

Metro | Meeting minutes

Meeting: Solid Waste Alternatives Advisory Committee
Date/time: Wednesday, January 13, 2016; 10:00 a.m. to Noon
Place: Metro Council Chambers

The purpose of the Solid Waste Alternatives Advisory Committee is to develop policy options that, if implemented, would serve the public interest by reducing the amount and toxicity of waste generated and disposed, or enhancing the effectiveness and sustainability of the system through which the region's solid waste is managed.

Attendees

Mike Leichner, Pride Disposal
Bruce Walker, City of Portland
Theresa Koppang, Washington County
Kathy Kaatz, City of Tualatin
Alando Simpson, City of Roses Disposal & Recycling
Audrey O'Brien, Oregon Dept. of Environmental Quality
Keith Ristau, Far West Recycling
Paul Ehinger, Metro
Matt Korot, Metro

Absent

Casey Camors, City of Milwaukie
Amy Roth, Association of Oregon Recyclers
Scott Keller, City of Beaverton

Presenters:

Dan Blue, Metro
Warren Johnson, Metro

1. CALL TO ORDER AND DECLARATION OF A QUORUM

Chair Matt Korot called the meeting to order and declared a quorum.

2. COMMENTS FROM THE CHAIR AND SWAAC MEMBERS

Chair Korot reviewed the agenda items, noting Item #5 as time set aside for public comment on the material recovery and conversion technology facility regulatory changes.

3. CONSIDERATION OF SWAAC MINUTES FOR DECEMBER 9, 2015

The minutes of the December 9, 2015 SWAAC meeting were approved.

4. SWAAC SUBCOMMITTEE ON MATERIAL RECOVERY AND CONVERSION TECHNOLOGY FACILITY REGULATORY CHANGES

Dan Blue of Metro presented an update on the newly appointed SWAAC subcommittee to consider material recovery and conversion technology facility requirements (SWAAC/MRF-CT). Mr. Blue provided a brief reminder of the purpose of the subcommittee and the intended outcome of its work. He also discussed changes made to the membership categories and reviewed the membership roster. Mr. Blue shared the scope, approach and rough timeline for the subcommittee's work and asked for input from SWAAC membership on the plan.

At the December 2015 SWAAC meeting, members voted to form the SWAAC/MRF-CT subcommittee to consider whether MRFs that process source-separated recyclable materials and facilities that convert waste to energy or fuel should be subject to licensing and inspection similar to other facilities and, if so, which requirements are appropriate. The desired outcome is to provide advice to SWAAC on MRF-CT regulation, so that SWAAC can provide input to the Metro Council.

Modifications to the SWAAC/MRF-CT membership, based on feedback from SWAAC members and other interested parties, included the addition of two additional industry representatives, one additional citizen representative, the removal of the representative of the Association of Oregon Recyclers (by request) and replacement by an environmental advocate position, and the identification of a SWAAC liaison. A clarification was made that Mike Lafferty will be sitting on the committee as a citizen representative and not as a representative of the Washington County Solid Waste Advisory Committee. Mr. Blue also noted that the term *Conversion Technology* in this context does not line up with the DEQ definition, so it has been changed on the roster to *Energy Recovery*.

Mr. Blue explained that the scope of the SWAAC/MRF-CT subcommittee's work will largely mirror the information in the memorandum to SWAAC dated January 6, 2016. The subcommittee's charge is to consider whether to: 1) remove the current licensing exemption on single-stream recycling material recovery facilities and conversion technology facilities; 2) require them to be licensed and subject to inspections, as are other solid waste facilities; and 3) identify operating requirements for those operations that are no longer exempt.

The approach will be a series of meetings, starting with an initial workshop. This work will entail a two-step process, looking first at MRFs, then at conversion technology facilities. Subcommittee meetings will be open to the public, will be consensus driven, and will ensure that all parties are provided the opportunity to productively engage in the discussions. The subcommittee will launch at the end of January or early February and will likely meet six to eight times over the course of the next four to six months. The hope is to return to SWAAC in July 2016 with the subcommittees recommendations. Subcommittee progress will be reported periodically to SWAAC by the SWAAC/MRF-CT liaison, Bruce Walker.

Mr. Blue then asked the SWAAC membership for any general comments on the proposed MRF-CT Subcommittee and specifically on the revised membership categories or proposed roster. Mr. Walker asked for a show of hands of any subcommittee members in the audience. The members present were identified as Jeff Murray, Matt Marler, Vinod Singh, Brian May, Scott Marley, and Roy Brower, along with SWAAC members Teresa Koppang, Audrey O'Brien and Bruce Walker. In response to Mr. Ristau's query, Mr. Blue said that there was no specific call for all subcommittee members to be in attendance at today's meeting, as this was meant to serve as an introduction to the scope of the subcommittee's work for SWAAC members, and not a formal launch of the group.

5. **CITIZEN COMMUNICATION TO SWAAC AGENDA ITEM #4**

Chair Korot opened the floor for comments from the public regarding the SWAAC/MRF-CT subcommittee.

Dave White of the Oregon Refuse & Recycling Association asked if the SWAAC/MRF-CT introductory workshop would be open to the public, to which Mr. Blue answered in the affirmative. Mr. Blue also noted that all subcommittee meetings will be posted on Metro's web calendar, and all meeting documents will be found there and on the SWAAC/MRF-CT subcommittee's webpage at www.oregonmetro.gov.

Dean Kampfer with Waste Management asked if there would be a distribution list for interested parties to be notified of meetings and accompanying documents. Mr. Blue responded that any interested persons may request to be added to the list, and noted that all persons who now receive communications as an interested party for SWAAC have already been added to the list for the SWAAC/MRF-CT subcommittee.

6. **SOLID WASTE CODE CHANGES**

Warren Johnson of Metro shared information with SWAAC members on proposed updates and housekeeping changes to Metro Code Title V (Solid Waste) for 2016. These are the issues that received no comment or opposition in the larger package of proposed changes introduced in 2015. Mr. Johnson also asked for input from SWAAC on the general scope and approach of the proposed changes and explained the next steps in the process. These updates and housekeeping changes are intended to make the Code more relevant and easier to understand; more resilient and adaptive to change; and broader and more foundational with implementation details in administrative procedures.

Expected next steps include:

January	Discuss general proposal with SWAAC
February	SWAAC review and input on draft Code language
March	Initiate 60-day public review process
May	SWAAC check-in
June	Staff response to comments
July	Council work session

Mr. Johnson then asked if the SWAAC members had any comments on the proposed changes and whether members generally support the approach of including further consideration of certain licensing exemptions as part of the proposed Title V Code package. Specifically, considering changes that would remove licensing exemptions for:

- Wood waste processing facilities
- Solid waste reloads
- Electronic waste processing facilities
- Yard debris facilities owned by local governments.

Mr. Leichner asked if the potentially affected companies (one wood waste and one reload company) had been contacted. Mr. Johnson replied that they had been notified during the last phase of this process, and no issues were raised at that time. Mr. Johnson said that staff intended to again notify the operators that might be affected by the proposed changes. In response to a question from Ms. Koppang, Mr. Johnson noted that the hope is that Metro would be made aware of other facilities that may subsequently pop-up as the information on the licensing issue is made more widely available. Historically Metro has been made

aware of new facilities through complaints or conversations with industry representatives and DEQ staff.

Mr. Walker commented that moving more information from the Code to administrative documents seems like a good idea, but it seems that public comment and the process to vet these changes is oriented toward Council for guidance. Mr. Johnson explained that that intended approach for these administrative procedures is to go through a similar process as the code changes. As procedures are drafted, there will be public engagement and an opportunity for input before they are implemented. The hope is to have a very thorough and transparent process, with a strong outreach element in place.

In response to Mr. Simpson's question regarding the content of the language of the Intergovernmental Agreement (IGA) between the City of West Linn and Metro, Mr. Johnson explained that the IGA establishes that the City of West Linn will agree to follow certain operational requirements at its Dan Davis Recycling Center, in lieu of obtaining a Metro license.

Mr. Korot asked for further questions or comments. Mr. Johnson clarified that there would be detailed "words on the page" for the next meeting, and that today he is looking for general consensus from SWAAC members that that this outline of items is ready to go out for public review and comment.

Mr. Simpson had a further question regarding electronic waste, and wondered if the concern was for the management of stormwater run-off from outside storage. Mr. Johnson replied that the concern is the potential for run-off impacts on adjacent properties and the ability to recover these materials properly after they have been sitting outside. The desire is to ensure best practices are followed. Mr. Simpson noted that this implies that these materials will have to be covered going forward.

Ms. O'Brien and Mr. Johnson clarified that the language states shredding *or* outdoor storage of electronic waste, citing the example of EG Metals, which would be subject to the proposed licensing requirements, unless it ceased shredding and outdoor storage of electronic waste. Ms. O'Brien noted that EG Metals came up after a complaint was filed, and they are aware that URT also does electronics shredding. So far those are the only two operations that DEQ knows of, but asked SWAAC members to let DEQ know if there are any other facilities that shred electronics, because they require a DEQ solid waste permit. The concerns associated with these types of facilities include run-off, contaminated soil, and community health concerns. There are multiple regulations that could be triggered, and these are the requirements DEQ is looking at.

Mr. Korot asked for further questions from the SWAAC membership and then moved to the next agenda item.

7. CITIZEN COMMUNICATION TO SWAAC AGENDA ITEMS

Jeff Murray of EFI spoke of his appreciation for the work on the proposed changes, and the opportunity to look into them further. He pointed out that even a simple change to definitions can be very far-reaching. He said that holding a workshop prior to the 60-day comment period could be helpful to more fully understand potential impacts.

Ray Phelps of Republic Waste inquired how much time would be allowed for actual review of the proposed changes, noting that his company's attorneys will need to review the changes. Mr. Johnson replied that SWAAC would have draft language prior to the February 25th meeting, and then March would be the public release, posting on the website and sending to interested parties, after which there would be at least 60 days for the public to

provide comments. After the review period ends, then staff would prepare a formal response to the public comments received.

Dean Kampfer of Waste Management inquired as to why EDWRP changes were extracted from this discussion. Mr. Johnson replied that this decision was made in light of the wood situation and Council's decision to suspend the EDWRP wood requirements. The future of the EDWRP program will be handled separately when we know what the 'new normal' is for wood waste. Mr. Kampfer asked if it would be possible for Metro to include a few of the previous EDWRP changes in the proposal. Mr. Johnson replied that Metro is open to considering specific changes if folks would like to bring them forward.

Mr. Kampfer also inquired whether the code process would include the additional public benefit that the Transfer System Configuration task force recently suggested adding to the Roadmap public benefits -- giving consideration to the public-private investment in the system. Mr. Johnson replied that it was not planned at this point, but can be given consideration.

Mr. Kampfer also stated that definitions are important and far-reaching in the Metro code. He agrees with Mr. Murray that open houses, workshops, etc. be held, and also ensure that the definitions line up with those of DEQ and local governments. He also noted that outside storage of whole electronic units is not allowed by DEQ.

Dave White of the Oregon Refuse & Recycling Association reiterated the concerns of the previous speakers regarding definitions. He also asked whether Metro has a process for developing administrative rules that is similar to the city of Portland's, which has sign-off by bureau directors rather than going to City Council. He also asked what gets proposed as administrative rules and what as code changes, especially in regard to issues of significant interest to industry such as flow control.

Mr. Johnson clarified that the previous code package had a proposal that the Metro Chief Operating Officer (COO) could require non-system licenses for materials that were deemed to have the potential to cause harm. The proposed change was not directed at material transported to MRFs, but at material that might be stockpiled outside of the region and cause impacts, such as roofing. Staff finds that there is need for better monitoring of those issues through non-system licenses. That has not moved forward, and will not be considered for now.

Mr. Johnson noted, just to be clear on flow control, that the Council has responsibility to issue non-system licenses for wet waste. For non-putrescible waste, the COO was delegated the authority by Council to issue those licenses administratively. For administrative procedures, the COO could authorize it, but we are going to go through a more prolonged, extensive public engagement process like the one for code changes. We will mirror this for administrative procedures, as well. The COO will ultimately implement the administrative procedures which she has been given authority to approve. Mr. Johnson would be happy to provide further clarification, if needed.

8. PREVIEW OF THE NEXT MEETING'S AGENDA AND FINAL COMMENTS

Mr. Korot said that in order to accommodate timing considerations related to when the Solid Waste Roadmap's Transfer System Configuration project will be ready for further SWAAC discussion, the February SWAAC meeting has been rescheduled to Thursday, February 25, 2016 from 10:00 a.m. to 12:00 p.m. in Council Chambers. This will be after the last task force meeting and prior to Council engagement on the project. At the February

meeting, SWAAC will continue discussions of the transfer system project and Mr. Johnson will return with proposed language regarding code changes.

Mr. Korot also drew attention to the Solid Waste Roadmap project related to food scraps recovery. That work will go back to the Council in July. In the meantime, Metro will release a request for qualifications for processing commercial food waste in about two weeks, to gather information to inform the next discussion with Council and serve as a prequalification process for potential requests for proposals. This will be posted on the State of Oregon procurement website, and all SWAAC members will be notified, along with all potential processing facilities in Oregon and Washington.

Meeting adjourned at 11:10 a.m.