

**BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT**

FOR THE PURPOSE OF AMENDING) ORDINANCE NO. 90-372
METRO CODE CHAPTER 5.02,)
ESTABLISHING TONNAGE BASED) Introduced by Rena Cusma,
SOLID WASTE DISPOSAL RATES) Executive Officer
METRO FACILITIES)

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

CHAPTER 5.02

DISPOSAL CHARGES AND USER FEES

SECTIONS

5.02.010	Purpose
5.02.015	Definitions
5.02.020	Disposal Charges at St. Johns Landfill
5.02.025	Disposal Charges at Metro South Station
5.02.030	Waiver of Disposal Charges at St. Johns Landfill
5.02.035	Litter Control at St. Johns Landfill and the Metro South Station
5.02.040	Excess Weight Charge at St. Johns Landfill
5.02.045	User Fees
5.02.050	Regional Transfer Charge
5.02.060	Payment of Disposal Charges and Surcharges; Credit Policy
5.02.065	Special Waste Surcharge and Special Waste Permit Application Fees
5.02.070	Source Separated Yard Debris Disposal Charge
5.02.075	Certification Non-Compliance Fee
5.02.080	Post-Collection Recycling Incentive
5.02.085	Out-of-District Waste

Section 1 - Metro Code Section 5.02.015, Definitions, is amended as follows:

5.02.015 Definitions: As used in this chapter, unless the context requires otherwise:

(a) "Cash Account Customer" means those Persons who pay cash for disposal of Solid waste at Metro South Station, Metro East Station, or the Metro/Riedel Compost Facility.

(b) "Credit Account Customer" means those Persons who pay for disposal of Solid Waste through a charge account at Metro South Station, Metro East Station, or the Metro/Riedel Compost Facility.

(c) "Metro South Station" is that solid waste transfer station owned and operated by Metro and located at 16101 S.E. 82nd Drive, Oregon City, Oregon, 97045.

(d) "Metro East Station" is that Metro solid waste transfer and recycling station located at 6161 N.W. 61st Avenue, Portland, Oregon, 97201.

(e) "Metro/Riedel Compost Facility" is that solid waste mass compost facility located at 5437 N.E. Columbia Boulevard, Portland, Oregon, 97232

(f) "Mixed Paper" means uncontaminated, recyclable paper exclusive of newspaper and cardboard.

(g) "Person" means any individual, partnership, association, corporation, trust, firm, estate, joint venture or any other private entity or any public agency.

(h) "St. Johns Landfill" is that landfill owned by the City of Portland, Oregon, operated by Metro and located at 9363 N. Columbia Boulevard, Portland, Oregon 97203.

(i) "Solid Waste" means all putrescible and nonputrescible wastes, including without limitation, garbage, rubbish, refuse, ashes, paper and cardboard; vehicles or parts thereof; sewage sludge, septic tank and cesspool pumpings or other sludge; commercial, industrial, demolition and construction waste; home and industrial appliances; and all other waste material permitted by ordinance to be disposed of at the St. Johns Landfill.

(j) "Source Separated Yard Debris" means twigs, branches, grass clippings, leaves, and tree limbs in a form appropriate for mechanical processing for reuse or sale. Source separated yard debris does not include yard or construction debris that is not appropriate for mechanical processing for reuse or sale or that has unacceptable types or amounts of contaminants mixed with it. The operator or person in charge of accepting this waste shall make the final determination of what is source separated yard debris based on the capability of available machinery to process it. The Director of Solid Waste may establish guidelines for determining what is source separated yard debris within the meaning of this chapter.

(k) "Special Waste" means:

- 1) Solid waste which is any unusual component of municipal solid waste;
- 2) Solid waste which could potentially contain substantial quantities of waste defined as hazardous waste by the Oregon Department of Environmental Quality or the U.S. Environmental Protection Agency; or
- 3) Solid waste which requires extraordinary management.

Examples of special wastes are: Chemicals, liquids, sludge and dust from commercial and industrial operations; municipal waste water treatment plant grits, screenings and sludge; tannery wastes, empty pesticide containers, dead animals or by-products; and wastes containing asbestos.

(l) "Tier One User Fee" means that fee collected through the regional waste disposal system which consists of fixed expenses associated with the administration and planning of programs from which the entire region benefits. This fee is collected at all regional facilities which includes facilities owned and operated by Metro.

(m) "Tier Two User Fee" means that fee collected at St. Johns Landfill, Metro South Station, Metro East Station, and Metro/Riedel Compost Facility which consists of fixed expenses particular to those facilities.

(Ordinance No. 82-146, Sec. 2; amended by Ordinance No. 86-210, Sec. 1; Ordinance No. 88-257, Sec. 2; Ordinance No. 88-278, Sec. 1; Ordinance No. 89-269, Sec. 2; Ordinance No. 89-295, Sec. 1; and Ordinance No. 90-337, Sec. 2)

5.02.020 Disposal Charges at St. Johns Landfill:

(a) A commercial base disposal fee of \$26.00 per ton of solid waste delivered is established for disposal at the St. Johns Landfill. Said rate shall be in addition to other fees, charges and surcharges established pursuant to this chapter.

(b) Notwithstanding the provisions of 5.02.020(a), the base disposal rate for Self-Haul trips of two and one-half cubic yards or less of garbage shall be \$3.50 per cubic yard if the disposer has separated and included in his/her load at least one-half cubic yard of recyclables (except Source Separated Yard

Debris). This rate shall be in addition to other fees and charges established pursuant to this chapter.

(c) The following table summarizes the disposal charges to be collected by the Metropolitan Service District from all persons disposing of solid waste at the St. Johns Landfill. The minimum charge for commercial vehicles shall be \$15.00.

(Ordinance No. 82-146; amended by Ordinance No. 83-163, Sec. 1; Ordinance No. 85-191, Sec. 2; Ordinance No. 86-214, Sec. 2; Ordinance No. 88-257, Sec. 3; Ordinance No. 88-278, Sec. 2; Ordinance No. 89-295, Sec. 2; and Ordinance No. 90-337, Sec. 3)

ST. JOHNS LANDFILL

Vehicle Category	Fee Component	Tonnage Rate \$/Ton
<u>Commercial</u>		
	Disposal Fee	\$26.00
	Regional Tier One User Fee	7.00
	Metro Tier Two User Fee	<u>14.00</u>
	Total Rate	\$47.00*

Vehicle Category	Fee Component	Trip Rate
<u>Residential Self-Haul</u>		
	Flat Fee	\$15.00

Tires	Type of Tire	Per Unit
	Car tires off rim	\$.85
	Car tires on rim	2.30
	Truck tires off rim	2.30
	Truck tires on rim	7.00
	Any tire 21 inches or larger diameter off or on rim	12.00

* Total Rate does not include state imposed fees which are currently for commercial, \$.50 DEQ Promotion Program Fee and \$.50 DEQ Orphan Site Program Fee and enhancement fees established pursuant to Metro Code or State law.

Section 2 - Metro Code Section 5.02.025, Disposal Charges at Metro South Station, is amended as follows:

5.02.025 Disposal Charges at the Metro South Station, Metro East Station and the Metro/Riedel Compost Facility.

(a) A base disposal rate of \$26.00 per ton of solid waste delivered is established for disposal at the Metro South Station, Metro East Station and the Metro/Riedel Compost Facility.

(b) An enhancement fee of \$.50 per ton is established to be charged at the Metro South Station, Metro East Station and the Metro/Riedel Compost Facility.

(c) Notwithstanding the provisions of Sections 5.02.025 (a) and (b), Persons other than Credit Account Customers who have separated and included in their loads at least one-half cubic yard of recyclables shall receive a \$3.00 credit toward their disposal charge if their load is transported inside a passenger car or in a pickup truck of up to a 3/4 ton capacity.

(d) The disposal fee and enhancement fee established by this section shall be in addition to other fees, charges and surcharges established pursuant to this chapter.

(e) The following table summarizes the disposal charges to be collected by the Metropolitan Service District from all persons disposing of solid waste at the Metro South Station, Metro East Station and the Metro/Riedel Compost Facility. The minimum charge for all vehicles shall be \$15.00.

(Ordinance No. 82-146; amended by Ordinance No. 83-163, Sec. 2; Ordinance No. 85-191, Sec. 3; Ordinance No. 86-214, Sec. 3; Ordinance No. 88-257, Sec. 4; Ordinance No. 88-278, Sec. 3; Ordinance No. 89-269, Sec. 2; Ordinance No. 89-295, Sec. 3.; and Ordinance No. 90-337, Sec. 4)

METRO SOUTH STATION
 METRO EAST STATION
 METRO/RIEDEL COMPOST FACILITY

Vehicle Category	Fee Component	Tonnage Rate \$/Ton
	Disposal Fee	\$ 26.00
	Regional Tier One User Fee	7.00
	Metro Tier Two User Fee	14.00
	Regional Transfer Charge	7.00
	Total Rate	\$ 54.00*
Minimum Charge per Vehicle		\$ 15.00

Tires	Type of Tire	Per Unit
	Car tires off rim	\$.85
	Car tires on rim	2.30
	Truck tires off rim	2.30
	Truck tires on rim	7.00
	Any tire 21 inches or larger diameter, off or on rim	12.00

* Total Rate does not include state imposed fees which are currently , \$.50 DEQ Promotion Program Fee and \$.50 DEQ Orphan Site Program Fee and enhancement fees established pursuant to Section 5.02.025 (b).

5.02.030 Waiver of Disposal Charges at St. Johns Landfill: A waiver of disposal charges may be made by the operator of the St. Johns Landfill for disposal of inert material including but not limited to earth, sand, stone, crushed concrete and broken asphaltic concrete and wood chips, if, at the discretion of the operator of the landfill, such material is needed at the landfill for cover, road base or other internal use.

(Ordinance No. 82-146, Sec. 5)

5.02.035 Litter Control: All vehicles entering Metro operated solid waste disposal facilities, transfer stations, recycling centers, or compost facilities with loads that are not covered with a secure tarp or solid tight fitting cover that prohibits material from being blown from the vehicle while in motion shall be charged double the total disposal charge which would otherwise be charged.

(Ordinance No. 82-146, Sec. 6; amended by Ordinance No. 89-269, Sec. 2; and Ordinance No. 90-337, Sec. 5)

5.02.040 Excess Weight Charge at St. Johns Landfill: All vehicles entering the St. Johns Landfill with gross weights in excess of the Incinerator Road Bridge weight limits established by the City of Portland shall be charged double the normal disposal rate per ton for the amount of weight in excess of the bridge weight limit. Said weight limit shall be posted at the gatehouse of the landfill.

(Ordinance No. 82-146, Sec. 7)

Section 3 - Metro Code Section 5.02.045, User Fee, is amended as follows:

5.02.045 User Fees: The following user fees are established and shall be collected and paid to Metro by the operators of solid waste disposal facilities, whether within or without the boundaries of Metro, for the disposal of solid waste generated, originating, collected or disposed within Metro boundaries in accordance with Metro Code Section 5.01.150:

(a) Tier One User Fee

(1) For noncompacted solid waste, \$7.00 per ton delivered.

(2) For compacted solid waste, \$7.00 per ton delivered.

(b) Tier Two User Fee: \$14.00 per ton for all solid waste delivered.

(c) Inert material, including but not limited to earth, sand, stone, brushed stone, crushed concrete, broken asphaltic concrete and wood chips, used at a landfill for cover, diking, road base or other internal use and for which disposal charges have been waived pursuant to Section 5.02.030 of this chapter shall be exempt from the above user fees.

(d) User fees shall not apply to wastes received at franchised processing centers that accomplish materials recovery and recycling as a primary operation.

(Ordinance No. 82-146, Sec. 8; amended Ordinance No. 85-191, Sec. 4; Ordinance No. 86-214, Sec. 4; Ordinance No. 88-257, Sec. 6; Ordinance No. 88-278, Sec. 4; Ordinance No. 89-269, Sec. 2; and Ordinance No. 90-337, Sec. 6; Ordinance No. 90-351, Sec. 1)

Section 4 - Metro Code Section 5.02.050, Regional Transfer Charge, is amended as follows:

5.02.050 Regional Transfer Charge:

(a) There is hereby established a regional transfer charge which shall be a charge to the users of Metro South Station, Metro East Station and Metro/Riedel Compost Facility. Such charge shall be collected and paid in the form of an add-on in addition to user fees established by Section 5.02.045 of this chapter.

(b) The following regional transfer charges shall be collected and paid to Metro by the users of Metro South Station, Metro East Station and the Metro/Riedel Compost Facility for the disposal of solid waste generated, originating, collected or disposed within Metro boundaries:

For all solid waste \$7.00 per ton delivered.

(c) Regional transfer charges shall not apply to wastes received at franchised processing centers that accomplish materials recovery and recycling as a primary operation.

(Ordinance No. 82-146; amended by Ordinance No. 83-163, Sec. 3; Ordinance No. 85-191, Sec. 5; Ordinance No. 86-212, Sec. 1; Ordinance No. 86-214, Sec. 5; Ordinance No. 88-257, Sec. 8; Ordinance No. 88-278, Sec. 5; Ordinance No. 89-269, Sec. 2; and Ordinance No. 90-337, Sec. 7)

5.02.060 Payment of Disposal Charges and Surcharges; Credit Policy:

(a) Disposal charges and out-of-state surcharges established pursuant to Sections 5.02.020, 5.02.025 and 5.02.055 of this chapter may be paid in cash or check at the time of disposal, or may be paid pursuant to the credit policy established in this section.

(b) For purposes of this section, the following definitions shall apply:

(1) Account charges are "due" on or before the last day of the month billed and are "past due" thereafter.

(2) Account charges are "30 days past due" on the first day of the month following billing.

(3) Account charges are "45 days past due" on the fifteenth day of the month following billing.

(4) Account charges are "60 days past due" on the first day of the second month following billing.

(c) Persons wishing to dispose of solid waste at Metro disposal facilities on a credit basis shall be required to first submit and have approved an application for credit on a form provided by Metro. That application shall include such provisions as the Metro Executive Officer deems necessary to secure prompt payment. Approval shall be consistent with prudent credit practices.

(d) A finance charge of one and one-half (1-1/2) percent per month (18 percent per annum), computed from the date an account becomes thirty (30) days past due, will be assessed on all accounts which become sixty (60) days past due and will be added to the oldest months charges past due. Finance charges will continue to be assessed on negotiated repayment schedules.

(e) Accounts 45 days past due may be placed on a "cash only" basis until the account is paid in full or brought to within 30 days past due. If an account is allowed to become 60 days past due, permission to dispose of waste at the facility may be denied until the account and finance charges are paid in full.

(f) If, pursuant to subsection (e) of this section, an account is placed on a "cash only" basis more than once during any consecutive 12-month period, or if service is denied because the account is allowed to become 60 days past due, the account may be required to submit a new application for credit. Such new

application must be accompanied by a satisfactory payment guarantee bond, or other payment guarantee acceptable to the Executive Officer, which is:

- (1) Effective for one year; and
- (2) Collectable if the account again becomes 60 days overdue during the period of the bond; and
- (3) In an amount equal to 150 percent of the amount due when credit was last suspended or service was denied, whichever is greater.

(g) If a credit customer sells, terminates or makes substantial changes in the scope of their business after their application for credit was approved, they must notify Metro of this sale, termination or substantial change immediately. Credit may be discontinued until and unless an application containing the new information is approved.

(h) Adjustment of accounts receivable and reversing of finance charges will follow prudent credit practices; adjustments over \$500 will be reported to the Council in writing on a monthly basis, and adjustments over \$10,000 will require Council approval.

(i) The Executive Officer may end pursuit of accounts receivable, consistent with prudent credit practices, when the likelihood of collecting does not justify further collection costs. Such actions will be reported to the Council in writing on a monthly basis when the amount exceeds \$500, and amounts over \$10,000 will require Council approval.

(Ordinance No. 82-146, Sec. 11; and Ordinance No. 90-350)

5.02.065 Special Waste Surcharge and Special Waste Permit Application Fees:

(a) There are hereby established a Special Waste Surcharge and a Special Waste Permit Application Fee which shall be collected on all special wastes disposed at the St. Johns Landfill and on all Special Waste Permit Applications. Said Surcharge and fee shall be in addition to any other charge or fee established by this chapter. The purpose of the surcharge and permit application fee is to require disposers of special waste, including asbestos, to pay the cost of those services which are provided at the St. Johns Landfill and by the Metro Solid Waste Department to manage special wastes. The said surcharge and fee shall be applied to all special wastes as defined in Metro Code Section 5.02.015.

(b) The amount of the Special Waste Surcharge collected at the St. Johns Landfill shall be \$4.00 per ton of special waste (excluding asbestos) delivered. The amount collected at the St. Johns Landfill for asbestos shall be \$100.00 per ton delivered.

(c) The minimum charge collected through all fees for each special waste (excluding asbestos) disposal trip shall be \$15.00. The minimum charge for each asbestos trip shall be \$100.00.

(d) The amount of the Special Waste Permit Application Fee shall be \$25.00. This fee shall be collected at the time Special Waste Permit Applications are received for processing.

(e) Lab or testing costs which are incurred by Metro for evaluation of a particular waste may be charged to the disposer of that waste.

(f) The fees listed in this section shall not be collected from any person who obtains a special waste permit to dispose of waste containing asbestos or other special waste which is removed from a dwelling or apartment building of three or fewer units owned or rented by that person and not disposed of by a commercial hauler or asbestos remover. The purpose of this exemption is to encourage such persons to separate Special Waste from the residential waste stream so that it is disposed of properly.

(Ordinance No. 85-191, Sec. 6; amended by Ordinance No. 86-214, Sec. 6; Ordinance No. 88-257, Sec. 9; and Ordinance No. 90-337, Sec. 8)

Section 5 - Metro Code Section 5.02.070, Source Separated Yard Debris Disposal Charge, is amended as follows:

5.02.070 Source Separated Yard Debris Disposal Charge:

(a) There is hereby established a reduced disposal fee for Source Separated Yard Debris which shall be collected on all source separated yard debris disposed at the St. Johns Landfill, Metro South Station or Metro East Station. Said disposal charge is in lieu of other Base Disposal charges, User Fees, Regional Transfer Charges, Rehabilitation and Enhancement Fees, and Certification Non-Compliance Fees which may be required by Sections 5.02.020, 5.02.025, 5.02.041, 5.02.045, 5.02.046, 5.02.050 and 5.02.075 of this chapter. These other fees shall not be collected on waste which is accepted as Source Separated Yard Debris, under the definition of 5.02.015(d). The purpose of the Source Separated Yard Debris Charge is to encourage greater source separation of yard debris so that material is diverted

from land disposal at St. Johns Landfill or the Columbia Ridge Landfill and is made available for reuse.

(b) The amount of the Source Separated Yard Debris charge to be collected at the St. Johns Landfill, Metro South Station and Metro East Station shall be \$25.00 per ton for Source Separated Yard Debris delivered by Credit Account Customers; and \$10.00 per trip for Source Separated Yard Debris delivered by Persons other than Credit Account Customers.

(c) The minimum charge for Credit Account Customers delivering Source Separated Yard Debris shall be \$25.00. The minimum charge for the delivery of a single Christmas tree as Source Separated Yard Debris shall be \$.50.

(Ordinance No. 86-210, Sec. 2; amended by Ordinance No. 86-211, Sec. 1; Ordinance No. 86-214, Sec. 7; Ordinance No. 88-257, Sec. 10; Ordinance No. 88-278, Sec. 6; Ordinance No. 89-295, Sec. 4.; and Ordinance No. 90-337, Sec. 9)

Section 6 - Metro Code Section 5.02.015, Certification Non-Compliance Fee, is amended as follows:

5.02.075 Certification Non-Compliance Fee: There is hereby established a Certification Non-Compliance Fee. The purpose of this fee is to pay for the cost of implementing remedial programs to bring non-certified areas or jurisdictions in compliance with current certification standards, and to support other programs which are directed at accomplishing the recycling goals of the certification program. This fee shall be collected on all waste generated in non-certified areas and delivered to Metro facilities by specifically identified disposers and shall be in addition to other fees collected. The Certification Non-Compliance Fee shall be set by the Metropolitan Service District Council when the following conditions have been met:

(a) The Metro Council has adopted a Waste Reduction Certification Program which provides criteria and a process for designating local areas or jurisdictions and/or waste disposers as either certified or non-certified for the purpose of collecting this fee; and

(b) The Metro Council has made the determination that a local jurisdiction is not in compliance and that implementation of the fee is needed to achieve the purposes stated above.

(Ordinance No. 86-214, Sec. 8)

5.02.080 Post-Collection Recycling Incentive: The Executive Officer shall enter into agreements with franchised processing centers that accomplish materials recovery and recycling as a primary operation, to pay two dollars per ton of Mixed Paper disposed in mixed loads of 50 percent to 79 percent Mixed Paper.

(Ordinance No. 88-257, Sec. 11)

5.02.085 Out-of-District Waste:

(a) Solid Waste generated outside of the District shall not be accepted at the St. Johns Landfill, Metro South Station, Metro East Station or Metro-Riedel Compost Facility for disposal unless a special permit to do so is issued by the Metro Executive Officer. Any permit issued shall specify the circumstances justifying such exception. Any permit issued shall be subject to:

(1) Available landfill or facility capacity considering the capacity needs for disposal of Solid Waste generated within the District;

(2) No adverse impact upon District rate payers;

(3) Any Solid Waste authorized to be disposed under this ordinance shall be subject to the same standards and conditions pertaining to "Acceptable Waste" deliveries to the above named facilities; and

(4) Any additional conditions as specified by the Executive Officer which may be necessary for the safe, efficient or cost effective operation of Metro facilities.

(b) Any special permit issued under Paragraph 1 shall expire in a period of time not to exceed 12 months from date of issuance unless a longer period of time is authorized by the Metro Council. Any renewals or extensions of a permit resulting in a cumulative permit period exceeding 12 months shall require the approval of the Metro Council.

(c) Any special permit issued by the Executive Officer may be revoked upon thirty (30) days notice to the permit holder.

(d) Any permit for a monthly tonnage in excess of one thousand tons (1,000) per month must be referred to Council prior to the approval.

Section 7 - Effective Date

The effective date of the ordinance amendments contained herein shall be January 12, 1991. This effective date is made pursuant to a declaration of emergency in conformity with the requirements of ORS 268.515 (7) requiring user or service charges not to become effective until 65 working days after passage of the ordinance "Except in emergency ...". The need for an earlier effective date than March 6 is to assure that the new Metro East Station upon first operation will not be required to initiate a flat fee rate structure for public haulers for a short period of time and then convert to a total weight based system as provided in this ordinance.

ADOPTED by the Council of the Metropolitan Service District this 25th day of October, 1990.


Tanya Collier, Presiding Officer

ATTEST:


Clerk of the Council

I certify that this ordinance was not vetoed by the Executive Officer.


Clerk of the Council

**BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT**

FOR THE PURPOSE OF AMENDING) ORDINANCE NO. 90-372
METRO CODE CHAPTER 5.02,)
ESTABLISHING TONNAGE BASED) Introduced by Rena Cusma,
SOLID WASTE DISPOSAL RATES) Executive Officer
METRO FACILITIES)

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

CHAPTER 5.02

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5.02.085	Out-of-District Waste

Section 1 - Metro Code Section 5.02.015, Definitions, is amended as follows:

5.02.015 Definitions: As used in this chapter, unless the context requires otherwise:

~~{(a) "commercial" means those persons who dispose of waste and who:~~

~~(1) pay for disposal of wastes on the basis of weight at St. Johns Landfill, Metro South Station,~~

~~Metro East Station, and Metro/Riedel Compost Facility, or~~

~~(2) pay for disposal of wastes through a charge account at St. Johns, Metro South Station, Metro East Station, and Metro/Riedel Compost Facility, or~~

~~(3) dispose of wastes as an activity of their business, or~~

~~(4) any disposer whose load does not qualify as Residential Self-Haul as defined in Metro Code Section 5.02.015(i).~~

(a) "Cash Account Customer" means those Persons who pay cash for disposal of Solid waste at Metro South Station, Metro East Station, or the Metro/Riedel Compost Facility.

(b) "Credit Account Customer" means those Persons who pay for disposal of Solid Waste through a charge account at Metro South Station, Metro East Station, or the Metro/Riedel Compost Facility.

~~(b)~~ (c) "Metro South Station" is that solid waste transfer station owned and operated by Metro and located at 16101 S. E. 82nd Drive, Oregon City, Oregon, 97045.

~~(e)~~ (d) "Metro East Station" is that Metro solid waste transfer and recycling station located at 6161 N.W. 61st Avenue, Portland, Oregon, 97201.

~~(d)~~ (e) "Metro/Riedel Compost Facility" is that solid waste mass compost facility located at 5437 N.E. Columbia Boulevard, Portland, Oregon, 97232

~~(e)~~ (f) "Mixed Paper" means uncontaminated, recyclable paper exclusive of newspaper and cardboard.

~~(f)~~ (g) "Person" means any individual, partnership, association, corporation, trust, firm, estate, joint venture or any other private entity or any public agency.

~~(g) "Private" means those persons who dispose of waste and who:~~

~~(1) Do not pay for disposal of wastes on the basis of weight at the St. Johns Landfill or the Metro South Station, and~~

~~(2) Do not pay for disposal of wastes through a charge account at the St. Johns Landfill or the Metro South Station, and~~

~~(3) Do not dispose of wastes as an activity of their business.]~~

(h) "St. Johns Landfill" is that landfill owned by the City of Portland, Oregon, operated by Metro and located at 9363 N. Columbia Boulevard, Portland, Oregon 97203.

~~[(i) "Self-Haul" means loads of mixed waste transported inside a passenger car, or in a pickup truck of up to a three-quarter ton capacity, or transported inside a passenger car or in a pickup truck of up to a three-quarter ton capacity and disposed at authorized disposal sites or transfer stations by the generator of that waste. Loads in any other vehicle configuration shall not be considered Residential Self-Haul.]~~

~~[(j)]~~ (i) "Solid Waste" means all putrescible and nonputrescible wastes, including without limitation, garbage, rubbish, refuse, ashes, paper and cardboard; vehicles or parts thereof; sewage sludge, septic tank and cesspool pumpings or other sludge; commercial, industrial, demolition and construction waste; home and industrial appliances; and all other waste material permitted by ordinance to be disposed of at the St. Johns Landfill.

~~[(k)]~~ (j) "Source Separated Yard Debris" means twigs, branches, grass clippings, leaves, and tree limbs in a form appropriate for mechanical processing for reuse or sale. Source separated yard debris does not include yard or construction debris that is not appropriate for mechanical processing for reuse or sale or that has unacceptable types or amounts of contaminants mixed with it. The operator or person in charge of accepting this waste shall make the final determination of what is source separated yard debris based on the capability of available machinery to process it. The Director of Solid Waste may establish guidelines for determining what is source separated yard debris within the meaning of this chapter.

~~[(l)]~~ (k) "Special Waste" means:

- 1) Solid waste which is any unusual component of municipal solid waste;
- 2) Solid waste which could potentially contain substantial quantities of waste defined as hazardous waste by the Oregon Department of Environmental Quality or the U.S. Environmental Protection Agency;
or

3) Solid waste which requires extraordinary management.

Examples of special wastes are: Chemicals, liquids, sludge and dust from commercial and industrial operations; municipal waste water treatment plant grits, screenings and sludge; tannery wastes, empty pesticide containers, dead animals or by-products; and wastes containing asbestos.

~~[(m)]~~ (1) "Tier One User Fee" means that fee collected through the regional waste disposal system which consists of fixed expenses associated with the administration and planning of programs from which the entire region benefits. This fee is collected at all regional facilities which includes facilities owned and operated by Metro.

~~[(n)]~~ (m) "Tier Two User Fee" means that fee collected at St. Johns Landfill, Metro South Station, Metro East Station, and Metro/Riedel Compost Facility which consists of fixed expenses particular to those facilities.

(Ordinance No. 82-146, Sec. 2; amended by Ordinance No. 86-210, Sec. 1; Ordinance No. 88-257, Sec. 2; Ordinance No. 88-278, Sec. 1; Ordinance No. 89-269, Sec. 2; Ordinance No. 89-295, Sec. 1; and Ordinance No. 90-337, Sec. 2)

5.02.020 Disposal Charges at St. Johns Landfill:

(a) A commercial base disposal fee of \$26.00 per ton of solid waste delivered is established for disposal at the St. Johns Landfill. Said rate shall be in addition to other fees, charges and surcharges established pursuant to this chapter.

(b) Notwithstanding the provisions of 5.02.020(a), the base disposal rate for Self-Haul trips of two and one-half cubic yards or less of garbage shall be \$3.50 per cubic yard if the disposer has separated and included in his/her load at least one-half cubic yard of recyclables (except Source Separated Yard Debris). This rate shall be in addition to other fees and charges established pursuant to this chapter.

(c) The following table summarizes the disposal charges to be collected by the Metropolitan Service District from all persons disposing of solid waste at the St. Johns Landfill. The minimum charge for commercial vehicles shall be \$15.00.

(Ordinance No. 82-146; amended by Ordinance No. 83-163, Sec. 1; Ordinance No. 85-191, Sec. 2; Ordinance No. 86-214, Sec. 2; Ordinance No. 88-257, Sec. 3; Ordinance No. 88-278, Sec. 2; Ordinance No. 89-295, Sec. 2; and Ordinance No. 90-337, Sec. 3)

ST. JOHNS LANDFILL

Vehicle Category	Fee Component	Tonnage Rate \$/Ton
<u>Commercial</u>		
	Disposal Fee	\$26.00
	Regional Tier One User Fee	7.00
	Metro Tier Two User Fee	<u>14.00</u>
	Total Rate	\$47.00*

Vehicle Category	Fee Component	Trip Rate
<u>Residential Self-Haul</u>		
	Flat Fee	\$15.00

Tires	Type of Tire	Per Unit
	Car tires off rim	\$.85
	Car tires on rim	2.30
	Truck tires off rim	2.30
	Truck tires on rim	7.00
	Any tire 21 inches or larger diameter off or on rim	12.00

* Total Rate does not include state imposed fees which are currently for commercial, \$.50 DEQ Promotion Program Fee and \$.50 DEQ Orphan Site Program Fee and enhancement fees established pursuant to Metro Code or State law.

Section 2 - Metro Code Section 5.02.025, Disposal Charges at Metro South Station, is amended as follows:

5.02.025 Disposal Charges at the Metro South Station, Metro East Station and the Metro/Riedel Compost Facility.

(a) A ~~{commercial}~~ base disposal rate of \$26.00 per ton of solid waste delivered is established for disposal at the Metro South Station, Metro East Station and the Metro/Riedel Compost Facility.

(b) An enhancement fee of \$.50 per ~~{commercial}~~ ton is established to be charged at the Metro South Station, Metro East Station and the Metro/Riedel Compost Facility.

~~{(c) Notwithstanding the provisions of Sections 5.02.025 (a) and (b), the following charges apply for Residential Self-Haul trips of two and one-half cubic yards or less of garbage if the disposer has separated and included in his/her load at least one-half cubic yard of recyclables. The base disposal fee shall be \$3.50 per cubic yard;}~~

~~(c) Notwithstanding the provisions of Sections 5.02.025 (a) and (b), Persons other than Credit Account Customers who have separated and included in their loads at least one-half cubic yard of recyclables shall receive a \$3.00 credit toward their disposal charge if their load is transported inside a passenger car or in a pickup truck of up to a 3/4 ton capacity.~~

(d) The disposal fee and enhancement fee established by this section shall be in addition to other fees, charges and surcharges established pursuant to this chapter.

(e) The following table summarizes the disposal charges to be collected by the Metropolitan Service District from all persons disposing of solid waste at the Metro South Station, Metro East Station and the Metro/Riedel Compost Facility. The minimum charge for ~~{commercial}~~ all vehicles shall be \$15.00.

(Ordinance No. 82-146; amended by Ordinance No. 83-163, Sec. 2; Ordinance No. 85-191, Sec. 3; Ordinance No. 86-214, Sec. 3; Ordinance No. 88-257, Sec. 4; Ordinance No. 88-278, Sec. 3; Ordinance No. 89-269, Sec. 2; Ordinance No. 89-295, Sec. 3.; and Ordinance No. 90-337, Sec. 4)

METRO SOUTH STATION
 METRO EAST STATION
 METRO/RIEDEL COMPOST FACILITY

Vehicle Category	Fee Component	Tonnage Rate \$/Ton
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~~{Commercial}~~

Disposal Fee	\$ 26.00
Regional Tier One User Fee	7.00
Metro Tier Two User Fee	14.00
Regional Transfer Charge	7.00
 Total Rate	 \$ 54.00*

Minimum Charge per Vehicle	\$ 15.00
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{Vehicle Category	Fee Component	Trip Rate
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~~Residential Self-Haul
 (Does not apply to Metro/
 Riedel Compost Facility)~~

Flat Fee	\$15.00 }
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Tires	Type of Tire	Per Unit
	Car tires off rim	\$.85
	Car tires on rim	2.30
	Truck tires off rim	2.30
	Truck tires on rim	7.00
	Any tire 21 inches or larger diameter, off or on rim	12.00

* Total Rate does not include state imposed fees which are currently ~~{for commercial}~~, \$.50 DEQ Promotion Program Fee and \$.50 DEQ Orphan Site Program Fee and enhancement fees established pursuant to Section 5.02.025 (b).

5.02.030 Waiver of Disposal Charges at St. Johns Landfill: A waiver of disposal charges may be made by the operator of the St. Johns Landfill for disposal of inert material including but not limited to earth, sand, stone, crushed concrete and broken asphaltic concrete and wood chips, if, at the discretion of the operator of the landfill, such material is needed at the landfill for cover, road base or other internal use.

(Ordinance No. 82-146, Sec. 5)

5.02.035 Litter Control: All vehicles entering Metro operated solid waste disposal facilities, transfer stations, recycling centers, or compost facilities with loads that are not covered with a secure tarp or solid tight fitting cover that prohibits material from being blown from the vehicle while in motion shall be charged double the total disposal charge which would otherwise be charged.

(Ordinance No. 82-146, Sec. 6; amended by Ordinance No. 89-269, Sec. 2; and Ordinance No. 90-337, Sec. 5)

5.02.040 Excess Weight Charge at St. Johns Landfill: All vehicles entering the St. Johns Landfill with gross weights in excess of the Incinerator Road Bridge weight limits established by the City of Portland shall be charged double the normal disposal rate per ton for the amount of weight in excess of the bridge weight limit. Said weight limit shall be posted at the gatehouse of the landfill.

(Ordinance No. 82-146, Sec. 7)

Section 3 - Metro Code Section 5.02.045, User Fee, is amended as follows:

5.02.045 User Fees: The following user fees are established and shall be collected and paid to Metro by the operators of solid waste disposal facilities, whether within or without the boundaries of Metro, for the disposal of solid waste generated, originating, collected or disposed within Metro boundaries in accordance with Metro Code Section 5.01.150:

(a) Tier One User Fee

(1) For noncompacted ~~{commercial}~~ solid waste, ~~{\$.75 per cubic yard delivered, or}~~ \$7.00 per ton delivered.

(2) For compacted ~~{commercial}~~ solid waste, ~~{\$.25 per cubic yard delivered, or}~~ \$7.00 per ton delivered.

~~(3) For self-haul solid waste, \$0.75 per cubic yard delivered at franchised or contracted facilities that are not otherwise exempt from such charge, excluding waste delivered to St. John's Landfill, Metro South Station, Metro East Station and the Metro Riedel Compost facility.~~

(b) Tier Two User Fee: \$14.00 per ton for all ~~commercial~~ solid waste delivered.

(c) ~~Insert~~ Inert material, including but not limited to earth, sand, stone, brushed stone, crushed concrete, broken asphaltic concrete and wood chips used at a landfill for cover, diking, road base or other internal use and for which disposal charges have been waived pursuant to Section 5.02.030 of this chapter shall be exempt from the above user fees.

(d) User fees shall not apply to wastes received at franchised processing centers that accomplish materials recovery and recycling as a primary operation.

(Ordinance No. 82-146, Sec. 8; amended Ordinance No. 85-191, Sec. 4; Ordinance No. 86-214, Sec. 4; Ordinance No. 88-257, Sec. 6; Ordinance No. 88-278, Sec. 4; Ordinance No. 89-269, Sec. 2; and Ordinance No. 90-337, Sec. 6; Ordinance No. 90-351, Sec. 1)

Section 4 - Metro Code Section 5.02.050, Regional Transfer Charge, is amended as follows:

5.02.050 Regional Transfer Charge:

(a) There is hereby established a regional transfer charge which shall be a charge to the users of Metro South Station, Metro East Station and Metro/Riedel Compost Facility. Such charge shall be collected and paid in the form of an add-on in addition to user fees established by Section 5.02.045 of this chapter.

(b) The following regional transfer charges shall be collected and paid to Metro by the users of Metro South Station, Metro East Station and the Metro/Riedel Compost Facility for the disposal of solid waste generated, originating, collected or disposed within Metro boundaries:

For all ~~commercial~~ solid waste \$7.00 per ton delivered.

(c) Regional transfer charges shall not apply to wastes received at franchised processing centers that accomplish materials recovery and recycling as a primary operation.

(Ordinance No. 82-146; amended by Ordinance No. 83-163, Sec. 3; Ordinance No. 85-191, Sec. 5; Ordinance No. 86-212, Sec. 1; Ordinance No. 86-214, Sec. 5; Ordinance No. 88-257, Sec. 8; Ordinance No. 88-278, Sec. 5; Ordinance No. 89-269, Sec. 2; and Ordinance No. 90-337, Sec. 7)

5.02.060 Payment of Disposal Charges and Surcharges; Credit Policy:

(a) Disposal charges and out-of-state surcharges established pursuant to Sections 5.02.020, 5.02.025 and 5.02.055 of this chapter may be paid in cash or check at the time of disposal, or may be paid pursuant to the credit policy established in this section.

(b) For purposes of this section, the following definitions shall apply:

(1) Account charges are "due" on or before the last day of the month billed and are "past due" thereafter.

(2) Account charges are "30 days past due" on the first day of the month following billing.

(3) Account charges are "45 days past due" on the fifteenth day of the month following billing.

(4) Account charges are "60 days past due" on the first day of the second month following billing.

(c) Persons wishing to dispose of solid waste at Metro disposal facilities on a credit basis shall be required to first submit and have approved an application for credit on a form provided by Metro. That application shall include such provisions as the Metro Executive Officer deems necessary to secure prompt payment. Approval shall be consistent with prudent credit practices.

(d) A finance charge of one and one-half (1-1/2) percent per month (18 percent per annum), computed from the date an account becomes thirty (30) days past due, will be assessed on all accounts which become sixty (60) days past due and will be added to the oldest months charges past due. Finance charges will continue to be assessed on negotiated repayment schedules.

(e) Accounts 45 days past due may be placed on a "cash only" basis until the account is paid in full or brought to within 30 days past due. If an account is allowed to become 60 days past due, permission to dispose of waste at the facility may be denied until the account and finance charges are paid in full.

(f) If, pursuant to subsection (e) of this section, an account is placed on a "cash only" basis more than once during any consecutive 12-month period, or if service is denied because the account is allowed to become 60 days past due, the account may be required to submit a new application for credit. Such new application must be accompanied by a satisfactory payment guarantee bond, or other payment guarantee acceptable to the Executive Officer, which is:

- (1) Effective for one year; and
- (2) Collectable if the account again becomes 60 days overdue during the period of the bond; and
- (3) In an amount equal to 150 percent of the amount due when credit was last suspended or service was denied, whichever is greater.

(g) If a credit customer sells, terminates or makes substantial changes in the scope of their business after their application for credit was approved, they must notify Metro of this sale, termination or substantial change immediately. Credit may be discontinued until and unless an application containing the new information is approved.

(h) Adjustment of accounts receivable and reversing of finance charges will follow prudent credit practices; adjustments over \$500 will be reported to the Council in writing on a monthly basis, and adjustments over \$10,000 will require Council approval.

(i) The Executive Officer may end pursuit of accounts receivable, consistent with prudent credit practices, when the likelihood of collecting does not justify further collection costs. Such actions will be reported to the Council in writing on a monthly basis when the amount exceeds \$500, and amounts over \$10,000 will require Council approval.

(Ordinance No. 82-146, Sec. 11; and Ordinance No. 90-350)

5.02.065 Special Waste Surcharge and Special Waste Permit Application Fees:

(a) There are hereby established a Special Waste Surcharge and a Special Waste Permit Application Fee which shall be collected on all special wastes disposed at the St. Johns Landfill and on all Special Waste Permit Applications. Said Surcharge and fee shall be in addition to any other charge or fee established by this chapter. The purpose of the surcharge and permit application fee is to require disposers of special waste, including asbestos, to pay the cost of those services which are

provided at the St. Johns Landfill and by the Metro Solid Waste Department to manage special wastes. The said surcharge and fee shall be applied to all special wastes as defined in Metro Code Section 5.02.015.

(b) The amount of the Special Waste Surcharge collected at the St. Johns Landfill shall be \$4.00 per ton of special waste (excluding asbestos) delivered. The amount collected at the St. Johns Landfill for asbestos shall be \$100.00 per ton delivered.

(c) The minimum charge collected through all fees for each special waste (excluding asbestos) disposal trip shall be \$15.00. The minimum charge for each asbestos trip shall be \$100.00.

(d) The amount of the Special Waste Permit Application Fee shall be \$25.00. This fee shall be collected at the time Special Waste Permit Applications are received for processing.

(e) Lab or testing costs which are incurred by Metro for evaluation of a particular waste may be charged to the disposer of that waste.

(f) The fees listed in this section shall not be collected from any person who obtains a special waste permit to dispose of waste containing asbestos or other special waste which is removed from a dwelling or apartment building of three or fewer units owned or rented by that person and not disposed of by a commercial hauler or asbestos remover. The purpose of this exemption is to encourage such persons to separate Special Waste from the residential waste stream so that it is disposed of properly.

(Ordinance No. 85-191, Sec. 6; amended by Ordinance No. 86-214, Sec. 6; Ordinance No. 88-257, Sec. 9; and Ordinance No. 90-337, Sec. 8)

Section 5 - Metro Code Section 5.02.070, Source Separated Yard Debris Disposal Charge, is amended as follows:

5.02.070 Source Separated Yard Debris Disposal Charge:

(a) There is hereby established a reduced disposal fee for Source Separated Yard Debris which shall be collected on all source separated yard debris disposed at the St. Johns Landfill, Metro South Station or Metro East Station. ~~{by Commercial and Self-Haul disposers.}~~ Said disposal charge is in lieu of other Base Disposal charges, User Fees, Regional Transfer Charges, Rehabilitation and Enhancement Fees, and Certification Non-Compliance Fees which may be required by Sections 5.02.020, 5.02.025, 5.02.041, 5.02.045, 5.02.046, 5.02.050 and 5.02.075 of

this chapter. These other fees shall not be collected on waste which is accepted as Source Separated Yard Debris, under the definition of 5.02.015(d). The purpose of the Source Separated Yard Debris Charge is to encourage greater source separation of yard debris so that material is diverted from land disposal at St. Johns Landfill or the ~~{Gilliam County}~~ Columbia Ridge Landfill and is made available for reuse.

(b) The amount of the Source Separated Yard Debris charge to be collected at the St. Johns Landfill, Metro South Station and Metro East Station shall be \$25.00 per ton for Source Separated Yard Debris delivered by ~~{commercial disposers}~~ Credit Account Customers; and \$10.00 per trip for Source Separated Yard Debris delivered by ~~{Self-Haul disposers}~~ Persons other than Credit Account Customers.

(c) The minimum charge for ~~{commercial vehicles}~~ Credit Account Customers delivering Source Separated Yard Debris shall be \$25.00. The minimum charge for the delivery of a single Christmas tree as Source Separated Yard Debris shall be \$.50.

(Ordinance No. 86-210, Sec. 2; amended by Ordinance No. 86-211, Sec. 1; Ordinance No. 86-214, Sec. 7; Ordinance No. 88-257, Sec. 10; Ordinance No. 88-278, Sec. 6; Ordinance No. 89-295, Sec. 4.; and Ordinance No. 90-337, Sec. 9)

Section 6 - Metro Code Section 5.02.015, Certification Non-Compliance Fee, is amended as follows:

5.02.075 Certification Non-Compliance Fee: There is hereby established a Certification Non-Compliance Fee. The purpose of this fee is to pay for the cost of implementing remedial programs to bring non-certified areas or jurisdictions in compliance with current certification standards, and to support other programs which are directed at accomplishing the recycling goals of the certification program. This fee shall be collected on all waste generated in non-certified areas and delivered to Metro facilities by specifically identified ~~{commercial}~~ disposers and shall be in addition to other fees collected. The Certification Non-Compliance Fee shall be set by the Metropolitan Service District Council when the following conditions have been met:

(a) The Metro Council has adopted a Waste Reduction Certification Program which provides criteria and a process for designating local areas or jurisdictions and/or ~~{commercial}~~ waste disposers as either certified or non-certified for the purpose of collecting this fee; and

(b) The Metro Council has made the determination that a local jurisdiction is not in compliance and that implementation of the fee is needed to achieve the purposes stated above.

(Ordinance No. 86-214, Sec. 8)

5.02.080 Post-Collection Recycling Incentive: The Executive Officer shall enter into agreements with franchised processing centers that accomplish materials recovery and recycling as a primary operation, to pay two dollars per ton of Mixed Paper disposed in mixed loads of 50 percent to 79 percent Mixed Paper.

(Ordinance No. 88-257, Sec. 11)

5.02.085 Out-of-District Waste:

(a) Solid Waste generated outside of the District shall not be accepted at the St. Johns Landfill, Metro South Station, Metro East Station or Metro-Riedel Compost Facility for disposal unless a special permit to do so is issued by the Metro Executive Officer. Any permit issued shall specify the circumstances justifying such exception. Any permit issued shall be subject to:

- (1) Available landfill or facility capacity considering the capacity needs for disposal of Solid Waste generated within the District;
- (2) No adverse impact upon District rate payers;
- (3) Any Solid Waste authorized to be disposed under this ordinance shall be subject to the same standards and conditions pertaining to "Acceptable Waste" deliveries to the above named facilities; and
- (4) Any additional conditions as specified by the Executive Officer which may be necessary for the safe, efficient or cost effective operation of Metro facilities.

(b) Any special permit issued under Paragraph 1 shall expire in a period of time not to exceed 12 months from date of issuance unless a longer period of time is authorized by the Metro Council. Any renewals or extensions of a permit resulting in a cumulative permit period exceeding 12 months shall require the approval of the Metro Council.

(c) Any special permit issued by the Executive Officer may be revoked upon thirty (30) days notice to the permit holder.

(d) Any permit for a monthly tonnage in excess of one thousand tons (1,000) per month must be referred to Council prior to the approval.

(Ordinance No. 90-352, Sec. 2)

SECTION 7 - Effective Date

The effective date of the ordinance amendments contained herein shall be March 6, 1991.

(Ordinance No. 90-352, Sec. 2)

I:\PHIL\CHAP5_2.REV

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 90-372 FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.02 ESTABLISHING TONNAGE BASED SOLID WASTE DISPOSAL RATES AT METRO FACILITIES

October 30, 1990

Presented by Bob Martin
Phil North

FACTUAL BACKGROUND AND ANALYSIS

On April 26, 1990 the Metro Council adopted Resolution No. 90-1248. This Resolution adopted a policy to require weighing of all vehicles at Metro owned facilities. This policy is directed at implementing weighing of "self-haul" customers of Metro facilities who have historically been charged on a flat rate or yardage basis.

The ordinance presently before the Council will amend the Metro Solid Waste Rate Ordinance Chapter 5.02 to establish a uniform rate for solid waste disposal at Metro facilities for "commercial" and "self-haul". It is anticipated that charging under the new weighing policy will begin with the opening of the Metro Northwest Station and closure of St. Johns Landfill.

Also this ordinance will be a bridge or interim rate pending examination and complete rate recommendations by the Rate Review Committee for FY 91-92. A copy of the minutes of the Rate Review Committee meeting of October 24, 1990 with respect to this current ordinance proposal are shown as ATTACHMENT A.

With uniformity of rates, the terminology "commercial" and "self-haul" became unnecessary distinctions. These terms have been replaced in the ordinance with the terms "Credit Account Customer" and "Cash Account Customer" respectively. This new terminology allows continuation of tracking of 'commercial' and 'self-haul' disposers for database purposes and provides a more uniform terminology for coordination between the Solid Waste Department and the Accounting Department.

BUDGET IMPACT

The impact of the proposed rate changes on the 1990-91 budget has been analyzed. Total revenues are expected to increase by approximately \$160,000 through June of 1991-- \$80,000 from Metro South Station and \$80,000 from Metro Northwest Station. The analysis assumed current recycling levels and that 40 percent of self-haul trips will be subject to the minimum charge of \$15.00. Because these funds have not been appropriated in the current year, they will be carried over as part of the Solid Waste Revenue Fund's 1991-92 beginning balance.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 90-372.

PN:gbn
swfate.rpt

SOLID WASTE COMMITTEE REPORT

ORDINANCE NO. 90-372, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.02 ESTABLISHING TONNAGE BASED SOLID WASTE DISPOSAL RATES AT METRO FACILITIES

Date: November 21, 1990 Presented by: Councilor Judy Wyers

Committee Recommendation: At the November 20, 1990 Solid Waste Committee meeting, Councilors Collier, DeJardin and Saucy voted unanimously (Collier; 4/0 vote) to recommend Council adoption of Ordinance No. 90-372 as amended. Councilors Buchanan and Wyers were excused.

Committee Discussion/Issues: Roosevelt Carter, Budget & Finance Manager, gave staff's report. He said the Metro Council adopted Resolution No. 90-1248 April 26, 1990 to state a policy of weighing all vehicles at Metro-owned facilities. He said the policy was directed at implementing weighing "self-haul" Metro facility customers who have historically been charged on a flat rate or yardage basis.

Mr. Carter said the ordinance would implement the policy. He said staff proposed, consistent with the opening of Metro Northwest Station, to start weighing all waste haulers and set the current minimum charge of \$15 for those haulers who had less than 550 pounds of waste because the scales would not weigh below that weight.

Mr. Carter said the ordinance changed definitions of "self-haul" and "private" in favor of "cash account customers" for those haulers who did not have Metro credit accounts and eliminated the "commercial" designation and replaced it with the "credit account customer" designation. He said the new designations would assist staff for statistical purposes and would align with current data collected by staff. He indicated the ordinance would affect 74,000 annual trips to Metro facilities and the revenue impact would be an additional \$180,000 in revenue for FY 1990-91.

Mr. Carter noted amendment language distributed by staff to amend Ordinance No. 90-372 Section 7 to make the ordinance effective date January 12, 1991 as opposed to the normal 65 working days. He said the effective date was made pursuant to a declaration of emergency in conformity with ORS 268.515(7) requirements.

The Committee had no comments or questions and voted unanimously to recommend Ordinance No. 90-372 to the full Council for adoption as amended.

AMENDED STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 90-372 FOR THE PURPOSE OF
AMENDING METRO CODE CHAPTER 5.02 ESTABLISHING TONNAGE
BASED SOLID WASTE DISPOSAL RATES AT METRO FACILITIES

November 20, 1990

Presented by Bob Martin
Phil North

FACTUAL BACKGROUND AND ANALYSIS

On April 26, 1990 the Metro Council adopted Resolution No. 90-1248. This Resolution adopted a policy to require weighing of all vehicles at Metro owned facilities. This policy is directed at implementing weighing of "self-haul" customers of Metro facilities who have historically been charged on a flat rate or yardage basis.

The ordinance presently before the Council will amend the Metro Solid Waste Rate Ordinance Chapter 5.02 to establish a uniform rate for solid waste disposal at Metro facilities for "commercial" and "self-haul". It is anticipated that charging under the new weighing policy will begin with the opening of the Metro Northwest Station and closure of St. Johns Landfill.

Also this ordinance will be a bridge or interim rate pending examination and complete rate recommendations by the Rate Review Committee for FY 91-92. A copy of the minutes of the Rate Review Committee meeting of October 24, 1990 with respect to this current ordinance proposal are shown as ATTACHMENT A.

With uniformity of rates, the terminology "commercial" and "self-haul" became unnecessary distinctions. These terms have been replaced in the ordinance with the terms "Credit Account Customer" and "Cash Account Customer" respectively. This new terminology allows continuation of tracking of 'commercial' and 'self-haul' disposers for database purposes and provides a more uniform terminology for coordination between the Solid Waste Department and the Accounting Department.

With respect to the declaration of emergency to accelerate the effective date of the ordinance, this need has arisen in order that the Metro East Station not be required to initiate one manner of rate collection (flat fees for self-haulers) and shortly thereafter introduce a new rate structure (weighing of all vehicles). It is believed that the natural confusion surrounding rate changes such as will occur at Metro South Station would be exacerbated at the Metro East Station by initiating one rate structure and then shortly replacing it with another.

BUDGET IMPACT

The impact of the proposed rate changes on the 1990-91 budget has been analyzed. Total revenues are expected to increase by approximately \$160,000 through June of 1991-- \$80,000 from Metro South Station and \$80,000 from Metro Northwest Station. The analysis assumed current recycling levels and that 40 percent of self-haul trips will be subject to the minimum charge of \$15.00. Because these funds have not been appropriated in the current year, they will be carried over as part of the Solid Waste Revenue Fund's 1991-92 beginning balance.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 90-372.

PN:gbn
swrate.rpt

Date: December 14, 1990
To: Rena Cusma, Executive Officer
From: Gwen Ware-Barrett, Clerk of the Council
Regarding: TRANSMITTAL OF ORDINANCE NOS.90-373,
374 and 375

Attached for your consideration are true copies of Ordinance Nos. 90-373, 374 and 375 adopted by the Council on December 13, 1990.

If you wish to veto these ordinances, I must receive a signed and dated written veto message from you no later than 5:00 p.m., Thursday, December 20, 1990. The veto message, if submitted, will become part of the permanent record. If no veto message is received by the time and date stated above, these ordinances will be considered finally adopted.

I, _____, received this memo and a true copy of Ordinance No. 90-373, 374 and 375 from the Council Clerk on December 14, 1990.

Date: _____

GWPB:lc
\Mem.Ord.