

**Clark County  
Solid Waste Advisory Commission  
Regular Meeting  
Thursday July 7, 2011**

Clark County Auto License Office  
1408 Franklin Street  
Vancouver, WA

**SWAC Members Present:** Lisa Schmidt, Mike Carnahan, Don Ebbeson, Dan Kaler, Brandon Vick, Jeanne Stewart, Richard Baker,

**SWAC Members Absent:** Jack McClary, Rebecca Wale

**Staff Present:** Anita Largent, Rich McConaghy, Tanya Gray, Gary Bickett, Lawrence Watters, and Sabra Hall-Nelson

**Others:** Mike Simon and Scott Campbell

**I. Roll Call, Approval of Minutes**

The minutes for May 5, 2011 were approved as written. Mike Carnahan moved to approve minutes and seconded by Dan Kaler.

**II. Proposed Resolution for Closure of Boise Landfill**

At the June non meeting Mike Carnahan proposed a resolution to the Clark County Board of County Commissioners for consideration regarding the Boise Cascade Company and the former Boise Cascade Landfill. SWAC members received a copy of this resolution prior to this meeting. In consideration of this agenda item, Gary Bickett, Rich McConaghy and Anita Largent met with Lawrence Watters from the Clark County's Prosecuting Attorney Office. Lawrence has been assigned to work with both the Public Health and Environmental Services and is taking over for Bronson on this particular project. Recently Lawrence Watters and Melissa Sutton took a tour of Boise Cascade Landfill with Mike Simon (attorney for Paul Christensen) and another individual who is the care taker of the property. The purpose was to get familiar with the site.

Mike Carnahan is concerned that nothing has been done. The county has the option under state law to close Boise Cascade. There are only three SWAC board members from the original public hearing: Richard Baker, Jeanne Stewart and Mike Carnahan.

SWAC is requesting first: a status update on the Boise Cascade Landfill; and second: the impact on the county by making this decision or not making this decision.

Mike Simon, attorney with Landerholm Law firm, has been working on this project for over 9 years. History: The project received an approval by SWAC to move forward with the development. All permits were acquired, except the deferral permit from the county. The deferral permit would defer to the city process. Finally only two documents were needed to get started on the project: the Financial Assurance Agreement and a Consent Decree. Boise Cascade, the Clark County, Portside and the City of Vancouver had agreed to get court approval of the settlement. The settlement was basically that a Financial Assurance Agreement would be approved. The court would approve the settlement agreement requiring Boise Cascade to pay Portside \$300,000; in turn the County and Portside would agree to dismiss Boise Cascade from any future requirements related to the landfill. With that, Realvest Financial would get started with clean up and preparing for development. This activity occurred over a year ago. Just two weeks from having these agreements in place, Mike Simon

received a call from Paul Christenson reporting that Realvest was filing for bankruptcy. Realvest came out of bankruptcy about one month ago. They have a plan and that plan has been approved. However, as a part of the plan, they cannot give any financial guarantee on anything at this time. Right now Realvest can't sign the Financial Assurance Agreement. Mike Simon provided each SWAC member a handout on marketing recommendations. The marketing recommendation identified on page 15 shows the pricing page for quick sale in 90 days or less is 3.4 million dollars. Marketed for standard sale for 6-12 months is 4.2 million dollars. Portside has put the property up for sale for 3.4 million dollars. The plan is to get the property sold in 90 days (or up to 3-4 months). Realvest owes 1.25 million dollars on a loan on the property. Any remaining profits from a sale would go to the targeted local charities. Portside has talked with two potential buyers. Both are land owners in this vicinity. Further discussion of SWAC ensued. Mike Simon requested that the proposed resolution for closing Boise Cascade Landfill be put on hold for four to five months. This would give Realvest a chance to sell the property.

Several questions were raised by SWAC:

- Who will clean up the property? What is the process?
- Who will take care of this property once it is sold? **Answer:** Two different proposals: One proposal is to sell it and making the buyer responsible. The buyer would then sign the Financial Assurance Agreement. They would also need some type of bond or assurance that the city and county would approve to guarantee that money would be available to complete the work. (There was no comment on the second proposal.)
- Does the permit have an expiration date?
- What is SWAC responsibility? The Public Health Department is involved in landfills, landfill permits and extensions of the permits. They report to the Clark County Board of Commissioners. SWAC makes recommendations to the Clark County Board of Commissioners who really have the final word. The Clark County Prosecuting office has the authority to strongly advise certain activity. SWAC members can only make recommendations. We need to identify the status of Boise Cascade.
- Does that landfill have a current permit/ existing operational permit? **Answer:** No. SWAC needs information from Ecology regarding the status of those permits. SWAC needs to make factual recommendations. The landfill is closed and is under the post closures requirements.
- What has or hasn't been done?
- What are the lists of requirements and have they been fulfilled?
- What specifically has not been fulfilled?
- Who signed for the loan?
- Are they in compliance?

SWAC didn't know there was a pending sale as there has been no communication. The purpose of the proposed resolution was to start a discussion to move that project forward. SWAC needs want to identify the authority under which we are making the claim that this action needs to be done. Do we want to postpone the resolution or go ahead? If we go ahead, we want a structure that supports action.

**County – Lawrence Watters:** We are taking this opportunity to meet and discuss the status of this matter on the knowledge received in the last three weeks. Three weeks ago on a site visit we discovered some very important new development. The county is ready to address this new development. On the agenda is the Proposed Resolution and it appears to have two main options: To approve it or defer action on it. If you desire to defer action you are leaving options open. SWAC will need to make that decision. The county is not recommending one or the other. Boise Cascade is aware of the current status. Further discussion ensued.

**Comment:** Concern was expressed that this property could be sold and that the requirement for Financial Assurance could be transferred to another entity. There is concern that that Financial Assurance will be taken away from those people who have made profit by using this as a landfill, which is Boise Cascade, or those who purchased it and who have an asset for which they have some financial liability. Another concern is that the Financial Assurance could be shifted to another public taxing authority; that the private ownership be absolved of responsibility while citizens have to absorb the cost.

Jeanne requested a recap (from the SWAC minutes) of action taken at the public hearing for the Boise Cascade Landfill.

Don Ebbeson made a motion to table the discussion until next meeting. Mike Carnahan second the motion. Mike requested this issue be a line item on the agenda every month until this is resolved. Motion passed. This will allow SWAC to receive regular updates.

### **III. Staff Updates – County Public Health, County Environmental Services, City of Vancouver, Department of Ecology**

#### **County Solid Waste – Anita Largent**

Update: Recycled Arts Festival was held the weekend of June 25-26. It was a great success with an estimate of 20,000 people. In the packets is an article from the Columbian reporting on the event.

List of July events is in the packet; highlighting a few:

- Invitation to Earth Friendly Garden Tour Sunday July 10 - put on by Master Gardeners.
- Two Household Hazardous Waste collection events: Saturday July 9, 2011 in Battle Ground & Saturday July 16, in Hockinson
- Environmental Services will have a booth at the Farmers Market Saturday July 30.
- Clark County Fair begins August 5- August 14. Environmental Services will be represented as well as the PlanetClark trailer.

CPG grant will fully funded next year. We are in the process of preparing our application.

CVTV segment on use of recycled glass on the Salmon Creek Interchange Project:

[http://www.cityofvancouver.us/cvttv/cvttvarchive2/Clark\\_County\\_Close\\_Up/2011\\_Events/07-03-11/5\\_Salmon\\_Creek\\_Interchange\\_Project.wmv](http://www.cityofvancouver.us/cvttv/cvttvarchive2/Clark_County_Close_Up/2011_Events/07-03-11/5_Salmon_Creek_Interchange_Project.wmv)

Rebecca Wale is resigning from SWAC. It was recommended to give Rebecca a certificate. She brought much passion, interest and enthusiasm to the table and will be missed.

Update on our tons of recyclables collected per quarter since 1996 to current. Both the tons and marketing value per ton are up. We are in the process of conducting commodity allocation study. This is the composition of the different materials in the carts. Final results may be available next month.

Brandon Vick was introduced as our newest SWAC Board member. Brandon represents Clark County Business.

#### **City of Vancouver – Rich McConaghy**

June 30<sup>th</sup> was the end of the solid waste yard debris coupons for city residents. This year, coupons were distributed differently. They were inserted in garbage bills rather than in neighborhood newsletters. The first couple of months the redemption was lower than in the past. This could be

due to the weather; people have not been out working in their yards as much. Not all the coupons have been tallied for June.

We are mid-way through the neighborhood clean up program. Every Saturday neighborhoods in the city can have a clean up program. August will be a little slower. Neighborhoods are doing a great job of diverting materials at their clean ups.

We are very pleased with our Resource Conservation Challenge Grant. More information on that is available.

The city began its move into the new city hall building. Two departments have moved into the third floor and we are testing the new recycling program. Tanya shared the new signs that will be used in setting up the garbage and recycling. They will also be collecting food waste.

#### **County Public Health – Gary Bickett**

Site Hazard Assessment Grant application from the county was submitted. CPG Grant for solid waste enforcement, we are working on the 2012-2013 grant application which is due by August 30th. Environmental Services, City of Vancouver, and Public Health met collaborate on Ecology's survey – which is on the agenda for discussion.

Al Salvey with the Department of Ecology is scheduled to be here next month to visit all the exempt from permit sites.

Gary was Duty officer last week-end and received a call from the Department Of Ecology regarding a fish processor. While this is an excellent organic fertilizer, staff wanted to make sure they are applying it at agronomic rates, and that they work with WSU Extension. This is not a disposal but actually putting this material to good use. There is a lot of this product; many trucks loads at 5,000 gallons each.

#### **Department of Ecology – Mike Drumright**

No report or updates at this time.

#### **IV. Review & Priority Discussion of Department of Ecology Report-**

Department of Ecology Report - *Summary of Problems with Solid Waste Laws in Washington: Themes and Sub themes*

This is an initiative that the Department of Ecology has taken on. Department of Ecology convened a group of stake holders on solid waste issues and said, "As you operate in your business or your government agency what problems have you encountered in the laws". Tanya Gray and Rob Guttridge represented the city and county. In the meetings, there were lots of charts and people had very emotional claims about how the laws were affecting what they were trying to do. Over a period of a year and half, there were meetings throughout the state compiling this information. Now Ecology is asking for feedback. Occasionally, our system runs into issues with the state laws and this is our opportunity to share with the state. Anyone can take the survey.

The Ecology report is divided into Themes and Subthemes. City and county staff met as a group. Basically, we discussed each of the subthemes on how they affect us locally and how rated each one accordingly. A handout was distributed with all of the subthemes and ratings. Those items rated as "High" were discussed.

Financing:

Local governments rely on grants to provide waste reduction, recycling and enforcement programs.

Solid waste permit fees do not cover all permitting costs.

**Enforcement:**

Exempt facilities criteria and oversight is inconsistent across the state.

Enforce funding is limited

**Infrastructure and Materials Management:**

Markets and manufacturing capacity is inadequate

Organic materials processing capacity is insufficient

Collection infrastructure is inconsistent and confusing

**Public Awareness and Education:**

Need expansion of public awareness of waste reduction and recycling

Education is costly and hard to measure

**Waste Reduction:**

Waste reduction is hard to measure

Insufficient attention and resources are devoted to waste reduction

Waste reduction design and incentives are not adequately emphasized

Waste reduction and the economy are in conflict

Packaging provides challenges to reducing waste

**Packaging and Products:**

Packaging is often excessive and wasteful.

There is no environmental performance standards for packaging or products in Washington

Lack of extended producer responsibility

Lack of an integrated product stewardship approach

**Definitions:**

Waste to energy

**Toxics:**

There are toxics in products and sufficient protections are not in place

There is not integrated chemical policy in Washington State

Designation and management of certain hazardous wastes is confusing and can inhibit reuse.

Roles need to be defined and clarified between stakeholders, especially between Ecology and local governments.

SWAC requested additional information about upcoming laws being considered for changes, in order to know in advance, to make changes to implement those laws. Did any representatives from businesses or manufacturers attend the workshops held to take input about problems with the solid waste laws? Can you share any details about who attended and provided input?

What is the timeline for the solid waste laws update? When will draft revisions to the laws be available for review and comment? Does Ecology plan to make updates and focus on only the laws identified as a priority based on the survey?

**V. Other Business**

No other business

**VI. Comments from the Public on Non-Agenda items**

The meeting was adjourned at 8:00 pm.