



METROPOLITAN SERVICE DISTRICT
527 S.W. HALL ST., PORTLAND OR. 97201, 503/221-1646

A G E N D A Solid Waste Policy Alternatives Committee

Date: August 22, 1983
Day: Monday
Time: Noon - 2:00 p.m.
Place: Metro, Rooms A-1 and A-2

I. Approval of July 25, 1983, Meeting Minutes

II. For Recommendation

- 1984 Disposal Rates at St. Johns Landfill and Clackamas Transfer and Recycling Center Presented by Ed Stuhr
(Rate study document will be mailed or delivered later this week)
- Benchmark Pricing Amendments to Solid Waste Disposal Franchise Ordinance. Presented by Teri Anderson

III. For Information and Discussion

- Update on Systems Planning Effort Presented by Pat Kubola and Evelyn Brown
(Please complete and turn in the attached evaluation of criteria at the meeting)

SOLID WASTE POLICY ALTERNATIVES COMMITTEE

July 25, 1983

Committee Members Present: John Trout, Shirley Coffin, Mike Sandberg, Delyn Kies, James Cozzetto, Dave G. Phillips, Edward Sparks, Howard Grabhorn

Staff Present: Dan Durig, Douglas Drennen, Dennis O'Neil, Buff Winn, Evelyn Brown, Karol Morgan Brown, Pat Kubala, Terilyn Anderson, Bonnie Langford

Guests: Joe Cancilla, Jr., Joe Bartano, Bob Brown

The meeting was called to order by Chairman John Trout, at 12:15 p.m.

The minutes of June 20, and May 23, 1983 were approved as written.

Introduction of new Metro staff was made by Dan Durig, Director of Solid Waste. He introduced Pat Kubala in Systems Planning; Karol Morgan Brown, also in Systems Planning and Yard Debris; Buff Winn, Engineer with gas recovery program at St. Johns, and Bonnie Langford, one of two new secretaries in the Solid Waste Department.

Dennis O'Neil asked the Committee members to phone in their orders for lunch to Bonnie (extension 852) by 9:30 a.m. on the day the Committee meets, letting her know what kind of sandwiches or drink is wanted. You can also leave a standing order with her instead of ordering each time. Dennis also asked that the Committee stop by accounting to pay for their lunch order each time.

John Trout asked for nominations for the annual fiscal year election of Chairman and Vice Chairman of the Committee.

Motion: Dave Phillips made a motion that the Committee retain John Trout as Chairman and Shirley Coffin as Vice Chairman.

Second: James Cozzetto seconded the motion

Vote: Motion carried. Vote was unanimous

The third item on the agenda was the reconsideration of financial assurance for post closure maintenance, interpreted as the environmental maintenance of a solid waste landfill for fifteen years after closure. The Rate Review Committee had determined that a trust fund would be the best way to assure that money is available to take care of a site after terminating use.

Terilyn Anderson, Metro Solid Waste staff, presented a report clarifying the issues of the recommendation of the Rate Committee.

When the Rate Review Committee looked at the issues again at the meeting on the 20th of July, they decided that if a site could post a bond to give adequate insurance that money would be available during the 15 year post maintenance period, that would be acceptable too and they would consider that an option. Terilyn then reviewed the draft franchise language so the committee could see what they were trying to achieve. The language may change a little before it goes to Council since it hasn't been finalized by our legal Counsel, however, the content will be essentially the same.

Motion: Dave Phillips moved the language of the trust fund recommendation be incorporated into the franchise ordinance.

Second: Shirley Coffin

John Trout asked if they believed the Committee should wait to vote until our legal counsel made his changes? Are we premature in adopting this or should we wait for a redraft? Terilyn replied she had spoken to the legal counsel and he will not change the intent. The redraft will come back to the committee.

John Trout reminded the Committee of the motion on the floor that the definitions and the format for the post-closure maintenance be moved on and attached as part of the franchise ordinance.

Vote: Was passed unanimously by member voice tally

Dan Durig introduced Doug Drennen to give a discussion of rates at the recycling centers, St. Johns Landfill and Clackamas Transfer and Recycling Center. Doug indicated that the rates are draft and that we will be completing the study in the next few weeks. It is intended to discuss the final rates at the next SWPAC meeting. Doug presented overhead projections and discussed figures on commercial and public solid waste flows at both landfills for the 1982-83 fiscal year as well as projections for 1984. St. Johns and CTRC had a total of 307,932 tons, while Rossmans disposed of 237,032 tons during that time.

Next year we project a total of 541,000 tons to be disposed at St. Johns. The St. Johns costs are down slightly from the previous year as a result of the reduced revenue requirements of the final improvements. This year the debt service will reflect filling in the expansion area and therefore it will increase. CTRC costs have increased substantially because we are assuring we'll haul only 80,000 tons more than last year.

Metro's operating costs at CTRC have gone down slightly because they reflect a difference in capitol outlay for materials and services since we started up the facility and now these costs are no longer needed in the budget. The last item in the study was \$100,000 contingency

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Committee - Continued -
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item representing only four percent of our budget and is a necessary line item to take care of any deviations in the flow.

In 1983, the base rate will decrease from \$10.33 to \$9.47, the regional transfer charge is expected to increase \$2.00. The result is a decrease in rate from \$13.48 to \$13.15 at St. Johns.

CTRC base rate is \$15.40 up by 43 cents per ton. CTRC may go down for public because of volume.

Dave Phillips asked about the overweight of the trucks at the bridge and charging double. Doug answered if they come over the scales heavy they must unload it. It's happened. Phillips asked if paying double for dump fees went into the bridge fund? Doug didn't believe there was a separate fund for that--it would go into the contingency fee toward operating costs, but he would check into this with the city on the maintenance of the bridge.

Doug Drennen reported on a meeting of the Washington County Transfer Station Committee representing Washington County Jurisdictions. The group had met for a year and a half to look at implementation of a transfer station for servicing the county. They concluded their business. The advisory committee from Washington County made a report that they support the implementation of a transfer station citing the needs because of the Hillsboro and Newberg landfill. The Transfer Committee stated they would have a second meeting--which they did last Friday. They made a unanimous recommendation for Metro to begin implementation of that transfer station. They also voted unanimously to present an advisory position to the Metro Council on two other issues. (1) That metro provide any agency who requests it, information regarding landfill potential sites in Washington County and (2) They advised that state law allows only transfer rigs to come into the landfill site in EFU zones and that the Metro Council should support getting the legislation changed.

Dave Phillips pointed out that in order for EFU land to be rezoned it would have to have the approval of LCDC and State statutes. It would require changes in the comprehensive plan and it would have to be approved by LCDC.

John Trout questioned "What if it were annexed by a nearby city"? Phillips answered that trades are possible but difficult. John Trout stated Bob Oleson, Councilman who chaired that committee, will want the recommendation of the Solid Waste Policy Alternatives Committee so there would be more discussion at another time.

Dennis O'Neil, Solid Waste Coordinator, gave an update on Wildwood. He said they had been looking for a landfill site for quite awhile. Wildwood was chosen and studied in great detail from geological and

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Committee - continued -
July 25, 1983

environmental point of view, including a cost and conceptual design. They went to Multnomah County and the County Commissioners voted to allow the Wildwood site landfill. Opponents of the landfill subsequently appealed this, as is their right, to the Land Use Board of Appeals. They ruled at the end of last month. When we went to Multnomah County, we pointed out their criteria were such that if you interpreted them strictly you couldn't site a landfill there, probably even in their urban areas. LUBA said, however, with certain adverse effects the County must strictly interpret the ordinance so it will be remanded back to the County for consideration. We now have four options. (1) Appeal decision to the Land Use Board of Appeals. (2) Go to the County and urge them to make the appropriate changes in their criteria so it is possible to site a landfill in a rural area. (3) Go to the State Department of Environmental Quality and ask them to invoke powers, which they have, to site a landfill. (4) Look for a landfill in another site. Staff recommended to Council that the first two options be followed. Legal Counsel believes there are grounds to go to appeals court since it's a very important issue. This will go to Council next Tuesday night.

John Trout asked what progress had been made on the voluntary movement to limit tons at the Oregon City site. Dennis O'Neil answered we hadn't met the 800 tons-per-day limit and were trying to get it to 1,000 tons per day and would be going to the Oregon City Planning Commission, Tuesday, July 26th.

Edward Sparks asked if there had been any traffic analysis and Dennis answered there were no people backed up, no adverse impacts, so exceeding it now hasn't hurt anybody. We are going to apply to them for a conditional use permit to have a truck washing facility at CTCRC. It will require cover because the local sewer district says we cannot get any rainwater into the local sewers. The cover will be almost as high as the building--like the cover over a gas station. August 22nd will be the final recommendation on rates.

Motion to adjourn by Dave Phillips
Second by Mike Sandberg

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METROPOLITAN SERVICE DISTRICT
527 S.W. HALL ST., PORTLAND, OR. 97201, 503/221-1646

MEMORANDUM

Date: August 17, 1983
To: Solid Waste Policy Alternatives Committee Members
From: Dennis O'Neil *DMON*
Regarding: Enclosures for SWPAC Review

A copy of a report titled "1984 Rate Study for Solid Waste Transfer and Disposal, August 1983", is enclosed.

At the July 25th meeting, SWPAC voted to recommend to the Council, draft language of franchise ordinance amendments relating to post-closure maintenance. At that time, your Chairman requested that the amendments be sent to committee members after they had been redrafted by an attorney--based on the original intent. The redrafted amendments have just been received and are enclosed.

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AMENDMENTS TO ORDINANCE NO. 81-111
RELATING TO POST CLOSURE CARE AND MAINTENANCE

Section 1: Short Title. No change

Section 2: Definitions. Add:

Closure: Closure means (a) termination of disposal operations and (b) satisfactory completion, as determined by DEQ, of the disposal site's operational plan, including but not limited to covering the site, establishing the site's final contours and installing any required gas, drainage or leachate collection systems.

Add:

Post Closure Plan: Post Closure Plan means an environmentally sound, 15-year plan providing for the post closure care and maintenance of a disposal site, including but not limited to erosion control and maintenance of vegetation; control of surface drainage; maintenance of gas, drainage or leachate collection systems, if applicable; ground and/or surface water quality monitoring; gas monitoring; preparation and submittal of monitoring data and/or reports; and the estimated costs of carrying out the plan over the 15 years following the closure of the disposal site.

Add:

Successor in Interest: Successor in Interest means any person acquiring rights of ownership, possession or operation of a franchised disposal site.

Section 3. Findings and Purpose. Add:

(i) Prevent post closure environmental problems, such as leachate, uncontrolled gas production and erosion, at disposal sites.

Section 4. Prohibited Activities. No change.

Section 5. Exemptions. No change.

Section 6. Administration. No change.

Section 7. Applications. Add:

(2) (d) In the case of a disposal site, a Post Closure Plan certified by a professional registered engineer.

Add:

(2) (e) Proof of financial responsibility to insure compliance with and implementation of the provisions of the Post Closure Plan.

Renumber.

Amend:

(2) (h) as follows:

The written consent of the property owner(s) to the proposed use of the property, which consent shall disclose the nature of the property interest held by the applicant (copies of any agreements between the owner(s) and the applicant for the use of the property shall be attached to the consent) and the duration of such interest, and shall include a statement that the property owner(s) have read and agree to be bound by the provisions of Section 20 (5) of this ordinance, as amended, if the franchise, once granted, is revoked or the renewal thereof is refused.

An agreement with the property owner(s), in such form as the Executive Officer shall determine, establishing the property owner's responsibility for compliance with and implementation of the Post Closure Plan, providing for reasonable access to the property by Metro employees and/or agents and the recording of an instrument describing the restrictions upon the use of the property by reason of this ordinance, as amended.

Section 8. Issuance of Franchise. No change

Section 9. Term of Franchise. No change

Section 10. Transfer of Franchise. Add:

(4) Any successor in interest shall be subject to all of the requirements of this ordinance, as amended, and of the franchise, and shall provide proof of financial

responsibility to Metro in accordance with Section _____ hereof prior to the transfer of the franchise.

Section 11. Appeals. No change.

Section 12. Variances. No change.

Section 13. Responsibilities of Franchisees. Amend:

(2) Shall, in the case of a disposal site, submit an annual revision of the site's Post Closure Plan, which revision shall be certified by a professional registered engineer and shall include but not be limited to any changes in the contemplated post closure activities resulting from additional or modified legal requirements or for any other reason, and any increase or decrease in the costs of compliance with and implementation of the Post Closure Plan, as amended.

Add:

(3) Shall, in the case of disposal sites franchised by Metro upon the effective date of this Ordinance, submit a Post Closure Plan within ninety (90) days of the adoption of this ordinance.

Add:

(4) Shall, at least six (6) months prior to closure, submit a final Post Closure Plan certified by a professional registered engineer, which final Plan shall contain such modifications or additions as may be required by Metro after review of such Plan and/or inspection of the site.

Renumber.

New section:

Section ____. Methods of Providing Proof of Financial Responsibility for Post Closure Plan.

(1) To provide proof of financial responsibility for the Post Closure Plan, the applicant or the franchisee, as the case may be, shall use one of the following methods:

(a) Performance bond. The applicant or the franchisee shall provide a performance bond in an amount determined pursuant to Section _____ (2) conditioned upon faithful performance by the franchisee, the owner, or any successor in interest, of the post closure plan, as amended from time to time. The bond shall be delivered to Metro with the initial post closure plan. The bond form shall be supplied by Metro.

The bond shall be issued by a surety company authorized to do surety business in this state. Metro shall be the obligee of the bond. Surety companies may have the option to complete the post closure care of the disposal site in lieu of cash payment to Metro if the owner, franchisee, or successor in interest, fails to carry out the requirements of the post closure plan, as amended.

Each bond shall provide that as long as any obligation of the owner, franchisee, or successor in interest, for post closure care and maintenance remains, the bond shall not be cancelled by the surety for any reason, including but not limited to nonpayment of premiums, unless a replacement bond or other proof of financial responsibility under this section is provided to Metro. If the surety company becomes bankrupt or insolvent or if its authorization to do business is revoked or suspended, the party supplying the bond shall, within thirty (30) days after receiving written notice thereof, deliver to Metro a replacement bond or other proof of financial responsibility under this section.

(b) Deposits with Metro. The applicant or franchisee shall deposit cash, certificates of deposit or U.S. Government securities with Metro with the initial post closure plan. The amount of deposit shall be determined according to Section _____ (2). Deposits placed with Metro may be comingled with other deposits and, if applicable, may be invested in interest bearing accounts, provided that Metro maintains accurate accounting records of each deposit and of the pro rata earnings thereon. Metro may use part or all of the deposit, including the earnings thereon, to carry out the requirements of the Post Closure Plan, as amended, if the owner, franchisee, or successor in interest fails to do so. Metro shall mail notification of its intent to use the deposit for such purpose to the last known address of the party supplying the deposit.

(c) Post Closure Fund. Proof of financial responsibility may be established by means of a Post Closure

Fund established by the applicant or franchisee with Metro pursuant to the provisions hereof. The franchisee shall make monthly contributions to the post closure fund in an amount determined by the Executive Officer to be necessary to insure compliance with an implementation of the Post Closure Plan. The monthly contribution shall be submitted to Metro with the User Fee Report (as required by Section 16 hereof) on or before the 20th day of each month following each preceding month of operation.

The Executive Officer shall hold and manage the fund and may invest the fund in such investments as the executive officer deems appropriate. Neither the franchisee, the owner, nor any successor in interest, shall have any right to control, use, borrow, or otherwise affect the fund, and the earnings thereon, except that the owner, franchisee or successor in interest shall have the right to claim reimbursement for post closure expenses pursuant to the provisions of Section _____ (4).

The Executive Officer may commingle the contributions from one fund or from several funds for investment and other management purposes, provided that for each fund accurate accounting records are kept by Metro of contributions, the earnings thereon, and expenditures. There shall be no withdrawals from any fund except as authorized in writing by the Executive Officer.

During the post closure 15-year term, expenditures from a post closure fund shall be made only to and for the site for which the fund was established.

Metro is the sole beneficiary of each Fund and any moneys left in a fund at the end of the post closure term shall be transferred automatically, and without further notice, to Metro's Solid Waste Management Fund.

(2) For the purpose of determining the amount of financial responsibility that is required in under this Section, the applicant or the franchisee shall estimate the capital costs and annual operating and maintenance costs needed to comply with and implement the post closure plan during the 15-year period.

(3) Adjustment of Financial Responsibility.

The owner or franchisee shall prepare and file with Metro a revised financial responsibility estimate whenever a change in the post closure care and maintenance

requirements has or is expected to occur which will materially affects the cost of complying with and implementing the post closure plan. Metro may adjust the amount of financial responsibility for a post closure plan based on prevailing or projected interests and inflation rates, a revised cost estimates or otherwise, and annually may require the owner or franchisee to increase or decrease the amount of financial responsibility accordingly.

(4) Authorization to Release Funds.

One year after closure and annually thereafter during the 15-year post closure period, the party who has complied with and implemented the post closure plan during the preceding year, may make application to Metro for reimbursement from the deposit or post closure fund, or for reduction in the bond in an amount up to the actual cost of post closure care for such year. Such application shall be accompanied by an itemized list of costs incurred by such party. Upon determination that the expenditures incurred are in accordance with the post closure plan, Metro may authorize release of the funds or approve a reduction in a bond, provided that Metro shall determine that adequate funds exist or the bond amount is sufficient to complete the post closure plan during the remaining post closure period. Such determination shall be made within 90 days of the application. Any funds remaining on deposit or in the post closure fund at the end of the 15-year period shall be transferred automatically and without further notice, to Metro's Solid Waste Management Fund.

Renumber the remaining sections.

Section 14. Administrative Procedures for Franchisees. No change.

Section 15. Franchise Fee. No change.

Section 16. User Fee. No change.

Section 17. Reports from Collection Services. No change.

Section 18. Rate Review Committee. Amend:

(1) The Council shall appoint a five-member rate review committee to (a) gather information and provide recommendations for the establishments of rates and (b) advise and provide recommendations to the Council or the Executive Officer, as the case may be, regarding post closure plans, the amount of financial responsibility, the amount of deposits and the amount of contributions for post closure funds.

Section 19. Determination of Rates. No change.

Section 20. Enforcement of Francise Provisions; Appeal. No change.

Section 21. Right to Purchase. No change.

Section 22. Penalties. No change.

Section 23. Repealer. No change.

Section 24. Amendment. No change.

Section 25. Acceptance of Tires at a Disposal Site. No change.

Section 26. No change.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE RELATING TO WASTE) ORDINANCE NO.
DISPOSAL RATES AND AMENDING METRO)
CODE SECTIONS 5.01.010, 5.01.020)
and 5.01.180)

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Section 5.01.010 of the Metro Code is amended to read as follows:

"5.01.010 Definitions: As used in this chapter, unless the context requires otherwise:

(a) "Benchmark Rate" means any rate approved by the Council and charged by a franchised solid waste disposal facility which is equal to or less than the rate charged by a comparable facility operated by Metro. In the case when there is no facility operated by Metro comparable to a franchisee's facility, a benchmark rate means the rate approved by the Council and charged by the franchisee which is equal to or less than the least expensive rate charged at any Metro operated solid waste disposal facility.

[(a)] (b) "Certificate" means a written certificate issued by or a written agreement with the District dated prior to the effective date of this chapter.

[(b)] (c) "Code" means the Code of the Metropolitan Service District.

[(c)] (d) "Council" has the same meaning as in Code Section 1.01.040.

[(d)] (e) "DEQ" means the Department of Environmental Quality of the State of Oregon.

[(e)] (f) "Disposal Site" means the land and facilities used for the disposal of solid wastes whether or not open to the public, but does not include transfer stations or processing facilities.

[(f)] (g) "District" has the same meaning as in Code Section 1.01.040.

[(g)] (h) "Exclusive Franchise" means a franchise (or franchises) which entitles the holder to the sole right to operate in a specified geographical area or in some specified manner.

[(h)] (i) "Executive Officer" has the same meaning as in Code Section 1.01.040.

[(i)] (j) "Franchise" means the authority given by the Council to operate a disposal site, a processing facility, a transfer station or a resource recovery facility.

[(j)] (k) "Franchisee" means the person to whom a franchise is granted by the District under this chapter.

[(k)] (l) "Franchise Fee" means the fee charged by the District to the franchisee for the administration of the Franchise.

[(l)] (m) "Person" has the same meaning as in Code Section 1.01.040.

[(m)] (n) "Process" or "Processed" means a method or system of altering the form, condition or content of solid wastes, including but not limited to composting, shredding, milling, or pulverizing, but excluding compaction.

[(n)] (o) "Processing Facility" means a place or piece of equipment where or by which solid wastes are processed. This definition does not include commercial and home garbage disposal units, which are used to process food wastes and are part of the sewage system, hospital incinerations, crematoriums, paper shredders in commercial establishments, or equipment used by a recycling drop center.

[(o)] (p) "Rate" means the amount approved by the District and charged by the franchisee, excluding the User Fee and Franchise Fee.

[(p)] (q) "Recycling Drop Center" means a facility that receives and temporarily stores multiple source separated recyclable materials, including but not limited to glass, scrap paper, corrugated paper, newspaper, tin cans, aluminum, plastic and oil, which materials will be transported or sold to third parties for reuse or resale.

[(q)] (r) "Resource Recovery Facility" means an area, building, equipment, process or combination thereof where or by which useful material or energy resources are obtained from solid waste.

[(r)] (s) "Solid Waste Collection Service" means the collection and transportation of solid wastes but does not include that part of a business licensed under ORS 481.345.

[(s)] (t) "Solid Waste" means all putrescible and nonputrescible wastes, including without limitation,

garbage, rubbish, refuse, ashes, waste paper and cardboard; discarded or abandoned vehicles or parts thereof; sewage sludge, septic tank and cesspool pumpings or other sludge; commercial, industrial, demolition and constructon waste; discarded home and industrial appliances; asphalt, broken concrete and bricks; provided that this definition does not include:

- (1) Hazardous wastes as defined in ORS 459.410, and
- (2) Radioactive wastes as defined in ORS 469.300, and
- (3) Materials used for fertilizer or for other productive purposes or which are salvageable as such or materials which are used on land in agricultural operations and the growing or harvesting or crops and the raising of fowls or animals, and
- (4) Explosives.

(t)] (u) "Solid Waste Management Plan" means the Metro Solid Waste Management Plan.

[(u)] (v) "Transfer Station" means a fixed or mobile facilities including but not limited to drop boxes and gondola cars normally used as an adjunct of a solid waste collection and disposal system or resource recovery system, between a collecton route and a processing facility or a disposal site. This definition does not include solid waste collection vehicles.

(v)] (w) "User Fee" means a user fee established by the District under ORS 268.515.

[(w)] (x) "Waste" means any material considered to be useless, unwanted or discarded by the person who last used the material for its intended and original purpose."

Section 2. Section 5.01.020 of the Metro Code is amended to read as follows:

"5.01.020 Findings and Purpose:

(a) The Council finds that the District has limited land and resources for the disposal of solid waste. It is the responsibility of the Council to provide and protect such resources and to do so requires that the Council franchise disposal sites, transfer stations, processing facilities and resource recovery facilities.

(b) To protect the health, safety and welfare of the District's residents, the Council declares it to be the public policy of the District and the purpose of this chapter to establish an exclusive franchise system for the

disposal of solid waste in the District under the authority granted to the Council by ORS ch. 268 in order to:

- (1) Provide a coordinated regional disposal program and Solid Waste Management Plan in cooperation with federal, state and local agencies to benefit all citizens of the District.
- (2) Provide standards for the location, geographical zones and total number of disposal sites, processing facilities, transfer stations and resource recovery facilities to best serve the citizens of the District.
- (3) Ensure that rates are just, fair[,] and reasonable [and adequate to provide necessary public service].
- (4) Prohibit rate preferences and other discriminatory practices.
- (5) Ensure sufficient flow of solid waste to District's resource recovery facilities.
- (6) Maximize the efficiency of the District's Solid Waste Management Plan.
- (7) Provide for cooperation between cities and counties in the District with respect to regional franchising of solid waste disposal sites, processing facilities, transfer stations and resource recovery facilities.
- (8) Reduce the volume of waste that would otherwise be disposed of in a landfill through source reduction, recycling, reuse and resource recovery."

Section 3. Section 5.01.180 of the Metro Code is amended to read as follows:

"5.01.180 Determination of Rates:

(a) No franchisee or operator of a site operating under a District Certificate or Agreement upon the effective date of this chapter shall charge a rate which is not established by the Council or, pending establishment of a rate by the Council, an interim rate established by the Executive Officer.

(b) At the time the Council grants a franchise, or after the Council grants a franchise, it shall establish the rates to be charged by the franchisee. The Council may establish uniform rates for all franchisees, benchmark rates, or varying rates based on the factors specified in this section.

(c) Effective January 1, 1982, before the Council establishes or adjusts any rate, the Rate Review Committee shall investigate the proposed rates and submit a recommendaton to the Executive Officer. The Executive Officer shall forward the Committee's recommendaton along with his/her recommendation to the Council, after which the Council shall hold a public hearing. The Council shall then set forth its findings and decision.

(d) In [determination of rates,] determining varying rates, the Rate Review Committee, Executive Officer and Council shall give due consideration to the following:

- (1) Operating and nonoperating revenues.
- (2) Direct and indirect operating and nonoperating expenses including franchise fees.
- (3) Nonfranchise profits.
- (4) Reasonable return on investment exclusive of any capital investment in the franchise or any sum paid for the value of the franchise or any other intangible value.
- (5) Any other factors deemed relevant by the Council.

(e) The rate(s) shall be reviewed and, if necessary, adjusted in the manner set forth in paragraph (c) of this section:

- (1) At any time by the Council after giving ten (10) days written notice to the franchisee of the intent to review; or
- (2) Upon written request by the franchisee on forms provided by the Executive Officer, which request may be made not more than once every six months; or
- (3) In the event the District exercises its right to control the flow of solid waste as provided in Section 5.01.070(f) or 5.01.070(g)."

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1983.

Presiding Officer

ATTEST:

Clerk of the Council

AJ/gl/9021B/353



METROPOLITAN SERVICE DISTRICT
527 S.W. HALL ST., PORTLAND, OR. 97201, 503/221-1646

MEMORANDUM

Date: August 15, 1983
To: SWPAC
From: Terilyn Anderson
Regarding: Bench Mark Pricing Amendment to the Disposal Franchise Ordinance

The Solid Waste Rate Review Committee recommends that the Disposal Franchise Ordinance be amended to allow the Council to establish bench mark rates. A bench mark rate is defined as a rate changed by a franchised facility operated by Metro. If there is no comparable Metro facility a bench mark rate is a rate equal to or less than the least expensive rate change at any Metro operated solid waste facility. Amending the franchise ordinance to allow bench mark pricing eliminates the requirement that the Rate Review Committee, Executive Officer and Council consider financial information such as operating expenses and profits of a franchisee or prospective franchisee if proposed disposal rates are the same or less than a bench mark rate. If proposed rates are higher than the bench mark rate detailed financial information would have to be submitted to Metro and considered during the rate review process.

Your position and comments on the attached bench mark pricing amendment will be forwarded to the September 13th Regional Services Committee meeting.

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METRO

METROPOLITAN SERVICE DISTRICT

527 S.W. HALL ST., PORTLAND, OR. 97201, 503/221-1646

MEMORANDUM

Date: August 11, 1983

To: SWPAC

From: Solid Waste Systems Planning Staff

Regarding: Material for review before August 22, SWPAC meeting

We have attached "Preliminary Criteria for System Evaluation" for your prior review which will be discussed at the August 22, SWPAC meeting. These criteria, when finalized, are intended to be used to evaluate alternative solid waste management systems in the current systems planning effort. In some cases the criterion applies to one or more specific components (waste reduction, recycling, recovery, transfer, landfill) of the total system.

We are asking that you, in addition to the Metro Council, review and evaluate the relative importance of each criterion. The rankings will be tallied and brought back for discussion at a future Regional Services Committee. The intent is to work towards finalizing the criteria against which alternative management systems will be evaluated. Any additional criteria which seem important should be added to the list.

Please complete the criteria ranking sheet and return it to Metro Staff at the August 22 meeting.

PRELIMINARY CRITERIA WITH STANDARDS FOR SCORING
DEVELOPED FOR COMPARING ALTERNATIVE SOLID WASTE SYSTEMS

<u>PRIORITY*</u>	<u>Criteria with Basis for Measurement</u>
	<u>I. GENERAL CRITERIA</u>
_____	- Total Disposal System Degree of complete disposal of all regional solid waste. Quantity and type of undesirable by-products requiring additional disposal procedures (i.e., leachate, methane, air pollutants, etc.).
_____	- Conveniently Located Amount of generated waste located within a given drive time to disposal.
_____	- Site Easily Found Sites available with appropriate land use designation and willing seller.
_____	- Lead Time Time required for approval, permits and development.
_____	- Proven Technology Number of operating facilities, number of years of trouble-free operation.
_____	- Risk to Metro Degree of protection from risk.
_____	- Employment Potential Number of jobs provided.

* Please prioritize criteria using #5, 4, 3, 2 or 1, where

- 5=Top priority
- 4=Very important
- 3=Important
- 2=Less important
- 1=Lowest priority

II. ENVIRONMENTAL CONSIDERATIONS

_____ - Groundwater (Landfill Criteria)

Water table depth.

_____ - Surface Water (Landfill Criteria)

Impact potential.

_____ - Gas Control (Landfill Criteria)

Amount of methane control required.

_____ - Land Use

Amount that waste system would improve or degrade involved sites.

_____ - Wildlife Considerations

Degree of impact.

_____ - Air Quality Considerations

Amount of emission control required.

_____ - Noise Level

Compliance with land use zone standards.

_____ - Waste Reduction

Volume reduction of waste generated attributed to legislation, promotion and education.

III. REUSE OF RESOURCES

_____ - Material and Energy Recovery

Percent of volume reduction; amount recovered; markets available.

_____ - By-products Recovered

Amount of recovery of steam, methane or other energy.

_____ - Compatible with Present Material Recovery System

Existing businesses not adversely affected.

III. REUSE OF RESOURCES (continued)

_____ - Appropriate Recycling Methods

Compatible with other system components.

IV. FLEXIBILITY

_____ - Adaptable to Changes in Forecasts of Disposed Waste

Cost of adjusting to change of facility size or implementation schedule.

_____ - Land Use Change

Adaptability to altered distribution of generated waste or modified transportation network.

_____ - Technological Changes

Amount of time and cost for retrofitting the processing equipment. Adaptability to changing markets.

_____ - Policy Changes

Compatible with local, Metro, state and federal policies.

_____ - Economy

Degree of impact which would result from economic changes.

V. COST FACTORS

_____ - Long-term Solution

Number of years total system would be operable.

_____ - Preliminary Costs

Dollars for permits, appeals, third-party review.

_____ - Capital Cost

Total cost and reliability of funding sources.

V. COST FACTORS (continued)

- Operating and Maintenance Costs

Dollars per ton.

- Cost and Financing of Recycling Component

Total cost and fund source available.

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Please add priority rating and return to
Metro Solid Waste Department

PRIORITY RATING SHEET

PRELIMINARY CRITERIA

PRIORITY*

Criteria

I. GENERAL CRITERIA

- _____ - Total Disposal System
- _____ - Conveniently Located
- _____ - Site Easily Found
- _____ - Lead Time
- _____ - Proven Technology
- _____ - Risk to Metro
- _____ - Employment Potential

II. ENVIRONMENTAL CONSIDERATIONS

- _____ - Groundwater (Landfill Criteria)
- _____ - Surface Water (Landfill Criteria)
- _____ - Gas Control (Landfill Criteria)
- _____ - Land Use
- _____ - Wildlife Considerations
- _____ - Air Quality Considerations
- _____ - Noise Level
- _____ - Waste Reduction

* Please prioritize criteria using #5, 4, 3, 2, or 1, where

5=Top priority
4=Very important
3=Important
2=Less important
1=Lowest priority

III. REUSE OF RESOURCES

- Material and Energy Recovery
- By-products Recovered
- Compatible with Present Material Recovery System
- Appropriate Recycling Methods

IV. FLEXIBILITY

- Adaptable to Changes in Forecasts of Disposed Waste
- Land Use Change
- Technological Changes
- Policy Changes
- Economy

V. COST FACTORS

- Long-term Solution
- Preliminary Costs
- Capital Cost
- Operating and Maintenance Costs
- Cost and Financing of Recycling Component

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