

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF GRANTING A NEW YARD DEBRIS) ORDINANCE NO. 99-820
COMPOSTING FACILITY LICENSE TO)
CLACKAMAS COMPOST PRODUCTS, LLC)
TO OPERATE A YARD DEBRIS COMPOSTING FACILITY,)
AND RESCINDING LICENSE NUMBER YD-0197, AND) Introduced by Mike Burton,
DECLARING AN EMERGENCY) Executive Officer

WHEREAS, on December 19, 1996 the Metro Council approved Ordinance No. 96-666 for the purpose of authorizing the Executive Officer to enter into a Licensing Agreement for a yard debris processing facility with the Scotts Hyponex Corporation located at 11620 SE Capps Road in Clackamas Oregon; and

WHEREAS, on May 6, 1999 the Metro Council approved Ordinance No. 99-796 for the purpose of authorizing the Executive Officer to transfer the License Agreement with Scotts Hyponex (No. YD-0917) to Clackamas Compost Products, Inc. to continue operating the composting operation located at 11620 SE Capps Road in Clackamas; and

WHEREAS, Clackamas Compost Products, LLC (a new facility owner and operator) has taken over the operations from Clackamas Compost Products, Inc. at 11620 SE Capps Road in Clackamas; and

WHEREAS, Clackamas Compost Products, LLC has filed a new license application for the composting operation pursuant to Metro Code Section 5.01.060; and

WHEREAS, Clackamas Compost Products, LLC has provided the information required in the application in the form specified by the Executive Officer; and

WHEREAS, The Executive Officer has reviewed the application of Clackamas Compost Products, LLC as required by Metro Code Sections 5.01.067(a) through (d); and

WHEREAS, the Executive Officer has formulated recommendations on the criteria listed in Metro Code Section 5.01.060; and

WHEREAS, the facility is an existing operation providing necessary services to the public and has organic materials on-site; and

WHEREAS, nuisance impacts from yard debris processing facilities such as odor, dust and noise can adversely affect the health, safety, and welfare of the public; and

WHEREAS, the purpose of the licensing agreement is to protect the health, safety, and welfare of Metro area residents; and

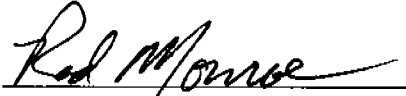
WHEREAS, the Council finds that it is necessary for the welfare of the Metro area that this ordinance take effect immediately, pursuant to Sections 37 (2) and 39 (1) of the Metro Charter; and

WHEREAS, the Executive Officer has recommended that the new facility license be granted, and the previous facility license (No. YD-0197) be rescinded and has forwarded these recommendations to the Council as required by Metro Code Section 5.01.067(d); now therefore,

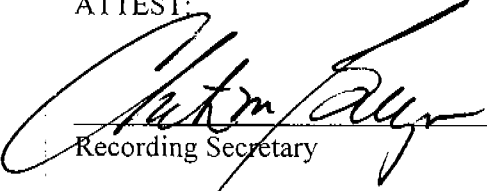
THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Council authorizes the Executive Officer to enter into the License Agreement for a yard debris composting facility, in a form substantially similar to the form attached as Exhibit A, subject to the terms, conditions, and limitations contained therein.
2. The Council authorizes the Executive Officer to rescind Metro Yard Debris Composting Facility License No. YD-0197, dated March 6, 1997, originally granted to The Scotts Hyponex Corporation and subsequently transferred to Clackamas Compost Products, Inc.
3. An emergency having been declared because nuisance impacts from yard debris processing facilities (e.g. odor, dust and noise) can adversely affect the health, safety, and welfare of the public; and the purpose of the licensing agreement is to protect the health, safety, and welfare of Metro area residents; this ordinance shall take effect immediately pursuant to Section 39(1) of the Metro Charter.

ADOPTED by the Metro Council this 2ND day of DECEMBER 1999.


Rod Monroe, Presiding Officer

ATTEST:


Recording Secretary

Approved as to Form:


Daniel B. Cooper, General Counsel

BM:
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EXHIBIT A

METRO COMPOST FACILITY LICENSE

Number YD-013-99

Issued to Clackamas Compost Products, LLC

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

LICENSEE: Clackamas Compost Products, LLC (Attn: Casey Stroupe) 20200 SW Stafford Road Tualatin, Or 97062 Tel.: (503) 638-1011 Fax: 638-0754	FACILITY NAME AND LOCATION: Clackamas Compost Products, LLC 11620 SE Capps Road Clackamas, OR 97015
OPERATOR: Clackamas Compost Products, LLC (Attn: Casey Stroupe) 20200 SW Stafford Road Tualatin, Or 97062 Tel.: (503) 638-1011 Fax: 638-0754	PROPERTY OWNER: Emmert International Division of Emmert Industrial Corp. 118 SE Highway 212 Clackamas, OR 97015

This license is granted to the licensee named above and may not be transferred without the prior written approval of the Executive Officer. Subject to the conditions stated in this license document, the licensee is authorized to operate and maintain a yard debris composting facility, and to accept the solid wastes and perform the activities authorized herein.

License begins: _____

Expiration: _____

METRO

Clackamas Compost Products, LLC

Signature

Signature of Licensee

Mike Burton, Metro Executive Officer

Print name and title

Date

Date



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1.0 ISSUANCE

- 1.1 **Licensee** Clackamas Compost Products, LLC
20200 SW Stafford Road
Tualatin, OR 97062
Tel.: (503) 638-1011 Fax: 638-0754
- 1.2 **Contact** Casey Stroupe, President
- 1.3 **License Number** Metro Yard Debris Composting Facility License Number **YD-013-99**
- 1.4 **Term** License effective: _____
License expires: _____
- 1.5 **Facility name and mailing address** Clackamas Compost Products, LLC
11620 SE Capps Road
Clackamas, OR 97015
- 1.6 **Operator** Clackamas Compost Products, LLC
(Attn: Casey Stroupe)
20200 SW Stafford Road
Tualatin, Or 97062
Tel.: (503) 638-1011 Fax: 638-0754
- 1.7 **Facility legal description** Section 15, Township 2S, Range 2E, Willamette Meridian
Clackamas County, State of Oregon
- 1.8 **Property owner** Emmert International
Division of Emmert Industrial Corp.
118 SE Highway 212
Clackamas, OR 97015
- 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

- 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 Non-exclusive license** The granting of this license shall not in any way limit Metro from granting other solid waste licenses within the District.
- 2.3 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.
- 2.4 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.
- 2.5 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.
- 2.6 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.
- 2.7 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.
- 2.8 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.
- 2.9 Choice of law** The License shall be construed, applied and enforced in accordance with the laws of the State of Oregon.



- 2.10 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.
- 2.11 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.
- 2.12 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.
- 2.13 Inadvertent composting** Nothing in this license is intended to authorize or establish standards or otherwise approve of inadvertent composting resulting from the storage of organic materials.
- 2.14 Definitions** Unless otherwise specified, all other terms are as defined in Metro Code Chapter 5.01.

3.0 AUTHORIZATIONS

- 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 Authorized materials** The licensee is authorized to accept source-separated yard debris, leaves from municipal collection programs, landscape waste, and clean wood wastes (e.g.: untreated lumber and wood pallets). No other wastes shall be accepted at the Facility unless specifically authorized in writing by the Executive Officer.



4.0 LIMITATIONS AND PROHIBITIONS

- 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 Prohibited waste** The Licensee is prohibited from receiving, processing or disposing of any solid waste not authorized in this License. The licensee shall not knowingly accept or retain any material amounts of the following types of 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 DEQ.
- 4.3 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.
- 4.4 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

- 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 inspecting incoming loads for the presence of prohibited or unauthorized waste.
- b. 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.
- c. Objective criteria for accepting or rejecting loads.
- d. Methods for measuring and keeping records of incoming waste
- e. A general description of any treatment the wastes will receive prior to processing (e.g., chipping, shredding) and the maximum length of time required to process each day's receipt of waste into windrows or other piles.
- f. The specifications to which the windrows or other piles will be constructed (width, height, and length) and calculation of the capacity of the facility.
- g. An estimate of the length of time necessary to complete the process.
- h. Methods for monitoring and adjusting temperature, oxygen level and moisture level of the material during processing.

5.4 Capacity

Storage and handling capacities shall not be exceeded. The facility shall have sufficient processing capacity to handle projected incoming volumes of materials. Facility design shall address specific capacity and storage issues, including:

- a. Capacity for incoming wastes waiting to be processed.
- b. Capacity for proper handling, storage, and removal of hazardous or other non-permitted wastes delivered to or generated by the facility.
- c. Capacity for finished product storage.

5.5 Fire prevention

The operator shall provide fire prevention, protection, and control measures, including but not limited to, temperature monitoring of windrows, adequate water supply for fire suppression, and the isolation of potential heat sources and/or flammables from the composting pad/processing area.

5.6 Adequate vehicle accommodation

Vehicles containing landscape waste or yard debris feedstock/waste shall not park or queue on public streets or roads except under emergency conditions. Adequate off-street parking and queuing for vehicles shall be provided.



- 5.7 Managing authorized wastes** All authorized solid wastes received at the facility must be either (a) processed, (b) appropriately stored, or (c) properly disposed of, within a timeframe that avoids creating nuisance conditions or safety hazards.
- 5.8 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.
- 5.9 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 and all vehicle access roads within $\frac{1}{4}$ mile of the site free of litter and debris.
- 5.10 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. Specific measures an operator shall take to control odor include but are not limited to adherence to the contents of a required odor minimization plan (see Section 6.0). 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.

- 5.11 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.
- 5.12 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.
- 5.13 Water quality** The licensee shall operate and maintain the facility to prevent contact of solid wastes with stormwater runoff and precipitation. Methods must be consistent with the controlling agency (local jurisdiction and DEQ).
- 5.14 Public Access** Public access to the facility shall be controlled as necessary to prevent unauthorized entry and dumping.
- 5.15 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.
- 5.16 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.

5.17 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 ODOR MINIMIZATION PLAN

6.1 Purpose This section describes the minimum requirements that must be contained in an odor minimization plan.

6.2 Plan requirements The operator shall have an odor minimization plan. The plan must include methods to minimize, manage and monitor all odors, including odors produced by grass clippings. The plan must include:

- a. A management plan for malodorous loads;
- b. Procedures for receiving and recording odor complaints, immediately investigating any odor complaints to determine the cause of odor emissions, and remedying promptly any odor problem at the facility;
- c. Additional odor-minimizing measures, which may include the following:
 - (1) Avoidance of anaerobic conditions in the composting material;
 - (2) Use of mixing for favorable composting conditions;
 - (3) Formation of windrow or other piles into a size and shape favorable to minimizing odors; and
 - (4) Use of end-product compost as cover to act as a filter during early stages of composting.
- d. Specification of a readily-available supply of bulking agents, additives or odor control agents.
- e. Procedures for avoiding delay in processing and managing landscape waste and yard debris during all weather conditions.
- f. Methods for taking into consideration the following factors prior to turning or moving composted material:
 - (1) Time of day;
 - (2) Wind direction;
 - (3) Percent moisture;



- (4) Estimated odor potential; and
- (5) Degree of maturity.

- 6.3 Grass clippings** Grass clippings must be processed in a timely manner to avoid nuisance conditions.
- 6.4 Carbon source storage** Incoming leaves, brush or woody landscape waste may be stored in designated areas for use as a carbon source and bulking agent, rather than being processed into windrows or other piles.
- 6.5 Odor complaint panel** If odors at the facility become a significant source of nuisance complaints, processor shall work with a Metro appointed odor complaint panel. The odor complaint panel will investigate odor complaints to determine their validity and sources and will help the processor with solutions to the nuisance complaints. The odor complaint panel may consist of representatives from Metro, DEQ, the local government, the processing industry and citizen representatives.

7.0 RECORD KEEPING AND REPORTING

- 7.1 Purpose** This section of the license describes the record keeping and reporting requirements. The Licensee shall effectively monitor facility operation and maintain accurate records of the information described in this section.
- 7.2 Feedstocks received** Estimated amount of feedstock received and quantity of product produced at the facility. Records shall be reported to Metro no later than thirty (30) days following the end of each quarter. The report shall be signed and certified as accurate by an authorized representative of licensee.
- 7.3 Special occurrences** Records of any special occurrences encountered during operation and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures.
- 7.4 Nuisance complaints** Records of any public nuisance complaints (e.g. noise, dust, vibrations, litter) received by the operator, including:
 - a. The nature of the complaint;
 - b. The date the complaint was received;



- c. The name, address, and telephone number of the person or persons making the complaint; and
- d. Any actions taken by the operator in response to the complaint.

- 7.5 **Record of complaints and responses** For every odor complaint received, the licensee shall record the date, time, and nature of any action taken in response to an odor complaint, and record such information within one business day after receiving the complaint. Records of such information shall be made available to Metro and local governments upon request.
- 7.6 **Regulatory information submittals** The licensee shall submit to Metro duplicate copies of regulatory information submitted to the DEQ and local jurisdictions pertaining to the facility, within 30 days at the same time of submittal to DEQ and/or a local jurisdiction.

8.0 FEES AND RATE SETTING

- 8.1 **Purpose** This section of the license specifies fees payable by the licensee, and describes rate regulation by Metro.
- 8.2 **Annual fee** The licensee shall pay a \$300 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.
- 8.3 **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.
- 8.4 **Rates not regulated** The tipping fees and other rates charged at the facility are exempt from rate regulation by Metro.
- 8.5 **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.



9.0 INSURANCE REQUIREMENTS

- 9.1 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.
- 9.2 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.
- 9.3 Automobile** The licensee shall carry automobile bodily injury and property damage liability insurance.
- 9.4 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.
- 9.5 Additional insureds** Metro, its elected officials, departments, employees, and agents shall be named as ADDITIONAL INSUREDS.
- 9.6 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.
- 9.7 Notification** The licensee shall give at least 30 days written notice to the Executive Officer of any lapse or proposed cancellation of insurance coverage.

10.0 ENFORCEMENT

- 10.1 Generally** Enforcement of this license shall be as specified in Metro Code.
- 10.2 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.

10.3 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.

10.4 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.

11.0 MODIFICATIONS

11.1 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.

11.2 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.



12.0 GENERAL OBLIGATIONS

- 12.1 Compliance with the 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.
- 12.2 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.
- 12.3 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;
- 12.4 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.
- 12.5 Compliance by agents** The licensee shall be responsible for ensuring that its agents and contractors operate in compliance with this license.

EXECUTIVE SUMMARY

ORDINANCE 99-820 GRANTING A YARD DEBRIS COMPOSTING FACILITY LICENSE TO CLACKAMAS COMPOST PRODUCTS, LLC.

PROPOSED ACTION

- This Ordinance grants a Metro yard debris composting facility license to Clackamas Compost Products, LLC.
- This Ordinance also rescinds Metro License Agreement No. YD-0197, originally granted to the Scotts Hyponex Corporation and subsequently transferred to Clackamas Compost Products, Inc. the previous facility owners and operators.
- This Ordinance also declares an emergency pursuant to the Metro Charter, allowing the Ordinance to be effective immediately. The terms of the license agreement will help protect the health, safety and welfare of the citizens of the Metro region.

WHY NECESSARY

- The facility will continue to assist the region in accomplishing the goals and objectives of the Regional Solid Waste Management Plan.
- Metro Code Section 5.01.045(b)(2) requires an owner or operator of a yard debris processing facility to be licensed by Metro.
- Clackamas Compost Products, LLC meets the requirements of the Metro Code related to licensing of yard debris composting facilities.
- The previous License Agreement (No, YD-0197) originally issued to Scotts Hyponex and subsequently transferred to another operator (Clackamas Compost Products, Inc.) should be revoked in favor of a new license agreement with the new facility owner and operators (Clackamas Compost Products, LLC).
- The declaration of an emergency is pursuant to the Metro Charter. It is necessary for the health, safety and welfare of the citizens of the Metro region that this Ordinance take effect immediately. The composting facility is an existing operation, and has organic materials on-site, capable of producing nuisance impacts and adversely affecting the health and welfare of Metro area citizens.

DESCRIPTION

- The site is zoned Heavy Industrial. The facility was established in 1992, as an outright permitted use subject to local design review. The operation was approved by the Clackamas County Design Review Committee.

BUDGET / FINANCIAL IMPACTS

- There will be a slight increase in revenues from the annual license fee of \$300 per year paid by the licensee. Current staffing levels are expected to be adequate to handle any technical assistance or enforcement requirements that might arise from licensing this facility.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 99-820 FOR THE PURPOSE OF GRANTING A NEW METRO YARD DEBRIS COMPOSTING FACILITY LICENSE TO CLACKAMAS COMPOST PRODUCTS, LLC AND RESCINDING LICENSE NUMBER YD-0197, AND DECLARING AN EMERGENCY

September 16, 1999

Presented by: Terry Petersen,
Bill Metzler

I. INTRODUCTION

The purpose of this report is to provide the information necessary for the Metro Council to act on the recommendations that: 1) a new yard debris composting facility license be granted to Clackamas Compost, LLC, a composting facility located at 11620 SE Capps Road in Clackamas, Oregon; and 2) the Metro yard debris composting facility license agreement No. YD-0197, (originally issued to the Scotts Hyponex Corporation located at 11620 SE Capps Road in Clackamas, Oregon and subsequently transferred to Clackamas Compost Products, Inc.) be rescinded. The License Agreement is attached to Ordinance No. 99-820 as Exhibit A.

Key Findings Include:

- Yard debris composting facility licenses are authorized by the Metro Council.
- On March 6, 1997, Scotts Hyponex Corporation was issued a Metro yard debris composting facility license (No. YD-0197) to operate a yard debris composting facility at 11620 SE Capps Road in Clackamas, Oregon. The Scotts facility had operated in good standing with Metro under the terms of their license agreement.
- On May 6, 1999 the Metro Council approved a transfer of license No. YD-0197 from the Scotts Hyponex Corporation to Clackamas Compost Products, Inc.
- On September 1, 1999, Clackamas Compost Products, LLC took over the composting facility previously owned and operated by Clackamas Compost Products, Inc.
- On September 3, 1999 Clackamas Compost Products, LLC submitted an application for a new Metro yard debris composting facility license for the composting operation at 11620 SE Capps Road in Clackamas.
- The Executive Officer has reviewed all required submittals, and has determined that Clackamas Compost Products, LLC meets the requirements of the Metro Code related to licensing composting facilities. Clackamas County approves of the issuance of the new Metro License Agreement, and all land use approvals are in place.

II. FACILITY AND APPLICANT INFORMATION

Location:

- The site is located south of State Highway 224, north of the Clackamas River, and east of Interstate 205, in Clackamas County.
- Facility address: 11620 SE Capps Road, Clackamas, Oregon 97015.
- The facility lies in the Northeast 1/4, Section 15, Township 2 South, Range 2 East, W.M.; Clackamas County Oregon. Tax Lot 1800.

Zoning:

- The site is zoned I-3, Heavy Industrial. The facility is an outright permitted use, subject to design review. On September 25, 1992, the Clackamas County Design Review Committee approved the yard debris composting facility.

General Facility Description:

- The 9.57-acre site is leased by Clackamas Compost Products, Inc. The site area used for yard debris composting operations is limited to 6.9 acres by action of the Clackamas County Design Review Committee - File No: Z0854-92.
- The facility accepts loads of yard debris from commercial and residential sources. The facility is open to the public.
- The facility will process approximately 50,000 cubic yards of yard debris per year.

Completeness and Sufficiency of Application

Applicants for compost facility licenses are required to complete an application pursuant to Metro Code Section 5.01.060. The license application form and other material required to process the license were submitted and the Executive Officer has determined them to be complete and responsive to the Metro Code.

III. CONCLUSIONS

Staff have reviewed all required submittals from Clackamas Compost Products, LLC, and has determined that they meet all requirements for the Metro Code related to licensing of composting facilities.

Pursuant to Metro Code Section 5.01.067(c), the Executive Officer recommends that the Clackamas Compost Products, LLC facility be granted a composting facility license subject to the provisions and conditions of the License attached to Ordinance No. 99-820 as Exhibit A. Further, the Executive Officer recommends that License Agreement No. YD-0197 originally issued to the Scotts Hyponex Corporation and subsequently transferred to Clackamas Compost Products, Inc. be rescinded.

The license agreement ensures that the composting facility will operate in accordance with the purpose of Metro's licensing program to protect public health and safety and maintain consistency with the Regional Solid Waste Management Plan.

IV. BUDGET IMPACTS

There will be a slight increase in revenues from the annual license fee paid by the licensee of \$300 per year. Current staffing levels are expected to be adequate to handle any technical assistance or enforcement requirements that might arise from licensing this facility.

V. EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 99-820.

BM:
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