

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

October 4, 1988

Council Chamber

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

Committee Members Absent: Jim Gardner (V. Chair)

Other Councilors Present: Elsa Coleman and David Knowles

Chair Hansen called the meeting to order at 5:47 p.m.

1. Consent Agenda

1.1 Resolution No. 88-984, for the Purpose of Recognizing  
Recycling Achievement in the Metro Area

Motion: Councilor Ragsdale moved to recommend the full Council  
adopt Resolution No. 88-984.

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

2. Consideration of Resolution No. 88-988, for the Purpose of  
Appointing Members to the One Percent for Recycling Advisory  
Committee

Judith Mandt, Assistant to the Director of Solid Waste, said the One Percent for Recycling Advisory Committee would set criteria and guidelines, develop Requests for Proposals (RFP) and advertise them. A period of 60 days was required for proposals to be returned by late January at which time the Committee would review them. Ms. Mandt said a list of designated projects would be submitted to the Council for approval.

Councilor Kirkpatrick asked what staff's response was to the ordinance change called for in Council staff's report, "Staff Review of Resolution No. 88-988," and comments in the same report on the composition of the committee. Don Rocks, Executive Assistant, said staff's intent was to form the committee quickly and said the ordinance change recommended would not alter quick assembly of the committee.

Mr. Rocks said of the candidates proposed; Councilor Coleman, Cathy Cancilla, Bruce Lewis, Forrest Soth and Margaret Templeton, two were affiliated with the hauling industry and two were affiliated with local government. Councilor Kirkpatrick said it was unacceptable not to have Clackamas County represented on the committee. Mr. Rocks said when

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future appointments were made, the committee could achieve equitable geographic representation.

Chair Hansen said the list of candidates could be approved and the ordinance adjusted to add a representative from Clackamas County. Councilor Kelley noted Ms. Templeton was a recycling advocate. Councilor Kirkpatrick said two additional candidates could be added to keep the committee an uneven number.

Motion to Amend: Councilor Ragsdale moved to amend Ordinance No. 88-267 to specify the One Percent for Recycling Committee membership be expanded from five to seven members; specify one member be a Metro Councilor appointed by the Presiding Officer of the Council, and that Metro Councilor serve as committee chair; and specify the other six members be citizens who geographically represented the District in an equitable manner.

Vote: Councilors Kelley, Kirkpatrick, Ragsdale and Hansen voted aye. Councilor Gardner was absent. The vote was unanimous and the motion to amend Ordinance No. 88-267 passed.

Main Motion: Councilor Kirkpatrick moved to recommend the full Council adopt Resolution No. 88-988.

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

3. Discussion of Possible State Legislation Concerning Solid Waste Issues

Greg McMurdo, Government Relations Manager, distributed "Proposed 1989 Solid Waste Legislation" dated October 4. He discussed 1) legislation which required the Department of Environmental Quality (DEQ) to adopt specific standards for limited purpose landfills; 2) legislation which would terminate the \$1 per ton surcharge on solid waste payable to DEQ for the purpose of attempting to site the Bacon Road landfill; 3) legislation which would define solid waste for the purposes of ORS Chapter 268 to include recyclables; 4) legislation which would require some plastic product containers to have codification indicating type of plastic used; and 5) legislation which would regulate the collection, use, disbursement and the amount of tipping fees DEQ could impose in the District.

Councilor Kelley said ORS Chapter 268 and Senate Bill 405 conflicted on what authority local jurisdictions could hold. Bob Martin, Acting Director of Solid Waste, said Metro could also have control under existing authority but that guidelines for such authority were not clearly defined. Mr. Martin said the first item would define within

the statute what a limited purpose landfill was and direct what type of waste limited purpose landfills accepted. He said DEQ had the authority to permit waste and waive requirements.

Chair Hansen said he discussed legislative issues with Councilor Gardner. He said Metro should request legislation to define the relationship between Metro and DEQ. He said the agenda item under consideration had been scheduled to discuss general legislative issues and Metro's relationship with DEQ.

Councilor Coleman said it was important to clarify what role governmental agencies had on these issues and it would be necessary to eliminate peripheral issues. She said a special meeting to discuss legislative issues would be valuable.

Councilor Ragsdale said the issues to be considered by the Interim Task Force should be considered first and secondary issues could be dealt with at a special meeting. Mr. McMurdo suggested Senator Cease conduct the proposed legislation through his committee. He said that committee's last meeting was scheduled for early November. He said the pre-session filing deadline was December 1.

Councilor Ragsdale said a legislative package hearing should be scheduled soon with authorities present to testify. Councilor Kirkpatrick agreed and said plastic code legislation should be eliminated. She said the industry had stated Metro did not need to establish codification. Mr. McMurdo said the Interim Task Force had numerous recommendations on plastics.

Chair Hansen agreed a special meeting should be scheduled to consider legislative issues. He said staff should submit draft legislation in ample time before the meeting. Councilor Kelley asked to see plastics legislation at that meeting. Councilor Kirkpatrick said unless proposed legislation benefitted Metro, it was best to support programs sponsored by other authorities.

#### 4. Discussion on Transfer Station Procurement

Mr. Martin gave an update on the current status of transfer station procurement. He gave the proposed time line of events which began with RFP's issued and ended with construction of the facility. Councilor Kirkpatrick said the time line proposed should end earlier than January 1991 and it should not require five months to prepare an RFP. Mr. Martin said the procedure was similar to the transportation Request for Bids (RFB) process. Councilor Kirkpatrick asked if staff could use existing data from other facilities. Mr. Martin said staff intended to use existing data which was why the RFP process would be five months and not longer.

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Chair Hansen asked if alternatives were available to expedite the schedule of events. Mr. Martin said Riedel Waste Disposal Systems, Inc. and Wastech, Inc. submitted a joint application October 3 to Metro requesting exclusive franchises to operate three existing facilities as the Metro East Transfer and Recycling Center(s) (ETRC). Mr. Martin said staff would analyze their application, but added other parties should have the opportunity to bid on the transfer station option.

Councilor Coleman asked if a franchise had more advantages than a contract. The Committee and staff discussed the difference between a franchise and a contract. Dan Cooper, General Counsel, said franchises were legally an alternative version of a contract and a court of law would consider a franchise a contract. He said the Metro Code would need amendment to allow for a long-term agreement under franchise conditions.

Mr. Martin said Metro should state what the public should provide to fulfill Metro's needs and said evaluation of previous bids would be useful. Councilor Knowles asked if that would be routine procedure. Mr. Martin said staff was working on different projects simultaneously and could not predict how long it would take for staff to provide such an analysis.

Chair Hansen said much time and effort had been spent in the update of the Policy Plan and it had been difficult to act on specific items until the regional plan was finalized. He said recently effort had been focused on the transportation bid. He said the possibility of a franchise had only recently been presented. Councilor Kirkpatrick expressed disappointment the Functional/Policy Plan had delayed work on other projects because staff had promised that would not happen.

Councilor Ragsdale asked how specific the RFB document should be. Mr. Martin said the RFB would need to address how much waste the facility would handle; waste reduction goals; siting details such as how best to serve collectors; hazardous/special waste issues; and the need for clear conceptual designs to address such items as traffic flow and gatehouse design. Councilor Ragsdale said the RFB document could include all of the above, or merely define the criteria required and ask vendors how they would fulfill criteria specified. Councilor Ragsdale asked if the latter option would expedite the RFB process. Mr. Martin said the time involved for either option would be similar.

Mr. Martin said a minimum amount of vendors' bids had to be received or a crisis situation could develop. Councilor Ragsdale said to develop good public policy, Metro had to specify concrete criteria and guidelines and in turn, the industry would need time to respond. He said a contract, franchise or RFB would not necessarily shorten the process.

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The Committee and staff discussed the issue further. Chair Hansen said a consultant could be hired to analyze the issues and report on whether a public or private facility could be brought to completion on or before the deadline.

Mr. Martin said in all assumptions Metro would control the gatehouse. He said ETRC should provide drop-off facilities for source-separated yard debris; combined service for commercial and private haulers; land-use siting criteria and hazardous waste solutions. Councilor Knowles asked about mitigation and said staff should discuss the issues with the City of Portland. Mr. Martin said staff was in contact with one City Commissioner. Councilor Knowles said all four City Commissioners should be briefed.

The Committee and staff discussed hiring a consultant further as well as budgeting issues.

Motion: Councilor Ragsdale moved the Council Solid Waste Committee introduce a resolution that the Solid Waste Department retain a consultant with the provision that the Council Solid Waste Committee, not the full Metro Council, approve the draft bid document prior to distribution.

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

Councilor Kirkpatrick asked Ray Barker, Council Analyst, to submit a report on funds available in the budget for this purpose. The Committee and staff discussed possible funding. Mr. Martin noted the Hazardous Waste Collection days would absorb more funds than had originally been anticipated. Chair Hansen said the Solid Waste Contingency Fund could be drawn upon for the consulting services required. He said the motion did not state a bid document should be drafted to retain a consultant, but it should be clear a resolution for that purpose should be forwarded to the full Council as soon as possible. Staff would also need to draft a resolution on selection of the east transfer station site, Chair Hansen said. Mr. Martin said a report on that issue could be presented at the next committee meeting October 18.

Chair Hansen called a recess at 8:15 p.m. The Committee reconvened at 8:35 p.m.

SPECIAL ACTION

Mr. Cooper presented the third draft bid transportation document, September 30, 1988, and explained the changes made to update the second

draft bid transportation document, September 14, 1988. He said changes were made for internal consistency in the document as related to the \$7 per overweight truck fee and typographical errors. He said also the draft bid document was made dependent on the Gilliam County landfill contract. He said if the contract with Gilliam County were terminated, the transportation contract would automatically terminate also.

Motion: Councilor Ragsdale moved to substitute Transportation Bid Document No. 3, September 30, 1988, to replace Transportation Bid Document No. 2, September 14, 1988, because the final Transportation Bid Document was comprised of the final language to be voted upon by the full Council.

Councilor Ragsdale expressed concern about the \$7 fee per truck. He said with the issued bid, a cover memorandum should be attached to state Metro was still determining whether or not Metro would include the \$7 fee in its estimates. He said the memorandum should make it clear to bidders that fee should be included in their calculations. Mr. Cooper said Gilliam County would impose the \$7 fee. He said if Metro could find another source of revenue, it would be appropriate for Metro to withdraw the fee from the bid document. Councilor Ragsdale said bidders should be so informed so that payment of such a fee would not be resisted.

Councilor Kirkpatrick announced she and Councilor Gardner would file a minority report and would vote nay on the issue at the full Council. She asked if staff would be prepared to utilize the 10-year contract option if the 20-year contract length was not approved by the full Council.

Vote: Councilors Kelley, Ragsdale and Hansen voted aye. Councilor Kirkpatrick voted nay. Councilor Gardner was absent. The motion to substitute Transportation Bid Document No. 3 for Transportation Bid Document No. 2 passed.

Councilor Ragsdale wished to state on record he was not convinced Metro was required to pay the \$7 fee and stated Metro's constituents should not be saddled with the fee. Mr. Cooper said Addendum No. 1 could be amended to clarify the issue.

##### 5. Review of Waste Reduction Program

The report "Transmittal of Department of Environmental Quality Findings Metro Waste Reduction Program," dated September 27, 1988, was distributed to the Committee. The report was divided into three parts. The first section was "Metro's Waste Reduction Plan Report," the

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second "DEQ's Findings," and the third was "Metro's Response to the Findings."

Debbie Gorham, Analyst, gave a status report on the issue. She said 1) DEQ felt the Environmental Quality Commission (EQC) should concur with DEQ's findings on Metro's Waste Reduction Program and inform the State Legislature of that; 2) direct Metro implement the Waste Reduction Plan as approved; or 3) ask Metro to show cause why the Waste Reduction Plan was not implemented as written.

Ms. Gorham said a DEQ hearing would be held October 12 because the EQC hearing September 9 yielded the decision of DEQ and EQC staff that rather than stipulate Metro show cause, there would be a public hearing for Metro and other parties to present Metro's opinion of DEQ's findings.

Ms. Gorham said it had not been made clear in Metro's report to DEQ that some programs had been implemented or that a program or programs were not implemented because of the failure to site the west transfer station or that staff had a better idea for a given program and preferred not to implement programs previously submitted to DEQ. An example of the latter, she said, was the certification program. She said these issues would be considered at the October 12 hearing.

Ms. Gorham listed the questions asked by DEQ. She discussed Metro's response to DEQ's findings. She discussed programs completed and not completed. She said DEQ was flexible on some of Metro's omissions. Staff had explained to DEQ for instance, that the certification program had been difficult to implement because of opposition by haulers. Ms. Gorham said programs would be revised to remain within DEQ criteria.

Councilor Kirkpatrick said the Council had not discussed elimination of the certification program. She said staff should not present any items to DEQ which had not yet been approved by the Council. Ms. Gorham said staff wanted Council input on what would be presented to DEQ.

The Committee and staff discussed the Functional Plan. Councilor Kirkpatrick said the Waste Reduction Plan was a legal document not to be replaced by the Functional Plan and the Waste Reduction Plan was required by the State.

Becky Crockett, Senior Analyst, said staff saw the Solid Waste Management Plan as a compilation of all the ingredients with which to manage regional solid waste issues. She said at the Council meeting October 13 the entire Solid Waste Functional Plan would be presented for adoption in November. She said to achieve a 52 percent level of waste recovery, there had to be intergovernmental communication and Metro had to enforce the recovery rate through its own authority if necessary.

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Ms. Gorham said because of the revision of various plans, staff would request a release of contingency funds to hire temporary staff to work on some of the necessary projects, or otherwise request some of the work plan be dropped because there was insufficient staff to complete revision of the work plan and implement it. Councilor Kirkpatrick said she, Chair Hansen and Rich Owings, former Director of Solid Waste met in June about Metro's response to DEQ's findings. She said staff knew they were not in compliance. She was reluctant to release contingency funds because staff had not completed the implementation required. Ms. Gorham said it would be difficult for staff to achieve all the goals required without assistance.

Councilor Ragsdale said the Council could possibly ratify staff's suggested revisions at the November 22 Council meeting. He said a resolution could be drafted which endorsed the staff document presented to the EQC. He said that could reinforce staff's position. Councilor Kirkpatrick asked if a public hearing would be scheduled so the public could testify. She said the Council had not been informed of the September 9 meeting held by DEQ.

Councilor Ragsdale said because this item was scheduled for November 22 there was no schedule latitude. He said excellent communication was required to facilitate the Council vote on this item. He suggested the formation of a subcommittee to be kept informed of issues as they arose.

Chair Hansen said this item could be adjusted at the Committee meeting November 15. Councilor Ragsdale said a special Committee meeting could be scheduled and the item considered at the November 15 Committee meeting before the November 22 meeting. Chair Hansen said the report would have to be made available to the public before November 15. He requested a transcript of the public meeting before the Hearings Officer October 12.

Ms. Gorham said the "Metro Response to DEQ Review of Waste Reduction Program Implementation, September 16, 1988" would be submitted at the public hearing and staff would write a report also to be submitted of what remained to be done. Councilor Kirkpatrick asked if the latter report would be available to the Committee before October 12. She expressed disappointment that report was not submitted at this meeting. She said staff would not have Committee concurrence by October 12.

Councilor Ragsdale said what had to be done was share the proposed work schedule, have the meeting October 12, and prepare a specific rebuttal in response to DEQ's comments. Ms. Mandt said there should be a regular communications process with DEQ staff. She said Metro had to stay in step with DEQ's expectations. She said staff's report addressed the pertinent concerns.



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Councilor Ragsdale said the certification process did not work because of resistance by the industry. He asked how certification would be implemented, and if not, how else could necessary objectives be achieved.

Pat Vernon, Analyst, said certification depended on program objectives to work cooperatively with, and measure, local jurisdictions, as well as to provide incentive to jurisdictions. She said certification was necessary because the burden of achieving goals did belong to the local jurisdictions. Finally, Ms. Vernon said, the incentive was not necessarily monetary in nature. She said an increased tipping fee would encourage recycling.

Councilor Ragsdale said language should be submitted to the Council on what the objectives were of the certification program and the Functional Plan process. He said these issues were addressed at the retreat. He said by December 8, a waste reduction schedule must be produced which Metro could enforce, and an update on why Metro had been unable to develop a certification program.

Councilor Kirkpatrick said members of the hauling industry, who have been opposed to certification, should be invited to a meeting on the issue. Ms. Gorham said certification was a tender subject with the industry. Ms. Crockett said certification was implemented to make waste reduction policies start on-line. She said Metro could use rates to enforce the policy. She said the local jurisdictions could use their collection authority and the local governments had to fulfill that objective.

Chair Hansen adjourned the meeting at 9:50 p.m.

Respectfully submitted,



Paulette Allen, Committee Clerk  
SWC88.278