

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF NOTIFYING THE)	RESOLUTION NO. 88-865
OREGON ENVIRONMENTAL QUALITY)	
COMMISSION THAT THE BACONA ROAD)	Introduced by Rena Cusma
SITE IS NOT NEEDED)	Executive Officer

WHEREAS, The Council of the Metropolitan Service District has authorized the Executive Officer, on behalf of the agency, to enter into a 20-year contractual agreement with Oregon Waste Systems, Inc. for a solid waste disposal site and services; and

WHEREAS, Upon implementation of this 20-year agreement, there will be a binding 20-year agreement for a general purpose landfill for disposal of solid waste from the Portland metropolitan region by January 1, 1990; and

WHEREAS, During the term of this agreement the use of the proposed Bacon Road landfill is not necessary to protect the health, safety and welfare of the tri-county area upon closure of the St. Johns Landfill; and

WHEREAS, The interim order entered by the Oregon Environmental Quality Commission in "the matter of the establishment of a solid waste disposal site to serve Clackamas, Multnomah and Washington counties" pursuant to Chapter 679 Oregon Laws 1985 provides that in the event Metro finds that the Bacon Road site is not needed then all authority for the Department of Environmental Quality to establish a site under the order shall expire; and

WHEREAS, Section 20, Chapter 876 Oregon Laws 1987 provides that any order of the Environmental Quality Commission establishing

a landfill pursuant to Chapter 679 Oregon Laws 1985 shall not expire before July 1, 1989; now, therefore,

BE IT RESOLVED,

1. That the Council of the Metropolitan Service District finds that upon execution of the 20-year agreement with Oregon Waste Systems, Inc. for an out-of-region landfill, authorized by Council Resolution No. 88-864, the proposed Bacona Road landfill is not necessary to protect the health, safety and welfare of the tri-county area upon closure of the St. Johns Landfill.

2. The Executive Officer, upon execution of the 20-year agreement with Oregon Waste Systems, Inc., is hereby authorized and requested to transmit a copy of this Resolution No. 88-865, Resolution No. 88-864, and the agreement with Oregon Waste Systems, Inc., to the Oregon Environmental Quality Commission in order to accomplish the expiration of the Department of Environmental Quality's authority to establish the Bacona Road landfill subject to the provisions of Section 20, Chapter 876 Oregon Laws 1987.

ADOPTED by the Council of the Metropolitan Service District this 28th day of April, 1988.



Mike Ragsdale, Presiding Officer

JM/gl
8942C/531
02/10/88



METRO

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

Memorandum

Agenda Item No. 8.1

Date: April 20, 1988

Meeting Date April 28, 1988

To: Metro Council

From: Councilor Gary Hansen
Chair, Council Solid Waste Committee

Regarding: SOLID WASTE COMMITTEE REPORT ON APRIL 28, 1988
COUNCIL MEETING AGENDA ITEM

Agenda Item No. 8.1

Consideration of Resolution No. 88-865,
for the Purpose of Notifying the Oregon
Environmental Quality Commission that
the Bacona Road Site is Not Needed

Committee Recommendation

The Solid Waste Committee recommends Council adoption of Resolution No. 88-865.

Discussion

This item was on the February 18, 1988, Committee agenda but was not discussed except in executive session (legal aspects).

On March 1, 1988, the Committee held a public hearing on Resolution No. 88-865. Only one individual testified. The individual supported the Arlington site and was opposed to Bacona Road. It was suggested that DEQ designate an eastern Oregon site. The Committee decided to defer any action on Resolution No. 88-865 until action was taken on Resolution No. 88-864 (landfill contract with Oregon Waste Systems).

The resolution was discussed again briefly at the March 15, 1988, Committee meeting. The Committee voted three to one to recommend Council approval of Resolution No. 88-865 upon securing a general purpose landfill. Voting aye: DeJardin, Gardner and Hansen. Voting no: Van Bergen. The Committee specified that the resolution not be on the Council agenda until a landfill was secured.

RB:amn

Presiding Officer Ragsdale announced the matter of Contested Case No. 87-2 would be on the February 25 Council agenda.

2. INTRODUCTIONS

None.

3. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Presiding Officer Ragsdale reported he had received a letter dated January 10, 1988, from James Ross of the Land Conservation and Development Commission relating to Contested Case No. 87-2.

4. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Dale Sherbourne, 3638 S.W. Corbett, Portland, testified that Metro should solve the region's solid waste disposal problems by promoting recycling, especially in the schools. He also supported composting technology and local solutions to the region's disposal problems.

5. COUNCILOR COMMUNICATIONS

None.

6. EXECUTIVE OFFICER COMMUNICATIONS

6.1 Consideration of Resolution No. 88-864, for the Purpose of Securing General Purpose Landfill Disposal for Solid Waste Disposal from the Portland Metropolitan Region;

Consideration of Resolution No. 88-865, for the Purpose of Notifying the Environmental Quality Commission that the Bacon Road Site is Not Needed;

Consideration of Resolution No. 88-866, for the Purpose of Suspending Memorandum of Understanding Negotiations with Combustion Engineering for a RDF Facility, Pending Approval of a Facility Site in Columbia County; and

Consideration of Resolution No. 88-867, for the Purpose of Continuing Memorandum of Understanding Negotiations with Riedel Environmental Technologies for a Mass Composting Facility

Executive Officer Cusma introduced the resolutions by explaining that for the last ten years, the region had been looking for the solution to its solid waste problem. She recommended the Council help solve the problem by accepting the bid from Oregon Waste Systems to construct and operate a landfill near Arlington, Oregon, in Gilliam County. Built into the bid would be the flexibility to

Metro Council
February 11, 1988
Page 3

continue pursuing alternative ways to dispose of garbage. Accepting the bid would not deter efforts to establish a composter, a refuse-derived fuel plant or any other technology that might develop over the life of the contract, she explained. Metro would also step up efforts to encourage recycling.

The Executive Officer reported staff had conducted research into the background of Waste Management, Inc., the parent company of Oregon Waste Systems. Her investigations showed that "the company has had no legal problems in the operations of landfills and the legal problems they have incurred are the result of past practices of hauling companies that they have acquired." She said there was nothing that would disqualify the company from being a legal, eligible and reputable bidder for landfill services.

The Executive Officer also pointed out that Gilliam County had offered to help Metro solve its solid waste problem while providing jobs and long-term economic benefit for other Oregonians.

Regarding the proposed Bacona Road landfill site, the Executive Officer recommended the Environmental Quality Commission (EQC) and the Department of Environmental Quality (DEQ) "stop any further work on the Bacona Road landfill Site in western Washington County." She acknowledged the region would be without a solid waste disposal facility for two years until the eastern Oregon landfill opened.

Executive Officer Cusma also recommended Metro not proceed further with a refuse-derived fuel project in Columbia County until a site for that facility was approved. Although she had faith in the technology, believed in the need for such a facility, believed it was within range of Metro's 20 percent cost premium, and approved of the Memorandum of Understanding Metro had negotiated with the vendor, she could not recommend signing the memorandum without a site. She pointed out Metro had initially proposed an alternative technology project for Columbia County out of response to the County's long-standing interest in such a facility. However, "until such time as we have a clear statement that the community will accept the plant, I cannot recommend signing a Memorandum of Understanding with the company." To do otherwise could result in financial liability being incurred with no indication a facility would be sited, she said.

Finally, the Executive recommended Metro continue Memorandum of Understanding negotiations with Riedel Environmental Technologies for a composting facility under the condition specific, requested information related to the marketing of compost be provided to Metro from Riedel no later than April 15, 1988.

The Executive strongly urged the Council to adopt the resolutions and to answer the question: "What shall we do with the garbage?"

Presiding Officer Ragsdale announced that he was referring Resolution Nos. 88-864, 88-865, 88-866 and 88-867 to the Council Solid Waste Committee for review and recommendation. Councilor Hansen announced the Committee would review Resolution Nos. 88-864 and 88-865 at a work session scheduled for February 18, 1988. Councilor Knowles requested Councilor Hansen distribute the Committee's review schedule to all Councilors.

7. CONSIDERATION OF MINUTES

Claire Green, 960 S.W. 192nd Place, Aloha, noted the second line of page 3 of the minutes of January 14 should be changed to read: "Councilor Bonner said he would not support the confirmation for [the same reason] reasons having to do with process.

Motion: Councilor Bonner moved, seconded by Councilor Waker, to approve the minutes of December 22, 1987, and the minutes of January 14, 1988, as corrected per Ms. Green's suggestion above.

Vote: A vote on the motion resulted in all ten Councilors present voting aye. Councilor Collier was absent.

The motion carried.

8. ORDINANCES

8.1 Consideration of Ordinance No. 88-240A, for the Purpose of Adopting an Updated General Purpose Landfill Chapter to the Solid Waste Management Plan (First Reading)

The Clerk read the ordinance a first time by title only. Presiding Officer Ragsdale announced that the document identified as Ordinance No. 88-240A was replacing Ordinance No. 88-240. He referred the ordinance to the Council Solid Waste Committee for a public hearing, review and recommendation.

8.2 Consideration of Ordinance No. 88-241, for the Purpose of Amending Chapter 2.01 of the Metro Code Pertaining to Council Organization and Procedure (First Reading)

The Clerk read the ordinance a first time by title only. Presiding Officer Ragsdale announced he was referring the ordinance to the Council Internal Affairs Committee for a public hearing, review and recommendation.



METRO

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

Memorandum

Agenda Item No. 3 and 4

Meeting Date Mar. 15, 1988

Date: February 11, 1988
To: Metro Council
From: Rena Cusma, Executive Officer *Re*
Regarding: RESOLUTION NOS. 88-864 AND 88-865

CONSIDERATION OF RESOLUTION NO. 88-864 FOR THE PURPOSE OF SECURING GENERAL PURPOSE LANDFILL DISPOSAL FOR SOLID WASTE FROM THE PORTLAND METROPOLITAN REGION

AND

CONSIDERATION OF RESOLUTION NO. 88-865 FOR THE PURPOSE OF NOTIFYING THE OREGON ENVIRONMENTAL QUALITY COMMISSION THAT THE BACONA ROAD SITE IS NOT NEEDED

Background

In response to a call for bids issued by Metro for general purpose landfill services, Oregon Waste Systems, Inc. submitted a sealed bid on December 21, 1987. The call for bids required bidders to meet all terms and conditions of the bid request, which included requests for bids on one or more of nine alternatives. Oregon Waste Systems, Inc. submitted bids for alternative one, which requested landfill disposal capacity for the region's landfilled waste for 20 years and for alternative two, which requested landfill disposal capacity for half of the region's landfilled waste for 20 years.

The bid was secured through a competitive process, and provides Metro with feasible options for disposal of wastes generated in the region at a landfill site to be developed by Oregon Waste Systems, Inc. in Arlington, Oregon.

The bid provides Metro with reasonable assurances from Oregon Waste Systems, Inc. that the landfill will be environmentally safe and that capacity for waste disposal be available to Metro by January 1990. A firm, fixed price for landfill costs is assured. Additionally, the vendor has indicated their concurrence to the equivalent of a "most favored nation" status for Metro, which means that as non-Metro users enter into contractual agreements for services with Oregon Waste Systems, Inc., the unit cost for operating the Arlington site is expected to decrease and the vendor will share these savings with Metro.

Memorandum
February 11, 1988
Page 2

The only other landfill option for Metro for long-term disposal of all the region's designated waste is a site at Bacona Road in northwest Washington County identified by the Environmental Quality Commission.

By comparison with the site in Arlington, it is unclear whether the Bacona Road site will be available for use as a landfill. It is certain that the site will not be available before the February 1991 scheduled closure of the St. Johns Landfill. Metro would then be faced with the uncertainty and the liability of diverting the region's waste to an unknown landfill. Additionally, and importantly, Metro has only estimated costs for disposal of waste at the Bacona Road site, and no real assurances of duration.

Metro should proceed with contractual arrangements for Alternative 1 with Oregon Waste Systems, Inc. for waste disposal at the site in Arlington, Oregon. The region cannot afford to close the St. Johns Landfill, pursue resource recovery, waste reduction, other alternative technology, and develop the Bacona Road site all at the same time.

The Oregon Waste Systems, Inc. bid offers the least costly option to Metro for the next 15 to 20 years. Further, technology in the solid waste industry is developing so rapidly that disposal methods may be significantly different even five years from now, given the recent history of developments in the solid waste field. It is, therefore, unreasonable to commit this region to the hoped for 40 years of landfill disposal at the Bacona Road site.

Recommendation

Approve resolutions to proceed with executing a contract with Oregon Waste Systems, Inc. consistent with the Request for Bid and their response to alternative one, and notify the Oregon Environmental Quality Commission to discontinue investigations of landfill disposal sites in or near Metro boundaries.

JM/sm
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