



Administration of Metro Code Chapter 5.10

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METRO

**SOLID WASTE
ADMINISTRATIVE PROCEDURE
(AND PERFORMANCE STANDARDS)**

**AP NO. 510
Section 1**

Policy and Legal Authority

1.1 Policy and Legal Authority

- 1.1.1 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.
- 1.1.2 All solid waste administrative procedure shall be subject to the authority of all other applicable laws, regulations or requirements in addition to those contained in this administrative procedure and performance standard.
- 1.1.3 Administrative procedures are adopted, as necessary, to implement the provisions of Metro Code Chapter 5.10 Regional Solid Waste Management Plan.
- 1.1.4 The purpose of administrative procedures and performance standards adopted herein is intended to protect and preserve the health, safety and welfare of the Metro residents; to protect and preserve the local environment, to implement cooperatively with federal, state and local agencies the Regional Solid Waste Management Plan; to provide a coordinated solid waste management plan to benefit all citizens of the District; and to reduce the volume and toxicity of waste disposed through source reduction, reuse, recycling, and composting.

(Effective)



METRO

**SOLID WASTE
ADMINISTRATIVE PROCEDURE
(AND PERFORMANCE STANDARDS)**

**AP NO. 510
Section 2**

Business Recycling Requirement

2.1 Policy and Legal Authority

These administrative procedures and performance standards are issued by the Chief Operating Officer pursuant to Metro Code 5.01.080.

(Effective)

2.2 Purpose

These administrative procedures and performance standards are issued by the Chief Operating Officer pursuant to Metro Code 5.01.080.

(Effective)

2.3 General

2.3.1 To implement the Business Recycling Requirement as set forth in Metro Code 5.10.310 and in these administrative procedures local governments shall:

2.3.1.1 By February 27, 2009, adopt the Metro model ordinance or demonstrate existing code complies with the Business Recycling Requirement.

2.3.1.2 By February 27, 2009, establish a local compliance program or enter into an intergovernmental agreement with Metro to perform the compliance function.

2.3.1.3 Apply for additional funding to support the implementation of the requirement if desired.

2.3.1.4 Report to Metro on information related to program adoption, implementation and performance as outlined in administrative procedures section 4.1.

2.3.2 Jurisdictions may apply for a timeline extension by submitting a written request to Metro.

2.3.3 Jurisdictions may apply for an exception to the Business Recycling Requirement in accordance with the procedures in Metro Code 5.10.140.

(Effective)

2.4 Business Recycling Requirement

2.4.1 Metro Code Chapter 5.10.330 outlines the following as the Business Recycling Requirement performance standard:

- 2.4.1.1 Businesses shall source separate all recyclable paper, cardboard, glass and plastic bottles and jars, and aluminum and steel (tin) cans for reuse or recycling;
- 2.4.1.2 Businesses and business recycling service customers shall ensure the provision of recycling containers for internal maintenance or work areas where recyclable materials may be collected, stored, or both; and;
- 2.4.1.3 Businesses and business recycling service customers shall 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.
- 2.4.1.4 Local governments shall establish a method for ensuring compliance with the Business Recycling Requirement.
- 2.4.1.5 A local government may exempt a business from some or all of the Business Recycling Requirement if:
 - 2.4.1.5.1 The business provides access to the local government for a site visit; and,
 - 2.4.1.5.2 The local government determines during the site visit that the business cannot comply with the Business Recycling Requirement.

(Effective)

2.5 Business Notice of the Business Recycling Requirement

2.5.1 Following ordinance adoption, local governments shall send notice to businesses that outlines the recycling requirements and how to receive assistance.

(Effective)

2.6 Local Government Enforcement of the Business Recycling Requirement

- 2.6.1 Local governments shall use enforcement authority to ensure business compliance with the Business Recycling Requirement. Local governments shall use education and technical assistance as the primary tools to achieve compliance.
- 2.6.2 The local governments may use Best Management Practices to measure business compliance. The local governments shall consider businesses in compliance with the Business Recycling Requirement if they acknowledge they have implemented these practices. The business shall:

- 2.6.2.1 Establish regularly scheduled recycling collection that may be provided by the franchised garbage and recycling hauler, a private recycling service or self-haul.
 - 2.6.2.2 Establish a two-container sort system: all materials may be mixed together, except for glass, which is to be collected separately.
 - 2.6.2.3 Locate internal recycling containers at least as conveniently as garbage containers and consistent with Metro Code 5.10.330. Businesses will generally provide for a recycling collection container at each employee work station and/or work area.
 - 2.6.2.4 Correctly label all interior and exterior recycling containers and provide accurate signs and instructions that identify the materials the business must recycle as set forth in Metro Code 5.10.330.
 - 2.6.2.5 Educate all employees and tenants about recycling and waste prevention at least once annually and provide training about waste prevention and recycling to new employees and tenants.
 - 2.6.2.6 Ensure that property management and janitorial/maintenance agreements enable businesses to meet waste prevention and recycling program goals and requirements.
- 2.6.3 The local government shall establish a method for ensuring business compliance with the Business Recycling Requirement in one of the following ways:
- 2.6.3.1 Adopt the compliance program as defined in the Business Recycling Requirement Model Ordinance.
 - 2.6.3.2 Enter into an intergovernmental agreement with Metro to enforce the Business Recycling Requirement or contract with another local government to conduct enforcement.
 - 2.6.3.3 Implement a locally-designed compliance method that follows one of the following models:
 - 2.6.3.3.1 Compliance is determined from information provided by franchised 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.
 - 2.6.3.3.2 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.

2.6.3.3.3 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.

(Effective) 2.6.3.4 Design an alternative compliance method and seek approval by Metro.

2.7 Metro Enforcement of Business Recycling Requirement

2.7.1 Upon establishment of an intergovernmental agreement with a local government under Metro Code Section 5.10.320, Metro shall perform the local government function to ensure compliance of the Business Recycling Requirement.

2.7.2 Local Government Identification of Non-Compliant Businesses

2.7.2.1 Local governments will identify non-compliant businesses through recycling service reports, complaints or other means.

2.7.2.2 Local governments will offer assistance to the non-compliant businesses.

2.7.2.3 Businesses that remain non-compliant after local government attempts to assist them will be referred to Metro for enforcement action using a non-compliance verification form provided by Metro.

2.7.3 Metro Enforcement Steps

2.7.3.1 Metro will provide a written non-compliance advisory letter to the business upon receipt of the local government referral. The advisory 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.

2.7.3.2 The 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 shall provide an additional opportunity to cure the violation within the time specified in the notice and shall 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.

2.7.3.3 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 shall include the information required by Metro Code Section 5.09.090. Metro shall 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 shall notify the local government of the assessment of fine. A local government representative will be available upon request to provide testimony for a contested case hearing.

(Effective)



Funding Guidelines

3.1 Funding Guidelines

- 3.1.1 Funding to support the implementation of the Business Recycling Requirement will be available to local governments upon adoption of the requirements by the Metro Council on September 18, 2008. It is Metro's intent to provide additional funding for the first four fiscal years of the Business Recycling Requirement, but funding after the first year will be determined by the Metro Council during the annual budget process.
- 3.1.2 Local governments may use funds for education, assistance, compliance, and enforcement efforts to implement the Business Recycling Requirement and expand the Recycle at Work program. Metro will review and approve the intended uses before distributing the funds.
- 3.1.3 Funding allocations will be based on the number of employees (according to the most recent state employment data) in the jurisdictions that adopt the ordinance.
- 3.1.4 Cities may elect to have funding distributed to their designated planning agency on their behalf. A designated planning agency is a county agency that is responsible for designing and implementing a waste reduction program, including Recycle at Work, on behalf of a city agency.
- 3.1.5 Recycle at Work intergovernmental agreements will be amended after local adoption of the requirements. To receive the additional funding, local governments must submit documentation of the ordinance, a revised Recycle at Work outreach plan, and compliance program description, and agree to reporting guidelines.
- 3.1.6 Funding associated with implementation of the Business Recycling Requirement and the Recycle at Work Program will be withheld from jurisdictions that are out of compliance with the Business Recycling Requirement. Jurisdictions, in the sole opinion of Metro, that are actively making good faith efforts to adopt the Business Recycling Requirement will remain eligible for associated funding. Metro will determine how any remaining unallocated funding will be utilized.

(Effective)



Reporting Requirements

4.1 Reporting Requirements

Local governments will provide the following documentation to Metro:

- 4.1.1 By March 15, 2009, a copy of the adopted ordinance or current code that is consistent with the performance standard as set forth in Metro Code Section 5.10.330.
- 4.1.2 By March 15, 2009, a written description of the local government compliance method consistent with Section 2.6 of these administrative procedures or signed intergovernmental agreement with Metro.
- 4.1.3 By March 15, 2009, a revised Recycle at Work Outreach Plan that incorporates: 1) description of how businesses will be notified of ordinance and 2) description of compliance approach.
- 4.1.4 Beginning in July 2009 and in subsequent years, a year-end report with the results, including number of businesses notified and number of compliance actions. Designated planning agencies may report on behalf of their cooperative cities.
- 4.1.5 Metro will provide appropriate reporting forms.

(Effective)



**SOLID WASTE
ADMINISTRATIVE PROCEDURE**
(AND PERFORMANCE STANDARDS)

**AP NO.
510
Section 5**

Regional Service Standard

5.1 Policy and Legal Authority

These administrative procedures and performance standards are issued by the Chief Operating Officer pursuant to Metro Code 5.01.080.

(Effective)

5.2 Purpose

These administrative procedures and performance standards are issued by the Chief Operating Officer pursuant to Metro Code 5.01.080.

(Effective)

5.3 General

5.3.1 To implement the Regional Service Standard as set forth in Metro Code 5.10.210, and as required by the RSWMP to ensure a comprehensive and consistent level of recycling service for the region, and in these administrative procedures, local governments shall:

5.3.1.1 By January 1, 2009, adopt and implement the Regional Service Standard as stated in Metro Code Section 5.10.230 (a) through (d) or adopt an alternative that meets the performance standard and is approved by Metro in accordance with Metro Code Section 5.10.240.

(Effective)

5.4 Regional Service Standard Requirement, Applicability, Exceptions, Reporting and Funding

5.4.1 Metro Code Chapter 5.10.230 outlines the following as the Regional Service Standard:

5.4.1.1 For single-family residences including duplexes through fourplexes, the local government shall:

- 5.4.1.1.1 Ensure provision of at least one recycling container to each residential customer.
 - 5.4.1.1.2 Ensure provision of weekly collection of all standard recyclable materials. Standard recyclable materials include newspaper, ferrous scrap metal, non-ferrous scrap metal, used motor oil, corrugated cardboard and kraft paper, aluminum, container glass, high-grade office paper, steel (tin) cans, yard debris, mixed scrap paper, milk cartons, plastic containers, milk jugs, phone books, magazines and empty aerosol cans.
 - 5.4.1.1.3 Ensure provision of a residential yard debris collection program that includes weekly on-route collection of yard debris for the production of compost from each residential customer or equivalent on-route collection of yard debris for the production of compost if granted approval for an alternative program under Metro Code Section 5.10.240.
- 5.4.1.2 For multifamily residences, defined as residential dwelling communities with five or more units, the local government shall ensure the provision of regular collection of standard recyclable materials (see 5.4.1.1.2. above), with the exception of used motor oil. Yard debris may also be exempted from collection provided that the property or its solid waste hauler can demonstrate one of the following to the local government:
- 5.4.1.2.1 Use of a landscape maintenance firm that delivers yard debris to a licensed facility for the production of compost.
 - 5.4.1.2.2 Appropriate on-site management of yard debris.
 - 5.4.1.2.3 Self-haul of yard debris to a licensed facility for the production of compost.
 - 5.4.1.2.4 No yard debris is generated on-site.
- 5.4.1.3 For businesses, the local government shall ensure the provision of regular collection of standard recyclable materials (see 2.4.1.1. above).
- 5.4.1.4 For education and outreach, the local government shall ensure provision of a recycling education and promotion program to all waste generators that supports the management of solid waste according to the waste reduction hierarchy as follows:

- 5.4.1.4.1 For all waste generators, local governments shall:
 - 5.4.1.4.1.1. Provide information regarding waste prevention, reusing, recycling, and composting, and;
 - 5.4.1.4.1.2. Participate in one community or media event per year to promote waste prevention, reuse, recycling or composting.
- 5.4.1.4.2 For single-family residences and businesses, local governments shall:
 - 5.4.1.4.2.1. For existing customers, provide education information at least four times a calendar year; and
 - 5.4.1.4.2.2. For new customers, provide a packet of educational materials that contains information listing the materials collected, the schedule for collection, the proper method of preparing materials for collection, and an explanation of the reasons to recycle.
- 5.4.1.4.3 For multifamily residences, local governments shall:
 - 5.4.1.4.3.1. Provide waste prevention, reduction and recycling educational and promotional information designed for and directed toward the residents of multifamily dwellings as frequently as necessary to be effective in reaching new residents and reminding existing residents of the opportunity to recycle, including the types of materials accepted and the proper preparation of the items; and
 - 5.4.1.4.3.2. Provide waste prevention, reduction and recycling educational and promotional information designed for and directed toward multifamily property owners and managers at least annually.

5.4.2 Applicability

- 5.4.2.1 The requirements of the Regional Solid Waste Management Plan’s Regional Service Standard apply to Clackamas, Multnomah and Washington counties in their entirety. The requirements of Metro Code Chapter 5.10 apply to the areas of those counties within the Metro jurisdictional boundary.

- 5.4.2.2 For the purposes of these Administrative Procedures, Urban Service Area is defined as all areas within the Metro Urban Growth Boundary and within the jurisdictional boundaries of all incorporated cities within Clackamas, Multnomah and Washington counties.
- 5.4.2.3 For the purposes of these Administrative Procedures, Rural Service Area is defined as all areas within the boundaries of Clackamas, Multnomah and Washington counties that are outside of the Metro Urban Growth Boundary or jurisdictional boundaries of incorporated cities.
- 5.4.3 Exceptions
 - 5.4.3.1 The requirement for provision of yard debris collection service under the Regional Service Standard applies only to the Urban Services Areas as defined in Administrative Rule Section 5.4.2.2.
 - 5.4.3.1.1. Local jurisdictions that do not require yard debris collection service to be provided in Rural Service Areas shall prohibit collection customers from placing yard debris in solid waste receptacles bound for disposal and prohibit solid waste haulers from knowingly collecting solid waste receptacles that contain more than de minimus amounts of yard debris.
- 5.4.4 Reporting
 - 5.4.4.1 Metro has been designated by the State as the reporting agency for local jurisdictions within and including Clackamas, Multnomah and Washington Counties. Local jurisdictions are to provide data to Metro to assist with this annual reporting responsibility.
 - 5.4.4.2 As part of regular Annual Reporting requirements, local jurisdictions must provide the information necessary for Metro to determine compliance with the Regional Service Standard.
 - 5.4.5.3 Metro will provide appropriate reporting forms.
- 5.4.5 Funding
 - 5.4.5.1 All local jurisdictions within and including Clackamas, Multnomah and Washington Counties are required to satisfactorily demonstrate compliance with the Regional Service Standard.
 - 5.4.5.2 Local jurisdictions that are out of compliance may not be eligible for associated program funding assistance from Metro.