Solid Waste
Administrative Rules AR 5.01 – 1300 through 1375

Putrescible Waste Tonnage Allocation

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5.01 – 1300 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 the calendar year for which tons are allocated.

System Reserve means the amount reserved from the Forecasted Tonnage that is transported directly to disposal sites such as landfills and incineration or otherwise directed to achieve public benefits as determined by the Chief Operating Officer.

Adjusted Regional Tonnage means the Forecasted Tonnage minus the System Reserve.

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

Tonnage Allocation Methodology means the process that Metro will use to determine putrescible waste tonnage allocations for privately owned transfer stations.

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.

Goals-based Share means those allocations designed to incentivize progress towards Regional Waste Plan goals.

5.01 – 1305 Effective Dates

The putrescible waste tonnage allocation methodology applies to the Annual Fall Solid Waste Forecast to determine the tonnage allocations that will be effective for the first calendar year of the forecast, starting January 1 through December 31.

5.01 – 1310 Putrescible Waste Tonnage Allocation Methodology

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

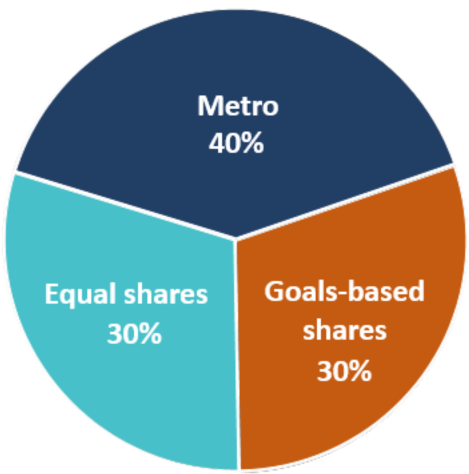

Figure 1. Annual allocation model

1. Thirty percent is allocated as Equal shares.
2. Thirty percent is allocated as Goals-based shares.

5.01 – 1315 Equal Share Calculation

Equal shares are determined by calculating 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 adjusted regional 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 adjusted regional tonnage by the shares to get tonnage per share.

5.01 – 1320 Goals-based Share Calculation

Goals-based shares are determined as follows:

1 Private transfer stations may choose to apply for goals-based tonnage for up to five COO-approved Regional Waste Plan (RWP) goals.
   a. Living Wages and Good Benefits (RWP Goal 3)
   b. Increase Diversity in Workforce (RWP Goal 4)
   c. Minimize Environmental Impacts (RWP 12)
   d. Invest in Communities (RWP Goal 13)
   e. Affordable and Consistent Rates (RWP Goal 14)

2 To calculate the tonnage amount available per goal, Metro will calculate thirty percent of the Adjusted Regional Tonnage, divide that amount by the number of goals, and then divide each goal's share by the number of in-region, privately owned authorized transfer stations. This represents the amount of tonnage each transfer station may receive per goal, if it meets the criteria for that goal.

3 A private transfer station may apply for goals-based tonnage by demonstrating to Metro that it has met the criteria necessary to receive one or more of its chosen goals-based allocations for the following calendar year. A transfer station must meet the reporting and implementation requirements of each goal in its application as set forth in administrative rule and by the date set by the Chief Operating Officer.

4 Metro may not allocate goals-based tonnage until it has reviewed and accepted the criteria evidence.

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

5.01 – 1325 Determining Transfer Station Annual Allocations for In-Region Stations

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

5.01 – 1330 Determining Transfer Station Annual Allocations for Out-of-Region Stations

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

5.01 – 1335 Conditions and Adjustments

1. Tonnage allocations will be determined in accordance with Chapters 5.01 and 5.05 and these administrative rules.
2. Any Goals-based share tonnage not allocated to private transfer stations will be reserved by Metro for possible reallocation to a transfer station during the calendar year for which allocations are made if Metro determines it is necessary to protect the public's interest.
3. If actual regional tonnage varies from the forecast at any point during the year, Metro may adjust and revise the tonnage allocation of a transfer station.
4. In order to minimize system disruption and serve broader public benefits, Metro may reallocate tonnage at the request of a transfer station that does not expect to fully utilize its original allocation.

5.01 – 1340 Criterion for "Living Wages and Good Benefits" Goal

To qualify for this goal, a transfer station must either have a union negotiated salary and benefits contract in place that applies to the lowest paid workers or do each of the following:

1. Pay no less than $17.50 per hour to any employee who supports transfer station activities,
2. For employees receiving a wage less than $20.70 per hour, provide employer-paid medical insurance benefits that are either:
   a) at least $3.20 per hour; OR
   b) pay employees' medical insurance premiums at 100%, and

3. Maintain the benefits it offers to any of its employees until at least December 31, 2022.

5.01 – 1345 Reporting and Implementation for "Living Wages and Good Benefits" Goal

1. By the date of application for goals-based tonnage, a transfer station must provide written notice to Metro certifying that as of the date of application the lowest base wage paid to any employee that supports the transfer station's operations meets or exceeds the thresholds established in Rule 5.01-1340.
2. The notification in subsection (1) must list the dollar amount of the lowest hourly base wage paid at the transfer station and the position titles and number of employees who receive that lowest base wage.
3. The notification in subsection (1) must state that the transfer station will pay no less than that wage for twelve consecutive months beginning January 1, 2022, and no employee benefits will be reduced until at least December 31, 2022.
4. For employees earning less than $20.70 per hour, transfer stations must also provide written notice to Metro of at least one of the following:
    a. the employer-paid medical benefits are at least $3.20 per hour, OR
    b. the medical benefits include primary and emergency care and the employer pays 100% of the employees' medical insurance premiums.
5. The notification in subsection (4) must describe the medical benefits offered to employees earning less than $20.70 per hour including, but not limited to, the dollar amount of the annual insurance premiums of the medical insurance plans offered to those employees, the dollar amount that the employer contributes towards the annual insurance premiums, and whether the medical benefits include primary and emergency care.
6. Instead of the options in subsection (4), a transfer station may raise those employees' wages to $20.70 per hour, which is the sum of the $17.50 per hour wage floor and the $3.20 per hour in minimum employer-paid medical benefits. The medical insurance plans in subsection (4) must be available to the lowest paid employees and include options to cover spouses and children.
7. If the employer offers employer-paid medical insurance benefits equivalent to at least $3.20 per hour, but one or more employees decline the benefits, then the private transfer station meets the criterion in subsection (4).
8. Transfer stations must also provide written notice to Metro describing the methods used to clearly inform and advertise to employees the medical plans available to them and the associated costs to employees of each plan, and certify that the transfer station will not discourage any employee from taking advantage of the benefits available to that employee.

5.01 – 1350 Criterion for "Increase Diversity in Workforce" Goal

1. To qualify for this goal, a transfer station must provide diversity-related data to Metro for all employees who support the operations of that facility.
2. Each transfer station's data must represent its workforce snapshot for a date no more than two months before the date of application for goals-based tonnage and according to the form provided by Metro.

5.01 – 1352 Reporting and Implementation for "Increase Diversity in Workforce" Goal

1. A transfer station must complete a reporting form provided by Metro that specifies the following characteristics for each position that supports the operations of that facility, by title:
    a. Gender
    b. Race and Ethnicity
    c. Full-time or part-time position

   d. Regular or temporary employee
   e. Supervisor or lead worker
   f. Years of service with the company
2. The report must include all paid part-time, temporary, front line and managerial positions.

5.01 – 1355 Criteria for "Minimize Environmental Impacts" Goal

To qualify for this goal, a transfer station must do one of the following:

1. Use low particulate and low greenhouse gas emission fuel for rolling stock at the transfer station; or
2. Use R99 or qualifying renewable diesel for long-haul disposal transport; or
3. Use non-road equipment with Tier 4 engines or retrofitted with an Emission Control Device.

5.01 – 1357 Reporting and Implementation for "Minimize Environmental Impacts" Goal

1. If a transfer station chooses Option 1 in Rule 5.01-1355, then by the time of application for goals-based tonnage, it must complete the following three actions:
   a. Demonstrate or certify that 25 percent or more of the transfer station's main pieces of non-road/rolling stock equipment use a low emissions fuel; and
   b. Provide Metro with the total pieces of rolling stock equipment in routine operation or maintenance at the transfer station; and
   c. Provide to Metro the following information about at least 25% of the non-road equipment:
      - Equipment type (for example: wheel loader, skid steer loader, forklift, dozer, excavator, yard goat)
      - Fuel type (for example: electricity, renewable diesel, renewable propane, compressed natural gas, liquefied natural gas, B20 biodiesel)
      - Fuel producer/electric utility company
      - Fuel carbon intensity value (in gCO2e/MJ)
      - Fuel pathway code approved by the Oregon Department of Environmental Quality (DEQ)
      - Equipment manufacturer/make and model
      - Equipment model year
      - Engine manufacturer/make and model
      - Engine model year
      - Engine family number
2. If a transfer station chooses Option 2 in Rule 5.01-1355, then by the date of application for goals-based tonnage, it must complete the following three actions:
   a. Demonstrate that the transfer station's long-haul disposal transport contract specifies the use of R99 renewable diesel or another blend of renewable diesel with a carbon intensity score below 59 grams of carbon dioxide equivalent per megajoule (gCO2e per MJ), based on the most recent DEQ data;
   b. Provide Metro a copy of the contractual agreement to use R99 or another blend of renewable diesel with a carbon intensity value less than 60 grams of carbon dioxide equivalent per megajoule (gCO2e/MJ); and
   c. Identify the following for all long-haul disposal transport:
      - Quantity of fuel
      - Fuel type (for example: R99)
      - Fuel producer
      - Fuel carbon intensity value (in gCO2e/MJ)
      - Fuel pathway code approved by the Oregon Department of Environmental Quality (DEQ)

3. If a transfer station chooses Option 3 in Rule 5.01-1355, then by the date of application for goals-based tonnage, it must complete the following three actions:
   a. Demonstrate that 25 percent of non-road equipment regularly used in transfer station operations has an engine that meets Tier 4 federal emission standards or is retrofitted with an Emission Control Device, as defined below:
      - Emission Control Device – Technology added to equipment to reduce harmful emissions; including diesel particulate filters (DPF) and diesel oxidation catalysts (DOC).
      - Diesel oxidation catalyst (DOC) – A flow-through device designed to reduce harmful diesel emissions such as carbon monoxide, hydrocarbons and diesel particulate emissions, with a diesel particulate matter removal efficiency of at least 20%.
      - Diesel particulate filter (DPF) – A device designed to trap diesel particulate matter above a certain size with a removal efficiency of at least 85%; and
   b. Provide Metro with the total number of pieces of non-road equipment in routine operation or maintenance at the transfer station; and
   c. Provide Metro with an invoice or statement signed by the installer of the retrofit technology showing:
      - The date when each Emission Control Device installation was performed
      - The type of Emission Control Device installed (for example: DOC or DPF)
      - The make, model and year of the engine on which the Emission Control Device was installed
      - The make, model and year of the piece of equipment on which the Emission Control Device was installed

5.01 – 1360 Criteria for "Invest in Communities" Goal

To qualify for this goal, a transfer station must do one of the following:

1. Collect and remit a supplemental community investment fee of $0.50 per ton on all putrescible waste that the transfer station receives in addition to any community enhancement fee required under Metro Code; or
2. Collect and remit a supplemental community investment fee of $1.00 per ton on all types of waste received at the transfer station that are not otherwise subject to community enhancement fees.

5.01 – 1362 Reporting and Implementation for "Invest in Communities" Goal

1. A transfer station must notify Metro in writing by the date of application for goals-based tonnage that it intends to voluntarily collect and remit to Metro supplemental community investment fees on the waste that it receives effective no later than January 1 of the year for which allocations take effect, and for no less than twelve consecutive months. The transfer station must identify the types of waste that will be subject to the fees and the additional amount the transfer station will assess.
2. A transfer station must collect the additional fees for at least twelve consecutive months beginning on January 1.
3. A transfer station must report and remit all of the fees to Metro.
4. A transfer station must file monthly tonnage reports and remit to Metro all enhancement fees in the same manner as required under Metro's eFile procedures or as otherwise prescribed by Metro.

5.01 – 1365 Criterion for "Affordable and Consistent Rates" Goal

To qualify for this goal, a transfer station's total rate per ton (inclusive of all fees and charges) actually charged to commercial customers must be no more than Metro's garbage disposal fee at the Metro public transfer stations. The rate must be effective no later than January 1 of the year for which allocations will take effect, and the transfer station must maintain rates within the acceptable range for at least twelve consecutive months.

5.01 – 1367 Reporting and Implementation for "Affordable and Consistent Rates" Goal

1. A transfer station must charge a total commercial rate per ton (inclusive of all fees and charges) that is no more than the garbage disposal fee charged at Metro transfer stations effective January 1.
2. By the date of application, a transfer station must provide written notice to Metro of the total rate that it will charge by customer and waste type for twelve consecutive months beginning January 1. The facility must notify Metro in writing if it changes its rates during that calendar year.
3. A transfer station must provide Metro with a copy of any rate notifications it sends to its commercial customers and must post its rates at all public entrances in accordance with its franchise requirements.
4. A transfer station must report to Metro the actual amount it charged to each customer in the same manner as required under its franchise, Metro's SWIS eFile data standard, or as otherwise prescribed by Metro.

5.01 – 1370 Consequences of Failing to Maintain Criteria, Reporting or Implementation Requirements

If a transfer station receives goals-based tonnage for one or more goals but subsequently fails to maintain criteria, reporting or implementation requirements for that goal during the calendar year, Metro will notify the transfer station that it must comply within 15 days. A failure to demonstrate compliance within 15 days will result in reduced eligibility for goals-based tonnage in the following calendar year's allocation cycle.

5.01 – 1375 Appeal of Decision Regarding Failure to Qualify for Goals-based Tonnage

1. The Waste Prevention and Environmental Services Department Director will decide whether a private transfer station qualifies for any particular goals-based tonnage allocation based on the reporting and implementation requirements of that particular goal as outlined in administrative rules (including any required documentation).
2. The Director may request additional information from the transfer station operator or make any investigation as the Director considers appropriate to determine qualifications for goal-based tonnage.
3. If the Director finds that a transfer station does not qualify for any particular goals-based tonnage allocation for which it has applied, the transfer station operator may appeal that decision to the Chief Operating Officer. The transfer station operator must send its appeal request in writing to the Chief Operating Officer no later than 15 business days after the Director's written decision. The appeal request must describe the reasons for which the operator seeks to appeal the Director's decision.
4. The Chief Operating Officer will make a final decision on an appeal request within 20 business days of the date on which Metro received the request.
5. The Chief Operating Officer's decision on the appeal is a final decision and is appealable only as provided under Oregon law.