

msd METROPOLITAN SERVICE DISTRICT

NEW ADDRESS: 527 SW Hall, Portland, Oregon 97201 222-3671

MSD BOARD OF DIRECTORS

MINUTES OF JANUARY 24, 1975 MEETING

MEMBERS IN ATTENDANCE

Robert Schumacher, Chairman
Connie McCready
Miller Duris
James Robnett
Mel Gordon

ADVISORS IN ATTENDANCE

Dean Gisvold, Attorney
Mike Kennedy, COR-MET
Ernest Schmidt, DEQ

GUESTS IN ATTENDANCE

List attached.

STAFF IN ATTENDANCE

Charles Kemper
Merle Irvine
Bill Deming
Rena Smith
John Hankee
Jean Woodman

APPROVED METROPOLITAN SERVICE DISTRICT BOARD OF DIRECTORS

ACTION NO. 25-298

DATE 2-14-75

BY Leah Woodman
CLERK OF THE BOARD

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

I. MINUTES

Commissioner McCready moved to approve the minutes of January 10, 1975 as submitted. Mayor Duris seconded the motion. The motion carried unanimously.

II. ACCOUNTS PAYABLE

Mayor Robnett moved to approve the Accounts Payable Voucher Numbers 62 through 70 for the period January 1, to January 17, 1975 in the total amount of \$157.01. Mayor Duris seconded the motion.

Commissioner McCready moved to approve staff's request that \$5,400 and \$2,000 be transferred from Public Information budget item to Technical and Legal Services budget items respectively. Mayor Robnett seconded the motion. The motion carried unanimously.

Ms Smith reviewed the six-month fiscal summary report prepared by staff outlining amounts budgeted and expended under the Processible, Tires, Recycling, and Johnson Creek Programs. No action was required. Mr. Kemper suggested that the Board members retain the reports for further review.

III. PUBLIC COMMUNICATIONS

Mr. Glanz, of Metropolitan Disposal Corporation, addressed the Board requesting that a public hearing be held on Oregon Recycling and Disposal Company's application for a general processing permit prior to issuance of a temporary permit by MSD. Mr. Glanz felt that permitting a third processing station would decrease the number of available tires and making it economically unfeasible to continue MDC's tire processing program.

It was agreed to grant Mr. Glanz a public hearing, and the hearing date was set for February 14, 1975. At that time Mr. Glanz will produce evidence to show cause why Oregon Recycling and Disposal Company should not be granted a general tire processing center permit.

IV. PUBLIC HEARING - ORDINANCE NO. 27

Commissioner Schumacher opened the first public hearing on Ordinance No. 27, establishing a nonprocessable solid waste program; establishing procedures for the issuance of certificates for the operation of waste disposal sites; providing for administration and enforcement; and providing for collection of fees.

Commissioner Schumacher asked if there was anyone in the audience that did not have a copy of the ordinance and several people requested one. Commissioner Schumacher asked again if there was anyone in the audience that did not have a copy of the ordinance and there was no response.

Commissioner Gordon moved to have Ordinance No. 27 read by title only. Commissioner McCready seconded the motion. The motion carried unanimously.

Mr. Kemper read the ordinance by title.

Commissioner Schumacher asked for public testimony and the following people addressed the Board:

1. Nick Brajavich
Local 220

Mr. Brajavich stated that he was not against the user fee at the present rate, however, requested a statement from the Board that the rate will remain the same. He questioned the service to be provided by MSD in return for the user fee and the legality of MSD to impose the user fee.

(Mr. Brajavich's statement is retained on tape.)

Mr. Gisvold stated that his office feels the user fee is legal and will provide MSD with a written opinion to that affect.

2. Henry Reich
Multnomah County Refuse Collection
Local 220

Mr. Reich was concerned with maintaining the present proposed rate of 2% as outlined in the ordinance.

(Mr. Reich's statement is retained on tape.)

3. C. W. Leichner
Attorney
Multnomah County Refuse Assn.

Mr. Leichner was questioning the legality of the District to impose the user fee and felt that the service MSD

proposed was confusing. He also felt that the monies spent by MSD thus far, used only to do studies, resulted in nothing concrete. Mr. Leichner stated that if this was a necessary function, then the public should be advised and the rate passed on. (Testimony on tape).

Commissioner McCready indicated that if the MSD were to guarantee maintaining the present rate, industry should also guarantee a reduction to the public if the program proved less costly to the collector.

4. Drew S. Ryan, Jr.
Washington County Association

Mr. Ryan proposed that MSD implement a one-station pilot program to test the MSD Solid Waste Program rather than build all four stations at this time. He didn't feel that MSD was providing a service and that the monies MSD spent thus far was used only to develop theory. (Testimony retained on tape).

Commissioner Schumacher answered that the State of Oregon has directed the region to stop burying waste in the ground and MSD has provided a viable alternative to that method of disposal. Commissioner McCready stated that the St. Johns Landfill has approximately two more years of life and that it was too late at this point to begin with a pilot program only.

5. Carl Miller
Sanitary Drivers
Local 220

Mr. Miller stated that industry was opposed to Ordinance No. 27 and requested written authority for MSD to impose the charge. He felt that there was no way that industry could absorb the charge and that it would have to be passed on to the public. Mr. Miller did not feel that the Tire Program was being properly administered. He also questioned the service that MSD would provide for the user fee. (Testimony retained on tape.)

6. Henry K. Walker
Refuse Removal, Inc.

Mr. Walker stated that he was against adding the rate as an additional charge and that if the additional money was necessary it should be attached as an increase to the existing gate fee. (Testimony retained on tape).

7. Henry Dunsch
Local 220

Mr. Dunsch stated that he agreed with previous comments.
No further comments.

8. Raymond Weitzel
Garbage Service

Mr. Weitzel stated that he agreed with the previous
testimony and had no further comments.

9. H. R. Barney
Beaverton Sanitary Service

Mr. Barney had no further comments.

10. David Miller
Refuse Collector in Washington and Multnomah County

Mr. Miller stated in answer to the question of whether
the refuse collectors would reduce their rates if appropriate,
that they would and that the Washington County franchise
calls for such a reduction. Mr. Miller proposed the
following amendments to the January 23, 1975 draft rate
ordinance:

- . He questioned the meaning of "sewage sludge" and
"discarded or abandoned vehicles or parts thereof"
in the definition of "Solid Waste".
- . He felt that the first statement under Section 2
Policy, should be stricken.
- . Under Section 8, he felt the words "upon the Board's
order" in the sentence "The applicant may request a
public hearing before the Board..." should be stricken.
- . Under Section 9, he did not feel it was fair for the
Board to interfere with the transfer of an operators
certificate and that the section should be stricken.
- . Under Section 12.b., Mr. Miller questioned the method
to be used on the operators sworn statement.
- . Under Section 12.d., he did not feel the MSD should
be allowed to review the operators books at will.

Mr. Miller stated that he felt the user fee was wrong and questioned the service to be provided by MSD in return for the user fee. (Testimony retained on tape).

Commissioner Gordon stated that MSD is developing a system for disposal of solid waste that industry can utilize at a time when burying wastes in the ground is no longer acceptable, and that the fee would be used to provide this service.

11. Lee Kell
Attorney
Consolidated Waste Services, Inc.

Mr. Kell stated that it should be pointed out as strongly as possible that this fee is not within the authority of MSD and that no service is being rendered. He also stated that attaching the fee to the demolition sites was an afterthought of staff and was imposed only to maintain the present staff. (Testimony retained on tape).

Commissioner Gordon questioned Mr. Kell with regard to Mr. Kell's statement to the Solid Waste Committee on January 6, 1975, in which Mr. Kell stated that industry was 100% against the charge. Mr. Kell answered that CWSI was made up of 90 shareholders. Commissioner Gordon cited Mr. Kell's words "nothing coming out of it for themselves" and industry questioning the service rendered. He stated that the service being rendered was MSD's attempt to develop a system to handle the problem. Commissioner Gordon also stated that he interpreted Mr. Kell's statement that MSD does not have a working relationship with industry as an attempt on Mr. Kell's part to develop an adverse position between the Board and industry.

Commissioner McCready questioned Mr. Kell's statement that "things have been going along fine for years in the solid waste industry and there is no reason to believe it won't continue on that basis", when he is aware of the life expectancy of the landfill and its present situation of being subsidized. Mr. Kell answered that industry would provide for disposal facilities.

12. Ernest Schmidt
Oregon State Department of
Environmental Quality

Mr. Schmidt submitted a written testimony from the State DEQ indicating the DEQ's support of Ordinance No. 27 (letter attached).

13. Ezra Koch
Oregon Sanitary Service Institute
Tri-County Solid Waste Committee

Mr. Koch stated that the regulations outlined in Ordinance No. 27 were already the responsibility of DEQ and this ordinance proposes another level of government for industry to deal with. He also stated that industry is in favor of a more sophisticated method of waste disposal, however, this method should be kept as close to the people as possible, and MSD should limit itself to coordination. He felt that no matter how small the charge may be initially, it would follow the process and increase in the future. (Testimony retained on tape).

14. John Trout
Sanitary Drivers
Local 220

Mr. Trout felt that MSD should approach the people for a tax base rather than using a user fee system as outlined in Ordinance No. 27. He suggested that MSD review the operation of the St. John Landfill to determine why it is losing money. (Testimony retained on tape).

15. Fred Kahut
Canby Disposal Company
Portland Association of Sanitary Service Operators

Mr. Kahut felt that the past performance by the MSD staff has been a waste of money and that the program was moving along too rapidly. He was against the user fee and felt that grinding wastes would only cost more money. (Testimony retained on tape).

16. Dale Harlan
Clackamas County Refuse Disposal Assn.
Oregon Drop Box Assn.
Numerous private haulers

Mr. Harlan had several suggested amendments and felt he would probably have more to offer when he has had an opportunity to study the ordinance. He stated that it would be beneficial if staff could mail ordinances out to interested persons prior to hearing dates to give them adequate review time. Mr. Harlan's suggested amendments are as follows:

- . The first sentence under Section 2 should be stricken.
- . Section 7.A.3 should be removed.
- . Section 7.A.4, the insurance coverage was not adequate.
- . Section 8.E, questioned prosecuting cases from different counties in one designated county.
- . The first sentence under Section 15 was vague.

Mr. Harlan will submit a written request for amendments. He indicated a desire to work with MSD and maintain the present cooperation with MSD. (Statement retained on tape).

17. Nancy Hoover

Mrs. Hoover was questioning who would be responsible for the disposal of solid waste when the St. Johns Landfill closed in two years, and Mr. Gisvold answered that the MSD would be the responsible agency.

Commissioner Schumacher asked if there was further testimony and there was no response. The first public hearing on Ordinance No. 27 was closed. The second public hearing will be held on February 14, 1975.

V. MSD/LOCAL JURISDICTIONS JOINT SOLID WASTE RESOLUTIONS

Staff was requesting authorization to distribute the joint resolutions to the appropriate local jurisdictions. The resolutions outline the relationship and responsibilities between MSD and the local jurisdictions in the area of solid waste.

There was a consensus to authorize staff to distribute the resolutions to Multnomah, Clackamas, and Washington Counties and the City of Portland for review.

VI. JOHNSON CREEK PHASE I PROGRAM REPORT

Commissioner Schumacher stated that Clackamas County had approved the funds requested for their portion of the Johnson Creek Phase I monies.

Martha Boettcher addressed the Board for clarification of Clackamas County's intent to supply their portion of the funds, and to speak on the need of the people in Clackamas County.

Mr. Bell addressed the Board in concurrence with Mrs. Boettcher's statements.

Commissioner Schumacher directed staff to continue with Phase I.

VII. OTHER BUSINESS

Mr. Kemper stated that staff had received a notice that the Oregon House Local Government Committee was holding a public hearing to receive testimony on a possible merger between MSD and TRI-MET, and requested the Board's direction by way of response. The Board was in agreement that as MSD had not been requested by the Chairman of that committee to prepare a statement, it might be inappropriate at this time to do so.

There being no further business to come before the Board, the meeting adjourned at 4:50 P.M.