

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE ALLOWING THE WALTER)	Resolution No. 91-1452
E. NELSON COMPANY EXEMPTION TO METRO)	
ORDINANCE NO. 90-336 PROHIBITING THE)	Introduced by Rena Cusma,
SALE OR DISTRIBUTION OF CLEANING)	Executive Officer
AGENTS CONTAINING PHOSPHORUS)	

WHEREAS, Ordinance No. 90-336 prohibits the sale and distribution of cleaning agents containing phosphorus within the boundaries of the Metropolitan Service District; and

WHEREAS, the Walter E. Nelson Company distributes a cleaning agent containing more than 0.5% phosphorus by weight to an industrial user inside the METRO boundaries; and

WHEREAS, the impact to regional water quality from continued use of the cleaning agent is relatively insignificant; and

WHEREAS, no adequate substitute cleaning agent is reasonably available; and

WHEREAS, Section X.01.040(k)(2) of Ordinance No. 90-336 provides exemption for which the Council determines that imposition of the Ordinance is unreasonable because of the lack of an adequate substitute cleaning agent; NOW THEREFORE,

BE IT RESOLVED

That the Council of the Metropolitan Service District grants to the Walter E. Nelson Company exemption to Ordinance No. 90-336 for the use of a cleaning agent distributed to The Oregonian, for one year from the date of the signing of this Resolution.

ADOPTED by the Council of the Metropolitan Service District this ____ day of _____, 1991.

Not Adopted
Tanya Collier, Presiding Officer

Walter E. Nelson Co.

Maintenance and Janitor Supplies
Paper Products, Brushes, Brooms

1336 N. Mason Street

287-4138

Portland, Oregon 97217

JIM MORGAN,

3/21/91

PER OUR PHONE CONVERSATION LAST WEEK, I'M WRITING I REGARDS TO GETTING AN EXEMPTION FOR ONE OF OUR PRODUCTS AT ONE CUSTOMERS LOCATION.

WE ARE DISTRIBUTORS OF JANITORIAL & LAUNDRY CHEMICALS TO INDUSTRIAL USERS. ASSOCIATED CHEMISTS INC. OF PORTLAND WHICH MANUFACTURES OUR DETERGENTS HAS DEVELOPED A PHOSPHATE FREE LIQUID DETERGENT THAT HAS PERFORMED VERY WELL FOR ALL OF OUR CUSTOMERS EXCEPT ONE.

THE OREGONIAN NEWSPAPER HAS AN ON PREMISE LAUNDRY (O.P.L.) IN THE PRESS & DISTRIBUTION BUILDING ON S.W. TAYLOR. WE PROVIDE THE DETERGENTS FOR THEM TO PROCESS THEIR RAGS SOILED BY THE INKS THEY USE. THE MICROPROCESSOR INJECTION SYSTEM WE USE DISPENSES A CONSISTANT QUANTITY OF DETERGENT FOR EACH LOAD PROCESSED. WE OWN THE INJECTORS AND ALLOW THE CUSTOMER TO USE THEM FREE OF CHARGE WHILE PURCHASING OUR PRODUCT.

WE HAVE BEEN WORKING SINCE NOVEMBER '90 TO GET A PHOSPHATE FREE DETERGENT TO WORK ON THE INKS INVOLVED. TRYING VARIOUS WASH FORMULA COMBINATIONS, DIFFERENT CHEMICAL COMPOUNDS, DEGREASERS, ETC. WE HAVE NOT BEEN ABLE TO COME UP WITH A PRODUCT THAT WILL PERFORM TO EVEN MINIMUM STANDARDS.

IN THE CURRENT PRODUCT USED SUCCESSFULLY IN THIS APPLICATION, ONE GALLON OF CONCENTRATE CONTAINS 1.8 % BY WEIGHT. THE TOTAL NUMBER OF OUNCES OF CONCENTRATE PER LOAD OF RAGS IS 240 oz. THE TOTAL NUMBER OF GALLONS OF WATER USED PER LOAD OF RAGS IS APPROXIMATELY 2,000 PLUS GALLONS.

I WOULD ASK THAT METRO CONSIDER GRANTING AN EXEMPTION FOR THIS ONE PRODUCT BEING USED IN THE OREGONIAN LAUNDRY ONLY DUE TO THE UNAVAILABILITY OF ANY OTHER CLEANING AGENT SUITABLE FOR SEWER DISCHARGE THAT CAN CLEAN THE INKS FROM THE RAGS. REFERENCE PHOSPHATE ORDINANCE X.01.040 (K).

ALSO, ATTACHED IS A PARTIAL MEMO FROM ASSOCIATED CHEMISTS NOTING THAT WE ARE STILL LOOKING FOR AN ALTERNATIVE. IF YOU HAVE ANY QUESTIONS, PLEASE CALL ME AT 287-4138.

SINCERELY,



DAVE HENZI

PRES



... For Easier Cleaning

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 91-1452.

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 91-1452 REQUESTING AN EXEMPTION TO THE METRO ORDINANCE NO. 90-336 PROHIBITING THE SALE OR DISTRIBUTION OF CLEANING AGENTS CONTAINING PHOSPHORUS

Date: May 14, 1991

Presented by: Jim Morgan

PROPOSED ACTION

The Walter E. Nelson Company is seeking exemption to METRO Ordinance No. 90-336, which prohibits the sale and distribution of cleaning agents containing phosphorus within METRO's boundaries. The Nelson Company cites X.01.040(k) of the Ordinance, which allows an exemption if the Council determines that imposition of the Ordinance will be unreasonable because of the lack of an adequate substitute cleaning agent. The proposed Council adoption of Resolution No. 91-1452 will allow the Nelson Company to sell, for one year, cleaning agents containing phosphorus to the Oregonian for the purpose of cleaning rags soiled by inks.

FACTUAL BACKGROUND AND ANALYSIS

METRO's Ordinance prohibiting the sale and distribution for sale of cleaning agents containing phosphorus within the region became effective February 1, 1991. Given the cooperation of manufacturers and distributors in the region and the public support, implementation of the prohibition has been successful with minimal compliance monitoring required.

The Nelson Company has initiated the first request for exemption to the prohibition. They initiated notification to METRO staff when non-compliance with the prohibition was determined by the Company.

The Nelson Company, a local maintenance and janitorial supply company, supplies The Oregonian Newspaper with detergents used to process rags soiled by inks. The Nelson Company provides the microprocessor injection system that dispenses a consistent quantity of detergent for each load of rags processed.

The Nelson Company has been working with Associated Chemists, a chemical company located in Portland, to investigate formula modifications which remove inks from the rags effectively without using detergents containing phosphorus. The Nelson Company and Associated Chemists assert that they have been trying to develop alternate products for The Oregonian since November, 1990 (Attachment A). They report that an alternate product that will meet even minimum standards has not been developed. In telephone conversations and letters to METRO, these companies showed clear intent to notify METRO staff of their attempt to comply with the Ordinance. Since no alternate product has been developed, the Nelson Company is requesting that the sale of detergents used specifically for cleaning these ink-soaked rags be allowed under

Exemption X.01.040(k)(2), which grants exemption if the Council determines that imposition of the Ordinance will be unreasonable because of the lack of an adequate substitute cleaning agent.

The contribution of phosphorus from this source is relatively small. The phosphorus content of the cleaning agent distributed by the Nelson Company is 1.8% by weight. The METRO Ordinance prohibits selling of cleaning agents containing more than 0.5% by weight. Using estimates provided by the Nelson Company, the phosphorus entering the wastewater treatment system from the detergent used to clean ink-stained rags is about 157 kilograms per year. For comparison, the typical per capita phosphorus load leaving a household is about 1.0 to 1.35 kilograms/capita/yr. In other words, the phosphorus used in cleaning the rags is equivalent to less than that typically generated by 157 household occupants in a year.

During the period of appeal for exemption, no fines have been levied against the Nelson Company. Civil penalty has been mitigated by the Director of Planning and Development according to METRO Code 2.03.050(b), which allows the Director to consider mitigating factors prior to establishing a civil penalty.

SUMMARY AND CONCLUSION

The intent of METRO's prohibition of the sale of cleaning agents containing phosphorus is to reduce, at the source, the amount of phosphorus entering our regional waters. Phosphorus-based laundry detergents, the major portion of the cleaning agents containing phosphorus that have readily available substitutes or alternatives, have been replaced throughout the region with non-phosphorus-based formulations. The amount of phosphorus reduction from prohibiting the sale of any specialized cleaning agent must be weighed against the availability of viable substitutes.

Given (1) the effort expended by the Nelson Company and Associated Chemists in their unsuccessful search for a substitute cleaning agent, and (2) the relatively small phosphorus contribution of the existing cleaning agent, it is recommended that the Nelson Company is allowed to sell its cleaning agent to the Oregonian specifically for the purpose of cleaning ink-stained rags. An exemption to the METRO prohibition of the sale of detergents containing phosphorus should be granted for one year, pending the development of substitute cleaning agents containing no phosphorus or demonstration that no viable substitutes can be developed within reason. Resolution No. 91-1452 grants to the Nelson Company an exemption to METRO's Ordinance prohibiting the sale or distribution for sale of cleaning agents containing phosphorus.