

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, January 20, 2010
Marion County Courthouse Square

9:00 a.m. Board Session
Senator Hearing Room

PRESENT: Commissioner Janet Carlson, Commissioner Sam Brentano and Commissioner Patti Milne. Also present were John Lattimer as chief administrative officer, Gloria Roy as legal counsel, and Kim Hulett as recorder.

PUBLIC COMMENT

CONSENT

CHILDREN AND FAMILIES COMMISSION

Consider approval of the appointment of Judge Tracy Prall to the Children and Families Commission for a term ending June 30, 2013.

MOTION: Commissioner Milne moved approval of the consent calendar. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

ACTION

OLCC APPLICATION

1. El Patron Sports Bar & Grill, Salem, Oregon.

Commissioner Carlson said that although this Oregon Liquor Control Commission (OLCC) application was originally intended for the consent calendar, the Sheriff's Office sent a memo listing concerns along with a recommendation to hold a public hearing. She said the board generally moves an item to the action calendar when they have additional information and does not recall a hearing on an OLCC application in her entire seven years on the board. She asked Gloria Roy, legal advisor, what their options are. Ms. Roy said there is no process for the Board of Commissioners to hold a public hearing on the application. The board's action is to present a recommendation of either approval or denial to the OLCC. She said to the extent that there would be a hearing, the state would adjudicate under the Administrative Procedures Act. She said the memo from the Sheriff's Office proposes an opportunity for the applicant to clarify issues of concern. She said the board has the option to write a letter to the applicant to ask for additional clarification within a specific timeframe as they form their opinion.

Commissioner Milne said the board does not typically pull something off the consent calendar to look at it more closely and it is unusual to request a public hearing. She asked if a public hearing were held and the board decided not to support the application, what affect that would have on the OLCC. Ms. Roy said it is merely a recommendation to OLCC. They weigh that in the totality of the information before them. They are not bound by the board's recommendation. She said this is an opportunity for the local community to participate through the Board of Commissioners, the Sheriff's office, and the Health Department.

Commissioner Milne said unpaid property taxes is what usually catches the board's attention. She said the board's opinion, while the OLCC will consider it, is not the deciding factor. She said she does not know if a public hearing would make a difference. It is ultimately an OLCC decision. She

said she has some opinions about the application and feels she cannot support it based on issues raised. She said if the establishment had another responsible person she would look at it differently. She said if her fellow commissioners thought it was a good idea to hold a public hearing she would not oppose it, but does not think it would make a difference.

Commissioner Carlson said the application date for El Patron Sports Bar & Grill is December 18, 2009, and the very last item in the packet of materials is an addendum from the applicant dated December 28, 2009. This addendum is applicant's explanation of why "no" was checked in answer to number 9, a history of convictions in the past 12 years. She did not feel it necessary for the board to send a letter to the applicant requesting additional clarification as his addendum accomplishes that purpose. She said the board has the option to recommend support or refusal to the OLCC. Commissioner Carlson said if the board recommends refusal they could attach a letter with an explanation, as well as the Sheriff's memo and other pertinent documents.

Commissioner Brentano said he struggled with this application because he believes in second chances. He notes that the Sheriff's Office memo expresses concerns, including the maturity of applicant being one of them. He said that according to enclosed police records, the applicant has an arrest for driving under the influence and other violations. However, the form filled out in applicant's name fails to mention any violations. Commissioner Brentano said he assumes drunk driving is a crime involving liquor control laws. He said he could not sign off on something when the evidence states differently. He added that he has no knowledge in this case concerning gambling, moral turpitude, or good moral character. Ms. Roy said she was not certain that driving while intoxicated would violate a liquor control law, as it would be more like selling to minors; however, it may fit into another disallowed category. Ms. Roy said if the nature of the violations concerns the board or how recently they were committed, then those are appropriate factors for the board to consider.

Commissioner Milne said she sees too many red flags. She said she holds nothing against the establishment. She is not convinced the applicant is ready for all the responsibilities that come with a liquor license and having someone else fill out the form does not bolster the appearance of being responsible in her mind. Commissioner Carlson said it appeared the violations occurred fairly recently with the last occurring in November 2008. She said that turning over a new leaf takes time and testing and she is not sure a suitable length of time has passed.

MOTION: Commissioner Brentano moved that the board recommend refusal to the OLCC of the application for a liquor license for El Patron Sports Bar & Grill and that the board send a letter of explanation along with the recommendation. Seconded by Commissioner Milne; motion carried. A voice vote was unanimous.

BUSINESS SERVICES – HUMAN RESOURCES

2. Consider approval of an order appointing Dale Hoppe to the Compensation Board for a term ending December 31, 2010. – Glenis Chapin

Glenis Chapin, volunteer coordinator, introduced Dale Hoppe as their recommended appointee to the Marion County Compensation Board. She said state statute requires the county to maintain a board of three to five members of the public who are knowledgeable in personnel and compensation management. She said the Compensation Board meets once or twice a year and sets the salaries of

Marion County elected officials. She said it is a challenge to find suitable candidates for the board because they must bring specific skills. She said Mr. Hoppe has 34 years of experience in the human resources field including compensation and he is very well qualified. She said board members serve a one year term then they are eligible for reappointment. She said if the board approves Mr. Hoppe, he would fill the fifth and final seat on the board.

Commissioner Carlson asked Mr. Hoppe to introduce himself and tell the board about his background. Mr. Hoppe said he was recruited out of college to a firm in Chicago, then to Massachusetts, back to Chicago, and then to Arizona. He said his family has moved all over the country following his career. He said he has been involved with compensation, benefits, recruiting and executive continuity. He has had security, facilities, and medical responsibilities. He said he rose to the rank of vice president. Employment history includes General Telephone Electronics (GTE): GTE Sylvania, GTE Microcircuits, and GTE Lenkurt. He said GTE is located in many areas of the United States as well as internationally. He said he reached retirement age in Arizona ten years ago, but he and his wife of 43 years decided to retire in Salem as they feel it is the best place they have ever lived. Their two sons live in Salem after graduating from the University of Arizona. Mr. Hoppe said, although he presently serves on a number of other committees, he has time to contribute to the Compensation Board.

MOTION: Commissioner Milne moved approval of an order appointing Dale Hoppe to the Compensation Board for a term ending December 31, 2010. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

CHILDREN AND FAMILIES COMMISSION

3. Consider approval of the Fostering Attachment Treatment Court contract with Family Building Blocks for \$421,744.92 through September 2012. – Alison Kelley

Children and Families Director Alison Kelley requests the board's approval of a contract for \$421,744.92 with Family Building Blocks, a local relief nursery in Salem. She said the contract is the result of a federal grant that the children and families department applied for in conjunction with the juvenile court. The program title is the Fostering Attachment Treatment Court. Ms. Kelley and Michael Maryanov, juvenile court, had given a prior presentation before the board on September 30, 2009, soon after receiving notification. Ms. Kelley said Family Building Blocks provides intensive therapeutic classroom services for children ages 0 to 5 years and parenting education for caregivers attending drug treatment court. Family Building Blocks provides home visitation services using proven methods such as Parents as Teachers and Raising a Reader. She said Family Building Blocks is the result of a collaboration of multiple agencies and vocational connections. She said their goals are to reduce substance abuse, prevent child abuse and neglect, and reduce the effects of abuse and neglect on infants and toddlers in order to improve attachments between the child and their primary caregivers. Ms. Kelley said the grant is a three-year contract that ends on September 30, 2012. Family Building Blocks therapeutic classroom maintains capacity at 24 children. Ms. Kelley said they estimate the program will benefit between 100 and 150 families, depending on how rapidly they progress in treatment. She said the average length of stay in the program is between six to nine months and occasionally up to a year.

MOTION: Commissioner Brentano moved approval of the Fostering Attachment Treatment Court contract with Family Building Blocks for \$421,744.92 through

September 2012. Seconded by Commissioner Milne; motion carried. A voice vote was unanimous.

Commissioner Carlson recessed the meeting at 9:25 a.m.

Commissioner Carlson reconvened the meeting at 9:30 a.m.

PUBLIC HEARING
9:30 a.m.

PUBLIC WORKS - ENVIRONMENTAL

A. Public hearing to consider adoption of the 2009 Marion County Solid Waste Management Plan.
– Jeff Bickford, Bob Anderson, Jeffrey Hahn

Jeff Bickford, environmental services manager, introduced Bob Anderson, chair of the Solid Waste Management Advisory Council (SWMAC). Mr. Anderson introduced Mary Kanz, Susie Riches, Bonnie Sullivan, and Gregg Dart present from SWMAC. He said members of the council have invested many hours and many months to update the plan.

Mr. Bickford said the county embarks on an update or renewal of the solid waste management plan every five to six years. The present plan is from 2002. He said the updated version before the board performs a comprehensive analysis of the waste stream. It looks at where Marion County has come from, what path to follow, and where to focus resources. It identifies present educational and promotional activities, current needs and strategies for waste reduction. It examines recycling, composting, reuse, and waste disposal. Mr. Bickford said the council looks at all potential alternatives for public health and environmental protection. The solid waste management plan must be environmentally sound. It must be technologically feasible and cost effective. It must be locally controlled and publicly acceptable. It will provide overall reduction in long term, per capita waste generation and toxicity.

Bob Anderson, chair of SWMAC, said the council formed in 1989. They hold monthly meetings. There are 16 members divided between 8 citizens-at-large and 8 representative positions. The representative positions come from disposal, hauling, recycling, composting, chamber of commerce, housing and other construction, public health, and community organization. Relevant collective experience on the council is 150 years. He said their mission is to recommend the Marion County Board of Commissioners to an integrated waste management system that is financially feasible while protecting public health and safety. He said their goal of zero waste impact is financially and technically difficult.

Mr. Anderson said over the past 1-1/2 years, plan development was focused on input from the county and public. They had fifteen solid waste management advisory council meetings, four public workshops, and four city council presentations. League of Women Voters sponsored three forums. There have been 29 meetings held involving the 2009 solid waste management update. Mr. Anderson said they typically use an interactive planning process. At the end of the long process, their conclusion was that they had substantively met the goals previously identified. He

said they recognize what they have put together is not perfect, but it should lead them forward into the next generation of waste reduction.

Mr. Bickford said they confronted some less typical, controversial issues. He said the 2009 plan addresses key programs and services for reduction of waste and expansion of recycling. He said Marion County continues to lead the state in waste reduction and recycling numbers, but is presently overextended. Coffin Butte and Riverbend Landfills are receiving some Marion County waste. He said waste-to-energy has been of key importance for 23 years. Covanta Energy and the PGE electrical contract comes due in 2014. They had a consultant study alternative technologies for waste disposal. They queried if the current rate schedule is adequate to maintain equitable rates and if solid waste reserve funds are adequate to manage liabilities as well as maintain rate stability. Mr. Bickford said they have not raised rates since 1992.

Mr. Bickford reported milestones of Marion County's solid waste disposal history. The first curbside recycling by franchise haulers in the county began in 1976. DEQ's closure of Browns Island Landfill and opening of the waste-to-energy facility occurred simultaneously in 1986. Opening of the Salem Transfer Station for management of self-haulers occurred at approximately the same time. Mr. Bickford said they began their Master Recycler Program in 1994. To date they have trained over 500 individuals to be master recyclers who go out into the community and give back with volunteer hours, setting up programs, and educating others. Yard debris collection began in 1998, because of a push to ban backyard burning. They began the mixed recycling program in 2002. This greatly increased single family residence recycling, because it made recycling so much easier. Household hazardous waste collection at the Salem Transfer Station began in 2005. Mr. Bickford explained a waste flow chart. He said business, commercial and industrial customers produce 50 percent, and residences produce 50 percent. He said 80 percent is curbside pickup, 20 percent is self-hauled.

Mr. Bickford said the waste-to-energy facility in Brooks is managed by the county under contract. He said Marion County owns and operates the Browns Island Demolition Landfill and the Woodburn Transfer Station, which has the ash landfill. Marion County franchises the operation of the Salem Transfer Station to Allied Waste of Salem who is the owner and operator. He said there is quite a bit of material that flows to the Marion Resource Recovery facility in Brooks where material is picked through for recyclables, both from commercial industrial accounts as well as material that gets dropped by the public at the Salem Transfer Station. He said it is a complex system. The focus is to reduce the amount of materials that end up at the disposal sites.

Mr. Bickford explained a graph of the amount of waste generated, disposed, and recovered since 1996 through 2006. He said material disposed per capita was holding steady and the amount per capita of material recovered and recycled is growing. The total amount of waste generated is rising as the population increases. Waste reduction is important, as someone still has to pick up the recycled materials. They would like to see the per capita waste go down. Mr. Bickford said Marion County has a 58.4 recovery rate for 2008, recovering more than disposing. He expects the DEQ 2009 numbers in August or September. A goal does not exist presently beyond that time. He said the next goal by statute would be dramatically higher and close to a 70 percent recovery rate. He said he feels programs coming online, such as composting of food waste, will help meet a higher goal. Commissioner Carlson said she was looking at the materials and this table caught her attention. She referred to House Bill 3744 regarding the county's waste recovery goal. She asked how they select goals and who has input. She noted Marion County did not have the highest goal.

Mr. Bickford said Metro was the only place that had a higher goal and that in 1992 Marion County's goal was aggressive. Marion County ties with Lane County for the second highest goal.

Mr. Bickford had graphs of total transfer station tonnages and waste-to-energy tonnages. He said over the last five to six years, the amount of material being self hauled to the transfer stations is rising at an alarming rate. He said the amount of waste going to the waste-to-energy facility is relatively static, because the facility has a limited capacity. He said Metro contributes some waste as does the county periphery, such as from West Salem in Polk County and Jefferson in Linn County. Construction waste is seasonal, so waste is imported to keep blowers running at full capacity generating power. He said it is the opposite in the summertime. He said the amount of ash to the landfill in Woodburn and the amount of material going through the energy facility is relatively static. He said the alarming figure on the chart is the material going to the Coffin Butte landfill, which from 2001 to 2006 had a marked rise. Mr. Bickford said a key to the plan focuses on reduction of materials. By reducing waste production and increasing recycling, there can be local materials management. Organic materials make up 42 percent of waste eligible for composting. Food waste makes up 21 percent of organic waste and paper is 31 percent. Single family residence paper recycling is going much better than commercial, industrial, and multifamily residence paper recycling. Improving those numbers could significantly affect overall recovery rates.

Mr. Bickford said data from 2007 indicates generation of 500,000 tons of waste materials with recovery of over half of that tonnage (260,000). He said this leaves Marion County with 250,000 tons of waste for hauling, processing, and disposal management. Mr. Bickford said they held public meetings as they were developing the chapters regarding waste reduction, recycling programs, disposal, and alternative technologies. He said the consultant and citizens who commented whittled down their recommendations to three primary subject areas.

The first area is in waste reduction and prevention. The focus is on getting the per capita waste production down by reevaluating current programs, assessing their effectiveness, and investigating and possibly implementing other programs. Commissioner Carlson asked about zero waste education programs. Mr. Bickford said \$800,000 a year is spent on education and promotion. She asked if in his opinion, education should receive more money from the reserves. Mr. Bickford said a potential additional resource is expansion of the EarthWISE Program. He said there is one person working there and they can hardly keep up with demand. There are over 60 certified businesses. Requests for certification are pouring in as the word gets out. He said they are certifying 17-18 state buildings on January 21 at the Capitol Building. He said the commissioners are invited. Commissioner Carlson said she sees ads in the newspaper and TV about Waste Matters. She asked what advertising venue would be the most cost effective. Mr. Bickford said they could identify potential new advertising resources.

Mr. Bickford said the second primary area is recycling programs. He said there are some specific program recommendations for maximizing recycling to reduce the amount of waste going to disposal. He said single family residences are doing an excellent job of recycling already. They might address some incremental increases. He said right now that it is important to expand business, industry, and multifamily recovery. Multifamily is difficult because the residents are more transient and it is more difficult to maintain an educated base. Recycling interests only some owners or management companies. Another reason is residents in multifamily typically do not have a stake in recovery as they are not paying the garbage bill. Mr. Bickford said they have been working on a pilot for the last couple of years. He said the program is underperforming right now.

Food waste composting is a key recommendation, as it comprises 20 percent of disposal. It is beginning in Salem and there are businesses in Woodburn participating in a pilot program. The material will be co-composting with yard debris. He said food composting requires careful and quick management. He said DEQ is watching this closely, because it has the potential to develop into a nuisance. DEQ is very restrictive on their permitting. There is only one facility in Oregon that he is aware of that has the permit for food recycling. It is the Processing and Recovery Center near Coffin Butte in Camp Adair. He said Compost Oregon in Aumsville would likely be online in 3-6 months with a similar permit. Commissioner Carlson commented the real opportunity lies in institutions like prisons, hospitals, restaurants and schools. Mr. Bickford said another recommendation is to investigate drywall recycling. He said to date about 50 percent goes to Browns Island Demolition Landfill. There has been a dramatic drop off in the past year because homebuilders are in a slump. He said they move additional materials to the Marion Resource and Recovery Facility in Brooks where they sort loads for recyclable materials.

Mr. Bickford said the third area is the disposal system, maintaining cost effective processing and disposal. They are looking at a stable, long term system to manage material that cannot be recycled or composted. He hopes they will approach the zero waste goal, but there always will be material that needs disposal, because there are too many materials without a market and are not manageable. Mr. Bickford said some of the key recommendations in this section are to begin negotiations with Covanta with a contract amendment or a new extension for the 2014 period and beyond and to look at a facilities master plan to determine improvements to handle future growth. These are additional processing and transferring capacity, alternative technologies to complement the current system, and investigation of the beneficial use of ash. Commissioner Carlson said this area generates the most conversation. She wanted clarification of the beginning of negotiations with Covanta. She said the version of the plan on the web, until about a week ago, said that Marion County would have those negotiations completed by the end of this year. Mr. Bickford said 2014 was the target for completion of negotiations. He said the conversations have not yet officially begun and the process would take years. Commissioner Brentano said that he did not want to leave an impression that nothing will happen until 2014. He said he has no intention of waiting until 2014 to have an answer.

After reviewing many alternative technologies for feasibility and cost effectiveness, their contractor did not find anything suitable for our type of waste stream or they were not cost effective such as plasma arc or gasification. He said there are four options for the county.

The first is siting a new landfill in Marion County with the estimated cost of \$35-50 a ton depending on the cost of the land. He said DEQ is reluctant for another landfill site on the west side of the Cascades due to moisture and related issues. He said the east side has less water issues and leachate.

The second option is exporting waste to Coffin Butte or Riverbend Landfills, which are regional landfills in the western side. This requires a new transfer station to reload and move all the materials. This assumes the waste-to-energy facility is not operational after 2014. He said this adds almost 75,000 truck miles per year to the system, which fuel cost influences as well as the greenhouse gas effects of truck miles. He said when waste solvates go to a landfill, it produces methane, which is a very potent greenhouse gas, the majority of which goes out into the atmosphere. He said from the greenhouse effect point of view, putting this material into a landfill is not necessarily the best approach. The cost to do that is estimated between \$48-53 a ton. Mr.

Bickford said if we were to do the same thing as Metro, develop a transfer capacity to travel to Columbia Ridge Landfill near Arlington, it would need a new transfer station adding about 3.5 million vehicle miles to the system with a significant environmental impact. The cost per ton is higher at \$58-65 a ton.

Commissioner Carlson said she was looking at an article on using rail to haul waste. She asked if rail was an option and if it were being done anywhere in Oregon. Mr. Bickford said when they were looking at rail, they found waste comes into Oregon by rail out of Snohomish County and perhaps Thurston County in Washington. He said waste comes on rails out to the Columbia Ridge facility. He believes Columbia Ridge gets rail material from Napa County. He said the Roosevelt Regional Landfill also gets rail waste. He said there is a rail spur at the Covanta facility in Brooks. He said it is still more expensive.

Mr. Bickford said the key components of emissions are lead, cadmium, dioxins, furans, particulate matter and mercury. He gave a comparison of the EPA's maximum permit limit, the Oregon DEQ's permit levels, and the numbers Covanta's stacks are emitting. He said DEQ standard is half of federal's for cadmium and dioxin levels. Mr. Bickford said what Covanta's emission control systems are producing are far below permit levels and down near detection limits.

Commissioner Carlson asked Mr. Bickford to address the possible beneficial uses of ash. Mr. Bickford said one of the most interesting questions is for ultimate disposal of ash. Mr. Bickford said any alternative usage must have DEQ approval following demonstration of negative effect on public health and the environment. Ash goes into triple lined cells with leachate collection. He said one of the recommendations was to investigate beneficial ash reuse. Following a conversation he had with Brian Fuller, the solid waste manager for the Oregon DEQ's western region, any alternative would need creation of a proposal and a pilot project. Commissioner Carlson asked if the pilot program would be for road material. Mr. Bickford said potentially another alternative is for the daily cover at regional landfills. He said that every day they have to cover their garbage with soil. He said it is a controlled environment with liner systems and leachate collection systems underneath. He said there is potential DEQ approval.

Mr. Bickford said the ash cells they have been putting in for the last couple of decades are going into triple-lined landfill cells made specifically for ash and are called monofills. They collect leachate into a lined lagoon. They monitor the landfill extensively per DEQ requirements and submit results on a regular basis. He said the ash contains very small amounts of heavy metals. The air pollution control system captures the heavy metals and they set up like concrete. Leachate monitoring has been going on for many years. The metals in the ash do not transfer into the leachate. Mr. Bickford said the levels of heavy metals in leachate have typically been below drinking water standards. He said salts have been over allowable standards for drinking water. Monofill leachate is very salty, like ocean water. Managing salty water avoids contamination of fresh water bodies. They continue to manage ash leachate, not because of heavy metals, but because of the saltiness. He said the ash landfill cells and leachate storage lagoon are continuing to operate as designed. There have been no leaks or concerns with any of the facilities.

Mr. Bickford foresaw hopeful results from recommendations in the plan, such as headlines he would like to see in a 2014 Statesman Journal: "County Residents Producing Less Waste, Marion County's Recycling Recovery Rate is 70 Percent, Tip Fees Remain at 1992 Levels."

Mr. Bickford introduced Jeffrey Hahn from Covanta Energy to present the environmental monitoring program. Mr. Hahn said he has been working with the county and the facility since DEQ awarded the permit to Ogden Martin Systems. He said he has been testing the facility with the EPA as well as attending the solid waste advisory committee meetings over the years. He said Covanta held an open house for the advisory committee during stack testing so they could see the independent contractor actually do the continuous emission monitoring verification for the year.

Mr. Hahn said Covanta Energy could assist Marion County and the committee with their experience during an extensive study of ash as an alternative daily cover for a Honolulu landfill. The Hawaiian Department of Health approves the use of ash as an alternative daily cover based on their studies. They did environmental testing on ash amended asphalt by paving the up ramp at the HPower facility with ash amended asphalt and using the down ramp as the control. They are happy to share the data.

Mr. Hahn said the referendum held Covanta Marion Inc. in Brooks in contrast to the landfill at Brown Island. Air permitting dates are from 1984 and Covanta has a pollution control system utilizing dry scrubber baghouse technology. He said it was the first facility of the country to have a dioxin limit. The DEQ would not give the permit for construction unless it had a dioxin limit. He said this plant is groundbreaking. It had strict Hydrogen Chloride (HCl) and Sulfur Dioxide (SO₂) limits along with particulate. The HCl limit was set on the performance of the plant. DEQ waited until Covanta demonstrated the low levels of HCl and then set the permit limit.

Mr. Hahn said the EPA uses Covanta Marion as a model plant for the entire country. He said every rulemaking process from the new source performance standards, to MAC standards, to the continuous Clean Air Act of 1990, use Covanta Marion as the flagship facility. Mr. Hahn said they have two combustion units. There is design space for a third without any alteration to the pit and the charging floor. In 2006, 55,000 tons of waste left the county due to over extension of facilities.

Mr. Hahn said he gave a presentation to the League of Women Voters last February. The League requested Mr. Hahn provide production data so they could see how the facility was faring. He said tonnage processed per year has a very consistent number. Megawatt hours sold to Portland General Electric (PGE) and the amount of ferrous metal recycled (5,000 tons) are climbing. He said more is possible. He said that non-ferrous recycling systems could be installed as well. Facility data shows that processing for 2009 was higher than in any of the preceding five years. They have the second highest amount of megawatt hours sold to PGE. He said Marion County receives 90 percent of the electric sales revenue, which helps explain why tip fees remain at 1992 levels. Mr. Hahn said Covanta has 38 employees and Operating Engineers Local 701 represents the operation and maintenance employees. They have OSHA's voluntary protection program (VPP) star status.

Mr. Hahn said Covanta controls dioxin emission to a limit that does not overuse reagent. For carbon monoxide, they burn hydrocarbons very well and are at 10 percent of the limit. Lead and cadmium emissions are very low and can vary by a small amount each year, but are generally much lower than required. Mr. Hahn said mercury inlet numbers have been in the 300-400 range, sometimes a little bit lower on unit 2. He said this is a sign of how well they are removing toxins from the waste. When he first tested the plant with EPA in 1986, they would see numbers like 800 to 1,000 of mercury that they had to control. The number in 2009 was 135, which shows an almost 90 percent reduction of Mercury in the waste. The household hazardous waste program, the battery returns, and the training and education done through the programs such as the recycling masters,

have dropped mercury emissions dramatically and the numbers are some of the lowest in the country. He said with equipment added in 1998 under the federal standards and the powdered activated carbon, the number emitted by the stacks is very, very small, at the limit of detection.

Mr. Hahn said the dioxin and furan numbers vary over the years and because the numbers are so low they test every other unit each year. The EPA agrees with this since the tests are expensive at \$40,000 to 60,000 each. He said that unit 1 handles a small amount of medical waste from both in and out of the county, but unit 2 does not. There is little difference in dioxin and furan numbers between units 1 and unit 2. Mr. Hahn said that because of Covanta's excellent performance, when Oregon DEQ was setting their standards they looked at the federal requirements, but chose Marion County standards because they are tougher on lead, cadmium, and dioxin emissions.

Mr. Hahn said Covanta Marion has a dioxin emission number of 0.0315, which is 50 times lower than the state and 100 times lower than the federal requirements. He said this is one of the lowest dioxin numbers in the country. Mr. Hahn said the mercury emission numbers from units 1 and 2 are less than 4 micrograms and less than 0.5 micrograms at the limits of detection. Lead is down to the single digits, 3 micrograms and 2 micrograms and cadmium is less than 1 microgram at 0.4 and 0.5. Dioxin emission numbers for unit 1, after handling medical waste during the entire testing week, were lowest. Mr. Hahn said Covanta avoids greenhouse gas emissions. He said the megawatt hours sent to PGE avoid fossil fuel and fugitive methane emissions. Greenhouse gas emissions from the recycling of ferrous metals, are lower than when the original ore is processed. He said they have a very sensitive radiation detector. When the detect radiation is in a load, it is set aside for the Oregon Radiological Health Unit. He said any tiny amounts that register usually come from kitty litter, Kleenex, or diapers following radiation treatment for cancer. They catch, segregate, and dispose as instructed by the radiological health group of the Oregon Health Department.

Mr. Hahn said fine particulate matter concerns everyone. Reverse air baghouse efficiently reduces fine particulate matter, whether it is PM10 or PM2.5. As far as federal and Oregon air quality standards, modeling shows ground level concentrations upwind or downwind for Salem and Woodburn. The Brooks facility adds an infinitesimal amount of particulate to an already low amount in the Salem area. He said potential health effects from particulate matter interest everyone. He said their consultant, PhD Toxicologist Dr. Brian McGee's study predicts no premature deaths from any cause including heart and respiratory disease, no hospitalizations, no emergency department visits by an asthmatic, no heart attacks, and no cases of coughing, shortness of breath, wheeze or upper respiratory tract symptoms in the 8-to-13 year old asthmatic population. Mr. Hahn said waste hauling by rail or truck disperses a greater amount of fine particulate. Mr. Hahn said they are working towards greater sustainability and lowering their carbon footprint, especially with critical resources like water.

TESTIMONY:

Support:

Bernadene Anderson, 1846 Rye Lane NW, Salem, representing League of Women Voters provided two documents, one of which was their mission statement and the other was the League's comments on the three categories of the Solid Waste Management Plan recommendations. Ms. Anderson said the League appreciates the opportunity to work with the county and the different presentations and materials that have come from Jeff Bickford and Bailey Payne. Ms. Anderson said the League

supports expansion of existing educational programs with more staffing as well as the expansion of materials recovery facilities. She said the League puts their highest value on pre-cycling and educational programs. The League supports the goal to put greater emphasis on waste reduction. She said the League feels waste means resource for economic opportunities. Food waste is a compost resource.

Ms. Anderson said the League encourages the commissioners to set clear, well defined priorities in allocation of funding. They would like to see funding for educational and recycling programs increased. They applaud EarthWISE and the League would like more recycling efforts in rural communities. Ms. Anderson said the League does not support the diversion of revenue to non waste-related projects.

Ms. Anderson said it was encouraging to hear the contract with Covanta will likely require two years to work through negotiations while sharing the process with the community. She said the League would like to caution the commissioners about tying down contractual requirements before gathering all the information. She said the League requests the commissioners consider the length of the contract in light of new technologies.

Ms. Anderson said the League urges the commissioners to establish collaboration between private and public sectors to study the waste stream. She said by working together with local governments and nonprofits, universities and businesses, they would create jobs. She said the League supports a goal of 70 percent or more waste recovery within the next few years and with collaboration between all sectors the goal is achievable and exciting. Ms. Anderson said the League believes if the commissioners set clear high expectations and prioritize funding, the county will capture this opportunity for economic growth.

Brett Davis, 2215 North Front Street, Woodburn, said he is a representative of Allied Waste and that they support the updated plan.

Ernie Martin, 2215 North Front Street, Woodburn, said he supports the updated plan.

Kyle Elwood, 1584 Scotch Avenue SE, Salem, said there are many aspects to the proposal that are very good and he acknowledges that. He said he has concerns about long term potential of losing site of the Oregon solid waste hierarchy. He said a long term contract with a third burner puts emphasis on the bottom of the hierarchy. He feels a 70-percent waste reduction goal is the absolute minimum. He said San Francisco is at 72 percent now, looking at 75 percent in future. He said there are positive aspects to the 2009 plan, but he has concerns about the process leading up to the proposal. He said he has personal experience and observance of abuse and dysfunctionality in the council that need addressing. Mr. Elwood produced a written description for the commissioners through the legal advisor. He has concerns about ultimate incorporation of controls and biases into the plan.

Mary Kanz, P.O. Box 3130, Salem 97305, executive director of Mid Valley Garbage and Recycling Association, said she represents the eight franchised haulers in Marion County. She said she has been a member of the SWMAC for a long time. She said the franchised haulers are satisfied with the process and are generally supportive of the overall plan.

Mr. Bickford said in November, SWMAC members voted unanimously to recommend approval of the 2009 Solid Waste Management Plan by the commissioners. Commissioner Carlson said after the recommendation in November, they had a work session this month to clarify the Covanta contract issue. She said what was verbalized did not necessarily match what was written. She said they made a couple of other elaborations, such as adding language to the renewable energy portion of the plan. Mr. Bickford said the contract renegotiation part contains a paragraph about the council's activities working with the state and federal governments for recognizing waste energy as a renewable power producer and an addition of his table showing 2008 emissions.

Commissioner Brentano said the board asks people to come and comment. He said the board received an email from Joseph Miller, who claimed to represent PSR (Physicians for Social Responsibility). Commissioner Brentano said Mr. Miller is critical of the board and takes his apprehensions of the plan to extremist levels. He said Mr. Miller's claims of 25 years of experience do not verify the truthfulness of his conclusions about operation, cost, safety, and emissions. Commissioner Brentano said if they discover anything in the future such as new parameters or health threats, Marion County has the resources, the flexibility, and the system in place to deal with them. They have done so in the past with mercury emissions in 1982. Commissioner Brentano said it annoys him that critical remarks such as those do not realize the consequences of going with an alternative method, such as recovering less waste, not taking advantage of solid wastes potential as a renewable energy resource by burying it in the ground, and the leakage of greenhouse gas methane into the atmosphere. He said no matter what containments we have, it only puts off the inevitability of time and these pollutants will be in the groundwater. He said proposals for ash management do not satisfy him yet. He said zero waste means zero people. Commissioner Brentano said he was very satisfied with the 2009 plan as presented and nothing is perfect, but it is close. He said he is willing to approve it today.

Commissioner Milne said she cares about the solid waste issue and thinks everyone wants a cleaner environment. She said a healthy environment is a priority. She has taken notice of all the public debate over the years and they stand out in her mind. She said criticism or lack of opportunity or information to her is not the case. She appreciates input for any issue when the board is deciding public policy. She feels comfortable that the plan takes Marion County in a good direction. She said the board has been working on this for a long time in various formats. Staff gives them information from the SWMAC meetings, they can continue to tweak and improve some areas of the plan, and there is a commitment to do that. She said the plan is a living document. She then spoke of contract negotiations taking years. She said she is also comfortable they are not rushing into decisions, but it is a moving target. She said they have to be involved in these discussions and as Commissioner Brentano pointed out, if that does not ultimately happen, you have to be looking at options. Those discussions also need to be taking place so that when deadlines occur, we know what we are going to do. She said we do not want to be in a bind when timeframes come about. She will constantly be keeping an eye on safety issues. Whatever people can bring forward and when there is scientific background, she will read and ensure there is discussion and consideration. The plan they have in front of them is resultant from that work and she is ready to move forward with it.

Commissioner Carlson expressed sincere appreciation to the Solid Waste Management Advisory Council members for all that they do for Marion County. She said the council has a diversified group of people. Some represent industry, some recycling companies, some have an interest zero waste. She said they negotiate, learn, and have spirited discussions. She said the fact that the vote

was unanimous speaks to the level of cooperation and work that goes on in that council. She said she was ready to move forward. She said there is no perfect solution to manage solid waste. Getting to zero waste will probably not happen in our lifetime. Alternatives are to generate electricity and have low levels of environmental problems. When considering Covanta's performance and its national and international recognition, criticisms do not recognize that outside of Oregon, professionals see Marion County as being on the cutting edge of waste management. She said we must have the opportunity to negotiate a contract with Covanta that will meet the needs of Marion County. Going in a different direction will take a lot of planning, the purchasing of land and huge decisions in the new direction as well as the transition period. She is pleased with the performance of Covanta and confident of its safeness.

Commissioner Carlson said that regarding diversion of the environmental services fund, the board borrows against it when they have cash flow issues. The board pays it back with interest. They made a recent appropriation for heating and cooling issues in the courthouse when the truck went through the front door. The board asked public works to look at the next 20 years to make sure that all the reserves were there for potential capital purchases for maintenance, for staffing and there are still adequate reserves to 2020 with the particular allocation of funds for the courthouse. It was an emergency and done after considering other alternatives. She stands behind the decision to use the \$7 million from contingency in the solid waste fund. It was not a routine thing, but the best alternative. She said the judges could cease cranking up the furnace and then letting air out, which illustrates an environmental connection with improvement of the energy system within the courthouse.

Commissioner Brentano acknowledged and expressed appreciation for the long time interest of the League of Women Voters.

MOTION: Commissioner Milne moved to close the public hearing, adopt the 2009 Marion County Solid Waste Management Plan and direct staff to bring back the appropriate legal documentation at a future board session for signatures. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

Commissioner Carlson then read the calendar.

Commissioner Carlson adjourned the meeting at 11:24 a.m.

Attachments:

ABOVE MINUTES APPROVED

CHAIR

COMMISSIONER

COMMISSIONER

If you require interpreter assistance, an assistive listening device, large print material or other accommodations, call 503-588-5212 at least 48 hours in advance of the meeting. TTY 503-588-5168

Si necesita servicios de interprete, equipo auditivo, material copiado en letra grande, o culaquier otra acomodacion, por favor llame al 503-588-5212 por lo menos 48 horas con anticipacion a la reunion. TTY 503-588-5168 Marion County is on the Internet at: www.co.marion.or.us