

Proposed revisions to Metro Code Chapter 5.00

CHAPTER 5.00

SOLID WASTE DEFINITIONS

5.00.010 Definitions

For the purposes of Title V Solid Waste, unless the context requires otherwise, the following terms ~~shall~~ have the meaning indicated:

~~(a) "Act" shall mean Oregon Revised Statutes Chapter 268, as amended, and other applicable provisions of the laws of the state of Oregon.~~

~~(b) "Activity" means a primary operation or function that is performed in a solid waste facility or at a disposal site, including but not limited to resource recovery, composting, energy recovery, and other types of processing; recycling; transfer; incineration; and disposal of solid waste. but excluding This term does not include operations or functions such as segregation that serve to support the primary activity, such as segregation.~~

~~(c) "Agronomic application rate" has the meaning provided in OAR 340-093-0030(5).~~

~~(d) "Agronomic application rate" means land application of no more than the optimum quantity per acre of compost, sludge or other materials. In no case may the application adversely impact the waters of the state. The application must be designed to:~~

- ~~(1) Provide the amount of nutrient, usually nitrogen, needed by crops or other plantings, to prevent controllable loss of nutrients to the environment;~~
- ~~(2) Condition and improve the soil comparable to that attained by commonly used soil amendments; or~~
- ~~(3) Adjust soil pH to desired levels.~~

"Alternative program" means a solid waste management service proposed by a local government that differs from the service required under Chapter 5.10.

~~(e) "Authorized official" means a person authorized to issue citations under Chapter 5.09.~~

- 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 **gray** are "non-substantive" in nature. These indicate general grammatical improvements with no change to current requirements.
- All the proposed revisions highlighted in **yellow** are "substantive" in nature. These indicate a change or new requirement.

Comment [A1]: NON-SUBSTANTIVE

Comment [A2]: NON-SUBSTANTIVE.
Remove individual lettering of terms throughout chapter. Establish alphabetized listing of terms.

Comment [A3]: NON-SUBSTANTIVE.
Delete unnecessary term.

Comment [A4]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

Comment [A5]: NON-SUBSTANTIVE.
Replace reference to Oregon Administrative Rules with same definition as stated in OAR 340-093-0030(5).

~~(f)~~ "Business" means any entity of one or more persons, corporate or otherwise, engaged in commercial, professional, charitable, political, industrial, educational, or other activity that is non-residential in nature, including public bodies and excluding businesses whose primary office is located in a residence.

~~(g)~~ "Business recycling service customer" means a person who enters into a service agreement with a waste hauler or recycler for business recycling services.

~~(h)~~ "Chief Operating Officer" means the Metro Chief Operating Officer or the Chief Operating Officer's designee.

~~(i)~~ "Clean fill" means material consisting of soil, rock, concrete, brick, building block, tile or asphalt paving that does not contain contaminants that could adversely impact the waters of the state or public health. This term does not include putrescible waste, cleanup material, construction and demolition waste, or industrial waste.

Comment [A6]: SUBSTANTIVE. Add new term "clean fill." As defined in OAR 340-093-0030(18) with the term "cleanup material" included as part of the definition for clarification.

~~(j)~~ "Cleanup material—contaminated by hazardous substances" means solid waste resulting from the excavation or cleanup of releases of hazardous substances into the environment, including street sweeping waste, non-hazardous contaminated soils that do not qualify as clean fill (such as petroleum contaminated soils) and ~~sandbags~~ contaminated debris resulting from the cleanup of chemical spills or releases. ~~Cleanup material contaminated by hazardous substances~~ This term does not ~~mean~~ include solid waste generated by manufacturing or industrial processes.

Comment [A7]: SUBSTANTIVE. Shorten term to "cleanup material." Modify definition to broaden and clarify the types of waste that qualify for Metro's reduced regional system fee and excise tax rate.

~~(j)~~ "Closure" means the ~~restoration of~~ restoring a solid waste facility or a disposal site to its condition ~~prior to the commencement of~~ before licensed or franchised solid waste activities began at the site. Closure includes, but is not limited to, the removal of all accumulations of solid waste and recyclable materials from the site.

Comment [A8]: NON-SUBSTANTIVE. Revise for clarification and consistency.

~~(k)~~ "Code" means the Metro Code.

~~(l)~~ "Community enhancement fee" means the fee collected in addition to general disposal rates that pays for rehabilitation and enhancement projects in the areas surrounding solid waste facilities and disposal sites.

Comment [A9]: NON-SUBSTANTIVE. Revise term from "enhancement fee" to "community enhancement fee" with other non-substantive revisions for clarification.

"Compost" means the stabilized product of composting.

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~~(m) "Compostable organic waste" means organic wastes delivered in a single transaction at Metro Central Station or at Metro South Station in a form suitable for making compost, notwithstanding the presence of incidental amounts or types of non-compostable materials.~~

Comment [A10]: NON-SUBSTANTIVE.
Delete unnecessary term.

~~(n) "Composting" means the controlled biological decomposition of organic material.~~

~~(o) "Conditionally exempt generator" (CEG) means a conditionally exempt small quantity generator as defined in 40 CFR 261.5.~~

~~(p) "Council" means the Metro Council.~~

~~(q) "DEQ" means the Department of Environmental Quality of the State of Oregon.~~

~~(r) "Department" means the Metro Finance and Regulatory Services Metro's Property and Environmental Services Department in Chapter 5.09.~~

Comment [A11]: NON-SUBSTANTIVE

~~(s) "Designated facility" means one of the facilities constituting a facility that Metro designates as part of the system designated from time to time pursuant to Chapter 5.05.~~

Comment [A12]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

~~(t) "Direct haul" means the delivery of putrescible waste from a solid waste facility directly to Metro's contract operator for disposal of putrescible waste. Direct haul is an activity under Chapter 5.01.~~

~~(u) "Direct haul disposal charge" means that fee which pays for the direct unit costs of disposal of solid waste under the disposal contract between Metro and Oregon Waste Systems, Inc. The direct haul disposal charge is levied on solid waste that is generated or originates within the Metro boundary and is delivered directly to Columbia Ridge Landfill under Metro's disposal contract with Oregon Waste Systems, Inc., by persons other than Metro. The direct haul disposal charge is equal to the disposal component of the disposal fee.~~

Comment [A13]: NON-SUBSTANTIVE.
Delete unnecessary term.

~~(v) "Director" means the Director of Metro's Solid Waste and Recycling Program in Chapter 5.10.~~

Comment [A14]: NON-SUBSTANTIVE.
Delete unnecessary term.

~~(w) "Disposal fee" means those fees which pay a fee that pays the direct unit costs of transportation and disposal of general~~

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~~purpose solid waste. Major cost components are the long haul transport contract and the Oregon Waste Systems, Inc., disposal contract.~~

Comment [A15]: NON-SUBSTANTIVE. Revise for clarification and consistency.

~~(x) "Disposal site" means the land, buildings, and facilities equipment used for the disposal of solid wastes whether or not open to the public, but, This term does not include transfer stations or processing facilities a solid waste facility.~~

Comment [A16]: NON-SUBSTANTIVE. Revise for clarification and consistency.

~~(y) "District" has the same meaning as in Code Section 1.01.040.~~

Comment [A17]: NON-SUBSTANTIVE. Delete unnecessary definition.

~~(z) "Energy recovery" means a type of resource recovery that is limited to methods in which all or a part of solid waste materials are processed to use the heat content, or other forms another form of energy from the material.~~

Comment [A18]: NON-SUBSTANTIVE. Revise for clarification and consistency.

~~(aa) "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.~~

Comment [A19]: NON-SUBSTANTIVE. Revise term to "community enhancement fee" with other minor, non-substantive revisions to the definition.

~~(bb) "Facility" means the land, buildings, and equipment used for an activity.~~

Comment [A20]: SUBSTANTIVE. Add new term "facility" with definition taken from other defined terms.

"Franchise" means the grant of authority or privilege given by the Council to operate a disposal site, transfer station, energy recovery facility, or to conduct any other activity that requires such authorization under Chapter 5.01.

Comment [A21]: NON-SUBSTANTIVE

~~(cc) "Franchisee" means the person to whom holder of a current, validly issued franchise is granted by the Council under Chapter 5.01.~~

Comment [A22]: NON-SUBSTANTIVE. Revise for clarification and consistency.

~~(dd) "Franchise fee" means the fee charged by Metro to charges the franchisee for the administration of the franchise.~~

Comment [A23]: NON-SUBSTANTIVE. Revise for clarification and consistency.

~~(ee) "Hazardous substance" means any substance defined as a hazardous substance pursuant to Section 101(14) of the federal Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 USC 9601 et seq., oil, as defined in ORS 465.200, and any substance designated by DEQ under ORS 465.400.~~

Comment [A24]: NON-SUBSTANTIVE. Add new term "hazardous substance" as defined in OAR 340-093-0030(48).

"Hazardous waste" has the meaning provided in ORS 466.005.

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~~(ff)~~ "Hearings officer" means a person ~~designated by that~~ Metro designates to hear and decide cases under this title.

Comment [A25]: NON-SUBSTANTIVE

~~(gg)~~ "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 and is generated by the household. Household hazardous waste may include but is not limited to some cleaners, solvents, pesticides, and automotive and paint products.

~~(hh)~~ "Inert" means containing only constituents that are biologically and chemically inactive and that, when exposed to biodegradation and/or leaching, will not adversely impact the waters of the state or public health.

~~(ii)~~

~~(ii)~~ "License" means the permission given by the Council or Chief Operating Officer to operate a solid waste facility not otherwise exempted or requiring a franchise under Chapter 5.01.

Comment [A26]: NON-SUBSTANTIVE

~~(jj)~~ "Licensee" means the ~~person to whom~~ holder of a current, validly issued license ~~is~~ granted by the Council or Chief Operating Officer under Chapter 5.01.

Comment [A27]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

~~(kk)~~ "Local government" means any city or county that is within Metro's jurisdiction, including the unincorporated areas of Clackamas, Multnomah, and Washington Counties.

~~(ll)~~ "Local government action" means adoption of any ordinance, order, regulation, contract, or program affecting solid waste management.

~~(mm)~~ "Material recovery" means a type of resource recovery that is limited to manual or mechanical methods of obtaining material from solid waste ~~materials which that~~ still ~~have~~ has useful physical or chemical properties and can be reused, recycled, or composted for some purpose. Material recovery includes obtaining material from solid waste ~~materials that is~~ used in the preparation of fuel, but excludes the extraction of heat content or other forms of energy from the material.

Comment [A28]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

~~(nn)~~ "Medical waste" means solid waste that is generated as a result of patient diagnosis, treatment or immunization of human beings or animals.

Comment [A29]: NON-SUBSTANTIVE. Add new term "medical waste" as defined in OAR 340-093-0030(66).

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— "Metro Central Station" is the Metro solid waste transfer and recycling station located at 6161 NW 61st Avenue, Portland, Oregon 97210.

~~(oo)~~ "Metro designated facility" means a facility in the system of solid waste facilities and disposal sites that Metro authorizes ~~is authorized~~ under Chapter 5.05 to accept waste generated within the jurisdiction of Metro.

Comment [A30]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

~~(pp)~~ "Metro disposal system" means Metro South Station, Metro Central Station, 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.

Comment [A31]: NON-SUBSTANTIVE.
Delete unnecessary definition.

~~(qq)~~ "Metro South Station" is the Metro solid waste transfer station and recycling station located at 2001 Washington Street, Oregon City, Oregon 97045.

~~(rr)~~ "Metro waste management system" means all associated Metro solid waste services related to management of the whole recycling, processing and disposal system.

Comment [A32]: NON-SUBSTANTIVE.
Delete unnecessary definition.

~~(ss)~~ "Non-commercial customer" means a person who is not primarily engaged in the business of collection or transportation of solid waste and who is not authorized by any federal, state or local government to perform such collection or transportation.

~~(tt)~~ "Non-putrescible waste" means any waste that contains no more than trivial amounts of putrescible materials or minor amounts of putrescible materials contained in such a way that they can be easily separated from the remainder of the load without causing contamination of the load. —This category term includes construction ~~waste~~ and demolition waste ~~but excludes~~. This term does not include cleanup ~~materials contaminated by hazardous substances,~~ material, source-separated recyclable material ~~materials~~, special waste, land clearing debris ~~and~~ or yard debris.

Comment [A33]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

— ~~(uu)~~ "Non-system facility" means any solid waste facility, disposal site, transfer station, processing facility, recycling drop center, resource recovery facility or other facility for the disposal, recycling or other processing of solid waste which does if the facility is not ~~constitute~~ part of the system.

Comment [A34]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

~~(vv)~~ "Non-system license" means a license issued pursuant to the permission given by the Council or Chief Operating Officer to ~~and~~

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~~in accordance with Chapter 5.05~~ transport solid waste generated within the Metro boundary to a non-system facility.

Comment [A35]: **SUBSTANTIVE.** Replace reference to Metro Code Chapter 5.05 with new definition.

~~(ww)~~ "Person" has the same meaning as in Metro Code Section 1.01.040. For any person other than an individual, the acts of ~~such the~~ person's employees, contractors, and authorized agents ~~shall beare~~ considered the acts of the person.

Comment [A36]: **NON-SUBSTANTIVE.** Revise for clarification and consistency.

~~(xx)~~ "Petroleum contaminated soil" means soil into which hydrocarbons, including gasoline, diesel fuel, bunker oil or other petroleum products have been released. ~~Soil~~ This term does not include soil that is contaminated with petroleum products but also contaminated with ~~a hazardous waste as defined in ORS 466.005, or a radioactive waste as defined in ORS 469.300, is not included in the term.~~

Comment [A37]: **NON-SUBSTANTIVE.** Revise for clarification and consistency.

~~(yy)~~ "Process," "processing", or "processed" means a method or system of altering the form, condition or content of wastes, including but not limited to composting, vermiprocessing and other controlled methods of biological decomposition; classifying; separating; shredding, milling, pulverizing, or hydropulping; ~~but excluding. This term does not include~~ incineration or mechanical volume reduction techniques such as baling and compaction.

Comment [A38]: **NON-SUBSTANTIVE.** Revise for clarification and consistency.

~~(zz)~~ "Processing facility" means a ~~place or piece of equipment facility~~ where or by which solid wastes are processed. This ~~term definition~~ does not include commercial and home garbage disposal units, which are used to process food wastes and are part of the sewage system, hospital incinerators, crematoriums, paper shredders in commercial establishments, or equipment used by a recycling drop center.

Comment [A39]: **NON-SUBSTANTIVE.** Revise for clarification and consistency.

~~(aaa)~~ "Processing residual" means the solid waste ~~destined for disposal which that~~ remains after resource recovery has ~~taken place~~ occurred and which is intended for disposal.

Comment [A40]: **NON-SUBSTANTIVE.** Revise for clarification and consistency.

~~(bbb)~~ "Putrescible" means rapidly decomposable by microorganisms, which may give rise to foul smelling, offensive products during such decomposition or which is capable of attracting or providing food for birds and potential disease vectors such as rodents and flies.

~~(ccc)~~ "Putrescible waste" means waste containing putrescible material.

~~(ddd)~~

~~"Radioactive waste" means the same as defined in ORS 469.300.~~

Comment [A41]: **NON-SUBSTANTIVE.** Add new term "radioactive waste" as defined in Oregon Revised Statutes.

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"Rate" means the amount ~~approved by that~~ Metro approves and charged ~~by that~~ the franchisee charges, excluding the regional system fee ~~as established in Chapter 5.02 of this Title~~ and franchise fee.

Comment [A42]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

~~---~~ ~~(eee)~~ "Recoverable solid waste" means source-separated or homogeneous material accepted in a single transaction at Metro Central Station or at Metro South Station in a form that is usable by existing technologies, ~~---~~ ~~(notwithstanding the presence of incidental amounts or types of contaminants,)~~ for reuse, recycling, controlled biological decomposition of organic material including composting and digestion, and the preparation of fuels that meet an engineering, industrial, or market specification; ~~but excludes. This term does not include~~ mass burning, incineration in refuse derived fuel facilities, and similar methods of extracting energy from mixed solid wastes.

Comment [A43]: NON-SUBSTANTIVE

~~(fff)~~ "Recyclable material" means material that still has or retains useful physical, chemical, or biological properties after serving its original purpose(s) or function(s), and that can be reused, recycled, or composted for the same or other purpose(s).

~~---~~ ~~(ggg)~~ "Recycle" or "recycling" means any process by which waste materials are transformed into new products in such a manner that the original products may lose their identity.

~~---~~ ~~(hhh)~~ "Recycling drop center" means a facility that receives and temporarily stores multiple source-~~---~~ separated recyclable materials, including but not limited to glass, scrap paper, corrugated paper, newspaper, tin cans, aluminum, plastic and oil, which materials will be transported or sold to third parties for reuse or resale. This term does not include a facility that processes source-separated recyclable materials.

Comment [A44]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

~~---~~ ~~(iii)~~ "Regional Solid Waste Management Plan" or "RSWMP" means the Regional Solid Waste Management Plan adopted as a functional plan by Council and approved by DEQ.

~~---~~ ~~(jjj)~~ "Regional system fee" means ~~those fees which pay the cost of the~~ fee that pays Metro waste management system costs.

Comment [A45]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

~~(kkk)~~ "Regional transfer charge" means ~~those fees which pay a fee that pays~~ the direct unit operating costs of the Metro transfer stations. This fee is imposed upon all solid waste delivered to Metro disposal system facilities.

Comment [A46]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

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~~(lll)~~ "Reload" or "reload facility" means a facility that performs only transfer and delivers all the activity of receiving solid waste received at the facility for the purpose of consolidating and transferring it to another solid waste facility after it receives such solid waste, generally within 24 hours of receipt.

Comment [A47]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

~~(mmm)~~ "Required use order" means a written order issued pursuant to Chapter 5.05 requiring a waste hauler or other person to use a designated facility pursuant to the terms of the order.

~~(nnn)~~ "Residence" means the place where a person lives.

~~(ooo)~~ "Resource recovery" means a process by which useful material or energy resources are obtained from solid waste.

~~(ppp)~~ "Resource recovery facility" shall mean a facility described in Chapter 5.01 which has been designated by Metro as constituting part of the system.

Comment [A48]: NON-SUBSTANTIVE.
Delete unnecessary definition.

~~(qqq)~~ "Reuse" means the return of a commodity into the economic stream for use in the same kind of application as before without change in its identity.

~~(rrr)~~ "RSWMP requirement" means the portions of the Regional Solid Waste Management Plan that are binding on local governments as set forth and implemented in Chapter 5.10.

Comment [A49]: NON-SUBSTANTIVE

~~(sss)~~ "Segregation" means the removal of prohibited wastes, unauthorized wastes, bulky material (such as but not limited to white goods and metals) incidental to the transfer of solid waste. Segregation does not include resource recovery or other processing of solid waste. The sole intent of segregation is not to separate useful material from the solid waste but to remove prohibited, unauthorized waste or bulky materials that could be hard to handle by either the facility personnel or operation equipment.

~~(ttt)~~ "Solid waste" means all putrescible and non-putrescible wastes, including without limitation, garbage, rubbish, refuse, ashes, waste paper and cardboard; discarded or abandoned vehicles or parts thereof; sewage sludge, septic tank and cesspool pumpings or other sludge; commercial, industrial, demolition and construction waste; discarded home and industrial appliances; asphalt, broken concrete and bricks; manure, vegetable or animal solid and semi-solid wastes, dead animals; infectious waste as defined in ORS 459.386; and other such wastes, including without limitation cleanup materials contaminated with hazardous substances, commingled recyclable material, petroleum contaminated

Comment [A50]: NON-SUBSTANTIVE

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soil, special waste, source-separated recyclable material, land clearing debris and yard debris. ~~but the~~ This term does not include:

- (1) Hazardous wastes ~~as defined in ORS 466.005;~~
- (2) Radioactive wastes ~~as defined in ORS 469.300;~~
- (3) Materials used for fertilizer, soil conditioning, humus restoration, or for other productive purposes or which are salvageable for these purposes and are used on land in agricultural operations and the growing or harvesting of crops and the raising of fowls or animals, provided the materials are used at or below agronomic application rates; or
- (4) Explosives.

Comment [A51]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

~~(uuu)~~ "Solid waste disposal transaction" means a customer's use ~~the usage~~ of a Metro transfer station disposal ~~facilities~~ facility, hazardous waste ~~facilities~~ facility, or household hazardous waste collection events, ~~by a customer~~ for the purpose of delivering for disposal a single load of solid or hazardous waste during a single visit from a single vehicle (whether or not accompanied by, or transporting, one or more trailers), ~~and shall be determined to occur upon~~. A solid waste disposal transaction occurs when a ~~customer's entrance to~~ customer enters a Metro transfer station ~~facilities~~ facility, hazardous waste ~~facilities~~ facility, or household hazardous waste collection event.

Comment [A52]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

~~(vvv)~~ "Solid waste facility" means ~~the land and buildings~~ a facility at which solid waste is received for transfer, resource recovery, and/or processing ~~but excludes~~. The term does not include disposal sites.

Comment [A53]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

~~(www)~~ "Solid waste system facility" means ~~all facilities designated by a facility that~~ Metro designates as part of ~~its~~ Metro's system for the management and disposal of solid and liquid waste ~~including~~. This term includes, but is not limited to, all designated facilities set forth in Chapter 5.05 and any non-system facility that receives solid waste from within the Metro area, whether pursuant to an authorized non-system license or otherwise.

Comment [A54]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

~~(xxx)~~ "Source separate" or "source separated" or "Source source separation" means that the person who last uses recyclable material separates the recyclable material from solid waste.

Comment [A55]: NON-SUBSTANTIVE

~~(yyy)~~ "Source-separated recyclable material" or "Source-separated recyclables" means solid waste that has been source

separated by the waste generator for the purpose of reuse, recycling, or composting. This term includes (1) all homogenous loads of recyclable materials that have been source separated by material type for the purpose of recycling (i.e., source-sorted) and (2) residential and commercial commingled recyclable materials, which include only those recyclable material types that the local jurisdiction, where the materials were collected, permits to be mixed together in a single container as part of its residential curbside recyclable material collection program. This term does not include any other commingled recyclable materials.

~~(zzz)~~ "Special waste" means any waste (even though it may be part of a delivered load of waste) which that falls within one or more of the following categories ~~describes~~:

- (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.
- (2) Waste transported in a bulk tanker.
- (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 includes 25 or more gallons of free liquid per load, whichever is more restrictive.
- (4) Containers (or drums) which that once held commercial products or chemicals, unless the containers (or drums) are empty. ~~A container is empty when+ as provided in 40 CFR 261.7(b)(1).~~

~~(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) One end has been removed (for containers in excess of 25 gallons); and~~

~~(i) No more than one inch thick (2.54 centimeters) of residue remains on the bottom of the container or inner liner; or~~

~~(ii) No more than 1 percent by weight of the total capacity of the container remains in the container (for containers up to 110 gallons); or~~

~~(iii) No more than 0.3 percent by weight of the total capacity of the container~~

Comment [A56]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

Comment [A57]: NON-SUBSTANTIVE.
Revise for consistency and remove unnecessary portion of definition to make it more concise.

~~remains in the container for containers larger than 110 gallons.~~

~~(C) Containers that once held acutely hazardous wastes must be triple rinsed with an appropriate solvent or cleaned by an equivalent alternative method. Containers that 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 gallons that hold any regulated waste must be cut in half or punctured and be dry and free of contamination to be accepted as refuse.~~

- (5) Sludge waste from septic tanks, food service, grease traps, or wastewater from commercial laundries, Laundromats or car washes.
- (6) Waste from an industrial process.
- (7) Waste from a pollution control process.
- (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.
- (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.
- (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).
- (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.
- (12) Any waste that requires extraordinary management or special handling. Examples of such 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.
- (13) Medical waste.

Comment [A58]: NON-SUBSTANTIVE.
Revise for consistency and remove unnecessary portion of definition to make it more concise (continued from previous page).

~~(aaaa) "Standard recyclable materials" means newspaper, ferrous scrap metal, non ferrous scrap metal, used motor oil, corrugated cardboard and kraft paper, aluminum, container glass, high grade office paper, tin/steel cans, yard debris, mixed scrap paper, milk cartons, plastic containers, milk jugs, phone books, magazines, and empty aerosol cans.~~

Comment [A59]: NON-SUBSTANTIVE.
Delete unnecessary definition.

~~(bbb) "State" shall have means the meaning assigned thereto in Chapter 1.01 State of Oregon.~~

Comment [A60]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

~~(ccc) "Substantial compliance" means local government actions, on the whole, conform to the purposes of the performance standards in Chapter 5.10 and any failure to meet individual performance standard requirements is technical or minor in nature.~~

~~(ddd) "System" shall mean any and means all facilities now or hereafter designated by that Metro designates as part of its system for the management and disposal of solid and liquid waste, including. This includes, but is not limited to, the following:~~

- ~~(1) recycling and other volume reduction facilities, sanitary;~~
- ~~(2) landfills, or other disposal means;~~
- ~~(3) resource recovery facilities (including steam production and electrical generating facilities using solid waste as fuel);~~
- ~~(4) recycling and transfer stations;~~
- ~~(5) roads, water lines, wastewater lines and treatment facilities to the extent provided or operated used to carry out the provisions of the act, and ORS chapter 268 and other applicable laws of the state of Oregon;~~
- ~~(6) all buildings, fixtures, equipment and all, real property, real and personal now or hereafter owned, leased, operated or used by property that Metro, all for the purpose of providing for owns, leases, operates or uses to dispose of solid and liquid waste disposal; said system consists of the;~~
- ~~(1)(7) designated facilities as described provided in Chapter 5.05.~~

Comment [A61]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

~~(eee) "Transaction charge" means that the fee which, that Metro imposes for each transaction, serves at a Metro transfer station to pay for related scalehouse costs at the Metro transfer stations.~~

Comment [A62]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

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~~(ffff)~~ "Transfer" means the activity of receiving solid waste for purposes of transferring ~~the solid waste~~ it from one vehicle or container to another vehicle or container for transport. Transfer may include segregation, temporary storage, consolidation of solid waste from more than one vehicle, and compaction. ~~This term but~~ does not include resource recovery or other processing of solid waste.

Comment [A63]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

~~(gggg)~~ "Transfer station" means a solid waste facility whose primary ~~activities include~~ activity includes, but ~~are~~ is not limited to, the transfer of solid waste to a disposal site.

Comment [A64]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

~~(hhhh)~~ "Unacceptable waste" means waste that is either:

- (1) ~~Prohibited from disposal at a~~ sanitary landfill disposal site by state or federal law, regulation, rule, code, permit or permit condition; or
- (2) ~~Special waste without an approved special waste permit. The Chief Operating Officer may deny a special waste application if the special waste poses an unacceptable health and safety risk, or is likely to damage transfer station equipment.~~

Comment [A65]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

~~(iiii)~~ "Useful material" means material that still has ~~or retains~~ useful physical, chemical, or biological properties after serving its original purpose(s) or function(s), and which, when separated from solid waste, is suitable for use in the same or other purpose(s). ~~For purposes of this Code, cleanup materials are not useful materials. Types of useful materials are:~~ include, but are not limited to:

- (1) material that can be reused;
- (2) recyclable material;
- (3) organic material(s) suitable for controlled biological decomposition ~~(such as for making compost);~~
- (4) material used in the preparation of fuel;
- ~~(1)~~(5) material intended to be used, and which is in fact used, for construction or land reclamation ~~such as inert material for fill; and material intended to be used, and which is in fact used, productively in the operation of landfills such as roadbeds or alternative daily cover. For purposes of this Code, cleanup material contaminated by hazardous substances are not useful materials. (such as inert material for fill);~~

Comment [A66]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

(6) ~~(jjjj)~~ "material intended to be used, and which is in fact used, productively in landfill operations (such as roadbeds or alternative daily cover).

Comment [A67]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

—— "Vermiprocessing" means a controlled method or system of biological processing that utilizes worms to consume and digest organic materials, and that produces worm castings for productive uses.

—— ~~(kkkk)~~ "Waste" means any material considered to be useless, unwanted or discarded by the person who last used the material for its intended and original purpose. For the purpose of Chapter 5.09, the term "waste" shall also ~~include~~ includes any such material even if it is broken, recoverable, or recyclable.

Comment [A68]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

—— ~~(llll)~~ "Waste hauler" means any person who is (1) franchised, licensed or permitted by a local government unit pursuant to state law to collect and haul solid waste; or (2) engaged, in whole or part, in the collection, transportation, delivery, or disposal of solid waste generated within Metro, including any person engaged in such activities with respect to solid waste generated by such person as well as any person engaged in such activities with respect to solid waste generated by others by such person or others within the Metro boundary.

Comment [A69]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

—— ~~(mmmm)~~ "Waste reduction hierarchy" means first, reduce the amount of solid waste generated; second, reuse material for its originally intended purpose; third, recycle or compost material that cannot be reduced or reused; fourth, recover energy from material that cannot be reduced, reused, recycled or composted so long as the energy recovery facility preserves the quality of air, water and land resources; and fifth, landfill solid waste that cannot be reduced, reused, recycled, composted or from which energy cannot be recovered.

Comment [A70]: NON-SUBSTANTIVE

—— ~~(nnnn)~~ "Waste Reduction Program" means the Waste Reduction Program required by ORS 459.055(2)(a), adopted by the Metro Council as part of the RSWMP, and accepted and approved by the DEQ as part of the RSWMP.

—— ~~(oooo)~~ "Yard debris" means vegetative and woody material generated from residential ~~property~~ or ~~from~~ commercial landscaping activities. Yard debris includes landscape waste, grass clippings, leaves, hedge trimmings, branches, sod, scrapings, stumps and other vegetative waste having similar properties, ~~but.~~ This term does not include other solid waste such as soil, demolition debris, painted or treated wood waste.

Comment [A71]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

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~~(pppp) "Yard debris facility" means a yard debris processing facility or a yard debris reload facility.~~

Comment [A72]: NON-SUBSTANTIVE.
Delete unnecessary term.

~~(qqqq) "Yard debris reload facility" means an operation or facility that receives yard debris for temporary storage, awaiting transport to a processing facility.~~

Comment [A73]: NON-SUBSTANTIVE.
Delete unnecessary term.

(Ordinance No. 14-1331)
