

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

October 30, 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: Gary Hansen and George Van Bergen

Chair DeJardin called the special meeting to order at 5:32 p.m.

1. Consideration of June 28, 1990 Minutes

Motion: Councilor Collier 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. Solid Waste Department Staff Updates

- o General Staff Updates
- o Waste Reduction Program Activities

Chair DeJardin introduced Sharron Kelley, Multnomah County Commissioner, who distributed draft legislation to regulate illegal dumping. Commissioner Kelley explained as solid waste rates increased, illegal dumping increased also. She said the ordinance would amend the Oregon Revised Statutes related to the issue; make dumping hazardous and medical wastes subject to criminal penalties; increase fines from a \$500 minimum to a maximum of \$999 and allow the enforcing agency to recover its costs; adopt the Lane County Code evidentiary presumption; adopt Lane County's mandatory load cover regulations; have the state impose a reward for information leading to collection of a fine; and authorize local enforcement by county and city governments and Metro. She said the statute would also authorize hearings officers for enforcement.

Councilor Wyers asked if lawyers could serve as arbitrators. Commissioner Kelley said that seemed likely and said the hearings officers might not have to be attorneys. Councilor Wyers asked what court system would be involved. Commissioner Kelley said each entity could utilize the civil or criminal courts. She said in Multnomah County, the Sheriffs' Department would enforce the ordinance and work with the U.S. Forest Service. Councilor Collier said the legislation should be referred to the Intergovernmental Relations Committee. Councilor Wyers said staff should determine how Metro's Waste Reduction and education programs could address the issues. Councilor Collier asked what the court and police opinions were on the issues. Commissioner Kelley said the courts preferred the issues be determined

in the civil rather than the criminal courts. She said policing was overburdened and that would remain an issue.

2. Solid Waste Department Staff Updates
o General Staff Reports
o Waste Reduction Program Activities

Bob Martin, Director of Solid Waste, noted Metro's policy was to charge double for uncovered loads. He said litter was a persistent problem and said the legislation introduced by Commissioner Kelley would strengthen Metro's position on the issues.

Mr. Martin discussed infectious waste issues. He said Metro was still receiving occasional contaminated loads, but said the local hospitals had vastly improved their disposal techniques.

Mr. Martin said the Riedel composter facility was 70 percent completed and ahead on its construction schedule. He said the facility test start-up would take place spring 1991. He said staff assumed the facility would be operational for one month during FY 1990-91, but it now appeared the facility would be operational for two or three months instead because it would be on-line earlier than previously estimated.

Mr. Martin said Metro East Station was 75 percent complete. He said the facility's construction had had numerous problems but the contractor had made personnel and management changes to rectify those problems. He said staff still objected to how concrete had been poured in one area, but said construction was on schedule and the facility was anticipated to open January 12, 1991. He said staff was committed to closing the St. Johns Landfill in February 1991.

Councilor Wyers noted she spoke with Vickie Rocker, Director of Public Affairs, prior to this meeting who gave her the draft diaper brochure. She asked Council staff to schedule an update on the brochure at the November 6 Solid Waste Committee meeting.

Solid Waste staff noted Debbie Gorham, Waste Reduction Manager, was unable to give the Waste Reduction Program Activities update at this meeting.

3. Resolution No. 90-1329, For the Purpose of Closing St. Johns Landfill as a General Purpose Landfill, But Continuing to Accept Limited Types of Solid Waste For a Limited Time to Ensure Proper Closure

Jim Watkins, Engineering & Analysis Manager, said Resolution No. 90-1329 directed the St. Johns Landfill be closed as a general purpose landfill, but to continue to accept limited types of solid waste in limited quantities for a limited time to ensure proper closure. He said

if certain waste continued to be accepted at the landfill, rate payers would save \$2.8 to \$4.2 million in additional fill dirt costs. He said the revenue could also generate the additional \$2 million needed to achieve the \$31.4 million St. Johns Landfill Reserve Fund. He said it would also generate additional funds for the North Portland Rehabilitation and Enhancement Fund and the Smith and Bybee Lakes Trust Fund.

Mr. Watkins discussed the FY 1991-92 solid waste rate structure and noted Metro's contract with Browning-Ferris Industries (BFI) had to be amended per the services they provided during and after closure. He noted some landfill employees would transfer to Metro East Station.

Mr. Watkins said the Department of Environmental Quality (DEQ) and Metro staff had negotiated a schedule to accept demolition and construction debris through fall 1994.

Dennis O'Neil, Senior Solid Waste Planner, said staff feared the landfill roof would become concave as the landfill settled. He said proper landfill slopes had to be achieved and said soil or solid waste for this type of disposition could be found. He said the landfill would no longer serve as a general purpose landfill and would have reduced operating hours. He said material that could be accepted included concrete, brick, wood, pipe, plaster, plastic pipe, and vegetation-contaminated dirt. He said these waste-types could be accepted until fall of 1994 to build the necessary slopes for final closure. He said the current waste stream was comprised of 30 percent of these types of waste. He said rate payers could dispose of their demolition debris and not pay for material to build up the slopes.

Mr. O'Neil discussed problems related to staff's proposal. He said North Portland citizens had endured landfill activity for 50 years. He said there would be an economic impact on private limited purpose landfill operators who expected increased volume after landfill closure. He noted the landfill could not accept petroleum-contaminated soils after January 1, 1991.

Mr. Watkins said the FY 1990-91 budget did anticipate the landfill continuing as a limited purpose landfill, but did not anticipate related costs such as disposal and other operating costs. He said if the St. Johns Landfill continued operations as a limited purpose landfill, the disposal rate would include fees as follows: DEQ's promotional and orphan site fees; the Rehabilitation and Enhancement fee; the Smith and Bybee Lake Trust Fund fee; an estimated disposal fee; the St. Johns Landfill Reserve fee; and the Tier One fee which included planning, waste reduction, and administrative services. Staff expected the total disposal fee to be competitive with those charged by existing limited purpose landfills.

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Councilor Hansen asked when Metro would rebid the contract with BFI. Mr. Watkins said Metro could contractually keep BFI at the landfill until September of 1992. He said Metro had to renegotiate the current contract because BFI was not set up for limited landfill operations.

Councilor Hansen asked staff to provide a complete list of the materials to be disposed of with attendant criteria, including potential community impact. He said any litter problems or nuisances to the community should be stopped immediately. Councilor Hansen said staff should be careful about the types of material accepted. Chair DeJardin noted the landfill currently received some demolition materials. Councilor Hansen said "limited purpose" was a general term and North Portland citizens wanted more specificity on proposed activities. Mr. Watkins said staff anticipated 100,000 to 150,000 tons of limited waste would be disposed of per year.

Mr. Watkins noted Metro and the City of Portland would hold a joint meeting November 8 to consider and adopt Resolution No. 90-1314, For the Purpose of Approving an Intergovernmental Agreement to Assume Custody of Certain Monies and Ownership at the St. Johns Landfill and Certain Adjacent Lands from the City of Portland, and Ordinance No. 90-367, Approval of Natural Resources Management Plan for Smith and Bybee Lakes.

Councilor Wyers asked staff what rates the landfill would charge as a limited purpose landfill. Mr. Martin said staff would develop a special rate structure. Mr. Martin noted the fees mentioned previously by staff and said staff did not yet know complete costs, but said the fee would be less. He said private limited purpose landfills charged approximately \$30 per ton.

Councilor Van Bergen asked how private operators would react. Mr. Martin said private operators probably hoped for increased volume once the landfill closed as a municipal landfill. Mr. Martin noted the contract renegotiation was not a contract extension because Metro's contract with BFI was current until September of 1992. He said renegotiation would clarify the scope of work under the contract because BFI would not process mixed municipal waste after January 1991. Chair DeJardin asked if the contract would extend to 1994. Mr. Martin said BFI's contract could continue to the beginning of the next fiscal until staff could receive competitive proposals.

Chair DeJardin opened the public hearing.

Ralph Gilbert, East County Recycling, said he had not discussed the resolution with staff and would like to. Mr. Gilbert stated his concerns. He said East County Recycling invested \$500,000 in a wood shredder for demolishing wood and developing markets. He said the BFI contract extension constituted a change of conditions and said he would like the opportunity to bid. He discussed rates and said they could not

reduction was not worth the savings. He said the rate at the front gate should be consistent with other Metro facilities so that private vendors could compete. He said Metro should consider a rate not less than the regular rate. Councilor Hansen asked Wastech's projected tonnage for next year. Mr. Irvine said Wastech expected to process at least 15,000 tons of construction demolition next year.

Councilor Wyers asked Mr. Martin the percentage of special waste in the waste stream. Mr. Martin said in the four years preceding 1988, special waste comprised 269,000 tons of the special waste flow; 250,000 tons of which were construction and land clearing waste. He said other special wastes processed included asbestos and sewage sludge which would not be accepted for limited purposes. He said Wastech was doing very well, but 10,000 tons was a small percentage compared to 269,000 tons. He said there was room to accommodate all needs, fill the St. Johns Landfill, and have lower rates. Councilor Wyers asked if it was possible to exclude clean wood for the private sector's use. The Committee and staff discussed various alternatives. Mr. Martin said creative management could be practiced and noted similar diversion techniques were used in Anchorage, Alaska. Councilor Collier said she would like to see a public/private partnership to facilitate everyone's needs.

Councilor Wyers asked Karla Forsythe, Council Analyst, to obtain the legal definition of a contractual "change of conditions." Councilor Wyers asked staff's rationale for the lower rates noting Metro's policy to keep uniform rates. Mr. Martin said the rates would be set through a rate setting process during which those questions would be answered. He said Metro did not set higher or lower rates than what disposal cost Metro. He said Metro's costs would be lower to operate a limited purpose landfill. Councilor Hansen said if Metro was merely trying to obtain fill material, customers could bring it in for less than haul costs.

The Committee directed staff to work with private vendors to develop a resolution satisfactory to all parties. The Committee directed staff to return with an amended resolution November 20.

4. Resolution No. 90-1332, For the Purpose of Authorizing an Exemption to the Requirements to Solicit Competitive Proposals for Amendment No. 9 to the Contract with SCS Engineers, Inc. That Provides Additional Construction Management Services for the Metro South Modifications

Mr. Watkins gave staff's report.

Councilor Collier noted staff's concern when Ordinance No. 90-362A called for funds to be drawn from this source to assist charitable recycling agencies and their fear they would run out of funds for Metro South.

Motion: Councilor Collier moved to recommend Resolution No. 90-1332 to the full Council for adoption.

Councilor Saucy said problems with Metro South modifications should have been anticipated and said he did not like afterthoughts.

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

5. Resolution No. 90-1340, For the Purpose of Authorizing an Exemption to Metro Code Chapter 2.04.044, Competitive Bidding Procedures, and Authorizing a Sole Source Contract with Information Systems, Inc. for Consulting Services for Weight Systems Software at Solid Waste Disposal Facilities

Sam Chandler, Solid Waste Facilities Manager, noted the contract expired several months previously. He said the contract was sole source because the software was copyrighted. He noted some typographical errors in staff's report. He said the scope of work delineated the fees. He said equipment from St. Johns Landfill would be transferred to Metro East Station after closure.

Motion: Councilor Wyers moved to recommend the full Council adopt Resolution No. 90-1340.

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

6. Rate Setting Process

- o Overview
- o Schedule
- o Policy Issues

Mr. Martin distributed a memo from staff to the Rate Review Committee dated October 24, 1990 "FY 1991 - 1992 Waste Disposal Rate Adjustment" and a timeline "Self-Haul Rate Adjustment (Implementation Schedule)" dated October 19, 1990. Mr. Martin discussed the budget process briefly. He said the budget ordinance for the new fiscal year would have its first reading at the full Council meeting November 8. Mr. Martin discussed self-haul rate adjustments.

Councilor Wyers said it should be clarified whether solid waste would be weighed before or after recyclables were removed. Mr. Martin said staff would recommend a \$3 reduction for self-haulers in cars and pick-ups who brought in recyclable material. The Committee and staff discussed the issues briefly.

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7. Discussion of LC 3415, Local Government Comprehensive Recycling Act; Other Legislation; and Committee Recommendations for Metro's Legislative Proposals

The Committee and staff discussed solid waste legislation briefly. The Committee expressed consensus on the position held by staff.

Chair DeJardin adjourned the meeting at 7:59 p.m.

Respectfully submitted,



Paulette Allen
Committee Clerk
SWC90.303