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

AR 5.15-3000 through 3055
Business Service Standard and Recycling Requirement

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. 5.15-3000 through 3055. 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 Date
Metro Chief Operating Officer

DRAFT

Table of Contents

5.15 - 3000	Purpose
5.15 - 3005	Legal Authority
5.15 - 3010	Definitions
5.15 - 3015	Applicability of Rules
5.15 - 3020	Glass Separation Requirement
5.15 - 3025	Business Service Standard
5.15 – 3030	Business Recycling Requirement
5.15 – 3035	Business Recycling Requirement Performance Standard
5.15 – 3040	Business Recycling Requirement Compliance
5.15 – 3045	Local Government Enforcement of the Business Recycling Requirement
5.15 – 3050	Metro Enforcement of the Business Recycling Requirement
5.15 - 3055	Reporting Requirements

5.15 – 3000 Purpose
To implement the business service standard and the business recycling requirement as set forth in Metro Code 5.15 and as required by the Regional Waste Plan to ensure a comprehensive and consistent level of recycling service for the region.

5.15 – 3005 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 – 3010 Definitions
Unless otherwise specifically defined below, all terms used are as defined in Metro Code Chapter 5.00 and administrative rule 5.15-2010.

5.15 – 3015 Applicability of Rules
The requirements of the Regional Waste Plan's business service standard and business recycling requirement apply to all portions of Clackamas, Washington, and Multnomah Counties within Metro's jurisdictional boundary. For areas of Clackamas, Multnomah and Washington Counties outside of Metro's jurisdictional boundary, the performance standard is a recommendation.

5.15 - 3020 Glass Separation Requirement
For all business customers, a local government must require that glass is kept separate from all other acceptable recyclable materials in collection receptacles and on collection vehicles.

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5.15 – 3025 Business Service Standard
A local government must provide garbage and recycling collection services to meet the needs of all business customers.

5.15 – 3030 Business Recycling Requirement
To implement the business recycling requirement a local government must:

1. Adopt the Metro model ordinance or demonstrate code complies with the business recycling requirement.
2. Send notice to businesses that outlines the recycling requirements and how to receive assistance.
3. Establish a local compliance program or enter into an intergovernmental agreement with Metro to perform the compliance function.
4. Report to Metro on information related to program adoption, implementation and performance as outlined in administrative rules 5.15 – 3055.

5.15 – 3035 Business Recycling Requirement Performance Standard

A local government must ensure implementation of the business recycling requirement performance standard:

1. Businesses must source separate acceptable recyclable materials with the exception of motor oil and yard debris for reuse or recycling.
2. Businesses must provide recycling containers for internal maintenance or work areas where acceptable recyclable materials may be collected and stored.
3. Businesses must post accurate instructional signs where acceptable recyclable materials are collected and stored that identify the materials that the business must collect for reuse or recycling.
4. A local government must establish a method for ensuring compliance with the business recycling requirement.
5. A local government may exempt a business from some or all of the business recycling requirement if the business provides access to the local government for a site visit and the local government determines that the business cannot comply with the business recycling requirement, or compliance results in a violation of other government ordinance, health or safety code.

5.15 – 3040 Business Recycling Requirement Compliance
A businesses is considered in compliance if the business has implemented the following:

1. Regularly scheduled recycling collection provided by the franchised or licensed garbage and recycling hauler, a private recycling service or self-haul.
2. A two-container sort system: acceptable recyclable materials and glass.
3. Internal recycling containers located as conveniently as garbage containers; generally a recycling collection container at each employee work station and/or work area.
4. All interior and exterior recycling containers are correctly labeled and accurate signs and instructions are posted that identify the acceptable recyclable materials the business must recycle, and how to prepare items for recycling.
5. All employees and tenants receive information about recycling and waste prevention at least once annually and all new employees and tenants receive training about waste prevention and recycling.

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6. Property management and janitorial/maintenance agreements enable businesses to meet waste prevention and recycling program goals and requirements.

5.15 – 3045 Local Government Enforcement of the Business Recycling Requirement

1. A local government must use enforcement authority to ensure business compliance with the business recycling requirement and use education and technical assistance as the primary tools to achieve compliance.

2. A local government must establish a method for ensuring business compliance with the business recycling requirement in one of the following ways:
    a. Adopt the compliance program as defined in the business recycling requirement model ordinance.
    b. Enter into an intergovernmental agreement with Metro to enforce the business recycling requirement or contract with another local government to conduct enforcement.
    c. Implement a locally-designed compliance method that follows one of the following models:
        i. Compliance is determined from information provided by franchised or licensed haulers or other recycling service providers. The local government has a clear and complete process for: notifying businesses of non-compliance; providing technical assistance to support compliance; and enforcing against continuing non-compliance.
        ii. Compliance is determined from local government inspection of businesses. The local government has a clear and complete process for: notifying businesses of non-compliance; providing technical assistance to support compliance; and enforcing against continuing non-compliance.
        iii. Compliance is determined from self-reporting by businesses, coupled with verification measures. The local government has a clear and complete process for: notifying businesses of non-compliance; providing technical assistance to support compliance; and enforcing against continuing non-compliance.
        iv. Design an alternative compliance method and seek approval by Metro.

5.15 – 3050 Metro Enforcement of Business Recycling Requirement

Upon establishment of an intergovernmental agreement with a local government, Metro will perform the local government function to ensure compliance with the business recycling requirement.

1. A local Government will identify non-compliant businesses through recycling service reports, complaints or other means.
2. A local government will offer assistance to the non-compliant businesses.
3. Businesses that remain non-compliant after local government attempts to assist them will be referred to Metro for enforcement action.
4. Metro will provide a written non-compliance letter to the business upon receipt of the local government referral. The letter will describe the business recycling requirement, offer the business an opportunity to verify compliance within 30 days with the local government, and offer recycling assistance.
5. A local government will report back to Metro to indicate whether or not the violation has been corrected. If the business has not complied, Metro will issue a notice of violation with an

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opportunity to cure. The notice must provide an additional opportunity to cure the violation within the time specified in the notice and must notify the business that it may be subject to a fine. Local governments will provide assistance to businesses seeking an opportunity to cure and report back to Metro to indicate whether or not the violation has been corrected.

6. If the business does not comply with the notice of violation, Metro will provide a written notice of violation and assess a fine to the business within the time specified in the notice. The notice of assessment of fine must include the information required by Metro Code Section 5.09.090. Metro must serve the notice personally or by registered or certified mail. A business may contest an assessment by following the procedures set forth in Metro Code Section 5.09.130 and 5.09.150. Metro must notify the local government of the assessment of fine. A local government representative must be available upon request to provide testimony for a contested case hearing.

5.15 – 3055 Reporting Requirements

A local government must provide the following documentation to Metro:

1. A copy of the adopted ordinance or current code that is consistent with the performance standard in Metro Code.
2. A written description of the local government compliance method consistent with these administrative rules or signed intergovernmental agreement with Metro.
3. An outreach plan that describes how businesses will be notified of the requirement and a local government's compliance approach.
4. A year-end report with the results, including number of businesses notified and number of compliance actions. In cases where there is a city/city or city/county cooperative relationship, the designated jurisdiction may report on behalf of the other jurisdictions.
5. Metro will provide appropriate reporting forms.

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