

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

September 4, 1990

Council Chamber

Committee Members Present: Tom DeJardin (Chair), Judy Wyers (Vice Chair), Roger Buchanan, Tanya Collier and David Saucy

Committee Members Absent: None

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

1. Consideration of June 5, July 31, and August 7 Minutes

Motion: Councilor Buchanan moved for approval of the minutes.

Vote: Councilors Buchanan, DeJardin, Saucy and Wyers voted aye. Councilor Collier was absent. The vote was unanimous and the minutes were approved.

Unscheduled Agenda Item:

General Staff Reports

Bob Martin, Director of Solid Waste, briefed the Committee on solid waste activities. He said the Council would receive a complete tonnage report on September 6 and on all facilities and noted the St. Johns Landfill had received 43,200 tons and Metro South had received 33,000 tons over the past year. He noted both totals represented increased tonnage at both facilities compared to 1989 tonnage totals.

Mr. Martin briefly discussed Metro's transport services contract with Jack Gray Transport, Inc. (JGT). He noted a public hearing would be held in The Dalles at Celilo to receive testimony from citizens.

Keith Thomsen, Senior Management Analyst, gave a status report on disposable diapers. He said he had prepared a summary of all available data on the issues to-date. He discussed health issues as related to diaper disposal and noted there was no documented evidence of disease transported, or caused by, disposable diapers. He said staff's study would assess risks to infants, families, care givers and the general public via water and/or air transmissions. He said there were no sound epidemiological studies to prove transmission of disease via disposable diapers. Mr. Thomsen discussed life cycles; airborne and waterborne releases; results from audit and risk assessments and environmental audits; and distinct release patterns. He said staff identified research needs and methodology that could be applied. He said staff would review the study this week and the Association of Oregon Recyclers (AOR) would review it next week. He said a second draft report would be produced and distributed to the Council. Mr. Thomsen said the study made no specific recommendations except to identify research needs.

Councilor Wyers said Resolution No. 90-1232A, For the Purpose of Reducing the Amount of Disposal Diapers in the Solid Waste Stream adopted April 12, 1990, directed staff to develop an educational brochure aimed at the reduction of large waste volumes. She asked if staff's study was a product of the resolution. Mr. Martin said the resolution directed staff to analyze what caused large volumes of disposable diapers going to the landfill. Councilor Wyers said the study's end result should be the production of an educational brochure on the issues because of the large volumes of waste produced by diapers alone. Mr. Thomsen concurred with Councilor Wyers. Councilor Wyers asked how environmental releases related to the amount of waste in the waste stream. Mr. Thomsen said the study addressed current data on post-consumer solid waste. He said the study had to address the issues comprehensively to determine the specific effects of disposable diapers in the waste stream. He said liquid and airborne wastes were issues of concern also. Councilor Wyers said disposable diaper byproducts could not equal the magnitude of 18 million diapers being disposed of annually in the landfill.

Chair DeJardin said the Committee could review the study at length at a future meeting. Councilor Wyers concurred with Chair DeJardin and said she was willing to consider necessary research, but did not want the research to negate the creation of the educational brochure. Mr. Martin said the brochure would be produced and the study would assist in its creation. Councilor Wyers asked what additional areas the study would touch on.

Terry Peterson, Associate Solid Waste Planner, distributed Draft #1 of Analysis of Economic Incentives to Increase Recycling dated August 29, 1990. He said the Department of Environmental Quality (DEQ) and the Council Solid Waste Committee (CSWC) asked Solid Waste staff to analyze any economic incentives that could be used to increase recycling in the region. He said staff determined nine possible incentives related to collection rates and disposal fees. He said the economic incentives were not related to tax breaks or similar items. He said the incentives were tied to collection rates and disposal fees.

Mr. Peterson said the nine incentives were: Self-haul recycling at transfer stations; variable-can collection rates with mini-can service; diversion of source-separated yard debris from Metro facilities; recycling rebates for haulers; routing of food waste to the Riedel municipal solid waste compost facility; recovery of construction/demolition debris; post-collection recovery from mixed waste; user-fee waivers; and recycling credits for non-profit charitable organizations.

Mr. Petersen said the draft report made no recommendations. Staff merely determined the nine incentives and listed each one's advantages and disadvantages. Staff estimated the percentage of new recycling that would result from each incentive. He said the Solid Waste Advisory

Planning Committee would review the draft report and staff could possibly submit a staff report and resolution for CSWC consideration September 18. He said staff would submit a final report to DEQ in October to satisfy DEQ's request for information.

2. Consideration of Resolution No. 90-1317, For the Purpose of Approving an Agreement Between Burlington Northern Railroad Company and Metro for Construction and Maintenance of Railroad Crossings at Metro East Station

Jim Watkins, Engineering & Analysis Manager, said the Public Utility Commission (PUC) required the construction of protective devices and grade crossings at the north and south entrances to Metro East Station. He said the north entrance would be protected by a traffic signal. He said the south entrance would be protected by automatic gates and flashing light signals. He said the agreement between Metro and Burlington Northern outlined in Resolution No. 90-1317 obligated Metro to pay for construction and maintenance of that portion of the crossing work to be performed by Burlington Northern. He said the portion of work not included within the agreement were equipment and installation costs for the traffic signal at the north entrance. He said Trans Industries had agreed to pay material and labor costs for both the Burlington Northern work and the traffic signal. Mr. Watkins said Trans Industries agreed to pay material and labor costs for both the Burlington Northern work and the traffic signal and pay maintenance costs for the duration of their operations contract.

The Committee had no comments or questions on Resolution No. 90-1317.

Motion: Councilor Wyers moved to recommend approval of Resolution No. 90-1317.

Vote: Councilors Buchanan, Collier, DeJardin, Saucy and Wyers voted aye. The vote was unanimous and the motion passed.

3. Consideration of Ordinance No. 90-359, For the Purpose of Adopting the Plan Development and Amendment Chapter of the Regional Solid Waste Management Plan (Public Hearing)

Richard Carson, Planning & Development Director, noted receipt of a memorandum from Karla Forsythe, Council Analyst, dated August 31, 1990, which raised issues/questions about the ordinance. The questions were: 1) What about amendments proposed by Councilors? 2) Should Councilors receive a copy of amendments at the time they are proposed? If so, all Councilors or only CSWC members? 3) How will "distinct policy changes" be handled? 4) Staff proposes deletion of Plan Policy 17.2 which requires that the Plan be consistent with existing Metro policies for managing solid waste. What is considered an "existing Metro policy?" Does it include things such as Metro's practice of owning and

contracting out operation of transfer stations? What are the ramifications of deleting this policy? 5) Should the chapter also provide for CSWC review? 6) The proposed chapter specifically mentions cities, counties, solid waste industry representatives and citizens as possible sources of amendments. Yet the Policy statement envisions development of Plan amendments through a regional cooperative process. Would it be appropriate to state that these parties will participate in the five year review?

Mr. Carson explained the ordinance would add a plan amendment chapter to the Regional Solid Waste Management Plan (RSWMP). He said when the RSWMP was adopted, several chapters were intentionally left out for staff to present as they were developed. He said this Chapter detailed how amendments to the RSWMP would be processed.

In response to questions asked by Council staff, Mr. Carson said amendments proposed by Councilors would be handled in the same manner as amendments proposed by other interested parties. He explained since all amendments were incorporated into the RSWMP by ordinance, they would be referred to the CSWC via Council first reading. Amendments incorporating distinct policy changes would be flagged, but otherwise subject to the review process.

Mr. Carson noted the current amendment would delete Policy 17.2 which provided that the RSWMP be consistent with existing Metro policies for managing solid waste. Staff believed that to be a circular statement since the RSWMP was Metro's sole policy statement on solid waste. He said if a policy issue was overlooked, the RSWMP could be amended to incorporate it.

With regard to the policy statement that RSWMP amendments should be developed through a regional process, Mr. Carson indicated that local governments would participate in the regular five year, broad-based review of the RSWMP through the existing Policy and Technical Committees.

The Committee and staff discussed the Chapter. Ms. Forsythe noted the Council had expressed concern about chapter repeals in the past. Councilor Wyers asked if Councilors could still amend at the Committee level and Ms. Forsythe said they could.

Chair DeJardin opened the public hearing.

No one present appeared to testify and the public hearing was closed.

Motion: Councilor Wyers moved to recommend the full Council adopt Ordinance No. 90-359.

Vote: Councilors Collier, DeJardin, Saucy and Wyers voted aye. Councilor Buchanan was absent. The vote was unanimous and the motion passed.

4. Update on the Status of Negotiations with the Department of Environmental Quality Regarding Regional Yard Debris Plan

Mr. Carson said the Regional Yard Debris Plan (RYDP) was referred to DEQ by resolution. He said issues of concern included the user pay collection option in the RYDP. He said DEQ did not believe a user pay option would be in compliance with the Opportunity to Recycle Act (ORA). He said DEQ proposed to give the RYDP conditional approval and then amend their administrative rules to allow it.

Councilor Wyers asked staff their opinion of such an amendment. Mr. Carson said yard debris was added late to the list of principal recyclables. He said there were concerns about the economic feasibility of yard debris as a principal recyclable. He said some jurisdictions were concerned about how they could feasibly operate yard debris programs. Mr. Carson said Clackamas County was considering litigation on the matter.

Councilor Wyers asked what other options there were. Becky Crockett, Solid Waste Planning Supervisor, said the other options were programs not premised on "user pay," the programs permanently funded by funds from potential non-users of the system, such as the tax implemented by the City of Oregon City applied to its water utility bills as an across the "base collection system." She said staff did not want to utilize such a system at the outset because the amount of yard debris generated from a base oriented program would far exceed expected market capacity in the first year of the program. She said if DEQ did embark on a rule-making process, it could be controversial and would mean Metro's yard debris program could be delayed with respect to local governments' concurrence to buy off on any type of collection program. She said options included dropping user-pay programs; implementing a system which generated too much volume; to litigate; or to hold off on the yard debris program and wait for the rule-making process to finish.

To Councilor Wyers' question on the base collection system, Ms. Crockett said it was politically difficult to get agreement from local jurisdictions to agree to collect revenues to pay for yard debris programs. She said local governments had opted for a user pay program at this juncture. Mr. Carson said the issues arose after the process was completed, especially with regard to compliance with the ORA, and that staff had not been left with a great deal of latitude.

Councilor Wyers asked if there were other options besides the user pay and the base collection options. Ms. Crockett said DEQ had not yet determined how the user pay option was inconsistent with statutory

language. She said questions had been raised whether depot systems in general, and specifically if, the City of West Linn's yard debris processing and recycling program were inconsistent with state statute. She said strict interpretation of statutory language meant exceptions must be made for West Linn's and similar programs. She noted DEQ already approved the Washington County yard debris program premised upon the user pay program. She said it was a regional dilemma to determine the appropriate yard debris programs and whether they were inconsistent with statutory language. She said DEQ would resolve the dilemma through a rule-making process and decide which programs met statutory criteria and which did not. Mr. Carson said the problem was, if DEQ engaged in the process Metro would have a conditionally-approved plan, but would have to delay implementation pending DEQ's decision.

Councilor Collier asked if a DEQ representative was present. A DEQ representative was present but did not comment for the record. To Councilor Collier's question, Mr. Carson said DEQ would give Metro conditional approval. Councilor Collier asked when DEQ would make their decision. Mr. Carson said Metro would meet with DEQ this or next week. Councilor Collier asked if staff believed Metro was not in compliance with state statute. Ms. Crockett said staff had solicited legal opinion.

Councilor Wyers asked if Metro staff had information on base collection costs and their implications. Mr. Carson said local governments complied with annual work programs. He said if that type of system were implemented, Metro would detail in the work programs Metro's expectations and how to achieve them. Councilor Wyers asked if DEQ had not responded to that aspect because it was not substantively listed in the RYDP. Ms. Crockett said the RYDP did detail collection options and that Oregon City's system was a good example of base collection system. She said if Metro required local governments to implement base collection systems, Metro would have to rely on implementation tools as set out in the RYDP which were based on cooperative compliance. She said Metro had told local governments the process would be a cooperative one and Metro would work closely with them. She said base collection systems would require more than just cooperative compliance. Councilor Wyers asked what would happen to the RYDP if that option were pulled. Ms. Crockett said DEQ would likely not approve the RYDP. She said local governments had been mandated to implement base collection systems in four to five years. Councilor Wyers asked what would happen if Metro withdrew the user pay option. Ms. Crockett said Metro would have to rely on the base collection system. She said other options were municipal composting operations similar to West Linn's program.

Mr. Carson said DEQ wanted Metro to draft intergovernmental agreements with local jurisdictions (IGAs). He said Metro did not require IGAs because it had functional planning authority, but staff developed a form

letter after discussions with DEQ that could be signed by local governments.

Ms. Crockett said DEQ required the RYDP specify the point in time and the tonnage in time whereby market capacity would be equal to the amount of generated yard debris from a base collection system. According to the RYDP, governments were not required to use base collection until market capacity was able to receive that material. Metro staff discussed with DEQ the difficulty in studying exact amounts at exact times due to the volatility of the market.

Councilor Wyers requested staff return to the next regularly scheduled meeting for a further update.

5. Update on Status of Negotiations with the City of Portland
Regarding the St. Johns Landfill Agreement

Mr. Martin said staff would soon present a draft agreement between the City of Portland and Metro. He said the agreement would clarify ambiguities on closure issues and mutual responsibilities for the site with regard to regulatory requirements by DEQ and possibly the Environmental Protection Agency (EPA). He said the new agreement would provide the opportunity to enhance the overall Smith and Bybee Lakes area.

Jim Watkins, Engineering & Analysis Manager, said Metro would soon assume ownership of 776 acres which enclosed the landfill and portions of the Smith and Bybee Lakes area. He said Metro would be responsible for closure and post-closure care. He said the City would pay an estimated \$5 million. He said the City was disputing that amount. Mr. Martin said such dispute was due to the ambiguity of the old agreement. Mr. Watkins said Metro would seek custody of the trust fund comprised of approximately \$3.1 million in Metro lease and end use payments which the City intended for implementation of the City's own 1987 end use plan. He said Metro would take possession of \$9.1 million 30 days after the agreement was signed. He said the remaining \$1.2 million plus interest would be paid January 1993. He said trust funds must be used to implement the Smith and Bybee Lakes Management Plan. He said Metro afforded the Portland Parks Bureau the right of first refusal to the contract to implement recreational programs under the Plan. He said Metro would continue to pay \$.40 to the Trust Fund for every ton of solid waste disposed of at the landfill which would add approximately \$.32 million to the trust fund by February 1991. He said Metro would pay \$.50 per ton after 1991. He said Metro would continue to rent city property south of the Slough where the scale house was located for \$120,000 per year until scale house operations were no longer needed. He said under the agreement, Metro would assume ownership of the landfill and the adjacent wetland owned by the City and Metro would assume authority to dispense funds. He said the agreement meant Metro

assumed responsibility and potential liability. He said it was possible future remedial action would be required. He said it could be argued Metro had remedial responsibility before assumption of ownership duties. He said EPA guidelines on municipal landfills state: "All parties that are owners or operators of the facilities will generally be notified as potentially responsible." He said Metro would collect any necessary funds for additional remedial action from the solid waste disposal rates, but those funds had a cap which could not be exceeded. The Committee and staff discussed the issues briefly.

6. Presentation by Parametrix, Inc. Regarding Design of St. Johns Landfill Closure Improvements

Mr. Martin said the landfill closure was a \$30 million project and presented the opportunity to use the closure for research purposes and to enhance the entire area. He said the project was on schedule. He said Metro could still accept inert material, demolition debris and contaminated soil at the landfill to fill air space and adjust for settlement. He said solid waste/garbage would not be accepted. He said if special waste was disposed of at the landfill, Metro could save \$2 million which could be used to augment the Smith and Bybee Lakes account. He said the landfill was still scheduled for closure in February 1991.

Doug Drennan, Parametrix, Inc. project manager, noted progress on closure documents began in 1986 when he was a Metro employee. Mr. Drennan gave an overhead presentation and described and discussed design approach; cost; closure elements; final cover analysis and system; and new federal laws enacted to collect condensation. The Committee and staff discussed the methane collection system. Parametrix had recommended above the ground collection systems for cost savings and improved performance. Mr. Drennan discussed final grading and settlement and noted the landfill was subject to settling because of varying factors including silt formations. Mr. Drennan reviewed the surface water management plan. He said the landfill had been divided into three zones for efficient closure techniques and said Zone 1 was ready for closure. He said Zone 2 had recent garbage and the Slough contained silts which required continual filling. He said Zone 3 was on thick silts and would settle quite a bit. He said different strategies were discussed and noted it was a policy issue to haul in inert materials, but said 200,000 to 1 million tons in material were needed to fill in and augment settled areas.

The Committee and staff discussed various closure strategies and their advantages. Mr. Drennan noted disadvantages were changes in regulation that could affect closure and inflation could increase costs. Mr. Drennan concluded Parametrix's presentation and said FML would be used for the cover as well as on-site clay materials. He noted it would be 10 to 15 years before methane gas could be marketed.

COUNCIL SOLID WASTE COMMITTEE
September 4, 1990
Page 9

Mr. Martin said a landfill closure workshop was scheduled for September 26 and an additional one afterwards in Portland.

Chair DeJardin adjourned the meeting at 7:20 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Paulette Allen".

Paulette Allen
Committee Clerk
SWC90.247