

CHAPTER 5.02

DISPOSAL CHARGES AND USER FEES

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5.02.010 Purpose

The purpose of this chapter is to establish solid waste disposal rates, charges and credit policies for the Metro South Station and the Metro Central Station and to establish the method for setting and administering appropriate fees and charges assessed

on solid waste generated within Metro or delivered to solid waste facilities regulated by or contracting with Metro.

(Ordinance No. 82-146, Sec. 1. Amended by Ordinance No. 88-257, Sec. 1; Ordinance No. 89-269, Sec. 2; Ordinance No. 90-337, Sec. 1; Ordinance No. 91-386C, Sec. 1; Ordinance No. 92-455B, Sec. 1; Ordinance No. 94-531, Sec. 1; Ordinance No. 98-720A, Sec. 1; Ordinance No. 02-974, Sec. 1.)

5.02.015 Definitions

For the purposes of this chapter unless the context requires otherwise the following terms shall have the meaning indicated:

(a) "Acceptable special wastes" means those special wastes that are approved for disposal at Metro South Station or Metro Central Station by the Metro Regional Environmental Management Department in the form of a special waste permit. Unacceptable waste, as defined in this section, is expressly excluded.

(b) "Cash account customer" means a person who pays cash for disposal of solid waste at Metro South Station or Metro Central Station.

(c) "Cleanup Material Contaminated By Hazardous Substances" means solid waste resulting from the cleanup of releases of hazardous substances into the environment, including petroleum contaminated soils and sandbags from chemical spills. Cleanup Material Contaminated By Hazardous Substances does not mean solid waste generated by manufacturing or industrial processes.

(d) "Commercial customer" means a person primarily engaged in the business of collection or transportation of solid waste who is authorized by any federal, state or local government to perform such collection or transportation.

(e) "Compost" shall have the meaning set forth in Section 5.01.010 of this Code.

(f) "Compostable Organic Waste" means organic wastes delivered in a single transaction at Metro Central Station or at Metro South Station in a form suitable for making Compost, notwithstanding the presence of incidental amounts or types of non-compostable materials.

(g) "Conditionally exempt generator" (CEG) means a Conditionally Exempt Small Quantity Generator as defined in 40 CFR 261.5 (2002).

(h) "Credit account customer" means a person who pays for disposal of solid waste through a charge account at Metro South Station or Metro Central Station.

(i) "Designated Facility" shall have the meaning assigned thereto in Metro Code Section 5.05.010.

(j) "Direct-haul disposal charge" means that fee which pays for the direct unit costs of disposal of solid waste under the disposal contract between Metro and Oregon Waste Systems, Inc. The Direct-haul Disposal Charge is levied on solid waste that is generated or originates within the Metro boundary and is delivered directly to Columbia Ridge Landfill under Metro's disposal contract with Oregon Waste Systems, Inc., by persons other than Metro. The Direct-haul Disposal Charge is equal to the disposal component of the Disposal Fee.

(k) "Disposal fee" means those fees which pay the direct unit costs of transportation and disposal of general purpose solid waste. Major cost components are the long haul transport contract and the Oregon Waste Systems, Inc., disposal contract.

(l) "Enhancement fees" means those fees collected in addition to general disposal rates that are used to pay for rehabilitation and enhancement projects in the areas immediately surrounding landfills and other solid waste facilities.

(m) "Facility Recovery Rate" means the percentage expressed by dividing the amount of tonnage recovered at a solid waste facility by the sum of the tonnage recovered at such facility plus the Processing Residual from such facility. As used in this subsection, "tonnage recovered at solid waste facilities" excludes Source Separated Recyclable Materials; Waste from industrial processes; and ash, inert rock, concrete, concrete block, foundry brick, asphalt, dirt, and sand.

(n) "Facility Retrieval Rate" means the percentage expressed by dividing the sum of all tonnage recovered at a solid waste facility, including all Source-Separated Recyclable Materials, by the sum of the tonnage recovered at such facility, including all Source-Separated Recyclable Materials, and the total solid waste destined for disposal from the facility.

(o) "Household hazardous waste" means any discarded, useless or unwanted chemical, material substance or product that is or may be hazardous or toxic to the public or the environment and is generated by households which may include, but is not limited to, some cleaners, solvents, pesticides, and automotive and paint products.

(p) "Limited purpose solid waste" means construction, demolition, process residue, land clearing waste and non-hazardous industrial dust.

(q) "Metro Central Station" is the Metro solid waste transfer and recycling station located at 6161 NW 61st Avenue, Portland, Oregon 97210.

(r) "Metro disposal system" means Metro South Station, Metro Central Station, Columbia Ridge Landfill and such other facilities, or contracts for service with Metro which transfer or cause solid waste to be disposed at the Columbia Ridge Landfill or other disposal facility.

(s) "Metro Facility Fee" means those fees which pay for direct management costs of the Metro disposal system and for capital items directly related to such facilities. This fee is imposed upon all solid waste delivered to Metro Central Station or the Metro South Station.

(t) "Metro South Station" is the solid waste transfer station owned and operated by Metro and located at 2001 Washington, Oregon City, Oregon 97045.

(u) "Metro waste management system" means all associated Metro solid waste services related to management of the whole recycling, processing and disposal system.

(v) "Non-commercial Customer" means a person who is not primarily engaged in the business of collection or transportation of solid waste and who is not authorized by any federal, state or local government to perform such collection or transportation.

(w) "Person" means any individual, partnership, association, corporation, trust, firm, estate, joint venture or any other private entity or any public agency.

(x) "Processing Residual" means the non-putrescible solid waste destined for disposal which remains after recyclable

materials have been removed from such non-putrescible solid waste.

(y) "Recoverable Solid Waste" means wood waste, yard debris, or tires, whether Source-Separated or commingled, and delivered in a single transaction at Metro Central Station or at Metro South Station in a form suitable for mechanical extraction of useful materials, notwithstanding the presence of incidental amounts or types of other contaminants.

(z) "Recyclable Material" has the meaning specified in ORS 459.005(19).

(aa) "Regional System Fee" means those fees which pay the cost of the Metro Waste Management System.

(bb) "Regional transfer charge" means those fees which pay the direct unit operating costs of the Metro transfer stations. This fee is imposed upon all solid waste delivered to Metro disposal system facilities.

(cc) "Regional transfer station" is a transfer facility that accepts putrescible and non-putrescible wastes from a wide variety of commercial and public users; and includes as ancillary activities: collection of household and conditionally exempt generator hazardous waste, recycling drop center, and resource recovery.

(dd) "Solid waste" means all putrescible and nonputrescible wastes, including garbage, rubbish, refuse, paper and cardboard, commercial, industrial, demolition and construction waste, home and industrial appliances.

(ee) "Solid Waste Disposal Transaction" means the usage of Metro transfer station disposal facilities, hazardous waste facilities, or household hazardous waste collection events, by a customer for the purpose of delivering for disposal a single load of solid or hazardous waste during a single visit from a single vehicle (whether or not accompanied by, or transporting, one or more trailers), and shall be determined to occur upon a customer's entrance to Metro transfer station facilities, hazardous waste facilities, or household hazardous waste collection event.

(ff) "Solid Waste System Facility" shall have the meaning assigned thereto in Metro Code Section 7.01.010.

(gg) "Source-Separate" has the meaning specified in ORS 459.005(26).

(hh) "Special waste" shall have the meaning assigned thereto in Metro Code Section 5.01.010.

(ii) "Transaction Charge" means that fee which, for each transaction, serves to pay for related scalehouse costs at the Metro transfer stations.

(jj) "Transfer Facility" means a solid waste disposal facility that receives solid waste primarily for reloading into different vehicles for transport to Metro South Transfer Station, Metro Central Transfer Station, a Metro licensed or franchised facility, or a Metro Designated Facility.

(kk) "Unacceptable waste" means waste that is either:

(1) Prohibited from disposal at a sanitary landfill by state or federal law, regulation, rule, code, permit or permit condition;

(2) Special waste without an approved special waste permit. The Chief Operating Officer may deny a special waste application if the special waste poses an unacceptable health and safety risk, or is likely to damage transfer station equipment.

(ll) "Waste" shall have the meaning set forth in Section 5.01.010 of this Code.

(Ordinance No. 82-146, Sec. 2. Amended by Ordinance No. 86-210, Sec. 1; Ordinance No. 88-257, Sec. 2; Ordinance No. 88-278, Sec. 1; Ordinance No. 89-269, Sec. 2; Ordinance No. 89-295, Sec. 1; Ordinance No. 90-337, Sec. 2; Ordinance No. 90-372, Sec. 1; Ordinance No. 91-386C, Sec. 2; Ordinance No. 92-455B, Sec. 1; Ordinance No. 92-473A, Sec. 1; Ordinance No. 93-482, Sec. 1; Ordinance No. 94-531, Sec. 2; Ordinance No. 95-597, Sec. 1; Ordinance No. 97-681B, Sec. 1; Ordinance No. 98-720A, Sec. 2; Ordinance No. 98-762C, Sec. 54; Ordinance No. 00-867, Secs. 1-2; Ordinance No. 00-873, Sec. 1; Ordinance No. 00-876A, Sec. 1; Ordinance No. 01-907A, Sec. 1; Ordinance No. 02-951B, Sec. 1; Ordinance No. 02-974, Sec. 1; Ordinance No. 06-1103, Sec. 1; Ordinance No. 07-1147B, Sec. 5.)

5.02.016 Scale Weights Required

All user fees or other fees submitted to Metro from any facility receiving solid waste generated within Metro shall be calculated on a tonnage basis using certified scale weights.

(Ordinance No. 82-146, Sec. 2. Amended by Ordinance No. 86-210, Sec. 1; Ordinance No. 88-257, Sec. 2; Ordinance No. 88-278, Sec. 1; Ordinance No. 89-269, Sec. 2; Ordinance No. 89-295, Sec. 1; Ordinance No. 90-337, Sec. 2; Ordinance No. 90-372, Sec. 1; Ordinance No. 91-386C, Sec. 2; Ordinance No. 91-404, Sec. 1; Ordinance No. 02-974, Sec. 1.)

5.02.020 Establishment of Disposal Fees and Charges; Procedures

(a) Purpose. The purpose of this section is to establish a consistent, predictable, open and transparent framework for the adoption of solid waste disposal fees and charges by Metro.

(b) Definitions. As used in this subsection, "rates" means any of Metro's solid waste fees or charges as set forth in Metro Code section 5.02.025 or 5.02.045. "Rate year" means a period of 365 consecutive days (366 leap year days) commencing from the date on which a rate becomes effective.

(c) Frequency. The Council shall consider rates annually and adopt changes as needed.

(d) Rate-Making Requirements; Independent Review. Each year the Chief Operating Officer shall prepare rates for consideration by the Council. Rates shall be regarded as provisional until transmitted to the Council pursuant to paragraph (e) of this section. In preparing provisional rates the Chief Operating Officer shall:

(1) Consider all sources and uses of funds that affect the Solid Waste Revenue Fund budget during the next rate year.

(2) Follow generally accepted practices for selection of methodologies, assumptions, requirements, and other technical factors that determine the rates.

(3) Incorporate rate criteria and policies adopted by resolution of the Council pursuant to paragraph (g) of this section.

(4) Submit the provisional rates to review by at least one independent expert. The reviewer shall test the provisional rates for accuracy, adequacy, the reasonableness of underlying assumptions, compliance with applicable law and requirements, consistency with adopted criteria of the Council, and any other criteria specified by the Chief Operating Officer

or recommended by the reviewer under generally accepted professional or best practices for rate review. The Chief Operating Officer shall provide the reviewer with access to the rate model, data, assumptions, criteria, and any other information that the Chief Operating Officer used to calculate the provisional rates. At the conclusion of his work, the reviewer shall deliver a written report to the Chief Operating Officer documenting the reviewer's findings, exceptions and recommendations.

(5) Perform any other forms of due diligence that the Chief Operating Officer finds necessary to meet the purpose of this section.

(e) Transmittal of Proposed Rates to the Council. Each year the Chief Operating Officer shall transmit to the Metro Council in ordinance form a set of proposed rates for consideration. Transmittal of the rates shall coincide with transmittal of the proposed budget by the Budget Officer. At the same time that he transmits the rates, the Chief Operating Officer shall transmit to the Metro Council:

(1) A report that documents the methodologies, data, assumptions, adopted criteria and the other factors that the Chief Operating Officer used to calculate the proposed rates including his response to the recommendations of the independent review; and

(2) The report of the independent review prepared pursuant to paragraph (d)(3) of this section.

(f) Public Review and Comment. The Council shall open public hearings on the proposed rates on a time line designed to coincide with public hearings on the proposed annual budget.

(g) Periodic Review of Rate Criteria and Policies. From time to time the Council shall undertake a review of its adopted rate criteria and policies. The purpose of these reviews shall be to assure that adopted criteria and policies reflect the purpose of this section, meet Metro's needs, support Metro's management of the regional solid waste system, and address any findings of the Council that result from the periodic review. The Chief Operating Officer shall initiate the first such periodic review on a time line designed to facilitate consideration by the Council before December 31, 2010. The Chief Operating Officer shall initiate subsequent periodic reviews no less frequently than every three years thereafter.

The Council may initiate, or the Chief Operating Officer may propose to initiate, a review of rate criteria or policies at any time.

(Ordinance No. 09-1223.)

5.02.025 Disposal Charges at Metro South Station & Metro Central Station

(a) The fee for disposal of solid waste at the Metro South Station and at the Metro Central Station shall consist of:

- (1) The following charges for each ton of solid waste delivered for disposal:
 - (A) A tonnage charge of \$58.35 per ton,
 - (B) The Regional System Fee as provided in Section 5.02.045,
 - (C) An enhancement fee of \$.50 per ton, and
 - (D) DEQ fees totaling \$1.24 per ton;
- (2) All applicable solid waste taxes as established in Metro Code Chapter 7.01, which excise taxes shall be stated separately; and
- (3) The following Transaction Charge for each Solid Waste Disposal Transaction:
 - (A) For each Solid Waste Disposal Transaction completed at staffed scales, the Transaction Charge shall be \$12.00.
 - (B) For each Solid Waste Disposal Transaction that is completed at the automated scales, the Transaction Charge shall be \$3.00.
 - (C) Notwithstanding the provisions of subsection (A), the Solid Waste Disposal Transaction Charge shall be \$3.00 in the event that a transaction that is otherwise capable of being completed at the automated scales must be completed at the staffed scales due to a physical site limitation, a limit or restriction of the computer operating system

for the automated scales, or due to a malfunction of the automated scales.

(b) Notwithstanding subsection (a) of this section,

- (1) There shall be a minimum solid waste disposal charge at the Metro South Station and at the Metro Central Station for loads of solid waste weighing 360 pounds or less of \$28, which shall consist of a minimum Tonnage Charge of \$16.00 plus a Transaction Charge of \$12.00 per Transaction.
- (2) The Chief Operating Officer may waive collection of the Regional System Fee on solid waste that is generated outside the District, and collected by a hauler that is regulated by a local government unit, and accepted at Metro South Station or Metro Central Station.

(c) Total fees assessed in cash at the Metro South Station and at the Metro Central Station shall be rounded to the nearest whole dollar amount, with any \$0.50 charge rounded down.

(d) The Director of Parks and Environmental Services may waive disposal fees created in this section for Non-commercial Customers of the Metro Central Station and of the Metro South Station under extraordinary, emergency conditions or circumstances.

(Ordinance No. 82-146. Amended by Ordinance No. 83-163, Sec. 2; Ordinance No. 85-191, Sec. 3; Ordinance No. 86-214, Sec. 3; Ordinance No. 88-257, Sec. 4; Ordinance No. 88-278, Sec. 3; Ordinance No. 89-269, Sec. 2; Ordinance No. 89-295, Sec. 3.; Ordinance No. 90-337, Sec. 4; Ordinance No. 90-372, Sec. 2; Ordinance No. 91-386C, Sec. 4; Ordinance No. 91-405A, Sec. 1; Ordinance No. 92-455B, Sec. 1; Ordinance No. 93-482, Sec. 2; Ordinance No. 94-531, Sec. 3; Ordinance No. 95-597, Sec. 2; Ordinance No. 97-681B, Sec. 2. Repealed by Ordinance No. 98-720A, Sec. 3; replaced by Ordinance No. 98-720A, Sec. 4. Amended by Ordinance No. 99-825A, Sec. 1; Ordinance No. 01-918A, Sec. 1; Ordinance No. 03-1000A, Sec. 1; Ordinance No. 04-1042A, Sec. 1; Ordinance No. 05-1080, Sec. 1; Ordinance No. 06-1118, Sec. 1; Ordinance No. 07-1146, Sec. 1; Ordinance No. 08-1186A, Sec. 1; Ordinance No. 09-1217A, Sec. 1; Ordinance No. 10-1237, Secs. 1 and 4; and Ordinance No. 11-1257A, Sec. 1.)

5.02.026 Source Separated Recyclable Disposal Charge Credit

Notwithstanding the provisions of Metro Code Section 5.02.025, Non-commercial customers at Metro South Station or Metro Central Station who dispose of source-separated recyclable material as

defined in ORS 459.005 shall receive a disposal charge credit in the amount of \$3.00 for disposing of fewer than 100 pounds of recyclables and in the amount of \$6.00 for 100 pounds or more of recyclables. Notwithstanding the provisions of this section, the Chief Operating Officer may designate source-separated recyclable materials that may be accepted from customers at no charge.

(Ordinance No. 98-720A, Secs. 5-6; Amended by Ordinance No. 04-1057, Sec. 1.)

5.02.027 Charges for Management of Household Hazardous Wastes

(a) There is hereby established a Household Hazardous Waste Management Charge that shall be collected on household hazardous waste accepted at Metro Hazardous Waste Facilities. Such Household Hazardous Waste Management Charge shall be in lieu of all other base disposal charges, user fees, regional transfer charges, rehabilitation and enhancement fees, and certification non-compliance fees that may be required by this chapter; and excise taxes required by Chapter 7.01.

(b) The Household Hazardous Waste Management Charge shall be \$5.00 for the first 35 gallons of household hazardous waste that is accepted in a single transaction in containers of 10 gallons capacity or less, and \$5.00 for each additional 35 gallons (or portion thereof) of household hazardous waste that is delivered in the same transaction in containers of 10 gallons capacity or less. These fees shall not be charged for acceptance of post-consumer architectural paint under the Oregon paint stewardship system established by Oregon HB3037.

(c) The Household Hazardous Waste Management Charge for household hazardous waste that is accepted in a container of greater than 10 gallons capacity shall be as follows:

- (1) \$5.00 for each empty container only;
- (2) \$10.00 for each container that contains up to 25 gallons of household hazardous waste;
- (3) \$15.00 for each container that contains more than 25 gallons of household hazardous waste.

(d) Each of the above charges may be waived by the Director of Parks and Environmental Services.

(Ordinance No. 98-720A, Secs. 7-8. Amended by Ordinance No. 01-907A, Sec. 2; Ordinance No. 04-1057, Sec. 2; Ordinance No. 07-1135, Sec. 1; Ordinance No. 07-1146, Sec. 2; and Ordinance No. 11-1257A, Sec. 4.)

5.02.028 Charges for Conditionally Exempt Generator Waste

(a) The amount charged for acceptance of Conditionally Exempt Generator ("CEG") waste from non-household sources shall be the actual disposal costs of such waste calculated from the current Metro contractor price schedules, Metro and/or contractor labor costs, all applicable excise taxes, and the cost of material utilized for managing the waste.

(b) Notwithstanding section (a), there shall be no charge for acceptance of:

- (i) Post-consumer architectural paint under the Oregon paint stewardship system established by Oregon HB3037.
- (ii) Hazardous waste generated at any facility operated by Metro.

(c) The Director of Parks and Environmental Services may waive charges established in this section in specific instances upon a finding that a waiver of such charges is in the public interest.

(Ordinance No. 98-720A, Secs. 9-10; and Ordinance No. 11-1257A, Sec. 5.)

5.02.029 Disposal Charge for Recoverable Solid Waste

(a) There is hereby established a Recoverable Solid Waste Disposal Charge that shall be collected on all Recoverable Solid Waste accepted at the Metro South Station or Metro Central Station.

(b) The Recoverable Solid Waste Disposal Charge shall be based on Metro's actual costs in managing Recoverable Solid Waste. The amount of the Recoverable Solid Waste Disposal Charge shall consist of a Recoverable Solid Waste Variable Charge as defined in this section and a Transaction Charge as defined in Section 5.02.025. The Recoverable Solid Waste Disposal Charge shall be in lieu of all other base disposal charges, user fees, regional transfer charges, rehabilitation and enhancement fees,

and certification non-compliance fees that may be required by of this chapter.

(c) The Variable Charge for Recoverable Solid Waste shall be the greater of:

(1) The highest price charged by private solid waste operators for similar Recoverable Solid Waste as reported quarterly in the Market Price Report published by Metro Recycling Information; or

(2) The sum of:

(i) The contractual price paid by Metro to any contract operator of Metro South Station and Metro Central Station for recovering and processing Recoverable Solid Waste;

(ii) An amount equal to \$1.10 per ton for deposit into the Renewal & Replacement Account; and

(iii) An amount equal to 21.6 percent of the Regional System Fee set forth in Metro Code Section 5.02.045.

(d) Notwithstanding subsection (b) of this section, there shall be a minimum charge for loads of Recoverable Solid Waste as established by the Director of the Regional Environmental Management Department.

(e) Notwithstanding any other provision of this section, the charge for the disposal of a single Christmas tree shall be the Transaction Charge as set forth in Metro Code Section 5.02.025.

(f) All Fees charged for disposal of Recoverable Solid Waste shall be clearly posted at Metro South Station and at Metro Central Station.

(Ordinance No. 98-720A, Secs. 11-12; Amended by Ordinance No. 06-1118, Sec. 2.)

5.02.030 Charges for Direct-Haul Disposal

Each facility licensed or franchised under Metro Code Chapter 5.01 and authorized to transport solid waste directly to the Columbia Ridge Landfill shall pay to Metro a per ton charge as provided in this section for the disposal of solid waste which

is generated or originates within the Metro boundary and which the facility directly transports to the Columbia Ridge Landfill.

For each ton disposed under this section during each calendar quarter, such direct haul disposal charge shall be equal to the sum of the total amount that Metro paid to its contract operator for disposal of solid waste during the previous calendar quarter divided by the sum of the number of tons of solid waste disposed by Metro at the Columbia Ridge Landfill during the previous calendar quarter and the number of tons of solid waste disposed under Direct-Haul authorization during the previous calendar quarter.

(Ordinance No. 98-720A, Secs. 13-14. Amended by Ordinance No. 99-823A, Sec. 1; Ordinance No. 01-913, Sec. 1.)

5.02.031 Special Waste Surcharge and Special Waste Permit Application Fees

(a) A special waste surcharge and a special waste permit application fee shall be collected on all special wastes disposed of at Metro facilities and on all special waste permit applications. The surcharge and fee shall be in addition to any other charge or fee established by this chapter. The purpose of the surcharge and permit application fee is to require disposers of special waste to pay the cost of services provided by Metro to manage special wastes. The surcharge and fee shall be applied to all special wastes.

(b) The special waste surcharge shall be determined by Metro's actual costs in managing special waste, which costs comprise: special handling costs, cleanup costs, and lab or testing costs. The special waste surcharge shall apply to all permitted special wastes and to all nonpermitted special wastes that Metro discovers at a Metro-operated facility that result in additional management costs not otherwise covered by, or incorporated within, any other Metro fee.

(c) The special waste permit application fee shall be \$25.00. This fee shall be collected at the time special waste permit applications are received for processing.

(d) The special waste surcharge and special waste permit application fee shall not apply to household hazardous waste accepted at Metro Hazardous Waste Facilities or Metro household hazardous waste collection events.

(Ordinance No. 98-720A, Secs. 15-16. Amended by Ordinance No. 01-907A, Sec. 3.)

5.02.035 Litter Control Surcharge

(a) A surcharge of \$25.00 per ton, up to a maximum amount of \$100.00, shall be levied against any customer who disposes of solid waste or a Recoverable Solid Waste at Metro Central Station or at Metro South Station if, when entering the facility, any portion of the customer's waste or Recoverable Solid Waste is unsecured and visible to Metro scalehouse personnel.

(b) No surcharge shall be levied under this section if the solid waste or Recoverable Solid Waste is only visible through a secure covering.

(c) Notwithstanding subsection (a) of this section, a surcharge of \$3.00 per Solid Waste Disposal Transaction shall be levied against any customer who disposes of a single load of solid waste or Recoverable Solid Waste that weighs 240 pounds or less and that is unsecured and visible to Metro scalehouse personnel.

(d) The surcharge provided for in this section shall be collected in the same manner as Metro collects all other disposal fees and charges at the facility.

(Ordinance No. 82-146, Sec. 6. Amended by Ordinance No. 89-269, Sec. 2; Ordinance No. 90-337, Sec. 5; Ordinance No. 91-397, Sec. 1; Ordinance No. 94-531, Sec. 4; Ordinance No. 97-681B, Sec. 3. Repealed by Ordinance No. 98-720A, Sec. 17; replaced by Ordinance No. 98-720A, Sec. 18; amended by Ordinance No. 01-898, Sec. 1; Ordinance No. 01-918A, Sec. 2; Ordinance No. 05-1080, Sec. 2; Ordinance No. 06-1118, Sec. 3.)

5.02.037 Disposal Charge for Compostable Organic Waste

(a) There is hereby established a Compostable Organic Waste Disposal Charge for Compostable Organic Waste that shall be collected on all Compostable Organic Waste accepted at the Metro South Station or Metro Central Station.

(b) The Compostable Organic Waste Disposal Charge shall be Metro's actual costs for managing Compostable Organic Waste, based on the contractual price expressed on a per-ton basis paid by Metro to any contract operator of Metro South Station and Metro Central Station for managing Compostable Organic Waste.

(c) In the event that no agreement is reached between Metro and its contract operator for managing Compostable Organic Waste pursuant to subsection (b) above, the Compostable Organic Waste Disposal Charge shall be the sum of the following costs:

- (1) The price per ton for accepting, reloading and managing Compostable Organic Waste between Metro and its contract operator; or in the event there is no such contractual rate, the sum of the amount of the average per-ton rate for accepting, managing and reloading municipal solid waste between Metro and its contract operator, plus \$0.75 per ton; and
- (2) The transport, processing and composting charges for Compostable Organic Waste paid by Metro or its contract operator to a composting facility operator, expressed on a per-ton basis; and
- (3) The cost of materials utilized at Metro Central Station and Metro South Station for managing the Compostable Organic Waste, expressed on a per-ton basis.

(d) The Compostable Organic Waste Disposal Charge shall be in lieu of all other base disposal charges, transaction fees, user fees, regional transfer charges, rehabilitation and enhancement fees, and certification non-compliance fees that may be required by this chapter.

(e) Any proposed increase of the Compostable Organic Waste Disposal Charge that would result in a charge that exceeds the amount which the Council approved by more than 10 percent shall be subject to review under Metro Code Section 2.19.170 and shall require the approval of the Metro Council.

(f) Notwithstanding subsections (b) and (c) of this section, the Director of the Solid Waste and Recycling Department may establish a minimum charge for loads of Compostable Organic Waste.

(Ordinance No. 00-876A, Secs. 2-3. Amended by Ordinance No. 04-1036, Sec. 2.)

(5.02.040 Disposal Fees. Repealed Ord. 94-531 § 5)

5.02.045 Regional System Fees

(a) The Regional System Fee shall be \$17.64 per ton of solid waste, prorated based on the actual weight of solid waste at issue rounded to the nearest one-hundredth of a ton.

(b) Any waste hauler or other person transporting solid waste generated, originating, or collected from inside the Metro region shall pay Regional System Fees to Metro for the disposal of such solid waste. Payment of applicable system fees to the operator of a Designated Facility shall satisfy the obligation to pay system fees, provided that, if such solid waste is transported to a Designated Facility outside of the Metro region, then such waste hauler or other person must have informed the operator of the Designated Facility that the solid waste was generated, originated or collected inside the Metro region. In any dispute regarding whether such waste hauler or other person informed such operator that the solid waste was generated, originated, or collected inside the Metro region, such waste hauler or other person shall have the burden of proving that such information was communicated.

(c) Designated Facility operators shall collect and pay to Metro the Regional System Fee for the disposal of solid waste generated, originating, collected, or disposed of within Metro boundaries, in accordance with Metro Code Section 5.01.150.

(d) When solid waste generated from within the Metro boundary is mixed in the same vehicle or container with solid waste generated from outside the Metro boundary, the load in its entirety shall be reported at the disposal site by the generator or hauler as having been generated within the Metro boundary, and the Regional System Fee shall be paid on the entire load unless the generator or hauler provides the disposal site operator with documentation regarding the total weight of the solid waste in the vehicle or container that was generated within the Metro boundary and the disposal site operator forwards such documentation to Metro, or unless Metro has agreed in writing to another method of reporting.

(e) System fees described in this Section 5.02.045 shall not apply to exemptions listed in Section 5.01.150(b) of this Code.

(Ordinance No. 82-146, Sec. 8. Amended by Ordinance No. 85-191, Sec. 4; Ordinance No. 86-214, Sec. 4; Ordinance No. 88-257, Sec. 6; Ordinance No. 88-278, Sec. 4; Ordinance No. 89-269, Sec. 2; Ordinance No. 90-337, Sec. 6; Ordinance No. 90-351, Sec. 1; Ordinance No. 90-372, Sec. 3; Ordinance No. 91-

386C, Sec. 6; Ordinance No. 92-455B, Sec. 1; Ordinance No. 94-531, Sec. 6; Ordinance No. 97-681B, Sec. 4. Repealed by Ordinance No. 98-720A, Sec. 19; replaced by Ordinance No. 98-720A, Sec. 20. Amended by Ordinance No. 99-823A, Sec. 2; Ordinance No. 00-867, Sec. 3; Ordinance No. 01-918A, Sec. 3; Ordinance No. 03-1000A, Sec. 2; Ordinance No. 04-1042A, Sec. 2; Ordinance No. 05-1080, Sec. 3; Ordinance No. 06-1103, Sec. 2; Ordinance No. 06-1118, Sec. 4; Ordinance No. 07-1146, Sec. 3; Ordinance No. 08-1186A, Sec. 2; Ordinance No. 09-1217A, Sec. 2; Ordinance No. 10-1237, Secs. 2 and 4; and Ordinance No. 11-1257A, Sec. 2.)

(5.02.046 Special Findings for Regional System Fee Credits. Repealed Ord. 07-1147B, effective 7/01/09)

5.02.047 Regional System Fee Credits

Any person delivering Cleanup Material Contaminated by Hazardous Substances that is derived from an environmental cleanup of a nonrecurring event, and delivered to any Solid Waste System Facility authorized to accept such substances shall be allowed a credit in the amount of \$15.14 against the Regional System Fee otherwise due under Section 5.02.045(a) of this Chapter.

(Ordinance No. 98-720A, Secs. 21-22. Amended by Ordinance No. 98-762C, Sec. 55; Ordinance No. 99-805, Sec. 1; Ordinance No. 99-823A, Sec. 3; Ordinance No. 00-858, Sec. 1; Ordinance No. 00-867, Sec. 4; Ordinance No. 00-873, Sec. 2; Ordinance No. 01-897, Sec. 1; Ordinance No. 01-919B, Sec. 4; Ordinance No. 02-951B, Sec. 2; Ordinance No. 02-974, Sec. 1; Ordinance No. 03-1000A, Sec. 3; Ordinance No. 04-1042A, Sec. 3; Ordinance No. 06-1118, Sec. 5; Ordinance No. 07-1146, Sec. 4; Ordinance No. 07-1147B, Sec. 7; Ordinance No. 08-1186A, Sec. 3; Ordinance No. 09-1217A, Sec. 3; Ordinance No. 10-1237, Secs. 3-4; and Ordinance No. 11-1257A, Sec. 3.)

(5.02.050 Regional Transfer Charge. Repealed Ord. 94-531 § 7)

5.02.055 Remittance to Metro of Fees and Other Charges

(a) Fees and charges owed to Metro by any person pursuant to this Chapter shall constitute a debt owed to Metro, and such debt shall be extinguished only by payment of such fees and charges to Metro as provided in this section. Franchisees and other operators of Designated Facilities shall remit fees and charges other than excise taxes to Metro as specified in this section. In addition, waste haulers and other persons liable for the payment of user fees as provided in Metro Code Section 5.02.045(b) shall remit fees and charges other than excise taxes to Metro as specified in this section.

(b) Fees shall accrue on a monthly basis and shall be remitted to Metro by the 15th day of the month for waste

disposed of in the preceding month. Fees and other charges will be delinquent if not received by Metro on or before the due date, either by personal delivery to the Metro Department of Administrative Services during business hours or, if delivered by mail, by receipt in Metro's mail room on or before the due date. If the due date falls on a holiday or weekend, amounts are delinquent at the end of the first business day that follows.

(Ordinance No. 93-509, Sec. 3. Amended by Ordinance No. 94-533, Sec. 1; Ordinance No. 97-681B, Sec. 5; Ordinance No. 98-720A, Sec. 23; Ordinance No. 06-1103, Sec. 3.)

5.02.060 Account Policy at Metro Solid Waste Disposal Facilities

(a) Disposal charges, including all fees and taxes, may be paid at the time of disposal in cash, by credit card, or by check, or may be paid under Metro's credit policy. No credit shall be granted to any person prior to approval of a credit application in a form or forms provided by Metro.

(b) Metro's Chief Operating Officer shall establish and maintain appropriate account requirements for new and existing accounts, which requirements shall be designed to diminish Metro's risk of loss due to nonpayment. Existing account holders may be required to make new application for credit or provide additional guarantees, as deemed necessary or prudent by the Chief Operating Officer.

(c) Account charges shall accrue on a monthly basis. Metro will mail statements on or about the 10th day of the month for disposal services rendered in the prior month. A statement must be paid no later than the last business day of the month in which it is mailed; the statement will be considered past due thereafter. A payment shall under no circumstances be considered received by Metro unless it is delivered personally to the Metro Department of Finance and Administrative Services during business hours or, if delivered by mail, received in Metro's mail room on or before the due date.

(d) A finance charge in the amount of the greater of \$25.00 or 1.5 percent of the sum of all past due charges shall be assessed on all unpaid, past due charges commencing as of the 15th day of the month following the month in which a statement is mailed, and continuing on the 15th day of each month thereafter until paid. Finance charges will be assessed only on

unpaid past due balances, and not on previously assessed finance charges. Finance charges will continue to be assessed on negotiated repayment schedules. Payments will be applied first to finance charges and then to the oldest amount past due. In addition to any other finance charge or fee, any account that has been forwarded to any collection agency for collection will also be charged a collection fee in the amount of 30 percent of the past-due balance owing at the time of collection.

(e) An account that is 15 days past due, as defined in 5.02.060(c), may be placed on a cash only basis, until all past due disposal and finance charges are paid. An account that has been placed on a cash only basis more than twice during any 12-month period may be closed. Facility access may be denied to a person whose account is past due and unpaid for 30 days. A decision to place an account on a cash only basis or deny facility access shall be at the discretion of the Chief Financial Officer.

(f) An account customer that sells, terminates, or makes a substantial change in the scope of its business after its application for credit has been approved must notify Metro immediately. Failure to provide the notice required by this subsection may result in termination of credit at Metro facilities pending reapplication for credit.

(g) The Department of Finance and Administrative Services may adjust accounts receivable and reverse finance charges in accordance with prudent credit practices. Adjustments over \$1,000.00 shall be reported to the Council in writing on a monthly basis.

(h) The Chief Operating Officer may end pursuit of an account receivable, consistent with prudent credit practices, when the likelihood of collecting does not justify further collection costs. Such action shall be reported to the Council in writing on a monthly basis when the amount exceeds \$1,000.00, and amounts over \$10,000.00 shall require Council approval.

(Ordinance No. 82-146, Sec. 11. Amended by Ordinance No. 90-350; Ordinance No. 91-386C, Sec. 8; Ordinance No. 92-455, Sec. 1. Repealed and re-established by Ordinance No. 93-504A. Amended by Ordinance No. 97-681B, Sec. 6; Ordinance No. 98-720A, Sec. 24; Ordinance No. 01-913, Sec. 2; Ordinance No. 02-974, Sec. 1; Ordinance No. 04-1049, Sec. 1.)

(5.02.065 Special Waste Surcharge and Special Waste Permit Application Fees; Conditionally Exempt Generator Waste. Repealed Ord. 98-720A § 25)

(5.02.070 Source Separated Yard Debris Disposal Charge. Repealed Ord. 98-720A § 25)

5.02.075 Special Exemption from Disposal Fees

(a) The Chief Operating Officer may issue on such terms as the Chief Operating Officer finds appropriate a special exemption permit to a public agency, local government, or qualified non-profit entity as specified in Code Section 5.07.030(a), (b), (d) and (j) for the purpose of waiving fees for disposal of solid waste generated within the Metro region.

(b) Commencing in Metro fiscal year 2007-08 and in each fiscal year thereafter, the Chief Operating Officer shall provide the Metro Council with an annual report showing (1) the amount of solid waste recycled and disposed under the special exemption permits granted by the Chief Operating Officer during such fiscal year; and (2) the total expenditures arising from the exemption permits granted.

(Ordinance No. 94-531, Sec. 9. Amended by Ordinance No. 97-681B, Sec. 8; Ordinance No. 02-974, Sec. 1; Ordinance No. 06-1099B.)

(5.02.085 Out-of-District Waste. Repealed Ord. 98-720A § 25)