

Chapter VI

Plan implementation, compliance and revision

A. Overview

The RSWMP is primarily a policy and program guidance document designed to enable the region to meet its waste reduction and sustainable operations goals and objectives, thereby conserving resources and improving solid waste management practices. Progress on the goals and objectives identified in Chapters IV and V rely on coordination and cooperation among public and private sector parties in the region. In addition to cooperative efforts, the Plan contains areas of required compliance for local governments as established in Metro Code Chapter 5.10.

The coordinated implementation of waste reduction and sustainable operations objectives in Chapters IV and V of the Plan, are addressed in these pages as are the regional service standard, and the process by which alternatives to the standard are proposed, evaluated and approved.

Key factors guiding Plan implementation, performance and compliance include:

- Ensuring coordination and cooperation among governments and the private sector while allowing flexibility in developing solutions.
- Monitoring and evaluation of implementation strategies and programs.
- Using benchmarks and targets to measure overall Plan performance.
- Meeting state statutory requirements and goals.
- Ensuring compliance with Metro Code Chapter 5.10.

B. Coordinated implementation of the Plan

Metro is responsible for coordinating and participating in various efforts to implement Plan objectives as well as assessing Plan performance. A coordinated implementation program will ensure that Plan-related programs and strategies are put in place in an effective

and consistent manner throughout the region. Metro and local governments' annual work plans and various regional work groups are important to these coordinated implementation efforts.

C. Annual waste reduction work plans

Annual work plans developed by Metro and local governments are the primary means for ensuring that basic waste reduction services are provided, and for developing the specific programs and activities necessary to reach regional waste reduction goals identified in Chapter IV.

Metro provides per-capita funding allocations to help support local government activities carried out under this Plan. Funding is contingent upon receipt of satisfactory annual work plans and reports from the local jurisdictions.

Annual work plan tasks and associated per-capita funding are formalized via annual Intergovernmental agreements between Metro and local jurisdictions or local cooperatives. Cooperatives are required to have formal agreements in place with members to authorize the cooperative to act and implement programs on the local jurisdiction's behalf.

Compliance with state law

All local jurisdictions are required to comply with the provisions set forth in state law (OAR 340-090-0040 and ORS 459A). Metro has been designated by the state as the agency to report on compliance for the region's three-county area. Local jurisdictions provide data to Metro to assist with this annual responsibility. As part of the annual work plan, local jurisdictions must provide documentation indicating they are continuing full implementation of the program elements required as part of the Opportunity to Recycle Act (OAR 340-090-0040 and ORS 459A).

Metro will review annual reports for compliance with state law. Programs appearing to be out of compliance will be reviewed with the local jurisdictions described in Section I of this chapter.

Maintenance of existing programs

Local governments and Metro currently provide basic recycling collection and education services that generally exceed minimum state requirements. During the development of the annual work plan, Metro and local governments will review the status of these existing programs, and evaluate methods to improve services, ensuring continued compliance with minimum state requirements and ensuring forward progress. Metro will continue to assist local governments in maintaining such programs.

Regional program areas

Within the annual waste reduction work plan, regional work groups will develop programs and activities designed to achieve the waste reduction goals and objectives as specified in Chapter IV. Each year, the annual work plan will identify which sector or sectors to focus on: single-family residential, multi-family residential, business, building industry, commercial organics or perhaps other areas. These work plans will address the individual needs, barriers and particular circumstances affecting each sector and provide specific action steps, staffing and budgets for achieving the objectives of the Plan. This annual planning process allows for a flexible and rapid response to changing conditions. The process also enables the region to quickly phase out those programs or activities that prove less effective, and allows for shifting efforts and resources between areas as the need arises.

Annual work plans are developed in cooperation with regional work groups and the Regional Solid Waste Advisory Committee according to the following schedule.

August/September

Work plan development for next fiscal year begins. Metro and local government program area work groups (organics, building industry, business, multi-family) and the local government recycling coordinators' work group review and amend plans and associated budgets.

November/December

Draft overall framework of the annual plan developed by Metro and local government staff.

January

Interim reports from jurisdictions receiving over \$100,000 in funding allocations in previous fiscal year.

February 28

Metro, with local government assistance, produces annual waste reduction report to the DEQ on previous year's activities as requested by the DEQ.

March-April-May

Regional public involvement - regional SWAC review and recommendation of drafts Metro Council consideration and adoption of annual waste reduction work plan.

Metro budget hearings.

Local government budget hearings.

June-July

June 1 - Annual Plans due from local governments.

Intergovernmental agreements drafted.

Plan implementation begins at start of fiscal year (July 1st).

August 1

Final program progress reports on previous fiscal year's activities due from local governments

November

Intergovernmental agreements for grant funding approved by Metro and local governments and per-capita funding allocations distributed by Metro to local governments to support the maintenance of existing programs.

In addition to the elements in the annual work plans, regional work groups meet to address specific issues or sectors of the wastestream or improvements to the solid waste system. These can be government-only or a combination of Metro, local governments, the DEQ, and the private sector. These work groups play an important role in ensuring realization of Plan goals. They may also assist in evaluating programs or recommending Plan revisions. Regional work groups help implement objectives identified in Chapters VI and V of the Plan.

D. Education services

Regional education and outreach supply the information residents and businesses need to make environmentally responsible choices in their daily lives. Metro and local governments provide a wide range of information thorough a variety of media. The Metro recycling information hotline responds to nearly 100,000 calls per year and the companion website has a host of tools and

resources available. Local governments provide ongoing outreach and education through mailed materials and public events.

Metro and local governments will work cooperatively to develop and distribute education materials for households and businesses. Metro will research and provide technical assistance on the most effective methods to educate households and businesses on waste reduction options. Local governments, haulers and Metro will cooperate and communicate on the implementation of the education programs. Implementation of the education services objectives in Chapter IV will be coordinated through the intergovernmental work groups.

Metro and local governments will continue to provide school waste reduction education programs. Metro and local governments will provide technical assistance to school recycling programs and will collaborate on the development and distribution of education materials to meet local needs. Implementation of these objectives will be coordinated with various waste reduction work groups and the Regional Solid Waste Advisory Committee.

E. Hazardous waste management

Homeowners use a variety of products in their daily lives, some of which pose risks to human health and the environment during use, storage and disposal. Historically, the region's approach has been to provide safe disposal alternatives through public facilities and collection events, but there has been a steady move towards increased education and outreach regarding hazardous waste prevention.

Metro will continue to provide annual reports as required by permits for hazardous waste collection. Implementation of the objectives in Chapter IV will be coordinated with various waste reduction work groups and reported to Metro Council and the Regional Solid Waste Advisory Committee.

F. Product stewardship

Product stewardship is an approach to managing the lifecycle costs of a product in which a product's designer, producer, seller and user share the responsibility for minimizing the product's environmental impact throughout all stages of the product's life cycle. The concept aspires to recast the system of product responsibility from resting primarily on governments to having others (consumers, retailers, and manufacturers) share in reducing the product's impacts.

Implementation of these objectives in Chapter IV will be coordinated with various waste reduction work groups and reports will be provided to Metro Council and the Regional Solid Waste Advisory Committee.

G. Sustainable operations workgroup

The committee charged with development of the sustainable operations goals and objectives in Chapter V envisioned a collaborative implementation strategy. Metro will convene a standing work group of policy and technical participants to develop priorities and strategies for implementing the sustainable operations objectives. Research will identify actions or options that could be employed to achieve those targets, as well as their costs and benefits. Metro will establish and staff the work group and prepare an annual report on the region's progress toward these goals.

H. Plan performance

This section describes how regional waste reduction progress will be monitored and measured, as well as the methods for assessing programs and activities implemented under the Plan. The following approaches will guide these efforts:

- Use indicators that allow early identification of potential problems.
- Support continued development of simple, timely and consistent reporting systems.
- Require appropriate levels of information from local governments and the private sector.

Measuring progress

Historically, the regional waste reduction rate has been the primary benchmark of Plan performance. Emphasis continues on that measure, but other means of assessing the solid waste system's performance (e.g., progress on objectives for sustainable operations) will be implemented and reported. In addition, the Plan will be amended by 2010 to incorporate a new set of numerical goals beyond the last benchmark year of 2009.

Table 6 (see Chapter II) shows the Plan's design to reach the 64% waste reduction goal through targeting efforts in the residential (single and multi-family) and commercial (business, building industry and commercial organics) sectors. The Plan will also monitor performance through per capita measures (for generation, disposal and recycling) and in terms of the waste reduction hierarchy (i.e., prevention, recycling and composting, energy recovery and disposal).

Program monitoring and evaluation

The programs and activities developed and implemented as part of the Metro and local government annual work plan are critical to reaching regional goals and objectives. In recognition of that fact, Metro establishes intergovernmental agreements with local governments to ensure all jurisdictions in the region are represented in ongoing regional waste reduction activities and in fulfilling requirements of the annual waste reduction work plans. Implementation schedules and monitoring and evaluation components are incorporated within the annual work plan. Using qualitative and quantitative measures, performance on the annual work plan is evaluated for both accountability and effectiveness. These performance measures, combined with the annual DEQ material recovery survey report, are used to assess progress and are reported to the Regional Solid Waste Advisory Committee and Metro Council annually.

For the basic services provided under the annual work plan, local governments' annual reports document efforts completed each year. The report details each task's implementation date, as well as relevant status reports and results. These annual reports serve as the basis for monitoring the status of basic services and existing programs and Plan progress, as well as fulfilling required annual reporting to the DEQ.

Additional program evaluations

When more information is required regarding the efficiency and effectiveness of the programs designed to implement Plan recommendations, additional program evaluations will be conducted. Evaluations may also be performed when alternative policies or programs are proposed, or to examine how the regional system may operate better as a whole. (Studies of contamination issues at material recovery facilities are an example of such evaluations.)

I. Plan compliance and enforcement

While the success of the Plan depends primarily on maintaining cooperative working relationships among Metro, the DEQ, local governments and the private sector, in order to fulfill the recycling provisions set forth in state law and Chapter 5.10 of the Metro Code, the Plan also requires local governments to:

1. Maintain recycling services that are consistent with the Regional Service Standard, or have a Metro-approved alternative program.
2. Implement a business recycling requirement

These requirements are described below.

Compliance with the regional service standard

In addition to meeting state requirements, all jurisdictions in the Metro watershed must meet the regional service standard. The regional service standard is designed to ensure a comprehensive and consistent level of service for the region and assists in meeting state recovery goals. The elements, summarized below, go beyond the minimum state requirements, and constitute the regional service standard under this Plan. More detailed information about the regional service standard elements is provided in Metro Code Chapter 5.10 and the related Administrative Procedures.

- a) Single-Family Residential:
 1. Ensure provision of at least one durable recycling container to each residential customer.
 2. Ensure provision of weekly on-route collection of all standard recyclable materials.¹
 3. Provide a weekly or equivalent residential yard debris collection program.
- b) Multifamily Residential: Ensure provision of a regular collection program of the standard recyclable materials for each multi-family dwelling community having five or more units.
- c) Business: Ensure provision of a regular collection program of the standard recyclable materials from businesses.
- d) Education & Outreach: Provide a recycling education and promotion program to all generators that supports the management of solid waste according to the waste reduction hierarchy.

Metro has been designated by the State as the reporting agency for the region's three county area and local jurisdictions are to provide data to Metro to assist with this annual reporting responsibility. Metro will review Annual Reports for compliance with the regional service standard and state law. Those programs that appear to be out of compliance will be reviewed with the local jurisdiction and will be subject to enforcement procedures identified in Metro Code 5.10.

¹Standard recyclable materials are defined in Metro Code Chapter 5.10 and the related Administrative Procedures. All changes to the standard recyclable materials will be mutually decided by Metro, local governments, the DEQ, processors and market representatives.

Alternative programs - review and approval process

An alternative program is a solid waste management program or service that is proposed by a local government and differs from those referenced in the Regional Service Standard in this Plan.

Alternative programs allow for flexibility in meeting the Plan goals and objectives, as long as performance requirements are achieved. Because the Plan's waste reduction program and activities are developed through a collaborative approach, this approach should be maintained when a local government is considering undertaking an alternative program. The local government should consult with Metro, the DEQ and other local government partners in early planning stages. These consultations may provide information or generate options that would eliminate consideration of an alternative program. If an alternative program is still sought after this recommended informal consultation, the local government must follow the alternative program process outlined below. This process is intended to ensure that proposed programs are consistent with Plan direction, and at a minimum, demonstrate the same level of expected performance as the regional service standard.

Use of alternative program process

An alternative program process needs to be employed when a local government proposes programs or services that would depart from the regional service standard as described in this chapter.

Process for application and review of an alternative program:

1. Departures from state requirements

Since State requirements are part of the regional service standard, all programs receiving approval by Metro will also meet the DEQ standard. However, the reverse is not true. The DEQ may approve a local program change that, while meeting the minimum state requirements, does not comply with the regional service standard. Therefore, local jurisdictions are encouraged to contact Metro about program alternatives to avoid a confusing two-stage process.

2. Departures from the regional service standard

Any local government seeking alternative program approval will submit an application to the Metro solid waste and recycling director that demonstrates how the alternative program will perform at the same level or better than the Plan program. This performance

standard will be based on criteria that will include, as appropriate, the following:

- Estimated participation levels;
- Estimated amounts of waste prevented, recycled, recovered or disposed;
- Consistency with the waste reduction hierarchy and the source separation priority;
- Economic and technical feasibility;
- Estimated impact on other waste reduction activities.

The application will contain a description of the existing program, the Plan program (if applicable) and the proposed alternative program. (Metro may require a pilot program to evaluate the performance of a proposed alternative.) The applicant will provide information comparing the existing and proposed alternatives for:

- Types of materials collected;
- Frequency of collection for each material;
- Levels of recovery (by material, if applicable).

Metro's solid waste and recycling director must determine whether to approve the proposal. These decisions may be appealed or an exception may be requested as specified in Chapter 5.10 of the Metro Code. Metro will include the DEQ in each review. If the approval is accompanied by a revision to the Plan or administrative procedures for the Plan, such revision will be submitted to the DEQ.

Compliance with the business recycling requirement

In addition to the regional service standard, all jurisdictions in the region must comply with the business recycling requirement. The purpose of the business recycling requirement is to provide an opportunity for businesses to work with local governments to provide recycling education, to create a consistent standard throughout the Metro region, and to increase recycling, thereby assisting the Metro region in meeting recovery goals, conserving natural resources, and reducing greenhouse gas emissions. The elements of the business recycling requirement are summarized below. More detailed information on the requirement is provided in Metro Code Chapter 5.10 and the related Administrative Procedures.

1. Local government implementation: Local governments must adopt code language that complies with the following.

- (a) Businesses shall source separate all recyclable paper, cardboard, glass and plastic bottles and jars, and aluminum and tin cans for reuse or recycling;
 - (b) Businesses and business recycling service customers shall ensure the provision of recycling containers for internal maintenance or work areas where recyclable materials may be collected, stored, or both; and
 - (c) Businesses and business recycling service customers shall post accurate signs where recyclable materials are collected, stored, or both that identify the materials that the business must source separate for reuse or recycling and that provide recycling instructions.
2. Business exemptions: Local governments may exempt a business from some or all of the business recycling requirement as determined by designated local government staff.
 3. Business compliance: Local governments shall establish a method for ensuring business compliance or enter into an intergovernmental agreement with Metro that provides for Metro to provide compliance services for the local government. Metro will provide compliance services to interested local governments through an intergovernmental agreement.

Metro will provide a model ordinance for use by local governments. Local governments will provide information related to program adoption, implementation and performance as outlined in the related Administrative Procedures. Those programs that appear out of compliance will be reviewed with the local jurisdiction and subject to enforcement procedures identified in Metro Code 5.10.

J. Plan revisions

The RSWMP is intended to allow sufficient flexibility for its implementation to adjust programs without needing to amend or revise the Plan itself. Measurements of regional progress, program monitoring and evaluation, and special evaluation studies will help determine if the Plan may require a mid-course correction. If it is uncertain whether a change requires an amendment, the issue will be discussed with the SWAC and/or Metro Council, and a consensus developed.

Because the RSWMP includes policies and plans that affect diverse interests, amendments will be written through a cooperative process between Metro, cities, counties, solid waste industry representatives, citizens and other affected parties. As described above, the Plan will be monitored on an ongoing basis to determine if additional assessment is required. In addition, a five year review will determine whether major revisions are needed. Revisions could include policy changes, major additions or changes to programs or amendments to ensure Plan uniformity and consistency.

Proposed revisions can be initiated by any interested party and will undergo review by Metro's Solid Waste & Recycling Department Director. If the Director determines a revision should be considered, it will be referred to the SWAC for review and recommendation. A SWAC recommendation will then be forwarded to the Metro Chief Operating Officer and Metro Council.

(Chapter VI. Section I. Plan compliance and enforcement, amended by Ordinance No. 08-1198, Sept. 18, 2008.)