

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF SUSPENDING THE)	ORDINANCE NO. 17-1416
REQUIREMENT TO PAY REGIONAL SYSTEM)	
FEE AND EXCISE TAX ON CERTAIN NON-)	Introduced by Chief Operating Officer Martha
PUTRESCIBLE SOURCE-SEPARATED)	Bennett in concurrence with Council
RECYCLABLE MATERIALS WITHOUT A)	President Tom Hughes
VIABLE MARKET AND DECLARING AN)	
EMERGENCY)	

WHEREAS, Metro Code Section 5.02.120 requires payment of a regional system fee to Metro for the disposal of solid waste; and

WHEREAS, Metro Code Section 7.01.020 requires payment of an excise tax to Metro for the disposal of solid waste; and

WHEREAS, the Metro Council finds that there has been a substantial change in certain recycling markets, especially related to China’s tightening of acceptance standards and refusal to accept certain recyclable material from the United States after January 1, 2018; and

WHEREAS, the Metro Council finds that where there is no viable market for certain non-putrescible source-separated recyclable materials, disposal of the materials on a temporary basis is in the public interest; and

WHEREAS, the Metro Council finds that it is in the public’s best interest to suspend the requirement for haulers and material recovery facilities to pay the regional system fee and excise tax on materials that were collected as source-separated recyclable materials but that no longer have a viable market; and

WHEREAS, the Metro Council intends for the suspension of the requirement to pay regional system fee and excise tax to apply only to those haulers and material recovery facilities that collect or accept non-putrescible source-separated recyclable materials; now therefore

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The requirement to pay regional system fee and excise tax on non-putrescible source-separated recyclable materials that have no viable market is hereby suspended from the date of this Ordinance through May 6, 2018.
2. The Chief Operating Officer will develop an interim solid waste administrative rule under Metro Code Section 5.01.280(g) to identify the circumstances in which Metro may suspend the requirement for a hauler or a facility to pay regional system fee under Metro Code Section 5.02.120.
3. The interim solid waste administrative rule the Chief Operating Officer develops in (2) above also will apply to identify the circumstances in which Metro may suspend the requirement for a hauler or a facility to pay excise tax under Metro Code Section 7.01.020.

4. This Ordinance is necessary for the health, safety, and welfare of the Metro area and an emergency is declared to exist, and this Ordinance shall take effect immediately, pursuant to Metro Charter Section 38(1).

ADOPTED by the Metro Council this ____ day of _____, 2017.

Tom Hughes, Council President

Attest:

Approved as to Form:

Nellie Papsdorf, Recording Secretary

Alison R. Kean, Metro Attorney