

MSD METROPOLITAN SERVICE DISTRICT

1220 S.W. MORRISON, ROOM 300, PORTLAND, OREGON 97205

(503) 222-3671

MSD BOARD OF DIRECTORS

MINUTES OF JANUARY 28, 1977 MEETING

BOARD MEMBERS IN ATTENDANCE

Connie McCready, Vice Chairman
Lyle Salquist
Sidney Bartels
James Robnett

BOARD MEMBERS NOT IN ATTENDANCE

Ray Miller, Chairman
Robert Schumacher
Mel Gordon

ADVISORS IN ATTENDANCE

Dean Gisvold, Attorney
Bob Brown, DEQ

GUESTS IN ATTENDANCE

List attached

STAFF IN ATTENDANCE

Charles Kemper
Cordel Ketterling
Merle Irvine
Claudia Rhoten
Warren Iliff
Jean Woodman

METROPOLITAN SERVICE DISTRICT
BOARD AGENDA

NO. 77-741 DATE 2-11-77

	YES	NO	ABST.
BARTELS	/		
GORDON			
MCCREADY			
ROBNETT			
SALQUIST	/		
SCHUMACHER	/		
MILLER, CHAIRMAN	/		

Jean Woodman
Clerk of the Board

The clerk called the roll and there being a quorum present, the Board considered the agenda items of business. Commissioner McCready conducted the Board meeting, amending the agenda to consider item 77-735, contested case hearing on Gene's Scrap Tire Permit revocation, as the last item of business.

77-732 MINUTES

Councilman Bartels moved to approve the minutes of the January 14, 1977, regular meeting and January 21, 1977, special meeting, as submitted. Mayor Robnett seconded the motion. The motion carried unanimously by roll call vote.

77-733 PUBLIC COMMUNICATIONS

Commissioner McCready 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.

77-734 CASH DISBURSEMENTS

Mayor Robnett moved to approve payment of Checks No. 2430 through 2518 in the total amount of \$62,257.60. Councilman Bartels seconded the motion. The motion carried unanimously by roll call vote.

77-735 PUBLIC HEARING - GENE'S SCRAP TIRE PERMIT REVOCATION

(This agenda item was considered out of order and at the end of the meeting agenda.)

Councilman Sidney Bartels served as Presiding Officer during the contested case hearing to give Board consideration in the matter of revoking the scrap tire carrier permit of Gene's Scrap Tire. Mr. Dean Gisvold appeared as legal counsel for the Metropolitan Service District. Ms. Claudia Rhoten, of the MSD staff, and Mr. Dave Phillips, representing Clackamas County, appeared and gave testimony for the revocation of Gene's Scrap Tire carrier permit. Mr. Gene Jensen, of Gene's Scrap Tire, appeared without legal counsel, was given a review of his rights, and did not testify, understanding that he had the right of appeal. The following evidence was admitted:

- P-1 "Gene Jensen's Scrap Tire and Salvage Center Recap"
- P-2 Consent Judgment and Decree - Metropolitan Service District vs Gene G. Jensen, dba Marv's Tire Shop
- P-3 Letter sent to Mr. Gene Jensen from the Metropolitan Service District dated November 18, 1976

At the conclusion of the hearing the Board took the following action:

77-735.A: Mayor Robnett moved for finding that Gene's Scrap Tire has willfully violated the provisions of his scrap tire carrier permit. Commissioner McCready seconded the motion. The motion carried unanimously by roll call vote.

77-735.B: Commissioner McCready moved to revoke the tire carrier permit for Gene's Scrap Tire, and instruct legal counsel to prepare a final order accompanied by findings of fact and conclusions of law. Mayor Robnett seconded the motion. The motion carried unanimously by roll call vote.

All testimony received is retained on tape in the MSD files. Admitted evidence is attached.

77-736 NON-PROCESSIBLE PROGRAM REPORT

Mr. Ketterling presented the proposed MSD Non-Processible Program Report and amendments, and reviewed testimony received at the January 14, 1977, Board meeting. The Non-Processible Report was before the Board for action.

The MSD Solid Waste Committee recommendation was for adoption of the report with listed amendments.

Commissioner McCready requested further public input and Mr. Ronald Watson, representing Land Reclamation, approached the Board. Mr. Watson questioned staff procedure in requesting comments to the program, and listed inconsistencies between the Non-Processible Report and a report written by staff in 1975, but not adopted by the Board. Mr. Ketterling responded to Mr. Watson's comments stating that: 1) Notices were sent out to interested parties and all landfill operators indicating that testimony would be received at the Solid Waste Committee meetings and at the Board meetings for possible incorporation into the report; and that Grabhorn was the only operator who responded; and 2) The report cited by Mr. Watson was presented to the Board in 1975 and received staff direction for additional work on quantities which the staff has not completed. Mr. Ketterling also stated that Land Reclamation's Grand Avenue site would probably be affected to a greater degree than other demolition sites as they received more paper wastes.

Mr. Watson stated that his client was not against the overall program; however, recent modifications to their DEQ permit had created an economic impact on the landfill and they were requesting a variance in Phase I of the program to allow this site to receive paper wastes. Mr. Watson felt that it was difficult for the operators to enforce elimination of paper and that MSD's program and DEQ's permit modifications were harassment of Land Reclamation's operation. He requested, "That the Board go on record modifying the MSD Non-Processible Program to state that existing solid waste disposal landfills be allowed to continue taking paper products so that they may be filled as soon as possible in compliance with MSD's overall program; and also, advise staff members and DEQ so that all permits and regulations will be uniform."

The Board and staff discussed the purpose of the Non-Processible Report to articulate MSD's strategy and philosophy with regards to disposal of non-processible wastes versus acceptance of putrescibles at demolition disposal sites, and the effect such acceptance would have on waste flow for the total solid waste management program. Mr. Ketterling stated that the Solid Waste Committee had discussed the rate of fill at length and the ramifications of an enforcement of DEQ's permit modifications. Mr. Dave Phillips was present representing the Solid Waste Committee and the committee's recommendation to adopt the program. Mr. Gene Plew addressed the Board speaking on behalf of Land Reclamation's request for a variance of their DEQ permit and citing the difficulties of diverting small quantities of paper received in large loads. Mr. Perkins, City of Portland, stated that paper was not identified in the definition of "demolition wastes", and that paper was putrescible. He also stated that most of the waste going into the Union Avenue site was paper; and that one purpose of the program was to measure the wastes to be available for the resource recovery system and in order to do this properly, acceptance of wastes would have to be controlled. Mr. Brown, of DEQ, stated that the Union Avenue site's operation was permitted by DEQ with the same standards as other demolition fills when it originally went into operation; however, during the crises at the St. John's Landfill, the Union Avenue site began accepting commercial wastes which contained putrescibles. In April of 1976 the DEQ amended the sites permit to eliminate acceptance of commercial wastes with the assumption that this would also eliminate putrescibles. He also stated that DEQ has the right to amend or cancel an operator's permit, and that the operator has recourse to go before the Environmental Quality Commission. Mr. Gisvold felt that the proper vehicle for solution to Land Reclamation's problem was the DEQ and not the overall MSD Non-Processible Program Report.

Mayor Robnett moved to adopt the MSD Non-Processible Program Report with amendments recognizing that circumstances may exist requiring variances. Councilman Bartels seconded the motion. The motion carried unanimously by roll call vote.

77-737 CONTRACT 77-041 - THE FILM LOFT

The Film Loft contract was not available and will appear on the February 11, 1977, Board agenda.

77-738 CONTRACT 77-042 - UNIVERSITY OF OREGON

The University of Oregon contract was not available and will appear on the February 11, 1977, Board agenda.

77-739 CHIMPANZEE/ORANGUTAN EXHIBIT PRESENTATION

Mr. Iliff was not prepared to give his anticipated report on cost for the chimpanzee/orangutan exhibit which were being developed by Martin/Soderstrom/Matteson, Architects. He stated that he had extended the time deadline for the cost report another week and would have a report for the Board at the February 11th Board meeting.

OTHER BUSINESS

Mayor Robnett moved to give consideration to a C.E.T.A. II contract with the City of Portland under other business. Councilman Bartels seconded the motion. The motion carried unanimously by roll call vote.

77-740 C.E.T.A. II Contract

Mr. Iliff reviewed his staff's attempts and success in requesting two C.E.T.A. II positions for the Zoo Division. He also reviewed the fiscal impacts for 76-77 and 77-78, stating that he had intended to fill these positions in July and the C.E.T.A. II program allowed him to begin earlier. Mr. Kemper stated that the contract requires that MSD develop an Affirmative Action Plan and contained other ramifications that legal counsel would have to consider. Commissioner McCreedy felt that staff time and paper work on C.E.T.A. II programs could become expensive and also cautioned staff on possible employee problems in hiring C.E.T.A. people at higher rates than existing employees.

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Councilman Salquist moved to approve a contract with C.E.T.A. II for employment of one laborer and one gardener and authorize the Chairman to sign the contract. Councilman Bartels seconded the motion. The motion carried unanimously by roll call vote.

The Board, having completed the meeting agenda, adjourned at 5:00 P.M.