



Meeting minutes

Meeting: Regional Waste Advisory Committee (RWAC) Meeting
Date: Thursday, January 21, 2021
Time: 9 a.m. to 10:30 a.m.
Place: Zoom meeting
Purpose: *The purpose of the Regional Waste Advisory Committee is to provide input on certain policies, programs, and projects that implement actions in the 2030 Regional Waste Plan, as well as to provide input on certain legislative and administrative actions that the Metro Council or Chief Operating Officer will consider related to implementation of the 2030 Regional Waste Plan.*

Members in Attendance:

Roy Brower, Metro
Sharetta Butcher, North by Northeast Community Health Center (NxNE)
Marilou Carrera, Portland Resident
Thomas Egleston, Washington County
Alondra Flores Aviña, Student
Jill Kolek, City of Portland
Shannon Martin, City of Gresham
Christa McDermott, Community Environmental Services, PSU (PSU)
Audrey O'Brien, Oregon Department of Environmental Quality (DEQ)
Eben Polk, Clackamas County
Jenny Slepian, City of Lake Oswego
Beth Vargas Duncan, Oregon Refuse and Recycling Association (ORRA)

Members Absent:

Joe Buck, Small business owner

1. CALL TO ORDER & MEETING OVERVIEW

Roy Brower (Metro) brought the virtual meeting to order at 9:02 am and previewed the agenda.

2. STATEWIDE RECYCLING MODERNIZATION

Pam Peck (Metro) introduced the topic as well as Abby Boudouris and Sanne Stienstra from the Department of Environmental Quality (DEQ) as primary presenters.

Ms. Stienstra (DEQ) introduced herself as a member of the Oregon DEQ Materials Management Program and Ms. Boudouris as a legislative analyst for the Land Quality Division at DEQ. She noted that they plan to provide an overview of the bill in the legislature and highlight a few areas of importance for this committee, particularly producer responsibility and equity in the bill. Oregon's framework for recycling is somewhat outdated. It was created over 30 years ago. There used to be much more paper in the system, less plastic, and no co-mingling or mixing together of the materials. In 2017-18 first China and then other countries stopped accepting or created much greater restrictions on the recyclable materials that they accepted from us. This was called National Sword and it was a major disruption to Oregon's recycling system, as well as other states and nations. It also wasn't the first time that the recycling industry was disrupted by recycling market shifts in such a way. There have been less favorable economics in the recycling industry generally over time, so that sort of volatility was an issue that led to the creation of the Recycling Steering Committee.

DEQ convened the Recycling Steering Committee with members from throughout the recycling system. That group worked together for over two and a half years to create a proposal to address the issues mentioned above. There were key issues like:

- Public confusion about what and how to recycle
- High levels of contamination, trash, or other unaccepted materials in recycling bins
- Higher costs for rate payers who currently bear all system costs
- Lightly regulated material recovery facilities, or the processing facilities that sort out mixed recyclables.

The Recycling Steering Committee worked together to create a consensus proposal and a path forward for Oregon's recycling system. They reached consensus in September 2020 at which point DEQ took the proposal translated it into what is now House Bill 2065 which will be introduced in the legislative session this year. It is a shared responsibility proposal. Oregon has programs for extended producer responsibility for materials like paint and electronics. It is similar to programs like that, but it is somewhat of a unique construction for Oregon that the Recycling Steering Committee created whereby producers will play a major role in paying for and improving the recycling system, while rate payers, local governments, and the state, will continue most of their existing responsibilities and have some new responsibilities to help further modernize the recycling system.

Some of the general features of the proposal include:

- A new consistent statewide recycling collection list so that across the state folks will be able to recycle the same things regardless of where they work or live.
- Transportation subsidies to equalize the cost of recycling moving materials around the state.
- The material recovery facilities (MRFs) would meet new performance standards.
- More robust anti-contamination programs to give direct feedback to generators.
- Strong protection for rate payers so that rate payers don't experience increased costs as a result of these particular improvements.

It is a shared responsibility model, which means the producer's role in this case is largely to fund improvements and expand the recycling system by joining a producer responsibility organization that will meet requirements on behalf of the likely thousands of companies that would be regulated by this new program. Through these producer responsibility organizations, they would submit a program plan every four years that proposes how they'll meet the obligations set out in the law. DEQ will review and approve or reject these plans which will also be reviewed by a new advisory council and be open for public comment periods as well. Producers, through these organizations, will submit annual reports, reporting on what they've done in the past year and plan amendments for certain changes to their plans. They'll pay fees for administration of the programs and covered products. Covered products include printed paper and packaging, but it does not have to be recyclable. These fees may be what is called eco modulated, so producers will pay less for environmentally preferred design and they will determine the ways they do that. It would be subject to DEQ review and approval.

Local governments will maintain control of collection in their communities and rate payers will continue to pay existing costs for collection, but producers would fund those collection expansion costs. There are expansions possible for multifamily customers, rural communities, small cities under 4,000 that are not currently regulated, and unincorporated areas of counties. There will be some required expansions, such as for multi-family, and also voluntary expansions that, say, those small cities under 4,000 could opt into producer funding if they choose to expand their collection.

One of the new roles for local governments would be providing effective feedback for contamination, which would be funded by producers. Right now it is disproportionately expensive

for rural communities and communities distant from the Vancouver to Salem corridor to recycle because that is where the material processing facilities are located. Producers will help equalize those costs so it would no longer be more expensive to recycle in more rural parts of the state.

MRFs will be required to meet new standards, such as more effectively removing contamination. And producers will be required to work with the MRFs to ensure that these standards are met and provide funding to protect rate payers. By meeting new performance standards, it is expected that costs will increase at these facilities, but producers will help prevent those costs from being passed on to rate payers. Lastly on producer responsibility, they will also have an obligation to ensure responsible end markets for recycling, i.e. that the material collected in Oregon is actually recycled and in a way that doesn't harm people or the environment.

Ms. Stienstra highlighted a few areas where the proposal works towards advancing equity in the recycling system:

- Expansion of collection access, especially for multifamily residents and rural communities
- The transportation subsidy to equalize the costs of moving materials so that customers and people who live in different parts of the state, it will be more equitable access to recycling services.
- New local government requirements to ensure accessibility of collection areas in multi-family properties and education materials available in different languages.
- MRFs will be required to ensure the health and wellbeing of workers, and also to provide a living wage and supportive benefits.

Ms. Stienstra noted that the proposal provides for an equity study that DEQ would conduct to work for continuous improvement of equity in the recycling system. The study would look at opportunities for women and minority owned businesses, Oregon and Northwest businesses, the living wage and benefits for workers, and provide suggestions that producers would have to incorporate in some way into their program plans.

Abby Boudouris (DEQ) more information about House Bill 2065 which would set the state on a path for the next 30-40 years. The bill has been referred to the House Energy and Environment Committee where it will have its first hearings and the most robust discussions. There will be some technical amendments to make the bill work with enforcement and other logistics. There is a similar bill that Representative Sollman put out that aims at the same outcome, but has a much more expansive producer role. So that one also is referred to that committee. There are three truth in labeling bills that address a component of this bill. The truth in labeling is included in House Bill 2065. There's another bill that addresses just the plastics part of this issue. Ms. Boudouris shared that it will be up to legislative leadership and committee chairs to provide guidance on how they want to address the multitude of bills, and Bill 2065 in particular.

Eben Polk (Clackamas County) asked if the presenters could provide one or two examples of how the amendments that are being made early on to align better with the steering committee work.

Ms. Stienstra responded noting two big areas: aligning the distribution of funds for collection and expanding collection. The voluntary opt-in for collection expansion is part of that amendment. There was some lack of clarity on how those small cities under 4,000 and unincorporated areas treated. And do they have access to producer funding to expand. On the processing side and protecting rate payers, the amendment filled in some details on making more explicit repair protection in producer, in the producer role and their responsibility. It was a clearly stated intent of the Recycling Steering Committee agreement, but it didn't show up explicitly in the bill and so made provisions for that.

Sharetta Butcher (NxNE) asked if there a certain percentage the bill identifies to do business with minority and women businesses.

Ms. Stienstra responded that it is not outlined in the bill and that will be part of the study and continuous improvement model.

Christa McDermott (PSU) asked about the hope for outcomes, especially from an end-user perspective. What can ordinary residents expect to see that would be different?

Ms. Boudouris responded that if you are a person who lives in Oregon and getting rid of stuff, there will be a statewide list of what is recyclable in Oregon. Whether you're in Portland or Medford or wherever, people should be able to put the same things in the recycling bin.

Ms. McDermott asked if that would mean that people would find it easier to recycle items because there'll be more that is actually recyclable.

Ms. Boudouris noted that the expectation is that statewide, the lists will be more expansive. With the producer role, they're going to be paying in for covered products and are going to want their products recycled. That's going to be part of the driver to make a more robust list. Lastly, you have to have places for that material to go. Connecting the whole system from the beginning to the end, there will be proper labeling, a statewide list, and insurance of markets.

Ms. Peck added that another difference is the facilities where materials are processed and investments to update and be able to sort cleaner bales of material, which gives us more opportunities for markets and helps to ensure responsible recycling.

Ms. McDermott asked about the bill and the focus on providing funding for women and minority owned businesses. This sparked thoughts around the informal work force around recycling and resellers. She wondered for people who are outside of a formalized system, if there's been any thought about them in terms of equity and making sure that they can improve their livelihoods or how they'll be part of this new modernization.

Ms. Stienstra shared that at this point there is nothing explicit that includes waste pickers or canners. The equity study and the continuous improvement model in the bill is written the way it was because admittedly, there is more to be done with advancing equity in the system.

Ms. Peck added that DEQ did do some engagement with Ground Score to get their feedback. And there have been other more in depth conversations about them regarding potential downsides of extended producer responsibility systems. This is something staff need to be engaging more on how that fits in.

Jenny Slepian (City of Lake Oswego) asked about compostable packaging that is labeled as compostable, but is not currently compostable in Oregon, but it's definitely a source of contamination at the moment.

Ms. Stienstra shared that in the bill there is some language that speaks to the idea that producers will have responsibility for removing contamination. DEQ has been engaging with composters and compost facilities in Oregon to flesh that out further. There will likely be more language in an amendment.

Thomas Egleston (Washington County) shared that one of the things that stands out as one of the biggest outcomes is the reliance on responsible end markets. If recyclable materials are being collected from community members and they are being told that good things are being done with them, local government should be pretty darn sure that's actually happening. It is important to have confidence in the system and be able to express that confidence to community.

3. UPDATE ON METRO SOUTH NEW FACILITY

Dan Blue (Metro) introduced this topic. He shared that a key driver for this project is the fact that the current Metro South station, which provides a variety of core services, including public self-

haul, household hazardous waste, commercial garbage and green waste transfer services is showing its age. It's not able to safely keep up with demand in this growing part of the region. Metro South is nearly 40 years old with a backlog of expensive capital projects necessary to maintain the viability of the buildings on site. And we are challenged daily to ensure that our staff and customers, our customers are safe onsite. Metro has been guided by the 2030 Regional Waste Plan (RWP) vision of providing excellent and equitable services and to accomplish action 16.6, which reads: expand and improve access to services provided at Metro South station. With that, Metro started looking more intentionally for new potential sites for some or all of the services currently provided at Metro South. A new facility could provide a wide range of public facing elements that will be developed in partnership with the community, including public art and educational center meeting rooms or other things identified as needed or desired by the community. Any new facility would provide much greater opportunity for recovery of more materials and reuse/repair services to further advance the goals of the RWP. Building a modern facility will come with costs, but Metro staff believe that the investment will provide long-term benefits and will be an asset for the community. For context, modern transfer stations built in the Pacific Northwest over the last few years have cost anywhere between \$40-120 million.

Estee Segal (Metro) discussed some of the process that Metro has used to search for sites. She shared slides that break down the three phases of the project:

1. Phase 1 (2019 – 2021): Find a location
2. Phase 2 (2021 – 2023): Develop Program & Design Facility
3. Phase 3 (2023 – 2025): Get Approvals & Build Facility

Ms. Segal noted that community engagement is expected to happen in each and every phase of the project, and Metro staff expect to develop a good neighbor and community benefits agreement to outline expectations of the ongoing operations and management of the facility.

Ms. Segal shared the process for identifying a new site and the base criteria for finding and identifying sites. Metro developed a scoring and weighting system for each criteria, then use GIS to rank them in order of those that best meet the criteria to those that least meet that criteria. She then shared that the Jennifer Street site or Northwest Sand and Gravel site, was one of the highly ranked sites where the owner expressed interest in possibly selling the property for this project.

Ms. Segal shared information about the site, its location, benefits of the site and possible risk factors. In terms of next steps for the project, Metro has about seven months left to investigate the site and do outreach and engagement. Metro is about to begin a second phase of engagement with the community.

This presentation was paused and will be continued after introductions with the Metro Councilors present at the meeting.

4. INTRODUCTIONS between committee and Solid Waste Council Liaisons

Each of the committee members introduced themselves.

Councilor Rosenthal (Metro) introduced himself as a new Metro Councilor elected in November. He lives in the Stafford area and is closest to the Metro South Station. He has worked as an environmental consultant, much of which related to solid waste issues, primarily in groundwater. He shared that he is very familiar with the cradle to grave concept. He is a strong supporter of reuse and repurposing and he supports efforts to look at solid waste in a systemic way.

Councilor Nolan (Metro) introduced herself as a new Metro Councilor elected in November. She served as the City of Portland's Director of Environmental Services when Portland franchised residential garbage collection and curbside recycling. She served in the legislature for 12 years and

served on energy and environment committees that also had responsibility and authority to upgrade statewide statutes around recycling and garbage service equity.

Councilor Bob Stacey (Metro) introduced himself, noting that he is starting his ninth year in office on the Metro Council. Some of the initiatives that he has worked on over the past eight years include making key decisions during our Solid Waste Roadmap Program, allocations between the public and private sector transfer stations, so that tonnage of waste can be allocated across the system in a fair way, and food waste recovery. He noted that it takes longer than initially anticipated to figure out the right kind of system to not only get food waste separated more efficiently, but also to treat it separately in a way that has the fewest CO2 implications and methane implications for the planet. Mr. Stacey was active in taking the Riverbend landfill in Yamhill County out of Metro's system of garbage disposal because of its precarious location on the banks of the Yamhill River and because it was unnecessary and surplus to the region's needs and was not as modern facility as the ones that were utilizing today. He strongly supports improvements in multi-family, multi-dwelling, residential recycling opportunities.

Ms. McDermott asked how Metro Councilors interact with the RWP.

Councilor Nolan expressed that as a liaison, she will prioritize this work on behalf of the council as a whole. In terms of decision-making, she relies on any information from individuals/organizations/neighborhood associations who she represents in District Five, which includes much of Northeast Portland, North Portland and Northwest Portland. She also relies on the advice from advisory groups. She expects that the committee does in-depth work, considering factors around equity, efficiency, greenhouse gas impacts, cradle to grave issues.

Councilor Stacey made the point that as liaisons, they have no special authority over solid waste issues. One of their principle responsibilities is to ensure that the entire council is kept updated about the work of the department. They do not supplant the authority of the council as a whole to make policy, but inform it by interaction with industry leaders, lobbyists and community leadership. The authority belongs to the council as a whole.

5. UPDATE ON METRO SOUTH NEW FACILITY (continued from earlier in meeting)

Gloria Pinzon (Metro) introduced the work around community engagement with the South facility project. The goal is to advance the RWP vision, principles and goals, which call Metro to prioritize racial equity in the work. 2020 was challenging and the engagement work was set to begin around the same time the pandemic hit the region in the spring of 2020. The engagement was delayed, but adapted and arranged a virtual engagement strategy while being mindful that the crisis facing many community members would impact the reach of engagement. Despite these challenges, Metro did accomplish hosting a community advisory group of 15 people from throughout Clackamas County. Metro worked successfully with Unite Oregon who supported the engagement. With their help, staff were able to reach traditionally underserved community members, including immigrants, refugees, and people who are learning English. Unite Oregon conducted a focus group and while Metro was able to conduct ongoing local government partner meetings, as well as initiate contact with the Confederated Tribes of Grande Ronde.

Ms. Pinzon shared that some of the things being heard from the community advisory group is that they are very interested in the expanded education services that might be potentially part of this project. Especially for immigrant and refugee communities and English learners. They want protection for vulnerable communities, including housing and protection of the environment. Some folks are interested in accessibility and making sure the site is accessible by public transportation, biking and walking. There's concerns about potential traffic impacts and wanting to make sure the site is designed in a way that is attractive and is an asset to the community. There is interest in potential partnerships with local schools or organizations that are serving youth and families. Ms.

Pinzon shared some of the next steps for engagement and that this topic would be back for more in-depth conversation and discussion in February.

Mr. Egleston noted that there is a history of siting facilities along waterways with this one along Clackamas River. He asked about flood risk.

Mr. Blue shared that this site is not in a flood zone and is at a higher elevation than the river by a lot. Staff are aware of a potential risk of dam failure upstream and will be looking into that issue.

Jill Kolek (City of Portland) asked if the Jennifer Street site goes forward, would Metro South be closed or would it be changed. Is it part of the discussion with the community as to what they'd like to see happen there?

Mr. Brower responded that staff will be developing several scenarios between the existing Metro South location and this new location. Staff will be looking at a number of those kinds of scenarios and the business cases for what makes the most sense. It could be that some operations move to the new site and maintain Metro South for some period of time, simply because it's paid for. But that's to be determined.

Eben Polk (Clackamas County) wanted to highlight the high volume and the high usage at Metro South which is an indicator of what an amazing location it is. The location is uniquely poised to continue serving the Clackamas County community if Metro chooses to keep it. Local government has been advocating for taking a very close look at the value that the location offers to the entire community and the real compromises this other location would be for the self-haul customers.

Mr. Brower noted that Metro South is experiencing 42% increase in customers.

Ms. Slepian added that there is that other side of Clackamas County across the river which doesn't have a convenient recycling facility anymore since Far West closed, and that definitely contributes to the traffic over at Metro South. Metro South has become even more critical and crucial to the rest of Clackamas County.

Mr. Brower noted that one of the projects beginning is to initiate is a region-wide look at facility needs and gaps in the system for more of a long-term perspective. Metro is starting to scope that internally and local governments and this committee will be a part of that discussion as Metro starts to look at that bigger regional picture of what is needed.

MEETING AJOURNED at 10:32 a.m.

Next meeting

February 18, 2021 8:30 am – 10:30 am (virtual meeting)