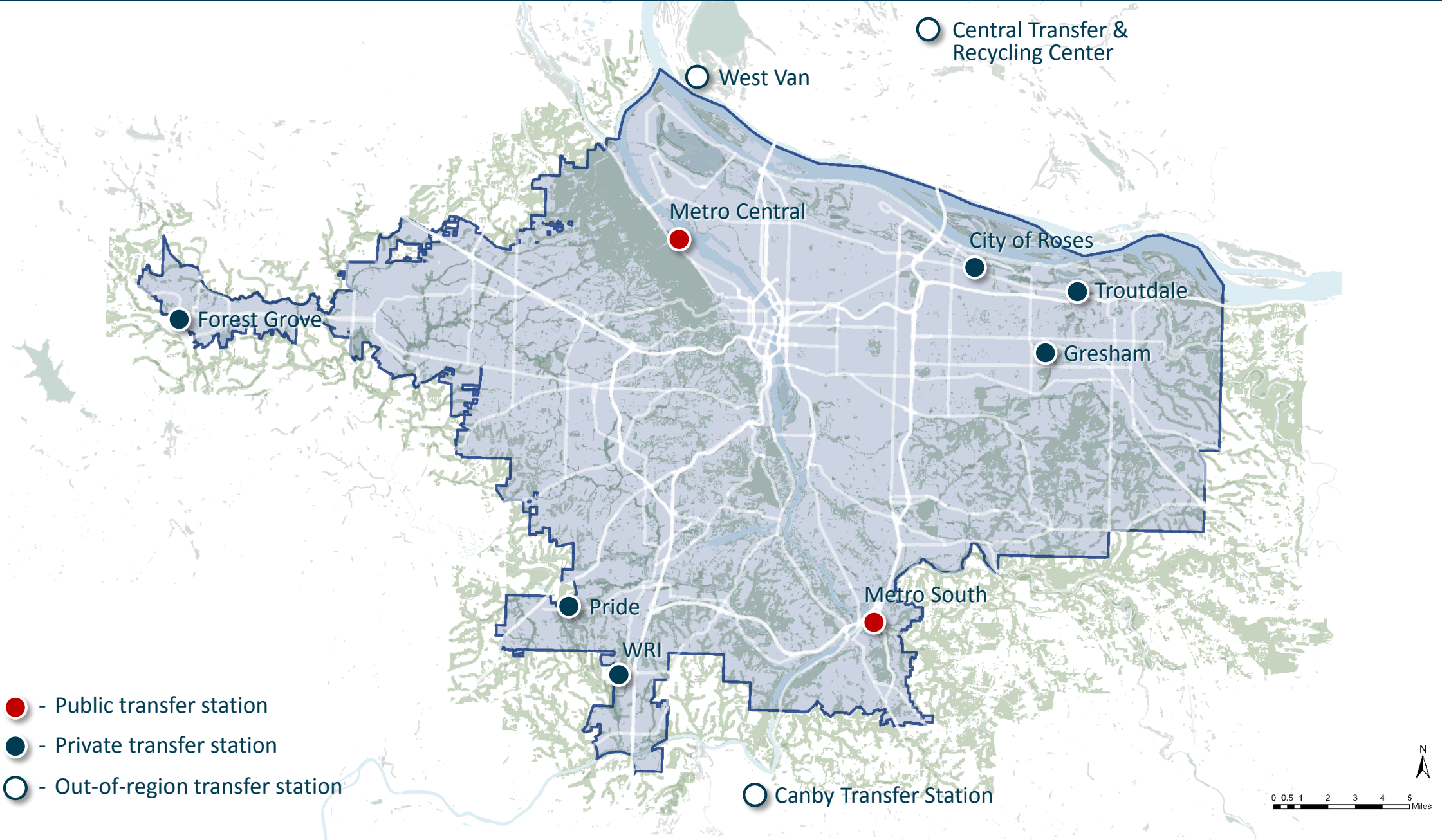


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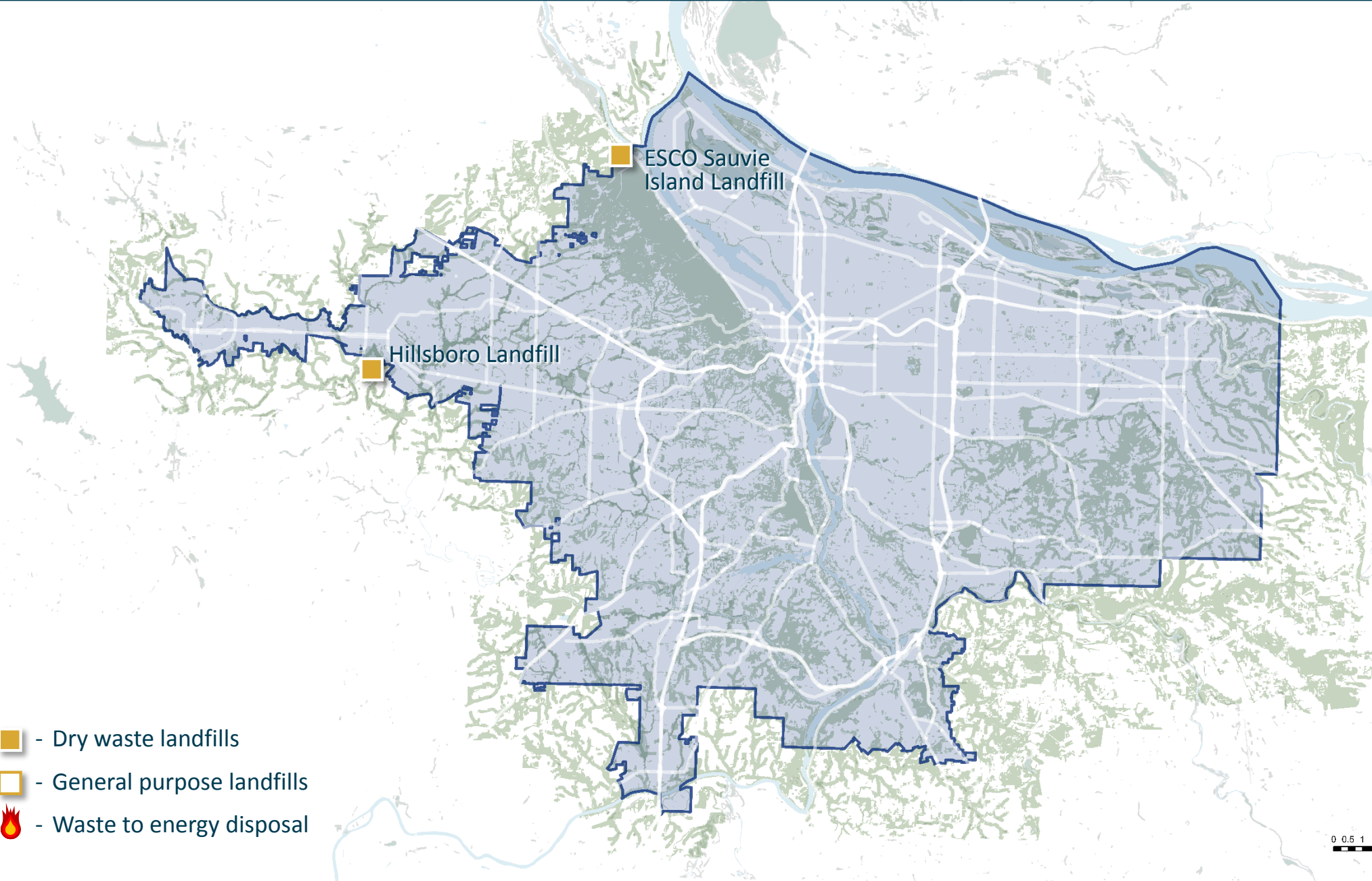
# Garbage and Recycling System Overview






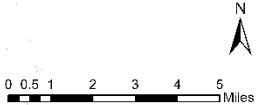
# Regional Solid Waste System



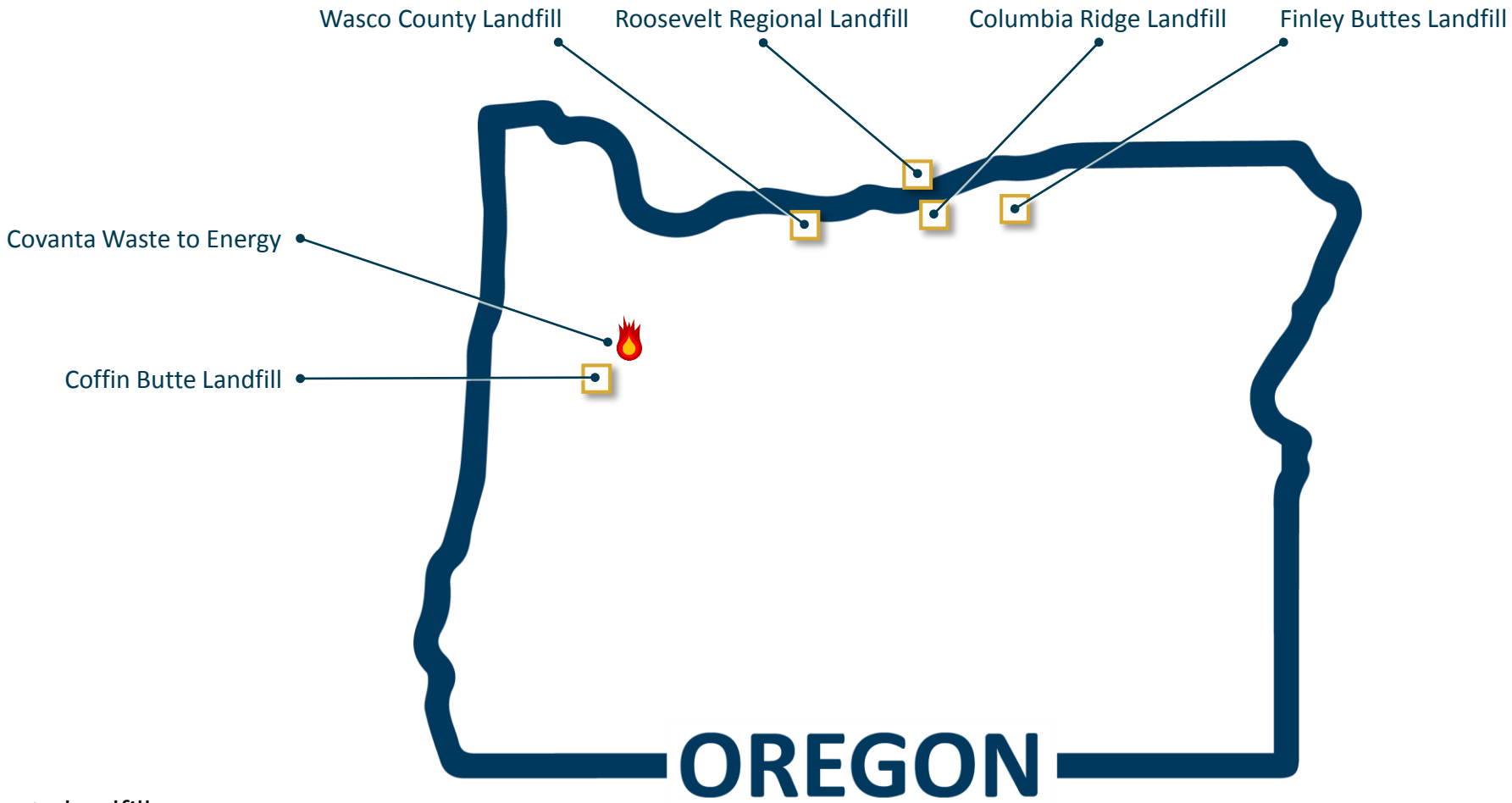
# Regional Solid Waste System






-  - Dry waste landfills
-  - General purpose landfills
-  - Waste to energy disposal



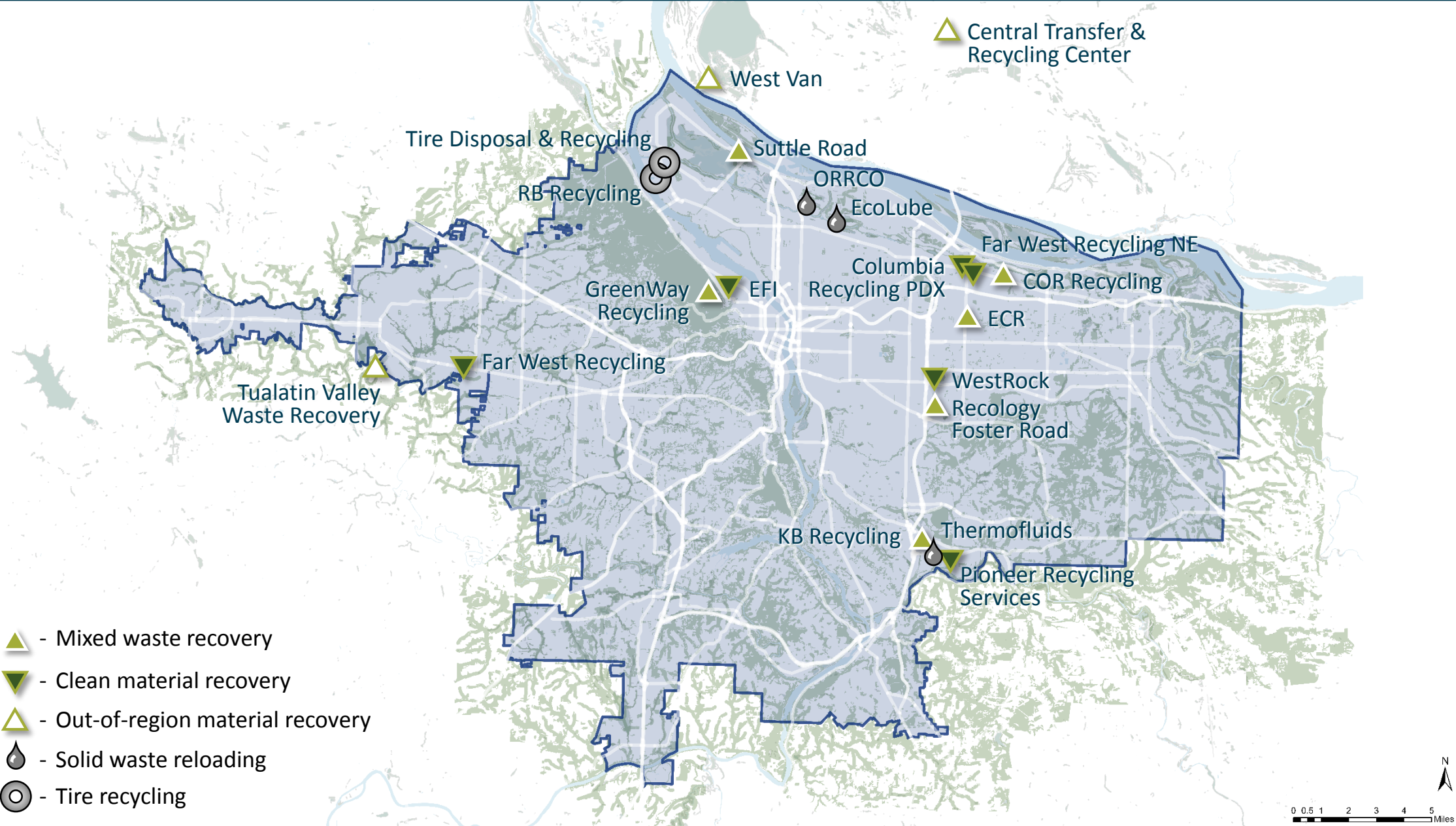
# Regional Solid Waste System



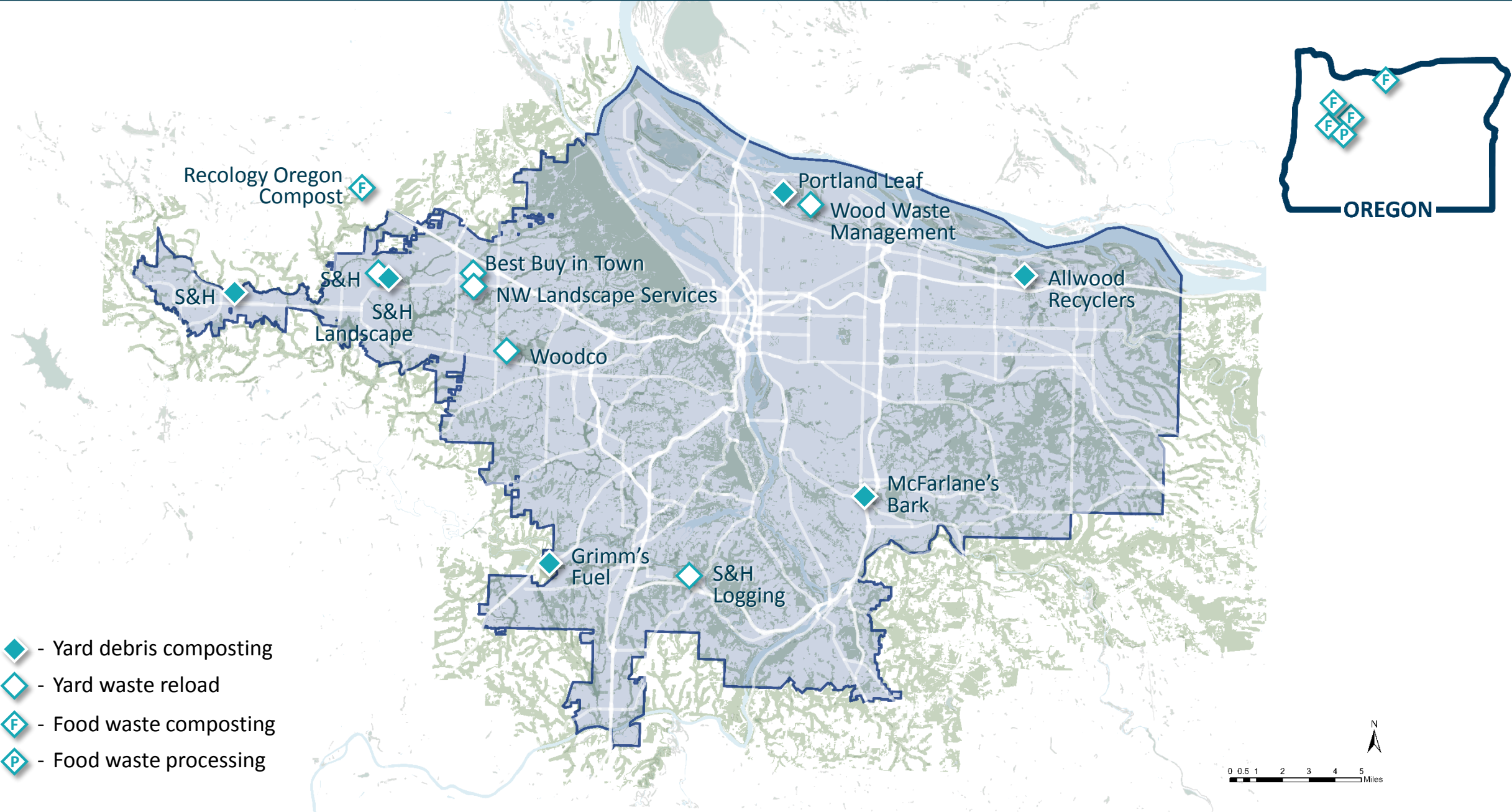
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# Regional Solid Waste System

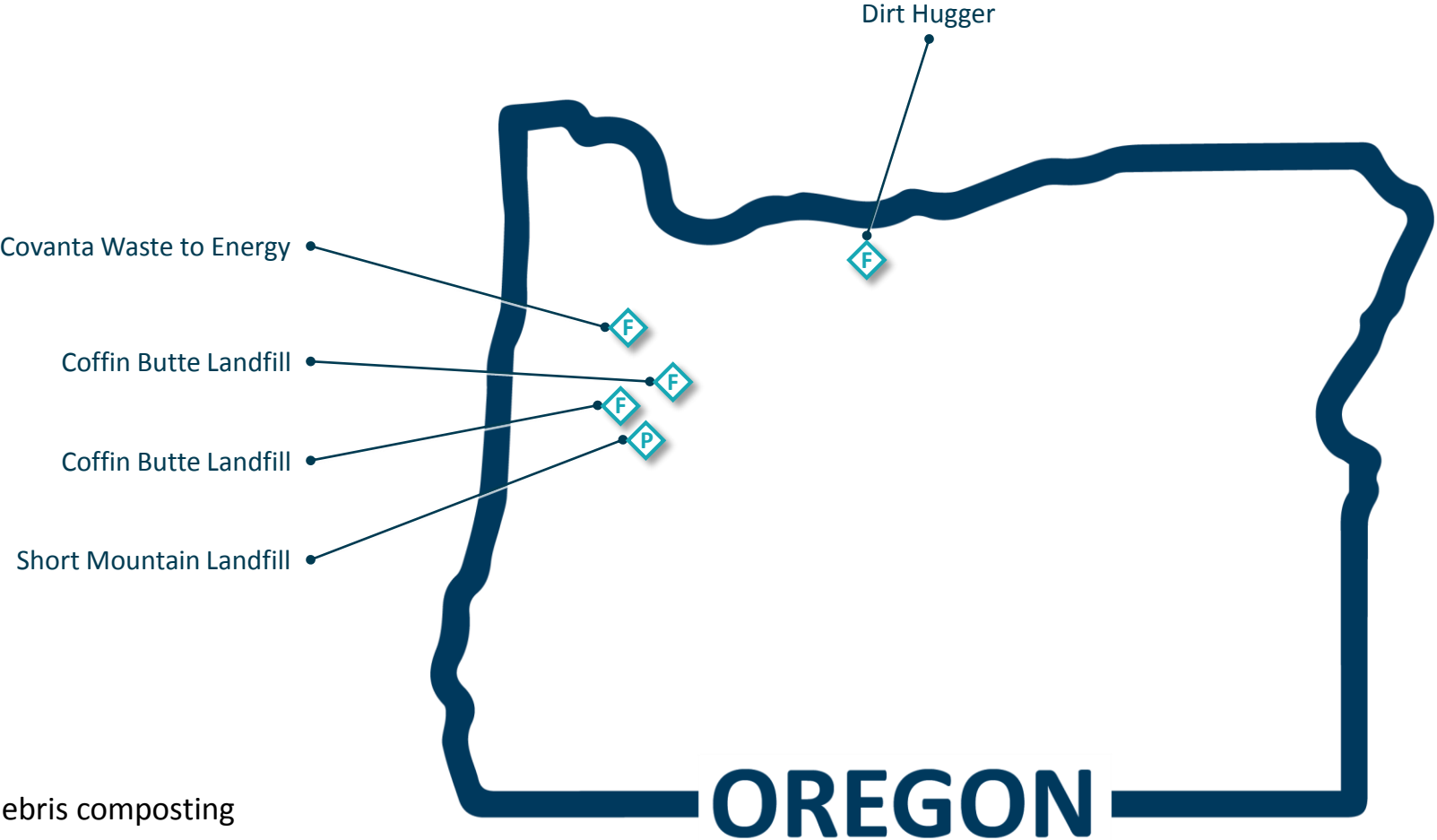


# Regional Solid Waste System



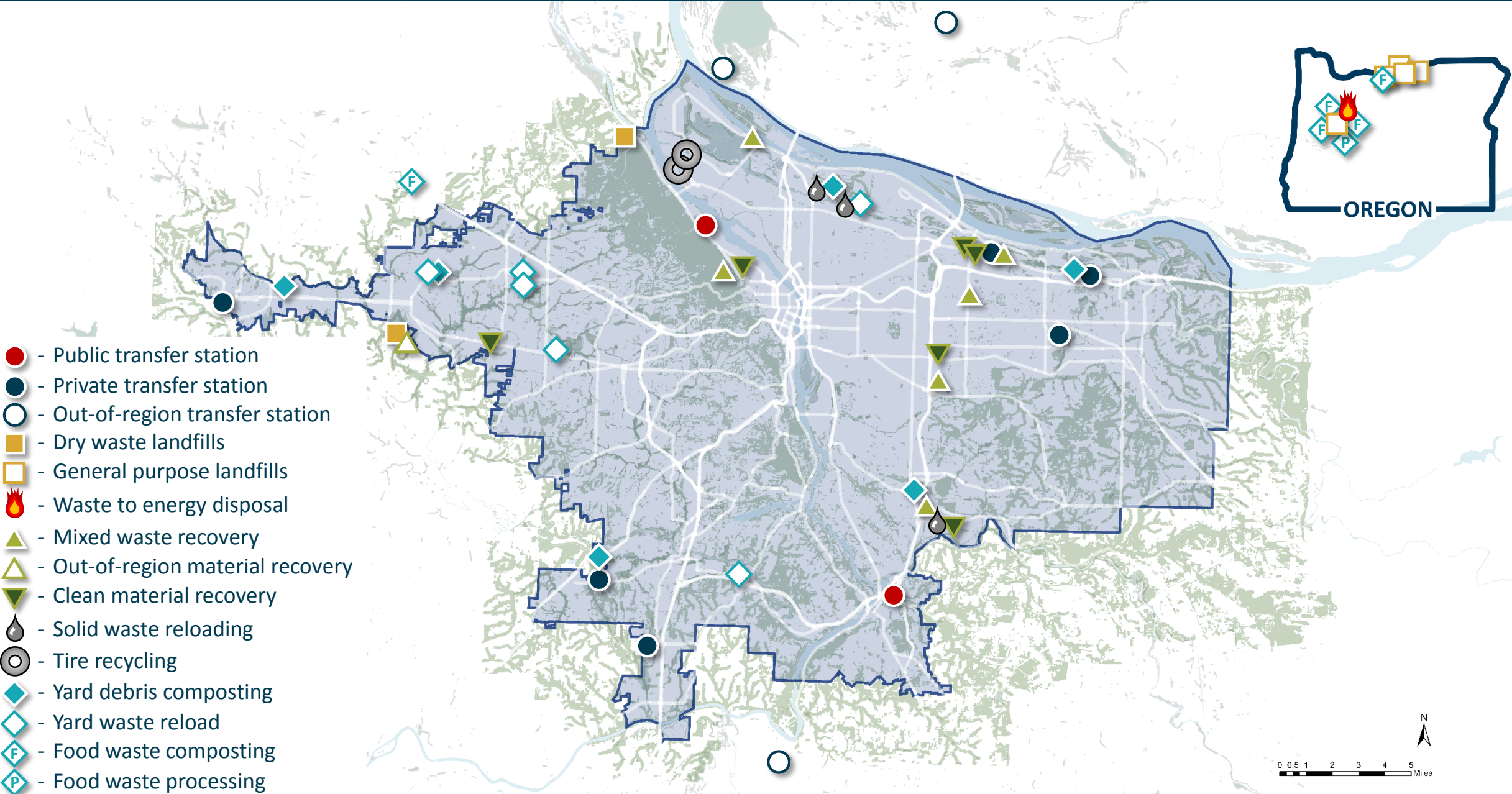


# Regional Solid Waste System



- ◆ - Yard debris composting
- ◇ - Yard waste reload
- ◆F - Food waste composting
- ◆P - Food waste processing

# Regional Solid Waste System





# Questions?



# Metro Regulatory Authority within the Solid Waste System

Regional Waste Advisory Committee  
November 14, 2019





# Authority

Metro derives its solid waste authority from three primary sources



The Oregon Constitution



Metro's home rule charter



State statutes (ORS chapters 268, 459, and 459A)

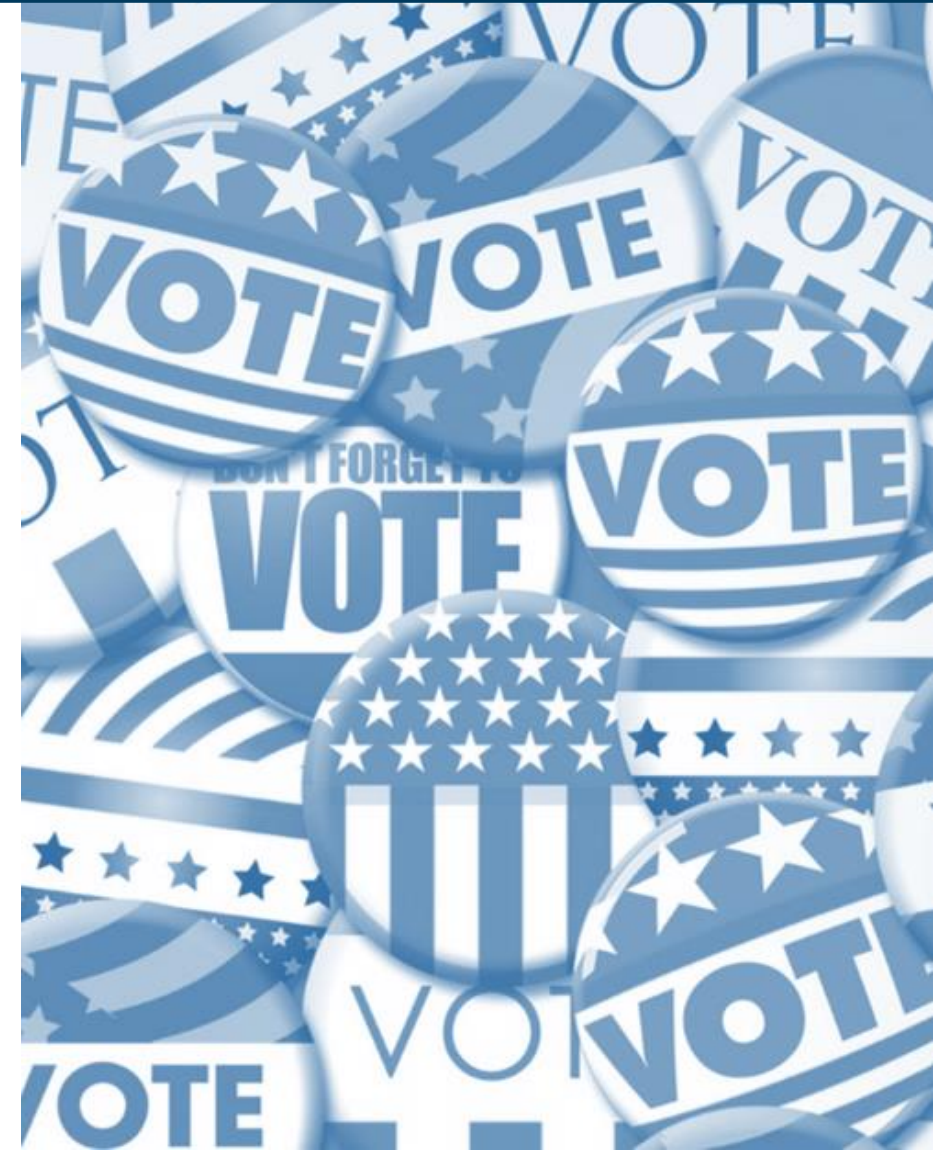
# Authority

In 1991 voters amended the Oregon Constitution

- Authorized Metro to have a home rule charter
- Gave Metro authority over:

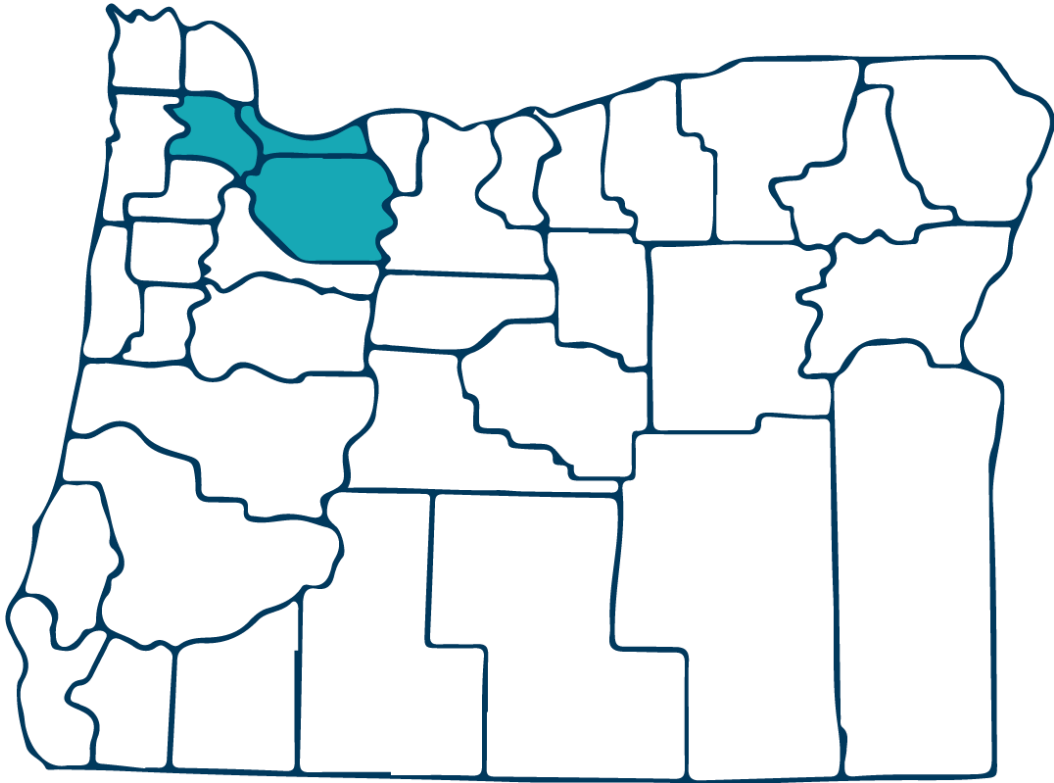
*“matters of metropolitan concern as set forth in the charter of the district”*

*(Article XI, Section 14)*





# Authority



In 1992 voters from Clackamas, Multnomah, and Washington Counties adopted a home rule charter for Metro

Before this action, Metro's regulatory authority was only in state statute

# Home Rule Charter



- General authority to “dispose” of solid and liquid wastes
- Specific authority to acquire, develop, maintain and operate facilities for solid waste disposal
- Jurisdiction over any other matter of “metropolitan concern”



# Home Rule Charter

It is a general powers charter giving Metro the broadest authority possible



*“the powers specified within [the Charter] are not exclusive; any specification of power in the charter is not intended to limit Metro’s authority; and the powers specified in the charter are to be construed liberally.”*

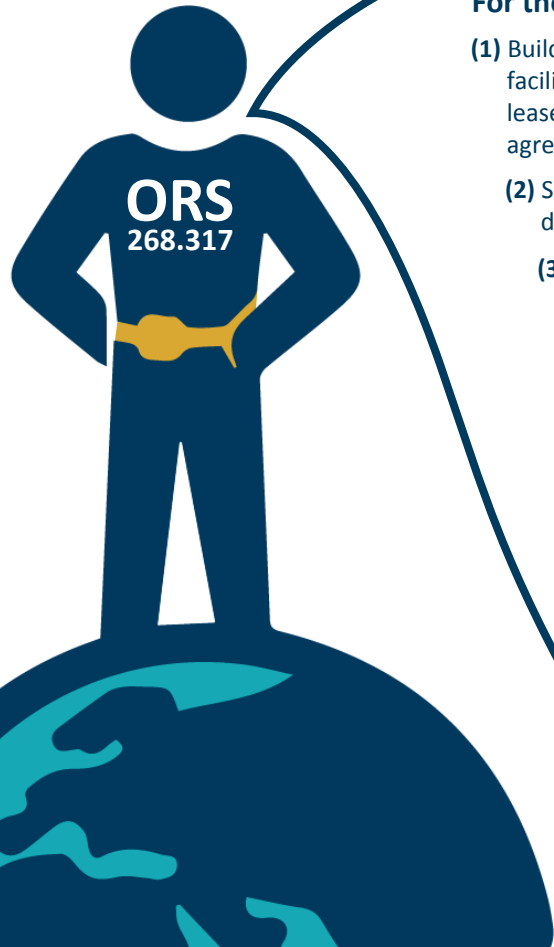
(Charter, Section 9)

# Statutory Authority



- ORS Chapter 268 – governs metropolitan service districts
- ORS 268.317 – solid waste “super powers” statute

# Statutory Authority “Super Power”



## For the purposes of solid and liquid waste disposal, a district may:

- (1)** Build, construct, acquire, lease, improve, operate and maintain landfills, transfer facilities, resource recovery facilities and other improvements, facilities or equipment necessary or desirable for the solid and liquid waste disposal system of the district. Leases authorized by this section include lease-purchase agreements. Where provided, the district may acquire ownership of the leased property at a nominal price. Such leases and lease-purchase agreements may be for a term of up to 99 years.
- (2)** Sell, enter into short or long-term contracts, solicit bids, enter into direct negotiations, deal with brokers or use other methods of sale or disposal for the products or by-products of the district's facilities.
- (3)** Require any person or class of persons who generate solid or liquid wastes to make use of the disposal, transfer or resource recovery sites or facilities of the district or disposal, transfer or resource recovery sites or facilities designated by the district.
- (4)** Require any person or class of persons who generate solid or liquid wastes to make use of the disposal, transfer or resource recovery sites or facilities of the district or disposal, transfer or resource recovery sites or facilities designated by the district.
- (5)** Regulate, license, franchise and certify disposal, transfer and resource recovery sites or facilities; establish, maintain and amend rates charged by disposal, transfer and resource recovery sites or facilities; establish and collect license or franchise fees; and otherwise control and regulate the establishment and operation of all public or private disposal, transfer and resource recovery sites or facilities located within the district. Licenses or franchises granted by the district may be exclusive. Existing landfills at the time of the enactment of ORS 268.317, on March 1, 1979, are either franchised by a county or owned by a city are exempt from the district's franchising and rate regulation.
- (6)** Prescribe a procedure for the issuance, administration, renewal or denial of contracts, licenses or franchises granted under subsection (5) of this section.
- (7)** Regulate the service or services provided by contract, license or franchise and order modifications, additions or extensions to the equipment, facilities, plan or services as shall be in the public interest.
- (8)** Receive, accept, process, recycle, reuse and transport solid and liquid wastes.

Regulate

License

Operate

Franchise

Authorize



# Statutory Authority “Super Power”



- (3) Require any person or class of persons who generate solid or liquid wastes to make use of the disposal, transfer or resource recovery sites or facilities of the district or disposal, transfer or resource recovery sites or facilities designated by the district.

# Statutory Authority “Super Power”



- (4) Require any person or class of persons who pick up, collect or transport solid or liquid wastes to make use of the disposal, transfer or resource recovery sites or facilities of the district or disposal, transfer or resource recovery sites or facilities designated by the district.

# Statutory Authority “Super Power”



- (5) Regulate, license, franchise and certify disposal, transfer and resource recovery sites or facilities; establish, maintain and amend rates charged by disposal, transfer and resource recovery sites or facilities; establish and collect license or franchise fees; and otherwise control and regulate the establishment and operation of all public or private disposal, transfer and resource recovery sites or facilities located within the district.



# Statutory Authority “Super Power”



- (7) Regulate the service or services provided by contract, license or franchise and order modifications, additions or extensions to the equipment, facilities, plan or services as shall be in the public interest.

# Statutory Authority

ORS Chapter 268 also recognizes the importance of Metro's home rule charter:



## **ORS 268.710**

*“In addition to any authority expressly granted to a metropolitan service district by the Legislative Assembly, a district charter is an independent grant of authority by the affected electorate[.]”*

# Statutory Authority

ORS Chapters 459 and 459A govern solid waste management and recycling generally but are not specific to Metro

However, they do include statutes describing Metro's authority in certain circumstances

The most important statute for purposes of Metro's authority with respect to local governments is ORS 459.095



# Statutory Authority



## **ORS 459.095**

*“(1) No ordinance, order, regulation or contract affecting solid waste management shall be adopted by a local government unit if such ordinance, order, regulation or contract conflicts with ... a solid waste management plan or program adopted by a metropolitan service district and approved by the Department of Environmental Quality or any ordinances or regulations adopted under such plan or program.”*

# Questions?





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## Introductory Sessions:

1. Infrastructure Investments & Facility Siting
2. Multi-family Service Standards
3. Food Waste Update



# Next Regional Waste Advisory Committee meeting:

December 12, 2019

