

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE)	RESOLUTION NO. 07-3866
CHIEF OPERATING OFFICER TO EXECUTE)	
LICENSE AMENDMENTS TO EXTEND THE)	Introduced by Chief Operating Officer
TERM OF CERTAIN NON-SYSTEM LICENSES)	Michael J. Jordan, with the concurrence of
TO DECEMBER 31, 2008)	Council President David Bragdon

WHEREAS, the Metro Council authorized the issuance of certain non-system licenses and thereby authorized the Licensees to deliver solid waste, including putrescible waste, to non-system facilities as set forth below; and

WHEREAS, the initial term of the non-system licenses was two years; and

WHEREAS, the current expiration date of the non-system licenses is December 31, 2007; and

WHEREAS, the Metro Council has authorized the issuance of four solid waste transfer station franchises that have expiration dates of December 31, 2008, and Metro Code Section 5.01.087 requires these four franchisees to submit renewal applications for Metro Council consideration and action no later than September 1, 2008; and

WHEREAS, approximately twice as much solid waste transfer capacity exists as is needed for the disposal of the region's solid waste; and

WHEREAS, the Metro Council is concerned with maintaining sufficient levels of tonnage to ensure efficient operations at all transfer stations, including publicly owned facilities; and

WHEREAS, it is in the public interest to ensure that the regional solid waste system operates efficiently; and

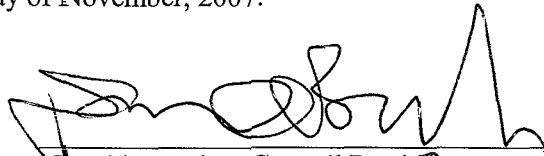
WHEREAS, the Solid Waste and Recycling Department is conducting the System Improvement Planning project, which will assess the future of putrescible waste allocation and which is scheduled for completion in early 2008; and

WHEREAS, amending the non-system licenses to extend them one year to December 31, 2008, will allow the Department to complete the System Improvement Planning project before the Metro Council considers renewal of certain non-system licenses and also will provide the Metro Council the opportunity to consider all four transfer station franchise renewal applications and certain non-system license applications concurrently in 2008; now therefore

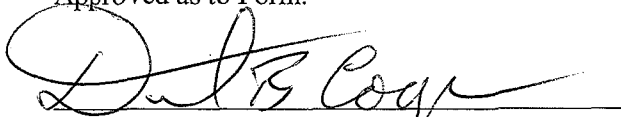
BE IT RESOLVED that the Metro Council directs the Chief Operating Officer to execute license amendments to amend the following non-system licenses to extend the term of these licenses to December 31, 2008:

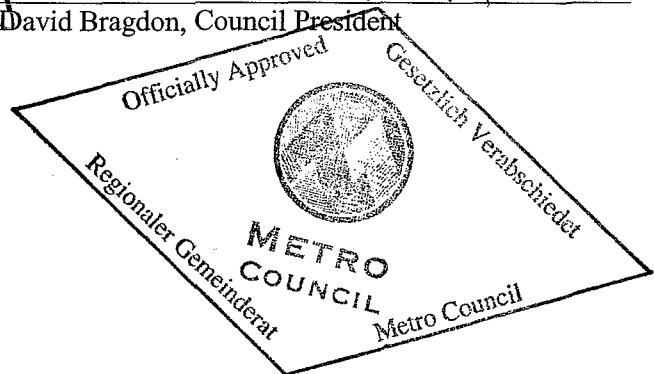
Name of Licensee	NSL Number	Tons Authorized in 2007	Non-System Facility Destination
1. American Sanitary Service	N-020-05	6,613	West Van Material Recovery Center and Central Transfer & Recycling Center.
2. Arrow Sanitary Service, Inc.	N-029-05	35,367	West Van Material Recovery Center and Central Transfer & Recycling Center.
3. B&J Garbage Company	N-118-05	5,000	Canby Transfer & Recycling Inc.
4. Crown Point Refuse & Recycling Inc.	N-108-05	324	Wasco County Landfill.
5. Epson Portland, Inc.	N-028-05	125	Covanta Waste to Energy Facility.
6. Forest Grove Transfer Station	N-010-05	160,000	Riverbend Landfill.
7. Gray & Company	N-011-06	1,000	Riverbend Landfill.
8. Pride Recycling Company	N-002-05	45,000	Riverbend Landfill.
9. West Linn Refuse & Recycling	N-119-05	9,000	Canby Transfer & Recycling Inc.
10. Willamette Resources, Inc.	N-005-05(3)	45,000	Coffin Butte Landfill.
Total putrescible waste tons allocated to NSLs for delivery to out of region facilities in 2007.		307,429	

ADOPTED by the Metro Council this 1st day of November, 2007.


 David Bragdon, Council President

Approved as to Form:


 Daniel B. Cooper, Metro Attorney



STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 07-3866 FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO EXECUTE LICENSE AMENDMENTS TO EXTEND THE TERM OF CERTAIN NON-SYSTEM LICENSES TO DECEMBER 31, 2008

Date: October 9, 2007

Prepared by: Bill Metzler

SUMMARY

This report recommends that the Metro Council authorize the Chief Operating Officer to amend all putrescible waste non-system licenses that are set to expire on December 31, 2007 to extend them by one year to expire on December 31, 2008. This one-year extension is intended to assure completion of major projects regarding the future of Metro's solid waste system and is a companion to the moratorium on new transfer stations and new putrescible waste Non-System Licenses (NSLs) as set forth in Ordinance No. 07-1161 for the purpose of amending Metro Code Chapter 5.01 and 5.05 to extend moratoria on applications for new solid waste transfer stations and putrescible waste non-system licenses until December 31, 2008; and declaring an emergency.

The Metro Code Section 5.05.035 provides that applications for NSLs for putrescible waste shall be reviewed by the Chief Operating Officer and are subject to approval or denial by the Metro Council. The proposed term extensions for the NSLs will only change the expiration dates from December 31, 2007 to December 31, 2008.

There are 10 putrescible waste NSLs set to expire on December 31, 2007. They are as follows:

<u>Name of Licensee</u>	<u>NSL Number</u>	<u>Tons Authorized in 2007</u>	<u>Destination</u>
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Total putrescible waste tons allocated to NSLs for delivery to out of region facilities in 2007. **307,429**

Metro is currently undertaking a new phase of the solid waste system improvement planning project that will re-examine the current methodology for allocating putrescible waste among solid waste facilities (public and private) that serve the region (“wet waste allocation project”).

The Metro Council has requested a review of system issues, including: (a) allocating wet waste to facilities and haulers; (b) tonnage caps at all private transfer stations; and (c) authorizing new transfer facilities. The magnitude of this planning effort necessitates deferring consideration of new transfer station capacity and new putrescible waste NSLs until discussions with Metro Council on the wet waste allocation project have concluded.

Consequently, the Metro Council has expressed its desire to line up the transfer station franchises and putrescible waste non-system licenses to expire on December 31, 2008 allowing the Department to complete the system improvement planning project and providing the Metro Council with the opportunity to consider all transfer station application renewals and certain putrescible waste non-system license applications concurrently in 2008.

ANALYSIS/INFORMATION

In April 2004, Metro issued its *Regional Transfer Capacity Analysis* report that addressed the question of how much capacity the region’s solid waste facilities have to accept and load waste for transport to disposal sites service the region. The analysis concluded that (a) the region’s transfer capacity for wet waste currently exceeds the needed capacity by approximately 1.1 million tons per year; and (b) by 2015, the transfer stations that service the region will still have 841,000 tons of unused capacity.

1. **Known Opposition.** There is no known opposition.
2. **Legal Antecedents.** The Metro Code Chapter 5.05, Solid Waste Flow Control.
3. **Anticipated Effects.** Resolution No. 07-3866 will authorize the Chief Operating Officer to amend the terms of certain putrescible waste non-system licenses by one-year until December 31, 2008, when the associated wet-waste system issues are resolved during the wet waste allocation project.
4. **Budget Impacts.** There are no budget impacts.

RECOMMENDED ACTION

The Chief Operating Officer recommends approval of Resolution No. 07-3866.

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