

## **CHAPTER 5.02**

### **REGIONAL SYSTEM FEE**

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### **5.02.010 Purpose**

The purpose of this chapter is to establish the method for setting, collecting and administering the regional system fee. Metro uses regional system fee revenue to recover the costs for all associated regional solid waste activities related to managing, planning and administering the entire recycling, processing and disposal system.

### **5.02.020 Regional System Fee Requirement**

- (a) Except as otherwise provided in this chapter, all solid waste generated from inside the Metro jurisdictional boundary is subject to a regional system fee at the time the waste is delivered to a Metro transfer station or otherwise disposed.
- (b) Any person who transports solid waste generated from inside the Metro jurisdictional boundary must pay the regional system fee to Metro at the time the waste is disposed.
- (c) Notwithstanding subsection (b), Metro may authorize a designated facility located outside the Metro jurisdictional boundary to collect and remit the regional system fee on behalf of the person transporting the waste.
- (d) Metro will round the regional system fee to the nearest one-hundredth of a ton and prorate it based on the actual weight of solid waste.
- (e) The regional system fee owed to Metro by any person pursuant to this chapter is a debt owed to Metro.

### **5.02.030 Exceptions to Regional System Fee**

The regional system fee does not apply to:

- (a) Solid waste accepted at a licensed or franchised solid waste facility located within the Metro jurisdictional boundary;
- (b) Solid waste accepted at a facility that is exempt from regulation under Chapter 5.01;
- (c) Cleanup material accepted at a facility that treats the cleanup material to applicable DEQ standards and provided that the treated waste is not transported to a disposal site;
- (d) Useful material that is accepted at a disposal site that is a Metro designated facility pursuant to Chapter 5.05 or accepted at a disposal site under authority of a Metro non-system license issued pursuant to Chapter 5.05, provided that the useful material is:
  - (1) Used productively in the operation of the disposal site (such as for roadbeds or alternative daily cover); and
  - (2) Accepted at the disposal site at no fee.

- (e) Processing residual produced by any tire processor that is regulated pursuant to Chapter 5.01 and that sorts, classifies or processes used tires into fuel or other products, provided the processing residual conforms to Environmental Quality Commission standards established pursuant to ORS 459.710(2). This exemption is only granted to the extent specified in a Metro license or franchise under Chapter 5.01.

#### **5.02.040 Declaration of Origin**

- (a) If a person transports solid waste to a designated facility outside of the Metro jurisdictional boundary, then the person must inform the designated facility operator that the solid waste was generated or originated inside the Metro region.
- (b) If a dispute arises regarding whether a person informed the facility operator that the solid waste was generated or originated inside the Metro region, then the person transporting the waste has the burden of proving that the person communicated this to the designated facility operator.

#### **5.02.050 Regional System Fee Applied to Mixed Waste Loads**

If a solid waste load in a vehicle or container contains a mixture of waste generated both inside and outside of the Metro jurisdictional boundary, then the entire load is considered to be generated within the Metro region. In such cases, the person transporting the waste must report the waste as generated inside the Metro region and pay the regional system fee on the entire load, unless the person provides documentation to Metro showing the total weight of that waste that was generated only within the Metro jurisdictional boundary.

#### **5.02.060 Regional System Fee on Cleanup Material**

Notwithstanding Sections 5.02.020 and 5.02.030, a reduced regional system fee applies to cleanup material that is transported to any disposal site authorized by Metro to accept that material.

#### **5.02.070 Special Exemptions and Waivers from Regional System Fee**

- (a) The Chief Operating Officer may issue a special exemption to a public agency, local government, or qualified non-profit entity as specified in Metro Code Subsections 5.07.030(a), (b), (d) and (j) to waive the regional system fee for solid waste generated within the Metro jurisdictional boundary.
- (b) For all special exemptions in subsection (a), the Chief Operating Officer must provide the Council with an annual report indicating:
  - (1) The amount of solid waste recycled and disposed under the special exemption permits granted by the Chief Operating Officer during the fiscal year; and
  - (2) The total regional system fee revenue that was not collected during the fiscal year because of the special exemptions granted.

- (c) The Chief Operating Officer may waive the regional system fee on putrescible solid waste if the waste is:
  - (1) Generated outside of Metro's regional boundary;
  - (2) Collected by a hauler that is regulated by a local government unit; and
  - (3) Accepted at Metro Central Station or Metro South Station.

#### **5.02.080 Collection and Payment of Regional System Fees**

A person satisfies payment of the regional system fee as required under Section 5.02.020 if the person pays the fee at a Metro transfer station or pays the fee:

- (a) As required by a non-system license authorized under Chapter 5.05, or
- (b) To a designated facility located outside the Metro jurisdictional boundary if Metro has authorized that designated facility to collect and remit the regional system fee on behalf of the person transporting the waste.

#### **5.02.090 Due Date of Regional System Fees**

Regional system fees accumulate on a monthly basis. A person liable for regional system fees must pay the accumulated fees to Metro by the 15<sup>th</sup> day of the month for waste disposed of in the preceding month. If the 15<sup>th</sup> day of the month occurs on a holiday or weekend, amounts are due by the end of the first business day that follows.

#### **5.02.100 Liability for Worthless or Uncollectible Accounts**

- (a) Metro may waive liability for regional system fees on charge accounts that are worthless and charged off as uncollectible, provided that the facility operator submits to Metro an affidavit stating the name and amount of each uncollectible charge account and documenting good faith efforts that the operator made to collect the accounts.
- (b) Regional system fees are not considered uncollectible unless the underlying account is also uncollectible. If the operator has paid the regional system fees previously and wishes to deduct the previously paid regional system fees from the next payment due to Metro, the operator must notify Metro in writing that the underlying account is uncollectible. If Metro agrees that the underlying account is uncollectible, Metro may then authorize the operator to deduct from the next payment due to Metro the previously paid amount found worthless and charged off. However, if the operator thereafter collects on any such account, in whole or in part, the operator must include the amount collected in the first return it files after the collection and pay the regional system fees with the return.

#### **5.02.110 Use of Regional System Fees**

Metro may only use regional system fee funds to recover the costs for all associated regional solid waste activities related to managing, planning and administering the entire recycling, processing and disposal system.

#### **5.02.120 Scale Weights Required**

A facility or disposal site that receives solid waste generated or originated within the Metro jurisdictional boundary must use certified scale weights to calculate, on a tonnage basis, all regional system fees that the facility or disposal site submits to Metro.

#### **5.02.130 Administrative Rules to Implement Chapter**

The Chief Operating Officer may adopt administrative rules under the provisions set forth in Chapter 5.08 to govern the obligations under this chapter and implement all provisions of this chapter.

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