

CHAPTER 5.02

DISPOSAL CHARGES AND USER FEES

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Repealed

5.02.015	Definitions (Repealed Ord. 14-1331)
5.02.037	Disposal Charge for Compostable Organic Waste (Repealed Ord. 12-1277, Sec. 6)
5.02.040	Disposal Fees (Repealed Ord. 94-531, Sec. 5)
5.02.046	Special Findings for Regional System Fee Credits (Repealed Ord. 07-1147B)
5.02.050	Regional Transfer Charge (Repealed Ord. 94-531, Sec. 7)
5.02.065	Special Waste Surcharge and Special Waste Permit Application Fees; Conditionally Exempt Generator Waste (Repealed Ord. 98-720A, Sec. 25)
5.02.070	Source Separated Yard Debris Disposal Charge (Repealed Ord. 98-720A, Sec 25)
5.02.085	Out of District Waste (Repealed Ord. 98-720A, Sec 25)

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. [Ord. 82-146, Sec. 1; Ord. 88-257, Sec. 1; Ord. 89-269, Sec. 2; Ord. 90-337, Sec. 1; Ord. 91-386C, Sec. 1; Ord. 92-455B, Sec. 1; Ord. 94-531, Sec. 1; Ord. 98-720A, Sec. 1; Ord. 02-974.]

5.02.020 Scale Weights Required

A facility that receives solid waste generated within Metro must use certified scale weights to calculate, on a tonnage basis, all user fees and other fees that the facility submits to Metro. [Ord. 82-146, Sec. 2; Ord. 86-210, Sec. 1; Ord. 88-257, Sec. 2; Ord. 88-278, Sec. 1; Ord. 89-269, Sec. 2; Ord. 89-295, Sec. 1; Ord. 90-337, Sec. 2; Ord. 90-372, Sec. 1; Ord. 91-386C, Sec. 2; Ord. 91-404, Sec. 1; Ord. 02-974; Ord. 16-1388.]

5.02.030 Establishment of Disposal Fees and Charges; Procedures

- (a) Purpose. The purpose of this section is to establish a consistent, predictable, open and transparent framework when Metro adopts solid waste disposal fees and charges.
- (b) Definitions of Rate and Rate Year. As used in this chapter, “rate” means any of Metro’s solid waste fees or charges. “Rate year” means a period of 365 consecutive days (366 leap year days) beginning on the date on which a rate becomes effective.
- (c) Frequency. The Council will consider rates annually and adopt changes as needed.
- (d) Rate-Making Requirements; Independent Review. Each year the Chief Operating Officer will prepare rates for Council’s consideration. Rates are provisional until the Chief Operating Officer transmits them to the Council pursuant to subsection (f). In preparing provisional rates the Chief Operating Officer will:
 - (1) Consider all sources and uses of funds that affect the solid waste revenue fund budget during the next rate year;
 - (2) Follow generally accepted practices for selection of methodologies, assumptions, requirements, and other technical factors that determine the rates;
 - (3) Incorporate rate criteria and policies adopted by resolution of the Council pursuant to subsection (g);
 - (4) Submit the provisional rates to at least one independent expert for review; and
 - (5) Perform any other due diligence that the Chief Operating Officer finds necessary to meet the purpose of this section.

- (e) Independent Review Process; Written Report.
- (1) After the Chief Operating Officer submits the provisional rates to an independent expert reviewer, 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, and any other criteria the Chief Operating Officer specifies or which the reviewer recommends based on generally accepted best practices for rate review. The Chief Operating Officer will provide the reviewer with the rate model, data, assumptions, criteria, and any other information that the Chief Operating Officer used to calculate the provisional rates.
 - (2) After the review is complete, the reviewer will submit a written report to the Chief Operating Officer documenting the reviewer's findings, exceptions and recommendations.
- (f) Transmittal of Proposed Rates to the Council. Each year the Chief Operating Officer will transmit to the 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 will also transmit to the Council:
- (1) A report that documents the methodologies, data, assumptions, adopted criteria and other factors that the Chief Operating Officer used to calculate the proposed rates, including the Chief Operating Officer's response to the reviewer's recommendations; and
 - (2) The reviewer's report as prepared pursuant to subsection (e).
- (g) Periodic Review of Rate Criteria and Policies. At least every three years, the Council will undertake a review of its adopted rate criteria and policies to ensure that 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 Council may initiate a review of rate criteria or policies at any time. [Ord. 09-1223; Ord. 14-1323, Sec. 1; Ord. 16-1388.]

5.02.040 Disposal Charges at Metro South & Metro Central Station

- (a) The solid waste disposal fee at the Metro South Station and at the Metro Central Station consists of:
- (1) A disposal charge for each ton of solid waste comprised of:
 - (A) A tonnage charge in an amount adopted by Council ordinance;
 - (B) The regional system fee as set forth in Section 5.02.120;
 - (C) The community enhancement fee as set forth in Chapter 5.06; and
 - (D) All applicable DEQ fees established in Oregon Revised Statutes Chapters 459 and 459A, as implemented in Chapter 340 Division 90 of Oregon Administrative Rules.

- (2) All applicable solid waste excise taxes as set forth in Chapter 7.01, stated separately; and
- (3) A transaction charge in an amount adopted by Council ordinance for each solid waste disposal transaction that is:
 - (A) Completed at staffed scales, or
 - (B) Completed at automated scales.
 - (C) Notwithstanding the provisions of subsection (A), the solid waste disposal transaction charge is 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.
- (b) Notwithstanding subsection (a),
 - (1) There is a minimum charge at Metro South Station and at Metro Central Station for the acceptance of solid wastes that consists of a transaction charge as set forth in Metro Code Section 5.02.040(a)(3) plus a tipping charge based on the minimum load weight adopted by an ordinance of the Council.
 - (2) The Chief Operating Officer may waive collection of the regional system fee on solid waste that is generated outside 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.
- (c) Metro will round total fees at the Metro South Station and the Metro Central Station to the nearest whole dollar amount, with any \$0.50 charge rounded down.
- (d) The Chief Operating Officer may waive disposal fees for non-commercial customers of the Metro Central Station and of the Metro South Station under extraordinary, emergency conditions or circumstances. [Ord. 82-146; Ord. 83-163, Sec. 2; Ord. 85-191, Sec. 3; Ord. 86-214, Sec. 3; Ord. 88-257, Sec. 4; Ord. 88-278, Sec. 3; Ord. 89-269, Sec. 2; Ord. 89-295, Sec. 3; Ord. 90-337, Sec. 4; Ord. 90-372, Sec. 2; Ord. 91-386C, Sec. 4; Ord. 91-405A, Sec. 1; Ord. 92-455B, Sec. 1; Ord. 93-482, Sec. 2; Ord. 94-531, Sec. 3; Ord. 95-597, Sec. 2; Ord. 97-681B, Sec. 2; Ord. 98-720A, Secs. 3-4; Ord. 99-825A, Sec. 1; Ord. 01-918A, Sec. 1; Ord. 03-1000A, Sec. 1; Ord. 04-1042A, Sec. 1; Ord. 05-1080, Sec. 1; Ord. 06-1118, Sec. 1; Ord. 07-1146, Sec. 1; Ord. 08-1186A, Sec. 1; Ord. 09-1217A, Sec. 1; Ord. 10-1237, Secs. 1 and 4; Ord. 11-1257A, Sec. 1; Ord. 12-1277, Sec. 1; Ord. 13-1302, Sec. 1; Ord. 14-1323, Sec. 2; Ord. 16-1388.]

5.02.050 Source-Separated Standard Recyclable Materials Disposal Charge Credit

- (a) A non-commercial customer at Metro South Station or Metro Central Station who disposes of source-separated standard recyclable materials (except yard debris) that are generated by a household will receive a \$3.00 disposal charge credit when disposing of fewer than 100 pounds of such recyclables, and a \$6.00 credit when disposing of 100 pounds or more of such recyclables.

- (b) Notwithstanding subsection (a), the Chief Operating Officer may designate source-separated recyclable materials that Metro will accept from customers at no charge. [Ord. 98-720A, Secs. 5-6; Ord. 04-1057, Sec. 1; Ord. 16-1388.]

5.02.060 Charges for Management of Household Hazardous Wastes

- (a) Customers delivering household hazardous waste at Metro hazardous waste facilities must pay a “household hazardous waste management charge.” This charge is in lieu of all other base disposal charges, user fees, rehabilitation and community enhancement fees, certification non-compliance fees that may be required by this chapter, and excise taxes required by Chapter 7.01.
- (b) For containers of 10 gallons capacity or less, the amount of the household hazardous waste management charge is:
 - (1) \$5.00 for the first 35 gallons of household hazardous waste that is accepted in a single transaction, and
 - (2) \$5.00 for every additional 35 gallons (or portion thereof) of household hazardous waste that is accepted in the same transaction.

These fees do not apply to post-consumer architectural paint under the Oregon paint stewardship system set forth in ORS 459A.820 et seq.

- (c) For containers of greater than 10 gallons capacity, the household hazardous waste management charge is:
 - (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) The Chief Operating Officer may waive any charge in this section. [Ord. 98-720A, Secs. 7-8; Ord. 01-907A, Sec. 2; Ord. 04-1057, Sec. 2; Ord. 07-1135, Sec. 1; Ord. 07-1146, Sec. 2; Ord. 11-1257A, Sec. 4; Ord. 16-1388.]

5.02.070 Charges for Conditionally Exempt Generator Waste

- (a) For conditionally exempt generator (CEG) waste from non-household sources, customers must pay the actual disposal costs of the waste calculated from the current Metro contractor price schedules, Metro and contractor labor costs (as applicable), all applicable excise taxes, and the cost of material utilized for managing the waste.
- (b) Notwithstanding subsection (a), Metro will not charge fees under this section for:
 - (1) Post-consumer architectural paint under the Oregon paint stewardship system as set forth in ORS 459A.820 et seq; or
 - (2) Hazardous waste generated at any facility operated by Metro.

- (c) The Chief Operating Officer may waive charges established in this section in specific instances upon a finding that a waiver is in the public interest. [Ord. 98-720A, Secs. 9-10; Ord. 11-1257A, Sec. 5; Ord. 16-1388.]

5.02.080 Charges for Recoverable Solid Waste

- (a) Metro will collect a “recoverable solid waste charge” on different classes of recoverable solid wastes accepted at Metro Central Station or Metro South Station.
- (b) The recoverable solid waste charge consists of a transaction charge as set forth in Section 5.02.040 and a tonnage charge as adopted by the Council or as specified in this section.
- (c) For purposes of this section, “managing” and “management” of recoverable solid waste 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.
- (d) For purposes of this section, a class of recoverable solid waste is distinguished from other classes of wastes by a material difference in the management cost or by physical characteristics that require different practices to manage the waste.
- (e) The Chief Operating Officer may specify new classes of recoverable solid wastes, set tonnage charges for new classes of recoverable solid wastes, and change tonnage charges for existing classes of recoverable solid wastes.
- (f) The tonnage charge for each class of recoverable solid waste is equal to the sum of:
 - (1) The contractual costs that Metro pays, if any, to a contract operator of Metro Central or Metro South Station for managing the class of recoverable solid waste, expressed on a per-ton basis;
 - (2) Metro’s direct costs, if any, for personnel, materials, services and capital incurred directly by Metro for managing the class of recoverable solid waste, expressed on a per-ton basis;
 - (3) An allocation of Metro’s administrative, overhead, capital, and fixed contractual costs that is reasonably related to managing the class of recoverable solid waste, expressed on a per-ton basis; and
 - (4) The community enhancement fee set forth in Section 5.06.010(a).

Nothing in this subsection modifies Council’s authority to set recoverable solid waste charges by ordinance at any time.

- (g) The Chief Operating Officer must provide 10 days notice to the Council before either implementing any proposed change to a recoverable solid waste tonnage charge or proposing a tonnage charge for a new class of recoverable solid waste. Metro will keep on file an accounting of the recoverable solid waste charge components.

- (h) Metro will clearly post on its website and at Metro Central and Metro South stations all recoverable solid waste charges by material class.
- (i) Notwithstanding subsections (b) and (e):
 - (1) The Chief Operating Officer will establish charges for recoverable solid wastes that are typically accepted and managed on a unit or count basis rather than by scale weight. Metro will base these charges on its actual costs for managing the wastes.
 - (2) The Chief Operating Officer will establish minimum charges for loads of recoverable solid waste.
 - (3) The charge for accepting up to three Christmas trees in one transaction is the transaction charge as set forth in Metro Code Section 5.02.040.
- (j) This section does not apply to any source-separated recyclable material that the Chief Operating Officer designates as exempt from charges pursuant to Metro Code Section 5.02.050. [Ord. 98-720A, Secs. 11-12; Ord. 06-1118, Sec. 2; Ord. 12-1277, Sec. 5; Ord. 16-1388.]

5.02.090 Charges for Direct-Haul Disposal

- (a) Each licensed or franchised facility authorized to transport solid waste directly to the Columbia Ridge Landfill must pay Metro a per ton charge for the disposal of solid waste that is:
 - (1) Generated or originates within the Metro boundary, and
 - (2) Transported directly to the Columbia Ridge Landfill.
- (b) The direct-haul disposal charge for each ton disposed under this section during each calendar quarter 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. [Ord. 98-720A, Secs. 13-14; Ord. 99-823A, Sec. 1; Ord. 01-913, Sec. 1; Ord. 16-1388.]

5.02.100 Special Waste Surcharge and Special Waste Permit Application Fees

- (a) A special waste surcharge applies to all special wastes disposed of at Metro facilities. A special waste permit application fee applies to all special waste permit applications. The surcharge and fee 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 apply to all special wastes.
- (b) The special waste surcharge is the amount equal to Metro's actual costs in managing special waste. These costs comprise of special handling costs, cleanup costs, and lab

or testing costs. The special waste surcharge 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.

- (c) The special waste permit application fee is \$25.00. Metro will collect this fee at the time it receives a special waste permit application.
- (d) The special waste surcharge and special waste permit application fee do not apply to household hazardous waste accepted at Metro hazardous waste facilities or Metro household hazardous waste collection events. [Ord. 98-720A, Secs. 15-16; Ord. 01-907A, Sec. 3; Ord. 16-1388.]

5.02.110 Litter Control Surcharge

- (a) A customer must pay a “litter control surcharge” if the customer enters Metro Central Station or Metro South Station and any portion of the customer’s solid waste or recoverable solid waste is unsecured and visible to Metro scalehouse personnel.
- (b) The amount of the litter control surcharge 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.
- (d) Metro will collect the litter control surcharge in the same manner that Metro collects all other disposal fees and charges at the facility. [Ord. 82-146, Sec. 6; Ord. 89-269, Sec. 2; Ord. 90-337, Sec. 5; Ord. 91-397, Sec. 1; Ord. 94-531, Sec. 4; Ord. 97-681B, Sec. 3; Ord. 98-720A, Sec. 17-18; Ord. 01-898, Sec. 1; Ord. 01-918A, Sec. 2; Ord. 05-1080, Sec. 2; Ord. 06-1118, Sec. 3; Ord. 16-1388.]

5.02.120 Regional System Fees

- (a) The regional system fee is the dollar amount per ton of solid waste adopted by Council ordinance for the purpose of paying the costs for all associated Metro solid waste services related to management of the entire recycling, processing and disposal system. Metro 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.
- (b) Any person transporting solid waste generated, originating, or collected from inside the Metro region must pay a regional system fee to Metro for the disposal of that solid waste. A person satisfies payment of the regional system fee if the person pays the fee to a designated facility operator, provided that, if the person transports solid waste to a designated facility outside of the Metro region, then the person must inform the designated facility operator that the solid waste was generated, originated or collected inside the Metro region. If a dispute arises regarding whether a person informed the facility operator that the solid waste was generated,

originated, or collected inside the Metro region, then the person transporting the waste has the burden of proving that the person communicated this to the operator.

- (c) Regional system fees do not apply to:
- (1) Solid waste accepted at licensed or franchised solid waste facilities, or otherwise exempt from regulation under Chapter 5.01;
 - (2) Cleanup material accepted at facilities that treat the cleanup material to applicable DEQ standards;
 - (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
 - (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 the processing residual conforms to Environmental Quality Commission standards established pursuant to ORS 459.710(2). This exemption is only granted to the extent specified in the Metro license or franchise.
- (d) Designated facility operators 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. 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 stating the name and amount of each uncollectible charge account and documenting good faith efforts that the operator made to collect the accounts. Regional system fees are not uncollectible unless the underlying account is also uncollectible. If the operator has paid the fees previously, then the operator may take a deduction from the next payment due to Metro for the amount found worthless and charged off. However, if the operator thereafter collects on any such account, in whole or in part, the operator must include the amount collected in the first return it files after the collection and pay the fees with the return.
- (e) All regional system fees must be paid in the form of a remittance to Metro. Metro must deposit all regional system fees in the solid waste operating fund and use them only for the administration, implementation, operation and enforcement of the Regional Solid Waste Management Plan.
- (f) If solid waste loads in the same vehicle or container contain a mixture of waste generated both inside and outside of Metro's boundaries, then the load in its entirety is considered to be generated within Metro's boundary. In such cases, the generator or waste hauler must report it and pay regional system fees on the entire load, unless the hauler or generator can provide documentation regarding the total

weight of that waste within the vehicle or container that was generated only within the Metro boundary. The disposal site operator must forward that documentation to Metro. [Ord. 82-146, Sec. 8; Ord. 85-191, Sec. 4; Ord. 86-214, Sec. 4; Ord. 88-257, Sec. 6; Ord. 88-278, Sec. 4; Ord. 89-269, Sec. 2; Ord. 90-337, Sec. 6; Ord. 90-351, Sec. 1; Ord. 90-372, Sec. 3; Ord. 91-386C, Sec. 6; Ord. 92-455B, Sec. 1; Ord. 94-531, Sec. 6; Ord. 97-681B, Sec. 4; Ord. 98-720A, Sec. 19-20; Ord. 99-823A, Sec. 2; Ord. 00-867, Sec. 3; Ord. 01-918A, Sec. 3; Ord. 03-1000A, Sec. 2; Ord. 04-1042A, Sec. 2; Ord. 05-1080, Sec. 3; Ord. 06-1103, Sec. 2; Ord. 06-1118, Sec. 4; Ord. 07-1146, Sec. 3; Ord. 08-1186A, Sec. 2; Ord. 09-1217A, Sec. 2; Ord. 10-1237, Secs. 2 and 4; Ord. 11-1257A, Sec. 2; Ord. 12-1277, Sec. 2; Ord. 13-1323, Sec. 3; Ord. 14-1338; Ord. 16-1388.]

5.02.130 Regional System Fees on Cleanup Material

- (a) Notwithstanding Section 5.02.120(a), a reduced regional system fee applies to cleanup material that is delivered to any solid waste system facility authorized by Metro to accept that material.
- (b) The regional system fee on cleanup material is the dollar amount per ton adopted by Council ordinance. [Ord. 98-720A, Secs. 21-22; Ord. 98-762C, Sec. 55; Ord. 99-805, Sec. 1; Ord. 99-823A, Sec. 3; Ord. 00-858, Sec. 1; Ord. 00-867, Sec. 4; Ord. 00-873, Sec. 2; Ord. 01-897, Sec. 1; Ord. 01-919B, Sec. 4; Ord. 02-951B, Sec. 2; Ord. 02-974; Ord. 03-1000A, Sec. 3; Ord. 04-1042A, Sec. 3; Ord. 06-1118, Sec. 5; Ord. 07-1146, Sec. 4; Ord. 07-1147B, Sec. 7; Ord. 08-1186A, Sec. 3; Ord. 09-1217A, Sec. 3; Ord. 10-1237, Secs. 3-4; Ord. 11-1257A, Sec. 3; Ord. 12-1277, Sec. 3; Ord. 14-1323, Sec. 4; Ord. 16-1388.]

5.02.140 Payment to Metro

- (a) Fees and charges owed to Metro by any person pursuant to this chapter are a debt owed to Metro. A person must pay the fees and charges as provided by this section to extinguish the debt. Franchisees and other operators of designated facilities 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 Section 5.02.120(b) must pay fees and charges (other than excise taxes) to Metro as specified in this section.
- (b) Fees accrue on a monthly basis and must be paid to Metro by the 15th day of the month for waste disposed of in the preceding month. Fees and other charges are delinquent if not 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. [Ord. 93-509, Sec. 3; Ord. 94-533, Sec. 1; Ord. 97-681B, Sec. 5; Ord. 98-720A, Sec. 23; Ord. 06-1103, Sec. 3; Ord. 14-1338; Ord. 16-1388.]

5.02.150 Account Policy at Metro Solid Waste Disposal Facilities

- (a) A person may pay disposal charges, including all fees and taxes, in cash, by credit card, by check, or under Metro's credit policy. Metro will not grant credit to any person before it approves a credit application in a form or forms as required.
- (b) The Chief Operating Officer will establish appropriate account requirements designed to diminish Metro's risk of loss due to non-payment for new and existing

accounts. Metro may require existing account holders to reapply for credit or provide additional guarantees as the Chief Operating Officer considers necessary.

- (c) Account charges 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. An account holder must pay the statement no later than the last business day of the month in which Metro mails the statement. The statement is past due thereafter. A statement is not “received” unless the account holder personally delivers it to the Metro Department of Finance and Regulatory Services during business hours or unless Metro’s mail room receives it on or before the due date.
- (d) Metro will assess a finance charge in the amount of the greater of \$25.00 or 1.5 percent of the sum of all past due charges on all unpaid, past due charges beginning on the 15th day of the month following the month in which Metro mails a statement, and continuing on the 15th day of each month thereafter until paid. Finance charges accrue only on unpaid past due balances, and not on previously assessed finance charges. Metro will continue to assess finance charges on negotiated repayment schedules. Metro will first apply payments to finance charges and then to the oldest amount past due. In addition to any other finance charge or fee, Metro will also charge a 30 percent collection fee on the past-due balance owing on any account that Metro forwards to a collection agency.
- (e) If an account is 15 days past due, then Metro may place an account on a cash only basis until the account holder pays all past due disposal and finance charges. Metro may close an account if Metro has placed it on a cash only basis more than twice during any 12 month period. Metro may deny facility access to a person whose account is past due for 30 days or more. The Chief Operating Officer has discretion to place an account on a cash only basis or deny facility access.
- (f) An account customer 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. Metro may terminate the customer’s credit if the customer does not provide the required notice.
- (g) The Chief Operating Officer may adjust accounts receivable and reverse finance charges in accordance with prudent credit practices. The Chief Operating Officer will report adjustments over \$1,000.00 to the Council in writing on a monthly basis.
- (h) Consistently with prudent credit practices, the Chief Operating Officer may end pursuit of an account receivable 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 \$10,000.00. [Ord. 82-146, Sec. 11; Ord. 90-350; Ord. 91-386C, Sec. 8; Ord. 92-455, Sec. 1; Ord. 93-504A; Ord. 97-681B, Sec. 6; Ord. 98-720A, Sec. 24; Ord. 01-913, Sec. 2; Ord. 02-974; Ord. 04-1049, Sec. 1; Ord. 16-1388.]

5.02.160 Special Exemption from Disposal Fees

- (a) The Chief Operating Officer may issue a special exemption permit to a public agency, local government, or qualified non-profit entity as specified in Metro 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.
- (b) The Chief Operating Officer must provide the Council with an annual report indicating the:
 - (1) Amount of solid waste recycled and disposed under the special exemption permits granted by the Chief Operating Officer during that fiscal year; and
 - (2) Total lost revenue arising from the exemption permits granted. [Ord. 94-531, Sec. 9; Ord. 97-681B, Sec. 8; Ord. 02-974; Ord. 06-1099B; Ord. 16-1388.]

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

- (a) The Chief Operating Officer may adopt or amend rules, performance standards, and forms to implement any provision of this chapter. Any rule, performance standard, or form adopted or amended under this section has the same force and effect as any other chapter provision.
- (b) Before the Chief Operating Officer adopts or amends 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 will provide notice of the public comment period in a manner reasonably calculated to reach interested parties. The notice will include a brief description of the proposed rule or performance standard; the location at which a person may obtain a copy of the full text of the proposed rule or performance standard; the method for submitting public comments; and the deadline for submitting public comments.
- (c) In addition to public comments, the Chief Operating Officer will also hold a public hearing on any proposed rule or performance standard or amendment to an existing rule or performance standard. The public hearing will take place not less than 14 days from the deadline for submitting public comments. The Chief Operating Officer will give public notice of the hearing not less than 10 days nor more than 30 days before the 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) During the public hearing, the Chief Operating Officer will receive any offered written or oral testimony regarding the proposed rule, including any written comments received during the public comment period.
- (e) After the public hearing is closed, the Chief Operating Officer may adopt the rule as originally proposed, adopt a modified version of the proposed rule, or reject the proposed rule. If the Chief Operating Officer intends to adopt a substantially

modified version of the proposed rule, the Chief Operating Officer must mail a notice of opportunity to comment on the proposed modifications along with a copy of the text of the new proposed changes to each person who has either submitted written comments on the proposal, testified at the public hearing, or asked to receive a notice of proposed modifications. Metro must also post the notice on its website. The public has 15 days from the mailing date to provide written comment on the proposed modifications, but no further public hearing is required. After the 15-day comment period ends, the Chief Operating Officer may adopt the proposed rule.

- (f) Any rule or performance standard adopted under this section takes effect 30 days after the Chief Operating Officer adopts it, unless the Chief Operating Officer specifies a later effective date.
- (g) Notwithstanding subsections (b) and (c), the Chief Operating Officer may adopt an interim rule or performance standard without prior public notice, comment or hearing upon a written finding that a 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.
- (h) If the Metro Council enacts an ordinance establishing rulemaking procedures that are applicable agency-wide, then the rulemaking procedures set forth in this chapter are superseded by the agency-wide procedures. However, the procedures set forth in this chapter will still apply to the adoption or amendment of performance standards and forms.
- (i) Any form, performance standard, or administrative rule (formerly known as an “administrative procedure”) that is in effect on the date of this ordinance’s adoption remains in effect unless otherwise repealed or amended.
- (j) For purposes of ORS 34.020, any rule adopted by the Chief Operating Officer under this section is considered a final decision. [Ord. 16-1388.]