



**DATE:** December 14, 2023  
**TO:** Washington County Garbage and Recycling Advisory Committee  
**FROM:** Kathy Folsom, Senior Policy Coordinator  
**RE:** Waste Management of Oregon, Inc. - Periodic Certificate Review

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## **Background**

**Company:** Waste Management of Oregon, Inc.  
**Location:** 1525 B Street  
Forest Grove, OR 97116  
**Contact:** Dave Huber, Senior Manager – Public Sector Services  
**Certificate Number:** 9  
**Review period:** January 1, 2021 through December 1, 2023

Washington County Code 8.04.214 requires a review of all Sanitary Service Certificates and certificate holders every four years. The Periodic Certificate Review is conducted for the purpose of determining whether the certificates and the holders of such certificates are in compliance with the provisions of Chapter 8.04 and all applicable rules, regulations and laws. Each certificate holder is required to demonstrate compliance with all such requirements through a review of a comprehensive questionnaire and other records. This year, Waste Management of Oregon, Inc. (Waste Management) has been designated to receive a periodic review.

## **Certificate Periodic Review Questionnaire**

The certificate review questionnaire is designed as a tool to assess compliance with Washington County Code Chapter 8.04 and with the Solid Waste & Recycling Administrative Rules (Administrative Rules). Further, the certificate holder's responses to the questionnaire will help to identify those areas of County and state mandated programs, such as business food scraps collection, so that the Solid Waste and Recycling education and outreach team can work with certificate holders to meet minimum program requirements if needed. Waste Management's last periodic review occurred in 2001.

Waste Management provides collection services to 36,365 residential accounts and 999 commercial accounts in unincorporated Washington County. Residential (urban and rural) garbage and recycling collection and yard debris collection is provided by automated trucks. Waste Management utilizes a separate truck for the collection of glass, batteries, and motor oil.

Information was requested regarding compliance with certain service standards contained in the Administrative Rules.

## **Section 14 Service Standards**

1. **Section E.b.1. Consistent Service Requirement – Missed Collection (contamination)**
  - b. Missed Collection

1. The hauler shall collect all properly prepared solid waste, recyclable and compostable material placed out for collection on the customer's regularly scheduled collection day. If materials placed out for collection are not in the proper location, are inaccessible, or are contaminated, or if the receptacles are overweight or in excess of the level of service agreed to by the customer, the hauler may decline to collect them. The hauler must provide the customer a County-approved notice setting forth the reasons for non-collection and list the hauler's name and phone number. The hauler may choose to provide the notice by telephone to its commercial customers.

Certificate Holder provided examples of missed collection tags.

Certificate Holder is in compliance.

2. Section E.b.3. Consistent Service Requirement – Missed Collection (temporary access restrictions)

b. Missed Collection

3. The hauler shall not be held responsible for missed collection due to temporary access restrictions imposed by local authority, adverse weather, natural disaster, or other hazardous conditions but shall make every effort to provide service as soon as possible thereafter as follows:
  - a. On any day when collection services are interrupted, the hauler shall notify the County via phone message or e-mail by no later than 6:00 a.m. on the day in question of the extent that collection schedules have been or are being changed.
  - b. If the hauler misses a scheduled collection day due to adverse weather or other hazardous conditions the hauler shall provide services the next day.
  - c. If adverse weather or other hazardous conditions persist for more than one (1) day, all collection services for customers may be deferred until their next regularly scheduled collection day. The County may authorize the priority of collection for garbage, recycling or compostable materials based on the hazardous conditions.
  - d. There will be no billing credit applied for missed collection service due to adverse weather or other hazardous conditions. Instead, there will be no additional charge for extra material set out on the next regularly scheduled collection day if the total volume of material set out is no greater than twice the level of the customer's current subscribed level of service. If the adverse weather or other hazardous conditions continue for more than one collection pickup, the customer may set out extra material equal to the total volume of collection service missed. Only properly prepared materials shall be collected.
  - e. The hauler shall provide customer notification of any revisions to the regularly scheduled pick-up schedule via the hauler website and through at least one of the following methods - recorded message, email or by other means.

Certificate Holder provided examples of service delay notifications on their website and phone out-dial messages to customers informing them of service delays.

Certificate Holder is in compliance.

3. Section F.a. Customer Service, New Accounts- Personally Identifiable Information Collected

a. The hauler, when establishing or changing collection service, may only request the following personally identifiable information from customers:

1. Name (first and last)
2. Service address
3. Billing address (if different than the service address)
4. Service address rented or owned
5. Landlord name and phone number (if rented)
6. Phone number
7. Mobile phone number
8. Email address
9. Financial information needed to establish online billing or payment.

Certificate Holder provided the billing system required information used for new service sign-ups.

Certificate Holder is in compliance.

4. Section F.f. Customer Service, New Accounts-New Customer Information Packet

f. The hauler shall provide each new customer with information that includes a description of services and rates, recycling guidelines and resources, recycling options, and hauler contact information, including but not limited to business address, telephone number, fax number, business hours, and e-mail address.

Certificate Holder provided the Washington County residential guide that is mailed to residential customers. Certificate Holder uses the one-page Washington County Business Recycling Guide that is provided to commercial customers. Each of those guides are mailed with a letter to new customers that was submitted.

Certificate Holder is in compliance.

5. Section G.f. Customer Service, Office Procedures – Training on Implicit Bias

f. The hauler shall, at least annually, provide its employees with training on implicit bias. Trainings shall include the promotion of bias-reducing strategies to address how unintended biases regarding race, ethnicity, gender identity, sexual orientation, socioeconomic status, or other characteristics may impact how services are provided.

Certificate Holder stated that all employees take an annual required training. There is also a module within the onboarding process for all new employees. Information including the name, content and duration of the training was submitted. Additionally, a sign-up sheet was provided.

Certificate Holder is in compliance.

6. Section G.g.-i. Customer Service, Office Procedures – Translation Services

- g. The hauler shall ensure persons with Limited English Proficiency are not discriminated against and are provided meaningful access to collection services.
- h. The hauler shall take all reasonable steps to ensure that translation services are provided in all “Safe Harbor Languages”, as defined by Washington County.
- i. The hauler shall notify customers that language services are available to them at no cost.

Certificate Holder indicated that the customer service agents utilize a language line interpreter for more than 180 languages. The availability of translation services and accessibility for visually challenged customers is posted on Waste Management’s web site.

Certificate Holder is in compliance.

7. Section G.k. Customer Service – Office Procedures (complaints).

- k. The hauler shall maintain a system to receive, compile, and respond to service complaints including, but not limited to, missed collection, billing disputes, or service discontinuation. All service complaint calls must be recorded noting date, address, a summary of the complaint, and a description of the method of resolution.

Certificate Holder provided a copy of its complaint log for the past 24 months. The complaint log contained 3,742 complaints. Many of the complaints were related to service or driver issues. The SWR division received 58 complaints from 1/1/2022 to the present.

Certificate Holder is in compliance.

8. Section H.d. Customer Service – Billing – (billing statement)

- d. The billing statement shall contain the following:
  - 1. Account information including the service address, the billing period, and the customer’s level of service and billing rate using terms consistent with the Board-approved rate sheets.
  - 2. An itemization of any additional charges or credits incurred during the billing period including, but not limited to, prorated charges, extras, distance charges, overcapacity charges, call-back fees, non-sufficient check charges, or vacation credits. Additional charges or credits shall be stated on the billing statement consistent with the Board-approved rate sheets.
  - 3. The total amount due, the date payment is due, and any amount brought forward.
  - 4. The hauler name, address, email address, website information, and phone number.

Certificate Holder provided copies of 20 randomly selected customer bills for each of the following collection service types: residential regular collection service, residential will call service, and commercial container collection service.

Certificate Holder is in compliance.

9. Section H.d. Customer Service – Billing – (billing statement) – Reduced Rate

Certificate Holder provided 10 randomly selected customer bills receiving reduced rate program collection service. The billing language didn't match with the terms used on the Board-approved rate sheets.

Action: Work with SWR staff to align billing statements and rates more closely with the Board-approved rate sheets and Solid Waste & Recycling Administrative Rules – to be completed no later than August 1, 2024.

Certificate Holder will be in compliance provided the "Action Item" has been completed.

10. Section H.f. Customer Service – Billing (Reduced Rate Program notice)

f. Reduced Rate Program – Residential Customers Only:

1. The hauler shall provide information regarding the availability of a Reduced Rate Program on its website and at least annually notify customers through new service packets and billing inserts and as directed by the County.
2. The hauler shall provide notice to residential customers, that have billed amounts in arrears, of the availability of the Reduced Rate Program.

Certificate Holder indicated that the reduced rate program is posted on the website. Certificate Holder did not provide an example of the notice provided to customers.

Action: Provide a copy of the notice regarding the availability of the reduced rate program, no later than March 1, 2024, that will be included in new service packets and provided to residential customers that have billed amounts in arrears.

Certificate Holder will be in compliance provided the "Action Item" has been completed.

11. Section O.(c,e-i). Multi-Family Dwelling Service Standards, Specific – General Service Standards

- c. The hauler shall provide the following minimum collection service volumes.
- e. Multi-family dwelling mixed recycling service must be made available by the hauler. If ORS 90.318 (Criteria for landlord provision of certain recycling services) applies to an owner of a multi-family dwelling, the owner shall provide to all tenants:
- f. The hauler shall provide mixed recycling receptacles to all multi-family dwelling accounts as part of regular solid waste collection service. Yard debris collection shall be considered additional service and charged a Board-approved collection service rate. The requirements of this section do not apply when service is provided by drop box or compactor.

- g. All receptacles ordered after July 1, 2022, must comply with the following color standards, and be approved by the County. However, the requirements of this section do not apply when service is provided by drop box or compactor:
- h. The hauler shall provide appropriately colored receptacles by no later than July 1, 2028.
- i. The hauler shall ensure that all receptacles are labeled with County-approved decals for acceptable recyclable materials, glass, compostable materials, and garbage by no later than December 31, 2023. Existing decals or stickers must be removed and replaced with the appropriate decal.

Certificate Holder provided service standard information related to multi-family accounts, minimum collection service volumes, and receptacle color coding.

Certificate Holder is in compliance.

12. Section O.I. Multi-Family Dwelling Service Standards, Specific – Notice to Property Manager

- I. On an annual basis the hauler shall provide to a property manager information regarding the County's multi-family assistance program and a description of services and rates, recycling guidelines, resources and options, and hauler contact information that for each hauler listed shall include the business address, telephone number, and e-mail address. The hauler must provide the County with verification annually that the required information has been provided to property managers.

Certificate Holder provides recycling guidelines, resources and option as well as contact information. Examples of the information provided to property managers was submitted.

Certificate Holder is in compliance.

13. Section S.e. Drop Box/Compactor Service Standards – Billing

- 3. The invoice or billing statement shall contain the following:
  - (a) Account information including the service address and the customer's level of service and billing rate.
  - (b) An itemization of charges or credits incurred including, but not limited to, receptacle size, haul fee, delivery fee, disposal fee, profit margin on disposal, government fees, and mileage charges. Billed amounts or credits shall be stated on the billing statement using terms consistent with the Board-approved rate sheets.

Certificate Holder provided copies of randomly selected customer bills for drop box/compactor collection from 2021 to 2023. The billing language didn't match with the terms used on the Board-approved rate sheets.

Action: Work with SWR staff to align billing statements and rates more closely with the Board-approved rate sheets and Solid Waste & Recycling Administrative Rules – to be completed no later than August 1, 2024.

Certificate Holder will be in compliance provided the “Action Item” has been completed.

14. Section V.f. Denial, Termination of Service (Residential Customers only)

- f. For residential customers only, the hauler shall include information regarding the Reduced Rate Program as part of the seven (7) days written notice of pending denial or termination.

Certificate Holder only provided a link to the website. Certificate Holder indicated that the availability of the Reduced Rate Program has not been included as part of the pending denial/termination notification.

Action: Provide a copy of the notice, no later than March 1, 2024, regarding the availability of the reduced rate program that will be included in the written notice of pending denial or termination of service.

Certificate Holder will be in compliance provided the “Action Item” has been completed.

Section 18 Business Requirements – Recycling

Certificate Holder provided copies of two commercial flyers for Washington County businesses.

Certificate Holder is in compliance.

Additional Information Reviewed

Waste Management is current with its required reporting.

Additional Reporting Information Reviewed

The Certificate Holder is current with its required reporting. A surety bond is on file. Additionally, Waste Management has submitted current insurance information.

Waste Management has entered into a sub-contract with Trilogy Medical Waste for medical waste collection services – that contract is on file with the Solid Waste & Recycling Division.

Certificate Holder Meeting and Certificate Holder Statement

Staff met with Waste Management on November 29, 2023, to discuss the findings of the review. Staff and the Certificate Holder worked together to identify reasonable plans for ensuring compliance with the County’s rules and regulations. Waste Management agreed to work with staff to complete all “Action” items by the date specified. The Certificate Holder provided a statement as part of the Certificate No. 9 review (see Attachment A).

Summary

Washington County retains regulatory authority of solid waste and recycling collection by granting Sanitary Service Certificate No. “9” to Waste Management of Oregon, Inc. Based upon the information submitted by Waste Management, it appears that the Certificate Holder is generally in compliance with the requirements of Washington County Codes for solid waste collection, transportation, storage, and disposal provided the “Action” items are completed.

## **Staff Recommendation**

Staff recommends that the Washington County Garbage and Recycling Advisory Committee accepts the staff review and findings that Waste Management of Oregon, Inc. has demonstrated that the certificate holder of Sanitary Service Certificate No. "9" generally meets the requirements of Washington County Code 8.04.214 Certificate - Periodic Review, provided that the "Action" items are completed.

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## **Authority**

The Periodic Review is being conducted under the authority of Washington County Code 8.04.214, Certificate - Periodic Review. Specific provisions are as follows:

8.04.214(A)(2) Periodic Review Schedule. The periodic reviews shall be completed not later than December 31, of the year in which the review is commenced.

8.04.214(B) Purpose of Periodic Review. Periodic review shall be conducted for the purpose of determining whether the certificates and holders of such certificates are in compliance with the provisions of this chapter and all applicable rules, regulations, and laws. Each certificate holder shall demonstrate compliance with all such requirements.

8.04.214(C) Information Submittal. The health department shall prepare a summary of information required to be submitted by each certificate holder and may specify the forms for such submittal to assure that information necessary to determine compliance is available to the health department and advisory committee.

8.04.214(D) Periodic Review Process. Each periodic review shall be placed on the agenda for a regular advisory committee meeting. The committee may review information submittals, take public testimony and take other action as appropriate to determine whether the certificates and holder of such certificates are in compliance.

8.04.214(E) Effect of Noncompliance. If in the course of its review of certificates, the health department and the advisory committee determine that the certificate or certificate holder being reviewed is not in compliance with the provisions of this chapter or applicable rules, regulations and laws then the health department shall advise the certificate holder in writing of such violation in the manner set forth in Section 8.04.290 and direct that the compliance be achieved within a date certain determined by the advisory committee. If the certificate holder fails to achieve compliance within the date specified the health department and advisory committee shall report to the board with the recommendation on whether the certificate should be suspended, modified, or revoked.

8.04.214(F) Suspension, Modification and Revocation. The health department, advisory committee and board may initiate proceedings for suspension, modification or revocation under sections 8.04.290 through 8.04.310, inclusive, at any time, whether or not a periodic review is being conducted.