

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING )  
METRO CODE CHAPTER 5.02, )  
METRO SOLID WASTE DISPOSAL )  
CHARGES AND USER FEES AT METRO )  
FACILITIES )

ORDINANCE NO. 93-482  
Introduced by Rena Cusma,  
Executive Officer

WHEREAS, The projected number of participants expected to use the Metro household hazardous waste facilities in 1993 is 20,000; and

WHEREAS, The total cost of processing household hazardous waste is about \$95 per participant; and

WHEREAS, No fee is currently charged for the processing of household hazardous waste; and

WHEREAS, The Metro Council has reviewed and considered the need to establish a fee to offset the cost of processing household hazardous waste and have found that such a fee is justified;

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

THE METRO COUNCIL HEREBY ORDAINS:

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) "Acceptable Special Wastes" means those special wastes which are approved by the Metro Solid Waste Department in the form of a special waste permit. "Unacceptable Waste," as defined in this section, is expressly excluded.

(b) "Cash Account Customer" means those persons who pay cash for disposal of solid waste at Metro South Station, Metro Central Station, or the MSW Compost Facility.

(c) "Credit Account Customer" means those persons who pay for disposal of solid waste through a charge account at Metro South Station, Metro Central Station, or the MSW Compost Facility.

(d) "Disposal Fee" means those fees which pay the direct unit costs of transportation and disposal of general purpose solid waste. Major cost components are: The long haul transport contract and the Oregon Waste Systems, Inc. disposal contract.

(e) "Enhancement Fees" means those fees collected in addition to general disposal rates that are used to pay for rehabilitation and enhancement projects in the areas immediately surrounding landfills and other solid waste facilities.

(f) "Household hazardous waste" means any discarded, useless or unwanted chemical, material, substance or product that is or may be hazardous or toxic to the public or the environment and is commonly used in or around households which may include, but is not limited to, some cleaners, solvents, pesticides, and automotive and paint products.

(g) "Limited Purpose Solid Waste" means construction, demolition, process residue, land clearing waste and non-hazardous industrial dust.

(h) "Metro Central Station" is that Metro solid waste transfer and recycling station located at 6161 N.W. 61st Avenue, Portland, Oregon, 97210.

(i) "Metro Disposal System" means Metro South Station, Metro Central Station, MSW Compost Facility, Columbia Ridge Landfill and such other facilities, or contracts for service with Metro which transfer or cause solid waste to be disposed at the Columbia Ridge Landfill or other disposal facility.

(j) "MSW Compost Facility" is that solid waste mass compost facility located at 5611 N.E. Columbia Boulevard, Portland, Oregon, 97232.

(k) "Metro South Station" is that solid waste transfer station owned and operated by Metro and located at 2001 Washington, Oregon City, Oregon 97045.

(l) "Metro User Fee (Tier Two)" means those fees which pay for fixed costs of the Metro Disposal System. This fee is imposed upon all solid waste delivered to any Metro Disposal System facility which delivery will affect Metro's reserved space capacity at the Columbia Ridge Landfill. Fixed costs of the Oregon Waste Systems disposal contract, the long haul transport contract, debt service and capital items directly related to the facilities are paid through this fee.

(m) "Metro Waste Management System" means all associated Metro solid waste services related to management of the whole recycling, processing and disposal system, including administrative, planning, financial, engineering and waste reduction activities.

(4) Containers (or drums) which once held commercial products or chemicals are included unless the container is empty. A container is empty when:

- (A) All wastes have been removed that can be removed using the practices commonly employed to remove materials from the type of container, e.g., pouring, pumping, crushing, or aspirating.
- (B) The ends have been removed (for containers in excess of 25 gallons); and
- (C) No more than one inch thick (2.54 centimeters) of residue remains on the bottom of the container or inner liner; or
- (D) No more than 1% by weight of the total capacity of the container remains in the container (for containers up to 110 gallons); or
- (E) No more than 0.3% by weight of the total capacity of the container remains in the container for containers larger than 110 gallons.

Containers which once held acutely hazardous wastes must be triple rinsed with an appropriate solvent or cleaned by an equivalent alternative method. Containers which once held substances regulated under the Federal Insecticide, Fungicide, and Rodenticide Act must be empty according to label instructions or triple rinsed with an appropriate solvent or cleaned by an equivalent method. Plastic containers larger than five (5) gallons that hold any regulated waste must be cut in half or punctured, dry and free of contamination to be accepted as refuse; or

- (5) Sludge waste from septic tanks, food service, grease traps, wastewater from commercial laundries, laundromats or car washes; or
- (6) Waste from an industrial process; or
- (7) Waste from a pollution control process; or
- (8) Residue or debris from the cleanup of a spill or release of chemical substances, commercial products or wastes listed in 1 through 7 or 9 of this definition; or
- (9) Soil, water, residue, debris, or articles which are contaminated from the cleanup of a site or facility formerly used for the generation, storage, treatment, recycling, reclamation, or disposal of wastes listed in 1 through 8 of this definition; or

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

(o) "Regional Transfer Charge" means those fees which pay the direct unit operating costs of the Metro transfer stations and compost facility. This fee is imposed upon all solid waste delivered to Metro Disposal System facilities.

(p) "Regional User Fee (Tier One)" means those fees which pay for fixed costs associated with administrative, financial and engineering services and waste reduction activities of the Metro Waste Management System. Contingency fees on all costs and general transfers of solid waste funds to other Metro departments for direct services are included in this fee. This fee is collected on all solid waste originating or disposed within the region.

(q) "Special Loads" mean all loads of Household Hazardous Waste that are 35 gallons or more in the aggregate or loads that contain any acutely hazardous waste.

(r) "St. Johns Landfill" is that landfill owned and managed by Metro and located at 9363 N. Columbia Boulevard, Portland, Oregon 97203, which is closed to all commercial activities and is now undergoing active closure.

(s) "Solid Waste" means all putrescible and nonputrescible wastes, including garbage, rubbish, refuse, paper and cardboard, commercial, industrial, demolition and construction waste, home and industrial appliances.

(t) "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.

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

- (1) Containerized waste (e.g., a drum, barrel, portable tank, box, pail, etc.) of a type listed in 3 through 9 and 11 of this definition below; or
- (2) Waste transported in a bulk tanker; or
- (3) Liquid waste including outdated, off spec liquid food waste or liquids of any type when the quantity and the load would fail the paint filter liquid (Method 9095, SW-846) test or is 25 gallons of free liquid per load, whichever is more restrictive.

- (10) Chemical containing equipment removed from service (for example - filters, oil filters, cathode ray tubes, lab equipment, acetylene tanks, CFC tanks or any other chemical containing equipment); or
- (11) Waste in waste containers that are marked with a National Fire Protection Association identification label that has a hazard rating of 2, 3, or 4 but not empty containers so marked; or
- (12) Any waste that 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; contaminated soils; tannery wastes, empty pesticide containers, and dead animals or by-products.

(v) "Total Fees" means the total per transaction of all tip and special fees.

(w) "Unacceptable Waste" means any and all waste that is either:

- (1) Waste which is prohibited from disposal at a sanitary landfill by state or federal law, regulation, rule, code, permit or permit condition; or
- (2) A hazardous waste; or
- (3) Special waste without an approved special waste permit; or
- (4) Infectious Medical Waste.

(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; Ordinance No. 90-337, Sec. 2; Ordinance No. 90-372, Sec. 1; Ordinance No. 91-

Section 2 - Metro Code Section 5.02.025 Disposal Charges at Metro South Station,

Metro Central Station and the MSW Compost Facility is amended to read as follows:

5.02.025 Disposal Charges at Metro South Station, Metro Central Station, the MSW Compost Facility and the Metro Household Hazardous Waste Facilities.

(a) Total fees for disposal shall be \$75.00 (Seventy-five dollars) per ton of solid waste delivered for disposal at the Metro South Station, Metro Central Station and the MSW Compost Facility.

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

(c) Notwithstanding the provisions of Sections 5.02.025 (a) and (b), persons using Metro South Station, other than Credit Account Customers, who have separated and included in their loads at least one half cubic yard of recyclable material (as defined in ORS 459.005) shall receive a \$3.00 credit toward their disposal charge if their load is transported inside a passenger car or in a pickup truck not greater than a 3/4 ton capacity. The foregoing recyclable material credit shall not apply at Metro Central Station or the MSW Compost Facility.

(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 Central Station and the MSW Compost Facility. The minimum charge for all vehicles shall be \$19.00.

(f) Total fees assessed at Metro facilities shall be rounded to the nearest whole dollar amount (a \$.50 charge shall be rounded up) for all cash account customers.

(g) A fee of \$5.00 is established to be charged at the Metro Household Hazardous Waste facilities for each load of Household Hazardous Waste.

(h) A fee of \$10.00 is established at the Metro Household Hazardous Waste facilities for Special Loads.

ADOPTED by the Metro Council this 11th day of February, 1993.

  
\_\_\_\_\_  
Judy Wyers, Presiding Officer

ATTEST:   
\_\_\_\_\_  
Clerk of the Council

**SOLID WASTE COMMITTEE REPORT**

---

**ORDINANCE NO. 93-482 AMENDING METRO CODE CHAPTER 5.02, METRO SOLID WASTE DISPOSAL CHARGES AND USER FEES AT METRO FACILITIES**

---

**Date:** February 8, 1993

**Presented By:** Councilor McLain

**COMMITTEE RECOMMENDATION:** At its February 2, 1993 meeting the Committee voted unanimously to recommend Council adoption of Ordinance No 93-482. Present and voting were Councilors McFarland, McLain and Wyers. Councilors Buchanan and Washington were excused and Councilor Gates was also in attendance.

**COMMITTEE DISCUSSION/ISSUES:** Sam Chandler, Solid Waste Facilities Manager, presented the Staff Report. Mr. Chandler pointed out that the ordinance establishes a new fee to help defray the costs of the Household Hazardous Waste Program at Metro facilities. The ordinance has been initiated at the request of several councilors. He pointed out that for the typical user would pay \$5.00 per load and those with special loads would pay \$10.00 per load. "Special Loads" are defined by size (35 gallons or more) or those that contain "acutely hazardous waste". Mr. Chandler indicated that based on current experience approximately 90% of the loads will be of the typical variety and 10% will be special loads. He estimated that the fees would generate approximately \$110,000 in additional revenue over the period of one year.

There was no public testimony on the proposed ordinance.



**METRO**

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

# Memorandum

**To:** Solid Waste Committee Members

**From:** John Houser, Council Analyst

**Date:** January 25, 1993

**Re:** Ordinance No. 93-482, For the Purpose of Amending Metro Code Chapter 5.02, Disposal Charges and User Fees at Metro Facilities

Ordinance No. 93-482 is scheduled to be considered by the committee at the February 2 meeting.

## Background

During recent committee discussions of the operation of Metro's household hazardous waste (HHW) facilities, several councilors have expressed interest in the development of revenue sources to offset the increases in projected operating costs. This ordinance would establish a small fee for users of these facilities.

Most users would pay a \$5 fee, while those with larger loads or wastes that require special handling would pay a \$10 fee. Estimated annual revenue from the fees would be \$110,000. (Total program costs are \$2.4 million.) The staff report indicates that the fees are set at a level that will hopefully not reduce facility usage. But, the report suggests that the fees are "experimental" and subject to adjustment.

The Rate Review Committee has reviewed and recommends approval of the ordinance.

## Issues and Questions

The committee may wish to address the following issues and questions related to the proposed ordinance:

1) If the Council adopts the ordinance at its February 11 meeting, will the fees be in place when the HHW facility at Metro Central opens?

2) The definition of special loads indicates that the \$10 fee would be applied to "acutely hazardous" wastes. These wastes are defined in related federal and state law. To avoid possible enforcement-related confusion, the committee may wish to amend the ordinance to add the phrase "as defined by law" to the definition of "special loads."



**STAFF REPORT**

**IN CONSIDERATION OF ORDINANCE NO. 93-482 FOR THE  
PURPOSE OF AMENDING METRO CODE CHAPTER 5.02,  
DISPOSAL CHARGES AND USER FEES AT METRO FACILITIES.**

Date: December 20, 1993

Presented By: Sam Chandler

**PROPOSED ACTION**

Adoption of Ordinance No. 93-482 establishing a fee for processing household hazardous waste.

**BACKGROUND AND ANALYSIS**

The projected number of participants expected to visit Metro household hazardous waste facilities in 1993 is 20,000. The current cost for processing household hazardous waste is about \$95.00 per participant. In response to the Metro Council's request that the solid waste staff consider new sources of revenue for funding processing and disposal costs, it is recommended that a small fee be charged to offset a portion of the cost of processing household hazardous waste at Metro's facilities.

Approximately 90% of the incoming household hazardous waste loads are manageable with standard operating procedures but the remaining 10% require additional attention due to quantity or type of materials. For the 90% of what may be characterized as typical loads, a \$5.00 charge is recommended for FY 1993-94. For the remaining 10%, a \$10.00 charge is recommended.

It should be pointed out that the recommended charge for a typical load was set at \$5.00 with the understanding that a higher charge would probably discourage participation and that the program receives most of its funding through the tip fee. The new fee is considered "experimental" and may need to be adjusted.

**BUDGET IMPACT**

Over the course of a year, the estimated total revenue is \$110,000 as follows:

Typical loads	18,000 x \$ 5	= \$ 90,000
Special loads	2,000 x \$10	= \$ 20,000
Total (average \$ per participant)	20,000 x \$ 5.50	= \$110,000

**EXECUTIVE OFFICER'S RECOMMENDATION**

The Executive Officer recommends approval of Ordinance No. 93-482



**METRO**

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

# Memorandum

DATE: February 12, 1993  
TO: Rena Cusma, Executive Officer  
FROM: Paulette Allen, Clerk of the Council *PA*  
RE: TRANSMITTAL OF ORDINANCE NO. 93-482

Attached for your consideration is a true copy of the ordinance referenced above adopted by the Council on February 11, 1993.

If you wish to veto the ordinance referenced above, I must receive a signed and dated written veto message from you no later than 5:00 p.m., Thursday, February 18, 1993. 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, this ordinance will be considered finally adopted.

---

I, Walter Warley, received this memo and a true copy of Ordinance No. 93-482 from the Clerk of the Council on 2-12-93.