

**Solid Waste
Administrative Rule**

AR 5.03 – 1000 through 1070


Administrative Rule of Metro Code Chapter 5.03
Administrative Rule Adoption Record and Findings

**AR 5.03 - 1000 through 1070
Solid Waste Fees at Metro Stations**

These administrative rules are adopted under the authority of Metro Code which authorizes the Chief Operating Officer (COO) to adopt and amend administrative rules. In accordance with Metro Code Chapter 5.08, the COO provided an opportunity for public comment and held a public hearing on these rules before their adoption.

The COO finds that these administrative rules are necessary to implement certain provisions of Metro Code Chapter 5.03 and hereby adopts Administrative Rules Nos. 5.03-1000 through 1070. The requirements of these administrative rules are in addition to all other requirements and provisions in Metro Code Chapter 5.03. These rules have the same force and effect as any other provision of Metro Code Chapter 5.03.

It is so ordered:

DocuSigned by:

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Marissa Madrigal
Metro Chief Operating Officer

June 2, 2020

Date

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5.03 – 1000 Legal Authority

These administrative rules are issued under the authority of Metro Code Chapters 5.03 and 5.08. These rules are in addition to all other requirements and provisions in Metro Code Chapter 5.03.

5.03 – 1005 Definitions

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

5.03 – 1010 Applicability of Rules

The Metro transfer station fees apply to Metro South Station and Metro Central Station.

5.03 – 1015 Metro Transfer Station Fee Setting

1. In accordance with Metro Code Chapter 5.03, each year the Chief Operating Officer will propose provisional Metro transfer station fee amounts for consideration by Metro Council. The provisional transfer station fees will include the following at Metro South Station and Metro Central Station:
 - a. Disposal fee
 - b. Transaction fee
 - c. Household hazardous waste management fee
 - d. Conditionally exempt generator waste fee
 - e. Recoverable solid waste fee

- f. Special waste fee
 - g. Litter control fee
2. The Chief Operating Officer may establish an interim fee for an additional service or waste material not specifically listed in this section or may revise a fee amount if necessary to address a substantial change in market conditions. Any interim fee adopted pursuant to this section is only effective for not more than 120 days unless the Metro Council affirms or modifies it.

5.03 – 1020 Source-Separated Recyclable Materials Credit

1. A non-commercial customer at Metro Central Station or Metro South Station who disposes of source-separated standard recyclable materials (except yard debris) that are generated by a household will receive a disposal charge credit. The credit amount is based on whether the non-commercial customer is disposing of fewer than 100 pounds of recyclables or 100 pounds or more of recyclables.
2. Notwithstanding subsection (1), the Chief Operating Officer may designate source separated recyclable materials that Metro will accept from customers at no charge.

5.03 – 1025 Household Hazardous Waste Management Fee

1. Customers delivering household hazardous waste at a Metro hazardous waste facility must pay a “household hazardous waste management fee.” This fee is in lieu of any other base disposal fee, the regional system fee, and community enhancement fees that may be required under Chapters 5.02, 5.03, 5.06, and excise taxes required by Chapter 7.01.
2. The household hazardous waste management fee may differ depending on container size.
3. Depending on container size, the fee may not apply to post-consumer architectural paint under the Oregon paint stewardship system set forth in ORS 459A.820 et seq.
4. The Chief Operating Officer may waive the household hazard waste management fee in a specific instance upon a finding that a waiver is in the public interest.

5.03 – 1030 Conditionally Exempt Generator Waste Fee

1. For conditionally exempt generator (CEG) waste from non-household sources, a customer must pay the actual disposal costs of the waste calculated from the current Metro contractor price schedules, Metro and contractor labor costs (as applicable), all applicable excise taxes, and the cost of material used for managing the waste.
2. Notwithstanding subsection (1), Metro will not assess the conditionally exempt generator waste fee under this section for:
 - a. Post-consumer architectural paint under the Oregon paint stewardship system as set forth in ORS 459A.820 et seq; or
 - b. Hazardous waste generated at any facility operated by Metro.
3. The Chief Operating Officer may waive the conditionally exempt generator waste fee in a specific instance upon a finding that a waiver is in the public interest.

5.03 – 1035 Recoverable Solid Waste Fee

1. Metro will collect a “recoverable solid waste fee” on different classes of recoverable solid wastes accepted at Metro Central Station or Metro South Station.

2. The recoverable solid waste fee is in addition to the transaction fee, community enhancement fee set forth in Metro Code Chapter 5.06, and the base disposal fee.
3. For purposes of this section, “managing” and “management” of recoverable solid waste means any of the following activities: acceptance, onsite handling and logistics, quality assurance, mixing of wastes to meet an engineering or market specification, processing such as grinding and shredding that may alter the form but does not substantially alter the content of the waste, residuals management, reloading, transport and delivery to a recycling site, and similar activities directly related to the handling and disposing of recoverable solid waste.
4. For purposes of this section, a class of recoverable solid waste is distinguished from other classes of wastes by a material difference in the management cost or by physical characteristics that require different practices to manage the waste.
5. The Chief Operating Officer may specify new classes of recoverable solid wastes, set tonnage fees for new classes of recoverable solid wastes, and change tonnage fees for existing classes of recoverable solid wastes.
6. The material management fee for each class of recoverable solid waste is equal to the sum of:
 - a. The contractual costs that Metro pays, if any, to a contract operator of Metro Central Station or Metro South Station for managing the class of recoverable solid waste, expressed on a per-ton basis;
 - b. Metro’s direct costs, if any, for personnel, materials, services and capital incurred directly by Metro for managing the class of recoverable solid waste, expressed on a per-ton basis; and
 - c. An allocation of Metro’s administrative, overhead, capital, and fixed contractual costs that is reasonably related to managing the class of recoverable solid waste, expressed on a per-ton basis.
7. Nothing in subsection (6) modifies Council’s authority to set recoverable solid waste fees at any time.
8. Notwithstanding subsections (2) and (5):
 - a. The Chief Operating Officer will establish fees for recoverable solid wastes that are typically accepted and managed on a unit or count basis rather than by scale weight. Metro will base these fees on its actual costs for managing the wastes.
 - b. The Chief Operating Officer will establish a minimum fee for loads of recoverable solid waste.
9. This section does not apply to any source-separated recyclable material that the Chief Operating Officer designates as exempt from fees.

5.03 – 1040 Special Waste Fee and Permit Application Fee

1. A special waste fee applies to all special wastes disposed of at a Metro transfer station. A special waste permit application fee applies to all special waste permit applications. This fee is in lieu of any other base disposal fee, the regional system fee, and community enhancement fees that may be required under Chapters 5.02, 5.03, 5.06, and excise taxes required by Chapter 7.01. The purpose of the special waste fee and permit application fee is to require a person that disposes of special waste to pay the cost of services provided by Metro to manage special wastes. These fees apply to all special wastes.

2. The special waste fee is the amount equal to Metro's actual costs in managing special waste. These costs comprise of special handling costs, cleanup costs, and lab or testing costs. The special waste fee applies to all permitted special wastes and to all non-permitted special wastes that Metro discovers at a Metro-operated facility that result in additional management costs not otherwise covered by, or incorporated within, any other Metro transfer station fee.
3. The special waste permit application fee is \$25.00. Metro will collect this fee at the time it receives a special waste permit application.
4. The special waste fee and special waste permit application fee do not apply to household hazardous waste accepted at Metro hazardous waste facilities or Metro household hazardous waste collection events.

5.03 – 1045 Litter Control Fee

1. A customer must pay a "litter control fee" if the customer enters Metro Central Station or Metro South Station and any portion of the customer's solid waste or recoverable solid waste is unsecured and visible to Metro scalehouse personnel.
2. The amount of the litter control fee may vary depending on the load weight.
3. Metro will not impose the litter control fee if the solid waste or recoverable solid waste is only visible through a secure covering.
4. Metro will collect the litter control fee in the same manner that Metro collects all other transfer station fees at the facility.

5.03 – 1050 Transaction Fee During Automated Scale Malfunction

If a customer must use the staffed scales because the automated scales are unavailable due to a physical site limitation, a limit or restriction of the computer operating system, or a malfunction of the automated scales, then the transaction fee is the amount authorized for automated scales.

5.03 – 1055 Rounded Fees for Cash Payments

When a non-account customer pays in cash, Metro will round total fees at the Metro South Station and the Metro Central Station to the nearest whole dollar amount, with any \$0.50 fee rounded down.

5.03 – 1060 Christmas Tree Fee

The fee for accepting up to three Christmas trees in one transaction will be the amount equal to the transaction fee at the Metro transfer station.

5.03 – 1065 Account Policy at Metro Transfer Stations

1. A person may pay Metro transfer station fees and all taxes using cash, credit card, check, or under Metro's credit policy. Metro will not grant credit to any person before it approves a credit application in a manner or on forms as required.
2. The Chief Operating Officer will establish appropriate account requirements designed to diminish Metro's risk of loss due to non-payment for new and existing accounts. Metro may require existing account holders to reapply for credit or provide additional guarantees as the Chief Operating Officer considers necessary.

3. Account charges accrue on a monthly basis. Metro will mail statements on or about the 10th day of the month for disposal services rendered in the prior month. An account holder must pay the statement no later than the last business day of the month in which Metro mails the statement. The statement is past due thereafter. A payment is not "received" unless the account holder personally delivers it to the Metro Department of Finance and Regulatory Services during business hours or unless Metro's mail room receives it on or before the due date.
4. An account customer must immediately notify Metro if the customer sells, terminates, or makes a substantial change in the scope of its business after Metro approves its application for credit. Metro may terminate the customer's credit if the customer does not provide the required notice.
5. The Chief Operating Officer may adjust accounts receivable and reverse finance charges in accordance with prudent credit practices. The Chief Operating Officer will report adjustments over \$1,000.00 to the Council in writing on a monthly basis.
6. Consistent with prudent credit practices, the Chief Operating Officer may end pursuit of an account receivable when the likelihood of collecting does not justify further collection costs. The Chief Operating Officer will provide Council with a written report, at least monthly, of all accounts receivable over \$1000.00 for which Metro has ended collection efforts. Only Council may approve ending collection efforts on an account over \$10,000.00.

5.03 - 1070 Finance Charges and Past Due Accounts

1. Metro will assess a finance charge in the amount of the greater of \$25.00 or 1.5 percent of the sum of all past due fees on all unpaid, past due fees beginning on the 15th day of the month following the month in which Metro mails a statement, and continuing on the 15th day of each month thereafter until paid. Finance charges accrue only on unpaid past due balances, and not on previously assessed finance charges. Metro will continue to assess finance charges on negotiated repayment schedules. Metro will first apply payments to finance charges and then to the oldest amount past due. In addition to any other finance charge or fee, Metro will also assess a 30 percent collection fee on the past-due balance owing on any account that Metro forwards to a collection agency.
2. If an account is 15 days past due, then Metro may place an account on a cash only basis until the account holder pays all past due disposal and finance charges. Metro may close an account if Metro has placed it on a cash only basis more than twice during any 12 month period. Metro may deny facility access to a person whose account is past due for 30 days or more. The Chief Operating Officer has discretion to place an account on a cash only basis or deny facility access.