

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF PROVIDING) ORDINANCE NO. 81-107
FOR A TEMPORARY PARTIAL WAIVER OF)
CHARGES AT THE ST. JOHNS LANDFILL) As amended by Coun. Etlinger
FOR WOODY WASTES)

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1.

Metro Code Section 4.06.005 [Definitions] is hereby amended to read:

As used in this ordinance, unless the context requires otherwise:

(a) "Person" means any individual, partnership, association, corporation, trust, firm, estate, joint venture or any other private entity or any public agency.

(b) "Solid Waste" means all putrescible and nonputrescible wastes, including without limitation, garbage, rubbish, refuse, ashes, paper and cardboard; vehicles or parts thereof; sewage sludge, septic tank and cesspool pumpings or other sludge; commercial, industrial, demolition and construction waste; home and industrial appliances; and all other waste material permitted by ordinance to be disposed of at the St. Johns Landfill.

(c) "St. Johns Landfill" is that existing landfill owned by the City of Portland, Oregon, operated by Metro and located at 9363 N. Columbia Blvd., Portland, Oregon 97203.

(d) Woody Waste" means twigs, branches and tree limbs in a form appropriate for mechanical processing for reuse or sale. Woody waste does not include grass clippings, leaves (other than

leaves still attached to limbs or branches), or other yard or construction debris that is not appropriate for mechanical processing for reuse or sale. The operator or person in charge of accepting woody waste shall make the final determination of what is woody waste based on the capacity of available machinery to process the woody waste. The Executive Officer may establish guidelines for determining what is woody waste within the meaning of this chapter.

(e) "Separated Woody Waste" means woody waste which does not contain sufficient nonwoody waste to interfere with mechanical processing of the woody waste or contaminate the processed woody waste product.

Section 2.

Metro Code Section 4.06.030 [Waiver of Rates; St. Johns Landfill] is hereby amended to read:

(a) A waiver of charges may be made by the operator of the landfill for inert material, including but not limited to earth, sand, stone, crushed concrete and broken asphaltic concrete, if, at the discretion of the operator of the landfill, such inert material is needed for cover, road base or other internal use.

(b) The Executive Officer may, from time to time, direct that separated woody waste be accepted at no charge or at a rate not to exceed the following charges:

VEHICLE CATEGORY	TOTAL RATE
PRIVATE	
Cars, Station Wagons	\$1.00 ¹
Vans, Pick-ups, Trailers	2.00 ²
COMMERCIAL	
Compacted	1.00/CY
Uncompacted	.50/CY

¹Based on a minimum load of 2 cubic yards.

²For the first two and a half cubic yards, each additional cubic yard is \$1.00.

The Executive Officer may direct that such separated woody waste be accepted under such conditions as may be convenient to facilitate its processing for reuse or sale. Before directing that separated woody waste be accepted at no charge or at a reduced charge under the terms of this subsection, the Executive Officer shall determine that a sufficient demand exists for processed woody waste to ensure that the woody wastes accepted under the provisions of this subsection can be reused or sold and will not have to be disposed of with other solid waste in the landfill.

Section 3.

This ordinance is adopted as a temporary measure to encourage alternative disposal of woody waste. This ordinance shall cease to apply and shall be of no further effect after January 1, 1982.

ADOPTED by the Council of the Metropolitan Service District
this 23rd day of April, 1981.


Presiding Officer

ATTEST:


Clerk of the Council

MH/gl
2820B/214

4. PUBLIC HEARING

4.1 Ordinance No. 81-107, For the Purpose of Providing for a Temporary Partial Waiver of Charges at the St. Johns Landfill for Woody Wastes (First Reading)

Coun. Banzer moved for adoption of the ordinance, seconded by Coun. Rhodes. At the Presiding Officer's request, the Clerk read the ordinance by title only.

Coun. Banzer said the ordinance was intended to provide an economic incentive to dispose of yard clippings that would normally be burned in back yards. She explained the Regional Services Committee discussed the issue and had asked for the ordinance to be drafted to request a partial waiver of fees to coincide with Metro-sponsored cleanup weeks in May. She said the Committee was requesting Council to hold a public hearing tonight, the Committee would then review the ordinance and make possible revisions for Council's consideration at a second reading to be held at the end of April.

Mr. Gus Rivera reported staff had developed the program and cleanup weeks had been scheduled. Three sites had been established, brochures were ready for distribution to advertise the program, and commercial haulers had agreed to participate in the program. He said advertisements had also been ordered which would appear in various regional newspapers.

Coun. Etlinger asked if any mailings were planned, when could Council review the brochure, how would the public distinguish woody waste from other yard debris, and if Metro supported this project, would they support other, private neighborhood cleanup drives.

In answering Coun. Etlinger's last question, Mr. Rivera said a provision was in the ordinance giving the Executive Officer an option of continuing the fees for a period of time to be determined. This could apply to private cleanup drives, he said. In responding to other questions, Mr. Rivera answered that the City of Portland was also coordinating ten cleanup days to take place on Saturdays. He said brochures would only be mailed to people calling the Recycling Switchboard and requesting them. Mr. Rivera recognized the problem of educating the public to understand the difference between woody waste and other yard debris and said staff were making efforts in this area.

Coun. Rhodes reminded Council this ordinance was on the next Regional Services Committee agenda and further discussion could take place at that meeting.

Presiding Officer Deines opened the public hearing on Ordinance No. 81-107. There being no public testimony, the hearing was closed.

5. MOTION

5.1 Addition of Allen Johnson to the list of Metro Hearings Officers

Mr. Andrew Jordan explained Mr. Johnson was an attorney residing in Eugene and was formerly an LCDC hearings officer before the Land Use Board of Appeals

Presiding Officer Deines ruled the document dated April, 1981, entitled "The Metro Futures Proposal" from the Task Force on Goals and Objectives not be part of Resolution No. 81-236 since the resolution did not address the document. He agreed with Coun. Burton and said the Council needed to consider at some future time the makeup of the Task Force as well as to whom the Task Force would report.

Coun. Bonner moved Resolution No. 81-236 be adopted. Coun. Schedeen seconded the motion. Voting for adoption were Presiding Officer Deines, Coun. Schedeen, Bonner, Etlinger, Kafoury, Oleson, Williamson, Kirkpatrick and Rhodes. Voting against adoption was Coun. Burton. The motion carried and the Presiding Officer declared the resolution adopted.

5. ORDINANCES

5.1 Ordinance No. 81-107, For the Purpose of Providing for a Temporary Partial Waiver of Charges at the St. Johns Landfill for Woody Wastes (Second Reading)

The Presiding Officer declared a motion for adopting the ordinance had been made at the April 2, 1981, Council meeting and a public hearing had also been held on that date.

Coun. Etlinger circulated a memo from himself to Councilors explaining an amendment he wished to propose to the ordinance. Coun. Etlinger explained the amendment would give the Executive Officer the option of charging a reduced rate or of imposing no fee for the disposal of yard debris during the special cleanup drives. He said a free program would be a good expenditure of EPA grant funds not available next year and a free program could also involve citizens in source separation activity that might not otherwise participate. Coun. Etlinger then moved to amend the ordinance per his memo. The motion was seconded by Coun. Bonner.

Coun. Oleson asked for the Executive Officer's response to the proposed amendment. Executive Officer Gustafson said he was not strongly opposed to the amendment. He said the important issue was to do everything possible to encourage keeping yard debris out of landfills. However, he said, a free program could cause problems since no funds would be available next year to subsidize the program. He thought the \$1.00 rate as proposed in the original ordinance was sufficient incentive for citizen participation.

Coun. Oleson said he was concerned that program participation would not be great. Mr. Gus Rivera said he expected good participation due to staff publicity efforts. Mr. Rivera was concerned that if disposal services were offered free of charge there would not be sufficient funds with which to sponsor other campaigns. He was also concerned that free services could raise citizen expectations for next year.

Coun. Rhodes said she would not support the amendment because the adopted ordinance would become a permanent rule and the Executive Officer would then be in a position of imposing rates for different groups - a practice some groups might not think equitable if their rate was higher than others. Also, the project should not be totally subsidized since the \$1.00 rate would serve as an adequate incentive and Metro could not afford a total subsidy, she said.

Coun. Etlinger pointed out the ordinance would expire at the end of January, 1982. Coun. Oleson asked the Executive Officer if he intended to advise the Council in advance of any rates recommended of less than \$1.00. Executive Officer Gustafson said he would report such plans to the Council in advance.

A vote was taken on the motion to amend Ordinance No. 81-107 to allow free rates as proposed by Coun. Etlinger. Voting aye were Couns. Etlinger, Kafoury, Oleson, Williamson, Schedeen and Bonner. Voting no were Presiding Officer Deines, Couns. Burton, Kirkpatrick and Rhodes. The motion passed.

A vote was taken on the motion to adopt Ordinance No. 81-107 as amended. Voting aye were Couns. Etlinger, Kafoury, Burton, Oleson, Williamson, Rhodes, Schedeen and Bonner. Voting no were Coun. Kirkpatrick and Presiding Officer Deines. The Presiding Officer declared the ordinance adopted.

The Presiding Officer called a five-minute recess. Coun. Kafoury did not return after the meeting reconvened.

6. PUBLIC HEARINGS

4.9 Resolution No. 81-241, For the Purpose of Transmitting the Fiscal Year 1981 Supplemental Budget to Tax Supervising and Conservation Commission.

Presiding Officer Deines opened the public hearing on the resolution. Executive Officer Gustafson said the supplemental budget had been reviewed and recommended for approval by the Council Coordinating Committee and staff were present to answer questions of the public and Council.

Coun. Burton, Chairman of the Coordinating Committee, said the staff report was self-explanatory and that Council approval of the resolution was a procedural matter required before the budget could be presented to the Tax Supervising and Conservation Commission (TSCC).

Since no testimony was received from the public, the Presiding Officer closed the public hearing. Coun. Rhodes then moved that Resolution No. 81-241 be approved. Coun. Schedeen seconded the motion. A vote was taken on the motion and it carried unanimously.

Public Hearing on the Proposed FY 82 Budget

Presiding Officer Deines opened the public hearing on the FY 82 budget.

Coun. Williamson requested a review of budget changes recommended by the Council Coordinating Committee. Coun. Burton reported the Coordinating Committee reviewed the budget as recommended by the Executive Officer on April 13 and April 20, 1981. Also reviewed were discretionary programs recommended by the Regional Development and Regional Service Committees, he said. He said the Coordinating Committee recommended the Council approve the budget as represented in the document entitled "Metropolitan Service District Proposed Budget, Fiscal Year 1982", dated April, 1981.

A G E N D A M A N A G E M E N T S U M M A R Y

TO: Metro Council
FROM: Regional Services Committee
SUBJECT: Establishing Temporary Partial Waiver of Disposal Charges
to be Collected at the St. Johns Landfill

I. RECOMMENDATIONS:

- A. ACTION REQUESTED: Adopt Ordinance No. 81-107 for the purpose of providing for a temporary partial waiver of charges at the St. Johns Landfill for the disposal of woody waste. This ordinance was considered by the Committee on March 16, 1981. It has been forwarded for first reading to allow for consideration prior to the scheduled May "Clean-up Week." The Committee will hold a public hearing on the item at its next meeting.
- B. POLICY IMPACT: Adoption of this ordinance will promote the implementation of the Yard Debris Program. The ordinance will help fulfill short-term waste reduction goals through the recovery of yard debris. Economic incentives in the form of a partial waiver of disposal charges are consistent with the policies of the Waste Reduction Plan. The ordinance will expire on January 1, 1982, unless renewed by Council.
- C. BUDGET IMPACT: Adoption of this ordinance will not adversely affect the operation of the landfill. There will not be a permanent rate impact. These reduced rates will apply during Metro's "clean-up week" and to material that will not be disposed in the landfill.

II. ANALYSIS:

- A. BACKGROUND: In February of this year, Metro received a \$265,000 Environmental Protection Agency (EPA) grant to develop and implement alternatives for the disposal of yard debris. Metro has developed a three-part regionwide program that includes public education, special "clean-up weeks"; and marketing of processed woody waste. Metro, Clackamas County and the city of Troutdale will be sponsoring three short-term collection and processing sites during the "clean-up weeks." All participants have agreed to charge the same disposal fee for these three sites.
- B. ALTERNATIVES CONSIDERED: The success of the program demands a reduced rate. Other price alternatives were considered, but discarded as not offering enough incentive to promote the transportation of the material to the collection sites.

C. CONCLUSION: This ordinance, if adopted, will provide a temporary incentive encouraging alternative disposal methods for woody waste. At the conclusion of the program, recommendations will be made for a long-term solution for the disposal of yard debris.

GR/gl
2605B/214

ORDINANCE NO. 81-107

TITLE For the Purpose of Providing for a
Temporary Partial Waiver of Charges at the
St. Johns Landfill for Woody Wastes

DATE INTRODUCED April 2, 1981

FIRST READING April 2, 1981

SECOND READING April 23, 1981

DATE ADOPTED April 23, 1981

DATE EFFECTIVE April 23, 1981

ROLLCALL

	Yes	No	Abst.
Burton			
Oleson			
Williamson			
Berkman			
Kirkpatrick			
Deines			
Rhodes			
Schedeen			
Bonner			
Banzer			
Etlinger			
Kafoury			