

Metro SWAAC MRF Subcommittee
Dave White comments and observations
05 20 16

1) Metro staff report on Ordinance Proposing Regulation and Standards:

B) In the September 1, 2015 Staff Report, prepared by Warren Johnson, IN CONSIDERATION OF ORDINANCE NO. 15-1362 FOR THE PURPOSE OF AMENDING METRO CODE TITLE V, SOLID WASTE, TO REVISE CHAPTERS 5.00, 5.01, AND 5.05 it states:

The COO recommends that the Council remove the exemption for such operations and require facilities that accept and process multiple types of source-separated recyclable materials (i.e., operations processing residential or commercial curbside recyclables) to obtain a Metro solid waste facility license...

The COO will establish and issue administrative procedures that define the types of MRFs that will be subject to the licensing requirements in Code.3 Upon adoption of these Code changes, the COO plans to initiate a stakeholder process to develop expanded administrative procedures for newly regulated facilities similar to the process that was used in 2007 to develop standards for MRFs that receive and process mixed non-putrescible waste. These administrative procedures will also include performance, design, and operating requirements that meet the general performance goals provided in Code.

2) Metro Council Work session and councilor comments/direction:

At the October 22 work session staff asked Council the following:

1. Does the Metro Council support continued consideration of substantive Title V code changes as charted out in Attachment B related to:
 - a. Regulation of facilities that process source-separated recyclable material and waste conversion facilities?
 - b. Fee and tax exemptions for solid waste that is disposed in landfills?

2. Does the Metro Council generally support using a more prescribed and rigorous process for adoption of potentially controversial code changes such as that proposed in Attachment B?

I reviewed the entire work session recording. The council members expressed support for “additional attention to issues” and for the sub-committee process. (See #3 below for more information on council direction in Metro staff’s words).

3) Purpose of the sub-committee was explained at the first meeting on February 1 (from meeting summary):

Mr. Brower noted that the purpose of the subcommittee is to advise the Solid Waste Alternatives Advisory Committee (SWAAC) which is in turn advising the Metro Council on the following questions:

- 1) Consider whether MRFs that process source-separated recyclable materials and facilities that convert waste to energy or fuel should be subject to licensing and inspection by Metro similar to other facilities?
- 2) If so, which licensing requirements are appropriate for such facilities?

Chair Brower provided background information on the formation of the SWAAC/MRF-CT Subcommittee. He noted that Metro staff initiated a public review process of proposed changes to Metro's solid waste code (Title V) in 2015 and, specifically, to the oversight of MRF-CT facilities. There were several in the industry who did not feel the issues had been properly vetted and the Metro Council agreed. At the direction of the Metro Council, staff is now going through this process with the SWAAC/MRF-CT subcommittee.

At a Metro Council Work Session in October 2015, the Metro Council directed staff to provide a more thorough vetting for code changes.

4) At the second meeting on February 24, members identified issues and concerns associated with the current recycling system. Their concerns focused on establishing confidence that delivered materials are properly processed and sent to the appropriate destination. The list, from the meeting summary under the category of "Accountability", included:

- There is a lack of knowledge about what goes on within private facilities that are not regulated.
- Without regulation, how do local governments (LGs) achieve a level of transparency? Regulation protects everyone.
- The public thinks that government knows what is going on in these facilities, but LGs don't.
- How do LGs maintain commitment to highest and best use of recyclables across the system?
- LGs rely on private sector to deliver the services, LGs regulate hauling, but not the SSR facilities that haulers deliver to, LGs can't control highest and best use of these resources.
- LGs would like more information from SSR facility operators about contamination issues on a more routine basis.
- How can LGs and industry work together better to deal with issues?

There was no mention by members of dust, litter and nuisance although these problem could also be addressed along with LGs' concerns. Why didn't Metro staff tell members at this 2nd meeting that their list of issues would NOT be addressed in the sub-committee?

5) At the third meeting on March 17, Metro/Chair Brower clarified the standards that Metro is interested in establishing if they regulate these facilities (from the meeting summary):

Mr. Singh indicated that the proposal for regulation was far reaching, and including operations, including tons per hour, material quality. Mr. Brower clarified that those types of standards were not part of the original intended changes, and are not being proposed for consideration by the Subcommittee. Rather Mr. Brower stated that Metro is interested in housekeeping and operational standards such cleanliness, litter control, vector and odor control etc.