

**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

3/4/2021

Date

SOLID WASTE

ADMINISTRATIVE RULES

AR 5.15-1000 through 1020

Request for Compliance Date Extension and Non-Compliance Procedures

Effective: April 4, 2021

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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.

**Solid Waste
Administrative Rule**

AR 5.15-2000 through 2065

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

**AR 5.15-2000 through 2065
Residential Service 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. 5.15-2000 through 2065. 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

3/4/2021

Date

SOLID WASTE ADMINISTRATIVE RULES

Residential Service

AR 5.15-2000 through 2065

Effective: April 4, 2021

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5.15 – 2000 Purpose

To implement the residential service standard as set forth in Metro Code Chapter 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 – 2005 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 – 2010 Definitions

Unless otherwise specifically defined below, all terms used are as defined in Metro Code Chapter 5.00.

Acceptable recyclable materials are a type of source-separated recyclable as-defined in Metro Code Chapter 5.00. For the purposes of these administrative rules, acceptable recyclable materials include the following:

Mixed waste paper	Steel cans
Newspaper	Aluminum
Magazines	Scrap metal
Corrugated cardboard	Plastic bottles and jars

Kraft paper
Aseptic containers
Yard debris

Round plastic containers/tubs
Glass bottles and jars
Motor oil

Minimum service means the lowest amount of acceptable recyclable material, glass, yard debris, and garbage collection service volume to be in compliance with residential service standard.

5.15 – 2015 Applicability of Rules

The requirements of the Regional Waste Plan’s residential service standard 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 standards are recommendations.

5.15 - 2020 Glass Separation Requirement

For all residential customers, a local government must require that glass is kept separate from all other acceptable recyclable materials in collection receptacles and on collection vehicles.

5.15 - 2025 Single-Family Residential Service Standards

For all single-family residential customers, a local government must:

1. Provide at least one receptacle, with capacity of at least 60 gallons, for the collection of all acceptable recyclable materials except glass and motor oil.
2. Provide at least one receptacle for source-separated glass collection. The receptacle must have a capacity of at least five gallons.
3. Provide weekly collection of acceptable recyclable materials, glass, motor oil, and yard debris on the same day of the week as garbage, unless exempted under administrative rule 5.15-2030 or administrative rule 5.15-2035.
4. Provide at least one receptacle for yard debris collection. The receptacle must have a capacity of at least 60 gallons.
5. Residential food scraps with yard debris can be offered at weekly or every other week frequency. Every other week collection of residential food scraps mixed with yard debris is allowed only if approved in advance by the processing facility receiving the material and acceptance does not violate any other government ordinance, regulation, permit, health, or safety code.
6. Provide bulky waste collection service.
7. Ensure that property owners and managers provide access to on-site garbage and recycling collection service to renters of single-family residential properties.

5.15 - 2030 Exemption to Single-Family Yard Debris Service Standard

1. A local government may exempt rural service areas from regular on-route collection of yard debris provided that the local government distributes informational material to rural customers at least annually that provides options for proper management of yard debris, including instructions to not place yard debris in solid waste receptacles destined for disposal.
2. A local government may define “rural service areas” for purposes of solid waste collection and must provide its definition to Metro. A local government must notify Metro of any changes to that definition.

5.15 - 2035 Exemption for Single-Family Every Other Week Recycling and Yard Debris Collection Programs

A local government with an every-other-week recycling and/or yard debris collection program in place as of January 1, 2019 meets the residential service standard. A second recycling collection receptacle of at least 60 gallons capacity must be provided to every-other-week customers upon request and at no additional charge.

5.15 - 2040 Multifamily Residential Service Standards

For all multifamily residential customers, a local government must:

1. Implement a minimum service volume of 20 gallons per unit per week for garbage collection service.
2. Implement a minimum service volume of 20 gallons per unit per week for acceptable recyclable materials and a minimum service volume of one gallon per unit per week for source-separated glass.
3. Ensure all material streams are collected at least weekly. On call services are exempt from collection frequency and minimum service volume requirements.
4. Ensure provision of regularly-occurring bulky waste collection service by July 1, 2025.

5.15 - 2045 Multifamily Receptacle Colors; Signage; Informational Materials

For all multifamily residential customers, a local government must comply with the regional standards for collection receptacles by the dates below.

1. All receptacles ordered after July 1, 2022 must comply with the color standard below and must be labeled with the correct Metro-approved regional signage.
2. All plastic receptacles for garbage, mixed recyclable materials, and yard debris and/or food scraps ordered after July 1, 2022 must contain at least 30% post-consumer recycled content.
3. Garbage receptacles must be gray or black, mixed recyclable materials receptacles must be blue, yard debris and/or food scraps receptacles must be green and source-separated glass receptacles must be orange by July 1, 2028. Metro will provide a list of approved receptacle colors by vendor.
4. Color standards do not apply to compactors and drop boxes.
5. As of December 31, 2023, all receptacles must be labeled with the correct Metro-approved regional decals for acceptable recyclable materials, glass, yard debris, and garbage. All previous garbage and recycling instructional decals must be removed from each receptacle and replaced with correct and approved regional decals.

5.15 - 2050 Exemptions to Multifamily Standards

Notwithstanding administrative rule 5.15-2045, a local government may:

1. Exempt used motor oil from collection.
2. Exempt yard debris from collection if no yard debris is generated on-site, or the customer meets one of the following conditions:
 - a. Uses a landscape maintenance firm that transports yard debris to a Metro-authorized facility;
 - b. Manages its yard debris on-site such as composting or mulching;
 - c. Self-hauls its yard debris to a Metro-authorized facility;
 - d. Uses another method approved by Metro.

5.15 - 2055 Compliance and Enforcement

A local government must comply with the requirements of the Regional Waste Plan's residential service standard. If a local government does not comply, Metro will withhold funding associated with the implementation of the Regional Waste Plan. Metro may also withhold discretionary funding associated with other programs and seek any remedy under its Charter, Code or applicable state law.

5.15 - 2060 Reporting

As part of regular annual reporting requirements, a local government must provide the information necessary for Metro to determine compliance with the residential service standard.

5.15 - 2065 Funding Guidelines

In order to receive funding associated with the Regional Waste Plan, a local government or its designated agency must comply with the requirements of Metro Code Chapter 5.15 and these rules. The local government or its designated agency must also enter into an intergovernmental agreement with Metro.

**Solid Waste
Administrative Rule**

AR 5.15-3000 through 3055

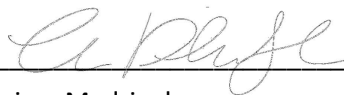
Administrative Rule of Metro Code Chapter 5.15
Administrative Rule Adoption Record and Findings

**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
Metro Chief Operating Officer

3/4/2021

Date

SOLID WASTE

ADMINISTRATIVE RULES

AR 5.15-3000 through 3055

Business Service Standard and Business Recycling Requirement

Effective: April 4, 2021

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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.

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.

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

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.

**Solid Waste
Administrative Rule**

AR 5.10-4000

**Administrative Rule of Metro Code Chapter 5.10
Administrative Rule Adoption Record and Findings**

**AR 5.10-4000 through 4085
Business Food Waste Requirement Administrative Rules**

These administrative rules are adopted under the authority of Metro Code Chapter 5.10, which authorizes the Chief Operating Officer (COO) to adopt and amend administrative rules. In accordance with Metro Code, 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 5.10 and hereby adopts Administrative Rules Nos. 5.10-4000 through 4085. The requirements of these administrative rules are in addition to all other requirements and provisions in Metro Code Chapter 5.10. These rules have the same force and effect as any other provision of Metro Code Chapter 5.10.

It is so ordered:



Marissa Madrigal
Metro Chief Operating Officer

01/15/2021

Date

SOLID WASTE

ADMINISTRATIVE RULES

AR 5.15-4000 through 4085

Business Food Waste Requirement

Effective: October 31, 2018

Revised September 10, 2020

Revised February 1, 2021

Renumbered per Ordinance 20-1451 March 10, 2021

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5.15 – 4000 Purpose

1. The purpose of these rules is to implement the provisions of the business food waste requirement set forth in Metro Code Section 5.15.410-5.15.470.
2. The purpose of the business food waste requirement is to provide a region-wide standard for the separation and collection of food waste from food-waste-generating businesses. For the purposes of these rules, Covered Businesses are defined as organizations that cook, assemble, process, serve, or sell food or do so as service providers for other enterprises.
3. Food is identified as a primary material for recovery within the Regional Solid Waste Management Plan because of its prevalence in the region's waste stream and the negative environmental impacts of disposing food in a landfill.
4. The prevention of food waste, the donation of edible food for human consumption and the use of food waste to feed animals are the region's preferred methods for managing surplus food. Food that has been stored properly, is fit for human consumption and is accepted for donation and food that

has been set aside and is destined for animal consumption in compliance with applicable regulations is not subject to this administrative rule.

5.15 – 4005 Policy and Legal Authority

1. Metro Code Chapter 5.15 requires local governments to establish mandatory programs to separate and collect food waste from certain food-waste generating businesses referred to in these rules as “Covered Businesses.”
2. These administrative rules are issued under the authority of Metro Code Section 5.15.080. These rules are in addition to all other requirements and provisions in Metro Code Chapter 5.15.

5.15 – 4010 Definitions

Unless otherwise specifically defined, all terms used are as defined in Metro Code Chapter 5.00.

“Covered Business” means an organization that cooks, assembles, processes, serves, or sells food or does so as a service provider for other enterprises.

“Business Groups” means groups of Covered Businesses subject to the business food waste requirement by certain effective dates as delineated in the Applicability section of these rules.

“Food waste” means waste from fruits, vegetables, meats, dairy products, fish, shellfish, nuts, seeds, grains, coffee grounds, and other food that results from the distribution, storage, preparation, cooking, handling, selling or serving of food for human consumption. Food waste includes but is not limited to excess, spoiled or unusable food and includes inedible parts commonly associated with food preparation such as pits, shells, bones, and peels. Food waste does not include liquids or large amounts of oils and meats which are collected for rendering, fuel production or other non-disposal applications, or any food fit for human consumption that has been set aside, stored properly and is accepted for donation by a charitable organization and any food collected to feed animals in compliance with applicable regulations.

5.15 – 4015 Applicability of Rules and Effective Date

1. The business food waste requirement applies to all local governments within the Metro boundary.
2. Covered Businesses subject to the business food waste requirement include, but are not limited to:

Cafeterias & buffets	Grocery retail
Caterers	Grocery wholesale
Colleges & universities*	Hospitals*
Correctional facilities	Hotels*
Drinking places*	Limited service restaurants
Elementary and secondary schools*	Nursing & residential care*
Food product manufacturing	Retirement & assisted living*
Food service contractors	Specialty food markets
Full service restaurants	Warehouse clubs

*Only those businesses with full-service restaurants or on-site food preparation or service are subject to these rules.

3. Covered Businesses must meet the food waste requirement according to a schedule determined by the quantity of food waste they generate on average, in three phases as listed below. Implementation will begin with Business Group 1 and progress to the other groups according to the Effective Dates described in Rule 4020. Covered Businesses that demonstrate they generate less than 250 pounds per week of food waste are not subject to this requirement.

Business Group 1	Business Group 2	Business Group 3
≥0.5 ton (1,000 pounds) per week food waste generated	≥0.25 ton (500 pounds) per week food waste generated	≥0.125 ton (250 pounds) per week food waste generated

4. A person that provides space to a Covered Business must allow or facilitate provision of a food waste collection service for the Covered Business.

5.15 – 4020 Effective Dates

These rules are effective on October 31, 2018.

Local governments must meet the following deadlines:

1. Local Government Adoption of Requirement: July 31, 2019.
2. Implement Requirement for all Covered Businesses in Business Group 1: March 31, 2022-March 31, 2023.
3. Implement Requirement for all Covered Businesses in Business Group 2: March 31, 2022-September 30, 2023.
4. Implement Requirement for all Covered Businesses in Business Group 3: September 30, 2023-September 30, 2024.

5.15 – 4025 Exemptions

1. Governments Outside Metro Boundary: A local government outside of the Metro Boundary is exempt from this business food waste requirement.
2. No Commercial District: A local government that does not have a commercial zone or commercial district is exempt from this business food waste requirement.

5.15 – 4030 Compliance Waivers

Metro may grant a compliance waiver to a local government that meets the standards below.

1. Business quantity minimum threshold: Metro will waive application of the business food waste requirement for a local government with five or fewer Covered Businesses within its boundary. Metro will review the number of Covered Businesses in each local government jurisdiction annually. If Metro determines that a local government exceeds the minimum number of Covered Businesses during the review period, Metro will notify the local government of its findings in writing and will require the local government to comply with these rules within 12 months of the notification.

5.15 – 4035 Access to Services Payments

1. Franchised waste haulers: Metro may provide payments on a temporary basis to a waste hauler operating within the region under local government commercial collection franchise authority that is not within reasonable proximity of food waste transfer or processing services. Reasonable proximity is defined as within a distance that is equal to the average uncongested travel time one way to the nearest in-region transfer station that accepts municipal solid waste. Metro will establish zones to clearly define areas that are outside reasonable proximity and may apply a travel time inflator to account for congestion. Payment will be based on the number of loads per week of food waste generated within the zone at a 50% capture rate and the additional time required to deliver these loads to the nearest food waste transfer or processing services. Metro will determine whether a waste hauler is eligible to receive payment, the payment amount, disbursement method, and frequency of payments.
2. Metro will calculate the payment amount for a waste hauler using the following elements:
 - a. Average cost per hour to operate collection vehicle in the Metro region.
 - b. Number and type of Covered Businesses entities within the zone and within the waste hauler's collection franchise boundary.
 - c. Estimated total tons per week generated by Covered Businesses within the zone at a 50% capture rate.
 - d. Number of loads per week generated by Covered Businesses within the zone. Load size will be based on the average size of route truck food waste loads delivered to Metro Central Transfer Station over a 12 month period.
 - e. Maximum additional time round trip beyond reasonable proximity required to transport loads to food waste transfer or processing services.
 - f. Additional hours multiplied by cost per hour.
3. Metro will periodically review the elements used to calculate the payments and will make any adjustments that are necessary including utilizing new sources of data. Metro will notify waste haulers and local governments of any adjustments to the payment calculation elements within 30 days.
4. The following criteria must be met in order for a waste hauler to qualify for payment:
 - a. The local government must adopt a legally-enforceable mechanism that meets the business food waste requirement and performance standard by the adoption deadline.
 - b. Waste haulers must enter into a contractual agreement with Metro.
 - c. Waste haulers must submit annual reports to Metro no later than March 31. Reports must demonstrate that funds have been included in Detailed Cost Reports submitted annually by waste haulers to local governments.
 - d. Metro may request that local governments confirm that the payments received by waste haulers have been included in required Detailed Cost Reports and are factored into the collection rate-setting process. Cooperative programs may provide confirmation on behalf of member jurisdictions.
5. Metro will revoke payments if the waste hauler does not report payments or provides false or incomplete information.

6. Metro will discontinue payments to a waste hauler once transfer or processing services become available within reasonable proximity as determined by Metro. Metro will notify local governments and affected waste haulers at least 30 days before discontinuing payments.
7. Metro will re-evaluate the payments periodically and will automatically renew them until Metro determines that circumstances have changed. The waste hauler or local government does not need to take any action to renew payments unless otherwise directed by Metro.
8. Covered Businesses: Metro may provide payments on a temporary basis to a Covered Business that transports its own source-separated food waste. Food waste must be generated solely from its own operations and generated from a single location within the Metro boundary that is not within reasonable proximity of food waste transfer or processing services. Reasonable proximity is defined as within a distance that is equal to the average uncongested travel time one way to the nearest in-region transfer station that accepts commercially-derived municipal solid waste. Metro will determine whether a Covered Business is eligible to receive a payment, the payment amount, disbursement method and frequency.
9. Metro will calculate the payment amount for a Covered Business using the following elements:
 - a. Average cost per hour to operate collection vehicle in the Metro region.
 - b. Total loads and tons per week of acceptable food waste delivered to Metro Central Transfer Station based on actual delivery weights recorded by the Metro Central scale house.
 - c. Location zone of the point of generation of the food waste.
 - d. Maximum additional time round trip beyond reasonable proximity required to deliver loads to the nearest food waste transfer or processing services.
 - e. Additional hours multiplied by cost per hour.
10. Metro will periodically review the elements used to calculate the payments and will make any adjustments that are necessary including utilizing new sources of data. Metro will notify the Covered Business of any adjustments to the payment calculation elements within 30 days.
11. The following criteria must be met in order for a Covered Business to qualify for payment:
 - a. The business must be located within the jurisdictional boundaries of a local government that has adopted a legally-enforceable mechanism that meets the business food waste requirement and performance standard by the adoption deadline.
 - b. The business must apply for a payment and submit all required information in a format prescribed by Metro.
 - c. The business must fully comply with all program criteria or standards.
 - d. The business must demonstrate to Metro that its food waste is being disposed as waste in a landfill. A business does not qualify for payments if it transports its food waste to other locations for other uses or recovery.
 - e. A business must have a credit account with Metro for use of Metro Central station including obtaining Metro-issued RFID tags. Cash transactions are ineligible for access payments.
12. Metro will discontinue payment to a Covered Business once a transfer or processing facility becomes available within reasonable proximity to the business as determined by Metro. Metro will notify any affected Covered Businesses at least 30 days before discontinuing payments.

13. Metro will re-evaluate the payments periodically and will automatically renew them until Metro determines that circumstances have changed. Metro may revoke a payment to a Covered Business any time for a violation of any criteria or payment condition.

5.15 – 4040 Local Government Requirements

1. A local government must implement one of the following:
 - a. Adopt a legally-enforceable mechanism that meets the performance standard in rule 4050. A legally-enforceable mechanism includes but is not limited to local code, regulation, ordinance, or law.
 - b. Adopt the Business Food Waste Requirement Model Ordinance and require business food waste be delivered to a solid waste facility authorized by Metro.
2. A local government must require Covered Businesses within its jurisdiction to:
 - a. Separate food waste from all other solid waste for collection.
 - b. Recover food waste that is controlled by the business, agents, and employees. This requirement does not apply to food wastes controlled by customers or the public. At its discretion, a Covered Business may also collect food waste from customers but must ensure that food wastes are free of non-food items. K-12 schools may also include student-generated food waste from school cafeteria meals but must ensure that food wastes are free of non-food items.
3. A local government must require persons or entities that lease or provide space to a Covered Business to allow or facilitate the provision of food waste collection service for those Covered Businesses.
4. A local government must submit annual implementation plans to Metro according to the procedures set forth in these Administrative Rules.
5. A local government may:
 - a. Implement the program in the manner that is most efficient and effective for local conditions, local solid waste system considerations, geography, and that which best suits the Covered Businesses as long as the local government complies with the performance standard and deadlines.
 - b. Grant temporary waivers to a Covered Business according to the procedures set forth in these Administrative Rules.
 - c. Designate another agency or partner to implement the program on their behalf. A designated agency is a county agency, city agency or contracted agent that is responsible for designing and implementing the business food waste requirement according to the procedures set forth in these Administrative Rules.

5.15 – 4045 Local Government Annual Implementation Plan

A local government is required to submit to Metro an annual implementation plan regarding the business food waste requirement. A local government may develop and implement its plan individually or through cooperative or partnership agreements between governments. A local government may implement the business food waste requirement in a manner that best suits local conditions as long as

the local government meets or exceeds the performance standard. An implementation plan must meet the performance standard set forth in these Administrative Rules.

5.15 – 4050 Local Government Performance Standard

1. Business Notice of Requirement. After a local government adopts the business food waste requirement and according to the implementation schedule, the local government must send notice to Covered Businesses that outlines the requirement and how to comply and receive assistance. A local government must establish a mechanism to notify new Covered Businesses of the business food waste requirement.
2. Business Compliance. A local government must require that Covered Businesses comply with the business food waste requirement including, but not limited to:
 - a. Adherence with the implementation schedule.
 - b. Correctly-labeled and easily-identifiable collection receptacles.
 - c. Arranging for food waste collection service as necessary.
 - d. Ensuring building owners or managers of single or multi-tenant buildings containing Covered Businesses allow or otherwise enable the provision of food waste collection service to lessees or occupants subject to the business food waste requirement.
3. A local government must ensure appropriate collection receptacles and service are made available.
4. A local government must require that franchised or otherwise licensed waste haulers deliver food waste to a facility that complies with federal, state, regional and local laws and regulations.

5.15 – 4055 Business Assistance

A local government must provide educational materials and offer technical assistance to Covered Businesses to assist with program set-up, understanding program requirements and separation standards.

- a. Educational materials must include, at a minimum:
 - i. Labels for collection containers that clearly communicate what is allowed in the food waste collection system.
 - ii. Signs and/or posters that provide clear and simple instructions.
 - iii. All signs and program materials must be designed to be understood by people with limited English proficiency.
 - iv. Program contact phone number for businesses to call for program assistance.
- b. Technical assistance offered must include, at a minimum:
 - i. Education and assistance with food waste prevention techniques and edible food donation programs.
 - ii. Assistance with food waste collection program set up and training on-site at the business.
 - iii. Assistance with mitigating issues arising from program participation such as odors or vectors.
 - iv. Ensure correct labeling of all food waste collection receptacles.
 - v. Serve as a facilitator between the business and solid waste hauler as needed to assist with the provision of appropriate collection receptacles and service frequency.

5.15 – 4060 Local Government Enforcement of the Business Food Waste Requirement

A local government must establish a method for ensuring compliance with the business food waste requirement. Covered Businesses may be subject to enforcement actions should they not meet the compliance dates listed in section 5.15 – 4020.

5.15 – 4065 Local Government Temporary Compliance Waivers to Covered Businesses

1. A local government may establish a method for granting temporary waivers to Covered Businesses. A local government must obtain Metro approval of the waiver method and conditions.
2. Temporary waivers must meet the following minimum standard:
 - a. May not exceed 12 months, annual renewal allowed.
 - b. In order to be renewed, a local government must annually review waivers to determine if conditions that warrant the waiver are still in place and cannot be remedied.
 - c. Covered Businesses seeking a temporary waiver must agree to periodic waiver verification site visits. Local governments are responsible for determining if one or more of the following criteria warrant a temporary waiver:
 - i. Less than 250 pounds per week of food in the disposed waste.
 - ii. Food waste produced by the Covered Business is not suitable for inclusion in the program, or cannot be made suitable without unreasonable expense.
 - iii. Physical barriers to compliance exist and cannot be immediately remedied.
 - iv. Compliance results in unreasonable capital expense.
 - v. Compliance results in a violation of other government ordinance, health or safety code.

5.15 – 4070 Metro Enforcement of the Requirement

A local government may request that Metro assist with enforcement of the business food waste requirement. Metro will provide enforcement assistance after Metro and the local government establish an Intergovernmental Agreement.

5.15 – 4075 Self-Haul of Source-Separated Food Waste

The local government may allow a Covered Business to self-haul source-separated food waste generated by that business. The local government must require the Covered Business to comply with these rules, including without limitation delivery of the food waste to a facility authorized by Metro.

5.15 – 4080 Compliance Verification and Reporting

Local governments must collect and report data to Metro to demonstrate compliance and assist with program evaluation. Metro will determine reporting requirements and frequency, review data and make a determination of compliance as set forth in Annual Implementation Plans.

5.15 – 4085 Funding Guidelines

1. Metro may provide funding to support the implementation of the business food waste requirement to local governments upon adoption of the requirements by the Metro Council. Metro intends to

provide funding for the first five fiscal years of the business food waste requirement, subject to Metro Council approval of funding amounts during the annual budget process. After the first five years of implementation, ongoing program maintenance funding may also be provided subject to Metro Council approval during the annual budget process.

2. A local government must use funds for business assistance, infrastructure, compliance, and enforcement efforts to implement the business food waste requirement. Metro will review and approve the intended uses prior to distributing funds.
3. If a local government has designated another agency or partner to implement the program, Metro may, at its sole discretion, distribute funds to the designated agency. A designated agency is a county agency, city agency or contracted agent that is responsible for designing and implementing a waste reduction program including the business food waste requirement, on behalf of a local government.
4. In order to receive funding, a local government or its designated agency must submit documentation demonstrating compliance with the requirements of Metro Code 5.15.410-5.15.470 and these rules and enter into an Intergovernmental Agreement with Metro.
5. Metro will withhold funding associated with the implementation of the business food waste requirement from governments that do not comply with the business food waste requirement. If governments remain out of compliance for more than two years, funding associated with other programs may also be withheld or Metro may seek any remedy under applicable state law. Governments that are, in the sole opinion of Metro, actively making good faith efforts to adopt the business food waste requirement will remain eligible for associated funding. Metro will determine how any withheld funds will be utilized.

**Solid Waste
Administrative Rule**

AR 5.15-5000 through 5020

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

**AR 5.15-5000 through 5020
General Education Standard 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. 5.15-5000 through 5020. 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

3/4/2021

Date

SOLID WASTE ADMINISTRATIVE RULES

General Education

AR 5.15-5000 through 5020

Effective: April 4, 2021

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5.15 – 5000 Purpose

To implement the general education standard as set forth in Metro Code Chapter 5.15 and as required by the Regional Waste Plan to ensure a comprehensive and consistent level of education and assistance for garbage, recycling, composting, waste prevention, and reuse education and assistance for all customers in the region.

5.15 – 5005 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 – 5010 Definitions

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

Culturally-responsive means adapted to maximize the respect and relevance to the beliefs, practices, culture and linguistic needs of diverse consumer populations and communities.

5.15 – 5015 Applicability of Rules

The requirements of the Regional Waste Plan’s general education standard 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 standard is a recommendation.

5.15 -5020 General Education Performance Standard

A local government must:

1. Provide comprehensive education and assistance for waste, recycling and reuse services to all customers. Education and assistance must be provided at least annually and contain the following:
 - a. Information about waste prevention, reuse, recycling, yard debris and food waste.
 - b. Instructions about the proper preparation of materials for recycling, composting and disposal.
 - c. Contact information for customers to receive additional information or assistance.
2. Provide education and outreach resources that are accurate, culturally-responsive, and reflect local conditions. Ensure that all information provided by collection service providers meets this standard.
3. Ensure collection service providers give direct performance feedback to individual customers regarding any contamination of acceptable recyclable materials.
4. Provide timely inclement weather notifications to customers in multiple languages and through a variety of media.

A local government should:

5. Use regional education and outreach resources, campaigns and programs as developed by Metro including, but not limited to:
 - a. Implement regionally-consistent contamination reduction efforts to improve material quality, including education, sorting instructions, and customer feedback methods.
 - b. Utilize Metro's Recycling Information Center to serve all residents in the region as a clearinghouse for prevention, reuse, recycling and disposal information.