



METROPOLITAN SERVICE DISTRICT

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

MSD BOARD OF DIRECTORS

PORTLAND WATER BUREAU
1800 SW 6TH
AUDITORIUM

MAY 23, 1975
2:00 P.M.

A G E N D A

- I. MINUTES
- II. ACCOUNTS PAYABLE
- III. PUBLIC COMMUNICATIONS
- IV. ORDINANCE NO. 28 - FIRST PUBLIC HEARING
AN ORDINANCE AMENDING ORDINANCE No. 3, ORDINANCE No. 11,
AND ORDINANCE No. 12, IN ORDER TO LIMIT THE STORAGE PERIOD
OF SCRAP TIRES, ACCOUNT FOR RETREADABLE TIRES TRANSPORTED
OUTSIDE OF THE METROPOLITAN SERVICE DISTRICT, MODIFY THE
PENAL BOND SECTIONS, AND INCREASE THE NUMBER OF TIRES
DELIVERED IN ONE LOAD TO THE PROCESSING FACILITY BY ANY-
ONE OTHER THAN A TIRE CARRIER; AND REPEALING ORDINANCE
No. 17 AND PROVIDING FOR THE REVIEW AND ISSUANCE OF PERMITS
- V. JOHNSON CREEK DRAINAGE WORKSHOP SCHEDULE
- VI. OTHER BUSINESS
- VII. PROPOSAL EVALUATION REPORT DISCUSSION



METROPOLITAN SERVICE DISTRICT

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

MAY 19, 1975

TO: MSD BOARD OF DIRECTORS

FROM: MSD STAFF

SUBJECT: STAFF REPORT FOR MAY 23, 1975 MEETING

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

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Action - <u>Approve</u> the Minutes of May 9, 1975 |
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No. 11, AND ORDINANCE No. 12, IN ORDER TO LIMIT
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RETREADABLE TIRES TRANSPORTED OUTSIDE OF THE
METROPOLITAN SERVICE DISTRICT, MODIFY THE
PENAL BOND SECTIONS, AND INCREASE THE NUMBER OF
TIRES DELIVERED IN ONE LOAD TO THE PROCESSING
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I. MINUTES

THE FOLLOWING PAGES CONTAIN MINUTES FOR THE MSD BOARD
MEETING OF MAY 9, 1975.

STAFF RECOMMENDS APPROVAL OF THE MINUTES.

COMMITTEE

DATE

MSD Board
5-23-75

NAME

AFFILIATION

Larry Burright

Oregon Recycling

Richard Glanz

M.P.C.

Karen Kahl

CWSI

Erika Kock

OSSI

Lee Kell

CWSI

Jack Schwab

CCORDA

Carol Miller

Local 220

~~Don Wilson~~~~Miller Bros. Sawmills~~

Bob Brown

DEQ

W. B. Culham

City of Portland

John Rasmussen

G. H. Mitchell

CVS, Inc.

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

May 19, 1975

TO: MSD Board of Directors

FROM: MSD Staff

SUBJECT: MSD SOLID WASTE MANAGEMENT PROGRAM OPTIONS

As you may know, the State Legislature has funded MSD within the DEQ budget in the following fashion.

- . \$160,000 for MSD staff for FY 1975-76.
- . Reserve of \$12.5 million to be released by the Emergency Board.
- . A list of requirements to be fulfilled before construction funds can be released.

The State Legislators that reviewed the MSD proposal were concerned about the ability of the Metropolitan Portland politicians to be bold enough to set rates and pass appropriate ordinances to pay back state money. It was suggested that close coordination with the collection industry was the only way to proceed.

It appears to the staff that the MSD Board must make some critical decisions in the next several months that will set a course of action affecting this area for many years.

In addition, it appears necessary for all jurisdictions to get behind MSD and make the program work. The staff developed several basic options or directions that are respectfully submitted for your review and comment.

OPTION 1 - Continuing RFP Process

The three bid proposals submitted in response to the Request for Proposal document have been evaluated and a report was submitted to the MSD Board. The Evaluation Team Report recommendations provide the MSD Board clear direction for this option. However, capital financing must be developed before September 1, 1975, the expiration date of the proposers' Bid Bonds. Therefore, the MSD must secure from the Emergency Board release of capital construction funds before that date in order for MSD to proceed.

OPTION 2 - Public Procurement - State Pollution Control Bonds

The MSD can seek funding through the Emergency Board for capital construction funds for MSD to design, construct and operate the respective facilities. This option would cause some construction schedule slide and would necessitate separate design and construction phases similar to wastewater treatment facilities.

OPTION 3 - Public Procurement - Revenue Bonds

The MSD can sell revenue bonds after approval from the voters for that purpose. Cost of a special election is estimated at \$100,000. The next regularly scheduled election would be in May 1976. Revenue bond interest would be approximately 2% more than State Pollution Control Bonds. An advantage to MSD would be an electorate approval of the program allowing the MSD to receive local government support.

OPTION 4 - Solid Waste Collection Industry Proposal

This option would place MSD in a regulatory role in conjunction with the solid waste collection industry as the implementation arm. Rates and other regulations would be developed with concurrence of the collection industry and local governments. In order for this approach to work the collection industry would be required to unify with single decisions and proposals resulting.

OPTION 5 - MSD Coordination of Local Governments Presently Responsible for Solid Waste Disposal

The MSD role in this option would be to coordinate a solid waste disposal system with those entities presently responsible for solid waste disposal. This approach would extract from those local governments their solution to the solid waste disposal problems. An arrangement for example could be established between the City of Portland

and Clackamas County to develop processing facilities and markets for recovered products. In this case State Pollution Control Bond distribution should be allowed to finance those programs.

OPTION 6 - Quit!

A responsible alternative may be to phase out MSD's work in solid waste disposal.

SOLID WASTE COMMITTEE RECOMMENDATIONS

The MSD Solid Waste Committee (SWC) reviewed several possible courses of action for the MSD Board and approved the following action:

"The Solid Waste Committee recommends to the Board to direct staff to proceed with necessary preparation for a revenue bond election to finance the Proposal Evaluation Team recommendations for the Solid Waste Program and amending the Board structure for a directly elected Board; further, to proceed with work on byproducts market clarification; to coordinate with the collection industry; and to prepare local government agreements." - (One negative vote received.)

"The Solid Waste Committee also recommends that the Board direct staff to make the necessary preparations for market clarification and local government agreements to approach the Emergency Board with a request for \$12.5 million as an alternative to the above motion."

In summary, the MSD Board should weigh these staff options, the Solid Waste Committee options, or other options proposed by the Board carefully, and direct staff as to the proper course of action.

COMMISSIONER GORDON'S STATEMENTS AT THE MAY 23, 1975 BOARD
MEETING REGARDING HIS MOTION TO NEGOTIATION WITH THE CITY OF
PORTLAND FOR CONTROL OF THE ST. JOHN'S LANDFILL

I have been under the opinion for a long time that this Board should do what we were mandated to do by the public, and that is to get into the disposal business. I would like to see us seriously sit down and attempt to negotiate with the City of Portland to take their site over, contract back with the City, so that the Legislature and Emergency Board will see that we are starting to get under way to do what we are suppose to do. I have recommended for three years you know, and I wasn't able to get a second to get the thing going. But I think we are at the cross roads now that if we don't start doing something like that to guarantee to serve the public and the whole regional area, to work with the collectors and everybody else on a program that is operated under our sole guidance, I think we might as well go for item 6, if we aren't going to do that. I don't see what the point is to go on and on when nothing happens. Frankly, I would like to have the Board consider metting into serious negotiations with the City, contracting back with the City so they operate it, but we set the rates, the program and everything else as it relates to the needs of this district.

We should sit down and assure the City that there is going to be a place for the City's wastes to go, as they were concerned before, and I think that is going to include the MSD looking at other potential sites, because this site has limited time. I think at best it is going to be a short interim facility and particularly if the Bill passes the Senate as it did the House the other day, I think the vote was 54 to 4. It was pretty decisive and I think the Senate will do the same thing. So I think the spellings on the wall as far as the life of the site, but I think the site could be taken over. I think this Board needs to assure the City that we will move forward and get another site and that means that DEQ will have to come in and lay it on the line and they can't keep turning us down every time we come up with a site. If they do it is up to us to have them go out and get sites for us to look at and make some selection. We control the rates of what is paid in sanitary disposal sites and if it is necessary to adjust the rates to collect some funds along with whatever funds might be available from the Emergency Board or grants or whatever else that would be a way to obtain funds for new sites. We could also consider a special election. If the public knew we were doing this and were serious about it and we had to go to them and say we now need the money in the whole district to have a site or sites to take care of their garbage and it is a revenue bond, I am sure the public will support it, but they sure as hell aren't going to support this Board with a track record we have right now which isn't anything. I think we should sit down first of all with the City with guarantees to them that that site will be

there and other sites will take its place, and we would like to contract with them to preserve the rights of their employees and the system and so on and take it over.

I am realistic and I think sanitary landfills will be here for a long time. This doesn't rule out recycling, but you need a back up. You are always going to have residue. You are always going to have things that have to be disposed of that will not go into the market place and I am not convinced that there is going to be a replacement of the sanitary landfill and I think there are a lot of people in this country that will agree with me.

I would like to have the Board seriously consider sitting down and negotiating with the City. I don't see anything wrong with doing that and I think we should do it right away.

GORDON'S MOTION

MSD sit down and negotiate with the City of Portland the proposition of acquiring the City's sanitary landfill.

DURIS:

For furthering the Solid Waste Program of MSD?

GORDON:

Yes. I am not talking about doing anything. If we get the

money to do it there would be public hearings and all that.
All I am talking about is sitting down and negotiating right
now.

II. ACCOUNTS PAYABLE

THE FOLLOWING PAGE CONTAINS A LIST OF ACCOUNTS PAYABLE ITEMS FOR PAYMENT FOR THE PERIOD MAY 3, 1975 THROUGH MAY 15, 1975, VOUCHER NUMBERS 148 THROUGH 153, IN THE TOTAL AMOUNT OF \$10,488.25.

THE STAFF RECOMMENDS APPROVAL OF THE ACCOUNTS PAYABLE.

ACCOUNTS PAYABLE
MAY 3, 1975 - MAY 15, 1975

VOUCHER NO.	PAYABLE	PURPOSE	AMOUNT
148	Sandra Bauer	Travel	\$ 12.75
149	Boise Cascade	Office Supplies	297.57
150	Portland Stamp & Seal	Rubber Stamp	8.60
151	Portland State University	Duplicating for April	99.08
152	Rians	Solid Waste Committee Lunches	62.65
153	U.S. National Bank	Time Certificate of Deposit	10,000.00
154	Charles Kemper	Travel	7.60
TOTAL			\$10,488.25

APPROVED METROPOLITAN
SERVICE DISTRICT
BOARD OF DIRECTORS

ACTION NO. 75 348

DATE 5-23-75

BY John 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. ORDINANCE NO. 28 - FIRST PUBLIC HEARING

THE FOLLOWING PAGES CONTAIN A COPY OF ORDINANCE No. 28, WHICH PERTAINS TO THE MSD SCRAP TIRE PROGRAM. THE SOLID WASTE COMMITTEE RECOMMENDS THAT THE MSD BOARD ACCEPT ORDINANCE No. 28 FOR THE APPROPRIATE PUBLIC HEARINGS AND ADOPTION.

THE STAFF RECOMMENDS THE MSD BOARD RECEIVE PUBLIC TESTIMONY FOR THE FIRST HEARING OF THIS ORDINANCE.

Revised May 19, 1975

PRELIMINARY

ORDINANCE NO. 28

An ordinance amending Ordinance No. 3, Ordinance No. 11, and Ordinance No. 12, in order to limit the storage period of scrap tires, account for retreadable tires transported outside of the Metropolitan Service District, modify the penal bond sections, increase the number of tires delivered in one load to the processing facility by anyone other than a tire carrier, and require general scrap tire collection receipts and general processing center receipts to be submitted by the tenth of the month following the collection or disposal of tires; repealing Ordinance No. 17; establishing procedures and standards for evaluating applications for tire carrier permits and processing center authorizations, and procedures for denying or withdrawing a permit.

NOTE: *Matter underlined is being added. Matter in parenthesis is being deleted.*

O R D I N A N C E N O . 28

THE METROPOLITAN SERVICE DISTRICT ORDAINS:

SECTION I: Section III of Ordinance No. 3 is amended to read:

"SECTION III. Permit Exclusion

1. Except as provided in subsection 2, no permit is required of a tire carrier who transports fewer than (10) 30 scrap tires at any one time in any one vehicle and who also transports no more than 300 scrap tires a calendar year. This exclusion does not apply to any-one hauling tires 48 inches in outside diameter or larger.

2. No permit is required of a refuse collector operating under a license or franchise from the MSD or from any city or county in the Metropolitan Service District who transports fewer than (4) 10 scrap tires at any one time in any one vehicle and who also transports no more than 100 scrap tires in any calendar year per vehicle.

3. No permit is required of:

- a) (same)
- b) (same)
- c) Tire carriers engaged in the business of re-treading tires and who are carrying tires to be retreaded(.) to a retreading facility within the boundaries of the Metropolitan Service District."

SECTION II: Section V of Ordinance No. 3 is amended to read:

"SECTION V. Duties of a Tire Carrier

- 1. (same)
 - a) (same)
 - b) (same)
 - c) (same)

2. Tire Carriers shall obtain written authorization from MSD for the removal of scrap tires for salvage outside of the MSD boundaries.

3. Tire Carriers shall not store any scrap tires for more than 30 days from the date of collection.

4. Tire Carriers shall not store more than 1500 scrap tires at any time within the boundaries of the MSD.

5. Tire Carriers shall obtain written authorization from MSD to transport tires out of the MSD for the purpose of retreading. Those tires intended for retreading but rejected by a retreading facility shall be disposed of in accordance with subsection 1. above."

SECTION III: Section XII of Ordinance No. 3 is amended to read:

"SECTION XII. Acceptance of Tires by Disposal Site
All disposal sites which accept or hold themselves out as accepting refuse from the general public shall accept all tires brought to them by any person other than a tire carrier operating under a permit granted pursuant to this Ordinance, so long as such person does not deliver more than (10) 30 tires to the disposal site in any one day. The operator of a disposal site may levy a unit charge per tire sufficient to cover the cost of storage and transportation to a disposal site or processing center authorized under this Ordinance to accept such tires in their then present form for on-site disposal or processing, plus any subsequent processing and disposal costs. At regular intervals, tires shall be moved to an approved processing center or be processed."

SECTION IV: Section XVII of Ordinance No. 3 is amended to read:

"SECTION XVII. Penal Bond

Every applicant for a permit under Section II shall (execute a bond in the penal sum of \$1,000.00 in favor of the Metropolitan Service District. Said bond shall be executed by the applicant as principal and by a surety company authorized to transact surety business within the State of Oregon. Such bond shall be filed with the Board in accordance with the following conditions: In the carrying out of the business of tire carriers, the principal shall comply with all the provisions of this Ordinance and such regulations issued hereunder, and that any person injured by a failure to so comply may have a right of action on said bond in his own name; provided that such action be commenced within one year after the injury; but the surety on such bond shall not be liable thereunder to any person in an amount in excess of \$1,000.00.) deliver to MSD a permit or license bond in the sum of \$1,000.00 in favor of MSD and in a satisfactory form. The bond shall be executed by the applicant as principal and by a corporate surety authorized to transact business in Oregon."

SECTION V: Section IV of Ordinance No. 11 is amended to read:

"SECTION IV. Penal Bond for Special Project Processing Center

1. Every applicant for authorization to operate a special project processing center or a tire salvage center shall (execute a bond in the penal sum of \$1,000.00 in favor the Metropolitan Service District. Said bond shall be executed by the applicant as principal and by a surety company authorized to transact surety business within the State of Oregon. Such bond shall be filed with the Board in accordance with the following conditions: In the carrying out of the business of special project processing center or tire salvage center, as the case may be, the principal shall comply with all the provisions of this ordinance, Ordinance No. 3 as amended, Ordinance No. 4 and Ordinance

No. 12, as amended and any person injured by a failure so to comply may have a right of action on said bond in his own name; provided that such action be commenced within one year after the injury; but the surety on such bond shall not be liable thereunder to any person in an amount in excess of \$1,000.00.) deliver to MSD a permit or license bond in the sum of \$1,000.00 in favor of MSD and in a satisfactory form. The bond shall be executed by the applicant as principal and by a corporate surety authorized to transact business in Oregon."

SECTION VI: Section 1.0.0 of Exhibit A of Ordinance No. 12 is amended as follows:

1.0.0 SCRAP TIRE CARRIER PERMITS

1.1 General Scrap Tire Carrier Permits

"1.1.5 Records

The general scrap tire carrier will be issued a receipt book which will contain tickets bound in triplicate and sequentially numbered. When the general scrap tire carrier collects tires from a scrap tire generator, tire retailer or authorized public tire storage centers, a receipt ticket will be completed, reproduced in triplicate. One copy will be retained by the customer, one copy retained by the general scrap tire carrier for two years and one copy submitted to MSD (at) by the (end) tenth of (each) the month(.) following the collection. All receipts must be accounted for. At the processing center, the general scrap tire carrier will be given a receipt by the processor for the tires disposed. This receipt must be retained by the general scrap tire carrier for two years. All records pertaining to carrying scrap tires shall be made available for inspection by MSD at reasonable hours in accordance with Section XIV, Records Required, of MSD Ordinance No. 3.

1.1.6 Retreading

Scrap tire carriers may remove only those tires

from MSD which are capable of being retreaded and are being transported to a retreading facility(.)after obtaining written authorization from the MSD. Before any authorization is given, a general scrap tire carrier must advise MSD of the expected number of tires to be transported, the name, address and telephone number of the person transporting the tires, if other than the tire carrier, and the name, address and telephone number of the retreading facility expected to take the tires. Those scrap tires rejected by the retreading facility shall be disposed of in accordance with Section V. Ordinance No. 3, as amended. By the end of the month during which any written authorization is obtained, general scrap tire carrier shall provide MSD with satisfactory evidence that the tires were delivered and accepted by a retreading facility, including without limitation, the number of tires accepted, the number of tires rejected, and the name, address and telephone number of the retreading facility actually receiving the tires, if different than the facility noted in the authorization."

1.2 Individual Scrap Tire Carrier Permits

"1.2.5 Retreading

Scrap tire carriers may remove only those scrap tires from the MSD which are capable of being retreaded and are being transported to a retreading facility(.) after obtaining written authorization from the MSD. Before any authorization is given, an individual scrap tire carrier must advise MSD of the expected number of tires to be transported, the name, address and telephone number of the person transporting the tires if other than the tire carrier, and the name, address and telephone number of the retreading facility expected to take the tires. Those scrap tires rejected by the retreading facility shall be disposed of in accordance

with Section V, Ordinance No. 3, as amended. By the end of the month during which any written authorization is obtained, individual scrap tire carrier shall provide MSD with satisfactory evidence that the tires were delivered and accepted by a retreading facility, including without limitation, the number of tires accepted, the number of tires rejected, and the name, address and telephone number of the retreading facility actually receiving the tires, if different than the facility noted in the authorization."

SECTION VII: Section 2.0.0 of Exhibit A of Ordinance No. 12 is amended as follows:

2.0.0 SCRAP TIRE PROCESSING CENTERS

2.1 General Processing Centers

"2.1.5 Records

MSD shall provide to all authorized General Processing Centers receipt books of tickets bound in triplicate and sequentially numbered. The General Processing Center shall complete a receipt in triplicate for each delivery and provide one copy to the customer, retain one copy and submit one copy to MSD (at) by the (end) tenth of (each) month(.) following the disposal. All receipts must be accounted for and retained by the General Processing Center for two years. The General Processing Center shall provide, on a monthly basis, an accounting by yards or tons all processed tires disposed.

All records pertaining to the processing and disposal of scrap tires shall be made available for inspection at reasonable hours in accordance with Section XIV, Records Required, of MSD Ordinance No. 3.

2.1.10 Retreading and Salvage

Tires delivered to a General Processing Center that are capable of being retreaded or salvaged may be removed from the General Processing Center and transported to (a) (retreading) the proper facility.

- a. All tires transported to a retreading facility must be accounted for within the monthly summary.
- b. All tires removed for the purpose of salvage must be accounted for within the monthly summary.

2.4 Tire Salvage Centers

2.4.8 Disposal of Tires Not Salvaged.

The Tire Salvage Center shall deliver all tires

(inadvertently) accepted by it and not (salvageable) salvaged to a permitted general scrap tire processing center(.) within 30 days."

SECTION VIII: Ordinance 17 is repealed in it's entirety.

SECTION IX: Applications for Permits

1. Applications for a permit to act as a tire processing center, tire salvage center, or a tire carrier shall be made on forms supplied by the MSD. Applications must be complete. Incomplete applications will be returned to the applicant.
2. If the MSD does not act to grant or deny a tire carrier permit within ninety (90) days of acceptance of a complete application, the permit shall be deemed granted for the service area set out in the application unless the MSD notifies the applicant that more time is needed to review and process the application and advises the applicant how much time will be needed to complete the review. The 90 days will not begin to run until the MSD has accepted the application as complete and ready for processing. A separate application shall be filed for each individual or corporate tire carrier engaged in the business of carrying scrap tires.
3. A separate application shall be filed for each processing center or tire salvage center although one application may be filed where two or more processing machines for salvage operations are in the same location.

SECTION X: Notice of Application

1. The manager shall give notice of the receipt of an application to all cities and counties within the MSD boundaries and interested parties who have requested such notice and shall publish the notice in a newspaper having a general circulation in the district greater than 50,000. The notice shall state the name of the applicant, the type of permit requested and that the recipient of the notice and the public have thirty (30) days from the date thereof to

to file written comments pertinent to the application.

2. For tire carrier applications, the notice shall also contain the number of trucks applied for and the service areas applied for.

3. For processing or salvage center applications, the manager shall notify all other persons holding current and existing processing or salvage permits. The notice for such applications shall also contain the number of machines or salvage operations involved and the service area applied for.

SECTION XI:

Grant or Denial of Permit

1. The manager shall, after the time for comment has expired, review the applications and any comments filed thereon. He may make investigation of the applicant, the applicant's facilities or equipment. The manager may deny the permit if he has reasonable grounds to believe any of the following to be true:

a. The applicant's penal bond is not in the proper amount or is legally inadequate.

b. That the applicant has not complied with all applicable laws, regulations or ordinances and permits and franchise agreements to which he is a party respecting the collection, transportation and disposal of scrap tires.

c. That the applicant has materially misrepresented the statements in the application for a permit or in any testimony or documentary evidence given to the manager or to the board.

d. That the applicant has been convicted of a Class A or B misdemeanor or its equivalent or of a felony, or if the applicant is a firm or corporation that the principal partners or officers have been convicted of a Class A or B misdemeanor or its equivalent or of a felony.

e. That the applicant has failed to disclose all information in the applicant's possession deemed relevant to a decision on the application after written notification and a reasonable opportunity to do so.

f. That the applicant cannot meet the requirement of a tire carrier, processing or salvage center as the case may be.

2. If in the manager's judgment the applicant cannot adequately meet the requirements of all of the service areas for which the application is made, the manager may restrict the permit to those service areas in which applicant has demonstrated that the requirements can be met.

3. In the case of an application for a processing center, the manager may deny the permit in addition to the ground set forth in paragraph 1 above if he has reasonable ground to believe that the proposed tire processing center would jeopardize the operation and validity of any other tire processing center currently authorized by the MSD.

4. The applicant shall be advised in writing of the action of the board or manager on his application and that the applicant has the right to a contested case hearing under the provisions of ORS Ch. 183.

5. If the board makes a final order rejecting all or part of an application for a permit, the applicant may not submit another application for a period of six (6) months unless the board finds that the public interest requires reconsideration within a shorter period of time.

SECTION XII: Public Hearing

If the manager finds that a permit application has caused or might cause, if granted, public controversy or raise question of public policy, he may refer the application to the board for public hearing at their next regular or special meeting. The applicant and all those filing timely

written comments on the application shall be given no less than four (4) days nor more than ten (10) days written notice by mail of the time and place of the hearing. At the hearing, any member of the public may appear and be heard on the application.

SECTION XIII: Suspension, Modification, Revocation, or Refusal to Renew a Permit

1. The board may suspend, modify, revoke or refuse to renew a permit if it has reasonable grounds to believe that a permit holder has done any of the following:

a. Wilfully violated any of the conditions and requirements of the scrap tire program or ORS 459 or the rules and regulations respectively promulgated thereunder, or his permit and any conditions attached thereto.

b. Wilfully misrepresented the statement in the application for his permit or in any testimony or documentary evidence given to the manager or to the board.

c. Wilfully refused to provide adequate service to the public after written notification and a reasonable opportunity to do so.

2. In lieu of suspension, modification, revocation, or refusal to renew a permit, the board may order compliance and make suspension, modification, revocation or renewal contingent upon compliance with the order within a time stated within the order.

3. The procedures for suspension, modification, revocation or refusal to renew a permit shall be those specified for a contested case in ORS Ch. 183.

SECTION XIV: Penalties

1. Violation of any ordinance comprising the scrap tire program or a permit issued thereunder is punishable by

fine of not more than \$500.00.

2. Each day a violation referred to by subsection 1 of this section continues constitutes a separate offense. Such separate offenses may be joined in one indictment or complaint or information on several counts.

SECTION XV: Abatement

The carrying, processing, disposing of or salvaging of scrap tires by any person in the district in violation of the ordinances comprising the scrap tire program or the rules and regulations promulgated thereunder is deemed a nuisance and the board may, in addition to other remedies provided by law, institute injunction, mandamus, 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 XVI: Review of Board Action

All decisions of the board under this ordinance except those decisions with a right to a contested case hearing is involved, shall be reviewable by the Circuit Court of the County in which the board has its principal office under the provisions of ORS Ch. 34.010-34.100 which shall be the sole and exclusive remedy for this review.

V. JOHNSON CREEK DRAINAGE WORKSHOP SCHEDULE

THE MSD STAFF HAS SCHEDULED THREE PUBLIC WORKSHOPS (SEE ATTACHED NOTICE) TO DISCUSS SOLUTIONS AND METHODS OF IMPLEMENTATION FOR THE FLOODING PROBLEMS IN THE JOHNSON CREEK BASIN. ALTHOUGH A SUMMARY OF PUBLIC INPUT WILL BE SUBMITTED TO THE MSD BOARD AT A LATER DATE, ATTENDANCE AND PARTICIPATION AT THESE WORKSHOPS WOULD BE ADVANTAG OUS. THEREFORE, THE STAFF ENCOURAGES THE BOARD MEMBERS TO ATTEND AND HEAR FIRST HAND PUBLIC OPINION. THE POINT OF THE WORKSHOPS

THE FORMAT OF THE WORKSHOPS IS DESIGNED TO FACILITATE MAXIMUM DISCUSSION BETWEEN CITIZEN PARTICIPANTS AND MINIMUM CITIZEN/STAFF ADVERSITY. THE INTENT IS THAT THE STAFF TAKE THIS OPPORTUNITY TO LISTEN!

THIS IS A DISCUSSION ITEM. NO ACTION REQUIRED.

PUBLIC NOTICE

JOHNSON CREEK

WORKSHOPS

TUESDAY - MILWAUKIE

May 27, 1975 7:00 p.m.
Wichita Elementary School
6031 S.E. King Road

WEDNESDAY - GRESHAM

May 28, 1975 7:00 p.m.
Gresham City Council Chamber
150 Powell Blvd.

THURSDAY - PORTLAND

May 29, 1975 7:00 p.m.
Gilbert Middle School
12500 S.E. Ramona

DISCUSS the problems and possible solutions for flooding and
drainage control in the Johnson Creek Basin.

SPONSORED BY THE

- METROPOLITAN SERVICE DISTRICT -

VI. OTHER BUSINESS

VII. PROPOSAL EVALUATION REPORT DISCUSSION

METROPOLITAN SERVICE DISTRICT
SOLID WASTE TRANSFER/PROCESSING STATIONS

BID PROPOSAL EVALUATIONS

APRIL 1975

By: THE MSD PROPOSAL EVALUATION TEAM

PETER KOERNER, CHAIRMAN

WILLIAM CULHAM

JOHN MCINTYRE

ROBERT MITCHELL

MARLIN NELSON

I.

S U M M A R Y

I. SUMMARY

A. Conclusions

1. All three bidders that submitted prequalification information were prequalified.
2. The following firms were considered responsive to MSD requirements:
 - Continental Resources Recovery Company (CRRC)
 - Parker Northwest Construction Company (PNW)
 - Vista Chemical & Fiber Products, Inc. (Vista)
3. The Proposal Evaluation Team (PET) preferred the separated dual line processing system to single line processing, because:
 - a) Single line systems with an unprocessed refuse bypass may be too easy to use, thus causing more unprocessed materials to be landfilled than necessary.
 - b) Mechanical failure of one line of a dual system does not shut down the entire processing facility. In case of failure, additional hours of operation or overtime can be utilized to process all refuse through the remaining line.
4. The PET preferred the PNW physical layout, especially the compact arrangement, traffic flow patterns and the concrete building.
5. PNW proposes a Heil mechanical system that is fully developed and is currently operating elsewhere. PNW has not operated a similar processing facility, however, installation, checkout and initial operation and training would be directed by experienced Heil Company personnel.

6. CRRC proposed essentially single-line systems while Vista proposed a dual line system at one location and single line systems elsewhere. Both bidders proposed to integrate equipment that was not substantiated as fully proven at the component level and was not utilized at the scale proposed at the time of the proposal.
7. The CRRC marketing and management plan was excellent and well organized. CRRC outlined to MSD a top flight management and marketing group.
8. The PET is concerned about returning an excessive amount of revenues from resource recovery to the private operator. The 80% return of revenues to CRRC was judged excessive by the PET.
9. The Proposal Evaluation Team determined the following rankings (proposer plus proposal criteria):

Parker Northwest Construction Company	First
Continental Resources Recovery Company	Second
Vista Chemical and Fiber Products, Inc.	Third

In addition, the PET evaluated the firms' net cost and found:

Parker Northwest Construction Company	- Lowest net cost to MSD
Continental Resources Recovery Company	- Next lowest net cost to MSD
Vista Chemical & Fiber Products, Inc.	- Highest net cost to MSD

10. Based upon the responses, it was concluded by the PET that the processing system as defined by MSD is feasible for this area. Fuel separation equipment is being used and should function properly in the MSD systems. Ferrous separation is a proven technique now being utilized with shredding in most operating systems.
11. Ferrous material markets are available. Light fuel fraction markets are reportedly available, however, the price per ton cannot yet be guaranteed.
12. Phased construction of the planned facilities should begin with one at the Rossman site and the second at the North Portland site. The second facility at North Portland should be constructed only after thorough checkout and operation of the first transfer/processing station. The third and fourth transfer/processing stations should be constructed only as the need arises.
13. A transfer station should be constructed in Washington County to alleviate the present critical disposal situation. The facility should be designed to be expanded into the third transfer processing station.
14. Value engineering methods should be applied during facility design, construction, program implementation and phased operation.

B. Recommendations

The Metropolitan Service District Proposal Evaluation Team (PET) recommends the following:

1. That the bid proposals submitted in response to the RFP be considered responsive and be ranked in the following order:

First	-	Parker Northwest Construction Company
Second	-	Continental Resources Recovery Company
Third	-	Vista Chemical and Fiber Products, Inc.

2. That if Parker Northwest is selected the following information should be requested for clarification and approval by MSD:
 - a) Provide cost per ton (operation and maintenance) adjustments for design, construction and operation of two transfer/processing stations with the following assumptions:
 - 1) 1976 annual quantities 712,000 tons;
 - 2) Location of facilities will be at the Rossman Landfill, and North Portland Road site;
 - 3) With air classification equipment at both facilities;
 - 4) With air classification at one facility;
 - 5) With 100% residue haul to landfill; and
 - 6) With 30% residue haul to landfill.
 - b) Provide documentation that the construction of the first transfer/processing station at the Rossman site can be undertaken at this time.

- c) The PNW proposal indicates that one individual would have responsibility for market development, public relations and new technology.
 - . What size staff will this individual have?
 - . What is the specific marketing strategy?
 - . Is PNW considering retaining a local public relations firm?
- d) On a project of this size, it is customary to have a prime consultant to coordinate efforts of the design team.
 - . Who will be the "prime consultant"?
 - . Use an organizational chart to show the lines of responsibility between each consultant.
- e) The PNW proposal indicates that there is room for expansion in the plant layout.
 - . Submit the layout for the phased expansion plans.
- f) Show where the trailer and drop box storage area is located and indicate the storage capacity.
- h) The Heil Company will provide PNW with a guaranteed maintenance contract.
 - . Who will be responsible for the magnetic separation equipment?
 - . Who will assume responsibility for the fuel separation equipment?
 - . Specify who will be responsible for the various equipment.
- i) How will oversize and bulky wastes be handled, once they are inside of facility?
- j) Each processing facility will have a public recycling area.
 - . How will those people who wish to recycle material be handled?

3. That after supplemental information is received and approved, a contract between MSD and PNW be negotiated for design, construction and operation of two transfer/processing facilities.
4. In the event that the MSD and PNW are unable to reach agreement on the terms of the contract, it is recommended that negotiations be terminated with PNW and that MSD commence negotiations with CRRC and Vista, in that order.
5. That MSD negotiate professional services contracts with advisors in the fields of law, marketing, engineering and financing to assure a contract beneficial to MSD, following financing approval by the State of Oregon.
6. That MSD adhere to the adopted comprehensive solid waste plan, however, phase the construction of the 4 transfer/processing stations by constructing the first facility at the Rossman location. Following thorough checkout and operation, construct the second facility at the North Portland Road site. Further a transfer station be constructed in Washington County in the vicinity of Merlo Road and SW 158th, parallel to the construction of the Rossman facility. This facility would provide transfer of unprocessed materials from Washington County to the two initial processing stations. The third transfer/processing facility should be planned for construction during the 1985-1990 period by expanding the Washington County transfer station.
7. That MSD authorize request for bids for construction of a transfer station in Washington County.
8. That fuel separation equipment be installed in accordance with the phased construction program.
9. That value engineering methods be used to achieve a life cycle cost efficiency throughout the project.