

# CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

## Policy Session Worksheet

**Presentation Date:** 1/18/23 **Approx. Start Time:** 10:00 **Approx. Length:** 30 minutes

**Presentation Title:** Additional Recycling Services

**Department:** DTD-Sustainability & Solid Waste (S&SW)

**Presenters:** Dan Johnson, DTD-Director; Cheryl Bell, DTD-Assistant Director

**Other Invitees:** Rick Winterhalter, Sustainability Analyst, Sr

### WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

*Approval of two additional residential recycling proposals and review the associated fee schedule for these services, which have been reviewed and recommended to the Board by the Solid Waste Commission; (1) optional subscription-based curbside collection of certain recyclable solid waste materials for a fee, and (2) weekly curbside battery collection.*

### EXECUTIVE SUMMARY:

On August 3, 2022, the Board directed staff to develop a program for franchised collectors to offer additional recycling to customers, for an additional fee, subject to fee and regulatory rules in code and administrative rule. This staff report summarizes the proposed optional program and fees. If approved (with fees formally adopted in coming weeks) the program can launch upon approval. In addition, this report summarizes a proposal to offer residents household battery recycling as part of regular residential collection, effective at the same time.

### **Subscription-based additional recycling (Recycle+)**

At an August 3rd policy session the Board directed staff to develop an additional curbside recycling option through the franchised collection system. ***Additional recycling is the collection, for a fee, of certain recyclable solid waste materials that are not currently collected curbside.***

County Code restricts collection of solid waste for a fee to franchised collectors, and to meet the desire by some residents for convenient at-home recycling of additional materials not accepted in the curbside system today, the Board and the Solid Waste Commission chose to offer a service through existing franchisees. Staff have worked with collectors to develop a program, proposed to be named Recycle+, and the necessary administrative rules to govern the program.

As proposed, Recycle+ would:

- Be an optional program available to residential customers living in the urban fee zone, offered by the franchised collector currently serving the customer.
  - To date all the demand for this service has originated in the urban area of the County, and we propose to monitor demand for these services in rural

fee zones and develop a program for serving these areas of the County in the future.

- Provide optional collection every other week, on an on-call basis, for plastic film and bags, clear clamshell take-out containers, compact fluorescent bulbs, and textiles suitable for rags.
- Provide intermittent collection of additional items for reuse or recycling (such as holiday string lights).
- Use Far West Recycling, an independently operated material recovery facility, to receive the materials and transfer them to recycling processors. (Attachment 1)

*Proposed Fees*

The proposed fees for subscribers are a monthly fee of \$2.50 to cover the cost of their new 20-gallon bin and other administrative costs, and a per-collection fee of \$9.25. The table below provides an overview of these costs.

<b>Proposed Recycle+ Additional Recycling Collection Service</b>	
<i>Available to residential customers in urban* unincorporated Clackamas County</i>	
<b>Service</b>	<b>Fee</b>
Base charge (billed monthly)	\$2.50
Curbside** Collection (each)	\$9.25
Non-curbside*** Collection 5-150 feet (each)	\$11.70
Non-curbside*** Collection over 150 feet (each)	\$13.00

\*Urban customers are located within the Metropolitan Service District Boundary

\*\*Curbside receptacle is placed within 3 feet of a County Road, Public Access Road, State Road or Federal Road.

\*\*\*Non-curbside receptacle is placed in a mutually agreed upon location; such as at the door step or next to the garage

**Proposed New Curbside Battery Recycling**

In researching and developing this proposal, we found we can also offer a new recycling opportunity for all residential customers: accepting household batteries (alkaline, lithium, and rechargables) in weekly curbside recycling for all the rural, mountain and urban zones in the County. **Batteries can be added to collection effective immediately upon Board approval, without an increase in collection fees.**

This proposal not only offers a new service to recycle battery components without having to drop them off at a separate facility, it is also a safety measure. There is growing concern with fires caused by batteries in garbage trucks and at transfer stations. This proposal is modeled after a successful program developed in Marion County. Customers will be instructed to place batteries in a plastic sealable bag in the glass bin. To implement this service, we would incorporate its approval into the Board Order adopting the Recycle+ fees.

**FINANCIAL IMPLICATIONS (current year and ongoing):**

Is this item in your current budget?      N/A    YES    NO

What is the cost? **N/A** What is the funding source? **N/A**

In developing a proposed new service with direction from the Board, there has been and will be an initial investment of staff time to develop the proposal and associated code and/or administrative rule.

If the proposed approach is approved, ongoing costs to oversee and administer additional recycling services will be part of the franchise administration responsibilities the County maintains. The franchise fee paid to the County as part of this service will help offset costs of system oversight and administration by franchisees. **No general funds are required.**

#### **STRATEGIC PLAN ALIGNMENT:**

- **How does this item align with your Department's Strategic Business Plan goals?**

Our Departmental and program mission includes providing franchise oversight of the solid waste system to ensure franchisees have the ability to provide, and customers continue to receive, safe, efficient and timely garbage and recycling services.

- **How does this item align with the County's Performance Clackamas goals?**

Every county resident and business has access to safe, convenient garbage and recycling services to *ensure a safe and healthy community*.

#### **LEGAL/POLICY REQUIREMENTS:**

ORS 459 and 459A authorize the County to regulate solid waste collection services, which we do under the auspices of County Code Chapters 10.03 and 10.04.

If the Board chooses to proceed with the proposed program, the fees will be brought before the Board in a Business Meeting, and the Board will be asked to direct the DTD Department Director to amend administrative rules as authorized by County Code. (Attachment 2)

#### **PUBLIC/GOVERNMENTAL PARTICIPATION:**

The Solid Waste Commission, the County's advisory body for public participation in managing the solid waste system, convened three times to discuss alternative options for additional recycling collection and to consider and recommend the above proposal. Opportunities for public comment were held in each meeting and outlined in prior staff reports. Staff has also collected and responded to e-mails from citizens.

#### **OPTIONS:**

1. Direct staff to prepare a Board Order, for an upcoming Business Meeting, to begin implementing the Additional Recycling Collection Service (Recycle+), and to adopt the proposed fees.
2. Direct staff to implement the addition of curbside household batteries recycling, with no fee increase, to the weekly solid waste collection service.
3. Direct the DTD Department Director to amend administrative rules supporting these programs.
4. Suggest an alternate policy direction.

**SOLID WASTE COMMISSION RECOMMENDATION:**

The Solid Waste Commission met on September 28, 2022 (Attachment 3) to review the additional recycling program and fees proposed by staff. The Commission voted 4-0 to recommend adoption of the program and the proposed fees.

The Commission also voted 4-0 to recommend the collection of household batteries, for recycling, in the weekly residential solid waste collection service, throughout the County.

The addition of these two programs requires amendments to the Solid Waste Collection Services Administrative Regulations. The Commission recommended, with a 4-0 vote, approval of the proposed amendments.

If the Board is comfortable with the Recycle+ program and battery collection program as presented here and recommended by the SWC, staff can prepare a Board Order to adopt fees for the Recycle+ program at an upcoming Business Meeting.

**STAFF RECOMMENDATION:**

Staff respectfully recommends the Board approve Options 1, 2 and 3.

1. Direct staff to prepare a Board Order, for an upcoming Business Meeting, to begin implementing the Additional Recycling Collection Service (Recycle+), and to adopt the proposed fees.(Attachment 4)
2. Direct staff to implement the addition of curbside household batteries recycling, with no fee increase, to the weekly solid waste collection service.
3. Direct the DTD Department Director to amend administrative rules supporting these programs.

**ATTACHMENTS:**

1. Overview of Currently Proposed Additional Recycling Services (as presented to Solid Waste Commission 9/28/22)
2. Proposed Amendments to Administrative Rule
3. Solid Waste Commission 9/28/22 Meeting & Minutes: Include time stamp for presentation;
4. Proposed Fees and Draft Board Order

**SUBMITTED BY:**

Division Director/Head Approval \_\_\_\_\_

Department Director/Head Approval *Dan Johnson*

County Administrator Approval \_\_\_\_\_

For information on this issue or copies of attachments, please contact Rick Winterhalter @ 503-742-4466



# Expanded Recycling Services

# Attachment 1



March 10, 2022

DTD Sustainability & Solid Waste

[www.clackamas.us/recycling](http://www.clackamas.us/recycling)



**A new, optional collection service available from your  
garbage and recycling company!**

***Recycle*+**

# Materials Collected



# Recycle<sup>+</sup> Overview

- **Optional**
- **Sign up through collector**
- **On Call Service**
- **Available Every Other Week**
- **Urban Households only**





Recycle+



# Collection Drives

- **Provided 4 times a year**
- **Variety of selected materials**
- **String lights: January – March**
- **Other materials to be determined**
- **Reuse opportunities will be pursued**





# Outreach

- **Customer letter**
- **Leave Behind**
- **Websites**
- **Social media**
- **ClackCo Quarterly**
- **Oops tags**

# Fees

- **Monthly Base Charge**
- **On-call Collection Charge**



# Fees

Additional Recycling Collection Service  
Effective January 1, 2023

Available to residential customers in urban\* unincorporated Clackamas County

Service	Fee
Base charge (billed monthly)	\$2.50
Curbside** Collection (each)	\$9.25
Non-curbside*** Collection 5-150 feet (each)	\$11.70
Non-curbside*** Collection over 150 feet (each)	\$13.00

# Household Batteries

- **Opportunity for Weekly Collection**
  - AA, AAA, C, D, 6 & 9 Volt, Rechargeables, Button Cell
  - Bagged, Taped
  - Place in Glass Bin
- **Fires: Trucks and Facilities**
- **Valuable metals, minerals in rechargeable**
- **Other jurisdictions collecting**
- **No change to monthly fee**







DTD Sustainability & Solid Waste  
[www.clackamas.us/recycling](http://www.clackamas.us/recycling)

## CLACKAMAS COUNTY

### SOLID WASTE AND RECYCLING COLLECTION SERVICES

#### ADMINISTRATIVE REGULATIONS

#### FOR FRANCHISEE & CUSTOMER

Adopted: October 10, 1994  
Amended: April 19, 1995  
November 13, 2000  
October 28, 2005  
July 3, 2007  
November 5, 2009  
January 18, 2023



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**PURPOSE.** The purpose of this document is to articulate the standards, policies and regulations for collection of solid waste, ~~recyclables and yard debris~~ as authorized by the Clackamas County ~~Solid Waste and Waste Management~~ Code. These rules replaces Regulation No. 1, dated November 14, 1989.

- I. **DEFINITIONS.** All definitions in the ~~Solid Waste and Waste Management~~ County Code, Title 10, Chapters 10.03 and 10.04, are hereby made part of this regulation. Additional words and phrases, listed below, shall have the following meaning in this regulation.

**Additional Recycling Collection Service.** The optional on-call collection of a County designated list of materials for reuse or recycling. The customer must request and pay a fee for this service.

**Association.** The franchisee trade association known as Clackamas County Refuse & Recycling Association.

**Board.** Board of County Commissioners for Clackamas County.

**Code.** Clackamas County Code Title 10, Chapters 10.03 and 10.04.

**Collection Drive.** The occasional collection of a County designated material offered exclusively to customers enrolled in the Additional Recycling Collection Service.

**Collection Service.** The collection, transportation, storage or disposal of solid waste or wastes for compensation, -solid waste management and utilization as defined in this Code, and reuse or recycling of recyclable materials.

**Collection Service Franchisee.** A person to whom a collection service franchise is granted by the Board.

**Compactor.** Any self-contained, power-driven, mechanical equipment designed for the containment and compaction of solid waste or wastes or recyclable materials.

**Container.** A receptacle, one cubic yard or larger in size, used to store solid waste or wastes or recyclable material, but not a drop box or compactor.

**Curbside/Roadside.** A location within three (3) feet of a County Road, Public Access Road, State Road or Federal Road. This does not allow the solid waste 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 or Roadside" shall be the point where the private road or driveway intersects a County Road, Public Access Road, State Road or Federal Road.

**Department.** The State of Oregon Department of Environmental Quality, cited as DEQ.

**Director.** The Director of the Department of Transportation and Development of Clackamas County or his/her authorized representative.

**Dispose or Disposal.** Includes accumulations, storage, collection, transportation and disposal of solid waste and wastes or recyclable materials.

**Drop Box.** A single container designed for the storage and collection of large volumes of solid waste or wastes or recyclable materials, which is usually 10 cubic yards or larger in size, and provides for transportation of large volumes of solid waste or wastes or recyclable materials and is transported to a disposal site for transfer, land-filling, recycling, materials recovery or utilization and then emptied, and returned to either its original location or some other location.

**EQC.** The Environmental Quality Commission of Oregon, cited as EQC.

**Franchise.** A granting of the right and responsibility to provide collection service, a disposal site, or a transfer station pursuant to Section 10.03.140 of the Code.

**Metropolitan Service District (Metro).** The district organized under ORS Chapter 268 and exercising solid waste authority granted to such district under ORS Chapters 268, 459 and 459A.

**Person.** Includes individuals, members, corporations, cooperatives, associations, firms, partnerships, joint stock companies, trusts and estates, municipalities and all other legal entities whatsoever.

**Receptacle.** A can, cart, container, drop box, compactor, recycling bin or any other means of containment of solid waste or wastes or recyclable materials.

**Recycling Depot.** A center, drop box or other place for receiving source-separated recyclable materials with or without compensation. This shall not include a salvage, junk or auto wrecking yard.

**Service.** The collection, transportation, storage, disposal, solid waste management and utilization by a private company of solid waste or wastes or recyclable materials for compensation.

**Service Area.** The geographical area, in which service, other than operation of a disposal site is provided.

**Solid Waste and Wastes Management.** The management of the accumulation, storage, collection, transportation, treatment, processing and final disposal or utilization of solid waste and wastes or resource recovery from solid waste, and facilities necessary or convenient to those activities. The Collection Franchisee may contract with another person to provide service of any type under the Franchisee's Collection Service Franchise, but the Collection Franchisee shall remain ultimately responsible for solid waste and wastes management in the Collection Franchisee's franchised area.

**Yard Debris Processing Center.** A facility which processes yard debris into compost or other products, through controlled mechanical and/or biological means.

All other terms used in these Administrative Regulations shall have meanings as defined in the Clackamas County ~~Solid Waste and Waste Management~~ Code Chapter 10.

## II. GENERAL CONDITIONS

**Statement of Nondiscrimination.** Franchisees shall not discriminate against or deny services to any person, property owner or tenant because of race, color, handicap, creed, sex, national origin, religion, familial status or marital status except as provided in Section 10.03.260 A (2) and (4) of the Clackamas County ~~Solid Waste and Waste Management~~ Code.

**Sources of County Authority.** Each franchisee recognizes that the authority of the Board comes from the following:

1. ORS 459.085, authorizing the Board, with respect to areas outside of cities, to do the following by ordinance, code, regulation or order adopted pursuant thereto:
  - a) Prescribe the quality and character of and rates for solid waste collection service, and the minimum requirements to guarantee maintenance of service.
  - b) Periodically review the application of uniform rates predicated on development in a particular area.
  - c) Divide the unincorporated area into service areas, grant franchises to persons for



solid waste collection service within service areas, and establish and collect fees from persons holding franchises.

- d) Prescribe a procedure for issuance, renewal or denial of a franchise to a person providing or proposing to provide solid waste collection service.
  - e) Establish an agency to be responsible for investigation or inspection of solid waste collection service proposed or provided under a franchise or proposed franchise, such agency to have authority to order modifications, additions or extensions to the physical equipment, facilities, plan or service as shall be reasonable and necessary in the public interest.
  - f) Regulate solid waste management.
  - g) Provide for:
    - (1) The licensing of disposal sites as an alternative to franchising of service.
    - (2) The regulation, licensing or franchising of salvage businesses or the operation of salvage sites where such action is found necessary to implement any part of a solid waste management plan applicable in the county; however, such a code shall grant the same authority and prescribe the same procedures as provided for other franchises or licenses under this section.
2. The general legislative power granted the Board by ORS 203.035.

**Limitations of County Authority.** Each franchisee recognizes that ORS 459.095 restricts the authority of local units of government by providing that no code, ordinance, order, regulation or contract affecting solid or liquid waste disposal, resource recovery or solid waste management shall conflict with regulations adopted by the EQC pursuant to ORS 459.045, a solid waste management plan or program adopted by Metro and approved by the DEQ, or any codes, ordinances or regulations adopted pursuant to any such plan or program.

**Future Changes of Laws, Codes, Ordinances or Regulations; and Review of Franchise**

**System.** Each franchise shall be renewed subject to the following provisions:

- 1. The power of the Board to amend the Code from time to time as the public interest may require.
- 2. The power of the Board to adopt or amend regulations pertaining to the Code and to any other codes, ordinances, regulations or laws that may be adopted that affect the responsibilities, duties and rights of the franchisee.
- 3. Any action that may result from recommendations of the Commission under Section 10.03.110 of the Code.
- 4. Periodic reviews at the discretion of the Commission.
- 5. The findings of the Board under Section 10.03.280 and penalties under Section 10.03.410 of the ~~Solid Waste and Waste Management~~ Code.

## **Responsibilities of Franchise Holders**

1. *Code Compliance.* Each franchisee shall comply with Section 10.03.260 A of the Code and any other provision of the Code as it may later be amended.
2. *Compliance with Specific Requirements.* Each franchisee shall comply with these regulations and any regulations promulgated in the future under Section 10.03.130 of the Code and any other provision of the Code as it may later be amended.
3. *Policies.* Each franchisee is required to submit their policies, in writing, as defined in this document, to the County for review and approval.
4. *Utilization of Solid Waste.* Each franchisee shall cooperate with the Board and with any agency of the County in connection with any program established for the utilization of solid waste by the use of a recycling depot, yard debris processing center or by any other method or program to encourage economically feasible energy recovery or savings of energy, material recovery, reduction, recycling, reuse, resource recovery, composting or any salvage of materials generally from solid waste.
5. *Rights of Other Collection Franchisees.* Each franchisee shall respect the franchise rights of every other collection franchisee franchised by the County.
6. *Future Annexations, Consolidations or Mergers of Cities.* Each franchise holder shall fully cooperate in carrying out the provisions of ORS 459.085(3) as now enacted or hereafter amended.
7. *Mutual Cooperation.* Each franchisee shall cooperate in dealing with problems under the Code and franchise system in the most efficient manner. This mutual cooperation may be voluntarily adopted by the franchisees through their association, or may be directed by the Board in connection with any phase of administration, enforcement, and performance under the franchise system. Franchisees may be required to participate in a joint venture or corporation, either separate from or through their association. This condition is to be liberally interpreted toward the most efficient administration of the Code and franchise system.
8. *Enforcement of Code.* Each franchisee shall assist the County in preventing illegal acts in violation of the Code, the franchise system, and any solid waste management plan or solid waste reduction plan adopted by or applicable in the County. The County will consider amendments to the Code, regulations, or new codes as necessary to improve enforcement of the solid waste and waste reduction program(s).
9. *Information and Complaint Resolution.* Each franchisee shall respond by the next standard business day (i.e., Monday through Friday, excluding legal holidays) to customer inquiries. Both office and on-route staff shall be knowledgeable and courteous in responding to customer requests and customer complaints. Franchisee shall provide staff or telephone answering service to handle customer calls between 9:00 a.m. and 4:30 p.m., Monday through Friday, except legal holidays.

**Other Requirements of Franchisees.** In addition to the requirements set forth in the Code, each franchisee shall:

1. Use only approved disposal sites.

2. Provide directly or through subcontract all types of services as may be required by the County.
3. Actively seek new and additional customers within the franchised area.
4. Periodically notify customers of the types of service available.
5. Attempt to resolve all disputes between the franchisee and its customers in a prompt and amicable manner.
6. Charge customers according to the uniform fee structure as adopted by the County.
7. Make timely payment of franchise fees as required by the Code and file all reports required by the County in a timely manner.
8. Use forms supplied by the County to apply to the County for a fee adjustment or for any other matter for which the County has a prescribed form.
9. Annually submit production, sale and purchase records, including income and expense statements, labor hours, truck hours, customer and receptacle counts and tonnage reports. These records may also include, at the County's option, financial statements and tax returns for 12-month periods, from January 1 to December 31 of the previous year, for purposes of solid waste management fee review (except in case of an emergency when a solid waste management fee review may be processed more frequently than annually).
10. Comply with vehicle equipment standards adopted by the State of Oregon. The company name and phone number of the franchisee shall appear at a prominent place on all containers, drop boxes, recycling containers and vehicles, and they shall be maintained in a safe and sanitary manner. For those containers and drop boxes requiring frequent cleaning, the franchisee shall clean them and charge the cost of cleaning pursuant to the County Waste Management Fee structure.
11. Annually report to the County on educational and promotional activities performed within the County for the purpose of preparing the annual DEQ and Metro recycling reports.
12. Fully cooperate in the infectious waste collection program pursuant to ORS 459.386(2) to 459.405.
13. Fully cooperate with the County in developing a collection service plan for collecting source separated construction and demolition debris for recycling or reuse.

### **III. FRANCHISEE GENERAL RESPONSIBILITIES**

**Collection Service Availability.** Each franchisee shall make available, to every person in its service area, each of the solid waste collection services required by the County.



**Collection.** Each franchisee shall pick up solid waste, recyclables and yard debris set out for collection, provided the material is required to be collected in the franchisee's area, and provided the material is properly prepared, separated and placed.

**Information about Services.** Each franchisee shall provide all new customers (and existing customers, upon request) with written information about all services the County requires to be provided by the franchisee and the solid waste management fee for those services.

**Holiday and Inclement Weather Conditions.** Annually, each franchisee shall provide notification to all customers about holiday schedules and collection policies for inclement weather conditions.

**Inclement Weather Conditions.** Franchisees may postpone collections when weather conditions make driving hazardous. In situations where garbage, recycling, and yard debris collections are all postponed to subsequent week(s), franchisees will give priority to the collection of garbage.

**Garbage.** The franchisee will pick up postponed collections of garbage as weather and road conditions permit. If collection must be postponed to a subsequent week(s), the cumulative amount of the current subscribed service level will be collected.

**Recycling.** Collection will be postponed to a subsequent week(s) as weather and road conditions permit. Resumption of recycling collection may be postponed past the following week if there have been several days of inclement weather and the franchisee is using available staff and trucks to catch up on garbage collections.

**Yard Debris.** Collection will be postponed to a subsequent week(s) as weather and road conditions permit. Resumption of yard debris collection may be postponed past the following week if there have been several days of inclement weather and the franchisee is using available staff and trucks to catch up on garbage and recycling collections. When collection resumes the cumulative amount of the current subscribed service level will be collected.

**Notification of Postponed Collection.** The franchisee will notify Clackamas County by 10 a.m. by telephone or e-mail on the days that collection will be postponed. The franchisee will update their voicemail and web site at least daily, notifying customers of postponed collections.

**Billing.** Postponed collections are not considered missed collections, because the service is rendered in due course. Credits are not available for postponed collections due to inclement weather.

**Solid Waste Management Fee Change.** All fees must be approved by the County. Each franchisee shall provide advance written notice to customers of any changes to a

solid waste management fee or fees. This notice shall contain an explanation of such change. Clackamas County may request a review of the notice prior to distribution.

**Service Change.** A franchisee shall make no significant change(s) in service or receptacle type(s) without first submitting the proposed change(s) to the County for review and approval. Franchisee shall provide all customers with advance written notice of approved change(s).

**Customer Credits.** Each franchisee shall have a written policy, on file with the County, on customer credits for: vacations, missed pickups and any other event that could generate a credit.

**Missed Pickups.** Each franchisee shall collect pickups missed by the franchisee, upon customer request, if notified within one business day following customer's regular service. There shall be no additional charge to collect said missed solid waste. This rule does not include holidays or extreme weather conditions.

**Billing Procedures.** Each franchisee shall have a written policy for billing procedures and reinstatement for non-payment. No billing(s), except reinstatement billings, shall exceed two months' advance payment. All payment policies shall be printed on customers' statements. A copy of all payment and reinstatement policies shall be submitted to the County for review and approval.

**Collection Activity.** Whenever possible, a franchisee shall minimize the disturbance in residential neighborhoods in the operation of their equipment.

**Maintaining Passage on Public Right-of-Way.** To the greatest extent practical, a franchisee should avoid blocking passage of vehicles and pedestrians on public roads, streets and sidewalks, and avoid blocking mailboxes with collection equipment.

**Location of Empty Receptacles.** A franchisee shall not leave emptied receptacles in a location where they obstruct the sidewalk, bikeway, or impede traffic flow.

**Cleanup on Route.** Each franchisee shall make a reasonable effort to pick up all material blown, littered, broken or leaked during the course of collection.

**Transit.** All collection equipment shall be maintained to prevent blowing of solid waste or recyclables, or leaking, to the greatest extent possible, between collection point and point of disposal.

**Weight Information.** Upon request, franchisee shall furnish customers with information concerning limitations of their equipment relating to volume and weight.

## IV. FRANCHISEE COLLECTION

### Solid Waste

1. *Extra Solid Waste.* Franchisee shall have a written policy for preparing, hauling and charging for extra solid waste. This policy shall be submitted to the County for review and approval.
2. *Receptacles.* Receptacles made available by a franchisee to their customers shall be 1) designed for safe handling, 2) non-absorbent, 3) watertight, 4) vector-resistant, 5) durable, 6) easily cleaned, and 7) (except for drop boxes) provided with lids or covers that can be readily removed or opened.
3. *In-Ground Can(s).* A franchisee is not required to remove a garbage can from an in-ground or "sunken" location.
4. *Can Limitations.* A franchisee is not required to collect a can over 34 gallons nor one without a lid or side handles.

### Recycling & Yard Debris

1. *Volume of Material.* With the exception of scrap metal, motor oil and yard debris, there is no set limit as to the volume of materials that can be set out for weekly collection. However, a franchisee may provide written information to their customers requesting their office be contacted in advance when large volumes of recyclables are to be set out for collection.
2. *Improper Material Preparation.* Written information shall be left with all improperly prepared recyclables, including yard debris. Said notice shall provide instructions for proper preparation.
3. *Delivery.* Each franchisee shall ensure that all properly prepared and collected recyclables and yard debris are delivered to a processor or broker of recyclable material or to an end-use market. A franchisee shall be prohibited from delivering, or causing to be delivered for disposal, any source separated and collected recyclable material or yard debris unless the recyclable material or yard debris was rejected by a processor or broker.
4. *Promotion/Education.* Each franchisee shall participate in any County-directed promotional and educational campaigns.
5. *Signage.* Each franchisee shall maintain signage on each receptacle clearly identifying the material belonging in that particular receptacle. Decals or other signage shall be replaced as needed to maintain a legible and tidy appearance.
6. *DEQ Requirements.* Each franchisee shall comply with DEQ and County requirements for notices to customers concerning recycling services.
7. *Service Area.* A franchisee shall not intentionally collect recyclable material or any yard debris from customers in another franchisee's service area within unincorporated Clackamas County except by County-approved subcontract.



8. *Recyclable Materials List.* The County shall designate the recyclable materials required to be collected and the customers to receive this service, taking into consideration the technical feasibility of said service.
9. *Residential*
  - a) Service. Each franchisee shall provide all residents within their service area recycling collection service as required by the County.
  - b) Receptacles for the Collection of Recyclables. Franchisees using bins shall provide each customer with two recycling bins at no charge. If necessary, one replacement recycling bin shall be provided at no charge. A County approved charge may be required for subsequent replacements. Franchisees using roll carts shall provide each customer with one roll cart. All bins and carts remain the property of the franchisee.
  - c) Collection Day. Recyclable materials shall be collected weekly on the same day as garbage collection for any given resident. Yard debris shall be collected weekly from residential customers within Metro's Urban Growth Boundary, but not necessarily on the same day as garbage.
  - d) Point of Collection. Residential recyclable materials and yard debris (where required) shall be collected at the curbside/roadside. If a curbside/roadside location is not available, collection shall be at such other location agreed upon between franchisee and customer.

e) Additional Recycling Collection Service

1. The franchisee will provide Additional Recycling Collection Service to urban residential customers, upon customer request, effective January 1, 2023.
2. The point of collection will be curbside/roadside. Non-curbside collection, if requested, will be provided as set forth on the County fee schedule.
3. The opportunity for collection will be provided no less than every-other-week. The collection day may or may not be the same day of the week as other collection services.
4. This service will be considered an on-call collection service. The customer must request the service at least two (2) business days before the next designated collection day.
5. The franchisee will provide one (1) 15 to 25-gallon receptacle with a lid. The County will approve the receptacle, including its color.
6. The franchisee will provide clear, plastic collection bags for materials placed inside the receptacle, unless otherwise noted. These bags must contain at least thirty (30) percent recycled content, if available.
7. The franchisee will collect the following materials placed inside collection bags. All collection bags must fit inside the receptacle allowing the lid to close for collection. All materials must be prepared following County guidelines and educational materials:
  - a. Compact fluorescent lightbulbs collected in one (1) gallon customer-provided bag(s).
  - b. Plastic film, #2 HDPE and #4 LDPE only, collected in franchisee-provided bag(s).

- c. Textiles collected in franchisee provided bag(s).
- d. Number #1 PET/PETE clear plastic, hinged, clamshells collected in franchisee-provided bag(s).
- e. Other materials, as determined by the County.
- 8. The County may adjust the materials collected in the Additional recycling Collection Service program in response to changes in recycling processing capacity or availability of recycling markets.
- 4-9. The franchisee shall participate in special collection drives, as part of this service, up to four (4) times per year, as approved by the County. The franchisees, as a group, may choose to participate in more than four (4) collection drives. Materials collected for reuse will be determined in collaboration with local reuse organizations, the County and the franchisees.

#### 10. Commercial

- a) Service. Each franchisee shall provide recycling service to all commercial businesses within their service area upon request for such service.
- b) Materials Included. At a minimum all recyclable materials included in the residential program are included in the commercial program, except for motor oil and household batteries.
- c) Glass Bottles and Jars. Franchisee shall keep glass bottles and jars separate from other recyclables on their vehicles.
- d) Service Frequency. Recyclable materials shall be collected on a regular schedule, at a frequency that is mutually agreed upon between the franchisee and the customer. At a minimum, on-call service shall be offered.
- e) Timely Response. Franchisee shall respond to requests for service within seven days. The response shall include delivery of needed recycling receptacles, promotional materials or a phone call to schedule delivery.
- f) Point of Collection. Collection of commercial recyclable materials shall be at a location that is mutually agreed upon between the franchisee and the customer.
- g) Receptacles. Franchisee shall provide receptacles at a central collection site. Receptacles shall be adequate for the volume of material produced. To receive a cardboard container, a minimum of one cubic yard of material per week may be required by the franchisee. For receptacles for other materials, a minimum of one 35- gallon cart of material per month is required. Receptacles shall have signage informing the customer which material belongs in the receptacle.
- h) Locks. Franchisee shall provide locks for outside receptacles upon request. The customer may be charged the cost of replacement locks.
  - i) Improper Preparation. If a customer improperly prepares material, the franchisee may refuse to collect it, and shall inform the customer within one business day that the material was improperly prepared and provide instructions for proper preparation.

- j) Promotion. Franchisee shall annually notify customers of materials that can be collected for recycling and encourage them to participate.

#### 11. Multifamily

- a) Service. Each franchisee shall provide recycling service to all multifamily complexes within their service area upon request for such service by the owner or manager of a multifamily complex.
- b) Service Frequency. Recyclable materials shall be collected at a frequency that is mutually agreed upon between the franchisee and the customer.
- c) Point of Collection. Collection of multifamily recyclable materials shall be at a location mutually agreed upon between the franchisee and the owner/manager.
- d) Receptacles. A franchisee is required to provide receptacles for recyclables. If the owner/manager of a multifamily complex chooses to provide the recycling receptacles, they shall be compatible with said franchisee's collection method and equipment.

e) Additional Recycling Collection Service. The franchisee will provide this service to multi-family households located in the urban fee zone, upon request, no later than January 1, 2024. The provision of this service may require owner, property manager or Homeowner Association (HOA) approval.

## V. CUSTOMER REQUIREMENTS

### General

1. *Preparation.* Solid waste shall be placed safely and securely in a receptacle to prevent lightweight materials from blowing away prior to being collected.
2. *Special Waste.* Customers shall take appropriate actions to ensure that hazardous materials, infectious waste or hot ashes are not put into a receptacle.
3. *Location.* Receptacles for collection shall be placed in an area where there is safe and reasonable access by the franchisee.
4. *Drop Box.* To ensure that drop boxes can be securely covered for transport, they shall not be filled beyond the designated fill line for heavy material nor above the top of the box for any material.

5. *Weight.* Franchisee may refuse to collect a drop box or other receptacle, whether or not compacted, that would put their equipment over the legal weight limits of state or local laws, exceed the lifting capacity of their equipment and/or manufacturer's specifications, or that cannot be securely covered. The maximum weight required to be collected in any single receptacle is:

- a) Cans up to and including 34 gallons = 60 lbs
- b) Roll carts up to 40 gallons = 60 lbs
- c) Roll carts over 40 gallons, up to and including 60 gallons = 100 lbs
- d) Roll carts from 61 gallons, up to and including 90 gallons= 120 lbs

Each franchisee shall have a policy on how they handle overweight containers.

6. *Damage.* The franchisee may charge the customer the cost of repair or replacement of a receptacle provided by the franchisee if customer does not take reasonable care to prevent abuse, fire, vandalism, excessive wear or damage.

7. *Cleanup.* If cleanup is required for spillage that is not caused by the collector in the course of collection, the hourly rate may be used to assess an appropriate charge.

## **Solid Waste**

1. *Liquids.* No liquids, other than residentially generated motor oil for recycling, shall be placed for collection.
2. *In-Ground.* If a customer wishes collection service of a garbage can from an in-ground or "sunken" location, they are responsible for placement of the can above ground. The can must have a lid and side handles.
3. *Customer-Provided Receptacle.* Any receptacle over 34-gallon capacity shall be approved by the franchisee based on safety, equipment compatibility and availability. All customer-provided receptacles shall have side handles, be non-absorbent, watertight, vector resistant, durable, easily cleaned and equipped with tight-fitting lids or covers that can be easily removed. No receptacle designed for mechanical collection shall be provided by the customer.
4. *Filling Receptacle.* Customers shall not overfill a receptacle so that the lid cannot be closed and/or securely covered. If a receptacle is overfilled, an additional County-approved fee may be charged.
5. *Compacting.* If the contents of a can, cart or container are compacted either mechanically or manually, the compacted solid waste management fee approved by the County shall be charged.
6. *Identification of Receptacles.* If more than one customer places their receptacles at a common location, each customer must identify their receptacles using the house number of their address. Any containers, bags or boxes used for occasional extras should be identified in the same manner. If not identified, the franchisee may refuse to collect the solid waste.



## Recycling

### 1. Residential

a) Preparation. Materials shall be prepared as described below and separated into these categories. (Under certain conditions, upon County approval, additional separation and bagging may be required of the customer.)

(1) The following items may be placed together in one container-receptacle (bin or roll cart):

(a) Magazines: Place loose in container.

(b) Newspapers: Place loose in container.

(c) Corrugated Cardboard: (including brown paper bags.) Any single piece is limited in size to 36 inches. Flatten, place pieces in container. Bin-- Pieces that don't fit in the bin should be stacked and placed under the bin. Roll cart-- Pieces that don't fit loosely in the roll cart with the lid closed should be flattened and placed beside the cart.

(d) Scrap Paper: Includes opened mail, envelopes, paper egg cartons, cereal and shoe boxes, phone books, catalogs and wrapping paper. Exclude food-contaminated paper or foil, waxy or plastic-coated papers. Place loose in roll cart or put in a paper bag before placing in bin.

(e) Aerosol Cans: Must be completely empty with lids removed. Do not crush or flatten; nozzle button should remain in place.

(f) Aluminum: Includes aluminum cans, containers and foil; rinsed clean of food or food residues.

(g) Steel (Tin) Cans: Includes cans, metal can ends, and bottle and jar lids. Shall be rinsed clean. Empty paint cans, with only a thin skin of paint remaining, may be included.

(h) Scrap Metal: Any single piece or bundle is limited to 30 inches in size in any direction and 40 pounds.

(i) Plastic Bottles and Tubs: Six ounces to five gallons in size. Includes rigid plastic nursery pots four inches and larger. Must be rinsed clean; labels are okay. Exclude lids and caps. Exclude bottles or tubs that have contained hazardous materials. The following items shall not be collected in the same receptacle containing items listed in this section: 1) plastic bags and film, 2) Styrofoam@expanded polystyrene foam packaging, peanuts, trays and take-out containers, 3) clear "clamshells" and bakery containers, 4) plastic trays, cups, plates, and silverware, 4) toys and large plastic items, 5) blister packaging (tough, clear, product-shaped, display plastic), and 6) biodegradable or compostable plastics.

(2) Glass Bottles & Jars: Place separate from all other recyclables in a paper bag, bucket or recycle bin.. Must be rinsed clean; labels are okay. Exclude lids and

caps. The following items shall not be collected: drinking glasses, cookware, plate glass, safety glass, light bulbs, ceramics and non-glass materials.

(3) **Household Batteries:** Alkaline, 6-volt to 9-volt, rechargeable alkaline, NiCad, lithium, silver oxide and button cell batteries. All batteries must be contained in a one (1) quart, zip-sealed, see-through plastic bag placed in the glass recycling receptacle on top of glass bottles/jars. All batteries, except standard alkaline, must have terminal ends taped. No vehicle or battery backup (UPS) units, or other lead acid batteries shall be included.

(4) Motor Oil: Shall be in marked, unbreakable, leak-proof containers not to exceed two gallons in size. Container shall have a screw top. No other fluids are to be included. The total quantity collected shall not exceed five gallons at any one time.

b) Yard Debris

(1) Shall be placed in a franchisee-provided receptacle.

(2) Extra yard debris may be placed in:

(a) 32-gallon or smaller garbage cans, labeled yard debris, or

(b) 32-gallon paper lawn and leaf bags provided by the customer, or

(c) Bundles not to exceed 18 inches in diameter nor 48 inches in length.

(3) A franchisee is not required to collect yard debris placed in a plastic bag.

(4) Sod, dirt, rocks, metal, ashes, food, household garbage or branches exceeding four inches in diameter or 48 inches in length shall not be collected as yard debris.

(5) Yard debris placed in a receptacle should be loosely loaded to minimize damage to the receptacle and to facilitate emptying, and should not overflow the top of the receptacle.

(6) Weight of receptacle and contents shall adhere to the weight standards in Section V.5.

c) Other Materials. The County reserves the right to add and modify materials and preparation requirements listed in this section.

d) Placement. Customers shall place recyclables at curbside/roadside in a receptacle separate and distinct from solid waste intended for disposal. Receptacles shall not be placed in an area where they obstruct the sidewalk, bikeway or impede traffic flow or block mailboxes.

e) Collection Time. Customers shall set materials at the curbside/roadside by 6 a.m. on the customer's designated collection day, or any time mutually agreed upon by customer and franchisee.

f) Receptacle Ownership. Receptacles provided by a franchisee remain the property of the franchisee and are to be left at the residence when a customer moves.

## 2. Commercial

- a) Placement Customer shall place materials in central recycling receptacles at a location mutually agreed upon by franchisee and customer. Franchisee is not required to enter the premises to collect the material. Customer must provide adequate space and access to service receptacles.
- b) Weight. Customer shall make sure that containers do not exceed the maximum weight designated by the manufacturer for the equipment
- c) Volume. Franchisee is not required to collect incidental volumes of materials.
- d) Preparation. Materials shall be prepared according to these instructions and separated as per franchisee instructions.
  - (1) Newspaper & Magazines: Clean, free from non-paper items.
  - (2) Corrugated Cardboard: Boxes shall be flattened and placed in labeled container or stacked per the franchisee's instructions. If, by failing to flatten boxes the customer causes the franchisee to collect more frequently than would otherwise occur if boxes were flattened, franchisee may remove the container and discontinue service. Materials shall be free of packing material (foam, metal, plastics).
  - (3) Office Scrap Paper: Includes white and colored office paper, thermal fax paper, carbonless paper, envelopes, sticky notes, brochures, opened unwanted mail, tablet backs, paper bags, file folders, phone books, catalogs, etc. Staples are okay. Remove large metal clasps. Exclude food-contaminated paper or foil, waxy or plastic-coated papers. White paper may be collected separately from office scrap paper upon agreement with the franchisee.
  - (4) Metals: Includes aluminum cans, steel (tin) cans, empty aerosol cans, and small pieces of scrap metal (less than 30 inches in size in any direction and 40 pounds). Remove non-metal parts, food and/or other residue.
  - (5) Plastic Bottles and Tubs: Six ounces to five gallons in size. Includes rigid plastic nursery pots four inches and larger. Must be rinsed clean; labels are okay. Exclude lids and caps. Exclude bottles or tubs that have contained hazardous materials. The following items shall not be collected: 1) plastic bags and film, 2) ~~Styrofoam~~expanded polystyrene foam packaging, peanuts, trays and take-out containers, 3) clear "clamshells" and bakery containers, 4) plastic trays, cups, plates, and silverware,
  - 4) Toys and large plastic items, 5) blister packaging (tough, clear, product-shaped, display plastic}, and 6) biodegradable plastics.
  - (6) Glass Bottles & Jars: Shall be kept in separate recycling receptacle from all other recyclables. Must be rinsed clean; labels are okay. Exclude lids and caps. The following items shall not be collected: drinking glasses, cookware, plate glass, safety glass, light bulbs, ceramics and non-glass materials.
- e) Improper Preparation. If notified by franchisee of improperly prepared materials, customer shall prepare items correctly or dispose of them as

garbage.

**VI. Repealer**

Any regulations previously enacted under section 10.03.130 of the Clackamas County ~~Solid Waste and Waste Management~~ Code, which are inconsistent with this regulation, are hereby repealed.

***It is hereby ordered that these Regulations are approved and adopted effective immediately.***

\_\_\_\_\_  
Dan Johnson, Director  
Department of Transportation & Development  
Clackamas County

Date \_\_\_\_\_

## MINUTES

### SOLID WASTE COMMISSION MEETING

Wednesday September 28, 2022

3:00 pm

Zoom Meeting

The meeting is recorded and can be found here

<https://www.clackamas.us/recycling/solid-waste-commission>

Numbers in parenthesis, e.g. (0:03:06), are recording timestamps

#### **Members Present**-Quorum Established:

Chad Oyler (Chair), William Potter (Vice Chair), Carlton Paulmier, Julie Hamilton,

**Absent:** Carrie Kraten, Cheryl Bell, Vacant Industry position

**Guests:** None

#### **Advisor for Franchised Collectors**

Beth Vargas Duncan (Oregon Refuse & Recycling Association / Clackamas County Refuse & Recycling Association)

**Staff** (DTD Sustainability & Solid Waste): Rick Winterhalter, Eben Polk

(0:00:30) **INTRODUCTIONS**- Commissioners, Staff, introduce themselves.

(0:02:18) **Minutes** – May 12, 2022 reviewed and approved minutes

Motion to recommend: Bill Potter

Motion seconded by: Carlton Paulmier

Vote: 4-0

Motion: Passed

#### **Additional Recycling Collection Services - Presentation**

(0:03:53) Staff presentation of report.

(0:25:12) Questions from Commissioners:

1) What about expanded polystyrene (aka: Styrofoam) and fluorescent tubes? *Tubes are difficult to handle on route and there are multiple retail drop off locations. Polystyrene can be delivered to Agilyx, an experimental plant, in Tigard; there are outstanding environmental concerns with the material, but the item may be considered for special collection drives or drop off events.*

2) Are there any requirements in the Code/Rules to prevent neighbors from sharing service? *No.*

3) Are the franchisees using their own people or are they farming this out? *The current understanding is all franchisees are performing the service.*

4) Is there a process for reporting the programs progress to the Commission? *The franchisees will be reporting on the program similar to their other work with the County. They will provide number of customers, number of collections, amount of material collected, processing costs, vehicles and personnel, hours worked and other costs associated with the work.*



5) Is it viable or reasonable to include demand for rural in that review? *May use survey, and call ins. This needs to be developed more thoroughly.*

6) If a person has extra material i.e. clamshells can they put out extras? *This has not been discussed in detail because we believe the bin is large enough to hold the material.*

7) At Far West is the process for handling the bags, that contain the materials, to dump out the material and then put the bags in with the other film collected? *Yes.*

8) Are they only taking #1 plastic clamshells? *Yes*

(0:34:09) Questions from public:

1) Will the addition of batteries to the weekly collection program being on 1/1/2023? *Yes*

2) Can the clamshells be cut up to reduce their bulk? *Staff is unclear if that is possible, will need to do further research. After speaking with the operator of the facility receiving the material it was determined the material should not be cut up.*

3) If it is going into a bin are there going to be bags to break out the different materials? *Yes*

(0:39:20) Presentation of promotional materials

(0:41:09) Public Comment *None*

(0:42:08) Commissioner Deliberation

(0:44:41) Beginning to review recommendations:

1. Recommend to the Board of Commissioners approval of the proposed Additional Recycling Collection Service and adopt the proposed fees with an effective date of January 1, 2023.

Motion to recommend: Bill Potter

Motion seconded by: Julie Hamilton

Vote: 4-0

Motion: Passed

Abstention: None

2. Recommend to the Board of Commissioners the addition of Household Batteries, for recycling, to the weekly solid waste collection service.

Motion to recommend: Carlton Paulmier

Motion seconded by: Chad Oyler

Vote: 4-0

Motion: Passed

Abstention: None

3. Recommend to the Director, approval of the proposed Administrative Rule amendments.

Motion to recommend: Carlton Paulmier

Motion seconded by: Bill Potter

Vote: 4-0

Motion: Passed

Abstention: None

(0:48:44) Updates: Staff reductions, Metro Clean Up Fund-(\$10M granted by Legislature for clean-up in high visibility areas) and the Multifamily bulky waste project;

(0:59:00) **ADJOURNMENT**

Motion to adjourn by: Bill Potter

Motion seconded by: Carlton Paulmier

Vote: 4-0

Meeting adjourned at 4:00 p.m.



**DAN JOHNSON**

DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD OREGON CITY, OR 97045

September 28, 2022

Solid Waste Commissioners  
Clackamas County

Members of the Commission:

### **EXECUTIVE SUMMARY:**

In Oregon, local governments' authority to regulate solid waste collection is a well-established right in state law and in court. This staff report summarizes a new optional program for regularly occurring residential curbside collection of certain solid waste materials. Recycle+ is the name used to identify the program.

At your May 5<sup>th</sup>, 2021 meeting there was a discussion of three non-franchised companies offering solid waste collection for a fee, of materials intended for recycling. After learning, that solid waste collection for a fee is limited to franchised collectors or their subcontractors these companies chose not to pursue their collection activities in the County.

[At your March 10, 2022](#) meeting, the Commission recommended to the Board that additional recycling services be offered through the County's solid waste collection system. The Board, at their August 3, 2022 Policy Session, supported your recommendation. The Board directed staff to develop administrative rule amendments directing franchised collectors to offer optional additional recycling collection services to customers, for an additional fee, subject to fee and regulatory rules in code and administrative rule.

### **The Reasons for Creating an Additional Recycling Collection Service**

Clackamas County has supported recycling in our code and programs for decades. Historically, recycling opportunities have been provided through a combination of regular 'curbside' collection of glass, metal, paper and certain plastic containers, complemented by free drop-off recycling locations for the types of materials other companies have offered to collect for a fee. Providing the opportunity for all citizens to have sustainable, affordable and environmentally responsible recycling services is core to our mission.

The rationale for offering additional and optional residential recycling collection includes the following points:

- There are some materials not accepted in regular residential and business recycling that have an environmental benefit if they can be recycled or reused. These are not accepted in residential recycling today because of the cost to recycle, the inconsistency in availability of markets, and they are difficult to manage at the MRF.
- The inconvenience of recycling drop-off opportunities means that many community members place items otherwise recycled via drop-off, into the garbage at home.
- There are community members willing to pay for the convenience of collection at home. They will perceive a benefit from such a service.
- An optional subscription service can create additional opportunity while avoiding significant impacts to the cost of regular residential recycling.
- Optional services could help create the conditions for certain materials to eventually transition into regular recycling collection in a more affordable way.

### **Key Factors Considered in the Development of Recycle+.**

The common use of franchises to oversee and provide garbage and recycling collection in Oregon, including in Clackamas County, allows us to support a system that creates public value across a variety of areas:

- Garbage, recycling, yard waste, or compost goes to approved facilities with their own environmental reporting requirements, ensuring safe management of the materials.
- Stewardship of the material collected:
  - What is collected for recovery is based largely on the existence and support of stable recycling markets. Markets for accepted items are less likely to fluctuate wildly, or to leave our collection and sorting systems with material that is no longer desirable.
  - Items collected are environmentally worth their recovery when viewed with a life-cycle lens.
- We can standardize and ensure accessibility of services equitably across the County.
- The County can review costs and set fees through a structured and fair process.
- Minimize inefficient traffic and impacts to roads caused by multiple collection services.
- Garbage and recycling collectors can provide living wages and benefits across a variety of job types.
- Participants in the system report to local and state governments and pay into the collection system, which helps improve the collection system for all.

## **Overview: Additional Recycling Collection Service-Recycle+**

The collection company Waste Connections, started a similar program in Clark County Washington in 2021. This program began operating in Washington County on July 1<sup>st</sup> of this year. Staff is proposing, and the franchisees are prepared, to begin offering this program in unincorporated Clackamas County, January 1, 2023.

Recycle+ is an optional program available to residential customers living in the urban fee zone. Staff and the franchisees will work throughout the coming year to develop this program for multifamily households within the urban fee zone. To date all the demand for this program has originated in the urban area of the County. Staff and franchisees will monitor the demand for these services in our rural fee zones and develop a program for serving these areas of the County.

Customers will call or go on the website of their regular garbage/recycling service provider to set up service. The franchisees will advise the customer of their opportunity for collection schedule and arrange to deliver the bin and bags.

Customers will have the opportunity to set out their Recycle+ bin every other week. The collection day for Recycle+ may not be the same as for garbage, recycling and yard debris. Customers will be required to request collection at least two business days before their scheduled day. This will allow franchisees to provide the most efficient collection route..

The materials selected for collection are:

- Plastic Film and Bags
  - Franchisees will provide a 5-gallon plastic bag that seals, for customers to put their film and bags.
  - The material is shipped to a company that uses the materials to manufacture outdoor products such as composite decking, playground equipment and benches. Currently, the primary company receiving Recycle+ plastic film is TREX.\*
- #1 PET/PETE Clamshells
  - Franchisees will provide a 5-gallon, or larger, plastic bag that seals, for customers to put their clamshells
  - The material will be delivered to a recycling processing facility and, in coordination with D6inc, a partner of Green Impact Plastics, the PET thermoform, clamshell containers are recycled into new PET plastic packaging.\*
- Compact Fluorescent Light Bulbs
  - The customer will provide 1-gallon clear bags that seal, to prevent mercury spills, for their bulbs.



- These are sent to processors who are vetted and have received 3rd party certification such as through R2, RIOS and/or e-stewards.
- Textiles
  - Franchisees will provide a plastic bag for textiles.
  - These will be sent to Pioneer Wiping Cloth, a local company that recycles/downcycles textiles into wiping cloths and rags.

\*Local private facilities, working with a variety of end markets can accept Recycle+ materials. These markets, like most markets for recyclable scrap commodities, are variable and may change over time.

Customers place the bags of materials in a franchisee-provided lidded bin and place it at the curb for collection. The bin has a 20-gallon capacity with the lid on. All the material should be in the bin with the lid secured. Service at the house is available for an additional fee.

**Proposed Fee**

There is an additional fee for this service. The proposed fee structure includes a monthly fee and a collection charge. The base monthly fee covers the ongoing time and cost associated with the program regardless of pickups. The separate collection charge covers costs associated with collecting the materials each time: the labor, fuel, processing fees, etc. The customer’s monthly bill will include the itemized base fee. The collection charge will only appear when there is a collection in any given month. See the table below for the proposed fees.

<b>Additional Recycling Collection Service</b>	
<b>Effective January 1, 2022</b>	
<i>Available to residential customers in urban* unincorporated Clackamas County</i>	
<b>Service</b>	<b>Fee</b>
Base charge (billed monthly)	\$2.50
Curbside** Collection (each)	\$9.25
Non-curbside*** Collection 5-150 feet (each)	\$11.70
Non-curbside*** Collection over 150 feet (each)	\$13.00

\*Urban customers are located within the Metropolitan Service District Boundary

\*\*Curbside receptacle is placed within 3 feet of a County Road, Public Access Road, State Road or Federal Road.

\*\*\*Non-curbside receptacle is placed in a mutually agreed upon location; such as at the door step or next to the garage

## **Adding Household Batteries to Weekly Recycling Collection**

In the earlier presentations of the Additional Recycling Collection Service, the proposal included the collection of household batteries. While conducting the research on recyclability of household batteries, several conditions warranted proposing this material for weekly collection.

1. Household batteries include alkaline (A, C, D), 6 and 9 volt, rechargeable alkaline, NiCad, lithium, silver oxide and button cell. Household batteries do not include lead acid batteries.
2. There is a growing concern of fires caused by rechargeable batteries throughout the solid waste industry. Batteries cause 1-2 fires a week at Metro's transfer station. Route trucks in the region have had battery caused fires.
3. Manufacturers want to recover the material in rechargeable batteries. There is a robust system of [recycling](#) for these batteries throughout the region, state and country.
4. Marion County, Washington County and the City of Gresham have added batteries to their weekly curbside program.
5. The weekly collection of properly prepared batteries will not require an increase in the monthly fee at this time.

### **Administrative Rule Amendments**

Your Commission at its March 10, 2022 meeting recommended the Board direct staff to develop rules for the type of collection service described above. The Board at their August 3, 2022 meeting carried out that recommendation.

The draft amendments to the rules supporting the additional recycling collection service and including household batteries in the list of items collected weekly are included in Attachment 1 for review.

### **FINANCIAL IMPLICATIONS:**

Fees paid to the County for system oversight and administration could increase very slightly under the Additional Recycling Collection Service.

### **LEGAL/POLICY REQUIREMENTS:**

ORS 459 and 459A authorize the County to regulate solid waste collection services, which we do under the auspices of County Code Chapters 10.03 and 10.04.

County Code 10.03.130: Upon recommendations of the Commission or Board, the Director may promulgate regulations pertaining to administration of this chapter.

### **STAFF / PUBLIC / GOVERNMENTAL PARTICIPATION:**

This meeting and the prior Solid Waste Commission meetings constitute an opportunity for public participation. Staff, have met with the franchisees and has had limited interaction with the public

**RECOMMENDATION:**

1. Recommend to the Board of Commissioners approval of the proposed Additional Recycling Collection Service and adopt the proposed fees with an effective date of January 1, 2023.
2. Recommend to the Board of Commissioners the addition of Household Batteries, for recycling, to the weekly solid waste collection service.
3. Recommend to the Director, approval of the proposed Administrative Rule amendments.

Sincerely,

Rick Winterhalter  
Sustainability Analyst, Sr.

Attachment 1 – Administrative Rules

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of Amending the  
Solid Waste and Recycling  
Collection Services Administrative  
Regulations and Fee Changes for  
Solid Waste Collection.



Board Order No. \_\_\_\_\_  
*Page 1 of 2*

**Whereas**, This matter comes before the Board of County Commissioners upon recommendation by the Solid Waste Commission; and

**Whereas**, It appearing to the Board that community members have expressed interest in additional recycling collection services for items that are not included in the weekly curbside recycling collection program; and

**Whereas**, It appearing to the Board that a fully regulated approach to recycling collection service for additional recyclable materials ensures equal access to waste removal services, safeguards will be in place to protect the health and welfare of the community, fair and just fees will be set for all customers, and alignment with the regional waste plan vision and values; and

**Whereas**, In Oregon, local government authority to regulate solid waste collection is well-established; and

**Whereas**, It appearing to the Board that Clackamas County Code 10.03.130 allows the Board to recommend that the Director of the Department of Transportation and Development to promulgate reasonable rules and regulations regarding the collection, storage, transportation and disposal of solid waste; and

**Whereas**, It appearing to the Board that an expansion of recycling collection service, to be offered by solid waste collection franchisees, requires amendments to existing Solid Waste and Recycling Collection Services Administrative Regulations; and

**Whereas**, It appearing to the Board that proposed amendments to the existing rules and regulations as shown in the exhibits hereto, provide necessary changes to include additional recycling collection services to residential garbage and recycling collection service standards; and

**Whereas**, It appearing to the Board that pursuant to Clackamas County Code 10.03.340, that the Board shall approve and establish waste management fees for solid waste collection services; and

**Whereas**, It appearing to the Board that the Solid Waste Commission, at their September, 28, 2022 meeting, has given due consideration to an analysis of financial information, and recommends the establishment of certain urban residential fees to address additional recycling options pursuant to Chapter 10.03 of Clackamas County Code; and



**BEFORE THE BOARD OF COUNTY COMMISSIONERS**  
**OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of Amending the  
Solid Waste and Recycling  
Collection Services  
Administrative Regulations and  
Fee Changes for Solid Waste  
Collection.



Board Order No. \_\_\_\_\_  
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**Whereas**, It appearing to the Board that the Solid Waste Commission met on September 28, 2022 and reviewed and favorably recommended adoption of the proposed amendments to the administrative rules and proposed changes to urban collection fees to address additional recycling options;

**NOW THEREFORE, the Clackamas County Board of Commissioners ORDERS as follows:**

1. That, pursuant to CCC 10.03.130, the Board hereby recommends that the Director of the Department of Transportation and Development approve and implement the amendments to the Solid Waste and Recycling Administrative Rules set forth in Exhibit "A" attached hereto and by this reference incorporated herein. New material is underlined and deleted material is stricken;
2. That, pursuant to the recommendation of the Solid Waste Commission, the fees proposed in Exhibit "B" are reasonably based upon the actual costs of additional, better, or more comprehensive services that will be offered, and that the fees will be just, fair, reasonable, and sufficient to provide the services to the public; and
3. That, pursuant to CCC 10.03.340 and upon consideration of the criteria set forth in section D thereof, the proposed waste management fees for additional recycling collection services set forth in Exhibit "B", are approved and are effective upon the date of signature indicated below.

**DATED** this \_\_\_\_ day of January, 2023

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary