

September 12, 2019

Tony Konkol
City of Oregon City
625 Center Street
Oregon City, OR 97045

Business Food Waste Requirement – Notice of Non-Compliance

Dear Mr. Konkol:

In July 2018, Metro adopted the Business Food Waste Requirement. Under Metro Code section 5.10.430, local governments must require (1) covered businesses in their jurisdiction to source separate and recover business food waste; (2) delivery of collected food waste to a facility authorized by Metro; and (3) persons, as defined by Metro Code section 1.01040(h), who provide space to a covered business to allow the source separation and collection of food waste. To comply with this provision, a local government must do one of two things: (1) adopt a legally-enforceable mechanism that meets Metro's performance standard; or (2) adopt the Business Food Waste Requirement Model Ordinance. Local governments were required to take the above-referenced action no later than July 31, 2019. **As of the date of this letter, the City of Oregon City has not complied with this requirement.**

The 2030 Regional Waste Plan (RWP) provides the region with long-term policy and program direction for materials management and solid waste system planning efforts. While Metro implements the RWP primarily through cooperative working relationships among Metro, the Oregon Department of Environmental Quality, local governments and the private sector, the plan contains required elements. The Business Food Waste Requirement is one of these required elements.

On September 4, 2019 the Oregon City Commission voted to not consider Ordinance 19-1011 that would have implemented the Requirement. As a result, and in accordance with Administrative Rule 5.10-4085, Metro will withhold the city's share of associated program implementation funding assistance, and the city's solid waste hauler will not be eligible for Access to Service Payments. Should non-compliance continue, funding for other programs may also be withheld or Metro may seek any remedy under applicable state law.

The City may remedy non-compliance as follows:

1. Request a three-month compliance extension in accordance with Metro Code Chapter 5.10.130, or
2. Send a letter to my attention by October 15, 2019, outlining the actions the City of Oregon City will take to implement the Requirement.

If I do not receive a response by October 15, Metro will begin non-compliance actions as described above.

Please contact Pam Peck at 503-797-1866 or pam.peck@oregonmetro.gov if you have any questions.

Sincerely,



Andrew Scott
Interim Chief Operating Officer
Metro

Cc: Roy W. Brower, Interim Director, Property & Environmental Services
John Lewis, Public Works Director, City of Oregon City