

## CHAPTER NINE - ADMINISTRATION

### **Introduction:**

This chapter describes the County's existing practices and policies for managing solid waste in Morrow County and presents recommendations for meeting the stated goals of the County's solid waste management system in the future.

### **Regulatory Requirements:**

The primary State Laws and regulations directly governing the administration and enforcement of solid waste handling and management activities are ORS 459.005 to ORS 459-997 and OAR 340, Divisions 93 - 97.

Local government obligations for solid waste management and administration are listed in ORS 459.017 and 459.065. ORS 459.017(b) states that local government units have the primary responsibility for planning for solid waste management, under which the development and implementation of this Solid Waste Management Plan is authorized.

ORS 459.065 states: A local government unit may enter into agreements the County determines as desirable for franchising, solid waste management plans, disposal sites and landfills, and for the promotion and development of markets for energy and material recovery.

The incorporated cities of the County, Boardman, Heppner, Lone and Irrigon, (excepting Lexington), administer their own solid waste regulations as well as those having to do with solid waste collection and nuisance ordinances which provide for the abatement of solid waste accumulation or dumping on private property when such waste creates a public nuisance, a hazard to health, or an unsightly condition.

The County is facing an increasing level of solid waste management needs in the form of recycling requirements, collection

Morrow County has attempted to provide good oversight and direction in fulfilling its obligation for planning for solid waste management. The Morrow County Solid Waste Management Ordinance regulates the collection, transportation and disposal of solid waste and the creation and operation of disposal sites. Morrow County also has a Nuisance Ordinance, a Toxic Waste Ordinance and the Penalty for Transporting Uncontained Solid Waste Ordinance.

### **Responsibilities:**

The County Court bears the responsibility for appointing the Solid Waste Advisory Committee (SWAC) members and appointing a solid waste administrator. The Court also approves the solid waste franchises and licences, and provides for enforcement and funding. The Solid Waste Administrator manages the solid waste programs, including budget, personnel and day to day solid waste administrative duties.

### **Solid Waste Advisory Committee (SWAC):**

The Morrow County Solid Waste Advisory Committee meets and discusses solid waste issues having to do with Finley Buttes Landfill as required by ORS 459.320, 325, and 330. Generally, once a quarter, the SWAC meets to: hear a report from the operator of Finley Buttes Landfill concerning the new and ongoing business of the Landfill; discusses possible solutions for the improvement of traffic and littering along Bombing Range Road; and makes recommendations to the County Court concerning transportation and solid waste issues.

improvements, transportation needs, enforcement issues and administration of the County's solid waste programs. The SWAC

and County Court should consider whether to keep the present duties and configuration of the SWAC the same or to expand the duties of the SWAC to help discharge and manage Morrow County's solid waste management agenda items.

### **SWAC Recommendations**

The County Court should expand the duties of the SWAC to:

1. Provide leadership for the development and funding for the County's Solid Waste Prevention Program;
2. Look for and propose solutions to the recommendations of the Morrow County Solid Waste Management Plan (SWMP);
3. Create an Annual Report for the County Court documenting implementation of the SWMP and any necessary regulations or amendments to the Solid Waste Ordinance;
4. In consultation with responsible public officials and interested persons, periodically review the Solid Waste Management Plan for modification by the County Court;
5. Develop and recommend to the appropriate agency or the County Court minimum standards for location and operation of recycling and/or collection sites, to include, but not limited to, protection of adjacent and nearby residents;
6. Expand the SWAC membership to create a more broad knowledge base concerning solid waste in the County by recruiting new members such as the solid waste collectors and recyclers, cities, the Port of Morrow, and other people with solid waste interests. With a larger membership the SWAC could more

easily address increased responsibilities.

### **Administration:**

The duties of administrator of the solid waste programs has been shared in an uncoordinated manner, mostly between the Planning Director, the District Attorney, and the Public Works Department, which has responsibility for the transfer stations.

Recently the Planning Department has been significantly involved because the their coordination of the Solid Waste Management Plan update process.

### **Administration Recommendations**

1. In the best interests of effective solid waste program management the County Court needs to appoint one department or entity best suited to administer the solid waste programs.
2. The Public Works Department should maintain responsibility for the transfer stations.
3. Land use decisions need to remain the responsibility of the Planning Department.

### **Enforcement:**

The object of enforcement is to ensure the solid waste system is administered and managed in accordance with the solid waste laws and regulations of both the State and the local jurisdictions. Morrow County and the cities have the authority through State Law and nuisance ordinances to control illegal solid waste related activities. Budget and staff restrictions, however, limit their involvement in monitoring and abating solid waste accumulation or illegal dumping activities.

## **Regulatory Requirements**

ORS 459.108: Civil penalty to enforce ordinance prohibiting action described in ORS 164.775, 164.785 or 164.805:

(1) A city or county may impose a civil penalty to enforce the requirements of an ordinance that prohibits any action or conduct described in ORS 164.775, 164.785 or 164.805.

(2) An ordinance described in subsection (1) of this section may establish a maximum or minimum amount for the civil penalty imposed under the ordinance for each violation. The total amount of the civil penalty may be increased to include all of the costs incurred by the city or county in removing the refuse or offensive substance unlawfully placed on property and in eliminating the effects of such unlawful placement.

(3) A civil penalty imposed for violation of an ordinance prohibiting any action or conduct described in ORS 164.775, 164.785 or 164.805 shall be an alternative to criminal enforcement of the ordinance. A city or county that commences and maintains a civil action to collect such a civil penalty from any person shall not cause a criminal prosecution to be commenced or maintained against that person for the same violation of the ordinance.

(4) When a city or county ordinance prohibits any action or conduct that is described in ORS 164.775, 164.785 or 164.805, a name found on various items in a deposit of rubbish or other solid waste placed on land or in water in violation of the ordinance constitutes rebuttable evidence that the person whose name appears on the items has violated the ordinance. However, the rebuttable presumption created by this subsection exists only when a name on items denotes ownership of the items, such as the name of an addressee on an envelope.

One other form of solid waste enforcement is provided by the Department of Environmental Quality (DEQ). The Department of Environmental Quality may The sources of revenue for solid waste

take whatever action is appropriate for the enforcement of its rules or orders. They can provide for the adoption and enforcement of recycling rates and standards as well as performance standards necessary for safe, economic and proper solid waste management.

## **Enforcement in Morrow County**

Morrow County has an ordinance which establishes a procedure for enforcement of County ordinances and the Morrow County Nuisance Abatement Ordinance which allows the County to respond to public health, safety and nuisance concerns.

The Code Enforcement Officer is authorized to conduct investigations, issue stop orders, issue citations, and generally initiate and prosecute enforcement actions. Presently, a civil penalty against a violation is a fine, reimbursement to the County for costs incurred in prosecuting, cleaning up or abating, or a lien if the penalties or costs assessed against a violator are not paid within 60 days.

The primary enforcement responsibilities of the Code Enforcement Officer have been to respond to illegal dumping and nuisance abatement. The responses have been on a "complaint-driven" basis. There is no history of proactive illegal dumping cleanup or abatement.

## **Enforcement Recommendations**

1. The County should continue to support the Code Enforcement Officer by utilizing the enforcement provisions of State Law and the County Ordinances.
2. The County should undertake proactive measures to address illegal dumping and open burning as recommended in Chapter Eight.

## **Funding:**

programs in the past or future have never

been established by Morrow County. The County operates the transfer stations and expenses are partially paid for by the fees they generate. The shortfalls are absorbed by the Public Works Department/General Fund. Solid waste programs have been administered as an extra duty by the Public Works Department and the Planning Department with no permanent fiscal appropriations.

The County has the primary responsibility to make sure standards and programs are implemented for solid waste management.

## **Funding Options**

### **County Resources**

The County may be able to fund a part time solid waste program administrator position with existing resources. However, given the competition for these resources, it is probably a better approach to consider dedicated funds. The options for funding these activities include using part of current solid waste revenue, such as franchise fees and a dedicated portion of solid waste tippage fees.

### **Service Districts**

Alternatively, the County could create a Solid Waste Service District with the intent to levy a tax to fund solid waste services and programs appropriate to various sections of the County with varying needs as well as to fund the general solid waste programs appropriate for the County as a whole. The authorization to create a solid waste service district is contained in ORS 451 County Service Facilities.

### **Grants**

Solid waste program grants are available from the Department of Environmental Quality. They are awarded each year to local governments for recycling and solid waste prevention or reduction projects. Once the local jurisdiction receives grant money, the locality may contract with community groups, private individuals, non-profit organizations, schools, businesses or chambers of commerce to implement grant-

funded projects.

Grants are also available from the Federal Government. The U.S. Department of Agriculture Rural Development Program offers solid waste management grants. Their grants may be used to provide technical assistance and/or training to help communities reduce the solid waste stream. The Environmental Protection Agency (EPA) offers solid waste grants to government agencies and non-profit organizations to promote waste reduction and the safe and effective management of solid waste. EPA solid waste grants generally fund program development or pilot projects which promote waste reduction, recycled-content products, markets for recycled materials, or assist in the development of solid waste management plans and the clean up of open dumping.

### **Cooperative funding**

Cooperative funding between the local cities, nearby counties, commercial interests and the Port of Morrow could contribute to hazardous waste collection programs, roadside debris cleanup, waste tire collection events and other periodic solid waste events.

### **Financial Assurances**

Finley Buttes Regional Disposal Site has, in its agreement with Morrow County, provided a Closure Fund, which is held by the County Treasurer in a special fund and deposited in an interest-bearing account. In a few short years of the drafting of this Plan the account will equal \$1,000,000. At that time, Finley Buttes will terminate the monthly payments and has authorized funds accumulating in the fund in excess of \$1,000,000 to be used to "reduce Solid Waste disposal rates of Persons within the County or to enhance Solid Waste disposal facilities within the County." The County should be prepared to apply to Waste Connections, Inc. for use of these excess funds for the purpose of enhancing solid waste facilities and programs, upon agreement between the County and Waste Connections, Inc. and in accordance with Department of Environmental Quality Administrative Rules.

## Recommendations

1. Provide funding for and hire a part-time solid waste program administrator. The role of the administrator would be to support the SWAC and implement the adopted Solid Waste Management Plan in conjunction with the cities and the franchised collectors. As part of the Program, the administrator should support a public awareness campaign to educate citizens and businesses in the County.
2. Seek available grants from the Department of Environmental Quality and other applicable jurisdictions to help fund the County's solid waste program needs.
3. Look for cooperative funding as a contribution to County solid waste activities such as hazardous waste collection programs, roadside debris cleanup, waste tire collection events and other periodic solid waste events.
4. Investigate the opportunity for the use of the Finley Buttes Landfill Closure Fund, when it reaches the agreed maximum, to be used specifically to fund solid waste facilities and programs.

During a comment period lasting a minimum of 30 days after the notice of publication the County Court should hold two public hearings on the draft plan. Should the Court deem it to be necessary an open house type meeting should be held before adoption of the Plan or Ordinance.

### Final Draft

Once the Draft Plan or Ordinance has gone through the public process and the County has addressed comments received, and there are no substantial changes, the County Court should hold a third and final hearing in order to adopt the Plan or Ordinance within a reasonable amount of time. Should the Plan or Ordinance need substantial changes, the public comment period and hearings should be repeated.

### Plan and Ordinance Maintenance

The Plan and Ordinance should be periodically evaluated to determine whether recommended actions have taken place and whether they have been effective in achieving the recommendations and goals of the Plan. Subsequent Plan and Ordinance revisions and amendments should be developed, reviewed and approved according to the steps described in the Preliminary Draft paragraph above.

## Adoption and Amendment

### Process:

#### Preliminary Drafts

The Plan and/or Ordinance should be reviewed by the SWAC and the Solid Waste Administrator, and may include the Planning Department, Health Department, and Public Works Department. Additionally, appropriate local jurisdictions including all the cities, towns, districts and counties participating in the Plan and the Department of Environmental Quality, as appropriate, should be included.