

Overview of Proposed Revisions to Metro Code Chapter 5.10

August 2020

Background

In March 2019, Metro adopted the 2030 Regional Waste Plan which sets the policy direction for the region's solid waste and recycling system. It is very different than previous plans in that its values, principles, goals and actions specifically reflect the needs and aspirations of members of our community who haven't historically had a strong voice in the development of environmental plans, policies and programs. The foundation of this plan is equity—centering the voices, values and needs of communities of color and historically marginalized groups in the region's solid waste and recycling system.

The plan is implemented in many ways; through collaborative programs with local government partners and community organizations, and through required actions that bring minimum standards and consistency to a large and complex system. Metro Code and Administrative Rules are the mechanism used to implement the required elements of the plan. The Metro Code and Rules need to be re-written to reflect the goals, policies and programs of our new plan.

Why are changes being made?

It is out of date. Currently, Metro Code Chapter 5.10 implements the requirements of the 2008 Regional Solid Waste Management Plan and contains state requirements that are no longer in place. The re-write will remove old state statute and clarify that the code and rule implement the Regional Waste Plan, not state law.

It does not fit the new format for Code and Administrative Rule. Current code is challenging to read and interpret, contains obsolete terms and does not reflect the wording in the new Regional Waste Plan. Obsolete references, lengthy sentences and legalese are removed. Some code sections are being moved to administrative rules to follow format changes being made to the Metro Code overall.

It is not well organized. Currently overall Regional Waste Plan requirements, those for local governments and service provision standards are scattered throughout Chapter 5.10. To better organize the chapter and provide more clarity, the existing Chapter 5.10 is being split into two chapters. Chapter 5.10 will now cover the overall plan, while all requirements specific to local governments are being moved to a new Chapter 5.15.

What are the specific changes being considered?

- Split the current Chapter 5.10 into two chapters. Chapter 5.10 will cover the overall Regional Waste Plan and a new Chapter 5.15 has been created to focus on requirements specific to local governments.
- Reorganize confusing sections. Rather than have several separate code sections dealing with single-family and multifamily residential requirements, code sections have been grouped by sector:
 - Residential Service (includes all residential dwellings)
 - Business Service and Recycling Requirement
 - Business Food Waste Requirement
 - General Education

- Move and reword detailed information to administrative rules so that all local government requirements are in a single location and are communicated more clearly. These include:
 - Specific service standards for single-family, multifamily and business customers
 - General education and outreach standards
 - Materials required for collection
- Add residential food scraps collection as a named material to the service standards:
 - Residential food scraps collection is optional
 - Weekly or every-other-week collection frequency
- Add a general education section that applies to all customers:
 - Reflects the Regional Waste Plan rather than state requirements
 - Focuses on regional consistency as well as requiring that education provided by local governments and service providers be accurate, culturally-responsive and reflect local conditions
- Add new standards for multifamily services to implement new and high-priority Regional Waste Plan actions. These will be the most significant substantive changes to the code and include:
 - Per unit service volume minimums for garbage, mixed recycling and glass streams
 - Weekly minimum collection frequency for all streams
 - Collection container color standard for all material streams
 - Required use of regional signage on bins and in collection areas
- Combine all standards and requirements with regard to the business sector into one section for ease of reading and to increase understanding. No substantive changes have been made.
 - Obsolete or outdated standards have been eliminated including past implementation deadlines, and past funding requirements
- Eliminate the Regional Service Standard Alternative Program. Elements of local government alternative programs showing the same outcome as the Regional Service Standard (weekly collection) have been incorporated into the new standard.
 - Every-other-week mixed recycling collection has been incorporated into the proposed standard for every-other-week programs in place as of January 1, 2019
- Remove obsolete state requirements and update wording and terms to reflect those used in the new Regional Waste Plan and to remove legalese, outdated references, and lengthy sentences.

What is the timeline?

Beginning in the spring of 2020, early drafts of the rewritten Code and new administrative rules were reviewed internally, by local government solid waste directors, the Regional Waste Advisory Committee and Metro's Committee on Racial Equity. A formal stakeholder and public input process begins in mid-September 2020 and the proposal is then brought to the Metropolitan Policy Advisory Committee. Once that step is complete, the final versions is brought to the Metro Council for consideration at the end of 2020. If the Council adopts the Code changes, they become effective 90 days later. Finally, the Administrative Rules are brought to Metro's Chief Operating Officer for consideration—if approved they become effective 30 days after adoption.

Current Code sections	New Code sections	Explanation of Changes
<p>5.10.010-080 Regional Solid waste Management Plan</p> <p>5.10.110-160 Compliance Procedures</p>	<p>5.10.010-060 Regional Waste Plan</p>	<p>Chapter 5.10 has been shortened to focus on the overall applicability of the Regional Waste Plan (RWP), Metro’s authority to implement it, and plan amendment procedures.</p> <p>The majority of the Compliance Procedures section (110-160) in the current code applies to local governments and has been moved to the new Chapter 5.15 which is specific to local government requirements under the RWP. Outdated references, language and long sentences have been removed.</p>
<p>5.10.210-240 Regional Service Standard</p>	<p>5.15.010-070 Local Government Requirements under the Regional Waste Plan</p> <p>5.15.110-130 Residential Service</p>	<p>As noted above, the majority of the Compliance Procedures from existing code have been moved to a new chapter 5.15 (<i>Local Government Requirements Under the Regional Waste Plan</i>). Sections 010-060 pertain to compliance, extensions, technical and financial assistance and local government conformity to the plan. The Exception from Compliance section has been removed, and the wording in the other sections has been amended to reflect current terminology and procedures and to improve readability.</p> <p>The Regional Service Standard has been reorganized by sector and renamed. Section 5.15.110-130 focuses solely on the residential (single family and multifamily) sector. Obsolete or outdated standards and references to state statute no longer in effect have been eliminated. Lengthy detail has been removed from Code, updated, and placed in new Administrative Rules for Chapter 5.15. The Alternative Program and Performance Standard has been eliminated--elements of local government alternative programs showing the same outcome as weekly collection have been incorporated into the new standard. Every-other-week recycling collection programs in place as of January 1, 2019 meet the residential standard.</p>
<p>5.10.310-350 Business Recycling Requirement</p>	<p>5.15.210-260 Business Service and Recycling Requirement</p>	<p>All standards and requirements with regard to the business sector have been combined into one section for ease of reading and to increase understanding. Obsolete or outdated standards have been eliminated and lengthy detail has been removed from Code, updated, and placed in new Administrative Rules for Chapter 5.15. Aside from updates to language and improvements for readability, no substantive changes have been made to the Business Recycling Requirement. Obsolete implementation deadlines and the funding requirements were removed--all jurisdictions are in compliance with the requirement, so implementation deadlines are irrelevant and the additional funding noted in Code was only applicable to the first four years of the program.</p>
<p>5.10.410-470 Business Food Waste Requirement</p>	<p>5.15.410-470</p>	<p>No changes will be made aside from renumbering the chapter. <i>(Note: Implementation dates in the Administrative Rules were delayed by one year due to COVID-19. These changes were made in a separate process in August 2020 and do not affect Code.)</i></p>

5.10.230 (d) Education and outreach section of the Regional Service Standard Elements	5.15.310-330 General Education	The education and outreach requirements have been moved to a new section that now represents a General Education Standard applicable to all solid waste customers. References to requirements under obsolete state law have been eliminated and detailed information moved to Administrative Rule. Although this standard applies to all customers, there are additional notification, education and outreach requirements specific to the Business Recycling Requirement and the Business Food Waste Requirement. Those specific requirements remain with those performance standards.
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