

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ESTABLISHING	)	RESOLUTION NO. 86-618
A TASK FORCE TO DEFINE PROBLEMS	)	
AND SOLUTIONS RELATED TO HOUSE-	)	Introduced by the
HOLD WASTE CONTAINING HAZARDOUS	)	Executive Officer
SUBSTANCES AND SMALL QUANTITIES	)	
OF HAZARDOUS WASTE PERMITTED IN	)	
THE MUNICIPAL WASTE STREAM	)	

WHEREAS, The Council of the Metropolitan Service District desires to learn more about the impact of household waste containing hazardous materials and small quantities of hazardous waste legally permitted in the municipal waste stream; and

WHEREAS, The Council desires to solicit the specialized knowledge of other organizations both public and private to define problems and solutions; now, therefore,

BE IT RESOLVED,

1. That the Council establishes a task force to define problems and solutions related to household waste containing hazardous substances and small quantities of hazardous waste which are legally permitted in the municipal waste stream.

2. That the task force consist of representatives of affected parties including a representative of the Oregon Department of Environmental Quality, Metro Council, Metro staff, the solid waste collection industry, the hazardous waste industry, metropolitan area Legislators, a small business person, and a citizen member of the Solid Waste Policy Advisory Committee (SWPAC) serve on this task force.

3. That the Executive Officer is authorized to appoint the members of this task force.

4. That the Council requests this task force to:
  - a. Develop and review information as necessary to learn more about hazardous materials in the Portland area solid waste stream;
  - b. Analyze the impact of these materials on the solid waste management system proposed in the Waste Reduction Program; and
  - c. Report to the Metro Council within four months of its first meeting how best to deal with any adverse impacts.

5. That Metro continue the policy of not knowingly accepting for disposal in the St. Johns Landfill hazardous materials or wastes in any quantity until the Executive Officer or the task force recommend otherwise.

ADOPTED by the Council of the Metropolitan Service District  
this 9th day of January, 1986.

  
Richard Waker, Presiding Officer

DO/gl  
4920C/445-5  
01/13/86

CONSIDERATION OF RESOLUTION NO. ~~86~~-618 FOR THE  
PURPOSE OF ESTABLISHING A TASK FORCE TO DEFINE  
PROBLEMS AND SOLUTIONS RELATED TO HOUSEHOLD WASTE  
CONTAINING HAZARDOUS MATERIALS AND SMALL  
QUANTITIES OF HAZARDOUS WASTE LEGALLY PERMITTED  
IN THE MUNICIPAL WASTE STREAM

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Date: December 31, 1985

Presented by: Dennis O'Neil  
Randi Wexler

FACTUAL BACKGROUND AND ANALYSIS

This report focuses on two types of waste: 1) household waste which contains hazardous materials such as solvents, pesticides, paint, etc. (these are not legally defined as hazardous wastes); 2) waste defined as hazardous but legally permitted in the municipal waste stream because the quantities produced per generator per month are below state regulatory limits.

Very little is known about the impacts of these types of waste on the municipal waste stream either nationally or in the Portland area. However, there is some belief that these wastes should be collected and disposed of separately from municipal wastes. In various cities there have been one-time collection days where the public has been encouraged to bring household wastes containing hazardous materials to a collection point where it is packaged for disposal at a hazardous waste facility. In the Seattle area there is a cooperative effort by various public agencies and the private hazardous waste disposal industry which involves collection days and also certain collection points for household wastes containing hazardous materials.

The current policy followed by Metro staff is not to knowingly accept any quantity of hazardous materials at a Metro facility whether or not such materials are defined as household waste. This policy is based on concern about liability and about future regulatory trends. Citizens are informed of this policy when they contact Metro requesting information about how to properly dispose of small quantities of pesticides, paints, etc. They are directed to a recycler when possible or to hazardous waste disposal companies. However, the local hazardous waste recycling and disposal industry is geared for much larger quantities of material. The minimum charge for disposing of hazardous wastes is several hundred dollars if small quantities are acceptable at all. Thus, Metro is in a position of refusing to knowingly accept waste which it can legally accept without the availability of an alternative which is not extremely expensive.

It is consistent with Metro's authority and best interests to provide leadership in managing these types of wastes. There are several possible responses which are summarized on the attached chart.

Before addressing either interim or long-term solutions, it is desirable to learn more about the dimensions of the problem, the impact of state and federal regulations, and the availability of suitable insurance. It is desirable to solicit the specialized knowledge of other organizations both public and private which may be involved. It is desirable to involve Legislators in case state legislation is needed. A task force should be set up to accomplish these ends.

#### EXECUTIVE OFFICER'S RECOMMENDATION

Adopt Resolution No. *86-618* which sets up a task force to study the issue of household waste containing hazardous materials and small quantities of hazardous waste which are legally permitted in the municipal solid waste screen.

DO/gl  
4920C/445-3  
12/31/85



**METROPOLITAN SERVICE DISTRICT**  
Providing Zoo, Solid Waste and Local Government Services

December 31, 1985

527 S.W. Hall St.  
Portland, Oregon  
97201-5287  
(503) 221-1646

Rick Gustafson  
Executive Officer

Metro Council  
Ernie Bonner  
Presiding Officer  
District 8

Richard Waker  
Deputy Presiding  
Officer  
District 2

Bob Oleson  
District 1

Jim Gardner  
District 3

Corky Kirkpatrick  
District 4

Tom DeJardin  
District 5

George Van Bergen  
District 6

Sharron Kelley  
District 7

Hardy Myers  
District 9

Larry Cooper  
District 10

Marge Kafoury  
District 11

Gary Hansen  
District 12

Mr. Fred Hansen, Director  
Oregon Department of Environmental Quality  
P. O. Box 1760  
Portland, OR 97207

Dear Fred:

You have proposed that the Solid Waste Reduction Program address those household hazardous materials and small quantities of hazardous wastes which legally can be deposited in landfills. For a variety of reasons we have determined that the public would be better served if we take additional time to develop an action plan for dealing with these wastes.

There are clearly two perspectives from which we can address the disposal of hazardous materials. A universal view would acknowledge that these materials which are not landfilled or sent to Arlington are deposited somewhere. This could be an abandoned building, an empty lot, or a sewer. The number of parties who could be affected by these alternatives is very large. It is our feeling that resolution of this "universal" problem requires active involvement of the DEQ. However, Metro has a strong interest in the ultimate disposal program and I assume we will be working closely with your department.

Metro's immediate concern is to develop and implement a viable alternative to landfilling those hazardous materials which may be present in the municipal solid waste stream. It is our feeling that a reduction in the volumes of these materials which are landfilled will have an insignificant impact on preserving remaining landfill space. Therefore, inclusion of a hazardous waste element in the Solid Waste Reduction Program would not meet the goal of SB 662 which calls for reducing dependency on landfills as disposal sites for solid waste. Furthermore, as you know, the definition of solid waste in ORS 459 into which SB 662 is placed, specifically excludes hazardous wastes.

Nevertheless, the reduction of risk of injury to collection and disposal personnel, and the limitation of potential environmental damage make it appropriate for us to develop programs to reduce the volume of hazardous materials which are sent to the landfill.

Mr. Fred Hansen  
December 31, 1985  
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Accordingly, I intend to immediately recommend the establishment of a task force to evaluate the technical and public policy issues involved in diverting hazardous materials from the landfill. The task force would be charged with determining the scope of the problem as well as appropriate interim and long-term programs and implementation strategies to reduce any danger to the public and the environment.

We view the assistance of DEQ and you personally as invaluable to our efforts. As you know, the maze of confusing regulation of hazardous waste is staggering even to those who are experienced in dealing with such matters. I am attaching a copy of a letter from Metro staff to Michael Downs of your office. The letter addresses questions which we need assistance with if we are to determine the basic regulatory framework within which we must operate. Answers to these questions are critical in enabling us to determine the scope of our current authority and in aiding identification of any regulatory or programmatic assistance we may need. I would appreciate your efforts in expediting a response.

Throughout the course of our efforts we will be in frequent contact with your department to assure that we will all be moving as efficiently as possible towards the resolution of these hazardous material problems.

Sincerely,



Rick Gustafson,  
Executive Officer

RG:DO:gl  
4922C/D4-2

Attachment



**METROPOLITAN SERVICE DISTRICT**  
Providing Zoo, Solid Waste and Local Government Services

November 19, 1985

527 S.W. Hall St.  
Portland, Oregon  
97201-5287  
(503) 221-1646

Rick Gustafson  
Executive Officer

Metro Council

Ernie Bonner  
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District 11

Gary Hansen  
District 12

Michael Downs  
Administrator  
Hazardous and Solid  
Waste Division  
Oregon Department of  
Environmental Quality  
P.O. Box 1760  
Portland, OR 97207

Dear Mr. Downs:

Several questions about state and federal regulations were brought up during the November 8th discussion between DEQ and Metro staff. This discussion concerned a Metro process to respond to the issues of household wastes containing hazardous substances and exempt quantities of hazardous waste in the municipal waste stream. This process is summarized in the attached chart.

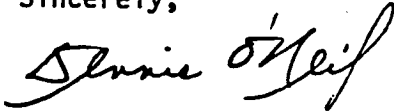
To best advise the Metro Council about the regulatory impact of its decision concerning an interim response, I would appreciate answers to the following groups of questions:

1. If Metro set up a facility to accept and store small quantities of exempt hazardous waste, under what circumstances could Metro become subject to the state or federal rules for small-quantity generators, large quantity generators, or storage facilities? What specific state or federal rules would Metro become subject to?
2. What would be the answer to question 1, if Metro accepted only household wastes containing hazardous substances at its collection facility?
3. If Metro set up a facility to accept and store exempt quantities of hazardous waste and then chose to bury this waste in a municipal landfill, under what circumstances could Metro become subject to either the storage facility or disposal facility provisions of the state or federal rules? Would the answer depend on whether Metro set aside a specific area of the landfill for burial of such waste or simply dispersed this waste in the municipal waste being buried? What specific state or federal rules could Metro become subject to?

4. What would be the answer to question 3, if Metro accepted and buried only household wastes containing hazardous substances?

I would appreciate information about any federal rules which may apply to the above questions as well as Oregon rules. I would also appreciate hearing from you at your earliest convenience.

Sincerely,



Dennis M. O'Neil  
Senior Analyst  
Solid Waste Department

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# OPTIONS FOR METRO COUNCIL

## Interim Response

Continue current informal policy. Do not knowingly accept any hazardous waste or household hazardous materials

Accept household hazardous materials and/or exempt hazardous wastes at St. Johns Landfill collection site. Safely bury in landfill

Accept household hazardous materials and/or exempt hazardous wastes at St. Johns Landfill collection site. Send to hazardous waste disposal site.

## Long Term, Comprehensive Response

### "Look" Option

*Appoint a Task Force*

#### Composition

- DEQ Staff
- Metro Staff
- Collection industry
- Hazardous waste industry
- Portland area legislator
- Small business representative

#### Task

- Review data from other cities, possibly generate some data to learn about types, quantities of hazardous materials in Portland area waste stream.
- Analyze impact on proposed waste management system.
- Advise Council on what programs needed to best deal with situation.

### "Leap" Option

*Appoint a Task Force*

#### Composition

Same as "Look" option

#### Task

Advise Council on what programs needed to best reduce household hazardous materials and/or exempt hazardous waste in municipal waste stream

**Metro Council Chooses Program**

#### *Catalog of possible programs*

- Technical Assistance — waste exchange, hazardous waste hot line, individual assistance to small businesses.
- Collection Programs — foster trade association programs; mobile collection center, etc.
- Promotion and education to raise public awareness, encourage waste reduction
- Other programs suggested by Task Force.

Executive Officer Gustafson explained a tax increase would not result if fees for services, specifically solid waste disposal services, were returned by lowering disposal rates.

Councilor Kelley said she would oppose the Resolution because not enough time had been spent discussing the issues involved.

Councilor Van Bergen said he intended to support the tax base resolution, but was concerned with the attached budget outlined in Exhibit A. He questioned the wisdom of promising the public how the tax base funds would be allocated on a long-term basis when the District's priorities could change.

Councilor Kirkpatrick agreed it would be simpler to administer tax base funds without restrictions, but she said the budget was added in order to gain more support for the tax base.

Presiding Officer Waker opened the public hearing on the Resolution. There being no public testimony, he closed the public hearing.

Vote: A vote on the motion to adopt Resolution No. 86-617 resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Kafoury, Oleson, Van Bergen and Waker

Nays: Councilors Kelley and Myers

Absent: Councilor Bonner

The motion carried and Resolution No. 86-617 was adopted.

Councilor Myers said he voted against the Resolution because he had strongly preferred the option of a Zoo tax base.

9.4 Consideration of Resolution No. 86-618, for the Purpose of Establishing a Task Force to Define Problems and Solutions Related to Household Waste Containing Hazardous Materials and Small Quantities of Hazardous Waste Legally Permitted in the Municipal Waste Stream

Dennis O'Neil discussed the history of disposal of hazardous materials and the need for establishing a task force to recommend guidelines for disposal of these materials.

Councilor Hansen said he supported the Resolution and suggested a Metro Councilor be represented on the task force.

Motion: Councilor Hansen moved to adopt Resolution No. 86-618 and Councilor Kafoury seconded the motion.

Motion to Amend: Councilor Hansen moved to amend the main motion to include provisions for a Metro Councilor on the task force. Councilor Kafoury seconded the motion.

Vote on the Motion to Amend: A vote resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Kafoury, Kelley, Myers, Oleson, Van Bergen and Waker

Absent: Councilor Bonner

The motion carried.

Vote on the Main Motion: A vote resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Kafoury, Myers, Oleson, Van Bergen and Waker

Abstain: Councilor Kelley

Absent: Councilor Bonner

The motion carried and Resolution No. 86-618 was adopted as amended.

Presiding Officer Waker called a recess at 6:50 p.m. The Council reconvened at 7:05 p.m.

9.5 Consideration of Resolution No. 86-614, for the Purpose of Designating an Additional Site for the Washington Transfer & Recycling Center (Champion Wood Products Property)

Presiding Officer Waker announced this Resolution, if adopted, would add the Champion site to the list of sites the Council would take into consideration for selection of a transfer station in Washington County. He explained that at the Council meeting of September 12, 1985, the Council determined the Champion site should be deleted from consideration because at that time it was an operating business. It was also determined if a business should cease to operate at the site it could be considered again by the Council and that a public hearing would be part of the consideration process. This hearing, he said, was taking place because the Champion site was again vacant. Presiding Officer Waker said he would limit public testimony to five minutes per person.