



METRO

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

Agenda

Meeting: **Solid Waste Technical Committee**
Date: **August 23, 1991**
Day: **Friday**
Time: **9:00 AM to 10:30 AM**
Place: **Council Chambers
Metro Center
2000 SW First Ave.
Portland, OR 97201**

- I. Updates
Rich Carson /
Becky Crockett
- II. Approval of minutes from June 28, 1991
Rich Carson
- III. Approval amended draft Illegal Dumping Chapter
of the Regional Solid Waste Management Plan
Sharron Kelley /
Becky Crockett
- IV. Approval of amended draft Model Zoning
Ordinance for siting solid waste facilities
Jim Rapp
Henry Markus
- V. Adjourn: Next meeting September 27, 1991

SOLID WASTE TECHNICAL COMMITTEE CALL THROUGH LIST

Name	Phone #	Fax #	Yes/No
Jim Claypool	796-7700	796-3156	
Jim Cozzetto, Jr.	285-0571	285-3987	
Chuck Donaldson	229-5782	229-6124	
Renee Dowlin	231-5000	731-7466	
John Drew	643-9944	646-2975	
City of West Linn	656-4211		
Greg Fritts	655-8521	650-3418	
Joseph Glicker	796-7471	796-6133	
Ed Gronke	226-3000	228-2666	
Estle Harlan	654-9533	654-8414	
Merle Irvine	1-981-1278	1-982-7930	
Dean Kampfer	253-5403	No Fax	
Delyn Kies	648-8722	693-4490	
Lynda Kotta	669-2405	661-5927	
Gary LaHaie	284-2228	284-8903	
Tyler Marshall	224-5407	224-0225	
Kevin Martin	640-3519	693-4412	
Tom Miller	644-6161	643-3462	
Dave Phillips	655-8521	650-3351	
James Rapp	625-5522	625-5524	
Steve Schwab	774-4122	788-0170	
Al Smith	796-7764	796-6995	
Multnomah County	248-5050	248-3321	
John Trout	251-2305	251-2301	
Pat Vernon	229-6165	229-6124	

SOLID WASTE TECHNICAL COMMITTEE
June 28, 1991

Committee Members Present

Renne Dowlin, Port of Portland
John Drew, Far West Fibers
Ed Duback, City of West Linn
Estle Harlan, OSSI
Delyn Kies, Washington County
Lynda Kotta, City of Gresham
Gary LaHaie, Citizen
Bill Martin, Washington County
Kevin Martin, Washington County
Dave Phillips, Clackamas County
Jim Rapp, City of Sherwood
Al Smith, City of Portland

Staff Members Present

Mark Buscher, Planning and Development
Becky Crockett, Planning and Development
Karla Forsythe, Metro Council Staff
Bill Metzler, Planning and Development
Ron Nagy, Planning and Development

Visitors Present

Sam Culpepper Wastech
Tom Rapp, City of Sherwood

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Protocols

Updates

Becky Crockett updated the Committee on the Model Ordinance for Siting Solid Waste Facilities. It was sent to the Council Solid Waste Committee; the Committee approved the Ordinance and sent it on to the Metro Council. As Metro's General Counsel has concerns regarding language in the Ordinance, it has been removed from the Council docket and returned to staff for legal review. The Land Use Subcommittee will be contacted to explain what is happening with the Ordinance. After the internal legal review, a meeting of the Land Use Subcommittee will be held to discuss the changes made by the legal staff. The review by legal staff should take about 10 days and the Ordinance would return to the Council Solid Waste Committee in mid-August at the earliest.

Dave Phillips announced that Greg Fritz will be the new representative for Clackamas County on the Land Use Subcommittee.

Ms. Crockett informed the Committee that the Illegal Dumping Chapter of the Regional Solid Waste Management Plan was before the Council Solid Waste Committee who will deliberate on it July 2, 1991 (Public Hearing).

Ms. Crockett informed the Committee that the Household Hazardous Waste Subcommittee had stopped work so that staff could complete a draft chapter. The chapter should be available in a couple weeks and the Subcommittee will then be reconvened.

Ms. Crockett stated that, through Metro's process of putting in place regional goals and objectives, one issue under consideration is consolidation of Metro's current policy committees. It will be difficult for the Solid Waste Policy and Technical Committees, and subcommittees to merge into this comprehensive regional policy group, primarily because of lack of education.

Action Item - Approval of Washington County System Plan, to be incorporated into Chapter 5, Facilities, of the Regional Solid Waste Management Plan

Mark Buscher reviewed the Washington County System Plan with the Committee. The Chapter is based on the findings of the Technical Analysis and policy direction given by the Metro Council that are contained in Resolution No. 91-1437B. Thirteen issues are addressed in the Plan Chapter, they range from system configuration to tonnage projections through a number of issues related to number of facilities, material recovery to flow control.

Mr. Buscher highlighted the following Chapter issues:

- Two transfer and material recovery facilities to serve the west watershed (Washington County). One facility would serve the west portion of the watershed and have a projected 2003 tonnage capacity of

120,000 tons; the second facility would serve the eastern portion of the Washington County area and have a projected 2003 capacity of 196,000 tons.

- Both transfer and material recovery facilities in west wasteshed would have post collection material recovery processing capabilities. It is found that the average material recovery rate at the transfer and material recovery facilities is expected to be 16 percent over time. As in past practices, the Plan Chapter does not recommend that this 16 percent average recovery rate would be used as a baseline for procurement, but rather the actual material recovery rate at transfer facilities would be negotiated during the procurement process and would be negotiated through a series of economic incentives and other tools.
- A high-grade facility be procured as a part of the Washington County system. The Technical Analysis found that a high-grade facility would be economically viable given the projected tonnage volumes available to flow to a high-grade facility from the wasteshed. These findings were also based on an estimate of the cost to construct and operate a high-grade facility balanced against the estimated revenues from facility tip fees and the sale of recovered materials.
- Private ownership of the transfer and material recovery facilities. The recommendation is based on an extensive financial analysis. The most feasible method of financing appears to be a public public/private arrangement, Metro would issue the bonds and offer a limited pledge to pay debt service only.
- The Plan Chapter states that the cost differences are not great enough to warrant additional fees collected from local citizens in Washington County to pay for their local government solution. The Plan Chapter recommends that the cost differential (62¢ per ton) should be incorporated into the overall regional rate.

Questions:

Estle Harlan stated that the Chapter says a high-grade facility will be procured and that the decision to where the high-grade function would take place (a separate facility or transfer station) would be made during the procurement process. Which procurement process, for the transfer station or high-grade facility?

Mr. Buscher answered that it would be the high-grade facility.

Ms. Harlan stated that it can make a big difference on the transfer station. I know this is a question that has been important some of the potential vendors, how to present the transfer station, if they knew the high-grade facility could be there then it would make a difference in the estimated flow and some of those sorts of things. I know we have asked that question before.

Ms. Crockett stated that it is hard to answer. Based on the analysis, if tonnage caps are applied in either of those places there is not enough room in that tonnage cap to allow high-grade at that facility.

Consultants for Washington County believe that it would be difficult to get a land use permit if the proposal includes high-grade.

Jim Rapp asked what the likelihood is that the whole debate over the resolution we referred to at the beginning instead of being recreated over the Council decision of this chapter. Does staff feel that we will go through the whole thing again?

Ms. Crockett stated that Rich Carson had talked with several Council members regarding the chapter decision. There is a focus on Council members to make this a very positive decision when the ordinance comes forward.

Karla Forsythe stated that she felt that there were going to be some questions about this draft chapter. The resolution was the turning point in the debate. I do think that the discussion of all the policy issues was thrashed out in the course of resolution and that the people who didn't prevail realized that and are ready to move forward.

John Drew suggested that when referencing Washington County service areas compare to entire Metro region.

Mr. Drew asked who will provide service in the Wilsonville area?

Ms. Kies stated that the procurement process that is envisioned is a competitive, long-term franchise. Anyone, with a site land use permit in hand, could propose for a 20-year franchise with Metro to own and operate that facility for a 20-year period.

Mr. Drew asked if those parties came forward, in the case of Wilsonville or any other transfer station, and they suggested that they wanted to do this, Mark indicated that the funding most likely would be a Metro bond issue, would there be difficulty there between companies coming in suggesting private funding?

Mr. Buscher stated that technical analysis looked at the most feasible method of financing which would result in private ownership. This would be a Metro issue of bonds which we would back up with limited pledge for debt services, similar to what was done for the Riedel Compost Facility. During procurement we would not proclude any other methods of financing being proposed by potential vendors. If a potential vendor were to come in with private financing and this type of financing had a high interest rate (higher than using Metro bonds), we would work with them to see if could develop a method for procuring that facility using and see if we could put together a package where they could be financed through a less costly method.

Mr. Drew asked if that means that Metro would act as the financial institution?

Mr. Buscher stated that Metro is not the financial institution. The bond is issued under Metro's name and financed by bond companies. In order to make the bond financiable (favorable interest rate), Metro

would back up the bond with a limited pledge. Metro would pledge to pay the debt service only on the bond, therefore, cover the costs of the bond. The bond holder would basically be guaranteed that the bonds would be paid off. The facility operator would be responsible for the payment of operation costs.

Ms. Kies stated that the long-term competitive franchise would be the process used for both facilities. If for reasons of inability to get financing or inability to meet any of the other criteria or operational standards that Metro has the opportunity to then issue a request for proposals for either facility.

Mr. Buscher stated that there would be the option for public ownership as well.

Dave Phillips commented that he had a difficulty with the rate structure distributing the cost of Washington County's local preference over the entire region. I understand that the procurement has not been completed, but there has never been an analysis on one facility for the west watershed. I know that Council adopted policies saying that is what is going to be done, but I still have a difficulty with that. I still think that Washington County has chosen a more expensive option than what the rest of the region is paying for.

Motion to approve the Chapter was proposed and seconded.

The Plan Chapter was unanimously approved.

Presentation and Discussion of Senate Bill 66

Delyn Kies reviewed Senate Bill 66 with the Committee. The Bill was passed unanimously by both the House and the Senate, and became law on July 1, 1991. Senate Bill 66 sets a recycling goal for the State of 50 percent waste recovery by the year 2000. It also requires individual recovery rates for groups of watersheds throughout the State that range from 7 to 30 percent. The Portland metropolitan area is required to achieve a recycling rate of 45 percent by 1995. Local communities can meet these goals in various ways:

- weekly curbside recycling collection on same day as garbage collection with containers, and promotion and education
- apartment or multi-family recycling
- commercial and business recycling
- collection and composting of yard debris
- rate incentives to encourage recycling
- expanded depots

The Bill has three major provisions in market development.

1. Recycling Markets Development Council - A group of 12 people appointed by the Governor, funded by industry assessments, who are to develop plans, funds and strategies for improving materials markets (primarily plastics, paper and glass) that are needed in Oregon.

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2. Minimum recycled content requirements for newsprint, telephone directories, glass and plastic containers made or sold in Oregon. This should encourage the use of the materials that we collection in the manufacture of products.
3. Targets and price preferences for government purchase of recycled products.

Other major provisions in the Bill:

- DEQ to develop a statewide solid waste management plan.
- Labeling of all rigid plastic containers solid in Oregon with recycling codes to make it easier to recycle them.
- Retail establishments must offer paper as well as plastic bags to customers.
- A ban of vehicles, large appliances, used oil, tires and lead acid batteries from landfills.
- Apartment units of five or more units are required to provide recycling containers, collection and promotion to tenants.
- Integrating a recycling and waste reduction component into the required curriculum for grades K-12.
- DEQ to develop camera ready art and copy, informational materials, teacher workshops and AV materials for use by schools and local governments.
- Composting is now included in the waste reduction/recycling hierchy, in between recycling and recovering energy.

The Recycling Markets Development Council and most of the minimum content work will be funded by industry. DEQ's administrative and other State agencies statewide responsibilities will be funded by \$2.4 million per biennium that is generated from: a) an increase of 35¢ in the existing 50¢ per ton that is collected statewide for DEQ programs; b) approximately 10¢ per ton from solid waste disposal fees; and c) approximately 5¢ per ton from the General Fund. The bulk of the program will be paid by the rate payers. The basic program (weekly, same day as garbage, containers and promotion) would be an average of \$1.50 to \$2.50 per month, per household. The additional programs (multi-family, business and yard debris recycling, and expanded depots) would be an additional \$4.00 to \$5.00 per month, per household.

Ms. Kies stated that all of the items in Senate Bill 66 menu of services are included in our Waste Reduction Work Programs and the Portland metro area is way ahead of schedule in this area. She sees the problem areas as being reporting and procurement. Reporting requirements in SB 66 are more detailed then before. Metro will be filing the report for the region, but local governments will need to collect more information and there will be problems in collecting the needed information to track the progress toward the recovery rate. Procurement will be a difficult area because the Bill broadens the amount of materials that we will have to be looking at. It specifies the types of products and specific targets and definitions for purchasing. The Bill does gives greated flexibility in price preferences, it calls for a 5 percent price preference for the purchase of recycled products, 12 percent for the purchase of recycled paper products and gives the flexibility for certain purchases to spend more. It also gives the opportunity to work within the state and with other states to try to develop common procedures and specifications that will work to make purchasing easier.

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General discussion of Senate Bill 66.

Discussion of Future Role of Technical Committee

Ms. Crockett stated that attendance at Technical Committee meetings has been low.

Bill Metzler reviewed the various options that the Technical Committee could take as listed in his June 21, 1991, memo included in the Agenda.

Mr. Metzler shared suggestions from a committee member with the Committee:

- length and times of meetings are obstacles
- difficult to attend meetings during business hours
- material is extremely technical and complex (if meetings are missed it is difficult to catch up)
- meet less often and at different times
- periodic updates
- downsizing the Committee

Mr. Rapp stated that the size of the Committee should be maintained and replace the nonparticipating members.

Kevin Martin suggested that the Technical Committee meet less often, possibly as needed.

Technical Committee next meeting, Friday, August 23, 1991, 9:00 a.m., Council Chamber.

The meeting was adjourned.

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METRO

Planning and Development
2000 S.W. First Avenue
Portland, OR 97201-5398
(503) 221-1646

Memorandum

DATE: August 16, 1991

TO: Technical Committee

FROM: Sharron Kelley, Chair
Illegal Dumping Subcommittee

SUB: Illegal Dumping Chapter

The draft Illegal Dumping Chapter of the Regional Solid Waste Management Plan went before the Council Solid Waste Committee (CSWC) on July 2nd. With the help of Council staff, the Committee reviewed the draft chapter thoroughly. CSWC discussion of the draft chapter led to a critique of the structure of Plan chapters. The Committee requested several changes to the text including the following:

- **Revision to Policy 4.0**

Council staff proposed a change to the wording of Policy 4.0 that would reflect the spirit of the statement that there is no clear correlation of increases in tip fees and an increase in illegal dumping incidents.

- **Update of the language describing Metro's policy on uncovered loads at Metro facilities.**

The draft chapter contained language that was written prior to the adoption of the current policy on uncovered loads at Metro facilities. The CSWC requested that this be changed to reflect the present policy on surcharges for uncovered loads.

- **House Bill 3361**

Council staff also requested that the chapter be updated to reference the recently passed illegal dumping legislation. HB 3361 includes provisions for increased penalties for illegal dumping, the option for civil rather than criminal remedies, and the option for use of a hearings officer. The language in the draft chapter was written before passage of the legislation and was less definite as to programs that could be a result of passage of the bill (see copy of HB 3361, Section 7, attached).

- **Increased enforcement**

Council staff requested that there be a discussion of the extent to which increased enforcement reduces illegal dumping and why jurisdictionally inconsistent penalties are a problem. This information was already in the draft chapter but could be reinforced.

- **Regional hearings officer**

An explanation of how the regional hearings officer approach would be implemented and funded was requested.

- **Costs**

The CSWC requested that the chapter contain a discussion of costs of illegal dumping, including the costs of cleaning dump sites, the potential costs associated with increases in the disposal rate, and the costs of implementing proposed options for solutions. Also requested was a discussion of the potential effectiveness of the proposed solutions.

- **Shortening the text of the chapter**

Councilor McFarland questioned the need for examining the behavioral motivations behind illegal dumping. Councilors Gardner and McLain independently suggested that the draft chapter would be improved by removing portions of the background section and all of the analysis section. The discussion led to a critique of the structure of plan chapters in general and the CSWC had several suggestions as to how the format may be improved.

- **Work program**

The CSWC requested that an implementation program be attached to the chapter and that there be a description of the collection options analysis.

Other changes were discussed, but the CSWC agreed that those listed above were significant enough to send the Chapter back to the Subcommittee for review. The Subcommittee reviewed the changes and worked closely with Planning and Council staff to make the revisions.

The Illegal Dumping Subcommittee is seeking the Technical Committee's approval of the Chapter so it can be sent forward to the Policy Committee in September.

Attachments

Exhibit A
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.~~

Metro, in its capacity as manager of the region's solid waste disposal system, will work cooperatively with DEQ, the cities and counties to promote proper disposal of solid waste and to reduce illegal disposal.

* * * * *

PURPOSE

DISCUSSION

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.~~ Analysis for the Chapter establishes that illegal dumping occurs in the Metro area as a result of several factors including an overall increase in waste generation, confusion over the closure of the St. Johns landfill, a lack of convenient options for disposal of items such as waste tires and refrigerators and a lack of convenient disposal options. An additional concern is cost. In a system where the costs of providing garbage collection service are recovered through user fees and participation in collection service is not mandatory, improper disposal increases with rising costs.

Policy 4.0 points out Metro's responsibility, as manager of the region's solid waste disposal system, to work cooperatively with DEQ, the cities and counties to promote proper disposal of solid waste and to reduce illegal disposal.

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

¹ Said Atri and Thomas Schellberg, "A Market-based Approach to Solid Waste Management," *American City and County*, July 1991, page 56.

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. Medical waste disposal is regulated at the local level, but under strict and effective guidelines.~~ 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 is defined as improper disposal of solid waste in violation of state or local waste management laws. 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.²

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.³

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. Prior to establishing the environmental court, the morale of enforcement personnel was low because judges dismissed the cases of illegal dumping that were brought forward. Establishing the environmental court has resulted in increased enforcement, overall enhanced

² Shirley Hawk, "Making War on Illegal Dumping," *Waste Age*, November 1989, page 108.

³ "Police Nab Illegal Dumpers," *World Wastes*, August 1990, p. 10.

code compliance and reduced incidence of illegal dumping.⁴

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 be developed to 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 because, under the status of criminal violations, illegal dumping cases do not receive priority in typically overburdened courts. One reason is because various local government agencies have been assigned this responsibility and neither enforcement mechanisms nor penalties are consistent from jurisdiction to jurisdiction. Greater consistency in enforcement procedures would lead to a greater level of enforcement. If local government road maintenance personnel, law and code enforcement personnel, and legal personnel all have an understanding of the significance of the problem and the procedures for reporting violations, issuing citations and hearing cases, the result would be greater efficiencies and a significant deterrence factor.

- 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

⁴ Shirley Hawk, "Making War on Illegal Dumping," Waste Age, November 1989, p. 108.

less affluent. Unlicensed "handyman" haulers may be profiting from a situation in which residents who 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~~ speculated 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 is a problem.~~ 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 presents~~ 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 drew 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.

Further analysis of illegal dumping issues in the metropolitan area was conducted and is contained in the appendix to this chapter. The appendix includes a map of identified dump sites, an analysis of local government illegal dumping programs as they exist in 1991, an analysis of costs of illegal dumping to local governments, and an identification and analysis of some of the causes of illegal dumping.

The map appended in the appendix to this chapter 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 is illustrative of some known illegal dump sites and demonstrates the severity of the issue for the Metro region but it is not an exhaustive identification of all illegal dump sites.

The analysis of local government illegal dumping programs as they exist in 1991 identifies how each county and the city of Portland have approached the problem in the past. Included is a discussion of enforcement procedures and penalties.

The analysis of costs of illegal dumping to local governments explores costs associated with cleaning up illegal dump sites, enforcing laws prohibiting illegal dumping, costs of prosecution, and includes a discussion of fines recovered through prosecution.

The analysis of the causes of illegal dumping establishes the causes and the effects of illegal dumping as they relate to identified sites, materials and affected parties.

CONCLUSIONS SUMMARY

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. 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 identified materials, affected parties and locations in the Metro area where illegal dumping is a chronic problem, and demonstrated 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.~~ Incidence of illegal dumping could be reduced through increased public education and more effective enforcement.

~~RECOMMENDATIONS: Regional Illegal Dumping Work Program~~

REGIONAL ILLEGAL DUMPING PROGRAMS

~~This section includes recommendations for identifies management solutions to illegal dumping, outlines the Regional Illegal Dumping Work Program and addresses implementation roles and responsibilities. Each issue was analyzed according to three factors: economic, convenience, and behavioral. 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 consistency of penalties. Currently, the state agencies 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. If all local governments approach illegal dumping with a similar enforcement process, more cases would be successfully prosecuted. This would have a significant deterrence factor. Another facet of the issue is that 1. Local~~

budget constraints result in placement of illegal dumping enforcement as a lower priority. This situation is exacerbated by the fact that, under the criminal penalty system, it is difficult to get a conviction for illegal dumping violations without eyewitness identification. Passage of HB 3361 addresses this issue by enhancing local governments' ability to prosecute illegal dumping as a civil violation rather than a criminal violation. 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 local 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 threatened confiscation of 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 serve to support implement the provisions of House Bill 3361 (1991), which is legislation aimed at increasing penalties for illegal dumping and enhancing the option of prosecution of illegal dumping as a civil violation rather than a criminal violation, as well as implementation of the model ordinance will help clarify local authorities and enhance enforcement efforts. ~~eliminate the problem of lower fines administered by the state taking precedence over higher fines that are administered locally.~~

Education / Promotion

¶ ~~One of the most effective means of addressing illegal disposal 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 actions and promote 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, factors such as liability, aesthetics and maintenance must be considered.

- Increased signage may deter potential dumpers. Warning signs in areas that are known illegal dump sites have been used to discourage dumping in the recent past in Portland and Multnomah County. Clackamas and Washington Counties have also placed warning signs at problem sites. There is a deterrence factor associated with having a sign stating that the activity is illegal. 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 and non-profit organizations, such as scout troops. More coordinated cleanup events are sponsored by Stop Oregon Litter and Vandalism (SOLV). More frequent Regular semi-annual 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.

Since solid waste collection in Oregon is voluntary rather than mandatory, this approach locally would be highly problematic. 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.

~~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. Metro currently provides incentives to recycle yard debris. There are currently deposits on lead-acid batteries that results in a higher level of recycling and diverts them from the landfill. Future deposits on items such as tires, bulky furniture and appliances may fall in this category. This would provide a strong incentive to recycle the item. The public utility in British Columbia has undertaken a program to buy back and recycle old refrigerators for \$50 with the purpose of improving energy conservation programs. Such a program also has the added advantage of removing problem items from the illegal dumping wastestream.~~

• 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 assist in funding 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.~~

~~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 has instituted an approach to discourage litter at facilities by levying a \$25 surcharge for cash customers and a \$100 surcharge for credit account customers with untarped loads that are not fully covered and contained.

The approach of levying a 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)~~

~~Bulky materials (Furniture, appliances, autos)~~

~~The following recommendations for bulky materials could be in the form of programs developed and implemented by Metro and also could be incorporated into annual local government waste reduction programs.~~

~~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. Individuals outside of the city of Portland may have their bulky materials picked up on call by franchised haulers for an additional fee, but there should be some uniformity of factors such as making known the availability of the service through publicity and establishing, through franchise agreements, reasonable fees for the service. There is a need for the fee for pick up of bulky materials to be reasonable so that it~~

does not act as a disincentive for the public to use the service.

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 registered with the Recycling Information Center providing pick up service for appliances in Portland. There should be an effort to register additional haulers with the Recycling Information Center since registration will offer a greater certainty that persons offering pick up service for bulky materials will not dispose of the materials improperly.

~~Construction and demolition debris (C&D)⁵~~

Construction and demolition debris (C&D)⁶

Programs for enhanced recycling of C&D debris are currently being implemented in the region. The following recommendations for C&D debris could be in the form of programs developed and implemented by Metro as part of the Special Waste Plan and also could be incorporated into annual local government waste reduction programs.

Enforcement. To stem illegal disposal of C&D materials, it is necessary to target construction and demolition permitting practices. Applications for building and demolition permits could include a statement of how a contractor is disposing any C&D materials. Proof of disposal, such as a landfill or C&D processor's receipt could be made a requirement that local governments could include in the permit process.

Improvement of service. Haulers and recyclers who specialize in serving construction and demolition sites may have a need to operate in a franchised collection area, resulting in a potential violation of a collection franchise agreement. This

⁵ Roles, responsibilities, recycling practices and regulatory recommendations for C&D materials are addressed in Chapter 3, Special Waste.

⁶ Roles, responsibilities, recycling practices and regulatory recommendations for C&D materials are addressed in Chapter 3, Special Waste.

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 more clearly defined, possibly in renewals of franchise agreements.

- Waste tires

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 requirements include government carriers, persons hauling to retreaders, and persons hauling fewer than 5 tires. House Bill 2246 (1991) changed the exemptions to include one-day cleanup events and also to allow refuse haulers to carry more tires without a permit. ~~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 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.

Options for reducing illegally dumped waste 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 the 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 tires 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. This type of program has been successful in Minnesota, where waste tire dealers and transporters are required to register with the state pollution control agency and obtain an identification number. If tires are dumped by an unauthorized transporter, retailers who hire the transporter may be held liable for costs associated with cleanup of an illegal tire dump. A transporter or retailer caught illegally dumping waste tires may be subject to fines of up to \$10,000 per day under current Minnesota civil penalty laws. Criminal prosecution may also be pursued. Minnesota's program has met with success due to legislation that clearly established the program, a strong public education component and significant penalties available for non-compliance.

- A waste tire collection event could be sponsored jointly by DEQ, Metro and local governments. Waste tire collection events have been successfully conducted in Olympia, Washington and Baltimore, Maryland, where the waste tire collection events have been conducted by Boy Scout troops for fundraising. Locally, the collection event could be modeled after prior successful events

such as Metro's household hazardous waste events or DEQ's pesticide collection event. Such an event would offer an option to individuals who may have tires stored in their garage and are not able to have them picked up by their hauler, thus reducing the potential improper disposal.

Roles and responsibilities

REGIONAL ILLEGAL DUMPING WORK PROGRAM

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.

Timeline: ongoing

- Continue to provide education and promotion of proper solid waste reduction, disposal and recycling practices.

Timeline: ongoing

- 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.

Timeline: ongoing

- Support **local governments through assistance in implementing**

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

Timeline: ongoing

~~Metro's potential roles are to:~~

Enforcement

• Establish a process for a regional hearings officer, based on provisions of House Bill 3361, 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.

Regional Hearings Officer

To implement provisions of House Bill 3361, a regional hearings officer process for illegal dumping cases may be established if all local governments agree to a coordinated enforcement standard. Metro can effectively enhance enforcement efforts and reduce the work load of local justice systems by providing a regional hearings officer to handle illegal dumping violations.

Basis

The hearings officer process may be put in place by participating jurisdictions adopting a model ordinance, which will include such items as a consistent schedule of fines and local preferences for rewards. Participating jurisdictions could contract with Metro for the service through intergovernmental agreement. The regional illegal dumping hearings officer process would be similar to and based on contested case hearings for parking fines (Portland) and animal control (Multnomah County).

Establishing the process would clarify and reinforce the substantial discretion of local government code enforcement officers. Either through routine inspection or acting on citizen complaints, the enforcement officer has authority to cite an individual for illegal dumping based on eyewitness evidence or based on identification of names on envelopes or other printed items found in the dumped materials. The code enforcer would have the discretion to request that the individual clean up the dumped materials and the discretion to levy all or part of the penalties as provided by the adopted model ordinance. If evidence is sufficient, the code enforcer may pursue a criminal penalty through his or her local justice system. This is the desired approach if a penalty of community service is the object, as the regional hearings officer would not have clear authority to levy a penalty of community service. The regional hearings officer process would be engaged if the person alleged to have dumped the material contests the code enforcement officer's determination and the local

decision is made to use the hearings officer service rather than pursue a criminal penalty.

Process

The specific guidelines that describe how a proceeding is initiated will be contained in the model ordinance. The local jurisdiction wishing to engage the process may do so after an internal decision based on the guidelines in the model ordinance. The citation brought before the hearings officer will include the name and address of the respondent, address or location of the alleged violation, nature of the violation with proper code citation, type of relief sought, and identification of the entity initiating the procedure. The hearings officer would have the authority to administer oaths, take the testimony of witnesses and issue subpoenas in accordance with the Oregon Rules of Civil Procedure. The person alleged to have committed the violation has the right to submit evidence and cross-examine witnesses.

The hearings officer would schedule the hearing and make a determination after consideration of the evidence and arguments. If the violation has not been established, an order dismissing the complaint is entered into the record. If the violation has been established, the hearings officer enters into the record an appropriate order, a copy of which is delivered to the person found guilty. The person found guilty may file an appeal within an established time frame.

Fines

All participating jurisdictions should adopt the same fine schedule. When the hearings officer makes a determination of a violation, a fine will be imposed. The intent of the fine is punitive. The primary intent of collecting costs is to recover the costs of cleaning up the specific site(s) named in the complaint and recovering the administrative costs of conducting hearings. The schedule of fines and costs will be established through the model ordinance. The model ordinance should contain a provision requiring a hearings officer to levy a minimum fine if the person is found guilty of the charge. This would assure the deterrence factor of having the hearings process in place.

Options for implementing

• Establish one day per month to hear cases. There is some value in having a regularly scheduled time that all participating jurisdictions could plan for.

• In-house Legal Counsel. Illegal dumping hearings could be an additional responsibility of Metro's Office of Legal Counsel.

• **Non-attorney.** A hearings officer does not necessarily have to be an attorney. The Department of Environmental Quality (DEQ) authorizes their staff to act as hearings officers. Hearing illegal dumping cases could be a rotating responsibility of local government or Metro staff.

• **Young Lawyers Division / Multnomah Bar Association.** For a small fee for each case, the Young Lawyers Division offers the services of young attorneys in who want to gain experience in administrative cases. Members of the Division have successfully provided services to the Housing Authority of Portland and currently provide services to Multnomah County for animal control cases for \$15 per case.

Options for funding

• **Local governments could be billed on a per-case basis for hearings.** If the Young Lawyers Division attorneys were used, the per-case cost would be in the neighborhood of \$15 per case.

• **The costs of the hearings officer process could be recovered through assessment of fines and costs.** Costs would include additional administrative and maintenance costs that extend beyond each individual case.

• **Participating jurisdictions could pay into a pool of funds that would cover the maintenance and administrative costs.** Unexpended funds could be returned to local governments.

Timeline: July 1992

Analysis of the effectiveness of the Hearings Officer program

There is a need to monitor the cost and overall effectiveness of the Hearings Officer process in order to assure that it is a workable alternative to previous approaches. This task will be built in to implementation of the process.

Timeline: ongoing

Model Enforcement Code

• **Develop a model regional enforcement code, based on provisions of House Bill 3361.** 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 in a handbook that also describes new provisions of HB 3361, it follows that enforcement would be more consistent and effective. 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.

Timeline: December 1991

Collection Options Analysis

• 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; mandatory collection may offer a broad solution to the problem. Since mandatory collection would be a significant shift from present practices, the issue must be thoroughly analyzed and the input of all affected parties must be obtained. 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. This analysis is budgeted for the 91-92 fiscal year.

Timeline: June 1992

Tire Trade-in

• 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.

Timeline: June 1992

Future Legislation

Experience with introducing illegal dumping legislation during the 1991 legislative session points out the need to carefully monitor the illegal dumping programs throughout the development and implementation of this chapter in order to plan for additional legislation, if needed, for the 1993 session. Legislation that could expand on the change in penalties achieved during the 1991 session, should be strongly considered.

Timeline: June 1992

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 Metro's efforts by implementing provisions of House Bill 3361, which allows local governments 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 should continue to identify dump sites and prosecute violators with existing remedies.

- 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 and approve new waste reduction programs aimed at both enhancing waste reduction and eliminating illegal dumping. 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 itinerent⁷ 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

⁷ An itinerent merchant is typically an unlicensed travelling salesperson. Handyman haulers would be classified as itinerent merchants.

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.

APPENDIX

A: MAP

INVENTORY OF LOCAL GOVERNMENT ILLEGAL DUMPING PROGRAMS (1991)

Illegal Dumping in the Metro Area: 1991 Current approaches to the issue

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 occur 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 \$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.~~

C: ANALYSIS OF COST OF ILLEGAL DUMPING

Background Data on Illegal Dumping Costs

The following is background information on costs incurred by local governments for responding to problems associated with illegal dumping. The information and data address the following four issues related to illegal dumping:

- Costs associated with cleaning up illegal dump sites;
- Costs associated with enforcing laws and ordinances prohibiting illegal dumping;
- The number of illegal dumping cases prosecuted and the costs associated with prosecution; and
- The number of illegal dumping cases successfully prosecuted and the fines recovered through prosecution.

Data and information was gathered from Multnomah County, Washington County, Clackamas County, the City of Portland Bureaus of Buildings, Environmental Services and Parks, the Port of Portland, the Oregon Department of Transportation (ODOT) and Stop Oregon Litter and Vandalism (SOLV), a non-profit organization. With the exception of SOLV, no jurisdiction or agency contacted had detailed specific data about their illegal dumping cleanup and enforcement programs. However, in most cases they were able to provide cost estimates for their activities related to illegal dumping.

In summary, the numerical data and information regarding enforcement that was made available demonstrates that known costs associated with illegal dumping are not significantly great, though they are high in relation to the actual volume of material collected. Costs associated with enforcement are minimal because enforcement actions are also minimal, and there is therefore virtually no history of prosecution.

Reasons for this limited amount of activity include the following:

- Individuals and departments responsible for managing illegal dumping within each jurisdiction, from collection to enforcement and prosecution, also have other responsibilities that require larger percentages of their time and budgets. These other responsibilities include building inspections and code enforcement, road maintenance and construction and basic law enforcement.

- Illegal dumping has historically been a criminal offense in Oregon and, for this reason, rules of evidence apply. Illegal dumping cases require an eyewitness to the actual event, which is nearly impossible to obtain. Therefore, successful

prosecution of offenders has not occurred.

Illegal dumping cases are not considered a priority by the court system due to the difficulty in obtaining evidence and the comparative minor damage caused in relation to other types of crimes being tried.

Costs Associated with Illegal Dump-Site Cleanup.

Generally, the cost associated with the cleanup of illegal dump sites is small when compared to budgets for other activities. However, the cost is high in relation to the actual volume of material recovered. Costs are incurred for labor, equipment to pick up and haul away collected materials and disposal. Agencies and jurisdictions contacted stated that only a small percentage of the total illegal dump sites in their jurisdictions had been identified and were being cleaned up. It was uniformly stated that resources were not available to undertake such a task.

County Programs

Due to the high cost of cleanup and the resources available, the three Counties in the region clean up sites on County property or rights of way only. The costs and responsibility for the cleanup of illegal dump sites on private property within the three Counties rest with the property owner. Jurisdictions and agencies administer different types cleanup programs depending upon the problems they face and the resources available to them. The following examples illustrate this point.

Clackamas County, who had the most detailed information available, operates a cleanup program targeted specifically at illegal dump sites on County property and rights of way. The program is complaint-driven. Labor consists mostly of County road crews and, when possible, they are assisted by County corrections crews. The annual costs of cleanup, including disposal, for Clackamas County are:

Fiscal Year	Annual Cleanup Cost	Sites	Tires	Total Tons
1988	\$14,091	101	N/A	N/A
1989	\$13,681	152	224	26.49
1990	\$10,739	102	375	20.71
1991 (to date)	\$12,000	85	301	17.88

Washington County also operates a program geared specifically to cleaning up illegal dump sites. However, costs are significantly

lower compared to Clackamas County because the program relies heavily on the use of community corrections crews for labor. Costs for the program have remained steady over the last four years. Program administration is approximately \$3,000 annually and additional annual disposal costs range from \$3,000 to \$5,000. No accurate figures related to volumes collected were available, however, it is estimated to be between 50 and 75 tons annually, based on average tip-fees and haul costs.

Fiscal Year	Annual Cleanup Cost	Total Tons
1990	\$2,000 to 5,000	50 to 75
1991 (to date)	2,000 to 5,000	50 to 75

Multnomah County operates a litter cleanup program which includes the cleanup of illegal dump sites. Cleanup activities are part of the annual work program of the road department. Illegal dump sites and litter are cleaned as they are discovered and as time allows. The County does not have a separate accounting system for costs associated with litter cleanup and illegal dump site cleanup. The costs associated with program administration and actual cleanup and disposal are also not easily separated. Total program costs are as follows:

Fiscal Year	Annual Cleanup Cost
1988	\$28,000
1989	44,678
1990	47,511
1991 (to date)	N/A

■ City of Portland

Within the City of Portland, illegal dumping is a violation of the City's nuisance ordinance. Therefore, cleanup of illegal dump sites is the responsibility of the nuisance abatement department of the Bureau of Buildings. The City contracts with a private vendor to clean up sites on private and public property throughout the City. The vendor is responsible for removing trees, hedges or vegetation that impede rights of way, overgrown vegetation that becomes a nuisance on vacant property, fire hazards, and the removal of illegally dumped waste.

Cost data related to the contractors services as well as an

estimate of what percentage of the costs are attributed to cleaning up illegal dump sites were requested from the City but were not yet available to be included in this report.

Portland Parks Bureau

The Portland Parks Bureau also experiences a high level of illegal dumping on its property including illegal use of dumpsters and other trash containers. Bureau has responsibility for several heavily wooded parks, such as Forest Park, which are targets for illegal dumping. The costs of illegal dumping to the Parks Bureau were approximately \$61,000 for 1990.

Port of Portland

The Port owns large tracts of industrial park land throughout the region, including the Rivergate industrial area. Due to the isolated location of many of the Port's holdings, a problem with illegal dumping developed. The Port feels that the problem was exacerbated by the close proximity of the Rivergate industrial area to the St. Johns Landfill. By 1988, the cost to the Port for cleanup was approximately \$12,500 per year. Since 1989, costs have dropped sharply to approximately \$3,000 annually as the result of an aggressive program to identify those responsible for illegally dumping solid waste on Port property and encourage them to clean it up. The Port reports that it is experiencing up to 90% compliance with their program.

Oregon Department of Transportation (ODOT)

As a part of their regular highway maintenance responsibilities within the region, ODOT must remove litter and illegally dumped material along highways. It is estimated that 15% the annual cleanup budget goes to clean up illegal dump sites. The Department's largest problem with illegal dumping is caused by transient camps under highway bridges and overpasses. The total annual costs are summarized below:

Fiscal Year	Annual Cleanup Cost
1988	\$63,085
1989	58,659
1990	46,087
1991 (to date)	N/A

Stop Oregon Litter and Vandalism (SOLV)

SOLV was responsible for organizing the April 1991 half-day cleanup

event in the metro area that included the cleanup of nine illegal dump sites. At the half-day event, 124 tons of mixed waste and 4,300 waste tires were collected and disposed. The total cost for this effort was \$59,000. These costs included approximately \$10,000 for disposal costs in addition to administrative and promotional costs for the cleanup event. All labor was donated by citizen and waste management industry volunteer efforts. Local haulers also volunteered time and equipment. Without the assistance of volunteers, costs would have been much higher.

The inaugural cleanup event was in 1990. Costs for the event were similar to the 1991 event but the amount of waste collected was lower: 36 tons of mixed waste and 2,500 waste tires. The reason for the higher costs in relation to volume of waste collected was attributed to the fact that it was the first attempt at organizing an event of this scale. Additional promotion was needed and organizational and administrative costs were also higher.

Costs Associated with Code Enforcement:

Different departments within local jurisdictions are responsible for enforcement of illegal dumping laws. Therefore, the methods and costs associated with enforcement vary significantly. Generally, costs associated with enforcement are low because other responsibilities demand the time and resources of the enforcing department. The following is a summary of the methods and associated costs of enforcement within the region.

■ County Programs

Clackamas County addresses illegal dumping through its solid waste ordinance and enforces illegal dumping cases through the Department of Transportation and Development. The enforcement procedure involves notifying those suspected of being responsible for illegally dumping waste that they should remove the waste they dumped. Identification is through evidence found in illegally dumped waste, usually address labels. Enforcement actions and prosecution are not common due to the difficulty in eyewitness identification of responsible parties. Total annual enforcement costs average approximately \$2,500.

Due to the difficulty in identifying responsible parties, Washington County does not have an active enforcement program. The Sheriff's Department has the ability to enforce nuisance codes, but would only do so if there were eyewitnesses to an actual incidence. Such an enforcement occurrence has not arisen in a number of years.

Multnomah County relies on their Sheriff's Department to enforce illegal dumping ordinances. Due to more urgent law enforcement responsibilities, illegal dumping is not a priority in the department. This is exhibited by the fact that only two citations were issued for illegal dumping over the last four years in the

County. Another fourteen cases included littering or illegal dumping as an offense in the accompanying arrest reports. However, littering or illegal dumping was not the primary infraction that resulted in the arrest. The costs associated with enforcing illegal dumping ordinances in the County were so small that they could not be estimated.

■ City of Portland

The City runs a full service nuisance abatement program that includes addressing illegal dumping as one of their tasks. They have eleven full-time enforcement officers within the Bureau of Buildings that enforce the nuisance ordinance. Annual budget figures for these personnel along with an assessment of how much of their time is spent on illegal dumping cases was requested from the City but is not yet available.

Information Related to the Prosecution of Cases

Illegal dumping may be a criminal violation of ORS 164.785 or 164.805, or a violation of local nuisance codes. Rules of evidence for illegal dumping require an eyewitness account of the actual event. This type of evidence is extremely difficult to get. Therefore, none of the jurisdictions contacted could cite any cases that were actually prosecuted. In the case of Multnomah County where sixteen arrests or citations over the last four years included charges for littering or illegal dumping, the charges were dropped in all but one case. In the single case that was pursued, it was done so through traffic court. No fine was levied or collected because it was determined illegal dumping was not a traffic violation.

Summary

The costs of illegal dumping are difficult to estimate, since most agencies have not made a concerted effort to isolate and monitor those costs previous to this analysis. It may be assumed that the costs represented in the analysis are only a fraction of the total costs. Representatives from state and local agencies contacted uniformly agreed on three points:

- 1) it appears that dumping increases commensurately with increases in the cost of disposal;
- 2) if the costs were tracked more carefully, and if there were more active patrols and more violations reported, the true reported costs of providing enforcement, cleaning up sites, and prosecuting violations would be much higher than those represented in this analysis; and
- 3) under the existing system, illegal dumping is not a priority because of limited resources.

D: PROGRAM ANALYSIS

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~~ has been difficult at best due to three factors: stringent evidentiary requirements for criminal violations, inadequate allocation of enforcement personnel due to local budgetary constraints, and overburdened courts resulting in a low number of illegal dumping cases actually heard.

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~~ Notifying perpetrators of illegal dumping violations appears to be an effective enforcement mechanism. The Oregon Department of Transportation, Port of Portland, and Clackamas County all use form letters that are delivered to persons whose names are found on items within illegally dumped materials. When suspected violators are notified and informed of potential penalties if convicted, they may be easily persuaded to clean up the illegally dumped waste.

Provisions of House Bill 3361 will allow for enhanced enforcement of illegal dumping by using the option of civil penalties rather than criminal penalties.

■ 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.~~ Availability of solid waste collection service, and the opportunity to recycle, are required by Oregon Revised Statutes (ORS). The statutes allow local governments to establish the character and frequency of service. 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 who dump in low-income areas are not necessarily residents of low-income neighborhoods, but they may be unlicensed "handyman" haulers or people from other areas who see low-income neighborhoods as an opportunity to dump illegally.~~ 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 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.~~

~~—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 own adequate equipment for the purpose. Transient camps in highway rights-of-way present 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. The Oregon Department of Transportation (ODOT) reports that 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 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 special pick up is required. ~~Though it is obviously wrong,~~ the alternative of casting off bulky materials in the at illegal dump 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 garbage 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 could 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 in 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.~~ Franchised garbage collectors are granted the exclusive right by cities or counties to haul waste within defined collection areas. Allowing non-franchised haulers to haul C&D debris within a franchised collection area may result in a violation of the 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 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 to dispose of their garbage illegally.~~

~~—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. 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.~~ In 1991, cost of pickup for waste tires currently ranged 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 ~~waste tires~~ 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.~~ In 1991, Metro adapted its policy to address untarped loads. Both commercial and public users of Metro facilities are levied a surcharge in addition to the regular tip fee if loads are not appropriately covered.

~~Using this method, non-enforcement recommendations were developed according to the following scheme:~~

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

METRO

Planning and Development
2000 S.W. First Avenue
Portland, OR 97201-5398
(503) 221-1646

Memorandum

DATE: August 15, 1991
TO: Solid Waste Technical Committee
FROM: Henry Markus, Senior Planner *H.M.*
SUBJECT: Land Use Subcommittee August 14 Meeting

Becky Crockett, Manager of the Urban Services Division, presented a revised schedule for consideration of the model ordinance for siting solid waste facilities:

August 23	Solid Waste Technical Committee
September 20	Solid Waste Policy Committee
October 1	Metro Council Solid Waste Committee
October 10	Metro Council

Todd Sadlo, Senior Assistant Metro Counsel, presented his office's proposed changes to the model ordinance for siting solid waste facilities. Copies of Todd's memo and the revised ordinance are attached for your information. After discussion, the Subcommittee approved the revisions on a five to two vote. Two members preferred the original options approach.

Henry Markus presented a suggested revision to the RSWMP Chapter 16 proposed amendments. The revision was approved by the Subcommittee on a seven to zero vote. A copy of the revision is attached for your information.

Henry presented the draft RSWMP Policy 16.2 and Metro sign off guidelines. The Subcommittee suggested that the two topics be divided into separate documents and that four sentences concerning review and comment by Metro staff be rewritten or deleted. A copy of the proposed guidelines is attached for your information.

Henry presented the proposed consultant scope of work. The Subcommittee suggested that "institutional" be added to the scope of work for model zoning code provisions and site design guidelines for multi-family, commercial and industrial recycling. A copy of the proposed scope of work is attached for your information.

James Rapp, Kevin Martin, Renee Dowlin, Pam Christian, Ed Gronke, Gary LaHaie, Bob Clay (alternate for Jim Claypool), Roberta Young (DEQ), John Houser, Todd Sadlo, Becky Crockett, Henry Markus and Bill Metzler attended the meeting.

swtcord.hsm

METRO

Planning and Development
2000 S.W. First Avenue
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(503) 221-1646

Memorandum

DATE: August 15, 1991
TO: Solid Waste Technical Committee
FROM: Henry Markus, Senior Planner *H/M*
SUBJECT: Suggested Revision to Chapter 16 Proposed Amendments

Implementation Process -- Local governments will provide copies of proposed solid waste facility mitigation or intergovernmental agreements or zoning provisions to Metro before entering into such agreements or before hearings are held on adoption of such provisions. If adoption of other clear and objective standards in addition to or lieu of those in the model ordinance are proposed, findings and conclusions supporting the use of such other standards will be provided to Metro by the local government. Metro staff will review the materials and provide comments consistent with the policies of this Plan. Metro review and comment early in the process is intended to identify potential problems before a local government takes final action to implement Policy 16.2. Local implementation of the policy may occur before or during the comprehensive plan periodic review process. Implementation would also be timely when a major effort to revise local land use regulations is initiated by a local government. The Director of Metro's Planning and Development Department will provide written notification to each local government that it is in compliance with Policy 16.2 upon finding that all actions necessary to implement Policy 16.2 have been completed by the local government.

ch16rev.hsm

METRO

Planning and Development
2000 S.W. First Avenue
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(503) 221-1646

Memorandum

DATE: August 15, 1991
TO: Solid Waste Technical Committee
FROM: Henry Markus, Senior Planner *HMK*
SUBJECT: Draft RSWMP Policy 16.2 and Metro Sign Off Guidelines

This is some of the material required by the proposed amendments to Chapter 16 of the Regional Solid Waste Management Plan. The intended audience of this material is city/county planners and officials. I would appreciate your review and comments.

Siting Solid Waste Facilities

The goal of the Regional Solid Waste Management Plan (RSWMP) is to implement a solid waste system which is regionally balanced, cost effective, technologically feasible, environmentally sound and publicly acceptable. The plan emphasizes the importance of following Oregon's hierarchy for waste management, which requires reducing, reusing, recycling and recovering energy from waste before landfilling.

The plan also recognizes the need for local as well as regional solutions for solid waste management. It defines the roles and responsibilities of cities, counties, Metro, the Oregon Department of Environmental Quality (DEQ) and the private sector in managing the region's solid waste system.

Chapter 16 - Local Government Solutions of the plan (**as amended by ord#/date) provides several ways for a local government to carry out Policy 16.2 concerning adoption of clear and objective standards for siting solid waste facilities. To assist cities and counties in their efforts to implement Policy 16.2, a model ordinance for siting solid waste facilities has been developed.

The model ordinance addresses 15 types of solid waste facilities and 19 types of potential impacts. Before drafting it, Metro staff and the consultant team examined 18 zoning ordinances and development codes from cities and counties around the region.

There are four ways, or a combination thereof, that a city or county may choose to implement Policy 16.2 (please see definitions on the next page):

Using Metro's "model ordinance";

Adopting other "clear and objective standards";

Entering into a "mitigation agreement" with Metro which specifies siting standards and mitigation measures applicable to solid waste facilities; or

Signing an "intergovernmental agreement" with Metro when there are no sites for one or more types of solid waste facilities within the city or county.

The first three options include specifying which types of facilities are allowed in which land use zones. The basis for determining that no sites are available for one or more types of facilities would be findings and conclusions based on the Regional Solid Waste Management Plan, state or federal regulations, local comprehensive plan land use designations, and/or solid waste facility locational criteria.

Chapter 16 also includes provisions for technical assistance to local governments, documenting closure when a local government has successfully implemented Policy 16.2, and a procedure for monitoring and evaluation of local plan provisions related to solid waste facilities. Technical assistance to cities and counties includes guidelines for local implementation of Policy 16.2.

The model ordinance was extensively reviewed by three Metro advisory committees. It was also distributed to city managers, planning directors, industry representatives and other interested parties for review and comment. Metro Council Resolution (** #, date) endorses use of the model as an acceptable way to satisfy Policy 16.2.

RSWMP Policy 16.2

"Each local government shall provide appropriate zoning to allow planned solid waste facilities or enter into intergovernmental agreements with others to assure such zoning. Whether by outright permitted use, conditional use or otherwise, appropriate zoning shall utilize only clear and objective standards that do not effectively prohibit solid waste facilities."

Applicability

RSWMP Policy 16.2 applies to siting solid waste facilities in the unincorporated portions of Clackamas, Multnomah and Washington Counties as well as in each city within the Metropolitan Service District (Metro) boundary.

Definitions

"Intergovernmental Agreement" is described in Chapter 16 of the Regional Solid Waste Plan as follows "An intergovernmental agreement with Metro may be used by a local

government if there are no sites within the jurisdiction appropriate for one or more types of solid waste facilities. The basis for determining that no sites are available for such facilities would be findings and conclusions based on this Plan, state or federal regulations, local comprehensive plan land use designations, and/or solid waste facility locational criteria. The local government would adopt clear and objective zoning provisions and/or use a mitigation agreement for other types of solid waste facilities which are not subject to an intergovernmental agreement with Metro." Please refer to the Metro model intergovernmental agreement.

"**Mitigation Agreement**" is described in Chapter 16 of the Regional Solid Waste Plan as follows "Under Policy 8.4 of this Plan, mitigation agreements are another option to implement Policy 16.2. This option simplifies amendment of local land use regulations to allow solid waste facilities. A local government may specify in which zones solid waste facilities will be allowed and sign a mitigation agreement with Metro specifying siting standards and mitigation measures applicable to such facilities. The siting standards in the model ordinance may be used as a basis for preparing clear and objective standards for inclusion in a mitigation agreement." Please refer to the Metro model mitigation agreement.

"**Model Ordinance**" is described in Chapter 16 of the Regional Solid Waste Plan as follows "One option for local government implementation of Policy 16.2 is using the model ordinance for siting solid waste facilities. The model includes a siting process as well as clear and objective siting standards. Adapting the model for local use includes specifying in which zones solid waste facilities will be allowed and deciding which clear and objective standards will apply to such facilities." Please refer to the Metro model ordinance.

"**Other Clear and Objective Standards**" is described in Chapter 16 of the Regional Solid Waste Plan as follows "A local government may use its own process or develop its own clear and objective siting standards as long as local regulations do not effectively prohibit solid waste facilities."

"**Solid waste facilities**" means the fifteen types of facilities defined in Metro's model ordinance.

Background Research Guidelines For City/County Staff

1. Identify provisions of the city/county comprehensive plan applicable to siting solid waste facilities. Does the plan include a provision recognizing Metro's Regional Solid Waste Management Plan? Are plan amendments needed concerning solid waste facility siting?

2. Identify provisions of the city/county zoning ordinance or development code applicable to siting solid waste facilities.

Determine if the siting standards and application requirements for solid waste facilities are clear and objective.

Identify where solid waste facilities are allowed. Outright? Conditionally? Which types of solid waste facilities?

Determine where solid waste facilities are prohibited. Which types of solid waste facilities?

Prepare matrixes comparing existing zoning ordinance or development code solid waste facility siting standards and application requirements to those in Metro's model ordinance. Examples are given in Metro's technical assistance materials.

3. Review city/county LCDC Goal 9 economic development inventory of vacant and significantly underutilized lands designated for industrial or commercial use. Review other city/county inventories applicable to siting solid waste facilities.
4. Identify provisions of Metro's Regional Solid Waste Management Plan applicable to siting solid waste facilities in the city/county such as Chapter 8 - System Design Considerations, Chapter 16 - Local Government Solutions and Chapter 18 - Plan Consistency.
5. Identify provisions of state and federal regulations that are applicable to siting solid waste facilities in the city/county such as DEQ's Land Use Coordination Program.

Implementation Strategy Guidelines For City/County Staff

1. Review Metro technical assistance materials including solid waste facility locational criteria, model siting ordinance, model mitigation agreement and model intergovernmental agreement.
2. Evaluate the four alternative ways and combinations thereof to implement RSWMP Policy 16.2 and develop a proposed city/county strategy for siting solid waste facilities:

Using Metro's model ordinance;

Adopting other clear and objective standards;

Entering into a mitigation agreement with Metro which specifies siting standards

and mitigation measures applicable to solid waste facilities; or

Signing an intergovernmental agreement with Metro when there are no sites for one or more types of solid waste facilities within the city or county.

Determine how all fifteen types of solid waste facilities will be covered by amendment of the comprehensive plan, zoning ordinance or development code, an intergovernmental agreement, or by a mitigation agreement.

Determine how many acres of developable vacant or underutilized land will be available for siting solid waste facilities.

3. Reach internal agreement on the city/county proposed strategy to implement RSWMP Policy 16.2. Discuss with planning staff, city/county solid waste coordinator, city attorney or county counsel, city manager or county administrator, planning commission, and city council or board of commissioners.

~~4. Discuss the proposed strategy with Metro staff.~~

Intergovernmental Agreement Guidelines -- City/county staff would:

1. Prepare findings and conclusions demonstrating that there are no sites within the city/county for one or more types of solid waste facilities based on:

Solid waste facility locational criteria,

Local comprehensive plan land use designations,

Regional Solid Waste Management Plan provisions, and/or

State or federal regulations.

2. Prepare a draft intergovernmental agreement using Metro's model.

~~3. Request review and comment by Metro staff.~~

Comprehensive Plan Guidelines -- City/county staff would:

1. Prepare amendments to the comprehensive plan necessary to recognize the Metro Regional Solid Waste Management Plan and to add or amend plan policies concerning solid waste facility siting.

2. Provide The proposed amendments should be provided to Metro for review and comment prior to the first planning commission hearing.

Zoning Ordinance or Development Code Guidelines -- City/county staff would:

1. Prepare amendments to remove or revise existing standards and application requirements that are not clear and objective which effectively prohibit solid waste facilities.
2. If using Metro's model mitigation agreement, prepare amendments to the zoning ordinance or development code to provide the basis for an agreement with Metro and to establish where and what types of solid waste facilities are allowed.
3. If not using Metro's model ordinance or model mitigation agreement, prepare other clear and objective standards and application requirements for siting solid waste facilities and establish where and what types of solid waste facilities are allowed.
4. Provide The proposed amendments should be provided to Metro for review and comment prior to the first planning commission hearing.

Mitigation Agreement Guidelines -- City/county staff would:

1. Prepare a draft agreement using Metro's model including clear and objective siting standards and proposed mitigation measures.
2. ~~Request review and comment by Metro staff.~~

Metro Sign Off Guidelines

After review of the adopted city/county RSWMP Policy 16.2 implementation materials, Metro staff will prepare a closure report.

Substance Review

Are all fifteen types of solid waste facilities included in Metro's model ordinance covered by amendments to the comprehensive plan, zoning ordinance or development code, an intergovernmental agreement, or by a mitigation agreement?

How many acres of developable vacant or underutilized land are available for siting these facilities? How does this compare with the city/county LCDC Goal 9 inventory?

Solid waste facilities are allowed in which zones? Permitted outright or conditionally?

Were amendments made to the comprehensive plan to recognize the Metro Regional Solid Waste Management Plan and to add or amend plan policies concerning solid waste facility siting?

If an intergovernmental agreement with Metro is proposed, are the findings and conclusions adequate to demonstrate that there are no sites for one or more types of solid waste facilities per RSWMP Chapter 16 provisions:

- Solid waste facility locational criteria,**
- Local comprehensive plan land use designations,**
- Regional Solid Waste Management Plan provisions, and/or**
- State or federal regulations?**

Did the city/county repeal any zoning ordinance or development code provisions that were not clear and objective which effectively prohibit solid waste facilities?

Did the city/county adopt clear and objective siting standards and application requirements for siting solid waste facilities as part of the zoning ordinance or development code?

If a mitigation agreement with Metro is proposed:

- Zones where solid waste facilities are allowed were designated?**
- Siting standards for solid waste facilities are clear and objective?**
- Mitigation measures are consistent with the RSWMP?**

Were any precedents set by city/county implementation of RSWMP Policy 16.2?

Were any improvements made to the Metro models through the city/county implementation process? Should they be incorporated into the models?

Process Review

Did the city/county request technical assistance from Metro? What assistance was provided?

Did the city/county discuss their proposed RSWMP Policy 16.2 implementation strategy with Metro? Did Metro make written comments?

Were draft copies of an intergovernmental agreement, mitigation agreement, and proposed amendments to the city/county comprehensive plan and zoning ordinance or development code provided to Metro for review and comment prior to the first planning commission hearing? Did Metro make written comments?

Did the city/county provide notice to Metro of the planning commission and city council or board of commissioners work sessions and hearings? Did Metro testify or make written comments during the city/county adoption process?

Metro Staff Recommendation

Taken as a whole, are the actions taken by the city/county adequate to implement RSWMP Policy 16.2?

Prepare Metro closure report including findings and conclusions.

If no deficiencies are found, prepare sign off letter. If a mitigation agreement or an intergovernmental agreement is being used, have authorized person sign agreement(s).

If any deficiencies are found, prepare a letter to the city/county identifying them and suggested approaches to remedy them. If the city/county does not agree, Metro will use the Regional Urban Growth Goals and Objectives (RUGGO) conflict resolution process.

guidprco.hsm

DATE: August 15, 1991
TO: Solid Waste Technical Committee
FROM: Henry Markus, Senior Planner *H.M.*
SUBJECT: Proposed Consultant Scope of Work

There is \$45,000 in Metro's adopted FY 1991-1992 budget for land use studies related to recycling and implementation of RSWMP Chapter 16.

Model Zoning Code Provisions and Site Design Guidelines for Multi-Family, Commercial, Institutional and Industrial Recycling (\$15,000)

The consultant will prepare a work program, cost estimate and schedule to carry out the following scope of work. Metro will conduct a literature search to identify available documents on zoning standards and site design for multi-family, commercial, institutional and industrial recycling.

1. Determine what standards may appropriately be adopted as zoning code provisions for multi-family, commercial, institutional and industrial recycling as compared with building code, fire code and other local, state or federal regulations.
2. Review model and adopted ordinances as well as site design technical assistance materials for multi-family, commercial, institutional and industrial recycling, and prepare an annotated bibliography.
3. Prepare multi-family, commercial, institutional and industrial recycling model zoning code provisions and model site design guidelines for use by cities and counties served by Metro.
4. Participate in advisory committee review of the draft model documents and redraft the documents as necessary. About three meetings will be held.

Siting Standards for Solid Waste Facilities Technical Assistance (\$30,000)

1. The consultant will prepare a proposed work program, schedule and cost estimate to prepare findings and conclusions for intergovernmental agreements, as defined in Chapter 16 of Metro's Regional Solid Waste Management Plan (RSWMP), between Metro and the Cities of Durham, Happy Valley, Johnson City, King City, Maywood Park, Rivergrove and West Linn which have little or no developable buildable commercial or

industrial land (Community Profiles, Metro, January 1991, pages 8 & 9). Upon approval by city and Metro staff, the consultant may proceed with the work.

2. At the request of Metro staff, the consultant will prepare a work program, cost estimate and schedule for preparation of reports for one or more cities or counties addressing each of the following questions. Upon approval by Metro staff, the consultant may proceed with the work.

A. Are all fifteen types of solid waste facilities included in Metro's model ordinance covered by amendments to the city/county comprehensive plan, zoning ordinance or development code, an intergovernmental agreement, or by a mitigation agreement?

B. How many acres of developable vacant or underutilized land are available for siting these facilities? How does this compare with the city/county LCDC Goal 9 inventory of commercial and industrial lands?

C. Solid waste facilities are allowed in which zones? Permitted outright or conditionally?

D. Were amendments made to the city/county comprehensive plan to recognize Metro's RSWMP and to add, or amend plan policies concerning solid waste facility siting?

E. If an intergovernmental agreement with Metro is proposed, are the findings and conclusions adequate to demonstrate that there are no sites for one or more types of solid waste facilities per RSWMP Chapter 16 provisions:

Solid waste facility locational criteria,

Local comprehensive plan land use designations,

Regional Solid Waste Management Plan provisions, and/or

State or federal regulations?

F. Has the city/county repealed any zoning ordinance or development code provisions that were not clear and objective which effectively prohibit solid waste facilities?

G. Has the city/county adopted clear and objective siting standards and application requirements for siting solid waste facilities as part of the zoning ordinance or development code?

H. If a mitigation agreement with Metro is proposed:

Zones where solid waste facilities are allowed were designated?

Siting standards for solid waste facilities are clear and objective?

Mitigation measures are consistent with the RSWMP?

I. Were any precedents set by city/county implementation of RSWMP Policy 16.2?

J. Were any improvements to the Metro models made through the city/county implementation process? Should they be incorporated into the models?

K. Taken as a whole, are the actions taken by the city/county adequate to implement RSWMP Policy 16.2?

3. At the request of Metro staff, the consultant will prepare a proposed work program, schedule and cost estimate to respond to a city or county request for technical assistance concerning implementation of RSWMP Policy 16.2. Upon approval by Metro staff, the consultant may proceed with the work.

swscope.hsm

Solid Waste Technical Advisory
Committee -- Aug. 23, 1991
Attendance

Estle Harlow - OSS I

Ed Gronke - citizen - Clatsop County

MERLE IRVINE - WILLAMETTE RESOURCE INC.

Delyn Kies - Washington County

Lynda Colla - City of Gresham

GREG FRITTS - CLACKAMAS COUNTY

Dave Phillips - "

Al Smith - Portland

John Drew - Jar West Fibers

Solid Waste Technical Advisory Committee
August 23, 1998
Attendance

Todd Sadlo

Metro

Robert Trachtenberg

Multnomah County

Henry Winkler

Metro

Bill Metzler

Metro

MARK BUSCHER

METRO

Kim Roske

Multnomah County (transportation Div.)

John Houser

Metro

Sharon Kelley

Mult. Co.

Ron Nagy

METRO

Memorandum

Planning and Development
2000 S.W. First Avenue
Portland, OR 97201-5398
(503) 221-1646

DATE: July 8, 1991
TO: Solid Waste Technical Committee
FROM: *Ron Nagy for BC*
Becky Crockett, Urban Services Supervisor
SUB: ATTACHED SUMMARY OF SENATE BILL 66

At the last Technical Committee, the Committee requested a copy of a summary of SB66. Here it is -- compliments of Jan Whitworth from DEQ.

BC/ers
swtech.mmo
07/08/91

Attachment

SENATE BILL 66: Bill Summary

INCREASES RECYCLING REQUIREMENTS: Requires cities with populations over 4,000 to provide containers and weekly curbside pickup of recyclables or to select from a list of options that include yard debris pickup, education, and multi-family service.

STATE MATERIAL RECOVERY GOAL: Sets statewide goal of 50 percent by 2000.

SETS RECOVERY RATES FOR WASTESHEDS: Each watershed in the state is assigned a certain recovery rate to be achieved by 1995.

MARKET DEVELOPMENT: Creates Recycling Markets Development Council. The Council would develop market strategies, regional markets, promote uniform recycling definitions, and promote purchase of recycled goods. The Council is funded by industry assessments.

MINIMUM CONTENT: Promotes markets for recyclable products by setting minimum content requirements for the following products:

Newsprint: requires 7.5 percent of annual aggregate fiber used by newsprint manufacturers to be post-consumer waste. Permits associations to enter into agreements that would require 25 percent aggregate fiber content.

Plastic: by 1995 rigid plastic containers must either be 25 percent recycled content or composed of a material that is recycled at a rate of 25 percent.

Directories: by 1995 directories must have 25 percent recycled content by weight with at least 15 percent of weight consisting of post-consumer waste.

Glass containers: by 1995 containers must contain 35 percent recycled content.

GOVERNMENT PROCUREMENT: Places extensive purchase requirements on state and local governments. Among these are strengthened purchase preferences and a 12 percent price preference for office paper, additional requirements for purchase of used oil, antifreeze, retreaded tires, compost, and used plastics.

EDUCATION: Department of Education is required to integrate a recycling and waste reduction component into a required curriculum for K-12 education.

HOUSEHOLD HAZARDOUS WASTE: DEQ will contract with a hazardous waste collection service to provide statewide collection of household hazardous waste.

FUNDING: The bill is funded through an increase in tipping fees and permit fees.

SENATE BILL 66

Oregon State Legislature, 1991 Session

BILL SUMMARY

Recycling Goal: Declares goal that by Jan. 1, 2000, the amount of recovery from the general solid waste stream shall be at least 50 percent.

Collections: Requires each city over 4,000 in population to either:

1. provide recycling containers to residential service customers by Jan. 1, 1993; weekly curbside collection of source separated materials on same day as garbage service; and an expanded education and promotion program.

or 2. provide three of the following eight service elements:

a. recycling containers

b. weekly same day curbside collection

c. expanded education and promotion

d. collection of at least four principle recyclable materials from each multifamily housing complex having five or more units

e. an effective residential yard debris collection and composting program

f. commercial and institutional recycling of source separated materials from firms employing ten or more individuals and occupying 1000 square feet in a single location

g. expanded recycling depots

h. solid waste residential collection rates that encourage waste reduction, reuse and recycling through reduced rates for smaller containers and a rate which does not decrease on a per pound basis for larger containers.

or 3. an alternative method that complies with rules of EQC.

Cities over 10,000 must either:

1. provide recycling containers to residential service customers by Jan. 1, 1993; weekly curbside collection of source separated materials on same day as garbage service; and an expanded education and promotion program, and one other element from (a) through (h).

or 2. implement five of elements (a) through (h) above.

or 3. implement an alternative method that complies with EQC rules.

Recovery rates: are determined by dividing the total weight of material recovered by the sum of the total weight of the material recovered plus the total weight of solid waste disposed at municipal solid waste disposal sites that was generated within each watershed.

The recovery rate includes all recyclable material and all yard debris. Composting and energy recovery are included if there is not a viable market for the material if it were source-separated. The rate does not include discarded vehicles, certain industrial and manufacturing wastes, material recovered for composting or energy recovery from mixed solid waste except for provisions for Metro and Marion County, or mixed solid waste burned for energy recovery.

Cost recovery for collection: Each local government that franchises collection of solid waste and sets rates shall either include net costs incurred by the franchisee for providing recycling services or fund those services through another means.

Recycling rates: Clackamas, Multnomah and Washington Counties, in aggregate, shall achieve a recovery rate of 45 percent for calendar year 1995. No more than five percent of that may be from mixed solid waste composting.

Other rates apply to the following watersheds:

30 percent: Benton, Lane, Linn, Marion, Polk, Yamhill.

25 percent: Clatsop, Columbia, Deschutes, Douglas, Hood River, Jackson, Josephine, Wasco.

15 percent: Baker, Coos, Crook, Curry, Klamath, Lincoln, Malheur, Tillamook, Umatilla, Union.

7 percent: Gilliam, Grant, Harney, Jefferson, Lake, Morrow, Sherman, Wallowa, Wheeler

In watersheds using an energy recovery facility the recovery rate is 25 percent for the first 180,000 tons and 30 percent thereafter.

If a watershed fails to achieve the assigned rate, any city with a population of 4000 or more shall institute two additional elements from (a) through (h) listed above.

After Jan. 1, 1995 a city or county may request from DEQ a variance from sanctions for failure to achieve the assigned rate if per capita disposal is decreasing at a rate of at least five percent per year.

The Legislature is required to review the 1995 recovery rates achieved by each watershed and by the state as a whole and set new rates for 2000.

Solid Waste Composition Study: DEQ must conduct a study once a biennium.

Solid Waste Hierarchy: Adds composting to the hierarchy after recycling and before energy recovery.

Annual recycling report: Modifies current recycling report requirement to require counties, on behalf

of cities within watershed, to submit an annual recycling report.

The report would detail participation rates, material collected, and recommendations for recycling improvements.

The DEQ shall report biennially to the Legislature on recycling in Oregon.

Collection service for multi-family dwellings: Landlords with five or more dwellings in cities that have implemented multifamily recycling service must provide containers, collection service and information.

Statewide Integrated Solid Waste Management Plan: DEQ must develop a plan in conjunction with the Economic Development Department, regional agencies and local governments to address solid waste management at least ten years into the future.

Compost: General Services must adopt rules for purchase of compost and sewage sludge. The rules shall encourage the use of compost and sludge without jeopardizing safety and health. The Departments of Forestry, Parks and Recreation, Transportation, and General Services shall each identify and evaluate uses for compost by Sept. 1, 1992. Based on this evaluation, state agencies shall initiate programs that use compost or sewage sludge. Agencies preparing requests for bids for certain projects shall first determine that compost or sewage sludge is impractical, would jeopardize the project or is unavailable.

Newsprint minimum content: By January 1, 1995 every consumer of newsprint in Oregon shall insure that 7.5 percent of the annual aggregate fiber content of all newsprint used by the consumer is composed of post-consumer waste paper if it is available at the same or lower weighted net price in the same time period as virgin material and meets certain quality standards.

Each consumer of newsprint is required to report certain information each year.

The Oregon Newsprint Recycling Task Force is created and shall assess the availability of recycled newsprint in Oregon and assess the need for statewide voluntary guidelines and enter into voluntary agreements that commit parties to programs for use of recycled-content newsprint.

The task force shall accept voluntary agreements executed by a recognized association or individual firm if the agreement includes a commitment to meet a goal of 25 percent of the annual aggregate fiber content of newsprint being composed of post-consumer waste paper. Associations or firms that enter into such an agreement are exempt from the minimum content requirement. The task force sunsets Jan. 1, 1998.

Directories minimum content: By Jan. 1, 1995 every directory publisher shall insure that directories distributed in Oregon have a minimum recycled content of at least 25 percent by weight with at least 15 percent of the total weight consisting of post-consumer waste. Directories must weigh at least one pound to be subject to this requirement and the recycled content paper must be of the same quality and available.

Directory publishers are also required to use bindings and inks that do not impede recycling.

Glass minimum content: By Jan. 1, 1995 each glass manufacturer shall insure a recycled glass content of 35 percent. This requirement increases to 50 percent by 2000.

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Plastic containers minimum content: each manufacturer of rigid plastic containers shall assure that after Jan. 1, 1995 each container must either contain 25 percent recycled content; be made of a material that is recycled at a rate of 25 percent, or be reusable. The bill provides for exemptions, including for reduced weight packaging.

Local governments are required to provide collection for rigid plastic containers in metropolitan and urban wastesheds when there is a stable price for those containers that exceeds 75 percent of their collection cost.

Education: Requires the Dept. of Education to include in the Common Curriculum Goals appropriate language addressing the issue of solid waste management. The Department shall also work with DEQ to establish a curriculum, teaching guide and instructional materials. The Department is required to report to the Legislature on implementation of the solid waste curriculum.

Plastic bags: Requires retailers who offer plastic bags to also offer paper bags as an alternative.

Landfill restrictions: Prohibits persons from disposing of and landfills from accepting for disposal discarded vehicles, home or industrial appliances, used oil or tires.

Recycling Markets Development Council: The council would consist of twelve members appointed by the Governor. Duties of the council include: developing market strategies for each secondary commodity; remaining current with markets; developing communication with committees representing other states within the region; encouraging uniform recycling definitions; encouraging expansion of business opportunities and promoting the purchase of products composed of recovered materials.

The council is required to establish separate industry divisions for glass, paper and plastic to examine specific market development problems. Each division shall establish a recommended capital development fund and a proposal for assessment of the industry. The council may approve each division's assessment mechanism. Moneys from these assessments would be deposited into the Oregon Recycling Markets Development Fund to be used promote market development through loans and grants and to fund expenses of the council.

Household hazardous waste: DEQ will contract with a hazardous waste collection service to provide statewide collection of household hazardous waste.

Technical assistance: DEQ shall provide technical assistance to local governments on solid waste reduction, recycling and management programs.

Government purchase preference: requires state and public agencies to give preference to the purchase of materials and supplies manufactured from recycled materials if the product is available, meets applicable standards, can be substituted for a comparable nonrecycled product and if the recycled products do not exceed the cost of nonrecycled products by five percent. Agencies may, at their discretion, give preference even if the cost differential exceeds five percent. Agencies may also give preference to suppliers of products that reduce the amount of waste generated.

The bill declares policy to improve environmental quality by providing for procurement of products made from recyclable materials and by providing for the recycling of waste materials.

Used oil: Requires agencies to revise procedures for purchase of oil to eliminate any exclusion of recycled oils. Agencies must require that purchases of oil be made from the seller whose oil product contains the greater percentage of recycled oil unless it is unavailable, does not meet performance requirements or costs more than five percent more.

Agencies must maintain affirmative programs for procuring oil containing the maximum content of recycled oil.

Retreaded tires: General Services shall conduct a study that compares the quality, performance and cost-effectiveness of retreaded tires to new tires. After July 1, 1993 all tires on non-steering wheels of agency vehicles shall, at the next required installation of tires, be equipped with retreaded tires. Exceptions are allowed for emergency and fire suppression vehicles.

Recycled paper products: General Services shall revise its procurement practices to give preference to paper products that reduce the production of solid waste or contain recycled paper. A purchase preference of up to 12 percent shall be given for recycled paper products.

By January 1, 1993, 25 percent of state agency purchases of paper products shall be from recycled paper products. By Jan. 1, 1995 this figure must be 35 percent.

Waste paper collection: General Services shall continue the current state waste paper collection program and must submit a new recycling plan. The Department is also required to provide public awareness information and training to state employees. The Department must establish a recycling plan for the Legislative Assembly.

Revenues generated from state recycling programs shall be used to offset recycling program costs.

After Jan. 1, 1993 no agency may purchase office copier or facsimile paper which is not recyclable, unless alternatives are not available, not usable or economically infeasible.

Use of recyclable materials by persons receiving tax credits: Any person or corporation receiving income tax credits for use of recyclable or recycled materials must show that the person receiving the credit gives preference to Oregon producers of the recyclable or recycled materials used.

State agency report: The Department of General Services shall report to the Legislature on purchase and procurement of recycled products.

The Department shall also report on the state's role in developing markets for recycling.

Paving projects: The Dept. of Transportation shall conduct two projects using rubberized paving. The Department shall evaluate the projects and report to the Legislature.

Recycled plastics: The Highway Division shall conduct a research project to evaluate recycled plastic products in construction and maintenance projects.

The Parks and Recreation Department shall conduct four demonstration projects using recycled plastic for structures and materials in state parks.

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Plastic labeling: All rigid plastic bottles sold in Oregon shall be labeled with a code that indicates the resin used in its production.

Funding: Implementation of the market development portion of the bill is funded through the commodity commission assessments described earlier. The collection portion of the bill is funded through a 35 cent per ton increase in the solid waste disposal fee, a 10 cent increase in solid waste landfill permit fees, and \$144,000 from the General Fund. This increase is reduced to 31 cents per ton in 1993 and the DEQ is directed to identify another funding source for household hazardous wastes at that time. The result is that with the current 50 cent per ton fee, from 1991 through 1993 the tipping fee will be \$.85 per ton, and will reduce to \$1 cents in 1993.

sb66p
June 19, 1991
PFG