

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF SUPPORTING	)	RESOLUTION NO. 88-1002
PROPOSED SOLID WASTE BILLS AND	)	
CONCEPTS FOR THE 1989 STATE	)	Introduced by the Solid
LEGISLATIVE SESSION	)	Waste Committee

WHEREAS, The Metropolitan Service District was created by legislative action and vote of the people within the District boundary for the purpose of addressing specific regional problems and consolidating regional services; and

WHEREAS, The Metropolitan Service District has identified legislative bills and concepts to support, promote and enhance the District's ability to continue to provide solid waste disposal services, as provided for in Oregon State Statutes, Chapter 268.317 et seq.; and

WHEREAS, The 1989 Oregon State Legislature will convene in January; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District supports the solid waste legislative concepts and bills attached hereto as Exhibits A through C for introduction and promotion at the 1989 Oregon State Legislature.

ADOPTED by the Council of the Metropolitan Service District  
this 27th day of October, 1988.

  
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Mike Ragsdale, Presiding Officer

Agenda Item No. 7.7

Meeting Date Oct. 27, 1988

RESOLUTION NO. 88-1002

Revised Exhibit A

October 14, 1988

Legislative Concept

Bacona Road Funding Limit

Objective

Provide a clear date by which the Metropolitan Service District will no longer fund activities related to the siting of the proposed Bacona Road Landfill.

Discussion

With the signing of a contract with Oregon Waste Systems for the use of their landfill in Gilliam County, Oregon, the Department of Environmental Quality's (DEQ) proposed Bacona Road Landfill is no longer needed. Metro notified DEQ on April 28, 1988, that the site was no longer needed.

However, the statute which authorized DEQ to search for and site a landfill for the metropolitan area provides no clear definition of when DEQ is to cease its activities. Hence, it is unclear when Metro's responsibility to reimburse DEQ for the Bacona Road

Landfill siting process ends. There is also the possibility that the law could be used to authorize DEQ to use the assessment for other purposes than the Bacona Road project.

Proposal

1. Provide that Metro is not responsible for any costs incurred in the attempt to establish the Bacona Road Landfill after June 30, 1989. The proposal further states that Metro's responsibility is limited to the direct expenses in attempting to establish the landfill.

A BILL FOR AN ACT

Relating to metropolitan service districts; amending chapter 679

Oregon Laws 1985; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

Section 1. Section 9, chapter 679, Oregon Laws 1985 is amended

to read:

Sec. 9 (1) The metropolitan service district shall apportion an amount of the service or user charges collected for solid waste disposal at each general purpose landfill within or for the district and dedicate and use the moneys obtained for rehabilitation and enhancement of the area in and around the landfill from which the fees have been collected. That portion of the service and user charges set aside by the district for the purposes of this subsection shall be 50 cents for each ton of solid waste.

(2) The metropolitan service district, commencing on the effective date of this 1985 Act (July 13, 1985), shall apportion an amount of the service or user charges collected for solid waste disposal and shall transfer the moneys obtained to the Department of Environmental Quality. That portion of the service and user charges set aside by the district for the purposes of this subsection shall be \$1 for each ton of solid waste. Moneys transferred to the department under this section shall be paid into the Land Disposal Mitigation Account in the General Fund of the State Treasury, which is hereby established. All moneys in the account are continuously appropriated to the department and shall be used for carrying out the department's functions and duties under this 1985 Act. The department shall keep a record of all moneys deposited in the account. The record shall indicate by cumulative accounts the source from which the moneys are derived and the individual activity or program against which each withdrawal is charged. Apportionment of moneys under this subsection shall cease when the department is reimbursed for all costs directly incurred by it prior to June 30, 1989, for the purpose of attempting to establish the proposed Bacon Road Sanitary Landfill in Washington County to be operated by the metropolitan service district [under this 1985 Act].

(3) The metropolitan service district shall adjust the amount of the service and user charges collected by the district for solid waste disposal to reflect the loss of those duties and functions relating to solid waste disposal that are transferred to the commission and department under this 1985 Act. Moneys no longer necessary for such duties and functions shall be expended to implement the solid waste reduction program submitted under section 8 of this 1985 Act. The metropolitan service district shall submit a statement of proposed adjustments and changes in expenditures under this subsection to the department for review.

Section 2. This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist and this Act takes effect on its passage.

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Revised Exhibit B

October 14, 1988

Legislative Concept

Externally Imposed Tipping Fee Surcharges

Objective

Minimize any externally imposed surcharge to the solid waste tipping fees and ensure Metro's authority to collect and disburse said fees.

Discussion

Costs for the disposal of solid waste are rising dramatically to cover the expense of closing old facilities and opening new ones. The increased costs are translated into higher rates for consumers at the home and at businesses.

In addition, surcharges have been added to the tipping fee by Metro and the state legislature to create enhancement and mitigation fees for local communities and neighborhoods. Fees have also been added in the past to pay for solid waste management activities conducted by other agencies -- specifically

the Oregon Department of Environmental Quality.

However, as the elected officials at Metro are directly accountable to the ratepayers of the service district, Metro should be the entity responsible for establishing what, if any, new surcharges should be added to the tipping fee. Metro should be responsible for determining how such funds are spent, in accordance with applicable regulations. Further, Metro should ensure that fees collected on waste generated within the district are used only within the district.

#### Proposal

1. Prohibit counties and cities from establishing any new fees, surcharges or taxes upon the tipping fee. Allow existing enhancement and mitigation fees to continue.
2. Provide that if any department of the state is authorized to collect a fee, surcharge or tax, Metro is responsible for collecting that portion generated within the boundaries of the district.
3. Limit the purposes for which fees, surcharges or taxes may be used to activities of the district related to solid waste and related planning, administrative and overhead costs, or similar activities of counties and cities within the district.

A BILL FOR AN ACT

Relating to solid waste.

Be It Enacted by the People of the State of Oregon.

Section 1. Sections 2 through 4 of this Act are added to and made a part of ORS chapter 459.

Section 2. Except as provided in ORS 459.310, no city or county shall impose, collect, or apportion any fee, excise, surcharge or tax on or measured upon solid waste generated within the boundaries of a metropolitan service district.

Section 3. In the event any department of the state shall be authorized to impose, collect or apportion any fee, excise, surcharge or tax on or measured upon solid waste generated within the boundaries of a metropolitan service district such amounts imposed, collected or apportioned shall be collected and disbursed as provided in Section 4 of this 1989 Act.

Section 4. All fees, excises, surcharges or taxes on or measured upon solid waste generated within the boundaries of a metropolitan service district shall be collected and disbursed by the district. The amounts collected shall be expended only for purposes authorized by ORS 459.335 or similar activities of counties and cities within the district. Any state agency that imposes, collects or apportions any fee, excise, surcharge or tax on or measured upon solid waste may specify by rule how the proceeds of such fees, excises, surcharges or taxes will be distributed by a metropolitan service district for the purposes provided for in this section.

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Revised Exhibit C

LEGISLATIVE CONCEPT

Limited Purpose Landfill/Low-Grade Waste

Objective

Achieve greater specificity concerning appropriate disposal options for low-grade waste.

Discussion

As disposal costs rise, there will exist greater incentive to identify certain components of the present waste flow that do not need to be handled in a general purpose landfill. Such wastes will have the characteristics of uniform composition, low potential for public health/environmental quality problems, relatively few and stable generators, and may require special handling. Examples might be non-hazardous industrial sludges, contaminated soil, wood waste, appliances, asbestos, demolition debris, treated sewage sludge, etc.

Present DEQ regulations would require such waste to be disposed in a general purpose sanitary landfill, which would have to be fully developed as such (groundwater monitoring, leachate collection and treatment, liner system, daily cover, etc.) unless such requirements are waived on a case-by-case basis. Presently DEQ regulations make no distinction as to what might be suitable for such a waiver and what might not be. Many of the above wastes are handled in limited purpose landfill; however, DEQ regulations recognize no such

facility.

The primary limited purpose landfill in the Metro region is Killingsworth Fast Disposal (KFD). This facility should be full by early 1989 and there currently exists no identified replacement. Killingsworth Fast Disposal handled about 180,000 tons in 1987. A good portion of this volume must go to Gilliam County landfill if a replacement facility(ies) is not found. The ability to site such a facility is significantly impaired by a paucity of regulatory guidance.

#### Proposal

1. Identify the need for limited purpose landfill capacity and provide a definition in State Statute.
2. Require DEQ to identify regulatory requirements for limited purpose landfills for the following specific waste types:
  - asbestos
  - contaminated soil
  - treated sludge (non-hazardous)
  - demolition debris
  - wood waste
  - others to be identified

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A BILL FOR AN ACT

Relating to landfills; amending ORS 459.005 and 459.045.

Be it enacted by the people to the State of Oregon:

Section 1. ORS 459.005 is amended to read:

459.005 \* \* \*

(8) "Disposal site" means... landfills, limited purpose landfills, sludge lagoons....

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(11) "Limited purpose landfill" means any land disposal site permitted pursuant to rules adopted under this chapter for the disposal of non-hazardous waste material including asbestos, contaminated soil, demolition debris, wood, treated sludges from industrial processes, or other specific waste materials as may be identified by the commission.

[Note: the remaining subsections will need to be renumbered.]

Section 2. ORS 459.045 is amended to read:

459.045 \*\*\*

(1) (b) Location of disposal sites, giving consideration to the adaptability of each disposal site to the population served, topography and geology of the area and other characteristics as they affect protection of ground and surface waters and air pollution; minimum standards of design, management, and operation of disposal sites, including specific standards for limited purpose landfills; and open burning and salvage operations at disposal sites.

SECTION 3. The commission shall adopt rules specifying standards for limited purpose landfills not later than July 1, 1990.



**METRO**

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

# Memorandum

Agenda Item Nos. 7.6, 7.7

Meeting Date Oct. 27, 1988

Date: October 17, 1988

To: Metro Council

From: Jessica Marlitt *jpm*, Council Analyst

Regarding: OCTOBER 27, 1988 COUNCIL AGENDA ITEM NO.'s 7.6 and 7.7 --  
METROPOLITAN SERVICE DISTRICT 1989 LEGISLATIVE PACKAGE, AS  
FORWARDED VIA RESOLUTION NO.'s 88-996 & 88-1002

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## THE COUNCIL 1989 LEGISLATIVE PACKAGE

The Council's proposed legislative package for the 1989 Oregon State Legislature comes under two resolutions:

- 1) RESOLUTION NO. 88-996 transmits Council proposed legislative concepts and bills to the Interim Task Force on Regional Metropolitan Government (the "Otto Task Force"). The Council Intergovernmental Relations Committee reviewed these legislative proposals at its October 11 meeting (see attached Committee report) and determined they were appropriate for submission to the Otto Task Force.
- 2) RESOLUTION NO. 88-1002 supports Council proposed solid waste legislative concepts and bills. Representative Ron Cease has indicated that his Interim Committee on Environment and Hazardous Waste will introduce this legislation. The Council Solid Waste Committee will review these legislative proposals at its October 20 special meeting (Committee report to be distributed at the Council meeting).

At its meeting October 25, the Council Intergovernmental Relations Committee will begin addressing the Council's legislative follow-up process, in conjunction with Metro's Government Relations Manager, for the 1989 session.

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**METRO**

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# Memorandum

Agenda Item No. 7.7

Meeting Date Oct. 27, 1988

Date: October 21, 1988

To: Metro Council

From: Councilor Gary Hansen *G.H.*  
Chair, Council Solid Waste Committee

Regarding: COUNCIL SOLID WASTE COMMITTEE REPORT ON OCTOBER 27, 1988,  
COUNCIL MEETING AGENDA ITEM

Agenda Item 7.7      Consideration of Resolution No. 88-1002, for the Purpose of Supporting Proposed Solid Waste Bills and Concepts for the 1989 Legislative Session

## Committee Recommendation

The Council Solid Waste Committee recommends Council adoption of Resolution No. 88-1002 as amended. This action taken October 20, 1988.

## Dicussion

Estle Harlan, representing the Tri-County Council, stated that the Council supports legislation that would provide a clear date by which Metro will no longer have to fund activities related to the siting of the proposed Bacona Road Landfill.

Ms. Harlan said that the Tri-County Council supports legislation that identifies the need for limited purpose landfill capacity; that provides a definition in State Statute; and requires the Department of Environmental Quality (DEQ) to identify regulatory requirements for limited purpose landfills. The Tri-County Council recommended that a time frame be included in the legislation for standards, rules and difinitions to be established.

The Tri-County Council is opposed to enhancement and mitigation fees in general, but if they are imposed, Metro should be the agency to collect them.

The Council Solid Waste Committee made the following amendments to Resolution No. 88-1002:

Memorandum  
October 21, 1988  
Page 2

Exhibit B

Section 4. All fees, excises, surcharges or taxes on or measured upon solid waste generated within the boundaries of a metropolitan service district shall be collected and disbursed by the district.

Exhibit C

A date certain (July 1, 1990) to be established for adoption of standards, rules and definitions pertaining to limited purpose landfills.

The Committed voted four to zero to recommend Council adoption of Resolution No. 88-1002 as amended. Voting aye: Gardner, Hansen, Kelly and Kirkpatrick.

RB/sm  
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