

MSD BOARD OF DIRECTORS

MINUTES OF MAY 10, 1974 MEETING

BOARD MEMBERS IN ATTENDANCE

Robert Schumacher, Chairman
James Robnett
Charles Becker
Connie McCready
Mel Gordon
Rod Roth
Miller Duris
John Zaniker

ADVISORS IN ATTENDANCE

Dean Gisvold, Attorney
Mike Kennedy, COR-MET
Fred Cope, Bartle-Wells
Bill Culham, TAC
Jane Cease, CAC
Bob Brown, DEQ

STAFF IN ATTENDANCE

Charles C. Kemper
Merle Irvine
Jean Woodman

APPROVED METROPOLITAN
SERVICE DISTRICT
BOARD OF DIRECTORS
ACTION NO. 74-126
DATE 5-24-74
BY *Jean M Woodman*
CLERK OF THE BOARD

The Chairman welcomed the two new members to the Board, Commissioner Connie McCready and Councilman Charles Becker. There being a quorum present, the Board considered the following items of business:

I. MINUTES

Mayor Robnett moved to approve the minutes of April 26, 1974 as submitted. Commissioner Gordon seconded the motion. The motion carried unanimously.

II. ORDINANCE NO. 9 SOLID WASTE MANAGEMENT PLAN ADOPTION

The two required public hearings were held on Ordinance No. 9 on April 12 and April 26, 1974 and testimony received. The testimony was transcribed and reviewed by the Board members. Commissioner McCready and Councilman Becker did not feel they were sufficiently informed on the ordinance or the MSD Solid Waste Management Plan to vote on its adoption, and both announced their intention to abstain from the vote. Commissioner McCready suggested that the MSD staff give a presentation on the Solid Waste Plan before the City of Portland Council. Staff was so directed.

Commissioner Gordon moved to adopt Ordinance No. 9 approving the MSD Solid Waste Management Plan. Commissioner Roth seconded the motion. The motion carried with Commissioner McCready and Councilman Becker abstaining.

Mayor Duris arrived after the voting on the motion was held.

III. PUBLIC HEARING ON ORDINANCE NO. 10 and NO. 11

Mr. Irvine, of MSD staff, reviewed Ordinance No. 10 which amends Ordinance No. 3, MSD Tire Ordinance. Ordinance No. 10 speaks to salvaging of scrap tires and transporting of salvaged tires outside the District. Commissioner Gordon suggested including the words "for each offense" under Section XVIII, Violations and staff was so directed.

Ordinance No. 11 authorizes and establishes two general tire processing centers and administrative fees for the MSD Tire Processing and Disposal Program and the maximum fees to be charged by the operators of general tire processing centers.

Commissioner Schumacher formally opened the first public hearing on Ordinances 10 and 11.

Commissioner Schumacher asked if anyone in the audience wished a copy of the ordinances and several people were given one. Commissioner Schumacher asked again if anyone in the audience wished a copy of the ordinances and there was no response.

Commissioner Roth moved to have Ordinance No. 10 and Ordinance No. 11 ready by title. Commissioner Gordon seconded the motion. The motion carried unanimously.

Mr. Kemper read both ordinances by title. The Board received the following testimony:

ORDINANCE NO. 10 - Amending Ordinance No. 3.

- A. Mr. Dennis Hall
Aim Corporation
Tire Gone

Testimony attached. Mr. Hall was questioning the definition on salvage and if this included reuse of the scrap tires for fuel and purposes other than retreading. The Board felt that "salvage" meant to use the scrap tire for purposes other than disposal and that no conflict existed.

ORDINANCE NO. 11 - Scrap Tire Processing Center Franchise

- A. Carl Miller
Miller Sanitary Service

Testimony attached. Mr. Miller questioned the franchise fees and prices that the processing center will be charging. His concern was what he would be allowed to charge his customers to offset the processing center's fee. He also felt that the existing franchise should determine who will be allowed to pick up tires in the individual franchise areas.

Mr. Kemper reviewed the existing system at the time that the program was initiated and the conflict between the county franchises and MSD. He stated that collection franchises were outside of the MSD authority and that the MSD could only attempt to set up a system that would complement both areas of interest. He further stated that MSD was not in a position to control fees at the collection end of the system and this will be left up to industry to determine. The Board asked that Mr. Miller submit his information justifying the feeling that the fees are too high in writing for the Board's consideration.

B. Woody Froom
Woody Froom Company

Testimony attached. Mr. Froom was questioning the charge to the individual processing center and administrative fees for MSD. Mr. Kemper stated that without the regulations imposed by MSD, the individual processors would not have to purchase the tire grinding machine; and that MSD was filling an environmental need in the area. He also stated that MSD needs revenue to maintain the program.

Mr. Froom was also questioning the administrative costs differences for passenger and truck tires. He felt that the truck tire cost was too high.

C. Dick Glanz
Metropolitan Disposal Corporation

Testimony attached. Mr. Glanz will submit a written statement defining the tire size division point.

D. Dan Grimshaw
Grimshaw Tire Company

Statement attached. Mr. Grimshaw will submit a statement in writing.

As there was no further testimony to be received, the public hearing was called to a close. Commissioner Schumacher stated that the second public hearing on Ordinances No. 10 and 11 will be on May 24, 1974.

IV. REVIEW STANDARDS OF SERVICE - TIRE PROGRAM

Mr. Kemper reviewed the Standards of Service developed by staff for administering the MSD Scrap Tire Processing and Disposal Program. The question before the Board is whether the standards should be considered administrative procedures and adopted by resolution or motion or whether they are regulating procedures to be adopted by ordinance.

Mr. Gisvold, MSD Attorney, felt that the standards should be considered regulatory and under provision 198, Oregon Law, should be adopted under public hearing process by ordinance. As the Tire Program is scheduled to begin on July 1, 1974, the Standards of Service will be presented to the Board under an Emergency Ordinance on May 24, 1974.

V. REPORT ON SITE SELECTION FOR TRANSFER/PROCESSING CENTERS

Mr. Kemper stated that the Board was not being asked for a decision on transfer/processing site selection at this meeting. Staff is asking for direction to send the site information to the local jurisdictions for review, and for authorization to allow COR-MET to continue with feasibility studies on the sites.

Mr. Gisvold reviewed the Board's position on processing/transfer site selection as regards the Fasano decision. He stated that the Attorney General's office produced an opinion in April that clearly indicates that judicial and quasijudicial actions by this type of a Board is subject to Fasano. He felt, however, that the discussion before the Board at this time was outside Fasano as there is no decision being called for, because of the nature of the status report, and because there is no staff recommendation other than to send the report to the concerned jurisdictions.

Mr. Mike Kennedy, of COR-MET, addressed the Board and presented the consultant's selections for transfer/processing sites in the three county area: five sites in Washington County; three sites for the North Portland Road station; four sites for the 205-North station; and one site at Rossmans in Clackamas County. Each site was presented in map form with rating sheets attached depicting the advantages and disadvantages of each site.

There was discussion by the Board on the North Portland Road selections in that two of the locations called for filling in an area along Smith Lake. Staff and the consultants will meet with Commissioner Gordon's Planning Department to consider the alternatives.

Mr. Culham reviewed the Technical Advisory Committee's recommendation to authorize COR-MET to proceed with the proposed site feasibility and develop environmental impact statements on the individual site locations.

The Board directed that the alternative site locations be sent to the appropriate jurisdictions and COR-MET will proceed with site feasibility studies.

VI. AUTHORIZATION TO SEEK RIGHT-OF-ENTRY FOR TRANSFER/PROCESSING
SITE SOIL EXPLORATION

Not considered by the Board.

VII. OTHER BUSINESS

Solid Waste Commission Membership

Commissioner Schumacher requested that each Board member review staff's proposed membership list and advise Mr. Kemper of their choices.

There being no further business to come before the Board, the meeting adjourned at 4:25 P.M.