



**SOLID WASTE  
ADMINISTRATIVE PROCEDURES**

**AP NO. 501  
Section 8**

---

---

**Administration of Metro's  
Enhanced Dry Waste Recovery Program**

**8.1 Policy and Legal Authority.**

8.1.1 Metro's solid waste regulatory authority is established under the Constitution of the state of Oregon, ORS Chapter 268 for solid waste and the Metro Charter.

8.1.2 The Metro Charter includes authority to regulate solid waste generated or disposed within Metro and all solid waste facilities located within Metro.

8.1.3 Ordinance No. 07-1147B adopted by the Metro Council on August 16, 2007 amended Metro Code Chapters 5.01 and 5.05 to ensure that all of the region's non-putrescible waste undergo material recovery prior to disposal.

8.1.4 Administrative procedures are adopted, as necessary, to implement the provisions of Metro Code Chapters 5.01 and 5.05.

8.1.5 These administrative procedures are published under the authority of Metro Code Sections 5.01.132 and 5.05.090, which directs Metro's Chief Operating Officer ("COO") to issue administrative procedures and performance standards to implement all provisions of Chapters 5.01 and 5.05.

**8.2 Application and Purpose.**

8.2.1 The purpose of these administrative procedures is to:

8.2.1.A Protect and preserve the health, safety and welfare of Metro's residents;

8.2.1.B Protect and preserve the environment and livability of the region;

- 8.2.1.C Implement programs cooperatively with federal, state and local agencies consistent with the Regional Solid Waste Management Plan;
  - 8.2.1.D Provide coordinated regional disposal, management and resource recovery programs to benefit all citizens of Metro;
  - 8.2.1.E Adapt and respond to changes in the solid waste system; and
  - 8.2.1.F Reduce the volume of solid waste disposal through source reduction, recycling, reuse and resource recovery in accordance with the Regional Solid Waste Management Plan.
- 8.2.2 These administrative procedures establish the sampling and reporting requirements of Metro’s Enhanced Dry Waste Recovery Program (“EDWRP”) processing residual standard provided in Metro Code Section 5.01.125(c).
- 8.2.3 These procedures also establish the process that Metro will use to determine whether to approve or deny a request for an exception from the EDWRP processing residual standard due to a significant region-wide change in recyclable commodity markets. Metro will accept such requests for consideration only from facilities that are authorized by Metro to receive and process mixed non-putrescible (“dry”) waste and that are subject to the processing residual standard provided in Section 5.01.125(c).
- 8.2.4 In extraordinary circumstances above and beyond normal recycling market fluctuations, the COO may grant an exception to part or all of the EDWRP processing residual standard upon finding that a significant portion of the market capacity for a material subject to the EDWRP recovery standard has been lost and that there is no viable market. If such circumstances occur, the COO will make such an investigation concerning the matter as the COO deems necessary to understand the market challenges identified by the affected parties and determine potential solutions that will maintain the integrity of the region’s post-collection recovery systems and the EDWRP recovery standard.

### 8.3 Definitions

- 8.3.1 Unless otherwise specified, all terms are as defined in Metro Code Chapter 5.00.

## 8.4 Residual Sampling and Reporting Requirements

8.4.1 A licensee or franchisee subject to Metro Code Section 5.01.125(a) shall:

8.4.1.A Process non-putrescible waste accepted at the facility and delivered in drop boxes and self-tipping trucks to recover cardboard, wood, and metals, including aluminum. Processing residual from such a facility shall not contain more than 15 percent, by total combined weight, of cardboard or wood pieces of greater than 12 inches in size in any dimension and metal pieces greater than eight (8) inches in size in any dimension.

8.4.1.B Sample the processing residual generated at the facility to ensure compliance with the processing residual standard stipulated above in Metro Code Section 5.01.125(c).

8.4.1.B.1 A licensee or franchisee shall sample its processing residual on a quarterly basis unless otherwise provided in Subsection 8.4.1.B.2.

8.4.1.B.2 If a licensee or franchisee maintains compliance with the recovery and processing residual requirements provided in Metro Code Section 5.01.125(c) for a period of three consecutive years, then the licensee or franchisee may take annual samples of its processing residual as provided in this section.

8.4.1.B.3 A licensee or franchisee shall sample its processing residual as provided in Metro Solid Waste Regulatory Guidance Bulletin No. GB8 ("Procedures for Complying with EDWRP Sampling and Reporting Requirements"). All such samples shall be statistically valid, representative of the facility's residual, and at least 300 pounds in weight.

8.4.1.C Provide the results of its processing residual sampling to Metro as follows:

8.4.1.C.1 A licensee or franchisee with less than three consecutive years of compliance with the recovery and processing residual requirements provided in Metro Code Section 5.01.125(c) shall provide its sampling results to Metro in the monthly report due the month following the end of each quarter.

8.4.1.C.2 A licensee or franchisee with three consecutive years or more of compliance with the recovery and processing residual requirements provided in Metro

Code Section 5.01.125(c) shall sample its processing residual at least once before December 31 of each year and provide such results to Metro within 45 days of the sampling event.

8.4.2 Metro inspectors may require additional analysis of waste residual at the facility in accordance with Metro Code Section 5.01.135(c) based on observation, audits, inspections and reports.

8.4.3 Failure to maintain the recovery level specified in Metro Code Section 5.01.125(c) shall constitute a violation enforceable under Metro Code. The first two violations of the processing residual standard provided in Metro Code Section 5.01.125(c) by a single licensee or franchisee shall not result in the imposition of a civil penalty.

8.5 Process for Determining Whether to Allow Exceptions to EDWRP Recovery Requirements

8.5.1 If reuse or recycling markets for EDWRP-mandated materials cannot be found, the COO may temporarily suspend all or part of the EDWRP recovery standard as specified in Chapter 5.01.125(c)(1).

8.5.2 In order for the COO to consider changes to the EDWRP recovery standard, at least two operators of unaffiliated Metro-authorized solid waste facilities must submit a written request to the COO for consideration. The written request must include a statement of the facts that show cause as to why the COO should grant such an exception to EDWRP requirements. The request for an exception should also address, to the extent known by the applicant, the following factors:

8.5.2.A Has there been a documented market disruption or significant loss of capacity for any of the EDWRP-mandated materials?

8.5.2.B Is such market disruption or loss of capacity expected to result in major operational or financial impacts for Metro authorized facilities?

8.5.2.C What is the likely cause and duration of the market disruption? Is it due to short-term factors that are within the control or influence of Metro or Metro-authorized facilities (such as recycled commodity sorting, contamination or transportation problems, etc.)? Or, is the disruption due to long-term factors that are outside the control and influence of Metro and Metro authorized facilities (such as an end markets need to perform periodic facility maintenance, end market production

curtailments, temporary or permanent closure of receiving market facility or facilities, downturn in sales, labor dispute, bankruptcy or other factors impacting end market outlets, etc.)?

8.5.2.D If a significant change in recycling market material specifications is responsible for the market disruption, have authorized facilities made a good faith effort to meet the new market specifications for EDWRP materials using currently available sorting and processing technology?

8.5.2.E Have the combined costs of sorting, processing, storing, transporting material to market significantly changed?

8.5.2.F Have material stockpiles at the authorized facilities (or their storage yards) exceeded the storage limitations set forth by Metro, Oregon Department of Environmental Quality (DEQ), other appropriate state environmental protection agency, or local land use authority?

8.5.2.G Have good faith efforts been made to find legitimate uses for the material in lieu of disposal in accordance with Oregon's waste management hierarchy?

8.5.2.H Have the local source-separated recyclers of any of the EDWRP-mandated materials obtained approval from or petitioned DEQ for authorization to dispose of a source-separated recyclable material because of changes in market capacity?

8.5.2.I Any other relevant factors that help inform the COO's decision.

8.5.3 In applying these criteria, the COO may perform independent research into market conditions and may request any other information that the COO deems appropriate for the purpose of determining whether to allow exception to EDWRP recovery requirements including, but not limited to:

8.5.3.A Description (including documentation and photographs) of the type, source, and amount of material for which there is no current end market.

8.5.3.B The proposed alternate use or disposition for the material, any alternative uses considered for the material and their feasibility and the period of time proposed for the alternative use.

- 8.5.3.C Information about the availability of recycling markets (e.g., where and how the material is normally marketed for recycling, changes in those markets, efforts to find new markets).
- 8.5.3.D Information about the availability of suitable storage capacity on or off-site and any storage related constraints and current totals that count toward the Metro permitted maximum quantity that can be stockpiled by each regulated facility.
- 8.5.3.E Relevant cost analyses (e.g., how relevant processing, transportation or market payments/tip fees have changed, comparison of costs for recycling and proposed alternative use/disposition).
- 8.5.3.F Results of consultations with Oregon DEQ, local governments and others that have been involved in the search for alternative end markets.

## 8.6 Process for Implementation of Exceptions to EDWRP Recovery Requirements

- 8.6.1 Once a decision is made on the request for an exception to any part of the EDWRP recovery standard, the COO will notify the potentially affected Metro-authorized solid waste facilities. If a request for an exception is denied, the COO shall notify the persons requesting the exception of the right to a contested case hearing pursuant to Metro Code Chapter 2.05.
- 8.6.2 In consideration of the factors identified above, the COO may allow exceptions or other modifications to the EDWRP recovery requirements which include, but are not limited to, changes to the following:
  - 8.6.2.A EDWRP-mandated materials or EDWRP measurement specifications.
  - 8.6.2.B EDWRP residual percentage.
  - 8.6.2.C Content or frequency of required EDWRP self-sampling events and reports submitted to Metro by authorized facilities.
  - 8.6.2.D EDWRP compliance procedures used by Metro staff during inspections of authorized solid waste facilities.
  - 8.6.2.E Signage and messaging for facility operators to use to inform their customers about changes in practices that need to

happen with generators and haulers to best manage EDWRP materials.

8.6.2.F Disposition of any stockpiled EDWRP materials.

8.6.3 The COO shall determine the duration of time that the approval will be in effect and establish a timeline to reassess the exception as provided in Section 8.5 of this administrative procedure.

8.6.4 The COO may disallow an exception and reinstate EDWRP recovery requirements at any time if the COO determines that the action is warranted (e.g. reopening of an end-market facility, etc.). In such case, the COO will notify the potentially affected Metro-authorized solid waste facilities.

DRAFT