

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

March 14, 1989

Council Chamber

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

Committee Members Absent: None

Also Present: Dan Cooper, General Counsel

Chair Hansen called the meeting to order at 4:16 p.m.

1. Consideration of Minutes of January 31, February 14 and February 16, 1989

Motion: Councilor Kelley moved for approval of the minutes listed above.

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

2. General Staff Reports

Bob Martin, Director of Solid Waste, gave brief updates on current solid waste issues.

3. Consideration of Resolution No. 89-1067, Approving the Award of a Contract to SCS Engineers for the Waste Sort Component of the 1989 Waste Stream Characterization Study

Mr. Martin explained completion of the contract would result in solid waste mixture assessment to assist recycling efforts in the future. He said Gerry Uba, Associate Solid Waste Planner, performed an excellent evaluation of RFP's received. Mr. Uba explained funds available totalled \$30,000 but real costs totalled \$38,900. He said the technical assistance project could supply additional necessary funding. Councilor Wyers asked Mr. Uba to describe the timeline and scope of work. Mr. Uba said reports would be ready July 1, 1989.

Motion: Councilor Kelley moved to recommend the Internal Affairs Committee adopt Resolution No. 89-1067.

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

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4. Discussion of the Environmental Quality Commission's Actions of March 3, 1989, Regarding Metro's Waste Reduction Program

Mr. Martin discussed the March 3 EQC hearing. The Committee and staff discussed whether it would be preferable to sign the EQC Stipulation and Final Order or let the deadline lapse and comply with an alternate unilateral order. Councilor Wyers said the issues should be discussed by the full Council.

Motion: Councilor Wyers moved to recommend consideration of the Stipulation and Final Order to the full Council as a non-action agenda item for discussion purposes only.

Vote: Councilors Kelley and Wyers voted aye. Councilors Buchanan, Ragsdale and Hansen voted nay. The motion failed.

Staff's recommendation was that Metro adopt the Stipulation and Final Order because of time considerations and that the unilateral order was considered acceptable because it contained the Stipulation and Final Order's goals and would not need to be signed.

Dan Cooper, General Counsel, said the EQC's ability to impose penalties was problematic with the Stipulation and Final Order and the unilateral order. He said EQC's authority to enforce penalties was limited to the Order and said the Stipulation and Final Order and unilateral order had similar consequential language. Because of that, he said the unilateral order was an advantage and noted violation of the unilateral order would result in a \$500 fine per offence per day and violation of the Stipulation and Final Order would result in \$100 fine per offence per day.

Chair Hansen asked for consensus from the Committee. He recommended the Committee consider Agenda Item No. 5. He said it appeared all five Committee members agreed the unilateral order was acceptable.

5. Consideration of Ordinance No. 89-290, Amending the 1986 Waste Reduction Program and the Regional Solid Waste Management Plan (Public Hearing)

Mr. Martin said Ordinance No. 89-290 pertained to the EQC Stipulation and Final Order and systems measurement. The Committee and staff discussed the issues further. Chair Hansen opened the public hearing.

Jeanne Roy, Recycling Advocates, opposed amendment of the 1986 WRP via adoption of Ordinance No. 89-290. She said the 1986 WRP could, except for detailed plans which called for completion by an unrealistic date(s), be implemented. She said Recycling Advocates objected to removal of a curbside recycling program and said the new language was not as specific as the old. Ms. Roy thanked the Committee for funding the FTEs necessary to implement waste reduction goals.

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No one else appeared to testify and Chair Hansen closed the public hearing.

Motion: Councilor Ragsdale moved to recommend the full Council adopt Ordinance No. 89-290.

Councilor Ragsdale said for the record it should be understood with the above motion that discussion of the Stipulation and Final Order and WRP would indicate Metro adopted an aggressive WRP and would implement it with staff already funded. Councilor Kelley asked if as much as 52 percent of the solid waste stream could be recycled with aggressive implementation of the WRP. Mr. Martin said it was difficult to estimate percentage goals because of market changes, but said the WRP would place the jurisdiction in a high national percentile of recycling rates.

Vote: Councilors Buchanan, Kelley, Ragsdale, Wyers and Hansen voted aye. The vote was unanimous and the motion passed.

6. Consideration of Resolution No. 89-1061, Approving a Request for Proposals to Solicit Private Proposals to Design, Construct, Own and Operate the Metro East Station (Public Hearing)

Chair Hansen said staff recommended two public hearings be held on the RFP because of the attached mitigation agreement. He said it was not clear whether the mitigation agreement would require separate approval/adoption. Ray Barker, Council Analyst, said approval of the resolution also approved the mitigation agreement.

Jim Watkins, Engineering and Analysis Manager, discussed criteria involved, the RFP itself and the SWMP. He said the City of Portland expressed concern about traffic impact and discussions were held on traffic issues. He said requirements which should have been or not been in the bid document were specified in the cover "Errata Sheet." The Committee and staff discussed the issues further.

Chair Hansen opened the public hearing.

Jeanne Roy, Recycling Advocates, said Recycling Advocates as a group had not considered the resolution but said they held a position on recycling. She said the first priority should be maximum separation of waste by the waste generator(s). Ms. Roy said bid competition should illustrate maximum source-separation.

Greg Apa, Trans Industries, said there was no RFP procedure to take demolition waste to another site and said the vendor was not allowed payment for the first eight hours of force mesure and added the vendor should not have to cover the disruption. He said the bid document asked the vendor to assume all liability for hazardous waste found in the waste stream and said real control for such waste should be at the source. He said there should be a waste handler provision because that requirement

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would force the vendor to pay clean-up costs without recourse. He referred to the testing phase in which the vendor tested Metro materials and said that was a cost the vendor had to absorb and said Metro should lower interest costs for the duration. He said Metro could control and change the content of the waste stream at any given time and said language should be changed to protect the vendor and ensure waste would not be diverted. Mr. Apa further discussed the issues including language to allow discussion to determine capital costs and who should assume liabilities related to capital costs and also whether parent guarantees were required if two parties assumed operation.

Councilor Buchanan asked Mr. Apa if Trans Industries had a specific site. Mr. Apa said currently the company did not.

Dan Saltzman, Shredding Systems, Inc., submitted a letter in lieu of testimony. The letter requested the specific brand name reference to a compactor in Section 3.7.7 of the RFP be deleted.

Merle Irvine, vice-president, Wastech, Inc., objected to page 4 of the "Errata Supplement for the Request for Proposals for the Metro East Station" where "source-separated" was stated. He said "source-separated" was subject to varying definitions and hard to define.

Chair Hansen closed the public hearing.

Councilor Kelley said the testimony received at this meeting was helpful and requested staff respond at the next scheduled meeting. She said language on vertical integration required amendment. Councilor Wyers concurred with Councilor Kelley. Mr. Martin said some testimony staff had heard for the first time. He said the timeframe was short. He asked if the requests made at this meeting could be covered by an addenda to an approved document to be considered by the Council. Chair Hansen said the Committee would need additional time to consider the RFP. He said the Committee could continue consideration of the RFP to the March 28 and if more time was required a special committee meeting would be scheduled. Chair Hansen requested Mr. Cooper give a report at the March 28 meeting on whether a hauler must receive a waiver of the Metro Franchise Code to submit a proposal to own and operate the Metro East Station.

Chair Hansen adjourned the meeting at 6:15 p.m.

Respectfully submitted,



Paulette Allen
Committee Clerk

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