

Metro Ordinance No. 18-1426 – Staff report - Attachment 1

SOLID WASTE

ADMINISTRATIVE RULES

AR 5.01 - 3000 through 3040

Putrescible Waste Tonnage Allocation Methodology

Effective March 1, 2019 [Placeholder date]

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5.01 – 3000 Policy and legal authority

1. Metro Code Sections 5.01.280 and 5.05.260 authorize the Chief Operating Officer (COO) to adopt administrative rules governing the requirements of licensees and franchisees under Chapter 5.01 and designated facilities under Chapter 5.05.
2. Metro Code Sections 5.01.191 and 5.05.195 establish a framework for Metro to allocate putrescible solid waste tonnage to a private transfer station on an annual basis. These administrative rules establish the methodology for tonnage allocation and are in addition to all requirements set forth in Metro Code Chapters 5.01 and 5.05.

5.01 – 3005 Definitions

Unless otherwise defined, all applicable terms are as defined in Metro Code Chapter 5.00.

5.01 – 3010 Applicability of rules and effective dates

1. These administrative rules apply to any transfer station subject to franchise requirements under Chapter 5.01. These rules also apply to any transfer station designated under Chapter 5.05 and eligible to receive putrescible waste from the Metro region.
2. These rules are effective on March 1, 2019 [placeholder date] and will be implemented beginning January 1, 2020.

3. To be eligible to receive tonnage allocations, franchised transfer stations located in the Metro region:
 - (A) May not accept solid waste generated outside the Metro region if to do so would limit the franchisee from accepting solid waste generated inside the Metro region;
 - (B) May not accept solid waste collected outside of its wasteshed if to do so would deny access to a waste hauler that collects solid waste within the wasteshed of the franchised transfer station;
 - (C) Must allow access to any unaffiliated waste hauler located within a franchised transfer station's wasteshed, unless due cause exists for the franchisee to immediately deny access, or unless the franchisee submits to Metro for review and approval a request to deny access at least 15 days in advance. Due cause includes, but is not limited to, repeated load contamination, failure to pay or risk of exceeding the franchise tonnage allocation.

5.01 – 3015 General provisions

Metro will annually allocate putrescible solid waste tonnage to a private franchised or designated transfer station using the methodology described in these administrative rules, which also includes consideration of at least the following factors:

1. Transfer station wastesheds, as defined in Chapter 5.00.
2. Proximity, measured by travel time, between transfer stations. Travel time will be calculated using congested peak hours (7:00 am to 9:00 am).
3. The estimated amount of putrescible waste generated within the wasteshed during the upcoming calendar year based on the latest available Metro population and employment data and Metro's solid waste forecast.
4. Any factor that limits a transfer station's capacity.
5. Any factor that increases or reduces waste generation within the wasteshed.
6. Any factor that disrupts transportation routes.
7. Any circumstance that warrants a tonnage allocation increase or decrease for a transfer station to provide an established public benefit.

5.01 – 3020 Putrescible waste tonnage allocation guidelines

Metro will allocate a percentage share of the region's putrescible waste to each franchised or designated transfer station according to the following guidelines:

1. The Chief Operating Officer will allocate tonnage based primarily on the amount of waste that is generated in closest proximity to each transfer station, following the steps described in AR 5.01 - 3025.
2. The Chief Operating Officer may not allocate more than 60 percent of the region's putrescible waste tonnage per calendar year to any combination of transfer stations that are subject to these administrative rules.
3. The Chief Operating Officer also may adjust tonnage allocations at one or more transfer stations proportionately or to provide public benefit until Metro's 40 percent share is achieved.

5.01 – 3025 Tonnage allocation methodology steps

Step 1: Metro will map travel times based on modeled morning peak hour (congested) travel time. Metro will use the regional transportation model that is used for regional transportation planning purposes. Metro will evaluate other travel data and models for their ability to accurately represent travel times for haulers and may adopt a new data source as appropriate by amending these rules.

Step 2: Metro will delineate the individual wasteshed for each transfer station that incorporates the area most accessible to the transfer station to minimize hauler travel time across the region.

Step 3: Metro will merge individual wastesheds when transfer stations are located less than ten minutes apart according to the travel time model.

Step 4: Metro will determine tonnage allocations for each transfer station using the following methodology:

- a. Metro will use TAZ-based (transportation analysis zone) region-wide population and employment estimates and standard generation rates to calculate the amount of putrescible solid waste expected to be generated for each TAZ.
- b. Metro will aggregate the TAZ-based putrescible solid waste estimates to wastesheds to calculate the putrescible solid waste tonnage that is most proximate to each transfer station. This generation estimate serves as the initial component of the allocation.

- c. Metro will calculate each transfer station's regional percentage of waste generated in its watershed.
- d. Metro will apply those percentages to the following calendar year's putrescible waste forecast to calculate actual tonnage for each transfer station.
- e. When watersheds have been merged, Metro will divide the tonnage in equal portions among those transfer stations that share the same watershed.
- f. When an individual transfer station has a limiting factor, Metro will generally assign the allowable tonnage in accordance with that limit. Limiting factors may include limited capacity, local limits on traffic or land use, or authorizations below the transfer station's initial tonnage allocation resulting from the calculation of subsections a through e above. Metro may redraw the watershed map or reallocate the balance of the watershed's tonnage to the other transfer station(s) within that watershed.

Step 5: Metro will allocate tonnage amounts based on the results of step 4 a. – f. above. Metro will then notify each private transfer station of its annual allocation by the end of the calendar year. The allocations will become effective in the next calendar year.

5.01 – 3030 Tonnage allocation annual adjustment request

- 1. Metro may annually consider adjusting a tonnage allocation for a transfer station after the transfer station's initial annual tonnage allocation is announced.
- 2. Metro may only increase a transfer station's allocation if it is in the public interest and if Metro's share of the region's putrescible waste is not expected to be less than 40 percent.
- 3. If a transfer station seeks an adjusted tonnage allocation, it must:
 - (A) Submit a written request to Metro for a tonnage adjustment in the form and format prescribed by Metro within 30 days of Metro's announcement of annual tonnage allocations.
- 4. Additionally, if a transfer station seeks an annual increase of its tonnage allocation, it must:
 - (A) Not charge more than the tip fee for the receipt of putrescible waste than that charged or projected to be charged at Metro transfer stations;
 - (B) Explain how an increase in tonnage would benefit the public, including any:
 - (1) Cost savings that will accrue to the public;

- (2) Route or processing efficiencies;
 - (3) Rate increases that will be avoided by the local franchising or permitting authority;
 - (4) Environmental or sustainability gains; and
 - (5) Other benefits to the public.
- (C) Describe any recent investments or transfer station improvements that would yield greater public benefits with an increased tonnage allocation.
- (D) Describe any request that involves redistributing tonnage allocations between transfer stations.
- (1) A transfer station may propose to shift up to 15 percent of its tonnage allocation to another transfer station.
 - (2) A transfer station requesting this shift must demonstrate that the shift will have minimal impact on each transfer station's host community e.g. nuisance, traffic, litter, malodors, etc.; and
 - (3) A transfer station must demonstrate that the shift does not create inefficiencies in the system.
- (E) Explain any circumstances that Metro did not consider when it determined the annual allocation.

5.01 – 3035 Tonnage allocation adjustments at other times

The Chief Operating Officer may adjust a transfer station's tonnage allocation at times other than the annual adjustment if it is in the public interest and is necessary to address a significant disruption.