

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO )      ORDINANCE NO. 24-1508  
CODE SECTION 5.05.055 TO ALLOW THE )  
DISPOSAL OF CLEANUP MATERIAL AT A )      Introduced by Chief Operating Officer  
LIMITED CAPACITY LANDFILL UNDER )      Marissa Madrigal in concurrence with  
CERTAIN CONDITIONS )      Council President Lynn Peterson

WHEREAS, Metro is the solid waste system planning authority for the region and Metro regulates the solid waste system pursuant to its constitutional, statutory, and charter authority as set forth in Metro Code Title V and in accordance with the Regional Waste Plan; and

WHEREAS, Metro Code Chapter 5.05 contains the requirements for Solid Waste Flow Control; and

WHEREAS, Metro regulates the disposal of solid waste generated within the Metro jurisdictional boundary through the issuance of non-system licenses and designated facility agreements as set forth in Metro Code Chapter 5.05; and

WHEREAS, Metro Council adopted a landfill capacity policy (Ordinance No. 17-1401) that prohibits the disposal of solid waste generated within the Metro region at a new landfill or limited capacity landfill; and

WHEREAS, the landfill capacity policy was intended to ensure that solid waste generated within the region did not cause the expansion or construction of a general-purpose landfill; and

WHEREAS, the policy was not intended to affect general purpose landfills that need cleanup material to facilitate timely compliance with a Department of Environmental Quality Solid Waste Disposal Site Closure Permit; and

WHEREAS, cleanup material is a more readily available and preferred alternative to virgin soil in achieving final engineered grade at landfills needing to achieve permitted closure; and

WHEREAS, most infrastructure development projects that generate cleanup material in Oregon occur in the Metro region; and

WHEREAS, the language codified in Chapter 5.05 with respect to the current landfill capacity policy does not allow the disposal of cleanup material at a general purpose landfill that holds a Department of Environmental Quality Solid Waste Disposal Site Closure Permit, which can unintentionally extend the timeline for closure due to lack of suitable fill material generated outside of the Metro region; and

WHEREAS, timely permitted closure of a landfill is beneficial to the community near which a landfill is sited; and

WHEREAS, the Chief Operating Officer recommends that Metro Council amend Metro Code Chapter 5.05 to allow the disposal of cleanup material, as defined in Metro Code Chapter 5.00, at a general purpose landfill solely for the purpose of facilitating closure; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Metro Code Chapter 5.05 (Solid Waste Flow Control) is amended as set forth in tracked changes in attached Exhibit A, with underlined text representing inserted text and strikethrough representing deleted text.

ADOPTED by the Metro Council this 11<sup>th</sup> day of April 2024.

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Lynn Peterson, Council President

Attest:

Approved as to Form:

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Connor Ayers, Recording Secretary

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Carrie MacLaren, Metro Attorney