

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF RENEWING THE SOLID ) ORDINANCE NO. 99-814A  
WASTE LICENSE FOR OPERATION OF THE )  
WASTECH MATERIALS RECOVERY FACILITY ) Introduced by Mike Burton,  
 ) Executive Officer  
 )

WHEREAS, Section 5.01.030 of the Metro Code requires a Metro franchise for any person to own and operate a solid waste processing facility, transfer station, or resource recovery facility; and

WHEREAS, Wastech was granted a franchise by the Metro Council in September 1989; and

WHEREAS, that franchise was exchanged for a Solid Waste License under the provisions of section 5.01.400(b) of the Code; and

WHEREAS, Wastech's Solid Waste License will expire on September 14, 1999; and

WHEREAS, USA Waste of Oregon, Inc. has duly filed an application for renewal of the Wastech Solid Waste License in accordance with Metro Code Section 5.01.087; and

WHEREAS, Metro Code Section 5.01.087 specifies that Solid Waste Facility Licenses shall be renewed unless the Executive Officer determines that the proposed renewal is not in the public interest; and

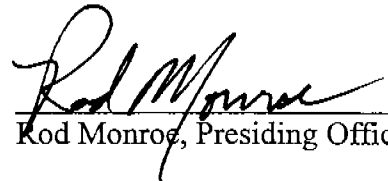
WHEREAS, the recent decline in recycling activity at the Wastech facility may negatively affect Metro's ability to meet its adopted regional recycling rate goals, and

WHEREAS, the Executive Officer has determined that the proposed renewal is in the public interest; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:


1. USA Waste of Oregon shall be granted a renewed Solid Waste License to operate the Wastech facility. The Solid Waste License shall be in a form substantially similar to the attached "Exhibit A."
2. The Executive Officer shall continue to monitor the recycling rates at the Wastech facility and other similar material recovery facilities.
3. The Executive Officer shall review the need for modifications to any material recovery facility licenses and franchises for the purpose of improving recycling rates at such facilities and report to the Council within six months on the need for any license and franchise modifications.

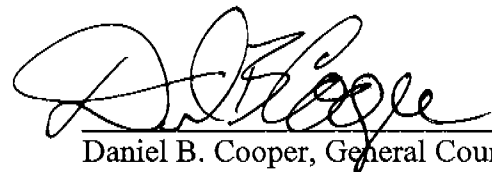
ADOPTED by the Metro Council this 30<sup>th</sup> day of September, 1999.

  
Rod Monroe, Presiding Officer

ATTEST:

Approved as to Form:

  
Recording Secretary

  
Daniel B. Cooper, General Counsel

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF RENEWING THE SOLID WASTE LICENSE FOR OPERATION OF THE WASTECH MATERIALS RECOVERY FACILITY ) ORDINANCE NO. 99-814A  
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ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_, 1999.

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Rod Monroe, Presiding Officer

ATTEST:

Approved as to Form:

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Recording Secretary

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Daniel B. Cooper, General Counsel

# SOLID WASTE FACILITY LICENSE

Number L-009-99

Issued by

**Metro**

600 NE Grand Avenue

Portland, OR 97232

Telephone: (503) 797-1650

Issued in accordance with the provisions of Metro Code Chapter 5.01

<b>LICENSEE:</b> USA Waste of Oregon, Inc. dba Wastech, Inc. 701 N Hunt Street Portland, OR 97217 (503) 331-2221	<b>FACILITY NAME AND LOCATION:</b> Wastech, Inc. 701 N. Hunt Street Portland, Oregon 97217 (503) 285-5261
<b>OPERATOR:</b> USA Waste of Oregon, Inc. dba Wastech, Inc. 701 N Hunt Street Portland, OR 97217 (503) 331-2221	<b>PROPERTY OWNER:</b> USA Waste of Oregon, Inc. dba Wastech, Inc. 701 N. Hunt Street Portland, Oregon 97217

This License is issued to the Licensee named above and is not transferable. Subject to the conditions stated in this License document, the Licensee is authorized to operate and maintain a solid waste facility, and to accept the solid wastes and perform the activities authorized herein.

License begins: September 14, 1999

Expiration: September 14, 2004

Signed:

Acceptance & Acknowledgement of Receipt:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature of Licensee

\_\_\_\_\_  
Mike Burton, Metro Executive Officer

\_\_\_\_\_  
Print name and title

\_\_\_\_\_  
Print name and title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



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**1.0 ISSUANCE**

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- 1.1 Licensee** USA Waste of Oregon, Inc.  
701 N. Hunt Street  
Portland, OR 97217 (503) 331-2221
- 1.2 Contact** Adam Winston, District Manager
- 1.3 License Number** When referring to this License, please cite:  
Metro Solid Waste Facility License Number L-009-99
- 1.4 Term** License effective: September 14, 1999  
License expires: September 14, 2004
- 1.5 Facility name and mailing address** Wastech, Inc.  
701 N. Hunt Street  
Portland, OR 97217 (503) 331-2221
- 1.6 Operator** USA Waste of Oregon, Inc. dba Wastech, Inc.  
701 N. Hunt Street  
Portland, OR 97217 (503) 331-2221
- 1.7 Facility legal description** Blocks 1 and 2, Swinton. Block 3, Swinton except south 72.5'.  
Plus vacated portions of N. Albina and N. Kirby Streets.  
Multnomah County, State of Oregon
- 1.8 Property owner** USA Waste of Oregon, Inc. dba Wastech, Inc.  
701 N. Hunt Street  
Portland, Oregon 97217
- 1.9 Permission to operate** Licensee warrants that it has obtained the property owner's consent to operate the facility as specified in this License.



## 2.0 CONDITIONS AND DISCLAIMERS

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- 2.1 **Guarantees** The granting of this License shall not vest any right or privilege in the Licensee to receive specific quantities of solid waste at the direction of Metro during the term of the License.
- 2.2 **Property rights** The granting of this License does not convey any property rights in either real or personal property, nor does it authorize any injury to private property or invasion of property rights.
- 2.3 **No recourse** The Licensee shall have no recourse whatsoever against the District or its officials, agents or employees for any loss, costs, expense or damage arising out of any provision or requirement of this License or because of the enforcement of the License or in the event the License or any part thereof is determined to be invalid.
- 2.4 **Release of liability** Metro, its elected officials, employees, or agents do not sustain any liability on account of the granting of this License or on account of the construction, maintenance, or operation of the facility pursuant to this License.
- 2.5 **Binding nature** The conditions of this License are binding on the Licensee. The Licensee is liable for all acts and omissions of the Licensee's contractors and agents.
- 2.6 **Waivers** To be effective, a waiver of any terms or conditions of this License must be in writing and signed by the Metro Executive Officer.
- 2.7 **Effect of waiver** Waiver of a term or condition of this License shall not waive nor prejudice Metro's right otherwise to require performance of the same term or condition or any other term or condition.
- 2.8 **Choice of law** The License shall be construed, applied and enforced in accordance with the laws of the State of Oregon.
- 2.9 **Enforceability** If any provision of this License is determined by a court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, the validity of the remaining provisions contained in this License shall not be affected.
- 2.10 **License not a waiver** Nothing in this License shall be construed as relieving any owner, operator, or Licensee from the obligation of obtaining all required





permits, licenses, or other clearances and complying with all orders, laws, regulations, reports or other requirements of other regulatory agencies.

- 2.11 License not limiting** Nothing in this License is intended to limit the power of a federal, state, or local agency to enforce any provision of law relating to the solid waste facility that it is authorized or required to enforce or administer.
- 2.12 Definitions** Unless otherwise specified, all other terms are as defined in Metro Code Chapter 5.01.

### **3.0 AUTHORIZATIONS**

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- 3.1 Purpose** This section of the License describes the wastes that the Licensee is authorized to accept at the facility, and the activities the Licensee is authorized to perform at the facility.
- 3.2 General conditions on solid wastes** The Licensee is authorized to accept at the facility only the solid wastes described in this section. The Licensee is prohibited from knowingly receiving any solid waste not authorized in this section.
- 3.3 General conditions on activities** The Licensee is authorized to perform at the facility only those activities that are described in this section.
- 3.4 Non-putrescible waste** The Licensee is authorized to accept "dry" non-putrescible solid wastes such as waste generated by non-residential generators and waste generated at construction and demolition sites, for the purpose of material recovery.
- 3.5 Source-separated recyclables** The Licensee is authorized to accept source-separated recyclable materials for purposes of sorting, classifying, consolidating, baling, temporary storage, transfer and other similar functions related to preparing these materials for marketing.
- 3.6 Inert materials** The Licensee is authorized to accept inert materials for purposes of classifying, consolidating, transfer, and other similar functions related to preparing these materials for useful purposes.



- 3.7 **Source-separated yard debris** The Licensee is authorized to accept source-separated yard debris for transfer to a yard debris facility, a DEQ-permitted composting facility or other DEQ-permitted processing facility. The Licensee shall keep source-separated yard debris separate from other solid waste at the facility and shall provide records showing that source-separated yard debris is delivered to a composting or processing facility, and not disposed of.
- 3.8 **Deliveries not limited** This License does not limit the quantity of authorized solid wastes or other materials that may be accepted at the facility.

#### 4.0 **LIMITATIONS AND PROHIBITIONS**

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- 4.1 **Purpose** This section of the License describes limitations and prohibitions on the wastes handled at the facility and activities performed at the facility.
- 4.2 **Disposal not limited** The Licensee shall not be limited as to the number of tons of processing residual that may be disposed.
- 4.3 **Prohibited waste** The Licensee shall not knowingly accept or retain any material amounts of the following types of wastes: putrescible wastes, materials contaminated with or containing friable asbestos; lead acid batteries; liquid waste for disposal; vehicles; infectious, biological or pathological waste; radioactive waste; hazardous waste; or any waste prohibited by the Licensee's DEQ Disposal Site Permit.
- 4.4 **Material recovery required** The Licensee shall perform material recovery on "dry" non-putrescible wastes such as waste generated by non-residential generators and waste generated at construction and demolition sites, or deliver said "dry" non-putrescible wastes to a solid waste facility whose primary purpose is to recover useful materials from solid waste.
- 4.5 **Prohibition on mixing** The Licensee shall not mix any source-separated recyclable materials or yard debris materials brought to the facility with any other solid wastes. Recyclable materials recovered at the facility may be combined with source-separated recyclable materials for transfer to markets, processors, or another solid waste facility that prepares such materials for reuse or recycling.



- 4.6 **No disposal of recyclable materials** Source-separated recyclable materials, yard debris or organic materials accepted at the facility may not be disposed of by landfilling or incineration.
- 4.7 **Limits not exclusive** Nothing in this section of the License shall be construed to limit, restrict, curtail, or abrogate any limitation or prohibition contained elsewhere in this License document, in Metro Code, or in any federal, state, regional or local government law, rule, regulation, ordinance, order or permit.

## 5.0 OPERATING CONDITIONS

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- 5.1 **Purpose** This section of the License describes criteria and standards for the operation of the facility.
- 5.2 **Qualified Operator** The Licensee shall provide an operating staff qualified to carry out the functions required by this License and to otherwise ensure compliance with Metro Code Chapter 5.01.
- 5.3 **Operating plan** The Licensee shall establish and follow procedures for accepting, managing and processing loads of solid waste received at the facility. Such procedures must be in writing and in a location where facility personnel and the Executive Officer can readily reference them. The Licensee may, from time to time, modify such procedures. The procedures shall include at least the following:
- a. Methods of notifying generators not to place hazardous wastes or other prohibited wastes in drop boxes or other collection containers destined for the facility;
  - b. Methods of inspecting incoming loads for the presence of prohibited or unauthorized waste;
  - c. Methods for managing and transporting for disposal at an authorized disposal site each of the prohibited or unauthorized wastes if they are discovered at the facility;
  - d. Objective criteria for accepting or rejecting loads.
- 5.4 **Managing prohibited wastes** Upon discovery, all prohibited or unauthorized wastes shall be removed or managed in accordance with procedures established in the Operating Plan.



- 5.5 Managing authorized wastes** All authorized solid wastes received at the facility must, within 24-hours from receipt, be either (a) processed, (b) appropriately stored, or (c) properly disposed of.
- 5.6 Storage** Stored materials and solid wastes shall be suitably contained and removed at sufficient frequency to avoid creating nuisance conditions or safety hazards. Storage areas must be maintained in an orderly manner and kept free of litter.
- 5.7 Litter and airborne debris** The Licensee shall operate the facility in a manner that is not conducive to the generation of litter and airborne debris. The Licensee shall:
- a. Take reasonable steps to notify and remind persons delivering solid waste to the facility that all loads must be suitably secured to prevent any material from blowing off the load during transit.
  - b. Construct, maintain, and operate all vehicles and devices transferring or transporting solid waste from the facility to prevent leaking, spilling or blowing of solid waste on-site or while in transit.
  - c. Keep all areas within the site free of litter and debris.
- 5.8 Odor** The Licensee shall operate the facility in a manner that is not conducive to the generation of odors. The Licensee shall:
- a. Clean the areas and equipment that come into contact with solid waste on a regular basis.
  - b. Establish and follow procedures for minimizing odor at the facility. Such procedures must be in writing and in a location where facility personnel and Metro inspectors can readily reference them. The Licensee may modify such procedures from time to time. The procedures shall include at least the following: (1) methods that will be used to minimize, manage, and monitor all odors of any derivation including malodorous loads received at the facility, (2) procedures for receiving and recording odor complaints, and (3) procedures for immediately investigating any odor complaints in order to determine the cause of odor emissions, and promptly remedying any odor problem at the facility.



- 5.9 Vectors** The Licensee shall operate the facility in a manner that is not conducive to infestation of rodents, insects, or other animals capable of transmitting, directly or indirectly, infectious diseases to humans or from one person or animal to another.
- 5.10 Noise** The Licensee shall operate the facility in a manner that controls the creation of excessive noise to the extent necessary to meet applicable regulatory standards and land-use regulations.
- 5.11 Water quality** The Licensee shall:
- a. Operate and maintain the facility to prevent contact of solid wastes with stormwater runoff and precipitation.
  - b. Dispose of contaminated water and sanitary sewage generated onsite in a manner complying with local, state, and federal laws and regulations.
- 5.12 Public Access** Public access to the facility shall be controlled as necessary to prevent unauthorized entry and dumping.
- 5.13 Signage** The Licensee shall post signs at all public entrances to the facility, and in conformity with local government signage regulations. These signs shall be easily and readily visible, legible, and shall contain at least the following information:
- a. Name of the facility
  - b. Address of the facility;
  - c. Emergency telephone number for the facility;
  - d. Operating hours during which the facility is open for the receipt of authorized waste;
  - e. Fees and charges;
  - f. Metro's name and telephone number 797-1650; and
  - g. A list of all authorized and prohibited wastes.
- 5.14 Complaints** The Licensee shall respond to all written complaints on nuisances (including, but not limited to, blowing debris, fugitive dust or odors, noise, traffic, and vectors). If Licensee receives a complaint, Licensee shall:
- a. Attempt to respond to that complaint within one business day, or sooner as circumstances may require, and retain documentation of unsuccessful attempts; and
  - b. Log all such complaints by name, date, time and nature of



complaint. Each log entry shall be retained for one year and shall be available for inspection by Metro.

- 5.15 **Access to License document** The Licensee shall maintain a copy of this Metro Solid Waste Facility License on the facility's premises, and in a location where facility personnel and Metro representatives have ready access to it.

## **6.0 FEES AND RATE SETTING**

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- 6.1 **Purpose** This section of the License specifies fees payable by the Licensee, and describes rate regulation by Metro.
- 6.2 **Annual fee** The Licensee shall pay an annual License fee, as established in Metro Code Chapter 5.01. Metro reserves the right to change the License fee at any time by action of the Metro Council.
- 6.3 **Fines** Each violation of a License condition shall be punishable by fines as established in Metro Code Chapter 5.01. Each day a violation continues constitutes a separate violation. Metro reserves the right to change fines at any time by action of the Metro Council.
- 6.4 **Rates not regulated** The tipping fees and other rates charged at the facility are exempt from rate regulation by Metro.
- 6.5 **Metro fee imposed on disposal** The Licensee is liable for payment of the Metro Regional System Fee on any solid wastes delivered to a disposal site, unless these solid wastes are exempted by Metro Code Chapter 5.01.

## **7.0 INSURANCE REQUIREMENTS**

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- 7.1 **Purpose** The section describes the types of insurance that the Licensee shall purchase and maintain at the Licensee's expense, covering the Licensee, its employees, and agents.
- 7.2 **General liability** The Licensee shall carry broad form comprehensive general liability insurance covering bodily injury and property damage,



with automatic coverage for premises, operations, and product liability. The policy shall be endorsed with contractual liability coverage.

- 7.3 Automobile** The Licensee shall carry automobile bodily injury and property damage liability insurance.
- 7.4 Coverage** Insurance coverage shall be a minimum of \$500,000 per occurrence. If coverage is written with an annual aggregate limit, the aggregate limit shall not be less than \$1,000,000.
- 7.5 Additional insureds** Metro, its elected officials, departments, employees, and agents shall be named as ADDITIONAL INSUREDS.
- 7.6 Worker's Compensation Insurance** The Licensee, its subcontractors, if any, and all employers working under this License, are subject employers under the Oregon Workers' Compensation Law shall comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. Licensee shall provide Metro with certification of Workers' Compensation insurance including employer's liability. If Licensee has no employees and will perform the work without the assistance of others, a certificate to that effect may be attached in lieu of the certificate showing current Workers' Compensation.
- 7.7 Notification** The Licensee shall give at least 30 days written notice to the Executive Officer of any lapse or proposed cancellation of insurance coverage.

## **8.0 Enforcement**

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- 8.1 Generally** Enforcement of this License shall be as specified in Metro Code.
- 8.2 Authority vested in Metro** The power and right to regulate, in the public interest, the exercise of the privileges granted by this License shall at all times be vested in Metro. Metro reserves the right to establish or amend rules, regulations or standards regarding matters within Metro's authority, and to enforce all such requirements against Licensee.
- 8.3 Inspections** The Executive Officer may make such inspection or audit as the Executive Officer deems appropriate, and shall be permitted access to the premises of the facility at all reasonable times during



business hours with or without notice or at such other times with 24 hours notice to assure compliance with this License, Metro Code, and administrative procedures adopted pursuant to Metro Code Chapter 5.01.

**8.4 No Enforcement Limitations**

Nothing in this License shall be construed to limit, restrict, curtail, or abrogate any enforcement provision contained in Metro Code or administrative procedures adopted pursuant to Metro Code Chapter 5.01, nor shall this License be construed or interpreted so as to limit or preclude Metro from adopting ordinances that regulate the health, safety, or welfare of any person or persons within the District, notwithstanding any incidental impact that such ordinances may have upon the terms of this License or the Licensee's operation of the facility.

**9.0 MODIFICATIONS**

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**9.1 Modification**

At any time during the term of the License, either the Executive Officer or the Licensee may propose amendments or modifications to this License.

**9.2 Modification, suspension or revocation by Metro**

The Executive Officer may, at any time before the expiration date, modify, suspend, or revoke this License in whole or in part, in accordance with Metro Code Chapter 5.01, for reasons including but not limited to:

- a. Violation of the terms or conditions of this License, Metro Code, or any applicable statute, rule, or standard;
- b. Changes in local, regional, state, or federal laws or regulations that should be specifically incorporated into this License;
- c. Failure to disclose fully all relevant facts;
- d. A significant release into the environment from the facility;
- e. Significant change in the character of solid waste received or in the operation of the facility;
- f. Any change in ownership or control, excluding transfers among subsidiaries of the Licensee or Licensee's parent corporation;
- g. A request from the local government stemming from impacts resulting from facility operations.
- h. Compliance history of the Licensee.





## 10.0 General Obligations

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- 10.1 Compliance with law** Licensee shall fully comply with all applicable local, regional, state and federal laws, rules, regulations, ordinances, orders and permits pertaining in any manner to this License, including all applicable Metro Code provisions and administrative procedures adopted pursuant to Chapter 5.01 whether or not those provisions have been specifically mentioned or cited herein. All conditions imposed on the operation of the facility by federal, state, regional or local governments or agencies having jurisdiction over the facility shall be deemed part of this License as if specifically set forth herein. Such conditions and permits include those cited within or attached as exhibits to the License document, as well as any existing at the time of the issuance of the License but not cited or attached, and permits or conditions issued or modified during the term of the License.
- 10.2 Indemnification** The Licensee shall indemnify and hold Metro, its employees, agents and elected officials harmless from any and all claims, damages, actions, losses and expenses including attorney's fees, or liability related to or arising out of or in any way connected with the Licensee's performance or failure to perform under this License, including patent infringement and any claims or disputes involving subcontractors.
- 10.3 Deliver waste to appropriate destinations** The Licensee shall ensure that solid waste transferred from the facility goes to the appropriate destinations under Metro Code chapters 5.01 and 5.05, and under applicable local, state and federal laws, rules, regulations, ordinances, orders and permits;
- 10.4 Provide access** The Licensee shall allow the Executive Officer to have reasonable access to the premises for purposes of inspection and audit to determine compliance with this License, Metro Code, and the administrative procedures adopted pursuant to Metro Code Chapter 5.01.
- 10.5 Record-keeping and reporting.** The Licensee shall comply with the recordkeeping and reporting requirements as provided in Metro Code Chapter 5.01 and in administrative procedures adopted pursuant to Metro Code Chapter 5.01.



- 10.6 Compliance by agents**      The Licensee shall be responsible for ensuring that its agents and contractors operate in compliance with this License.

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BEFORE THE METRO COUNCIL

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ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
Rod Monroe, Presiding Officer

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

**EXECUTIVE SUMMARY  
ORDINANCE 99-814  
RENEWING A SOLID WASTE LICENSE FOR THE WASTECH FACILITY**

**PROPOSED ACTION**

- Grants a renewed Solid Waste License to USA Waste of Oregon to continue to operate its existing Wastech materials recovery facility located in Portland, Oregon. The license has a term of five years and replicates the authorities Wastech already has under its existing license.

**WHY NECESSARY**

- Metro Code Section 5.01.030 requires a Metro franchise, license, or certificate for any person to own and operate a processing facility, transfer station, or resource recovery facility.
- Wastech's existing solid waste license will expire on September 14, 1999.
- Under the terms and conditions of the license, the facility will continue to assist the region in accomplishing the goals and objectives of the Regional Solid Waste Management Plan.

**DESCRIPTION**

- The facility conducts materials recovery of recyclables from dry commercial and industrial solid waste. The majority of the waste processed at the facility is from the licensee's own collection vehicles.
- Material recovery is done by hand-sorting from loads tipped onto an asphalt pad. The residual is top-loaded for disposal at various landfills.
- Wood is reloaded for transport to another location where it is chipped for fuel.

**ISSUES/CONCERNS**

- None.

**BUDGET/FINANCIAL IMPACTS**

- Metro solid waste planning and projections have assumed that Wastech's operations will continue as part of the region's solid waste and recycling system. Renewal of the Wastech License is not anticipated to have any budget or financial impacts.

## REGIONAL ENVIRONMENTAL MANAGEMENT COMMITTEE REPORT

### CONSIDERATION OF ORDINANCE NO. 99-814, FOR THE PURPOSE OF RENEWING THE SOLID WASTE LICENSE FOR OPERATION OF THE WASTECH MATERIALS RECOVERY FACILITY

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Date: September 28, 1999

Presented by: Councilor McLain

**Committee Recommendation:** At its September 22 meeting, the Committee considered Ordinance No. 99-814 and voted 2-0 to send the ordinance to the Council with a do pass recommendation, subject to the drafting of a conceptual amendment requested by Councilor McLain for consideration by the full Council. Voting in favor: Councilor McLain and Chair Washington.

**Committee Issues/Discussion:** Terry Petersen, Acting REM Director, presented the staff report. Petersen explained that the purpose of the ordinance is to renew the existing material recovery facility license for the Wastech facility owned and operated by Waste Management. He noted that the existing license expired on September 14. He further noted that the Metro Code requires that a license application for renewal must be acted on within 120 days or the renewal is automatically approved. In the case of the Wastech facility, the deadline is October 8.

Petersen explained that the only staff concern related to the license renewal is the recent drop in the facility's recycling rate. He noted that the 1998 recycling rate was 49% and that this rate had dropped to 6.2% for the first half of this year. He indicated that staff would recommend that requirements at all material recovery facilities be reviewed all that if changes are needed that the Wastech license could be amended to add these changes.

Councilor McLain expressed concern about the declining recycling rates and asked if language to implement the staff's proposed review of material recovery had been included in the ordinance or the staff report. Petersen responded that no such language had been included. Councilor McLain indicated that she could not support the ordinance without such language being included. She also asked if the term of the license could be shortened to allow staff to monitor whether the level of recycling at the facility was improving. Senior Assistant Legal Counsel Marv Fjordbeck responded that the Council did not have the option of reducing the length of the license renewal. Mr. Petersen that the Executive Officer could propose modifications in the terms of the license and had the authority to suspend or revoke the license if the operator chose not to comply with the adopted changes.

Committee members expressed and Presiding Officer Monroe expressed concern about the declining recycling rate and Councilor McLain and Presiding Officer Monroe indicated that their support for the ordinance was contingent on language being added that would require the Executive Officer to review and make recommendations concerning potential license changes to improve the facility's recycling rate.

Adam Winston, General Manager, Waste Management testified that the company had a strong commitment to recycling and that it was doing everything possible to maintain high recycling rates at its facilities. He encouraged committee members to visit the facilities.

The committee voted to send the ordinance to the full Council, subject to the development of amendment language that addressed Councilor McLain's concern that the Executive Officer examine the need for changes in facility licenses or franchises to improve their recycling rates and report back to the Council with recommended changes.

The amendment language has been drafted, and an "A" version of the ordinance has been drafted. It is Councilor McLain's intent to offer the amendments contained in the "A" version at the September 30 Council. If these amendments are adopted, it is likely that they will be held to be substantive amendments and, therefore, final Council action on the ordinance would be delayed until October 7.

IN CONSIDERATION OF ORDINANCE NO. 99-814, FOR THE PURPOSE OF  
RENEWING THE SOLID WASTE LICENSE FOR OPERATION OF THE WASTECH  
MATERIALS RECOVERY FACILITY

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## **I. Summary and Recommendation**

### **A. Effect of Passage**

Approval of Ordinance No. 99-814 will authorize the Executive Officer to issue a Solid Waste License for operation of the Wastech facility located at 701 Hunt St. in Portland, Oregon. Wastech is presently licensed by Metro to operate as a dry waste materials recovery facility. The proposed license constitutes a renewal of the facility's existing license that will expire on September 14, 1999 and replicates the authorities granted in the existing license.

### **B. Executive Officer Recommendation**

The Executive Officer recommends approval of Ordinance No. 99-814, renewing the Wastech Solid Waste License subject to the terms and conditions that are incorporated into the license document attached as "Exhibit A" to Ordinance No. 99-814.

## **II. Background**

### **A. History of the Facility**

The Wastech facility was first franchised by Metro in December of 1984 for a term of five years. The name of the facility at that time was Oregon Processing and Recovery Center (OPRC) and the franchisee was Oregon Waste Management, Inc. and Genstar Conservation Systems, Inc., a joint venture. At its inception, OPRC accepted only source-separated recyclables and paper-rich commercial loads. The facility charged for loads based on a sliding scale with the most recoverable loads paying the lowest rate. Though the facility accepted only dry high-grade waste, the franchise agreement also authorized the acceptance of putrescible waste.

In July 1988, OPRC was acquired by Wastech, Inc. and a new franchise was issued, again for a five-year term. Shortly thereafter, Wastech requested that its franchise be amended to a term of ten years in order to better secure financing for a major expansion of the facility. At that time, OPRC was the Metro region's primary recovery facility and the proposed expansion represented a significant potential increase in the region's recovery capacity. On September 14, 1989, a new franchise was issued with a term of ten years. However, the market value of recyclables experienced a decline, and the proposed expansion was never implemented.



In January 1998, the facility was acquired by USA Waste Services, Inc. Soon after, the facility began accepting commercial and industrial wastes with a low recoverable content and a significant amount of putrescible waste. The facility greatly increased its tonnage and began operating largely as a reload. Sorting and reloading was performed on an uncovered asphalt pad in front of the facility's building and adjacent to the Columbia Slough. The facility was also discovered delivering waste to the North Wasco County Landfill without the required Metro Non-system License.

In December of 1998, USA Waste voluntarily exchanged its franchise for a license under the newly adopted Code Chapter 5.01 and became a dry waste only facility. The license was issued with the same expiration date as the franchise it was exchanged for; September 14, 1999. The switch to dry waste and the resulting boost in recovery resolved a series of compliance issues that had arisen upon USA Waste's acquisition of the facility. In 1999, USA Waste and Waste Management merged to form a new company. Within the state of Oregon, the new company is named USA Waste of Oregon.

## **B. The Applicant and the Applicant's Request**

The applicant, USA Waste of Oregon, has applied for a renewal of the Wastech Solid Waste Facility License. The proposed license will replicate the authorities the facility presently has to accept non-putrescible wastes, source-separated recyclables, and yard debris. The applicant is in the process of seeking land use authority from the City of Portland to add a 10,000-square foot building to the facility in order to expand its ability to process recyclable materials and to bring all operations, except for wood recovery, within enclosed buildings. The plan for this proposed expansion is consistent with the authority granted by the proposed Solid Waste Facility License renewal.

## **III. Application Procedure**

### **A. Metro Code Provisions Related to the Applicant's Request**

Section 5.01.087(a) of the Metro Code governs the renewal of licenses:

*Solid Waste Facility Licenses shall be renewed unless the Executive Officer determines that the proposed renewal is not in the public interest, provided that the Licensee files a completed application for renewal accompanied by payment of an application fee of three hundred dollars (\$300) not less than 60 days prior to the expiration of the License term, together with a statement of proposed material changes from its initial application for the License and any other information required by the Executive Officer. The Executive Officer may attach conditions or limitations to any renewed License.*

The Wastech facility performs materials recovery and assists the region in achieving its recycling goals. The Executive Officer finds that it is in the public interest to renew

Wastech's Solid Waste License. Further, USA Waste submitted its application more than 60 days prior to the expiration of its existing license and included a statement of proposed material changes (detailed plans for the proposed new building) and the required \$300 application fee. The Executive Officer does not recommend that any special conditions or limitations be attached to the proposed license renewal.

#### **IV. Fiscal Impact**

Ordinance No. 99-814 renews an existing license without any changes in authorizations. The facility will only process waste of the same type of material as presently authorized by its existing license. Thus, it is anticipated that approval of Ordinance No. 99-814 will have no fiscal impact on Metro.

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