

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF SETTING AN ) RESOLUTION NO. 20-5067  
EFFECTIVE DATE OF JANUARY 2025 FOR )  
PROHIBITING THE LANDFILL DISPOSAL OF ) Introduced by Acting Chief Operating Officer  
COMMERCIALY-DERIVED FOOD WASTE Andrew Scott in concurrence with Council  
GENERATED WITHIN THE REGION. President Lynn Peterson

WHEREAS, Metro regulates solid waste generated within the Metro region pursuant to Metro's constitutional, statutory, and charter authority and as set forth in the Metro Code; and

WHEREAS, Metro regulates the solid waste generated within the region that is transported outside of its jurisdictional boundary through non-system licenses and designated facility agreements, pursuant to Metro's statutory and charter authority as set forth in Metro Code Chapter 5.05; and

WHEREAS, food represents about 18 percent of the region's disposed waste and is the largest single recoverable material sent to landfills; and

WHEREAS, when sent to landfill, food waste generates methane, which is 25 times more potent a greenhouse gas than carbon dioxide; and

WHEREAS, food waste is identified as a primary material for recovery within the Regional Waste Plan, which guides Metro and local government work; and

WHEREAS, under ORS 459A.010, the State of Oregon established a minimum 25 percent material recovery goal for food waste; and

WHEREAS, a required food waste collection program for nonresidential generators is one option for local government compliance with state recycling program requirements; and

WHEREAS, pursuant to Metro Code Sections 5.10.410-5.10.470 (Business Food Waste Requirement), local governments must adopt a mandatory food waste collection program for certain business groups; and

WHEREAS, any solid waste facility that receives commercial food waste from the Metro region must manage the waste in accordance with Metro's requirements to ensure benefits to the public and to minimize environmental and human health impacts; and

WHEREAS, in Resolution No. 18-4864, the Metro Council directed staff to develop a commercial food waste disposal ban for Council consideration no later than December 31, 2019; and

WHEREAS, in a work session held on October 29, 2019, the Metro Council determined that it would be inadvisable to proceed with an Ordinance and Rule without an established disposal prohibition effective date that allows for appropriate stakeholder engagement; and

WHEREAS, at the October 29, 2019 work session the Metro Council directed staff to move forward with developing Ordinance and Rule with an effective date of January 2025; and

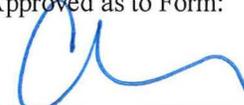
WHEREAS, Metro, through its solid waste management authority, has a key role in ensuring increased recovery of the region's food waste; now therefore,

BE IT RESOLVED that the Metro Council directs staff to develop Metro Code and administrative rule language to prohibit the landfill disposal of commercially-derived food waste generated within the Metro region with an effective date of January 2025.

ADOPTED by the Metro Council this 23 day of January 2020.

  
Lynn Peterson, Council President

Approved as to Form:

  
Carrie MacLaren, Metro Attorney

IN CONSIDERATION OF RESOLUTION NO. 20-5067, FOR THE PURPOSE OF SETTING AN EFFECTIVE DATE OF JANUARY 31, 2025 FOR PROHIBITING THE LANDFILL DISPOSAL OF COMMERCIALY-DERIVED FOOD WASTE GENERATED WITHIN THE REGION.

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Date: January 6, 2020  
Department: Property & Environmental  
Services  
Meeting Date: January 21, 2020

Prepared by: Jennifer Erickson, 503-797-  
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**ISSUE STATEMENT**

The purpose of this resolution is to set an effective date for a commercial food waste disposal prohibition.

**ACTION REQUESTED**

Adopt Resolution No. 20-5067.

**IDENTIFIED POLICY OUTCOMES**

Resolution 20-5067 directs staff to develop Metro Code and administrative rule language to prohibit the disposal of commercially-derived food waste generated within the Metro region with an effective date of January 2025.

In a work session held on October 29, 2019, the Metro Council determined that it would be inadvisable to proceed with an Ordinance and Rule without an established disposal prohibition effective date that allows for appropriate stakeholder engagement and directed staff to move forward with developing Ordinance and Rule with an effective date of January 2025.

**POLICY QUESTION(S)**

- Should Metro enact a prohibition on the disposal of food waste generated by businesses in order to increase the recovery of food waste for beneficial use and decrease the negative climate impacts of disposal?
- If so, is January 31, 2025 Council's preferred effective date for implementing the prohibition?

**STAFF RECOMMENDATIONS**

Adopt Resolution No. 20-5067, with an effective date of January 31, 2025.

## STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

Much like existing bans on the disposal of hazardous and electronic waste, the goal of a prohibition on the disposal of commercial food waste is to protect human health and the environment and to help educate generators about the proper management of solid waste. In addition, a disposal prohibition provides a firm backstop to the business food waste collection requirement—local governments can leverage the future ban in their efforts to assist businesses with implementing collection programs now. The implementation of a disposal prohibition also helps to meet Regional Waste Plan and larger climate goals.

Relationship to Metro’s Regional Waste Plan:

- **Goal 6:** Reduce product environmental impacts and waste through educational and behavioral practices related to prevention and better purchasing choices.
  - **Action 6.5:** Assist households and businesses in the adoption of practices that prevent the wasting of food and other high-impact materials
  
- **Goal 10:** Provide regionally consistent services for garbage, recyclables and other priority materials that meet the needs of all users.
  - **Action 10.1:** Provide comprehensive collection services and supporting education and assistance for source-separated recyclables, source separated food scraps and garbage, in compliance with state, regional and local requirements, including the Regional Service Standard, Business Recycling Requirement and Business Food Waste Requirement in Metro Code.
  
- **Goal 12:** Manage all garbage and recycling operations to reduce their nuisance, safety and environmental impacts on workers and the public.
  - **Action 12.6:** Regulate facilities accepting garbage, recycling, food scraps, yard debris and other solid waste generated from the region to advance progress toward achieving Regional Waste Plan goals.

Support for climate goals:

- Landfills are significant emitters of methane, and food scraps are a primary contributor to the production of methane in landfills.
- Currently, food represents the single largest component of the region’s disposed waste stream (18%).
- Methane is a very potent greenhouse gas—28 to 36 times that of CO<sub>2</sub> over a 100-year period.
- Methane emitted today lasts a decade on average, which is much less time than CO<sub>2</sub>, however methane absorbs much more energy than CO<sub>2</sub>. The net effect of the shorter lifetime and higher energy absorption is reflected in methane’s much higher global warming potential.
- Methane also accounts for some indirect effects; it is a precursor to ozone, and ozone is itself a potent greenhouse gas.
- The goal of collecting food scraps is to capture the environmental and economic benefits of turning that material into useful products, creating energy and

supporting agriculture while reducing the negative environmental impacts associated with disposal.

Reducing food waste is not just a local issue. Project Drawdown, a world-class research project that measures and models the 100 most substantive and achievable solutions that exist today to stop global warming and reach drawdown (the point when greenhouse gas levels in the atmosphere start to decline).

- Of the top 20 global solutions, eight are in the food sector.
- The third most impactful climate solution is to reduce food waste.

#### Legal Antecedents

- *Metro Ordinance No. 18-1418*
- *Metro Resolution No. 18-4864*

### **BACKGROUND**

In 2014, the Metro Council reviewed the region's current business food scraps recovery efforts and staff introduced potential paths forward to ensure that the region has a stable and sustainable food scraps transfer and processing system for the long term. At that time, the Council confirmed its desire to increase the region's recovery of food scraps and its wish to process those food scraps in or as close to the region as possible.

To address the goal of required food waste separation, the Metro Council adopted the Business Food Waste Requirement (Ordinance 18-1418) in July 2018 which requires city and county governments, which oversee the collection of garbage and recycling, to ensure that food scraps collection services are available to businesses in their communities.

Implementation is phased according to the following schedule:

- Beginning on March 31, 2020, businesses that create 1,000 pounds or more of food scraps (the equivalent of four 60-gallon roll carts) per week will be required to separate their food scraps for collection.
- Beginning on March 31, 2021, businesses that create 500 pounds or more of food scraps (the equivalent of two 60-gallon roll carts) per week will be required to separate their food scraps for collection.
- Beginning on Sept. 30, 2022, businesses that create 250 pounds or more of food scraps (the equivalent of one 60-gallon roll cart) per week, along with K-12 schools, will be required to separate their food scraps for collection.

Businesses that create less than 250 pounds of food scraps per week will not be required to separate their food scraps from their garbage, but they may do so voluntarily.

During the food scraps collection policy development process, the Council decided that implementation of a disposal prohibition was necessary to strengthen the region's business food waste collection policy. Local government partners supported this approach; a ban provides leverage in their efforts to assist businesses with implementing collection programs over the next 5 years. To that end, the Metro Council also adopted Resolution No.

18-4864 in July 2018 which directed staff to develop an ordinance prohibiting the landfill disposal of business food waste by December 2019. However, the December 2019 date did not allow sufficient time for a thorough public input and program development process. In addition, an effective date for the disposal prohibition had not yet been set by Council.

**ATTACHMENTS**

1. Ordinance No. 18-1418 For the Purpose of Amending Metro Code Chapter 5.10 to Establish a Business Food Waste Requirement
  2. Administrative Rule 5.10-4000 through 4085 Business Food Waste Requirement
  3. Resolution No. 18-4864 Requiring Metro Staff to Develop Policy, Ordinance and Rule that Prohibits the Landfill Disposal of Commercially-Derived Food Waste Generated in the Region
- Is legislation required for Council action?  Yes  No