

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO )  
CODE CHAPTER 5.01 TO ESTABLISH )  
LICENSING REQUIREMENTS FOR CERTAIN )  
FACILITIES THAT RECEIVE AND PROCESS )  
SOURCE-SEPARATED RECYCLABLE )  
MATERIALS AND MAKE HOUSEKEEPING )  
CHANGES )

ORDINANCE NO. 17-1411  
Introduced by Chief Operating Officer Martha  
Bennett in concurrence with Council  
President Tom Hughes

WHEREAS, the Metro Solid Waste Code is set forth in Title V of the Metro Code; and

WHEREAS, Metro Solid Waste Code Chapter 5.01 contains the requirements for Solid Waste Facility Regulation, including regulation of material recovery facilities; and

WHEREAS, Metro has previously exempted from regulation those material recovery facilities that exclusively receive non-putrescible source-separated recyclable materials that are collected through a curbside residential or commercial collection program; and

WHEREAS, collection methods, material composition, and market conditions for non-putrescible source-separated recyclable materials have changed significantly since Metro established the previous regulatory exemption; and

WHEREAS, these significant changes have increased the potential for material degradation, as well as the potential for adverse impacts from the facilities on neighboring communities; and

WHEREAS, the various amendments to Chapter 5.01 include removing licensing exemptions for certain material recovery facilities that receive non-putrescible source-separated recyclable materials that are collected through a curbside residential or commercial collection program; and

WHEREAS, staff engaged in extensive public outreach regarding these proposed Code changes, including presentations to the Solid Waste Alternatives Advisory Committee (SWAAC) on multiple occasions and a 60-day public comment period that closed on July 14, 2017; and

WHEREAS, on August 9, 2017, staff presented to SWAAC both the public's comments and staff's responses to those comments, whereupon SWAAC recommended presenting the proposed Code changes to the Metro Council for consideration; and

WHEREAS, the proposed amendments to Chapter 5.01 also include non-substantive housekeeping changes to delete references to requirements that are no longer effective, correct misnumbered cross-references, and clarify when certain documents and payments are due; and

WHEREAS, the Metro Council finds that these amendments to Metro Code Chapter 5.01 will further the goals of the agency and better protect the environment and the public's health; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Metro Code Chapter 5.01 is amended as set forth in the attached Exhibit A.

ADOPTED by the Metro Council this \_\_\_\_ day of October 2017.

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Tom Hughes, Council President

Attest:

Approved as to Form:

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Nellie Papsdorf, Recording Secretary

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Alison R. Kean, Metro Attorney