

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF DIRECTING STAFF TO )	RESOLUTION NO. 24-5435
DEVELOP METRO CODE AND )	
ADMINISTRATIVE RULE LANGUAGE TO )	Introduced by Chief Operating Officer
PROHIBIT THE LANDFILL DISPOSAL OF )	Marissa Madrigal in concurrence with
COMMERCIAL FOOD WASTE GENERATED )	Council President Lynn Peterson
WITHIN THE REGION EFFECTIVE JANUARY	
1, 2027	

WHEREAS, Metro regulates solid waste generated within the Metro region pursuant to Metro’s constitutional, statutory, and charter authority and as set forth in the Metro Code; and

WHEREAS, food represents one of the largest single recoverable materials sent to landfills; and

WHEREAS, when sent to landfill, food waste generates methane, which is 25 times more potent a greenhouse gas than carbon dioxide; and

WHEREAS, the 2030 Regional Waste Plan addresses food waste and outlines actions to reduce its environmental impact, which guides Metro and local government work; and

WHEREAS, any solid waste facility that receives commercial food waste from the Metro region must manage the waste in accordance with Metro’s requirements to ensure benefits to the public and to minimize environmental and human health impacts; and

WHEREAS, in 2018 Metro Council directed staff to develop a commercial food waste disposal prohibition for Council consideration no later than December 31, 2019 (Resolution No. 18-4864), and

WHEREAS, later that year, Metro Council established the business food waste requirement to increase the recycling of food waste and to assist the Metro region with achieving its waste reduction goals (Resolution No. 18-1424); and

WHEREAS, in 2020 Metro Council directed staff to develop Metro Code and administrative rule language to prohibit the landfill disposal of commercial food waste generated within the Metro region with an effective date of January 31, 2025 (Resolution No. 20-5067); and

WHEREAS, the arrival of the COVID-19 pandemic significantly impacted food generating businesses throughout the Metro region resulting in delays to implement the business food waste requirement established through Ordinance No. 18-1424; and

WHEREAS, extending the effective date of the landfill disposal prohibition aligns with the delayed implementation of the business food waste requirements caused by COVID-19 and allows time for continued implementation of the requirement and further stakeholder engagement; now therefore,

BE IT RESOLVED that the Metro Council directs staff to:

1. Develop Metro Code and administrative rule language to prohibit the landfill disposal of commercial food waste generated within the Metro region with an effective prohibition date of January 1, 2027.

2. Develop and track the key milestones needed to implement the requirement on January 1, 2027.

ADOPTED by the Metro Council on this 12<sup>th</sup> day of December 2024.

Approved as to Form:



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Lynn Peterson, Council President



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Carrie MacLaren, Metro Attorney

IN CONSIDERATION OF RESOLUTION NO. 24-5435 FOR THE PURPOSE OF DIRECTING STAFF TO DEVELOP METRO CODE AND ADMINISTRATIVE RULE LANGUAGE TO PROHIBIT THE LANDFILL DISPOSAL OF COMMERCIAL FOOD WASTE GENERATED WITHIN THE REGION EFFECTIVE JANUARY 1, 2027

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Date: November 25, 2024

Prepared by: Holly Stirnkorb,  
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Department: Waste Prevention and  
Environmental Services

Meeting Date: December 12, 2024

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**ISSUE STATEMENT**

Metro Council adopted Resolution No. 20-5067, directing staff to develop Metro Code and administrative rule language to prohibit the landfill disposal of commercial food waste within the Metro region with an effective date of January 2025. The arrival of the COVID-19 pandemic significantly impacted food generating businesses throughout the Metro region resulting in delays to implement the business food waste requirement established through Ordinance No. 18-1424. Extending the effective date of the landfill disposal prohibition to January 1, 2027, allows time for continued business food waste requirement implementation and stakeholder engagement and regional collaboration to develop the prohibition.

**ACTION REQUESTED**

Approve Resolution No. 24-5435 which will direct staff to: 1) develop Metro Code and administrative rule language to prohibit the landfill disposal of commercial food waste generated within the Metro region with an effective prohibition date of January 1, 2027, and 2) develop and track the key milestones needed to implement the requirement on January 1, 2027.

**IDENTIFIED POLICY OUTCOMES**

Extending the effective date of the landfill disposal prohibition aligns with the delayed implementation of the business food waste requirement caused by COVID-19 and allows time for continued implementation of the requirement and further stakeholder engagement.

**POLICY QUESTION**

Does Council support extending the implementation date of the landfill disposal prohibition for commercial food waste to January 2027?

**POLICY OPTIONS FOR COUNCIL TO CONSIDER**

1. Direct staff to develop a landfill disposal prohibition effective on January 1, 2025, as adopted under Resolution No. 20-5067.
2. Direct staff to extend the timeline and develop a landfill disposal prohibition with an effective date of January 1, 2027.

**STAFF RECOMMENDATION**

Staff recommends that Metro Council extend the effective date of the proposed landfill disposal prohibition for commercial food waste to January 1, 2027.

**KNOWN OPPOSITION / SUPPORT / COMMUNITY FEEDBACK**

There is no known opposition to extending the effective date of the landfill prohibition.

### **LEGAL ANTECEDENTS**

The Oregon Constitution, Metro Charter, Oregon Revised Statutes Chapters 268 and 459, and Metro Code Title V.

### **FINANCIAL IMPLICATIONS**

There are no financial implications resulting from extending the effective date of the landfill prohibition.

### **BACKGROUND**

Food is one of the largest components of the region's waste stream. Food sent to the landfill decays and creates methane, a potent greenhouse gas. Businesses such as restaurants and grocery stores are responsible for more than half that amount. In 2016, the Metro Council found that the following key actions were needed to achieve a stable and effective regional food waste recovery system:

1. Require certain businesses to separate their food scraps for recovery and eventually prohibit the landfill disposal of food from businesses.
2. Determine how to efficiently transfer and deliver food scraps for processing.
3. Secure local and stable processing capacity.

Implementation of these initiatives is ongoing; however, progress has been delayed by the COVID-19 pandemic. Despite these delays, over 54,456 tons of food scraps have been recovered since the business food waste requirement went into effect in 2022. As a component of the business food waste requirement, Council adopted a disposal prohibition to become effective in 2025 to support recovery efforts.

The goal of prohibiting the disposal of commercial food waste in a landfill is to protect human health and the environment and to reinforce the food waste separation requirements. This is much like existing similar prohibitions for hazardous and electronic waste. In addition, a disposal prohibition provides a firm backstop to the business food waste requirement that local governments can incorporate into their efforts to assist businesses with implementation and compliance.