



METRO

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

Agenda

Meeting: Solid Waste Policy Committee

Date: May 10, 1991

Day: Friday

Time: 7:30 - 10:30 AM

Place: Council Chambers
Metro Center
2000 SW First Avenue
Portland, OR 97201

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|--|--------------------------------------|
| I. Committee Members and Citizen Communications | Judy Wyers |
| II. Approval of minutes from April 12, 1991 | Judy Wyers |
| III. Updates | Rich Carson |
| IV. Approval of change in Policy Committee bylaws to make DEQ a non-voting member | Rich Carson |
| V. Approval of Illegal Dumping Chapter of the Regional Solid Waste Management Plan (draft chapter attached) | Sharron Kelley /
Ron Nagy |
| VI. Adjourn | Judy Wyers |

cc: Solid Waste Technical Committee

JOINT SOLID WASTE POLICY/TECHNICAL COMMITTEE

April 12, 1991

Policy Committee Chair Judy Wyers brought the meeting to order. Ms. Wyers announced that due to an emergency at her work place she would leave the meeting early and requested that Dale Harlan continue chairing the meeting.

Committee Members and Citizen Communications

There were no committee member or citizen communications items.

Updates

Commissioner Sharron Kelley stated the Illegal Dumping Bill (HB 3309) was presented to the House Intergovernmental Relations Committee. Ms. Kelley stated Representative Ron Cease sponsored the Bill to the Committee and will sponsor the Bill on the House floor. Ms. Kelley stated the intent of the legislation was to allow local jurisdictions to determine at their discretion whether the penalties for offenders be through civil or criminal proceedings. Ms. Kelley stated civil prosecution of offenders would require less time to bring to trial and less strenuous evidence and stiffer fines could be handed down.

Action Item - Approval of Illegal Dumping Chapter of the Regional Solid Waste Management Plan (draft chapter attached to agenda)

Commissioner Kelley introduced Ron Nagy from the Metro staff who presented an overview of the Illegal Dumping Chapter. Mr. Nagy gave background information on how the chapter was compiled and what assumptions were made. Mr. Nagy stated that the specific recommendations, page 18, describe that Metro has a policy of levying a \$25 fine for cash customers and a \$100 fine for credit account customers with untarped loads at solid waste facilities and that the word "fine" was incorrect and would be amended with the word "surcharge."

Discussion:

Estle Harlan felt that in the language on construction and demolition debris - improvement of service, page 19, the tone suggested that the franchise system was clogging the system and that the language should be changed as subcontracting is currently available.

Ms. Keil suggested more strength in the waste tire section.

Commissioner Larrance felt that the problem was more of an ability to access a reasonably priced facility to get rid of the stuff. He suggested that to help break the cycle it may be necessary to have drop off sites in other areas for easier access. He felt that the chapter said two things: that Metro coordinate and that Metro enforce.

Mr. Nagy stated that the idea was not that Metro be a center for enforcement, but a vehicle for local governments to be able to process their enforcement more easily. He said that in terms of enforcement, perhaps to develop a model enforcement code that could be adapted or adopted by local governments would be helpful and that a regional hearings officer would be a service and not a requirement.

Larrance stated that it should be a regionwide effort. He suggested some centralization, but that enforcement should be local.

Ms. Wyers stated that cost efficiency was the issue when this was proposed. That it was decided that the most cost efficient approach was to have a common hearings officer. She suggested pro bono work by various attorneys' offices.

Mr. Harlan questioned whether amendments could be made after the chapter was adopted.

Mr. Carson stated that the chapter could be amended after adoption.

Ms. Wyers stated that she was willing to leave the small change until later, but if the changes were substantial that the time should be taken now.

Ms. Crockett suggested that the agendas for the next few Council Solid Waste Committee meetings were full and that there was a question whether or not enough time would be available to docket this item.

Ms. Keil asked whether technical changes made by Dave White were incorporated in this draft. She felt that if time was not critical, that more time should be spent revising the draft.

Mr. Carson recommended that the appropriate changes be made and then to take it back to the Policy Committee's next meeting.

Ms. Harlan felt that convenience of hauling was not an issue and that the convenience section on the top of pages 10 and 19 should be revamped.

Ms. Keil felt that persons illegally dumping were aware of that fact and that stronger enforcement, convenience and uniformity aspect were greater areas of emphasis. She continued by saying that a lot of time and attention were devoted to education and questioned the importance.

Mr. Nagy related that education materials would be developed to show people that illegal dumping was socially unacceptable and would inform that this is a criminal act and list the penalty. Mr. Carson felt that education at the elementary school level was the place to start.

Ms. Whitworth offered DEQ's assistance in updating the waste tires information on pages 14 and 19. She stated that DEQ felt that the amount of waste tires statewide was decreasing due to the

reimbursement program and that the statement "that less than half the amount is reclaimed" is currently inaccurate.

Ms. Wyers expressed concern that the document did not give enough information to local governments on how to tackle the clean ups in their areas.

Ms. Kelley suggested a handbook of different sample ordinances.

Ms. Wyers turned the Chair over to Commissioner Harlan.

Discussion of Washington County Policy/Technical Analysis

Mr. Carson asked if persons remaining at the meeting wanted to review this agenda item. He stated that it was mainly an informational item. It was agreed that there would be a question and answer session rather than a presentation.

Mr. Carson asked for questions.

Mr. Carson explained that the cost differential between publicly-owned and operated facility and a privately-owned and operated facility is 62¢ a ton across the whole region.

Ms. Crockett added that in the opinion of financial consultant PFM the above figure was relatively insignificant when making a decision to go public or private.

Mr. Carson stated that Metro has contracted with Waste Management for 90 percent of the region's general purpose waste, and can only allow approximately 8 percent go out of the region. He went on to say that most of the waste in Washington County would have to go to the Arlington Landfill.

Mr. Larrance explained that the rate the region would have to pay for the 62¢ per ton (the difference between publicly-owned and private-owned facilities) is after you subtract out the portion that is property tax, what you have left is less than 1¢ per can region-wide per pick up period of difference.

Mr. Carson went on to say that of the 62¢, 53¢ is primarily property taxes and low income taxes. The cost of money difference between public financing and a public/private partnership is approximately 9¢.

Mr. Harlan felt that everyone needed to be aware of how much subsidy is going on.

Mr. Carson stated that anytime that a facility is brought on-line, there is an increase cost to the system no matter who owns or operates it.

Ms. Crockett stated that a summary of the notebook would be provided to those who wished it. She suggested that those with comments to attend the Council Solid Waste Committee hearing the following Tuesday.

Steve commented that the intent was to develop a 20-year plan. That Eco Northwest determined that two facilities was a good idea and that we should not plan past 10 years. The original plan calls for three facilities with the third coming on-line at the 10-year mark. The third site, proposed for the Sunset Corridor, could be purchased now although the plan calls for it to be reevaluated in 10 years.

Mr. Harlan asked if the timeline of the Washington County process adversely affected the finalization of the expected facilities.

Mr. Carson responded that timing should not be an issue.

Mr. Carson stated that a compromise was made on the financing issue.

The next Solid Waste Policy Committee meeting is scheduled for Friday, May 10, 1991, with Illegal Dumping Chapter on the agenda. The meeting was adjourned.

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METRO

2000 S.W. First Avenue
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Memorandum

DATE: May 1, 1991
TO: Policy Committee
FROM: Rich Carson
SUBJECT: Amendment of Policy Committee bylaws

Stephanie Hallock of the DEQ has requested a change in the status of the agency's members on Metro solid waste planning committees. With the proposed change, the Department will continue to provide valuable input on the committees, but representatives will serve in a non-voting capacity. This is easily accomplished by amending the Policy Committee bylaws to designate the representative of the DEQ as an associate member.

April 11, 1991

Rich Carson
Planning Director
Metro
2000 S.W. First Avenue
Portland, OR 97201-5398

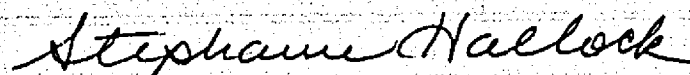
Dear Rich,

After some consideration and discussion with staff, I would like to propose that DEQ participate on Metro's various solid and hazardous waste advisory committees in a technical assistance and advisory role only, not as a voting member. This includes the Solid Waste Policy Committee, on which I sit.

My experience, and the experience of others on my staff, is that it is often awkward and, we believe, inappropriate for DEQ to vote on issues or proposals in which we have a vested interest, or even ultimate regulatory authority, while these issues or proposals are going through Metro's approval process. We believe we can continue to contribute the kind of feedback you and the local governments want without having to be a voting or "official" member of these committees. We see no change in our level of participation, only in our status as a participant.

I don't know what kind of paperwork or discussion is necessary from your perspective to make this change but I would appreciate your letting me know as quickly as possible. Thanks.

Sincerely,



Stephanie Hallock
Administrator
Hazardous and Solid Waste Division

SH:b
G:\HWPD\ZB1\ZB10441
cc: Bob Martin, Metro



811 SW Sixth Avenue
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SOLID WASTE POLICY COMMITTEE

BY-LAWS

ARTICLE I.

This Committee shall be known as the SOLID WASTE POLICY COMMITTEE.

ARTICLE II.

The Solid Waste Policy Committee evaluates policy options and presents policy recommendations to the Metro Council regarding the development of the regional solid waste planning program. Policy options and recommendations will be developed through consensus building and regional cooperation.

The responsibilities of the Policy Committee with respect to solid waste planning are to:

- a. Establish the work program for solid waste planning.**
- b. Monitor and provide recommendations to the Metro Council concerning the solid waste planning process to ensure adequate consideration of regional values such as land use, economic development, and other social, economic and environmental factors in plan development.**
- c. Make recommendations on the development of the regional Solid Waste Management plan.**
- d. Make recommendations on projects and plans affecting regional solid waste management.**
- e. Make recommendations on the compliance of the regional solid waste planning process with applicable state requirements.**
- f. Make recommendations on alternative solid waste policies developed by the Technical Committee for consideration by the Metro Council.**
- g. Review local comprehensive plans for their solid waste impacts and make recommendations for their consistency with the regional Solid Waste Management Plan.**

- h. Recommend needs and opportunities for involving citizens in solid waste issues.
- i. Recommend measures to build regional consensus as to the management of solid waste.

ARTICLE III.

Membership, Voting, Meetings

Section 1. Membership

- a. This committee will be made up of elected or appointed representatives from the Metro Council, local jurisdictions, the Port of Portland and implementing agencies as follows:

Metro Executive Officer	1
Metro Councilor	1
Metro Council Solid Waste Committee Chair	1
City of Portland	1
Clackamas County	1
Multnomah County	1
Washington County	1
Clackamas County Cities	2
Multnomah County Cities	1
Washington County Cities	2
Port of Portland	1
Department of Environmental Quality	1

In addition, ~~the Department of Environmental Quality, Clark County, Marion County and Yamhill County~~ may each appoint an associate member without a vote. Additional associate members without a vote may serve on the Committee at the pleasure of the Committee.

- b. Each member shall serve until completion of the project.
- c. Regular members are encouraged to appoint alternates to serve in their absence. Upon resignation of a Policy Committee member, a new member shall be appointed in accordance with Section 2 of the By-Laws.

d. Unexcused absence from regularly scheduled meetings for three (3) consecutive months shall require the Chairperson to request appointment of a new person to the position.

Section 2. Appointment of Members

a. Representatives shall be appointed in the following manner:

- 1) The representative from Counties shall be appointed by the Chairman of the County Board.
- 2) The representative from the City of Portland shall be appointed by the Mayor of Portland.
- 3) The representative from the Port of Portland shall be appointed by the Executive Director of the Port of Portland.
- 4) The representative from the Department of Environmental Quality shall be appointed by the Director of the Department of Environmental Quality and will serve as an associate member.
- 5) The representative from the Metro Council shall be appointed by the Presiding Officer of the Metro Council.

b. Representatives of Cities within a County shall be appointed by means of a vote of the Mayors of those Cities. It shall be the responsibility of the representatives to coordinate with the Cities within his/her County.

Section 3. Voting Privileges

Each representative of the Committee, except associate members, shall be entitled to one vote on all issues presented at regular and special meetings at which the member or alternate is present.

Section 4. Meetings

a. Regular meetings of the Committee shall be held each month at a time and place established by the Chairperson.

b. Special meetings may be called by the Chairperson or a majority of the Committee members.

Section 5. Conduct of Meetings

a. A majority of the voting members (or designated alternates) shall constitute a quorum for the conduct of business. The act of a majority of the members (or designated alternates) present at meetings at which a quorum is present shall be the act of the Committee.

b. All meetings shall be conducted in accordance with Robert's Rules of Order, Newly Revised.

c. The Committee may establish other rules of procedures as deemed necessary for the conduct of business.

d. An opportunity will be provided at each meeting for citizen comment on agenda and non-agenda items.

ARTICLE IV.

Section 1. Officers

The permanent Chairperson of the Committee shall be the Metro Council Solid Waste Committee Chairperson. A Vice Chairperson shall be appointed by the Policy Committee Chairperson.

Section 2. Duties

The Chairperson shall preside at all meetings he/she attends and shall be responsible for the expeditious conduct of the Committee's business.

Section 3. Administrative Support

Metro shall supply staff, including the Solid Waste Planning and Development Director, who will assist the Chair of the Committee in presenting agenda items as appropriate, record actions of the Committee, and handle Committee correspondence and public information concerning meeting times and places.

ARTICLE V.

Subcommittees

Working groups may be established by the Chairperson as necessary upon request of the Committee. membership composition shall be determined according to mission and need. All such committees shall report to the Policy Committee.

ARTICLE VI.

Reporting Procedures

The Committee shall make its reports and findings and recommendations to the Metro Council.

ARTICLE VII.

Amendments

These By-Laws may be amended or repealed only by the Policy Committee.

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05/03/91



METRO

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

Memorandum

DATE: May 1, 1991
TO: Policy Committee
FROM: Rich Carson
SUBJECT: Revisions to draft Illegal Dumping Chapter

Following last month's presentation of the draft Illegal Dumping Chapter of the Regional Solid Waste Management Plan (RSWMP), staff made several revisions that were based on the Committee's input. Most revisions, which are highlighted in the current draft, involved minor changes to the text but there were the following two significant additions.

- A stronger recommendation to managing waste tires through an approach that would require tire dealers in the Portland metropolitan area to accept one waste tire for every new tire that is sold and mounted. Preliminary research has shown that this type of trade-in program is successful in Minnesota and that, in the Portland metropolitan area, such a program would receive support of the Northwest Tire Dealers Association.
- Language that would make a stronger commitment on the part of local governments in developing and adopting illegal dumping enforcement standards. The Policy Committee recommended that Metro develop an illegal dumping enforcement handbook for local government that will include sample ordinances and information on penalties.

DRAFT

CHAPTER 4

ILLEGAL DUMPING

POLICY

- 4.0 Solutions to the problems of illegal dumping and to other adverse impacts caused by changes in the waste management system shall be developed cooperatively by DEQ, Metro and cities and counties.

* * * * *

PURPOSE

The Illegal Dumping Chapter addresses the problems associated with illegal disposal of solid waste in the Portland metropolitan area. The Chapter was developed in response to concerns that as the costs of waste disposal services increase, incidence of illegal disposal appears to increase commensurately. While it has not been determined empirically that this is the case, Metro recognizes the potential for such a situation.

The Chapter has been developed with the input of state and local government as well as non-profit citizen organizations, and recognizes the roles of all affected parties. The Illegal Dumping Chapter addresses the issue by establishing causes, characterizing various facets of the problem and recommending solutions for appropriate individuals and agencies.

The objective of the Illegal Dumping Chapter is to reduce the incidence of illegal disposal of solid waste in the Portland metropolitan region in order to:

- mitigate an unsightly and potentially health-threatening problem;
- ease the financial burden of abatement on local governments and property owners;
- remove illegal dumping as an obstacle for meeting waste reduction goals;
- capture disposal revenue that is otherwise lost.

The Chapter was developed through methodical identification of the types of materials dumped, establishment of sites where dumping occurs and acknowledgment of affected parties. The issues were prioritized and those receiving a higher priority were subjected to in-depth research and analysis.

Background information was compiled from interviews with local government solid waste and nuisance control staff in the metropolitan area. Recommendations to mitigate illegal dumping in the Portland metropolitan area are presented in the final section of the chapter and are tailored

to appropriate agencies and individuals.

There are some issues the chapter does not address due to regulatory constraints, overlapping of authorities and a need to keep the scope of analysis focused on issues of regional significance. These issues include the following:

- *Hazardous and medical waste* disposal is regulated by federal and state laws that impose criminal penalties for violations. Hazardous waste disposal is not addressed because Metro does not have authority in this area. In terms of regional coordination of penalties, illegal dumping of hazardous wastes should remain a criminal violation, rather than a civil violation, to effectively deter incidence.
- *Roadside litter*, except that which is found in solid waste facility impact areas, is an issue that was separated from roadside illegal dumping. Although specific volume or quantity guidelines were not developed, it is relatively easy to delineate litter from dump sites.
- *Private industrial dump sites*. Some local industries may store or dispose of specific materials on their property. Metro does not have the ability to regulate this practice as the material may be a source-separated recyclable material and may not be considered a waste until an attempt is made to dispose at a Metro facility. Regulation of this practice must be through local industrial zoning codes.

BACKGROUND

Illegal dumping of solid waste is unsightly and unsanitary in addition to creating potential environmental problems. Nationwide, incidence of illegal dumping of solid and hazardous waste has increased along with the cost of environmentally responsible solid waste management. It is believed that incidence of illegal dumping rises with increased disposal fees.

National context

State governments in Massachusetts, Vermont and New Jersey are approaching the problem by establishing rewards and increasing fines. In Georgia, property owners are liable for illegal dumping violations, a situation which results in an incentive for property owners to apply both preventive measures and immediate cleanup. Local governments in Collin County, Texas and Alachua County, Florida focus on community awareness and siting roadside refuse and recycling containers as a tool for reducing the problem.¹

¹ Shirley Hawk, "Making War on Illegal Dumping," *Waste Age*, November 1989, page 108.

In New York City, sanitation police are authorized to impound the cars of violators caught illegally dumping. As many as 314 vehicles were impounded during a two month period in 1990. Fines range from \$600 to \$12,500 may be levied against drivers and owners of vehicles, who must post a bond, pay an impoundment fee and a daily storage fee to reclaim their vehicle.²

Memphis, Tennessee approaches illegal dumping through establishment of an Environmental Court to handle municipal code violations related to health, fire, housing, building and zoning codes. This has resulted in increased overall code compliance and reduced incidence of illegal dumping.³

Nationwide, individuals and agencies involved in illegal dumping issues agree that consequences, costs and environmental effects of illegal dumping must be understood by the population at large so that needed legislation and funding can address the problem.

Local issues

Illegal dumping in the Portland metropolitan area occurs in a wide range of sites, includes a variety of materials and affects broad segments of the population. Initial research identified the following local problems.

- Enforcement of illegal dumping regulations is difficult. One reason is because various local government agencies have this responsibility and neither enforcement mechanisms nor penalties are consistent from jurisdiction to jurisdiction.
- Illegal use of dumpsters at retail, commercial and industrial sites is increasing. This has been identified as a particular problem along commercial strips in Clackamas County.
- Non-profit charitable organizations also report that illegal dumping at their facilities and drop-off centers has increased over the past few years as the region's costs of disposal have increased. A large majority of this material is so contaminated it can not be sorted and must be immediately disposed. The cost of disposing of this waste has had an especially hard impact on these agencies serving lower-income clients.
- Dumping is occurring at vacant lots in low-income residential areas of the region. Illegal disposal is a common occurrence in a wide range of residential areas but it appears that there is a higher incidence in neighborhoods that appear less affluent. Unlicensed "handyman" haulers may be profiting from a situation in which residents who

² "Police Nab Illegal Dumpers," *World Wastes*, August 1990, p. 10.

³ Shirley Hawk, "Making War on Illegal Dumping," *Waste Age*, November 1989, p. 108.

are unable to afford regular garbage service pay such unlicensed haulers to have their refuse disposed. The hauler then illegally dumps the refuse. It is thought that this is occurring as a result of increasing tip fees, unregulated collection by unlicensed haulers and the proximity of vacant lots in low-income areas.

- Incidence of illegal disposal has been increasing along the Sandy River Highway, and Clackamas County roadsides: A traditional method of rural waste management has been disposal of waste on one's own property or self-haul to a disposal site. Due to the lack of conveniently located facilities for self-haulers, the cost and time associated with hauling to regional disposal sites, and the relative abundance of lightly traveled roads, illegal disposal is a problem in many rural areas of the region. The cost of clean-up can be expensive when material is disposed of in steep ravines or gullies.

- Portland parks (Forest Park), Rivergate industrial park, Troutdale Airport, Portland International Airport, and the Hillsboro Airport all experience problems with illegal disposal. Large tracts of park and recreational space are also subject to illegal disposal activity. Illegal disposal sites create a marketing problem for industrial sites and damage wildlife habitat within parks.

- Incidence of illegal disposal of bulky materials such as white goods, tires, and car bodies has been increasing. Bulky items require unique collection practices. Pick up service for these items is not readily available in many parts of the region. Unregulated haulers may provide inexpensive pickup only to later dispose of the items inappropriately.

- Illegal disposal of construction/demolition debris and land-clearing debris as inert fill may be a widespread problem throughout the region because inert fill sites are unprotected and unsupervised. Use of inert fills as disposal sites for mixed waste poses significant risk to the environment.

Metro region context

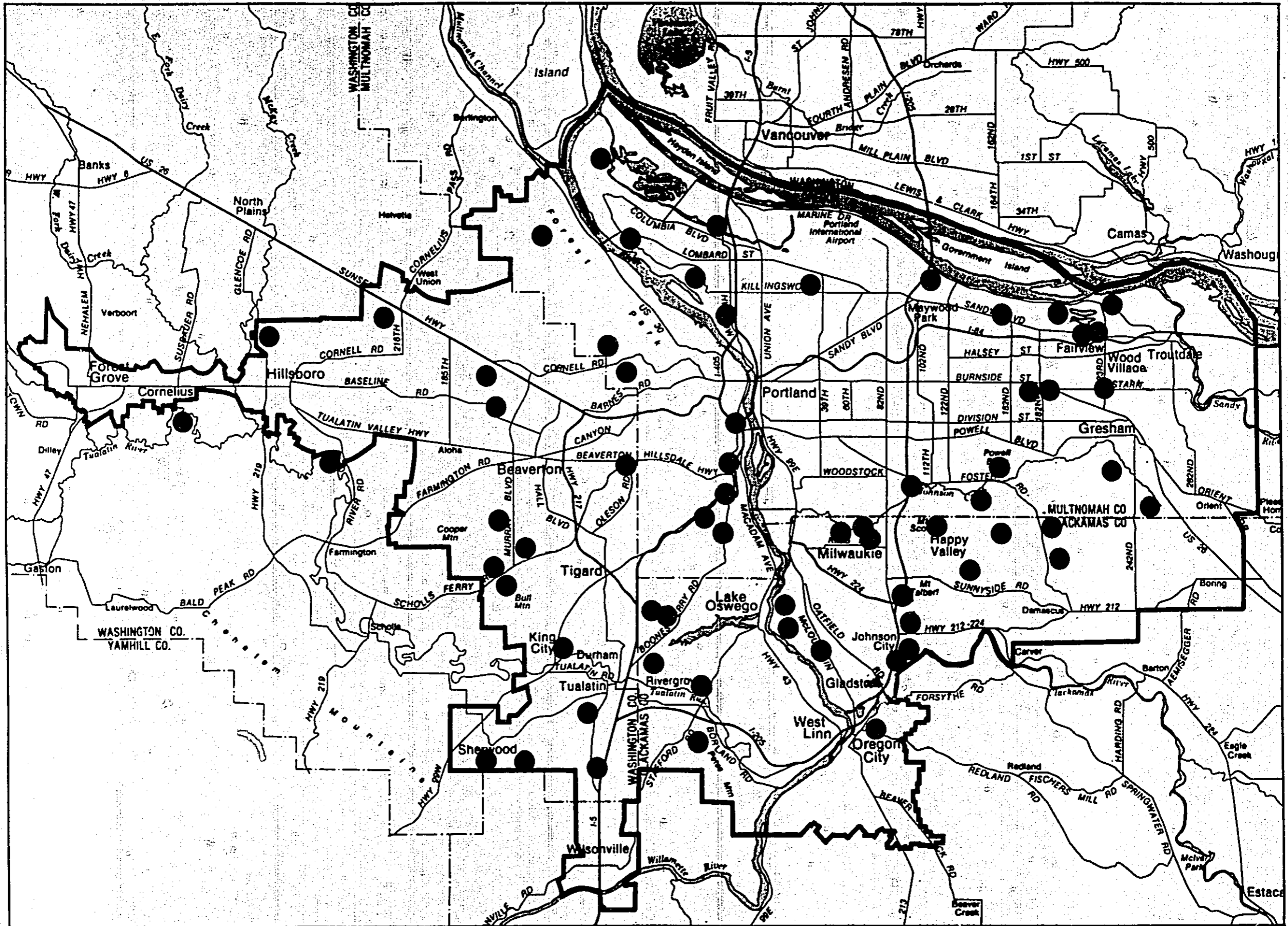
In June 1988 Metro completed a survey of sites where illegal dumping of waste was known to occur. The survey was conducted to establish a baseline of information to determine if illegal dumping would increase with rising tip fees. Metro updated its information base on illegal dumping in 1989 in an effort to:

- measure the effect, if any, of subsequent rate increases on number of illegal dumping incidents;
- establish the location of sites within the Metro area where illegal dumping is a chronic problem; and

- assemble background information to assist in defining the scope of Metro's role.

The initial survey was intended to identify sites and draw no conclusions. The 1989 follow-up survey concluded that illegal dumping was a pervasive problem in the region, but it was difficult to demonstrate that rate increases directly contribute to illegal dumping of refuse by a greater number of individuals.

The following map is a compilation of known illegal dump sites in the Metro region from the initial survey in 1988 to 1991. The map indicates patterns of illegal dumping in both densely populated urban areas and more secluded rural areas of the region. Many of the sites indicated are sites where dumping is a chronic problem, justifying the three-year accumulative identification. The map demonstrates the severity of the issue for the Metro region.



METRO

Illegal Dump Sites *1988 - 1991*

2000 S.W. First Ave., Portland, OR 97201-5398, (503) 221-1646, 1" = 4 mi., 7-87-01

Incidents of illegal dumping are currently handled by a variety of state and local government agencies. The Oregon Department of Transportation is responsible for dump sites that occur on roadsides under its jurisdiction. The Port of Portland is responsible for sites that appear on industrial land owned by the agency. All local governments in the region may prosecute illegal dumpers under ORS 164.785 or 164.805. Below is a description of the problem as it affects major divisions of local government in the Portland metropolitan area.

Clackamas County

Clackamas County has an ongoing program to control illegal dumping. County Solid Waste staff report that most illegal dumping occurs on roadsides and dead-end streets. Improved, but not heavily travelled roads in the County's urban area have shown the highest incidence of illegal dumping.

Illegal dumping in the form of unauthorized use of commercial dumpsters at shopping malls has also become evident, primarily on McLaughlin Blvd.

Clackamas County provides a cleanup crew for dumping which occurs on county-owned property. Enforcement mechanisms are not typically available unless the perpetrator is either caught in the act or identified by an eyewitness. Clackamas County, like other local governments in the region, may choose to prosecute offenders under ORS 164.805 or 164.785 (Placing offensive substances in waters, on highways or other property). Violations under ORS 164.785 constitute a Class A misdemeanor: the convicted illegal dumper may be levied a penalty of up to \$1000 2,500 and one year in jail.

A specific enforcement tool available to Clackamas County is to threaten impoundment of vehicles of persons identified as illegal dumpers. The vehicle would be held to cover the cost of cleanup.

Washington County

Washington County staff report that they have not seen an increase in illegal dumping on public lands although problems continue to exist at specific sites around the County. Disposal costs for the fraction of illegally dumped refuse requiring disposal in a general purpose landfill were an estimated \$6,500 in 1990. A particular problem is seen with individuals who use their own property to illegally dispose their garbage.

The County Health Department enforces a nuisance code which holds property owners responsible for removal of accumulations of refuse or debris. This is the case even if the property owner was not the perpetrator. If a property owner does not clean up an identified site, a citation is issued. A maximum penalty of \$500 per day of violation can be levied against the property owner. If there has been a prior conviction of a violation of the nuisance code within

two years, the penalty increases to a maximum of \$1000 per day of the current violation. Failure to appear at a court hearing or falsifying information related to the violation is cause for additional fines or imprisonment.

Persons caught illegally dumping can be prosecuted under ORS 164.785. Violations, when reported, are typically referred to the County Sheriff's Department. Presently, most violations are unreported and cleanup is left to the property owner.

Multnomah County

There has been a chronic problem with illegal dumping at access turnouts along the Sandy River Highway, at the eastern edge of the Metro boundary. In March 1989, an accumulated six tons of illegally disposed refuse which included household garbage, white goods and animal carcasses cost Multnomah County approximately \$8000 to clean up. The County has had some degree of success in containing the problem by installing barricades at the sites.

If an illegal dumper is apprehended and convicted in Multnomah County, they are subject to a \$500 fine for offensive littering under ORS 164.805, as well as a \$500 civil fine for illegal accumulation of solid waste.

County nuisance control staff suggested that additional reports of illegal dumping incidents in the Columbia Gorge National Scenic Area are possibly being channeled to the Forest Service or to Mt. Hood National Forest. In 1990, enforcement personnel at Mt. Hood National Forest reported more than 775 incidents of illegal dumping in the ranger districts on the urban fringe. The majority of incidents occur on the Larch Mountain road, the Columbia River Scenic Highway and in the Bull Run vicinity. Illegal use of Park dumpsters for household refuse was also reported. In addition, personnel at the National Forest reported the existence of two major illegal tire piles, one with 3,000 and one with 10,000 tires. The National Forest has litter and sanitation regulations that enable them to require the convicted perpetrator to clean the site or pay the cost of cleaning the site.

City of Portland

Illegal dumping in the City of Portland appears to occur most frequently on vacant property in low-income areas. Portland nuisance control staff report that there has been a marked increase in dumping near abandoned buildings in residential areas.

The City holds property owners responsible for cleanup of illegally dumped refuse. If property owners do not comply with a cleanup order within fifteen days, the City contracts for cleanup and levies a fine of \$200 in addition to the cost of cleanup plus 26% overhead. The City levies additional penalties for repeat complaints.

Metro region context: *Summary*

Illegal dumping issues in the Metro region affect area local governments in two major respects: 1) cost and personnel required to enforce existing regulations, and 2) cost and personnel required to clean up illegal dump sites. Added to these factors is the administrative cost of processing notices and prosecuting identified violators. While no effort was made to estimate the total fiscal impact on the region as a whole, it may be assumed to be significant.

Analysis of regional issues

Analysis of illegal dumping issues in the Portland metropolitan area yielded a list of specific types of *sites* where illegal dumping occurs, types of *materials* dumped, and *affected parties*. Where appropriate, analysis includes discussion that addresses probable causes, which are identified as *economic*, *convenience*, and *behavioral*.

■ Enforcement

Enforcement of state and local regulations that address illegal dumping is difficult at best. For violations that are classified as criminal, judges typically require eyewitness evidence for conviction in criminal cases. Civil violations do not require the same level of proof. Given that most illegal dumping occurs in remote areas, eyewitness evidence is unlikely. Designation of enforcement personnel and their level of empowerment may vary from jurisdiction to jurisdiction. Since most courts are overburdened with cases involving more serious crimes, it is not surprising that most judges consider illegal dumping violations to be a trivial offense and therefore a very low priority; penalties often reflect this attitude.

Mere notification of illegal dumping violations appears to be an effective enforcement mechanism. When suspected violators are notified and informed of potential penalties if convicted, they may be easily persuaded to clean up the illegally dumped waste.

■ Vacant lots (residential)

Illegal disposal in low-income residential areas and other vacant properties in urban, suburban and rural areas is a major issue. This issue was identified as a high priority, requiring an in-depth analysis in order to make recommendations to the appropriate individuals and agencies.

- *Economic*. Dumping in vacant residential lots appears to be a problem primarily in three areas: low-income residential areas with a large number of vacant houses, mixed urban residential areas with large wooded lots and sparsely populated areas on the urban fringe. Primary motivation for illegal disposal in these areas is the inability or

unwillingness to pay the cost of disposal.

- *Convenience.* If adequate collection and recycling service is not available on a regular basis, or if availability and time of pickup is not well understood, generators of solid waste may not be inclined to use conventional services. The alternative is to save waste until there is a sufficient quantity to haul to a disposal facility --- or to dispose illegally. If collection services are not used (use of collection service is voluntary, not mandatory), it is important that self-haul options are well understood.

- *Behavioral.* Reasons for illegal dumps in low-income areas may be traced to individuals who do not have a fundamental understanding of the environmental and economic consequences of their actions. When an area appears to be unkempt due to litter and illegal dumping it invites further activity. It must be stressed that these individuals are not necessarily residents of low-income neighborhoods. Lack of education and a general sense of disenfranchisement from public agencies may play a role.

■ Open areas (public)

This category includes illegal disposal in parks, playgrounds and natural areas. Analysis and subsequent recommendations are focused on areas within the Metro boundary, but information regarding illegal disposal in open areas outside the boundary was not excluded.

- *Economic.* Open public areas offer ample opportunity to dispose bulky wastes for both visitors and persons who live near these areas. It may be surmised that motivations to illegally dispose of waste in public open areas are largely based on economic considerations. The cost of disposing bulky materials by persons who live in rural areas that are adjacent to open areas may influence the illegal disposer to make the wrong choice.

- *Convenience.* Convenient collection service may be limited or unavailable to persons who live near or adjacent to public open areas, but this is unlikely. This could possibly lead to use of less visible public open areas as dumps. ~~An additional factor may be that users of public open areas may illegally dispose or litter if convenient refuse disposal containers are not available.~~

- *Behavioral.* Persons living adjacent to open areas have traditionally enjoyed the freedom to accumulate refuse on their property. It is known that when a refuse pile is visible it invites further dumping in the vicinity. Users of open areas may not understand the implications of their behavior when they carelessly dispose of solid waste, or they may willfully dump refuse knowing that the act is illegal. This may be due to the lack

of a sense of "ownership" with public areas, or a general sense of disenfranchisement from public agencies who manage open areas.

■ Roadsides

Illegal disposal on roadsides includes: (1) refuse on roadsides as a result of solid waste and recycling activities; and (2) litter and other illegally disposed refuse found on roadsides.

- *Economic.* Economic motivations that may be associated with illegal disposal on roadsides may be similar to those described above. Additionally, citizens who self-haul solid waste or any other type of load may not be able to afford adequate equipment for the purpose. Transient camps in highway right-of-ways presents an additional problem with an economic cause.
- *Convenience.* If a load is inadvertently scattered or lost, it may be both inconvenient and hazardous to retrieve. Also, individuals may illegally dispose of litter in small or large quantities unless disposal containers are conveniently located at highway turnouts.
- *Behavioral.* Dumping and/or scattering of loads by both private and commercial vehicles is usually the result of carelessness or lack of understanding of consequences. Isolated incidents of deliberate scattering frequently occur.

■ Open areas (commercial and industrial)

This category includes illegal disposal in open areas that are located in or near sites of industrial or commercial activity. Analysis was mainly focused on commercial and industrial areas that are in the vicinity of solid waste and recycling facilities.

- *Economic.* Like the issues of dumping in vacant lots of residential areas and public open spaces, deliberate illegal disposal in commercial and industrial open areas may be the result of inability to pay the cost of conventional disposal.
- *Convenience.* Convenient collection service may be limited or unavailable to persons who live near or adjacent to commercial or non-waste disposal industrial open areas. This could possibly lead to use of less visible open areas as dumps.
- *Behavioral.* Some commercial or industrial open areas may not be well kept. This may invite illegal dumpers to add seemingly insignificant amounts to what appears to be an existing dump.

■ Bulky materials (Furniture, appliances, autos)

Furniture, appliances, tires and other large bulky items that are abandoned or otherwise illegally disposed comprise this category. These items constitute a significant amount of illegal dumping in the Portland metropolitan area.

- *Economic.* These materials can be costly to dispose, especially if pick up is required. Though it is obviously wrong, the alternative of casting off bulky materials in the sites identified may seem an inexpensive solution to illegal disposers.
- *Convenience.* In addition to cost, as discussed above, disposing of bulky materials may occur if adequate service is not available. This may be especially true in rural areas.
- *Behavioral.* Some illegal disposers may travel great distances and expend much effort to dispose of bulky items that may ~~could~~ even possibly be recycled or sold. This indicates a fundamental lack of understanding of cost of disposal, environmental consequences and social responsibilities.

■ Construction and demolition debris (C&D)

Included in this category is debris from construction, demolition and land clearing that is illegally disposed. This aspect of illegal dumping was analyzed in the context of management practices identified in chapter 3, Special Waste.

- *Economic.* Illegal disposal of C&D materials is usually perpetrated by private individuals and disreputable contractors who do not wish to incur the costs of disposing unusable or unwanted materials from small construction and/or demolition projects.
- *Convenience.* Disposal of C&D material is not always convenient. Material must either be hauled or picked up from the site by a haulers or recyclers. Currently, there are haulers and recyclers who specialize in serving construction and demolition sites. A problem lies in the fact that the sites may be within a franchised collection area, resulting in potential violation of a collection franchise agreement.
- *Behavioral.* Illegal disposal of C&D materials is perpetrated by individuals involved in home improvement projects as well as construction and demolition contractors. In either case it is difficult to justify that it is a convenient alternative in view of the fact that some illegal disposers travel great distances and expend much effort to dispose of material that may be recycled or sold. This indicates a ~~fundamental~~ lack of understanding of value of recyclable material, cost of disposal, environmental consequences and social responsibilities.

■ Mixed solid waste in inert fills

This category includes municipal solid waste mixed with material designated as clean fill and deposited at inert fill sites.

- *Economic.* In addition to major disposal sites like Lakeside Reclamation Landfill, there are many small, effectively unregulated inert fills in the metropolitan area that accept material for no charge. When putrescible solid waste is mixed with desired material (dirt, rocks, concrete) odor and leaching problems arise. Some disposers may consider mixing solid waste with inert fill an economical means of disposal.
- *Convenience.* As indicated above, mixing in quantities of solid waste may serve as a convenient means of disposal for those using the inert fill legitimately. Another side of the problem is that inert fills are widely distributed throughout the region and offer ample opportunities for illegal disposers of household, commercial or industrial wastes.
- *Behavioral.* Mixing putrescible waste with fill material may be the result of unintentional contamination or a deliberate act to conveniently dispose waste that is not approved for inert fills. This indicates a fundamental lack of understanding of cost of disposal, environmental consequences and social responsibilities.

■ Non-profit charitable organizations

Illegal disposal of refuse and abandonment of useless articles at charity recyclers creates an economic burden for non-profit benevolent organizations. Although this issue was identified as significant, it was not subjected to analysis for the development of the Illegal Dumping Chapter. Instead, Metro has undertaken an effort to provide recycling credits towards the cost of disposal, an approach that recognizes the amount of material these organizations reuse and recycle in comparison to the amount of material that cannot be processed.

■ Illegal use of dumpsters

Illegal use of dumpsters in parks and at commercial and industrial areas places an economic burden on those responsible for maintenance. In effect, the operators of these sites subsidize the portion of the population choosing illegal disposal over responsible behavior.

- *Economic.* Many individuals dispose household waste in dumpsters located in shopping malls and other commercial districts. Illegal disposers of this sort typically do not choose to have residential collection service.

- *Convenience.* Convenient collection service may be limited or unavailable to persons who illegally use dumpsters.

- *Behavioral.* Illegal use of dumpsters is difficult to justify in view of the fact that some illegal disposers travel great distances and expend much effort to dispose of items that may even possibly be recycled or sold. This indicates a fundamental lack of understanding of cost of disposal, environmental consequences and social responsibilities.

■ Waste tires

Waste tires represent a significant solid waste problem. Approximately two million tires are discarded in Oregon each year; ~~less than half that amount are reclaimed.~~ A significant portion of discarded waste tires is currently being reclaimed, mostly for fuel. Many of those that are not reclaimed are illegally disposed.

- *Economic.* Cost of pickup for waste tires currently ranges from \$3 to \$5 each. If an individual chooses to self-haul to a transfer or disposal facility, the cost is \$1 per tire or \$3 per tire on the rim. Truck tires are more costly to dispose. In the absence of a tire deposit or other incentive to recycle waste tires, individuals may choose to stockpile tires.

- *Convenience.* Disposing waste tires is currently inconvenient. Refuse collectors are reluctant to pick them up since they are legally restricted to carrying fewer than nine tires without obtaining a permit.

- *Behavioral.* When individuals purchase new tires, there is an inclination to keep their old tires rather than giving them to a tire dealer. Waste tires may also be illegally disposed by irresponsible individuals who derive pleasure in casting rolling objects from a moving vehicle. It is necessary to target the segment of the population prone to such activities with an educational campaign.

■ Untarped loads at solid waste facilities

Uncovered loads arriving at transfer and recycling facilities result in a significant amount of litter that is blown off the open vehicles. This is a problem with both commercial waste haulers and individual who choose to self-haul. Metro is currently developing a policy to assess penalties for untarped loads.

CONCLUSIONS

Throughout the country, illegal dumping is an issue that appears to be growing in significance. It is generally agreed that there is a need to educate the public as to the consequences, costs and

environmental effects of illegal dumping so that necessary enforcement and funding mechanisms can be developed to address the issue.

Illegal dumping also continues to be a problem in the Metro area, ~~but there does not appear to be any empirical evidence that correlates rising tip fees and an increasing number of dumping incidents.~~ If rising disposal fees do indeed affect the incidence of illegal dumping, then it may be assumed that the problem will continue to increase in proportion. An analysis of collection options would be a meaningful exercise in addressing potential solutions to illegal dumping in the metropolitan area.

The analysis conducted in developing this chapter has identified materials, affected parties and locations in the Metro area where illegal dumping is a chronic problem, and has shown that the largest issues are enforcement, lack of effective penalties, lack of knowledge of appropriate disposal options, dumping in vacant lots in residential areas, public and private open spaces, waste tires and litter at solid waste facility impact areas. Reasons for illegal dumping fall into three major categories: economic, convenience and behavioral. Problems associated with lack of education and consistent enforcement represent a major obstacle to reducing incidence of illegal dumping.

RECOMMENDATIONS: Regional Illegal Dumping Work Program

This section includes recommendations for solutions to illegal dumping, outlines the Regional Illegal Dumping Work Program and addresses roles and responsibilities. Each issue was analyzed according to three factors: *economic*, *convenience*, and *behavioral*. Using this method, non-enforcement recommendations were developed according to the following scheme:

<i>Cause</i>	<i>Solution</i>
Economic	Funding / incentives
Convenience	Improvement of service
Behavioral	Education / promotion

Where recommendations involve enforcement mechanisms, that recommendation is outlined in the enforcement section.

The following general recommendations were identified as potential solutions to illegal dumping in the Portland metropolitan area as a result of analysis of causes.

Enforcement

There is a need for both increased enforcement of existing laws and coordination of penalties.

Currently, the state and each local jurisdiction handles illegal dumping through different divisions, a situation which may result in less effective interagency coordination on illegal dumping issues that are interjurisdictional. Another facet of the issue is that local budget constraints result in placement of illegal dumping enforcement as a lower priority. This situation is exacerbated by the fact that it is difficult to get a conviction for illegal dumping violations without eyewitness identification. An additional enforcement consideration is that, as responses to illegal dumping violations increase, illegal dumpers may travel farther from the urban area resulting in a higher level of illegal dumping on both public and private forest lands outside of the Metro boundary. The following recommendations address enforcement.

- Develop or amend nuisance codes to enhance the ability of local jurisdictions to enforce against illegal disposal. Currently, nuisance codes in most jurisdictions are not easily enforced. An exception is Clackamas County, which has the ability to confiscate vehicles to cover the cost of clean-up of an illegal dump site.
- Consistent penalties. A need for development of a model illegal disposal ordinance with provisions for consistent and effective penalties has been a major focus of the Illegal Dumping Task Force / Subcommittee. Such an ordinance would support legislation aimed at increasing penalties as well as help clarify authorities and eliminate the problem of lower fines administered by the state taking precedence over higher fines that are administered locally.

Education / Promotion

The most effective means of addressing issues that have been identified as having behavioral causes is to educate the public as to costs and consequences of their behavior in addition to promotion of the appropriate recycling and disposal practices.

- Public education. Greater awareness of the environmental and economic consequences of illegal dumping could result in fewer incidents. Many individuals who dispose of yard debris in ravines do not consider their actions to qualify as illegal dumping. A public campaign to inform the public of the location of transfer stations and other disposal sites would also result in a decrease in illegal dumping.

Educational programs should target potential illegal dumpers. For instance, young persons with an interest in working on automobiles should gain an understanding of appropriate junk car and waste tire disposal practices. Individuals and businesses that do yard maintenance work and landscaping should be targeted with materials describing appropriate yard waste recycling and composting options. The public at large needs to be better informed of options for recycling and disposal of bulky materials including furniture and appliances.

- Hotline for reporting illegal dumping. More incidents of illegal dumping would probably be reported if an easily remembered public hotline were made available. The hotline number could be directly referred to nuisance abatement enforcement personnel.

Preventive measures

Illegal dumping has been reduced in some cases through installation of barricades. This is a costly solution initially but may result in lower long-run cleanup costs.

- Barricades and improved lighting at known sites of illegal dumping activity have demonstrably reduced the number of dumping incidents. Barricades may either be temporary or permanent. If permanent barricades, such as concrete highway dividers or guardrails, are installed, aesthetics and maintenance must be considered.
- Increased signage may deter potential dumpers. Signs should reflect the severity of penalties and potential for rewards.

Improvement of Service

Convenience has been identified as a major cause of illegal dumping. If service can be improved to the point that it is as convenient to recycle and dispose of refuse, the option of illegal dumping will be less attractive. Improvement of service may include instituting more efficient refuse and recycling collection systems, an issue that has been identified as needing further analysis.

- Region-wide annual clean-up events. Currently, localized clean-up events are sponsored by neighborhood organizations. More coordinated cleanup events are sponsored by Stop Oregon Litter and Vandalism (SOLV). More frequent cleanup events that are coordinated on a region-wide basis would offer an opportunity for a greater number of individuals, businesses and organizations to have an effect on existing dump sites and increase public awareness of the problem. Metro, local governments and haulers could combine forces to promote cleanup events similar to household hazardous waste collection events.
- Enhanced recycling incentives. If it was more convenient and economically viable for waste generators to recycle, fewer individuals would be prone to dispose of recyclable items illegally. Deposits on items such as tires and appliances may fall in this category. This would provide a strong incentive to recycle the item.
- Conveniently located disposal and recycling facilities. Distance from site of generation to disposal and recycling facilities may act as a disincentive to responsible disposal practices. Recycling and disposal containers may be located in areas where there is a

high incidence of illegal dumping. Such containers have proven to be effective in deterring illegal dumping along highways in rural Bulloch County, Georgia. The County maintains the containers under the premise that it is more cost-effective than cleaning up illegal dump sites.

For the Metro area, such an arrangement would constitute a change from current practice: local governments would have to weigh the cost of providing and maintaining containers with the cost of remediating rural illegal dump sites. An option is to levy an established percentage of the cost to a special benefit district of property owners who would rather maintain dumpsters than continually clean up illegally dumped refuse from their property.

Funding / Incentives

For those problems that have been identified as economic in nature, means of providing funding and/or economic incentives to appropriate parties is addressed.

- Subsidies for low-income households. Some illegal dumping may occur because of economic hardship. If required collection service is instituted, the financial burden will increase. This issue would require extensive policy analysis.
- Metro should continue to fund local community cleanup events. Metro includes funds in its annual budget to support community cleanup efforts.

Specific recommendations

The following recommendations target specific issues identified and analyzed in this chapter.

- Untarped loads at solid waste facilities

Uncovered loads arriving at transfer and recycling facilities result in a significant amount of litter that is blown off the open vehicles. This is a problem with both commercial waste haulers and individual who choose to self-haul. Metro is currently proposing an approach to discourage litter at facilities by levying a \$25 **fine surcharge** for cash customers and a \$100 **fine surcharge** for credit account customers with untarped loads.

The approach of levying a **fine surcharge** may be more effective than other measures. If untarped loads were refused altogether, loads that would otherwise have been disposed properly may be subject to illegal disposal by frustrated individuals. It is recommended that the practice of levying fines for uncovered loads be used.

- Bulky materials (Furniture, appliances, autos)

Improvement of service. Pick up service should be enhanced, especially in areas outside of the City of Portland. Currently, individuals who live in Portland and wish to recycle or dispose of an appliance may have it picked up for a nominal charge by one of two recyclers. Alternatives include free drop off at Metro transfer stations or drop off at one of two scrap recyclers. Individuals outside of the immediate Portland area are currently not as well served.

Education / Promotion. Education of recycling/disposal options and consequences of illegal disposal of these items should be a priority. Metro's Recycling Information Center currently receives 2-3 calls per day requesting information on recycling/disposal options for appliances alone. This indicates a need for better promotional efforts.

Funding / Incentives. Incentives for haulers to establish improved on-call service for pick up would result in less illegal dumping, particularly in areas outside of the City of Portland. Currently, there are only 2 recyclers providing pick up service for appliances in Portland.

- Construction and demolition debris (C&D)⁴

Enforcement. To stem illegal disposal of C&D materials, it is necessary to target construction and demolition permitting practices. **Authorization Applications** for building and demolition permits ~~compliance~~ could include a statement of how a contractor is disposing any C&D materials.

Improvement of service. Haulers and recyclers who specialize in serving construction and demolition sites ~~are thwarted by the fact that a site may have a need to operate~~ be in a franchised collection area, resulting in a **potential** violation of a collection franchise agreement. This situation must be addressed in such a way as to both stem incidence of illegal dumping and to enhance recycling of C&D materials. A process to allow C&D recyclers to subcontract with franchised haulers should be **considered more clearly defined, possibly in renewals of franchise agreements.**

- Waste tires

In 1987 the Oregon Legislature passed House Bill 2022 to address the problem of waste tires, setting up the Waste Tire Program. Through the Program, DEQ requires a permit for storage and transport of more than 100 tires. Exceptions to the **hauling permit**

⁴ Roles, responsibilities, recycling practices and regulatory recommendations for C&D materials are addressed in Chapter 3, Special Waste.

requirements include government carriers, persons hauling to retreaders, and persons hauling fewer than 5 tires. ~~tire dealers with fewer than 1500 tires, and recap shops with fewer than 3000 tires.~~ Refuse haulers are required to obtain a permit if they carry more than 9 tires at one time. Exceptions to the storage permit requirements include persons with fewer than 100 tires, retail tire dealers with fewer than 1,500 tires and retreaders with fewer than 3,000 tires stored outdoors.

Activities of the program are mainly concentrated on cleanup of large tire piles, which constitute a significant health and fire hazard. Cleanups have occurred ~~so far in Deshutes County, Redmond, Polk County and Klamath Falls~~ several parts of the state. Currently, DEQ has not participated in community cleanup efforts. A point system for prioritizing abatement efforts and allocating necessary funds has been developed by DEQ. The point system gives a higher priority to cleanup of large piles.

Metro entered into an intergovernmental agreement with DEQ in March 1990 for shared funding of a waste tire recycling project. The project entails development of road construction specifications for the application of rubber-modified concrete in highway construction.

While DEQ's Waste Tire Program is effective in controlling larger tire piles throughout the state, there is no indication that it has an effect on small scale, isolated incidents of illegal dumping. Further analysis of how the Waste Tire Program affects illegal dumping in the Portland metropolitan area reveals the following:

- DEQ's Waste Tire Program is currently more focused on cleaning up large tire piles than with assisting in community cleanup efforts that may produce small quantities of waste tires. The department may get more involved in projects that involve smaller quantities in the future after larger tire piles are remediated.
- DEQ may be able to assist local governments with funding for waste tire cleanup efforts. The particulars of this sort of arrangement need to be investigated. There is a need for government agencies affected by illegal dumping of tires to express the nature and severity of the problem to DEQ.
- There should be an easier means of disposing or recycling waste tires available for people in the Metro area. Getting tires out of the hands of potential dumpers would involve tightening the trade-in arrangements for people buying new tires.

DEQ's Waste Tire Program should shift its focus to include community cleanups. This often involves small scale, isolated incidents of illegal dumping of tires but cumulatively, this translates into a significant problem in to Metro region. Another consideration is that, since most tires in the state are purchased in the Portland metropolitan area, most

of the funding for the Waste Tire Program is derived from residents of the region. It follows that the greatest number of illegal dumping incidents involving waste tires occurs in or near the Metro region. Therefore, the Waste Tire Program should make cleanup of illegal disposed tires in the Metro region a priority.

A potential solution to the problem of illegally dumped waste tires is to institute a program whereby tire dealers accept one waste tire for every new tire they sell and mount. This policy would not have a significant impact in terms of administrative responsibility on the part of tire dealers, who are currently required by statute to keep records of tires sold for the purpose of administering the surcharge on new tires that pays for the DEQ Waste Tire Program. Tire dealers could pass their cost of disposal through to customers.

Roles and responsibilities

To successfully reduce illegal dumping in the Portland metropolitan area, the work program must identify roles and responsibilities of each entity that does or may affect the issue. The following section describes the roles that Metro, local governments, DEQ, citizen groups and waste haulers should take.

■ Metro

Through the solid waste planning process, Metro has taken steps to identify the issues associated with illegal dumping by providing coordination and a forum for state and local agencies and concerned citizens to discuss the issues and develop broad solutions. Enforcement of illegal dumping regulations and nuisance codes is a function of local governments, therefore Metro can only assist in this area if enforcement and penalties are coordinated throughout the region.

Metro's direct roles are to:

- Mitigate litter problems at solid waste facilities. Metro currently has contractual provisions to minimize litter in solid waste facility impact areas for Metro facilities. Metro will continue this emphasis at Metro-owned facilities as well as enhancing language in franchise agreements with non-Metro facilities to assure that all solid waste facility impact areas in the region are addressed.
- Continue to provide education and promotion of proper solid waste reduction, disposal and recycling practices.
- Continue to assist with funding local government and citizen group community cleanup efforts. Metro budgets for assistance with cleanup of illegal dump sites each fiscal year. Metro should continue to respond to illegal dumping through this mode.

- Support legislative actions to increase penalties and provide for civil penalties for certain violations.

Metro's potential roles are to:

- Establish a process for a regional hearings officer if all local governments agree to a coordinated enforcement standard. Metro can effectively reduce the work load of local justice systems by providing a regional hearings officer to handle illegal dumping violations.
- Develop a model regional enforcement code. Local governments presently address illegal dumping violations through a variety of means. The City of Portland works through its bureau of buildings, Washington County through its Health Department, and Clackamas County through a solid waste department. If regulations concerning illegal dumping were developed in a consistent format, it follows that enforcement would be more consistent. Metro has had success in developing model ordinances for issues of regional concern. Developing a model illegal dumping enforcement code would be an appropriate role for Metro.
- Analyze the various refuse collection options, their cost, efficiency, impact on illegal dumping and potential for recovering lost system revenues. Alteration of solid waste collection service is a potential solution to mitigate illegal dumping. ORS gives authority to cities and counties for establishing the level and character of collection service; Metro could perform this analysis in order to provide cities and counties with a factual basis from which they may consider adjustments to their collection services.
- Initiate a program whereby tire dealers within the Metro boundary will accept one waste tire for every new tire sold and mounted. Traction tires would be excepted from the requirement. This measure would help reduce the number of waste tires that are illegally dumped by channeling a greater number of waste tires to tire dealers who are better able to recycle or dispose of them properly. The one-for-one trade in requirement would not be an additional administrative burden since, currently, tire dealers are required by statute to keep accurate records of tires sold.

■ *Local Government*

Local governments are directly affected by illegal dumping; they respond to complaints, identify sites, provide crews to clean sites and pay or recover the costs. Recommended local government roles are to:

- Support Metro's efforts by working cooperatively through the planning process to establish an illegal dumping enforcement process that is consistent regionwide as well as

adopting and implementing any resulting ordinances.

- Support and adopt a regional illegal dumping ordinance with enhanced enforcement standards and consistent penalties.
- Support legislation to increase penalties for illegal dumping and impose civil penalties for certain illegal dumping violations.
- Continue to enforce illegal dumping through local nuisance codes. Until a model enforcement code is developed by Metro and adopted and implemented by local governments, cities and counties need to continue to identify dump sites and prosecute violators.
- Continue to provide waste reduction and recycling educational and promotional information outlined in local government waste reduction programs. Increased recycling and waste reduction programs should reduce the overall amount of illegal dumping. continued education and promotion will help to achieve these goals.
- Initiate further mitigation efforts. As part of the waste reduction programs for local governments, cities and counties are providing some portion of an FTE to focus on solid waste and recycling issues. The person in this position could provide a valuable link between nuisance abatement and waste reduction efforts through coordinated information and facilities.
- Enhance efforts to license or regulate "handyman" haulers. It has been demonstrated through investigations by the Port of Portland that part-time "handyman" haulers contribute significantly to illegal dumping. Local governments should have available regulation through business licenses or itinerent⁵ merchant ordinances. Regulation would ensure that such haulers will use appropriate means of disposal. The City of Portland intends to address this problem through current development of franchise agreements. Their method of addressing the problem of "handyman" haulers may serve as a model for the rest of the region.

■ DEQ

DEQ can affect illegal dumping through existing programs, such as the Waste Tire Program, which is up for reauthorization in 1990-91 legislative session. This program can be expanded to provide funding and assistance with community cleanup efforts for a what constitutes a major factor of the illegal dumping issue.

⁵ An itinerent merchant is typically an unlicensed travelling salesperson. Handyman haulers would be classified as itenerent merchants.