

City of Sherwood, Oregon
RESOLUTION NO. 90-477

A RESOLUTION OPPOSING ISSUANCE OF OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY AIR QUALITY AND SOLID WASTE PERMITS FOR THE THERM-TEC MEDICAL WASTE INCINERATOR, RECOMMENDING A POSITIVE VOTE ON THE CITY CHARTER AMENDMENT BANNING MOST FORMS OF SOLID WASTE INCINERATION, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Therm-Tec Destruction Services (TDS) has made application to the Oregon Department of Environmental Quality (ODEQ) to operate a medical waste incinerator within the limits of the City of Sherwood, and

WHEREAS, in order to operate said incinerator TDS must obtain air quality and solid waste permits from ODEQ and has so made application, and

WHEREAS, the City Council and City staff have received and studied numerous documents with respect to the proposed TDS incinerator including but not limited to the ODEQ "base application" made by TDS and dated October 1989; a booklet from TDS entitled "Medical Waste Disposal"; State statutes governing medical and infectious waste incineration; and the draft solid waste and air quality permits prepared by ODEQ for this proposed facility, and

WHEREAS, the City Council and City staff have also received and studied various supplementary and informational materials, notices, and correspondence distributed by ODEQ, Therm Tec, the City of Tualatin, the Metropolitan Service District, and others; and letters, petitions, reports, and videotapes submitted by the Citizens Concerned with Medical Waste Burning in Sherwood and other residents independent of this group, all of which is public record and contained in City files on this matter, and

WHEREAS, the City Council and City staff have as a group or in delegation attended and/or given testimony at several community meetings on this issue; at an ODEQ sponsored informational meeting; at the formal ODEQ public hearing on the TDS permits; and has also conducted several one-on-one meetings with ODEQ staff; and in addition City Council and City staff have toured the TDS facility, and

WHEREAS, the City Council conducted several discussion meetings and public hearings of its own on the health and environmental safety aspects of medical waste incineration, including a presentation by ODEQ on September 12, 1990, and a presentation by TDS on September 19, 1990, and

WHEREAS, the City Council has deliberated at length over this matter since it was first brought to its attention in June 1990, and has afforded numerous opportunities for all concerned parties to be heard on this matter in that period, and

WHEREAS, ODEQ has indicated that October 21, 1990 will be the final date that the agency will accept written comments on issuance of the air quality and solid waste permits for TDS, and the Council therefore is compelled to state its position by that time, and

WHEREAS, a measure has been placed on the November 6, 1990 ballot amending the Sherwood City Charter to prohibit most forms of solid waste incineration in the City, including medical and infectious wastes, and the City Council has determined, as a result of the aforementioned deliberations, to make recommendation to the City's voters as to the Council's position on this measure.

NOW, THEREFORE, THE CITY RESOLVES AS FOLLOWS:

Section 1. Detailed Findings. On the basis of the review and hearings detailed in the preceding recitals, the Sherwood City Council finds that:

- A. ODEQ health standards for judging TDS are based only upon breathing toxic pollutants and fail to consider the eating of plants and animals grown in the impact area. Therefore, the standards established for TDS do not include the full risk borne by Sherwood residents.
- B. ODEQ air emission analysis did not consider likely "upset" conditions in reaching an agency decision on permit issuance. "Upset" conditions, i.e. failure of some component of the incinerator process resulting in the release of compounds and particulates into the atmosphere that would normally be broken down by the process or removed by the pollution control equipment, are considered a matter for after-the-fact enforcement actions. Emission levels during upset conditions are not factored into the evaluation of compliance with ODEQ standards for permit issuance purposes. Nevertheless, the City finds, based on its understanding of the types of emissions resulting from medical waste incineration and the "acceptable" levels of those emissions as per ODEQ standards, that a single upset would probably result in those acceptable levels being exceeded for both short-term and annual standards posing an immediate health hazard and long-term cancer risk. The City finds this to be an unacceptable risk to the environmental and health safety of the community.

- C. ODEQ standards and air emission test data assume a uniform waste stream, and do not account for short and long-term variations in the composition of the medical waste being incinerated. Practically speaking, however, waste loads could contain greater or lesser amounts of plastics, metals, or other materials, and the resulting emissions could be significantly altered resulting in violations of ODEQ standards. Load composition could alter the effectiveness of the incinerator's pollution control system and change the type and quantity of compounds being emitted. The City understands that there is no practical way to monitor or control variations in the elements of the medical waste stream, nor has the Council been presented with any data or research showing how load composition can vary or impact emissions. The City finds that these unknowns represent an unacceptable risk to the environmental and health safety of the community.
- D. Proposed ODEQ permits are based on modeled data generated from the very limited testing of incinerators in other parts of the United States. Research into solid waste management has shown that there can be distinct and dramatic differences in the composition of waste streams region to region. Differences in incineration machinery, the condition of that incineration machinery, the quality and scope of the monitoring tests conducted, and the composition of the loads being incinerated could all have a material impact on the actual, as compared to the modeled, emissions from the TDS incinerator. The actual impact on the environment and the public health could, therefore, be significantly different than indicated by the modeled data. The City finds this circumstance to represent an unacceptable risk to the environmental and health safety of the community.
- E. ODEQ has proposed one annual sampling of emissions on a prearranged basis. If TDS incinerator upsets and variations in the waste stream and system degeneration occur as are expected, the resulting health standard violations will not be known until Sherwood residents become ill. This "protection" is unacceptable.
- F. ODEQ has limited staffing and programs available for monitoring and regulating the TDS incinerator operation after it is permitted. As described by ODEQ staff, actual on-site inspections are few and far between, and review of incinerator performance is done "remotely" through limited test data submitted by TDS, or on the basis of complaints. These circumstances greatly increase the probability that emissions will

exceed or differ from the modeled information on which the permits were based, and that system failures, or less dramatically, normal system wear and tear will result in unacceptable and hazardous emissions. A complaint based and test data based monitoring system effectively means that significant environmental and public health impacts could be generated by a single upset condition or by incremental incineration problems before ODEQ, TDS, the City, or area residents are able to identify and correct the problem. The City finds that this situation is an unacceptable risk to the environmental and health safety of the community.

- G. In the general field of environmental and health safety, many unanswered questions remain with respect to the interactions of dioxins and other toxins with other compounds; the cumulative effects of emissions from one point source, i.e. in this case a medical waste incinerator, with various other air, water, and soil pollutants generated from other sources; and the true relationship between levels of exposure to dioxins and other substances in humans and animals and the risk of disease or impairment of health. Although the standards promulgated may represent ODEQ's "state of the art", this does not preclude that new research and information which could dramatically revise the agency's risk assessment for this type of incineration facility. There appears, therefore, to be too little margin for error for the City to be comfortable with medical waste incineration in an urban environment. The City finds this circumstance to be an unacceptable risk to the environmental and health safety of the community.

- H. Overall, the ODEQ analysis of TDS is extremely limited in its scope and commitment to the protection of the public health. For TDS to meet even the minimal standards proposed by ODEQ, everything must operate on an absolutely normal basis. The City of Sherwood finds this to be an unrealistic assumption and strongly recommends that ODEQ modify its analytical framework to reflect real conditions when dealing with toxic pollution sources.

Section 2. Summary Findings. The City finds that there are numerous and significant unknowns and unanswered questions with respect to medical waste incineration. The possible impact of these unknowns on the environmental and health safety of the community, in combination with the limited monitoring available to ensure conformance even with present day ODEQ standards, makes the risks involved too serious for the Council to support or remain neutral with respect to the proposed TDS medical waste

incinerator.

Section 3. ODEQ Permits. On the basis of the review and findings detailed in the recitals and in Section 1 of this Resolution, the City Council finds that medical waste incineration represents an unacceptable risk to the environmental and health safety of the community and, therefore, the Council emphatically recommends that ODEQ DENY air quality and solid waste permits for the proposed TDS medical waste incinerator.

Section 4. Charter Amendment. In light of the facts determined in the course of examining the TDS incinerator proposal, the Council recommends that the residents of the City vote "YES" on Ballot Measure 34-7, which would amend the City Charter to prohibit most forms of solid waste incineration in the City.

Section 5. Effective Date. This Resolution shall become effective upon approval and adoption.

Duly passed by the City Council on October 17, 1990.


Norma Jean Oyler, Mayor

Attest:


Polly Blankenbaker
City Recorder