

ORDINANCE NO. 48

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR THE MSD SOLID WASTE MANAGEMENT PROGRAM CONCERNING APPLICATION, ISSUANCE, SUSPENSION, MODIFICATION AND TERMINATION OF SOLID WASTE DISPOSAL SITE CERTIFICATES ESTABLISHING MINIMUM REQUIREMENTS FOR THE DESIGN, CONSTRUCTION AND OPERATION OF SOLID WASTE DISPOSAL SITES; PRESCRIBING AN EFFECTIVE DATE AND DECLARING AN EMERGENCY.

PUBLIC HEARINGS

MAY 13, 1977 AND MAY 27, 1977

ADOPTED

MAY 27, 1977

MODIFICATIONS

25% HAS COUNTY
GRASSBIE/BOND
RESISTANCE

METROPOLITAN SERVICE DISTRICT

ORDINANCE NO. 48

An ordinance establishing rules and regulations for the MSD Solid Waste Management Program concerning application, issuance, suspension, modification and termination of solid waste disposal site certificates establishing minimum requirements for the design, construction and operation of solid waste disposal sites; prescribing an effective date and declaring an emergency.

METROPOLITAN SERVICE DISTRICT
BOARD ACTION

NO. 77-826 DATE 5-27-77

	YES	NO	ABST.
BARTELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GORDON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
McCREADY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBNETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SALQUIST	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHUMACHER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MILLER, CHAIRMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Jean Miller
Clerk of the Board

ORDINANCE NO. 48

THE METROPOLITAN SERVICE DISTRICT ORDAINS THE FOLLOWING:

SECTION 1. Purposes.

The purpose of these regulations is to prescribe the procedures and requirements for the application, modification, suspension or termination of solid waste disposal site certificates and to establish minimum requirements for the design, construction and operation of solid waste disposal sites.

SECTION 2. Definitions.

The definitions in Ordinance 47 shall apply to these regulations as if fully set forth herein and words used in the masculine gender may include the feminine and the neuter.

SECTION 3. Type, Duration and Termination of Certificates.

A. Certificates issued by MSD will specify those activities and operations which are allowed as well as the requirements, limitations and conditions which must be met.

B. The duration of Certificates may vary, but shall not exceed ten (10) years. The expiration date will be recorded on each certificate issued. A new application must be filed with MSD to obtain renewal or modification of a Certificate.

C. Certificates are issued to the official applicant of record for the activities and operations of record and shall be automatically terminated:

1. After sale or exchange of the activity or facility for which a Certificate has been issued if MSD has not authorized a transfer of certificate.

2. Upon change in the nature of activities or operations from those of record in the last application.

3. Upon issuance of a new, renewal or modified Certificate for the same operation.

4. Upon written request of the holder of the Certificate.

SECTION 4. Application for a Certificate.

A. Any person wishing to obtain a new, modified or renewal certificate from MSD shall submit a written application on a form provided by MSD. All application forms must be completed in full, signed by the applicant or his legally authorized representative and accompanied by all required exhibits. The name of the applicant must be the legal name of the owner of the facilities or his agent or the person contractually responsible for the operation and maintenance.

B. Applications which are obviously incomplete, unsigned or which do not contain the required exhibits will not be accepted by MSD for filing and will be returned to the applicant for completion.

C. Applications which appear complete will be accepted by the MSD for filing.

D. Within 15 days after filing, MSD will review the application to determine the adequacy of the information submitted.

1. If the Director determines that additional information is needed, he will promptly request the needed information from the applicant. The application will not be considered complete for processing until the requested information is received. The application will be considered to be withdrawn if the applicant fails to submit the requested information within 90 days of the Director's request.

2. If the Director determines that additional measures are necessary to gather facts regarding the application, the Director will notify the applicant of his intent to institute said measures and the timetable and procedures to be followed. The application will not be considered complete for processing until the necessary additional fact-finding measures are completed. When the

information in the application is deemed adequate, the applicant will be notified that this application is complete for processing. Processing will be completed within 90 days after such notification.

E. In the event MSD is unable to complete action on an application within 90 days after notification that the application is complete for processing and if MSD has failed to notify the applicant that additional time is required to review the application, the applicant shall be deemed to have received a temporary certificate with such certificate to expire upon final action by the MSD to grant or deny the original application. A temporary certificate does not authorize any construction, activity, operation or discharge which will violate any of the laws, rules or regulation of the DEQ or MSD.

F. If the Director determines that a certificate is not required, he shall notify the applicant in writing of his determination.

G. In order for applications for certificates to be considered complete and accepted for processing, they shall:

1. Be submitted on forms provided by MSD and be accompanied by a copy of all required exhibits.
2. Include a statement concerning the current zoning and land use designation for the site and whether approvals of agencies with land use jurisdiction have been obtained and, if not, why not.
3. Indicate whether any public hearings had been held concerning the site and its proposed use, and, if so, the date, time, place, name of public body holding the hearing and why, the number of persons in attendance and the action taken.
4. Include a detailed site development and operational plan as required by Section 11.
5. Include such other information as MSD may deem necessary to determine whether the proposed site and solid waste disposal facilities and the operation thereof will comply with applicable requirements.

H. Applications for a certificate to establish a new solid waste disposal site or to substantially alter, expand or improve an existing solid waste disposal site or to make a change in the method or type of disposal shall be accompanied by a feasibility study report prepared in accordance with Section 10 of these regulations.

SECTION 5. Issuance of a Certificate.

A. Following determination that it is complete for processing, each application will be reviewed on its own merits. Recommendations will be developed in accordance with the provisions of all applicable statutes, rules and regulations of the State of Oregon, the Department of Environmental Quality and MSD.

B. If the Director proposes to issue a certificate, the proposed certificate will be forwarded to the applicant and other interested persons at the discretion of the Director for comment. All comments must be submitted in writing within 14 days after mailing of the proposed provisions if such comments are to receive consideration prior to final action on the application.

C. After 14 days have elapsed from the date of mailing of the proposed certificate, the Director may take final action on the application for a certificate. The Director may adopt or modify the proposed certificate. In taking such action, the Director shall consider the comments received regarding the proposed certificate and any other information obtained which may be pertinent to the application being considered.

D. The Director shall promptly notify the applicant in writing of the final action taken on his application. If the Director recommends denial, notification shall be in accordance with the provisions of Section 7. If the conditions of the certificate issued are different from the proposed certificate forwarded to the applicant for review, the notification shall include the reasons for the changes made. A copy of the certificate issued shall be attached to the notification.

E. If the applicant is dissatisfied with the conditions or limitations of any certificate issued by the Director, he may request a contested case hearing in accordance with MSD Code Chapter 20.04. If a hearing is requested, the burden of proof shall be determined in accordance with Section 7 of this Ordinance.

SECTION 6. Renewal of a Certificate.

The procedure for issuance of a certificate shall apply to renewal of a certificate. If a completed application for renewal of a certificate is filed with the Director in a timely manner prior to the expiration date of the certificate, the certificate shall not be deemed to expire until final action has been taken on the renewal application. If the Director refuses to renew a certificate, he shall notify the applicant in accordance with MSD Code Chapter 20.04, of the intent to refuse to renew. If a hearing is requested, MSD shall have the burden of proof.

SECTION 7. Denial of a Certificate, Authority to Dispose of Special Wastes or Transfer of a Certificate.

If the Director proposes to deny issuance of a certificate, the authority to dispose of special wastes or the transfer of a disposal site certificate, he shall notify the applicant in accordance with MSD Code Chapter 20.04, of the intent to deny. If a hearing is requested where the Director proposes to deny a certificate to an applicant who is operating a solid waste disposal site on the effective date of this ordinance, MSD shall have the burden of proof. In all other cases under this section, if a hearing is requested, the applicant or the Certificate holder, as the case may be, shall have the burden of proof.

SECTION 8. Modification of a Certificate.

If the Director determines to modify a certificate, the Director shall notify the certificate holder in accordance with MSD Code Chapter 20.04 of his intent to modify the certificate. If a hearing is requested, the burden of proof shall be on the party requesting the modification. A copy of the modified certificate shall be forwarded to the certificate holder as soon as the modification becomes effective. The existing certificate shall remain in effect until the modified certificate is issued.

SECTION 9. Suspension or Revocation of a Certificate.

A. If the Director determines to suspend or revoke a certificate, the Director shall notify the certificate holder, in accordance with MSD Code Chapter 20.04, of his intent to suspend or revoke the permit. If a hearing is requested, MSD shall have the burden of proof.

B. If the Director finds that there is a serious danger to the public health or safety, he may suspend, revoke or refuse to renew a certificate effective immediately. If the Director takes such action, he shall notify the certificate holder as soon as possible in accordance with MSD Code 20.04. If a hearing is requested, MSD shall have the burden of proof.

SECTION 10. Feasibility Study Report.

An applicant must submit with his application for a new disposal site or to alter, expand or improve an existing site a feasibility study report. A feasibility study report shall include, but not be limited to, the following:

A. Evidence that the proposed disposal facility or the alteration, expansion or improvement is a part of or is compatible with the MSD Solid Waste Management plan.

B. Proposed method or methods to be used in disposing of solid wastes, including anticipated types and quantities of solid wastes, anticipated type and number of vehicles delivering solid wastes, anticipated traffic circulation, justification of disposal method selected, general design criteria, ultimate land use of disposal site, equipment to be used, projected life and capacity by volume of the site, and proposed administration and accounting procedures.

C. Maps, exhibits and reports to show graphically the location and nature of the proposed project. For the disposal facility, the geologic characteristics of the site reflecting depths and types of soil; depth to rock; depth to local and regional groundwater tables; location and logs of soil borings; down-gradient uses of groundwater; direction and flow of groundwater; historic and seasonal surface water flows and elevations; proposed surface water diversions structures, berms, ditches, access roads, residences, buildings, streams, springs, ponds, wells and existing contours and elevations. In addition, the land use and zoning in the vicinity of the proposed site; population projections; prevailing and seasonal wind characteristics; supporting data and other pertinent information shall be presented.

D. A proposal for protection and conservation of the air, water and land environment surrounding the disposal site, including control and/or treatment of leachate, prevention of traffic congestion and control of other discharges, emissions or activities which may

result in a public health hazard, a public nuisance or environmental degradation.

E. A proposed fiscal program for plan implementation, including initial capital required, capital budget and bond or loan amortization if applicable.

SECTION 11. Detailed Plans and Specifications Required.

A. Before a new disposal site is established, constructed, maintained or operated and before an existing disposal site is altered, expanded or modified, an applicant must submit to the MSD final detailed plans and specifications for construction and operation of the proposed disposal site or the proposed alteration, expansion or modification and all related facilities and obtain written approval of such final plans and specifications from the MSD.

B. Engineering plans and specifications submitted to the MSD shall be prepared and approved by a professional engineer with current Oregon registration.

C. An application for a certificate may be preliminarily reviewed by MSD prior to the preparation of final detailed plans and specifications, if requested by the applicant or desired by the MSD.

D. Detailed plans and specifications shall include but not be limited to:

1. Location and design of all physical features of the site, such as, berms, dikes, surface drainage control, access and on-site roads, water and waste water facilities, trenches, landfill lifts and cells, monitoring wells, fences, utilities, truck washing facilities, legal boundaries and property lines, land use, and existing contours and projected finish grades at not to exceed 5 foot contour intervals unless otherwise approved by the MSD.

2. A detailed operational plan and timetable including the proposed method and sequence of site development, utilization and operation and proposal for monitoring and reporting any environmental effects resulting therefrom.

SECTION 12. Minimum Requirements for Solid Waste Disposal Sites.

The following requirements are the minimum requirements for the design, construction and operation of solid waste disposal sites:

A. Design and construction.

1. Leachate. Leachate production shall be minimized and where collection is required the leachate shall be collected and treated or otherwise controlled in a manner approved by the MSD.
2. Groundwater. Areas having high groundwater tables may be restricted to landfill operations which will maintain a safe vertical distance between deposited solid waste and the maximum water table elevation. Processed tires, rock, dirt, brick and concrete rubble and similar non-decomposable materials shall not be deposited directly into the groundwater table or in flooded trenches or cells unless such practices can be shown that the quality of affected water will not be altered.
3. Monitoring Wells. Monitoring wells may be required where deemed necessary to determine the effect of a solid waste disposal site on usable groundwater resources in accordance with plans approved in writing by the MSD.
4. Drainage Control. A solid waste disposal site shall be so located, sloped or protected that drainage shall be diverted around or away from the operational area of the site. The surface contours of the site shall be maintained such that surface water runoff will not flow into or through the site.
5. Dikes. Solid waste disposal sites which may be subject to flooding shall be protected by dikes which are constructed to be impervious to the passage of water and designed to prevent erosion or cutting out of the filled portion of the solid waste disposal site.
6. Cover material. Adequate quantities of cover material shall be available to provide for covering

of deposited solid waste in accordance with the approved operational plan and permit conditions. Final cover material must be available which will permit minimal percolation of surface water and minimum cracking of the completed fill.

7. Access Roads. Roads from a public highway to and roads within a solid waste disposal site shall be designed and maintained to prevent traffic congestion, hazards and dust and noise pollution. On-site traffic circulation shall be designed and shown to preclude congestion on access roads.

8. Fences. Access to a solid waste disposal site which are not attended on a twenty-four hour basis shall be controllable by means of gates which may be locked and the site shall be completely enclosed by a perimeter fence.

9. Site Screening. Site screening shall be provided as required to effectively screen, insofar as is practicable, the active solid waste disposal area from residences and public view.

10. Public Dumping. Where practicable, special facilities such as a transfer station, vehicles or drop-box shall be provided to keep the public out of the active solid waste disposal area.

11. Fire Protection. Fire protection shall be provided in accordance with design and operational plans approved by the MSD and in accordance with pertinent state and local fire regulations. Where practicable, water under pressure shall be available at the site. A minimum water supply of not less than 300 gallons must be provided.

12. Special Handling. Large dead animals, sewage sludges, septic tank pumpings, hospital wastes and other materials which may be hazardous or difficult to manage, shall not be deposited at a disposal site unless special provisions for such disposal are included in the operational plan or otherwise approved by the MSD.

13. Signs clearly stating dumping area rules shall be posted to obtain compliance with the approved operational plans. A clearly visible and legible sign or signs shall be erected at the

entrance to the disposal site which shall contain at least the following:

Name of facility
Emergency phone number
Rates
MSD information phone number
Requirements of ORS 483.510
Acceptable materials
Operational hours during which wastes
will be received for disposal
Penalty for unlawful dumping

14. Truck Washing Facilities. Truck washing facilities shall be required at all solid waste disposal sites authorized to accept food wastes and shall be hard surfaced and all wash waters shall be conveyed to a catch basin, drainage and disposal system approved by the MSD or state or local agency having jurisdiction.

15. Sewage Disposal. Sanitary waste disposal shall be accomplished in a manner approved by the MSD or state or local agency having jurisdiction.

16. Monumentation of Disposal Site. The elevation and boundaries of disposal areas requires monumentation. Sites may be required to have property points and Bench Marks.

17. Gas Control. Methane gas monitoring and control may be required at disposal sites.

B. Operation.

1. Compaction and Cover. Solid waste deposited at a solid waste disposal site shall be spread on a slope no steeper than 3 horizontal to 1 vertical and compacted in layers not to exceed 2 feet in depth up to maximum cell heights in accordance with the approved operational plan and covered with not less than 6 inches of compacted cover material at intervals specified in the certificate. Alternative procedures to achieve equivalent results may be approved by the MSD.

2. Final Cover and Grading. A layer of not less than two (2) feet of compacted earth, in addition

to intermediate cover material, shall be placed over the completed fill following the final placement of solid waste. The final cover shall be graded, seeded with appropriate ground cover and maintained to prevent cracking, erosion and the ponding of water.

3. Exposed Solid Waste. Unloading of solid waste on the site shall be confined to the smallest practical area and the area of exposed waste material on the active face of the solid waste disposal site shall be kept to a minimum.

4. Equipment. Sufficient equipment in good operating condition and adequate to construct and operate the solid waste disposal site including placement, compaction and covering of solid wastes under all anticipated weather and soil conditions shall be available at all times, with provisions for auxiliary or standby equipment as required in accordance with the approved operational plan.

5. Accidental Burning. All reasonable precautions, such as segregation of flammable wastes and early removal of "hot spots", shall be taken to prevent accidental ignition or spontaneous combustion of solid wastes at a solid waste disposal site. Water, stockpiled earth or other means shall be available to extinguish such fires as may occur. Hot or burning materials, or any materials likely to cause fire shall be deposited temporarily at a safe distance from the fill area and shall not be included in the operation until the fire hazard is eliminated.

6. Salvage. Salvaging or scavenging may be authorized by the Director. If authorization is granted, the certificate holder shall submit monthly a report indicating the names of each person salvaging or scavenging at his waste disposal site, the kinds of material being salvaged and the approximate volume or weight.

7. Nuisance Conditions. Blowing debris shall be controlled such that the entire disposal site is maintained free of litter. Dust, malodors and noise shall be controlled to prevent air pollution or excessive noise as defined by ORS Chapter 449 and Chapter 452, Oregon Laws 1971, and rules and regulations adopted pursuant thereto.

8. Health Hazards. Rodent and insect control measures such as baiting and insecticide spraying shall be provided as necessary to prevent vector production and sustenance. Any other conditions which may result in transmission of diseases to man and animals shall be controlled.

9. Closure. Before a solid waste disposal site may be closed or abandoned to further use, all solid wastes at the disposal site shall be compacted and covered and the site finally graded and restored in a manner approved in writing by the MSD. A maintenance program for continued control of erosion repair, and stabilization of the fill shall be provided until the completed fill has stabilized to the point where maintenance is no longer required.

C. Disposal Site Administrative Procedures.

1. User fees. The MSD shall require the following accounting procedure for charging, collecting and recording user fees:

a. User fees shall be charged on the basis of tons of waste received where weighing is practicable or on the basis of estimated cubic yards of waste received where weighing is not practicable. Either a mechanical or automatic scale may be used for weighing waste.

b. A user fee collected in cash at the disposal site shall be separately recorded on a multi-total cash register. A person shall total the user fees and other fees separately at the end of each business day as recorded on the cash register and reconcile that total with the actual cash in the register drawer. Cash receipts shall be deposited daily in a bank account. A person shall reconcile the bank account each month.

c. Cash receipts of payments on accounts receivable shall be recorded as mail is opened and reconciled to the daily bank deposit.

d. Where a user fee is charged and collected on an account receivable basis, prenumbered

tickets shall be used in numerical sequence. The numbers of the tickets shall be accounted for daily and any voided or cancelled tickets shall be retained.

2. Records. The MSD shall require such other records and reports as it considers are reasonably necessary to insure compliance with conditions of a permit, its ordinances or of these regulations.

SECTION 13. Monitoring of Disposal Sites.

Monitoring programs may be established on an individual site basis. The following are monitoring measures which may be included:

A. Predisposal Monitoring. Monitoring of the local ground and surface water which is considered to be within the influence area of a disposal site may be required to obtain baseline data which is indicative of original conditions or effects caused by sources unrelated to the disposal site.

B. Inspection Items. Inspections of a disposal site may be made to determine the adequacy of onsite drainage systems, the occurrence of surfacing leachate or settlement problems; to review the types of materials being disposed of, the depth of cover material, conformance with the condition of the certificate and operational records.

C. Water Level Records. Records shall be maintained of the depth to groundwater underlying the disposal areas. These data may be obtained from existing wells if suitable. At critical locations, the installation of piezometers or small diameter wells at the disposal site may be required.

D. Measurement of Leachate Volumes. At disposal sites, measurements may be required to detect the buildup or movement of leachate.

E. Monitoring Points. Monitoring point locations are selected on the basis of the characteristics of local groundwater and surface water hydrology and the site design. Generally, upgradient and downgradient samples are desired.

F. Analysis. Selection of constituents for analysis and evaluation will be related to the type of wastes disposed. Basic analyses for groundwater, down gradient springs and streams at waste disposal sites include pH (field test), electrical conductivity or total dissolved solids, chloride, hardness, and total alkalinity. Specialized monitoring which is dependent on the characteristics of the disposal area and the waste materials, may include toxic materials, heavy metals, dissolved CO₂ (field test), iron hydro-carbons, color, BOD, tannins and lignins. Gas probes for methane and carbon dioxide gas sampling may be necessary in special situations.

G. Schedule for submission of reports. Solid waste disposal sites shall submit monthly monitoring reports if required by the Director. If special wastes are received at a site, items such as the date, type and amount of waste, and location of place of disposal in the site may be required to be recorded.

H. As disposal operations proceed, the location of filled areas or changes in site operation may be required to be periodically updated on the disposal site maps to indicate as-build conditions.

SECTION 14.

These rules and regulations shall be effective 12:01 A.M., June 1, 1977.

SECTION 15. Emergency Clause.

State funding of MSD's Solid Waste Division will terminate on June 30, 1977. Since the user fees required by this Ordinance are not due and payable until the 20th day of the month following the month of collection, the District must initiate the user fee by June 1, 1977 in order to begin receiving revenues in July. In addition, the projected limited duration of the existing landfills requires immediate implementation of the Program. An emergency is declared to exist.

SECTION 16. Savings Clause.

In the event any provision or section of this ordinance is declared invalid, such declaration shall not affect the

validity of any other provision or section herein, which sections and provisions shall remain in full force and effect.

METROPOLITAN SERVICE DISTRICT



Raymond R. Smully

Chairman