



Agenda

SOLID WASTE POLICY ADVISORY COMMITTEE

METROPOLITAN SERVICE DISTRICT 2000 SW First Avenue, Portland, OR 97201
Providing Zoo, Transportation, Solid Waste and other Regional Services

Date: March 17, 1986

Day: Monday

Time: 12:00 noon

Place: Metro offices, room 330

I. Selection of Chairperson and Vice Chairperson

II. Approval of Feb. 10, 1986 meeting minutes

III. Certification Program :

Information Items:

- SWPAC Bylaws
- Certification program descriptive materials
- Metro response to EQC's requested modifications in the Waste Reduction Program, relative to the Certification program - SWPAC recommendation expected in subsequent special meeting

Action Items:

- SWPAC work program - approval by consensus
- Local Government Certification Advisory Committee - review and approve the Mission and Procedures Statement
- Appointment of SWPAC task force for certification units

SOLID WASTE POLICY ADVISORY COMMITTEE

SWPAC

February 10, 1986

COMMITTEE MEMBERS PRESENT

Richard Howard, Delyn Kies, Dave Phillips, Craig Sherman, Bruce Rawls, Shirley Coffin, Carolyn Browne, Michael Pronold, Ed Gronke, Teresa DeLorenzo, Mike Sandberg

STAFF PRESENT

Dan Durig, Rich McConaghy, Becky Crockett, Steve Rapp, Patrick Miner, Randi Wexler, Wayne Rifer, Doug Drennen, Norm Wietting, Debbie Allmeyer, Mary Jane Aman, Pat Vernon

GUESTS

Bob Brown, DEQ,

AGENDA ITEM

INTRODUCTION AND ORIENTATION OF NEW MEMBERS

Dan Durig, Director of Solid Waste, opened the meeting by introducing himself and the Metro Councilor, Jim Gardner. Jim welcomed the SWPAC members, and gave a brief outline of the changes that have taken place in the structure of the committee. The reorganization of the committee increased the number of public representatives, and assigned a somewhat different role to the committee. One of the first jobs for the new SWPAC will be putting together the standards for recycling programs that local jurisdictions in the Metro area have developed in response to Senate Bill 405, and certifying them. Also, in the next few months SWPAC will be looking at alternative technologies, advising the Council which type to go with and the range of cost that the region should pay for those technologies. He advised that SWPAC has a lot of work ahead of them, and thanked the committee for being willing to give of their time and energy.

Dan then asked everyone present to identify themselves and their affiliation. He pointed out that Mary Jane Aman, Administrative Assistant for Solid Waste, is the assigned staff person for this advisory committee and to direct any problems or questions to her. In an overview of the Solid Waste management responsibilities, Dan said that Metro covers the urbanized area of the three counties: Multnomah, Washington and Clackamas, which includes about 950,000 people who generate about one million tons of waste each year. After recycling, and shipping out of the area, about 750,000 tons of waste are left that need to be disposed of. The collection system in the tri-county area is controlled by local government. In most cases, those cities and counties have elected to franchise collection in their respective areas. The collection system in Portland is somewhat unique in that it is operated by the private sector. Without mandatory pick up in the Portland metro area, we also have what we call self haulers. Metro is now moving away from the classical system of picking garbage up and putting it into the ground and looking at alternative ways of handling it. One of the keystones of the waste reduction program is the hierarchy for handling waste: Reduction, Reuse, Recycle and Recovery.

Mary Jane then introduced Pat Vernon, Solid Waste Secretary, and indicated her responsibility for recording the meeting and providing minutes. She noted that the staff will provide an agenda for upcoming meetings during the week prior to

the meeting. Lunches will be provided, beverage machines are located in the basement of the building. Things to keep in mind about parking: there are 18 visitor spaces, some directly in front of the building and several on both sides. Please be careful about parking anywhere not marked visitor. If you use the bus, #54 and #56 run back and forth from downtown about every 20 minutes. She asked that if members have any questions or problems, please feel free to call, and if unable to attend a meeting, please try to let the staff know.

AGENDA ITEM

ALTERNATIVE TECHNOLOGIES

Debbie Allmeyer, Solid Waste Analyst, outlined alternative technologies and said that the Task Force, Staff and Council have narrowed the field of technologies available down to three to be reviewed further. They are mass burn, composting and refuse derived fuel (RDF). The phases of the resource recovery project are: Phase I - Procurement Planning which is presently in process, soliciting requests for qualifications from vendors throughout the country. Phase II - the Procurement phase, scheduled for July thru December, will be the time we submit requests for proposals. Phase III - Negotiation phase, is the time period when vendors and the agency will negotiate prices that can make the project work. These vendors will have to find real secure, long term markets for the bi-product of the facility they propose.

AGENDA ITEM

CERTIFICATION

Wayne Rifer, Solid Waste Analyst, described the certification program as one of many programs in the waste reduction plan that deal primarily with reduction, reuse and recycling. The certification program is not formed yet, one of SWPAC's major responsibilities will be to formulate the certification program.

Certification is a way for Metro to be working with the local jurisdiction and the collection industry to realize reduction responsibility. A local government advisory committee will be formed that can bring advice to this committee. The three areas of direct responsibility are 1) designation of certification units 2) new goals and standards to be met by the collection system and 3) Propose to the Metro Council whether a unit is certified or not.

AGENDA ITEM

HAZARDOUS WASTE TASK FORCE APPOINTMENT

Randi Wexler, Solid Waste Analyst, discussed how hazardous waste inquiries from consumers are handled by the Metro Recycling Information Center. Presently, our policy concerning this type of waste is that we do not knowingly accept any quantity of hazardous waste. A list of household wastes that contain hazardous material and exhibit hazardous characteristics would include: antifreeze, brake fluid, degreasers and engine cleaner, furniture stripper, herbicide, motor oil, pool chemicals, rat killer, turpentine and spot removers. The hazardous characteristics they might exhibit would be: flammable, corrosive or they may contain carcinogen. In order to adequately look at this issue, reach a consensus about provided alternatives, a task force will be foremed comprising of Metro staff, a member from DEQ, a member from

the collection industry, the hazardous waste transport and disposal industry, and from the public to recommend to Council courses of action and alternative methods of dealing with hazardous waste disposal. The task force will meet once a month for five months during working hours. She asked for a volunteer from SWPAC to also act as a member of this new task force. Teresa DeLorenzo volunteered.

Dan mentioned that the by-laws for the SWPAC committee call for a chairperson to be appointed. That will be part of the next meeting's agenda. He also asked members to consider the meeting time and any needs to change it will be discussed also next meeting.

Bob Brown from DEQ introduced himself. He mentioned that DEQ will be holding a public meeting to discuss landfill siting on February 20 at 7:00 in the Portland Building. Members of SWPAC will be on the mailing list of the DEQ siting committee.

Meeting Adjourned 1:55

Next Meeting : March 17, 1986

Written By: Pat Vernon

February 1986, revised

SOLID WASTE POLICY ADVISORY COMMITTEE

NAME	REPRESENTING	ADDRESS	PHONE	TERM OF OFFICE
Carolyn Browne	Public, Multnomah County	1717 SW Park Ave #1102 Portland, OR 97201	228-4767	Jan 1986 - 88
Kathleen Cancilla	Collection Industry	18450 SE Vogel Rd. Boring, OR 97009	760-8445	Jan 1986 - 88
Shirley Coffin	Public, Washington County	65 SW 93rd Portland, OR 97225	292-9338	Jan 1986 - 88
Ed Gronke	Public, Clackamas County	4912 SE Rinearson Milwaukie, OR 97267	656-8156	Jan 1986 - 88
Robert Harris	Public, Clackamas County	32660 Lake Point Crt Wilsonville, OR 97070	684-2370	Jan 1986 - 88
Dick Howard	Multnomah County	Dept. Public Works 2115 SE Morrison Portland, OR 97214	248-3599	No Limit
George Hubel	Public, Multnomah County	8704 SW Terwilliger Portland, OR 97219	243-6260	Jan 1986 - 88
Teresa DeLorenzo	Public, Multnomah County	10907 NW Copeland Portland, OR 97229	643-4008	Jan 1986 - 88
Delyn Kies	City of Portland	1120 SW 5th #740 Portland, OR 97204	796-7010	No Limit
Gary Newbore	Landfill Operators	3510 SW Bond Ave. Portland, OR 97201	222-4210	Jan 1986 - 88
Mike Sandberg	Washington County	Dept. of Public Health 150 N. First St. Hillsboro, OR 97213	648-8609	No Limit
Dave Phillips	Clackamas County	Dept. of Environmental Services 902 Abernathy Rd. Oregon City, OR 97045	655-8521	No Limit
Michael Pronold	Public, Multnomah County	6202 SE 17th Portland, OR 97202	233-8103	Jan 1986 - 88
Craig Sherman	Recycling Ind.	NW Paper Fibers P.O. Box 10444 Portland, OR 97210	222-6401	Jan 1986 - 88
Bruce Rawls	Public, Washington County	8705 SW Curry Court Beaverton, OR 97005	224-9190	Jan 1986 - 88
te V. Viviano	Collection	SE Refuse Service 6329 SE 107 Portland, OR 97266	761-9373	Jan 1986 - 88

MEMORANDUM

DATE: March 10, 1986

TO: Dennis Mulvihill

FROM: Wayne Rifer

REGARDING: Certification Agenda items for SWPAC 3/17 meeting

As is detailed in the time line for the start up phase, I am proposing that the following issues be discussed by SWPAC at the meeting next Monday:

1. SWPAC Bylaw changes -- a short informational item. The substance will depend on what is decided by staff on the issue.
2. The Local Government Certification Advisory Committee proposed mission statement, duties and general make-up -- a discussion of the role of the LGCAC in relation to staff and SWPAC. You will receive my analysis of the issue today.
3. EQC response -- a discussion of our proposed responses on the certification issues. We should utilize SWPAC to provide a basis for our position.
4. SWPAC work program -- due to the need for time for preparation and departmental review, this will be delivered to SWPAC at the meeting rather than sent out ahead of time. It will be a fairly simple document which could be digested and discussed at the time.
5. Certification Program Descriptive Materials -- due to the need for time for preparation and departmental review, this will be delivered to SWPAC at the meeting. We should have the materials well organized for them and describe what they are getting, asking for feedback as they review them. No discussion at the meeting.

ATTACHMENT C

SOLID WASTE REDUCTION PROGRAM SCHEDULE
SPRING 1986

FEBRUARY

- | | | |
|----|---|-------------------------|
| 7 | EQC meeting on Solid Waste Reduction Program -- beginning of 90-day period. | D. Mulvihill
P. Fell |
| 25 | Develop schedule for Solid Waste Reduction Program adoption process. | D. Mulvihill |

MARCH

- | | | |
|-----|---|--------------|
| 11 | Staff submits recommendations to Executive Officer on EQC recommended modifications. | D. Mulvihill |
| | Begin meetings with affected interests on EQC recommended modifications (see below). | |
| 13* | COUNCIL APPROVAL OF PROMOTION/EDUCATION CONSULTANT CONTRACT. | J. Schaeffer |
| 14 | Final Staff Report due on Solid Waste Reduction Program ordinance (excluding Alternative Technology and Promotion/Education). | |
| 25 | Staff prepares recommendations on true landfilling costs (TLC). | N. Wietting |
| 27* | DISCUSSION WITH COUNCIL ON ALTERNATIVE TECHNOLOGY PRICE CAP METHODOLOGY. | D. Drennen |
| | ORDINANCE FIRST READING -- SOLID WASTE REDUCTION PROGRAM (excluding Alternative Technology and Promotion/Education). | |

APRIL

- | | | |
|-----|---|--------------|
| 10* | ORDINANCE SECOND READING -- SOLID WASTE REDUCTION PROGRAM (excluding Alternative Technology and Promotion/Education). | |
| 18 | DEQ final report on TLC available. | |
| 22* | ORDINANCE FIRST READING -- PROMOTION/EDUCATION PROGRAM. | J. Schaeffer |
| | ORDINANCE FIRST READING -- ALTERNATIVE TECHNOLOGY PREMIUM. | D. Drennen |

* COUNCIL MEETINGS

ATTACHMENT C (continued)

APRIL (continued)

- 22* COUNCIL APPOINTS LOCAL GOVERNMENT CERTIFICATION ADVISORY COMMITTEE. W. Rifer
- COUNCIL ENDORSEMENT OF RATE INCENTIVE OPTIONS USED FOR PUBLIC INVOLVEMENT STAGE OF CERTIFICATION PROGRAM.

MAY

- 8* ORDINANCE SECOND READING -- PROMOTION/ EDUCATION PROGRAM. (Must be adopted and submitted to EQC on May 9.)
- ORDINANCE SECOND READING -- ALTERNATIVE TECHNOLOGY PREMIUM.
- METRO SUBMITS AMENDED SOLID WASTE REDUCTION PROGRAM TO EQC (excluding Alternative Technology Premium).
- 8 Begin meetings with affected interests on Metro's May 8 submittal and June 5, 1986, EQC hearing.
- 12 Meet with DEQ staff on Metro's response to recommended modifications. J. Gardner
R. Gustafson
D. Durig
D. Mulvihill
- 16 DEQ staff recommendations on Metro's May 8 submittal sent to Director of DEQ.
- 22* COUNCIL MEETING

JUNE

- 5 DEQ public hearing on DEQ staff recommendations. D. Mulvihill
- 10 Meet with DEQ staff and EQC members. J. Gardner
R. Gustafson
D. During
D. Mulvihill
- 12* COUNCIL ADOPTS HAZARDOUS WASTE PROGRAM OR PROVIDES STATEMENT ON WORK OF TASK FORCE.
- BRIEF COUNCIL ON DEQ PUBLIC HEARINGS RESULTS. D. Mulvihill

* COUNCIL MEETINGS

ATTACHMENT C (continued)

JUNE (continued)

13	PROVIDE EQC WITH PRICE CAP PER TON.	
18	DEQ staff recommendations to EQC on Metro's May 8 response.	
20	Final Solid Waste Reduction Program documents prepared.	D. Mulvihill W. Rifer
26*	COUNCIL MEETING	
27	EQC meeting on Solid Waste Reduction Program. Make presentation as appropriate.	R. Waker J. Gardner R. Gustafson

* COUNCIL MEETINGS

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03/12/86



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207
522 SOUTHWEST 5th AVENUE, PORTLAND, OR 97204 PHONE (503) 229-5696

MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item B, February 7, 1986, EQC Meeting

Metro Request for Review and Approval of Waste Reduction Program

Summary of Recommendation:

The Department recommends that the Commission allow Metro 90 days to modify its Waste Reduction Program to comply with the requirements of SB 662.

Background

The Metropolitan Service District (Metro) estimates that 962,000 tons of solid waste is generated annually by the people living in the Portland tri-county area. Approximately 22% of that waste is recycled, one of the highest recycling rates in the nation. But it is still necessary to landfill nearly 755,000 tons of garbage each year. Most of that waste is buried at St. Johns Landfill in North Portland. St. Johns has been in operation since 1934 and is nearly full. It is scheduled to close in June 1989.

Metro's attempts in the past eight years to site a general purpose landfill and waste-to-energy facility have failed. Because of these failures and the imminent closure of the only metropolitan all-purpose landfill, the 1985 Oregon Legislative Assembly intervened to avert a regional garbage crisis.

The 1985 Legislative Assembly passed SB 662 (Attachment 1) which gave the Environmental Quality Commission (EQC) the authority to locate and establish a disposal site(s) for Clackamas, Multnomah and Washington Counties. The legislature also directed Metro to prepare a waste reduction program to be submitted by January 1, 1986 for review and approval by the EQC. If the EQC does not approve this Program as submitted, the Commission shall allow Metro not more than 90 days to modify the Program. If the EQC does not approve the

Program by July 1, 1986, Metro's solid waste management functions and powers transfer to DEQ.

The direction to Metro to prepare a waste reduction program is not a new task for Metro. ORS 459.017(1)(b) assigns primary responsibility for developing a solid waste management plan to local government, which includes Metro. In addition, in response to Resource Conservation and Recovery Act requirements, Governor Straub issued Executive Orders in November 1977 and May 1978 which designated Metro as the solid waste planning and implementing authority for the tri-county area. At the time that SB 662 was passed, Metro was already in the process of updating the out-of-date 1974 Metropolitan Service District Solid Waste Management Action Plan (COR-MET Plan) and 1981 Waste Reduction Plan which set a goal of reducing waste through resource recovery (mass burn).

Metro has direct authority for the operation of solid waste disposal facilities in the Metropolitan Service District region. This includes the authority to set disposal rates, to control the flow and destination of waste materials, and to ban certain materials from disposal. Metro also has direct authority for solid waste planning in Multnomah, Clackamas, and Washington counties.

However, Metro does not have direct authority over the collection of wastes. This means that certain direct waste control measures are not available to Metro, including the authority to require garbage collectors to provide recycling programs or to reorganize their collection of commercial wastes in order to produce "high-grade" loads (loads containing large quantities of recyclable material), and to take the loads to processing centers where the materials can be recovered. This lack of authority to regulate collection has made it necessary for Metro to use indirect methods such as rate incentives and the certification program rather than direct regulatory methods in order to attempt to change the existing collection systems.

After SB 662 was signed into law on July 13, 1985, Metro speeded up its planning process for development of a new waste reduction plan. The planning and public involvement process included a resource recovery symposium, opinion leader interviews, a public opinion survey, preparation and distribution of a program summary and a series of seven fact sheets on waste reduction options, a full-page newspaper ad in five regional newspapers, nine informational meetings for special interest groups, three open houses, an informal workshop, and a public hearing before the Metro Council on December 5, 1985.

The Department Director and staff met regularly with and worked cooperatively with Metro staff during the months that the Waste Reduction Program was being developed by Metro. In addition, the Director wrote three letters to Metro Executive Officer Rick Gustafson and the Metro Council outlining what the Department expected the Program to include. Fred Hansen letters dated August 20, December 3 and December 12, 1985 (Attachment 2). Most of the Department's concerns discussed in the following evaluation of the Waste

Reduction Program were raised in these letters and in informal discussions with Metro staff.

The Metro Council held a work session on December 12, 1985 to debate a proposed resolution which states nine general waste reduction policies and directs Metro's Executive Officer to prepare a waste reduction program consistent with the resolution policies and to submit it to the EQC. On December 19, 1985, the Metro Council adopted Resolution No. 85-611-A. (Included in Final Report).

Metro submitted its Waste Reduction Program to the EQC on December 31, 1985. It is that Program which is the subject of this staff report.

The Department held a Public Hearing on the Metro Program on January 16, 1986. Nineteen persons testified, and several others submitted written comments. The Hearings Officer report is Attachment 3.

Waste Reduction Program Documents Submitted to EQC
(All documents are dated December 31, 1985)

Resolution No. 85-611-A, Adopting Solid Waste Reduction Policies:
Adopted by Metro Council on December 19, 1985.

Final Report, including transmittal letter, the above Resolution, Summary of Program, Framework and Background Information: Not adopted by Metro Council.

Work Plan and Timeline: Not adopted by Metro Council.

Appendices:

Alternative Technologies Chapter

Source Reduction and Recycling Chapter

Metro Region Recycling Conditions

Public Involvement and Comment

Introduction to Metro's Waste Reduction Program

Metro's Waste Reduction Program is structured on the concept of maximum feasible reduction and on the state's solid waste management priorities of reduce, reuse, recycle, recover energy, and lastly, landfilling. ORS

459.015(2)(a). The Program is divided into three phases, with implementation of each phase dependent on the success of previous phases.

Phase I depends upon indirect measures such as education, disposal rate incentives and certification programs, as well as on compliance with the requirements of SB 405, the Oregon Recycling Opportunity Act, to maximize the reduction and recycling of wastes. Residents and businesses would have the opportunity to recycle through curbside collection programs and depots at disposal sites. (Opportunity to Recycle Act). Commercial waste collection systems would be reorganized to collect loads that contain high amounts of recyclable materials. These "high-grade" waste loads would then be taken to waste processing centers where office paper and cardboard would be removed for recycling. The wastes remaining after source separation and other material recovery would then be processed further through "alternative technology" for the production of fuel or compost, or for direct energy recovery through mass burning. In Phase I, Metro sets the maximum amount of wastes to be allocated to these alternative technologies at 1,300 tons per day, which equals 48% of the total waste stream including recycled materials or 61% of the waste stream presently going to landfills.

Phase II would begin January 1, 1989, if the recycling goals that Metro plans to set are not achieved by that date. In this phase, loads of wastes containing a high percentage of recyclable materials would not be accepted at disposal facilities, but would be required to go to materials recovery facilities if such facilities are available.

Phase III would begin on January 1, 1993, or possibly earlier. In this phase, Metro would re-evaluate the amount of waste that continues to be landfilled, and would allocate further amounts of wastes to energy recovery if the recycling goals of Phases I and II are not achieved. At this point, theoretically all wastes would be processed for materials and/or energy recovery. Only the ash from the energy recovery facility(s) would be landfilled.

Evaluation Criteria for Review of Metro Waste Reduction Program

SB 662, Section 8 requires the Waste Reduction Program to include:

- (1) A commitment by the district to substantially reduce the volume of solid waste that would otherwise be disposed of in land disposal sites;

The Department has told Metro both informally and by letters dated December 3 and 12, 1985 (Exhibit C) that "commitment" to implementation includes (1) choosing a particular strategy; (2) stating the method and timeline for accomplishing the strategy; (3) setting performance standards against which the Program's success will be measured; (4) establishing checkpoints for judging the effectiveness of the Program strategies and alternative

strategies which will be implemented should the original strategies prove unsuccessful or less successful than anticipated; and (5) formal adoption by Metro Council.

- (2) A timetable for implementing each portion of the solid waste reduction programs. At least a part of the program must be implemented immediately;
- (3) Energy efficient, cost-effective and legally, technically, and economically feasible approaches to waste reduction;
- (4) Approaches which carry out the existing state solid waste management priorities as established by SB 405 in 1983 (ORS 459.015(2)(a)):

First, to reduce the amount of solid waste generated;

Second, to reuse material for the purpose for which it was originally intended;

Third, to recycle material that cannot be reused;

Fourth, to recover energy from solid waste that cannot be reused or recycled; and

Fifth, to landfill waste that cannot be reused, recycled or from which energy cannot be recovered; and

- (5) Effective and appropriate methods for waste reduction (i.e. procedures commensurate with the type and volume of solid waste generated within the region).

Evaluation:

The following evaluation describes each component of the Program following the order of its position in the solid waste management hierarchy. It also notes any public comments related to the component. It evaluates the component against the criteria for approval established in SB 662. Finally, it notes the Department recommendation for modification to the component in order to comply with SB 662.

At the end of the Program components discussion, the Program is analyzed as a whole to determine whether it meets the requirements of SB 662 and should be approved, or whether it does not meet the requirements and Metro should be allowed up to 90 days to modify the program.

**METRO WASTE REDUCTION PROGRAM FRAMEWORK AND WORK PLAN
PHASE I**

Reduce-and-Reuse (Framework, Page 7)

1. **Promotion and education. Metro commits to education and promotion in both the Reduce, Reuse Component and the Recycling component.**

Public Comments:

Mike Durbin, Portland Area Sanitary Service Operators (PASSO) and Ken Spiegle, Clackamas County, both felt that Metro should put a major emphasis on recycling education/promotion.

John Trout, Teamsters Local Union #281, felt that Metro improperly assigned itself the control of and responsibility for recycling education, promotion and notification. He felt that supervision of this task rests with the cities and counties.

Analysis:

A multi-year campaign is to be developed by February 1986 and adopted by the Metro Council in March 1986. The Work Plan does not discuss any education activities specifically targeted at convincing the public to reduce the amount of solid waste it produces or to reuse products, nor does it address education in schools. (Work Plan, Page 4.)

Recommended Modifications:

Metro should submit a comprehensive promotion and education program, including a detailed work plan for a multi-year promotion and education campaign and the financial commitment made to support it. One element of the program should be targeted to teach consumers the need for and how to change consumption habits in order to reduce the amount of solid waste generated and to maximize reuse of products. Another element should include a strategy for development and introduction of a curriculum for the region's public school system.

2. **Possible plastics reduction legislation. Metro will explore possible plastics reduction legislative action by participating in meetings of DEQ's Plastics Task Force which is currently being established. (Work Plan, Page 10.)**

Public Comments: None

Analysis:

Working with the DEQ plastics task force would be an acceptable first step in developing alternatives for reducing plastic waste.

Recommended Modifications: None

3. Possible legislative actions for packaging reduction, including expansion of the Bottle Bill. (Work Plan, Page 8).

Public Comments: None

Analysis:

As a regional government, Metro cannot implement statewide legislative solutions, but can use its influence to affect the development, passage, and implementation of legislative solutions.

Recommended Modifications: None

4. Possible salvage of building materials and other items at disposal facilities. (Work Plan, Pages 8 and 10).

Public Comments: None

Analysis:

The Framework indicates that Metro will consider salvaging building materials at the landfill and transfer stations. The Work Plan indicates it will be done.

Recommended Modifications:

Metro should clarify whether it commits to incorporation of salvage facilities at the landfill and transfer stations.

5. Possible Waste Exchange. Metro will explore the possibility of an information clearinghouse for industrial and manufacturing waste, with a decision to be made by May 1987.

Public Comments: None

Analysis:

According to the Association of Oregon Recyclers, the Northwest is the only region of the country without an industrial waste exchange service.

Public Comments: None

Analysis:

Metro plans to train and use volunteers to staff RIC. Though the enthusiasm of volunteers will be invaluable to the Program, Metro should not expect RIC to be run entirely by volunteers.

Recommended Modifications:

Metro should commit adequate financial resources to operate RIC with paid staff so as to most effectively utilize volunteers.

4. Local collection service certification. Metro commits to a certification program to encourage:

- (a) Optimally effective curbside collection programs for SB 405 materials.
- (b) A collection system for yard debris (if EQC does not list yard debris as a principal recyclable material).
- (c) Collection and delivery to materials recovery centers of high-grade loads (paper and cardboard) from commercial waste.

"Standards and measurements will be developed to assure effective local collection programs which meet source separation goals for principal recyclable materials, remove yard debris from the waste stream, and provide high-grade loads of mixed waste" (Work Plan, Page 28).

The incentive for local jurisdictions, collectors and recyclers to be certified will be differential disposal rates. Metro's existing Solid Waste Planning Advisory Committee (SWPAC) will decide or recommend to Metro Council whether an entity should be certified. (Work Plan, Pages 29 - 31).

In the first year of the certification program, beginning January 1, 1987, Metro will reward with a lesser disposal rate those who have passed DEQ's review of their Recycling Report indicating compliance with SB 405.

Metro will add as yet undecided requirements beyond the minimum requirements of SB 405 in the following years. However, a rate differential for those standards will not be applied until either January 1988, (Work Plan Timeline) or January 1989. (Work Plan, Page 32).

Public Comments:

Merle Irvine, Oregon Processing and Recovery Center, supported the concept of using economic rate incentives to reward those who participate in recycling programs.

Jeanne Robinette, Oregonians for Cost-Effective Government, felt the certification program would increase Metro's bureaucracy and costs and was unnecessary.

John Trout, Teamsters Local Union #281, testified that Metro had no authority to establish a certification program because it usurps local government's authority over collection. He also felt that collection service must be franchised throughout the Metro district in order for the Metro program to work.

Estle Harlan, Oregon Sanitary Service Institute, testified against the certification program because it is a duplication of the wasteshed reports required by SB 405. She also said that the DEQ Wasteshed reports need to be more encompassing to recognize the total volume of recycling from all sources.

Ken Spiegle, Clackamas County, considered the certification program an interference in local franchise control.

Kathy Cancilla, Portland Recycling Refuse Operators, Inc. (PRROS), supported the idea of a certification program, but wanted more definition of the process and how it would work.

Brian Lightcap, West Multnomah Soil and Water Conservation District/Oregon Association of Conservation Districts, suggested that Metro and local governments, including the SWCD, work together to set up recycling programs and motivate the public interest.

Analysis:

If one assumes that not all jurisdictions will comply with SB 405, then the certification program, by punishing the non-compliers or rewarding the compliers, depending on one's viewpoint, will help to convince the noncompliers that there are economic reasons to comply with the law. If one assumes that all jurisdictions will comply with the law which requires education and promotion and curbside collection of recyclable materials, then the certification program is unnecessary duplication until additional requirements beyond SB 405 requirements are added.

Recommended Modifications:

Metro should step up its certification process to initiate standards beyond SB 405 and apply rate incentives for those standards by January 1, 1987. Metro could enact a multi-tiered rate structure in which a rate incentive is offered for compliance with SB 405, and a larger rate incentive is offered for meeting standards beyond the requirements of SB 405. Metro should also indicate in the Program the rates to be applied, or at least the range within which the differential rates will be set. Further rate incentives should be applied by January 1, 1988 to encourage (1) generation of high-grade commercial loads for delivery to materials recovery centers and (2) collection systems for yard debris.

Metro should clarify whether SWPAC or Metro Council will decide whether to grant certification to a certification unit.

Metro should explain how it will resolve the potential problem of penalizing collectors and ratepayers who are meeting the standards of the certification program but are charged the higher disposal rate because they are included within a noncomplying certification unit.

5. Yard debris. Metro commits to a program of yard debris processing and collection, to include (Work Plan, Pages 16 - 18):
 - (a) Establishing a yard debris processing facility at St. John's Landfill capable of processing up to 200,000 cubic yards annually.
 - (b) Promoting home composting and use of processed yard debris.
 - (c) Providing analysis to the EQC on including yard debris as a principal recyclable material in the Metro region.

If the EQC does not list yard debris as a principal recyclable material, then in addition Metro will:

- (d) Adjust disposal rates to encourage recycling of yard debris.
- (e) By January 1, 1989, use the certification process to offer a lower disposal fee to those who implement yard debris collection and/or processing systems.
- (f) By July 1988, ban disposal of yard debris if the recycling goal is not met by above methods. The recycling goal has not yet been established.

Public Comments:

John Trout, Teamsters Local Union #281, testified that inclusion of yard debris as a recyclable material under SB 405 will create public opposition and jeopardize Metro's solid waste program.

Estle Harlan, Oregon Sanitary Service Institute, testified that it is industry's position that only dropbox loads or greater of yard debris can be economically collected and diverted to a processor. Rather than requiring an unsightly residential yard debris collection system, Metro should concentrate on education and market development.

Jeanne Roy, Portland citizen, supported the yard debris component but stated that Metro should set a lower disposal fee for source separated yard debris than for nonrecyclable waste. She also suggested that Metro provide a collection area for yard debris at the Washington Transfer and Recycling Center.

Analysis:

Yard debris is the largest single component in the waste stream. Metro estimates that at a 75% recovery rate of yard debris, the volume of waste going into the landfill would be reduced 10%. Accordingly, Metro must plan an aggressive program to recycle yard debris.

The timeline in the Work Plan allows banning of yard debris from the landfill in July 1988 based on the failure of the local collection service certification program and other methods for encouraging source separation and processing of yard debris. But the certification program will not be implemented until January 1, 1989 or January 1, 1988, depending on whether one reads the Work Plan, Page 32 or Timeline.

Recommended Modifications:

Metro should move up the date of initiation of rate incentives for compliance with yard debris certification standards to January 1988 or earlier (or clarify the Work Plan), and should commit to banning source separated yard debris from the landfill by January 1, 1989 when Phase II will be initiated. Source separated yard debris could be banned immediately.

Metro should commit to providing a collection or processing area for yard debris at all its transfer stations, or to diverting source separated loads to a processing center, and to keeping the yard debris piles free of contaminants. Metro should also commit to adjusting its disposal rates to encourage recycling of yard debris regardless of whether the EQC lists yard debris as a principal recyclable material.

6. **Post-Collection Recycling/Materials Recovery.** Metro commits to programs to recover recyclable materials by processing commercial waste with few contaminants, to include:

- (a) Using rate incentives and the certification program to encourage redesign of collection routes so that loads contain a high percentage of recyclables and will be delivered to a materials recovery center (see Page 15 for further discussion).
- (b) Establishing private, franchised or public high-grade material recovery centers at transfer stations "when feasible". (Framework, Page 9.) Metro seems to commit to designing a materials recovery center into the yet-to-be-established Washington Transfer and Recycling Center (WTRC). WTRC start-up date is not indicated. It is unclear whether Metro is committed to retrofitting the Clackamas Transfer and Recycling Center (CTRC) -- "CTRC will be redesigned", (Framework, Page 9 and Work Plan, Page 19), -- versus, "Determine appropriate design modifications for CTRC...if indicated." (Work Plan, Page 22.)

Public Comments:

Representative Mike Burton, District 17, Oregon Legislative Assembly, commented that the Program conflicts with itself on the role of the private sector in operating materials recovery facilities. Work Plan, Page 20 implies that Metro will operate the transfer station materials recovery facilities. Metro should allow private industry to operate such a facility if industry so proposes.

Merle-Irvine, Oregon Processing and Recovery Center, testified that he supports the concept of high-grading waste and using economic incentives to reward those who participate. He noted problems with providing economic incentives to collectors who operate under a franchise which requires a pass-through of all disposal savings, and stated that the certification program should address the problem. His major concerns with the Program were: (1) Metro not allowing private ownership of materials recovery facilities; and (2) Metro acting too hastily to change the system and hurting existing recycling operations. He suggested that Metro test its concepts by using his materials recovery center by transferring high-grade loads from CTRC and banning high-grade loads from the landfill.

Jeanne Robinette, Oregonians for Cost-Effective Government, testified orally that material recovery facilities were not going in soon enough. Privately operated processing centers coupled with rate incentives would be enough to achieve substantial reduction.

Analysis:

The success of Metro's Waste Reduction Program is predicated largely on this component, operating in conjunction with the certification program and rate incentives. According to Metro estimates, processing of commercial waste for materials recovery could reduce the amount of commercial waste being landfilled by 18.4%. It is important that materials recovery facilities be available early in the Program, and that incentives be large enough to encourage collectors to high-grade loads and deliver them to such facilities.

Metro seems to commit to designing a materials recovery center into the yet-to-be-established Washington Transfer and Recycling Center (WTRC). WTRC start-up date is not indicated. It is unclear whether Metro is committed to retrofitting the Clackamas Transfer and Recycling Center (CTRC) -- "CTRC will be redesigned", (Framework, Page 9 and Work Plan, Page 19), -- versus, "Determine appropriate design modifications for CTRC...if indicated" (Work Plan, Page 22).

Recommended Modifications:

Metro should indicate the expected date of completion of the materials recovery facility to be built in conjunction with WTRC. Metro should commit to either retrofitting CTRC for materials recovery or allowing a private materials recovery center to be established within easy access of CTRC. Until CTRC is retrofitted or a recovery center is established nearby, Metro should use its flow control authority to require high-grade loads delivered to CTRC to be diverted or transferred to existing materials recovery centers. Metro should also require high-grade loads delivered to St. Johns to be diverted to Oregon Processing and Recovery Center (OPRC).

7. Rate incentives. Metro commits to the concept of adopting rate incentives, to include:
 - (a) Incentives for operation of materials recovery centers. Metro will revise its ordinances by July 1, 1986 to provide incentives for start-up and operation of materials recovery centers. (Work Plan, Page 33). Currently these incentives are granted through a variance. Metro will consider various strategies to encourage garbage collectors to high-grade their loads and deliver them to materials recovery centers. The Work Plan lists potential strategies, but it will be January 1987 before a rate mechanism is selected and enacted.

- (b) Incentives to encourage local collection services to comply with the standards of the certification program. No specific incentive has been chosen, although differential rates to haulers within a certification unit and a local government grant program are options discussed (Work Plan, Pages 37 - 38). A program approach is to be adopted by September 1986. According to Metro, rate modifications "should be implemented on or after January 1, 1987" (Work Plan, Page 38).
- (c) User fee rates to fund Work Plan commitments. (Work Plan, Page 33).

Public Comments:

Jeanne Robinette, Oregonians for Cost-Effective Government strongly supported rate incentives, stating that rate incentives by themselves will change recycling and disposal behavior.

John Trout, Teamsters Local Union No. 281, testified that Metro has no authority to establish disposal rates based on performance of the solid waste generator or collector. According to Trout, Metro's authority to fix rates at disposal sites is limited to payment for services performed by Metro and repayment of its investment in solid waste facilities.

John Drew, Association of Oregon Recyclers, supported rate incentives to encourage recycling for high percentage recyclable materials, but was concerned about the mechanics of the program as described in the Work Plan, Pages 34 - 38.

Analysis:

A major portion of the Metro Program for recycling relies on rate incentives to bring about the changes which will make the Program work. Because Metro has not decided on the types of rate incentives to be used, or the spread in differential rate structures, it is difficult to assess whether rate incentives can produce the results Metro plans.

There is some evidence from other cities that charging more for garbage has a modest effect on recycling behavior. It is not entirely clear, however, that reduced disposal fees to garbage haulers will be enough to convince them to redesign collection routes and deliver high-grade loads to a materials recovery center. Disposal fees are only approximately 20% of a total garbage bill. Unless the garbage hauler owns enough equipment to have some flexibility in operation, the cost of investing in new equipment to run a high-grade route will far outweigh disposal savings. If the hauler has to transport the high-grade load much farther to a material recovery center than to a landfill, the cost of that time and transport outweighs the disposal savings (unless the differential rate spread is enormous). Furthermore, under some franchises, there is little incentive for the garbage hauler because the hauler is required to charge

the disposal costs directly to the generator. The hauler, therefore, would receive no disposal savings for delivering the load to a processor.

The Department understands Metro's dilemma in trying to prepare an effective waste reduction program. Because of its lack of collection regulation authority, Metro has turned to the regulatory tools it does have -- rate regulation and flow control. The dilemma is compounded by the fact that there are few if any models in this country for the Waste Reduction Program required of Metro, and very little data to indicate whether rate incentives can effect the changes in the disposal system that Metro is attempting. Metro has therefore had little choice but to propose what is in effect a grand experiment.

The Department is willing to let Metro try its rate incentive and certification experiment. But because of the uncertainties surrounding the effectiveness of rate structures to produce substantial amounts of recycling both in the residential sector under the SB 405 programs, and in the commercial sector using the materials recovery centers, Metro must plan for alternative strategies to be implemented to achieve the recycling goals if rate incentives fail.

Recommended Modifications:

Metro should move up its consideration of rate options and differentials so that the direction to be taken, though perhaps not adopted, is more clearly defined and can be included in the resubmittal of the Program to EQC. See also Phase II discussion on Page 22.

8. Possible development and distribution of recycling containers for home or office (Work Plan, Page 12).

Public Comments: None

Analysis:

Recycling programs that distribute home recycling containers have been very successful.

Recommended Modification: None

9. Possible waste auditing and consulting service for waste generators, including high quantity paper generators. (Work Plan, Page 21).

Public Comments: None

Analysis:

Metro's Framework discusses the possibility of a program for high quantity paper generators for waste auditing and consulting services (Framework, Pages 8 and 9). The Work Plan does not discuss specific programs for high quantity generators, but does propose to develop a plan, by December 1986, for a waste auditing and consulting service. It is not clear from the Work Plan whether Metro intends to implement this service, or just to evaluate its need.

The waste auditing program could be useful in educating businesses about the options available for their wastes, such as the waste exchange and the cost savings of having their material hauled to a processing center rather than a landfill.

Recommended Modifications: None

10. Possible grants, loans and diversion credits for materials recovery service. (Work Plan, Page 12).

Public Comments: None

Analysis:

Grants and loans would be targeted to local governments, businesses, and/or recyclers to support waste reduction and recycling programs. Metro plans to work with local governments and others between January 1 and May 1, 1987 to consider this program and the program for developing recycling containers for home or office mentioned above. Final decision on these and other possible projects is scheduled by Metro Council for May 1987, with possible implementation starting the next month.

Recommended Modifications: None

11. Possible materials markets assistance, which may include market surveys and analysis, legislative proposals, grants and loans, development of institutional purchasing policies, and materials brokerage (Framework, Page 11 and Work Plan, Pages 40-41).

Public Comments: None

Analysis:

The only market assistance activities that Metro is committed to doing are developing a Market Research Plan and promoting recycled products to institutional purchasers.

Recommended Modifications:

Metro should commit to actively approaching institutional purchasers with the message that purchasing of recycled products can assist recycling markets, rather than wait to be asked for assistance as the Work Plan contemplates (Work Plan, Page 43).

Recover Energy

1. Metro will consider "The technical and economic feasibility of alternative technologies for disposal of up to 48% of the waste" (Framework, Page 11). 48% of the waste is 1,300 tons per day.

The technologies to be evaluated include composting, refuse-derived fuel (RDF), mass burn incinerator, and cellulose conversion to ethanol. Feasibility will be determined by issuing a Request for Qualifications (RFQ) in March 1986. Metro will by July 1986 allocate the amount of waste to selected technologies, determine how much the Council is willing to spend, and develop a list of vendor finalists for each type of acceptable technology, as determined from review of the RFQ responses. The finalists may be invited to compete in a Request for Proposal (RFP) to be issued in December 1986. If the Council decides to award a contract, commercial operation of the alternative technology is scheduled to begin in December 1990.

Public Comments:

Greg Niedermeyer, Niedermeyer-Martin Co., supports Signal-Resco's efforts to site a burner in Columbia County. He thought Metro should allow the 52% of the waste ultimately planned for recycling to be committed to a burner on an "as available" basis. He did not think that the Metro Program supported the conclusion that 52% recycling is technically feasible. He also was concerned about the availability of revenue bonding after 1986, a concern shared by Pete Williamson of the Port of St. Helens.

Estle Harlan, Oregon Sanitary Service Institute, testified that the industry supports implementing alternative technology concurrently with recycling.

Michael Bick, Ebaseo Services, Inc. and Schnitzer Steel Products, expressed concern that Metro's Program does not demonstrate a commitment to waste reduction because it does not commit to alternative technology. He also expressed concern about the slow schedule for implementation. He thinks that the post-contract timeline is unrealistic, and that it will take at least 36 months from waste flow agreements to start-up. Metro should begin negotiations immediately with energy recovery suppliers who have acceptable sites so that financing can be completed in 1986 before new tax laws eliminate Industrial Revenue Bond financing. Finally, he states that Metro should set disposal fees in excess of \$40 to reflect the true cost of landfills. This level of fee would provide the kind of incentives needed to encourage waste generators to reduce, reuse and recycle.

Douglas Francescon, Citizen, supported the concept of a large scale energy recovery facility prior to landfilling. He said we must first process waste through the hierarchy of reduce, reuse, recycle, recover, and landfill only processed waste. He urged that we take advantage of the three current proposals in the Portland area for alternative technology/energy recovery while the opportunity is there.

Rebecca Marshall, GFA, supported Metro's proposal for alternative technology and the flexibility in the plan. She prefers diversification rather than one mass burner because its volume dependency could undermine recycling. She discussed the need for criteria to rank alternative technology by technical and economic feasibility, and the need for a revenue-producing facility with developed markets.

Jeanne Roy, Citizen, and Leanne MacColl, League of Women Voters, were concerned about Metro seeking proposals for a major energy recovery facility before recycling has become established. They are concerned that the energy recovery facility would compete for the same materials as recycling, and discourage the public from recycling.

Analysis:

Metro has a process for consideration of alternative technology to process the 48% of the waste that cannot be recycled, but has not committed to using such technology.

The Department believes that 48% is a reasonable amount to assume cannot be recycled even with the aggressive recycling program planned by Metro. Therefore, it is imperative to process that waste to recover energy and to reduce the volume. Metro should either commit approximately 1,300 tons per day of waste to alternative technology, or commit to paying a price per ton for alternative technology which at a minimum reflects the true cost of landfilling plus a premium for its higher position in the state solid waste management hierarchy, and is within the price range of

alternative technology facilities built and being built by local governments throughout the country.

According to Metro's timeline, Metro plans to decide on the allocation of waste to alternative technology and the range of acceptable costs by July 1986. The Department recognizes that these decisions, to be based partially on the response to the RFQ, probably cannot be made by the proposed May resubmittal deadline. But these decisions could be made before the EQC's final review of the Waste Reduction Program on June 27.

Recommended Modifications:

Metro should either commit approximately 1,300 tons per day of waste to alternative technology, or commit to allocating as much of the 1,300 tons as can be processed by an alternative technology or combination of technologies within a price per ton cap to be determined by Metro. The price cap must at a minimum reflect the true cost of landfilling plus an adequate premium for resource recovery's higher position in the state solid waste management hierarchy, and be within the price range of alternative technology facilities built and being built by local governments throughout the country. If Metro chooses to establish a price cap for selecting alternative technology rather than to commit 48% of the waste to alternative technology, then Metro must by ordinance adopt the price cap as an amendment to the Waste Reduction Program and submit it by June 13, 1986 to the EQC for approval.

2. Metro will consider the need and feasibility of committing up to 50 tons per day of waste to a developmental technology.

Public Comments:

Judy Dehen, Sierra Club, and Lyle Stanley, Citizens, suggested specific changes in the Alternative Technologies Section to promote the early consideration of developmental technologies. Both requested the inclusion of "Cellulose Conversion to Ethanol" technology in the summary of tasks (Work Plan, Page 24), and urged earlier consideration (date moved from 8/87 to 3/86) of developmental technology in the timetable. In addition, Dehen expressed concerns regarding the emissions of dioxins from incineration of municipal solid waste.

Analysis:

Metro will evaluate various types of alternative technologies, including developmental technology for approximately 50 tons per day of waste, and has stated that they will bear a somewhat greater risk for implementation of small-scale developmental technology. The work plan does not schedule the evaluation of the need, feasibility and process for implementing developmental technology until August 1987. The Work Plan is not

consistent in stating whether cellulose conversion to ethanol is a technology to be evaluated in the RFO/RFP process.

Recommended Modifications:

Metro should clarify whether cellulose conversion to ethanol is a process which is to be evaluated through the RFO/RFP process.

Waste Reduction Performance Goals:

1. Metro plans to do a waste substream composition study to survey the volumes, composition and places of origin of waste generated by distinct generator types. Based on the study, the Council will set reduction performance goals for each individual wastestream.

The 52% figure in the Final Report is not a goal but only a figure to set the outside parameter of the material which can be recycled. If the recycling goals yet to be set by Metro are substantially less than 52%, the increment of waste left will be allocated to alternative technology in 1993. See Phase III discussion, Page 23.

Public Comments: None

Analysis:

Because Metro has not yet set its waste reduction goals and because it is difficult to predict the success of the planned Reduce, Reuse, Recycle Program, it is impossible for the Department to find with any certainty that a set percentage of the wastestream will be recovered through Reduction, Reuse and Recycling. If all components of the Programs are implemented aggressively, including the crucial public education and promotion needed to change the region's disposal behavior, over time the region may be able to approach a 52% recycling rate. The Department agrees with Metro that time must be allowed for the recycling program to become established and for the public's attitude toward waste reduction to change. By 1993, if it is obvious that the 52% recycling rate cannot be achieved, then the strategy for waste reduction will shift to more alternative technology so that the reduction goals can be met.

Recommended Modifications: None

System Measurement (Framework, Page 4)

1. In addition to the initial waste substream composition study, Metro proposes:
 - (a) Periodic sampling of wastes to determine the amount of recyclable material being burned or landfilled instead of recycled.
 - (b) Measurement of the quantities of wastes delivered to each facility.
 - (c) Periodic survey of the quantities of materials recycled and the participation rates.
 - (d) An on-going evaluation of the economic feasibility and cost-effectiveness of each program and the entire waste reduction effort.

Public Comments: None

Analysis:

The multiple means of measurement, including independent measurement of the amount and composition of materials disposed of, the quantities of materials recycled, and the participation rates in different recycling programs, should provide necessary information to evaluate the program and should show the effects of external factors such as changes over time in the quantities of materials available for recycling. If Metro commits the necessary resources to gather sufficient sample sizes, then Metro should obtain information valuable not only to measure the success of the program at meeting waste reduction goals, but also information that can help improve the recycling programs. The Work Plan (Page 46) commits to development of the ongoing systems measurement plan by May, 1986.

Recommended Modifications: None

PHASE II

If the waste reduction goals for the individual substreams are not achieved by January 1, 1989, then Metro will ban landfill disposal of loads containing a high percentage of recyclable materials if more appropriate disposal options are available.

Public Comments: None

Analysis:

Phase II will affect change only if there are high-grade recyclable loads being dumped in the landfill. However, the more likely scenario is that if Phase I is failing, it is because local governments and garbage haulers have not responded to rate incentives and have failed to redesign collection routes to maximize wastestream differentiation and collect high-grade loads of recyclables (i.e. cardboard, office paper, yard debris). If that is the case, then there will be few loads of high-grade recyclables to divert to a processing center, and Phase II will have little effect.

Much of Metro's difficulty in devising the Waste Reduction Program is related to the fact that Metro has rate-setting and flow control authority, but not collection authority. If the indirect management tools Metro has been forced to use are not enough to achieve substantial reduction, then Metro should leave itself the option to request authority sufficient to accomplish the waste reduction goals established by Metro.

Recommended Modifications:

Metro should revise Phase II to commit to seek sufficient authority from the Oregon Legislature to ensure that the solid waste system will be managed to accomplish the waste reduction goals established by Metro.

PHASE III

If Phases I and II do not make significant progress toward maximum feasible waste reduction by January 1, 1993, or possibly earlier, then all waste not being recovered or processed for energy will be allocated to alternative technologies.

Analysis:

January 1, 1993 is a reasonable checkpoint to pick up any waste which several years of experience indicates cannot be recovered through the curbside recycling collection program and high-grade materials recovery centers. By 1993, either the Program is successful and recovering materials and energy from the entire waste stream, or will be as soon as Phase III is implemented.

Metro allows itself the option of implementing Phase III before 1993 if "the Metro Council determines that Phases I and II are unable to make significant progress toward maximum feasible waste reduction." (Framework, Page 15). This means that the Metro Council could potentially call the recycling program a failure shortly after 1989 and commit all the waste being landfilled to alternative technology. The

attitudes and system changes which will make the reduction and recycling programs successful will not happen overnight. Furthermore, as the League of Women Voters of Portland commented, having the option to commit the recyclable portion of the waste to alternative technology may well discourage source separation and a total commitment by Metro and the region population to successfully implement the reduction and recycling programs.

Recommended Modifications:

Metro should revise Phase III to delete the possibility of implementation before January 1, 1993.

Evaluation of the Metro Waste Reduction Program as a Whole

Metro is to be congratulated for considering every feasible waste reduction technique which, to the Department's knowledge, is being used in this country, and preparing a Waste Reduction Program which is innovative and multi-faceted. The program is properly based on the state's hierarchy of solid waste management methods, emphasizing reduction, reuse and recycling first, and allowing only the portion of the wastestream deemed nonrecyclable to be allocated to energy recovery.

The deficiencies in the Program are not in the conceptual framework, but in the lack of specificity and Metro Council commitment to actually implement. To a large extent, the Program is a plan to plan rather than a plan for implementation. The Department recognizes that the Program was developed under severe time constraints imposed by the legislature, and that for many of the Program components, more planning is necessary before implementation. The Department, however, does not believe the criteria of SB 662 can be met without more specificity and commitment to implement. Allowing Metro 90 days to modify its Program in effect gives Metro an additional five months from adoption of its Resolution to hone its concepts and continue its planning efforts.

For several components, there needs to be clarification of the timetable or text. For others, the implementation dates need to be accelerated so that the region will begin to benefit from waste reduction activities in the near future.

All the Program components appear to be legally feasible. Technical feasibility and degree of effectiveness are more problematic. The local collection service certification and rate incentives components, both keystones of the Program, are untested and may or may not succeed in encouraging substantial waste reduction activities. Whether or not they will succeed depends to a large extent upon how these components are designed and administered. Metro should be given additional time to further develop and explain these proposed components.

For many of the components, Metro has promised only "to consider" carrying out the component. These components cannot be found to contribute to substantial waste reduction. Even the components which the Final Report and Work Plan state will be implemented may in fact not be. The Metro Council, the elected body which holds the purse strings and makes the policy decisions for Metro, has not adopted either document. The Council has indicated its commitment to the Program only so far as the very general language in its Resolution No. 85-611-A indicates commitment.

The resolution states that budget amendments "will be considered for selected programs contained in the Solid Waste Reduction Program." Metro "will consider" a higher premium for reduction or recovery based on the state priority list, and Metro "will determine the range of acceptable costs and other specific criteria" for alternative technology projects. This kind of language does not indicate commitment from which findings can be made that a program component will be implemented. Nor does the resolution supply the specificity and timelines required by SB 662.

Finally, since shortly after SB 662 was passed, the Department has told Metro that a plan for household and small quantity hazardous wastes should be included in the Waste Reduction Program. (See Attachment 2 letters). The Department has now agreed with Metro that a plan for household and small quantity hazardous waste can be submitted separately from the Waste Reduction Program, if it is submitted to DEQ by August, 1986, and if the Department is assured, prior to the EQC's final evaluation of the Waste Reduction Program, that such a plan will be developed.

See Chart on next page for summary of evaluation of Metro Waste Reduction Program.

Recommended Modification:

SB 662, Section 8 requires a "commitment by the district to substantially reduce the volume of solid waste" and a "timetable for implementing each portion of the solid waste reduction program." The Metro Council must adopt by ordinance the Framework and Work Plan in order for the EQC to find that the Council is committed to the Program, the timetable for implementation, and providing the necessary funds. The Framework and Work Plan should be adopted as the Waste Reduction element of Metro's Solid Waste Management Plan.

SUMMARY OF EVALUATION OF THE METRO WASTE REDUCTION PROGRAM

Component	Metro Council Commitment to Implement	Program Commitment to Implement	Beginning Immediate Implementation	Legally Feasible	Technically Feasible	Economically Feasible	Effective & Appropriate	Recommended Modification
<u>Phase I</u>								
<u>Reduce and Reuse</u>								
A. Promotion and education	No	Commit	Yes	Yes	Yes	Yes	Yes	Yes
B. Plastics reduction legislation	No	Consider	Yes	Yes	Yes	Yes	Yes	No
C. Packaging reduction legislation	No	Consider	Yes	Yes	Yes	Yes	Yes	No
D. Salvage of building materials	No	?	No	Yes	Yes	Yes	Yes	Yes
E. Waste exchange	No	Consider	No	Yes	Yes	Yes	Yes	Yes
<u>Recycle</u>								
A. Technical assistance	No	Commit	Yes	Yes	Yes	Yes	Yes	Yes
B. Promotion and education	No	Commit	Yes	Yes	Yes	Yes	Yes	Yes
C. Recycling information center enhancement	No	Commit	Yes	Yes	Yes	Yes	Yes	Yes
D. Certification	No	Commit	No	Yes	?	Yes	?	Yes
E. Yard debris programs	No	Commit	Yes	Yes	Yes	Yes	Yes	Yes
F. Post collection materials recovery	No	Commit	No	Yes	Yes	Yes	Yes	Yes
G. Rate incentives	No	Commit	No	Yes	?	Yes	?	Yes
H. Recycling container development	No	Consider	No	Yes	Yes	?	Yes	No
I. Waste auditing consulting service	No	Consider	No	Yes	Yes	Yes	Yes	No
J. Grants, loans, diversion credits	No	Consider	No	Yes	Yes	Yes	Yes	No
K. Materials markets assistance	No	Consider	No	Yes	Yes	Yes	?	Yes
<u>Recovery Energy</u>								
A. Alternative technology	No	Consider	No	Yes	Yes	Yes	Yes	Yes
B. Developmental technology	No	Consider	No	Yes	?	?	?	Yes
<u>Goals & System Measurement</u>								
Waste reduction performance goals	No	Commit	Yes	Yes	Yes	Yes		No
System measurement	No	Commit	No	Yes	Yes	Yes	Yes	No
<u>Phase II</u>								
A. Bans on disposal of recyclables	No	Commit if Phase I goals not met	No	Yes	Yes	Yes	Yes	Yes
<u>Phase III</u>								
A. Commitment of remaining waste to alternative technology	No	Commit if Phase I and II goals are not met	No	Yes	Yes	Yes	Yes	Yes

Alternatives

The following potential alternatives for EQC action are identified:

1. Approve the Metro Program as submitted, with findings that the Program meets the criteria set out in SB 662, Section 8.

Because of the problems cited in the prior analysis, the Department does not believe that the criteria of SB 662 are met.

2. Allow Metro not more than 90 days to modify the program to meet the Commission's objections.

The Commission may adopt in whole or part the Department's list of objections and directions to Metro for modifying the Program, or may adopt its own list of objections and directions.

The Commission may allow Metro less than 90 days for modification, but the Department recommends that the entire 90 day period allowed by SB 662 be granted. Three months will be a short but sufficient period of time for Metro to make the required modifications.

3. Delay a decision and adoption of findings and request further comment or analysis from Metro and/or the Department.

This alternative will necessarily cut short Metro's 90-day modification period if the Commission ultimately decides to return the Program to Metro for modification. The Program must be resubmitted in time to allow Department review, a Public Hearing and comment period, and a Commission decision before July 1, 1986. The July 1, 1986 deadline for final review of the Program is statutorily set and can therefore not be changed. If the Commission fails to act or to approve the Program by July 1, 1986, all of Metro's solid waste management functions and powers automatically transfer to DEQ.

Summation:

1. The EQC cannot find that the Metro Council has made a commitment to substantial reduction of the volume of solid waste currently being landfilled because it has not adopted by ordinance the Framework or Work Plan and is therefore not bound to implement the Program.
2. The EQC finds that there are textual conflicts that need to be resolved.

3. The EQC finds that at least a portion of the program is to be immediately implemented, but most of the immediate implementation is planning rather than waste reduction activities which will immediately reduce the volume of waste being landfilled.
4. The EQC finds that the proposed program does use approaches which follow the state's solid waste management priorities (ORS 459.015(2)(a)).

Director's Recommendation:

It is recommended that the Commission adopt the above evaluation and summation as its findings and conclusions, and pursuant to SB 662, Section 8 (3), should allow Metro 90 days to modify the Waste Reduction Program to comply with SB 662.

In order for the EQC to find that Metro's Waste Reduction Program complies with the standards set out in SB 662, the Metro Council must:

- (1) Make the modifications listed in the evaluation and summarized below;
- (2) Show how the objections will be met by another method; or
- (3) Justify why the recommended modifications are not legally, technically or economically feasible.

Modifications for Compliance with SB-662

The Metro Council must:

1. Prepare a comprehensive promotion and education program, including a detailed work plan for a multi-year promotion and education campaign and the financial commitment made to support it.
2. Clarify whether it commits to incorporation of salvage facilities at the landfill and transfer stations.
3. Commit to the establishment of a regional waste exchange.
4. Commit to promote aggressively the technical assistance program.
5. Commit adequate financial resources to operate RIC with paid staff.

6. Accelerate the certification process to initiate standards beyond SB 405 and apply rate incentives for those standards by January 1, 1987.
7. Accelerate consideration of rate options and differentials, and indicate the rates or range of rates to be applied in the certification program.
8. Apply rate incentives by January 1, 1988 to encourage (1) generation of high-grade commercial loads and (2) collection systems for yard debris.
9. Clarify whether SWPAC or Metro Council grants certification to a certification unit.
10. Explain how the certification program will be implemented so as to not penalize complying collectors and rate payers.
11. Accelerate the date of certification for yard debris to January 1988, or clarify that the Program already indicates that date.
12. Commit to ban source separated yard debris from the landfill by January 1, 1989.
13. Indicate the expected date of completion of the WTRC materials recovery facility.
14. Commit to either retrofitting CTRC for materials recovery or allowing a private materials recovery center to be established within easy access of CTRC.
15. Until CTRC is retrofitted, require high-grade loads delivered to CTRC to be diverted to existing materials recovery centers.
16. Require high-grade loads delivered to St. Johns to be diverted to Oregon Processing and Recovery Center.
17. Actively approach institutional purchasers about the need for purchasing recycled products.
18. Commit 1,300 tons per day of waste to alternative technology, or commit to establishing a price cap and allocating as much of the 1,300 tons as can be processed within that price cap.
19. Clarify whether cellulose conversion to ethanol is a process which is to be evaluated in the RFQ/RFP process.

20. Revise Phase II to commit to seek sufficient authority from the Oregon Legislature to ensure that the solid waste system will be managed to accomplish the waste reduction goals established by Metro.
21. Revise Phase III to delete the possibility of implementation before January 1, 1993.
22. Adopt by ordinance the Framework and Work Plan as an element of the Metro Solid Waste Management Plan.

Fred Hansen

- Attachments:
1. Senate Bill 662
 2. Letters from DEQ to Metro dated August 20, December 3 and December 12, 1985, and January 30, 1986.
 3. Hearing Officer's Report

Lorie Parker:m
SM70
229-5826
January 31, 1986

RE: METRO'S WASTE REDUCTION PROGRAM

SEE SECTION 8

Attachment 1
Agenda Item B
2/7/86 EQC Meeting

63rd OREGON LEGISLATIVE ASSEMBLY—1985 Regular Session

Enrolled

Senate Bill 662

Sponsored by COMMITTEE ON GOVERNMENT OPERATIONS AND ELECTIONS (at the request of Representative Mike Burton)

679

CHAPTER _____

AN ACT

Relating to solid waste disposal; appropriating money; and declaring an emergency.

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

SECTION 1. Sections 2 to 9 of this Act are added to and made a part of ORS 459.005 to 459.225.

SECTION 2. (1) The Legislative Assembly finds that the siting and establishment of a disposal site for the disposal of solid waste within or for Clackamas, Multnomah and Washington Counties is necessary to protect the health, safety and welfare of the residents of those counties.

(2) It is the intent of the Legislative Assembly that the Environmental Quality Commission and Department of Environmental Quality, in locating and establishing a disposal site within Clackamas, Multnomah and Washington Counties give due consideration to:

(a) Except as provided in subsections (3) and (4) of section 5 of this 1985 Act, the state-wide planning goals adopted under ORS 197.005 to 197.430 and the acknowledged comprehensive plans and land use regulations of affected counties.

(b) Information received during consultation with local governments.

(c) Information received from public comment and hearings.

(d) Any other factors the commission or department considers relevant.

SECTION 3. (1) The Department of Environmental Quality shall conduct a study, including a survey of possible and appropriate sites, to determine the preferred and appropriate disposal sites for disposal of solid waste within or for Clackamas, Multnomah and Washington Counties.

(2) The study required under this section shall be completed not later than July 1, 1986. Upon completion of the study, the department shall recommend to the commission preferred locations for disposal sites within or for Clackamas, Multnomah and Washington Counties. The department may recommend a location for a disposal site that is outside those three counties, but only if the city or county that has jurisdiction over the site approves the site and the method of solid waste disposal recommended for the site. The recommendation of preferred locations for disposal sites under this subsection shall be made not later than January 1, 1987.

SECTION 4. (1) Subject to subsections (3) and (4) of section 5 of this 1985 Act, the Environmental Quality Commission may locate and order the establishment of a disposal site under this 1985 Act in any area, including an area of forest land designated for protection under the state-wide planning goals, in which the commission finds that the following conditions exist:

(a) The disposal site will comply with applicable state statutes, rules of the commission and applicable federal regulations:

(b) The size of the disposal site is sufficiently large to allow buffering for mitigation of any adverse effects by natural or artificial barriers:

(c) Projected traffic will not significantly contribute to dangerous intersections or traffic congestion, considering road design capacities, existing and projected traffic counts, speed limits and number of turning points:

(d) Facilities necessary to serve the disposal site can be available or planned for the area; and

(e) The proposed disposal site is designed and operated to the extent practicable so as to mitigate conflicts with surrounding uses. Such conflicts with surrounding uses may include, but are not limited to:

(A) Visual appearance, including lighting and surrounding property.

(B) Site screening.

(C) Odors.

(D) Safety and security risks.

(E) Noise levels.

(F) Dust and other air pollution.

(G) Bird and vector problems.

(H) Damage to fish and wildlife habitats.

(2) When appropriate, the conditions listed in this section may be satisfied by a written agreement between the Department of Environmental Quality and the appropriate government agency under which the agency agrees to provide facilities as necessary to prevent impermissible conflict with surrounding uses. If such an agreement is relied on to satisfy any approval criteria, a condition shall be imposed to guarantee the performance of the actions specified.

SECTION 5. (1) The commission, not later than July 1, 1987, shall issue an order directing the Department of Environmental Quality to establish a disposal site under this 1985 Act within Clackamas, Multnomah or Washington County or, subject to subsection (2) of section 3 of this 1985 Act, within another county.

(2) In selecting a disposal site under this section, the commission shall review the study conducted under section 3 of this 1985 Act and the locations for disposal sites recommended by the department under section 3 of this 1985 Act.

(3)(a) When findings are issued by the department under subsection (4) of this section, the commission in selecting a disposal site under this 1985 Act must comply with the state-wide planning goals adopted under ORS 197.005 to 197.430 and with the acknowledged comprehensive plan and land use regulations of the local government unit with jurisdiction over the area in which the disposal site is located.

(b) However, when findings are not issued under subsection (4) of this section, the standards established by section 4 of this 1985 Act take precedence over provisions in the comprehensive plan or land use regulations of the affected local government unit, and the commission may select a disposal site in accordance with those standards instead of, and without regard to, any provisions for locating and establishing disposal sites that are contained in the comprehensive plan or land use regulations of the affected local government unit. Any provision in a comprehensive plan or land use regulation that prevents the location and establishment of a disposal site that can be located and established under the standards set forth in section 4 of this 1985 Act shall not apply to the selection of a disposal site under this 1985 Act.

(4) The department, not later than July 1, 1986, may determine whether the acknowledged comprehensive plans and land use regulations of the counties in which possible disposal sites being considered by the department are situated contain standards for determining the location of land disposal sites that are identical to or consistent with the standards specified in section 4 of this 1985 Act. If the standards contained in the comprehensive plan and land use regulations of a county are identical to or consistent with the standards specified in section 4 of this 1985 Act, the department may issue written findings to that effect and shall submit the findings to the commission.

(5) When selecting a disposal site under this 1985 Act, the commission may attach limitations or conditions to the development, operation or maintenance of the disposal site, including but not limited to, setbacks, screening and landscaping, off-street parking and loading, access, performance bonds, noise or illumination controls, structure height and location limits, construction standards and periods of operation.

(6) If the Environmental Quality Commission directs the Department of Environmental Quality to establish or complete the establishment of a disposal site under this section, the department shall establish the site subject only to the approval of the commission. Notwithstanding any other provision of this 1985 Act or any city, county or other local government charter or ordinance to the contrary, the Department of Environmental Quality may establish a disposal site under this section without obtaining any license, permit, franchise or other form of approval from a local government unit.

(7) The department shall identify conflicts with surrounding uses for any disposal site established under this 1985 Act and, to the extent practicable, shall mitigate or require the operator of the site to mitigate those conflicts.

SECTION 6. (1) Notwithstanding ORS 183.400, 183.482, 183.484 and 197.825, exclusive jurisdiction for review of any decision made by the Environmental Quality Commission under this 1985 Act relating to the establishment or siting of a disposal site, any order to the Department of Environmental Quality to establish or complete such a site or any findings made by the department under section 5 of this 1985 Act is conferred upon the Supreme Court.

(2) Proceedings for review shall be instituted when any person adversely affected or aggrieved by the order of the commission files a petition with the Supreme Court. The petition shall be filed within 30 days following the date on which the order upon which the petition is based is served. The petition shall state the nature of the order or decision the petitioner desires reviewed and shall, by supporting affidavit, state the facts showing how the petitioner is adversely affected or aggrieved. Copies of the petition shall be served by registered or certified mail upon the commission. Within 30 days after service of the petition, the commission shall transmit to the Supreme Court the original or a certified copy of the entire record of the proceeding under review. Review under this section shall be confined to the record, and the court shall not substitute its judgment for that of the commission as to any issue of fact or agency discretion. Upon review, the Supreme Court may affirm, reverse or remand the order of the commission if the court finds that the order is not supported by substantial evidence in the record or is unconstitutional. Proceedings for review under this section shall be given priority over all other matters before the Supreme Court.

(3) Notwithstanding ORS 197.850, jurisdiction for judicial review of a final order of the Land Use Board of Appeals issued in any proceeding arising under this 1985 Act is conferred upon the Supreme Court. The procedure for judicial review of a final order under this subsection shall be as provided in subsection (2) of this section.

SECTION 7. (1) Subject to policy direction by the commission in carrying out sections 3 and 5 of this 1985 Act, the department may:

(a) By mutual agreement, return all or part of the responsibility for development of the site to a local government unit, or contract with a local government unit to establish the site.

(b) To the extent necessary, acquire by purchase, gift, grant or exercise of the power of eminent domain, real and personal property or any interest therein, including the property of public corporations or local government.

(c) Lease and dispose of real or personal property.

(d) At reasonable times and after reasonable notice, enter upon land to perform necessary surveys or tests.

(e) Acquire, modify, expand or build landfill or resource recovery site facilities.

(f) Subject to any limitations in ORS 468.195 to 468.250, use money from the Pollution Control Fund created in ORS 468.215 for the purposes of carrying out section 5 of this 1985 Act.

(g) Enter into contracts or other agreements with any local government unit or private person for the purposes stated in ORS 459.065 (1).

(h) Accept gifts, donations or contributions from any source to carry out the provisions of sections 3 and 5 of this 1985 Act.

(i) Establish a system of fees or user charges to reimburse the department for costs incurred under this 1985 Act and to allow repayment of moneys borrowed from the Pollution Control Fund.

(2) The metropolitan service district shall have the responsibility for the operation of the disposal sites established under this 1985 Act.

SECTION 8. (1) The metropolitan service district organized under ORS chapter 268 shall prepare a solid waste reduction program. Such program shall provide for:

(a) A commitment by the district to substantially reduce the volume of solid waste that would otherwise be disposed of in land disposal sites through techniques including, but not limited to, rate structures, source reduction, recycling, reuse and resource recovery;

(b) A timetable for implementing each portion of the solid waste reduction program;

(c) Energy efficient, cost-effective approaches for solid waste reduction that are legally, technically and economically feasible and that carry out the public policy described in ORS 459.015 (2); and

(d) Procedures commensurate with the type and volume of solid waste generated within the district.

(2) Not later than January 1, 1986, the metropolitan service district shall submit its solid waste reduction program to the Environmental Quality Commission for review and approval. The commission shall approve the program if the commission finds that:

(a) The proposed program presents effective and appropriate methods for reducing dependence on land disposal sites for disposal of solid wastes;

(b) The proposed program will substantially reduce the amount of solid waste that must be disposed of in land disposal sites;

(c) At least a part of the proposed program can be implemented immediately; and

(d) The proposed program is legally, technically and economically feasible under current conditions.

(3) After review of the solid waste reduction program, if the commission does not approve the program as submitted, the commission shall allow the metropolitan service district not more than 90 days in which to modify the program to meet the commission's objections.

(4) Notwithstanding ORS 268.310 (2) and 268.317, if the commission does not approve the solid waste reduction program submitted by the metropolitan service district after any period allowed for modification under subsection (3) of this section, all the duties, functions and powers of the metropolitan service district relating to solid waste disposal are imposed upon, transferred to and vested in the Department of Environmental Quality and no part of such duties, functions and powers shall remain in the metropolitan service district. The transfer of duties, functions and powers to the department under this section shall take effect on July 1, 1986. Notwithstanding such transfer of duties, functions and powers, the lawfully adopted ordinances and other rules of the district in effect on July 1, 1986, shall continue in effect until lawfully superseded or repealed by rules of the commission.

(5) If the solid waste reduction program is approved by the commission, a copy of the program shall be submitted to the Sixty-fourth Legislative Assembly not later than February 1, 1987.

SECTION 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, 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 incurred by it 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 10. ORS 459.049 does not apply to a disposal site established under this Act other than for the purposes of ORS 315.213 (1)(i).

SECTION 11. 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.



Department of Environmental Quality

522 S.W. FIFTH AVENUE, BOX 1760, PORTLAND, OREGON 97207 PHONE: (503) 229-5696

August 20, 1985

Rick Gustafson
Metropolitan Service District
527 S.W. Hall
Portland, OR 97201

Dear Rick:

There have been several discussions between our respective solid waste staffs on the implementation of Senate Bill 662. In addition, Dan Durig of your staff has written me asking detailed questions about the Department's approach to the bill. I wanted to share with you the Department's thoughts on Senate Bill 662 which will set a direction for METRO in preparing the waste reduction plan called for in the bill.

First, let me explain that we will be approaching the solid waste crisis in the Portland/Metropolitan area by following the priorities set in Oregon's Recycling Opportunity Act (ORS 459.015). REDUCTION of waste, REUSE of waste, RECYCLING, resource RECOVERY, and finally, land disposal. METRO's waste reduction program should chart the course for the first four alternatives. It should set out to show in a positive, creative, and specific program, how, by the year 1991, a substantial majority of the garbage in the region can be eliminated by reduction, reuse, recycling and recovery. METRO's program should specify the exact percentage of waste reduction to be achieved by the year 1991. As part of the overall solid waste management program for the region called for in Senate Bill 662, our Department is seriously considering siting resource recovery facilities, along with a landfill.

The types of solid waste disposal facilities sited by the EQC and their interrelationships will be based upon the waste reduction program developed by METRO. Therefore, the plan is critical to the siting process and must concentrate on successful implementation. The program must be specific and geared to action. Because of the importance of the plan, it must include commitments from local governments in the region and the METRO Council to work for its success. These commitments must be gathered prior to submittal of the plan to the Environmental Quality Commission.

A strong public education program is another essential element of the plan. The general education requirements included in the Recycling Opportunity Act (ORS 459.165-200 and OAR 340, Division 60) should be built upon for the Waste Reduction Plan. Long-term funding of and responsibility for the education plan will need to be included.

Rick Gustafson
August 20, 1985
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Strong markets for salvaged, used, or recycled materials drives those materials out of the garbage can and back into useful life. The Waste Reduction Plan should include a market development element for materials which can be salvaged, reused or recycled.

But an even stronger force to driving materials from the dump to the recycler is the cost of disposal. To be successful, METRO's Waste Reduction Plan must be able to reward recycling and reuse through the rate structure. This includes both the rates that are set at the disposal sites and what residential, commercial, and industrial customers pay for recycling and garbage service. Rates that discourage unseparated garbage and encourage recycling must be included in the Waste Reduction Plan. This stresses the need for local government involvement and commitment to the recycling program.

An aggressive commercial recycling program should be included, and the rate structure portion of the plan should include recycling incentives for business and industry as well as residential.

Additional elements which need to be incorporated in the Waste Reduction Plan include:

1. Recycling, Reduction, Reuse, or Recovery (beyond what is already being accomplished) of these special types of waste:
 - a. yard debris
 - b. scrap paper
 - c. compostable material
 - d. tires
 - e. household quantities of hazardous waste
 - f. hazardous wastes which can legally be landfilled from companies which generate less than 200 pounds of waste per month
 - g. industrial waste which could be reused by another industry (Waste Exchange type system)
 - h. plastics
 - i. motor oil
 - j. construction debris
2. Unseparated garbage should be reduced, separated waste streams should be encouraged to facilitate recycling, and separated waste streams which could be recycled or reused should not be mixed for a lower priority use, such as energy recovery.


Rick Gustafson
August 20, 1985
Page 3

3. The plan should include strategies to build on existing institutions to improve recycling, reuse, or recovery such as the park system, schools, or service groups and programs such as city composting or industrial co-generation capability.
4. The plan should show the benefit of additional waste reduction requirements such as programs to reduce excess packaging, requiring space for recycling containers be set in building code requirements, or other similar strategies.
5. The plan should be action-based, including a detailed implementation schedule which shows who does what and when. Start of implementation should be geared to no more than six to nine months after plan approval.
6. The plan should build upon innovative and proven solid waste reduction techniques in use in other parts of the nation and world.

We have reviewed the Alternative Technology Chapter developed by METRO with these guidelines in mind. Clearly, standing alone, it will not be acceptable as the Waste Reduction Plan called for in Senate Bill 662.

There is no doubt that the Waste Reduction Plan we have outlined is very aggressive, and will be difficult but not impossible to achieve within the deadline set in the legislation. However, with St. Johns Landfill slated to close in a little over 4 years, the region must face up to the garbage crisis and quickly get the programs in place that will solve it. METRO's waste reduction plan is a very important part of the solution, and I look forward to working with you to build a very successful recycling/reduction based solid waste system in the Portland/metropolitan area.

Sincerely,



Fred Hansen
Director

FH:b
SB4977
cc: Environmental Quality Commission
METRO Council
Pat Amedeo



Department of Environmental Quality

522 S.W. FIFTH AVENUE, BOX 1760, PORTLAND, OREGON 97207 PHONE: (503) 229-5696

DEC 3 1985

Rick Gustafson
Metropolitan Service District
527 S.W. Hall
Portland, OR 97201

Dear Rick:

We appreciate Metro's willingness to share your Waste Reduction Program drafts as you work on them and to accept our offer to meet with us on a regular basis. Constant and accurate communication between our agencies is essential as we strive to reach our mutual goal - to assure that the Metro region has a truly effective Waste Reduction Program which satisfies the letter and the intent of SB 662. To ensure accurate communication, we are writing to reiterate the comments we gave you verbally at our November 4th and subsequent meetings.

We applaud the fact that you have based your draft Program on the hierarchy of Reduce, Reuse, Recycle, Recover energy, and lastly Landfilling. We support you and encourage you to stand firm in your plan to recycle everything that can feasibly be recycled through a combination of source separation and material recovery centers. However, the Program as currently written is inadequate in several respects, mostly due to lack of specificity.

DEQ will review the Waste Reduction Program both for its substance and for its implementability. By "implementability" we mean a program which has 1) stated methods for accomplishing each program strategy; 2) a timetable for the implementation of each strategy; 3) specific performance standards, including percentage goals for waste reduction, against which the Program's success will be measured; 4) checkpoints for judging the effectiveness of the Program strategies and alternative strategies which will be implemented should the originally identified strategies prove unsuccessful or less successful than anticipated; and 5) a formally adopted statement by the Metro Council that the Program will be implemented in its entirety.

The draft Framework Program, standing alone, does not have enough detail to demonstrate that it meets the definition of "implementable" and that it will substantially reduce the amount of solid waste being landfilled. It does not show which of the various options will be in the Program, when and how they will be implemented, and how they will be financed. It is our understanding that a work plan, to be submitted with the Framework Program,

will contain these details and will demonstrate Metro's commitment to carry out the Program. This work plan is critical and should be part of the Waste Reduction Program adopted by the Council.

Without more information, we have serious reservations about a program which relies to a very large degree on the indirect method envisioned in the Local Government Certification Program. These reservations flow from the fact that SB 405 mandates that the "opportunity to recycle" be provided all Oregonians by no later than July 1, 1986. The Certification Program proposed by Metro is basically a program implementing that which is already required by SB 405. While we applaud this effort, the legislature envisioned in SB 662 a substantially more aggressive and comprehensive plan for solid waste reduction in the metropolitan area.

If Metro chooses, however, to rely on this indirect method and differential rates to achieve the planned waste reduction from recycling, it is incumbent on Metro to show that those techniques will be effective in accomplishing the planned reduction. We realize that waste reduction is an imprecise science, but we must be convinced that the premises on which the Program is based are not faulty. We need evidence that local governments will participate in the Certification Program, that haulers will redesign their commercial routes to enable them to collect high-grade, select loads and deliver them to material recovery facilities, and that the differential in rates will convince generators to participate in source separation recycling. Most importantly, the Program must result in significant waste reduction (as required by SB 662) and not just provide individuals and businesses with the opportunity to recycle (as required in SB 405).

Your draft Program does not commit to using any alternative technologies, yet admits that, at best, recycling can reduce the waste stream by only 39%. We have already stated that your Program must reduce a "substantial majority" of the garbage in the region. Thirty-nine percent (39%) is not a "substantial majority," and therefore your Program as now drafted would not be acceptable to DEQ. The Program needs to either designate the alternative technology to be used and the tonnage of garbage to be allocated to that technology, or set out clear and concise criteria to be used to select an alternative technology through the RFP process. In the Department's analysis and recommendation to the Environmental Quality Commission, we must be able to determine that Metro will proceed through the RFP process and will choose a technology which, in combination with the recycling components of the Program, will substantially reduce the waste stream.

The Education and Promotion Program component necessary to convince the public to participate in source separation recycling has not been adequately discussed and addressed. The work plan must recite particulars of such a component.

Finally, we continue to believe that the Program should address small quantity hazardous wastes. We do not agree with your staff that a plan for diverting hazardous waste from the municipal waste stream is inappropriate in a Waste Reduction Program. The purpose of a Waste Reduction Program is not only volume reduction, but also to reduce reliance on landfills because

Rick Gustafson

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of the adverse environmental effects caused by landfilling. Though hazardous wastes are admittedly only a tiny portion of the waste stream, they can have a disproportionately large adverse effect on a landfill and on any alternative technology solutions to waste reduction, and should be separated from the rest of the waste stream.

We offer these comments to assist you in the upcoming decision-making process. We realize that changing the way people perceive and deal with their garbage is not an easy task, but it is nonetheless necessary. We look forward to continuing dialogue with you, your staff, and the Metro councilors.

Sincerely,

A handwritten signature in cursive script, appearing to read "Fred Hansen", written over a horizontal line.

Fred Hansen
Director

LP:b

YB5223

cc: Environmental Quality Commissioners
Metro Councilors
Dennis Mulvihill



Department of Environmental Quality

522 S.W. FIFTH AVENUE, BOX 1760, PORTLAND, OREGON 97207 PHONE: (503) 229-5696

December 12, 1985

Rick Gustafson and Metro Councilors
Metropolitan Service District
527 S.W. Hall
Portland, OR 97201

Dear Rick and Metro Councilors:

We have reviewed your Draft Work Plan for the Waste Reduction Program, a document which was not available when we wrote our December 3rd letter commenting on your draft Program. The Work Plan is a good start toward addressing some of DEQ's concerns about the lack of specificity of the Program. It, along with the December 3rd draft of the Framework Plan, more clearly states, if adopted, what waste reduction activities the council is committed to doing, in contrast to what it will consider doing.

Much of The Work Plan outlines a timeline and process for conducting further research, planning, and making decisions about what activities and programs will be implemented. In the Department's opinion, decisions about specific programs will need to be made prior to the EQC's final evaluation of the Program. Therefore, many of the concerns expressed in our December 3rd letter about lack of commitment to implementation also apply to the Work Plan.

In order to dispel any misunderstanding about DEQ's position on the Local Government Certification program, let me restate that DEQ views it as a viable method to affect positive changes in the region's commitment to source separation and structuring of collection systems which maximize recycling. Our only concern is that the Certification Program is not as aggressive as we would like. As currently drafted, it appears to be July 1, 1988 before the Certification Program would demand more than the minimum already required by SB 405.

We wish you well in the deliberative process you are currently engaged in. We recognize that the issues are complex and that there are no easy answers.

Sincerely,

Fred Hansen
Director

LP:f
YF623



Department of Environmental Quality

522 S.W. FIFTH AVENUE, BOX 1760, PORTLAND, OREGON 97207 PHONE: (503) 229-5696

January 30, 1986

Mr. Rick Gustafson, Executive Officer
Metropolitan Service District
527 S. W. Hall Street
Portland, OR 97201

Dear Rick:

In your letter of December 31, you expressed your agency's "immediate concern" with developing viable alternatives to landfilling of household and small quantity hazardous wastes. We share that concern and believe that viable alternatives do exist, and should be implemented as soon as possible.

You have asked that an action plan to deal with these wastes be developed independently from the Waste Reduction Program required in SB 662. Your primary reason for this request appears to be based on an interpretation that SB 662 focuses on volume reduction only.

We respectfully disagree with that interpretation. In addition to an emphasis on volume reduction, SB 662 calls for "effective and appropriate methods for reducing dependence on land disposal sites". The Waste Reduction Program was included in SB 662 to ensure an environmentally sound approach to solid waste management in the metropolitan area, and to enhance the facility siting effort. Diverting household and small quantity hazardous wastes would clearly help to accomplish both of those objectives. In addition, diversion of these wastes is directly linked to the feasibility of alternative technologies in your Waste Reduction Program.

We are, however, willing to accept a plan for household and small quantity hazardous waste to be submitted separately from the Waste Reduction Program, if it is submitted to DEQ by August, 1986, and if we are assured prior to our final evaluation of the Waste Reduction Program, that such a program will be developed. Our staff recognizes that several difficult issues still need to be resolved, but we believe that at least an interim program can be developed by that time. If you choose this approach, we trust that the task force will be established right away and will include DEQ representation, as you have indicated. Michael Downs' letter of January 10, 1986 hopefully answered the basic regulatory questions so that you can move toward a solution to the problem as quickly as possible.

Mr. Rick Gustafson, Executive Officer
January 30, 1986
Page Two

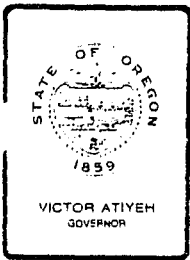
While we think it would have been most appropriate to include the household and small quantity hazardous waste component in the Waste Reduction Program, we applaud your desire to address the problem and look forward to cooperating with you to develop a solution.

Sincerely,

A handwritten signature in black ink, appearing to read "Fred Hansen", written over a horizontal line.

Fred Hansen
Director

FH:m
SM66



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

522 SOUTHWEST 5th AVENUE, PORTLAND, OR 97204 PHONE (503) 229-5696

Attachment 3
Agenda Item B
2/7/86 EQC Meeting

MEMORANDUM

To: Environmental Quality Commission

From: *Robert L. Brown*
Robert L. Brown, Hearing Officer

Subject: Report on Public Hearing Held January 16, 1986 Concerning Metro Request for Review and Approval of Waste Reduction Program

Summary of Procedure

Pursuant to public notice, a public hearing was convened in Hearing Room C, Portland Building, 1120 S.W. 5th, Portland, Oregon at 2:00 p.m. January 16, 1986. The purpose of the hearing was to receive testimony concerning whether the Environmental Quality Commission should approve the Metro Waste Reduction Program. After taking Testimony, the hearing was recessed. The hearing was reopened at 7:00 p.m. for additional testimony.

Summary of Testimony

Comments on specific components of the Program are included in discussion of the component.

Representative Mike Burton, District 17, Oregon Legislative Assembly, expressed surprise that DEQ Director Fred Hansen had already taken a position on Metro's Waste Reduction Plan, and hoped that the EQC would consider the plan objectively. Representative Burton wants the program to be flexible enough to be able to shift with markets.

*John G. Drew, Far-West Fibers, representing Association of Oregon Recyclers.

Merle Irvine, Oregon Processing and Recovery Center, supports the concept of high-grading waste. His specific comments about the materials recovery and certification component of the Program are noted with discussions of those components.

*Jeanne Robinette, Oregonians for Cost-Effective Government.

Marilyn Crandall, Beaumont-Wilshire Neighborhood Association, noted that her neighborhood association runs a recycling program but is currently losing money doing so. She was concerned that the certification program would impose red tape on volunteer-run neighborhood programs.

* Denotes written comments submitted. See Attachment

Attachment 3
Agenda Item No. B
2/7/86 EQC Meeting

Greg Niedermeyer, Niedermeyer-Martin Company, whose company leases the land on which Signal-Resco proposes to build a burner in Columbia County, supports the siting of that burner. He suggested replacing "may" with "will" every place it appeared in the Program. His specific concerns about alternative technology are noted with discussion of that component .

Marcia Gaizer, Citizen, calling herself an impatient person, stated her belief that Metro should get the information it needs, make the necessary choices, and get the job done before 1993.

*John Trout, Teamsters Local Union No. 281, representing members of the collection industry.

*Estle Harlan, Oregon Sanitary Service Institute

*Michael P. Bick, Ebasco Services and Schnitzer Steel Products

*Judy Dehen, Columbia Chapter, Sierra Club, wants Program to retain flexibility because technology is rapidly changing. She said that avoided costs of landfills, including environmental costs and the emotional toll on humans, must be considered. She pointed out that though she supports a free market system, the market is not truly free because virgin resources are subsidized through the tax code and other federal regulations.

She does not want Metro to go directly to mass burn and cited new evidence on dioxin emissions which indicates that the emissions are not related to the temperature at which the burn is conducted. She encouraged retaining developmental technology as an important part of the Program.

Ken Spiegle, Solid Waste Representative, Clackamas County, encouraged Metro to: 1) Actively pursue a recycling education and promotion campaign; 2) pursue alternative technology; 3) allow local government to continue to control franchising. He opposed the certification program.

*Douglas Francescon, Citizen of Oregon City

Kathy Cancilla, Portland Recycling Refuse Operators, Inc. (PRROS), praised Metro's final version which had, according to her, improved from earlier versions. She remains concerned about how the certification program will work, though recognizes that it needs to be done. She encouraged DEQ to give Metro a chance to succeed, stating that solid waste should be managed regionally and not by the state.

Rebecca Marshall, Government Finance Associates and member of Metro Alternative Technologies Panel, felt that recycling is very important prior to use of alternative technology. She was encouraged with the Program's flexibility which allows strategies to change. She does not want one huge mass burn facility because it is volume dependent and could

Attachment 3
Agenda Item No. B
2/7/86 EQC Meeting

undermine recycling. She warned of the importance of finding markets for the chosen alternative technology, and ended by saying that Metro should get going on its program and not worry that the entire blueprint is not done.

Mike Durbin, Portland Association of Sanitary Service Operators (PASSO), said the Program's main problem was that it did not allow a role for private enterprise, although he admitted that the newest version did allow a role. He felt that Metro's estimates of current recycling percentages were inaccurate, and was concerned about the lack of specifics in the alternative technology components and markets. Finally, there should be more emphasis on promotion and education. He ended by stating that PASSO does support the Metro Program.

Stan Kahn, Sunflower Recycling was surprised that DEQ did not like the Metro Program because for the first time Metro had recognized the role of recycling and written an aggressive program. He liked the way the Program enhances the current recycling system and allows for a role for both the private sector and government.

*Jeanne Roy, Portland Citizen

*Leanne MacCall, League of Women Voters of Portland

*Lyle Stanley, Beaverton Citizen

*Brian Lightcap, West Multnomah Soil and Water Conservation District and Oregon Association of Conservation Districts

Lorie Parker
229-5826
January 28, 1986
ZF758

MEMORANDUM

DATE: March 17, 1986

TO: Solid Waste Policy Advisory Committee

FROM: Wayne Rifer

REGARDING: DRAFT PROPOSED RESPONSE TO EQC'S REQUESTED
MODIFICATIONS TO THE WASTE REDUCTION PROGRAM

Attached is a draft of Metro staff's response to the DEQ requested modifications concerning the Certification Program. We are providing you this draft before it is finalized by staff so that you can begin your review of it. When the staff response is finalized, we will send you a copy.

As will be discussed in the 3/17 meeting, due to time constraints we are requesting a special meeting of SWPAC to receive your input on the response. We hope that you will give this careful attention. I will be available to you individually to answer any questions or provide background as you wish.

Changes in the Text of the Final Report and Work Plan
are noted as follows:

New Text: **IN CAPITAL LETTERS AND BOLD FACE**

Deleted Text: [*In brackets and italics*]

Certification Program

DEQ Requested Modification:

6. The Metro Council must accelerate the certification process to initiate standards beyond SB 405 and apply rate incentives for those standards by January 1, 1987.

Analysis:

Metro is beginning immediate implementation of the certification program which will emphasize a methodical development of procedures and new performance requirements of local collection services. Metro is concerned that the DEQ request to greatly accelerate the process for development and implementation of new standards would jeopardize the integrity and thoroughness of several key aspects of the program.

In order to have new standards in place for rates to go into effect by January 1, 1987, these new standards would have to be developed during 1986 -- at the same time that the certification program procedures and structures are being developed. These procedures and structures include: the mechanisms for coordination with local jurisdictions, the committees which will be responsible for defining standards and measuring performance, and the system of certification units. It would be incautious to define and adopt new standards before these set-up tasks are completed. This process was also designed with the intent of meeting DEQ's requirement to gain local government commitment to the waste reduction effort.

Certification program requirements are expected to require a substantial effort from local jurisdictions to gear up new waste reduction activities. Even before new standards are set, they will have to work with the haulers to define certification units and reporting procedures. When new standards are defined, programs will have to be developed. It is unreasonable to expect local jurisdictions to meet the requirements of SB 405, prepare to meet new certification responsibilities, and meet as yet undefined new standards -- all during 1986. It is important to note that Metro has gone beyond SB 405 with its commitment to provide a rate incentive for all jurisdictions to meet DEQ's review standards. Metro does not assume that all jurisdictions will comply with the law and views the certification program as an added incentive to do so.

Finally, determining what new standards "beyond SB 405" are desirable should rightly await the results of establishing and running the SB 405 programs. By 1987 the region will have gained experience with recycling programs which could be translated into additional program requirements.

While not concurring with the request to accelerate certification

standards in 1986, Metro does commit to setting specific goals and standards relating to yard debris and high-grade loads in 1987. To do so Metro will change the proposed process for defining yearly certification goals. Rather than originate that process with Solid Waste Policy Advisory Committee (SWPAC) and the Local Government Certification Advisory Committee, the Metro Council will make commitments to certain yearly certification goals at this time. (See response to request #8.)

Metro Proposed Response:

No change recommended in the Waste Reduction Program.

Rate Incentives and the Certification Program

DEQ Requested Modification:

7. The Metro Council must accelerate consideration of rate options and differentials, and indicate the rates or range of rates to be applied in the certification program.

Analysis:

Metro is currently on a fast track to conduct the analysis which will lead to the implementation of rate differentials to support the Certification Program by January, 1987. The Work Plan will be amended to provide an earlier date for identifying a basic approach and level of differential. However, time does not permit that the approach be finally adopted by the Metro Council prior to the resubmittal of the Waste Reduction Program on May 8. A description of the rate incentives approach will be published for formal public review and will be made available to the EQC.

Metro Proposed Response:

The Waste Reduction Program Work Plan, page 38, will be amended as follows:

The completion date for B.1.a. will read: "[5/85] 4/86".

B.1.b. will be amended to read: "B.1.b. [*Select program approach(s)*] PUBLISH A DESCRIPTION OF THE RATE INCENTIVE APPROACH FOR THE CERTIFICATION PROGRAM, OBTAIN COUNCIL ENDORSEMENT TO SOLICIT PUBLIC REVIEW, AND PROVIDE IT TO THE EQC AS AN INDICATION OF THE RATE INCENTIVE APPROACHES AND THE DIFFERENTIAL WHICH WILL BE USED."

The completion date for B.1.b. will read: "[6/86] 5/8/86".

Rate Incentives and the Certification Program

DEQ Requested Modification:

8. The Metro Council must apply rate incentives [through the certification program] by January 1, 1988 to encourage (1) generation of high-grade commercial loads and (2) collection systems for yard debris.

Analysis:

The Metro Council will adopt 1987 certification goals (which will result in rate incentives applied by January 1, 1988) which address collection systems for yard debris. Additional 1987 certification goals will be applied to the generation of high--grade loads if the waste composition study determines that sufficient material can be removed from the waste stream to warrant the action. Other waste reduction elements may also be addressed.

Rate incentives which are independent of the certification program will also be developed by January 1, 1987 to encourage the delivery of high-grade loads to material recovery facilities. DEQ's request to also implement certification rates for high-grade loads will substantially increase the incentive for the collection industry and local regulators of collection to redesign collection routes. Though such actions will be necessary to achieve maximum feasible generation of high-grade loads, they should only be undertaken where the waste composition study determines that it is economically feasible.

Rate incentives which are independent of the certification program will also be developed by January 1, 1987 to encourage the delivery of source separated yard debris to processing stations. The certification standards for yard debris will be designed to achieve source separation of yard debris which would not otherwise have been source separated.

This response to the DEQ request necessitates a change in the procedures of the certification program. Rather than originate the goal setting process with SWPAC and the Local Government Certification Advisory Committee, the Metro Council will adopt yearly certification goals.

(Note: In the proposed amendments the name of the Local Government Advisory Subcommittee is changed to Local Government Certification Advisory Committee for greater clarity.)

Metro Proposed Response:

The Waste Reduction Program Framework, in the middle of page 10, paragraph #6, will be amended as follows:

"[At a *minimum*,] The program will begin with standards to meet SB 405 requirements[, and]. **THE STANDARDS FOR THE SECOND YEAR WILL ADDRESS COLLECTION SYSTEMS FOR YARD DEBRIS AND, IF APPROPRIATE, THE GENERATION OF HIGH-GRADE LOADS.** Each year in this phase new requirements for certification may be added depending on results."

The Waste Reduction Program Work Plan, page 30, will be amended as follows:

"YEARLY CERTIFICATION GOALS WILL BE DEFINED BY THE METRO COUNCIL. [*Goals and*] Standards will be developed by SWPAC WITH THE ADVICE AND ASSISTANCE OF the Local Government CERTIFICATION Advisory [Sub] Committee and recommended to ~~COUNCIL FOR ADOPTION~~. [*SWPAC. SWPAC will make changes as appropriate and recommend them to the Council for adoption.*]"

On page 30 of the Work Plan the following paragraph will be added, preceding paragraph #5:

"1987 CERTIFICATION GOALS WILL ADDRESS COLLECTION SYSTEMS FOR YARD DEBRIS. ADDITIONAL 1987 CERTIFICATION GOALS WILL BE APPLIED TO THE GENERATION OF HIGH-GRADE LOADS IF THE WASTE COMPOSITION STUDY DETERMINES THAT SUFFICIENT MATERIAL CAN BE REMOVED FROM THE WASTE STREAM TO WARRANT THE ACTION. OTHER WASTE REDUCTION ELEMENTS MAY ALSO BE ADDRESSED."

Throughout the Work Plan, Local Government Advisory Subcommittee will be replaced with "LOCAL GOVERNMENT CERTIFICATION ADVISORY COMMITTEE".

Certification Program

DEQ Requested Modification:

9. The Metro Council must clarify whether SWPAC or Metro Council grants certification to a certification unit.

Analysis:

The Metro Council, and not SWPAC, grants certification to a certification unit (Work Plan, p. 31, Paragraph #1). SWPAC recommends the units for certification and the Council has final approval.

Metro Proposed Response:

No change is needed in the submittal.

Certification Program

DEQ Requested Modification:

10. The Metro Council must explain how the certification program will be implemented so as to not penalize complying collectors and rate payers.

Analysis:

The mechanisms to assure equity in application of rate differentials to the certification program will be developed by SWPAC and the Council, in cooperation with local jurisdictions and haulers. Specific recommendations on how this will be accomplished may be available by May 8, 1986. At a minimum, the process to be used to accomplish this purpose will be transmitted to the EQC by May 8, 1986.

Metro Proposed Response:

No change will be made in the Waste Reduction Program.

Certification Program and Yard Debris

DEQ Requested Modification:

11. The Metro Council must accelerate the date of certification for yard debris to January 1988, or clarify that the Program already indicates that date.

Analysis:

See the analysis for requested modification #8 above.

Metro Proposed Response:

No changes beyond those proposed in modification #8 will be made in the submittal.

MEMORANDUM

DATE: March 13, 1986

TO: SWPAC

FROM: Wayne Rifer

REGARDING: Local Government Certification Advisory Committee

Note that the title recommended for this Committee differs from the one included in the Work Plan ("Local Government Advisory Subcommittee"). This new title is clearer and stands alone better.

This memo includes a draft Mission and Procedures Statement for the Local Government Certification Advisory Committee. In final form it will be presented to the Metro Council on April 22 for adoption. We are asking here for your review and input, and that you take action to forward it to the Council.

The LGCAC is intended to be the voice of local governments in the defining of yearly certification standards. Their central contribution to the program should be to help assure that the standards which are developed are implementable and will be effective within the conditions under which local regulators of collection work. It should also help to build understanding and support amongst local governments for the program.

MISSION AND PROCEDURES STATEMENT

LOCAL GOVERNMENT CERTIFICATION ADVISORY COMMITTEE

PURPOSE:

1. To provide an opportunity for representatives of local jurisdictions to contribute to the development of yearly certification goals and standards.
2. To assure that the certification standards which are developed to meet the program goals are practical and implementable by local jurisdictions.

RESPONSIBILITIES:

The Committee shall:

1. Review and comment on yearly certification goals which are proposed for adoption by Metro Council.
2. Provide assistance to the Solid Waste Policy Advisory Committee in the development of yearly certification standards to assure that the standards are readily and objectively measurable, that they can be implemented by local jurisdictions to accomplish the certification goals, and that they can be implemented equitably and fairly.

The Committee will meet regularly while yearly certification goals and standards are being developed and adopted. The Committee members will be kept informed of all certification activities throughout the year.

MEMBERSHIP AND VOTING PRIVILEGES:

The Local Government Certification Advisory Committee will consist of a designated representative of each local jurisdiction in the metropolitan region which is responsible for the regulation of the solid waste collection and hauling industry. Each designated representative, or their appointed proxy, in attendance will be a voting member of the Committee.

CONDUCT OF MEETINGS:

The time and location of the meetings will be announced at least 2 weeks in advance. No quorum will be required for the conduct of business. The act of a majority of the voting members present at a meeting shall be the act of the Committee.

Each meeting shall be chaired by an individual appointed by the Chairperson of the Solid Waste Policy Advisory Committee.

SOLID WASTE REDUCTION PROGRAM
of the Metropolitan Service District

CERTIFICATION FOR LOCAL COLLECTION SERVICES

SWPAC WORK PLAN & TIME LINE

START UP PHASE

SWPAC BYLAW CHANGES

Bylaw changes sent to SWPAC for Review	3/13
SWPAC meets and reviews proposed changes	3/17
COUNCIL ADOPTION OF BYLAW AMENDMENTS	4/22

APPOINT LOCAL GOVERNMENT CERTIFICATION ADVISORY COMMITTEE

LGCAC Mission and Procedures Statement sent to SWPAC for review and comment	3/13
SWPAC meets and reviews	3/17
COUNCIL APPOINTS LGCAC	4/22

DEVELOP CERTIFICATION PROGRAM DESCRIPTIVE MATERIALS

SWPAC review	3/17
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DEVELOP METRO RESPONSE TO EQC CERTIFICATION MODIFICATIONS

Draft response presented to SWPAC for review	3/17
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COUNCIL FIRST READING -- WASTE REDUCTION PROGRAM MODIFICATIONS	3/27
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SWPAC meets to discuss Metro response to EQC requested modifications	
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3-31
[???

COUNCIL SECOND READING -- WASTE REDUCTION PROGRAM MODIFICATIONS	4/10
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Final submittal of Waste Reduction Program	5/8
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IDENTIFY CERTIFICATION PROGRAM POLICY ISSUES

Draft Certification Program Policies and Procedures to SWPAC for review	5/13
SWPAC review and consideration	5/19
SWPAC recommendation to Executive Officer	5/20
COUNCIL ADOPTION OF CERTIFICATION POLICIES AND PROCEDURES	6/12

CERTIFICATION UNIT GUIDELINES

SWPAC appoint certification unit task force	3/17
Staff develop first draft of certification unit guidelines	3/28
Meet with SWPAC certification unit task force	4/? (4/1-4/4)
Guidlines sent to SWPAC for review	4/16
SWPAC approval	4/21
SWPAC recommendation to Executive Officer	4/29
INFORMATION ITEM FOR COUNCIL	5/22
Notify jurisdictions to designate certification units	5/26
Deadline for receipt of proposed certification units from local jurisdictions	7/28

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Staff develop first draft of certification unit guidelines	3/28
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MEMORANDUM

DATE: March 13, 1986

TO: SWPAC

FROM: Wayne Rifer

REGARDING: Amendment of SWPAC Bylaws for Certification Program

The Work Plan for the Metro Solid Waste Reduction Program states:

"In order to provide direct involvement in the administration of the program to those who will be directly effected, SWPAC will be assigned responsibilities for certification by the Metro Council." page 29

Additionally, on page 31, in the summary of tasks:

Program Set Up

1. Metro Council assigns certification responsibilities to SWPAC through By-Law amendments and Local Government Advisory Subcommittee is formed. 3/86

These new assignments to SWPAC require amendments to the Bylaws.

SWPAC certification responsibilities:

SWPAC is assigned more than a policy advisory function in the certification program by the Work Plan. You will perform specific decision making roles in:

1. designation of certification units (final decision)
2. advice to Council on the setting of yearly certification goals
3. defining of yearly standards to be recommended to Council
4. deciding certification of units to be recommended to Council
5. hearing certification "appeals".

In addition, of course, SWPAC will play an advisory role to Council on certification policy issues.

Bylaw changes:

Two areas in the SWPAC bylaws would be relevant for change:

1. Article II, Purpose
2. Article V., Task Forces.

1. The purpose statement generally includes areas related to solid waste management planning, but fails to specifically address the line function which SWPAC will have on the certification program. A new purpose should be added, stating:

"4. To provide involvement by local governments, the solid waste industry and the general public in the development and administration of the Metro program for certification of local collection services."

2. Article V could be changed in title from "Task Forces" to "Task Forces and Special Committees". A paragraph could be added to read:

"A Local Government Certification Advisory Committee will assist SWPAC in the development of standards for the certification of local collection services."

