



METRO

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

Agenda

Meeting: Solid Waste Policy Committee

Day: Friday

Date: November 13, 1992

Time: 7:30 - 9:30 a.m.

Place: Metro Council Chamber
Metro Center
2000 SW First Avenue
Portland, Oregon 97201

I. Committee Member and Citizen Communication

Judy Wyers

II. Approval of October 9 Meeting Minutes

Judy Wyers

III. Updates

Bob Martin

IV. Update on Operations at the Metro South
Transfer Station HHW Facility

Sam Chandler

V. Approval of Proposed Restructuring of the
Solid Waste Technical Committee

Terry Petersen

Adjourn

Next Meeting: Friday, December 11

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SOLID WASTE POLICY COMMITTEE
October 9, 1992, Meeting Minutes

Members:

Stephanie Hallock, DEQ
Cecilia Petrocco, City of Hillsboro
Sharron Kelley, Multnomah County
Brian Campbell, Port of Portland
Judy Wyers, Chair, Metro Councilor
Jack Adams, Cities of Multnomah County
Steve Larrance, Washington County
Susan Keil, City of Portland

Guests:

Amore Bjornskov, Washington Community Health

Metro:

Bob Martin
Larry Shaw
Mark Buscher
Bill Metzler
Leigh Zimmerman

Chair Wyers brought the meeting to order and asked for citizen communications. There were no citizen communications.

Chair Wyers asked for approval of the August 14 and September 11 meeting minutes.

Ms. Hallock wanted the record to reflect that "Martin Pillon" was actually Marty.

The minutes were approved unanimously with the above correction.

Updates:

Mr. Martin advised the Committee as to the newest developments with the Compost Facility. He said that the bank (Credit Suisse) is now beginning negotiations with a firm with the intention of signing a contract with a firm that can correct the odor problem as well as incorporate some process changes. Mr. Martin said he expects the bank to make

an announcement next week as to what firm they are negotiating with and what their overall schedule will be. Mr. Martin said it is clear at this point, however, that it will be at least a year before the facility could conceivably start up again.

Mr. Martin said the tonnage problem which resulted in so many budget problems last year does not appear to be continuing, however we only have three months worth of data in this current fiscal year. Mr. Martin said July came in as forecast, August was down a little and September appears to be up a little. Mr. Martin said it appears as though the new modeling technique is tracking the flow quite closely and clearly within the confidence limit attached to the projections.

Chair Wyers said she has asked John Houser to look into the duties which the Solid Waste Policy and Solid Waste Technical Committee have. Ms. Wyers stated she was concerned that one of the committees (Solid Waste Technical Committee) does not have a representative from Council on it and that it has a lot of task forces which are doing a lot of important work. Ms. Wyers said she might suggest combining the committees.

Mr. Martin said the SW Technical and SW Policy committees were formed as part of the planning process which was defined many years ago. However, Mr. Martin said he has already asked Mark Buscher to investigate some of the membership of the Technical Committee which was designated years ago under a prior ordinance. Mr. Martin said some of these members no longer attend because of the differences in interest.

Mr. Martin said he wanted to give a short briefing on the Washington County Transfer Station. He said Metro had just begun negotiations with the applicant for a franchise for the facility. He said they are currently trying to pare down the costs to within a budget that is reasonable for the overall region and are making progress. Mr. Martin said the negotiations should be completed within a month and a proposal placed before the Council before the end of the year.

Chair Wyers expressed her concern with regard to rising rates when the new facility comes on-line, as well as the possibility of more costs associated with the closure of St. Johns Landfill.

Steve Larrance said that putting a new facility on-line would most likely necessitate the rates to rise somewhat because it is not without costs that you add a facility, but Washington County wants to cooperate in keeping that rate as low as possible.

Approval of Model Dumping Ordinance

Bill Metzler presented an overview of the proposed Illegal Dumping Ordinance. Mr. Metzler stated this ordinance is part of the Regional Solid Waste Management Plan's (RSWMP) solution as identified in the Illegal Dumping chapter of the RSWMP. The purpose of the ordinance is to empower local governments to effectively enforce against illegal dumping through civil procedures.

Mr. Metzler said this ordinance sends out a clear consistent message that illegal dumping is not an option for solid waste management.

Steve Larrance said it was not clear how much costs were involved with management, where the money for rewards came from, etc.

Mr. Metzler said there were two parts: One is the civil fine, a minimum of \$500 and a maximum of \$999 for each infraction. The second part consists of costs on top of the fine to reimburse the jurisdiction for actual expenses (this includes the administrative costs of investigation, adjudication, collection, clean up and disposal costs). The reward portion applies only to the fine section (first part).

Mr. Metzler said it had not yet been established whether to employ a regional hearings officer and whether he would be in a fixed place or on a circuit, or even if there would be a "regional" hearings officer. Metro would continue to work with local governments to determine the answer to those questions.

Mr. Larrance asked how general administrative costs would be covered, aside from the payment of the hearings officer. Mr. Larrance also wanted to know if illegal dumping would be augmented by excise taxes, or the like.

Mr. Metzler said the general administrative costs would be borne by the individual cities and counties and that Metro does not have the authority to impose excise taxes for the management of illegal dumping.

Mr. Martin said that after further research is gathered and if it is the will of the region, Metro can present a budget to the Council for the administration and management of illegal dumping, but the focus at this instance is getting the model ordinance developed and in-place.

Sharon Kelley told the committee that Gresham has already adopted the Ordinance because of the large scale pollution problem in the Gorge which was threatening the Corbett and Bull Run watersheds. Ms. Kelley said the biggest expense was enforcement of the Ordinance. Ms. Kelley talked about the positive influence the publicity surrounding enforcement of the illegal dumping ordinance had with helping to eliminate the problems. Ms. Kelley said the County did not have the money to hire a hearings officer but the Young Attorneys' Association have contributed their time for \$25.00/case.

Ms. Keil said it was important to let the workload drive the decisions about what is needed, but she agreed it was possible to buy time from hearings officers without adding a hearings officer through state jurisdictions, etc. Ms. Kiel said the City is looking at how the City Code can mesh with Metro's proposed ordinance, and felt there was a real benefit in having uniform enforcement across the region.

Stephanie Hallock stated that the Environmental Quality Commission has a hearings officer and she would be happy to inquire as to the possibility of using that position as the regional hearings officer at no cost to the participating governments.

Chair Wyers said she was still interested in pursuing Mr. Larrance's question as to what the projected role of the region and researching the goals of the ordinance. Ms. Wyers said she understood this research was still continuing and requested periodical updates on how the region is progressing with this issue; how the local governments will relate to one another, the costs, etc. Ms. Wyers said she would be interested in learning if there was any possibility of an excise tax for this purpose.

Mr. Martin said there would be a component in the budget addressing what the department recommends to be the regional role in illegal dumping. Mr. Martin reminded the committee there were already several line items in the budget already addressing clean-up activities.

Mr. Larrance stated that Washington County was interested in being a regional partner in this endeavor.

Ms. Keil stated everyone should be aware that not much of the costs will be recovered via the fines and penalties.

Ms. Kelley said there were other avoided costs to consider when illegal dumping is curtailed, *i.e.*, Dept. of Transportation, Parks Dept., both of which spend money, time and effort removing illegally dumped materials.

Ms. Wyers asked if the Illegal Dumping Ordinance spoke to the problems of businesses (construction, demolition) dumping materials in the canyons.

Mr. Metzler replied that it did.

There was no further discussion on the proposed ordinance and Ms. Kelley moved the ordinance be approved.

The motion was moved and seconded and the Illegal Dumping Ordinance was passed unanimously, (with Ms. Hallock abstaining).

Ms. Hallock briefed the committee on what DEQ has been doing regarding contaminated soils. She said DEQ would shortly be requiring that anyone opting on-site aeration as a means of sterilizing their contaminated soil will have to procure a Letter of Authorization at a cost of \$500.00. Ms. Hallock said that heretofore personnel were not available for enforcing the proper handling of soils. This fee would provide DEQ with the funds to closely supervise and manage contaminated soils.

Ms. Wyers asked if the letter of authorization was a means of tracking the handling of the soils.

Ms. Hallock said that under the rules, a letter of authorization could not be issued for longer than 6 months.

Mr. Larrance asked if there was a sliding fee for, for instance, a small farmer with a very small tank or did the same \$500 fee apply to everyone.

Ms. Hallock said there was no fee for any tank under 50 cubic yards. Ms. Hallock said people will have a 30 or 60 day grace period to take care of their contaminated soils before the new rule takes affect or they can choose to enter into an enforcement agreement allowing a cost recovery which may be less than the permit fee. Ms. Hallock said it was DEQ's belief that unless a fee was charged the problem would continue to be ignored. This program was to become effective October 15, 1992.

Mr. Martin said he wanted to encourage DEQ's approach to this problem.

Ms. Hallock said the fee being charged for the Letter of Authorization has already been set in the rules and to eliminate or change that fee would necessitate entering into a rule making process. The contaminated soils problem is a serious issue and needs to be addressed as quickly as possible. Ms. Hallock reminded the committee that this policy was drafted to deal with the problem of on-site aeration of soil which has already been dug up.

Ms. Hallock reported that DEQ has had several meetings over the past months to form better relationships between the department and local governments, specifically working on dispute resolution issues (most particularly in the water area). DEQ intends to initiate the same type of meetings through the Association of Oregon Counties.

Ms. Hallock also reported that DEQ has been working the past year on reorganization and anticipates a formal announcement the first part of November. The intent of the reorganization is to move more personnel, responsibilities and accountability out of the Portland office throughout the state to enable them to work more closely with local governments in such areas as securing permits, providing technical assistance and basically decentralizing the organization significantly.

Chair Wyers announced that Metro distributed awards the previous night for recycling achievements and mentioned that a model citizens award, corporate business award, and school award, among others. Ms. Wyers said most particularly, a business award went to Hippo Hardware for their long standing work in reuse of materials, to Bredl Saw for their continuing efforts in reuse, recycling and recovery of wood and demolition materials, to the Kaiser Permanente for the many ways in which they are reducing the amount of product packaging and the use of paper diapers, to KINK FM radio for their publicity

work in the SOLVE cleanup and to Sunflower Recycling for their use of green glass in parking pads.

There was no further business and the meeting was adjourned.




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2000 S.W. First Avenue
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Memorandum

DATE: November 6, 1992

TO: Solid Waste Policy Committee

FROM: Bob Martin, Solid Waste Director 

RE: **Proposed Restructuring of the Solid Waste Technical Committee**

Metro is considering restructuring the Solid Waste Technical Committee in order to broaden representation to better reflect the region's diverging solid waste management needs. The proposed restructuring would not result in any active member on the Committee losing their position.

The structure of the Technical Committee is set by resolution. Therefore, the method of revising Committee membership is via another resolution. Before submitting a resolution to Council, we would like the recommendation of the Policy Committee on the proposed restructuring. The proposed restructuring was presented to the Technical Committee at their October meeting. They recommended approval of the restructuring.

BACKGROUND

Resolution #87-785-"A" initiated the development of the Regional Solid Waste Management Plan (RSWMP) and established the Policy and Technical Committees to advise the Council on the development of the Plan. At the time the solid waste planning process was being developed, the major solid waste planning issues facing the region centered around siting major solid waste facilities and developing regional consensus on an approach to managing solid waste. As a result, the structure of the Technical Committee weighed heavily toward representation from local government. Local governments were awarded 13 of the 22 Committee positions. The four largest local governments, the City of Portland and the three counties were given two memberships each. This allowed the Committee to include both solid waste and land use planning professionals so the Committee could give advice on facility siting and Plan development issues. The full Technical Committee membership was as follows:

City of Portland	2 members	Washington County Cities	1 member
Clackamas County	2 members	Port of Portland	1 member
Multnomah County	2 members	Dept. of Env. Quality	1 member
Washington County	2 members	Solid Waste Industry	6 members
Clackamas County Cities	1 member	Citizens	3 members
Multnomah County Cities	1 member		

The policy framework and major chapters of the RSWMP have been adopted by the Council and are now being implemented. The significant issues related to facility siting and consistency with local government plans have also previously been addressed by the Council and its advisory committees. The major solid waste planning issues facing the region today focus on efficient management of the region's solid waste system that includes the solid waste hauling industry, a large recycling industry, solid waste processing facilities and transfer stations and landfills.

The need for land use planners on the region's advisory committees has been replaced by a need for increased representation from the solid waste industry. Participation by local land use planners on the Technical Committee has declined after the passage of the Washington County System Plan and revisions to Chapter 16 of the RSWMP. When contacted by the Solid Waste Department, the local land use planners on the Committee concurred that their direct involvement in Metro's solid waste planning functions was no longer necessary and that their positions could be utilized to provide better representation from the solid waste industry.

PROPOSAL

The proposed restructuring of the Solid Waste Technical Committee would occur by reducing the number of committee members from Portland and the three counties from eight to four. The committee members that would give up their memberships are local land use planners who are no longer attending meetings. Three of the four positions would be used to add additional members from the solid waste industry to the Committee. The proposed resolution would add three industry positions and specify that they be divided as follows:

- Solid Waste Hauling Industry 4 members
- Solid Waste Recycling Industry 2 members
- Solid Waste Facility Operators 3 members

The one remaining vacated membership would be used to add a single at-large land use/solid waste planning professional to the Technical Committee so that the Committee can continue to provide input on plan consistency and land use issues, should they arise.

The revised Technical Committee membership would be as follows:

City of Portland	1 member	Port of Portland	1 member
Clackamas County	1 member	Dept. of Env. Quality	1 member
Multnomah County	1 member	S. W. Hauling Industry	4 members
Washington County	1 member	S.W. Recycling Industry	2 members
Clackamas County Cities	1 member	S. W. Facility Operators	3 members
Multnomah County Cities	1 member	At-Large Land Use Planner	1 member
Washington County Cities	1 member	Citizens	3 members

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