

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING )  
THE NORTHERN WASCO COUNTY LAND- )  
FILL, INC. TO ACCEPT SOLID WASTE )  
WHICH ORIGINATES FROM WITHIN THE )  
METROPOLITAN SERVICE DISTRICT )

RESOLUTION NO. 89-1082

Introduced by Rena Cusma,  
Executive Officer

WHEREAS, Metropolitan Service District Solid Waste Code, Section 5.01.030(e) requires that solid wastes originating from within the Metropolitan Service District be disposed at a facility franchised or approved by the Council of the Metropolitan Service District; and

WHEREAS, East County Recycling Company, a Metropolitan Service District franchisee, has requested to dispose of solid wastes at the Northern Wasco County Landfill; and

WHEREAS, Art Braun, a resident of Wasco County, owns and operates the Northern Wasco County Landfill, a site located near The Dalles, Oregon, which is outside the Metropolitan Service District boundaries; and

WHEREAS, The Northern Wasco County Landfill desires to accept certain specified low-grade solid wastes delivered by East County Recycling Company;

WHEREAS, The Department of Solid Waste has undertaken an investigation to confirm that The Northern Wasco County Landfill is a disposal facility approved by and acting in accordance with the regulations of the Department of Environmental Quality, Wasco County, and other relevant jurisdictions; and

WHEREAS, The Solid Waste Management Plan provides for interim systems of solid waste management based on regional policies; and

WHEREAS, An agreement with the Northern Wasco County Landfill, Inc. to accept low-grade wastes represents an interim system for solid waste management; and

WHEREAS, Long-term solutions for low grade wastes will be developed through the Regional Solid Waste Management Plan process; now, therefore,

BE IT RESOLVED,

1. That the Council of the Metropolitan Service District approves the Northern Wasco County Landfill as a disposal site authorized to accept certain low-grade wastes originating from within the Metropolitan Service District.

2. That the Executive Officer is authorized to execute the agreement between the Metropolitan Service District and Northern Wasco County Landfill, Inc., said agreement to be in a form substantially similar to Exhibit "A", attached to the original hereof and hereby incorporated by reference.

ADOPTED by the Council of the Metropolitan Service District this 27th day of April, 1989.

  
\_\_\_\_\_  
Mike Ragsdale, Presiding Officer

amn  
R-1082.leg  
4/20/89

## AGREEMENT

DRAFT 4/4/89

**PARTIES:** Metropolitan Service District of Portland, Oregon, a municipal corporation organized and existing under the laws of the state of Oregon.

Northern Wasco County Landfill, Inc. of The Dalles, Oregon, a private corporation owned by Art Braun, mailing address P.O. Box 498, 2400 West 2nd Street, The Dalles, Oregon, 97058.

**DATE:** \_\_\_\_\_

**RECITALS:**

1. Art Braun owns and operates the Northern Wasco County Landfill, a site located near The Dalles, Oregon which is outside the Metro boundaries. The Northern Wasco County Landfill wishes to accept solid waste generated within the Metro boundaries and delivered by processors and collectors.
2. Metro's Code provides that solid waste must be taken to a disposal site franchised or approved by Metro.
3. Northern Wasco County Landfill desires to accept low-grade solid waste delivered by East County Recycling Company (a Metro franchisee).

**AGREEMENT:**

1. Pursuant to the terms of this Agreement, Northern Wasco County Landfill may accept certain types of low-grade solid wastes (as defined in paragraph 7. of this Agreement) generated within Metro boundaries from persons operating facilities franchised by Metro for the processing and disposal of low grade wastes (as described in paragraph 7.) who are authorized by Metro to transport waste out of the Metro boundary, provided that the operation of the Northern Wasco County Landfill site conforms to requirements of the site's Department of Environmental Quality permit, and all other applicable federal, state, and local laws.
2. Northern Wasco County Landfill will collect the Metro User Fee as set forth in Sections 5.02.045 and 5.02.050 of the Metro Code (a copy is attached), for all solid wastes generated within the Metro area and accepted by Northern Wasco County Landfill. Payment of the Metro User Fee by landfill users will be in addition to any other charges levied by Northern Wasco County Landfill and fees established by federal, state, or local governments.

3. Northern Wasco County Landfill will pay to Metro the collected User Fees and file reports to Metro in accordance with Section 5.01.150 of the Metro Code (a copy is attached). The report must also contain:
  - (a) Names of Metro franchisees disposing of low-grade solid wastes at Northern Wasco County Landfill;
  - (b) Quantities disposed; and
  - (c) Other necessary information regarding low grade solid waste generated and delivered from the Metro area as required by Metro's Director of Solid Waste.
4. Metro may inspect Northern Wasco County Landfill's books and records relative to collection and payment of Metro's User Fees. Northern Wasco County Landfill shall maintain such books and records in accordance with Section 5.01.130(a) of the Metro Code (a copy is attached).
5. Northern Wasco County Landfill will promptly inform Metro of parties interested in disposing Metro-area solid wastes at the Northern Wasco County site. Northern Wasco County Landfill will not accept solid wastes generated within the Metro District without prior, written authorization from Metro's Director of Solid Waste.
6. Upon ultimate disposal at the Northern Wasco County Landfill, Metro will be held harmless and indemnified for all liabilities associated with solid wastes disposed at the Northern Wasco County Landfill under terms of this Agreement. Full responsibility for the waste will be transferred to the Northern Wasco County Landfill sixty (60) days following delivery to the site.
7. Northern Wasco County Landfill will accept only the following low-grade wastes from the Metro District: Soil, rock, gravel, pavement, bricks, concrete block, concrete, asphaltic concrete, mortar, sheet rock, rubble, tile, reinforcing steel, metal frames, metal bands, copper wire, insulation, fixtures, glass, nails, bolts, tire chips, plastic bags and containers, wood and wood products, pallets, corrugated cardboard, logs, limbs, stumps, and sod. No other wastes shall be accepted unless specifically authorized in writing by Metro supplementary to this Agreement.
8. The following solid wastes generated within the Metro District are strictly prohibited from disposal at Northern Wasco County Landfill:
  - a. All food wastes, food containers and wrappers, and disposable eating utensils.
  - b. All wastes from food processors or manufacturers.

- c. Car bodies, dead animals, whole tires, sewage sludges, septic tank pumpings, and hospital wastes.
  - d. All chemicals, oils, liquids, explosives, infectious materials, and other materials which may be hazardous.
9. Any notice required to be given under this Agreement shall be given to Northern Wasco County Landfill, Inc. at P.O. Box 498, The Dalles, Oregon, 97058; and to Metro, c/o Director of Solid Waste Department, 2000 S.W. First Street, Portland, Oregon, 97201. Any notice required to be given under this Agreement shall be provided by certified mail, return receipt requested, or by personal service upon the owner of Northern Wasco County Landfill, Inc., or his representative.
10. This Agreement may be terminated by Metro immediately for any violation of this Agreement. In addition, this Agreement may be terminated by Metro upon giving thirty (30) days written notice to Northern Wasco County Landfill. Northern Wasco County Landfill may terminate this Agreement upon giving Metro thirty (30) days written notice. This Agreement will continue until it is terminated.
11. Upon termination, for any reason, Northern Wasco County Landfill shall within ten (10) days forward all fees remittable to Metro as of the date of termination and shall allow Metro to inspect Northern Wasco County Landfill's books and records.

NORTHERN WASCO COUNTY LANDFILL

METROPOLITAN SERVICE DISTRICT

By: \_\_\_\_\_  
Art Braun,  
Owner

By: \_\_\_\_\_  
Rena Cusma,  
Executive Officer

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COMMITTEE REPORT

Agenda Item \_\_\_\_\_

Meeting Date \_\_\_\_\_

RESOLUTION NO. 89-1082 AUTHORIZING THE NORTHERN WASCO COUNTY LANDFILL TO ACCEPT SOLID WASTE GENERATED FROM WITHIN THE METROPOLITAN SERVICE DISTRICT

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Date: April 18, 1989

Presented by: Councilor  
Sharron Kelley

Committee Recommendation: The Council Solid Waste Committee voted 4 to 0 to recommend Council adoption of Resolution No. 89-1082, as amended. Councilors voting: Hansen, Kelley, Buchanan and Wyers. Absent: Councilor Ragsdale. This action taken April 17, 1989.

Committee Discussion/Issues: Adoption of Resolution No. 89-1082 would approve the Northern Wasco County Landfill (NWCL) as a disposal site to accept certain low-grade wastes originating from within the Metropolitan Service District, and authorize the Executive Officer to execute the proposed agreement between Metro and Northern Wasco County Landfill, Inc.

The Solid Waste Committee held a public hearing on April 17, 1989. No one testified. The use of the NWCL is proposed due to the need for a limited-purpose facility to partially replace the Killingsworth Landfill.

Main Issues: The three main issues discussed by the Committee were as follows:

1. Conformance with Metro's Disposal Service Contract, which guarantees Oregon Waste Systems (OWS) 90 percent of the total tons of acceptable waste which Metro delivers to any general purpose landfill.
2. The type of waste going to the Wasco County Landfill.
3. Waste transport methods.

The proposed agreement with NWCL will not conflict with the OWS contract because the NWCL will not accept more than 25,000 tons per year of out-of-region solid waste. Also, the agreement with NWCL provides that the landfill will accept only low-grade wastes from the Metro District such as soil, rock gravel, bricks, concrete, wood and wood products, etc.

Waste transport will be by two, 45-foot semi-trailers. It is estimated that there will be from two to five trips per day (Monday through Saturday; hours, 7:00 a.m. to 7:00 p.m.).

Amendments: The Committee amended the resolution to indicate that the Solid Waste Management Plan provides for interim systems of solid waste management; that an agreement with NWCL represents an interim system; that long-term solutions for low-grade wastes will be developed; that the agreement is identified in the resolution as Attachment "A"; and that the Executive Officer is authorized to execute the agreement.

RB:pa  
A:RAYB.069

Meeting Date April 11, 1989

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 89-1082, FOR THE PURPOSE OF AUTHORIZING THE NORTHERN WASCO COUNTY LANDFILL TO ACCEPT SOLID WASTES GENERATED FROM WITHIN THE METROPOLITAN SERVICE DISTRICT

Date: April 11, 1989

Presented by: Bob Martin

FACTUAL BACKGROUND AND ANALYSIS

Ralph Gilbert of East County Recycling Company (ECR), a Metro franchisee, requested authorization to dispose of solid waste at Northern Wasco County Landfill (NWCL), a privately-owned general-purpose landfill owned and operated by Art Braun and located outside the Metro District. ECR's request was based upon the need for an economical disposal option due to the imminent closure of Killingsworth Landfill.

Staff from the Solid Waste Department have discussed the proposal with Mr. Gilbert, Mr. Braun of the NWCL, and Dennis Illingworth, Supervising Sanitarian of Wasco-Sherman Counties to solidify terms of an Agreement between Metro and NWCL, Inc. (Attachment "A"). Metro User Fees will be collected at the NWCL and submitted to Metro, as is currently practiced at the Killingsworth Landfill.

The Department of Environmental Quality has indicated that NWCL is a site in good standing and currently in conformity with applicable environmental regulations. ECR and NWCL representatives presented a proposal to the Wasco County Commissioners. The Commissioners held a public hearing on the matter and have given approval to this request, with the following conditions:

1. Wasco County will not accept more than 25,000 tons per year of out of region solid waste.
2. The contract between ECR and NWCL shall be for five years. Renewal is dependent upon Wasco County approval.
3. Annual review will be conducted by the Wasco-Sherman Public Health Department.
4. Transfer vehicles will be specially routed in June and July to alleviate congestion on roads used by fruit harvest vehicles.

Although NWCL is a general-purpose landfill, Metro will require that only specific low-grade wastes can be disposed at NWCL. One of the purposes of this restriction includes conformance with Metro's Disposal Services Contract, which guarantees Oregon Waste Systems 90% of the total tons of acceptable waste which Metro delivers to any general purpose landfill. The use of the NWCL is due to the need for a limited-purpose facility to partially replace Killingsworth Landfill, which is closing to commercial disposers within the next sixty days and is currently the District's largest volume limited-purpose landfill.

Waste will be transported from ECR to the NWCL in waste trailers which are the same make as those utilized by Jack Gray Transport, Inc., to ensure that leakage, litter, and unsightliness are not issues of concern.

Initially, waste from Metro would go to NWCL from ECR only, although the authorization would provide for other Metro franchisees to utilize NWCL as a disposal site upon gaining the approval of Metro's Solid Waste Director.

After a thorough investigation of the NWCL and consideration of this proposal, staff recommends that the Northern Wasco County Landfill be approved as an authorized disposal site for Metro solid waste.

#### EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 89-1082 approving Northern Wasco County Landfill as a disposal site authorized to accept waste from Metropolitan Service District franchisees.