

Meeting minutes



Metro

600 NE Grand Ave.
Portland, OR 97232-2736

Meeting: Regional Waste Advisory Committee (RWAC) Meeting
Date: Thursday, July 15, 2021
Time: 8:30 a.m. to 10:30 a.m.
Place: Zoom meeting
Purpose: *The purpose of the Regional Waste Advisory Committee is to provide input on certain policies, programs, and projects that implement actions in the 2030 Regional Waste Plan, as well as to provide input on certain legislative and administrative actions that the Metro Council or Chief Operating Officer will consider related to implementation of the 2030 Regional Waste Plan.*

Members in Attendance:

Roy Brower, Metro
Sharetta Butcher, North by Northeast Community Health Center (NxNE)
Marilou Carrera, Portland Resident
Thomas Egleston, Washington County
Alondra Flores Aviña, Student
Shannon Martin, City of Gresham
Christa McDermott, Community Environmental Services, PSU (PSU)
Audrey O'Brien, Oregon Department of Environmental Quality (DEQ)
Eben Polk, Clackamas County
Beth Vargas Duncan, Oregon Refuse and Recycling Association (ORRA)

1. CALL TO ORDER & MEETING OVERVIEW

Roy W. Brower (Metro) brought the virtual meeting to order at 8:33 am and previewed the agenda.

2. PUBLIC COMMENT PERIOD

There were no public comments.

3. PLASTIC POLLUTION AND RECYCLING MODERNIZATION ACT

Pam Peck (Metro) introduced the topic as well as Abby Boudouris (DEQ) and Cheryl Grabham (DEQ). Ms. Peck noted that this topic came before the committee in May, 2021. The Senate Bill 582 (SB582) passed the Oregon Legislature.

Ms. Boudouris noted that she planned to provide a high level summary of the SB582 which just passed in the Oregon Legislature, and engage the committee on areas that interests them most to stay informed. SB582 is a comprehensive update to the entire recycling system in Oregon. It's the first of its exact kind in the United States, but in the state of Maine, the governor signed an Extended Producer Responsibility bill for packaging this month, which makes them the first in the nation, hopefully with Oregon being second. SB582 is an Oregon specific model, truly tailored to the Oregon system, which will put Oregon back on the map as a leader in recycling. That effort began over three years ago in response to the challenges with international markets. That is where most of Oregon's material was going, primarily China at the time. DEQ convened the Recycling Steering Committee to consider solutions and make recommendations. That project was seeking to optimize environmental benefits, create a resilient system, and restore and maintain public trust in the system. That process was informed by extensive research and extensive conversations with many

people along the way. And then in September of 2020, the group came to a consensus recommendation. This became SB582. There were four public hearings in the Senate Energy and Environment Committee, and several significant amendments to address stakeholder concerns. It passed through the committees and it passed the Senate on June 23, 2021 and the State House on June 25. The bill is now in the Governor's office, who has until early August to sign it. Once it's signed, it's effective on January 1, 2022. In the coming months, she shared that they will be refining the implementation plan and working on hiring so that they can hit the ground running in January.

Ms. Boudouris shared some high level items from the bill:

- SB582 creates one statewide recycling list, which sets up a system that better meets the needs of unserved and underserved communities. That list will be created with involvement from other stakeholders, and it will consider technological, environmental, economic, and social factors in developing that list.
- Where there was no producer funding to support recycling producer programs, now producers will be obligated to share responsibility with local government and rate payers.
- The legislation will increase the quantity and quality of recycling as it becomes easier and more accessible across the state.
- The law requires producers and recycling processors to ensure that the material collected for recycling is actually recycled in ways that protect human health and the environment.
- Creates a shared responsibility recycling system that builds on the parts of the recycling programs in Oregon that work well.
- Updates Oregon statute to align the approach to materials with life cycle thinking and prioritizing environmental and social benefits of recycling activities.
- Producers of covered products will fund the necessary upgrades and perform other functions that will make Oregon's recycling programs convenient, accessible, and responsible. The cost to producers will be scaled based on what materials they use and how much they sell into Oregon.
- There are some significant exemptions for small businesses, nonprofits, schools, and others. There's also exemptions for certain materials, such as materials covered by the bottle bill on farm packaging, industrial packaging, medicines, and others.
- Local governments will maintain their role in overseeing collection and education in their communities, and DEQ will oversee the recycling system and hold producers and other businesses accountable where necessary.
- A new advisory council will be created that will be made up of a range of stakeholders. They will review important system elements and advise both DEQ and the producer responsibility organizations. That's the organization that will be set up by industry to run the industry components of the program.
- In rural Oregon and for people who live in apartments, recycling collection services will be expanded and the cost of transport recyclables to a processing facility will be equalized. Local governments that are interested in expanding collection services, may use a producer funding for startup costs, such as trucks and containers, as well as ongoing costs of new or expanded depots.
- Local governments will ensure multifamily communities receive adequate service and that new construction and significant remodels have adequate space for the containers.
- Local governments will also implement programs funded by producers to reduce contamination at the generator level.
DEQ will permit or certify and audit recycling processors, requiring them to meet new performance standards. These will include standards for sorting quality, contamination, reporting, and final destination of materials getting to where that material goes, and paying workers a living wage and supportive benefits.

- Producers will be required to ensure that covered products reach a responsible end market, and are used in beneficial ways.
- Rate payers will be protected from increased costs of expanding and improved services through a set of fees that the producer responsibility program will fund or pay. Producers will be paying processing facilities a fee to offset the costs of meeting those new performance standards and removing contamination.
- Specific to labeling, the bill repeals the current requirement that the chasing arrows on packaging would no longer be required to be stamped on all rigid packaging. There will also be a truth in labeling task force that will study the issue of misleading labeling and make recommendations to the 2023 legislature.
- Producers will fund programs that reduce the environmental impacts of covered products. That means other than recycling, such as waste prevention and reuse. DEQ will administer this program possibly through grants, but with producer funding. DEQ estimates that producers will pay about 28% of that future systems recycling costs while rate payers continue to pay the rest.
- This legislation includes elements of extended producer responsibility and makes producers of packaging and paper products and food service where responsible for their products for the first time.

Christa McDermott (PSU) asked about multi-family services and that it sounds like it's mostly for new construction in terms of having new enclosure standards or places that don't have recycling offered, that it will be offered. Is there going to be an impact for existing multifamily that already has recycling, but we know that it's inadequate? And what will this will end up looking like for the average consumer in terms of will they see less packaging or mostly just more recyclable packaging?

Ms. Boudouris responded that DEQ expects that as producers become financially obligated to contribute to the system, they will start thinking about those packaging materials. Many of the different types of packaging, for example, flexible packaging, they would like to be recycled. It's part of their corporate promises or ethos. Producers are going to want to be on the statewide list to be curbside, or they're going to want to be collected through other means. The implementation period will give producers time to consider how they want to show up on the shelves. Does the Oregon system matter enough to make changes? As far as multi-family, the bill did not include the multifamily funding from producers to make changes to existing enclosures. There is some funding for improvements in multi-family around signage and labels. For the existing, it is not as robust as for new construction.

Ms. Peck added that within the Portland region, it is actually ahead of the rest of the state in regard to standards for adequate service to multifamily, which this committee helped to shape through the regional service standard update. There is also an enclosure study that Metro and local governments will be doing together to look at how to improve all existing enclosures and new construction.

Sharetta Butcher (NxNE) asked about the Producer Responsibility Organizations (PROs) and clarified that they have four years to implement. She asked if there was any penalty if they're getting closer to the four years and they haven't fully implemented the changes.

Ms. Boudouris replied that they do have four years to implement. She shared that the standard existing enforcement language for any other environmental violations in the solid waste arena apply.

Beth Vargas Duncan (ORRA) wanted clarification for the group on the statewide list that was mentioned a few times. Is that referring to the co-mingle only? She also asked about recycling items that could be collected through other means.

Ms. Boudouris responded that the statewide list is the curbside, commingled list. There will be other materials that producers will collect, and maybe that will be through retail or depots. That will be set through the plan and the advisory committee process. There's two components of what will be covered. This is in section 22 of the bill which spells out the uniform statewide collection list and producer collected materials, and it explains the difference there.

Ms. Peck shared next steps in the process. As the implementation plan comes forward, staff will be coming back to this committee about how Metro may want to be involved in the implementation, because staff will be having that discussion with Metro Council later this fall. She added that the Material Recovery Facility (MRF) standards project is one that Metro staff and DEQ are working closely on. The consensus agreement from the recycling steering committee was that Metro should work to see what could be done in the interim four years to address the contamination coming out of our MRFs. Metro is also looking at if there's ways to strengthen existing reporting.

4. SOLID WASTE SYSTEM FACILITIES PLAN Part 2

Will Elder (Metro) introduced the topic, which focuses on building the infrastructure in greater Portland needed to support programs like the recycling modernization work discussed in the previous presentation, as well as the 2030 Regional Waste Plan (RWP). The solid waste systems facility plan is currently a general concept with a framework of a plan. What that consists of is really looking at service based facilities that would support the RWP, and then identifying gaps in the current facilities in order to achieve those outcomes, as well as future gaps. Once those gaps are identified, the idea is to explore pathways to filling those gaps with different types of facilities, and ultimately map out funding options that would be available to Metro Council. Staff have been very specific to not outline costs of these facilities because the plan doesn't actually identify the specific facilities. That would not be a part of the plan.

Questions for committee to consider:

1. Is this a good framework and does it actually capture all the needs that Metro would want to consider as staff move forward with developing a plan that would look at facilities over the next 15 to 20 years.
2. Is Metro missing any work that should be reviewed that would help identify gaps?
3. How would this committee like staff to engage in the process?

Shannon Martin (City of Gresham) shared that City of Gresham staff have been getting a lot of questions from their Council and Mayor about services in East County because of the lack thereof. He likes the idea with engagement to bring in East County jurisdictions and the private transfer stations, and see what we can do with the public private partnership. There is one transfer station in East County that is being rebuilt and properties are being purchased. So now is the time to have those conversations.

Ms. McDermott noted that there is a mention about considering depots as a way of addressing gaps. She wanted to clarify that the depots are smaller sites within higher population areas, or even in rural areas, but that are more accessible to residents? She shared that she would like the framework for the study of gaps to be sure to address the resident perspective and not just focus on large facilities, like transfer stations. She would love to see a section on the resident perspective of needs, looking at challenges like what to do with bulky waste in a way that's easy or facilitating reuse in an easier way. The current Metro wide system isn't really set up for that, so that's what she'd like to see included.

Mr. Elder responded that Metro staff will be using a variety of approaches; anything from surveys to workshops to listening. It is staff's goal to think about how the user is going to interact with these different types of facilities. And the depots is just one option that was actually highlighted in the RWP.

Tom Egleston (Washington County) asked if household hazardous waste (HHW) collection is included in this kind of assessment, because this is a concern on the west side. There are a lot of calls with questions and concerns from the public lately.

Mr. Elder responded that HHW will be considered part of this plan/assessment, as well as the RID Patrol and MetroPaint. Staff are looking at a broad set of needs as it relates to facilities.

Mr. Brower noted that Metro has begun restarting some of the collection events, and some are scheduled on the west side.

Mr. Martin shared that he is getting ready to do a system review for the City of Gresham looking at just the collection system. There might be some opportunities to talk broader scale about the services that local governments provide on the collection side when it comes to other materials that we're not currently collecting. And so that might be something to think about as staff look at the system.

Ms. McDermott noted that the worksheet mentions options that are either public or private, and she wondered where nonprofits fit into that, or if they're being considered.

Mr. Elder replied that they are. There's this role of the nonprofits. One organization that comes to mind is the Rebuilding Center. This plan might offer to build up a remote, robust set of nonprofit organizations that help fill needs and gaps as well. So, when staff talk about a hybrid system, they have to consider the nonprofits as a crucial part of that as well.

Beth Vargas Duncan (ORRA) shared that she appreciates the frequent check-ins so that groups are kept apprised as information develops and becomes available. She would also like to have the meeting events that pertain to these kinds of activities sent out so that folks don't have to go looking for them. She noted that would be helpful.

Ms. McDermott added that it would be great to hear from staff before outreach is begun to provide input on the outreach plan. This committee could give good feedback on that.

Eben Polk (Clackamas County) emphasized the value of this wider look at the mix of facilities and services provided by those facilities. Through the the conversations for Metro South or West, a lot of times questions arise that if Metro and local governments had this work in hand, they might be better positioned to answer some of the questions that have come. Would there be any willingness to share the key elements of the scope of work or the project timeline at a later date?

Mr. Elder replied that staff are trying to form what the plan is and what it isn't at this point and then the scope of work will follow. The current window that staff is considering is a year and a half. That could change based on the development of the outreach plan.

Mr. Brower added that Metro will be looking at how SB582 provisions may inform what Metro does and how staff look at the future of the system.

5. 2030 REGIONAL WASTE PLAN: 3-YEAR REGIONAL WORK PLAN

Holly Stirnkorb (Metro) provided an overview of the three year regional work plan, highlighted a few of the Metro and local government planned activities, and then provided an update on future discussions on local government resource distributions and funding agreements. And as Mr. Elder said, it's great to have this presentation follow the update on SB582, because many of the actions that are in the regional work plan align with SB582. Metro has been collaboratively working with local governments over the last year to develop the three year work plan, to support implementation of the RWP. Throughout the process of developing the work plan, Metro has engaged with this committee to seek guidance several times and have come back to you to share how that input has been incorporated. The RWP sets the policy direction for the region and the three-year work plan prioritizes implementation of the plan's goals and actions. The work plan for fiscal year 2023 prioritizes actions for implementation in the first three years of the regional waste

plan, it identifies high level activities to achieve each action, and it will include estimates of resource needs to complete the work. The development of this initial three year work plan has not involved the creation of significant new work, rather it's primarily been a realignment of existing work with the policy direction, provided by the goals and actions in the RWP and Metro Council priorities and local government priorities as well. The prioritized goals, actions, and planned activities in the three year work plan have been developed in alignment with Metro Council initiatives, local government initiatives, and the strategic recovery framework for advancing racial justice, shared prosperity and climate justice and resilience. Ms. Stirnkorb walked through several of the planned activities in the 3-year work plan.

Ms. Stirnkorb explained that the work plan will include high level resource estimates to inform future budgets for Metro and local governments. Currently Metro is nearing the end of year one of the work plan. The planned activities that advanced the actions in year one are supported by the adopted fiscal year 2021 budget. The budget for year two fiscal year 21-22 is already set, but certain budget amendments have been made to support Metro Council priorities, including expansion of the RID Patrol workforce transition program and consideration of options for continuation of the Innovation and Investment grant program. The third year of funding will be considered as part of the annual budget process for fiscal year 22-23, and the work plan and the estimated resource needs will help inform this process. To support local government implementation of the RWP, Metro distributes funding to cities and counties to satisfy state law and Metro requirements. Metro has been distributing this funding in roughly the same way for 30 years. The development of the 3-year work plan provided an opportunity to evaluate these distribution methods. Over the next six months, Metro will be working collaboratively with local governments to develop recommendations for funding distribution methods.

Mr. Polk asked about the emergency preparedness piece – he didn't recall that being in the mix of activities. He asked when did that was added.

Mr. Brower tried to clarify that it might be the Cascadia event which is being sponsored by some combination of RDPO and FEMA.

Mr. Martin brought up how these groups can think about climate change and natural disasters and how they impact the collection system and the transfer stations.

Mr. Brower responded that Metro spending a lot of time on sustainability, climate resilience, and disaster preparedness. Those are happening at different levels of Metro. Typically, the folks in the solid waste field are more participants as part of a discussion as opposed to leading a discussion on some of those topics.

Ms. Vargas Duncan echoing Mr. Martin's comments, she wanted to emphasize that folks remember the haulers' role in this and a line of communication in making sure that during emergency situations, as facilities make adjustments, that there is a clear communication plan for involving the haulers early on, and that there be some structure around that.

Ms. McDermott was curious about funding related to the food waste requirement. Her organization works with Fairview and Troutdale around Recycle at Work. But some of these small jurisdictions are getting very little money. What can they do with like \$47 or \$426 for a food waste requirement.

Ms. Stirnkorb responded that specific to the food waste requirement, there was a formula that was used to determine the funding. And the request was that funding was provided specifically for staff to provide technical assistance, to help businesses comply with the requirement. And it was based on the number of food generating businesses in a jurisdiction. If jurisdictions have less than five food generating businesses, they're not subject to the requirements. So jurisdictions like Fairview and Troutdale, they have very few food generating businesses. And so that what's beneath the formula.

SCHEDULE OF TOPICS & UPDATES

Mr. Brower noted that the August committee meeting will be cancelled. He noted that the committee will meet in September. And in October, there will be new committee members that are confirmed as some members step down with the conclusion of their term.

Mr. Polk asked if it would be possible at a future meeting to have a conversation about disposal fees. Folks are certainly on the lookout for the touch points and the opportunities to talk about disposal fees and continue to build more engagement and transparency around that.

Ms. Vargas Duncan wanted to take a moment to recognize the Portland haulers who have partnered with Worksystems, Inc. and Interstate Trucking – they are calling it Driving Diversity, garbage and recycling truck driver training. It's a free program to those that are eligible. And it's for folks that otherwise probably would not have access to gaining a CDL or to garbage and recycling truck driver training jobs. It's been in the media, it will continue to be in the media, and we continue to run the program. But ORRA just graduated the first cohort with 11 folks. She wanted to thank the many private haulers that work so closely with Metro and their local government partners, with whom there are franchise agreements. They put in hundreds, if not thousands of hours, along with the local government folks on the Recycling Steering Committee, the Modernization of the Recycling Act that passed, and also the regional work plan. It is a privilege to be able to work so well with regulators and government partners and look forward to doing more of that into the future.

CONSIDERATION AND APPROVAL OF ITEMS

Committee meeting minutes for May 20, 2021 were approved by the committee.

Committee meeting minutes for June 17, 2021 were approved by the committee.

MEETING AJOURNED at 10:09 a.m.