

BUSINESS FOOD WASTE REQUIREMENT POLICY UPDATE

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Department: Property & Environmental
Services
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ISSUE STATEMENT

The purpose of this presentation is to update Council on the following:

1. The status of implementing the Business Food Waste Requirement (Ordinance 18-1418) including local government compliance and potential policy options to ensure full regional compliance and implementation.
2. Business food waste processing infrastructure development at Metro Central Station and partnership with City of Portland.

ACTION REQUESTED

Policy direction from Council regarding regional compliance and adoption of the food waste disposal prohibition ordinance.

IDENTIFIED POLICY OUTCOMES

Resolution 18-4864 directs staff to develop a business food waste disposal prohibition ordinance and present to Council for consideration by December 2019. While the effective date of the disposal prohibition has not been decided, the staff report that accompanied Resolution 18-4864 conveyed an intent to implement the policy no earlier than January 2025.

Staff has also been working to develop local, stable processing capacity for the collected business food waste. The Property & Environmental Services department has completed an engineering review of Metro Central Station and is in the process of completing a Memorandum of Understanding with the City of Portland's Columbia Boulevard Wastewater Treatment Facility to accept food waste slurry for digestion and energy production by 2022. This partnership has the benefit of utilizing existing public infrastructure and investments.

POLICY QUESTION(S)

Ordinance 18-1418 requires local governments to adopt and implement a business food waste separation and collection program. Of the 21 jurisdictions required to adopt the food waste requirement, 16 have adopted, two have been granted extensions, one initially rejected the policy but plans to reconsider, and two have been non-responsive. In order to accomplish the goal of a stable system and a consistent regional program available to all

subject businesses, all of the 21 jurisdictions need to be in compliance with the requirement by the end of 2019.

Aside from the financial penalties already outlined in Administrative Rule,

1. What is Council's preferred effective date for the business food waste disposal prohibition?
2. Do you want to pursue any additional remedies?

POLICY OPTIONS FOR COUNCIL TO CONSIDER

Option	Opportunities	Challenges
Accelerate disposal prohibition effective date	<p>May accelerate local adoption and allow funding to be restored</p> <p>Disposal prohibition was already planned and is supported by most local governments, however the effective date was assumed to be no earlier than January 2025</p>	<p>Challenging to develop the system protocols for implementation, effective and equitable enforcement and an appropriate public process in a short timeframe</p> <p>The majority of local governments already in compliance may be unnecessarily penalized by a compressed timeline</p>
Consider other financial, programmatic or legal penalties	May accelerate local adoption and allow funding to be restored	May detrimentally affect other public programs and services unrelated to food waste

Metro provides a significant amount of solid waste-related programmatic assistance and discretionary funds to local governments. Council could consider limiting or eliminating access to these programs to local governments that are not in compliance with Metro Code or the Regional Waste Plan. These include:

- Community enhancement program funding in Oregon City and Sherwood
- RID Patrol illegal dumpsite cleanup and camp cleanup
- Household Hazardous Waste collection events
- Disposal vouchers
- Innovation & Investment grants

Staff would need to further explore these policy options in partnership with OMA to determine feasibility as well as potential unintended consequences.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

Relationship to Metro's Regional Waste Plan:

- **Goal 6:** Reduce product environmental impacts and waste through educational and behavioral practices related to prevention and better purchasing choices.
 - **Action 6.5:** Assist households and businesses in the adoption of practices that prevent the wasting of food and other high-impact materials

- **Goal 8:** Increase the reuse, repair and donation of materials and consumer products.
 - **Action 8.1:** Support efforts to ensure that surplus edible food desired by agencies serving communities experiencing hunger in the region is made available to them.

- **Goal 10:** Provide regionally consistent services for garbage, recyclables and other priority materials that meet the needs of all users.
 - **Action 10.1:** Provide comprehensive collection services and supporting education and assistance for source-separated recyclables, source separated food scraps and garbage, in compliance with state, regional and local requirements, including the Regional Service Standard, Business Recycling Requirement and Business Food Waste Requirement in Metro Code.

Support for climate goals:

- Landfills are significant emitters of methane, and food scraps are a primary contributor to the production of methane in landfills.
- Currently, food represents the single largest component of the region's disposed waste stream (18%).
- Methane is a very potent greenhouse gas—28 to 36 times that of CO₂ over a 100-year period.
- Methane emitted today lasts a decade on average, which is much less time than CO₂, however methane absorbs much more energy than CO₂. The net effect of the shorter lifetime and higher energy absorption is reflected in methane's much higher global warming potential.
- Methane also accounts for some indirect effects; it is a precursor to ozone, and ozone is itself a potent greenhouse gas.
- The goal of collecting food scraps is to capture the environmental and economic benefits of turning that material into useful products, creating energy and supporting agriculture while reducing the negative environmental impacts associated with disposal.

Reducing food waste is not just a local issue. Project Drawdown, a world-class research project that measures and models the 100 most substantive and achievable solutions that exist today to stop global warming and reach drawdown (the point when greenhouse gas levels in the atmosphere start to decline).

- Of the top 20 global solutions, eight are in the food sector.
- The third most impactful climate solution is to reduce food waste.

Legal Antecedents

- *Metro Ordinance No. 18-1418*
- *Metro Resolution No. 18-4864*

BACKGROUND

In 2014, the Metro Council reviewed the region's current business food scraps recovery efforts and staff introduced potential paths forward to ensure that the region has a stable and sustainable food scraps transfer and processing system for the long term. At that time, the Council confirmed its desire to increase the region's recovery of food scraps and its wish to process those food scraps in or as close to the region as possible.

The Council determined that in order to increase food scraps recovery and attract stable, local processing capacity, the region should:

1. Require certain businesses to separate their food scraps for recovery and eventually prohibit the landfill disposal of food from businesses.
2. Determine how to efficiently collect and deliver food scraps for processing.
3. Secure local and stable processing capacity.

Collection

To address the goal of required food waste separation, the Metro Council adopted the Business Food Waste Requirement (Ordinance 18-1418) in July 2018. To comply with this policy, a local government must do one of two things: (1) adopt a legally-enforceable mechanism that meets Metro's performance standard; or (2) adopt the Business Food Waste Requirement Model Ordinance no later than July 31, 2019. Under Metro Code section 5.10.430, local governments must require (1) covered businesses in their jurisdiction to source separate and recover business food waste; (2) delivery of collected food waste to a facility authorized by Metro; and (3) persons, as defined by Metro Code section 1.01040(h), who provide space to a covered business to allow the source separation and collection of food waste.

The policy requires city and county governments, which oversee the collection of garbage and recycling, to ensure that food scraps collection services are available to businesses in their communities. Implementation is phased according to the following schedule:

- Beginning on March 31, 2020, businesses that create 1,000 pounds or more of food scraps (the equivalent of four 60-gallon roll carts) per week will be required to separate their food scraps for collection.
- Beginning on March 31, 2021, businesses that create 500 pounds or more of food scraps (the equivalent of two 60-gallon roll carts) per week will be required to separate their food scraps for collection.
- Beginning on Sept. 30, 2022, businesses that create 250 pounds or more of food scraps (the equivalent of one 60-gallon roll cart) per week, along with K-12 schools, will be required to separate their food scraps for collection.

Businesses that create less than 250 pounds of food scraps per week will not be required to separate their food scraps from their garbage, but they may do so voluntarily.

Twenty-one jurisdictions in the region are subject to this requirement. As of October 15, 2019, 16 have adopted a policy that complies with Metro Code and Administrative Rule, two have been granted extensions, one initially rejected the policy but has chosen to reconsider, and two have been non-responsive.

In a parallel process, the Metro Council also adopted Resolution No. 18-4864 in July 2018 which directs staff to develop an ordinance prohibiting the landfill disposal of business food waste and present the policy to Council for consideration by December of 2019.

Processing

Staff has also been working to develop local, stable processing capacity for the collected food waste. In early 2016, Metro issued the first of a 2-part solicitation for a new processing facility, located within a reasonable distance (100 miles or less) of Portland, to manage up to 50,000 tons per year of food scraps from businesses. Waste Management's proposal was preferred over five others. Despite a nine-month negotiation effort, representatives from Metro and Waste Management could not reach agreement on costs per ton, risk allocation and other considerations and the procurement was canceled in November 2018.

Currently, the region's food waste is composted at two facilities about 60 miles south of Portland: Pacific Region Compost and NW Greenlands. While these facilities can and will continue to process some of the region's food waste, the goal of keeping both the benefits and the burdens of this material inside the region is not being realized. To achieve that objective as well as utilize existing public infrastructure investments, keep costs low and public benefits high, staff is in the process of designing and installing a system to pre-process food waste at the Metro Central Transfer Station.

In partnership with the City of Portland Columbia Boulevard Wastewater Treatment Facility and the Energy Trust of Oregon Metro staff is exploring technologies that would create a slurry that can then be delivered to wastewater treatment plants or other facilities for digestion and the generation of energy. An initial engineering feasibility study for Metro Central Station has been completed and Metro staff has visited facilities in California, Pennsylvania and Massachusetts that are currently using these processes in partnership with their wastewater authorities.

Metro is working with the City of Portland wastewater facility first, and has had discussions with other regional wastewater service providers (Gresham, Durham, Clackamas County) that have "biogas to energy" production facilities and have expressed interest in accepting material in the future. The goal is a public partnership that utilizes existing public investments and infrastructure. Metro and the City of Portland are currently developing a Memorandum of Understanding to define roles, responsibilities and communication agreements moving forward. Energy produced at the treatment plant from the region's food waste will be used to fuel vehicles or will be injected into natural gas pipelines.

ATTACHMENTS

1. Ordinance No. 18-1418 For the Purpose of Amending Metro Code Chapter 5.10 to Establish a Business Food Waste Requirement
 2. Administrative Rule 5.10-4000 through 4085 Business Food Waste Requirement
 3. Resolution No. 18-4864 Requiring Metro Staff to Develop Policy, Ordinance and Rule that Prohibits the Landfill Disposal of Commercially-Derived Food Waste Generated in the Region
- Is legislation required for Council action? Yes No