

APPROVED

Date 2-16-93

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

October 20, 1992

Council Chamber

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

Committee Members Excused: Sandi Hansen

Chair Wyers called the regular meeting to order at 5:32 p.m.

1. Consideration of June 16, 1992 and October 6, 1992 Solid Waste Committee Meeting Minutes

Motion: Councilor McFarland moved to approve the June 16, 1992 and October 6, 1992 Solid Waste Committee meeting minutes as submitted.

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

The vote was unanimous and the motion passed.

2. Solid Waste Updates

o General Staff Reports

Bob Martin, Director of Solid Waste Department, presented the staff report, and indicated he had several items to bring before the Committee.

1. Mr. Martin said the Credit Suisse had selected a firm with whom to begin negotiations to bring the compost facility back into operation, OTVD/Ryan. He said OTVD/Ryan was a joint venture firm and that OTVD was a French firm with extensive business dealings in Europe in water supply, waste water and composting activities. He said the company's proposal involved changing the composting process in order that more aeration supplied during the process along with continuous automated turning during the compost curing. He said it was believed a less odorous starting point would be the result, and plans were underway to fully enclose all of the structures in which the composting occurred, to collect and treat the air from those structures through a multi-stage scrubber, and then discharge the air through a tall stack. Mr. Martin said OTVD/Ryan and Credit Suisse believed the plan was solid and would deal with the odor issue. He said if it was not dealt with, the revised Department of Environmental Quality would likely close the facility down permanently. He said the control protections were adding several millions of dollars to the cost of upgrading the facility. Mr. Martin said the precise details of the bank's financial arrangement and the

(Continued)

COUNCIL SOLID WASTE COMMITTEE

October 20, 1992

Page 2

cost of the facility to OTVD/Ryan and the bank were under negotiation between the bank, their insurer, Lloyd's of London, and the company. He said the intention was to conclude negotiations between the parties and develop a memorandum within 30 days.

In response to Councilor Buchanan, Mr. Martin said the question of the economic viability of the facility were not yet resolved. He said Metro has indicated the facility must operate at a cost that does not exceed the cost of disposal in order for the Department to bring a recommendation forward to the Council. He said the impact on ratepayers was important to Metro.

Mr. Martin and Councilor Buchanan agreed the possibility existed the bank could decide not to go ahead with the OTVD/Ryan proposal should negotiations not conclude in a financially satisfactory manner. Mr. Martin said the technical aspects of the OTVD/Ryan proposal looked good.

In response to Councilor Buchanan, Mr. Martin said in the event the compost facility project terminated, Metro's the recycling plan and recycling goals would have to be examined. He said the current plan called for an additional 6% to the overall recycling level when the facility was fully operational. Mr. Martin said state law compliance goals in Senate Bill 66 would drop by 5% if no MSW compost plant existed in the system. He said the compliance goals were for 45% by 1995 with the compost plant and 40% without the compost plant by 1995. He said the region was at 38% currently.

In response to Councilor Buchanan, Mr. Martin said when more information regarding starting up the facility was available it would be beneficial to get into the neighborhoods and begin explaining the concept to people.

The Committee and staff discussed the composting product and its marketability.

Councilor Van Bergen referenced a letter addressed to himself and to Rena Cusma from Raymond A. DiPrinzio, Credit Suisse dated October 13, 1992 regarding the compost facility project. Councilor Buchanan requested a copy of the letter. This document has been made part of the permanent meeting record.

2. Mr. Martin discussed a report from Easton Cross he had received at the October 20, 1992 Solid Waste Committee meeting. He said the report indicated the Washington County transfer station would be an expensive burden for the ratepayers and encouraged the flow be directed to the existing facilities rather than build a transfer station in Wilsonville. Mr. Martin said the question needed to be addressed once negotiations were completed. He said at that time costs and rate impact would be brought forward to the Council for review. He did not agree with the

report's indication of the impact to the system, and he did not believe the flow could be handled by the existing facilities. He said even though there was extra capacity at Metro Central, that was not where it was needed. Rather, he said, it was necessary to relieve the situation at Metro South. He noted the report suggested unbalancing the rate, that is, making the rate lower at Metro Central and higher at Metro South. Mr. Martin felt the differential in rate necessary to cause 100,000 tons or more to shift from Metro South would have to be too large and would be disruptive. He felt the notion could be useful in the future, however.

3. Mr. Martin discussed the awarding of a contract to McFarlane's to deal with source separated yard debris accumulated at Metro South transfer station. He said bids were solicited and received, and said the Department was prepared to award a bid to the low bidder, McFarlane's, at \$48 per ton compared to the second low bidder at \$61.40 per ton. He said concern developed prior to award of the contract due to recent action by Clackamas County which could potentially put the facility in jeopardy of being able to perform the contract. Mr. Martin referenced a letter to McFarlane's dated August 10, 1992, from Clackamas County in which the County had placed McFarlane's Bark, Inc. on notice to correct the nuisance conditions. He referenced a letter to the Department dated October 12, 1992 in which the County had taken the position that "it would be counterproductive for Metro to grant the contract to McFarlane's which may further undermine what we are attempting to accomplish. That is, elimination of the aforementioned nuisance condition that violate the Clackamas County Solid Waste and Waste Management Ordinance." These documents have been made part of the permanent meeting record. He said after discussion McFarlane's indicated they were scheduling a meeting with Clackamas County officials for the purpose of resolving the matter. Mr. Martin said action regarding the awarding of the contract would be delayed until the results of that meeting were known. Mr. Martin said the bid was opened September 9, 1992 and was to remain open for 60 days until November 9, 1992, but, he said, due to the circumstances, the bid would be held open for another 30 days. He said the yard debris located at the site was not a sizable amount was being handled through a contract amendment with the transfer station operator. He said 18 tons were handled in September, 25 tons in August. Mr. Martin said McFarlane's was considering the concept of using the current site as a depot utilizing the scales at the transfer station followed by transport to another permanent site.

Councilor Van Bergen requested he receive copies of the letters referenced. Mr. Martin agreed.

4. Mr. Martin said a new facility had received its permits from Clackamas County and DEQ and was under construction. He said the

facility, Scott Hyponex, would receive and compost source separated yard debris serving self-haulers.

In response to Councilor Van Bergen, Mr. Martin said the Scott Hyponex did not require a franchise or approval by Metro. He said the facility was similar to McFarlane's Bark as a source separated drop off center of a principal recycled material. He noted if the facility were doing substantial processing, meaning removal of recyclable material from non-recyclable material it would be subject to franchise approval. Mr. Martin said future review of the Code regulatory provisions and relationship Metro should have with such facilities should be considered.

5. Mr. Martin briefed the Committee on the status, timing and process the Department hoped to employ to bring the designated facility issue forward, which, he said, included pending applications for designated facility sites. He intended to separate the policy issues from specific applications. He said the Department intended to bring a draft ordinance before the Committee at the next Solid Waste Committee meeting, and acknowledged the Committee's pleasure might be to delay hearing the legislation as it was slated for election night.

In response to Chair Wyers, Mr. Martin described criteria he proposed to add to those already defined concerning environmental soundness, a good performance historical track record from a regulatory standpoint, such as, how would: 1) recycling levels for the region be affected; 2) designating a particular facility relate to revenue issues affecting the region's rate; 3) existing contractual obligations be affected. Chair Wyers mentioned other issues to be included: 1) fairness, 2) potential revenues to be realized, 3) co-mingling of wastes at other landfills, 4) types of wastes in the special waste stream and how to manage their flow. Mr. Martin noted some of those issues were addresses in the original ordinance brought forward to the Committee.

Councilor Van Bergen entered into the record an ex party communication received October 13, 1992 dated October 20, 1992 from Diana Godwin, Attorney at Law, representing Regional Disposal Company regarding a response to issues listed in Mr. Carter's memorandum of September 17, 1992. Mr. Martin indicated he had received the communication as well. The Committee and staff further discussed waste stream revenues, impacts of rate payers and tracking issues.

In response to Councilor Buchanan, Mr. Martin said Browning-Ferris Industries was involved in transfer station operations and Waste Management of Oregon was involved in Metro South transfer station operations and landfill operations and was involved in regional collections. Mr. Martin said he was not aware of other affiliations although he noted they were possible.

Councilor Van Bergen requested a written report on several questions: 1) how much money has been spent on closing St. Johns Landfill; 2) how much money was available for future closing expenditures; 3) where will money be obtained for additional funding for anticipated costs for St. Johns; 4) what is anticipated regarding the End of the Oregon Trail project and the possibility for closing Rossman's landfill; 5) where would the funding come from for the closing of Rossman's.

Mr. Martin said the figures were available for the St. Johns closure, and said he would provide such a report at the next Solid Waste Committee meeting. He said regarding the Rossman's issue that the Department had partial information and would provide what was available.

o Waste Reduction Programs

Debbie Gorham, Waste Reduction Manager, introduced Keith Massie, Associate Solid Waste Planner, Planning and Technical Services Division. Mr. Massie briefed the Committee on a proposal he was preparing to send out in about two weeks for a study on interest in building permit data by companies doing recycling on construction and demolition sites. Mr. Massie displayed a map locating current building permits, and said the proposed "B" contract would not exceed \$12,500 with a project completion date of June, 1993.

Ms. Gorham introduced Mike Huycke, Associate Solid Waste Planner, Waste Reduction Division. Mr. Huycke briefed the Committee regarding the multi-family recycling grant program and the clean-up grant program. Mr. Huycke distributed two memoranda dated October 14, 1992 to the Committee regarding the multi-family recycling program and the annual clean-up program. He said Metro was providing funding to local governments up to 1/2 of disposal costs up to the allocation for each jurisdiction to assist in defraying cost for disposal at neighborhood based and illegal dump site clean-ups. He noted allocations were based on population, and noted only \$12,000 was expended in 1991-92 of the \$30,000 available as disposal tonnages were not high enough to utilize all the monies. Mr. Huycke described changes in the program to 1) enable local governments to utilize more of the available funding, 2) give local governments additional options for dealing with clean-up related issues throughout the region, and would 3) require investments of matching fund disposal costs from local governments for these events. He said funding would be made available for preventative measures at illegal dump sites such as signage, fences or other barriers. He noted yard debris only clean-ups would not be funded due to recent implementation of a yard debris curbside pickup program.

In response to Councilor Wyers, Mr. Huycke concurred some towns outside the Urban Growth Boundary would receive funding. Mr. Huycke said the Council had approved the boundary be extended to cities that paid into the Metro system with respect to the clean-up program, the multi-family

recycling program and the Metro Challenge program. Mr. Huycke indicated the counties would spread a portion of their available funding out to the cities that had small allocations.

Mr. Huycke described multi-family recycling system implementation, and said matching funds from the local governments had funded container purchases, decals, promotional educational materials and staff time to locate, install, monitor and do upkeep of such systems. He noted a Portland State University study indicating the success of the programs would necessarily include the elements described, and noted staff time accounted for 55% of all matching funds FY 1991-92, or \$121,000. He said FY 1992-93 staff time would be excluded as an eligible match. In response to Chair Wyers, Mr. Huycke said he felt assured the elimination of staff time would not prevent program implementation and fund utilization.

Ms. Gorham referenced a memorandum from Steve Kraten, Solid Waste Planning Supervisor dated October 14, 1992 reporting on the annual waste reduction program for local governments. She noted Mr. Kraten was excused from the meeting and would not be able to present his report. Chair Wyers set the presentation of the report over to the next Solid Waste Committee meeting. Chair Wyers requested a list be provided at that time of the third year's activities in the program.

3. Resolution No. 92-1699, For the Purpose of Approving the One Percent for Recycling Program Criteria, Application and Project List for FY 1992-93

Councilor Buchanan commended the work of Judith Mandt, Administrative Manager, on the 1% for Recycling Committee. Chair Wyers agreed.

Ms. Mandt introduced Del Sitzinger of the 1% for Recycling Committee, said since the program began in 1988, Metro had funded approximately \$1.2 million for innovative waste reduction projects. She said \$200,000 was available for this year, and noted Councilor Buchanan chaired the seven member advisory committee. She referenced the project list, Attachments A and B to the proposed resolution. She outlined the program timeline, and said pending approval of Metro Council the applications would be released to interested parties who would have a 45 days submittal period beginning October 28, 1992 and with a deadline of December 11, 1992. She said proposals would be distributed for review by the Committee which would meet in January, 1993 to consider them. She said candidates selected would be interviewed and final selections submitted to the Council in February with funding available beginning in April, 1993.

In response to Chair Wyers, Ms. Mandt said funding in some cases would carry over to the following year depending on carry over costs or uncompleted projects.

Mr. Martin commended the Committee for an outstanding job, and observed plastics were at the top of the list. He said, although Metro had given much attention to plastics, a corresponding commitment of resources and/or performance on the part of the industry had not been seen. He urged the 1% for Recycling Committee to consider plastics as a lesser priority for funding until the industry made a corresponding commitment. He clarified he did not mean local-based plastics processors such as Denton, Gauge, ParTech, but rather the large companies such as Amoco and Dow, who recently lobbied to eliminate mandatory content legislation such as Oregon now had. Chair Wyers agreed. The Committee and staff discussed plastics issues further. In response to Chair Wyers, Mr. Martin indicated it was his understanding the Public Affairs Department was sending cards to the industry letting them know of packaging concerns. Chair Wyers requested Ms. Mandt make available those cards to the 1% for Recycling Committee. Chair Wyers commented the FY 1992-93 Proposed Budget had no 1% for Recycling funds proposed, but, she said, rather proposed a loan program for funding. She said members of the Budget Committee opposed the loan program and had funds put back into the budget for the 1% for Recycling program. Ms. Mandt and Mr. Sitzinger indicated they would help clarify those issues for the Committee.

Motion: Councilor Buchanan moved to recommend Resolution No. 92-1699 to the full Council for adoption.

Councilor Van Bergen suggested legislation be drafted to get the attention of the industry indicating plastics materials that were not degradable in daylight within a six month period was prohibited from use. Chair Wyers requested that item be added to the legislative agenda for consideration.

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

The vote was unanimous and the motion passed.

4. Resolution No. 92-1678, For the Purpose of Recognizing the Model Illegal Dumping Ordinance as Meeting the Requirements of Chapter Four of the Regional Solid Waste Management Plan

Terry Petersen, Planning and Technical Services Manager, introduced Bill Metzler, Associate Solid Waste Planner, who presented the staff report.

Mr. Metzler said the purpose of the model illegal dumping ordinance was to empower local governments to effectively enforce against illegal dumping through civil procedures. He said state law currently authorized civil penalties as an alternative to criminal procedures for illegal dumping cases, and he indicated a number of local governments had express interest in the proposed ordinance. Mr. Metzler outlined

COUNCIL SOLID WASTE COMMITTEE

October 20, 1992

Page 8

the history of the development of the proposed illegal dumping ordinance, and said the ordinance resulted from the work of a special subcommittee of, and was approved by, the Solid Waste Technical Committee as well as the Solid Waste Policy Advisory Committee.

In response to Councilor Van Bergen, Mr. Metzler said the provisions of the state law and the proposed ordinance took illegal dumping matters out of the courts and placed them within local jurisdiction.

Larry Shaw, Senior Assistant Counsel, explained that the model ordinance was patterned after an administrative civil penalty ordinance from Lane County that had received judicial approval as well as a recently adopted Multnomah County illegal dumping ordinance. Mr. Metzler felt the administrative process could be a successful in illegal dumping issues. In response to Councilor McFarland, Mr. Shaw noted the ordinance was a model ordinance to be made available for possible adoption by local jurisdictions.

Motion: Councilor Buchanan moved to recommend Resolution No. 92-1678 to the full Council for adoption.

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

The vote was unanimous and the motion passed.

5. Resolution No. 92-1686, For the Purpose of Entering Into a Multi-Year Contract with the Most Qualified Proposer by Authorizing Issuance of a Request for Proposals for a Comprehensive Waste Stream

Mr. Petersen and Mr. Metzler presented the staff report, and forms were distributed to the Committee for examination, a Waste Characterization Survey and a Draft Field Sort Form. Mr. Metzler said the purpose of the Waste Characterization Study was to gather information on waste disposal habits and waste substream, and said the study was required under Metro's stipulated order with the DEQ.

Mr. Metzler explained that the proposed budget for the study had been modified, with an original cost at the conclusion of the study by the end of the current fiscal year of \$190,000. He said, as revised, the study would not be completed until around January, 1994 at a total cost of \$250,000. He said reasons for the changes were 1) to spread the study over an entire calendar year to permit an examination of seasonal changes on the wastestream, and 2) interest had been expressed by Metro, the DEQ, and local governments to broaden the types and numbers of materials to be sorted.



COUNCIL SOLID WASTE COMMITTEE  
October 20, 1992  
Page 9

Mr. Metzler and Mr. Petersen said the information provided by the study would aid Metro in waste management planning activities and would provide data for the new Metro-Sim software model as well as identifying changes in wastestreams.

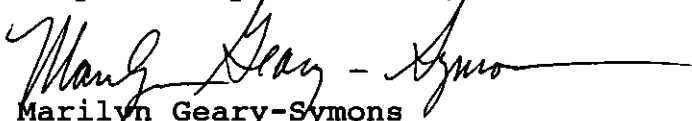
Councilors McFarland, Wyers and Van Bergen expressed their concerns over the cost of the study. Mr. Petersen and Mr. Metzler indicated the type of detailed information to be obtained would be useful in assessment of issues related to new designated facilities.

The Committee agreed additional information regarding the study was necessary.

The matter was continued for consideration at a later Solid Waste Committee meeting.

There being no further business, the meeting adjourned at 7:35 p.m.

Respectfully submitted,

  
Marilyn Geary-Symons  
Committee Recorder