

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF SUSPENDING)	RESOLUTION NO. 24-5396
METRO CODE SUBSECTION)	
5.01.260(c)(2) REGARDING THE)	Introduced by Marissa Madrigal, Chief
QUARTERLY SAMPLING AND)	Operating Officer in concurrence with
REPORTING REQUIREMENT FOR)	Council President Lynn Peterson
PROCESSING RESIDUAL FROM)	
MATERIAL RECOVERY)	

WHEREAS, in 2007 Metro Council adopted the Enhanced Dry Waste Recovery Program (“EDWRP”) via Ordinance No. 07-1147B which implemented requirements in 2009, and

WHEREAS, Metro Council adopted EDWRP as a key component of meeting state-mandated waste reduction goals for the Metro area by recovering additional reusable and recoverable non-putrescible waste generated by the building industry; and

WHEREAS, EDWRP established material recovery requirements that, in part, require non-putrescible waste generated in the Metro region to be delivered to a material recovery facility for processing before disposal; and

WHEREAS, Metro Code Section 5.01.260(c) requires that a Metro solid waste facility licensee or franchisee must process non-putrescible waste to recover wood, metal, and cardboard and to quarterly sample the processing residual to ensure there is no more than 15 percent, by total combined weight, of wood, metal, and cardboard of a certain size in the processing residual; and

WHEREAS, in 2015 Metro Council suspended EDWRP requirements related to wood via Resolution No. 15-4666 due to a disruption in the wood market, thus leaving only metal and cardboard subject to the processing residual requirement since that time; and

WHEREAS, under Resolution No. 20-5096, Metro Council delegated to the Chief Operating Officer authority to suspend the provisions of Metro Code Section 5.01.260 regarding material recovery of non-putrescible waste when necessary to respond to the COVID-19 pandemic, which included suspension of the EDWRP requirement for a facility to quarterly sample and report the composition of its processing residual to Metro; and

WHEREAS, when the sampling and reporting requirements were suspended under Resolution No. 20-5096, licensees and franchisees continued to recover cardboard and metal and those markets are well-established; and

WHEREAS, based on the evaluation of past sampling reports and observations during inspections, it is unnecessary for a facility to take quarterly samples of its processing residual and report the findings to Metro to demonstrate it contains no more than 15 percent, by total combined weight, of metal and carboard; and

WHEREAS, Metro seeks to update and improve material recovery requirements for non-putrescible waste to better accomplish the goals and objectives of the 2030 Regional Waste Plan; now therefore,

BE IT RESOLVED that the Metro Council:

1. Suspends Metro Code Subsection 5.01.260(c)(2) requiring the quarterly sampling and reporting of processing residual.
2. Directs staff to develop recommendations to the Metro Council to update and improve material recovery requirements for non-putrescible waste generated in the Metro area and better achieve waste reduction goals.

ADOPTED by the Metro Council this 21st day of March, 2024.



Lynn Peterson, Council President

Approved as to Form:



Carrie MacLaren, Metro Attorney

IN CONSIDERATION OF RESOLUTION NO. 24-5396 FOR THE PURPOSE OF SUSPENDING METRO CODE SUBSECTION 5.01.260(c)(2) REGARDING THE QUARTERLY SAMPLING AND REPORTING REQUIREMENT FOR PROCESSING RESIDUAL FROM MATERIAL RECOVERY

Date: March 1, 2024
Department: WPES
Meeting Date: March 21, 2024

Prepared by: Sabrina Gogol, Sabrina.Gogol@oregonmetro.gov

ISSUE STATEMENT

In 2007, Metro Council adopted the Enhanced Dry Waste Recovery Program (EDWRP) that established certain sampling and reporting requirements for material recovery facilities that are no longer necessary under current conditions. In addition, EDWRP has been in place for about 17 years and staff recommends that the program be improved and updated to better accomplish the goals and objectives of the 2030 Regional Waste Plan.

Under EDWRP, all non-putrescible waste, colloquially known as “dry waste” or “construction and demolition debris,” must be processed at a material recovery facility before being disposed. As initially adopted, a facility that performs material recovery cannot have more than 15 percent, by total combined weight, of wood, metal, and cardboard of a certain size in its processing residual. In 2015, Metro suspended the wood recovery requirement and the recovery performance standard applies only to metal and cardboard at this time. A facility must demonstrate that it meets the recovery performance standard by completing quarterly sampling of its processing residual and reporting the results to Metro.

Historical evidence, current market conditions, and observations from inspections indicate that the quarterly sampling and reporting requirements for processing residual are no longer necessary because facilities have equipment, procedures, and markets in place to adequately meet the applicable recovery requirements for cardboard and metal. Additionally, the program has been in place for about 17 years and the performance standards have not been modernized to achieve better material recovery.

ACTION REQUESTED

Staff requests that Metro Council adopt Resolution No. 24-5396 to suspend Metro Code Subsection 5.01.260(c)(2) requiring the quarterly sampling and reporting of processing residual at a material recovery facility. This proposed action does not affect the requirement that all non-putrescible waste (dry waste) must be processed prior to disposal and a material recovery facility must still meet the recovery performance standard for

cardboard and metal. Metro will continue to monitor the performance standard through observations during inspections rather than quarterly sampling of processing residual.

The Resolution also directs staff to develop recommendations to the Metro Council to update and improve dry waste recovery in the Metro area and better accomplish the goals and objectives of the 2030 Regional Waste Plan.

IDENTIFIED POLICY OUTCOMES

1. Remove quarterly sampling and reporting requirement for Metro licensees and franchisees.

2. Direct staff to develop recommendations to improve and update waste recovery requirements to advance actions addressing material recovery facilities in the 2030 Regional Waste Plan including:
 - Action 12.7 - Require post-collection material recovery for marketable materials that will advance progress toward achieving this plan's goals and targets.
 - Action 15.1 - Implement regionally consistent contamination reduction efforts to improve material quality, including education, sorting instructions, collection equipment changes, and customer feedback methods.
 - Action 15.7 - Identify and implement changes to recycling collection programs and material recovery facility operations to meet the specifications of a broad range of markets.

POLICY OPTIONS FOR COUNCIL TO CONSIDER

1. Approve Resolution No. 24-5396. This would suspend Metro Code Subsection 5.01.260(c)(2) requiring quarterly sampling and reporting as it relates to the amount of metal and cardboard in processing residual at a material recovery facility. This action would also direct staff to develop recommendations to Metro Council to improve dry waste recovery requirements and better achieve waste reduction goals.

2. Do not approve Resolution No. 24-5396. This would maintain the quarterly sampling and reporting requirements described in Metro Code Subsection 5.01.260(c)(2). All licensees and franchisees that are subject to these requirements would need to perform quarterly sampling of processing residual.

STAFF RECOMMENDATIONS

Staff recommends Metro Council adopt Resolution No. 24-5396.

BACKGROUND

In 2007 Metro Council adopted the Enhanced Dry Waste Recovery Program (“EDWRP”) via Ordinance No. 07-1147B with requirements going into effect in 2009. Metro Council adopted EDWRP as a key component of meeting state-mandated waste reduction goals for the Metro area by recovering additional reusable and recoverable non-putrescible waste generated by the building industry. The main component of EDWRP is that non-putrescible waste generated in the Metro region must be delivered to a material recovery facility for processing before disposal. Metro Code Section 5.01.260(c) requires that a Metro solid waste facility licensee or franchisee must process non-putrescible waste to recover wood, metal, and cardboard and to quarterly sample the processing residual to ensure there is no more than 15 percent, by total combined weight, of wood, metal, and cardboard of a certain size in the processing residual. Additionally, the residual must be sampled quarterly using a statistically valid method developed by Metro to determine the percentage of the three materials left in the processing residual. The quarterly sampling results must be reported to Metro.

Over time, certain EDWRP provisions were suspended to respond to market changes and to support a safe working environment. In 2015, Metro suspended the wood recovery requirement due to the closure of the WestRock Company paper mill located in Newberg, Oregon, which received approximately 80% of the region’s wood waste at that time. In 2020, Metro Council delegated the Chief Operating Officer authority to suspend certain solid waste requirements due to impacts from the COVID-19 pandemic, which included suspending the quarterly sampling and reporting requirements for facilities. While the temporary suspension ended in 2023, Metro has not yet reinstated the quarterly sampling and reporting requirements since that time.

Staff recommend that Metro Council consider suspending the sampling and reporting requirement for processing residual because it is not necessary since facilities are likely to continue recovering enough metal and cardboard to meet the recovery performance standard. There is recent and historical evidence that facilities can achieve the 15 percent recovery performance standard without additional verification, including:

1. When the sampling and reporting requirement for metal and cardboard were suspended to respond to the COVID-19 pandemic, facilities continued to recover metal and cardboard.
2. Removing the sampling and reporting requirement for metal and cardboard is not expected to create an incentive to remove equipment or change recovery operations. Facilities must still perform recovery and there are other incentives for recovering materials from disposal. Since EDWRP was adopted in 2007, 17 years of

facility investment and operational procedures have been in place to maintain facility compliance with the 15% residual threshold for wood, cardboard and metal. Markets for metal and cardboard remain relatively robust.

Metro can build a modern program by drawing on the 17 years of innovation in dry waste recovery since Metro developed and adopted EDWRP in 2007. While EDWRP was successful at ensuring dry waste is processed to retrieve recoverable material prior to disposal, several aspects of EDWRP have limited its success over time, including:

- **Limited materials list.** By focusing on only three materials at first, it did not promote innovation or reward for recovering other materials.
- **No prioritization of end-of-life processes to ensure maximum environmental benefit.** Current EDWRP regulations do not prioritize reuse/salvage over recycling nor recycling over incineration.
- **Policy based on outdated market conditions.** EDWRP is not agile enough to respond to market shifts for the three materials without revising Metro Code. The three materials (wood, metal, cardboard) were identified in 2007 based on historical markets that had already shifted by the time the policy was enacted.

Increasing recovery of dry waste is an important tool to reduce social and environmental harm. The most recent Oregon waste composition report found that the entire stream of construction and demolition debris materials was 20% of all materials collected in Oregon. This material stream is often collected in a drop box or self-tipping truck as a mix of recoverable and unrecoverable materials (e.g. garbage). This material stream can require significant processing to pull out recyclable and salvageable materials. Increased recovery of this material stream also supports progress towards reducing the full amount of greenhouse gas emissions that are possible to be reduced through materials management. The reuse and recycling of dry waste, such as through the smelting of scrap metal or the integration of old asphalt into new roads, results in less greenhouse gas emissions than the production of entirely new materials.