

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING)
SECTION 5.05.030 OF THE METRO CODE)
TO REMOVE THE LIST OF DESIGNATED)
FACILITIES FROM THE CODE AND TO)
ENABLE ADDITIONAL FACILITIES TO)
BE DESIGNATED WITHOUT THE)
NECESSITY OF FURTHER CODE)
AMENDMENTS)

ORDINANCE NO. 98-758

Introduced by: Mike Burton,
Executive Officer

WHEREAS, designated facilities are presently listed in Section 5.05.030 of the Metro Code; and

WHEREAS, new facilities may occasionally enter into Designated Facility Agreements with Metro and other facilities relinquish their designated facility status; and

WHEREAS, under the present Code provisions, every change in designated facility status requires a corresponding amendment to the Code; and

WHEREAS, it is desirable to minimize the need for frequent Code amendments; and

WHEREAS, it is more appropriate for Code to set forth only the procedures to be followed in granting or denying designated facility status, now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

That Section 5.05.030 of the Metro Code is amended to read as follows:

5.05.030—Use of Designated Facilities

~~(a) Designated Facilities. The following described facilities shall constitute the designated facilities to which Metro may direct solid waste pursuant to a required use order:~~

~~(1) Metro South Station. The Metro South Station located at 2001 Washington, Oregon City, Oregon 97045.~~

~~(2) MSW (Municipal Solid Waste) Compost Facility. The MSW Compost Facility located at 5611 N.E. Columbia Boulevard, Portland, Oregon 97217.~~

~~(3) Metro Central Station. The Metro Central Station located at 6161~~

N.W. 61st Avenue, Portland, Oregon 97210.

- ~~(4) St. Johns Landfill. The St. Johns Landfill located at 9363 N. Columbia Boulevard, Portland, Oregon 97203.~~
- ~~(5) Franchise Facilities. All disposal sites, transfer stations, processing facilities and resource recovery facilities within the district which operate pursuant to a Metro franchise under chapter 5.01 of the Metro Code.~~
- ~~(6) Grabhorn Lakeside Reclamation (limited purpose landfill). The Lakeside Reclamation limited purpose landfill, Route 1, Box 849, Beaverton, Oregon 97005, subject to the terms of an agreement between Metro and Grabhorn, Inc. authorizing receipt of solid waste generated within the service area.~~
- ~~(7) Hillsboro Landfill (limited purpose landfill). The Hillsboro Landfill, 3205 S.E. Minter Bridge Road, Hillsboro, Oregon 97123, subject to the terms of an agreement between Metro and Hillsboro Landfill, Inc. authorizing receipt of solid waste generated within the service area.~~
- ~~(8) Columbia Ridge Landfill. The Columbia Ridge Landfill owned and operated by Oregon Waste Systems, Inc. subject to the terms of the agreements in existence on November 14, 1989 between Metro and Oregon Waste Systems and between Metro and Jack Gray Transport, Inc. In addition, Columbia Ridge Landfill may accept special waste generated within the service area:
 - ~~(A) As specified in an agreement entered into between Metro and Oregon Waste Systems authorizing receipt of such waste; or~~
 - ~~(B) Subject to a non system license issued to a person transporting to the facility special waste not specified in the agreement.~~~~
- ~~(9) Roosevelt Regional Landfill. The Roosevelt Regional Landfill, owned and operated by Regional Disposal Company of Seattle and located in Klickitat County, Washington. Roosevelt Regional Landfill may accept special waste generated within the service area only as follows:~~

~~(A) As specified in an agreement entered into between Metro and Regional Disposal Company authorizing receipt of such waste; or~~

~~(B) Subject to a non-system license issued to a person transporting to the facility special waste not specified in the agreement.~~

~~(10) Finley Buttes Regional Landfill. The Finley Buttes Regional Landfill owned and operated by Finley Buttes Landfill Company of Vancouver, Washington, and located in Morrow County, Oregon. Finley Buttes Regional Landfill may accept special waste generated within the service area only as follows:~~

~~(A) As specified in an agreement entered into between Metro and Finley Buttes Landfill Company authorizing receipt of such waste; or~~

~~(B) Subject to a non-system license issued to a person transporting to the facility special waste not specified in the agreement.~~

~~(b)(a) Changes to Designated Facilities to be Made designated by Council. From time to time, ~~†~~The Council, acting pursuant to a duly enacted ordinance, may remove from the list of initial designated facilities any one or more of the facilities described in Metro Code section 5.05.030(a). In addition, from time to time, the council, acting pursuant to a duly enacted ordinance, may add to or delete a facility from the list of designated designate facilities as authorized to receive specified types of solid waste generated from within the Metro boundary. In deciding whether to designate an additional a facility, or amend or delete an existing designation, the Council shall consider:~~

- (1) The degree to which prior users of the facility and waste types accepted at the facility are known and the degree to which such wastes pose a future risk of environmental contamination;
- (2) The record of regulatory compliance of the facility's owner and operator with federal, state and local requirements;
- (3) The record of the facility regarding compliance with Metro ordinances and agreements or assistance to Metro in Metro ordinance enforcement;

- (4) The adequacy of operational practices and management controls at the facility;
- (5) The expected impact on the region's recycling and waste reduction efforts;
- (6) The expected impact on Metro's revenue;
- (7) The consistency of the designation with Metro's existing contractual arrangements;
- (8) The need for additional disposal capacity and the effect on existing designated facilities; and
- (9) Other benefits or detriments accruing to residents of the region from Council action in designating a facility, or amending or deleting an existing designation.

~~(e)~~(b) An agreement, or amendment to an agreement between Metro and a designated facility, shall be subject to approval by the Metro Council prior to execution by the Executive Officer.

~~(d)~~(c) An agreement between Metro and a designated facility shall specify the types of wastes from within Metro boundaries that may be delivered to, or accepted at, the facility.

5.05.032 Issuance of Designated Facility Agreement

(a) Applications for designated facility status shall be reviewed by the Executive Officer. The Executive Officer or his/her designated representative may make such investigation as the Executive Officer deems appropriate, and shall have the right of entry onto the applicant's site with or without notice before or after the Designated Facility Agreement is granted to assure compliance with this chapter, the Code, DEQ permit and Designated Facility Agreement.

(b) Upon the basis of the application, evidence submitted and results of any investigation, the Executive Officer shall formulate recommendations regarding whether the proposed Designated Facility Agreement complies with the district's solid waste management plan, and the criteria set forth in 5.05.030(a).

(c) The Executive Officer shall recommend to the Council whether the application should be granted, denied, or modified. If the Executive Officer recommends that the application be granted, the Executive Officer shall recommend to the Council specific conditions of the Designated Facility Agreement. Following the recommendation of the Executive Officer, the Council shall issue an order granting, denying or modifying designated facility status.

5.05.033 Term of Designated Facility Agreement

(a) The term of a new or renewed Designated Facility Agreement shall be the site longevity or five years.

(b) Designated Facility Agreements shall be renewed unless the Council determines that the proposed renewal does not meet the criteria of section 5.05.030(a) The Council, upon recommendation from the Executive Officer, may attach conditions or limitations to the renewed Designated Facility Agreement.

~~(e)~~(c) Use of Non-System Facilities Prohibited. Except to the extent that solid waste generated within the service area is transported, disposed of or otherwise processed in accordance with the terms and conditions of a non-system license issued pursuant to Metro Code section 5.05.035, no waste hauler or other person shall transport solid waste generated within the service area to, or utilize or cause to be utilized for the disposal or other processing of any solid waste generated within the service area, any non-system facility.

(Ordinance No. 89-319. Amended by Ordinance No. 91-388, Sec. 2; Ordinance No. 92-471C, Sec. 1; Ordinance No. 93-483A, Sec. 1)

ADOPTED by the Metro Council this _____ day of _____, 199__.

Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

**IN CONSIDERATION OF ORDINANCE NO. 98-758 FOR THE PURPOSE
OF AMENDING SECTION 5.05.030 OF THE METRO CODE TO DELETE
THE LIST OF DESIGNATED FACILITIES, SET FORTH A PROCEDURE
FOR THE ISSUANCE OF DESIGNATED FACILITY AGREEMENTS,
AND ESTABLISH THE TERM OF DESIGNATED FACILITY
AGREEMENTS AT FIVE YEARS**

Date: June 25, 1998

Presented By: Bruce Warner,
Steve Kraten

When the Council originally set forth a list of designated facilities, the list was enshrined in Section 5.05.030 of the Code. Still present on that list are the Riedel Compost facility and the St. Johns Landfill, sites that no longer accept solid waste. Presently seeking designated facility status are Riverbend Landfill and North Wasco County Landfill. These changes presently require an amendment to the Code in order to update the list.

However, rather than merely updating the list, the need for an amendment presents an opportunity for a more comprehensive update of this section of the Code to allow the issuance and revocation of Designated Facility Agreements without requiring further Code amendments. The proposed amendment deletes the list of designated facilities from the Code. The new language retains the criteria used by the Council to decide whether to designate a particular facility and adds a procedure for the issuance of Designated Facility Agreements. The procedure proposed is for the Executive Officer to review the application and make a recommendation to Council based on the listed criteria. Council will then decide whether or not to authorize the Executive Officer to enter into a Designated Facility Agreement with the applicant. This is the same procedure that is routinely followed for most Council action relating to the granting of operating authority for solid waste facilities.

Finally, the proposed amendment establishes the term of a Designated Facility Agreement at five years. In the past, such agreements have had a term of two years. However, staff believes that five years is a more practical term for this kind of agreement.

EXECUTIVE OFFICER RECOMMENDATION:

The Executive Officer recommends approval of Ordinance 98-758.

M E M O R A N D U M

DATE: June 7, 1999
TO: Becky Shoemaker, Council Archivist
FROM: Aaron Brondyke, Assistant to the Director of REM
RE: Disposition of Ordinance No. 98-758

This ordinance number has technically been withdrawn from consideration.

An ordinance to amend Metro Code Chapter 5.05 (herein numbered 98-578) is still pending, including provisions to address the Riverbend Landfill DFA. Unfortunately, REM acted prematurely in requesting a number for this ordinance, which will probably not go forward until late summer of 1999, and then in a form considerably different from any presently existing drafts.