

## **Solid Waste Administrative Rules**

## **AR 5.01-1300-T through 1340-T**

### **Administrative Rules of Metro Code Chapter 5.01 Administrative Rule Adoption Record and Findings**

These administrative rules are adopted under the authority of Metro Code Section 5.01.195 and Metro Code Chapter 5.08, which authorizes the Chief Operating Officer to adopt a temporary administrative rule without public notice, comment or a hearing upon a finding that a failure to act promptly will result in serious prejudice to the public interest or the interest of an affected party.

In 2018, Metro developed a draft putrescible waste tonnage allocation methodology that was designed to achieve several objectives outlined in the 2016 Transfer System Configuration Policy (Council Resolution No. 16-4716), but did not implement it because the anticipated public benefits were insufficient. In 2019, Metro Council adopted the 2030 Regional Waste Plan, which identifies more extensive and specific social and environmental goals to guide how Metro manages and makes investments in the regional solid waste system. Metro staff subsequently began to revise the allocation approach to advance Regional Waste Plan goals, ensure base system stability, offer flexibility in addressing Council priorities, and provide better overall public benefits than both the previous draft and status quo allocations. During 2020, Metro prioritized essential functions and its response to COVID-19, so work on a final Regional Waste Plan goals-based allocation remains in progress. This temporary rule spans the gap until that rule is completed.

Metro has historically provided privately owned transfer stations with their annual tonnage allocations in November of the year prior to the year in which the allocations become effective. This allows those facilities time to plan and adjust their operations accordingly. In order to provide transfer stations with the information needed to plan their 2021 operations and ensure the least amount of disruption to the region's solid waste system, the Chief Operating officer finds it necessary to adopt a temporary rule to allocate putrescible waste tonnage to privately owned transfer stations for calendar year 2021. The Chief Operating Officer further finds that a failure to act timely would result in serious prejudice to the public interest.

**These temporary rules will expire 180 days from the date of my signature below or upon adoption of permanent rules if completed earlier than 180 days.** However, the allocations will remain in effect until the Chief Operating Officer adopts new rules. The requirements of these administrative rules are in addition to all other requirements and provisions in Metro Code Chapter 5.01.

It is so ordered:



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Marissa Madrigal  
Metro Chief Operating Officer

12/02/2020

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Date

## Solid Waste

### Administrative Rules

### AR 5.01 – 1300-T through 1340-T

#### Transitional Putrescible Waste Tonnage Allocation

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##### 5.01 – 1300-T Definitions

Unless otherwise specifically defined in these rules, all other applicable definitions are found in Metro Code Chapter 5.00.

**Forecasted Tonnage** means the total putrescible waste tonnage forecast to be generated in the Metro jurisdictional boundary (hereinafter “region”) in calendar year 2021.

**Non-Transfer Station Reserve** means the amount reserved from the Forecasted Tonnage that is transported directly to disposal sites such as landfills and incineration.

**Adjusted Regional Tonnage** means the Forecasted Tonnage minus the Non-Transfer Station Reserve.

**Metro Tonnage Reserve** means 40 percent of the Adjusted Regional Tonnage.

**Transitional Tonnage Allocation Methodology** means the process that Metro will use to determine putrescible waste tonnage allocations for privately owned transfer stations until a full implementation methodology is developed and approved by the Chief Operating Officer.

**Equal Share** means the component of the tonnage allocation that is calculated by dividing tonnage into uniformly sized shares for each transfer station to provide system consistency and reset historical discrepancies that were not designed to achieve public benefits or equity.

**Proportional Share** means the component of the tonnage allocation determined by multiplying a transfer station’s 2020 allocation percentage by the percentage of Adjusted Regional Tonnage to be allocated proportionally.

**Goals Based Share** means those allocations designed to incentivize progress towards Regional Waste Plan goals.

### 5.01 – 1305-T Effective Dates

The transition putrescible waste tonnage allocation methodology will be applied to the Fall 2020 Annual Solid Waste Forecast to determine the tonnage allocations that will be effective January 1, 2021, through December 31, 2021.

### 5.01 – 1310-T Transitional Putrescible Waste Tonnage Allocation Methodology

Adjusted Regional Tonnage is allocated to each private transfer station as follows and as visualized in Figure 1 below.

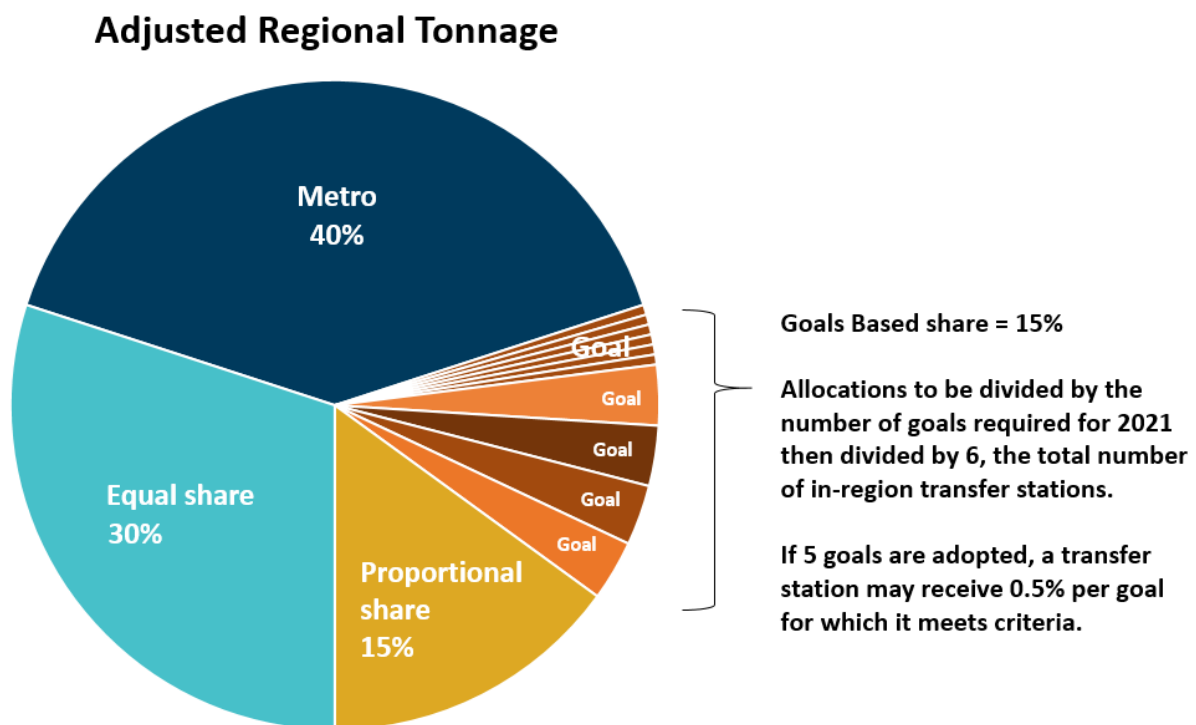


Figure 1. 2021 allocation plan

1. Thirty percent is allocated as an Equal Share.
2. Fifteen percent is allocated as a Proportional Share.
3. Fifteen percent is allocated as a Goals Based Share.

### 5.01 – 1315-T Equal Share Calculation

Equal shares are determined by dividing 30 percent of the Adjusted Regional Tonnage for in-region and out-of-region transfer stations as follows:

- 1 Each authorized privately owned in-region transfer station receives an equal share to every other in-region privately owned transfer station. Each authorized, designated, out-of-region privately owned transfer station receives a half of the amount of the equal share.
- 2 This amount is determined by calculating 30 percent of the available tonnage, counting each in-region transfer station as one share and each out-of-region designated facility as a half of a share, totaling the number of shares, and dividing the available tonnage by the shares to get tonnage per share.

#### **5.01 – 1320-T Proportional Share Calculation**

Proportional shares are determined by multiplying an in-region transfer station's 2020 allocation percentage by 15 percent of the Adjusted Regional Tonnage. Proportional Shares are not available to out-of-region transfer stations.

#### **5.01 – 1325-T Goals Based Share Calculation**

Goals based shares are determined as follows:

- 1 Calculating 15 percent of the Adjusted Regional Tonnage, dividing that amount by the number of goals that will be included in the 2021 requirements (to be finalized pending COO approval in spring 2021), and dividing each goal's share by the number of in-region, privately owned transfer stations (six). This represents the amount of tonnage each transfer station may receive per goal, if it meets the criteria for that goal.
- 2 Review and acceptance of evidence received by June 30, 2021, that the transfer station has met the criteria necessary to receive the goals based allocation.

Goals based shares are not available to out-of-region transfer stations.

#### **5.01 – 1330-T Determining Transfer Station Allocation for CY 2021 for In-Region Stations**

The 2021 transfer station allocation for each in-region transfer station is the sum of its Equal Share, Proportional Share, and Goals Based Share amounts.

#### **5.01 – 1335-T Determining Transfer Station Allocation for CY 2021 for Out-of-Region Stations**

The 2021 transfer station allocation for each out-of-region transfer station is its Equal Share amount.

#### **5.01 – 1340-T Conditions and Adjustments**

1. Tonnage allocations will be determined in accordance with Chapters 5.01 and 5.05 and these administrative rules.
2. If any transfer station does not meet the criteria for a Goals Based Share for one or more goals by June 30, 2021, that Goals Based Share tonnage amount will be reserved by Metro for possible reallocation to a transfer station during the calendar year if Metro determines it is necessary to protect the public's interest or to achieve public benefits.

3. If actual regional tonnage varies from the forecast, Metro may consider an allocation adjustment to one or more privately owned transfer stations.
4. In order to minimize system disruption and serve broader public benefits, Metro may reassign tonnage allocations at the request of a transfer station that does not expect to fully utilize its original allocation.