

Metro | *Meeting minutes*

Meeting: MRF/CT Subcommittee Meeting #3 Summary
Date/time: Wednesday, March 17th, 2016; 9:30 a.m. to 11:00 a.m.
Place: Metro Council Chambers
Purpose: To continue discussion of issues related to potential regulation of source separated recyclables material recovery facilities (SSR MRFs) within the region
Outcomes: The subcommittee will further discuss issues related to the potential regulation of SSR MRFs and will better understand:

- how these facilities operate
- the distinction between different classes of facilities
- Metro's interest in additional regulation

Attendees

Bruce Walker, City of Portland
Theresa Koppang, Washington County
Vinod Singh, Far West Recycling
Brian May, WRI Republic
Jeff Murray, EFI
Dylan de Thomas, Resource Recycling
Scott Farling, Agilyx
Matt Marler, Covanta
Audrey O'Brien, Oregon Dept. of Environmental Quality
Mike Lafferty, Citizen Rep
Francisco Ibarra, Citizen Rep
Betty Patton, Recycling Advocates
Andy Kahut, KB Recycling
Roy Brower, Metro

Absent

Mike Davis

Presenters/Staff:

Dan Blue, Metro
Kim Waxler, Metro
Shane Abma, Metro
Warren Johnson

Guest list is available upon request.

1. CALL TO ORDER AND DECLARATION OF A QUORUM

Chair Roy Brower called the meeting to order and declared a quorum.

2. COMMENTS FROM THE CHAIR AND SUBCOMMITTEE MEMBERS

Chair Brower welcomed members to the third meeting of the Material Recovery Facility and Conversion Technology Subcommittee (MRF-CT).

Subcommittee members and staff supporting the committee introduced themselves.

Chair Brower informed the Subcommittee that there was a signup sheet for guests, that the meeting was being recorded and that the recording would be made available upon request. The meeting summary from the February 24, 2016 meeting was reviewed and approved with a request from Mr. Murray for added content.

Chair Brower provided comments that the meeting was a follow-up to prior Subcommittee meetings and was intended to address some of the data needs identified at the February 24th meeting. Chair Brower indicated his hope that by the end of the meeting that the subcommittee may begin to answer the question whether MRFs that process source separated recyclables should be subject to licensing and inspection by Metro. He further suggested that if there were any other data needs on the part of the subcommittee that those should be expressed during the meeting.

Chair Brower reviewed the main topics for the meeting and the presenters that would discuss those topics including Vinod Singh and Dylan de Thomas who would present on current Metro region MRF operations and equipment used to process materials, Dan Blue who would briefly present findings of a recent material composition findings focusing on curbside recycling set outs in the region, and that Mr. Blue would continue with a discussion of current Metro authorizations and review different classes of facilities in order to clarify what is under consideration for potential licensing and inspection and the types of facilities that are not under consideration at this time. Chair Brower indicated that staff would also share some pictures from current non-licensed facilities within the region.

Mr. Murray spoke to the meeting minutes and asked that staff please add the specific question he raised at the February 24th meeting be entered into the minutes. Mr. Brower assured Mr. Murray that that would be added to the meeting summary.

3. HOW A SSR MRF PROCESSING FACILITY OPERATES – VINOD SINGH, DYLAN DE THOMAS

Mr. Singh and Mr. de Thomas introduced their presentation and screened a video called “Saving Little Pieces of our Earth” that included video footage taken at in region MRFs that receive source separated curbside and commercial recyclables for processing. The video is available online by searching for the title on Youtube or by contacting Dan Blue at dan.blue@oregonmetro.gov.

After screening the video Mr. Singh and Mr. de Thomas showed additional pictures and short video clips taken at Far West Recycling and WestRock MRF facilities in the region to additionally show and describe different machinery and processes used in the processing of recyclable materials in preparation for sending them to markets.

Mr. Singh and Mr. de Thomas provided an overview of how materials flow through the MRF equipment, what types of materials are pulled and consolidated, and some insights and

reminders into current market issues which were discussed in detail at the February 24th meeting.

Ms. Patton asked Mr. Singh and Mr. de Thomas about using optical sorters and sorting out natural HDPE by colors indicating that it was possible to do this, but that most facilities in the area are not using optical sorters (only one in the region) and that most of that work was done by hand sorters.

4. MATERIAL COMPOSITION FINDINGS – DAN BLUE

Mr. Blue reviewed findings from a 2014-15 Metro study that looked at residential curbside recycling and garbage compositions. The full study is posted to the Subcommittee webpage. The study assessed the level of contaminants found in recycling set outs in the region, and also looked at the amount of recyclable material left in the curbside garbage stream. For context Mr. Blue provided contamination rates in curbside recycling from a 2004 DEQ study which was approximately 8.4%, (Mr. Murray clarified that there was another series of the same study done in 2008 by DEQ). The 2014/2015 study indicated an increase in contaminants to 8.9%.

Mr. Blue discussed the composition of the contaminants from the study including: rigid plastics, glass, food and yard debris, film plastics, paper, consumer electronics, and even some household hazardous waste, diapers, and other unidentified contaminants. Mr. Blue referenced that some of this contamination is due to “aspirational” recycling (with the generator thinking (or hoping) that the material should be recycled).

Subcommittee members discussed the disposition of some of the contaminants, for example film plastics, which are being recovered to some degree at some cost. Mr. Murray referenced the 2004-2008 DEQ composition studies and stated that the focus was heavily on recyclables coming out the end of the process with news bales heading to mills (such as plastic bottles and aluminum). Mr. Murray asked, given the change in material composition going to the MRFs and the decline in the amount of newsprint in the mix whether MRFs were selling news bales to domestic markets? Mr. Singh responded no they were not. Mr. Murray's stated that without the volumes of newsprint in the stream, it may not be as difficult to sort out containers from the outgoing fiber streams and that that is less of an issue.

Ms. Koppang referenced a 2011/2012 Washington County study that was similar to the Metro study, and the findings from that study were almost identical in terms of the contamination rates. Mr. Murray indicated that this was partly due to the decline in newsprint in the recycling stream. Mr. Singh indicated that the decline in newsprint is a national trend, to the degree that paper grades have been revised significantly due to these changes in the market. Mr. de Thomas provided further clarification on this shift in material composition coming off the curb.

5. METRO AUTHORIZATIONS AND EXEMPTIONS DISCUSSION

Mr. Blue presented a system graphic that portrayed the scope of Metro authority in terms of regulating facilities in the region, and the variety of classes of facilities that have an authorization from Metro (such as a license, a franchise, a designated facility agreement etc.). The Authorization Graphic is posted to the Subcommittee webpage Mr. Blue and Mr. Brower clarified that of all of the classes of facilities that Metro has authority to regulate, the

focus of the Subcommittee was to look only at two specific classes including source separated recyclable material recovery facilities, and conversion technology type facilities.

Metro's legal authority extends over all of the materials portrayed in the graphic, but that does not mean that Metro regulates all the covered facilities through the issuance of licenses or authorizations, or does inspections routinely at the non-licensed facilities. There are specific classes of facilities that are exempt from this in Metro Code Chapter 5.01. The two classes of facilities that this subcommittee is discussing includes the MRFs that process source separated recyclables and conversion technology facilities. Mr. Blue indicated that there are only six MRFs in the region that are under consideration for the proposed licensing and inspection requirements and currently only one facility that may fit under the Conversion Technology class.

Mr. Kahut asked what gets us from single stream to source separated recycling, is it purely "residential mix?" Mr. Blue and Mr. Brower indicated that that was a critical question for the Subcommittee to address - how and where do you draw that line?

Ms. Koppang mentioned that some facilities in the region are licensed by Metro because they process other materials in addition to source separated recyclables (such as KB Recycling).

Mr. Kahut spoke to his Metro license and that he feels that his facility is being held to a higher standard than several of the currently exempted facilities.

Mr. Blue reviewed a list of the characteristics of a source separated recyclables MRF. This included:

- Accept or purchase comingled curbside and commercial recycling streams for processing, sorting, consolidation, baling, and marketing
- Comingled material typically collected within a regulated environment e.g. franchised collection system
- Variable contamination rates depending on generator practices
- Little or no control over incoming material
- Speculative accumulation can occur and accompanying potential degradation of materials if not processed and moved in timely fashion
- Potential for negative environmental or health/safety issues
- Potential for negative impacts offsite e.g. adjoining properties and community (dust, noise, smell, vectors, litter, fire safety...)
- Subject to negative impacts of a highly volatile commodity market
- Can impact rates charged to generators

6. EXAMPLES OF FACILITY IMPACTS AND CONCERNS

Mr. Blue introduced the next agenda item, which was a series of photos taken at several of the MRFs currently exempt from licensing and inspection. These photos were taken by Metro inspectors or local government representatives over the last 12 years or so. The photos were intended to show both best practices and issues. The photos are included in the meeting PowerPoint which is located on the Subcommittee webpage.

Mr. Marler asked that in the absence of any Metro authority or otherwise, what types of permits do these facilities have to get, or what kinds of inspections are these facilities subject to? Mr. Brower responded that DEQ bases their program on a complaint basis if the facilities are not otherwise permitted or regulated, so it wouldn't rise to the DEQ level

unless there were citizen complaints. Local code enforcement may get engaged but that is rare.

In response to Mr. Marler's question, Mr. Singh responded that there are stormwater permits for these types of facilities, and that OSHA does come in at times, and there are sometimes complaint-based interventions from local government. Mr. Murray commented that he was not sure how Columbia Recycling could be categorized as a MRF since he didn't think it accepted residential curbside recycling and that perhaps it didn't fit in with the other facilities. Mr. Blue clarified that that facility does receive commercial commingled materials including some from franchised haulers and that they do process those materials on site and prepare them for markets.

Mr. Walker mentioned concerns about materials collected within his regulated system going to some facilities that have issues as presented in the photos, and he wants to know what authority he has in regards to where the materials go.

Mr. Murray stated that there are issues, and the industry would like to help solve those problems, but Mr. Murray questioned whether Metro had reached out to some of these facilities to address the issues voluntarily. Mr. Brower responded that while Metro staff have not been refused access to visit the facilities, Metro does not have any standards in place to compel the facility to address any issues that might be identified.

Mr. Murray indicated that back in 2004 industry was willing to consider some voluntary standards, but that process didn't pan out. Mr. Murray posed the question of does the Subcommittee have to only look at the question of whether the facilities should be regulated, or could we first look at other voluntary measures to get to the issues identified?

Mr. Brower responded to this, and indicated an appreciation for the concept, but indicated some concerns for the voluntary approach, pointing the experience of the post-collection MRFs processing construction and demolition waste (C&D) in 2006-2008. At that time, several MRFs attempted to process C&D waste outdoors near waterways. Metro worked with the industry and local government stakeholder to establish "MRF standards" which required C&D processing to generally be done on an impervious surface inside a building. Administrative Procedures for MRF Standards will be posted to the Subcommittee webpage.

Mr. Singh indicated that the proposal for regulation was far reaching, and including operations, including tons per hour, material quality. Mr. Brower clarified that those types of standards were not part of the original intended changes, and are not being proposed for consideration by the Subcommittee. Rather Mr. Brower stated that Metro is interested in housekeeping and operational standards such cleanliness, litter control, vector and odor control etc.

Ms. Koppang provided some comments on behalf of Washington County's inspectors, and spoke to the necessity to have some authority to enter facilities on private property and against the concept of voluntary compliance. She clarified that her inspector's have no authority to go onsite at private facilities, and that they have an interest in seeking transparency on the issue of authority to inspect, go onsite, and address concerns identified.

Mr. Blue commented that public confidence in the system can be damaged by mishandling of materials that came off of regulated collection programs.

Mr. Murray stated that the information provided in the meeting was very helpful, and appreciated the comments from Ms. Koppang, but stated that if program material collected from the curb as recycling ended up going to disposal as solid waste, that would be a state

violation and could be enforced against without any additional Metro regulation. Mr. Brower responded that yes that is the case, but how does one know when violations are occurring?

Mr. Singh invited the Subcommittee to attend an upcoming tour of the Far West Recycling facility to be held later in the week.

7. **REVIEW OF THE NEXT MEETING'S AGENDA, PUBLIC COMMENTS, AND FINAL COMMENTS**

Mr. Brower invited public comments. Mr. Dave White of ORRA spoke to a number of items including being appreciative of the content of the meeting and that it got to the issues at hand. Mr. White asked when Metro's definitions of solid waste and commingled recycling were revised and why? He further stated that when he had met with Metro late in 2015 he heard Metro discussing ways that Metro could improve the quality of materials coming out of these facilities. He's happy to hear that Metro is not looking to regulate these facilities for those purposes. However, Mr. White referenced a Metro Code section that discussed Performance Standards, Design Requirements, and Operating requirement which to him sounds like requiring standards beyond the housekeeping issues that were discussed at this meeting.

Mr. White also stated that there is confusion around Metro asking the membership to waive their position on Metro's legal authority as a condition of participation on the subcommittee, and that he wanted to confirm that that was not Metro's intention, and that rather Metro doesn't want to revisit the authority issue within the Subcommittee and that there were other venues for that debate. Mr. Brower confirmed that agreeing with Metro's position on legal authority to regulate these facilities was not a precondition of participation on the subcommittee.

Mr. Brower thanked everyone for attending. The meeting adjourned at 11 a.m.

Upcoming MRF-CT Meeting: Monday April 18th, 10 a.m. Metro Council Chamber

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