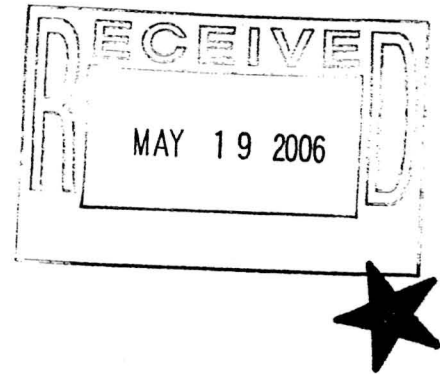


2420 SW Boundary St.  
Portland, OR 97239  
May 17, 2006

Metro Councilors  
Metro  
600 NE Grand Ave.  
Portland, OR 97232



Subject: Ordinance No. 06-1118

Dear Metro Councilors:

I have just read the staff report for Ordinance No. 06-1118 that would reduce the solid waste disposal fee. I urge you to reject the ordinance for these reasons.

**1. The disposal fee should not be decreased.** Historically, recycling rates have been closely correlated with tip fees. Recycling rates rose in the late 1980s and early 1990s when disposal fees were increased; they flattened when disposal fees fell.

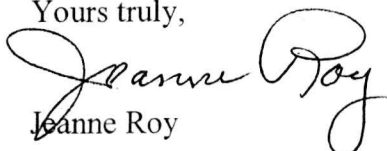
Lower disposal fees especially hurt the recycling of marginal materials that need incentives for separation, like yard debris, dry wall, and food waste. For example, if a grocery store or restaurant is to be motivated to expend the extra labor to separate food waste, there has to be a wide differential between the fee for garbage collection and the fee for food collection. Lowering the tip fee will make that differential smaller.

According to the staff report, a typical restaurant pays \$2,736/month for garbage collection. This fee is projected to decrease by \$52/month. That is not a price signal that will encourage separation of food waste. Since Portland is trying to get commercial food waste collection off the ground, this is no time to lower disposal fees.

The staff report says that this ordinance is not expected to significantly impact recycling. The region cannot afford to discourage recycling even if each action is judged *not significant*. The region is not likely to meet the 2005 recycling goals, and it won't meet the 2009 goals either if such actions continue to whittle away at incentives.

**2. The transaction charges for haulers of small loads should not be increased and those for haulers of large loads should not be reduced.** I do not agree with the theory that Metro should charge users according to the cost to Metro. That results in those with more waste being charged less per unit than those with little waste--a disincentive to reduce waste.

Yours truly,

  
Jeanne Roy

Dear Council Office,  
Would you please  
make copies and  
put in the boxes  
of the counselors



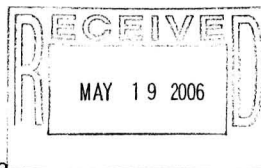
C Dick & Jeanne Roy  
2420 SW Boundary St.  
Portland, OR 97239

c.

PORTLAND OR 972  
18 MAY 2006 PM 6 T



*Metro Council Office  
Metro  
600 W E Grand  
Portland, OR 97239*

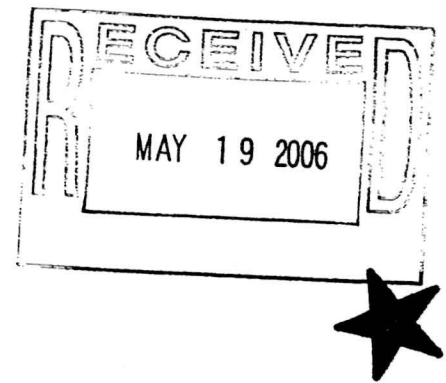


97232/2733



2420 SW Boundary St.  
Portland, OR 97239  
May 17, 2006

Metro Councilors  
Metro  
600 NE Grand Ave.  
Portland, OR 97232



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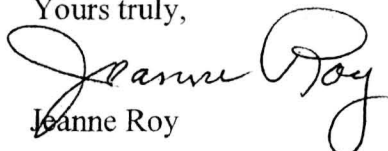
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Joanne Roy

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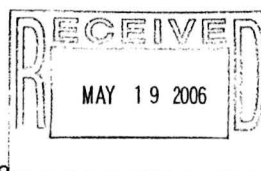
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18 MAY 2006 PM 6 T



Metro Council Office  
Metro  
600 N E Grand  
Portland, OR 97239



97232/2799



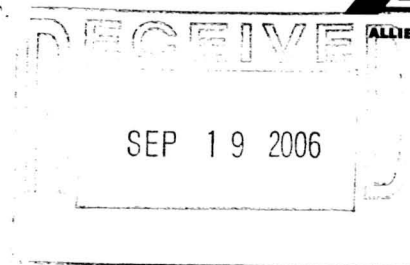
Received under separate cover:  
David Bragdon  
Carl Hosticka  
Rod Park

September 18, 2006 Michael Jordan



ALLIED WASTE SERVICES

Michael Hoglund  
Director  
Metro Solid Waste & Recycling Department  
600 Northeast Grand Avenue  
Portland, OR 97232-2736



Dear Mr. Hoglund:

RE: Metro's Analysis of WRI's Recovery Data

This will acknowledge receipt of your letter (signed by Janet Matthews) to Todd Irvine letting him know WRI is "on track to fall below 25 percent recovery from non-putrescible waste for a rolling 12-month average." Your letter also informed Todd of Metro's plan for punitive action - "monetary penalties and the amendment or revocation of WRI's franchise."

WRI appreciates Metro's encouragement to WRI "to make every effort to keep WRI in compliance with its franchise."

Attached is a report showing WRI's rolling 12-month average material recovery rate history since FY 1997-98. The report shows WRI recovered annually for eight (8) consecutive years material in excess of a rolling 12-month average of 30-percent material recovery rate from non-putrescible waste delivered to its facility.

WRI for the first time in its operating history fell below a rolling 12-month average of 30-percent material recovery rate last fiscal year (2005-06) when it had a rolling 12-month average of 29.1 percent material recovery rate. This trend downward below a rolling 12-month average of 30 percent material recovery rate started at WRI in May 2006 and continues to-date.

It should be of interest to Metro, but I know from first-hand experience it is not, last fiscal year WRI RECOVERED the MOST TONS in its history - 24,265 tons - while falling below a rolling 12-month average of 30 percent material recovery rate.

The tons recovered in fiscal year 2005-06 represent a GAIN of 7,586 TONS over fiscal year 2004-05 when WRI's material recovery rate PERCENTAGE was 31.2 percent. In fact, the attached report shows the tons of material recovered in fiscal year 2005-06 by WRI from non-putrescible waste was substantially higher than tonnage recovered in any fiscal year during WRI's nearly 12-year history of operation.

Notwithstanding Metro's planned punitive actions and "encouragement," WRI several months ago reduced the non-putrescible waste tonnage it planned to receive in fiscal year 2006-07. WRI initially projected, as shown in the attached report, that its marketing efforts should enable it to receive 108,000 tons of non-putrescible waste in fiscal year

2006-07. WRI revised projection for fiscal year 2006-07 shows it will reduce incoming non-putrescible waste tonnage from the projected 108,000 tons to 75,000 tons, a reduction of 33,000 tons.

This change in non-putrescible waste tonnage WRI will be able to receive should result, all things equal, in WRI recovering 5,515 FEWER tons of waste in fiscal year 2006-07. Obviously this action will significantly reduce WRI's operating. WRI is now considering increasing its price for services to offset this revenue loss.

As shown in the attached report, WRI could recover from the 108,000 tons of non-putrescible waste at a 20 PERCENT rolling 12-month average material recovery rate nearly 3,000 MORE TONS than WRI will be recovering from 75,000 tons at a 25 PERCENT rolling 12-month average material recovery rate. In fact, tons recovered from the 108,000 tons at a 15 PERCENT rolling 12-month average material recovery rate are nearly the same as the tons of material recovered from 75,000 tons at a 25 PERCENT rolling 12-month average material recovery rate.

Your letter has been very instructive. Rest assured WRI has no plan to be put out-of-business by Metro. WRI will be in compliance with Metro's required rolling 12-month average of 25-percent material recovery rate, notwithstanding that as a result more recoverable material generated in the metro region probably will be landfilled.

Very truly yours,

  
Ray Phelps

Attachment

cc: David Bragdon, Metro Council President  
✓ Carl Hosticka, Metro Deputy Council President  
Rod Park, Metro Councilor and Solid Waste Liaison  
Michael Jordan, Metro Chief Operating Officer  
Roy Brower, Regulatory Affairs Manager  
Lee Barrett, Waste Reduction & Outreach Manager  
Todd Irvine, General Manager, Allied Portland Area Divisions



WRI  
DRY TONNAGE RECEIVED & RECOVERED  
September 18, 2006

<u>Fiscal Year</u>	<u>TONS RECEIVED<sup>1</sup></u>	<u>RECOVERY PERCENT</u>	<u>RECOVERED TONS</u>
1995-96	14,103	N/A	
1996-97	25,139	N/A	
1997-98	33,569	45.3	15,207
1998-99	34,510	41.6	14,356
1999-00	34,333	37.8	12,979
2000-01	33,184	38.0	12,611
2001-02	46,349	35.5	16,454
2002-03	45,166	33.1	14,950
2003-04	46,175	33.0	15,238
2004-05	53,457	31.2	16,679
2005-06	83,385	29.1 <sup>2</sup>	24,265
2006-07 <sup>3</sup>	108,000	25.0	27,000
		20.0	21,600
		15.0	16,200
2006-07 <sup>4</sup>	75,000	25.0	18,750

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<sup>1</sup> Data for Fiscal Years 1995-96 through 2003-04 is actual, as reported by Metro in its – “Solid Waste Delivered to Disposal Facilities Serving the Portland Metropolitan Tri-Counties and Regulated by Metro” (By Calendar & Fiscal Years, 1992-2005).

Data for Fiscal Years 2004-05 and 2005-06 is actual, as reported by WRI to Metro in WRI's -

<sup>2</sup> WRI fell below 30-percent recovery rate for the first time at the end of May 2006.

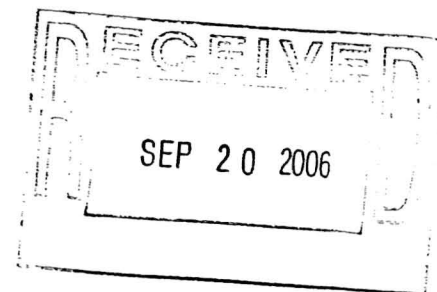
<sup>3</sup> Projected by WRI based on July & August 2006 actual.

<sup>4</sup> Revised projection “required” by Metro



September 20, 2006

Lee Barrett  
Waste Reduction and Outreach Manager  
Metro Solid Waste & Recycling Department  
600 NE Grand Avenue  
Portland, Oregon 97232



Dear Mr. Barrett:

RE: Mandatory Material Recovery

Following are issues and concerns Allied Waste Systems (Allied) has regarding Metro's proposed program to require material recovery processing of all non-putrescible waste before this waste may be delivered to a landfill (Program).

Designated Facilities Agreement (DFA). Metro's current DFA with Coffin Butte Landfill (CBL) will be amended to delete item (c), part 1, paragraph a, section 2, in Amendment No. 1 to Metro Contract No. 924538 (DFA). This item now authorizes CBL to accept directly from construction or demolition sites non-putrescible waste residual generated or originating inside the metro region. It is my understanding this amendment will be effective when Metro starts this Program.

This change in CBL's Metro DFA will limit CBL to accepting only non-putrescible waste residual resulting from material recovery of non-putrescible waste generated or originating inside the metro region by either: 1) a person certified, licensed or franchised by Metro to conduct material recovery; or, 2) a person with whom Metro has executed a designated facilities agreement which requires the facility to conduct material recovery. CBL will be able to accept without this Metro limitation all non-putrescible waste generated or originating outside the metro region.

Allied has no problem with this change. Allied feels strongly, however, that ALL landfills and solid waste facilities outside the metro region now receiving directly from construction or demolition sites non-putrescible waste residual should be no longer authorized when Metro starts its Program to landfill such waste before waste is processed for material recovery.

Allied's position includes landfill(s) and such solid waste facility(s) currently indicating an inability to perform material recovery at the START of Metro's Program. Allied does not accept the notion that these facilities should be allowed some undefined "phase-in" period AFTER the start of Metro's Program.

Allied's reason for this recommendation is its desire for a level playing field for all solid waste facilities. A landfill and solid waste facility outside the metro region not expected to recover material from non-putrescible waste generated or originating inside the metro region when this Program starts will have a significant competitive and financial advantage over Allied. Such a situation is unacceptable to Allied.

Furthermore, Allied believes Metro's performance monitoring of this Program will be most effective at the start of this Program if ALL landfills and solid waste facility accepting non-putrescible waste generated or originating inside the metro region enter into a DFA with Metro. Experience has proven Metro's regulatory efforts are most effective when Metro has a DFA with a landfill and such solid waste facility receiving non-putrescible waste generated inside the metro region.

Allied's reason for this recommendation is its desire for a level playing field for all solid waste facilities. Landfills and such solid waste facilities receiving non-putrescible waste generated or originating inside the metro region would be treated uniformly under a Metro DFA. This ensures, to the maximum extent possible, the integrity and fairness of this new Program.

Metro Inspection and Audits. Allied does not support Metro's proposed amendment to Metro Code 5.01.135 (c). (See Section 5, page 9, of Draft Ordinance 06-XXXX). New language states:

"Such inspection or audits may include, at the Chief Operating Officer's discretion, *taking samples and conducting analyses of any waste or other material, including storm water runoff, water treatment or holding facilities, leachate, soil and solid waste, and including conducting waste characterization analyses of any solid waste.*"

First, the italicized words appear to be a redundancy, accomplishing the same purpose.

Second, Allied objects to the bolded wording in this proposed amendment. Currently, these monitoring activities are the responsibility of the Oregon Department of Environmental Quality (DEQ). Allied is not objecting to the performance of this monitoring since our company feels this effort is valuable and necessary. Allied is objecting, however, to two (2) different public funded regulatory agencies expending resources to perform the same task(s).

As Allied stated at the August 15, 2006 meeting of your Dry Waste Recovery Work Group, we believe these regulatory task(s) should be the responsibility of one, not two, public funded regulatory agencies. This will ensure uniformity of effort. Also, the cost to do this inspection work is expensive for both the public funded agencies and Allied.

If Metro desires to sample and inspect **storm water runoff, water treatment or holding facilities, leachate, soil**, it should first enter into an Intergovernmental Agreement (IGA) with DEQ to perform these regulatory task(s). This situation would assure Allied that

one, not two, public funded regulatory agencies would be performing these important regulatory tasks.

In summary, Allied would support Metro's proposed amendment if it stipulated in Metro Code that Metro would sample and inspect **storm water runoff, water treatment or holding facilities, leachate, soil** only after Metro and DEQ entered into an IGA for Metro, not DEQ, to do these task(s).

Financial Assistance. Allied objects to any public assistance or subsidy by Metro of Allied's competitors for the purpose of these competitors building a material recovery facility. Such public funded assistance, in whatever form, places Allied at a significant financial disadvantage with its competition.

For the record, financial assistance is now available under Metro's Regional System Fee Credit Program. This Program allows processor(s) now recovering waste to earn revenue by actually removing waste from the region's waste stream before landfilling. I understand the Credit Program will be eliminated when Metro starts its mandatory material recovery program.

Metro's plan to eliminate its Regional System Fee Credit will reduce Allied's operating revenue by approximately \$30,000 per month. This loss of revenue, plus public funded assistance for Allied's competition, is the basis for Allied's objection to Metro funding our competition.

In addition, Allied plans to increase its price for accepting non-putrescible waste generated or originating inside the metro region. This price is necessary for Allied to offset the loss of revenue from Metro's Regional System Fee Credit Program. Our plan to increase our price would be severely jeopardized should Metro: 1) allow a phase-in period for our competitors; and, 2) subsidize our competitor's effort to develop a facility to compete with Allied for removal of material from non-putrescible waste.

Out-Of-Region Waste. Not discussed at your August 15 meeting, but of great interest to Allied, is the ability for our company to accept, without paying Metro's Regional System Fee, non-putrescible waste generated or originating outside the metro region.

Currently, Allied does not accept such waste since this waste can be landfilled at much less cost than possible if Allied were to remove material from this waste stream. The sole reason Allied is unable to accept non-putrescible waste generated or originating outside the metro region is Metro's instance that Allied charge its Regional System Fee and Excise Tax on this waste.

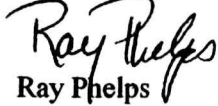
There is currently a provision in Allied's Solid Waste Facility Franchise (No. F-005-03) regarding putrescible waste "generated or originating inside the Metro region." (See Section 4.2, Limit on waste accepted, page 6 of 18).

Allied seeks a similar provision in Metro Code dealing with non-putrescible waste. Section 4.4, Material recovery required, could be amended to provide a similar provision. For example:

“The Franchisee shall perform material recovery on non-putrescible waste accepted at the facility generated or originating inside the Metro region.”

The remaining language in Section 4.4 may need to be harmonize with this suggested change.

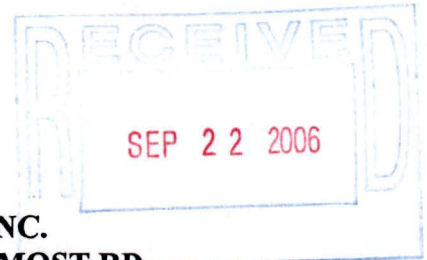
Thank you,

  
Ray Phelps

cc: Todd Irvine, General Manager Portland Area Divisions  
Brian Stone, General Manager, Coffin Butte Landfill  
Carl Hosticka, Deputy Council President  
✓ Rod Park, Metro Councilor and Council Solid Waste Liaison  
Mike Hoglund, Director, Metro Solid Waste and Recovery Department  
Roy Brower, Regulatory Affairs Manager



**GRABHORN INC.**  
**14930 SW VANDERMOST RD.**  
**BEAVERTON, OR 97007-8723**



September 20, 2006

Via US Mail and Fax  
Metro  
Solid Waste Division  
Lee Barrett  
600 NE Grand Ave.  
Portland, OR 97232-2736

Re: Metro Dry Waste Program Mandatory MRFing Proposal

Thank you for allowing written comment on the Metro proposal for increased recycling through the proposed medium of mandatory MRFing. As I understand it, the goal of the Metro proposal for mandatory MRFing is to increase recycling in the region by an annual amount of 33,000 tons. I also understand that Metro would not impose a program to achieve an additional 33,000 tons recycling rate, to do so would jeopardize recycling that already occurs, or recycling markets already created or the region's land fill infrastructure. In that spirit, we submit the following comments.

As a global matter, we have two important observations and concerns.

First, we believe Metro would miss the mark to assume recycling can only be achieved through indoor high investment MRFing. Significant recycling occurs at LRL. I already MRF in the sense that I receive source separated materials and turn them into useful products and in some cases already pull material from the landfill platform to include in the recycling that we do here. This is a low cost way that I recycle and "MRF." Using this format, I have created significant recycling markets that would not and do not otherwise exist; for example, I hold the patent on, and created the market for, recycled wood chips used in "bio bags" for storm water control. Depending on the MRFing standards, unless significant financial assistance is provided, I may not be able to afford to create an expensive indoor MRFing facility given the size of my waste stream as well as the relatively short life remaining for my landfill. There may be no way to amortize the significant investment that building an indoor MRFing facility would take. However, I can and do a significant amount of recycling that others do not do without Metro's new mandatory program. Therefore, a singular focus on MRFing may miss the region's goal and cause the region harm.

Second, restricting landfills, like LRL, from MRFin as a regulatory or as a practical matter because of the relatively short life span left for the landfill as compared to the significant investments required for the MRFin, could jeopardize the safe closure and post closure and funds for the same for our landfill. This would risk an orphan site, among other problems. The closure and post closure plans that bind both LRL and the outside world, including Metro, contemplate a particular waste stream, providing a specific amount of dollars which LRL collects, all to enable LRL to be closed in a safe manner and monitored over time. If Metro were to restrict LRL's waste stream and existing recycling programs, and thus significantly impair the health of LRL as well as significantly impede the accumulation of the closure and post closure fund, this would be a significant cost to the program would in fact exceed the cost of recycling.

Our suggestions below then reflect the observation that Metro is likely able to achieve its increased recycling goals and do no harm to other parts of the region's and state's environmental and other programs without creating a mandatory MRFin program. At least as it is currently envisioned. We think that this is possible by including MRFin as a tool where the investment can make sense for the facility, but also by not making MRFin the exclusive means by which solid waste is collected or by which recycling occurs. Again, this is in part because recycling occurs to a large extent already without the kind of expensive indoor MRFin that Metro contemplates. We feel it would not be productive to penalize our significant investments in the creation of recycling markets and in recycling machines and other recycling and solid waste disposal infrastructure, only to have Metro deprive LRL of that waste stream making it impossible for those markets to be nurtured and for this kind of recycling to continue to occur.

Regarding Metro's "Summary Chart," we believe it is counter productive to the goal of recycling as well as reducing VMT, to impose the idea landfilling and MRFin are mutually exclusive. Specifically, the MRFin must occur in one place, recycling material driven somewhere else, and that people must, thereafter, drive to another place to landfill the residual. MRFin already occurs at my facility, Lakeside Reclamation Landfill (LRL). People bring in loads to LRL and some is recycled and some is landfilled with a single trip. Therefore, we suggest that the chart be modified to reflect the important recognition that MRFin and landfilling are not mutually exclusive. Rather, that they should be encouraged to occur together in the same place. In so doing, Metro would be recognizing that it is indeed dealing with "recyclable material" as "material or group of materials that can be collected and sold for recycling at a net cost that is equal to or less than the cost of collection and disposal of the same material." In support of our observation, we note that the state of definition of recycling is not limited to MRFin. Rather, recycling means "any process by which solid waste materials are transformed into products in a manner that the original products may lose their identity." ORS 459,010(20). We look forward to continuing as an important partner in the regions' effort to achieve recycling of recyclable materials. We believe the thoughts below reinforce this important relationship.

### **Concerns with Metro's Proposed code language**

1. Landfills already MRFs. Must make clear in new code language that this practice may continue. See p 15-16.
2. New mandatory MRFing provisions should not be imposed at the two remaining regional landfills that the Metro proposal uniquely affects, until both the Franchises and Designated Facilities agreements expire, whichever is later. Surely MRFing and recycling of recyclable material should be encouraged now, but if MRFing is to be a requirement, which we think is an unduly restrictive approach to dealing with the region's solid waste as above, then the effective date of such mandate must be on renewal on the later of the expiration of a landfill's franchise and DFA. See p 6-7;15 (page 15 recognizes that Metro cannot impose until DFA allows termination – why not such a provision for County franchises? This protects Washington County customers, rate payers, industry, and LF's.)
  - a. Must allow contemplated waste stream to continue at solid waste landfills so as not to disturb closure and post closure assumptions.
    - i. LRL is close to completion. Failure to phase in such a mandatory MRFing program only when franchise/Designated Facilities agreement expires at a minimum drags out completion of landfill causing conflicts to continue. Other problems have been identified elsewhere.
    - ii. State Law definition of recyclable material is any material: “\*\*\* that can be collected and sold for recycling at a new cost equal to or less than the cost of collection and disposal of the same material.” ORS 459.01(19). Therefore, the cost of program must be included, including costs in millions of closure and post closure that may be made unable to be collected in Metro's program as written is put into place.
3. Washington County historically has had serious deficits in landfilling space and capacity. Historically it has worked hard to protect its landfills. Landfill siting, as well as transfer station siting if landfills have to be sited hundreds of miles away, is extremely difficult and contentious. Keep in mind that a state statute was expressly written in recognition of this reality in order to give DEQ authority to super site a landfill in Washington County (as well as Clackamas, Multnomah, Polk and Marion counties). The mandatory MRFing proposal should not jeopardize landfilling operations in Washington County, including closure and post closure requirements putting pressure on local government or DEQ to site new facilities. Transporting and transportation costs should be considered before making landfilling and MRFing mutually exclusive. We suggest that making them mutually exclusive is not a policy that achieves maximum recycling or a healthy solid waste infrastructure in the region. Also,

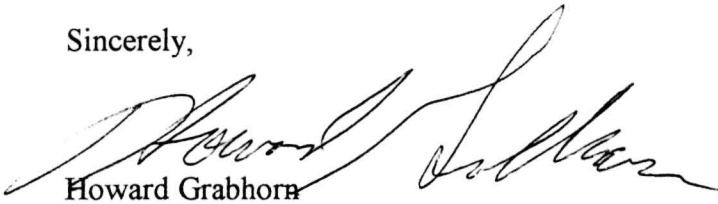
where landfilling becomes extraordinarily expensive or landfills governments have to deal with illegal dumping. Whatever regulatory program, Metro adopts, it clearly must be phased to start in a way that supports not harms Washington County facilities.

4. We are aware of no justifications or programmatic reason for characterizing the work that occurs in the implementation phase of a new program a “violation.” P 7. We suggest that no new restrictive program be effective, other than as encouragement, until an effective date that does not cause other problems in other part of integrated solid waste system for region. We suggest that is on the expiration of the franchise and DFA whichever is later.
5. Definition of solid waste contrary to state definition of solid waste. See p 1-2.
  - a. New Metro definition of solid waste includes “cleanup materials contaminated by hazardous substances.” See p 2. Doesn’t that conflict with state law? On this, the recycling requirement – the “no more than 15%” idea means that the facility is penalized for not pulling out and recycling material contaminated by creosote and lead paint. Seems contrary to state law and public health. See p 6-7.
6. The way recycling rates are calculated misses a large amount of recycled wastes. Separated material is not counted. This adversely affects the region’s sense of what recycling already is. The proposal would create such an enormous disruption in the regions solid waste infrastructure that it, respectfully, seems wise to have a better sense of what the region is already recycling under existing programs. With this, perhaps a less disruptive program could be put in place.
7. Metro sites should not be exempted. We can think of no justification for Metro sites to be exempted or characterized as the “failsafe” at expense of privately owned facilities with closure and post closure obligations. See p 4 -5. LRL, a private facility nearing completion, could also be the “failsafe.” This would make more sense for a healthy regional solid waste infrastructure.
  - a. Where will Metro’s commingled wastes go?
8. Yard debris acceptance should not be limited to acceptance for composting. See p 7, Item (3).
  - a. Must add wood chips, hog fuel or yard debris that is otherwise recycled at the facility. There are existing recycling markets for yard debris and adding such a provision appropriately recognizes that recycling only occurs if there is a market. Should encourage, not discourage existing future markets.

- b. Metro's definition in this regard seems to put the Metro program on a collision course with state law. Because recyclable materials would no longer be allowed to be recycled at landfills as is currently the case at least at LRL. Yard debris should be defined as recyclable material which should be allowed to be recycled as state law contemplates. Recycling should not be limited to occur only at distant and expensive MRFs, where the investment can only be amortized over a period of many years.

Thank you for this opportunity to comment. We look forward to continue to work with the region to achieve strong recycling and healthy regional solid waste infrastructure.

Sincerely,



Howard Grabhorn

CC: Theresa Koppang, Washington County Solid Waste  
Audrey O'Brien, ODEQ  
Metro Councilor Rod Park  
Jodie Reel  
Doug Drennen  
Wendie Kellington