

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ADOPTING A)	RESOLUTION NO. 86-676
HAZARDOUS WASTE MANAGEMENT PLAN)	
)	Introduced by the
)	Executive Officer

WHEREAS, The Council of Metropolitan Service District adopted Resolution No. 86-618, a resolution "For the Purpose of Establishing a Task Force to define problems and solutions relating to household waste containing hazardous substances and small quantities of hazardous waste permitted in the the municipal waste stream;" and

WHEREAS, The resolution states that the Task Force shall review information, analyze the impact of these wastes, and report to the Council on how best to deal with any adverse impacts; and

WHEREAS, The Task Force has completed its work and has presented its findings in the Hazardous Waste Management Plan; now, therefore,

BE IT RESOLVED,

1. That the Council adopts the Hazardous Waste Management Plan developed by the Hazardous Waste Task Force to reduce adverse impacts and to continue investigations.

2. That the Council authorize staff to perform the tasks assigned to Metro.

ADOPTED by the Council of the Metropolitan Service District this 28th day of August, 1986.


Richard Waker, Presiding Officer

STAFF REPORT

Agenda Item No. 8.2

Meeting Date Aug. 28, 1986

CONSIDERATION OF RESOLUTION NO. 86-676 FOR THE
PURPOSE OF ADOPTING A HAZARDOUS WASTE MANAGEMENT
PLAN

Date: August 12, 1986

Presented by: John Frewing
Randi Wexler

FACTUAL BACKGROUND AND ANALYSIS

In January 1986, the Metro Council authorized the Executive Officer to appoint a Task Force to define problems and solutions related to household hazardous waste and small quantities of hazardous waste which are legally permitted in the municipal landfill. Since March 1986, the Task Force has reviewed information from other jurisdictions regarding: 1) current disposal patterns of small businesses and homeowners; 2) waste composition studies; and 3) programs implemented to encourage proper disposal and recycling options for both the homeowner and small business.

The Hazardous Waste Management Plan, (see attachment) developed by the Task Force, recommends programs to reduce the quantity of hazardous waste in the municipal waste stream. The role of the Metro Solid Waste Department in these programs is also outlined.

Task Force Findings

After reviewing available information, the Task Force concluded that certain hazardous materials generated by households and small businesses can harm the environment when disposed of in the garbage can or down the sewer. Also, certain hazardous materials generated by households pose a risk to both homeowners and fire fighters when they are stored. However, no conclusive statement can be made regarding the environmental and public health impacts of disposal of these materials via the garbage can or sewer system.

To provide alternatives to the homeowner, solid waste utilities, liquid waste utilities, and fire fighting agencies should cooperate to 1) collectively determine proper disposal methods for various household wastes, and 2) effectively inform the public of recycling opportunities and disposal opportunities. Disposal and recycling methods for household waste should be funded in a cooperative manner by all affected agencies. The Task Force concluded that Metro should take a lead role in management of household hazardous waste.

The Task Force identified several impediments for providing recycling and disposal options for small businesses. These

impediments include lack of resources on behalf of small businesses to interpret the complex and rapidly changing hazardous waste regulations, difficulty in providing general assistance because of the diversity of hazardous materials used by a large number of small businesses, potential liabilities for small businesses when other disposal options are used, and the cost of proper disposal is extremely high compared with disposal in the municipal waste stream.

The Task Force concluded that Metro should coordinate a new Task Force charged with developing a plan to encourage recycling and proper disposal of exempt/small quantities of hazardous waste.

Summary of Hazardous Waste Management Plan

Recognizing the different problems of homeowners and small businesses, the Hazardous Waste Management Plan is divided into two chapters. Chapter 1 deals primarily with programs to assist the homeowner in finding recycling opportunities and other appropriate disposal methods.

Program A, Pilot Project for Household Collection Day, commits Metro to assist a local jurisdiction or group of jurisdictions in performing a household collection day in October/November. Metro's involvement includes securing services from a hazardous waste disposal firm (either a free service or Metro funding) and promotion and education functions. Collection days have been very successful in other communities.

Program B calls for seeking a permanent funding mechanism to allow jurisdictions to perform collection days on a routine schedule.

Program C, Waste Composition Study, expands the scope of a typical waste composition study to include household hazardous waste categories. Inclusion of these additional categories will provide data for determining the quantity of household hazardous waste in the municipal waste stream. The waste composition study scheduled for October will include household hazardous waste categories.

Program D entails development of a resource document for government agency staff, public interest groups, health professionals, and product manufacturers to provide uniform answers to the homeowner on proper disposal and recycling opportunities. This information will also be published in brochures for the public.

When these programs are in place, Metro will undertake an auditing program (Program E1) to examine loads for hazardous waste. Prior to the auditing program, the current landfill policy of not knowingly accepting any quantity of hazardous waste will need re-evaluation (Program E2).

Chapter 2 Exempt/Small Quantity generator programs designates Metro as the coordinating agency to continue discussions on encouraging recycling and proper disposal options for small businesses. Metro is not responsible for implementing any programs

but is an equal participant, along with other affected agencies, in producing a plan. The Task Force is scheduled to produce a plan by July 1987.

Task Force Recommendation

The Task Force recommends adoption of the Hazardous Waste Management Plan and the Task Force believes that Metro is the appropriate agency to lead discussions on the best mix of programs and projects for small businesses.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 86-676 which adopts the Hazardous Waste Plan. The Executive Officer concurs with the finding of the Task Force that Metro accept the lead role for management of household hazardous waste. The Executive Officer supports the activities in chapter two of the plan as long as other affected parties are willing to assume responsibilities of developing and implementing a plan for exempt/small quantities of hazardous waste.

RW/gl
6066C/471-5
08/15/86

NOTE: Due to the length of the document, the report entitled "Hazardous Waste Management Plan," dated August 1986, was not included in this agenda. If you would like a copy of the Plan, contact Marie Nelson, 221-1646, ext. 206.

Rev. 86-676



Hazardous Waste Management Plan

Metropolitan Service District
Portland, Oregon

August 1986

METRO

This report is printed on
100% recycled paper

Hazardous Waste Task Force Members

John Frewing
Metro Council
Chair, Hazardous Waste
Task Force

Brian Bickmore
Business representative

Tom Bottenberg
City of Portland

Bob Brown
Department of
Environmental Quality

Hon. Ron Cease
State representative

Hon. Joyce Cohen
State senator

Teresa DeLorenzo
Public representative
Metro Solid Waste Policy
Advisory Committee

Bill Van Dyke
Hazardous waste industry

John Greeley
Unified Sewerage Agency

Joyce Johnson
Hazardous waste industry

Delyn Kies
City of Portland

Len Malmquist
Gresham fire marshal

Ernie Schmidt
Department of
Environmental Quality

Jack Schwab
Solid waste
collection industry

John Trachtenberg
Business representative

Bill Webber
Solid waste
collection/disposal
industry

Metro Solid Waste Project Staff

Daniel F. Durig
Solid Waste director

Dennis O' Neil
Senior planner

Cathy Thomas
Public information
specialist

Randi Wexler
Project manager

Norm Weitting
Operations manager

HAZARDOUS WASTE MANAGEMENT PLAN
TABLE OF CONTENTS

	<u>PAGE</u>
Abstract	1
Background	1
Existing Metro Policy & Program	2
Task Force Findings	2 - 4
Hazardous Waste Management Plan	5
Hazardous Waste Management Plan Work Schedule	6
Chapter 1: Household Hazardous Waste Programs	7 - 9
Chapter 2: Exempt/Small Quantity Generator Programs.	10
Appendices	11
Appendix A	
Consideration of Resolution No. 86-618	12 - 20
Appendix B	
Metro's Solid Waste Disposal	
Authority Memorandum	21 - 24

ABSTRACT

Waste disposed in municipal landfills in the Portland area contains unknown quantities of hazardous waste and household waste which exhibits hazardous characteristics. In general, the obstacles to providing adequate disposal options for small businesses and homeowners are: lack of awareness of the problem, costly proper disposal practices, and lack of funds to provide economic and environmentally sound disposal options. A plan has been developed which recommends programs by the Metropolitan Service District to reduce the quantity of hazardous waste in the municipal waste stream.

Background

A hazardous waste is defined as a residue that may "cause or significantly contribute to, an increase in mortality, or an increase in serious irreversible, or incapacitating reversible, illness or pose a substantial present or potential hazard to human health or the environment when it is improperly treated, stored, transported, disposed of or otherwise managed." In general, any waste which is ignitable, corrosive, reactive or toxic is a hazardous waste. Unregulated hazardous waste and household waste with hazardous characteristics are relatively small quantities of waste compared to the total waste stream. Currently, these wastes are probably disposed of in the sewer, in the air, on the ground, into the water supply, as well as into the municipal solid waste stream.

Generators producing more than 220 pounds per month of a regulated hazardous waste (2 pounds per month of acutely hazardous waste) are required to register with the DEQ and are regulated by state and federal hazardous waste regulations. Approximately 500 companies are currently registered with the DEQ. A number of companies have not registered with the DEQ. Generators producing more than 220 pounds per month must dispose of their waste at a licensed hazardous waste facility. Additionally, certain types of hazardous waste generated in quantities of less than 220 pounds per month must also be disposed of at a licensed hazardous waste facility.

During 1983, DEQ estimated that 37,715 tons of hazardous waste generated in Oregon were disposed at either the Arlington hazardous waste disposal facility or outside the state. Approximately 15,275 tons of this waste were generated in the Portland metropolitan region.

Certain quantities of hazardous wastes are exempt from regulation and according to state and federal rules could be disposed at a municipal landfill. The DEQ recommends that exempt quantity generators confer with the landfill operator before disposing of these waste at a municipal landfill. The quantity of unregulated hazardous waste in the Portland area municipal waste stream is unknown. Examples of unregulated hazardous waste that could legally be accepted, but are not desirable, at a municipal landfill include items such as 10 pounds of arsenic and 200 pounds of barium generated by a single source in a month.

Household wastes are not classified as hazardous

wastes. However, many typical wastes such as some household cleaners, used motor oil, some types of paint, and some auto and furniture polish exhibit hazardous characteristics. These wastes can also legally be disposed at municipal landfills.

Existing Metro Policy and Program

Currently, small quantity, unregulated hazardous wastes, along with household waste which may exhibit hazardous characteristics, can legally be disposed of in the municipal solid waste stream. However, Metro has a policy not to knowingly accept any quantity of any type of hazardous waste. The public is informed of this policy when inquiring about appropriate methods to dispose of these wastes. Callers are directed to hazardous waste companies listed in the yellow pages or to services for reuse or recycling, if available.

To reduce the risk of large quantities of hazardous waste entering the landfill, Metro has a special waste permit program. Special wastes are defined as any unusual component of the municipal solid waste stream which could potentially contain substantial quantities of hazardous waste or would require extraordinary management practices for disposal. The primary objective of the special waste permit program is to check certain wastes for contamination with hazardous wastes before the wastes are disposed of in the landfill. If, through testing or analysis of safety data sheets, a special waste is found to be a hazardous waste, the material will not knowingly be accepted at the landfill. Examples of special wastes include: chemicals, liquids, sludges and dusts from commercial and industrial operations, empty pesticide containers and wastes containing asbestos. Special wastes are disposed at the landfill in a manner that minimizes adverse impacts to people and the environment. A log is maintained identifying the location of all special wastes buried at the landfill.

Since May 1985, the Recycling Information Center (RIC) has recorded the number of calls regarding hazardous wastes. The center has received approximately 10 calls a month concerning hazardous waste. These calls relate to small quantity generator issues, unregulated hazardous waste and household waste. The questions pertain primarily to the appropriate disposal methods for pesticides and paints/solvents.

Task Force Findings

Household wastes with hazardous characteristics and exempt quantities of hazardous wastes were the subject of a Metro task force. The Hazardous Waste Management Plan is a result of the efforts of the Task Force. The Metro Council resolution establishing the Task Force is attached as Appendix A. The Task Force reviewed information from other jurisdictions regarding: 1-current disposal patterns of small businesses and homeowners, 2-waste composition studies, and 3-programs implemented to encourage proper disposal for both the homeowner and small business.

From material presented about the Seattle/King County waste stream, the Task Force concluded that four categories of

household wastes were of highest concern in the Seattle/King County area. These categories include automotive products, paint products, pesticides, and household cleaners. Organic solvents were the components of greatest concern in most of these wastes. The Portland waste stream may have certain similarities with Seattle. The Seattle/King County area became concerned about disposal of hazardous waste and certain household products because of water quality issues. This hazardous waste composition study revealed that approximately 1 percent of the waste stream is composed of potentially hazardous wastes.

The results of a study done in North Hollywood, California revealed that hazardous waste was contaminating groundwater resources because businesses were disposing of their waste by burying the waste in the backyard. A large amount of waste generated at small businesses in the North Hollywood area was disposed of through an "unidentified method" -- probably an improper disposal option. Task Force members learned of incidences of "midnight dumping," an improper disposal method, in east Multnomah County. A survey of disposal methods of small generators in the Portland area has not been performed.

The Task Force concluded that homeowners and businesses both had hazardous waste disposal problems but each should be treated separately. This conclusion was reached because household waste is legally considered a solid waste while waste from small generators is legally hazardous waste.

The Task Force discussed liability issues relating to proper disposal of hazardous waste with an attorney specializing in hazardous waste litigation. The liability issue is very complex and is considered a large impediment for exempt quantity generators desiring to dispose of waste at a licensed hazardous waste facility.

The Task Force also learned that several hazardous waste companies are providing "milk run" services to small businesses. Companies that transport hazardous waste for large generators are filling up partially full trucks by picking up hazardous waste from small generators. Also, trade associations and educational institutions are providing technical assistance and updates on regulatory changes to businesses and other interested parties. The Task Force concluded that some of the programs implemented in other jurisdictions, such as "milk runs," are currently operating in the Portland area. The committee concluded that a list of existing available services, such as "milk run" services, should be better disseminated to small businesses.

In summary, the Task Force came to the following conclusions:

1-Metro should take a lead role in management of household waste which exhibit hazardous characteristics in the municipal landfill.

2-Certain hazardous materials generated by households and small business can harm the environment because they enter the garbage can, the sewers, the air, or the ground. Also, certain hazardous materials generated by households pose a risk to both residents

and fire fighters when they are stored. Therefore, solid waste utilities, liquid waste utilities, and fire fighting agencies should cooperate to 1- collectively determine proper disposal methods for various household hazardous wastes, and 2- effectively inform the public of recycling opportunities and disposal methods. All these agencies should call upon the specialized expertise of such private and public organizations as DEQ, Oregon Health Department, Associated Oregon Industries and other appropriate industries and trade associations.

Proper disposal methods for household waste should be implemented on a long-term basis and funded in a cooperative manner through the liquid and solid waste disposal utilities, fire fighting agencies and private companies or funded through taxes or fees.

3-Development of alternative disposal methods for exempt/small quantity generators is hindered for several reasons:

a- lack of resources on behalf of exempt/small quantity generators make it difficult to interpret the complex and rapidly changing hazardous waste regulations,

b- a large diversity of waste is generated by a large number of exempt/small quantity generators making general assistance difficult, and

c- potential liability increases for exempt/small quantity generators when these businesses use other disposal options. Adequate insurance is difficult or impossible to obtain.

4- The cost of using alternative disposal methods is very expensive. Disposal costs include laboratory testing, administration, transportation, and disposal.

5-Exempt/small quantity generators can best be helped by trade associations and other businesses.

6-Waste disposal for exempt/small quantity generators is a state-wide and regional issue.

7-Metro, as a regional government, should continue working with other agencies, small businesses, and the hazardous waste industry to develop a plan for exempt/small quantities of hazardous waste.

The Hazardous Waste Task Force strongly believes that Metro, as a regional government, is the appropriate entity to lead discussions to develop a plan for exempt/small quantity generators. Exempt/small quantity hazardous waste is produced by a variety of small businesses throughout the tri-county region. The members of the Hazardous Waste Task Force strongly believe a multitude of parties must cooperate and coordinate to provide assistance to small businesses. Cooperation and coordination can best be accomplished by Metro leading additional discussions on the exempt/small quantity generator issue.

HAZARDOUS WASTE MANAGEMENT PLAN

I. PROBLEM STATEMENT

The Metropolitan Service District (Metro) is assigned the responsibility by the Oregon Legislature to operate the system of solid waste disposal and to develop a plan for the management of solid waste in the tri-county region. Metro recognizes the need to assess the impact and possible recycling and disposal options for household wastes that exhibit hazardous characteristics and exempt/small quantities of hazardous wastes.

This proposed program has been shaped by the following understandings and assumptions:

- Little data exists to quantify the amount and impact of hazardous wastes entering the municipal wastestream. No state priorities exist to guide the management of exempt/small quantity hazardous waste. The state priorities to reduce, reuse, recycle, recovery energy, or landfill apply to household waste that exhibits hazardous characteristics.

- Metro's enabling legislation does not provide legal authority for management of hazardous waste (Appendix B). Establishment of alternative disposal locations or methods is believed to be outside the scope of Metro's authority. However, Metro can undertake programs to prevent disposal of improper material at its sites. Household waste that exhibits hazardous characteristics is not legally defined as hazardous waste and is therefore managed as solid waste within Metro's authority.

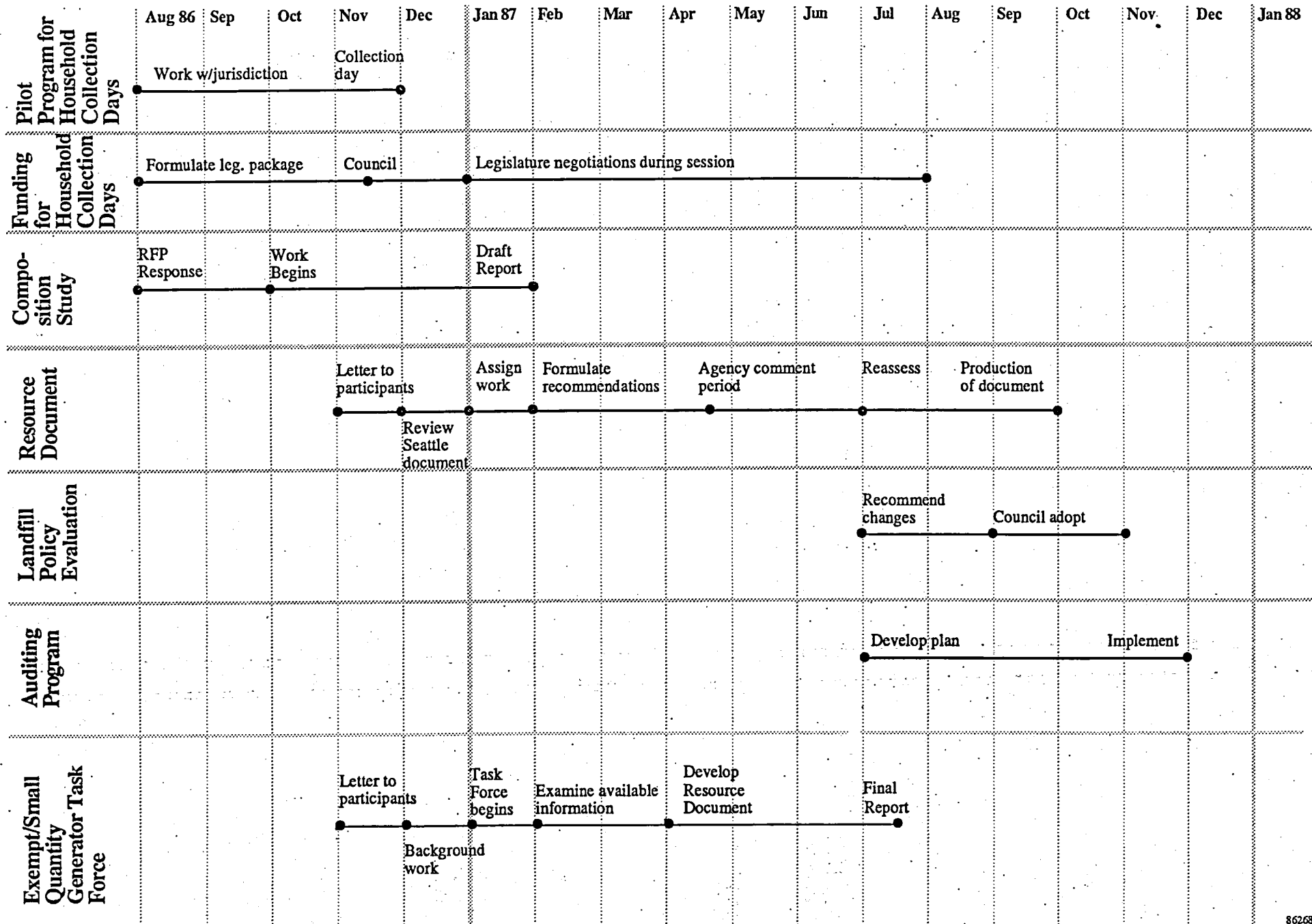
II. PROGRAM CHARACTERISTICS

The program is based on securing interagency cooperation to provide programs to the general public.

This proposed program on household hazardous waste entails seeking legislative or local government assistance for a permanent funding source for household collection days. The plan also includes a process to provide coordinated agency responses to inquiries from the general public regarding recycling and disposal of household hazardous waste, implementation of a household collection day, inclusion of hazardous waste categories in waste composition studies, auditing of loads at the landfill, and reassessment of the existing hazardous waste policy at the landfill.

This proposed program on exempt/small quantities of hazardous waste also entails Metro coordinating a committee to develop a plan for proper disposal and recycling of exempt/small quantities of hazardous waste. The committee would be charged with investigating available information, determining if additional research is needed, identifying existing recycling and disposal options, developing a method to disseminate this information, and determining if additional recycling and disposal options are needed in the metro region.

Hazardous Waste Plan Work Schedule



CHAPTER 1 HOUSEHOLD HAZARDOUS WASTE PROGRAMS

A-PILOT PROJECT FOR HOUSEHOLD COLLECTION DAY

Metro shall financially assist, if necessary, a local jurisdiction or group of jurisdictions in implementing a collection day in October/November 1986. The pilot project service area will target both the suburban areas and major cities. Funding of the pilot project would be a one-time event to serve as a model to other jurisdictions and to raise awareness of the household hazardous waste issues. Metro would work with a selected jurisdiction to coordinate the collection day and would write a request for proposal for a hazardous waste transporter and disposal consultant if a free service cannot be solicited. The local jurisdiction will be responsible for selecting a site, securing assistance from an ambulance and bomb squad, and distributing of flyers and posters. Metro public affairs staff will assist with promotion and education for the collection day and be responsible for radio and T.V. promotion. The promotion and education campaign for collection days will include information on use of non-hazardous materials and recycling opportunities for household wastes, as well as publicizing the collection day event. The pilot project will be evaluated to assist in determining appropriate funding sources and the need for future collection day events.

FTE estimated: solid waste staff .5 August-November 1986

public affairs staff .5 September-November 1986

B-LONG TERM FUNDING OF HOUSEHOLD COLLECTION DAYS

Household collection day programs have been identified as an appropriate mechanism to collect, recycle and dispose of household items such as garden pesticides, non-water based paints, and household cleaners, etc. Currently, there is no funding mechanism to provide this service to the public on a regular basis. Metro, in cooperation with other affected agencies (DEQ, sewer districts, fire departments, etc) will pursue funding from the state legislature and/or local jurisdictions to provide a regular schedule of collection days for the public. Several options to generate a revenue source for this program should be explored.

Possible approaches include:

- 1) state or national fee on hazardous material producers
- 2) general fund from state
- 3) fee on affected agencies; solid waste departments, sewer districts, fire districts, etc.
- 4) reintroduction of S.B. 872 (i.e. fee on pesticide registration)
- 5) addition to hazardous waste generator fees and/or hazardous waste treatment, storage, disposal site fees

The funding program will require participation from solid waste staff, Metro's attorney, and lobbyist. By November, a legislative package must be formulated and presented to the Metro Council. The bill will be presented to the legislature in January. Negotiations with affected parties could continue during the entire legislative session.

FTE estimated:	solid waste staff	.5	August-December	1986
		.2	January-July	1987
	attorney	.2	August-December	1986
	lobbyist	.2	August-December	1986
		.4	January-July	1987

C-WASTE COMPOSITION STUDY

As part of the waste reduction program, a RFP for a waste composition study has been issued which includes hazardous waste categories. Sorting of waste at both St. Johns Landfill and the Clackamas Transfer and Recycling Center is expected to begin in October. The addition of hazardous waste categories will provide Specific data on hazardous waste in the Portland area waste stream.

The work required includes consultation with the waste composition team and review and evaluation of work.

FTE estimated: solid waste staff .1 ongoing

D-TASK FORCE FOR RESOURCE DOCUMENT

A resource directory will be produced in response to the need for a widely available, uniform source of information on proper disposal methods for the large number of agencies that receive inquiries from the general public on household hazardous waste. Disposal recommendations and endorsements from respective organizations will need to be obtained. The directory will be targeted for government agency staff people, public interest groups, health professionals and product manufacturers or retailers. Cooperation and participation on a task force from the following entities will be sought:

- Hazardous waste treatment/storage facility operators
- Metro Solid Waste Department
- local jurisdictions' solid waste staff
- Department of Environmental Quality
- O.S.U. Extension Service (Multnomah/Clackamas counties)
- Poison Control Center
- Audubon Society
- OSPIRG
- Oregon Environmental Council
- Northwest Coalition for Alternatives to Pesticides
- Fire departments
- State of Oregon Public Health Division
- Multnomah County Department of Health Services
- Clackamas County Public Health Division

Washington County Department of Public Health
City of Gresham Public Works Department
Oak Lodge/Clackamas County Sewer Service District
Tri-cities Sewer Service District
Troutdale Public Works Department
Wilsonville Public Works Department
Unified Sewerage Agency
City of Portland Bureau of Environmental Services
local high schools/universities

The group will focus on four general waste classes -- pesticides, paint products, household cleaners, and automotive products, as well as miscellaneous products such as explosives, blasting caps, pool chemicals and fluorescent light fixtures. The task force's charge is to reach consensus on the most appropriate disposal methods for these wastes. The booklet will also provide information on use of non-hazardous products, recycling opportunities, and procedures for emergency situations.

Metro will provide coordination for the task force, limited background research and production of the resource directory. Task force members will be expected to report back to their agencies and obtain support/comments/draft text of the draft disposal recommendations. This task force is expected to be given authority and responsibility to determine the disposal options most appropriate for the region. Periodic review of the document will be required.

The consensus building process is anticipated to take 6 to 8 months and require at least one meeting per month.
FTE estimated: solid waste staff 1 November 1986-September 1987

E Landfill Policies

E1-AUDITING PROGRAM

Develop a program to randomly screen selected loads at the landfill for specific hazardous wastes.

FTE estimated: solid waste staff .3 July 87- ongoing monitoring of contract

E2-EVALUATION OF EXISTING LANDFILL POLICY

Metro currently has a policy of not knowingly accepting any quantity of hazardous waste at the landfill. Following the implementation of collection days and the development of a resource document, Metro will need to re-evaluate the existing hazardous waste policy to reflect the disposal recommendations of the resource document for household hazardous waste. Alternatives should be researched and presented to the Metro Council.

FTE estimated: solid waste staff .5 July 1987-September 1987

CHAPTER 2 EXEMPT/SMALL QUANTITY GENERATOR PROGRAM

A-EXEMPT/SMALL QUANTITY GENERATOR TASK FORCE

Metro shall coordinate a "working" task force composed of representatives from sewer districts, fire districts, local governments, small businesses, hazardous and solid waste industries, Association of Oregon Industries, the State Highway department, and other identified agencies to develop a plan for proper disposal and recycling of exempt/small quantities of hazardous waste. The task force will report its findings in July 1987.

The task force will investigate available information on exempt/small quantity generators in the metro area from a variety of sources (DEQ, sewer districts, fire districts, and hazardous waste transporters and disposal companies). If necessary, the task force will identify research needs, determine a cooperative funding mechanism, and execute the research.

The task force will cooperatively develop a resource document to provide information on existing disposal and recycling options in the metro area. The task force will determine the appropriate method for distributing the information to small businesses. Production and distribution costs will be shared by task force participants.

The task force will assess whether additional recycling and disposal options are needed in the metro area. If additional options are needed, the task force will be responsible for recommending implementation strategies to develop additional options.

Metro's role in this project will be to lead and coordinate the discussions between a variety of affected organizations to develop a plan for exempt/small quantities of hazardous waste. Responsibility for implementation of programs will be decided by participants of the task force. Metro, along with other participants will be requested to provide staff and resources to implement programs. At this time, Metro is not designated as the agency responsible for implementation of any programs, nor is Metro being asked to solely provide staff work to gather information and develop this plan.

FTE estimated: solid waste staff .5 October 1986-July 1987

APPENDICES

STAFF REPORTAgenda Item No. 9.4Meeting Date January 9, 1986

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

Date: December 31, 1985

Presented by: Dennis O'Neil
Randi WexlerFACTUAL 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. 85-618 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

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.



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
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

Sharon Kelley
District 7

Hardy Myers
District 9

Larry Cooper
District 10

Marge Kafoury
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.

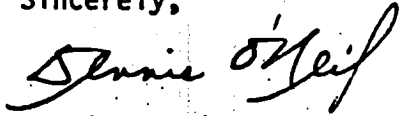
To best advise the Metro Council about the regulatory impact of its decision concerning an interim response, I would appreciate answers to the following groups of questions:

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

b1



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

Sharon 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
Page 2

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 programatic 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

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

Certified A True Copy of the Original Thereof
[Signature]
Clerk of the Council

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



METRO

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

Memorandum

Date: June 12, 1986

To: John Frewing, Chairman, Hazardous Waste Task Force

From: Eleanore S. Baxendale, General Counsel

Regarding: METRO'S SOLID WASTE DISPOSAL AUTHORITY

The May 6, 1986, Attorney General letter opinion correctly states that the Department of Environmental Quality (DEQ) may authorize Metro to take hazardous waste, but the letter does not resolve whether Metro can accept that authority. Metro's functions are limited to those set out in Metro's statutes; other entities (such as cities and counties) which operate solid waste facilities may have broader functional authority and so can act under the additional operational authority given them in the DEQ permit. Metro, however, cannot expand its functional authority by permit or intergovernmental agreement without a statutory amendment or voter approval, as noted in footnote 2 of DEQ's letter. Therefore, although DEQ may give us hazardous waste operational authority, Metro cannot accept it.

Metro, of course, can undertake programs to prevent disposal of improper material at its sites. Certainly information programs would be reasonable, but establishing alternative disposal locations or methods would likely be beyond Metro's authority.

It is critical, therefore, to understand what is solid waste. ORS 459.005(18) defines solid waste as "all putrescible and non-putrescible wastes...but the term does not include...hazardous wastes defined in ORS 466.055 [and material used for fertilizer/animal food]." DEQ's administrative rule definition of solid waste found in OAR 340-101-002(1) repeats this definition but references OAR 340-101-003(1) for the definition of hazardous waste instead of ORS 466.055. The rule and the statute define hazardous waste identically; they both also exclude from that definition material which has been declassified under ORS 466.015. (See attachments.)

The first issue is that OAR 340-101-003(1), the definition of hazardous waste, is followed by subsection -003(2) and 004(2) which tell when a residue described in -003(1) are not hazardous wastes. These materials (which include household wastes) would be solid waste assuming they are declassified under ORS 466.015.

OAR 340-101-004(3) and (4) and 340-101-005 address hazardous wastes not subject to regulation (including small quantity generators). This means they are hazardous wastes and so are excluded from solid waste. Metro cannot operate sites which accept these materials. Metro can only assist in ensuring these materials do not enter the landfill or transfer stations.

There is a remote possibility that the statutory language describing Metro's authority does allow the DEQ permit to define the scope of Metro's authority. ORS 268.317 states that Metro has solid waste authority subject to the requirements of ORS ch. 459, which includes DEQ's permit issuance. Typically, however, this means that Metro cannot use its solid waste authority to override the requirements of ORS ch. 459, rather than allowing DEQ to augment Metro's functional authority.

To give Metro functional authority to accept the hazardous waste which DEQ considers appropriate, Metro's Code should be amended. One way would be to amend ORS 268.310(2) as follows:

"(2) Subject to the requirements of ORS 459.005 to 459.045, 459.065 to 459.105, 459.205 to 459.245, 459.255 to 459.285, 459.992(1) and (2) and 466.995(1), dispose, and provide facilities for disposal of, solid and liquid wastes and those wastes authorized for acceptance at a solid waste disposal site under ORS 466.100(3)."

ESB/gl
5714C/D5

Subdivision A: General

Purpose.

340-101-001 The purpose of this Division is to identify those solid wastes which are subject to regulation as hazardous wastes under Divisions 100 to 108 of this Chapter.

Definition of solid waste.

340-101-002 (1) A "solid waste" is all putrescible and nonputrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, waste paper and cardboard; sewage sludge, septic tank and cesspool pumpings or other sludge; commercial, industrial, demolition and construction wastes; discarded or abandoned vehicles or parts thereof; discarded home and industrial appliances; manure, vegetable or animal solid and semisolid wastes, dead animals and other wastes; but the term does not include:

(a) Hazardous wastes as defined in rule 340-101-003(1).

(b) Materials used for fertilizer or for other productive purposes or which are salvageable as such materials are used on land in agricultural operations and the growing or harvesting of crops and the raising of fowls or animals.

(2) For purposes of this Division, "solid waste" includes "other waste material." "Other waste material" is any solid, liquid, semi-solid or contained gaseous material, resulting from industrial, commercial, mining or agricultural operations, or from community activities which:

(a) Is discarded or is being accumulated, stored or physically, chemically or biologically treated prior to being discarded; or

(b) Has served its original intended use and sometimes is discarded; or

(c) Is a manufacturing or mining by-product and sometimes is discarded.

(3) A material is "discarded" if it is abandoned (and not used, reused, reclaimed or recycled) by being:

(a) Disposed of; or

(b) Burned or incinerated, except where the material is being burned as a fuel for the purpose of recovering usable energy; or

(c) Physically, chemically, or biologically treated (other than burned or incinerated) in lieu of or prior to being disposed of.

(4) A material is "disposed of" if it is discharged, deposited, injected, dumped, spilled, leaked or placed into or on any land or water so that such material or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters of the State as defined in ORS 468.700.

(5) A "manufacturing or mining by-product" is a material that is not one of the primary products of a particular manufacturing or mining operation, is a secondary and incidental product of the particular operation and would not be solely and separately manufactured or mined by the particular manufacturing or mining operation. The term does not include an intermediate manufacturing or mining product which results from one of the steps in a manufacturing or mining process and is typically processed through the next step of the process within a short time.

Definition of hazardous waste.

340-101-003 (1) A "hazardous waste" does not include radioactive material or the radioactively contaminated containers and receptacles used in the transportation, storage, use or application of radioactive waste, unless the material, container or receptacle is classified as hazardous waste under subsections (1)(a), (b) or (c) of this rule on some basis other than the radioactivity of the material, container or receptacle. Hazardous waste does include all of the following which are not declassified by the Commission under ORS 459.430(3):

(Comment: The Department may declassify listed wastes produced at a particular facility under rule 340-100-022.)

(a) Discarded, useless or unwanted materials or residues resulting from any substance or combination of substances intended for the purpose of defoliating plants or for the preventing, destroying, repelling or mitigating of insects, fungi, weeds, rodents or predatory animals, including but not limited to defoliants, desiccants, fungicides, herbicides, insecticides, nematocides and rodenticides.

(b) Residues resulting from any process of industry, manufacturing, trade, business or government or from the development or recovery of any natural resources, if such residues are classified as hazardous by order of the Commission, after notice and public hearing. For purposes of the classification, the Commission must find that the residue, because of its quantity, concentration, or physical, chemical or infectious characteristics, 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, disposed of, or otherwise managed.

(c) Discarded, useless or unwanted containers and receptacles used in the transportation, storage, use or application of the substances described in subsections (a) and (b) of this section.

(Comment: For purposes of compliance with these rules, quantity calculation involving hazardous waste shall be made independent of the concentrations of the hazardous constituents. For example, rule 340-101-033(3) identifying waste containing a concentration of 3% or greater acrolein (P003) as hazardous with a small quantity exemption of 2 lb/mo. shall be interpreted as requiring the management of 2.1 lb/mo. of a waste containing acrolein as hazardous whether the concentration of acrolein is 3, 30 or 100%.)

(2) A residue identified in section (1) of this rule is a hazardous waste if it is not excluded from regulation under rule 340-101-004 and it meets any of the following criteria:

(a) It exhibits any of the characteristics of hazardous waste identified in Subdivision C.

(b) It is listed in Subdivision D and has not been excluded from the lists in Subdivision D under rules 340-100-020 and -022.

(c) It is a mixture of a solid waste and a hazardous waste that is listed in Subdivision D solely because it exhibits one or more of the characteristics of hazardous waste identified in Subdivision C, unless the resultant mixture no longer exhibits any characteristic of hazardous waste identified in Subdivision C.

(d) It is a mixture of solid waste and one or more hazardous wastes

Councilor Frewing proposed the Resolution be amended to provide "such studies should include at a general level consideration of need, feasibility, environmental and economic impact, funding alternatives, cost allocation, and public input process." A discussion between Councilor Frewing and Presiding Officer Waker followed about the appropriate degree of instruction on the study that should be given to the city of Lake Owego.

Councilor Kirkpatrick opposed adding the language because the city was updating their sewage master plan as requested by residents. Although she supported the Resolution, she did not think it the Council's proper business to interfere in this area.

Motion: Councilor Van Bergen moved adoption of Resolution No. 86-679 and Councilor Gardner.

Vote: A vote on the motion resulted in:

Ayes: Councilors Collier, Cooper, DeJardin, Frewing, Gardner, Hansen, Kelley, Kirkpatrick, Oleson, Van Bergen and Waker

Absent: Councilor Kafoury

The motion carried and the Resolution was adopted.

8.2 Consideration of Resolution No. 86-676, Adopting a Hazardous Waste Task Force Report

Councilor Frewing, member of the Hazardous Waste Task Force, introduced the item. Randi Wexler, Solid Waste Analyst, presented staff's report on the Resolution. She explained the Task Force had been working to develop Metro's Hazardous Waste Management Plan. The Committee's findings and proposed plan elements were included in the written staff report which Ms. Wexler reviewed.

Joyce Cohen, State Senator and Task Force member, testified she supported the Resolution and offered her full commitment in implementing the Hazardous Waste Management Plan. She discussed the support the Task Force received from sewage and fire agencies and from small business owners.

At Councilor Van Bergen's request, the Council agreed to consider adoption of the Resolution at this meeting. Adoption had been scheduled for September 11.

Motion: Councilor Frewing moved to adopt Resolution No. 86-676 and Councilor DeJardin seconded the motion.

Regarding Chapter 2 of the draft plan, Councilor Oleson said he thought Metro should seek legislative authority for hazardous waste disposal before seeking cooperation from small businesses. Ms. Wexler explained the Task Force had discussed that issue without conclusion. A new committee would address the issue but at this time no consensus existed for Metro to take a lead for hazardous waste disposal for small businesses. Senator Cohen agreed the current draft of the Plan was a starting place and more work would be done.

Vote: A vote on the motion resulted in:

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

Absent: Councilors Kafoury and Kelley

The motion carried and Resolution No. 86-676 was adopted.

8.3 Consideration of Resolution No. 86-682, for the Purpose of Creating the North Portland Rehabilitation and Enhancement Committee

Peg Henwood, Community Relations Coordinator, provided a historical perspective of the project as outlined in the written staff report. The Resolution included the recommendations of a task force of North Portland area representatives, she said.

Councilor Hansen reported the rehabilitation and enhancement project had created much excitement among North Portland residents. He emphasized that because many of the decisions to be made were controversial, they should be made by residents. He considered the Resolution a good balance of local representation and accountability.

R. S. Kolemaine, 2652 North Willamette, Portland, said he had monitored all meetings of the initial task force and thought the Resolution now before the Council represented a softening a previous hard feelings regarding the St. Johns Landfill. He said not all residents were comfortable with Metro's role in the partnership which was a good justification for community approval on projects financed by rehabilitation and enhancement funds.

Motion: Councilor Hansen moved Resolution No. 86-682 be adopted and Councilor DeJardin seconded the motion.

Vote: A vote on the motion resulted in: