



Meeting minutes

Meeting: Solid Waste Alternatives Advisory Committee (SWAAC)
Date/time: 10:00 a.m.-noon, Wednesday, May 10, 2017
Place: Metro Council Chambers

Members in Attendance:

Mike Leichner, Pride Disposal
Bruce Walker, City of Portland
Theresa Koppang, Washington County
Mark Ottenad, City of Wilsonville
Peter Brandom, City of Hillsboro
Rick Winterhalter, Clackamas County
Keith Ristau, Far West Recycling
Paul Downey, City of Forest Grove
Audrey O'Brien, Oregon DEQ
Reba Crocker, City of Milwaukie
Matt Korot, Metro

Members Absent:

Alando Simpson, City of Roses Disposal & Recycling
Adrienne Welsh, Recycling Advocates

1. Call to Order and Declaration of a Quorum

Matt Korot brought the meeting to order and declared a Quorum.

2. Comments from the Chair and SWAAC Members

Mr. Korot reviewed the meeting agenda and how citizen communications would be structured.

3. Consideration of SWAAC Minutes for March 8, 2017

The minutes of the February SWAAC meeting were approved with minor typographical changes.

4. Updates (Matt Korot, Metro)

Commercial Food Scraps Recovery

Mr. Korot provided an update on the Food Scraps Recovery project. The Request for Proposals (RFP) for food scraps processing will be released later this month. The release is delayed from our original target due to development of provisions to allow the proposals to have different financing options. The proposal period is scheduled to be open for five or six weeks.

Metro is continuing to work on a mandatory food scraps recycling policy for businesses that generate food waste and at options for spreading the cost of the program to more than just the affected food waste generators. The Council is scheduled to review the draft policy and cost options in September, so staff will bring these items to SWAAC in July or August for discussion and input. Mr. Korot also noted that Metro is conducting stakeholder engagement with local governments and businesses now through summer.

Bruce Walker asked about expansion of residential food scraps collection programs. Reba Crocker responded that Milwaukie staff is in the information-gathering phase and hasn't yet put together a proposal to bring to its Council. Mark Ottenad remarked that Wilsonville has identified adding food scraps to its residential program as a goal. Eben Polk of Clackamas

Meeting minutes



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County and Jennifer Erickson of Metro will attend the Wilsonville Council on June 19, 2017 to discuss broader food scraps recovery efforts and residential collection.

Theresa Koppang asked if residential food scraps/yard debris would go to the PRC composting facility. Rick Winterhalter replied that it would. Ms. Koppang expressed concern about traffic impacts if material from new residential programs were to go to the Nature's Needs facility in North Plains. Mr. Korot asked to follow-up with Ms. Koppang to discuss the concerns in more detail. Mr. Winterhalter asked if yard debris route trucks currently go to Nature's Needs. Ms. Koppang replied that they do not. Peter Brandom added that, related, the yard debris tip fee at Hillsboro Landfill is now \$10-\$11 higher than Nature's Needs, so that may result in more route trucks going to the latter facility. Paul Downey said that trucks serving Forest Grove currently go to Nature's Needs.

2030 Regional Waste Plan

Mr. Korot reminded members that at the February SWAAC meeting, Paul Slyman and Marta McGuire discussed the work plan for developing the successor to the current Regional Solid Waste Management Plan. In March, the Metro Council gave its approval to implement this work plan, which is structured into five phases. The first phase is to develop a set of values that will serve as the guiding principles for developing and implementing the new 2030 Regional Waste Plan. That work will build on existing guidance and public opinion research.

There will be three categories of engagement around the values:

- Co-hosted discussion groups at which Metro will work with Community-Based Organizations to solicit input to inform the values and visioning phases. These discussions will be focused on input from communities of color, low-income populations, immigrant/refugee communities and others.
- Asking our Equity Work Group to identify equity outcomes to inform the values development and then review the draft values from an equity perspective.
- Asking SWAAC and the Metro Policy Advisory Committee to review the draft values and provide input at their meetings on July 12, 2017. The final draft values will go to Council for consideration at the end of July.

5. Solid Waste Fee and Tax Subcommittee meeting update (Rick Winterhalter, Clackamas County)

Rick Winterhalter provided an update on the Solid Waste Fee and Tax Subcommittee's initial meeting. He noted this meeting was to provide background information and to bring all subcommittee members to the same level of understanding. As a reminder, the charge of this subcommittee is to look at the existing exemptions to Metro fees and taxes and whether they are advancing the public good. The committee will meet once a month throughout the summer and return to SWAAC in the fall to present recommendations.

6. Rate Transparency at Transfer Stations (Tim Collier and Tom Chaimov, Metro)

Tim Collier provided an update on the direction given from Metro Council regarding rate transparency at transfer stations, which was one element of the Transfer System Configuration framework adopted by Council last July. That direction was to proceed with a multi-step process:

1. Estimate the costs of service offered at the public stations. Publish these unit costs to provide a clear, cost-based benchmark for local governments.

Meeting minutes



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2. If step one is determined to not yield sufficient transparency and adequate information to understand the relationship between rates charged and costs, then in step two Metro would conduct an assessment of private transfer station costs to estimate the various components (e.g., transfer, transport, and disposal) of each transfer station's tip fee.
3. If steps one and two do not yield sufficient transparency and adequate information to understand the relationship between rates charged and costs, Metro will conduct full rate review at private waste transfer stations, including detailed review of financial records, to determine costs relative to rates charged.

Mr. Collier reported that the initial step has been taken and some local governments have responded with requests for additional information. These letters and findings from the initial step will be taken to Metro Council on May 30, 2017 to determine if the Metro Council would like staff to move to step two.

Peter Brandom noted that Hillsboro had sent a second letter to Metro earlier this week. Hillsboro believes Metro has the authority to look at facility rates. The city does not understand the delta between rates at Forest Grove Transfer Station and Metro transfer stations.

Mike Leichner said that he understands the concern about the delta between rates, but a question to ask is, if that facility weren't there, what would be the cost to get to another facility? There are transportation savings associated with having it there. He said he wasn't trying to justify its fees – each facility, including my own, has its own rate – but we need to be aware that there may be legitimate reasons for the rate difference. Mr. Brandom responded that this is why Hillsboro is asking – if we had any data at all to justify the rates charged, that would be a start for determining whether it is appropriate.

Mr. Leichner expressed concern about a private transfer station submitting this data, thus making it a public record. Mr. Brandom said that this is an extension of public services and the costs should be transparent and should be public.

Ms. Koppang added that when every station fell in the Metro station tip fee range, we were more comfortable. As the delta changed, as rate setters we were left to impute the difference and correct for it. Maybe there is a reason for the higher rate, but I would have much more confidence, as would the County Board, if we knew why. She said that she sees Mr. Leichner's point, but circumstances have changed.

Mr. Brandom said that this situation is exacerbated by the dearth of transfer operations on the west side, with Forest Grove as Hillsboro's only realistic option.

7. Material Recovery and Conversion Technology Facility Regulatory Changes: Proposed code revisions (Dan Blue, Metro)

Mr. Korot introduced Dan Blue to the committee and reminded those present that there are no substantive changes to the content of the draft code revisions previously reviewed. The changes have now been converted into code and rules language. Mr. Korot noted that Metro is looking for final review from SWAAC, as well as the committee's support in moving forward.

Meeting minutes



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Mr. Blue said that he was looking for fatal flaws in the language and that details could be tweaked during the public comment period. He reminded SWAAC members that the subcommittee was charged with considering whether Material Recovery Facilities (MRFs) that process source separated recyclable materials, and facilities that convert waste to energy, fuel, or other products, should be subject to licensing and inspection similar to other facilities, and if so, to identify which requirements would be appropriate. A subcommittee of 15 industry, government, nonprofit and citizen representatives met seven times in 2016 to deliberate these issues.

The recommendations for MRFs included:

- Authorizing MRFs that accept and process source separated recyclables
- Establishing operating standards for these types of facilities
- Exempting specific material recyclers that accept a specific stream of materials, such as a facility accepting mixed fibers, plastics or metals for further processing

The recommendations for Conversion Technology facilities included:

- Franchising facilities that convert putrescible waste
- Licensing facilities that convert non-putrescible waste
- Establishing operating standards for both
- Adding a definition to code for “conversion technology”
- Exempting certain facilities from obtaining a license

Mr. Blue noted that the changes in Metro Code 5.00 related to this project are minimal, and include only adding definitions for the terms conversion technology and specific material recycler. The conversion technology definition matches verbatim the state’s definition.

Mr. Blue also pointed out the changes to the code in section 5.01 as including:

- Remove exemption from Metro authorization for source separated recyclables material recovery facilities
- Establish exemption for “specific material recyclers”
- Establish exemption for certain conversion technology facilities
- Update references to “administrative rules”

Mr. Ottenad said that one of Mr. Blue’s slides noted impervious surfaces and page 5, item 10 talks about maintenance of roads, but doesn’t address stormwater retention. Is that assumed to be a local government function? Mr. Blue replied that there is a section of administrative rules on protection of water that refers to separate stormwater requirements. Audrey O’Brien noted that Metro may want to look at clarifying water protection language because sheet flow is regulated by DEQ solid permit, versus a water quality permit, and Metro may want to state that all water coming off the site (channelized and sheet flow) be controlled for water quality. Mr. Blue requested any specific language recommendations be sent to him in writing during the public comment period.

Ms. O’Brien also asked whether Metro defines “nuisance.” If it doesn’t, she suggested stating that Metro will respond to all complaints rather than just nuisance ones. Keith Ristau responded that facilities receive a lot of complaints, such as “you need to be open until 4:30 instead of 4:00.” It would be impossible to log every complaint, which is why the term

Meeting minutes



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“nuisance” is necessary. Ms. O’Brien responded that tracking could be restricted to complaints related to permit elements.

Mr. Ristau noted additional concerns:

- Reporting on the 15th of every month would be cumbersome, so could it be quarterly or bi-annually?
- In the inspection and audit section, there are three references to reviewing financial statements, income tax returns, etc. Is that necessary?

Mr. Blue responded that Metro staff will look at this and noted that it probably stems from our approach to dry waste facilities because they have fee components.

Mr. Ristau added that he had concerns about the types and levels of insurance required and the absence of any process to appeal decisions of the Metro Chief Operation Officer.

Mr. Korot asked the committee members if Metro had their support to move the regulatory changes forward and open the public comment period. There was no objection. Mr. Walker expressed his support and, as the subcommittee’s liaison to SWACC, expressed his appreciation for the group’s work.

Mr. Blue provided additional timeline information:

- 60 Day Public Comment Period: May 12 through July 12, 2017
- Stakeholder Workshop: May 31, 2017
- Final SWAAC approval: Summer 2017
- Council Work Session: Summer 2017
- Council Meetings for public readings and adoption: Fall 2017

Ms. Koppang echoed Mr. Walker’s comment and also posed the question for later discussion of whether there is a public role for overseeing what happens to recyclable materials on their way to end markets, e.g., the Total Reclaim incident. Mr. Korot responded that he thinks there’s a place for that discussion in the development of the 2030 Regional Waste Plan.

8. Citizen Communications

None.

9. Preview of the Next Meeting’s Agenda and Final Comments

Mr. Korot noted that we intend to have a meeting on June 14, 2017 to primarily discuss the Solid Waste Roadmap management of discards project. The discussion will focus on the findings from the “rapid health impact assessment” conducted for the waste-to-energy option.