

## MINUTES OF THE METRO COUNCIL SOLID WASTE COMMITTEE

April 15, 1993

Council Chamber

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

Councilors Also Present: George Van Bergen

Also Present: Rena Cusma, Executive Officer

Chair Buchanan called the special meeting to order at 6:04.m.

1. Informational Presentation From Rabanco

Jerry Yudelson, Regional Disposal Co., introduced Dr. Barry Van, Director of Environmental Logistics for Burlington Northern Railroad based in Fort Worth, Texas, and said Dr. Van was Regional Disposal Co.'s chief contact with the railroad on all waste movement. Mr. Yudelson presented a slide display showing the Regional Disposal Company facility and outlining his company's proposal concerning a rail transport demonstration project in conjunction with Burlington Northern Railroad involving the Roosevelt landfill. He said the company proposed the demonstration occur between June and September, 1993. He discussed cost and safety factors, and said his company was interested in receiving a "non-system license." Mr. Yudelson distributed a fact sheet concerning the proposed rail transport demonstration project. This document has been included in the permanent meeting record.

In response to Chair Buchanan, Dr. Van said he believed rail haul safety statistics were better than those connected with trucking, and felt it would be more economical as well. Mr. Yudelson described areas of cost savings.

Councilor McLain indicated she would want an in depth review by Solid Waste staff of rail usage versus trucking, and expressed concern that all parties impacted were heard before the proposed demonstration project was undertaken. Mr. Yudelson indicated his understanding from the Forest Grove facility was that Metro's decision would be acceptable, and he described transportation methods and feasibility.

Rod Adams, Attorney for A.C. Trucking, testified before the Committee, and commented that, although no contractual obligation existed between A.C. Trucking and Riverbend, the basis under which their franchise existed included their relationship with Riverbend. He said the Rabanco proposal was feasible. Mr. Adams said A.C. Trucking was ready and willing to cooperate with Metro's policy decision in the matter so long as no adverse cost considerations were incurred. He expressed concerns over the disruption generated by a 90 day demonstration project, and noted the possibility existed for his company's relations with Riverbend being disturbed. Mr. Adams suggested competitive bidding might be a better process without a demonstration project.

Chair Buchanan called for a recess.

Chair Buchanan reconvened the meeting.

2. Resolution No. 93-1783, For the Purpose of Establishing Metro Council Support for the Executive Officer to Execute Change Order No. 11 That Allows Trans Industries to Install a Fiber Based Fuel Processing Line

James Watkins, Solid Waste Engineering & Analysis Manager, presented the staff report, and presented a video to the Committee demonstrating the benefits of the fiber-based fuel concept utilizing recycling methods for discarded materials not otherwise readily recyclable and marketable.

(Continued)

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Mr. Watkins noted only materials going to the landfill would be eligible for the process and did not include materials such as cardboard. He emphasized the proposed resolution would allow installation of the line, but noted Metro was not under obligation to purchase. He said Metro would retain the right of first option to purchase, and said if the line was found to be profitable, another resolution would be brought to the Committee recommending purchase. He noted depreciation would reduce the cost to Metro at the time of purchase.

Bob Martin, Director of Solid Waste Department, said Metro had an opportunity through the installation of the fiber-based fuel processing line to facilitate meeting a portion of the demand for fuel with materials that would otherwise go to a landfill.

David Berg, Permitting Manager for Industrial Uses for the Department of Environmental Quality, testified before the Committee, and noted Smurfitt was currently allowed to burn 13.7% fiber-based fuel. In response to Councilor McLain, Mr. Berg profiled circumstances under which burning a material such as fiber-based fuel was considered acceptable.

The Committee and Staff discussed the process and the proposed resolution further. Councilor Wyers commented that Metro was the only body in the process that held the matter for public review. Councilor Wyers expressed concerns regarding the materials involved.

Councilor Washington recalled a plan to site a PCB burner in Northeast Portland approximately 6 blocks from a major residential center. He said it took energy and organization to defeat the plan. Councilor Washington felt the Council had the responsibility to be cautious and allow for public input.

Rod Small, Corporate Manager, Environmental Energy Services for Smurfitt, and Rick Bruener, Manager, Fiber Supply, Smurfitt, discussed the processing line, materials to be processed, testing equipment and requirements. They entered documents into the record dated April, 1993, fact sheets concerning fiber based fuel. These documents are included in the permanent meeting record.

The Committee, Staff and representatives of Smurfitt discussed the issues further.

Chair Buchanan opened a public hearing.

Don Francis, Northwest Environmental Advocates, commented he was present at a DEQ public hearing which he said was attended by over 300 citizens. Councilor Wyers requested information pertaining to the referenced DEQ public hearing.

Mr. Francis inquired about average temperature as well as low and high temperatures. He felt Metro should not be involved in long term contracts of this nature, and suggested Metro seek public comment from neighbors of Smurfitt. The Committee and Mr. Francis discussed the matter further.

Michael Sievers, Riverbend Landfill, testified before the Committee. In response to Councilor McLain, Mr. Sievers said he intended to bring a report from Riverbend to the next Solid Waste Committee meeting to be held Tuesday, April 20, 1993.

### 3. Flow Control

Mr. Martin said it was his intent to discover where flows were going, whether in or out of the region, and if illegal, to put a stop to it. He said according to Legal Counsel, he must have evidence to enforce illegal disposal, and indicated he was concerned about recovering losses to Metro. Mr. Martin said he felt a lot was at stake, and noted the budget for the last four years reflected the recognition of the need at levels of \$30 and \$40 thousand. He supported the Flow Control Enforcement contract with the Multnomah County Sheriffs Department as a means to achieve better controls over the waste stream.

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Mr. Houser referenced his memorandum dated April 15, 1993 regarding the proposed contract and intergovernmental agreement with the Sheriffs Office. This document has been made part of the permanent meeting record.

Councilor Van Bergen suggested using an officer of lesser rank than sergeant as indicated in the contract for the scope of work.

Mr. Martin underscored the illegal dump site cleanup was a separate function from the flow control enforcement function.

Karl Hutchison, Deputy Sheriff for Multnomah County Sheriff's Department addressed the Committee and responded to questions from the Committee.

Sheriff Hutchison indicated he met with sheriffs from other counties including Sheriff Spondon, Sheriff Bradshaw and Sheriff Skipper, and said they indicated support for the proposal.

Councilor Washington supported action to recover loss of waste stream revenues as priority over illegal dump site cleanup. Mr. Martin agreed with Councilor Washington's comments on the priorities.

Sheriff Hutchison outlined the work program as indicated in the scope of work. Councilor McLain asked for clarification regarding the two functions, flow control enforcement and illegal dumpsite cleanup. Sheriff Hutchison felt the illegal dumpsite cleanup function would not take as high a level of expertise.

Motion: Councilor McLain moved to accept Executive Staff proposal for the Flow Control Enforcement and Illegal Dumpsite Cleanup Contract with the Multnomah County Sheriffs Office in its entirety and forward the proposal to the Budget Committee.

Todd Sadlo, Assistant Legal Counsel, addressed the Committee. Chair Buchanan inquired regarding cost factors pertinent to criminal versus civil enforcement. Mr. Sadlo indicated he lacked expertise regarding such cost factors. Mr. Sadlo said his experience at Metro had been that it was costly to use a civil investigator. In response to Chair Buchanan, Mr. Sadlo said the burden of proof for a civil action was less, i.e. a preponderance of proof, than for a criminal action, i.e. beyond a reasonable doubt. Chair Buchanan pursued inquiry of Mr. Sadlo theorizing a case in which civil investigation action could be followed by a criminal investigation. Chair Buchanan surmised a civil investigator, well trained, would be aware of the point at which to enlist the aid of sworn officers. Mr. Sadlo noted Metro had utilized private investigators in the past at substantial expenditure of funds for services rendered. He added the Sheriff's Office did not have the resources to deal with, what he termed, such "white collar crime." Mr. Sadlo offered the opinion that had a full time staff person been utilized acting in civil capacity and skilled in such investigative work, the larger sums of money expended in the Cosetto case would not have occurred. Chair Buchanan offered the opinion that the criminal aspect would be redundant.

Mr. Martin detailed the process of a possible typical investigation.

Chair Buchanan asked Mr. Houser regarding cost analyses. Mr. Houser indicated total costs of doing the work internally at approximately \$250,000 without the use of sworn officers. He noted the proposal before the Committee was approximately \$330,000, a difference of about \$80,000.

Mr. Martin recalled in FY 1991-92 Metro lost 200 thousand tons, and said the Portland State study concerning that loss indicated 1/3 of the loss in tonnage was due to flow control issues, i.e. tonnage being taken out of the region. Mr. Martin translated that to \$5.25 million potential revenue. Mr. Martin said due to the magnitude of the losses, it behooved Metro to move forward on this contract. Mr. Martin said he would agree to terminate the current contract for \$31,000 for the current private investigator FY 1993-94. Chair Buchanan asked for information regarding the period of term for the current contract. Mr. Sadlo said the contract could be terminated if it were deemed no longer useful.

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Roosevelt Carter, Solid Waste Budget and Finance Manager, responded to an inquiry from Chair Buchanan regarding the selection of officers for the agreement, and said Metro would not make the selection but would inform them regarding needs. Sergeant Hutchison indicated supervision and personnel appraisals would come from the Multnomah County Sheriff's Department.

Mr. Martin indicated he would be able to present answers to the questions posed by Mr. Houser in his April 15 memorandum at the next regularly scheduled Solid Waste Committee meeting to be held April 16, 1993.

Chair Buchanan recessed the Committee.

Chair Buchanan reconvened the Committee.

The Committee and Staff discussed the issues further. Councilor McLain suggested further discussion could occur between Mr. Houser, Mr. Martin and Chair Buchanan. Chair Buchanan requested Mr. Martin work with Mr. Houser on a detailed response to the questions contained in Mr. Houser's memorandum to be forwarded as soon as possible.

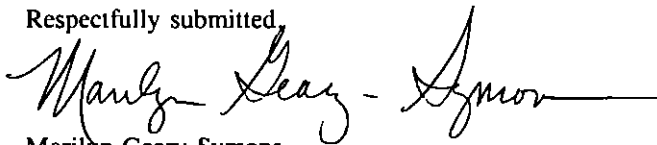
Councilor Van Bergen suggested voting on the motion or abandoning the motion. He indicated he had benefitted from the discussion, and had made up his mind on the matter.

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

The vote was unanimous and the motion passed.

There being no further business, the meeting adjourned at 10:02 p.m.

Respectfully submitted,



Marilyn Geary-Symons  
Committee Recorder