

METRO COUNCIL

Work Session Worksheet

PRESENTATION DATE: January 10, 2017

LENGTH: 30 Minutes

PRESENTATION TITLE: Material Recovery Facility/Conversion Technology Update

DEPARTMENT: PES- SWICC

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WORK SESSION PURPOSE & DESIRED OUTCOMES

- **Purpose:** Share the findings and recommendations of SWAAC's Material Recovery Facility/Conversion Technology Subcommittee (the "Subcommittee") and seek direction from Metro Council on moving forward with the recommendations.
- **Outcome:** Agreement from Council on developing solid waste code changes and administrative rules that would implement the recommendations of the Subcommittee.

TOPIC BACKGROUND & FRAMING THE WORK SESSION DISCUSSION

As the agency tasked with planning, oversight, and management of the region's solid waste system, Metro has an obligation to the public to ensure the materials intended for reuse, recycling, and other purposes are handled properly and sent to appropriate and legitimate markets. Certain processing facilities have been largely exempted from Metro's licensing and oversight, creating different rules for similar types of facilities and limiting Metro's ability to ensure that solid waste, including source-separated recyclable materials, are handled properly. Metro is also obligated to ensure that solid waste facilities operate in a way that protects the health and safety of the public, local communities, and the environment.

Metro staff presented information about a range of proposed changes to the solid waste code at a public workshop in September 2015. These proposed changes included closing a number of regulatory exemptions, including source-separated recyclable material recovery facilities, and conversion technology facilities. At that time, industry participants expressed concern regarding some of the proposed code changes. Additionally, many stakeholders expressed concerns about the lack of transparency in Metro's code adoption process and not having adequate opportunity to provide meaningful input.

In October 2015, the Council directed staff to implement an improved and more rigorous process for considering substantive changes to the solid waste code (Attachment 1). Metro Council also recommended that SWAAC establish two subcommittees to separately consider two of the most critical issues that emerged from the initial proposal: (1) Metro regulation of material recovery facilities processing source-separated recyclables and conversion technology facilities; and (2) Metro's existing solid waste fee and tax exemption policies.

SWAAC formed a subcommittee in December 2015 to consider whether these types of facilities should have similar licensing requirements as that of other similar solid waste facilities. After seven meetings, the Subcommittee completed its work in October and presented its recommendations to SWAAC (see Attachment 2 recommendations memo). SWAAC reviewed, discussed and endorsed the findings and recommendations of the Subcommittee on October 16.

Staff is bringing this topic to a Council Work Session today in order to share the findings and recommendations of SWAAC, answer any questions that Council may have, and seek Council

direction on moving forward with the recommendations through development of code changes and administrative rule using a thorough public engagement process.

Key SWAAC Recommendations (see Attachment 2 for more detailed information):

1. Metro should authorize material recovery facilities processing source separated recyclables.
2. Metro should establish operating standards for these types of recovery facilities.
3. Metro should continue to franchise conversion technology facilities that manage putrescible waste.
4. Metro should license certain conversion technology facilities that manage non-putrescible waste.
5. Metro should establish operating standards for conversion technology facilities.
6. Metro should add a definition to the solid waste code for “conversion technology” and define it using the current State definition.¹
7. Metro should continue to exempt certain specific material recyclers from obtaining a license.
8. Metro should continue to exempt certain conversion technology facilities from obtaining a license.

Should Council direct staff to proceed, staff would draft potential code changes and corresponding administrative rules in order to implement the Subcommittee recommendations. The process would include a public workshop, publication of the proposed code changes and a new administrative rule for public review and periodic check-ins with SWAAC prior to Council consideration later in 2017.

QUESTIONS FOR COUNCIL CONSIDERATION

- Does Council have any questions or concerns regarding the findings and recommendations of the SWAAC Subcommittee?
- Should staff move forward to develop code changes and administrative rules that would implement the recommendations of SWAAC?

PACKET MATERIALS

- Would legislation be required for Council action ✓ Yes ☐ No
- If yes, is draft legislation attached? ☐ Yes ✓ No
- What other materials are you presenting today? **Subcommittee Recommendation Memo**

¹ OAR 340-093-005 Definitions (28) Conversion Technology
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