



# METROPOLITAN SERVICE DISTRICT

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

(503) 222-3671

## MSD BOARD OF DIRECTORS

### MINUTES OF JUNE 9, 1978 MEETING

#### BOARD MEMBERS IN ATTENDANCE

Robert Schumacher, Chairman  
 Lyle Salquist  
 James Robnett  
 Raymond Miller  
 Dennis Buchanan  
 Sidney Bartels  
 Connie McCready

#### METROPOLITAN SERVICE DISTRICT BOARD ACTION

NO. 78-1082 DATE 6-23-78

	YES	NO	ABST.
BARTELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BUCHANAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
McCREADY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MILLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBNETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SALQUIST	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHUMACHER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Jean Woodman*  
 Clerk of the Board

#### STAFF & ADVISORS IN ATTENDANCE

Dean Gisvold, Attorney  
 Bob Brown, DEQ  
 Bob Gilbert, DEQ  
 Dave Phillips, Solid Waste Advisory Committee  
 Charles C. Kemper, Staff  
 Merle Irvine, Staff  
 Cordell Ketterling, Staff  
 Paul Norr, Staff  
 Robert Keech, Staff  
 A. McKay Rich, Staff  
 Warren Iliff, Staff  
 Jean Woodman, Staff

#### GUESTS IN ATTENDANCE

List attached.

There being a quorum present, the Board considered the following items of business:

#### 78-1074 MINUTES

Councilman Bartels moved to approve the minutes of the May 26, 1978, Board meeting as submitted. Commissioner Buchanan seconded the motion. The motion carried unanimously by roll call vote. (Commissioner McCready was not present.)

78-1075 PUBLIC COMMUNICATIONS

Commissioner Schumacher asked if there was anyone in the audience that wished to address the Board on matters not listed on the meeting agenda. There was no response.

78-1076 CASH DISBURSEMENTS

Commissioner Miller moved to approve payment of Checks No. 2696 to 2838 for check registers dated May 30, 1978, in the total amount of \$448.47; May 31, 1978, in the total amount of \$57,253.15; and June 9, 1978, in the total amount of \$15,642.70. Commissioner Buchanan seconded the motion. The motion carried unanimously by roll call vote. (Commissioner McCready was not present.)

78-1077 CONSTRUCTION DESIGN REVIEW COMMITTEE

Commissioner Miller moved to establish a Design Review Committee, appointing the following members: James Robnett, Donald Lengacher, Dale Campbell, and Robert Gray, and to operate under the guidelines as outlined in the staff report. Commissioner Buchanan seconded the motion. The motion carried unanimously by roll call vote. (Commissioner McCready was not present.)

Mayor Robnett suggested that the committee members be allowed qualified substitutes to act in areas outside the members' expertise. The Board was in agreement.

78-1078 SECURITY GUARD SERVICE BID AWARD

Commissioner Buchanan moved to award the contract for security guard service at the Zoo to Stanley Smith Security, Inc., for the next fiscal year, and authorize the Chairman's signature on the contract. Commissioner Miller seconded the motion. The motion carried unanimously by roll call vote. (Commissioner McCready was not present.)

78-1079 VARIANCE REQUEST FOR ROSSMAN'S LANDFILL

Mr. Jack Parker addressed the Board requesting the following variances to his MSD solid waste disposal permit: 1) daily cover; 2) dumping into ground water; 3) clarification on dead animals, oils and liquids; and 4) MSD flow control authority. Mr. Parker stated that he would not request variances on termination clauses that he originally requested of staff.

Mr. Norr made the following comments speaking to Mr. Parker's request for a variance on daily coverage:

Mr. Parker's certificate for the Rossman Landfill requires daily coverage of not less than six inches, and is a requirement also placed on all of the five other landfills in the MSD area. Daily cover is recommended by the Environmental Protection Agency in order to impede vectors and infiltration of precipitation, reduce and contain odors, fires, and litter, and to enhance the facility's appearance and future utilization. Daily cover is also a requirement of the Rossman DEQ permit. In 1974, the Rossman Fill was granted a rate increase for the specific purpose of providing daily coverage of wood waste. After discussion of this issue by the MSD Solid Waste Advisory Committee, the committee voted five to three to deny the variance. Mr. Norr presented a copy of Mr. Parker's application to MSD for a certificate dated July 1977, and signed by Mr. Parker, which bears a statement that Mr. Parker will cover daily.

In summary, Mr. Norr stated that daily cover was a State minimum requirement for sanitary landfill permits and was contained in the MSD certificate as such, and the authority for waiving this requirement was with the State and not with the MSD. The MSD could only grant a variance to the MSD certificate, the requirement would still exist in Mr. Parker's State permit and be enforced as such.

Mr. Parker referred to his letter to the MSD staff, dated June 2, 1978, in which he stated that daily cover with earth cover was not practical in the winter months and economically unjustified. The use of wood wastes as an alternative was being used, however, he stated that the full six inches required was not being used as the supply was limited. Mr. Parker stated that daily cover served only an aesthetic purpose. As regards to an odor problem, Mr. Parker indicated that the odor from the garbage itself is not a problem, that the odor was slight and did not leave the premises.

Mr. Parker stated that his request was not a suggestion that Rossman not cover, but that six inches daily was inappropriate and expensive. In discussing the vector and rodent problem, Mr. Parker indicated that daily additions of garbage was as effective as daily coverage of wood wastes in controlling fly eggs, and that the landfill has never had a rodent problem.

In discussing the cost of daily cover, Mr. Parker stated that he would need a rate increase, but did not feel the results would be a benefit. He indicated that wood wastes were in short supply, and that with landfill space in demand, it was inappropriate to fill the site with cover material.

Mr. Parker discussed the following points raised by staff:

Odor problem - he stated that the odor problem did not result from the garbage itself, but from leachate.

Litter problem - this problem came from dumping into the landfill and once compacted the problem was eliminated.

Fire problem - he stated that there was always a possibility of fire and that earth cover would aid in its prevention, however, he also stated that surface fires are not serious and can be controlled easily.

Unsightliness - he felt this was the one legitimate use for daily cover.

Leachate - he did not feel this was a valid argument in favor of daily cover in that problems came from a continuous rainfall slowly soaking into the fill. Staff felt that with proper drainage, sloping, and daily cover, rain water would only affect waste deposited that day.

Mr. Norr made the following comments on Mr. Parker's request for variance of prohibition of filling directly into the ground water:

This issue was discussed by the MSD Solid Waste Advisory Committee and received a vote of four in favor of the variance and four against. Again, the staff felt this was in compliance with the state minimum requirements. Mr. Norr cited two letters written by DEQ, the first, dated July 18, 1975, deleted condition G3 which restricted disposal of wastes into ground water, and the second, dated June 6, 1978, directed Mr. Parker to comply with the G3 requirement. While staff was in sympathy with Mr. Parker over the conflict of these two letters, staff felt that the issuance of the first letter was a DEQ staff action without proper authority and not an action of the Environmental Quality Commission and should be complied with.

Mr. Parker stated that he had acted on the assumption that he had the proper authority to fill in this area, and that while he agreed the practice did not look good, in 15 years Rossman's did not have a problem as a result of this practice. Mr. Parker did agree, however, that a problem with leachate existed now, but he felt it could be dealt with effectively. He emphasized that there had been no evidence of water contamination off the site resulting from ground water contamination.

Mr. Norr presented the following comments on Mr. Parker's variance request to allow disposal of large dead animals, oils and liquids:

On Mr. Parker's application he excluded the acceptance of large dead animals, and waste oil. Also, these items are excluded by the state's permit. It is staff's contention that small dead animals are as defined in ORS 601.020 (2)(b), "dead fowl, cats, dogs and other small animals, with everything else defined as large." Staff has indicated to Mr. Parker that the language could be clarified by prohibiting his acceptance of all dead animals except when specifically authorized in writing. The issue of accepting oils and liquids is also a state minimum requirement, and to solve Mr. Parker's problem of dealing with several agencies for permission to accept them, staff has suggested that he deal directly with the state as the ultimate agency.

Mr. Parker presented his rebuttal to Mr. Norr's comments, stating that dead animals, oils and liquids, and the flow control authority were not serious issues with Rossman's Landfill. He stated that he has indicated to staff that it was difficult to control hospital wastes. As regards to dead animals, Mr. Parker indicated that the county frequently requested that they receive large dead animals found on the highways and that they take oils, as another disposal source was not available.

Mr. Norr made the following comments regarding Mr. Parker's request that condition SE-12 of his MSD permit dealing with MSD's flow control authority be eliminated:

Staff felt that Condition SE-12 is a basic premise of MSD's intention as regards to solid waste control, and has been placed, upon legal counsel advice, in all of the landfill permits issued by MSD.

Mr. Parker stated that he was not convinced that MSD had flow control, however, he felt that if they did it was not necessary to recite it and include it in his permit. He also stated that this was not a serious issue with Rossman's Landfill.

#### Summary and Discussion

Mr. Norr summarized by stating that three of the variance requests from Rossman's Landfill were state minimum requirements, and if approved by MSD would still be a requirement of the state. He felt that the MSD flow control authority variance is the only issue that can effectively be addressed by the Board. Mr. Norr stated that it was staff's feeling that these standards were reasonable and should be enforced.

Mr. Bob Gilbert of the Department of Environmental Quality, was present to answer the Board's questions. In addressing the question of whether deletion of the G3 requirement was an action of the EQC, Mr. Gilbert stated that it was deleted because the trenches were temporarily flooded and not because they were filling into the ground water. Mr. Gilbert's letter to staff dated June 6, 1978, states that disposal of wastes into trenches was not authorized by either a change in Mr. Parker's permit or by a variance from the EQC. In response to the question as to his opinion on the need for six inches of cover daily, Mr. Gilbert responded that it was a requirement of DEQ's regulations, however, as a practical matter, most of the sites have not complied with the requirement. He also stated that enforcement by DEQ in the past has not been sufficient, however, inspection of the sites has been on-going since November with compliance letters being issued. During the two years, from 1975 to 1977, when DEQ did not provide proper inspection of the sites, Mr. Gilbert indicated that DEQ had received no complaints, however, during this last winter, which was particularly wet, they did receive a substantial amount of complaints due to odor and a leachate slime. Mr. Gilbert referred the Board to a letter issued by the Water Resources Department which indicated that "leachate contaminated ground water was entering the main east-west drainageway and the surface water collection sump where it is eventually pumped into the small tributary to Abernethy Creek". Mr. Gilbert felt this was a result of filling into a flooded trench area.

Mr. Parker referred a letter written to DEQ and MSD dated March 31, 1978, discussing the questions of odor and leachate. He felt that a distinction should be made between surface water and ground water contamination. He admitted to a surface water problem, which he felt could be corrected, but that there was no evidence of ground water contamination outside the fill.

Board Action:

Commissioner Buchanan moved to deny the request for variance to the Rossman Landfill permit; to direct Mr. Parker to return within 60 days with a revised operational plan to bring the landfill into compliance with the MSD permit; and to direct staff to work with DEQ and other operators to determine whether changes in state minimum standards should be made and present this information to the Board within 45 days. Councilman Bartels seconded the motion. The motion carried unanimously by roll call vote.

Mr. Irvine addressed the Board with his concern that the Board's action would have an affect on the other landfills in the area attempting to comply with their MSD permits. The Board directed that the regulations were in existance and the operators were required to comply, however, any requests from the other sites could be handled by the Board on an individual basis as they arise.

78-1080 ORDINANCE NO. 59 - FIRST PUBLIC HEARING

Councilman Bartels chaired the meeting.

Councilman Bartels opened the public hearing to consider Ordinance No. 59, an ordinance establishing fees for admission to the Washington Park Zoo, criteria for admission passes to the Zoo, a procedure for allowing special admission days, and declaring an emergency.

Councilman Bartels asked if there was anyone in the audience that did not have a copy of the ordinance and wished one. There was no response.

Motion 78-1080.A: Commissioner Miller moved to read the ordinance by title only. Commissioner McCready seconded the motion. The motion carried unanimously by roll call vote.

The clerk read the ordinance title.

Mr. Iliff reviewed the ordinance sections and purpose.

Councilman Bartels asked if there was anyone in the audience that wished to speak to Ordinance No. 59. There was no response.

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Motion 78-1080.B: Commissioner Miller moved to set the second hearing date for June 23, 1978. Commissioner Buchanan seconded the motion. The motion carried unanimously by roll call vote.

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Commissioner McCready moved to consider "Solid Waste Revenue Bond Resolution - Selection of Underwriter" under Other Business. Commissioner Miller seconded the motion. The motion carried unanimously by roll call vote.

78-1081 SOLID WASTE REVENUE BOND RESOLUTION - SELECTION OF UNDERWRITER

Mr. Ketterling presented staff's report and request for action. Mr. Gisvold stated that use of an underwriter would require no financial commitment of MSD until sale of the bonds.

Commissioner Buchanan moved to authorize proceeding with bond underwriter selection as outlined in the staff report. Commissioner Miller seconded the motion. The motion carried unanimously by roll call vote.

The meeting adjourned at 5:25 P.M.