

MSD BOARD OF DIRECTORS

PORTLAND WATER BUREAU  
1800 SW 6TH AVE.  
AUDITORIUM

NOVEMBER 12, 1976  
2:00 P.M.

A G E N D A

76-696

MINUTES

76-697

PUBLIC COMMUNICATIONS

ADMINISTRATIVE

76-698

CASH DISBURSEMENTS

76-699

MSD PERSONNEL MANUAL

SOLID WASTE PROGRAM

76-700

OBRIST LANDFILL HEARING

ZOO PROGRAM

76-701

ADVISORY COMMITTEE APPOINTMENTS

OTHER BUSINESS

## MSD BOARD OF DIRECTORS

PORTLAND WATER BUREAU  
1800 SW 6TH AVE.  
AUDITORIUM

NOVEMBER 12, 1976  
2:00 P.M.

## ACTION AGENDA

PAGE	ACTION RECORD No.	
1	76-696	MINUTES Action - <u>Approve</u> minutes of October 22, 1976
10	76-697	PUBLIC COMMUNICATIONS Action - <u>Receive</u> comments from the public on matters not listed on the meeting agenda
11	76-698	CASH DISBURSEMENTS Action - <u>Approve</u> staff recommendation
12	76-699	MSD PERSONNEL MANUAL Action - <u>No action</u> required
14	76-700	OBRIST LANDFILL HEARING Action - <u>Consider</u> Obrist request and take <u>appropriate</u> action

<u>PAGE</u>	<u>ACTION RECORD</u> <u>No.</u>
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49

76-701

ADVISORY COMMITTEE APPOINTMENTS

Action - Review proposed recommendations and make appropriate appointments

OTHER BUSINESS

76-702

AMENDMENT TO ZOOPLAN CONTRACT 76-020

76-703

TRI-COUNTY LOCAL GOVERNMENT COMMISSION  
REPORT

76-696 MINUTES

THE FOLLOWING PAGES CONTAIN THE MINUTES OF THE OCTOBER 22,  
1976, BOARD MEETING.

THE STAFF RECOMMENDS APPROVAL OF THE BOARD MINUTES.

76-697 PUBLIC COMMUNICATIONS

THIS AGENDA ITEM ALLOWS THE BOARD TO RECEIVE COMMENTS FROM THE PUBLIC ON MATTERS NOT LISTED ON THE MEETING AGENDA.

76-698 CASH DISBURSEMENTS

CHECKS DISBURSED BETWEEN REPORTS:

CHECKS No. 1893 THROUGH 1912	\$ 4,398.49
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CHECKS TO BE RELEASED NOVEMBER 12, 1976:

CHECKS No. 1913 THROUGH 2041	<u>27,064.95</u>
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TOTAL	\$ 31,463.44
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MAJOR EXPENDITURES CONTAINED IN THIS REQUEST INCLUDE:

HILLS RIVIANA	\$ 2,590.25
INDEPENDENT INDEMNITY (PRIOR YEAR)	3,456.03
MARTIN/SODERSTROM/MATTESON	2,918.00
NORTHWEST NATURAL GAS	1,410.83
VAN NUYS TRAVEL	2,438.32

THE STAFF RECOMMENDS APPROVAL FOR PAYMENT OF CHECKS No. 1893 THROUGH 1912, IN THE TOTAL AMOUNT OF \$31,463.44.

ALL EXPENDITURES CONTAINED HEREIN ARE WITHIN THE ADOPTED MSD BUDGET FOR FY 76-77.

THE STAFF ALSO RECOMMENDS BOARD AUTHORIZATION FOR PAYMENT OF INVOICES DUE NOVEMBER 26, 1976, IN THE EVENT THAT THIS BOARD MEETING IS CANCELLED AND A SPECIAL MEETING IS NOT CALLED.

76-699 MSD PERSONNEL MANUAL

UNDER SEPARATE COVER IS THE PROPOSED MSD PERSONNEL MANUAL FOR YOUR CONSIDERATION. ALSO, THE FOLLOWING PAGE OUTLINES THE MAJOR DIFFERENCES BETWEEN THE PROPOSED PERSONNEL MANUAL AND THE UNION CONTRACTS.

THE STAFF RECOMMENDS BOARD CONSIDERATION OF THE PROPOSED MANUAL WITH ACTION TO BE TAKEN AT THE FIRST MEETING IN DECEMBER.

TO: MSD BOARD OF DIRECTORS

FROM: MERLE IRVINE

SUBJECT: PROPOSED PERSONNEL MANUAL

The following are the major differences between the proposed Personnel Manual and Union Contracts:

ISSUE	PERSONNEL MANUAL	UNION CONTRACTS
1. Probation Period	Six months in most cases	90 working days. Approximately 4½ months.
2. Layoff	Based on merit	Based on Seniority
3. Grievance	Division Director makes final ruling	Arbirtator makes final ruling
4. Holiday Worked	Equal time off	Comp time or pay based on regular rate plus overtime (2½ time reg.rate)
5. Sick Leave	Can take earned sick leave during probation. Illness in immediate family requiring em- ployee to remain at home qualifies for sick leave.	Can take earned sick leave after 90 working days. Illness in imme- diate family does not necessarily qualify for sick leave.

76-700 OBRIST LANDFILL HEARING

THE FOLLOWING PAGES CONTAIN A STAFF REPORT COVERING DON OBRIST, INC., DISPOSAL SITE DEQ PERMIT FOR ACCEPTANCE OF WASTE FROM THE PUBLIC. THE STAFF REPORT ALSO INCLUDES STAFF RECOMMENDATION THAT THE OBRIST PERMIT NOT BE MODIFIED TO ALLOW PUBLIC USAGE OF THE SITE.

THE SOLID WASTE COMMITTEE RECOMMENDATION IS AS FOLLOWS:

"RECOMMEND TO MR. OBRIST'S ATTORNEY THAT HE SPEAK TO MR. OBRIST AND GIVE HIM THE OPTION OF APPLYING FOR A DEMOLITION SANITARY LANDFILL PERMIT IN CONFORMANCE WITH THE DEPARTMENT OF ENVIRONMENTAL QUALITY REGULATIONS."

THE ABOVE MOTION CARRIED WITH TWO OPPOSED AND ONE ABSTENSION.

THE SOLID WASTE COMMITTEE ALSO FELT THAT ANY FINAL DECISION BY THE BOARD REGARDING THE OBRIST PERMIT MODIFICATION SHOULD BE HELD OVER UNTIL A RESPONSE IS RECEIVED FROM OBRIST ON THE COMMITTEE'S RECOMMENDATION.

THE STAFF RECOMMENDS CONSIDERATION OF THE OBRIST REQUEST FOR MODIFICATION OF THEIR PERMIT, AND TAKING APPROPRIATE ACTION.

*Page 17 staff recommendation approved.*

METROPOLITAN SERVICE DISTRICT BOARD MEETING	
NO.	DATE
76-700	11-12-76
YES	NO
BECKER	<input checked="" type="checkbox"/>
CURIG	<input checked="" type="checkbox"/>
GORDON	<input checked="" type="checkbox"/>
MCCREARY	<input checked="" type="checkbox"/>
ROSBETT	<input checked="" type="checkbox"/>
SCHMIDT	<input checked="" type="checkbox"/>
WILSON	<input checked="" type="checkbox"/>
CHAIRMAN	<input checked="" type="checkbox"/>

*John M. Wood*  
Chairman of the Board

DON OBRIST, INC. DISPOSAL SITE  
"DEQ PERMIT TO ACCEPT WASTE FROM THE PUBLIC"

INTRODUCTION

In May, 1976, Don Obrist, Inc., applied to the Department of Environmental Quality (DEQ) for renewal of his Solid Waste Disposal Permit. Consistent with earlier DEQ permits granted Obrist, use of the site was restricted to the disposal of only demolition and construction wastes and land clearing debris delivered by licensed contractors and commercial haulers. Obrist protested that the site be opened to the public. DEQ requested that MSD provide comments. A letter was written to DEQ recommending that the site retain its existing operating limitations. Mr. Obrist's attorneys have requested that the MSD staff recommendation to DEQ be reviewed by the MSD Board.

BACKGROUND

The following statements relating to this issue are verified by attached correspondence occurring between DEQ, MSD, Obrist, City of Gresham and City of Troutdale, and a visit to the site by DEQ and MSD.

1. An application for renewal of Don Obrist Inc. Solid Waste Permit was acknowledged by DEQ issuance of a draft permit on May 19, 1976. The letter transmitting this draft pointed out that one of the key provisions was that "Only licensed contractors and commercial haulers may use the site. The site is not open to the public." (Exhibit I)
2. Based upon the terms of the proposed permit, Obrist and his attorney met with DEQ on June 24 to discuss the provision prohibiting the public from the site. (Exhibit II)
3. Due to the position taken by DEQ, Obrist approached the City of Troutdale and the City of Gresham. Both of these jurisdictions directed correspondence to DEQ indicating that the public should be allowed to use the site. (Exhibit III-IV)
4. DEQ defended their position to these jurisdictions by pointing out that the original provisions of Obrist's application as well as the permits issued, restricted the use of the site to commercial contractors and haulers. No evidence of an alleged amendment to the original contract between Troutdale and Obrist had been received by DEQ by June 23. (Exhibit V-VI)

5. On September 21, 1976, DEQ addressed correspondence to Obrist asking him to submit copies of the amended contract with Troutdale and comments from MSD regarding public usage of the site. (Exhibit II)
6. The staff provided DEQ with their comments regarding public usage of the site on October 4. (Exhibit VII)
7. On October 8, 1976, MSD received correspondence from the City of Troutdale indicating City approval of public usage of the site. (Exhibit VIII)
8. On October 14, Obrist requested that the MSD Board review "by way of a hearing" the MSD staff recommendation to DEQ (Exhibit IX).
9. On October 20, the MSD staff, representatives of DEQ, and Ron Perkins of the City of Portland, visited the site.
10. On October 26, DEQ issued Obrist a Notice of Violation based upon the October 20th site visit. (Exhibit X)

#### FINDINGS

From the above correspondence and visits to the site, the staff has made the following observations:

1. On September 2, 1970, Obrist and the City of Troutdale negotiated an agreement (attached - Exhibit XI) with several provisions including the following:
  - a. That mining of the site would be accomplished in accordance with a specific plan, and refilled with "good, clean fill and not with any garbage". (Condition 1)
  - b. That the site would not be open to the general public. (Condition 7)
  - c. That refilling of the site shall be by authorized trucks and contractors and will not be open to the general public. (Condition 8)
2. Sometime shortly after mining and filling commenced, Obrist obtained a permit from the DEQ which prohibited usage of the site by public vehicles. All renewals of this permit have maintained this condition.
3. Currently, Obrist's site operates in noncompliance with it's DEQ permit. Specifically:
  - a. More than demolition and construction wastes and land clearing debris are being accepted at the site.

- b. Land clearing debris is being deposited in one large lift over 60 feet in height instead of a maximum height of five feet for each lift.
  - c. Solid Waste is being deposited in several areas of the site and is not being confined to the smallest practicable area.
  - d. The side slope of the landfill considerably exceeds the allowable 1 vertical to 3 horizontal.
  - e. Wet garbage and cafeteria wastes are being placed in several locations.
  - f. Cross sectional earth diking is not being constructed.
  - g. Tree stumps are being mixed with all other land clearing debris and not handled separately.
4. The City of Troutdale has determined that their citizens will not be adversely affected by Obrist's landfill accepting wastes from the public. This tacit acceptance differs from conditions which are part of the original agreement with Obrist.

#### RECOMMENDATION

That the MSD Board recommend to DEQ that Obrist's permit should not be modified to allow public usage of the site for at least the following reasons:

- 1. The ability of the Metropolitan Service District to implement an areawide Solid Waste Disposal Program is greatly limited by the issuance of "processable" status to new or existing landfills. Separation of processible and nonprocessable wastes should begin as soon as possible.
- 2. Current operation of the site demonstrates an unwillingness on the part of the operator to comply with provisions of his permit. A poorly operated landfill damages the opportunity to site landfills and other garbage related facilities in viable locations because of public opinions and attitudes.

#### ARGUEMENTS

Although MSD is sympathetic with Troutdale's concern that the site fill as quickly as possible we feel that MSD is caught between a situation strictly involving Obrist and Troutdale. Originally, the interests of Troutdale appeared to have been well protected in the conditional use permit and agreement developed with Obrist. However, either extraction of sand and gravel have exceeded some of the limits set out in the agreement or rates of filling were not carefully projected in the beginning.

We would point out that if the landfill was being filled in accordance with the operational plan on file with DEQ and in compliance with their permit, the chances for an eventually scarred landscape would be greatly diminished. Jurisdictions, landfill operators, and gravel extraction concerns need to recognize that even now there are more worked out gravel pits than can be safely filled by garbage, with or without MSD.

Although the welfare of the citizens of Troutdale is of great concern to MSD, the interests of the whole MSD area could be at stake if an efficient and effective solid waste disposal management plan is not implemented.

The problems of implementing an areawide solid waste management plan have been manifested in MSD's efforts to obtain financing for the program. In theory, successful financing signals the start of the program. In reality, there are some longer range slower happening transitions from existing disposal methods to a future solid waste disposal system.

Within the present abilities of the district, the MSD staff has formulated short term transitional strategies including the following:

In order to develop a future system of processible facilities and nonprocessable landfill sites:

- . Encourage the rapid filling of current landfill sites which accept not only nonprocessable demolition wastes, but also all kinds of wastes except food wastes, and "phase these kinds of sites out of existence".
- . To prevent the reduction of quantities flowing to existing sites, discourage DEQ from granting new disposal permits in or near the metropolitan area or expansion of existing operations where it will detrimentally impact quantities going to another site, and where the expansion is not in compliance with the approved solid waste plan.
- . As existing operations are phased out, MSD should initiate the establishment of true nonprocessable landfills.
- . Encourage DEQ to close out sites which have no logical end and which are not a part of areawide disposal plans.

To assist in the financing and development of the resource recovery program:

- . Encourage the installation of scales at the landfills;
- . Work with DEQ to assure landfills are operated as safely and aesthetically as possible;
- . Assist in the development of data to show the effects of

burying milled solid waste and milled solid waste residues without cover material in landfills.

Within the past two years, MSD has been asked to comment on numerous requests to open new landfills and expand or continue existing operations. The staff has attempted to consistently apply the transitional strategy mentioned above.

Generally, disposal sites in the metropolitan area continue to fill at rates less than projected by the operators. Examples include Plew's Columbia Boulevard Site, Frank's Landfill, St. John's Landfill and the Lavelle site on King Road. The first phase of the Lavelle site on 82nd Avenue appears to have filled at a faster rate than expected; however, the rate of fill has been impacted by the opening of Plew's Columbia Boulevard Site in late 1974.

The staff is concerned that the present rate of fill be maintained at specific sites to assure that they can be phased out of existence as resource recovery facilities come into existence. For this reason, MSD staff has discouraged efforts to open new landfills in Hillsboro, Tigard, and on 107th and Division. The staff has recommended the closure of the Hidden Valley site.

The staff position on the proposed expansion of the Obrist solid waste permit by acceptance of waste from the public is to be consistent with the strategy we have developed and applied to other situations.

If MSD intends to implement a resource recovery program, the staff believes that a strong stand should be made against opening new "processable" landfills, expanding existing operations or continuance of operations which have no logical end. Nonprocessable landfill sites should be selected and operated to be compatible with the processible facilities planned for this area.

The modifications of the Obrist permit to accept wastes from the public represents an expansion in the kind of material going to that site. If the kind of material accepted at the site is changed, there is no rational basis for turning away commercial and industrial loads. Once this change is allowed, MSD has an additional site that stands to be significantly impacted by MSD's processible program. Without making a fair and consistent stand on issues such as this, the staff feels the transition from existing disposal methods to a future disposal system will be difficult to accomplish.



DEPARTMENT OF  
ENVIRONMENTAL QUALITY

RECEIVED  
MAY 20 1976

METRO SERVICE DISTRICT

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229-5209

May 19, 1976

Mr. Don Obrist, President  
Don Obrist, Inc.  
Route 2, Box 1156  
Troutdale, Oregon 97060

Re: S.W. Multnomah County  
Don Obrist, Inc. Disposal  
Site  
S.W. Permit #213

Dear Mr. Obrist:

An application for renewal of your Solid Waste Disposal Permit, dated January 21, 1976 and a proposed revision to your site operational plan, dated April 30, 1976, have been reviewed by the Department of Environmental Quality.

The proposed amendment to your site operational plan, calling for the construction of five (5) foot high cross-sectional diking, is acceptable to the Department and is hereby approved.

A proposed new permit has been drafted for your review. Please submit any comments you may have, in writing, to the Department within 14 days of the date of this letter. All comments received will be evaluated by the staff and final action on your renewal application taken.

Please note that the permit as proposed contains the following key provisions:

1. Only licensed contractors and commercial haulers may use the disposal site. The site is not open to the public.

<sup>20</sup>  
C O P Y

EXHIBIT I

Mr. Don Obrist  
Page 2

2. Only land clearing debris and building demolition and construction wastes may be received.
3. By not later than August 1, 1976 an updated plan describing how large tree stumps are handled at the site, including written narrative, overhead and cross-sectional drawings, shall be submitted to the Department.

If there are any questions, please contact Mr. Charles H. Gray of this office at 229-5209 or the Department's Solid Waste Management Section at 229-5913.

Sincerely,

LOREN KRAMER  
Director

Robert E. Gilbert, Manager  
Portland Regional Office

WHD:sa  
Enc. (1)  
cc: Solid Waste Management Section  
cc: Multnomah County Health Department  
cc: Metropolitan Service District

# PRELIMINARY DRAFT

For A

SOLID WASTE DISPOSAL PERMIT

To Be Issued By

OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY

Oregon Revised Statutes Chapter 459

RECEIVED  
MAY 21 1976

METRO SERVING DISTRICT

ISSUED TO:

Don Obrist, Incorporated  
Route 2, Box 1156  
Troutdale, Oregon 97060

REFERENCE INFORMATION

File Code: S. W. Multnomah County

Facility Name Don Obrist, Inc.

Disposal Site

LOCATION:

Tax lots 15, 16, 52 and 53  
Section 36, T1N, R3E, W.M.

Type of Facility Demolition Landfill

Received January 30, 1976

ISSUED BY THE DEPARTMENT OF  
ENVIRONMENTAL QUALITY

Owner: Don Obrist, Inc.

Operator: Don Obrist, Inc.

LOREN KRAMER  
Director

Date

Until such time as this permit expires or is modified or revoked, Don Obrist, Incorporated is herewith permitted to operate and maintain a modified landfill for the disposal and handling of only demolition and construction wastes and land clearing debris delivered by licensed contractors and commercial haulers. Wastes delivered by the public, food wastes, garbage, tires, car bodies, dead animals, sewage sludges, septic tank pumpings, chemicals, liquids, hospital wastes, explosives and other materials which may be hazardous or difficult to manage, shall not be deposited unless a special request and provisions for such disposal are submitted in writing to the Department of Environmental Quality and the Department issues a specific addendum to this permit which allows for such disposal. At the discretion of the Department it may allow by specific written authorization from the Department, for the one-time or otherwise limited disposal of prohibited solid waste due to emergency or other unusual circumstances.

PERMIT CONDITIONS

The above activity must be carried out in conformance with the requirements, limitations and conditions which follow:

SPECIAL CONDITIONS

1. The permittee's disposal site shall be operated in accordance with the operational plan which was approved in writing on November 9, 1972 by the Department of Environmental Quality and any subsequent amendments thereto approved in writing by the Department.
2. As soon as practicable, but not later than August 1, 1976, the permittee shall submit to the Department, overhead and cross-sectional drawings and written narrative describing the area where tree stumps are deposited, the manner in which the stumps will be covered and the proposed final surface contours.
3. After a revised plan for handling tree stumps has been approved in writing by the Department, tree stumps received at the permittee's landfill shall only be handled in accordance with said approved plan.
4. Landfilling shall commence in the area designated as #1 in the approved plans and shall proceed in sequence through area 15. The initial ten foot high lift shall be extended across the entire pit floor prior to beginning the second lift. The second lift and all succeeding lifts shall be placed over the entire surface of the preceding lift, until the fill is within two (2) feet of the finished grade.
5. The side slope of the landfill shall be such that there is no sloughing of the landfill onto adjacent property and in no case exceed 1 vertical to 3 horizontal.
6. All solid waste deposited shall be confined to the smallest practicable area, compacted in layers not to exceed two (2) feet in depth and covered with not less than six (6) inches of compacted earth or other approved cover material at least once each week or more frequently as necessary to prevent fires, blowing litter, vector problems or other nuisance conditions.
7. A layer of not less than two (2) feet of compacted earth, in addition to intermediate cover material, shall be placed over the completed fill following the final placement of solid waste. The final cover shall be graded, seeded with appropriate groundcover and maintained to prevent cracking, erosion and ponding of water.
8. Cross-sectional earth diking, sufficient to stop the spread of fire between landfill cells, shall be constructed as described in the approved plans and specifications.
9. No burning of any material shall be conducted or allowed at the disposal site. Accidental fires shall be immediately extinguished.
10. All debris blown from or spilled by vehicles entering the site or blown from the disposal area shall be collected and properly disposed of a minimum of once each week.

PERMIT CONDITIONS

11. Roads from public streets to the disposal site and roads within the disposal site shall be designed and maintained to prevent traffic congestion, traffic hazards and dust and shall provide for all-weather passage of vehicles.
12. The permittee shall effectively monitor the disposal site operation and maintain records of required data to be submitted to the Department of Environmental Quality, quarterly. Unless otherwise agreed to by the Department, data collected shall be submitted on prescribed forms and shall include, but not necessarily be limited to, the following parameters and minimum frequencies of recording:

<u>Parameter</u>	<u>Minimum Frequency of Recording</u>
Cubic yards of solid waste deposited	Daily
Dates landfill face compacted and covered	Weekly
No. of commercial vehicles	Daily
Unusual occurrences affecting disposal operation (fire, equipment breakdown, etc.)	Each occurrence

GENERAL CONDITIONS

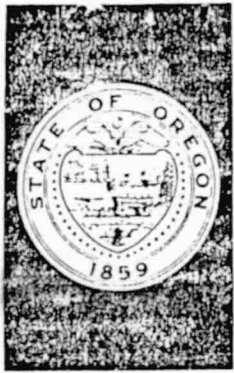
- G1. The term "disposal site" is used in this permit as defined by ORS 459.005.
- G2. The conditions of this permit shall be binding upon, and the permittee shall be responsible for all acts and omissions of, all contractors and agents of the permittee.
- G3. Solid wastes other than tires, rock, dirt, brick, concrete rubble and similar non-decomposable materials shall not be deposited directly into the groundwater table or in flooded trenches or cells.
- G4. All surface water runoff shall be diverted away from the landfill and all drainage ways, natural or excavated shall be maintained to provide free flow of surface water at all times.
- G5. Access to the landfill shall be controlled by fences, natural terrain features of the site or other measures as necessary to preclude unauthorized entry and dumping.
- G6. In the event that the disposal site is to be closed permanently or for an indefinite period of time during the effective period of this permit, the permittee shall provide the Department of Environmental Quality written notice at least 30 days prior to closure, of the proposed time schedule, final grading plan and closure procedures in accordance with State Regulations pertaining to landfill disposal site closure, OAR Chapter 340, Sections 61-040(4)(b) and 61-040(4)(j).
- G7. The disposal site operation shall be in strict compliance with Oregon Administrative Rules Chapter 340, Division 6 regarding storage, collection, transportation and disposal of solid waste.
- G8. At all times the disposal site and all equipment and facilities shall be operated at maximum efficiency and in a manner which will minimize discharges to the air and public waters and prevent health hazards and nuisance conditions. The Department may reasonably regulate the hours of site operation as it finds necessary to ensure compliance with this requirement.
- G9. The Permittee shall provide an adequate operating staff which is duly qualified to carry out the operation, maintenance and reporting functions required to insure compliance with the conditions of this permit.
- G10. In the event a breakdown of equipment, flooding, fire, sliding or other occurrence causes a violation of any conditions of this permit or of Oregon Administrative Rules, Chapter 340, Division 6, the permittee shall:
- Immediately take action to correct the unauthorized condition or operation.
  - Immediately notify the Department of Environmental Quality and local Health Department so that an investigation can be made to evaluate the impact and the corrective actions taken and determine additional action that must be taken.

PERMIT CONDITIONS

- c. Submit a detailed written report describing the breakdown, the quantity of waste involved, corrective action taken, steps taken to prevent a recurrence and any other pertinent information.

Compliance with these requirements does not relieve the permittee from responsibility to maintain continuous compliance with the conditions of this permit or the resulting liability for failure to comply.

- G11. Authorized representatives of the Department of Environmental Quality and local or State Health jurisdiction shall be permitted access to the premises of the waste disposal facility owned and operated by the permittee at all reasonable times for the purpose of making inspections, surveys, collecting samples, obtaining data and carrying out other necessary functions related to this permit.
- G12. This permit is subject to termination if the Department of Environmental Quality finds:
- a. That it was procured by misrepresentation of any material fact or by lack of full disclosure in the application.
  - b. That there has been a violation of any of the conditions contained herein.
  - c. That there has been a significant change in quantity or character of solid waste or method of solid waste disposal.
- G13. This permit, or a photocopy thereof, shall be displayed where it can be readily referred to by operating personnel.



DEPARTMENT OF  
ENVIRONMENTAL QUALITY

PORTLAND REGION

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229-5263

ROBERT W. STRAUB  
GOVERNOR

September 21, 1976

Mr. Don Obrist, President  
Don Obrist, Inc.  
Route 2, Box 1156  
Troutdale, Oregon 97060

Re: SW - Multnomah County -  
Don Obrist, Inc. Disposal Site  
Solid Waste Permit #213

Dear Mr. Obrist:

In reference to our letter dated May 19, 1976 which contained a proposed new solid waste permit for Don Obrist, Inc. Disposal Site, located in Troutdale, Oregon, we wish to bring the following item to your attention.

The proposed permit excluded public usage of the disposal site. On June 24, 1976, at your request a meeting was held with you and your attorney, Mr. Peter Blyth, to discuss that permit provision. During that meeting you promised to provide the Department with copies of the amended contract provisions between you and the City of Troutdale, specifically, the provisions dealing with permitted public usage of the disposal site. To date we have not received these items.

We therefore request that you submit to this office copies of the amended City of Troutdale contract indicating that public usage is authorized for this disposal site. Also, you must secure written comments from the Metropolitan Service District (MSD) regarding public usage of the site. Both of these items are requested to be completed as soon as practicable, but not later than October 12, 1976.

If the above requested items are not received within the time designated, the Department will issue your Solid Waste Disposal Permit as proposed on May 19, 1976.

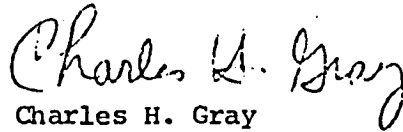
EXHIBIT II

Mr. Don Obrist  
Page 2  
September 21, 1976

If you should have any questions, please feel free to  
contact this office.

Sincerely,

LOREN KRAMER  
Director



Charles H. Gray  
Regional Sanitarian  
Portland Region

CHG/mkw

cc:Mr. Peter Blyth, Attorney at Law  
Metropolitan Service District✓  
Solid Waste Management, DEQ

# City of Troutdale

104 Kibling Street

665-5175

TROUTDALE, OREGON 97060

June 23, 1976

Mr. Bob Gilbert  
Department of Environmental Quality  
State of Oregon

SUBJECT: Obrist Land Fill

Dear Sir:

At the request of Mr. Don Obrist, I was asked to state the City of Troutdale position concerning the sanitary land fill operated by Mr. Obrist in Troutdale as it relates to your notice for him to show cause. As I understand the DEQ position, the agency feels that the land fill should be used only by licensed haulers. The City feels this action is not necessary or desirable for the following reasons:

1. DEQ has not established any substantial environmental problem resulting from the present method of operation;
2. the Conditional Use Permit for the land fill issued by Troutdale expires in 1980; if the pit is not filled by then, and fill beyond that time conflicts with the City's anticipated growth schedule, would mean an unfilled pit with the environmental impact of a scarred landscape.
3. the use of licensed haulers only establishes a limited monopoly and creates an unnecessary economic hardship on the general community who must either pay the much greater cost of a hauling service, or go to the dump in Oregon City.

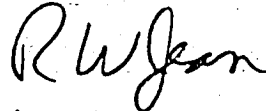
In conclusion, the City of Troutdale, equally concerned with the environmental quality of the Troutdale area, feels that the action considered is unnecessary and undesirable, at the very least premature. If the agency feels that it must take the planned action, Troutdale suggests that the action be delayed until alternatives may be developed so as to not unduly burden the local economy or the commitments made by Mr. Obrist in the Conditional Use Permit.

The City of Troutdale is prepared to meet, discuss, and assist in a proper resolution to the DEQ concerns and those of Mr. Obrist. We certainly hope

that any further EIR actions involving the City of Troutdale and land use in the City would be discussed directly with the City in advance of public hearings. Please feel free to contact me or my staff for any future assistance.

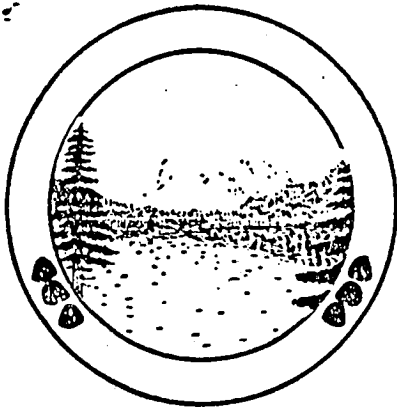
Yours truly,

CITY OF TROUTDALE



Robert W. Jean  
City Administrator

WU:h-t



✓ ~~255~~  
LDF

June 23, 1976

Mr. Robert E. Gilbert  
Department of Environmental Quality  
1234 S. W. Morrison  
Portland, Oregon

Dear Mr. Gilbert:

It has been called to my attention that DEQ and MSD are bringing pressure to bear on Don Obrist Sanitary Land Fill in an attempt to limit its use to licensed haulers.

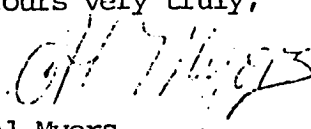
This type of action is a graphic example of the dictatorial pressures that are being brought to bear on the general public and limits their freedom of use of facilities that are highly beneficial to them as independent property owners.

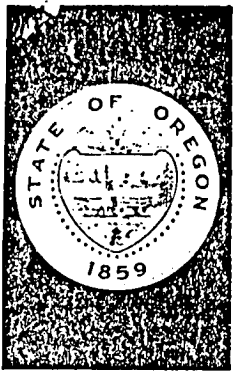
I would strongly recommend that you give serious consideration to the continuance of individual use of this facility.

The present use has been strongly endorsed by the City of Troutdale, within whose corporate limits the land fill exists, with the understanding that upon completion it will be given to the City of Troutdale.

It is my feeling that this is a very good example of fine cooperation between citizens of a community and local government and I would regret to see you limit or destroy the effectiveness of it.

Yours very truly,

  
Al Myers  
Mayor



# DEPARTMENT OF ENVIRONMENTAL QUALITY

## PORTLAND REGION

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229-5263

ROBERT W. STRAUB  
GOVERNOR

July 29, 1976

Mr. Robert W. Jean  
City Administrator  
City of Troutdale  
104 Kibling Street  
Troutdale, Oregon 97060

RECEIVED  
JUL 30 1976

TO SERVICE DISTRICT

Re: SW - Don Obrist, Inc. Disposal  
Multnomah County - SW Permit #213

Dear Mr. Jean:

We have reviewed your letter of June 23, 1976 regarding the Don Obrist Landfill which is located in Troutdale, Oregon.

Based on your concerns it may be beneficial to review our dealings with Mr. Obrist over the past several years.

The original permit application submitted by Mr. Obrist in 1971 proposed a facility for the disposal of only demolition and construction debris to be delivered by commercial contractors and licensed haulers only. Part of Mr. Obrist's permit application was a contract agreement with the City of Troutdale (copy enclosed) clearly stating that the site was not to be open to the public.

Mr. Obrist's permit has been renewed twice since it was originally issued in 1971. The permits have always restricted use of the site to commercial contractors and haulers, in accordance with Mr. Obrist's permit application. The current permit renewal does not, therefore, reflect any changes in policy by this Department.

In our recent meeting with Mr. Obrist and his attorney, Mr. Peter Blyth, we were advised that the original contract with the City of Troutdale was later amended to allow public usage. We were never informed or contacted regarding those amendments. Mr. Blyth has promised to send us copies of those amendments; to date he has not done so.

EXHIBIT V

Mr. Robert W. Jean

Page 2

July 29, 1976

On April 27, 1973 the Department sent Mr. Obrist a letter (copy enclosed) regarding the receipt of unauthorized wastes and reminding him that the site was only to be used by licensed contractors and haulers.

Mr. Obrist responded with a letter dated May 30, 1973 requesting that Troxels, Inc. be allowed to use the site, but no request was made to allow public usage of the site. On June 7, 1973 the Department approved Mr. Obrist's request for the receipt of the Troxels' waste. No other request for receipt of wastes had been received until Mr. Obrist objected to the renewal of his current permit.

The renewal of Mr. Obrist's permit is still pending. The final decision on public usage of the site will be dependent upon receipt of written approval by the City of Troutdale and the Metropolitan Service District (MSD).

We trust we have clarified this matter. If you should have any questions, please feel free to contact me at 229-5288 or Mr. William H. Dana of our Solid Waste Management Section at 229-6266.

Sincerely,

LOREN KRAMER  
Director

*Charles H. Gray*

Charles H. Gray  
Regional Sanitarian  
Portland Region

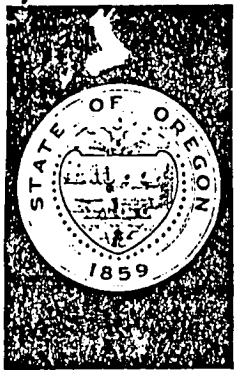
CHG/mkw

Enclosures

cc: Mr. Peter Blyth, Attorney at Law

Mr. William H. Dana, Solid Waste Management Section, DEQ  
Metropolitan Service District

Mr. Don Obrist



## DEPARTMENT OF ENVIRONMENTAL QUALITY

### PORTLAND REGION

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229-5263

ROBERT W. STRAUB  
GOVERNOR

July 29, 1976

The Honorable Al Myers, Mayor  
City of Gresham  
150 W. Powell Blvd.  
Gresham, Oregon 97030

Re: SW - Don Obrist, Inc. Disposal  
Multnomah County - SW Permit #213

Dear Mr. Myers:

We have reviewed your letter of June 23, 1976 regarding the Don Obrist Landfill which is located in Troutdale, Oregon.

Based on your concerns it may be beneficial to review our dealings with Mr. Obrist over the past several years.

The original permit application submitted by Mr. Obrist in 1971 proposed a facility for the disposal of only demolition and construction debris to be delivered by commercial contractors and licensed haulers only. Part of Mr. Obrist's permit application was a contract agreement with the City of Troutdale (copy enclosed) clearly stating that the site was not to be open to the public.

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EXHIBIT VI

The Honorable Al Myers, Mayor  
Page 2  
July 29, 1976

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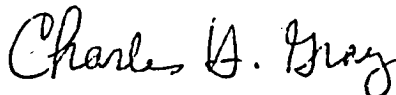
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The renewal of Mr. Obrist's permit is still pending. The final decision on public usage of the site will be dependent upon receipt of written approval by the City of Troutdale and the Metropolitan Service District (MSD).

We trust we have clarified this matter. If you should have any questions, please feel free to contact me at 229-5288, or Mr. William H. Dana of our Solid Waste Management Section at 229-6266.

Sincerely,

LOREN KRAMER  
Director



Charles H. Gray  
Regional Sanitarian  
Portland Region

CHG/mkw  
Enclosures

cc: Mr. Peter Blyth, Attorney at Law  
Mr. William H. Dana, Solid Waste Management Section, DEQ  
Metropolitan Service District  
Mr. Don Obrist

# MSD METROPOLITAN SERVICE DISTRICT

1220 S.W. MORRISON, ROOM 300, PORTLAND, OREGON 97205 222-3671

October 4, 1976

Mr. Ernie Schmidt  
Administrator, Solid Waste  
Management Division  
Dept. of Environmental Quality  
1234 SW Morrison  
Portland, Oregon 97205

SW MULTNOMAH COUNTY - DON OBRIST, INC. DISPOSAL SITE  
LETTER OF SEPTEMBER 21, 1976  
SOLID WASTE PERMIT #213

We have received a copy of the above letter which requests that Obrist solicit written comments from MSD regarding modifications to the existing permit. We wish to take this opportunity to submit our comments.

In accordance with the approval of the Department of Environmental Quality, we are proceeding with the implementation of a Solid Waste Disposal Management Plan in the Portland metropolitan area. Presently, a number of so called "demolition landfills" exist which accept most kinds of waste except food wastes. The implementation of our program depends on the orderly phasing out of these sites as they reach their capacity. It is also important that the phasing out of these "demolition landfills" happen as quickly as possible to assure that sufficient quantities of material can be processed when MSD facilities have been constructed. For the reason that MSD would like to provide every opportunity for the operators of these sites to close out their sites in accordance with existing operating plans, we would like to prevent a substantial diminishment of flow quantities into existing "demolition landfills".

Within the past three years, MSD has considered many inquiries into possibilities for opening new sites as well as extending or expanding current operations. Only one such proposal has been supported. That proposal involves a short term expansion of the St. John's Landfill and the ability of the site to accept "food wastes" and be a part of the future regional system. Most proposals, however, have been for operating or extending "demolition landfills". We have attempted to be consistent in our analysis of these inquiries.

EXHIBIT VII

Mr. Ernie Schmidt  
October 4, 1976  
Page 2

Much of the material which presently goes to demolition landfills is not, in fact, demolition or construction waste. Although the existing permit for the Obrist site allows for only the acceptance of demolition and construction wastes and land clearing debris, I have observed packaging materials, rags, paper and plastic products, and appliances at the site.

MSD has taken the position that opening of new "demolition landfills", expansion, or continuance of operations which have no logical end, not only reduces the possibilities of success for a resource recovery program, but also makes the long range kind of planning for good solid waste disposal operations, including landfilling, impossible.

In view of the strong support DEQ has given for the proposed MSD plan, we feel that any expansion of permit conditions allowing for greater quantities of material to flow to the Obrist site are inconsistent with supporting implementation of a Resource Recovery Program.

In addition to MSD's opposition to the permit modification proposal on the Obrist site, we would like to comment on the use of the term "demolition landfills", in DEQ permits as a type of facility classification. A disservice may be done to the general public by continuing to call landfills which accept nearly all kinds of wastes except food wastes, demolition landfills. The implication is that such landfills contain materials which generally do not smell, harmfully decompose, or support pests or vectors. From a strictly technical point of view, the environmental hazards of a so-called "demolition landfill" are only minutely different from any landfill. Until such time as a true system of processible and nonprocessible facilities can be established, we recommend the terminology of non-food landfills or something similar be used.

For the benefit of the applicant, Don Obrist, Inc., we would carefully point out that the comments offered in this letter represent staff interpretations of the direction provided by the elected Board of MSD. The MSD Board may be petitioned to hear any conflicts to this staff recommendation.

*CordeLL F. Ketterling*

CORDELL F. KETTERLING, P.E. - SOLID WASTE PROGRAM ENGINEER  
ce

cc: Charlie Gray  
City of Troutdale

cc: Don Obrist  
MSD Board

# City of Troutdale

104 Kibling Street

665-5175

TROUTDALE, OREGON 97060

October 6, 1976

Chuck Kemper  
Metropolitan Service District  
1220 S.W. Morrison, Room 300  
Portland, Oregon 97205

Dear Mr. Kemper:

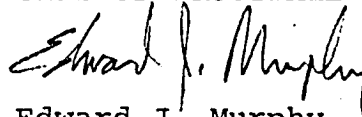
Enclosed please find a copy of a recent action taken by the City Council of Troutdale. As it states, the City has no objections to allowing public usage of the Don Obrist landfill.

We understand that you have some reservations about allowing public usage. We would urge you to reconsider this position, as we feel that allowing public usage would insure that this landfill could be closed by the required date, January '20, 1980.

If you have any questions, please don't hesitate to call.

Sincerely,

CITY OF TROUTDALE



Edward J. Murphy  
City Planner

EJM:kmt

RECEIVED  
OCT 8 1976

METROPOLITAN SERVICE DISTRICT

1.20.88

RESOLUTION NO. 124

A RESOLUTION DECLARING POLICY REGARDING DUMPING ON THE DON OBRIST LAND FILL SITE.

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THAT:

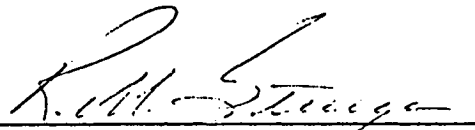
1. Common Council of the City of Troutdale finds that the public interests of the citizens of the City of Troutdale will not be adversely served in the event Don Obrist accepts garbage or rubbish from public agencies as well as private persons so long as the garbage, rubbish or trash disposed of upon the Don Obrist land fill site meet all other regulations and qualifications of the Department of Environmental Quality.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE, OREGON, THIS 10th DAY OF AUGUST, 1976.

Yeas 5

Nays 0


Signed by the Mayor this 10th day of August, 1976.



MAYOR R.M. Sturges

ATTEST:

- 39 -



City Recorder Betty J. Bergstrom

October 14, 1976

Metropolitan Service District  
1220 S.W. Morrison, Room 300  
Portland, Oregon 97205

Attn: MSD Board

Gentlemen:

Re: Don Obrist, Inc. Disposal Site  
Solid Waste Permit #213

As President of Don Obrist, Inc., I am hereby petitioning you to review by way of a hearing, your staff's report dated October 4, 1976 and addressed to Mr. Ernie Schmidt, Administrator, Solid Waste Management Division, Department of Environmental Quality. The reason for this request is that we do not believe the report is factual or proper.

We will look forward to being advised of a hearing date within the near future and would appreciate adequate notice in which to prepare for same.

Very truly yours,

DON OBRIST, INC.

by   
President

ls  
cc: Department of Environmental  
Quality



DEPARTMENT OF  
ENVIRONMENTAL QUALITY

PORTLAND REGION

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229-5263

ROBERT W. STRAUB  
COMMISSIONER

October 26, 1976

OCT 26 1976

Mr. Don Obrist, President  
Don Obrist, Inc.  
Route 2, Box 1156  
Troutdale, Oregon 97060

Re: SW - Don Obrist, Inc.  
Multnomah County  
Permit No. 213  
ENF-SW-PR-76-170  
NOTICE OF VIOLATION

Dear Mr. Obrist:

On October 20, 1976, representatives from this Department conducted a field inspection of Don Obrist, Inc.'s disposal site located in Troutdale. This investigation revealed several violations of Conditions S1, S2, S3, S4, S6 and S7 of your Solid Waste Disposal Permit No. 213.

In particular, the disposal site was not being operated in accordance with your operational plan approved by this Department on November 9, 1972 (S1). Of particular importance are the following:

1. The area where land clearing debris is being deposited is in one large lift over 60 feet in height. Your operational plan indicated a maximum height of five feet for each lift (S2).
2. Wet garbage and cafeteria wastes were observed in several locations.
3. The solid waste was being deposited in several areas of the site and was not being confined to the smallest practicable area (S3).

Mr. Don Obrist, President  
page 2  
October 26, 1976

4. The side slope of the landfill was greater than one vertical to three horizontal (S4).
5. Cross-sectional earth diking has not been constructed (S6).
6. Tree stumps were observed mixed with all other land clearing debris and were not being handled separately (S7). This practice was not in accordance with your operational plan and with our letter of August 23, 1976.

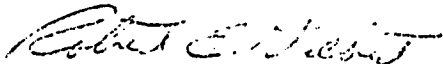
At the time of inspection you were directed to immediately collect the cafeteria wastes and wet garbage at your site and dispose of this waste at an authorized sanitary landfill (St. Johns or Rossmans). Please notify us, in writing, if this has been accomplished by November 1, 1976.

By this letter, you are also directed to be in compliance with the conditions of your Solid Waste Permit and your approved operational plan as soon as practicable, but by no later than November 15, 1976. We will be conducting field inspections to observe your progress in attaining compliance. If Don Obrist, Inc.'s disposal site is not in compliance with its permit at that time, appropriate legal action including the imposition of civil penalties will be initiated.

If you have any questions or if we can clarify any of the above items, please feel free to contact Mr. Charles H. Gray of this office at 229-5288.

Sincerely,

LOREN KRAMER  
Director

  
Robert E. Gilbert  
Manager  
Portland Region

REG/klm

cc: Mr. Peter R. Blyth, Attorney at Law  
City of Gresham  
Metropolitan Service District  
Multnomah County Department  
of Environmental Services  
Solid Waste Management  
City of Troutdale

# NOTICE OF PUBLIC HEARING TROUTDALE, OREGON

CITY OF TROUTDALE PLANNING COMMISSION	Date	A
	Meeting Time	
	Site Inspection	
	Line Number	
CITY COUNCIL	Date January 20, 1970 Time 8:00 p.m.	T

A public hearing will be held on the following item on the date and at the time indicated above. The actual item time may vary either way.

ZC 2-69t, #585 and #579, M-1, C-S, Heavy Manufacturing, Community Service District

- (a) Location: Troutdale Road (1,000 Feet South of Cherry Park Road
- (b) Legal: Tax Lots '15', '52', '16' and '53',  
Section 36, 1N-3E, 1969 Assessor's Map
- (c) Site Size: 21.8 Acres
- (d) Size Requested: Same
- (e) Applicant: Donald A. Obrist 97060  
Rt. 1, Box 1156, Troutdale
- (f) Present Zoning: S-R (suburban-residential district)
- (g) Sponsor's Proposal: M-1, C-S (heavy manufacturing, community service district)
- (h) Use: Applicant requests M-1 zoning on these sites. Applicant further requests approval under the Community Service classification to permit a simultaneous land fill operation to be conducted to refill the property. Tax Lots '15' and '53' now have non-conforming status under the terms of the Zoning Ordinance to permit gravel mining. Tax Lots '16' and '52' have no present approval for gravel mining.

Mailed on 1-13-70  
Notice Posted on bulletin board on 1st floor, County Court House on 1-13-70

- 43 -

planning commission action

Planning Commission Action on Attached Sheet.

EXHIBIT XI



February 25, 1970

Troutdale Planning Commission  
and City of Troutdale  
Troutdale City Hall  
Troutdale, Oregon 97060

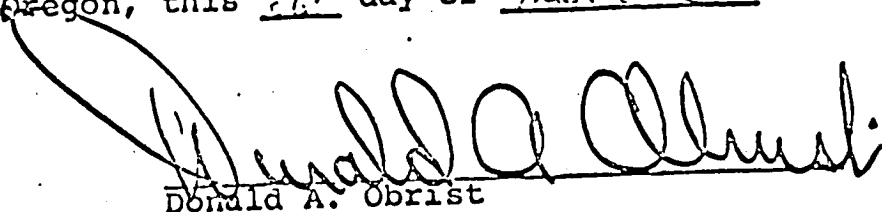
Re: Don Obrist  
Planning Commission Request  
Troutdale Road Tax Lots 15, 52, 16 & 53

Gentlemen:


As part of the conditions relating to my gravel and mining operation on Tax Lots 15, 52, 16 and 53, I was requested to submit statements regarding several matters, and I will attempt to do so herein.

1. That the land fill operation on the property will be by myself and authorized trucks and not open to the general public.
2. That the fill operation will be conducted in accordance with all applicable provisions of the Multnomah County Rules and Regulations for the operation of garbage and refuse dumps.
3. That in consideration of the granting of my request, I have consented and do hereby agree to discontinue the present nonconforming use on Tax Lots 15 and 53, and to remove all buildings at the end of a ten year period, said period beginning with the issuance of a land use permit for the requested purpose.

DATED at Portland, Oregon, this 26<sup>th</sup> day of March, 1970.

  
Donald A. Obrist

SUBSCRIBED AND SWORN to before me this 26<sup>th</sup> day of March, 1970.

  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 11/1

AGREEMENT

WHEREAS Donald Obrist and Loran D. Obrist, parties of the first part, agree for themselves and their successors in interest, with the City of Troutdale, party of the second part, that they will abide by the conditions attached to the allowance of a C S Zoning relative to Tax Lots '15', '16', '52' and '53', within the City of Troutdale, State of Oregon, it is agreed and understood by the parties hereto, that the following were the said conditions so attached, to-wit:

Party of the First Part agrees as follows:

1. That they will mine out the two lots in strips and not to exceed 110 feet wide at any one time according to plans and specifications on file as required by #8 herein, to refill after mining with good clean fill and not with any garbage. That said strip shall not be deeper than 80 feet below surface and shall have sloping sides on the basis of 1 to 10 for the first 30' of depth and 1 to 5 for the balance.
2. That on or before January 20, 1980, Tax Lots '16' and '52' of Section 36, 1N-3E, 1969 Assessor's Map, shall vest in the City.
3. That the only equipment to be used in connection with the said mining will be trucks, drag line and scoop and that the gates to said premises will at all times be locked except for purposes of access and egress.
4. The Party of the First Part shall fence said premises with a good wire fence and plant fast growing evergreen or a mixture of evergreen and deciduous trees along the perimeter of the said property. Such planting shall be accomplished in stages but in no case shall the property line within 200 feet of an excavation be unplanted. In addition, the property shall be posted each 500 feet around the perimeter of the property.
5. Said Party shall employ a registered engineer familiar with both excavations and land fill operation, acceptable to the City, on a consultant basis to supervise the removal and filling operation and to make periodic reports, not less than each three months, to the Troutdale Planning Commission and the Troutdale City Council. The costs of said registered engineer shall be paid by the Party of the First Part.
6. Party of the First Part shall continuously carry, during

the life of this agreement property damage liability insurance and bodily injury liability insurance in the amount of \$200,000.00.

7. The property shall be under the control of the Party of the First Part at all times and he agrees that the site will not be open to the general public either for material removal or filling. Such removal shall be by authorized contractors and such filling shall be by authorized contractors.

8. Party of the First Part shall submit a detailed plan indicating strips to be mined and filled and a time table for the removal thereof. The first strip to be removed shall be along the East property line and shall be mined and refilled within a period of three years. Such refilling shall be by authorized trucks and contractor and will not be open to the general public.

9. Party of the First Part will post a \$10,000.00 Bond or an equivalent approved by the City of Troutdale forthwith to cover compliance with refill agreement.

10. Deeds are to be drawn by the Party of the First Part in favor of the City of Troutdale and shall be placed in Escrow for Tax Lots '16' and '52' of Section 36, 1 North, 3 East, (1969 Assessor's Map). Such deeds will be available to the City within ten (10) years or sooner on the basis of completion or nonperformance under the terms of the agreement.


11. Party of the First Part agrees to furnish an agreement to the City binding the discontinuance on Tax Lot 15, Section 36, 1 North- 3 East, of the present nonconforming truck shop and the removal of all buildings, at the end of a ten (10) year period beginning January 20, 1970.

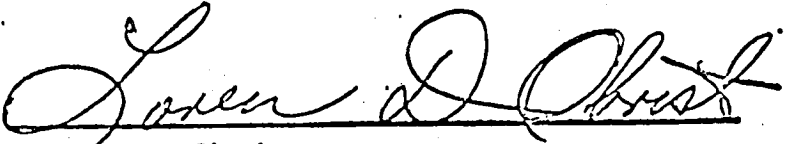
12. Party of the First Part agrees that during the life of said contract, neither he nor any person authorized to remove gravel from said premises shall use Hensley Road as a means of access or egress to said mining tract.

13. Some portions of this agreement have previously been complied with but only when Parties of the First Part and Party of the Second Part agree that all parts hereof which are to be complied with before the commencement of operations by Parties of the First Part are completed, shall Parties of the First Part commence their mining operation.

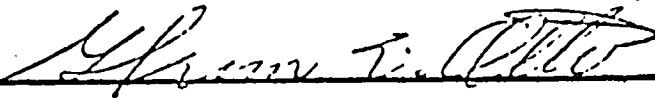
14. This clarification and agreement is entered into in consideration of the granting of a special permit by the City of Troutdale to the Parties of the First Part.

IN WITNESS WHEREOF we have and do set our hands this 2<sup>ND</sup> day of SEPTEMBER, 1970.

  
Donald Obrist

  
Loran D. Obrist

CITY OF TROUTDALE

BY:   
Mayor

BY:   
City Recorder

## 76-701 ADVISORY COMMITTEE APPOINTMENTS

THE MSD BOARD IS CURRENTLY USING ADVISORY COMMITTEES TO ASSIST THE BOARD IN POLICY DECISIONS. THE ZOO ADVISORY COMMITTEE SHOULD BE COMPRISED OF A COMBINATION OF ZOOLOGICAL SOCIETY MEMBERS AND CITIZENS.

THE STAFF RECOMMENDS THAT THE MSD BOARD CREATE A ZOO ADVISORY COMMITTEE (ZAC) UNDER THE FOLLOWING GUIDELINES:

1. THE ZAC WILL ACT IN AN ADVISORY ROLE TO AND AT THE PLEASURE OF THE MSD BOARD.
2. THE ZAC BE COMPRISED OF A TOTAL OF NINE MEMBERS TO BE APPOINTED BY THE BOARD OF WHICH FIVE WOULD BE MEMBERS OF THE PORTLAND ZOOLOGICAL SOCIETY AND FOUR CITIZENS.
3. THE ZAC WILL ACT AS A LIAISON BETWEEN THE ZOOLOGICAL SOCIETY, THE PUBLIC AND THE MSD BOARD, AND HAVE ACCESS TO THE BOARD ON ITEMS OF ZOO BUSINESS.
4. THE ZOO STAFF WILL PROVIDE STAFF SUPPORT TO THE ZAC.
5. THE ZAC WILL DEVELOP THEIR OWN RULES OF OPERATION PROVIDED THAT THE IMPACT ON THE MSD ZOO STAFF WILL BE MINIMAL.
6. THE MSD BOARD WILL FILL VACANCIES ON THE ZAC AS THEY OCCUR, MAINTAINING THE RATIO OF REPRESENTATION AS LISTED IN ITEM No. 2.

THE FOLLOWING LIST OF NAMES ARE PROPOSED FOR THE ZOO ADVISORY  
COMMITTEE. PLEASE APPOINT.

CITIZENS

MILLER DURIS  
DENNIS LINDSEY  
DOUGLAS LEONETTI

ZOOLOGICAL SOCIETY

BOB PETERSON  
DON LENGACHER  
AL HAMPSON  
GERARD LANDON  
LINDA GRAY

## OTHER BUSINESS

### 76-702 AMENDMENT TO ZOOPLAN CONTRACT 76-020

ON AUGUST 27, 1976, THE MSD BOARD APPROVED A CONTRACT FOR \$17,850 PAYABLE TO THE ZOOPLAN ASSOCIATES, INC., FOR CONSULTING SERVICES. SINCE THE ORIGINAL WORK SCOPE WAS ESTABLISHED FOR THE CONTRACT, WE HAVE FOUND THAT THERE WAS A NEED FOR THE CONSULTANTS TO INTERVIEW ADDITIONAL PEOPLE IN THE PORTLAND AREA. SPECIFICALLY, MEMBERS OF THE SCIENTIFIC COMMUNITY HAVE EXPRESSED A DESIRE TO HAVE INPUT TO ZOOPLAN. THIS WORK WILL BE AN ADDED EXPENSE TO THE ORIGINAL CONTRACT.

THE STAFF RECOMMENDS THAT THE MSD BOARD AUTHORIZE AN AMENDMENT TO CONTRACT 76-020 WITH ZOOPLAN ASSOCIATES, INC., FOR THE PURPOSE OF RETURNING TO PORTLAND AND PERFORMING ADDITIONAL INTERVIEWS FOR THE STUDY. THE TOTAL ADDITIONAL COST TO THE CONTRACT IS NOT TO EXCEED \$500.

#### METROPOLITAN SERVICE DISTRICT BOARD APPROVAL

NO. 76-702 DATE 11-12-76

	YES	NO	ABST.
BECKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DURIS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GORDON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MCCREADY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBBETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHUMACHER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MILLER, CHAIRMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

John M. Wood  
Clerk of the Board

# msd METROPOLITAN SERVICE DISTRICT

1220 S.W. MORRISON, ROOM 300, PORTLAND, OREGON 97205 222-3671

November 12, 1976

Senator Edward N. Fadeley, Chairperson  
Interim Committee on Intergovernmental Affairs  
Room 318, State Capitol Building  
Salem, Oregon 97310

SUBJECT: TRI-COUNTY LOCAL GOVERNMENT COMMISSION REPORT

The MSD Board has reviewed the Tri-County Local Government Commission reorganization plan and would like to make comments in light of the Board's experience with regional government in the Portland Metropolitan Area. In reviewing the Tri-County Commission plan, the MSD Board had before it the attached memo summarizing the plan and copies of LC 1001 and LC 1002 which apparently are drafts of proposed legislation to codify portions of the plan developed by the Tri-County Commission.

The most specific parts of the reorganization plan are those parts dealing with the compensation and powers of the Metropolitan Service Council (MSC) and the powers and duties of the chief executive officer (CEO). Some of the points discussed, such as \$25 per diem per council members, are details that do not require comment but rather, the MSD Board would like to see the MSD functions and financing developed in similar detail. Once the MSD functions and financing are specified with some particularity, we believe the distribution of power and pay of the Metropolitan Service Council and the CEO could be fairly easily developed in light of the powers that they will exercise.

The Board also views the reorganization plan as more than a reorganization of present regional agencies. The reorganization plan would in fact give many of the powers now exercised by the cities and counties to MSD.

The MSD Board has the following comments on the plan in light of our understanding of the proposal.

1. An Elected Governing Council

While the Board believes that elective representation is essential in our form of government, particularly on an agency that is levying taxes, it also seems clear that any kind of regional government will have to perform many of its activities in a close working relationship with presently constituted local governments. It has been our experience that there has been a great deal of cooperation between the MSD and the jurisdictions within the MSD boundaries because those jurisdictions had representation on the MSD Board. Your committee should carefully consider whether that close cooperation will be lost by having an all elected board without representation from the local jurisdictions.

2. Fifteen Part-time Councilors

In light of the significant and diverse responsibilities given to the MSD in the plan, we wonder whether 15 part-time councilors will be able to develop the expertise to effectively govern the proposed new governmental agency. It appears that the Council has been modeled after the State Legislature. Because of the close relationship between local government officials and its citizens, involving daily contracts on specific problems, we do not think that the proposed Council is comparable to state legislative positions.

3. Districting

It seems curious that the plan should specify that information on districting must be provided by Portland State University. The MSD Board believes that the most important criteria, regardless of source, should be accurate information that would be acceptable in court if issues of one man - one vote were raised in legal proceedings.

The criteria that existing local government boundaries be disregarded seems to conflict with the criteria that consideration be given to historic and traditional communities following natural boundaries to the extent possible. For example, following the first criteria (disregarding local government boundaries to include diverse interest) the City of Hillsboro might be divided in half in order that a district include proper representation of both city dwellers and farming interests, while the second criteria (giving consideration to historic and traditional communities) would seem to indicate that Hillsboro should be treated as a separate entity as much as possible.

4. The Chief Executive Officer

The salary of the CEO should be related to the job being performed and salaries paid for similar positions in the metropolitan area. There seems to be no rational connection between the salary of a state appeals judge and duties that a CEO might perform.

It is apparent that the Tri-County Commission intends that the CEO should have very strong powers relative to those of the Council. Since the CEO is given the authority to introduce ordinances and is given a line-item veto which, we assume, would apply to the budget ordinance, it would appear that the 15 part-time councilors might have very little actual authority. We are concerned that compromises worked out by the council in exhaustive legislative sessions could be over-ridden by a line-item veto that would require two-thirds of the council to re-pass.

5. Boundaries of MSD

The MSD Board has no objection to re-examing the boundaries of the MSD but would like to point out that there is some logic in making a Metropolitan Service District boundary conform to the limits of the urban growth area rather than following historical political boundaries. The inclusion of rural areas within the Metropolitan Service District boundary sets the stage for urban/rural confrontation when the great mass of problems are in the urban areas.

6. Transfer of CRAG Powers

The MSD Board is concerned that merely transferring CRAG's powers and functions to the MSD will not solve the CRAG problems. The CRAG powers and functions must be carefully defined and specified before any agency, MSD or CRAG, can carry out the legislative assignment.

7. Metropolitan vs Local

The MSD Board is concerned that the present difficult legislative charge that restricts the MSD to the metropolitan "aspects" of the assigned areas of responsibility is being applied to new areas of endeavor. The MSD Board has discovered that it is difficult, if not impossible, to distinguish between the metropolitan and local aspects of such services as sewage or garbage disposal. We are afraid that such a distinction would be just as unworkable when applied to human services and planning.

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The Tri-County Local Government Commission report is not a critique of the present services being performed by the Metropolitan Service District or the structure of the present MSD Board. Instead, it is a comprehensive reorganization of government for the Portland Metropolitan area. Since the report does not deal with the MSD's present specific duties or how those duties are being performed, the Board does not want to take a position at this time on the proposed Tri-County Local Government Commission Plan.

Respectfully submitted,

Raymond L. Miller, Chairman  
Metropolitan Service District

RLM/jw

encls.

**METROPOLITAN SERVICE DISTRICT  
BOARD APPROVAL**

NO. 26-703 DATE 11-12-76

	YES	NO	ABST.
BECKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DURIS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GORDON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
McCREADY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBNETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHUMACHER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MILLER, CHAIRMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*John M. Warden*  
Clerk of the Board

November 12, 1976

TO: MSD Board of Directors

FROM: Ray Miller, Chairman

SUBJECT: MEETING AND DISCUSSION WITH THE MSD SOLID WASTE  
ADVISORY COMMITTEE

On November 8, 1976, I met with the MSD Solid Waste Advisory Committee to discuss with them issues and concerns that had been plaguing them. I found the meeting informative and would encourage each MSD Board member to meet with the Committee and discuss their views.

The following is a summary of the issues raised and generally my responses:

1. Consolidation of all solid waste management agencies in the MSD.

*I favor all solid waste disposal functions presently being performed by cities and counties to be consolidated under the MSD Board, because solid waste disposal is an areawide problem that needs solving.*

2. A more formal organization and strict enforcement of the landfill system by DEQ.

*Consistent enforcement by DEQ is a necessity. MSD is an areawide government with implementing powers. MSD cannot implement anything unless DEQ goals are clear and enforcement consistent.*

- 3.. Installation of scales at Rossman's and St. John's. Also obtaining more accurate records from demolition fills.

*Weighing of garbage is being done throughout the United States and especially where solid waste systems are being implemented. We need good data to ensure guarantees with potential operating contractors.*

4. Franchising collection industry.

*I favor franchising of solid waste collection. As you know, we franchise in Washington County. Unless there is an overriding need I favor leaving the franchising with the county or cities. I do recognize the need for MSD to "pass on" disposal fees and there should be a mechanism within the franchising framework.*

5. Reassessment of the MSD boundaries so that flow control could be more practical.

*We can reassess MSD boundaries for this purpose, but where would it end?*

- 6.. Funding composition studies.

*We need garbage composition data, however, I do not want to over fund this kind of study. We have studies that go on each year in Washington County that need to be reduced.*

7. Clarification of what MSD can and cannot accomplish with regards to solid waste management.

*I think the legislature intended MSD to have broad powers in solving solid waste management problems. Those powers may be challenged but I think they will be upheld.*

8. Indication of how much weight the Solid Waste Committee's recommendations carry with the Board. How much information from the Committee does the Board actually consider?

*This Committee has as much input as any advisory committee. Their input is considered and weighed with other information. Your Chairman is usually at every MSD Board meeting when solid waste issues are considered.*

9. Opinion on changing committee appointment procedure to a system whereby each member has a chance to step down or appoint a possible replacement each year.

*I do not have an opinion, only that in Washington County the advisory committees are appointed for terms.*

10. Plans for a public information program to be started with implementation of program.

*Public information programs should be an on-going part of MSD programs.*

11. Ideas on integrating source separation and recycling into the Solid Waste Management Program.

*Source separation and recycling are elements of any solid waste management system and should be integrated if MSD legally can do so.*

## SUMMARY

In summary several of the above issues are very important and should be thoroughly discussed and considered by the MSD Board. For example,

I think the main political problems for the MSD Board implementing its program are the following:

1) An unwillingness among local jurisdictions in general to give up any authority they presently have in solid waste disposal management. The apparent reasons are:

- A. Mistrust of regional government.
- B. Parochial attitudes.
- C. Individuals in government who have opposed the formation of MSD continue to oppose its efforts to accomplish anything.

A solution could be a revenue bond vote by the MSD on the Solid Waste Program.

2) The areas of solid waste disposal responsibility are not easily understood. DEQ, MSD, and local jurisdictions have powers and responsibilities which may either overlap or leave holes. Certain issues impact jurisdictions in different ways - some benefit, some are hurt. A goal should be established to develop some cooperation and intergovernmental agreements.



**METROPOLITAN SERVICE DISTRICT**

1220 S.W. MORRISON, ROOM 300, PORTLAND, OREGON 97205 222-3671

MSD BOARD OF DIRECTORS

NOTICE IS HEREBY GIVEN THAT THE REGULAR MEETING OF THE  
METROPOLITAN SERVICE DISTRICT BOARD OF DIRECTORS SCHEDULED  
FOR NOVEMBER 26, 1976, HAS BEEN CANCELLED.

THE NEXT SCHEDULED MEETING WILL BE HELD ON DECEMBER 10, 1976.

*mailed to attached*  
*11-19-76*

*MSD Board*  
*11-12-76*

NAME

REPRESENTATION

*Bob Brown*

*Don Wright*

*W W BRASSFIELD*

*PETER R. BUTH ATTY.*

*Wm Church*

*L.A. COOPER*

*WARREN LUFF*

*DEQ*

*City of Portland*

*AGC*

*DON OBRIST INC., Counsel*

*" " "*

*" " " Engineer*

*Zoo*