



METRO

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

Agenda

Ron Nagy
Metro

Meeting: Solid Waste Technical Committee
Date: October 26, 1990
Day: Friday
Time: 9:00 AM to 12:00 Noon
Place: Council Chambers
Metro Center
2000 SW First Ave.
Portland, OR 97201

- I. Committee members and citizen communications Rich Carson
 - II. Updates: Model zoning ordinance Becky Crockett
 - III. Household hazardous waste: status report Larry Eisele /
Sandy Gurkewitz
 - IV. Draft Yard Debris Plan: status report;
Approval of changes to draft plan in
response to DEQ comments Gerry Uba
 - V. Washington County System Plan:
update and discussion Mark Buscher
- Next meeting November 23, 1990



METRO

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

Memorandum

TO: Solid Waste Planning Technical Committee
FROM: Sandy Gurkewitz, Senior Planner
DATE: October 26, 1990
SUBJECT: Status of Hazardous Waste Subcommittee
Planning Activities

Since its commencement in May, the Hazardous Waste Subcommittee has been quite active. In August, the Subcommittee developed twenty year household hazardous waste disposal projections based on data from Metro collection events and permanent and mobile collection facilities currently operating throughout the country.

In addition, the Subcommittee adopted the following system design parameters to guide Washington County in the development of a household hazardous waste collection system: 1) collection options; 2) cost considerations; 3) level of service/convenience parameters and 4) flexibility of the system over time.

At its next meeting, the Subcommittee will adopt a summary matrix which identifies four key components of a household hazardous waste collection system along with suggested program elements, detailed system component descriptions and hazardous waste definitions. In September, the Subcommittee visited both the City of Seattle's permanent, and King County's mobile household hazardous waste facilities.

Today's presentation highlights the activities of the Hazardous Waste Subcommittee and is designed to inform the Technical Committee on household hazardous waste planning in general. Attached for your information are copies of material presented to the Subcommittee: 1) background information on household hazardous waste collection programs; 2) system design parameters - discussion paper; 3) household hazardous waste management system draft matrix; and 4) hazardous waste definitiona - draft.

The following is a packet of background material for your review. It includes two summary tables (tables 1 and 2) on permanent household hazardous waste collection programs in the United States operating in 1989 and a third table on selected programs provided by the City of Seattle's Office of Long-range Planning. This information is provided in response to the Subcommittee's request for additional information and will be the basis for our discussion on national and regional participation rates.

1. Tables 1 and 2 summarize existing data on permanent HHW collection depots currently operating in the United States. The majority of the information was developed from Permanent HHW Management Programs Operating in 1989 (Dana Duxbury and Associates). Additional information on participation was provided by individual municipalities.

Table 1 depicts information on program participation and budgets. As can be seen from this table, participation rates vary from 0.16% to 3.66%. In addition, participation rate does not seem to be related to the size of the community. Although program budgets are reported, they are not directly comparable because some programs do not include complete program costs. This information is reported for discussion.

Table 2 provides additional information on HHW collection programs reported in table one. Included is material on facility operation, ownership size and location.

2. Table 3 has been provided by Joe Brogan from the City of Seattle's Office of Long-range Planning. It summarizes selected programs examined by the City of Seattle.

TABLE 1
PERMANENT HHW COLLECTION FACILITIES OPERATING IN 1989

	YEAR	# OF PARTIC- PANTS	# OF HHLDS	PARTICI- PATION RATE (%)	BUDGET
ANCHORAGE	1989	1,897	83,500	2.27	925,000
SAN FRANCISCO	1988	3,217	350,000	0.92	576,000
	1989	4,422			
SEATTLE**	1989	2,174	211,000	1.03	200,000
	1990	3,640			
SANTA MONICA, CA	1988	1,500	41,000	3.66	109,000
MONTEREY, CA	1988	250	13,000	1.92	35,000
VOLUSIA CO, FL	1988	275	131,000	0.21	60,000
MACOMB CO, MI	1988	400	250,000	0.16	20,000
KALAMAZOO CO, MI	1988	300	80,000	0.38	39,000
INGHAM CO, MI***	1986	550	100,000	0.55	60,000
	1988				
KENT COUNTY, MI	1988	511	170,000	0.30	120,000
KANDIYOHI CO, MN	1988	250	14,000	1.79	30,000
ARLINGTON, VA	1988	400	77,000	0.52	35,000
KING CO, WA****	1989	2,958	545,000	0.54	230,000
MOBILE SITE	1990	3,171		0.58	
PORTLAND*****	1989	4292	458,147	0.94	
COLLECTION EVENT	1990	3657	465,793	0.79	

** - 1990 projected values

*** - Values for 2 year period (1986-1988)

**** - 1989 values for 3 month period (Oct - Dec)

1990 values for 3 month period (Jan - March)

***** - 1989 values for 2 collection events

1990 values for April collection event only

INFORMATION SOURCES

POPULATION DATA

1. Portland - Metro. Feb 15, 1990. Solid Waste Information System.
2. Anchorage, Seattle, San Francisco, Santa Monica, Monterey - 1986 population data from: US Department of Commerce Bureau of the Census. County and City Data Book 1988. (population/2.3 people per household)
3. Volusia Co, Macomb Co, Kalamazoo Co, Ingham Co, Kent Co, Kandiyohe Co, Arlington, VA, King Co - 1985 household data from: US Department of Commerce Bureau of the Census. County and City Data Book 1988.

PARTICIPANT INFORMATION - Dana Duxbury - 1989 review of permanent HHW collection programs.

TABLE 2
PERMANENT HHW COLLECTION FACILITIES OPERATING IN 1989

	PUBLIC/PRIVATE OPERATION	FACILITY TYPE/ OWNERSHIP	LOCATION	FACILITY SIZE
ANCHORAGE	PRIVATE	TSDF/PRE-FAB TRAILER MUNICIPALITY OF ANCHORAGE	LANDFILL/ TRANSFER STATION	6000 SQ FT/ 10' X 24'
SEATTLE	PUBLIC CITY OF SEATTLE	PRE-FAB TRAILER CITY OF SEATTLE	TRANSFER STATION	8' X 20'
SANTA MONICA, CA	PUBLIC CITY'S HAZ MAT TEAM	MODIFIED -BRICK BLDG CITY OF SANTA MONICA	CITY MAINTENANCE YARD/TRANSFER STATION	100' X 35'
MONTEREY, CA	PUBLIC REGIONAL WASTE MANAGEMENT DISTRICT	PRE-FAB STORAGE CONTAINER PUBLIC	LANDFILL CITY-OWNED	6' X 8'
VOLUSIA CO, FL	PUBLIC VOLUSIA ENV MANAGEMENT DEPT	STORAGE SHED COUNTY	LANDFILL CITY-OWNED	8' X 9'
MACOMB CO, MI	PUBLIC COUNTY HEALTH DEPT.	MODIFIED CARGO CONTAINER CO HEALTH DEPT	LANDFILL COUNTY- COMPLEX	8' X 20'

TABLE 2 (cont)

KALAMAZOO CO, MI	PUBLIC COUNTY HUMAN SERVICES CENTER	METAL BLDG CEMENT FLOOR COUNTY	COUNTY FAIR GROUNDS	
INGHAM CO, MI	PUBLIC COUNTY HEALTH DEPT	BRICK BLDG COUNTY	PUBLIC GARAGE	20' X 50'
KENT CO, MI	PUBLIC KENT CO PUBLIC WORKS	CEMENT BLDG PUBLIC WORKS DEPT	MAINTEN- ANCE GARAGE	40' X 70'
KANDIYOHI CO, MN	PUBLIC COUNTY	STATE OF MN MODIFIED BLDG	LANDFILL- PUBLIC	20' X 24'
ARLINGTON, VA	PUBLIC CITY OF ARLINGTON	WATER POLLUTION CONTROL BOARD CITY	WATER TREATMENT PLANT GARAGE	20' X 25'
KING CO, WA	PRIVATE CHEM-PRO	PRIVATE MOBILE TRAILER	PRKNG LOTS YMCA MARKET	8' X 30'
SAN FRANCISCO	PRIVATE SANITARY FILL (NORCAL)	TSDF-TYPE SANITARY FILL	TRANSFER STATION	30' X 80'
SAN BERNARDINO COUNTY, CA	PUBLIC COUNTY	PRE-FAB TRAILERS COUNTY	CITY YARD FIRE STATION/ COUNTY PROPERTY	8' X 22'
STURBRIDGE MASS	PUBLIC	PRE-FAB STORAGE CONTAINER	PUBLIC RECYCLING CENTER	10' X 23'

**SYSTEM DESIGN PARAMETERS
TO AID IN THE DEVELOPMENT OF A WASHINGTON COUNTY
HOUSEHOLD HAZARDOUS WASTE COLLECTION SYSTEM**

DISCUSSION PAPER

**Approved by
Metro's Hazardous Waste Subcommittee
8/30/90**

INTRODUCTION

The purpose of this document is to enlist the Subcommittee's help in determining and agreeing upon principal elements necessary for the development of a Washington County household hazardous waste collection system. These will also be used as the main components of the regional household hazardous waste collection system. Staff has identified key parameters necessary for the development of such a system through the examination of similar programs around the country and by assimilation of previous Subcommittee discussions. They are as follows: 1) collection options; 2) costs; 3) level of service; 4) residential development; and 5) flexibility over time. It is hoped that at the end of this discussion, the Subcommittee will agree upon system design parameters to be used in the development of our regional system.

EXISTING SYSTEM

The existing system consists of the semi-annual collection of HHW at geographically diverse locations. After January 1, 1990, Metro is required to establish permanent collection depots throughout the region. To accomplish this, two permanent collection sites are being developed at the Metro South and Metro East Transfer Stations. Due to their locations it is anticipated that a portion of Washington County residents will use the Metro South Station while only a very limited number will use the Metro East Station. Additional collection provisions are therefore required in Washington County.

SYSTEM DESIGN PARAMETERS

The following is a suggested list of parameters to be considered when designing a Washington County household hazardous waste collection system:

1. Collection Options

A number of collection options have been successfully implemented around the country. They include the following:

permanent collection depot/facility - a site operating on a regular basis which collects (and stores) HHW. Can be located at existing solid waste facilities or other facilities deemed appropriate.

mobile facility - a facility that travels from one area within a region to the next on a regular basis. Mobile facilities are operating in King County, WA and in the throughout the state of Florida.

door to door collection - pick-up service made available to select segments of the population such as the elderly or shut-ins by appointment.

2. Cost

Cost is a limiting factor to most currently operating programs. The majority of collection programs have been designed to accommodate specific budget constraints. Of course the more elaborate the facility, the greater the startup costs. In general however, over the life of a facility, the greatest single cost is that for disposal of collected materials. As participation increases, so will associated program costs.

When designing collection facilities, it should be kept in mind that although household hazardous waste is not currently regulated as hazardous waste, it may well be in the future. If this should occur, the cost of retrofitting a facility originally planned to collect and store non-hazardous waste to accommodate hazardous waste, may be more costly in the long-run.

3. Level of Service/Convenience

Level of service parameters are directly involved in influencing participation rates at disposal facilities. Some commonly identified parameters are:

travel time/distance to collection site - Numerous surveys indicate that residents will travel between ten and twenty miles to a facility to dispose of their HHW. This has also been cited as one of the most important factors influencing participation rate.

operating hours - Hours of operation either make the use of a facility convenient or inconvenient. Most communities try to balance convenience of use with

budgetary constraints.

location - Most permanent facilities are located at existing solid waste facilities. These sites are generally selected to minimize the problems associated with permitting these types of facilities. They are designed to encourage self haulers to segregate and bring their hazardous materials along with the rest of their trash. Mobile facilities on the other hand, can be located almost anywhere including the parking lots of local supermarkets.

4. Flexibility Over Time

The system configuration planned at this point in time may not be desirable in twenty years. For example, over the next five years the region may select to establish two permanent depots and one mobile facility. As the adequacy of the system is re-evaluated during the next five year planning phase of the Regional Solid Waste Management Plan, it may be decided that additional permanent depots are better suited to service the region. To aid Washington County in the development of its household hazardous waste collection system, it is important to examine a number of including the location of residential development in Washington County. A means to accommodate system flexibility needs to be determined.

DRAFT

HOUSEHOLD HAZARDOUS WASTE MANAGEMENT SYSTEM

BTEM #3

SYSTEM COMPONENT	PROGRAM DESCRIPTION	PROGRAM ELEMENTS
1. EDUCATION - INFORMATION A. Public Information Campaign B. Education at Public Schools C. Education at Point of Sale D. Education at Solid Waste Facilities	Program will provide a continuous flow of information to educate and remind people about household hazardous waste minimization, disposal options and substitute products. Information will be tailored to target audiences such as the general public, self haulers and homeowners. Program will target both elementary and high school children. Will work with Metro volunteer program and existing educational system to present programmed learning packets that emphasize potential environmental impacts and waste and toxicity reduction. Education campaigns such as the one at the Fred Meyer chains are designed to influence consumer behavior. Development and distribution of information packets at the point of sale will detail product safety and describe appropriate disposal methods. Education at solid waste disposal facilities will encourage self-haulers to separate their hazardous household materials and bring them to collection depots.	• pollution prevention information • waste minimization information • videos, slide shows, bumper stickers • garbage bill insert • newsletter/flyers • educational packets • school curricula • promotional activities • develop information packets • work w/ local retailers • pilot project • flyers/brochures

HOUSEHOLD HAZARDOUS WASTE MANAGEMENT SYSTEM

SYSTEM COMPONENT	PROGRAM DESCRIPTION	PROGRAM ELEMENTS
1. EDUCATION - INFORMATION (Cont) E. Information Clearinghouse F. Research and Development G. Publicity	Included in an information clearinghouse will be a hotline either as part of Metro's Recycling Information Center or another program. Also the development of a uniform source of information on proper HHW disposal methods. Target audience local government agency staff, public interest groups, health professionals and product manufacturers or retailers. In addition, as part of the Metro library, a repository for current literature on collection and disposal methods and other community HHW collection efforts will be developed. Consists of grants to encourage the testing and development of alternative products and novel HHW disposal options. Publicity campaigns will be aimed at promoting HHW reduction and utilization of collection depots.	• hotline • resource directory • information repository • grant program • workshops/conferences • hazardous waste awareness week • newspaper/TV information campaigns • garbage can labeling

HOUSEHOLD HAZARDOUS WASTE MANAGEMENT SYSTEM

SYSTEM COMPONENT	PROGRAM DESCRIPTION	PROGRAM ELEMENTS
2. LEGISLATIVE PACKAGE A. Funding Mechanisms B. Manufacturer/Retailer Take Back C. Product Ban D. Enforcement mechanisms	Currently, household hazardous waste disposal is incorporated as part of Metro's solid waste tip fees. Additional funding mechanisms could be developed to offset these costs. A model for manufacturer/retailer product take back in the State of Oregon can be seen in legislation regulating lead acid battery disposal. Retailers are required to accept old batteries when a customer is purchasing a new battery and can impose a new battery fee if an old battery is not brought in for exchange when purchasing a new battery. A program can be similarly designed for targeted products. A phosphate ban has been successfully implemented in the Portland Metropolitan region. Similarly, a styrofoam ban is in effect throughout the City of Portland. Product bans could be instituted for particularly toxic items. Metro also currently restricts disposal of certain materials brought to solid waste facilities such as oil and lead acid batteries. This list could be extended.	• product fees/deposit • handling/disposal fee • up-front fee • garbage fee • rate incentives • return of used/outdated product or empty containers • provide credit for used/outdated product towards purchase of new product • ban sale of specified product within region • ban disposal of specified product at MSW facilities • fines • garbage police

HOUSEHOLD HAZARDOUS WASTE MANAGEMENT SYSTEM

SYSTEM COMPONENT	PROGRAM DESCRIPTION	PROGRAM ELEMENTS
3. MONITORING PROGRAM A. Effectiveness of Waste Reduction Efforts B. Mitigation of Environmental Impacts C. Coordination of Local Programs D. Residential Audit	A major goal of a HHW collection system is to reduce the amount of waste entering municipal facilities. This can be measured at the collection site by detailing the type and amount of waste collected over a time. Another measure is to continue monitoring HHW as part of waste stream analyses at solid waste facilities. Changes in participation rates are still another way of monitoring effectiveness of depots at collecting HHW. Another goal of an HHW collection system is to mitigate the environmental impacts of hazardous household products. These include reduction in the toxicity of solid and liquid wastes entering municipal facilities and septic systems. To measure the effectiveness of collection systems, changes in selected chemical markers can be monitored at sewage treatment plants and leachate. Local ground and surface water can be monitored through existing monitoring systems. Central coordinating committee would be useful to track the progress of existing programs and make recommendations for modification of future programs. Similar to business audits, residential HHW audits identify hazardous materials in the home and how to reduce their use.	• waste stream analysis at solid waste facilities • waste stream analysis at collection depots • participation at depots • work with local sewerage agencies to monitor target contaminants at sewage treatment plants • work with existing programs to monitor target ground water contaminants • Metro to act as repository for regional water quality monitoring data • oversee regional hazardous waste activities; ensure the implementation of the Plan • Residential audits

HOUSEHOLD HAZARDOUS WASTE MANAGEMENT SYSTEM

SYSTEM COMPONENT	PROGRAM DESCRIPTION	PROGRAM ELEMENTS
4. COLLECTION SERVICES		
A. Facilities	Central to the development of a HHW management system is the provision of disposal options which will handle the material appropriately. Our system will consist of a number of collection depots, some permanent and perhaps some mobile.	• permanent facility • mobile facility
B. Services	Additional services such as collection events for targeted wastes such as paint or oil, paint swaps or door to door collection can add to the level of service provided by collection facilities.	• door to door • curbside • targeted waste streams

HAZARDOUS WASTE DEFINITIONS¹HAZARDOUS WASTE

A hazardous waste is any solid, liquid or contained gaseous waste that can cause injury or death; or damage or pollute land, air or water if not disposed of carefully.

Under the Resource Conservation and Recovery Act of 1976 (RCRA, Public Law 94-580), a waste material is classified as hazardous if it is listed in the Code of Federal Regulations volume 40, parts 261.30-261.33 (40 CFR 261.30-261.33) or if it exhibits one or more of the following characteristics:

1. Flammability - material that is easily combustible or ignitable;
2. Corrosiveness - material that dissolves metals, glass or other similar materials, or burns the skin;
3. Reactivity - material that is unstable or undergoes rapid or violent chemical reaction with water, air or other materials; and
4. Toxicity - material that is tested and contains any of the following contaminants in amounts greater than the maximum concentrations listed in Table 1, 40 CFR 261.24 after following the Toxicity Characteristic Leaching Procedure (TCLP)²:

Benzene	Arsenic	Methyl ethyl ketone
Carbon tetrachloride	Barium	Nitrobenzene
Chlordane	Cadmium	Pentachlorophenol
Chlorobenzene	Chromium	Pyridine
Chloroform	Lead	Tetrachloroethylene
m-Cresol	Mercury	Heptachlor
o-Cresol	Selenium	Toxaphene
p-Cresol	Silver	Methyl Chloride
1,1-Dichlorobenzene	Endrin	Hexachloroethane
1,2-Dichlorobenzene	Lindane	2,4-D
1,4-Dichlorobenzene	Methoxychlor	2,4,5-TP (Silvex)
2,4-Dinitrotoluene		

¹Source: "Understanding the Small Quantity Generator Hazardous Waste Rules: A Handbook for Small Business." US Environmental Protection Agency. EPA/530-SW-86-019. September 1986.

²The Toxicity Characteristic Leaching Procedure (TCLP) is described in Appendix II, 40 CFR 261.

Hexachloro-1,3-butadiene
Hexachlorobenzene
2,4,5-Trichlorophenol
2,4,6-Trichlorophenol

The state of Oregon defines hazardous waste differently than the federal government (Oregon Revised Statutes, Chapter 466; ORS 466). It excludes radioactive materials and radioactive contaminated containers³ and specifies discarded, useless or unwanted pesticide materials or residues and discarded, useless or unwanted hazardous waste containers as hazardous waste. In addition it defines process "residues from industry, manufacturing, trade or business or government or from the development or recovery of any natural resources" as hazardous waste if classified by the Environmental Quality Commission (EQC). It also sets the characteristics of the residue that deem it a hazardous waste: quantity concentration, or physical, chemical or infectious characteristics which may:

(A) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or

(B) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. (ORS 466.005)

ACUTELY HAZARDOUS WASTE

Acutely hazardous wastes are wastes determined by the EPA to be so dangerous in small amounts that they are regulated the same as large amounts of other hazardous wastes. They are listed in 40 CFR 261.30.

HAZARDOUS MATERIALS

Hazardous materials are regulated by the US Department of Transportation and defined in 49 CFR 171.8 as "a substance or material, including a hazardous substance, which has been determined to be capable of posing an unreasonable risk to

³Also, currently excluded from hazardous waste regulation by both the State and the EPA are: infectious/medical waste, non-hazardous industrial waste sludges, non-hazardous industrial waste dusts, non-hazardous industrial waste ash, incinerator ash from municipal incinerators, sewage grit and screenings, non-hazardous petroleum sludge, soils contaminated with petroleum products, asbestos, used oil, spent batteries and liquid wastes. These materials are managed under separate regulations.

health, safety and property when transported in commerce, and which has been so designated." Hazardous materials are listed in tables in part 172.101.

HAZARDOUS WASTE GENERATOR

A business or company generating hazardous waste. The EPA defines a generator as any person, by site, whose act or process produces hazardous waste (40 CFR 260.10).

Similarly, the state of Oregon defines a generator as any person who by virtue of ownership, management or control, is responsible for causing or allowing to be caused, the creation of a hazardous waste (ORS 466.005).

HAZARDOUS WASTE GENERATOR STATUS

Both the federal government and the state of Oregon have adopted the following definitions:

1. **Fully Regulated Generators** - businesses or companies that generate 2200 pounds (1000 kg)⁴ or more of hazardous waste, or more than 2.2 pounds (1 kg) of acutely hazardous waste per month. Must comply with all applicable hazardous waste management rules.
2. **Small Quantity Generators** - businesses or companies that generate between 220 and 2200 pounds (100 - 1000 kg) of hazardous waste and no more than 2.2 pounds (1 kg) of acutely hazardous material per month. Must comply with all applicable rules. Are regulated generators but regulated differently than fully regulated generators as defined above.
3. **Conditionally Exempt Small Quantity Generators** - businesses or companies generating up to 220 pounds (100 kg) of hazardous waste and no more than 2.2 pounds (1 kg) of acutely hazardous waste per month. Exempt from hazardous waste regulations.

HAZARDOUS WASTE MANAGEMENT FACILITY

A hazardous waste management facility (HWM facility) is defined by the EPA to mean all contiguous land, and structures, other appurtenances, and improvements on the land used for treating, storing or disposing of hazardous waste. A facility may consist

⁴ 2200 pounds equals approximately 300 gallons.

of several treatment, storage or disposal operational units or combinations of them (40 CFR 270.3).

HAZARDOUS WASTE STORAGE FACILITY - A facility in which hazardous waste is contained either on a temporary basis, or for a period of years, in a manner that does not constitute disposal of the hazardous waste. (Adopted from ORS 466.005)

HAZARDOUS WASTE TREATMENT FACILITY - A facility in which hazardous waste is processed, neutralized, or otherwise rendered nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume. (Adopted from ORS 466.005)

HOUSEHOLD HAZARDOUS WASTE

Household hazardous waste (HHW) is not defined in RCRA. In fact, it is specifically excluded from the definition of hazardous waste listed in 40 CFR 261.3. Part 261.4 delineates exclusions to the definition of hazardous waste and sub-part (b) describes *Solid wastes which are not hazardous wastes* "including household waste that has been collected, transported, stored, treated, disposed, recovered (eg. refuse-derived fuel) or reused."

The state of Oregon defines HHW as "any discarded, useless or unwanted chemical, material, substance or product that is or may be hazardous or toxic to the public or the environment and is commonly used in or around households which may include, but is not limited to, some cleaners, solvents, pesticides and automotive paint and products." (ORS 459.005)

HOUSEHOLD HAZARDOUS WASTE COLLECTION DEPOT - A facility for gathering and packaging household hazardous waste for the purpose of consolidation, storage and safe transport to an approved: a) battery, paint, and/or automotive oil recycler; b) licensed hazardous waste disposal company with ultimate transport to a fully licensed hazardous waste management facility or c) fully licensed hazardous waste management facility.

TREATMENT, STORAGE OR DISPOSAL FACILITY

"Treatment, storage or disposal facility" (TSDF) is the colloquial term for an EPA permitted facility licensed to either treat, store and/or dispose of hazardous waste.



METRO

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

Memorandum

DATE: October 18, 1990

TO: Solid Waste Technical Committee

FROM: Gerry Uba
Planning & Development

RE: Regional Yard Debris Plan

On September 14, 1990 Metro received DEQ comments on the Draft Regional Yard Debris Plan. The response to DEQ comments prepared by staff was discussed by the Waste Reduction Subcommittee at its meeting of October 12, 1990. After making changes in the response the Subcommittee recommended the inclusion of the changes in the Regional Yard Debris Plan. The following documents are attached for your review and discussion at the meeting:

1. Letter from DEQ containing their comments on the Draft Regional Yard Debris Plan;
2. Recommended changes (response to DEQ comments);
3. Letter from Metro to local governments containing the intergovernmental agreements (IGA) requirements and the IGA packet;
4. Legal opinion from Metro's legal counsel regarding user pay yard debris programs; and
5. Letter from Metro's Waste Reduction Subcommittee to DEQ Solid Waste Reduction Committee concerning the misunderstanding in program implementation impact of user pay method of funding initial yard debris programs in the region.



Department of Environmental Quality

811 SW SIXTH AVENUE, PORTLAND, OREGON 97204-1390 PHONE (503) 229-5696

September 11, 1990

RECEIVED
SEP 14 1990
METRO SERVICE DISTRICT
EXECUTIVE MANAGEMENT

Rena Cusma, Executive Officer
Metropolitan Service District
2000 S.W. First Avenue
Portland, OR 97201-5398

Re: Yard Debris Recycling

Dear Ms. Cusma:

The Department of Environmental Quality has completed a review of the June 1990 Draft Regional Yard Debris Plan. We are aware of the significant time and effort which Metropolitan Service District (Metro) staff and committees have committed to the development of this document, and the Department is pleased with the general direction of the plan.

As was stated in our letter of April 24, 1990, "the plan submitted on July 1, 1990 must be a complete plan containing all information specified in OAR 340-60-035(5)." From our review of this draft, the Department believes that the plan can be approved when it is revised to address the following issues:

- 1) When will on-route collection of yard debris be in place? The plan should state that local government on-route collection programs will be initiated in 1994 unless Metro finds that there is not adequate processor or market capacity.
- 2) What criteria will Metro use to determine when adequate processor and market capacity exist to justify weekly curbside collection? Since processor and market capacity are the limiting factors that will determine when and if local governments will implement on-route collection programs, the plan should specify the criteria to be used by Metro in determining adequate processor and market capacity. As required by the Department's yard debris rules, the plan should also contain specific projections of processor and market growth over the first four years of program implementation.
- 3) What are the specific yard debris plan and program requirements for each local government? The draft plan does not contain the specific information for each local government as required by OAR 340-60-035(5)(d). For example, the rules require that the plan specify, for each

local government, the proposed method of collection, the amount of material available, projected participation, expected amount of material that will be collected, and the projected processor for that material for the first four years of the local government program. Some of this information can be extracted from the plan and appendices, but other information is not in the plan. The plan should present this information in a clear and easily understandable format. This information should be provided to local governments with the intergovernmental agreements. Local governments should review this information prior to making their commitment to implement the programs outlined in the plan.

In addition, while the plan does identify existing yard debris processing facilities, it does not give a clear picture of where yard debris generated from specific local governments is expected to go for recycling. This is particularly important for the Portland and Multnomah wastesheds, as it is not clear to the Department that adequate facilities exist in appropriate locations to handle recyclable yard debris generated from these wastesheds.

The Department recommends that Metro address these issues more specifically in the plan. Metro should identify which information is not available at this time but will be collected from local governments as a part of their annual work plans.

- 4) The draft plan originally did not include an intergovernmental agreement as required by the rules and identified in the Department's April 24, 1990 letter. The Department and Metro have subsequently developed an adequate intergovernmental agreement form. The Department cannot grant final approval of the plan until the intergovernmental agreements have been executed.
- 5) What specific steps will Metro take to assure that sufficient processing and market capacity exists to handle all of the yard debris that is feasible to collect as recyclable material in the Metro region? The need for a presentation of this information was stated in the Department's May 22, 1990 letter to Metro and it remains the Department's understanding that the Environmental Quality Commission expects the plan to include this discussion.

Rena Cusma, Executive Officer
September 11, 1990
Page 3

- 6) How will the plan result in processor and market capacity growth between 1991 and 1994? Will there be a significant growth in yard debris supply after the initial effects of implementation in 1991? The Department recommends that the plan identifies program elements which will result in a continuous growth in yard debris supply to a level which will justify all jurisdictions having a weekly curbside collection. One option may be to phase in on-route collection between 1991 and 1994 in parallel with the growth of processor and market capacity.
- 7) Are the program elements which include a user fee in violation of ORS 459.190? The Department has been advised by the Attorney General that the opportunity to recycle cannot be provided by a system which includes a differential fee for on-route collection of source separated recyclable materials. The minimum collection program standards for 1991 include a user-pay curbside collection program for reasons we understand and appreciate. The Department recommends that Metro work with the Department's Solid Waste Reduction and Recycling staff to determine how this problem can best be addressed so that the Metro program is in compliance with the law.

The Department looks forward to approving the Metro Yard Debris Recycling Plan. When approved and implemented, the plan will provide excellent guidance to local governments and should be a model for other communities.

If you have any questions about the Department's comments or the specific issues addressed in this letter, please contact Bill Bree or Dave Rozell in the Solid Waste Reduction and Recycling Section, Oregon Department of Environmental Quality, 811 S.W. Sixth Avenue, Portland, OR 97204 or by phone at (503) 229-6975.

Sincerely,

Stephanie Hallock

Stephanie Hallock, Administrator
Hazardous and Solid Waste Division

SH:wrb:b
G:\YB9846

**RECOMMENDED SOLUTION TO DEQ COMMENTS
on the
DRAFT REGIONAL YARD DEBRIS PLAN**

DEQ comments #1

RECOMMENDED CHANGES IN PAGE 86, PARAGRAPH #3

For the purpose of local governments planning and designing their collection programs it needs to be recognized that an objective of the regional yard debris system is to ultimately achieve implementation of a on-route weekly curbside collection system within each jurisdiction. This is felt to be a realistic objective within 3 years in the fourth year of plan implementation (July 1, 1994), provided an aggressive market program results in adequate market capacity for the material generated. This objective needs to be factored into the design of collection programs which are required by July 1, 1991. Specifically, local governments need to consider the cost of transitioning the collection system established in 1991 to a curbside collection system within a relatively short time. Local governments need to consider the cost of amortizing equipment necessary to establish the July 1, 1991 program.

RECOMMENDED CHANGES IN PAGE 95, ITEM #8

July, 1994

~~Local Governments carry out local program changes consistent with June — August, 1993 Program Evaluation~~
initiate on-route weekly community-wide curbside collection unless Metro's program evaluation in 1993 finds that market capacity is inadequate.

RECOMMENDED CHANGES IN PAGE 90, PARAGRAPH #4

*** see also solution to DEQ comments #2 below**

DEO comment #2

RECOMMENDED CHANGES IN PAGE 90, ADD TO BOTTOM OF PAGE

While these programs are appropriate as the starting point for a region-wide collection system based on 1991 projected market capacity, the Plan analysis indicates that there will need to be an increase in collection service beyond these minimum standards to respond to market growth. For this reason, the region will re-evaluate the yard debris system by July 1, 1993 and determine if it should begin providing on-route curbside collection service in 1994 to all residents in the region. This re-evaluation shall include an assessment of both the long-term adequacy of collection programs established to meet the July 1, 1991 requirements, processing capacity and the market demand.

The criteria for determining adequate processing capacity and market demand include but not limited to the following:

Processing Capacity

- a) Evidence of a sustained upward trend in production of products containing composted yard waste;
- b) Demonstration that equipment capacity remains stable or improves;
- c) Record of continued operations, limited down-time;
- d) Ability to consistently provide products which meet the minimum requirements of established testing.

Market Capacity

- a) Sustained upward trend in sales of product;
- b) Consistent, favorable product test results;
- c) Demonstrated new market penetration;
- d) Annual market analysis comparing yard debris products to other competitive products.

RECOMMENDED CHANGES IN PAGE 92, PARAGRAPH #2

Successful implementation of a regional weekly curbside collection

program (cost spread across users base) if established by July 1, 1994 ~~(3 years after initiation of the regional yard debris recycling program)~~ will increase yard debris recycling in the region to 93 % by 1996 (5 years after initiation of the regional yard debris recycling program) as shown in the graphs in the next page. Estimates of annual increases are also shown in one of the graphs. This forecast is based on: 1) growth in residential and commercial recycling as shown in the "key" following Figure 15; 2) a 25% decline in mobile chipping in the residential sector; 3) adjustment of home composting (25% of the region's households continuing to home compost their yard debris); and 4) diversion of 72,000 loose cubic yards from Metro facilities. Additional information on breakdown of the forecast is presented in the "key" below.

DEO comments #3

RECOMMENDED ADDITION TO APPENDIX OF THE PLAN

Appendix #.....

Metro-Local Government Intergovernmental Agreement Packet

RECOMMENDED CHANGES IN PAGE 90, SUBSECTION C

C) Collection Program

Provide a yard debris collection service system to residents within the jurisdiction. This includes:

o Showing in the Annual Waste Reduction Program the proposed method of collection, amount of material available, projected participation, amount of material that will be collected, and processor for that material.

o Providing a service which results in generating yard debris volumes consistent with those collection options listed in Appendix VII of this Plan.

o

o

A NOTE OF CLARIFICATION ON COMMENT #3

A clear picture of where yard debris generated/collected from specific local governments is expected to go for recycling is shown in Appendix VIII of the Plan.

DEO comments #4

RECOMMENDED ADDITION TO APPENDIX OF THE PLAN

Appendix #.....

Metro-Local Government Intergovernmental Agreement Packet

DEQ comments #5

RECOMMENDED CHANGES IN PAGE 97, SECTION C

Steps Metro will take to assure that sufficient processing and marketing capacity exists:

Processing

- a) Continue established relationship with processors to keep abreast of business plans, provide technical assistance
- b) Provide technical assistance to individuals or companies desiring to start processing businesses
- c) Perform cooperative promotional campaigns geared toward proper source separation of product

Marketing

- a) Continue general promotional campaigns on purchasing product
- b) Promote the purchase of recycled yard debris products by governments and business through Metro's Institutional Purchasing Program
- c) Continue to perform demonstration projects which will evaluate the compost products' performance in new uses, e.g. erosion control
- d) Work with processors to formulate yard debris products specifications
- e) Market products through trade shows displays, technical assistance to nursery groups and other professional organizations
- f) Provide spring forum for targeted audiences regarding use of yard debris compost

DEQ comments #6

RECOMMENDED ADDITION TO END OF REVISED SECTION C IN PAGE 97

Metro will monitor the implementation of the above market strategies to make sure that there is a balance between supply of yard debris materials and demand of yard debris products. Part of the monitoring efforts will be devoted to determining the impact of various local governments collection programs and the extent of local governments readiness to initiate on-route curbside collection. In the event that demand of yard debris products grows at a higher rate than supply of yard debris materials those local governments that are ready to implement on-route curbside collection before July 1994 will be encouraged to do so at an earlier date.

DEO comments #7

See attached legal opinion in this agenda packet.

OTHER CHANGES OF SIGNIFICANCE IN PAGE 99

Local Government Program

A) General

Continue implementation of local government programs established in the Waste Reduction Chapter of the RSWMP. This includes development of annual work programs and annual evaluation of waste reduction programs including yard debris.

B) Source Reduction Program

Assist and participate in establishing one of the four home composting education sites in the region by July 1, 1991. This includes working closely with Metro and the Wasteshed representative to set up the site and providing promotion and education materials to persons within a local government on "how to build composting bins", "how to home compost", and "how to use compost products", and "how to use the composting education sites".

~~During the second year (FY 91/92) each local government will contribute to a regional funding pool for the continuation of the home composting education sites.~~

C) Collection Program

Provide a yard debris collection service system to residents within the jurisdiction. This includes:

- o Providing a service which results in generating yard debris volumes consistent with those collection options listed in Appendix VII of this Plan.
- o Having collection service on line by July 1, 1991.
- o Evaluating the collection service program annually and participating in the regional decision of when a higher intensity collection service needs to be established.
- o Adjusting the collection service to a higher intensity collection service consistent with the regional decision of when this should occur.
- o Working with Metro in managing the market impact of yard debris volumes generated if a new collection system is put on line which is known to generate more yard debris volume than those collection systems identified in Appendix VII.
- o Provide on-call, fee for service, source separated, drop box

service if a depot system is established to meet the minimum collection standards. A minimum amount of material for



METRO

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
Fax 241-7417

October 16, 1990

Dear(see attached list),

In accordance with your interest in having Metro pursue a regional yard debris plan, we developed the plan with the assistance of the Regional Solid Waste Policy and Technical Advisory Committees.

As you will recall, during the development of the plan, a workshop for local government officials was held in each of the three metro area counties. At the workshop, the recommendations of the advisory committees and especially the regional minimum standards to be met by local governments was presented and discussed. The recommendations were amended accordingly with your input resulting in the draft Plan.

The draft Plan was completed in June and transmitted to the Metro Council. On June 28, 1990, the Council adopted a resolution to submit the plan to DEQ for comments.

Part of the intergovernmental agreement requirement of the Environmental Quality Commission's Yard Debris Recycling Rule, OAR 340-60-035 (5)(I), is that each local government shall show a commitment to implement the programs (at least the regional minimum standards) called for in the Plan.

A suggested approach to meet the intergovernmental agreement requirement (IGA) is as follows:

- a. confirm your commitment to implement the plan's programs using the attached form (Regional Yard Debris IGA);
- b. transmit a copy of the completed form to the Department of Environmental Quality indicating your commitment to implement the regional minimum standards.

The ultimate decision of whether DEQ approves the final plan lies with you and Metro Council. The Council will review DEQ comments on the draft plan before adopting the final plan. My desire is to have the intergovernmental agreements ready by mid-November, at which time I

Executive Officer
Rena Cusma

Metro Council
Tanya Collier
Presiding Officer
District 9

Gary Hansen
Deputy Presiding
Officer
District 12

David Saucy
District 1

Lawrence Bauer
District 2

Jim Gardner
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District 6

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District 7

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District 8

Roger Buchanan
District 10

David Knowles
District 11

anticipate the Council will adopt the plan.

If you have questions about the IGA please contact Gerry Uba. Also, it would be helpful if you could submit a copy of the IGA submittal to Metro.

Sincerely,



Rena Cusma
Executive Officer

cc: Fred Hansen, DEQ
Tanya Collier, Metro Council
Tom DeJardin, Metro Council
City Managers
County Administrators

**REGIONAL YARD DEBRIS PLAN
METRO - LOCAL GOVERNMENT INTERGOVERNMENTAL AGREEMENT FORM**

MULTNOMAH COUNTY

Contact Person: _____

Address: _____

Phone: _____

Based on our review and agreement with the information provided in the Regional Yard debris Plan the county agrees to implement the following programs called for in the plan:

by July 1991, implement the yard debris recycling standards for local governments as identified in the Regional Yard Debris Plan;

between July 1, 1991 and July 1, 1994 work towards implementation of a weekly curbside collection system for yard debris which will be implemented unless Metro finds that market capacity is not at the level appropriate for on-route curbside collection as set in the Regional Yard Debris Plan; and,

by July 1, 1994, implement a weekly curbside yard debris collection system. This weekly curbside collection system shall be implemented unless Metro finds that market capacity is not at the level appropriate for on-route collection as set in the Regional Yard Debris Plan.

The funding sources necessary to carry out the levels of recycling called for in the Regional Yard Debris Plan will be identified in the waste reduction annual work program.

Comments: _____

Signature: _____

& Date (Local Government Representative)

Title: _____

(Local Government Representative)

MULTNOMAH COUNTY
YARD DEBRIS IMPLEMENTATION REQUIREMENTS

- By July 1991**
- o Establish a regional minimum collection program. (The information in the attachments will help you in designing your program).
 - o Work with Metro and other jurisdictions to promote the use of the four home composting education sites by residents of the region.
 - o Promote the use of home composting bin by residents of the jurisdiction.
 - o Work with Metro to evaluate the need to license or permit yard debris chippers and processors who process small amounts of yard debris.
- Beginning July 1992**
- o Provide information on the proposed method of collection, amount of material available, projected participation, amount of material that will be collected/recycled, and processor for the material that will be collected.
- By 1993/94**
- o Determine an effective funding method for implementing a monthly/weekly on-route community-wide curbside yard debris collection.
 - o Provide Metro with collection data and other information needed to perform market capacity appropriate for establishing on-route curbside collection as set in the Regional Yard Debris Plan.
- By July 1994**
- o Implement a weekly curbside yard debris collection system. This weekly curbside collection system shall be implemented unless Metro finds that market capacity is not at the level appropriate for on-route collection as set in the Regional Yard Debris Plan.

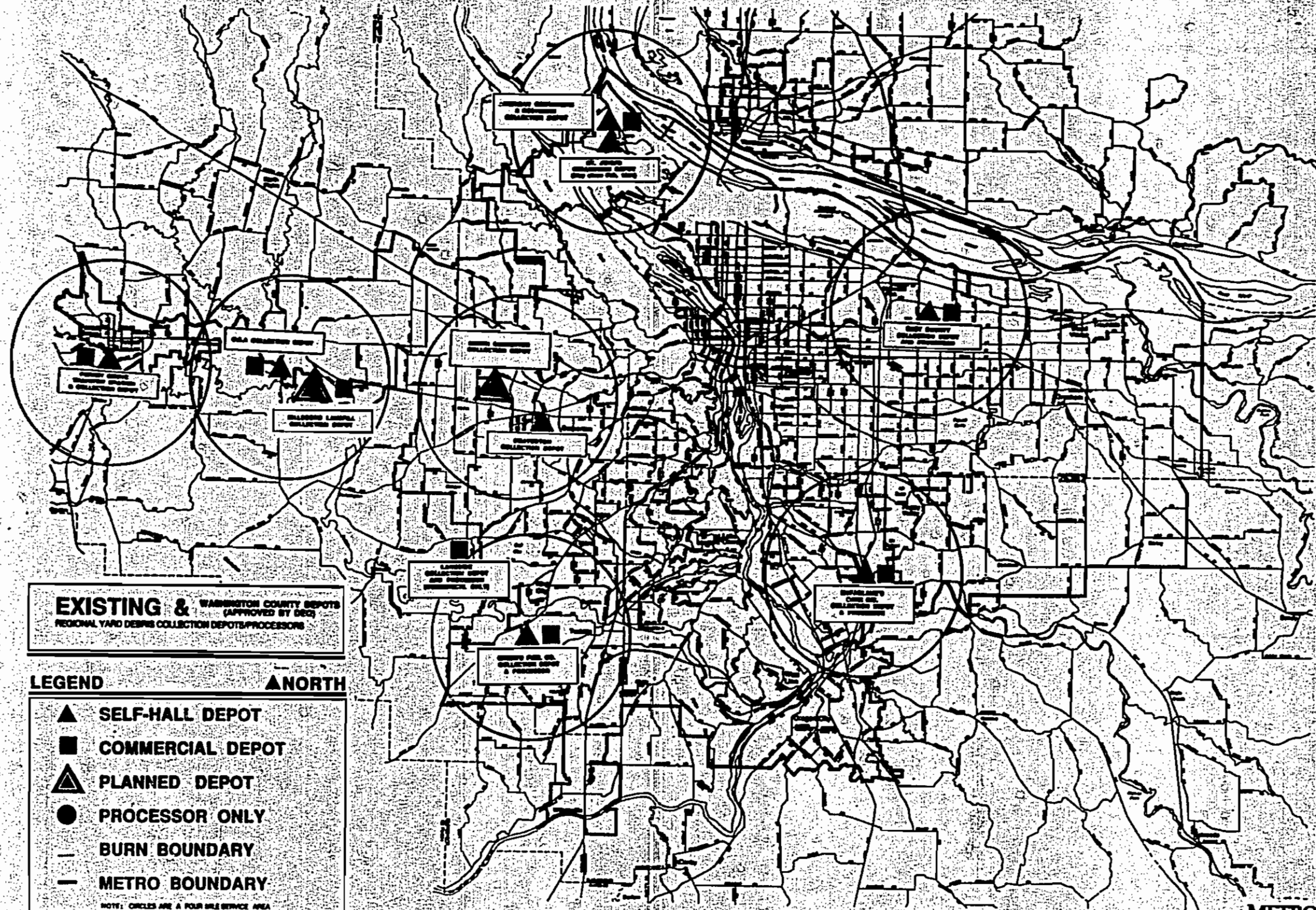
METRO
Oct. 1990

ESTIMATED COST OF REGIONAL PROGRAMS

PROGRAM	AVERAGE COST PER RECYCLED LOOSE CU YD	% COST TO LOCAL GOVT ¹ PER ANNUM	% COST TO GENERATOR ² PER ANNUM
A Source Reduction • Home Composting Education Sites	--	--	--
B Self-Haul Options (UP) • Monthly Rotating Depot • Weekly Low Density Depot (NP) • Weekly Low Density Depot (P) • Municipal Composting Depot	\$11.62 \$11.07 \$11.09 \$3.87	20% - 25% 16% - 21% 15% - 20% 45% - 55%	75% - 80% 79% - 84% 80% - 85% 45% - 55%
C Curbside Options • Monthly city-wide (UP) • Monthly city-wide (SAB) • Weekly city-wide (UP) • Weekly city-wide (SAB)	\$14.60 \$7.19 \$13.85 \$7.07	10% - 15% 5% - 10% 4% - 9% 2% - 7%	85% - 90% 90% - 95% 91% - 96% 93% - 98%

¹Local governments cost includes administration, promotion, site rental, site development and composting education sites' tours.

²Generators cost includes operation and tip fee at processor.



Metro Planning & Development

City Mayors That Received This Letter Are:

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PO Box 337
Fairview, OR 97024

Honorable J E Clark
City of Portland
1220 SW 5th Ave Rm 303
Portland, OR 97204

Sam K Cox
City of Troutdale
104 SE Kibling
Troutdale, OR 97060

Roger Hall
City of Milwaukie
10722 SE Main St
Milwaukie, OR 97222

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4510 NE 102nd
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Darlene Hooley, Chair
Board of Commissioners Clackamas County
906 Main Street
Portland, OR 97045

Gladys McCoy, Chair
Board of Commissioners Multnomah County
1021 SW 4th, Room 134
Portland, OR 97204



METRO

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
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September 13, 1990

Joseph Richards, chair
Oregon Department of Environmental Quality
Solid Waste Reduction Advisory Committee
522 SW Sixth Avenue
Portland, Oregon 97204

Executive Officer
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Presiding Officer
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Gary Hansen
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Lawrence Bauer
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Richard Devlin
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Ruth McFarland
District 7

Judy Wyers
District 8

Roger Buchanan
District 10

David Knowles
District 11

Dear Mr. Richards:

The agenda for your September 14, 1990 meeting is of interest to Metro, especially DEQ's "recommendations on whether service providers can charge for certain recycling services."

As you probably know, the Metro Council has transmitted its Regional Yard Debris Plan to DEQ for review and comment. We expect the DEQ review to be completed soon. At that time we will make final amendments through our committee process, present the plan to the Metro Council for final adoption and submit the plan to DEQ for approval.

One of the major points of discussion has been about whether the "user pay" collection options outlined in the Regional Yard Debris Plan are in conformance with the "opportunity to recycle" act. The statute in question is the section titled "Limitation on amount charged person who source separates recyclable material" (ORS 459.190).

It is Metro's position that the user pay options set forth in the Regional Yard Debris Plan are in compliance with the statute. I have attached the legal review recently completed by Metro's General Counsel for a more detailed analysis of this position.

Sincerely,

Richard H. Carson

Richard H. Carson, Director
Planning and Development Department

cc: Dave Rozell, DEQ



METRO

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

Memorandum

Date: September 13, 1990
To: Becky Crockett, Solid Waste Planning Supervisor
From: ^{LSH} Larry Shaw, Legal Counsel
Regarding: YARD DEBRIS USER PAY PROGRAMS

Facts Presented

Metro's consensus Regional Yard Debris Plan required by EQC regulation and submitted to DEQ utilizes user pay depot or curbside service consistent with Washington County and West Linn's approved programs. A July 6, 1990, Attorney General's Opinion finds that "volume charges for collection of recyclable materials (yard debris) would appear to violate ORS 459.190." DEQ seems to be interpreting that to prohibit a system that includes a separate fee for on route collection of source separated recyclable materials.

Questions

1. Does the regional yard debris plan collection programs (user pay) conflict with ORS 459.190?
2. If so, can the user pay programs identified in the plan be redefined to meet ORS 459.190?
3. Does Metro have the ability to challenge ORS 459.190 being expanded to include yard debris?

Answers

1. ORS 459.190 does seem to prohibit a separate additional fee for on route collection of recyclable material that results in a greater overall fee than if that material was not separated. However, it does not prohibit a separate fee that is equal to or less than the fee charged for collection of the same material as solid waste. This statute would not seem to affect consumer choice to utilize the fee-based depots in the plan to avoid "second can" charges for curbside collection as garbage.

Separate day, separate fee systems charging fees greater than usual "second can" charges or not allowing use of or crediting an unused portion of the first can would appear to violate ORS 459.190. However, this prohibited form of user pay cost recovery does not seem to be required by the plan's user pay provisions. Other forms of user pay charges, including existing "second can" charges for greater volumes or restructuring garbage rates to include costs of yard debris recycling in the garbage rate do not violate the statute.

2. The ability of local governments to choose any collection option to meet volume requirements seems to leave the selection of a nondiscriminatory depot or curbside collection user pay system to them. So, the regional plan itself does not seem to need redefinition to comply with the statute.
3. Yes, if the market for yard debris or other factors demonstrate that it cannot be collected and sold for recycling at a net cost equal to or less than the cost of its collection and disposal. That is most interesting factual aspect of this situation. Yard debris may not meet the statutory definition of recyclable material. Metro's plan may contain the most current data on that. If yard debris does not meet the statute definition of "recyclable material," EQC rules and orders implementing the opportunity to recycle are subject to challenge when the rule is applied to Metro.

DISCUSSION

No Extra Collection Fee for Source Separated Recyclables

ORS 459.190, part of the 1983 "Opportunity to Recycle" legislation, was expressly intended to prevent any extra collection fee charged by refuse haulers that would have the effect of penalizing customers who participate in source separation of recyclables. There is no reason to question the Attorney General's Opinion analysis of legislative history on this point.

Yard Debris as a Recyclable Material

The definition of "Recyclable Material" is "any material or group of materials that can be collected and sold for recycling at a net cost equal to or less than the cost of collection and disposal of the same material." ORS 459.005(20).

Memorandum
Page 3
September 13, 1990

Footnote 3 of the Attorney General's Opinion in question indicates the factual assumption that yard debris, considered a recyclable material under EQC rules, "may involve significantly higher costs for large volume collection than the cost of customary recyclables."

If the costs for recycling yard debris are significantly greater than the costs for garbage collection and disposal of the same material, the question remains whether sufficient revenues are recovered from product sales to cover those additional costs. If not, the net cost of recycling yard debris is greater than usual disposal and yard debris is not a "recyclable material."

Yard debris was conditionally included in the definition of "principal recyclable materials" at OAR 340-60-30(1)(j) to be effective upon adoption of additional rules. In September 1988 the additional rules were adopted at OAR 340-60-035(4)(7), -115, -120, -125. EQC Order SW-WR-89-01 implemented these rules by ordering Metro to complete a regional yard debris plan by July 1, 1990. EQC's authority for these actions is the statutes relating to the opportunity to recycle, including the definition above. If the definition is not met, EQC has no authority to include yard debris as a principal recyclable.

User Pay System

The regional plan collection program elements to be implemented by July 1, 1991, are user pay self-haul depots and curbside collection sufficient to handle identified volumes. (77) Currently self-haulers receive reduced rates for separation of yard debris received at the landfill. (85) The most efficient collection system was found to be a weekly curbside service with a user pay system the most practical approach. (86) Local governments have flexibility to implement any collection option among the alternatives listed that meet volume requirements. (91)

Recommended programs include monthly rotating and weekly depots and weekly curbside collection charging cost of administration, promotion and operation plus permanent depots adding the cost of site development. (Appendix VII).

LS/gl
1111

cc: Peter Kasting
David Anderson



METRO

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

Memorandum

October 12, 1990

To: DEQ Solid Waste Reduction Advisory Committee
From: METRO Waste Reduction Subcommittee
Re: User Pay Yard Debris Program

The draft Regional Yard Debris Plan submitted to DEQ contains minimum requirements for local governments collection program that are premised on a user pay concept.

DEQ staff have suggested that user pay programs for source separated recyclables are in conflict with ORS 459.190. DEQ staff have also indicated that they will make yard debris collection an exception, however with some conditions to be developed through their rule making process.

DEQ staff have proposed that the user pay concept will be acceptable for yard debris recycling programs if program design and implementation procedures do not create any disincentive to residents recycling yard debris. Specifically they have indicated that yard debris collection program funded through user pay can be approved as long as some residents are not charged more for removal of yard debris from their garbage can.

The concerns of this committee are:

1. What constitutes a disincentive? (Is it inconvenience, monetary,?)
2. Those residents who use larger garbage cans will be affected by the proposed DEQ conditions. Currently some residents do not combine their yard debris with other waste regardless of whether the can is full or not.
3. When the entire region starts implementing on-route weekly curbside collection a larger proportion of residents will generate and separate smaller quantities of yard debris that would otherwise be tossed into the garbage can.
4. Program funding for recommended regional minimum programs will be in jeopardy if yard debris recycling programs are approved on the basis that generators can not be charged an extra fee for collection of materials which could have been incorporated into the generator's garbage can.

5. Currently yard debris is prepared and collected as an extra load. There is no indication that the designated yard debris collection programs will create disincentive to residents of the region.

The committee is hopeful that this issue can be resolved in such a way that local governments are able to offer citizens an effective yard debris recycling service.

cc: Dave Rozell, Waste Reduction Manager, DEQ
Rich Carson, Director of Planning & Development, Metro

WASHINGTON COUNTY, OREGON

Regional Solid Waste Management Plan

Chapter 18: WASHINGTON COUNTY SOLID WASTE SYSTEM PLAN

The following outline for a System Plan was passed unanimously by the Washington County Solid Waste Facilities Design Steering Committee on October 15, 1990.

WHAT SHOULD THE WASHINGTON COUNTY SYSTEM LOOK LIKE?

1. Washington County System Configuration Data/Assumptions

Metro's mid-range waste generation and disposal projection has been used as the basis for this plan. The mid-range projection assumes a 40% increase in the per capita waste disposal rate between 1990 and 2013. The mid-range waste disposal projection is as follows:

ANNUAL WASTE TO BE HANDLED AT
TRANSFER/MATERIAL RECOVERY STATIONS

Year	Residential Tons	Non-Residential Tons	Total Tons
1993	82,149	143,599	225,748
2003	101,852	194,943	296,794
2013	134,299	258,238	392,538

The projection assumes that no Washington County waste is shipped to transfer stations outside of Washington County and only minor amounts of waste are imported from Clackamas and Multnomah Counties to Washington

County transfer stations (i.e. where hauler franchise areas overlap). While the latter assumption was used for modeling purposes, the County is open to the idea of importing mutually agreed upon amounts of Clackamas County waste to a transfer/material recovery facility in the southeast portion of Washington County should Metro decide this would be useful for the overall efficiency of the regional solid waste system.

2. Number of Transfer/Material Recovery Facilities

The Steering Committee's Plan would put in place no later than 1993 two transfer station/material recovery centers with the immediate ability to handle at least 200,000 tons of waste annually and the future ability to handle up to 300,000 tons annually. This is sufficient capacity through the year 2003 if the mid-range waste disposal forecast is accurate.

The existing facility at Forest Grove would be expanded to:

- a capacity of 120,000 tons; and
- include material recovery for at least commercial waste (residential still being studied).

A facility in the Wilsonville area would be constructed with:

- a start-up capacity of at least 120,000 tons;
- the ability to expand as need demands to handle a total of 175,000 tons of Washington County waste;

- a compactor;
- maximum material recovery for all portions of waste stream which are cost-effective today; and
- the ability preserved to add more material recovery based on changing cost-effectiveness.

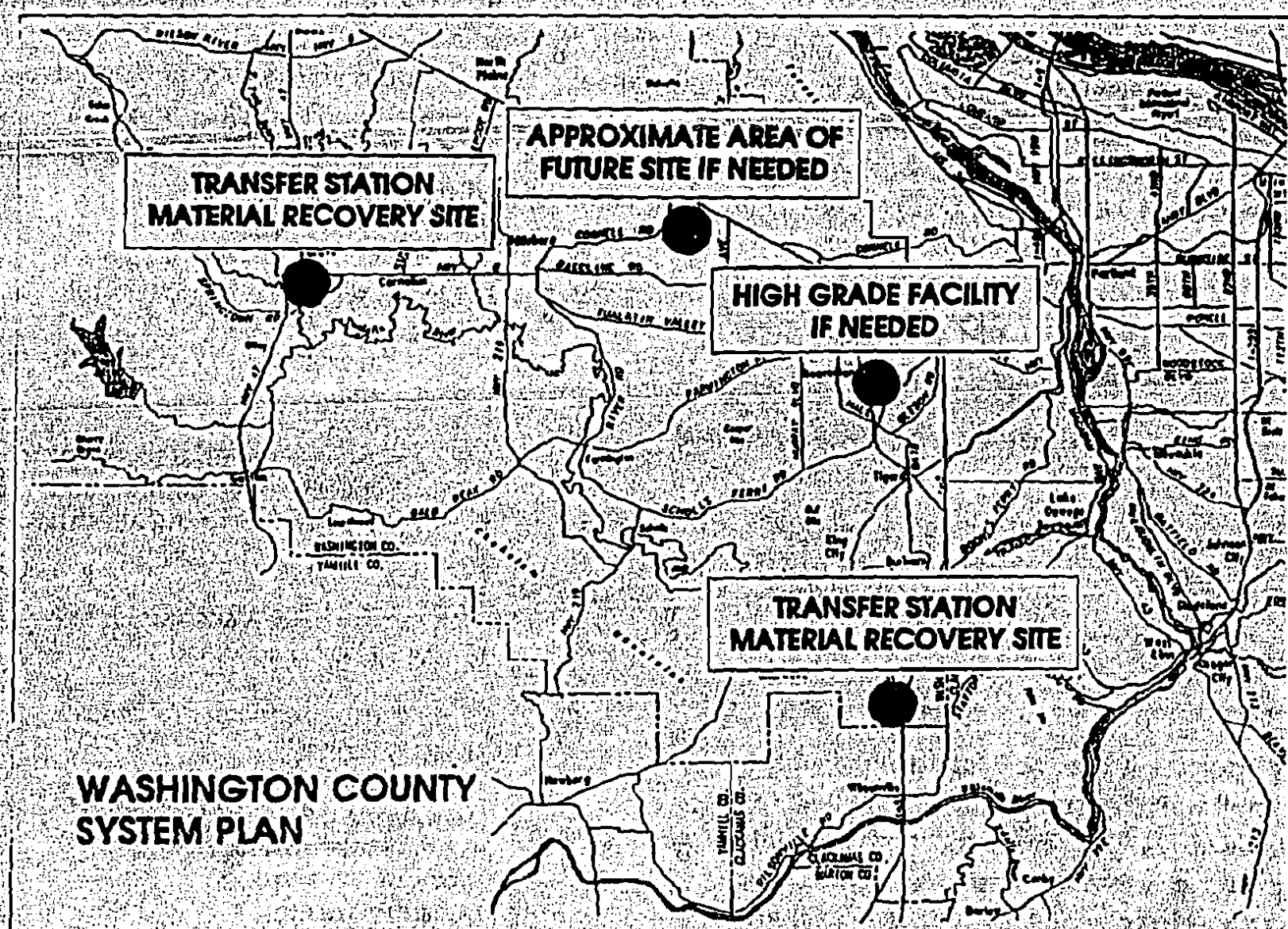
The mid-range projections indicate capacity to handle an additional 100,000 tons will be needed by 2013. Since this is the final 100,000 tons in the regional system Metro is likely to need maximum flexibility to determine how best to handle this tonnage. If Metro wishes, the County will help find a site in the Sunset Corridor area (Hillsboro) to procure immediately for development in 2003. This site could be procured through a private siting process, but owned by Metro. A decision on the function and operation of the site would be deferred

until a later time when more is known about the actual growth in waste disposal tonnage and evolution in the rapidly changing transfer station/material recovery field. Substantially increased levels of recycling or controls on packaging may make it unnecessary to develop the site at all. If the site is needed, Metro may wish to use it for a composter, high grading, or some use other than a standard transfer station/material recovery center.

A summary of the System Plan follows. All of the tonnage figures need to be fine-tuned with additional technical analysis regarding the economic needs of the facilities and site constraints and opportunities.

3. Post Collection Material Recovery

The region's goal of achieving a 56% recycling rate must be achieved or exceeded as soon as possible. The optimum situation is to separate as much recyclable material out of the waste



WASHINGTON COUNTY TRANSFER/MATERIAL RECOVERY FACILITIES

	Approximate Tonnages			
	1990	1993	2003	2013
Forest Grove	65,000	105,000	120,000	120,000
Wilsonville	N/A	120,000	175,000	175,000
Hillsboro	N/A	N/A	N/A	100,000

stream as possible before it enters the transfer station. Any material which can be cost-effectively recovered after it enters the transfer station should be recovered. The ability should be provided to expand stations for additional material recovery if more methods become cost-effective in the future.

4. High-Grade Processing

Technical analysis on the need for a separate high-grade processing facility has not yet begun. However, the waste disposal projections rely on substantial levels of high grading (25,633 tons in 1993 and 46,472 tons in 2013). If the technical analysis indicates that a high grade facility is warranted in the near future the Steering Committee's plan would place such a facility in the Highway 217 corridor (Beaverton).

HOW SHOULD THE WASHINGTON COUNTY SYSTEM BE PUT IN PLACE?

5. Facility Ownership

The Forest Grove facility would continue to be privately owned by A.C. Trucking Company. The Wilsonville facility would be owned by United Disposal Service. If a facility in Hillsboro ultimately is needed Metro would have the flexibility to determine whether it should be publicly or privately owned, depend-

ing on the regional system needs at that time. It is assumed that the Hillsboro facility would be privately operated.

6. Vertical Integration

Transfer station/material recovery facility ownership by haulers would be allowed so long as Metro controls the gatehouse operations of these facilities.

7. Financing

The Forest Grove and Wilsonville facilities would be privately financed. Metro would determine how best to finance the Hillsboro facility if it is needed.

8. Facility Procurement

The facility procurement for the Forest Grove and Wilsonville facilities would be completed as follows:

- Metro, in cooperation with Washington County, would complete the technical analysis, and establish minimum service standards (e.g. material recovery rates) for the Forest Grove and Wilsonville facilities. Additional technical analysis would also be conducted to fine-tune the tonnage figures and phasing schedules for these facilities.
- The owners of the Forest Grove and Wilsonville facilities would have 150 days to demon-

strate their ability to finance and construct a system which meets these minimum standards. Land use approvals, construction/design drawings and financial statements would also be filed with Metro during this time period.

- If all minimum standards are met, and the ability to put the system in place is demonstrated, Metro would negotiate a direct franchise for these two facilities. The tipping fee would be negotiated at this time, using the technical analysis and other existing Metro facilities as benchmarks.

- If the above process does not result in successfully negotiated franchises, Metro would initiate a competitive bidding process to procure a system based on the system configuration and other aspects of the System Plan and the technical standards developed during this process.

- If Metro determines it wishes to put a site for a potential future Hillsboro facility in the "bank" now, it could procure it through a private siting process. The County would actively participate with Metro to ensure that an appropriate site is secured.

9. Land Use Siting

The local governments in Washington County would adopt clear and objective standards to site solid waste facilities at the earliest feasible time, consistent with the policy in the Regional Solid Waste Management Plan. The facility at Forest Grove is an outright permitted use and could be expanded in the nature proposed in the System Plan without further land use permits. The Wilsonville facility has a local permit to provide service for its own collection system, but will need an expansion of that permit to provide regional service at the levels proposed in the System Plan. Preliminary indications from the City are that a facility owned and operated by United Disposal within the tonnage limits proposed in the System Plan

could be supported.

HOW SHOULD THE WASHINGTON COUNTY SYSTEM OPERATE?

10. Flow Control

Metro would guarantee flows based on service areas for the Forest Grove and Wilsonville facilities.

11. Rates

Technical analysis on Washington County rate impacts of this system are yet to be conducted.

SUMMARY

This System Plan meets the goal and objectives of the Regional Solid Waste Management Plan. It is:

"regionally balanced, cost effective, technologically feasible, environmentally sound and publicly acceptable."

The Plan provides Metro with the means to meet the transfer/material recovery needs within the County for the next decade and the maximum flexibility to adapt the final component of the system to realities in the year 2003. This Plan is supported by the public and private sector leadership in Washington County and is consistent with the existing transportation and land use systems in the County. The Steering Committee believes this planning process has been consistent with overall regional management and specifically Policy 16.0, which states:

"The implementation of the Solid waste Management Plan shall give priority to solutions developed at the local level that are consistent with all Plan policies."

The Steering Committee believes this planning process is an excellent example of constructive regional cooperation and looks forward to continuing its partnership with Metro in the implementation of this Plan.



1991 Legislative Proposal

I. Program or Issue Summary

ORS 164.775, 164.785, 164.805, 818.300 and 818.310 as well as portions of Chapters 459 and 466 should be amended to establish a comprehensive civil penalty system to reduce illegal dumping (disposal):

Dumping of hazardous and medical wastes should remain subject to criminal penalties.

Penalties for illegal disposal of other forms of waste and recyclable materials should be changed to a civil fine with a minimum of \$500 and a maximum of \$999. Additionally, the enforcing agency should be entitled to recover its costs for clean up and disposal of the materials.

The state should adopt the evidentiary presumption contained in Section 5.800(3) of the Lane County Code to assist enforcement of the new civil penalty.

The state should adopt the mandatory load cover regulations contained in Section 9.035 of the Lane County Code except to broaden this regulation to also include recyclable materials. The civil penalty should be set with a minimum of \$100 and a maximum of \$300.

The state should establish a reward for information leading to the imposition and collection of a fine under the civil illegal disposal and mandatory cover regulations (for non-public employees) of up to 51 percent of the fine collected by the enforcing agency.

The statute should expressly authorize local enforcement by county and city governments and by Metro. The statute should also expressly authorize the use of hearings officers for enforcement. Additionally, the statute should expressly authorize inter-governmental agreements to combine enforcement procedures.

II. Needs Statement or Policy Rationale

Illegal disposal is a major problem. Fine levels are outdated and are imposed through expensive criminal procedures by public employees with more pressing priorities. A task

force with representatives from Multnomah, Clackamas, and Washington Counties, Metro, the Port of Portland, the City of Portland, and the State of Oregon has concluded that this system should be shifted into the civil realm with higher fines, use of a hearings officer, easier burdens of proof, and no need for counsel and juries at public expense.

III. Required Statutory Change

See I above.

IV. Legislative History

Unknown.

V. Effect of Proposal on Multnomah County Operations, Citizens, Clients

This would relieve pressure on DA to pursue such cases and would free District Court judges for more serious criminal matters. A hearings officer would probably be shared. Employees pursuing dumpers would need to testify.

VI. Budget Information (if applicable):

No initial effect. Eventually, County should pick up a share of a hearings officer as needed to enforce the statute.

VII. Groups Likely to Initiate, Support or Oppose

SOLV (Stop Oregon Litter and Vandalism).