

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING)
METRO CODE SECTIONS 5.02.015 AND)
5.02.065, RELATING TO DISPOSAL CHARGES)
AT METRO FACILITIES, AND DECLARING)
AN EMERGENCY)
ORDINANCE NO. 92-473A
Introduced by Rena Cusma,
Executive Officer

WHEREAS, Recent federal law changes prohibit the release of chlorofluorocarbons (CFC's, also commonly referred to by the trade name "Freon") into the atmosphere; and

WHEREAS, Metro currently accepts refrigeration units and air conditioners for recycling at its transfer stations, and uses special equipment to remove and capture the CFC's contained in such appliances; and

WHEREAS, the cost of equipment to remove refrigerants from appliances, and the staff time needed to perform removal activities should properly be recovered from individuals delivering such appliances to Metro facilities; and

WHEREAS, ORS 268.515(7) states that "Except in an emergency, the imposition of or increase in a service or user charge shall not become effective until 65 business days after approval by the governing body."; and

WHEREAS, Because the program is ongoing, and expenses have been, and continue to be incurred specifically related to refrigerant recovery activities, it is necessary to begin recovering necessary expenses as soon as reasonable public notice will allow and in less than 65 days; and

WHEREAS, The ordinance was submitted to the Executive Officer for consideration and was forwarded to the Council for approval; now therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Subsection (s) (10) of Metro Code Section 5.02.015 is amended as follows. The remainder of the Section 5.02.015 is unaltered by this amendment:

"5.02.015 Definitions:

(s) "Special Waste" means any waste (even though it may be part of a delivered load of waste) which is:

10) Chemical containing equipment removed from service (for example - filters, oil filters, cathode ray tubes, lab equipment, acetylene tanks, CFC tanks, refrigeration units, or any other chemical containing equipment); or"

Section 2 - Metro Code Section 5.02.065 is amended to read:

"5.02.065 Special Waste Surcharge and Special Waste Permit Application Fees:

(a) There is hereby established a Special Waste Surcharge and a Special Waste Permit Application Fee which shall be collected on all special wastes disposed at Metro facilities 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 to pay the cost of those services which are provided by the Metro Solid Waste Department to manage special wastes. The said surcharge and fee shall be applied to all acceptable special wastes as defined in Metro Code Section 5.02.015-

, with the exception of CFC tanks and refrigeration units.

(b) The amount of the Special Waste Surcharge collected shall be \$4.00 per ton of special waste delivered.

(c) 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.

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


(e) The amount charged for residential refrigeration units and CFC containing tanks shall be \$15.00.

(f) The amount charged for commercial refrigeration units shall be \$20.00.

(g) Refrigeration units that can be certified as free of CFC chemical content shall be considered a recyclable and therefore exempt from any fee."

Section 3. Because the ongoing refrigerant recovery program at Metro facilities is dependent on fees to offset the cost of collection equipment and testing, an emergency is declared to exist, and the effective date of this ordinance shall be January 1, 1993.

ADOPTED by the Council of the Metropolitan Service District this 24th
day of November, 1992.



Jim Gardner, Presiding Officer

ATTEST:



Clerk of the Council

SC:ay
SW92473.ORD

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

| | | |
|---|---|----------------------------------|
| FOR THE PURPOSE OF AMENDING |) | ORDINANCE NO. 92-473 |
| METRO CODE SECTIONS 5.02.015 AND |) | |
| 5.02.065, RELATING TO DISPOSAL CHARGES |) | Introduced by Rena Cusma, |
| AT METRO FACILITIES, AND DECLARING |) | Executive Officer |
| AN EMERGENCY |) | |

WHEREAS, Recent federal law changes prohibit the release of chlorofluorocarbons (CFC's, also commonly referred to by the trade name "Freon") into the atmosphere; and

WHEREAS, Metro currently accepts refrigeration units and air conditioners for recycling at its transfer stations, and uses special equipment to remove and capture the CFC's contained in such appliances; and

WHEREAS, the cost of equipment to remove refrigerants from appliances, and the staff time needed to perform removal activities should properly be recuperated from individuals delivering such appliances to Metro facilities; and

WHEREAS, ORS 268.515(7) states that "Except in an emergency, the imposition of or increase in a service or user charge shall not become effective until 65 business days after approval by the governing body."; and

WHEREAS, Because the program is ongoing, and expenses have been, and continue to be incurred specifically related to refrigerant recovery activities, it is necessary to begin recuperating necessary expenses as soon as reasonable public notice will allow and in less than 65 days; and

WHEREAS, The ordinance was submitted to the Executive Officer for consideration and was forwarded to the Council for approval; now therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Subsection (s) (10) of Metro Code Section 5.02.015 is amended as follows. The remainder of the Section 5.02.015 is unaltered by this amendment:

"5.02.015 Definitions:

(s) "Special Waste" means any waste (even though it may be part of a delivered load of waste) which is:

10) Chemical containing equipment removed from service (for example - filters, oil filters, cathode ray tubes, lab equipment, acetylene tanks, CFC tanks, refrigeration units, or any other chemical containing equipment); or"

Section 2 - Metro Code Section 5.02.065 is amended to read:

"5.02.065 Special Waste Surcharge and Special Waste Permit Application Fees:

(a) There is hereby established a Special Waste Surcharge and a Special Waste Permit Application Fee which shall be collected on all special wastes disposed at Metro facilities 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 to pay the cost of those services which are provided by the Metro Solid Waste Department to manage special wastes. The said surcharge and fee shall be applied to all acceptable special wastes as defined in Metro Code Section 5.02.015.

(b) The amount of the Special Waste Surcharge collected shall be \$4.00 per ton of special waste delivered.

(c) 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.

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

(e) The amount charged for residential refrigeration units and CFC containing tanks shall be \$15.00.

(f) The amount charged for commercial refrigeration units shall be \$20.00.

(g) Refrigeration units that can be certified as free of CFC chemical content shall be considered a recyclable and therefore exempt from any fee."

Section 3. Because the ongoing refrigerant recovery program at Metro facilities is dependent on fees to offset the cost of collection equipment and testing, an emergency is declared to exist, and the effective date of this ordinance shall be January 1, 1993.

ADOPTED by the Council of the Metropolitan Service District this _____ day of _____, 1992.

Jim Gardner, Presiding Officer

ATTEST:

Clerk of the Council

SC:ay
SW92473.ORD

SOLID WASTE COMMITTEE REPORT

CONSIDERATION OF ORDINANCE NO. 92-473A, FOR THE PURPOSE OF AMENDING METRO CODE SECTIONS 5.02.015 AND 5.02.065, RELATING TO DISPOSAL CHARGES AT METRO FACILITIES, AND DECLARING AN EMERGENCY

Date: November 18, 1992

Presented by: Councilor McFarland

Committee Recommendation: At the November 17 meeting, the Committee voted unanimously to recommend Council approval of Ordinance No. 92-473A. Voting in favor: Councilors Buchanan, Hansen, McFarland, Van Bergen and Wyers.

Committee Issues/Discussion: Under recently effective amendments to the federal Clean Air Act, the intentional release of freon is illegal. Thus, Metro is now incurring additional costs associated with the removal of freon from refrigeration and air conditioning units disposed of at our transfer stations. Metro has had to purchase freon removal equipment and storage canisters and has incurred labor and transportation costs.

The intent of the fees proposed in Ordinance No. 92-473A is to recover these additional costs. The proposed charges would be \$15 for a residential refrigeration unit and \$20 for a commercial unit. The fees would pay for labor, equipment and transportation costs related to the removal of the freon. The canisters into which the freon is removed will be sent to a local refrigeration supply and ultimately to California where the freon will be reclaimed or recycled. Metro may receive rebates depending on the purity of the freon that is shipped to California. It is the staff's intent that the fees collected will be cost-neutral and will only cover Metro's expenses in providing these disposal services.

At the hearing, Sam Chandler, Solid Waste Staff, indicated that an amendment approved by the Rate Review Committee had inadvertently not been included in the version of the ordinance filed in the Council office. The amendment (pg. 2, Section 5.02.065 (a), last line) would add the phrase "with the exception of CFC tanks and refrigeration units." The intent of the amendment is to provide that other existing special waste disposal fees and surcharges would not be applicable to the items covered by the new fee set forth in this ordinance. The amendment was unanimously approved.

John Houser, Council Analyst, indicated to the committee that during the budget process he would examine the revenues and expenditures related to the freon removal program to insure that the fees remain cost-neutral.

Staff Report

CONSIDERATION OF ORDINANCE NO. 92-473 FOR THE PURPOSE OF AMENDING METRO CODE SECTIONS 5.02.015 AND 5.02.065, RELATING TO DISPOSAL CHARGES AT METRO FACILITIES, AND DECLARING AN EMERGENCY

Date: October 30, 1992

Presented by: Sam Chandler

Proposed Action:

Ordinance No. 92-473 amends the Metro Code to include refrigeration units in the definition of Special Waste and allows for a Special Waste surcharge to cover the cost of testing and special handling of freon recovered from refrigeration units received at Metro solid waste facilities.

Background:

"Freon" is a trade name referring to a group of chlorofluorocarbons (CFC's) widely used in industry. Concerns about their negative effects on the earth's ozone layer caused them to be banned from aerosol cans in the mid 1970's. Recently, growing concerns about the impacts of freon from other sources, such as escape when repairing or discarding refrigeration units, have brought about changes in the Clean Air Act Rules. The ultimate goal of the rule change is to phase out the use of freon in most industries.

Metro is a responsible party in the management of freon contained in refrigeration units accepted for disposal or recycling at the Metro solid waste facilities for the following reasons:

- Under the conditions of the 1990 Clean Air Act Amendments, the intentional release of freon from refrigeration units is illegal, effective July 1, 1992.
- Freon is a non-acceptable waste at the Columbia Ridge Landfill.
- Compressors, the components that contains the freon refrigerant, in refrigeration units must be removed before the units or compressors can be accepted by scrap metal processors for recycling.

At Metro solid waste facilities there are two sources of waste freon: that contained in household and commercial refrigeration units, and the residue remaining in metal freon charging canisters. With the removal of the compressor prior to recycling, if the freon is not recovered before the tubing is cut and the is compressor removed, the freon will escape into the atmosphere. Metal canisters, if not evacuated before compaction will crack, allowing the freon to escape. In addition, by removing the freon, the canisters then can be recycled.

It is preferable to have the freon that comes into Metro facilities recycled. In the freon field, the term "recycling" has a particular meaning, as do the terms "recovery", and "reclamation." Recovery refers to the act of removing freon from refrigeration units and containing the material in a storage tank. Recycling refers to the process of cycling recovered freon through a machine that removes many of the common contaminants, primarily using simple filters. Reclamation

refers to the actual distillation of the freon. Because freon is a gas at room temperature, reclamation requires sophisticated equipment, currently found at only a handful of facilities in the country.

Current Practice:

Removal and collection of freon from refrigeration units and canisters received at Metro solid waste facilities began July 1, 1992. Three recovery systems were purchased for use at the two transfer stations. Each facility has a stationary system for the recovery of R-12 (primarily from refrigerators and freezers); the third system for the recovery of R-22 (primarily from air conditioners) is transported between the two sites. Refrigerators, freezers, water coolers, air conditioners, etc. received at both Metro South and Metro Central are delivered to a specified area within the transfer station. A Metro employee, specially trained in the recovery of freon, inserts a valve into the tube which leads from the compressor. This valve is attached to a hose leading to the recovery unit which evacuates and transfers the freon to 100 pound storage tanks. When the tanks are full they are delivered to a refrigeration supply company for transport to a freon reclamation/disposal plant in California. The stripped units and evacuated compressors are placed in a dropbox for delivery to a scrap metals dealer.

Refrigerator and freezer units contain between one-half pound and two pounds of freon, depending on their age. Air conditioners may contain up to six pounds of freon. Some refrigeration units that are brought to the facilities have lost or expended their freon. Unfortunately, there is no way of knowing this until the valves have been inserted and evacuation procedures are underway. The process of removing freon takes approximately 15-20 minutes per refrigerator/freezer, 30 minutes per air conditioner and 12-15 minutes per canister. Since July, a monthly average of 300 refrigerator/freezers, 30 air conditioners, and 110 canisters have been received at the two transfer stations. These numbers represent a significant increase over previous months when freon recovery was not required. Consequently, it has been determined that the program will require one full time employee to manage recovery of freon at the facilities. Given the anticipated extensive use, the equipment has an expected life of from two or three years with regular maintenance. At this time, refrigeration units accepted at the facilities have been treated as a recyclable and therefore not charged a disposal or processing fee.

Budget Impact:

Data obtained over the past three months indicate that it costs \$15 to manage freon recovery from residential refrigeration units and \$20 to manage freon recovery from commercial refrigeration units. These costs include labor, maintenance on existing equipment and the cost for replacement equipment. At current customer levels, revenue from Ordinance No. 92-473 is estimated to be \$72,000 per year. This will fund 1 FTE Hazardous Waste Technician classification, the purchase and maintenance of \$10,000 worth of freon equipment, and approximately \$2,000 worth of disposable supplies. With the adoption of Ordinance No. 92-473 the task is projected to be revenue-cost neutral.

Executive Officer's Recommendation:

The Executive Officer recommends approval of Ordinance No. 92-473.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

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|--|---|---------------------------|
| FOR THE PURPOSE OF AMENDING |) | ORDINANCE NO. 92-473 |
| METRO CODE SECTIONS 5.02.015 AND |) | |
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(b) The amount of the Special Waste Surcharge collected shall be \$4.00 per ton of special waste delivered.

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Section 3. Because the ongoing refrigerant recovery program at Metro facilities is dependent on fees to offset the cost of collection equipment and testing, an emergency is declared to exist, and the effective date of this ordinance shall be January 1, 1993.

ADOPTED by the Council of the Metropolitan Service District this _____ day of _____, 1992.

Jim Gardner, Presiding Officer

ATTEST:

Clerk of the Council

SC:ay
SW92473.ORD

Staff Report

CONSIDERATION OF ORDINANCE NO. 92-473 FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.02, SECTION 5.02.015 AND SECTION 5.02.065

Date: September 30, 1992

Presented by: Sam Chandler

Proposed Action

Ordinance No. 92-473 amends the Metro Code to include refrigeration units in the definition of Special Waste and allows for a Special Waste surcharge to cover the cost of testing and special handling of freon recovered from refrigeration units received at Metro solid waste facilities.

Background

"Freon" is a trade name referring to a group of chlorofluorocarbons (CFC's) widely used in industry. Concerns about their negative effects on the earth's ozone layer caused them to be banned as a problem in aerosol cans in the mid 1970's. Recently, growing concerns about the impacts of freon from other sources, such as escape when repairing or discarding refrigeration units, have brought about changes in the Clean Air Act Rules. The ultimate goal of the rule change is to phase out the use of freon in most industries.

Metro is a responsible party in the management of freon contained in refrigeration units accepted for disposal or recycling at the Metro solid waste facilities for the following reasons:

- Under the conditions of the 1990 Clean Air Act Amendments, the intentional release of freon from refrigeration units is illegal, effective July 1, 1992.
- Freon is a non-acceptable waste at the Columbia Ridge Landfill.
- Compressors, the components that contains the freon refrigerant, in refrigeration units must be removed before the units or compressors can be accepted by scrap metal processors for recycling.

At Metro solid waste facilities there are two sources of waste freon: that contained in household and commercial refrigeration units, and the residue remaining in metal freon charging canisters. With the removal of the compressor prior to recycling, if the freon is not recovered before the tubing is cut and the is compressor removed, the freon will escape into the atmosphere. Metal canisters, if not evacuated before compaction will crack, allowing the freon to escape. In addition, by removing the freon, the canisters then can be recycled.

It is preferable to have the freon that comes into Metro facilities recycled. In the freon field, the term "recycling" has a particular meaning, as do the terms "recovery", and "reclamation." Recovery refers to the act of removing freon from refrigeration units and containing the material

in a storage tank. Recycling refers to the process of cycling recovered freon through a machine that removes many of the common contaminants, primarily using simple filters. Reclamation refers to the actual distillation of the freon. Because freon is a gas at room temperature, reclamation requires sophisticated equipment, currently found at only a handful of facilities in the country.

Current Practice

Removal and collection of freon from refrigeration units and canisters received at Metro solid waste facilities began July 1, 1992. Three recovery systems were purchased for use at the two transfer stations. Each facility has a stationary system for the recovery of R-12 (primarily from refrigerators and freezers); the third system for the recovery of R-22 (primarily from air conditioners) is transported between the two sites. Refrigerators, freezers, water coolers, air conditioners, etc. received at both Metro South and Metro Central are delivered to a specified area within the transfer station. A Metro employee, specially trained in the recovery of freon, inserts a valve into the tube which leads from the compressor. This valve is attached to a hose leading to the recovery unit which evacuates and transfers the freon to 100 pound storage tanks. When the tanks are full they are delivered to a refrigeration supply company for transport to a freon reclamation/disposal plant in California. The stripped units and evacuated compressors are placed in a dropbox for delivery to a scrap metals dealer.

Refrigerator and freezer units contain between one-half pound and two pounds of freon, depending on their age. Air conditioners may contain up to six pounds of freon. Some refrigeration units that are brought to the facilities have lost or expended their freon. Unfortunately, there is no way of knowing this until the valves have been inserted and evacuation procedures are underway. The process of removing freon takes approximately 15-20 minutes per refrigerator/freezer, 30 minutes per air conditioner and 12-15 minutes per canister. Since July, a monthly average of 300 refrigerator/freezers, 30 air conditioners, and 110 canisters have been received at the two transfer stations. These numbers represent a significant increase over previous months when freon recovery was not required. It is anticipated that implementation of a fee will encourage private vendors to get into the business of freon recovery. Therefore, total annual revenue should be approximately \$1400/week, based on an average of 280 total units per week, or lower than current numbers with no private freon recovery service. It has been determined that the program will require one full time employee to manage recovery of freon at the facilities. Given the anticipated extensive use, the equipment has an expected life of from two or three years with regular maintenance. At this time, refrigeration units accepted at the facilities have been treated as a recyclable and therefore not charged a disposal or processing fee. Data obtained over the past three months indicate that it costs \$15 to manage freon recovery from residential refrigeration units and \$20 to manage freon recovery from commercial refrigeration units. These costs include labor, transportation, maintenance on existing equipment and the cost for replacement equipment.

Budget Impact

Data obtained over the past three months indicate that it costs \$15 to manage freon recovery from residential refrigeration units and \$20 to manage freon recovery from commercial refrigeration units. These costs include labor, transportation, maintenance on existing equipment and the cost of replacement equipment. At anticipated customer levels, revenue from Ordinance No. 92-473 is estimated to be \$73,060 per year. This will fund 1 FTE Hazardous Waste Technician classification, the purchase and maintenance of freon recovery equipment and the purchase of disposable supplies. With the adoption of Ordinance No. 92-473 the task is projected to be approximately revenue-cost neutral.

Expenses per week:

Revenue per week:

| | |
|----------------|---------|
| Labor | \$824 |
| Supplies | 100 |
| Equipment | 155 |
| Transportation | 108 |
| Capital | 160 |
| Total | \$ 1347 |

| | |
|---|---------|
| Incoming refrigeration units average of 70 (65@\$15, 5@\$20) | \$ 1175 |
| Disposal savings on evacuated canisters (aver.23@\$10) | 230 |
| Total | \$ 1405 |

Total Annual \$70,044

Total Annual \$73,060

Executive Officer's Recommendation

The Executive Officer recommends approval of Ordinance No. 92-473.



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

DATE: November 27, 1992

TO: Rena Cusma, Executive Officer

FROM: Paulette Allen, Clerk of the Council *PA*

RE: TRANSMITTAL OF ORDINANCE NOS. 92-471C and 92-473A

Attached for your consideration are true copies of the ordinances referenced above adopted by the Council on November 24, 1992.

If you wish to veto any of the ordinances referenced above, I must receive a signed and dated written veto message from you no later than 5:00 p.m., Wednesday, December 2, 1992. 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, *Paulette Thorley*, received this memo and true copies of Ordinance Nos. 92-471C and 92-473A from the Clerk of the Council on *11-27-92*.