

**DRAFT 06/03/2020**  
**CHAPTER 5.10**  
**REGIONAL WASTE PLAN**

- 5.10.010 Authority
- 5.10.020 Application
- 5.10.030 Regional Waste Plan Requirements
- 5.10.040 Regional Waste Plan Amendments
- 5.10.050 Severability
- 5.10.060 Administrative Rules

**(New) CHAPTER 5.15**

**LOCAL GOVERNMENT REQUIREMENTS UNDER THE REGIONAL WASTE PLAN**

- 5.15.010 Purpose and Intent
- 5.15.020 Compliance with the Regional Waste Plan
- 5.15.030 Compliance Date; Extension Request
- 5.15.040 Non-Compliance
- 5.15.050 Technical and Financial Assistance
- 5.15.060 Local Government Conformity to the Regional Waste Plan
- 5.15.070 Administrative Rules

**RESIDENTIAL SERVICE**

- 5.15.110 Purpose and Intent
- 5.15.120 Implementation and Compliance
- 5.15.130 Residential Service Standard

**BUSINESS SERVICE AND RECYCLING REQUIREMENT**

- 5.15.210 Purpose and Intent
- 5.15.220 Implementation and Compliance
- 5.15.220 Business Service Standard
- 5.15.230 Business Recycling Requirement
- 5.15.240 Business Recycling Requirement Performance Standard
- 5.15.250 Metro Enforcement of Business Recycling Requirement
- 5.15.260 Business Recycling Requirement Model Ordinance

**GENERAL EDUCATION**

- 5.15.310 Purpose and Intent
- 5.15.320 Implementation and Compliance
- 5.15.330 General Education Standard

## **BUSINESS FOOD WASTE REQUIREMENT**

- 5.15.410 Purpose and Intent
- 5.15.420 Business Food Waste and Covered Businesses
- 5.15.430 Business Food Waste Requirement
- 5.15.440 Business Food Waste Requirement Performance Standard
- 5.15.450 Temporary Waiver
- 5.15.460 Metro Enforcement of Business Food Waste Requirement
- 5.15.470 Business Food Waste Model Ordinance

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### **5.10.010 Authority**

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.

### **5.10.020 Application**

The Regional Waste Plan applies to all portions of Clackamas, Washington, and Multnomah Counties within Metro's jurisdictional boundary.

### **5.10.030 Regional Waste Plan Requirements**

- (a) The Regional Waste Plan contains requirements and performance standards that are binding on a local government within Metro's jurisdictional boundary. The requirements and performance standards that are binding on a local government are set forth in Chapter 5.15 and associated administrative rules.
- (b) The Regional Waste Plan also contains requirements and performance standards that may result in changes to other sections of Metro Code including, but not limited to, all chapters in Title V and other code sections related to solid waste matters.

### **5.10.040 Regional Waste Plan Amendments**

- (a) The Chief Operating Officer may recommend amendments to the Regional Waste Plan for consideration by Council. Council may adopt amendments to the Regional Waste Plan by ordinance.
- (b) If Council adopts an amendment to the Regional Waste Plan that affects the waste reduction program, the Chief Operating Officer will submit the applicable amendments to the DEQ for review and approval.
- (c) The Chief Operating Officer may administratively correct any typographical or scrivener's errors discovered in the Regional Waste Plan without further petition, notice, or hearing.

### **5.10.050 Severability**

This chapter's sections and those of the Regional Waste Plan are severable. Any action by any state agency or judgment of a court of competent jurisdiction invalidating any section of this chapter or the Regional Waste Plan does not affect the validity of any other section.

### **5.10.060 Administrative Rules**

The Chief Operating Officer may adopt administrative rules under the provisions set forth in Chapter 5.08 to govern the obligations under this chapter and implement all provisions of this chapter.

## CHAPTER 5.15

### LOCAL GOVERNMENT REQUIREMENTS UNDER THE REGIONAL WASTE PLAN

#### 5.15.010 Purpose and Intent

The purpose of this chapter is to establish a process for determining whether local government actions comply with the Regional Waste Plan. The Council intends the process to be efficient and cost effective and to provide an opportunity for the Council to interpret the requirements of the Regional Waste Plan.

#### 5.15.020 Compliance with the Regional Waste Plan

- (a) A local government must comply with the Regional Waste Plan.
- (b) Metro will notify each local government that is not in compliance with the Regional Waste Plan. The Chief Operating Officer will make findings regarding the non-compliance and will recommend actions that will bring the local government into compliance.
- (c) A local government that receives a notice of non-compliance must respond to Metro in writing within 60 days from the date of the notification. The response must include:
  - An agreement to implement Metro's recommended actions;
  - An alternate proposal for Metro's consideration and approval that describes other actions that the local government will take to achieve compliance; or
  - A request for a compliance extension under Section 5.15.030.
- (d) If a local government fails to respond as provided in subsection (c) or refuses to comply with the Regional Waste Plan requirements, the Chief Operating Officer may proceed to the non-compliance procedures under Section 5.15.040 and as set forth in administrative rule.

#### 5.15.030 Compliance Date; Extension Request

- (a) Metro will notify each local government of the compliance date of all Regional Waste Plan requirements.
- (b) A local government may seek an extension of time to comply with a Regional Waste Plan requirement by submitting a written request for an extension to Metro as set forth in administrative rule.

#### 5.15.040 Non-Compliance

- (a) The Council may review the Chief Operating Officer's finding that a local government has not complied with the Regional Waste Plan requirements and performance standards. The process is set forth in administrative rules.
- (b) If the Council finds that the local government action is out of compliance with the Regional Waste Plan or any related rules or provisions of the Metro Code, the Council may adopt a resolution that (1) identifies the noncompliant action; (2) directs changes in the local government action; and (3) requires any other action, including penalties.
- (c) If the Council chooses not to review the Chief Operating Officer's findings, the Chief Operating Officer will direct the necessary actions.

#### **5.15.050 Technical and Financial Assistance**

Metro will encourage a local government to use the technical and financial assistance programs provided by Metro to help the local government comply with the Regional Waste Plan requirements.

#### **5.15.060 Local Government Conformity to the Regional Waste Plan**

A local government may not adopt any ordinance, order, regulation, or contract affecting solid waste management that conflicts with the Regional Waste Plan requirements.

#### **5.15.070 Administrative Rules**

- (a) The Chief Operating Officer may adopt administrative rules under the provisions set forth in Chapter 5.08 to govern the obligations under this chapter and implement all provisions of this chapter.
- (b) In addition to the general administrative rulemaking authority in Chapter 5.08, the Chief Operating Officer also has explicit authority to establish by administrative rule:
  - (1) The procedures and timelines for seeking an extension for compliance.
  - (2) The process for review of the Chief Operating Officer's findings per section 5.15.040.

## **RESIDENTIAL SERVICE**

### **5.15.110 Purpose and Intent**

A local government must adopt and implement the residential service standard as required by the Regional Waste Plan and as specified in this chapter and administrative rules. The residential service standard ensures a comprehensive and consistent level of solid waste collection service for the region.

### **5.15.120 Implementation and Compliance**

- (a) A local government must implement the residential service standard by adopting the provisions of Section 5.15.130 and associated administrative rules.
- (b) A local government must provide information related to compliance with this requirement at Metro's request and as specified in administrative rules.

### **5.15.130 Residential Service Standard**

The Chief Operating Officer will adopt administrative rules to implement the residential service standard. The standard requires, without limitation, that a local government must:

- (a) Provide comprehensive single-family residential solid waste collection services including collection of acceptable recyclable materials;
- (b) Provide comprehensive multifamily residential solid waste collection services including collection of acceptable recyclable materials;
- (c) Implement minimum service levels for all collected materials for multifamily residential customers.
- (d) Develop and implement standards for collection areas, to ensure adequate access to collection receptacles.
- (e) Provide supporting solid waste outreach and education programs and materials to all residential solid waste generators.
- (f) Implement regional standards for collection container colors, signage and related informational materials.
- (g) Provide bulky waste collection service.
- (h) Provide annual information to residential customers about the primary components of their garbage and recycling collection rates.

## **BUSINESS SERVICE AND RECYCLING REQUIREMENT**

### **5.15.210 Purpose and Intent**

The business service standard and recycling requirement provide education and collection service requirements for the business sector in order to create a consistent standard throughout the Metro region and to increase recycling.

### **5.15.220 Implementation and Compliance**

- (a) A local government must implement the business service standard by adopting the provisions of Section 5.15.230 and associated administrative rules.
- (b) A local government must provide information related to compliance with this requirement at Metro's request and as specified in administrative rules.

### **5.15.230 Business Service Standard**

- (a) Provide complete business solid waste collection services according to the standards specified in administrative rules; and
- (b) Provide solid waste outreach and education programs and materials to all business solid waste generators according to the standards specified in administrative rules.

### **5.15.240 Business Recycling Requirement**

- (a) A local government must:
  - (1) Adopt the business recycling requirement model ordinance or demonstrate that existing local government ordinances comply with the performance standard in Section 5.15.250 and the corresponding administrative rules.
  - (2) Establish a method for businesses to comply with the business recycling requirement model ordinance or local government ordinance; or
  - (3) Enter into an intergovernmental agreement with Metro that provides for Metro to establish a method for enforcing compliance by businesses with the business recycling requirement.
- (b) The local government must provide information related to the local government's implementation of the business recycling requirements at Metro's request and as specified in administrative rules.

### **5.15.250 Business Recycling Requirement Performance Standard**

The Chief Operating Officer will adopt administrative rules to address the business recycling requirement performance standard. The performance standard must include, without limitation, the following elements:

- (a) Businesses must:

- (1) Source-separate all recyclable paper, cardboard, glass and plastic bottles and jars, and aluminum and tin cans for reuse or recycling;
  - (2) Provide recycling receptacles for internal maintenance or work areas where recyclable materials may be collected, stored, or both; and
  - (3) Post accurate signs where recyclable materials are collected, stored, or both that identify the materials that the business must source-separate for reuse or recycling and that provide recycling instructions.
- (b) A local government must ensure that businesses comply with the business recycling requirement.
- (c) A local government may exempt a business from some or all of the business recycling requirement if:
- (1) The business provides access to the local government for a site visit; and
  - (2) The local government determines during the site visit that the business cannot comply with the business recycling requirement.

#### **5.15.260 Metro Enforcement of Business Recycling Requirement**

The Chief Operating Officer may execute an intergovernmental agreement with a local government to enforce business recycling requirement within its jurisdiction.

#### **5.15.270 Business Recycling Requirement Model Ordinance**

The Chief Operating Officer may adopt a business recycling requirement model ordinance for use by a local government. The model ordinance is advisory only.



## **GENERAL EDUCATION**

### **5.15.310 Purpose and Intent**

A local government must adopt and implement the general education standard as required by the Regional Waste Plan and as specified in this chapter and administrative rules. The education standard ensures a comprehensive and consistent level of garbage, recycling, composting, waste prevention and reuse education and assistance for all customers in the region.

### **5.15.320 Implementation and Compliance**

- (a) A local government must implement the education standard by adopting the provisions of Section 5.15.330 and associated administrative rules.
- (b) A local government must provide information related to compliance with this requirement at Metro's request and as specified in administrative rules.

### **5.15.330 General Education Standard**

The Chief Operating Officer will adopt administrative rules to implement the general education standard. The standard must require without limitation that a local government must:

- (a) Provide solid waste outreach and education programs and materials to all solid waste customers as set forth in administrative rule.
- (b) Provide annual information to customers about the components of their garbage and recycling collection rates.
- (c) Ensure implementation of all outreach and education programs required by state law.

## **BUSINESS FOOD WASTE REQUIREMENT**

### **5.15.410 Purpose and Intent**

The business food waste requirement provides an opportunity to increase recycling of food waste and to assist the Metro region to achieve waste reduction goals. Metro does not intend for this requirement to apply to food that is fit for human consumption and accepted for donation by a charitable organization or the use of food waste for animal consumption in compliance with applicable regulations. [Ord. No. 18-1418.]

### **5.15.420 Business Food Waste and Covered Businesses**

Business food waste is solid waste consisting of food waste removed from the food supply chain that is not fit for human or animal consumption. A covered business is a business that cooks, assembles, processes, serves, or sells food.

### **5.15.430 Business Food Waste Requirement**

A local government must require:

- (a) All covered businesses in its jurisdiction to source-separate business food waste for recovery;
- (b) All source-separated food waste from a covered business to be transported to a facility authorized by Metro to accept food waste; and
- (c) All persons, as defined by Metro Code Section 1.01.040(h), who provide space to a covered business to allow the source separation and collection of food waste at the place of business.

### **5.15.440 Business Food Waste Requirement Performance Standards**

The Chief Operating Officer will adopt administrative rules to address the business food waste requirement performance standards. The performance standards must include, without limitation, the following elements:

- (a) Provisions requiring that a local government:
  - (1) Notify covered businesses and waste haulers of the business food waste requirement;
  - (2) Require covered businesses and waste haulers to comply with the business food waste requirement;
  - (3) Provide education and technical assistance to covered businesses and waste haulers regarding the business food waste requirement; and
  - (4) Enforce the business food waste requirement.

- (b) Provisions requiring a local government to compel persons providing space to a covered business to allow for the source separation and collection of business food waste.

Metro may allow a local government to waive the business food waste requirement as to a specific business as provided in administrative rules.

#### **5.15.450 Temporary Waiver**

Metro may waive a local government's implementation of the business food waste requirement as specified in administrative rules. The term of a waiver may not exceed one year.

#### **5.15.460 Metro Enforcement of Business Food Waste Requirement**

The Chief Operating Officer may execute an intergovernmental agreement with a local government to enforce business food waste requirements within its jurisdiction.

#### **5.15.470 Business Food Waste Model Ordinance**

Metro may adopt a business food waste requirement model ordinance for use by the local government. The model ordinance is advisory only.