

MINUTES OF COUNCIL SOLID WASTE COMMITTEE
OF THE METROPOLITAN SERVICE DISTRICT

October 2, 1990

Council Chamber

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

Committee Members Absent: None

Other Councilors Present: Larry Bauer and Gary Hansen

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

Chair DeJardin noted Councilor Buchanan requested five minutes be allocated to citizens present who wished to testify regarding Ordinance No. 90-331, "An Ordinance Adding Chapter 5.06 to the Metro Code to Provide for a Composter Community Enhancement Program and Creating a Composter Community Enhancement Committee. Chair DeJardin said the Solid Waste Committee (SWC) would consider Ordinance No. 90-331 at the next regular SWC meeting October 16, 1990.

Si Stanich, Cully Neighborhood Association member, said the ordinance produced by the Composter Community Enhancement Advisory Committee was good, but noted it was revised after that committee completed its charge. He objected to Metro Councilors alternating as chairs in alternate years and how the permanent committee was structured as a whole. He said \$92,000 allocated annually for enhancement purposes could not effectively help all of the five neighborhoods interested in enhancement, but could help the area most impacted which was the Cully neighborhood. He said the Concordia neighborhood was the only other affected area. He said Cully's needs had been ignored by the City of Portland, various other neighborhood associations, and Central Northeast Neighbors. He said the facts spoke for themselves if looked at properly and did not know why the original committee's work had been rejected.

Ed Washington, Concordia Neighborhood Association and past member of the Composter Community Enhancement Advisory Committee, concurred with Mr. Stanich's testimony.

Chair DeJardin thanked Mr. Stanich and Mr. Washington for their testimony and said he regretted the differences in opinion between the neighborhood associations. He said it was important that the permanent enhancement committee work and function well.

1. Consideration of September 4, 1990 Minutes

Motion: Councilor Saucy moved for approval of the minutes.

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

2. Discussion and Update on Work of the Washington County Solid Waste System Design Steering Committee

Rich Carson, Director of Planning & Development (P&D) said Steve Schell had been hired to serve as facilitator at the October 20 workshop. He said Mr. Schell would contact the SWC soon to discuss workshop issues. Mr. Carson said not all the technical analysis would be completed by October 20 intentionally so that the workshop could focus on key policy issues such as private versus public ownership, financing, and vertical integration issues. He said the workshop would focus on policy issues identified in Washington County's Concept Plan and by the SWC. He said at the next SWC meeting October 16, staff would distribute and explain workshop materials and the workshop format. Staff said Mr. Schell would contact members of the Washington County Solid Waste Systems Design Steering Committee (Steering Committee) also.

Councilor Wyers asked Mr. Schell's scope of work as workshop facilitator. Mr. Carson said Mr. Schell would find, and not create areas of consensus and identify group agreement on particular issues, and draft a resolution based on those areas of consensus to direct staff to begin their work. Councilor Wyers asked when the Solid Waste Department would be involved in the process because she had technical questions. Mr. Carson said Bob Martin, Director of Solid Waste, would attend the workshop.

Councilor Bauer noted he had attended several Steering Committee meetings and that there had been difficulties in achieving consensus. He said siting the transfer station(s) appeared to be the main problem as well as assuring enough flow to justify the cost of the compactor and other necessary facility equipment. He said Washington County seemed to prefer private ownership in cooperation with Metro. He asked Mr. Carson what the Steering Committee currently thought on those issues. He said Washington County had agreed to develop two districts/areas with a facility apiece to which flow could be directed but not be guaranteed. Councilor Bauer said a minimum amount of volume was necessary to guarantee the cost of the facility(s) and asked if that issue would be addressed at the workshop. Mr. Carson said he did not believe the issues to be simply public versus private issues. He said it was important to build a facility that functioned at a certain level and said staff had developed a 20-year forecast to determine the minimum threshold facility that would be cost-effective. Councilor Bauer asked if the Steering Committee preferred two rather than three facilities. Mr. Carson said he could not speak for them, but believed Washington County preferred two facilities at this time. Councilor Bauer noted the workshop was scheduled Saturday, October 20, at 9:00 a.m., at the Wolf

Creek Highway District Office. Councilor Bauer asked whether Metro East Station was being considered for one of a two or three-station system in Washington County. Mr. Carson said he did not think it was and noted Washington County haulers preferred not to use Metro East. Councilor Bauer asked if formal recommendations would result from the workshop. Mr. Carson said Mr. Schell would draft a resolution to highlight areas of consensus found.

Councilor Hansen expressed concern about Washington County's recommendation on self-haul made several weeks previously. Becky Crockett, Solid Waste Planning Supervisor, said the Steering Committee discussed that recommendation and decided to not limit any transfer stations in Washington County to not having self-haul and to include self-haul in the construction of any potential transfer station in Washington County. She said the recommendation printed in the agenda packet for the September 18 SWC meeting was from Metro staff to Washington County and was Metro staff's error.

Councilor Wyers said Councilor Bauer had raised important discussion issues. Councilor Wyers said she would rely on a full discussion of those issues at the work shop. She said the SWC was not on record as yet on any of the issues discussed at this meeting. Chair DeJardin said Metro would abide by its stated policies, but Metro believed the decision ultimately made would be in the best interests of Washington County's residents.

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

Ms. Crockett noted staff printed in this meeting's agenda packet the two hand-outs distributed at the September 18 SWC meeting: 1) A letter from the Department of Environmental Quality (DEQ) (Stephanie Hallock) dated September 11 to Executive Officer Rena Cusma on the Regional Yard Debris Plan (RYDP); and 2) Metro Legal Counsel's opinion on "Yard Debris User Pay Programs" dated September 13. Ms. Crockett said Legal Counsel believed the current RYDP as written did not conflict with state statute with regard to the user pay issue. Staff made changes in the RYDP in draft form in response to DEQ's letter to present at the next Waste Reduction Subcommittee for discussion purposes with local governments on October 10. She said the changes would be mostly minor in nature and staff assumed if the user pay issues could be agreed upon with DEQ, the RYDP would return to the SWC for a public hearing and finally Council consideration. Ms. Crockett said staff was negotiating with DEQ on the user pay issue and hoped for quick resolution of the issue.

Chair DeJardin asked if agreement with DEQ would be difficult to achieve. Mr. Carson noted the City of Portland and Clackamas County agreed with Metro's position on user pay.

Councilor Wyers expressed concern about potential problems related to yard debris issues. She asked if Solid Waste and P&D staff could brief the Committee on the issues. The Committee decided to schedule that briefing for October 30, 1990.

4. Update on Solid Waste Issues

o Metro East Station Issues

Mr. Martin noted he discussed construction problems at Metro East Station at the September 18 SWC meeting. He said staff had resolved the problems related to pouring of the concrete floor and with ill-advised modification of the facility design originally agreed upon. He said the facility was on-track and noted some significant management changes had been made at the construction site. He said those difficulties had absorbed a great deal of his and staff's time. Chair DeJardin asked if the issue was the contractor's on-site management. Mr. Martin said unacceptable work had been performed, Metro withheld payment to the contractor, and the contractor had remedied the problems. Chair DeJardin offered staff Council support.

Mr. Martin said additional problems, not listed on the agenda under this item because they had recently occurred, were medical waste disposal problems at the St. Johns Landfill. He said all local hospitals had contracts for disposal of medical waste, but that problems occurred when regular hospital garbage was not properly separated from medical waste. He said staff had found problems with all local hospitals except those which had on-site incinerators. He said he spoke with eight hospital administrators who expressed their concern and said they would take steps to remedy the situation. Councilor Collier asked what recent occurrence made medical waste disposal problematic. Mr. Martin said laws regulating medical waste disposal had recently changed. He said there had been problems with disposal of medical waste that staff was not aware of until regulatory language changed. Councilor Collier asked if the issue would affect landfill closure. Mr. Martin said it would not but expressed concern for Metro personnel, haulers and the general public who accessed the facility.

o Curbside Program; Buy Recycled Conference; Market Strategy Session

Pat Vernon, Senior Solid Waste Planner, said staff wanted to coordinate/integrate markets and developed with the Association of Oregon Recyclers (AOR) a strategic marketing plan after several meetings with representatives from OSSI, DEQ, the Economic Development Commission, the Port of Portland, Lane and Washington Counties, Resource Recycling magazine, the Oregon Economic Commission, and Senator Dick Springer. She said Pacific Power & Light (PPL) loaned their facilitators free of charge to assist in development of the plan. She

said the strategic marketing plan would be presented to the state legislature and other entities and read their statement/mission goal. Ms. Vernon said the group would meet once more October 5, 1990. Ms. Vernon discussed Buy Recycled Conference events.

Steve Kraten, Senior Solid Waste Planner, reviewed the Curbside Recycling Program.

5. Consideration of Resolution No. 90-1314, For the Purpose of Approving an Intergovernmental Agreement to Assume Custody of Certain Monies and Ownership of the St. Johns Landfill and Certain Adjacent Land from the City of Portland

Mr. Martin said the resolution would approve a new intergovernmental agreement (IGA) with the City of Portland to replace the previous IGA. He introduced John Gray, City of Portland Bureau of Environmental Services, and noted Mr. Gray and P&D staff were available to answer any questions related to Smith & Bybee Lakes.

Mr. Martin said the IGA represented a cooperative effort between three City Bureaus with Metro's efforts to chart a course of management action during closure. He said the old IGA worked well, but contained anachronistic provisions in view of the impending closure. He said the old IGA contained language on landfill replacement which was no longer needed because the Columbia Ridge Landfill was operational in eastern Oregon. He said it was also necessary to update the IGA because of post-closure and regulatory requirements. He said the SWC would consider Resolution No. 90-1314 again October 16. He said the extra meeting scheduled on October 30 provided opportunity for further discussion if necessary. He said staff would refer the resolution to the full Council October 25 for review and then the City Council could review and adopt it November 8 in conjunction with adoption of the Smith & Bybee Lakes Plan. Chair DeJardin what the last possible date of adoption was. Mr. Martin said Metro should adopt the resolution by February 1991 but said, prior to that date, Metro faced decision-making which would conflict with the previous IGA. He said both Metro and the City agreed on stewardship and management issues, but some decisions would conflict with what was actually written in the old IGA. Councilor Collier instructed staff to finalize and notify all interested parties of pertinent dates because of the full Council meeting November 8 and other commitments. Councilor Bauer asked if a special Council meeting would be appropriate in this case if Council commitments became too heavy. Chair DeJardin noted Parametrix's presentation September 4 to the SWC was very helpful and that he had asked Doug Drennan of Parametrix make the same presentation to the full Council.

Mr. Martin said the new IGA was advantageous for Metro and for the City. He said the biggest beneficiary would be the Peninsula (St. Johns) community. He discussed responsibilities and disputes clarified by the

new IGA such as remedial responsibility and methane gas ownership. He said Metro's ownership would settle many outstanding issues. He said the closure was a capital project and required at least five years of close maintenance. He said Metro needed to develop end-use strategy on the adjacent wetlands. He said Metro needed to monitor the site closely to ensure there were no off-site impacts. He said all aspects had to be coordinated and said sole ownership solved and simplified these aspects. He said whatever was done with the property had to be done with the closure in mind. He said the St. Johns Landfill was a regional landfill to be managed regionally and that Metro would hold remedial responsibility. He said under federal law, Metro was considered the responsible entity. He said the landfill's hazardous ranking was very low, but it was always possible that correction could be required. He said solid waste user fees could be used for mitigation if necessary. He said the new IGA removed ambiguity for the City and would help them implement the Smith & Bybee Lakes Plan. He said Peninsula residents would benefit because the landfill would be closed and the area mitigated through a comprehensive end use plan.

Jim Watkins, Engineering & Analysis Manager, reviewed the Agreement. Mr. Watkins said section (1) "Transfer," covered the City's transfer of ownership to Metro of 776 acres, including the landfill; some of the wetlands adjacent to the landfill; and access to the Incinerator Bridge for \$1.00. He said language released the City from responsibility for any closure costs and City funds slated for closure costs, approximately \$5 million, would be transferred to Metro for closure costs purposes.

Mr. Watkins said Section (2) "Road and Utility Easement and Planning Designation" gave Metro right of access through Parcel A to Parcels B and C to all existing roads, and the City would pay utility costs. He said the City would provide 40,000 feet for parking space after closure.

Mr. Watkins said Section (3) "Term" stated the Agreement would terminate December 31, 2020.

Mr. Watkins said Section (4) "Alternative Solid Waste Management Unit Boundary" stated "In the event that the DEQ permits an alternative solid waste management unit boundary for the Landfill the City shall not withhold land under City ownership from inclusion in the boundary."

Mr. Watkins said Section (5) "Improvements" stated the City at its option may, when Metro no longer leases Parcel A, take ownership of any fixed structures on Parcel A, or require their removal at Metro's expense, provided that Metro may remove any scale mechanisms and associated equipment which are the property of Metro.

Mr. Watkins said Section (6) "City End Use Plan; Metro Contributions" explained the City's end use fund would be transferred to Metro within 30 days after this agreement was adopted by the City and Metro. He said

the fund totalled \$908,070.48 as of June 30, 1990, and explained other particulars in further detail. Mr. Watkins explained how interest was accrued and would be transferred and noted the complete financial process would be audited.

Mr. Watkins said Section (7) "Participation of City Parks Bureau in the Lakes Plan" stated Metro would afford to the City Bureau of Parks each year a right of first refusal for an intergovernmental contract by Metro to supervise, manage and operate recreation programs and projects recommended for Trust Fund expenditures in the Lakes Plan, subject to available funds, by requesting Bureau participation prior to implementing alternative means of operations. Bureau participation would be based on a scope of work developed by Management Committee recommendation and Metro budget approval.

Mr. Watkins said Section (8) "Environmental Risks" stated Metro accepted all responsibility for all costs for correcting conditions resulting from the use of the property as a municipal solid waste disposal landfill including both costs incurred by federal and state regulations, changes in the law, or a determination by the appropriate federal or state agency that additional measures and costs were required by applicable federal or state laws. He said Section (8) addressed hazardous waste remediation.

Mr. Watkins further reviewed Section (9) "Indemnity; Insurance;" Section (10) "Workers' Compensation Insurance;" Section (11) "Metro Rental of Parcel A;" Section (12) "Leachate Treatment Costs;" Section (13) "Delinquent Payments;" Section (14) "Default; Remedies;" Section (15) "Termination;" Section (16) "Approvals;" and Section (17) "Prior Agreements Superseded:"

Mr. Watkins noted Section (15) was left over from the previous IGA and would be removed. He said Council would receive a final; typographical error-free copy for final consideration.

The Committee and staff discussed the IGA further. Councilor Collier complimented staff and said they had done an excellent job. Chair DeJardin and Councilor Bauer concurred with Councilor Collier.

Mr. Martin said the City of Portland, the Port of Portland, Metro staff and specifically Planning & Development staff had done excellent work on the project. Mr. Martin said Dennis O'Neil, Senior Solid Waste Planner, served as a pivotal staff person for the project and had guided the project from its inception. Mr. Martin noted Mr. Carson; Pat Lee, Regional Planning Supervisor; and Jim Morgan, Associated Management Analyst; had all performed excellent work. He noted the work done by John Lang, Sue Keele, John Gray and Jim Sjulini; all of the City of Portland.

Mr. Martin concluded staff's report and noted two thirds of the nation's landfills had been labelled as Superfund sites. He said the St. Johns Landfill would not be designated a Superfund site because Metro had not quibbled about adequate funds for closure and the Metro Council's adoption of a \$30 million budget to ensure proper closure strengthened Metro's position with the regulatory agencies. He said previous municipal landfills could become positive community features through end use plans such as parks development and lakes rehabilitation. Councilor Collier thanked Mr. Martin for his positive remarks. Councilor Hansen said staff had done a wonderful job and said the project would be a boon for the Peninsula Community. Mr. Martin encouraged Councilors to contact staff if they had any questions before the next meeting about the resolution.

This agenda item was continued to the next regularly scheduled meeting October 16, 1990 for further consideration and recommendation.

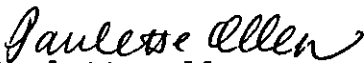
6. Discussion of Need for Additional Council Solid Waste Committee Meetings for October

Karla Forsythe, Council Analyst, recommended an additional SWC meeting be scheduled October 30 to facilitate an unusually high amount of pending agenda items and issues. She said upcoming issues included review and action on Resolution 90-1314 and Ordinance No. 90-331A the Analysis of Economic Incentives to Increase Recycling and its recommendations; preparation for the Metro/Washington County Steering Committee workshop October 20; updates on Metro East construction; RSWMP chapters; miscellaneous solid waste contracts; upcoming Metro legislation; post-closure utilization issues to address after landfill ownership issues were resolved; and an overview of rate-setting issues.

Councilor Collier supported the additional committee meeting. She asked Ordinance No. 90-331A be placed on the agenda first October 16 so that members of the public did not have to wait to testify. Councilor Wyers said there might be testimony on the economic incentives and that issue could span several meetings. Councilor Collier said litter collection and the informational diaper brochure should be flagged for attention also.

Chair DeJardin adjourned the meeting at 7:36 p.m.

Respectfully submitted,


Paulette Allen
Committee Clerk
SWC90.275