

APPROVED
Date 6-9-93

MINUTES OF THE METRO COUNCIL SOLID WASTE COMMITTEE

March 2, 1993

Council Chamber

Committee Members Present: Roger Buchanan (Chair), Ruth McFarland (Vice Chair), Susan McLain, Ed Washington, Judy Wyers

Councilor Also Present: Mike Gates, Jon Kvistad

Chair Buchanan called the regular meeting to order at 4:00 p.m.

1. Consideration of November 3, 1992 and January 5, 1993 Solid Waste Committee Meeting Minutes

Motion: Councilor McFarland moved to accept the November 3, 1992 and January 5, 1993 Solid Waste Committee meeting minutes as submitted.

Vote: Councilors Wyers, McFarland and Buchanan voted aye.

The vote was unanimous and the motion passed.

2. Solid Waste Updates

o General Staff Reports

Roosevelt Carter, Solid Waste Budget and Finance Manager, presented the Monthly Financial Report for January, 1993, and said tonnages from non-Metro facilities dropped below budgeted expectations for the second month in a row. He noted revenues declined with the tons as was expected with reduced operations expenditures. Mr. Carter referenced page 7 of the report noting convergence beginning to take place between projections and actuals.

In response to Councilor McFarland, Mr. Carter said the number of business days in a month would affect outcome as well as whether tonnages were wet or not.

In response to Councilor Wyers, Bob Martin, Director of Solid Waste Department, said tonnage reductions were in part due to cold, dry weather. He noted this was normal. He supported Mr. Carter's comments regarding the number of business days in a month as well.

Mr. Martin discussed briefly the historical background between Metro and Riverbend landfill, and said waste had been going there for 10 years. He noted the Metro South operator had elected to send waste in the past to this landfill due to location. Mr. Martin said the landfill operator had approached Metro several times regarding whether an agreement should be

(Continued)

drawn up to that end. He referred to ballot measures in Yamhill County which he did not feel restricted flow in that regard.

In response to Councilor Wyers, Mr. Martin said flow increases would not be above and beyond capacity to receive waste at the landfill. Councilor McFarland said citizens were concerned with water and ground pollution resulting from disposal at the landfill. She asked whether DEQ was involved at this point. Mr. Martin said compliance problems would be of concern to Metro and said he had an inquiry into DEQ at this time regarding the matter. In response to Councilor Wyers, Mr. Martin said he did not believe Metro would be responsible for closure of the landfill should DEQ deem it necessary.

In response to Chair Buchanan, Mr. Martin recalled the statement of the Executive Officer at a recent meeting of the full Council at which she announced permanent closure of the composter facility.

3. Resolution No. 93-1683A, For the Purpose of Authorizing an Exemption from the Competitive Procurement Procedures of Metro Code Section 2.04.053 to Permit the Executive Officer to Execute Contract Amendment No. 16 with SCS Engineers

Neil Saling, Regional Facilities Director, said the action before the Committee was a continuation of the matter which had been before the Committee in October, 1992. He said the amount of the settlement had been revised, and said originally the project date was set for February, 1991 and did finish in fact in August, 1991. Mr. Saling said project detail reports had not been furnished in an appropriate manner, and the original figure of over \$230,000 had been remediated to approximately \$66,000. In response to Councilor Wyers, Mr. Saling said the settlement of the disputed claim would be appropriate at this time as SCS felt the revised amount would be a fair settlement.

Motion: Councilor Wyers moved to recommend Resolution No. 93-1683A to the full Council for adoption.

The Committee and staff discussed settlement at this time as proposed.

Vote: Councilors McLain, Washington, Wyers, McFarland and Buchanan voted aye.

The vote was unanimous and the motion passed.

4. Resolution No. 93-1766, For the Purpose Approving a Gas Extraction Agreement with B.I.O. Gas Industries (Portland), Inc., for Landfill Gas Generated at the St. Johns Landfill

(Continued)

Chuck Geyer, Senior Solid Waste Planner, presented the staff report, and said an RFP was issued in September, 1991 for development of landfill gas resources at the St. Johns Landfill. He said four proposers submitted proposals, which were evaluated, and said the top ranked firm was B.I.O. Gas Industries.

Mr. Geyer referenced a memorandum from John Houser, Council Analyst, dated February 24, 1993, and Mr. Geyer and James Watkins, Solid Waste Engineering & Analysis Manager, responded to the questions contained in the memorandum.

Councilor McFarland said it was her understanding that the gas from the landfill would be the same as natural gas, that is CH₄. Mr. Watkins said methane from the landfill would be at about 50-55% only and would not be the same.

Councilor McLain inquired regarding safety issues. Mr. Watkins said he planned to reallocate Department engineering time to the issues of safety.

Motion: Councilor McFarland moved to recommend Resolution No. 93-1766 to the full Council for adoption.

Vote: Councilors McLain, Washington, Wyers, McFarland and Buchanan voted aye.

The vote was unanimous and the motion passed.

5. Resolution No. 93-1759, For the Purpose of Authorizing the Issuance of a Request for Bids (RFB) #93B-5-SW for Repairs and Improvements to the Roof and Ventilation System at Metro South Station

Rob Smoot, Senior Engineer, presented the staff report, and explained that water and dust leak past the steel panels presented a health and safety risk to workers in the transfer trailer loading tunnel. He said cost estimate for repairs and improvements was about \$560,000.

In response to Councilor McFarland, Mr. Watkins said the roof had served for ten years, and he noted a warranty was a requirement of the bid.

In response to Councilor Wyers, Mr. Watkins said the same design was used in the Clark County transfer station, but noted it had been in use for one year at this time.

In response to Councilor Wyers, Mr. Martin said the rule for public bodies must competitively bid for construction projects. He said a waiver from bid was occasionally requested from Council. He noted the rule for procurement projects was to let out for proposal.

Councilor McLain clarified it was not expedient to consider closing Metro South for purposes of construction repairs. Mr. Martin agreed.

Motion: Councilor McFarland moved to recommend Resolution No. 93-1759 to the full Council for adoption.

Councilor Washington expressed concern regarding the cost of improvements, over \$.5 million. In response to Councilor Washington, Mr. Watkins said Metro was asking for a warranty for the proposed work.

Vote: Councilors McLain, Washington, Wyers, McFarland and Buchanan voted aye.

The vote was unanimous and the motion passed.

Chair Buchanan recessed the Committee at 5:00 p.m.

Chair Buchanan reconvened the Committee at 5:30 p.m.

6. Resolution No. 93-1767, For the Purpose of Approving Resolution No. 93-1767, Projects for the One Percent for Recycling Program for the 1992-93 Fiscal Year

Judith Mandt, Administrative Manager and Project Manager for the 1% for Recycling Program, presented the staff report, and said two 1% Committee members were present at this meeting. Ms. Mandt said \$200,000 was available FY 1992-93 grants. She distributed a document to the Committee entitled "1992-93 Recommended Projects, 1% for Recycling Program", and noted the total of \$192,624 left a contingency of \$7,376 in reserves.

Ms. Mandt introduced Stephanie Graff, 1% Committee member, who discussed a project proposed by Palermini & Associates in the amount of \$21,024. She said the project would reduce the amount of waste restaurants generated, educate and encourage Metro area restaurants to reuse and recycle, and the use of products packaged in or made with recycled content.

In response to Councilor McFarland, Ms. Mandt said the guidelines would provide information on how to reduce, reuse, recycle and purchase recycled content materials, purchase of organic produce, and deal with the possibility of separating wastes for composting.

Debbie Palermini testified before the Committee, and said it was planned that different types of eating establishments would be reached, and emphasis would be placed on certain materials, such as oils.

Kent Frutiger, 1% Committee, said the project proposed by Project Resource, Paul T. Seitz, Coordinator, was designed to provide an information network hotline to identify sources specific to waste reduction in coordination with several agencies including Metro's Recycling Information Center, Greenspaces, DEQ, and OMSI.

In response to Councilor Gates, Ms. Mandt said one staff member would be work on the project as well as volunteers.

Linda Mullen, 1st Committee, said the project proposed by the Association of Oregon Recyclers, Jeff Detlefson, Coordinator, was expected to increase the amount of used motor oil collected for recycling from do-it-yourself oil changers through retail store campaigns and direct contact with households in targeted areas.

Del Sitzinger, 1st Committee, said the proposed project by Pacific Rock Products, Jeff Wriston, Coordinator, was to develop and test an aggregate base from waste concrete, asphalt and glass.

Emily Kroen, 1st Committee, said the project proposed by Resource Information Systems (RIS), David Allaway, Coordinator would set up programs to promote source reduction at four locations in the region including two schools in Washington County, a hospital in the Legacy Health System in Multnomah County, and the headquarters of Mentor Graphics in Clackamas County. She said waste audits would be performed and an implementation plan would be developed at each site.

Ms. Mandt introduced Jennifer Ness, Administrative Assistant, to the Committee.

Ms. Ness said the proposed project by Venture Solutions, R. Wayne Fields, Coordinator, would utilize glass products that currently have no market for reuse and would develop and test an innovative roof tile made from 50% mixed crushed glass. She said the final product should be on the market by 1995.

Councilor Washington commended the 1st Committee and Staff for their work, and presented Certificates of Appreciation to retiring members of the 1st Committee, Kent Frutiger, representing Clackamas County; Linda Mullen, representing Multnomah County, and Emily Kroen, representing Washington County.

Motion: Councilor Washington moved to recommend Resolution No. 93-1767 to the full Council for adoption.

Vote: Councilors McLain, Washington, Wyers, McFarland and Buchanan voted aye.

The vote was unanimous and the motion passed.

Chair Buchanan recessed the Committee at 5:50 p.m.

Chair Buchanan reconvened the Committee at 6:05 p.m.

7. Ordinance No. 93-485, For the Purpose of Amending Metro Code Section 5.01.150 and Chapter 5.02, to Establish Solid Waste Disposal Fees, Including a System Management Fee

Chair Buchanan announced the public hearing for Ordinance No. 93-485 would be in two parts, both at this meeting and at the next Solid Waste Committee meeting to be held March 16, 1993. He noted testimony would be limited to terminate at 7:30 p.m. at this meeting, and asked testimony be limited to three minutes each.

Councilor McFarland introduced Ordinance No. 93-485 as a report from the Rate Review Committee, and noted that two members were present at the meeting, Jim Cosetta, Jr. and Steve Schwab. Councilor McFarland said the proposed ordinance was unanimously endorsed by the Rate Review Committee and was recommended for approval by the Solid Waste Committee. Councilor McFarland said the intent was to maintain the tipping fee as is, rather than increase it \$2 per ton. She said the intent was disposal costs be distributed to a broader base of citizens.

Mr. Martin said the ordinance proposed a new classification of rate payers, and questions were raised whether Metro was operating a waste management system or a disposal system. He believed the case was that Metro operated a waste management system. He said a system management fee of \$3.50 per ton was proposed by Ordinance No. 93-485.

Mr. Martin displayed a chart to the Committee representing revenue tons under current and proposed systems, and Metro tip fees under current and proposed systems. This graph was located in the agenda packet as Attachment 1 to the staff report.

Mr. Martin said haulers transporting clean fill hauled to a site would not be affected by the user fee. He said fill containing demolition debris would not be considered clean fill and the user fee would apply. He said an incentive would result to better inspect waste received at the disposal site.

Mr. Martin noted appeals could be made on a case by case basis, and the objective was to deal fairly applying due process as needed.

Mr. Martin outlined reasons the Department felt the proposed system management fee was necessary, noting recovery of costs from a shrinking tonnage base were being seen to occur, and suggested adjustments to tonnage fees would necessarily occur upon occasion in order to support operations.

Mr. Martin displayed a chart representing the increase in rates since 1975, and he said the system management fee would enable Metro to stabilize the system rate at \$75 for another year. He said it was equitable for all who benefit from the system to bear portions of the rates.

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Mr. Martin displayed a chart representing amounts of materials diverted to other processing facilities.

Mr. Martin said he believed a \$.04 per can increase in rates would be realized should the ordinance be recommended for approval. Mr. Martin believed expansion of services could result as well.

In response to Councilor Wyers, Mr. Martin said 10% discretionary spending for planning, waste reduction, grants, as well as RIC, phone books, Christmas tree recycling, and so on.

Chair Buchanan opened a public hearing.

Rob Guttredge, Chair, Association of Oregon Recyclers, testified before the Committee and entered written testimony into the record dated March 2, 1993. This document has been made part of the permanent meeting record.

Mike Maloney, Department of Land Use & Transportation, Washington County, testified before the Committee and displayed an aerial photograph of the area inclusive of the Durham pit. Mr. Maloney said the proposed fee would render the operation inviable.

Greg Clemmons, Operations Engineer for Department of Land Use and Transportation, Washington County, and said he was involved in managing operations at the Durham pit. He noted the area in the photograph was about 76 acres. Mr. Clemens said the goal to get the area filled represented a win-win situation for Washington County. He noted the notification of the proposed ordinance was not received until last the previous week. Mr. Clemens urged Metro to encourage recycling and minimize the cost.

Ken Leahy, Durham landfill operator, said the proposed ordinance would put his recycling operation out of business, and he noted incorrect information was listed for his company in the Construction/Demolition brochure. Councilor McLain requested Mr. LaHey show Department staff the incorrect information so that corrections could be made.

Debbie Palermini, Palermini and Associates, testified before the Committee. She said economic benefits accrued to recycling contractors presently, and expressed concern that those benefits might be removed, thus providing disincentives to recycling and source-separating.

Kim Mingo, Government Affairs Manager for the Associated General Contractors, said she had received a number of phone calls from membership who believed a negative impact would be realized should the system management fee be adopted.

Charles Steinwondel, Executive Vice President and General Manager of Ross Island and Gravel, said an agreement entered into by his company and the

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Corps of Engineers, the State Division of Lands, Multnomah County and the City of Portland, comprised a management plan to rebuild the lands of Ross Island, which had been accomplished over the last seventeen years. He requested a definition of clean fill prior to the next Solid Waste Committee public hearing. He said a cost of \$3.50 per ton imposed on the Ross Island operation would place the project in serious jeopardy.

Mr. Martin said the definition currently existing in state statute stated clean fill consisted of materials such as soil, rock, concrete, brick, building block tile or asphalt paving, which did not contain contaminants which could adversely impact the waters of the state or public health. He said the term did not include putrescible waste, construction demolition waste and industrial solid waste.

Gale Mathers, Columbia Resource Co., testified before the Committee and expressed concerns regarding the proposed fee, and said he felt the fee would constitute a disincentive for recycling.

Dick Cramer, Wood Exchange, asked if his business would be granted an administrative fee for collecting Metro's fees. Mr. Cramer felt the per can increase could be as high as \$.12 per can of garbage, and did that mean the recycling industry was expected to subsidize the public at the rate of \$.12 per can.

Councilor McFarland clarified the system management fee would only be charged when the processor charged the deliverer. She said when the processor paid the party bringing in the materials no fee would be assessed, nor would a fee be assessed when no charge was made to the delivering party. Mr. Cramer was not clear on how Metro would administer the fee in a case such as his where customers were sometimes paid and sometimes charged, depending on the load.

Loren O'Brist, O'Brist Excavating, testified before the Committee, and said the proposed fee would discourage, not encourage recycling.

Jeanne Roy, Chair of Recycling Advocates, read testimony into the record. This document has been made part of the permanent meeting record. Ms. Roy said the proposed system management fee would act as a disincentive to recycle. She said she was not aware of any other government that charged fees on recyclables. She supported increasing tip fees, and said it was good for recycling. Ms. Roy noted citizens bringing materials to processors would no longer do so.

Eric Herst, Director of Communications and Local and Regional Issues Manager for Oregon Trucking Associations and Oregon Dump Truck Association, said the associations he represented were not made aware of the proposal until late Friday, February 25. Mr. Hurst requested additional time to collect data and prepare written testimony in support of their contentions, although, he said, Mr. Martin's comments at the beginning of the testimony

eased some of his issues. He noted the Rate Review Committee consisted of residential waste haulers, and said the dump truck industry were of a different nature. He said the fee was not as easily passed through by the dump truck industry as might be thought, and said the industry operated on margins of 3% or less. Mr. Hurst said he felt the proposed fee should rather be considered an across-the-board tax. He noted the OTA represented approximately 950 companies, 80% of those in the region and the ODTA represented approximately 225 companies.

Mark McGregor, Clean It Up Mark, said his company was a source separator on the west side, which was then transported to Grimms. He said he was currently experiencing expansion in his business, but, he said he anticipated \$500 to \$1000 increase in costs to his business. He felt the ability to pass those cost increases through was limited.

Councilor Van Bergen said for the record he had an ex party communication with Mr. McGregor and said it was substantially the same as his testimony as given at this meeting. Councilor Gates indicated a similar occurrence with Mr. McGregor.

Chair Monroe asked Legal Counsel whether or not it was necessary to place in the record information regarding ex party communications in this case. Todd Sadlo, Senior Assistant Counsel, said it was a matter of personal preference for the individual Councilor, and said no quasi-judicial decision was being made here, and the Council was entitled to talk to whomever they wished about the matter.

Velma Zeek, Clyde Edwards Trucking, said small businesses in the Metro region would be adversely affected by the fee as business was very competitive. In response to Councilor McFarland, Ms. Zeek said a truck load would be about 15 tons.

In response to Councilor Van Bergen, Ms. Zeek said she could drive the truck at 15 tons/\$45/\$3.50 additional fee for about one hour at 55 mph on the freeway.

Mario Vadin, a pruning and landscaping to Washington County, and said approximately \$3,000 to Grimm's per year. He recommended fining the City of Beaverton instead for misplanting of juniper trees 3 feet apart when the trees are going to grow to 10 feet wide.

Jeff Grimm, Grimm's Fuel Co., felt good faith had been violated and expressed concern regarding notification, and said his company had learned of the proposed ordinance two days prior to first reading before the full Metro Council. Mr. Grimm read testimony into the record. This document has been made part of the permanent meeting record. Mr. Grimm questioned taxing only those who charge a fee, and felt such a tax should be across the board. He said \$3.50 per ton was tantamount to a 25% increase. He said the tax would increase illegal dumping. He said if the cost of

recycling continued to increase, recycling would cease. He urged Metro to raise the tipping fee to \$77 per ton FY 1993-94. Mr. Grimm said Metro should decrease waste reduction activities.

Councilor McLain clarified this was the first hearing in the process.

Councilor Gates commented regarding increasing the tipping fee \$2.00 per ton at the transfer station. Mr. Grimm supported the concept.

Jay Bredl, owner of a wood processing facility to recycle clean 100% wood, testified before the Committee. He said to keep recyclables out of the waste stream the tip fee should be increased. He urged Metro to increase the tip fee by \$2.

Harry Moffit, Portland business man, said he believed the measure was anti-recycling. He said he would rather pay more per can as a homeowner.

Chair Buchanan recessed the public hearing until the Solid Waste Committee meeting of March 16, 1993.

Chair Buchanan recessed the meeting at 8:05 p.m.

Chair Buchanan reconvened the meeting at 8:12 p.m.

In response to Councilor Wyers, Mr. Martin said he would provide the Committee with information regarding the impacts of raising the current rate of \$75 per ton to an increased rate of \$77 per ton tipping fee.

Mr. Martin said he had requested the ordinance be drafted both ways and would work with Mr. Houser, making it available to the Committee as such.

8. Ordinance No. 93-483, For the Purpose of Amending Metro Code Section 5.05.030 to Modify the Designated Facility Status of Columbia Ridge Landfill, Hillsboro Landfill and Lakeside Reclamation for Purposes of Flow Control, to add Roosevelt Regional Landfill and Finley Buttes Landfill to the List of Designated Facilities, and Declaring an Emergency

Mr. Martin presented the staff report, and said the issue had been before the Committee several times since fall, 1992. He said the five facilities brought forward met the established criteria, and he recommended they be added to the designated facilities list.

The Committee as a whole discussed possible changes to the proposed ordinance and separate proposed resolution, and whether or not amendments would be necessary. Mr. Sadlo suggested moving the amendment when the ordinance was moved, and said a revised version would be forwarded to the full Council.

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Chair Buchanan expressed concern regarding the absence of Estl Harlan, Tri County Consultants, whom he had attempted to reach by phone in Washington, D.C. He indicated it was his understanding Ms. Harlan cared to testify before the Committee on the matter. Councilor Wyers noted Ms. Harlan had opportunity to testify previously, and her position was known to the Committee. She urged the Committee to proceed, and Councilors McFarland and McLain concurred. Mr. Martin noted Ms. Harlan's comments had been received and incorporated into the proposed ordinance and resolution.

Chair Buchanan opened a public hearing.

Doug Coenen, Division President, Oregon Waste Systems, resident of Arlington, Oregon, expressed his company's concern regarding the possibility of waste stream flow to his company's site being eroded by the addition of new designated facilities to the list, and referenced a memorandum from James E. Benedict, dated February 26, 1993. This document has been made part of the permanent meeting record.

Gail Mathers, Director of Operations, Columbia Resource Co. and Finley Buttes Landfill Co, testified before the Committee, and asked the Committee to consider the items of correction such as name and address to the agreement as presented by his company.

Jim Wright, Jack Gray Transport, expressed concerns regarding the definition of "special waste" in section 5.02.015 (s) of the Metro Code, and item no. 12 referring to any waste that required extraordinary management. He felt the language was too broad, and suggested it be reviewed and addressed. Mr. Martin recommended Mr. Wright provide the Department with written suggestions.

Jerry Yudelson, Regional Disposal Co., testified before the Committee, and said the criteria could be met by a responsible party in the waste disposal system in the future. He urged the proposed ordinance be adopted.

Chair Buchanan closed the public hearing.

Motion as Amended: Councilor McFarland moved to recommend Ordinance No. 93-483 to the full Council for adoption with a change amending the name of the organization Finley Buttes Landfill to Finley Buttes Regional Landfill.

Councilor McLain indicated she supported passage of the ordinance.

Councilor Wyers clarified the amendment as given by Councilor McFarland would provide for the name changes in the related "WHEREAS" clauses.

Vote on Motion as Amended: Councilors McLain, Washington, Wyers, McFarland and Buchanan voted aye.

The vote was unanimous and the motion passed.

9. Resolution No. 93-1754, For the Purpose of Approving Designated Facility Agreements Under Metro Code Section 5.05.030 for Columbia Ridge Landfill, Roosevelt Regional Landfill, Hillsboro Landfill, Lakeside Reclamation Landfill and Finley Buttes Landfill

Mr. Martin and Mr. Sadlo referenced proposed amendments to change the language in the proposed resolution.

Main Motion: Councilor McLain moved to recommend Resolution 93-1754 to the full Council for adoption.

Mr. Sadlo referenced his memorandum dated March 1, 1993, and said he proposed references to hazardous waste be dropped, and an amendment instead read: "In all instances, Section 5.02.015(s) shall be construed by both parties as limited to wastes that require special handling or testing prior to disposal at a Metro facility or at a landfill." This document has been made part of the permanent meeting record.

Mr. Sadlo noted the proposed revision to removed a reference to the "Regional User Fee", as well as other changes in the language as referenced in his memorandum. This document has been made part of the permanent meeting record. In response to Councilor Wyers, Mr. Sadlo explained the proposed amendments.

Motion to Amend: Councilor Wyers moved to amend Resolution No. 93-1754 to include 1) the changes as submitted in Mr. Sadlo's memorandum dated March 1, 1993; 2) change the terms of agreement for Lakeside Grabhorn from two years to five years; and 3) change the name of Finley Buttes Landfill to Finley Buttes Regional Landfill.

Vote on Motion to Amend: Councilors McLain, Washington, Wyers, McFarland and Buchanan voted aye.

The vote was unanimous and the motion passed.

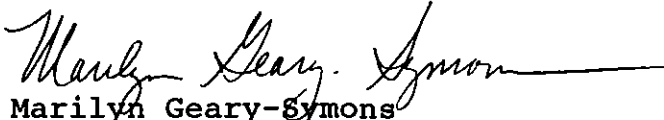
Vote on Main Motion as Amended: Councilors McLain, Washington, Wyers, McFarland and Buchanan voted aye.

The vote was unanimous and the motion passed.

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There being no further business, the meeting adjourned at 8:57 p.m.

Respectfully submitted,


Marilyn Geary-Symons
Committee Recorder