



DAN JOHNSO
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD OREGON CITY, OR 97045

February 2, 2023

BCC Agenda Date/Item: _____

Board of County Commissioners
Clackamas County

Approval of a Board Order to adopt an optional solid waste collection service for a fee and the addition of batteries to weekly solid waste collection service. No fiscal impact. No County General Funds are involved.

Previous Board Action/Review	Policy Sessions: August 3, 2022 and January 18, 2023; Issues January 31, 2023		
Performance Clackamas	Ensuring community members have access to safe, convenient garbage and recycling services aligns with several Performance Clackamas strategic priorities and policy perspectives: recycling programs help to honor and protect our natural resources; garbage service supports healthy communities and public trust; the gradual improvement of recycling and composting programs supports the perspective on carbon neutrality. Further, the annual review process provides assurance that customers are provided fair value for the services they receive.		
Counsel Review	Yes	Procurement Review	No
Contact Person	Rick Winterhalter	Contact Phone	503-742-4466

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.

On January 18, 2023 staff presented the program in a policy session. This 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+)

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. (Exhibit A of the attached Board Order)

Additional recycling is the collection, for a fee, of certain recyclable solid waste materials that are not currently collected curbside.

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.

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 ranging from \$9.25 to \$13.00 per pick up, depending on the collection bin’s distance from the curb. The table below provides an overview of these costs.

Proposed Recycle+ Additional Recycling Collection Service	
<i>Available to residential customers in urban* unincorporated Clackamas County</i>	
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

*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

The proposed changes in the administrative rules include 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 and recycling trucks and at transfer stations and processing facilities. This proposal is modeled after a successful program developed in Marion County. The program has also been adopted by Washington County and the City of Gresham. Customers will be instructed to place batteries in a plastic sealable bag in the glass bin.

SOLID WASTE COMMISSION RECOMMENDATION:

The Solid Waste Commission met on September 28, 2022 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.

RECOMMENDATION: Staff respectfully recommends the Board of County Commissioners approve the attached board order adopting the Solid Waste Management Fee Schedule as recommended by the Solid Waste Commission and as identified on Exhibit B of the attached Board Order.

Respectfully submitted,

Dan Johnson

Dan Johnson, Director
Department of Transportation and Development

For Filing Use Only

Attachments

1. Exhibit A-Administrative Rules
2. Exhibit B-Fee Schedule

**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. _____
Page 2 of 2

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 February, 2023.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

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

TABLE OF CONTENTS

	Purpose	Page 1
I.	Definitions	Page 1
II.	General Conditions	Page 3
III.	Franchisee General Responsibilities	Page 6
IV.	Franchisee Collection Requirements	Page 8
V.	Customer Requirements	Page 10
VI.	Repealer	Page 14

PURPOSE. The purpose of this document is to articulate the standards, policies and regulations for collection of solid waste as authorized by the Clackamas County Code. These rules replace Regulation No. 1, dated November 14, 1989.

- I. **DEFINITIONS.** All definitions in the 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 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 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 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.
 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 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) 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) 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 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 _____

Clackamas County Fee Schedule For Waste and Recycling Collection Services

Additional Recycling Collection Service (Recycle +)	
<i>Available to residential customers in urban* unincorporated Clackamas County</i>	
Service	Fee
Base charge (billed monthly)	\$2.50
Curbside** Collection (each)	\$9.25
Non-curbide*** Collection 5-150 feet (each)	\$11.70
Non-curbide*** 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-curbide* receptacle is placed in a mutually agreed upon location; such as at the door step or next to the garage