

Proposed revisions to Metro Code Chapter 5.02

METRO CODE - TITLE V SOLID WASTE
CHAPTER 5.02
DISPOSAL CHARGES AND USER FEES

- 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.

SECTION TITLE

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5.02.055 5.02.140	Remittance to Metro of Fees and Other Charges
5.02. 060 150	Account Policy at Metro Solid Waste Disposal Facilities

All of the proposed revisions on this page are non-substantive.

- Remove all unnecessary references to repealed sections.
- Revise numbering of the sections throughout.
- Revise section titles throughout for clarification and consistency.

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- ~~5.02.065 Special Waste Surcharge and Special Waste Permit Application Fees; Conditionally Exempt Generator Waste (repealed Ord. 98 720A § 25)~~
- ~~5.02.070 Source Separated Yard Debris Disposal Charge (repealed Ord. 98 720A § 25)~~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- ~~5.02.085 Out of District Waste (repealed Ord. 98 720A § 25)~~170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

All of the proposed revisions on this page are non-substantive.

- Remove all unnecessary references to repealed sections.
- Revise numbering of the sections throughout.
- Revise section titles throughout for clarification and consistency.

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.)

Comment [A1]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

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.

Comment [A2]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

Comment [A3]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

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

(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~~

Comment [A5]: NON-SUBSTANTIVE. Revise for clarification and consistency.

Comment [A6]: NON-SUBSTANTIVE. Shorten current subsection (d)(4) and relocate provision detailing independent review process to proposed subsection (e.)

(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 ~~under~~recommends 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

Comment [A7]: NON-SUBSTANTIVE. Relocate provision detailing independent review process from current subsection (d)(4) to proposed subsection (e).

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

Comment [A9]: NON-SUBSTANTIVE. Relocate provision detailing independent review process from current subsection (d)(4) to proposed subsection (e). Revise for clarification and consistency.

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:

Comment [A10]: NON-SUBSTANTIVE. Revise for clarification and consistency.

~~(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

Comment [A11]: NON-SUBSTANTIVE. Revise for clarification and consistency.

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

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

~~(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.

Comment [A13]: NON-SUBSTANTIVE. Revise for clarification and consistency.

(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:

Comment [A14]: NON-SUBSTANTIVE. Revise for clarification and consistency.

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- (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 5.067; 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 ~~;~~.

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

- (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

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

- (3) A transaction charge in ~~the dollaran~~ amount adopted by ~~anCouncil~~ ordinance ~~of the Metro Council~~ for each solid waste disposal transaction that is:

Comment [A17]: NON-SUBSTANTIVE. Revise for clarification and consistency.

- (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 beis~~ 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.

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

- (b) Notwithstanding subsection ~~(a) of this section,~~

Comment [A19]: NON-SUBSTANTIVE

- (1) There ~~shall beis 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

Comment [A20]: NON-SUBSTANTIVE. Revise for clarification and consistency.

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5.02.~~025040~~(a)(3) plus a tipping charge based on the minimum load weight adopted by an ordinance of the ~~Metro~~ Council.

Comment [A21]: NON-SUBSTANTIVE.
Update Code citation as appropriate to match proposed revisions.

- (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.

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

(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.

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

(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.

Comment [A24]: NON-SUBSTANTIVE

(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 Recyclable Disposal Charge Credit ~~Notwithstanding the provisions of Metro Code Section 5.02.025,~~

(a) A non-commercial ~~customers~~customer at Metro South Station or Metro Central Station who ~~disposed~~disposes of source-separated recyclable material ~~as defined in ORS 459.005~~ shall will receive a \$3.00 disposal charge credit ~~in the amount~~

Comment [A25]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

~~of \$3.00 for when~~ disposing of fewer than 100 pounds of recyclables, and ~~in the amount of a~~ \$6.00 ~~for credit when disposing of~~ 100 pounds or more of ~~recyclables.~~ ~~source-separated recyclable material.~~ "Source separated recyclable material" has the same meaning as defined in ORS 459.005.

Comment [A26]: NON-SUBSTANTIVE.
Revise for clarification and consistency (continued from previous page).

~~(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.

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

(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 enhancement fees, ~~and~~ certification non-compliance fees that may be required by this chapter, and excise taxes required by Chapter 7.01.

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

(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.

Comment [A29]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

(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:~~

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

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- (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.)

Comment [A31]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

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 ~~for~~ contractor labor costs (as applicable), all applicable excise taxes, and the cost of material utilized for managing the waste.

Comment [A32]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

(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.

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

(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.

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

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

5.02.029080 Charges for Recoverable Solid Waste

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(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.

Comment [A35]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

(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.

Comment [A36]: NON-SUBSTANTIVE.
Revise for clarification and consistency. Update Code citation as appropriate to match proposed revisions.

(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.

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

(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.

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

(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~~

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

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

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

~~_____~~(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;

Comment [A41]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

~~_____~~(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;

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

~~_____~~(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

Comment [A43]: NON-SUBSTANTIVE.
Revise for consistency.

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

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

~~_____~~ 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.

Comment [A45]: NON-SUBSTANTIVE

~~(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.

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

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

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

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

Comment [A48]: NON-SUBSTANTIVE

~~_____~~ (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~~sits actual costs for managing ~~said~~the wastes.

Comment [A49]: NON-SUBSTANTIVE. Revise for clarification and consistency.

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

Comment [A50]: NON-SUBSTANTIVE. Revise for consistency.

~~_____~~ (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~~.

Comment [A51]: NON-SUBSTANTIVE. Revise for clarification and consistency. Update Code citation as appropriate to match proposed revisions.

~~(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~~.

Comment [A52]: NON-SUBSTANTIVE. Revise for clarification and consistency. Update Code citation as appropriate to match proposed revisions.

(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

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(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.

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

(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.

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

(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.

Comment [A55]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

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(c) The special waste permit application fee ~~shall be~~ \$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.~~

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

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

Comment [A57]: NON-SUBSTANTIVE.
Revise for consistency.

(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" if the customer enters Metro Central Station or 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.~~

Comment [A58]: NON-SUBSTANTIVE.
Revise for clarification and consistency. Revise formatting.

~~(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.~~

Comment [A59]: NON-SUBSTANTIVE.
Remove section and add provision to proposed Section 5.02.110.

~~(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.~~

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

(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~~

Comment [A61]: NON-SUBSTANTIVE.
Remove unnecessary references to repealed sections.

5.02.120 Regional System Fees

(a) The regional system fee ~~shall be~~ the dollar amount per ton of solid waste adopted by ~~an~~Council ordinance ~~for~~ the purpose of paying for Metro waste management system costs. 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 [A62]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

(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~~ fee 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 any~~ If 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.~~

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

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

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

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

~~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;

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

Comment [A66]: NON-SUBSTANTIVE

- (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

Comment [A67]: NON-SUBSTANTIVE

- (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.

Comment [A68]: NON-SUBSTANTIVE

(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.

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

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

Comment [A70]: NON-SUBSTANTIVE. Revise for clarification and consistency.

(f) ~~When~~If 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 they must 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 with can provide~~ documentation regarding the total weight of ~~the solid that~~ waste ~~in within~~ the vehicle or container that was generated ~~only~~ within the Metro boundary ~~and the. The disposal site operator forwards such must forward that documentation to Metro, or unless Metro has agreed in writing to another method of reporting.~~

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

Comment [A72]: SUBSTANTIVE. Establish that mixed loads will be considered entirely Metro area waste unless the hauler or generator demonstrate the amount of Metro area waste by scale weight. Remove consideration of alternative methods for determining fees and taxes.

(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.)

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

Comment [A73]: NON-SUBSTANTIVE. Remove unnecessary references to repealed section.

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.

Comment [A74]: NON-SUBSTANTIVE

(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~~.

Comment [A75]: NON-SUBSTANTIVE. Revise for clarification and consistency. Update Code citation as appropriate to match proposed revisions.

~~(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.~~

Comment [A76]: NON-SUBSTANTIVE. Revise for clarification and consistency.

(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.)

Comment [A77]: NON-SUBSTANTIVE. Remove section and relocate provision to proposed Section 5.02.170.

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

Comment [A78]: NON-SUBSTANTIVE. Remove unnecessary references to repealed section.

5.02.055 Remittance¹⁴⁰ 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

Comment [A79]: NON-SUBSTANTIVE. Revise for clarification and consistency.

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

Comment [A80]: NON-SUBSTANTIVE.
Revise for clarification and consistency. Update Code citation as appropriate to match proposed revisions.

(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 be~~are 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.

Comment [A81]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

(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.~~

Comment [A82]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

(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.

Comment [A83]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

(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.

Comment [A84]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

(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

Comment [A85]: NON-SUBSTANTIVE.
Revise for clarification and consistency.

~~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 chargedcharge a 30 percent collection fee ~~in the amount of 30 percent of on~~ the past-due balance owing ~~at the time of on~~ any account that Metro forwards to a collection agency.

Comment [A86]: NON-SUBSTANTIVE. Revise for clarification and consistency (continued from previous page).

(e) ~~An~~If an account ~~that is~~ 15 days past due, ~~as defined in 5.02.060(e), then~~ Metro may be placedplace 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.~~

Comment [A87]: NON-SUBSTANTIVE. Revise for clarification and consistency.

(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.~~

Comment [A88]: NON-SUBSTANTIVE. Revise for clarification and consistency.

(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.

Comment [A89]: NON-SUBSTANTIVE. Revise for clarification and consistency.

(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

Comment [A90]: NON-SUBSTANTIVE. Revise for clarification and consistency.

~~§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.~~

Comment [A91]: NON-SUBSTANTIVE. Revise for clarification and consistency (continued from previous page).

(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.)

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~~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)~~

Comment [A92]: NON-SUBSTANTIVE. Remove unnecessary references to repealed sections.

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.

Comment [A93]: NON-SUBSTANTIVE. Revise for clarification and consistency.

(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:~~

Comment [A94]: NON-SUBSTANTIVE. Revise for clarification and consistency.

(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

Comment [A95]: NON-SUBSTANTIVE

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

Comment [A96]: NON-SUBSTANTIVE. Revise for clarification and consistency.

(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)~~

Comment [A97]: NON-SUBSTANTIVE. Remove unnecessary references to repealed section.

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

Comment [A98]: SUBSTANTIVE. Establish new section for adopting administrative rules, standards, procedures, and forms.

(a) The Chief Operating Officer may adopt rules, performance standards, procedures and forms to implement any

provision of this chapter. Any rule, performance standard, procedure and form adopted under this section has the same force and effect as any other chapter provision.

(b) Before the Chief Operating Officer adopts 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 may also hold a public hearing on any proposed rule or performance standard if the Chief Operating Officer determines that there is sufficient public interest in the proposed rule or performance standard.

(c) If the Chief Operating Officer holds a public hearing on any proposed rule or performance standard, the Chief Operating Officer will give public notice of the hearing not less than 10 days nor more than 30 days before the public 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) Unless otherwise stated, all rules and performance standards adopted under this section take effect when the Chief Operating Officer adopts them.

(e) Notwithstanding subsection (b), the Chief Operating Officer may adopt an interim rule or performance standard without prior public notice or comment upon a finding that 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.

Comment [A99]: SUBSTANTIVE.
Establish process for adopting administrative rules, standards, procedures, and forms to implement provisions of Chapter 5.02.
Establish process that is consistent with other chapters of Metro Code Title V (continued from previous page).