

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE FOR THE PURPOSE OF )  
IMPLEMENTING CONTROL OF THE FLOW )  
OF SOLID WASTE IN CLACKAMAS COUNTY )  
 )  
ORDINANCE NO. 83-152

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Purpose. It is the purpose of this Ordinance to exercise the authority of ORS 268.317(3) and (4) by requiring all non-hazardous solid waste generated within the area of the Clackamas Transfer & Recycling Center (CTRC) in Oregon City to be transported to and disposed of at that facility. This requirement is necessary to assure sufficient revenues, resulting from use of the CTRC, to support the operation of the facility and to pay the costs of construction and debt service owed on the facility, and to assure that the facility is used in an economic manner consistent with its capacity.

Section 2. Definitions. For purposes of this Ordinance, the following definitions shall apply:

(a) "CTRC Area" shall mean that land area which is within both Clackamas County and the Metropolitan Service District. A map of the "CTRC area" is attached to this Ordinance as Exhibit A.

(b) "CTRC" shall mean the Clackamas Transfer & Recycling Center, owned by the District, and located at 16101 82nd Drive, Oregon City, Oregon.

(c) "Person" shall include individual persons, corporations, firms, partnerships and public or quasi-public bodies or agencies.

(d) "Solid Waste" shall have that meaning provided in Ordinance No. 81-111.

(e) "Executive Officer" shall mean the Executive Officer of the Metropolitan Service District.

Section 3. Flow Control.

(a) All solid waste generated within the CTRC area shall be transported to and disposed of at the CTRC.

(b) Any person who generates solid waste within the CTRC area shall dispose of such solid waste at the CTRC.

(c) Any person who picks up, collects or transports solid waste from or within the CTRC area shall dispose of such solid waste at the CTRC. Any such person who picks up or collects solid waste both within and without the CTRC area shall dispose of all such solid waste at the CTRC; provided, however, that any such person who collects less than 25 percent of the total waste collected by such person on a daily basis from the CTRC area may, upon written approval of the Executive Officer, dispose of all such wastes at other facilities.

(d) Nothing in this Ordinance shall be construed to prevent solid waste generated without the CTRC area from being transported to and disposed of at the CTRC, except to the extent to which the capacity of the CTRC may not permit such disposal.

Section 4. Authority of Executive Officer. The Executive Officer is hereby authorized to establish any regulations, not in conflict with this Ordinance, deemed necessary to implement the terms of this Ordinance. The Executive Officer may exempt certain types of solid waste from the requirements of Section 3 of this Ordinance. In addition, the Executive Officer is authorized to take actions necessary to assure enforcement of this Ordinance and

prosecute violators as provided by law.

Section 5. Conflicts. To the extent that the terms of this Ordinance may conflict with the terms of Ordinance No. 81-111, this Ordinance shall control.

Section 6. Effective Date. This Ordinance shall be effective on its date of adoption.

ADOPTED by the Council of the Metropolitan Service District  
this \_\_\_\_\_ day of \_\_\_\_\_, 1983.

\_\_\_\_\_  
Presiding Officer

ATTEST:

\_\_\_\_\_  
Clerk of the Council

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STAFF REPORT

Agenda Item No. 8.3

Meeting Date May 5, 1983

CONSIDERATION OF FLOW CONTROL ORDINANCE FOR  
CLACKAMAS TRANSFER & RECYCLING CENTER (CTRC)

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Date: April 7, 1983

Presented by: Norm Wietting

FACTUAL BACKGROUND AND ANALYSIS

At its March 1983 meeting, the Regional Services Committee instructed staff to prepare a flow control ordinance which would direct all solid waste from the Metro region which currently uses Rossman's Landfill, to use the Clackamas Transfer & Recycling Center (CTRC). In order to provide for an orderly opening of CTRC and a timely closure of Rossman's Landfill, the staff was asked to meet with Clackamas County Solid Waste Commission, Clackamas County Haulers' Association, Genstar and Rossman's Landfill to work out an agreement which would meet the needs of all parties involved. As a result, the following proposal was negotiated pending approval by the Clackamas County Board.

In order to meet our contract commitments to Genstar, alleviate the waste flow shortage at St. Johns and to achieve the lower rate in the CTRC operations contract, Metro will receive 10,000 tons per month. We will take all of the public traffic (approximately 3,000 tons per month) and the majority of the Clackamas County haulers (approximately 7,000 tons per month).

After April 11, 1983, Rossman's Landfill will need approximately 40,000 tons to fill the remaining space. The commercial waste flow during the last few months has been about 20,000 tons per month. Rather than filling completely in two months, Rossman's Landfill has agreed to divert the public and approximately 7,000 tons per month to CTRC if they are allowed to operate until June 30, 1983 or until full, whichever is sooner.

Clackamas County Solid Waste Commission has agreed to divert all public waste and to direct the Clackamas County haulers to use the CTRC. Further, they have agreed to lower their franchise fee \$1.72 per ton at Rossman's Landfill. This money would be paid to the operator of the landfill to pay for the increased cost to operate three months rather than two months. This fee change must be approved by the Clackamas County Board.

EXECUTIVE OFFICER'S RECOMMENDATION

While the agreement meets the needs of all parties concerned, it cannot be signed until the rate change is approved by Clackamas

County. As it appears that the agreement will work it is recommended that the Regional Services Committee approve the flow control ordinance and that the first reading be held at the Council meeting on April 28, 1983. The ordinance could then be tabled until needed.

COMMITTEE CONSIDERATION AND RECOMMENDATION

On April 12, 1983, the Regional Services Committee recommended that the Council have the first reading at the regular Council meeting on April 28, 1983, and that the ordinance should be tabled until needed. A public hearing should not be conducted until the second reading if needed. The Committee also recommended that the emergency clause be deleted and Section 5 Penalties be modified to delete the provision for imprisonment.

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letter is attached to the agenda of the meeting). Presiding Officer Banzer explained that Mr. Wooten was referring to the Council Committee Assignment sheet which indicated that it took three members to constitute a quorum. She explained that the three member rule applied to the three major standing committees and not to the Contract Review Committee which only required a majority or two members. Mr. Joe Cancilla, President of PASSO requested a corrected copy of the Committee Assignment sheet.

Mr. Gaylen Kiltow, member of the Portland Association of Sanitary Service Operators, submitted and read a letter regarding the Clackamas Transfer and Recycling Center Wash Rack Survey (a copy of the letter is attached to the agenda of the meeting). He said he objected to the financing options outlined in the survey for the wash rack. Mr. Norm Wietting, Solid Waste Department, stated that the per ton cost estimates were based on actual operating costs at St. Johns and that the cost to the haulers would be reduced once the capital costs of constructing the facility were paid.

6. Consent Agenda.

The Consent Agenda consisted of the following:

6.1 Minutes of the meeting of February 24, 1983.

Motion: Councilor Kirkpatrick moved adoption of the Consent Agenda. Councilor Kafoury seconded the motion.

Vote: The vote on the motion resulted in:

Ayes: Councilors Banzer, Deines, Etlinger, Hansen, Kafoury, Kelley, Kirkpatrick, Van Bergen, and Waker.

Nays: None.

Absent: Councilors Bonner, Oleson, and Williamson.

Motion carried, Consent Agenda adopted.

8.1 Consideration of Ordinance No. 83-152, for the purpose of implementing control of the flow of solid waste in Clackamas County. (First Reading)

Councilor Hansen stated that the purpose of the flow control measure was to guarantee an adequate flow of waste to the CTCRC

facility. He said it was hoped that the Council would not have to implement flow control and that the agreement concerning the flow of solid waste to the facility would be honored by all of the parties involved. However, he said, if the agreement would break down and flow control was needed, the purpose of bringing the ordinance before the Council was to provide the latitude to respond quickly in the event that flow control was needed.

Mr. Norm Wietting and Dan Durig, Solid Waste Department, briefly presented the staff report, as contained in the agenda of the meeting.

Motion: Councilor Hansen moved adoption of Ordinance No. 83-152. Councilor Kelley seconded the motion.

Councilor Hansen asked if the ordinance was tabled, would it required two subsequent meetings to take it off the table and have the second reading. Mr. Jordan, General Counsel, responded that the ordinance could be taken from the table and adopted at the same meeting.

Motion: Councilor Deines moved that the ordinance be tabled. Councilor Hansen seconded the motion.

Vote: The vote on the motion to table Ordinance No. 82-153 resulted in:

Ayes: Councilors Banzer, Deines, Etlinger, Hansen, Kafoury, Kelley, Kirkpatrick, Van Bergen, and Waker.

Nays: None.

Absent: Councilors Bonner, Oleson, and Williamson.

Motion carried to table Ordinance No. 83-152.

7.1 Consideration of Resolution No. 83-401, for the purpose of authorizing the rollback of interstate transfer funds to June 1980 levels and allocating initial funding authorizations for implementation in the third quarter of FY 1983.

Andy Cotugno, Transportation Department, presented the staff report, as contained in the agenda of the meeting. He noted that Attachment "C" to the Resolution, which was a list of projects anticipated for funding during the current fiscal year, should be amended to delete the construction funds for the 217/Sunset interchange project at the request of Washington County.