



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

METROPOLITAN SERVICE DISTRICT

BOARD OF DIRECTORS

PORTLAND WATER BUREAU  
1800 SW 6TH  
AUDITORIUM

JANUARY 24, 1975  
2:00 P.M.

A G E N D A

- I. MINUTES
- II. ACCOUNTS PAYABLE
- III. PUBLIC COMMUNICATION
- IV. PUBLIC HEARING - ORDINANCE NO. 27  
. MSD SOLID WASTE USER CHARGE
- V. MSD/LOCAL JURISDICTIONS JOINT SOLID WASTE RESOLUTIONS
- VI. JOHNSON CREEK - PHASE I PROGRESS REPORT
- VII. OTHER BUSINESS

JANUARY 17, 1975

TO: MSD BOARD OF DIRECTORS  
FROM: MSD STAFF  
SUBJECT: STAFF REPORT FOR JANUARY 24, 1975

PRESENTED TO THE BOARD FOR TRANSMITTAL AND RECOMMENDED ACTION  
ARE THE FOLLOWING ITEMS:

PAGE

- 1 I. MINUTES  
Action - Approve the minutes of January 10,  
1975.
- 5 II. ACCOUNTS PAYABLE  
Action - Approve the Accounts Payable for  
the first half of January 1975 in  
the total amount of \$157.01.
- 7 III. PUBLIC COMMUNICATION  
Action - Receive comments from the public  
on items not specified on the  
agenda.

PAGE

- 8 IV. PUBLIC HEARING - ORDINANCE NO. 27  
MSD SOLID WASTE USER CHARGE  
Action - Hold first public hearing and  
receive testimony.
- 9 V. MSD/LOCAL JURISDICTIONS JOINT SOLID WASTE  
RESOLUTIONS  
Action - If appropriate approve resolutions  
and authorize distribution to the  
local jurisdictions.
- 10 VI. JOHNSON CREEK - PHASE I PROGRESS REPORT  
Action - Discussion.
- 11 VII. OTHER BUSINESS

# MSD Board

## COMMITTEE

DATE 1-24-75

NAME	AFFILIATION
Jack Beggitt	Sanitary Service Local 220
Jack Schwab	C.C.R.D.A.
Dale Harlan	Anonymous + Omnibus
Lee Kell	Consolidated Waste
Cliff Carlson	Cont. Can
David Wilson	Continental Can
Eva Koch	O.S.S.T & TRI COUNTY COUNCIL
KAREN KAHN	Blackamas County S.W. Committee
H.R. Bairney	Washington County Collectors
John Komuro	" "
Sam Mills	" "
Carl R. Miller	Local 220 Sanitary Service
J. L. Jones	J. L. Jones Inc.
John B. Felt	Fibre Resources Inc.
C. R. Mohr	MSD Solid Waste Committee
Mike Kennedy	COR-MET
Cliff Shirley	The Seagraves Co.
C.W. Lechner	Atty. Mult. County Refuse
Henry Koch	Mult. County Refuse Association
Trout	Local 220 Sanitary Drivers
Dick Weitzel	" "
Hot Paul	" "
Ambrose Calcagno	Rossman's Landfill
Edith W. Spady	<del>target</del> Oak Grove Disposal - Oak Grove Disposal



# COMMITTEE

DATE

1-24-75

NAME

AFFILIATION

~~David H Miller~~

ROGER EMMONS

Irving Waldale

Herb Brand

Henry Dunsch

Raymond Witzel

Henry K. Walker

Fred A. Kahut

Jan Lucas

Bob Strubel

Richard Crespin

James Brant

DeMar & Batchelor

George Zarotelli

William R. Brue

Dave Phillips

~~Thomas Boone~~

Thomas Boone

Martha Bootcher

Washington County <sup>Collector</sup> ~~Engineer~~

ORE. SAN. SERVICE INST.

CRAG

Washington City Collector

Local #220

Garbage Service

Refuse Removal, Inc.

Portland Association of Sanitary  
Service operators. ~~Collectors~~

CRAG

Mult. Co. Refuse Association

Mult. Co. Refuse Assoc.

President Washington Co. <sup>Collection</sup>

Wash. Co. Collector Assoc.

Limestone T & R Co.

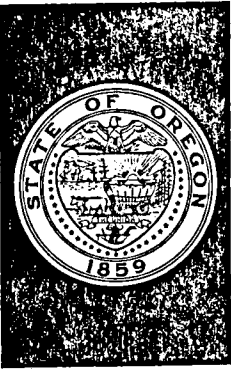
Don E. Q.

Clark Co. <sup>P.W.D.</sup>

~~Jeff Sams~~

Abing Contractors Assn Inc

6708 S. E May, Milw - Overland Park  
Neighborhood League



## DEPARTMENT OF ENVIRONMENTAL QUALITY

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229- 5353

Robert W. Straub  
GOVERNOR

January 25, 1975

KESSLER R. CANNON  
Director

Mr. Chuck Kemper, Manager  
Metropolitan Service District  
527 S. W. Hall  
Portland, Oregon 97201

Dear Mr. Kemper:

This is in reply to your letter dated January 16, 1974 requesting the Department of Environmental Quality's comments on the need for the proposed special MSD ordinance dealing with a Non-Processible Landfill Program.

MSD Ordinance 27 proposes to carefully plan, establish standards for and regulate non-processible (demolition) waste sites in the MSD area. As you have stated this program is in accordance with the MSD Solid Waste Management Plan approved by the DEQ and the need for the program is supported by the Department at this time.

Numerous old gravel pits and other sites in the Metro area, many located in residential neighborhoods would lend themselves to reclamation with non-processible wastes. In recent months the Department has referred to MSD a number of preliminary inquiries for filling such sites. Without a well administered program for filling the Metro area pits it is possible that a proliferation of sites could result. Although all the sites involved may be equally acceptable for filling, the finite quantity of demolition type wastes available and lack of flow control can result in an unnecessarily prolonged period of filling, with all the typical neighborhood disruptions and nuisances, and much delaying the time when any given site might be available for its ultimate reclaimed use.

It is the Department's understanding that the purpose of Ordinance 27 is to establish a plan for filling the good non-processible disposal sites in an orderly manner and with a "get in, fill, and get out" philosophy which will result in minimum neighborhood impact and hold the landfilling activity to a reasonable time period and reclaim the sites to their ultimate higher use as soon as possible.

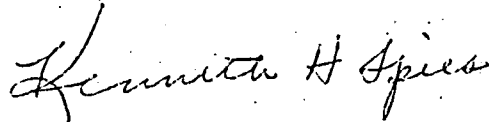


Mr. Chuck Kemper, Manager  
January 24, 1975  
Page 2

In general the Department is obligated to issue a permit in response to a complete application for any given disposal site that meets the State's regulations. The planning aspects of establishing disposal sites, including time sequencing of new sites and flow control, is appropriately administered by the local government with jurisdiction - in this case MSD. The standards and extent of regulation contemplated by the proposed ordinance necessarily and appropriately go beyond the point of involvement which DEQ would normally consider at the State level.

Cordially,

KESSLER R. CANNON  
Director



Kenneth H. Spies  
Assistant Director  
Land Quality

EAS:mmm  
cc: Northwest Region Office

APPROVED METROPOLITAN  
SERVICE DISTRICT  
BOARD OF DIRECTORS

II. ACCOUNTS PAYABLE

ACTION NO. 75-289

DATE 1-24-75

THE FOLLOWING PAGE CONTAINS A LIST OF ACCOUNTS PAYABLE  
BY James M. Wood  
CLERK OF THE BOARD  
ITEMS REQUESTED FOR PAYMENT FOR THE MONTH OF DECEMBER  
1974 AND IN THE AMOUNT OF \$157.01.

THE STAFF RECOMMENDS APPROVAL OF THE ACCOUNTS PAYABLE.

THE STAFF ALSO RECOMMENDS THE BOARD APPROVE THE FOLLOWING  
TRANSFER OF FUNDS WITHIN THE PROCESSIBLE PROGRAM CONTRACTUAL  
SERVICES BUDGET.

IT IS PROPOSED THAT \$5400 AND \$2,000 BE TRANSFERRED FROM  
PUBLIC INFORMATION TO TECHNICAL AND LEGAL SERVICES, RESPECT-  
IVELY. PUBLIC INFORMATION WILL HAVE A NEW BUDGET OF \$1,600  
WHILE TECHNICAL SERVICES \$9,400 AND LEGAL SERVICES \$17,700.

IN ADDITION, THE MSD STAFF HAS PREPARED A SIX MONTH FISCAL  
REPORT FOR THE MSD BOARD. NO ACTION IS REQUIRED.

APPROVED METROPOLITAN  
SERVICE DISTRICT  
BOARD OF DIRECTORS

ACTION NO. 75-290

DATE 1-24-75

BY James M. Wood  
CLERK OF THE BOARD



# A C C O U N T S   P A Y A B L E

JANUARY 1 - JANUARY 17, 1975

<u>VOUCHER NUMBER</u>	<u>PAYABLE TO</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
62	BOISE CASCADE	OFFICE SUPPLIES	\$ 40.18
63	BREWED HOT COFFEE	COFFEE BOARD MEETING	4.83
64	COMMUNITY PRESS	SUBSCRIPTION	6.00
65	DAILY JOURNAL OF COMMERCE	PUBLIC NOTICE	12.80
66	HILLSBORO ARGUS	SUBSCRIPTION	8.00
67	CHARLES KEMPER	MEAL EXPENSE	11.00
68	PORTLAND STAMP & SEAL	RUBBER STAMP	3.10
69	RIANS	PROPOSAL EVALUATION TEAM LUNCH	18.60
70	FRYER TUCKS	SWC MEETING LUNCH	52.50
TOTAL			\$ 157.01

APPROVED   METROPOLITAN  
SERVICE DISTRICT  
BOARD OF DIRECTORS

ACTION NO. 75-289

DATE 1-24-75

BY Jean M. Wood  
CLERK OF THE BOARD

### III. PUBLIC COMMUNICATIONS

THIS AGENDA ITEM ALLOWS FOR THE MSD BOARD TO HEAR COMMENTS  
FROM THE PUBLIC ON ITEMS NOT CONTAINED ON THIS AGENDA.

#### IV. PUBLIC HEARING - ORDINANCE NO. 27

THE FOLLOWING PAGES CONTAIN PROPOSED ORDINANCE No. 27  
THAT DEFINES THE MSD NON-PROCESSIBLE PROGRAM. THIS ORDINANCE  
AUTHORIZES A USER CHARGE TO FUND THE PROGRAM AND PROVIDES  
FOR IMPLEMENTATION AND ADMINISTRATION OF THE PROGRAM.

THE STAFF RECOMMENDS THE BOARD HOLD THE FIRST PUBLIC HEARING  
ON THIS ORDINANCE. NO OTHER ACTION IS REQUIRED.

REVISED JANUARY 23, 1975

METROPOLITAN SERVICE DISTRICT

NONPROCESSABLE SOLID WASTE PROGRAM ORDINANCE

Ordinance No. 27

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.

ORDINANCE NO. 27.

The Metropolitan Service District hereby ordains:

Section 1. Definitions.

A. As used in this ordinance, unless the context requires otherwise:

(1) BOARD. Board means the Board of Directors of the Metropolitan Service District.

(2) DISTRICT. District means the Metropolitan Service District and all of the land and territory included within the boundaries of the Metropolitan Service District as established by the electorate.

(3) MSD. MSD means the Metropolitan Service District, a municipal corporation established and existing under the laws of the State of Oregon, ORS Chapter 268.

(4) NONPROCESSABLE WASTE. Nonprocessable waste means any solid waste which cannot be processed for reclamation before final disposal.

(5) OPERATOR. Operator means a person who has obtained and holds a waste disposal certificate issued by the MSD pursuant to this ordinance.

(6) PROCESSABLE WASTE. Processable waste means any solid waste which may be processed for reclamation before final disposal.



(7) MANAGER. Manager means the chief administrative officer for the MSD.

(8) PERSON. Person means any individual, public or private corporation, industry, copartnership, association, firm, trust, estate, or any other legal entity whatsoever.

(9) REASONABLE DISPOSAL SITE CHARGE. Reasonable disposal site charge means the average charge imposed by waste and disposal sites within the district to accept and dispose of solid wastes. The charge shall be based on fees for uncompacted material.

(10) SOLID WASTE. Solid waste means all putrecible and nonputrecible wastes, including without limitation, garbage, rubbish, refuse, ashes, wastepaper and cardboard, sewage sludge, septic tank and cesspool pumpings or other sludge, commercial, industrial, demolition and construction wastes, discarded or abandoned vehicles or parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid wastes, provided that this definition does not include:

a. Environmentally hazardous wastes as defined in ORS 459.410, or

b. Materials used for fertilizer or for other productive purposes or which are salvageable

as such materials are used on land in agricultural operations and the growing or harvesting of crops and the raising of fowls or animals.

(11) WASTE DISPOSAL SITE. Waste disposal site means a disposal site, whether or not open to the public, permitted by the Department of Environmental Quality to accept and dispose of solid wastes.

## Section 2. Policy.

In the past, the majority of disposal sites accepting nonprocessable wastes in the District have been established and permitted with little regard to the number of existing and operating sites, the quantities to be disposed, the locations of sites in relation to each other, or the actual need for additional sites. To protect the health, safety and welfare of the people of the District, the Board has determined the necessity of providing a coordinated District-wide program for the safe, economical and efficient disposal of nonprocessable solid wastes, and to insure an adequate number of disposal sites for nonprocessable solid waste, criteria for the need, location and operation of such sites, and the flow of all processable solid wastes into the processable waste stream, and this ordinance shall be liberally construed for the accomplishment of these purposes.

## Section 3. Administration and Enforcement.

The Manager, under the supervision of the Board shall be responsible for the administration and enforcement of this ordinance.

Section 4. Rules and Regulations.

The Board shall promulgate reasonable rules and regulations pertaining to the administration of this ordinance and for the disposal of nonprocessable solid wastes, including without limitation the following:

A. Standards of service to be provided to the public.

B. Evaluation criteria to determine:

(1) Need for and location of nonprocessable disposal sites.

(2) Number and priority of nonprocessable disposal sites required in the District.

(3) Orderly flow of nonprocessable solid wastes and processable solid wastes.

(4) Use of nonprocessable disposal sites as a backup system in the event of a breakdown or overloading of the processable system.

Section 5. Activities and Practices Regulated.

Except as otherwise provided in this ordinance, it shall be unlawful:

A. For any person to operate a waste disposal site within the District without a certificate from the MSD.

B. For an Operator holding a certificate to operate a processable solid waste disposal site to receive,

accept and dispose of any nonprocessable wastes.

C. For an Operator holding a certificate to operate a nonprocessable disposal site to receive, accept and dispose of any processable wastes.

D. Subsections 5B and C shall not become effective until thirty days after the Board adopts an ordinance making subsections 5B and C effective.

E. The Manager may develop procedures allowing Operators holding certificates to operate nonprocessable disposal sites to obtain written waivers from subsection 5C in order to implement subsection 4B(4).

Section 6. Applications for Certificates.

A. Applications for Certificates shall be on forms acceptable to the Manager. The Manager may accept applications on forms provided by other city, county, state or federal agencies. The application shall be filed with the Manager who shall determine whether the application is complete and meets the requirements specified in Section 7 of this ordinance.

B. Applicants for Certificates shall state:

(1) The kind of disposal site to be operated.

(2) The rates to be charged.

(3) The location of and area occupied by or to be occupied by the disposal site.

(4) The amount of material needed and the time required to fill the disposal site.

(5) The possible land uses to which the site can be put after it is filled.

(6) The present land use of the area to be used as a disposal site.

(7) An operational plan.

(8) Other information required by the form or the Manager.

Section 7. Requirements for Certificates.

A. Persons who are providing service on the effective date of this ordinance must make application for the required certificate within 30 days of the effective date of this ordinance and, upon filing an application for said certificate may continue to provide service until a final decision is made upon said application by the Board. The applicant must show to the satisfaction of the Board that he:

(1) Has available land, equipment, facilities and personnel to meet the standards established by this ordinance and ORS Chapter 459 and the rules and regulations promulgated thereunder.

(2) Has had the site and operation thereof designed by a certified professional engineer.

(3) Has good moral character, or if the applicant is a firm or corporation, that the principal



partners or officers are of good moral character.

(4) Has in force public liability insurance in the amount of not less than \$100,000-\$200,000 per person and per occurrence for bodily injury or death and property damage insurance in the amount of not less than \$50,000 per occurrence which shall be evidenced by a certificate of insurance.

B. In addition to the foregoing requirements, the applicant must submit with his application a corporate surety bond in an amount established by the Board guaranteeing full and faithful performance by the applicant of the duties and obligations of a certificate under the provisions of this ordinance. The Manager may accept a bond already issued or to be issued to another city, county, state or federal agency so long as the bond meets the requirements of this section and the MSD is a direct beneficiary thereof.

C. An applicant for a certificate who is not already operating a disposal site must show to the satisfaction of the Board that he meets all of the requirements of Sections 6 and 7 and that:

(1) There is a need for his additional disposal site.

(2) The location of his site will benefit the nonprocessable solid waste program.

Section 8. Board Decision on Applications for Certificates.

A. Applications for certificates shall be reviewed by the Manager who shall make such investigation as he deems necessary and appropriate. Written notice shall be given by the Manager to any person who holds a certificate and to other interested persons and notice of application shall be published in a newspaper having a general circulation greater than 50,000. The notice shall state the name of the applicant, the type of certificate requested, the location and size of the proposed site, and that the recipient of the notice and the public have thirty (30) days from the date thereof to file written comments pertinent to the application, plus other information the Manager deems appropriate.

B. Upon the basis of the application, evidence submitted and results of any investigation by the Manager, the Manager shall make a finding on the qualifications of the applicant under Sections 6 and 7 of this ordinance.

C. On the basis of his findings, the Manager shall recommend to the Board whether or not the application should be granted or denied or granted with conditions and the Board shall issue an order granting, denying or granting with conditions the application.

If the order of the Board is adverse to the applicant, it shall not become effective until thirty (30) days after the date of said order. The applicant may request a public hearing before the Board upon the Board's order by filing a written request for hearing with the Board within thirty (30) days after the date of said order. Upon filing of said request of hearing, the Board shall set a time and place for a public hearing upon its order, which hearing shall be not more than thirty (30) days from the date of filing of said request for hearing. The applicant may submit evidence to the Board relevant to the Board's order. The Board may, following the hearing affirm or amend its prior order. In the case of an applicant already providing service, this hearing before the Board shall be heard and conducted as a contested case hearing under the procedures set out in ORS Chapter 183.

D. The determination of the Board after conclusion of said public hearing shall be final. If the Board makes a final order rejecting all or part of an application for a certificate, the applicant may not submit another application for the same or a portion of the same site for a period of six months, unless the Board finds that public interest request reconsideration within a shorter period of time.

E. All decisions of the Board under this ordinance shall be reviewable by the Circuit Court of the State of Oregon for the County of \_\_\_\_\_ under the provisions of ORS Chapter 34.010-34.100 which shall be the sole and exclusive remedy for reviewing any and all actions of the Board under this ordinance.

F. The term of the certificate shall be determined by the Board upon the basis of the recommendations of the Manager, based upon site longevity, population to be served and probable land use.

Section 9. Transfer of Certificates.

A. An Operator may transfer his certificate to another person only after written notice to and approval by the Board. The Board shall approve the transfer if it finds that the prospective transferee meets all principal requirements met by the original holder of the certificate. The Board shall approve or disapprove any application for transfer of certificate within thirty (30) days after receipt of notice by the Board unless the Board finds that there is substantial question of public health or safety involved and requires additional time for investigation and decision.

Section 10. Suspension, Modification, Revocation or Refusal to Renew a Certificate.

A. The Manager shall, upon reasonable cause, make

investigations to determine if there is sufficient reason and cause to suspend, modify, revoke or refuse to renew a certificate as provided in this section.

If, in the opinion of the Manager, there is sufficient evidence to suspend, modify, revoke or refuse to renew a certificate, the Manager shall notify the Operator in writing of the alleged violation and what steps must be taken to cure the violation. If the Operator is unable to, or refuses to cure the violation, and follow the requirements of the Manager set forth in said notice, the Manager shall forthwith recommend to the Board that the certificate be suspended, modified, revoked, or not be renewed.

B. The Board may suspend, modify, revoke, or refuse to renew a certificate upon finding that an Operator has:

(1) Wilfully violated this ordinance or ORS Chapter 459 or the rules and regulations promulgated thereunder; or his certificate and any condition thereof; or

(2) Materially misrepresented the statements in the application for certificate or in any testimony or documentary evidence given to the Manager or the Board; or



(3) Wilfully refuse to provide adequate service to the public after written notification and a reasonable opportunity to do so.

C. In lieu of immediate suspension, modification, revocation or refusal to renew a certificate, the Board may order compliance and make suspension, modification, or revocation contingent upon compliance with the order within a time stated in said order.

D. If the Board suspends, modifies, revokes or refuses to renew a certificate, the action shall not become effective until thirty (30) days after the date of the order, unless the Board finds that there is a serious and immediate danger to the public health or that a public nuisance would be created. The Operator may request a public hearing before the Board upon the Board's order by filing a written request for such hearing with the Board within 30 days after date of said order. Upon the filing of said request for hearing, the Board shall set a time and place for a public hearing and upon its order which hearing shall not be more than 30 days from the date of filing of said request for hearing. The Operator and other interested persons or affected public agencies may submit oral or written evidence to the Board relevant to the Board's

order. The Board may, following the public hearing, affirm, amend or rescind its prior order. The determination of the Board after the conclusion of said public hearing shall be final.

Section 11. Fees.

A. The Board shall collect, in the manner and at the time provided in Section 12, from each Operator, except as provided in Subsection 11-B, an annual fee equal to 2.15% of his gross cash receipts.

B. The Board shall collect, in the manner and at the time provided in Section 12, from Operators of waste disposal sites not charging fees for the use of the site or being used by the Operator for disposal of solid waste generated solely by him, an annual fee equal to 2.15% of the product established by multiplying the number of cubic yards of solid waste received and disposed of by the Operator times the reasonable disposal site charge.

Section 12. Collection of Fees.

A. The fees imposed by this ordinance shall be separately stated upon the Operator's records and any receipt rendered by the Operator.

B. The Operator shall pay MSD the fees imposed by Section 11 on or before the 20th day of each month following each preceding month of operation. At the time

of payment, the Operator must file with the Manager a sworn and verified statement including without limitation the following information:

- (1) Name and address of the facility.
- (2) The Operator's MSD registration number.
- (3) The month and year of each report.
- (4) The number of truckloads received daily.
- (5) The number of cars, pickups, trailers, and other small hauling vehicles.
- (6) Total number of cubic yards of solid wastes received during the month, broken down and divided between compacted and noncompacted.
- (7) Detailed explanation of any adjustments made to the amount of fees paid in reliance on subsection 12-C.
- (8) Any penalty due for failure to comply with the requirements of Section 12.
- (9) Amount of gross cash receipts.
- (10) Signature and title of the Operator or his agent.

Misrepresentation of any information required above shall constitute cause for suspension, modification, revocation or refusal to renew a certificate pursuant to Section 10 of this ordinance.

C. An Operator is released from liability for

fees on accounts that have been found to be worthless and charged off for income tax purposes. If an Operator has previously paid the fees, he may take a deduction from his next due payment to the MSD the amount found worthless and charged off for income tax purposes. If any such account thereafter, in whole or in part, is collected by the Operator, the amount so collected shall be included in the first return filed after such collection, and the fees shall be paid with the return.

D. Every Operator shall keep such records, receipts or other pertinent papers and information in such form as the Manager may require. The Manager or his authorized agent in writing may examine during reasonable business hours the books, papers, records and equipment of any Operator or any person liable for the payment of the fees imposed by Section 11 and may investigate the character of the business of the Operator or in order to verify the accuracy of any return made, or if no return is made by the Operator, to ascertain and determine the amount required to be paid.

E. All fees imposed by and collected by this ordinance shall be paid in the form of a remittance payable to the Metropolitan Service District. All money received by the MSD under this ordinance shall be

deposited in the nonprocessable solid waste program account.

Section 13. Penalties.

A. Violation of this ordinance or a certificate issued hereunder is punishable by fine of not more than Five Hundred Dollars (\$500.00).

B. Each day a violation referred to by subsection A of this section continues constitutes a separate offense. Such separate offenses may be joined in one indictment or complaint or information in several counts.

C. The Manager may impose a penalty upon an Operator not to exceed 10% of the fees due for any reporting period for failure to comply with the requirements of Section 12.

Section 14. Franchises.

Upon recommendation of the Manager, the Board may by resolution limit the number of certificates granted pursuant to this ordinance and award exclusive franchises for waste disposal sites in defined areas and set fees for such franchises. The Board may establish rates to be charged by holders of exclusive franchises.

Section 15. Agreements for Administration, Operation and Enforcement.

By contract, MSD may assume and perform any function of any municipal corporation, city or county, in the



district or any function of the state of Oregon or any agency thereof performed or to be performed in the district which are related to the duties and functions of the district under this ordinance. The Board may contract with any city or county in the district or with the state or regional association of governments for the administration or enforcement of any of the provisions of this ordinance or of the rules or regulations adopted pursuant hereto.

Section 16. Restraining Orders.

In addition to all other authority granted to or inherent in the Board, the Board may make and issue temporary restraining orders enjoining the alleged violations of any of the terms of this ordinance or certificates or rules and regulations issued pursuant thereto, which orders shall direct the alleged violator to immediately cease and desist from an act or acts described in said order until the Board determines whether or not a violation has occurred. Before issuing a temporary restraining order, the Board must have reasonable grounds to believe a violation has occurred. In no event shall the Board make and issue such an order without first receiving a sworn and verified affidavit containing allegations of a violation of this ordinance, which affidavit shall specify the alleged violation in short and concise language sufficient to appraise the alleged violator

of the act or acts to be enjoined. The order shall direct the alleged violator to appear at a time and place stated in said order and show cause, if any there be, why the alleged violator should not be immediately enjoined from doing the act or acts specified in the order. If the Board determines that the alleged violator has committed a violation of this ordinance, the Board may make and enter an order permanently enjoining further violation.

Section 17. Abatement.

The disposal of solid waste by any person in the district in violation of this ordinance or rules and regulations promulgated thereunder is deemed a nuisance and the Board may, in addition to other remedies provided by law, institute injunction, mandamas, abatement or other appropriate legal proceedings to temporarily or permanently enjoin or abate such disposal. The provisions of this section are in addition to and not in lieu of any criminal prosecution or penalties as provided by this ordinance or state law.

Section 18. Conformance with State Law.

This ordinance shall in no way be a substitute for, nor eliminate the necessity of conforming with any and all state laws, rules and regulations which are now, or may in the future be in effect and which relate to the public health or to the operation of any Operator. This ordinance is in addition to said state laws, rules and regulations.

Section 19. Savings Clause.

In the event any provision or section of this ordinance is declared invalid, such declaration shall not affect the validity of any other provision or section herein, which sections and provisions shall remain in full force and effect.

Section 20. Effective Date.

This ordinance shall take effect 30 days from the date of passage, except as otherwise provided herein.

V. MSD/LOCAL JURISDICTIONS SOLID WASTE RESOLUTIONS

THE FOLLOWING PAGES CONTAIN PROPOSED JOINT RESOLUTIONS BETWEEN MSD AND THE CITY OF PORTLAND, CLACKAMAS, MULTNOMAH, AND WASHINGTON COUNTIES. THESE RESOLUTIONS DEFINE THE RELATIONSHIPS BETWEEN LOCAL JURISDICTIONS AND THE MSD IN SOLID WASTE DISPOSAL.

THE STAFF RECOMMENDS THE BOARD APPROVE THE RESOLUTIONS AND AUTHORIZE THE CHAIRMAN TO DISTRIBUTE TO EACH JURISDICTION FOR RESPONSE WITHIN 30 DAYS.

AMENDMENT TO STAFF REPORT: DIRECTION TO AUTHORIZE STAFF TO DISTRIBUTE THE RESOLUTIONS TO MULTNOMAH, CLACKAMAS, AND WASHINGTON COUNTIES AND THE CITY OF PORTLAND FOR REVIEW.

APPROVED METROPOLITAN  
SERVICE DISTRICT  
BOARD OF DIRECTORS

ACTION NO. 25-294

DATE 11-24-75

BY Jean McWood  
CLERK OF THE BOARD

REVISED JANUARY 20, 1975

MSD - City of Portland

## J O I N T      R E S O L U T I O N

A resolution approving the Solid Waste Management Plan and delineating the respective areas of responsibility between the Metropolitan Service District and the City of Portland for implementation of the Plan.

### RECITALS

1. The Metropolitan Service District (MSD) is a municipal corporation organized and existing under the provisions of ORS Chapter 268. The area served by MSD includes the metropolitan portions of the City of Portland.
2. The MSD is authorized to dispose and provide facilities for disposal of solid wastes.
3. The City of Portland regulates the disposal of solid wastes pursuant to Chapters 3.54 and 8.36 of the City Code.
4.
  - a. The City of Portland presently operates the St. John's Sanitary Landfill which is open to the public and accepts putrescible solid wastes.
  - b. The St. John's Landfill accepts wastes generated from areas outside the City of Portland.
  - c. The St. John's Landfill must be expanded or another site identified to meet the additional need for disposal sites in the MSD area.
5. The development of new putrescible landfills in the MSD area is substantially limited by the goals and regulations of the Department of Environmental Quality (DEQ) of the State of Oregon.
6. The MSD has prepared and completed a Solid Waste Management Plan (Plan) to maximize resource recovery and to provide for disposal of all solid wastes generated in the MSD area.

7. The Plan was adopted by the Board of Directors of MSD on May 10, 1974.
8. The Plan was approved by the DEQ on May 24, 1974.
9. The City of Portland on June 5, 1974 recommended continuance of the MSD solid waste planning efforts.
10. The Plan includes a Solid Waste Energy Recovery Program (Program) that will meet the DEQ goals of 90% material recovery and reuse by 1982.
11. At the 1975 Legislative Session, MSD will request pollution control bond funds from the State of Oregon for implementation of the Plan.
12. The MSD Board of Directors has adopted a policy statement indicating that the Plan will be implemented with the cooperation and participation of private industry.
13. The MSD has asked for and is processing bids from private industry to implement the private industry participation in the Plan.
14. In order to protect the health, safety and welfare of the people of City of Portland, to provide for the continued disposal of solid waste generated within the City of Portland, and to maximize resource recovery, the City of Portland and the MSD hereby make the following resolutions:

#### RESOLUTIONS

15. RESOLVED: The City of Portland will:
  - a. Approve, support and seek legislative support for the Plan and the funding for implementation of the Plan.
  - b. Maintain inherent authority for the collection of solid wastes generated within the City of Portland, including the regulation and control of collection rates.
  - c. Assist the MSD with site selection of processing/transfer and disposal facilities located within the City's jurisdiction.

- d. Assist the MSD in controlling the flow of solid wastes to MSD facilities or facilities designated by MSD.
- e. Determine land use criteria for the St. John's sanitary landfill expansion.
- f. Determine additional costs necessary to expand the St. John's sanitary landfill.
- g. Work with the MSD in developing a contract and phasing schedule for the eventual MSD control and operation of the St. John's sanitary landfill.

16. RESOLVED: The MSD will:

- a. Provide the design, construction and operation of solid waste processing/transfer facilities to handle solid wastes generated within the City.
- b. Regulate and control the disposal of all solid wastes generated within the City.
- c. Develop a nonprocessible (demolition) solid waste program that will include landfill regulations, quality of service criteria, site selection criteria, program management, enforcement, and a time schedule for activation of nonprocessible landfills.
- d. Provide assistance, if requested, to the City, County and the solid waste industry in the determination of collection rates.
- e. Work with the City of Portland in developing a contract and phasing schedule providing for the eventual MSD control and operation of the St. John's sanitary landfill.

DATED: \_\_\_\_\_

CITY OF PORTLAND

by \_\_\_\_\_

DATED: \_\_\_\_\_

METROPOLITAN SERVICE DISTRICT

by \_\_\_\_\_

MSD - Clackamas County

## J O I N T   R E S O L U T I O N

A resolution approving the Solid Waste Management Plan and delineating the respective areas of responsibility between the Metropolitan Service District and Clackamas County for implementation of the plan.

### RECITALS

1. The Metropolitan Service District (MSD) is a municipal corporation organized and existing under the provisions of ORS Chapter 268. The area served by MSD includes the metropolitan portions of Clackamas County.
2. The MSD is authorized to dispose and provide facilities for disposal of solid wastes.
3. Clackamas County adopted a Waste and Solid Waste Ordinance on June 10, 1970 which franchises collection and disposal.
4. Clackamas County has a public nuisance abatement program which is financed by Franchise Fees.
5. Clackamas County presently regulates one landfill open to the public accepting putrescible solid wastes.
6. The development of new putrescible landfills in the MSD area is substantially limited by the goals and regulations of the Department of Environmental Quality (DEQ) of the State of Oregon.
7. The MSD has prepared and completed a Solid Waste Management Plan (Plan) to maximize resource recovery and to provide for disposal of all solid wastes generated in the MSD area.
8. The Plan was adopted by the Board of Directors of MSD on May 10, 1974.
9. The Plan was approved by the DEQ on May 24, 1974.
10. The concept and implementation of the Plan was approved by Clackamas County on June 10, 1974.
11. The Plan includes a Solid Waste Energy Resource Recovery Program (Program) that will meet the DEQ goals of 90% material



- recovery and reuse by 1982.
12. At the 1975 legislature session, MSD will request pollution control bond funds from the State of Oregon for implementation of the Plan.
  13. The MSD Board of Directors has adopted a policy statement indicating that the Plan will be implemented with the cooperation and participation of private industry.
  14. The MSD has asked for and is processing bids from private industry to implement the private industry participation in the Plan.
  15. In order to protect the health, safety and welfare of the people of Clackamas County, to provide for the continued disposal of solid waste generated within Clackamas County, and to maximize resource recovery, Clackamas County and the MSD hereby make the following resolutions:

#### RESOLUTIONS

16. RESOLVED: Clackamas County will:
  - a. Approve, support and seek legislative support for the Plan and the funding for implementation of the Plan.
  - b. Maintain authority for the collection of solid wastes generated within Clackamas County, including the regulation and control of collection rates.
  - c. Assist the MSD with site selection of processing/transfer and disposal facilities located within the County's jurisdiction.
  - d. Assist the MSD in controlling the flow of solid wastes to MSD facilities or facilities designated by MSD.
  - e. Clackamas County will receive 4% of the Disposal Fee from MSD certified facilities in Clackamas County, subject to the adoption of a MSD Solid Waste Disposal Rate Ordinance.

17. RESOLVED: The MSD will:

- a. Provide the design, construction and operation of solid waste processing/transfer facilities to handle solid wastes generated within the County.
- b. Regulate and control the disposal of all solid wastes generated within the County.
- c. Develop a nonprocessable (demolition) solid waste program that will include landfill regulations, quality of service criteria.
- d. Provide assistance, if requested, to the County and the solid waste industry in the determination of collection rates.
- e. MSD will remit to Clackamas County 4% of the Disposal Fee from those facilities granted certificates in Clackamas County subject to the adoption of a MSD Solid Waste Disposal Rate Ordinance.

DATED: \_\_\_\_\_

CLACKAMAS COUNTY

by \_\_\_\_\_

Chairman

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

DATED: \_\_\_\_\_

METROPOLITAN SERVICE DISTRICT

by \_\_\_\_\_

JOINT RESOLUTION

A Resolution Approving the Solid Waste Management Plan and Delineating the Respective Areas of Responsibility Between The Metropolitan Service District and Washington County for Implementation of the Plan.

RECITALS

1. The Metropolitan Service District (MSD) is a municipal corporation organized and existing under the provisions of ORS Chapter 268. The area served by MSD includes the metropolitan portions of Washington County.
2. The MSD is authorized by law to dispose and provide facilities for disposal of solid wastes.
3. Washington County has adopted Ordinance No. 59, as amended, regulating the collection and disposal of solid wastes and Ordinance No. 83, as amended, regulating solid waste disposal sites.
4. Washington County presently has no landfills open to the public accepting to putrescible solid wastes.
5. The development of new putrescible landfills in the MSD area is substantially limited by the goals and regulations of the Department of Environmental Quality (DEQ) of the State of Oregon.
6. The MSD has prepared and completed a Solid Waste Management Plan (Plan) to maximize resource recovery and to provide for disposal of all solid wastes generated in the MSD area.
7. The Plan was adopted by the Board of Directors of MSD on May 10, 1974.

8. The Plan was approved by the DEQ \_\_\_\_\_, 1974.
9. The concept and implementation of the Plan was approved by Washington County on June 11, 1974.
10. The Plan includes a Solid Waste Energy Recovery Program (Program) that will meet the DEQ goals of 90% material recovery and reuse by 1982.
11. At the 1975 legislative session, MSD will request pollution control bond funds from the State of Oregon for implementation of the Plan.
12. The MSD Board of Directors has adopted a policy statement indicating that the Plan will be implemented with the cooperation and participation of private industry.
13. The MSD has asked for and is processing bids from private industry to implement the private industry participation in the Plan.
14. In order to protect the health, safety and welfare of the people of Washington County, to provide for the continued disposal of solid waste generated within Washington County, and to maximize resource recovery, Washington County and the MSD hereby make the following resolutions.

#### RESOLUTIONS

15. RESOLVED: Washington County will:
  - a. Approve, support and assist in seeking legislative support for the Plan and the future funding for implementation of the Plan.
  - b. Maintain authority for the collection of solid wastes generated within the County, including the regulation and control of collection rates.

c. Within the inherent limitation of being the land use governing and regulatory authority within this jurisdiction, assist the MSD with site selection of processing/transfer and disposal facilities located within the County's jurisdiction.

d. Assist the MSD in controlling the flow of solid wastes to MSD facilities or facilities designated by MSD.

16. RESOLVED: The MSD will:

a. With the cooperation of Washington County, provide the design, construction and operation of solid waste processing/transfer facilities to handle solid wastes generated within the County.

b. In cooperation and with approval of Washington County, regulate and control the disposal of all solid wastes generated within the County.

c. In compliance with Washington County land use regulations, develop a nonprocessable (demolition) solid waste program that will include landfill regulations, quality of service criteria, site selection criteria, program management, enforcement, and a time schedule for activation of nonprocessable landfills.

d. Provide assistance, if requested, to the County and the solid waste industry in the determination of collection rates.

17. RESOLVED: Both parties:

a. Pledge their mutual good faith cooperation to achieve the purposes of this Resolution.

b. Agree with the things to be done by the other party.

c. Agree that should MSD be unable to meet its time table for development or should Washington County have a need for services before MSD is capable of providing same or in excess of same, Washington County may unilaterally seek alternative or supplemental facilities.

d. This Joint Resolution shall remain in full force and effect until modified by consent of both parties or notice of termination given by written notice 180 days in advance of date of termination.

DATED: \_\_\_\_\_.

WASHINGTON COUNTY, OREGON.

By: \_\_\_\_\_  
Chairman

DATED: \_\_\_\_\_.

METROPOLITAN SERVICE DISTRICT

By: \_\_\_\_\_  
Chairman

JOINT RESOLUTION

A Resolution Approving the Solid Waste Management Plan and Delineating the Respective Areas of Responsibility Between The Metropolitan Service District and Multnomah County for Implementation of the Plan.

RECITALS

1. The Metropolitan Service District (MSD) is a municipal corporation organized and existing under the provisions of ORS Chapter 268. The area served by MSD includes the metropolitan portions of Multnomah County.

2. The MSD is authorized to dispose and provide facilities for disposal of solid wastes.

3. Multnomah County presently regulates solid waste disposal by Nuisance Ordinance No. 69.

4. Multnomah County presently has no landfills open to the public accepting putrescible solid wastes.

5. The development of new putrescible landfills in the MSD area is substantially limited by the goals and regulations of the Department of Environmental Quality (DEQ) of the State of Oregon.

6. The MSD has prepared and completed a Solid Waste Management Plan (Plan) to maximize resource recovery and to provide for disposal of all solid wastes generated in the MSD area.

7. The Plan was adopted by the Board of Directors of MSD on May 10, 1974.

8. The Plan was approved by the DEQ on \_\_\_\_\_, 1974.

9. The concept and implementation of the Plan was approved by Multnomah County on June 13, 1974.

10. The Plan includes a Solid Waste Energy Recovery Program (Program) that will meet the DEQ goals of 90% material recovery and reuse by 1982.

11. At the 1975 legislative session, MSD will request pollution control bond funds from the State of Oregon for implementation of the Plan.

12. The MSD Board of Directors has adopted a policy statement indicating that the Plan will be implemented with the cooperation and participation of private industry.

13. The MSD has asked for and is processing bids from private industry to implement the private industry participation in the Plan.

14. In order to protect the health, safety and welfare of the people of Multnomah County, to provide for the continued disposal of solid waste generated within Multnomah County, and to maximize resource recovery, Multnomah County and the MSD hereby make the following resolutions:

#### RESOLUTIONS

15. RESOLVED: Multnomah County will:

a. Approve, support and seek legislative support for the Plan and the funding for implementation of the Plan.

b. Maintain authority for the collection of solid wastes generated within the Multnomah County, including the regulation and control of collection rates.



c. Assist the MSD with site selection of processing/transfer and disposal facilities located within the County's jurisdiction.

d. Assist the MSD in controlling the flow of solid wastes to MSD facilities or facilities designated by MSD.

16. RESOLVED: The MSD will:

a. Provide the design, construction and operation of solid waste processing/transfer facilities to handle solid wastes generated within the County.

b. Regulate and control the disposal of all solid wastes generated within the County.

c. Develop a nonprocessable (demolition) solid waste program that will include landfill regulations, quality of service criteria, site selection criteria, program management, enforcement, and a time schedule for activation of nonprocessable landfills.

d. Provide assistance, if requested, to the County and the solid waste industry in the determination of collection rates.

DATED: \_\_\_\_\_.

MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Chairman

DATED: \_\_\_\_\_.

METROPOLITAN SERVICE DISTRICT

By \_\_\_\_\_  
Chairman

VI. JOHNSON CREEK - PHASE I PROGRESS REPORT

A VERBAL PROGRESS REPORT ON THE JOHNSON CREEK PHASE I  
DRAINAGE MANAGEMENT PROGRAM WILL BE GIVEN.

VII. OTHER BUSINESS



# METROPOLITAN SERVICE DISTRICT

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

## METROPOLITAN SERVICE DISTRICT

### P U B L I C H E A R I N G

NOTICE is hereby given that the Governing Body of the Metropolitan Service District will hold its first Public Hearing to receive testimony on the MSD User Fee Ordinance No. 27. The Ordinance establishes a nonprocessible solid waste program, authorizing a user charge to fund the program and providing for the implementation and administration of the program. The Public Hearing will be held at the Portland Water Bureau Auditorium, located at 1800 S.W. 6th Avenue, Portland, Oregon, at 2:00 p.m., on January 24, 1975. Interested persons are welcome to attend and present written and verbal testimony. Copies of Ordinance No. 27 will be available at the Public Hearing and at the Metropolitan Service District Office, 527 SW Hall, Portland, Oregon.

Posted: City of Portland  
Mult. Cty.  
Clackamas Cty.  
CRAD

January 15, 1975

Attest:

John M. Wood