



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 February 2, 2009)



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 5.10.080.

(Effective February 2, 2009)

2.2 Purpose

The Business Recycling Requirement provides an opportunity for businesses to work with local governments to provide recycling education, to create a consistent standard throughout the Metro region and to increase recycling, thereby assisting the Metro region in meeting recovery goals, conserving natural resources and reducing greenhouse gas emissions.

(Effective February 2, 2009)

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 A local government is exempted from the Business Recycling Requirement if there are fewer than 25 businesses and fewer than 100 individuals employed by businesses within the government's jurisdiction. Business and employee counts will be determined from State of Oregon employment data and/or information mutually agreed upon by Metro and a local government. Business is defined in section 5.10.010(b) of the Metro Code.

(Effective February 2, 2009; Amended November 18, 2009)

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 February 2, 2009)

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 February 2, 2009)

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.

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

(Effective February 2, 2009)

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 February 2, 2009)



METRO

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

**AP NO. 510
Section 3**

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, city agency or contracted agent 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 February 2, 2009; Amended September 2, 2011)



METRO

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

**AP NO. 510
Section 4**

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 February 2, 2009)



**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 5.10.080.

(Effective September 2, 2011)

5.2 Purpose

These administrative procedures are issued to implement provisions in Metro Code Chapter 5.10.210, 5.10.220 and 5.10.230.

(Effective September 2, 2011)

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 or 5.10.140.

(Effective September 2, 2011)

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

5.4.1 Metro Code Chapter 5.10.230 outlines the Regional Service Standard Requirement.

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 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 as specified in the Regional Service Standard, with the exception of used motor oil and yard debris. Collection of used motor oil is exempted entirely. Yard debris is exempted from collection only under the condition that one of the following yard debris management methods is used:
 - 5.4.2.2.1. Use of a landscape maintenance firm that delivers yard debris to a licensed facility for the production of compost.
 - 5.4.2.2.2. Appropriate on-site management of yard debris including practices such as composting, mulching or grasscycling.
 - 5.4.2.2.3. Self-haul of yard debris to a licensed facility for the production of compost.
 - 5.4.2.2.4. No yard debris is generated on-site.
- 5.4.2.3. For rural service areas, as defined by local jurisdictions for solid waste collection purposes, regular on-route collection of yard debris is exempted under the following conditions:
 - 5.4.2.3.1. At least annually, local jurisdictions shall distribute informational material to rural customers that provides, at a minimum, options for proper management of yard debris including instructions to not place yard debris in solid waste receptacles bound for disposal.
 - 5.4.2.3.2. Local jurisdictions shall notify Metro of any changes to the rural service area definition.

5.4.3 Exceptions

- 5.4.3.1. Except as provided in 5.4.2.2. and 5.4.2.3., local jurisdictions shall seek an exception from compliance with the Regional Service Standard as specified in Metro Code 5.10.140. The exceptions noted in section 5.4.2.2. and 5.4.2.3. are granted without the process specified in Metro Code Chapter 5.10.140.

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.

(Effective September 2, 2011)

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Solid Waste
Administrative Procedures

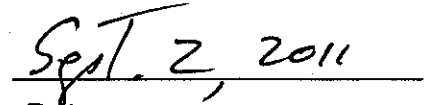
AP No. 510

Administrative of Metro Code Chapter 5.10
Administrative Procedure Adoption Record

These administrative procedures are published under the authority of Metro Code section 5.10.080, which directs the Chief Operating Officer to issue administrative procedures and performance standards governing the obligations under Chapter 5.10 and are in addition to all requirements and provisions in Metro Code Chapter 5.10.

Be it so ordered:


Daniel B. Cooper
Acting Metro Chief Operating Officer


Date