

IN CONSIDERATION OF RESOLUTION NO. 24-5435 FOR THE PURPOSE OF DIRECTING STAFF TO DEVELOP METRO CODE AND ADMINISTRATIVE RULE LANGUAGE TO PROHIBIT THE LANDFILL DISPOSAL OF COMMERCIAL FOOD WASTE GENERATED WITHIN THE REGION EFFECTIVE JANUARY 1, 2027

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Department: Waste Prevention and
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Meeting Date: December 12, 2024

ISSUE STATEMENT

Metro Council adopted Resolution No. 20-5067, directing staff to develop Metro Code and administrative rule language to prohibit the landfill disposal of commercial food waste within the Metro region with an effective date of January 2025. The arrival of the COVID-19 pandemic significantly impacted food generating businesses throughout the Metro region resulting in delays to implement the business food waste requirement established through Ordinance No. 18-1424. Extending the effective date of the landfill disposal prohibition to January 1, 2027, allows time for continued business food waste requirement implementation and stakeholder engagement and regional collaboration to develop the prohibition.

ACTION REQUESTED

Approve Resolution No. 24-5435 which will direct staff to: 1) develop Metro Code and administrative rule language to prohibit the landfill disposal of commercial food waste generated within the Metro region with an effective prohibition date of January 1, 2027, and 2) develop and track the key milestones needed to implement the requirement on January 1, 2027.

IDENTIFIED POLICY OUTCOMES

Extending the effective date of the landfill disposal prohibition aligns with the delayed implementation of the business food waste requirement caused by COVID-19 and allows time for continued implementation of the requirement and further stakeholder engagement.

POLICY QUESTION

Does Council support extending the implementation date of the landfill disposal prohibition for commercial food waste to January 2027?

POLICY OPTIONS FOR COUNCIL TO CONSIDER

1. Direct staff to develop a landfill disposal prohibition effective on January 1, 2025, as adopted under Resolution No. 20-5067.
2. Direct staff to extend the timeline and develop a landfill disposal prohibition with an effective date of January 1, 2027.

STAFF RECOMMENDATION

Staff recommends that Metro Council extend the effective date of the proposed landfill disposal prohibition for commercial food waste to January 1, 2027.

KNOWN OPPOSITION / SUPPORT / COMMUNITY FEEDBACK

There is no known opposition to extending the effective date of the landfill prohibition.

LEGAL ANTECEDENTS

The Oregon Constitution, Metro Charter, Oregon Revised Statutes Chapters 268 and 459, and Metro Code Title V.

FINANCIAL IMPLICATIONS

There are no financial implications resulting from extending the effective date of the landfill prohibition.

BACKGROUND

Food is one of the largest components of the region's waste stream. Food sent to the landfill decays and creates methane, a potent greenhouse gas. Businesses such as restaurants and grocery stores are responsible for more than half that amount. In 2016, the Metro Council found that the following key actions were needed to achieve a stable and effective regional food waste recovery system:

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 transfer and deliver food scraps for processing.
3. Secure local and stable processing capacity.

Implementation of these initiatives is ongoing; however, progress has been delayed by the COVID-19 pandemic. Despite these delays, over 54,456 tons of food scraps have been recovered since the business food waste requirement went into effect in 2022. As a component of the business food waste requirement, Council adopted a disposal prohibition to become effective in 2025 to support recovery efforts.

The goal of prohibiting the disposal of commercial food waste in a landfill is to protect human health and the environment and to reinforce the food waste separation requirements. This is much like existing similar prohibitions for hazardous and electronic waste. In addition, a disposal prohibition provides a firm backstop to the business food waste requirement that local governments can incorporate into their efforts to assist businesses with implementation and compliance.