



A G E N D A --- REGULAR COUNCIL MEETING

Date: NOVEMBER 23, 1982
Day: TUESDAY
Time: 6:30 P.M. - Informal Council Meeting
7:30 P.M. - Regular Council Meeting
Place: COUNCIL CHAMBER

Approx.
Time

Presented By

7:30 CALL TO ORDER

ROLL CALL

1. Introductions.
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 through 5.4)

5.1 A-95 Review.

5.2 Minutes of the meetings of October 28 and November 4, 1982.

Development Committee Recommendation:

5.3 Resolution No. 82-368, For the purpose of amending the Transportation Improvement Program (TIP) to include a new project on N.W. Everett Street--1st to Front Avenue.

A. Cotugno

Coordinating Committee Recommendation:

5.4 Award of Remodeling Contract for the Penguinarium.

W. Iliff

Approx.
Time

Presented By

6. Resolutions
- 7:50 6.1 Resolution No. 82-370, For the purpose of terminating work on the proposed energy recovery facility at Oregon City, and re-directing the Metro Solid Waste Program. Couns. Bonner, Burton, Deines, Etlinger and Rhodes
- 8:00 6.2 Resolution No. 82-371, For the purpose of closing Metro's Energy Recovery Office in Oregon City. Couns. Bonner
- 8:10 6.3 Resolution No. 82-372, For the purpose of emphasizing implementation of the Waste Reduction Plan while developing the Solid Waste Management Plan. Coun. Etlinger
7. Executive Officer's Report
8. Committee Reports
- 8:30 ADJOURN



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

A G E N D A --- REGULAR COUNCIL MEETING

Date: NOVEMBER 23, 1982
Day: TUESDAY
Time: 7:30 P.M.
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.

- 5.1 A-95 Review.
- 5.2 Minutes of the meetings of October 28 and November 4, 1982.
- 5.3 Resolution No. 82-368, for the purpose of amending the Transportation Improvement Program (TIP) to include a new project on N.W. Everett Street--1st Avenue to Front Avenue.
- 5.4 Award of Remodeling Contract for the Penguinarium.

Donald E. Carlson
Deputy Executive Officer



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

MEMORANDUM

Date: November 23, 1982
To: Metro Council
From: Executive Officer
Regarding: A-95 Review Report

The following is a summary of staff responses regarding grants not directly related to Metro programs.

1. Project Title: State Library Program #828-3
Applicant: Oregon State Library
Project Summary: Long-range program for library development in Oregon for fiscal years 1983-1987. Program deals with improvement of library services.
Federal Funds Requested: NA
Staff Response: Favorable action.
2. Project Title: Governor's CETA Grant #828-5
Applicant: State of Oregon, Employment Division
Project Summary: Funds will be used to operate the CETA Special Grants to Governor's Program in Oregon. Major activities include: vocational education services; coordination of special services related to training and manpower programs; and coordination of activities with educational institutions and prime sponsors.
Federal Funds Requested: \$1,360,081.00 Dept. of Labor
Staff Response: Favorable action.
3. Project Title: Senior and Disabled Services #828-6
Applicant: Clackamas County Department of Human Resources
Project Summary: Funds will be used for the following: establishing new partners (e.g., volunteers) in the service delivery system of senior and disabled programs; program development and training of long-term care providers; and creating an informational clearinghouse of services available for seniors and disabled citizens.
Federal Funds Requested: \$149,894 Department of Health and Human Services (HHS)
Staff Response: Favorable action.
4. Project Title: Case Management #828-7
Applicant: Portland State University, Institute on Aging
Project Summary: Funds will be used to evaluate the provision of long-term care programs and case management

records for the elderly by Area Agencies on Aging in Oregon. Funds will also provide technical assistance to area agencies on aging in the field of long-term care.
Federal Funds Requested: \$171,795 HHS
Staff Response: Favorable action.

5. Project Title: Clackamas County Head Start #828-8
Applicant: Clackamas County Children's Commission
Project Summary: Funds will operate the Head Start program in Clackamas County. 161 low-income and handicapped pre-schoolers will be enrolled. Basic services include: educational, nutrition and medical programs; parent involvement projects; classroom activities; and home visits.
Federal Funds Requested: \$418,923 HHS
Staff Response: Favorable action.
6. Project Title: Munitions Storage #829-1
Applicant: U. S. Property and Fiscal Office for Oregon
Project Summary: Construction of a 19,225 sq. ft. one-story concrete and frame building to house a munitions maintenance and storage facility at Portland Air Base.
Federal Funds Requested: \$1 to \$5 million Dept. of Defense
Staff Response: Favorable action.
7. Project Title: Fuel Cell Maintenance Facility #829-2
Applicant: U.S. Property and Fiscal Office for Oregon
Project Summary: Construction of an 11,000 sq. ft. one-story concrete building for a fuel cell maintenance facility at Portland Air Base.
Federal Funds Requested: \$500,000 to \$1 million Department of Defense
Staff Response: Favorable action.
8. Project Title: Communications Facility #829-3
Applicant: U.S. Property and Fiscal Office for Oregon
Project Summary: Construction of a 12,200 sq. ft. one-story building for a communication and electronics training facility at Portland Air Base.
Federal Funds Requested: \$500,000 to \$1 million Department of Defense
Staff Response: Favorable action.
9. Project Title: Milwaukie Boat Ramp #829-4
Applicant: State of Oregon, Dept. of Fish & Wildlife
Project Summary: Funds will develop parking for 30 vehicles and boat trailers at the Milwaukie boat ramp on the Willamette River.
Federal Funds Requested: \$49,000 Dept. Fish & Wildlife and State Marine Board
Staff Response: Favorable action.

10. Project Title: Historic Preservation #829-5
Applicant: State of Oregon Historic Preservation Office
Project Summary: Survey and planning funds for historic preservation projects in the state of Oregon (e.g., historical inventories of buildings and structures, community plans for historic districts, historic preservation legislative task force, etc.)
Federal Funds Requested: \$105,995 National Park Service
Staff Response: Favorable action.

11. Project Title: Ardnt Road Bridge #829-6
Applicant: State of Oregon, Transportation Dept.
Project Summary: Funds will be used to replace a structurally deficient bridge over Ardnt Road Slough in Clackamas County, and to provide a safer approach alignment.
Federal Funds Requested: \$176,000 Dept. of Transportation
Staff Response: Favorable action.

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MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

OCTOBER 28, 1982

Members Present: Councilors Banzer, Bonner, Burton, Deines, Etlinger, Kafoury, Kirkpatrick, Oleson, Rhodes, Schedeen, and Williamson.

Members Absent: Councilor Berkman

Staff Present: Ray Barker, Don Carlson, Andy Jordan, Dan Durig, Norm Weitting, Jennifer Sims, Doug Drennen, Dennis Mulvihill, Doug Robertson, Phillip Whitmore, and Joseph Cortright.

Visitors Present: Hortense Gesatis, 7949 S.E. Glencoe, Milwaukie
George Hubel, Solid Waste Rate Review Committee
Dave Phillips, Clackamas County Solid Waste Administrator
Dave Miller, 19930 S.W. Boones Ferry, Tualatin
Tim Viviano, 169th and Foster Road

The meeting was called to order by Presiding Officer Banzer at 7:40 p.m.

1. Introductions

There were no introductions at this time.

2. Written Communications to Council.

Presiding Officer Banzer stated that she had received a letter from Howard Neufeld, 5916 S.E. Jenne Road, Portland, requesting reconsideration of the Jenne Lynd Acres decision. The communication was referred to Councilor Bonner.

3. Citizen Communications to Council on Non-Agenda Items.

Mrs. Hortense Gesatis, 7949 S.E. Glencoe, Milwaukie, presented a written statement and testified that she was opposed to any of the solid waste options. She asked that the Council consider her ideas for disposing of garbage: aerobic composting and a requirement that everyone separate their garbage from their trash. Presiding Officer Banzer requested that Councilor Bonner, as Chair of the Recycling Committee, keep in touch with Mrs. Gesatis through his Committee's deliberations.

4. Councilor Communications.

Councilor Williams reported that the Coopers & Lybrand audit report had been received by the Audit Committee on October 28th, and that the opinion of Coopers & Lybrand was that substantial progress had been made.

5. Consent Agenda

The consent agenda consisted of the following:

- 5.1 Minutes of September 23 and October 4, 1982
- 5.2 Resolution No. 82-357, For the purpose of authorizing FY 82 project priorities using Supplemental Interstate Transfer Funds.
- 5.3 Resolution No. 82-358, For the purpose of amending the FY 1983 Unified Work Program.
- 5.4 Resolution No. 82-363, For the Purpose of authorizing the Metropolitan Service District (Metro) to enter into an intergovernmental agreement with Multnomah County, Multnomah County Central Service District, City of Gresham, and Tri-Met to delineate the roles and responsibilities of each party in financing and constructing a sanitary sewer dry line in East Burnside.
- 5.5 Resolution No. 82-364, For the purpose of changing the designation of registered agent for receipt of legal service.
- 5.6 Resolution No. 82-365, For the purpose of amending the Metro Deferred Compensation Plan to allow hardship withdrawals, to make Plan participation voluntary, and to make other minor changes.

Motion to approve the consent agenda (Kirkpatrick/Kafoury).
The vote on the motion resulted in:

Ayes: Councilors Bonner, Burton, Etlinger, Kafoury, Kirkpatrick, Oleson, Rhodes, Schedeen, Williamson, and Banzer.

Nays: None

Absent: Berkman and Deines

Abstention: None

6.1 Public Hearing on Ordinance No. 82-146, An Ordinance establishing Solid Waste Disposal Charges and User Fees; establishing a credit policy at Metro Disposal Facilities; and repealing Ordinance Nos. 49, 80-96, 80-100, 80-106 and 81-122. (First Reading)

Councilor Burton described the process which had taken place in order to bring the 1983 rates recommendation to the Council. He stated that the Services Committee recommended adoption of Uniform Rates as contained in the Ordinance before the Council.

Motion to adopt Ordinance No. 82-146 (Burton/Rhodes).

Councilor Oleson stated that a point made by the Rate Review Committee was that a non-uniform rate would encourage the public and haulers to use the most economical facility and asked for a response to that point.

Councilor Burton replied that in applying the uniform rate what Metro would be saying is that there is a regional system and that the uniform rates pay for the components of the total system; that everyone in the system benefits from the facilities available and the rates are set to pay for all those facilities. He stated for future decisions the question of how many facilities the system requires needs to be addressed and a way of doing that is requiring the tracking of costs of services.

Mr. George Hubel, Chairman, Solid Waste Rate Review Committee, stated that one of the biggest problems they had wasn't only the question of whether or not Metro was forcing itself to build future facilities that may be uneconomical by application of the uniform rate, but also the problem that people are being encouraged to use facilities in a less efficient fashion. However, he stated, the two rate structures, full uniform and graduated cost of service, were almost the same and that there really wasn't so much a difference in the rates as there was in philosophy.

Presiding Officer Banzer then opened the public hearing.

Mr. Tim Viviano, 169th and Foster Road, asked several questions regarding the Clackamas Transfer and Recycling Center, and stated that the tonnage limit imposed on CTRC should be raised to allow more haulers to use the Center. He also stated that the rates at Clackmas should be higher because haulers there could get a higher rate because of their franchises.

Councilor Rhodes pointed out that the convenience charge for users of CTRC was intended to balance out the convenience to users of the facility.

Mr. David Phillips, Clackamas County Solid Waste Administrator, and member of the Solid Waste Policy Advisory Committee, stated that the Solid Waste Commission of Clackamas County had directed him to work with Metro to try to get the 400 ton weight limitation lifted for CTRC.

Mr. Dave Miller, 19930 S.W. Boones Ferry, Tualatin, representing the Chairman of the Solid Waste Policy Advisory Committee, testified that after reviewing all the information, the committee was recommending uniform rates for the region but stressed that that recommendation was contingent upon the lifting of the weight restriction at CTRC.

The public hearing on the ordinance was closed, and the ordinance was passed to second reading on November 4, 1982.

Councilor Kirkpatrick suggested that language be developed to support raising the tonnage limit at CTRC.

Councilor Bonner indicated that he was going to bring in alternative language to impose rates closer to the Rate Review Committee's recommendation.

Agenda Item 7.1 was taken up at this time because it related to item 6.1.

7.1 Resolution No. 82-366, For the purpose of allocating resources on a cost of service basis to provide an accurate cost signal to users and policy-makers on the cost of a facility.

Councilor Burton stated that the intent of the Resolution was to address the concern that the Rate Review Committee had about how the Council proceeds in making its decisions on matters of rates and being able, for the purpose of budgeting and rate setting in the future, to determine where those costs should be properly allocated.

Motion to adopt Resolution No. 82-366 (Burton/Rhodes). The vote on the motion resulted in:

Ayes: Councilors Bonner, Burton, Deines, Etlinger, Kafoury, Kirkpatrick, Oleson, Rhodes, Schedeen, Williamson, and Banzer.

Nays: None.

Absent: Councilor Berkman

Abstention: None.

Councilor Burton stated that as the Chair of the Services Committee he had been trying to get a handle on the decision process for the Energy Recovery Facility. He said he thought the decision was supposed to be made by the end of the year but now understood that that wasn't the case.

Dan Durig stated there was a commitment for a 60 day public review process which wouldn't begin until the contracts were complete and initialed by the Executive Officer. He said the completion of the contracts might not occur until December or maybe even January. Mr. Durig also pointed out that the solid waste option meetings should be concluded before public hearings were set for the Energy Recovery Facility.

Councilor Burton stated that he thought WFI was dragging their feet and that interest rates were down now and an opportunity for those low rates may be missed. Councilor Bonner agreed with Councilor Burton and suggested the decision regarding the solid waste options should be made before the end of the year.

Presiding Officer Banzer stated there were significant decisions to be made on ERF at the polls on Tuesday and perhaps the discussion should take place after the election.

The Council recessed at 8:55 p.m. and reconvened at 9:05 p.m.

6.2 Public Hearing on Ordinance No. 82-145, An Ordinance amending the Metro Urban Growth Boundary (UGB) in Washington County for Contested Case No. 81-8. (First Reading)

Councilor Bonner stated that the ordinances (82-145 and 82-147) were the result of a resolution of intent already adopted by the Council on two urban growth matters, Schoppe Acres and the Cereghino case.

Motion to adopt Ordinance No. 82-145 (Bonner/Williamson).

Joseph Cortright stated that a request had been received from the Department of Land Conservation and Development to hold the second reading of the ordinances for 45 days to comply with the State's post-acknowledgement procedures.

There was no one present to testify on this ordinance.

Councilor Rhodes inquired if the people involved in the case were in support.

Mr. Cortright stated that a representative of the applicant was present and that the applicant had asked that the Council follow through on the Resolution of intent.

The ordinance was passed to second reading on December 2, 1982.

6.3 Public Hearing on Ordinance No. 82-147, An Ordinance approving in part the City of Portland's petition for locational adjustment of Metro's Urban Growth Boundary (UGB) for the area known as Schoppe Acres. (First Reading)

Motion to adopt Ordinance No. 82-147 (Bonner/Kafoury).

Mr. Cortright stated that no communication had been received from anyone in Schoppe Acres. He indicated that the property owner had petitioned for the removal of the property from the UGB and that the City of Portland had pursued the action by the Council.

There was no one present to testify on the ordinance.

The ordinance was passed to second reading on December 2, 1982.

6.4 Ordinance No. 82-141, Relating to Local Improvement Districts and Repealing Code Chapter 4.05 (Ordinance Nos. 79-78 and 80-93). (Second Reading)

The vote on the previous motion of October 28, 1982 to adopt the ordinance resulted in:

Ayes: Councilors Bonner, Burton, Deines, Etlinger, Kafoury, Kirkpatrick, Rhodes, Schedeen, and Banzer.

Nays: None

Absent: Councilors Berkman, Oleson, and Williamson.

Abstention: None

7.1 See action on this item following Agenda Item 6.1.

7.2 Resolution No. 82-367, For the purpose of authorizing Metro to enter into a \$3 million loan contract for the financing and construction of sewers in East Multnomah County in conjunction with construction of Light Rail Transit.

Motion to adopt Resolution No. 82-367 (Deines/Kafoury).

Mr. Phillip Whitmore presented the staff report, as contained in the agenda of the meeting.

The vote on the motion to adopt the resolution resulted in:

Ayes: Councilors Bonner, Burton, Deines, Etlinger, Kafoury, Kirkpatrick, Rhodes, Schedeen, and Banzer.

Nays: None.

Absent: Councilors Berkman, Oleson, and Williamson.

Abstention: None.

7.3 Resolution No. 82-359, For the purpose of expressing the Council's opposition to Ballot Measure 6 repealing the State's Land Use Planning Laws.

Motion to adopt Resolution No. 82-359 (Etlinger/Kafoury).
Motion carried unanimously by voice vote.

8.1 Executive Officer's Report

Don Carlson invited Council members to a Wine and Cheese party with the staff to celebrate the completion of the audit on Friday, October 29th at 5:00 p.m.

8.2 Committee Reports

Councilor Burton reminded Councilors of the workshops on the solid waste options to begin on November 9th. He also indicated that the Minister of Environment from Vancouver, B.C. would be visiting Portland on November 9th to visit solid waste facilities.

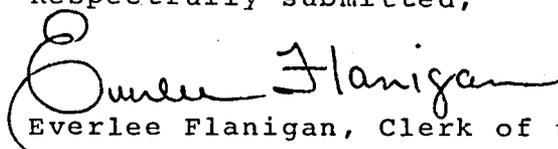
Councilor Deines stated that his Committee would be looking at the solid waste budget before the end of the year. Mr. Carlson stated that Dan Durig was working on the budget and would bring it to the Services and Coordinating Committees.

Councilor Bonner stated that the Development Committee's meeting on November 8th would be held in Washington County.

Presiding Officer Banzer stated that Elected Officials Day at the Zoo would be held Saturday, October 30th.

The meeting was adjourned at 9:40 p.m.

Respectfully submitted,



Everlee Flanigan, Clerk of the Council

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

NOVEMBER 4, 1982

Members Present: Councilors Banzer, Bonner, Burton, Deines, Etlinger, Oleson, Rhodes, and Schedeen.

Members Absent: Councilors Berkman, Kafoury, Kirkpatrick, and Williamson.

Staff Present: Don Carlson, Andy Jordan, Dan Durig, Norm Wietting, Sonnie Russill, Tom O'Connor, Doug Drennen, Ray Barker, Dan LaGrande, Doug Robertson, Jennifer Sims, and Chum Chitty.

Visitors Present: Walter J. Sauder, Route 5, Box 1000
Liz Moschogianis, 15081 S. Forsythe Road,
Oregon City
Michael Zocol, 16091 Winston Drive, Oregon
City
George Hubel, Solid Waste Rate Review Committee
John Trout, SWPAC, Collection Industry
Dolores Khodig, Oregonians for Clean Air,
P.O. Box 182, Oregon City
Pete V. Viviano, Collection Industry

The meeting was called to order by Presiding Officer Banzer at 7:35 p.m.

1. Introductions.

There were no introductions.

2. Written Communications to Council.

There were no written communications to Council.

3. Citizen Communications to Council on Non-Agenda Items.

Mr. Walter Sauder, Route 5, Box 1000, read a statement in opposition to the Wildwood Landfill and the Oregon City Energy Recovery Facility. (Statement is appended to the agenda of the meeting.)

Ms. Liz Moschogianis, 15081 S. Forsythe Road, Oregon City, stated that she was one of the initiators of the six measures in Oregon City which had recently passed in opposition to the Energy Recovery Facility. She suggested that Metro support

and join the efforts of the Oregonians for Clean Air in a recycling program to help solve the garbage problem.

Mr. Michael Zocol, 16091 Winston Drive, Oregon City, expressed displeasure at the Council's behavior while people were testifying.

4. Councilor Communications.

Councilor Etlinger congratulated Executive Officer Rick Gustafson and Councilor Ernie Bonner on their successful campaigns.

5. Consent Agenda.

The consent agenda consisted of the following:

5.1 Minutes of the meetings of May 6 and October 7, 1982.

5.2 Resolution No. 82-363, For the Purpose of granting a franchise to Killingsworth Fast Disposal for the purpose of operating a solid waste disposal site.

Motion to approve the consent agenda (Burton/Rhodes).
The vote on the motion resulted in:

Ayes: Councilors Bonner, Burton, Deines, Etlinger, Oleson, Rhodes, Schedeen, and Banzer.

Nays: None.

Absent: Councilors Berkman, Kafoury, Kirkpatrick, and Williamson.

Abstention: None.

6.1 Ordinance No. 82-146, establishing Solid Waste Disposal Charges and User Fees; establishing a credit policy at Metro Disposal Facilities; and repealing Ordinance Nos. 49, 80-96, 80-100, 80-106, and 81-122. (Second Reading)

Councilor Bonner moved that the recommendation of the Rate Review Committee with respect to the rates at Clackamas Transfer and Recycling Center and St. Johns Landfill be adopted, and further moved that the rates be changed gradually

so that in five years the tipping fee at Clackamas and St. Johns reflected the cost of operation of those facilities.

He said his reason for the motion was that a facility in one part of the region should not subsidize a facility in another part of the region. However, he said, it would be too great a shock to ratepayers to go from the present system to the cost of service system and that was why he was proposing a gradual increase in the rates over a period of five years to approach a rate structure at CTRC and St. Johns which reflected each facility's cost of service.

Councilor Etlinger seconded the motion for discussion purposes.

There was general discussion of the motion.

Councilor Rhodes pointed out that while the recommendation from the Rate Review Committee and the rates proposed in the ordinance were close for the first year, the different philosophy presented by each was what the real question was. She stated that it was her philosophy that Metro was a regional government and must be looking at a regional system; that each of the components must be a part of the total system.

Councilor Burton stated that the resolution which was adopted by the Council at their last meeting addressed the concern of the Rate Review Committee; that of tracking costs of services. He stated he agreed with Councilor Rhodes that the system should be treated as a regional one and urged the Council to take the regional perspective by adopting the uniform rates.

Councilor Oleson stated that the tonnage limit at CTRC was a problem for the regional system argument. He said it was not fair to pay for something that couldn't be used by everyone. He said a letter received from the Washington County Board of Commissioners expressed that concern. He stated he had a resolution he wanted to introduce which dealt with raising the tonnage limit at CTRC.

Councilor Etlinger stated that the inefficiencies and inequities in the garbage collection system were so great that he was persuaded that uniformity was needed. He suggested there should be a differential rate for those who recycle but indicated he wasn't going to introduce it at this point in time but wanted the Council to consider it in the near future.

A voice vote on Councilor Bonner's motion resulted in:

Ayes: Councilors Bonner and Banzer.
Nays: Councilors Burton, Deines, Etlinger, Oleson,
Rhodes, and Schedeen.
Absent: Councilors Berkman, Kafoury, Kirkpatrick, and
Williamson.
Abstention: None.

The motion failed.

Councilor Burton requested that the letter from Washington County be read into the record. Presiding Officer Banzer read the letter into the record. (A copy of the letter is appended to the agenda of the meeting.)

The vote on the motion to adopt Ordinance No. 82-146 resulted in the following:

Ayes: Councilors Burton, Deines, Etlinger, Rhodes,
and Banzer.
Nays: Councilors Bonner and Oleson.
Absent: Councilors Berkman, Kafoury, Kirkpatrick,
Schedeen, and Williamson.
Abstention: None.

The motion failed (seven affirmative votes required to adopt an ordinance).

At this time the Council recessed for five minutes.

Councilor Burton moved reconsideration of Ordinance No. 82-146. Councilor Bonner seconded the motion.

The motion to reconsider Ordinance No. 82-146 resulted in a voice vote as follows:

Ayes: Councilors Bonner, Burton, Deines, Etlinger,
Oleson, Rhodes, Schedeen, and Banzer.
Nays: None.
Absent: Councilors Berkman, Kafoury, Kirkpatrick, and
Williamson.
Abstention: None.

The motion to reconsider carried.

The vote on adoption of Ordinance No. 82-146 (reconsideration) resulted in the following:

Ayes: Councilors Bonner, Burton, Deines, Etlinger, Rhodes, Schedeen, and Banzer.
Nays: Councilor Oleson.
Absent: Councilors Berkman, Kafoury, Kirkpatrick, and Williamson.
Abstention: None.

The motion to adopt Ordinance No. 82-146 carried.

Councilor Bonner explained that while he had voted no on the ordinance earlier, he voted yes the second time because he was aware that if the other members of the Council who were absent were present, they would vote in favor of the ordinance and it was simply a matter of getting it going that he voted yes.

Councilor Oleson stated that he voted no, not necessarily against the uniform rate but because there wasn't a uniform rate as long as there was a ceiling at CTRC and there was no guarantee that that ceiling was going to be lifted.

Resolution No. 82-369, for the purpose of removing the 400 ton per day limitation at the Clackamas Transfer & Recycling Center.

Councilor Oleson introduced the resolution and moved its adoption. Councilor Etlinger seconded the motion.

Councilor Oleson stated that the Resolution was self-explanatory and gave authority to press for the change of the limit. Dan Durig commented that SWPAC, Clackamas County Solid Waste Advisory Group, the Washington County Board of Commissioners, and the industry supported the raising of the limit.

The vote on the motion to adopt Resolution No. 82-369, resulted in the following:

Ayes: Councilors Bonner, Burton, Deines, Etlinger, Oleson, Rhodes, Schedeen, and Banzer.
Nays: None.
Absent: Councilors Berkman, Kafoury, Kirkpatrick, and Williamson.
Abstention: None.

The motion carried.

6.2 Ordinance No. 82-145, amending the Metro Urban Growth Boundary (UGB) in Washington County for Contested Case No. 81-8. (Second Reading)

Deferred until December 2, 1982.

6.3 Ordinance No. 82-147, approving in part the City of Portland's petition for locational adjustment of Metro's Urban Growth Boundary (UGB) for the area known as Schoppe Acres. (Second Reading)

Deferred until December 2, 1982.

7.1 Citizen Involvement in the Budget Process for FY 1983-84.

Councilor Deines presented his report on Citizen Involvement in the Budget Process for FY 1983-84, as contained in the agenda of the meeting. He said most of the points were agreed to by the Coordinating Committee although there was no formal recommendation from the Committee.

Motion to adopt the report (Deines/Burton).

Councilor Etlinger stated he was going to vote against the proposal because he felt there were groups outside Metro who should be reviewing the budget, such as the Metro Citizens League.

The vote on the motion resulted in the following:

Ayes: Councilors Bonner, Burton, Deines, Oleson, Rhodes, Schedeen, and Banzer.
Nays: Councilor Etlinger
Absent: Councilors Berkman, Kafoury, Kirkpatrick, and Williamson.
Abstention: None.

7.2 First Quarter Financial Report.

The First Quarter Financial Report was distributed to the Council members and Don Carlson reviewed the highlights of the major areas contained in the report.

Councilor Burton suggested that the Council be given time to fully read the report and ask questions at a later date.

It was agreed that the report would be placed on the Coordinating Committee's agenda for November 15, 1982.

7.3 Executive Officer's Report.

There was no Executive Officer's Report.

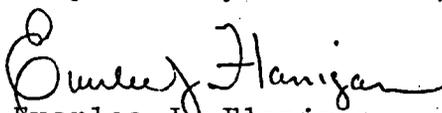
7.4 Committee Reports

Councilor Bonner stated that the Development Committee would meet on November 8th at the Tualatin Valley Park and Recreation Center. He also stated there was a Recycling Subcommittee meeting on that same day at 4:00 p.m.

Councilor Burton stated that because there were no action items for the Services Committee, there would be no meeting on November 9th. He reminded the Councilors of the informational meetings to be held on solid waste on November 9th, November 11th, November 16th and November 18th. He also said there was a Bi-State Policy Advisory Council meeting on November 18th in Vancouver.

The meeting was adjourned at 9:15 p.m.

Respectfully submitted,


Everlee J. Flanigan
Clerk of the Council

CONSIDERATION OF RESOLUTION NO. 82-368 FOR
THE PURPOSE OF AMENDING THE TRANSPORTATION
IMPROVEMENT PROGRAM (TIP) TO INCLUDE A NEW PROJECT
ON N.W. EVERETT STREET--1ST AVENUE TO FRONT AVENUE.

Date: October 28, 1982

Presented by: Andy Cotugno

FACTUAL BACKGROUND AND ANALYSIS

This action will include a new preliminary engineering (PE) project in the FY 1983 TIP, thereby making the project eligible for receipt of Interstate Transfer funds.

The downtown Portland alignment for the Banfield LRT system will remove N.W. 1st Avenue between Glisan and Davis Streets from the downtown one-way grid circulation system. Several large employment centers in the area will add to the traffic load. These impacts will result in a major increase in congestion on remaining streets and a substantial increase in out-of-direction travel.

City of Portland staff have developed an initial approach to connect 1st Avenue with Front Avenue via N.W. Everett Street; relocate southbound Front Avenue to the east; and reconnect N.W. Davis Street with relocated Front Avenue southbound. Northbound and Southbound turns from Everett to Front would be permitted.

PE will be conducted by the City of Portland to evaluate other alternatives to complement the light rail project and to synchronize the noted improvements with light rail implementation.

Initial cost estimates for the project appear in Exhibit "A" with PE slated for FY 1983. Firm construction cost estimates will be developed at a later date as a result of PE. At that time, approval for construction funding will be requested.

TPAC and JPACT have reviewed this project and recommend approval of the Resolution.

EXECUTIVE OFFICER'S RECOMMENDATION

Adopt the Resolution authorizing PE monies for FY 1983 for the noted project.

COMMITTEE CONSIDERATION AND RECOMMENDATION

On November 8, 1982, the Regional Development Committee unanimously recommended approval of this Resolution.

BP/srb
7085B/327
11/10/82

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

| | | |
|------------------------------------|---|---------------------------|
| FOR THE PURPOSE OF AMENDING THE |) | RESOLUTION NO. 82-368 |
| TRANSPORTATION IMPROVEMENT PROGRAM |) | |
| TO INCLUDE A NEW PROJECT ON N.W. |) | Introduced by the Joint |
| EVERETT STREET - 1ST AVENUE TO |) | Policy Advisory Committee |
| FRONT AVENUE |) | on Transportation |

WHEREAS, The downtown Portland alignment for the Banfield LRT system will remove N.W. 1st Avenue between Glisan and Davis Streets from the downtown one-way grid; and

WHEREAS, City staff have developed an initial approach to accommodate the noted impact of the LRT on the street system; and

WHEREAS, Other alternatives are to be explored by the City; and

WHEREAS, To be eligible for receipt of Interstate Transfer funds the project must be in the TIP; now, therefore,

BE IT RESOLVED,

1. That Metro Council authorizes \$125,000 in Interstate Transfer funds for Preliminary Engineering on the noted project.

2. That the TIP and its Annual Element be amended to reflect the preliminary engineering authorization as set forth in Exhibit "A."

3. That the Metro Council finds the project to be in

accordance with the region's continuing cooperative comprehensive planning process and, thereby, gives affirmative A-95 Review approval.

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

Presiding Officer

BP/srb
7085B/327
10/29/82

CONSIDERATION AND RECOMMENDATION FOR AWARD OF REMODELING CONTRACT FOR THE PENGUINARIUM

Date: November 8, 1982

Presented by: Warren Iliff

FACTUAL BACKGROUND AND ANALYSIS

In November, 1981, the Metro Council approved the Contract for the design of the remodel to the Penguinarium in order to:

1. Transform the sterile, concrete enclosure into a natural habitat setting resembling the coastal areas of Peru and Chili where the Humboldt penguin occurs. Elements of this will include extremely natural looking rock work, roosting areas for guanay cormorants and Inca terns and an artificial wave machine. A major priority will be the addition of an adequate water filter system.
2. Provide viewing areas for the public which will also be improved with the addition of clear water for below surface viewing and the visitor space which will be enclosed to solve the significant glare problem. Ample space will be made available for graphics and museum type interpretive exhibits. Three separate and discreet viewing windows will be available at different levels and there will also be viewable nesting dens and areas to see the penguins at close range.
3. Provide water and terrestrial areas that will be better for the penguins health and make a significant improvement in the propagation program by providing 18 natural nesting dens. Also, make major renovations to the keeper and maintenance support areas.
4. Allow for the addition of a sculpture fountain plaza which will later be added on the north side of the building and provide handicapped access to the building and the fountain.

The remodel of the Penguinarium is part of the Zoo Development Program adopted by the Council. The project is one of those included in the ordinance setting out the construction purposes of the current tax levy. Sufficient funds for the project are included in the 1982-83 adopted budget. The recommended contracting firm is a minority business enterprise and certified as such by the City of Portland.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends that he be authorized to enter into a contract for the remodel of the Penguinarium with the lowest responsible bidder, R P & I General Contractors. The contractor's bid is \$597,227.00.

COMMITTEE CONSIDERATION AND RECOMMENDATION

On November 15, 1982, the Coordinating Committee unanimously recommended approval of the award of contract to R P & I General Contractors.

CONTRACT

This Contract, made and entered into this 24th day of November, 1982, is between the Metropolitan Service District of 527 S.W. Hall Street, Portland, Oregon, 97201, hereinafter called "Owner", and R P & I General Contractor of 1438 N.W. 23rd Avenue, Portland, Oregon, 97209, hereinafter called the "Contractor";

WITNESSETH:

1. The Contractor, in consideration of the sum to be paid him by the Owner and of the covenants and agreements herein contained, hereby agrees at his own cost and expense to perform all work and furnish all materials necessary for construction of renovations and additions to the penguinarium to the extent of the Proposal made by the Contractor, dated the 2nd day of November, 1982, all in full compliance with the Contract Documents referred to herein.

2. The BIDDING REQUIREMENTS, including the signed copy of the Porposal, the CONDITIONS OF THE CONTRACT, the SPECIFICI-CATIONS, and the DRAWINGS, which consist of 39 sheets entitled "L1-2, A1-19, S1-6, M1-3, W1-4, and E1-5", are hereby referred to and by reference made a part of this Contract as fully and completely as if the same were fully set forth herein and are mutually cooperative therewith.

3. In consideration of the performance of the work as set forth in these Contract Documents, the Owner agrees to pay to the Contractor the amount bid in the Proposal as adjusted in accordance with the Contract Documents, or as otherwise herein provided, and to make such payments in the manner and at the times provided in the Contract Documents.

4. The Contractor agrees to complete the work within the time specified herein and to accept as full payment hereunder the amounts computed as determined by the Contract Documents and based on the said Proposal.

5. The Contractor agrees all claims, disputes and other matters in question arising out of, or relating to this Agreement or the breach thereof, shall be decided by arbitration before an arbitrator to be mutually selected by both parties. The determination of the arbitrator shall be final and binding and there shall be no appeal from such determination.

6. The Contractor agrees in the event of any litigation or arbitration concerning this Agreement, the prevailing

party shall be entitled to reasonable attorney's fees and court costs, including fees and costs on appeal to an appellate court.

7. The Contractor agrees to remedy all defects appearing in the work or developing in the materials furnished and the workmanship performed under this Contract for a period of one (1) year after the date of acceptance of the work by the owner, and further agrees to indemnify and save the Owner harmless from any costs encountered in remedying such defects.

8. The Contractor agrees to be guided in his subcontracting efforts by Owner's Minority Business Enterprise (MBE) policy. The amount of work, in general, to be subcontracted shall be guided by industry standards.

9. The Contractor agrees to the Minimum Wage Rules in the Oregon Revised Statute 279.350. All other provisions required by ORS Chapters 187 and 279 to be inserted into public contracts in the State of Oregon are made a part of this Contract.

10. It is agreed the time limit for completion of the Contract, based upon the Proposal shall be as follows:

Substantial completion: 15th day of August, 1983.
Final completion: 30th day of September, 1983.

In the event that the Contractor shall fail to complete the project in compliance with the Drawings and Specifications, as more particularly set forth in the Contract Documents, liquidated damages shall be paid according to the terms of the Contract Documents.

IN WITNESS WHEREOF, we, the parties hereto, each herewith subscribed the same this 24th day of November, 1982.

METROPOLITAN SERVICE DISTRICT

R P & I GENERAL CONTRACTORS

By: _____

By: _____

Title: _____

Title: _____

APPROVED AS TO FORM:

Attorney

RENOVATIONS & ADDITIONS TO THE PENGUINARIUM BUILDING

WASHINGTON PARK ZOO

This Bid is submitted to:

Metropolitan Service District, c/o Washington Park Zoo
4001 S.W. Canyon Road
Portland, OR 97221

1. The undersigned BIDDER proposes and agrees, if this Bid is accepted, to enter into an Agreement with OWNER in the form included in the Contract Documents to complete all work as specified or indicated in the Contract Documents for the Contract Price and within the Contract Time indicated in this Bid and in accordance with the Contract Documents.

2. BIDDER accepts all of the terms and conditions of the Instructions to Bidders, including without limitation those dealing with the disposition of Bid Security. This Bid will remain open for sixty days after the day of Bid opening. BIDDER will sign the Agreement and submit the Contract Security and other documents required by the Contract Documents within fifteen days after the date of OWNER's Notice of Award.

3. In submitting this Bid, BIDDER represents, as more fully set forth in the Agreement, that:

(a) BIDDER has examined copies of all the Contract Documents and of the following addenda:

Date: Oct 2nd 1982 Number: 1

Date: (None) Number:

(receipt of all of which is hereby acknowledged) and also copies of the Advertisement of Invitation to Bid and the Instructions to Bidders.

(b) BIDDER has examined the site and locality where the work is to be performed, the legal requirements (federal, state, and local laws, ordinances, rules and regulations) and the conditions affecting cost, progress or performance of the work, and has made such independent investigations as BIDDER deems necessary.

(c) This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm, or corporation, and is not submitted in conformity with any agreement or rules of any group, association, organization, or corporation. BIDDER has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid; BIDDER has not solicited or

induced any person, firm, or a corporation to refrain from bidding; and BIDDER has not sought by collusion to obtain for himself any advantage over any other Bidder or over OWNER.

(d) The undersigned certifies conformance with provisions of ORS 279.350 and with applicable federal acts, executive orders and state regulations concerning affirmative action toward equal employment opportunities, including minority business enterprises.

4. BIDDER will complete the work for the following price(s):

A. ALLOWANCES

Allowance A1 ROAD REPAIR

Add to the contract price the amount of

Three thousand and 00/100 - - - - - (\$ 3,000.00)

Allowance A2 GUNITE AND ARTIFICIAL ROCKWORK BY SUBCONTRACTOR

Add to the contract price the amount of

One hundred thousand and 00/100 - - - - - (\$ 100,000.00)

Allowance A3 GENERAL CONTRACTOR'S OVERHEAD AND PROFIT (for A-2)

Add to the contract price the amount of

Six thousand and 00/100 (\$ 6,000.00)

B. TOTAL LUMP SUM CONTRACT PRICE including all allowances

FIVE HUNDRED EIGHTY THREE THOUSAND AND FORTY TWO DOLLARS (\$ 583,042.00)
fifty two dollar

C. ALTERNATIVES

Additive Alternate No. 1 - WAVE MACHINE DEVICE & HOUSING

Add to the contract price the amount of

SEVEN THOUSAND TWENTY TWO DOLLARS (\$ 7,222.00)

Additive Alternate #2 - FOUNTAIN PUMPHOUSE

Add to the contract price the amount of

FOURTEEN THOUSAND ONE HUNDRED AND EIGHTY FIVE DOLLARS (\$ 14,185.00)
eighty five

5. In this proposal, the undersigned proposes to furnish materials and equipment of the manufacturers listed below. These items are considered major equipment and require prebid submittal per Section 15210 of the specifications.

| Item | Manufacturer |
|---|----------------|
| Pressure Filters, Section 15230 | KW INDUSTRIES |
| Ultraviolet Disinfection Units, Section 15230 | ALTER DYNAMICS |

6. BIDDER agrees that the Work will be substantially completed on or before AUGUST 15, 1983, and completed by SEPTEMBER 30, 1983.

BIDDER accepts the provisions of the Agreement as to liquidated damages in the event of failure to complete the Work on time.

7. The following documents are attached to and made a condition of this Bid:

(a) Required Bid Security in the form of: 20.9
Bid BOND

8. Communications concerning this Bid shall be addressed to:
Washington Park Zoo
4001 S.W. Canyon Road
Portland, OR 97221
Attention: Dr. McKay Rich

9. The terms used in this Bid which are defined in the General Conditions of the Construction Contract included as part of the Contract Documents have the meanings assigned to them in the General Conditions.

SUBMITTED on 1/15/82, 1982.

The BIDDER is:
An Individual

By _____

Frank J. Frank

(Individual's Name)

(SEAL)

Doing Business as:

R P & I GENERAL CONTRACTORS

Business Address:

*1438 N.W. 23rd
PORTLAND OREGON 97210*

Phone no.:

224-8694

A Partnership

(SEAL)

By _____

(Firm Name)

(General Partner)

Business Address:

Phone no.:

A Corporation

By _____

(Corporation Name)

(State of Incorporation)

By _____

(Name of Person Authorized to Sign)

(Title)

(Corporate Seal)

Attest _____

(Secretary)

Business Address:

OREGONIAN FEB. 2, 1982

Children to receive \$8.8 million for lead contamination

By QUANE KENYON

BOISE, Idaho (AP) — Seven children who sued Bunker Hill Co. for contaminating them with lead will receive up to \$8.8 million during their lifetimes from the company, court documents setting the case revealed Monday.

"This will make the children quite well-to-do, by today's standards," U.S. District Judge Ray McNichols said as he approved an out-of-court settlement that ends the \$20 million lawsuit.

The children, who formerly lived near the Bunker Hill lead-zinc-silver smelter at Kellogg, claimed they suffered permanent mental and physical damage because of heavy lead pollution and other contaminants spewed forth by the smelter in the early 1970s.

After a five-week trial, an out-of-

court settlement was announced in October, giving the children monthly allowances when they reach 18 and lump-sum payments up to \$500,000 in 10 to 30 years.

The total settlement will range from \$7.1 million to \$8.8 million, depending on how long the children live, attorneys said.

The lawsuit was filed by the children of Mr. and Mrs. Bill Yoss, who now live at Tillamook, and Mr. and Mrs. Ed Dennis, who live at Kennewick, Wash. The children range in age from 6-year-old Harley Dennis, who will get the biggest settlement, to Paula A. McCartney, a child of Mrs. Dennis by a previous marriage, who has turned 18 since the settlement was announced.

Two other children of Mrs. Dennis, Richard McCartney, 21, and Christina

McCartney, 19, will receive only \$10,000 each.

Dennis, a carpenter and building inspector, told McNichols he was happy with the work of his attorneys, Paul Whelan and Larry Axtell of Spokane. But he said he's convinced "they are not financial wizards" because of the settlement they worked out.

He said after the court session the original agreement would have given the children nothing until each turned age 18. "We squawked about that until they agreed to the new arrangement," he said.

Here are details of the settlement, as announced in court Monday:
—Attorneys Axtell and Whelan will receive \$449,932 for their work in the case. "That was the best-prepared personal injury lawsuit that I've ever

seen," said McNichols, a veteran judge who is semi-retiring soon.

—Brian J. Linn, a Seattle attorney, will receive just over \$9,000 for acting as legal guardian for the children during the trial.

—Bunker Hill put \$850,000 in a bank account when the settlement was announced. Once the \$449,932 in attorney fees, \$317,381 expenses and other costs are deducted, the seven children will split what's left, about \$80,000.

—Each child will receive \$1,000 in cash. Paula A. McCartney, the oldest of the seven, will get \$250 per month for at least 40 years. She also will get \$10,000 in 10 years and \$40,000 more in 20 years.

Raymond Yoss, who is 9, and Harley Dennis, 6½, will get the largest monthly payments, \$2,200 each for at least 40

years. In addition, Raymond will get \$100,000 at age 29 and will receive \$400,000 at age 30. Harley will receive \$100,000 at age 26 and \$400,000 at age 36.

Arlene Yoss, 8, gets \$1,700 per month and \$250,000 in cash settlements; Edna Yoss, 11, gets \$1,800 per month and \$300,000; Raymond Dennis, 10, receives \$2,000 per month and \$375,000; and John S. McCartney, 14, gets \$500 per month, \$25,000 in 10 years and \$100,000 at age 34.

The settlement also includes about \$1,600 per year per child up to age 18 for medical expense or extra education they might need because of their disabilities. That payment totaled just over \$73,000.

Despite those interim payments, the parents of the children have reacted bitterly to the fact that the bulk of the payments won't be made to the children until they reach adulthood.

Because of Yoss' medical disability, the Yosses live on a \$622-a-month welfare payment and food stamps. They would lose their welfare eligibility if money from the settlement were available to supplement their income.

Dennis earns about \$1,900 a month as a building inspector for the city of Kennewick, but his wife, Janice, has said she believes it is unfair that Harley must wait 12 years for substantial benefits from the settlement.

Axtell said in December that the purpose of the suit was to replace the children's income in later years, not to "put money in the pockets of the parents."

Hopes, dreams dying along with Bunker Hill

KELLOGG, Idaho (AP) — Closure of the Bunker Hill Co. is bringing the loss not only of jobs, but of families' hopes and dreams as the mining and smelting plants move toward final shutdown.

Many veteran employees are talking about their feelings: bitterness, frustration, anger, anxiety and, still, a bit of hope.

Donald A. Wohlers, his wife and three children, lived in this Silver Valley for three years while he worked in the huge smelter.

"All we can do is have faith and keep hoping something will happen to save this thing," Wohlers said. "When this first happened, it didn't quite hurt yet, but now it is beginning to."

Wednesday, a group of investors that had been trying to buy Bunker Hill from Gulf Resources & Chemical Corp. announced that it was giving up its plans. That meant certain closure for the second-largest employer in Idaho — 100 people out of work.

Hitting the road to get a job is nothing new to Wohlers, whose efforts to find greener pastures have taken him throughout the Northwest during his career.

But this time it's different, he says. They aren't any jobs to find.

"If this thing shuts down, I guess I'll have to try and find something somewhere, but the way things are, I just don't know where to even look. Besides, I'm pushing 40 and it isn't getting any easier to find work."

His wife, Phyllis, who spent long hours serving sandwiches and coffee to workers and their families during the hectic days before the shutdown, said she was "scared and worried."

"We have no place else to go. We've had some friends who left the area looking for work, and they have already come back saying there is nothing to be found. I'm just afraid we aren't going to be able to support our children," she said.

T.R. Gowan, an underground tractor operator for eight years, thought he had found in Bunker Hill and the valley a "place to carve my niche in the world."

"We just wanted the chance to work and help the company. I feel if I can do a job and make a dollar for the company, they can in turn pay me and we can both make a living," Gowan said. "I just can't sit here and live off the graciousness of the people."

The helpless feeling typical of so many is exemplified by Francis Heck of Rose Lake, laid off in mid-December after nearly eight years. He said he has spent \$375 on phone calls and fuel for his car in unsuccessful attempts to find work.

"Right now, about all I can do is stay here and go down fighting," he said.

Bunker Hill sold for \$15 million

THE OREGONIAN, FRIDAY, NOVEMBER 19, 1982

SPOKANE (UPI) — Gulf Resources and Chemical Corp., Houston, said in its third quarter earnings report that it sold the Bunker Hill mine and smelter complex in Kellogg, Idaho, for \$15 million.

In December of 1981, the four investors announced they had obtained an option to buy the plant for \$65 million.

But Gulf officials said the sales figure actually represents about \$30 million less than the price Gulf sought for the property two years ago.

Gulf controller Donald Rose said the price for the original option included about \$20 million in "production notes," which were dependent on Bunker Hill's operating results.

"We asked for about \$45 million last time around, with about \$20 million more in the form of production notes that would have paid us only if they were right about the price of metals. We didn't fool around with

any of that this time around," he said.

Rose said Gulf's second quarter earnings report, dated June 30, listed the asset value of "discontinued operations — Bunker Hill" at \$15 million, compared to \$44 million a year earlier.

"The difference between the \$44 million value and the \$15 million we sold for comes from two things. First, we took a lot of the liquid assets, the inventories and receivables, out of the company over the past year, which brought the value down to about \$29 million. We also estimated the value of the property had declined in that time and we reduced that value by \$15 million in the second quarter. That meant we just about broke even on the transaction.

Purchasing the property were north Idaho businessmen Duane Hagadone, Harry Magnuson and Jack Kendrick and Jack Simplot, Boise.

Fluoride The 'Smoking Gun' In Acid Rain

1,000 Times more TOXIC Than Sulfur Dioxide

by Gladys Caldwell

Part I of Two

Decision makers in government regulatory agencies, industries which emit toxic gases, and Conservation groups, in Canada and the United States agree that sulfur dioxide (SO₂) and nitrous oxides (NO_x) from certain industries, from automobiles, and volcanic gases and ash, are the chief components of acid rain.

At Congressional hearings, symposia, and in their publications and news handouts (which are circulated by the mass news media without balanced reporting in disagreement) the chief sources of these long-distance air-borne toxic gases is listed as fossil fuel-burning plants, smelters, refineries, volcanoes, and exhaust from automobiles. Hydrogen fluoride (HF) gas which is also emitted from these same sources, and is 1,000 times more toxic than SO₂, is not mentioned. Yet thousands of studies costing hundreds of millions of dollars lie unpublicized in the U.S. Environmental Protection Agency — all reporting the disastrous effects on man and his food chain — from HF pollution. Marier and Rose, Canadian Research Council, concluded after reviewing the world literature on fluorides, "Fluoride is a persistent bioaccumulator, and is entering into human food-and-beverage chains in increasing amounts!"

Experts of these elite groups entrusted with solving the world acid rain problem, which all agree is threatening our very survival, have failed to produce one study in which sulfur dioxide and/or nitrous oxides are the chief toxic chemicals which are transforming thousands of nature's fish-laden lakes into marine graveyards.

The following evidence warrants an investigation of HF as the "smoking gun" in acid rain. Trouble began at the Meader Fish Hatchery near Pocatello, Idaho, in 1949, when fish eggs failed to hatch, and those that did produced malformed fish and belly-up deaths. The Meaders took their case to trial, suing two factories some distance away for emitting gaseous and particulate fluorides which was putting them out of business. The "smoking gun" was chemical analyses showing 0.5 to 4.7 parts per million fluoride in the fish ponds. (Levels which millions of Americans are drinking today) In a jury trial a U.S. District Court awarded damages to the Meaders.

Without rain, planet Earth would look like the moon shots, a barren wasteland, because rain is an essential part of the hydrologic cycle upon which all life depends. In defiance of the laws of Nature, man has so disturbed the

acid-alkaline balance that today an Indian rain dance would bring a shower as acid as vinegar.

There is a body of scientists who believe that the introduction of lead smelters in the first century was a major cause of the Fall of the Roman Empire. Lead was used in water pipes, linings of wine casks, and all manner of utensils which they think drove the ruling class mad, and reduced the birth rate. Pliny the Elder was the first environmentalist. He tried to warn his contemporaries that smoke from the first crude lead smelters was hazardous to their health. Ironically, Pliny died in 79 A.D. a victim of "acute Vesuvius poisoning", which we now know was from fluoride gas.

Government and academic scientists are tethered with ropes attached to grants which restrain them from reporting any adverse effects of fluoride. Delegates to the 1981 American Association for the Advancement of Science, recognizing high lead levels in the blood of most Americans, postulated we may go the way of the Roman Empire. Evidence shows fluoride is more likely to do us in.

In January 1981 the American Chemical Society reported the results of a joint study performed by John Emsley et al, Kings College, London, and scientists at Brook University at St. Catherine's, Ontario, Canada, and concurred with by ACD. In the course of their investigations, both teams discovered that fluoride disrupted and interfered with the healthy operation of enzyme and DNA systems which led them to conclude:

"These (systems) can be disrupted by fluoride in the formation of much stronger N-H-P bonds. This may explain how the supposedly inert fluoride ion can interfere in the healthy operation of living systems. THUS, some of the serious charges that are being laid at Fluoride's door — genetic damage, birth defects, cancer, and allergies — may arise from fluoride interference after all."

ACS's cop-out is that they had considered fluoride "inert" in the body, unable to cause harm. Yet Nobel laureates J.P. Sumner, Director of Enzyme Chemistry, Cornell University, and Sweden's Hugo Theorell received the Nobel prize for their enzyme work in which they had cautioned 25 years ago, "The fluoride ion exerts its toxic effect by inhibiting the action of many enzyme systems." Fluoride is used in experiments to kill enzymes.

Our food, air, water, soil, crops, forests, and lakes are already polluted with this cumulative enzyme poison — acid rain may be the last straw. As Professor A. Wood, Penn State Air Pollution

expert said, fluoride pollution will increase because there is no organized protest against it. And why is there no organized protest against fluoride by one of the best educated, most civilized nations on earth? Because government, industry, and the press denigrate as kooks and quacks anyone who tries to publish the truth about fluoride toxicity and publishes only untruths. In my lectures to students, I find none have ever heard of fluoride air pollution. Their first reaction is to say "They put it in the water for our teeth, why worry about it in the air?"

Fifteen years ago Sweden sounded the first alarm by reporting that 100 lakes were devoid of fish. She blamed toxic, stack gases drifting across the North Sea from Britain. In 1979, Canada's Environmental Minister announced that acid rain is their worst environmental problem. Thousands of lakes are aquatic graveyards, thousands more soon will be. Canada blames the U.S.A. for 60% of its acid rain.

Following a 1977 report from Cornell scientists that half the mountain lakes in the New York Adirondacks were highly acidic, research by the California Institute of Technology in Pasadena reported Southern California is awash with acid smog — more damaging than acid rain — because it is polluting 24 hours a day. Nitrous oxides are the chief toxicants of auto emissions. A report from EPA states hydrogen fluoride gas is emitted by some automobiles.

Instead of a red alert and headlines across every newspaper letting us know the acid rain pestilence has befallen us, U.S. energy czar James Edwards, D.D.S., prior to getting out of the kitchen cabinet and into Academia, told us "not to worry — acid rain is good for us — great for the soil." Anne Gotsuch, President Reagan's boss of EPA, said the nation's air is clean enough now, so that automobiles and industrial pollution standards can be reduced. Congress has put acid rain on the back burner with appropriations for a long-range study. There is only talk about enforcing emission controls, but no action.

It is the sworn duty of the Environmental Protection Agency to set and enforce a standard for every pollutant which presents a clear and present danger to public health. Pollution is increasing because federal and state air pollution standards are either too lenient, negotiable, unenforced, or non-existent.

In the case of hydrogen fluoride (HF) gas emitted in the manufacture of some filthy major products, there is no pollution standard. Yet

fluoride damages some vegetation when there is 1/10th part per billion fluoride in the ambient air. HF is almost impossible technologically to control — even with scrubbers, one of which now cost one large factory up to \$20 million. Industry has defiantly declared it cannot provide us with affluence without effluents of fluoride. Industry claims it cannot meet any standard which will protect us and our food chain. Threaten any attempts at enforcement will mean mass layoffs.

Hydrogen fluoride gas is 1,000 times more toxic than sulfur dioxide. These gases are classified as the two most serious industrial air pollutants. Yet only SO₂ has a standard, albeit "enforcement consists of an early morning rain in which inspectors pull up to some factory, and like bloodhounds sniff the wind. If they detect sulfur dioxide (fluoride gas at low levels is odorless), a factory can lose by a nose, and be put on probation with a few years to clean up.

And what has fluoride to do with acid rain? It so happens that HF is emitted from the same stacks as sulfur dioxide. There is no disagreement among government, industry, and at present environmentalists, about the names of the pollutants and the source responsible for acid rain. Sulfur dioxide and nitrous oxides are listed as the chief toxic components of acid rain. This includes the Edison Electric Institute (EEL) booklet, "An Updated Perspective on Acid Rain" which presents industry's somewhat biased version of acid rain, minimizes the danger, and charges environmentalists with over-reaction. Also Phil Weller's "Acid Rain — The Silent Crisis", prepared by Canadian researchers who tell us like it is, a plague which can in time poison the earth if "SO₂ and NO_x" are not curbed.

I have reviewed thousands of studies over a period of twenty years. Hundreds of millions of dollars have been spent in fluoride research, which cannot be found in bookstores, libraries, or the news media. Walter Cronkite spent a quarter century in the bird seat as Anchor man for CBS and never warned us about fluoride pollution. In his retirement, he can be heard nightly backed by the mournful cry of a humpback whale, which the National Wildlife Foundation asks funds to save. Anyone willing to dig deep into the truth decay, unmindful of the denigration by press releases, can find the following evidence which indicts fluoride as the most pervasive, toxic, cumulative poison of our air, food, and water, and is the missing link necessary to fully explain the toxicity of acid rain.

PART I
(CONTINUED FROM PAGE 1)

I start out on firm ground with a response from the Argonne National Laboratory in Illinois. All responses to me from air pollution officers were outright denials that fluoride had any part in acid rain, or said they knew of no such evidence.

On July 7, 1981 a response from Argonne Atmospheric Researcher Douglas L. Sisterson advised "Nearly all our samples (of acid rain) contained detectable amounts of fluoride." Argonne National Laboratory is working on a grant from EPA.

EEL booklet makes a big deal over what pH level constitutes poisonous acid rain (pH is the chemical way of expressing acidity and alkalinity on a scale of 0 to 14). The number 7 is neutral, numbers below it are considered acid and above it are alkaline. EEL contends that some lakes may be affected at a pH of 6, others at 4, etc. I believe that if a lake is slowly dying from industrial poison in acid rain, toxicity may be a more important factor than acidity. There is no time to haggle over methods and types of indicators and instruments used to detect the pH of acid rain.

What is crucial, and needs immediate action, is that fluoride has been omitted from their list of sulfur dioxide, and nitrous oxides. Yet the industries which let them belch from their stacks virtually without control (automobiles, coal-fired power plants, fossil-fuel burning plants, steel, aluminum, copper, iron and lead smelters) also emit HF.

GLADYS CALDWELL
Investigative Reporter,
Columnist — Fluoride Pollution
Consumer Advocate National
Health Action Committee
Author of "Fluoridation and Truth
Decay" — co-author P.E. Zan fagna, M.D.

(To be continued.)

References:

Any M.S.D. Councilor who has not studied and compared the following listed materials to that furnished by the engineers preparing the EPA and DEQ Pollution Air Permits, cannot be expected to be an expert on the subject and is in no position to take a stand on the pollution aspects of garbage burning, until this material is read.

1. A Clear View, by James Cannon
2. Air and Water Pollution by Gerald Leinwand assisted by G. Popkin.
3. The Pharmacology of Fluoride by Gustav Wm. Rapp, Ph.D.
4. Carcinogens in the Human Environment by W. C. Hueper, MD
5. Human Ecology and Susceptibility to the Chemical Environment by Theron G. Randolph, M.D.
6. HAZARDOUS MATERIALS-1980 Emergency Response Guidebook by the U.S. Dept. of Transportation
7. Pollution Control in the Hunter Valley with Particular Reference to Aluminium Smelting by the Australian State Pollution Control Comm.
8. Fluoridation: Poison on Tap by G.S.R. Walker, F.I.M.F., E.M.E.C.s., M.A.E.S.

Fluoride The 'Smoking Gun'

THE AMERICAN SUNBEAM PAGE EIGHT

November 8, 1982, Issue No. 554

In Acid Rain

1,000 Times more TOXIC Than Sulfur Dioxide

by Gladys Caldwell

Part II

I submit the following evidence to support my claim that fluoride is the missing link in acid rain:

I. Phosphate fertilizer companies, according to statistics supplied by EPA, are responsible for the most hydrogen fluoride pollution. EPA has given these manufacturers some relief by permitting them to inject jet streams of water into the soluble HF, convert it into transportable hydrofluosilicic acid (liquid) without removing other impurities such as lead and arsenic, and sell it to cities for fluoridation. In effect, this gives industry a license to use the nation's drinking water as a dump site for industrial toxic wastes.

The storm warnings were up in 1943 when Robinson and Edgington, U.S. Department of Agriculture soil scientists at the University of Wisconsin, reported that for several decades fluoride had been accumulating in the soil and plants in New Jersey, and that they found high fluoride in drainage water. They predicted "if continued, fluoride-carrying phosphates may lead to a contamination of drinking water (through ground water) where they may become dangerous to human health."

They were awesomely prophetic. On June 10, 1980, a news handout from EPA published in the *Los Angeles Times*, noted that fluoride levels in much of the nation's ground water are causing health problems impossible to exaggerate.

II. U.S. Department of Agriculture Handbook #380 reports "Airborne fluorides have caused more damage to animals than any other air pollutant. Whenever we find damage to animals we also find fluoride damage in some humans. Man is much more sensitive to fluoride than animals."

Some fluoride research is funded by industry, but not for the purpose of reducing fluoride pollution. For instance, the Geneva Division of U.S. Steel in Provo, Utah used its beautiful mountain country as a giant Disposal for its waste fluoride garbage. You need headlights there in early morning driving. They funded a seven-year study to Shupe, Call, Greenwood et al, veterinary scientists at Utah State in Logan. They fed cows increasing levels of fluoride in their forage to see how much it would take before their teeth rotted and their bones became so crippled they had to be towed from the fields. They found 27 ppm F started the death march. I found 80 ppm F in plants grown off Sunset Boulevard in Los Angeles.

III. The January 15, 1971 *Journal of American Veterinary Science* reported "Air pollution damage to agricultural production in the United States in 1967 was estimated at \$500 million. Fluoride damage to livestock and vegetation comprised a substantial part of this." (Note sulfur dioxide was not mentioned.) A subsequent report states the annual pollution damage is not \$1 billion.

When a tribe of Indians on Cornwall Island in the St. Lawrence River reported to the Canadian Minister of the Environment that their cattle were dying, and their crops made them ill, he told them to buy their food from the Company Store ("Let them eat cake."). A team of scientists from Cornell University headed by Lenart Krook investigated their complaints and found they were being poisoned by fluoride. It was soon learned that Reynolds Metal Company across the river in Massena, New York was waging chemical warfare against them. Forage with as little as 15 ppm fluoride was poisoning the cows. EPA standard provides that 35 to 45 ppm F is safe in forage. A team of medical scientists is now doing clinical studies on the Indians.

IV. It is important to note that hydrogen fluoride gas is emitted from the very same stacks of industries identified as causing acid rain. Coal causes much of the damage: some coal contains 295 parts per million fluoride.

By way of comparison of the toxicity of SO₂ versus HF, a report from C.C. Gordon et al, University of Montana, states that the forty pounds of fluoride emitted daily from a 180 megawatt power plant in Missoula is killing the ponderosa pine forest, and high fluoride was found in bones of wild animals.

EPA proposed a regulation by which Commonwealth Edison of Illinois would have to reduce existing sulfur dioxide emissions to 1260 tons a day. Kaiser Steel in Fontana admits to belching 1 ton F/day — which is making a vast wasteland of the ponderosa pine forests in the San Bernardino Mountains above.

As in all cases of mass fluoride poisoning, ozone or sulfur dioxide takes the rap. Four chemical analyses I had made showed the dying pines have 79 ppm fluoride. UC Riverside scientists claim it is caused by ozone, although they refuse my request to do a chemical analysis on the needles.

V. Fluoride emissions have made a marine graveyard of Bishop Harbor in Tampa Bay.

Twelve years after the Anaconda Aluminum Company moved into Montana near Glacier National Park, U.S. Department of Agriculture scientists, Carlson and Dewey, were given a grant to find out what was killing the forest wildlife, and pollinating insects. They all knew, but a two-year scientific study nailed fluoride as the killer. By then over 200,000 acres had been damaged.

VI. Liming. It is interesting to note that the hydrofluosilicic acid used in fluoridation is so corrosive it requires huge tonnage of lime or sodium hydroxide to avoid hundreds of millions of dollars in plumbing costs. It is added to correct the pH (acid/alkaline) balance of drinking water.

Efforts made to reduce lake acidity by adding lime, a high source calcium have been effective, but costly and only temporary as long as rain contains toxic industrial acids. Some lakes are protected by natural minerals, which acid rain will soon deplete.

VII. Calcium and Magnesium. Americans have been conditioned to believe the fraudulent claim made by the experts that fluoride is an essential mineral nutrient. All scientific studies prove otherwise. Subjects on a fluoride-free diet failed to develop cavities. FDA has declared fluoride not generally recognized as safe. Calcium and magnesium levels are found greatly reduced in lakes affected by acid rain.

VIII. Volcanic Smoke and Ash. The EEI booklet reports volcanic ash is an important pollutant which is also causing acid rain. A major eruption can toss millions of tons of material into the atmosphere to circle the earth for many years. Recently a thousand-mile cloud circled this country for weeks.

The leg bone of a Javaman who lived a half million years ago, found a century ago in an ancient lava bed, was found to contain high levels of fluoride.

When Mt. St. Helens spewed its sky-high plume of smoke and dust, State Health officials of Oregon and Washington hailed it as a great tourist attraction, and told farmers to use it as fertilizer. Their response to me was it is absolutely harmless. Samples I had analyzed showed 202 ppm fluoride. An unpublished General Aviation Alert — Special Issue, from the U.S. Department of Transportation warned pilots to avoid any exposure in the atmosphere or on the ground, saying "Volcanic ash from Mt. St. Helens has been analyzed and found to contain abrasive and corrosive material such as fluoride and sulfuric acids." Safety precautions included safety glasses, gloves, and protective clothing.

IX. Why Eggs Fail to Hatch. Officials from the Ontario Ministry of the Environment recently told a government committee that 140 lakes are now devoid of fish, and 48,500 more are endangered. Scientists report through EEI and the Canadian booklet, "The life cycle of fish exposed to rain acidity is affected; the fertilizer is reduced, followed by impaired ability to hatch."

Dr. David Shindler of the Environment Canada Freshwater Institute in Winnipeg, Canada, reports that lake trout are unable to reproduce successfully when the pH falls below 6.0. Eight species of fish are now extinct, and the eggs of frogs and salamanders often fail to hatch. Birds which exist entirely on a diet of fish cannot survive.

In California, the giant condors are almost extinct in their habitat in Los Padres National Forest. The Sierra Club is concerned over the survival of the majestic condors. California farmers and ranchers are given off-and-on authority to use a deadly rodenticide (fluoroacetate) called "1080", which they mix with meat and drop from airplanes in the forest to kill the coyotes which they claim are killing their sheep. Since any animal or bird which feeds on these carcasses is also poisoned, a female bird could accumulate enough fluoride to prevent eggs from hatching.

A Los Angeles times reporter also suggested that fluoride might be affecting these giant birds.

Eggshells are comprised chiefly of calcium, and poultry is highly susceptible to fluoride. The concentration of F in eggshells depends upon the F in the blood level during shell formation, which can be as high as 51 ppm (U.S. Handbook #380).

X. My public interest reports and articles document a number of fluoride air pollution disasters in our cities, all of which were fraudulently reported in the press as caused by sulfur dioxide, ozone, or "particulates". The New York City and London disasters which poisoned tens of thousands, and resulted in many deaths were all blamed on sulfur dioxide. It is reported in "Air Quality Criteria for Sulfur Oxides" published in 1970 by the National Air Pollution Control Administration.

Clinical research shows that SO₂ affects only the upper respiratory tract, whereas fluoride gets into the lower tract and can cause cancer. Fluoride also can enter into the blood stream, and accumulate in bones, teeth, and all organs and cells.

Canadian Research Council Warns — Increasing Levels of Fluoride are Entering Into Our Food Chain

Unlike our Federal Food and Drug Administration where fluoride is kept the protected pollutant and there are no whistle blowers, the Canadian Research Council permitted scientists Marler and Rose to publish "Environmental Fluorides, 1977" which warns: *Fluoride is a persistent*

bioaccumulator, and is entering into human food and beverage chains in increasing amounts. It is a review of world literature on fluoride in our air, food, and water. Without acid rain they find the 7 ppm fluoride standard (which has never been enforced) set for produce is being alarmingly exceeded. The World Health Org. reports we retain 50% of ingested fluoride.

From the evidence, it seems warranted to say those who fail to take the necessary action to control fluorides are guilty of genocide. Research to determine the synergistic effects of sulfur dioxide and its twin killer hydrogen fluoride might find the effects catastrophic beyond belief.

Acid rain, like other catastrophic, avoidable, mass chemical poisonings of large masses of the environment, is treated as if it were the first and only episode. That provides an excuse for government to omit studies on the synergistic effect of industrial emissions.

A retired DuPont vice president wrote and article on acid rain in the *Wilmington, Delaware News Journal* in which he recommended: "Let it rain — for a decade or two — when we can find a simple answer to acid rain."

We already have a simple solution: "Stop manufacturers from emitting toxic gases." We can only fantasize at present that such strange bedfellows as Chairmen of the Boards, Union leaders and Labor (who now operate on the premise that dirty skies mean full refrigerators), and environmentalists, will sit down and reason together at the conference table, and voters will make acid rain a campaign issue.

There is another, more pervasive pollutant which is preventing the realization of this dream. That is, pollution of the truth. It is endemic among policy makers of all organizations entrusted with the public welfare. They are paid to lie.

My ten steel files are condemnatory evidence of how they, like characters in Alice in Wonderland, claim words mean only what they want them to mean. They have staff hatchet men who scan the news, and issue press releases denying anything adverse to fluoride and other pollutants. Even when we get them under oath as we did in Illinois and Pennsylvania, and judges ruled against them. H & HS letter explains we have misinterpreted the rulings.

The great naturalist Henry Thoreau prophetically wrote, over a century ago: *Most revolutions in society have not power to interest, still less alarm us; but tell me that our rivers are drying up, or the Genus Pine dying out in the*

country and I might attend."

In order to make good his pledge, Thoreau would have had to join the four stalwart Greenpeace members, including a lady, who risked their lives in order to get media coverage of acid rain by climbing aloft chimney stacks in four states where they spent the night inhaling the deadly fumes which are causing acid rain. It is hoped that Thoreau would have discovered that fluoride was one of the pollutants and would have worn a gas mask to avoid being OD'd.

GLADYS CALDWELL
Investigative Reporter,
Columnist — Fluoride Pollution
Consumer Advocate National
Health Action Committee
Author of "Fluoridation and
Truth Decoy" — co-author P.E.
Zanfagna, M.D.

Quotable Quotes

"Promiscuity proves instability."
— Larry Woodall
"I want to know who is AMERICAN; not who is patriotic."
— Delamer Duverus

"As soon as we elected an alien government to represent us around the world we became stupid."
— Delamer Duverus

"Since the government no longer represents us, let's be prepared to survive without it."
— Delamer Duverus

TED ROWELL
P. O. Box 20732
Portland, OR 97230

Recycle garbage

To the Editor: Since the demise of the proposed Oregon City garbage burner, we find ourselves in a garbage dilemma. Alternatives must be considered. I suggest (the following):

First, we need a recycling plant to separate the metal, wood and fill material from the biodegradable kitchen-type garbage. Fill material then can be used where needed or can be made available to anyone needing it. Metals can be sent for melting down; woods can be run through a chipper for mulch.

The biodegradable garbage — the real problem for the entire country — could be run through a large disposal unit to pulverize it. Fill empty railroad tank cars with it, seal them and ship the material to areas of gas and oil wells to be pumped underground to fill large voids. At present, these caverns are being left void or salt water is pumped in.

This has a four-fold purpose:

1. Cure the stinky garbage problem for nearly all communities and cities — no polluted water supplies or above-ground odor.
2. Fill the voids, helping to offset any earthquakes that could result from an unfilled void.
3. As the methane gas is produced, it can be harnessed and sold. As time goes on and the garbage deteriorates, more can be added to generate more salable gas.

By JACK ANDERSON

WASHINGTON — The Reagan administration's sharp criticism of Israel's decision to build still more Jewish settlements in the occupied West Bank reflects longstanding White House dissatisfaction with Prime Minister Menachem Begin's intransigence on the issue.

In fact, the administration has been weighing a response that would be far more drastic than official comments of "most unwelcome" and "not helpful." Specifically, the president's advisers are considering the possibility of putting restrictions on the use of U.S. economic aid to Israel.

One idea would be to deduct the cost of the settlements — estimated at security.



SHRED AND SAVE: Disposing of obsolete or inoperative — but classified — weapons is always a problem. You cannot just throw them in the trash for a Russian spy to find. But dismantling the weapons by hand is time-consuming and expensive.

So officials at the Keyport, Wash., Naval Base asked a Portland garbage-recycling firm, Shredding Systems Inc., to take a crack at some junked torpedo-guidance systems. The company's metal-shredder chewed them up in three days — a job that used to take two men a year to do. The \$10,000 charge seemed like a bargain.

But budget-cutters in Washington killed the time-saving project. The company asked Sen. Mark Hatfield, R-Ore., for help. Hatfield, who is chairman of the Appropriations Committee, inserted in the defense appropriations bill an order to the Navy to continue the shredding program.

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11-17-82 OREGONIAN

4. The railroads are experiencing a deadheading problem throughout the country. This would help them to some degree.

Revenues from this type of multiple operation could readily ease the tax burden on the public for schools and other tax needs.

DAVID D. SPEAR,
901 Center St.,
Oregon City.

OREGONIAN
11-22-82

EPA unveils air sniffer

WASHINGTON (UPI) — The Environmental Protection Agency unveiled a portable pollution-sniffing device Monday that 1,500 people will carry to help researchers determine how unhealthy the air is in urban areas.

The 2-pound blue box is about the size of a portable tape recorder and will be carried in much the same way — slung over the shoulder with a strap.

Some 1,000 people in Washington, D.C., and 500 in Denver will carry the computerized pollution-tester to measure the amount of carbon monoxide they encounter in daily routine — commuting, working, shopping and recreational activities.

Courtney Riordan, acting EPA assistant administrator, said the \$523,000 project is aimed at helping the agency "assess health risks associated with carbon monoxide, as well as evaluate the effectiveness of fixed-site (non-portable) monitors as a reliable tool for estimating average exposures."

A major purpose of the study is to help the EPA establish national air quality standards. Ironically, the test come at a time when the Reagan administration is supporting moves to loosen restrictions on carbon monoxide emission from motor vehicles.

Testing will start in October.

OREGONIAN
9-13-82



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

MEMORANDUM

Date: November 16, 1982
To: Metro Council
From: Ray Barker, Council Assistant
Regarding: Agenda Items 6.1, 6.2 and 6.3--Resolutions
Related to Energy Recovery Facility and
Waste Reduction Plan.

Six resolutions related to the energy recovery facility were introduced at the Council Coordinating Committee meeting November 15, 1982. The agenda had been prepared and mailed prior to the writing of the resolutions so they did not appear on the printed agenda.

No action was taken on three of the resolutions and three of the resolutions were acted upon by the Committee. They are as follows:

Resolution No. 82-370

For the purpose of terminating work on the proposed energy recovery facility at Oregon City, and redirecting the Metro Solid Waste Program.

This resolution was amended and then approved by the Council Coordinating Committee on November 15, 1982.

The major changes to the resolution were the substitution in paragraph two of "is not currently a legal option" for "can no longer be considered an option", and the addition of another item under the resolve to "avoid the expenditure of staff resources or monies on any legal challenge to the November 2, 1982 vote in Oregon City.

Resolution No. 82-371

For the purpose of closing Metro's Energy Recovery Office in Oregon City.

On November 15, 1982, the Council Coordinating Committee approved passage of the resolution.

It is recommended that the wording in paragraph two be changed to read "is not currently a legal option". This would make the language consistent with that in Resolution No. 82-370, paragraph two.

Metro Council
November 16, 1982
Page Two

Resolution No. 82-372

For the purpose of emphasizing implementation of the Waste Reduction Plan while developing the Solid Waste Management Plan.

The title of this resolution was changed by the Committee. The first draft read "For the purpose of emphasizing recycling as Metro's highest priority while developing solid waste management plan".

On November 15, 1982, the Council Coordinating Committee approved passage of this resolution.

RB:ef

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

| | | |
|-----------------------------------|---|--------------------------|
| FOR THE PURPOSE OF TERMINATING |) | RESOLUTION NO. 82-370 |
| WORK ON THE PROPOSED ENERGY |) | |
| RECOVERY FACILITY AT OREGON CITY, |) | Introduced by Councilors |
| AND REDIRECTING THE METRO SOLID |) | Bonner, Burton, Deines, |
| WASTE PROGRAM |) | Etlinger and Rhodes |

WHEREAS, The voters of Oregon City at the regular General election of November 2, 1982, voted to prohibit the siting of an energy recovery facility in Oregon City; and

WHEREAS, The Metro Council therefore feels that any energy recovery facility located at Oregon City is not currently a legal option; now, therefore,

BE IT RESOLVED,

That the Metro Council directs the Executive Officer to:

1. Submit to the Council a plan and necessary revisions in the Solid Waste budget to terminate work on the proposed energy recovery facility in Oregon City.
2. Avoid the expenditure of staff resources or monies on any legal challenge to the November 2, 1982 vote in Oregon City.
3. Submit to the Council a proposal for re-evaluating the regional system for disposing of solid waste in view of the vote in Oregon City prohibiting the siting of the energy recovery facility in that city.
4. Following the currently scheduled public forums evaluate and submit to the Council a report which reviews the effort

to solicit public comment on the preferred options for solid waste disposal.

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

Presiding Officer

EB/gl
7170B/327
11/16/82

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF CLOSING) RESOLUTION NO. 82-371
METRO'S ENERGY RECOVERY OFFICE)
IN OREGON CITY) Introduced by Councilors
) Bonner and Etlinger

WHEREAS, The voters of Oregon City at the regular General election of November 2, 1982, voted to prohibit the siting of an energy recovery facility in Oregon City; and

WHEREAS, The Metro Council therefore feels that any energy recovery facility located at Oregon City can no longer be considered an option for consideration; and

WHEREAS, The construction of the Clackamas Transfer & Recycling Center in Oregon City is nearing completion; and

WHEREAS, Further support of the energy recovery facility office in Oregon City cannot be justified; now, therefore,

BE IT RESOLVED,

1. That the Metro Council directs the Executive Officer to close the energy recovery facility office in Oregon City effective immediately.
2. That all outstanding obligations regarding the energy recovery facility office such as payment of rental costs be concluded as soon as possible.

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

Presiding Officer

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF EMPHASIZING) RESOLUTION NO. 82-372
IMPLEMENTATION OF THE WASTE)
REDUCTION PLAN WHILE DEVELOPING) Introduced by
THE SOLID WASTE MANAGEMENT PLAN) Councilor Etlinger

WHEREAS, Public testimony at recent solid waste workshops has questioned Metro's commitment to recycling; and

WHEREAS, Long-term program elements, including funding, functional responsibilities and market development are necessary if Metro is to achieve the goals of its adopted Waste Reduction Plan; and

WHEREAS, Public understanding, support and active participation is essential for an effective curbside recycling program; and

WHEREAS, Metro has initiated several distinctly different strategies for recycling without a clear approach that defines the role of Metro, local jurisdictions, haulers and recyclers; now, therefore,

BE IT RESOLVED,

That the Metro Council pledges to adopt and begin implementing a long-range recycling program prior to completing plans for any new disposal facility.

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

Presiding Officer

BE/gl/7186B/327
11/16/82

November 4, 1982

Metropolitan Service District
Attention: MSD Council
527 S.W. Hall
Portland, OR

Council:

We read your responses to the vote on the proposed garbage burner in Oregon City in the November 4, 1982, Oregonian. We feel they were against the citizens of Clackamas County.

We would like to ask some questions of the article.

1. Andy Jordan - MSD Legal Council

Stated, "I don't know that it (the vote) is legally binding."

- a. Do we live in a democracy or a dictatorship?
- b. How can legal maneuvering get in the way of peoples rights?

2. Cindy Banzer - District 9 SE Portland

Stated, "The burner is a regional issue there's more at stake here than for just a small segment to decide."

- a. Do you consider all of Clackamas County a small segment?
- b. Why doesn't MSD ever let the people vote on an issue?
- c. Why is MSD organized through the legislature?
- d. How can MSD borrow money from DEQ? Isn't this a conflict of interest?

3. Jane Rhodes - District 6 SE Portland

Stated, "The vote in Oregon City is a little like asking the people in the area whether they want a landfill."

- a. What is wrong with asking the people what they want instead of telling them?
- b. What is wrong with 6 to 8 small land fills in location convenient to the public?
- c. What is wrong with a recycling program?

4. Ernie Bonner - District 8 - SE Portland

Stated, "Oregon City may be a little undecided on whether it wants the plant or not."

And

Craig Berkman - District 3 Portland

Stated, The Oregon City Ballot Title was "misleading."

- a. Do you both really believe these statement, with the fact the ballot was rewritten from the way it was stated on the initiative petition to make the voters have to vote "yes" for disapproval?

5. Betty Schedeen - District 7 Gresham

Stated, "We must educate them (voters) more, or we should acquiesce." She also stated, "The council should find out whether the plant opponents are a special interest group bent on misinforming the public in order to stop the plant or are sincere,"

- a. Isn't the group opposing this plant, a group of ordinary working people banded together for something they believe in, which is the American way and Democracy? We check their organization out and found their philology agreed, with our position and we are of no special interest group, we are just working and trying to pay our bills and taxes.
- b. Wasn't advertising I saw in the paper before the election, in favor of the plant, payed for by Wheelbryer -Frye and Publishers Paper?

We are citizen of Clackamas County and understood the issue. We have read and studied the issue for over two years. Almost everyday there is an article in our local news-papers. We started with an open mind, evaluated the information and made up our minds. We voted against the plant.

We did not campaign or work on any committee to win the measures, but with this kind of attitude from the MSD Council that will change. We have already contacted the Oregonians for Clean Air and Enough is Enough Organization's and will do our part to support their organizations.

Robert L. Haun
Ronda Ju Haun
John E. Beard

Thank you,

Ernie Bonner
Annalee Radol
Barbara Haun
Mr & Mrs. Kenneth L. L. L.

John B. B. B.
John B. B. B.

cc Enough is Enough
cc Oregonians for Clean Air

Beckie J. J. J.
James P. P. P.

Opinions

Decision due

Political courage or political suicide...

That is the choice awaiting the Metropolitan Service District as it weighs the results of an election that may have all but killed a multimillion-dollar garbage-burning facility for Oregon City.

The issue now is in Metro's hands.

Tuesday's election saw an Oregon City measure that would have prohibited construction of the plant anywhere in the city pass by a narrow margin; similar measures in West Linn and Gladstone which limited siting of the plant passed in decisive fashion.

But the most chilling message Metro received Tuesday may have come from Clackamas County Ballot Measure 3-7, which would have prohibited construction of the plant anywhere in the county.

Of 99,700 votes cast on that measure, 53,856 citizens cast ballots in favor of the measure — and against the plant.

And therein lies the question of political courage or political suicide.

Should Metro go ahead and build the plant, even at the expressed wishes of nearly one-third of its constituency, or should it heed that message and start over?

To ignore the wishes of a free-thinking electorate would indeed be politically suicidal.

We could argue all day whether the measures were legally binding outside the Oregon City limits. It's our view that of the measures, only the Oregon City measure can legally kill the plant if the issue heads into a court of law. That's another editorial for another time.

But the voters of the entire county have spoken in a political statement that simply cannot fall on deaf ears — not even ours.

This plant would be good for Oregon City. In our view there remains no question on that score.

But the overriding issue facing the 12-member Metro council is whether it can in good faith proceed with the project when so many people in its domain have stated its opposition to it.

There would be many questions to answer if Metro backs out now:

Where would be a suitable sight for such a plant, and would it run into the same trouble as the facility still proposed for Oregon City?

Is there validity to the charge that Metro hasn't embarked on a comprehensive solid waste recycling program while at the same time developing plans for a resource recovery plant?

And what really is the future of Publishers Paper Co., in Oregon City, the paper-making firm slated to purchase steam from the garbage burned at the plant for electrical power and energy to run its paper-drying equipment?

Another argument by the proponents of the plant, and to some extent we share that belief, is that the measures prohibiting the discharge of cancer-causing agents was a red herring. It scared people into voting people against the plant.

As Oregon City Commissioner Ron Thom, chairman of a citizens group supporting the plant, asked, "How can anyone vote for something they think is harmful?"

The unfortunate aspect of that campaign was that foes of the plant resorted to scare tactics, pure and simple, to dissuade citizens from voting in favor of a project we believe is environmentally safe and economically feasible for Oregon City.

But the people responded by believing that message. They approved that particular measure overwhelmingly.

But they also believed in the other measures that banned construction of the plant — period. And it's that message with which Metro must grapple.

Cindy Banzer of Portland, presiding officer of the Metro council, said the results of the election will have a bearing on the council's deliberations, which begin this month.

So does this newspaper, which all along has supported this plant, but which also must speak for the citizens of Clackamas County.

Those citizens have spoken and their message is clear.

Nov. 22, 1982

Cindy Banzer
Presiding Officer
MSD Governing Council
527 SW Hall
Portland, Or 97201

To the council:

I am extremely dismayed and angered that some members of the governing council continue to persue the construction of the garbage burning facility. The overwhelming passage of the three ballot measures in the Nov. 2 election that pertained to the garbage burner provides a clear mandate to the council to cease and desist all activity in this direction. Those of us who live within the Metropolitan Service District do not want this garbage burner to exist, either in Oregon City or anywhere else. The people of Oregon are already cursed with toxic pollutants from The Trojan Nuclear Plant, Teledyne Wah Chang, nerve gas storage facilities, and other sources too numerous to mention. We do not need or want one more to worry about.

The obvious answer to the garbage disposal problem is a comprehensive and conscientious recycling program. Since numerous good proposals have been presented, I don't feel it is necessary to offer any new ones. It merely remains necessary for the council to implement a reasonable plan that will represent accurately the will of the voters.

Yours truly,

Philip W. Young
Philip W. Young
3395 SE Brooklyn
Portland, Or 97202

Date November 23, 1982

Meeting Title Council Meeting

Name

Affiliation/Address

- | <u>Name</u> | <u>Affiliation/Address</u> |
|------------------------------------|--|
| ✓ <u>Marsha Matthiesen Newberg</u> | <u>Citizen's Committee to oppose Best Tire</u> Dundee |
| ✓ <u>Denny Brown</u> | <u>Newberg Dundee (same as above)</u> |
| <u>ARL DUFFIN</u> | <u>AGE OF PLASTICS</u> |
| <u>LOE MOORE</u> | <u>OREGONIAN</u> |
| <u>Earl Diment</u> | <u>Gladstone</u> |
| ✓ <u>Susan Ziolkko</u> | <u>1450 Manor Dr. Gladstone, Or.</u> |
| <u>JOSEPH J. MOORE</u> | <u>Oregonians for Clean Air</u> |
| ✓ <u>DAVID WEISS</u> | <u>AGE OF PLASTICS (Recycling/repair comm)</u> |
| <u>MARK W. HOZE</u> | <u>Fortland</u> |
| ✓ <u>Ray Moschogiannis</u> | <u>WASTE BY-PRODUCTS</u> |
| <u>Sue Moore</u> | <u>O.C.A.</u> |
| ✓ <u>Hanna Galinson</u> | <u>O.C.A.</u> |
| <u>Lee M. Hoffman</u> | <u>O.C.A.</u> |
| ✓ <u>Dwight Long</u> | <u>O.C.A.</u> |
| ✓ <u>Beryl Robert</u> | <u>PRRO'S</u> |

✓ testified