

Metro Solid Waste Advisory Committee (SWAC)
Meeting Minutes
November 15, 2000

Members / *Alternates

Councilor Ed Washington, Chair
Dean Kampfer, Waste Management (disposal sites)
Michael Borg, (Clackamas County haulers)
Merle Irvine, Willamette Resources, Inc. (disposal sites)
*Vince Gilbert, East County Recycling (disposal sites)
Lee Barrett, City of Portland
Tanya Schaefer (Multnomah County citizen)
John Lucini, SP Newsprint (recycling end users)
*Tam Driscoll, City of Gresham (East Multnomah County and cities)
Sarah Jo Chaplen, City of Hillsboro (Washington County cities)
JoAnn Herrigel, City of Milwaukie (Clackamas County cities)
Steve Schwab, Sunset Garbage Collection (Clackamas County haulers)
Mike Leichner, Pride Disposal (Washington County haulers)
Glenn Zimmerman, Wood Waste Reclamation (composters)
Rick Winterhalter, Clackamas County
Lynne Storz, Washington County
David White, Oregon Refuse & Recycling Association (at-large haulers)
Jeff Murray, Far West Fibers (recycling facilities)
Jane Olberding (business ratepayer)
Frank Deaver, Washington County citizen
Mike Miller, Gresham Sanitary Service (Multnomah County haulers)

Non-voting Members Present

Doug DeVries, Specialty Transportation Services
Chris Taylor, DEQ
Kathy Kiwala, Clark County, WA
Terry Petersen, REM

Metro and Guests

Tim Raphael, Celilo Group	Cherie Yasami, ASD
Dan Schooler, CRC	Tom Chaimov, REM
John Houser, Metro Council	Roy Brower, REM
Easton Cross, Easton Cross Consulting	Eric Merrill, Waste Connections
Karen Feher, Metro	Connie Kinney, REM
Doug Drennen, DCS	Estelle Mazurkiewicz, ASD
Steve Kraten, REM	Mary Sue Gilliland, DEQ
Tom Wyatt, BFI	Meg Lynch, REM
Jan O'Dell, REM	Julie Cash, REM Bill Metzler, REM
Janet Matthews, REM	Scott Klag, REM
Bill Metzler, REM	Ray Phelps, Ray Phelps Consultants
Matt Hickey, BAS	Ken Scholes, AGG

Jim Watkins, REM
Brian Heiberg, Heiberg Garbage
Dick Springer
Maria Roberts, REM

Charles Bishop, YO
Dave Kunz, DEQ
Lin Bernhardt, REM

Call to Order and Announcements

Chair Washington brought the meeting to order.

Chair welcomed the new SWAC member, Jane Olberding, and introduced her to Solid Waste Advisory Committee members.

Mr. Dick Springer, representing Friends of the Columbia Gorge, gave a quick presentation to the SWAC, restating the group's opposition to trucking garbage through the gorge to the Columbia Ridge Landfill in Arlington.

Chair Washington was presented with a cherrywood world clock in appreciation of his efforts as a Metro Council member for the past 9 years.

Chair Washington, in accepting the gift, stated he never entered into public life for the awards. Councilor Washington told how extremely important it was that he had made his recently deceased wife, Jean, a part of his public life, because the long hours away from home required a great deal of devotion from the home front. Councilor Washington said he would continue to work for the President of Portland State University. Councilor Washington told the Committee that the past 9 years have been a wonderful part of his life, and he thanked committee members for their dedication toward meeting the region's goals in recycling and continuing the tradition of making Oregon a better place to live. Councilor Washington invited the committee members to keep in touch, and if they were so inclined, to seek him out at Portland State and enjoy a lunch at some future time.

REM Director's Updates

Mr. Petersen said that as a result of Measure 93 not passing in the recent election, the new excise tax, which converts the tax from a percentage to a "per-ton" tax, will go into effect on December 1st, 2000, resulting in a per-ton tax of \$4.68/per ton. Mr. Petersen said that the Regional Environmental Management Department will be mailing out Administrative Procedures this Friday (November 17, 2000).

Mr. Petersen said a new chapter of the Metro Code was passed regarding Metro's advisory committees. He said this will result in some changes to the tenure of committee members appointed to SWAC. He said he will announce at a future meeting just what those changes will mean to current members.

Mr. Petersen announced there are two pending applications for regional transfer station franchises. One is with Willamette Resources, Inc., in Willsonville; the other is the Waste Management facility in Troutdale. He said the Wilsonville facility application was received October 11, the Recycle America application October 30. There was a 30-day public comment

period, which are due November 15 and December 4, respectively. Mr. Petersen said staff is prepared to take the Wilsonville facility franchise to the Council on December 6, and the Recycle America franchise on January 17, 2001. Mr. Petersen noted that any inquiries concerning these applications should be directed to Roy Brower, at 797-1657.

Mr. Petersen said the change-of-ownership request from STS (Metro's waste transporter) is currently being evaluated. He said the new owner is an investment firm called Churchill, whose firm is being requested to give Metro assurance that STS will continue operating. He said that given the financial difficulties that STS is currently facing, it is very important that Metro receive those types of assurances before going forward with a recommendation from REM. Mr. Petersen said he will be putting forward his recommendation to the Executive Officer sometime this week, and to the Council on December 6, 2000. There were no further questions.

Mr. Petersen said he wanted to remind the committee about future agenda topics and issues that might be coming before the SWAC in 2001. He asked the members if there were additional topics of interest during the first half of the new year they would like included besides:

- Metro/Local Government Waste Reduction Plan.
- Review of Metro's Regional System Fee Credit Program. This is the credit that Metro provides the material recovery facilities (MRFs) on the payment of the regional system fee based on how much recovery the facilities achieve. He reminded the committee that this is a one-year program that sunsets each year. The Metro Council has approved extensions of that program without any extensive review for the past three years. Mr. Petersen asked the committee to give staff members some advice on whether or not that program should be reinstated for another year.
- REM Strategic Plan. Mr. Petersen said that during the last half of 2001, REM staff will be implementing the strategic plan that Ms. Janet Matthews will be coordinating. He said there are many policy issues involved in this undertaking, including whether or not Metro should continue owning transfer stations, a topic SWAC will discuss.

Mr. Petersen said that unless committee members have any additional comments, he will recommend to the new SWAC Chair in January that we hold SWAC meetings every other month due to fewer discussion topics. Mr. Petersen said he will continue to provide SWAC members with information updates on what the department is doing through a different medium than monthly meetings.

Mr. Petersen invited comments.

Mr. Gilbert commented that he would like the committee to pursue ideas on how to escalate and support recycling throughout the region. He suggested an emphasis on recycling should always be on the table.

Mr. Kunz suggested that discussion should be pursued on the impact on the region of any new legislative efforts DEQ and others may have.

Chair Washington asked Mr. Kunz what medium might be used to bring this information to the committee.

Mr. Kunz suggested that DEQ staff might be able to make periodic presentations on some of the realistic proposals that are being considered through legislation.

Mr. White stated that it is important to keep SWAC updated on the work of the Rate Review Committee.

Chair Washington commented that he does not have any idea as to who will be asked to Chair the SWAC next year. But he would suggest that SWAC, at its first meeting of the new year, invite the newly elected Presiding Officer to make a presentation and explain the new focus that the Council will have as the result of Metro's newly adopted Charter amendment. He said the new amendment does not take place for another two years, but the Council will be refocusing and reorganizing to accommodate the changes. There will be six Council district representatives and a Council President who will be elected region-wide. It is the Chair's perspective that there may be more emphasis and direction to the Council than what has happened under the current Charter.

Mr. White asked that SWAC be kept up to date on the Rate Review Committee's discussion of the new tip fee and the regional system fee credit program. He suggested that if SWAC would only be meeting every other month that these discussions be relayed to the committee so it could be kept on RRC recommendations.

Chair Washington suggested that a joint meeting of SWAC and the Rate Review Committee be the first meeting of the year if that is possible.

Mr. Petersen said a January meeting would definitely take place. He said that hopefully agenda plans would be set forth by that time so the committee would have a better idea of what issues are coming up in the year 2001 for REM

Recovery Rates

Mr. Metzler said he would like to discuss how Metro will move forward based on the discussion at the last SWAC meeting. He said the main topics covered at that time were the recovery rate proposal, changes to the system fee credit rate calculation, and the main issue, whether the new 25% facility recovery rate will work as intended to ensure recovery from mixed dry waste. Mr. Metzler showed a PowerPoint presentation (see Attachment A).

He said that the discussion revolved around "what counts" toward that recovery rate. It was staff's perception that committee members agreed with the concept of the 25% recovery rate proposal; however, there was some confusion with regard to the definitions of recovered materials, and therefore, no recommendations were made at the October SWAC meeting.

Mr. Metzler said that at the October meeting members requested additional clarity and uniformity for the definitions of what counts. He said staff proposes that the recovery rate remain unchanged for now and focus on resolving the definitions question.

Staff is proposing that Metro continue to use a single recovery rate to calculate the Regional System Fee Credits and the excise tax. Excise tax credits and the 25% minimum material recovery rate will be based on the same formula.

Staff will begin contacting facility operators immediately to revise (if necessary) and standardize certain material category definitions. It has become apparent at last month's discussions that materials are being described differently from facility to facility. Metro will endeavor to visit each of the facilities to ensure that each facility is consistent one with the other, and take measurements to understand if any other changes need to be made. After this study is completed, staff will bring a recommendation to SWAC for approval and forward its recommendations to the Council.

Ms. Herrigel asked Mr. Metzler how they would accomplish establishing definition standards throughout the industry?

Mr. Metzler said that all facilities report recovery from all material categories to Metro for calculation of the regional system fee credit. He said staff will be able to line those up and determine what each facility is calling their different categories, which ones are common and which are different.

Mr. White said that both Tri-County Haulers and Oregon Refuse and Recycling Association have members who are both facility operators and haulers. He believes that contacting only facility operators would seem to "step over" some of the players. He would like a report back to SWAC with an update on the findings of staff on the definitions before they are actually applied.

Mr. Schwab noted that there was quite a bit of discussion with regard to the system fee credit program being eliminated if the tip fee were increased. He observed that a lot of effort was being exercised on a program that may or may not stay in the future.

Mr. Metzler said Metro would still impose the 25% recovery rate, whether or not the credit program existed. We will still need to know how best to calculate that 25% minimum recovery rate and make sure that each facility has a clear definition of what materials will be included in that calculation so everyone is on the same playing field.

Mr. Leichner said we need to know if material is source-separated, or is it construction and demolition debris (C&D). He said that one solution is to count all source-separated material, and then move the recovery rate curve up to take that into account. Then you are not so worried about defining what is coming in the door because you are counting everything.

Mr. Gilbert asked if we are looking a definition for in the front door or going out the back door? Also, he suggested that some facilities, such as his own, undertake processing that none of the other facilities do and wanted to know how you standardize that?

Mr. Metzler replied that it is calculated at the back door. He added that staff is not sure it will be necessary to standardize everything, but they will undertake to study the situation and make a

determination based on the results of that study. Mr. Metzler said that if standardizing doesn't make sense, it won't be done. He said that we are talking about "in the door" because that is before processing begins.

Mr. Irvine asked about the time frame for this project.

Mr. Metzler said staff wants to have this project completed within the next three to six months. He said staff would make a report on the findings to the SWAC meeting scheduled for January 2001, before implementing anything new.

Mr. Kampfer asked if there was a list of items that needed to be defined and/or standardized and would a subcommittee be asked to reconvene in order to help resolve this issue?

Mr. Metzler said he didn't believe a subcommittee was needed, especially in light of the study that staff will undertake to gather the information on the named materials. He said we are only talking about certain categories of mixed dry waste, and how you define them. Staff will focus on those areas, put together a list and determine whether or not any changes are necessary. He doesn't believe there will be a long list of materials that are named differently from facility to facility.

Mr. Petersen commented that the conclusion he draws from this is that the more staff looked into the area, they found different ways people are defining materials, so staff put a hold on doing anything until an effort was made to standardize definitions, and then go out and do a good job of measuring what is happening right now, and then look at it again six months from now. He believes Mr. Metzler has the right approach to the problem.

Mr. Petersen, taking over for Chair Washington as he stepped out of the meeting for a moment, asked if there were any additional comments on this agenda item. There were none.

Out-of-District Recycling Credits

Mr. Petersen briefly described the program for the benefit of the new SWAC member, Ms. Olberding. He explained that the Regional System Fee is one of the fees that Metro assesses on all waste that goes into a landfill. It pays for programs such as the waste reduction programs conducted at Metro, as well as our hazardous waste program. The fee is currently \$12.90/per ton and is assessed on all landfilled waste to pay for programs that benefit the whole region.

Mr. Petersen continued that Metro has a credit program, in which the facilities receive a credit on the payment of the fee as they achieve more recovery. He said that during discussions about new regional transfer stations, one of the issues that evolved was whether the credit program should be extended to facilities that are outside the Metro boundary. Currently, the program is applied to only those facilities that are within the boundary. In particular, the discussion was whether to include Grabhorn Landfill in Washington County and Hillsboro Landfill in Washington County, as well as the Vancouver, Washington transfer stations. We have concluded our evaluation, and Mr. Anderson has put together a white paper, which is included in your agenda packet for today's meeting. Mr. Petersen asked that comments on the conclusions presented in that paper

be directed to himself or Mr. Anderson quickly, because staff would like to make a recommendation to Council in early December.

Mr. Petersen said that it is our recommendation that the credit program not be extended to facilities outside the region, primarily because Metro does not have any type of formal or other regulatory relationship with facilities outside the Metro boundary. He said that waste that is delivered to, for instance, the Vancouver transfer station is through a license to the hauler transporting the waste, not through a franchise to the facility. He said that, more importantly, if you look at the rationale on how the Regional System Fee Credit program came into existence, it was due to a reduction in the region's tip fee from \$75 per ton to \$62.50. The region's facilities would be financially affected negatively because their margin of profit would be reduced and this would impair their ability to continue recovery efforts. The Council adopted a one-year program that would provide a "soft landing" for facilities; the Council has continued the program for the past three years due to the facilities' continued efforts toward more recovery. Mr. Petersen said the facilities outside the region were built, financed and operated for other reasons other than the Metro tip fee. He said the Metro tip fee was not what was driving investments in facilities outside the region, which is very different from facilities inside the region, where investments were based on the tip fee remaining at \$75 per ton.

Mr. Doug Drennen, from the gallery and representing Grabhorn Landfill, commented that although Metro is recommending the credits not be extended to facilities outside the region, it is still open to considering certain situations, although that is not spelled out specifically in the white paper. Mr. Drennen asked if that was a correct determination?

Mr. Petersen replied that Mr. Drennen was correct, that Metro might entertain some exceptions. He said one exception might be if Metro has some kind of arrangement with a local government that in effect extends Metro's regulatory authority outside of the current boundaries. He said Metro is currently discussing the possibility of an intergovernmental agreement with Washington County, whereby the County would turn over the regulatory authority for the solid waste facilities that are outside the Metro boundary, but inside the County. He said if that occurred, any facility within Washington County, but outside the Metro boundary, would have the same kind of regulatory relationship to Metro as a franchised facility within the boundary.

Mr. White asked if he could have his memory refreshed, and referred to Page 5 of the draft white paper, third paragraph from the bottom, ". . . it is important to emphasize the purpose of the program to ensure continuation of post-collection of the recovery path . . ." does that sound like the "make whole" portion of what Mr. Petersen was talking about. ". . . and not a direct subsidy of recycling efforts." He said the passage that talks about wanting to encourage additional recovery by making more than whole after 45%. He said he cannot remember how we got to the 45%, and was it just an opportunity to increase recycling.

Mr. Petersen said he believed Mr. White had a couple of issues in that comment, one is the geographic boundaries, and whether Metro should extend the credit program outside the region; the other is the whole issue of whether we change the program from what its original intention was to more of a direct subsidy of recycling and make it a permanent, recognized subsidy of recycling.

Mr. White said he would go a step further than that and say the original intention was to make whole due to the tip fee reduction, but a portion of the plan is to increase recycling. He said currently there is additional incentive, and therefore he sees a primary and a secondary purpose in the credit program. But, as it is now being explained, the only reason for the program was to make facilities whole during some interim period. Mr. White really believes there is a secondary purpose, which is to motivate facilities to incorporate new methods of recovering additional materials that facility owners might not have had the financial ability to undertake otherwise.

Chair Washington indicated that Mr. White was correct in his assessment of the paper.

Mr. Schwab added that most facilities are at that first point of being made whole. And if you go beyond where you already are, the credit was extended to additional recovery percentages. It is Mr. Schwab's opinion that there is enough subsidization of recycling.

Mr. Eric Merrill, from the gallery, representing Waste Connection, the facility in Vancouver, Washington, commented that he was disappointed in staff's recommendation to not extend the credit program to facilities outside the Metro boundary. He said he remembered the intent of the program's initiation differently. He remembered talk of extending the credits to facilities that were coming on-line and the intent was to promote recovery as opposed to the "soft landing" intent that Mr. Petersen earlier described. He said that he saw this as a way for Metro to correct a basic inequity that he sees in the tax. If you impose a tax and then give a credit against that tax, it is still a tax in total. The situation as it stands right now is that there is a basic inequity between in-state Metro facilities and out-of-state/out-of-Metro facilities, and he strongly suggests that Metro take a different stand and correct that inequity.

Mr. Ray Phelps, from the gallery, said he would like to make an observation: There are two parts to this program. There is the primary purpose of the credit, which is to make facilities whole due to the reduction of the tip fee, and the secondary purpose, to increase recovery and expand the program. Having said that, it seems that conversation more or less has to wait until staff completes the recovery rate analysis. Once we have a definition, and we determine whether we can make good on that definition, and improve and increase using those new definitions, then Metro may be able to look at advancing the program. But in the meantime, it is necessary to continue to keep whole the people who established their operation at the higher tip fee.

Other Business and Adjourn

Chair Washington asked if there were any further comments. There being none, Chair Washington asked if everyone would remain seated until he had an opportunity to thank each individual committee member for their participation on the committee and their continued cooperation during his chairmanship of the committee. He thanked the committee for their efforts.

The meeting was adjourned.

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