



Metro

Regional Waste Advisory Committee

Equity, health and the environment

December 12, 2019 – 8:00 am – 10:00 am

Today's discussion

Welcome and Consideration of Minutes

Working Agreements: part III

Metro Authority

Infrastructure Investments & Facility
Siting

Closing and Adjourn





Metro

Committee Working Agreements

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

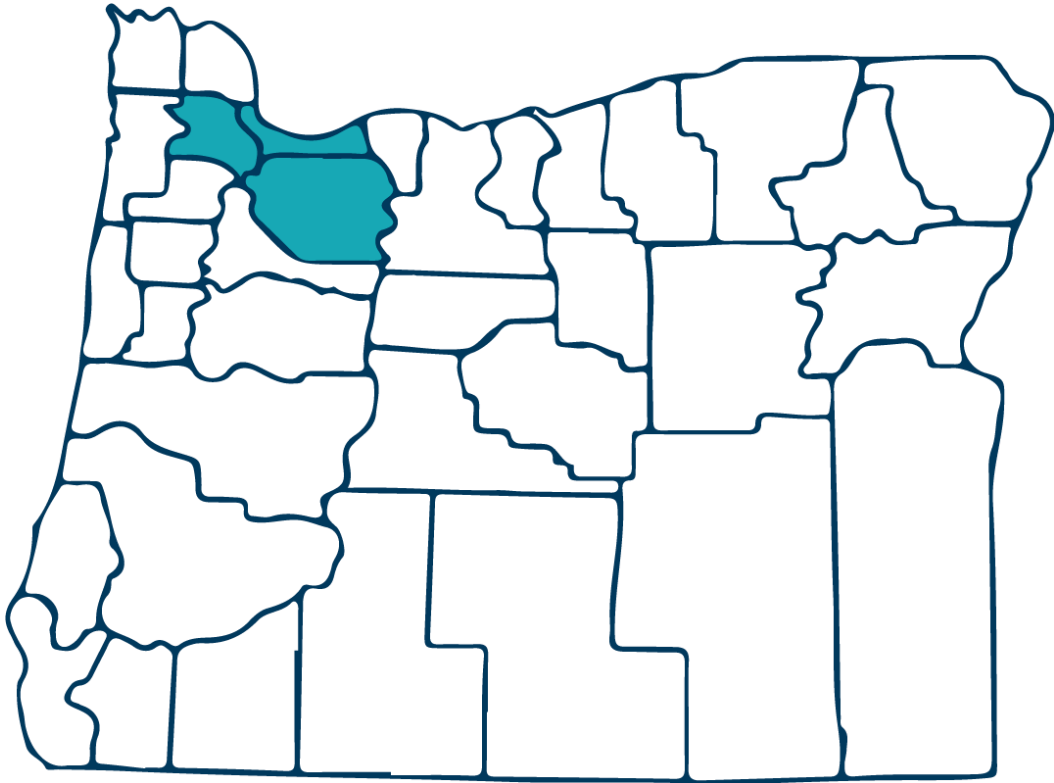
- Authorized Metro to have a home rule charter
- Gave Metro authority over:

“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.”

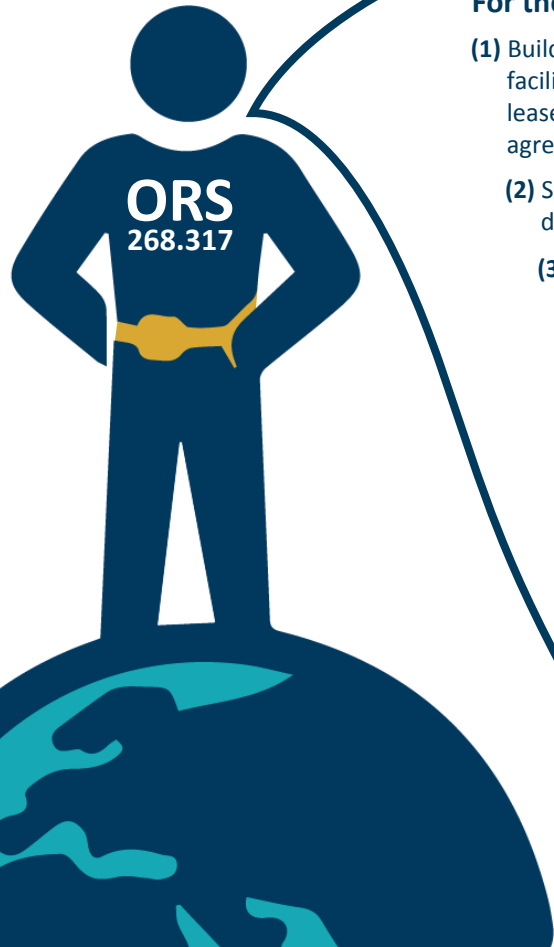
(Charter, Section 9)

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 and 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?

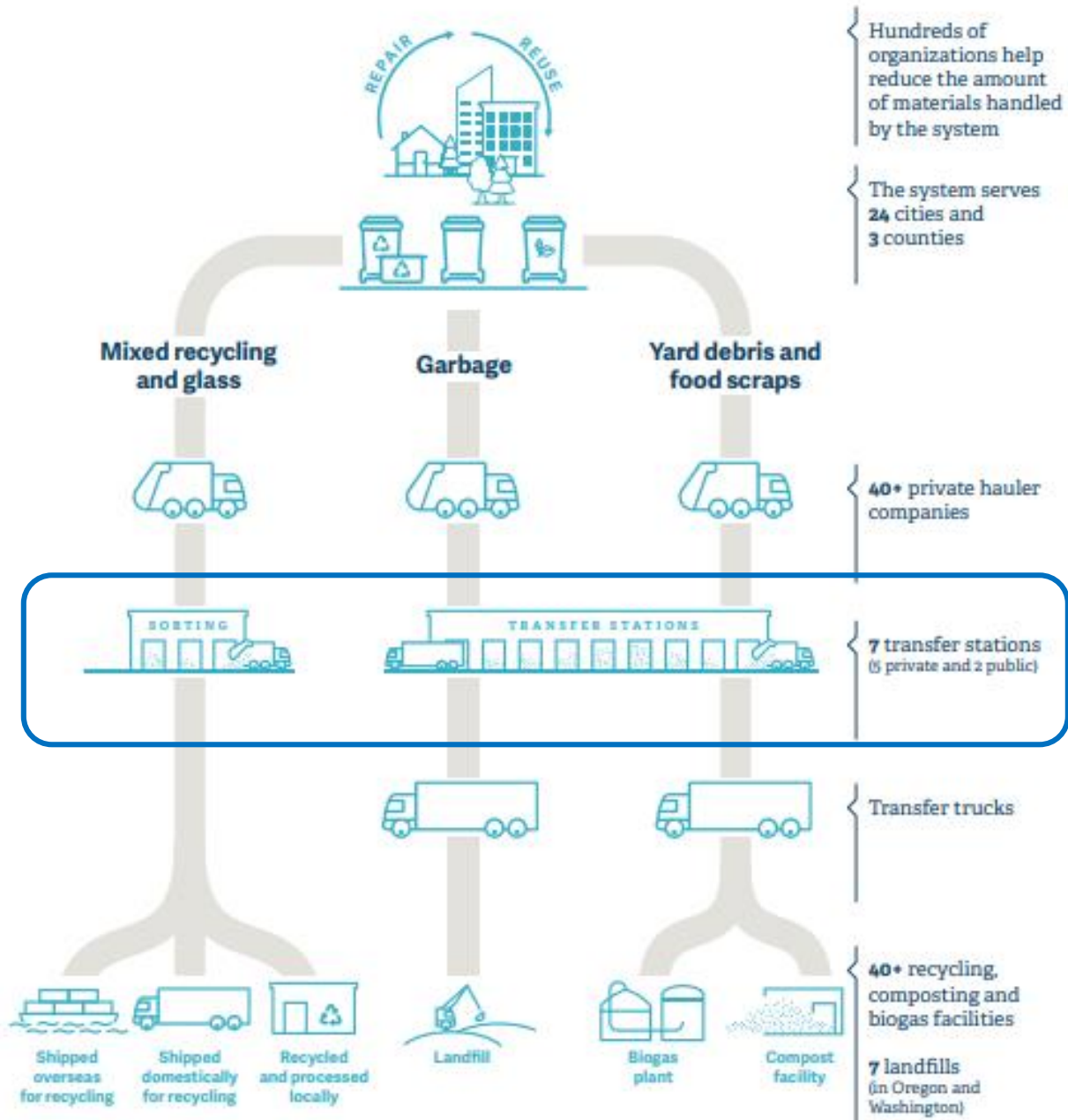


Infrastructure Investments: South & West New Facility Projects

Regional Waste Advisory Committee

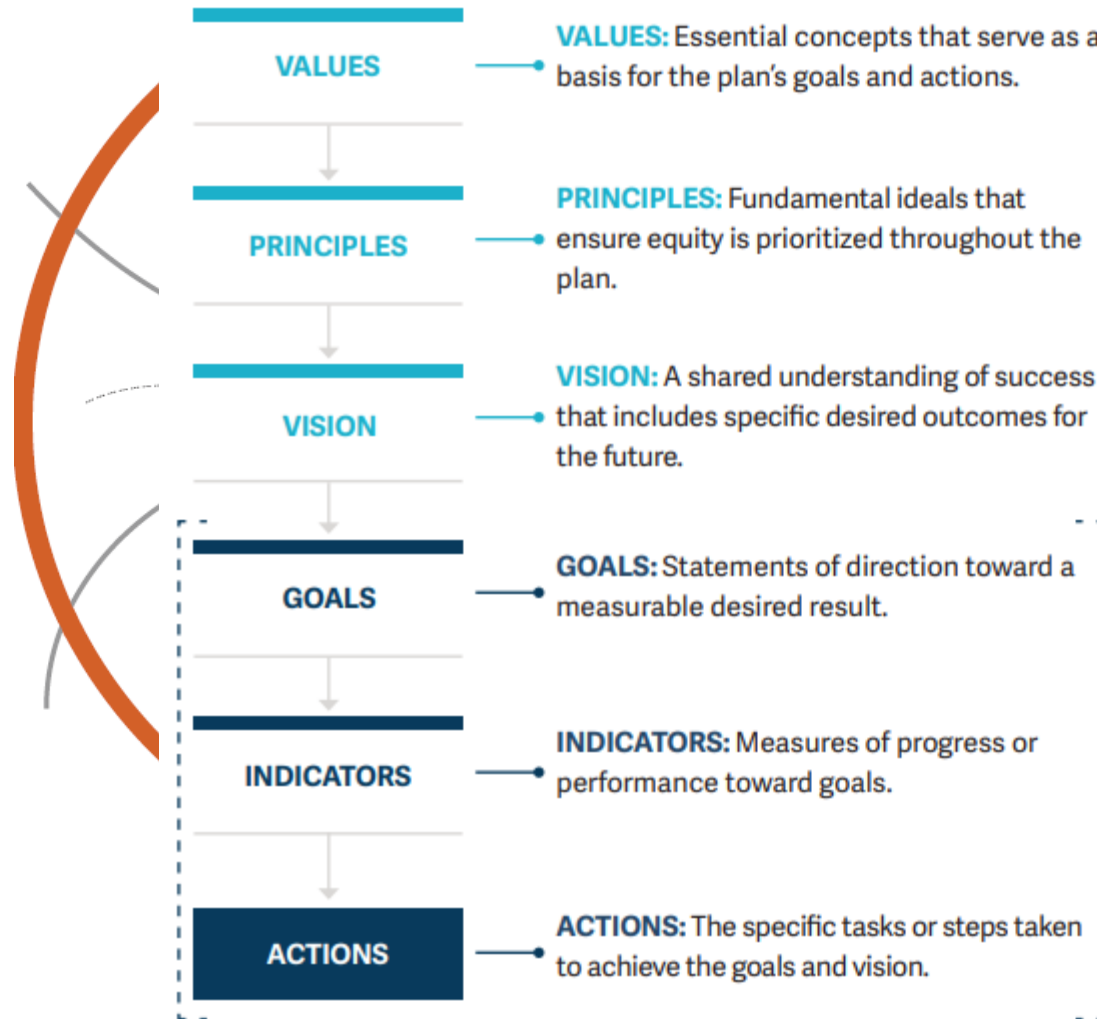
December 12, 2019



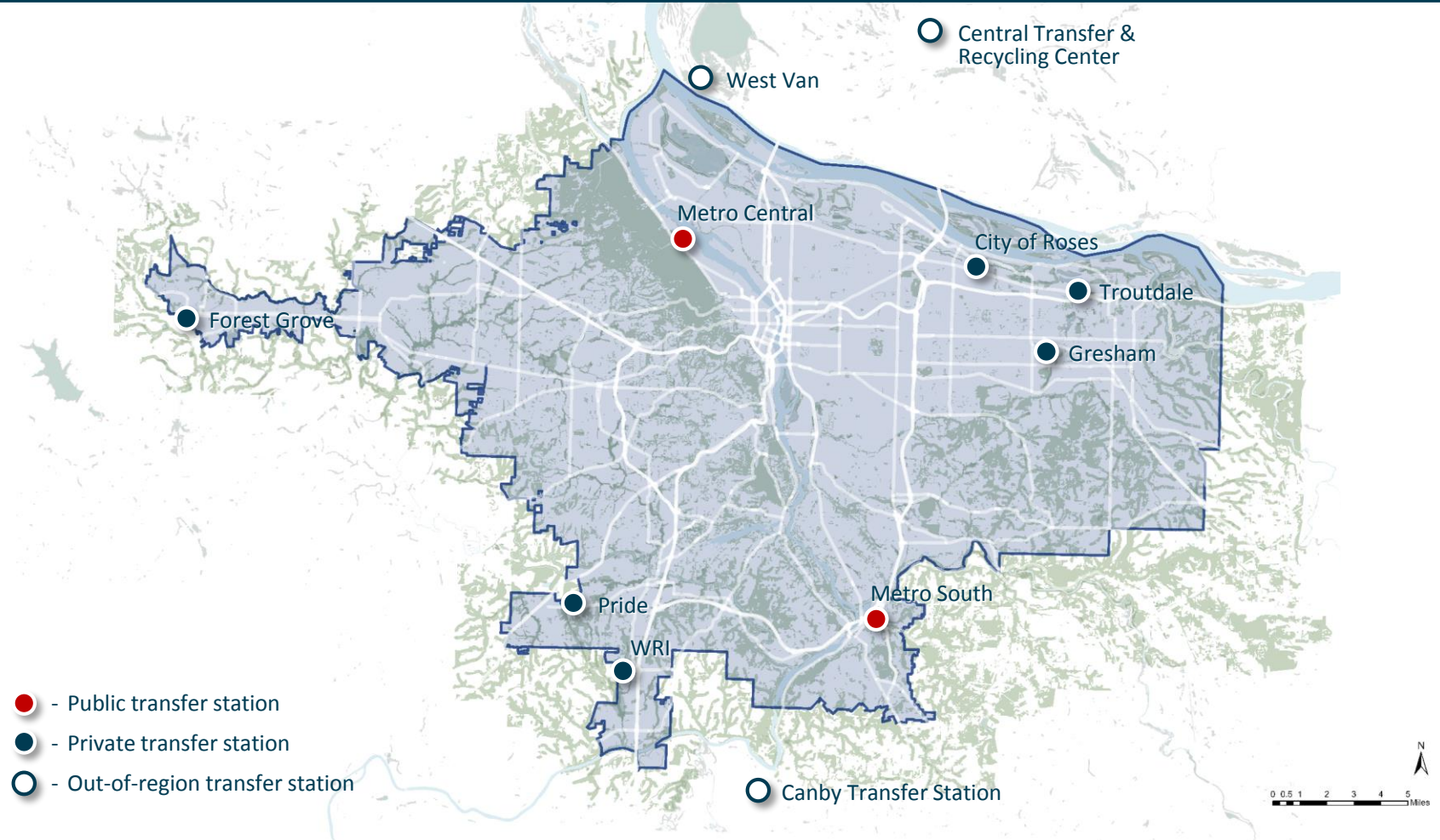


FROM IDEALS TO ACTIONS

The values, principles and vision inspire and inform the concrete actions that Metro and local governments will implement as part of this plan.



Why Publicity Matters



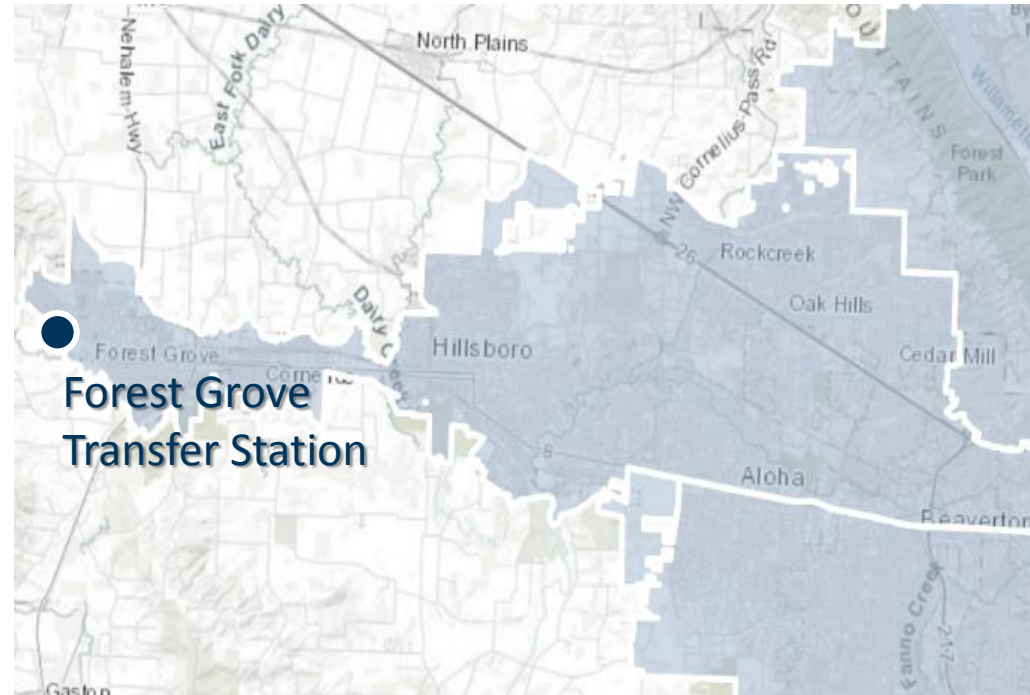
Metro South Transfer Station: *Current Challenges*



- 30 year old facility
- Nearly 300K customers
- 60 staff
- Safety Concerns
- Long lines
- Space Constraints Limit Options

Current Status

- No HHW, no Commercial Food Waste, limited recycling drop off
- All services provided by private sector
- High and inconsistent disposal charges
- Closest landfill, Riverbend, not a disposal option in 2020
- No proximate food reload/processing capacity



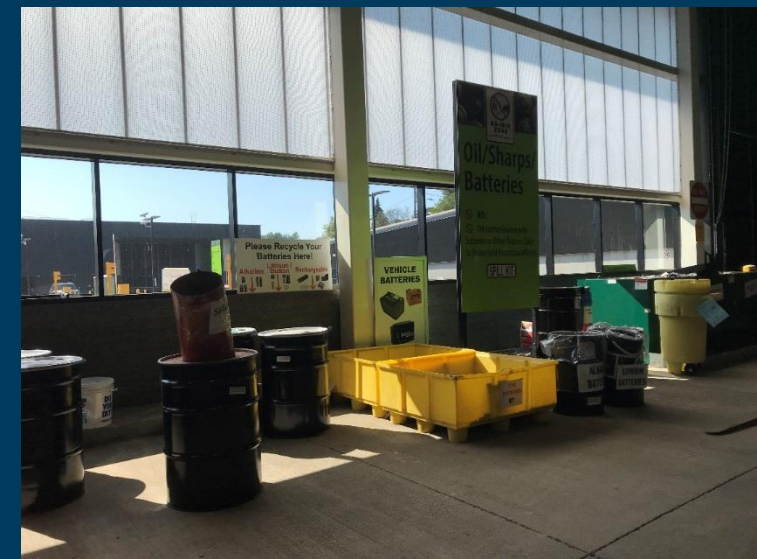
Community Amenities



Hands-On Learning Opportunities

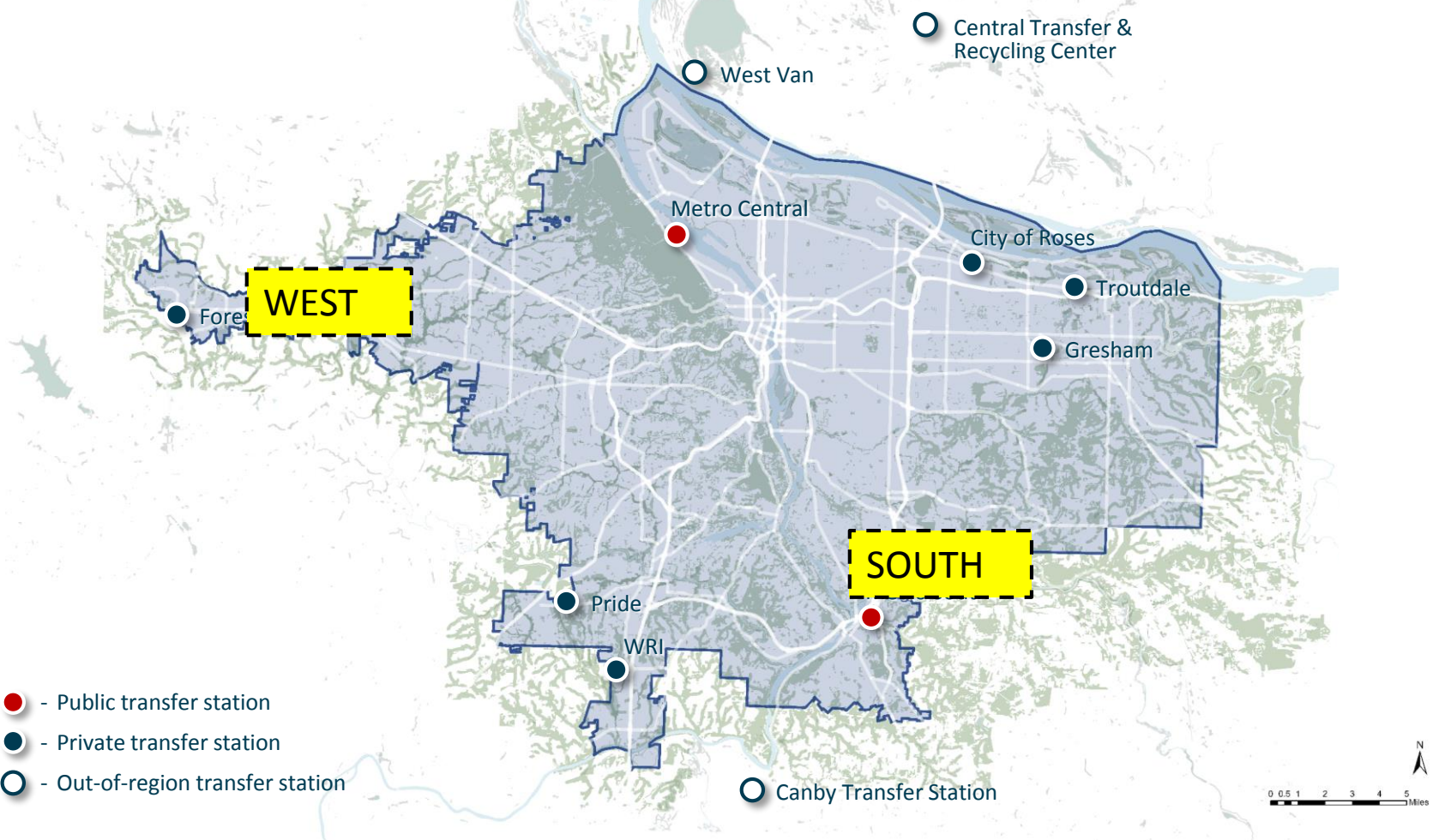


Recycling and Reuse



King County - Factoria

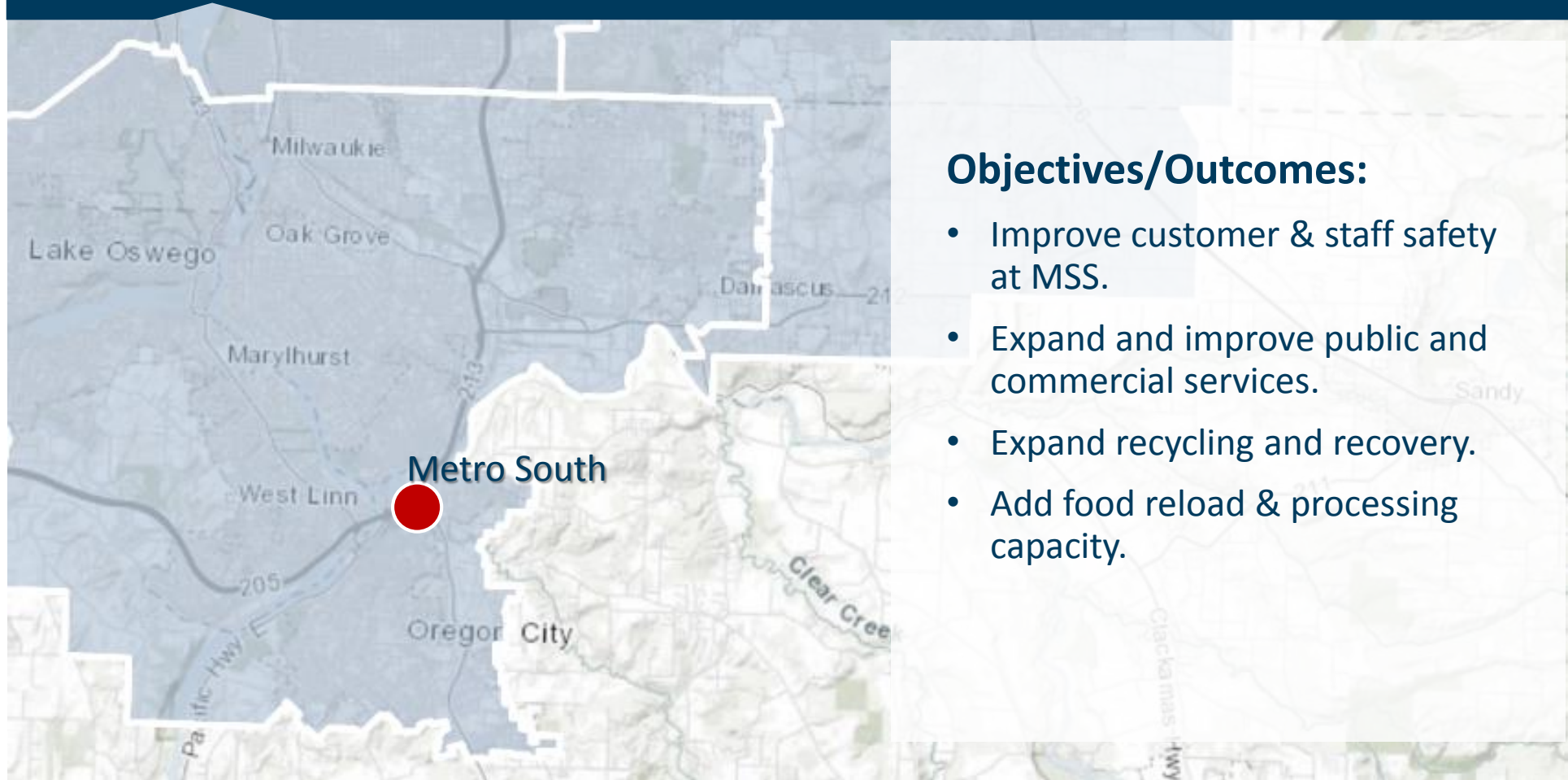




Expected Community Benefits

- Environmental Health
- Jobs & Investment
- Community Amenities & Partnerships
- Cultural & Social Equity
- Service Equity

South Metro: Safety & Service



Objectives/Outcomes:

- Improve customer & staff safety at MSS.
- Expand and improve public and commercial services.
- Expand recycling and recovery.
- Add food reload & processing capacity.

Metro South: *Project Approach*

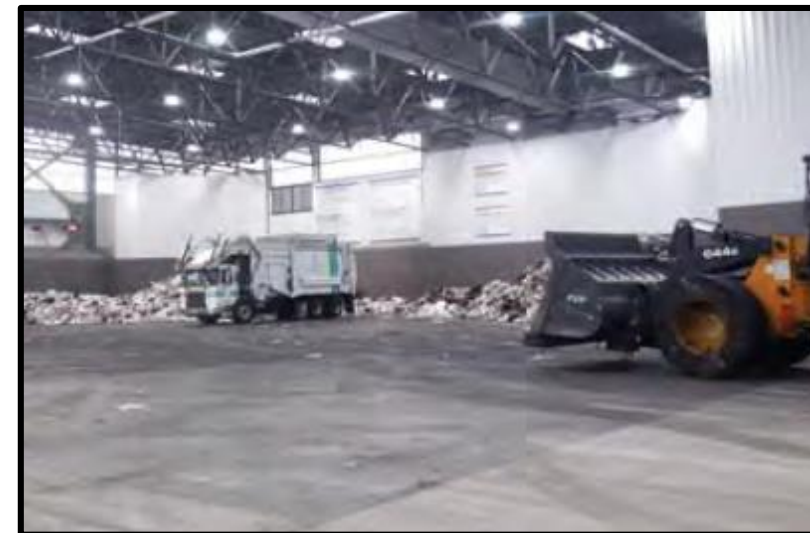
Phase I: Build New Public Facility

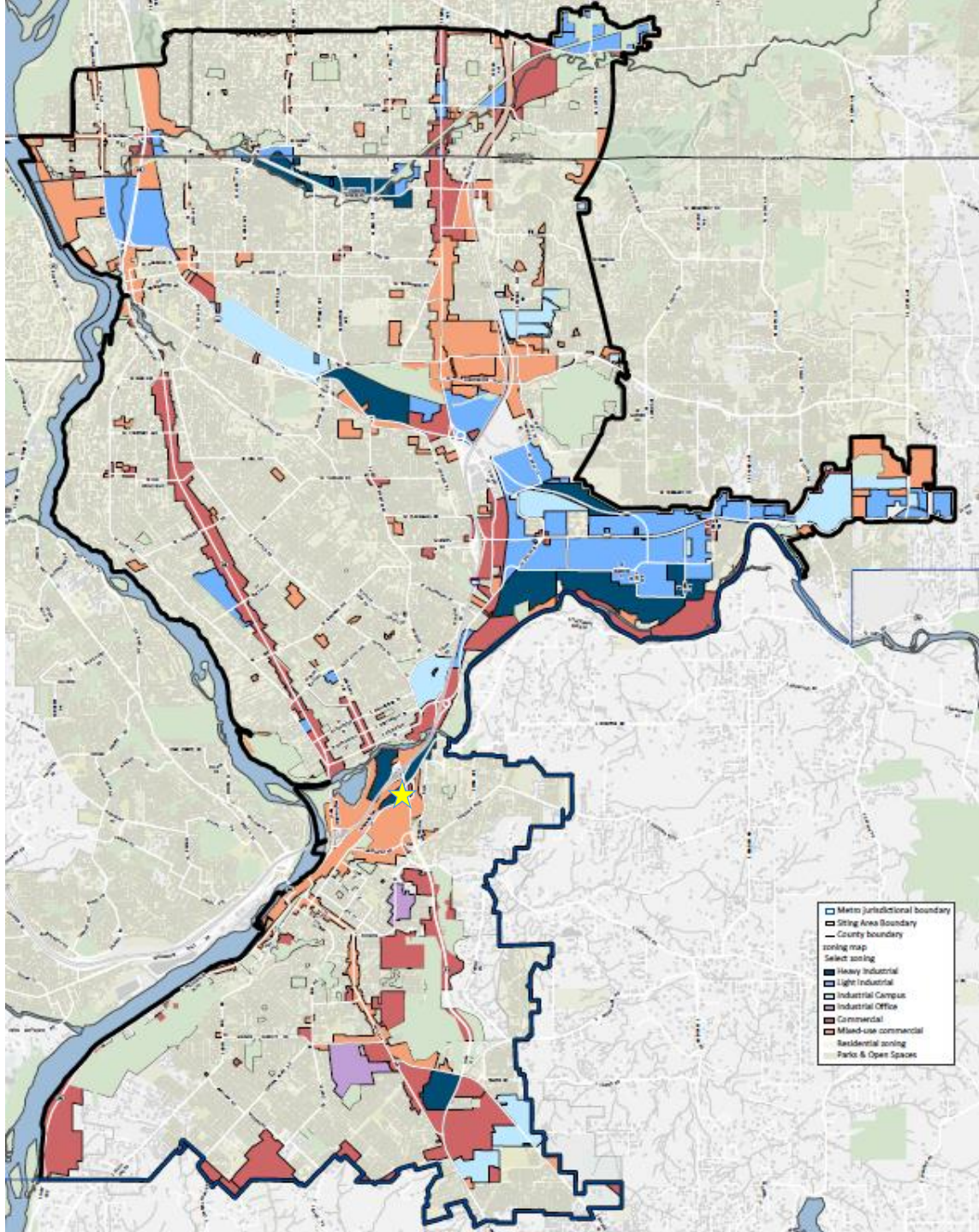
- Build a modern, efficient self-haul, HHW, and recycling facility
- Provide community services, amenities and on-site education



Phase II: Renovate Existing MSTs

- Improve services for commercial haulers
- Enable acceptance and transfer of commercial food waste





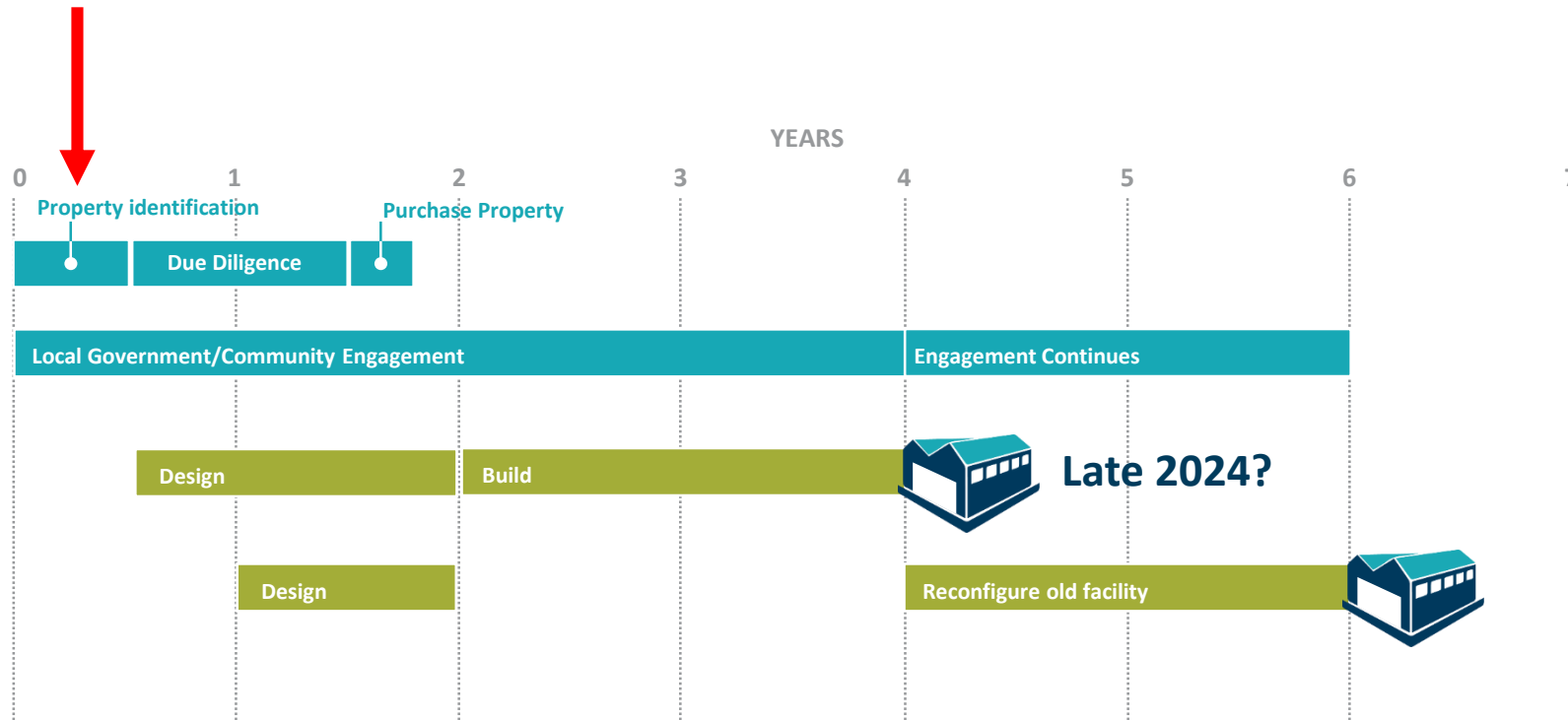
Metro South: *Siting Area*

Based on demand
for services; trip
origination

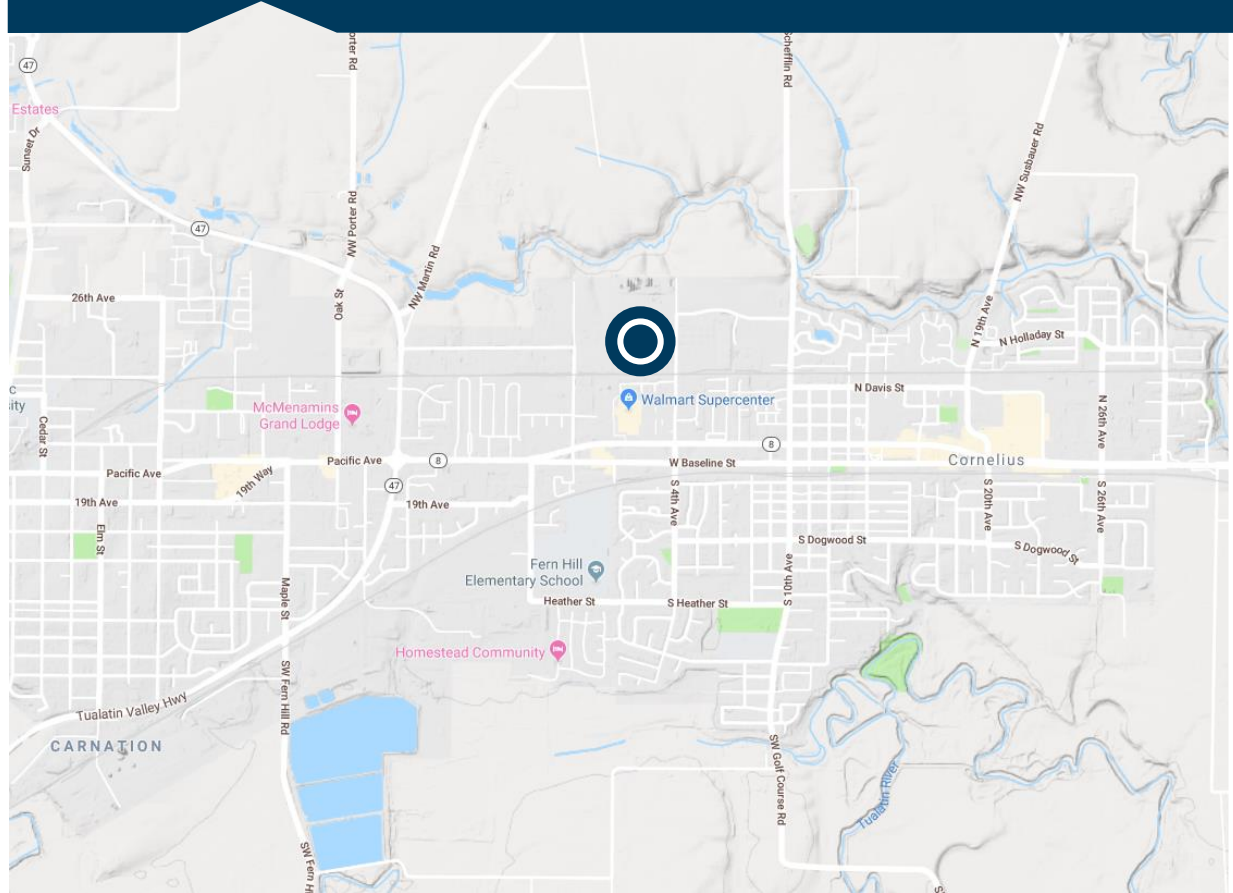
Follows major
transportation
corridors for site
accessibility

Focus on zoning
that allows use:
ND, CM, MUC

New South Metro



Metro West: Cornelius Site

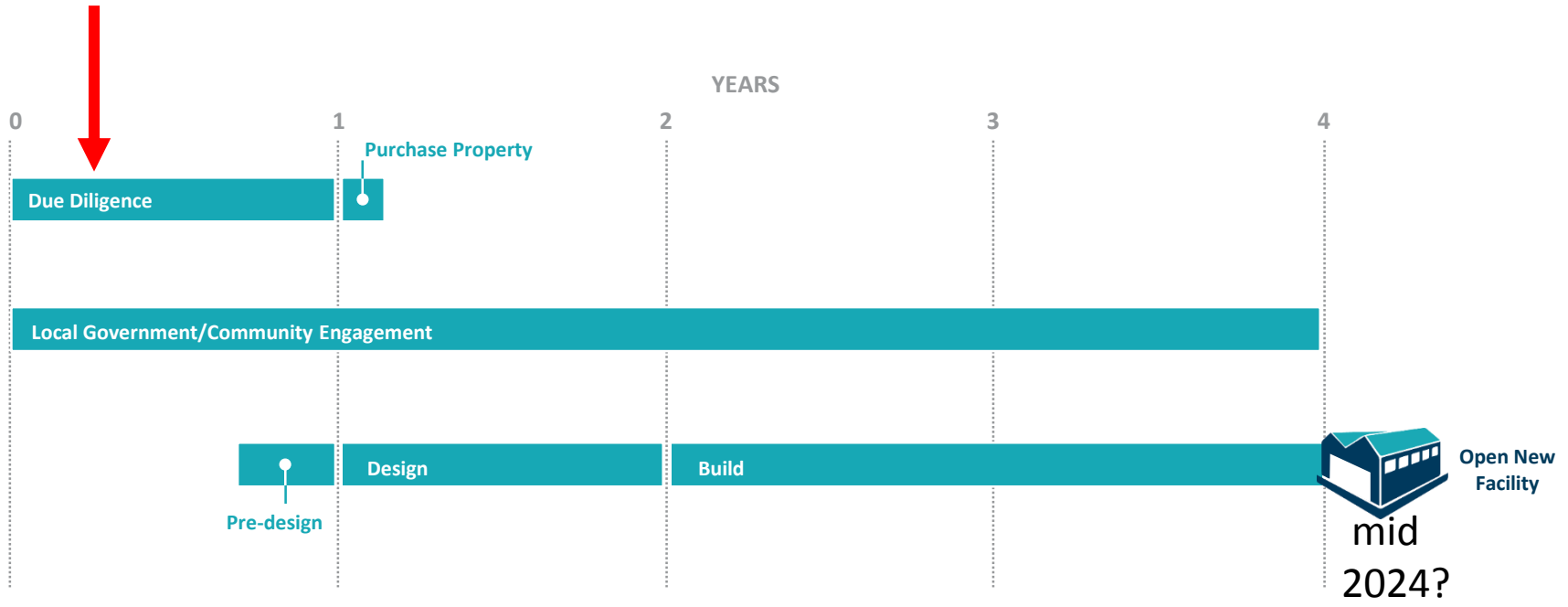


Cornelius Industrial District

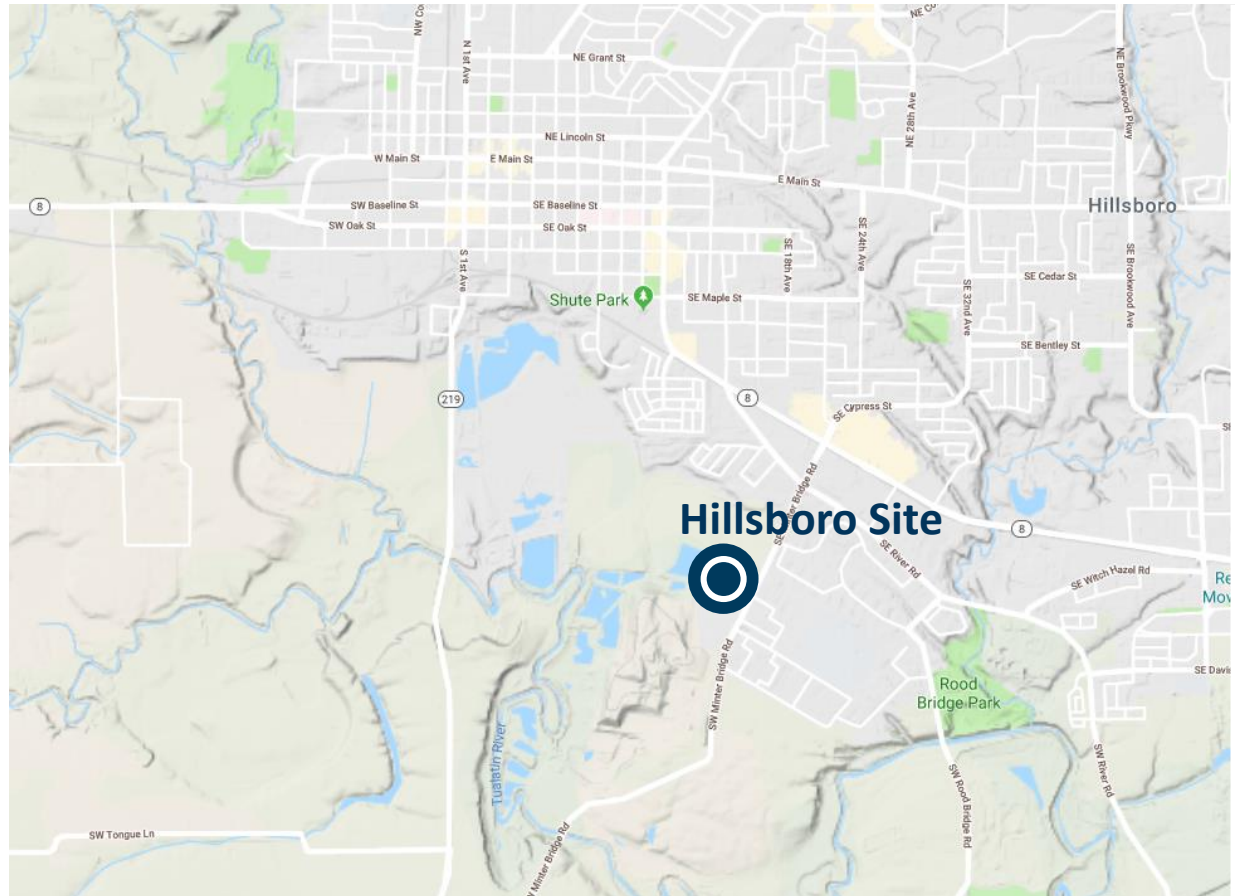


- A. S&H Compost Landscape
- B. Myers Container
- C. Summit Energy
- D. Truss Components
- E. New Season Foods
- F. Crop Production Services (Ag Chem)
- G. Higher Taste Foods

NEW WEST MFCRO COMMERCIALS SITE



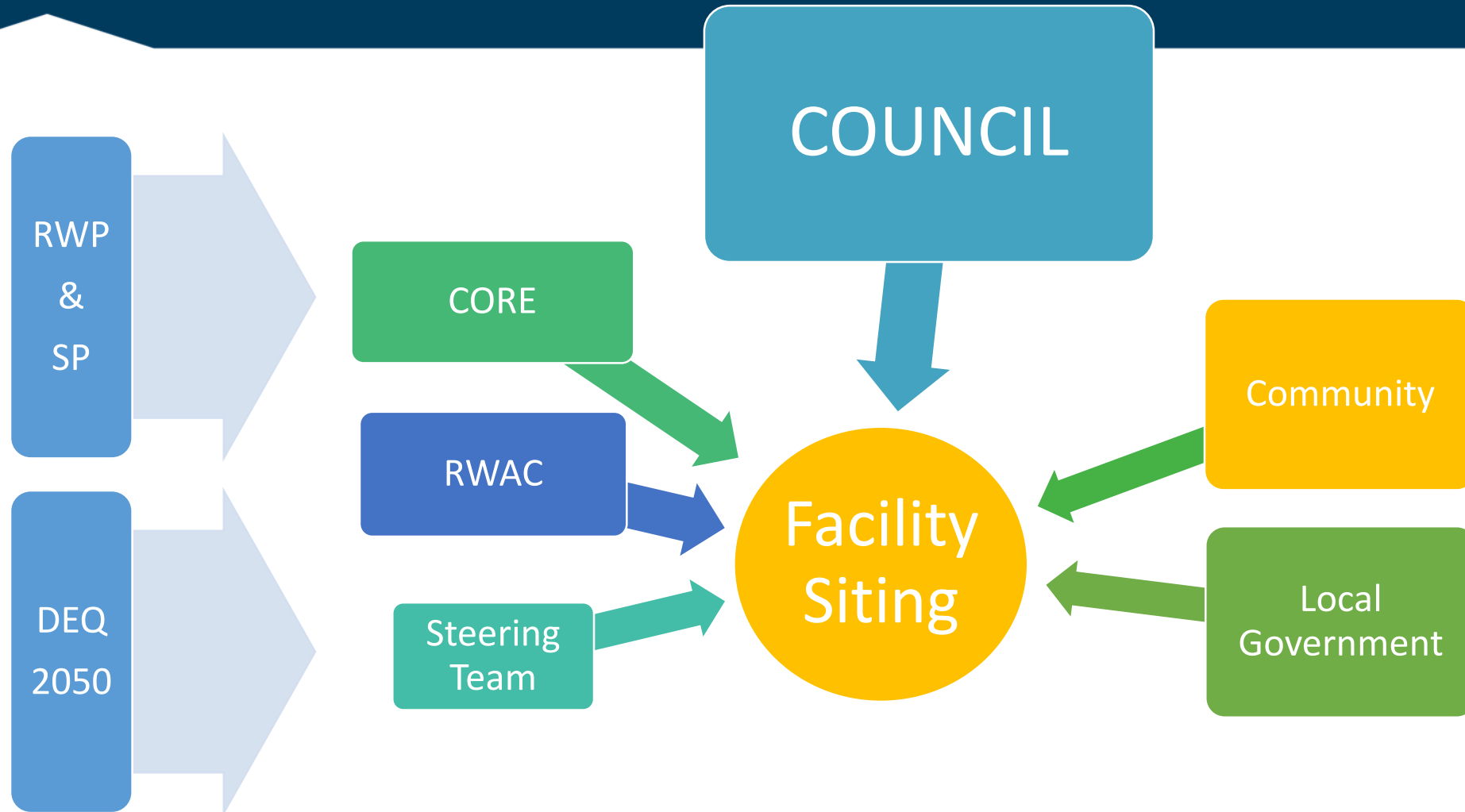
West Metro: Minter Bridge Site



Proposed Equity & Engagement Approach

1. **Engage** community on project goals and siting criteria
2. **Survey** existing customers of current facilities and regional users; organize **focus groups** of potential future users to weigh in on location, services, design
3. **Analyze the impacts (+/-)** of proposed new facilities on identified marginalized communities and seek areas of mutual benefit

Facility Siting – Oversight/Guidance



Thank You!

QUESTIONS?

NEXT STEPS:

- Return to CORE
- Continue Acquisition Process (Secure, Engage, then Decide)
- Continue Conceptual Design & Due Diligence
- Metro Council

Metro South & West Projects: *Context & Differences*

| SOUTH | WEST |
|--|--|
| Current (aging & outdated) station | No current station |
| Build a new self haul station (?) | Build a full service station |
| Property scarce; no property secured yet | Potential property secured |
| Maybe welcoming host community (more work to do) | Welcoming host community |
| More work to be done to identify historically marginalized communities | Historically marginalized community members known, engaged |

Metro South: Base & Functional Criteria

BASE CRITERIA

1. Within I-205 Corridor, south of Foster Rd.
2. IND, CM, MUC Zoning (allowed outright or by conditional use)
3. Site area of at least 7 acres

FUNCTIONAL CRITERIA

- | | |
|--|--|
| 1. Land-use approval obtainable | 10. Site has minimal amount of critical areas |
| 2. Site is easily accessible from I-205 | 11. Site shape square, minimal obstacles |
| 3. Site has sufficient space for queuing, parking | 12. Site is not too close to private SH facility |
| 4. Surrounding land-uses, zoning compatible | 13. Site has the ability for expansion |
| 5. Site located away from sensitive receptors | 14. Site is relatively flat |
| 6. Site is for sale | 15. Site value/cost is reasonable |
| 7. Site access and traffic patterns support project | 16. Site is located near transit |
| 8. Site is proximate to existing MSTs | 17. Site is not protected (historic, cultural) |
| 9. Site is outside floodplain | 18. Water table is conducive to use |

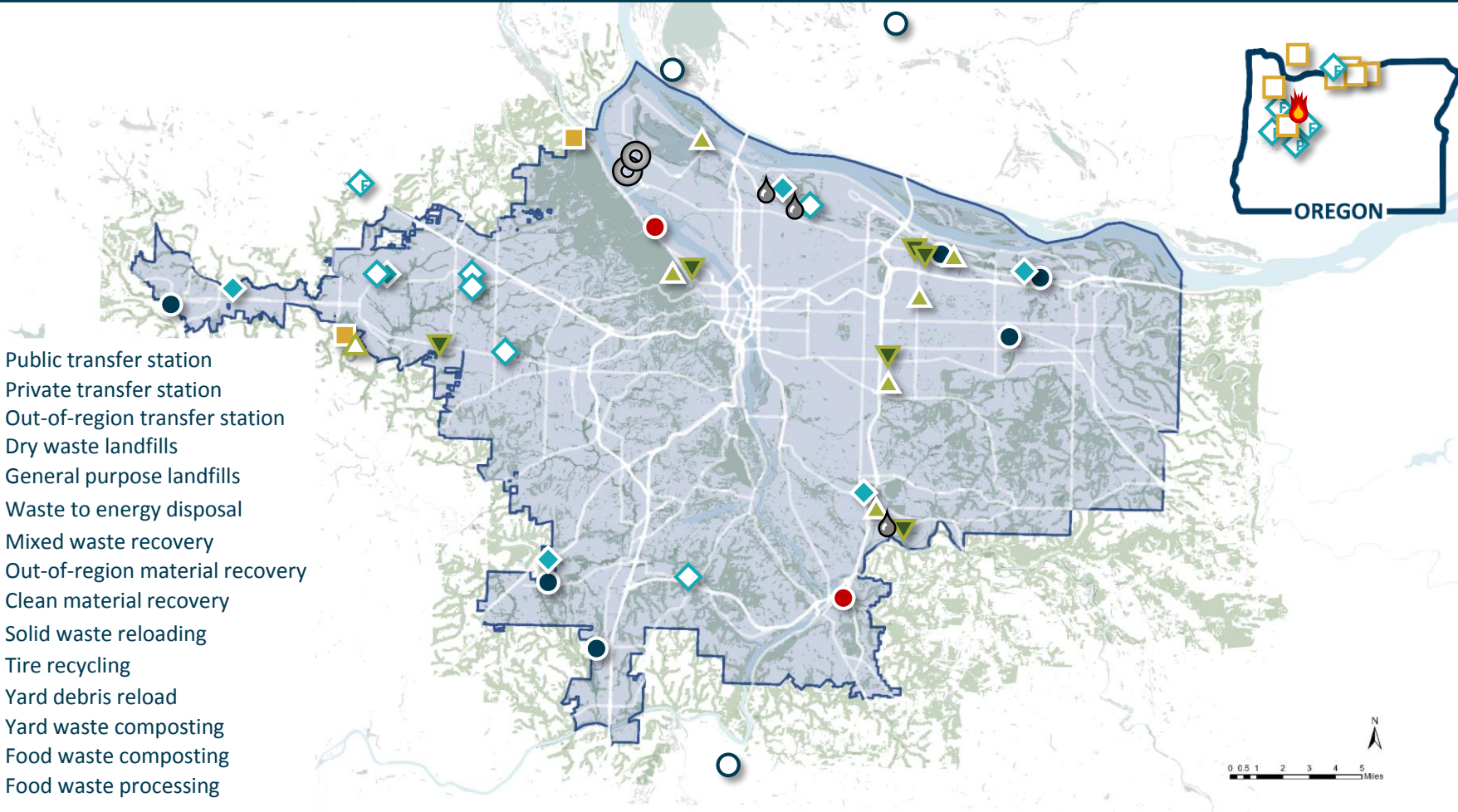
Siting Criteria

“Base Criteria” - minimum requirements for a site to be able to meet the needs of the project (*service area, parcel size, zoning, access*)

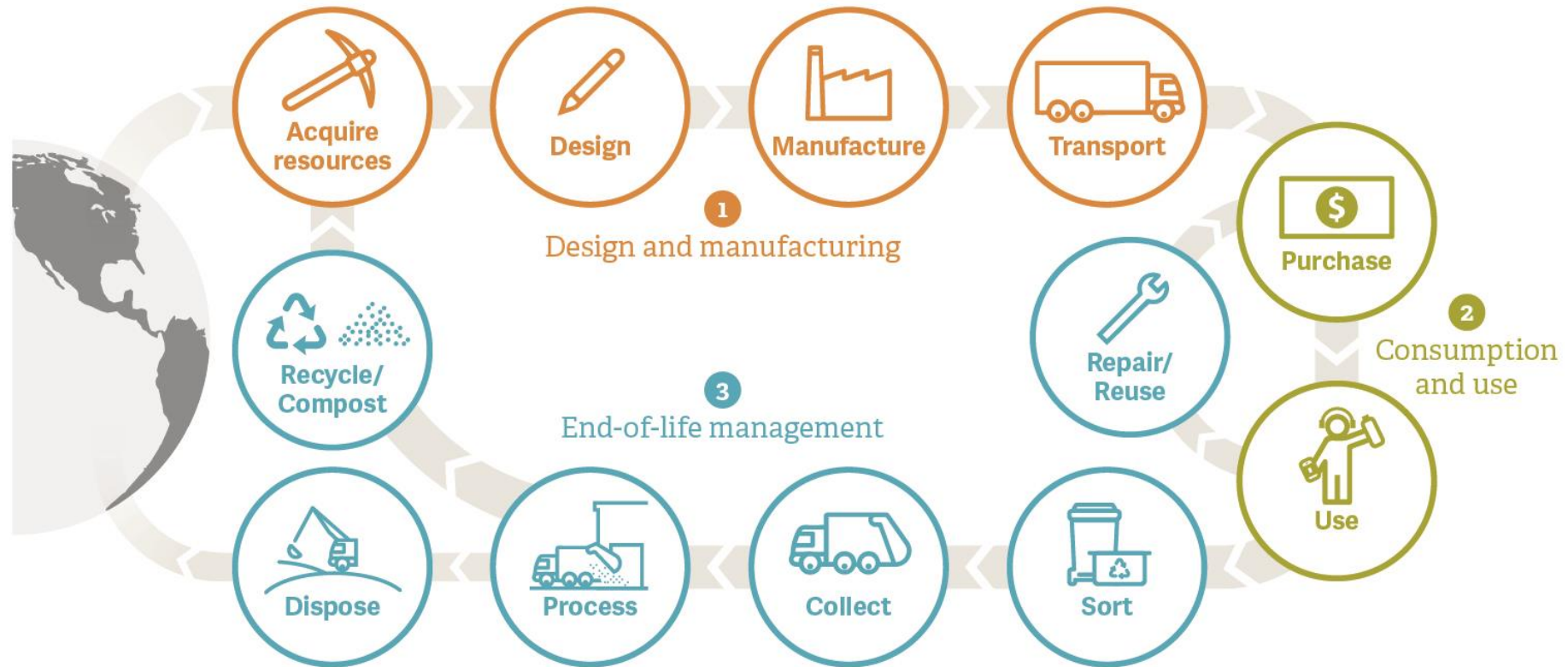
“Functional Criteria” - the technical aspects of a site to be able to purchase, operate, manage the facility (*price, infrastructure, environment, traffic*)

“Community Criteria” – the potential positive/negative impacts (service, social, cultural, environmental) on surrounding community (*proximate land uses, noise, pollution*)

- - Public transfer station
- - Private transfer station
- Out-of-region transfer station
- Dry waste landfills
- General purpose landfills
- 🔥 - Waste to energy disposal
- ▲ - Mixed waste recovery
- ▲ - Out-of-region material recovery
- ▼ - Clean material recovery
- 💧 - Solid waste reloading
- Tire recycling
- Yard debris reload
- ◆ - Yard waste composting
- ◆ - Food waste composting
- ◆ - Food waste processing



Two systems: #1 - Product Life Cycle



Questions?



Next Regional Waste Advisory Committee meeting:

January 9, 2020

