

**Solid Waste
Administrative Rule**

AR 5.15-1000 through 1020

Administrative Rule of Metro Code Chapter 5.15
Administrative Rule Adoption Record and Findings

**AR 5.15-1000 through 1020
Request for Compliance Date Extension and Non-Compliance
Procedures Administrative Rules**

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 5.15 and hereby adopts Administrative Rules Nos. 5.15-1000 through 1020. The requirements of these administrative rules are in addition to all other requirements and provisions in Metro Code Chapter 5.15. These rules have the same force and effect as any other provision of Metro Code Chapter 5.15.

It is so ordered:

Marissa Madrigal
Metro Chief Operating Officer

Date

SOLID WASTE

ADMINISTRATIVE RULES

AR 5.15-1000 through 1020

Request for Compliance Date Extension and Non-Compliance Procedures

Effective: XXXXX

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5.15 – 1000 Purpose

To implement the local government requirements under the Regional Waste Plan as set forth in Metro Code Chapter 5.15.

5.15 – 1005 Legal Authority

1. Metro's solid waste planning and implementing authority is established under the Metro Charter, the Constitution of the State of Oregon, and ORS Chapters 268 and 459.
2. These rules are issued under the authority of Metro Code. These rules are in addition to all other requirements and provisions in Metro Code Chapters 5.10 and 5.15.

5.15 – 1010 Applicability of Rules

The local government requirements under the Regional Waste Plan apply to all portions of Clackamas, Washington, and Multnomah Counties within Metro's jurisdictional boundary.

5.15 – 1015 Request for Compliance Date Extension

1. A local government may seek an extension of time to comply with a Regional Waste Plan requirement by filing a written request for an extension with the Chief Operating Officer.
2. The local government's written request must demonstrate that: (1) the local government is making progress toward compliance with the Regional Waste Plan requirement; and (2) the local government has good cause for failure to meet the compliance date.
3. The Chief Operating Officer will notify the local government in writing of its decision to grant or deny the request and the reasons behind the decision within 60 days of receipt of the request.
4. The Chief Operating Officer may establish conditions for the extension to ensure the local government complies in a timely manner and that local government actions during the extension period do not undermine the region's ability to implement the Regional Waste Plan.
5. No more than two extensions of time will be granted and the Chief Operating Officer will not extend the date for compliance for more than one year from the date of approval of the original request.

5.15 -1020 Non-Compliance Procedures

1. If the Chief Operating Officer finds that a local government is not in compliance with a Regional Waste Plan requirement or performance standard, then Chief Operating Officer will notify the local government of the finding in writing.
2. The local government may respond to the Chief Operating Officer's finding of non-compliance. Responses and any relevant materials to support the response must be received within 60 days of the date of the Chief Operating Officer's original notification of findings.
3. The Chief Operating Officer will review the local government's response and determine if the local government is in compliance.
4. If the Chief Operating Officer determines that the local government remains out of compliance the Chief Operating Officer will notify the Council of the finding of noncompliance and will schedule a hearing within 90 days. The Chief Operating Officer will notify the local government of these findings and the date, time and location of the hearing.
5. The local government may file a response to the Council within 30 days of the Chief Operating Officer's findings.
6. If the Council finds that the local government action does not comply with the Regional Waste Plan or any related rules or provisions of the Metro Code, the Chief Operating Officer will issue any requirements or penalties as directed in the Council order.