

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF REPEALING	)	ORDINANCE NO. 90-352
METRO ORDINANCE NO. 85-194	)	
RESTRICTING THE USE OF THE ST.	)	Introduced by Rena Cusma,
JOHNS LANDFILL; AUTHORIZING	)	Executive Officer
LIMITED USE OF METRO FACILITIES	)	
FOR DISPOSAL OF NON-DISTRICT	)	
SOLID WASTE; AND REPEAL OF	)	
SECTION 5.02.055 OF THE METRO	)	
CODE RELATING TO "OUT OF STATE"	)	
SURCHARGES	)	

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

SECTION 1.

1. Ordinance No. 85-194 is hereby repealed.

SECTION 2.

1. Solid Waste generated outside of the District shall not be accepted at the St. Johns Landfill, Metro South Station, Metro East Station or Metro-Riedel Compost Facility for disposal unless a special permit to do so is issued by the Metro Executive Officer. Any permit issued shall specify the circumstances justifying such exception. Any permit issued shall be subject to:
  - (a) Available landfill or facility capacity considering the capacity needs for disposal of Solid Waste generated within the District;
  - (b) No adverse impact upon District rate payers;
  - (c) Any Solid Waste authorized to be disposed under this ordinance shall be subject to the same standards and conditions pertaining to "Acceptable Waste" deliveries to the above

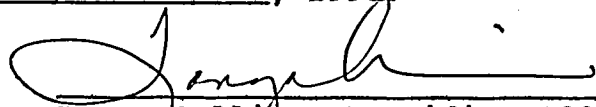
named facilities.

- (d) Any additional conditions as specified by the Executive Officer which may be necessary for the safe, efficient or cost effective operation of Metro facilities.
2. Any special permit issued under Paragraph 1 shall expire in a period of time not to exceed 12 months from date of issuance unless a longer period of time is authorized by the Metro Council. Any renewals or extensions of a permit resulting in a cumulative permit period exceeding 12 months shall require the approval of the Metro Council.
  3. Any special permit issued by the Executive Officer may be revoked upon thirty (30) days notice to the permit holder.
  4. Any permit for a monthly tonnage in excess of one thousand tons (1,000) per month must be referred to Council prior to the approval.

SECTION 3.

1. Section 5.02.055 of Chapter 5 of the Metro Code is hereby repealed.

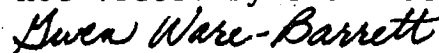
ADOPTED by the Council of the Metropolitan Service District this  
12th day of July, 1990.

  
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Tanya Collier, Presiding Officer

ATTEST:

  
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Gwen Ware-Barrett  
Clerk of the Council

I certify that this ordinance was  
not vetoed by the Executive Officer



90-352.ORD/PN:pa

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 90-352 FOR THE PURPOSE OF REPEALING ORDINANCE NO. 85-194 RESTRICTING THE USE OF THE ST. JOHNS LANDFILL; AUTHORIZING LIMITED USE OF METRO FACILITIES FOR DISPOSAL OF NON-DISTRICT SOLID WASTE; AND REPEAL OF SECTION 5.02.055 OF THE METRO CODE RELATING TO "OUT OF STATE SURCHARGES"

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May 11, 1990

Presented by Bob Martin  
Phil North

PROPOSED ACTION

Passage of the Ordinance No. 90-352 which will repeal Ordinance No. 85-194 which restricted the use of St. Johns Landfill to solid waste generated within the District. Also, Ordinance No. 90-352 will authorize limited use of Metro facilities for disposal of Non-District solid waste and will repeal Metro Code Section 5.02.055 with respect to "Out of State Surcharges".

FACTUAL BACKGROUND AND ANALYSIS

The proposed repeal of Ordinance NO. 85-194 is due to substantial change in circumstances. The primary purpose behind Ordinance NO. 85-194 was that the St. Johns Landfill was expected to reach its capacity before a new landfill would become available. To preserve the landfill capacity for the District's needs was seen to be of critical importance.

Metro now has a contract with Oregon Waste Systems for disposal of the district's solid waste at the Gilliam County Landfill. Also, the Metro East Station will open to coincide with the closure of the St. Johns's Landfill by February 1991. The availability of the Gilliam County Landfill and the Metro East Station were unknown factors when Ordinance NO. 85-194 was passed. Also, the precision of measuring remaining landfill capacity at the St. Johns Landfill has become greater as the actual closure date approaches.

The result of the change in circumstances since the passage of Ordinance NO. 85-194 is that there is no longer a need to impose a complete ban on out-of-District waste coming into Metro facilities. If a determination can be made that there is available capacity, there are other appropriate conditions and requirements that should also be met. Among them are; 1) no adverse impact on Metro ratepayers; 2) no reduced standards of acceptability for disposal and; 3) such other conditions unique to the situation as may be justified.

One last feature of the proposed ordinance is the repeal of Section 5.02.055 of the Metro solid waste rate ordinance relating to "Out-of State Surcharges". Logically, this section should have been repealed when Ordinance NO. 85-194 was passed because it no longer served any purpose. Nonetheless, this section should now be deleted in order to allow for application of uniform rates at Metro facilities for all users.

One further note with respect to the proposed ordinance is that the City of Washougal, Washington has made a request of Metro for use of the St. Johns Landfill and Metro facilities for a period of "9 to 12 months". This is intended to take place during an interim period while construction of a new transfer station and recycling center is underway.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 90-352.

SOLID WASTE COMMITTEE REPORT

ORDINANCE NO. 90-352, FOR THE PURPOSE OF REPEALING ORDINANCE NO. 85-194 RESTRICTING THE USE OF THE ST. JOHNS LANDFILL; AUTHORIZING LIMITED USE OF METRO FACILITIES FOR DISPOSAL OF NON-DISTRICT SOLID WASTE; AND REPEAL OF NON-DISTRICT SOLID WASTE; AND REPEAL OF SECTION 5.02.055 OF THE METRO CODE RELATING TO "OUT OF STATE SURCHARGES"

Date: June 6, 1990

Presented by: Councilor  
Gary Hansen

Committee Recommendation: The Solid Waste Committee voted 4 to 0 to recommend Council adoption of Ordinance No. 90-353. Voting: Councilors Hansen, Bauer, Buchanan and DeJardin. Absent: Councilor Wyers. This action was taken June 5, 1990.

Committee Discussion/Issues: Bob Martin, Solid Waste Director, presented the staff report. Ordinance No. 90-352 would repeal Ordinance No. 85-194 which restricted the use of St. Johns Landfill to solid waste generated within the District. In addition, it will authorize limited use of Metro facilities for disposal of non-District solid waste and will repeal Section 5.02.055 of the Metro Code regarding "Out of State Surcharges."

In 1985, the St. Johns Landfill was expected to reach capacity before a new landfill would become available. Ordinance 85-194 was passed to preserve the capacity of the St. Johns Landfill.

Today Metro has a contract for disposal services in Gilliam County. Also, the Metro East Station will open to coincide with the closure of the St. Johns Landfill. Because of the change in circumstances, there is no longer a need to impose a complete ban on out-of-District waste coming into Metro facilities if a determination can be made that there is available capacity.

In addition to capacity, there should be no adverse impact on Metro rate payers and no reduced standards of acceptability for disposal.

The Solid Waste Committee held a public hearing on June 5, 1990, but no public testimony was received.

The City of Washougal, Washington, has made a request of Metro for use of the St. Johns Landfill and Metro facilities for a period of "9 to 12" months for disposal of about 400-500 tons of solid waste per month. This is intended to take place during an interim period while construction of a new transfer station and recycling center is underway in Washougal.

The Solid Waste Committee asked if Senate Bill 866 regarding disposal of out-of-state solid waste would apply. Mr. Martin said it would not apply.

SOLID WASTE COMMITTEE REPORT

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The Committee amended the ordinance to require that any requests for out-of-district solid waste disposal exceeding 1,000 tons per month be referred to Council for approval.

The Committee wants the Bi-State Committee to review Ordinance No. 90-352 prior to Council consideration and made their recommendation for Council adoption of the ordinance subject to Bi-State Committee review.

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NOTE: The Bi-State Policy Advisory Committee considered Ordinance No. 90-352 on June 22, 1990. The Committee took no formal action to endorse or oppose the Ordinance.