

**Solid Waste
Administrative Rule**

AR 5.15-1000 through 1020

Administrative Rule of Metro Code Chapter 5.15
Administrative Rule Adoption Record and Findings

**AR 5.15-1000 through 1020
Request for Compliance Date Extension and Non-Compliance
Procedures Administrative Rules**

These administrative rules are adopted under the authority of Metro Code, which authorizes the Chief Operating Officer (COO) to adopt and amend administrative rules. In accordance with Metro Code Chapter 5.08, the COO provided an opportunity for public comment and held a public hearing on these rules before their adoption.

The COO finds that these administrative rules are necessary to implement certain provisions of Metro Code Chapter 5.15 and hereby adopts Administrative Rules Nos. 5.15-1000 through 1020. The requirements of these administrative rules are in addition to all other requirements and provisions in Metro Code Chapter 5.15. These rules have the same force and effect as any other provision of Metro Code Chapter 5.15.

It is so ordered:

Marissa Madrigal
Metro Chief Operating Officer

Date

SOLID WASTE

ADMINISTRATIVE RULES

AR 5.15-1000 through 1020

Request for Compliance Date Extension and Non-Compliance Procedures

Effective: XXXXX

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5.15 – 1000 Purpose

To implement the local government requirements under the Regional Waste Plan as set forth in Metro Code Chapter 5.15.

5.15 – 1005 Legal Authority

1. Metro's solid waste planning and implementing authority is established under the Metro Charter, the Constitution of the State of Oregon, and ORS Chapters 268 and 459.
2. These rules are issued under the authority of Metro Code. These rules are in addition to all other requirements and provisions in Metro Code Chapters 5.10 and 5.15.

5.15 – 1010 Applicability of Rules

The local government requirements under the Regional Waste Plan apply to all portions of Clackamas, Washington, and Multnomah Counties within Metro's jurisdictional boundary.

5.15 – 1015 Request for Compliance Date Extension

1. A local government may seek an extension of time to comply with a Regional Waste Plan requirement by filing a written request for an extension with the Chief Operating Officer.
2. The local government's written request must demonstrate that: (1) the local government is making progress toward compliance with the Regional Waste Plan requirement; and (2) the local government has good cause for failure to meet the compliance date.
3. The Chief Operating Officer will notify the local government in writing of its decision to grant or deny the request and the reasons behind the decision within 60 days of receipt of the request.
4. The Chief Operating Officer may establish conditions for the extension to ensure the local government complies in a timely manner and that local government actions during the extension period do not undermine the region's ability to implement the Regional Waste Plan.
5. No more than two extensions of time will be granted and the Chief Operating Officer will not extend the date for compliance for more than one year from the date of approval of the original request.

5.15 -1020 Non-Compliance Procedures

1. If the Chief Operating Officer finds that a local government is not in compliance with a Regional Waste Plan requirement or performance standard, then Chief Operating Officer will notify the local government of the finding in writing.
2. The local government may respond to the Chief Operating Officer's finding of non-compliance. Responses and any relevant materials to support the response must be received within 60 days of the date of the Chief Operating Officer's original notification of findings.
3. The Chief Operating Officer will review the local government's response and determine if the local government is in compliance.
4. If the Chief Operating Officer determines that the local government remains out of compliance the Chief Operating Officer will notify the Council of the finding of noncompliance and will schedule a hearing within 90 days. The Chief Operating Officer will notify the local government of these findings and the date, time and location of the hearing.
5. The local government may file a response to the Council within 30 days of the Chief Operating Officer's findings.
6. If the Council finds that the local government action does not comply with the Regional Waste Plan or any related rules or provisions of the Metro Code, the Chief Operating Officer will issue any requirements or penalties as directed in the Council order.

**Solid Waste
Administrative Rule**

AR 5.15-2000 through 2065

**Administrative Rule of Metro Code Chapter 5.15
Administrative Rule Adoption Record and Findings**

**AR 5.15-2000 through 2065
Residential Service Administrative Rules**

These administrative rules are adopted under the authority of Metro Code, which authorizes the Chief Operating Officer (COO) to adopt and amend administrative rules. In accordance with Metro Code Chapter 5.08, the COO provided an opportunity for public comment and held a public hearing on these rules before their adoption.

The COO finds that these administrative rules are necessary to implement certain provisions of Metro Code Chapter 5.15 and hereby adopts Administrative Rules Nos. 5.15-2000 through 2065. The requirements of these administrative rules are in addition to all other requirements and provisions in Metro Code Chapter 5.15. These rules have the same force and effect as any other provision of Metro Code Chapter 5.15.

It is so ordered:

Marissa Madrigal
Metro Chief Operating Officer

Date

**SOLID WASTE
ADMINISTRATIVE RULES
Residential Service**

AR 5.15-2000 through 2065

Effective: XXXXX

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5.15 – 2000 Purpose

To implement the residential service standard as set forth in Metro Code Chapter 5.15 and as required by the Regional Waste Plan to ensure a comprehensive and consistent level of recycling service for the region.

5.15 – 2005 Legal Authority

1. Metro's solid waste planning and implementing authority is established under the Metro Charter, the Constitution of the State of Oregon, and ORS Chapters 268 and 459.
2. These rules are issued under the authority of Metro Code. These rules are in addition to all other requirements and provisions in Metro Code Chapters 5.10 and 5.15.

5.15 – 2010 Definitions

Unless otherwise specifically defined below, all terms used are as defined in Metro Code Chapter 5.00.

Acceptable recyclable materials are a type of source-separated recyclable as-defined in Metro Code Chapter 5.00. For the purposes of these administrative rules, acceptable recyclable materials include the following:

Mixed waste paper	Steel cans
Newspaper	Aluminum
Magazines	Scrap metal
Corrugated cardboard	Plastic bottles and jars

Kraft paper
Aseptic containers
Yard debris

Round plastic containers/tubs
Glass bottles and jars
Motor oil

~~Adequate service means no overflow of garbage or recycling; receptacle lids must close. Bulky waste should not accumulate for more than seven days or impede access to service area. No bagged or overflow garbage present in recycling receptacles.~~

Minimum service means the lowest amount of acceptable recyclable material, glass, yard debris, and garbage collection service volume to be in compliance with residential service standard.

Commented [SK1]: A comment received by Sam Wisner showed that the adequate service definition added confusion to understanding the Multifamily Residential Service Standards. The definition was removed from rule and will be added to a guidance document.

5.15 – 2015 Applicability of Rules

The requirements of the Regional Waste Plan's residential service standard apply to all portions of Clackamas, Washington, and Multnomah Counties within Metro's jurisdictional boundary. For areas of Clackamas, Multnomah and Washington Counties outside of Metro's jurisdictional boundary, the performance standards are recommendations.

5.15 - 2020 Glass Separation Requirement

For all residential customers, a local government must require that glass is kept separate from all other acceptable recyclable materials in collection receptacles and on collection vehicles.

5.15 - 2025 Single-Family Residential Service Standards

For all single-family residential customers, a local government must:

1. Provide at least one receptacle, with capacity of at least 60 gallons, for the collection of all acceptable recyclable materials except glass and motor oil.
2. Provide at least one receptacle for source-separated glass collection. The receptacle must have a capacity of at least five gallons.
3. Provide weekly collection of acceptable recyclable materials, glass, motor oil, and yard debris on the same day of the week as garbage, unless exempted under administrative rule 5.15-2030 or administrative rule 5.15-2035.
4. Provide at least one receptacle for yard debris collection. The receptacle must have a capacity of at least 60 gallons.

~~If food scraps service is offered, provide weekly collection of residential food scraps mixed with yard debris. Every other week collection of residential food scraps mixed with yard debris is allowed if approved by the processing facility receiving the material and acceptance does not violate any other government ordinance, regulation, permit, health or safety code.~~

5. ~~Residential food scraps with yard debris can be offered at weekly or every other week frequency. Every other week collection of residential food scraps mixed with yard debris is allowed only if approved in advance by the processing facility receiving the material and acceptance does not violate any other government ordinance, regulation, permit, health, or safety code.~~

Commented [SK2]: A comment submitted by Kristen Lechner provided wording that increased clarity. The wording has been changed to reflect her suggestion.

6. Provide bulky waste collection service.

7. Ensure that property owners and managers provide access to adequate on-site garbage and recycling collection service to renters of single-family residential properties.

Commented [SK3]: This edit is related to comment submitted by Sam Wisner. The term adequate is being removed.

5.15 - 2030 Exemption to Single-Family Yard Debris Service Standard

1. A local government may exempt rural service areas from regular on-route collection of yard debris provided that the local government distributes informational material to rural customers at least annually that provides options for proper management of yard debris, including instructions to not place yard debris in solid waste receptacles destined for disposal.
2. A local government may define “rural service areas” for purposes of solid waste collection and must provide its definition to Metro. A local government must notify Metro of any changes to that definition.

5.15 - 2035 Exemption for Single-Family Every Other Week Recycling and Yard Debris Collection Programs

A local government with an every-other-week recycling and/or yard debris collection program in place as of January 1, 2019 meets the residential service standard. A second recycling collection receptacle of at least 60 gallons capacity must be provided to every-other-week customers upon request and at no additional charge.

5.15 - 2040 Multifamily Residential Service Standards

For all multifamily residential customers, a local government must:

1. ~~Provide/Implement~~ a minimum service volume of 20 gallons per unit per week for garbage collection service.
2. ~~Provide/Implement~~ a minimum service volume of 20 gallons per unit per week for acceptable recyclable materials and a minimum service volume of one gallon per unit per week for source-separated glass.
3. Ensure all material streams are collected at least weekly. On call services are exempt from collection frequency and minimum service volume requirements.
4. Ensure provision of regularly-occurring bulky waste collection service by July 1, 2025.

Commented [SK4]: Clackamas County suggested this wording to increase clarity.

5.15 - 2045 Multifamily Receptacle Colors; Signage; Informational Materials

For all multifamily residential customers, a local government must comply with the regional standards for collection receptacles by the dates below.

1. All receptacles ordered after July 1, 2021 must comply with the color standard below and must be labeled with the correct Metro-approved regional signage.
2. All plastic receptacles for garbage, mixed recyclable materials, and yard debris and/or food scraps ordered after July 1, 2021 must contain at least 30% post-consumer recycled content.
3. Garbage receptacles must be gray, mixed recyclable materials receptacles must be blue, yard debris and/or food scraps receptacles must be green and source-separated glass receptacles must be orange by July 1, 2028. Metro will provide a list of approved receptacle colors by vendor.
4. Color standards do not apply to compactors and drop boxes.
5. As of December 31, 2023, all receptacles must be labeled with the correct Metro-approved regional decals for acceptable recyclable materials, glass, yard debris, and garbage. All previous garbage and

recycling instructional decals must be completely removed from each receptacle and replaced with correct and approved regional decals.

5.15 - 2050 Exemptions to Multifamily Standards

Notwithstanding administrative rule 5.15-2045, a local government may:

1. Exempt used motor oil from collection.
2. Exempt yard debris from collection if no yard debris is generated on-site, or the customer meets one of the following conditions:
 - a. Uses a landscape maintenance firm that transports yard debris to a Metro-authorized facility;
 - b. Manages its yard debris on-site such as composting or mulching;
 - c. Self-hauls its yard debris to a Metro-authorized facility;
 - d. Uses another method approved by Metro.

5.15 - 2055 Compliance and Enforcement

A local government must comply with the requirements of the Regional Waste Plan's residential service standard. If a local government does not comply, Metro will withhold funding associated with the implementation of the Regional Waste Plan. Metro may also withhold discretionary funding associated with other programs and seek any remedy under its Charter, Code or applicable state law.

5.15 - 2060 Reporting

As part of regular annual reporting requirements, a local government must provide the information necessary for Metro to determine compliance with the residential service standard.

5.15 - 2065 Funding Guidelines

In order to receive funding associated with the Regional Waste Plan, a local government or its designated agency must comply with the requirements of Metro Code Chapter 5.15 and these rules. The local government or its designated agency must also enter into an intergovernmental agreement with Metro.

Commented [SK5]: Clackamas County suggested this wording to increase clarity.

Administrative Rule of Metro Code Chapter 5.15
Administrative Rule Adoption Record and Findings

**AR 5.15-3000 through 3055
Business Service Standard and Recycling Requirement**

These administrative rules are adopted under the authority of Metro Code, which authorizes the Chief Operating Officer (COO) to adopt and amend administrative rules. In accordance with Metro Code Chapter 5.08, the COO provided an opportunity for public comment and held a public hearing on these rules before their adoption.

The COO finds that these administrative rules are necessary to implement certain provisions of Metro Code Chapter 5.15 and hereby adopts Administrative Rules Nos. 5.15-3000 through 3055. The requirements of these administrative rules are in addition to all other requirements and provisions in Metro Code Chapter 5.15. These rules have the same force and effect as any other provision of Metro Code Chapter 5.15.

It is so ordered:

Marissa Madrigal
Metro Chief Operating Officer

Date

SOLID WASTE

ADMINISTRATIVE RULES

AR 5.15-3000 through 3055

Business Service Standard and Business Recycling Requirement

Effective: XXXXX

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5.15 – 3000 Purpose

To implement the business service standard and the business recycling requirement as set forth in Metro Code 5.15 and as required by the Regional Waste Plan to ensure a comprehensive and consistent level of recycling service for the region.

5.15 – 3005 Legal Authority

1. Metro's solid waste planning and implementing authority is established under the Metro Charter, the Constitution of the State of Oregon, and ORS Chapters 268 and 459.
2. These rules are issued under the authority of Metro Code. These rules are in addition to all other requirements and provisions in Metro Code Chapters 5.10 and 5.15.

5.15 – 3010 Definitions

Unless otherwise specifically defined below, all terms used are as defined in Metro Code Chapter 5.00 and administrative rule 5.15-2010.

5.15 – 3015 Applicability of Rules

The requirements of the Regional Waste Plan's business service standard and business recycling requirement apply to all portions of Clackamas, Washington, and Multnomah Counties within Metro's jurisdictional boundary. For areas of Clackamas, Multnomah and Washington Counties outside of Metro's jurisdictional boundary, the performance standard is a recommendation.

5.15 - 3020 Glass Separation Requirement

For all business customers, a local government must require that glass is kept separate from all other acceptable recyclable materials in collection receptacles and on collection vehicles.

5.15 – 3025 Business Service Standard

A local government must provide garbage and recycling collection services to meet the needs of all business customers.

5.15 – 3030 Business Recycling Requirement

To implement the business recycling requirement a local government must:

1. Adopt the Metro model ordinance or demonstrate code complies with the business recycling requirement.
2. Send notice to businesses that outlines the recycling requirements and how to receive assistance.
3. Establish a local compliance program or enter into an intergovernmental agreement with Metro to perform the compliance function.
4. Report to Metro on information related to program adoption, implementation and performance as outlined in administrative rules 5.15 – 3055.

5.15 – 3035 Business Recycling Requirement Performance Standard

A local government must ensure implementation of the business recycling requirement performance standard:

1. Businesses must source separate acceptable recyclable materials with the exception of motor oil and yard debris for reuse or recycling.
2. Businesses must provide recycling containers for internal maintenance or work areas where acceptable recyclable materials may be collected and stored.
3. Businesses must post accurate instructional signs where acceptable recyclable materials are collected and stored that identify the materials that the business must collect for reuse or recycling.
4. A local government must establish a method for ensuring compliance with the business recycling requirement.
5. A local government may exempt a business from some or all of the business recycling requirement if the business provides access to the local government for a site visit and the local government determines that the business cannot comply with the business recycling requirement, or compliance results in a violation of other government ordinance, health or safety code.

5.15 – 3040 Business Recycling Requirement Compliance

A businesses is considered in compliance if the business has implemented the following:

1. Regularly scheduled recycling collection provided by the franchised or licensed garbage and recycling hauler, a private recycling service or self-haul.
2. A two-container sort system: acceptable recyclable materials and glass.
3. Internal recycling containers located as conveniently as garbage containers; generally a recycling collection container at each employee work station and/or work area.
4. All interior and exterior recycling containers are correctly labeled and accurate signs and instructions are posted that identify the acceptable recyclable materials the business must recycle, and how to prepare items for recycling.
5. All employees and tenants receive information about recycling and waste prevention at least once annually and all new employees and tenants receive training about waste prevention and recycling.

6. Property management and janitorial/maintenance agreements enable businesses to meet waste prevention and recycling program goals and requirements.

5.15 – 3045 Local Government Enforcement of the Business Recycling Requirement

1. A local government must use enforcement authority to ensure business compliance with the business recycling requirement and use education and technical assistance as the primary tools to achieve compliance.
2. A local government must establish a method for ensuring business compliance with the business recycling requirement in one of the following ways:
 - a. Adopt the compliance program as defined in the business recycling requirement model ordinance.
 - b. Enter into an intergovernmental agreement with Metro to enforce the business recycling requirement or contract with another local government to conduct enforcement.
 - c. Implement a locally-designed compliance method that follows one of the following models:
 - i. Compliance is determined from information provided by franchised or licensed haulers or other recycling service providers. The local government has a clear and complete process for: notifying businesses of non-compliance; providing technical assistance to support compliance; and enforcing against continuing non-compliance.
 - ii. Compliance is determined from local government inspection of businesses. The local government has a clear and complete process for: notifying businesses of non-compliance; providing technical assistance to support compliance; and enforcing against continuing non-compliance.
 - iii. Compliance is determined from self-reporting by businesses, coupled with verification measures. The local government has a clear and complete process for: notifying businesses of non-compliance; providing technical assistance to support compliance; and enforcing against continuing non-compliance.
 - iv. Design an alternative compliance method and seek approval by Metro.

5.15 – 3050 Metro Enforcement of Business Recycling Requirement

Upon establishment of an intergovernmental agreement with a local government, Metro will perform the local government function to ensure compliance with the business recycling requirement.

1. A local Government will identify non-compliant businesses through recycling service reports, complaints or other means.
2. A local government will offer assistance to the non-compliant businesses.
3. Businesses that remain non-compliant after local government attempts to assist them will be referred to Metro for enforcement action.
4. Metro will provide a written non-compliance letter to the business upon receipt of the local government referral. The letter will describe the business recycling requirement, offer the business an opportunity to verify compliance within 30 days with the local government, and offer recycling assistance.
5. A local government will report back to Metro to indicate whether or not the violation has been corrected. If the business has not complied, Metro will issue a notice of violation with an

opportunity to cure. The notice must provide an additional opportunity to cure the violation within the time specified in the notice and must notify the business that it may be subject to a fine. Local governments will provide assistance to businesses seeking an opportunity to cure and report back to Metro to indicate whether or not the violation has been corrected.

6. If the business does not comply with the notice of violation, Metro will provide a written notice of violation and assess a fine to the business within the time specified in the notice. The notice of assessment of fine must include the information required by Metro Code Section 5.09.090. Metro must serve the notice personally or by registered or certified mail. A business may contest an assessment by following the procedures set forth in Metro Code Section 5.09.130 and 5.09.150. Metro must notify the local government of the assessment of fine. A local government representative must be available upon request to provide testimony for a contested case hearing.

5.15 – 3055 Reporting Requirements

A local government must provide the following documentation to Metro:

1. A copy of the adopted ordinance or current code that is consistent with the performance standard in Metro Code.
2. A written description of the local government compliance method consistent with these administrative rules or signed intergovernmental agreement with Metro.
3. An outreach plan that describes how businesses will be notified of the requirement and a local government's compliance approach.
4. A year-end report with the results, including number of businesses notified and number of compliance actions. In cases where there is a city/city or city/county cooperative relationship, the designated jurisdiction may report on behalf of the other jurisdictions.
5. Metro will provide appropriate reporting forms.

**Solid Waste
Administrative Rule**

AR 5.15-5000 through 5020

**Administrative Rule of Metro Code Chapter 5.15
Administrative Rule Adoption Record and Findings**

**AR 5.15-5000 through 5020
General Education Standard Administrative Rules**

These administrative rules are adopted under the authority of Metro Code, which authorizes the Chief Operating Officer (COO) to adopt and amend administrative rules. In accordance with Metro Code Chapter 5.08, the COO provided an opportunity for public comment and held a public hearing on these rules before their adoption.

The COO finds that these administrative rules are necessary to implement certain provisions of Metro Code Chapter 5.15 and hereby adopts Administrative Rules Nos. 5.15-5000 through 5020. The requirements of these administrative rules are in addition to all other requirements and provisions in Metro Code Chapter 5.15. These rules have the same force and effect as any other provision of Metro Code Chapter 5.15.

It is so ordered:

Marissa Madrigal
Metro Chief Operating Officer

Date

SOLID WASTE ADMINISTRATIVE RULES General Education

AR 5.15-5000 through 5020

Effective: XXXXX

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5.15 – 5000 Purpose

To implement the general education standard as set forth in Metro Code Chapter 5.15 and as required by the Regional Waste Plan to ensure a comprehensive and consistent level of education and assistance for garbage, recycling, composting, waste prevention, and reuse education and assistance for all customers in the region.

5.15 – 5005 Legal Authority

1. Metro’s solid waste planning and implementing authority is established under the Metro Charter, the Constitution of the State of Oregon, and ORS Chapters 268 and 459.
2. These rules are issued under the authority of Metro Code. These rules are in addition to all other requirements and provisions in Metro Code Chapters 5.10 and 5.15.

5.15 – 5010 Definitions

Unless otherwise specifically defined below, all terms used are as defined in Metro Code Chapter 5.00 and administrative rule 5.15-2010.

Culturally-responsive means adapted to maximize the respect and relevance to the beliefs, practices, culture and linguistic needs of diverse consumer populations and communities.

5.15 – 5015 Applicability of Rules

The requirements of the Regional Waste Plan’s general education standard apply to all portions of Clackamas, Washington, and Multnomah Counties within Metro’s jurisdictional boundary. For areas of Clackamas, Multnomah and Washington Counties outside of Metro’s jurisdictional boundary, the standard is a recommendation.

5.15 -5020 General Education Performance Standard

A local government must:

1. Provide comprehensive education and assistance for waste, recycling and reuse services to all customers. Education and assistance must be provided at least annually and contain the following:
 - a. Information about waste prevention, reuse, recycling, yard debris and food waste.
 - b. Instructions about the proper preparation of materials for recycling, composting and disposal.
 - c. Contact information for customers to receive additional information or assistance.
2. Provide education and outreach resources that are accurate, culturally-responsive, and reflect local conditions. Ensure that all information provided by collection service providers meets this standard.
3. Ensure collection service providers give direct performance feedback to individual customers regarding any contamination of acceptable recyclable materials.
4. Provide timely inclement weather notifications to customers in multiple languages and through a variety of media.

A local government should:

5. Use regional education and outreach resources, campaigns and programs as developed by Metro including, but not limited to:
 - a. Implement regionally-consistent contamination reduction efforts to improve material quality, including education, sorting instructions, and customer feedback methods.
 - b. Utilize Metro's Recycling Information Center to serve all residents in the region as a clearinghouse for prevention, reuse, recycling and disposal information.