



Amendment to help Tulsa's incinerator trashed

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TOM GILBERT / Tulsa World file
For 20 years, the bulk of the city's 420,000 tons of trash generated annually has been burned at the Walter B. Hall Resource Recovery Facility, commonly known as the waste-to-energy plant. Its contract with the city, which paid for it, comes to an end July 1.

A proposed change in state law that could have helped Tulsa's trash incinerator stay in business has been dropped in the final days of the legislative session.



Sen. Tom Adelson eliminated language Wednesday from House Bill 1379 that would have allowed the Tulsa Authority for the Recovery of Energy -- the city's trash board -- to negotiate a new sole-source contract with the facility.

With the session scheduled to end Friday, it was too late to overcome a controversy surrounding the proposed law change, said Adelson, D-Tulsa.

"My feeling was that there are only a few of these facilities in the country, and they certainly have an environmental benefit," he said. "But there were more challenges than I thought when I began working on this."

The bill, whose co-author was Rep. Terry Ingmire, R-Stillwater, is focused on amending the procedure for handling unclaimed gas and utility deposits.

The law change for the incinerator was inserted as an amendment within the last few weeks.

"I have to cut that out so the entire bill doesn't die in committee today," Adelson said Wednesday.

For 20 years, the bulk of the city's 420,000 tons of trash generated annually has been burned at the Walter B. Hall Resource Recovery Facility. The contract comes to an end July 1.

Representatives of the incinerator have been camped out at the state Capitol in Oklahoma City trying to rally support for the law change, which would have allowed a new contract without competitive bidding.

Local landfills also have been meeting with lawmakers to make their opposition clear.

Both sides have waged a war of advertising in the Tulsa World over the last week.

After learning of the proposal's fate, incinerator lobbyist Mike Willis said: "We're going to have to regroup. We've been putting all of our efforts toward this."

The plant is owned by WBH Generating Co. LLC, a subsidiary of the New York-based financial firm CIT.

WBH President Tom Simpson said city officials failed to show support for their efforts in the state Legislature.

"Now that option appears to be lost, and the only parties who benefit are the landfills," he said.

Mayor Kathy Taylor's spokeswoman Sheryl Lovelady said the city would like to see the incinerator be competitive rather than rely on sole sourcing.

The Oklahoma Attorney General's Office reissued a 1987 opinion in April that says public trusts such as the city's trash board cannot negotiate a sole-source contract under state law.

As of July 1, all of the city's trash is expected to be diverted to the Quarry Landfill, which has a contract until 2018 as the next disposal site in line.

The agreement already was in place because the annual amount of trash generated in the city exceeds the incinerator's 350,000-ton capacity, so some waste must go to the landfill.

TARE Chairman Stephen Schuller said the board is looking into the possibility that a competitive-bidding process could be set up in which the incinerator could participate, despite the landfill contract.

Interim City Attorney Deidre Dexter said the legality of the option is being explored.

Although the city chose not to own the plant because of liability issues, residents and businesses as of May 1 have paid off its \$180 million cost through higher trash rates over two decades.

Incinerator officials say it's unlikely that the facility could survive without the city, which has been its only customer since it opened in 1986.

"This plant was built specifically to handle Tulsa's needs, so I really don't know what we're going to do," Willis said.

"We're committed to making every effort to keep it viable, but without the city that would be much more difficult."

Rep. Dan Sullivan, R-Tulsa, was not an author of the proposed law change but was a supporter of the incinerator's efforts.

"Do we really want to put our trash in a hole in the ground?" he asked. "Or do we want to burn it and create energy out of it? I can't imagine we're going to sit here and throw a \$180 million investment away, but crazy things have happened before."