

Proposed Metro Code Chapter 5.02 - REVISED DRAFT 07/06/2016  
Revisions made in response to comments received from the public.

METRO CODE - TITLE V SOLID WASTE

CHAPTER 5.02

DISPOSAL CHARGES AND USER FEES

SECTION TITLE

5.02.010	Purpose
<del>5.02.015</del>	<del>Definitions (Repealed &amp; Replaced Ord. 14-1331)</del>
<del>5.02.016</del>	<del>5.02.020</del> Scale Weights Required
5.02.020030	Establishment of Disposal Fees and Charges; Procedures
5.02.025040	Disposal Charges at Metro South & Metro Central Station
5.02.026050	Source--Separated <u>Standard</u> Recyclable <u>Materials</u> Disposal Charge Credit
5.02.027060	Charges for Management of Household Hazardous Wastes
5.02.028070	Charges for Conditionally Exempt Generator Waste
5.02.029080	Charges for Recoverable Solid Waste <del>(repealed &amp; replaced Ord. 12-1277, § 5, eff. 8/01/12)</del>
5.02.030090	Charges for Direct-Haul Disposal
5.02.031100	Special Waste Surcharge and Special Waste Permit Application Fees
5.02.035110	Litter Control Surcharge
5.02.037	<del>Disposal Charge for Compostable Organic Waste (repealed Ord. No. 12-1277, § 6, eff. 8/01/12)</del>
5.02.040	<del>Disposal Fees (repealed Ord. 94-531 § 5)</del>
5.02.045120	Regional System Fees
5.02.046	<del>Special Findings for Regional System Fee Credits (repealed Ord. 07-1147B, eff. 7/01/09)</del>
5.02.047130	Regional System Fees on Cleanup Material <del>Contaminated by Hazardous Substances (repealed and replaced Ord. 14-1323, § 4, eff. 5/14/14)</del>
5.02.050	<del>Regional Transfer Charge (repealed Ord. 94-531 § 7)</del>
5.02.0555.02.140	Remittance to Metro of Fees and Other Charges
5.02.060150	Account Policy at Metro Solid Waste Disposal Facilities

- All of the proposed revisions to this chapter are marked in red with "strikethrough" text showing deletions and "underlined" text showing additions to the chapter.
- All of the proposed revisions highlighted in blue are changes that were made in response to comments received from the public. The public review and comment period for the initially proposed draft began on March 1 and ended on April 29, 2016.

Proposed Metro Code Chapter 5.02 - REVISED DRAFT 07/06/2016  
Revisions made in response to comments received from the public.

- ~~5.02.065~~ ~~Special Waste Surcharge and Special Waste Permit Application Fees; Conditionally Exempt Generator Waste (repealed Ord. 98-720A § 25)~~
- ~~5.02.070~~ ~~Source Separated Yard Debris Disposal Charge (repealed Ord. 98-720A § 25)~~
- ~~5.02.075~~160 Special Exemption from Disposal Fees
- ~~5.02.085~~ ~~Out of District Waste (repealed Ord. 98-720A § 25)~~170  
Authority of Chief Operating Officer to Adopt Rules, Standards, Procedures, and Forms

DRAFT 07/06/2016

Proposed Metro Code Chapter 5.02 - REVISED DRAFT 07/06/2016  
Revisions made in response to comments received from the public.

5.02.010 Purpose

The purpose of this chapter is to establish solid waste disposal rates, charges and credit policies for the Metro South Station and the Metro Central Station and to establish the method for setting and administering appropriate fees and charges assessed on solid waste generated within Metro or delivered to solid waste facilities regulated by or contracting with Metro.

(Ordinance No. 82-146, Sec. 1. Amended by Ordinance No. 88-257, Sec. 1; Ordinance No. 89-269, Sec. 2; Ordinance No. 90-337, Sec. 1; Ordinance No. 91-386C, Sec. 1; Ordinance No. 92-455B, Sec. 1; Ordinance No. 94-531, Sec. 1; Ordinance No. 98-720A, Sec. 1; Ordinance No. 02-974, Sec. 1.)

5.02.016020 Scale Weights Required

~~All user fees or other fees submitted to Metro from any~~  
A facility receiving that receives solid waste generated within Metro ~~shall be calculated on a tonnage basis using~~ must use certified scale weights ~~to calculate, on a tonnage basis, all~~ user fees and other fees that the facility submits to Metro.

(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. 91-386C, Sec. 2; Ordinance No. 91-404, Sec. 1; Ordinance No. 02-974, Sec. 1.)

5.02.020030 Establishment of Disposal Fees and Charges; Procedures

(a) Purpose. The purpose of this section is to establish a consistent, predictable, open and transparent framework ~~for the adoption of when Metro adopts~~ solid waste disposal fees and charges ~~by Metro.~~

(b) Definitions of Rate and Rate Year. As used in this ~~subsection, rates chapter, "rate"~~ means any of Metro's solid waste fees or charges ~~as set forth in Metro Code section 5.02.025 or 5.02.045.~~ "Rate year" means a period of 365 consecutive days (366 leap year days) ~~commencing from~~ beginning on the date on which a rate becomes effective.

(c) Frequency. The Council ~~shall~~ will consider rates annually and adopt changes as needed.

Proposed Metro Code Chapter 5.02 - REVISED DRAFT 07/06/2016  
Revisions made in response to comments received from the public.

(d) Rate-Making Requirements; Independent Review. Each year the Chief Operating Officer ~~shall will~~ prepare rates for Council's consideration ~~by the Council.~~ Rates ~~shall be regarded as~~are provisional until ~~transmitted~~the Chief Operating Officer transmits them to the Council pursuant to ~~paragraph subsection (ef) of this section.~~. In preparing provisional rates the Chief Operating Officer ~~shall will~~:

- ~~\_\_\_\_\_~~(1) Consider all sources and uses of funds that affect the solid waste revenue fund budget during the next rate year ~~;~~i
- ~~\_\_\_\_\_~~(2) Follow generally accepted practices for selection of methodologies, assumptions, requirements, and other technical factors that determine the rates ~~;~~i
- ~~\_\_\_\_\_~~(3) Incorporate rate criteria and policies adopted by resolution of the Council pursuant to ~~paragraph subsection (fg) of this section.~~;
- ~~\_\_\_\_\_~~(4) Submit the provisional rates to review ~~by~~ at least one independent expert for review; and
- (5) Perform any other ~~forms of~~ due diligence that the Chief Operating Officer finds necessary to meet the purpose of this section. ~~The~~

(e) Independent Review Process; written report.

- (1) After the Chief Operating Officer submits the provisional rates to an independent expert reviewer shall, the reviewer will test the provisional rates for accuracy, adequacy, the reasonableness of underlying assumptions, compliance with applicable law and requirements, consistency with the Council's adopted criteria ~~of the Council~~, and any other criteria ~~specified by~~ the Chief Operating Officer specifies or recommended by which the reviewer underrecommends based on generally accepted ~~professional or~~ best practices for rate review. The Chief Operating Officer ~~shall will~~ provide the reviewer with ~~access to~~ the rate model, data, assumptions, criteria, and any other information that the Chief Operating Officer used to calculate the provisional rates. ~~At~~
- (2) ~~the conclusion of his work~~ After the review is complete, the reviewer ~~shall will deliver submit~~ a written report to the Chief Operating Officer

Proposed Metro Code Chapter 5.02 - REVISED DRAFT 07/06/2016  
Revisions made in response to comments received from the public.

documenting the reviewer's findings, exceptions and recommendations.

~~(e)~~ (f) Transmittal of Proposed Rates to the Council.— Each year the Chief Operating Officer ~~shall~~will transmit to the ~~Metro~~ Council in ordinance form a set of proposed rates for consideration. At the same time that the Chief Operating Officer transmits the rates, the Chief Operating Officer ~~shall~~will also transmit to the ~~Metro~~ Council:

~~(1)~~ (1) A report that documents the methodologies, data, assumptions, adopted criteria and ~~the~~ other factors that the Chief Operating Officer used to calculate the proposed rates, including ~~their~~the Chief Operating Officer's response to the reviewer's recommendations ~~of the independent review~~; and

~~(2)~~ (2) The reviewer's report ~~of the independent review~~ prepared pursuant to ~~paragraph subsection (e). (d)(3) of this section.~~

~~(f)~~ (g) Periodic Review of Rate Criteria and Policies.— ~~From time to time~~ At least every three years, the Council ~~shall~~will undertake a review of its adopted rate criteria and policies. ~~The purpose of these reviews shall be to assure~~ to ensure that ~~adopted criteria and policies~~they reflect the purpose of this section, meet Metro's needs, support Metro's management of the regional solid waste system, and address any findings of the Council that result from the periodic review. ~~The Chief Operating Officer shall initiate periodic reviews no less frequently than every three years.~~ The Council may initiate, ~~or the Chief Operating Officer may propose to initiate,~~ a review of rate criteria or policies at any time.

(Ordinance No. 09-1223. Amended by No. 14-1323, Sec. 1.)

5.02.025-040 Disposal Charges at Metro South & Metro Central Station

(a) The ~~fee for disposal of~~ solid waste disposal fee at the Metro South Station and at the Metro Central Station ~~shall consist~~consists of:

- (1) ~~The following charges~~ A disposal charge for each ton of solid waste ~~delivered for disposal~~comprised of:

Proposed Metro Code Chapter 5.02 - REVISED DRAFT 07/06/2016  
Revisions made in response to comments received from the public.

- (A) A tonnage charge in ~~the dollaran~~ amount adopted by ~~anCouncil~~ ordinance ~~of the Metro Council~~;
  - (B) The regional system fee as ~~provided~~ set forth in Section 5.02. ~~045,120~~;
  - (C) The community enhancement fee as set forth in ~~Metro Code~~ Chapter 5.06 ~~7~~; and
  - (D) ~~The~~ All applicable DEQ fees established in Oregon Revised Statutes chapters 459 and 459A, as implemented in Chapter 340 Division 90 of Oregon Administrative Rules ~~7~~.
- (2) All applicable solid waste excise taxes as ~~established~~ set forth in ~~Metro Code~~ Chapter 7.01, ~~which excise taxes shall be~~ stated separately; and
- (3) A transaction charge in ~~the dollaran~~ amount adopted by ~~anCouncil~~ ordinance ~~of the Metro Council~~ for each solid waste disposal transaction that is:
- (A) Completed at staffed scales, or
  - (B) Completed at the automated scales.
  - (C) Notwithstanding the provisions of subsection (A), the solid waste disposal transaction charge ~~shall be~~ is the amount authorized in subsection (B) in the event that a transaction that is otherwise capable of being completed at the automated scales must be completed at the staffed scales due to a physical site limitation, a limit or restriction of the computer operating system for the automated scales, or due to a malfunction of the automated scales.
- (b) Notwithstanding subsection (a) ~~of this section~~,
- (1) There ~~shall be~~ is a minimum ~~charges~~ charge at Metro South Station and at Metro Central Station for the acceptance of solid wastes ~~which shall consist~~ that consists of a transaction charge as set forth in Metro Code ~~section~~ Section

Proposed Metro Code Chapter 5.02 - REVISED DRAFT 07/06/2016  
Revisions made in response to comments received from the public.

5.02.025040(a)(3) plus a tipping charge based on the minimum load weight adopted by an ordinance of the ~~Metro~~ Council.

- (2) The Chief Operating Officer may waive collection of the regional system fee on solid waste that is generated outside ~~the District~~ Metro's regional boundaries, and collected by a hauler that is regulated by a local government unit, and accepted at Metro South Station or Metro Central Station.

(c) ~~Total Metro will round total fees assessed in cash~~ at the Metro South Station and ~~at the Metro Central Station shall be rounded~~ to the nearest whole dollar amount, with any \$0.50 charge rounded down.

(d) The ~~Director of Parks and Environmental Services~~ Chief Operating Officer may waive disposal fees ~~created in this section~~ for non-commercial customers of the Metro Central Station and of the Metro South Station under extraordinary, emergency conditions or circumstances.

(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; Ordinance No. 90-337, Sec. 4; Ordinance No. 90-372, Sec. 2; Ordinance No. 91-386C, Sec. 4; Ordinance No. 91-405A, Sec. 1; Ordinance No. 92-455B, Sec. 1; Ordinance No. 93-482, Sec. 2; Ordinance No. 94-531, Sec. 3; Ordinance No. 95-597, Sec. 2; Ordinance No. 97-681B, Sec. 2. Repealed by Ordinance No. 98-720A, Sec. 3; replaced by Ordinance No. 98-720A, Sec. 4. Amended by Ordinance No. 99-825A, Sec. 1; Ordinance No. 01-918A, Sec. 1; Ordinance No. 03-1000A, Sec. 1; Ordinance No. 04-1042A, Sec. 1; Ordinance No. 05-1080, Sec. 1; Ordinance No. 06-1118, Sec. 1; Ordinance No. 07-1146, Sec. 1; Ordinance No. 08-1186A, Sec. 1; Ordinance No. 09-1217A, Sec. 1; Ordinance No. 10-1237, Secs. 1 and 4; Ordinance No. 11-1257A, Sec. 1; Ordinance No. 12-1277, Sec. 1; Ordinance No. 13-1302, Sec. 1 and Ordinance No. 14-1323, Sec. 2.)

5.02.026050 Source--Separated Standard Recyclable Materials Disposal Charge Credit

~~Notwithstanding the provisions of Metro Code Section 5.02.025,~~

(a) A non-commercial customer at Metro South Station or Metro Central Station who ~~disposed~~ disposes of source-separated standard recyclable materials (except yard debris)

Comment [A1]: Revision made in response to comments. Refer to Exhibit A.

Proposed Metro Code Chapter 5.02 - REVISED DRAFT 07/06/2016  
Revisions made in response to comments received from the public.

~~that are generated by a household as defined in ORS 459.005 shall will~~ receive a \$3.00 disposal charge credit ~~in the amount of \$3.00 for when~~ disposing of fewer than 100 pounds of such recyclables, and ~~in the amount of a~~ \$6.00 ~~for credit when disposing of~~ 100 pounds or more of such recyclables.

Comment [A2]: Revision made in response to comments. Refer to Exhibit A.

~~(a)(b) Notwithstanding the provisions of this section, subsection (a),~~ the Chief Operating Officer may designate source-separated recyclable materials that ~~may be accepted Metro will accept~~ from customers at no charge.

(Ordinance No. 98-720A, Secs. 5-6; Amended by Ordinance No. 04-1057, Sec. 1.)

5.02.027060 Charges for Management of Household Hazardous Wastes

(a) ~~There is hereby established~~ Customers delivering household hazardous waste at Metro hazardous waste facilities ~~must pay a "household hazardous waste management charge that shall be collected on household hazardous waste accepted at Metro hazardous waste facilities. Such household hazardous waste management."~~ This charge shall be ~~is~~ in lieu of all other base disposal charges, user fees, ~~regional transfer charges~~, rehabilitation and community enhancement fees, ~~and certification non-compliance fees that may be required by this chapter,~~ and excise taxes required by Chapter 7.01.

Comment [A3]: Revision made in response to comments. Refer to Exhibit A.

(b) ~~The~~For containers of 10 gallons capacity or less, the amount of the household hazardous waste management charge ~~shall be is:~~

(1) \$5.00 for the first 35 gallons of household hazardous waste that is accepted in a single transaction ~~in containers of 10 gallons capacity or less,~~ and

(2) \$5.00 for ~~each~~every additional 35 gallons (or portion thereof) of household hazardous waste that is ~~delivered~~accepted in the same transaction ~~in containers of 10 gallons capacity or less.~~

These fees ~~shall do not be charged for acceptance of~~ apply to post-consumer architectural paint under the Oregon paint stewardship system ~~established by Oregon HB3037~~ set forth in ORS 459A.820 et seq.

(c) ~~The~~For containers of greater than 10 gallons capacity, the household hazardous waste management charge ~~for household hazardous waste that is accepted in a container of greater than 10 gallons capacity shall be as follows~~ is:

Proposed Metro Code Chapter 5.02 - REVISED DRAFT 07/06/2016  
Revisions made in response to comments received from the public.

- (1) \$5.00 for each empty container only;
- (2) \$10.00 for each container that contains up to 25 gallons of household hazardous waste;
- (3) \$15.00 for each container that contains more than 25 gallons of household hazardous waste.

~~(d) Each of the above charges may be waived by the Director of Parks and Environmental Services.~~

(d) The Chief Operating Officer may waive any charge in this section.

(Ordinance No. 98-720A, Secs. 7-8. Amended by Ordinance No. 01-907A, Sec. 2; Ordinance No. 04-1057, Sec. 2; Ordinance No. 07-1135, Sec. 1; Ordinance No. 07-1146, Sec. 2; and Ordinance No. 11-1257A, Sec. 4.)

5.02.029070 Charges for Conditionally Exempt Generator Waste

(a) ~~The amount charged for acceptance of~~ For conditionally exempt generator (CEG) waste from non-household sources, ~~shall be~~ customers must pay the actual disposal costs of ~~such~~ the waste calculated from the current Metro contractor price schedules, Metro and ~~or~~ contractor labor costs (as applicable), all applicable excise taxes, and the cost of material utilized for managing the waste.

(b) Notwithstanding ~~sections~~ subsection (a), ~~there shall be no~~ Metro will not charge fees under this section for ~~acceptance of~~:

- (1) Post-consumer architectural paint under the Oregon paint stewardship system ~~established by Oregon HB3037~~ as set forth in ORS 459A.820 et seq; or
- (2) Hazardous waste generated at any facility operated by Metro.

(c) ~~The Director of Parks and Environmental Services~~ Chief Operating Officer may waive charges established in this section in specific instances upon a finding that a waiver ~~of such charges~~ is in the public interest.

(Ordinance No. 98-720A, Secs. 9-10; and Ordinance No. 11-1257A, Sec. 5.)

5.02.029080 Charges for Recoverable Solid Waste

Proposed Metro Code Chapter 5.02 - REVISED DRAFT 07/06/2016  
Revisions made in response to comments received from the public.

(a) ~~There are hereby established Metro will collect a~~ "recoverable solid waste ~~charges that shall be collected~~charge" on different classes of recoverable solid wastes accepted at Metro Central Station or Metro South Station.

(b) The ~~amount of each~~ recoverable solid waste charge ~~shall consist~~consists of a transaction charge as set forth in Section 5.02.025040 and a tonnage charge as adopted by the Metro Council or as specified in this section.

(c) For purposes of this section ~~5.02.029,~~ "managing" and "management" of recoverable solid waste ~~shall mean~~means any of the following activities: acceptance, onsite handling and logistics, quality assurance, mixing of wastes to meet an engineering or market specification, processing such as grinding and shredding that may alter the form but does not substantially alter the content of the waste, residuals management, reloading, transport and delivery to a recycling site, and similar activities directly related to the handling and disposition of recoverable solid waste.

(d) For purposes of this section ~~5.02.029,~~ a class of recoverable solid waste is distinguished from other classes of wastes by a material difference in the ~~cost of management~~ cost or by physical characteristics that require different practices to manage the waste.

(e) The Chief Operating Officer ~~is authorized to~~may specify new classes of recoverable solid wastes, ~~to~~ set tonnage charges for new classes of recoverable solid wastes, and ~~to~~ change tonnage charges for existing classes of recoverable solid wastes. ~~The Chief Operating Officer shall set the~~

(f) The tonnage charge for each class of recoverable solid waste is equal to the sum of:

~~\_\_\_\_\_~~ (1) ~~Metro's~~The contractual costs that Metro pays, if any, ~~paid by Metro to any~~ contract operator of Metro Central or Metro South Station for managing ~~said~~the class of recoverable solid waste, expressed on a per-ton basis;

~~\_\_\_\_\_~~ (2) Metro's direct costs, if any, for personnel, materials, services and capital incurred directly by Metro for managing ~~said~~the class of recoverable solid waste, expressed on a per-ton basis;

~~\_\_\_\_\_~~ (3) An allocation of Metro's administrative, overhead, capital, and fixed contractual costs that is reasonably related to managing ~~said~~the class of recoverable solid waste, expressed on a per-ton basis; and

Proposed Metro Code Chapter 5.02 - REVISED DRAFT 07/06/2016  
Revisions made in response to comments received from the public.

~~\_\_\_\_\_~~ (4) The community enhancement fee set forth in ~~Metro Code s~~Section 5.06.010(a).

Comment [A4]: Revision made in response to comments. Refer to Exhibit A.

~~\_\_\_\_\_~~ Nothing in this subsection modifies ~~or is intended to modify the Metro~~ Council's authority to set recoverable solid waste charges by ordinance at any time.

~~(f)~~ The Chief Operating Officer ~~shall~~must provide 10 days notice to the ~~Metro~~ Council ~~prior to~~before either implementing any proposed change to a recoverable solid waste tonnage charge, ~~and when or~~ proposing a tonnage charge for a new class of recoverable solid waste. ~~At Metro will keep on file an~~ accounting of the ~~components of each~~ recoverable solid waste ~~tonnage~~ charge ~~shall be kept on file with the Finance and Regulatory Services department or its successor at Metro~~components.

~~\_\_\_\_\_~~ ~~(g) All recoverable solid waste charges shall be (h)~~ Metro will clearly ~~posted by material class~~post on ~~Metro's~~ website and at Metro Central and Metro South stations ~~all recoverable solid waste charges by material class~~.

~~(h)~~ Notwithstanding subsections (b) and (e) ~~of this section~~:

~~\_\_\_\_\_~~ (1) The Chief Operating Officer ~~shall~~will establish charges for recoverable solid wastes that are typically accepted and managed on a unit or count basis rather than by scale weight. ~~These Metro will base these~~ charges ~~shall be based~~ on ~~Metro's~~ actual costs for managing ~~said~~the wastes.

~~\_\_\_\_\_~~ (2) The Chief Operating Officer ~~shall~~will establish minimum charges for loads of recoverable solid waste.

~~\_\_\_\_\_~~ (3) The charge for accepting up to three Christmas trees in one transaction ~~shall be~~is the transaction charge as set forth in Metro Code Section 5.02.~~025040~~.

~~(i) The provisions of this (j) This~~ section ~~shall~~does not apply to any source-separated recyclable material that the Chief Operating Officer ~~has designated~~designates as exempt from charges pursuant to Metro Code Section 5.02.~~026050~~.

(Ordinance No. 98-720A, Secs. 11-12; Amended by Ordinance No. 06-1118, Sec. 2; repealed and replaced Ordinance No. 12-1277, Sec. 5.)

5.02.~~030090~~ Charges for Direct-Haul Disposal

Proposed Metro Code Chapter 5.02 - REVISED DRAFT 07/06/2016  
Revisions made in response to comments received from the public.

(a) Each ~~facility~~ licensed or franchised ~~under Metro Code Chapter 5.01 and facility~~ authorized to transport solid waste directly to the Columbia Ridge Landfill ~~shall~~must pay ~~to~~ Metro a per ton charge ~~as provided in this section~~ for the disposal of solid waste ~~which~~that is ~~generated~~:

(1) Generated or originates within the Metro boundary, and ~~which the facility~~

(2) Transported directly ~~transports~~ to the Columbia Ridge Landfill.

~~For~~(b) The direct-haul disposal charge for each ton disposed under this section during each calendar quarter, ~~such direct-haul disposal charge shall be~~ is equal to the sum of the total amount that Metro paid to its contract operator for disposal of solid waste during the previous calendar quarter divided by the sum of the number of tons of solid waste disposed by Metro at the Columbia Ridge Landfill during the previous calendar quarter and the number of tons of solid waste disposed under direct-haul authorization during the previous calendar quarter.

(Ordinance No. 98-720A, Secs. 13-14. Amended by Ordinance No. 99-823A, Sec. 1; Ordinance No. 01-913, Sec. 1.)

5.02.031100 Special Waste Surcharge and Special Waste Permit Application Fees

(a) A special waste surcharge ~~and a special waste permit application fee shall be collected on~~ applies to all special wastes disposed of at Metro facilities ~~and on~~. A special waste permit application fee applies to all special waste permit applications. The surcharge and fee ~~shall be~~ are 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 services provided by Metro to manage special wastes. The surcharge and fee ~~shall be applied~~ apply to all special wastes.

(b) The special waste surcharge ~~shall be determined by~~ is the amount equal to Metro's actual costs in managing special waste, ~~which. These~~ costs comprise ~~of~~ special handling costs, cleanup costs, and lab or testing costs. The special waste surcharge ~~shall apply~~ applies to all permitted special wastes and to all non-permitted special wastes that Metro discovers at a Metro-operated facility that result in additional management costs not otherwise covered by, or incorporated within, any other Metro fee.

Proposed Metro Code Chapter 5.02 - REVISED DRAFT 07/06/2016  
Revisions made in response to comments received from the public.

(c) The special waste permit application fee ~~shall be~~ is \$25.00. ~~This Metro will collect this fee shall be collected at the time it receives a special waste permit applications are received application. for processing.~~

(d) The special waste surcharge and special waste permit application fee ~~shall do~~ do not apply to household hazardous waste accepted at Metro hazardous waste facilities or Metro household hazardous waste collection events.

(Ordinance No. 98-720A, Secs. 15-16. Amended by Ordinance No. 01-907A, Sec. 3.)

5.02.035110 Litter Control Surcharge

(a) A ~~customer must pay a "litter control surcharge of \$25.00 per ton, up to a maximum amount of \$100.00, shall be levied against any customer who disposes of solid waste or a recoverable solid waste at"~~ customer must pay a "litter control surcharge of \$25.00 per ton, up to a maximum amount of \$100.00, shall be levied against any customer who disposes of solid waste or a recoverable solid waste at" if the customer enters Metro Central Station or ~~at Metro South Station if, when entering the facility, and~~ at Metro South Station if, when entering the facility, and any portion of the customer's solid waste or recoverable solid waste is unsecured and visible to Metro scalehouse personnel.

~~(b) No~~ The amount of the litter control surcharge shall be levied under this section is:

- (1) Three dollars for 240 pounds or less in a single transaction; or
- (2) Twenty five dollars per ton for more than 240 pounds, up to a maximum of \$100.00, in a single transaction.

(c) Metro will not impose the litter control surcharge if the solid waste or recoverable solid waste is only visible through a secure covering.

~~(e) Notwithstanding subsection (a) of this section, a surcharge of \$3.00 per solid waste disposal transaction shall be levied against any customer who disposes of a single load of solid waste or recoverable solid waste that weighs 240 pounds or less and that is unsecured and visible to Metro scalehouse personnel.~~

~~(d) The d)~~ Metro will collect the litter control surcharge provided for in this section shall be collected in the same manner as that Metro collects all other disposal fees and charges at the facility.

Proposed Metro Code Chapter 5.02 - REVISED DRAFT 07/06/2016  
Revisions made in response to comments received from the public.

(Ordinance No. 82-146, Sec. 6. Amended by Ordinance No. 89-269, Sec. 2; Ordinance No. 90-337, Sec. 5; Ordinance No. 91-397, Sec. 1; Ordinance No. 94-531, Sec. 4; Ordinance No. 97-681B, Sec. 3. Repealed by Ordinance No. 98-720A, Sec. 17; replaced by Ordinance No. 98-720A, Sec. 18; amended by Ordinance No. 01-898, Sec. 1; Ordinance No. 01-918A, Sec. 2; Ordinance No. 05-1080, Sec. 2; Ordinance No. 06-1118, Sec. 3.)

~~(5.02.037 Disposal Charge for Compostable Organic Waste. Ordinance No. 00-876A, Sees. 2-3. Amended by Ordinance No. 04-1036, Sec. 2.; Repealed Ord. No. 12-1277 Sec. 6, effective 8/01/12.)~~

~~(5.02.040 Disposal Fees. Repealed Ord. 94-531 § 5)~~

~~5.02.045 Regional System Fees~~

5.02.120 Regional System Fees

(a) The regional system fee ~~shall be~~ is the dollar amount per ton of solid waste adopted by ~~an~~ a Council ordinance ~~effor~~ for the purpose of paying the costs for all associated Metro solid waste services related to management of the entire recycling, processing and disposal system. Metro Council, ~~prorated~~ will round the regional system fee to the nearest one-hundredth of a ton and prorate it based on the actual weight of solid waste. at issue rounded to the nearest one hundredth of a ton.

Comment [A5]: Revision made in response to comments. Refer to Exhibit A.

(b) Any ~~waste hauler or other~~ person transporting solid waste generated, originating, or collected from inside the Metro region ~~shall~~ must pay a regional system ~~fees~~ fee to Metro for the disposal of ~~such~~ that solid waste. ~~Payment~~ A person satisfies payment of applicable system fees to the operator of a designated facility shall satisfy the obligation to pay regional system fees if the person pays the fee to a designated facility operator, provided that, if ~~such~~ the person transports solid waste is transported to a designated facility outside of the Metro region, then such waste hauler or other the person must have informed the operator of inform the designated facility operator that the solid waste was generated, originated or collected inside the Metro region. In anyIf a dispute arises regarding whether such waste hauler or other a person informed such the facility operator that the solid waste was generated, originated, or collected inside the Metro region, such waste hauler or other then the person shall have transporting the waste has the burden of proving that such information was the person communicated this to the operator.

(c) Regional system fees ~~shall~~ do not apply to:

- (1) Solid waste ~~received at~~ accepted at licensed or franchised solid waste facilities ~~that are~~

Proposed Metro Code Chapter 5.02 - REVISED DRAFT 07/06/2016  
Revisions made in response to comments received from the public.

~~licensed, franchised or, or otherwise~~ exempt from regulation under Chapter 5.01;

- (2) Cleanup material ~~contaminated by hazardous substances~~ accepted at facilities that treat ~~said~~the cleanup material ~~contaminated by hazardous substances~~ to applicable DEQ standards;
- (3) Useful material that is accepted at a disposal site that is listed as a Metro designated facility in Chapter 5.05 or accepted at a disposal site under authority of a Metro non-system license issued pursuant to Chapter 5.05, provided that the useful material: (A) is intended to be used, and is in fact used, productively in the operation of the disposal site ~~(such as for roadbeds or alternative daily cover);~~ and (B) is accepted at the disposal site at no charge; or
- (4) Processing residual produced by any tire processor that is regulated pursuant to Chapter 5.01 and that sorts, classifies or processes used tires into fuel or other products, provided ~~said~~the processing residual conforms to Environmental Quality Commission standards established pursuant to ORS 459.710(2). This exemption is only granted to the extent, ~~and under the terms,~~ specified in the Metro license or franchise.

(d) Designated facility operators ~~shall~~must collect and pay to Metro the regional system fee for the disposal of solid waste generated, originating, collected, or disposed of within Metro boundaries, ~~in accordance with this chapter.~~ There is no liability for regional system fees on charge accounts that are worthless and charged off as uncollectible, provided that the facility operator submits to Metro an affidavit ~~is filed with Metro~~ stating the name and amount of each uncollectible charge account and documenting good faith efforts that ~~have been~~the operator made to collect the accounts. Regional system fees ~~may are~~ not ~~be deemed~~ uncollectible unless the underlying account is also uncollectible. If the operator has paid the fees ~~have~~ previously ~~been paid,~~ then the operator may take a deduction ~~may be taken~~ from the next payment due to Metro for the amount found worthless and charged off. ~~If~~However, if the operator thereafter collects on any such account ~~is thereafter collected,~~ in whole or in part, the operator must include the amount ~~so~~ collected ~~shall be included~~ in the first return ~~filed~~it files after ~~such~~the collection, ~~and~~ pay the fees ~~shall be paid~~ with the return.

Proposed Metro Code Chapter 5.02 - REVISED DRAFT 07/06/2016  
Revisions made in response to comments received from the public.

(e) All regional system fees ~~shall~~ must be paid in the form of a remittance payable to Metro. ~~All Metro must deposit all deposit all regional system fees received by Metro shall be deposited in the solid waste operating fund and use use them only for the administration, implementation, operation and enforcement of the Regional Solid Waste Management Plan.~~

(f) ~~WhenIf solid waste generated from within the Metro boundary is mixed loads in the same vehicle or container with solid contain a mixture of waste generated from both inside and outside the Metro boundary, of Metro's boundaries, then the load in its entirety shall is considered to be reported at the disposal site by generated within Metro's boundary. In such cases, the generator or waste hauler as having been generated within the Metro boundary, and themust report it and pay regional system fee shall be paid fees on the entire load, unless the hauler or generator or hauler provides the disposal site operator withcan provide documentation regarding the total weight of the solidthat waste inwithin the vehicle or container that was generated only within the Metro boundary and the. The disposal site operator forwards suchmust forward that documentation to Metro, or unless Metro has agreed in writing to another method of reporting.~~

(Ordinance No. 82-146, Sec. 8; 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; Ordinance No. 90-337, Sec. 6; Ordinance No. 90-351, Sec. 1; Ordinance No. 90-372, Sec. 3; Ordinance No. 91-386C, Sec. 6; Ordinance No. 92-455B, Sec. 1; Ordinance No. 94-531, Sec. 6; Ordinance No. 97-681B, Sec. 4. Repealed by Ordinance No. 98-720A, Sec. 19; replaced by Ordinance No. 98-720A, Sec. 20. Amended by Ordinance No. 99-823A, Sec. 2; Ordinance No. 00-867, Sec. 3; Ordinance No. 01-918A, Sec. 3; Ordinance No. 03-1000A, Sec. 2; Ordinance No. 04-1042A, Sec. 2; Ordinance No. 05-1080, Sec. 3; Ordinance No. 06-1103, Sec. 2; Ordinance No. 06-1118, Sec. 4; Ordinance No. 07-1146, Sec. 3; Ordinance No. 08-1186A, Sec. 2; Ordinance No. 09-1217A, Sec. 2; Ordinance No. 10-1237, Secs. 2 and 4; Ordinance No. 11-1257A, Sec. 2; Ordinance No. 12-1277, Sec. 2 Ordinance No. 13-1323, Sec 3; and Ordinance No. 14-1338.)

+

~~5.02.046 Special Findings for Regional System Fee Credits.  
Repealed Ord. 07-1147B, effective 7/01/09)~~

Proposed Metro Code Chapter 5.02 - REVISED DRAFT 07/06/2016  
Revisions made in response to comments received from the public.

5.02.047130 Regional System Fees on Cleanup Material  
Contaminated by Hazardous Substances

(a) Notwithstanding Section 5.02.~~045120~~(a), ~~there is hereby established~~ a reduced regional system fee ~~en~~applies to cleanup material ~~contaminated by hazardous substances~~ that is delivered to any solid waste system facility authorized by Metro to accept ~~such~~that material.

(b) The regional system fee on cleanup material ~~contaminated by hazardous substances shall be~~is the dollar amount per ton adopted by ~~an~~Council ordinance ~~of the Metro Council.~~

~~(c) The Chief Operating Officer is authorized to issue administrative procedures that define the terms and conditions under which solid wastes may qualify for the reduced regional system fee. The Chief Operating Officer is further authorized to establish an application process for said reduced rate; and may approve, deny, or approve with conditions any application submitted under this process.~~

(Ordinance No. 98-720A, Secs. 21-22. Amended by Ordinance No. 98-762C, Sec. 55; Ordinance No. 99-805, Sec. 1; Ordinance No. 99-823A, Sec. 3; Ordinance No. 00-858, Sec. 1; Ordinance No. 00-867, Sec. 4; Ordinance No. 00-873, Sec. 2; Ordinance No. 01-897, Sec. 1; Ordinance No. 01-919B, Sec. 4; Ordinance No. 02-951B, Sec. 2; Ordinance No. 02-974, Sec. 1; Ordinance No. 03-1000A, Sec. 3; Ordinance No. 04-1042A, Sec. 3; Ordinance No. 06-1118, Sec. 5; Ordinance No. 07-1146, Sec. 4; Ordinance No. 07-1147B, Sec. 7; Ordinance No. 08-1186A, Sec. 3; Ordinance No. 09-1217A, Sec. 3; Ordinance No. 10-1237, Secs. 3-4; Ordinance No. 11-1257A, Sec. 3; Ordinance No. 12-1277, Sec. 3; repealed and replaced Ordinance No. 14-1323, Sec.4.)

+

~~5.02.050 Regional Transfer Charge. Repealed Ord. 94-531 § 7.)~~

5.02.055 Remittance<sup>140</sup> Payment to Metro of Fees and Other  
Charges

(a) Fees and charges owed to Metro by any person pursuant to this ~~chapter~~Chapter shall constitute ~~are~~ a debt owed to Metro, ~~and such debt shall be extinguished only by payment of such.~~ A person must pay the fees and charges ~~to Metro~~ as provided ~~in~~by this section. ~~to extinguish the debt.~~ Franchisees and other operators of designated facilities ~~shall~~must remit fees and charges (other than excise taxes) to Metro as specified in this section. In addition, waste haulers and other persons liable for the payment of user fees as provided in Metro Code

Proposed Metro Code Chapter 5.02 - REVISED DRAFT 07/06/2016  
Revisions made in response to comments received from the public.

Section 5.02.045120(b) ~~shall remit~~must pay fees and charges ~~(other than excise taxes)~~ to Metro as specified in this section.

(b) Fees ~~shall~~ accrue on a monthly basis and ~~shall~~must be ~~remitted~~paid to Metro by the 15th day of the month for waste disposed of in the preceding month. Fees and other charges ~~will~~ bear delinquent if not ~~received by Metro~~paid on or before the due date. If the due date falls on a holiday or weekend, amounts are delinquent at the end of the first business day that follows.

(Ordinance No. 93-509, Sec. 3; Ordinance No. 94-533, Sec. 1; Ordinance No. 97-681B, Sec. 5; Ordinance No. 98-720A, Sec. 23; Ordinance No. 06-1103, Sec. 3; and Ordinance No. 14-1338.)

5.02.060150 Account Policy at Metro Solid Waste Disposal Facilities

(a) ~~Disposal~~A person may pay disposal charges, including all fees and taxes, ~~may be paid at the time of disposal~~ in cash, by credit card, ~~or~~ by check, or ~~may be paid~~ under Metro's credit policy. ~~NeMetro will not grant credit shall be granted to any person prior to approval of before it approves a credit application in a form or forms provided by Metro as required.~~

(b) ~~Metro's~~The Chief Operating Officer ~~shall~~will establish ~~and maintain~~ appropriate account requirements ~~for new and existing accounts, which requirements shall be designed to diminish Metro's risk of loss due to non-payment. Existing for new and existing accounts.~~ Metro may require existing account holders ~~may be required to make new application to reapply for credit or provide additional guarantees, as deemed necessary or prudent by~~ as the Chief Operating Officer considers necessary.

(c) Account charges ~~shall~~ accrue on a monthly basis. Metro will mail statements on or about the 10th day of the month for disposal services rendered in the prior month. ~~A statement An account holder must be paid pay the statement no later than the last business day of the month in which it is mailed; Metro mails the statement will be considered. The statement is past due thereafter. A payment shall under no circumstances be considered statement is not "received by Metro" unless it is delivered the account holder personally delivers it to the Metro Department of Finance and Administrative Services during business hours or, if delivered by mail, received in Metro's unless Metro's mail room receives it on or before the due date.~~

(d) ~~A~~Metro will access a finance charge in the amount of the greater of \$25.00 or 1.5 percent of the sum of all past due charges ~~shall be assessed~~ on all unpaid, past due charges

Proposed Metro Code Chapter 5.02 - REVISED DRAFT 07/06/2016  
Revisions made in response to comments received from the public.

~~commencing as of~~beginning on the 15th day of the month following the month in which Metro mails a statement ~~is mailed~~, and continuing on the 15th day of each month thereafter until paid. Finance charges ~~will be assessed~~accrue only on unpaid past due balances, and not on previously assessed finance charges. ~~Finance charges Metro will continue to be assessed~~assess finance charges on negotiated repayment schedules. ~~Payments Metro will be applied~~first apply payments to finance charges and then to the oldest amount past due. In addition to any other finance charge or fee, ~~any account that has been forwarded to any collection agency for collection~~Metro will also be charged a 30 percent collection fee ~~in the amount of 30 percent of~~ the past-due balance owing ~~at the time of~~ any account that Metro forwards to a collection agency.

(e) ~~An~~If an account ~~that is~~ 15 days past due, ~~as defined in 5.02.060(e), then Metro may be placed~~place an account on a cash only basis, ~~until the account holder pays all past due disposal and finance charges are paid. An. Metro may close an account that if Metro has been placed it on a cash only basis more than twice during any 12-month period may be closed. Facility access. Metro may be denied deny facility access to a person whose account is past due and unpaid for 30 days or more. A decision The Chief Operating Officer has discretion to place an account on a cash only basis or deny facility access shall be at the discretion of the Chief Financial Officer.~~

(f) An account customer ~~that must immediately notify Metro if the customer sells, terminates, or makes a substantial change in the scope of its business after Metro approves its application for credit has been approved must notify Metro immediately. Failure to. Metro may terminate the customer's credit if the customer does not provide the notice required by this subsection may result in termination of credit at Metro facilities pending reapplication for credit, notice.~~

(g) ~~The Department of Finance and Administrative Services~~Chief Operating Officer may adjust accounts receivable and reverse finance charges in accordance with prudent credit practices. ~~Adjustments~~The Chief Operating Officer will report adjustments over \$1,000.00 ~~shall be reported~~ to the Council in writing on a monthly basis.

(h) ~~The~~Consistent with prudent credit practices, the Chief Operating Officer may end pursuit of an account receivable, ~~consistent with prudent credit practices,~~ when the likelihood of collecting does not justify further collection costs. The Chief Operating Officer will provide Council with a written report, at least monthly, of all accounts receivable over \$1000.00 for which Metro has ended collection efforts. Only Council may approve ending collection efforts on an account over

Proposed Metro Code Chapter 5.02 - REVISED DRAFT 07/06/2016  
Revisions made in response to comments received from the public.

~~§10,000.00. Such action shall be reported to the Council in writing on a monthly basis when the amount exceeds \$1,000.00, and amounts over \$10,000.00 shall require Council approval.~~

(Ordinance No. 82-146, Sec. 11. Amended by Ordinance No. 90-350; Ordinance No. 91-386C, Sec. 8; Ordinance No. 92-455, Sec. 1. Repealed and re-established by Ordinance No. 93-504A. Amended by Ordinance No. 97-681B, Sec. 6; Ordinance No. 98-720A, Sec. 24; Ordinance No. 01-913, Sec. 2; Ordinance No. 02-974, Sec. 1; Ordinance No. 04-1049, Sec. 1.)

+

~~5.02.065 Special Waste Surcharge and Special Waste Permit Application Fees; Conditionally Exempt Generator Waste. Repealed Ord. 98-720A § 25)~~

~~(5.02.070 Source Separated Yard Debris Disposal Charge. Repealed Ord. 98-720A § 25)~~

5.02.075160 Special Exemption from Disposal Fees

(a) The Chief Operating Officer may issue ~~on such terms as the Chief Operating Officer finds appropriate~~ a special exemption permit to a public agency, local government, or qualified non-profit entity as specified in Code Section 5.07.030(a), (b), (d) and (j) for the purpose of waiving fees for disposal of solid waste generated within the Metro region.

(b) ~~Commencing in Metro fiscal year 2007-08 and in each fiscal year thereafter, the~~The Chief Operating Officer ~~shall~~must provide the Metro Council with an annual report ~~showing~~ indicating the:

(1) ~~the amount~~ Amount of solid waste recycled and disposed under the special exemption permits granted by the Chief Operating Officer during ~~such that~~ fiscal year; and

(2) ~~the total expenditures~~ Total lost revenue arising from the exemption permits granted.

(Ordinance No. 94-531, Sec. 9. Amended by Ordinance No. 97-681B, Sec. 8; Ordinance No. 02-974, Sec. 1; Ordinance No. 06-1099B.)

~~(5.02.085 Out-of-District Waste. Repealed Ord. 98-720A § 25)~~

5.02.170 Authority of Chief Operating Officer to Adopt and Amend Rules, Standards, and Forms

Comment [A6]: Revision made in response to comments. Refer to Exhibit A.

Proposed Metro Code Chapter 5.02 - REVISED DRAFT 07/06/2016  
Revisions made in response to comments received from the public.

(a) The Chief Operating Officer may adopt or amend rules, performance standards, and forms to implement any provision of this chapter. Any rule, performance standard, or form adopted or amended under this section has the same force and effect as any other chapter provision.

(b) Before the Chief Operating Officer adopts or amends a rule or performance standard under this section, the Chief Operating Officer will provide an opportunity for public comment for a period of at least 30 days. The Chief Operating Officer will provide notice of the public comment period in a manner reasonably calculated to reach interested parties. The notice will include a brief description of the proposed rule, performance standard or form; the location at which a person may obtain a copy of the full text of the proposed rule, performance standard or form; the method for submitting public comments; and the deadline for submitting public comments.

(c) In addition to public comments, the Chief Operating Officer will also hold a public hearing on any proposed rule or performance standard or amendment to an existing rule or performance standard. The public hearing will take place not less than 14 days from the deadline for submitting public comments. The Chief Operating Officer will give public notice of the hearing not less than 10 days nor more than 30 days before the hearing. The notice will include the time, place, and purpose of the public hearing, a brief description of the proposed rule or performance standard, and the location at which a person may obtain copies of the full text of the proposed rule or performance standard.

(d) During the public hearing, the Chief Operating Officer will receive any offered written or oral testimony regarding the proposed rule, including any written comments received during the public comment period.

(e) After the public hearing is closed, the Chief Operating Officer may adopt the rule as originally proposed, adopt a modified version of the proposed rule, or reject the proposed rule. If the Chief Operating Officer intends to adopt a substantially modified version of the proposed rule, the Chief Operating Officer must mail a notice of opportunity to comment on the proposed modifications along with a copy of the text of the new proposed changes to each person who has either submitted written comments on the proposal, testified at the public hearing, or asked to receive a notice of proposed modifications. Metro must also post the notice on its website. The public has 15 days from the mailing date to provide written comment on the proposed modifications, but no further public hearing is

Comment [A7]: Revision made in response to comments. Refer to Exhibit A.

Proposed Metro Code Chapter 5.02 - REVISED DRAFT 07/06/2016  
Revisions made in response to comments received from the public.

required. After the 15-day comment period ends, the Chief Operating Officer may adopt the proposed rule.

(f) Any rule or performance standard adopted under this section takes effect 30 days after the Chief Operating Officer adopts it, unless the Chief Operating Officer specifies a later effective date.

(g) Notwithstanding subsections (b) and (c), the Chief Operating Officer may adopt an interim rule or performance standard without prior public notice, comment or hearing upon a written finding that a failure to act promptly will result in serious prejudice to the public interest or the interest of an affected party. The Chief Operating Officer must include the specific reasons for the serious prejudice. Any rule or performance standard adopted pursuant to this subsection expires no later than 180 days from its effective date.

(h) If the Metro Council enacts an ordinance establishing rulemaking procedures that are applicable agency-wide, then the rulemaking procedures set forth in this chapter are superseded by the agency-wide procedures. However, the procedures set forth in this chapter will still apply to the adoption or amendment of performance standards and forms.

(i) Any form, performance standard, or administrative rule (formerly known as an "administrative procedure") that is in effect on the date of this ordinance's adoption remains in effect unless otherwise repealed or amended.

(j) For purposes of ORS 34.020, any rule adopted by the Chief Operating Officer under this section is considered a final decision.

Comment [A8]: Revision made in response to comments. Refer to Exhibit A.