

FILM 48 PAGE 2110  
YAMHILL COUNTY, OREGON  
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CHARLES STERN  
COUNTY CLERK  
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IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

89-522

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance )  
Amending the Yamhill County Solid )  
Waste Ordinance, as Amended by )  
Ordinances 154, 192, 259, 401 )  
and 434, to Temporarily Decrease ) ORDINANCE NO. 490  
the Surcharge on Solid Waste )  
Generated Outside Yamhill County, )  
and Declaring an Emergency )

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business in special session on July 19, 1989, Commissioners David E. Bishop and Dennis L. Goecks being present.

WHEREAS, pursuant to ORS Chapters 203 and 459, the Board may enact ordinances regulating the disposal of solid waste in Yamhill County; and

WHEREAS, the Board has enacted the Yamhill County Solid Waste Ordinance, as amended by Ordinances 154, 192, 259, 401 and 434; and

WHEREAS, Ordinance 434 was enacted by the Board on August 6, 1986, for the purpose of establishing the surcharge collected on solid waste generated outside Yamhill County at \$3.30 per ton; and

WHEREAS, the Board finds that the reasons set forth in Ordinance 434 for the establishment of the said \$3.30 per ton surcharge remain valid but that for reasons set forth below a temporary reduction in the surcharge should be implemented to be recouped later; and

WHEREAS, based upon the record of the proceedings the Board finds as follows:

1. On March 16, 1989, Board Order 89-177 raised the base disposal fee at Riverbend Landfill from \$7.50 per ton to \$20.82 per ton, effective July 1, 1989 in order to fund an Environmental Impairment Trust and to provide financial assurance for closure and post-closure of Riverbend Landfill.

2. The adequacy of the rates established by Board Order 89-177 was premised upon the annual receipt by Riverbend Landfill of 150,000 tons of solid waste. Of those 150,000 tons, 60,000 tons of solid waste generated outside Yamhill County were calculated to flow through the AC Transfer Station in Forest Grove to Riverbend Landfill. Of those 60,000 tons, 28,900 tons were to be deposited at AC Transfer Station by independent Washington County haulers ("independent haulers") collecting solid waste within the Metropolitan Service District ("Metro") boundaries.

3. The rate at AC Transfer Station as of July 1, 1989 was \$48.12 per ton, comprised of a \$19.25 "transfer fee" collected by AC Transfer Station, the \$20.82 base disposal fee at Riverbend Landfill, the \$3.30 Yamhill County surcharge, a "host fee" of \$0.50 paid to the City of Forest Grove, and a \$4.25 "user fee" paid to Metro.

4. The rate at St. Johns Landfill in Portland as of July 1, 1989, is \$41.25 per ton, constituting a rate of \$6.87 less than that of AC Transfer Station.

5. Yamhill County policy has been to encourage the use of transfer or reload facilities to diminish the impact of harm to county roads and local communities which would otherwise occur if many, rather than few, garbage trucks hauled directly to Riverbend.

6. If the independent haulers transport solid waste to St. Johns Landfill instead of Riverbend, Riverbend must increase its base rate from \$20.82 to \$26.02 to fund environmental impairment costs and closure/post-closure compliance costs predicated on the annual receipt of 150,000 tons. The result of such an increase would have an approximate impact on Yamhill County ratepayers of an increase of \$0.46 per can per month. The impact on Yamhill County commercial and industrial users would also be significant.

7. Ordinances enacted by Metro requiring the independent haulers to transport waste to AC Transfer Station would allow Riverbend to receive 150,000 tons of waste per year and thereby avoid an immediate rate increase for Yamhill County ratepayers. However, Metro will not adopt a comprehensive "flow control" ordinance until at least January 1, 1990. The ordinance, when adopted, will likely require the independent haulers to transport waste to AC Transfer Station.

8. An increase at St. Johns Landfill of about \$5 would result in market conditions directing the flow of waste by independent haulers to AC Transfer Station, thereby enabling Riverbend to receive 150,000 tons of waste per year. However, an increase at St. Johns Landfill, originally anticipated to occur on October 1, 1989, will not likely occur until July 1, 1990.

9. An elimination of the \$4.25 Metro "user fee" imposed at AC Transfer Station would result in market conditions directing the flow of waste by independent haulers to AC Transfer Station, thereby enabling Riverbend to receive 150,000 tons of waste per year. Yamhill County is seeking elimination or reduction of the Metro "user fee". However, only the Metro Council has authority to eliminate or reduce the fee. Yamhill County cannot estimate the length of time necessary to achieve an elimination or reduction of the "user fee", nor the likelihood thereof.

10. A reduction of the out-of-county surcharge applied solely to waste delivered to AC Transfer Station by the independent haulers is prohibited by Section 10.02(a) of the Yamhill County Solid Waste Ordinance. Any reduction in the out-of-county surcharge must apply equally to all solid waste deposited at Riverbend Landfill which is generated outside of Yamhill County.

11. Riverbend Landfill has proposed that Yamhill County temporarily reduce the \$3.30 surcharge by \$2 to \$1.30 per ton until flow control within Metro is established, an increase at St. Johns Landfill occurs, or the Metro "user fee" is eliminated or reduced at AC Transfer Station. A decrease in the "transfer fee" at AC Transfer Station, coupled with the \$2 reduction in the surcharge, would result in market factors directing the flow of waste collected by the independent haulers to AC Transfer Station, and thereby enable Riverbend to receive 150,000 tons per year.

12. Riverbend has proposed that it continue to receive \$1.07 of the remaining \$1.30 after the surcharge has been reduced by \$2 from \$3.30 per ton in order to subsidize its recycling operation as authorized by Board Order 89-252. The remaining \$0.23 would be retained by Yamhill County. Because Riverbend would be forced to seek a rate increase to fund its recycling activities without the recycling subsidy no action should be taken to amend Board Order 89-252 and Riverbend should continue to retain \$1.07 per ton of the surcharge.

13. A reduction by \$2 in the out-of-county surcharge will have a significant impact on 1989-90 budgeted revenues for the Yamhill County Solid Waste fund as reflected on the attached Exhibit "A", entitled "Solid Waste Program - County Surcharge Financial Summary", incorporated into this ordinance by this reference. However, sums not collected due to a temporary reduction of the \$2 surcharge can be recouped by a future increase in the out-of-county surcharge above the \$3.30 rate established by Ordinance 434 at such time as conditions have stabilized to insure that Riverbend receives 150,000 tons of waste per year.

14. A reduction in the out-of-county surcharge should in no event exceed one year because of the potential deleterious impact on Yamhill County's solid waste program.

WHEREAS, for reasons set forth in findings 1 - 14, the Board concludes that it is in the best interests of the citizens of Yamhill County to temporarily reduce the \$3.30 per ton surcharge assessed on solid waste generated outside Yamhill County by \$2 per ton; NOW, THEREFORE,

IT IS ORDAINED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:

Section 1. Subsection 9.15(a)(2) of the Yamhill County Solid Waste Ordinance, as amended by Ordinances 154, 192, 259, 401 and 434 is hereby amended to read in its entirety as follows:

(2)(i). Any disposal franchise, an annual fee of \$25 plus an additional surcharge in the amount set forth in subsection (ii) upon each ton of solid waste disposed which was collected from outside Yamhill County and was delivered to the disposal site by a commercial hauler.

(ii) The amount of the surcharge referred to in subsection (i) shall be \$1.30 per ton for a period commencing July 1, 1989 until further amendment of this subsection. Not later than July 1, 1990, the said surcharge shall be increased to an amount sufficient to recoup any revenues lost by Yamhill County as a result of the reduction in the said surcharge made by Yamhill County Ordinance 490.

Section 2. Except as amended by Section 1, the Yamhill County Solid Waste Ordinance, as amended by Ordinances 154, 192, 259, 401 and 434 shall remain in full force and effect.

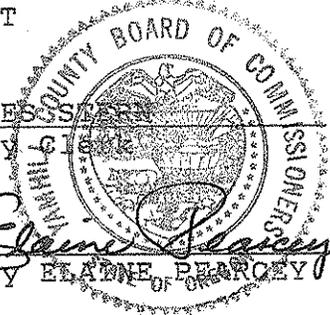
Section 3. This ordinance being necessary to preserve the health, safety and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, shall be effective upon passage.

DATED this 19th day of July, 1989.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES S. STERN  
County Clerk  
By: *Elaine Pearcey*  
Deputy ELAINE PEARCEY



(not available for signature)  
Chairman TED LOPUSZYNSKI

*David E. Bishop*  
Commissioner DAVID E. BISHOP

APPROVED AS TO FORM BY:

*John M. Gray, Jr.*  
JOHN M. GRAY, JR.  
Yamhill County Counsel

*Dennis L. Goecks*  
Commissioner DENNIS L. GOECKS

July 14, 1989

JUL 14 1989

Solid Waste Program  
County Surcharge Financial Summary

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- A. Request: Reduction of solid waste surcharge on out-of-county refuse by \$2.00 per ton, retention of \$1.07 per ton Recycle @ Riverbend recycling stipend.
- B. Issue: Request based upon potential volume reduction by independent Washington County haulers currently using AC Trucking (ACT) and Riverbend Landfill (RBLF). Volume reduction predicated on per ton cost disparity between St. Johns Landfill (Metro) and A.C. Trucking (Forest Grove) rates. Six (6) of sixteen (16) haulers have indicated that they would direct haul to St. Johns (approx. 28,900 tons) if there were not a rate adjustment.

C. Current Rates:

St. Johns Landfill		\$41.25 ton
Riverbend Landfill		20.82 ton
AC Trucking		48.12 ton
	(RBLF	\$20.82)
	(ACT	19.25)
	(Forest Grove	.50)
	(Metro	4.25)
	(Yamhill Co.	3.30)

ACT has indicated that they would reduce their rate (\$19.25) by \$3.00 per ton to retain the volumes of the independent haulers.

- D. RBLF Out-of-County Volumes: A worksheet provided by Riverbend on July 7, 1989 provides a projection of annual waste volumes based upon a five (5) month historical profile.

Metro	75,467 tons*
Canby	7,299 tons
Columbia County	9,513 tons
Total o/c volume	92,279 tons

*ACT volume w/Wash Co.	56,310 tons
Wash Co. volume	28,900 tons
Other Metro volume	19,157 tons

- E. Fiscal summary, based upon RBLF volume projections

- 1. Riverbend Landfill revenues:

Solid Waste Program  
 County Surcharge Financial Summary  
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RBLF disposal revenue, no loss of volume (\$20.82 x 150,000 tons) =	\$3,123,000.00
RBLF revenue loss, Wash. Co. pull-out (\$20.82 x 28,900 tons) =	601,698.00
RBLF revenue loss Wash. Co. (\$20.82 x 63,379 tons) =	1,319,550.78
RBLF in-County disposal revenue (\$20.82 x 57,721 tons) =	1,201,751.22

2. Yamhill County surcharge revenues:

County surcharge revenue, no change (\$3.30 x 92,279 tons) =	\$304,520.70
County surcharge revenue, w/out Wash Co. (\$3.30 x 63,379 tons) =	209,150.70
County surcharge revenue, surcharge reduction (\$1.30 x 92,279 tons) =	119,962.70
R.A.R. recycling stipend, no change (\$1.07 x 92,279 tons) =	98,738.53
R.A.R. recycling stipend, w/out Wash Co. (\$1.07 x 63,379 tons) =	67,815.53

3. AC Trucking revenues:

ACT revenue, w/out Wash Co. (\$19.25 x 27,410 tons) =	527,642.50
ACT revenue, w/Wash Co. and reduced rate (\$16.25 x 56,310 tons) =	915,037.50

4. Metro revenues:

Metro surcharge - all Metro waste to RBLF* (\$4.25 x 75,467) =	\$320,734.75
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\*Funds collected by Metro regardless of final disposal location - St. Johns or RBLF

5. Impact on Yamhill County revenues:

Projected revenue (\$3.30 x 92,279 tons) =	\$304,520.70
Minus Wash Co. (\$3.30 x 63,379 tons) =	209,150.70
Reduced revenue (\$1.30 x 92,279 tons) =	119,962.70
Less R.A.R. stipend (\$1.07 x 92,279 tons) =	98,738.53
Net County fund (\$.23 x 92,279 tons) =	21,224.17
Projected franchise revenue 1989-90	19,300.00

6. 1989-90 - Major Budget Expenditures\*

Personnel	\$ 73,289.00
Professional services (consultant)	61,764.00
Post closure (NBS & Whiteson)	10,000.00
Permits (DEQ)	1,200.00
School recycling	14,000.00
SUBTOTAL	\$160,253.00

\*Does not include emergency expense fund

7. Conclusions: With the \$2.00 per ton reduction in surcharge and continued \$1.07 per ton recycling stipend payout to R.A.R., net projected County revenue will total \$40,524.17.

Substantial budget adjustments are necessitated due to the massive anticipated revenue loss.

1989-90 adopted budget	\$355,633.00
Revised revenue projection	<u>40,524.17</u>
NET DIFFERENCE	(\$315,108.83)
Projected o/c revenue loss	\$304,520.70
	<u>- 119,962.70</u>
NET LOSS	\$184,558.00

BC:df

Attachment

swac:surcharg.sum