

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

September 1, 1992

Council Chamber

Committee Members Present: Judy Wyers (Chair), Ruth McFarland (Vice  
Chair), Roger Buchanan, Sandi Hansen,  
George Van Bergen

Councilors Also Present: Jim Gardner

Chair Wyers called the regular meeting to order at 5:35 p.m.

1. Consideration of April 7, 1992 Solid Waste Committee Meeting  
Minutes

Motion: Councilor Van Bergen moved to approve the April 7, 1992 Solid  
Waste Committee Meeting Minutes as submitted.

Vote: Councilors Buchanan, Hansen, Van Bergen, McFarland and Wyers  
voted aye.

The vote was unanimous and the motion passed.

2. Solid Waste Updates

o Waste Reduction Program Activities

Debbie Gorham, Waste Reduction Manager, gave the staff report. She said the Business section of August 30, 1992 Sunday Oregonian newspaper carried an article entitled "Ecologically Fit to Print", regarding the rise in the use of vegetable inks. This document has been made part of the permanent meeting record. Ms. Gorham said the previous year 1,650 tons of telephone books had been recycled in the three county area, and said this year a higher tonnage goal was being aimed for. She reported also on the receptivity of cities outside the Metro boundary to the Metro Challenge grants.

Michel Gregory, Senior Public Affairs Specialist, reported on efforts in dissemination of information in the area of plastics recycling. Ms. Gregory said 17% of calls into the Recycling Information Center were to request information on how and where to recycle various plastic materials. She distributed and discussed a brochure to the Committee entitled "Sorting Out Plastics Recycling". This document has been made part of the permanent meeting record. Ms. Gregory also distributed and discussed various postcards which had been developed by the Public Affairs to help citizens communicate to manufacturers, industry groups and retailers regarding their desires and interests concerning the use of recyclable plastics and plastics with recycled content in containers

(Continued)

and packaging. Ms. Gregory noted Nature's was using the Metro postcards in their stores and said 1,000 had been distributed thus far.

Chair Wyers expressed interest in the materials demonstrated noting she could use both items in speaking engagements, and she requested a supply.

In response to Councilor Van Bergen's question whether Multnomah County was in compliance with recycling goals, Ms. Gorham said the report was to emphasize the involvement of small cities outside the Metro boundary.

Mark Buscher, Senior Solid Waste Planner, presented a staff report regarding the Metro Model Zoning Ordinance currently being made available throughout the region which enabled requirement of adequate space for recycling containers specifically in new construction. He said the Department worked with local governments, the hauling industry and development groups to develop a model ordinance which met the recyclable space requirement objectives in new developments. He said the work was finalized and was being sent out beginning September 1, 1992 to local governments for use in the building design and review elements of their own waste reduction programs and to assist developers attain uniform standards across the region.

Councilor Van Bergen mentioned possible compliance restrictions regarding building sizes of eight feet versus the report's recommended ten feet and suggested the Department check their recommendations against local codes. Mr. Buscher noted the recommendations were suggestions and examples only.

### 3. Request For Proposals (RFP) Related to Obtaining Investigative Services

Ray Barker, Assistant Facilities Manager, presented the staff report, and explained the purpose for the RFP for investigative services. He said illegal dumping within the region had existed for years noting allegations that waste was transported out of the region to facilities not authorized by Metro. He said \$30 thousand had been budgeted FY 1992-93 for the purpose of flow control, and said investigative services would include general surveillance and documentation of violations. He said the firm selected would report to the Metro Office of General Counsel. He noted firms applying would be reviewed by an evaluation committee, and addressed questions raised by John Houser, Council Analyst, in his memorandum dated August 26, 1992. He said \$30,000 had been budgeted for the letting of the contract, but noted it did not get on the contract list due to an oversight. Mr. Barker said other problems anticipated requiring investigative assistance involved solid waste only. He said the hourly rate estimate under the contract for these services would be approximately \$25 to \$45 an hour. He noted eleven known companies in the area were able to provide such services.

Mr. Barker said in-house investigative capacity was not currently considered an option, but, he said, it was a possibility at a later date as a long term plan.

In response to Councilor Hansen, Mr. Barker said the list of companies selected were considered to be capable of the type of investigative services requested.

In response to Councilor Van Bergen, Todd Sadlo, Senior Assistant Counsel, said the matter was that of civil enforcement noting a Metro Code chapter existed which dealt with the imposing of civil penalties. He said Metro would seek reimbursement of user fees should a hauler be found to deliver waste to an unauthorized facility. Councilor Van Bergen asked how a civil penalty would be assessed against a non-franchised hauler. Mr. Sadlo said in certain cases the violation would be turned over to the local jurisdiction. Councilor Van Bergen asked had discussions occurred with local jurisdiction to provide protection to Metro in such private party matters. Mr. Sadlo said the bulk of the agreement was for investigative services of deliveries of waste to unauthorized facilities, not illegal dumping.

Councilor Van Bergen expressed concern regarding illegal dumping, and felt provision should be developed under this contract. Mr. Barker said illegal dumping would be included. Mr. Sadlo assured the Committee, should leads be developed regarding illegal dumping, coordination with local jurisdictions would take place and said that was part of the reason the contract was being handled through the Office of General Counsel.

Councilor Van Bergen asked for a regular reporting from the Office of General Counsel on cases developing from such investigative services. Chair Wyers noted it entailed approximately 100 hours per month for the contracted firm. The Committee agreed it was not necessary to have a Committee or Council Staff member on the RFP review committee.

Councilor Hansen agreed with Councilor Van Bergen's request for a monthly report from the Office of General Counsel.

4. Ordinance No. 92-471, For the Purpose of Amending the Metro Code to Modify the Designated Facility Status of Columbia Ridge Landfill for Purposes of Flow Control, to Add Roosevelt Regional Landfill to the List of Designated Facilities, to Establish Criteria to Consider in Designating Disposal Facilities, and Declaring an Emergency

Phil North, Senior Solid Waste Planner, presented the staff report, and said Metro was concerned with establishing a uniform way of dealing with waste going to the Columbia Ridge Landfill under a non-system license issued under Metro's flow control ordinance authorizing certain types of

materials to flow directly to that facility with certain reporting requirements and the submission of Metro fees and excise taxes.

He said the process developed was the Designated Facility Ordinance before the Committee, and said the object was to provide uniform agreements giving facilities the opportunity to receive waste from the Metro region. He noted there were several facilities interested in becoming designated facilities.

Mr. North indicated policy implications were involved, and said discussion had occurred around several issues with Councilor Wyers, Bob Martin, Director of Solid Waste Department, and himself, as well as others, which included the possibility of a negative impact on recycling rates in the region.

Jerry Eudelson, Roosevelt Regional Landfill, testified before the Committee.

Diana Godwin, Attorney for Roosevelt Regional Landfill, testified before the Committee.

Mr. Sadlo addressed the Committee.

Doris Bjorn, Oregon Waste Systems, testified before the Committee.

Randy Johnson, of the firm of Bogle and Gates representing Sanifill, Inc., testified before the Committee.

Jess Glazier, attorney representing McInnis and Son Sanitary Services, testified before the Committee.

Leonard Bunnis, representing the Columbia Resource Company, Finley Buttes Landfill, testified before the Committee.

[A complete transcript of Mr. North's presentation, Committee questions and discussion, and public testimony heard for Ordinance No. 92-471 has been filed with the Council Office. This document has been made part of the permanent meeting record and is included as an attachment to these minutes.]

Chair Wyers continued the matter to the next Solid Waste Committee meeting to be held September 15, 1992. There were no objections from the Committee.

4. Ordinance No. 92-469, An Ordinance Amending Ordinance No. 92-449B Revising the FY 1992-93 Budget and Appropriations Schedule for the Purpose of Reflecting the Reorganization of Division Functions Within the Solid Waste Revenue Fund, Establishing the Planning and Technical Services Division and Funding the Carryover for Phase II

of the Storm Water Processing and Retention Project at Metro South  
Household Hazardous Waste Facility

Chair Wyers said the issue of the Solid Waste Planning Division had come before the Finance Committee at its meeting on August 20, 1992, and that the matter had been referred to the Solid Waste Committee for consideration and possible action.

Terry Petersen, Planning and Technical Services Manager, said the new Solid Waste Planning and Technical Services Division had been created within the Solid Waste Department. He referenced the previous item before the Committee as an example of a matter containing a number of issues including flow control and waste reduction issues. He said it was important to have a division that would review planning and policy analysis issues such as those represented in Ordinance No. 92-471. He noted transferring of positions from other divisions were implemented in the creation of this new division, and said no positions were added, none were deleted, and no changes were made in priorities or work programs. He said the programs approved in the FY 1992-93 budget would not be affected by the reorganization.

Mr. Petersen went on to answer questions from Mr. Houser in his memorandum dated August 26, 1992.

**Planning and Program Evaluation**

Question No. 1. Mr. Petersen said an ongoing subcommittee to review data collection programs would likely be a subcommittee to the Solid Waste Technical Committee, and said membership would include city and county people. He said policy issues would come to the Solid Waste Policy Committee for review. Chair Wyers expressed concern that the Council was not represented on the Solid Waste Technical Committee, and noted she had requested Mr. Houser review the matter.

Question No. 2. Mr. Petersen pointed out a reduced staff would have to have reduced task effort on the RSWMP plan.

Question No. 3. Chair Wyers requested a list of items needing to be completed, delayed or discontinued be submitted to Mr. Houser.

Question No. 4. Mr. Petersen indicated staff had not yet allocated the \$50,000 line item for miscellaneous professional services to any specific projects or contracts.

**Technical Services**

Question No. 1. Mr. Petersen said the new Metro-Sim model, a software package for simulating waste flows within the region, was in final developmental stages, and said it would be helpful in answering

tonnage related questions. Mr. Petersen was hopeful to be able to demonstrate the model on computer for the Council in Chambers at a future date.

Question No. 2. Mr. Petersen said an RFP related to a proposed contract for an outside review of the solid waste tonnage forecast model would be completed in the fall of 1992 and prior to budget process. Mr. Petersen indicated staff favored using an academic institution, possibly through an intergovernmental agreement. The Committee and staff discussed the differences between the statistical expertise provided by an academic institution and the technical expertise provided by experienced departmental staff. Councilor Van Bergen expressed dissatisfaction with the previous tonnage forecasting study and report done by Portland State. Chair Wyers indicated she desired Council involvement in the letting of the contract in connection with the RFP because of the impact of tonnage forecasts on the Council's budgetary and policy setting processes. Councilor Hansen requested information regarding companies and/or universities having done similar studies in the past and by what means would these entities be evaluated. Chair Wyers reminded the Committee that, should an intergovernmental agreement be established, the Committee would not have purview over such an agreement. Mr. Petersen said an intergovernmental agreement would be in order should the Department view the work could be done by a university, which he noted would not have to come back before the Committee. He said the same would be true for an RFP, but agreed to bring an update to the Committee on proposed objectives of the project and possible qualified proposers. The Committee agreed in consensus to that form of action. In response to Chair Wyers, Mr. Petersen said he would like to bring an update to the Committee at its next meeting to be held September 16, 1992.

Question No. 3. Mr. Petersen said a proposed waste forecast review board would assist the Department in evaluation of the tonnage forecast model. Chair Wyers requested a Councilor be included on the review board. Mr. Petersen agreed.

### **Stormwater Project**

Question No. 1. Roosevelt Carter, Solid Waste Budget and Finance Manager, said the stormwater project would involve treating the water to remove any contaminants.

Motion: Councilor Hansen moved to recommend Ordinance No. 92-469 to the full Council for adoption.

Vote: Councilors Buchanan, Hansen, Van Bergen and Wyers voted aye.

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The vote was unanimous and the motion passed.

Councilor Van Bergen expressed concern regarding the use of the reference in the document to an "emergency." Chair Wyers requested Mr. Houser bring the matter to the attention of Mr. Sadlo.

Councilor Van Bergen referenced a book he had received with information printed by Metro on Metro's investments. He noted a number of funds in the million(s) of dollars bracket and questioned the location of such funds. He indicated a request had been forwarded through Donald E. Carlson, Council Administrator, to Jennifer Sims, Finance and Management Information Director, to bring forward a report to the next Finance Committee meeting to be held September 3, 1992 explaining the reasons for those funds, which he said appear to be surplus.

There being no further business, the meeting adjourned at 7:53 p.m.

Respectfully submitted,



Marilyn Geary-Symons  
Committee Recorder

Ordinance No. 92-471 -- For the purpose of designating the Roosevelt Landfill and the Columbia Ridge Landfill as designated facilities the Metro solid waste system.

Phil North: By way of background, the genesis of this ordinance was a desire to establish a uniform way of dealing with a couple of issues, waste that was going to a particular facility, in this case Columbia Ridge Landfill under a non-system license that was issued under our flow control ordinance and the essence of that was it authorized certain types of materials to flow directly to that facility with certain reporting requirements and also submission of Metro fees and excise taxes. In late spring early summer of this year we had interest expressed by the Roosevelt Regional Landfill to be able to receive certain wastes from our region. At that time it was felt that perhaps we should look at a more broadly based way of addressing the flow of material out of our district that is not within the 90% contract which we have with Oregon Waste Systems. The process that we developed was the designated facility ordinance which is presently before the committee. The idea was to try to have uniform agreements that would be substantially similar in all respects to most of the facilities which would be an ease in the administration and also you might say have a level playing field for the facilities that would be given the opportunity to receive waste from our region.

From that beginning with the Roosevelt Region Landfill and the Columbia Ridge Landfill, two other entities, namely the Sanifill Landfill (the Northern Wasco County Landfill) and the Columbia Resources group that runs the Finley Buttes Landfill also expressed an interest in such a designation. We are not at the present time bring those two forward but potentially will be bringing them forward in the near future.

One of the matters which should be brought up at an early point here is that very recently, as of yesterday (August 31, 1992) as a matter of fact, a couple issues have surfaced which may have significant policy implications for this designation and Councilor Wyers was in this meeting as was I and Bob Martin and some other people and there was a discussion as to whether or not there might be, for example, if you designate a facility and you allow material to flow to that facility such as construction/demolition debris, whether or not there might be a negative impact on the recycling rates in the region. In that interim period I have had an opportunity to talk with people in our waste reduction group and recycling expertise that is available in the department and at this point I don't feel we can give you a definitive yes or no that it would have a negative or for that matter a positive impact on the recycling rate.

To perhaps give a little tangible shape to it, for example, if you have a requirement that construction/demolition debris be sorted, picked and only the residue be permitted to go to these landfills which would be our expectation, the question is still not fully addressed as to whether or not the activity would be equivalent to, or superior to, or not equivalent to existing processes that are in place for recovery of material of this sort. Lacking the ability to give a definitive answer to that question, we have some hesitation about suggesting that we proceed with a full recommendation at this time. Lacking a bit more time to analyze this and particularly lacking input from the parties involved such as



Oregon Waste Systems and from the Roosevelt Regional Landfill people. I think, and I should note that since yesterday I have been in touch with both Diana Godwin, representing the Roosevelt Regional Landfill and with Doris Bjorn or Oregon Waste Systems, have discussed this issue that has arisen and have made them aware of concerns that have come up and I think that to be fair to them, rather than try to give you a qualitative judgment as to where we feel this should go, that they have an opportunity to speak and that my recommendation, based on my consultation with our staff, is that we take a bit more time to consider the waste reduction/recycling and other potential impacts that such a decision may have. I might note, I am somewhat dwelling on this recycling issue but there are some sub issues which are somewhat procedural related to the agreements that are accompanying the ordinance which would be potentially be put into force to regulate the arrangement and some questions that certainly as to the process for future designation for facilities in the role that the Council may play in understanding what those agreements may contain. But I think that keystone issue really is waste reduction and whether it would have an impact on recycling. I will be happy to speak more specifically as to the ordinance and the other documents accompanying.

Councilor Wyers: Are there questions from the committee?

Councilor Buchanan: Its not altogether clear in my mind from the reading I have done and from your statements what the title designated facility means. What does that give Columbia Ridge and the Klickitat facility for example?

Phil North: Under our original flow control ordinance we had listed a variety of facilities which we call designated facilities among them, for example, the Hillsboro Landfill which as you know is slightly outside our district but has historically been used by residents of the district for taking significant volumes of waste the same would be true of Lakeside Reclamation often known as the Grabhorn facility. We designated these facilities as one which one could go to and use without you might say the red tape of getting some further approval based on our regulation under our flow control ordinance and that system does work where the people go in, pay their tip fees, and user fees, excise taxes, etc. are remitted to Metro. We did have also our provision under the ordinance for allowing for what are called non-system licenses where someone, whether it be a hauler or as has been interpreted in the past a landfill or disposal point or a generator, could apply for non-system license to take material out of the district and dispose of it a what we call a "non-system" facility. One of the key criteria under the non-system license authorization was did we have, do we have a facility within the district which is suitable for accepting or receiving those kinds of materials. One example might be sludges, we are not really keen on getting sludges at our transfer stations.

If we do not have a suitable facility within the region to have these kinds of materials be received, we are clearly not wanting to place impediments in the way of proper disposal of this material. So it allows us the ability to know what this material is, where it is going and also assure that the appropriate user fees and excise taxes are paid. The most notable example is Columbia Ridge Landfill received a non-system license whereby they were

taking certain materials such as petroleum contaminated soils, asbestos, some what we call non-spec industrial product waste that was not suitable for going through our transfer stations. The designated facility ordinance concept was considered and is considered as a means to have a uniform approach to what has turned out to be a variety of facilities that have an interest in receiving waste within the region and trying to establish a protocol for providing a level playing field for those competing facilities which presumably would end up providing competitive price structures for those people that would fall within the appropriate criteria for disposal.

Councilor Wyers: If it is okay with the committee, we will go ahead and ask Mr. North or Mr. Sadlo the questions that we have and then if we can hear from anyone who wants to testify, we will have a public hearing and then after that, if there are further questions, we would be glad to entertain those and then a discussion among the committee members.

Councilor Hansen: What would the charge per ton be at the Roosevelt Regional Landfill site?

Phil North: I think that there are some varying changes. In terms of their disposal at the facility, I believe it is in the range of \$20 - \$25. Mr. Uedelson of the Roosevelt Regional Landfill is here and he can give you the specifics, but I believe there are some differences in charges based on the type of material.

Councilor Hansen: This is material that can or cannot be taken to Columbia Ridge?

Phil North: In general, the authorization for Roosevelt Regional Landfill and the Columbia

#### **END OF SIDE A**

Phil North continued: I believe that Doris Bjorn of Oregon Waste Systems can give you the specific range of disposal charges but I believe that they too have a variety of charges based on type of material.

Councilor Hansen: As far as you know they are comparable charges?

Phil North: I can assure you, based on my conversations with the parties, that Columbia Ridge and Roosevelt Regional Landfill are intensely competitive with each other.

Councilor Hansen: So we are not going to have 150,000 tons maxed out on six months at one facility.

Phil North: I don't think so.

Councilor Wyers: I might just put a comment in here and that is that we are not really concerned about the competitiveness between the two facilities as it pertains to this

particular type of waste. What we are concerned with here is the competitiveness between these two facilities and other processing facilities who are charging \$75 a ton and are doing a very high level of recycling and the difference between those two figures roughly could be within the neighborhood of \$20 - \$25 per ton. Certain processors within the region right now are charging \$75 per ton but they are doing a heck of a lot of recycling and have a lot of people working but it is possible that if this Roosevelt Regional Landfill is going to be tipping at \$20 - \$22, you can specify to this a bit more Mr. Uedelson, and then they have the user fee on top of that and then they have transportation, that total may be \$55 a ton, its possible, and so that's \$20 a ton less essentially to take it to Roosevelt Regional Landfill even though the two facilities may be competitive with one another on that particular item. Other questions?

Councilor Van Bergen: Your testimony indicated that certain waste from our region would be permitted to go to this facility. What is certain waste?

Phil North: I was being non-specific but the agreements which are in the packet list a group of about six types of material, included among them construction/demolition and land clearing waste and non-hazardous industrial dust, asbestos, outdated or defective commercial industrial products off-spec material, outdated commercial or industrial products not meeting manufacturing specs, contaminated soil, non-putrescible debris from cleanup of petroleum, other non-hazardous chemical spill, special waste and then a general category other waste as described in future addendum. The idea, as I interpret it at least, is that we would be looking, primarily for most of these categories of material, at material that is not easily dealt with through our transfer stations or existing facilities in the region. The issue of the example I gave earlier of the construction/demolition debris I think illustrates the policy issue that comes to play here and as I say, I can't give you what I would call a definitive quantitative or for that matter qualitative opinion on the impact of transport of that kind of material.

Councilor Van Bergen: The questions I am asking are the arena of oversight we would have. In this demolition material you are talking about, is there some type of oversight, or is it permitted at Roosevelt Regional Landfill to permit paint cans and household hazardous waste type things like we are seeing in our household hazardous waste at Metro South.

Phil North: I would want to defer on that question to Mr. Uedelson.

Councilor Van Bergen: Would there be any way that we would do that? We can't put a person on every truck that is going over there.

Phil North: That is correct and control and oversight as to the actual content of sealed containers could well be an issue for us, but I think it would clearly be as much as or a greater issue for that matter to a facility that might see these materials coming in and clearly have a significant interest in preventing that from happening.

Councilor Van Bergen: I'm a self hauler, as everybody seems to know around here, and I have my materials in garbage cans in my pickup with bungi cords and lids and I know I must be suspicious because I know the people at Metro South stand and watch to see what I am dumping out of those cans. Probably they are correct in doing so and that's the kind of oversight I was thinking about there at Roosevelt Regional Landfill and they not violate that anymore than I do.

The last question I have -- here about a year ago we gave a special authorization to Washougal to dump at Columbia Ridge Landfill. Has that Washougal agreement expired or are they now going to Roosevelt Regional Landfill?

Phil North: Washougal was authorized to come to our transfer station and ultimately to Columbia Ridge Landfill. They did I believe some small amount of waste but there are no longer bringing waste to the best of my knowledge.

Councilor Van Bergen: Has there been an official termination of that authority?

Phil North: I believe the agreement was for a period of one year. I would have

Councilor Van Bergen: Perhaps you can go back to your office and see if that has been terminated.

Phil North: I can do that.

Councilor Wyers: Other questions? Well I'd just like to bring up a comment and that is it's my feeling that what we are concerned with here is not the possibility of hazardous waste going up there Councilor Van Bergen, because I think there are some ways of retarding that before the tipping occurs. But what I am concerned about is the notion that in any particular given load that there may be other types of waste which is just our municipal solid waste and that unless you have a spotter there that looks at every single load there really won't be any way to tell whether or not those loads are pure special waste. What we are talking about here is an issue of control and that is whether or not by not designating Roosevelt Regional Landfill and of course along with it Columbia Ridge Landfill do we have more control or do we have more control by designating them. I think the trade off here is if they are not designated, then a truck that goes up there from this area is not in compliance. But if you have a hundred trucks going up there that have a certain amount of their loads being municipal solid waste how are you ever going to spot it? And that brings up the whole issue of agreements.

Councilor McFarland: My question ties right in with what you are saying madam chair. Say we have loads going up, there are no loads now that can come from here to go to the Roosevelt Regional Landfill legally is that right?

Phil North: That is correct.

Councilor McFarland: Suppose we make it legal for the special waste but then we have loads going up there that are largely just regular waste that would normally go through or processing people who would recycle part of it or whatever. Would it be cheaper to haul it directly to the Roosevelt Regional Landfill or would it be cheaper to take it to one of our transfer stations or one of our private operators who does recycle.

Phil North: My estimation is that it would probably be cheaper for them reload and take it to Roosevelt Regional Landfill or Columbia Ridge for that matter than it would be to take it to our transfer station or to a processor.

Councilor McFarland: Would it be cheaper to take it to Roosevelt Regional Landfill or Columbia Ridge Landfill or would this be about equivalent, for just stuff?

Phil North: Between the two facilities, I would suspect that they are intensely competitive with the rates they would offer to people. The quote I heard from one party referring to their competition was "take no prisoners."

Councilor Wyers: This brings us up to a couple of other ideas and one of them has to do with these agreements because I think I hear from you Mr. North, and this is mostly explanation for the committee, and also food for thought for people who are going talk a little bit later and that is right after this ordinance is passed, then both Columbia Ridge Landfill and Roosevelt Regional Landfill will set forth some agreements with Metro about what they are going to be doing and one of the concerns I have about that, is that at this point that would not be something that would come back in front of this Council, is that correct?

Phil North: I believe that is the way it is configured.

Councilor Wyers: So it seems to me like one of the things this committee might want to consider would be to see that agreement from both of those facilities and the reason I say that is because those agreement are going to set forth the ability of Metro to do inspections and some audits which is what I think we are going to need in order to ensure that we have the right kind of waste going up there so that we don't have a lot of leakage out of this region. It seems to me like if we just approve a normal audit process it might be a year or two before we actually got around to auditing and inspecting the records from either one of the landfills and in two years you can dump a lot of waste that isn't just special waste and you can make a lot of money on it at \$20 per ton. So it seems to me like either we ought to specify that we can tighten up those inspection audit types of areas in those agreement or we might want to see the agreement back.

The other thing that I would like to just run by the committee is the fact that if you are concerned about leakage of waste, which is something that this government is concerned about because we are down 20% and who knows where it is. Then one of areas we need to look to is the area of the haulers and as you say this dump and sort operation because from what I understand about that is that a hauler would bring construction/demolition

debris or other special waste there, there might be a little bit of low level recycling otherwise it will just go into a truck and then it will go up to the landfills. Now the level of recycling there at that operation is not going to be the same as a regularly franchised processor that we have in the region who is getting up to 50% and who have like thirty three employees on board and who has a whole operation designed to do nothing but keep the recycling levels really high and keep the disposed waste down. So how are we going to assure, do we have to then modify all these franchise application to make sure that we have either a) someone there to inspect or records that we can see to see what they are taking up there and b) how can we assure good recycling levels there.

Phil North: I think your questions and issues are well made, I unfortunately do not have a ready answer for you but I think that it bears looking into in terms of our franchise process for example, I don't pretend waste reduction expertise so they will probably flog me after this but we don't for example specify a degree of recycling percentage that a processor must have for a particular type of processing and of course that might vary depending on the type of processor that might be and that could well be a part of that kind of consideration you are talking about that is how do we quantify what they are doing?

Councilor Wyers: The other part of it is how do we verify and tie to the reports from any given landfill the makeup of the actual loads. At this point even a franchised operator could take a load from a site directly to Roosevelt Regional Landfill without even going through the dump and sort operation is that right?

Phil North: That risk would certainly be there.

Councilor Wyers: And then nobody would have any records about it, maybe the landfill would. But again if it is listed as special waste and nobody check it, it could have a lot of putrescible waste in it too. I guess that is something, the question of how the franchises tie in with this whole agreement process and the level of recycling then are two questions that I think are big enough that we ought to think about giving another couple of weeks to look at it. The other thing that concerns me is that Mr. North are you aware that there was waste from this region going to Roosevelt Regional Landfill?

Phil North: Indirectly, I was told that there was an acknowledgment by the Roosevelt Regional Landfill that they had reviewed their records after a conversation with us and that they had indeed acknowledged that some material had arrived there. I am not aware of the circumstances under which it went there, I am not aware of, again second hand I was to that they would provide verification of the tonnages that went there and secondly that they would reimburse Metro for the user fees for those tonnages. I am not aware of the current status of that.

Councilor Wyers: Have they done that? Have they given us the reports?

Phil North: I don't know. Not to my knowledge.

**Councilor Wyers:** We don't have any idea how much it is then because we don't have a report is that right?

**Phil North:** If a report has come in, I am not aware of it.

**Councilor Wyers:** Do we have a deadline?

**Phil North:** I have not spoken directly with them about that. I was in an initial conversation where the question was raised about materials that may have gone to their facility and my impression at that point was that they were unclear about whether some material had come there and apparently in retrospect they had reviewed there information and I believe some of that was passed on to Mr. Sadlo I don't know.

**Councilor Wyers:** I'm going to ask Mr. Eudelson also. I'm not concerned about it if it is \$10 I am concerned about it if it is \$10,000.

**Phil North:** I have not had any direct conversation about it and I don't know the status at the present time.

**Councilor Wyers:** I think we ought to be in good faith about it and I don't know what the deadlines are. Are there other questions for Mr. North. Okay lets have a public hearing then. I would like to open this issue for a public hearing anyone who would like to speak, please come forward.

**Jerry Eudelson, Roosevelt Regional Landfill operated by Regional Disposal Company, and Diana Godwin, attorney and advisor.** I would like to address the questions, I know Councilor McFarland has to leave pretty soon, I will try to address them in roughly kind of reverse order to how they have been discussed. I wanted Councilor Van Bergen to know that if a suspicious looking character resembling him were to show up at our landfill, the odds are that unless he could show he was a resident of Klickitat County and had a good reason for being there he would not be admitted, bungi cords or no.

**We, along with Columbia Ridge and the Finley Buttes facility, we feel that Roosevelt Regional Landfill, these three together offer the finest kind of state-of-the-art environmentally secure disposal in the northwest and ought to be something that you would be proud to have in your system. We also, through and affiliate company, operate on of the largest if not the largest private recycling company in the northwest with activities in Seattle. We are keen on recycling, we are keen on playing the game properly and being a responsible corporate citizen.**

**With respect to the construction/demolition waste which was an item talked about quite a bit already, quite frankly, it is not economic to move drop boxes to our facility. Transportation costs alone would be in excess of \$75 per ton because you are going to spend about \$1.50 per mile plus or minus 10% or so, you have a 300 mile round trip and you are going to bring 10 tons, that's 6 or 7 tons that's what you're going to get out of**

some of these drop boxes, it's not economic, but frankly, to cut to the chase on that issue, we have no problem in agreeing as part of this agreement along with everybody else, that we will not accept construction/demolition waste except through an authorized recycler. I have no problem with that or anyone who meets your standards whether they are officially franchised by you or not. We are looking strictly at the residue material that simply cannot be recycled. So believe me, we have no problem in assisting you in carrying out your recycling policies and in promoting it and doing whatever we can as part of this agreement. In our own analysis is just not economic to take this material up there in the typical drop box loads that you get straight off of demolition and construction sites. It just isn't and that is why most of the stuff goes a short range and most of the drop box business Oregon Waste Systems does, I'd be surprised if they took straight drop boxes up to Columbia Ridge because it is very costly to do transportation with small tonnage loads because you have a lot of fixed cost to run that distance. If we could just put that issue aside I have no problem with agreeing to that and working with your people.

One of the issues that was raised in several different guises was the issue of how do we know what is going there and household hazardous waste. We are a company, part of a group of companies, that has been in business over 50 years in the northwest. We are family owned, we are privately owned, we are long-term oriented. We don't want anything coming in that is going to cause problems in the future. We don't want monitoring in the future to uncover hazardous material we want this as a 40-year to 80-year facility for our company and for business and industry and governments in the northwest. You are not going to see putrescible waste going there. Everything that we would take under the special waste agreement is the result of a direct sales activity between ourselves and some business, we know what is going in, we know who the haulers are, in most cases we arrange the hauling. There is not going to be an opportunity for somebody to show up at the front door and dump anything.

Everything has to be analyzed and checked first, we have a complete certification procedure against the Washington Dangerous Waste regulations, everything, once it is checked and approved, has a bill of lading, a project number, a job number, it has a credit check, nothing just shows up there and gets in the front gate, I guarantee you that and we have 24-hours a day at the front gate. We are very, very tough on this and I can assure you that whatever audits, surprise inspections, anything that you want to do, we have provided for quite a bit of that in section 10 of the draft agreement which is in your packet today. We don't want the stuff. I don't how more strongly I can say that. If it isn't part of a legitimate deal it's not going to get in, it just can't. There are only two people in our entire company who have the authority to approve waste going in and both of them are professional engineers who work at the landfill, we are very, very serious about this issue.

Under our agreement with Klickitat County we can not even do business with you until they sign off on your solid waste management plan, including household hazardous waste pickups and screening of all this material from the wastestream that's one of their requirements and I gave them a copy of that to take a look at. But any county we would do business with is the same and so we think that along with, particularly the other two



major regional facilities that we are going to offer probably the safest and most secure long-term disposal in the region.

The issue about user fees. I just want to give a little bit of history or kind of waste going in. I opened an office in April at that time, my company, and I hope you will appreciate this being Seattle based was not fully cognizant of everything you were doing. We had some national account business in the disposal of petroleum contaminated soils of companies like Arco, Exxon, UNOCAL, etc. that was sold out of Seattle that was undoubtedly transported out of the region. It is a lot of handwork to audit but be suspect that the amount is somewhere between one and two thousand tons total over a year or so. As soon as I opened the office, found out about your ordinances, and hired Ms. Godwin to advise us, we put a real clamp on all of that. I made very clear to my people that we were in the business of being a good citizen and that is something we just didn't know. So we have an audit that should be completed in the next week or two and we will share that with you prior to your adopting any ordinance to accept us we will give you a check for the amount of material in question we will invite you to audit our records. It has not been our intention to go around anybody. I will guarantee you that, other than those quantities, there is nothing that has gone to Roosevelt Regional Landfill with any general purpose garbage or municipal waste, what have you. I think our record of compliance is excellent, we have excellent relationships with our public, clients, Snohomish County, Watcum County, Witcomb County, all in Washington, we have done a major piece of work for the City of Portland in disposing sewage sludge which we are using as daily cover material. We want to play it straight so that is where we stand on that issue.

Councilor Wyers: Mr. Eudelson, if I could interrupt you just briefly, Councilor McFarland, I see your light is on, you need to leave.

Councilor McFarland: Yes, I do have to go, and this is a concern to me, and I guess how I feel at this time, without having heard the rest of the public testimony, but I hope I will be brought up to date on it. It sounds to me like we can work together and work something out that's agreeable to us, but I would really like for us to hold it over for one more solid waste meeting, get the reports that we haven't yet received as to how much material did go up there and how we would deal with that in the future so that it indeed would do no more. I have some recyclers, particularly in east county, that I know that I would not like to see hurt by any kind of a contract with you and nobody for that matter, in the district would I like to see. But the closer up there you get of course the simpler it would be. So I would, without this prejudicing in any way, the outcome of this, I would like it to be held over Madam Chair if we can do that. If you decide to vote after I am gone of course I can't stop you, but that's where I am at the time.

Councilor Buchanan: I want to comment on what Councilor McFarland said. I would gladly go along with her request to set this over for further consider and I'm sure we would try to accommodate that.

Mr. Eudelson: Just on the east county recyclers, I think my earlier comments address that issue, we want them to stay in business and prosper and we are perfectly willing to agree to take no direct materials that don't go through a process or processor that you are on to of and that's fine with me, you know, as long as it holds for everybody, lets protect them, lets keep them in business and if somebody wants to build a transfer station in the future according meeting all your rules and criteria lets bring them into the picture as well. We do not have any interest in doing anything but being a legitimate, first class disposal site for this region and to offer competitive services to industry for the materials that must go to final disposal but we are in the recycling business probably heavier than anybody and we understand those dynamics.

Councilor Wyers: I think the best thing you could do for recycling would be to institute that requirement, that you would only take the residue from a licensed or franchised processor because I don't want to get into a whole litany of what can be done at the landfill for recycling. But frankly, my feeling is that once it gets up there, I'm hooray for any bit that can be out of course and I know it's cost effective to do that and I know why but I think that the impetus ought to start here at home.

Mr. Eudelson: Yes, we agree and in fact Diana has just pointed out Section 4A.

Diana Godwin: I particularly wanted to address this issue. Back when I was negotiating the terms of this agreement with Mr. Sadlo, particularly looking at our date on July 14 when we discussed this, I drafted some specific language to modify the construction and demolition waste issue to specifically say that we would allowed to receive that only after the useful materials in these wastes have been recovered for reuse, recycling, for energy resources. And Mr. Sadlo and I agreed on that, it didn't appear in the final agreement, because when we talked further he felt that the economics themselves would accomplish that, but we had suggested this language six-eight weeks ago so we are ready to go on that, it had always been our intention on the construction and demolition debris.

Councilor Wyers: I'm very glad to hear that but I would want to at least do an exploration of whether or not it ought to be just the construction and demolition debris or if it ought to include everything, it's not going to be sludges but you never know. So Mr. Sadlo you can incorporate that into the agreement.

Can't understand -- no microphone for maybe Mr. Eudelson, taking about incorporating industrial sludges, contaminated soils

Councilor Wyers: Are there any other comments? Mr. Eudelson?

Mr. Eudelson: No that's it, we said our part continued talking, no microphone.

Councilor Wyers: If in the agreement, is it possible for Metro to know who the hauler is? Yes? So your records include so we would have access to that.

Mr. Eudelson: Answer we want to be totally... no microphone

Councilor Wyers: Right, I understand that,

Mr. Eudelson: I would say quite frankly that we developed ... no microphone

Councilor Wyers: Are there questions from the committee, no my understanding too is that you are going to produce these audits and then a check for whatever is owed, my guess at \$10,000 turns out could be low could be real low. So and then I think also the recycling, the whole concept of only accepting the residue waste particularly on the construction and demolition debris is something that I want to think about and ask the department to take a look at and I think that certainly offers the opportunity for the recycling to go on which is one of the things I am looking at. Okay, good. Are there others who want to testify on this issue. Recognized someone, microphone not working.

John Houser: Excuse me Madam Chair, we appear to be having some trouble with that mic, it's not picking up on the system over hear. The light appears to be on but we are not receiving over here.

Councilor Wyers: Could we ask you both to move to the next table. This one we have had trouble with also, we hope you will mention that, whenever you hear anyone criticize the new building, remind them that we are going to have a good PA system.

Doris Bjorn: My name is Doris Bjorn, I am employed by Oregon Waste System. I thank you Madam Chair and the committee for allowing us to offer our comments this evening on the ordinance that you are considering. As I mentioned before, I regret that we haven't had a real opportunity to discuss the details of the ordinance that is being considered with the Metro staff, however, we do have a meeting scheduled in the near future to discuss the details. In general, we don't understand why this approach is even being used in designating facilities for Metro, to us it appears the existing ordinance provides adequate language for this purpose. We do have concerns. The 90% provision in Oregon Waste Systems Contract with Metro and flow control for the purpose of meeting recycling goals for the Metro area. Therefore Madam Chair, I will ask you just a couple of questions.

Since we believe special waste is included in the 90% provision for Oregon Waste Systems contract with Metro, how will the ordinance provide controls on the waste flow to designated to assure the 90% provision is not violated.

Secondly, and I think this has pretty well be covered tonight but i will go ahead and ask the question since I have it in my prepared text. Are you concerned that wastestreams which could and should be recycled may be shipped to facilities designated in the ordinance. With Metro's aggressive recycling goals and the recycling goals described in Senate Bill 66, what controls will assure that shipments made to these designated facilities will not include ones which should go to the recycling centers. We are interested in your response to these questions we have presented and believe it may be appropriate to delay

action on this ordinance until these issues have been evaluated. We thank you for the opportunity to talk at this time.

Councilor Wyers: Are there any questions?

Councilor Buchanan: This is part of the realizations I'm coming up with as we get into this topic is that this whole idea hits the foundation of our whole solid waste system for the whole region in terms of the enforcement of the contracts that we have and that sort of thing and I think where I'm going from and I could be wrong, and I'm sure somebody will correct me if I am. I've come to the conclusion that we are in a marriage situation with Waste Management for what was it, twenty years, I believe, we have sixteen years left of seventeen years and they are the primary recipient of this region's solid waste. And when we start talking about going to other landfills I say, well what about Waste Management, and I'm kind of starting there. I think that's what I'm hearing from you Doris, is something pretty much along the same line, what it is gives us an obstacle with which we should be able to give an answer to the question why are we doing this when we have our basic contract with Waste Management. And if there's good reasons of course there's no reason why we should of course, but if there aren't good reasons, I think that we should not do it. So I think we are at the core argument here. What are we trying to do? Are we trying to do something that Waste Management can't do? Are we trying to weigh that prospect against something more ephemeral like are we trying to drum up competition for Waste Management by opening up Klickitat to our facilities and that sort of thing? I'm sort of thinking out loud here and that's why I'm kind of answering Doris's questions with other questions I guess.

Doris Bjorn: Actually Councilor Buchanan you have asked a good question. As Mr. North mentioned in earlier comments, we were issued a non-system license because we'd had requests from generators in the area for some material that would not be accepted at the transfer station and they desired to dispose of it at Columbia Ridge and I came in and visited with Metro and in working through the ordinance for flow control, we were issued the non-system license. For special waste, it is a waste that has to be handled in a different manner than just your municipal solid waste in that we are concerned about what goes into our landfill. Number one to protect Metro and other customers who may use our landfill but also to protect the integrity of that landfill. It is a huge investment that we have made, that Metro has made and so we have a system set up for acceptance of that special waste at our landfill. Unless the waste goes through that particular system it can not be accepted and the agreement that we had with Metro under the non-system license was very specific on the types of waste and how it would be managed at our landfill.

Councilor Wyers: Other questions? Mr. Sadlo, is the existing ordinance adequate? Is the non-system license, why did we change our minds and decide to kind of go in a different direction?

Todd Sadlo: The reason we decided to go towards designated facilities for facilities is that that is the structure of the flow control of the code. It would, I don't have the

particular wording in front of me at this time, but in essence it appears that from the way it was drafted it was intended to run. With facilities that exist outside the boundaries that want to accept waste from within the district being designated by the Council to receive that waste and with other individuals, haulers, generators, who wish to take waste out of the district for whatever reason, coming to Metro and asking for a non-system license and paying \$1,000 for it essentially.

I think it was anticipated from the way it's set up that we would not be issuing non-system licenses to facilities. In other words, an administrative act that basically sets up a facility to, like Oregon Waste System received, be the only party to receive these wastes. That is what has occurred and Oregon Waste System did receive a non-system license that expired on May 23 of this year. At that time we started discussing whether or not that should be renewed and it was the opinion of the Office of General Council that it was more appropriate designated facilities status of Oregon Waste Systems be changed to reflect an agreement with them to accept certain kinds of industrial wastes and other special wastes that they were interested in receiving.

We have been attempting to negotiate such a contract with Oregon Waste System and have had no luck to date and have had no real comments on any draft that we have issued related to this agreement, nor have we received any information or arguments as to why they believe that their agreement would allow them or requires us to provide to them 90% of all special waste that is generated within the Metropolitan area and we have presented to them at least the bare bones of arguments as to why that is not the case. I am happy however, that this hearing appears to have, or may coalesce their opinion about why it is that the agreement says that. I may be straying from the question there.

Councilor Wyers: No, but that was my second question. Do you have any problem with the notion of including in the agreement, if this does pass that you would only accept either the construction demolition debris or special waste from a licensed processor or recycler? Do you have any problem with that?

Doris Bjorn: If it is the decision of Metro, Councilor Wyers to go ahead with the agreement, I would have no problem with that type of language.

Councilor Wyers: And I understand that you are not agreeing to the agreement. Are there other questions? It is this time for the committee to deliberate or make a decision. Is there a discussion from the committee. Oh, excuse me, are there any other witnesses, I should ask? Excuse me, the public hearing is continuing.

Randy Johnson: My name is Randy Johnson of the firm of Bogle and Gates representing Sanifill Inc. As Mr. North had previously indicated, Sanifill has requested that its northern Wasco County landfill facility be considered for designated facility status under the Metro Code. We are here this evening to request that that designation be considered along with the two facilities that we have already heard from this evening.

My client, Sanifill, had begun initial discussions with solid waste staff back in November of the past year. I say initial discussions, I don't think they went beyond too much but the issue was there and we were inquiring about becoming designated specifically for recycling residue waste which would include construction debris following post recycling. As the request of the Roosevelt Regional Landfill facility came on line, my client, in further discussions with staff understood at least that its request for designation for its facility would be considered along with these requests. However, as you well know the ordinance does not contain that request. There was a mention by Mr. North that we along with the Finley Buttes facility would be requesting that at some time after this request. Quite frankly we are concerned that, as there is great deal of concern here regarding for example the 90% issue going to Waste Management that once some facilities are designated that there will be an attempt or some thought to cut off designating any additional facilities. So we would like to, simply as a matter of fairness, be considered now in a competitive process between all qualified facilities to weigh which facility should or which facility should not be so designated and our purpose of this request is certainly not to be obstructionists or to delay your decision in this matter but again it is simply to as a matter of fairness participate in that process. So, again, we would also be will to immediately enter into the form of agreement that has already been discussed here this evening for the acceptance again of the post recycled residue waste and we would be committed to working with Metro in crafting a form of agreement that would be agreeable with the committee.

Councilor Wyers: Are there questions of Mr. Johnson? Do you have any idea why you weren't included?

Mr. Johnson: No, I do not. According to my client who unfortunately was not able to be in attendance tonight, it was his understanding that we would be considered simultaneously. I do not know why. I understand from Mr. Sadlo that his original draft, correct me if I'm wrong sir, the original draft did contain our request for consideration but that had been removed then to consider only the two facilities that you have before you tonight. I have prepared a letter to Mr. Martin, who I am sure in his absence didn't receive it today. But I would like to see if that could get into the record. I have copies of that.

Councilor Wyers: Yes, please hand that to our clerk and you have given it to Mr. Martin. So basically then, instead of having two sets of records to audit about special waste and to make sure nothing wrong is going on then we have three sets.

Mr. Johnson: That would

#### **END SIDE B**

Mr. Johnson: (continued) and if that is the intent to allow the process to be competitive and again, given the concern of the volume of waste, and certainly the concern of Waste Management for holding the 90% requirement, there certainly is a limited amount of waste and as you pointed out we are down 20% in the region that there would be a limited

amount and negative pressure to allow additional facilities to become designated. Therefore, we would like to consider this issue as a comprehensive resolution of all interest facilities at this point.

Councilor Wyers: I'll talk to Mr. North if he wants to comment on that, either now or at the next hearing if we should decide to carry it over. Do you have any idea why they aren't in here?

Todd Sadlo: Madam Chair, we had started discussions with Regional Disposal Corporation, Roosevelt Regional Landfill, and they wanted to legalize their situation because they had already begun getting waste from the region and they approached us and began negotiating extensively on what the terms of that would be. At the same time we realized that we had to take care of Oregon Waste Systems because of the expired non-system license. The issue of Sanifill and then of Finley Buttes, to my knowledge I had no discussion or no information that Sanifill was seeking any kind of designated facilities status until we started talking about whether construction and demolition debris would be allowed to go to the Roosevelt Regional Landfill. That was relatively recently, within the last couple of months. The feeling was that we were not going to be able to coordinate all these different requests in the ordinance before you and get it to you now. It was going to take a lot longer to do. I think that we just decided that it was time to put this on an agenda and get some discussion going so that we could air out the bugs and the potential problems of doing this and therefore we went forward with the two facilities instead of attempting to add on whatever number of facilities might be asking for such a designation.

You also have a portion of the amendment is for finding as to the suitability of a facility for designation and I don't know if you got findings or not with regard to the two facilities that are up, but the feeling was that we were definitely not going to be able to that kind of review on four facilities for this meeting. It appears we were not able to do it for two facilities for this meeting

Councilor Wyers: Well I would suggest to Mr. Johnson that he needs to discuss this also with Mr. Sadlo and further with Mr. Martin. Okay, is there anyone else who wishes to testify?

Mr. Glazier: My name is Jess Glazier, I'm an attorney for Portland and I represent McInnis and Son Sanitary Services, one of the haulers. I come at this at a little different perspective from what you have just heard. First of all, I think my primary concern has already been addressed and that is the timing of action on the Ordinance. We just became aware this morning of the pending ordinance and I just obtained copies of the agenda packet at about 4:30 this afternoon, wholly unpaired to address any of the issues as it may affect my client, therefore, I was chiefly concerned about having more time and it sounds to me like the Council is moving in that direction and there will be an additional opportunity to have time to review the ordinance and the agreement.

Councilor Wyers: Yes, and you can speak on it also and if we are going to include anybody else it might take longer than two weeks.

Mr. Glazier: I would like to raise two concerns that seem to be critical from our perspective. Actually there are three concerns but I think the recycling issues has already been addressed by Madam Chair and I don't want to redo that. The second issue is, it is my understanding that there is already excess capacity at designated facilities within the Metro district for handling these special wastes. And if that is in fact the case, I'm wondering if you really need to be considering designating additional facilities to do that which can already be done within the capacity that exists in the district.

Thirdly the issue that was raised again by Madam Chair, I want to stress this whole heatedly is that the procedural set up here seems to me to be one of passing the ordinance and then no opportunity for any public discussion on the terms and conditions of the agreements between Metro and any designated facilities. That really is, the agreement seems to me to be the operative document that controls what constitutes special waste, the terms and conditions of which it can be hauled, it can be received, enforcement, etc. etc. That really ought to be the vehicle that is looked at through a public hearing and we'd like to have an opportunity, if you get that far, to have the agreement actually be part of the public hearing before there's any adoption of the ordinance.

I think some of the concern that we addressed by the Council are real concerns and one of the concerns we have as a hauler is whether or not the agreement can become a form through which the operators of these landfills can discriminate against who can haul product to their landfills. That's a big concern of my client and I understand it to be a big concern of a lot of other small haulers who are already operating within Metro district. That's really all I wanted to say and as long as there is adequate additional time for us to take a look at ordinance and to take a look at the agreements and address those issues at a subsequent hearing that's really all my concerns are.

Councilor Wyers: Are there questions of Mr. Glazier? I'm going to ask about the excess capacity and Mr. North can look into that for us? Could you do that Mr. North and give us an answer on that. Mr. Glazier is suggesting that there is excess capacity within the district to accept these wastes and at this point we should not be sending them out at all and I don't know that so I'm asking you if you can find out and give us an answer about that. The other thing, Mr. Glazier, do you think that the recycling goals can be met by specifying in the agreement that only waste that has been through a licensed or franchised processor or recycler, or maybe if you don't have an answer for that question, if you could bring it back to me.

Mr. Glazier: I don't have an answer to that question, I think it's a real concern and I think that's obviously a question that needs a definitive answer before the Council acts.



Councilor Wyers: Okay, so you'll think about that also, and I'm going to ask the department to do that also they are going to look at the whole question of recycling. Are there other persons who would wish to testify on this item?

Mr. Bunnis: My name is Leonard Bunnis, I represent the Columbia Resource Company, Finley Buttes Landfill and I would just like to go on record as stating a few points. Number one we have had an application up for the solid waste organization of Metro since about May for a non-system license application for the Wastech facility which, as I am sure you know, is a recycling facility located right here in the Metropolitan district. We have had no action on that and we are very interested in seeing proceed. Secondly, we have recently made it known that we are also interested in obtaining designated facility status for our Finley Buttes Landfill and as the Sanifill representative indicated we also were wondering why we weren't included on the agenda tonight.

Again we would like to make it clear that our interest in obtaining that status is real. With regard to the concerns about waste coming to designated facilities outside the district having met recycling requirements I would like to point out that as an operator of a wholly dedicated recycling facility namely Wastech, right here in town, our company is certainly very keenly sensitive to the recycling goals of the area and we are interested in seeing that those be met as well and of course with our Clark County contract we are aggressively attempting to meet the recycling goals that are very similar to Metro's goals in that regard as well up in Clark County. To that end we have recycling facilities located right at the landfill itself for example so I think again that's an issue that most of us here seem to be sensitive to already. I think that covers all the points.

Councilor Wyers: Are there questions of Mr. Bunnis? We I guess one thing I would say as I was considering this ordinance I understood that Sanifill might be interested but heard by rumor or whatever, I don't even know from whom, that they couldn't qualify under these criteria that we have. Now that they have written a letter indicating their interest and I guess one of the things I would say to you is that you ought to probably let someone know in writing that you are interested in this and Mr. Sadlo's aware you probably should talk with him and I'm going to ask Mr. North too if you can help us understand why it is that Sanifill and Finley Buttes have not been included so we can get an answer for you on that. Mr. Sadlo?

Mr. Sadlo: Madam Chair, I do have a letter from Finley Buttes, I do believe it's dated a few days ago and I was not aware of the pending application for a non-system license.

Councilor Wyers: I wasn't either, this is all news to me all of it. Are there other people who would like to testify?

Mr. Johnson: I would just like to point out that Sanifill has, in fact, requested designation with two letters I believe July 15 and most recently August 11.

Councilor Wyers: Okay, well we're going to look into all that. Now is the time for the discussion for the committee. Councilor Van Bergen.

Councilor Van Bergen: Well I hope my speech here to be as much quality as the testimony we have had it has been on point and I hope to be too. My first question here was what were the certain wastes that could go from our region. I am sure that if I spent time with the ordinance would be more specific than what I learned here tonight. And that's a very critical thing to me on this because I am intrigued by the statement that these materials would only be accepted through an authorized recycler and then once that sort process was set up it would be a competitive service supplying contract between those people and lets say Roosevelt Regional Landfill.

My concern tonight I'm not aware of what price lets say that this authorized recycler receives the product from the Van Bergen truck. If I'm paying \$50 or some such figure a ton at an authorized recycler and that authorized recycler can in turn reload it and put it into Roosevelt Regional Landfill or someplace for \$25 there going to turn there in a profit scheme and that's where the competitive service supplier issue comes into affect. So how do we get to that? Well, I don't want to compress the process with oversight to the point of destroying all advantage and profit to all the parties, I think that is ridiculous. I want the advantage to go with us and to the recycler and the profit advantage to be the landfill where it eventually winds up.

With those thoughts in mind, with your next report Mr. North you'll know about where I'm coming from in my and my thoughts to this moment. I know in our franchise agreements in the past we have given that kind of a break to the recycler, they are entitled to that because they can't recycle everything that comes in the door, they have to unload some of it. If the incentive is just to pass through, then it isn't much of a recycling program. I'm fairly new to this solid waste group and my vision is that a lot of this material going to recyclers is wall board and things of that kind. At least by weight, and I've heard some stories about, in the papers at least, about wall board recycling being sliced bread. I hope that's true and it's really being used effectively.

Councilor Buchanan: The more I look at this item the proposed ordinance, the more I'm inclined to see it a very basic issue to the health of our waste management system for Metro and there appear to be dividing and increasingly multiplying issues that come to mind as we get into the subjects on this. It is my kind of inclination would be to go very slow on this until we understand what the impacts might be. There may be impacts that we yet have not become aware of. I think what I would like to ask the chair is what is here desire in terms of further study on this and work on this and where do you want to lead us on this.

Councilor Wyers: Well I definitely want to have more time. We'll just leave it and put it on the agenda.

**Councilor Hansen:** I do have one other question of Mr. Sadlo. Is it my understanding that we are now, we meaning Metro, are now in complete agreement with Columbia Ridge people and Waste Management as to the 90% wastestream that we are talking about here?

**Mr. Sadlo:** We are not in agreement. We will be meeting within the next two weeks, next week.

**Councilor Hansen:** So obviously everything that we have just discussed here hinges on that agreement and coming to agreement.

**Mr. Sadlo:** Either coming to agreement or going forward and risking a law suit, yes.

**Councilor Hansen:** Coming to agreement is preferable.

**Mr. Sadlo:** The hint is well taken though.

**Councilor Wyers:** Accept that our legal counsel advises us as to what the language is and we'll either buy that or we won't buy it and that's a decision that we can make if we have a report about that. Maybe you can show us the language and we can do lawyer hat and see if we agree or not, I'm going to take your word for it.

**Mr. Sadlo:** Our initial review is that we can do this, however, I think it is important to here what they have to say about it before we finalize our opinion on it.

**Councilor Hansen:** Madam Chair, I had one more concern and this is for our waste staff, to clarify, at least for me, when we here from Sanifill and Finley Buttes are those landfills comparable to the other two landfills and if so, then again why aren't they being included in the entire proposal. It seems to me if we are going to develop a system at least a legal procedure to recognize designated facilities that's a procedure that should be created for any landfill that happens to fit whatever our criteria is. So if they are all comparable, couldn't all be names if they so wish?

**Councilor Wyers:** Would you like to here from Mr. North now?

**Mr. North:** One of the things that we are doing in this process is visiting each of these facilities. I personally visited both Columbia Ridge a number of months ago and most recently visited the Roosevelt Regional Landfill and also the Sanifill Landfill in northern Wasco County, actually it is my second visit, I have been there before. I have not yet been able to schedule a visit to the Finley Buttes landfill which is substantially further out east and I don't think I would want to characterize an opinion relative to Sanifill or Finley Buttes at this time. I don't think it would be fair without putting it down in writing and stating it clearly for the record. We are clearly looking at them and will have an opinion in terms of their comparability.

Councilor Wyers: I would just like to point out the fact that in the actual ordinance and particularly in the supplemental staff report, there are four criteria that are used and they are interesting and i have no idea whether Sanifill and Finely Buttes can comply with those but you will let us know.

Mr. North: We don't care to comment at this time but yes, indeed.

Councilor Wyers: Are there any other questions? Comments? Well, I guess for my part I would just like to say, that I guess that it's neat to have an issue in front of us that has several policy issues in it and to really wrestle with it and I think it will be helpful for me if I'm going to ask Mr. Houser to write down what some of these policy issues are.

Certainly one of them has to do leakage and control and I think it's an important question for the Councilors to ask themselves. Do we have better control if we go ahead and designate the facilities, one or more or three or four of them how many ever, and then allow a lot of trucks to be going there that we then have to audit and so on. Or is it better of we do not license them and just keep it with one particular facility. The second has to do with recycling levels and I'll be curious to see whether or not those recycling types of problems could be handled with increased, tightened language on the agreement. And the third one has to do with the agreements and I did suggest, actually it was Mr. Houser's idea, that we might want to have the agreements come back to this committee to look at that way we could take the public testimony that McInnis is interested in giving us about whether or not the language is tight enough. So with that, if there are no objections from the committee, we will continue this to next time.

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