

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

MSD BOARD OF DIRECTORS

MINUTES OF FEBRUARY 14, 1975 MEETING

BOARD MEMBERS IN ATTENDANCE

Miller Duris, Vice Chairman
Burton Wilson
James Robnett
Mel Gordon
Charles Becker
Connie McCready

APPROVED METROPOLITAN
SERVICE DISTRICT
BOARD OF DIRECTORS

ADVISORS IN ATTENDANCE

Dean Gisvold, Attorney
Bob Brown, DEQ

ACTION NO. 75-310

DATE 2-28-75

BY Jean Woodman
CLERK OF THE BOARD

GUESTS IN ATTENDANCE

List Attached

STAFF IN ATTENDANCE

Charles C. Kemper
Merle Irvine
Bill Deming
Jean Woodman

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

I. MINUTES

Commissioner Gordon moved to approve the minutes of January 24, 1975 and January 31, 1975 as submitted. Councilman Becker seconded the motion. The motion carried unanimously.

II. ACCOUNTS PAYABLE

Mayor Robnett moved to approve the Accounts Payable Voucher Numbers 71 through 81 in the total amount of \$1,753.95; and to approve the transfer of \$1,250 from Materials and Services to the Johnson Creek Phase I Personal Services budget. Commissioner Gordon seconded the motion. The motion carried unanimously.

III. PUBLIC COMMUNICATION

Mayor Duris asked if there was anyone in the audience that wished to address the Board on items not listed on the agenda, and there was no response.

IV. PUBLIC HEARING - OREGON RECYCLING AND DISPOSAL SCRAP TIRE PROCESSING CENTER

Mr. Irvine reviewed the past history and previous action taken on Oregon Recycling and Disposal's application for a General Scrap Tire Processing Center permit. The O R & D application, if approved, would bring the number of general processing centers in the area to three, all of which would be on temporary permits. Mr. Irvine stated that the temporary permits were being used as a means to obtain data information for determining the number of centers to be allowed. Metropolitan Disposal Corporation, who holds one of the temporary permits, requested the public hearing on grounds that another permitted center would place an economic burden on the already permitted Metropolitan Disposal Corporation. Staff and the Solid Waste Committee recommendation was to grant O R & D a temporary permit for the following reasons:

1. O R & D has a machine capable of processing scrap tires to meet MSD requirements.
2. O R & D was processing scrap tires prior to August 1, 1974.
3. MDC and RRB were granted Scrap Tire Processing permits on a temporary basis until MSD has determined whether or not to limit processing centers.
4. O R & D should be allowed to continue their business on the same basis as MDC and RRB.

It was also staff's recommendation to instruct the Solid Waste Committee to recommend the disposition of the temporary general scrap tire processing center permits.

Mayor Duris requested testimony in favor of issuing the O R & D permit and the following testimony was received:

1. Larry Burrright, Sr.
Oregon Recycling and Disposal

Mr. Burrright addressed the Board outlining the equipment purchased by O R & D for use in processing scrap tires and the approximate number of tires processed by O R & D. He stated that O R & D accounted for 1/3 of the tires in the area and that when the scrap tires were properly channelled for disposal, there would be enough for four or five centers. He also stated that the salvage portion of O R & D's operation provided 30% of the tires for retreading. Mr. Burrright requested that the permit be granted. (Testimony retained on tape).

2. Dan Grimshaw
Grimshaw Tires

Mr. Grimshaw was in favor of issuing the permit, as he felt that limiting the processing centers to two would be restrictive on the retread market. He stated that the market in retreadable tires was down 20% due to the number of tires being processed and not entering the salvage stream. (Testimony retained on tape).

Mayor Duris asked if there was further testimony to be received in favor of the application and there was no response. Mayor Duris then asked for testimony against issuing the permit, and the following testimony was received:

1. Richard Glanz
Metropolitan Disposal Corporation

Mr. Glanz stated that carriers bringing scrap tires to MDC for disposal had specified that they wished them processed to avoid their reentering the scrap tire stream.

Mr. Glanz gave a history of the price changes since 1972 due to competition with Mickey's Landfill, and the investment that MDC has in developing and maintaining their equipment. He stated that the number of tires available for processing did not meet the COR-MET anticipated figures and that if three centers are operating their would not be enough tires coming into MDC for processing to maintain an economic operation. (Testimony on tape).

2. Richard Kuhnau
Metropolitan Disposal Corporation

Mr. Kuhnau stated that if MDC did not receive more tires they would be out of business and that issuing a permit to O R & D would create a shortage of tires at the center. He also stated that the passenger tires were being processed elsewhere and MDC was receiving all of the truck tires. (Testimony on tape).

3. Jeff Farger
Metropolitan Disposal Corporation

Mr. Farger stated that as an employee of MDC working on the tire hawg, he came into contact with problems such as bribing by tire carriers and unattended dumping by tire carriers. He also stated that four people have been laid off because the rate of tires has dropped. (Testimony on tape).

Mayor Duris asked if there was further testimony to be received and Mr. John Knapp of Resource Recovery Byproducts addressed the Board as a neutral party. He was questioning the stockpiling of tires by O R & D at the McAdam location stating that a time limit should be placed in the ordinance to prohibit this type of storage.

In discussion, the Board questioned when they would be provided numbers of tires in the area and their destination and data indicating the economic feasibility of three processing centers. Mr. Irvine indicated that a Solid Waste Sub-committee was reviewing the advantages and disadvantages and that a recommendation would be considered by the Solid Waste Committee at their next meeting. He stated that the reason for the temporary permits was to collect information and data needed to make the determination on the number of processing centers to be allowed in the area. He explained that RRB's and MDC's temporary permits will be extended if O R & D is permitted, to expire at the same time.

Carl Miller addressed the Board stating that at one time there was some feeling that only one station would be allowed until it became evident that a second station was required. He felt that the more stations that were operating the less tires would go to each of them.

Commissioner McCready felt that the permit should be granted to O R & D stressing that staff develop proper controls over the operations so that MSD would be in a position to revoke permits and penalize abuses. She felt that any violations should be remembered and considered at the time of the final decision on the temporary permits.

Commissioner McCready moved to approve Oregon Recycling and Disposal's temporary permit as a general scrap tire processing center and instruct the Solid Waste Committee to return to the Board at the earliest possible date with a recommendation regarding the disposition of the temporary general scrap tire processing center permits. Councilman Becker seconded the motion. The motion carried unanimously.

V. SECOND PUBLIC HEARING - ORDINANCE NO. 27

Ordinance No. 27 is an ordinance establishing a nonprocessable solid waste program; establishing procedure for the issuance of certificates for the operation of waste disposal sites; providing for administration and enforcement; providing for collection of fees.

Mr. Gisvold addressed the Board with the recommendation to set the second public hearing aside to give the industry attorneys an opportunity to review his Legal Opinion covering the validity of Ordinance No. 27 and MSD's authority to impose the user fee. The Board was in agreement with Mr. Gisvold's recommendation and the second public hearing was set aside until the February 28, 1975 meeting. It was also agreed to accept testimony at this time on possible amendments to the ordinance.

1. DeMar Batchelor, Attorney
Washington County Refuse Collectors Association

Mr. Batchelor addressed the Board with written amendments to Ordinance No. 27 affecting Sections 1, 2 and 12. (The proposed amendments are attached). Mr. Batchelor proposed adding a sub-section under Section 12 that would delay payment of user fee by the collectors until a rate increase in their counties is approved.

The amendments will be reviewed by the Solid Waste Committee with recommendations to the Board. Commissioner Gordon agreed that the rate increase should not be born by the collector and should be passed on to the original disposer. Commissioner McCready, however, felt that any profit realized on the program should also be passed on to the original disposer.

2. C. W. Leichner, Attorney
Multnomah Refuse Association

Mr. Leichner proposed several written amendments to the ordinance and these amendments are attached.

3. Dale Harlan
Clackamas County Refuse Disposal Association
Oregon Drop Box Association

Mr. Harlan also submitted written amendments to the Board (amendments attached) for incorporation into the ordinance.

Commissioner Gordon moved to set action on Ordinance No. 27 over to the next meeting. Commissioner Wilson seconded the motion. The motion carried unanimously.

The second formal public hearing on Ordinance No. 27 will be held on February 28, 1975.

VI. MSD SOLID WASTE SYSTEM BID PROPOSAL SUMMARY

The Board reviewed the bid abstract received from bidders in response to the MSD Solid Waste Program Request for Proposals. No action was required.

VII. JOHNSON CREEK DRAINAGE MANAGEMENT - PHASE I

A. MSD/CRAG Staff Contract Engineering Services

Mayor Robnett moved to approve Item A contract employing the services of John Hankee from the CRAG staff until June 30, 1975. Councilman Becker seconded the motion. The motion carried unanimously.

(Commissioner Gordon and Commissioner McCreedy were not present during the Johnson Creek agenda items).

B. MSD/Designers, Inc., Contract - Audio Visual Services

Councilman Becker moved to approve Item B contract for services to develop an informational slide presentation on the Johnson Creek Program. Mayor Robnett seconded the motion. The motion carried unanimously.

C. MSD/Yaden Assoc., Contract - Public Information Survey and Analysis

The Yaden Assoc. contract would provide for a public survey questionnaire and workshop format, however, the negotiations have not been finalized at this time. There was a consensus to set action on the contract aside until more definite information is available.

D. Drainage Management Committee Approval

The Board reviewed the proposed committee members representing Clackamas County, Multnomah County, City of Gresham, City of Milwaukie, and City of Portland, and two citizen representatives.

Commissioner Burton moved to approve the Johnson Creek Drainage Committee members as outlined in the staff report. Mayor Robnett seconded the motion. The motion carried unanimously.

Margaret Rogers, City of Gresham, addressed the Board stating that she was against the implementation of the Johnson Creek Program and that many reports have already been done on the creek with no results.

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Martha Boetcher addressed the Board in favor of the citizen workshops to inform the public and determine what population would be interested in implementing the program.

There being no further business to come before the Board, the meeting adjourned at 5:00 P.M.