

PAUSED

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

01-9-5-3

) IN THE MATTER OF AMENDING CHAPTER 60
) OF LANE MANUAL TO ESTABLISH RECOVERY
) STANDARDS FOR MATERIAL RECOVERY
) FACILITIES (MRF) AND REVISE THE MRF FEES
) (LM 60.875(2)(j) and (6)(g)) EFFECTIVE
) SEPTEMBER 26, 2001

The Board of County Commissioners of Lane County orders as follows:

Lane Manual Chapter 60 is hereby amended by removing and substituting the following pages:

REMOVE THESE PAGES

60.875(2) - 60.875(2) to
60.875(2) - 60.875(2)
i.e. 60-49 to 60-49b
(a total of 3 pages)

60.875(6) - 60.875(6)
i.e. 60-52
(a total of 1 page)

INSERT THESE PAGES

60.875(2) - 60.875(2) to
60.875(2) - 60.875(2)
i.e. 60-49 to 60-49f
(a total of 7 pages)

60.875(6) - 60.875(6)
i.e. 60-52
(a total of 1 page)

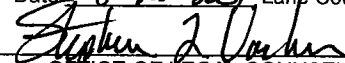
Said pages are attached hereto and incorporated herein by reference. The purpose of these substitutions is to establish recovery standards for material recovery facilities and revise the material recovery facility fees. The standards and revised fees adopted by this Order shall become effective September 26, 2001.

Adopted this 5th day of September 2001.


Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

Date 8-21-2001 Lane County


OFFICE OF LEGAL COUNSEL

(h) Special wastes. A special waste is any waste material that, because of its origin, physical state or characteristics, would suggest that it may: be a hazardous waste, contain hazardous substances or wastes prohibited in municipal landfills, require additional management such as hazard review or special disposal conditions or precautions, carry potential liability to Lane County disposal sites or create unsafe or unhealthy conditions for Lane County employees or the public.

Examples of special wastes include, but are not limited to, clean-up materials from petroleum or chemical spills and or tank removals, industrial chemicals and by-products, liquids, dusts, sludges (liquid/solid mixtures), wastes in drums, tank trucks or vacuum trucks.

Prior to delivery for disposal a special waste application must be submitted to Lane County for each special waste. The special waste will be thoroughly investigated to determine that it is not considered to be a hazardous waste and that Lane County is authorized to accept it for disposal.

	System Benefit Fee	Disposal Fee	Total Fee
(i) Application review (non-refundable)			\$25.00
(ii) Application fee, renewal (non- refundable)			\$10.00
(iii) Disposal Fees			
Bulk	\$17.76/ton or \$10.66 /cu.yd	\$27.24/ton or \$16.34 /cu.yd	\$45.00/ton or \$27.00 /cu.yd
Drummed	\$2.96 drum	\$4.54 drum	\$ 7.50 drum

Rates for other specific waste not included in the above list shall be temporarily determined by the Manager of the Waste Management Division as the need occurs until a permanent rate can be established in this section. Specific wastes may be limited to designated areas or sites. Specific waste fees shall not be subject to discounts under LM 60.875(7), (8) and (9) below.

(i) White goods. Except as otherwise provided herein, white goods (stoves, refrigerators and other large appliances), water heaters, metal tanks and similar large metal items shall not be accepted for disposal at County solid waste facilities. White goods and similar large metal items may be accepted for recycling at County sites where metals recycling facilities are provided, as follows:

	System Benefit Fee	Disposal Fee	Total Fee
(i) White goods containing refrigerants and/or electric motors (refrigerators, freezers, air conditioners, washers, dryers, dish washers, etc.)	\$5.92	\$9.08	\$15.00
(ii) Other white goods and large metal items			No charge

The Manager of the Waste Management Division may accept white goods or similar large metal items for disposal at County solid waste facilities only when he/she determines that it is unreasonable to require that the item be recycled. In such case, the appropriate fee based on LM 60.875(1), (2) or (3) shall be charged for disposal of the item.

(j) Post-MRF Residues. Material recovery facility (MRF) post MRF residue fees shall be set based on the level of recovery achieved by qualifying MRFs. These fees apply only to the residual waste (waste requiring disposal after reusable and/or recyclable materials have been separated) generated by a MRF permitted by the Oregon Department of Environmental Quality. In order for a MRF to qualify for the disposal rates set forth, it must be in compliance with all permits, including but not limited to the disposal site permit issued by the Department of Environmental Quality, land use permits, etc. Further, in order to be eligible, MRFs must have satisfied any requirements for the payment of civil penalties by permitting agencies after all available appeals have been exhausted.

The disposal fees apply only to residual wastes delivered directly to the Short Mountain Landfill. The tipping fee per ton for post-MRF waste will be determined by the MRF's level of recovery based on the schedule set forth below.

In order to qualify for the post-MRF rate, permitted MRFs must submit monthly reports to the Lane County Waste Management Division by the 15th day of each month for activity occurring in the previous month. "Monthly" shall be from the 26th day of one month to the 25th day of the following month so the recovery rates will match up with billing records. Forms to be provided by the Division will require the following information:

(i) Tons of mixed waste received at the MRF – monthly total

(ii) A summary of outgoing tons of residual waste, reusable material, inerts and tons of recovered materials and their destinations – monthly total

(iii) Tons of source separated material received monthly.

Monthly MRF discounts and tipping fees shall be based on the average recovery rate established during the previous twelve months for MRFs in operation longer than one year – a rolling average calculated each month. MRFs which have been in operation for longer than six months, but less than twelve months, shall receive discounts and tipping fees based on the most recent six months of activity using a six month rolling average calculated each month until they have been in operation for a full twelve months. Once in operation a full twelve months, their discounts and tipping fees will be based on a twelve month rolling average calculated monthly. MRFs which are not in operation on September 26, 2001 will receive a discount equivalent to that provided for a 23% recovery rate until such time as they are eligible for discounts and tipping fees based on a six month rolling average as described above. After review of the monthly report and approval by the Waste Management Division, the appropriate rate/discount will be applied to the current month's billing.

New MRFs must demonstrate to Lane County's satisfaction that they are making a good faith effort to accomplish reasonable recovery for the entire first year of operation. Failure to do so may be cause for Lane County to withhold discounts until such time as the MRF demonstrates an ability to accomplish meaningful recovery.

Authorized representatives of Lane County shall be permitted to inspect information from which all required reports are derived during normal working hours or at other reasonable times with 48 hours notice. Lane County's right to inspect shall include but not be limited to the right to review records, receipts, books, maps, plans and other like materials that are directly related to the facility's recovery rate calculation. Refusal by the MRF operator to allow inspection is grounds for loss of eligibility for the post-MRF disposal credit. Failure of the records to substantially balance, or to verify the level of recovery shown in the monthly report by the 26th of the month shall be cause for Lane County to assume a recovery rate equal to the minimum recovery rate then in effect on the schedule of rates. That recovery rate would also become part of the rolling average.

The data in the monthly report will be used to calculate the monthly level of recovery as follows:

Tons of Recovered Material

Tons of Material Disposed + Tons of Recovered Material

Where total tons recovered is the amount of materials sent to market for that month.

Depending on the level of recovery, Lane County will discount the base disposal rate of \$90 per ton at the Short Mountain Landfill and charge fees as follows:

	System Benefit Fee	Disposal Fee	Total Fee
15% recovery	\$35.52/ton \$10.66/cu.yd	\$54.48/ton \$16.34/cu.yd	\$90.00/ton \$27.00/cu.yd ¹
16% recovery	\$35.52/ton \$10.66/cu.yd	\$49.48/ton \$14.84/cu.yd	\$85.00/ton \$25.50/cu.yd
17% recovery	\$35.52/ton \$10.66/cu.yd	\$44.48/ton \$13.34/cu.yd	\$80.00/ton \$24.00/cu.yd
18% recovery	\$35.52/ton \$10.66/cu.yd	\$39.48/ton \$11.84/cu.yd	\$75.00/ton \$22.50/cu.yd
19% recovery	\$35.52/ton \$10.66/cu.yd	\$34.48/ton \$10.34/cu.yd	\$70.00/ton \$21.00/cu.yd
20% recovery	\$35.52/ton \$10.66/cu.yd	\$29.48/ton \$8.84/cu.yd	\$65.00/ton \$19.50/cu.yd
21% recovery	\$35.52/ton \$10.66/cu.yd	\$24.48/ton \$7.34/cu.yd	\$60.00/ton \$18.00/cu.yd
22% recovery	\$35.52/ton \$10.66/cu.yd	\$19.48/ton \$5.84/cu.yd	\$55.00/ton \$16.50/cu.yd
23% recovery	\$35.52/ton \$10.66/cu.yd	\$14.38/ton \$4.34/cu.yd	\$50.00/ton \$15.00/cu.yd
24% recovery	\$35.52/ton \$10.66/cu.yd	\$9.48/ton \$2.84/cu.yd	\$45.00/ton \$13.50/cu.yd
25% (or more) recovery	\$35.52/ton \$10.66/cu.yd	\$4.48/ton \$1.34/cu.yd	\$40.00/ton \$12.00/cu.yd

¹ Volume charge only if scales are not functioning.

In the event of the catastrophic failure of a recycling market, MRF operators may petition the Lane County Waste Management Division for a decrease in the recycling recovery rate percentage necessary to achieve post-MRF discounts. The Manager of the Waste Management Division may decrease the recycling recovery rate percentage necessary for post-MRF discounts in the event MRF operators petition Lane County for a decrease due to catastrophic failure of a recycling market.

If unacceptable waste is found in a post-MRF load (i.e. tires, lead acid batteries, appliances) any per unit fees associated with tires, appliances or other unacceptable waste plus any processing fees shall be charged. If Lane County determines through its load inspections that a post-MRF load contains more than 5% putrescible waste, that load will be charged the standard non-MRF disposal fee.

Lane County reserves the right to visit and inspect MRF facilities during normal operating hours. Refusal of a MRF operator to allow such inspections will result in the loss of post-MRF discounts for the duration of such refusal.

Source separated recyclable material will not count toward the MRF's recovery rate. However, a MRF that accepts source separated recyclable material for processing or sorting may subtract 5% of the total tons of source separated recyclable material from the total tons disposed when calculating the facility's monthly recovery rate. Source separated recyclable material includes but is not limited to curbside residential and commercial recyclables that are collected commingled but separate from waste.

In order for a material to count toward a MRF's recovery rate, it must be used in the manufacture of a new product. However, materials that are diverted for fill, such as shaker fines, brick, concrete, etc., may be counted toward a MRF's recovery rate, but at only half their actual weight.

Because reuse is emphasized above recycling in the State of Oregon, a MRF may double the weight of items recovered for reuse and the doubled weight for reusable items will be applied to the calculation of the MRF's monthly recovery rate.

(k) Cover/Fill Material. \$10.00/ ton

At the discretion of the Manager, or his or her authorized representative, materials may be accepted for use as cover/fill material at the Short Mountain Landfill depending upon the characteristics of the material and the need at the landfill. The materials may consist of, but are not limited to, soil, dirt, rock, wood wastes, PCS, or other non-putrescibles.

(l) Propane Tanks	Up to 10 gallons in capacity	\$4.00 each
	Over 10 gallons up to 15 gallons	\$10.00 each
	Over 15 gallons up to 25 gallons	\$25.00 each

This fee applies only to refillable propane tanks, not over 25 gallons in capacity. Refillable propane tanks shall be separated from other wastes and recyclables and will be accepted for recycling only.

(m) Assistance/Special Handling Fee. At the discretion of the Manager, or his or her authorized representative, fees for county assistance or special handling of waste delivered to Lane County for disposal or recycling may be charged in addition to other fees set forth in LM 60.875. These fees may be assessed when a customer requests assistance or the material, because of a unique nature or circumstance, requires special handling. The fee will be based on the time required for the assistance or special handling and the cost for use of equipment. The fee for labor only is \$25.00/hour per person. The fee for equipment usage will be based on the current Fleet Services hourly rate for the equipment used. When applied, these fees will be determined in quarter hour increments with a ½ hour minimum.

(6) Discount for Covering/Securing Loads.¹ This subsection establishes a system for reducing the fees at County solid waste facilities for users who prevent litter by covering or securing their loads. Fees for users covering or securing their loads shall be discounted by the amounts listed as follows:

	System Benefit Fee	Disposal Fee	Total Fee
(a) Up to 3 can maximum	\$ 2.76	\$ 4.24	\$ 7.00
(b) More than 3 cans to 3 cu. yd. maximum	\$ 5.13	\$ 7.87	\$13.00
(c) Loose waste over 3 cu. yd.	\$17.76/ton \$ 1.97 /cu.yd.	\$27.24/ton \$ 3.03 /cu.yd.	\$45.00/ton \$ 5.00 /cu.yd.
(d) Compacted waste - volume-based fee	\$6.41 /cu.yd.	\$9.84 /cu.yd.	\$16.25 /cu.yd.
(e) Compacted waste - weight-based fee ²	\$17.76/ton	\$28.24/ton	\$46.00/ton
(f) Yard debris and Woodwaste - 50% of current fee (LM 60.875(2)(g))			
(g) Post-MRF residues - 50% of current fee (LM 60.875(2)(j))			

¹ "Covered and Secured Loads" shall include only the following:

Loads which are totally contained within an enclosed vehicle or container.

Loads of refuse contained in garbage cans with tightly fitting lids, tied plastic refuse disposal bags or similar totally enclosed individual containers.

Loads of loose refuse which are covered, as with a cloth or plastic tarp, and tied into the hauling vehicle, such that no refuse can reasonably be expected to escape during hauling.

Loads of brush, building materials and similar bulky materials which are tied into the hauling vehicle or completely contained within the walls of a vehicle or container, such that none can reasonably be expected to escape during hauling.

Loads consisting entirely of dirt, rock, concrete, asphalt paving, stumps and similar materials.

² Only at sites where Lane County provides scales for determining weight-based fees.