

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

August 20, 1991

Council Chamber

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

Committee Members Absent: None

Other Councilors Present: Roger Buchanan

Chair Wyers called the regular meeting to order at 5:36 p.m.

1. Informational Report Regarding Solid Waste Department Records and Information Management System

Judith Mandt, Assistant to the Director of Solid Waste, reported on the Solid Waste Department records and information management system funded FY 1990-91. She said the Council directed the system be developed towards developing a system that could be applied throughout the agency. She said \$50,000 was budgeted to hire a consultant to develop the system.

Ms. Mandt introduced Jack Talbot, Talbot, Korvala & Warwick, the successful proposer, and Jennifer Ness, Administrative Assistant, lead project staff person. Ms. Mandt said the project was completed on time and on budget and described the project and discussed its results.

Mr. Talbot said Solid Waste staff provided a great deal of assistance and was very cooperative. He said Talbot, Korvala & Warwick met every two weeks with Solid Waste and other staff to ensure the system could be transferred to other departments. He said a correspondence data base was developed from the department's existing R-Base system. He discussed development of the Resource Library, a project files system, and a records management manual.

Ms. Ness said the new system had proved successful in implementation and discussed the current project files system and future microfiche needs.

6. Solid Waste Updates

- o General Staff Reports
- o Waste Reduction Program Activities

Bob Martin, Director of Solid Waste, discussed the Household Hazardous Waste (HHW) Collection Day scheduled for October 12, 1991 and the intergovernmental agreement between Metro and the Department of Environmental Quality (DEQ) who would use ChemPro

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as their subcontractor. He said possible locations for the event included Washington County, Metro Central Station and the Aloha Fire Station. Chair Wyers asked which agency was responsible for advertising the event. Mr. Martin said DEQ and Metro would share advertising responsibilities jointly and that Metro's share of costs were unknown but would be less than had been spent in the past.

Councilor Gardner asked if Metro South Station's HHW depot would be ready by December. Mr. Martin said the depot would probably not be ready by that time and a HHW event was needed until that depot could open.

Mr. Martin distributed the first Solid Waste Revenue Expense Report requested by the Council per a FY 1991-92 budget note. He asked the Committee to review the report's format and suggest any changes. He discussed the report's format and said staff would present the report once a month. The Committee discussed the report. Chair Wyers said the Committee should see the report in draft form first.

Chair Wyers said the Finance Committee would review stated goals in the budget and ask for information from the three Budget Notebooks to be consolidated into several pages. Chair Wyers asked John Houser, Council Analyst, to compare Budget Notebook information with the Solid Waste Revenue Expense Report.

Mr. Martin discussed Metro-Riedel Composter facility odor issues. He said DEQ had requested Riedel representatives to submit a report on how Riedel planned to alleviate odor problems and to submit it by August 9. He said DEQ would review the document and incorporate it into a stipulated order (SO) which would tell Riedel what it had to do to alleviate the problems and by when. He said he met with DEQ representatives who wanted to ascertain Metro's role in operating the facility. He said Riedel and DEQ would meet Friday to develop the draft SO. He said DEQ would hold a public hearing on the SO.

Councilor McLain asked if staff would inform the public about the proposed SO. Mr. Martin said staff had been in contact with interested groups in the area.

Councilor Buchanan asked how DEQ would enforce the SO. Mr. Martin said penalties could be attached for failure to meet deadlines and possibly an order to cease and desist operations could be issued.

Councilor McLain said the Committee's main concern was that the public be informed to show they were responding directly to

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testimony given at the previous Solid Waste Committee meeting August 6. She asked Mr. Martin to contact the citizens who testified at that meeting and inform them of Friday's meeting and the proposed SO. Chair Wyers suggested Councilor Buchanan contact interested groups in the area also. Councilor McLain said Riedel could provide the names and addresses of the citizens who had contacted them directly. Mr. Martin said all parties mentioned would be told about current activities and DEQ's involvement in the issues. However, he said he did not want to blur Metro's responsibility, DEQ's regulatory authority and Riedel's operating authority. Councilor Buchanan said it was essential to let concerned citizens know that Metro was doing everything it could do in regard to this issue.

Debbie Gorham, Waste Reduction Manager, introduced Elaine Schmerling, Associate Solid Waste Planner, who reported on the rubber modified asphalt concrete project. She said the City of Portland project was finished on Saturday and that approximately two miles of pavement made from 13,000 tires was laid on North Marine Drive and that Multnomah County's project on SE Stark was also finished and used 6,600 tires. She said the project(s) was a cooperative effort between Metro, DEQ and the Oregon Department of Transportation (ODOT) and said ODOT would conduct a five-year evaluation of the roads and add that data to information they had on other experimental asphalt projects. She said the Federal Highway Administration (FHA) was providing most of the ODOT funds contributed towards the project.

Councilor McFarland praised the project and said rubber modified asphalt was supposed to last longer because of added resiliency, would be easier on tires, have a shorter braking time and would ice up less readily than standard asphalt. Chair Wyers asked Councilor McFarland to report on the project to the Council under the "Councilor Communications and Committee Reports" agenda item at the next Council meeting.

Councilor Gardner asked if the city and the county demonstration projects used the same ratio of asphalt and rubber in the paving mixtures. Ms. Schmerling said they both used 2 percent rubber in their mixtures but different mixture designs. The Committee and staff briefly discussed the project further.

2. Committee Review of Request for Proposals for Design Services for Metro Central's Household Hazardous Waste

Mr. Martin explained the RFP would procure design services for the second HHW depot to be located at Metro Central. He said staff estimated design services costs would range from \$75,000 to \$100,000. Mr. Martin answered questions listed in Mr. Houser's

August 13, 1991 memorandum, "RFP 91R-36-SW--Design Services for Metro Central's Household Hazardous Waste Facility." He said staff had no regulatory experience with HHW depots when one was acquired for Metro South and said staff now had more experience and would not experience the same delays in procuring a depot for Metro Central Station. He noted no other agency had built a HHW depot before. He said staff did not anticipate any delays in permitting for Metro Central. He said staff was waiting for the DEQ permit for Metro South and said that permit was pending because DEQ had not had time to review Metro's application. He said DEQ had reviewed the facility at Metro South extensively. He said Mr. Houser's third question asked why the facility could not have been coordinated with construction of the main building. Mr. Martin said staff planned the two facilities on a separate basis because inclusion of a HHW depot could have eliminated some siting options. He said state law required Metro to build HHW depots but not necessarily at transfer stations. He said staff expected to spend more \$450,000 over more than one fiscal year for construction costs.

Councilor Gardner questioned RFP language that stated \$75,000 had been budgeted but said "Metro recognizes that the actual costs...could exceed this amount." Mr. Martin agreed with Councilor Gardner and said the language would be stricken. Councilor Gardner asked if HHW depots would be sited at transfer stations in Washington County. Mr. Martin said that issue had not been decided and noted mobile collection could be used or a depot could be sited some other facility. Councilor Gardner said page 1, last paragraph, did not mention the proposed Washington County facilities. Chair Wyers asked if staff could insert a statement about the proposed facilities. Mr. Martin suggested language: "It is expected the system of two stations will be supplemented in the future with an as yet to be determined option." Councilor Gardner noted page 7, paragraph 3(a), stated "No windows are anticipated with possible exception of the laboratory," and that page 10 stated the laboratory would be windowed. He said the language "possible exception" should be stricken. Mr. Martin said he would have to check code requirements to see if the laboratory would require a window or not.

Chair Wyers asked who performed the design work for Metro South. Mr. Martin said Sweet-Edwards/EMCON performed the work. She asked when the depot would be built. Mr. Martin said design work was scheduled for completion in spring 1992. Mr. Houser asked Mr. Martin how payment over two fiscal years would occur if the facility was scheduled to be operational in FY 1991-92. Mr. Martin doubted the facility would follow that schedule. Chair Wyers asked if proposers would have access to Metro South design

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documents. Mr. Martin said they would. Chair Wyers asked if enough private users used Metro Central to justify the cost of a HHW depot at that facility. Mr. Martin said when the facility opened, self-haul began at a slow level but had increased since then. Sam Chandler, Operations Manager, said the self-haul business had steadily increased since the facility opened and should eventually reach the level of use reached at St. Johns Landfill before it was closed.

3. Resolution No. 91-1476, For the Purpose of Authorizing the Conditional Award of a Contract to John L. Jersey & Son, Inc., for Work Associated With, and Including Procurement, Transport and Stockpiling of Subgrade Embankment Material and Sand on the St. Johns Landfill

Linda Pang-Wright, Associate Engineer, gave staff's report, described the bid process taken, and staff's review of John L. Jersey & Son, Inc. as a qualified bidder. She said they were the apparent lowest, responsive bidder for the contract and said the contract was recommended for award conditioned upon receipt of performance bond, insurance certificates, Public Utility Commission (PUC) certification of contractor and subcontractor(s) and other bid document submittal requirements.

Councilor McFarland asked if the bidder planned to use a road for access to the landfill and noted the road in question could be designated a wetlands area in the future. She asked if the contractor's low bid was dependent on the use of that road. She asked if Metro would hold John L. Jersey & Sons, Inc. to their original low bid if they could not use that road. Mr. Martin said Metro would hold the bidder to their original bid. Councilor McFarland requested that fact be recorded for the record. Mr. Martin said the bidder would post a performance bond and had worked with Riedel about getting dredge spoils on site if that could be done in a possible wetlands area. He said they could truck around to the site and possibly utilize a conveyor belt. Councilor McFarland said there was a strong possibility the bidder could not go through the Slough and said the bidder should be aware of that. Mr. Martin said DEQ would rule on the bidder's use of the road.

Councilor McLain noted Mr. Houser's memorandum which stated the proposed amount of the contract was \$332,000 greater than the amount budgeted for the work. Mr. Martin said staff would not find itself in a shortage because the project would be funded out of St. Johns Landfill Closure funds which were adequate for this and other contract costs. Councilor McLain noted the Committee had questioned for the record at this meeting the bid was higher than the amount originally budgeted. Mr. Martin said projects

were often budgeted a year in advance of performance of the actual work. He said when projects drew nearer to completion other costs became apparent which sometimes altered originally budgeted contract costs. Mr. Houser noted the budgeted amount came from the adopted budget which stated the project would cost \$5.4 million. He said he expressed concern in his memorandum because there was some possibility there could be alteration in on-going closure related projects pay any contract cost differences. He said, as Mr. Martin had explained, the funds if needed, would come from another source. Mr. Martin said staff developed the \$5.4 million figure in January 1991. He said since then staff discovered more material could be obtained than was originally estimated. Mr. Martin said closure funds had already been raised. Councilor Gardner said the contract was likely to be multi-year and next budget year, staff might have a more concise idea of costs.

Motion: Councilor Gardner moved to recommend Resolution No. 91-1476 to the full Council for adoption.

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

4. Resolution No. 91-1482, For the Purpose of Authorizing the Executive Officer to Execute a Contract with McFarlane's Bark, Inc., for Hauling and Processing Yard Debris from the Metro South Station

Ray Barker, Assistant Facilities Manager, gave staff's report. He said Metro South Station had not accepted source-separated yard debris before July 1, 1991. He said Mr. Houser noted staff budgeted \$112,500 for the contract but said actual contract costs totalled \$52,500. Mr. Barker said the cost differential was because there was no previous history of this type of work having been performed at Metro South before July 1, 1991 and said the previous estimate was that Metro could pay up to \$75.00 per ton. He said McFarlane Bark's bid did not include loading yard debris into the drop boxes. He said loading the drop boxes would cost \$55.00 per hour and said that brought costs closer to the originally budgeted contract amount.

Mr. Barker noted Mr. Houser's August 13 memo stated the yard debris material would be used primarily to make hog fuel. He said the material would be used to make compost. He said yard debris was used to manufacture compost and hog fuel at Metro Central Station. He asked the Committee to amend the contract to show a start date of October 1 rather than September 1 because the contract would not be adopted before September 12.

Main Motion as Amended: Councilor McFarland moved to recommend the full Council adopt Resolution No. 91-1482 with the contract start date amended from September 1 to October 1, 1991 and the contract end date amended from August 31 to September 30, 1992.

Vote on Main Motion as Amended: Councilors Gardner, McFarland, McLain and Wyers voted aye. Councilor DeJardin was absent. The vote was unanimous and Resolution No. 91-1482 as amended was recommended to the full Council for adoption.

5. Committee Discussion of a Review of the Solid Waste Rate Review Process

Chair Wyers introduced Resolution No. 91-1485, For the Purpose of Naming a Task Force to Examine Issues Related to the Solid Waste Disposal Rate Process.

Mr. Martin said Solid Waste Revenue Fund Budget Note No. 1 directed a joint task force be appointed to examine the Rate Review Committee (RRC) and its relationship with the rate review process. Mr. Martin said he had begun screening possible task force appointees. Mr. Martin discussed Mr. Houser's August 20, 1991 memorandum, "Solid Waste Rate Review Committee." Mr. Martin recommended several actions Council staff could take so that their recommendations would reflect actions Solid Waste Department staff had already taken. He recommended the Solid Waste Department staff the committee, but noted the Council's interest in the issue and suggested both the Council Department and the Solid Waste Department co-staff the task force. Mr. Martin said staff planned to appoint members based on the representative groups listed in the budget note. He said staff felt the time line listed was short. Mr. Martin agreed with Mr. Houser's recommendation that two, rather than one, Councilors serve on the Task Force. He recommended the Council Analyst staff and not serve on the task force. Mr. Martin agreed with Mr. Houser's recommendation that one staff member each from the Finance & Information Management and Solid Waste Departments serve on the Task Force. He recommended one RRC member serve on the task force rather than the two recommended by Council staff and recommended the current RRC chair, Ross Hall, be that member. He agreed with Mr. Houser's recommendation that two representatives from the hauling industry should serve on the task force.

Mr. Houser said it was clear the RRC was created by the Council to assist the Council when reviewing rates proposed by staff. He said per the ordinance establishing the RRC, the Council

appointed RRC members and the RRC's role was to gather information and make recommendations with regard to proposed rates. He suggested Council staff the task force with that criteria in mind. He said if Council staff did staff the task force, it was not necessary for a Council Analyst to serve on the task force. He noted the budget note suggested Council staff serve on the task force. He said issues the task force could address as outlined in his memorandum included: 1) Purpose, authority and responsibilities of the RRC; 2) Rate setting review criteria; 3) Appointment process; 4) Support staff for the work of the committee; 5) Relation of rate review time lines and budget preparation time lines; 6) Conduct of meetings; and 7) Timely and ongoing access to relevant information. Mr. Houser referred to a list of questions submitted by the RRC on the rate review process.

Councilor Wyers said the task force would provide the opportunity to review all aspects of the RRC and a resolution could be drafted that would define the RRC's structure and purpose more clearly. Councilor McFarland said if two members of Solid Waste and/or Finance staff served on the task force, it was appropriate for Council staff to serve on it as well. Mr. Martin said it would be helpful to have Finance & Information Management staff serve on the task force. Mr. Martin said staff had believed the budget note was directed administration to begin task force work and had already begun to screen potential task force members. He said choosing task force membership appeared to be an administrative function. He said the Solid Waste Committee and Solid Waste staff appeared to share the same criteria on task force membership. Chair Wyers asked who had been contacted about task force membership. Mr. Martin said Ross Hall, Estle Harlan and Chris Scherer had been discussed as possible task force members. He said Metro legal counsel was considered as well as Merle Irvine before he changed employment. Chair Wyers agreed with task force candidates as proposed by staff.

Councilor McLain said the Committee and staff were in agreement on what the task force could accomplish. She said she knew nothing about the RRC and looked forward the task force's findings. She noted similarities between Council staff and administrative staff's efforts, and stated for the record that such efforts should be not seen as a singular project but rather as a group effort. She said the proposed number and composition of task force membership appeared good. She said task force work should begin with an assessment of the RRC's purpose and responsibilities. She said the time frame appeared short to assimilate a large amount of information or to make any substantive changes in the RRC's structure. Mr. Houser noted the RRC's scheduled work traditionally began in late November or

early December and that schedule was why the task force's work had been scheduled for September 6 to November 28.

Mr. Martin said the RRC was not originally set up to review the rates. Councilor Gardner said the RRC was set up originally to advise on franchisee rates. He said there was no Metro Code language about the RRC stating it served in an advisory function to the Council on solid waste rates. He said the RRC structure should be revised to reflect its actual activities. He said with regard to task force membership, it was not necessary for the Council Analyst to serve on the task force if the Council Department assisted in staffing the task force. He said task force representation as suggested by Mr. Martin was acceptable.

Mr. Martin said both Council Department and Solid Waste Department staff had drawn from recommendations listed in the KPMG Peat Marwick Solid Waste Department Performance Audit. Chair Wyers noted the RRC's comment that they received no direction. Mr. Martin said Council's budget note made Resolution No. 91-1485 redundant.

Motion: Councilor McFarland moved to recommend the full Council adopt Resolution No. 91-1485.

Councilor McFarland said the resolution did not say how many or who should serve on the task force, that the November 15 deadline date could be left off and that Exhibit A could be the list of appointees; the composition of which had already been agreed upon by both present. She said it was important for the full Council to review and adopt the resolution. The Committee agreed BE IT RESOLVED Section No. 3 language which stated the task force report be submitted in writing did not have to be submitted by November 15, 1991, and that the report's due date should be left open.

Councilor McLain noted Mr. Martin's comment the budget note made a resolution unnecessary. She said the resolution would confirm the importance of the budget note for Councilors and believed the resolution would not confuse the process. She said the resolution was not redundant, but followed up on definite concerns which had led to creation of the budget note. She said the resolution ensured Council and administrative staff would work together on the issues.

Mr. Martin stated for the record he had not seen the resolution until 15 minutes prior to the meeting and therefore had not been able to review the resolution with Legal and/or Executive staff and expressed discomfort that he had not been able to do so. He noted that this agenda item was originally scheduled for

discussion proposes only. He said staff was not given enough advance time to review the resolution. Councilor Wyers said the resolution resulted from the little information the Solid Waste Committee had received from and/or on the RRC. She said the Council was responsive to the citizens who paid the rates and said the resolution would eliminate past confusion on the RRC's function and structure. The Committee and Mr. Martin discussed the timing of the resolution further.

Councilor McFarland noted Mr. Martin had stated staff had begun to assemble the task force without consulting or informing the Solid Waste Committee first. Mr. Martin said he was following instructions as outlined in the budget note. Chair Wyers said she instructed the budget note be drafted with the intent that she as task force chair would appoint its members.

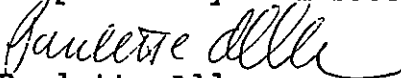
Councilor Gardner said because of timing considerations it was necessary for the resolution to be recommended at this meeting. Councilor McLain concurred with Councilor Gardner. She noted Mr. Martin's statement for the record staff received no notice of the resolution, but said it was necessary for the process to keep moving. She noted Chair Wyers' comment it was necessary for the Council to review the resolution and agreed that was important because rates were becoming a paramount concern for the public.

Mr. Martin suggested the task force begin its work before Council adoption of the resolution in view of stated time lines. Councilor McFarland restated her motion so that the resolution would state a seven member task force, delete the November 15, 1991 deadline for a written report, and state Exhibit A would list task force members to be appointed after consultation between Chair Wyers and Solid Waste staff. Councilor Gardner said activity taken on the task force thus far could continue and the task force could meet informally before Council adoption of the resolution.

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

All business having been attended to, Chair Wyers adjourned the meeting at 8:06 p.m.

Respectfully submitted,


Paulette Allen
Clerk of the Council