

MINUTES OF THE COUNCIL INTERGOVERNMENTAL RELATIONS COMMITTEE  
OF THE METROPOLITAN SERVICE DISTRICT

April 24, 1990

Council Chamber

Committee Members Present: Mike Ragsdale (Chair), Richard Devlin  
(Vice Chair), Larry Bauer, Jim Gardner and  
Ruth McFarland

Committee Members Absent: None

Other Councilors Present: Gary Hansen

Also Present: Executive Officer Rena Cusma

Chair Ragsdale called the regular meeting to order at 6:00 p.m.

1. Consideration of April 3 Minutes

Motion: Councilor Gardner moved for approval of the minutes.

Vote: The full Committee was present and voted aye. The vote  
was unanimous and the minutes were approved.

2. Staff Update and Public Hearing on Phosphate Contamination in Local  
Water Bodies Discussion of various state efforts to reduce  
phosphate contamination, including results of bans (Public  
Hearing)

Chair Ragsdale opened the public hearing.

Commissioner Bonnie Hays, Washington County Board of Commissioners  
chair, introduced Gary Krahmer, general manager, Unified Sewerage Agency  
(USA) of Washington County. Commissioner Hays asked Metro staff, the  
Department of Environmental Quality (DEQ), manufacturers and other  
interested parties to examine the feasibility of a regional phosphate  
detergent ban. She said the Tualatin River could not absorb the current  
amounts of phosphorous discharged into it because of its physical  
characteristics. She said excess phosphorous encouraged algae growth  
and restricted beneficial uses of the river. She said the phosphorous  
which affected the Tualatin River and affected water quality in  
Washington and Clackamas Counties came from human waste, fertilizer,  
oil, road surface residue, industry and detergent. She said most  
phosphorous came from treatment plants and the rest was carried into  
streams by rain or irrigation water.

Commissioner Hays said a phosphate detergent ban was necessary because  
USA was ordered to comply with a 1993 federal deadline to limit  
phosphorous from point and non-point sources. She said how phosphorous  
was limited would affect rate-payers. She said 80 percent of  
phosphorous loads discharged came from wastewater treatment effluent and  
a ban would decrease influent phosphorous concentration at treatment

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plants 20 to 40 percent based on data from states with existing bans. She said the region's potential reduction of phosphorous could be 30 percent. She said the reduction would help USA to meet discharge requirements and decrease chemical removal costs at treatment plants, decrease chemical sludge generation and handling, and create less demand for land disposal sites. She said USA could save approximately \$300,000 per year.

Commissioner Hays asked Metro to analyze all costs and benefits related to the ban, but recommended exemptions for certain users, such as dairies and hospitals. She noted some detergents used locally contained up to 17 percent phosphate. She asked Metro to join 4 states and 12 regions that had banned phosphate products. Commissioner Hays asked Metro to base its decision to ban or not to ban on well-documented data.

Councilor McFarland asked what other sources besides treatment plants caused excess phosphate. Commissioner Hays said non-point sources included farms, lawns, pavement and parking lots. Councilor McFarland asked what figures were reliable since she had heard various percentages given. Mr. Krahmer said USA laboratory staff and Tualatin Basin Consultants determined their statistics. Commissioner Hays noted statistics varied according to geographic location. Mr. Krahmer said percentages could vary widely also depending on how phosphate was used. Councilor Gardner asked how USA determined it could save \$300,000 annually. Mr. Krahmer said estimated savings were based on the reduced amount of chemicals used to treat wastewater and said USA spent \$1 million annually on treatment chemicals. Councilor Bauer asked what issues other agencies had faced when phosphate bans were instituted.

Woody Muirhead, Tualatin Basin Consultants, said the first phosphate ban took place in Indiana in 1975. He said early issues concerning the higher costs of early phosphate-free detergents were moot since manufacturers had reformulated cheaper phosphate-free formulas. He said a 1987 Consumer Reports article addressed whether or not non-phosphate products altered effluent content. He said effluent content could vary from 40 to 50 percent and because Indiana instituted the first ban, it experienced the largest change. He said other states realized a reduction of 30 to 35 percent when they imposed a ban. He said a ban in Oregon would be effective only if it applied to the entire region. Councilor Hansen asked if there would be a request to ban commercial lawn fertilizers in the future. Mr. Muirhead said the public could be educated to avoid re-run. Commissioner Hays noted effluent could be used for fertilization purposes also.

Jack Churchill, Northwest Environmental Defense Center, said 25 percent of phosphate agents came from treatment plants and were problematic for rivers, especially in summer months, when excess algae made them unsightly. He said DEQ estimated 20 to 40 percent of the current phosphate level could be reduced. He said the proposed ban would be a

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good place for the Metro water quality management program to start. Councilor Gardner asked if the City of Portland treated wastewater. Mr. Churchill said Portland had mostly secondary facilities which did not use phosphates.

Executive Officer Cusma said water quality was high on Metro's list of priorities and Metro began its water quality issues management program in 1989 and should take initiative on the phosphate issue. She said USA requested Metro evaluate such a ban and that Metro should proceed to reduce phosphate to benefit regional waterways. She noted other jurisdictions had instituted similar bans and had no significant rise in costs. She asked the Committee to consider carefully exemptions to such a ban. She noted Fred Meyer, Inc. and United Grocers supported the proposed ban and Metro had the experience of other jurisdictions to draw upon. Executive Officer Cusma asked the Committee to review the issues comprehensively.

Larry Sprecher, Senior Management Analyst, discussed historical events leading to the proposed ban on phosphates by Metro.

Jim Morgan, Associate Management Analyst, distributed staff's report "Preliminary Results of Regional Phosphate Detergent Ban Feasibility Study for Consideration by the Intergovernmental Relations Committee." He said phosphorous was an element which occurred naturally, and only when it was used to excess, created problems such as excessive algae growth which caused the oxygen depletion which negatively impacted fisheries. He said clean-up of the Tualatin River was necessary because of the Federal Clean Water Act, but said phosphate control was also a general management issue. He said most excess phosphorous came from sewage treatment plants and the best engineering techniques were limited in the control of phosphorous content in effluent.

Mr. Morgan said 70 to 80 percent of local phosphorous came from point sources. He contacted the authors of statutory law on phosphate bans in other jurisdictions who said they estimated 50 percent of the phosphate in water came from detergents. He said statistics had changed because of detergent reformulation. He said there was an immediate need for the reduction of phosphates. He said to wait for a state mandate would not be timely for the Tualatin River. He said phosphates worked as builders and buffers in detergents for use in hard water but Oregon had soft water. He said there were phosphorous substitutes. Mr. Morgan discussed the Consumer Reports article attached to staff's report and noted alternative products were available. He referred to a table in staff's report which showed data from states with phosphate bans. He noted states which instituted bans had allowed exemptions where necessary. He discussed chemical plant treatment techniques and said USA's estimated \$300,000 annual savings was based on a proposed 30 percent phosphate reduction. He said statistics could be higher but doubted whether they would be lower. He said Willamette River data

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could be analyzed. He said minimal data on the Columbia River was available and approximately two weeks was needed to gather that data. He discussed sewer overflows related to high or heavy rainfall called "event-related discharge." Mr. Morgan said source reduction at no additional cost was the best method to lower phosphorous levels. He said the City of Tacoma said it did not suffer an adverse difference in costs and other jurisdictions had said the same.

Councilor Bauer asked why hospitals and dairies could be eligible to receive exemptions. Mr. Morgan said it was essential for dairies to remove bacterial content and hospitals required detergents for instrument cleansing and laundry. He noted Spokane laundries had received exemptions but used phosphate-free products anyway. Councilor Devlin asked if substitutes for hospitals and dairies were more expensive. Mr. Morgan said there were similar products available at comparative costs but resistance to change kept some from using alternative products. Councilor Hansen asked if legislation would include exemptions for small manufacturers. Mr. Sprecher said staff wanted to discuss exemptions with industry and would talk to manufacturers of specialized detergents. Chair Ragsdale asked if phosphate-free dishwasher detergent powder was available.

Cheryl Perrin, Fred Meyer, Inc. spokesperson, asked Metro to support the proposed ban on detergents containing phosphates. She said there were 26 Fred Meyer stores in the region, but that Fred Meyer had experienced only one ban in Flathead County, Montana, which had three Fred Meyer stores. She said if a phosphate ban were instituted in the region, Fred Meyer would have to double warehouse space to carry both types of detergent, therefore, Fred Meyer preferred a statewide and not regional ban. She said the ban should be implemented at the retail level rather than the wholesale level. She said Fred Meyer currently shipped \$30 million in detergents. She said Fred Meyer carried 23 different kinds of detergent and 13 were phosphate-free. She said there was no phosphate free dishwasher detergent powder so that product should receive an exemption. She said stores would have to be rearranged based on changes as they occurred. She said retailers would need public education programs which would probably require on-going information. She said Fred Meyer was prepared to reasonably comply with a ban but would need 90 days to do so. Ms. Perrin said she understood the Tualatin River Basin requested Metro draft complete, detailed legislation to introduce to the state legislature.

Roger Martin, United Grocers, noted United Grocers was structured as a co-operative and not a corporation and therefore it was more difficult for them to speak to the issues. He said United Grocers was committed to cooperating with Metro and potentially the state legislature. He said Oregon businesses shared the same concerns as citizens did and would also like to see the Tualatin River cleaned up. He said a phosphate ban would work only with public consensus. He said the ban

should apply to retailers only because wholesalers distributed to Washington State. He urged Metro to introduce legislation at the 1991 State Legislature. He said Metro should look at dishwasher detergent powders because there was no phosphate-free substitute. He said a ban of dishwasher detergent would be resisted. He said it was necessary to educate the public and said United Grocers would be happy to work with staff on a campaign. He said United Grocers could implement a ban faster than Fred Meyer could but would require notice also. Mr. Martin said some manufacturers would be unhappy with a ban because most detergents used here were made in California.

Councilor Devlin asked what could be done to inform the public. Mr. Martin said stores could put up signage explaining the ban and why it was instituted. He noted other rivers besides the Tualatin River were affected. Councilor Gardner noted if the ban became statewide, suppliers would still have to stock both kinds of detergents. He said United Grocers' distribution area outside Oregon was not as large as Fred Meyer's and if the ban were imposed state-wide, United Grocers would probably stock phosphate-free products only. He said a statewide ban would be easier logistically. Mr. Martin noted consumers could buy detergents containing phosphate in a county outside the region and bring it back for use within the region.

Paul S. Cosgrove, Soap and Detergent Association, introduced Dr. Edwin Matzner, Monsanto Corp., and Rich Sedlak, Soap and Detergent Association engineer.

Dr. Matzner said Monsanto provided not only phosphates to the detergent industry but practically all ingredients for detergents. He said phosphorous was a nutrient and present in most living things as well as most foods. He said one washing machine per day produced approximately one gram of phosphorous compared to a human being which produced two grams of phosphorous. He said a cow produced 100 grams, and a pig 3.5 times that. He said such statistics proved detergents comprised a small percentage of water body phosphates. He said Indiana saw no improvement in their water quality as a result of their phosphate ban. He cited a Los Angeles Times article which stated no fish would grow in Lake Mead because it did not have sufficient phosphorous. He said the article explained how 40 tons of ammonium phosphate was added to the lake in 1986 and fish were growing there now.

Mr. Cosgrove said the Soap and Detergent Association supported a Metro resolution to analyze the issues thoroughly. He said during the last session, the State Legislature adopted Senate Bill 1079, a bill supported by the Soap and Detergent Association. He said the bill directed DEQ study the impact of nutrients on water quality including phosphate detergents and determine if further action was required. He said DEQ did not appoint a task force at that time but would this month. He said it was unfortunate the DEQ study the Soap and Detergent

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Association anticipated would be issued sooner would not be reviewed by the 1991 State Legislature because DEQ required a wet and a dry season for a complete study. He said USA was under more stringent federal regulations than any other treatment plants in the country because of the geographical locations of USA's two plants and the population they served. He said federal reduction standards would improve Tualatin River quality. He said DEQ had to assume how much phosphorous the River could absorb and still meet federal requirements. He said the issue of water quality was everyone's responsibility. He said excessive algae in the Tualatin River represented a problem only in the summer months. He said no regulatory agencies or governmental entities had stated a phosphorous ban would improve Tualatin River water quality. He said the plants had the technical ability to meet federal water quality standards. He said it would take higher doses of alum to reach lower discharge levels. Mr. Cosgrove discussed related issues further.

Mr. Sedlak said the Soap and Detergent Association was aware of information not included in staff's report and said he would be glad to share the information with staff. Chair Ragsdale asked how thorough a study was required for Metro to decide whether to proceed with a ban. Mr. Cosgrove said Tualatin River data was well-documented but the Willamette River was less well researched. He said if the study applied to the Tualatin River alone, costs to USA and other treatment plants could be researched. To Chair Ragsdale's question, Mr. Krahmer said he did not know whether the ban would achieve the desired level of water quality in the Tualatin River and said that was an issue for DEQ to determine. He said if a ban was instituted, USA could achieve its required effluent level. Chair Ragsdale asked what additional costs would be associated with the ban and if USA had firm numbers on cost-effectiveness. Mr. Krahmer said USA was currently developing numbers. He said the estimated \$300,000 in savings was the result of consultant analysis of savings in chemical usage. Chair Ragsdale said a ban would not reduce capital costs but would reduce operating costs. Mr. Muirhead said the issues involved expansion as well as phosphorous levels. He said a ban would reduce sludge generation by 7 percent which would result in some capital savings. Mr. Krahmer said sludge was used for agricultural purposes also. Mr. Muirhead said it was necessary to understand the differences between sludges. He said when alum was used to treat sludge, the sludge became a chemical sludge of little value. He said a ban would not change how sludges were now handled.

Chair Ragsdale asked staff if 30 days was sufficient to return to Committee with the necessary information to make a decision. Mr. Morgan said 30 days was sufficient to analyze economic aspects but not water quality issues. Chair Ragsdale said dishwasher detergent powder should be researched. Mr. Morgan said 30 days were enough to assess the effect of phosphates from dishwasher detergent powder on water systems. He said that analysis would be difficult because it did not have a comparable phosphate-free alternative. Councilor Gardner said from

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testimony at this meeting, it appeared consumers could pay more and asked how much more and when. He asked if retail costs would increase even though distributors stated phosphate-free products could be provided. Mr. Morgan said he contacted Flathead Basin and Spokane Basin representatives. He said Spokane began its ban in March and distributors there perceived no net cost change due to the ban. He said the ban did cause some transport background changes and some product availability problems in Montana but noted Montana was the first northwestern state to have a ban. Mr. Morgan said other sources of information were the industry and distributors and thus far he had only talked to distributors.

Jimmy "Bang Bang" Walker, Knock-Out Cleaning Products Co., said his line of cleaning products did not contain phosphates. He said his products cost less than costs he had heard given at this meeting. Chair Ragsdale asked Mr. Walker, as a small local manufacturer, if the proposed ban would adversely affect his business. Mr. Walker said it would not. Councilor McFarland asked Mr. Walker if he made phosphate-free dishwasher detergent powder. Mr. Walker said he manufactured both phosphate-free liquid and powder dishwashing detergents. Councilor Gardner asked whether phosphate-free products did not clean as well which caused customers to use more product. He asked if staff could get before and after per capita usage statistics from jurisdictions that had banned phosphate products. Mr. Morgan said he read two articles which tracked before and after costs. He said product formulations had changed but stated again phosphorous was needed for surfactants and water softening and were not necessary in the northwest region.

Chair Ragsdale asked if any other manufacturers would be affected. Mr. Krahmer said businesses which made silicon chips used phosphorous acid, and were required to use pre-treatment processes, but noted some phosphorous surfaced in their effluent. He said major phosphorous producing industries could be charged fees so that they would install additional pretreatment facilities for source removal. Councilor McFarland asked if that meant industry effluent would meet DEQ requirements and if household waste could be reduced without banning phosphates. Mr. Krahmer said Mr. Cosgrove was correct that additional equipment would require capital construction costs, but said the equipment had to be added anyway. He said to ban phosphate detergents was one of the most cost-effective ways to reduce the percentage of excess phosphorous. He said it would be a mistake to base a ban on Tualatin River issues alone. Councilor McFarland asked if secondary plants along the Tualatin removed phosphates. Mr. Morgan said some did, but it was not their main purpose. Councilor Devlin asked about cost. Mr. Morgan said projected savings were based on whether treatment plants had to upgrade to the tertiary level. He said such factors as TMDLs involved hidden costs. He said Metro should look at the benefits of phosphate removal at treatment plants not currently doing removal.

Councilor Devlin asked staff to include definition glossaries in future staff reports. Chair Ragsdale said consideration of this agenda item would be continued to the May 22 meeting in order to assemble more information and requested Mr. Morgan work with Council staff. He instructed Mr. Morgan and Ms. Marlitt to draft a generic ordinance to give the Committee an idea of what final legislation would involve.

Chair Ragsdale called a recess at 8:10 p.m.

The meeting reconvened at 8:25 p.m.

3. Ordinance No. 90-344, Amending the Regional Transportation Plan Defining the Priority of the Hillsboro Extension of the Westside Corridor

Andy Cotugno, Director of Transportation, said the ordinance would amend the Regional Transportation Plan (RTP) to recognize the Hillsboro Corridor as the region's next priority for consideration of light rail transit (LRT) construction after the Westside Corridor from downtown Portland to 185th Avenue. He said the number one priority designation was for the Westside Corridor from downtown to 185th Avenue. He said, however, Metro had sought authorization from Urban Mass Transportation Authority (UMTA) to initiate an alternatives analysis/draft environmental impact study (EIS) to extend the corridor from 185th Avenue to Hillsboro, necessitating designation of this action as the next priority. Mr. Cotugno said the ordinance was a policy statement and did not make a decision in the RTP about studies on whether corridor construction should proceed.

Chair Ragsdale opened the public hearing. No one present appeared to testify and the public hearing was closed.

Councilor McFarland asked if the ordinance provided for studies for the planning process. Mr. Cotugno said it did and those studies would determine how proposed construction would be paid for. Councilor Gardner asked whether it was too late to perform the studies. Councilor Bauer noted his surprise the West Side Light Rail Plan did not include Hillsboro from beginning and said to do so would be cost-effective. Mr. Cotugno noted construction was projected at \$100 million. He said the federal government assessed costs in relation to increased ridership and discussed federal criteria further.

Motion: Councilor Devlin moved to recommend the full Council adopt Ordinance No. 90-344.

Vote: Councilors Bauer, Devlin, Gardner, McFarland and Ragsdale voted aye. The vote was unanimous and the motion passed.



4. Resolution No. 90-1179, Establishing an Organizational Structure for Overseeing High Capacity Transit Studies

Mr. Cotugno said the resolution would establish an organizational framework for LRT studies throughout the region and establish the oversight committees required for the bi-state elements and I-205/Milwaukie studies.

Motion: Councilor McFarland moved to recommend the full Council adopt Resolution No. 90-1179.

Vote: Councilors Devlin, Gardner, McFarland and Ragsdale voted aye. Councilor Bauer was absent. The vote was unanimous and the motion passed.

6. Resolution No. 90-1256, For the Purpose of Endorsing Ballot Measure 1

Chair Ragsdale explained the Council adopted the RTP via Ordinance No. 89-282 and also adopted Resolution No. 89-1035 which defined a comprehensive transportation finance strategy. He said Resolution No. 89-1035 included endorsement of the request to the 1989 Legislature for SJR 12 to amend the Oregon Constitution to allow local voters to approve the use of a local vehicle registration fee for transit purposes and therefore Metro endorsed Ballot Measure 1 to have the Constitution allow voters of counties and transportation districts to authorize the use of the local motor vehicle tax revenues for mass transit.

Motion: Councilor Devlin moved to recommend the full Council adopt Resolution No. 90-1256.

Vote: Councilors Devlin, Gardner, McFarland and Ragsdale voted aye. Councilor Bauer was absent. The vote was unanimous and the motion passed.

6. Legislative Update from Metro's Government Relations Manager

Greg McMurdo, Government Relations Manager briefed the Committee on state legislature committees and activities and the status of proposed Metro legislation. Chair Ragsdale requested Mr. McMurdo brief the Committee approximately every four to five weeks on legislative activity and issues.

Chair Ragsdale and the Committee discussed upcoming agenda items including the Smith and Bybee Lakes Management Report, RLIS marketing techniques, Masscomp, Ordinance No. 90-322, the proposed phosphate ban May 22, contracts list review, Metro's merger with Tri-Met, and IGR and Council approval of the water resources work plan.

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Chair Ragsdale adjourned the meeting at 9:26 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Paulette Allen".

Paulette Allen  
Committee Clerk  
IGR90.114