



Memo

Date: May 15, 2020
To: Marissa Madrigal, COO
From: Roy Brower, Director, Waste Prevention and Environmental Services
Subject: Solid Waste Fees at Metro Transfer Stations Administrative Rules

Attached for your signature are administrative rules for Metro Code Chapter 5.03 (Solid Waste Fees at Metro Transfer Stations) that describe some of Metro's internal accounting policies and the types of fees charged at the transfer stations owned by Metro. Chapter 5.03 and the proposed administrative rules apply only to the transfer stations owned by Metro, which currently consists of two facilities: Metro South Transfer Station and Metro Central Transfer Station. Staff recommends that the Chief Operating Officer (COO) adopt the attached rules as provided in Metro Code Chapter 5.08 which governs administrative rulemaking for the entire solid waste code.

This memo provides background information about the public outreach performed by staff, a summary of the public comments that were received, and staff's responses to those comments.

Background

In November 2019, Metro Council adopted a new Metro Code Chapter 5.03 to clarify the relationship between the regional system fee and Metro's own transfer station fees. As part of that code update, sections of code were identified to be removed from the solid waste code and into solid waste administrative rules. Metro provided a preliminary opportunity for the public to review and comment on these administrative rules at that time. Additionally, Metro staff also identified one housekeeping improvement to 5.03 – 1065. While the proposed rules (and code) previously described a document that account holders send to the Metro Department of Finance and Regulatory Services as a "statement", the proposed rules now accurately refer to this document as a "payment."

Public Notice and Opportunity to Comment

On February 24, 2020, Metro initiated a formal administrative rulemaking process for these proposed rules in accordance with Chapter 5.08. Metro again solicited input on the proposed rules by opening a public comment period which began on February 24, 2020 and ended on March 25, 2020. Metro received one set of written comments during that time. Staff also held an oral hearing for the proposed rules on March 12, 2020, at the Metro Regional Center. However, no one attended the hearing.

Comments Received on Proposed Administrative Rules

Metro received one comment about the proposed rules during the public comment period. The comment came from a representative of a Metro-regulated facility: Pride Recycling. A summary of the comment and staff's responses are provided below.

Comment: Metro's rule giving non-commercial customers a "disposal charge credit" for source-separating recyclable materials is contrary to the cost of recycling. Yard debris does not qualify for the same credit.

Staff response: The disposal charge credit referenced in the proposed administrative rules represents status quo and continues a long standing practice at Metro's transfer stations. The

disposal charge credit provision in the proposed administrative rules is the same as that previously included in the former Metro Code Chapter 5.02. This status quo credit structure is intended to incentivize recycling and improve operational efficiency at the two public stations. This practice also helps to keep recyclable materials out of the municipal solid waste stream. Additionally, the credit structure improves operational efficiency by discouraging residents from making two separate trips to the public transfer stations (e.g. one trip for municipal solid waste, one for recyclables) or from making two passes across the scales on the same trip.

Staff does not recommend any changes to the proposed rule.

RECOMMENDED ACTION

In accordance with Metro Code Chapter 5.08, staff recommends that the COO adopt Administrative Rules Nos. AR 5.03-1000 through 1070. The rules will take effect 30 days after adoption and apply to all transfer stations owned by Metro. The proposed administrative rules are attached for your signature.

cc: Shane Abma, Office of Metro Attorney
Pam Peck, Policy and Compliance Program Director
Sabrina Gogol, Senior Solid Waste Planner

ATTACHMENT A: COPY OF COMMENT RECEIVED
PRIDE RECYCLING COMPANY



March 17, 2020

Re: Comments on AR 5.03 – 1000 through 1070.

Thank you for the opportunity to provide comments on the Administrative Rules regarding Solid Waste Fees at Metro Stations. Our comments are below.

- 5.03 – 1020. 1)
 - Given the state of recycling markets, it is disingenuous to give non-commercial customers a “disposal charge credit” for source-separating recyclable materials. Dropped off yard debris does not qualify for the same credit. This practice is contrary to the cost of recycling.

Thank you,

Kristin Leichner
Vice President
Pride Recycling Company