



MSD BOARD OF DIRECTORS

MINUTES OF JANUARY 23, 1976 MEETING

MEMBERS IN ATTENDANCE

Ray Miller, Chairman
Charles Becker
Robert Schumacher
James Robnett
Connie McCready

ADVISORS IN ATTENDANCE

Dean Gisvold, Attorney
Bob Brown, DEQ
Warren Iliff, Portland Zoo

GUESTS IN ATTENDANCE

List attached.

STAFF IN ATTENDANCE

Charles Kemper
Cordell Ketterling
Merle Irvine
John Hankee
Jean Woodman

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

76-460 MINUTES

Councilman Becker moved to approve the minutes of January 9, 1976, as written. Commissioner Schumacher seconded the motion. The motion carried unanimously.

76-461 PUBLIC COMMUNICATIONS

Commissioner Miller asked if there was anyone in the audience that wished to address the Board on matters not listed on the meeting agenda. There was no response.

76-462 ACCOUNTS PAYABLE

Commissioner Schumacher moved to approve the Accounts Payable listing, Vouchers No. 327 through 343 in the total amount of \$13,214.32. Commissioner McCready seconded the motion. The motion carried unanimously.

76-463 JOHNSON CREEK PROGRAM STATUS REPORT

Mr. Hankee reviewed the Johnson Creek Program Public Hearings scheduled for January, stating that two hearings, one in Milwaukie and one in Portland, have been held and a third will be held in Gresham on January 28, 1976. Transcripts of the hearings will be available to the Board, along with the objective observations from the Hearings Officer, W. L. Myllennebeck, in report form, at the February 13, 1976, Board meeting. In discussion, Mr. Hankee outlined the Johnson Creek Program to include setting up a drainage organization within the MSD area to provide a foundation to deal with the flooding problems. The first three years of the program will seek and evaluate alternatives to the Corps of Engineers proposal for concrete rip rap, an annual maintenance along the creek, and land easements to insure maintenance and later to insure open space requirements. A grant from the state is being considered to get the project started with eventual funding provided by a utility fee charged to residents in the basin. In discussion of the Corps of Engineers plan, Mr. Hankee stated that staff did not have alternatives to compare the Corps plan to, however, staff was also not prepared to designate the Corps plan as the best solution. He also stated that the housekeeping involved in the three year MSD Program would not be a waste, as this would be also necessary if MSD were to implement the Corps plan.

76-464 ORDINANCE NO. 34 - SECOND PUBLIC HEARING

An ordinance modifying the MSD code, amending tire salvage center regulations, amending the MSD administrative fee, and providing for a processing center performance bond.

Commissioner Miller opened the public hearing to give second reading to MSD Ordinance No. 34. Comm

Commissioner Miller asked if there was anyone in the audience that wished a copy of the ordinance and did not have one. There was no response.

Commissioner McCready moved to read Ordinance No. 34 by title only. Councilman Becker seconded the motion. The motion carried unanimously by roll call vote.

Mr. Hankee read the ordinance title.

Mr. Hankee reviewed Ordinance No. 34 which remains unamended from the first reading before the Board on January 9, 1976. The ordinance provides for salvage centers to be separate from processing centers but imposes the same operating requirements on each except that salvage centers must salvage all tires whereas processing centers have the option to salvage or landfill depending on the availability of markets. The Solid Waste Advisory Committee further considered the ordinance on January 19, 1976, and reaffirmed their feeling that the ordinance should be adopted as written. One amendment proposed by the Committee on January 5, 1976, to add the words "up to" 3¢ for the MSD administrative fee, is still to be incorporated.

Mr. Hankee discussed an amendment proposed by one of the salvage center applicants to require that salvage centers be open to the public only as their need for tires demands, however, to also require that the salvage centers accept a percentage of truck tires during the times they are open to the public. This amendment is before the Board under Section 20.10.650 and 20.10.660 of the MSD Code and is supported by staff. Mr. Hankee pointed out, however, that these amendments have not been reviewed by the Solid Waste Committee. Under the proposed amendment, Section 20.10.660 should also include the words, "Tire salvage centers must salvage all tires accepted." Staff was requesting that the Board make a determination of the following three alternatives:

- 1) To adopt Ordinance No. 34 as written requiring salvage centers to be regulated the same as processing centers accepting all tires;
- 2) To require that the salvage centers get their tires from the processing centers; or
- 3) To allow salvage centers to be open to the public as their need predicts and requiring them to accept a percentage of the truck tires.

There were no comments by the Board.

Commissioner Miller requested comments from the public and the following testimony was received:

1. Roger Bunge
Thermetrikal

Mr. Bunge stated that he was in favor of the ordinance with amendments.

2. Dick Glanz
Metropolitan Disposal Company

Mr. Glanz stated that he had just received the proposed amendment and requested delay on adopting the ordinance to give him time to evaluate the amendment.

3. Gary McMurry
TIREGON, Inc.

Mr. McMurry addressed the Board discussing the salvage center application that TIREGON was attempting to obtain from MSD. He felt the Board should consider that a salvage operation was a different concept from a processing operation with TIREGON utilizing their finished product as a source of raw rubber supply. Mr. McMurry stated that TIREGON's patented machine had been developed for processing of passenger tires, however, as things have developed they are presently working on a machine to process truck tires. TIREGON is expending large capital costs on the two machines and did not feel they could risk the possibility of the processing centers rejecting their requests for needed tires. Mr. McMurry stated that TIREGON is in receipt of three letters of intent from purchasers of their chips and TIREGON would be required to commit themselves to the purchasers needs. Mr. McMurry also stated that due to the limited 2,000 figure for stock-piling, they would request Board approval of the amendment allowing them to be open to the public as their need demanded. Mr. McMurry had no problem with the sentence added to 20.10.660, "Tire salvage centers must salvage all tires accepted."

4. Jerry Powell
Solid Waste Committee

Mr. Powell felt that the Solid Waste Committee was being put in a difficult position in that they were receiving conflicting testimony in committee meeting and Board meeting testimony. He stated that the committee had urged staff to bring any amendments to Ordinance No. 34 back to the committee for consideration and if the committee were to have proper input in the Solid Waste Program this should be done.

5. Larry Burright, Jr.
Oregon Recycling and Disposal

Mr. Burright proposed increasing the tire carrier's bond from \$1,000 to \$10,000, and the processing center bonds to \$20,000. He felt that carriers often hauled and stockpiled tires worth more than the required \$1,000 bond.

Mr. Irvine answered that the tires Mr. Burright was referring to existed prior to implementation of the Scrap Tire Program and have since been taken care of. He felt that increasing the bonding requirements for the carriers would place a possible unnecessary hardship on them. The Solid Waste Committee considered a number of figures for bonding of the processing and salvage centers and decided on a \$10,000 figure which staff agreed with.

6. Mr. Hanke submitted a letter received from TIREGON dated January 20, 1976, for inclusion into the record (letter attached).

7. Roger Bunge
Thermotrikal

In light of the testimony received, Mr. Bunge asked for clarification of points that might cause the Board to delay action on Ordinance No. 34, which would, therefore, delay action on his salvage center application.

Commissioner McCready stated that delay might result from the Solid Waste Committee's lack of input to the amendment and to testimony requesting time for review of the amendment. Commissioner Schumacher felt that a delay in action was not necessary, however, staff should be directed not to bypass the Solid Waste Committee again on action before the Board.

Mr. Hankee stated that staff's position on Thermetrikal's application would be to deny it regardless of what action the Board took on Ordinance No. 34. He indicated that up to this point all applicants had been able to demonstrate salvage of tires, however, Thermetrikal could not. He also indicated staff's understanding that Mr. Bunge would not want to invest large sums of money for equipment if he would not receive a permit, however, staff did require assurance that the tires would indeed be salvaged and by what method. Mr. Gisvold stated that approval of Ordinance No. 34 was not an assurance that salvage center applications would be granted, but that it would assure Thermetrikal that if his equipment was installed and proof provided to staff that the tires would be salvaged, that their permit would then be granted.

Commissioner Miller asked if there was further testimony, and when there was no response, closed the public hearing for consideration of Ordinance No. 34.

Commissioner Miller stated that he felt the Ordinance should be adopted by the Board at this time, and assured the Solid Waste Committee that they would not be bypassed again.

Mayor Robnett moved to adopt Ordinance No. 34 with amendments provided under separate cover affecting Sections XV and XVI, including the sentence under Section XVI as follows: "Tire salvage centers must salvage all tires accepted"; and the inclusion under Section VII of the words "up to" after the word "of" and before "3 cents". Commissioner Schumacher seconded the motion. The motion carried unanimously by roll call vote.

76-465 SALVAGE CENTER PERMITS

Mr. Hankee stated that staff recommended negotiating with TIREGON for approval of their salvage center application, and that there were some problems connected with the application which staff felt could be worked out. Staff recommendation on Thermetrikal was to deny the application pending assurance on the method of salvage and disposal of the salvaged product.

Mr. Gisvold stated that the MSD Manager had the authority to approve applications without bringing the applications before the Board.

Councilman Becker moved to direct staff to negotiate the approvals of TIREGON, Inc. and Thermetrikal tire salvage center applications. Mayor Robnett seconded the motion. The motion carried unanimously by roll call vote.

76-466 MSD GRANT/LOAN APPLICATION

Mr. Ketterling presented the Board with summary publications of the MSD Solid Waste Program Grant/loan Application intended to be submitted to the State Emergency Board in February 1976, for receipt of State Pollution Control Bond funding. The full application is being printed and will be before the Board on January 29, 1976, for approval. Board Meeting

76-467 ZOO PROGRAM ELECTION STATUS REPORT

Mr. Warren Iliff, Director of the Portland Zoo, addressed the Board introducing Mr. Peterson, President of the Zoological Society and Mr. Wilson, their Administrative Business Manager. Mr. Iliff presented the Board with a formula outline used by the Zoo staff to develop a two million dollar election request figure. Commissioner McCready felt the dollar amount to be requested should be considered carefully and increased if necessary to completely fund the needed improvements and operation of the Zoo. She did not feel the dollar amount of the levy was as important as whether the levy passed or failed. Mr. Iliff felt the formula used would allow the Zoo to progress and two million dollars was a responsible figure. Mr. Iliff will provide the Board with a complete line-item budget to substantiate the two million dollar figure.

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The Board discussed the administrative structure that would be developed with a successful election in May, and it was the Board's feeling that they would prefer dealing with the Zoological Society as an advisory group with an administrative officer to coordinate the programs. Mr. Iliff was proposing a quasi-governmental body to oversee management of the Zoo to be composed of representatives of the jurisdictions and members of the Zoological Society. There was some indication from the Board that tighter control by the Board itself would be preferable to committee control. Commissioner Miller, Mayor Duris and representatives from the Zoo will meet during the next week to discuss Zoo management.

There being no further business to come before the Board, the meeting adjourned at 3:50 P.M. Tapes of all testimony are on file at the MSD Office.