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RESOLUTION NO.

31710

METRO SERVICE DISTRICT

JOINT RESOLUTION

A RESOLUTION CONTINUING THE SUPPORT OF THE SOLID WASTE MANAGEMENT PROGRAM AND DELINEATING THE RESPECTIVE AREAS OF RESPONSIBILITY BETWEEN THE METROPOLITAN SERVICE DISTRICT AND THE CITY OF PORTLAND FOR THE IMPLEMENTATION OF THE PROGRAM.

RECITALS

1. The City of Portland (City) is a municipal corporation of the State of Oregon.
2. The Metropolitan Service District (MSD) is a municipal corporation established under ORS Chapter 268. The area served by the MSD includes the City.
3. MSD is authorized by ORS Chapter 268 to dispose and provide facilities for disposal of solid waste.
4. The City regulates the disposal of solid waste pursuant to Chapter 3.54 of the City Code. The City owns the St. Johns Sanitary Landfill (landfill) which is open to the public and accepts putrescible solid waste. The landfill accepts waste generated from areas outside the City.
5. The development of new putrescible landfills in the MSD area is substantially limited by the goals and regulations of the Department of Environmental Quality of the State of Oregon (DEQ). One of the DEQ goals is to recover and reuse 90% of the solid wastes by 1982.
6. a. MSD has prepared and adopted a Solid Waste Management Program (program) which emphasizes resource recovery and the sale of recovered material and includes two processing/

transfer stations, one in the northern part of the MSD area and one in the south, and a transfer station located in Washington County.

b. The capital costs of the Program will be financed by a combination of pollution control bond funds and private industry investment. The amortization of the capital costs and the operating expenses will be paid by means of a service fee and revenue from the sale of recovered products.

c. The Program has been approved by DEQ and the Emergency Board of the State of Oregon. The Emergency Board has also approved a grant loan of up to 11.3 million dollars to implement the Program.

d. The City by joint Resolution No. 31596 previously approved Program.

7. MSD adopted a policy statement indicating that the Program will be implemented with the cooperation and participation of private industry.

8. The successful implementation of the Program, including private industry participation, requires assurance that all solid waste generated and collected in the City will be disposed of at MSD facilities and in accordance with the Program.

9. In order to protect the health, safety and welfare of the City of Portland, to provide for the continued disposal of solid waste generated within the City of Portland and to maximize resource recovery, the City and MSD hereby make the following resolutions:

10. RESOLVED: The City of Portland will:

a. Continue to support the Program and cooperate in the implementation of it.

b. Continue to seek legislative support for the Program.

c. Maintain all authority over the collection of solid wastes generated within the City.

d. Maintain all authority over zoning and land use regulation with respect to sites for processing, transfer and disposal facilities located within the City, including the right to approve or reject any or all sites.

e. Enter into an intergovernmental agreement with MSD requiring all solid wastes generated within the City to be disposed of in accordance with the Program.

f. City will continue to operate, by themselves or by contract, the Landfill subject to the regulations of DEQ and MSD until the landfill reaches the capacity limits set by the City.

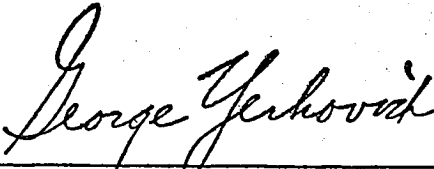
g. In addition to its usual charges, the City will collect the MSD imposed service fee from users of the landfill subject to Section f.

h. In the event of City franchising of solid waste collection, City will assure, in so far as is legally possible, collectors that MSD imposed service fees can be passed on to their customers.

11. RESOLVED: The MSD will:

- RESOLUTION NO. 12
- a. Begin to implement the Program.
  - b. Provide the design and operation of solid waste processing/transfer facilities to handle solid waste generated within the City subject to the zoning and land use regulatory authority of the City.
  - c. Regulate and control the disposal of solid waste generated in the City.
  - d. Develop a nonprocessable (demolition) solid waste program that will include landfill regulations, quality of service criteria, site selection criteria, program management, enforcement and a time schedule for activation of nonprocessable landfills.
  - e. Provide assistance, if requested, to the City in the determination of collection rates.
  - f. Submit to the City for approval at least 60 days prior to implementation, its initial schedule of charges, and changes thereafter, for use of MSD facilities.
  - g. Submit changes in the program to the City Council.
12. This resolution shall be null and void if MSD does not enter into a grant/loan agreement with DEQ prior to June 30, 1977.

Adopted by the Council: JUN 30 1976



Auditor of the City of Portland

Commissioner McCready  
CM.jj  
June 30, 1976

CITY OF PORTLAND

RESOLUTION NO. 31596

METROPOLITAN SERVICE DISTRICT RESOLUTION NO. 20

JOINT RESOLUTION

A Resolution Approving the Solid Waste Management Plan and Delineating the Respective Areas of Responsibility Between the Metropolitan Service District and the City of Portland for Implementation of the Plan.

RECITALS

1. The Metropolitan Service District (MSD) is a municipal corporation organized and existing under the provisions of ORS Chapter 268. The area served by MSD includes the City of Portland.
2. The MSD is authorized to dispose and provide facilities for disposal of solid wastes.
3. The City of Portland regulates the disposal of solid wastes pursuant to Chapter 3.54 of the City Code.
4. a. The City of Portland presently operates the St. John's Sanitary Landfill which is open to the public and accepts putrescible solid wastes.  
b. The St. John's Landfill accepts wastes generated from areas outside the City of Portland.
5. The development of new putrescible landfills in the MSD area is substantially limited by the goals and regulations of the Department of Environmental Quality (DEQ) of the State of Oregon.
6. The MSD has prepared and completed a Solid Waste Management Plan (Plan) to maximize the resource recovery and to

provide for disposal of solid wastes generated in the MSD area.

7. The Plan was adopted by the Board of Directors of MSD on May 10, 1974.

8. The Plan was approved by DEQ on May 24, 1974.

9. The City of Portland on June 5, 1974 recommended continuance of the MSD solid waste planning efforts.

10. The Plan includes a Solid Waste Energy Recovery Program (Program) that may offer a feasible means to meet the DEQ goals of 90% material recovery and reuse by 1982.

11. At the 1975 Legislative session, MSD requested pollution control bond funds from the State of Oregon for implementation of the Plan.

12. The Plan was amended by MSD on August 8, 1975, to provide for the phased construction of two processing/transfer stations and one transfer station.

13. The MSD Board of Directors has adopted a policy statement indicating that the Plan will be implemented with the cooperation and participation of private industry.

14. The MSD is negotiating with a corporation from private industry who submitted a proposal on the Plan prior to the August amendments, and with other private corporations to implement the private industry participation in the Plan.

15. In order to protect the health, safety and welfare of the people of the City of Portland, to provide for the continued disposal of solid waste generated within the City of Portland, and to maximize resource recovery, the City of Portland and the MSD hereby make the following resolutions:



16. RESOLVED: The City of Portland will:

a. Approve, support and co-operate in the implementation of the Plan.

b. Seek legislative support for the Plan and legislative funding for implementation of the Plan.

c. Maintain all authority for the collection of solid wastes generated within the City of Portland.

d. Maintain all authority over zoning and land use regulation with respect to sites for processing/transfer and disposal facilities located within the City's jurisdiction, including the right to approve or reject any or all sites.

e. Assist the MSD in any reasonable manner other than financial in regulating the flow of solid wastes to MSD facilities or facilities designated by MSD.

17. RESOLVED: That subject to the continuing regulatory authority of the City, the MSD will:

a. Provide the design, construction and operation of solid waste processing/transfer facilities to handle solid wastes generated within the City.

b. Regulate and control the disposal of solid wastes generated within the City.

c. Develop a nonprocessable (demolition) solid waste program that will include landfill regulations, quality of service criteria, site selection criteria, program management, enforcement, and a time schedule for activation of non-processable landfills.

d. Provide assistance, if requested, to the City, County and the solid waste industry in the determination of collection rates.

e. Submit to the City Council for approval, which approval shall not be unreasonably withheld, the initial schedule of charges and changes thereafter for use of MSD processing/transfer and disposal facilities.

f. Submit proposed changes in the Plan to City Council for approval.

18. This resolution shall be null and void if the State does not fund the full implementation of the Plan on or before June 30, 1976.

Adopted by the Council: September 2, 1975



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Auditor of the City of Portland

METROPOLITAN SERVICE DISTRICT



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BY: ROBERT SCHUMACHER, CHAIRMAN  
SEPTEMBER 12, 1975



# ADMINISTRATION

charge of the bureau requesting such equipment as to type of equipment desired. Before bids for communication and electronic equipment are reported to the council, the purchasing agent shall submit the same to the electronic services director for his approval as to compliance with specifications or disapproval as failing to comply. The electronic services director shall make such report to the purchasing agent in writing.

**3.50.040 Approval of electronic services director required for budgeted items.** The bureau of electronic services shall be consulted as to type and cost of communication or electronic equipment before any such equipment is included by any department of the city in its budget. The electronic services director shall report upon any proposed purchase of such equipment to be included in the budget of any department to the commissioner in charge.

## Chapter 3.52

### PROPERTY CONTROL DIVISION

(New Chapter substituted by Ord. No. 132281; repealed by 135179 passed and effective Aug. 31, 1972.)

#### Chapter 3.54

### BUREAU OF REFUSE DISPOSAL

(Title amended by Ord. No. 139178 passed Dec. 6, 1974, effective Jan. 1, 1975.)

#### Sections:

- 3.54.010 Refuse disposal rate schedule.
- 3.54.020 Usable fill material.
- 3.54.030 Dead animals.
- 3.54.040 Washing of trucks.
- 3.54.050 Application—Approval.
- 3.54.060 Number upon vehicle--Name upon drop box.
- 3.54.070 Failure to make timely payment of disposal service fee.

**3.54.010** (Amended by Ord. No. 132188, 137248, 139178; and 140886 passed and effective Nov. 13, 1975.) **Refuse disposal rate schedule.** (a) For all persons who are not regular

refuse or rubbish collectors, but who deliver acceptable refuse or rubbish to a city refuse disposal facility upon an individual load basis, the fees shall be as follows:

#### Covered Loads

Passenger cars, small trailers and pickups with less than two cubic yards per uncompacted load \$1.50

Vehicles hauling more than two cubic yards of uncompacted refuse or rubbish, per cubic yard \$ .75

Vehicles hauling baled, compacted, or shredded refuse or rubbish, per cubic yard. \$1.15

#### Uncovered loads

Persons driving any vehicle into a city of Portland refuse disposal site, which vehicle is not provided with a cover for the vehicle or container of refuse, rubbish, earth and shrub trimmings, or any other solid waste, or if such cover is not securely fastened to the vehicle or container, and does not effectively cover all the rubbish and other contents, said person shall be charged the rate as follows:

Passenger cars, small trucks and pickups with two cubic yards or less of uncompacted material  
Minimum charge (uncovered) \$3.00

Vehicles hauling more than two cubic yards of uncompacted rubbish per cubic yard (uncovered) \$1.50

Vehicles hauling more than 2 cubic yards of refuse or rubbish in compacted, baled or shredded form, per cubic yard (uncovered) \$2.65

(b) Materials requiring destruction certificate or special handling. Persons bringing materials for which a "destruction slip" is requested from the bureau of refuse disposal; or, acceptable materials for which immediate and special handling is required to protect the health and safety of the personnel at the disposal site and of the general public, shall be charged, in addition to the specific yardage charge, a "special handling fee" for each load at the following rates:

**BUREAU OF REFUSE DISPOSAL**

Special handling fee—  
 Less than six cubic yards \$3.00  
 Six or more cubic yards \$7.50

**Tires for storage and transport to grinder**

(1) Passenger tires and small truck tire 15" wheel or less \$1.15 each  
 (2) Tires for wheel larger than 15" but which tire is not greater than 48" in outside diameter \$3.00 each  
 (3) All tires larger than 48" in outside diameter \$22.50 each

(d) (Added by Ord. No. 140919 passed Nov. 26, 1975, effective Jan. 1, 1976.) Any person paying a permit fee pursuant to Chapter 17.102 of the code shall receive a credit of 100% of any such fee during the calendar year for which the fee was paid for any charges billed to him pursuant to this section.

**3.54.020 Usable fill material.** Loads consisting exclusively of earth, sawdust, brick, concrete, ashes, or material of similar nature, which are usable for covering purposes, shall be received at city operated landfill facilities without charge.

(c) Service fees for disposal of refuse or waste at any city disposal site by regular refuse or rubbish collectors shall be paid per cubic yard of waste disposed, at the following rates, billed monthly to the collector on the basis of the number of loads delivered during the billing month, multiplied by the nearest one-yard increment of rated capacity of each truck or drop box measured and rated by the bureau of refuse disposal for permit, with one-half yard counted at the nearest higher full yard capacity:

**3.54.030 Dead animals.** (Amended by Ord. No. 132188 passed Feb. 11, effective Apr. 1, 1971.) Dead animals shall be handled separately from other types of refuse through the Oregon Humane Society.

Rate per cubic yard	Inside city rate	Outside city rate
Trucks		
Non-compacting trucks and drop boxes	\$ .60	\$ .70
Compacting trucks and drop boxes	\$1.05	\$1.15
Loads containing only earth, bricks, concrete, asphaltic concrete, slag, ash and other similar dense inert materials usable for fill cover.	No charge	No charge

## BUREAU OF REFUSE DISPOSAL

**3.54.040 Washing of trucks.** All trucks dumping refuse of an offensive nature that would cause the trucks to become unsanitary, must be washed at the wash racks provided therefor. The supervisor of refuse disposal or his representative shall determine when a truck shall require washing under the provisions hereof.

**3.54.050 Application—Approval.** (Added by Ord. No. 139178; amended by 141245 passed and effective Jan. 29, 1976.) Any person or business wishing to be or continuing to be a regular rubbish or refuse collector or hauler must secure from the bureau of refuse disposal a permit in order to use a city disposal site or act as such a collector or hauler within the city of Portland. For the purpose of this chapter a regular refuse or rubbish collector shall be considered to be any collector collecting and/or hauling rubbish, refuse or solid waste on a regular, scheduled basis for a fee. The director of solid waste management in the bureau of refuse disposal must approve each applicant. The duration of a permit shall be for one year. Any applicant for initial or renewal permit shall submit to the bureau of refuse disposal the total number of customers served, the total number of commercial customers, the total number of residential customers, and a listing either by marking on a map or otherwise of all blocks of all city streets in which the applicant services customers. The applicant shall attach a notarized statement that all such customers are located within Portland city boundaries, if that is the case, in which event the collector and his vehicle shall be considered "inside city" or a notarized statement that some or all of such customers are located outside the Portland city boundaries, in which event the collector shall be considered "outside city" for service fee purposes. If false information is found to have been submitted in the listing of customers or the statement of a collector, any permit issued may be suspended or revoked, or issuance may be refused. The applicant shall also attach a list of trucks to be used, including vehicle license numbers and PUC numbers as issued.

**3.54.060 Number upon vehicle—Name upon drop box.** (Added by Ord. No. 139178 passed Dec. 6, 1974, effective Jan. 1, 1975.) (a) Immediately upon issuance of a permit by the bureau of refuse disposal, truck numbers assign-

ed by the bureau of refuse disposal shall be affixed upon the outside of the left-hand side of the cab of all vehicles by or under the supervision of an employee of the bureau of refuse disposal. The yardage capacity, as determined by the bureau of refuse disposal, shall be affixed on the left-hand side of the truck or drop box, and shall be maintained in place on the vehicle during the time the permit is in effect. The bureau of refuse disposal shall provide the digits without cost to the collector. The assigned number shall be removed from the side of the cab prior to the time of any sale or transfer of the vehicle. Failure to remove the number from the side of the cab prior to the sale shall be cause for suspension or revocation, or refusal of a permit to the original owner.

(b) Any permitted refuse collector who supplies containers or drop boxes for garbage, refuse, rubbish or other waste shall place upon the outside of each container or box the name of the permitted collector.

**3.54.070 Failure to make timely payment of disposal service fee.** (Added by Ord. No. 139178 passed Dec. 6, 1974, effective Jan. 1, 1975.) (a) Failure to pay any monthly billing for service fees for disposal in full on or before the 5th day of the month following the billing date, subjects the collector or permittee having a billing account to a penalty of an additional five per cent of the monthly bill for each 30 days thereafter that said bill remains unpaid.

(b) In addition to the penalty prescribed in subsection (a) of this section, if a permittee fails to pay any monthly billing in full within seventy days after its date, he shall not be permitted further disposal at a city site until the accumulated billings are paid to date, and such failure shall be grounds for permanent suspension or revocation of all permits issued to such collector under this chapter, or refusal of renewal thereof.

### Chapter 3.56

#### TRAFFIC SAFETY COMMISSION\*

##### Sections:

3.56.010 Creation—Appointment.

\*For Charter provisions relating to the power of the council to create and establish commissions see, Charter Sec. 2-103.

# St. John's Landfill Contract

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## B. PERMITS.

The St. Johns Landfill is presently being operated by the City of Portland, Bureau of Refuse Disposal, pursuant to a non-transferable permit from the Department of Environmental Quality of the State of Oregon (DEQ), a copy of which is attached as Exhibit "D." Contractor shall operate the landfill subject to and in compliance with this permit.

The present DEQ permit expires July 31, 1977. City shall make application to DEQ to obtain the necessary new permit, renewal or extension in order to allow continued operation of the landfill for the term of this contract. Contractor shall supply an operational plan to be incorporated with City's application to DEQ within 60 days of commencement of operations.

If any other governmental body shall require any other permit or license or operating requirement applicable to the operation of the St. Johns Landfill, then contractor shall obtain such permit or license and abide by such requirements in operating the landfill and this agreement shall continue in full force and effect provided that the rate adjustment provided for in Section IV shall apply if such additional governmental requirements involve a user's fee as provided for therein. Any rate regulation or other operating requirement imposed by the Metropolitan Service District (MSD) upon contractor operations at the landfill shall be as binding upon contractor as if they were contained in these specifications. However, if MSD shall commence operation of a North Portland processing station which results in only processed material being deposited in the landfill, then this agreement shall terminate on the date MSD commences its operation.

In addition contractor shall comply with the requirements of the following permit issued to the City of Portland governing the use of the premises, attached as Exhibit "E." (Blind Slough permit issued by Division of State Lands, State of Oregon.)

Any additional permits required to be obtained by City shall be incorporated into the terms of this contract upon the filing of copies of any such permit with the contractor and with the City Auditor.

## C. IMPROVEMENTS.

(1) Contractor shall have the use of all improvements presently on the site as described in Exhibit "C." No additional improvements other than those specifically provided for herein shall be constructed without prior approval of the City Council.



requiring a demolition slip or for materials that require special handling. Special Handling Charge to be added in addition to the regular rate established for compacted refuse shall be:

Per load for any load less than 6 yards in volume =  
Compacted inside commercial rate x 2.85 (rounded to the nearest 5 cents)

Per load for any load of 6 yards or more =  
Compacted inside commercial rate x 7.14 (rounded to the nearest 5 cents)

6. Tires for storage and transport to grinder.

Passenger tires and small truck tires, 15-inch wheels or less = compacted inside commercial rate x 1.10

Tires for wheels larger than 15-inch, but which tire is not greater than 48-inch in outside diameter =  
Compacted inside commercial rate x 2.86

All tires larger than 48-inch in outside diameter =  
Compacted inside commercial rates x 21.43

7. Loads containing only earth, bricks, small pieces of concrete or asphaltic concrete, slag, ash and other similar dense inert material usable for fill cover shall have no charge.

8. The above fee schedule shall be the maximum amounts charged. If the contractor desires to lower the fees charged it must be lowered uniformly to all users. Contractor shall keep records of all fees charged and amounts collected. Discrimination by contractor in charging of fees shall be strictly prohibited. No deductions, rebates or kickbacks shall be permitted.

C. Rate Adjustment:

If the Metropolitan Service District, or other governmental body imposes a user's charge on landfill operations which was not in force when bids were issued, that charge may be added to the applicable rates specified above.

D. Records--Contractor shall maintain adequate records of all transactions pertaining to operation of the landfill including but not limited to all billings to users, amounts of refuse received, and payments either direct or indirect to users.

E. Rate Change - On July 1, 1977, and July 1, 1978, the rate structure shall be increased or decreased a percentage amount equivalent to the annual percentage change in the



Resolution #20

JOINT RESOLUTION

A RESOLUTION CONTINUING THE SUPPORT OF THE SOLID WASTE MANAGEMENT PROGRAM AND DELINEATING THE RESPECTIVE AREAS OF RESPONSIBILITY BETWEEN THE METROPOLITAN SERVICE DISTRICT AND THE CITY OF PORTLAND FOR THE IMPLEMENTATION OF THE PROGRAM.

RECITALS

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3. MSD is authorized by ORS Chapter 268 to dispose and provide facilities for disposal of solid waste.

4. The City regulates the disposal of solid waste pursuant to Chapter 3.54 of the City Code.

The City operates the St. Johns Sanitary Landfill (landfill) which is open to the public and accepts putrescible solid waste. (?) Contract

The Landfill accepts waste generated from areas outside the City.

5. The development of new putrescible landfills in the MSD area is substantially limited by the goals and regulations of the Department of Environmental Quality of the State of Oregon (DEQ). One of the DEQ goals is to recover and reuse 90% of the solid wastes by 1982.

6. a MSD has prepared and adopted a Solid Waste Management Program (Program) which emphasis resource recovery and the sale of recovered material and includes two processing/transfer stations, one in the northern part of the MSD area and one in the south, and

a transfer station located in Washington County.

b. The capital costs of the Program will be financed by a combination of pollution control bond funds and private industry investment. The amortization of the capital costs and the operating expenses will be paid by means of a service fee.

c. The program has been approved by DEQ and the Emergency Board of the State of Oregon. The Emergency Board has also approved a grant loan of up to 11.3 million dollars to implement the program.

d. The City by joint resolution No. 31596 previously approved Program.

7. MSD adopted a policy statement indicating that the Program will be implemented with the cooperation and participation of private industry.

8. The successful implementation of the program, including private industry participation, requires assurance that all solid waste generated and collected in the City will be disposed of at MSD facilities and in accordance with the program.

9. In order to protect the health, safety and welfare of the City of Portland, to provide for the continued disposal of solid waste generated within the City of Portland and to maximize resource recovery, the City and MSD hereby make the following resolutions:

<sup>10.</sup>  
RESOLVED: ^ The City of Portland will:

a. continue to support the program and cooperate in the implementation of it.

b. Continue to seek legislative support for the Program.

c. Maintain all authority over the collection of solid

Wastes generated within the City.

is it  
redundant of a?  
Yes

d. Maintain all authority over zoning and land use regulation with respect to sites for processing, transfer and disposal facilities located within the City, including the right to approve or reject any or all sites.

e. Enter into an intergovernmental agreement with MSD requiring all solid waste generated within the City to be disposed of at MSD facilities and in accordance with the Program.

f. City will continue to operate, by themselves or by contract, the Landfill subject to the regulations of DEQ and MSD.

g. In addition to its usual charges, the City will collect the MSD imposed service fee from users of the landfill.

h. In the event of City franchising of solid waste collection, City will assure collectors that MSD imposed service fees can be passed on to their customers.

i. Subject to receipt of funding from MSD, City will provide the local aspects of a solid waste nuisance abatement program.

11. ~~2.~~ RESOLVED: The MSD will:

a. Begin to implement <sup>the</sup> ~~its~~ program.

b. Provide the ~~design~~ and operation of solid waste processing/transfer facilities to handle solid waste generated within the City subject to the zoning and land use regulatory authority of the City.

c. Regulate and control the disposal of solid waste generated in the City.

d. Develop a nonprocessable (demolition) solid waste program that will include landfill regulations, quality of service criteria, site selection criteria, program management, enforcement and a time schedule for activation of nonprocessable landfills.



e. Provide assistance, if requested, to the City in the determination of collection rates.

f. Submit to the City at least 60 days prior to implementation, its initial schedule of charges and changes thereafter for use of MSD facilities.

g. Submit material changes in the program to the City Council.

h. MSD will fund the local aspects of a solid waste nuisance abatement program for the first 30 months after the first processing/transfer station is operational with approximately \$ \_\_\_\_\_ per month.

12. (ALTERNATIVE a.) This resolution shall be null and void if MSD does not begin implementation of the program on or before June 30, 1977.

~~12~~ (ALTERNATIVE b.) This resolution shall be null and void if MSD begins implementation of the program without private industry participation or a reasonable assurance thereof. (1/19)?

APPROVED by the City Council of the City of Portland on \_\_\_\_\_.

APPROVED by the Board of Directors of MSD on : \_\_\_\_\_.