



A G E N D A -- REGULAR COUNCIL MEETING

Date: APRIL 22, 1982
Day: THURSDAY
Time: 5:45 PM - Contract Review Board
6:15 PM - Executive Session - Energy Recovery
7:30 PM - Regular Council Meeting
Place: COUNCIL CHAMBER

CALL TO ORDER

ROLL CALL

1. Introductions. (7:30)*
2. Written Communications to Council.
3. Citizen Communications to Council on Non-agenda Items.
4. Councilor Communications. (7:45)*
5. Consent Agenda (Items 5.1 thru 5.2) (8:00)*

Development Committee Recommendations:

- 5.1 Resolution No. 82-323, For the Purpose of Endorsing the Use of Section 3 Funds for Selected Transit Projects in Exchange for Interstate Transfer Funds.

Services Committee Recommendations:

- 5.2 Resolution No. 82-315, For the Purpose of Granting a Franchise to Marine Drop Box Corporation for the Purpose of Operating a Solid Waste Processing Facility.

6. Resolutions:

- 6.1 Resolution No. 82-324, For the Purpose of Endorsing State Ballot Measure 4 to Increase Highway User Fees. (8:05)*

7. Other Actions:

- 7.1 Public Hearing on Fiscal Year 1983 Budget. (8:10)*

*Times listed are approximate

8. Reports:

8.1 Executive Officer's Report. (8:30)*

8.2 Committee Reports. (8:45)*

ADJOURN (9:00)*

*Times listed are approximate

April 22 1982

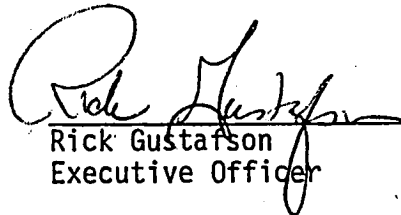


A G E N D A -- REGULAR COUNCIL MEETING

Date: APRIL 22, 1982
Day: THURSDAY
Time: 7:30 PM
Place: COUNCIL CHAMBER

C O N S E N T A G E N D A

The following business items have been reviewed by the staff and an officer of the Council. In my opinion, these items meet with the Consent List Criteria established by the Rules and Procedures of the Council. The Council is requested to approve the recommendations presented on these items.


Rick Gustafson
Executive Officer

- 5.1 Resolution No. 82-323, For the Purpose of Endorsing the Use of Section 3 Funds for Selected Transit Projects in Exchange for Interstate Transfer Funds.
- 5.2 Resolution No. 82-315, For the Purpose of Granting a Franchise to Marine Drop Box Corporation for the Purpose of Operating a Solid Waste Processing Facility.

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: Executive Officer
SUBJECT: Endorsing the Use of Section 3 Funds for Selected Transit
Projects in Exchange for Interstate Transfer Funds

I. RECOMMENDATIONS:

- A. ACTION REQUESTED: Recommend adoption of the attached Resolution amending the TIP to revise certain transit projects' authorization for the use of Section 3 and Interstate Transfer funding.
- B. POLICY IMPACT: This Resolution will adopt the following actions:
- . Transfer the authorization for the use of Interstate Transfer funds from a series of regionwide transit projects to the Banfield in exchange for Section 3 funds previously committed to the Banfield (Note: transit projects affected include Westside Corridor, Milwaukie Transit Station, Oregon City Transit Station, Tigard Transit Station, McLoughlin transit improvements, buses, Portland transit transfers, and Northwest Transit Station).
 - . Establish a Section 3 Reserve to be used for escalation on the revised Section 3 authorizations and completion of other transit projects.
 - . Establish a Section 3 project development and annual programming process.
 - . Provide a commitment to highway projects in Washington County for priority scheduling of \$2 million per year of their Interstate Transfer authorizations for FY 83-85 under the condition that, if sufficient annual funding is not received, a proportionate increase will be provided.

TPAC and JPACT have reviewed and approved this endorsement. However, a letter was introduced at the JPACT meeting from the Mayor of the City of Troutdale expressing concern over Resolve #12 in the Resolution.

- C. BUDGET IMPACT: None.

II. ANALYSIS:

- A. BACKGROUND: During 1981, considerable efforts went into negotiations with the Federal Government regarding funding for this region's transfer program, in particular, Banfield transitway funding commitments, Interstate Transfer funding needs for other highway projects and Section 3 funding commitments for other transit projects. This effort was necessitated by the Administration's desires to eliminate all

new rail starts with Section 3 funding and reduce the FY 82 appropriation for Interstate Transfer funding. Since the Banfield LRT is programmed to use some \$85.7 million of Section 3 funding, this would involve a significant delay. Furthermore, since the Banfield highway improvements were programmed for some \$63 million of Interstate Transfer highway funding in FY 82, the reduced appropriation would mean little if any funding for other Interstate Transfer funded highway projects throughout the region.

To keep the region's transportation program on schedule and accommodate the Administration's desires, to the greatest extent possible, the following actions were taken:

- . A commitment was provided to complete the Banfield transitway on schedule with Interstate Transfer funding.
- . Since the above change would involve a local change in Interstate Transfer funding authorizations to increase the Banfield authorization, a commitment was made to provide the Section 3 funding previously committed to the Banfield to implement other "non-rail" transit projects throughout the region.
- . A commitment was made to fund a portion of the Banfield "highway" construction with Interstate Transfer "transit" funding to reduce the competition for scarce highway funding, thereby allowing other regionwide highway projects to be built.

All of these commitments are in place through Congressional action; a full-funding contract has been signed for the Banfield and a Section 3 Letter of Intent has been drafted for the other transit projects. The action necessary at the local level is to identify which Interstate Transfer authorization should be shifted to the Banfield in exchange for Section 3 funding. Since the Interstate Transfer Program is for a fixed \$464.88 million (in June 30, 1981 \$) and is fully authorized to various projects, a simple increase in the Banfield authorization is not possible; rather, a transfer is required. Since the replacement Section 3 funding can only be spent on transit projects, it is preferable to shift authorization from transit projects to the Banfield rather than highway projects. The list of projects involved represents all transit projects in the region and the majority of funding set aside for the West-side Corridor project. The impact of the shift of Interstate Transfer for Section 3 funds involve the following:

- . Provision of sufficient Interstate Transfer authorization for the Banfield.
- . Narrowing of the eligibility of what the replacement Section 3 funding can be spent on to strictly transit improvements (the Interstate Transfer funding could

have been spent on either transit or highway projects).

- . Acceleration of the schedule of when the funding would be received by five years.

The final effect of the Resolution is to provide priority commitment for highway funding for Washington County projects. The basis for this commitment is that the shift in funding accomplished by this Resolution limits the flexibility of how the Westside Corridor funding can be spent. In addition, this action removes the majority of the Westside Corridor project funding from "Category I" Interstate Transfer funding status (Category I funding status was established by Resolution 81-247 for the Westside, Banfield, I-505 Alternative, McLoughlin Boulevard and Powell Boulevard with the intent to provide a preferential funding schedule over other regionwide projects). Since Washington County has a well documented need for highway improvements, priority scheduling is appropriate.

B. ALTERNATIVES CONSIDERED:

- . Incur a delay to the Banfield due to the "No New Rail Starts" policy.
- . Retain Section 3 funds on the Banfield and seek Congressional action each year for five years to release the funding. This alternative would mean building a major public works project without funding certainty and would delay receipt of state local match for the LRT project.
- . Shift Interstate Transfer authorization from various highway projects to the Banfield. This alternative would involve elimination of these highway projects since they could not be built with the replacement Section 3 funding.

- C. CONCLUSION: Metro staff recommends approval of the Resolution since it keeps the Banfield on schedule and accelerates regionwide transit projects.

AC:lmk
3-31-82

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ENDORSING THE)	RESOLUTION NO. 82-323
USE OF SECTION 3 FUNDS FOR)	
SELECTED TRANSIT PROJECTS IN)	Introduced by the Joint
EXCHANGE FOR INTERSTATE TRANSFER)	Policy Advisory Committee
FUNDS)	on Transportation

WHEREAS, The Portland metropolitan area Interstate Transfer Program consists of \$464.88 million in projects (in June 30, 1981 dollars); and

WHEREAS, The funding program for the Banfield Transitway consists of \$123,569,278 (in June 30, 1981 dollars) in Interstate Transfer funding and \$85.7 million (in escalated dollars) in Section 3 Urban Mass Transportation Administration (UMTA) Capital Assistance; and

WHEREAS, The federal government has committed to complete the Banfield Transitway with \$8.9 million of Section 3 UMTA Capital Assistance with the balance from Interstate Transfer funding; and

WHEREAS, The federal government has committed to provide the remaining \$76.8 million in Section 3 Capital Assistance originally intended for the Banfield Transitway for non-rail transit purposes; now, therefore,

BE IT RESOLVED,

1. That the adopted Interstate Transfer and Section 3 funding authorizations are revised as follows:

Project	INTERSTATE TRANSFER		SECTION 3	
	June 30, 1981 \$		June 30, 1981 \$	
	Current		Current	
	Authorization	Shift	Authorization	Shift
Milwaukie Transit Stn.	\$ 1,457,203	-\$ 1,457,203	0	+\$ 1,371,484
McLoughlin Transit Imp.	1,109,608	- 1,109,608	0	+ 1,044,337
Oregon City Transit Stn.	680,000	- 680,000	0	+ 640,000
Tigard Transit Center	1,020,000	- 1,020,000	0	+ 960,000
Buses	1,370,897	- 1,370,897	0	+ 1,290,256
Portland Transit Transf.	2,613,795	- 2,613,795	0	+ 2,460,042
Northwest Transit Stn.	85,000	- 85,000	0	+ 80,000
Westside Corridor Res.	63,661,074 ¹	- 46,719,860	0	+ 43,971,633
Section 3 Reserve	0	0	0	+ 24,982,248
Banfield Transitway	<u>123,569,278</u>	<u>+ 55,056,363</u>	<u>\$85,700,000</u>	<u>- 76,800,000</u>
	\$195,566,855	0	\$85,700,000	0

¹Westside unobligated balance (\$63,661,074) less shift (\$46,719,860) = \$16,941,214.

2. That the Transportation Improvement Program (TIP) Subcommittee is directed to pursue additional shifts between the above Section 3 authorizations and committed Interstate Transfer authorizations as mutually agreed by the affected jurisdictions.

3. That the Section 3 funding is provided to complete the project objectives originally established for the authorized Interstate Transfer funding, as described in Attachment "A."

4. That the unobligated portion of Section 3 funding allocated to each project will be escalated with the National Construction Cost Index with the Section 3 Reserve adjusted accordingly.

5. That the balance of the Section 3 Reserve is set aside as needed for the completion of the Banfield Transitway.

6. That Tri-Met will be the applicant for all Section 3 grants and all grant applications will be approved by the Tri-Met Board.

7. That all Section 3 grant applications must be endorsed by TPAC, JPACT and the Metro Council for inclusion in the TIP and must distinguish between Section 3 "trade" funding consistent with the authorized funding level and "discretionary" Section 3 funding.

8. That Tri-Met is intended to provide the local match for transit projects subject to final agreement between Tri-Met and the affected jurisdiction on a project-by-project basis.

9. That the TIP Subcommittee will serve as the regional working group to monitor project development on candidate projects and develop recommendations on the scheduling of projects and funding for inclusion in the TIP and the Section 3 grant application.

10. That Section 3 project development to meet specified project objectives will be a cooperative effort of Tri-Met, Metro, ODOT and the affected jurisdiction following a mutually acceptable monitoring and decision-making process.

11. That the Westside Corridor Section 3 Reserve (\$43,971,633) and Westside Corridor Interstate Transfer Reserve (\$16,941,214) will be allocated through the process previously established for allocation of the Westside Corridor Reserve.

12. Because of the Section 3/(e)(4) funding trade, the seven-year (e)(4) highway funding program will be developed to provide highway projects in Washington County \$2 million per year in additional funds beyond the normal allocation for the period from FY 1983-85. However, if the annual federal appropriation is below the amount needed for an evenly distributed seven-year program, projects in Washington County will receive a proportionate amount

above its normal allocation. Over time, the total amount of funds so prioritized will equal \$6 million.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1982.

Presiding Officer

AC/srb
5568B/107
03/26/82

Attachment "A"

Section 3 Project Objectives

A. Milwaukie Transit Station

1) Project Objectives

- . Provide a focus for bus routes connecting the Southern Corridor to central Portland (via McLoughlin) and the Clackamas Town Center (via Railroad/Harmony Road).
- . Provide improved local bus service.
- . Provide improved transit service from the Southern Corridor market to Milwaukie.
- . Enhance the viability of business development in downtown Milwaukie.
- . Improve pedestrian access to the Willamette River in downtown Milwaukie.

2) Project Scope

- . Implement immediate short-term transfer facility.
- . Reserve funding for permanent long-range transit station.

B. Oregon City Transit Station

1) Project Objectives

- . Provide a focus for bus routes connecting the Oregon City area to Milwaukie, Clackamas Town Center and Lake Oswego.
- . Provide improved service from the Southern Corridor to downtown Oregon City.
- . Enhance the viability of business development in downtown Oregon City.

C. McLoughlin Transit Improvements (south of Milwaukie)

1) Project Objectives

- . Improve transit operations and safety along McLoughlin Boulevard.
- . Integrate transit and pedestrian facilities with existing and proposed high density development along McLoughlin Boulevard.

- . Provide a convenient location for park-and-ride to serve the Oregon City area and Oregon City Bypass market.
- . Provide efficient and attractive bus operating speeds for the regional trunk route connecting from the Oregon City Transit Station, through the Oregon City Park-and-Ride to the Milwaukie Transit Station.

2) Project Scope

- . Provide bus priority treatment, shelters and pedestrian connections along McLoughlin Boulevard.
- . Provide necessary improvements for bus and auto access to the Oregon City Park-and-Ride.
- . Consider refurbishing of the Portland Traction Company Bridge for bus use.

D. Tigard Transit Station

1) Project Objectives

- . Provide a focus for buses connecting the Tigard area to central Portland, Beaverton and Lake Oswego.
- . Provide improved service from the Southwest Corridor to Tigard.
- . Enhance the viability of business development in downtown Tigard.

E. Westside Transitway Corridor

1) Project Objectives

- . Improve transportation service levels.
- . Minimize neighborhood infiltration of regional traffic.
- . Promote efficient land use patterns.
- . Reduce hydrocarbon emissions and conserve energy.
- . Maintain reasonable access to job opportunities.
- . Balance the Westside transportation system to improve travel conditions on local roads, in the Sunset Corridor, the Highway 217 Corridor and the I-5 Corridor.
- . Improve transit operating efficiencies.

2) Project Scope

- . Improve transit service on the Westside through the preferred alternative from among the following:
 - a) Major bus service expansion
 - b) A busway in the Sunset Corridor from Portland to Beaverton
 - c) LRT in the Sunset Corridor from Portland to west of Beaverton
 - d) LRT in the Multnomah Corridor from Portland to west of Beaverton
- . Identify needed highway improvements that, in combination with the transit expansion, will create a balanced transportation system.

F. Buses

Acquire buses for expansion of service in the McLoughlin Boulevard Corridor.

G. Portland Transit Transfers

1) Project Objectives

- . Improve the efficiency of transit service.
- . Improve the convenience of transferring between routes.
- . Promote increase transit ridership.

2) Project Scope

- . Provide the following transit improvements as needed at transfer locations: bus shelters, kiosks, information signing, transfer directional signing, trash receptacles and telephones.
- . Provide the following street improvements as needed at transfer locations: enlarged pedestrian waiting areas, sidewalks, stairways, bus pullout lanes, bus bays, crosswalks, traffic signals.

H. Northwest Transit Station

1) Project Objectives

Improve transit access to the Northwest industrial area by facilitating transfers between the various routes serving the area.

2) Project Scope

Provide an off-street transfer facility with pedestrian amenities.

AC:lmk
1-28-82

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: Granting a Franchise to Marine Drop Box Corporation for
the Purpose of Operating a Solid Waste Processing Facility

I. RECOMMENDATIONS:

- A. ACTION REQUESTED: Adopt the attached Resolution granting Marine Drop Box Corporation a franchise to operate a solid waste processing facility.
- B. POLICY IMPACT: Marine Drop Box Corporation has operated a solid waste processing facility under a District agreement since 1977. Granting Marine Drop Box a franchise will transfer regulation of the operation from the previous certificate system to the franchise system as required by subsection 7(3) of the Disposal Franchise Ordinance. The facility complies with Metro's Solid Waste Management Plan since it removes wood and metal from the waste stream.
- C. BUDGET IMPACT: In addition to the solid waste user fees already paid to Metro by Marine, a \$100 franchise fee will be paid annually to Metro by the company.

II. ANALYSIS:

- A. BACKGROUND: Marine Drop Box Corporation operates a processing facility located at 6849 N.E. 47th Avenue, Portland, Oregon. The company collects material dumped by ships which call at the Ports of Portland and Vancouver. This material consists primarily of wood, cables, ropes and metal clips which are used to secure cargo on inbound vessels. The wood is sold as firewood and the cable is cut up and sold as scrap. The company accepts the material only from its own collection vehicles and does not accept materials from the public. Incidental nonprocessable or nonrecyclable waste is trucked to area landfills. Estimated cubic yards received daily is 28 cubic yards; 10,000 cubic yards per year. Marine Drop Box has complied with the application requirements specified in the Disposal Franchise Ordinance.
- B. ALTERNATIVES CONSIDERED: Not granting Marine Drop Box a franchise would prohibit the company from continuing their operation. Since the company performs a valuable service by removing wood and scrap metal from the waste stream, this alternative was considered contrary to Metro's Solid Waste Management Plan.
- C. CONCLUSION: Adopt the attached Resolution granting Marine Drop Box Corporation a franchise to continue operation of their dunnage processing facility.

FOR THE PURPOSE OF GRANTING A)
FRANCHISE TO MARINE DROP BOX)
CORPORATION FOR THE PURPOSE OF)
OPERATING A SOLID WASTE PROCESSING)
FACILITY)

RESOLUTION NO. 82-315

WHEREAS, Subsection 7(3) of the Disposal Franchise Ordinance requires solid waste facilities operating under a District certificate or agreement on the effective date of the Disposal Franchise Ordinance to apply for a franchise; and

WHEREAS, Marine Drop Box Corporation has operated a dunnage processing facility under a District agreement since 1977; and

WHEREAS, Marine Drop Box Corporation has complied with all franchise application requirements specified in the Disposal Franchise Ordinance; and

WHEREAS, Marine Drop Box performs a valuable service by removing wood and metal material from the waste stream; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District authorizes the District to enter into the attached franchise agreement with Marine Drop Box within 10 days of adoption of this Resolution.

TA/glb
5132B/283
02/22/82

FRANCHISE NO.: 001
DATE ISSUED:
EXPIRATION DATE:

SOLID WASTE FRANCHISE
issued by the
METROPOLITAN SERVICE DISTRICT
527 SW Hall Street
Portland, Oregon 97201
503-221-1646

NAME OF FRANCHISEE: Marine Drop Box Corporation
ADDRESS: 6849 N.E. 47th Avenue
CITY, STATE, ZIP: Portland, Oregon 97218
NAME OF OPERATOR: H. R. Miller
PERSON IN CHARGE: H. R. Miller
ADDRESS: 4702 N.E. 32nd Place
CITY, STATE, ZIP: Portland, Oregon 97211
TELEPHONE NUMBER: (503) 287-8275, (503) 281-2592

This Franchise will automatically terminate on the expiration date shown above, or upon modification, revocation or suspension, whichever occurs first. Until this Franchise terminates, Marine Drop Box Corporation is authorized to operate and maintain a processing facility located at 6849 N.E. 47th, Portland, Oregon 97218, for the purpose of accepting, processing and disposing of solid waste in accordance with the Metro Code and the attached Schedules A, B, C and D. This Franchise may be revoked at any time for any violation of the conditions of this Franchise or the Metro Code. This Franchise does not relieve the Franchise Holder from responsibility for compliance with ORS Chapter 459 or other applicable federal, state or local laws, rules, regulations or standards.

Presiding Officer, Council
Metropolitan Service District

FRANCHISE CONDITIONS

Franchise Number: 001

Expiration Date: _____

SCHEDULE C

COMPLIANCE CONDITIONS AND SCHEDULES

- SC-1 The Franchise Holder shall furnish Metro with proof of public liability insurance including automotive coverage within ten (10) days after receipt of the order granting this franchise. Said insurance shall be in the amount of not less than \$300,000 for each occurrence, \$500,000 for bodily injury or death for each person, and property damage insurance in the amount of not less than \$300,000 per occurrence, or such other amounts as may be required by State law for public contracts. The District shall be named as an additional insured in the policy.
- SC-2 The franchise insurance set forth in SC-1 shall be maintained during the term of the franchise. The Franchise Holder shall give thirty (30) days prior written notice to the District of any lapse or proposed cancellation of insurance coverage.
- SC-3 The Franchise Holder shall obtain a corporate surety bond in the amount of \$25,000.00 within ten (10) days after receipt of the order granting this franchise. Said bond shall guarantee full and faithful performance during the term of this franchise of the duties and obligations of the franchisee under the Solid Waste Code, applicable federal, state and local laws and rules and regulations.
- SC-4 The franchise corporate surety bond in the amount set forth in SC-3 shall be maintained by the Franchise Holder during the term of the franchise. The Franchise Holder shall give thirty (30) days written prior notice to the District of any lapse or proposed cancellation of the bond.
- SC-5 All non-putrescible solid wastes accepted by Marine Drop Box at the Facility and not recovered for reuse or recycling shall be delivered within 48 hours to a Metro approved solid waste disposal site.
- SC-6 All putrescible solid waste which has contaminated the material accepted by Marine Drop Box at the Facility shall be delivered to a Metro approved solid waste facility at the end of each working day.
- SC-7 The Franchise Holder may not lease, assign, mortgage, sell or otherwise transfer, either in whole or in part, its franchise to another person without prior approval by the District.

SC-8 The Franchise Holder may contract with another person to operate the processing center only upon ninety (90) days prior written notice to the District and the written approval of the Executive Officer. If approved, the franchisee shall remain responsible for compliance with this franchise agreement.

SC-9 The Franchise Holder shall comply with Ordinance No. 81-111 as amended.

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: JPACT
SUBJECT: Endorsing State Ballot Measure 4 to Increase Highway
User Fees

I. RECOMMENDATIONS:

- A. ACTION REQUESTED: Adoption of the attached resolution endorsing Ballot Measure 4 in the May primary election. The measure would increase the state gas tax and truck weight-mile tax.
- B. POLICY IMPACT: This resolution is consistent with the findings of the recommended Regional Transportation Plan in terms of the need for increased highway revenues.
- C. BUDGET IMPACT: None.

II. ANALYSIS:

- A. BACKGROUND: Ballot Measure 4 calls for a one cent increase to the current five cents per gallon state gas tax to be added each year for the next three years, for a total three cent increase. It also includes a commensurate increase in truck weight-mile tax and other excise taxes. This proposal was initiated by the 1981 Oregon legislature along with a one cent increase that has already gone into effect.

This measure is intended to address two problems: (1) the need for increased revenues to meet growing statewide transportation needs, and (2) the loss of purchasing power with the current gas tax due to lower gasoline consumption and inflating construction costs. As a result of this gas tax increase, direct payments to local cities and counties will increase and revenue for improvements by the Oregon Department of Transportation within the metropolitan area should be available.

This resolution was initiated by Metro's Joint Policy Advisory Committee on Transportation (JPACT), the key elected and appointed officials responsible for implementation of the Regional Transportation Plan.

- B. ALTERNATIVES CONSIDERED: The proposed ballot measure was initiated by the State legislature after consideration of a variety of revenue options. The alternatives now are to support or not support the ballot measure that is to be voted on in the primary election on May 18.
- C. CONCLUSION: Adopt proposed resolution.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ENDORSING) RESOLUTION NO. 82-324
STATE BALLOT MEASURE 4 TO)
INCREASE HIGHWAY USER FEES) Introduced by JPACT

WHEREAS, Metro's recommended Regional Transportation Plan identifies the need for additional major highway investments to support economic development in the metropolitan area; and

WHEREAS, The current state gas tax and truck weight-mile taxes are inadequate to fund needed improvements; and

WHEREAS, The proposed increase will generate a portion of the revenues needed and should result in an increase in highway revenues to the metropolitan area; now, therefore,

BE IT RESOLVED,

That the Metro Council endorses State Ballot Measure 4 to increase highway user fees as a critical element of the economic viability of the Portland metropolitan area.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1982.

Presiding Officer



METRO

METROPOLITAN SERVICE DISTRICT
527 S.W. HALL ST., PORTLAND, OR. 97201, 503/221-1646

MEMORANDUM

Date: April 14, 1982
To: Metro Council
From: Donald E. Carlson, Deputy Executive Officer
Regarding: Council Budget Committee and Schedule for Review and Adoption of the FY '83 Budget

As you know, Local Budget Law designates the Metro Council as the Budget Committee. The role of the Budget Committee is to hear the budget message, receive the budget document and hear persons wishing to comment on the budget.

The Council will convene on April 22, 1982, as the Budget Committee for these purposes. In addition, the attached calendar outlines the meetings scheduled for public comment and Council consideration, approval and adoption of the FY '83 budget.

<u>DATE</u>	<u>DAY</u>	<u>TIME</u>	<u>PLACE</u>	<u>COUNCIL OR COMMITTEE</u>	<u>PURPOSE OF MEETING</u>
4/12/82	Monday	5:30 PM	Council Chamber	Coordinating	Receive "preliminary" proposed budget.
4/15/82	Thursday	12:00 Noon	Zoo Education Building	Selected Council Members & Staff	Meet with "Friends of Zoo" to discuss budget and accept testimony.
4/15/82	Thursday	7:30 PM	Council Chamber	Selected Council Members & Staff	Public meeting with local government jurisdictions to discuss budget and accept testimony.
4/19/82	Monday	8:00 AM	Council Chamber	Development	Review program and budgets for Criminal Justice, Development Services and Transportation.
4/19/82	Monday	12:00 Noon	A1 and A2	Selected Council Members & Staff	Public meeting with SWPAC to discuss FY '83 Budget and accept testimony.
4/20/82	Tuesday	2:00 PM	Council Chamber	Services	Review program and budgets for Zoo and Solid Waste Departments (Zoo Operating and Capital Funds; Solid Waste Operating Capital and Debt Service Funds).
4/22/82	Thursday	7:30 PM	Council Chamber	Budget Committee	Review proposed FY '83 Budget and accept public testimony.
4/23/82	Friday	3:00 PM	Council Chamber	Coordinating	Review program and budget for General Fund (Council, Executive Management, Public Affairs, Finance and Administration Department Budgets).
4/26/82	Monday	5:30 PM	Council Chamber	Coordinating	Review FY '83 Budget and make recommendations to full Council for entire Budget; review and recommend resolution instructing staff to transmit approved Budget to TSCC for public hearing; and review and recommend ordinance to Council for adoption of FY '83 budget and appropriations schedule.

<u>DATE</u>	<u>DAY</u>	<u>TIME</u>	<u>PLACE</u>	<u>COUNCIL OR COMMITTEE</u>	<u>PURPOSE OF MEETING</u>
5/6/82	Thursday	7:30 PM	Council Chamber	Council	Review and approve FY '83 Budget and resolution for submittal to TSCC; first reading of ordinance adopting FY '83 budget and appropriations schedule.
6/7-6/11	TBA	TBA	TBA	Selected Council Members & Staff	Public hearing before TSCC on FY '83 Budget.
6/24/82	Thursday	7:30 PM	Council Chamber	Council	Second reading of ordinance and adoption of FY '83 Budget and appropriations schedule.

April 22, 1982

Council members:

Unfortunately I'm unable to be at tonight's meeting. There are two issues most important to us: support for the state gas tax measure (which I hope we would also push hard individually) and our budget.

In the budget process I would suggest the Council take public testimony, ask the staff only for changes from the preliminary budget and reserve the discussion among ourselves until the Monday coordinating committee meeting.

This might appear somewhat selfish, but I feel that our committee meetings scheduled during working hours have made it impossible for a number of us to adequately discuss the budget.

It is my understanding that we could schedule another Budget Committee meeting April 29 and still meet the TSCC deadline if we cannot finish the work on Monday to meet our May 6 approval.

I would also suggest that Monday's meeting be a committee of the whole session rather than a coordinating committee meeting.

I can't stress enough the importance of all of us having a good chance for discussion after the committees have made recommendations.

Thank you for considering my requests. I look forward to the 5:30 Monday meeting.

Corky
Corky



METRO

METROPOLITAN SERVICE DISTRICT
527 SW. HALL ST., PORTLAND, OR. 97201, 503/221-1646

MEMORANDUM

Date: April 22, 1982

To: Metro Council

From: Rick Gustafson, Executive Officer

Regarding: FY 83 budget

As you know, over the past two weeks we have been working with the Tax Supervising and Conservation Commission (TSCC) to determine if the revenue from the potential bond sale for the energy recovery facility must be included in the FY 83 budget.

Yesterday, the attached letter was received from the TSCC stating that the state law on local budgeting (ORS 294) does, in fact, require that those funds be included even though the Council decision on proceeding with that project will not be made until some time after July 1 when the FY 83 budget goes into effect.

The law requires that any expenditures and revenues that could be realized in the fiscal year must be included in the budget. The funds cannot be added in a supplemental budget after the decision is made because Metro knows now that the sale of the bonds is a possibility in the coming fiscal year.

Inclusion in the budget of these revenues and expenditures does not indicate that a decision has been made by the Council to proceed with the project, but is necessary to allow expenditure of those funds if Council approval is given during FY 83.

In addition to requesting an opinion from the TSCC, staff also received opinions from a number of outside experts including local bond counsel (Rankin, McMurry, VavRosky and Doherty), project underwriter (Smith, Barney, Harris & Upham), and private attorney Dean Gisvold who has done extensive legal work on the contract negotiations.

The inclusion of these potential revenues and expenditures raises the amount of the proposed appropriation level by \$330 million. This includes a maximum bond sale of \$262 million (to finance construction costs, interest payments and required reserve funds) plus interfund transfers and interest that will be earned by the \$262 million.

Due to the uncertainty of how these funds will be budgeted, staff is working with all due speed to have alternative solid waste budgets to present to the Regional Services Committee at their meeting on Monday, April 26.

1-0000

TAX SUPERVISING & CONSERVATION COMMISSION MULTNOMAH COUNTY

1429 Lloyd Building 700 N.E. Multnomah Street Portland, Oregon 97232 (503) 248-3054

April 21, 1982

Ms. Jennifer Sims, Director of Management Services
Metropolitan Service District
527 S.W. Hall
Portland, Oregon 97201

Dear Ms. Sims:

This is in response to your April 16 letter concerning financial planning for the Energy Recovery Facility.

In the letter you state that the facility has been under study and consideration by Metro for several years, that various project permits are now being obtained, that an operating contract is now being negotiated with Wheelabrator Frye Company, that the facility is to be financed from the sale of \$165 million industrial development revenue bonds, administered by a trustee, with the probable need for a six month interest installment to be paid during fiscal year 1982-83, and, that while the Metro Council has authorized preliminary work it is to make a final decision to proceed with the project during fiscal year 1982-83.

Given these considerations you ask several questions regarding budgeting of the project. You have indicated verbally that a written response would be helpful to guide preparation of the executive budget and to assist council members in gaining an understanding of the budgetary process. It should also be noted that I have discussed this matter with you and other Metro staff members in considerable detail and provided a consulting attorney a copy of a letter opinion from the Oregon Tax Commission pertaining to the budgeting of industrial revenue bonds.

The questions in your letter and our answers are as follows:

1. Question: Must industrial development revenue bonds be included in a public agency's budget?

Answer: Yes, if the public agency is subject to the Local Budget Law. The Metro Service District, a municipal corporation, is subject to the Local Budget Law. ORS 294.316.

Although your letter does not so state, we assume that the revenue bonds will be issued under the authority of ORS 268.600 to 268.660 and that the revenue bonds will be bonds or obligations of the Metro Service District.

2. Question: Must Metro include these industrial revenue bonds in its budget for FY83?

Answer: Yes, if it is Metro's intent to disburse bond sale proceeds and related revenues for construction, debt service and other project expense during fiscal year 1982-83.

Public funds may be disbursed only after a legislative appropriation. As provided in the Local Budget Law, appropriations may be established after adoption of an annual or supplemental budget or the amendments authorized by ORS 294.326.

3. Question: If the bonds must be budgeted, can Metro elect not to include them until a decision is made to proceed with the ERF, then include them through a supplemental budget?

Answer: Under the circumstances at hand, no. A supplemental budget may be initiated in certain cases where it can be demonstrated that an occurrence or a condition has arisen that was not ascertained or foreseen when the annual budget was prepared which necessitates a change in financial planning. ORS 294.480.

The explanation and information conveyed in your letter shows very clearly that at this time Metro has identified (ascertained, foreseen) the probable need to finance the ERF project (the occurrence or condition) during 1982-83. Accordingly, if the project is to be funded in 1982-83 it must be included in the annual budget because it cannot meet supplemental budget criteria. An exception would be if the bonds are voted by the people. See ORS 294.326 (4).

We must also point out that a budget is a financial plan and not an irrevocable commitment to conduct the activities or projects identified in the budget. Outlining a plan in the budget establishes a basis to proceed to the next step in accomplishing or terminating a project. Typically, a governing body is confronted with a series of project decisions, for example, ordinances to appropriate funds, to authorize the sale of bonds, to let construction or operating contracts, and so on. Within this context we do not understand which "decision to proceed" the Council will consider during 1982-83, particularly since the Council is now, and has been, authorizing performance of ERF project related activities.

Ms. Jennifer Sims, Dir. of Mgmt. Services
Metropolitan Service District

April 21, 1982
Page 3

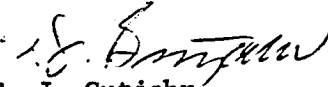
4. Question: (Questions 4 and 5 are related and therefore combined). If Metro must budget the IDB's, how should the revenues and the disbursements be displayed? More specifically, what level of appropriation should be displayed in the budget? Should 100% of the bond proceeds be appropriated because 100% is delivered to the trustee or should the anticipated FY83 disbursements, i.e., bond issuance costs, first bond interest payment and construction payments, be displayed?

Answer: The fund structure for this project will be specified in the ordinance authorizing revenue bonds. Very likely it will provide for a revenue bond construction fund, a revenue bond debt reserve fund and a revenue bond debt service fund. Estimates should be inclusive of all resources and requirements anticipated for fiscal year 1982-83, detailed in the manner specified in ORS 294.361, ORS 294.352 and related statutes.

We trust that this answers each of your questions. Please advise if we can be of further assistance.

Yours very truly,

TAX SUPERVISING & CONSERVATION COMMISSION


G. J. Gutjahr
Administrative Officer

GJG:pj

FROM THE DESK OF

Cindy Banzer

COUNCILOR, DISTRICT 9
7017 S.E. PINE/PORTLAND, OR. 97215
253-2915

Sue -
we need to

pull 5.1 from
consent agenda -

please make cc

of Frontdale's transmitted
+ Res 464-R + give to:
Schedaen
Bouner/Exley
Williamson
w/ note
from
me



METROPOLITAN SERVICE DISTRICT

527 S.W. HALL STREET, PORTLAND, OREGON 97201 503/221-1646



City of Troutdale

104 Kibling Street (503)685-5175
Troutdale, Oregon 97060

- Transmittal

DATE: April 12, 1982

FILE NO. _____

TO: Cindy Banger
Metro Service District Council
527 SW Hall
Portland, OR 97201

FROM: R. Scott Remble

SUBJECT: _____

DEPT: City Planner

ITEM	DESCRIPTION	TITLE
1	Resolution 464-R	

REMARKS:

BY: Karla Salsburg Colson

DATE: April 12, 1982

RESOLUTION NO. 464-R

A RESOLUTION TO OBJECT TO SUBSECTION 12 OF THE RESOLUTION BEFORE THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT CONCERNING THE USE OF SECTION 3 FUNDS FOR SELECTED TRANSIT PROJECTS IN EXCHANGE FOR INTERSTATE TRANSFER FUNDS.

WHEREAS, The Troutdale representative, as well as the East Multnomah County Transportation Committee, agreed to an eight year work program funded by the Interstate Transfer Fund; and

WHEREAS, There was no priority established for the allocation of funds for projects by jurisdiction; and

WHEREAS, The westside transfer as per condition 12 of the proposed resolution before the council of the Metropolitan Service District will effectively establish a priority for allocation of funds by jurisdiction; and

WHEREAS, The consequences of such action may delay and/or jeopardize the implementation of the agreed to eight year work program.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THAT:

The City does hereby support the use of Section 3 funds for selected transit projects in exchange for Interstate Transfer Funds providing that subsection 12 is deleted from the attached resolution.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS 23, DAY OF March, 1982.

YEAS: 4

NAYS: 0

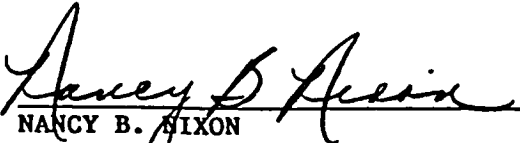
ABSTAINED: 1 - Dan Lowe



R. M. Sturges, MAYOR

Date Signed: 3-24-82

ATTEST:



NANCY B. NIXON
FINANCE DIRECTOR/CITY RECORDER

Before the Council of the
Metropolitan Service District

A RESOLUTION CLARIFYING THE)	Resolution No. 82-327
COUNCIL'S PURPOSE IN INCLUDING)	
THE ENERGY RECOVERY FACILITY)	Submitted by
BOND REVENUES AND EXPENSES IN)	Coun. Banzer
METRO FY '83 BUDGET.)	

WHEREAS, Metro must budget for all revenues and expenditures anticipated in a budget year; and

WHEREAS, the currently proposed Energy Recovery Facility may be approved by the Council during FY '83 to include the sale of revenue bonds and receipt and expenditure of funds therefrom; and

WHEREAS, the projected amount of bond revenues and expenditures, if the facility and the bond sale are approved, is \$283,864,000; and

WHEREAS, the decisions to build the facility and to proceed with a revenue bond sale therefor have not yet been made.

NOW, THEREFORE, BE IT RESOLVED:

1. That the projected Energy Recovery Facility bond revenues and expenditures in the amount of \$283,864,000 are to be included in the FY '83 Metro budget to enable the project to proceed if and when the project and bond sale are approved by the Council.

2. That inclusion of said bond revenues and expenditures in the FY '83 Metro budget is not to be construed as a decision on the

part of the Council to construct the proposed Energy Recovery Facility.

PASSED by the Council of the Metropolitan Service District this ____ day of _____, 1982.

Presiding Officer

TESTIMONY OF TOXICOLOGIST DR. PHILLIP LEVEQUE of Molalla, Oregon

(ref. e)

THE MOST TOXIC POISON COMES TO OREGON CITY

Dioxins and dibenzofurans are compounds with similar chemical, physical and toxic properties. Some of these compounds are extremely toxic. One is the most toxic substance produced by man: poisonous in a few parts per billion.

In addition to acute toxic effects, the most toxic dioxins also have chronic toxic effects, as well as teratogenic, mutagenic and carcinogenic properties. Because they are both chemically and biologically stable as well as fat soluble in nature, they have a tendency for bioaccumulation and consequently they present a threat for man and the environment. In other words, they are stable in the environment and can be stored in plants and in the fat of food animals; they get into the food chain and threaten man by passing on toxicity.

Why are these compounds important to Oregon City? These highly toxic compounds are a result of the incineration process. A study has been done on the fly ash from a large municipal incinerator in Zurich, Switzerland, one with electrostatic precipitators. Over 30 different dioxin compounds were found in the fly ash--many of them the highly toxic isomers that are hazardous to man. They also found a dioxin compound in this study that has never been found in a commercial product--fly ash and other incinerator products seem to be the only reported environmental source of this compound. We are making our own dioxins!!

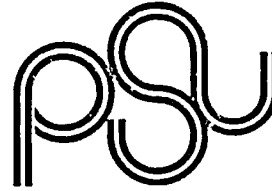
These dioxins have been shown in studies to be the result of incinerating products containing the chemical pentachlorophenol--your canned goods, boxes, vegetable and fruit boxes, and crates are treated with this; it's in plywood and other wood products, and garden clippings sprayed with 2,4,D or 2,4,5,T and will surely be burned in this incinerator.--therefore, putting these hazardous dioxins in our air and on the ground and in plants and animals.

Dibenzofurans: These come from the combustion of PCDs and are equally as dangerous as the dioxins. The most toxic PCDs were found in the fly ash sample as major constituents.

Given the toxicity of these compounds, and the proof that they will be present in the fly ash and flue gas from this incinerator, it is very obvious that incinerating garbage and trash has very dangerous health and environmental effects.

Given the facts that dioxin-related products are highly toxic, even trace amounts; that they can cause mutations, birth defects and cancer; that they are a product of the incineration process; that they can be stored in the body from even slight exposure over a long period of time; and that they are a health and environmental hazard--I don't feel that any reasonable person would want history to record that he was responsible for putting dioxins in Oregon City and Clackamas County.

/s/Phillip Leveque
Molalla, Oregon



December 16, 1981

PORTLAND
STATE
UNIVERSITY
p.o. box 751
portland, oregon
97207
503/229-3851

department
of biology

TO: House Interim Committee on
Environment and Energy

Dear Representatives:

I am concerned about the possibility of changing the minimum size requirements for Energy Facility Siting Council (EFSC) review. In particular, I feel the presently mandated requirements are necessary to help provide adequate protection to public health and safety particularly in the siting and operation of municipal solid waste fueled electrical generating facilities. Such generating facilities require the most thorough possible review.

Although municipal solid waste fueled electrical generating facilities may provide a variety of benefits, their potential for harm to the public health is so much greater than any other fuel source that they appropriately require more stringent regulatory treatment, control, and monitoring. I would be particularly concerned about air pollution resulting from fine particulates bearing toxic heavy metals (mercury, lead, cadmium) concentrated from the waste fuel as well as toxic organic molecules synthesized in the combustion process (especially the dioxins). In addition, fly ash collected in the pollution control systems needs special care when disposed of as solid waste, because it is likely to contain much more significant toxic material than comparable material from more conventional generating facilities.

Sincerely,

A handwritten signature in cursive script that reads 'Trygve P. Steen'.

Trygve P. Steen, M.P.H., Ph.D.
Associate Professor of Biology



DIVISION OF
ENVIRONMENTAL MEDICINE

Area Code 503 225-8415

Portland, Oregon 97201

UNIVERSITY OF OREGON
HEALTH SCIENCES CENTER

December 16, 1981

Mr. James Johnson
City Commissioner
1110 16th Street
Oregon City, Oregon 97045

Dear Mr. Johnson:

At your request I have reviewed the November 1981 EPA paper entitled "Interim Evaluation of Health Risks Associated with Emissions of TCDDs from Municipal Waste Resource Recovery Facilities". The paper described the utilization of airborne emission data from five un-named U. S. municipal waste combustors whose method of sample collection was not stated. The emission data were processed by a computer model to estimate the approximate expected exposure levels of the population in the communities. Then they estimated chronic human health risks from the calculated exposures, under the assumption that "the same relative dose levels as observed in the reported animal studies" would apply directly to humans. Based on that assumption, EPA has concluded that the calculated TCDD exposures would pose no human health risks in communities with waste combustors.

Unfortunately, the assumption on which they based their conclusion was scientifically untenable. Animal toxicology studies generally expose the animals to far larger doses of a toxic substance than humans would be exposed to in the community. The reasons for administering relatively large doses to experimental animals include: (1) to obtain a response in a relatively short period of time, and (2) to obtain a response in a significant proportion of the exposed animals. Because those doses are intentionally high, the specific dose levels cannot be directly applied to human risks, although the fact of observed animal effects can be used to infer likelihood of human effects at lower incidence rates from lower exposure doses over longer periods of time. The error expected from this risky EPA assumption would be a tendency to underestimate human health risks based on apparent animal tolerance of relatively higher exposures in short-term experiments.

Based on my familiarity with scientific methods, I cannot accept this EPA claim that no health hazards should be expected from the anticipated TCDD exposure. Much better evidence is needed for such an assertion.

Respectfully,

William E. Morton, MD, DrPH
Professor

WEM:pj

cc. E. Timothy Davison, DEQ



UNIVERSITY OF UMEÅ
Department of Organic Chemistry
Christoffer Rappe, Mj

1981-12-15

Mr. James L. Johnson, Jr.
Oregon City Commissioner
1110 16th Street
Oregon City, OR 97045
U.S.A.

Dear Mr. Johnson,

Many thanks for your letter of December 8. It is interesting to study the enclosed US EPA document.

In my opinion this risk evaluation has a too narrow approach to the problem, narrow in that sense that all interest is concentrated to the 2,3,7,8-tetra-CDD isomer. In our fly ash analyses this isomer is always a very minor constituent, see enclosed copy.

./.

My position is that an acceptable risk evaluation should be based on the occurrence of all dioxins and dibenzofurans in the incinerator effluents: fly ash, flue gas, particulate and aerosols. As a first approach an evaluation should be based on those isomers which are considered to be "highly toxic"

2,3,7,8-tetra-CDD

1,2,3,7,8-penta-CDD, which is just as toxic as the 2,3,7,8-tetra-CDD

2,3,7,8-tetra-CDF, about 5 times less toxic than 2,3,7,8-tetra-CDD

1,2,3,7,8-penta-CDF and

2,3,4,7,8-penta-CDF both also about 5 times less toxic than 2,3,7,8-tetra-CDD

The analytical data in the EPA document is given without describing the sampling technique and the analytical technique used. Consequently it is completely impossible to evaluate the data.

The amount of dioxin and dibenzofuran emissions from an incinerator is dependent on the

- a) construction of the incinerator
- temperature
- residence time
- excess of air

Nothing is known to me concerning the construction of the incinerators investigated in the EPA study or the planned incinerator in Oregon City. Consequently it is impossible for me to know how the relevance of the EPA data.

- b) the material being burned
chlorinated phenols are precursors to dioxines
PCBs are precursors to the dibenzofurans

From your letter I understand that you are afraid that in the Oregon City incinerator you could find pentachloro phenol contaminated waste.

I am not very familiar with the title "Comissioner", consequently it is very difficult for me to advice you what to do. From my comments above it is evident that I am not very satisfied with the EPA document, too much is missing. If you can get more data it is easier for me to review the data.

I understand that is is quite difficult for you to collect fly ash, particulate or air samples. Perhaps you could consider the possibility to collect soil samples taken in the vicinity of incinerators or boilers where waste containing high levels of pentachlorophenol is being burned.

I hope my comments can be of use for you.

Cordially



Christoffer Rappe, professor

Copy re Uln Johnson



DIVISION OF ENVIRONMENTAL MEDICINE

Area Code 503 225-8415

Portland, Oregon 97201

UNIVERSITY OF OREGON
HEALTH SCIENCES CENTER

January 18, 1982

Representative Wayne Fawbush, Chairman
House Interim Committee on Environment
& Energy
H-193, State Capitol
Salem, Oregon 97310

Dear Representative Fawbush:

I hope you will accept this letter as testimony for the public hearing on House Bill 3295 which would exempt garbage burner facilities from energy site certificate requirements.

Decision
made
will

For almost three years I have followed the controversy between the Metropolitan Service District who needs to solve its serious refuse disposal problems and a group of Oregon City residents who fear air pollution and health hazards. I have testified on these matters on two previous occasions. (I believe that the fears of the Oregon City residents are reasonable and prudent and that the leadership of the Metropolitan Service District has failed to give due consideration to the risks of health impairment and to the likelihood of regulatory problems in managing the input and the performance of the proposed facility.)

Part of the Metropolitan Service Districts problem has been that they have received faulty advice from the U. S. Environmental Protection Agency. For example, a November, 1981 EPA paper entitled "Interim Evaluation of Health Risks Associated with Emissions of TCDDs from Municipal Waste Resource Recovery Facilities" actually used a scientifically untenable extrapolation of animal experiment dose levels to human community exposures! The effect of that error would be to vastly underestimate human health risks. It was an error that would not have been made by a competent scientist, and it is significant that the paper did not indicate the author's name.

I anticipate serious problems in monitoring the input (keeping out hazardous wastes) and the performance (keeping the burning temperature at the proper level) because these responsibilities will be delegated to a private contractor. The operating system needs to incorporate a system of checks to insure that safeguards are actually working.

what has been happens is

The attempt to allow this proposed resource recovery facility to be exempt from energy site certificate requirements may seem to be a move toward expediting solution of waste disposal problems, but it carries with it the hazard of ignoring the very real possibilities for promotion of long-range toxic human health problems. I urge you to leave the requirements for energy site certification intact. It would be prudent to request DEQ and the State Health Division to jointly establish an expert health effects panel to formally review the potential health problems and to recommend

Representative Wayne Fawbush
January 18, 1982
Page 2

methods by which they could be minimized. This would be the due process to which the Oregon City residents are entitled and could quell the controversy. Such a panel should have been convened a long time ago because its opinion would be useful on other similar occasions in the future.

I would be happy to answer any questions on this or other matters. The opinions expressed in this letter were personal and do not represent institutional positions.

Respectfully,

Wm Morton

William E. Morton, MD, DrPH
Professor

WEM:pj

BIBLIOGRAPHY

FINANCIAL ASPECTS

- "Garbage In, Garbage Out," A. A. Lappen, Forbes Magazine, May 25, 1981
- "It's Proving Long on Promise, Short on Profits," T. G. Donlan, Baron's Magazine, July 21, 1980
- Testimony of Ed Kulawiak, CPA, to Oregon City Commission, June 22, 1981 (16106 S. Winston Dr., Oregon City, 97045)

ENVIRONMENTAL ASPECTS

- "Polychlorinated Dioxins and Dibenzoflurans in Incinerator Effluents," Rappe & Buser, from Christoffer Rappe, Dept. of Organic Chemistry, University of Umea, S-901, 87 Umea, Sweden. 1981.
- "Identification of Polychlorinated Dibenzofluran Isomers in Fly Ash and PCB Incinerators," Buser, Bosshardt, Rappe, Lindahl, Chemosphere, No. 5, pp. 4, 6-429, 1978.
- "Formation of Polychlorinated Dibenzo-p-Dioxins (PCDDs) and Dibenzoflurans (PCDFs) by Burning or Heaint Chlorophenates." Rappe, Marfluna, Buser & Bosshardt, Chemosphere, No. 3, pp. 269-281, 1978.
- "Identification of Polychlorinated Dibenzo-p-Dioxin Isomers found in Fly Ash," Buser, Bosshardt & Rappe, Chemosphere, No. 2, pp. 165-172, 1978.
- "The Law of Toxic Substances," by Theodore L. Garrett. Environmental Health Perspectives, Vol. 32, pp. 279-284, 1979.
- Air Pollution Aspects of Resource Recovery, George Simons, State of California Air Resources Board, P.O. Box 2815, Sacramento, California.
- "Potential Public Health Effects due to Bioaccumulation of Environmental Pollutants," John F. Young, Ph.D., Proceedings, Institute of Environmental Sciences, pp. 357-359.


Cary Jackson & Associates

213 Southwest Ash Street
Portland, Oregon 97204
(503) 295-3600

April 13, 1982

MEMORANDUM

TO: METRO Council

FROM: Cary Jackson 

Attached is a copy of a draft air quality permit prepared by the DEQ staff. The DEQ staff, in all likelihood, would have issued this draft permit except that WFI requested additional time to supplement the application information.

The Oregonian has requested and received a copy of this document.

We would expect the conditions attached to this draft to be similar, if not the same, as conditions placed on any future draft permit.

If you have any questions with regard to the draft permit, the draft conditions, or the on-going process, please call me at 295-3600 or Tom O'Connor.

Enclosure

DRAFT

Permit Number: 03-2667
Expiration Date: 4-1-87
Page 1 of Pages

AIR CONTAMINANT DISCHARGE PERMIT

Department of Environmental Quality
522 Southwest Fifth, Portland, OR 97204
Mailing Address: Box 1760, Portland, OR 97207
Telephone: (503) 229-5696

Issued in accordance with the provisions of ORS 468.310
and subject to the land use compatibility statement referenced below

ISSUED TO:

Metropolitan Services District
527 S.W. Hall St.
Portland, OR 97201

INFORMATION RELIED UPON:

Application No. 3023

Date Received: 6-8-81,
12-16-81,
and 1-29-82

PLANT SITE:

Highway 213 North of Oregon City
Oregon City, OR

LAND USE COMPATIBILITY STATEMENT

From: Oregon City Planning
Commission

Dated: 7-10-81

ISSUED BY DEPARTMENT OF ENVIRONMENTAL QUALITY

WILLIAM H. YOUNG, Director

Dated

Source(s) Permitted to Discharge Air Contaminants:

<u>Name of Air Contaminant Source</u>	<u>Standard Industry Code as Listed</u>
New Source not listed in Table A emitting > 10 tons/year of any pollutant (Energy Recovery Facility, 600,000 tons/year of municipal refuse).	4953

Permitted Activities

The permittee is herewith allowed to discharge exhaust gases containing air contaminants only in accordance with the permit application and the limitations contained in this permit. Until such time as this permit expires or is modified or revoked, the permittee is herewith allowed to discharge exhaust gases from those processes and activities directly related or associated thereto in accordance with the requirements, limitations, and conditions of this permit from the air contaminant source(s) listed above.

The specific listing of requirements, limitations and conditions contained herein does not relieve the permittee from complying with all other rules and standards of the Department, nor does it allow significant levels of emissions of air contaminants not limited in this permit or contained in the permit application.

DRAFT

Permit Number: 03-2667
Expiration Date: 4-1-87
Page 2 of Pages

Operation and Maintenance

1. Operation and Maintenance

The permittee shall maintain and operate all air pollutant generating processes and all air pollution control equipment such that the emissions of air pollutants are kept at the lowest practicable levels at all times.

2. Plant Site Emission Limits

Air pollutant emission rates from the main stack shall not exceed any of the following:

<u>Pollutant</u>	<u>Maximum Emission Limits</u>	
	<u>Pounds/Hour</u>	<u>Tons/Year</u>
Total Particulate Matter	26	84
Volatile Organic Compounds	10	36
Sulfur Dioxide	48	150
Nitrogen Oxides	150	480
Carbon Monoxide	176	570
Mercury	0.6	1.9
Lead	1.0	3.1
Fluorides	1.4	4.5
Hydrogen Chloride	26	82
Tetrachlorinated Dioxins	1.8×10^{-6}	5.7×10^{-6}

3. Grain Loading and Opacity

Emissions of particulate matter shall not exceed 0.015 grains/dscf, corrected to 12% carbon dioxide, and an opacity of ten percent (10%) for a period aggregating more than three (3) minutes in any one hour.

4. Fuel Oil

The permittee shall not use any fuel oil containing more than 0.5 percent sulfur by weight. The amount of oil burned shall not exceed 1565 gallons per hour.

5. Operating Temperature and Residence Time

The permittee shall construct and operate the three boilers to provide a minimum combustion temperature of 1800 degrees F. for a minimum residence time of two (2) seconds when solid waste is being combusted. The permittee shall use auxiliary fuel (gas or oil) as necessary to maintain combustion temperatures at or above 1800 degrees F. at all times when solid waste is present in the combustion chambers.

6. Air Pollution Controls on Boilers

The permittee shall install and operate air pollution control equipment on each of the three boilers. These controls shall consist of a dry scrubber followed by an electrostatic precipitator, which are capable of reducing emission rates to levels specified in Conditions 2 and 3 above. The exhaust gases from the three units shall be discharged through three separate flues contained within a single 250 foot high stack.

DRAFT

Permit Number: 03-2667
Expiration Date: 4-1-87
Page 3 of Pages

7. Startup

The permittee shall preheat the combustion zone using auxiliary fuel (gas or oil) to a temperature of at least 1800 degrees F. and shall start up the electrostatic precipitator and the dry scrubber prior to charging any solid waste to the boilers.

8. Shutdown

The permittee shall maintain the combustion temperature above 1800 degrees F. during shutdown operations for the duration of the burnout period. Auxiliary fuel (gas or oil) shall be used as necessary to maintain this temperature.

9. Excess Air

The permittee shall maintain an excess air ratio of at least 65 percent at all times when waste is being combusted. The boilers shall be designed to provide air to the combustion process from both underfire and overfire systems.

10. Main Stack Parameters

The main stack shall be constructed as specified in the application. The stack height shall be 250 feet and the diameter of each of the three flues at the top of the stack shall be 64 inches. The gas temperature at the exit of the stack shall be maintained at 170 degrees F. or greater except during startup or shutdown.

11. Unloading Area

The permittee shall enclose the solid waste unloading area in order to minimize dust and odor emissions. The unloading area shall be maintained on negative draft such that air from the unloading area and pit area is utilized as combustion air in the boilers.

12. Odor Control

The permittee shall not allow the emission of odorous matter from processes and systems under the control of the permittee as measured off the permittee's property in excess of:

- a. A scentometer no. 0 odor strength or equivalent dilution in residential and commercial areas.
- b. A scentometer no. 2 odor strength or equivalent dilution in all other land use areas.

A violation of Condition 12a or 12b shall have occurred when two measurements made by the Department within a period of one hour, separated by at least 15 minutes exceed the limits.

13. Fugitive Dust Control

The permittee shall minimize fugitive dust emissions by:

- a. Paving vehicular traffic areas of the plant site under the control of the permittee.

- b. Storing collected material from the boiler grates and the air pollution control equipment in a covered container or other method equally effective in preventing the material from becoming airborne during storage and transfer.
- c. Conducting a daily clean up program on the plant site to collect any refuse that may be spilled.

14. Boiler Monitoring

The permittee shall install and operate a temperature monitoring system in the combustion chambers of each boiler to demonstrate that the temperatures required in Conditions 5, 7, and 8 are continuously maintained. The permittee shall continuously monitor the rate of steam production for each boiler.

15. Control Equipment Monitoring

The permittee shall install and operate scrubber and electrostatic precipitator monitoring systems in each control system to demonstrate continuous operation of those control systems during the time that solid waste is being combusted.

16. Continuous Stack Monitoring

The permittee shall install and operate continuous opacity, sulfur dioxide, nitrogen oxide, and oxygen monitors in the main stack and shall continuously record mass emission levels in order to demonstrate compliance with Conditions 2, 3, and 9.

17. Source Testing

The permittee shall demonstrate that the Energy Recovery Facility is capable of operating in continuous compliance with Conditions 2 and 3 for each pollutant listed by performing source tests. All tests shall be conducted in accordance with the testing procedures on file at the Department or in conformance with applicable standard methods approved in advance by the Department. These source tests shall be conducted within 180 days after the start of operation of the Energy Recovery Facility. Thereafter, annual source tests shall be conducted for total particulate matter, volatile organic compounds, sulfur dioxide, nitrogen oxides, carbon monoxide, and hydrogen chloride.

18. Submittal of Plans and Specifications

The permittee shall submit to the Department detailed plans and specifications for the Energy Recovery Facility, including the air pollution control equipment and monitoring equipment required by Conditions 9, 14, 15, and 16. These plans and specifications shall be submitted and shall receive written approval of the Department prior to beginning construction.

19. Ambient Monitoring

The permittee shall conduct ambient air quality and meteorological monitoring for a period beginning one year before startup and continuing one year after startup of the Energy Recovery Facility. This monitoring shall include the use of two fine particulate monitors located at maximum impact points as predicted from air quality modeling. Chemical analysis shall be conducted for those materials expected to be uniquely traceable to the Energy Recovery Facility in order to demonstrate plant impacts. A monitoring plan shall be submitted and receive approval of the Department prior to the beginning of the monitoring program.

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20. Maximum Operating Rates

The maximum rate of refuse combustion shall not exceed 600,000 tons/year or 2010 tons/day unless further approval is received from the Department.

21. Offset Requirements

- a) The permittee shall attempt to acquire and commit to this project the 10 tons/year of fine particulate emission reduction credits that will become available when Rossman's Landfill is closed. If, for any reason, the applicant is unable to maintain the commitment of the 10 tons/year of fine particulate emission reduction credits that will become available when Rossman's landfill is closed, the requirements of paragraphs b) and c) of this Condition shall be increased proportionately to provide the total of 84 tons/year of particulate offsets.
- b) The permittee shall institute a permanent yard debris recovery program in the Metropolitan portion of Clackamas County to collect debris that is presently being burned in order to obtain 76 tons/year of particulate offsets. This program shall include the five activities identified in the permit application, dealing with seeking legislation to address the collection of debris, developing programs to process and market yard debris, conducting a public information program concerning alternatives to backyard burning, and the construction of the Clackamas Recycling Center.
- c) The permittee shall provide a level of funding of at least \$70,000 (based on 1981 dollars adjusted yearly to the Consumer Price Index) to Clackamas County and to the cities in the metropolitan area of Clackamas County sufficient for the collection each year of at least 23,000 cubic yards of burnable backyard debris above the amount collected by these jurisdictions in 1981. The granting of such funds would be conditioned such that the County and cities must use the funds to improve their programs for the collection of backyard debris. Such programs should include at least a twice yearly (spring and fall) free collection of backyard debris. The collected debris shall be recycled through programs presently being developed under the Yard Debris Demonstration Project. The Energy Recovery Facility shall be made available for disposal of the debris if more favorable alternatives are not available. If the program does not reach the stated goal of material collected then MSD will explore with DEQ, local jurisdictions, and the EQC possible ways to increase the effectiveness of the debris collection programs. If other ways are found to finance the backyard debris collection programs, or the programs become unnecessary or ineffective, MSD may be relieved of this financial obligation.

22. Notice of Noise Control Requirements

Prior to construction of the Energy Recovery Facility, the permittee shall submit for Department approval, an analysis of environmental noise impacts on the community and demonstrate the ability of the facility to comply with Oregon noise control regulations, OAR 340-35-035.

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23. Recordkeeping Requirements

The permittee shall maintain a record of data gathered pursuant to Conditions 14, 15, 16, and 17 for a period of two years. Such data shall be available at the plant site at all times for inspection by the authorized representatives of the Department. In addition to the data listed above, the permittee shall record the following at the indicated intervals:

<u>Parameter</u>	<u>Monitoring Frequency</u>
a. Amount of solid waste combusted.	Daily and Yearly
b. Amount of oil or gas combusted.	As used
c. Amount of steam produced	Continuously
d. Startup and Shutdown of boilers.	As performed
e. Maintenance to the air pollution control systems.	As performed

24. Reporting Requirements

The permittee shall report to the Department by January 15 of each year this permit is in effect the following information for the preceding calendar year:

- Firing rates of solid waste, annual and peak daily.
- Oil and/or gas usage, annual and peak daily.
- Amount of steam produced, annual and peak hourly.
- A summary of continuous monitoring data (Condition 16) showing any excursions over allowable emission levels. An explanation of any excursions shall be included.
- Source test data as required by Condition 17.

25. Emission Reduction Plan

The permittee shall implement the following emission reduction plan when so notified by the Department:

<u>Notice Condition</u>	<u>Action to be Taken</u>
a. Alert Level	Reduce steam generating or heat loads by at least 25% of normal.
b. Warning Level	Reduce steam generating or heat loads by at least 50% of normal.
c. Emergency Level	Shut down facility.

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26. Fee Schedule

The annual Compliance Determination Fee for this permit is due on January 1 of each year this permit is in effect. An invoice indicating the amount, as determined by Department regulations, will be mailed prior to the above date.

P03266.7 (1)(a)

General Conditions and Disclaimers

- G1. The permittee shall allow Department of Environmental Quality representatives access to the plant site and pertinent records at all reasonable times for the purposes of making inspections, surveys, collecting samples, obtaining data, reviewing and copying air contaminant emission discharge records and otherwise conducting all necessary functions related to this permit.
- G2. The permittee is prohibited from conducting open burning except as may be allowed by OAR Chapter 340, Sections 23-025 through 23-115.
- G3. The permittee shall notify the Department in writing using a Departmental "Notice of Construction" form, or Permit Application Form, and obtain written approval before:
 - a. Constructing or installing any new source of air contaminant emissions, including air pollution control equipment, or
 - b. Modifying or altering an existing source that may significantly affect the emission of air contaminants, or
 - c. Making any physical change which increases emissions, or
 - d. Changing the method of operation, the process, or the fuel use, or increasing the hours of operation to levels above those contained in the permit application and reflected in this permit and which result in increased emissions.
- G4. The permittee shall notify the Department at least 24 hours in advance of any planned shutdown of air pollution control equipment for scheduled maintenance that may cause a violation of applicable standards.
- G5. The permittee shall notify the Department by telephone or in person within one (1) hour of any malfunction of air pollution control equipment or other upset condition that may cause a violation of the applicable standards. Such notice shall include the nature and quantity of the increased emissions that have occurred and the expected duration of the breakdown.
- G6. The permittee shall at all times conduct dust suppression measures to meet the requirements set forth in "Fugitive Emissions" and "Nuisance Conditions" in OAR Chapter 340, Sections 21-050 through 21-060.
- G7. Application for a modification of this permit must be submitted not less than 60 days prior to the source modification. A Filing Fee and an Application Processing Fee must be submitted with an application for the permit modification.
- G8. Application for renewal of this permit must be submitted not less than 60 days prior to the permit expiration date. A Filing Fee and an Annual Compliance Determination Fee must be submitted with the application for the permit renewal.
- G9. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.
- G10. This permit is subject to revocation for cause as provided by law.
- G11. Notice provision: Section 113(d)(1)(E) of the Federal Clean Air Act, as amended in 1977, requires that a major stationary source, as defined in that act, be notified herein that "it will be required to pay a noncompliance penalty under Section 120 (of that act) or by such later date as is set forth in the order (i.e., in this permit) in accordance with Section 120 in the event that such source fails to achieve final compliance by July 1, 1979."

1110 16th St.
Oregon City, Oregon 97045
April 22, 1982

Metropolitan Service District
Council Members

Council Members of MSD:

Two days ago I came here to address the Service Committee about some concerns about MSD activities that have been referred to me by citizens in the Oregon City area--concerns that I share.

The concerns that I relayed to the committee about MSD's contract process and the contract for the engineering for the garbage transfer station and recycling station had been expressed to me the day before. It was only Tuesday morning that I confirmed some of the details with two engineering firms and quickly put some notes together to be able to come address the Services Committee at 2:00 p.m. which was the time I assumed the public would be able to address the committee, similar to the agendas for the full council. My assumption was incorrect and I was not able to address the committee until 5:00 p.m.

At 5:00 p.m. I was looking at the necessity of catching a bus to Oregon City, eating dinner and getting my class materials together to teach a class at 7:00 p.m.

In presenting information to this Council in the past, I have always held the hope that the merits of my arguments and the arguments of others I have presented you would be considered and would be given their reasonable worth.

Notwithstanding the fact that I have never had a single response from the Council as to my request for a health effects study for garbage burning, investigation into breach of contract and conflict of interest for MSD contractor and other issues I have raised to this committee -- I still am presenting you information I feel is worthwhile for your consideration.

Tuesday afternoon I got off the phone confirming engineering requirements for roof load capacity in Clackamas County, rough-typed some notes, got on a bus and immediately came to these Metro offices.

Immediately upon completion of my reading my concerns to the Council MSD Executive officer Rick Gustafson addressed the Council with a tirade beginning with "This is a typical tactic of Commissioner Johnson..." and proceeded to give justification to that first statement.

I was immediately outraged at the Executive Officer who, instead of dealing with my concerns, attacked me rather than the substance of what I was relaying to the committee.

I am only offering these ramblings to you for consideration as an excuse, a rationalization, if you will, for my becoming angry and disrupting the meeting. I apologize to the members present at that meeting.

I have no problem with the garbage transfer station and recycling center project for Oregon City. I am looking forward to it being built and commencing operation. I am not trying to hang it up, hassle any of you, the contractors or designers.

My concerns about the CTRC were, and are:

*Although BPA and other government agencies are required to hire local firms, MSD hired a Kansas City firm. Local firms are offended.

*The 180-day time requirement for building the facility will cost tax payers plenty extra.

*The facility was grossly overdesigned which shouldn't have happened. The roof was designed for 50 pounds per square foot instead of 25 lbs per square foot, the tremendous span of 150 feet for the roof is unnecessary and subsequently causes large increases in the wall and foundation costs. The design is excessively expensive to build. The fact that the bids for the facility came in less than the designer's projected costs has nothing to do with the facts as to the over-designing of the facility.

I also brought up the concerns I share with others as to the right of MSD to be obligating ratepayers of the region to pay the construction and/or operating costs--whatever they might turn out to be--for these facilities (CTRC and garbage burner and transfer stations, vehicles, etc.). The tipping fees (therefore the garbage rates) are to be leveraged against the repayment of the bonds. Is this fair to the public when there are so many unknowns?

Clearly most of the Council do not consider my efforts in opposing garbage burning and financial ripoffs of the public to be reasonable. Others do share my views though, and although I do apologize to the people at the meeting two days ago for my outburst of anger, I still hold the hope that you will accept my efforts as being genuine and being motivated by honest beliefs in what I am doing and realize that I am not engaged in any "tactics" with

ulterior motives. I am simply trying to get you to listen to some genuine and honestly felt concerns. That's all. It has been hard for many of us to ever feel that you have listened or cared about what we have to say.

Sincerely,

A handwritten signature in blue ink, appearing to read "James L. Johnson, Jr.", written in a cursive style with a large initial "J".

James L. Johnson, Jr.

EXECUTIVE SESSION
THURSDAY - APRIL 1, 1982
6:15 PM - ROOMS A1 & A2
RE: ENERGY RECOVERY



METROPOLITAN SERVICE DISTRICT
527 S.W. HALL ST., PORTLAND OR. 97201, 503/221-1646

ADDENDUM TO
AGENDA -- REGULAR COUNCIL MEETING

Date: APRIL 1, 1982
Day: THURSDAY
Time: 7:30 PM
Place: Council Chamber

The following items were carried over from the March 25, 1982, Council meeting:

6. Consent Agenda:

Development Committee Recommendations:

- 6.2 Resolution No. 82-313, Amending the FY '82 Unified Work Program.
- 6.3 Resolution No. 82-314, Extending the July 1 Deadline for Petitions for Locational Adjustments to Metro's Urban Growth Boundary.

Services Committee Recommendations:

- 6.6 Resolution No. 82-319, Amending the Solid Waste Policy Alternatives Committee Bylaws and Appointing Members.

Coordinating Committee Recommendations:

- 6.7 Resolution No. 82-317, Establishing a New Classification of Educational Services Aide at the Washington Park Zoo.
- 6.8 Resolution No. 82-318, Establishing a New Classification of Animal Hospital Attendant at the Washington Park Zoo.

7. Other Actions:

- 7.1 Recommendations on Establishing Council Work Sessions on Energy Recovery.

(over)

The following items were pulled from the 3/25/82 Consent Agenda to be considered as separate items:

- 6.1 Resolution No. 82-312, Amending the Transportation Improvement Program (TIP) to Incorporate Oregon Department of Transportation's (ODOT) Six-Year Highway Improvement Program of Projects in Urbanized Areas.
- 6.4 Resolution No. 82-303, Authorizing the Executive Officer to Review and Approve Metro's Recommendations to the Land Conservation and Development Commission (LCDC) on Requests for Compliance Acknowledgement.
- 6.5 Resolution No. 82-315, Granting a Franchise to Marine Drop Box Corporation for the Purpose of Operating a Solid Waste Processing Facility.