

BOARD OF DIRECTORS

WASHINGTON PARK ZOO
EDUCATION BUILDING
4001 SW CANYON ROAD

NOVEMBER 17, 1978
2:00 P.M.

A G E N D A

78-1182

MINUTES

78-1183

PUBLIC COMMUNICATIONS

ADMINISTRATIVE DIVISION

78-1184

CASH DISBURSEMENTS

78-1185

ORDINANCE NO. 62 - SECOND HEARING

AN ORDINANCE AMENDING BUDGET ORDINANCE
60 FOR FISCAL YEAR 1978-79 AND REVISING
THE APPROPRIATIONS

SOLID WASTE DIVISION

78-1186

ORDINANCE NO. 61 - THIRD PUBLIC HEARING

AN ORDINANCE AMENDING CERTAIN PROVISIONS
OF THE MSD CODE RELATING TO THE DISPOSAL
OF INERT MATERIALS, VARIANCE PROCEDURES,
AND THE DEFINITION OF TRANSFER FACILITY

78-1187

PUBLISHERS PAPER CO. PHASE II AGREEMENT

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CONTRACT 78-204 - CITY OF PORTLAND -

ST. JOHN'S LANDFILL

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ENVIRONMENTAL PROTECTION AGENCY URBAN

POLICY GRANT PROPOSAL

ZOO DIVISION

78-1190

TRAVEL REQUEST

OTHER BUSINESS

INFORMATIONAL REPORTS

BOARD OF DIRECTORS

WASHINGTON PARK ZOO
EDUCATION BUILDING
4001 SW CANYON ROAD

NOVEMBER 17, 1978
2:00 P.M.

A G E N D A

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ADMINISTRATIVE DIVISION

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SOLID WASTE DIVISION

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78-1182 MINUTES

THE FOLLOWING PAGES CONTAIN THE MINUTES OF THE OCTOBER 27, 1978, BOARD MEETING. THE STAFF RECOMMENDS APPROVAL OF THE BOARD MINUTES.

78-1183 PUBLIC COMMUNICATIONS

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

78-1184 CASH DISBURSEMENTS

THE ACCOUNTING DEPARTMENT HAS PREPARED CHECKS NUMBERED FROM 4040 TO 4266 FROM PAYMENT REQUESTS RECEIVED WHICH WERE APPROVED AS WITHIN THE MSD BUDGET.

STAFF RECOMMENDS APPROVAL OF CHECK REGISTERS DATED OCTOBER 30, 1978, IN THE TOTAL AMOUNT OF \$1,833.81; OCTOBER 31, 1978, IN THE TOTAL AMOUNT OF \$83,818.30; AND NOVEMBER 14, 1978, IN THE TOTAL AMOUNT OF \$72,943.60.

METROPOLITAN SERVICE DISTRICT
BOARD ACTION

NO. 78-1184 DATE 11-17-78

BARTELS
BUCHANAN
DIXIE
MCNEELY
ROBNETT
SALQUIST
SCHUMACHER

| YES | NO | ABST |
|-----|----|------|
| / | | |
| / | | |
| / | | |
| / | | |
| / | | |
| / | | |

[Signature]
Clerk of the Board

78-1185 ORDINANCE NO. 62 - SECOND HEARING

AN ORDINANCE AMENDING BUDGET ORDINANCE 60 FOR FISCAL YEAR 1978-79 AND REVISING THE APPROPRIATIONS,

ORDINANCE No. 62 IS SUBMITTED UNDER SEPARATE COVER AND PROVIDES THE PROPOSED REVISED APPROPRIATIONS FOR THE 1978-79 BUDGET. THE BOARD CONDUCTED THE FIRST HEARING ON THIS ORDINANCE ON OCTOBER 27, 1978.

THE STAFF RECOMMENDS CONDUCTING THE SECOND PUBLIC HEARING AND ADOPTING ORDINANCE No. 62.

METROPOLITAN SERVICE DISTRICT
BOARD ACTION

NO. 78-1185 DATE 11-17-78

| | YES | NO | ABST. |
|------------|-----|----|-------|
| BARTELS | / | | |
| BUCHANAN | / | | |
| DURIS | / | | |
| McCREADY | / | | |
| ROBNETT | / | | |
| SALQUIST | / | | |
| SCHUMACHER | | | |

Jean M. Wood
Clerk of the Board

ORDINANCE NO. 62

AN ORDINANCE AMENDING BUDGET ORDINANCE No. 60 FOR FISCAL YEAR
1978-79, AND REVISING THE APPROPRIATIONS.

ORDINANCE NO. 62

THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

SECTION 4 OF ORDINANCE No. 60 IS HEREBY AMENDED FOR FISCAL YEAR BEGINNING JULY 1, 1978, AS SHOWN IN THE REVISED SCHEDULE OF APPROPRIATIONS, EXHIBIT A, WHICH IS ATTACHED HERETO AND BY REFERENCE MADE A PART OF THIS ORDINANCE.

DATE: _____

.....

ROBERT SCHUMACHER, CHAIRMAN

EXHIBIT A

METROPOLITAN SERVICE DISTRICT TRANSFER OF APPROPRIATIONS WITHIN FUNDS FOR FISCAL YEAR 1978-1979 BEGINING JULY 1, 1978

| | ADOPTED BUDGET | TRANSFERS DE / (CR) | REVISED BUDGET |
|---|-------------------|------------------------|-------------------|
| <u>GENERAL FUND</u> | | | |
| Administrative Division | | | |
| Personal Services | 85,245 | 6,283 | 91,528 |
| Materials & Services | 107,219 | | 107,219 |
| Capital Outlay | 2,745 | | 2,745 |
| Division Total | 195,209 | 6,283 | 201,492 |
| Contingency | 17,000 | (6,283) | 10,717 |
| Unappropriated Balance | 525 | | 525 |
| FUND TOTAL | \$212,734 | \$ 0 | \$212,734 |
| <u>SOLID WASTE FUND</u> | | | |
| Solid Waste Division | | | |
| Personal Services | 190,356 | 11,523 | 201,879 |
| Materials & Services | 252,565 | | 252,565 |
| Capital Outlay | 3,110 | | 3,110 |
| Division Total | 446,031 | 11,523 | 457,554 |
| Reserve For Vehicles | 2,660 | | 2,660 |
| Contingency | 72,326 | (15,124) | 57,202 |
| Transfer to General Fund | 38,292 | 3,601 | 41,893 |
| Transfer to Solid Waste Debit Service Fund | 422,210 | | 422,210 |
| Unappropriated Balance | 233,516 | | 233,516 |
| FUND TOTAL | \$1,215,035 | \$ 0 | \$1,215,035 |
| <u>ZOO FUND</u> | | | |
| Administration Department | | | |
| Personal Services | 186,963 | 12,111 | 199,704 |
| Materials & Services | 149,228 | | 149,228 |
| Capital Outlay | 3,967 | | 3,967 |
| Department Total | 340,158 | 12,111 | 352,269 |

| | ADOPTED BUDGET | TRANSFERS DE / (CR) | REVISED BUDGET |
|----------------------------------|-------------------|------------------------|-------------------|
| Animal Management Department | | | |
| Personal Services | 513,002 | 33,360 | 546,362 |
| Materials & Services | 177,490 | | 177,490 |
| Capital Outlay | <u>18,510</u> | | <u>18,510</u> |
| Department Total | 709,002 | 33,360 | 742,362 |
| Research Grant Department | | | |
| Personal Services | 38,970 | 2,480 | 41,450 |
| Materials & Services | 3,580 | | 3,580 |
| Capital Outlay | <u>1,000</u> | | <u>1,000</u> |
| Department Total | 43,550 | 2,480 | 46,030 |
| Buildings and Grounds Department | | | |
| Personal Services | 380,809 | 24,907 | 405,716 |
| Materials & Services | 276,507 | | 276,507 |
| Capital Outlay | <u>26,371</u> | | <u>26,371</u> |
| Department Total | 683,687 | 24,907 | 708,594 |
| Education Department | | | |
| Personal Services | 169,600 | 11,100 | 180,700 |
| Materials & Services | 53,370 | | 53,370 |
| Capital Outlay | <u>8,850</u> | | <u>8,850</u> |
| Department Total | 231,820 | 11,100 | 242,920 |
| Visitor Services Department | | | |
| Personal Services | 190,809 | 12,674 | 203,483 |
| Materials & Services | 217,156 | | 217,156 |
| Capital Outlay | <u>25,850</u> | | <u>25,850</u> |
| Department Total | 433,815 | 12,674 | 446,489 |
| General Capital Improvements | 1,708,471 | | 1,708,471 |
| Contingency | 275,728 | (114,940) | 160,788 |
| Transfer To General Fund | 174,272 | 18,308 | 192,580 |
| Unappropriated Balance | <u>30,000</u> | | <u>30,000</u> |
| FUND TOTAL | \$4,630,503 | \$ 0 | \$4,630,503 |

No Change For:

Drainage Fund
Solid Waste Debt Service Fund
Solid Waste Capital Improvement Fund
City/Zoo Capital Improvement Fund

78-1186 ORDINANCE NO. 61 - THIRD PUBLIC HEARING

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE MSD CODE RELATING TO THE DISPOSAL OF INERT MATERIALS, VARIANCE PROCEDURES, AND THE DEFINITION OF TRANSFER FACILITY,

PROPOSED ORDINANCE No. 61 AMENDS THE MSD CODE IN THREE AREAS:

- 1) DISPOSAL OF INERT MATERIALS,
- 2) VARIANCE PROCEDURES, AND
- 3) DEFINITION OF TRANSFER FACILITY,

TODAY IS THE THIRD PUBLIC HEARING ON THE ORDINANCE,

DISPOSAL OF INERT MATERIALS (CODE SECTION 12.02.070)

THE QUESTION OF CONCRETE DISPOSAL HAS RISEN ON A NUMBER OF OCCASIONS. CURRENTLY, MSD ORDINANCES PROHIBIT DISPOSING OF CONCRETE ANYWHERE OTHER THAN ONE OF THE AUTHORIZED LANDFILLS.

MSD ORDINANCES DO NOT, HOWEVER, PROHIBIT THE DISPOSAL OF ROCK, SAND, SOIL, STONE, AND OTHER CLEAN EARTH. A NUMBER OF LOCAL ADMINISTRATORS WHO ISSUE "CLEAN FILL" PERMITS AND CONTRACTORS WHO HAVE CLEAN CONCRETE TO DISPOSE OF HAVE REQUESTED THAT MSD ADD CONCRETE TO ITS LIST OF AUTHORIZED EXCEPTIONS TO THE MSD DISPOSAL RULES.

THE STAFF HAS DISCUSSED AND RESEARCHED THIS PROBLEM AND HAS MADE THE FOLLOWING CONCLUSIONS:

1. CONCRETE AND ASPHALTIC-CONCRETE ARE SIMILAR IN PROPERTIES AND FOR OUR PURPOSES SHOULD BE CONSIDERED THE SAME.
2. CONCRETE CAN PROVIDE A SIGNIFICANT AMOUNT OF CONTAMINATION IN A LIQUID OR SEMI-SOLID STATE.

3. CONCRETE IN ITS HARDENED STATE IS INERT AND FOR OUR PURPOSES HAS THE SAME PHYSICAL PROPERTIES AS ROCK, SAND, STONE AND CLEAN EARTH.
4. CONCRETE MAKES A GOOD FILL MATERIAL IF HANDLED PROPERLY.
5. "CLEAN FILLS" CAN BE SUPERVISED BY COUNTY AND CITY OFFICES THROUGH THE ISSUANCE OF CLEAN FILL PERMITS UNDER THEIR BUILDING CODE.
6. NUMEROUS SMALL SITES THROUGHOUT THE MSD AREA SUCCESSFULLY USE CONCRETE AS A FILL MATERIAL.
7. REQUIRING DISPOSAL OF ALL CONCRETE AT ONLY MSD AUTHORIZED SITES INCREASES THE COST OF EXCAVATION, GRADING AND DEMOLITION.
8. CONCRETE IS NOW, AND MAY BE MORE SO IN THE FUTURE, USEFUL IN THE CONSTRUCTION OF LANDFILLS IN GRAVEL PITS WHERE MINING HAS OCCURRED BELOW THE GROUNDWATER TABLE.
9. IF CONCRETE IS NEEDED IN THE FUTURE AT LANDFILL SITES AND CANNOT BE ATTRACTED THERE BY FREE DUMPING, THEN THE COST OF PURCHASING THE CONCRETE FOR LANDFILL USE WOULD BE A LEGITIMATE COST OF OPERATING A LANDFILL, AND MSD FORCING CONCRETE TO FLOW TO THE LANDFILLS FOR DISPOSAL WOULD MERELY TRANSFER THAT COST FROM LANDFILLING PROJECTS TO DEMOLITION, EXCAVATION OR GRADING PROJECTS, AS WELL AS CREATE MORE ENFORCEMENT PROBLEMS.
10. "CLEAN FILLS" ARE RARELY PROTECTED FROM ILLEGAL DUMPING.
11. FILLS TAKING CONCRETE ATTRACT PEOPLE DISPOSING OF OTHER WASTES, SUCH AS BRUSH, LAWN CLIPPINGS, HOUSEHOLD WASTES, OLD FURNITURE AND APPLIANCES.
12. FILLS TAKING ONLY ROCK, SAND, SOIL AND STONE ALSO ATTRACT PEOPLE DISPOSING OF OTHER WASTES.
13. MSD'S REAL CONCERN WITH THE "CLEAN FILLS" INCORPORATING CONCRETE IS THE ILLEGAL DUMPING OF OTHER WASTES, WHICH CAN BE CONTROLLED OR ENFORCED AGAINST BY ISSUING CITATIONS FOR DUMPING OR ACCEPTING THE OTHER WASTES AS EASILY AS ISSUING CITATIONS FOR DUMPING OR ACCEPTING CONCRETE.

14. MAKING INDIVIDUAL PROPERTY OWNERS WHO ACCEPT CONCRETE RESPONSIBLE FOR ALL OTHER WASTES ACCEPTED OR DUMPED ON THEIR PROPERTY SHIFTS SOME OF THE BURDEN OF ENFORCEMENT FROM THE GOVERNMENT TO THE PRIVATE LAND OWNER, THEREBY REDUCING GOVERNMENT INVOLVEMENT AND REQUIRING PUBLIC PARTICIPATION IN SOLID WASTE MANAGEMENT PROBLEMS.

BASED ON THESE CONCLUSIONS, THE STAFF BELIEVES THAT MSD SHOULD NOT GET INVOLVED IN SITUATIONS WHERE PRIVATE PARTIES ARRANGE TO HAVE CONCRETE USED IN A "CLEAN FILL", AND TO HAVE MSD GET INVOLVED ONLY AT THE TIME OTHER WASTES ARE ILLEGALLY DUMPED OR ACCEPTED BY THE LANDOWNER.

TO ACCOMPLISH THIS, THE STAFF PROPOSED ELIMINATING THE REQUIREMENT THAT ALL HARDENED CONCRETE AND ASPHALTIC-CONCRETE BE DISPOSED AT ONLY AUTHORIZED SITES BY CHANGING SECTION 12.02.070 (5).

THE ADVISORY SUB-COMMITTEE ON CONCRETE ENDORSED THIS PROPOSAL UNANIMOUSLY AND THE SOLID WASTE ADVISORY COMMITTEE VOTED 4-4 WHEN ASKED TO ENDORSE THIS PROPOSAL.

VARIANCE PROCEDURES (CODE SECTION 12.02.200)

PURSUANT TO MSD CODE, ALL PARTIES REQUESTING A CONTESTED CASE HEARING HAVE A RIGHT OF REVIEW BY THE MSD BOARD FOLLOWING ISSUANCE OF A HEARING OFFICER'S OPINION. THIS RIGHT OF REVIEW SEEMS TO BE APPROPRIATE AND AS YET HAS NOT BURDENED THE BOARD.

PURSUANT TO MSD CODE, ALL DECISIONS ON VARIANCE REQUESTS ARE MADE BY THE MSD BOARD. THIS ALSO SEEMS APPROPRIATE AND AS YET HAS NOT BURDENED THE BOARD.

CODE SECTION 12.02.200 CURRENTLY GRANTS TO ANYONE REQUESTING A VARIANCE A RIGHT TO A CONTESTED CASE HEARING SHOULD THE BOARD

TURN DOWN THE VARIANCE REQUEST. THIS PUTS THE HEARINGS OFFICER IN A POSITION OF REVIEWING A BOARD DECISION, AND IF APPEALED, PUTS THE BOARD IN A POSITION OF REVIEWING ITS OWN DECISION. TO AVOID THIS REPETITION, THE STAFF AND LEGAL COUNSEL RECOMMEND AMENDING THE CODE TO CONTINUE HAVING THE BOARD MAKE ALL DECISIONS ON VARIANCE REQUESTS BUT REMOVING THE CONTESTED CASE ROUTE FOLLOWING A BOARD DECISION. IF A PARTY REQUESTING A VARIANCE FEELS THEIR REQUEST HAS BEEN WRONGFULLY DENIED, THEIR APPEAL WOULD BE TO THE COURT SYSTEM.

PARTIES WHO ARE CITED BY MSD FOR CODE VIOLATIONS WOULD STILL HAVE THEIR RIGHT TO A CONTESTED CASE HEARING.

IN ADDITION, SOME LANGUAGE IS ADDED TO THE CODE TO STRENGTHEN THE REQUIREMENT OF FILING SUPPORTING DOCUMENTATION IN THE FORM OF MAPS, DRAWINGS AND FINANCIAL STATEMENTS.

TRANSFER STATION DEFINITION (CODE SECTION 12.02.030(20))

ON FRIDAY, OCTOBER 13, 1978, THE MSD BOARD OF DIRECTORS APPROVED THE CONSTRUCTION OF THE FIRST PUBLIC TRANSFER STATION IN THE GRESHAM-TROUTDALE AREA AND AUTHORIZED THE STAFF TO PROCEED WITH SITE SELECTION.

WHILE MSD HAS EXPLICIT AUTHORITY OVER SOLID WASTE DISPOSAL, IT HAS NO AUTHORITY OVER SOLID WASTE COLLECTION. MSD HAS EXPRESSED AUTHORITY (ORS 268.317-1) TO BUILD, OPERATE AND MAINTAIN "TRANSFER FACILITIES". HOWEVER, THIS AUTHORITY MUST BE UTILIZED WITHIN THE CONTEXT OF SOLID WASTE DISPOSAL. ALTHOUGH "TRANSFER FACILITIES" IS UNDEFINED IN ORS CHAPTER 268 (MSD'S ENABLING LEGISLATION), MSD, BY ORDINANCE, HAS ADOPTED THE FOLLOWING DEFINITION:

"Transfer station means a fixed or mobile facility used as part of a solid waste collection and disposal system or resource recovery system between a collection route and processing facility or disposal site, including, but not limited to, drop boxes, made available for general public use. This definition does not include solid waste collection vehicles."

IT IS CLEAR THAT TRANSFER STATIONS OPEN TO COMMERCIAL COLLECTORS ARE INCLUDED IN THE ABOVE DEFINITION, SINCE THE TRANSFER STATION IS "BETWEEN A COLLECTION ROUTE AND A PROCESSING FACILITY OR DISPOSAL SITE." HOWEVER, THE SAME CLARITY IS NOT APPARENT REGARDING PUBLIC TRANSFER STATIONS. AS YOU WILL RECALL, THE PUBLIC TRANSFER STATIONS WERE RECOMMENDED IN ORDER TO COMMENCE PHASING OUT PUBLIC ACCESS TO LANDFILLS AND, AT THE SAME TIME, TO PROVIDE THE SAME LEVEL OF SERVICE CURRENTLY AVAILABLE TO THE GENERAL PUBLIC.

TO AVOID ANY DEFINITIONAL QUESTIONS RELATING TO PUBLIC TRANSFER STATIONS, LEGAL COUNSEL RECOMMENDS THAT THE FOLLOWING AMENDMENT BE MADE TO THE DEFINITION OF TRANSFER STATION, MSD CODE, SECTION 12.02.030(20). THOSE WORDS AND PHRASES IN PARENTHESES ARE TO BE DELETED AND THOSE WORDS AND PHRASES UNDERLINED ARE TO BE ADDED:

"Transfer (station) facility means a site or facility, fixed or mobile, (facility) at which solid wastes are concentrated, after removal from the place of generation and before processing or disposal, (used as part of a solid waste collection and disposal system or resource recovery system, between a collection route and a processing facility or disposal site,) including, but not limited to, drop boxes made available for general public use. Drop boxes or other similar containers used as part of a commercial drop box business and which are not available for general public use, and solid waste collection vehicles, are exempt from this definition. (This definition does not include solid waste collection vehicles.)"

THIS AMENDED DEFINITION WILL CLEARLY DESCRIBE EITHER A COMMERCIAL TRANSFER STATION OR PUBLIC TRANSFER STATION AND MAKE CLEAR TO COMMERCIAL DROP BOX OPERATORS THAT MSD DOES NOT INTEND TO REGULATE OR ENGAGE IN DROP BOX COLLECTION BUSINESS.

THE SOLID WASTE ADVISORY COMMITTEE (SWC) DISCUSSED THIS PROPOSED AMENDMENT AND WHILE GENERALLY SUPPORTIVE THEY EXPRESSED CONCERN OF POSSIBLE ADVERSE AFFECTS, EVEN WITH THE EXISTING DEFINITION, ON CHARITABLE AND NON-PROFIT ORGANIZATIONS, CIVIC PROJECTS, I.E., NEIGHBORHOOD CLEAN-UPS, CHRISTMAS TREE DISPOSAL, ETC. SECTION

12.02.060(1)(c) REQUIRES ALL OPERATORS OF TRANSFER STATIONS TO HAVE AN AGREEMENT WITH MSD. IN THE PAST ALL AGREEMENTS HAVE BEEN APPROVED BY THE BOARD. TO FACILITATE CIVIC PROJECTS AND AT THE SAME TIME CLARIFY THE TRANSFER STATION DEFINITION TO INCLUDE BOTH COMMERCIAL AND PUBLIC THE SWC PROPOSED THE FOLLOWING AMENDED DEFINITION:

"Transfer (station) facility means a site or facility, fixed or mobile, (facility) at which solid wastes are concentrated, after removal from the place of generation and before processing or disposal, (used as part of a solid waste collection and disposal system or resource recovery system, between a collection route and a processing facility or disposal site,) including, but not limited to, drop boxes made available for general public use. Drop boxes or other similar containers used as part of a commercial drop box business, or which are used by the general public for a limited period of time under specific permit issued by MSD staff, collection vehicles, are exempt from this definition. (This definition does not include solid waste collection vehicles.)"

THE SWC SUBSTITUTED THE WORDS IN THE LAST SENTENCE "...OR WHICH ARE USED BY THE GENERAL PUBLIC FOR A LIMITED PERIOD OF TIME UNDER SPECIFIC PERMIT ISSUED BY MSD STAFF..." FOR THE WORDS "...AND WHICH ARE NOT AVAILABLE FOR GENERAL PUBLIC USE...".

MSD LEGAL COUNSEL HAS REVIEWED THE SWC PROPOSED AMENDMENT AND RECOMMENDS THAT THE BOARD ADOPT COUNSEL'S AMENDMENT. IN ADDITION, TO ADDRESS THE SWC CONCERNS REGARDING CIVIC PROJECTS HE FURTHER RECOMMENDS THE BOARD ADOPT A RESOLUTION INDICATING THE STAFF MAY ENTER INTO SPECIAL AGREEMENTS (PERMIT) FOR SPECIFIC CIVIC PROJECTS WITHOUT BOARD APPROVAL. THIS WILL SATISFY THE CONDITION THAT ALL TRANSFER STATIONS BE OPERATED UNDER AN AGREEMENT WITH MSD AND ELIMINATE THE NECESSITY OF BOARD ACTION FOR SPECIFIC CIVIC PROJECTS OF LIMITED DURATION. ALL OTHER TRANSFER STATION AGREEMENTS WILL BE PRESENTED TO THE BOARD FOR APPROVAL.

RECOMMENDATION

THE STAFF RECOMMENDS CONDUCTING THE THIRD PUBLIC HEARING AND ADOPTING ORDINANCE No. 61. THE STAFF FURTHER RECOMMENDS THAT THE BOARD ADOPT A POLICY ALLOWING THE STAFF TO ENTER INTO SPECIAL AGREEMENTS TO OPERATE A TRANSFER STATION FOR A LIMITED PERIOD OF TIME FOR SPECIFIC CIVIC PROJECTS WITHOUT BOARD APPROVAL. ALL OTHER TRANSFER STATION AGREEMENTS WILL BE PRESENTED TO THE BOARD FOR APPROVAL.

The Board adopted the policy to allow staff to enter special agreements to operate transfer stations for limited periods of time for specific civic projects, however, set adoption consideration of the ordinance over to the next meeting.

ORDINANCE NO. 61

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE MSD CODE
RELATING TO THE DISPOSAL OF INERT MATERIALS, VARIANCE PROCEDURES,
AND THE DEFINITION OF TRANSFER FACILITY.

NOTE: THE UNDERLINED MATERIAL IS TO BE ADDED; THE (BRACKETED)
MATERIAL IS TO BE DELETED.

ORDINANCE NO. 61

THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

SECTION 1. SECTION 12.02.070(5) OF THE MSD CODE IS HEREBY AMENDED TO READ:

(5) OPERATORS OF SOLID WASTE DISPOSAL SITES RECEIVING ONLY CLEAN, UNCONTAMINATED EARTH, (SUCH AS) ROCK, SAND, SOIL, (AND) STONE, HARDENED CONCRETE, HARDENED ASPHALTIC-CONCRETE, BRICK AND OTHER SIMILAR MATERIALS ARE EXEMPT FROM THE REQUIREMENTS OF SUBSECTION 12.02.060(1) PROVIDED THAT SUCH CLEAN, UNCONTAMINATED (EARTH INCLUDES) MATERIALS ARE ONLY THOSE MATERIALS WHOSE PHYSICAL AND CHEMICAL PROPERTIES ARE SUCH THAT PORTIONS OF THESE MATERIALS WHEN SUBJECTED TO MODERATE CLIMATICAL FLUCTUATIONS IN HEAT, EXPOSURE TO MOISTURE OR WATER, ABRASION FROM NORMAL HANDLING BY MECHANICAL CONSTRUCTION EQUIPMENT OR PRESSURE FROM CONSOLIDATION WILL NOT PRODUCE CHEMICAL SALTS, DISSOLVED SOLUTIONS, OR GASEOUS DERIVATIVES AT A RATE SUFFICIENT TO MODIFY THE BIOLOGICAL OR CHEMICAL DRINKING WATER QUALITY PROPERTIES OF EXISTING SURFACE OR (AND) GROUND WATERS, OR NORMAL AIR QUALITY INDICES.

SECTION 2. SECTION 12.02.200 OF THE MSD CODE IS HEREBY AMENDED TO READ:

(1) THE BOARD (UPON RECOMMENDATION OF THE DIRECTOR) MAY GRANT SPECIFIC VARIANCES FROM PARTICULAR REQUIREMENTS OF

ANY RULE, REGULATION OR ORDINANCE TO SUCH SPECIFIC PERSONS OR CLASS OF PERSONS UPON SUCH CONDITIONS AS IT MAY DEEM NECESSARY TO PROTECT PUBLIC HEALTH, SAFETY AND WELFARE, IF IT FINDS THAT THE PURPOSE AND INTENT OF THE PARTICULAR REQUIREMENT CAN BE ACHIEVED WITHOUT STRICT COMPLIANCE AND THAT STRICT COMPLIANCE:

- A) IS INAPPROPRIATE BECAUSE OF CONDITIONS BEYOND THE CONTROL OF PERSON(S) REQUESTING THE VARIANCE; OR
- B) WILL BE RENDERED EXTREMELY BURDENSOME OR HIGHLY IMPRACTICAL DUE TO SPECIAL PHYSICAL CONDITIONS OR CAUSES; OR
- C) WOULD RESULT IN SUBSTANTIAL CURTAILMENT OR CLOSING DOWN OF A BUSINESS, PLANT OR OPERATION WHICH FURTHERS THE OBJECTIVES OF MSD OR OF MSD'S PLAN.

(2) ANY PERSON REQUESTING A VARIANCE SHALL MAKE HIS REQUEST IN WRITING AND SHALL STATE IN A CONCISE MANNER FACTS TO SHOW CAUSE WHY SUCH VARIANCE SHOULD BE GRANTED. THE DIRECTOR MAY MAKE SUCH INVESTIGATION AS HE DEEMS NECESSARY, INCLUDING REQUIRING THE FILING OF AN APPLICATION FORM ACCOMPANIED BY MAPS, DRAWINGS, PLANS, FINANCIAL STATEMENTS, AND OTHER INFORMATION THE DIRECTOR DEEMS APPROPRIATE. THE DIRECTOR (AND) SHALL GIVE NOTICE OF THE VARIANCE REQUEST (IN ACCORDANCE WITH SUBSECTION 12.02.100 (2).) IN A MANNER DESIGNED TO INFORM INTERESTED PERSONS AND THE PUBLIC.

(3) THE APPLICANT SHALL HAVE THE BURDEN OF PROOF.
IF THE BOARD DENIES A VARIANCE REQUEST, THE DIRECTOR SHALL NOTIFY THE APPLICANT IN WRITING. (IN ACCORDANCE WITH MSD CODE CHAPTER 20.04 OF THE DENIAL. IF A HEARING IS REQUESTED, THE APPLICANT SHALL HAVE THE BURDEN OF PROOF).

(4) IF A REQUEST FOR A VARIANCE IS DENIED, NO NEW APPLICATION FOR THIS SAME OR SUBSTANTIALLY SIMILAR VARIANCE SHALL BE ACTED UPON (FILED) FOR AT LEAST SIX MONTHS FROM THE DATE OF DENIAL.

SECTION 3. SECTION 12.02.030(20) OF THE MSD CODE IS AMENDED TO READ:

TRANSFER (STATION) FACILITY MEANS A SITE OR FACILITY, FIXED OR MOBILE, (FACILITY) AT WHICH SOLID WASTES ARE CONCENTRATED, AFTER REMOVAL FROM THE PLACE OF GENERATION AND BEFORE PROCESSING OR DISPOSAL, (USED AS PART OF A SOLID WASTE COLLECTION AND DISPOSAL SYSTEM OR RESOURCE RECOVERY SYSTEM, BETWEEN A COLLECTION ROUTE AND A PROCESSING FACILITY OR DISPOSAL SITE,) INCLUDING, BUT NOT LIMITED TO, DROP BOXES MADE AVAILABLE FOR GENERAL PUBLIC USE. DROP BOXES OR OTHER SIMILAR CONTAINERS USED AS PART OF A COMMERCIAL DROP BOX BUSINESS AND WHICH ARE NOT AVAILABLE FOR GENERAL PUBLIC USE, AND SOLID WASTE COLLECTION VEHICLES, ARE EXEMPT FROM THIS DEFINITION. (THIS DEFINITION DOES NOT INCLUDE SOLID WASTE COLLECTION VEHICLES.)

SECTION 4. THIS ORDINANCE MAY BE CODIFIED INTO THE CODE OF
THE METROPOLITAN SERVICE DISTRICT.

DATE: _____

ROBERT SCHUMACHER, CHAIRMAN

78-1187 PUBLISHERS PAPER CO. PHASE II AGREEMENT

(REMOVED FROM THE AGENDA)

78-1188 CONTRACT 78-204 - CITY OF PORTLAND - ST. JOHN'S LANDFILL

(REMOVED FROM THE AGENDA)

78-1189 ENVIRONMENTAL PROTECTION AGENCY URBAN POLICY GRANT PROPOSAL

PRESIDENT CARTER'S URBAN POLICY ISSUED ON MARCH 27, 1978, DIRECTS THE U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) TO CARRY OUT A PROGRAM OF FINANCIAL ASSISTANCE TO URBAN AREAS FOR SOLID WASTE RESOURCE RECOVERY PROJECT PLANNING AND FEASIBILITY ANALYSIS. THIS PROGRAM, AUTHORIZED UNDER SECTION 4008 (A)(2) OF THE RESOURCE CONSERVATION AND RECOVERY ACT OF 1976 (RCRA), HAS BEEN APPROPRIATED \$15 MILLION FOR THE FISCAL YEAR 1979. THE APPLICATION DEADLINE IS DECEMBER 15, 1978.

THE GRANT MONEY CAN BE USED FOR PROJECT PLANNING AND DEVELOPMENT FOR SOLID WASTE ENERGY AND RESOURCE RECOVERY PLANTS AND SOURCE SEPARATION PROGRAMS. PROJECTS DIRECTED PRIMARILY TOWARDS LAND DISPOSAL ARE NOT ELIGIBLE FOR FUNDING. THE GRANT PROGRAM IS DESIGNED TO HELP URBAN AREAS GET UP TO THE POINT OF FINAL ENGINEERING WHERE HOPEFULLY PRIVATE FUNDING SOURCES CAN BE ATTRACTED.

THE SELECTION CRITERIA HAVE BEEN SET OUT BY EPA AS FOLLOWS: POTENTIAL AND NEED FOR RESOURCE RECOVERY TO REDUCE LAND DISPOSAL REQUIREMENTS (35%); POTENTIAL FOR PROJECT SUCCESS (35%); PRIOR PROGRESS TOWARDS RESOURCE RECOVERY (15%); AND POTENTIAL FOR HELPING TO RELIEVE URBAN ECONOMIC DISTRESS (15%).

WE WOULD LIKE TO PROPOSE A COMBINATION RESOURCE RECOVERY AND SOURCE SEPARATION PROGRAM FOR FUNDING IN THE AMOUNT OF \$400,000 EACH OF THE NEXT TWO YEARS. THIS IS THE MAXIMUM ANNUAL FUNDING PROVIDED FOR IN THIS GRANT PROGRAM.

THE STAFF HAS ALREADY PREPARED A ROUGH DRAFT OF A GRANT PROPOSAL AND EXPECTS TO HAVE THE SEMI-FINAL VERSION READY FOR REVIEW WITHIN THE NEXT WEEK OR SO, WITH THE FINAL PROPOSAL BEING SUBMITTED PRIOR TO THE DEADLINE DATE.

THE STAFF WOULD LIKE TO ATTACH TO THE PROPOSAL A STATEMENT OF SUPPORT FROM THE BOARD AS FOLLOWS:

"THE BOARD OF DIRECTORS OF THE METROPOLITAN SERVICE DISTRICT BEING FULLY COGNIZANT OF THE NEEDS OF THE DISTRICT WITH REGARD TO SOLID WASTE MANAGEMENT AND PLANNING, AND SEEKING WAYS TO REDUCE THE DEPENDENCY ON LANDFILLS AS A DISPOSAL PRACTICE, AND BELIEVING THAT ADDITIONAL FUNDS AT THIS TIME CAN GREATLY ADVANCE THE PROPOSED MSD RESOURCE RECOVERY PROJECT TO COMPLETION, HEREBY RESOLVES AND AGAIN DECLARES ITS STRONG SUPPORT FOR THE PROPOSED RESOURCE RECOVERY PROJECT AND SOURCE SEPARATION PROGRAM, AND DIRECTS ITS STAFF TO SEEK FUNDING THROUGH THE FINANCIAL ASSISTANCE PROGRAM FOR RESOURCE RECOVERY PROJECT DEVELOPMENT UNDER THE PRESIDENT'S URBAN POLICY."

THE STAFF RECOMMENDS ADOPTING THE ABOVE RESOLUTION ENDORSING THE RESOURCE RECOVERY AND SOURCE SEPARATION PROJECT IN GENERAL AND THE GRANT APPLICATION IN PARTICULAR.

METROPOLITAN SERVICE DISTRICT
BOARD ACTION
NO. 78-1189 DATE 11-17-78
YES NO ABST.

| | YES | NO | ABST. |
|------------|-----|----|-------|
| BARTELS | / | | |
| DUCHANAN | / | | |
| DURIS | / | | |
| McCREADY | / | | |
| ROBNETT | / | | |
| SALQUIST | / | | |
| SCHUMACHER | / | | |

[Signature]
Clerk of the Board

78-1190 TRAVEL REQUEST

ITEM 78-XXX: TRAVEL REQUEST

BECAUSE WE ARE INVOLVED IN SEVERAL PROJECTS AT THE ZOO TO MAKE OUR EXHIBITS MORE NATURALISTIC AND BECAUSE THESE PROJECTS REQUIRE A KNOWLEDGE OF ROCK WORK, WE WOULD LIKE TO SEND OUR OUTDOOR FELINE PROJECT DIRECTOR AND OUR GENERAL CURATOR TO LOS ANGELES TO OBSERVE SIMILAR PROJECTS COMPLETED AND IN PROGRESS. WHILE THERE, THEY WILL MEET WITH PERSONNEL AT ROCK AND WATERSCAPE SYSTEMS, INC. TO DISCUSS APPROACHES TO COSMETIC AND FUNCTIONAL ROCK WORK. THEY WILL INSPECT WORK DONE AT BOTH THE BUSCH BIRD SANCTUARY AND THE LOS ANGELES ZOO WHICH INCLUDE FIVE COMPLETED EXHIBITS AND TWO IN PROGRESS. THEY WILL GATHER INFORMATION RELATED TO BOTH CONSTRUCTION AND MAINTENANCE OF SUCH EXHIBITS.

IN ADDITION, THIS WILL AFFORD THEM THE OPPORTUNITY TO OBSERVE A HYDROPHONICS UNIT IN OPERATION THAT IS A DUPLICATE OF THE UNIT HERE AT THE WASHINGTON PARK ZOO THAT WE ARE ATTEMPTING TO GET INTO OPERATION. THEY WILL GATHER INFORMATION REGARDING LABOR, UTILITIES AND AMOUNT AND QUALITY OF OUTPUT.

COSTS FOR THIS TRIP ARE:

| | |
|------------|--------------|
| FOOD | \$ 80.00 |
| LODGING | 101.76 |
| AIR FARE | 392.00 |
| CAR RENTAL | <u>40.00</u> |
| TOTAL | \$613.76 |

STAFF RECOMMENDS THAT LEE MARSHALL AND STEVE McCUSKER
BE ALLOWED TO MAKE THIS TRIP FOR A COST NOT TO EXCEED
\$613.76.

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METROPOLITAN SERVICE DISTRICT
BOARD ACTION

NO. 78-1190 DATE 10-17-78

| | YES | NO | ABST. |
|------------|-----|----|-------|
| BORTELS | / | | |
| LOSHANAN | / | | |
| DURIS | / | | |
| McCREADY | / | | |
| ROBNETT | / | | |
| SALQUIST | / | | |
| SCHUMACHER | / | | |

Lee Marshall
Clerk of the Board

RESOLUTION
METROPOLITAN SERVICE DISTRICT

Although the parking lot and streets adjacent to the Washington Park Zoo ("Zoo") are presently owned and maintained by the City of Portland ("City"), its principal users are the patrons of the Oregon Museum of Science and Industry ("OMSI"), the Western Forestry Center ("Forestry Center") and the Zoo.

Representatives of OMSI and the Forestry Center have requested that representatives of the Zoo join them in discussions and negotiations with the City regarding the possible acquisition, use and maintenance of the parking lot and streets by the three organizations.

The Zoo is owned and operated by the Metropolitan Service District ("MSD").

The governing body of the MSD hereby adopts the following resolutions:

RESOLVED, that, in conjunction with OMSI and the Forestry Center, it may be desirable to assume ownership and responsibility of the parking lot and streets upon mutually acceptable terms and conditions.

RESOLVED, that _____ and _____ are appointed as MSD's authorized representatives to:

1. Investigate the matter and any problems associated with it, and
2. Hold preliminary discussions with OMSI and the Forestry Center, and
3. Report their findings, conclusions and recommendations to the MSD Management Committee, and
4. Negotiate, subject to the Management Committee's approval, with the City, OMSI and the Forestry Center the terms and conditions concerning the acquisition, ownership, use and maintenance of the parking lot and streets provided, however, that any final agreement(s) is subject to the approval of the MSD governing body.

Dated this ____ day of November, 1978.

Chairman, Metropolitan
Service District

