

## Implementation Schedule / Sequence for Juneau Solid Waste Strategy, 2008 – 2012

Recommendation	Activities / Steps	Timeframe: Start ► End
<b>1 / Continue to Use Waste Management (WM) Landfill for Disposal</b>	<ul style="list-style-type: none"> <li>Formally inform WM use of landfill is preferred disposal method</li> <li>Advise WM of desire to enter into long-term disposal agreement</li> <li>Include Arrow Refuse in these communications</li> </ul>	Present – approximately 30 years
<b>2 / Hire Solid Waste Coordinator</b>	<ul style="list-style-type: none"> <li>Prepare description of position</li> <li>Advertise position</li> <li>Interview selected candidates</li> <li>Make selection</li> </ul>	January, 2008 – July, 2008
<b>3 / Adopt Policy on Universal Trash &amp; Recycling Collection Service</b>	<ul style="list-style-type: none"> <li>Prepare general policy statement for adoption by Assembly that all residential &amp; commercial / institutional generators will be provided a basic level of collection service for refuse &amp; specified recyclables</li> <li>Hold public hearings to receive comment on proposed policy</li> <li>Inform interested parties that service details are subject to contractual negotiations between CBJ &amp; Arrow Refuse</li> <li>Finalize &amp; approve policy</li> </ul>	January, 2008 – December 2008
<b>4 / Transfer Arrow Refuse RCA Certificate to CBJ</b>	<ul style="list-style-type: none"> <li>Contact appropriate RCA staff re procedures for certificate transfer</li> <li>Complete, submit application form, with written support from Arrow Refuse</li> <li>Monitor evaluation of application, address any RCA concerns</li> </ul>	January, 2008 – July, 2008
<b>5 / Form Contractual Partnerships Between CBJ, Arrow Refuse, &amp; Waste Management</b>	<ul style="list-style-type: none"> <li>Set up general contractual agreement for WM to operate landfill for disposal &amp; possibly MRF for materials recycling / reuse</li> <li>Set up general contractual agreement for Arrow Refuse to provide collection services for refuse &amp; recyclables</li> <li>Refuse delivered to WM Landfill, recyclables taken to MRF</li> <li>Contract details determined by program &amp; service decisions made re solid waste management strategy components #7 &amp; #12 noted below</li> </ul>	January, 2008 – March, 2009
<b>7 / Design &amp; Implement Fully Automated Residential Refuse Collection with Variable Rates</b>	<ul style="list-style-type: none"> <li>Meet with Arrow Refuse to review options on number &amp; size of carts</li> <li>Also review options on rate structure &amp; differences between rate levels</li> <li>Arrow Refuse to order trucks &amp; carts</li> <li>Prepare schedule for initiation of service</li> <li>Hold community meetings, distribute promotion / education materials to inform public about new refuse collection procedures</li> </ul>	January, 2009 – June, 2010

## **Step 1 / Continue to Use Waste Management (WM) Landfill for Disposal**

**Task 1:** Formally inform WM use of landfill is preferred disposal method and advise WM of desire to enter into long-term disposal agreement. Schedule a series of planning and scoping meetings to discuss and agree upon the nature of the services to be provided by WM and the contractual terms.

**Task 2:** Request a boiler plate contract copy from WM for review by CBJ legal counsel

**Task 3:** Retain, if necessary, outside counsel for solid waste disposal and collection contracts.

Issues of concern to the CBJ:

- a. Operating and safety standards required in accordance with State and Federal laws
- b. Importation of waste from outside the CBJ
- c. Screening for unpermitted waste
- d. Disposal guaranty
- e. Right to enter facility and observe operations
- f. Closure and post closure plan and financial assurances
- g. Litter
- h. Smell / Landfill gas
- i. Annual Reporting (disposal tons, recycled tons, financial assurance, etc.)
- j. CBJ Obligation to WM: Exclusive refuse and disposal services
- k. Required insurance
- l. Rate adjustment

**Task 4:** Inform Arrow Refuse of the contract stipulations once an agreement has been reached.

Future contractual considerations:

Material Recovery Facility / Recycling Processing at the landfill

Siting a HHW facility or drop off point at the landfill

## **Step 2 / Hire Solid Waste Coordinator**

**Task 1:** Prepare description of position

Multiple related job descriptions from jurisdictions are noted below and detailed in the Appendix.

### **Position**

- a. Solid Waste Manager
- b. Solid Waste Coordinator
- c. MRF Site Manager
- d. Waste Outreach Manager
- e. Solid Waste Collections Supervisor
- f. Recycling Coordinator

### **Jurisdiction**

Chandler, Arizona  
Tillamook County, Oregon  
Santa Fe Solid Waste District, New Mexico  
Metro Regional Government, Portland, Oregon  
Mesa, Arizona  
Salinas Valley SW Authority, California

**Task 2:** Advertise position in both print media and on trade and organizational list serves

Advertise in the following publications:

- Waste News
- MSW Management
- American City & County
- American Public Works Association

Join and advertise position on industry list serves or other similar online media such as:

- [GreenYes@googlegroups.com](mailto:GreenYes@googlegroups.com)
- [crra\\_members@yahooogroups.com](mailto:crra_members@yahooogroups.com)

Advertise position through executive recruiting firms that specialize in serving the waste and recycling industries:

- Moffitt International - website: [www.emoffitt.com](http://www.emoffitt.com)
- Kimmel & Associates - website: [www.kimmel.com](http://www.kimmel.com)

**Task 3:** Interview selected candidates

**Task 4:** Make selection

### **Step 3 / Adopt Policy on Universal Trash & Recycling Collection Service**

**Task 1:** Prepare general policy statement for adoption by Assembly that all residential & commercial / institutional generators will be provided a basic level of collection service for refuse & specified recyclables.

- a. City of Boise, Idaho (Section 8-10-02 for Residential and Section 8-10-03.02) stipulates the requirements for trash collection. (City of Boise SW Ordinance included in the Appendix)
- b. Oregon Revised Statutes, Chapter 459A details the "Opportunity to Recycle" and defines who is responsible for recycling, the expectations of the state, and the basic level of recycling service. (ORS 459A included in the Appendix)
- c. City of Beaverton, Oregon City Code explains the relationship between the collection company and the city

**Task 2:** Determine the level of service for both residential and commercial customers

1. Residential cart based collection of solid waste and carts for recycling
2. Commercial containers and carts with the opportunity to recycle
3. Rates set at a cost of service to include recycling

**Task 3:** Hold public hearings to receive comment on proposed policy

1. Amend policies, if necessary, based on public input
2. Inform interested parties that service details are subject to contractual negotiations between CBJ & Arrow Refuse

**Task 4:** Finalize and approve policy(s)

### **Step 4 / Transfer Arrow Refuse RCA Certificate to CBJ**

**Task 1:** CBJ counsel will contact appropriate RCA staff to initiate the procedures for certificate transfer

**Task 2:** Retain, if necessary, outside counsel for solid waste disposal and collection contracts

**Task 3:** Draft collection contract

Issues of concern for the CBJ:

- a. Services Provided to customers of the CBJ (see Step #7)
- b. Contract length
- c. Performance standards
- d. Performance assurance
- e. Rate adjustment
- f. Indemnification
- g. Liability
- h. Obligations by both parties

City of Beaverton, Oregon details the level of service to be provided to residential and commercial customers in the solid waste collection rules. (Rules included in the Appendix)

**Task 4:** Negotiate and execute collection contract

**Task 5:** Complete, submit application form, with written support from Arrow Refuse

**Task 6:** Monitor evaluation of application, address any RCA concerns

## **Step 5 / Form Contractual Partnerships with Arrow Refuse and Waste Management**

Refuse delivered to WM Landfill, recyclables taken to MRF

Contract details determined by program & service decisions made re solid waste management strategy Step #7 noted below

## **Step 7 / Design & Implement Fully Automated Residential Refuse Collection with Variable Rates**

**Step1:** Arrow Refuse will determine the specific service areas and impacted customers based on location in the Borough, waste generated (type and amounts), and accessibility by the collection trucks. (This task would be conducted concurrently with Step #4)

**Step 2:** Review options on rate structure & differences between levels of service

**Step 3:** Arrow Refuse would procure trucks, carts, and other related equipment necessary to implement the new collection programs

**Step 4:** Prepare schedule for initiation of service. Read the Beaverton rollcart program update for the lessons learned by the City of Beaverton and the franchised haulers in the Appendix (May / June is the best time to roll out this program because the weather is good)

**Step 5:** Hold community meetings, distribute promotion / education materials to inform public about new refuse collection procedures (Samples from Silver City, NM and City of Beaverton, Oregon included in the Appendix)

# Appendix

## **Step 2 Data**

- |                                       |                                             |
|---------------------------------------|---------------------------------------------|
| a. Solid Waste Manager                | Chandler, Arizona                           |
| b. Solid Waste Coordinator            | Tillamook County, Oregon                    |
| c. MRF Site Manager                   | Santa Fe Solid Waste District, New Mexico   |
| d. Waste Outreach Manager             | Metro Regional Government, Portland, Oregon |
| e. Solid Waste Collections Supervisor | Mesa, Arizona                               |
| f. Recycling Coordinator              | Salinas Valley SW Authority, California     |

## **Step 3 Data**

City of Boise SW Ordinance

Oregon Revised Statute 459A

City of Beaverton City Code

## **Step 4 Data**

City of Beaverton SW Rules

## **Step 7 Data**

Beaverton rollcart program update 4-2006

Silver City residential cart collection brochure

City of Beaverton residential cart recycling brochure

# SOLID WASTE MANAGER

## City of Chandler, AZ

### **General Statement of Duties**

Performs managerial work in supervising, planning and directing the activities of the Chandler Recycling-Solid Waste Collection Center (RSWCC); performs related work as required.

### **Classification Summary**

The principal function of an employee in this class is to supervise, manage, plan, organize, and direct the staff and operations of the Recycling-Solid Waste Collection Center and Landfill. This position also performs managerial work in the development of long-range plans, managing and operating all financial, administrative, environmental compliance including the efficient collection, disposal and recycling of municipal solid waste and household hazardous waste in accordance with established laws and ordinances. The work is performed under the supervision of the Municipal Utilities Director, but considerable latitude is granted for the exercise of independent judgment and initiative. The principal duties of this class are performed in a general office environment that includes some field inspection duties.

### **Examples of Work (Illustrative Only)**

Essential Duties and Responsibilities (may vary with specific positions, this list is not exhaustive and may be supplemented as necessary):

Manages and oversees the daily operation and administration of the Solid Waste Services which includes planning, organization, and supervision of Administration, RSWCC, Customer Service, Field Services and Household Hazardous Waste to ensure safe and efficient operations;

Supervises and evaluates professional, supervisory, paraprofessional and technical employees; Manages and implements the landfill's gas collection, gas telemetry, groundwater monitoring wells, and gas-to-energy conversion systems;

Prepares and monitors the Solid Waste Division operational and capital budgets and assists in the development of Department work plans and budgets;

Researches and responds to questions or problems raised by City Council and the City Manager's staff, other City departments, outside agencies, and the public;

Performs contract administrative duties, including negotiating and recommending contract terms; evaluating performance, and ensuring compliance to warranty and contract agreements; Manages and administers the landfill disposal contract through ongoing coordination with contract manager and operational staff members of the contractor;

Ensures and oversees compliance with all federal, state and local rules and regulations pertaining to the collection and disposal of all City solid waste and landfill operations, including preparation of compliance reports and records;

Establishes and administers performance measurement and reporting systems; analyzes reporting data and evaluates performance; develops and implements procedures and/or process changes to improve performance; and maintains and operates a management information system for tracking of and charging for services;

Prepares written documents, reports for City Council, studies, proposals, budget documents, letters, memos to convey necessary information to management, City Council, subordinate staff and the general public;

Provides written and verbal directions to supervisors and administrative staff;

Resolves procedural, operation, and other work related problems with staff, consultants, other entities, and City Management;

Provides written documents such as policies, methods, procedures for improving productivity, and develops plans and specifications for additions or revisions to current programs or citywide plans; writes comprehensive reports of activities and costs;

Provides effective, professional leadership, positioning the City of Chandler to meet the community's current and future solid waste needs through appropriate technologies and services;

Attends City Council and other meetings to represent the Department or division and maintains complete records and prepares comprehensive reports;

Works with citizen groups and implements public outreach programs to maximize landfill image to neighboring residents and the general public. Exhibits a service orientation toward customers and maintains productive working relationships;

Acts as City liaison to residential, industrial, and commercial waste generators and other solid waste agencies;

Performs all work duties and activities in accordance with City policies and procedures; Works in a safe manner and reports unsafe activity and conditions. Follows City-wide safety policy and practices and adheres to responsibilities concerning safety prevention, reporting and monitoring as outlined in the City's Safety Handbook.

### **Other Duties and Responsibilities**

Performs other related duties as required.

### **Knowledge, Skills and Abilities**

Knowledge of:

Leadership styles and skills;

Current supervision and evaluation and training methods and techniques;

Principles and practices of solid waste management industry including operation, transportation and maintenance;

Federal, state, county laws and local health and environmental codes, rules, and regulations relating to solid waste operations and hazardous waste issues;

Current techniques of solid waste and recycling collection and disposal operations materials, methods principles and practices, and equipment necessary for efficient collection and disposal of refuse or recyclable material;

Principles and practices of public administration, personnel management, budgeting, contract administration, performance management and statistical analysis as applied to performance management systems;

Current landfill gas collection and control, groundwater monitoring, and pollutant discharge elimination systems;

Emergency response procedures related to landfill hazardous waste spills, fires, gas accidents and procedures for notification to regulating authority;

Federal (OSHA) regulations and City policies governing safe work practices, including use and handling of and proper disposal of hazardous waste, chemicals, and materials;

Operation of standard office equipment and a personal computer using job-related software applications and network systems.

**Ability to:**

Plan, organize, train, assign, motivate and schedule the work of a City unit engaged in refuse and recyclable collection and disposal, including supervising and evaluating the work of subordinates;

Read and interpret technical and operational documents, manuals, maps, plans, and contracts;  
Review and evaluate plans and specifications for proposed new construction, system design, and operation changes;

Make accurate arithmetical calculations;

Interpret, apply, and explain City, federal, state and county solid waste and recycling laws and codes;

Analyze and interpret computer, statistical, and laboratory data, including using the information into reports and recommendations;

Develop and implement a divisional budget;

Interpret and explain rules, regulations, and policies relating to solid waste;



Communicate effectively, both orally and in writing;

Establish and maintain effective working relationships with customers, contracted agencies and workers, other employees, supervisory personnel, and the public;

Operate a personal computer using program applications appropriate to assigned duties;  
Use logical and creative thought processes to develop solutions according to written specifications and/or oral instructions.

### **Acceptable Experience and Training**

Bachelor's degree in civil or environmental engineering, public administration, or related field, Master's degree preferred; and

Four (4) years administrative experience in the field of solid waste management, including experience in a managerial capacity; or

Any equivalent combination of experience and training which provides the knowledge and abilities necessary to perform the work.

### **Special Qualifications**

Solid Waste Association of North America (SWANA) Certification as a Manager or Landfill Operator;

40-hour Hazwoper Certification;

Valid Arizona Driver's License.

### **Essential Physical Abilities**

Sufficient clarity of speech and hearing or other communication capabilities, with or without reasonable accommodation, which permits the employee to discern verbal instructions, communicate effectively in person and on a telephone, and hear within the normal range of conversation;

Sufficient vision or other powers of observation, with or without reasonable accommodation, which permits the employee to comprehend written work instructions, review a wide variety of written and electronic materials at arms length or less (distinguish letters and numbers), to see in detail objects or printed material at greater than arms length, discern meters and gauges, and to perform visual inspections of all collection sites;

Sufficient manual dexterity, with or without reasonable accommodation, which permits the employee to operate standard office equipment, including a personal computer, operate light trucks, and operate gas and water monitoring equipment and make adjustments to equipment;

Sufficient personal mobility, flexibility, and physical reflexes, with or without reasonable accommodation, which permits the employee to bend or stoop repeatedly, sit or stand for long periods of time, lift up to 50 pounds, work in an office environment, and perform field inspections.



## TILLAMOOK COUNTY EMPLOYMENT OPPORTUNITY

OPENING DATE January 2, 2008

CLOSING DATE: January 16, 2008

JOB TITLE: Solid Waste Coordinator

DEPARTMENT: Public Works

SALARY RANGE: \$3141-4009/mo

UNION AFFILIATION: AFSCME

WORK SCHEDULE: Monday-Friday

TOTAL HOURS PER WEEK: 40

**CURRENT DMV RECORD MUST BE SUBMITTED WITH APPLICATION**

### ***SOLID WASTE COORDINATOR RESPONSIBILITIES:***

The Solid Waste Coordinator has overall responsibility for solid waste collection and transfer, waste reduction and recycling.

### ***SOLID WASTE COORDINATOR REQUIREMENTS:***

Bachelor's degree in solid waste management, or a related field and/or successful professional experience in landfill, transfer station or recycling center operations that involved significant contact with the public. At time of appointment, must possess a valid Oregon driver's license and a satisfactory driving record.

Knowledge: Professional knowledge of refuse collection and landfill operation principles, practices, and procedures. Knowledge of laws, rules, codes, regulations and ordinances related to solid waste, recycling, and transfer stations. Knowledge of formal procurement procedures and processes. Knowledge of independent contractors.

Skills: Skill in keyboarding, word processing and spreadsheet software.

Abilities: Able to conduct research, compile and analyze technical data, and make decisions independently. Able to use initiative and judgment in completing tasks and responsibilities, establishing new policies and procedures, resolving unique problems and addressing technical challenges. Able to communicate effectively both orally and in writing. Able to meet and deal effectively with a variety of individual citizens, Commissioners, public organizations, contractors, engineers, consultants, committees, commissions, and the public. Able to lead a meeting and to facilitate group decision making.

### ***PHYSICAL DEMANDS AND WORK ENVIRONMENT:***

Work is performed in an office environment with occasional field investigations. In the office setting, the incumbent is required to sit for extended periods, stand, walk, and perform light lifting. In the field, the incumbent may experience exposure to dust, inclement weather, dirt, and pollen. Climbing, walking, pushing, and pulling might be required. Risks are controlled by safety precautions.

## **HOW TO APPLY**

Obtain an application from the Tillamook County Office of Personnel, (503)842-3418, 201 Laurel Avenue, Tillamook, OR 97141; the State Employment Department Office, 3600 East Third Street, Tillamook, OR 97141; or at our website: [www.co.tillamook.or.us](http://www.co.tillamook.or.us) Completed applications must be submitted to the Personnel Office by 5:00 p.m. on the closing date (postmark accepted). Applications returned by FAX or E-mail will not be considered. Only fully completed applications with an original signature and date will be considered. Any required documents must accompany your application. Your application must stand alone. Resumes are optional, and do not replace the County application form.

## **ACCOMMODATION**

Applicants who have a disability that requires a reasonable accommodation in the interview and selection process are encouraged to contact the Personnel Office as listed above. The TDD for the County is the Oregon Relay Service, 800-877-8801.

## **SELECTION PROCESS**

Following the closing date of this Recruitment, you will hear from us by mail. If you are selected as a candidate for an interview, we will contact you to arrange a date and time. We want to ensure that we hire the best possible staff for our County Team because we believe that people are our most valuable asset!

## **ELIGIBILITY**

Under the provisions of the Immigration Reform and Control Act of 1986, Tillamook County requires any person hired or rehired to provide evidence of identity and eligibility for employment on the date of hire.

## **TILLAMOOK COUNTY IS AN EQUAL OPPORTUNITY EMPLOYER**

Tillamook County is a General Law County organized in 1853. Located on the North Oregon Coast, it has a population of 24,000. Tillamook is the home of world famous Tillamook cheese, and the dairy industry is a major player in the local economy. Other major industries include forest products, fishing and tourism. Tillamook County is comprised of 75 miles of scenic coastline, four bays and five major rivers surrounded by the majestic Coast Range. Tillamook, the County seat, is located only 75 miles from the cultural and entertainment amenities of Portland. Tillamook County has a workforce of approximately 275 employees represented by two bargaining units.

# **SANTA FE SOLID WASTE MANAGEMENT AGENCY**

**149 Wildlife Way, Santa Fe, NM 87506-8342**

**(505)424-1850**

**Fax (505)424-1839**

**www.sfswma.org**

## **Recruitment Announcement # SFSWMA 2007-016**

**POSITION TITLE:** BuRRT SITE MANAGER  
**SALARY RANGE:** \$23.99 - \$38.39  
**FLSA/UNION STATUS:** Not Covered/Not Covered  
**POSITION STATUS:** CLASSIFIED FULL TIME  
**PERIOD TO APPLY:** 11/16/07 – Open Until Filled  
**SUPERVISOR:** Randall Kippenbrock, P.E., Executive Director  
**WORK LOCATION:** Buckman Road Recycling and Transfer Station (BuRRT)

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**PURPOSE:** The purpose of the position is to plan, coordinate and supervise the transfer station and material recovery facility operations, various recycling programs, ensuring compliance with all applicable laws, environmental regulations and standards of safety; and to perform administrative and other supervisory work as required. This position plans, organizes and implements programs within major organizational policies; and reports program progress to the Executive Director through reports and conferences.

**JOB DUTIES AND RESPONSIBILITIES:** (The tasks listed below are those that represent the majority of the time spent working in this position. Management may assign additional tasks related to the type of work of the position as necessary.) Responsible for the day-to-day operations at the transfer station and material recovery facility (MRF), recycling programs, new project management, and environmental compliance at the Agency's Buckman Road Recycling and Transfer Station (BuRRT).

1. Plans, organizes and oversees the transfer station and recycling operations, ensuring compliance with applicable federal, state and local laws and regulations, Agency's policies and procedures, and standards of quality and safety.
2. Supervises assigned staff; supervisory duties include planning, scheduling, instructing, assigning, and reviewing the work of others; maintaining standards; providing recommendations as appropriate; coordinating activities; interviewing and recommending selection of new employees; training employees; appraising performance of employees; rewarding and disciplining employees; addressing complaints and resolving problems.
3. Works within approved budget; develops and implements cost saving measures; conserves organizational resources.
4. Identifies, develops and implements transfer station and recycling projects; coordinates external consultants and contractors related to assigned projects.
5. Identifies and secures end markets for recyclables or when no existing market is available Coordinates the development new markets. Ensure the quality of material sorted meets the standard of the Agency and end markets.
6. Keeps productivity of the MRF operation at a rate acceptable to management. Maintains residual at a rate acceptable to management.
7. Develops and maintains weekly and monthly production reports for the BuRRT operations.
8. Identifies and secures potential suppliers of recyclables.
9. Researches and obtains available grant funding for special programs and projects.
10. Prepares, performs, and implements facility maintenance procedures and programs. Coordinates with equipment maintenance supervisor for repair and maintenance of heavy equipment.
11. Develops and implements BuRRT policies and procedures.
12. Submits oral and written reports to the Executive Director; attends various meetings when Executive Director is unavailable; attends organized meetings where local citizens air concerns or ask questions, and provide accurate responses when addressing the transfer station and recycling programs.
13. Prepares public notices to firms for capital improvement projects, bid specifications for capital outlays, and agenda items for Joint Powers Board's approval on action items, ordinances, resolutions, or executive closed sessions.
14. Ensures compliance with procurement process for requisitions and purchase orders; enforces contract provisions related to the BuRRT operations.
15. Assists in the preparation of the Agency's annual budget including capital improvement projects, capital outlays, revenue projections, and performance measurements.
16. Promotes excellent customer services; incorporates customer service into the employees' overall responsibilities.
17. A member of the evaluation committee for request for proposals, request for bids and statement of qualifications.
18. Reviews consultants' designs, reports, plans, and specifications related to the transfer station, material recovery facility, and recycling programs.
19. Reviews request for payments submitted by consultants and contractors for work performed at BuRRT.
20. Serves as coordinator for the annual Household Hazardous Waste Collection event with the assistance of the city and county.

## **MINIMUM QUALIFICATIONS**

**Education/Experience:** A Bachelor's degree from an accredited college or university in Environmental Science, Resource Management, Public Administration or a closely related field. Requires at least six (6) years of progressively responsible professional level work in transfer station and recycling operations with at least three (3) years in a managerial position. Supervisory experience is a must. Experience working with government officials is highly desirable. A Master's degree in public administration or a related field is equivalent to three (3) years of experience.

**Certification/Licensure/Registrations:** A valid New Mexico driver's license is required or attainment within one (1) month of hire, a NMED Transfer Operator Certification or attainment within six (6) months of hire and a NMED Recycling Certification or attainment within six (6) months of hire. First Aid and CPR certifications are desirable.

**Special Requirements:** Must have a telephone in the residence or be available by an equally effective means of communication as approved by the Executive Director.

**Knowledge/Skills/Abilities** Requires coordinating or determining time, place or sequence of operations or activities based on analysis of data or information and implement and report on operations and activities. Strong organization and project management skills. Must plan, coordinate, budget, and schedule assignments and projects in a structured manner. Requires counseling or instructing/training others through explanation, demonstration and supervised practice or making recommendations based on technical expertise. Requires supervising the activities of those operating complex machinery or heavy equipment that requires extended training and experience. Requires handling or using machines, tools or equipment requiring moderate instruction or experience, such as proficiency in computers for data entry, fax machines, copiers, telephones or similar equipment.

**WORKING CONDITIONS:** Requires light-to-medium work that involves walking or standing much all of the time and also involves exerting between 20 and 50 pounds of force on a recurring basis, or considerable skill, adeptness and speed in the use of fingers, hands or limbs in tasks involving very close tolerances or limits of accuracy. The job may risk exposure to bright/dim light, dusts and pollen, extreme heat and/or cold, wet or humid conditions, extreme noise levels, vibration, fumes and/or noxious odors, traffic, moving machinery, electrical shock, disease/pathogens, toxic/caustic chemicals. The job requires normal visual acuity and field of vision, hearing and speaking ability, and color perception.

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## **HOW TO APPLY**

Submit a completed Santa Fe Solid Waste Management Agency application to the Human Resources Officer, SFSWMA, 149 Wildlife Way, Santa Fe, NM 87506-8342. Resumes will not be accepted in lieu of the SFSWMA application form.

**A COPY OF YOUR DEGREE AND DRIVER'S LICENSE MUST BE ATTACHED TO EACH APPLICATION.**

**PRE-PLACEMENT PHYSICAL EXAMS AND DRUG TESTING ARE REQUIRED.**

**EEO/AA**

# Employment Opportunity



## Waste Reduction and Outreach Manager (Manager II)

600 NE Grand Ave.  
Portland, OR 97232  
(503) 797-1570  
Jobs: [www.metro-region.org](http://www.metro-region.org)

### Internal and General Recruitment

<b>Status:</b>	One full-time position
<b>Department:</b>	Solid Waste and Recycling Department
<b>Work location:</b>	Metro Regional Center – 600 NE Grand Ave, Portland, OR
<b>Salary range:</b>	\$74,881 - \$106,353 annually This position is not represented and is exempt.
<b>Recruitment number:</b>	SWR-1420-Dec07
<b>Application deadline:</b>	December 20, 2007 (Internal) January 4, 2008 (General)

**Internal:** All internal applicants must be current employees of Metro or MetroERC having regular, regular part-time or temporary employment. Temporary employees employed by Metro or MetroERC must have gone through a competitive selection process for the position currently held. Regular employees must have successfully completed their initial probationary period.

**Veteran's preference:** Under Oregon Law, qualified veterans may be eligible for veteran's preference in application for Metro/MERC positions. If you are a veteran, or disabled veteran, and would like to be considered for a veteran's preference for the job for which you are applying, check the appropriate box on the Metro application. If an application is not requested as part of the application process, indicate your desire for veteran's preference consideration in your cover letter. In addition, applicants seeking veterans' preference must complete and submit a Metro Veterans' Preference form with their application materials.

➤ **Please carefully follow application procedures at the end of the announcement** ◀

#### Position summary:

This position is responsible for managing the Waste Reduction and Outreach Division. This division is responsible for: (1) meeting or exceeding state recycling goals through developing, implementing and coordinating regional waste reduction policies and programs; (2) planning, developing, implementing and evaluating Metro's waste reduction and education and outreach programs; (3) supporting the public affairs functions of the Department; (4) supporting the implementation of the Department's Strategic Plan and the Regional Solid Waste Management Plan; and (5) providing policy advice and analysis for elected officials. Develops and administers a \$5.6 million annual budget for a staff of 20. This position is supervised by the Assistant Director for Policy and Programs in the Solid Waste and Recycling Department.

The ideal candidate will have experience in a management capacity involving policy development, planning and budgeting, project management and supervision of professional staff.

#### Essential job duties:

An employee in this position must be able to perform all of the essential job duties listed below with or without reasonable accommodation; however, this list is not intended to include all of the specific tasks which an employee in this position may be expected to perform.

- Coordinates and facilitates the development of regional waste reduction policies and strategies to meet and exceed state recycling goals. Coordinates and facilitates the development of regional toxics reduction policies and strategies.
- Coordinates the implementation of waste reduction, toxics reduction, and education and outreach aspects of the Regional Solid Waste Management Plan.

- Provides leadership for implementing the waste reduction and outreach elements of the Department's strategic plan.
- Participates in the formulation and evaluation of Metro policies and programs related to program area. Provides oversight to division policies and programs.
- Leads and coordinates the development, implementation and assessment of waste reduction programs. Ensures coordination of efforts between Metro and local government programs.
- Provides leadership in the development and implementation of outreach and education programs to help the Division and Department identify, serve and educate its customers and the public, which includes adult and school-age citizens.
- Supervises individuals and teams within the Division. Develops and implements objectives, expectations and performance standards. Supports, mentors and advises professional staff on effective individual and team performance. Responsible for hiring, promoting, transferring, assigning, evaluating performance, initiating salary action, handling grievances, disciplining and discharging employees.
- Participates on the Department Management Team, which identifies priority programs and projects consistent with the Department Strategic Plan.
- Develops work programs and identifies key program needs and resources. Assigns section and support staff, materials and services.
- Assists in the development and coordination of Department teams. Participates in interdivision teams.
- Develops and administers Division's \$5.6 million annual budget; oversees controls to ensure expenditures are within limits authorized through the budget.
- Supervises staff who prepare and monitor consultant contracts and intergovernmental agreements; ensures federal, state and local contract requirements are met and that contracts meet project goals.
- Responds to questions and concerns. Develops required information and prepares reports presenting issues and recommendations to Department Director, Chief Operating Officer, Metro advisory committees and other organizations.
- Performs other related duties, as assigned.

**Minimum requirements:**

Bachelor's degree in public administration, environmental science, planning or related field, and six years of progressively responsible experience in the field, including experience with solid waste disposal and recycling programs; or any combination of experience and education that provides the applicant with the desired knowledge, skills and ability required to perform the job.

All general, non-internal applicants must submit a completed and signed Criminal History Check Disclosure and Consent Form with their application materials, and by the application deadline date. Application materials received without this completed and signed form will be incomplete and will not be considered.

**Knowledge, skills and abilities:**

- Knowledge of the principles, theories, methods, and practices of solid waste management and recycling, including knowledge of applicable legal requirements, regulations and laws.
- Knowledge and experience in developing policies and managing the economic and financial aspects of solid waste management and recycling.
- Knowledge of the principles, theories, and practices of planning and waste reduction.
- Knowledge of the principles, theories, and practices of education, outreach and public relations, including behavior change techniques.
- Knowledge of the principles, theories, and practices of program evaluation, measurement and monitoring.
- Knowledge of the principles of public administration and management, including personnel, strategic and financial planning, budgeting and staff development.

- Skill in managing a multi-disciplinary professional staff for a wide variety of complex projects.
- Skill in effective communication both orally and in writing, including preparation and presentation of reports, policy options and recommendations.
- Ability to communicate effectively with staff, management, elected officials, the media, the public, groups and individuals on complex or sensitive issues or regulations.
- Ability to plan strategically, anticipate policy development needs, formulate planning programs and recommend policies or changes in policy direction to respond to needs.
- Ability to develop and implement innovative programs or services.
- Ability to work successfully with elected officials, local jurisdictions, environmental groups, regulatory agencies, the solid waste and recycling industry, private businesses and citizens, including the ability to develop partnerships and build consensus.
- Ability to operate a computer and standard business software.

### **Working conditions:**

Duties are primarily performed in an office environment while sitting at a desk or computer terminal. Some positions within this series classification require outside work with exposure to construction/remodeling work. Employees may encounter hazardous situations, equipment and conditions found in such environments. Travel, evening meetings and extensive overtime may be required. Mental activities required by jobs in this series include constant decision-making, discretion, problem analysis and resolution, independent judgment and independent action. There is frequent use of interpersonal skills, teamwork, creativity, customer service skills, negotiation, presentation/selling, and training/supervising. Advanced math and programming are used in certain program areas. Understanding and the ability to read, speak and write the English language is required. Physical activities frequently required include standing or sitting, walking, talking, hearing, fingering, repetitive motions of hands and wrists, grasping and handling. Depending on the program area, occasional pushing, pulling lifting and carrying of up to 60 pounds is required.

**Benefits:** Metro provides generous health care benefits that vary depending on the plan the employee chooses, bargaining unit affiliation, and employment status. Metro participates in the Public Employees Retirement System (PERS), contributing both the employer and employee portion. Employees hired after August 2003, who have not previously worked in a PERS benefited position will participate in the OPSRP program; eligibility for OPSRP generally begins the first of the month after working 6 full months. Eligibility for Tier 1 or Tier 2 PERS generally begins after working 600 or more hours in a 12-month period.

**Immigration law notice:** Only US citizens and aliens authorized to work in the United States will be hired. All new employees will be required to complete and sign an employment eligibility form and present documentation verifying identity and employment eligibility.

**Equal employment opportunity:** All qualified persons will be considered for employment without regard to race, color, religion, sex, national origin, age, marital status, familial status, gender identity, sexual orientation, disability for which a reasonable accommodation can be made or any other status protected by law. Assistance will be gladly provided upon request for any applicant with sensory or non-sensory disabilities.

### **Application procedure:**

This position opens to internal and general candidates on December 4, 2007.

### **To apply, submit the following:**

1. Resume, including dates of employment.
2. Cover letter describing your experience as it directly relates to the duties of this position.
3. The answers to the required supplemental questions listed below.
4. Applicant Contact Information form (download from the end of the job announcement posted on [www.metro-region.org/jobs](http://www.metro-region.org/jobs))
5. General, non-internal applicants only, submit a Criminal History Check Disclosure and Consent Form (download from the end of the job announcement posted on [www.metro-region.org/jobs](http://www.metro-region.org/jobs))

Note: If you do not include all of the required materials, your application will be **incomplete** and will not be considered.

### **Required supplemental questions:**



- All applicants must submit a written or typed response to each of the following.
  - The responses must be addressed individually and included with the application on a separate sheet(s).
  - Write your telephone number, including the area code, in the upper right corner of each page, but not your name.
  - Your responses will be used as part of your application evaluation.
1. **Describe your experience directing the development of a new program or policy. Give an example of how you vetted the issue, including any process with internal and external stakeholders. Describe how you presented the issue for consideration by elected officials or upper management?**
  2. **Using a real or a hypothetical example, describe how you would employ your skills in communication and strategic planning to make a case for shifting significant resources from a well-established and politically popular program to one that potentially held great promise, but required more resources and more time to realize its true effectiveness.**
  3. **Describe your experience supervising the work of others, include your experience evaluating performance, coaching employees and handling discipline and discharge, and indicate the number of staff you supervised.**

**Submit your application:**

**Deadline:** December 20, 2007, 5:00 p.m. (Internal)  
January 4, 2008, 5:00 p.m. (General)

**Mail or drop off:** Metro Human Resource Department  
600 NE Grand Ave., Portland, OR 97232

**E-mail:** jobs@metro.dst.or.us  
Please include the word "Application" in the subject line of your e-mail. Electronic attachments must be in MS Word (.doc) or PDF format. We are unable to download ZIP files.

**Fax:** (503) 797-1798

**Important notes about your application:**

- Applications received after the deadline will **not be considered**.
- The date and time of our e-mail/fax system will be used to determine if application materials are received by 5 p.m. on the deadline.
- Any unsolicited materials will be discarded. All materials submitted become the property of Metro and will not be returned.

**Follow-up:**

After the application deadline, it usually takes about three to four weeks before the hiring manager selects those individuals who will be interviewed. You can find out the status of a position for which you've applied by: (1) calling the job hotline at (503) 797-1777 and listening for the recruitment update prompt; (2) accessing Metro's website at [www.metro-region.org/jobs](http://www.metro-region.org/jobs) and clicking on the Recruitment Status Updates link. Weekly recruitment status updates will be posted on the job hotline and web site every Friday. When accessing recruitment updates, you will need to know the title of the job for which you applied.

***An Equal Opportunity/Affirmative Action Employer***

## **SOLID WASTE COLLECTIONS SUPERVISOR**

### **JOB DESCRIPTION**

**Classification Responsibilities:** The Solid Waste Collections Supervisor, under general direction, supervises and directs the activities of the Solid Waste commercial and residential collections areas in the Solid Waste Department. An employee in this class is responsible for crew assignments and schedules, and to periodically review the work of all the workers. The incumbent coordinates personnel, material, and equipment allocations. Work also involves assisting in the preparation and management of the section's operation and maintenance budget and the preparation of reports. This class is responsible for performing related duties as required.

**Distinguishing Features:** This classification has been designated as a non-classified, non-merit system, at-will position. The Solid Waste Collections Supervisor can be distinguished from the next lower level of Solid Waste Foreman by the full-supervisory and budget preparation and monitoring responsibilities of the former. Additionally, the incumbent is responsible for the overall planning, goals, operations, and programs for the commercial and residential areas within the Solid Waste collections section. Employees must be available on a 24-hour basis to cover emergency situations. This class is supervised by the Solid Waste Collections Administrator through meetings, conferences and end results achieved. This class is subject to random drug and alcohol testing to comply with Department of Transportation (DOT) Federal Motor Carrier Safety Administration (FMCSA) regulations 49 Code of Federal Regulations (CFR) Part 382 (by assignment). This class is FLSA exempt-administrative.

### **QUALIFICATIONS**

**Minimum Qualification(s) Required.** Any combination of training, education, or experience equivalent to graduation from an accredited college or university with an Associate's Degree in Public or Environmental Health, Business or Public Administration, or a related field. Considerable (3 - 5 years) administrative and supervisory experience in a municipal refuse collection operation.

**Special Requirement(s).** Must possess a valid Arizona Driver's License by hire date. Must possess a valid Arizona Class B (Class A preferred) Commercial Driver's License (CDL) with no air brake restriction by hire or promotion date (by assignment).

**Preferred/Desirable Qualification(s).** Graduation from an accredited college or university with a Bachelor's Degree is preferred.

### **ESSENTIAL FUNCTIONS**

**Communication:** Communicates with the general public, other City employees, vendors, management, contractors, and public officials in order to provide solid waste services to customers in the City. Instructs and trains subordinates and/or customers in a classroom setting regarding safety, customer service, and Solid Waste operations, and/or proper disposal of refuse and recycling. Prepares procedures and operations, safety guidelines, justifications

(program budget), personnel recommendations, revenue reports, sales reports, and program review and/or analyses with clearly organized thoughts in order to

provide operational needs or updates, communication with customers, vendors and contractors, program analysis and/or development, personnel actions, etc.

**Manual/Physical:** Reviews the work products of others to ensure compliance with standard operating procedures, federal regulations (proper operation of solid waste vehicles, bridge law, etc.), and state regulations (proper hauling of solid waste and recycling, Motor Vehicle Division rules, etc.). Inspects, monitors, and evaluates information, work-related conditions concerning the solid waste operation to determine compliance with prescribed operating, safety, Arizona Department of Transportation (ADOT) regulations, etc. Operates heavy refuse equipment (i.e., front-end loader, side loader, etc.), requiring a valid Arizona Class B CDL (by assignment). Operates a sedan or pickup requiring a standard Arizona Driver's License to inspect and monitor work-related conditions in the field to determine compliance with prescribed operating and safety regulations. Operates a variety of standard office equipment (i.e., copy machine, facsimile machine, etc.). Enters data or information into a personal computer in order to retrieve information related to scheduling, production, electronic mail, and customer service and/or sales. Prepares and updates maps, schedules, and graphs to update supervisor and management on areas activities, schedules, personnel, and equipment.

**Mental:** Plans, organizes, and directs the activities of solid waste collections operations to minimize cost and maximize revenue. Supervises and evaluates the work of subordinate personnel involved in the collection of solid waste and recyclables. Prioritizes and assigns work to personnel and prioritizes own work (i.e., daily solid waste operation, damage repairs, barrel program, and solid waste sales). Resolves procedural, operational, and other work-related problems (personnel issues, equipment needs, customer service) by interdepartmental coordination. Coordinates work activities, program functions, and programs within commercial and residential areas with other City departments, and other cities. Develops division policies, short- and long-term objectives, safety and operational procedures, long-range planning for commercial and residential areas. Performs mathematical calculations, statistical computations, financial and/or cost analyses regarding route efficiencies, customer sales, operational cost projections, and overtime. Assists in preparing the section budget by providing information related to the needs of the department, personnel, and equipment. Comprehends and makes inferences from written material (budgets, equipment specifications, department procedures) to complete daily and future operational needs. Reviews pilot program and program updates. Understands layouts to review subdivision and/or commercial plans for accessibility of collection vehicles to perform solid waste collection services. Estimates labor and material costs from operations plans for new solid waste programs.

### **Knowledge and Abilities:**

Knowledge of:

- the principles and methods of workload scheduling and planning;
- equipment, tools, and materials used in the collection of refuse and other solid waste;
- the principles and methods of budget preparation and monitoring;
- the purpose and methods of employee performance and training needs evaluations;
- the hazards and safety rules and precautions associated with solid waste collection and containment;

- the forms, procedures, and data collection requirements pertaining to accident investigations; and program management and strategic planning methods.
- Ability to:
- make recommendations on personnel within the commercial and residential areas, including: hiring, evaluating, discipline, and recognition;
- schedule collection vehicles for minor body repair and/or painting done by bin maintenance employees; review performance appraisal forms prepared by subordinate foremen in order to make certain that the ratings given are consistent with departmental policy;
- monitor and follow-up on complaints related to permitted and non-permitted haulers;
- plan, coordinate, and control the productivity of assigned solid waste areas;
- review time sheets to verify that time worked by employees is charged to the correct work order number;
- establish work performance standards and operating procedures;
- review work in progress or upon completion to ensure conformance with plans and specifications;
- order necessary materials and equipment and assist in the development and/or updating of equipment specifications;
- initiate disciplinary action, as necessary;
- coordinate the activities of all subordinates to ensure customer satisfaction and completion of routes; work with City personnel, contractors, customers, and the general public to prevent, resolve, or minimize solid waste-related problems;
- effectively analyze and resolve operational and procedural problems;
- prepare recommendations on personnel, supplies, and equipment needs for the budget, and monitor expenditures in assigned areas;
- express ideas clearly, analyze and evaluate information and data accurately, and make written reports; detect unsafe working conditions associated with refuse and other solid waste collection;
- balance the daily workload to allow for vacation, sick leave, unexcused absences, and holidays;
- complete daily reports in order to document each vehicle's actual use, down time, standby time, mileage driven, number of loads, and total tons hauled;
- complete daily reports in order to document each operator's work hours on individual equipment, paid hours, routes, and time spent on each route;
- coordinate solid waste collection activities with the activities of other sections, departments, and outside agencies, private firms and customers;
- assist as a team member in special studies and/or pilot projects related to Solid Waste management practices and make recommendations from analysis;
- review and approve work assignments for the commercial and residential areas;
- interpret and enforce City codes covering solid waste collection and storage practices, and health and environmental regulations for both private and public operations; and
- and integrate new programs into existing operations.

The duties listed above are intended only as general illustrations of the various types of work that may be performed. Specific statements of duties not included does not exclude them from the position if the work is similar, related, or a logical assignment to the position. Job descriptions are subject to change by the City as the needs of the City and requirements of the job change.

## EXHIBIT D



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<b>JOB TITLE:</b>	Recycling Coordinator	<b>DIVISION:</b>	Resource Recovery
<b>REPORTS TO:</b>	Diversion Manager	<b>FLSA STATUS:</b>	Non-Exempt
<b>PREPARED DATE:</b>	March 2004	<b>APPROVED DATE:</b>	March 18, 2004
<b>REVISION DATE:</b>	January 2007		

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### **SUMMARY**

Under general direction of the Diversion Manager, plans, directs and monitors residential, commercial, school and government resource recovery services in support of Board directives and pertinent federal, state and local mandates. Manages the public education and outreach programs including media communications. Develops and expands the market and exchange opportunities for diverted or recycled materials. Assists in ensuring compliance with resource recovery elements in franchise hauler collection agreements. Works closely with the Contracts/Grants Administrator to research, secure and monitor appropriate grant opportunities.

Supports the Authority's mission: To promote and protect the environmental health of the Salinas Valley through planning, public education and management on an innovative solid waste system emphasizing recycling, energy recovery and state-of-the-art technology.

### **ESSENTIAL DUTIES AND RESPONSIBILITIES** *(Other duties and responsibilities may be assigned).*

Manages comprehensive programs to promote recycling and reuse of waste materials within the Authority's service area; develops and designs displays, exhibits, educational materials, brochures, advertising copy, information, and public outreach efforts to promote waste reduction, recycling, composting and household hazardous waste collection for presentations and events; oversee programs developed for schools; researches and recommend procedures to improve the economic feasibility of recycling activities; conducts solid waste audits for businesses, municipalities and schools, reviews and monitors existing recycling and diversion programs, including applicable portions of solid waste collection franchise agreements; tracks, compiles, calculates, and analyzes disposal and recycling tonnage for compliance reports mandated by State law; prepare plans and recommendations to assist member agencies in developing additional recycling, composting, and transformation programs and provides assistance to implements projects contained in City and County Source Reduction and Recycling Elements; represents the Authority at special events and on recycling committees; coordinates multi-media advertising campaigns; issues press releases and maintains on-going media relations; serve as contract manager for media agreements; responds to information and assistance requests from businesses and the public; supervises and conducts performance evaluations for subordinate staff; manages grants related to recycling activities. Attends meetings and events outside regular work hours and location as required.

### **SUPERVISORY RESPONSIBILITIES**

Directly supervises the Resource Recovery Technicians and provides direction to Administrative Support Assistant I or II on specific tasks or projects.

### **COMPETENCIES**

To perform the job successfully, an individual should demonstrate the following competencies:

**Technical Skills** - Assesses own strengths and weaknesses; pursues training and development opportunities; strives to continuously build knowledge and skills; shares expertise with others.

**Customer Service** - Manages difficult or emotional customer situations; responds promptly to customer needs; solicits customer feedback to improve service; responds to requests for service and assistance; meets commitments.

**Interpersonal Skills** - Focuses on solving conflict, not blaming; maintains confidentiality; listens to others without interrupting; keeps emotions under control; remains open to others' ideas and tries new things.

**Oral Communication** - Speaks clearly and persuasively in positive or negative situations; listens and gets clarification; responds well to questions.

**Written Communication** - Writes clearly and informatively; edits work for spelling and grammar; presents numerical data effectively; able to read and interpret written information.

**Teamwork** - Exhibits objectivity and openness to others' views; gives and welcomes feedback; contributes to building a positive team spirit; puts success of team above own interests; supports everyone's efforts to succeed.

**Organizational Support** - Follows policies and procedures; completes administrative tasks correctly and on time; supports organization's goals and values; supports affirmative action and respects diversity.

**Quality** - Demonstrates accuracy and thoroughness; looks for ways to improve and promote quality; applies feedback to improve performance; monitors own work to ensure quality.

**Quantity** - Meets productivity standards; completes work in timely manner; strives to increase productivity. Works quickly.

**Attendance/Punctuality** - Is consistently at work and on time; ensures work responsibilities are covered when absent; arrives at meetings and appointments on time.

**Dependability** - Follows instructions, responds to management direction; takes responsibility for own actions; keeps commitments; commits to long hours of work when necessary to reach goals. Completes tasks on time or notifies appropriate person with an alternate plan.

**Initiative** - Seeks increased responsibilities; Asks for and offers help when needed.

## **QUALIFICATIONS**

To perform this job successfully, an individual must be able to perform each essential duty. The requirements listed below are representative of the knowledge, skill, and/or ability required.

### *MINIMUM QUALIFICATIONS*

Any combination of training and experience, which would likely provide the required knowledge, skills and abilities are as follows:

- Two (2) years of varied and responsible experience in public information and public education, preferably including experience in developing and promoting recycling and other solid waste management programs.
- Completion of advanced educational training equivalent to a Bachelor's degree in Public Administration, Journalism, Public Relations, Political Science, Environmental Science, Education, Resource Management, or a related field.

### ***Desirable Experience and Knowledge Base***

- The California Integrated Waste Management Act of 1989 and subsequent recycling related legislation.
- Source reduction, recycling, reuse, composting, and transformation methods and practices.
- Environmental, political, and planning issues related to Solid Waste Management.
- Advertising and marketing techniques.
- Prepare clear and concise statistical analysis and narrative reports using word processing, spreadsheets, and desktop publishing.

- Sound customer service practices and procedures; ability to communicate and work with people of diverse ages, ethnic and social backgrounds.
- Public education/information methods and practices.
- Techniques used in effective written and oral presentations.
- Principles of work direction, supervision, and coordination with the ability to communicate written and verbal instructions and directions.
- Spreadsheet software and word processing software.
- Plan, organize, implement, and supervise effective public information, waste reduction, and recycling programs.
- Respond positively to issues and concerns generated by residents and businesses.
- Analyze and interpret Federal, State, and local laws and regulations related to waste management and recycling.
- Develop and implement public information, public education, and media relations programs.
- Use effective techniques to communicate effectively verbally and in writing.
- Speak effectively before groups i.e.: the public, local schools, customers or employees of the organization.
- Effectively present Authority policies, programs, and services to employees, the public, the media, representatives of other agencies, and local schools.
- Possess good interpersonal skills and establish and maintain cooperative working relationships.
- Supervise assigned staff.
- Read and interpret documents such as safety rules, operating and maintenance instructions, and procedure manuals.
- Mathematical computation: add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, and decimals. Ability to compute rate, ratio, and percent and to draw and interpret bar graphs.
- Apply common sense understanding to carry out instructions furnished in written, oral, or diagram form. Ability to deal with problems involving several concrete variables in standardized situations.

#### CERTIFICATES, LICENSES, REGISTRATIONS

- Possession of or ability to obtain within 6 months of employment, a Solid Waste Association of North America Recycling Program Manager Certificate.
- A valid California driver's license is required.

#### OTHER QUALIFICATIONS

**Physical Demands** - The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to talk or hear. The employee is frequently required to sit. The employee is occasionally required to stand and walk. The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision and ability to adjust focus.

**Work Environment** - The work environment a typical office setting; however field visits are required on a periodic basis, which may involve outdoor weather conditions, fumes, airborne particles, loud noise levels, and unpleasant odors. The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

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I acknowledge that I have received, read, and sought clarification of any questions I have about the content of this job description. I further understand that, in order for the Authority to retain necessary flexibility to meet organizational needs, this job description may be modified from time to time.

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Employee

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Date



## Chapter 8-10

### CITY OF BOISE SOLID WASTE ORDINANCE

#### Sections:

<b>8-10-01</b>	<b>TITLE, PURPOSE AND GENERAL PROVISIONS</b>
<b>8-10-02</b>	<b>RESIDENTIAL SOLID WASTE COLLECTION SERVICE</b>
<b>8-10-03</b>	<b>COMMERCIAL SOLID WASTE COLLECTION SERVICE</b>
<b>8-10-04</b>	<b>REGULATIONS AND REQUIREMENTS</b>
<b>8-10-05</b>	<b>ADMINISTRATION AND ENFORCEMENT</b>

#### **Section 8-10-01 TITLE, PURPOSE AND GENERAL PROVISIONS**

##### **8-10-01.01 Title**

This Ordinance shall be known as the City of Boise Solid Waste Ordinance and may be so cited.

##### **8-10-01.02 Purpose and Intent**

The purpose and intent of this Ordinance is to:

- A. Provide for the protection of air, soil, storm water, ground water, and surface water from pollutants by establishing a system for the storage, handling, collection and processing of solid waste with uniform requirements for direct and indirect contributors.
- B. Promote the health, safety, and general welfare of the citizens of Boise, and enhance and preserve the quality and value of the resources of the city of Boise by the proper management of solid waste.
- C. Encourage and improve the opportunity for recycling.
- D. Equitably distribute the costs of the solid waste collection and disposal system.

##### **8-10-01.03 Applicability**

This Ordinance shall apply to all persons within the corporate limits of the city of Boise, including those receiving solid waste services, eligible to receive solid waste services and engaging in the collection of solid waste.

##### **8-10-01.04 Regulatory Consistency**

This Ordinance shall be construed to assure consistency with State and Federal laws, rules and regulations, and other provisions of the Boise City Code.

##### **8-10-01.05 Severability**

If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment or circumstance shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are hereby declared to be severable.

##### **8-10-01.06 Definitions**

The terms as used in this Ordinance shall have the following meanings:

- A. ADA. The Americans with Disabilities Act.
- B. Appliances. Household equipment, intended or placed for disposal, including, but not limited to, refrigerators, freezers, stoves, water heaters, swamp coolers, air conditioners, dishwashers, washing machines, and dryers, which are intended for recycling.
- C. Bulky Waste. Waste materials, intended or placed for disposal, which are of sizes, weights, or volumes greater than the allowance for trash cans, such as furniture. Bulky

waste does not include major appliances, construction debris, dead animals, hazardous waste, or stable matter.

- D. Business. An establishment used for sales, office, manufacturing, production, entertainment, service or similar use, whether for profit or not. Includes hotels and motels and other short term lodging uses, as well as any establishment located within a residential structure.
- E. Carry-out Service. Collection of solid waste and recyclables achieved by entering upon a residential customer's property to convey the materials to the collection vehicle.
- F. City. City of Boise City, Idaho.
- G. Commercial Premises. Business, industrial, and institutional premises and activities, as distinct from residential or multi-family premises.
- H. Composting. The conversion of plant debris to decayed organic matter which can be used as a soil conditioner.
- I. Customer. An occupant or owner of any premise, including household, apartment, business, institution or other establishment in the city for which solid waste service is, or has been, provided.
- J. Franchisee. Any person authorized by the city to collect any solid waste, including recyclable materials, who has executed a Franchise Agreement with the city of Boise.
- K. Garbage. Materials discarded for disposal.
- L. Hazardous Waste. Any chemical, compound, mixture, substance or article which is designated by the United States Environmental Protection Agency or appropriate agency of the state to be a "hazardous waste", "hazardous material" or "hazardous substance" as those terms are defined by federal or state law.
- M. Institution. School, college, group home, dormitory, child care center, boardinghouse, nursing home, retirement center, in-patient medical facility, military installation, and any entity of a similar nature in the city.
- N. Licensee. Any person authorized by the city to collect any solid waste, including recyclable materials, who has executed a License Agreement with the city of Boise.
- O. Litter. Garbage or trash scattered about the ground surface.
- P. Low Income Discount. A reduction in the amount charged for residential solid waste service based upon the annual gross family income when it is at or below the income level indicated for a family of similar size on the current "Moderate Income Guidelines" chart used by the city in the administration of the Community Block Grant Program.
- Q. Medical Waste. Waste consisting of one or more of the following: human tissue, animal tissue, cultures and stocks, body fluids (except urine), human blood or blood products, materials contaminated with human blood or blood products, used surgical wastes, used or unused sharp instruments, including, but not limited to, hypodermic needles, suture needles, syringes, and scalpel blades.
- R. Multi-family Premises. Premises with more than one residence on a single site. These include multiplex dwellings, apartments, condominiums and manufactured home parks. Multi-family premises do not include: dwelling hotels, motels, hospitals, nursing homes or other congregate care or institutional housing or facilities.
- S. Overloading. Exceeding the container weight capacity, allowing objects to protrude outside of the container, or stacking objects against containers used for commercial or residential central solid waste collection.
- T. Owner. Every person, including lessees and occupants, in possession, charge, custody, or control of any residential, business, or institutional premises within the city, where solid waste is created or accumulated.
- U. Person. Any individual, partnership, association, firm, corporation, public agency, or any other legal entity.
- V. Putrescible Waste. Wastes that can decay and stink or become putrid.

- W. Recyclable Materials. Products or substances, including but not limited to paper, plastics, cardboard, metal, grass clippings, garden waste, vegetable matter, or other substances capable of being re-processed or re-used, which have passed through their originally intended usage and which have been discarded or placed for recycling by their owner in accordance with the methods prescribed by this Ordinance, whether or not such products have monetary value.
- X. Residential Premises. A separate dwelling or residential unit in the city occupied by a person or group of persons which may be in a single family residence, mobile home, condominium, duplex or multiplex where garbage is placed and collected in garbage containers and recyclable materials are placed and collected in recycling containers. Each separate dwelling unit shall be considered a separate residence for solid waste service.
- Y. Scrap Tires. Any motor vehicle tire, new or used, whether or not it is in a condition to be reused, retreaded, or otherwise salvaged, excluding tires held for sale to the general public by a commercial seller.
- Z. Solid Waste. All putrescible and non-putrescible solid and semi-solid waste material placed or intended for disposal, including, but not limited to, garbage, trash, rubbish, demolition and construction wastes, industrial wastes, vegetable solid and semi-solid wastes, dead animal remains, reusable or recyclable material, bulky goods, appliances, hazardous wastes, medical waste, and other discarded solid and semi-solid wastes.
- AA. Vector. An organism that can transmit disease.
- BB. Yard Waste. Plant material such as leaves, grass, branches, brush, flowers, tree wood waste, and debris commonly thrown away in the course of maintaining yards and gardens, and other particular biodegradable waste including Christmas trees.

(6123, Repealed & Replaced, 02/05/2002)

## **Section 8-10-02 RESIDENTIAL SOLID WASTE COLLECTION SERVICE**

Residential solid waste collection service as provided through the City of Boise is mandatory for all residential premises and all residents or residential premises shall be charged a fee for this service. Fees for residential customers are not based on the amount of solid waste placed for disposal, nor the frequency of solid waste collection.

### **8-10-02.01 Residential Solid Waste Service**

- A. Regular Service. Curbside collection of solid waste of at least one time per week.
- B. Carry-out Service. Regular collection service with the additional provision that the service provider shall enter onto the customer's property to collect solid waste containers. The service provider will not enter enclosed structures. The customer must execute an agreement to save and hold harmless the city and the service provider for any damages before this service can be instituted.
- C. Disability Service. For those residents who have qualified disabilities under the Americans with Disabilities Act, carry-out service is available at the regular service rate with a written certification from a licensed physician that the resident's impairment qualifies as a disability and prevents them from utilizing curbside service. The resident must also show that there is no other person in the residence that can carry the solid waste container(s) to the collection site. Disability, for this purpose, is defined as a physical or mental impairment, whether permanent or temporary, that substantially limits one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning or working.

- D. Central Solid Waste Collection. Required solid waste service type for multiple family dwellings of nine (9) or more dwelling units. Multiple family dwellings of less than nine units may choose between regular service and central solid waste service.
- E. Appliance Collection. There will be twice weekly appliance collection. Customers are responsible for contacting the service provider to schedule the pick-up.
- F. Bulky Waste Collection. Bulky wastes shall be collected within twenty-four (24) hours upon customer request, excluding non-business days and holidays. The customer shall convey the waste to the curbside unless they have carry-out service.
- G. Seasonal Collections. Each year, the city may establish special dates for the collection of leaves and the collection of Christmas trees.
- H. Temporary Service. Special service for a maximum of 120 days to accommodate construction and demolition projects and other short-term waste generation projects. This service is only available for selected projects and does not replace regular solid waste service for the premises. Solid waste regularly produced is not permitted in temporary containers.

#### **8-10-02.02 Service Accounts for Non-Property Owners**

When solid waste service is requested by a person who is not the owner of the property at which the service will be provided, that person may be subject to a deposit requirement, and may, upon the finding of a poor credit or payment history, be refused service, unless and until an additional person agrees to accept responsibility for the account as a guarantor. The guarantor must be a person with a documented good credit history with the city or other public utility, and a current city sewer or solid waste service customer. The guarantor may be released from his obligation for the service account upon a showing that the customer has made consecutive payments for twenty-four (24) months.

#### **8-10-02.03 Residential Solid Waste Containers**

- A. Solid waste shall be placed in garbage cans or enclosed in plastic bags that are at least 1.5 mil, except for materials placed for recycling, appliances and bulky wastes. If garbage cans are utilized, they may not be less than twenty (20) gallons size, nor more than thirty-two (32) gallon size, except for wheeled trash carts furnished by the service provider. The total weight of any filled container, with the exception of the furnished wheeled trash carts, shall not exceed sixty (60) pounds.
- B. For central solid waste service, the customer shall be provided with one or more containers with a choice of sizes as follows: two (2) to eight (8) cubic yard dumpsters, front or rear-loaded, and twenty (20) to forty (40) cubic yard roll-off containers. The maximum permissible weights for these containers is found in section 8-10-04.2F. Customer or franchisee owned compactor containers, which must be no larger than forty (40) cubic yard capacity, may also be utilized.
- C. All cans and plastic bags must be tightly closed to prevent solid waste from being scattered, blown, or spilled. Container lids must open freely and the contents of the container must fall freely when inverted for emptying.
- D. Containers must be maintained in good condition and must be of sturdy build and material, with sturdy handles. The container must be replaced by the customer if it becomes broken or otherwise not functional, or if requested by the service provider due to safety concerns, except for furnished wheeled trash carts.
- E. Location Requirements.

1. For regular service, solid waste containers must be placed curbside, as close to the curb as possible, or in an alley if the property has alley access.
  2. For carry-out service, containers must be stored in unlocked areas clearly visible to the service provider from the street or alley from which normal collections are made. The containers must not be located in a locked yard or in an area accessible to any animal which appears unfriendly.
  3. For central solid waste service, the container location shall have a sufficient foundation to support the weight of the collection vehicle and solid waste container and shall be shielded from view of public streets by walls, fences, earthen berms, or evergreen landscaping forming an opaque, attractive sight barrier.
  4. For regular service or other curbside or alley service, solid waste containers shall not obstruct pedestrian or vehicular traffic.
  5. Solid waste containers placed for collection on the curbside or in an alley must be clearly visible and accessible, and the containers and collection areas shall be free from any obstructions, such as trees, shrubbery, fences, vehicles, and walls.
  6. Service will not be provided if the collection would require collection personnel to pass through any doors or gates, cross flower beds or lawns, or go through hedges at the service location, or if the collection personnel must place themselves in a situation which could jeopardize their health or safety.
  7. Containers will not be collected from an in-ground or sunken location. They must be placed above ground for collection.
- F. Customers shall be responsible for maintaining the solid waste containers in a sanitary condition, including exterior and interior, and the outside of containers shall be free of accumulating grease, decomposing materials, and litter. Alley collection locations shall be maintained to ensure no vectors, rodents or animals are attracted to the site, and to ensure against nuisance conditions. The solid waste collection provider shall be responsible for any spillage that occurs during collection services.
- G. Loose solid waste must be in a container for collection, and in cases of improper set out which causes an unsanitary condition or a litter problem, the service provider may issue a warning notice. If the condition persists, the city make take action pursuant to section 8-10-05.5.
- H. Appliances and bulky waste set out for collection shall be clean of all solid waste and food products prior to collection, and readily accessible to the service provider. Prohibited wastes, listed in section 8-10-04.1E, shall not be permitted in an appliance or bulky waste collection.

#### **8-10-02.04 Residential Collection**

- A. Solid waste containers shall be placed for collection no later than 7:00 a.m. on the regularly scheduled collection day, but no sooner than the evening prior to collection. The containers may not remain on the curbside for a period greater than twenty-four (24) hours.
- B. Regularly scheduled collection days will be determined by the service provider in conjunction with the city.
- C. If the containers are not collected for any reason, the customer may choose to store the solid waste until their next scheduled collection day, or may contact the service provider for a special collection. If the containers were not set out at the

required time, the service provider may charge a fee for the special collection as provided for in the Solid Waste Schedule of Fees.

- D. Customers may also request additional collections from the service provider. This collection shall be provided within twenty-four (24) hours of the customer request, excluding non-business days and holidays. A collection fee for additional collections shall be as established by the Solid Waste Schedule of Fees.
- E. Collection for central solid waste service shall be at least once a month or more frequently if chosen by the customer, with the exception that wet or putrescible wastes must be collected at least once a week. The city reserves the right to change the frequency of waste collection.

#### **8-10-02.05 Residential Recycling**

- A. Residential customers who choose to participate in the recycling program shall be provided with a twenty-two (22) gallon recycling bin. For multi-family premises with central solid waste service, the owner or manager must approve participation in the recycling program and will be responsible for payment of the fee, based on the number of bins, as provided for in the Solid Waste Schedule of Fees. The service provider shall provide the bins upon city approval and shall be responsible for replacement of bins damaged by use or normal wear. Customers will be responsible for paying for bins damaged by their actions or negligence.
- B. Lost or stolen bins will be replaced by the service provider at no cost for the first two (2) replacements.
- C. Materials set out for recycling shall be separated into the following categories:
  - 1. Cans. Emptied tin (steel), aluminum, and aerosol cans with plastic lids removed. Pesticide cans will not be collected.
  - 2. Magazines. Magazines and catalogs printed on glossy paper. This service does not include telephone books.
  - 3. Newspapers. Newspapers and accompanying inserts and advertisements.
  - 4. Scrap paper. Household mail, cereal boxes with liners removed, shoe boxes, envelopes (windows are acceptable), computer paper, fax paper, white paper, file folders, post-it notes, tablet paper, gift wrap (except foil), greeting cards, and white or colored paper bags.
  - 5. Plastics. Plastic bottles labeled numbers 1, 2 and 3 plastic bottles with tall screw-type necks, lids removed.
  - 6. Corrugated cardboard. Includes brown paper bags.
  - 7. Used motor oil. Limited to two gallons per week.
- D. Storage/placement of recyclable materials shall be as follows:
  - 1. Cans, magazines, plastics, and scrap paper must be separated into individual paper bags and placed in the recycling bin.
  - 2. Newspapers may be placed in the bottom of the recycling bin, in a separate paper bag, or tied into bundles and placed in or near the recycling bin.
  - 3. Corrugated cardboard must be flattened, bundled, or otherwise secured, in a manner to prevent it from exceeding forty-eight (48) inches in any one direction, and placed under, in, or near the recycling bin.
  - 4. Used motor oil must be placed in a leak-proof, preferably see-through, unbreakable plastic container with a screw-on lid, and placed near, but not in, the recycling bin. No other fluids may be included. If the container is clearly marked "SAVE" in legible letters, the container will

- be returned to the customer.
5. Leaves and yard debris placed for recycling during the annual leaf recycling program must be placed in kraft paper bags, empty cardboard boxes or clean garbage cans and placed at the curb or in the alley for collection separate from other solid waste set out for collection. Other wastes shall not be mixed with the leaves.
  6. Christmas trees placed for recycling during the annual Christmas tree recycling program shall be clear of all ornaments, lights, tinsel, and tree stands and placed for collection at the curb or in the alley. Trees should be cut to four (4) feet or less. Branches and tree trimmings may also be set out for collection if in bundles of four feet or less.
  7. Customers residing on multi-family premises shall set out recycling bins in a location mutually agreed upon by the service provider and the owner or manager of the premises.
- E. Residential customers, except customers from multi-family residences of more than five units, may maintain a compost pile, consisting of alternate layers of plant materials and soil, so as to produce organic material to be used as a soil conditioner. The compost piles must be maintained in a manner to prevent a nuisance.

(6123, Repealed & Replaced, 02/05/2002)

### **Section 8-10-03            COMMERCIAL SOLID WASTE COLLECTION SERVICE**

Commercial solid waste service shall include solid waste collection and disposal; and recyclable materials collection for business, industrial, and commercial premises, including governmental agencies, schools and temporary construction activities.

#### **8-10-03.01 Commercial Solid Waste Service**

- A. Regular Service. Collection of solid waste at least once weekly.
- B. On-Call Service. Collection will occur within the next working day after a customer request for collection, excluding non-business days and holidays.
- C. Temporary Service. Special service for a maximum of 120 days to accommodate construction and demolition projects and other short-term waste generation projects.
- D. Can Service. Commercial use of customary residential solid waste collection service. This service is only available when the commercial customer can reasonably be serviced by a regular weekly residential service route as demonstrated by the use of no more than six (6) thirty-two (32) gallon size cans or two (2) rented wheeled trash carts of solid waste per week. If cans are utilized, they may not exceed a weight of sixty (60) pounds when filled.
- E. Appliance Collection. There will be twice weekly appliance collection. Customers are responsible for contacting the service provider to schedule the pick-up.
- F. Self-Haul. The actual producers of the solid waste or the owners or occupants of the premises from which the solid waste was generated may collect, convey and dispose of non-containerized solid waste, provided they remain in compliance with all applicable provisions of this Ordinance.

#### **8-10-03.02 Service Accounts for Commercial Customers**

All commercial customers shall be required to sign a service agreement indicating an individual who will maintain responsibility for payment of the solid waste service account. For a

non-governmental, non-corporate entity, this must be the actual owner or owners, and the owner or owners shall be held personally liable by the city for all outstanding balances if the business entity ceases to exist. In the event a waste management company is utilized by a commercial customer, the customer receiving the service shall ultimately be responsible for ensuring compliance with this Ordinance and payment of all fees, penalties and interest. Service may be refused to any commercial customer who has a documented poor payment history with the city, unless and until a guarantor is secured to retain responsibility for payment of the service account. The guarantor must be an individual with a documented good credit history with the city or other public utility. The guarantor may be released from its obligation upon a showing that the customer has made twenty-four (24) consecutive monthly payments.

#### **8-10-03.03 Commercial Solid Waste Containers**

- A. The commercial customer shall be provided with one or more containers with a choice of sizes as follows: ninety-five (95) gallon wheeled carts (limit two), two (2) to nine (9) cubic yard dumpsters, front or rear-loaded, and twenty (20) to forty (40) cubic yard roll-off containers. The commercial customer also has the option of utilizing customer or contractor owned compactor containers, which must be no larger than forty (40) cubic yard capacity, or, if they qualify for can service, the commercial customer may utilize containers permitted for residential service. The weight limit for residential cans shall be applicable for commercial can service.
- B. Location requirements.
  - 1. The locations shall have sufficient foundation to support the weight of the collection vehicle which may vary between twenty (20) and thirty-five (35) tons, in addition to the weight of the container.
  - 2. The service provider shall have final approval of container locations or space requirements and safety factors, including location of compaction containers to ensure proper height and width clearances.
  - 3. Containers shall not be placed on a street without prior approval from the Ada County Highway District.
  - 4. Containers shall not be placed in a manner that may obstruct the public right-of-way or pedestrian traffic without prior approval from the city or the Ada County Highway District.
  - 5. Site plans approved by the Public Works Department shall be required for all new construction or remodeling of commercial premises and must include a scale drawing or drawings clearly showing:
    - a. Lot lines;
    - b. Existing and planned buildings;
    - c. Proposed collection location and sight shielding;
    - d. All existing and planned sidewalks, curb cuts, drives, parking spaces, landscaping, free standing signs, posts, poles ( i.e. street light, telephone, and electric poles), and other structures that may affect solid waste collection;
    - e. The location of all public rights-of-way, fire hydrants, sidewalks and public transportation stops on the premises and adjacent to the premises; and
    - f. Adjacent structures, including distances to the nearest residential areas.
  - 6. Site plan approval shall be based on the following requirements:
    - a. Containers must be placed on a firm, level surface pad of concrete or asphalt at least three inches thick.



- b. The surface pad must be at least twelve (12) feet wide by ten (10) feet deep for solid waste collection and seventeen (17) feet wide by ten (10) feet deep for other waste activities (such as recycling or grease collection).
  - c. Gates must be constructed to rest in an open position to avoid swinging shut during collection.
  - d. A minimum turning radius of forty-five (45) feet shall be provided for the waste collection vehicle.
  - e. The waste collection vehicle must have adequate space to back up for a minimum distance of fifty (50) feet.
  - f. The drive clearance must be at least fourteen (14) feet vertical and twelve (12) foot's width. For front load containers, there must be twenty (20) feet vertical clearance.
- C. Contents of a waste container or compactor must be able to fall freely from the container when emptied, and the container lids must close completely and swing freely open when emptied. Wet and/or putrescible wastes must be bagged prior to placement in waste container or compactor.
- D. Customers shall be responsible for maintaining the solid waste containers in a sanitary condition, including exterior and interior; however, the service provider shall clean the interior of the container or provide a cleaned replacement container upon request for a maximum of two (2) times per year. The container location shall be kept free of accumulating grease, decomposing materials, and litter. The solid waste collection provider shall be responsible for any spillage that occurs during collection services.
- E. Solid waste containers shall be shielded from view of the public streets by walls, fences, earthen berms or evergreen landscaping, forming an opaque, attractive sight barrier. Barriers shall comply with all applicable city ordinances. Existing solid waste collection sites shall have three years from the effective date of this ordinance to construct the required barriers or obtain a waiver.
- F. The maximum permissible gross weights of loaded containers are as follows:
  - 1. 3,000 lbs. for two (2) and three (3) cubic yard containers.
  - 2. 4,000 lbs. for four (4) cubic yard containers.
  - 3. 5,000 lbs. for six (6) and eight (8) cubic yard containers.
  - 4. 20,000 lbs. for containers of between twenty (20) and forty (40) cubic yards.

#### **8-10-03.04 Assumption of Risk**

As a condition of service, property owners and other customers accept all risk of property loss or liability for damages accruing from normal service operations, including container delivery, placement, use or other weight-related impacts from container service. Any special instructions regarding placement of, or use of, containers must be disclosed by the customer, and the customer accepts all risk of property damage from the service provided at the specific location.

#### **8-10-03.05 Commercial Collection Frequency**

- A. The times and days for solid waste collection shall be determined by the service provider in conjunction with the city of Boise. The frequency of solid waste service for a particular customer is at the discretion of the customer subject to the following minimum requirements:
  - 1. Service of a minimum once per week is required for:
    - a. Customers with regular service; and

- b. Customers who generate wet or putrescible wastes.
- 2. Service of a minimum once per month is required for all other customers.
- B. The minimum service interval may be modified as follows:
  - 1. The city may order an increase in frequency, on a case-by-case basis, upon a finding by the Public Works Department that protection of the environment and public health and safety requires the increase.
  - 2. The city may grant a request for a decrease in service interval upon a showing by the customer that the decrease will not affect the protection of the environment and public health and safety.
- C. Upon an order to increase service interval time or a denial of a request to decrease service interval time, the affected customer may appeal the decision to the Public Works Department in the manner outlined in section 8-10-05.4.

#### **8-10-03.06 Commercial Recycling**

- A. Commercial businesses may sell, or exchange at fair market value, recyclable materials over which the business has ownership.
- B. Commercial businesses may choose to collect and convey their own recyclable materials or may elect to utilize the collection and/or transportation services of a licensed or franchised service provider.
- C. There shall be no requirement that businesses utilize the same service provider for all garbage and recycling services.
- D. If a service provider is utilized to collect or transport recyclable materials:
  - 1. The collection and transportation schedules shall be mutually agreed upon by the service provider and the customer.
  - 2. The collection location shall be mutually agreed upon by the service provider and the customer.
  - 3. Service providers shall be responsible for providing appropriate containers for material collection; however, customers may utilize personally owned containers if such containers have been approved by the service provider.
  - 4. Containers used for recyclable materials shall contain only appropriate recyclable materials and the service provider may terminate recycling services to any business who, after receiving a written warning, continues to violate this provision.
- E. Commercial businesses shall maintain the location of recycling containers in a manner to prevent the creation of a nuisance, and shall not locate them in any area in which they may interfere with the regular collection of solid waste, or obstruct public access rights-of-way.
- F. Processing and storage of recyclable materials shall be limited to areas suitable and adequate for that purpose, which will not cause or contribute to a nuisance, and must be in compliance with all applicable laws, rules, and regulations.
- G. No site shall be used for parking, repair, storage or cleaning of the vehicles and equipment used for commercial recycling purposes unless previously approved by the city.

(6123, Repealed & Replaced, 02/05/2002)

### **Section 8-10-04 REGULATIONS AND REQUIREMENTS**

#### **8-10-04.01 General Requirements and Prohibitions**

- A. Use of the solid waste collection service provided by the city through a franchise agreement is required and mandatory for all residential premises in the city.
- B. No person shall engage in the collection, conveyance, or disposal of solid waste, including recyclable materials, without a franchise agreement or license with the city unless exempted by this Ordinance.
- C. No container used in the collection of solid waste shall be loaded beyond its volume or weight capacity, or in such a manner to be unstable or likely to cause damage, create litter, or impact the public health or safety. Maximum permissible container weights are described in more detail under the sections on residential and commercial solid waste collection.
- D. No person shall cast, place, sweep, or otherwise deposit solid waste anywhere in the city in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, parkway, waterway, storm water sewer system, sanitary sewer, vacant lot, public place or any other premises.
- E. No person may deposit or relinquish for collection or disposal through the city solid waste collection program any prohibited waste. Prohibited wastes include the following:
  - 1. Liquid wastes, both bulk and contained.
  - 2. Tires.
  - 3. Material regulated by the state or federal government as hazardous waste.
  - 4. Equipment or machines containing refrigerants, excluding appliances, for which the service provider shall remove refrigerants.
  - 5. Medical or infectious wastes generated from business sources, such as hospitals, clinics, medical offices, surgical offices, dental offices, veterinarian offices, nursing homes, and laboratories; and medical or infectious waste generated by any other public or private source. Generators of such waste shall manage and store the waste in a manner to prevent it from being a hazard to any person or to the general public.
  - 6. Dead animal remains in excess of twenty-five (25) pounds, unless the remains are placed into plastic garbage bags and then into a tightly closed air-tight, water-tight container.
  - 7. Wastes that exhibit extreme temperatures or harmful vapors.
  - 8. Materials which contain corrosive, flammable, explosive or toxic chemicals or compounds.
  - 9. Materials with physical or other properties which create a risk to the environment or public health and safety or which pose an operational hazard for collection personnel.
- F. Customers who generate prohibited wastes shall make arrangements for the collection and disposal of the waste through approved sources. The city provides hazardous waste management assistance for conditionally exempt small quantity generators, as well as household hazard waste management assistance for residents of the city.
- G. All solid waste and recyclable materials placed for collection shall be considered the property and the responsibility of the customer until the time of collection when it shall become the property and responsibility of the service provider. No person shall take, examine, uncover, snoop in or through, separate, gather, collect or salvage solid waste materials deposited in containers or otherwise placed for collection without the express permission of the owner of the property, or the solid waste service provider once the materials have been collected. Authorized government personnel are exempt from this requirement. This provision does not create or recognize a right or expectation of individual privacy with respect to solid waste placed for collection.
- H. No person shall place or deposit any materials in or around a solid waste container provided for a specific business or premises, or in or around residential solid waste

containers, except through the approval of the customer receiving service at the location or residence.

- I. No person shall allow the accumulation of solid waste upon any premise within the city unless properly contained as provided for in this Ordinance. Any unauthorized accumulation shall be considered a nuisance and prohibited, and shall be subject to the remedies found in section 8-10-05.5.
- J. Waste resulting from construction activities shall be contained in a manner to prevent it from being blown, washed or carried off the premises. All wastes at a construction site shall be collected and properly disposed of or recycled prior to the end of the construction project.
- K. No person may burn, bury, or otherwise dispose of solid waste outdoors within the city limits except for solid waste placed for collection under the provisions of this Ordinance.
- L. Failure of any residence or commercial premise to receive adequate solid waste collection service may be declared a public nuisance and shall be subject to the remedies found in section 8-10-05.5. The city reserves the right to determine the appropriate level of solid waste collection service. The city shall have the right to order the abatement of such nuisance at the expense of the owner or occupant of the premises, but this shall not preclude the city or the owner from seeking recovery against other responsible persons.
- M. Scrap tires may be stored under the following conditions:
  - 1. They must be stored in a manner that will prevent vectors or pest breeding.
  - 2. Commercial entities may store up to fifty (50) scrap tires at one time, but must remove all scrap tires at least once a month. Residences may store up to eight (8) scrap tires at one time, but must arrange for proper disposal, reuse or recycling of tires within two (2) months of the tires becoming unusable.
  - 3. Scrap tires must be stored out of the sight of the general public.

#### **8-10-04.02 Franchise Agreements and Licenses**

- A. Any person using three (3) or more vehicles, or if any one vehicle is a single or combination vehicle with a Gross Vehicle Weight Rating (GVWR) of 26,001 or more, that provides collection services for solid waste, recyclable materials, hazardous waste, or medical waste within the Boise City Limits must execute a Solid Waste Collection Franchise Agreement with the city.
- B. Any person using fewer than three (3) vehicles and the Gross Vehicle Weight Rating (GVWR) of each vehicle is less than 26,001 in a single or combination vehicle, that is engaged in the collection and hauling of recyclable materials, hazardous waste, or medical waste within the Boise City Limits must execute a collection License Agreement with the city.
- C. The following are exempt from the requirement to obtain a franchise or license agreement to collect, convey and dispose of solid waste:
  - 1. The producers of solid waste and/or recyclable materials, and the owners or occupants of the premises upon which such waste is produced.
  - 2. A civic, community, benevolent, or charitable non-profit organization that collects, transports, and markets source separated materials for recycling for the sole purpose of raising funds for that organization.
  - 3. Persons engaged in the occupation of demolition or construction contracting or landscaping who produce incidental volumes of solid waste as a result of such work.
- D. The city shall have the exclusive right to select and approve all persons with whom the city shall enter into any franchise or license agreement.

#### **8-10-04.03 Service Provider Responsibilities**

Any person providing solid waste or recycling collection service within the city of Boise under a franchise agreement shall be responsible for the following:

- A. Providing containers for commercial solid waste collection and residential central solid waste service, except for compactor service, and containers for residential recycling service;
- B. Providing solid waste collection service to all customers at least once weekly for residential and regular business customers, and as-needed for temporary customers;
- C. Returning residential garbage cans to the location where they were initially placed and securing the lids on the cans;
- D. Ensuring refrigerants and compressor oils from appliances set out for collection are recycled according to applicable regulations;
- E. Preparing and delivering notices to customers who have set out solid waste for collection that is not in compliance with the requirements of this Ordinance. Improperly prepared solid waste does not have to be collected by the service provider; however, failure to deliver this notice when the solid waste is not collected will be counted as a missed collection against the service provider. All notices must contain the date and address of service and the phone number of the service provider. Copies of notices must be kept by the service provider for review by the city;
- F. In cases of recyclable materials that have not been properly separated or placed for collection, the service provider may choose to collect and separate the materials or leave them with the requisite notice described above. The materials shall not be collected as regular solid waste and the customer will be responsible for proper preparation if they choose to have the materials collected as regular solid waste;
- G. Resolving missed collections within one (1) business day of a complaint from a customer, unless the missed collection is due to improper or late set out of the collection items; and
- H. Documenting all failures by customers to comply with the provisions of this Ordinance.

#### **8-10-04.04 Fees for Service**

- A. The city maintains the right to prescribe and regulate the rates, fees, or charges made for services pertaining to the collection and disposal of solid waste, including recyclable materials.
- B. The city shall set reasonable fees for available services, such fees to be contained in a separate Solid Waste Schedule of Fees passed by resolution or ordinance by the City Council of the City of Boise. The City Council may amend by resolution or ordinance the fees and the types of available services from time to time as necessary.
- C. An account initiation fee as found in the Solid Waste Schedule of Fees shall be assessed at the initiation of city billing service.
- D. Residential customers may apply for a low income discount of thirty percent (30%) on residential solid waste service, excluding central solid waste service, by making application to the Utility Billing Department of the city.
- E. Deposits in an amount equal to three (3) months projected service, rounded to the nearest dollar, may be required for initiating, continuing or restoring any residential solid waste service for customers with limited or poor credit histories, a poor payment history with the city or any public utility, or who have supplied false information at the time of application for service. Deposits, less any outstanding balance, will be refunded or credited when the customer cancels service or has made timely payments on the service account for twenty-four (24) consecutive months.
- F. Deposits in an amount equal to three (3) months projected service, rounded to the nearest dollar, may be required for initiating, continuing or restoring any commercial regular solid waste service for customers with limited or poor credit histories, a poor payment

history with the city or any public utility, or who have supplied false information at the time of application for service. Deposits, less any outstanding balance, will be refunded or credited when the customer cancels service or has made timely payments on the service account for twenty-four (24) consecutive months.

- G. Deposits may be required for initiating, continuing or restoring any on-call or temporary solid waste service, rounded to the nearest dollar, for customers with limited or poor credit histories, or for those customers who have a poor payment history with the city or any public utility. Deposits for on-call or temporary services are listed in the Solid Waste Schedule of Fees. Deposits will be refunded or credited when the customer cancels service, less any outstanding balance, or has made timely payments on the service account for twenty-four (24) consecutive months.
- H. Once an account has been suspended for non-payment of fees, the city shall not reinstate service until the account holder has deposited with the Utility Billing Department a sum equal to three (3) months projected service charge for the account. Additionally, the account holder will be responsible for paying an administrative fee to the city, as provided for in the Solid Waste Schedule of Fees, and the service provider.
- I. Residential customers may request a waiver of all or part of the rates, fees or charges imposed pursuant to this Ordinance for extreme or unusual circumstances beyond their control, or if they reside outside of the city for extended periods. Such request shall comply with the waiver procedures outlined below in section 8-10-05.3.
- J. Charitable or non-profit organizations may be eligible for a waiver of temporary collection service fees and may request a waiver as outlined below in section 8-10-05.3.

(6123, Repealed & Replaced, 02/05/2002)

## **Section 8-10-05 ADMINISTRATION AND ENFORCEMENT**

### **8-10-05.01 Public Works Commission**

- A. Pursuant to the authority granted by Section 2-16 of the City Code, the Public Works Commission shall advise the City Council on policy matters pertaining to the Solid Waste Collection System.
- B. The Commission shall have the authority to:
  - 1. Study, evaluate, and maintain continuing review and appraisal of the effectiveness of existing collection systems, programs, policies, and activities of the Boise City Solid Waste Collection system to ensure that they are operated and maintained so as to meet the requirements of federal, state, and local bodies;
  - 2. Review and recommend rates and fees for the use of, and the services rendered by, the solid waste collection system;
  - 3. Review and make recommendations for changes or additions to the ordinance regulating solid waste; and
  - 4. Propose and promulgate rules and regulations for the control and management of solid waste collection systems within their control.

### **8-10-05.02 The Director of the Public Works Department**

The Director shall have the authority to:

- A. Ensure compliance with local, state, and federal rules and regulations regarding solid waste collection and disposal.
- B. Establish guidelines and/or policies for the operation of the Solid Waste Collection system.

### **8-10-05.03 Waivers**

- A. Any person may request a waiver of any provision of this Ordinance.

- B. A request for waiver must be submitted to the Public Works Department in writing and must provide specific reasons for which the waiver is sought.
- C. The Public Works Department shall provide a written response within thirty (30) days of receipt of a request for waiver.
- D. The decision of the Public Works Department may be appealed to the Public Works Commission pursuant to the requirements for appeals found below in section 8-10-05.4.

#### **8-10-05.04 Appeals**

- A. Appeals from decisions of the Public Works Department must be filed within fifteen (15) days of receipt of the written decision which is the basis of the appeal.
- B. Appeals must be in writing, stating the specific reasons for the appeal, and submitted to the Public Works Department for review by the Public Works Commission at a regularly scheduled hearing.
- C. Notice of the time and place at which the Commission will review the appeal shall be provided to the applicant no later than five (5) days prior to the scheduled hearing.
- D. The person who filed the appeal may appear at the hearing and present evidence or testimony. They will bear the burden of proving the decision of the Public Works Department was not reasonable.
- E. Final decisions of the Public Works Commission shall be in writing and may be appealed to the City Council by filing a notice of appeal with the City Clerk within ten (10) days of receipt of the Commission's finding. The decision of the City Council shall be final.

#### **8-10-05.05 Delinquent Accounts**

- A. Charges and fees must be received by the City prior to the due date shown on the invoice or billing statement. All charges and fees not paid within or by the time periods established by the city shall be considered delinquent and such delinquent accounts shall be charged a late payment of one and one-half percent (1.5%) per month to be added to the balance.
- B. Solid waste service for delinquent accounts may be suspended until such time as all charges and fees (including late fees and interest charges) are paid. This shall include all solid waste service accounts, both commercial and residential, for a delinquent account holder.
- C. Any person who has an outstanding balance, including fees and interest, on any city held account, whether or not the account has been closed or suspended, shall be prohibited from obtaining any new solid waste service account, either commercial or residential.
- D. Persons who have had their solid waste service suspended may appeal this decision to the Public Works Commission as provided for in section 8-10-05.4.

#### **8-10-05.06 Administrative Enforcement**

The city may utilize administrative enforcement procedures with the intent to remedy violations of this Ordinance without the necessity of civil or criminal enforcement proceedings. The administrative enforcement proceeding shall be initiated upon service by the city of written notice upon a person in violation of this Ordinance, with a description of the violation and possible enforcement actions the city will utilize. Within twenty (20) days of receipt of a written notice of violation, the customer shall respond to the city advising of its position with respect to the allegation of violation, and thereafter, shall be granted an opportunity to meet with employees of the city to discuss the violation and establish a plan for correction of the violation. Submission of a response does not relieve the customer of liability for any violations of this Ordinance. The city retains the right to take any necessary enforcement action without first issuing a notice of violation, and the use of administrative actions shall not preclude the city from seeking any other remedies or penalties provided for in this Ordinance.

**8-10-05.07 Public Nuisances**

- A. In addition to any other remedies and penalties provided for by this Ordinance, the city may declare a nuisance where conditions caused or permitted to exist in violation of this Ordinance are considered a threat to the public health, safety, and general welfare.
- B. Any condition deemed a nuisance may be summarily abated by the city or the city may take civil action to abate, enjoin, or otherwise compel the cessation of the nuisance.
- C. The cost of abatement shall be borne by the owner of the property. The city shall also seek payment from the owner for all costs associated with the abatement, including, but not limited to, investigation costs, administrative costs, costs of suit, and reasonable attorney's fees for all administrative or civil proceedings for the nuisance violation.
- D. The city retains the right, in addition to any other penalties and remedies provided herein, civil or criminal, to levy a special assessment against property deemed a nuisance, as provided for in Idaho Code 50-334.

**8-10-05.08 Violations Constitute Misdemeanors**

Any person violating any provision of this Ordinance shall be guilty of a misdemeanor. Upon conviction, the penalty may be a fine in an amount not to exceed three hundred dollars (\$300.00), imprisonment for up to six (6) months, or both. Each day the violation is committed or permitted to continue shall constitute a separate violation of this Ordinance, punishable as above.

**8-10-05.09 Civil Actions for Violations**

In addition to, and exclusive of, any criminal penalty provided by this Ordinance, the city retains the right to utilize all civil remedies provided under state or federal law to recover any expenses incurred by the city due to a violation of this Ordinance. This shall include all costs associated with the collection and disposal of solid waste undertaken by the city after a violation of this Ordinance, any federal penalties levied against the city directly attributable to a violation of this Ordinance, as well as any investigation or legal expenses incurred in enforcing this Ordinance.

**8-10-05.10 Nonexclusivity of Remedies**

All remedies and penalties under this Ordinance are in addition to and do not supersede or limit any and all other remedies and penalties, both civil and criminal. The remedies provided for herein shall be cumulative and not exclusive.

(6123, Repealed & Replaced, 02/05/2002)



## Chapter 459A — Reuse and Recycling

### 2001 EDITION

#### SOLID WASTE RECOVERY GENERALLY

**459A.005 Opportunity to recycle defined.** (1) As used in ORS 459.015, 459.250 and 459A.005 to 459A.665, the "opportunity to recycle" means at least that the city, county or metropolitan service district responsible for solid waste management:

(a)(A) Provides a place for collecting source separated recyclable material located either at a disposal site or at another location more convenient to the population being served and, if a city has a population of 4,000 or more, collection at least once a month of source separated recyclable material from collection service customers within the city's urban growth boundary or, where applicable, within the urban growth boundary established by a metropolitan service district; or

(B) Provides an alternative method which complies with rules of the Environmental Quality Commission; and

(b) Complies with the rates and program elements required under ORS 459A.010.

(2) The "opportunity to recycle" defined in subsection (1) of this section also includes a public education and promotion program that:

(a) Gives notice to each person of the opportunity to recycle; and

(b) Encourages source separation of recyclable material. [Formerly 459.165]

**459A.010 Statewide goals; opportunity to recycle program elements; recovery rates.**

(1) It is the goal of the State of Oregon that:

(a) For the calendar year 2005, the amount of recovery from the general solid waste stream shall be at least 45 percent;

(b) For the calendar year 2009, the amount of recovery from the general solid waste stream shall be at least 50 percent;

(c) For the calendar year 2005 and subsequent years, that there be no annual increase in per capita municipal solid waste generation; and

(d) For the calendar year 2009 and subsequent years, that there be no annual increase in total municipal solid waste generation.

(2) In addition to the requirements of ORS 459A.005, the "opportunity to recycle" shall include the requirements of subsection (3) of this section using the following program elements:

(a) Provision of at least one durable recycling container to each residential service customer.

(b) On-route collection at least once each week of source separated recyclable material to residential customers, provided on the same day that solid waste is collected from each customer.

(c) An expanded education and promotion program conducted to carry out the policy set forth in ORS 459.015, to inform solid waste generators of the manner and benefits of reducing, reusing, recycling and composting material and to promote use of recycling services. The city, county or metropolitan service district responsible for providing an opportunity to recycle under ORS 459A.005 and this section shall provide the education and promotion program in either of the following two ways:

(A) Preparing and implementing an education and promotion plan that includes actions to effectively reach solid waste generators and all new and existing collection service customers, as necessary to fulfill the intent of this paragraph. The plan shall be submitted to the Department of Environmental Quality the first year that the plan is in effect. Thereafter, the watershed shall submit a summary of activities in the plan to the Department of Environmental Quality at the same time the county submits the periodic report required under ORS 459A.050 (1)(a). The summary shall cover at least the time period until the next periodic report is due to the department.

(B) Implementing all of the following:

(i) Provision of recycling notification and education packets to all new residential, commercial and institutional collection service customers that include at a minimum the materials collected, the schedule for collection, the way to prepare materials for collection and the reasons persons should separate their material for recycling. The educational and promotional materials provided to commercial collection customers should be targeted to meet the needs of various types of businesses and should include reasons to recycle, including economic benefits, common barriers to recycling and solutions, additional resources for commercial generators of solid waste and other information designed to assist and encourage recycling efforts. The educational and promotional materials provided to commercial collection customers shall encourage each commercial collection customer to have a goal to achieve 50 percent recovery from its solid waste stream by the year 2009.

(ii) Provision of recycling information in a variety of formats and materials at least four times a calendar year to collection service customers that includes at a minimum the materials collected and the schedule for collection.

(iii) Provision at least annually to all residential, commercial and institutional collection service customers, of the information under sub-subparagraph (i) of this subparagraph.

(iv) Targeting of community and media events to promote recycling.

(d) Collection of at least four principal recyclable materials or the number of materials required to be collected under the residential on-route collection program, whichever is less, from each multifamily dwelling complex having five or more units. The multifamily collection program shall include promotion and education directed to the residents of the multifamily dwelling units.

(e) An effective residential yard debris collection and composting program that includes the promotion of home composting of yard debris, and that also includes either:

(A) Monthly or more frequent on-route collection of yard debris from residences for production of compost or other marketable products; or

(B) A system of yard debris collection depots conveniently located and open to the public at least once a week.

(f) A commercial recycling program that includes:

(A) Weekly, or on a more appropriate regular schedule, onsite collection of source separated principal recyclable materials from, at a minimum, commercial solid waste generators employing 10 or more persons and occupying 1,000 square feet or more in a single location.

(B) An education and promotion program conducted to inform all commercial generators of solid waste of the manner and benefits of the commercial recycling program that provides effective promotion of the program to the generators.

(C) In addition to the requirements of subparagraphs (A) and (B) of this paragraph, a commercial recycling program may also consist of other elements including but not limited to waste assessments and recycling recognition programs. A wasteshed is encouraged to involve local business organizations in publicly recognizing outstanding recycling efforts by commercial generators of solid waste. The recognition may include awards designed to provide additional incentives to increase recycling efforts.

(D) Each commercial generator of solid waste shall strive to achieve 50 percent recovery from its solid waste stream by the year 2009.

(g) Expanded depots for recycling of at least all principal recyclable materials and provisions for promotion and education to maximize the use of the depots. The depots shall have regular and convenient hours and shall be open on the weekend days and, when feasible, shall collect additional recyclable materials.

(h) Solid waste residential collection rates that encourage waste reduction, reuse and recycling through reduced rates for smaller containers, including at least one rate for a container that is 21 gallons or less in size. Based on the average weight of solid waste disposed per container for containers of different sizes, the rate on a per pound disposed basis shall not decrease with increasing size of containers, nor shall the rates per container service be less with additional containers serviced.

(i) A collection and composting system for food, paper that is not recyclable because of contamination and other compostable waste from commercial and institutional entities that generate large amounts of such wastes.

(3)(a) Each city with a population of at least 4,000 but not more than 10,000 that is not within a metropolitan service district and any county responsible for the area between the city limits and the urban growth boundary of such city shall implement one of the following:

(A) The program elements set forth in subsection (2)(a), (b) and (c) of this section;

(B) A program that includes at least three elements set forth in subsection (2) of this section; or

(C) An alternative method of achieving recovery rates that complies with rules of the Environmental Quality Commission.

(b) Each city that is within a metropolitan service district or that has a population of more than 10,000 and any county responsible for the area within a metropolitan service district or the area between the city limits and the urban growth boundary of such city shall implement one of the following:

(A) Program elements set forth under subsection (2)(a), (b) and (c) of this section and one additional element set forth under subsection (2) of this section;

(B) A program that includes at least five elements set forth under subsection (2) of this section; or

(C) An alternative method of achieving recovery rates that complies with rules of the Environmental Quality Commission.

(4)(a) Recovery rates shall be determined by dividing the total weight of material recovered by the sum of the total weight of the material recovered plus the total weight of solid waste disposed that was generated in each wasteshed. It is the policy of the State of Oregon that recovery of material shall be consistent with the priority of solid waste management in ORS 459.015 (2).

(b) Each wasteshed implementing a waste prevention program shall receive a two percent credit on the wasteshed's recovery rate. A waste prevention program shall include:

(A) A wasteshed-wide program to provide general educational materials to residents about waste prevention and examples of things residents can do to prevent generation of waste; and

(B) Two of the following:

(i) Reduce the wasteshed annual per capita waste generation by two percent each year;

(ii) Conduct a waste prevention media promotion campaign targeted at residential generators;

(iii) Expand the education program in primary and secondary schools to include waste prevention and reuse;

(iv) Household hazardous waste prevention education program;

(v) Local governments will conduct waste prevention assessments of their operations, or provide waste prevention assessments for businesses and institutions and document any waste prevention measures implemented;

(vi) Conduct a material specific waste prevention campaign for businesses throughout the wasteshed;

(vii) Implement a Resource Efficiency Model City program;

(viii) Conduct a material-specific waste prevention education campaign that focuses on a toxic or energy-intensive material;

(ix) Local governments will implement programs to buy recycled-content products for their operations, consistent with procurement guidelines issued by the United States Environmental Protection Agency; or

(x) Local governments will implement programs for new construction and remodeling of local government buildings that incorporate recycled-content materials, energy conservation features, water conservation and stormwater management features and other elements to increase the resource efficiency and lower the environmental impact of these buildings.

(c) Each wasteshed implementing a reuse program shall receive a two percent credit on the wasteshed's recovery rate. A reuse program shall include:

(A) A promotion and education campaign on the benefits and opportunities for reuse available to the public in the wasteshed; and

(B) Two of the following:

- (i) Operate construction and demolition debris salvage programs with depots;
  - (ii) Promote reuse programs offered by local resale businesses, thrift stores and equipment vendors, such as computer and photocopier refurbishers, to the public and businesses;
  - (iii) Identify and promote local businesses that will take back white goods for refurbishing and resale to the public;
  - (iv) Develop and promote use of waste exchange programs for the public and private sectors;
  - (v) Site accommodation for recovery of reusable material at transfer stations and landfills; or
  - (vi) Sidewalk pickup or community fair program in cities over 4,000 population in the wasteshed.
- (d) Each wasteshed implementing a residential composting program shall receive a two percent credit on the wasteshed's recovery rate. A residential composting program shall include:
- (A) Promotion of the residential composting program through public information and demonstration sites or sites; and
  - (B) Two of the following:
    - (i) A program to encourage leaving grass clippings generated by lawn mowing on-site rather than bagging the clippings for disposal or composting;
    - (ii) A composting program for local schools;
    - (iii) An increase in availability of compost bins for residents; or
    - (iv) Another program increasing a household's ability to manage yard trimmings or food wastes.
- (e) A wasteshed may receive, upon application to the Department of Environmental Quality, a recovery credit greater than two percent for a residential composting program. To receive the recovery credit under this paragraph, the wasteshed must provide quantitatively verifiable documentation of residential composting tonnage to the department. The documentation must show that more than two percent of the wasteshed's generated tonnage of solid waste is diverted from the wastestream by residential composting.

(f)(A) If there is not a viable market for recycling a material under paragraph (a) of this subsection, the composting or burning of the material for energy recovery may be included in the recovery rate for the wasteshed.

(B) If the material is burned for energy recovery and then included in the recovery rate for Clackamas, Multnomah or Washington Counties in aggregate or for Benton, Lane, Linn, Marion, Polk or Yamhill County wastesheds, the same material, when burned as part of mixed solid waste, may be included in the recovery rate for a wasteshed that burns mixed solid waste for energy recovery. The amount of the material within the mixed solid waste that may be included in the recovery rate for energy recovery shall be determined by a waste composition study performed by the wasteshed at least every four years.

(C) Mixtures of materials that are composted or burned for energy recovery shall not be included in the recovery rate if more than half of the mixed materials by weight could have been recycled if properly source separated.

(D) In its annual report to the department, the county or metropolitan service district shall state how much composting or energy recovery under this paragraph is included as recovery and state the basis for the determination that there was not a viable market for recycling the material.

(E) As used in this paragraph, "viable market" means a place within a wasteshed that will pay for the material or accept the material free of charge or a place outside a wasteshed that will pay a price for the material that, at minimum, covers the cost of transportation of the material.

(g) Recovery rates shall not include:

(A) Industrial and manufacturing wastes such as boxboard clippings and metal trim that are recycled before becoming part of a product that has entered the wholesale or retail market.

(B) Metal demolition debris in which arrangements are made to sell or give the material to processors before demolition such that it does not enter the solid waste stream.

(C) Discarded vehicles or parts of vehicles that do not routinely enter the solid waste stream.

(D) Material recovered for composting or energy recovery from mixed solid waste, except as provided in paragraph (f) of this subsection.

(h) "Solid waste disposed" shall mean the total weight of solid waste disposed other than the following:

(A) Sewage sludge or septic tank and cesspool pumpings;

- (B) Waste disposed of at an industrial waste disposal site;
  - (C) Industrial waste, ash, inert rock, dirt, plaster, asphalt and similar material if delivered to a municipal solid waste disposal site or demolition disposal site and if a record is kept of such deliveries and submitted as part of the annual report submitted under ORS 459A.050;
  - (D) Waste received at an ash monofill from an energy recovery facility; and
  - (E) Solid waste not generated within this state.
- (i) The statewide recovery rate shall include the two percent credit for reuse programs under paragraph (c) of this subsection and the credit for residential composting under paragraphs (d) and (e) of this subsection, beginning with the statewide recovery rate calculated for the calendar year 2001.
- (5)(a) Each local government that franchises or licenses the collection of solid waste and establishes the rates to be charged for collection service shall either:
- (A) Include in those rates all net costs incurred by the franchisee or licensee for providing the "opportunity to recycle" under ORS 459A.005 and for implementing the requirements of subsection (3) of this section; or
  - (B) Fund implementation of the "opportunity to recycle" under ORS 459A.005 or the requirements of subsection (3) of this section through an alternative source of funding including but not limited to disposal fees.
- (b) As used in this subsection, "net costs" includes but is not limited to the reasonable costs for collecting, handling, processing, storing, transporting and delivering recyclable material to market and for providing any required education and promotion or data collection services adjusted by a factor to account for proceeds from the sale of recyclable material.
- (6)(a) Clackamas, Multnomah and Washington counties, in aggregate, shall achieve a recovery rate of 62 percent for the calendar year 2005 and 64 percent for the calendar year 2009.
- (b) The wastesheds shall achieve the following recovery rates for the calendar year 2005:
- (A) Baker County, 25 percent;
  - (B) Benton County, 45 percent;
  - (C) Clatsop County, 25 percent;
  - (D) Columbia County, 28 percent;



(E) Coos County, 30 percent;  
(F) Crook County, 20 percent;  
(G) Curry County, 30 percent;  
(H) Deschutes County, 32 percent;  
(I) Douglas County, 35 percent;  
(J) Gilliam County, 20 percent;  
(K) Grant County, 19 percent;  
(L) Harney County, 30 percent;  
(M) Hood River County, 25 percent;  
(N) Jackson County, 40 percent;  
(O) Jefferson County, 25 percent;  
(P) Josephine County, 38 percent;  
(Q) Klamath County, 15 percent;  
(R) Lake County, 8 percent;  
(S) Lane County, 45 percent;  
(T) Lincoln County, 19 percent;  
(U) Linn County, 40 percent;  
(V) Malheur County, 21 percent;  
(W) Marion County, 37 percent;  
(X) City of Milton-Freewater, 22 percent;  
(Y) Morrow County, 18 percent;  
(Z) Polk County, 30 percent;  
(AA) Sherman County, 20 percent;

(BB) Tillamook County, 30 percent;  
(CC) Umatilla County, 20 percent;  
(DD) Union County, 25 percent;  
(EE) Wallowa County, 20 percent;  
(FF) Wasco County, 35 percent;  
(GG) Wheeler County, 20 percent; and  
(HH) Yamhill County, 39 percent.

(c) The wastesheds shall achieve the following recovery rates for the calendar year 2009:

(A) Baker County, 25 percent;  
(B) Benton County, 50 percent;  
(C) Clatsop County, 25 percent;  
(D) Columbia County, 32 percent;  
(E) Coos County, 30 percent;  
(F) Crook County, 20 percent;  
(G) Curry County, 30 percent;  
(H) Deschutes County, 45 percent;  
(I) Douglas County, 40 percent;  
(J) Gilliam County, 20 percent;  
(K) Grant County, 19 percent;  
(L) Harney County, 40 percent;  
(M) Hood River County, 25 percent;  
(N) Jackson County, 40 percent;  
(O) Jefferson County, 25 percent;

(P) Josephine County, 38 percent;  
(Q) Klamath County, 20 percent;  
(R) Lake County, 10 percent;  
(S) Lane County, 54 percent;  
(T) Lincoln County, 20 percent;  
(U) Linn County, 40 percent;  
(V) Malheur County, 22 percent;  
(W) Marion County, 54 percent;  
(X) City of Milton-Freewater, 25 percent;  
(Y) Morrow County, 20 percent;  
(Z) Polk County, 35 percent;  
(AA) Sherman County, 20 percent;  
(BB) Tillamook County, 30 percent;  
(CC) Umatilla County, 20 percent;  
(DD) Union County, 25 percent;  
(EE) Wallowa County, 20 percent;  
(FF) Wasco County, 35 percent;  
(GG) Wheeler County, 20 percent; and  
(HH) Yamhill County, 45 percent.

(d) Each watershed shall prepare an individualized plan that identifies policies or programs specific to the watershed's local conditions to achieve the required recovery goals. The plan shall be available to the department upon the department's request by December 31, 2001. The plan shall be updated by December 31, 2006, and updated again by December 31, 2010. Clackamas, Multnomah and Washington Counties, in aggregate, may meet this requirement through the programs under ORS 459.340, 459.345, 459.350 and 459A.050.

(e) If a wasteshed does not achieve its 2005 or 2009 waste recovery goal, the wasteshed shall conduct a technical review of existing policies or programs and determine revisions to meet the recovery goal. The department shall, upon the request of the wasteshed, assist in the technical review. The wasteshed may request, and may assist the department in conducting, a technical review to determine whether the wasteshed goal is valid.

(7) In calculating the recovery rates set forth in subsection (6) of this section, commercial, industrial and demolition scrap metal, vehicles, major equipment and home or industrial appliances that are handled or processed for use in manufacturing new products and that do not routinely enter the solid waste stream through land disposal facilities, transfer stations, recycling depots or on-route collection programs shall not be counted as material recovery or recycling. The department shall annually conduct an industry survey to determine the contribution of post-consumer residential scrap metal, including home appliances, to recycling and recovery levels in a manner which prevents double counting of material recovered. Information collected under the provisions of this section, as it relates specifically to private sector customer lists or specific amounts and types of materials collected or marketed, shall be maintained as confidential by the department and exempt from disclosure under ORS 192.410 to 192.505. The department may use and disclose such information in aggregated form. [1991 c.385 §2; 1993 c.560 §74; 1995 c.541 §3; 1997 c.552 §9; 2001 c.513 §2]

**459A.015 Commission duties.** The Environmental Quality Commission shall:

(1) Amend the state solid waste management plan to conform to the requirements of ORS 459.005, 459.015, 459.035, 459.250, 459.992 (1) and (2), 459.995 and 459A.005 to 459A.665.

(2) Review Department of Environmental Quality reports on compliance with and implementation of ORS 459.005, 459.015, 459.035, 459.250, 459.992 (1) and (2), 459.995 and 459A.005 to 459A.665.

(3) Submit a report to each regular session of the Legislative Assembly consisting of the report by the department on the statewide integrated solid waste management plan under ORS 459A.020 (2). [Formerly 459.168; 1993 c.560 §75; 1997 c.552 §10]

**459A.020 Statewide integrated solid waste management plan; review; revision.** (1) The Environmental Quality Commission shall adopt a statewide integrated solid waste management plan. The plan shall include, but need not be limited to the following components of solid waste management:

(a) Waste prevention;

(b) Recycling;

(c) Solid waste collection and processing;

- (d) Composting and energy recovery;
- (e) Incineration;
- (f) Disposal;
- (g) Disposal capacity and facility siting; and
- (h) Transportation.

(2) The statewide integrated solid waste management plan shall be developed in consultation with local government, the Economic and Community Development Department and other appropriate state and regional agencies, commissions and task forces. The plan shall address integrated solid waste management for at least 10 years into the future. The Department of Environmental Quality shall review the plan every two years and submit the report to the commission. The report shall include:

- (a) The status of implementation of the provisions of ORS 459A.005 to 459A.665, including:
  - (A) The annual weight of material disposed of per capita, by watershed and statewide;
  - (B) The annual recovery rate achieved by each watershed and statewide; and
  - (C) The amount of each type of material recovered annually statewide and, based on available information, the amount of each type of material recycled annually statewide;
- (b) Compliance with and implementation of the provisions of ORS 459.015, 459.035, 459.055, 459.992 (1) and (2) and 459.995;
- (c) Status of the metropolitan service district's waste reduction program as submitted to the commission under ORS 459.345 and its compliance with the criteria in ORS 459.350; and
- (d) Recommendations for improvements in waste prevention, reuse, recycling and composting programs.

(3) The commission shall revise the plan at regular intervals in order to allow local government units to take advantage of the data and analysis in the state plan. [1991 c.385 §18; 1993 c.560 §76; 1997 c.552 §11]

**459A.025 Commission to adopt rules regarding waste disposal and recycling.** (1) According to the requirements of ORS 183.310 to 183.550, the Environmental Quality Commission shall adopt rules and guidelines necessary to carry out the provisions of ORS 459.005, 459.015, 459.035, 459.250, 459.992 (1) and (2), 459.995 and 459A.005 to 459A.665, including but not limited to:

- (a) Acceptable alternative methods for providing the opportunity to recycle;
- (b) Education, promotion and notice requirements, which requirements may be different for disposal sites and collection systems;
- (c) Identification of the wastesheds within the state;
- (d) Identification of the principal recyclable material in each wasteshed;
- (e) Guidelines for local government units and other persons responsible for implementing the provisions of ORS 459.005, 459.015, 459.035, 459.250, 459.992 (1) and (2), 459.995 and 459A.005 to 459A.665;
- (f) Standards for the joint submission of the recycling reports required under ORS 459A.050 (1); and
- (g) Subject to prior approval of the Oregon Department of Administrative Services and a report to the Emergency Board prior to adopting the fee, the amount of an annual or permit fee or both under ORS 459.235, 459.245 and 468.065 necessary to carry out the provisions of ORS 459.005, 459.015, 459.035, 459.250, 459.992 (1) and (2), 459.995 and 459A.005 to 459A.665.

(2) In adopting rules or guidelines under this section, the commission shall consider:

- (a) The policy stated in ORS 459.015.
- (b) Systems and techniques available for recycling, including but not limited to existing recycling programs.
- (c) Availability of markets for recyclable material.
- (d) Costs of collecting, storing, transporting and marketing recyclable material.
- (e) Avoided costs of disposal.
- (f) Density and characteristics of the population to be served.
- (g) Composition and quantity of solid waste generated and potential recyclable material found in each wasteshed. [Formerly 459.170; 1993 c.560 §77; 1995 c.79 §275; 1997 c.552 §12]

**459A.027 Legislative findings.** The Legislative Assembly finds and declares that:

- (1) Public and private recycling programs that collect source separated recyclable materials from residences and from commercial and institutional establishments on a schedule that is convenient to the generator, are effective and efficient methods of

recovering recyclable material in the ongoing effort to achieve the solid waste recovery goals of the State of Oregon; and

(2) An effective way to support the efforts of local government units responsible for implementing solid waste programs directed at achieving solid waste recovery goals is by using existing state resources to support local recycling programs through grants. [1997 c.552 §7]

**459A.029 Department to provide materials to local governments; commercial government recovery rate goal.** (1) The Department of Environmental Quality shall work with local government units to provide educational and promotional materials that local government units may distribute to commercial generators of solid waste. The educational and promotional materials should be targeted to businesses, and include reasons to recycle, including economic benefits, common barriers to recycling and solutions, additional resources for commercial generators and other information designed to assist and encourage meeting the state's 50 percent recovery rate.

(2) Each watershed is encouraged to involve local business organizations in publicly recognizing outstanding recycling efforts by commercial generators of solid waste. The recognition may include awards designed to provide additional incentives to increase recycling efforts.

(3) Each commercial generator of solid waste shall strive to achieve 50 percent recovery from its solid waste stream by the year 2000.

(4) The Legislative Assembly encourages local government units that have chosen to implement commercial recycling programs to evaluate the effectiveness of those programs. The effectiveness of a program may be determined by measuring solid waste diverted by programs, by participation in programs or some other method. [1997 c.552 §8]

**459A.030 Technical assistance to local governments.** The Department of Environmental Quality shall provide technical assistance to cities, counties or metropolitan service districts in the development, revision, amendment and implementation of local solid waste reduction, reuse and recycling programs and solid waste management programs that comply with the opportunity to recycle established in ORS 459A.005 and 459A.010. The department shall give special emphasis to assisting rural and remote counties. [1991 c.385 §52; 1993 c.560 §78]

**459A.035 Solid waste composition study.** The Department of Environmental Quality shall conduct a solid waste composition study at least once a biennium for all areas of the state not covered by other solid waste composition studies. The study may include:

(1) A measurement of the per capita waste disposal rate; or

(2) A statewide survey of the amount of waste reduced through material and energy recovery. [1991 c.385 §5; 1993 c.560 §79]

**459A.040** [1991 c.385 §93; repealed by 1997 c.552 §40]

**459A.045 Request for modification or variance.** Any affected person may:

(1) Request the Environmental Quality Commission to modify the recyclable material for which the commission determines the opportunity to recycle must be provided; or

(2) Request a variance under ORS 459A.055. [Formerly 459.175]

**459A.050 Recycling reports.** (1) On behalf of each wasteshed and the cities within each wasteshed, each county shall submit to the Department of Environmental Quality:

(a) A periodic report, as required by the department, but not more frequently than annually, that documents how the wasteshed and the cities within the wasteshed are implementing the opportunity to recycle, including the requirements of ORS 459A.010. A wasteshed is encouraged to report the results of the wasteshed's commercial recycling program evaluations in the wasteshed's periodic report to the Department of Environmental Quality.

(b) An annual report that states for the wasteshed the type of material and the weight of each type of material collected through the following means:

(A) On-route collection;

(B) Collection from commercial customers; and

(C) Collection at disposal site recycling depots.

(c) If solid waste generated in the wasteshed is disposed of outside of the state, the total weight of the solid waste disposed of outside the state, which shall be included in the annual report.

(2) The metropolitan service district for Multnomah, Washington and Clackamas counties and the cities therein in aggregate shall submit to the department annual reports that include the information required under subsection (1) of this section.

(3) Except as provided in subsection (4) of this section and subject to the exclusions of ORS 459A.010 (4)(h), each solid waste disposal site that receives solid waste, except transfer stations, shall report, for each wasteshed, the weight of in-state solid waste disposed of at the solid waste disposal site that was generated in each wasteshed.



(4) The metropolitan service district for Multnomah, Washington and Clackamas counties and the cities therein in aggregate shall submit to the department the weight of solid waste disposed of through the following facilities:

(a) Metropolitan service district central transfer station;

(b) Metropolitan service district south transfer station;

(c) Municipal solid waste compost facility; and

(d) Any disposal facility or transfer facility owned, operated or under contract by the metropolitan service district.

(5) The cities and counties within each watershed shall share proportionally in the costs incurred for the preparation and submission of the annual report required under this section.

(6) At least annually, the department shall survey privately operated recycling and material recovery facilities, including but not limited to buy back centers, drop off centers, recycling depots other than those at permitted land disposal facilities, manufacturers and distributors. The department shall collect the following information:

(a) By type of material for each watershed, the weight of in-state material collected from other than on-route collection programs, both residential and commercial.

(b) Any other information necessary to prevent double counting of material recovered or to determine if a material is recyclable.

(7) Information collected under subsection (6) of this section, as it relates specifically to the entity's customer lists or specific amounts and types of materials collected or marketed, shall be maintained as confidential by the department and exempt from disclosure under ORS 192.410 to 192.505. The department may use and disclose such information in aggregated form.

(8) The information in subsections (1)(b) to (4) and (6) of this section shall be collected and reported annually on a form provided by the department.

(9) Unless extended by the Environmental Quality Commission upon application under ORS 459A.055 after the affected persons show good cause for an extension, the affected persons within the watershed shall implement the opportunity to recycle and submit the recycling report to the department. [Formerly 459.180; 1993 c.560 §80; 1997 c.552 §13; 2001 c.513 §4]

**459A.055 Variance or request for extension to provide opportunity to recycle.** (1)(a) Upon written application by an affected person, the Environmental Quality Commission may, to accommodate special conditions in the watershed or a portion thereof, grant a

variance from specific requirements of the rules or guidelines adopted under ORS 459A.025.

(b) The Environmental Quality Commission may grant all or part of a variance under this section.

(c) Upon granting a variance, the commission may attach any condition the commission considers necessary to carry out the provisions of ORS 459.015, 459.250 and 459A.005 to 459A.665.

(d) In granting a variance, the commission must find that:

(A) Conditions exist that are beyond the control of the applicant;

(B) Special conditions exist that render compliance unreasonable or impractical; or

(C) Compliance may result in a reduction in recycling.

(2) An affected person may apply to the commission to extend the time permitted under ORS 459.005, 459.015, 459.035, 459.250, 459A.005 and 459A.050 for providing for all or a part of the opportunity to recycle or submitting a recycling report to the Department of Environmental Quality. The commission may:

(a) Grant an extension upon a showing of good cause;

(b) Impose any necessary conditions on the extension; or

(c) Deny the application in whole or in part. [Formerly 459.185; 1993 c.560 §81; 1997 c.552 §14; 2001 c.513 §5]

**459A.060** [1991 c.385 §4; 1997 c.552 §15; repealed by 2001 c.513 §6]

**459A.065 Mandatory participation in recycling.** (1) Upon findings made under subsection (3) of this section, the Environmental Quality Commission may require one or more classes of solid waste generators within all or part of a watershed to recycle identified recyclable material that has been source separated from other solid waste or otherwise make the material available for recycling.

(2) In determining which materials are recyclable for purposes of mandatory participation, the cost of recycling from commercial or industrial sources shall include the generator's cost of source separating or otherwise making the material available for recycling or reuse.

(3) Before requiring solid waste generators to participate in recycling under this section, the commission must find, after a public hearing, that:

(a) The opportunity to recycle has been provided for a reasonable period of time and the level of participation by generators does not fulfill the policy set forth in ORS 459.015;

(b) The mandatory participation program is economically feasible within the affected watershed or portion of the watershed; and

(c) The mandatory participation program is the only practical alternative to carry out the policy set forth in ORS 459.015.

(4) After a mandatory participation program is established for a class of generators of solid waste, no person within the identified class of generators shall put solid waste out to be collected nor dispose of solid waste at a disposal site unless the person has separated the identified recyclable material according to the requirements of the mandatory participation program and made the recyclable material available for recycling. [Formerly 459.188; 1993 c.560 §82; 2001 c.513 §3]

**459A.070 Limitation on amount charged person who source separates recyclable material.** (1) A collection service or disposal site may charge a person who source separates recyclable material and makes it available for reuse or recycling less, but not more, for collection and disposal of solid waste and collection of recyclable material than the collection service charges a person who does not source separate recyclable material.

(2) A collection service or disposal site may charge a person who does not have solid waste collection service but who source separates recyclable material and makes the material available for reuse or recycling, for the cost of providing that service. In no case shall the charge be greater than the charge to collect or dispose of that material as solid waste. [Formerly 459.190]

**459A.075 Exemptions.** Nothing in ORS 459.005, 459.015, 459.035, 459.250, 459.992, 459.995 and 459A.005 to 459A.665 applies to recyclable material which is:

(1) Source separated by the generator; and

(2) Purchased from or exchanged by the generator for fair market value for recycling or reuse. [Formerly 459.192]

**459A.080 Prohibitions against removing or mixing recyclable material.** A person may not:

(1) Without the permission of the owner or generator of recyclable material, take recyclable material set out to be collected by a person authorized by a city or county to provide collection service for that recyclable material.

(2) Remove any recyclable material from a container, box, collection vehicle, depot or other receptacle for the accumulation or storage of recyclable material without permission of the owner of the receptacle.

(3) Mix source separated recyclable material with solid waste in any vehicle, box, container or receptacle used in solid waste collection or disposal. [Formerly 459.195]

**459A.085 City, county authority to issue collection service franchises; opportunity to recycle; rates.** (1) The Legislative Assembly finds that providing for collection service including but not limited to the collection of recyclable material as part of the opportunity to recycle is a matter of statewide concern.

(2) The exercise of the authority granted by this section is subject to ORS 221.735 and 459.085 (3).

(3) It is the intent of the Legislative Assembly that a city or county may displace competition with a system of regulated collection service by issuing franchises which may be exclusive if service areas are allocated. The city or county may recognize an existing collection service. A city or county may award or renew a franchise for collection service with or without bids or requests for proposals.

(4) In carrying out the authority granted by this section, a city or county acts for and on behalf of the State of Oregon to carry out:

(a) The purposes of ORS 459.015;

(b) The requirements of ORS 459.005, 459.015, 459.035, 459.250, 459.992 (1) and (2), 459.995 and 459A.005 to 459A.665;

(c) Waste reduction programs; and

(d) The state solid waste management plan.

(5) After October 15, 1983, a city or a county may continue, extend or renew an existing franchise or grant a new franchise for collection service. If a city or county, in furtherance of ORS 459.005 to 459.426, 459.705 to 459.790 and 459A.005 to 459A.665, has granted a collection service franchise before October 15, 1983, it may treat the franchise as if adopted under this section.

(6)(a) If a collection service franchise is continued, extended, renewed or granted on or after October 15, 1983, the opportunity to recycle shall be provided to a franchise holder's customers no later than July 1, 1986. This subsection does not apply to that portion of the opportunity to recycle provided at or in connection with a disposal site under ORS 459.250.

(b) The opportunity to recycle may be provided by:

(A) The person holding the franchise;

(B) Another person who provides the opportunity to recycle to the franchise holder's customers; or

(C) A person who is granted a separate franchise from the city or county solely for the purpose of providing the opportunity to recycle.

(c) In determining who shall provide the opportunity to recycle, a city or county shall first give due consideration to any person lawfully providing recycling or collection service on June 1, 1983, if the person continues to provide the service until the date the determination is made and the person has not discontinued the service for a period of 90 days or more between June 1, 1983, and the date the city or county makes the determination.

(7) In granting a collection service franchise, the city or county may:

(a) Prescribe the quality and character of and rates for collection service and the minimum requirements to guarantee maintenance of service, determine level of service, select persons to provide collection service and establish a system to pay for collection service.

(b) Divide the regulated area into service areas, grant franchises to persons for collection service within the service areas and collect fees from persons holding such franchises.

(8) The rates established under this section shall be just and reasonable and adequate to provide necessary collection service. The rates established by the city or county shall allow the person holding the franchise to recover any additional costs of providing the opportunity to recycle at the minimum level required by ORS 459.005, 459.015, 459.035, 459.250, 459.992 (1) and (2), 459.995 and 459A.005 to 459A.665 or at a higher level of recycling required by or permitted by the city or county. The rates shall also allow the person to recover the costs of education, promotion and notice of the opportunity to recycle provided by a person holding a franchise.

(9) Instead of providing funding for the opportunity to recycle through rates established pursuant to subsection (8) of this section, a city or county may provide an alternative method of funding all or part of the opportunity to recycle.

(10) In establishing service areas, the city or county shall consider:

(a) The policies contained in ORS 459.015;

(b) The requirements of ORS 459.250 and 459A.005 to 459A.665;

(c) Any applicable local or regional solid waste management plan approved by the Department of Environmental Quality;

(d) Any applicable waste reduction plan approved by the department; and

(e) The need to conserve energy, increase efficiency, provide the opportunity to recycle, reduce truck traffic and improve safety.

(11) A city or county may further restrict competition by permitting one or more collection service franchise holders to cooperate to provide the opportunity to recycle if the city or county finds that such cooperation will:

(a) Improve collection service efficiency;

(b) Guarantee an adequate volume of material to improve the feasibility and effectiveness of recycling;

(c) Increase the stability of recycling markets; or

(d) Encourage joint marketing of materials or joint education and promotion efforts.

(12) The provisions of this section are in addition to and not in lieu of any other authority granted to a city or county. A city or county's exercise of authority under this section is not intended to create any presumption regarding an activity of the local government unit not addressed in this section. This section shall not be construed to mean that it is the policy of Oregon that other local government activities may not be exercised in a manner that supplants or limits economic competition. [Formerly 459.200; 1993 c.560 §84]

**459A.100 Definitions for ORS 459A.100 to 459A.120.** As used in ORS 459A.100 to 459A.120:

(1) "Domestic solid waste" includes but is not limited to residential, commercial and institutional wastes generated within this state.

(2) "Domestic solid waste" does not include:

(a) Sewage sludge or septic tank and cesspool pumpings;

(b) Building demolition or construction wastes and land clearing debris, if delivered to a disposal site that is limited to those purposes;

(c) Source separated recyclable material, or material recovered at the disposal site;

(d) Waste going to an industrial waste facility;

(e) Waste received at an ash monofill from an energy recovery facility; or

(f) Other material excluded by the Environmental Quality Commission in order to support the policies of ORS 459.015. [Formerly 459.292; 1993 c.560 §85]

**459A.105 Policy.** The Legislative Assembly finds and declares that:

- (1) Domestic solid waste disposal capacity is a matter of statewide concern;
- (2) The disposal in Oregon of domestic solid waste generated both outside and within Oregon will reduce the total capacity available for disposal of domestic solid waste generated in this state;
- (3) The disposal in Oregon of domestic solid waste generated outside Oregon and within Oregon will add to the level of environmental risk associated with the transportation and disposal of those wastes; and
- (4) It is in the best interest of the public health, safety and welfare of the people of Oregon to reduce the amount of domestic solid waste being generated in Oregon in order to extend the useful life of existing domestic solid waste disposal sites and to reduce the environmental risks associated with receiving waste generated outside Oregon at those sites. [Formerly 459.293]

**459A.110 Additional fees for programs for reduction of domestic solid waste and environmental risks; assessment; maximum fee.** (1) In addition to the permit fees provided in ORS 459.235, the Environmental Quality Commission shall establish a schedule of fees for all:

- (a) Disposal sites that receive domestic solid waste except transfer stations; and
  - (b) Persons who transport solid waste out of the State of Oregon to a disposal site that receives domestic solid waste.
- (2) The schedule adopted under subsection (1) of this section shall be based on the estimated tonnage or the actual tonnage, if known, received at the site or transported out of state for disposal and any other similar or related factors the commission finds appropriate. The fees collected pursuant to the schedule shall be sufficient to assist in the funding of programs to reduce the amount of domestic solid waste generated in Oregon and to reduce environmental risks at domestic waste disposal sites.
- (3) For solid waste delivered to a disposal site owned or operated by a metropolitan service district, the schedule of fees, but not the permit fees provided in ORS 459.235, established by the commission in subsection (1) of this section shall be levied on the district, not the disposal site.
- (4) The commission also may require submittal of information related to volumes and sources of solid waste if necessary to carry out the activities in ORS 459A.120. For solid waste transported out of the State of Oregon for disposal, the required information may include the type of solid waste, the county of origin of the solid waste and the state to which the solid waste is transported for final disposal.

(5) Before transporting or arranging for transport of solid waste out of the State of Oregon to a disposal site that receives domestic solid waste, a person shall notify the Department of Environmental Quality in writing.

(6)(a) A local government that franchises or licenses a disposal site that receives domestic solid waste shall allow the disposal site to pass through the amount of the fees established by the commission in subsection (1) of this section to the users of the site.

(b) If a disposal site that receives domestic solid waste passes through all or a portion of the fees established by the commission in subsection (1) of this section to a solid waste collector who uses the site, a local government that franchises or licenses the collection of solid waste shall allow the franchisee or licensee to include the amount of the fee in the collection service rate.

(7) The fees generated under subsection (1) of this section shall be sufficient to accomplish the purposes set forth in ORS 459A.120 but shall be no more than 50 cents per ton.

(8) There shall be a fee on solid waste generated out of state. This fee shall be an amount equal to the sum of the fees established under subsection (1) of this section and ORS 459A.115 and shall be collected in the same manner as fees established under subsection (1) of this section and ORS 459A.115.

(9) As used in this section, "person" does not include an individual who transports the individual's own residential solid waste to a disposal site located out of the state. [Formerly 459.294; 1993 c.528 §2; 1993 c.560 §86]

**459A.115 Surcharge on fee imposed under ORS 459A.110; use of surcharge.** (1) From January 1, 1992, to December 31, 1993, the schedule of fees as established by the Environmental Quality Commission under ORS 459A.110 (1) is increased by 35 cents per ton. The portion of the fees attributable to the 35 cents per ton increase shall be deposited into the General Fund and credited to an account of the Department of Environmental Quality. Such moneys are continuously appropriated to the department to implement the provisions of this section and ORS 459.005, 459.015, 459.235, 459.247, 459.418, 459.995, 459A.005, 459A.010, 459A.020, 459A.030 to 459A.055, 459A.070, 459A.110, 459A.500 to 459A.685, 459A.695 and 459A.750.

(2) Beginning January 1, 1994, the schedule of fees as established by the commission under ORS 459A.110 is increased by 31 cents per ton and shall be deposited into the General Fund and credited to an account of the department. Such moneys are continuously appropriated to the department to implement the provisions described in subsection (1) of this section, excluding ORS 459.418. [1991 c.385 §13a; 1993 c.560 §88]



**Note:** 459A.115 was added to and made a part of 459A.005 to 459A.665 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

**459A.120 Use of additional fees.** (1) Except as provided in ORS 459A.115, the fees established by the Environmental Quality Commission under ORS 459A.110 shall be deposited in the General Fund and credited to an account of the Department of Environmental Quality. Such moneys are continuously appropriated to the department to carry out the purposes set forth in subsection (2) of this section.

(2) The fees collected under ORS 459A.110 shall be used only for the following purposes:

(a) Implementation of the provisions of ORS 459.411 to 459.417.

(b) Department of Environmental Quality programs to promote and enhance waste reduction and recycling statewide, including data collection, performance measurement, education and promotion, market development and demonstration projects.

(c) Department of Environmental Quality activities for ground water monitoring and enforcement of ground water protection standards at disposal sites that receive domestic solid waste.

(d) Solid waste planning activities by counties and the metropolitan service district, as approved by the department, including planning for special waste disposal, planning for closure of solid waste disposal sites, capacity planning for domestic solid waste and regional solid waste planning.

(e) Grants to local government units for recycling and solid waste planning activities.

(f) Payment of administrative costs incurred by the department in accomplishing the purposes set forth in this section. The amount allocated under this paragraph shall not exceed 10 percent of the fees generated under ORS 459A.110. [Formerly 459.295; 1993 c.560 §89; 1999 c.59 §130]

**Note:** Sections 45 to 49, chapter 385, Oregon Laws 1991, provide:

**Sec. 45.** (1) The Recycling Markets Development Council is created. The council shall consist of 14 members. The members appointed to the council shall represent a spectrum of interests and a balance of viewpoints, and specifically at least the following:

(a) Local government;

(b) Solid waste collectors;

(c) Environmental organizations;

- (d) Glass industry;
- (e) End-product manufacturers of glass;
- (f) Paper industry;
- (g) End-product manufacturers of paper;
- (h) End-product manufacturers of plastic;
- (i) Plastics industry;
- (j) The director, or a designee of the Director of the Department of Environmental Quality, who shall be an ex-officio member of the council; and
- (k) The director, or a designee of the Director of the Economic and Community Development Department, who shall be an ex-officio member of the council.

(2) The Governor shall appoint the members of the council, one of whom shall be designated as chairperson. Members of the council serve at the pleasure of the Governor and shall serve a term of two years. Any vacancy on the council shall be filled by the Governor. The chairperson shall recommend the replacement of any member who has three unexcused absences during a term. In making the appointments to the council, the Governor shall consider:

- (a) The person's knowledge of recycling;
- (b) Geographic representation from throughout the state;
- (c) The size of the business represented; and
- (d) Expertise in market development.

(3) The council shall meet at least quarterly.

(4) An Executive Committee of the Recycling Markets Development Council is created. The executive committee shall consist of the chairperson of the council, the chairperson of each industry division created under section 46, chapter 385, Oregon Laws 1991, and two additional council members designated by the chairperson of the council. The executive committee shall:

- (a) Manage any staff positions, correspondence, regional coordination and financial matters of the council;
- (b) Prepare recommendations for consideration by the council; and

(c) Meet at least once each month.

(5) The council shall:

- (a) Remain current with national and international market development activities;
  - (b) Develop and implement statewide market strategies for each secondary commodity including but not limited to glass, paper and plastic;
  - (c) Develop communication with and be a liaison to market development committees representing other states within the region;
  - (d) Encourage uniform recycling definitions and standards throughout the states in the region;
  - (e) Encourage the expansion of existing businesses and the recruitment of businesses into the region that use recovered materials from Oregon;
  - (f) Identify and evaluate financial and other incentives to attract new businesses to Oregon or to expand existing businesses that can use recovered materials from Oregon;
  - (g) Promote the purchase of products made from recovered materials;
  - (h) Review and evaluate market development plans, program implementation and funding mechanisms; and
  - (i) Consider glass recycling issues, such as transportation to market, secondary uses and local market development potentials.
- (6) The council may accept and expend moneys from any public or private source made available for the purpose of carrying out the duties of the council or for implementation of the market development plans approved by the council.
- (7) The council shall submit a report to the Seventieth Legislative Assembly. The report shall include but need not be limited to:
- (a) Accomplishments of the council to date;
  - (b) Additional activities necessary to strengthen markets for recycled materials;
  - (c) Statutory additions or changes necessary to assist the council in carrying out its duties, including changes in the membership or structure of the council and additions or changes necessary to implement the market development plans developed by the council's divisions;
  - (d) Information about the implementation of the market development plans; and

(e) The specific uses intended for the Oregon Recycling Markets Development Fund created under section 48, chapter 385, Oregon Laws 1991.

(8) The Economic and Community Development Department shall provide staff support to the council and shall administer the Oregon Recycling Markets Development Fund on behalf of the council. Such staff support shall be provided only so long as the Oregon Recycling Markets Development Fund has a sufficient account balance to pay the costs of such staff support. [1991 c.385 §45; 1993 c.691 §1; 1997 c.552 §35]

**Sec. 46.** (1) The Recycling Markets Development Council shall establish three industry divisions to examine specific market development problems related to glass, paper and plastic. In addition to the glass, paper and plastic divisions, the council may establish divisions for other recyclable materials and ad hoc divisions to address market development problems not appropriately addressed by the glass, paper and plastic divisions. The council shall determine the organizational structure for any additional divisions the council establishes.

(2) The chairperson of the glass, paper and plastic divisions shall be the member of the council appointed by the Governor as the representative of the glass, paper or plastic industry, respectively. In addition, the council shall select at least four but not more than eight members for each division from representatives of each industry. Each division's members shall represent fairly the primary participants in each industry's Oregon economy, including material suppliers and manufacturers.

(3) The council shall define specific market problems for each secondary commodity and the appropriate division shall address each problem in the following manner:

(a) The division shall analyze current plant capacity and market demand issues for the secondary commodity in question;

(b) The division shall determine whether the industry has insufficient private development activity, planned or existing, to warrant additional market development; and

(c) If the division finds additional market development is warranted, the division shall establish and implement a development plan for expanding markets for the secondary commodity, including a recommended capital development fund to finance the plan and a proposal for assessment of the industry to fund the market development plan.

(4) Each division shall report its activities and findings to the council on a quarterly basis and shall present an interim report to the council upon the council's request. The council may approve each division's market development plan and industry assessment mechanism. Upon each request each division shall report to the appropriate joint interim committee. Before implementing any assessment mechanism, the council shall submit the proposal to the Legislative Assembly.

(5) At the request of the council, each division shall provide a written report to the council. The report may include:

(a) Any revision of existing market development plans that is necessary to reflect current market capacity and demand, sufficiency of private market development activity and funding mechanisms; and

(b) Industry progress in developing markets, trends in recovery rates and new developments in using post-consumer recovered material resulting from plans approved by the council.

(6) Until December 31, 2003, all service and expense items of the council and its divisions shall be provided by council members or industry or from other public or private funds donated or granted to the council. [1991 c.385 §46; 1993 c.691 §2; 1997 c.552 §36]

**Sec. 47.** Sections 45, 46, 48 and 49, chapter 385, Oregon Laws 1991, are repealed on January 1, 2004. [1991 c.385 §47; 1993 c.691 §3; 1997 c.552 §37]

**Sec. 48.** (1) The Oregon Recycling Markets Development Fund is created in the State Treasury, separate and distinct from the General Fund. Except as otherwise provided by law, all moneys received by the council shall be paid into the State Treasury and credited to the fund. Interest earnings on all moneys in the fund shall be retained in the fund.

(2) The Oregon Recycling Markets Development Fund shall consist of:

(a) Moneys generated as assessments under section 46, chapter 385, Oregon Laws 1991.

(b) Moneys from any private gifts, grants or donations made to the fund.

(3) Any funds generated under a division's industry assessment structure shall be placed in a subaccount and shall be used only to fund the development and implementation of that division's market development plan and the expenses of the council. [1991 c.385 §48; 1993 c.691 §4]

**Sec. 49.** (1) Moneys in the Oregon Recycling Markets Development Fund are continuously appropriated to the Recycling Markets Development Council to be used:

(a) To provide low interest loans to develop a secondary materials processing infrastructure for businesses engaged in processing secondary materials.

(b) For purposes set forth in each division's market development plan.

(c) To pay the reasonable and necessary expenses of the council.

(d) To provide grants for section 501(c)(3) organizations engaged in collecting, separating or processing secondary commodities.

(2) As used in this section, "section 501(c)(3) organization" means an organization exempt under section 501(c)(3) of the Internal Revenue Code, as amended and in effect on July 1, 1991. [1991 c.385 §49; 1993 c.691 §5]

## **SPECIFIC RECYCLING REQUIREMENTS**

(Newsprint and Directories)

**459A.500 Definitions for ORS 459A.500 to 459A.520.** As used in ORS 459A.500 to 459A.520:

(1) "Consumer of newsprint" means a person who uses newsprint in a commercial or government printing or publishing operation.

(2) "Newsprint" means paper that meets the specifications for Standard Newsprint Paper and Roto Newsprint Paper as set forth in the current edition of the Harmonized Tariff Schedule of the United States for such products.

(3) "Post-consumer waste" means a material that would normally be disposed of as a solid waste, having completed its life cycle as a consumer or manufacturing item.

(4) "Recycled-content newsprint" means newsprint that includes post-consumer waste paper. [1991 c.385 §26; 1993 c.560 §90]

**459A.505 Minimum recycled content for newsprint.** Unless exempted under section 30, chapter 385, Oregon Laws 1991, on and after January 1, 1995, every consumer of newsprint in Oregon shall insure that at least 7.5 percent of the annual aggregate fiber content of all newsprint used by the consumer of newsprint is composed of post-consumer waste paper, if:

(1) Recycled-content newsprint is available at the same or lower weighted net price compared to that of newsprint made from virgin material;

(2) The average mechanical and optical properties of recycled-content newsprint from any individual mill measured quarterly must meet or exceed the average mechanical and optical properties of all newsprint produced in the northwest as reported in the most current quarterly American Newspaper Publisher Association Newsprint Quality Program Special Report; and

(3) The recycled-content newsprint is available within the same period of time as virgin material. [1991 c.385 §27]

**459A.510 Report to consumer of amount of post-consumer waste in shipment.** Each person who supplies a consumer of newsprint with newsprint shall report with each supply the amounts of post-consumer waste contained in each shipment to each consumer of newsprint. If a shipment contains no post-consumer waste paper, the supplier shall so report. [1991 c.385 §28]

**459A.515 Annual report to department; content.** (1) No later than February 28 each year, each consumer of newsprint shall report to the Department of Environmental Quality the following information for the previous calendar year:

- (a) The amount of newsprint used in short tons;
- (b) The amount of recycled-content newsprint used in short tons; and
- (c) The aggregate recycled content of the newsprint used as a percent.

(2) If a consumer of newsprint cannot obtain sufficient amounts of recycled-content newsprint during the year because of one or more of the factors described in ORS 459A.505, the report submitted under subsection (1) of this section in 1996 shall include such information. [1991 c.385 §29; 1993 c.560 §91]

**459A.520 Minimum recycled content for directories.** (1) On and after January 1, 1995, every directory publisher shall insure that directories distributed in Oregon:

- (a) Have a minimum recycled content of at least 25 percent by weight, with no less than 15 percent of the total weight consisting of post-consumer waste, if:
  - (A) The recycled-content paper is available on the market; and
  - (B) The recycled-content paper is of the same quality as paper made from virgin material;
- (b) Use bindings that do not impede recycling; and
- (c) Use inks that do not impede recycling.

(2) For each local jurisdiction where directories are distributed, directory publishers will cooperate with local government agencies to insure that recycling opportunities exist for directories at the time the directories are distributed provided markets exist for the directories.

(3) The Department of Environmental Quality shall develop a report format and survey directory publishers in Oregon on an annual basis to determine whether the publishers are meeting the requirements under subsections (1) and (2) of this section.

(4) As used in this section, "directory" means a telephone directory that weighs one pound or more for a local jurisdiction in Oregon distributed in this state. [1991 c.385 §33]

(Glass)

**459A.550 Report on use of new and recycled glass; minimum percentage of recycled glass required.**

(1) On or before February 28 each year, every glass container manufacturer shall report to the Department of Environmental Quality, in accordance with a method established by the department, the total amount, in tons, of new glass food, drink and beverage containers made in Oregon or sold to packagers located in Oregon by the glass container manufacturer during the previous calendar year, and the tons of recycled glass used in manufacturing the new containers. A glass container manufacturer located more than 750 miles from the borders of this state shall report to the department only for those years in which the glass container manufacturer sells more than 1,000 tons of new glass containers to packagers located in Oregon.

(2) For glass containers manufactured in Oregon or within 750 miles of the borders of this state, each glass container manufacturer shall use the following minimum percentages of recycled glass in manufacturing glass food, drink or beverage containers:

(a) Thirty-five percent on and after January 1, 1995.

(b) Fifty percent on and after January 1, 2004.

(3) Upon request from a glass container manufacturer, the department shall not enforce the requirement that a minimum percentage of recycled glass be used in the manufacturing of glass food, drink or beverage containers under subsection (2) of this section if the department determines that a glass container manufacturer cannot meet the minimum percentage requirements because of a lack of available glass cullet that meets reasonable specifications established by the manufacturer.

(4) A manufacturer requesting an exemption from the recycled glass content requirements under this section shall inform the department of the steps the manufacturer plans to take in order to come into compliance with the recycled content requirements. The department shall grant exemptions for a period of no more than three years. An exemption may be renewed upon a reasonable showing by the applicant. The department may recover all costs involved in considering and acting upon exemption requests.

(5) On or after January 1, 2004, in determining whether a glass container manufacturer has met the 50 percent minimum percentage requirement, the department shall credit toward the requirement the combined amount of recycled glass generated in Oregon for secondary end uses. If the combined amount meets the 50 percent minimum percentage requirement, the department shall not initiate enforcement action.

(6) The department shall not enforce the provisions of subsection (2)(b) of this section until January 1, 2004.

(7) As used in this section, "glass container manufacturer" means a person that manufactures new glass containers in Oregon or that, during the calendar year preceding



the reporting period established under subsection (1) of this section, manufactured new glass containers outside Oregon that were sold by the manufacturer to packagers located in Oregon. [1991 c.385 §34; 1993 c.560 §92; 1997 c.537 §1; 1999 c.976 §1]

(Used Oil Recycling)

**459A.552 Recycling and recovery of used oil; goal.** It is the goal of the State of Oregon that by January 1, 1996, the amount of recycling and recovery of used oil from households in Oregon shall be at least 50 percent and that by January 1, 2000, the amount of recycling and recovery of used oil from households in Oregon shall be at least 70 percent. [1993 c.527 §2]

**Note:** 459A.552 to 459A.599 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 459A or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**459A.554 Reduction, reuse and recovery of used oil.** After consideration of technical and economic feasibility, the Department of Environmental Quality and all persons in Oregon shall encourage the management of used oil in Oregon as follows:

- (1) First, to reduce the amount of used oil generated;
- (2) Second, to reuse oil by rerefining the oil; and
- (3) Third, to recover energy from the used oil and use the oil for other secondary uses. [1993 c.527 §3]

**Note:** See note under 459A.552.

**459A.555 Definitions for ORS 459A.552 to 459A.599.** As used in ORS 459A.552 to 459A.599 unless the context requires otherwise:

- (1) "Commission" means the Environmental Quality Commission.
- (2) "Department" means the Department of Environmental Quality.
- (3) "Recycle" means to prepare used oil for reuse as a petroleum product by refining, rerefining, reclaiming, reprocessing or other means or to use used oil in a manner that substitutes for a petroleum product made from new oil, provided that the preparation or use is operationally safe, environmentally sound and complies with all laws and regulations.
- (4) "Person" means any individual, private or public corporation, partnership, cooperative association, estate, municipality, political or jurisdictional subdivision or governmental agency or instrumentality.

(5) "Used oil" means a petroleum-based oil which through use, storage or handling has become unsuitable for its original purpose due to the presence of impurities or loss of original properties. [Formerly 468.850]

**Note:** See note under 459A.552.

**459A.560 Legislative findings.** The Legislative Assembly finds that:

- (1) Millions of gallons of used oil are generated each year in the state;
- (2) Used oil is a valuable petroleum resource which can be recycled; and
- (3) In spite of this potential for recycling, significant quantities of used oil are wastefully disposed of or improperly used by means which pollute the waters, land and air and endanger the public health and welfare. [Formerly 468.853]

**Note:** See note under 459A.552.

**459A.565 Used oil to be collected and recycled.** The Legislative Assembly declares that used oil shall be collected and recycled to the maximum extent possible, by means which are economically feasible and environmentally sound, in order to conserve irreplaceable petroleum resources, preserve and enhance the quality of natural and human environments, and protect public health and welfare. [Formerly 468.856]

**Note:** See note under 459A.552.

**459A.570 Used oil information center; public education.** The Department of Environmental Quality shall conduct a public education program to inform the public of the needs for and benefits of collecting and recycling used oil in order to conserve resources and preserve the environment. As part of this program, the department shall:

- (1) Establish, maintain and publicize a used oil information center that will explain local, state and federal laws and regulations governing used oil and will inform holders of quantities of used oil on how and where used oil may be properly disposed of; and
- (2) Encourage the establishment of voluntary used oil collection and recycling programs and provide technical assistance to persons organizing such programs. [Formerly 468.859]

**Note:** See note under 459A.552.

**459A.575 Oil recycling information to be posted; rules.** The Environmental Quality Commission shall adopt rules, in accordance with the provisions of ORS 468.020, requiring sellers of more than 500 gallons of lubrication or other oil annually, in containers for use off the premises, to post and maintain at or near the point of sale durable and legible signs, unless otherwise prohibited by law, informing the public of the

importance of proper collection and disposal of used oil, and how and where used oil may be properly disposed of, including locations and hours of operation of conveniently located collection facilities. [Formerly 468.862]

**Note:** See note under 459A.552.

**459A.580 Prohibited disposal of used oil.** Unless permitted pursuant to ORS 468B.050, no person shall dispose of used oil by discharge into sewers, drainage systems or the waters of this state as defined by ORS 468B.005 (8), or by incineration other than for energy generating purposes. [Formerly 468.865]

**Note:** See note under 459A.552.

**459A.585 Enforcement powers of commission.** The Environmental Quality Commission shall have the power to enforce compliance with or restrain violation of ORS 459A.580 or any rule adopted under ORS 459A.575 in the same manner provided for enforcement proceedings under ORS chapters 468, 468A and 468B. [Formerly 468.868]

**Note:** See note under 459A.552.

**459A.590 Use, management, disposal and resource recovery; rules.** The Environmental Quality Commission shall adopt rules and issue orders relating to the use, management, disposal of and resource recovery from used oil. The rules shall include but need not be limited to performance standards and other requirements necessary to protect the public health, safety and environment, and a provision prohibiting the use of untested used oil for dust suppression. The commission shall insure that the rules do not discourage the recovery or recycling of used oil in a manner that is consistent with the protection of human health, safety and the environment. [Formerly 468.869]

**Note:** See note under 459A.552.

**459A.595 Use for dust suppression or as herbicide.** Except to the extent that a use of used oil is prohibited or regulated by federal law, the rules adopted under ORS 459A.590 shall not prohibit or regulate the use of used oil for dust suppression or as an herbicide if the used oil is generated by a business or industry and does not contain polychlorinated biphenyls, or contain or show a characteristic of hazardous waste as defined in ORS 466.005 or is generated by a household and is:

(1) Used on property owned by the generator; or

(2) Generated and used on property leased by the generator or used on property immediately adjacent to property owned or leased by the generator with the written approval of the property owner on whose property the oil is to be applied. [Formerly 468.870]

**Note:** See note under 459A.552.

**459A.599 Short title.** ORS 459A.552 to 459A.585 may be cited as the "Used Oil Recycling Act." [Formerly 468.871]

**Note:** See note under 459A.552.

(Compost)

**459A.600 "Compost" defined.** As used in ORS 459A.605 to 459A.620, "compost" means the product resulting from the controlled biological decomposition of organic wastes that are source separated from the municipal solid waste stream. [1991 c.385 §19]

**459A.605 Rules for purchase of compost and sewage sludge by state.** In consultation with the Department of Environmental Quality and affected state and local agencies, the Oregon Department of Administrative Services shall adopt rules for the purchase by the State of Oregon of compost and sewage sludge. The rules shall designate the state minimum purchasing standards. The rules shall encourage the use of compost and sludge without jeopardizing the safety and health of the citizens of the state or the environment. [1991 c.385 §21]

**459A.610** [1991 c.385 §22; repealed by 1993 c.560 §107]

**459A.615 Programs to use compost and sewage sludge.** The State Forestry Department, the State Parks and Recreation Department, the Department of Transportation and the Oregon Department of Administrative Services shall initiate programs that use compost or sewage sludge in place of, or to supplement, soil amendments, ground cover materials, mulching materials or other similar products for which compost can be used as an effective substitute. [1991 c.385 §23; 1993 c.560 §93]

**459A.620 Use of compost or sewage sludge by state agencies given priority.** After January 1, 1994, any state agency that prepares a request for bid for soil amendments, ground cover materials, mulching materials or other similar products shall first determine that compost or sewage sludge is not available in adequate quantities, cannot practically be used for the intended applications, would jeopardize the intended project results or would be used in combination with a fertilizer or other similar product. [1991 c.385 §25]

(Mercury)

**459A.630 Motor vehicle mercury light switches.** The Department of Environmental Quality shall coordinate with and encourage entities such as associations representing motor vehicle repair shops to offer to the public the replacement and recycling of motor vehicle mercury light switches. The department shall make available to the public information concerning services to replace and recycle motor vehicle mercury light switches. [2001 c.924 §10]

**Note:** 459A.630 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 459A or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

(Plastics)

**459A.650 Definitions for ORS 459A.650 to 459A.665.** As used in ORS 459A.650 to 459A.665:

- (1) "Package" means any container used to protect, store, contain, transport, display or sell products.
- (2) "Package manufacturer" means the producer or generator of a rigid plastic container for a packaged product that is sold or offered for sale in Oregon.
- (3) "Product-associated package" means a brand-specific rigid plastic container line, which may have one or more sizes, shapes or designs and which is used in conjunction with a particular, generic product line.
- (4) "Product manufacturer" means the producer or generator of a packaged product that is sold or offered for sale in Oregon in a rigid plastic container.
- (5) "Recycled content" means the portion of a package's weight that is composed of recycled material, as determined by a material balance approach that calculates total recycled material input as a percentage of total material input in the manufacture of the package.
- (6) "Recycled material" means a material that would otherwise be destined for solid waste disposal, having completed its intended end use or product life cycle. Recycled material does not include materials and by-products generated from, and commonly reused within, an original manufacturing and fabrication process.
- (7) "Rigid plastic container" means any package composed predominantly of plastic resin which has a relatively inflexible finite shape or form with a minimum capacity of eight ounces and a maximum capacity of five gallons, and that is capable of maintaining its shape while holding other products. [1991 c.385 §34a; 1993 c.560 §96; 1993 c.568 §1]

**459A.655 Minimum reuse, recycled material or recycled content for rigid plastic containers.** (1) Except as provided in ORS 459A.660 (5), any rigid plastic container sold, offered for sale or used in association with the sale or offer for sale of products in Oregon shall:

- (a) Contain 25 percent recycled content by January 1, 1995;
- (b) Be made of plastic that is being recycled in Oregon at a rate of 25 percent by January 1, 1995; or

(c) Be a package that is used five or more times for the same or substantially similar use.

(2) A rigid plastic container shall meet the requirements in subsection (1)(b) of this section if the container meets one of the following criteria:

(a) It is a rigid plastic container and rigid plastic containers, in the aggregate, are being recycled in the state at a rate of 25 percent by January 1, 1995;

(b) It is a specified type of rigid plastic container and that type of rigid plastic container, in the aggregate, is being recycled in the state at a rate of 25 percent by January 1, 1995; or

(c) It is a particular product-associated package and that type of package, in the aggregate, is being recycled in the state at a rate of 25 percent by January 1, 1995. [1991 c.385 §34b; 1993 c.560 §97; 1993 c.568 §2]

**459A.657 Recycling rate; hearings on decreased rate.** (1) The Department of Environmental Quality shall determine a recycling rate under ORS 459A.655 for rigid plastic containers in the aggregate on or before December 31, 1995, and thereafter, in accordance with the standards and procedures used to calculate such rate for calendar year 1996, as determined necessary by the department. If for any year thereafter, the department determines that the aggregate rate is less than 25 percent, the department also shall determine whether the recycling rate for compliance for rigid plastic containers made from the major resin types is 25 percent or more.

(2) If the recycling rate for rigid plastic containers in the aggregate determined by the department for compliance purposes is less than 25 percent for 1996 or any subsequent year, the department shall present relevant information regarding the decrease in the rate to the appropriate legislative committees or interim committees. The legislative committees shall hold hearings to determine the factors that caused the rate to decrease, including a review of the status of collection programs in the state and the capacity available to process rigid plastic containers collected and reclaim the resin from the collected containers. [1995 c.584 §2; 1997 c.552 §16]

**459A.660 Manufacturer records; certification by package manufacturer; exempt containers.** (1) Each product manufacturer and package manufacturer shall maintain the records specified in this section that demonstrate for all rigid plastic containers of the manufacturer, how the manufacturer has complied with one or more of the requirements of ORS 459A.655, or for what reason, if any, the containers are exempt under subsection (5) of this section for the applicable period of time. Proprietary information included in the records, if submitted to the Department of Environmental Quality under this section shall not be made available to the general public. The records documenting the compliance shall be submitted to the department upon its request. Each manufacturer required to keep records under this section may be audited by the department. The department shall not take enforcement action, audit or request copies of the records kept

by a manufacturer under this section before January 1, 1996, and until the department calculates the recycling rates in ORS 459A.655 (2) for the calendar year 1995.

(2) To the extent a rigid plastic container complies with ORS 459A.655 (1)(c) or (2)(c) because the product manufacturer's particular product-associated package or all of the product manufacturer's rigid plastic containers are being reused under ORS 459A.655 (1)(c) or recycled in the state at the rate specified in ORS 459A.655 (2)(c), the product manufacturer shall keep records that include the information the department may require to determine the product manufacturer's compliance.

(3) To the extent a rigid plastic container complies with ORS 459A.655 (1)(a) or (b) or (2)(a) or (b), the package manufacturer shall keep records that include the information the department may require to determine the package manufacturer's compliance.

(4) If subsection (3) of this section applies, the product manufacturer also shall maintain a record of the written certification by the package manufacturer that the rigid plastic containers comply with ORS 459A.655 (1)(a) or (b) or (2)(a) or (b). The certification also shall state that the package manufacturer will maintain the records required in subsection (3) of this section, and upon request of the department, submit to the department records that include the information the department may require to determine compliance. The product manufacturer may rely on the certification as a defense in any action or proceeding for violation of or to enforce ORS 459A.650 to 459A.665, whether such action or proceeding is brought under ORS 459.992, 459.995 or under any other law.

(5) Rigid plastic containers are exempt from the requirements of ORS 459A.655 if the containers are not subject to the requirements of ORS 459A.700 to 459A.740 and if:

(a) The containers contain drugs, medical devices, medical food or infant formula as defined by the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 301 et seq.

(b) The packages are associated with products produced in or brought into the state that are destined for shipment to other destinations outside the state and that remain with such products upon such shipment.

(c) The packaging is necessary to provide tamper-resistant seals for public health purposes.

(d) The packages are reduced packages. A package shall qualify as reduced when the ratio of package weight per unit of product has been reduced by at least 10 percent when compared with the packaging used for the same product by the same packager five years earlier. In no case may packaging reduction be achieved, for purposes of this paragraph, by substituting a different material category for a material that constituted a substantial part of the packaging in question, or by packaging changes that adversely impact either the potential for the package to be recycled or contain recycled material. Exemptions under this paragraph shall be limited to five years, shall not be renewable and shall not be

applicable to packages for which the ratio of package weight per unit of product increased after January 1, 1990.

(e) There has been substantial investment in achieving the recycling goal, viable markets for the material, if collected, can be demonstrated, the material is within five percent of the goal, there is substantial evidence of accelerating recycling rates and reasonable projections show that the material will meet the goal within two years.

(f) The containers contain food. A container shall be considered to contain food if it contains an article used, or intended to be used, for food, ice, confection or condiment, whether simple or compound, or any part or ingredient thereof or in the preparation thereof, and for human consumption, but a container shall not be considered to contain food if it contains a drinkable liquid and is a rigid plastic bottle. As used in this paragraph, "rigid plastic bottle" means a container that has a mouth narrower than its base.

(6) For any rigid plastic container not described in subsection (3) of this section, each product manufacturer shall keep records that include the information the department may require as evidence that the container is exempt from the requirements of ORS 459A.655.

(7) The department shall not enforce the provisions of ORS 459A.650 to 459A.660 during the first full calendar year after the department determines for the first time that the rate for compliance for rigid plastic containers in the aggregate is less than 25 percent. For any period for which the department determines that the rate for compliance for rigid plastic containers in the aggregate equals or exceeds 25 percent, product manufacturers and package manufacturers are not required to keep records under this section and are not required to comply with the requirements of ORS 459A.655 (1)(a) and (c) and (2)(b) and (c). [1991 c.385 §34c; 1993 c.560 §98; 1993 c.563 §1; 1993 c.568 §3; 1995 c.584 §§3,4]

**459A.665 Opportunity to recycle rigid plastic containers.** A local government shall provide the opportunity to recycle rigid plastic containers in metropolitan and urban wastesheds when there is a stable market price for those containers that equals or exceeds 75 percent of the necessary and reasonable collection costs for those containers. [1991 c.385 §§34d,50]

**459A.675 Definitions for ORS 459A.675 to 459A.685.** As used in ORS 459A.675 to 459A.685:

(1) "Label" means a code label, as described in ORS 459A.680, molded into or imprinted on or near the bottom of the plastic container or bottle.

(2) "Rigid plastic bottle" means any rigid plastic container intended for single use with a neck smaller than the container body that accepts a screw-type, snap cap or other closure and has a minimum capacity of 16 ounces and a maximum capacity of five gallons.



(3) "Rigid plastic container" means any formed or molded container other than a bottle comprised predominantly of plastic resin and having a relatively inflexible finite shape or form and intended primarily as a single service container with a minimum capacity of eight ounces and a maximum capacity of five gallons. [1991 c.385 §86; 1993 c.560 §99]

**Note:** 459A.675 to 459A.695 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 459A or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**459A.680 Labeling requirements for rigid plastic bottles and containers.** (1) All rigid plastic bottles and rigid plastic containers sold in Oregon shall be labeled with a code that indicates the resin used to produce the rigid plastic bottle or rigid plastic container. Rigid plastic bottles or rigid plastic containers with labels, basecups or other components of a different material may be coded by their basic material if the material is compatible in recycling systems. The code shall consist of a number placed inside a triangle and letters placed below the triangle. The triangle shall be equilateral, formed by three arrows with the apex of each point of the triangle at the midpoint of each arrow, rounded with a short radius. The pointer of each arrow shall be at the midpoint of each side of the triangle with a short gap separating the pointer from the base of the adjacent arrow. The triangle, formed by the three arrows curved at their midpoints, shall depict a clockwise path around the code number. The numbers and letters used shall be as follows:

- (a) 1 = PETE (polyethylene terephthal-ate);
- (b) 2 = HDPE (high density polyethyl-ene);
- (c) 3 = V (vinyl);
- (d) 4 = LDPE (low density polyethylene);
- (e) 5 = PP (polypropylene);
- (f) 6 = PS (polystyrene); and
- (g) 7 = OTHER.

(2) The Department of Environmental Quality shall maintain a list of abbreviations used on labels under subsection (1) of this section and shall provide a copy of that list to any person upon request. [1991 c.385 §87; 1993 c.560 §100]

**Note:** See note under 459A.675.

**459A.685 Prohibition on manufacture of rigid plastic bottles or containers without label.** No person shall manufacture for use in this state any rigid plastic container or rigid plastic bottle that is not labeled in accordance with ORS 459A.680. [1991 c.385 §88]

**Note:** See note under 459A.675.

**459A.695 Requirement for retail establishment supplying plastic bags for customer use.** Any retail establishment that offers plastic bags to customers for purchases made at the establishment shall offer, at the location where the customer pays for the goods, paper bags as an alternative to plastic bags and inform customers that a choice is available. Nothing in this subsection shall be construed as requiring retail establishments to use plastic bags. [Formerly 459.419]

**Note:** See note under 459A.675.

## BEVERAGE CONTAINERS; BOTTLE BILL

**459A.700 Definitions for ORS 459A.700 to 459A.740.** As used in ORS 459.992 (3) and (4) and 459A.700 to 459A.740, unless the context requires otherwise:

- (1) "Beverage" means beer or other malt beverages and mineral waters, soda water and similar carbonated soft drinks in liquid form and intended for human consumption.
- (2) "Beverage container" means the individual, separate, sealed glass, metal or plastic bottle, can, jar, or carton containing a beverage.
- (3) "Commission" means the Oregon Liquor Control Commission.
- (4) "Consumer" means every person who purchases a beverage in a beverage container for use or consumption.
- (5) "Dealer" means every person in this state who engages in the sale of beverages in beverage containers to a consumer, or means a redemption center certified under ORS 459A.735.
- (6) "Distributor" means every person who engages in the sale of beverages in beverage containers to a dealer in this state including any manufacturer who engages in such sales.
- (7) "In this state" means within the exterior limits of the State of Oregon and includes all territory within these limits owned by or ceded to the United States of America.
- (8) "Manufacturer" means every person bottling, canning or otherwise filling beverage containers for sale to distributors or dealers.
- (9) "Place of business of a dealer" means the location at which a dealer sells or offers for sale beverages in beverage containers to consumers.
- (10) "Use or consumption" includes the exercise of any right or power over a beverage incident to the ownership thereof, other than the sale or the keeping or retention of a beverage for the purposes of sale. [Formerly 459.810]

**459A.705 Refund value required.** (1) Except as provided in subsection (2) of this section, every beverage container sold or offered for sale in this state shall have a refund value of not less than five cents.

(2) Every beverage container certified as provided in ORS 459A.725, sold or offered for sale in this state, shall have a refund value of not less than two cents. [Formerly 459.820]

**459A.710 Practices required of dealers and distributors.** Except as provided in ORS 459A.715:

(1) A dealer shall not refuse to accept from any person any empty beverage containers of the kind, size and brand sold by the dealer, or refuse to pay to that person the refund value of a beverage container as established by ORS 459A.705.

(2) A distributor shall not refuse to accept from a dealer any empty beverage containers of the kind, size and brand sold by the distributor, or refuse to pay the dealer the refund value of a beverage container as established by ORS 459A.705. [Formerly 459.830]

**459A.715 When dealer or distributor authorized to refuse to accept or pay refund in certain cases; notice.** (1) A dealer may refuse to accept from any person, and a distributor may refuse to accept from a dealer any empty beverage container which does not state thereon a refund value as established by ORS 459A.705.

(2) A dealer may refuse to accept and to pay the refund value of empty beverage containers if the place of business of the dealer and the kind and brand of empty beverage containers are included in an order of the Oregon Liquor Control Commission approving a redemption center under ORS 459A.735.

(3) A dealer may refuse to accept and to pay the refund value of any beverage container visibly containing or contaminated by a substance other than water, residue of the original contents or ordinary dust.

(4) A dealer may refuse to accept and to pay the refund value of more than 144 individual beverage containers returned by any one person during one day.

(5) In order to refuse containers under subsection (3) or (4) of this section, the dealer must post in each area where containers are received a clearly visible and legible sign containing the following information:

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NOTICE:

Oregon Law allows a dealer to refuse to accept:

1. Beverage containers visibly containing or contaminated by a substance other than water, residue of the original contents or ordinary dust; or
  2. More than 144 individual beverage containers from any one person during one day.
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[Formerly 459.840; 1993 c.356 §1]

**459A.720 Indication of refund value required; exception; certain metal containers and plastic container holders prohibited.:** (1) Every beverage container sold or offered for sale in this state by a dealer shall clearly indicate by embossing or by a stamp, or by a label or other method securely affixed to the beverage container, the refund value of the container.

(2) Subsection (1) of this section shall not apply to glass beverage containers designed for beverages having a brand name permanently marked thereon which, on October 1, 1972, had a refund value of not less than five cents.

(3) No person shall sell or offer for sale at retail in this state any metal beverage container so designed and constructed that a part of the container is detachable in opening the container without the aid of a can opener.

(4) On or after March 1, 1979, no person shall sell or offer for sale at retail in this state, in addition to beverages as defined in ORS 459A.700 (1), any beverage in liquid form intended for human consumption in any beverage container so designed and constructed that a metal part of the container is detachable in opening the container through use of a metal ring or tab without the aid of a can opener. However, nothing in this subsection shall prohibit the sale of a container the only detachable part of which is a piece of pressure sensitive tape.

(5) No person shall sell or offer for sale at retail in this state metal beverage containers connected to each other by a separate holding device constructed of plastic rings or other material which will not decompose by photobiodegradation, chemical degradation, or biodegradation within 120 days of disposal. [Formerly 459.850]

**459A.725 Certification of containers as reusable by more than one manufacturer.:**

(1) To promote the use in this state of reusable beverage containers of uniform design, and to facilitate the return of containers to manufacturers for reuse as a beverage container, the Oregon Liquor Control Commission may certify beverage containers which satisfy the requirements of this section.

(2) A beverage container may be certified if:

(a) It is reusable as a beverage container by more than one manufacturer in the ordinary course of business; and

(b) More than one manufacturer will in the ordinary course of business accept the beverage container for reuse as a beverage container and pay the refund value of the container.

(3) The commission may by rule establish appropriate liquid capacities and shapes for beverage containers to be certified or decertified in accordance with the purposes set forth in subsection (1) of this section.

(4) A beverage container shall not be certified under this section if by reason of its shape or design, or by reason of words or symbols permanently inscribed thereon, whether by engraving, embossing, painting or other permanent method, it is reusable as a beverage container in the ordinary course of business only by a manufacturer of a beverage sold under a specific brand name. [Formerly 459.860]

**459A.730 Decision upon certification applications; review and withdrawal of certifications.:** (1) Unless an application for certification under ORS 459A.725 is denied by the Oregon Liquor Control Commission within 60 days after the filing of the application, the beverage container shall be deemed certified.

(2) The commission may review at any time certification of a beverage container. If after such review, with written notice and hearing afforded to the person who filed the application for certification under ORS 459A.725, the commission determines the container is no longer qualified for certification, it shall withdraw certification.

(3) Withdrawal of certification shall be effective not less than 30 days after written notice to the person who filed the application for certification under ORS 459A.725 and to the manufacturers referred to in ORS 459A.725 (2). [Formerly 459.870]

**459A.735 Redemption centers.:** (1) To facilitate the return of empty beverage containers and to serve dealers of beverages, any person may establish a redemption center, subject to the approval of the Oregon Liquor Control Commission, at which any person may return empty beverage containers and receive payment of the refund value of such beverage containers.

(2) Application for approval of a redemption center shall be filed with the commission. The application shall state the name and address of the person responsible for the establishment and operation of the redemption center, the kind and brand names of the beverage containers which will be accepted at the redemption center and the names and addresses of the dealers to be served by the redemption center. The application shall include such additional information as the commission may require.

(3) The commission shall approve a redemption center if it finds the redemption center will provide a convenient service to persons for the return of empty beverage containers.

The order of the commission approving a redemption center shall state the dealers to be served by the redemption center and the kind and brand names of empty beverage containers which the redemption center must accept. The order may contain such other provisions to insure the redemption center will provide a convenient service to the public as the commission may determine.

(4) The commission may review at any time approval of a redemption center. After written notice to the person responsible for the establishment and operation of the redemption center, and to the dealers served by the redemption center, the commission may, after hearing, withdraw approval of a redemption center if the commission finds there has not been compliance with its order approving the redemption center, or if the redemption center no longer provides a convenient service to the public. [Formerly 459.880]

**459A.740 Certification and withdrawal procedures.:** The procedures for certification or withdrawal provided for in ORS 459A.725 to 459A.735 shall be in accordance with ORS 183.310 to 183.550. [Formerly 459.890]

## EDUCATION

**459A.750 Recycling and waste reduction component of curriculum; teacher's guide; informational materials.:** (1) By January 1, 1995, the Department of Education, in cooperation with the Department of Environmental Quality, shall integrate a recycling and waste reduction component into a required curriculum for all Oregon students in grades kindergarten through 12.

(2) The Department of Environmental Quality, in cooperation with the Department of Education, as appropriate in paragraphs (a) and (c) of this subsection, shall provide statewide promotion, education and technical assistance to local government units and schools in each watershed to increase participation in recycling. The assistance provided shall include but need not be limited to:

(a) Developing a current teacher's guide which shall be supplied to every school in the state for use in complying with this section. The Department of Environmental Quality shall update, revise and replace the teacher's guide at least once every four years as necessary to keep the teacher's guide current and effective. The teacher's guide also shall be available to local government units and recycling educators upon request. The Department of Environmental Quality shall participate each year as requested in teacher in-service workshops to present and facilitate use of the teacher's guide.

(b) Providing professionally produced informational materials including but not limited to camera-ready art and recycling and waste reduction copy for use by local government units, schools or recycling educators in each watershed for public information correspondence, brochures, flyers, newsletters and news releases, camera-ready newspaper public service advertisements and two annual workshops on recycling and waste reduction education and promotion, one to be held within and one to be held

outside, the Portland metropolitan area. The Department of Environmental Quality shall revise the material annually to keep the information presented current and effective.

(c) Providing professionally produced instructional audiovisual materials to each school in the state to be used as part of the school's recycling and waste reduction education component. The audiovisual materials shall be appropriate to the grade level of the school to which they are supplied and shall be reviewed every two years and updated as necessary to keep the information presented current and effective. The materials also shall be available to local government units and recycling educators upon request. [1991 c.385 §35; 1993 c.560 §101]

**Note:** 459A.750 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 459A or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

## FOOD PACKAGING REGULATION

**459A.775 "State agency" defined.:** As used in ORS 459A.775 to 459A.785, "state agency" means any state officer, department, board, commission or court created by the Constitution or statutes of this state, including the Legislative Assembly, its committees, officers and employees. [Formerly 468.967]

**Note:** 459A.775 to 459A.785 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 459A or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**459A.780 Prohibition against purchase or use of nonbiodegradable and nonrecyclable food packaging; exemptions.:** (1) A state agency may not purchase any product to be used for packaging food if the product is composed of material that is not either biodegradable or recyclable through an existing effective recycling program.

(2) A vendor who leases space from a state agency shall not sell food in, or use for food packaging, any product containing or composed of material that is not either biodegradable or recyclable through an existing, effective recycling program.

(3) Notwithstanding subsections (1) and (2) of this section, the Environmental Quality Commission may exempt specific products from the requirements of subsections (1) and (2) of this section if the applicant for the exemption demonstrates:

(a) There is no acceptable alternative for the product; and

(b) Compliance with the conditions of subsections (1) and (2) of this section would cause undue hardship. [Formerly 468.968]

**Note:** See note under 459A.775.

**459A.785 Effective recycling program; standards for determining.:** The Department of Environmental Quality shall establish percentages of plastic material that must be recycled before a recycling program is considered an effective recycling program. In establishing the percentages the department:

- (1) Shall establish percentages for each different type of plastic resin;
- (2) Shall require that at least 15 percent of each plastic resin type be recycled statewide in 1992; and
- (3) May not establish a required percentage of more than 75 percent before December 31, 1999. [Formerly 468.969]

**Note:** See note under 459A.775.



## **ORDINANCE NO. 4203**

### **AN ORDINANCE REPEALING AND REPLACING PROVISIONS CONTAINED IN CHAPTER FOUR OF THE BEAVERTON CODE AND DECLARING AN EMERGENCY**

**Whereas, the City desires to provide for the efficient collection of solid waste and to help sustain the environment by promoting recycling; and,**

**Whereas, Oregon Revised Statutes Chapter 459 grants the City the authority to regulate solid waste collection and mandates the development of a recycling program; and**

**Whereas, the City Council has held a Work Session and Public Hearing on this Ordinance and at Council's direction staff has incorporated Council's direction at those sessions into the following ordinance to be enacted, now therefore,**

#### **THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

**Section 1:** Beaverton Code is amended by adding the following provisions to read as follows:

**4.08.010 Short Title:** BC 4.08.010 - .470 shall be known as the “Solid Waste and Recycling Ordinance” and may also be referred to as “this ordinance.”

**4.08.020 Purpose, Policy and Scope:** It is the policy of the City of Beaverton to reduce the amount of solid waste generated and disposed per capita by undertaking aggressive source reduction and recycling activities. The City shall promote the development of environmentally sound and efficient practices regarding the collection of solid waste, recyclable material, and compostable material. In order to attain these goals and protect public health and the environment, the City shall regulate collection of solid waste, recyclable material and yard debris within the city limits. In carrying out this policy, the goals of this ordinance are:

- (1) To reduce the amount of solid waste generated, as measured on a per capita basis.
- (2) To achieve a goal of a 56% recovery rate from the solid waste stream by 2005.
- (3) To ensure the safe and sanitary collection, transportation and recovery of solid waste, recyclables, and yard debris materials.

- (4) To provide Beaverton residents and businesses the opportunity to recycle more materials through convenient on-site, curbside and depot collection programs.
- (5) To establish and enforce solid waste recyclable material and yard debris collection standards to ensure uniform, cost effective and high quality service delivery to all customers.
- (6) To establish rates, which are fair to the public, the Franchisee and the City, encourage waste reduction, and promote safe, efficient collection.
- (7) To promote community awareness in order to achieve the highest participation possible in the solid waste and recycling collection system.

#### **4.08.030 Definitions**

- (1) **Affiliated Company:** Any company which shares expenses and/or revenues with the Franchisee with respect to the services under this Agreement and is: 1) the parent company (corporation, partnership or limited liability company) of Franchisee; or, 2) any subsidiary of such parent company; or, 3) any company of which thirty percent (30%) or more of the common stock or control is owned or controlled by Franchisee; or Franchisee's share holders; Examples of such shared costs include, but are not limited to: labor, equipment, vehicles, insurance, or administrative costs.
- (2) **Allowable Expenses:** Those expenses incurred by Franchisee in the performance of this Agreement that are allowed by the City as reimbursable by the ratepayer as enumerated below. Allowable Expenses are allowable only to the extent that such expenses are known and measurable, calculated according to Generally Accepted Accounting Principles (GAAP) on an accrual basis, and when applicable, prorated or allocated to the Franchisee's operations within the City, do not exceed the fair market value of comparable goods or services, and are commercially reasonable and prudently incurred by the Franchisee solely in the course of performing its obligations under the Franchise. Allowable expenses, shall include but not be limited to the following:
  - a. The costs of complying with all laws, regulations or orders applicable to the obligations Franchisees under federal, state or local law, including this ordinance, as now or hereafter amended;
  - b. Disposal costs;
  - c. Labor costs, including operational and supervisory labor, payroll taxes, workers' compensation, and benefits;
  - d. Vehicle and equipment expenses, including vehicle registration fees, motor fuel, oil, tires, rental charges and/or operating lease payments and repairs and maintenance;
  - e. Expenses of maintaining other capital assets, including rental charges and/or operating lease payments and repair and maintenance;

- f. Performance bonds and insurance in at least the amounts and coverages required by the City;
  - g. Administrative expenses related to data processing, billing and supplies, finance and accounting, Franchise administration, human resource and labor management, rate analysis, and regulatory compliance;
  - h. Compensation paid to officers, up to limits set by City Rule, based upon total revenues managed by the officers;
  - i. Utilities;
  - j. Training and worker safety expenses;
  - k. Promotion and public education costs;
  - l. Depreciation and amortization of capital assets, including any necessary stand-by or back-up equipment used on a regular and ongoing basis in the provision of services under this Franchise over standardized economic useful lives of the various assets.
  - m. Outside professional fees and costs, limited to two percentage points of revenue, unless an extraordinary circumstance exists;
  - n. Interest expense, other than interest paid with respect to route or Franchise acquisition, that is not in excess of market rates ordinarily charged for the various types of financing required for purchases or leases;
  - o. All surcharges, taxes or fees, other than state or federal income taxes or franchise fees, which are imposed upon the Franchisee or levied by federal, state or local government in connection with Franchisee's provision of collection services under this Franchise;
  - p. Direct write-off charges for bad debts; and
  - q. Franchise fees assessed by the City.
- (3) **Automated Collection System:** A type of refuse or recycling collection system that uses roll carts and mechanically assisted collection equipment mounted on a truck such that the driver can operate the equipment from the cab of the vehicle to grasp, lift, empty and replace the roll cart at curb or road side.
- (4) **Bulky Wastes:** Large items of solid waste such as appliances, furniture large auto parts, trees, branches greater than four inches in diameter and 36 inches in length, stumps and other oversized wastes whose large size precludes or complicates their handling by normal collection, processing or disposal methods.
- (5) **Commercial:** Stores; offices, including manufacturing and industrial offices; restaurants; warehouses; schools; colleges, universities; hospitals; and other non-manufacturing entities; manufacturing entities, but not including multifamily or residential condominium complexes.

- (6) **Compactor:** Any self-contained, power-driven, mechanical equipment designed for the containment and compaction of solid waste or waste or recyclable materials.
- (7) **Compensation:** Includes any type of consideration paid for service, including but not limited to, rent, the sale of recyclable materials, and any other direct or indirect provisions for payment of money, goods or benefits by property owners, tenants, members, licensees, and similar persons. It shall, also, include any exchange of services, including the hauling of Solid Waste and Waste. Compensation includes the flow of consideration from the person owning or possessing the Solid Waste or Waste to the person collecting, sorting, transporting, or disposing of Solid Waste or Waste.
- (8) **Container:** A receptacle used to store solid waste or recyclable materials that is designed for on-site unloading into a closed-bodied collection vehicle in which the contents of the receptacle are mixed with the contents of other similar receptacles.
- (9) **Construction and demolition debris:** Used or discarded construction materials removed from a premise during construction, demolition or renovation of a structure.
- (10) **Curbside/Roadside:** A location within three (3) feet of public right-of-way. This does not allow the garbage or recycling receptacle to be placed on the inside of a fence or enclosure even if the receptacle is within three (3) feet of said road or roads. For residences on “Flag Lots”, private roads or driveways, “Curbside/Roadside” shall be the point where the private road or driveway intersects a City Road, Public Access Road, State Road or Federal Road.
- (11) **Customer.** The person that enters into an agreement with a franchisee for the collection of solid waste, mixed loads of solid waste and recyclable materials, source-separated recyclable materials, and/or yard debris.
- (12) **Depot:** A facility for transferring containerized solid waste, recyclable materials or yard debris from one mode of transportation to another. The term also refers to a place for receiving source-separated recyclable materials.
- (13) **Disabled Customer:** A customer in which all adult household members possess a D.M.V. issued handicapped parking sticker.
- (14) **Dispose or Disposal:** Includes accumulations, storage, collection, transportation and eventual landfilling, incineration or other treatment or neutralization that finally disposes of solid waste.

- (15) **Disposal Costs:** For the purpose of this Agreement, Disposal Costs shall mean the total Allowable Expense incurred by the Franchisee for the Disposal of solid waste collected under this agreement at a Disposal Site, permitted by the appropriate government authority.
- (16) **Disposal Site:** Land and facilities used for the disposal, handling or transfer of, or resource recovery from solid wastes, including but not limited to dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning service, transfer stations, resource recovery facilities, incinerators for solid waste delivered by the public or by a solid waste collection service, composting plants and land and facilities previously used for solid waste disposal at a land disposal site; Disposal site does not include the following: a facility authorized by a permit issued under ORS 466.005 to 466.385 to store, treat or dispose of both hazardous waste and solid waste; a facility subject to permit requirements of ORS 468B.050 or 468B.053; a landfill site which is used by the owner or person in control of the premises to dispose of soil, rock, concrete or other similar non decomposable material, unless the site is used by the public either directly or through a solid waste collection service; or a site operated by a wrecker issued a certificate under ORS 822.110.
- (17) **Drop Box:** A single receptacle used to store solid waste or recyclable materials that is designed to be removed from the generator's site on the back of an open truck for unloading at a disposal site, material recovery facility, or other storage or processing facility. The contents of the receptacle are not mixed with the contents of other similar receptacles until delivery to a Disposal Site.
- (18) **Force majeure:** Acts of god, fire, landslides, lightening, storms, floods, freezing, earthquakes, epidemics, volcanic eruptions, public riots, civil disturbances, acts of the public enemy, wars, blockades, embargoes, or acts of civil or military authority, breakage, explosions or accident to machines or other materials, pipelines or materials, governmental restraint, unavailability of a disposal site and any other event which could not with reasonable diligence be controlled or prevented by the party affected by the event.
- (19) **Franchise:** A contract with the City allowing the use of public right-of-way to collect and transport solid waste.
- (20) **Generator:** A person who last uses a material and then makes it available for disposal or recycling.

- (21) **Gross Revenue:** “Gross Revenue” for any period shall mean 1.) Gross accrual-based billings by the Franchisee to customers for services provided under this Agreement; and, 2.) The allocated gain on the sale of fixed assets, the depreciation or amortization from which, was an Allowable Expense under the terms of this Ordinance, and refunds, sales proceeds or other reimbursements for any other expense that was an Allowable Expense under this Ordinance, and 3.) The accrual-based proceeds from the sales of recycled material collected within the Franchise.
- (22) **Hazardous Waste:** Solid Waste or Waste that may, by itself or in combination with other waste, be explosive, poisonous, caustic or toxic, or otherwise dangerous or injurious to human, plant or animal life, as defined by ORS 466.055.
- (23) **Household Hazardous Waste:** Any discarded, useless or unwanted chemical, material, substance, or product that is or may be hazardous or toxic to the public or the environment and is commonly used in or around households. Household hazardous waste includes, but is not limited to, some cleaners, solvents, pesticides and automotive and paint products.
- (24) **Infectious Waste:** Infectious waste mean biological waste, cultures and stocks, pathological waste, and sharps, as defined in ORS 459.386 and 459.387.
- (25) **Material Recovery Facility:** A solid waste management facility that separates material for the purpose of recycling from an incoming recoverable mix of non-putrescible waste by using manual and/or mechanical methods and achieves a verifiable minimum 25% recovery rate. It also means a facility that primarily accepts previously separated recyclables.
- (26) **Mayor:** The Mayor of the City of Beaverton or the Mayor’s designee.
- (27) **Multifamily:** Any multi-dwelling building or group of buildings that (a) contain(s) five (5) or more dwelling units on a single lot, such as apartments, condominiums, and mobile home parks and (b) receives services on a per lot or per building basis, as opposed to a per unit basis. Multifamily complex also includes certified or licensed residential care housing, such as adult foster care homes, and group homes. Multifamily accounts are determined to be a residential waste stream.
- (28) **Operating Margin:** “Operating Margin” for a period shall mean gross revenues minus allowable expenses.

- (29) **Organic Waste:** Materials that can be biologically synthesized by plants or animals from simpler substances, are no longer suited for their intended purpose, and are readily broken down by biological processes into soil constituents. Examples include, but are not limited to, food waste, yard debris, contaminated paper, and putrescible materials that are generally a source of food for bacteria.
- (30) **Per Class:** Used in reference to the imposition of an infraction. It refers to an infraction that applies to more than one customer (e.g., failure to distribute required promotional material to 2,000 customers would constitute one class infraction).
- (31) **Per Day:** Used in reference to the imposition of an infraction. It refers to an infraction that may apply to one or more customers on the day the infraction occurs (e.g., an uncovered truck would generate one infraction for each day it operated without a cover).
- (32) **Per Incident:** Used in reference to the imposition of an infraction. It refers to a Franchisee's failure to comply with the ordinance on an individual act, occurrence, or customer basis. (e.g. failure to deliver two recycling bins to a customer within seven days.)
- (33) **Processing:** An operation where collected source-separated recyclable materials are sorted, graded, cleaned, identified or otherwise prepared for end use markets.
- (34) **Putrescible Waste:** Waste, including: bones; meat and meat scraps; fat; grease; fish and fish scraps; food containers or products contaminated with food wastes, particles or residues; prepared vegetable and fruit food wastes or scraps; manure; feces; sewer sludge; dead animals or similar wastes which cause offensive odors or create a health hazard or which is capable of attracting or providing food for potential disease carriers, such as birds, rodents, flies and other vectors.
- (35) **Receptacle:** Means a can, cart, container, drop box, compactor or recycling bin or any other means of containment of Solid Waste or Waste or Recyclable Materials.
- (36) **Recyclable Material, Recyclable, Recyclables:** Means material that has or retains useful physical, chemical, or biological properties after serving its original purpose(s) or function(s), and is separated from solid waste by the generator or at a material recovery facility.
- (37) **Recycling:** means any process by which waste materials are transformed into new products in such a manner that the original products may lose their identity.

- (38) **Residence, Residential:** refers to any dwelling unit where at least 50 percent of the use of the entire building is for home use. For purposes of this ordinance, “residence” does not include “multifamily” dwellings, as defined in this section.
- (39) **Return on Revenues:** The quotient of the operating margin divided by the Gross Revenues.
- (40) **Self-Haul:** Means the collection and transportation of solid waste from a commercial, multifamily, or residential entity by the generator, owner or occupant of the property, rather than by a third party hired to perform this function.
- (41) **Solid Waste Management:** The management of the accumulation, storage, collection, transportation, treatment, processing and final disposal or utilization of Solid Waste and Waste or resource recovery from Solid Waste and facilities necessary or convenient to those activities. The Franchisee may contract with another person to provide service of any type under the Franchisee’s Service Franchise, but the Franchisee shall remain ultimately responsible for Solid Waste and Waste Management in the Franchisee’s franchised service area.
- (42) **Solid Waste or Waste:** The terms “solid waste” and “waste” are interchangeable. Solid waste shall include all putrescible and non-putrescible waste, including but not limited to, garbage; compost; organic waste; yard debris; brush and branches; land clearing debris; sewer sludge; residential, commercial and industrial building demolition or construction waste; discarded residential, commercial and industrial appliances, equipment and furniture; discarded, inoperable or abandoned vehicles or vehicle parts and vehicle tires; manure; feces; vegetable or animal solid and semi-solid waste and dead animals; and infectious waste. Waste shall mean useless, unwanted or discarded materials. The fact that materials, which would otherwise come within the definition of Solid Waste, may, from time to time, have value and thus be utilized shall not remove them from the definition. The terms Solid Waste or Waste do not include:
- a. Environmentally hazardous wastes as defined in ORS 466.055;
  - b. Materials used for fertilizer or for other productive purposes on land in agricultural operations in the growing and harvesting of crops or the raising of fowl or animals;
  - c. Septic tank and cesspool pumping or chemical toilet waste;
  - d. Source separated, principal recyclable materials as defined in ORS 459A and the Rules promulgated there under and under this Ordinance, which have been purchased or exchanged for fair market



value, unless the City declares a site of uncollected principal recyclable materials to be public nuisance;

e. Applications of industrial sludges or industrial waste by-products authorized through a Land Use Compatibility Statement or Management Plan approval and that have been applied to agricultural lands according to accepted agronomic practices or accepted method approved by the Land Use Compatibility Statement or Management Plan, but not to exceed 100 dry tons per acre annually;

f. Stabilized municipal sewage sludge applied for accepted beneficial uses on land in agricultural, non-agricultural, or silvicultural operations. Sludge-derived products applied for beneficial uses on land in landscaping projects.

(43) **Source Separated Materials:** Recyclable materials that have been separated by type of recyclable material and removed from the solid waste stream by the person who last used the recyclable materials.

(44) **Unallowable Expenses:** Shall include the following:

- a. All charitable and political contributions;
- b. Fines and penalties, including without limitation judgments for violation of applicable laws, incurred by a licensee;
- c. Payments for services provided by individuals related by blood or marriage or by affiliated companies to a licensee to the extent that such payments exceed the reasonable cost that would be charged by an independent third party to provide the substantially equivalent service;
- d. Accruals for future unknown regulatory changes;
- e. Costs associated with purchase of other companies including, but not limited to, employee stock ownership plan payments, goodwill, amortization of goodwill and premiums on key-person life insurance policies;
- f. Principal or interest payments on the acquisition of solid waste, recyclable materials and yard debris collection routes; the purchase of equipment and/or facilities to the extent that the price includes goodwill or a premium in excess of fair market value at the time of acquisition;
- g. State and federal income taxes;
- h. Fees paid to a Franchisee's Board of Directors;
- i. Advertising expenses beyond basic collection and recycling promotion and education, and minimal telephone listings under "Garbage Collection" or "Recycling Collection." Display advertisements and entertainment expenses are specifically excluded;
- j. Attorney's fees and related expenses resulting from:
  - (1) Any judicial proceeding in which the city and a licensee are adverse parties, unless the Franchisee is the prevailing party;

- (2) Any judicial proceeding in which a Franchisee is ruled to be liable due to willful misconduct or gross negligence or in violation of law or regulation;
- k. Any other expenses defined as “unallowable” and approved by the council.
- (45) **Utilization:** The terms utilize, utilization or utilization of Solid Waste or Waste shall mean productive use through recycling, reuse, salvage, resource recovery, energy recovery, or land filling for reclamation, habitation, or rehabilitation of land.
- (46) **Waste Evaluation:** An evaluation completed by the City or a Franchisee of a commercial entity’s waste management practices, for the purpose of providing guidance to the commercial entity on effective means to reduce waste, increase recycling, and purchase recycled products.
- (47) **White Goods:** Kitchen or other large appliances, which are Bulky Wastes.
- (48) **Yard Debris:** Grass clippings, leaves, tree and shrub prunings of no greater than four (4) inches in diameter or similar yard and garden vegetation. Yard debris does not include such items as: dirt, sod, stumps, logs, tree and shrub prunings greater than four (4) inches in diameter, rocks, plastic, animal waste or manure, cat litter, potting soil, prepared food wastes or nonputrescible material.

#### **4.08.100 Non-Exclusive Franchise.**

No person shall do business in the collection and transport of solid waste generated within the City without a current, valid City franchise. A Franchise to provide collection service for solid waste, recyclable materials and yard debris in a service area of the City shall be granted only after a determination of need for the service. The determination of need is the responsibility of the City Council, which will seek the best balance of the following objectives:

- (1) To insure safe, efficient, economical and comprehensive solid waste service;
- (2) To avoid duplication of service that will cause inefficiency, excessive use of fuel, increased traffic, and greater wear on streets;
- (3) To provide service in areas of marginal return;
- (4) To promote and encourage recycling and resource recovery;
- (5) To improve the likelihood of the Franchise holder making a reasonable profit and thereby encourage investment in modern equipment;
- (6) To cooperate with other governmental bodies by recognizing their service arrangements; and
- (7) To otherwise provide for the service in a manner appropriate to the public interest.

In granting a franchise renewal or a new franchise due to an annexation, termination, or revocation of a franchise, the Council shall, in addition to the above, consider the following factors in selecting a new or replacement Franchisee:

- a. The candidate's prior service record in the same or a related industry and its professional relationships with other corporate entities and local, regional and/or state jurisdictions;
- b. The candidate's financial ability to perform the obligations of a franchise holder;
- c. The candidate's equipment and personnel available to meet current and future needs of a franchise holder;
- d. The candidate's ability to provide all services to customers within the geographic boundaries of the designated franchise area, including every residential, multi-family and commercial customer;
- e. The candidate's exercise of the burden of proof demonstrating a proposed franchise area is being or has been underserved by the existing or previous franchise holder; and
- f. The candidate's good moral character as is relevant to a franchised provider's customer relations, namely any unpaid judgments against the applicant (whether doing business under the same or another name) and any judgments for civil fraud or for a crime of dishonesty.

Franchises granted by the City shall be non-exclusive, however it is understood that during the term of franchises granted under this Ordinance, the City shall not grant any other person a franchise for Solid Waste Management unless there is a showing by the applicant of the need for such additional service in the proposed service area. As to such application(s) the Council may consider whether a current Franchisee is capable of providing the additional service. In evaluating whether a need exists for additional service, the City Council may consider, among any other criteria deemed relevant by the City Council, the following items:

- (1) An increase in the population of the City;
- (2) An extension of the boundaries of the City;
- (3) Intensive residential, commercial or industrial development within the boundaries of the City;
- (4) Changes in solid waste technology and/or recycling collection technology that could substantially improve collection service or reduce collection costs to residents of the City;
- (5) The effect that an additional franchise would have on each existing Franchisee's ability to meet the City's service standards and maintain a fair return on its investment;
- (6) The number of existing Collection Franchisees or Drop Box Service Franchisees, as applicable, providing service in the area of the City in which the applicant wishes to provide service; and
- (7) Changes in federal or state laws, rules or regulations that substantially affect solid waste or recycling collection requirements.

This ordinance does not prohibit any person from self-hauling solid waste and/or recyclables. A generator may self-haul his or her own material, and a generator's contractor may haul materials that are generated as a direct result of the service-provider's activity. For example, landscapers, roofers, and remodelers may self-haul materials, but may not contract with third parties other than Franchisees for collection and transport.

#### **4.08.110      Term of Franchise**

A franchise to provide collection service for solid waste, recyclable materials and yard debris in a portion of the City shall be granted for a period of seven (7) years, beginning July 1, 2002. The determination of need is the responsibility of the Council, which will seek the best balance of the franchise objectives.

The City shall review franchises annually to evaluate rates, customer service and franchisee performance issues.

The Mayor shall report to the Council a comprehensive review of the rates, customer service, franchise performance based on criteria described in B.C. 4.08.100 and overall state of the franchise system based on the first 42 months of the franchise term. As part of that review, at the request of a Franchisee, the Mayor may make a recommendation to renew or not renew, and the Council may consider renewing that person's franchise for an additional three and one-half years to be added to the end of the existing term for a total of seven (7) years. Any such extension shall be granted only after the notice to all interested parties and a public hearing.

Nothing in this section restricts the Council from suspending, modifying or revoking the franchise for cause pursuant to Section 4.08.430 of this Ordinance.

A Franchisee who desires to terminate its rights and obligations under a franchise, shall give not less than 90 days' notice of its intent. Upon receipt of such notice the Council shall initiate proceedings to consider applications by any other person for a franchise to serve the same area.

#### **4.08.120      Notice Request for Franchise Applications**

Prior to the end of a franchise term, notice that the City intends to solicit applications for solid waste Franchises shall be published in a newspaper of general circulation within the City. Notice shall also be sent to all holders of Beaverton solid waste franchises. The Mayor may keep a list of interested persons who will also be provided notice.

The Mayor shall establish forms and deadlines.

#### **4.08.130      Description of Franchise Areas**

A City Solid Waste Franchise service area shall include single unit residential customers and any multi-family residential, commercial and industrial customers within that service area. The service areas shall be determined by Council resolution. The Franchise areas and the Franchisees serving such areas shall be indicated on a map entitled "Solid Waste

Franchise Service Areas of the City of Beaverton” (the “Map”). A copy of the Map shall be dated with the effective date of the Council resolution and maintained in the Office of the Mayor. Amendments to the map may be made by Council resolution, and copies of amendments shall be kept on file by the City Recorder.

#### **4.08.140 Transfer of Franchise**

An assignment or transfer of a Franchise shall include, but not be limited to:

- (1) A sale, exchange or other transfer of 50% or more of Franchisee’s assets dedicated to service in the City;
- (2) A sale, exchange, or other transfer of fifty percent (50%) or more of the outstanding common stock of a Franchisee;
- (3) Any reorganization, consolidation, merger, recapitalization, voting trust, pooling agreement, escrow arrangement, liquidation or other transaction to which Franchisee or any of its shareholders is a party which results in a change of ownership or control of fifty (50%) or more of the value or voting rights in the stock of the Franchisee; and
- (4) Any combination of the foregoing that has the effect of a transfer or change of ownership and control.

The Franchisee shall provide no less than 60 days’ advance written notice to the City of any proposed transfer or assignment. Except as specifically authorized by the City, the Franchisee shall not assign any of its rights or delegate or otherwise transfer any of its obligations to any other person without the prior consent of the City Council. Any such assignment without the consent of City Council shall be void and any such attempted assignment shall constitute default and grounds for termination of the Franchise.

If a Franchisee requests the City’s consent to transfer the Franchise, the City shall act on such request within sixty (60) days of the receipt of the Franchisee’s written request together with all information, as set forth below, required for the City’s action on the request. The City shall not unreasonably refuse to consent to an assignment of the Franchise to a proposed assignee that has sufficient knowledge, experience, and financial resources so as to be able to meet, to the satisfaction of the City Council, in its sole discretion, all obligations of the Franchisee hereunder. An application to the City to consider a sale or other transfer of a Franchise shall include the following:

- (1) A nonrefundable application fee of two thousand dollars (\$2000) payable at the time of application to the City in advance to defray the City’s anticipated expenses and costs resulting from the Franchisee’s request;
- (2) Financial statements audited or reviewed by a Certified Public Accountant of the Proposed Assignee’s operations for the three immediately preceding operating years together with any additional evidence of financial ability to perform its Franchise obligations; and
- (3) A showing that the proposed Assignee meets all City criteria for the grant of a Franchise as are set out in section 4.08.100 of this ordinance.

#### **4.08.200      Responsibility of City**

Franchisees are subject to the exercise of the police power of the City and to such regulations as the City may provide by resolution, ordinance, rule or regulation.

#### **4.08.210      Enforcement of Standards**

The Mayor shall enforce this ordinance and pursue remedies for non-compliance as laid out within this ordinance. The Mayor shall adopt rules, including a process for notice and comment prior to adoption, for collection responsibility and customer service standards as well as procedures and forms to implement the provisions of this ordinance. These rules shall be enforceable with penalties allowed in this ordinance. Upon recommendation by the Mayor, the Council may declare a Franchisee who fails to abide by the rules to be in default.

Each Franchise provision, including rules adopted hereunder, is assigned an Enforcement Code consisting of two letters, such as (A/I). The first letter represents the severity of the infraction (A, being the most severe), and the second identifies the incident definition. Incident definitions indicate whether the infraction is measured “Per Day,” referred to as D, “Per Class,” referred to as C, or “Per Incident,” referred to as I. Penalties are further described in section 4.08.420 of this ordinance.

#### **4.08.220      Uniform Rate Setting**

The City Council may review and set rates on an annual basis by Council resolution that considers the following goals:

- (1) Rates shall be established to the greatest extent practicable on a cost of service basis.
- (2) Rates shall be adequate to provide an Operating Margin equal to nine percent (9%) of Franchise-wide Gross Revenues; however, the City shall not be required to change rates if the expected Operating Margin in the current year falls between seven and eleven percent of Gross Revenues. The nine percent target return on Gross Revenues is considered sufficient to reflect the level of business risk assumed by the Franchisee, to allow investment in equipment, and to ensure quality collection service.

Accordingly, the City shall have the authority to commission audits, reviews, or analysis of Franchisee Annual Reports to validate hauler submissions. The expected Operating Margin in a future year would incorporate expected inflation factors, and the effect of known or expected increases or decreases in expenses or revenues.

The rates charged by Franchisees shall conform to the most current Council resolution. Prior to implementation, the Council must approve any interim rate for services not included in the current resolution.

If the haulers for the majority of the franchise areas within the City notify the Mayor in writing that they believe a material change outside the Franchisees’ control has occurred, and the change will have an adverse effect on operating margins, such that current year

operating margins will be less than seven percent, a material change will be deemed to have occurred. At that time, the City may undertake any type of review it finds necessary to validate the existence of the material change and estimate its effect on the operating margin. If the results of the review are such that no rate adjustment is warranted, persons requesting the review shall reimburse the City for reasonable costs incurred during the investigation at the time the next payment of franchise fees is due.

If the City believes that a material change has occurred that will result in current year operating margins falling under seven percent or over eleven percent, the City may undertake an abbreviated rate review at its own expense.

A change in tipping fee will be evaluated by the Mayor to determine the effect upon rates and services.

#### **4.08.230 Imposition of Franchise Fees**

For the privilege of using the City's streets and other facilities and for the purpose of defraying the City's regulatory expenses, each Franchisee shall pay a Franchise Fee to the City equal to 4% percent of cash receipts on residential service and 4.5 percent on commercial and drop box service, net of material sales revenue. The Franchise Fee shall be computed and collected on a calendar quarterly basis. The fee shall be paid by the Franchisee not later than the last day of the month immediately following the end of the quarter. A Franchise fee payment shall become delinquent if not paid by the last day of the month immediately following the end of the quarter. A simple interest charge of 18% shall be charged against the entire delinquent balance until the balance is paid.

At the time of payment of the quarterly fee, each Franchisee shall file with the Mayor a verified statement of quarterly cash receipts for the period covered by the tendered fee. Such statements shall be public records. Each Franchisee shall maintain books and records disclosing the cash receipts derived from business conducted within the City, which shall be open at reasonable times for audit by the Mayor. The City may require a uniform system of bookkeeping and record keeping to be used by all Franchisees.

Material misrepresentation of cash receipts by a Franchisee constitutes cause for revocation of the Franchise.

The Franchise Fee imposed by this section is in addition to and not in lieu of any other fee, charge, or tax imposed by the City. The obligation to pay franchise fees on cash receipts generated from services performed under a City franchise shall survive termination of the franchise no matter how terminated.

The City Council by resolution may change the amount and computation of Franchise Fees from time to time. The Council by resolution may reallocate the Franchise Fee percentages for different customer groups, such as residential or commercial, if such a reallocation mitigates a cost of service disparity that is not fully corrected through the rate setting process. In order to do so, the Mayor must be able to demonstrate that overall

equity among the Franchisees is improved. Such a reallocation may not materially reduce the amount of total Franchise Fee Revenue obtained by the City.

#### **4.08.300 Reporting Responsibilities**

##### **4.08.310 Monthly Informational Reports**

Each Franchisee shall provide the Mayor by the last day of each month for the previous month:

- (1) A monthly report listing the quantities or recyclable materials collected within the City during the previous calendar month, the locations to which these materials were delivered, the number of customer accounts, and other information as required by the Mayor. (E/D)
- (2) A monthly report listing the names and addresses of commercial customers that were offered waste evaluations during the reported month and that received waste evaluations from the Franchisee during the reported month. (E/D)

##### **4.08.320 Quarterly Franchise Fee Reports**

Each Franchisee shall complete and remit to the City a Quarterly Franchise Fee report not later than the last day of the month immediately following the end of the quarter.

At the time of payment of the quarterly Franchise Fees, the Franchisee shall file with the Mayor a sworn and verified statement of quarterly gross revenues for the period covered by the tendered fee. Such statements shall be public records. Each Franchisee shall maintain books and records disclosing the gross receipts derived from business conducted within the City, which shall be open at reasonable times for audit by the Mayor. The City may require a uniform system of bookkeeping and record keeping to be used by all Franchisees. (D/D)

Misrepresentation of cash receipts shall be deemed material and a breach of the Franchise contract and shall be cause to initiate the process to terminate the franchise.

##### **4.08.330 Annual Franchise Reports**

An annual financial/operational report in a format approved by the Mayor that identifies revenues, expenses, and selected program data for the previous calendar year, specifically associated with or allocated to the City of Beaverton is due on or before March 15 of each year. (D/D)

Specifically, Franchisees shall report revenues and expenses (allowable and unallowable), in an income statement format, and provide a variety of information about customer counts, service levels, disposal volumes, and recycling activities. While direct charge of allowable expenses is preferred, it is understood that many Franchisees provide service in areas outside the City of Beaverton. Consequently, allocations to franchise operations within the City are necessary for most allowable expenses



In addition to the results of operations within the City of Beaverton, Franchisees shall report totals for all operations, both within and outside the City that share significant operational, management, and administrative expenses with the Beaverton Franchise. Resources allocated from regional or corporate offices or affiliates shall be distributed to appropriate expense line items, and shall also be disclosed in a schedule describing total allocations and their distribution to individual expense line items. All allocations from Affiliated Companies must be described and must be equal to or less than the fair market value of similar goods and services purchased from a non-affiliated company.

The report will also include a synopsis of the operating year, a description of the measures each franchisee has taken in the preceding year to make its operation more efficient, a listing of the efficiency measures which each Franchisee proposes to take in the next year, a composite table showing the type and number of customer service complaints and a description of the measures that the Franchisee has taken or is planning to take to correct the cause of commonly reported complaints, and such other information as requested by the Mayor. All report information shall be presented on a calendar year basis. The report shall contain detailed information on education and promotion activities, and other information as required by the Mayor. (D/D)

Franchisees may identify information submitted to the City in the Annual Report as confidential. The City shall treat any information marked “Confidential” as such, and shall not subject the confidential information to public disclosure except as required by law. If the City receives a request for disclosure of confidential information, the Mayor shall notify the Franchisee within a reasonable time after receiving the request so as to allow the Franchisee a reasonable opportunity to defend against the requested disclosure through appropriate legal process.

#### **4.08.340 Subcontracting Services**

A Franchisee may contract with another person to provide service within the Franchisee’s service area with the written approval of the Mayor, provided that the subcontract does not amount to a transfer of the collection franchise and the subcontracting party agrees to:

- (1) Abide by the conditions of this ordinance; and
- (2) In written application to the City, show how they will meet the criteria applying to the current franchise

A Franchisee may subcontract all drop box and medical/infectious waste collection, but may not otherwise subcontract more than twenty-five (25%) percent of the remaining franchised services, except during an emergency with the approval of the Mayor for a period of not more than 60 days. (A/I)

#### **4.08.350 Access for Inspections and Delivery of Notices**

Franchisees shall make all company premises, facilities and records related to their solid waste, recyclable materials and yard debris collection services (including, but not limited to: offices, storage areas, financial records, non-financial records, records pertaining to

the origin of any solid waste collected by the Franchisee, receipts for sale or delivery of collected recyclable materials, customer lists, and all records related to vehicle maintenance and safety which are required under ODOT motor carrier requirements and regulations and ORS 767) available for inspection by the Mayor within 24 hours of notice by registered mail. Such inspections are only for purposes of enforcing this ordinance, and are restricted to normal business hours. During normal business hours, the Franchisee shall make all company premises and facility accessible to City employees for delivery of any written notices. (A/I)

Collection vehicles must be accessible for inspection during the normal operating hours for collection, in addition to normal business hours. Where receptacles are stored in the public right-of-way or when the City is inspecting a situation where the Franchisee is allegedly commingling Recyclable Materials or Yard Debris with Solid Waste, the need for 24-hour notice does not apply to inspection of receptacles or vehicles. (A/I)

#### **4.08.360 Indemnification, Bond, and Insurance**

A Franchisee shall pay, save harmless and indemnify the City from any loss, damage, penalty or claim against the City on account of or in connection with any activity of the Franchisee in the operation of the Franchisee's solid waste collection business including activity by any contract hauler under BC 4.08.055 D. If such suit shall be filed against the City either independently or jointly with the Franchisee or its contract hauler to recover for any claim or damages, the Franchisee upon notice to it by the City shall defend the City against the action, and in the event of a final judgment being obtained against the City, either independently or jointly with the Franchisee or its contract hauler, the Franchisee will pay said judgment and all costs and hold the City harmless there from. (A/I)

Each Collection Franchisee and Drop Box Franchisee shall furnish a performance bond, in a form approved by the City Attorney, by an acceptable surety company in the amount of twenty-five thousand dollars (\$25,000.00), but may, in lieu of a bond, furnish an irrevocable letter of credit or assign a savings account or deposit in any federally insured financial institution in the amount of twenty-five thousand dollars (\$25,000.00) on a form approved by the City Attorney. The Security shall guarantee faithful performance of all the obligations contained herein with the premium for such bond or cost of such assignment to be paid by the Collection Franchisee or Drop Box Franchisee furnishing the bond, letter of credit or making the assignment. (A/I)

A Franchisee shall maintain commercial general liability insurance on an occurrence basis in such forms and with such companies as shall be approved by the City Attorney, which will cover the Franchisee's business operation, including each vehicle operated by it. The insurance coverage shall include not less than \$100,000.00 for one person, nor less than \$300,000.00 for bodily injury due to each occurrence, and not less than \$100,000.00 for damage to property due to each occurrence and coverage of at least \$1,000,000 in the aggregate per occurrence. All such insurance coverage shall provide a 30-day notice to the Mayor in the event of material alteration or cancellation of any coverage afforded in

the policies prior to the date the material alteration or cancellation shall become effective. Copies of all policies required hereunder shall be furnished to and filed with the Mayor prior to the commencement of operations or the expiration of prior policies, as the case may be. The Franchisee shall furnish proof annually to the Mayor that the insurance remains in effect. (A/I)

The provisions of this section, any bonds accepted by the City pursuant thereto, and any damage recovered by the City hereunder shall not be construed to excuse unfaithful performance by the Franchisee or limit the liability of the Franchisee under this ordinance or the Franchisee for damages, either to the full amount of the bond, or otherwise.

#### **4.08.400 Enforcement Action, Suspension, or Termination of Franchise**

##### **4.08.410 Initiation of Enforcement Actions**

In addition to enforcement under State law, the City may prosecute any infraction as defined in this Ordinance or the Rules issued hereunder, based on any information coming to the City, in Beaverton Municipal Court. The burden of proof is on the City to prove an infraction by a preponderance of the evidence.

##### **4.08.420 Penalties for Infractions**

Each Franchise provision, including rules adopted hereunder, is assigned an Enforcement Code consisting of two letters, such as (A/I). The first letter represents the severity of the infraction (A, being the most severe), and the second identifies the incident definition. Incident definitions indicate whether the infraction is measured “Per Day,” referred to as D, “Per Class,” referred to as C, or “Per Incident,” referred to as I. The severity of the infraction is described in the following table:

Category	First Infraction	Second Infraction	Third and Subsequent Infractions
A	\$500	\$1,000	\$1,500
B	\$400	\$800	\$1,200
C	\$300	\$600	\$900
D	\$200	\$400	\$600
E	Warning	Warning	Treat as D

In addition to monetary penalties and upon recommendation by the Mayor the City Council may terminate for default a franchise held by a person who is assessed more than \$2,000 in penalties per 1,000 customers in any 365-day period. In the event a Franchise is sold, the infraction record of the previous owner will remain with the new owner if the previous owner maintains any ownership or control of the new owner of the Franchise.

Penalties not paid within the allotted time are subject to interest charges at the statutory rate of interest.

#### **4.08.430 Termination of Franchise for Default**

In addition to default for accrued penalties, upon recommendation by the Mayor, the City Council may terminate a Franchise for the Franchise holder's default in performing any material term or condition of the Franchise. An event of default also shall include, but not be limited to entry of a judgment against the Franchise holder for material misrepresentation or deceit committed against the City or a customer or entry of a judgment of conviction (including conviction on a plea of no contest) against the Franchise holder or any principal of same for a crime involving dishonesty.

Notice to a Franchisee of default shall be delivered to the Franchisee by certified mail requiring the Franchisee to show cause in a public hearing before the City Council at a place and time to be stated in the notice, but no earlier than 14 days from the date the notice is mailed, why the Franchise should not be terminated.

At the hearing the Franchisee shall demonstrate the measures it has taken or commenced to cure the default.

#### **4.08.440 Service Interruption**

Except for the right to refuse service for nonpayment as set forth in this ordinance, Franchisees shall not interrupt service unless:

- (1) Access, roads, streets and highways necessary for collection operations are unusable or unsafe and there are no alternative routes. Franchisees shall resume service within 24 hours after access is restored.
- (2) A Force Majeure event occurs.

Upon the occurrence of a Force Majeure event that prevents or impairs a Franchisee's ability to perform any of its Franchise obligations, the Franchisee shall:

- (1) Provide immediate notice, either verbal or written to the Mayor of the nature of the event and extent and anticipated duration of Franchisee's inability to perform any obligation under this Agreement. If verbal notice is given, then written notice must be delivered to the City within 24 hours of verbal notice;
- (2) Commence immediately to develop, in communication and cooperation with the City, an interim plan for the restoration of full performance; and
- (3) Take all such other reasonable actions requested by the City to assist the City in protecting the public health and safety and to restore service as soon as practicable.

Labor unrest, including, but not limited to, strike, work stoppage or slowdown, sick-out, picketing, or other concerted job action conducted by Franchisee employees or directed at the Franchisee is not an event of Force Majeure, and the Franchisee shall be obligated to continue to provide service notwithstanding the occurrence of any or all of events.

#### **4.08.450 City's Right to Perform Service**

In the event that a Franchisee, for any reason whatsoever, fails, refuses or is unable to collect or transport any or all solid waste for a period of more than forty eight (48) hours,

and if, as a result thereof, solid waste or recyclable materials should accumulate in the City to such an extent that the City finds that such accumulation endangers the public health, safety, or welfare, then the City shall have the right, but not the obligation, upon twenty-four (24) hour prior written notice to the Franchisee, to perform or cause to be performed collection services with its own or other personnel at the Franchisee's expense. This right shall be in addition to and not in lieu of any other remedy available to the City. If necessary, the City may take temporary possession of, and a Franchisee shall peacefully surrender, any or all the Franchisee's land, equipment, and other property used or useful in the collection of Solid Waste or Recyclable Materials until such time as the emergency is resolved.

#### **4.08.460      Dispute Resolution with Customers**

Upon receipt of any notice of dispute from a customer about any bill, charge, or service, the Franchisee shall thoroughly investigate the matter and promptly report the results of its investigation to the customer. A franchisee shall not refuse service to any customer during a time of dispute.

If the Franchisee is not able to resolve a dispute with the customer, the customer may contact the Mayor. The Mayor or delegate will act as an informal arbitrator in an attempt to resolve the matter. The Mayor may formally resolve a dispute of \$500 or on the basis of evidence presented by the Franchisee and the customer.

For matters in excess of \$500, the parties may mutually agree to abide by the City's recommended resolution, or pursue the matter in any Court with jurisdiction.

#### **4.08.470      Dispute Resolution with City**

During all disputes arising under this Franchise, the City and Franchisee shall continue performance of their respective obligations under this Franchise unless and until the Franchisee is terminated for default, in which case the Franchisee's obligation to pay a franchise fee based on cash receipts generated from services provided under the Franchise during said dispute shall survive such termination.

In addition to and without waiving any rights and remedies under civil or common law, in the event of a dispute under this Franchise, the parties may mutually agree to arbitration. Within fifteen (15) days after agreement to Arbitration has been reached, each party shall submit the name of its own arbitrator, selected from a panel of persons qualified with the Arbitration Service of Portland, Inc., or the American Arbitration Association, whichever organization is specified in the written notice of request for arbitration, and the two arbitrators shall select a third arbitrator selected from such panel within 15 days, or in case of a disagreement concerning the appointment of the third arbitrator, the third arbitrator shall be appointed from such panel by the presiding judge for the Circuit Court of the State of Oregon for Washington County. During such time that the arbitrators are being selected or appointed, the parties shall continue to negotiate in good faith to resolve their dispute in a cooperative manner.

Arbitration shall be conducted in Beaverton, Oregon in accordance with the then-effective rules of the arbitration service/association. The decision of the arbitrators in the matter shall be final and binding on the parties, and any judgment upon the award rendered pursuant to such arbitration may be entered in any court having jurisdiction thereof.

**Section 2:** BC 4.08.010 to 4.08.110, Solid Waste Control, is hereby repealed in its entirety.

**Section 3:** Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 4:** To allow the City to accept and review applications for new solid waste franchises as provided for in this ordinance, and to expeditiously prevent the interruption of solid waste collection services and preserve the health and safety of the City, this ordinance shall take effect immediately upon its adoption by the Council and approval by the Mayor; provided, however, that the term of all existing City solid waste franchises hereby is extended to June 30, 2002.

First Reading this 29th day of April, 2002.

Passed by the Council this 6th day of May, 2002.

Approved by the Mayor this 7th day of May, 2002.

**CITY OF BEAVERTON**  
**Rules of Operations for Solid Waste & Recycling**

Effective July 1, 2002

**A. ADOPTION AND REVISION OF RULES:**

1. Under authority of the City Code, Chapter 4.08.210, the Mayor is authorized to adopt rules, procedures and forms to implement provisions of that Chapter which regulate the collection and disposal of Solid Waste, Recycling and Yard Debris within the City of Beaverton.
2. Any rule adopted or revised according to the authority of the City Code shall require a public review process. Not less than ten nor more than thirty days before such public review process, notice shall be given by publication in a newspaper of general local circulation. Such notice shall include the place, time and purpose of the public review process and the location at which copies of the full set of the proposed rules may be obtained.
3. During the public review, the Mayor or the Mayor's designee shall hear testimony or receive written comment concerning the proposed rules. The Mayor shall review the recommendations; taking into consideration the comments received during the public review process and shall either adopt the proposal, modify or reject it.
4. Notwithstanding paragraphs B and C of this section, an interim rule may be adopted by the Mayor without prior notice upon a finding that failure to act promptly will result in serious prejudice of the public interest of the affected parties, including the specific reasons for such prejudice. Any rule adopted pursuant to this paragraph shall be effective for a period of not longer than 180 days.

**B. ENFORCEMENT OF RULES**

1. The Solid Waste and Recycling Ordinance of the City of Beaverton authorizes the Mayor to enforce the ordinance and to adopt rules for collection responsibility and customer service standards. These rules shall be enforceable with penalties according to the penalty structure described in section 4.08.420 of the Solid Waste Ordinance. Franchisees who fail to abide by these rules may be declared in default.
2. Each Franchise provision, including rules adopted hereunder, is assigned an Enforcement Code consisting of two letters, such as (A/I). The first letter represents the severity of the infraction (A, being the most severe), and the second

identifies the incident definition. Incident definitions indicate whether the infraction is measured “Per Day,” referred to as D, “Per Class,” referred to as C, or “Per Incident,” referred to as I. Penalties are further described in section 4.04.420 of the Solid Waste Ordinance.

Category	First Infraction	Second Infraction	Third and Subsequent Infractions
A	\$500	\$1,000	\$1,500
B	\$400	\$800	\$1,200
C	\$300	\$600	\$900
D	\$200	\$400	\$600
E	Warning	Warning	Treat as Violation D

3. The Mayor may recommend that the City Council terminate for default a franchise held by a person who is assessed more than \$2,000 in penalties per 1,000 customers in any 365-day period. In the event a Franchise is sold, the violation record of the previous owner will remain with the new owner if the previous owner maintains any ownership or control of the new owner of the Franchise.

## **C. GENERAL COLLECTION RESPONSIBILITIES**

1. **Solid Waste Subscription.** Franchisees shall make available for subscription all levels of Solid Waste Collection service for which the City sets rates to every customer, subject to the limitation under “Refusal of Service.” A Franchisee that does not comply has 10 days from a date of infraction to accommodate the customer request with an equivalent level of service at or below the published rates for the requested service. (C/I)

2. **Automated Collection System.** Franchisees with more than 550 residential customers shall be required to provide residential service through the use of an automated collection system no later than January 31, 2003. The Franchisee shall provide, and retain ownership of, the roll carts to be used for such service. (D/C)

### **3. Collection Schedule**

a. **Collection Days.** Residential service shall occur Monday through Friday, except during holiday weeks, and times of hazardous weather conditions. All collection services shall be offered on the same day(s) of the week for a given customer. Franchisees shall not provide service in residential or multifamily areas prior to 6:00 am or after 6:00 pm. Except as otherwise limited by the terms of any City land use or development permit, there shall be no limit on the hours of collection activity for any solid waste, recycling and yard debris materials in predominately commercial and industrial areas. Franchisees may offer and furnish



Saturday and/or Sunday collection service to commercial, multi-family and drop box customers. If weekend service is not made available, the Franchisee must provide sufficient receptacles to accommodate commercial customer needs throughout weekends. (D/D)

**b. Change of Schedule for Solid Waste/Recycling/Yard Debris Day.** A Franchisee may periodically change a customer's designated collection day. No later than seven days prior to the change, a Franchisee shall give written notice to a customer indicating the intent to change the Customer's designated collection day and inform the customer of the new collection day. Notice must also be given to all service addresses if different than billing addresses. Each multifamily unit must be notified of the change in collection day, if each unit receives individualized can/cart service. (D/I)

**c. Collection on Holidays.** There will be no collection on Christmas or New Year's Day. During weeks in which Christmas and New Year's Day fall on a Monday through Friday, pick-up shall occur on the established pick-up day, unless that day is Christmas or New Year's Day, in which case pick-up will occur on the following day. Each regular pick-up day for the remainder of those weeks shall thereafter shift back one day with regular Friday service occurring on Saturday. (D/D)

**d. Hazardous Weather Conditions.** Collection Schedules may be adjusted due to hazardous weather conditions. Hazardous weather conditions generally exist on any day in which the Beaverton Public School District cancels classes due to weather conditions, or on portions of routes that are located on steep hills where a driving hazard may exist even though local public schools are open. When weather conditions make driving or collection hazardous, Franchisees may postpone collection, as provided below. The Franchisee shall notify the Mayor by phone message or facsimile transmission no later than noon on the day hazardous weather conditions day exist, if collection schedules are expected to change. This information supplied to the Mayor must include geographic areas affected and the anticipated make-up day or schedule. If the affected geographic area(s) or make-up schedule changes, then the Franchisee shall update the information furnished to the Mayor as well as the outgoing message on their telephone answering machine or service. In the case of solid waste collection, the Franchisee shall make a reasonable effort to pick up prior to the next regular collection day. Yard debris and recyclable materials collection may be postponed until the next regular collection day. (C/D) If collection is delayed more than two days, collection will be delayed to the next regular collection day, with an extra container being accepted by the Franchisee at no additional charge.

e. **Will-Call Collection.** Will-Call collection shall include the collection of Solid Waste, Recycling bins and a Yard Debris cart. Will-Call collection service is available only on the day in which regularly scheduled service is provided to the neighborhood in which the Will-Call customer resides. Additional fees may be charged to Will-Call customers who exceed the weight and/or volume limitations that are in place for all weekly service customers, according to the City approved rate structure.

#### 4. Missed Collections

a. **Missed Collection for Solid Waste Customers.** The Franchisee shall respond promptly to reports of missed collections. Franchisees shall collect missed materials within 24 hours (excluding weekends, Christmas Day, and New Year's Day) of receipt of a complaint from the City or the customer. The 24-hour deadline does not apply where the missed collection occurred due to late or improper setout by the customer. Each improper setout by a customer must be documented by the Franchisee through a verifiable means, such as setout logbook and the dispensation of a City-approved notice to the customer. (D/I)

If a customer did not set out or improperly placed the container, the Franchisee shall offer the customer the following options:

(1) Immediate collection of the materials for the City-approved Go-back Rate.

(2) Collection of the material at no extra charge the following week on the designated collection day.

b. **Hazardous Weather Missed Collections.** Collections that are missed due to hazardous weather conditions, where postponements have been reported to the City as required in this ordinance, are not considered "missed collections."

#### 5. Point of Collection

a. **Point of Collection: Single Family Dwelling.** For single-family dwellings, the Franchisee may require that the collection of solid waste, recyclables and yard debris be placed at the curb or roadside in such a fashion so as to enhance efficiency of the collection system and may assess an extra fee, as established in the approved rate structure, if a customer fails to present the roll cart at a location reasonably serviceable by the automated collection truck. Disabled customers shall not be charged an extra fee and the franchisee must arrange for a mutually convenient system for refuse, yard debris and recycling collection.

b. **Point of Collection: Disabled Customers.** Disabled customers will be provided non-Curbside collection of all materials. The customer

and the Franchisee must mutually agree upon a setout location. In most cases, the preferred location will be visible from the street. If not, the customer must provide the Franchisee with a signal that is visible from the street that there are materials to be collected. (C/I)

**c. Collection on a private street.** For collection to be made at Curbside on a **private street**, the street must meet the following standards: access may not be limited by a gate; it must be named and posted with a street sign, it must be paved to a width of at least 12 feet, exclusive of any areas where parking is permitted, and if dead-end, the turnaround must have a 60 foot diameter or a “hammerhead” or other feature which provides adequate turnaround space for standard collection vehicles. There must be at least 14 feet of vertical clearance. On such private streets, customers entitled to Curbside service must have their address on the private street. If these criteria are not met, customers must bring their materials to the intersection of the private street and the closest public street. Containers must be marked with the appropriate customer address. (C/I)

**d. Collection from Public Alleys.** Collection from public alleys is at the discretion of the Franchisee.

**e. Collection from In-Ground Cans.** Collection from in-ground cans is prohibited.

**f. Location of Empty Cans/Carts/Containers/Bins.** The Franchisee shall return all cans, carts, and bins to the location where the customer places them. (D/I)

**6. Ownership of Collected Materials.** All materials placed or deposited in a receptacle provided by the Franchisee or left in place by the customer for collection by the Franchisee are the property of the Franchisee. It shall be unlawful for any person other than the appropriate Franchisee to remove any material from such receptacles, though this prohibition does not apply to bona fide law enforcement activity. Any person removing such materials in violation of this section shall be subject to the penalties set out in BC 4.08.110. Ownership shall not transfer to the Franchisee until the Franchisee takes physical possession of the collected materials.

**7. Improperly Placed or Overweight Materials.** The Franchisee is not required to collect materials that are not properly prepared or are overweight, as defined in the Customer Responsibility Section. The Franchisee is required to complete a notice describing the problem and leave it securely attached to the customer’s receptacle or a fence or front door. The date and service address shall be provided on the notice, as well as the Franchisee’s name and phone number. The Franchisee shall retain a copy of the notice and support documentation. (E/I)

If a customer did not set out or improperly placed the container, the Franchisee shall offer the following options:

- (1) Immediate collection of the materials at a City-approved rate.
- (2) Collection of the material as one free extra the following week on the designated collection day.

8. **Clean Up on Route.** The Franchisee shall make a reasonable effort to pick up all material blown or littered during the course of collection subsequent to being set out by the customer and prior to pickup, unless the problem is a recurring one. If material is blown or littered prior to pick-up at a particular customer's address on a recurring basis, the Franchisee may leave the blown or littered material at the Point of Collection with a notice describing the problem. The date, and address shall be specified on the notice. In the case of a business, the Franchisee may charge a clean-up or extra yardage charge, and collect the material. (D/I)

D. **RESIDENTIAL COLLECTION STANDARDS** The following Residential Collection Standards are specific to residential collection, and are in addition to the general collection standards outlined in the previous section.

1. **Residential Containers.** Beginning no later than January 31, 2003, the Franchisee shall provide roll carts to all residential regular service and will-call customers. The carts should be designed for safe handling and shall be non-absorbent, watertight, vector-resistant, durable, easy to clean, and provided with lids or covers that can be readily removed or opened. Roll carts shall be clearly identified by displaying the Franchisee name and telephone number prominently and conspicuously on the container. Roll carts must be clean when delivered to the customer. (D/I)

2. **Roll Cart Deposit.** Franchisees may not charge a deposit for roll carts for any level of service, except as provided in Special Billing for Credit Risks. (D/I)

3. **Replacement of Lost/Stolen Roll Cart.** Franchisees may charge customers for lost, stolen, or damaged carts at 100% of the bulk purchase price of a new roll cart most recently paid by the Franchisee. The Franchisee is responsible for replacement of carts damaged in the course of normal wear and tear.

4. **Damage to Customer Cans.** Franchisees are not responsible for normal wear and tear on reusable cans and lids provided by customers. Damage caused by Franchisee negligence to cans and lids shall be reimbursed to the customer. The age and previous condition of the customer's equipment shall be considered.

5. **Residential Recycling Collection Standards.** The following Residential Recycling Collection Standards are specific to residential collection, and are in addition to the general collection standards outlined in a previous section.

a. **Opportunity to Recycle.** The Franchisee shall provide a notice to all residential customers of the opportunity to recycle including recycling information, clear instructions on preparation of recyclables for curbside collection and a telephone number to call for information regarding recycling collection service. Reminder notices shall be given to all residential solid waste collection service customers every six (6) months. (E/I)

b. **Residential Recycling Containers.** The Franchisee shall deliver two recycling bins to the customer within seven business days after a customer initiates service and indicates that the previous resident has not left bins. The City shall approve the type and style of all bins. (D/I)

c. **Deposit for Bins/Lost or Stolen Bins.** Franchisees may not charge a deposit for the two recycling bins. Franchisees may, however, charge customers an approved replacement fee for lost or stolen bins. (D/I)

6. **Transportation and Marketing of Recyclable Materials.** The Franchisee is responsible for transporting and marketing source-separated materials for recycling by ensuring that all collected recyclables are delivered to a processor or broker of Recyclable Materials or to an end-use market. The Franchisee shall be prohibited from delivering or causing to be delivered any collected recyclable material for disposal, except by prior approval by the Mayor. Placement of properly prepared recyclables into any container currently being used to contain Solid Waste, including the Solid Waste compartment of a collection vehicle, shall constitute a failure to comply with this standard. (A/I)

7. **Collection of Approved Source-Separated Recyclable Material**

a. **Source-Separated Materials.** The Franchisee shall collect the following source separated recyclable materials set out for collection, so long as the materials are properly prepared, separated from solid waste and yard debris, and placed at the appropriate point of collection (D/I):

Aerosol Cans	Gable-top paper cartons	Phone Books
Aluminum cans, containers, and organic-free foil	Glass	Plastic Bottles with necks, including milk jugs
Aseptic Packaging (Drink Boxes)	Magazines	Scrap Paper
Corrugated Cardboard	Newspapers	Tin Cans
Ferrous Scrap Metal (Maximum height plus	Non-Ferrous Scrap Metal (Maximum height plus	Used Motor Oil (in leak proof, see-through plastic

width of 30 inches in size and 30 lbs. Weight)	width of 30 inches in size and 30 lbs. Weight)	containers with a screw cap)
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- b. The Mayor may add or delete materials to or from the above list after performing studies to determine the impact on rates and adjusting rates accordingly, if needed.

**8. Residential Yard Debris Collection Standards.** The following Residential Yard Debris Collection Standards are specific to residential collection, and are in addition to the general collection standards outlined in a previous section.

- a. **Yard Debris Collection Schedule.** Beginning July 1, 2002, Franchisees shall provide year-round automated yard debris collection service at the same frequency as a customer's subscription to solid waste collection service. Service shall be provided on the same collection day as recycling and solid waste collection. (D/C)
- b. **Yard Debris Containers.** Franchisees shall collect all properly prepared yard debris in either a Franchisee-provided 60-gallon roll cart, a 30-gallon kraft bag, or in bundles that are securely tied to support the bundle when lifted. Containers or methods of fastening must be designed and used so that scating by normal wind conditions is minimized. Yard debris must comply with the material and preparation standards outlined in the definition of Yard Debris. The Franchisee shall not collect yard debris placed in a plastic bag. All customers receiving weekly or will-call solid waste collection service shall receive a 60-gallon yard debris cart provided by the Franchisee at no additional charge. Amounts collected in addition to material included in the roll cart are subject to "extra" fees, as prescribed in the rate schedule. (D/I)
- c. Franchisees may not charge a deposit for roll carts for any level of service, except as provided in Special Billing for Credit Risks. (D/I)
- d. Franchisees may charge customers for lost, stolen, or damaged carts at 100% of the bulk purchase price of a new roll cart most recently paid by the Franchisee. The Franchisee is responsible for replacement of carts damaged in the course of normal wear and tear.
- e. Franchisees are not responsible for normal wear and tear on reusable cans and lids provided by customers. Franchisees are responsible for damage to reusable cans and lids caused by Franchisee negligence and shall reimburse the customer, considering the age and previous condition of the customer's equipment

**9. Transportation and Marketing of Yard Debris.** The Franchisee shall transport and market source-separated yard debris for recycling by ensuring that all yard debris is delivered to a City-approved yard debris processor. The Franchisee shall not deliver or cause to be delivered any collected yard debris material for disposal, except by prior approval of the Mayor. A Franchisee's placement of source separated yard debris into any container then containing Solid Waste, including the Solid Waste compartment of a collection vehicle, shall constitute a failure to comply with this standard. (A/I)

**10. Improperly Prepared Solid Waste.** When the Franchisee encounters improperly prepared garbage, such as garbage which contains hazardous or otherwise unacceptable material, garbage which is too tightly packed to fall from the roll car, or unbagged animal waste or kitty litter, the Franchisee shall collect only properly prepared garbage if feasible and leave the improperly prepared material.. The Franchisee shall complete a City provided notice describing the problem and leave it securely attached to the Customer's can/roll cart/container or a fence or front door. The date and service address shall be provided on the notice as well as the Franchisee's name and phone number. The Franchisee shall maintain documentation of the required notice and provide such documentation to the City upon request. Failure to provide a copy of such notice to the Customer or the City shall be an infraction. (D/I)

**11. Improperly Prepared Recyclable Materials.**

**a. Collect Only Properly Prepared Materials.** A Franchisee shall collect only properly prepared recyclable material placed at Curbside, and shall leave at curbside the improperly prepared material or materials.

**b. Customer Notification.** When a Franchisee encounters improperly prepared recyclable materials, the Franchisee shall complete a City provided notice describing the problem and leave it securely attached to the Customer's can/roll cart/container or a fence or front door. The date and service address shall be provided on the notice as well as the Franchisee's name and phone number. The Franchisee shall maintain documentation of the required notice and provide such documentation to the City upon request. Failure to provide a copy of such notice to the Customer or the City shall be an infraction. (D/I)

**c. Disposal of Improperly Prepared Recyclable Materials at Customer Request.** Except at the request of the Customer, the Franchisee shall not mix with Solid Waste any materials placed out as recycling in or next to the recycling bin. (C/I)

**12. Improperly Prepared Yard Debris.**

**a. Customer Notification.** The Franchisee shall complete a City provided notice describing the problem and leave it securely attached to the Customer's can/roll cart/container or a fence or front door. The date and service address shall be provided on the notice as well as the Franchisee's name and phone number. The Franchisee shall maintain documentation of the required notice and provide such documentation to the City upon request. Failure to provide a copy of such notice to the Customer or the City shall be an infraction. (D/I)

**b. Disposal of Improperly Prepared Yard Debris at Customer Request.** Except at the request of the Customer, the Franchisee shall not mix with Solid Waste any source-separated Yard Debris that was improperly prepared. If the Yard Debris is mixed with Solid Waste at the Customer's direction, then it may be charged as extra solid waste if the volume causes the Customer's next solid waste pick up to exceed the Customer's existing level of service. (A/I)

**13. Will Call Service.** Franchisees shall provide roll carts for the collection of solid waste, bins for recycling, and a 60-gallon roll cart for yard debris at no charge to Will-Call customers, provided that such customers obtain service at least four times in any twelve month period or once every twelve-weeks. Will-Call customers who desire service less frequently shall have the option of purchasing roll carts and/or bins from the Franchisee or providing for their own receptacles.

**E. OTHER RESIDENTIAL COLLECTION ACTIVITIES**

**1. White Goods and Bulky Wastes.** Franchisees shall provide for the collection of White Goods or Bulky Wastes within seven business days of a customer's request. Rates shall not exceed the maximum rates set by the Council. (D/I)

**2. Neighborhood Cleanups.** Upon request by the Mayor or a City-recognized neighborhood association, each Franchisee shall participate in official neighborhood cleanup events at least once per year. The Mayor will specify materials required to be collected at such events. Expenses incurred in the course of conducting cleanup activities are allowable costs for rate review. (B/C)

**3. Tire Collection.** Franchisees shall provide for the collection of tires, on or off-rim, within seven business days of a customer's request. . Tires may be placed in the Solid Waste Collection vehicle. However, Franchisee shall not dispose of tires at any facility other than a facility authorized by the DEQ for the storage of waste tires. (D/I)



**F. COMMERCIAL COLLECTION STANDARDS.** The following Commercial Collection Standards are specific to commercial collection, and are in addition to the general collection standards outlined in the previous section.

**1. Waste Evaluation.** When a commercial or multi-family customer initiates service, the Franchisee shall perform an assessment of the customer's needs to assist the customer in choosing an optimal combination of solid waste disposal and recycling programs, keeping in mind the City's recovery goals. The assessment should involve questions about the business size, and specific queries to identify recycling waste streams. The results of the assessment should be reflected in the services selected. Assessments should be maintained and updated at least every three years. Franchisees shall have three years from the ratification of this ordinance to establish an assessment for each existing commercial customer. (D/I)

**2. Commercial Containers**

a. The Franchisee is required to provide roll carts or containers to all commercial customers. In the rare occasion that a customer wishes to provide his or her own container, and the container is compatible with the Franchisee's equipment, the Franchisee is permitted, but not required, to negotiate a rate at or below the Council-approved rates to provide the service without the container. When a customer initiates service, the Franchisee shall provide containers to a customer no later than five business days from the time of the customer request. Receptacles should be designed for safe handling and shall be durable, easy to clean, and be provided with lids or covers that can be readily opened. Receptacles shall be clearly identified by displaying the Franchisee name and telephone number prominently and conspicuously on the container. Receptacles must be clean when delivered to the customer. (D/I)

b. Franchisees may not charge a deposit for carts and containers, except as provided in Special Billing for Credit Risks. (D/I)

c. Franchisees may charge customers for lost, stolen, or damaged receptacles at 100% of the bulk purchase price of a new receptacle most recently paid by the Franchisee. The Franchisee is responsible for replacement of receptacles damaged in the course of normal wear and tear.

**3. Scheduling.** The Franchisee and the customer should mutually agree on the collection day(s) and frequency of collection that meets the customer's needs and work into the Franchisee's established routing.

**4. Access.** Containers shall be placed in a readily accessible location on a hard, level surface extending to the street. An enclosure must be unlocked at the

time of collection. The driver should not have to push containers more than 25 feet in order to attach them to the collection vehicle for dumping. The Franchisee may cumulatively add City-approved extra distance, gate, or access charges for difficult to reach receptacles.

**5. Commercial Recycling Collection Standards.** The following Commercial Recycling Collection Standards are specific to commercial collection, and are in addition to the general collection standards outlined in a previous section.

**a. Commercial Recycling Containers.** The Franchisee shall deliver appropriate recycling receptacles to the customer within five business days after a customer initiates service. The solid waste container rates include a recycling component, and recycling service is therefore provided to the customer at no additional charge. (D/I)

**b. Commercial Waste Evaluation.** The waste evaluation may involve the provision of waste paper collection boxes/bins, roll carts, caged containers, or other standardized receptacles in order to optimize separation of materials for recycling. The Franchisee is required to provide adequate training to assist the customer in making best use of the recycling collection system. (D/I)

The evaluation may indicate that recyclables are best captured by commingling the waste stream and collecting it on a route destined for a material recovery facility. In such a case, no separate recycling containers are necessary, but the Franchisee should provide information to the customer and educate the customer about the recycling to be performed through commingling. (D/I)

**6. Transportation and Marketing of Recyclable Materials.** The Franchisee shall transport and market source-separated materials for recycling by ensuring that all collected recyclables are delivered to a processor or broker of Recyclable Materials or to an end-use market. The Franchisee shall not deliver or cause to be delivered any collected source-separated recyclable material for disposal, except by prior approval by the Mayor. A franchisee's placement of properly prepared recyclables into any container then containing Solid Waste, including the Solid Waste compartment of a collection vehicle, shall be a failure to comply with this standard. (A/I)

If a customer is on a 100% commingled solid waste and recyclables service program, loads carrying the customer's waste stream must be delivered to a Material Recovery Facility for separation of the recyclables. (A/I).

**G. Multifamily Collection Standards.** The following Multifamily Collection Standards are specific to multifamily collection, and are in addition to the general collection standards outlined in the previous section.

**1. Waste Evaluation.** When a customer initiates service, the Franchisee shall perform an assessment of the customer's needs, and assist the customer in choosing an optimal combination of solid waste disposal and recycling programs, keeping in mind the City's recovery goals. The assessment should involve questions about the size of the complex, and specific queries to identify the best location for recycling collection sites or depots. The results of the assessment should be reflected in the services selected. Assessments should be maintained and updated at least every three years. Franchisees shall have three years from the ratification of this ordinance to establish an assessment for each existing multifamily customer.

**2. Multifamily Containers**

a. The Franchisee is required to provide roll carts or containers to all multifamily customers. In the rare occasion that a customer wishes to provide his or her own container, and the container is compatible with the Franchisee's equipment, the Franchisee is permitted, but not required, to negotiate a rate at or below the Council-approved rates to provide the service without the container. When a customer initiates service, the Franchisee shall provide containers to a customer no later than five business days from the time of the customer request. Receptacles should be designed for safe handling and shall be durable, easy to clean, and provided with lids or covers that can be readily opened. Receptacles shall be clearly identified by displaying the Franchisee name and telephone number prominently and conspicuously on the container. Receptacles must be clean when delivered to the customer. (D/I)

b. Franchisees may not charge a deposit for carts and containers, except as provided in Special Billing for Credit Risks. (D/I)

c. Franchisees may charge customers for lost, stolen, or damaged receptacles at 100% of the bulk purchase price of a new receptacle most recently paid by the Franchisee. The Franchisee is responsible for replacement of receptacles damaged in the course of normal wear and tear.

**3. Scheduling.** The Franchisee and the customer should mutually agree on the collection day(s) and frequency of collection that meet the customer's needs and work into the Franchisee's established routing.

**4. Access.** Container rates assume that containers are located in a readily accessible location or enclosure that is unlocked. The driver should not have to push containers more than 25 feet in order to attach them to the collection vehicle for dumping. The Franchisee may cumulatively add City-approved extra distance, gate, or access charges for difficult to reach receptacles.

**5. Multifamily Recycling Collection Standards.** The following Multifamily Recycling Collection Standards are specific to multifamily collection, and are in addition to the general collection standards outlined in a previous section.

**a. Multifamily Recycling Containers.** The Franchisee shall deliver appropriate recycling receptacles to the customer within five business days after a customer initiates service. The solid waste container rates include a recycling component, and recycling service is therefore provided to the customer at no additional charge. (D/I)

**b. Waste Evaluation.** The Waste Evaluation may involve the provision of collection boxes/bins, roll carts, caged containers, drop boxes, or other standardized receptacles in order to optimize separation of materials for recycling. The Franchisee is required to provide adequate training to assist the customer in making best use of the recycling collection system. (D/I)

**6. Transportation and Marketing of Recyclable Materials.** The Franchisee shall transport and market source-separated materials for recycling by ensuring that all collected recyclables are delivered to a processor or broker of Recyclable Materials or to an end-use market. The Franchisee shall not deliver or cause to be delivered any collected source-separated recyclable material for disposal, except by prior approval by the Mayor. A Franchisee's placement of properly prepared recyclables into any container then containing Solid Waste, including the Solid Waste compartment of a collection vehicle, shall be a failure to comply with this standard. (A/I)

**7. Collection of Approved Source-Separated Recyclable Material.**

a. The Franchisee shall collect the following materials set out for collection at multifamily complexes, so long as the materials are properly prepared, separated from solid waste and yard debris, and placed at the appropriate point of collection (D/I):

Aerosol Cans	Gable-top paper cartons	Phone Books
Aluminum cans, containers, and organic-free foil	Glass	Plastic Bottles with necks, including milk jugs
Aseptic Packaging (Drink Boxes)	Magazines	Scrap Paper
Corrugated Cardboard	Newspapers	Tin Cans
Ferrous Scrap Metal (Maximum height plus width of 30 inches in size and 30 lbs. Weight)	Non-Ferrous Scrap Metal (Maximum height plus width of 30 inches in size and 30 lbs. Weight)	Used Motor Oil (in leak proof, see-through plastic containers with a cap)

- b. The Mayor has the authority to add or delete materials to or from the above list after performing studies to determine the impact on rates and adjusting rates accordingly, if needed.

## **H. SYSTEM AND EQUIPMENT STANDARDS**

- 1. Vehicle Condition and Maintenance.** All collection equipment must be maintained and operated in compliance with all local and state statutes, ordinances, and regulations including compliance with regulations related to the safety of the collection personnel and the public.
- 2. Prevention of Leaking and Spilling Loads.** All vehicles shall be constructed, loaded, operated and maintained in a manner to reduce, to the greatest extent practicable, the dropping of, leaking, blowing, sifting or escaping of Solid Wastes, Recyclable Materials, liquids, vehicle fluids, or lubricants from the vehicle, except the normal leakage of fluids typically associated with properly maintained vehicles. Leaks due to equipment failure shall be immediately contained and remedied as soon as practicable. (D/I)
- 3. Vehicle Inventory.** The Franchisee shall provide the Mayor with an inventory of vehicles used within the City. The list shall include vehicle ODOT and Oregon plate numbers. (D/I)
- 4. Vehicle Covers.** All open-body collection vehicles shall have a cover, which may be either an integral part of the vehicle or a separate cover. These covers shall be used while in transit, except during the transportation of Bulky Wastes or White Goods. (B/D)
- 5. Vehicle Identification.** All collection vehicles shall bear a unique identifying number, and shall clearly display the company name and telephone number prominently and conspicuously on both sides of the vehicle. Before a new or used vehicle is put into service the vehicle must include all required identifications. All vehicles shall have current, valid registration with the State of Oregon and all drivers shall possess a current, valid commercial driver's license if required for the vehicle type. (D/D)
- 6. Compliance with Law.** The Franchisee shall comply with all applicable federal, state, and local laws and regulations relating to driving, transportation, and Waste and Recyclable Material collection and disposal.
- 7. Processing and Storage Yards.** Any processing and storage of collected materials shall be undertaken in a location suitable and adequate for such activity. Processing and storage facilities shall comply with all applicable zoning ordinances and any other applicable local and state statutes, ordinances and regulations.

**8. Facilities for Storage, Maintenance and Parking.** Facilities for storage, maintenance, and parking of any collection vehicles, receptacles, or other equipment shall comply with all applicable zoning ordinances and any other applicable local and state statutes, ordinances and regulations.

**9. Compactors.** Stationary compactors for handling solid waste shall comply with applicable federal, state and local safety regulations. No such compactor shall be loaded so as to exceed the safe loading design or operation limits of the collection vehicles used by the Franchisee. Compactors shall comply with all local, state and federal weight regulations or standards. A person who wishes services for a compactor should, prior to acquisition of such compactor, inquire of the Franchisee as to compatibility with the Franchisee's equipment or equipment that the Franchisee is willing to acquire. In the event a weight violation occurs, all costs associated with such violation shall be the individual responsibility of both the generator and the owner of the compactor. The generator shall be responsible for insuring compatibility with the Franchisee's equipment and all cost of retrofitting any collection equipment shall be the responsibility of the owner of the compactor.

## **I. INFECTIOUS AND HAZARDOUS WASTE**

1. The Franchisee shall provide for collection of medical and infectious waste either through its own forces or by subcontract with a qualified disposal firm for this service. In either case, the Franchisees and their subcontractors shall conform to all rules and laws including, but not limited to, those of the State of Oregon applying to the collection, transportation, storage, treatment, and disposal of medical and infectious wastes. (D/D)

2. The Franchisee is not required to collect hazardous wastes from customers. If a Franchisee identifies a hazardous waste that the customer has placed for collection with solid waste, recyclable materials, or yard debris collection, the Franchisee shall leave the material along with a notice indicating the presence of the hazardous material. The Franchisee shall retain a copy of the notice and deliver a copy to the Mayor. (D/I)

3. When the Franchisee refuses to pickup due to the presence of a hazardous substance, the Franchisee shall offer the following options once the hazardous materials are removed completely from the Solid Waste, Recyclable Materials and/or Yard Debris:

Immediate collection of the Solid Waste, Recyclable and/or Yard Debris for the City-approved Go-back Rate.

Collection of the Solid Waste, Recyclable and/or Yard Debris as one free extra container the following week on the designated collection day. (D/I)

## **J. CUSTOMER SERVICE STANDARDS**

**1. Office Requirements.** Franchisees shall have office staff or an answering machine or service available to accept Customer calls and complaints at all times. Phone lines must be dedicated customer service phone lines with the Franchisee's business name listed as a business in the telephone directory. A Franchisee must maintain at least one dedicated telephone line for every 2,000 customers (or fraction exceeding 10%). All Franchisees must have facsimile capability not requiring advance notice of transmission. (B/I)

### **2. Resolution of Customer Complaints and Inquiries**

**a. Response Time.** Calls left on a Franchisee's answering machine or forwarded to the Franchisee from the Mayor shall be returned within one business day. (E/I)

**b. Complaint Log.** Each Franchisee shall maintain a record of all complaints made to that Franchisee regarding service. This record or complaint log shall include at a minimum the following information: the name, address, and phone number of the complainant, if known; the date of receipt of the complaint; the manner of receipt of the complaint, i.e., telephone, letter, etc.; the subject matter of the complaint, the disposition of the complaint; the date of disposition of the complaint, the date and method of notification to the complainant of the disposition. The records of complaints shall be available to the Mayor for inspection at any time during the normal business hours. If a customer requests it, they shall provide the Mayor or the Mayor's designee's telephone number. A copy of the complaint log for the calendar quarter shall be submitted to the City with the franchise payment for that calendar quarter. Complaint records shall be maintained on the Franchisee's premises for two years. (E/I)

**3. Franchisee Demeanor.** The Franchisee and its employees shall always be courteous in its interactions with customers, and shall not use foul or abusive language. In evaluating complaints regarding discourteous behavior, the Mayor may base his or her decision on whether or not a reasonable person would find the actions or response of the Franchisee to violate community standards for courtesy. (D/I)

### **4. Billing Standards.**

**a. Billing Period.** Except in cases of customers that qualify as credit risks, Franchisees shall bill customers not more than 60 days in advance of the end of the service period or sixty days in arrears of the beginning of the service period. Payments shall not be due more than 31 days before

the end of the service period being billed, nor less than fourteen days after the date of the postmark of the billing. (C/C)

**b. Billing Contents.** Billings shall contain the following minimum elements: service address, coverage of dates being billed, and the billing rate for the customer's service level. The bill will also contain an aggregated total of all additional charges during a period. (C/C)

**c. New Customers or Customers to Whom Service Has Been Suspended.** New customers that do not meet the credit guidelines submitted by the Franchisee and approved by the City, and customers who require suspension of service for non-payment of account three or more times within a calendar year may be considered credit risks. The Franchisee is responsible to select a credit policy that complies with all laws, and to apply the policy uniformly throughout its customer base. (C/I)

**d. Credit Risk Customers:** Franchisees may handle credit risk customers in one of two ways:

Advance Billing: Franchisees may bill credit risks up to two months in advance of service, and continue to perform service for prepaid service up to one year. After one year of prompt payment, the customer must be reclassified to regular status.

Deposit: A Franchisee may charge a deposit of two month's revenue. The deposit must be returned to the customer after twelve months of consistent prompt payment.

**e. Late Fees/Service Charges.** Franchisees may assess late fees and service charges, including interest and other charges related to the cost of collecting overdue payments on accounts not paid by their due dates. Such charges shall be reasonable and approved by the Mayor in advance. Charges may not be imposed earlier than ten days before the end of the service period being billed, or ten days after the due date, whichever is later. (D/C)

**5. Refusal of Service.** Franchisees may refuse collection service to any customer if the customer has not paid a bill unless the customer has initiated a formal dispute within thirty (30) days of the billing due date. In no event, however, shall a Franchisee suspend service without first notifying the customer in writing not less than seven business days prior to the date of intended suspension of service. The Franchisee may assess and receive City-approved re-start and collection fees from the customer prior to resuming service.

**6. Responsibilities for Customer Education/Promotion.** The Franchisee shall participate in City directed promotion and education efforts as outlined below. All information on preparation of recyclables shall be provided by the Mayor or reviewed and approved by the Mayor.



**7. New Customer Information.** Franchisees shall provide each new customer with information that is reasonable to permit the customer to make a reasoned choice of service. Franchisees shall actively assist the customer in making the final selection. Within seven business days of a customer's initial call, a Franchisee shall provide the customer with printed material describing the levels of service and rates.

**8. Distribution of City-provided Informational/Educational Materials.** Franchisees shall distribute City-provided information and education notices to all customers including customers whose service is provided monthly, on-call and to residents of rental property. The notices shall be distributed within a reasonable time specified by the City, and according to delivery instructions provided by the Mayor. Franchisees are responsible for printing their name and telephone number on City-provided materials that are created with a space dedicated for that purpose. (B/C)

**9. Notice of Change in Schedule.** Franchisees shall provide notice of changes in regular collection schedules or any other pertinent information with a minimum notice of seven business days. Notice shall be in the form of written material sent via regular first class postal service or personal delivery to all affected service addresses. Personal delivery means notices are securely fastened to containers, fence-posts, or doors in a conspicuous location. They shall be packaged in a manner that protects them from the elements for a reasonable period of time. (B/C)

**10. Coordination with City.** Franchisees shall notify the City when considering Franchise-wide promotional or educational activities, and provide the Mayor with advance copies of materials to be distributed to customers. Franchisees must receive the Mayor's approval prior to distribution in order to assure consistency with citywide policy. (C/C)

## **K. CUSTOMER RESPONSIBILITIES**

### **1. General Customer Requirements.**

a. All residential, multi-family and commercial properties in the city shall provide for collection of solid waste, recyclable materials and yard debris in accordance with this ordinance.

b. Except as otherwise provided by a written agreement between the landlord and tenant, the owner of any residential or multi-family dwelling complex who rents, leases or lets dwelling units for human habitation shall:

- (1) Subscribe to and pay for collection service with the franchisee on behalf of his/her tenants or, if the dwelling complex contains four or fewer units, self-haul solid waste from tenants to a Metro approved disposal facility;
- (2) Provide a sufficient number of receptacles of adequate size to prevent the overflow of solid waste, recyclable materials and yard debris from occurring. Receptacles shall be placed in a location accessible to all dwelling units;
- (3) Provide for sufficiently frequent, but at least weekly, collection of solid waste and recyclable materials, except for compactors, which shall be collected at least every fourteen (14) days; and
- (4) If the dwelling complex has four or fewer units and the owner is self-hauling tenants' solid waste, provide for the same level and frequency of collection of recyclable materials and yard debris as are required of licensees serving residential customers. Upon request by the Mayor, the owner shall provide proof of compliance with this requirement.

**2. Residential Placement of Receptacles and Materials.** Residential customers are required to place materials for collection at the appropriate point of collection as described in the Hauler Collection Standards section. Customers should place receptacles so that they do not block sidewalks, driveways, public streets, or other rights of way. Residential receptacles must be placed prior to 6:00am on their collection days. Customers in areas where Franchisees have automated collection shall be expected to make reasonable accommodations to place carts and park cars so as to reduce interference with automated collection equipment. It is the Franchisee's responsibility to educate customers about the necessary accommodations. Receptacles must be removed from the curb and into the customer's yard area within 24 hours from the time of collection.

**3. Commercial Set Out Location.** Commercial and multifamily customers shall set solid waste, recyclable materials, and yard debris receptacles at a location that is readily accessible and safe to empty or load, that does not require a Franchisee to go up and down stairs, and that is agreed upon by the Franchisee and the customer.

**4. Recycling to Set Out in Recycling Bins.** Recyclable materials shall be placed in hauler-provided bins, containers or in separate bags and boxes that clearly segregate them from Solid Waste or other materials the customer does not want to discard.

**5. Secure Lightweight Materials.** Lightweight materials such as ashes, Styrofoam "peanuts", kitty litter, and sawdust shall be placed securely within a closed container to minimize dispersion prior to and during dumping into the collection vehicle or container.

**6. Contents of Carts/Containers Must Fall Freely.** Contents of Solid Waste or Yard Debris carts/containers must fall freely. The Franchisee shall not be responsible for digging the contents out of a cart or container.

**7. Weight Limits.** Contents of receptacles must fall freely. Franchisees are not responsible for digging the contents out of receptacles. The following table describes approved weight limits:

Size/Type	Maximum Weight (Including Container)
Up to and including 20 Gallons	35 lbs.
Over 20 Gallons, up to and including 40 Gallons	60 lbs.
Yard Debris kraft Bags	40 lbs.
Franchisee-provided, up to and included 40 gallon carts	75 lbs.
Franchisee-provided carts over 40, up to and Including 65 Gallons	100lbs.
Franchisee-provided carts over 65, up to and including 96 Gallons	145 lbs.
Containers equal to or greater than 1 cubic yard and less than 10 cubic yards	250 lbs. Per cubic yard
Containers greater than 10 cubic yards	Weights subject to Franchisee Truck Capacity
Compacted Containers	500 lbs. Per cubic yard

**8. Responsibility to Separate Overweight Contents.** When containers are overweight, it is the customer's responsibility to separate wastes into additional receptacles or bags so that weight limits are observed. The additional receptacles or bags are subject to extra charges as applicable.

**9. Preparation of Recyclable Materials.** Customers shall prepare recyclables in accordance with City-approved instructions provided by the Franchisees. The Mayor shall be responsible for publishing guidelines on the proper preparation of recyclable materials that are consistent with industry practice and the collection equipment used by the Franchisees.

**10. Preparation of Yard Debris.** The customer may place yard debris in 32-gallon cans or hauler-provided carts, in kraft type paper bags, or in bundles. Bundles must be securely tied with string or twine to support the bundle when lifted. Bundles may be no greater than 48 inches in length and 18 inches in diameter.

**11. Infectious Waste Setout.** Infectious wastes, including hypodermic needles, must be placed in appropriately marked containers. Customers shall not place these items into roll carts or containers for collection of Solid Waste,

Recyclables or Yard Debris. Customers must contact the Franchisee to determine proper disposal options.

**12. Hazardous Waste.** Customers shall take appropriate actions to ensure that hazardous materials, chemicals, paints, corrosive materials and hot ashes are not put into a receptacle for solid waste collection.

**13. Unacceptable Waste.** The customer shall not place unacceptable materials in solid waste receptacles. Unacceptable materials include: oils, fats, and other liquids generated by commercial entities, semi-solid wastes, hazardous wastes, and flammable materials. The customer should contact their Franchisee for information on proper disposal.

**14. Payment Responsibility.** Customers must pay their invoices within the due dates specified by the Franchisee, as long as the Franchisee has submitted a collection plan with the City and has received the City's approval of the plan. Customers who do not pay the amount due within terms are subject to stopped service and collection actions.

**15. Notification of Missed Collection or Billing Errors.** Customers are responsible for prompt notification of the Franchisee when problems arise such as apparent missed collections or billing errors. Customers must notify the Franchisee regarding obvious billing errors, such as improperly charged extras, within 60 days of receipt of an original invoice in order to receive credit. Customers may not deduct from payment for past missed pickups.

**16. Vacation Credit.** The customer is responsible for requesting a vacation credit from the Franchisee. Vacation credits are available only for periods of at least two weeks, and must be requested at least 48 hours in advance of the first pickup that is scheduled during the vacation period.

## **L. REPORTING TO THE CITY**

**1. Equipment and Depreciation.** The City shall set the standard economic lives of equipment by Rule based upon industry input and prevailing practices.

**2. Annual Reports.** The Annual Report will ask Franchisees to detail Revenues and Expenses (allowable and unallowable), in an income statement format, and provide a variety of information about customer counts, service levels, disposal volumes, and recycling activities. While direct charge of allowable expenses is preferred, it is understood that many Franchisees provide service in areas outside the City of Beaverton. Consequently, allocations to the City are necessary for most allowable expenses. The majority of expenses incurred by a collection company can be associated with one of the following key allocation bases:

- a. Truck Hours—The number of hours that collection vehicles are operated within an area throughout the year.
- b. Labor Hours—The number of paid hours for collection personnel.
- c. Customer Count—The number of customers at each Service level. The Mayor may reasonably weight customer Counts for particular expense items to better reflect the cost of service. For example, a drop box customer with on-call service utilizes more administrative time than a typical commercial customer. In another example, commercial sales support teams spend no time on residential customers, and more time in competitive markets than in franchised markets.
- d. Disposal Volume—The number of yards or tons collected within an area.
- e. Revenue—The amount of revenues generated within an area.

**3. Quarterly Studies.** At a minimum, Franchisees will be required to conduct quarterly studies of each route for two weeks to determine relative truck, labor, and disposal amounts or ratios to be used in allocating expenses to the Franchisees' various operating areas. Franchisees must make these studies or ongoing allocation programs available for inspection by the City per the Access For Inspection provision of this ordinance. Franchisees will use the key allocation information to allocate shared allowable expenses to Beaverton. The City will determine the revenue and expense detail items and the associated allocation bases to be used for allocation of each item.

**4. Allocated Operations.** In addition to the results of operations within the City of Beaverton, Franchisees shall report totals for all operations that share significant operational, management, and administrative expenses with the Beaverton Franchise. Resources allocated from regional or corporate offices or affiliates shall be distributed to appropriate expense line items, and shall also be disclosed in a schedule describing total allocations and their distribution to individual expense line items. All allocations from Affiliated Companies must be described and must be equal to or less than the fair market value of similar goods and services purchased from a third party.

**5. Program Meetings.** As scheduled by the Mayor, Franchisees shall attend program status meetings. The City will provide reasonable advance notice of required meetings by facsimile, email, or mailed notices.

Approved by the Mayor this 28<sup>th</sup> day of June, 2002.



## City of Beaverton Solid Waste & Recycling Program

# Recycling Program Update

April 12, 2006



Throughout 2005 the research, planning and decision-making process of a conversion to roll-carts moved steadily forward. Following discussions and proposals from Beaverton haulers and the City's review of the annual hauler reports, serious planning started in the summer, culminating in City Council adopting a plan on October 17.

### January:

- After much discussion about collecting glass on a monthly basis, City decided to continue weekly glass collection (after the City and haulers were unable to come to consensus/agreement about the timing of monthly collection).
- City prepared PR/educational materials for residents. Worked through last minute problems on printing, roll-cart stickers and weather, etc.
- Aloha Garbage began distributing carts to 500+ Beaverton customers:
  - Allowed customers to begin using them immediately.
  - Distributed incorrect information to residents about every-other week frequency of collection.
- Waste Management and Far West Fibers began a two-month "pre-change" collection of volume/weight data on ten "Beaverton-only" recycling routes.
  - A two-month comparison study will be conducted in January-February 2007.



### February:

- WM contracted with manufacturer Rehrig-Pacific to deliver carts to 14,000+ residents beginning the week of February 6.
  - About 1,000 carts delivered per day.
  - Residents were told in various publications not to use the carts until March 1.
  - Start date was not clearly communicated to residents; WM did not have automated trucks on route and was unable to pick up carts - resulting in a spike in missed pick-up calls.
- The City-distributed Recycling Guide was originally scheduled to go to the printer on February 1 - but was delayed until February 13 due to late design revisions due to the glass frequency change and then printer complications.
  - 16,544 booklets & magnets were sent via direct mail using hauler customer database address lists.
  - Mailing cost was \$5,012.52 or 30.3 cents per piece.
  - An additional 600+ booklets were mailed in late February to residents in five homeowner associations that have central billing (which meant they initially had received only one booklet for all their owners/residents).
- In an average month we get an average of 82 phone calls



### LESSON LEARNED:

*Be very clear about start-up date of the new program. After three delivery days, we provided a bright pink letter-sized sheet with the start-up date that was placed in each cart upon delivery, but amazingly this wasn't read or noticed by many residents. (Rehrig Pacific delivery staff predicted this...) OR insist your hauler collect set-outs no matter what the container, if possible.*



## Beaverton Recycling Update April 12, 2006

### Page 2



to our program hotline;  
o 431 February Calls: Most common were for missed pick-ups (due to cart-use before March 1), complaints about the "huge" cart size, and general how-to recycling questions (often regarding plastic).

o 507 March Calls: Most common were for complaints about the "huge" cart size, Condo/HOA comments, general recycling questions, missed glass or missed cart pick-ups, didn't get a cart (often from County residents, missed deliveries, etc).

o April calls are generally missed carts, general recycling questions, increased County residents wanting carts (as a result of getting the City newsletter).

- Beaverton's program is to provide a 60-gallon cart for recycling.

o A significant number of incoming phone calls was from residents in condos or homeowners associations that bitterly complained about the size of "this monstrosity" or "this behemoth".

o There is no "use a bin instead" option, since an automated truck can only dump a cart.

o The City met with WM to discuss general program roll-out status, and learned that WM is ordering several hundred 32-gallon recycling carts for residents who have "escalated concerns" about the roll-cart size. It will take 6-12 weeks for the smaller carts to arrive.

o Smaller carts will be distributed on a "by request basis"

o We recognize that row-houses, townhouses, condos, etc. often have small garages:

- ☐ HOAs often have rules that prohibit residents from storing carts outside of their garage (violations are subject to a fine by the HOA).

- ☐ Although we had a substantial number of incoming complaints, all except one of the contacts were from individual residents (not HOA leadership/management). In most cases between two and ten residents called – and in no case a majority of residents of any HOA – which leads us to question whether "messy garage syndrome" was the problem.

- The remaining five Beaverton haulers generally distributed carts the week of February 20 with few issues.
- The addition of plastics has gone smoothly. Residents have many questions about what plastics are allowed – they are sometimes uncertain because they've been told for so long NOT to recycling tubs. They frequently ask something like "why can my #4 tub be recycled but not my #4 plastic cake?"

### LESSON LEARNED:

*PR Material should reach residents BEFORE cart distribution begins.*

### LESSON LEARNED:

*Consider how you will respond to HOAs and whether or not you will require an alternative cart-size. There are a strong argument to be made for a 60-gallon or larger cart. We will be monitoring the distribution of 32-gallon carts to determine how many "keep" that size as opposed to those who request to change back to a 60-gallon size.*

### March:

- Carts were officially part of the collection system as of March 1.
  - o Far West Fibers reported a small drop in the volume of recycling in the last collection week of February and a large increase the first collection part of March.
  - o Waste Management reported a "huge" participation rate at the



# Beaverton Recycling Update April 12, 2006

## Page 3



beginning of March – “it seemed like almost every house set out their carts”

- The City has had a notable number of phone calls complaining about missed pick-ups of recycling or glass since March 1.
  - o The automated recycling truck was generally new to the driver and/or route and the heavy volume meant the truck wasn't always there “when it usually was.” We advised residents simply to wait and call their hauler if it was not picked up by 6:00 pm.
  - o We did not make clear that a “fourth truck” would be picking up glass in most cases...so some residents called to complain that the recycling truck left their glass, not knowing that a fourth truck would be coming later in the day.
- For most complaints, we are politely encouraging residents to wait and let the changes actually take effect before they finalize their thoughts...and that we are monitoring the program and will make adjustments as necessary.
- We're dealing with a few cul-de-sac and/or private street issues where there are issues between residents and haulers about cart set-out locations, distances between carts, space requirements, etc.
- We've had a couple of complaints about “visual pollution” because the carts are too bright (green with yellow lids).

### **LESSON LEARNED:**

*If you collect glass with a fourth truck – tell residents.*

### **LESSON LEARNED:**

*Consider a uniform cart color system in your jurisdiction: all garbage carts green, yard debris carts brown, recycling carts red OR basic cart color green with different colored lids for each stream of materials. We had too many haulers with too many carts already in use in a wide variety of colors (recycling and garbage) that prevented us from seriously pursuing this...but it would be helpful for citywide education*

### **April...**

- Route Observation: Staff did a simple drive-by survey of about 150 houses in SW Beaverton:
  - Approximately 50% of houses had roll-cart set-outs.
  - About 10% had glass set-outs.
  - “Surface level contamination” was observed in 3 of about 50 carts in which we lifted the lid (one glass bottle and two plastic bags)
- MRF Observation: Staff visited Far West Fibers on April 5 to review contamination levels. No scientific measurement was conducted -- simply general visual review and discussion with FWF staff, who reported little to no observable increase in contamination.

### **In the Future...**

- We plan to conduct a roll-cart and glass recycling participation study in which we will have City staff (temp workers) monitor about 500 houses for four to six weeks and record participation. We may repeat this in the fall and again next spring. Details are not finalized.
- We plan to conduct a contamination study – but details are not finalized. We will do more than simply drive by and check surface level contamination -- but have not finalized any details at this time. We may do a DEQ style contamination study in conjunction with haulers and/or Far West Fibers...or we may contract some agency to assist us (DEQ? PSU?)
- We will be including a “Recycling Information Card” about a “focus” topic in all upcoming issues of the City newsletter in 2006. The first card was about plastic recycling distributed to about 50,000 Beaverton mailboxes in early March. The second card will be about glass and in mailboxes in mid-April. The third card will focus on paper products and will be distributed in mid-May.
- Far West Fibers is collecting historical data about Beaverton collection data back to the year 2000 and will share the information with us at some point in the future.



# Beaverton Recycling Update April 12, 2006

Page 4

- We would welcome other local governments to visit Beaverton and go on a route tour and/or visit Far West Fibers to look at Beaverton recycling loads.

## Highlights of Citizen Communications

*The new huge recycling bins are HORRIBLE. We have NO SPACE to keep such a monstrosity. Is there a smaller size available? Didn't anyone consider the townhouse or condominium situation?*

*I am an avid recycler and am very upset that I am forced to use this large bin. It would be very convenient except that it will not fit into my garage and we are not allowed to leave outside for longer than 24 hours. I can barely get my weekly (35 gallon) bin into my garage. When I pull into my garage I have to collapse the side marrow. There is no room in my garage and I would be happy to show you.*

*I read about the new plastic recycling rules in Your City and thought it was nice. But I haven't received the new recycling roll-cart. Do I have to go somewhere and get it? (It seems that many of my neighbors don't have them, either.)*

*Gentlemen, I cannot understand who planned the LARGE SIZE of these BEHEMOTH recycling cans. This is great for those who have room for these. Those of use who live in Condo's with small garages planned for a single automobile, find this is a NEGATIVE experience. There are a lot of small garage Condo's like this one of mine in the Beaverton area and throughout the area serviced by the solid waste company.*

*The size of these garage's hardly lets the owners store a garbage can and the normal two recycling bins let alone YOU ASKING them to sore ANOTHER HUGE RECYCLING CAN I can hardly slide by my auto to get in my car and the Condo association will not allow these BEHOMOTH's to be stored outside. Did no one check out this side of the storage issue at all or just go gung-ho into this recycling can issue without thinking????*

*Hi, Okay, I understand that I have a small household and that there are probably many more households out there that accumulate much more recyclable materials than I do and therefore are likely happy with the new larger recycling "bins". But for a household like mine, this is absolutely ridiculous! It is larger than my garbage can! (Yes, I read that you would like to have 60% of all waste be recycled by 2009, which would stand to reason to have a larger recycling bin than garbage can).*

*When I arrived home on day one of your program, I saw a sea of huge, disgusting, bright yellow and green monsters waiting outside all of our garages. It was ugly and demoralizing.*

*We love our new recycling cart and the increased ease of recycling. Thank you for your work in this effort.*





# Metro SWAC Presentation

## Roll-Cart Recycling in Beaverton

City of Beaverton Solid Waste & Recycling Program  
July 27, 2006 • Scott Keller, Auxiliary Services Program Manager

### Pre-2006 Program and Goals:

- **SEVEN HAULERS:** Beaverton has seven franchised haulers. Waste Management provides service to approximately 90% of residents and the other six haulers have varying amounts of the remaining 10%.
- **PREVIOUS SYSTEM:** Fully automated collection of garbage (32-gallon carts) and yard debris (60-gallon carts) and two 14-gallon red bins for commingled recycling (two-sort: glass separate, everything else mixed).
- **2002 SYSTEM CHANGE:** Prior to this year, the most recent program changes occurred on July 1, 2002 when automated garbage collection in roll-carts and a change from every-other-week to weekly yard debris collection were implemented.
- **CARTS PROPOSED:** The City and franchised haulers had informal discussions about the possibility of converting to a recycling cart system in 2004, formal discussions started in mid-2005.
- **GOALS:** Beaverton's goals of changing to roll-carts included:
  - o Easier for residents to recycle
  - o Expected increase in residential recycling volume (10+%)
  - o Beaverton's rate structure allowed for implementation with no change in residential rates.
  - o Service "reduction" (or perception thereof) was not an option, therefore collection of recycling and yard debris in alternating weeks was not considered.
  - o Rate stabilization – increased efficiency of collection would contribute to rate stabilization.
- **DECISION DATE:** The Beaverton City Council approved of staff and hauler recommendations for system changes on October 17, 2005, with a March 1, 2006 implementation date.
- **CART SIZE:** Beaverton chose 60-gallon roll-carts (as opposed to 32-gallon or 90-gallon).
  - o 32-gallon carts were not large enough to allow for easy inclusion of cardboard/boxes, nor did they offer any substantial increase in recycling capacity.
  - o 90-gallon carts were thought to be too-large and provide far more capacity than needed.
- **PLASTIC TUBS:** After discussion with haulers, Far West Fibers, and reviewing Metro's recent report on collection of plastics, Beaverton decided to add the collection of plastic tubs to the list of curbside recyclables at the same time as converting to roll-carts.
- **GLASS:** Glass collection was an issue of extensive discussion with haulers, Metro and DEQ. After initially proposing a monthly collection, that proposal was dropped in January 2006, and weekly collection (by a fourth glass-only truck) was maintained.







### What we learned (1):

Be very clear about start-up date of the new program. After three delivery days, we provided a bright pink letter-sized sheet with the start-up date that was placed in each cart upon delivery, but even this wasn't read/noticed by many residents or figure out a way for your hauler to collect recycling whether it is in a cart or bin.

### What we learned (2):

Education/outreach material should reach residents before cart distribution begins. The public media and City newsletter announcements were not enough to prevent confusion of residents -- they wanted/needed direct information about the changes.

## Measurement:

- **PRE-CHANGE DATA:** Waste Management and Far West Fibers conducted a two-month "pre-change" collection of volume/weight data on ten "Beaverton-only" recycling routes in January-February 2006. A two-month comparison study will be conducted in January-February 2007.
- **ANECDOTAL INFORMATION:** Anecdotal evidence from haulers and MRF suggest an increase in recycling volumes.
- **CITIZEN SURVEY:** A citizen survey of recycling practices was planned for mid-summer 2006.
- **PARTICIPATION & CONTAMINATION STUDIES:** The City plans to conduct a participation study to evaluate set-out rates and general volume data for carts and glass, as well as a contamination study to determine the levels of contaminants in carts and glass bins. We expect to begin this in late summer or early fall for approximately eight weeks.

## Education/Outreach Plan:

- **ONGOING EDUCATION:** The City's is committed to ongoing comprehensive education/outreach to residents and businesses to minimize confusion and contamination.
- **PROGRAM ANNOUNCEMENT:** Information about upcoming cart distribution in the November/December and January/February issues of the City newsletter. The *Oregonian* and *Beaverton Valley-Times* newspapers also printed stories about the program changes.
- **RECYCLING GUIDEBOOK:** A 2006 Recycling Guidebook and refrigerator magnet with information about new and existing programs was mailed to residents (using haulers customer database information). The guidebook was planned to reach residents two-weeks prior to the beginning of cart distribution.
- **INFORMATION CARDS:** A series of six recycling information cards was proposed as inserts in the 2006 issues of the City newsletter.
  - o Card #1: Focus on Plastic (March)
  - o Card #2: Focus on Glass (April)
  - o Card #3: Focus on Paper (May-June)
  - o Community Recycling Survey (July-August)
  - o Card #4: Topic TBD (September)
  - o Card #5: Topic TBD (October)
  - o Card #6: Topic TBD (November-December)
- **CART DECAL:** An informational sticker was ordered and distributed to haulers for the top of each roll-cart.

## Implementation:

- **CART DELIVERY:** Beaverton's haulers delivered carts on varying schedules from late January through February. WM contracted with manufacturer Rehrig-Pacific to deliver carts to 14,000+ residents beginning the week of February 6.
  - o About 1,000 carts delivered per day.
  - o Residents were told in various publications not to use the carts until March 1, however, this was not stated boldly enough.

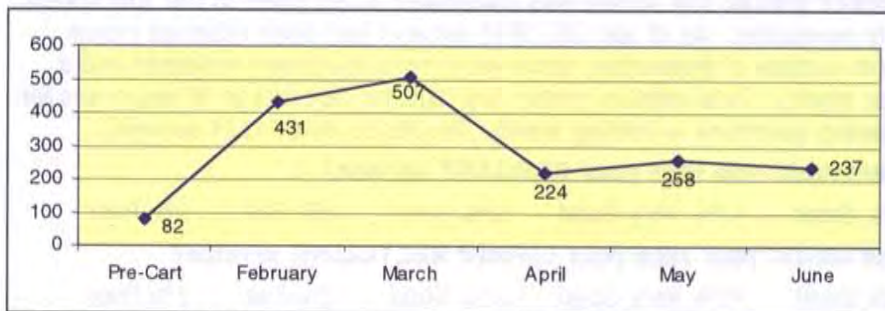


- o Haulers did not have automated trucks on route and were unable to pick-up carts in non-automated trucks – resulting in a spike in missed pick-up calls.

• **GUIDEBOOK DELIVERY:** The City-distributed Recycling Guide was originally scheduled to go to the be in resident mailboxes on February 1 – but was delayed until February 13 due to late design revisions due to the glass frequency change and then printer complications.

- o 16,544 booklets & magnets were sent via direct mail using hauler customer database address lists.
- o Mailing cost was \$5,012.52 or 30.3 cents per piece.
- o An additional 600+ booklets were mailed in late February to residents in five homeowner associations that have central billing (which meant they initially had received only one booklet for all their owners/residents).

• **INCOMING CALLS:** Up through January 2006, Beaverton's recycling information calls/emails averaged 82 per month; due to questions about the program, and our phone number being on all new PR materials, the average skyrocketed:



The most common phone calls in February were for missed pick-ups (due to cart-use before March 1), complaints about the "huge" size of the cart, and general how-to recycling questions (often regarding plastic). Since implementation, the calls have generally been general recycling questions.

- **CART SIZE:** Beaverton's program is a 60-gallon cart for recycling.
  - o A significant number of incoming phone calls was from residents in condos or homeowners associations that bitterly complained about the size of "this monstrosity" or "this behemoth".
  - o There is no "use a bin instead" option, since an automated truck can only dump a cart.
  - o The City met with WM to discuss general program roll-out status, and learned that WM is ordering several hundred 32-gallon recycling carts for residents who have "escalated concerns" about the roll-cart size. It will take 6-12 weeks for the smaller carts to arrive.
  - o Smaller carts will be distributed on a "by request basis".
  - o We recognize that row-houses, townhouses, condos, etc. often have small garages:
- **HOMEOWNER ASSOCIATIONS (HOA):** HOAs often have rules that prohibit residents from storing carts outside of their garage (violations are subject to a fine by the HOA).
  - o Although we had a substantial number of incoming complaints, all except one of the contacts were from individual residents (not HOA leadership/management). In most cases between two and ten residents called – and in no case a majority of residents of any HOA – which leads us to question whether "messy garage syndrome" was the problem.

### What we learned (3):

*Consider how you will respond to HOAs and whether or not you will provide an alternative cart-size. There are a strong argument to be made for a 60-gallon or larger cart. We will be monitoring the distribution of 32-gallon carts to determine how many "keep" that size as opposed to those who request to change back to a 60-gallon size.*

### What we learned (4):

*Prepare the public for collection schedule changes. The automated recycling truck was generally new to the driver and/or route and the initial heavy volume meant the truck wasn't always there "when it usually was." We advised residents simply to wait and call their hauler if it was not picked up by 6:00 pm.*

### What we learned (5):

*Residents keep a watchful eye over the trucks that pick up their garbage & recycling...be sure to tell them "how" glass is being picked up. In our case: let them know that glass will be picked up by a fourth truck.*

### What we learned (6):

*Develop a city-wide color scheme for your garbage, yard debris and recycling carts. One color for each cart, or a different colored lid for each type of material. In our case, yard debris and garbage carts were already several different colors, which made a universal system impossible (or at least expensive) to implement -- but the education potential of a uniform system has great advantage.*



- The addition of plastics has gone smoothly. Residents have many questions about what plastics are allowed – they are sometimes uncertain because they've been told for so long NOT to recycling tubs. They frequently ask something like "why can my #4 tub be recycled but not my #4 plastic cake tray?"
- **GLASS TRUCK:** We did not make clear that a "fourth truck" would be picking up glass in most cases...so some residents called to complain that the recycling truck left their glass, not knowing that a fourth truck would be coming later in the day.
- **CUL-DE-SACS & PRIVATE STREETS:** We're dealing with a few cul-de-sac and/or private street issues where there are issues between residents and haulers about cart set-out locations, distances between carts, space requirements, etc.
- **CART COLOR:** There have been some complaints about "visual pollution" because the carts are too bright (green with yellow lids) in our largest franchise area.

## Public Response (Tentative Survey Data)

- **SURVEY DATA:** The survey was distributed as an insert in the July-August *Your City* newsletter. As of July 26, 1815 surveys had been returned (some were from outside of Beaverton, some were from apartment residents and a few were blank). Data entry is continuing, but the percentage of responses for the following questions is holding steady. Results to date (1124 surveys):

### 7. How would you rate your GARBAGE service?

39% Great    47% Very Good    12% Good    1% Fair    0% Poor

### 8. How would you rate your current RECYCLING service?

42% Great    45% Very Good    11% Good    2% Fair    1% Poor

### 9. How would you rate your current YARD DEBRIS service?

44% Great    42% Very Good    12% Good    1% Fair    1% Poor

### 10. How often do you set out your recycling cart?

34% Weekly    11% 3/month    35% 2/month    20% 1/month    1% Never

### 11. How often do you set out your yard debris cart?

34% Weekly    17% 3/month    24% 2/month    16% 1/month    8% Never

### 12. How often do you set out your red glass bin?

5% Weekly    3% 3/month    16% 2/month    62% 1/month    14% Never

### 13. Has the new recycling program caused you to:

57%    Recycle more materials  
 1%    Recycle less materials  
 41%    Recycle the same volume of materials  
 1%    Stop recycling

### 15. Which statements do you agree with? (check all that apply)

87%    The new recycling roll-carts have made it easier to recycle  
 10%    The new recycling roll-carts had no impact on my recycling  
 70%    I only set out my roll-cart at the curb when it is full (or nearly full)  
 16%    I like to set out my roll-cart at the curb no matter how full it is  
 4%    I liked the old bin system better than the new roll-cart system  
 77%    I like the new roll-cart system better than the old bin system  
 41%    I produce less trash using the new recycling roll-carts.



COLLECTION OF RESIDENTIAL CARTS STARTS  
THE WEEK OF

**JULY 16, 2007**

**GARBAGE MUST GO IN CART**

COLECCIÓN DE CARRETAS RESIDENCIALES  
COMIENZA LA SEMANA DE

**DEL 16 DE JULIO DE 2007**

**BASURA DEBE ENTRAR EN CARRETA**

Questions? - Please call  
**505-388-4640**

**IT'S  
HERE!**

**¡Está Aquí!**







# Instructions for Use of Cart

## Setting Out Cart for Collection

- Close lid – do not move with lid open
- Grab handle with both hands
- Put your foot into area on bottom of cart
- Carefully tilt cart toward you
- Roll cart to street
- Place close to curb
- Do not point wheels downhill
- Handle should face toward curb and house
- Cart should be out by 7 a.m.

## Taking Care of Your Cart

- Wash out with water every few weeks
- Do not put in too much trash
- Lid must be kept completely closed
- Do not store near heat source
- Do not store near liquids that can catch fire
- If broken or damaged do not use – call 388-4640 for new cart



## Your Cart is for Regular Household Trash - **DO NOT** put these materials in Cart

- |                               |                 |
|-------------------------------|-----------------|
| • Chemicals                   | • Paints        |
| • Hot ashes                   | • Hot coals     |
| • Hazardous waste             | • Medical waste |
| • Motor oil                   | • Oil filters   |
| • Vehicle batteries           | • Dead animals  |
| • Construction debris         | • Stumps        |
| • Liquids that can catch fire | • Shingles      |
| • Propane tanks or cylinders  | • Bricks        |
| • Large tree branches         | • Concrete      |
| • Other large yard debris     |                 |
| • Large pieces of metal       |                 |

## Su Carreta es para Desperdicios Caseros Regulares - **no ponga** estos materiales en Carreta

- |                                     |                      |
|-------------------------------------|----------------------|
| • productos químicos                | • pinturas           |
| • cenizas calientes                 | • carbones calientes |
| • basura peligrosa                  | • basura médica      |
| • petróleo de motor                 | • filtros del aceite |
| • baterías de vehículo              | • animales muertos   |
| • escombros de construcción         | • tocones            |
| • líquidos que pueden prender fuego | • ripias             |
| • tanques de propano o cilindros    | • ladrillos          |
| • ramas de árbol grandes            | • hormigón           |
| • otros escombros de yarda grandes  |                      |
| • pedazos grandes de metal          |                      |

# Instrucciones para Uso de Carreta

## Colocando carreta para colección

- Cierre tapa - no debe moverse con la tapa abierta
- Agarre mango con ambas manos
- Ponga su pie en área en fondo de carreta
- Ruede carreta al bordillo de calle
- Coloque cerca del bordillo de la calle
- No apunte ruedas cuesta abajo
- Coloque mango hacia bordillo y casa
- Carreta debe estar afuera para las 7:00a.m.

## Cuidado de su Carreta

- Lave con agua cada cuantas semanas
- No ponga demasiada basura
- Tapa debe estar completamente cerrada
- No guarde cerca de origen de calor
- No guarde cerca de líquidos que pueden prender fuego
- Si se rota o daña, no use: llame al 388-4640 para obtener una carreta nueva

Beaverton Recycles!

City of Beaverton  
**Solid Waste & Recycling Program**  
Office of the Mayor  
P.O. Box 4755  
Beaverton, OR 97076

Recycling Made Easier!  
EXPANDED Plastic Recycling (p.5) (p.7)  
NEW Electronics Recycling Bin sticker!  
NEW CLOSED Glass Bin sticker!  
ENHANCED

PRSRT STD  
US POSTAGE  
PAID  
BEAVERTON, OR  
PERMIT 97

# Beaverton Recycles!

RESIDENTIAL RECYCLING  
GUIDE 2007

Improving Your Service:  
Recycling Made Easier





## Beaverton Recycles

### From the Mayor:



*Recycling makes a difference in Beaverton -- and our residents are proud to have a very strong recycling program. In*

*early 2006, some major changes were implemented in our recycling program with the change to recycling roll-carts and expanded collection of plastic tubs. Last fall, we surveyed Beaverton residents about the changes and were happy to find that almost 90% rated the program as "Great" or "Very Good."*

*We're on our way, but not there yet! In 2005, our area recovered about 56% of our garbage -- but the State set goal for our area is 64% by 2009.*

*This guidebook is meant to serve as an update and reminder to all of our residents about recycling in Beaverton. The following pages will highlight new program elements, as well as answer some of your questions from the public survey conducted in the fall of 2006.*

*Thanks for all of your great work. I'm proud of our community's efforts to promote recycling, and thank you for caring enough to do more!*

**Rob Drake,  
Mayor**

## What's Inside:

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Printed on  
Recycled  
Content Paper

## Recycling Information

## Beaverton Recycles!

### City of Beaverton

**Solid Waste & Recycling Program  
Office of the Mayor**

**PO Box 4755**

**Beaverton, Oregon 97076**

**Phone:** (503) 526-2665

**Web site:** [beavertonoregon.gov/recycling](http://beavertonoregon.gov/recycling)

**Email:** [recyclingmail@ci.beaverton.or.us](mailto:recyclingmail@ci.beaverton.or.us)

### In Partnership with

**Metro Regional Government**

**Phone:** (503) 234-3000

**Web site:** [www.metro-region.org](http://www.metro-region.org)

### and with Beaverton's Franchised Haulers:

**Aloha Garbage & Recycling** ..... (503) 649-6727

**Garbarino Disposal & Recycling** ..... (503) 647-2335

**Pride Disposal** ..... (503) 625-6177

**Valley Garbage & Recycling** ..... (503) 643-7063

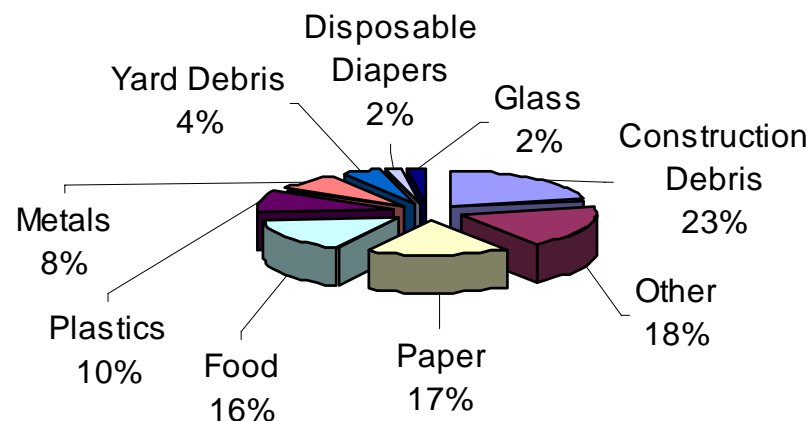
**Walker Garbage & Recycling** ..... (503) 531-6330

**Waste Management** ..... (503) 249-8078

**West Slope Garbage Service** ..... (503) 292-8173

### What We Throw Away:

(2002 Metro Area Waste Composition)



## Recycle At Work

### 58,000 Pounds\*

**That's how much recyclable paper is being thrown into the garbage by area businesses every 30 minutes of the typical 8-hour work day.**

**DO YOU RECYCLE AT WORK?**

*\*that's about 1,900 pounds per minute.*

Businesses produce over 50% of the waste that is generated in our area, which means businesses play an important role in meeting state mandated recycling goals. Beaverton's Recycle at Work program offers customized assistance to improve recycling and garbage services at your place of work. If you answer YES to any of the following questions, give us a call:

- ☐ **Yes** ☐ **No** Are you only recycling cardboard at work?
- ☐ **Yes** ☐ **No** Do you wonder where your nearest recycling container is?
- ☐ **Yes** ☐ **No** Do you wish you had recycling, but don't know how to get started?
- ☐ **Yes** ☐ **No** Do you wonder what to do with your glass drink bottles?
- ☐ **Yes** ☐ **No** Do you want to recycle plastic bottles or tubs at work?
- ☐ **Yes** ☐ **No** Do you see the same material in your trash on a regular basis and wonder if it is recyclable?

This is a free public service that can help you and your business develop an effective recycling program.

## RecycleAtWork.com

# No sorting. No kidding.



Free Boxes. Call Beaverton's Recycling Program (503) 526-2460.



## RECYCLING MATTERS

**Businesses and the construction industry produce over 54% of the solid waste in Oregon.**

## What's New?

2006 was a year of "change" to Beaverton's recycling program, with the change to recycling roll-carts and adding plastic tubs to curbside recycling. This 2007 edition of the *Beaverton Recycling Guidebook* will update you with information about the recycling program, inform you of a few new programs, as well provide information about the success of the program:

- **Glass Recycling:** An informational sticker is enclosed for residents to place on their red glass bin to remind everyone to keep "glass on the side". *See page 4 and find the enclosed sticker.*
- **Plastics:** You can now include clean plastic buckets and nursery tubs, pots and trays in your recycling cart. *See page 5.*
- **Electronics Recycling:** The City is partnering with Far West Fibers to provide an option for Beaverton residents to dispose of their old electronics items in an environmentally responsible way seven days per week. *See page 7 and find the enclosed rebate coupon.*
- **Cell-phones and Ink-jet Cartridges:** A new opportunity to recycle your old cell-phones and used ink-jet cartridges. *See page 9 and find enclosed plastic envelope.*



## Public Survey Results: What You Think...

In 2006, over 2,000 Beaverton residents returned a survey (distributed in the *Your City* newsletter) about Beaverton's recycling program. Here's what you said about garbage and recycling services:

- **How would you rate your garbage service?** 86% responded that it was "great" or "very good"
- **How would you rate your recycling service?** 87% responded with "great" or "very good"
- **How would you rate your yard debris service?** 86% responded with "great" or "very good"
- 87% of respondents agreed with the statement: "The new recycling roll-carts have made it easier to recycle."
- **Has the new recycling program caused you to:**
  - Recycle more materials ..... 57%
  - Recycle less materials ..... 1%
  - Recycle the same ..... 41%
  - Stop recycling ..... 1%
- 77% of survey respondents agreed with the statement: "I like the new roll-cart system better than the old bin system."

## RECYCLING MATTERS

**In 2005, Oregonians produced an average of 8.4 pounds of mixed solid waste per person, per day.**



## 4 Glass Recycling

### Glass On The Side

Beaverton residents can set out their glass every week, however, in an effort to maintain Beaverton's low garbage costs, residents are encouraged to set out glass bins only when they are full (or nearly full).

When glass mixes with other recycling, it often breaks. Broken glass damages processing equipment, creates risk to sorting crews and reduces the market value of the paper mixed with it. For all these reasons, residents and businesses must keep it separate at the curb and your hauler must keep it separate when collected.



**New!** Keep glass separate from other recyclables.

# GLASS BOTTLES & JARS ONLY

- Rinsed clean of food residue, no need to remove labels.
- Do not include plastic/paper bags or cartons/boxes. No Lids.
- All colors mixed together. Thank you for recycling your glass.

Use the "Glass Bottles & Jars Only" sticker included in this Guidebook on your red recycling bin as a reminder to keep glass separated from your other recyclable materials.

### QUICK FACTS: Glass

- |                                                         |                                                                    |
|---------------------------------------------------------|--------------------------------------------------------------------|
| ✓ Put glass directly into red bin.                      | ✗ Do not include paper bags, plastic bags or cardboard cartons!    |
| ✓ Only glass bottles and jars.                          | ✗ No lids or corks.                                                |
| ✓ Rinse clean of all food residue.                      | ✗ Do not include window glass, drinking glasses, light bulbs, etc. |
| ✓ All colors can be mixed together.                     |                                                                    |
| ✓ No need to remove labels from glass bottles and jars. |                                                                    |



## RECYCLING MATTERS

Recycling a glass bottle saves enough energy to light a 100-watt bulb for four hours.

## Ten Frequent Questions

17

**5 Can I leave caps on my plastic or glass bottles?** Plastic caps are not recyclable. The caps are made from a different type of plastic than plastic bottles. Before recycling the bottles, please remove the caps and throw them in the trash.

**6 Recycling is picked up every week, why do you want me to set it out only when full?** Beaverton residents have weekly collection of garbage and recycling, so you can set it out as often as you would like. In order to help keep collection costs low, however, you are encouraged to set out recycling carts and glass bins only when they are full (or nearly full). This increases the overall efficiency of the system, which in turn helps maintain low rates.

**7 Can I recycle pizza boxes if they are clean?** Food remnants should be thoroughly removed from the box; these materials attract pests and vermin during transport and processing. Grease stains should be minimal in order for the box to be recycled.



**8 I'm recycling everything I can at home -- what more can I do?** There are two possible things to think about: (1) consider ways you might generate less waste at home: buying products with less packaging, buying more recycled-content products or reusing more materials. (2) Take your "home practices" to work. Are you recycling the same materials at work that you can recycle at home? Since businesses produce over 50% of the region's waste, there is huge potential for recovery from businesses (*see page 18 of this guide for more information*).

**9 Why does my hauler sometimes skip my glass pick-up?** There are three possible reasons: (1) you may have contaminated glass (food, unclean glass, bags, etc.); (2) your red glass bin was not visible to the driver; or (3) you brought your bin in too early (most glass bins and recycling roll-carts are collected by different trucks)! If your recycling roll-cart has been emptied, you should still leave your glass bin out until it is collected. In some cases, residents are calling their hauler to report missed glass pick ups, when the glass truck has not yet been down their street.

**10 Do I need to remove labels from tin cans, plastic bottles or glass jars?** No, labels do not need to be removed, but you do need to rinse the can, bottle and/or jar clean of all residue.

## RECYCLING MATTERS

Paper (at 30%) was the biggest component of Oregonian's recycling in 2005 (by weight), followed by yard debris (22%) and metal (20%).



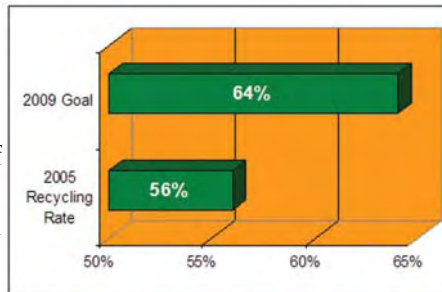


## Ten Frequent Questions

As part of the survey that over 2,000 Beaverton residents completed in the fall of 2006, you asked many questions about your recycling and garbage. Here are ten frequent questions from that survey. For a more comprehensive answer to these and many other questions, visit the City Web site at [beavertonoregon.gov/recycling](http://beavertonoregon.gov/recycling).

**1 How are we doing overall?** Area residents do a great job with recycling: in 2005, we recovered 56% of all waste generated, but the

legislature set our goal at 64% by 2009. On the other hand, we're simply producing more garbage: in 1995, there were 2,200 pounds of solid waste generated per person each year (about 6.2 pounds per day). Ten years later, in 2005, this went up to 3,050 pounds per person per year (about 8.4 pounds per day).



**2 Why can't I recycle frozen food boxes?** Although it looks the same as other food packaging, the paper used for frozen food boxes is treated with coatings to improve the "wet strength" of the paper. On the good side, it keeps the package from breaking apart and protects the food inside the package. The bad part of "wet strength" is that the wax-like substance prevents the paper from breaking down in the paper pulping process, making the frozen food boxes not recyclable.

**3 Why is recycling so complicated?** We try to make it as easy as possible and have taken steps to make recycling easier by allowing everything to be mixed together (except glass and motor oil) and using roll-carts instead of bins. The sorting technologies of recycling processors (which are private companies), and the eventual end-markets for various materials, determine the preparation standards that exist.

**4 What can I do to stop "junk mail"?** The City of Beaverton offers Junk Mail Kits that include direct mailing opt-out postcards that will minimize the companies that share your home address. To request a Junk Mail Kit, contact us at (503) 526-2665 or [beavertonoregon.gov/recycling](http://beavertonoregon.gov/recycling). The removal process is not immediate, but over time you should see a decline in junk mail at your mailbox.



### RECYCLING MATTERS

*Making aluminum products from old beverage containers uses 93% less energy than making aluminum from raw materials.*

## Plastic Recycling

### More Plastic...



In 2006, Beaverton residents started adding plastic tubs to curbside recycling. In 2007, this is expanded again, to include plastic buckets and plastic nursery containers (pots, trays and cell-packs) as long as they are rinsed clean!



### QUICK FACTS: Plastic

Only rigid plastic containers and bottles with #1 through #7 are recyclable. Please rinse plastic containers clean, removing all residue (food, drink, soaps, oil, potting soil, etc.)

### Yes: In Your Curbside Roll-Cart

- |                                                        |                                                         |
|--------------------------------------------------------|---------------------------------------------------------|
| <input checked="" type="checkbox"/> plastic bottles    | <input checked="" type="checkbox"/> yogurt tubs         |
| <input checked="" type="checkbox"/> margarine tubs     | <input checked="" type="checkbox"/> cottage cheese tubs |
| <input checked="" type="checkbox"/> butter tubs        | <input checked="" type="checkbox"/> buckets             |
| <input checked="" type="checkbox"/> nursery pots/trays | <input checked="" type="checkbox"/> lids (from tubs)    |



### No: Not In Your Curbside Roll-Cart

- ☐ No plastic bags, plastic films or bubble wrap
- ☐ No take-out food trays or containers
- ☐ No toys or garden hoses
- ☐ No block foam, styrofoam, polystyrene or foam peanuts

## No Plastic Bags In Curbside Recycling!

Put recyclable materials directly into your cart - not in a plastic bag. Plastic bags are not allowed because they tend to get tangled up in sorting equipment and cause costly shutdowns and repairs.

- ☐ No plastic garbage bags to hold recycling materials.
- ☐ No plastic grocery bags.
- ☐ No plastic newspaper delivery bags.

Many local grocery stores and the Beaverton Recycling Center (at Highway 217 and Denney Road) collect used plastic grocery bags for recycling - but they cannot be part of your curbside recycling.

### RECYCLING MATTERS

*Americans use four million plastic bottles every hour, yet only one bottle out of four is recycled.*



## Hard To Recycle Items

### Antifreeze

Used antifreeze is recyclable at Metro's household hazardous waste facilities (see page 8) and through some private recyclers. Antifreeze recovery systems with recycling containers are available from many automotive supply retailers.



### Batteries

Used batteries can be taken to either of Metro's hazardous waste facilities located in NW Portland and in Oregon City. The facilities are open year-around and do not charge for this service.

Rechargeable batteries can also be taken to many retailers for recycling. Please visit the Rechargeable Battery Recycling Corporations Web site at [www.rbrcc.org](http://www.rbrcc.org) to find a retailer.

Disposal of "household quantities" of alkaline batteries is allowed in your garbage roll-cart, however, the best environmental practice is to take batteries to a disposal facility.



### Bulky Waste Items

Large or bulky items can be taken to a donation center, local recycling center, self-hauled to a landfill or picked up by your hauler (for a special service fee). Common bulky items include: refrigerators, stoves, washers, dryers, couches, grills, building materials, etc. Refrigerators may require a freon decommissioning fee.



New!

### Cell-Phones and Ink-Jet Cartridges

Use the enclosed prepaid envelope to recycle your old cell-phones and ink-jet cartridges. This program, a partnership between the City of Beaverton and Waste Management, will provide financial support for the Beaverton Arts Foundation's "Environment and the Arts" program for kids.



RECYCLING MATTERS

*The incandescent light bulb gives off about 90 percent of the energy it consumes as heat, while only 10 percent is converted to light.*

## General Collection Information

Please follow these guidelines on your garbage and recycling day:

- Place your materials at curbside (not in the street) in front of your home **by 6:00 a.m.** on your scheduled pick up day. Carts in the street interfere with parking and street sweeping.
- **Do not overstuff your roll-carts** (garbage, yard debris or recycling). All materials must be able to fall freely when emptied into the truck.
- Roll-carts have **maximum allowable weights**. The two most common cart sizes are listed below; call your hauler or the City Recycling Information line for limits on other cart sizes.
  - 32-gallon garbage cart maximum is 75 pounds.
  - 60-gallon yard debris or recycling cart maximum is 100 pounds.
- Cart should be at least three feet from basketball hoops, trees, cars, mailboxes and other containers.
- **Do not block mailboxes** at any time.
- Cart handles must face the house; lid opening must face the street.
- Remember to remove emptied containers from the curb as soon as possible so they do not block the sidewalk or become an eyesore.
- Do not dispose of hazardous products in your garbage roll-cart.
- For information about collection schedule changes due to inclement weather and/or Christmas and New Year's holidays, contact your hauler or see the City Web site.

### Typical Curbside Set-Out



RECYCLING MATTERS

*In 2005, Oregon recycling saved the energy equivalent of 237 million gallons of gasoline.*





## Garbage Rates and Services

Beaverton garbage rates have held steady since 2003 and continue to be some of the lowest rates in the region. Beaverton's standard residential services include weekly collection of garbage, recycling and yard debris. Beaverton haulers provide a garbage roll-cart (in varying sizes) and 60-gallon roll-carts for yard debris and recycling.

Garbage and recycling collection is regulated to ensure health and sanitation standards are met, as well as reduce traffic, reduce noise and minimize road damage. If a street had ten houses and each house chose a different hauler, it would mean 30-40 trucks would be traveling on that street to handle the basic services of collecting garbage, yard debris and recycling.

Type of Garbage Service	Rate
Weekly 20-gallon roll-cart	\$15.50
Weekly 32-gallon roll-cart	\$18.00
Weekly 60-gallon roll-cart	\$29.50
Weekly 90-gallon roll-cart	\$37.00
Will-Call Service (32-gallon)	\$9.25

## Other Rates and Services:

(See the City Web site at [beavertonoregon.gov/recycling](http://beavertonoregon.gov/recycling) for a full list of all rates and services.)

- **Overfilled Carts:** The lid of your garbage or yard debris roll-cart must close flat or you may be subject to additional charge(s) for extra garbage/yard debris.
- **Extra Garbage:** \$4.00 for each additional 32-gallon can or bag. This charge can also apply to overfilled roll-carts: roll-cart lids should be closed completely.
- **Extra Yard Debris (bags):** \$3.00 for each additional 32-gallon can or kraft (paper) bag. Be sure to use a kraft (paper) bag; do not use plastic bags for yard debris, since they are not compostable.
- **Extra Yard Debris (roll-cart):** Each additional 60-gallon roll cart is \$4.00.
- **Off-Curb Service Rate** (This means the garbage truck driver retrieves your roll-cart from a location other than at the curb): This is a subscription service with a charge of \$3.00 per occurrence.
- **Call-backs** for inaccessible cart service: \$8.00. (This fee applies when a customer's roll-cart was not out by 6:00 a.m. or was inaccessible to the garbage truck. It does not apply to missed service when hauler is at fault.)



RECYCLING MATTERS

Recycling by Oregonians in 2005 reduced greenhouse gas emissions by the equivalent of removing 710,000 passenger cars from Oregon.

## Hard To Recycle Items

### Electronics

Many electronic components such as computers, monitors, and stereos contain lead, heavy metals, and other toxic materials. Options for reuse or recycling include:



- **Recycle or Donate:** Call the City Recycling Program to get up-to-date information about donation and/or recycling options. (See the box below for information about our Recycling Rebate program.)
- **Return to manufacturer:** Some original equipment manufacturers have programs to take back computers. Check the company's Web sites for details.

### Electronics Recycling Rebate Coupon (Enclosed) for Beaverton Residents:

New!

- Far West Fibers (503-643-9944) accepts used home electronics equipment at their Beaverton facility (near Highway 217 and Denney Road) **for a fee**. You don't have to wait for a "once a year computer recycling event" - they are open seven days per week, between the hours of 9:00 a.m. and 5:00 p.m.
- **For a limited time**, the City of Beaverton is offering an "instant rebate" of up to \$10.00 to help reduce your cost. The rebate is available to the first 500 Beaverton residents. Be sure to take the enclosed "Rebate Coupon" with you when you go to Far West Fibers. One rebate per household.
- **Rebate Days:** Saturday, April 21 & 28 and Saturday, May 5, 12, 19 & 26.
- **Rebate Hours:** 9:00 a.m. to 3:00 p.m.

### Fluorescent Lights

Residents are encouraged to recycle fluorescent lights (due to their mercury content) using local recyclers. Call Metro Recycling at (503) 234-3000 for the details. Although it is best to recycle your fluorescent lights, residents can put them in a garbage roll-cart at the curb, only if they are wrapped and taped entirely in newspaper or contained in the original packaging and they fit entirely into the garbage roll-cart. It is important that the tubes are contained in the cart and wrapped to prevent injuries to the garbage collectors and passersby.



RECYCLING MATTERS

In Oregon and Washington, it is estimated that 1,600 computers become obsolete each day.



## Hard To Recycle Items

### Foam (Block & Peanuts)

Foam is not collected as part of curbside recycling. There are no nearby markets for foam recycling. Please call the Metro Recycling Hotline at (503) 234-3000 for the most current options.



### Microwaves

Microwaves can be taken to the following local recyclers: Quantum Resource Recovery (near Highway 217 and Denney) will accept microwaves (without a glass turntable) at no cost. Call (503) 646-2427 for more information. Microwaves can also be taken to Computer Drive Connection (located in Cornelius), call (503) 992-0180 for pricing and directions.

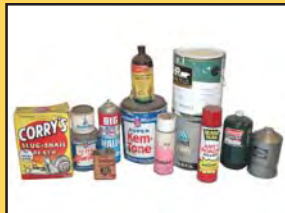
### Household Hazardous Waste

Hazardous household products can pose a threat to human health or the environment if they are not disposed of properly. These types of products should not be placed in the trash, down the drain, into storm drains or burned.

Metro's free hazardous waste Roundup collections take place weekly from March to November. You also can take your toxic trash year-round to Metro's permanent hazardous waste facilities seven days per week. **For locations and a schedule call (503) 234-3000 or check the Metro Web site at [www.metro-region.org](http://www.metro-region.org)**

To minimize risk from accidental spills or dangerous mixing of materials, please prepare and transport your materials properly:

- ✓ Keep products in original containers when possible. If a product does not have its original label, label it yourself if you are sure of the contents.
- ✓ Make sure products are properly sealed to prevent leaks and spills.
- ✓ Pack containers in sturdy boxes in the trunk of your vehicle, away from drivers, passengers and pets.
- ✓ Containers and boxes, including gasoline cans, cannot be returned to you, so make sure you do not need the container for future use.
- ⊘ Do not mix products together. Dangerous reactions can occur when some materials are mixed.
- ⊘ Do not put items in plastic bags.



RECYCLING MATTERS

*In the United States, we generate enough trash every day to fill 44,919 garbage trucks that hold nine tons of trash each.*

## Yard Debris and Composting

Please remember as you prepare your yard debris:

- ✓ Yard debris carts are picked up **weekly** in the City of Beaverton (*most other Washington County jurisdictions have every-other week collection of yard debris*).
- ✓ Please place your yard debris cart at the curb (**not in the street**) on your scheduled day.
- ✓ Include **only** leaves, grass clippings, garden waste, weeds, branches and prunings (no greater than four inches in diameter and 36 inches in length).
- ✓ Contact the City or Metro for backyard composting brochures or information (*see contact information on page 19*).
- ⊘ **Plastic bags cannot be used for yard debris.** If you have extra yard debris beyond what fits into your cart, you may purchase kraft-paper yard debris bags from many local retailers. (*Please note, there is an additional \$3.00 charge for each extra yard debris bag*).
- ⊘ A typical 60-gallon roll cart may not weigh more than 120 pounds.
- ⊘ No oversized items, dirt, sod, stumps, metal, rocks, ashes, food waste, plastic, lumber, animal waste or household garbage.
- ⊘ Do not overstuff the container - it may not empty properly.

Call your hauler or contact the City's Recycling Program if you have additional questions about yard debris.



### Home Compost Bins

No need to mark your calendars or adjust weekend plans to attend special one-day sales to buy an *Earth Machine* Compost Bin! Residents of the Metro area can purchase specially-priced home composting bins at the MetroPaint retail facility all year long.

- **Price: \$35 per bin (an \$80 retail value)**
- **Where: MetroPaint Retail Facility on Swan Island, 4825 N Basin Avenue, Portland**

Metro sold more than 89,000 *Earth Machines* at weekend truckload sales in the past eleven years. Approximately 500 pounds of material is composted annually in each of these bins, which means about 22,500 tons of material is diverted from the landfill.

Update

RECYCLING MATTERS

*Nearly 56 percent (about 16 million tons) of yard trimmings were composted in 2003, representing almost a four-fold increase over 1990.*

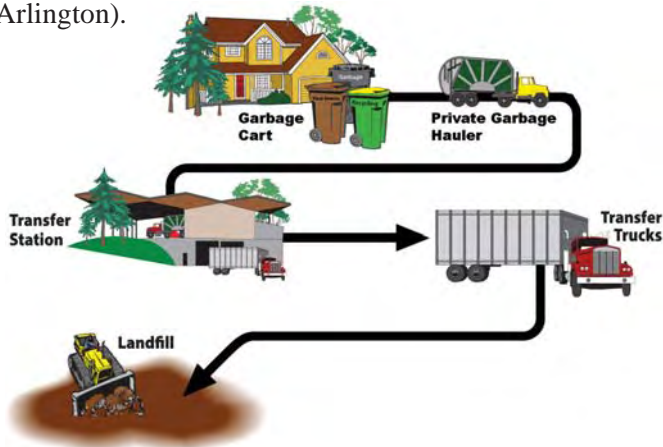




## Where does it go?

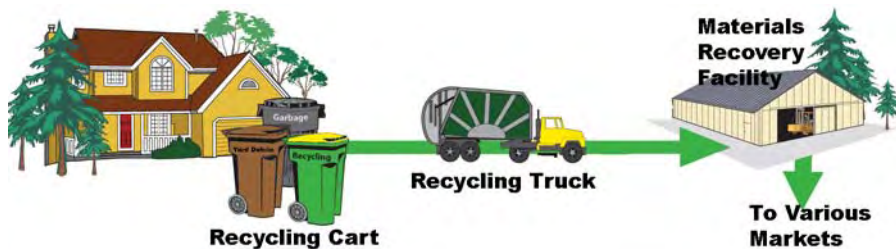
### What Happens To My Garbage?

Garbage in Beaverton is picked up weekly at the curb in your roll-cart. It is typically taken by your hauler to a transfer station (the majority of Beaverton's trash goes to a transfer station in Forest Grove). The garbage is then transferred to trucks that haul the garbage to a landfill (either near McMinnville or in eastern Oregon near Arlington).



### What Happens To My Recycling?

Recycling from Beaverton homes is picked up weekly at the curb in your roll-cart. The materials are taken to a local, privately-owned processing facility (called a Materials Recovery Facility, sometimes abbreviated MRF) that sorts materials both mechanically and manually. The individual materials are then baled and transported to various markets throughout the Pacific Northwest and beyond. Examples may include: paper to paper mills, metal to metal smelters, and plastic bottles to fibers (used in carpets and clothing).



RECYCLING MATTERS

*The energy saved from recycling one aluminum can is enough to operate a typical television for three hours.*

## Hard To Recycle Items

### Motor Oil

Residents can put used motor oil in see-through one gallon, unbreakable containers with a screw-top lid at curbside for recycling. Motor oil is picked up by the glass/recycling truck, so you must set the oil next to your red glass bin. The red bin serves as a "signal" to the driver, so even if you have no glass, but do have oil, the bin should be set out.



### Paint Cans

Please remove lids from empty cans, let the can and lid dry and discard in the garbage. Garbage haulers will take them only if the lid is removed. Take partially full or full cans of paint to Metro's hazardous waste collection facilities or weekend roundup events for recycling.



### Sharps

Sharps (needles, lancets, and syringes) are hazardous waste and must be disposed of properly. **Do not place sharps into your garbage roll-cart.** Containers such as milk jugs and coffee cans are not safe for sharps storage.

- **What do I do with sharps?** Your garbage collector is prohibited from collecting garbage that contains sharps. Please return full sharps containers to a certified biohazard disposal facility or talk to your local pharmacy.
- **Metro "Sharps Program"** Metro's hazardous waste facilities accept sharps in approved containers. There is a one-time \$5 container/participation fee and then each time you drop off a full container, they will give you an empty one in exchange to reuse. Please call (503) 234-3000.
- **"Sharps by Mail"** Waste Management and Sharps Compliance, Inc. offer a safe, confidential, mailing solution for sharps disposal with various container sizes and mailing options. Please call (877) 927-8363 or visit [www.wastemd.com](http://www.wastemd.com)



### Tires

Tires can be picked up by your garbage hauler (for a fee) or they may be taken to a transfer station or landfill for recycling (for a fee). Please call the City Recycling Program or the Metro Recycling Hotline at (503) 234-3000.



RECYCLING MATTERS

**Recycling just two gallons of used oil can generate enough electricity to run the average household for almost 24 hours.**





# Beaverton Recycles!

## PAPER

- ✓ **YES:** Flat, clean cardboard
- ✓ **YES:** Newspaper, junk mail, magazines
- ✓ **YES:** Phone books, catalogs
- ✓ **YES:** Paper food boxes (cereal, pasta, etc.) with liners removed
- ✓ **YES:** Rinsed milk cartons
- ✓ **YES:** Shredded paper (stuffed in a paper, not a plastic bag)



- ✗ **NO:** Waxed or coated cardboard
- ✗ **NO:** Tissues and paper towels
- ✗ **NO:** Paper with food residue
- ✗ **NO:** Frozen food boxes

## METAL

- ✓ **YES:** Empty aluminum, steel and tin cans
- ✓ **YES:** Metal caps and lids
- ✓ **YES:** Clean aluminum foil and foil baking trays
- ✓ **YES:** Scrap metal pieces shorter than 36 inches and less than 40 pounds



- ✗ **NO:** Metal with food residue
- ✗ **NO:** Cans with food residue
- ✗ **NO:** Metal with other attached materials (plastics, etc.)

## PLASTIC

- ✓ **YES:** Rigid plastic containers and bottles #1 thru #7
- ✓ **YES:** Clean plastic bottles, jugs or jars, (shampoo, soft drinks, detergent, etc.)
- ✓ **YES:** Prescription/pill bottles
- ✓ **YES:** Plastic tubs and lids (butter, yogurt, cottage cheese)
- ✓ **YES:** Plastic buckets
- ✓ **YES:** Clean garden and nursery pots, tubs, and flats



- ✗ **NO:** Plastic bags (produce, bread, freezer, shopping, newspaper, dry-cleaning)
- ✗ **NO:** Plastic film or bubble wrap
- ✗ **NO:** Frozen food and take-out containers
- ✗ **NO:** Packing materials (block foam and packing peanuts)
- ✗ **NO:** Cups, plates, utensils
- ✗ **NO:** Plastic caps and six-pack rings
- ✗ **NO:** Plastic packaging material (rigid or soft)
- ✗ **NO:** Hazardous or toxic material containers (motor oil, antifreeze, pesticide, etc.)
- ✗ **NO:** Plastic toys
- ✗ **NO:** Garden hoses

## GLASS (in red bin)

**Do not mix glass with other recycling.** Please use your red bin to keep glass separated from other recyclable materials.

- ✓ **YES:** All clean glass bottles and jars
- ✓ **YES:** Paper labels do not need to be removed
- ✓ **YES:** All colors mixed together; clear and colored glass do not need to be separated
- ✓ **YES:** Rinse your glass clean
- ✗ **NO:** Lids or corks



- ✗ **NO:** Plastic or paper bags, no cartons, no boxes
- ✗ **NO:** Ceramics, tableware (cups, plates, vases, etc.)
- ✗ **NO:** Window glass, cookware glass, drinking glasses, reading glasses, mirrors, light bulbs

### Motor Oil:

Set used motor oil next to your red bin on collection day, in a one-gallon, see-through, unbreakable container with a screw top cap.

**No!** ■ Plastic Bags  
■ Glass  
■ Garbage

} in your Recycling Roll-Cart