



600 NE Grand Ave.
Portland, OR 97232-2736

Council meeting agenda

Thursday, May 18, 2017

2:00 PM

Metro Regional Center, Council chamber

AGENDA REVISED 05/17/17

1. Call to Order and Roll Call

2. Citizen Communication

3. Consent Agenda

3.1 Consideration of the Council Meeting Minutes for May 11, 2017

[17-4807](#)

3.2 Resolution No. 17-4795, For the Purpose of Authorizing the Chief Operating Officer to Issue a New Non-System License to Gresham Sanitary Service for Transport and Disposal of Putrescible Waste at the Columbia Ridge Landfill Located in Gilliam County, Oregon, and Under Certain Unusual Circumstances to Coffin Butte Landfill Located in Benton County, Oregon

[RES 17-4795](#)

Attachments: [Resolution No. 17-4795](#)
[Exhibit A to Resolution No. 17-4795](#)
[Staff Report](#)

3.3 Resolution No. 17-4796, For the Purpose of Authorizing the Chief Operating Officer to Issue a New Non-System License Jointly to Willamette Resources, Inc. and Republic Services of Clackamas and Washington Counties for the Transport of Commercial Food Waste and Yard Debris Mixed with Residential Food Waste to the Recology Organics Aumsville Compost Facility Located in Aumsville, Oregon

[RES 17-4796](#)

Attachments: [Resolution No. 17-4796](#)
[Exhibit A to Resolution No. 17-4796](#)
[Staff Report](#)

4. Resolutions

- 4.1 Resolution No. 17-4800, For the Purpose of Approving a Multi-Year Commitment of Regional Flexible Funds for the Years 2019-31, Funding the Division Transit Project, the Southwest Corridor Transit Project, Arterial Bottleneck Projects, and Active Transportation Projects, and Authorizing the Execution of an Intergovernmental Agreement with TriMet Regarding the Multi-Year Commitment of Regional Flexible Funds

[RES 17-4800](#)

Presenter(s): Elissa Gertler, Metro
Ted Leybold, Metro

Attachments: [Resolution No. 17-4800](#)
[Exhibit A to Resolution No. 17-4800](#)
[Staff Report](#)

5. Ordinances (First Reading and Public Hearing)

- 5.1 Ordinance No. 17-1401, For the Purpose of Adopting a Landfill Capacity Policy and Amending Metro Code Chapters 5.00 and 5.05

[ORD 17-1401](#)

Presenter(s): Paul Slyman, Metro
Bryce Jacobson, Metro

Attachments: [Ordinance No. 17-1401](#)
[Exhibit A to Ordinance No. 17-1401](#)
[Exhibit B to Ordinance No. 17-1401](#)
[Staff Report](#)

- 5.1.1 Public Hearing for Ordinance 17-1401

- 5.2 Ordinance No. 17-1402, For the Purpose of Amending Metro Code Chapter 7.01 Relating to Excise Tax Regarding Exemptions and Declaring an Emergency [ORD 17-1402](#)

Presenter(s): Roy Brower, Metro

- Attachments: [Ordinance No. 17-1402](#)
[Exhibit A to Ordinance No. 17-1402](#)
[Staff Report](#)
[Attachment 1 to Staff Report](#)
[Attachment 2 to Staff Report](#)
[Attachment 3 to Staff Report](#)
[Attachment 4 to Staff Report](#)

- 5.2.1 Public Hearing for Ordinance No. 17-1402

6. Ordinances (Second Reading)

- 6.1 Ordinance No. 17-1400, For the Purpose of Annexing to the Metro District Boundary Approximately 82.18 Acres Located in the North Bethany Area of Washington County [ORD 17-1400](#)

Presenter(s): Tim O'Brien, Metro

- Attachments: [Ordinance No. 17-1400](#)
[Exhibit A to Ordinance No. 17-1400](#)
[Staff Report](#)
[Attachment 1 to Staff Report](#)

7. Public Hearing as Part of the Public Comment Period for the 2018-2021 Metropolitan Transportation Improvement Program (MTIP)

8. Chief Operating Officer Communication

9. Councilor Communication

10. Adjourn

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Ogeysiiska takooris la'aanta ee Metro

Metro waxay ixtiraamtaa xuquuqda madaniga. Si aad u heshid macluumaad ku saabsan barnaamijka xuquuqda madaniga ee Metro, ama aad u heshid warqadda ka cabashada takoorista, booqo www.oregonmetro.gov/civilrights. Haddii aad u baahan tahay turjubaan si aad uga qaybqaadatid kullanka dadweynaha, wac 503-797-1700 (8 gallinka hore illaa 5 gallinka dambe maalmaha shaqada) shan maalmo shaqo ka hor kullanka si loo tixgaliyo codsashadaada.

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សេចក្តីជូនដំណឹងអំពីការមិនរើសអើងរបស់ Metro

ការគោរពសិទ្ធិពលរដ្ឋរបស់ ។ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro ឬដើម្បីទទួលបានកម្រិតបណ្តឹងរើសអើងសូមចូលទស្សនាគេហទំព័រ www.oregonmetro.gov/civilrights។ បើលោកអ្នកត្រូវការអ្នកបកប្រែភាសានៅពេលអង្គប្រជុំសាធារណៈ សូមទូរស័ព្ទមកលេខ 503-797-1700 (ម៉ោង 8 ព្រឹកដល់ម៉ោង 5 ល្ងាច ថ្ងៃធ្វើការ) ប្រាំពីរថ្ងៃ មុនថ្ងៃប្រជុំដើម្បីអាចឲ្យគេសម្រួលតាមសំណើរបស់លោកអ្នក។

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تحتزم Metro الحقوق المدنية. للمزيد من المعلومات حول برنامج Metro للحقوق المدنية أو لإيداع شكوى ضد التمييز، يُرجى زيارة الموقع الإلكتروني www.oregonmetro.gov/civilrights. إن كنت بحاجة إلى مساعدة في اللغة، يجب عليك الاتصال مقدماً برقم الهاتف 503-797-1700 (من الساعة 8 صباحاً حتى الساعة 5 مساءً، أيام الاثنين إلى الجمعة) قبل خمسة (5) أيام عمل من موعد الاجتماع.

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Metro txoj kev ntxub ntxaug daim ntawv ceeb toom

Metro tributes cai. Rau cov lus qhia txog Metro txoj cai kev pab, los yog kom sau ib daim ntawv tsis txaus siab, mus saib www.oregonmetro.gov/civilrights. Yog hais tias koj xav tau lus kev pab, hu rau 503-797-1700 (8 teev sawv ntxov txog 5 teev tsaus ntuj weekdays) 5 hnuv ua hauj lwm ua ntej ntawm lub rooj sib tham.

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<p>Clackamas, Multnomah and Washington counties, and Vancouver, WA Channel 30 – Community Access Network <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 Call or visit web site for program times.</p>	<p>Portland Channel 30 – Portland Community Media <i>Web site:</i> www.pcmtv.org <i>Ph:</i> 503-288-1515 Call or visit web site for program times.</p>
<p>Gresham Channel 30 - MCTV <i>Web site:</i> www.metroeast.org <i>Ph:</i> 503-491-7636 Call or visit web site for program times.</p>	<p>Washington County and West Linn Channel 30– TVC TV <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 Call or visit web site for program times.</p>
<p>Oregon City and Gladstone Channel 28 – Willamette Falls Television <i>Web site:</i> http://www.wftvmedia.org/ <i>Ph:</i> 503-650-0275 Call or visit web site for program times.</p>	

PLEASE NOTE: Show times are tentative and in some cases the entire meeting may not be shown due to length. Call or check your community access station web site to confirm program times. Agenda items may not be considered in the exact order. For questions about the agenda, call the Metro Council Office at 503-797-1540. Public hearings are held on all ordinances second read. Documents for the record must be submitted to the Regional Engagement and Legislative Coordinator to be included in the meeting record. Documents can be submitted by e-mail, fax or mail or in person to the Regional Engagement and Legislative Coordinator. For additional information about testifying before the Metro Council please go to the Metro web site www.oregonmetro.gov and click on public comment opportunities.

Agenda Item No. 3.1

Consideration of the Council Meeting Minutes from May 11,
2017

Consent Agenda

Metro Council Meeting
Thursday, May 18, 2017
Metro Regional Center, Council Chamber

Resolution No. 17-4795, For the Purpose of Authorizing the Chief Operating Officer to Issue a New Non-System License to Gresham Sanitary Service for Transport and Disposal of Putrescible Waste at the Columbia Ridge Landfill Located in Gilliam County, Oregon, and Under Certain Unusual Circumstances to Coffin Butte Landfill Located in Benton County, Oregon

Consent Agenda

Metro Council Meeting
Thursday, May 18, 2017
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE CHIEF) RESOLUTION NO. 17-4795
OPERATING OFFICER TO ISSUE A NEW NON-SYSTEM)
LICENSE TO GRESHAM SANITARY SERVICE FOR) Introduced by Chief Operating
TRANSPORT AND DISPOSAL OF PUTRESCIBLE WASTE AT) Officer Martha Bennett with the
THE COLUMBIA RIDGE LANDFILL LOCATED IN GILLIAM) concurrence of Council President
COUNTY, OREGON, AND UNDER CERTAIN UNUSUAL) Tom Hughes
CIRCUMSTANCES TO COFFIN BUTTE LANDFILL LOCATED IN
BENTON COUNTY, OREGON

WHEREAS, the Metro Code requires a non-system license of any person that transports solid waste generated from within the Metro Region to a non-system disposal facility; and

WHEREAS, Gresham Sanitary Service, Inc. filed a complete application seeking a non-system license to transport putrescible waste to the Columbia Ridge Landfill and Coffin Butte Landfill for disposal under the provisions of Metro Code Chapter 5.05, "Solid Waste Flow Control;" and

WHEREAS, Metro Code Chapter 5.05 provides that the Chief Operating Officer will review an application for a non-system license for putrescible waste and recommend to the Metro Council whether to approve or deny the application; and

WHEREAS, Metro's contractor for solid waste disposal, Waste Management Disposal Services of Oregon, will charge Gresham Sanitary Service's deliveries to Metro's disposal account, and then Gresham Sanitary Services will reimburse Metro directly for those costs as set forth in Metro Code 5.02.090; and

WHEREAS, the Chief Operating Officer has reviewed the application and considered the relevant factors under the Metro Code; and

WHEREAS, the Chief Operating Officer recommends that the Metro Council issue the non-system license together with specific conditions as provided in Exhibit A to this Resolution; now therefore,

THE METRO COUNCIL RESOLVES AS FOLLOWS:

1. The non-system license application of Gresham Sanitary Service, Inc. is approved subject to the terms, conditions, and limitations contained in Exhibit A to this Resolution.
2. The Chief Operating Officer is authorized to issue to Gresham Sanitary Service, Inc. a Solid Waste Facility Non-System License substantially similar to the one attached as Exhibit A.

ADOPTED by the Metro Council this ____ day of _____, 2017.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney



600 NE Grand Ave.
Portland, OR 97232-2736
oregonmetro.gov

METRO SOLID WASTE FACILITY NON-SYSTEM LICENSE

No. N-019-17

LICENSEE:
Gresham Sanitary Service 2131 NW Birdsdale Ave Gresham, OR 97030
CONTACT PERSON:
Matt Miller Phone: (503) 665-2424 E-mail: matt@gss-nw.com
MAILING ADDRESS:
Gresham Sanitary Service P.O. Box 1560 Gresham, OR 97030

ISSUED BY METRO:

Paul Slyman,
Property and Environmental Services Director

Date

1	NATURE OF WASTE COVERED BY LICENSE
	Putrescible solid waste that is generated within the Metro region and received at GSS Transfer, LLC in accordance with its Metro solid waste facility franchise.
2	CALENDAR YEAR TONNAGE ALLOCATION
	The licensee is authorized to deliver to the non-system facility listed in Section 3 up to 23,000 tons per calendar year of the waste described in Section 1.
3	NON-SYSTEM FACILITIES
	<p>The licensee is authorized to transport the waste described above in Section 1 to the following non-system facility:</p> <p style="text-align: center;">Columbia Ridge Landfill 18177 Cedar Springs Lane Arlington, OR 97812</p> <p>And, during certain unusual circumstances and emergency situations as described in Section 8, the licensee is authorized to transport the above referenced waste to the following non-system facility:</p> <p style="text-align: center;">Coffin Butte Landfill 29175 Coffin Butte Road Corvallis, OR 97330</p> <p>This license is issued on condition that the non-system facility named in this section is authorized to accept the type of waste described in Section 1. If Metro receives notice from the Oregon Department of Environmental Quality that these non-system facilities are not authorized to accept such waste, Metro may immediately terminate this license pursuant to Section 8.</p>
4	TERM OF LICENSE
	The term of this license will commence on June 1, 2017, and expire on December 31, 2018, unless terminated sooner under Section 7.

5	REPORTING OF ACCIDENTS AND CITATIONS
	The licensee must report to Metro any significant incidents (such as fires), accidents, and citations involving vehicles transporting the solid waste authorized by this license.

6	RECORD KEEPING AND REPORTING
	<p>(a) The licensee must keep and maintain accurate records of the amount of all solid waste that the licensee transports to the non-system facility described in Section 3. These records must include the information specified in the Metro document titled, <i>Reporting Requirements and Data Standards for Metro Solid Waste Licensees, Franchisees, and Parties to Designated Facility Agreements</i>.</p> <p>(b) The licensee must perform the following no later than fifteen days following the end of each month:</p> <ul style="list-style-type: none">i. Transmit to Metro the records required under Section 6(a) above in an electronic format prescribed by Metro;ii. Submit to Metro a Regional System Fee and Excise Tax Report, that covers the preceding month; andiii. Remit to Metro the requisite Regional System Fees and Excise Taxes in accordance with the Metro Code provisions applicable to the collection, payment, and accounting of such fees and taxes. <p>(c) The licensee must make available to Metro (or Metro's designated agent) all records from which Sections 6(a) and 6(b) above are derived for its inspection or copying, as long as Metro provides at least three business days written notice of an intent to inspect or copy documents. The licensee must, in addition, sign or otherwise provide to Metro any consent or waiver necessary for Metro to obtain information or data from a third party, including the non-system facilities named in Section 3.</p> <p>(d) Metro may require the licensee to report the information required by this section on a weekly or daily basis.</p>

7	DISPOSAL CHARGES FOR USE OF COLUMBIA RIDGE LANDFILL
	<p>(a) The licensee must remit to Metro a per ton disposal charge for all solid waste that the licensee transports to Columbia Ridge Landfill in accordance with Metro Code Chapter 5.02 and as otherwise prescribed by Metro.</p> <p>(b) The disposal charge required by this section will be equal to the sum of the total amount that Metro paid to its contract operator for disposal of solid waste during the previous calendar quarter divided by the sum of the number of tons of solid waste disposed by Metro at the Columbia Ridge Landfill during the</p>

	<p>previous calendar quarter and the number of tons of solid waste disposed under direct-haul authorization during the previous calendar quarter.</p> <p>(c) Metro will invoice licensee for these disposal charges which must be paid by the invoice date.</p>
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8	ADDITIONAL LICENSE CONDITIONS
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	<p>This license is subject to the following conditions:</p> <p>(a) The licensee is authorized to transfer putrescible waste to Coffin Butte Landfill only during certain unusual circumstances and emergency situations, such as the closure of Interstate 84, which would prevent the licensee from transporting such waste to the Columbia Ridge Landfill.</p> <p>(b) If the licensee transports putrescible waste to Coffin Butte Landfill as provided above in Section 8(a), the licensee must:</p> <ul style="list-style-type: none"> i. Report the unusual circumstance or emergency situation to Metro within 12 hours of its discovery; and ii. Notify Metro in writing if such transport of waste to the Coffin Butte Landfill continues for more than three consecutive business days. The written notification required by this section must include a detailed description of the particular circumstance resulting in such transport and its expected duration. <p>(c) The permissive transport of solid waste to the non-system facility, listed in Section 3, authorized by this license is subordinate to any subsequent decision by Metro to direct the solid waste described in this license to any other facility.</p> <p>(d) The Chief Operating Officer (COO) may amend or terminate this license in the event that the COO determines that:</p> <ul style="list-style-type: none"> i. There has been sufficient change in any circumstances under which Metro issued this license; ii. The provisions of this license are actually or potentially in conflict with any provision in Metro’s disposal contract with Waste Management Disposal Services of Oregon, Inc., dba Oregon Waste Systems, Inc.; or iii. Metro’s solid waste system or the public will benefit from, and will be better served by, an order directing that the waste described in Section 1 be transferred to, and disposed of at, a facility other than the facilities listed in Section 3. <p>(e) This license is, in addition to subsections (d)(i) through (d)(iii), above, subject to amendment, suspension, or termination pursuant to the Metro Code.</p> <p>(f) The licensee must not transfer or assign any right or interest in this license without prior written notification to, and approval of, Metro.</p> <p>(g) This license will terminate upon the execution of a designated facility</p>
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	<p>agreement with either of the facilities listed in Section 3 that authorizes the acceptance of the waste described in Section 1.</p> <p>(h) This license authorizes the transport of solid waste to the facilities listed in Section 3. The transport of waste generated from within the Metro boundary to any non-system facility other than those specified in this license is prohibited unless authorized in writing by Metro.</p> <p>(i) The COO may direct the licensee’s waste flow under this non-system license to Metro Central Transfer Station or Metro South Transfer Station with a minimum of 24 hours written notice. Any redirection of the waste flow by the COO is effective immediately.</p> <p>(j) If the licensee exceeds the calendar year authorization set forth in Section 2, each ton or portion thereof by which the licensee exceeds the authorization constitutes a separate violation subject to a penalty of up to \$500.</p>
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9	COMPLIANCE WITH LAW
	<p>The licensee must fully comply with all applicable local, regional, state and federal laws, rules, regulations, ordinances, orders, and permits pertaining in any manner to this license, including all applicable Metro Code provisions and administrative rules adopted pursuant to Chapter 5.05 whether or not those provisions have been specifically mentioned or cited herein. All conditions imposed on the collection and hauling of the licensee’s solid waste by federal, state, regional or local governments or agencies having jurisdiction over solid waste generated by the licensee is deemed part of this license as if specifically set forth herein.</p>

10	INDEMNIFICATION
	<p>The licensee must defend, indemnify and hold harmless Metro, its elected officials, officers, employees, agents and representatives from any and all claims, demands, damages, causes of action, or losses and expenses, arising out of or related in any way to the issuance or administration of this non-system license or the transport and disposal of the solid waste covered by this license. Expenses include, but are not limited to all attorneys’ fees, whether incurred before any litigation is commenced, during any litigation or on appeal.</p>

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 17-4795 AUTHORIZING THE CHIEF OPERATING OFFICER TO ISSUE A NEW NON-SYSTEM LICENSE TO GRESHAM SANITARY SERVICE FOR TRANSPORT AND DISPOSAL OF PUTRESCIBLE WASTE AT THE COLUMBIA RIDGE LANDFILL LOCATED IN GILLIAM COUNTY, OREGON, AND UNDER CERTAIN UNUSUAL CIRCUMSTANCES TO COFFIN BUTTE LANDFILL LOCATED IN BENTON COUNTY, OREGON

May 3, 2017

Prepared by: Hila Ritter
503-797-1862

Approval of Resolution No. 17-4795 will authorize the Chief Operating Officer (COO) to issue a new non-system license (NSL), to Gresham Sanitary Service (GSS) to annually transport up to 23,000 tons of putrescible waste to the Columbia Ridge Landfill located in Arlington, Oregon and under certain unusual circumstances and emergency conditions to the Coffin Butte Landfill located in Benton County, Oregon. The term of the proposed NSL will commence on June 1, 2017 and expire on December 31, 2018.

BACKGROUND

Overview

The applicant, GSS, is a local family-owned business established in 1948. GSS owns and operates a Metro-franchised¹ solid waste transfer station located at 2131 NW Birdsdale Avenue, in Gresham (Metro Council District 1). The applicant is also one of the franchised haulers that collects waste within the city of Gresham, as well as collecting commercial waste from the Portland Airport (Metro Council District 5).

In addition to the above, GSS currently holds an NSL that authorizes the facility to annually transport putrescible waste to the Wasco County Landfill.² This NSL is to expire on December 31, 2018. GSS seeks to obtain a second NSL because it will likely reach its allocated tonnage amount at the Wasco County Landfill by early June 2017. The applicant seeks an additional NSL to provide greater flexibility with regard to disposal options – these NSLs do not increase the total tonnage that GSS is authorized to accept under its transfer station franchise.

On March 14, 2017, GSS submitted an NSL application seeking authorization to transport waste primarily to Columbia Ridge Landfill. The waste transported under authority of this NSL to the Columbia Ridge Landfill meets Metro's contractual obligation to deliver at least 90 percent of the region's putrescible waste destined for disposal to a landfill owned and operated by Waste Management. The applicant also requested authority to transport waste to Coffin Butte Landfill in the case of an unusual circumstance (such as the closure of Interstate 84, equipment failure, or driver and equipment shortages) that would otherwise prevent GSS from transporting waste through the Columbia Gorge. If the licensee transports waste to Coffin Butte Landfill, it is required to report a detailed description of the unusual circumstance, including its expected duration, to Metro within twelve hours of its discovery.

Columbia Ridge Landfill, which is the primary disposal site authorized under this proposed NSL, is owned and operated by Waste Management of Oregon, Inc. (WMO) which is headquartered in Houston, Texas.

¹ Metro Solid Waste Facility Franchise No. F-019-16

² Metro Non-System License No. N-019-16A which authorizes the delivery of up to 10,426 tons during calendar year 2017.

Coffin Butte Landfill, which would be used only under unusual circumstances, is owned and operated by Allied Waste Industries, Inc. a wholly owned subsidiary of Republic Waste Systems, Inc. (Republic) headquartered in Phoenix, Arizona.

1. Special Provisions of the NSL for Managing Risk

The proposed license includes two conditions that are intended to address disposal at Columbia Ridge and further minimize Metro's risk of breach of its disposal contract by providing Metro with additional controls for monitoring and managing fluctuating waste tonnage in the system. Metro also includes these conditions in the other NSLs that cover similar waste.

A. Redirection of Waste Flow

In the event of a decline in system-wide putrescible waste, the proposed NSL authorizes the COO to immediately redirect the licensee's waste to any system facility, if necessary, to prevent a violation of the disposal contract's 90 percent flow guarantee. Section 8 of the proposed NSL allows the COO to redirect the licensee's waste flow with a minimum of 24 hours written notice. By adopting this resolution, the Metro Council authorizes the COO to redirect the licensee's waste, as described above, if necessary to comply with the disposal contract flow guarantee.

B. Disposal Charges for use of Columbia Ridge Landfill

In accordance with Metro Code Chapter 5.02, GSS is required to remit to Metro a per ton disposal charge for all solid waste transported under authority of this proposed NSL. Upon arrival at Columbia Ridge Landfill, WMO will charge GSS' waste disposal cost to Metro's disposal account, and then GSS will reimburse Metro directly for those costs. Metro will invoice GSS for remittance of the disposal costs.

ANALYSIS/INFORMATION

A. Known Opposition

There is no known opposition to the proposed new license.

B. Legal Antecedents

Metro Code Section 5.05.040 prohibits any person from utilizing non-system facilities without an appropriate license from Metro. Additionally, Metro Code Section 5.05.140 provides that, when determining whether or not to approve an NSL application, the Metro Council must consider the following factors to the extent relevant to such determination.

- (1) *The degree to which prior users of the non-system facility and waste types accepted at the non-system facility are known and the degree to which such wastes pose a future risk of environmental contamination;*

The applicant (Gresham Sanitary Services) and the disposal sites (Columbia Ridge Landfill and Coffin Butte Landfill) are well known to Metro staff. Metro has an established Designated Facility Agreements

with Columbia Ridge Landfill³ and Coffin Butte Landfill,⁴ to receive non-putrescible, special and cleanup waste. Both of the landfills are owned and operated by major, nationally-integrated solid waste companies. The environmental risks from the use of the disposal site are minimal because the landfills are fully authorized and regulated by the appropriate local and state authorities.

- (2) *The non-system facility owner's and operator's regulatory compliance record with federal, state, and local requirements, including but not limited to public health, safety, and environmental regulations;*

WMO owns and operates Columbia Ridge Landfill and Republic owns and operates Coffin Butte Landfill. Metro staff's investigation of WMO and Republic have revealed a good record of compliance with regard to local, state, and Metro requirements. Additionally, Oregon Department of Environmental Quality ("DEQ") staff has indicated the facilities are in compliance with their Solid Waste Disposal Site Permits.

- (3) *The adequacy of the non-system facility's operational practices and management controls;*

The Columbia Ridge and Coffin Butte Landfills use operational practices and management controls that are typical of other RCRA Subtitle D landfills.⁵ Staff at DEQ, the landfill's environmental regulator, considers the operational practices and management controls in place at the landfill to be appropriate for the protection of health and the environment.

- (4) *The expected impact on the region's recycling and waste reduction efforts;*

The proposed NSL authorizes the transport of putrescible solid waste, which currently has limited recovery potential. The NSL puts no long-term constraint or commitment on the waste should recovery alternatives emerge for the region. Thus, approval of the proposed NSL is not expected to impact the region's recycling and waste reduction efforts.

- (5) *The proposed non-system license's effect with Metro's existing contractual arrangements;*

Metro has a contractual agreement to deliver a minimum of 90 percent of the region's putrescible waste, which is delivered to general purpose landfills during the calendar year, to landfills owned by WMO. The proposed NSL covers putrescible waste that will be transported primarily to Columbia Ridge, which is owned and operated by WMO. Notwithstanding this primary authority, this proposed NSL also authorizes the licensee to transport a portion of the 10 percent of uncommitted waste not guaranteed to WMO under the disposal contract to Coffin Butte Landfill under unusual circumstances that would prevent the use of Columbia Ridge Landfill. Metro's contract with Waste Management expires at the end of 2019. Since the proposed NSL authorizes the use of Coffin Butte Landfill only under unusual circumstances, staff finds that approval of this license will not conflict with Metro's disposal contract or any other of its existing contractual arrangements. Staff will continue to closely monitor and manage regional waste flows to comply with Metro's contractual agreements.

³ Metro Contract No. 932396

⁴ Metro Contract No. 932397

⁵ Subtitle D landfill standards are established nationally under the Resource Conservation and Recovery Act (RCRA).

(6) *The applicant's record regarding compliance with Metro ordinances and agreements or assistance to Metro in Metro ordinance enforcement and with federal, state and local requirements, including but not limited to public health, safety and environmental regulations;*

GSS is currently in compliance with its Metro-issued Franchise and NSL. The applicant has not had any compliance issues with regard to Metro regulations since its authorization as a transfer station in 2016. Additionally, GSS has had no violations related to public health, safety or environmental regulations during the term of the existing license.

(7) *Such other factors as the Chief Operating Officer deems appropriate for purposes of making such determination.*

In addition to the special conditions previously described in this staff report, the proposed license includes a 19-month term, commencing on June 1, 2017, and expiring on December 31, 2018. Although NSLs are typically issued for a two-year period, staff recommends that the Metro Council establish a 19-month term in this instance to align its expiration date with another similar contract expiration date.

C. Anticipated/Potential Effects

The effect of Resolution No. 17-4795 will be to issue a new NSL to GSS to transport up to 23,000 tons per calendar year of putrescible waste to Columbia Ridge Landfill for disposal, and under certain unusual circumstances and emergency conditions to Coffin Butte Landfill. The NSL will commence on June 1, 2017 and expire on December 31, 2018.

D. Budget/Rate Impacts

The price that Metro pays for disposal at Columbia Ridge Landfill is a “declining block rate” — meaning that the more waste that is delivered to any landfill owned by Waste Management (i.e., Columbia Ridge Landfill and Riverbend Landfill), the lower the per-ton cost paid by Metro.

The Metro Regional System Fee and Excise Tax will continue to be collected on all waste delivered under authority of the proposed NSL.

RECOMMENDED ACTION

The COO recommends that the Metro Council adopt Resolution No. 17-4795. Approval of this resolution will authorize the COO to issue an NSL to GSS subject to the requirements listed in Metro Code Chapter 5.05, as well as the special conditions that are incorporated into the proposed NSL (attached as Exhibit A to the proposed resolution).

Resolution No. 17-4796, For the Purpose of Authorizing the Chief Operating Officer to Issue a New Non-System License Jointly to Willamette Resources, Inc. and Republic Services of Clackamas and Washington Counties for the Transport of Commercial Food Waste and Yard Debris Mixed with Residential Food Waste to the Recology Organics Aumsville Compost Facility Located in Aumsville, Oregon.

Consent Agenda

Metro Council Meeting
Thursday, May 18, 2017
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

AUTHORIZING THE CHIEF OPERATING OFFICER TO ISSUE A NEW) RESOLUTION NO. 17-4796
NON-SYSTEM LICENSE JOINTLY TO WILLAMETTE RESOURCES, INC.)
AND REPUBLIC SERVICES OF CLACKAMAS AND WASHINGTON) Introduced by Martha J. Bennett,
COUNTIES FOR THE TRANSPORT OF COMMERCIAL FOOD WASTE) Chief Operating Officer, with the
AND YARD DEBRIS MIXED WITH RESIDENTIAL FOOD WASTE TO THE) concurrence of Tom Hughes,
RECOLOGY ORGANICS AUMSVILLE COMPOST FACILITY LOCATED IN) Council President
AUMSVILLE, OREGON

WHEREAS, the Metro Code requires a non-system license of any person that transports solid waste generated from within the Metro Region to a non-system facility; and

WHEREAS, Willamette Resources, Inc. and Republic Services of Clackamas and Washington Counties have jointly filed a complete application seeking a new non-system license to transport source-separated commercial food waste and yard debris mixed with residential food waste to Recology Organics Aumsville compost facility under the provisions of Metro Code Chapter 5.05, "Solid Waste Flow Control;" and

WHEREAS, the solid waste authorized under the Non-System License is generated within the Metro region, and is transported to the Recology Organics Aumsville for compost; and

WHEREAS, Metro Code Chapter 5.05 provides that applications for non-system licenses for putrescible waste shall be reviewed by the Chief Operating Officer and are subject to approval or denial by the Metro Council; and

WHEREAS, the Chief Operating Officer has analyzed the application and considered the relevant factors under the Metro Code; and

WHEREAS, the Chief Operating Officer recommends that Metro issue a new non-system license jointly to Willamette Resources, Inc. and Republic Services of Clackamas and Washington Counties with specific conditions as provided in Exhibit A to this Resolution; now therefore,

THE METRO COUNCIL RESOLVES AS FOLLOWS:

1. The non-system license application of Willamette Resources, Inc. and Republic Services of Clackamas and Washington Counties is approved subject to the terms, conditions, and limitations contained in Exhibit A to this Resolution.
2. The Chief Operating Officer is authorized to issue to Willamette Resources, Inc. and Republic Services of Clackamas and Washington Counties a new Solid Waste Facility Non-System License substantially similar to the one attached as Exhibit A.

ADOPTED by the Metro Council this ____ day of _____, 2017.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney



600 NE Grand Ave.
Portland, OR 97232-2736
oregonmetro.gov

METRO SOLID WASTE FACILITY NON-SYSTEM LICENSE

No. N-005-17(4)

LICENSEE:

Willamette Resources, Inc.
10295 SW Ridder Road
Wilsonville, OR 97070

Republic Services of Clackamas and
Washington Counties
10295 SW Ridder Road
Wilsonville, OR 97070

Contact Person:

Jason Jordan
Phone : 503-665-2424
Email : jason.jordan@republicservices.com

MAILING ADDRESS:

Willamette Resources, Inc.
10295 SW Ridder Road
Wilsonville, OR 97070

Republic Services of Clackamas and
Washington Counties
10295 SW Ridder Road
Wilsonville, OR 97070

ISSUED BY METRO:

Paul Slyman,
Property and Environmental Services Director

Date

1	NATURE OF WASTE COVERED BY LICENSE
	<p>(a) Source-separated, commercial food waste and yard debris mixed with residential food waste generated within the Metro boundary and received at Willamette Resources, Inc. in accordance with its Metro Solid Waste Facility Franchise; and</p> <p>(b) Source-separated, commercial food waste and yard debris mixed with residential food waste that is generated within the Metro region and collected by Republic Services of Clackamas and Washington Counties.</p>

2	CALENDAR YEAR TONNAGE LIMITATION
	The licensees are authorized to deliver to the non-system facility listed in Section 3 up to 10,000 tons per calendar year of the waste described in Section 1.

3	NON-SYSTEM FACILITY
	<p>The licensees are authorized to transport the waste described above in Section 1 to the following non-system facility for the purpose of processing and composting:</p> <p style="text-align: center;">Recology Organics Aumsville 8712 Aumsville HWY SE Salem, OR 97317</p> <p>This license is issued on the condition that the non-system facility listed in this section is authorized to accept the type of waste described in Section 1. If Metro receives notice from the Oregon Department of Environmental Quality that this non-system facility is not authorized to accept such waste, Metro may immediately terminate this license pursuant to Section 10.</p>

4	TERM OF LICENSE
	The term of this license will commence on June 1, 2017 and expire on December 31, 2019, unless terminated sooner under Section 10.

5	COVERED LOADS
	The licensees must suitably contain and cover, on all sides, all loads of source-separated food waste that are delivered under authority of this license to prevent spillage of waste while in transit to the non-system facility listed in Section 3.

6	MATERIAL MANAGEMENT
	<p>The licensees are authorized to transport the waste described in Section 1 of this license to the non-system facility listed in Section 3 under the following conditions:</p> <p>(a) The non-system facility must accept all solid waste that is delivered under authority of this license for the sole purpose of processing and composting on-site. The licensees must not dispose of any source-separated recyclable material, except as provided in Section 7; and</p> <p>(b) The non-system facility must receive, manage, process, and compost all solid waste that is delivered under authority of this license in accordance with all applicable local, state and federal laws, rules, regulations, ordinances, orders, and permits.</p>

7	REGIONAL SYSTEM FEE AND EXCISE TAX
	<p>The licensees are subject to the following conditions:</p> <p>(a) Source-separated food waste that is transported under authority of this license and is accepted and composted, in accordance with all applicable regulations, at the non-system facility listed in Section 3 is exempt from regional system fee and excise tax.</p> <p>(b) If the licensees transports waste under this license to the non-system facility listed in Section 3 but the material does not meet the facility's acceptance criteria (for example, the material is too contaminated for processing or composting) or the non-system facility fails to process and compost the material as required as a condition of this license, the licensees must pay to Metro an amount equal to the regional system fee, as provided in Metro Code Title V, for each ton or portion thereof of waste delivered to the non-system facility that is ultimately delivered to a disposal site.</p> <p>(c) If the licensees transports waste under this license to the non-system facility listed in Section 3 but the material does not meet the facility's acceptance criteria (for example, the material is too contaminated for processing or composting) or the</p>

	non-system facility fails to process and compost the material as required as a condition of this license, the licensees must pay to Metro an amount equal to the excise tax, as provided in Metro Code Title VII, for each ton or portion thereof of waste delivered to the non-system facility that is ultimately delivered to a disposal site.
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8	REPORTING OF ACCIDENTS AND CITATIONS
	The licensees must report to Metro any significant incidents (such as fires), accidents, and citations involving vehicles transporting the solid waste authorized by this license.

9	RECORD KEEPING AND REPORTING
	<p>(a) The licensees must keep and maintain accurate records of the amount of all solid waste that the licensees transport to the non-system facility described in Section 3. These records must include the information specified in the Metro document titled, <u>Reporting Requirements and Data Standards for Metro Solid Waste Licensees, Franchisees, and Parties to Designated Facility Agreements</u>.</p> <p>(b) The licensees must perform the following no later than fifteen days following the end of each month:</p> <ul style="list-style-type: none"> i. Transmit to Metro the records required under Section 9(a) above in an electronic format prescribed by Metro; and ii. Submit to Metro a Regional System Fee and Excise Tax Report, that covers the preceding month; and <p>(c) The licensees must make available to Metro (or Metro’s designated agent) all records from which Sections 9(a) and 9(b) above are derived for its inspection or copying, as long as Metro provides at least three business days written notice of an intent to inspect or copy documents. The licensees must, in addition, sign or otherwise provide to Metro any consent or waiver necessary for Metro to obtain information or data from a third party, including the non-system facilities named in Section 3.</p> <p>(d) Metro may require the licensees to report the information required by this section on a weekly or daily basis.</p>

10	ADDITIONAL LICENSE CONDITIONS
	This non-system license is subject to the following conditions:

	<p>(a) The permissive transport of solid waste to the non-system facility, listed in Section 3, authorized by this license shall be subordinate to any subsequent decision by Metro to direct the solid waste described in this license to any other facility.</p> <p>(b) The Chief Operating Officer (the “COO”) may amend or terminate this license if the COO determines that:</p> <ul style="list-style-type: none"> i. There has been sufficient change in any circumstances under which Metro issued this license; ii. The provisions of this license are actually or potentially in conflict with any provision in Metro’s disposal contract with Oregon Waste Systems, Inc; iii. Metro’s solid waste system or the public will benefit from, and will be better served by, an order directing that the waste described in Section 1 of this license be transferred to, and disposed of at, a facility other than the facility listed in Section 3; or iv. The non-system facility listed in Section 3 fails to manage the waste subject to this license in accordance with the material management requirements described in Section 6. <p>(c) This license is, in addition to subsections (b)(i) through (b)(iv), above, subject to amendment, termination, or suspension pursuant to the Metro Code.</p> <p>(d) The licensees must not transfer or assign any right or interest in this license without prior written notification to, and approval of, Metro.</p> <p>(e) This license will terminate upon the execution of a designated facility agreement with the facility listed in Section 3 that authorizes the facility to accept the waste described in Section 1 of this license.</p> <p>(f) This license authorizes transport of solid waste only to the facility listed in Section 3. Transport of waste generated from within the Metro boundary to any non-system facility other than that specified in this license is prohibited unless authorized in writing by Metro.</p>
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11	COMPLIANCE WITH LAW
	<p>The licensee must fully comply with all applicable local, regional, state and federal laws, rules, regulations, ordinances, orders, and permits pertaining in any manner to this license, including all applicable Metro Code provisions and administrative procedures adopted pursuant to Metro Code Chapter 5.05 whether or not those provisions have been specifically mentioned or cited herein. All conditions imposed on the collection and hauling of the licensee’s solid waste by federal, state, regional or</p>

	local governments or agencies having jurisdiction over solid waste generated by the licensee shall be deemed part of this license as if specifically set forth herein.
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12	INDEMNIFICATION
	The licensees must defend, indemnify and hold harmless Metro, its elected officials, officers, employees, agents and representatives from any and all claims, demands, damages, causes of action, or losses and expenses arising out of or related in any way to the issuance or administration of this non-system license. Expenses include, but are not limited to all attorneys' fees, whether incurred before any litigation is commenced, during any litigation or on appeal.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 17-4796 FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO ISSUE A NEW NON-SYSTEM LICENSE JOINTLY TO WILLAMETTE RESOURCES, INC. AND REPUBLIC SERVICES OF CLACKAMAS AND WASHINGTON COUNTIES FOR TRANSPORT OF COMMERCIAL FOOD WASTE AND YARD DEBRIS MIXED WITH RESIDENTIAL FOOD WASTE TO THE RECOLOGY ORGANICS AUMSVILLE COMPOST FACILITY LOCATED IN AUMSVILLE, OREGON

May 3, 2017

Prepared by: Hila Ritter
503-797-1862

Approval of Resolution No. 17-4796 will authorize the Chief Operating Officer (COO) to issue a new non-system license (NSL) jointly to Willamette Resources, Inc. (WRI) and Republic Services of Clackamas and Washington Counties to annually deliver a maximum of 10,000 tons per calendar year of source-separated commercial food waste and yard debris mixed with residential food waste to the Recology Organics Aumsville (ROA) compost facility, formerly known as NW Greenlands, located at 8712 Aumsville HWY SE Salem, Oregon.

BACKGROUND

Overview

The applicant, Republic Services, Inc., (RSI) is a waste management company headquartered in Phoenix, Arizona, and is the parent company of WRI. RSI is also the contract operator for the Metro South Transfer Station.

On February 14, 2017, the applicant submitted an application to Metro seeking a new NSL to annually transport up to 10,000 tons of source-separated food waste; which includes both commercial food waste and yard debris mixed with residential food waste, generated within the Metro region to ROA. The proposed NSL is subject to Metro Council approval because the request includes commercial food waste.

In addition to the above request for ROA, the applicant currently holds another NSL¹ that authorizes the transport of food waste to Pacific Region Compost (PRC) which will expire on December 31, 2017. The applicant seeks a second NSL because it anticipates that there will be an increase in commercial food waste generation in region. In addition, the applicant seeks to have an alternate facility option in case there are unexpected operational problems at PRC. The applicant believes having another outlet for food waste that is closer to the Metro region will increase market competitiveness for its customers.

ANALYSIS/INFORMATION

A. Known Opposition

There is no known opposition to the proposed NSL.

¹ NSL No. N-005-16(4)

B. Legal Antecedents

Metro Code Chapter 5.05 prohibits any person from utilizing non-system facilities without an appropriate license from Metro. Additionally, Metro Code Section 5.05.140 provides that, when determining whether or not to approve an NSL application, the Metro Council shall consider the following factors to the extent relevant to such determination.

- (1) *The degree to which prior users of the non-system facility and waste types accepted at the non-system facility are known and the degree to which such wastes pose a future risk of environmental contamination;*

The non-system facility identified in this proposed license is an established yard debris and food waste composting facility that is known to Metro staff. The facility accepts organics feedstock that consists primarily of source-separated food waste, yard debris, and wood waste. The environmental risk from the use of this non-system facility is presumed to be minimal because the facility is fully regulated and monitored by the Oregon Department of Environmental Quality (DEQ) and appropriate local authorities.

- (2) *The non-system facility owner's and operator's regulatory compliance record with federal, state, and local requirements, including but not limited to public health, safety, and environmental regulations;*

ROA is permitted by DEQ. DEQ staff reports that the facility is currently in compliance with the terms of its solid waste permit.² Metro staff's investigation of the applicant and destination facility revealed a good record of compliance with local and state agencies responsible for health, safety, and environmental regulations.

- (3) *The adequacy of the non-system facility's operational practices and management controls;*

ROA operates under the authority of a DEQ-issued permit. The DEQ monitors the facility to ensure that it manages all of the waste it receives, including commercial food waste, in accordance with the requirements of its permit.

ROA is required by the city of Aumsville and DEQ to implement measures to control and minimize odors through site design and operations. The odor control measures include processing incoming food waste in a timely manner, blending of feedstocks, good housekeeping, and monitoring moisture and temperatures of composting feedstock. More importantly, the use of a forced aeration system and a bio-filter system help control and minimize odors. The system pulls air through the composting piles and directs the air to a bio-filter consisting of organic material such as wood chips or compost overs. Bio-filters are commonly used at composting facilities due to their success in effectively treating odors associated with composting.

- (4) *The expected impact on the region's recycling and waste reduction efforts;*

The waste subject to the proposed NSL will be delivered to ROA for the purpose of composting rather than disposal. Based on the waste management hierarchy, composting is considered to be a higher and

² DEQ Solid Waste Disposal Site Permit: Composting Facility Permit Number 1419

better management option than disposal. As such, approval of the proposed NSL is likely to continue having a positive impact on the region's recycling and waste reduction efforts.

- (5) *The proposed non-system license's effect with Metro's existing contractual arrangements;*

Metro has a contractual agreement to deliver a minimum of 90 percent of the region's putrescible waste that is delivered to general purpose landfills during the calendar year, to landfills owned by Metro's disposal contractor, Waste Management. The waste subject to the proposed license will not be disposed at a landfill. Therefore, approval of the proposed license will not conflict with Metro's disposal contract; however, increased diversion of organic material from disposal shrinks the amount of waste committed under the flow guarantee and the amount available for allocation to NSLs that control the remaining ten percent.

In addition, RSI currently serves as Metro's contractor for processing solid waste received at the Metro South Transfer Station.

- (6) *The applicant's record regarding compliance with Metro ordinances and agreements or assistance to Metro in Metro ordinance enforcement and with federal, state and local requirements, including but not limited to public health, safety and environmental regulations; and*

Metro issued Notices of Violation (NOVs) to the applicant in April 2015 and February 2016.³ The violations were cited for operational issues at WRI, specifically improper reporting of tonnage data and exceeding its tonnage cap. However neither of these issues were related to the transport of food waste nor operations at ROA. The violations have since been resolved and the applicant is currently in compliance with all of Metro's solid waste regulations. Notwithstanding the above-referenced NOVs, Metro staff's investigation of the applicant revealed a good record of compliance with local and state agencies responsible for health, safety, and environmental regulations.

- (7) *Any other factor the Chief Operating Officer considers appropriate.*

ROA provides important processing and composting capacity for the region that supports Metro's goal of diverting organics away from disposal and into recovery outlets.

The proposed license includes a 31-month term, commencing on June 1, 2017, and expiring on December 31, 2019. Although NSLs are typically issued for a two-year period, Metro Code provides that new NSLs may be issued for up to a three-year period.⁴

C. Anticipated Effects

The effect of Resolution No. 17-4796 will be to issue a new NSL jointly to WRI and RSI to transport up to 10,000 tons per calendar year of source-separated commercial food waste and yard debris mixed with residential food waste to ROA for composting. The proposed NSL will commence on June 1, 2017 and expire on December 31, 2019.

³ NOV Nos. NOV-377-15 and NOV-394-16 respectively.

⁴ Metro Code Section 5.05.170(5)

D. Budget/Rate Impacts

The commercial food waste and yard debris mixed with residential food waste that will be transported under authority of this proposed NSL is exempt from regional system fee and excise tax. The overall impact of food waste diversion programs in the region has already been factored into Metro's budget.

RECOMMENDED ACTION

The COO finds that the proposed license satisfies the requirements of Metro Code Chapter 5.05 and recommends that the Metro Council adopt Resolution No. 17-4796. Approval of this resolution will authorize the COO to issue an NSL jointly to WRI and Republic Services of Clackamas and Washington Counties (attached as Exhibit A).

Resolution No. 17-4800, For the Purpose of Approving a Multi-Year Commitment of Regional Flexible Funds for the Years 2019-31, Funding the Division Transit Project, the Southwest Corridor Transit Project, and Authorizing the Execution of an Intergovernmental Agreement with TriMet Regarding the Multi-Year Commitment of Regional Flexible Funds

Consent Agenda

Metro Council Meeting
Thursday, January 5, 2017
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING A MULTI-)
YEAR COMMITMENT OF REGIONAL)
FLEXIBLE FUNDS FOR THE YEARS 2019-31,)
FUNDING THE DIVISION TRANSIT PROJECT,)
THE SOUTHWEST CORRIDOR TRANSIT)
PROJECT, ARTERIAL BOTTLENECK)
PROJECTS, AND ACTIVE TRANSPORTATION)
PROJECTS, AND AUTHORIZING EXECUTION)
OF AN INTERGOVERNMENTAL AGREEMENT)
WITH TRIMET REGARDING THE MULTI-)
YEAR COMMITMENT OF REGIONAL)
FLEXIBLE FUNDS)

RESOLUTION NO. 17-4800
Introduced by Chief Operating Officer Martha
Bennett in concurrence with Council
President Tom Hughes

WHEREAS, Metro is the Metropolitan Planning Organization (MPO) for the Portland metropolitan region, authorized by the U.S. Department of Transportation to program federal transportation funds in the Portland region through the Metropolitan Transportation Improvement Program (MTIP);

WHEREAS, Metro is authorized by the Oregon Department of Transportation (ODOT) to program federal Congestion Mitigation/Air Quality (CMAQ) funds in the MTIP that are allocated to the Portland region by ODOT;

WHEREAS, TriMet is the authorized public transportation provider for the Portland region and is an eligible recipient of federal transportation funds through the MTIP;

WHEREAS, on June 16, 2016, as recommended by JPACT, the Metro Council adopted Resolution No. 16-4702, “For the Purpose of Adopting the 2018-2021 Metropolitan Transportation Improvement Program and 2019-2021 Regional Flexible Funds Allocation Policy Statement for the Portland Metropolitan Area,” which resolution and policy statement sets forth how the region will identify and select transportation projects to receive federal transportation funds, including regional flexible funds and CMAQ funds (the “RFFA Policy Statement”);

WHEREAS, the RFFA Policy Statement supports committing federal transportation funds over years 2019-21 for the following purposes: (a) high-capacity transit regional bond commitments for the Division Street Transit Project and the Southwest Corridor Transit Project, (b) bond commitments for developing projects to address regional congestion bottlenecks and active transportation/Safe Routes to Schools projects, (c) region-wide programs, such as transit oriented development and corridor and systems planning, and (d) regional freight investments and active transportation/complete streets;

WHEREAS, ODOT has notified TriMet and Metro that Eugene and Salem are eligible for future allocations of the state’s share of federal CMAQ funds, which will potentially reduce CMAQ funds available to the Portland metropolitan region over the years 2019-21 (and in future years);

WHEREAS, any reduction in the amount of CMAQ funds allocated by ODOT to the Portland metropolitan region will reduce the amount of federal transportation funds used as the basis of the funding amounts set forth in RFFA Policy Statement;

WHEREAS, due to the uncertainty regarding any potential reduction in available federal transportation funds from the amounts assumed in the adopted RFFA Policy Statement and given the importance of TriMet's timely receipt of funds to keep project work on schedule, on May 18, 2017, the Joint Policy Advisory Committee on Transportation (JPACT) recommended approval of this Resolution 17-4800 and the reduced funding commitments shown in Exhibit A, and expressed an intent to potentially increase the amount of funding dedicated to these regionally important projects in the future up to the amounts included in the RFFA Policy Statement, following ODOT's decision regarding statewide allocation of the CMAQ funds;

WHEREAS, TriMet anticipates issuing revenue bonds secured by the commitment of federal transportation funds set forth on Exhibit A, and an agreement between Metro and TriMet regarding these funds will facilitate borrowing by TriMet that pledges these funds; now therefore

BE IT RESOLVED that the Metro Council hereby:

- Approves the commitment of federal transportation funds recommended by JPACT and shown in Table 1 of Exhibit A; and
- Authorizes the execution of an intergovernmental agreement between Metro and TriMet, in a form approved by the Office of Metro Attorney and consistent with this Resolution, that incorporates the multi-year commitment of regional flexible funds shown in Table 1 of Exhibit A for the uses set forth in Table 2 of Exhibit A.

ADOPTED by the Metro Council this 18th day of May, 2017.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney

EXHIBIT A to Resolution 17-4800

Table 1: Multi-Year Commitment of MTIP Funds and Regional Flexible Funds to TriMet

Column:	A	B	C
Federal Fiscal Year	Sub-Total of MTIP Funds Committed under Res. Nos. 08-3942 and 10-4185	Sub-Total of Phase 1 Regional Flexible Funds Committed under Res. No. 17-4800	Grand Total of MTIP Funds and Phase 1 Regional Flexible Funds Committed to TriMet under Res. Nos. 08-3942, 10-4185, and 17-4800
2016	\$16,000,000		\$16,000,000
2017	\$16,000,000		\$16,000,000
2018	\$16,000,000		\$16,000,000
2019	\$16,000,000	\$3,250,000	\$19,250,000
2020	\$16,000,000	\$3,250,000	\$19,250,000
2021	\$16,000,000	\$3,250,000	\$19,250,000
2022	\$16,000,000	\$3,500,000	\$19,500,000
2023	\$16,000,000	\$3,500,000	\$19,500,000
2024	\$16,000,000	\$3,500,000	\$19,500,000
2025	\$16,000,000	\$3,500,000	\$19,500,000
2026	\$16,000,000	\$3,500,000	\$19,500,000
2027	\$16,000,000	\$3,500,000	\$19,500,000
2028		\$12,100,000	\$12,100,000
2029		\$12,100,000	\$12,100,000
2030		\$12,100,000	\$12,100,000
2031		\$12,100,000	\$12,100,000

Table 2: Bond Funded Projects and Net Project Funding

Project Activity	Amount
Southwest Corridor Transit Project	\$15,000,000
Division Transit Project	\$25,000,000
Project Development: Highway/Arterial	\$10,000,000
Active Transportation/Safe Routes to Schools	\$1,000,000
Enhanced Transit	-0-
Total	\$51,000,000

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 17-4800, FOR THE PURPOSE OF APPROVING A MULTI-YEAR COMMITMENT OF REGIONAL FLEXIBLE FUNDS FOR THE YEARS 2019-31, FUNDING THE DIVISION TRANSIT PROJECT, THE SOUTHWEST CORRIDOR TRANSIT PROJECT, ARTERIAL BOTTLENECK PROJECTS, AND ACTIVE TRANSPORTATION PROJECTS, AND AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT WITH TRIMET REGARDING THE MULTI-YEAR COMMITMENT OF REGIONAL FLEXIBLE FUNDS

Date: May 5, 2017

Prepared by: Ted Leybold

BACKGROUND

In 2015, the region began discussions to update the policy for the next allocation of regional flexible funds and the creation of the 2018-21 Metropolitan Transportation Improvement Program (MTIP). The financial forecast at that time found that by holding funding levels for existing programs steady at past amounts (adjusting for inflation), there would be \$17.43 million of additional forecasted Regional Flexible Funds for the Portland metropolitan region under the FAST Act legislation. On June 16, 2016, the Metro Council approved Resolution No. 16-4702, establishing policy direction for the allocation of Regional Flexible Funds, with the intent to provide this additional forecasted revenue and a small portion of existing funding capacity to the Division Transit Project and project development work for the Southwest Corridor Transit Project, arterial bottleneck projects, and active transportation projects. Support of these projects was authorized to include a multi-year commitment of funding through 2034, to be bonded by TriMet to provide funding to these projects more immediately.

Metro was informed by the Oregon Department of Transportation (ODOT) that one source of the regional flexible funding, Congestion Mitigation/Air Quality (CMAQ) funds, would likely be reduced due to the new eligibility of the Salem and Eugene areas to receive these funds from the share allocated to the state of Oregon.

To address this uncertainty regarding any potential reduction in available federal transportation funds from the amounts assumed in the adopted RFFA Policy Statement and given the importance of TriMet's timely receipt of funds to keep project work on schedule, on May 18, 2017, the Joint Policy Advisory Committee on Transportation (JPACT) recommended approval of this Resolution 17-4800 and the reduced funding commitments shown in Exhibit A.

The purpose of this resolution is to authorize the Chief Operating Officer to enter into an intergovernmental agreement (IGA) between TriMet and Metro. In this agreement, Metro will provide a multi-year commitment of Regional Flexible Funds consistent with the schedule provided in Table 1 of Exhibit A to this resolution. The bond proceeds will be provided to the projects consistent with Table 2 of Exhibit A to this resolution.

JPACT and the Metro Council may increase the amount of funding dedicated to these regionally important projects in the future up to the amounts included in the RFFA Policy Statement, following ODOT's decision regarding statewide allocation of the CMAQ funds.

ANALYSIS/INFORMATION

1. **Known Opposition** None known at this time.
2. **Legal Antecedents** Metro has the authority to enter into an Intergovernmental agreement (IGA) with TriMet. Metro has previously executed these types of IGAs with TriMet, most recently to Provide Regional Flexible Funds for the Milwaukie Light Rail, Commuter Rail, Portland-Lake Oswego Transit, and Southwest Corridor, February 10, 2011. The IGA would implement policy direction provided in Resolution No. 16-4702, *“For the Purpose of Adopting the 2018-2021 Metropolitan Transportation Improvement Program and 2019-2021 Regional Flexible Funds Allocation Policy Statement for the Portland Metropolitan Area,”* June 16, 2016.
3. **Anticipated Effects** This resolution would authorize an IGA that would provide the mechanism to formalize the transfer of regional flexible fund dollars to TriMet for the funding of transportation projects specified in the agreement.
4. **Budget Impacts** Federal or state funding allocations less than forecasted levels may affect Metro’s ability to allocate regional flexible funds for Metro planning or transportation program activities. Additionally, Metro will be responsible for providing or collecting from partner agencies matching funds of approximately \$105,000 for project development activities for Active Transportation projects.

RECOMMENDED ACTION

Metro Council approve Resolution No. 17-4800.

Agenda Item No. 5.1

Ordinance No. 17-1401, For the Purpose of Adopting a
Landfill Capacity Policy and Amending Metro Code
Chapters 5.00 and 5.05

Ordinances First read and public hearing

Metro Council Meeting
Thursday, May 18, 2017
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING A) ORDINANCE NO. 17-1401
LANDFILL CAPACITY POLICY AND)
AMENDING METRO CODE CHAPTERS 5.00) Introduced by Councilor Bob Stacey
AND 5.05)

WHEREAS, Metro regulates solid waste disposal generated within the Metro region through issuance of non-system licenses and designated facility agreements, pursuant to Metro’s constitutional, statutory, and charter authority as set forth in Metro Code Chapter 5.05; and

WHEREAS, the capacity of existing permitted landfills available for the disposal of waste generated within the Metro region, without expanding existing landfills or constructing new landfills, can serve the needs of the region at current rates of disposal for at least 100 years; and

WHEREAS, the Metro Council has considered, as part of the Solid Waste Roadmap, a policy that would prohibit the use of new or expanded landfills beyond the current disposal supply available to the region; and

WHEREAS, the Metro Council finds that a landfill capacity policy that prohibits disposal of waste generated in the Metro region at a new or limited capacity landfill will conserve limited land and resources in and around the Metro region and encourage waste reduction; and

WHEREAS, the Metro Council finds that implementation of the landfill capacity policy should be consistent with the timeline for the Solid Waste Roadmap, including the procurement process to plan for the January 1, 2020 expiration of Metro’s 30 year disposal contract; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

- 1. A landfill capacity policy that prohibits disposal of waste generated in the Metro region at a new or limited capacity landfill is hereby adopted.
- 2. Metro Code Chapter 5.00 is hereby amended to add the language in Exhibit A to Metro Code Section 5.00.010.
- 3. Metro Code Chapter 5.05 is hereby amended to add Section 5.05.055 as set forth in Exhibit B.

ADOPTED by the Metro Council this 25th day of May 2017.

Tom Hughes, Council President

Attest:

Approved as to Form:

Nellie Papsdorf, Recording Secretary

Alison R. Kean, Metro Attorney

CHAPTER 5.00

SOLID WASTE DEFINITIONS

5.00.010 Definitions.

“Limited capacity landfill” means a landfill that has sought a site development plan amendment for expansion of the landfill capacity from the Oregon Department of Environmental Quality, and has not received approval from the Department by May 25, 2017, or the equivalent determination in another state.

“New landfill” means a landfill that receives its initial permission from DEQ to receive solid waste on or after May 25, 2017, or the equivalent determination in another state.

CHAPTER 5.05

SOLID WASTE FLOW CONTROL

5.05.055 Limited Capacity and New Landfills

- (a) **Prohibited Use.** After January 1, 2020, disposal of waste generated in the Metro region in a limited capacity landfill or new landfill, as those terms are defined in Metro Code Chapter 5.00, is prohibited.
- (b) **Implementation.** Effective January 1, 2020, the Metro Chief Operating Officer must implement the prohibition. Implementation of this section includes, without limitation, the authority to deny an application for designated facility status, terminate a designated facility agreement, deny an application for a non-system license, and terminate a non-system license, for putrescible or non-putrescible waste, where disposal is sought at a limited capacity or new landfill.
- (c) **Final decision and appeal.** Notwithstanding any other provision of the Metro Code, the Metro Chief Operating Officer's decision under this section is final and is appealable only as provided by Oregon law. The Chief Operating Officer's decision under this section is not subject to a contested case proceeding.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE 17-1401 FOR THE PURPOSE OF ADOPTING A LANDFILL CAPACITY POLICY AND AMENDING METRO CODE CHAPTERS 5.00 AND 5.05

May 18, 2017

Prepared by: Paul Slyman
503-797-1510

The proposed ordinance amends Metro Code Chapter 5.00 (Definitions) to add definitions for “limited capacity landfill” and “new landfill,” and it amends Chapter 5.05 (Solid Waste Flow Control) to prohibit disposal of waste generated in the Metro region in a “limited capacity landfill” or “new landfill.”

BACKGROUND

Previous Council Direction and Policy Basis

In December 2014, the Metro Council approved Resolution 14-4589, which directed Metro staff to develop a landfill capacity policy to evaluate the disposal capacity of waste at new, existing or expanded landfills and to recommend changes to Metro Code to implement the policy. This direction was based on Council’s awareness that existing landfills available for the disposal of waste from the Metro region had well over 100 years of capacity (see chart below), and that Council did not want to contribute unnecessarily to the expansion of any specific landfill or to the development of a new one. As the resolution recitals noted, Council was also specifically concerned that the Riverbend Landfill in Yamhill County was almost out of space and was proceeding with expansion plans. Metro-area waste in 2016 represented 58% of total putrescible waste delivered to Riverbend.

Landfill	Projected life remaining*
Coffin Butte Landfill, Benton County, OR	40 years
Columbia Ridge Landfill, Arlington, OR	117 years
Finley Buttes Regional Landfill, Boardman, OR	186 years
Hillsboro Landfill, Hillsboro, OR**	39 years
Riverbend Landfill, McMinnville, OR	1-2 years
Wasco County Landfill, The Dalles, OR	106 years

*According to Oregon Department of Environmental Quality (DEQ), 2015

**Not currently authorized as a putrescible waste landfill

In May 2016, Metro staff completed the policy development task directed by Council. The proposed policy approach incorporates input staff received from Council at three work sessions. The drafted approach uses an amendment of a landfill’s DEQ-required Site Development Plan (SDP) to expand capacity as the trigger for removing that landfill’s eligibility to accept Metro-area waste. Given the significant amounts of capacity at most of the existing landfills that serve or can serve the disposal needs of the Metro region, only new landfills and Riverbend Landfill are likely to be affected by a policy based on the SDP approach.

On May 26, 2016, the Council adopted resolution 16-4710, which:

- Found that the Chief Operating Officer (COO) had met the direction to develop a draft Landfill Capacity Policy by June 30, 2016; and
- Resolved that Metro Council would defer its consideration of Metro Code changes to implement the draft policy; and
- Directed the COO to seek direction from Metro Council no sooner than Dec. 1, 2016 on scheduling these code changes for Council action.

The proposed ordinance brings forward those code changes.

Recent Developments

Unrelated to Metro's work on a landfill capacity policy, in December 2016 Waste Management staff informed Metro staff that the Riverbend Landfill would reach its capacity within a few months. Waste Management staff further stated that any decision by the DEQ related to the proposed expansion may be significantly delayed due to appeals and litigation. Waste Management indicated that it wanted to reserve the limited remaining capacity for its customers outside the Metro region e.g. Willamette Valley and coastal communities. Therefore, it needed to stop accepting Metro-area waste, whether delivered by its own hauling operations or others.

In response to this information, Metro Council authorized five short-term, non-system licenses (NSL) in December 2016 that allowed the licensees to transport waste to the Columbia Ridge Landfill until June 30, 2017. The Metro Council also authorized the Chief Operation Officer (COO) to subsequently direct each licensee to use another alternate landfill if necessary to better serve the public and minimize disruption to the solid waste system. In February 2017, after receiving information about a signed two-year agreement between Waste Management and Republic Waste, the COO amended each of these non-system licenses to authorize the use of Coffin Butte Landfill as a disposal option as authorized by Metro Council. This agreement and the resulting redirection of the Metro region's Riverbend flow were fully phased in on April 1, 2017. Metro Council will consider extending these five NSLs until December 2018 in June 2017.

Waste Management staff also indicated in the December 6, 2017 Metro Council work session that the company does not intend to pass on the increased transportation or disposal costs related to redirecting flow from Riverbend to Metro region customers for a period of two years.

Impacts of Proposed Policy

This proposed landfill capacity policy would go into effect on January 1, 2020 in order to align with other significant changes in Metro's management of the solid waste disposal system. If the DEQ does not authorize Waste Management to expand Riverbend, then this ordinance would have little, if any, direct impacts on services or customer rates. If DEQ authorizes expansion, then this ordinance may likely have some impacts on rates. It is difficult to predict those impacts, because after that date and the expiration of the 90 percent flow guarantee to Waste Management-owned landfills, the Metro region's waste is expected to be able to flow to any properly authorized landfill.

ANALYSIS/INFORMATION

1. Known Opposition

In early 2016, Waste Management, the Westside Economic Alliance and the Washington County Board of Commissioners indicated their opposition to the policy as drafted, which included the

prospect of immediate implementation. Even with the delayed implementation to January 1, 2020 and the changes that Waste Management has made on its own to divert Metro region waste from Riverbend, staff would expect these parties will still be opposed to this Metro action.

Legal Antecedents

Any change to the Metro Code requires an ordinance of the Metro Council.

2. Anticipated Effects

Effective January 1, 2020, no person may deliver waste generated in the Metro region to any new landfill or limited capacity landfill.

3. Budget Impacts

There are no expected budget impacts associated with the adoption of this ordinance.

RECOMMENDED ACTION

Staff recommends adoption of Ordinance 17-1401.

Agenda Item No. 5.2

Ordinance No. 17-1402, For the Purpose of Amending
Metro Code Chapter 7.01 Relating to Excise Tax Regarding
Exemptions and Declaring an Emergency

Consent Agenda

Metro Council Meeting
Thursday, May 18, 2017
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO) ORDINANCE NO. 17-1402
CODE CHAPTER 7.01 RELATING TO EXCISE)
TAX REGARDING EXEMPTIONS AND) Introduced by Chief Operating Officer Martha
DECLARING AN EMERGENCY) Bennett in concurrence with Council
) President Tom Hughes

WHEREAS, Section 7.01.050 of the Metro Code provides certain exemptions from Metro’s excise tax as described in Metro Code Chapter 7.01; and

WHEREAS, the state of Oregon and its public agencies need to respond as rapidly and economically feasible as possible to public safety, agricultural or environmental emergencies involving a quarantined area, similar to the current quarantine located in unincorporated Washington County; and

WHEREAS, this rapid and economically feasible response may include the need to dispose of yard debris and soil generated as a result of the public safety, agricultural or environmental emergency; and

WHEREAS, Metro finds that it is in the public’s best interest to exempt the state of Oregon and its agencies from Metro’s excise tax if they are disposing of yard debris and soil generated from within a quarantined area; now therefore

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Metro Code Section 7.01.050 is amended as set forth in Exhibit A attached to this ordinance to add a new exemption to Metro’s excise tax.
2. The Metro Council finds there is a need for immediate adoption of this ordinance to allow the state of Oregon to remove Japanese Beetle-infected yard debris and soil as soon as is practical.
3. That this Ordinance being necessary for the health, safety, and welfare of the Metro area to ensure that yard debris and soil waste from quarantined areas is rapidly disposed of in a landfill, an emergency is declared to exist, and this Ordinance shall take effect immediately, pursuant to Metro Charter Section 38(1).

ADOPTED by the Metro Council this ____ day of May, 2017.

Tom Hughes, Council President

Attest:

Approved as to Form:

Nellie Papsdorf, Recording Secretary

Alison R. Kean, Metro Attorney

Exhibit “A” to Ordinance No. 17-1402

**METRO CODE – TITLE VII FINANCE
CHAPTER 7.01 EXCISE TAXES
Section 7.01.050 Exemptions**

7.01.050 Exemptions

- (a) The following persons, users and operators are exempt from the requirements of this chapter:
- (1) Persons, users and operators whom Metro is prohibited from imposing an excise tax upon under the Constitution or Laws of the United States or the Constitution or Laws of the state of Oregon.
 - (2) Persons who are users and operators of the Portland Center for the Performing Arts.
 - (3) Persons whose payments to Metro or to an operator constitute a donation, gift or bequest for the receipt of which neither Metro nor any operator is under any contractual obligation related thereto.
 - (4) Any persons making payment to Metro for a business license pursuant to ORS 701.015.
 - (5) Any person which is a state, a state agency or a municipal corporation to the extent of any payment made directly to Metro for any purpose other than solid waste disposal, use of a Metropolitan Exposition and Recreation Commission (Metro ERC) facility, or use of the Oregon Zoo.
 - (6) Users of the following facilities:
 - (A) Facilities that are licensed, franchised or exempt from regulation under Metro Code Chapter 5.01 other than Disposal Sites or Transfer Stations that are not subject to the requirements of Metro Code Section 5.01.125(a).
 - (B) Facilities that treat to applicable DEQ standards Cleanup Material Contaminated by Hazardous Substances.
 - (C) Tire processing facilities that sort, classify or process used tires into fuel or other products and thereafter produce a Processing Residual that is regulated under Metro Code Chapter 5.01 and that conforms to standards established pursuant to ORS 459.710(2) by the Oregon Environmental Quality Commission.
 - (7) Persons making payments to Metro for the following purposes:
 - (A) Individual or corporate sponsorship or naming rights contracts. A naming rights contract is any contract under which a Metro or Metro ERC facility or part of a facility (as authorized by Metro Code Chapter 2.16) will be named for the sponsor in exchange for payment from the sponsor. A sponsorship contract is a contract under which the sponsor’s name or logo will be used in connection with a district facility’s goods, buildings, parts of buildings, services, systems, or functions in exchange for payment from the sponsor. This exemption applies to any payments pursuant to sponsorship or naming rights contracts, including payments of money, goods, services, labor, credits, property, or other consideration.
 - (B) Payments for advertising at Metro facilities and Metro ERC facilities.
 - (C) Contributions, bequests, and grants received from charitable trusts, estates, nonprofit corporations, or individuals regardless of whether Metro agrees to utilize

the payment for a specific purpose including all payments to the Oregon Zoo Parents program.

- (D) Corporate sponsorships or co-promotional efforts for events that are open to the general public, or for specific capital improvements, educational programs, publications, or research projects.
 - (E) Payments that entitle a person to admission to a fundraising event benefiting the Oregon Zoo that is not held on the grounds of the Oregon Zoo.
 - (F) Payments that entitle a person to admission to a special fundraising event held at the Oregon Zoo where the event is sponsored and conducted by a nonprofit organization approved by the Council and the primary purpose of which is to support the Oregon Zoo and the proceeds of the event are contributed to the Oregon Zoo.
- (8) Users and operators paying compensation to any person who is operating and lease property at the Glendoveer Golf Course pursuant to a long-term agreement entered into with Multnomah County prior to January 1, 1994.
 - (9) A tire processor which is regulated pursuant to Metro Code Chapter 5.01 and which sorts, classifies or processes used tires into fuel or other products, shall be exempt from payment of excise tax on disposal of residual material produced directly as a result of such process, provided said residual conforms to Environmental Quality Commission standards established pursuant to ORS 459.710(2). This exemption is only granted to the extent, and under the terms, specified in the Metro certificate, license or franchise.
 - (10) Persons who deliver useful material to disposal sites, provided that such sites are listed as a Metro Designated Facility under Metro Code Chapter 5.05 or are named in a Metro Non-System License and provided further that the Useful Material: (A) is intended to be used, and is in fact used, productively in the operation of such site for purposes including roadbeds and alternative daily cover; and (B) is accepted at such site at no charge.
 - (11) Persons making the following payments:
 - (A) Payments that entitle a person to admission to an event that is held in a Metro ERC facility pursuant to a license agreement between Metro ERC and an operator.
 - (B) Payments to an operator that entitle a person to purchase booth space or exhibit space, or utilities or services associated with such booth or exhibit space, at an event that is held in a Metro ERC facility pursuant to a license agreement between Metro ERC and an operator.
 - (C) Payments to a user or operator that entitle a person to purchase goods, services, food, or beverages from a user or operator selling such goods, services, food, or beverages at a Metro ERC facility.
 - (D) Notwithstanding the provisions of subsections (A) through (C) above, all payments made to any operator authorized by a management agreement or services agreement with Metro ERC to provide catering services, to provide food and beverage concessions services (other than vending machines), or to operate parking lots at Metro ERC facilities shall be subject to tax.
 - (12) Persons making the following payments:
 - (A) Payments to a person or entity other than Metro that entitle a person to admission to an event that is held at a Metro regional park.

- (B) Payments to an operator that entitle a person to buy goods, services, food or beverages from an operator selling such goods, services, food or beverages at an event being held at a Metro regional park pursuant to the terms of a special use permit issued by Metro.
 - (C) Payments to an operator that entitle a person to buy goods, services, food or beverages from an operator selling such goods, services, food, or beverages at an event that is being sponsored and conducted by Metro at a Metro regional park.
 - (D) Notwithstanding the provisions of subsections (A) through (C) above, all payments made to an operator authorized by Metro to sell goods, food or beverages or to provide services at a Metro regional park shall be subject to tax.
- (13) Persons, users or operators making payments received by Metro for admission to the Oregon Zoo, or which entitle individuals to receipt of food, beverages, goods, or rides on the Oregon Zoo train shall not be subject to tax regardless of whether payment is received from an individual or otherwise on behalf of special groups including but not limited to employee and family member picnics, corporate or family parties, or similar events.
 - (14) Persons, users or operators making payments received by Metro from any use, parking or other revenue generator at a Metro regional park.
 - (15) Persons, users or operators making payments received by Metro for any use, lease, parking or any other revenue generator at the ~~Metro~~ Metro Regional Center and its adjacent parking structure.
 - (16) Persons, users or operators making payments received by Metro for any service, product or other revenue generator by the Research Center.
 - (17) The state of Oregon or any state agency provided that it is disposing of yard debris and soil generated from within an emergency eradication quarantine area for the purpose of addressing a government-declared public health, agricultural or environmental emergency.

(b) Any person, user or operator that is exempt for the payment of an excise tax pursuant to this section shall nonetheless be liable for compliance with this chapter and the payment of all taxes due pursuant to any activity engaged in by such person which is subject to this chapter and not specifically exempted from the requirements hereof. Any operator whose entire compensation from others for use of a Metro facility is exempt from the provisions of this chapter shall be deemed to be a user and not an operator.

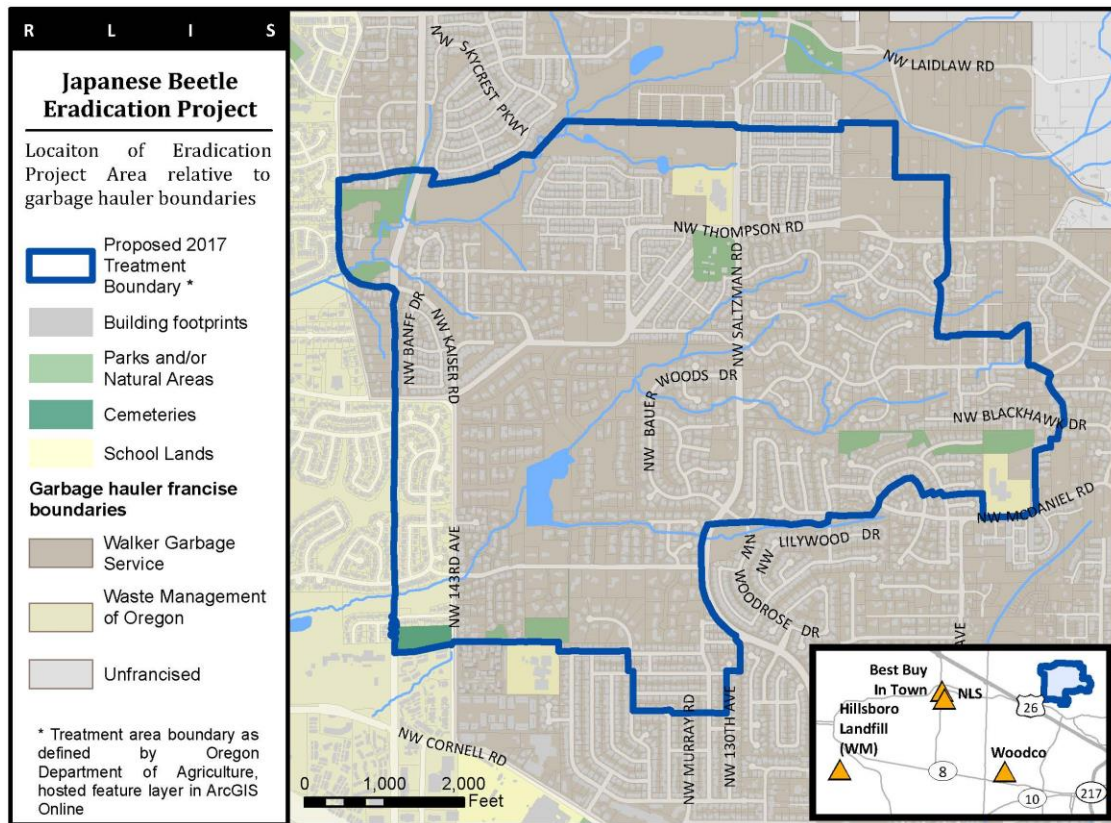
STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 17-1402 FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 7.01 RELATING TO EXCISE TAX REGARDING EXEMPTIONS AND DECLARING AN EMERGENCY

May 4, 2017

Prepared by: Roy W. Brower
503-797-1797

Adoption of Ordinance No. 17-1402 will amend Metro Code Chapter 7.01 (Excise Taxes) to add a specific excise tax exemption for the disposal of yard debris and soil that is generated from within the quarantine area established by the Oregon Department of Agriculture (ODA) located within unincorporated Washington County to eradicate the Japanese Beetle infestation. (See Attachment 1: Amendment to OAR 603-052-0127)



The purpose of this proposed change is to encourage the disposal of yard debris and soil generated from within the quarantine area directly at the Hillsboro Landfill rather than having it delivered to a yard debris reload or compost facility. Adoption of this ordinance will help keep the price of disposal similar to that of delivery to a compost facility. Because this is considered an urgent agricultural emergency by ODA, it is in the public interest to provide this exemption.

BACKGROUND

ODA and the Japanese Beetle:

An infestation of Japanese beetle was detected by the ODA in the summer of 2016 in unincorporated Washington County, Oregon (District 4 -- Bethany, Cedar Mill area). The Japanese beetle, a native of Japan, is a destructive garden pest that was first found in the United States in New Jersey in 1916. It has slowly moved across the eastern United States and



Actual size of adult
beetle = 0.85 – 1.0 cm



is well known for eating the flowers, leaves, berries and fruit of over 300 species of plants. In the last 30 years, the Japanese beetle has been detected and successfully eradicated in Oregon several times. The state policy is to eradicate Japanese beetles before breeding populations can be established. This is because the pest is potentially destructive to roses, grapes, orchard fruits, cane berries, corn, hops, outdoor cannabis and urban forest trees. Beetles in nursery stock could also impact exports from the state. The beetles detected in Washington County were likely from infested plants that originated from the eastern United States and were imported to Oregon in the last few years.

This invasive pest can be destructive in multiple life stages. As an adult, it feeds on leaves creating a pattern known as “skeletonizing.” The feeding results in the defoliation of the plant. Defoliated plants are more susceptible to disease, stress, and have higher death rates. Roses are highly susceptible to this type of damage. When plants are defoliated they not only lose their leaves, but also the ability to photosynthesize. Without photosynthesis, essential ecosystem services such as purifying air, maintaining water quality along streams and rivers, and mitigating extreme temperatures (via shading) are affected. Also, as an immature “grub” it feeds on the roots of grasses, limiting the plant’s ability to acquire water, creating dead areas of grass or turf. Wildlife habitats can be degraded and biodiversity may be affected as well.

The ODA has determined that this is the largest Japanese beetle infestation ever detected in Oregon. If the Japanese beetle population in Oregon is not eradicated, damage to Oregon’s \$900 million nursery industry, of which about \$170 million originates in Washington County alone, through quarantines prohibiting the import of Oregon products into other states and additional chemical treatments is estimated at approximately \$45 million. The ODA estimates that approximately \$3.5 million (2016) in nursery product sales in Washington County could be lost because of quarantine restrictions against Oregon products if the Japanese beetle is not eradicated in Washington County.

Metro and the Japanese Beetle:

Metro is working closely with Washington County, ODA, DEQ, local haulers, landscapers, Hillsboro Landfill, and the city of Hillsboro, to collect, isolate and dispose of yard debris and soil

that is generated from within the quarantine area. DEQ has approved Hillsboro Landfill to accept approximately 1,000 tons per year of yard debris, woody waste, and soil for to deposit directly on the landfill's working face (see Attachment 2). Metro also approved the disposal of these materials, as allowed by DEQ, and in accordance with the landfill's designated facility agreement¹ with Metro, when generated within the quarantine area. Although these types of materials are normally considered to be source separated recyclable material, Metro, DEQ and ODA have determined that this material is not amenable to recycling (composting) due to the invasive pest risk and subsequently requires special management at the landfill.

Metro's Chief Operating Officer (COO) has issued a letter to the Hillsboro Landfill that specifies the conditions of yard debris acceptance from the quarantine area (see Attachment 3). In addition, the COO has issued a Special Exemption Permit that waives ODA from paying Metro's regional system fees on this material when disposed of at the landfill (see Attachment 4).

Because of the public benefits to agriculture and the economy of Washington County, staff also recommends that the solid waste excise tax be waived for this material. Adoption of Ordinance No. 17-1402 would provide this exemption in Metro Code section 7.01.050 subsection 17 from payment of excise tax.

PUBLIC OUTREACH AND ENGAGEMENT:

Metro is working closely with Washington County, ODA, DEQ, local haulers, landscapers, Hillsboro Landfill, and the city of Hillsboro, to collect, isolate and dispose of yard debris and soil that is generated from within the quarantine area. Metro's Recycling Information Center is prepared to manage calls from the public.

Metro, DEQ and ODA are also working to establish a nearby yard debris and soil reload facility at the Northwest Landscaping Service location at 1800 NW Cornelius Pass Road, Hillsboro. This site is to be used primarily by local residents, local businesses and landscapers that generate yard debris and soil within the quarantine area. Staff is working through the logistical details of the operation, including providing a public notification and comment period.

ANALYSIS / INFORMATION

1. Known Opposition

There is no known opposition to the proposed excise tax exemption.

2. Legal Antecedents

Any excise tax exemptions must be established by the elected Metro Council.

3. Anticipated Effects

¹ DFA #932404

Approval of this ordinance would amend Metro Code Chapter 7.01 as provided in Exhibit A.

4. Budget Impacts

Because this material would normally be delivered to a yard debris reload or compost facility, the material would not be subject to payment of regional system fees or excise taxes. However, if this material is required to be disposed in a landfill it would be subject to paying fees and taxes. Therefore, assuming that 1,000 tons of material was to be generated in 2017 and annually, Metro would forego about \$18,000 in system fees and \$11,000 in excise taxes each year. The eradication could be extended for up to five years with likely a similar annual budget impact.

RECOMMENDED ACTION

The COO recommends adoption of Ordinance No. 17-1402. Approval of this ordinance will authorize the amendment to Metro Code 7.01 (attached as Exhibit A to Ordinance No 17-1402).

WJ:bjl

Secretary of State

STATEMENT OF NEED AND JUSTIFICATION

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Oregon Department of Agriculture, Plant
Agency and Division

OAR Chapter 603
Administrative Rules Chapter Number

In the Matter of: Amending OAR 603-052-0127

Rule Caption: **Amends OAR 603-052-0127 establishing a quarantine in Washington County mitigation measures for the Japanese beetle infestation.**

Statutory Authority: ORS 570.305, ORS 561.510.

Other Authority: ORS 561.190.

Stats. Implemented: ORS 570.305 and ORS 561.510 (3)

Need for the Temporary Rule(s):

The rules clarify when the need for eradication of Japanese beetle in the quarantine area is triggered and establishes a quarantine in Washington County where the need for eradication efforts has been triggered. During 2016, the Oregon Department of Agriculture (ODA) detected an incipient population of the Japanese beetle in the Cedar Mill and Bethany neighborhoods of Washington County, Oregon. The ODA has determined that this is the largest Japanese beetle infestation ever detected in Oregon. If the Japanese beetle population in Oregon is not eradicated, direct damage and restrictions to Oregon's \$900 million nursery industry, of which about \$170 million originates in Washington County, will occur. Impact of quarantines and additionally required chemical treatments along with direct damages to the rest of Oregon's agricultural industry and natural resources is estimated at up to \$45 million annually. The ODA estimates that approximately \$3.5 million (2016) in nursery product sales in Washington County could be lost because of quarantine restrictions against nursery products if the Japanese beetle is not eradicated in Washington County. The ODA has determined that the actions described in its rules are methods necessary to prevent the spread, establish control, and to accomplish the eradication of Japanese beetle in Washington County. In addition to establishing mitigation measures to eradicate Japanese beetle in infested areas, the rules also establish Japanese beetle control measures that apply to nurseries operating in Washington County.

Documents relied upon, and where they are available:

Map of quarantine area is available at: www.bit.do/jbmap.

Japanese beetle Harmonization Plan (2016). National Plant Board. Available: http://nationalplantboard.org/wp-content/uploads/docs/jbhp_2017_final.pdf

Japanese Beetle. Fact Sheet No. 5.601 (2013), Colorado State University. Available: <http://extension.colostate.edu/docs/pubs/insect/05601.pdf>

Hydrogen Isotopes as a Sentinel of Biological Invasions by the Japanese Beetle, *Popillia japonica* (Newman), (2016). Huntgate BA, Kearns DN, Ogle K, Caron M, Marks, JC, Rogg HW. PLoS ONE 11(3)e0149599.doi 10.1371/journal.pone.014599.

Report of the Science Advisory Panel on Japanese Beetle (2015). Available: <https://www.cdfa.ca.gov/plant/jb/pdfs/JP-SAP-Recommendations.pdf>

Stanely-Stahr C. CAPS Update: Japanese Beetle (2011). Utah Pest News Vol. V, Fall 2011. Utah State University. Available: <https://utahpests.usu.edu/htm/utah-pests-news/fall2011/jap-beetle>

Bee-friendly lawn care. Landscape Management. J Larson and D. Potter 2013. Available: <http://landscapemanagement.net/bee-friendly-lawn-care/>

www.japanesebeetlepx.info

Justification of Temporary Rule(s):

Oregon Revised Statutes (ORS) 561.510 authorizes the ODA to adopt rules declaring a quarantine if the Director believes that any fruits, vegetables, plants, parts of plants or seeds within any area or section are infested with a pest. The quarantine may prohibit the movement of infested fruits, vegetables, plants, parts of plants or seeds or articles that might contain the infestation that might otherwise spread the infestation into the state from one area of the state to another or another area or section within or outside of the state. If an emergency exists and postponement of the effective date of the quarantine would result in serious prejudice to the public health, safety or welfare, or to the health, safety or welfare of the affected parties, the Director may make the quarantine effective immediately as authorized by ORS 183.355.

The Japanese beetle is a destructive garden pest that affects agricultural and horticultural interests of this state. The Japanese beetle is destructive to roses, grapes, orchard fruits, cane berries, corn, hops, outdoor cannabis, and urban forest trees. It is the State of Oregon’s policy to eradicate Japanese beetle before breeding populations can establish. During 2016, the ODA detected an incipient population of the Japanese beetle in the Cedar Mill and Bethany neighborhoods of Washington County, Oregon. The ODA has determined that this is the largest Japanese beetle infestation ever detected in Oregon. If the Japanese beetle population in Oregon is not eradicated, damage to Oregon’s \$900 million nursery industry, of which about \$170 million originates in Washington County alone, through quarantines prohibiting the import of Oregon products into other states and additional chemical treatments is estimated at approximately \$45 million. The ODA estimates that approximately \$3.5 million (2016) in nursery product sales in Washington County could be lost because of quarantine restrictions against Oregon products if the Japanese beetle is not eradicated in Washington County.

The ODA has determined that this infestation is an urgent agricultural emergency.

Treatment of Japanese beetle infestation is accomplished by application of Chlorantraniliprole (Acelepryn®) a granular pesticide that is ground applied in order to affect Japanese beetle grubs when they are about to emerge after wintering in the ground. During the spring, the grubs migrate up to the root zone to feed for four to six weeks. In order to eradicate Japanese beetle, application of Acelepryn® must occur prior to grub emergence, which is expected to occur in Washington County April 17, 2017 through early June 2017. In order to accomplish effective treatment over the entire quarantine area, the ODA must begin application of Acelepryn® on April 17, 2017. Failure to begin eradication efforts by April 17, 2017 will result in the infestation going untreated, as untreated grubs would emerge and disperse outside the currently established treatment area. Failure to timely treat emerging grubs will result in establishment of breeding populations and further spread of Japanese beetle that in turn will result in serious prejudice to the agricultural and horticultural interests of this state. Due to the importance of the nursery and other agriculture industry in Oregon, serious prejudice to the agricultural and horticultural interests of this state due to Japanese beetle infestation could seriously prejudice the public interest and welfare of the affected parties.

Signature

Printed name

Date



Oregon

Kate Brown, Governor

Department of Environmental Quality

Northwest Region
700 NE Multnomah Street, Suite 600
Portland, OR 97232
(503) 229-5263
FAX (503) 229-6945
TTY 711

April 28, 2017

Ms. Theresa Koppang
Solid Waste & Recycling Manager
155 N. First Avenue, Suite 160, MS-5
Hillsboro, OR 97124-3072
via email – Theresa_Koppang@co.washington.or.us

RE: Source separated determination applicability

Dear Ms. Koppang,

This letter is in response to your letter dated April 24, 2017, where Washington County requested that a portion of the green waste, yard debris stream that is currently collected and delivered to a compost facility within Washington County, be instead diverted to disposal at the Hillsboro Landfill.

According to your letter, this green waste/yard debris is being generated as a result of Oregon's Department of Agriculture's (ODA's) efforts to eradicate the Japanese beetle (*Popillia japonica*), an invasive species, from an approximately 1,000-acre residential area in unincorporated Washington County. Based on ODA eradication standards/guidelines, DEQ understands that disposal of the material at a landfill is preferable to composting or other recycling methods.

As this material is contaminated with this invasive species, it is no longer a "recyclable material" as defined by Oregon Administrative Rule (OAR) 340-090-0110(36) and can be disposed at a DEQ-permitted disposal facility.

Should you have any questions about the content of this letter or if you need any follow-up technical assistance, please contact me at 503-229-5562.

Sincerely,

Killian Condon
Solid Waste Program
Northwest Region – Portland Office

Cc: File

Ecc: Audrey O'Brien, Solid Waste Program Manager – NWR
Bonnie Wakefield – NWR
Clint E. Burfitt – ODA (cburfitt@oda.state.or.us)
Roy Brower – Metro (roy.brower@oregonmetro.gov)



May 1, 2017

600 NE Grand Ave.
Portland, OR 97232-2736
oregonmetro.gov

Paul Burns
Area Director Disposal Operations
Waste Management
3205 SE Minter Bridge Road
Hillsboro, OR 97123

Subject: Acceptable Metro Area Waste at Hillsboro Landfill (Designated Facility Agreement #932404) and notification of special exemption permit from Metro's regional system fee

Dear Mr. Burns:

As you are aware the Oregon Department of Agriculture (ODA) has established an emergency eradication quarantine area in the Bethany/Cedar Mill area of unincorporated Washington County (the "quarantine area") in an effort to eradicate the Japanese Beetle. Metro is working closely with Washington County, ODA, DEQ, local haulers, landscapers and the city of Hillsboro, to collect, isolate and dispose of yard debris and soil that is generated from within the quarantine area.

DEQ has approved Hillsboro Landfill to accept approximately 1,000 tons per year of yard debris and soil for to deposit directly on the landfill's working face. Metro also approves the disposal of these materials, as allowed by DEQ and in accordance with the landfill's DFA, which are generated within the quarantine area. Although these types of materials are normally considered to be source separated recyclable material, Metro, DEQ and ODA have determined that this material is not amenable to recycling due to the pest risk and subsequently requires special management at the landfill.

Metro will allow Hillsboro Landfill to accept yard debris and soil collected by Walker Garbage, Waste Management, Aloha Garbage, Washington County Drop Box and Northwest Landscape Services from within the quarantine area on behalf of ODA. Metro recommends that haulers take the necessary steps to notify their customers to keep yard debris and soil separate from construction waste, demolition debris, other solid wastes and recyclables from within the quarantine area. Construction and demolition waste received from within the Metro region must still be processed by Tualatin Valley Waste Recovery to meet the enhanced dry waste recovery program standards in Metro Code Section 5.01.260. The yard debris and soil, however, may be disposed in the landfill as specified above. In addition, to the extent possible, haulers should seek to route their trucks to efficiently collect material within the quarantine area and minimize mixing with waste from outside that area.

Because the eradication of this beetle is considered an urgent agricultural emergency by ODA, Metro will waive the collection of its regional system fee on the disposal of this material as specified in the Special Exemption Permit issued to ODA and included with this letter. Specifically, Hillsboro Landfill does not need to collect or remit Metro's regional system fee for yard debris and soil that is generated

by ODA from within the quarantine area effective June 1, 2017 through December 31, 2018. Metro will provide the landfill with further guidance on the regional system fee changes for this waste in the future. Please contact Kevin Six at (503) 797-1672 at Metro for more information on monthly reporting requirements.

In order to qualify for the fee exemption, the landfill must ensure that each load from the quarantine area is scaled and reported to Metro under the name of the "Oregon Department of Agriculture Japanese Beetle Project." The landfill may set up subaccounts for other parties that may also dispose of yard debris and soil at the landfill as specified in the ODA permit. This information must be provided to Metro as part of the landfill's normal monthly reports.

Metro, DEQ and ODA are also working to establish a nearby yard debris reload facility at Northwest Landscaping Service location at 1800 NW Cornelius Pass Road, Hillsboro. This site is to be used primarily by local residents, local businesses and landscapers that generate yard debris and soil within the quarantine area. We are still working through the logistical details of the operation, but will keep you updated as plans are finalized.

Metro Council will soon consider whether it will assess its solid waste excise tax on the disposal of yard debris and soil from the quarantine area. Metro will keep you apprised of the status of the excise tax. Until that time, the landfill should continue to collect the solid waste excise tax on all Metro area-waste that it receives for disposed.

In the meantime, if you have any questions or need additional clarification please contact Paul Slyman or Roy Brower.

Sincerely,



Martha Bennett
Chief Operating Officer

MB/RB:bjl

cc: Dean Kampfer, Waste Management
David Lowe, Waste Management
Tim Collier, Metro FRS
Paul Slyman, Metro PES
Roy Brower, Metro PES
Theresa Koppang, Washington County
Peter Brandom, City of Hillsboro
Audrey O'Brien, DEQ
Cliff Burfitt, ODA



600 NE Grand Ave.
Portland, OR 97232-2736
oregonmetro.gov

METRO SPECIAL EXEMPTION PERMIT
ISSUED UNDER METRO CODE SECTION 5.02.160

No. SEP-178-17

PERMITEE:	
	Oregon Department of Agriculture Plant Program Area 635 Capitol St. NE Ste 100 Salem, OR 97301-2532
CONTACT PERSON:	
	Clint Burfitt
Phone:	(503) 503-956-4663
E-mail:	cburfitt@oda.state.or.us
MAILING ADDRESS:	
	Oregon Department of Agriculture Plant Program Area 635 Capitol St. NE Ste 100 Salem, OR 97301-2532

ISSUED BY METRO:



Martha Bennett,
Chief Operating Officer



Date

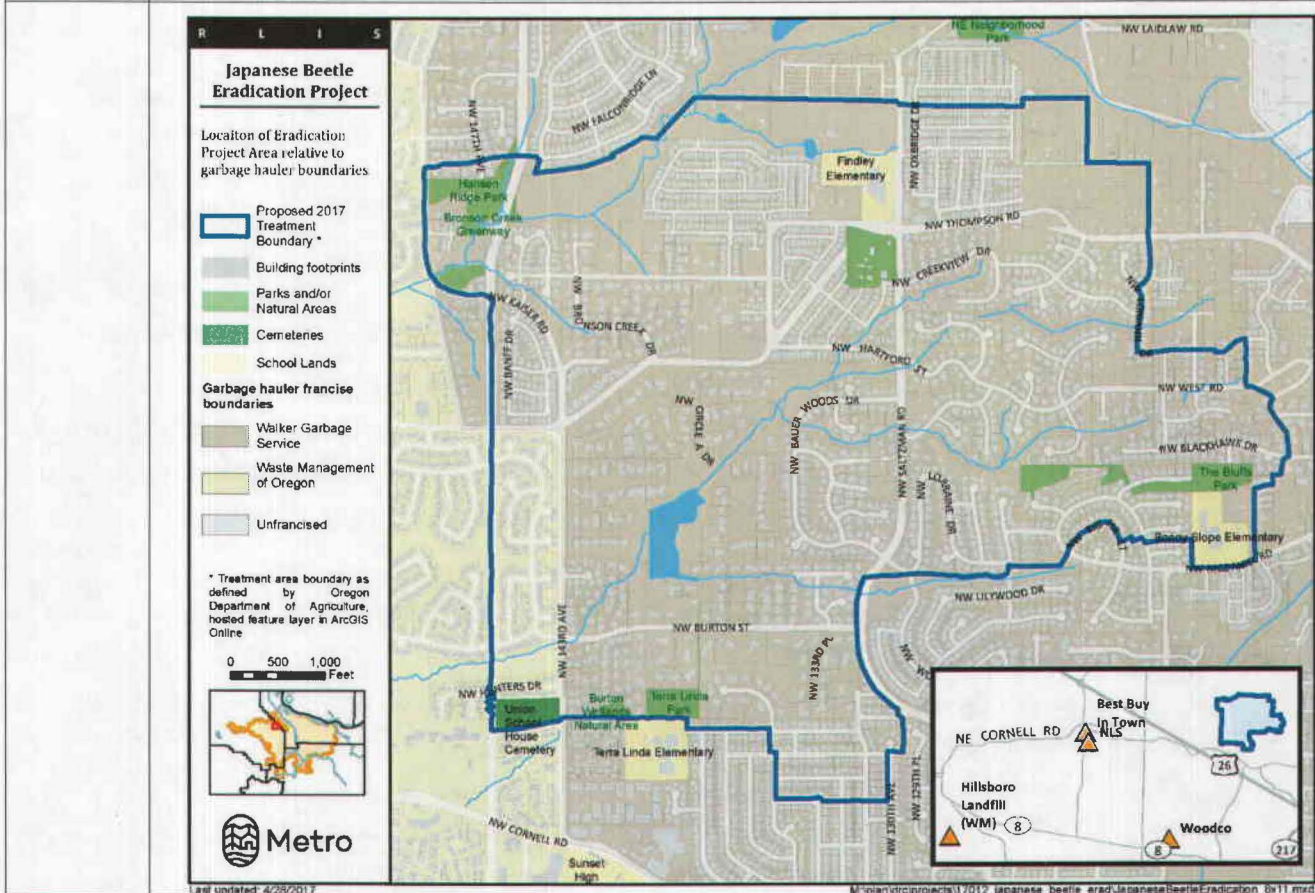
1	NATURE OF WASTE COVERED BY PERMIT
	Yard debris and soil that is generated within, or has come in contact with yard debris from the emergency Japanese beetle quarantine area within Washington County. Eradication project area map included in Section 11.
2	CALENDAR YEAR TONNAGE ALLOCATION
	The permittee is authorized to transport to the disposal site listed in Section 3 up to 1,000 tons per calendar year of the waste described in Section 1.
3	DISPOSAL SITE
	<p>The permittee is authorized to transport the waste described above in Section 1 to the following disposal site using the companies listed below to:</p> <p style="text-align: center;">Hillsboro Landfill 3205 SE Minter Bridge Road Hillsboro, OR 97123</p> <p>This permit is issued on condition that the disposal facility named in this section is authorized to accept the type of waste described in Section 1. If Metro receives notice from the Oregon Department of Environmental Quality that this facility is not authorized to accept such waste, Metro may immediately terminate this permit pursuant to Section 8.</p> <p>Waste from the quarantine area may be delivered by the following companies on behalf of the Oregon Department of Agriculture:</p> <ul style="list-style-type: none">• Walker Garbage Services 21845 NW Cherry Lane Hillsboro, OR 97124• Waste Management of Oregon 7227 NE 55th Avenue Portland, OR 97218• Washington County Drop Box 21435 NW Nicholas Ct. #2 Hillsboro, OR 97124• Aloha Garbage 20525 SW Blanton St. #A Aloha, OR 97007• Northwest Landscape Services 1800 NW Cornelius Pass Road Hillsboro, OR 97124

4	TERM OF PERMIT
	<p>(a) The term of this permit will commence on June 1, 2017, and expire on December 31, 2018, unless terminated sooner under Section 8.</p> <p>(b) The Chief Operating Officer (COO) may extend the term of this permit if the COO determines that it is in the public interest and the conditions meet the criteria provided in Metro Code Section 5.02.160.</p>
5	REPORTING OF ACCIDENTS AND CITATIONS
	<p>The permittee must report to Metro any significant incidents (such as fires), accidents, and citations involving vehicles transporting the solid waste authorized by this permit.</p>
7	REGIONAL SYSTEM FEE AND EXCISE TAX
	<p>The yard debris and soil described in Section 1 that the permittee transports to the disposal site listed in Section 3 under authority of this permit is exempt from Metro's regional system fee as provided in Metro Code Section 5.02.160.</p>
8	ADDITIONAL PERMIT CONDITIONS
	<p>This permit is subject to the following conditions:</p> <ul style="list-style-type: none">(a) The permissive transport of yard debris and soil to the disposal site, listed in Section 3, authorized by this permit is subordinate to any subsequent decision by Metro to direct the yard debris and soil described in this permit to any other facility.(b) The COO may amend or terminate this permit in the event that the COO determines that:<ul style="list-style-type: none">i. There has been sufficient change in any circumstances under which Metro issued this permit; orii. Metro's solid waste system or the public will benefit from, and will be better served by, an order directing that the waste described in Section 1 be transferred to, and disposed of at, a facility other than the disposal site listed in Section 3.(c) This permit is, in addition to subsections (b)(i) through (b)(ii), above, subject to amendment, suspension, or termination pursuant to the Metro Code.(d) The permittee must not transfer or assign any right or interest in this permit without prior written notification to, and approval of, Metro.

9	COMPLIANCE WITH LAW
	<p>The permittee must fully comply with all applicable local, regional, state and federal laws, rules, regulations, ordinances, orders, and permits pertaining in any manner to this permit, including all applicable Metro Code provisions and administrative rules adopted pursuant to Chapter 5.05 whether or not those provisions have been specifically mentioned or cited herein. All conditions imposed on the collection and hauling of the permittee's solid waste by federal, state, regional or local governments or agencies having jurisdiction over solid waste generated by the permittee is deemed part of this permit as if specifically set forth herein.</p>

10	INDEMNIFICATION
	<p>The permittee must defend, indemnify and hold harmless Metro, its elected officials, officers, employees, agents and representatives from any and all claims, demands, damages, causes of action, or losses and expenses, arising out of or related in any way to the issuance or administration of this permit or the transport and disposal of the solid waste covered by this permit. Expenses include, but are not limited to all attorneys' fees, whether incurred before any litigation is commenced, during any litigation or on appeal.</p>

11	ERADICATION PROJECT AREA MAP
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Agenda Item No. 6.1

Ordinance No. 17-1400, For the Purpose of Annexing to
the Metro District Boundary Approximately 82.18 Acres
Located in the North Bethany Area of Washington County

Ordinances

Metro Council Meeting
Thursday, May 18, 2017
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ANNEXING TO) ORDINANCE NO. 17-1400
THE METRO DISTRICT BOUNDARY)
APPROXIMATELY 82.18 ACRES) Introduced by Chief Operating Officer
LOCATED IN THE NORTH BETHANY) Martha J. Bennett with the Concurrence of
AREA OF WASHINGTON COUNTY) Council President Tom Hughes

WHEREAS, Polygon WLH LLC has submitted a complete application for annexation of 82.18 acres in the North Bethany area of Washington County (“the territory”) to the Metro District; and

WHEREAS, the Metro Council added the North Bethany area to the UGB, including the territory, by Ordinance No. 02-969B on December 5, 2002; and

WHEREAS, Title 11 (Planning for New Urban Areas) of the Urban Growth Management Functional Plan requires annexation to the district prior to application of land use regulations intended to allow urbanization of the territory; and

WHEREAS, Metro has received consent to the annexation from the owners of the land in the territory; and

WHEREAS, the proposed annexation complies with Metro Code 3.09.070; and

WHEREAS, the Council held a public hearing on the proposed amendment on May 11, 2017; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Metro District Boundary Map is hereby amended, as indicated in Exhibit A, attached and incorporated into this ordinance.
2. The proposed annexation meets the criteria in section 3.09.070 of the Metro Code, as demonstrated in the Staff Report dated April 21, 2017, attached and incorporated into this ordinance.

ADOPTED by the Metro Council this _____ day of May 2017.

Tom Hughes, Council President

Attest:

Approved as to form:

Nellie Papsdorf, Recording Secretary

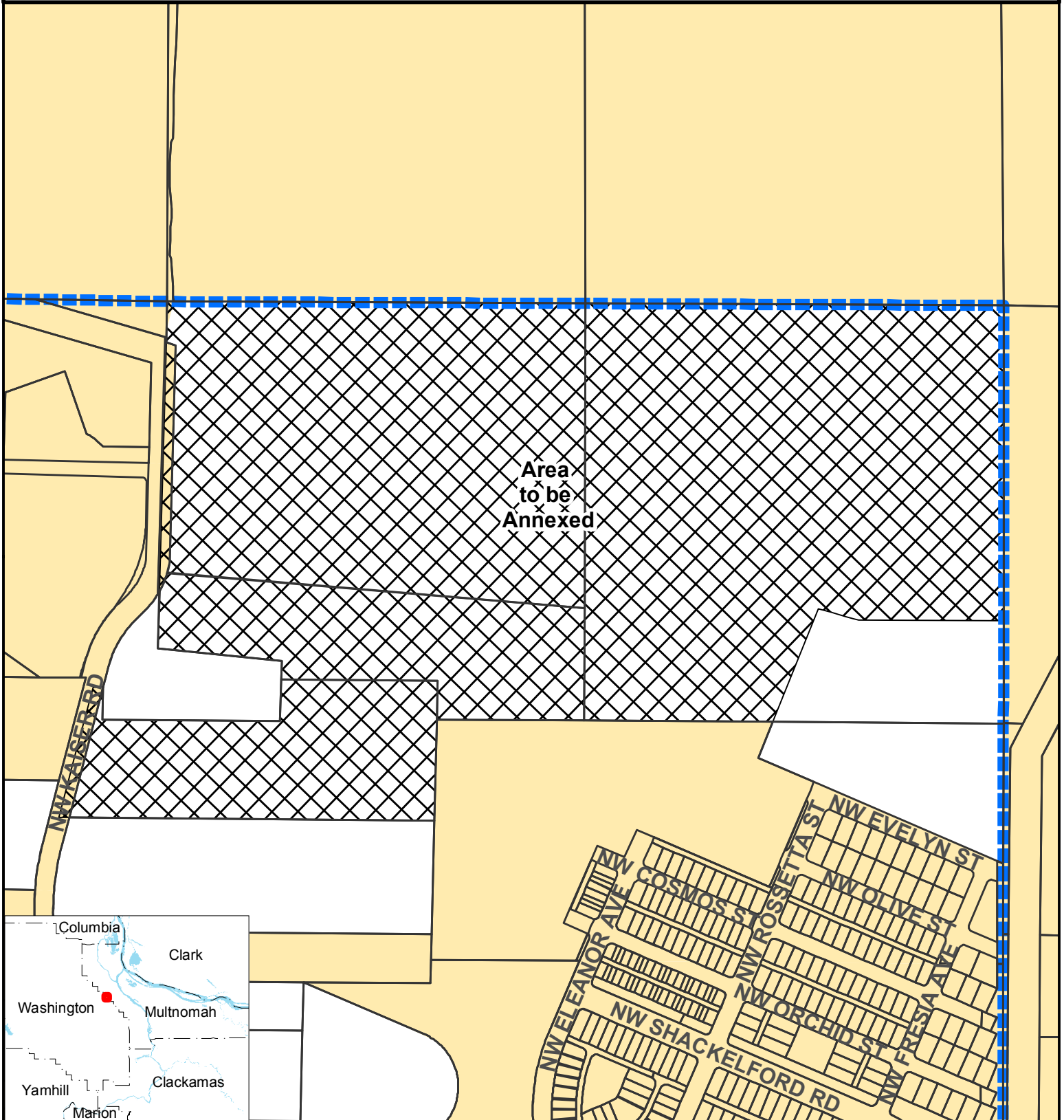
Alison R. Kean, Metro Attorney

Proposal No. AN-0217

1N1W17

Annexation to the Metro District Boundary

Washington County







Area
to be
Annexed

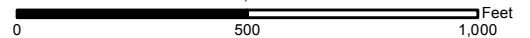


Proposal No. AN-0217 Metro District Boundary



-  Area to be annexed
-  Taxlots
-  Urban growth boundary
-  Metro District Boundary

1:5,000



Research Center
600 NE Grand Ave
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(503) 797-1742
<http://www.oregonmetro.gov/drc>

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STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 17-1400, FOR THE PURPOSE OF ANNEXING TO THE METRO BOUNDARY APPROXIMATELY 82.18 ACRES LOCATED IN THE NORTH BETHANY AREA OF WASHINGTON COUNTY

Date: April 21, 2017

Prepared by: Tim O'Brien
Principal Regional Planner

BACKGROUND

CASE: AN-0217, Annexation to Metro District Boundary

PETITIONER: Polygon WLH LLC
109 E. 13th Street
Vancouver, WA 98660

PROPOSAL: The petitioner requests annexation of land in the North Bethany area of Washington County to the Metro District Boundary.

LOCATION: The land in North Bethany is approximately 82.18 acres in size, is located east of NW Kaiser Road and can be seen in Attachment 1.

ZONING: The land in North Bethany is zoned for residential (R-6NB, R-9NB, R-15NB, & R-24NB)

The land was added to the UGB in 2002 and is part of the North Bethany Subarea Plan that was adopted by Washington County. The land must be annexed into the Metro District for urbanization to occur.

APPLICABLE REVIEW CRITERIA

The criteria for an expedited annexation to the Metro District Boundary are contained in Metro Code Section 3.09.070.

3.09.070 Changes to Metro's Boundary

(E) The following criteria shall apply in lieu of the criteria set forth in subsection (d) of section 3.09.050. The Metro Council's final decision on a boundary change shall include findings and conclusions to demonstrate that:

- 1. The affected territory lies within the UGB;*

Staff Response:

The land in the North Bethany area of Washington County was brought into the UGB in 2002 through the Metro Council's adoption of Ordinance No. 02-969B.

- 2. The territory is subject to measures that prevent urbanization until the territory is annexed to a city or to service districts that will provide necessary urban services; and*

Staff Response:

The conditions of approval for Ordinance No. 02-969B include a requirement that Washington County apply interim protection measures for areas added to the UGB as outlined in Urban Growth Management

Functional Plan Title 11: Planning for New Urban Areas. Title 11 requires that new urban areas be annexed into the Metro District Boundary prior to urbanization of the area. Washington County applied the Future Development 20 (FD-20) zone to the expansion area. Washington County requires the land to be annexed into the appropriate sanitary sewer, water, park and road service districts prior to urbanization occurring, which the applicant is in the process of completing. These measures ensured that urbanization would occur only after annexation to the necessary service districts is completed.

3. *The proposed change is consistent with any applicable cooperative or urban service agreements adopted pursuant to ORS Chapter 195 and any concept plan.*

Staff Response:

The land is part of Washington County's North Bethany Subarea Plan and was included in the North Bethany County Service District, established by the County Board of Commissioners on June 7, 2011. The proposed annexation is consistent with the Subarea Plan and the Service District agreement and is required by Washington County as part of a land use application. The inclusion of the property within the Metro District is consistent with all applicable plans.

ANALYSIS/INFORMATION

Known Opposition: There is no known opposition to this application.

Legal Antecedents: Metro Code 3.09.070 allows for annexation to the Metro District boundary.

Anticipated Effects: This amendment will add approximately 82.18 acres in the North Bethany area of Washington County to the Metro District. All of the land is currently within the UGB and approval of this request will allow for the urbanization of the land to occur consistent with the North Bethany Subarea Plan.

Budget Impacts: The applicant was required to file an application fee to cover all costs of processing this annexation request, thus there is no budget impact.

RECOMMENDED ACTION

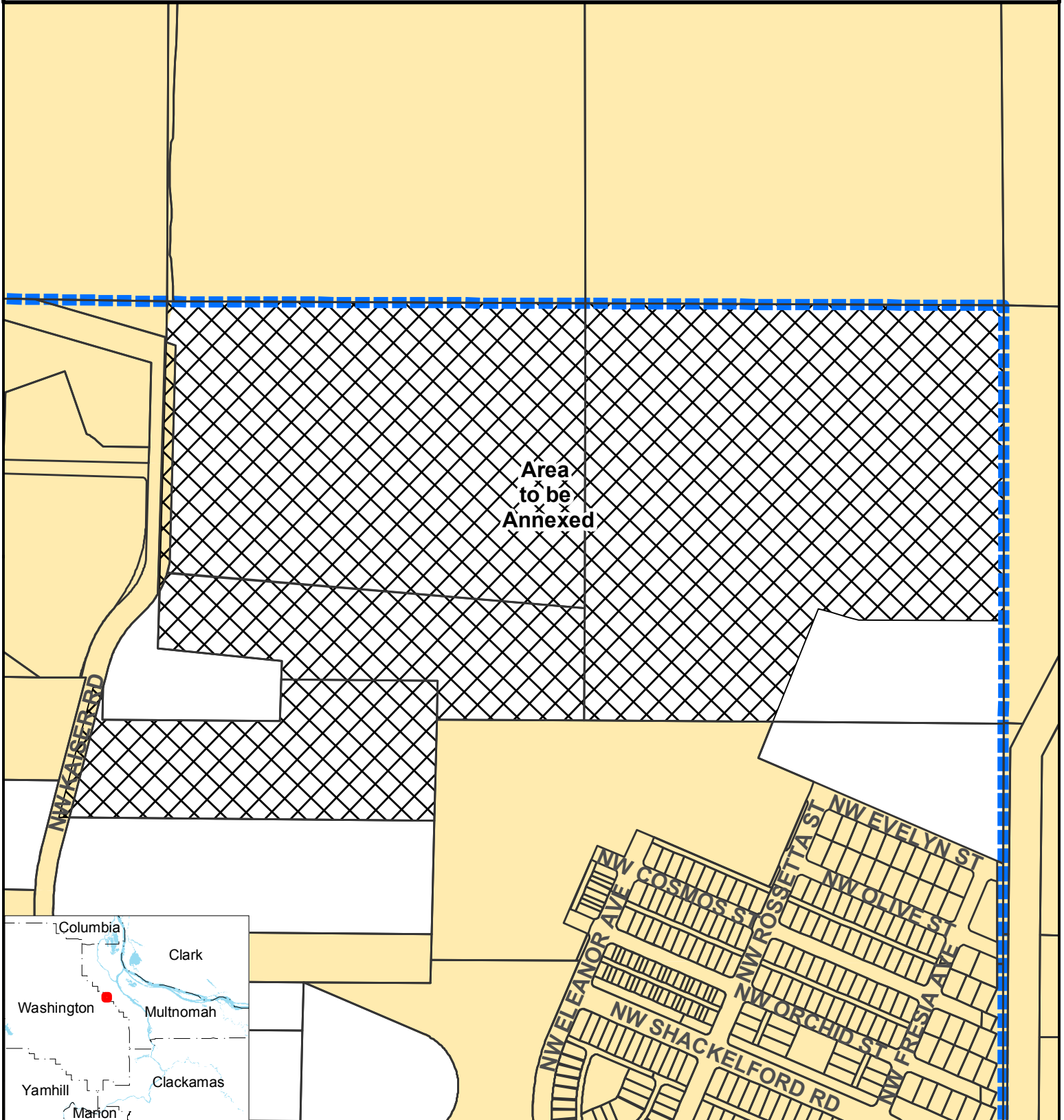
Staff recommends adoption of Ordinance No. 17-1400.

Proposal No. AN-0217

1N1W17





Annexation to the Metro District Boundary

Washington County

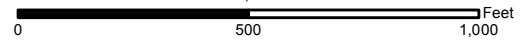


Proposal No. AN-0217 Metro District Boundary



-  Area to be annexed
-  Taxlots
-  Urban growth boundary
-  Metro District Boundary

1:5,000



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Materials following this page were distributed at the meeting.

Metro

*600 NE Grand Ave.
Portland, OR 97232-2736
oregonmetro.gov*



Metro

Minutes

Thursday, May 11, 2017

2:00 PM

Metro Regional Center, Council chamber

Council meeting

1. Call to Order and Roll Call

Council President Tom Hughes called the Metro Council meeting to order at 2:03 p.m.

Present: 6 - Council President Tom Hughes, Councilor Sam Chase, Councilor Carlotta Collette, Councilor Shirley Craddick, Councilor Craig Dirksen, and Councilor Bob Stacey

Excused: 1 - Councilor Kathryn Harrington

2. Citizen Communication

Bruce Hansen, City of Portland: Mr. Hansen provided testimony expressing concern about the Wildwood property located on Highway 30. He explained that he was concerned about a water control device that was installed at the lower end of the property as it negatively affected the fish that moved through the creek. He asked the Metro Council to address the issue in order to protect the native fish that visited the area to eat. Councilor Chase thanked Mr. Hansen for his feedback and noted that protecting the region's natural areas was one of Metro's highest priorities.

3. Consent Agenda

3.1 Consideration of the Council Meeting Minutes for May 4, 2017

Approval of the Consent Agenda

A motion was made by Councilor Stacey, seconded by Councilor Craddick, to adopt items on the consent agenda.

The motion passed by the following vote:

Aye: 6 - Council President Hughes, Councilor Chase, Councilor Collette, Councilor Craddick, Councilor Dirksen, and Councilor Stacey

Excused: 1 - Councilor Harrington

4. Resolutions

4.1 Resolution No. 17-4789, For the Purpose of Authorizing the Chief Operating Officer to Accept the Donation of Property in the Sandy River Gorge Target Area

Council President Hughes introduced Resolution No. 17-4789 and noted that there were two people who would

like to provide testimony on the resolution. He requested that those wishing to testify come forward to speak.

Sam Diack, City of Boring: Mr. Diack expressed concern about the process of the resolution, noting that he felt the family did not have enough time to consider the details of the transaction. He explained that the land donated by his family years ago was already protected by the Nature Conservancy and as a result did not need to be acquired by Metro. He asked the Metro Council to delay consideration of the resolution in order to provide the public with additional opportunities to share feedback.

Conni Diack, City of Boring: Ms. Diack provided a brief history of the Diack family's original donation of the land to the Nature Conservancy. She noted that the family wished to have the donation remain as intended, under the ownership of the Nature Conservancy, and asked the Metro Council to consider delaying adoption of the resolution.

Council President Hughes then called on Mr. Dan Moeller, Metro staff, and Ms. Catherine Macdonald, Director of Policy & External Affairs at the Nature Conservancy, for a brief presentation on the resolution.

Mr. Moeller stated that the Metro Council's approval was needed to accept 251 acres of conservation land in Metro's Sandy River target area. He noted that the proposed donation was a demonstration of Metro's strong partnership with the Nature Conservancy, as the organizations had worked together to ensure that natural resources were conserved as efficiently as possible. Mr. Moeller explained that serving as stewards of additional land in the Sandy River Gorge was in alignment with Metro's mission of protecting clean water, restoring fish and wildlife habitat, and connecting people with nature. Mr. Moeller provided a brief overview of Metro's partnership with the Nature Conservancy as well as its history of acquiring land for

conservation.

Mr. Moeller informed the Council that Metro owned over 2,000 acres in the Sandy River Gorge, including Oxbow Regional Park. He explained that adding the land that the Nature Conservancy proposed for transfer would allow Metro to efficiently manage the area in addition to the rest of the ownership in the watershed. He noted that because the Nature Conservancy had made substantial investments in the restoration and care of the land, the additional burden of management would be minor in comparison to the other investments made in the Sandy River Gorge by Metro each year. Mr. Moeller presented maps and images of the area being discussed, highlighting the area's important natural features such as tributaries, riparian woodlands, and old growth forest.

Mr. Moeller stated that Metro's Natural Areas Acquisition Work Plan required that all acquisitions, including donations, meet due diligence standards as outlined in the plan. He noted that some aspects of the donation fell outside of the work plan requirements. He provided an overview of these exceptions and how they would be addressed in the transfer. He added that the deed that would convey the properties to Metro would also include a reverter clause that would return the property to the Nature Conservancy if at any point it could no longer be held in public trust for protection, enhancement, and restoration of fish, wildlife, and water quality. Mr. Moeller concluded by thanking the Nature Conservancy for all of their work protecting the land over the years.

Ms. Catherine Macdonald of the Nature Conservancy then provided a brief history of the Nature Conservancy and its mission to protect habitat in Oregon. She shared the Nature Conservancy's contributions to preservation of the Sandy River Gorge area including acquiring protective designations for land in the corridor, protecting the river's flows, and

controlling invasive species. Ms. Macdonald explained that transferring the proposed land to Metro would allow the Nature Conservancy to continue to conserve natural resources efficiently as possible by taking advantage of the considerable expertise Metro had developed in managing such habitats and freeing resources to preserve and protect other natural areas in the state.

Council Discussion

Council President Hughes clarified the location of the property that would be returned to the Diack family and the property that would be ceded to Metro if the resolution was adopted. Councilors confirmed that the property ceded to Metro would continue to be preserved in the manner it was maintained by the Nature Conservancy and that public access to the area would not be increased. Councilor Stacey thanked the Diacks for their ongoing contributions to natural area conservation in the region. He noted that he felt that the Nature Conservancy and Metro were both committed to managing the land in a way that protected, enhanced, and restored their natural quality. Councilors discussed how the land would be maintained by Metro according to the Parks and Nature System Plan and the benefits of the land transfer for the Nature Conservancy. In response to the Diacks concerns, Councilor Craddick asked Mr. Moeller to describe how the transaction process occurred. Councilors expressed support for the resolution, noting how important parks and natural areas conservation was to the Metro Council and the region's residents. Councilor Dirksen asked about the property use restrictions that would be placed on Metro if it were to acquire the land.

A motion was made by Councilor Craddick, seconded by Councilor Collette, that this item be adopted. The motion passed by the following vote:

Aye: 6 - Council President Hughes, Councilor Chase, Councilor Collette, Councilor Craddick, Councilor Dirksen, and Councilor Stacey

Excused: 1 - Councilor Harrington

5. Ordinances (First Reading and Public Hearing)

- 5.1 Ordinance No. 17-1400, For the Purpose of Annexing to the Metro District Boundary Approximately 82.18 Acres Located in the North Bethany Area of Washington County

Metro Attorney Alison Kean and Council President Hughes read the requirements on holding a quasi-judicial hearing and Council President Hughes introduced Mr. Tim O'Brien, Metro staff, to provide a brief staff report. Mr. O'Brien provided an overview of the annexation request, explained the criteria required and stated that the request met the criteria for annexation into the Metro District Boundary. Mr. O'Brien noted that staff recommended the Metro Council approve Ordinance No. 17-1400 and informed the Council there were about 70 acres left in North Bethany to be annexed, constituting less than ten percent of the total area.

Council Discussion

There was none.

- 5.1.1 Public Hearing for Ordinance No. 17-1400

Council President Hughes opened up a public hearing on Ordinance No. 17-1400 and requested that those wishing to testify come forward to speak. Seeing none, Council President Hughes gavelled out of the public hearing. He noted that second read, Council consideration, and vote on Ordinance No. 17-1400 would take place on Thursday, May 18.

6. Chief Operating Officer Communication

Ms. Martha Bennett announced that Metro's Deputy Chief Operating Officer Scott Robinson would be retiring at the end of the year. She thanked Mr. Robinson for his service

and acknowledged his significant accomplishments over the years. Ms. Bennet also recognized Ms. Kathy Rutkowski, Metro's retiring Budget Coordinator, for her contributions during a career that spanned more than 30 years at the agency. The Metro Council thanked Ms. Rutkowski for all of her work.

7. Councilor Communication

Councilors provided updates on the following meetings or events: the Transit-Oriented Development (TOD) Steering Committee, the Metro Policy Advisory Committee (MPAC), and the Oregon Zoo Bond Oversight Committee.

8. Adjourn

There being no further business, Council President Hughes adjourned the Metro Council meeting at 3:27 p.m. The Metro Council will convene the next regular council meeting on May 18 at 2:00 p.m. at the Metro Regional Center in the council chamber.

Respectfully submitted,



Nellie Papsdorf, Legislative and Engagement Coordinator

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF MAY 11, 2017

ITEM	DOCUMENT TYPE	DOC DATE	DOCUMENT DESCRIPTION	DOCUMENT No.
3.1	Minutes	05/11/17	Minutes from the Council meeting of May 4, 2017	051117c-01
4.1	PowerPoint	05/11/17	Resolution No. 17-4789 presentation	051117c-02
4.1	Testimony	05/11/17	Bruce Whiting testimony to Council	051117c-03
4.1	Testimony	05/11/17	Bryan Ciecko testimony to Council	051117c-04
4.1	Testimony	05/11/17	Charles Ciecko testimony to Council	051117c-05
4.1	Testimony	05/11/17	Katinka Bryk Testimony to Council - Nature Conservancy Sandy River Gorge	051117c-06
4.1	Testimony	05/11/17	Robert Head testimony to Council	051117c-07



Metro

Metro – TriMet bond agreement

May 18, 2017

RFFA Policy Decision

Step 1:

- Existing HCT Bond
- Region-wide Programs

Step 2: Community Projects

New Initiative: Project Development

Project development payments

\$5.1 to \$18.6 million/year from 2019 – 2034

Provide bonded proceeds to:

- Division Transit
- Southwest Corridor Transit
- Regional bottlenecks
- Active Transportation
- Enhanced Transit Corridors*

Change in funding outlook

Policy decision based on 2015 forecast

CMAQ funds likely to be reduced

Managing risk of funding reduction: Phase implementation of bond payment commitment

Phase I of bond agreement

Initial phase of bond payment commitment
limited to \$3.25 to \$12.1 million/year
between 2019 - 2031

Reduce bond proceed funding to projects

Phase I bond proceeds

	Full Policy Amount	Phase I	Status
Division Transit	\$25	\$25	Whole
Southwest Corridor	\$80	\$15	Reduced
Regional Bottlenecks	\$10	\$10	Whole
Active Transportation	\$2	\$1	Reduced
Enhanced Transit	\$0	\$0	Postponed

Future work

Decision on distribution of CMAQ funds

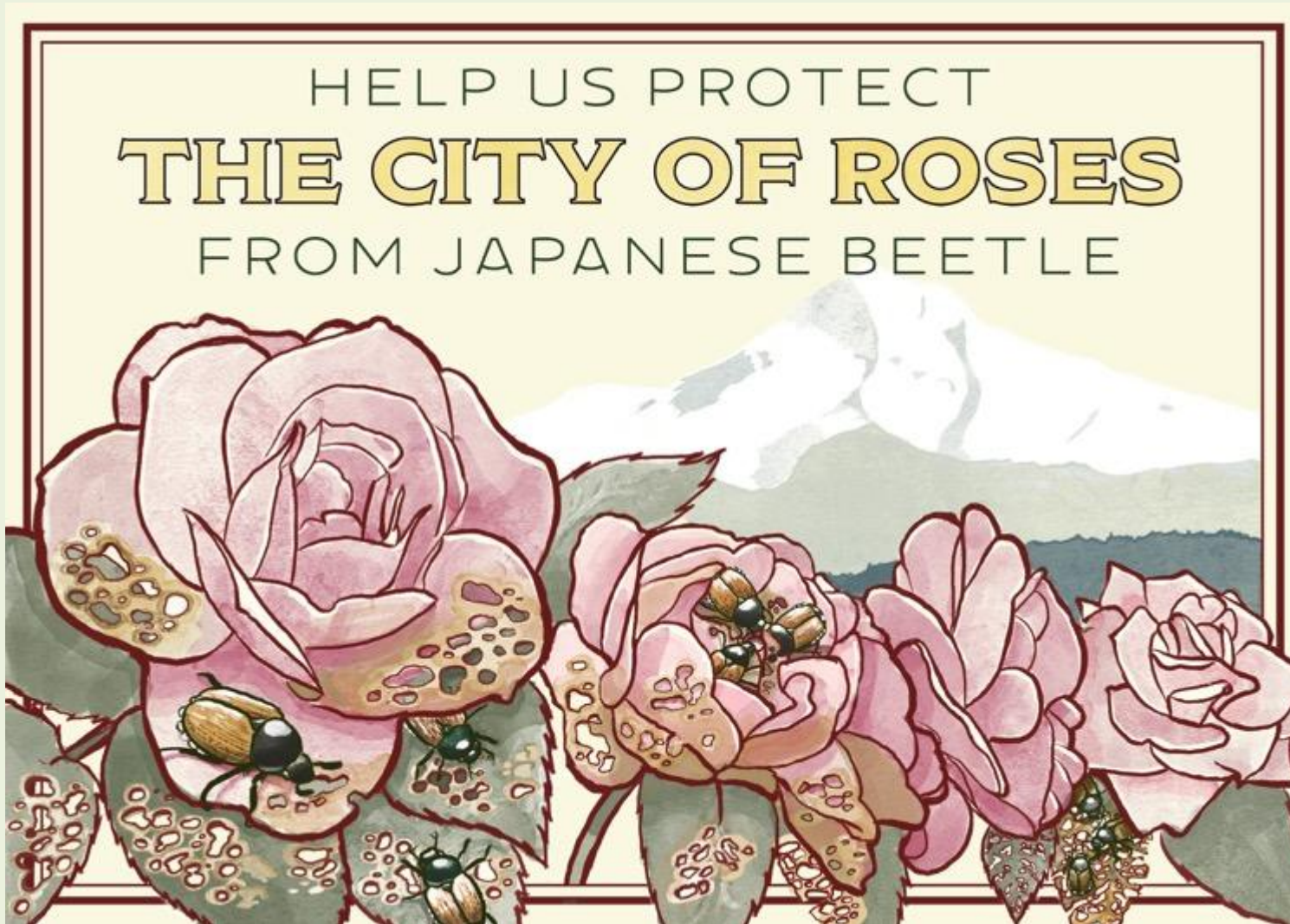
Consider additional bond payment agreements

Address JPACT direction on consideration of Enhanced Transit

Requested Action

Approve resolution authorizing Metro and TriMet to proceed with bond agreement.

Japanese Beetle: Situation Briefing



Oregon Department of Agriculture

Why do we care?

It likes to eat what we eat.



300+ species

Oregon's greenhouse and nursery industry is worth \$829,909,000



Figure from 2014

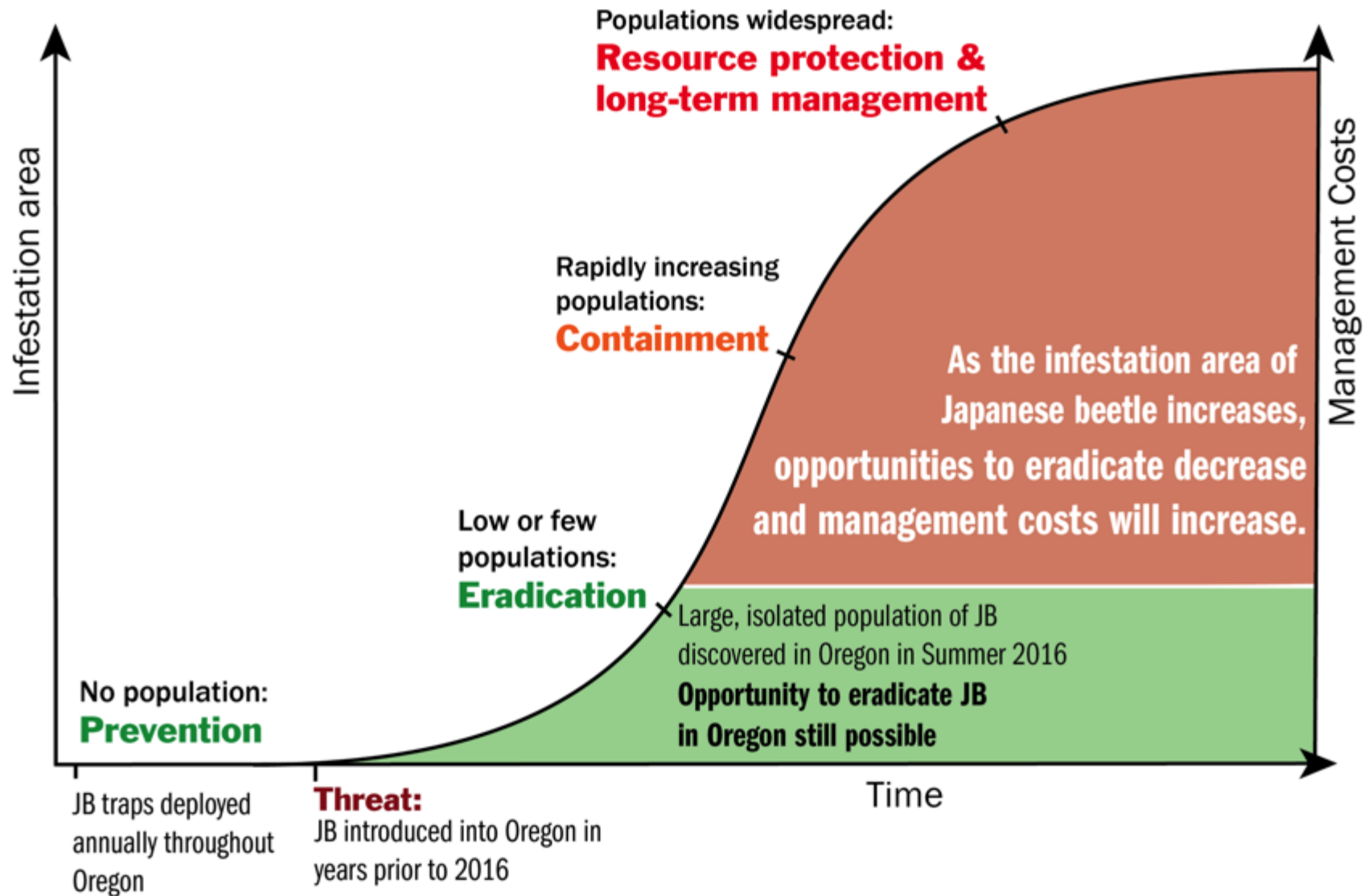
Oregon's fruit and nut crop is worth \$602,764,000



Figure from 2014

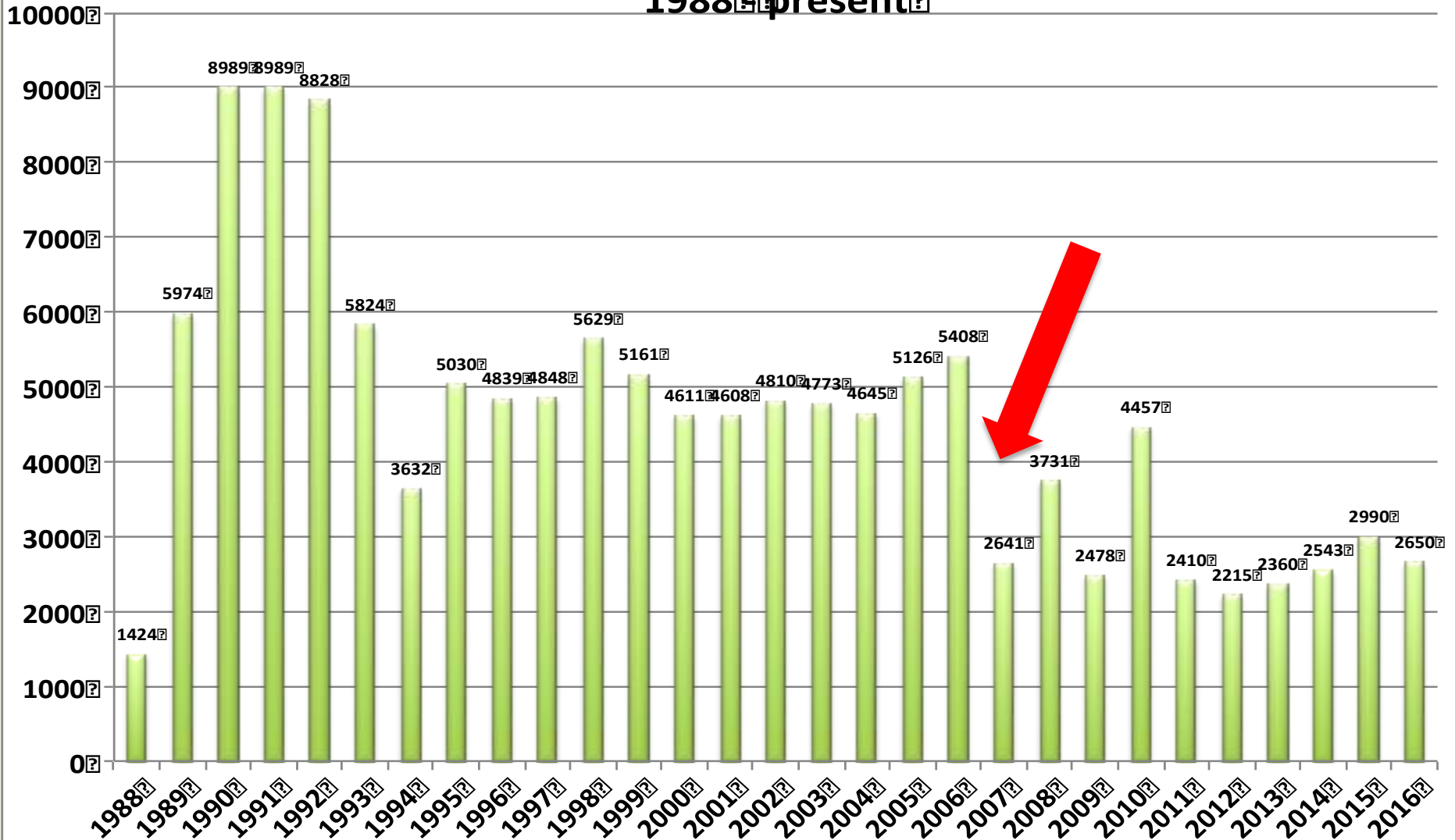
Oregon's wine industry is worth \$118,320,000



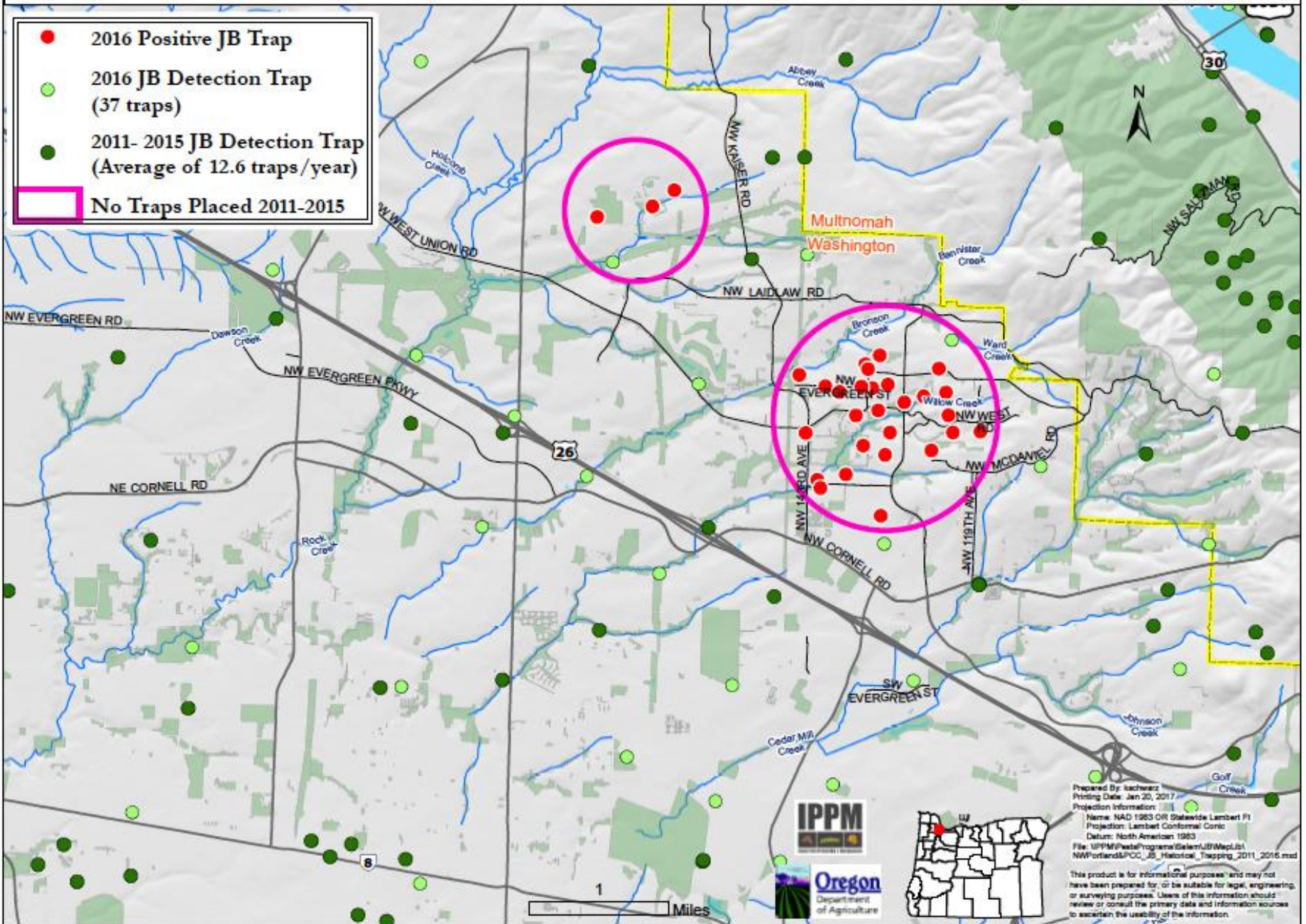


Japanese Beetle Trapping History

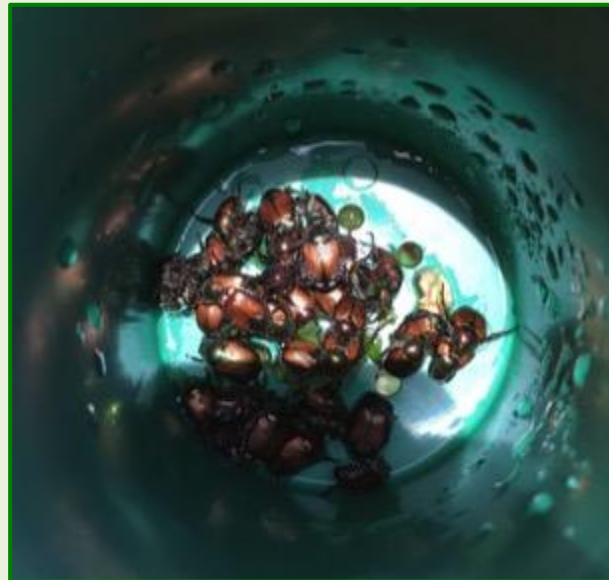
Number of Japanese beetle traps placed in Oregon
1988 to present



Japanese Beetle Traps Placed 2011-2016 NW Portland, Oregon



Why we are worried...



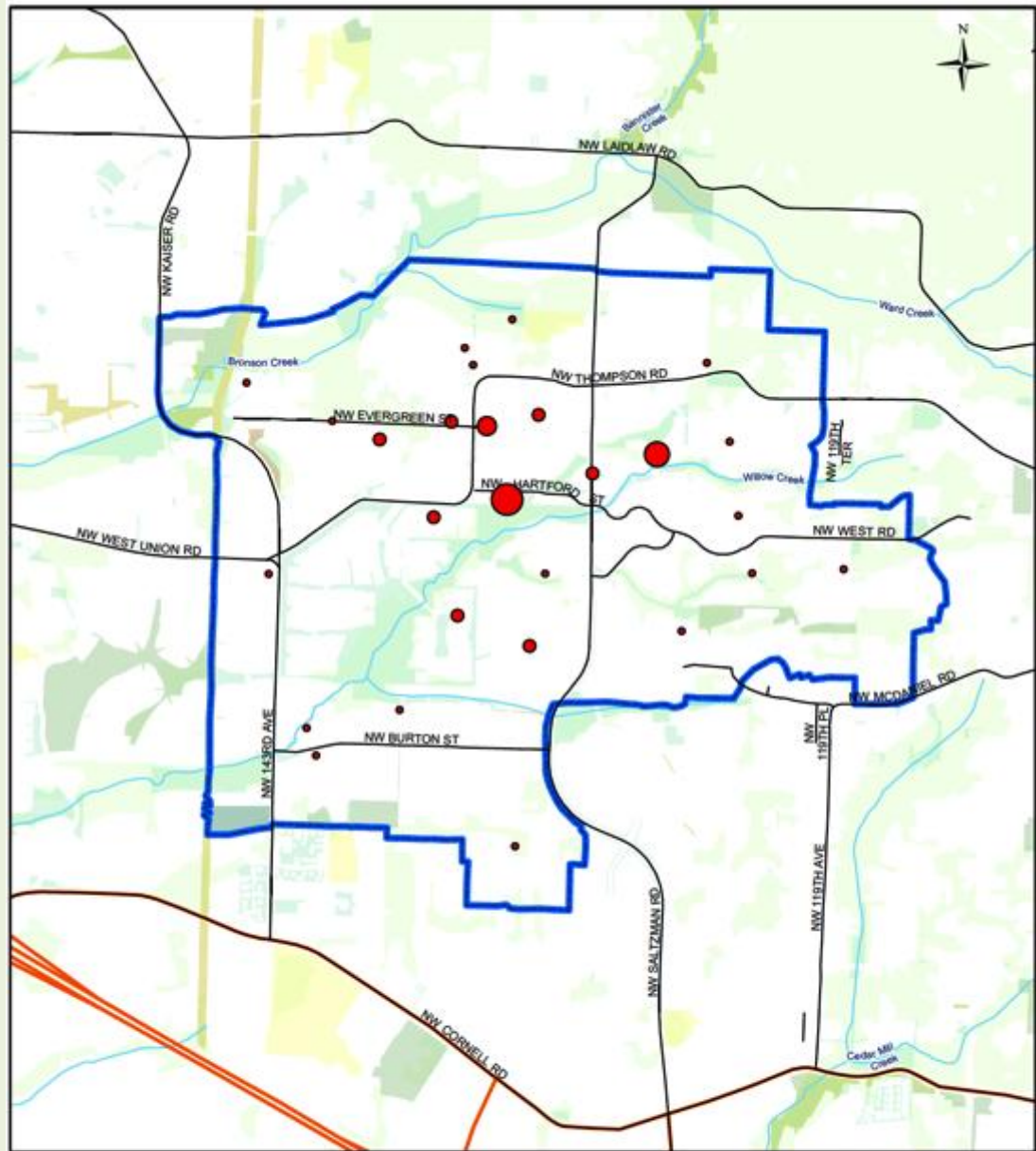
Prime habitat
Lots of turf
Well watered
soil
Lots of food
sources

2016
Japanese beetle
detections in
Cedar Mill

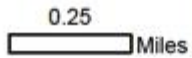
2017
Potential treatment
area in NW Portland

~2,500 single family
 properties

1,000 acres



Japanese Beetle
Detections 2016
NW Portland



Prepared By: Ischewatz
 Printing Date: Feb 2, 2017
 Projection Information:
 Name: NAD 1983 OR Statewide Lambert Ft
 Projection: Lambert Conformal Conic
 Datum: North American 1983
 File: IPPM\Peat\Programs\Galen\J8Map\MapOfPortlandNWPortlandJ8Twp_Calhes & Tolled 6x11 2016_17.pdf.mxd

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the suitability of the information.

Project Approach 5 Year

1. Community engagement
2. Diverse team working on the project
3. Use Acelepryn G insecticide (Group 28 Reduced Risk)
4. Utilize biological control in woody riparian area
5. Changes in green waste management and a control area within eradication boundaries
6. High density trapping (200-300 / sq. mi.)





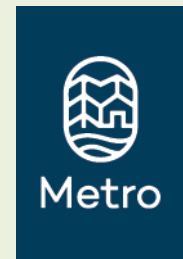
Metro response to Japanese Beetle

May 18, 2017



Goals:

- Facilitate collection and disposal of yard debris and soil
- Coordinate with
 - local, county and state agencies
 - local haulers and disposal companies
 - Local landscape companies
- Keep disposal costs similar to that of composting



Actions Taken:

- Along with DEQ, **allow** disposal of yard debris at Hillsboro Landfill
- **Exempt** yard debris and soil from regional system fee
- Establish convenient **reload** for landscapers, local business and residences (Northwest Landscape Service)

Washington County plans to **exempt** yard debris and soil from its franchise fees.



Ordinance No. 17-1402

- Establishes a **new exemption** from payment of excise tax
- Only available for the state of **Oregon**
- Only for yard debris and soil from an **emergency eradication quarantine** is disposed of in a landfill
- Must be in response to a **state-declared** public health, agricultural or environmental emergency

Ordinance includes an **emergency clause** – immediately effective and can be voted on at today's meeting



Metro

Solid Waste Roadmap Landfill Capacity Policy



Bryce Jacobson
Property and Environmental Services

Background

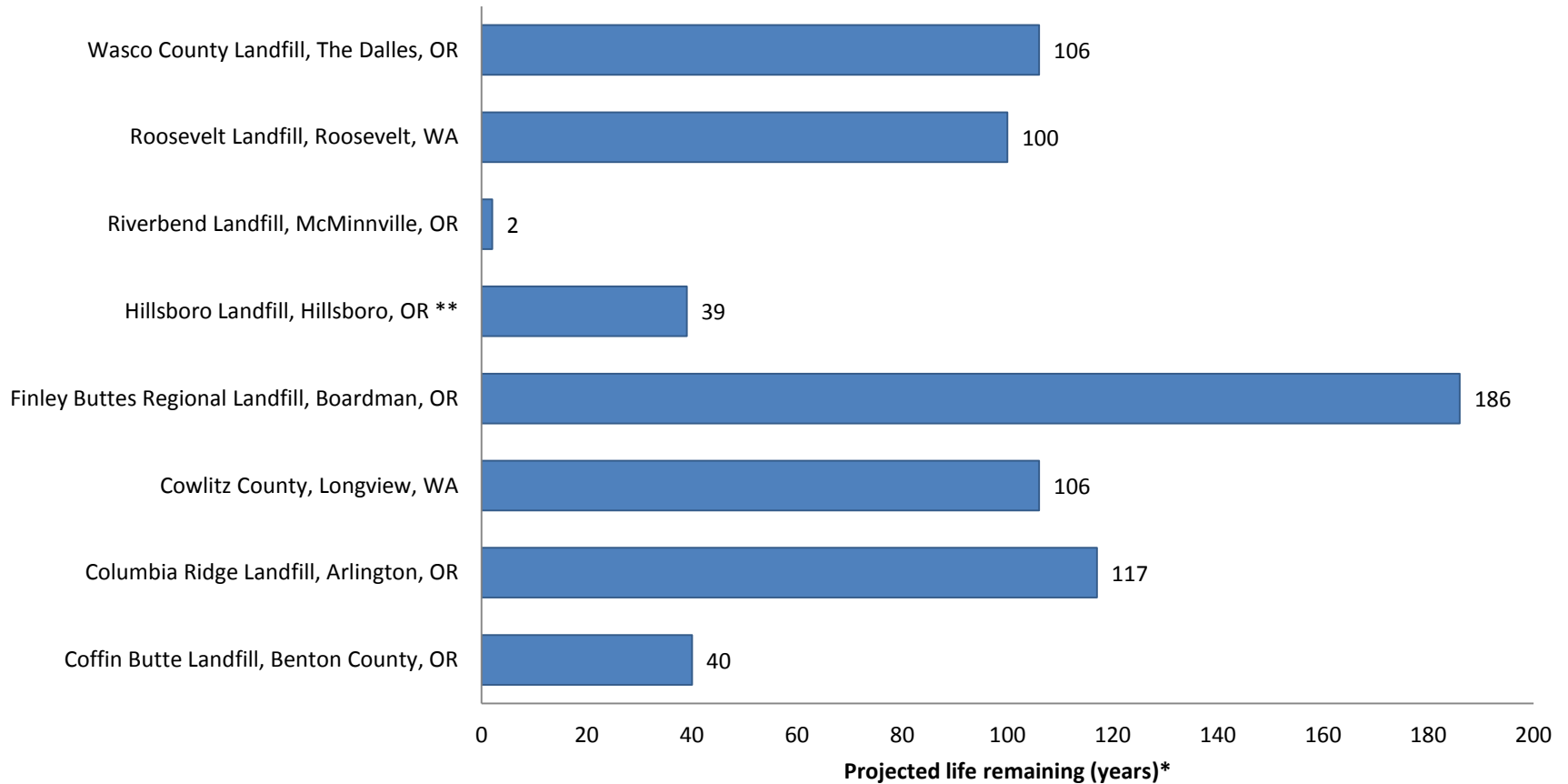
December 2014: Council Resolution 14-4589

“The capacity of existing permitted landfills can serve the needs of the region for at least 100 years”

“Metro Council finds that to conserve limited land resources in and around the Metro region, and encourage waste reduction rather than accommodate growth in waste disposal capacity”

“Staff shall develop a Landfill Capacity Policy to evaluate the disposal capacity of waste at new, existing or expanded landfills”

Landfill Capacity Data



*According to Oregon Department of Environmental Quality (DEQ), 2015 and Washington State Department of Ecology, 2015

**Not currently authorized as a putrescible waste landfill

Three Council Work Sessions

- Developed a scope of work
- Determined an approach to capacity
- Discussed the likely impacts
- Met with Stakeholders

Preferred Approach to Landfill Capacity

“From [date] forward, waste from the Metro region shall not be sent to any landfill that amends its Oregon DEQ approved Site Development Plan for the purpose of permitting greater capacity.”

Ordinance 17-1401

- **Would amend Metro Code to add definitions**
 - **Limited capacity landfill:** A landfill that has sought a site development plan amendment for expansion of the landfill capacity from the Oregon Department of Environmental Quality, and has not received approval from the Department by May 25, 2017, or the equivalent determination in another state.
 - **New landfill:** A landfill that receives its initial permission from DEQ to receive solid waste on or after May 25, 2017, or the equivalent determination in another state.

Ordinance 17-1401

- Would prohibit disposal of waste generated in the Metro region in a “limited capacity landfill” or “new landfill”
- Applies to Metro region waste from both public and private solid waste facilities
- Includes all waste types: wet, dry and special

Ordinance 17-1401

Implementation Timeline

If adopted, the ordinance has two important dates:

- “Effective date” is the date of Metro Council adoption
- “Implementation date” is January 1, 2020.

Questions?

oregonmetro.gov



Ilsa Perse
5765 Mineral Springs Rd
Carlton, OR 97111
ilsap@earthlink.net

Comments that accompany Power Point presentation

Slide 1

Riverbend in the bend of the South Yamhill River is partly surrounded by a modest buffer of land owned by Waste Mgt. Family farms surround the buffer OR border the landfill itself.

SLIDE 2

This USGS map shows that Riverbend sits in a very strong to severe seismic hazard zone. The severe area is along the river

SLIDE 3

Everything under water in this picture is in the severe seismic zone. Imagine a 9.0 earthquake on one of the many winter days when this part of the dump is under water. Garbage in this part of the dump is in Unlined, improperly compacted cells and is actually below the floodwaters.

SLIDE 4

Columbia Ridge Landfill, in the driest part of the state, is surrounded by a 10,000 acre buffer owned by Waste Management.

SLIDE 5

This USGS map shows that that Columbia Ridge is in a moderate earthquake zone, the least seismically dangerous.

SLIDE 6

The leachate pond normally holds about 13 MILLION gallons. Imagine a 9.0 earthquake on a day the pond is surrounded by water. What could possibly go wrong?

SLIDE 7

6,500 GHG spewing tanker trucks haul away more than 32 million gallons of leachate annually. Riverbend's leachate

problems are result from the amount of rain that falls on it. Dumps in dryer areas do not create this much leachate. An expanded landfill will create more leachate for several years, and will require even more tanker trucks.

SLIDE 8

When the leachate can't be trucked away, due to a few inches of snow and/or ice, leachate has been known to leak into nearby creeks. How will it be to hauled away after a major earthquake. Where will the leachate from an overflowing pond go?

SLIDE 9

You'll hear more about the disturbing trends shown in one of the monitoring wells later.

SLIDES 10 & 11

Tests on the water runs into the storm water collection system have shown the presence of heavy metals and on multiple occasions excessive amounts of E. coli.

SLIDE 12

This polluted storm water is piped into nearby fish-bearing creeks.

SLIDE 13

Thousands of seagulls descend on the dump and surrounding farms every day, destroying crops and potentially spreading serious bacteria

SLIDE 14

Earlier this year, salmonella was found in hazelnuts at a farm, across the road from the dump and is ironically now owned by Waste Management. Salmonella can be traced to bird droppings. There are lots of birds and lots of droppings at Riverbend.

SLIDE 15

Garbage blows onto nearby property and into creeks

SLIDE 16

Along with the birds, polluted run off and blowing garbage, there is a horrific stench, made worse by wet weather. DEQ's Odor Nuisance study now underway is only one of 3 in the entire state. Dumps in dryer areas tend to smell less.

In Conclusion: Riverbend Landfill was sited in the wrong place before DEQ knew what it now knows. The location is seismically unstable, often surrounded by floodwater, has uncontrollable bird problems, creates a horrific stench, covers surrounding farms with blowing garbage, and is potentially leaking.

Yamhill County does not deserve to have this environmental nightmare in its midst.

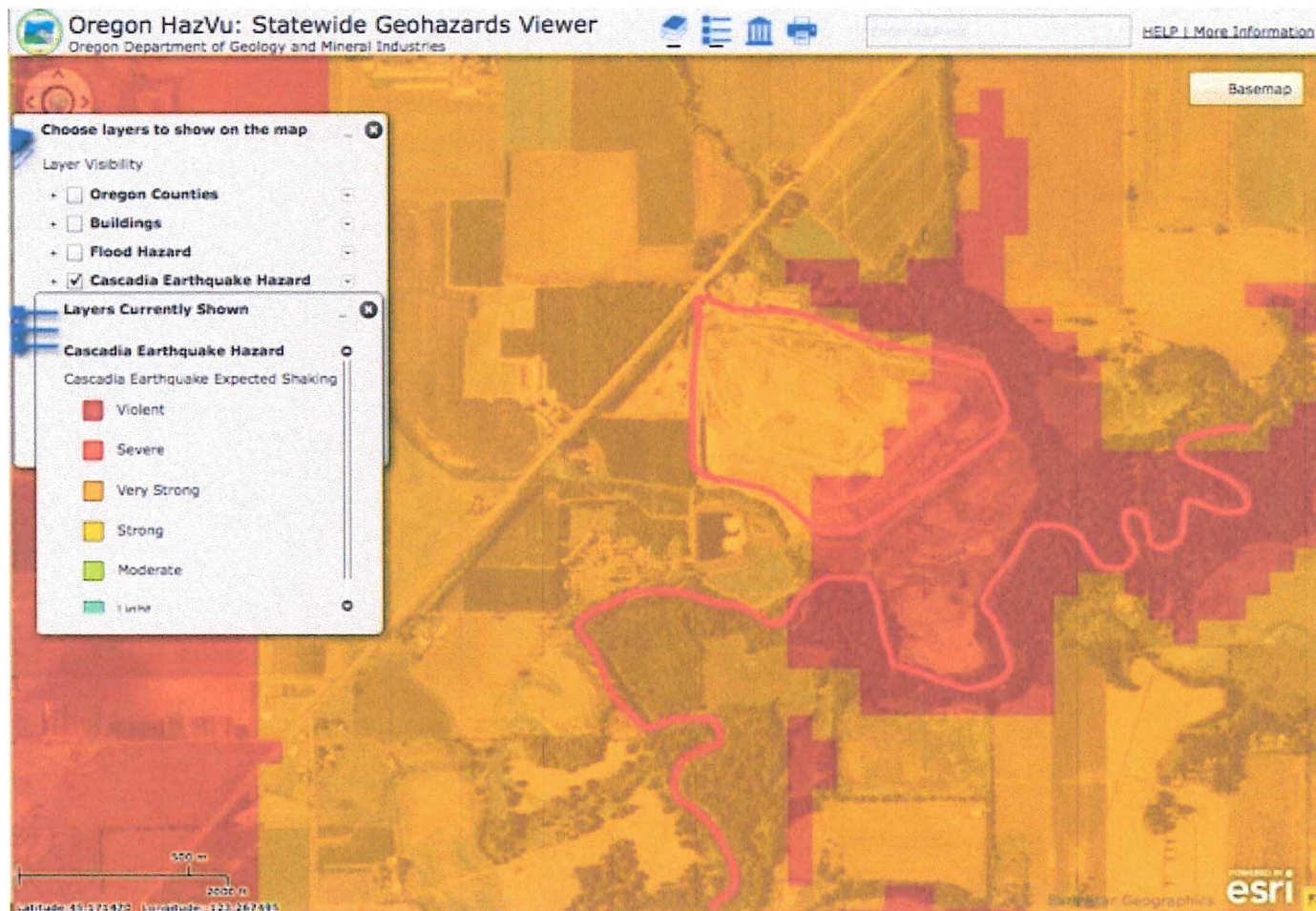
Please vote to keep your garbage from returning to our farmland and waterways.

Thank you

Riverbend Landfill-surrounded by small family farms on some of the best soil in Oregon



Severe Earthquake Risk at Riverbend



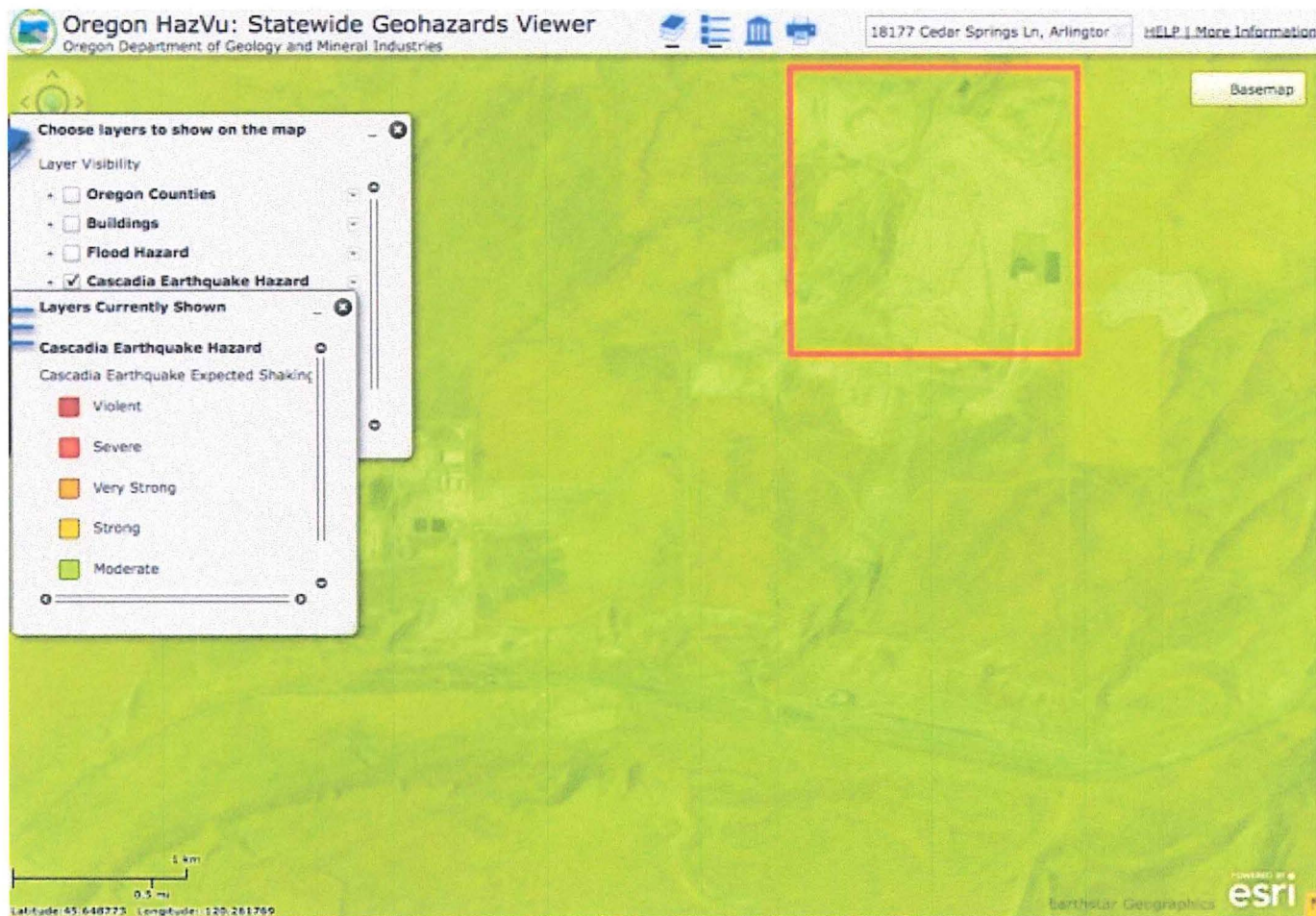
Annual winter flooding-Multiple Flood Events in 2015-16 and 2016-17



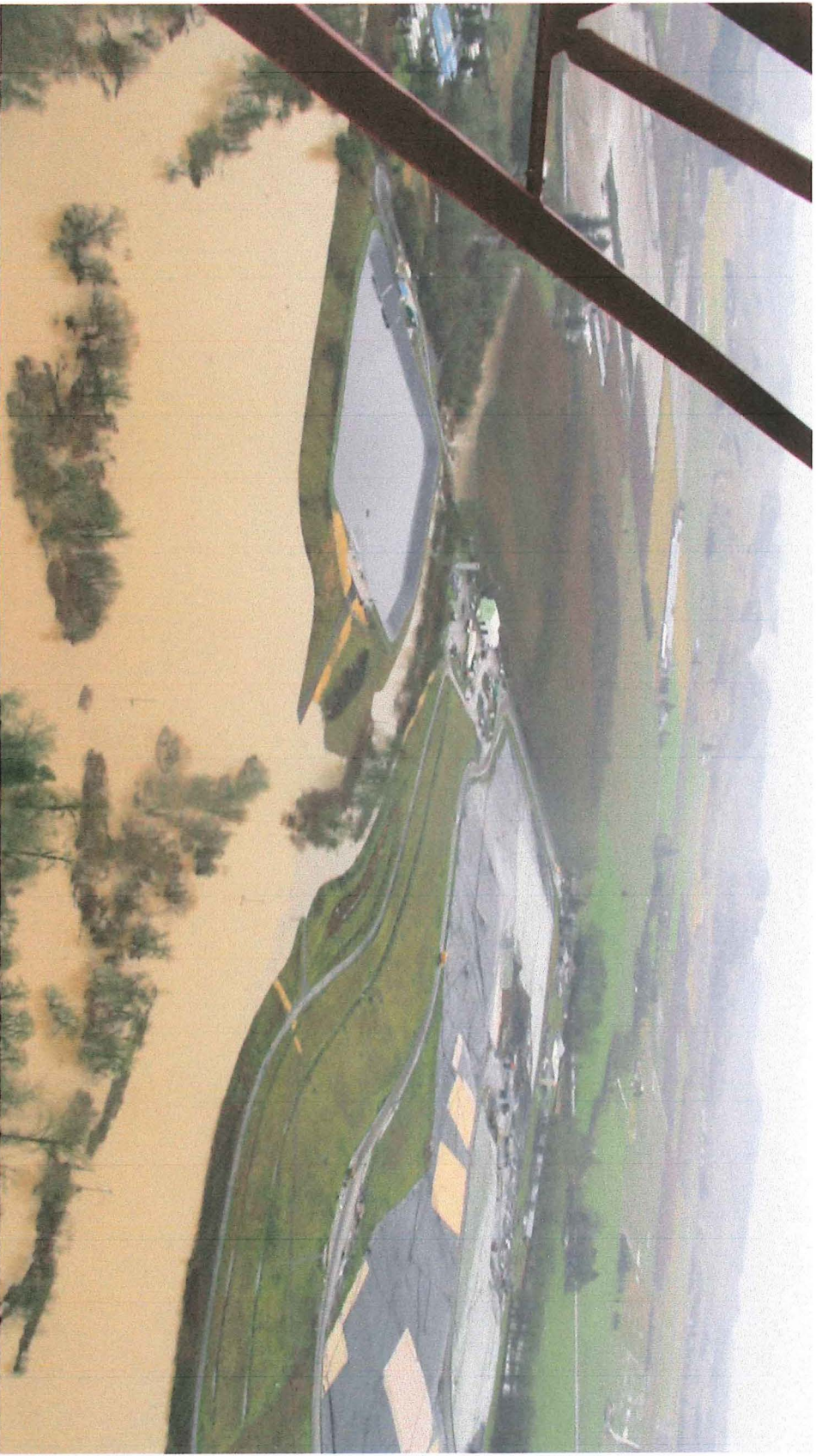
Columbia Ridge-surrounded by 10,000 acres of dry land owned by Waste Mgt.



Moderate Earthquake Risk at Columbia Ridge



Leachate Pond-Surrounded by floodwater



Over 32 million gallons of leachate trucked off-site annually by more than 6,500 tanker trucks spewing GHG. No leachate trucking from Columbia Ridge or Coffin Butte



Leachate leakage-2014

Landfill, DEQ to discuss landfill seepage

Some level of enforcement action against Waste Management expected

By **NATHALIE HARDY**
Of the News-Register

Waste Management is planning to brief the public at 6 p.m. Wednesday at the McMinnville Field House on a recent leachate

Riverbend reports seepage

NEWS-REGISTER/McMINNVILLE, OREGON

The News-Register staff

Leachate seeped from the north side of McMinnville's Riverbend Landfill for about 12 hours early this week, according to a report issued by company spokeswoman Jackie Lang.

"Like so many reports

Lang said. "In times like this, we inspect the site every day, and often multiple times throughout the day, looking for any weather-related issues."

She said such an inspection Monday morning revealed the

"This indicates the seepage occurred over a period of less than 12.5 hours, and that this was an isolated situation," she said. "We stopped the seepage immediately by

by notifying the county Wednesday and the media Thursday.

"Whether we needed to report it or not was known

DEQ continues to evaluate landfill seepage

Chemicals detected downstream, remain under safe levels

By **NATHALIE HARDY**
Of the News-Register

The Department of Environmental Quality continues to

After analyzing the first round of test results from creek sampling, Schwarz reported there are increased concentrations of some contaminants downstream compared to upstream.

"The samples do show some minor impact to the stream," he said. "The numbers were low, but they were slightly higher than they

Feb. 10, leachate was discovered seeping from the landfill in a check conducted 12.5 hours after an earlier check turning up nothing amiss. Officials said there is no way of knowing whether the seepage continued for minutes or hours.

Schwarz said the three samples were collected upstream of the seepage at the point leachate

He said the samples collected were taken from roughly the same three locations to compare the concentrations have gone down.

"The relatively low concentrations of some contaminants are elevated. Are they going to stay elevated? That's what the second round of tests will tell us," he said.

Leachate leaking into Monitoring Well

APRIL 2017

A groundwater compliance well monitoring the 3 oldest, unlined cells tests positive for "indicators of leachate leakage" and is in violation of site-specific limits and is under DEQ investigation.

Tested at twice the zinc limit



Riverbend Landfill notified of zinc effluent violation

DEQ discovers higher than permitted level of zinc in effluent runoff

By **NICOLE MONTESANO**
Of the News-Register

The state Department of Environmental Quality has notified Riverbend Landfill that it violated its stormwater runoff permit in May, when the amount of zinc in its effluent stream tested more than twice the permitted limit. But Riverbend disputes the finding, according to spokesman Paul Burns.

DEQ stormwater specialist Mark Riedel

Riedel said the landfill is not required to monitor stormwater remaining in detention ponds. It is only required to monitor overflow leaving the site.

As a result, he said, any follow-up monitoring must await a major rainstorm creating such an overflow.

Riedel noted in his letter that the landfill is required to "conduct follow-up monitoring of any pollutant that exceeds the numeric effluent limits within 30 days (or during the next measurable storm event, should none occur within 30 days)." He said they have to be

Landfill run-off piped into streams tests up to 6 times the E. coli permit benchmark:

2002 600% over the permit benchmark
2003 600% over the permit benchmark
2004 600% over the permit benchmark
2005 600% over the permit benchmark
2006 600% over the permit benchmark
2007 210% over the permit benchmark
2008 600% over the permit benchmark
2009 270% over the permit benchmark
2010 600% over the permit benchmark
2011 600% over the permit benchmark
2012 270% over the permit benchmark
2013 600% over the permit benchmark
2014 600% over the permit benchmark
2015 Testing requirements waived at WM's request
2016 Testing requirements waived at WM's request

Polluted stormwater runoff, sometimes contaminated with E.coli, empties into a salmon tributary

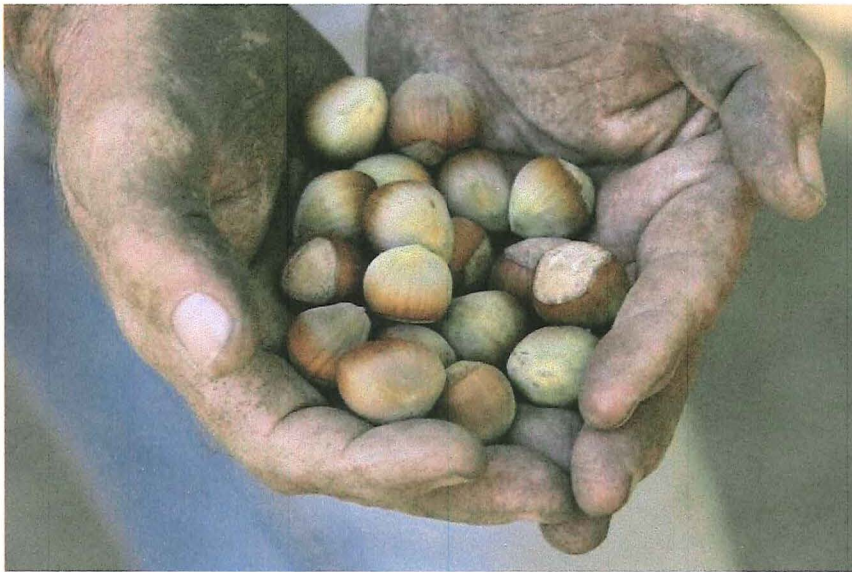


Thousands of seagulls swarm the landfill and nearby farms



This Hazelnut orchard is across the highway from Riverbend Landfill

Hazelnuts from McMinnville farm stand linked to salmonella



Five people became ill with a specific strain of Salmonella Typhimurium between Oct. 15 and Dec. 13 after consuming nuts linked to a food stand in McMinnville. (Oregonian/OregonLive file photo)



By [Allan Brettman](#) | [The Oregonian/OregonLive](#)

Email the author | [Follow on Twitter](#)



Print

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Searchable database

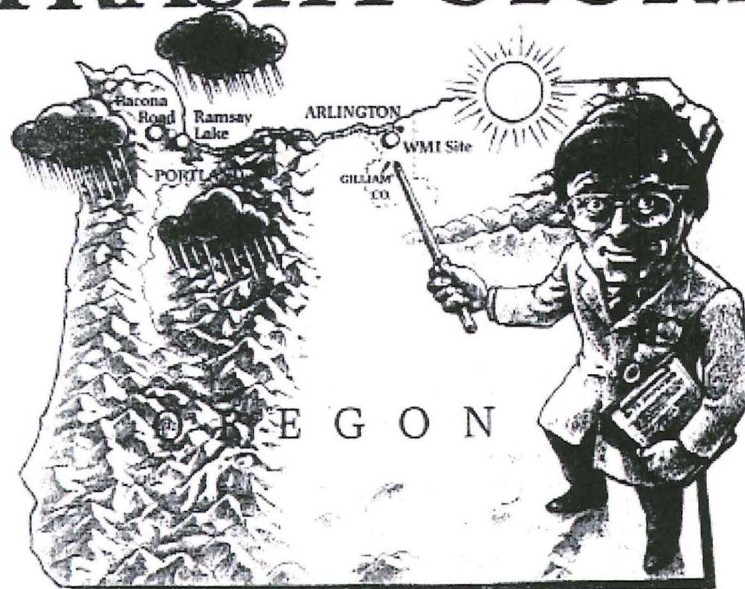


Waste Management paid for this ad

THE SUNDAY OREGONIAN, JUNE 7, 1987

96 2M THE SUNDAY OREGONIAN, JUNE 7, 1987

JUST IN TIME... A HAPPY ENDING TO A TRASHY STORY



THIS TIME SELECT, DON'T SETTLE

Now, more than ever before, we must pay attention to our trash.

Twenty-six hundred tons of it. That's how much we produce in the Portland-metropolitan area each day.

For a little while longer, we may continue to bury it in the St. Johns Landfill. But time is running out because the old landfill will close.

THE WET ONES: BACONA ROAD AND RAMSEY LAKE.

Two sites under consideration have raised serious environmental issues. They

petitive with any new local landfill. This is a sensible solution which respects our environment. It takes advantage of private sector expertise. And, it provides numerous benefits to the public. Think about it. Our new sanitary landfill — built to meet the highest environmental safety

AN ENVIRONMENTAL SOLUTION WITH ECONOMIC BENEFITS, TOO.

Gilliam County stands ready to benefit economically from the arrival of this new industry.

Millions of dollars will be invested in

- 1) **Select, don't settle.** We have to live with our choice of a landfill for decades. Pick the best environmental site. Don't settle for less.
- 2) **Pick a dry, remote spot.** Trying to site a landfill on wet land areas with neighbors nearby is just asking for trouble.
- 3) **Choose a community that wants it.** Locate the landfill in a community that is prepared to permit it and to live with it.

We are delighted to be doing business in Oregon. We'd like to tell you more about our company or our proposal. Please contact us for more information by writing:

Rick Daniels, Project Manager
Waste Management
of Oregon, Inc.
5300 NE Skyport Way
Portland, OR 97218

A HAPPY ENDING IN 5 SIMPLE STEPS.

Oregonians know that there are no short cuts in maintaining our quality of life. When it comes to landfills, here are some things worth keeping in mind:

1) Select, don't settle. We have to live

Riverbend Landfill

SEISMICALLY UNSTABLE
UNCONTROLLABLE LEACHATE
SURROUNDED BY WATER



blv ✓

~~CONFIDENTIAL~~ - ~~CONFIDENTIAL~~

May 18, 2017

Good afternoon Metro Councilors:

As you have already heard today, there are many complex issues surrounding Riverbend. However, there is one particular issue I want to be certain that everyone understands. The issue is that in May 2016 DEQ documented a groundwater contamination violation at a Riverbend DEQ Compliance Groundwater Test Well.

Here are the facts:

1. The sampling data in May 2016 for the DEQ Groundwater Compliance Well located down slope from the three original, unlined cells showed levels of *four* (4) inorganic compounds above their permitted limits.

Although these four compounds are naturally-occurring materials, they are widely recognized by landfill hydrologists as “leachate indicators” when they are present at elevated levels above background. They are not volatile and their presence cannot be attributed to landfill gas.

2. A June re-sampling verified the May elevated levels. Since more than three compounds were above limits, this required DEQ to launch an investigation.
3. In August Waste Management implemented a plan to “evaluate the source of changes in the groundwater quality” in this well based on additional monitoring activity.
4. The November sampling data now showed a total of *six* (6) compounds above their permitted limits; these data were verified in December.
5. Since this was the second DEQ violation and because it was still unclear what the source is of the contaminants that are consistently present in this well, in early 2017 DEQ required a new investigative plan from Waste Management; it launched in April and will be completed in early 2018.
6. But, given the presence of several “leachate indicators” in the groundwater well, until the DEQ investigation **proves** that some other “unknown source” is the *actual* source of the groundwater contamination in this well, leachate leaking from the unlined cells up the slope appears to be the *most probable source* of the contaminants.
7. And, finally, although there is another closed landfill upstream from Riverbend, substances flowing into the river from that site cannot be the source of this well contamination due to the distance of this test well from the river and the fact that it lies up the slope from it.

Also, I would simply like to point out that your approval of this Ordinance would send a very *strong and very positive signal* to each of your constituents that:

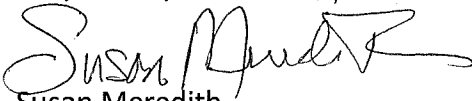
- a) You are sensitive to, and have seriously considered, the impacts of Metro waste on the *communities* where it is disposed.
- b) You are concerned about the impacts on the *environment* where Metro waste is disposed.
- c) You are doing the “right thing” and being pro-active by directing Metro’s solid waste disposal to those sites which are most compatible.

Therefore, your vote to APPROVE Ordinance 17-1401 is a win-win for EVERYONE!

Briefly, on another topic:

You may not be aware that the political scene in Yamhill County has changed. Last fall the former Mayor of McMinnville, Rick Olson, was elected to the Board of Commissioners; he took office in January. During his tenure as Mayor, Rick openly and publicly opposed Riverbend Landfill. Since this Board of Commissioners have not yet voted on any issue related to Riverbend, the current position of Yamhill County on Riverbend Landfill is *completely unknown* and *cannot* be anticipated.

Respectfully submitted,



Susan Meredith

14100 SW McCabe Chapel Road
McMinnville, OR 97128

Proposed Resolution
April 25, 2017

Regarding the disposal of McMinnville's municipal waste to Riverbend Landfill.

WHEREAS, the City of McMinnville regulates the waste generated in the City Of McMinnville through a franchise agreement.

WHEREAS, Riverbend Landfill, located less than 3 miles from McMinnville's city limits adversely affects schools, commerce and residential districts on the west end of McMinnville.

WHEREAS, Riverbend Landfill is in the process of applying for expansion beyond its current capacity.

WHEREAS, the City of McMinnville has declared it does not support the expansion of Riverbend Landfill.

WHEREAS, the City of McMinnville is in solidarity with the Yamhill County Soil and Waste District, Farm Bureau and wine industry in opposing the expansion of Riverbend Landfill

WHEREAS, the City of McMinnville has notified Metro, as directed under Metro Ordinance NO. 08-1197A which states "... WHEREAS, the Metro Council directs the Chief Operating Officer to include a provision in any designated facility agreement between Metro and Riverbend that allows Metro to address concerns regarding landfill capacity raised by Yamhill County during the term of the agreement; and" that it opposes Metro's driving the need for an expansion of Riverbend landfill by contributing upwards of 50% of its capacity.

WHEREAS, the City of McMinnville opposes the importation of garbage and the exportation of leachate in and out of the county as it adversely affects the cost of road repairs and livability of the City of McMinnville as well as endangering the public welfare.

WHEREAS, Riverbend Landfill is located on liquefiable soils in the floodplain of the South Yamhill which makes the expansion of Riverbend landfill, and thus the citizens of McMinnville vulnerable to potential further leachate and gas leaks into our water and air after a Cascadia Subduction zone earthquake.

WHEREAS, the City of McMinnville as recently authorized the construction of a transfer station to move the city's waste to any of the other Oregon Landfills that presently have 100s of years of permitted capacity.

BE IT RESOLVED that the City of McMinnville:

1. Directs the City Manager, beginning immediately to direct the disposal and hauling franchises of the city to not send McMinnville's trash to Riverbend landfill once the transfer station is capable of taking the City's trash to an alternate landfill that has ample currently permitted capacity.

for Item 5.1
Ord. 17-1401
support

3/17/12
News Register
publication

Riverbend, Oh Riverbend

If they build it, it will come: garbage and trash and junk galore
From Portland and Tillamook, Japan and more.

Up from the Valley Mt. Trashmore grows where sky and clouds do meet.
Gone is our farm land. Polluted our air. This is not good. This is not neat.

What is black? What is brown? What consumes our precious ground?
Riverbend, oh Riverbend up so high with views unbound.

Don't let them build it nor have it grow with garbage and trash and junk galore.
Protect our farm land. Protect our air. Keep them from sending in even more.

Submitted by:
Annie Hollander
13410 SW Milake Chapel Rd.
McMinnville, OR 97128
503-974-9544

for Item
B.I.
ord. 17-1401
support

~~8/14~~
8/18/14
News Register
letter to the
editor

A Not So Hidden Yamhill County Tourist Attraction

As the summer season gets into high gear, we need to remind the myriad of tourists visiting our neighborhood that there is one tourist attraction that goes uncited in the local literature. This is Mt. Trashmore or what is more commonly called Riverbend Landfill.

For a mere \$13 per car entry fee, visitors can drive to the top of this mountain of trash and get a 360-degree panoramic view of the Willamette Valley. They will also be able to see our marvelous farms and vineyards, historic towns and grand rolling hills (of course, they should remember that what they see can see them).

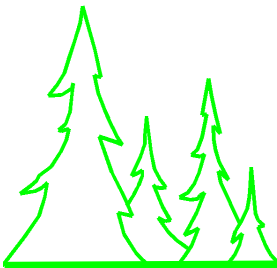
With a deep breath, visitors can inhale the scents of garbage imported from the Portland Metropolitan area. If they have a discerning nose, they might be able to distinguish between the aromas of Portland's waste and Hillsboro's garbage. Tourists can set up a game with their kids to see who can locate the greatest number of toxic chemical containers, recyclable items, and compostables, all of which flow out of the garbage trucks and local pickups only to be buried and blended together to form this obnoxious landmark.

This excursion will also allow visitors to educate themselves and their children about geography and the impacts that this landfill, built on the banks of the Yamhill River, will have when it slides into that river during the forthcoming 9.0 Cascadia Subduction Zone earthquake.

Wow, just one trip will expose our tourists to a vast valley view, aroma therapy, geological futurism and the political power of a Texas corporation.

Shush. On the other hand we would be much better off if the landfill did not exist and its so-called virtues did not blemish our farmland.

Submitted by:
Arnie Hollandor
13440 SW McCabe Chapel Rd
McMinnville, OR 97128
503.474.0544



LEONARD A. RYDELL, P.E., P.L.S., W.R.E. Consulting Civil Engineer - Land Surveyor

601 PINEHURST DRIVE, NEWBERG, OREGON 97132-1625
(503) 538-5700 Mobile: (503) 781-4138
LARydell@teleport.com

16 May 2017

Metro Regional Center
600 NE Grand Ave.
Portland, OR 97232-2736

Attn: Tom Hughes, Council President

Re: Garbage to Riverbend Landfill

Dear President Hughes,

I understand that Ordinance 17-1401 will prevent garbage from going to Riverbend Landfill.

As a Professional Engineer and former Engineer of Record for Riverbend Landfill (I resigned as I had no control over substandard construction practices), I am concerned that Riverbend Landfill, 52% of which is located in the original flood plain and 10% in the original floodway of the South Yamhill River, has numerous engineering and stability problems, and that it will continue to be an unfunded problem for generations to come. These problems are upstream of the Willamette River flowing through downtown Portland.

I am enclosing a CD-Rom with a Power Point Presentation and PDF file that I prepared based on information that I have accumulated on Riverbend Landfill over the last five years. I encourage you and the council to read/view the presentation so that you understand the problems, and how they occurred.

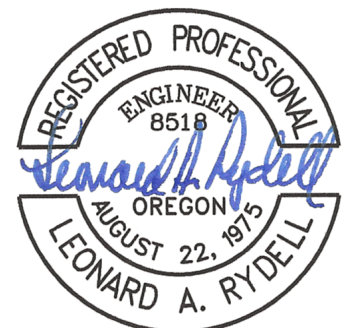
Riverbend should have never been allowed to grow to this extent, and it is imperative that Metro sends it garbage elsewhere from now on. What goes upriver will some day come down the river, and that river flows past irrigation and domestic water intakes, and through McMinnville, Lafayette, Dayton, Newberg, Wilsonville, Oregon City, West Linn and downtown Portland.

I will be happy to answer any questions, and I hope that you take the time to review the enclosed so that you have an informed decision of where the mountain of Metro's garbage is located. I think that you will find this information informative.

Thank you.

Sincerely yours,

Leonard A. Rydell, P.E., P.L.S., W.R.E., M.A.S.C.E.
LAR/lar
encl: CD-Rom



RENEWAL DATE 12/31/2018

**PLANNED DEVELOPMENTS • RESIDENTIAL SUBDIVISIONS
WATER, SANITARY SEWER AND DRAINAGE SYSTEMS
LAND SURVEYS • WATER RIGHTS**

Date: March 17, 2017

To: Elizabeth Druback
Manager, Solid and Hazardous Waste Programs, Eastern Region

From: Bob Schwarz
Permit Engineer, Solid Waste Program, Eastern Region

Subject: Riverbend Landfill, Solid Waste Permit 345; Review Report – Final Grading Plan Modification

1. INTRODUCTION

Riverbend Landfill is located at 13469 SW Highway 18, approximately 3 miles southwest of McMinnville, in Yamhill County. Riverbend Landfill was originally sited and approved by Yamhill County in 1982 and has expanded since that time. Its permitted capacity is approximately 12,245,200 cubic yards. Under the current permit, the landfill is expected to reach capacity in mid-2017. The landfill owner, Waste Management, has applied for an expansion involving a 29-acre group of disposal cells, referred to as Module 11, to be located west of the existing landfill and adjacent to Highway 18. The proposed expansion also involves modification of the existing berm on the south side of the landfill. The expansion would increase capacity by approximately 4,172,000 cubic yards. Based on the current waste flow of 500,000 tons per year, this would extend the landfill life until 2027.

Legal appeals concerning the 29-acre expansion have delayed the permitting process so that these proposed cells would not be built before the landfill runs out of its currently permitted capacity. To address this, Waste Management has proposed modifications to the final slope in the southwest portion of the landfill to allow an addition 490,000 cubic yards of capacity within the currently permitted landfill area.

The application for this modification was accompanied by a land use compatibility statement prepared by Yamhill County and dated November 16, 2016.

2. RECOMMENDATIONS

The Department should approve the proposed final grading plan modification, with the following conditions:

1. The applicant must update their site development plan and fill and grading plans to incorporate the proposed modification.

2. The applicant must update the closure and post-closure plans to reflect changes in closure costs and procedures resulting from this modification.
3. The applicant must provide detailed plans, specifications, and construction quality assurance plans stamped by a qualified professional engineer with current registration in Oregon, prior to construction

3. REVIEW AND EVALUATION

Of the landfill's nine modules, the proposed modification would affect the final grade of portions of Modules 1, 2, 3, 4, 8 and 9. The affected area covers approximately 19.7 of the landfill's currently permitted 87.4 acres. This area is shown on **Figure 1**.

3.1. KEY DESIGN ELEMENTS

As shown on Figure 1, the proposed modification includes a termination berm uphill (north) of the landfill's perimeter berm. The termination berm will be approximately 5 feet tall and 4 feet wide at the top. The berm's inside and outside faces will have a slope of 2 to 1 (horizontal to vertical) to meet the existing grade. Existing geomembrane in the area to be occupied by the termination berm will be removed so that the berm's soil is in contact with the underlying foundation soil. The entire area of the modified slope will be lined with high density polyethylene (HDPE) geomembrane. This geomembrane will serve to cover existing waste and serve as a liner for the new waste to be placed on top.

Leachate resulting from placement of waste in this area will be collected by an 8-inch diameter leachate collection pipe placed along the toe of the inside slope of the proposed berm. The western portion of this collection pipe will slope toward the existing Module 9 sump. The eastern portion will slope toward a new sump that will be placed at the eastern end of this modified slope area. From here, leachate will be pumped to the leachate storage pond, from which it is trucked offsite for treatment.

The slopes of the new waste will be 3 to 1 (horizontal to vertical) initially. The steepness of these slopes will decline over time due to settlement of the waste. By the end of the 30-year post-closure period, the slope will reduce to 3.5 to 1 or less.

Liner system. As shown on **Figure 2**, a portion of the 19.7-acre area to be modified is already capped. The geomembrane used for this cap is high-density polyethylene (HDPE) in some areas and linear low-density polyethylene (LLDPE) in other areas. While the two materials are similar, LLDPE geomembranes are preferred for caps covering waste because they are more flexible than HDPE and can therefore accommodate deformations resulting from settlement of the underlying waste. HDPE is preferred for liners beneath the waste because of its superior chemical resistance. The existing cap in this area will serve as both a cover for the existing waste and a liner for the new waste. In those areas

with LLDPE geomembrane, this material will be replaced with HDPE geomembrane. For those portions of the modification area that are uncapped, the new overliner will include HDPE geomembrane. The application includes documentation that the HDPE geomembrane can withstand the deformation from settlement of the underlying waste.

The liner system for the proposed additional waste will include the following components, from the top down:

- 18-inch vegetative soil layer,
- geotextile,
- 12-inch granular drainage layer,
- 60-mil double-sided textured HDPE geomembrane,
- Foundation soil.

Cover system. The cover system that will be placed over the proposed waste will include the following components, from the top down:

- 18-inch vegetative layer,
- geotextile
- 60-mil LLDPE Super Gripnet geomembrane (with the studs side up and the texture side down),
- 18-inch foundation soil.

3.4 GEOTECHNICAL EVALUATION

For the geotechnical evaluation, DEQ received assistance from seismic experts from Hart Crowser. A detailed review was recently completed as part of the review of the Module 11 expansion application discussed at the beginning of this report. For the purpose of the final grading plan modification application, DEQ and Hart Crowser focused primarily on 1) evaluating whether the landfill would be geotechnically stable under both static and seismic conditions, and 2) verifying that the seismic analysis and assumptions were consistent with the approach agreed to during review of the Module 11 application. DEQ concludes that the analysis was done appropriately and that the proposed design satisfies regulatory requirements for geotechnical stability under both static and seismic conditions.

Riverbend landfill is in a seismic impact zone, as defined in 40 CFR 258.14. A seismic impact zone is an area with ten percent or greater probability that the maximum horizontal acceleration in lithified earth material expressed as a percentage of the earth's gravitational pull will exceed 0.10g (10 percent of gravity) in 250 years. The applicant therefore was required to demonstrate that the final grading plan modification is designed to resist the maximum horizontal acceleration in lithified earth material for the site. This is in addition to the slope stability analysis that was performed for static (i.e., non-earthquake) conditions. Key aspects of this analysis are summarized in this section.

The generally acceptable static factor of safety for slope stability is a value greater than 1.5 or greater. The generally acceptable seismic deformation is less than or equal to 12 inches.

Four cross sections were considered in the slope stability analyses. The locations of these cross sections are shown in **Figure 3**. These are four of the ten cross sections considered in the analysis of the larger Module 11 expansion application.

Site geology. Geologic units at the site, from top down, are summarized below.

- **Alluvial deposits.** The site has two alluvial soil layers, late Quaternary silt-clay and early to middle Quaternary Willamette silt. The materials are similar and consist of bedded silts, clays, clayey silts, silty clays, and minor amounts of silty fine sand. The deposits range in thickness from 17 feet in the southern portion of the site, to 63 feet in the extreme southwest part of the site.
- The silt and clay deposits within the proposed final grading plan modification area range in thickness from approximately 35 to 55 feet. Beneath this is a 10 to 40-foot thick layer of sands and gravels underlain by bedrock. Slug tests in the alluvial water bearing zone showed a mean hydraulic conductivity of 6.8×10^{-3} centimeters per second (cm/sec). This is higher than would be expected, considering that this zone consists primarily of silts and clays. It is attributed to seams of silty sand and very fine sand, which were encountered.
- **Sand and gravel unit.** Beneath the alluvial soil is a mostly laterally continuous unit consisting of sandy gravels and gravelly sands, with localized interbeds of clayey and silty gravels and clay and silt lenses. The elevation of the top of the sand-gravel unit is relatively uniform across the site, ranging from approximately 87 to 112 feet above mean sea level. The overall thickness of the unit, however, varies widely due to variations in the elevation of the underlying bedrock surface. Slug tests of the sand/gravel water bearing zone showed hydraulic conductivity of approximately 3×10^{-2} cm/sec.
- **Bedrock.** The Nestucca Formation bedrock underlying Riverbend Landfill is composed mostly of basaltic lava flows, with localized occurrences of marine sediments. Nestucca Formation bedrock units were encountered in several boreholes during previous explorations, at depths ranging from approximately 46 to 84 feet below ground surface.

Geotechnical investigations. The seismic analysis and slope stability analysis for the final grading plan modification area are based on testing of soil from ten soil borings constructed in 2011 and 2013. These borings are shown on Figure 3. Boring depths ranged from 51.5 to 99 feet.

Soil properties (moisture content, density, soil classification, Atterberg limits, grain size distribution, and various strength parameters) were determined based on lab testing and field observation. Shear wave velocity testing was conducted in 2012 and 2013 using the multichannel analysis of surface wave (MASW) technique.

The seismic analysis was also based on cone penetrometer tests conducted in May 2015. Tip resistance, sleeve friction, pore pressure and friction ratio were measured. This information, combined with lab testing can be used to estimate the soil's undrained shear strength.

Slope stability - static conditions. Under static conditions, slope stability of an earthen structure is calculated by comparing the force driving movement to the force resisting that movement. The driving force is the weight of the material. The resisting force is the strength of the soil, as a result of friction, cohesion, or some combination. As with soil, the unit weight and strength of municipal solid waste can be estimated.

The failure surface generally is similar to the arc of a circle. The slope stability analysis therefore considers thousands of circular arcs with different centers and radii. For landfills with liners, the slope stability analysis must also consider the potential for failure resulting from slipping of adjacent liner components. The static slope stability analysis for the four cross sections ranged from 1.5 to 2.0.

Slope stability – seismic conditions

Seismic conditions considered in the slope stability analysis were evaluated in two ways. As required in 40 CFR 258, a probabilistic seismic hazard analysis was conducted to estimate the ground motion with a 90 percent chance of not being exceeded in 250 years. This corresponds to an earthquake with an average return period of 2,373 years. Based on information updated by the US Geological Survey in 2014, the peak ground acceleration associated with this event is 0.44g, or 44 percent of the acceleration due to gravity.

In addition to the probabilistic analysis required under 40 CFR 258, a deterministic site hazard analysis was performed to estimate the impact of a magnitude 9.0 earthquake. Based on an estimated 84th percentile ground motion (median plus 1 standard deviation), peak ground motion would be 0.44g. Ground motions were estimated based on five time histories for a magnitude 9.0 earthquake.

Based on the probabilistic and deterministic analyses, the design earthquake for the final grading plan modification is a Magnitude 9.0 Cascadia Subduction zone earthquake with a peak ground acceleration at bedrock of 0.44g.

Liquefaction evaluation. Liquefaction is a process in which loosely packed cohesionless soils (sand, gravel and some silt) below the water table lose strength as a

result of shaking during an earthquake. For these types of soil, resistance to liquefaction depends on the strength of the soil, which is related to its density and the soil structure. Some low plasticity fine-grained soils, such as silts and clays, can also liquefy. Liquefaction behavior of fine-grained soil is less susceptible to lateral spreading than for cohesionless soil.

The consequences of liquefaction may include loss of shear strength, settlement due to reconsolidation of liquefied soil, sand boils, and lateral deformation. These are discussed below.

Analysis of the data from the soil borings indicates that there are layers of liquefiable soil in some locations within the study area for the final grading plan modification. The depth and thickness of these layers vary and do not appear to be continuous. For design purposes, it was assumed that there is a continuous, 10-foot thick layer of liquefiable sand and gravel below the alluvial deposits throughout this area. In addition, the alluvial deposits were assumed to have a liquefaction or cyclic softening reduction in shear strength of 20 percent. This strength reduction was based on laboratory tests of similar soils in the vicinity of the project.

Seismic settlement resulting from liquefaction can be estimated based on blow count measurements in liquefiable soil layers during standard penetration tests. In this test, a split spoon sampler on the drill rig is pounded into the ground by a hammer and the number of hammer blows required to drive the sampler one foot is recorded. Based on these tests, the maximum settlement following liquefaction is estimated to be 2.5 inches within the sand and gravel unit.

Sand boils are the result of pore water pressure that drives sand up to the ground surface during an earthquake. The likelihood of sand boils is a function of the thickness of the sand layer and the thickness of nonliquefiable soils above the sand layer. At this site, the sand layer is up to approximately 10 feet thick. The overlying silts and clays are approximately 25 feet thick or more. Based on this soil profile, sand boils are not considered likely at this site.

In addition to seismic settlement, which is vertical movement, an earthquake can produce lateral deformation. For landfills, the maximum allowable deformation is 12 inches. For the four cross sections considered in the slope stability analysis, lateral deformation was estimated to be as much as 9 inches. This is less than the 12-inch deformation considered to be acceptable for landfills.

4. CONCLUSION

DEQ recommends approval of the proposed final grading plan modification because this proposal meets the requirements of state and federal regulations. This approval should be based on the conditions noted in the Recommendations section of this report.

5. LIST OF SUBMITTALS

Geosyntec Consultants. 2014. *Workplan for Additional Geotechnical Field Investigation and Laboratory Testing Program, Northern and Western Expansion Areas*. October 22, 2014.

Geosyntec Consultants. 2015a. *Module 11: Summary of Field Investigation and Laboratory Testing Programs*. March 17, 2015.

Geosyntec Consultants. 2015b. *Riverbend Landfill, Module 11 Seismic Design, Analyses and Supporting Information Report*. June 30, 2015.

Geosyntec Consultants. 2015c. *Response to comments from Hart Crowser dated July 27, 2015 on behalf of Oregon Department of Environmental Quality (ODEQ) regarding Riverbend Landfill Document Review*. August 11, 2015.

Geosyntec Consultants. 2015d. *Slope Stability Evaluation Report, Module 11*. September 2015.

Geosyntec Consultants. 2015e. *Response to comments from Hart Crowser dated October 9, 2015 on behalf of Oregon Department of Environmental Quality (ODEQ) regarding Riverbend Landfill Document Review*. October 27, 2015.

Geosyntec Consultants. 2016. *Final Grading Plan Modification, Permit Application Report, Riverbend Landfill*. November 14, 2016.

Hart Crowser. 2015a. *Memorandum – Riverbend Landfill Document Review*. February 11, 2015.

Hart Crowser. 2015b. *Memorandum – Additional Riverbend Landfill Document Review*. April 3, 2015.

Hart Crowser. 2015c. *Memorandum – Riverbend Landfill Document Review*. July 27, 2015.

Hart Crowser. 2015d. *Memorandum – Riverbend Landfill Document Review*. August 25, 2015.

Hart Crowser. 2015e. *Memorandum – Riverbend Landfill Document Review*. October 9, 2015.

SCS Engineers and Geosyntec Consultants. 2015. *Permit Modification Application, Riverbend Landfill Expansion – Proposed Module 11*. April 24, 2015.

SCS Engineers. 2015a. *Work Plan for Hydrogeologic Site Characterization in Support of Module 11 Expansion Permit*. February 13, 2015.

SCS Engineers. 2015b. *Hydrogeologic Site Characterization Report In Support of Permit Modification Application for Module 11 Expansion*. September 18, 2015.

SCS Engineers. 2015c. *Responses to DEQ Review Comments of the Hydrogeologic Site Characterization Report for Proposed Module 11 Dated August 13, 2015*. September 8, 2015.

6. ATTACHMENTS

Figure 1. *Base Grading Plan*. (Source: Geosyntec 2016, Figure 4)

Figure 2. *Site Plan and Existing Topography*. (Source: Geosyntec 2016, Appendix F, Drawing No. 2)

Figure 3. *Final Grading Plan Modification Fill Grading Plan*. (Source: Geosyntec 2016, Figure 5)

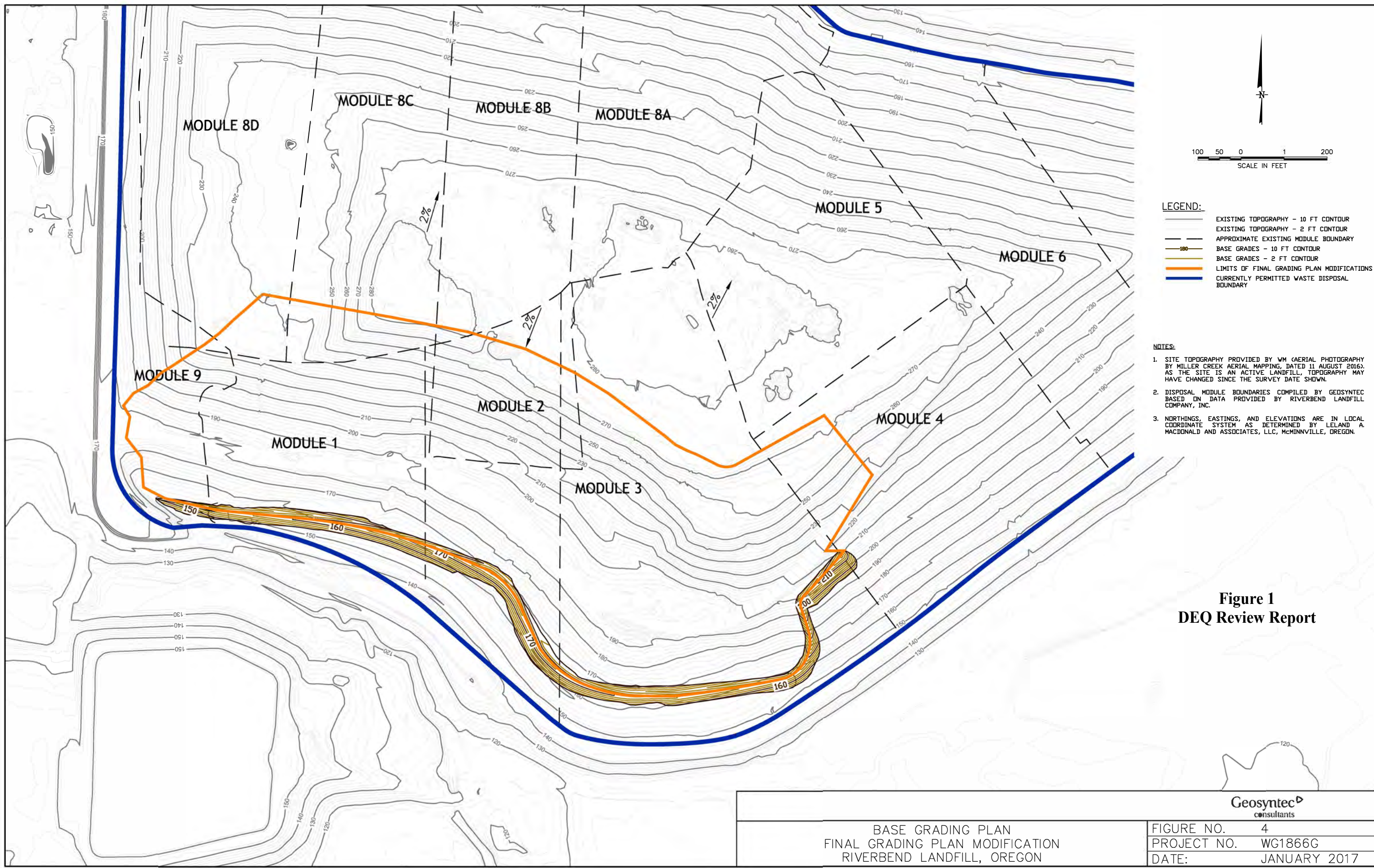


Figure 1
DEQ Review Report

Geosyntec
consultants

BASE GRADING PLAN FINAL GRADING PLAN MODIFICATION RIVERBEND LANDFILL, OREGON	FIGURE NO. 4
	PROJECT NO. WG1866G
	DATE: JANUARY 2017

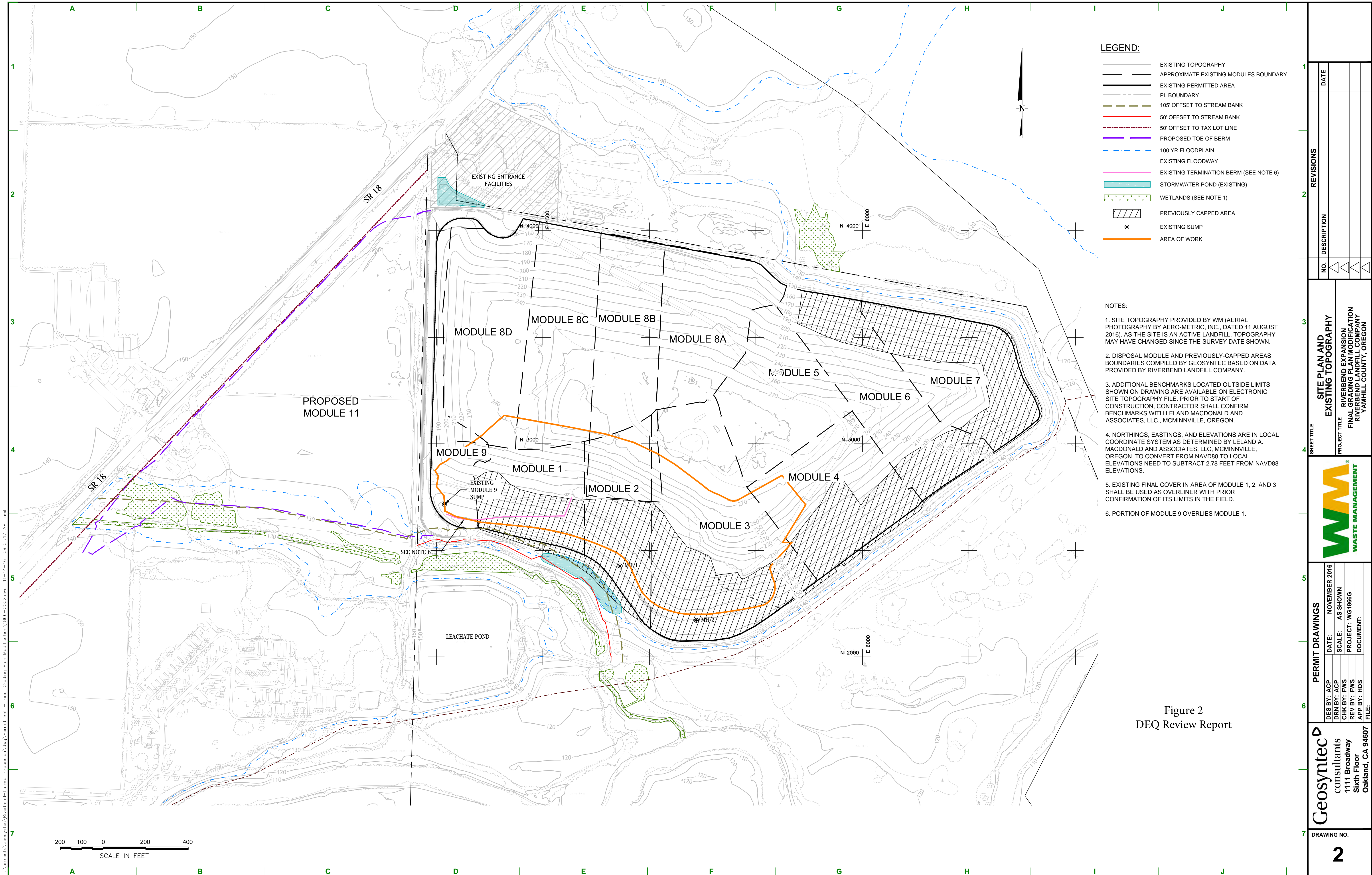


Figure 2
DEQ Review Report

NO.	DESCRIPTION	DATE	REVISIONS
SITE PLAN AND EXISTING TOPOGRAPHY			
PROJECT TITLE: RIVERBEND EXPANSION FINAL GRADING PLAN MODIFICATION RIVERBEND LANDFILL COMPANY YAMHILL COUNTY, OREGON			
PERMIT DRAWINGS			
DES BY: ACP	DATE: NOVEMBER 2016	SCALE: AS SHOWN	FILE:
DRN BY: ACP	SCALE: AS SHOWN	PROJECT: WG1866G	DOCUMENT:
CHK BY: FWS	REV BY: FWS	APP BY: HDS	
Geosyntec consultants 1111 Broadway Sixth Floor Oakland, CA 94607			
DRAWING NO.			2

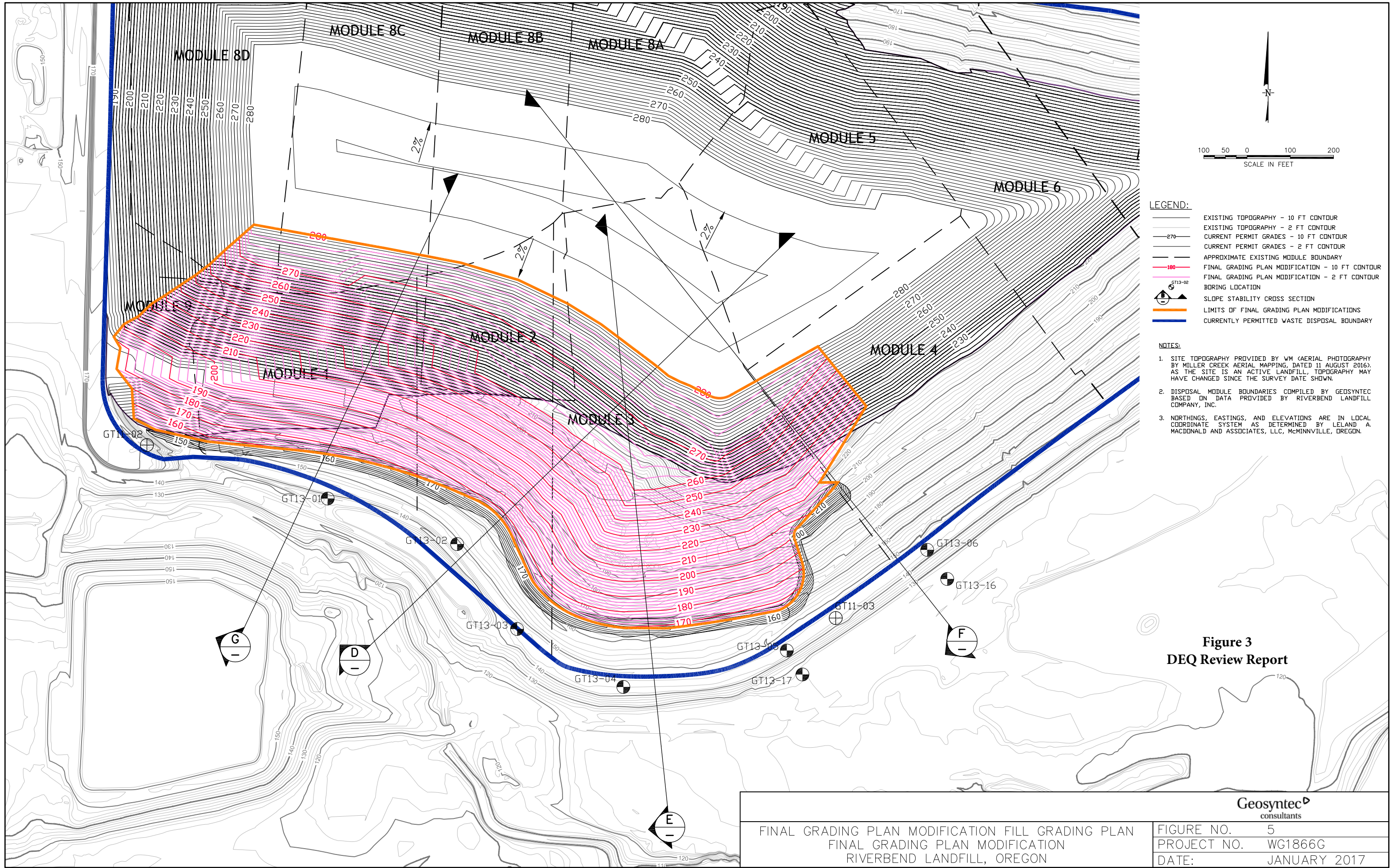


Figure 3
DEQ Review Report

Geosyntec consultants	
FINAL GRADING PLAN MODIFICATION	FIGURE NO. 5
FINAL GRADING PLAN MODIFICATION	PROJECT NO. WG1866G
RIVERBEND LANDFILL, OREGON	DATE: JANUARY 2017

I'm from McMinnville...

We would appreciate it if Portland found another place for their garbage. We have enough of our own and our space is running out!

Thanks,

Madeline Bishop

I don't see the sense of planning to send waste going to a landfill that hasn't been built yet or that needs to be expanded.

Sincerely,
Marlene Hamilton
6841 SW 3rd
Portland 97219

Sent from my iPad

We support Ordinance 17-1401. Thank you for your consideration.

Alan Fox
10551 SW River Bend Rd.
McMinnville OR 97128
Sent from my iPhone

Dear Metro Council-

I reside in Aloha and have been a resident of Washington County since 1971.

I am very concerned about the Riverbend Landfill which regularly floods. The fact that this landfill is leaking into the South Yamhill River is very alarming. As you know the South Yamhill River flows into the Willamette River. This landfill will endanger our steelhead and salmon population. The pollution will also impact anyone that may want to use the Willamette River to sail, water ski or other water sports.

Please consider this my request to not dump Metro garbage at Riverbend Landfill. They need to find an alternate solution.

Thanks for your attention to this matter.

Colleen Ezeobi
Long time resident of Washington County
Currently residing in Aloha, Oregon

I've been a resident of the Metro area for over 30 years, and have watched local "dumps" grow virtually uncontrolled throughout that entire period. Regional "dumps" like Riverbend, Astoria, and Coffin Butte (they ARE dumps) were never properly sited or engineered, and continue to destroy local groundwater and surface water resources, as well as destroying local property values.

The South Yamhill River is important anadromous fish habitat, but has been hammered by leachate discharges for nearly 50 years.

It is long past time for current landfill operators to stop compounding the problem by adding more waste, and take meaningful action to correct the existing leachate generation and discharge problems. Far too little time and money have been spent on properly investigating and correcting these problems.

Please enact Ordinance 17-1401, and begin focusing on environmental remediation of these offensive sites. This is the 21st century. These dumps are a legacy of inappropriate planning.

Stephen M. Fortuna
3635 SW Kelly Avenue
Portland, OR 97239
503-274-0370
stevepdx2006@gmail.com

PLEASE no metro garbage in the Riverbend Landfill.
Eva Douthit
4619 SW Idaho Dr.
Portland, OR 97221

We are residents of Portland. (3827 N Massachusetts Ave.) We request that our garbage stop being sent to the Riverbend landfill. Please stop shipping our garbage to Riverbend.

Doug and Sara Miller

Councilor Carlotta Colette:

I am a resident of the Portland Metro Area and I *do not* want my garbage going to Riverbend Landfill. I *strongly support* Metro Ordinance 17-1401 and am counting on you to vote to *approve* this ordinance.

Thank you,

Cheryl Burgermeister
9 Nansen Summit
Lake Oswego, OR 97035

To Whom it May Concern,

I am unable to attend tomorrow's hearing, but would like to offer my support of ordinance 17-1401.

I am not within Metro's boundaries, but my local farm could suffer under any additional expansion of Yamhill County's Riverbend Landfill. I do not want to see any more Metro garbage brought here.

The Riverbend landfill is on a river (hence the name), it is smelly and in the event of an earthquake, the ground underneath will liquefy. The oldest areas of the landfill are unlined, leak and are below the winter water table. When all bridges go out from an earthquake, Waste Management will not be able to haul off the leachate as their plans currently call for. What then?

Thank you.

Carla Chambers

Koosah Farm

23620 SE Franquette Drive

Amity, OR 97101

Dear Council,

I am writing in support of Ordinance 17-1401 prohibiting further dumping in Waste Management's Riverbend Landfill after 2019. I am a resident and registered voter in Portland and oppose expansion of the Landfill which I understand is in an area that when flooded allows toxic runoff into the South Yamhill River, thus affecting the fish and wildlife in that river, as well as the Willamette River into which it runs. Surely we want to work toward cleaner rivers, not more polluted ones! Please vote in favor of Ordinance 17-1401. Thank you!

Ellen J Cantwell
1738 SW Collins Ct
Portland, OR 97219

Sent from my iPhone

As a resident of the Metro area, I do not want Metro's garbage going to Riverbend Landfill in Yamhill county. I urge you to support Ordinance 17-1401. Thanks for your time.

-Samuel Berg

Please don't continue to dump more Metro garbage at Riverbend landfill pas5 2019, especially, if I understand correctly, there is adequate capacity already designated. It seems especially foolish to put more garbage next to waterways. I know that I put things into garbage that I hope don't end up in the streams, and I suspect I'm not the only one. Clean rivers are such a blessing. Let's do all we can to keep them so.

Thank you,

Connie Battaile

*Connie Battaile (pronounced battle)
2394 SW Vermont #52
Portland OR 97219*

*503-245-5290
oregonbk@mind.net*

Dear Metro Staff,

As a Portland long-term resident (born and raised off Sandy Blvd and 63rd Ave), I support Ordinance 17-1401, in that I oppose dumping our city's garbage in Yamhill County, specifically the Riverbend Landfill. Our surrounding region is beautiful, filled with wine, agriculture, artists and businesses, and does not deserve to be our city's dumping ground. Please stop this waste!

Pippa Arend

--

Pippa Arend
Development Director, p:ear
503-228-6677
338 NW 6th Ave.
Portland OR 97210

[p:ear](#) creatively mentors homeless youth
pearmentor.org

[James Beard Public Market](#), Board Member

pippaarend.com, Artist

Dear Metro Council:

As a Metro property owner and landlord, it has been extremely troubling that Metro garbage goes to Riverbend Landfill, a dump sitting in the floodplain of the Yamhill River. Continuing to dump any amount of Metro garbage on the Yamhill River does not make sense. This is not the 1950's. We know better. Metro has considerably better options from which to choose.

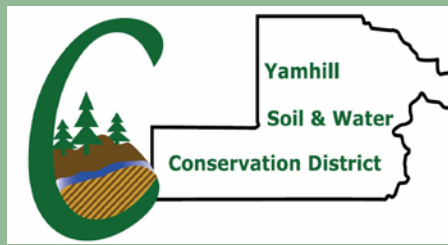
I hope you will vote your support of Ordinance 17-1401.
Sincerely,

marilyn walster

mdwalster@msn.com

I do not want Metro's garbage going to Riverbend Landfill. And tell them you support Ordinance 17-1401.
Thanks.

From: Fay Malloy
Email: faymalloy@icloud.com



Providing Natural Resource Leadership

May 17, 2017

Metro Council
600 NE Grand Ave.
Portland, OR 97232-2736

Honorable Council President and Members of Council:

For the record, my name is Leo Krick. I am a resident of Yamhill County and one of seven directors on the Yamhill Soil and Water Conservation District. I am testifying on the district's behalf today.

Thank you for recognizing that Metro's policies regarding solid waste management affect your neighbors, and the watersheds that they live in. Clean water, food safety and livability are important to all of us, whether we live, work and recreate in the Metro region, or in Yamhill County.

Yamhill Soil & Water Conservation District supports and encourages adoption of this ordinance. The Metro staff report clearly documents the Council's awareness and recognition of other available landfill solutions, and the Council's desire to seek alternatives that limit the need for expansion of current landfill facilities. The district appreciates Metro's leadership to recognize and consider environmental consequences and to explore sustainable solutions regarding solid waste management. We also appreciate the specific concerns mentioned in the report regarding the Riverbend Landfill and its lack of capacity.

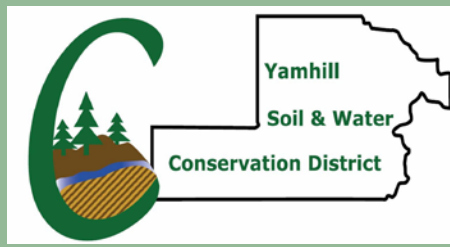
Riverbend Landfill is located a short distance from McMinnville. The site was once farmland with productive soils located on the banks, and within the floodplain of the South Yamhill River. The original concept for the landfill along the river in a floodplain was ill-advised. What started as a small local landfill transformed into a large regional landfill over the years that has welcomed solid waste from reaches outside the local community. The influx of garbage has brought the landfill to near capacity.

Our conservation district has longstanding concerns about the landfill, expansion plans, and the operation's impact on water quality, air quality, fish and wildlife habitat, and other natural resources. Many residents, farmers, businesses and concerned citizens share many similar concerns, including:

- Documented contamination in monitory wells down grade of the landfill, outlined in a Mark Yinger Associates report, dated July 28, 2015.
- Proposed expansion plans that allow more waste to be place over the top of unlined landfill cells.
- A failing gas collection system that is unable to bear the stresses and weight conditions at the site.
- Location: 52% of the landfill currently sits in the flood plain and is subject to high water flooding.
- Water Quality Concerns: Communities and farmers rely water for municipal uses and irrigation.
- Stability: The landfill is located on soils that will likely liquefy in the subduction zone earthquake.

Thank you for considering the regional impacts of Metro's solid waste management strategy and for your leadership in raising the awareness of Metro residents to the environmental impacts of this important policy. In the interest of public safety, water quality, wildlife resources and human health, the Yamhill Soil and Water Conservation District encourages the Council to adopt the proposed ordinance.

Respectfully,



Leo Krick

Providing Natural Resource Leadership

Dear Metro council:

Why are we continuing to send our garbage from the metro area to the Riverbend landfill, which is in the Yamhill River floodplain, in a seismically active area (perhaps you've heard something about our overdue mega-quake...), and in a prime agricultural area? And in the midst of the flourishing and tourist-attracting Dundee Hills vitaculture region?

Oh, yeah, and the existing dump is unlined and likely leaching into the water table.

This thing stinks in so many different ways.

I fully support paying my share of the additional cost to send Metro garbage to Arlington, which has none of the above drawbacks. Please do the sensible thing and vote **YES on ordinance 17-1401**.

Jeff Smith
1635 Se 56th Ave.
Portland, OR 97215

As a citizen of the Metro Area, property owner in Yamhill, Washington and Multnomah Counties, business owner, employer and farmer, I'm writing to urge you to please pass this Ordinance 17-1401. The Riverbend dump site is an environmental disaster waiting to happen. Dumping uncontrollable waste adjacent to any waterway is absurd. The Willamette River has plenty of environmental challenges without blatantly adding to its distress by allowing this site to continue to operate.

Please pass 17-1401.

Thank you,

Joe Hughes | President

JOSEPH HUGHES CONSTRUCTION | jhughes@jhc-companies.com

11125 SW BARBUR BLVD, PORTLAND, OR 97219 | Main: (503) 624-7100

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I'm writing to voice my support for Ordinance 17-1401 which will prohibit Metro's garbage from being dumped at Riverbend Landfill by the South Yamhill River after 2019. This dump sits on prime farmland along the banks of the South Yamhill River which flows to the Willamette and then on through Portland. The South Yamhill River contains listed runs of endangered steelhead and salmon. The dump regularly floods. The oldest cells are unlined, leak and are below the winter water table. Most of the garbage in this leaking, regional dump on the South Yamhill River is from Portland Metro, especially Washington County.

Spencer Higgins
NE Portland

I'm opposed to Metro garbage being sent to Riverbend landfill. I would like you to approved the ordinance to prohibit future waste from the Portland metro area going there.

The landfill has numerous problems, and is in a flood plain. Our region needs to do whatever we can to keep our watershed healthy.

Please approve the ordinance and stop sending our trash there. I'm a resident and registered voter in Multnomah county within Metro boundaries.

By the way -- thanks for the parks !

From: Sharon Hennessy [sharonesl@gmail.com]
Subject: Riverbend Landfill Ordinance 17-1401

Greetings Council Members,

I am a resident of the metro area residing at 4434 SE Salmon St, Portland, Oregon. Please do not send my garbage to prime farmland along the South Yamhill River.

I understand that most of the garbage already goes to a location in Eastern Oregon where it is surrounded by dry land and does not endanger our precious waterways and endangered salmon.

Please support Ordinance 17-1401 and vote yes.

Jo Helgesen

To Tom Hughes, Metro Council President, Bob Stacey and Other Metro Councilors
Regarding: Consideration and adoption of Ordinance No. 17-1401 by the Metro Council
From: Sam Sweeney, 1070 Ferry St. Dayton, OR 97114

Dear Metro Councilors,

I strongly urge you to adopt and implement Ordinance No 17-1401. The following are reasons for the request:

Our family has farmed in Yamhill county since 1923 producing a wide variety of crops, many of being grown for food consumption. We pride our farm on its production of safe, nutritious non-contaminated crops that our customers expect and rely on. Some of our farm land depends on irrigation water pumped from the Yamhill River downstream from the RiverBend Landfill. Many other farms along the river do the same.

I am deeply concerned and oppose RiverBends latest efforts to expand the landfill to hold more garbage. Much of this waste is expected to come from the Metro area. The landfill is located on the banks of the Yamhill River and any affluent that escapes does not have far to go to enter the Yamhill River. This will degrade both water quality and the river's reputation. Once the Yamhill's river water quality is degraded, two nearly irreparable conditions occur. First, how do you ever clean it up ? Second, once the water quality is degraded, and the river's integrity is in question, how does a river ever regain its reputation? As a farmer, using the water downstream to irrigate my crops grown for human consumption, how do I assure the consumer that the food I produce is safe, uncontaminated and of the highest quality?

There is only one Yamhill River Basin. Those of us that farm, work, or live in the basin value it's natural resources that we all share in different ways. But we recognize that we also share in the responsibility of doing what we can to protect the river's water quality and its integrity. I hope you as councilors of Metro also recognize and at some level would share in this same commitment.

RiverBend Landfill, do to it's inherent problems of questionable cell leakage, being on the banks of the Yamhill River; and within a high rainfall area face insurmountable problems in trying to contain its' affluent and waste. Try as they might, and with the best of intentions, they will be unable to find successful solutions. It is time for them to recognize that any efforts to solve these problems will be unsuccessful and the best solution is to close the landfill.

Therefore, as a Yamhill County citizen, and a downstream farmer that depends on clean water from the Yamhill River, I strongly urge you as councilors to adopt and implement Ordinance No. 17-1401.

Sincerely,

Sam Sweeney

I would like to offer my support of this ordinance. I live in McMinnville and know, first hand, of the many problems associated with this dump. It sits on the Yamhill River, which flows into the Willamette and, eventually to Portland; leachate leaks into the river; it's now a mountain that dominates the west entrance to our city, which is a tourist destination; and on certain days, the stench permeates the city. Most of the refuse now comes from Portland. Please Portland, stop contributing to our problem. Thank you. Kareen

Sent from my iPad

Kareen B. Sturgeon, 1135 NW Winterwood Loop, McMinnville OR 97128; home 503.472.0866; cell 971.241.6023

Council Members,

I fully support the passage of Measure 17-1401, I do not want Portland garbage dumped in the Riverbend landfill anymore. I understand that the measure is up for consideration this week. I strongly urge you to support this.

Stan Smith
3733 NE Klickitat Street
Portland, OR 97212

Hello Metro Council My name is Scott Reeves. I live in Portland in Metro. I am writing to support Ordinance 17-1401 to stop Metro from using the Riverbend Landfill located on the banks of the South Yamhill River. Thank you.

As a homeowner and small business owner in the Metro area, please hear my voice as we do not want any more garbage in the Riverbed Landfill. It stinks up our area and is a danger to the environment.

Thank you,

Gaironn Poole

Goodfellow Family Cellars

Matello Wines

c 503 380 5766

winery 503 583 1040

Dear Councilors,

I am a resident of Hillsboro and a concerned citizen. Washington County garbage--*my* garbage-- is sent to the Riverbend Landfill in Yamhill County. This landfill is sited on prime farmland along the banks of the South Yamhill River, a tributary to the Willamette River and the site of regular winter flooding. In addition, the dump is near capacity and has already been proven to be leaking into groundwater sources. I am writing to urge your support for Ordinance 17-1401, which will put an end to the dumping of Metro garbage at this completely inappropriate site.

It is my understanding that the ordinance calls for an end to this dumping after 2019. This seems like it affords enough time to plan alternate routing for Metro waste. I would also note that garbage collection fees have been quite stable for some time, and I personally would be willing to shoulder a slight increase in fees, if it assured that my garbage is not being disposed of irresponsibly. My household recycles thoroughly and we don't generate very much refuse as a general rule, but I still feel very strongly that I must not contribute in *any* way to the further environmental degradation at Riverbend Landfill.

Thank you for your time and consideration. I hope you will feel compelled to support environmental responsibility, and vote in support of Ordinance 17-1401. Thank you.

Sincerely,
Lisa Jernstedt Webster
(503) 640-1476

This landfill was scheduled to be closed in April 2017. They want to add another 30 or so acres but people who are affected by this pile of garbage have fought to stop this. In the mean time they want to continue using the location to pile more garbage on top of the old section which is settling and leaking into the Yamhill River. This would allow the site to stay open while they convince the county officials to allow the addition of the 30 acres. We fight to maintain the health and welfare of the county but the powers see income and want to keep them in business. I know money talks but some where the contamination and health factors have got to count. Please discontinue sending your garbage to Riverbend. Shirley Venhaus
Shirley Venhaus
Cell (503) 434-0567

As a resident of the Portland metropolitan area, I do not want Metro's garbage going to Riverbend Landfill. I am in support of Ordinance 17-1401. Please stand up for our environment in the great northwest, your support is greatly appreciated not only for my family but my children's children.

Christine Treadwell

as a resident of the Metro area, we do not want Metro's garbage going to Riverbend Landfill. we support Ordinance 17-1401.

**Susan Wilkins
2146 NW Everett st
Portland or**

Dear Councilor Craig Dirksen,

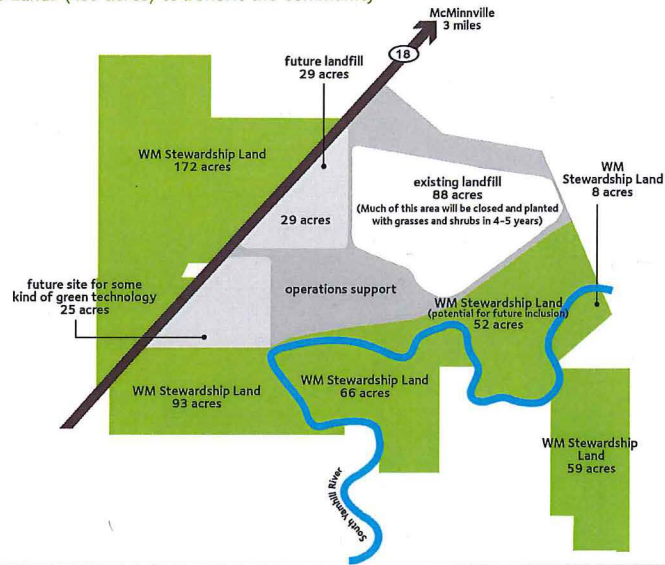
I am a resident of the Portland Metro Area and I do not want my garbage going to Riverbend Landfill. I *strongly support* Metro Ordinance 17-1401 and am counting on you to vote to *approve* this ordinance.

Thank you,

Sarah Williams
11058 SW Oneida St.
Tualatin OR 97062

Riverbend Master Plan

- ✓ Smaller Expansion in response to community input (from 98 to 29 acres)
- ✓ Green Technology for the future (25 acres reserved in agreement Yamhill County)
- ✓ Stewardship Lands (450 acres) to benefit the community





2018-21 Metropolitan Transportation Improvement Program

Investing federal transportation money over the next four years

The Metropolitan Transportation Improvement Program, or MTIP, documents how all federal transportation money is spent in the Portland metropolitan region. It also documents state- and locally-funded projects that may significantly affect the region's air quality.

The draft 2018-21 Metropolitan Transportation Improvement Program documents \$1.6 billion in investments planned over the next four years. This total includes all federal transportation money already awarded to the greater Portland area as well as the required "local share" – city, county and state money put into projects to demonstrate local interest and share the cost.

The MTIP does not include locally-raised dollars that cities and counties spend on other things like fixing local roads, or money transit agencies spend operating buses and rail in the region.

Federal transportation dollars are used for a variety of things in the Portland region, including:

- fixing and operating roads, bridges and transit
- building new streets, sidewalks, transit lines and other transportation infrastructure
- programs to help the region's transportation system work better and connect people to travel options
- planning to analyze needs, develop project proposals and maintain eligibility for federal and state funding.



Comment through May 23: Online, in writing or in person

Help inform work ahead to update the region's investment priorities through the 2018-21 MTIP. Your thoughts will be shared with the Metro Council, local leaders and other policymakers from throughout the Portland region.

You can comment:

online by taking a brief survey before Tuesday, May 23

in writing Metro Planning, 600 NE Grand Ave., Portland, OR 97232 or transportation@oregonmetro.gov

in person The Metro Council will hold a public hearing at 2 p.m. Thursday, May 18, 2017, at Metro Regional Center, 600 NE Grand Ave., Portland.

by phone 503-797-1750 or TDD 503-797-1804.

Visit oregonmetro.gov/mtip to find the public review draft and take the survey.

Metro's public participation process for the 2018-21 MTIP is designed to satisfy SMART's regional coordination requirements for the program of projects.

The chart below provides an overview of how federal transportation dollars and local matches are planned to be invested between 2018 through 2021.

Some federal funding comes to Oregon or the Portland region based on a federal distribution formula and for specific purposes, such as maintenance of the interstate freeway system.

Greater Portland also competes with other metropolitan areas for federal grants and funds that are allocated for specific types of investments. Federal funding for major transit projects is the most significant example of these competitive funds. The one-time funds come with restrictions; if allocated for major transit projects, for instance, the funds would not be transferable to pay for an unrelated road or bridge project.

