

Meeting minutes



Metro

600 NE Grand Ave.
Portland, OR 97232-2736

Meeting: Solid Waste Alternatives Advisory Committee (SWAAC)
Date/time: 10:00 a.m.-noon, Wednesday, October 12, 2016
Place: Metro Council Chambers

Members in Attendance:

Thomas Egleston, Washington County
Peter Brandom, City of Hillsboro
Adrienne Welsh, Recycling Advocates
Keith Ristau, Far West Recycling
Bruce Walker, City of Portland
Rick Winterhalter, Clackamas County
Mike Leichner, Pride Disposal
Audrey O'Brien, Oregon Dept. of Environmental Quality
Reba Crocker, City of Milwaukie
Alando Simpson, City of Roses Disposal & Recycling
Matt Korot, Metro
Paul Ehinger, Metro

Members Absent:

Paul Downey, City of Forest Grove
Theresa Koppang, Washington County
Mark Ottenad, City of Wilsonville

Presenters:

Roy Brower, Metro
Dan Blue, Metro
Warren Johnson, Metro

1. Call to Order and Declaration of a Quorum

Matt Korot brought the meeting to order and asked the Committee members to introduce themselves. Thomas Egleston is representing Washington County while Theresa Koppang is on temporary leave.

2. Comments from the Chair and SWACC Members

Roy Brower informed the group that the Solid Waste Forecast for 2017-18 is now available on the Metro webpage. The report is used for budgeting and rate-setting and this is the first time it has been released to the general public. Joel Sherman is currently out on family leave, but Molly Vogt can help answer any questions that might arise.

3. Consideration of SWAAC Minutes for September 14, 2016

Mr. Korot asked for any changes to the minutes of last month's meeting; there were none. Rick Winterhalter moved to accept as-written; Reba Crockett seconded the motion, and those Committee members present approved them unanimously.

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4. SWAAC Subcommittee on Material Recovery and Conversion Technology Facility Regulatory

Changes: Recommendations

Mr. Brower explained the background of the Conversion Technology (CT) subcommittee. Just over a year ago, Metro began to prepare Code changes to address exemptions for certain types of material recovery facilities (MRFs) and CTs. A workshop was held and comments taken into consideration, which then led to the formation of the subcommittee commissioned by SWAAC.

Membership consisted of Metro staff and representatives from local governments, DEQ, industry, recycling groups, plus two citizen representatives. The subcommittee was charged with looking into whether CTs and MRFs that process different types of materials should be subject to different Code exemptions (e.g., single-stream versus curbside/commingled recyclables).

Peter Brandom asked about a stockpiling issue involving EG Metals. Mr. Brower replied that for purposes of this particular project, EG's products were considered electronics. A specific prohibition on stockpiling electronics will be introduced at a separate time. Currently, companies that specialize in recovering electronics are not regulated by Metro. Thomas Egleston voiced concern about these facilities not being regulated, when they actually create hazardous waste.

Dan Blue reviewed the issues and the subcommittee's recommendations, as contained in a memo recently sent to SWAAC. Over the course of seven meetings, a variety of issues were discussed. Types of authorizations used by Metro were discussed, and how they would apply to various types of businesses. The intent was to look at which would remain exempt, and which should come under Metro authorization. Some of the more contentious issues were those raised by industry representatives who took exception to the idea of regulating "clean" (source-separated) MRFs.

Lengthy conversations were had, Mr. Blue said, about Metro's legal authority, Metro's intent, past changes in the collection system, types of regulations (franchises, licenses) and their impact on businesses, and which types of facilities should remain exempt. The subcommittee arrived at unanimous support for the eight recommendations presented.

- SSR MRFs (Source-separated recyclables materials recovery facilities)
 1. Source-separated materials recovery facilities should be regulated
 2. Establish operational standards for SSR MRFs
- CT Facilities
 1. Metro should continue to franchise CT facilities that take putrescible waste
 2. Metro should license certain CTs that manage non-putrescible waste
 3. Operating standards should be established
 4. Add the State of Oregon's definition of CT to the Metro Code
- Exemptions to Retain
 1. MRFs that receive specific, single-stream materials such as scrap metal, plastics, paper, or similar commodities
 2. CTs which receive feedstocks that have already been extracted from mixed solid waste and processed to meet prescribed material streams

Next steps:

- Stakeholder workshop
- SWAAC Check-in

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- Draft Code and Rules released for public comment
- Council consideration
- Implementation

SWAAC members discussed the process and their thoughts. Bruce Walker, SWAAC's liaison to the subcommittee told the group that he had originally thought the process would be quick, but is glad that they dug deeper and had such a diverse membership for thorough and thoughtful discussion. Metro has been very responsive, he added, and helped the subcommittee work through some challenges. He hopes SWAAC agrees to move forward with the recommendations.

Mr. Brandom asked if there will be a different process for businesses such as EG Metals. Mr. Brower replied that to deal with this specific issue, an explicit prohibition for stockpiling/storing electronics outdoors will be added to Code. What about garage-type MRFs – how will they be dealt with? That depends on the processes they employ, said Mr. Brower, but they would be inspected to verify if the business falls under Metro authority.

Thomas Egleston pointed out that the State's definition of Conversion Technology doesn't include compost or anaerobic digestion. Mr. Brower explained that those standards would remain under Metro authorization.

Audrey O'Brian commented that EG Metals isn't a good example to use, because they were out of compliance with state requirements in many ways. They were an outlier, not the norm.

Reba Crocker asked if the issue of Home Rule Authority will be decided before moving forward? Shane Abma responded that while others disagree, Home Rule has been settled from the Metro perspective.

Mike Leichner asked if "outside storage" of electronic waste refers to outside a building, or outside and uncovered? Mr. Brower responded that it meant the latter.

Jeff Murray, a member of the subcommittee who was in the audience, told the group that his company initially had strong disagreements with the changes. Their argument is that a lot of baggage comes with licensing. The company is fine with a level of authorization, but not going as far as licensing. They do, however, appreciate the process.

Mr. Walker added that there was lengthy discussion on the topic, and the types of facilities Mr. Murray mentioned remained exempt. Mr. Murray concurred, but said that this now presents a larger framework which could potentially affect other businesses.

Rick Winterhalter stated that he appreciates the process, and the fact that Metro recognized there's a problem. Metro truly listened to industry and everyone else's concerns in a way that probably wouldn't happen in other parts of the country.

Council will get the full report from the subcommittee, but would like to include comments from the SWAAC. Is there general concurrence with the recommendations? Most of the Committee agreed; although Mike Leichner had the same concerns as Mr. Murray (who has endorsed the recommendations of the subcommittee).

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Alando Simpson commented that the process seemed to have a good representation of stakeholders and seemed to be complete.

5. Overview of Upcoming Solid Waste Facility Authorizations to be Considered by Metro Council

Warren Johnson explained that putrescible waste authorizations are decided by Council. Non-putrescible waste authorizations are generally decided administratively. Several transfer station franchises are nearing the end of their terms (normally 5 years), so Council will decide on extending them. Ordinances are also being brought forward for Code changes previously seen by SWAAC, and resolutions are coming for Non-System License renewals (2 years). In December, Council is tentatively scheduled to consider whether to approve a franchise for Gresham Sanitary Service to operate a transfer station, as well as several resolutions renewing Non-System Licenses (NSLs) for haulers to transport waste to Riverbend Landfill.

Mr. Walker asked if any of the NSLs are at risk of not being renewed? Mr. Brower said that staff isn't anticipating any issues with the NSLs, but there are some new provisions regarding configuration of transfer stations, tonnage allocations, local hauler access, and rate transparency in the proposed franchise extensions. Mr. Walker stated that he has concerns with waste from WRI going to Covanta. Mr. Brower acknowledged those concerns.

Public comment

Matt Marler, Covanta, said there are several Portland-area businesses that want to take waste to Covanta, but the present system is somewhat prohibitive, and he hopes it will become more streamlined in the future. Covanta offers an alternative to landfilling.

Mr. Egleston asked what the difference is between a franchise and a license. Mr. Brower replied that a license is required for accepting and processing non-putrescible waste, whereas a franchise is required for putrescible waste activities. How much and what types of waste go to Covanta? Mr. Brower answered that there are a number of businesses within the Metro region that hold NSLs to transport small quantities of non-recoverable waste to Covanta. Some businesses use Covanta because they seek alternatives to landfill disposal.

Mr. Walker asked if further public comment was allowed on the renewals? There are concerns about the time and amount of trips through Wilsonville. Has any research been done? Mr. Brower responded that Metro has not performed any studies on vehicle miles traveled with respect to these types of NSLs because they are typically small tonnage amounts. If more NSLs are issued, vehicle miles travelled considerations become an issue.

Mr. Walker offered that consolidating loads at transfer stations would help.

Mr. Johnson concluded by explaining that the Covanta NSLs are scheduled to be considered as part of the Council's consent agenda, but the public can comment on any of those items. The Council can also remove any item from the consent agenda for further discussion if the Council determines it to be necessary.

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6. Preview of the Next Meeting's Agenda, and Final Comments

Mr. Korot announced that November agenda items have not yet been determined. He also reminded members that he and Jennifer Erickson would be discussing the Solid Waste Roadmap food scraps project with the Metro Policy Advisory Committee on Oct. 12, 2017 and with the Metro Council on Oct. 25, 2016.

The meeting adjourned at 11:20 a.m.

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