

ANNOTATED AGENDA

Tuesday, June 5, 1990 - 9:30 AM
Multnomah County Courthouse, Room 602

FORMAL MEETING

Chair Gladys McCoy convened the meeting at 9:35 a.m., with Commissioners Pauline Anderson, Rick Bauman and Sharron Kelley present, and Vice-Chair Gretchen Kafoury excused.

1. Proclamation in the Matter of Proclaiming the Formation of the Rockwood Water People's Utility District

**COUNTY COUNSEL EXPLANATION.
COMMISSIONER BAUMAN MOVED AND
COMMISSIONER KELLEY SECONDED, APPROVAL
OF PROCLAMATION. BILL STALLINGS, HERB
BROWN, DUANE ROBINSON AND JEAN HOOD
TESTIMONY IN SUPPORT. PROCLAMATION 96-86
UNANIMOUSLY APPROVED.**

The following Planning Decisions are reported to the Board for acknowledgement by the Presiding Officer:

2. **CU 7-90 APPROVE, subject to conditions, conditional use request to allow development of the subject property with a non-resource related single family residence, for property located at 34214 SE Smith Road**
3. **LD 13-90 APPROVE, subject to conditions, request for a three-lot land division, for property located at 2930 SE 174th Avenue**
4. **HV 5-90 APPROVE, subject to conditions, requested seven foot front yard setback variance to allow a thirteen foot yard instead of a twenty foot front yard for an existing residence after dedication of additional right-of-way for completion of the cul-de-sac that abuts the property, for property at 2930 SE 174th Avenue**

CHAIR McCOY ACKNOWLEDGED DECISIONS.

There being no further business, the meeting was adjourned at 9:40 a.m.

Tuesday, June 5, 1990 - 1:30 PM
Multnomah County Courthouse, Room 602

INFORMAL BRIEFINGS

Chair Gladys McCoy convened the meeting at 1:37 p.m., with Commissioners Pauline Anderson, Rick Bauman and Sharron Kelley present, and Vice-Chair Gretchen Kafoury excused.

5. City/County Plastic Waste Reduction Task Force Interim Report. Presented by Judy Wyers, Quincy Sugarman and Jerry Hermann.

JUDY WYERS, QUINCY SUGARMAN, JERRY HERMANN AND DAVID McMANN PRESENTATIONS AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. MS. WYERS EXPLANATION IN RESPONSE TO QUESTIONS OF MARGARET BAX.

6. Informal Review of Formal Agenda of June 7, 1990

R-1 BOARD DISCUSSION WITH PAUL YARBOROUGH, BILL BULICK AND CHIP LAZENBY. MR. YARBOROUGH TO CHECK WITH COUNTY COUNSEL LAURENCE KRESSEL REGARDING ORDINANCE EFFECTIVE DATE.

C-1 FOLLOWING BOARD DISCUSSION WITH JACK HORNER, BOARD CONSENSUS TO REMOVE ITEM FROM CONSENT CALENDAR FOR FURTHER DISCUSSION THURSDAY.

R-2 DES DIRECTED TO REPORT TO BOARD ON STATUS OF EARNEST MONIES ON DEPOSIT IN CONNECTION WITH EDGEFIELD PROPERTY.

UNANIMOUS CONSENT ITEMS R-14 AND R-15 TO BE RESCHEDULED FOR THURSDAY, JUNE 14, 1990.

There being no further business, the meeting was adjourned at 3:45 p.m.

Wednesday, June 6, 1990 - 12:30 PM to 3:30 PM
Justice Center - 1111 SW 2nd
14th Floor - Conference Room A

POLICY DEVELOPMENT COMMITTEE

1. Strategic Planning Special Meeting Regarding the Juvenile Justice Population Crisis (Previously scheduled for Thursday, June 7)
-

Thursday, June 7, 1990 - 9:30 AM
Multnomah County Courthouse, Room 602

FORMAL MEETING

Chair Gladys McCoy convened the meeting at 9:32 a.m., with Commissioners Pauline Anderson, Rick Bauman and Sharron Kelley present, and Vice-Chair Gretchen Kafoury excused.

CONSENT CALENDAR

- C-2 In the Matter of the Appointments of Vincent Wannassay, Cecil Thompson and Elsie Hastings to the Portland Multnomah Commission on Aging

UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER KELLEY, C-2 WAS UNANIMOUSLY APPROVED.

- C-1 In the Matter of Acceptance of Alternate Revenue Source Evaluation

UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER BAUMAN, C-1 WAS UNANIMOUSLY ACCEPTED. UPON SUGGESTION OF COMMISSIONER BAUMAN, CHAIR McCOY ADVISED THAT PUBLIC TESTIMONY AND BOARD DISCUSSION WOULD PROCEED IMMEDIATELY FOLLOWING FORMAL AGENDA.

ORDINANCES - NON-DEPARTMENTAL

- R-1 First Reading of an Ordinance Expanding the Scope of the "Percent for Art" Acquisition Program; Amending MCC Chapter 11.90

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER ANDERSON MOVED AND COMMISSIONER BAUMAN SECONDED, APPROVAL OF FIRST READING. PAUL YARBOROUGH AND BILL BULICK EXPLANATION AND COMMENTS IN SUPPORT. MICHAEL GRICE, JUDITH FAWKES AND BOB FRASCA TESTIMONY IN SUPPORT. MR. YARBOROUGH RESPONSE TO BOARD QUESTIONS. COMMISSIONER ANDERSON COMMENTS IN SUPPORT. FOLLOWING DISCUSSION, COMMISSIONER KELLEY MOVED TO AMEND PROPOSED ORDINANCE TO REDUCE THE PERCENTAGE FROM 1.33% TO .67%. COUNTY COUNSEL LAURENCE KRESSEL REQUEST FOR CLARIFICATION OF COMMISSIONER KELLEY'S MOTION. CHAIR McCOY PASSED THE GAVEL IN ORDER THAT SHE MIGHT SECOND THE MOTION FOR DISCUSSION. COMMISSIONER KELLEY EXPLAINED IT IS HER INTENT TO REDUCE THE PERCENT FOR ART TO .67%. COMMISSIONERS BAUMAN, ANDERSON AND McCOY COMMENTS IN OPPOSITION TO MOTION. COMMISSIONER KELLEY COMMENTS IN SUPPORT. MOTION TO AMEND FAILED, WITH COMMISSIONER KELLEY VOTING AYE, AND COMMISSIONERS ANDERSON, BAUMAN AND McCOY VOTING NO. FIRST READING APPROVED, WITH COMMISSIONERS ANDERSON, BAUMAN AND McCOY VOTING AYE, AND COMMISSIONER KELLEY VOTING NO. SECOND READING THURSDAY, JUNE 14, 1990.

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-2 Appointment of Task Force to Develop Solicitation for Offers to Purchase Edgefield Property (Continued from May 31, 1990)

COMMISSIONER KELLEY MOVED AND COMMISSIONER ANDERSON SECONDED, APPROVAL OF R-2. WAYNE GEORGE REPORTED ON THE STATUS OF EARNEST MONIES ON DEPOSIT AND ADVISED THAT COUNTY COUNSEL JOHN DuBAY HAS SUGGESTED THEY BE RETURNED TO THE WINMAR COMPANY AND

PRICE DEVELOPMENT. FOLLOWING BOARD DISCUSSION, THE APPOINTMENTS OF WAYNE ATTEBERRY, CANDACE BREWER, BRAD FLETCHER, RON KAWAMOTO, MARGE ILLE, BARBARA WALKER AND DON DRAKE WERE APPROVED, WITH COMMISSIONERS ANDERSON, KELLEY AND McCOY VOTING AYE, AND COMMISSIONER BAUMAN VOTING NO. COUNTY COUNSEL LAURENCE KRESSEL CLARIFIED THE CHARGE OF THE TASK FORCE.

NON-DEPARTMENTAL

- R-3 In the Matter of Ratification of an Intergovernmental Agreement Between the City of Portland and Multnomah County for Planning and Development of the Civic Action Teams Program within the Social Services Division of the Department of Human Services

COMMISSIONER BAUMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-3. AGREEMENT UNANIMOUSLY APPROVED.

DEPARTMENT OF GENERAL SERVICES

- R-4 Order in the Matter of the Cancellation of Certain Warrants Heretofore Issued by Multnomah County more than Seven (7) Years Prior to July 1, 1990, and not Heretofore Presented for Payment

COMMISSIONER ANDERSON MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-4. CHAIR McCOY EXPLANATION. ORDER 90-87 UNANIMOUSLY APPROVED.

ORDINANCES - DEPARTMENT OF HUMAN SERVICES

- R-5 First Reading of an Ordinance Amending MCC 7.20, Nuisances, to Delete Certain Provisions and to Include New Definitions and to Regulate Solid Wastes and Hazardous Materials on Private Property and Vacant and Unsecured Buildings (Continued from May 24, 1990)

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER KELLEY MOVED AND COMMISSIONER ANDERSON SECONDED, APPROVAL OF FIRST READING. TOM OXLEY

EXPLANATION OF PROPOSED AMENDMENTS. CHAIR McCOY DIRECTED TOM OXLEY TO SUBMIT PROPOSED ORDINANCE AMENDMENTS TO COUNTY COUNSEL LAURENCE KRESSEL PRIOR TO SECOND READING. FIRST READING OF AN ORDINANCE AMENDING MCC 7.20, NUISANCES, TO DELETE CERTAIN PROVISIONS AND TO CHANGE CERTAIN DEFINITIONS AND TO REGULATE VACANT AND UNSECURED BUILDINGS UNANIMOUSLY APPROVED. SECOND READING THURSDAY, JUNE 14, 1990.

DEPARTMENT OF HUMAN SERVICES

R-6 In the Matter of Ratification of an Intergovernmental Agreement Between Multnomah County Health Department and Mt. Hood Community College to Provide Clinical Training, Supervision, Instructional Materials, and Equipment Necessary for Julie Gerber to Complete RN Relicensure Training

COMMISSIONER BAUMAN MOVED AND COMMISSIONER ANDERSON SECONDED, APPROVAL OF R-6. AGREEMENT UNANIMOUSLY APPROVED.

R-7 Budget Modification DHS #54 Authorizing Approval of Transfer of \$22,064 from Equipment to Professional Services in Corrections Health Within the Health Division

COMMISSIONER BAUMAN MOVED AND COMMISSIONER ANDERSON SECONDED, APPROVAL OF R-7. BUDGET MODIFICATION UNANIMOUSLY APPROVED.

R-8 Budget Modification DHS #56 Authorizing Appropriation of \$15,000 in the Social Services Division, Youth Program Office Budget Received from the Public Private Ventures, Urban Corp. Expansion Project in Support of the Urban Youth Corp. Project

COMMISSIONER BAUMAN MOVED AND COMMISSIONER ANDERSON SECONDED, APPROVAL OF R-8. BUDGET MODIFICATION UNANIMOUSLY APPROVED.

R-9 In the Matter of Ratification of Intergovernmental Agreement Amendment #6 Between Multnomah County Social Services Division and Oregon Health Sciences University Authorizing Funding for Additional Clients within the Developmental Disabilities Program

**COMMISSIONER BAUMAN MOVED AND
COMMISSIONER ANDERSON - SECONDED,
APPROVAL OF R-9. AGREEMENT UNANIMOUSLY
APPROVED.**

R-10 In the Matter of Ratification of an Intergovernmental Agreement Between Multnomah County and Oregon Health Sciences University to provide Physicians ("Chest Fellows") in training to staff half-day Tuberculosis Clinics

**COMMISSIONER BAUMAN MOVED AND
COMMISSIONER ANDERSON SECONDED,
APPROVAL OF R-10. DUANE ZUSSY
EXPLANATION. AGREEMENT UNANIMOUSLY
APPROVED.**

R-11 In the Matter of Ratification of an Intergovernmental Agreement Between Multnomah County and Oregon Health Sciences University for Collection of Trauma Care Data, Provision of On-line Control and Trauma Communication Coordination Functions

**COMMISSIONER BAUMAN MOVED AND
COMMISSIONER ANDERSON SECONDED,
APPROVAL OF R-11. AGREEMENT UNANIMOUSLY
APPROVED.**

R-12 In the Matter of Ratification of an Intergovernmental Agreement Between Clackamas County and Multnomah County to Provide Detention Facilities and Supervision at the Donald E. Long Detention Facility for Juveniles Referred by Clackamas County

**COMMISSIONER KELLEY MOVED AND
COMMISSIONER ANDERSON SECONDED,
APPROVAL OF R-12. HAL OGBURN
EXPLANATION. AGREEMENT UNANIMOUSLY
APPROVED.**

R-13 In the Matter of Ratification of an Intergovernmental Agreement Between Washington County and Multnomah County to Provide

Detention Facilities and Supervision at the Donald E. Long Detention Facility for Juveniles Referred by Washington County

COMMISSIONER KELLEY MOVED AND COMMISSIONER ANDERSON SECONDED, APPROVAL OF R-13. AGREEMENT UNANIMOUSLY APPROVED.

DEPARTMENT OF GENERAL SERVICES

- R-14 Resolution in the Matter of Authorizing and Approving of the Issuance and Negotiated Sale of the Series 1990B Taxable Certificates of Participation; Approving and Authorizing the Certificate Purchase Agreement, the Lease-Purchase and Escrow Agreement, and the Preliminary Official Statement and Official Statement; and Designating an Authorized Officer
- R-15 Resolution in the Matter of Authorizing and Approving of the Issuance and Negotiated Sale of the Series 1990C Tax Exempt Certificates of Participation, Approving and Authorizing Certificate Purchase Agreement, the Lease-Purchase and Escrow Agreement, and the Preliminary Official Statement and Official Statement; and Designating an Authorized Officer

CHAIR McCOY ADVISED R-14 AND R-15 WOULD BE CONSIDERED THURSDAY, JUNE 14, 1990.

UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER BAUMAN, CONSIDERATION OF THE FOLLOWING ITEM WAS UNANIMOUSLY APPROVED.

DEPARTMENT OF HUMAN SERVICES

Budget Modification DHS #58 Authorizing Adjustment of Personnel, Materials and Services, and Capital Improvement Categories within the Juvenile Justice Division to Enable the Division to Implement the Gang Related Intervention Team Unit for the Month of June, 1990

DUANE ZUSSY EXPLANATION AND RESPONSE TO BOARD QUESTIONS. UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER BAUMAN, BUDGET

MODIFICATION DHS #58 WAS UNANIMOUSLY APPROVED.

C-1 In the Matter of Acceptance of Alternate Revenue Source Evaluation

TOM CROPPER TESTIMONY AND COMMENTS CONCERNING PROPOSED RECOMMENDATIONS.

R-2 Appointment of Task Force to Develop Solicitation for Offers to Purchase Edgefield Property (Continued from May 31, 1990)

BOARD DISCUSSION CONCERNING CHAIR McCOY'S PROPOSED ORDINANCE AND THE USEFULNESS OF APPOINTING A CITIZEN TASK FORCE AT THIS TIME. CHAIR DIRECTED MERLIN REYNOLDS TO DRAFT A MEMO TO BOARD SEEKING INPUT REGARDING FUNDING OPTIONS, SUGGESTIONS AS TO OTHER JURISDICTIONS WHO MAY WISH TO PARTICIPATE, AND PROPOSED TIMELINES FOR FUTURE PUBLIC INVOLVEMENT. UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER ANDERSON, ADOPTED "CHARGE TO EDGEFIELD TASK FORCE" DOCUMENT PRESENTED BY CHAIR McCOY. CHAIR McCOY ADVISED THE TASK FORCE WILL REPORT BACK TO THE BOARD NO LATER THAN JULY 26, 1990.

There being no further business, the meeting was adjourned at 11:05 a.m.

OFFICE OF THE BOARD CLERK
FOR MULTNOMAH COUNTY, OREGON

Deborah L. Bogstad

Deborah L. Bogstad



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 605, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308
PAULINE ANDERSON • DISTRICT 1 • 248-5220
GRETCHEN KAFOURY • DISTRICT 2 • 248-5219
RICK BAUMAN • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
JANE McGARVIN • Clerk • 248-3277

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

JUNE 4 - 8, 1990

Tuesday, June 5, 1990 - 9:30 AM - Formal Item Page 2

Tuesday, June 5, 1990 - 9:30 AM - Planning Items Page 2

Tuesday, June 5, 1990 - 1:30 PM - Informal Briefings . . . Page 2

Thursday, June 7, 1990 - 9:30 AM - Formal Meeting Page 3

Thursday, June 7, 1990 - 1:30 PM - Policy Development
Committee Meeting . . . Page 4

Thursday Meetings of the Multnomah County Board of Commissioners are recorded and can be seen at the following times:

Thursday, 10:00 PM, Channel 11 for East and West side subscribers

Friday, 6:00 PM, Channel 27 for Paragon Cable (Multnomah East) subscribers

Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers

Tuesday, June 5, 1990 - 9:30 AM

Multnomah County Courthouse, Room 602

FORMAL ITEM

1. Proclamation in the Matter of Proclaiming the Formation of the Rockwood Water People's Utility District
-

PLANNING ITEMS

The following Decisions are reported to the Board for acknowledgement by the Presiding Officer:

2. CU 7-90 APPROVE, subject to conditions, conditional use request to allow development of the subject property with a non-resource related single family residence, for property located at 34214 SE Smith Road
 3. LD 13-90 APPROVE, subject to conditions, request for a three-lot land division, for property located at 2930 SE 174th Avenue
 4. HV 5-90 APPROVE, subject to conditions, requested seven foot front yard setback variance to allow a thirteen foot yard instead of a twenty foot front yard for an existing residence after dedication of additional right-of-way for completion of the cul-de-sac that abuts the property, for property at 2930 SE 174th Avenue
-

Tuesday, June 5, 1990 - 1:30 PM

Multnomah County Courthouse, Room 602

INFORMAL BRIEFINGS

5. City/County Plastic Waste Reduction Task Force Interim Report. Presented by Judy Wyers, Quincy Sugarman and Jerry Hermann (TIME CERTAIN 1:30 PM)
6. Informal Review of Formal Agenda of June 7, 1990
(NOTE: TIME CERTAIN 2:00 PM FOR REVIEW OF ITEM R-1)

PUBLIC TESTIMONY WILL NOT BE TAKEN AT INFORMAL MEETINGS

Thursday, June 7, 1990 - 9:30 AM

Multnomah County Courthouse, Room 602

FORMAL MEETING

ORDINANCES - NON-DEPARTMENTAL

R-1 First Reading of an Ordinance Expanding the Scope of the "Percent for Art" Acquisition Program; Amending MCC Chapter 11.90 (Time Certain 9:30 AM)

CONSENT CALENDAR

C-1 In the Matter of Acceptance of Alternate Revenue Source Evaluation

C-2 In the Matter of the Appointments of Vincent Wannassay, Cecil Thompson and Elsie Hastings to the Portland Multnomah Commission on Aging

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-2 Appointment of Taskforce to Develop Solicitation for Offers to Purchase Edgefield Property (Continued from May 31, 1990)

NON-DEPARTMENTAL

R-3 In the Matter of Ratification of an Intergovernmental Agreement Between the City of Portland and Multnomah County for Planning and Development of the Civic Action Teams Program within the Social Services Division of the Department of Human Services

DEPARTMENT OF GENERAL SERVICES

R-4 Order in the Matter of the Cancellation of Certain Warrants Heretofore Issued by Multnomah County more than Seven (7) Years Prior to July 1, 1990, and not Heretofore Presented for Payment

ORDINANCES - DEPARTMENT OF HUMAN SERVICES

R-5 First Reading of an Ordinance Amending MCC 7.20, Nuisances, to Delete Certain Provisions and to Include New Definitions and to Regulate Solid Wastes and Hazardous Materials on Private Property and Vacant and Unsecured Buildings (Continued from May 24, 1990)

DEPARTMENT OF HUMAN SERVICES

R-6 In the Matter of Ratification of an Intergovernmental Agreement Between Multnomah County Health Department and Mt. Hood Community College to Provide Clinical Training, Supervision, Instructional Materials, and Equipment Necessary for Julie Gerber to Complete R.N. Relicensure Training

DEPARTMENT OF HUMAN SERVICES - Continued

- R-7 Budget Modification DHS #54 Authorizing Approval of Transfer of \$22,064 from Equipment to Professional Services in Corrections Health Within the Health Division
- R-8 Budget Modification DHS #56 Authorizing Appropriation of \$15,000 in the Social Services Division, Youth Program Office Budget Received from the Public Private Ventures, Urban Corp Expansion Project in Support of the Urban Youth Corp Project
- R-9 In the Matter of Ratification of Intergovernmental Agreement Amendment #6 Between Multnomah County Social Services Division and Oregon Health Sciences University Authorizing Funding for Additional Clients within the Developmental Disabilities Program
- R-10 In the Matter of Ratification of an Intergovernmental Agreement Between Multnomah County and Oregon Health Sciences University to provide Physicians ("Chest Fellows") in training to staff half-day Tuberculosis Clinics
- R-11 In the Matter of Ratification of an Intergovernmental Agreement Between Multnomah County and Oregon Health Sciences University for Collection of Trauma Care Data, Provision of On-line Control and Trauma Communication Coordination Functions
- R-12 In the Matter of Ratification of an Intergovernmental Agreement Between Clackamas County and Multnomah County to Provide Detention Facilities and Supervision at the Donald E. Long Detention Facility for Juveniles Referred by Clackamas County
- R-13 In the Matter of Ratification of an Intergovernmental Agreement Between Washington County and Multnomah County to Provide Detention Facilities and Supervision at the Donald E. Long Detention Facility for Juveniles Referred by Washington County

Thursday, June 7, 1990 - 1:30 PM to 4:30 PM

Portland Building - 1120 SW Fifth
14th Floor - Conference Room A

POLICY DEVELOPMENT COMMITTEE

Strategic Planning Special Meeting Regarding the Juvenile Justice Population Crisis



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 605, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308
PAULINE ANDERSON • DISTRICT 1 • 248-5220
GRETCHEN KAFOURY • DISTRICT 2 • 248-5219
RICK BAUMAN • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
JANE McGARVIN • Clerk • 248-3277

SUPPLEMENTAL AGENDA

NOTICE OF MEETING CHANGE

Wednesday, June 6, 1990 - 12:30 PM to 3:30 PM

Justice Center - 1111 SW 2nd
14th Floor - Conference Room A

POLICY DEVELOPMENT COMMITTEE

1. Strategic Planning Special Meeting Regarding the Juvenile Justice Population Crisis - (Previously scheduled for Thursday, June 7)

Thursday, June 7, 1990 - 9:30 AM

Multnomah County Courthouse, Room 602

UNANIMOUS CONSENT ITEMS

- R-14 Resolution in the Matter of Authorizing and Approving of the Issuance and Negotiated Sale of the Series 1990B Taxable Certificates of Participation; Approving and Authorizing the Certificate Purchase Agreement, the Lease-Purchase and Escrow Agreement, and the Preliminary Official Statement and Official Statement; and Designating an Authorized Officer
- R-15 Resolution in the Matter of Authorizing and Approving of the Issuance and Negotiated Sale of the Series 1990C Tax Exempt Certificates of Participation, Approving and Authorizing Certificate Purchase Agreement, the Lease-Purchase and Escrow Agreement, and the Preliminary Official Statement and Official Statement; and Designating an Authorized Officer

0701C/60/dr
6/4/90

Meeting Date: JUN 05 1990

Agenda No.: #5

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: City/County Plastic Waste Reduction Task Force

BCC Informal June 5, 1990 (date) BCC Formal _____ (date)

DEPARTMENT Non- Departmental DIVISION BCC

CONTACT Karen Belsey TELEPHONE 248-5237

PERSON(S) MAKING PRESENTATION Judy Wyers, Quincy Sugarman, Jerry Hermann

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 30 minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

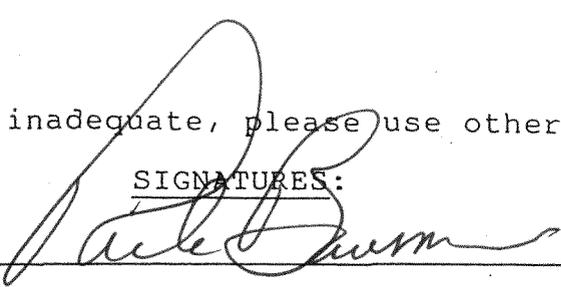
City/County Plastic Waste Reduction Task Force Interim Report

** TIME CERTAIN - 1:30 pm **

CLERK OF COUNTY
OREGON
1990 MAY 03 PM 1:25

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL 

Or

DEPARTMENT MANAGER _____

(All accompanying documents must have required signatures)

CITY/COUNTY PLASTIC WASTE REDUCTION TASK FORCE

INTERIM REPORT

June 1990

Submitted to
Multnomah County Commission - June 5, 1990
Portland City Council - June 6, 1990

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EXECUTIVE SUMMARY

This Interim Report communicates seven recommendations for reducing plastic waste in landfills and litter in the metro area. These recommendations were prepared by a 10 member City/County Plastic Waste Reduction Task Force. A Final Report with additional recommendations will be prepared for the Council and Commission by December 1990.

Recommendations in this report include:

- o City addition of plastic collection to the curbside collection program, provided changes are made in the organization and funding of the existing curbside collection system;
- o City/County passage of an ordinance requiring use of only "environmentally acceptable packaging (that which is returnable, biodegradable or recyclable)" by all food vendors;
- o City/County passage of an ordinance requiring paper bags be made available wherever plastic bags are supplied by retailers;
- o City/County coordination of an expanded milk jug drop box program (should the addition of plastics to the curbside collection program not occur);
- o City/County sponsorship of a PRECYCLE consumer education program;
- o City/County actions to better educate businesses about plastic and other waste reduction and recycling; and
- o City actions to enhance youth education about plastic and other waste reduction and recycling in the Portland Public Schools and through the City Parks Bureau.

Plastics Overview

Plastic accounts for approximately 99,000 tons or nine percent of the region's annual solid waste flow. This translates into approximately 20 percent, by volume, of all area waste disposed.

Plastic reprocessors - those who accept the recycled material and change it into another form - exist locally to accept all common resin types, except polyvinyl chloride (PVC). Collection and recovery of plastic for delivery to these processors is through a system of drop boxes and depots. Virtually no curbside collection of plastics from households or a deposit system exists within Portland or unincorporated Multnomah County.

INTRODUCTION

This Interim Report is submitted by the City/County Task Force on Plastic Waste Reduction, in conformance with requirements of County Ordinance No. 614 and City Ordinance No. 161573. The City/County Plastic Waste Reduction Task Force was jointly created by these Ordinances which also instituted City and County restrictions on use of polystyrene foam by restaurants and retail food vendors.

The essential charge given to the Task Force is to recommend means to reduce disposable plastic products in landfills and litter. The Ordinances call for an Interim Report at one year and a Final Report in December 1990.

The Task Force is currently made up of 10 members appointed jointly by the City Council and the County Commission (one member of the original 11 has resigned):

- David McMahon - Cloudburst Recycling
- Betsy Brumm - Fred Meyer
- Jeff Gage - Gage Industries
- Judy Wyers - Metro Councillor
- Steve McCutchan - Chumm's Cafe
- Diana Tracy -Antech Laboratories
- Louise Jones - private citizen
- Jeanne Roy -Recycling Advocates
- Qunicy Sugarman - OSPIRG
- Jerry Herrmann - The Environmental Learning Center

The group has met monthly since August under the Chairmanship of Judy Wyers. For purposes of investigating and developing potential recommendations the group divided itself into three Work Groups - each assigned a specific area of interest. These Work Groups meet once to twice each month in addition to the full Task Force meeting.

Preparation of a list of potential recommendations and their priority for investigation occurred during a whole group brain storming session in September. This list has provided the foundation for work performed by the Task Force through the Work Group structure.

Once a Work Group has investigated a topic on its own or with the assistance of outside experts and/or affected parties, a draft recommendation is prepared for the full Task Force review. At the full Task Force meetings the recommendation is presented, discussed and voted upon.

This Interim Report contains seven recommendations approved by the Task Force to date. The next report to the Council and the Commission will contain recommendations approved by the Task Force between this report and December 1990.

RECOMMENDATIONS

The Plastic Waste Reduction Task Force has considered and endorsed the following seven recommendations to the City Council and County Commission. These recommendations address:

1. City addition of plastic collection to the curbside collection program, provided changes are made in the organization and funding of the existing curbside collection system;
2. City/County passage of an ordinance requiring use of only "environmentally acceptable packaging (that which is returnable, biodegradable or recyclable)" by all food vendors;
3. City/County passage of an ordinance requiring paper bags be made available wherever plastic bags are supplied by retailers;
4. City/County coordination of an expanded milk jug drop box program;
5. City/County sponsorship of a PRECYCLE consumer education program;
6. City/County actions to better educate businesses about plastic and other waste reduction and recycling; and
7. City actions to enhance youth education about plastic and other waste reduction and recycling in the Portland Public Schools and through the City Parks Bureau.

The amount of detail included within each recommendation as to funding or administration varies. The Task Force acknowledges expertise in certain areas and was therefore able to be specific in some of their proposals. In other recommendations the group elected to leave their ideas in a conceptual format to invite broader input when the issue is considered by the City Council and County Commission.

The pages that follow include the recommendations exactly as approved by the Task Force.



CITY OF
PORTLAND, OREGON
BUREAU OF ENVIRONMENTAL SERVICES

Earl Blumenauer, Commissioner
John Lang, Administrator
1120 S.W. 5th, Rm. 400
Portland, Oregon 97204-1972
(503) 796-7740
FAX: (503) 796-6995

RECOMMENDATION:

- 1) **It is recommended that some plastics be added to the curbside collection program, beginning with milk jugs. No action on curbside plastic collection is recommended, however, without necessary corrections to the curbside system.**
- 2) **It is further recommended that Portland's curbside recycling system be fundamentally reformed to allow efficient, stable, adequately funded service, which is simple and consistent enough to attract high participation rates.**

Curbside Recycling Reforms

The following reforms are recommended:

- a) Reimbursement to haulers on a "per ton recycled basis", to create an incentive to increase recovery/participation rates;
- b) Regulation of garbage rates to provide a reliable rate base allowing haulers to recover the cost of providing garbage and recycling service;
- c) Establishment of recycling zones, in which all residents of a zone receive recycling collection on the same day; and
- d) Redesign of the curbside system so that it can be effectively monitored and enforced to ensure quality service and compliance with recycling requirements.

Additional Curbside Improvements

The subgroup recognizes two additional improvements to the recycling system which could practically be made, if the fundamental changes listed above were first accomplished:

- 1) Use of uniform recycling containers citywide; and
- 2) Weekly collection of recyclables, same day each week. Pick-up of recyclables on the same day as garbage would be even more convenient for the customer, but this would be more costly to the system. This is a public policy decision.

Although costly, these features would surely increase participation and recovery rates. Once again, they should not be undertaken without addressing the underlying weakness of the current garbage/recycling system.

CAVEAT:

It is not the intent of the Task Force to fully detail a recommendation on exactly how the needed curbside improvements be implemented, but rather that City Council endorse these changes, and then determine how to effect them. Options which should be considered (both fiscal and operation) would include:

- 1) Franchised garbage collection with recycling services to be provided by franchises; and/or
- 2) City sponsored recycling collection via contracts, supported by minimum/maximum garbage rates and a tipping fee surcharge paid to the City to fund contracts.

RATIONALE:

1. According to an April 1990 Metro waste sort analysis, plastic comprises nine percent of the waste stream, by weight. Plastic industry standards suggest the volume occupied by plastic would be 2 to 2.5 times the weight, or 18 to 22.5 percent. Of this amount, 40 percent is generated by households (v. industrial, commercial and retail sectors).
2. Among post-consumer plastics, milk jugs (opaque HDPE) are the most easily identified plastic with a steady local reprocessing market. Demonstration projects indicate the public is eager to recycle this product. Post-consumer disposal of milk jugs accounts for approximately one percent of the total plastic, by weight, in the area waste stream. Nearly 900 tons of milk jugs (12.6 million jugs) are thrown away by metro area households each year.
3. Experience in other locales indicates that curbside collection of recyclables can be more convenient and thus more effective at encouraging recycling than recycling depots.
4. As reliable markets develop for other plastic types (and mixed plastics), other plastics should be considered for addition to the curbside list. Initial public education regarding identification and preparation of milk jugs for recycling can lay the foundation for more complex and inclusive plastic recycling in the future. A national coding system is being developed to aid plastic separation and recycling.
5. Market generated revenues rarely cover the cost of recycling material collected curbside. This disparity will be even greater with the addition of plastics to the curbside program.

BACKGROUND:

Including plastics in the curbside program will require improvements to the existing system. These improvements relate to two needs:

- 1) Funding the cost of collection; and
- 2) The need to restructure the collection system.

The subgroup notes that both DEQ's survey of successful recycling programs in other communities, and Metro's local government waste reduction plan, recognize the need to modify Portland's collection system to improve participation and recovery rates for currently collected materials.

Plastic recycling:

Curbside plastic recycling of any post-consumer plastic will be costly. Cost estimates vary, but because plastic is light and bulky, the collection cost per ton will be greater than any currently collected material. Proper identification, sorting and cleaning of plastic poses difficulty for consumers, haulers and reprocessors.

Recycling plastic will significantly increase needed recycling vehicle hauling capacity (size and number of vehicles), labor time, storage, and transportation expense. Due to the current low market value for recycled plastics, market generated revenues will provide little offset for the cost of collection. A secure revenue source as recommended, could provide money for haulers to cover additional capital equipment and operating costs, as well as development, promotion and education. Additional sources of revenue, not rate based, should be considered for financing plastic and other new materials added to the curbside collection system.

Collection System:

Given the unregulated state of garbage/recycling collection in Portland, which at times engenders fierce competition, haulers believe they have inadequate financial basis for meeting current recycling requirements, much less increased recycling requirements. Haulers interested in keeping expenses down, may "cut corners" on recycling to keep rates competitive for basic garbage service.

The current collection infrastructure, in effect, encourages minimal recycling service and allows no effective means of monitoring, enforcing, promoting or modifying the recycling program.

In addition, the system is exceedingly confusing to the public (dampening participation). It is also inefficient because routes are unconsolidated and of inappropriate scale.



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RECOMMENDATION: That the City and County pass ordinances requiring any food vendor within their jurisdiction to use only environmentally acceptable food packaging.

"Environmentally acceptable packaging" would mean any of the following:

- 1) Returnable packaging: Food or beverage containers that can be returned to the distributor for reuse as the same food or beverage container; or
- 2) Recyclable: Packaging made of materials that are separable from solid waste by the generator and are currently collected or received for recycling in an approved program of the local government that meets or exceeds State of Oregon solid waste management policies; or
- 3) Biodegradable: Packaging capable of being fully decomposed and metabolized by natural biological or biochemical processes.

RATIONALE: The goal of the ordinances would be to force a shift toward use of packaging which is either refillable, recyclable, or capable of biodegradation through composting, and to keep excess packaging out of the landfill or incinerator. In addition, the ordinances would encourage packaging users and manufacturers to place a higher priority on environmental concerns.

Packaging comprises approximately one-half of all household waste and one-third of the total municipal waste stream.

In 1987 packaging was made up of the following materials:

Paper	56%	(Increased 7% 1980-87)
Plastic	11%	(Increased 50% 1980-87)
Glass	23%	(Decreased 13% 1980-87)
Steel	6%	(Decreased 16% 1980-87)
Aluminum	4%	(Increased 53% 1980-87)

Source: RIS/RCC Consultants

Plastic packaging production more than doubled between 1975 and 1985 (Source, Plastics World). The 19.7 billion pounds of resin used for plastic packaging in the US in 1987 will rise to 23 billion pounds by 2000, according to the Society of the Plastics Industry (Source, Plastics Today).

Due to total cost (handling, transportation, raw materials) plastic containers are rapidly replacing glass containers which are recyclable curbside, thereby lowering the recycling rate.

Each citizen in the metro area throws away approximately 380 lbs of packaging per year. Of this amount, 182 lbs. are paper, 95 lbs. are glass, 53 lbs. are plastic, 23 lbs. are steel, 17 lbs. are wood, and 10 lbs. are aluminum.

Plastic packaging will not decompose in a municipal waste composter, nor will it decompose in the landscape as litter. Plastic coated or aluminum coated paper packaging also presents the same problems to recovery strategies and the environment.

While some packaging recycling is occurring in the metro area, a convenient community-wide system for consumers has not been developed for all packaging.

PROGRAM DESIGN:

Implementing Commission: This ordinance would be implemented in a cooperative venture between local government, the business community and consumer groups. An Implementing Commission would be appointed by the City Council/County Commission to:

- 1) oversee development of criteria for determining what constitutes an "Approved Recycling Program" (program to be approved by City Council and County Commission);
- 2) certify whether recycling programs meet recycling program criteria; 3) develop guidelines for program implementation; and 4) monitor program operations and success. The group would be ongoing for the life of the ordinance. It is envisioned that it would function in a fashion similar to a Planning Commission, wherein certain decisions may be made by the Commission, but appealable to the City Council.

Membership on the Commission is suggested to represent:

- | | |
|----------------------|----------------------|
| government units | food retailers |
| food manufacturers | packaging industry |
| consumer groups | environmental groups |
| recycling collectors | citizens |

Effective date: Food vendors subject to the ordinance (grocers, restaurants, nonprofit organizations, other retailers) would be prohibited from selling food and beverages in packaging which is not "environmentally acceptable" as of a date within two years of passage of the ordinances. It is understood that plastic film and plastic coated paper will be more difficult to recycle or replace, therefore a later implementation date may be necessary for these materials.

Definition of an "approved recycling program": Criteria for defining an "approved recycling program" would need to be approved by the City Council and County Commission. Approved programs could be curbside collection, enough depots to be convenient to the public, or a deposit system. The local government may want to establish percent of resins, glass, metal and fibers to be recycled or reduced by dates certain as part of the criteria for a recycling program. A beginning threshold could be set anticipating escalation of recycling rates over time.



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RECOMMENDATION: That the City and County pass ordinances requiring retailers to make paper bags available wherever plastic bags are used to transfer purchases from a retailer to a consumer.

The ordinances would specify that paper bags be available at all retail store checkout stands and be conveniently located in the produce and bulk food departments in grocery stores. The paper bag would be available at no greater charge than the plastic bag. For purposes of this ordinance, any laminated or multi-material bag would be considered a 'plastic' bag for which an alternative must be available.

The ordinances would define a retailer as any sales outlet, store, shop or place of business which operates to sell goods to the ultimate consumer. This legislation would apply to the home delivery of goods purchased from a local retailer.

Included within the language of the ordinances and/or literature about the law, retailers would be encouraged to avoid laminated bags of multiple material types and to select paper bags according to a hierarchy:

1. Made of recycled kraft fiber and curbside recyclable;
2. Made of kraft fiber that may have less recycled content;
3. Made of recycled fiber, but not kraft; or
4. Made of scrap-grade paper not curbside recyclable.

Recycled content is available in some plastic bags. Wherever plastic bags are used, this should be encouraged.

If curbside recycling is available for plastic bags, this ordinance would be void.

RATIONALE: This ordinance is designed to address the fact that according to a recent Metro Waste Sort Analysis, plastic bags and film comprise approximately one-half (est. 45,000 tons) of all plastics by weight going into area landfills. Of this, 40 percent is post-consumer waste generated from households.

Paper bags may be made from recycled fibers, are recyclable and degradable, and minimize use of non-renewable natural resources. Many consumers in the Multnomah County market area are interested in environmental issues and retailers may find it to their advantage to promote use of paper bags.

Bags and film are principally made of low density polyethylene (LDPE). As a post-consumer item, LDPE is very difficult to recycle due to problems posed by contamination from other materials (ie., coat hangers, food residue), different grades of resin used in manufacturing, and mixing of "look-alike" material such as cellophane and degradable plastics which the consumer may be unable to distinguish from LDPE. An Asian market for mixed grade LDPE has diminished substantially with the political upheaval in China. Post-consumer LDPE may be used in mixed-plastic recycling technologies such as the creation of "plastic lumber", however, there is no current market (converter) in the Portland area.

OPTIONS: The Work Group proposing this recommendation considered four ways of structuring this ordinance. These included:

1. Requiring that paper carrier bags be convenient and available to consumers upon request or otherwise (this recommendation);
2. Requiring retailers to ask if a consumer desires plastic or paper bags when items are bagged;
3. Requiring retailers to use paper bags unless a plastic bag is specifically requested; and
4. Prohibiting use of plastic bags in grocery stores, by vendors and other retail establishments.

It was the consensus of the Task Force that requiring a grocer/retailer to ask whether the consumer wanted a plastic or paper bag at the point of sale would be both inconvenient and difficult to enforce. The Task Force further believes the City and County share responsibility for letting consumers know they may ask for paper instead of plastic bags at their retailers.

In conjunction with their discussion of this ordinance, the Task Force unanimously agreed that "degradable plastic" bags are not an acceptable alternative to non-degradable plastic, and should be discouraged. This consensus was based on the understanding that degradables only break down into small pieces of plastic once the additive dissolves. This only changes the form of the problem. In addition, the additive degradable material makes recycling of the bags, by themselves or with other LDPE material, impossible.

EFFECTS: The ordinance would result in less plastic film/bags going to the landfill. The trade-off is that bulkier paper products will be introduced into the waste stream as a substitute. Availability of curbside recycling for kraft paper bags (and scrap paper programs that accept other paper bags), redemption programs at some retailers for used bags, and the advent of the Metro composter present methods for reducing this paper bag waste otherwise destined for the landfill.

Paper products are generally more expensive than their plastic counterparts. Retailers and grocers may object to a requirement that paper bags be available based on this added cost, as well as increased storage requirements, and whatever is necessary to make the paper product "conveniently located" for customer use.

Plastic bags have become a symbol of convenience and do frequently provide more long term reuse benefit than realized from a paper bag. Generally, most any use of a plastic bag in a retail setting can be accommodated by a strong paper bag.



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RECOMMENDATION: City of Portland and Multnomah County work with the dairy industry (milk jug producers), major food retailers and plastic recyclers to establish a more extensive drop site program to receive post-consumer high density polyethylene (HDPE) milk jugs. This recommendation is made in the event that a previous recommendation regarding addition of milk jugs to the curbside recycling program is not successful.

RATIONALE: HDPE jugs comprise 0.25% of the metro area waste stream by weight; 0.5% - 0.75% by volume. Locally, milk jugs are collected through a 3,000 household curbside collection pilot project, 11 recycling center drop sites, 7 Polystyrene Packaging Council drop boxes, and three-time yearly school collection campaigns. Other than these, no comprehensive means exist for collecting the large volume of milk jugs discarded in the City and unincorporated County area.

Existing drop box and curbside collection programs are successful in both materials recovery and participation. The public is able to distinguish milk and other HDPE jugs easily when effective signs and other forms of public education are used. Comparison of the cost of operating curbside collection vs. drop box collection programs clearly indicates that drop box collection is the least costly alternative, although not likely to be as effective at recovery.

HDPE processors in this region have an established market for the material and say they have a capacity to sell "as much recycled HDPE as can be generated from this area."

Although a frequently posed option, dairy industry and major retail interests have successfully and repeatedly defeated proposals for milk jug return deposits to the grocery store.

PROGRAM DESIGN: City/County staff would be responsible for determining the number of drop boxes to be located under this program. It is presumed that the number will be determined by some analysis of population density and geographic regions. "Host" grocers would then be solicited on a voluntary basis. Should the volunteered sites be inappropriate or otherwise insufficient in number, staff would work with retailers in designated areas to determine where boxes will be located. The program should be designed to accomplish a set minimum rate of recycling within an established period of time.

The boxes would have to be conveniently located and visible, and well-maintained. Ongoing public education about how and where milk jug recycling could occur would be essential to operation of the program. Operating on a schedule acceptable to the lot owners, the drop boxes would be hauled to plastic reprocessors under contract to the program.

Funding for the program would come from resale of the plastic milk jugs collected, and assessments of milk processors based on the number of HDPE milk jugs distributed or sold to grocers in the City/County. The City, because of its neutral position, would act to initially set-up the program, which could later be operated by another entity.

NEGATIVE EFFECTS: HDPE milk jugs are now one of the only materials collected by plastic recyclers which pays (or nearly pays) for its collection at existing depots. Without involving these recyclers in the program, the location of drop sites at major food retailers could displace the material going to the recyclers and be viewed as competition for resources.



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RECOMMENDATION: That the City and County establish a PRECYCLE consumer education program.

It is recommended that the City of Portland and Multnomah County sponsor an ongoing PRECYCLE program to educate consumers about the environmental implications of their purchasing decisions. The program would address all materials and include specific information on plastics and plastic packaged items. Information would be disseminated to the public in increments, perhaps featuring different materials each month.

RATIONALE: Public education to encourage waste reduction is an on-going need. No one media-blitz or in-depth education program "solves" the problems of lack of information or motivation for all time. The notion of PRECYCLing attempts to get consumers to think at a fundamental level; to question what they will do with the waste after purchasing the product. The intent is to encourage consumers to ultimately select products/packaging that will not require disposal or which have minimal disposal impact in the first place.

Themes are used to help focus a message and keep a fresh perspective before the public. PRECYCLing has been successfully used in Berkeley, California to invite consumers to participate in waste reduction; to "do it right from the start."

Given the recently emerging concern over packaging materials and plastics as they contribute to the waste stream, most waste reduction information materials produced by cities, counties and Metro contain little current information about plastics.

(continued)

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PROGRAM DESIGN: The program should be designed to carefully and repeatedly communicate to consumers why it is important to reduce solid waste and how each person plays a part. Special emphasis should be given to purchases of plastic and other disposable materials. Specific educational messages to be embodied in the Portland/Multnomah County program would include:

- a. Think about what something is packaged in before making a purchase, how will it be disposed of?
- b. Give shopping preference to products contained in packages that are:
 - refillable (reusable) for the same purpose
 - locally recyclable through a curbside or convenient depot system
 - made of recycled material
 - made of a single material or resin
- c. Products and packaging made from recycled materials are just as good as those made of virgin materials.
- d. Avoid "disposable/throw away products" such as diapers, razors, polystyrene foam.
- e. Buy in bulk to avoid packaging or select a product where a minimum amount of packaging is used.
- f. Avoid "degradable" plastics because they are not currently recyclable with other plastics due to organic additives included to make them break down. Also, there is no genuine waste reduction feature in the material which only breaks down into many small pieces of plastic.
- g. Repair rather than throw away repairable items, donate no longer needed items to charity.
- h. Communicate with retailers about product and packaging preferences.
- i. Encourage consumers to use durable containers such as cloth shopping bags, ceramic coffee cups and metal or plastic sandwich boxes instead of disposables.

The Task Force recognizes that working with manufactures and local retailers to design and implement the program is essential. Some ideas for effectively communicating the PRECYCLE message include:

- a. Invite corporate sponsorship and/or participation in the PRECYCLE campaign. Participants, adhering to certain message guidelines, could use prepared ad sheets or posters in store merchandise advertisements or in conjunction with store-sponsored green shelf campaigns (promotions where specially promoted merchandise or packaging meets a higher standard of 'environmental soundness').
- b. Use local television, radio and newspaper media; bus advertisements and benches; posters; neighborhood and association newsletters; shopping bags; handouts/brochures - use all methods possible - to communicate the PRECYCLE message to the community.
- c. Have special short video features developed by professionals or students on the topic of PRECYCLing to be used on television, at movie theaters, or part of other video presentations.
- d. Work through the City's current neighborhood association contact network, as well as service clubs, to distribute materials and provide a forum for advancing PRECYCLE ideas.
- e. Request that Metro and DEQ assure that PRECYCLing is incorporated into current recycling and waste reduction literature.
- f. Encourage schools to use Metro and DEQ waste reduction and recycling materials and to communicate the PRECYCLE message to students.

The Task Force made no particular recommendation regarding financing of a PRECYCLE campaign, however, the following methods of financing were mentioned: corporate sponsorship, Metro 1% For Recycling! funds, service clubs, increased City garbage collector permit fees, and a recycling fee paid directly by households.



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RECOMMENDATION: That the City of Portland and/or Multnomah County (as appropriate) implement the following six education and promotion recommendations directed at enhancing plastic waste reduction by metro area businesses.

1. Require any business taking out or renewing a business license to attend a waste reduction workshop or receive a waste reduction/recycling consultation from Metro or others, every 3 - 5 years. In concert with this recommendation, information on waste reduction and recycling should be distributed to businesses at the time they receive new or renew their business licenses.
2. Through the Multnomah County Sanitarian's office, distribute educational brochures on plastic and other recycling/waste reduction to all food service establishments.
3. Include within the Food Handlers instruction materials and classes reference to waste reduction and recycling, urging applicants to be alert to ways they can contribute to waste reduction where they work.
4. Develop a special recognition program run by the City/County/Metro to recognize businesses that are effectively recycling to see that public attention is given to their efforts.
5. Endorse and provide staff support, if possible, to assist with the Metro "Recycling Consultations for Business" program. This program provides one-to-one contact with businesses to assist in reduction of their waste. These free consultations have resulted in significant reductions for participating businesses since July 1989. Metro should be further encouraged to conduct workshops or seminars where businesses and others (recyclers, government officials) may benefit from knowing how waste audits are conducted and effective methods of reduction.
6. Encourage Metro to contact the Chamber of Commerce and other business associations (Board of Realtors, Bar Assn, Restaurant Assn, medical assn) to give business waste reduction/recycling workshops. These groups could also be encouraged to include articles in their newsletters and other association materials.



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RECOMMENDATION: That the City of Portland, on its own or in conjunction with Metro and/or DEQ, invest in performing the following three activities directed at educating children about solid waste reduction/recycling and plastics.

RATIONALE: Research on effective consumer education programs indicates they are most effective when targeted to specific populations. It is the belief of the Task Force that educating children in a way unique to them may be a key to longer-term success and awareness. Children can grow up with an environmental awareness and also pass it on to their parents.

Activities:

1. Provide a resource person to work with the Portland Public Schools Curriculum Office to prepare practical and concise age-appropriate background materials for use in conjunction with a new Environmental Understandings curriculum.
2. Coordinate existing materials and activities or prepare a new children's program on waste reduction, recycling and plastics for presentation through the Parks Bureau Summer Playground Program and in Community Schools Programs.
3. Through its participation on Metro committees the City should encourage Metro to include more plastics reduction and recycling information in education materials and programs.

BACKGROUND:

Activity 1: When the Work Group met with the Portland Schools social studies curriculum specialist they learned that the district will be introducing a new Environmental Understandings curriculum next year. This unit will be taught in 109 Portland middle and grade schools, reaching approximately 40,000 students annually. By direction of the School Board, 100 percent of the curriculum will be taught in grade levels 3 - 8.

The Work Group learned that the district is willing to reproduce appropriately prepared background materials on waste reduction/recycling and plastics for distribution with the new curriculum this next fall. The information would also be used at district-wide implementation workshops where program activities and background materials for use in teaching the new curriculum will be introduced.

No region specific information is distributed in the district on the topic of solid waste or waste reduction. They shy away from generic texts and would prefer to do so on this topic as well.

For maximum utility, the information should be supplied to the district by mid-October 1990. The district has neither the available personnel or expertise to sift out useful local data on these topics and usually leaves this to the instructor if he/she is so motivated.

Any work performed by the City on this topic would necessarily incorporate reference to other currently available teaching tools and resources including the DEQ curriculum, Metro staff presentations and materials, Bureau of Environmental Services materials and staff presentations.

Activity 2: Approximately 4,000 youth, ages 6 - 12, participate in the City Parks Bureau Summer Playground Program. The format of the program allows for a variety of structured experiences that could handily include skits, crafts projects, work details, etc. focused on a waste reduction/recycling theme. Many appropriate materials and resources already exist through the City, Metro and DEQ. Someone needs to coordinate and oversee inclusion of this material in the summer and community schools programs. An added benefit of this work would be the availability of the materials for scout troops, Boys & Girls Clubs, etc.

STATUS OF PLASTIC WASTE REDUCTION AND RECYCLING IN THE METRO AREA

According to an April 1990, Metro Waste Sort Analysis, each year approximately 99,000 tons of plastic waste are thrown into metro area landfills. This represents nine percent of all area waste, by weight, and approximately 20 percent by volume. Households toss away 40 percent of this amount while retail, industrial and commercial enterprises contribute the remaining 60 percent. Film, bags and food containers comprise just over half of all plastic waste.

Viewed in its entirety the metro area's plastic recycling infrastructure is simultaneously primitive and sophisticated. Effective recycling systems can be seen as having three parts: an end market which creates a demand for the recycled good; a reprocessing system which reformulates the original product into the recycled good (eg., resin pellets); and a collection process that transfers the original product from the user to the reprocessor.

Currently, markets exist for all common plastic resins that can be recycled. However, as plastic resins are relatively inexpensive to produce in virgin form, the presence of a recycled goods market is not an indicator that high enough prices will be paid for recycled resins to offset the costs associated with their reprocessing and the required support collection system. The strongest demands are for recycled HDPE, LDPE and PET. Yet, the price paid for the material is not sufficient to support an expanded collection system. Demand is stimulated by the volume of virgin material available (as evidenced when a large percent of the virgin HDPE market was lost in a plant fire) and an emerging interest on the part of manufactures to use recycled content in their products, for marketing or environmental reasons.

The metro area is served by plastic reprocessors located in Portland, Vancouver and Battleground, Washington. In combination, these businesses are able to reprocess all common plastic resins with the exception of PVC (which is shipped elsewhere for special handling). The availability of this range of reprocessing capability is unique for a market area the size of Portland - Vancouver. Naturally, the volume of material handled by these entities is determined by market demand, but it is determined as well by facility and machinery capacity. The Task Force has discovered that securing financing for expanded reprocessing operations is a challenge because plastic recycling is a new business enterprise.

Opportunities for businesses interested in recycling their plastic waste exist through direct delivery to or pay for pick-up from one of the local plastic reprocessors. In part, businesses are motivated to pay for recycling because it is often less expensive to take their waste to a reprocessor than to dispose of it in a landfill. Environmental considerations also play a part in the decision of some to recycle despite the additional inconvenience or cost incurred.

Opportunities for individual consumers to recycle plastic waste in the metro area exist principally through an inconsistent network of scattered drop sites (mobile drop boxes, recycling centers, depots, retail stores, reprocessors). With the exception of one pilot project, curbside collection of plastics is not occurring in Portland or the unincorporated County. Participation in the drop site system is voluntary and requires a special motivation on the part of the consumer to participate. Preparing and transporting the materials to several drop sites is a disincentive to many otherwise conscientious recyclers who find it more convenient to throw their plastic out with the rest of their land-fill bound trash.

As of the date of this report, in Portland and the surrounding area, there are 21 places where a consumer may take polystyrene foam containers, 31 locations accepting HDPE milk and other jugs, 15 sites receiving polypropylene dairy containers, 2 facilities taking film and bags, and 14 places accepting other bottles. Only two locations exist where a consumer may take all types of plastic for recycling.

In terms of special projects, 1989 - 90 Metro 1% for Recycling! funds assisted location of 10 drop boxes in Washington County, purchased a plastics chipper for use by a Portland recycler, and subsidized the operation of a pilot 3,000 household plastics curbside collection program in Portland. This year, 1990 - 91, Metro funds will be used to purchase a prototype en-route plastic collection vehicle and mobile grinder.

Other special projects include the National Polystyrene Packaging Council location of 11 PSF and HDPE drop boxes in the Metro area and the Portland public schools recycling of 3.5 million PSF lunch trays each year. A local reprocessor cooperates with various schools and service clubs to sponsor competition for milk jug recycling during the year.

In terms of waste reduction, ordinances restricting the use of polystyrene foam (PSF) are in place in unincorporated Multnomah County and the City of Portland. The Portland ban on PSF, effective January 1, 1990 affects 2,200 establishments -- compliance with the law has been high. The County PSF restriction, effective April 1990, requires an on-site recycling program where PSF is in use. This ordinance applies to 100 establishments. It is too early in the life of either ordinance to assess their effectiveness.

TASK FORCE WORK PROGRAM

In September 1989 the Plastic Waste Reduction Task Force participated in a brainstorming session to bring out potential topics the group may investigate for recommendation to the City Council and County Commission. The product of this session has been used as the outline for Task Force work to date.

Ideas developed during brainstorming were segregated into three topic areas: Education and Promotion, Recycling/Recovery, and Reduction. Topics were then ranked by the Task Force as a whole to determine their priority for investigation. These topics were then assigned to one of three Work Groups as indicated below. Recommendations considered by the Task Force are noted in the outline. All remaining issues form the future calendar for the task Force for the remaining seven months.

EDUCATION

1. RECOMMENDATION COMPLETE: Start a PRECYCLE program to educate consumers about the effects of their purchasing choices.
2. RECOMMENDATION COMPLETE: Support education programs in grade schools, including plastic drives and fund raisers for recycling.
3. RECOMMENDATION IN PROGRESS: Work with non-profits exempted from the City/County polystyrene foam bans to encourage less use of plastic.
4. RECOMMENDATION COMPLETE: Develop recommendations for assisting businesses interested in recycling.
5. Investigate State of Oregon/PDC and other organizations' ability to assist businesses interested in plastic recycling opportunities.
6. Deal with specific products such as feminine hygiene products, aseptic (multi-material) packaging and PSF packaging.
7. Contact Oregon Restaurant and Beverage Assn (ORBA) to create waste reduction programs and recycling at smaller restaurants.
8. Develop consumer shopping guidelines.

RECYCLING/RECOVERY

1. INVESTIGATION COMPLETE - NO SPECIFIC RECOMMENDATION:
Investigate how to stabilize the recycled plastics market.
2. Look at packaging taxes to provide revenue for recycling programs and to be a disincentive for plastic purchases. Support approaches that keep in mind that all products consume resources.
3. INVESTIGATION COMPLETE - NO SPECIFIC RECOMMENDATION:
Investigate methods to subsidize recycling.

4. Work with state and local governments to provide incentives for recycled plastic goods purchases.
5. RECOMMENDATION COMPLETE: Institute a curbside recycling program for plastics.
6. RECOMMENDATION COMPLETE: Work with wholesalers to make point-of-purchase the drop off point for consumer recyclables. Work with stores to get them to accept plastic returns.
7. Investigate bar coding of plastic types for easy recognition by consumers and recyclers.
8. Investigate assistance to businesses interested in recycling.
9. RECOMMENDATION IN PROGRESS: Investigate assistance to recycling businesses.

REDUCTION

1. RECOMMENDATION IN PROGRESS: Investigate ways to encourage fast food restaurant use of refillable, returnable, recyclable, degradable or reusable packaging.
2. RECOMMENDATION COMPLETE: Support ordinance that requires all food packaging be environmentally acceptable.
3. RECOMMENDATION COMPLETE: Investigate an ordinance that mandates giving consumers a choice of plastic or paper bags.
4. Investigate an ordinance that restricts use of plastics including, but not limited to, food packaging.
5. Investigate a surtax on manufacturers of plastic as well as some sort of self assessment by industry.
6. Deal with specific products such as feminine hygiene products, aseptic (multi-material) packaging and PSF packaging.
7. Investigate plastic waste reduction by nonprofits, through means in addition to education.

ORDINANCE NO. 161573

Ban certain food providers from the use of certain polystyrene foam food containers and food packaging with exceptions and establish a public/private task force for recommending means to reduce disposable plastic products in landfills and litter (Ordinance).

The City of Portland ordains:

Section 1. The Council finds:

1. The City of Portland values the protection and preservation of our natural environment, and the benefits of reducing the amount of litter and municipal solid waste deposited in landfills.

2. The United Nations Environmental Programme diplomatic conference in Montreal (Montreal Protocol on Substances that Deplete the Ozone Layer) acknowledged the threat of chlorofluorocarbons to the earth's atmosphere and established international goals for the phased reduction of the manufacture and use of specific chlorofluorocarbon compounds. The City of Portland supports international and federal bans on all non-essential use of chlorofluorocarbons. Responsible action to reduce chlorofluorocarbon use and alert the public to the danger posed by these substances should be undertaken at the local level.

3. In April 1988, the Foodservice and Packaging Institute, which represents approximately 90 percent of food packaging manufacturers, announced a voluntary program to phase out the use of fully halogenated chlorofluorocarbons in the manufacture of disposable foam plastic products for food service by the end of 1988.

4. The State of Oregon in 1985 enacted "opportunity to recycle laws" (ORS 459.165 et. seq.) which are intended to encourage recycling of municipal solid wastes. The City is committed to implementing this law, and has an active curbside recycling collection program.

5. The Environmental Protection Agency has issued a national municipal waste strategy calling for a 25 percent reduction in solid waste by 1992. The strategy, titled The Solid Waste Dilemma: An Agenda for Action, includes the promotion of recycling.

6. City of Portland Ordinance 161061, dated July 21, 1988, establishes a ban on City purchases of polystyrene foam products and Resolution 34448 appointed a task force to recommend policies, programs and ordinances prohibiting the use and sale of particular polystyrene foam products in the City.

7. Readily disposable consumer plastic containers and wrappers (made from polyethylene, polypropylene and polystyrene foam) used for takeout foods are essentially not biodegradable and as litter do not decompose over time into the natural environment.

8. The use of readily disposable consumer plastic containers and wrappers has increased annually and projections indicate a significant growth in their use.

9. Plastic litter, including polystyrene foam, poses a potential threat to the wildlife environment.

10. Recycling of readily disposable consumer plastic containers and wrappers, including polystyrene foam products, has not been intensively pursued by the plastics industry or major retail users of these products.

11. The City of Portland believes that a public/private cooperative effort is necessary to increase recycling of polystyrene foam food containers and wrappers, in order to enhance both community development and the City's environmental quality.

12. The Council finds that this Ordinance will serve the public interest by reducing the amount of non-biodegradable waste littering Portland, as a portion of any substitute packaging is expected to be composed of biodegradable material in whole or in part. Polystyrene foam litter is highly durable, buoyant, and non-biodegradable and therefore persists and detracts from the appearance of the area longer than many other types of litter.

13. This Ordinance will serve the public interest by reducing the quantity of non-biodegradable waste in landfills serving Portland, as a portion of any substitute packaging will be composed of products that are biodegradable in whole or in part. Polystyrene foam packaging takes up more space in landfills than many other packaging materials, because of the comparatively low density of polystyrene foam and its present popularity as a packaging material. Siting and developing landfills is an increasingly expensive undertaking, and these costs place an economic burden on the residents of Portland. Maximizing the operating life of

landfill facilities therefore promotes the public interest, and this interest will be served by reducing the amount of polystyrene foam deposited in landfills.

14. The Council recognizes that other commonly used food packaging materials are also non-biodegradable and contribute to litter and landfill problems; nevertheless, the Council finds that it is appropriate to regulate polystyrene foam food packaging while not regulating other types of food packaging at this time for the following reasons:

A. To minimize disruption in the food services industry, the Council should avoid banning a wide range of packaging materials at one time. It might be appropriate to ban other packaging materials in the future, but an incremental approach to eliminating undesirable packaging materials will cause less disruption and allow the City to handle enforcement proceedings in more manageable stages.

B. Polystyrene foam is the least dense commonly used food packaging material, and therefore is more wasteful of landfill space than any other category of food packaging material. It is therefore appropriate to start with polystyrene foam as the City begins to address the issues of litter and inappropriate utilization of landfill space.

C. Ingestion of polystyrene foam particles has been identified as a hazard to wildlife, while this problem has not been associated with other food packaging materials.

NOW, THEREFORE, the Council directs:

- a. On and after March 1, 1989, no restaurant, retail food vendor or non-profit food provider shall serve food and after June 30, 1989 no food packager shall package meat, eggs, bakery products or other food in polystyrene foam (PSF) containers, manufactured with chlorofluorocarbons (CFCs) which do not reduce the potential for ozone depletion by more than 95 percent, compared to the ozone depletion potential of CFC-12 (dichlorodifluorothane). Compounds banned include: CFC-11, CFC-12, CFC-113, CFC-114, CFC-115, Halon-1211, Halon-1301 and Halon-2402. Food vendors may be required to furnish a written statement from the manufacturer or supplier of polystyrene foam products used by that food vendor, indicating that the chemical compounds used in the manufacture of the vendor's polystyrene foam products meet the provisions of this Ordinance.

- b. On and after January 1, 1990, no restaurant or retail food vendor shall serve prepared food in any polystyrene foam (PSF) products.

- c. On or before April 1, 1989, the Mayor and Chair of the Board of County Commissioners shall appoint an 11 member task force composed of persons representing a broad range of community interests and persons having special expertise on issues relevant to the task force's assignments.
 1. The task force shall support and monitor recycling projects, including research and demonstration projects, in order to increase the percentage of disposable plastics products which are recycled and /or decrease the amount of municipal solid waste deposited in landfills. The task force shall recommend to City Council methods and specific goals, in terms of quality and quantity, for reduction of disposable plastic products in landfills and in the litter stream.

 2. The City recognizes total elimination of polystyrene foam and other disposable plastic products as a way to reduce litter and reduce the amount of solid wastes deposited in landfills is a long term community goal. Total elimination will require substantial financial commitments and should include public education. To these ends, the task force is instructed to consider the following aspects in their recommendations:
 - a.) Public Education and Promotion

 - b.) Alternative Product Recycling/Energy Conversion

 - c.) Financial Assistance

 - d.) Alternative Products Research (e.g., photo degradable and biodegradable additives, etc.)

 3. The task force will prepare two annual reports with recommendations to City Council with the first report due within one year from the effective date of this Ordinance. These reports shall assess the

success of the efforts to reduce litter and solid waste and make appropriate recommendations for improvement and continuation of such efforts.

4. The task force will disband on December 31, 1990.
- d. The Bureau of Environmental Services Administrator, upon determination that a violation of this Ordinance has occurred, shall issue a written notice of the violation by certified mail to the vendor or food packager which will specify the violation and appropriate penalty.

Violations of this Ordinance shall be punishable by fines as follows:

1. A fine not exceeding \$250 for the first violation in a one year period;
2. A fine not exceeding \$500 for the second and each subsequent violation in a one year period.

The vendor or food packager shall, upon receipt of a notice of violation, pay to the City the stated penalty or appeal the finding of a violation to the Code Hearings Officer for a hearing within 15 days of receipt of the notice.

- e. The City Council, or its appointee, may exempt a food vendor, food packager or non-profit food provider from the requirements of this Ordinance for a one year period, upon a showing by the applicant that the conditions of this Ordinance would cause undue hardship. The phrase 'undue hardship' shall be construed to include, but not be limited to:
1. Situations where there are no acceptable alternatives to PSF packaging for reasons which are unique to the vendor, packager or provider;
 2. Situations where compliance with the requirements of this Ordinance would deprive a person of a legally protected right. If a request for exemption is based upon a claim that a legally protected right would be denied if compliance were required and such request for exemption is denied, review of the denial shall only be by writ of review as provided for in ORS 34.010 to 34.100, and not otherwise.

f. Definitions. As used in this ordinance the following terms have the following meanings:

1. "Biodegradable" means material capable of being broken down by micro-organisms into simple substances or basic elements.
2. "Chlorofluorocarbons" are the family of substances containing carbon, fluorine and chlorine.
3. "Customer" means any person purchasing food or beverages from a restaurant or retail food vendor.
4. "Food vendor" means any restaurant or retail food vendor.
5. "Food packager" means any person, located within the City of Portland, who places meat, eggs, bakery products, or other food in packaging materials for the purpose of retail sale of those products.
6. "Non-profit food provider" means a recognized tax exempt organization which provides food as apart of its services.
7. "Prepared food" means food or beverages which are served on the vendor's premises without preparation, or are prepared on the vendor's premises by cooking, chopping, slicing, mixing, brewing, freezing or squeezing. "Prepared food" does not include any raw uncooked meat or eggs. Prepared food may be eaten either on or off premises.
8. "Person", means any natural person, firm, corporation, partnership, or other organization or group however organized.
9. "PSF" means polystyrene foam.
10. "Recycled" describes a type of material that is separated from the solid waste stream and utilized as a raw material in the manufacture of a new product or new economic use.
11. "Restaurant" means any establishment located within the City of Portland, selling prepared food to be eaten by customers. Restaurant includes a sidewalk food vendor.
12. "Retail Food Vendor", "Vendor" means any store, shop, sales outlet or other establishment, including a grocery store or a delicatessen, located within the

ORDINANCE No.

City of Portland, which sells prepared food.

13. "Reuse" means the process by which a product is reclaimed or reprocessed into another useful product.
- g. The City Bureau of Environmental Services is authorized to promulgate additional regulations and other actions reasonable and necessary to enforce this Ordinance. Prior to the adoption of such regulations, the Bureau of Environmental Services shall give public notice of its intent to adopt regulations, provide copies of the proposed regulations to identified interested parties and conduct a public hearing on the proposed regulations. Public notice shall be given when regulations have been finally adopted. Copies of current regulations shall be made available to the public upon request. It is a violation of this chapter to violate regulations duly adopted by the Bureau of Environmental Services.
- h. If any part or provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable.

Passed by the Council, **JAN 25 1989**

Commissioner Bob Koch
J. Lang/Polystyrene Foam Task Force
November 17, 1988

BARBARA CLARK

Auditor of the City of Portland

By

Mary E Newell Deputy

THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 614

An ordinance establishing the following:

(1) prohibiting, after May 1, 1989, Multnomah County, restaurants, retail food vendors and non-profit food providers from using polystyrene foam food products made with certain cholofluorocarbons (CFCs); (2) prohibiting, after January 1, 1990, Multnomah County's purchase of food and beverage products made from polystyrene foam, unless foam is recycled; (3) prohibiting, after January 1, 1990, restaurants and retail food vendors from using polystyrene foam food products, unless foam is recycled; (4) creating a task force to recommend means to reduce nondegradable disposable plastic products in landfills and litter.

Multnomah County ordains as follows:

SECTION I. FINDINGS

- A. Multnomah County, on January 19, 1989, established a recycling program within County facilities.
- B. Multnomah County, on February 9, 1989, adopted a purchasing policy favoring environmentally sound and reusable, recyclable, recycled, and degradable products.
- C. The Oregon Legislature has established priority in methods of managing solid waste as follows: 1) reduce the amount of solid waste generated; 2) reuse material for the purpose it was originally intended; 3) recycle material that cannot be reused; 4) recover energy; and 5) landfill.
- D. Readily disposable consumer plastic products made from polyethylene, polypropylene and polystyrene foam are used for take-out foods. These products do not decompose over time in the natural environment, and are a notable component of litter.
- E. Ozone depletion occurs when polystyrene foam products use certain chlorofluorocarbons in their manufacturing process. Ozone depletion reduces the earth's protection from ultraviolet radiation. Multnomah County supports international and federal bans on all non-essential use of chlorofluorocarbons. Responsible action to reduce chlorofluorocarbon use and alert the public to the danger posed by these substances should be undertaken at the local level.

F. This ordinance will serve the public interest by reducing the quantity of nondegradable waste in landfills and in litter, as a portion of any alternative packaging will be composed of products that are degradable in whole or in part.

G. Other commonly used food packaging materials are also nondegradable and contribute to litter and landfill problems. The task force established by this ordinance is charged with recommending ways to reduce these products in the waste stream and landfills. It is appropriate to prohibit unrecycled polystyrene foam food packaging first before prohibiting other types of nondegradable food and non-food plastic packaging because:

1. Incremental rather than comprehensive immediate regulation will limit disruption in the food service industry.

2. Polystyrene foam packaging consumes more space in landfills than many other packaging materials, because of its comparatively low density and its present popularity as a packaging material. It is therefore more wasteful of landfill space than other categories of food packaging material.

3. At present, no economically feasible or locally available recycling alternatives exist for polystyrene foam food packaging materials, but may be encouraged by this ordinance.

4. Preliminary steps toward recycling polystyrene foam used for non-food applications, such as packing and shipping materials, are underway and should be supported.

5. Recycling of readily disposable consumer plastic products has not yet been pursued by the plastics industry or major retail users of these products. Such opportunities should be examined and recycling, where feasible, should be pursued.

SECTION II. ORDER

A. On and after May 1, 1989, no restaurant, retail food vendor or non-profit food provider shall serve food, and after June 30, 1989 no food packager shall package meat, eggs, bakery products or other food or beverage in polystyrene foam products manufactured with chlorofluorocarbons (CFCs) which do not reduce the potential for ozone depletion by more than 95 percent, compared with the ozone depletion potential of CFC-12 (dychlorodifluorothane). Compounds banned include: CFC-11, CFC-12, CFC-113, CFC-114, CFC-115, Halon-1211, Halon 1301 and Halon 2402. Food providers may be required to furnish a

written statement from the manufacturer or supplier of polystyrene foam products used by that food vendor, indicating that the chemical compounds used in the products meet the provisions of this ordinance.

B. On or after May 1, 1989, neither Multnomah County nor any food vendor operating in facilities controlled by the County shall use polystyrene foam food products manufactured with the above designated chlorofluorocarbons.

C. On or after January 1, 1990, neither Multnomah County nor any food vendor operating in facilities controlled by the County, nor any restaurant or retail food vendor shall use or serve food to patrons in any polystyrene foam products unless the County, restaurant or vendor has a recycling program for polystyrene foam products used on the premises and for take-out food, and unless the Board of County Commissioners has found there exists in Multnomah County a recycling system actively supported by the plastics industry. Any recycling program operating pursuant to this section must meet the following minimum requirements:

1. The County, restaurant or vendor must collect all polystyrene foam products including take-out products; and

2. The County, restaurant or vendor must document that delivery of these plastic products to a recycling processor is occurring.

3. Further specifications shall be adopted by the Board of County Commissioners upon recommendation by the task force created by this ordinance.

D. On or before May 1, 1989, the Chair of the Board of County Commissioners and the Mayor of the City of Portland shall appoint an 11 member task force composed of persons representing a broad range of community interests and persons having special expertise on issues relevant to the task force's assignments.

1. The charge of the task force is:

- a. To recommend to the Board of County Commissioners and the City Council methods and specific goals, in terms of quality and quantity, for reduction of disposable plastic products in landfills and in the litter stream, using the priorities established by state law, ORS 459.015: 1) to reduce the amount of nondegradable plastics in the waste stream, 2) to reuse nondegradable plastics, 3) to recycle nondegradable plastics 4) to recover energy, and 5) to landfill.

b. To assess the recyclability of plastics, and to recommend a recycling system for these plastics, including collection, transportation, processing, and markets for post-industrial, post-commercial and post-consumer plastics, within the metropolitan area.

c. To support and monitor plastics recycling projects, including research and demonstration projects, and report on their effect on decreasing the amount of municipal solid waste deposited in landfills.

d. To consider public education and promotion, alternative product recycling/energy conversion, financial assistance, and alternative products, such as photo-degradable and biodegradable additives in meeting the goals the task force establishes.

e. To consider a range of solutions, from broader prohibitions on disposable plastic products to fewer prohibitions if recycling and/or alternative plastic technologies provide an effective means of reducing the amount of nondegradable material in landfills and litter.

f. To recommend whether, on or after May 1, 1990, restaurant and food vendors, both for-profit and/or non-profit, shall be prohibited from serving food to patrons in any nondegradable plastic products unless a recycling program for disposable plastic products is in place. Toward this end, the task force shall recommend to the Board of County Commissioners additional standards governing recycling programs for disposable plastics used on premises and for take-out food.

2. The task force shall present a status report, due May 1, 1990, and a final report, due prior to December 31, 1990, to the Board of County Commissioners and the Portland City Council. Each report shall address all elements of the charge specified in Section 1 a - f.

3. The task force will disband on December 31, 1990.

E. The County Sanitarian inspection staff shall determine, in the course of regularly scheduled inspections, whether a restaurant or retail food vendor is using polystyrene foam products in violation of this ordinance. Upon determination that a violation of this ordinance has occurred, the inspector shall notify the vendor and shall refer the matter to the City of Portland Bureau of Environmental Services.

F. The Bureau of Environmental Services Administrator, upon determination that a violation of the ordinance has occurred, shall, in accordance with procedures for enforcement of

Portland Ordinance No.161573, issue a written notice of the violation by certified mail to the vendor or food packager which will specify the violation and appropriate penalty.

1. Violations of this ordinance shall be punishable by fines as follows:

a. A fine not exceeding \$250 for the first violation in a one year period;

b. A fine not exceeding \$500 for the second and each subsequent violation in a one year period.

2. The vendor or food packager shall, upon receipt of a notice of violation, pay to the city the stated penalty or, within, 15 days after receipt of the notice, appeal the violation to the City of Portland Code Hearings Officer for hearing and disposition according to the procedures set forth in Chapter 22.01, Code of the City of Portland, Oregon.

3. The County may institute appropriate legal proceedings in any court of competent jurisdiction to enforce any provisions of this ordinance or the provisions of any order of the City of Portland Code Hearings officer, including, but not limited to, suit or action to obtain judgment for any civil penalty imposed by an order of the Code Hearings Officer under Section F of this ordinance.

G. The County Sanitarian is authorized to negotiate on behalf of the County an intergovernmental agreement with the City of Portland for assessment of penalties for violation of this ordinance as described above.

H. The Board of County Commissioners, or its appointee, may exempt a food vendor or food packager from the requirements of this ordinance for a one year period, upon a showing by the applicant that compliance with this ordinance would cause undue hardship. The phrase 'undue hardship' shall be construed to include, but not be limited to:

1. situations where there are no acceptable alternatives to polystyrene foam products for reasons which are unique to the vendor or packager;

2. situations where compliance with the requirements of this ordinance would deprive a person of a legally protected right. If a request for exemption is based upon a claim that a legally protected right would be denied if compliance were required and such request for exemption is denied, review of the denial shall only be by writ of review as provided for in

ORS 34.010 to 34.100, and not otherwise.

I. Definitions. As used in this ordinance the following terms have the following meanings:

1. "Chlorofluorocarbons" and "CFCs" are the family of substances containing carbon, fluorine and chlorine.

2. "Customer" and "patron" means any person purchasing food or beverages from a restaurant or retail food vendor.

3. "Degradable" means material capable of being broken down by micro-organisms into simple substances or basic elements.

4. "Food vendor" means any restaurant or retail food vendor.

5. "Food packager" means any person, located within Multnomah County, who places meat, eggs, bakery products, or other food in packaging materials for the purpose of retail sale of those products.

6. "Food served to patrons" means food or beverages which are served on the vendor's premises without preparation, or are prepared on the vendor's premises by cooking, chopping, slicing, mixing, brewing, freezing or squeezing. "Food served to patrons" does not include any raw uncooked meat or eggs. The food may be eaten either on or off the vendor's premises.

7. "Non-profit food provider" means a recognized tax exempt organization which provides food as a part of its services.

8. "Person" means any natural person, firm, corporation, partnership, or other organization or group however organized.

9. "Recycled" describes a type of material that is separated from the solid waste stream and utilized as a raw material in the manufacture of a new product or new economic use. It includes the meaning found in ORS 459.015 ((17)(c)), that is, a process by which solid waste materials are transformed into new products in such a manner that the original products may lose their identity.

10. "Restaurant" means any establishment located within Multnomah County, selling food to be eaten by customers. Restaurant includes a sidewalk food vendor.

11. "Retail food vendor" and "vendor" means any store, shop, sales outlet or other establishment, including a grocery store or a delicatessen, located within Multnomah County, which sells food to customers.

12. "Reuse" means the process by which a product is reclaimed or reprocessed into another useful product. It includes the meaning found in ORS 459.015 (17)(d), that is, to return a commodity into the economic stream for use in the same kind of application as before without change in its identity.

J. If any part or provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable.

SECTION III. ADOPTION

This ordinance, being necessary for the health, safety and general welfare of the people of Multnomah County, shall take effect on the thirtieth day after its adoption, pursuant to Section 5.50 of the Charter of Multnomah County.

ADOPTED this 6th day of APRIL, 1989, being the date of its second reading before the Board of County Commissioners of Multnomah County.

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

(SEAL)

By Gladys McCoy
Gladys McCoy
Multnomah County Chair

REVIEWED:

Laurence Kressel, County Counsel
for Multnomah County, Oregon

By John DuBay