



Meeting minutes

Meeting: Solid Waste Alternatives Advisory Committee
Date/time: Wednesday, July 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

Reba Crocker, City of Milwaukie
Paul Downey, City of Forest Grove
Mark Ottenad, City of Wilsonville
Mike Leichner, Pride Disposal
Bruce Walker, City of Portland
Rick Winterhalter, Clackamas County
Alando Simpson, City of Roses Disposal & Recycling
Keith Ristau, Far West Recycling
Adrienne Welsh, Recycling Advocates
Matt Korot, Metro

Absent

Theresa Koppang, Washington County
Peter Brandom, City of Hillsboro
Audrey O'Brien, Oregon Dept. of Environmental Quality

Presenters

Tom Chaimov, Metro
Warren Johnson, Metro

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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. There were no additional comments from SWAAC members.

3. CONSIDERATION OF SWAAC MINUTES FOR MAY 11, 2015

The draft minutes of the May meeting will be posted on the SWAAC webpage for review by committee members. Please contact Matt Korot for any corrections or amendments.

4. INTRODUCTION OF NEW MEMBERS

Newly appointed members of SWAAC were welcomed by Chair Korot, and briefly introduced themselves.

Reba Crocker, Right-of-way and Contracts Coordinator, City of Milwaukie.

Paul Downey, Finance Director, City of Forest Grove. Mr. Downey spoke of the food waste disposal and plastic bag ordinances that were recently instituted in Forest Grove. Mr. Korot asked for a copy of the plastic bag ordinance to be sent to him, so he could share it with other jurisdictions that may be interested in taking a similar action.

Mark Ottenad, Public/Government Affairs Director, City of Wilsonville.

Rick Winterhalter, Senior Sustainability Analyst, Clackamas County.

Adrienne Welsh, Resource Director, Recycling Advocates.

Peter Brandom, Sustainability Coordinator for the City of Hillsboro, was unable to attend today's meeting, but was also welcomed by Chair Korot as a new member of SWAAC.

5. SOLID WASTE ROADMAP UPDATE

Tom Chaimov, Metro

Mr. Chaimov gave an update on the progress of the six policy-related projects (#1-6, below) and one technical support project (#7, below) that make up the Solid Waste Roadmap. He noted that together these seven projects encompass the ways Metro is investigating to *get the most of what we don't want* as a region.

1. Food Scraps
2. Metro South
3. Transfer System
4. Long-term management of discards
5. Landfill Capacity Policy
6. Fee & Tax Policy
7. Foundational Modeling

Food Scraps Capacity. The purpose of food scraps recovery is to reduce greenhouse gas emissions from landfills and instead of burying food, use it as a feedstock to produce useful products, such as compost and energy. The key question of Metro's Food Scraps Capacity work is: What actions should Metro take to ensure adequate and reasonably proximate capacity to transfer and process food scraps collected from the region's businesses and residents?

The basic chicken-and-egg problem that has remained unsolved for over a decade is that a regional food recovery program would benefit both from more local processing capacity than we currently have and increased separation and collection of food scraps. Neither one works without the other. Earlier this year, Metro focused on processing when we issued a Request for Qualifications that ultimately qualified nine firms as eligible to propose on adding processing capacity for the region. If the Metro Council directs staff to issue a Request for Proposals to those nine firms, it will happen after we have a better understanding of how to get enough quality feedstock delivered to make a facility viable.

Right now, a large body of work is focused on understanding the most effective way to get more participation from businesses that generate food scraps. Metro is reaching out to about 300 commercial food generators by phone, in person, and with online surveys to develop an understanding of why businesses that separate food choose to do so, why those who don't, don't, and why some businesses who used to separate no longer do. This information, along with additional analysis, will inform a discussion with SWAAC in September and the Metro Council later this fall. Metro is also investigating the costs and benefits of requiring certain types and sizes of food-generating businesses to have food recycling programs in place.

Metro South Station. SWAAC members and other stakeholders helped fashion a number of plans for potentially reconfiguring Metro South - built over 30 years ago in Oregon City - to maximize its functionality in the modern system in order to provide the full suite of needed services. Of the two plans still under review, one would keep self-haul services on site and the other would move self-haul to an as yet to be determined alternative site. Much depends on what is expected of that site for the future. For example, it is possible that moving ahead with reconfiguration may be triggered by the need for Metro South to step up and provide commercial food scraps reload service. However, until we know if and where new food scraps processing capacity is established, the impact on Metro South remains unclear. There may be additional triggers; for example, a recent constructability review indicated that moving self-haul offsite is likely the more feasible of the two remaining options.

Transfer System Configuration. Metro South Station operates within the larger regional transfer system. The key question for the transfer system is: What model of the public-private transfer system (e.g., tonnage allocations, service levels, rates) best provides for the public interest?

SWAAC saw last month that Metro Council intends to maintain largely status quo configuration for the remainder of the decade, with a few new policies for Council to consider on July 21, 2016 to shore up the system's delivery of public benefits. Two of the more significant new policies include Metro's willingness to allocate no more than 60% of wet waste to private firms, thus preserving at least 40% of wet waste to the public transfer stations, and a policy of progressive steps to improve transparency in transfer station charges region-wide. With any new policy, there can sometimes be unintended consequences, so, if adopted, staff anticipates that over the next three years, implementation will be viewed as transitional, in order to monitor how these new policies play out and to make adjustments as needed.

Long-term Management. The current Regional Solid Waste Management Plan provides relatively detailed guidance on waste reduction programs, but is less specific about what to do with the garbage that remains after all reduction efforts. Therefore, the key question of the Long-term Management project is: What should the region do with materials that aren't reused, recycled or composted? For decades, landfill has been the default answer. To start, Metro took a look at over a dozen garbage management technologies (gasification, pyrolysis, anaerobic digestion of garbage, etc.), and culled everything as technically infeasible for our region except for Waste-to-Energy (WTE) and possibly Advanced Material Recovery (AMR).

On WTE, Metro Council directed staff engineers to work with Covanta staff, the operators of the Marion County WTE facility in Brooks, this summer and fall to better understand the specifics of a proposed expansion at that site. Associated with that fact finding, Metro intends to conduct a rapid Health Impact Assessment (HIA) comparing two specific

scenarios: landfilling 200,000 tons per year somewhere in eastern Oregon or eastern Washington vs. sending that same waste to an expanded Covanta Marion facility. The HIA will take into account transportation and processing impacts and will look at tradeoffs from one part of the state to another. As part of this assessment, Metro will also conduct a life-cycle greenhouse gas analysis of the two scenarios. There will be public involvement in the HIA, but we do not yet know precisely what that will look like. We will keep SWAAC informed as our plans develop. Staff may roll out final HIA results as soon as February-March 2017.

Related, the Metro Council will be hearing about the Durham/York (Ontario, Canada) WTE facility at its July 21, 2016 meeting. At that meeting, the Director of Waste Management Services from the Durham regional government will share her region's thinking that led to the establishment of North America's first greenfield waste-to-energy facility in 20 years. The purpose of this invited visit is to understand the factors, considerations, and the mindset that led the Durham, and partner York, communities to pursue a WTE solution instead of continued landfilling or other alternatives.

On Advanced Material Recovery, generally, Metro believes that the technology works in concept. This is technology to pull recyclables or energy-recoverable materials from mixed waste. We think it will be prudent to await results from the State of Oregon's 2016-17 waste composition study to see if there is enough good stuff in the garbage to warrant running it through a sophisticated - and likely expensive - sorting process.

Fee and Tax Policy. A basic question of Metro fee and tax policy is: How should Metro recover the cost of solid waste services and programs, and general government, to improve stability, equity and predictability? In general, Metro believes that its fee and tax policies are appropriate; however, there may be specific opportunities to better align those policies with desired outcomes and public benefits, especially given recent and anticipated future changes in the region's solid waste system.

For example, Metro has a long-standing policy to exempt certain types of waste from Metro fees or taxes, to encourage certain behaviors, such as material recovery. Metro doesn't levy fees and taxes on recycled material. Similarly, some special wastes, such as environmental cleanup material, also are mostly exempted from fees and excise tax. Metro is taking an opportunity to re-examine current practices, to ensure consistency with desired outcomes. As a first step, Metro will refresh a 10-year-old study of Metro's fee and tax policies, specifically related to exemptions. That refreshed study should be completed before year end, in time for a new subcommittee of SWAAC to convene beginning in early 2017. The report will provide a basis for discussion and debate, as that new subcommittee develops options to improve Metro's fee and tax policies. The Fee and Tax process is expected to resemble the MRF/Conversion Tech process that is wrapping up now.

Landfill Capacity Policy. Earlier this year the Metro Council asked staff to develop a draft landfill policy to answer a key question: How should capacity of landfills inform where Metro directs waste for landfill disposal?

Acknowledging that our region has access to ample landfill space, the proposed policy would direct waste generated in the region to only those landfills that do not have to amend their Site Development Plan to expand and accommodate more waste. On May 26, 2016 the Metro Council adopted a Resolution finding that staff had fulfilled its obligation to develop such a landfill capacity policy, and Council deferred any action relative to such a policy until December 1, 2016 or later.

Foundational Work. Metro is developing a model to inform all sorts of long-range planning, not just the Roadmap or a Roadmap project. This model is not about policy-making, but is a technical tool to provide information for various policy-making efforts. The basic question the model sets out to answer is: What is the amount and nature of waste that might be disposed in the future, and how will various alternatives perform in managing it?

The basic structure of the flow model is complete, with current work focused on refinements and developing the user interface. Waste Management's Dean Kampfer and Waste Connections' Eric Merrill provided useful advice to Metro Analyst Joel Sherman regarding hauler behavior when choosing where to deliver waste. This will help with the model refinements.

Mr. Korot noted that the food scraps capacity issue will return to SWAAC soon; the long-term management of discards will return within the next six months; Metro South will be back when the timing is right; Mr. Johnson will be discussing fee and taxes today; SWAAC consideration of the transfer system configuration has been completed; the issue of long-term management will return as warranted; the deferred landfill capacity policy is complete for now; the foundational work will likely return only as information sharing.

Chair Korot asked for questions or comments from SWAAC members.

At Mr. Walker's request, Mr. Chaimov agreed to provide the committee with a brief written status report of each of the subject items discussed. Mr. Walker then inquired if action regarding a determination of Metro South receiving organics is dependent on the Council taking action later this fall on a request for proposal to process them. Mr. Chaimov answered in the affirmative, and noted that Metro South cannot receive organics unless there is a change in operation. A build-out would be required at this point to make South ready, and it may be that Central would receive organics in the interim.

6. SOLID WASTE CODE (TITLE V) CHANGE UPDATES

Warren Johnson, Metro

In setting context for the discussion, Mr. Johnson noted that about a year ago Metro staff suggested some significant changes to the solid waste code. Since there was no formal guidance in place, Metro staff developed a process for these changes. Subsequent feedback from stakeholders and the public indicated the process moved too quickly for a thorough response and Council agreed. At Council's request, staff formalized a process to facilitate code changes in line with the feedback received. The purpose of today's discussion is to review Metro staff's response to public comments and discuss proposed revisions to the improvements and housekeeping changes to Metro Code Title V.

The proposed improvements and housekeeping changes are intended to make the Code more consistent and easier to understand, resilient and adaptive to change and transparent with implementation details in administrative rules. In brief, changes to the four chapters noted are both substantive and non-substantive, including some general formatting and reorganization changes, changes for consistency and clarity and changes to the administrative rule process. These changes include the following:

- **Chapter 5.00** – Add, remove, and modify certain terms and definitions
- **Chapter 5.01** – Add, remove, and modify certain facility requirements
- **Chapter 5.02** – Require scale weights for measuring Metro-area waste
- **Chapter 5.05** – Delegate certain licensing to Chief Operating Officer

In all, the proposed changes have been designed to provide a more consistent and better approach to public engagement. The process to date has brought us to SWAAC for review and further direction on the revised changes.

A guide to the revised changes, as well as all comments and Metro responses are summarized in Exhibit A, and are included on the solid waste updates page on the Metro website.

The next steps in the process will include presentation to the Council at a work session in September and, if directed by Council, formal consideration of the proposed changes in October. If the proposed changes are adopted in October, they will take effect in January, 2017, ninety days after the Council decision.

Mr. Korot stated that an endorsement from SWAAC members indicates that these changes are ready to go to Council for discussion and decision-making. It is not an endorsement of the substance of the proposed code changes. He then asked for questions or comments from the members on the revisions and response to public comment.

Mr. Johnson confirmed for Ms. Crocker that although everyone had the opportunity to comment, only six organizations responded.

Mr. Walker noted that it would be beneficial for members to hear from those present at today's meeting who submitted comments if they had any response to the revisions based on their comments. In response, Chair Korot invited comments from the public.

Mathew Cusma of Schnitzer Steel stated that many of their comments were directly and positively addressed. Some comments did not result in changes, but the discussion of why these changes were not made was understandable. He agreed with Mr. Walker that this was a helpful process, and absolutely appreciates the public comment process. He understands why Schnitzer did not get some of the changes requested and overall they are happy with the process.

Mr. Johnson next addressed the key questions for SWAAC members, namely, 1) does SWAAC have comments on the general scope or content of the revised Code changes and 2) does SWAAC generally support bringing the proposed Code changes to Metro Council for consideration later this year.

Ms. Crocker commented that she appreciates the approach in inviting public and private involvement in making comments on the changes. Mr. Downey shared that he appreciates the the way the comments were addressed and clarification on why some changes were not made.

Chair Korot than asked if there is general support for moving the changes forward. By a nod of heads, most members endorsed moving this packet forward through the process. For new members, Chair Korot explained that SWAAC generally operates by consensus. Under code, voting is limited to local government members. As Chair, Mr. Korot tries to get the general sense of the group on most matters, although he may call for a vote when it seems useful to the process.

7. SOLID WASTE FEE AND TAX POLICY EVALUATION

Warren Johnson, Metro

Mr. Johnson next presented for member review the proposed evaluation of Metro's solid waste fee and tax exemption policies. In line with the previous discussion, the evaluation of fee and tax policies will follow a more formalized process similar to the current evaluation of MRF/Conversion Technology facilities. The fee and tax exemptions discussion today will

provide a better understanding of Metro's current procedures for assessing fees and taxes and discuss the next steps for evaluating those procedures prior to convening a SWAAC subcommittee. The subcommittee will then discuss the matter and bring any resulting recommendations for improvement to SWAAC members for comment prior to presentation to Council.

Mr. Johnson discussed the current regional system fee and excise tax, when they are assessed and how the rates are determined. He explained the three rate structures: full rate, reduced rate, and exempt. In 2006, URS Corporation conducted a study of Metro's fee and tax assessment procedures and prepared a report entitled, *Evaluation of Disposal Trends for Environmental Clean-up and Beneficial Use Materials*. In the proposed scope of work for the upcoming evaluation, the information in the 2006 study will be updated. There will also be a review of Metro's current policies, as well as a report on DEQ's policies and those of other west coast jurisdictions. The evaluation will also solicit input from parties that receive exemptions. The report will represent these findings along with recommendations and potential alternatives for consideration.

The proposed scope of work for the upcoming fee and tax evaluation will include the following considerations:

- How do Metro's policies compare with other jurisdictions?
- Is there a public benefit or rationale for the current exemption policy?
- Are there any improvements or clarifications that should be made?
- How does the current system or any proposed alternatives:
 - Meet the public benefits of the region's solid waste system?
 - Achieve the region's waste reduction and recycling goals?
 - Make Metro's solid waste code more equitable and simpler to use?

Mr. Johnson then outlined the next steps in the process which include initiating a request for proposals in August followed by selection of a contractor in September. The scope of work would then begin in October. In December, around the time the evaluation report should be complete, SWAAC members will then consider convening a fee and tax subcommittee and receive nominations for membership. Chair Korot then asked SWAAC members for questions or comments, and their sense of the completeness of the outline for moving forward with the evaluation.

Ms. Crocker wondered if the study may want to seek input from all businesses that may be exempted, not just those that are now receiving exemptions. Mr. Johnson replied that it could be difficult to narrow down the list to any business that reasonably may get an exemption. He concurred with Ms. Crocker that any business that may potentially receive an exemption and wished to comment would be given the opportunity. Mr. Johnson also reminded SWAAC that the study is primarily intended to frame the work that the subcommittee will look at. The subcommittee will be charged with making recommendation to SWAAC. Mr. Korot also clarified that the communities that may be affected would be given the opportunity to comment during the public process.

Mr. Winterhalter asked if there would also be consideration of quantitative impacts, as it appears the study mostly outlines a qualitative review. Mr. Johnson confirmed that monetary impacts will be included in the evaluation.

Mr. Leichner shared that with the variability of regional system fees collected from different sources with discounts or exemptions, there may be an impact on the overall rate per ton, and this needs to be looked at. There could be a big impact on the system, with some of these

exemptions being confidential, getting into individual companies bottom line. Jurisdictions would then have to explain the rate difference to their customers, and that may be a challenge. Mr. Johnson agreed and noted the purpose of the subcommittee will be to get the right people in the room to talk about impacts and likely outcomes.

Mr. Simpson inquired about scoring criteria for the request for proposals, and wondered who would be on the evaluation team. Mr. Johnson answered that the evaluation team has not yet been determined, nor has the final scoring mechanism. He will bring those answers back to SWAAC in a future discussion.

Mr. Walker asked for clarification regarding exemptions for alternative daily cover and asked if there would be no charge at all from the landfill for this type of material. Mr. Johnson replied that under Metro's current procedures, a landfill may charge a management or transport fee, but could not charge a disposal fee and receive an exemption from Metro's fees and taxes. Every landfill has a requirement based on DEQ rules for the landfill working face to be covered at the end of the day. If a landfill accepts alternative daily cover (something else other than clean soil), the landfill must demonstrate to the DEQ that the ADC meets the same criteria as clean soil. If a landfill receives approval from DEQ, uses the waste productively in its operation, and demonstrates that it doesn't charge a disposal fee, then the waste qualifies for a fee and tax exemption under Metro Code. However, staff understands that there may be a management or transport fee associated with the waste. Mr. Walker wondered if that would result in some gamesmanship with exemptions. He would like clarification in the RFP process regarding which tons should be included, and feels this type of information would be very helpful.

Mr. Walker also inquired regarding tire recycling. He is aware that much of the recovery is simply processing for tire-only landfills. Would all of those tires also receive an exemption? Mr. Johnson answered that Metro Code exempts all tire waste produced by tire processors that are licensed by Metro; there is no distinction between how much is recycled or processed for landfill disposal. Mr. Korot stated that whole tires are subject to fees, and Mr. Johnson added that they can't go to a landfill. He noted that the history behind the exemption had to do with recouping capital investments in the case of a loss of the market. Mr. Leichner noted that shredding makes tires much easier to deal with. Mr. Johnson added that this exemption issue will also be discussed as part of the subcommittee's work.

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

Bruce Walker

Mr. Walker noted that there was substantial progress at the last meeting, with some very challenging issues. The main focus of the subcommittee has been to look at what steps should be taken, if any, in regulating source-separated material recycling facilities (MRF). They have reviewed if there should be oversight or any standards to improve or to give better confidence to the performance of the entire recycling system regarding clean and comingled MRFs.

There was unanimous support expressed at the last meeting for some form of Metro oversight for these facilities. It would not have to be a license, per se, but Metro authorization, inspection and reporting. There was unanimous support for broad operating standards, that would include the guiding principle of public benefits. There was also unanimous support for exemption for single-material recyclers (e.g., plastic, steel, etc.).

There was a draft recommendation memo that went out to stakeholders, on which Metro received considerable feedback Metro. That draft will be sent back to the subcommittee and stakeholders in the near future.

With that piece in place, the subcommittee switched gears to address conversion technologies and the potential options for the additional processing of waste alternative to landfills. Two committee members spoke about the facilities they represent, Agilyx and Covanta, and their operations. Most of the focus was on the commingled stream of source-separated recyclable materials.

Metro staff is wrapping up its final recommendation and the subcommittee will reconvene on September 12, 2016, with the intent to subsequently deliver a recommendation to SWAAC.

9. CITIZEN COMMUNICATIONS TO SWAAC AGENDA ITEMS

Mr. Dave White of the Oregon Refuse & Recycling Association commented on the Metro staff report on fees and taxes. He referred specifically to the sentence which reads:

“Metro is the regional government that provides a variety of services for the urbanized portions of Clackamas, Multnomah and Washington counties, and solid waste planning and management, disposal and solid waste generated within the jurisdictional boundary.”

Mr. White said he was taken off guard by the reference to Metro authority extending to the jurisdictional boundary rather than the Metro region. He recalled that this issue came up during the mid-term RSWMP (Regional Solid Waste Management Plan) review. He asked if this change is memorialized anywhere, as it appears to be a change in Metro policy.

Chair Korot replied that Oregon statute requires that the Metro region have a waste reduction plan (as opposed to an overall solid waste system plan), which, by definition, must encompass the entirety of Multnomah, Clackamas and Washington counties. DEQ stated that Metro needs to have enforceable elements within the waste reduction plan. Metro’s response was that we have the ability to enforce the waste reduction elements within the Metro boundary through authorities granted within our code, however Metro does not have enforcement authority outside of the boundary. DEQ and the Oregon Dept. of Justice reiterated the need for Metro to have enforceable elements outside of the boundary and stated that Metro’s Intergovernmental Agreements (IGA) with the counties could be the mechanism to carry out enforceable agreements for the communities outside of the Metro boundary. The mid-term RSWMP report called out the challenge to enforce on cities when IGA’s are with counties. As Metro begins to develop the next regional solid waste management plan, staff would like to readdress with DEQ the requirement for enforceable elements outside the region, recognizing that statute continues to say that the waste reduction plan applies to the entirety of the three counties.

Mr. White asked to clarify then, that the regional service standard for glass collection applies outside of the Metro boundary, such as in Estacada. Mr. Korot replied yes, and the method to enforce that standard is through the IGA’s with the counties. Mr. White said it will be important to continue this discussion of what is Metro’s authority and how far does it extend. Mr. Kampfer asked for clarification. Mr. Korot reiterated that discussions with DEQ and the Dept. of Justice concluded that Metro needs to have enforcement mechanisms for jurisdictions within the three county watershed, including outside the Metro boundary and the tool used is the IGA for the waste reduction plan with each county. The language in the IGA is intended to ensure the waste reduction elements are in effect throughout the watershed. The challenge is how the county manages that with cities outside of the Metro boundary. Mr. Korot went on record, as he did with Council, stating this arrangement does not work well

10. PREVIEW OF THE NEXT MEETING’S AGENDA AND FINAL COMMENTS

As a follow up to this month’s meeting, Chair Korot will send members an update on the transfer station configuration. Mr. Chaimov will produce a status report on RSWMP, and it will

be posted to the SWAAC webpage. Mr. Johnson will make the 2006 *Final Evaluation of Disposal Trends for Environmental Clean-up and Beneficial Use Materials* available online, as well.

Looking ahead, the SWAAC meeting for August has been canceled. September's meeting will focus on food scraps. In addition, Mr. Walker will report on the final meeting of the SWAAC MRF/CT subcommittee.

The meeting was adjourned at 11:45 a.m..