

EXHIBIT A TO ORDINANCE NO. 19-1440

CHAPTER 5.03

SOLID WASTE FEES AT METRO TRANSFER STATIONS

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5.03.010 Purpose

The purpose of this chapter is to establish a consistent, predictable and transparent framework when Metro adopts solid waste fees for its transfer stations.

5.03.020 Metro Transfer Station Fees

- (a) Metro assesses the following fees at its transfer stations and household hazardous waste facilities:
 - (1.) Disposal fee
 - (2.) Transaction fee
 - (3.) Household hazardous waste management fee
 - (4.) Conditionally exempt generator waste fee
 - (5.) Recoverable solid waste fee
 - (6.) Special waste fee
 - (7.) Litter control fee
- (b) In addition to the fees listed in subsection (a), Metro may also assess any applicable Metro “pass through” fees (such as the regional system fee, Metro excise tax and community enhancement fee) as well as any applicable DEQ fees.

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5.03.030 Source-Separated Recyclable Materials Credit

- (a) A non-commercial customer at Metro Central Station or Metro South Station who delivers certain source-separated recyclable materials (except yard debris) that are generated by a household may receive a disposal charge credit. The Chief Operating Officer will establish by administrative rule the circumstances under which the credit is available.
- (b) Notwithstanding subsection (a), the Chief Operating Officer may also designate source-separated recyclable materials that Metro will accept from customers at no charge.

5.03.040 Metro Transfer Station Operating Authority

- (a) The Chief Operating Officer has authority to operate and manage the Metro transfer stations. The Chief Operating Officer may delegate that authority.
- (b) In addition to the Chief Operating Officer's authority to operate and manage the Metro transfer stations, the Chief Operating Officer may also establish by administrative rule the circumstances and conditions under which Metro transfer station fees apply.
- (c) The Chief Operating Officer may establish an additional fee as necessary for a waste stream not specifically listed in Section 5.03.020. If the Chief Operating Officer establishes a fee not listed in Section 5.03.020, that fee is only effective for not more than 120 days unless the Metro Council affirms or modifies it.

5.03.050 Metro Transfer Station Fees Adopted Annually

Each year the Metro Council will determine Metro transfer station fees. In doing so, the Council will use the procedures and criteria set forth in this chapter. The Council may adopt changes to the fees as it deems necessary and may update the fee amount more frequently than annually.

5.03.060 Fee Setting Requirements; Provisional Fees

Each year the Chief Operating Officer will propose fee amounts to the Council. The Chief Operating Officer's proposed fees are provisional until adopted by Council pursuant to Section 5.03.080. In preparing provisional fee amounts the Chief Operating Officer will:

- (a) Consider all sources and uses of funds that affect the solid waste revenue fund budget during the next fiscal year;
- (b) Follow generally accepted practices for selection of methodologies, assumptions, requirements, and other technical factors that determine the fees;
- (c) Consider any solid waste fee criteria and fee setting policies adopted by Council;
- (d) Consider operational needs for each transfer station, including customer demand; and

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- (e) Perform any other due diligence that the Chief Operating Officer finds necessary to meet the purpose of this chapter.

5.03.070 Independent Review of Fee Setting Process; Written Report

- (a) Before the Council can adopt the provisional Metro transfer station fees, the Chief Operating Officer must submit the provisional fees to at least one independent reviewer. The Chief Operating Officer will provide the reviewer with the fee model, data, assumptions, criteria, and any other information that the Chief Operating Officer used to calculate the provisional fees.
- (b) The independent reviewer will test the provisional fees using criteria set forth in this chapter, any fee criteria adopted by Council, and any other criteria the Chief Operating Officer specifies or which the reviewer recommends based on generally accepted best practices for fee review.
- (c) After the review is complete, the independent reviewer will submit a written report to the Chief Operating Officer documenting the reviewer's findings, exceptions and recommendations. The Chief Operating Officer must include this written report in the materials submitted for review during Council consideration.

5.03.080 Council Adoption of Metro Transfer Station Fees; Emergency Fee

- (a) After the independent reviewer has submitted the required written report, the Council may adopt the Chief Operating Officer's provisional fee amounts by resolution. In adopting the fee amounts, Council will consider all materials the Chief Operating Officer provided to the independent reviewer under section 5.03.070(a) as well as the independent reviewer's written report.
- (b) The fees adopted by Council will take effect 30 days after adoption unless Council chooses a later date.
- (c) Notwithstanding subsection (a), the Chief Operating Officer may establish a Metro transfer station fee under an emergency circumstance. Any fee established under this authority is effective for not more than 120 days unless either the Council affirms or modifies the fee or unless the circumstance giving rise to the emergency ceases to exist.

5.03.090 Posting Metro Transfer Station Fees

Upon the effective date of any transfer station fee amount, Metro will post the fees at Metro Central Station and Metro South Station. Metro will also post a list of all current Metro transfer station fees on the Metro website and otherwise publicize the fees to its customers and the public generally.

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5.03.100 Solid Waste Fees at Metro Transfer Stations

The solid waste fees at the Metro Central Station and Metro South Station consist of:

- (a) A fee for each ton of solid waste comprised of:
 - (1.) A disposal fee;
 - (2.) The regional system fee as set forth in Chapter 5.02;
 - (3.) The community enhancement fee as set forth in Chapter 5.06; and
 - (4.) All applicable DEQ fees established in Oregon Revised Statutes Chapters 459 and 459A, as implemented in Chapter 340 Division 90 of Oregon Administrative Rules.
- (b) All applicable solid waste excise taxes as set forth in Chapter 7.01, stated separately; and
- (c) A transaction fee.

5.03.110 Transaction Fee

There is a fee for every transaction at a Metro transfer station. A transaction may occur at a staffed scale or at an automated scale.

5.03.120 Minimum Fee

Notwithstanding Section 5.03.100, there is a minimum fee to accept solid waste at Metro Central Station and Metro South Station. The minimum fee consists of the transaction fee as set forth in Section 5.03.110 plus a fee based on a minimum load weight.

5.03.130 Waiver of Metro Transfer Station Fees

- (a) The Chief Operating Officer may waive the disposal fee for solid waste accepted from a non-commercial customer at the Metro Central Station or Metro South Station under extraordinary, emergency conditions or circumstances.
- (b) The Chief Operating Officer may waive the regional system fee for solid waste accepted at the Metro Central Station or Metro South Station if the waste is generated outside of the Metro jurisdictional boundary and collected by a hauler that is regulated by a local government.

5.03.140 Review of Metro Transfer Station Fee Criteria and Policies

The Council may undertake a review of the Metro transfer station fee criteria and policies at any time to ensure that they reflect the purpose of this chapter, meet Metro's needs, support Metro's management of the regional solid waste system, and address any Council findings that result from the periodic review.

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5.03.150 Account Policy at Metro Transfer Stations

By administrative rule the Chief Operating Officer will establish appropriate account policy requirements for Metro's transfer stations. The account policy requirements will be designed to diminish Metro's risk of loss due to non-payment for new and existing accounts, and to establish payment methods, due dates and prudent credit practices.

5.03.160 Administrative Rules to Implement Chapter

The Chief Operating Officer may adopt administrative rules under the provisions set forth in Chapter 5.08 to govern the obligations under this chapter and implement all provisions of this chapter.