

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING METRO) ORDINANCE NO. 86-212
CODE SECTION 5.02.050 TO ALLOW)
FOR THE EXEMPTION OF SOLID WASTE)
FROM THE METRO REGIONAL TRANSFER)
CHARGE WHEN IT IS DELIVERED TO)
MARION COUNTY SOLID WASTE FACILI-)
TIES BY COMMERCIAL HAULERS)

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Metro Code Section 5.02.050, Regional Transfer Charge, is amended to read as follows:

"(a) There is hereby established a regional transfer charge which shall be a charge to the operators of solid waste disposal facilities for services rendered by Metro in administering and operating solid waste transfer facilities owned, operated or franchised by Metro. Such charge shall be collected and paid in the form of an add-on to user fees established by Section 5.02.045 of this chapter.

"(b) The following regional transfer charges shall be collected and paid to Metro by the operators of solid waste disposal facilities, whether within or without the boundaries of Metro, for the disposal of solid waste generated, originating collected or disposed within Metro boundaries:

"(1) For noncompacted commercial solid waste, \$.37 per cubic yard delivered; \$2.98 per ton delivered.

"(2) For compacted commercial solid waste, \$.88 per cubic yard delivered; \$2.98 per ton delivered.

"(3) For all material delivered in private cars, station wagons, vans, single and two wheel trailers, trucks with rated capacities of less than one (1) ton, \$.68 per cubic yard with a minimum charge of \$1.36 per load when disposal rates are based on a two cubic yard minimum or \$1.70 per load when rates are based on a two and one-half cubic yard minimum."

"(c) Regional transfer charges shall not be collected on wastes disposed at limited use landfills by commercial disposers. The purpose of this exemption is to encourage the disposal of non-food wastes at limited use sites and thus prolong the capacity of general purpose landfills."

"(d) The Solid Waste Director is hereby authorized to exempt those wastes which are disposed at transfer stations or other solid waste facilities not operated by Metro from the collection of Regional Transfer Charges if the following conditions are met:

- i The RTC exemption benefits the entire waste management system and is needed to provide economic incentives for diverting wastes away from a Metro facility; and

- ii The RTC exemption is for a reasonable time not to exceed the completion of construction of the West Transfer & Recycling Center; and
- iii The RTC exemption will apply only to the quantity of waste which does not adversely affect the finances of the entire waste management system; and
- iv The facility agrees to accept the entire quantity of waste from the region that it can legally and operationally accept; and
- v The facility continues to collect other Metro fees as required; and
- vi The RTC exemption is granted to a facility through a written agreement."

ADOPTED by the Council of the Metropolitan Service District
this 20th day of November, 1986.


Richard Waker, Presiding Officer

ATTEST:


Clerk of the Council

RM/gl
6443C/472-2
10/31/86

STAFF REPORT

Agenda Item No. 7.2

Meeting Date Nov. 20, 1986

CONSIDERATION OF ORDINANCE NO. 86-212 FOR THE
PURPOSE OF AMENDING METRO CODE SECTION 5.02.050
TO ALLOW FOR THE EXEMPTION OF SOLID WASTE FROM
THE METRO REGIONAL TRANSFER CHARGE WHEN IT IS
DELIVERED TO MARION COUNTY SOLID WASTE FACILITIES
BY COMMERCIAL HAULERS

Date: October 31, 1986

Presented by: Rich McConaghy

FACTUAL BACKGROUND AND ANALYSIS

The purpose of this Staff Report is to introduce Ordinance No. 86-212 which would authorize the Solid Waste Director to exempt wastes that are delivered to the Marion County waste to energy plant by commercial haulers from the Metro Regional Transfer Charge (RTC). On September 25 the Council approved an agreement with Marion County which allows for the delivery of a portion of the region's waste to the Brooks mass burn facility.

The majority of waste (40,000 tons per year) which the county will accept will be delivered by transfer trucks from the Clackamas Transfer & Recycling Center. The county has also agreed to accept an additional amount of waste from Metro area haulers when they deliver directly to the Brooks facility. The purpose in exempting directly hauled waste from the Metro RTC is to provide an incentive for commercial haulers to use the Marion County facility rather than CTRC. This will serve to reduce flows at CTRC (as required by Oregon City) and at the St. Johns Landfill.

Currently about 300 to 400 tons of waste per month are direct hauled from the Wilsonville area to the Brooks plant. Disposal at Brooks currently costs Metro area haulers \$17.02 per ton (\$12.00 for disposal, \$2.04 Metro User Fee, \$2.98 Metro RTC). This compares to the CTRC charge of \$17.38 per ton. Beginning March 1, 1987, the Brooks disposal fee will increase to \$26.00 per ton making the total tip fee \$31.02 per ton. Between now and March, it is expected that up to an additional 500 tons per month of waste could be diverted from CTRC if a sufficient incentive were provided to haulers to deliver their loads to Brooks. After March, it is probable that even the current flow of waste being direct hauled to Marion County will return to CTRC.

With the removal of the current \$2.98 per ton RTC from directly hauled waste, there would be a \$3.34 per ton differential between Brooks and CTRC rates (\$14.04 at Brooks versus \$17.38 at CTRC). A hauler would have sufficient economic incentive to drive an

additional 20 miles round trip to deliver to Brooks rather than to CTRC (this assumes a six-ton load and an operating cost of \$1.00 per mile). This should allow many of the operators currently hauling to CTRC from southeast Washington County to use the Brooks facility on essentially a break-even basis for at least the next few months.

If a number of haulers take advantage of the economic opportunity and haul to Marion County for four months, Metro would realize a \$2,000 savings in transfer system net operating costs (\$12,000 in RTC and convenience charge revenue would not be received and \$14,000 in contractual services expenditures would not be made). Exemption of the RTC is appropriate in this instance because it results in a net savings to the transfer system.

Ordinance No. 86-212 would add "other solid waste facilities" to transfer stations not operated by Metro, as a class of operations which could potentially receive the RTC exemption based on certain conditions and the Director's authorization. The conditions which would need to be met before the Director could issue an RTC exemption for the Marion County burner or other facilities are the following:

1. The RTC exemption benefits the entire waste management system and is needed to provide economic incentives for diverting waste away from a Metro facility.
2. The RTC exemption is for a reasonable time not to exceed the completion of construction of the West Transfer & Recycling Center.
3. The RTC exemption will only apply to the quantity of waste which does not adversely effect the finances of the entire waste management system.
4. The facility agrees to accept the entire quantity of waste from the region that it can legally and operationally accept.
5. The facility continues to collect other Metro fees as required.
6. The RTC exemption is granted to a facility through a written agreement.

The Brooks facility would qualify for an exemption under each of these conditions. To date, exemptions under the conditions have been granted to the Forest Grove and Newberg transfer stations. A categorical exemption from the RTC has been granted to commercial users of limited-use landfills (5.02.050(c)).

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 86-212.

RM/sm-6443C/472-3
11/04/86

Metro Council
November 13, 1986
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Manager, acknowledged it would take staff at least six months to process the estimated 50,000 yards of debris stockpiled. He also explained staff had distributed ads identifying other processors of yard debris so that Metro's program would not have negative effects on private processors.

Responding to Councilor Gardner's question, Mr. Wietting said the yard debris diverted represented about one percent of all waste disposed in the landfill.

Motion: Councilor Gardner moved for adoption of Ordinance No. 86-211 and Councilor Kirkpatrick seconded the motion.

Presiding Officer Waker opened the public hearing on the ordinance. There being no testimony, he closed the hearing and announced the second reading of the Ordinance would occur at the Council meeting of November 20, 1986.

7.2 Consideration of Ordinance No. 86-212, for the Purpose of Amending Metro Code Section 5.02.050 to Allow for the Exemption of Solid Waste from the Metro Regional Transfer Charge when it is Delivered to Marion County Solid Waste Facilities by Commercial Haulers (First Reading and Public Hearing)

The Clerk read the Ordinance by title only for a first time.

Rich McConaghy, Solid Waste Analyst, reviewed staff's report. On September 23, 1986, the Council approved an agreement with Marion County to allow for the delivery of a portion of the region's waste to the Brooks mass burn facility. The purpose for exempting directly hauled waste from the Metro regional transfer charge was to provide an incentive for commercial haulers to use the Marion County facility rather than Clackamas Transfer & Recycling Center. This, he explained, would serve to reduce flows at CTRC (as required by Oregon City) and at the St. Johns Landfill.

Councilor Kelley said she had visited with Marion County officials the previous day. Some of the officials expressed dissatisfaction that Metro haulers would, under the new agreement, pay less for waste disposal than would Marion County haulers. The Councilor said she was concerned about Metro's relationship with the County and thought it better for the County's Board of Commissioners to approve all arrangements before Metro's Council adopted the Ordinance.

Doug Drennen, Engineering/Analysis Manager, said he was involved in all negotiations with Marion County. He said the County requested Metro provide them with additional waste which would result in more revenue for their mass burn facility and therefore, cost savings to

the County's users. The three-year agreement with Marion County was designed to provide waste to the facility until such a time Marion County haulers could provide sufficient tonnages to run the facility, he explained.

Motion: Councilor DeJardin moved to adopt Ordinance No. 86-212 and Councilor Van Bergen seconded the motion.

Presiding Officer Waker opened the public hearing on the ordinance. There being no testimony, he closed the public hearing and announced the second reading of the Ordinance would occur at the Council meeting of November 20, 1986.

8. CONTRACTS

8.1 Consideration of a Contract with EMCON Associates for Services Connected with St. Johns Landfill Inspection and Remaining Capacity Calculation

Dennis O'Neil, Solid Waste Analyst, reviewed staff's report. He explained the three-year, \$100,925 contract would provide for third party inspections of the St. Johns Landfill as required by Metro's contractual agreement with the City of Portland. Three bids were received for the service and EMCON's bid was the lowest. The proposed contractor had an established reputation in the field of landfill inspection, Mr. O'Neil said.

In response to the Presiding Officer's question, Mr. O'Neil reported one bid had been received from a minority-owned contractor but EMCON had submitted a lower bid and was therefore being recommended for the contract award.

Councilor Kelley requested the consultant provide cost estimates for repairing the landfill's entrance bridge, explaining the information would be useful when discussions resumed regarding Solid Waste Operation Budget carryover amounts. Mr. O'Neil said the estimate could be prepared.

Councilor Hansen asked if the contract would lend itself to subcontracting had 10 percent of the contract had been set aside for minority-owned contractors. Mr. O'Neil responded that some parts of the contract could have been subcontracted. He was uncertain, however, whether a minority-owned engineering firm existed with specific landfill inspection experience.

Motion: Councilor DeJardin moved the contract with EMCON Associates be approved and Councilor Gardner seconded the motion.

Absent: Knowles

The motion carried and Ordinance No. 86-211 was adopted.

7.2 Consideration of Ordinance No. 86-212, for the Purpose of Amending Metro Code Section 5.02.050 to Allow for the Exemption of Solid Waste from the Metro Regional Transfer Charge when it is Delivered to Marion County Solid Waste Facilities by Commercial Haulers (Second Reading)

The Clerk read the Ordinance a second time by title only. There was no discussion on the Ordinance.

Motion: The motion to adopt Ordinance No. 86-212 was made by Councilors DeJardin and Van Bergen at the meeting of November 13, 1986.

Vote: A vote on the motion resulted in:

Ayes: Councilors Collier, Cooper, DeJardin, Frewing, Gardner, Hansen, Kelley, Kirkpatrick, Ragsdale, Van Bergen and Waker

Absent: Knowles

The motion carried and Ordinance No. 86-212 was adopted.

8. RESOLUTIONS

8.2 Consideration of Resolution No. 86-701, for the Purpose of Endorsing the Conclusions and Recommendations of the Oregon Roads and Transit Finance Studies

Andy Cotugno, Transportation Director, reviewed staff's written report in detail. He explained the state-wide roads and transit finance studies were conducted separately but were coordinated to ensure compatible recommendations. He then discussed Attachment A to the Resolution (Oregon Transit Finance Study Advisory Committee: Recommendations for Transit Funding).

Regarding the transit study, Councilor Kelley was concerned that disabled transit users had not been interviewed regarding their future transit needs. She served on the Committee on Accessible Transit and said that committee had not heard of any discussion with the disabled regarding transit needs. Mr. Cotugno thought disabled citizens had participated in the study.

After Mr. Cutogno's review of Attachment B to the Resolution (Oregon Roads Finance Study: Recommendations for Highway Funding), Coun-



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

November 26, 1986

Mr. Charles D. Cameron
County Administrator
Washington County Courthouse
150 North First Avenue
Hillsboro, Oregon 97123

Dear Mr. Cameron:

Enclosed are true copies of the following ordinances adopted by the Council of the Metropolitan Service District at their meeting of November 20, 1986. Please file these ordinances in the Metro files maintained by your county.

Ordinance No. 86-211, for the Purpose of
Modifying and Continuing a Temporary
Reduction in Disposal Rates for Source
Separated Yard Debris at the St. Johns
Landfill

Ordinance No. 86-212, for the Purpose of
Amending Metro Code Section 5.02.050 to
Allow for the Exemption of Solid Waste
From the Metro Regional Transfer Charge
When it is Delivered to Marion County
Solid Waste Facilities by Commercial
Haulers

Sincerely,

A. Marie Nelson
Clerk of the Council

amn

Enclosures (2)

Metro Council

Richard Waker
Presiding Officer
District 2

Jim Gardner
Deputy Presiding
Officer
District 3

Bob Oleson
District 1

Corky Kirkpatrick
District 4

Tom DeJardin
District 5

George Van Bergen
District 6

Sharron Kelley
District 7

John Frewing
District 8

Tanya Collier
District 9

Larry Cooper
District 10

Marge Kafoury
District 11

Gary Hansen
District 12

Executive Officer
Rick Gustafson



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

November 26, 1986

Ms. Jane McGarvin
Clerk of the Board
Multnomah County Courthouse
1021 S.W. Fourth Avenue
Room 606
Portland, Oregon 97204

Metro Council

Richard Waker
Presiding Officer
District 2

Jim Gardner
Deputy Presiding
Officer
District 3

Bob Oleson
District 1

Corky Kirkpatrick
District 4

Tom DeJardin
District 5

George Van Bergen
District 6

Sharron Kelley
District 7

John Frewing
District 8

Tanya Collier
District 9

Larry Cooper
District 10

Marge Kafoury
District 11

Gary Hansen
District 12

Executive Officer
Rick Gustafson

Dear Jane:

Enclosed are true copies of the following ordinances adopted by the Council of the Metropolitan Service District at their meeting of November 20, 1986. Please file these ordinances in the Metro files maintained by your county.

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Haulers

Sincerely,

A. Marie Nelson
Clerk of the Council

amn

Enclosures (2)



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

November 26, 1986

Ms. Juanita Orr
County Clerk
Clackamas County Courthouse
8th and Main
Oregon City, Oregon 97045

Metro Council

Richard Waker
Presiding Officer
District 2

Jim Gardner
Deputy Presiding
Officer
District 3

Bob Oleson
District 1

Corky Kirkpatrick
District 4

Tom DeJardin
District 5

George Van Bergen
District 6

Sharron Kelley
District 7

John Frewing
District 8

Tanya Collier
District 9

Larry Cooper
District 10

Marge Kafoury
District 11

Gary Hansen
District 12

Executive Officer
Rick Gustafson

Dear Ms. Orr:

Enclosed are true copies of the following ordinances adopted by the Council of the Metropolitan Service District at their meeting of November 20, 1986. Please file these ordinances in the Metro files maintained by your county.

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Sincerely,

A. Marie Nelson
Clerk of the Council

amn

Enclosures (2)