

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

May 21, 1991

Council Chamber

Committee Members Present: Judy Wyers (Chair), Ruth McFarland (Vice Chair), Tom DeJardin, Jim Gardner, Susan McLain

Chair Wyers called the regular meeting to order at 5:30 p.m.

1. Ordinance No. 91-397, For the Purpose of Amending Metro Code Section 5.02.035 Litter Control by Establishing a Surcharge for Uncovered Loads

Sam Chandler, Solid Waste Facilities Manager, presented the staff report and responded to questions raised in a memorandum from Council staff. He said the department did not have the number of uncovered loads coming into Metro facilities, said commercial haulers were compliant with guidelines and said litter near the transfer stations was due primarily to self haulers' unsecured loads. He said a \$100 surcharge was recommended for commercial haulers and a \$25 surcharge for self haulers, which he noted the department felt was high enough to be a deterrent but not onerous. He said the department had considered a ticket system, and subsequent to review found the administrative process would be cumbersome and Metro lacked the necessary authority. He noted fees would continue to be collected at the gate prior to disposal.

Councilor DeJardin asked about adequate advance public notice and suggested signage at the stations for a month or so plus handouts prior to implementation of the surcharge. He asked also how various types of uncovered loads which would be categorized, such as lumber or bottles.

Mr. Chandler said haulers would be informed verbally and with literature prior to July 1 if the ordinance was approved, and said the surcharge would be imposed on a hauler bringing in an uncovered load for the third time. He added scalehouse technicians would exercise judgement to determine whether the ordinance applied to the type of load being disposed, and said the technicians used guidelines which had been developed by the department.

Councilor McFarland said judgement calls should be avoided, and said the surcharge should be assessed against questionable loads unless it was clear the ordinance did not apply.

Councilor Gardner said the effect of the ordinance would be to reduce the penalty for commercial haulers and increase it for self-haulers, and concurred since staff's comments that 90% of the litter was attributable to self-haulers. He noted the scalehouse attendants would benefit from the policy because ambiguity would be reduced.

Chair Wyers said a two-warning system was appropriate at this time, and suggested a one-warning system be implemented after a year or two.

Motion: Councilor McFarland moved to recommend Ordinance No. 91-397 to the full Council for adoption.

Vote: Councilors DeJardin, Gardner, McFarland, McLain and Wyers voted aye. The vote was unanimous and the motion passed.

Councilor DeJardin agreed to carry the ordinance to the full Council for hearing.

2. Resolution No. 91-1443, For the Purpose of Authorizing the Issue of a Request for Bids and Execution of a Contract for Work Associated with, and Including, Procurement, Transport and Stockpiling of Subgrade Embankment Material and Sand on St. Johns Landfill

Jim Watkins, Solid Waste Engineering and Analysis Manager, noted a staff report had been presented at the May 7th Solid Waste Committee meeting at which questions had arisen. He said the bid period had been reduced from six weeks to four weeks, and said if Council approved issuance of the procurement documents at its May 23, 1991 meeting, bidders would be required to respond by June 18, 1991 at 10:00 a.m. He said at the public opening that day, the apparent low bidder would be announced followed by preparation of a resolution in which all bidders would be ranked. He said bidders' requirements would be evaluated prior to full Council on June 27, and said work could then begin mid-July.

In response to Councilors McFarland and Wyers, Mr. Watkins said bidders were comfortable with the 25 day bid period, and said the bid document had been filed with Council staff and would be released on May 24th.

Dennis O'Neil, Senior Solid Waste Planner, noted changes that had been made to the original bid document which had been filed with the Council office by Solid Waste Department staff. Mr. O'Neil reviewed the changes with the committee and referred to a memorandum dated May 21, 1991 from Linda M. Pang-Wright to Mr. Watkins and Mr. O'Neil. This memorandum has been made part of the permanent meeting record, and a revised copy of the procurement documents were filed by department staff.

Motion: Councilor DeJardin to recommend Resolution No. 91-1443 to the full Council for adoption.

Councilor Gardner noted a Solid Waste Committee meeting was scheduled the same day, June 18, as the public bid opening. Mr. Watkins said the department expected to present the resolution to the Solid Waste Committee that night.

Vote: Councilors DeJardin, Gardner, McLain, McFarland and Wyers voted aye.

The vote was unanimous and the motion passed.

3. Consideration of Intergovernmental Agreement With Washington County Authorizing Multi-Family Recycling Container Matching Grant Funds

Pamela Kambur, Assistant Solid Waste Planner, said the intergovernmental agreement before the committee for multi-family container funds was the second for FY 1990-91 budget. She noted in January the City of Portland had submitted application, and said Washington County on behalf of the county and the cities of Washington County were jointly involved to coordinate the distribution of containers to a minimum of 90 complexes in a comprehensive program. She noted the type of system used would determine the number of complexes served. She said applications from other jurisdictions had been received, and said the funds allocated in the budget would be expended by June 30, 1991. She noted a research project was developed in November, 1990 with Portland State University to provide case study analysis of multi-family recycling, and said by June 30 twenty case studies in both the city of Portland and surrounding communities would provide additional data. Ms. Kambur noted Bill Martin, Washington County Recycling Coordinator, was present and available to answer questions.

4. Resolution No. 91-1455, For the Purpose of Authorizing Issuance of a Request for Proposal (RFP) for Advertising and Public Relations Services to Design and Implement Recycling and Waste Reduction Education Campaigns to Support Metro's Waste Reduction Programs

Vickie Rocker, presented the staff report, and said the request before the committee was for a two-year contract for \$200,00 each year. She noted this was a continuation of a five year Metro campaign to reduce the amount of waste disposed at landfills in the Metro region. She said the proposed schedule would allow work to begin with a new contractor in August, 1991. Ms. Rocker said campaigns would include yard debris, which accounted for 26% of the waste stream, and corrugated cardboard. She outlined the schedule for the RFP, subsequent interviews and an August 6, 1991 hearing by the Solid Waste Committee on the results.

In response to Councilor DeJardin, Ms. Rocker said results of the first three years of the campaign had been satisfactory with previous focus on curbside recycling, office paper recycling and "Buy Recycled." She noted twenty regional advertising agencies had been contacted by letter and were currently responding.

In response to Councilor McLain, Ms. Rocker said Metro would consult with the advertising agency to determine avenues for advertising, and indicated the momentum of the present campaigns would continue on into the future.

Councilor Gardner said Metro was interested in a measurable reduction in the targeted material entering the waste stream to indicate the effectiveness of the campaigns, and asked if data was available. Ms. Rocker said tracking methods were in development such as the Waste Characterization Study, market reports, and calls coming into the Recycling

Information Center. Councilor Gardner suggested a member from the Solid Waste Committee sit on the final evaluation committee.

Ms. Rocker noted an article appeared in "Recycling Today" about Portland and Metro's recycling programs.

Chair Wyers indicated interest in educating the public to recycle tin cans, and said she favored a budget increase for recycling efforts next fiscal year.

Motion: Councilor DeJardin moved to recommend Resolution No. 91-1455 to the full Council for adoption.

Vote: Councilors DeJardin, Gardner, McFarland, McLain and Wyers voted aye.

The vote was unanimous and the motion passed.

5. Resolution No. 91-1437, For the Purpose of Establishing Policy For Development of the Washington County Solid Waste System Chapter to the Regional Solid Waste Management Plan

Rich Carson, Planning and Development Director, noted the resolution had been first considered by the committee at its April 16, 1991 meeting.

Motion: Councilor DeJardin moved to recommend Resolution No. 91-1437 to the full Council for adoption.

Councilor DeJardin recapped the historical background regarding the development of the Washington County Chapter of the Regional Solid Waste Management Plan (RSWMP), and said the plan later submitted by Washington County was consistent with Metro regional standards and policies. He favored moving the resolution on to the full Council with a recommendation to adopt the plan.

Motion to Amend: Councilor Gardner moved to amend Resolution No. 91-1437.

Councilor Gardner read into the record his statement supporting amendments to Resolution No. 91-1437 dated May 21, 1991. This statement has been made part of the permanent meeting record.

In response to Councilor DeJardin, Daniel Cooper, General Counsel, said changes would have to be measured to determine consistency with the RSWMP, and stated he believed both Resolution No. 91-1437 and Councilor Gardner's amendments were consistent with the RSWMP.

Councilor Gardner described his proposed amendments and noted the amendments were contained in his memorandum dated May 17, 1991 to the Solid

Waste Committee. This memorandum has been made part of the permanent meeting record.

Mr. Carson said he supported the first and the sixth amendments as listed in Councilor Gardner's memorandum dated May 17. He felt the remaining amendments were not consistent with the technical analysis, which he noted reached one conclusion regarding ownership, financing and procurement. He said the proposed amendments would eliminate competition for the second proposed facility.

The committee and staff discussed aspects of the policy, the procurement process, and zoning.

Rena Cusma, Executive Officer, presented a synopsis of a retreat held by Metro Council and the Solid Waste Planning Policy Committee on June 3 and June 4, 1988, which she noted was delivered to the hands of meeting attendants. She read from the synopsis into the record as follows, "Solid waste facilities may be publicly or privately owned subject to established criteria," and she noted the criteria was listed. She read also, "It was agreed that regulatory controls would be necessary if the facility were to be privately owned. Such controls could be in a franchise, a contract or a license and should allow Metro to exercise flow control and periodic review. The cost competitive criteria were discussed. Determination need not involve developing a "real" public facility option in order to compare with a private sector option." The retreat synopsis in its entirety has been made part of the permanent meeting record. Ms. Cusma said the issue was whether Metro would keep its agreements, and said Washington County had met every test of the 1988 agreement. She said it was a matter of integrity, and recommended the plan be moved forward for approval.

Councilor Buchanan said he had followed the work of the Washington County Steering Committee, favored approval of the plan with the amendments Mr. Carson had supported, and commended Washington County Commissioner Steve Larrance for his efforts.

Chair Wyers opened a public hearing.

Myron Rowe, 25635 Garden Acre Rd., Sherwood, Oregon, testified regarding present and future traffic problems for the Wilsonville interchange. He presented an aquifer map of the Wilsonville area with color code key, which has been made a part of the permanent meeting record.

Bill Duncan, President, Garden Acre Neighborhood Association, stated the neighborhood association he represented opposed the siting of a transfer station in Wilsonville. He said the Wilsonville Planning Commission had voted 6 to 1 in opposition to the siting. He commended the Metro Councilors for their careful consideration of the issues, and supported Resolution No. 91-1437A with Councilor Gardner's proposed amendments. Mr.

Duncan presented a handout to the committee which has been made a permanent part of the meeting record.

Steve Schwab, President, Clackamas County Refuse Disposal Association and owner of Sunset Garbage, testified the association he represented supported the Washington County Solid Waste Management Plan for privately owned and operated transfer stations in Washington County. He read into the record a letter from the officers and members of the association to Metro Council and Metro Solid Waste Committee dated May 15, 1991. The letter has been made a part of the permanent meeting record.

Estle Harlan, Consultant, Tri-County Council, said the Tri-County Council, comprised of the six solid waste associations in the Metro region, supported the Washington County plan without amendments. She presented handouts to the committee which have been made a part of the permanent meeting record, and introduced the Brentano family to the committee, and Richard Brentano, who she said was president of United Disposal. In response to Councilor Gardner, Ms. Harlan said private ownership was tied to and important to operation, and said such would provide efficiencies not available in the public sector.

Rich Brentano, owner of United Disposal Service, 9500 S.W. Boechman Rd., Wilsonville said his company had begun to research for a possible site that would meet the criteria outlined in the plan, and said he favored a private operation without a turnkey. Sally Fender, Manager, United Disposal, Wilsonville Division, presented a handout to the committee, an inspection report of the company's Woodburn transfer station which she said was complimentary and which has been made a part of the permanent meeting record. She spoke of the benefits and responsibilities of a small family business in the local community. Councilor McFarland noted the proposed amendments did not preclude private ownership, and said the bidding process would offer an opportunity to demonstrate the advantages.

In response to Councilor McFarland, Mr. Brentano said the transfer station would be operated in such a way as to allow no water to escape into the surface or ground water.

Councilor Gardner said the issues under discussion reflected neither preference nor disapproval of a specific company or method of operation. He said his preference for a publicly owned facility had to do with who owned the facility and how the facility was managed and did not reflect on the ability of a private company to do a good job.

In response to Chair Wyers, Ms. Fender said the company would site the property within the city limits to enable hook up to city sewer.

Councilor DeJardin concurred with Ms. Fender's comments regarding area growth, and said District #4 population increase was 137%, which he noted

was the highest in the region, and said he believed District #3 and District #5 were the second and third highest in growth.

Delyn Kies, Washington County Solid Waste Coordinator, and Mike McKeever, consultant to Washington County Solid Waste System Design Steering Committee, testified before the committee. Ms. Kies presented a letter urging support of the original version of the resolution, which she read into the record. The letter has been made a part of the permanent meeting record.

Mike McKeever said the competitive process would open bidding to businesses or corporations which concentrated on building facilities to sell to public entities. He believed the turnkey process would preclude certain vendors from participation. Councilor Gardner noted the benefits of the competitive process and cost savings.

Chair Wyers closed the public hearing.

Councilor DeJardin said testimony from Council, from industry, from staff and from technical experts was consistent in favor of supporting the original Resolution No. 91-1437. He encouraged the committee to move forward without further delay on the resolution. He indicated he would not support Councilor Gardner's amendments, and said Metro needed private industry in the solid waste system and needed to keep its agreements.

Councilor McFarland noted the changing complement of the Council over time accounted for the fact that not all current councilors were present at the meeting referenced in 1988. She said precedent existed for the case that a current body was not necessarily bound by earlier agreements. She added it was incumbent upon councilors to keep good faith as well. Councilor McFarland said she would support Councilor Gardner's amendments at this time, urged the committee to move the resolution forward, and noted a minority report could be presented to the full Council.

Chair Wyers commented state statutes provided public officials of regional government rather than local jurisdictions would make decisions regarding transfer stations and landfills. She said the committee had pursued thorough discussion in three hearings, and agreed with Councilor McFarland's remarks concerning being bound by agreements made at prior meetings without vote and not in the Metro code. Chair Wyers said the Council was on record as supportive of public ownership for cost savings and consistency. She noted bringing the county recommendations together with the amendments of the committee reflected good policy, and felt public ownership would assist in problem solving in areas such as wages. She believed the amendments were consistent with RSWMP, and said public ownership would give an opportunity to interested parties.

Ms. Cusma said the agreements referenced and made in the meeting in 1988

were in writing and were established by consensus, and said agreement issues should have been addressed publicly in previous years.

Councilor Gardner noted the material presented by the Executive Officer was a synopsis of the 1988 referenced meeting prepared by staff, and said votes were not cast. He indicated attendants had then expressed concerns regarding the process, and said to disagree with the current results did not demonstrate a lack of integrity. He said the agreement was to develop a Washington County plan over which the Metro Council would have purview for consistency with RSWMP. He said agreements were made regarding the opportunity for a possible local option. Councilor Gardner noted also agreement was reached to institute changes in zoning codes in that portion of the region for the siting of facilities, which he said was not reflected in the synopsis, nor were the changes made. He said the intent of his amendments was to reintroduce competition to the process so that both public and private facilities could be proposed in Wilsonville, and said the Council retained the right to make the decision regarding ownership.

Vote on Motion to Amend: Councilors Gardner, McFarland and Wyers voted aye. Councilor DeJardin voted nay.

The motion passed.

Vote on Main Motion: Councilors Gardner, McFarland and Wyers voted aye. Councilor DeJardin voted nay.

The motion passed.

Councilor DeJardin indicated he would carry a minority report to the full Council.

6. Other

Chair Wyers asked the committee to reconsider Resolution No. 91-1443 and moved Resolution No. 91-1443A as amended. Councilor McFarland noted the intent and will of the body was to move Resolution No. 91-1443A as amended.

Motion as Amended: Councilor McFarland moved to recommend Resolution No. 91-1443A as amended to the full Council for adoption.

Vote on Motion as Amended: Councilors DeJardin, Gardner, McFarland and Wyers voted aye.

The vote was unanimous and the motion passed.

7. Solid Waste Updates
o General Staff Reports

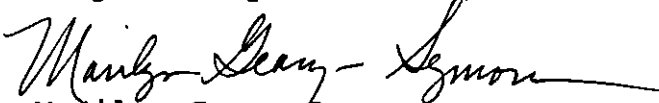
Mr. Martin said the composter had been in operation for two months, and said 7,540 tons had been directed to the facility in April. He said 4,230 ton were processed into compost product, which he said saved 125 trips to the landfill during that month with a cost savings of \$45,000 in transport cost and \$97,000 in disposal costs, a total savings of \$142,000. He said although start up expenses were incurred, a net savings was realized. He noted greater tonnages were expected. He said Reidel was actively working to cure the odor problem.

Mr. Martin gave tonnage updates for Metro South (29,000 tons) and Metro Central (27,000 tons), transported 2,016 loads (57,000 tons) to Columbia Ridge landfill in April. He noted cost was \$2.6 million, and noted 7 million road miles had been covered in the Jack Grey contract with no accidents.

Chair Wyers asked Mr. Martin to give the figures he presented to Karla Forsythe, Council Analyst.

There being no further business, the meeting adjourned at 8:28 p.m.

Respectfully submitted,



Marilyn Geary-Symons
Committee Clerk