

MINUTES OF THE COUNCIL SOLID WASTE COMMITTEE  
OF THE METROPOLITAN SERVICE DISTRICT

February 28, 1989

Work Session  
Council Chamber

Committee Members Present: Gary Hansen (Chair), Sharron Kelley (V. Chair), Roger Buchanan, Mike Ragsdale and Judy Wyers

Committee Members Absent: None

Other Councilors Present: Jim Gardner

Also Present: Executive Officer Rena Cusma and General Counsel Dan Cooper

Chair Hansen called the work session to order at 4:05 p.m.

1. General Staff Reports

None.

2. Consideration of Resolution No. 89-1058, for the Purpose of Authorizing the Executive Officer to Execute the Stipulation and Final Order with the Department of Environmental Quality (DEQ) Regarding Waste Reduction Programs

Chair Hansen said the Solid Waste Committee referred Ordinance No. 89-283 to the Finance Committee which considered the ordinance February 16. He said the Finance Committee recommended Ordinance No. 89-283A for adoption by the full Council. He said the new ordinance authorized budget changes for increased staffing, but made no recommendation on the Stipulation and Final Order. Chair Hansen Resolution No. 89-1058 was drafted as the vehicle to approve the Stipulation and Final Order itself.

Councilor Ragsdale said he had serious reservations about language in the Order. He had met with Bill Hutchins, Director of the Environmental Quality Commission (EQC). He said he had no amendments on the resolution as yet. He said Metro could replace the Stipulation and Final Order with adoption of a 1989 Waste Reduction Plan (WRP). Councilor Ragsdale said Mr. Hutchins expressed uneasiness with the change proposed. Councilor Ragsdale asked staff what action the EQC could take if Metro did adopt and implement a new WRP in lieu of the Order. He said the EQC could order Metro to implement the original 1986 WRP and if Metro did not implement, the EQC could impose whatever penalties allowed on Metro. He said the EQC was ordering Metro to implement a flawed WRP which the Council was reluctant to adopt.

Councilor Buchanan agreed with Councilor Ragsdale and said the Metro Council should adopt a new WRP.

COUNCIL SOLID WASTE COMMITTEE

February 28, 1989

Page 2

Chair Hansen asked if there were methods with which the EQC could enforce the proposed 1989 WRP and thereby ease concern. Councilor Ragsdale said he suggested to the EQC they could allow Metro to amend the 1986 WRP with the 1989 WRP, monitor the amended WRP, and order Metro to implement the new WRP. He said the EQC would retain the same authority over Metro with the amended WRP as they would have with the Stipulation and Final Order. He suggested adoption of the new WRP at this meeting via amendment to Resolution No. 89-1058. Councilor Ragsdale asked Debbie Gorham, Waste Reduction Manager, if there was a vehicle to recommend for adoption at this meeting. Ms. Gorham said it would take six months to assemble the final new WRP. She said regional consensus on yard debris and certification was required. Chair Hansen said a Phase I WRP could be recommended. He noted it would need extensive work to revise existing language. He said the Committee could recommend a resolution which stated Metro would implement required work while revising language at the same time. Ms. Gorham said the current WRP had provisions to implement the elements funded at this time and provision for future amendments. Chair Hansen said there was a special meeting scheduled Thursday, March 2. Rich Carson, Director of Planning and Development, said staff could work on language to recommend at the March 2 meeting. Becky Crockett, Senior Solid Waste Planner, said staff had presented language to the Committee two months previously which could be attached to the resolution for that purpose.

Councilor Ragsdale said the resolution should adopt the 1989 WRP and ensure the language was clear and stated the WRP would be subject to revision. Dan Cooper, General Counsel, said Metro could amend the WRP after approval from the Director of the Department of Environmental Quality (DEQ) after amendments were judged legal. He said Metro could challenge unreasonable refusal by DEQ to approve such amendments.

Chair Hansen said he had reservations about the action proposed because Metro had to site and build the Metro East Transfer Station, undertake the budget process for FY 1989-90, and implement other major tasks. He was willing to accept the Order to bring closure to the issue. He said there was not sufficient time to be in prolonged conflict with the EQC.

Motion to Amend: Councilor Ragsdale moved to conceptually amend Resolution No. 89-1058 to delete existing language and substitute the 1989 Waste Reduction Plan for final review at the special meeting March 2.

Councilor Kelley asked what legalities were involved by the action proposed. She asked if penalties would be dropped and if a resolution was the vehicle to implement the WRP and not the Stipulation and Final Order.

Mr. Cooper said the Order waived jurisdictional differences. He said Metro enforcement of an alternate WRP would be subject to different

criteria. He said new penalties could be worse than penalties for not fulfilling the Order which would be \$100 per offence per day. He said the DEQ would approve any WRP changes if amendments were made via the correct statute.

Vote on Motion to Amend: Councilors Buchanan, Kelley, Ragsdale and Hansen voted aye. Councilor Wyers was absent. The vote was unanimous and the motion passed.

Chair Hansen said consideration of Resolution No. 89-1058 would be continued to the special meeting March 2. He adjourned the work session at 4:45 p.m. Councilor Ragsdale asked if the meeting could continue immediately into the regular session and asked if an early convening of the regular session would conflict with the public meetings law. Mr. Cooper said Agenda Item No. 5 was scheduled for a public hearing and could not be considered until 5:30 p.m, but that other items could be considered until that time. The Committee began the regular session.

#### Regular Session

### 3. Consideration of Minutes of January 17 and January 24, 1989

Motion: Councilor Ragsdale moved for approval of the minutes.

Vote: Councilors Buchanan, Kelley, Ragsdale and Hansen voted aye. Councilor Wyers was absent. The vote was unanimous and the minutes were approved.

### 4. Consideration of Resolution No. 89-1059, for the Purpose of Authorizing Entry into a Consulting Contract with R. W. Beck and Associates for a Site Feasibility Study, Conceptual Design, Cost Estimations and Analysis of Public vs. Private Ownership of Metro East Station

Councilor Kelley noted R. W. Beck and Associates and Gershman, Brickner and Bratton (GBB) were the two interviewed bidders. She said R. W. Beck and Associates were recommended because of their considerable transport services and recycling experience.

Councilor Ragsdale said the Clerk of the Council had informed him that staff wanted the resolution placed on the March 9 Council agenda. Chair Hansen said the resolution should be considered as soon as possible because of time constraints. Councilor Kelley said there were eight potential sites and that number could be cut to three potential sites.

Councilors Hansen and Ragsdale agreed R. W. Beck and Associates was a good firm and well-suited for this contract. The Committee and staff discussed resolution language and how many sites should be evaluated.

Main Motion: Councilor Kelley moved to recommend the full Council adopt Resolution No. 89-1059.

Withdrawal of Main Motion: Councilor Kelley withdrew her motion at Councilor Ragsdale's request.

The Committee discussed the issues further.

Motion to Amend: Councilor Ragsdale moved to amend Resolution No. 89-1059 and Attachment A via insertion of Option No. 3 for a total cost of \$98,000.

Vote on Motion to Amend: Councilors Buchanan, Kelley, Ragsdale, and Hansen voted aye. Councilor Wyers was absent. The vote was unanimous and the motion to amend passed.

Main Motion as Amended: Councilor Ragsdale moved to recommend the full Council adopt Resolution No. 89-1059 as amended.

Vote on Main Motion as Amended: Councilors Buchanan, Kelley, Ragsdale and Hansen voted aye. Councilor Wyers was absent. The vote was unanimous and the motion passed.

Chair Hansen asked Councilor Kelley to present the Committee report on Resolution 89-1059 to the full Council.

Chair Hansen called a recess at 5:22 p.m. The Committee reconvened at 5:39 p.m.

5. Consideration of Resolution No. 89-1053, for the Purpose of Approving the Award of a Contract for Waste Transport Services to Jack Gray Transport, Inc. (Public Hearing)

Jim Watkins, Engineering and Analysis Manager said Jack Gray Transport, Inc., (JGT) was found to be the lowest, most responsive bidder. He said further staff analysis of equipment sketches and financial criteria did not change JGT's acceptability as a vendor for this contract.

Chair Hansen opened the public hearing.

Nancy N. Russell, Friends of the Columbia Gorge, said her organization found the shipping of solid waste by truck via I-84 unacceptable because of heavy traffic, the environment and bad weather conditions. She said she understood to ship solid waste by barge would have been only 10 percent more expensive than by truck. Ms. Russell said I-84 was essential to tourist traffic. She said even in summer the route proposed could be dangerous because of high winds. She noted water and

rail options would use 50 percent less fuel and that shipment via barge would only be two trips per day.

Chair Hansen told Ms. Russell she had raised interesting issues. He asked why the organization she represented had not testified on this issue before. He said Metro was under a deadline to allow the vendor to mobilize.

Ms. Russell agreed her organization could have testified sooner, but said the contract award itself was fairly recent. She said the contract became a heated issue approximately one week previously. She said it was unusual in other parts of the country to have as many as three transportation options to choose from. Ms. Russell said Hood River residents were angry over JGT's proposed route.

Dennis Gronquist, Mayor of Arlington, said Arlington supported the selection of JGT and said his community would monitor how solid waste was shipped and delivered.

McClaren Stinchfield said he edited The Times-Journal, an Arlington newspaper. He said he had observed various solid waste operations in California and in eastern states and supported JGT. He said JGT compared favorably to other solid waste handlers and transporters. Mr. Stinchfield distributed copies of an editorial on the issue published in The Times-Journal.

Nancy Maller, Hood River, said she had thought Metro would implement the barge transport option. She said the Columbia Gorge would be heavily impacted by 90 trucks traveling through it daily.

Kate Mills, Friends of the Columbia Gorge, said her husband served as a county commissioner and hoped it was not too late for Metro to consider other options.

Jeanne Norton, Friends of the Columbia Gorge, said the 20-year contract length was foolish. She predicted costs would inevitably rise and said Metro would be perceived as having had poor judgment.

Richard Benner, Columbia River Gorge Commission, said the area in question was a designated national scenic area. He said the Columbia River Gorge Commission learned the date of this meeting Metro was about to decide on the issue. He read a signed resolution from that organization. The resolution asked Metro to reconsider awarding the contract to a trucking concern.

Councilor Kelley said 10 percent of the total contract cost was \$20 million. She told Mr. Benner Metro constituents must be considered. She said solid waste rates were already higher because of this contract and other related higher solid waste costs. Mr. Benner realized costs

COUNCIL SOLID WASTE COMMITTEE

February 28, 1989

Page 6

were a serious consideration, but said the scenic designation legislation should be considered. Mr. Benner said the federal government had allocated \$74 million for the area.

Councilor Gardner asked how many trucks used the proposed route. He asked how much the percentage of present traffic would increase with the additional truck traffic to implement the contract.

Chair Hansen said there were public hearings held before this meeting's public hearing. He said to rebid the contract would lead to prohibitive costs and said there was no possibility of changing the situation as it stood. Mr. Benner said the Columbia River Gorge Commission would be unhappy to hear it.

Doug Walters, T & G Trucking, discussed JGT's back-up system. He said JGT proposed storage as a back-up system which was compatible with what Union Pacific proposed. He said he talked to Union Pacific officials who told him they would require two weeks' notice to store solid waste. He discussed rerouting and said JGT could not simply reroute anywhere because of older bridges and roads. He said that aspect was considered by T & G Trucking and why they believed they could not submit a competitive bid. He said JGT trucks were not common to this region and said there were not many roads which could sustain over-weight, over-long trucks.

Gary I. Goldberg, JGT vice-president, responded to testimony given. He said the Columbia Gorge was a beautiful area and that JGT would try to be a good neighbor and would spend time addressing the concerns raised at this meeting. He said any truck company should be able to travel on any road and said it was not possible to tell JGT it could not use a public highway and yet allow a company such as Consolidated Freightways to do so. Mr. Goldberg responded to Mr. Walters' testimony and said the JGT back-up system proposed would have 300 trailers plus alternate routes. He said JGT hauled all types of commodities in 48 states and had various axle weights for different specialties. He noted JGT had hauled 200 million tons of solid waste elsewhere and said their trucks had travelled 200 to 700 miles round trip. He said JGT was bonded to \$15 million and was completely insured. He said JGT drivers were trained extensively, said contract DBE/WBE requirements would be fulfilled, said JGT had shelved the idea of "doubles" because of possible danger, and discussed other truck configurations. He said there was necessity for some secrecy because of competition. He discussed the timeline of sketches submitted and said by April or May there would be a prototype available of those sketches. He said discussions would then be held with whoever installed the compactor at Metro South Station.

Jack Gray Transportation, Inc., then gave a detailed presentation. David T. Douthwaite briefed the Committee on presentations to be given

and introduced speakers in turn. Carl Winans discussed AMFAB compacting equipment; Hap Furiya discussed tractor design; Melody Young, discussed trailer design and procurement; Keith Tantlinger discussed equipment configuration analysis; Jim Wright gave examples of similar equipment and safety data; and Wayne Van Raden discussed JGT's axle configuration, push axles and tag axles.

Mr. Winans, American Fabricators (AMFAB), said his company worked with Solid Waste staff on specifications. He said a compactor required fewer trips, allowed the use of closed containers, and said it would not be obvious a truck was transporting solid waste.

Ms. Young, Young Equipment, said her company specialized in selling trailers which took solid waste from transfer stations to final destinations. She said Young Equipment had sold equipment to United Disposal; Schnitzer; Seattle and Tacoma, Washington; as well as Berkeley, California. She said the company designed and built trailers to a company's specifications and said in three months the first JGT trailer would be built. Ms. Young said the wood products industry used the same type of axle JGT proposed.

Mr. Tantlinger said he was responsible for the construction of Bay Area Rapid Transit (BART) rail cars. He said the JGT sketches were feasible. He assured the Committee axle modifications needed would be slight.

Mr. Wright said the JGT axle did not pose a hazard. He said he spoke to a Public Utilities Commission (PUC) official who thought JGT axles safe. He was not sure why Trans Industries objected to Metro awarding JGT the contract and said Rabanco used similar axles on their equipment.

Mr. Van Raden discussed push axles and tag axles.

Mr. Douthwaite concluded the presentation and said Oregon law required Metro to take the lowest, most responsive bid. He noted the final equipment list was not due until 90 days after the contract was awarded. He emphasized JGT could answer any questions on any aspect of their operations and said JGT stood behind its work.

Ray Barker, Council Analyst, said he invited an Oregon Department of Transportation (ODOT) official to attend and submit testimony, but said the ODOT official was not able to attend this meeting.

Chip Greening, Trans Industries, Browning-Ferris Industries, Rabanco, discussed the issues further and displayed via overhead projector a table entitled "Metro's Cost by Average Density." He discussed costs. He said there was no reason to believe JGT could handle 900 tons per load. He said Metro should seriously consider rebidding the contract. He said it would not take long to do so because bid offers would be more specific and the January 1, 1990, deadline could be met. He said Metro

COUNCIL SOLID WASTE COMMITTEE

February 28, 1989

Page 8

taxpayers would save money. Also in attendance with Mr. Greening were Roy Westmoreland and Ken Held. A film of trucks loaded at a facility which had an AMFAB compactor was shown. Mr. Greening said equipment sketches submitted by JGT had changed drastically and therefore JGT had not fulfilled bid specifications. He said light loads cheated Metro taxpayers and could also be fined. He asked the Committee if they wished to save Metro taxpayers money.

Chair Hansen closed the public hearing. He said the General Counsel would be asked questions related to these issues March 1. The Committee agreed to continue consideration of Resolution No. 89-1053 to the special meeting March 2, 1989. Chair Hansen adjourned the meeting at 7:50 p.m.

Respectfully submitted,



Paulette Allen  
Committee Clerk  
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