

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

November 15, 1988

Council Chamber

Committee Members Present: Gary Hansen (Chair), Jim Gardner (V. Chair), Sharron Kelley, Corky Kirkpatrick and Mike Ragsdale

Committee Members Absent: None

Other Councilors Present: George Van Bergen

Chair Hansen called the meeting to order at 5:45 p.m.

1. Consideration of Minutes of October 13, 18, and 20, and November 1, 1988

Motion: Councilor Kelley moved for approval of the minutes.

Vote: Councilors Gardner, Kelley, Kirkpatrick, Ragsdale and Hansen voted aye. The vote was unanimous and the motion passed.

2. General Staff Reports

Bob Martin, Director of Solid Waste, gave a status report on the transportation bids. He said a meeting for all potential bidders would be held November 22, 1988. He discussed Public Utility Commission (PUC) requirements on the weight and mile tax and said ORS 268.040 required transporters for the Metropolitan Service District be exempt from the weight and mile tax. He said there was doubt as to whether Metro would be exempt or not. He said transporters had been advised to pay such tax.

Mr. Martin said it was yet to be decided whether bidders should be told to pay the tax or whether they should, under their own advisement, include the option in their bid offers. He said vendor interest was high and a large attendance was expected.

3. Consideration of Ordinance No. 88-276, for the Purpose of Adding Section 5.01.085 to the Metro Code Relating to Long-Term Franchise Agreements (Public Hearing)

Submitted to the Committee was a letter from Dan Cooper, General Counsel, dated November 10, 1988, to Councilor Hansen regarding Ordinance No. 88-276; a copy of Ordinance No. 88-276A; and Chapter 5.01 of the Metro Code on Disposal Site Franchising.

Chair Hansen opened the public hearing. No one appeared to testify on Ordinance No. 88-276. Chair Hansen closed the hearing.

Councilor Ragsdale and Mr. Cooper discussed the letter Mr. Cooper submitted. Councilor Ragsdale asked Mr. Cooper to clarify and expand on issues in the letter discussed and the Committee would consider the ordinance again. The Committee and Mr. Cooper agreed the phrase "long-term" be deleted from the ordinance itself.

Motion: Councilor Ragsdale moved to defer consideration of amended Ordinance No. 88-276A to the November 29 meeting.

Vote: Councilors Gardner, Kelley, Kirkpatrick, Ragsdale and Hansen voted aye. The vote was unanimous and the motion passed.

4. Report on Compost Market Study

Debbie Gorham, Waste Reduction Manager, explained the purpose of the "Portland Area Compost Products Market Study," submitted by Cal Recovery Systems, Inc., was to determine whether placement of municipal solid waste (MSW) compost would negatively impact development of future yard debris and sewage sludge compost markets.

Ms. Gorham said the consultants had knowledge of European composting facilities and said page 4 of staff's report contained the most important data on marketability. She noted Metro had suspended negotiations with Riedel until letters of intent could be produced. She described the different composts sold within different areas and how other local areas would be affected or not affected.

Rod Grimm, Grimm's Fuel, said he did not oppose composting, but said the composting study's statistics were 300 percent incorrect from known facts. He said various items could be used to create one product which was possible because peat moss was being replaced with yard debris. He said plant immune systems were possibilities for research. He suggested specification of markets, nurseries and reforestation. He said he would like to see interested parties convene and discuss mixed solid waste marketing.

Chair Hansen asked Mr. Grimm if customers had inquired about Metro compost products. Mr. Grimm said customers were reluctant to use sludge products.

Councilor Kelley encouraged a meeting of interested parties to discuss composting issues. She asked if a 50 mile radius limit would solve marketing conflict issues. Mr. Grimm said such a limit would help, but markets would need to be established first.

Gary Lord, Reidel Waste Disposal Systems, Inc., said he would like to work with Mr. Grimm on marketing difficulties. He said it was inappropriate to categorize sawdust and bark with compost. He said Reidel believed there was a definite market and said any two of their six or seven major users could use as much product as they could produce. He said some of their customers told him they were not contacted by Grimm's, McFarlane's Bark or other providers of compost products. Mr. Lord did not feel there was significant market competition and said in other markets, the demand always seemed to outweigh the supply.

Bob Martin, Director of Solid Waste, said staff's goal was to stimulate production and options and prevent materials from going to the landfill. He said he would like to work with Mr. Grimm on the issues he raised as well as the issues raised by Mr. Lord.

Councilor Gardner asked if staff was confident specific markets would not encroach on yard debris markets. Ms. Gorham referred to Mr. Grimm's testimony. Councilor Kirkpatrick said Mr. Grimm should include the City of Portland for proposed meetings.

Chair Hansen called a recess at 7:41 p.m. The meeting reconvened at 7:55 p.m.

5. Consideration of Resolution No. 88-1012, for the Purpose of Prioritizing Those Elements of the Waste Reduction Program Not Yet Complete and Developing an Implementation Schedule

Jeanne Roy, Recycling Advocates, distributed recommendations on Resolution No. 88-1012. She said they agreed in general with the concept of prioritizing, but said yard debris should be given an "A" priority; yard debris diversion credits should be moved to Section 3(i); and also stated Recycling Advocates was not convinced yard debris materials recovery centers was a completed task and said a processing center was needed in the northern part of the region. Ms. Roy said rate incentives were needed immediately for post-collection recycling. She stated the grants made under the One Percent for Recycling Committee were not adequate. She stated Metro should take the initiative on source-separated containers.

Mr. Martin said staff drafted a resolution to classify the status of the waste reduction plan and said the Summary of Progress was meant to show what Metro and the Department of Environmental Quality (DEQ) agreed upon. He said the Summary of Progress showed what had been accomplished and what staff proposed to do. He said it would be good to have combined consensus from the Executive Officer, Council and staff on a waste reduction plan.

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Mr. Martin said staff's response to the Department of Environmental Quality (DEQ) was to implement the plan Metro had at the time even if it would be removed in the future. He explained how Metro had deviated from DEQ's expectations. With regard to the Summary of Progress, he said programs would need to be redrafted on how they would be implemented. He said the "A" and "B" classifications were to categorize items in order of priority. He discussed budgeting for programs.

Mr. Martin addressed the issues raised by Ms. Roy and said most yard debris went to Killingsworth Fast Disposal (KFD). He said at the landfill yard debris loads were dumped like other solid waste loads because it was difficult to determine if the loads were contaminated or not. He said staff would prepare alternatives for a more logical separation of yard debris. He agreed with Ms. Roy on yard debris rate incentives.

Councilor Kirkpatrick asked if staff had a time line to implement yard debris objectives as well as other goals. Mr. Martin said yes. He said the One Percent for Recycling Committee had been established and gave credence to all programs whether large or small. He said the December 9 presentation to DEQ would define what would be the revised work schedules. He also discussed the Environmental Quality Commission (EQC) hearing January 20, 1989.

Councilor Kirkpatrick noted two representatives from DEQ were present and asked if they wished to testify.

Stephanie Howe and Peter Spendalow discussed legislative concepts which, when introduced, would ask for funding, and said implementation of Metro's Waste Reduction Program would be considered. They said Mr. Martin had taken an active approach. They said the Director of DEQ would pursue the resolution and that they had asked him to wait until January 20 rather than December 9 to enforce DEQ's order. Ms. Howe and Mr. Spendalow said Metro staff would be pushed hard to enforce DEQ's order. They noted DEQ's order had civil penalties attached to it.

Mr. Spendalow explained to Councilor Van Bergen a violation of ORS 459 caused a \$500 fine per occurrence and said individual days were considered violations. Ms. Howe said the Attorney General's office was DEQ's legal arm.

Councilor Van Bergen objected to Metro being fined. He said he spent a great deal of time presenting the Waste Reduction Program to his constituents and working with staff. He said staff had made the changes in direction and fund priorities. He noted he served on the Council Finance Committee and would scrutinize staff requests for funds and whether numbers were justified or not.

The Committee, staff and DEQ representatives discussed other items such as certification; jurisdictions developing their own programs; yard debris programs; what projects were to be completed first and what projects to be completed later. Mr. Martin said a later time line for completion of certain projects did not mean those projects were considered less important.

Councilor Gardner said the Summary of Progress had been presented as the consensus between staff and DEQ and asked Ms. Howe if DEQ and Metro staff had reached resolution on the issues. Ms. Howe said agreement had been reached on most of the issues.

Motion to Amend: Councilor Ragsdale moved to amend Resolution No. 88-1012 by the addition of language as follows in the third Whereas (additions underlined):

"WHEREAS, The Department of Environmental Quality evaluation of the report was unfavorable and recommended the Environmental Quality Commission to show cause why Metro should not be ordered to implement the program;"

Under the same motion to amend, Councilor Ragsdale moved to insert the word "necessary" in the fourth Whereas after the word "action;" to change the word "may" to "shall" in the fifth Whereas; to delete the seventh Whereas in its entirety; and to replace the word "will" with the word "must" in the eighth Whereas.

Vote: Councilors Gardner, Kelley, Kirkpatrick, Ragsdale and Hansen voted aye. The vote was unanimous and the motion to amend Resolution No. 88-1012 passed.

The following motions to amend apply to the Summary of Progress which is Attachment A of Resolution No. 88-1012.

First Motion to Amend Summary of Progress: Councilor Ragsdale moved to amend the Summary of Progress as follows (additions underlined and deletions bracketed):

SUMMARY OF PROGRESS

Metro Waste Reduction Program Work Plan
[as of DEQ/Metro Meeting October 26, 1988]

[DEQ and Metro concur that 21 of] The 49 activities in this section, included in the 1986 Waste Reduction Program have been completed [satisfactorily] or are on schedule.

Vote on First Motion to Amend Summary of Progress: Councilors Gardner, Kelley, Kirkpatrick, Ragsdale and Hansen voted aye. The vote was unanimous and the motion passed.

Second Motion to Amend Summary of Progress: Councilor Ragsdale moved to amend Section 4 of the Summary of Progress as follows:

4. The following eight activities [do not need to be completed at this time, but METRO will reexamine them in the future:] shall be reviewed as part of the Council FY 1989-90 budget process and will either be scheduled for implementation or removed from the Plan.

Vote on Second Motion to Amend Summary of Progress: Councilors Gardner, Kelley, Kirkpatrick, Ragsdale and Hansen voted aye. The vote was unanimous and the motion passed.

Third Motion to Amend Summary of Progress: Councilor Kirkpatrick moved to move under Section 4 of the Summary of Progress four items: Legislative Program, Rate Incentives, Annual Supply Profile and Legislative Action to Section 3(i).

Councilor Ragsdale asked Councilor Kirkpatrick if she would consider withdrawal of the motion and move each of the four items listed above individually to vote upon them separately.

Withdrawal of Third Motion to Amend Summary of Progress: Councilor Kirkpatrick withdrew her previous motion.

Fourth Motion to Amend Summary of Progress: Councilor Kirkpatrick moved to move Legislative Program from Section 4 to Section 3(i).

Vote on Fourth Motion to Amend Summary of Progress: Councilors Gardner and Kirkpatrick voted aye. Councilors Kelley, Ragsdale and Hansen voted nay. The motion failed.

Fifth Motion to Amend Summary of Progress: Councilor Kirkpatrick moved to move Rate Incentives from Section 4 to Section 3(i).

Vote on Fifth Motion to Amend Summary of Progress: Councilors Gardner, Kirkpatrick, Ragsdale and Hansen voted aye. Councilor Kelley voted nay. The motion passed.

Sixth Motion to Amend Summary of Progress: Councilor Kirkpatrick moved to move Annual Supply Profile from Section 4 to Section 3(i).

Vote on Sixth Motion to Amend Summary of Progress: Councilor Kirkpatrick voted aye. Councilors Gardner, Kelley, Ragsdale and Hansen voted nay. The motion failed.

Seventh Motion to Amend Summary of Progress: Councilor Kirkpatrick moved to move Legislative Action from Section 4 to Section 3(i).

Vote on Seventh Motion to Amend Summary of Progress: Councilors Kirkpatrick and Hansen voted aye. Councilors Gardner, Kelley and Ragsdale voted nay. The motion failed.

Eighth Motion to Amend Summary of Progress: Councilor Kelley moved to eliminate the "A" and "B" priority classification of projects or goals specified in the Summary of Progress.

Vote on Eighth Motion to Amend Summary of Progress: Councilors Gardner, Kelley, and Hansen voted aye. Councilors Kirkpatrick and Ragsdale voted nay. The motion passed.

Main Motion: Councilor Ragsdale moved to recommend the full Council adopt Resolution No. 88-1012 as amended.

Vote on Main Motion: Councilors Gardner, Kelley, Kirkpatrick, Ragsdale and Hansen voted aye. The vote was unanimous and the motion passed.

6. WORK SESSION on Ordinance No. 88-273, for the Purpose of Amending Ordinance No. 88-266 (Adopting the Solid Waste Management Plan) and Establishing Host Fees for Solid Waste Facilities

Chair Hansen said he intended to schedule a meeting of the Policy Committee to discuss the issues. He said he would like to convey to the Policy Committee some guidelines on definition of areas to be mitigated and in what manner the fees would be disbursed. He said local committees should follow the North Portland Enhancement Committee guidelines and report to the Council Solid Waste Committee. Councilor Kelley said local committees should have autonomy.

Councilor Gardner agreed with Councilor Kelley, but said local community committees should make decisions under the auspices of Metro. He said citizens associated the negative impact of a solid waste facility with Metro, therefore, they should be made aware of any positive effects generated by Metro as well.

Councilor Kirkpatrick concurred. She said Oregon City had received \$54,000 from Metro and their committee had not yet met. She suggested deletion of the last sentence of Exhibit A submitted by Council staff which amended Attachment A of Ordinance No. 88-266B. Councilor Gardner said such an action should go even further and asked in areas that have multiple impact how equitable distribution of funds could be achieved.

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Chair Hansen agreed. He said the North Portland Enhancement Committee was a good role model for that purpose. He supported the concept of leaving intergovernmental language up to the committees.

Councilor Van Bergen said he was disturbed the Committee would even consider host fees at all. He said Oregon City was only impacted in one geographical corner by the Clackamas Transfer and Recycling Center (CTRC). He said the citizens of Gladstone were those actually affected and stated traffic to and from the facility was heaviest on McLoughlin Boulevard. He called the payment of any host fees to any community raw bounty.

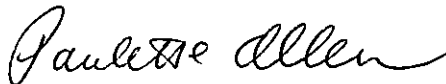
Motion to Amend: Councilor Gardner moved to amend Exhibit A by deletion of the last sentence of Section 12.3. which read: "Metro may by intergovernmental agreement designate a city council or county board as the local community enhancement committee or delegate to the local governing body the authority to develop and manage the community enhancement program."

Councilor Gardner made the motion to amend because the Committee supported in concept the approach taken by the Exhibit A draft after the above deletion.

The Committee discussed when the Policy Committee would consider the ordinance. The Committee agreed to schedule a joint meeting between the Council Solid Waste Committee and the Policy Committee at 4:00 p.m. before the regular Council Solid Waste Committee meeting at 5:30 p.m. November 29, 1988.

Chair Hansen adjourned the meeting at 10:45 p.m.

Respectfully submitted,



Paulette Allen
Committee Clerk
SWC88.320