

METRO COUNCIL

Work Session Worksheet

PRESENTATION DATE: September 19, 2017

LENGTH: 20 Minutes

PRESENTATION TITLE: Material Recovery Facility/Conversion Technology Project Update

DEPARTMENT: PES - SWICC

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WORK SESSION PURPOSE & DESIRED OUTCOMES

- **Purpose:** Review proposed amendments to Metro Code Title V related to licensing and oversight of certain material recovery and conversion technology facilities that receive source-separated recyclable materials. Staff will also provide an overview of the extensive public engagement process.
- **Outcome:** Direction on whether to bring the proposed code changes before Metro Council for formal consideration in October.

TOPIC BACKGROUND & FRAMING THE WORK SESSION DISCUSSION

Metro is tasked with planning, oversight, and management of the region's solid waste system. As such Metro has an obligation to make certain that 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.

At a work session held in October 2015, staff presented information on a wide range of potential code changes. Metro Council directed staff to implement a more rigorous process for considering substantive changes to Metro's solid waste code (Attachment A) and seek additional public input on the proposed changes. Council also requested that Metro's Solid Waste Alternative Advisory Committee (SWAAC) establish two subcommittees to separately consider: (1) Metro regulation of material recovery and conversion technology facilities that process source-separated recyclables; and (2) Metro's existing solid waste fee and tax exemption policies. The purpose of this work session topic is to provide an overview of proposed code amendments related to the regulation of material recovery and conversion technology facilities.

Public Outreach and Input: Staff conducted public outreach and solicited input on the proposed changes. Metro staff has provided status reports at two prior Council work session meetings. Following the direction given to staff at the October 2015 Metro Council work session, the public outreach for the proposed code changes included:

- SWAAC Review and SWAAC Subcommittee review :
 - December 2015 – SWAAC commissions subcommittee. Seven subcommittee meetings were held between January and October 2016.
 - October 2016 – Presented subcommittee recommendations and received endorsement from SWAAC.

- May 2017- Presented draft code changes and received SWAAC’s endorsement to publish for public review.
- August 2017– Reviewed public comments, Metro’s responses, and proposed revisions. Received SWAAC’s endorsement to present to Council at work session.
- Public Review and Comment Period:
 - 60-day public review and comment period open from May 15 through July 14, 2017.
 - Public workshops were held on May 31 and June 13 to review the proposals and answer questions.
 - Three public responses were received related to the proposed code changes.
 - Staff response to comments prepared for stakeholders and public (Attachment B).
- Other outreach:
 - Dedicated Metro web page used for proposed Code change information and related documents at <http://www.oregonmetro.gov/regional-leadership/metro-advisory-committees/solid-waste-alternatives-advisory-committee/material>
 - Routine status updates and other correspondence sent to interested parties via email.

Overview of Proposed amendments to Metro Code Chapters 5.00 and 5.01:

The proposed amendments to code are shown in **Attachment A – Proposed Amendments to Metro Code Title V (Chapters 5.00 and 5.01)**. A summary of the proposed changes is provided below.

- 1. Metro Code Chapter 5.00 (Definitions):**
 - Add a definition for “conversion technology”
 - Add a definition for “specific material recycler”
- 2. Metro Code Chapter 5.01 (Facility Regulation):**
 - Removes licensing exemption for certain facilities that receive source-separated recyclable material
 - Establishes new exemption for “specific material recycler”
 - Establishes new exemption for certain conversion technology facilities
 - Updates references to “administrative rules”
- 3. Other non-substantive general housekeeping changes to Chapter 5.01**

QUESTIONS FOR COUNCIL CONSIDERATION

- Does the Metro Council have comments on the process used or general content of the proposed code changes?
- Should staff proceed and bring the proposed code changes to Council for formal consideration at the October 5th council meeting?

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? **Public Comments and Staff Responses, Proposed Amendments to Metro Code Chapters 5.00 & 5.01**