

# Public Comment Report: Business Food Waste Requirement



November 9, 2017

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## BACKGROUND

Between September 15 and October 20, 2017, Metro conducted the first public comment period for the proposed business food waste requirement ordinance and associated administrative rules. Notification letters were sent to more than 2,000 potentially-affected businesses to inform them of the policy and to invite comments. Metro also produced 1,000 public comment postcards for local government partners to hand out to businesses. A Metro News story, published on September 15, also announced the public comment period and provided information on how to submit public comment. This Metro News story was also promoted on Metro's Facebook page ([www.facebook.com/oregonmetro](http://www.facebook.com/oregonmetro)) and Twitter feed (@oregonmetro).

In addition, the Metro web page dedicated to the food scraps project ([www.oregonmetro.gov/foodscraps](http://www.oregonmetro.gov/foodscraps)) provided businesses with information on what types of materials would be included in the program, the types of businesses that would be required to participate, an estimate of the dates businesses would need to be in compliance with any new policy, and a guide designed to help businesses estimate the quantity of food scraps their business likely generates.

Comments were required to be submitted in writing for inclusion in this report. Comments were received primarily through an email address established for the comment period. Comments were also received via U.S. mail, through letters emailed to the Metro Council offices, and through a related Metro News posting on Metro's Facebook page.

All of the comments received, as well as the comment log with staff response are included with this report as Attachment A.

## COMMENT SUMMARY

At the close of the first comment period, 40 sets of written comments were received:

- 20 were clearly supportive of the mandatory policy
- 1 was opposed
- 11 requested specific edits to the policy or had general concerns and suggestions for changes
- 6 had general questions or were requests for additional information on various topics
- 2 comments were not applicable or neutral
- A fifth-grade class from Sauvie Island Academy also submitted letters; 18 students were in support and 4 were opposed.

The majority of those **in favor** of the policy indicated:

- A mandatory program was overdue and it was a surprise that it was not yet required in such an environmentally progressive region.
- The education and outreach structure and associated funding to support local government technical assistance is important for businesses to be successful.
- It is important to make sure that proper infrastructure is in place for businesses and that there is adequate funding to support implementation success.
- It is the responsible and sustainable thing to do, all businesses should be required to participate and the data support the need for the policy.

The one comment **opposed** to the policy believed that these businesses were already participating in a program and if the service was free, more would participate.

The **concerns** expressed by eleven of the comments included the following:

- Increased costs to businesses already strained by new fees and taxes
- Potential nuisance or health/sanitation issues
- Questions regarding Metro's legal authority to impose the policy on local governments
- Risk of failure or unintended consequences
- Equity—better understand the burdens on different business communities, especially those with little influence over the policy
- Concerns about timeframe for implementation being too aggressive—should be more flexible
- Critical cost details are still unknown
- Necessary infrastructure for commercial food waste transfer still lacking in the region

## AMENDMENTS MADE TO DRAFT POLICY

All comments received were reviewed by the intergovernmental policy team. Those comments that requested **specific changes** to the Administrative Rules were discussed by the team which then determined which comments necessitated changes or clarifications to the draft ordinance and administrative rules documents and what those specific changes should be. The majority of the changes made were to improve clarity and correct inconsistencies in the documents.

A second draft of the ordinance and administrative rules, dated November 8, 2017, which illustrates proposed changes based on the comments received, is included as Attachment B.

## CONCLUSIONS AND NEXT STEPS

- The first round of public comments indicated overall general support for the policy.
- Questions remain regarding the details of the temporary waivers for local government implementation. Staff will need to determine the appropriate criteria and base data, evaluate potential impacts on tons recovered and collection economics, test approaches and revise the rules over time.
- Questions remain regarding the financial impacts of the policy both on local governments and on affected businesses. Metro needs to complete further analysis on the cost impacts prior to

the effective date of the policy if the ordinance is adopted by the Metro Council. (The policy would take effect on March 7, 2018, if the Metro Council adopts the ordinance on December 7, 2017.)

- Metro should develop and issue guidance documents to bring clarity to specific elements of the Administrative Rules; specifically local government reporting requirements.

If the Metro Council adopts the food scraps separation ordinance, a second draft of the administrative rules will be made available for a second 30-day public comment period sometime shortly after the Metro Council's action. Once this second comment period has closed, a public hearing on the draft administrative rules will be held in accordance with Metro Code Chapter 5.01.280.



600 NE Grand Ave.  
Portland, OR 97232-2736  
oregonmetro.gov

## ATTACHMENT A

Monday, October 23, 2017

### **Compilation of Food Scraps Policy public comment comments**

9/18/17 10:19AM

Dear Metro Council:

I am writing in support of the proposed food scraps policy with an emphasis on the elements below.

When I first moved to Portland just under six years ago, I was shocked to learn that food waste wasn't a staple part of the Metro area's waste reduction program. Not only that it wasn't (and still isn't) part of base service for multi-family homes, but even more shockingly, that it wasn't required of businesses that produce mass amounts of food waste such as restaurants and bars. Having lived up and down the west coast, where Portland was once considered to be a progressive example of how to get sustainability right, I think we are well past due to implement the recommended policy. Other cities and regions have successfully done so (the most obvious, of course, being San Francisco), so it isn't a far stretch to expect the same of this region.

Having worked as the Outreach Coordinator for the Port of Portland's food waste and donation program for two years, I also think there are replicable, scalable examples within the Metro area already. For example, the Port of Portland's program has been hugely successful. At its core, I would argue, is the fact that there are dedicated resources for a true outreach and education components. I see that 5.10.440.a.3 notes that the local governments should "provide education and technical assistance to covered businesses and waste hauler regarding the business food waste requirement." and FS-5.10-012 outlines what this should look like when implemented. I want to reiterate the importance of this component for a successful program. Often businesses are convinced there will be no difference, or think they're doing it well when there is still significant room for improvement. This can make or break the adoption, buy in, and success of the program. Businesses need to by and large, adopt the measures as part of their business culture, rather than a policy or rule that they must abide to. This can be helped through strategic outreach and partnerships built with the businesses.

I strongly support FS-5.10-018 which notes funding to local governments in order to implement the policy. This combined with enforcement such as that outlined in FS-5.10-013 is key. It is also important to ensure there are elements built in to prevent this from being a box that gets checked off (as much as possible, at least). While enforcement policies are useful, I would also suggest looking into incentive models as well. Both are important, but the incentive model can build a stronger sense of partnership vs policing for the program. Highlighting best practices, publicizing businesses that are doing especially well or being innovative in their adoption of the policy, and especially - recognizing and rewarding the employees that are doing it right. It takes adoption both from the top (management) and on the ground (the actual line chefs and waitstaff) for such a program to succeed.

Thank you for finally bringing such a policy to our region.

- Julia Metz 510.552.8552

9/18/17 12:33 PM

To Whom It May Concern,

We have recently received your letter regarding separating food scraps from garbage with the potential of making it a requirement starting in 2019. As the Building Specialist for Mary Woodward Elementary School here in Tigard, I am responsible for custodial and maintenance here including garbage and recycling. I also assist in the supervision of our lunch program and as I have commented to others in our district, it truly breaks my heart to see how much food is wasted by students on a daily basis. I have been Head Custodian at other schools before including an organic grocery store and we always had a food scrap and compost program in place. It baffles me that this area does not have such a program.

So my questions to you are:

- 1) Is there any way to get a food scrap/composting program implemented here voluntarily as soon as possible that falls within district guidelines?
- 2) How does the City of Portland handle food scraps and compost that it doesn't attract rats?
- 3) Do you have any staff that would be willing to educate our students to inform them of food waste? I think it would be beneficial and a real eye opener if they knew what they were doing when they throw full meals into the garbage.

Finally, I would like to add that this e-mail is my personal opinion and mission and does not reflect our school or district as a whole.

Any insight you can give would be greatly appreciated.

Thank you,

Justin Pribyl  
Day Specialist  
Mary Woodward Elementary  
(503) 431-4711

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9/18/17 6:31PM

Food scraps.

Why make it so very difficult when you ask for public comment?

I do not agree with a mandate that requires restaurants, hospitals, nursing homes; what have you to recycle food waste. They are already doing this. Many would do more if the extra bin was free.

Leesa Cooper

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09/19/17 6:40AM

hi metro,

re this-

<http://www.oregonmetro.gov/public-projects/future-garbage-and-recycling/food-scrap>

due to so many people moving here and not following the laws, we need to add more incentives to recycle food scraps, or put punitive measures in place...

both portland and the region potentially can recycle all those scraps, and with the large volume, should be able to utilize compostable plates, silverware, etc, as was previously done...

perhaps if this idea isn't doable, look at other regions or abroad for successful outcomes...

in this day and age, it's a logical way to reduce waste...

additionally, pressure the oregon legislature to extend the bottle bill to gatorade and other plastic beverage containers...

again, in this day and age, it's illogical to not do so....

thx,

teresa mcgrath and nat kim

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9/19/17 8:19AM

Hello:

We just received your letter concerning the proposed business scraps separation requirement. We no longer have a school – it closed several years ago. Please take us off your mailing list for food service businesses. We only have potlucks and good Lutherans always take home the leftovers.

Sincerely,

J P Moore, Administrative Assistant

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9/19/17 11:07AM

My experience with buying compost from the North Plains facility is that I will not do so again. The PDX food waste stream is full of non compostable restaurant materials like glass and plastic. I do not want that stuff in my garden.

Ken Jackson

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9/19/17 12:26PM

I am writing to support the proposed food scraps policy and at the same time to emphasize the need to make sure the proper infrastructure and policies are in place to make this move advantageous for facilities (or at the very least to be on par with how they are currently working). There have been big problems with unfunded mandates of all sorts from all levels of government, and I would hate to see this turn into another one. This is not to oppose the proposed policy in any way. I 100% support it. Just a reminder that in this, as in all green measures, infrastructure and policy are key to making changes that are truly sustainable and can really make a difference beyond PR or making people feel good.

Aaron Kelly  
Portland resident (97206)

P.S. If more detailed contact information is needed for this comment, please contact me and I will provide it.

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9/19/17 12:47PM

Hello,

I have a few questions regarding the upcoming food scraps separation requirements:

1. Are paper napkins allowed with food scraps?
2. Are compostable cutlery, ramekins, and togo boxes allowed with food scraps?
3. Is there a fine schedule for offenses? Is there a grace period to adjust to the program?
4. Will a food scrap container be provided?
5. What if the back dock of the restaurant does not have space for an additional trash container?

Thank you,  
Phil Jonsson

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9/19/17 5:44PM

I am writing to indicate my support for the new food scraps legislation. I would like restaurants and other businesses to compost food waste because it is the responsible way to take care of our environment.

Andrea Lowgren  
Portland

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9/19/17

Hello,

I fully support a policy of requiring businesses to separate their food scraps this is a sustainable project that will benefit our region. - Benjamin Kerensa

9/20/17 12:58PM

This is a wonderful idea! Please implement this!

Alissa Fuchs

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9/20/17 2:02PM

Hello -

I'm a resident of the Foster-Powell neighborhood in Portland and strongly support enforcing food scrap composting by businesses. I moved here from Seattle almost 2 years ago and was disappointed to find that this is so rare and unenforced, as it is the law in Seattle and people there are quite used to it. The longterm benefits far outweigh the work required to implement the new policy.

Thank you,  
Lisa Traxler  
206-601-4170

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9/21/17 9:17AM

I was shocked when I moved to Portland from Seattle to see all of the food scraps from businesses going into the trash. I had expected Portland to be ahead of the curve, ahead of Seattle, when it came to environmental issues. There is no reason why ALL businesses shouldn't be required to compost. Of course businesses that handle food should be required, at a minimum.

Make this happen and then immediately start planning to expand to all businesses. My workplace should offer composting.

Thanks for your efforts on this!

Sean McClintock  
206.619.4159  
Zip: 97206

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9/21/17 9:05PM

Dear Metro,

As a fellow traveler in life I applaud your efforts on food scrap effective use and disposal. My concerns relate to the implementation and enforcement of these policies. In reviewing your comments here and in various media forums I do not see enough concern for the cost to businesses, non-profits, and other stakeholders. As Pamphlin media has pointed out past efforts to implement similar scrap recycling in the area actually cost taxpayers a great deal of money and was unprofitable for the business that took the initiative to pilot such an initiative. Rather than re-invent the wheel in this regard I would recommend that Metro & other authorities take those past lessons



into account. If the end result of your current draft policies would result in more air pollution I would not be in favor of any implementation of such policies regardless of the impact on global warming. Thank you in advance for the opportunity to provide our comments.

Best regards, Steve Bolgrin

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9/21/17 11:21AM

I think this will be great, especially when it is implemented in PPS. I worked briefly as a sub in the cafeterias at PPS and was appalled at the outrageous amount of food waste.

Thanks!  
Annie Bosworth Foley  
Stage Manager  
404-964-1244

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9/22/17 6:50PM

I have read the proposal to regarding mandatory separation/collection of food scraps separate from garbage and agree this is good policy to implement. The data collected regarding food waste supports the recommendations and unfortunately the for-profit business model is unlikely to make changes voluntarily. Thank you.

Angie Hamilton  
503 780 8482

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9/25/17 11:36AM

To whom it may concern,  
I am writing in complete support of the new food scrap separation proposal. At our elementary school we strive to teach our students the most up to date recycling research. We put theory into action by recycling in our classrooms and in our cafeteria. We compost on a limited basis and use the byproduct to fertilize our school garden. However, we can't keep up with the amount of food waste generated by our 530 student school.

Mary Woodward Elementary wholeheartedly supports this new food scraps proposal.

Sincerely,  
Jerry Nihill

Jerry Nihill  
Principal  
Mary Woodward Elementary  
(503) 431-4708

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9/27/17 7:13AM

Hello,  
I'm really excited about this proposal, thank you!

I'm a Master Recycler, and am able to volunteer in my kid's schools. Currently, I'm trying to implement PPS' optional food scrap collection program at Alameda Elementary, the City's largest elementary school with over 800 students and staff. Making this mandatory is the only good solution to what is now a opt-in, volunteer-run program, so I'm encouraged by this new regulation from Metro.

But I need clarification: would students be considered "customers" in the "front of the house" (in red, below)? If so, this sounds like their participation would be discretionary. This would be a huge mistake. Many students compost food scraps at home--why not also at school? If you want real change, these habits must be consistent and reinforced throughout. And, when we do collect food scraps during lunch, it's over 80 pounds in one day.

Yes, ensuring students' food waste is free of contaminants is a challenge, but not one so big that can't be tackled.

Thank you very much,  
Liz Erickson  
NE Portland

FS—5.10—009 Local Government Requirements 1. Local Governments must implement one of the following:

2. Local Governments must require Covered Business Entities to: a. Separate food waste from all other solid waste for collection. b. **Recover food waste that is controlled by the business, agents, and employees. This requirement does not apply to food wastes controlled by customers. At its discretion, a Covered Business Entity may collect food waste from customers but must ensure that food wastes are free of non-food items.**

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9/27/17 8:45AM

Hi there, I would like to give a strong YES PLEASE for the proposed policy to require certain businesses to keep food scraps out of the garbage.

I am speaking only for myself at this time, but I am a parent, Washington County resident, school volunteer and my children's elementary and middle schools, parent and student Green Team coordinator and Beaverton Eco-School Network steering committee member. I also write about sustainable issues for the Portland Tribune.

I followed the "Let's Talk Trash" conversation, and would truly hope that this policy gets set in motion as part of Metro's evolution to keep reducing waste and help accomplish the region's climate change goals.

I also am concerned about the drop-off in facilities that accept plastic clamshells and othe packaging ... maybe this type of packaging needs to go the way of the Styrofoam container?

Thanks much,  
Jennifer Anderson  
Washington County resident  
503-317-6958

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9/28/17 8:57AM

Our restaurant is working toward a zero waste food environment. We generate little waste. I would like to see an exemption to mandatory food scrap recycling for restaurants that are near zero food waste.

I have concerns about food waste recycling based on current and prior experience. First, holding food scraps for recycling makes insect control and pest control inside and outside the restaurant much more difficult and negatively effects the working environment and health and safety of employees and customers. Second, over the last 100 years, improvements in public sanitation has greatly improved public health. I believe holding waste food for recycling is a step in the wrong direction. It definitely provides more food source exposure for disease vectors, insects and rodents. In outlying areas, additional pests could easily include racoons, skunks and coyotes. We have experienced all of these problems. Please consider the negative public health impacts.

Best regards,  
Bob Spencer  
bspencer@killerburger.com  
971-804-2303

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9/28/17 9:07AM

Hi,

I am the manager for Food & Nutrition Services at Kaiser Westside Medical Center. My Chief Operating Officer forwarded this info to me, but I would like to be on the distribution list for any further information that will come out regarding this topic. We do already separate our back of the house food scraps for composting, but I am looking forward to the structure and support that is proposed with this new rule. Please add heidi.thompson@kp.org to your distro list. Thanks, in advance,

Heidi

Heidi Thompson, MS, RD, LD  
Manager, Food & Nutrition Services  
Kaiser Permanente Westside Medical Center

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10/3/17 7:00PM

We are residents of the part of Happy Valley that borders with PDX We would certainly participate in food scape recycling if it were available Our garbage/recycler is Sunstet garbage are there any plans in the future to allow us to participate.?

Thank you  
Patty Sherman-Cormack

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10/4/17 6:13PM

Hello- My name is Starr Jackson. My husband and I own three restaurant/bars in the Portland metro area. I have dabbled in composting, but unfortunately it was so expensive that it did not make financial sense for our businesses. I cannot imagine how the garbage companies can justify and extra \$50-\$85 dollars each month for composting. In reality I would much prefer to compost, but asking small business to absorb yet another expense is just too much. At some point there will be no point to doing business in the Portland metro area, as the cities and counties continue to pile on new fees/taxes/etc.

Starr Jackson

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10/8/17 9:30AM

I am very happy to hear that commercial food scrap recycling is to become mandatory. I was actually unpleasantly surprised to find out that separation of food scraps from garbage wasn't already being practiced by a greater number of businesses in the Portland area, but learning that there hasn't existed commercial composting pick up was also a big surprise, and I suppose a huge hindrance to the ability to successfully dispose of food waste. So, kudos to Metro for getting this ordinance on the books.

I have two questions:

How have the cited 1,300 smaller businesses, which have been voluntarily composting already, been disposing of their food scraps?

and

If 18% of our garbage has been composed of food waste, what is the percentage of our garbage devoted to plastic, and in particular convenience-food plastics (ie clamshells, take-out tubs etc)? So much of our food in the city, particularly in restaurants but also in an increasing numbers of grocery stores, is prepared for convenience using plastic containers for which there is no incentive to recycle, and furthermore no guarantee that recycling is even available (at least twice in recent memory China has halted acceptance of our recyclables). Is there anyone/any department in Metro working on or with knowledge of this conundrum - the growing use of convenience-food plastics which have no guaranteed after life: no mandated incentives to be recycled (neither for the manufacturer nor the end-user) and no guarantee even of the recyclability of the product?

I very much look forward to any answers you can provide me for the above questions.

Thanking you in advance-

Shari Sokel  
Portland, OR 97202  
(503) 475-4274

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10/10/17 11:04AM

In July of this year, I attended a food waste roundtable that was organized by Washington County. At that event a representative from Metro shared information about a goal to produce high-quality marketable compost.

I've reviewed information on the Oregon Metro website to learn more about Metro's plans for food waste diversion to composting facilities however I haven't found any specific information about plans for contracting with or building such facilities.

Can you clarify where food waste would be transported for conversion to compost if a new policy on food waste segregation is implemented?

I'm trying to become better informed on the topic so I can generate support internally at our hospitals to get started on food waste segregation.

Thanks for your help!

Pat Lydon, CEM  
Sustainability Program Manager  
Legacy Health  
plydon@lhs.org  
503-944-4251  
Caring for patients... and the planet!

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10/10/17 11:19AM

I know there will be problems or hardships for many/all businesses. There always are. But the more we can eliminate waste the better for us all. We have to think BIG when it comes to ecology, especially with possible changes in the Fed government (re EPA Pruitt/ Trump)

Marianne Terrell-Lavine  
8619 SW 37th Ave  
Portland OR 97219

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10/10/17 10:03AM

Jennifer,

Some food processors take excess products and sell to livestock or hog farms. I have a bakery that carefully takes all of their damaged or excess bread products and distributes those products to farms in Oregon. This already compliments the goal of keeping the food scrap out of the landfill but I don't see how this would fit in the definition because the food waste is a product that can't be sold for human consumption (example is broken or deformed hotdog bun) but it is certainly fit for animal consumption. Can we add a line in the definition to make that clearer? Below is a suggestion... Thanks for your consideration.

"Food waste" means waste from fruits, vegetables, meats, dairy products, fish, shellfish, nuts, seeds, grains, and other food that results from the distribution, storage, preparation, cooking, handling, selling or serving of food for human consumption. Food waste includes but is not limited to excess, spoiled or unusable food and includes inedible parts commonly associated with food preparation such as pits, shells, bones, and peels. Food waste does not include large amounts of oils and meats which are collected for rendering, fuel production or other non-disposal applications, **food fit for animal consumption**, or any food fit for human consumption that has been set aside, stored properly and is donated to a charitable organization.

Shawn Miller,  
Representing the Northwest Grocery Association

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10/11/17 5:23PM

Hi there,

Thank you for the chance to comment on the food scraps policy. I work in the public sector and understand, to an extent, the limits you face in terms of logistics of this requirement as well as communicating these technical matters to the public. I appreciate the chance to review what seems like a digestible presentation of technical information, as I spent my time at the University of Virginia shoring up our composting system campus-wide and just secured curbside composting for my 21-unit residential building in Portland.

I have just two comments on the admin rules:

- The Covered Business Entities include full-service restaurants but not counter-service restaurants. This worries me, as counter service is a huge and growing trend in the restaurant industry, given that millennials and lower-income people like myself provide a strong market for something more accessible than a full-service restaurant (especially as we spend more and more of our income on housing). It seems that counter-service restaurants, in the aggregate, may produce as much or more food scraps/waste as full-service restaurants, and perhaps their model of cooking and service would be even more amenable to collection than full-service. If you haven't, I hope you can study and consider requiring counter-service restaurants to participate. If you're in the business of responding to people's comments, I'd love to hear more about this issue.
- I see that local governments can offer businesses waivers if compliance would result in a hardship -- I'm sure there's some legal definition of hardship somewhere in Metro's code, or that it's defined elsewhere. I don't know where it is...but in the case it's not defined, I would like to know what that

term means and make sure that there's not enough wiggle room in "hardship" to allow businesses to bow out just because it costs them a bit more.

If there's any way I can get follow-up on this, like being signed up for a newsletter, please add me.

Thank you!  
Love Jonson

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10/13/17 1:54PM

Attached are comments from the City of Portland Bureau of Planning and Sustainability.

Thank you for this opportunity.

Amanda Romero

Text from attachment:

Dear Metro Council and Staff,

I am pleased to offer comments to you regarding your proposed business food scraps separation requirement. This policy will help us to reach our Climate Action Plan goals of reducing food scraps sent to landfill by 90 percent.

#### Voluntary Approach is Not Enough

For over ten years, we have encouraged Portland businesses to sign up for food scraps collection service. Over one thousand Portland businesses have made that commitment and are turning their food scraps into electricity or fertilizer for local farms and gardens. However, many food services businesses have yet to start separating their food scraps. We will need a broader range of participation, especially from the businesses generating the most food scraps, to reach our goal. The only way to reach this is through consistent and fair compliance monitoring. We support the phased approach outlined in your proposal because it enables local governments to focus on the larger generators first.

#### Regional Policy Needed

Portland has had a food scraps separation policy since 2008, but we have been slow to implement the requirement. This is due, in part, to limited composting facility capacity in the region. A regional policy will allow for consolidated flow of compostable materials that will ensure stable processing capacity. It will also foster consistent messaging and implementation across our region. We support your consistent, region-wide approach to food scraps separation policy.

#### Costs to Businesses are Top Priority

We recognize that there are business barriers to participation in food scrap separation. One barrier is cost. The collection service and related costs such as receptacle liners are primary concerns. We encourage Metro to look for opportunities that lower costs to businesses. We also encourage Metro to choose a processing facility with capabilities that reduce costs externalized onto businesses. These may include de-packaging or a system that could accept and screen out conventional plastic bags rather than require costly compostable bags.

#### Equity Considerations are Important

As with any policy, we support efforts to mitigate burdens of the policy especially for individuals and businesses least able to influence the policy development. We encourage you to continue to engage businesses owned by and/or serving communities of color and to encourage and support local governments with their outreach and implementation efforts, specifically related to equitable provision of assistance and information.

#### Food Scrap Recovery is a Starting Place; Food Waste Prevention and Food Donation are Next

We know that end of life materials management is just one part of the solution and look forward to working with Metro and other partners to encourage and support food waste prevention and food donation.

#### Commitment to Implementation

The Bureau of Planning and Sustainability is committed to implementing the regional food scraps separation policy. Although we already have a policy in place, we will work to ensure regional consistency by following the phased-in implementation and working alongside other jurisdictions in the region.

Attached are our detailed comments to the proposed administrative rules.  
Thank you for this opportunity to comment.

Regards,  
Bruce Walker

City of Portland Bureau of Planning and Sustainability  
Detailed Administrative Rule Comments  
Solid Waste Administrative Rules AR - FS - 5.10  
Business Food Waste Requirement  
PUBLIC COMMENT DRAFT September 7, 2017  
FS-5. 10-005

#### Applicability of Rules

3. Covered Business Entities shall meet the food waste requirement according to a schedule determined by the quantity of food waste they generate on average, in three phases as listed below. Implementation will begin with Business Group 1 and progress to the other groups according to the Effective Dates described in Rule 006. Covered Business Entities that demonstrate they generate de minimis quantities of food waste are not subject to this requirement.

Comment: change underlined to "minimal" to match wording in FS-5.10-014 (temporary waivers). De minimis and/or minimal would need to be defined either by local governments during implementation or by Metro.

#### FS-5.10-004

"Food waste" means waste from fruits, vegetables, meats, dairy products, fish, shellfish, nuts, seeds, grains, and other food that results from the distribution, storage, preparation, cooking, handling, selling or serving of food for human consumption. Food waste includes but is not limited to excess, spoiled or unusable food and includes inedible parts commonly associated with food preparation such as pits, shells, bones, and peels. Food waste does not include large amounts of oils and meats



which are collected for rendering, fuel production or other non-disposal applications, or any food fit for human consumption that has been set aside, stored properly and is donated to a charitable organization.

Comment: change underlined to: Food waste does not include liquids or large amounts of oils and meats which are collected for rendering, fuel production or other non-disposal applications, or any food fit for human consumption that has been set aside, stored properly and is accepted for donation at a charitable organization.

#### FS- 5.10 · 012

##### Business Assistance

a. Educational materials must include, at a minimum:

iii. All signs and program materials must be understandable to non-English speakers.

Comment: change underlined to "designed to be understood by people with limited English proficiency."

#### FS-5.10-012

##### Business Assistance

Local governments must provide educational materials and offer technical assistance to covered businesses to encourage food waste prevention and donation of edible food and assist with program set-up, understanding program requirements and separation standards.

Comment: Change underlined to "food. They must also assist with food waste collection requirement program set up, understanding program requirements and separation standards."

b. Technical assistance offered must include, at a minimum:

ii. Assistance with program set up and training on-site at the business.

Comment: Change underlined to "food waste collection requirement program". This clarifies that on-site training is provided about food waste collection, not prevention or donation.

v. Serve as a liaison between the business and solid waste hauler as needed to ensure provision of appropriate collection receptacles and service frequency

Comment: suggest deleting all of part v. The role BPS is positioned to play is encapsulated by parts i-iv. If this part must remain, then we suggest changing to "v. Serve as a facilitator between the business and solid waste hauler as needed to assist with the provision of appropriate collection receptacles and service frequency."

#### FS-5.10-014

##### Local Government Temporary Waivers to Covered Businesses

1. A local government may establish a method for granting temporary waivers to covered businesses. A local government must seek Metro approval of the waiver method and conditions.

2. Temporary waivers must meet the following minimum standard:

a. May not exceed 12 months, renewal allowed.

Comment: Change underlined to "annual renewal". Question: Does Metro intend to limit the number of annual renewals granted? If so,, total number of allowable renewals should be indicated here.

b. In order to be renewed, a local government must annually review waivers to determine if conditions that warrant the waiver are still in place and cannot be remedied.

c. Criteria for granting temporary waivers includes:

Comment: Change c. to "Covered businesses seeking a temporary waiver must agree to periodic waiver verification site visits. Local governments are responsible for determining if one or more of the following criteria warrant a temporary waiver:"

- i. Minimal amounts of food in the disposed waste.
- ii. Food waste produced by the covered business is not suitable for inclusion in the program, or cannot be made suitable without considerable expense.
- iii. Physical barriers to compliance exist and cannot be remedied.
- iv. Compliance results in hardship.

Comment: Change underlined to "unreasonable capital expense hardship." It would then be up to the local government to determine whether the stated hardship is reasonable or not. Metro could approve criteria for making this determination in the Local Government Implementation Plan.

- v. Compliance results in a container in the right of way or violation of other government health or safety code.
- vi. Covered businesses agree to a waiver verification site visit.

Comment: Delete vi if site visits are a requirement described in c. above.

3. Local governments may not grant waivers in cases where collection containers are placed outside of enclosures if such placement does not constitute a safety or health risk. Short-term waivers may be granted in situations where enclosures are in the process of being installed or expanded in order to accommodate food waste receptacles.

Comment: Remove section 3. This kind of detailed restriction is better suited for the Local Government Implementation Plan wherein the local government is seeking approval on their waiver method and conditions. This section could be problematic for jurisdictions that have conflicting rules about container placement outside of enclosures,

FS-5.10-018

#### Funding Guidelines

1. Metro will provide funding to support the implementation of the business food waste requirement to local governments upon adoption of the requirements by the Metro Council. Metro intends to provide additional funding for the first (XX) fiscal years of the business food waste requirement, subject to Metro Council approval of funding amounts during the annual budget process.

Comment: Request funding for a minimum of five fiscal years after policy adoption.

10/13/17 4:10PM

To: Metro  
From: Jeanne Roy, Center for Earth Leadership  
Date: October 13, 2017  
Subject: Food scraps policy comments

The Center for Earth Leadership, sponsor of the Eco-School Network, favors the proposed Food Scrap Policy, including the draft code amendments and the draft administrative rules.

The timing is right:

- Fifteen years have passed since the RSWMP recommended that food be collected from larger generators “within three to five years.”
- Food is the largest component of landfilled waste that has not yet been adequately addressed.
- Reducing methane emissions is an important step in reaching Oregon’s greenhouse gas emission goals.

The Center is particularly interested in a requirement that food waste be collected from schools. However, we request that front-of-the-house food waste be included as well as back-of-the-house. There are two reasons for this:

- Most of the food waste is from the cafeterias rather than the kitchens.
- The education value for children is extremely important. When students are asked to separate food and other reusable and recyclable items after lunch, they learn that resources need to be conserved and not wasted.

Thank you for the opportunity to comment.

Jeanne Roy

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10/18/17 6:01AM

I am in favor of any legislation that helps divert food scraps from landfills.

Thank you,  
Alice Cascorbi

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10/20/17 9:19AM

Letter from NWFPA attached.

Pamela Barrow

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10/20/17 2:23PM

Letter from Legacy Health attached.

Gina Cole

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10/20/17 10:01AM

Hope it's okay if I send these to you. Also, I'm including the letter that was sent today from Chair Duyck to President Hughes.

Congratulations on one milestone completed, public comment period #1 over! Thank you for your tremendous effort in getting this policy out to the region, really an outstanding outreach accomplishment; not to mention a ton of meetings for your staff. Well done.

Theresa Koppang | Manager

Letters attached

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10/20/17 1:06PM

Good afternoon President Hughes and Metro Councilor Harrington, I am sending the attached letter on behalf of Mayor Steve Callaway.

Thank you,

Sheril Jensen

Letter attached

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10/20/17 1:11PM

Jennifer/Matt,

Attached are staff comments on the proposed policy. Additionally, I am attaching a letter from Mayor Callaway to President Hughes and Councilor Harrington that will be sent today.

Thank you,  
Peter Brandom

Letter attached

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10/20/17 1:18PM

Good afternoon,

Thank you for the opportunity to submit comments on Metro's proposed food scraps policy documents. At this point, I only have one comment to forward on the Metro's food scraps proposed draft – there should be consistency in what is allowed to be placed in the food carts, as issues can

arise when there are differences among jurisdictions and customers are allowed to place whatever items in the cart that are allowed by the entity taking the material. I believe this is likely Metro's intent, but I wanted to mention it.

Please don't hesitate to contact me if you have any questions.

Have a great weekend!

Thank you,  
Beth Vargas Duncan  
ORRA

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10/20/17 4:51 PM

Please find attached comments related to Metro's Food Scraps Policy. Please let me know if you have questions or need additional information. Thank you!

Deanna Palm

Letter attached

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Via email: [foodscraps@oregonmetro.gov](mailto:foodscraps@oregonmetro.gov)

October 20, 2017

Metro  
600 NE Grand Ave.  
Portland, OR 97232

RE: Food Scraps Policy Comments

Northwest Food Processors Association (NWFP) submits the following comments on the proposed *Business Food Waste Requirement*.

NWFP is an association of over 155 food manufacturing companies in Oregon, Washington and Idaho with over 250 facilities throughout the Northwest. Many of these companies are located in the Metro area and would be subject to the requirements of these new rules.

Food manufacturers endorse EPA's Food Recovery Hierarchy and seek the best, highest use for their food waste. Consequently, food waste from food manufacturers represents a very small portion of total food waste. The Food Waste Reduction Alliance study indicates about 3% of food waste comes from food manufacturers (*Best Practices & Emerging Solutions Guide, 2015*).

NWFP members support Metro's goal to divert food waste from landfill. We urge Metro, however, to make every effort to assure that covered businesses do not experience large cost increases in meeting these new requirements.

NWFP has the following comments on specific sections of the proposed Administrative Rules:

**FS—5.10—004**

Does "food waste" include packaged food? Our understanding is that some types of packaged food are not included in food waste and some types are included. This should be specified in the definition of food waste.

**FS—5.10—005**

What is the definition of *de minimis* quantities of food waste? This amount should be clarified.

**FS—5.10—006**

The effective date for implementation by food manufacturers, many of which fall into Business Group 1 (March 31, 2019), needs to be delayed by at least another year. There are currently few economic options available for alternate disposal and the operational date for Metro's process center and other required infrastructure are uncertain and still in planning. Further, opportunities for use of this waste will be explored, but will take time. A time extension will afford needed flexibility as companies seek the most cost-effective and efficient means to comply with the requirements. Since food manufacturers account for a very small percentage of total food waste and their waste issues are more complex, it is reasonable to focus first on the larger aggregate sources of waste such as restaurants and institutions.

**FS—5.10—008**

Distance waivers in this section appear to apply only to local governments. Distance waivers should be available to food manufacturers based on proximity to transfer or processing facilities as well.

**FS—5.10—014**

We appreciate the grant of temporary waivers to covered businesses.

NWFPA thanks Metro for this opportunity to comment on the proposed Business Food Waste Requirement. Food manufacturers look forward to working with Metro and with local jurisdictions to make this a workable approach for everyone.

Sincerely,

A handwritten signature in black ink, appearing to read 'David McGiverin', with a large, stylized loop at the end.

David McGiverin  
President



Legacy Health  
1919 N.W. Lovejoy St.  
Portland, OR 97209  
503.415.5600 phone  
503.415.5777 fax

October 20, 2017

Metro  
600 NE Grand Avenue  
Portland, OR 97232-2736

Re: Metro Proposed Food Scrap Mandate Comments

The stated goals of the Metro's Business Food Waste Requirement are aligned with Legacy Health's mission of good health for our people, patients, communities and world. Legacy is a nonprofit health system serving Oregon and SW Washington with seven hospitals, which include Legacy Emanuel Medical Center, Randall Children's Hospital at Legacy Emanuel, Legacy Good Samaritan Medical Center, Legacy Meridian Park Medical Center, and Legacy Mount Hood Medical Center. As a result of the care we provide to our communities, we generate and manage 10 different waste streams which each require their own protocol. In adding another through the proposed scrap food mandate, it is imperative that Metro and local government work with the key stakeholders to ensure a thorough and smooth implementation period.

### **Compliance and Flexibility**

The current effective deadlines described in Rule 006 should be flexible to reflect the readiness of the yet-to-be-named facility and the infrastructure to set-up with the local government and haulers. There is still little known about the facility, the location of the facility or a deadline for the facility to be completed. Therefore, the proposed deadlines are hasty.

Organizations that must participate in Business Group 1 will be subjected to issues that arise when implementing a new a program. Metro and the local government should consider the creation of garbage rate incentive for covered businesses participating in the first three phases of the program. A similar program was implemented in King and Pierce counties and businesses found it offset some costs of participating.

### **Business Assistance**

Rule 012 states the minimum assistance required of local government to support the covered businesses. For the large businesses, an official from the city or Metro should be available for the promotion of the implementation of the new program and on-site education for necessary staff. In addition to technical assistance, the local government should encourage haulers to be flexible in determining the number of pick-ups required. As an example, trash currently is picked up every day at Legacy Emanuel Medical Center. With the separation of trash and food waste, that could reduce the number of trash pick-ups. The frequency of food waste picks up should be subject to change also, especially during the first the phase of implementation.



Businesses should have the option to decide the types of food waste vessels use in their facilities that would best decrease the concerns that come with gathering food waste on site. Those concerns are the potential smell, rats, space constraints, and malfunctions (spillage).

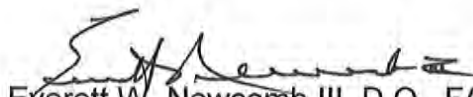
**Proposed Facility**

This is not the first time an innovative compost or anaerobic facility has been proposed. While the earlier facilities may have suffered from a lack of technology (Riedel and Nature's Needs), the most successful one so far, JC Biomethane, is currently struggling financially. JC Biomethane is often mentioned as a success story but they have been unable to pay their property taxes and overstated the amount of energy they could produce according to an investigative report by Eugene weekly. It is difficult to have confidence that an un-named company would perform better than these other facilities that have failed. For any business to invest the labor and resources to separate food waste from trash there is an expectation that this new facility will be successful.

Ideally, large-scale food producers should have the opportunity to voice favor or disfavor in the finalists for the bid. We understand the reason given for these other facilities failing is that they did not have a constant stream of food waste to produce energy and that food waste depends on the participation of multiple stakeholders across the logistical map. Metro should give some consideration to the knowledge and viewpoints these organizations may have in determining the type of company that builds the facility and the location.

Legacy is confident that we can implement food waste collection at each of our sites but not without the support and proper execution of Metro, City of Portland, and associated stakeholders.

Sincerely,



Everett W. Newcomb III, D.O., FACC, FACP  
Chief Operating Officer



Date: October 20, 2017

To: Metro Food Scraps Team

Fm: Washington County Solid Waste & Recycling, Theresa Koppang, Manager

Re: Comments on Metro Commercial Food Scraps Collection Policy

## General Comments on Proposed Ordinance

In general, Washington County supports the draft code amendments regarding the proposed businesses food waste requirement. Keeping food out of a landfill is a goal that we also support. There are critical cost details that are unknown at this time, and will be necessary for us to pledge full support. However, we understand that in order to attract investment in a food waste processing facility, there needs to be a demonstrable policy commitment from our region to require commercial food scraps collection.

Given the lack of reload/transfer capacity for food scraps in Washington County, we appreciate provision 5.10.450 that allows Metro's COO to grant a temporary waiver. It's possible Washington County would need to request this. Please see under separate cover a letter from Washington County Board Chair Andy Duyck sent directly to Metro President Hughes and Council.

## Specific Comments on proposed Administrative Rules

- FS – 5.10 – 002:
  - “Inedible food waste” – seems redundant, suggest just “inedible food” or “food waste.”
  - Suggest describing/defining it as “food waste-generating businesses”
- FS-5.10-004: Should coffee be added into the admin rules under this section?
  - For some businesses that will be a huge waste
  - For that matter, tea leaves too.
- FS—5.10—004: Here it uses the term “Covered Businesses” but in the following sections it says “Covered Business Entities” several times.
- FS—5.10—006: Why is there 12 months between Groups 1 & 2 and 18 months between Groups 2 & 3? We thought it was going to be 18 months between each group.
- FS—5.10—008: What is the reasonable distance proposed to be? (Here it says XXX miles) Washington County would like to be involved in developing this ‘test of reasonableness.’ This is not only a matter of distance, but given the congestion on our roads, it's a matter of time.

- FS—5.10—009: a. and b. should all be listed under a. Having two separate bullets makes it seem like there are multiple options but it's really all one thing, and b. is just further explanation of a.
- FS—5.10—011: For #2, the way these bullets are written is confusing. Who has to comply with these – the Local Government or the business?

FS-5.10-013:

#### Local Government Enforcement

- 1) It appears Washington County can use our current mechanism of the Notice-of-Non Compliance to meet this section requirement.
- 2) Washington County would rely on citation system and Justice Court. Chapter 1.08 (Uniform Citation Procedure).
- 3) Fines are set for Washington County Codes under WCC 8.20.210. WashCo. can use the Justice Court for all citations. Authority is given through WCC 8.20.190 (Citation)
- 4) FS—5.10—014:
  - a. For 2c, suggest it say “Criteria for granting temporary waivers may include” Otherwise it sounds like all these things need to be in place in order to grant a waiver.
  - b. For 3, the double negative is confusing. Suggest: “Local governments may grant waivers in cases where collection containers are placed outside of enclosures only if such placement does not constitute a safety or health risk.”



# WASHINGTON COUNTY

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## OREGON

October 20, 2017

Council President Tom Hughes  
Metro  
600 NE Grand  
Portland OR 97232

Dear President Hughes,

I am writing to provide feedback on the proposed commercial food scraps legislation that Metro Council will soon be considering and is currently out for public comment.

Earlier this year, in a letter dated June 29, 2017, I expressed my general support for commercial food scraps collection. Keeping food scraps out of the landfill is an important and worthy goal for our community. It is a goal shared by many of our businesses and large food generating entities as well. Indeed, it is already a requirement included in Washington County Code as part of the Business Recycling Requirement.

It is likely that Washington County will adopt additional administrative rules that will require large food-generating businesses to participate in a food scraps collection program. And while I support the concept of collecting commercial food scraps, I don't believe that Metro has the legal authority to impose legislation on the county.

In that June letter, I also expressed my concern about the lack of infrastructure in Washington County for commercial food collection. I appreciate that the proposed policy includes a waiver for jurisdictions, like Washington County, that are awaiting the necessary transfer and/or reload capacity to make such collection an economically viable alternative to landfilling. I also recognize the important outreach efforts of your staff to bring this proposed legislation to the attention of both my board and the city councils in the county.

Sincerely,

Andy Duyck  
Chairman, Washington County Board of Commissioners

Cc: Metro Councilors  
Washington County Board of Commissioners  
Martha Bennett, COO, Metro  
Bob Davis, County Administrator, Washington County



October 20, 2017

Council President Tom Hughes  
Councilor Kathryn Harrington

Metro  
600 NE Grand Ave  
Portland, Oregon 97232

Dear Tom and Kathryn:

We are writing to provide our comments on the draft Metro commercial food scraps policy and administrative rules. We appreciate all the hard work that has gone in to the development of the policy and rules. We have also provided feedback via MPAC, SWAAC and other channels.

We support the objective to divert solid waste, including food, from the landfill, and the intended positive environmental and other outcomes. This objective is consistent with our own environmental sustainability goals. We do have some concerns with the policy and also want to provide some context specific to Hillsboro that informs our feedback.

Currently over 80 businesses in Hillsboro voluntarily separate their food scraps for composting; this is approaching ½ of the estimated 200 businesses that would be affected by the proposed policy. Since 2013 Hillsboro business participation in the food waste program has increased over 100%, and the tonnage diverted from landfill has increased nearly 800%. This is one of the best outcomes over that time period in the region. It is largely the result of incentives provided by Metro to do this work, especially for the proactive, focused technical support to businesses that volunteer to separate food for composting. We think these efforts over the past four years have produced solid results in Hillsboro, and we support that approach.

We also have the following concerns.

- A cost/benefit study that assesses the impacts to individual businesses as well as all ratepayers has not been done. Consideration of this policy and rules is premature without such an assessment.
- We know that Metro is working on some concepts to defray the anticipated added costs associated with the policy, but that dialog is early, and we believe that there should be much more clarity on that before a policy is considered.

- There are system deficiencies, most notably a lack of transfer capacity, for food waste in our area. Requiring route trucks to deliver material to the Metro Central transfer station would be prohibitively costly and unworkable, especially considering the ever-increasing road congestion between Hillsboro and north Portland.
- The proposed distance-based waiver has two major problems. 1. The distance is not yet defined, and 2. The onus to request the waiver is placed on us. We believe that the distance must be defined before a policy is considered. As I have stated at MPAC, we also believe the time must be defined given the increasing transportation congestion. We also believe that since Metro will calculate the distance, the waiver ought to be granted by default at least until adequate infrastructure is in place.
- Standards for enforcement of noncompliance should be left up to us, since we have existing enforcement authority and practices.
- The proposed requirement for local governments to produce an implementation plan is onerous and unnecessary. Similar to the Business Recycling Requirement, Metro should simply require reporting on any enforcement actions taken.
- The proposal to withhold funds beyond those intended to increase recycling of food scraps is overreach. This threat should involve only funds associated with business food scraps composting.
- We are concerned Metro is acting outside its legal authority in requiring local governments to implement and enforce the proposed program.

Again, we wholly support the intended objectives of the commercial food scraps effort, and we think that the means of implementation should be left up to us, in continued partnership with Metro.

Sincerely,



Steve Callaway  
Mayor

cc: Metro Councilor Shirley Craddick  
Metro Councilor Carlotta Collette  
Metro Councilor Craig Dirksen  
Metro Councilor Sam Chase  
Metro Councilor Bob Stacey  
Martha Bennett, Metro  
Jennifer Erickson, Metro  
Michael Brown, City of Hillsboro  
Rob Dixon, City of Hillsboro

## **Hillsboro Staff Comments on the 9/7/17 Draft Metro Commercial Food Scraps Policy and Administrative Rules**

### General Comments:

- Hillsboro supports efforts to divert solid waste, including food, from the landfill, as well as the intended positive environmental and other outcomes. This objective is consistent with existing City goals.
- A cost/benefit study that assesses the impacts to individual businesses in addition to all ratepayers has not been done, though it has been requested by us multiple times. Consideration of this policy and rules is premature without a cost/benefit assessment.
- The lack of transfer capacity in or near Hillsboro should be addressed before a policy is considered.
- The exception that is envisioned in the policy has two major problems:
  1. The distance is not yet defined, and it does not include a time factor; and
  2. The onus to request the exception (waiver) should not be on the local government.

### Specific Comments:

#### Policy:

- 5.10.420: do office environment businesses “cook, assemble, process, serve or sell” food? I don’t think here at the City, for example, that we do any of those things. Employees choose to bring food in the building, and the business provides a kitchen to aid in that.
- 5.10.430: (2) will not work for Hillsboro due to time and road congestion between Hillsboro and an approved facility that can receive the material.
- 5.10.440: typo in (3) “hauler” should be plural.

#### Admin Rules:

- FS-5.10-001: #2: same question as stated for 5.10.420 above.
- FS-5.10-004: Definitions: “Covered Businesses” – same question as for 5.10.420 and FS-5.10-001.
- FS-5.10-005: Typo in #4 “thee” meant to be “the.”
- FS-5.10-007: unnecessary to state.
- FS-5.10-008: Missing period in #1 first paragraph.
- FS-5.10-008: #2 b: do not understand why it is incumbent upon the local government to request the waiver. Since Metro asserts to be the calculator of the time/distance and waiver (see #2 c), then they should automatically waive the local government, and local government can respond if not wanted/needed.
- FS-5.10-008: #2 f: For consistency, should say “...location of the *transfer or processing services* are determined.”

- FS-5.10-009: #4. Do not understand for what purpose the implementation plan is required, especially given #5 which states that local governments may implement the program in the manner that is most effective for local conditions.
- FS-5.10-010: See prior comment; do not agree that an annual implementation plan is either needed or appropriate, given that implementation may be done as best suited to local conditions.
- FS-5.10-013: Local governments ought to determine how to enforce. The prescription from Metro should be general and leave enforcement to the local governments, as was done with the BRR.
- FS-5.10-014: #2. c. iii: "...and cannot be remedied" should be deleted since the requirement is for a review every 12 months. Therefore this statement is redundant.
- FS-5.10-018: #1: should define the number of years here.
- FS-5.10-018: #3: Delete "planning" from "planning agency". We do not consider this a planning function.
- FS-5.10-018: #4: Delete "planning" from "planning agency."
- FS-5.10-018: #5: question threat to withhold funding from broader Recycle at Work programming beyond that focused on commercial food waste.





October 20, 2017

Tom Hughes, Metro Council President  
Kathryn Harrington, Metro Councilor, District 4  
Metro  
600 NE Grand Avenue  
Portland, OR 97232

Dear Council President Hughes and Councilor Harrington:

The Hillsboro Chamber appreciates the opportunity to provide comments and feedback regarding Metro's proposed Commercial Food Scraps policy and administrative rules. We have appreciated the outreach and effort that have been provided to the Hillsboro Chamber by the Metro staff throughout this process.

The Hillsboro Chamber supports the endeavor to divert solid waste and food scraps from the landfills. What we have learned through this policy review process has been revealing in terms of Hillsboro business participation in Metro's voluntary program. Nearly 50% of businesses that would be impacted by this proposed policy are *already participating* voluntarily. Since 2013, Hillsboro business participation increased by 100%. That's great news and shows a demonstrated effort by the business community to work with Metro to meet its objectives. The tonnage diverted from the landfill has increased by nearly 800%. We are proud of our business community's response to the voluntary program and know that others are interested in working with Washington County and Metro to find a pathway to participation as a result of this amplified outreach.

We have had many conversations and meetings with businesses that would be impacted by this policy and wanted to share concerns that were raised so that the Metro Council could contemplate the issues raised as you determine your next steps.

1. Businesses are concerned about the system deficiencies and lack of transfer capacity for food waste in our area. Trucking this waste to the Metro Central transfer station is not realistic and adds to further congestion on major roadways. It also appears inconsistent with Metro's climate control goals and objectives. The proposed distance-based waiver process is not clear in terms of what distance would constitute the granting of a waiver. Further, we are unclear why local jurisdictions would be the body by which the waiver would be granted for a Metro policy.
2. Several businesses would be forced to make substantial capital investments to comply with the policy as it is drafted. We believe it is imperative that Metro have a better understanding of food manufacturers' processes and systems to ensure that any food scrap policy regulation take into consideration the unique circumstances and requirements that they are already incorporating into their business processes. While we understand that it's not Metro's intent to trigger significant financial investment by businesses to comply with this policy, the outcome is quite the opposite in several cases. Some impacted businesses have estimated that this policy,

as drafted, could result in nearly \$2.3 million dollars in capital costs, additional labor costs, increased water consumption, an increased water treatment processing system, increased utility costs and increased chemical costs just to meet policy requirements.

3. Frequently, businesses have expressed concerns related to the introduction of an additional facility on their properties to process and remove food waste from packaging materials. This has the potential to significantly increase pressures from insects and vermin in close proximity to food manufacturing facilities. This would result in unreasonable food safety risks.
4. We support the concerns raised by both Hillsboro Mayor Callaway and Washington County Chair Andy Duyck in their letters to the Metro Council.

We would ask Metro Council to continue the voluntary program for an additional year and allow businesses to develop a program that helps Metro achieve its goals. We are very clear that this a business issue for Metro and that this policy is to provide the framework/business plan for attracting a business partner to build a facility to handle food scrap waste here in the Portland Metropolitan Region. We believe there is more work that can and should be done prior to adoption of the draft policy.

Thank you for the opportunity to provide feedback and share concerns on the proposed Commercial Food Scraps Policy and Administrative Rules.

Sincerely,

Deanna Palm  
President

These letters are from the 5<sup>th</sup>  
grade class at Saurie Island  
Academy. We are studying  
composting and read an article  
about the proposed law to  
require businesses to compost.  
The students felt strongly about the  
issue, on both sides, and so decided  
to write the letters.

Thank you.

Sincerely,

Ms. Stacey Perry  
5<sup>th</sup> grade teacher  
Saurie Island Academy

## **DEAR METRO COUNCIL**

By:Lauren ball

I support the law because it will make cleaner air and a healthy environment for people and animals. Herbivore's need plants and plants need compost though. It could overheat because of global warming. The garbage will also take up a lot?????????!!!! Of space which means no space for buildings and farms.It may also cause pollution and breathing problems which i would like to avoid as long as i live.

I have a bunch of animals we feed them food scraps so they aren't wasted. I'd love to wake up open my window and smell fresh breeze...it wouldn't be nice to wake up and open my window smell old food and other garbage... I really think we should pass this law because Animals and people need a good but not to hot climate to live In.

Dear Metro,

I think we should pass the law because if we let garbage in landfills it will create more methane and it will kill our little composters, like worms and centipedes. Since worms eat compost, they poop out dirt so that plants can grow. If plants die, then we die too, because they create food and sugar for us and they create grass for cows and other animals we eat. Then we won't have as much food to eat and might die of hunger.

My second reason

We die either way but i would rather die from old age not breathing in toxic air and die that just sounds very cruel. I don't want to die when i am like 22 I want to die when I'm like example 52 or something like that. I want to experience more things in life then just be a unsmart kid and retire and have a husband and have a happy life. Well nothing is really happy in life but you get the point. I just want us to all compost but there only problem is that I don't think people will want pass the law but there's always hopes!

My third reason

I think that if this would be legal we should put garbage in a rocket Ship and put garbage in space since there is not other mankind on other planets it would not affect those planets because that sound pretty good if ask me because it will not affect us in any way but it will to aliens if they were real. I SUPPORT SPACE POLLUTION. I'm too young to die so yeah i support it and even my trust and love my teacher is to young to die because she is very calm and collective so I'm doing this for humans and my friends and my teacher!!

Comments here

Dear metro council

I think that it should be a law that you have to compost food scraps from restaurants. We should do that so we don't fill up landfills. There is a lot of things in landfills that could be in the compost. If we did that we wouldn't waste has much food. Because almost 50 percent (may vary) of what's on your plate could be composted. I hope we make it a law.

Sincerely  
Joshua

## opinion writing

Dear Metro I think you should  
make the law because: I think  
Most people will be willing to pay  
more money to have a better world.  
and to have a better world we need  
healthy dirt to have good worms  
to have good plants which we eat  
and good meat which we also eat.  
if too much garbage food waste  
builds up it creates climate change.  
It is important to me  
because when I grow up I  
want a healthy earth.

Thank you!

from Nova age 10

Dear Metro,

In my opinion I agree with your law requiring schools and large businesses to compost all of their food waste. First of all composting will help the Earth and the environment. If the law was to pass through then the 18% of garbage going to landfill as food could go down to a much lower percentage.

Another reason is that we could use this compost to make more energy. To persuade people to compost you could pay businesses to pay people to compost. For example I went to Fred meyer and dropped of glass bottles with my dad, we recycled 52 bottles and we got \$5.20 for them. Maybe you could do something like that.

In conclusion you should make law because it would help the World and the people. I hope that this happens because when I grow up I want a cleaner healthier world ☺ .

The End  
By Amelia Nelson



By ben.w

Dear metro council,

This is a letter about if we should or shouldn't pass a law. I strongly believe we need to pass this law i am going to tell you why.

One reason why we should pass this law is if we don't compost then we might not have very small shops run out of money but young people will die before there even very old because of global warming and climate change. For an example climate change is very bad but we only have this one chance to turn it around we need to stop climate change because people will die we already might have a nuclear war that's already enough.

Here is another reason. If global warming and climate change gets worse than it will get hotter and hotter by the hour which will cause the polar ice caps to melt which will cause world wide flooding. For an example the polar ice caps are already melting and causing flooding not world wide still people have already lost animals family and houses.

My conclusion is we need to pass this law so lives don't end.

Sincerely, ben.wright

Dear Metro Council,

In class we've been learning about the law you want to make. We had a debate and I decided I want to support the law. And I think there could be one little change.

I believe that you could turn the compost to dirt [to help the environment.] and turn trash to energy. It could really help. Because trash is creating Global warming and if we don't act now global warming will become to the point where we can't stop it.

And another thing. Think about it this way, how many big business actually sell food about 50% big business do. Fred Myers sells food but they also sell: toys, clothes, school supplies, work supplies. And sometimes have mini business like: us banks, jewelry stores. Places like that. So how many food scraps do they really have? Not much! It wont have to big of an impact on all businesses.

In conclusion: I agree with the law and hope it will pass.

Sincerely Sage,

Dear, Metro counsel. I am writing this letter just for the heck of it and my teacher told me to also I think this letter would be good for my education. Metro is trying to put a new law about the problem that landfills are making to our environment. This new law will make so schools, business companies, est. must compost. Personally I think this law would make quite the difference if given enough time and effort to make this law possible. Global warming is a serious problem and could damage our environment more if left unchecked. If unchecked then it could take thousands upon thousands of years to reverse.

But this new law that would force many places to compost their food scraps. It is vile that our landfills have gotten so full of food scraps. I support this law very much.

Please take this letter into consideration.

Dallin Merino  
5th Sauvie Island Academy

**Dear Metro,**

I am writing this letter to you to talk to you about the new law you trying to make. In my opinion I think you should make the law think you should make the law so that businesses have to compost all of their food scraps. When I first heard about this law I was against it, I have now changed my opinion.

At the beginning when I heard about this law I was against it for many reasons. First their would be a cost when you already have to pay for garbage. The second reason is that you would need space for your compost pile when a lot of businesses are in a building and they don't have space for a compost pile outside. The third reason is that their might be odor. The fifth reason is that it would cause extra work. You guys said that you would offer to help with all of those problems. The last thing that was concerning was that you guys said that you need more trucks and composting facilities.

I made a pros and cons list about pressing this law. Why you should do this law. 18% of garbage in landfill in is food scraps. Food in landfill creates methane, the greenhouse gas that causes climate change and global warming. Luckily the cost for disposing compost is half the price of garbage. And the last pro is that food scraps are being turned into fuel. The only cons were odors, extra work, space and costs. You also needed more trucks and composting facilities.

I hope you pass this law.

**Sincerely,**

**Odessa Abeles**

Dear Metro council,

Hi my name is Jasper but every body calls me JJ. I think if we all try hard we can compost. Let me explain my family and I have been composting for 11 years, and for a good reason.

1. People are pretty clumsy with food and trash. But they don't know that they are slowly making global warming worse. When we just throw away are food, it gets dumped in landfills, where the food makes methane. Methane makes global warming. Global warming can lead to death. But if we don't stop now it can be bad. And we will have a nuclear war so that will be bad. But, that is what we can do, compost so it won't do as bad as damage.
2. There are too many people on this planet so we will get food loss. But if we compost there will be soil for us to make more food. Compost will turn into soil after a long time, and the corses well step in break it down
3. In conclusion composting and living or the opposite major global warming and death.

from, JJ

## Writing a letter to pass a law

Dear, metro council

I strongly agree, that large business including schools hospitals should compost. But people should not have to pay for other people to pick it up, it should be something we just do, because some people can't afford it and we all already have to pay for people to pick up our garbage. But every little bit we compost instead of waste we help us and our client.

If we don't pass the law there will be a lot of food in landfills. every day we throw away food and stuff and 18% of it is food waste. I don't want a world filled with waste. Even though it will only be our city. If we don't do something there is soon to be big world problems but every little bit will help.

I think your law should pass but you need some changes. There are a lot of businesses in the Portland area how are you going to go to all of them and help get set up and plan it all out? So keep on thinking up ideas and help Portland.

Sincerely, Makayla David

Dear Metro,

I strongly believe that you should make the law about creating a separation between food and trash. It seems like a great idea and I would like to give you a few ideas why I think you should create the law.

I believe in this because 18% of this trash is actually food that could be very useful to the environment and civilization. If we do start this law than we will get more energy or fuel, more soil, and less climate change. But if we continue to throw food in the trash we will get more of a gas called methane which is at least 24 times as potent as carbon dioxide. This is caused when the food rots in the landfills instead of in the compost. So it would be best if it wasn't in landfills.

I also agree on it being businesses and not being family's that have to do it. I agree with this because more than 55% of the food scraps in Portland come from businesses. But if you do pass the law than they shouldn't have trashed picked up so often because of the deceased amount of trash. And how many times the food pickup comes should depend on how much food the business produces.

So I hope that you choose to create the law. I think it would be best for everyone.

Sincerely,

Adison S.

Dear Metro Council,

I think your law should pass. it will affect the environment in a good way. I have a idea about where to put the soil. We could donate it to people so they can plant more trees in the forest and also to large farms in Oregon. You could get a job driving a semi to the places that had soil ordered. But what if small businesses don't have an enough room, then hundreds of businesses will shut down. Which will make a lot of people angry whipping Portland into a crazed city with lines of protesters. Because Portland loves its small business!

I like your law but, I don't see how you will enforce it. Where are you going to get a ton of people to go and check on all the business in Portland. I'm just assuming that that's what you're going to do, but maybe out will do something totally crazy like having trained dogs do it, or robots. But how are you going to pull that off. I think your law is great, but you going to have to make some changes. And think of more ideas.

Sincerely Syllas Christopher



### **To metro**

In my opinion I think metro should make the law because if they pass the law it will help stop global warming. If more and more trash fills the landfills it could make gasses that would make the temperature rise on earth. If all the landfills fill up there won't be any more places to fill up and they'll have to make more which would be bad for the world. In conclusion i think that we should pass the law. Matthew

## DEAR METRO COUNCIL

By:Lauren ball

I support the law because it will make cleaner air and a healthy environment for people and animals. Herbivore's need plants and plants need compost though. It could overheat because of global warming. The garbage will also take up a lot?????????!!!! Of space which means no space for buildings and farms.It may also cause pollution and breathing problems which i would like to avoid as long as i live.

I have a bunch of animals we feed them food scraps so they aren't wasted.  
I'd love to wake up open my window and smell fresh breeze...it wouldn't be nice to wake up and open my window smell old food and other garbage... I really think we should pass this law because Animals and people need a good but not to hot climate to live in.

Dear Metro

My class is having <sup>d</sup>along Debate in the Subject <sup>v</sup>you passing the law. I am on the side of <sup>you doing the law</sup> "you doing the law". I think you should pass the law. The other side During the Debate shouted that they thought were <sup>right</sup> ~~true~~ then the side that I am on did the same thing, <sup>and</sup> we got so confused that are teacher printed articals for us.

My reason: Methane is a poisons gas that is a contributor to Climat change. Many Building are <sup>ruined</sup> because of climat change. Animals <sup>space</sup> lose there homes. That my reason why I think you should pass the law.

— Sincerly Tabby

Dear Metro Council,

In my Opinion I think you should pass the law. Because we throw away food in the garbage it will waste opportunities to help the environment and us.

If we make the law happen we can throw away the food in the compost, and it will produce more soil for the plants to grow and help them create more oxygen. But if we keep throwing away food in the garbage it will cause methane, a gas at least 24 times as potent as carbon dioxide.

About 18% of the garbage is going to the landfills is food and if we keep on throwing away food in the landfills they will have to make a new landfill. All the garbage will produce, bad smells.

In conclusion I think you should pass the law because it will help the environment.

Sincerely,  
YELENI



18% of garbage is food waste. If we pass this law 18% of garbage is gone that is a big difference.

If we don't do this law it will make a thick gas that increase climate change so you might as well kiss the polar bears good bye.

In conclusion I support this law.

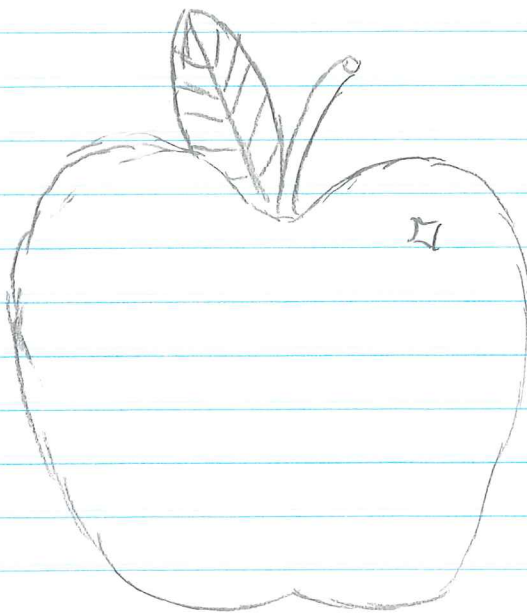
Ben

Dear Metro Council

In my opinion I support your soon to be law. I don't want to have an earth full of waste. It only is making some places do the law plus you are giving them a three to four year warning. We can use the compost to make energy. I also don't want global warming that would make a big problem. 18% of the garbage going to landfills is waste.

I believe that this law can fix the world.

from your  
friend Freya



Dear Metro Council,

In my opinion, I do not support The Metro Composting law. I don't want the earth to be full of garbage and compost, but making the law is not the right way to make this happen. And if the schools, and business have to pay more, it will end up affecting us.

One way it will affect us is some parents will not make as much money because there are paying that money to compost.

I think if they want to compost they can but if they don't want to compost they don't have to.

Your friend,

Joe Fagan

# Dear Metro Council

I would love it, if the world was clean. Climate change stopped, pollution stopped, but, wouldn't it be great if people just wanted to do it? Not forced to? Maybe this is possible.

First off, laws cost a lot of money to make. They also put a lot more restrictions to what you can and can't do. That money could be better spent on education, about how composting is good, and that food that goes to the land fields makes climate change. I think there's a better way to help everyone.

Maybe, we could compost without making a law, and people would compost voluntary. Maybe, we could raise the trash cost, and make composting almost free. Now, a lot of people asked me, "But, how do the compost drivers get paid? Wouldn't they want to be a trash driver because they get more money?" What I was thinking was, maybe you guys could go to the people who own the land fields, and pay them a some money, and get them to raise the prices for trash, and lower it for compost. Then, trash companies are going to need to raise the money it cost to get trash so they still have enough to put it in landfills. You would pay the landfill some more money so you guys could get half or a little less of the money you had them raised for trash. Then you use that to pay the compost driver. Restaurants will say to the public, "I did this for the environment." Even though they only did it to save money. More people will go to there store, and it'll become more popular. Then, little companies also will want to do this, and will see that bigger companies got more people to go to there store or restaurant. And, homes will want to do it to save money. Other business that don't have anything to do with food, will start composting too. I think this will be better.

I hope you may consider this, I would imagine it's a lot harder than what I said. But, maybe this could give another idea. Thank you for taking your time to read this!

Sincerely, Jack Morris  
Fifth grader



To Metro council,

I don't think Metro should pass the composting law,

For example, you have a restaurant, you wouldn't want to pay extra money for compost

Because you would already pay for your garbage + recycling to be hauled away, then why pay for more?

You wouldn't have any money to pay your workers.

But, what if we put food waste in SPACE!!!!, I mean nobody goes to space.

Think about it and make the right choice.

Sincerely,  
CodyTDMVlogs

DEAR METRO,

I THINK THE LAW SHOULD NOT PASS BECAUSE SOME PLACES ALREADY VOLUNTARILY COMPOST.WHY SHOULD SCHOOLS AND OTHER PLACES HAVE TO BE FORCED? THE SCHOOLS ALREADY COMPOST LITTLE SNACKS, AND COFFEE SHOPS ALSO COMPOST. BUSINESSES AND SCHOOLS ARE WORRIED ABOUT THE COST, THE EXTRA WORK,THE SPACE, THE ODOR. FOR EXAMPLE, IF A SMALL SCHOOL LIKE SIA HAD TO COMPOST EVERYTHING,WE MIGHT NOT HAVE SPACE AND ANYONE DO THE WORK. IN CONCLUSION, I THINK THE LAW SHOULD NOT PASS BECAUSE IT MIGHT CAUSE SCHOOLS AND BUSINESSES TO GO BANKRUPT.

SINCERELY,

HANNA

Food Scraps Policy Formal Comments Log							
Comment #	Date	Time	Format	Name	Email Address	Category	Response
1	9/18/2017	10:20AM	Email	Julia Metz	<a href="mailto:jametz22@gmail.com">jametz22@gmail.com</a>	Both	Full support of policy; believes Portland past due for this policy, stressing the importance of good education components, partnerships, needs to be part of the business culture. Funding and enforcement key, coupled with incentives. Thank you for bringing the policy to the region.
2	9/18/2017	12:33PM	Email	Justin Pribyl	<a href="mailto:jpribyl@ttsd.k12.or">jpribyl@ttsd.k12.or</a>	Both	Informational only in nature, supervisor for school custodial and maintenance program, hates to see how much food is wasted in schools. Wants to start now, has questions about technical assistance available
3	9/18/2017	6:31PM	Email	Leesa Cooper	<a href="mailto:leesa.cooper@gmail.com">leesa.cooper@gmail.com</a>	Both	Does not agree with mandate, businesses are already doing it, no need mandate, make bins free
4	9/19/2017	6:40AM	Email	Teresa McGrath	<a href="mailto:bone1953@msn.com">bone1953@msn.com</a>	Unknown	General comment, add more incentives, add compostable service ware back in
5	9/19/2017	8:19AM	Email	Trinity Oregon City			No longer has school; remove from mailing list
6	9/19/2017	11:07AM	Email	Ken Jackson	<a href="mailto:feote@mac.com">feote@mac.com</a>	Unknown	Concerns regarding North Plains compost facility and poor quality compost due to restaurant waste
7	9/19/2017	12:26PM	Email	Aaron Kelly	<a href="mailto:aaronkelly@gmail.com">aaronkelly@gmail.com</a>	Both	Support of policy 100%, concerned around funding and infrastructure
8	9/19/2017	12:47PM	Email	Philip Jonsson	<a href="mailto:philip.jonsson@gmail.com">philip.jonsson@gmail.com</a>	Both	Questions about implementation specifics and materials accepted.
9	9/19/2017	5:44PM	Email	Andrea Lowgren	<a href="mailto:andrea.lowgren@gmail.com">andrea.lowgren@gmail.com</a>	Both	Support of policy and legislation, responsible way to care for environment
10	9/19/2017	11:17PM	Email	Benjamin Kerensa	<a href="mailto:bkerensa@gmail.com">bkerensa@gmail.com</a>	Both	Full support of policy and legislation, sustainable project that will benefit the region
11	9/20/2017	12:58PM	Email	Alissa Fuchs	<a href="mailto:alissa.fuchs@gmail.com">alissa.fuchs@gmail.com</a>	Both	Support of policy and legislation, wonderful idea, please implement
12	9/20/2017	2:02PM	Email	Lisa Traxler	<a href="mailto:lisa.traxler@gmail.com">lisa.traxler@gmail.com</a>	Both	Strongly supports policy and legislation, disappointed to find that the program not mandatory like Seattle. Long term benefits far outweigh the work required to implement.
13	9/21/2017	9:17AM	Email	Sean McClintock	<a href="mailto:email@seanmcclin">email@seanmcclin</a>	Both	Support of policy and legislation. Shocked to see all the food scraps from businesses going in the trash as compared to Seattle--expected Portland to be ahead of the curve. All business should be required to do so and food businesses at a minimum. Immediately plan to expand to all businesses. Thank you for your efforts.
14	9/21/2017	9:05PM	Email	Steve Bolgrin	<a href="mailto:jwbslb@comcast.net">jwbslb@comcast.net</a>	Both	Applaud efforts, but has concerns about costs to businesses and taxpayers, and doesn't support anything that would increase air pollution regardless of GHG global warming impact.
15	9/21/2017	11:21PM	Email	Annie Foley	<a href="mailto:anniebosworthfoley@gmail.com">anniebosworthfoley@gmail.com</a>	Both	Support of policy and legislation, especially for schools as food waste is outrageous there.
16	9/22/2017	6:50PM	Email	Angie Hamilton	<a href="mailto:hillang2000@gmail.com">hillang2000@gmail.com</a>	Both	Support of policy and legislation, data supports the recommendations, businesses unlikely to make changes voluntarily
17	9/25/2017	11:36AM	Email	Jerry Nihill	<a href="mailto:jnihill@ttsd.k12.or">jnihill@ttsd.k12.or</a>	Both	Full support; Mary Woodward school principal providing "wholehearted" support of policy and legislation especially for teaching students theory into action. Cannot keep up with the food waste generated by 530 students
18	9/27/2017	7:13AM	Email	Elizabeth Erickson	<a href="mailto:elizabeth.ann.erickson@gmail.com">elizabeth.ann.erickson@gmail.com</a>	Both	Full support of policy and legislation; mandatory is the only good solution vs opt-in; asked for clarification/specification on students roles and if their participation would be discretionary ("back of house")
19	9/27/2017	8:45AM	Email	Jennifer Anderson	<a href="mailto:happyjenanderson@gmail.com">happyjenanderson@gmail.com</a>	Both	Full support of policy and legislation; expressed concern around plastics and clamshells
20	9/28/2017	8:57AM	Email	Bob Spencer	<a href="mailto:bspencer@killerburger.com">bspencer@killerburger.com</a>	Both	Owner at Killer Burger and believes they operate at zero food waste levels. Wondering if a exemption would be applied for mandatory food scraps recycling if company is proven to operate at a zero food waste levels. Also concerned about pests, the healthy and safety of workers, and public sanitation.
21	9/28/2017	9:07AM	Email	Heidi Thompson	<a href="mailto:heidi.thompson@killerburger.com">heidi.thompson@killerburger.com</a>	Both	Supports policy and legislation; looking for more infrastructure support and to be added to the mailing list.
22	10/3/2017	7:00PM	Email	Patty Sherman-Cormack	<a href="mailto:pdccormack@comcast.net">pdccormack@comcast.net</a>	Both	Inquired about options for Happy Valley
23	10/4/2017	6:13PM	Email	Starr Jackson	<a href="mailto:starr.jackson@me.com">starr.jackson@me.com</a>	Both	Owens 3 small restaurants in the area; concerned about the additional cost of having to participate and if additional fees and taxes will force her companies out of the region
24	10/8/2017	9:30AM	Email	Shari Sokel	<a href="mailto:brazomm@hotmail.com">brazomm@hotmail.com</a>	Both	Supportive of policy and legislation; concerned about how those who are participating voluntarily are being "serviced" and concerned with clam shells/fast food packaging
25	10/10/2017	11:04AM	Email	Pay Lydon	<a href="mailto:plydon@lhs.org">plydon@lhs.org</a>	Both	Inquired as to the processing facility location and process for development. Hospital sustainability program manager in support of policy.
26	10/10/2017	11:19AM	Email	Marianne Terrell-Lavine	<a href="mailto:g97219@gmail.com">g97219@gmail.com</a>	Both	General support for policy especially with roll-backs coming from EPA
27	10/10/2017	9:53AM	Email	Shawn Miller	<a href="mailto:shawn@millerpubl">shawn@millerpubl</a>	Both	Would like to see a provision for those businesses sending food not fit for human consumption, but fine for animals to be added. (Bakery sends their damaged bread products to local Oregon farmers for food for their livestock). Provided suggestion definition change.
28	10/11/2017	5:23PM	Email	Love Jonson	<a href="mailto:lovepjonson@gmail.com">lovepjonson@gmail.com</a>	Admin Rules	1. Concerned that the covered business entities does not include "counter-service" restaurants. Believes this market niche is growing and not including them would be missing a large contributor to the food waste. 2. Would like clearer definition regarding hardship in relation to the waivers to ensure that clause is not abused.
29	10/13/2017	1:54PM	Email	Amanda Romero, PDX	<a href="mailto:amanda.romero@earthlead.org">amanda.romero@earthlead.org</a>	Admin Rules	Support of policy; multiple pages of specific changes to admin rules; PDF attached to email
30	10/13/2017	4:10PM	Email	Jeanne Roy	<a href="mailto:jeanne@earthlead.org">jeanne@earthlead.org</a>	Both	Writing on behalf of Center for Earth Leadership; supportive of both code and admin rules; Requests that front of house be included as mandatory separation with back of house for schools; letter attached to email

31	10/18/2017 6:01AM	Email	Alice Cascorbi	<a href="mailto:acascorbi@me.com">acascorbi@me.com</a>	Both	General support for policy to divert food from landfills	Thank you for your comments
32	10/20/2017 9:19AM	Email	Pamela Barrow , Northwest Food Processors Association	<a href="mailto:pbarrow@nwfpa.org">pbarrow@nwfpa.org</a>	Both	Letter attached from David McGiverin. General support for policy but requested a few changes.	Changes were made to the following sections of the Administrative Rules based on comments received. FS-5.10-004: Definition clarified. FS-5.10-005 Definition clarified. FS-5.10-006 The timeline for the overall commencement of the policy implementation (first phase March 2019) will not be changed. Local governments have the authority to grant compliance waivers to businesses per section FS-5.10-014. FS-5.10-008 this policy applies to local governments, therefore the distance waiver is applied to local governments, not individual businesses. If the business is in a jurisdiction the has received a distance waiver, the business is de facto waived.
33	10/20/2017 2:23PM	Email	Gina Cole, Legacy Health	<a href="mailto:gecole@lhs.org">gecole@lhs.org</a>	Both	Letter attached from Everett Newcomb II, Legacy Health COO. Confident that they can implement collection with support of local governments and Metro. Deadlines in section 006 should be more flexible. Consider rate incentives. On-site assistance and training should be available to businesses and haulers should be required to be flexible with collection frequency. Businesses should decide type of internmal collection containers.	No changes made. FS-5.10-006: The timeline for the overall commencement of the policy implementation (first phase March 2019) will not be changed. Local governments have the authority to grant compliance waivers to businesses per section FS-5.10-014. Metro will be considering options to mitigate program costs through a separate process. Businesses may choose the internal collection containers that best suit them and local government technical assistants will help businesses and haulers determine collection frequency that best suits needs.
34	10/20/2017 10:01AM	Email	Theresa Koppang, Washington County	<a href="mailto:theresa_koppang@washingtoncounty.org">theresa_koppang@washingtoncounty.org</a>	Both	Letter attached. Multiple comments requesting changes to admin rules	Changes were made to the following sections of the Administrative Rules based on comments received: FS-5.10-004 added coffee grounds to "food waste" definition. FS-5.10-004 changes made for consistent use of the term "covered businesses". Wording and organization in sections FS-5.10-009, FS-5.10-011 and FS 5.10-014 adjusted for clarity and readability.
35	10/20/2017 1:06PM	Email	Steve Callaway, Mayor, City of Hillsboro	<a href="mailto:steve.callaway@hillsboro.gov">steve.callaway@hillsboro.gov</a>	Both	Letter attached. Support the objective and is consistent with Hillsboro's sustainability goals. Still want a full cost/benefit analysis, need more clarity around how costs will be defrayed by Metro, transfer capacity deficiencies. Onus for distance waiver request is on local governments--Metro should grant waivers by default. Standards for enforcement of non-compliance should be left to local jurisdictions. Implementation plan is onerous and unnecessary. Withholding of funds for non-compliance is overreach.	Changes were made based on comments. Distance waiver process section FS-5.10-008 b. will be adjusted to clarify that local jurisdictions need only submit a letter requesting waiver once Metro determines eligible jurisdictions. Standards for non-compliance by businesses are left to local government discretion as long as they meet the standards in Rule. FS-5.10-013 Local Government Enforcement of the Business Food Waste Requirement: Language amended to be consistent with the Business Recycling Requirement. FS-5.10-018 Funding Guidelines: This language is consistent with that used for the Business Recycling Requirement adopted in 2008, however, wording has been added to the Administrative Rules to address concerns noted in the letter. Implementation plan requirement not changed. The development of the implementation plan structure, specific elements required, measures of success and timeline will be developed by an Intergovernmental Team--City of Hillsboro staff have been invited to be a part of that team. The intent of the implementation plan is to assist with compliance verification and to measure progress, not to unnecessarily encumber local governments. It is likely that implementation plans will be integrated into the existing Annual
36	10/20/2017 1:11PM	Email	Peter Brandom	<a href="mailto:peter.brandom@hillsboro.gov">peter.brandom@hillsboro.gov</a>	Both	Letter attached. Multiple comments requesting changes to admin rules	Changes were made to the following sections of the Administrative Rules based on comments received. FS-5.10-440, typo corrected. FS-5.10-005 typo corrected. FS-5.10-008: punctuation corrected. FS-5.10-008 2. b. adjustments made to clarify waiver process. FS-5.10-008 2.f. wording added. FS-5.10-013 Section amended to be consistent with the Business Recycling Requirement. FS-5.10-018-timeframe added. FS-5.10-018 3 and 4: amended to remove "planning". FS-5.10-018 5 This language is consistent with that for the Business Recycling Requirement, however, wording has been added to the Administrative Rules to address concerns noted in the letter. No changes made to 5.10.420, FS-5.10.001 2. and FS-5.10-004: office environments and employee lunchrooms are not part of this policy. The development of the implementation plan structure, specific elements required, measures of success and timeline will be developed by an Intergovernmental Team--City of Hillsboro staff have been invited to be a part of that team. The intent of the implementation plan is to assist with compliance verification and to measure progress, not to unnecessarily encumber local governments. It is likely that implementation plans will be integrated into the existing Annual Waste Reduction
37	10/20/2017 1:18PM	Email	Beth Vargas Duncan	<a href="mailto:bethvd@orra.net">bethvd@orra.net</a>	Both	Concerned about consistency around enforcement when dealing with what is allowed in the collection system.	The commercial food scraps policy is for "food only". Programs implemented under this policy will have consistent acceptance standards and education and outreach materials provided to all businesses. There are protocols in place at receiving facilities to manage unacceptable materials and to communicate to businesses through local government technical assistants when contamination is found. Metro's food scraps processing procurement also requires proposers to document how unacceptable materials will be handled and issues remedied upstream.
38	10/20/2017 4:51PM	Email	Deanna Palm, Hillsboro Chamber	<a href="mailto:deannap@hillchamber.org">deannap@hillchamber.org</a>	Both	Letter attached: Concerns expressed about transfer system capacity, capital investments required for business compliance, depackaging expense, implementation timeframe.	Metro is aware of the transfer and processing system deficiencies and therefore has included a distance waiver in the policy. The waiver is still under development and will be in place well before the March 2019 implementation start date. Metro policy affects local governments, not businesses directly. If the business is in a jurisdiction that has received a distance waiver, the business is de facto waived. The policy does not require businesses to depackage food and Metro has no expectation or desire to require food manufacturers to build expensive depackaging facilities. Metro has met with area food processors including Pacific Foods, Reser's and Beaverton Foods to hear their concerns, discuss the program, answer questions and clarify the policy as well as discuss the needs presented by packaged foods. Metro has also been in active communication with the Northwest Food Processors Association, Oregon Restaurant and Lodging Association, Northwest Grocers Association and interviewed or surveyed several hundred businesses in the region--many of which have discussed the issue of packaged foods including potential solutions for addressing them. Metro understands the complications packaged food presents and is exploring approaches to the issue
39	10/20/2017 10:01AM	email	Andy Duyck, Washington County Board of Commissioners Chair			General support, already in Washington County Code. Still concerned about transfer infrastructure, appreciate the distance waiver.	Thank you for your comments
40	10/20/2017	mail	Sauvie Island Academy 5th Grade students			22 letters from students enclosed--18 in favor 4 opposed. 4 opposed were concerned about potential costs to businesses.	Thank you for your comments

## Attachment B

### Metro Ordinance No. ~~xx-xxxx~~17-1413 – Exhibit A

#### BUSINESS FOOD WASTE REQUIREMENT

5.10.410	Purpose and Intent
5.10.420	Business Food Waste and Covered Businesses
5.10.430	Business Food Waste Requirement
5.10.440	Business Food Waste Requirement Performance Standards
5.10.450	Temporary Waiver
5.10.460	Metro Enforcement of Business Food Waste Requirement
5.10.470	Metro Model Ordinance

#### BUSINESS FOOD WASTE REQUIREMENT

##### 5.10.410 Purpose and Intent

The business food waste requirement provides an opportunity to increase recycling of food waste and to assist the Metro region to achieve waste reduction goals. Metro does not intend for this requirement to apply to food that is fit for human consumption and accepted for donation by a charitable organization or the use of food waste for animal consumption in compliance with applicable regulations ~~acceptable for donation.~~

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Comment [A1]: Addition requested by Northwest Food Processors Association.

Comment [A2]: Added for clarity

##### 5.10.420 Business Food Waste and Covered Businesses

For the purpose of this section, business food waste is solid waste consisting of food waste removed from the food supply chain that is not fit for human or animal consumption. A covered business is a business that cooks, assembles, processes, serves, or sells food.

Comment [A3]: Addition requested by Northwest Food Processors Association.

##### 5.10.430 Business Food Waste Requirement

Local governments must require (1) covered businesses in their jurisdiction to source separate and recover business food waste; (2) delivery of collected business food waste to a facility authorized by Metro; and (3) persons, as defined by Metro Code Section 1.01.040(h), who provide space to a covered business to allow the source separation and collection of food waste.

##### 5.10.440 Business Food Waste Requirement Performance Standards

The Chief Operating Officer will adopt administrative rules to address the business food waste requirement performance standards. The performance standards must include, without limitation, the following elements:

- (a) Provisions requiring that local governments

- (1) Notify covered businesses and waste haulers of the business food waste requirement;
- (2) Require covered businesses and waste haulers to comply with the business food waste requirement;
- (3) Provide education and technical assistance to covered businesses and waste haulers regarding the business food waste requirement; and
- (4) Enforce the business food waste requirement.

- (b) Provisions requiring local governments to compel persons providing space to a covered business to allow for the source separation and collection of business food waste.

The Chief Operating Officer may allow a local government to waive the business food waste requirement as to a specific business as provided in the administrative rules.

#### **5.10.450 Temporary Waiver**

The Chief Operating Officer may waive, for no longer than 365 days, the local government's implementation of the business food waste requirement only as provided in the administrative rules. The Chief Operating Officer may provide for an extension of the temporary waiver in the administrative rules

#### **5.10.460 Metro Enforcement of Business Food Waste Requirement**

Upon a request by a local government and as provided in an intergovernmental agreement, Metro will perform the local government function to ensure covered business compliance with the business food waste requirement.

#### **5.10.470 Metro Model Ordinance**

The Chief Operating Officer may adopt a business food waste requirement model ordinance for use by the local government. The model ordinance is advisory only.

## Solid Waste

### Administrative Rules

AR – FS – 5.10

#### Business Food Waste Requirement

REVISED DRAFT ~~October 27~~ November 8, 2017

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##### FS—5.10—001

###### Purpose

1. The purpose of these rules is to implement the provisions of the business food waste requirement in Metro Code Section 5.10.410-5.10.470.
2. The purpose of the business food waste requirement is to provide a region-wide standard for the separation and collection of ~~inedible~~ food waste from food-waste-generating businesses. For the purposes of these rules, Covered Businesses are defined as organizations that cook, assemble, process, serve, or sell food or do so as service providers for other enterprises.
3. Food is identified as a primary material for recovery within the Regional Solid Waste Management Plan because of its prevalence in the region's waste stream and the negative environmental impacts of disposing food in a landfill.
4. The prevention of food waste, ~~and~~ the donation of edible food for human consumption ~~and the use of food waste to feed animals~~ are the region's preferred methods for managing surplus food. Food that has been stored properly, is fit for human consumption, ~~and~~ is accepted for donation ~~and food~~

Comment [jke1]: Redundant.

Comment [jke2]: Change requested by Northwest Food Processors Association.

that has been set aside and is destined for animal consumption in compliance with applicable regulations is not subject to this administrative rule.

**Comment [jke3]:** Change requested by Northwest Food Processors Association.

REVISED DRAFT



## FS – 5.10 – 002

### Policy

Metro Code Chapter 5.10 requires local governments to establish mandatory programs to separate and collect ~~inedible~~ food waste from certain food-waste generating businesses referred to in these rules as “Covered Businesses.”

Comment [jke4]: Redundant.

## FS – 5.10 – 003

### Legal Authority

These administrative rules are issued under the authority of Metro Code Section 5.10.080. These rules are in addition to all other requirements and provisions in Metro Code Chapter 5.10.

## FS—5.10—004

### Definitions

Unless otherwise specifically defined, all terms used are as defined in Metro Code Chapter 5.00.

“**Covered Businesses**” means organizations that cook, assemble, process, serve, or sell food or do so as service providers for other enterprises.

“**Business Groups**” means groups of covered businesses subject to the business food waste requirement by certain effective dates as delineated in the Applicability section of these rules.

“**Food waste**” means waste from fruits, vegetables, meats, dairy products, fish, shellfish, nuts, seeds, grains, ~~coffee grounds~~, and other food that results from the distribution, storage, preparation, cooking, handling, selling or serving of food for human consumption. Food waste includes but is not limited to excess, spoiled or unusable food and includes inedible parts commonly associated with food preparation such as pits, shells, bones, and peels. Food waste does not include ~~liquids or~~ large amounts of oils and meats which are collected for rendering, fuel production or other non-disposal applications, or any food fit for human consumption that has been set aside, stored properly and is ~~accepted for donation by a charitable organization, and any food collected to feed animals in compliance with applicable regulations.~~

Comment [jke5]: Requested by Washington County.

Comment [jke6]: Added for clarity

Comment [jke7]: Revised for consistency.

Comment [jke8]: Requested by the Northwest Food Processors Association.

## FS—5.10—005

### Applicability of Rules

1. The business food waste requirement applies to all local governments within the Metro boundary.

2. ~~Covered Business Entities~~ **Covered Businesses** subject to the business food waste- requirement include, but are not limited to:

Comment [jke9]: Revised for consistency of terminology.

Cafeterias & buffets  
Caterers

Grocery retail  
Grocery wholesale

Colleges & universities*	Hospitals*
Correctional facilities	Hotels*
Drinking places*	Limited service restaurants
Elementary and secondary schools*	Nursing & residential care*
Food product manufacturing	Retirement & assisted living*
Food service contractors	Specialty food markets
Full service restaurants	Warehouse clubs

\*Only those with full-service restaurants or on-site food preparation or service.

3. Covered Businesses ~~Entities~~ shall meet the food waste requirement according to a schedule determined by the quantity of food waste they generate on average, in three phases as listed below. Implementation will begin with Business Group 1 and progress to the other groups according to the Effective Dates described in Rule 006. ~~Covered Business Entities~~ **Covered Businesses** that demonstrate they generate ~~de minimis quantities of~~ **less than 250 pounds of food scraps per week of** food waste are not subject to this requirement.

Comment [jke10]: Added for clarity

Business Group 1	Business Group 2	Business Group 3
≥0.5 ton (1,000 pounds) per week food waste generated	≥0.25 ton (500 pounds) per week food waste generated	≥0.125 ton (250 pounds) per week food waste generated

4. A person that provides space to a covered business must allow, facilitate or provide a food waste collection service for the covered business.

#### FS—5.10—006

##### Effective Dates for Implementation

Local governments must meet the following deadlines:

1. Local Government Adoption of Requirement: July 31, 2018
2. Begin Implementation of Requirement for Business Group 1: March 31, 2019
3. Begin Implementation of Requirement for Business Group 2: March 31, 2020
4. Begin Implementation of Requirement for Business Group 3: September 30, 2021

#### FS—5.10—007

##### Exemptions

1. ~~← Governments Outside Metro Boundary. Local governments outside of the Metro Boundary are exempt from this business food waste requirement.~~
  2. ~~No Commercial District: Local governments that do not have commercial zones or commercial districts are exempt from this business food waste requirement.~~
- ~~Local governments outside of the Metro Boundary are exempt from this business food waste requirement.~~

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Comment [jke11]: Added for clarification.

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## FS—5.10—008

### Compliance Waivers

Metro may grant compliance waivers to local governments that meet the standards below.

~~4.3.~~ **Business quantity minimum threshold:** Metro will waive application of the business food waste requirement for a local government with five or fewer covered businesses within its boundary. Metro will review the number of covered businesses in each government annually. If Metro determines that a local government exceeds the minimum number of covered businesses during the review, Metro will inform the local government in writing and will require the local government to comply within 12 months of Metro notification.

~~2.4.~~ **Distance:** Metro may waive temporarily application to a local government based on proximity to transfer or processing ~~facilities~~ services. Metro will not require a local government that qualifies for a temporary distance waiver to implement the requirement until such time as transfer or processing services are available within a reasonable distance. For purposes of this waiver, “reasonable distance” means ~~(xxx miles) one way from the government’s geographical center to the nearest approved food waste transfer or processing facility.~~ Metro will grant a waiver only under the following conditions:

- a. A local government adopts a legally-enforceable mechanism that meets the business food waste requirement and performance standard by the July 31, 2018 deadline.
- b. Metro will develop the list of waived governments and the associated map when the location of the food waste processing facility transfer or processing services and available transfer locations are determined.
- c. A qualified local government sends a request letter to Metro stating a the intent to utilize a temporary distance waiver from Metro.
- d. The local government’s temporary waivers will expire once transfer or processing services become available within a reasonable distance as determined by Metro. Metro will provide waived governments with a 90-day notice of waiver expiration.
- e. A local government must implement a mandatory program within 90 days after waiver expiration date.
- ~~f.~~ Metro will re-evaluate waivers annually and will automatically renew them if conditions have not changed. No action is required by waived governments in order to renew a granted waiver.
- ~~g.f.~~ Metro will develop the list of waived governments and the associated map when the location of the food waste processing facility and available transfer locations are determined.

**Comment [jke12]:** NOTE: This section of the Administrative Rules is being re-examined in its entirety. A revised version will be included with the next public comment draft of these Rules.

**Comment [jke13]:** Change made for consistency

**Comment [jke14]:** Added for clarity.

**Comment [jke15]:** The definition of “reasonable distance” is still under development. A definition grounded in actual data that is suitable for policy-making and can be adjusted over time as more data becomes available is still being refined. After “reasonable distance” has been defined and added to the draft Rules, a second public comment period will be opened for Rule review.

**Comment [jke16]:** Change made for consistency.

**Comment [jke17]:** Revised for clarity and to address comments from Hillsboro.

## FS—5.10—009

### Local Government Requirements

1. Local Governments must implement one of the following:
  - a. Adopt a legally-enforceable mechanism that meets the performance standard in rule 011. A legally-enforceable mechanism includes but is not limited to local code, regulation, ordinance or law.

- b. Adopt the Business Food Waste Requirement Model Ordinance and require business food waste be delivered to a solid waste facility authorized by Metro.

2. Local Governments must require ~~Covered Business Entities~~Covered Businesses to:

- a. Separate food waste from all other solid waste for collection.
- b. Recover food waste that is controlled by the business, agents, and employees. -This requirement does not apply to food wastes controlled by customers or public. At its discretion, a Covered Business Entity may collect food waste from customers or public but must ensure that food wastes are free of non-food items.

Comment [jke18]: Added for clarity.

3. Local governments must require persons or entities that lease or provide space to a Covered Business Entity to allow or provide food waste collection service to those ~~Covered Business Entities~~Covered Businesses.

4. Local governments must submit annual implementation plans to Metro according to the procedures set forth in these Administrative Rules.

5. Local governments may:

- a. Implement the program in the manner that is most efficient and effective for local conditions, local solid waste system considerations, geography and that which best suits the covered businesses as long as the local government complies with the performance standard and deadlines.
- b. Grant temporary waivers to a covered business according to the procedures set forth in these Administrative Rules.

#### FS—5.10—010

##### Local Government Annual Implementation Plan

Local governments are required to submit to Metro an annual implementation plan regarding the business food waste requirement. A local government may develop and implement its plan individually or through cooperative or partnership agreements between governments. A local government may implement the business food waste requirement in a manner that best suits local conditions as long as the local government meets or exceeds the performance standard. An implementation plan must meet the performance standard set forth in these Administrative Rules.

#### FS—5.10—011

##### Local Government Performance Standard

1. Business Notice of Requirement: After a local government adopts the business food waste requirement and according to the implementation schedule, the local government must send notice to covered businesses that outlines the requirement and how to comply and receive assistance. Local governments must establish a mechanism to notify new businesses of the business food waste requirement.

2. Local governments must require that businesses comply with the business food waste requirement including, but not limited to:
  - a. Adherence with the implementation schedule.
  - b. Correctly-labeled and easily-identifiable collection receptacles.
  - c. Arrange for food waste collection service as necessary.
  - d. Ensuring building owners or managers of multi-tenant buildings containing covered businesses allow or otherwise enable the provision of food waste collection service to lessees or occupants subject to the business food waste requirement.
3. Local governments must ensure appropriate collection receptacles and service is made available.
4. Local governments must require that franchised or otherwise licensed waste haulers deliver food waste to a facility that complies with federal, state, regional and local laws and regulations.

#### FS – 5.10 – 012

##### Business Assistance

Local governments must provide educational materials and offer technical assistance to covered businesses to ~~encourage food waste prevention and donation of edible food and~~ assist with program set-up, understanding program requirements and separation standards.

- a. Educational materials must include, at a minimum:
  - i. Labels for collection containers that clearly communicate what is allowed and not allowed in the food waste collection system.
  - ii. Signs and/or posters that provide clear and simple instructions.
  - iii. All signs and program materials must be ~~understandable to non-English speakers designed to be understood by people with limited English proficiency.~~
  - iv. Program contact phone number for businesses to call for program assistance.

Comment [Jke19]: Removed for clarity. Waste prevention and donation are covered under section b. below.

Comment [Jke20]: Revised for clarity

- b. Technical assistance offered must include, at a minimum:
  - i. Education and assistance with food waste prevention techniques and edible food donation programs.
  - ii. Assistance with ~~food waste collection~~ program set up and training on-site at the business.
  - iii. Assistance with mitigating issues arising from program participation such as odors or vectors.
  - iv. Ensure correct labeling of all food waste collection receptacles.
  - v. Serve as a ~~liaison facilitator~~ between the business and solid waste hauler as needed to ~~ensure assist with the~~ provision of appropriate collection receptacles and service frequency.

Comment [Jke21]: Added for clarity

Comment [Jke22]: Revised for clarity

Comment [Jke23]: Revised per City of Portland request

#### FS—5.10—013

##### Local Government Enforcement of the Business Food Waste Requirement

Local governments must establish a method for ensuring compliance with the business food waste requirement ~~that meets the following minimum standards:~~

~~PUBLIC COMMENT~~ ~~REVISED~~ DRAFT ~~September 7~~ November 8, 2017: Metro Food Scraps Administrative Rules

1. ~~Provide written notice to covered businesses not in compliance with the business food waste requirement. Written notice must describe the violation, provide an opportunity to remedy within a specified time, and offer assistance with compliance.~~
2. ~~Issue a citation or other penalty to a covered business that does not remedy a violation within the specified time frame. The citation should provide an additional opportunity to remedy the violation within a specified time and notify the covered business that they may be subject to a fine or other penalty for non-compliance.~~
3. ~~Assess fine or established penalty if the covered business does not remedy within the time specified in the citation.~~

**Comment [jke24]:** Amended to be consistent with the enforcement requirements for the Business Recycling Requirement as requested by Hillsboro.

#### FS—5.10—014

##### Local Government Temporary Compliance Waivers to Covered Businesses

**Comment [jke25]:** Added for clarity

1. A local government may establish a method for granting temporary waivers to covered businesses. A local government must seek Metro approval of the waiver method and conditions.

2. Temporary waivers must meet the following minimum standard:

**Comment [jke26]:** Added for clarity

- a. May not exceed 12 months, annual renewal allowed.
- b. In order to be renewed, a local government must annually review waivers to determine if conditions that warrant the waiver are still in place and cannot be remedied.

- c. ~~Criteria for granting temporary waivers includes: Covered businesses seeking a temporary waiver must agree to periodic waiver verification site visits. Local governments are responsible for determining if one or more of the following criteria warrant a temporary waiver:~~

**Comment [jke27]:** Revised for clarity

- i. ~~Minimal amounts~~ Less than 250 pounds per week of food in the disposed waste.

**Comment [jke28]:** Revised for clarity.

- ii. Food waste produced by the covered business is not suitable for inclusion in the program, or cannot be made suitable without ~~considerable~~ unreasonable expense.

- iii. Physical barriers to compliance exist and cannot be immediately remedied.

**Comment [jke29]:** Added for clarity.

- iv. Compliance results in unreasonable capital expense ~~hardship~~.

**Comment [jke30]:** Added for clarity.

- v. Compliance results in a ~~container in the right of way or~~ violation of other government ordinance, health or safety code.

**Comment [jke31]:** Revised for clarity

- vi. ~~Covered businesses agree to a waiver verification site visit.~~

**Comment [jke32]:** This requirement is now in c. above.

3. ~~Local governments may not grant waivers in cases where collection containers are placed outside of enclosures if such placement does not constitute a safety or health risk. Short term waivers may be granted in situations where enclosures are in the process of being installed or expanded in order to accommodate food waste receptacles.~~

**Comment [jke33]:** Deletion requested by City of Portland. The restriction is too detailed and is covered under section v. above.

#### FS—5.10—015

##### Metro Enforcement of the Requirement

A local government may request that Metro assist with enforcement of the business food waste requirement. Metro will provide enforcement assistance after Metro and the local government establish an Intergovernmental Agreement.

#### FS—5.10—016

### Self-Haul of Source-Separated Food Waste

The local government may allow a covered business to self-haul source-separated food waste generated by that business. The local government must require the covered business to comply with these rules, including without limitation delivery of the food waste to a facility authorized by Metro.

### FS—5.10—017

#### Compliance Verification and Reporting

Local governments must collect and report data to Metro to demonstrate compliance and assist with program evaluation. Metro will determine reporting requirements and frequency, review data and make a determination of compliance as set forth in Annual Implementation Plans.

### FS—5.10—018

#### Funding Guidelines

1. Metro will provide funding to support the implementation of the business food waste requirement to local governments upon adoption of the requirements by the Metro Council. Metro intends to provide ~~additional~~ funding for ~~the first (5) the first (XX)~~ fiscal years of the business food waste requirement, subject to Metro Council approval of funding amounts during the annual budget process.
2. Local governments may use funds for business assistance, infrastructure, compliance, and enforcement efforts to implement the business food waste requirement. Metro will review and approve the intended uses prior to distributing funds.
3. If a local government has designated another agency or partner to implement the program, Metro shall distribute funds to the designated ~~planning~~ agency. A designated ~~planning~~ agency is a county agency, city agency or contracted agent that is responsible for designing and implementing a waste reduction program including the business food waste requirement, on behalf of a local government.
4. In order to receive funding, a local government or its designated ~~planning~~ agency must submit documentation demonstrating compliance with the requirements of Metro Code 5.10.410-5.10.470 and these rules and enter into an Intergovernmental Agreement with Metro.
5. Metro will withhold funding associated with the implementation of the business food waste requirement ~~and the Recycle at Work Program~~ from governments that do not comply with the business food waste requirement. ~~If governments remain out of compliance for more than two years, funding associated with the Recycle at Work program will also be withheld.~~ Governments that are, in the sole opinion of Metro, actively making good faith efforts to adopt the business food waste requirement will remain eligible for associated funding. Metro will determine how any withheld funds will be utilized.

Comment [jke34]: Amended for clarity.

Comment [jke35]: Amended for clarity.

Comment [jke36]: Amended for clarity.

Comment [jke37]: Amended to address concerns expressed by Hillsboro.