

MSD METROPOLITAN SERVICE DISTRICT
527 S.W. HALL, PORTLAND, OREGON 97201 222-3671

MSD BOARD OF DIRECTORS

MINUTES OF OCTOBER 24, 1975 MEETING

MEMBERS IN ATTENDANCE

Robert Schumacher, Chairman
Charles Becker
Miller Duris
James Robnett
Connie McCready

ADVISORS IN ATTENDANCE

Dean Gisvold, Attorney
Bob Brown, DEQ

GUESTS IN ATTENDANCE

List attached.

STAFF IN ATTENDANCE

Charles C. Kemper
Merle Irvine
Cordell Ketterling
Jean Woodman

There being a quorum present, the Board considered the following items of business:

75-405 MINUTES

Mayor Robnett moved to approve the minutes of October 10, 1975. Councilman Becker seconded the motion. The motion carried unanimously. (Commissioner McCready was not present).

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75-406 PUBLIC COMMUNICATIONS

Commissioner Schumacher asked if there was anyone in the audience that wished to address the Board on matters not listed on the meeting agenda. There was no response.

75-407 ACCOUNTS PAYABLE

Mayor Duris moved to approve the Accounts Payable list Vouchers No. 259 through 269 in the total amount of \$4,314.39. Councilman Becker seconded the motion. The motion carried unanimously. (Commissioner McCready was not present).

75-408 MSD SOLID WASTE MANAGEMENT PROGRAM ORDINANCE NO. 32

Third Public Hearing

Commissioner Schumacher opened the public hearing to receive testimony on MSD Ordinance No. 32, an ordinance establishing an areawide solid waste management and operation program; establishing procedures for the issuance of certificates for the operation of waste disposal sites; providing for orderly and beneficial flow of solid wastes; providing for penalties and administration and enforcement; providing for collection of fees; repealing a prior ordinance and prescribing an effective date.

Commissioner schumacher asked if there was anyone in the audience that did not have a copy of the ordinance and wished one. There was no response.

Commissioner McCready moved to read Ordinance No. 32 by title only. Mayor Duris seconded the motion. The motion carried unanimously. (75-408.A)

The clerk read Ordinance No. 32 by title.

Mr. Irvine reviewed amendments to Ordinance No. 32 as proposed by the Solid Waste Advisory Committee as set out on Page 16 of the staff report. The proposed amendments included deleting "sewage sludge, septic tank and cesspool pumpings or other sludge" as an exemption under Section 5.Q.3, Definitions; added a definition of user fee; and including the words "disposal site" after "waste disposal site" under the new Section 5.V of the Definitions. Under Section 8.B Exemptions, the committee recommended adding "by type" for

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source separation and mixed solid wastes; and under Section 8.D., increasing the MSD Manager's exemption authority to include all of the items listed under Section 8.A. The committee also requested inclusion of a time limit for MSD action on certificate approval under Section 11; deletion of "amount of gross cash receipts" under Section 15.B.7; and the rewording of Section 15.B.6.

In discussion by the Board, Commissioner McCready questioned the impact on the City's landfill and the MSD system by including sludge as a portion of the solid waste definition. It was staff's feeling that sludge was considered as solid waste and as such should be included in the ordinance. Acceptance of such wastes at the landfills and processing stations, however, could be controlled under the standards of services that would accompany Ordinance No. 32.

Mr. Gisvold recommended against use of the words "by type" and "types of" and of the example sentence under Section 8.B.3. He also recommended against the use of the word "person" and increasing the exemption authority of the manager under Section 8.D.

Mr. Irvine reviewed staff's recommendation to add the words "wood or" under Section 8.C. Exemptions, stating that it was not the intent of the District to attempt to regulate material that is presently being source separated and meets the criteria of the Ordinance. Mr. Irvine also stated, however, that once the separated material is processed, it would come under the regulation of Ordinance No. 32. Wood is considered a putrescible material as is cardboard and paper and should be included under the ordinance. Commissioner McCready suggested rewording Section 8.C. as follows: "For the purpose of this section putrescible does not include wood, dry cardboard and paper which is uncontaminated by food wastes or petroleum products." The Board members and staff were in agreement with the amended wording.

Motion 408-B

Mayor Duris moved to delete the Solid Waste Committee's recommended amendments to Section 8 and to approve the rewording of Section 8.C. Mayor Robnett seconded the motion. The motion carried unanimously.

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Motion 75-408-C

Mayor Duris moved to approve the Solid Waste Committee's recommended amendments to Section 5, Section 11, and Section 15, as shown in the staff report. Councilman Becker seconded the motion.

Commissioner McCready moved to amend the motion to retain Section 15.B.7 "amount of gross cash receipts". Mayor Robnett seconded the motion to amend. The roll call vote showed the amendment to be unanimously approved.

The question was called on the amended motion, and the motion was approved by a unanimous roll call vote.

Commissioner Schumacher asked if there was anyone in the audience that wished to give testimony on Ordinance No. 32.

Mr. Bruce Nelson, of Sunflower Recycling, addressed the Board questionning whether home composting developed from food scraps would come under Ordinance No. 32. It was the interpretation of the Board and staff that changing the characteristics of the household wastes into composting material would come under the authority of Ordinance No. 32; however, if the material was to be used by the homeowner only, it would be exempt from this ordinance. The DEQ definition of solid waste, used in Ordinance No. 32, considers fertilizer not processed and used in its original state, such as animal and agricultural wastes.

Commissioner Schumacher asked if there was further testimony from the audience, and there was no response.

Mr. Gisvold stated that no written or verbal comments have been received from the collection industry or their attorneys on Ordinance No. 32.

As there has been no adverse comments received on Ordinance No. 32, the Board felt it appropriate to adopt the ordinance.

Motion 75-408-D

Commissioner McCready moved to adopt Ordinance No. 32. Mayor Duris seconded the motion. The roll was called, and the motion carried unanimously.

75-409 MSD SOLID WASTE MANAGEMENT AND OPERATION PROGRAM
RATE SCHEDULE ORDINANCE NO. 33 - First Public Hearing

An ordinance establishing a user fee for the administration, implementation and operation of the areawide Solid Waste Management Program and prescribing an effective date.

Commissioner Schumacher asked if there was anyone in the audience that wished a copy of the ordinance and did not have one. There was no response.

Mayor Duris moved to read Ordinance No. 33 by title. Councilman Becker seconded the motion. The roll was called, and the motion carried unanimously.

The clerk read Ordinance No. 33 by title.

Mr. Irvine stated that Ordinance No. 33 was in conformance with Legislative direction to guarantee repayment by MSD to the State of Oregon for requested Pollution Control Bonds loans to be used for construction of the MSD transfer/processing station system. The Board reviewed the ordinance and attached fee schedule for Phase I, which charges 15¢ per cubic yard on non-compacted solid waste and 26¢ per cubic yard on compacted solid waste. The fee schedule was derived from a cost per ton of \$1.02 which would increase the fee per can by 8¢ to the homeowner. The staff submitted a list of requirements to be used in conjunction with Ordinance No. 33.

Mr. John Knapp, of Resource Recovery Byproducts addressed the Board questioning the legality of the user fee without providing a service and for building of future transfer/processing stations. Mr. Knapp was also questioning the increase in costs for industrial collection accounts. Commissioner Schumacher stated that construction of the processing facilities is a service, and that the original plan for Phase I user fee was to weigh the refuse at the landfill which would increase the industrial costs even greater. Ordinance No. 33 charges the fee by the cubic yard increasing household and industrial by the same amount.

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Commissioner Schumacher asked if there was further testimony, and there was no response.

The public hearing on Ordinance No. 33 was closed and the date of November 14, 1975, was set for the second hearing.

75-410 MSD MARKETING PROGRAM STATUS ACTION REPORT OF LIGHT COMBUSTIBLE MATERIAL

Mr. Irvine addressed the Board stating that one of the Legislators' concerns in loaning the MSD Pollution Control Bond funds was the existence of markets for the salvaged byproducts and secure contracts for the sale of the byproducts. He also stated that Publishers Paper Company had indicated a willingness to research the use of the light fuel fraction for generation of steam and electricity providing the MSD would enter into an intent agreement with Publishers Paper. The intent agreement would assure Publishers Paper of MSD's intent to continue on the program and outline a value for the fuel fraction. In view of the amount of money to be expended by Publishers Paper for their research and in order to show a firm interest in the byproducts to the Emergency Board, the staff is recommending approval of a letter of agreement between MSD and Publishers Paper Company.

Commissioner McCready stated that she was not in favor of firm contracts for the secondary material at this time and that she was against entering into an intent agreement with Publishers Paper. She felt that the money being expended by Publishers was a normal expense of doing business and should not be guaranteed by contract at this time. Mr. Irvine stated that the intent agreement would not bind MSD to Publishers Paper if a higher price for the light fuel fraction was offered by another market. He also stated that the physical location of the facility being considered by Publishers Paper would be advantageous to MSD, and that the research being done by this firm was necessary to determine the price per ton of the products they would be willing to pay. Mr. Gisvold stated that MSD would negotiate with Publishers Paper, in the same manner as staff is presently negotiating with Parker Northwest, until a time when the negotiations break down.

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Mr. Jack Deines, of Oak Grove Disposal, addressed the Board stating that consideration should be given to the time table involved in coordinating the building of the two facilities. He felt that the phasing of MSD's first facility should be in line with the construction and phasing of Publishers Paper Company's boiler construction, and that coordination of these facilities would have some impact on the use of Ordinance No. 33.

Commissioner McCready moved to approve staff recommendation to enter into a letter of agreement for the sale of 4000 to 4500 tons per week of the fuel fraction from the Oregon City processing station to Publishers Paper Company. Mayor Duris seconded the motion. The roll was called and the motion carried unanimously.

(Mayor Duris left the Board meeting).

75-411 APPOINTMENT TO SOLID WASTE COMMITTEE

The Board considered a recommendation from the Washington County Board of Commissioners to appoint Midge Siegel as a citizen representative to the MSD Solid Waste Committee in replacement of Marlin Nelson.

Commissioner McCready moved to approve the appointment of Midge Seigel to the Solid Waste Committee. Councilman Becker seconded the motion. The roll was called and the motion carried unanimously.

75-412 LEGISLATIVE PROGRAM COORDINATOR

This agenda item was set over to the November 14, 1975 Board meeting.

Mr. Kemper presented the Board with a schedule of work to be done on the Solid Waste Program to coincide with a February 19, 1976, Emergency Board meeting date. Commissioner McCready questioned staff's delay in approaching the Emergency Board. She felt that the February date on the Emergency Board would not allow MSD the lead time that might be necessary in responding to the Emergency Board's requests for further information. The Board members discussed moving the Emergency Board date

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back to December or January, and the problems to be solved in doing so. Mr. Kemper stated that staff was concerned with being technically prepared for the Emergency Board submittal and the staff resources available for accomplishing the technical data by an earlier date. Commissioner McCready felt that the political considerations would become more important than the technical considerations and that it would be wiser to approach the Emergency Board at the earlier date of January 9, 1976. The difficulty in the time schedule of arriving at a contract with Parker Northwest and a figure on the purchase of the light fuel fraction were considered by the Board. Mr. Brown, of DEQ, stated that DEQ would not approach the Emergency Board without the figure for the fuel fraction, however, if this could be determined from Publishers Paper at an early enough date, the January date could be used.

The Board was in agreement to work towards a January 9, 1976, Emergency Board meeting date.

There being no further business to come before the Board, the meeting adjourned at 4:55 P.M. Tapes of the Board meeting are on file at the MSD Office. All roll call records are also on file at the MSD Office.